



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-11-13

MAYORAL COMMITTEE MEETING

TUESDAY, 2020-11-17 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)
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Tuesday, 2020-11-17 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2020-11-17
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APPENDIX 1

**Confirmation of
Minutes: Mayoral
Committee Meeting:
2020-10-14**



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-10-14

MINUTES

MAYORAL COMMITTEE MEETING:

2020-10-14 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2020-10-14
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) **(Chairperson)**
Deputy Executive Mayor, WC Petersen (Ms)

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

Also Present: Alderman P Biscombe (Single Whip)
Councillor N Jindela (Speaker)
Councillor W Pietersen (MPAC Chairperson)

Officials: Municipal Manager (G Mettler (Ms))
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure Services (D Louw)
Director: Community Services (G Boshoff)
Director: Corporate Services (A de Beer (Ms))
Chief Financial Officer (K Carolus)
Senior Audit Executive (F Hoosain)
Manager: Communication (S Grobbelaar)
Manager: Secretariat (EJ Potts)
Senior Administration Officer (B Mgcushe (Ms))

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

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

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- October is Transport Month, Mental Health Awareness Month, Breast Cancer Awareness Month

- Transport Month
 - As a local government we are continuously working to improve and create a transport plan that relies on effective and safe modes of transport, reducing road congestion, promoting safe and improved public transport, and encouraging non-vehicular solutions to our transport challenges.
 - We will also be celebrating Transport week later in October by promoting pedestrian access to certain areas in our town centre.
 - As soon as all the details have been finalised, we will release it to the public.
- Breast Cancer Awareness Month
 - This is not an illness limited to women, but affect men as well.
 - Early detection of the condition can lead to effective treatment and a positive prognosis.
 - Regular examination and regular mammograms are key to early detection.
 - About 90% of patients survive for many years after diagnosis when breast cancer is detected at the early stages.
- Mental Health Awareness Month
 - Very sensitive topic to talk about, but mental health can have a serious impact on physical health and well-being as well as our ability to form and maintain relationships.
 - Important that we de-stigmatise mental health challenges because it is something that we all deal with at some point.
 - Encourage residents and employees to speak about it and to find assistance.
 - There are excellent resources in the public and private health sector, but it is up to every affected person to take the first step.
- COVID-19 is still very much with us
 - Please continue to be vigilant!
 - Wear your mask, maintain social distancing and regularly wash and sanitise your hands.
 - Europe is currently experiencing increasing numbers as their second wave of infections escalates and several cities have indicated more infections with the second wave than with the first.
 - The provincial government has already indicated that it is preparing for the second wave.
 - We can help minimise the impact if we all adhere to these basic rules.

3.	DISCLOSURE OF INTERESTS
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NONE

4.	APPLICATIONS FOR LEAVE OF ABSENCE
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NONE

5.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2020-09-16 were **confirmed as correct.**

6.	STATUTORY MATTERS
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6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR SEPTEMBER 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020

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

2 PURPOSE

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

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 6.1

that Council notes the deviations as listed below for the month of September 2020.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 05/21	22 Sep 2020	WasteMart (Pty) Ltd	Hiring of refuse compactors, as and when required	Emergency	<p>Solid Waste Management Department has a current vehicle fleet of 9x functional refuse compactors. However, these vehicles suffered various breakdowns leading to vehicles being out of commission. The Department needs at least a minimum of 7x refuse compactum to render a service and the shortfall is usually supplemented through hiring additional compactors on tender B/SM 66/9. The tenderer has however reached its R10 million I cap and can no longer be used. The Department reached the R10 million cap because of the following reasons:</p> <p>1. During the COVID-19 pandemic, the waste management depot had to close 3 x times because of positive cases. This resulted in 8x refuse compactor being hired per day which exceeded the 1 — 2 compactors per day as planned in</p>	Estimated expenditure per month will be R1200 excl VAT per hour x 650 hours = R 897 00.00.

					<p>the tender.</p> <p>2. The Municipality has had labour unrest in July 2020 which resulted again the 8x refuse compactors being used per day.</p> <p>3. In April 2020, the Municipality's recycling contractor terminated their services. The Municipality had to use tender BSM 66/19 to hire trucks to continue with a recycling collection service. These major events were never anticipated when the tender was drafted and could not be predicted. The amount of refuse compactor used exceeded the need of 1-2 compactors that was planned when the tender was drafted. The tender can no longer be used because it has reached the R10 Million internal cap. On the roster tender WasteMart (Pty) Ltd is ranked as the lowest bidder and the rates of BSM 66/19 will be used for this deviation</p>	
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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	08 October 2020

6.2	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 1 (01 JULY 2020 - 30 SEPTEMBER 2020)
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

14 October 2020

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

2. PURPOSE

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

3. FOR DECISION BY MUNICIPAL COUNCIL

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

4. EXECUTIVE SUMMARY

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 6.2

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

FOR FURTHER DETAILS CONTACT:

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

6.3	ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020

1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS

2. PURPOSE

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from reduced allocations from the Western Cape Provincial Government and the roll-over of unspent conditional grants.

3. DELEGATED AUTHORITY

Council has the delegated authority to revise an approved annual budget through an adjustments budget in terms of Section 28 of the Municipal Financial Management Act 56 of 2003.

4. EXECUTIVE SUMMARY

Roll-over of unspent conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2019 (ACT No. 4 of 2019) to roll-over the unspent amount of R 165 415 for the Human Settlements Development Grant (Beneficiaries).

Reduction of provincial conditional grants

Minister David John Maynier tabled the 2020/21 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 28 August 2020 in terms of the section 30 (2) (c) of the Division of Revenue Act (Act 4 of 2020), read with the Western Cape Adjustments Appropriation (COVID-19) (Act 3 of 2020) and arising from this, grant allocations were reduced for Stellenbosch Municipality, for the 2020/21 financial year.

The reduction in funds have been adjusted in terms of section 28 (2) (b) of the Municipal Finance Management Act (Act 56 of 2003) and regulation 23 (1) of the Municipal Budget & Reporting Regulations (17 April 2009).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 6.3

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved; and
- (b) 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	SENIOR MANAGER: FINANCIAL MANAGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	12 October 2020

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	PARKING POLICY FOR COUNCIL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020

1. SUBJECT: PARKING POLICY FOR COUNCIL

2. PURPOSE

To request Council's approval of the consulted Parking Policy.

3. DELEGATED AUTHORITY

The delegated authority for approval of this policy is Council.

4. EXECUTIVE SUMMARY

The Employee Parking Policy is aimed at creating a framework for allocating parking for officials/employees in the Stellenbosch Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of decisions governing the parking of official and Employee vehicles within the Municipality designated premises.

The policy was extensively discussed at the sub-committee over a period since June 2019, but no consensus could be reached on the policy, the main obstacle being the payment of a parking fee. The sub-committee on 18 February 2020 resolved that no further progress will be made and to report back to the LLF.

The last positions of parties were reported back to the Management meeting and the management meeting made some further proposals to accommodate the overflow of employees who during December applied for parking. The request to apply for parking was an attempt by management to establish the need to enable management to look for possible solutions. IMATU also through their regional office made a proposal to resolve the matter by proposing that a strait fee of R50 be paid for parking. The local branch is not in agreement with this proposal. They do not want to pay for parking at all. SAMWU indicated that they have not moved from their original position not to pay a parking fee.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 7.2.1

- (a) that Council approves the parking fees per category as contained in the Parking Policy,
- (b) that Council approves the draft Parking Policy for implementation from 01 November 2020; and
- (c) that this Parking Policy repeals and replaces all council decisions previously taken in regard to staff- and official parking in the municipality and especially Council resolution dated 07 October 1997.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 – 808 8018</i>
E-MAIL ADDRESS	Annalene.Debeer@ Stellenbosch.gov.za
REPORT DATE	<i>02 October 2020</i>

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

7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
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7.4.1	STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS
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Collaborator No: 694862
 IDP KPA Ref No: Good Governance
 Meeting Date: 14 October 2020

1. SUBJECT: STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS

2. PURPOSE

To obtain Council's approval to proceed with a Municipal Integrated Human Settlement Plan (IHSP) which is aligned to the recently released "Guidelines for the Preparation of Municipal Human Settlement Plans" as proposed by the Western Cape Government: Department of Human Settlements. This document will specifically address the alignment of the IHSP with the Municipal Spatial Development Framework, as approved by Council on 11 November 2019.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Directorate: Planning and Economic Development was tasked to commission the drafting of a Stellenbosch Municipal Urban Development Strategy (UDS). The UDS is a high level document containing information on forecasts, development guidelines and various growth and development proposals. The Integrated Human Settlement Plan (IHSP) was then developed under the auspices of the UDS.

During this time, the Municipal Spatial Development Framework (MSDF) was also commissioned containing distinctly different growth and development proposals. The MSDF was approved by Council in 2019.

As the draft IHSP was compiled under the auspices of the UDS and as it did not deal with the spatial proposals as contained in the approved MSDF, it is now proposed that an Integrated Human Settlement Plan be developed based on the "Guidelines for the Preparation of Municipal Human Settlement Plans" as proposed by the Western Cape Government: Department of Human Settlements.

Whilst the Municipality does not currently have an approved IHSP, housing development within its jurisdiction is guided by the Council approved housing pipeline resolution.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 7.4.1

- (a) that a new Integrated Human Settlement Plan (IHSP) be compiled that adheres to the “Guidelines for the Preparation of Municipal Human Settlement Plans” as proposed by the Western Cape Government: Department Human Settlements, subject to funding being made available; and
- (b) that a new Integrated Human Settlements Plan (IHSP) be developed that aligns housing development with the long term vision as envisaged in the approved Integrated Development Plan and the Municipal Spatial Development Framework.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Anthea Shortles</i>
POSITION	<i>Programme Manager</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8733</i>
E-MAIL ADDRESS	<i>Anthea.Shortles@ Stellenbosch.gov.za</i>
REPORT DATE	<i>5 October 2020</i>

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))
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7.7.1	DISCUSSION AND CONSIDERATION OF THE ALLOCATION OF FUNDS AND FUNCTIONS OF THE DWARSRIVIER TOURISM OFFICE FOR THE 2020 / 2021 FINANCIAL YEAR IN TERMS OF THE POLICY FOR THE FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE MUNICIPAL SYSTEMS ACT NO. 32 OF 2000
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Collaborator No: 694884
 IDP KPA Ref No: Valley of Opportunity
 Meeting Date: 14 October 2020

- 1. SUBJECT: DISCUSSION AND CONSIDERATION OF THE ALLOCATION OF FUNDS AND FUNCTIONS OF THE DWARSRIVIER TOURISM OFFICE FOR THE 2020 / 2021 FINANCIAL YEAR IN TERMS OF THE POLICY FOR THE FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE MUNICIPAL SYSTEMS ACT NO. 32 OF 2000**

- 2. PURPOSE**

To discuss and consider the allocation of funds and functions of the Dwarsrivier Tourism Office to Visit Stellenbosch for the 2020 / 2021 financial year in terms of the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

- 3. DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function, but Council is delegated to decide on the reallocation of the function of the Dwarsrivier Tourism Office.

- 4. EXECUTIVE SUMMARY**

The item deals with a resolution Council took at the 36th Council Meeting dated 29 July 2020, where Council resolved that the R430 000.00 earmarked for the Dwarsrivier Office, be ring-fenced and held in abeyance until Directorate Planning and Economic Development confirms the which funded Local Tourism Organisation will be responsible for the Dwarsrivier Tourism Office in Pniel.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 7.7.1

- that Council approves the incorporation of the function of the Dwarsrivier Tourism Office into Visit Stellenbosch for the 2020 / 2021 financial year;
- that Council approves the transfer of funds of R430 000.00 ring-fenced for the Dwarsrivier Tourism Office to Visit Stellenbosch for the 2020 / 2021 financial year; and
- that Visit Stellenbosch reports back to Council on a quarterly basis and not later than December 2020 on the management plan for the Dwarsrivier Tourism Office.

7.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
7.8.1	PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS

Collaborator No: 694269
IDP KPA Ref No: Valley of opportunity
Meeting Date: 14 October 2020

1. **SUBJECT: PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS**
2. **PURPOSE**
 To provide Council with an update on the current usage and farming activities of the emerging farmers, who were allocated municipal agricultural land in terms of the Policy for the Management of Agricultural Land, as well as to provide Council with the pertinent factors to consider the allocation of additional agricultural land parcels to emerging farmers.
3. **DELEGATED AUTHORITY**
 Council
4. **EXECUTIVE SUMMARY**
 The report provides insights to the farming activities of emerging farmers on municipal agricultural land and the progress made to avail more municipal land for emerging farmers.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 7.8.1

- (a) that cognizance be taken of the farming activities as outlined in paragraph 6.3 of this report;
- (b) that an investigation be launched in respect of the land not previously allocated, as outlined in paragraph 6.4 of this report, for the use of livestock farming, specifically for the purposes of accommodating piggeries and bee farming, and that a report with recommendations in respect of such an investigation be tabled to Council;
- (c) that note be taken of the additional agricultural land parcels referred to in paragraph 6.5 of this report, and that the further investigation by the Directorate: Planning & Economic Development be supported to inform Council of the possible and best use of such agricultural land for the purpose of allocating such land to emerging farmers;
- (d) that financial support mechanisms be investigated by the Directorate: Planning & Economic Development, in consultation with the Western Cape Government: Department of Agriculture (Farmers Support Programme) and the National Department of Rural Development and Land Reform, to support emerging farmers with potential infrastructure- and operational shortcomings;

- (e) that the Directorate: Planning & Economic Development submits the investigation report referred to in recommendation (d) above to Council for noting purposes, and to distribute the list of funding organisations and / or mechanisms to emerging farmers to assist with the compilation of their business plans; and
- (f) that the Department: Development Planning & Economic Development commences with research to provide proposals to enable emerging farmers with the option for the placement of accommodation units for security and storage purposes, which include ablution facilities on the individual land parcels which were allocated.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	Manager; Economic Development & Tourism
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	Widmark. Moses@stellenbosch.gov.za
REPORT DATE	20 August 2020

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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NONE

7.10	MUNICIPAL MANAGER
7.10.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JULY 2020 UNTIL 30 SEPTEMBER 2020

Collaborator No:

IDP KPA Ref No:

Good governance and Compliance

Meeting Date:

14 October 2020

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JULY 2020 UNTIL 30 SEPTEMBER 2020

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 July 2020 until 30 September 2020, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

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

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 7.10.1

that Council takes note of the decisions taken, for the period 01 July 2020 until 30 September 2020, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 July 2020 – 30 September 2020).
- Chief Financial Officer – Mr K Carolus (01 July 2020 – 30 September 2020).
- Director Community and Protection Services – Mr G Boshoff (01 July 2020 – 30 September 2020).
- Director Corporate Services – Ms A de Beer (01 July 2020 – 30 September 2020).
- Director Infrastructure Services – Mr D Louw (01 July 2020 – 30 September 2020).
- Director Planning and Economic Development – Mr A Barnes (01 July 2020 – 30 September 2020).

POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	05 October 2020

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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9.1	POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH
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Collaborator No:

IDP KPA Ref No: Good governance and Compliance

Meeting Date: 14 October 2020

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH

2. PURPOSE

to consider the disposal of three erven in Onder Papegaaiberg, erf 4810, erf 4811 and erf 4812 through public auction.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Erf 4810 and erf 4811 (3 and 3A Swawelaan), as well as 6 Tinktinkie street were used as rental properties for council employees and have been vacant for a long period. When the employment contracts of the previous lessees ended, it was resolved not to lease the properties again to employees before a new council policy on allocation of rental housing to employees has been approved.

Stellenbosch Municipality is the owner of the three erven. Council is in the process of consultation on the new housing allocation policy for employees, and one of the principles of the new policy is to do away with rental properties for employees, except where an employee on the property and in the rental unit is linked to the work the employee is responsible for on a specific site. The vacancy of the three properties has led to vandalism and it is expected that each of the properties will cost at least R200 000 to upgrade to a liveable condition.

It would be a better option to sell the properties as is than to undertake the repair work and to take the costs for the repairs and maintenance into consideration when selling the properties than to go through a tender process for the repair and maintenance, appointment of contractors and then after the repairs are complete, to guard the houses until it can be sold. It is recommended that a minimum price be set at the auction based on an evaluation of market value of the properties and to dispose of the three erven through a public auction process. The properties are unlikely to be worth more than R10 million each. The current general valuation is as follows:

Erf 4810 - R1, 926,000.00 (One million nine hundred and twenty-six thousand rand)

Erf 4811 - R1,810,000.00 (One million eight hundred and ten thousand rand)

Erf 4812 – R1,849,000.00 (One million eight hundred and forty-nine thousand rand)

5. RECOMMENDATIONS

- (a) that Erf 4810, Erf 4811 and Erf 4812 Stellenbosch, be identified as land not needed to provide the minimum of basic services;
- (b) that Council considers the disposal of the 3 erven by public auction at a market related price with a reserve set price determined by a valuation;
- (c) that the Municipal Manager be authorised to conclude the sale agreements after the auction, provided that the sale prices are not lower than the reserve price; and
- (d) that the three erven be disposed of to different buyers.

6. DISCUSSION / CONTENT

6.1 Background

Council has a number of rental stock that in the past have been reserved for Council employees. The housing administration, who manages the rental stock, was requested to review the current allocation policy. That policy will now be discussed at the LLF before being submitted to Council for approval. The principle is that Council should, wherever possible, dispose of the separate rental properties for employees except where the properties are linked to the presence of an employee on the premises to deliver the municipal services. The maintenance of the properties creates a huge burden on council finances, also agreements lead to properties not being vacated when the employees' contracts are terminated, and other people move in with employees and then remain in the properties after the employees move out. The properties are not looked after by the occupants. The properties in question were vacated in 2017, 2018 and January 2020 respectively, and have not been allocated to other employees since.

6.2. DISCUSSION

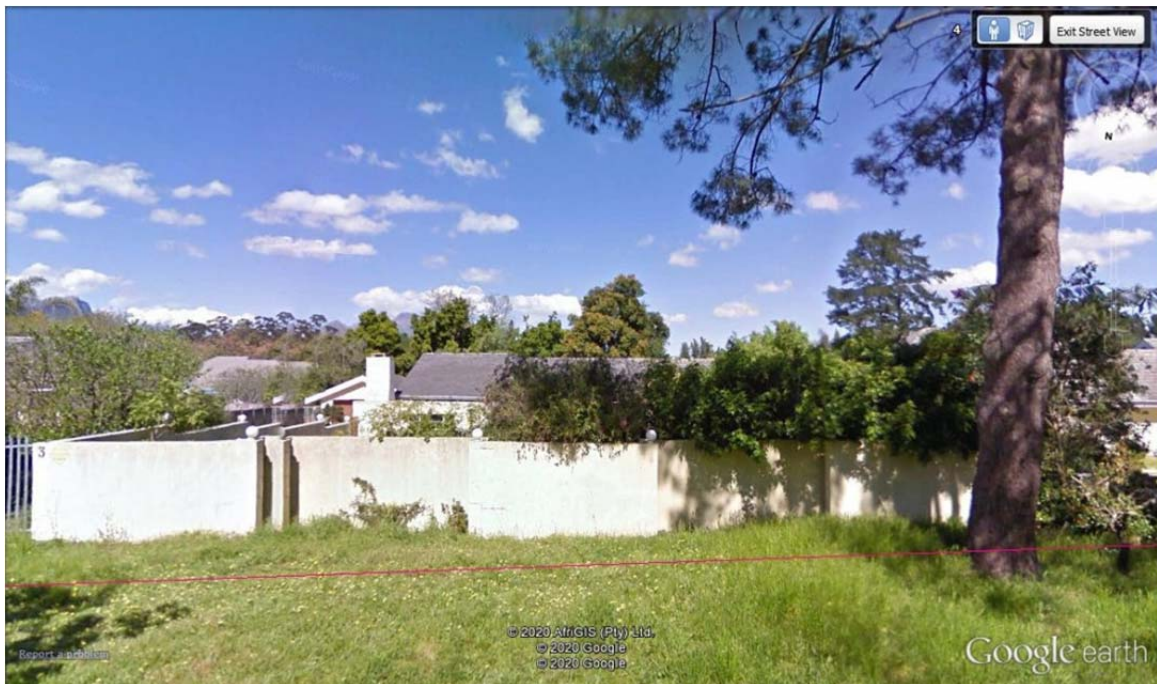
6.2.1 Location and context

The three properties are located in the township in Stellenbosch known as "Onder Papegaaiberg". Council owns several properties in this area that were allocated to employees in the past. As the properties are currently vacant and have been vacant for a long time, it has been vandalised quite badly and many complaints are received. There is no employee whose rights are affected as the properties are vacant and disposal can go ahead without waiting for the new staff allocation policy to be approved.

6.2.2 Property description

6.2.2.1 3 Swawelaan (erf 4810) – 987 square meter (appendix 2.1)

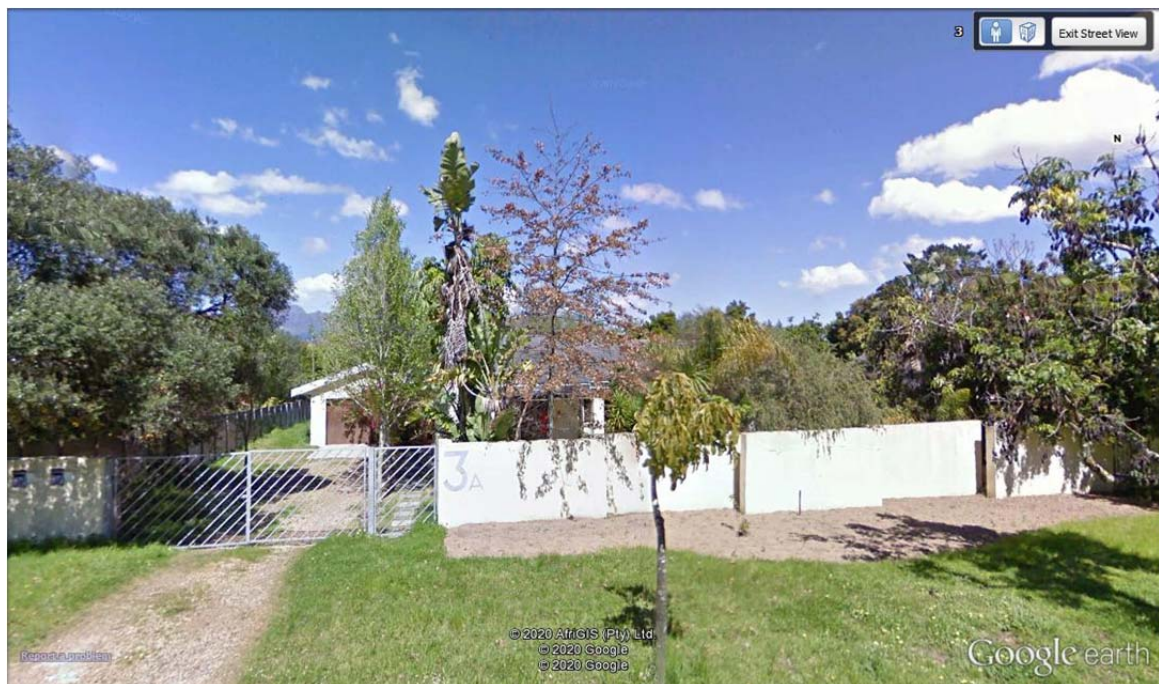




Street view (from google street view) of Swawelaan 3

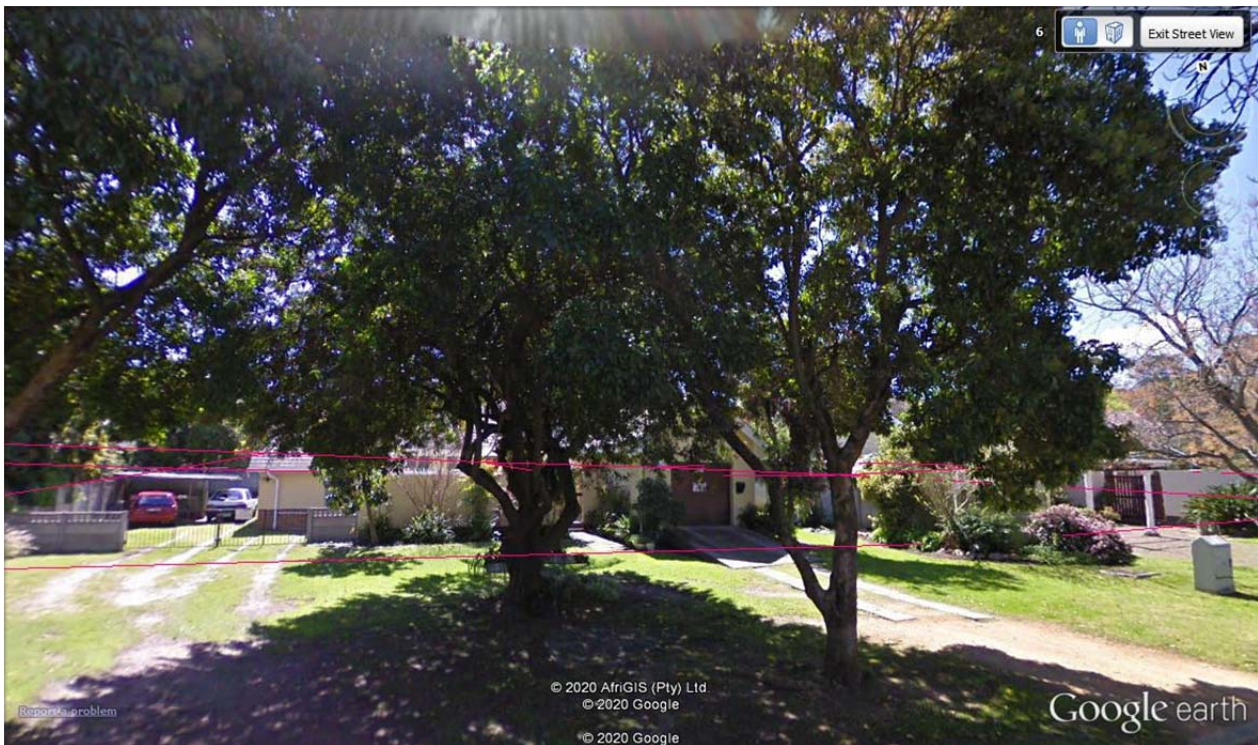
6.2.2.2 3A Swawelaan (erf 4811) – 987 square meter (Appendix 2.2)





Street view (from Google street view) of Swawelaan 3A

6.2.2.3 6 Tinktinkie Street (erf 4812) – appendix 2.3 – 1056 square meter



Street view (from Google street view) – 6 Tinktinkie Road - erf 4812

6.2.3 Ownership

The ownership of all three properties vests with Stellenbosch Municipality by virtue of Title Deed T280/1972. The properties have not yet been registered as separate properties in the Deeds Office although sub division has taken place and is registered with the authorities. The municipality will request a certificate of registered titles and the new buyer will have to register the property from the mother erf (3721) at own costs. See copy of Windeed record attached as **APPENDIX 1**.

6.2.4 Legal Framework

6.2.4.1: Municipal Finance management act, no 56 of 2003 (MFMA)

In terms of section 14(1) of the MFMA *“a municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.”*

Further, in terms of sub-section (2) *“a municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*

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

In terms of subsection (5) *“any transfer of ownership of a capital asset in terms of subsection (2) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.”*

6.2.4.2 Municipal Asset Transfer Regulations (ATR)

In terms of Regulation 5 of the ATR :-

- “1) A municipality may transfer or dispose of a non-exempted capital asset only after—*
- (a) the accounting officer has in terms of regulation 6 conducted a public participation process to facilitate the determinations a municipal council must make in terms of section 14(2)(a) and (b) of the Act; and*
 - (b) the municipal council—*
 - (i) has made the determinations required by section 14(2)(a) and (b)* and*
 - (ii) has as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.*
 - (2) Sub-regulation (1)(a) must be complied with only if the capital asset proposed to be transferred or disposed of is a high value *capital asset.*

* i.e. in excess of R50M

6.2.4.3 Property Management Policy

In terms of par.7.2.1 of the policy, ***“unless otherwise provided for in this policy*, the disposal of Viable Immovable property shall be effected-***

- (a) by means of a process of **public competition**; and*
- (b) **at market value** except when the public interest or the plight of the poor demands*

*Further, in terms of par.7.2.3, before alienating Immovable property or rights in Immovable property the Municipality shall be satisfied that **alienation is the appropriate methodology and that reasonable economic, environmental and social return cannot be derived whilst ownership of the Immovable property or Property rights is retained by the Municipality.***

In term of par.9.1 of the Policy, the Municipality may use any of the following methods, depending on the circumstances pertaining the specific Immovable property:

- a) The type of a formal tender may vary, depending on the nature of the transaction:*
 - i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.*
 - ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.*
 - iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.*
- b) The nature of the formal tender process is that a legally binding relationship is formed between the parties when the Municipality accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified in the tender documents. The tender documents could include a contract for sale or lease which could be completed with the tenderer’s details, the tender price and be signed by the tenderer. A binding legal agreement is created upon the acceptance in writing of a tender by the Municipality.*

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

9.1.2 Public Auction

- a) *Disposal by public auction may be appropriate where there is no obvious potential purchaser and where speed and the best price can be obtained by auction.*
- b) *The decision to dispose of Immovable property by way of public auction must be recorded in writing and must include-*
- (i) the reasons justifying a disposal by public auction;*
 - (ii) the reserve price, if any, for the auction;*
 - (iii) the authority for a staff member to attend the auction and to act on behalf of the Municipality.*
- c) *The contract for sale or lease must be ready for exchange at the auction.*
- d) *The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged.*
- e) *The terms and conditions of each auction shall be determined on a project-by-project basis, appropriate to the specific characteristics and attributes of the Immovable property, and to the Municipality's strategic objectives.*
- f) *Where the services of an auctioneer are utilised, the auctioneer's commission shall be payable by the successful bidder and shall not form part of the financial offer to the Municipality.*

From the above it is clear that, should Council so wish, it may use a competitive process (i.e. public tender or auction).

6.3 Financial Implications

The disposal is recommended on market related prices set as a reserved price. The municipality will have to pay an auctioneer.

6.2 Legal Implications

See par. 6.2.5 (*supra*)

6.3 Staff Implications

No additional staff implications.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

Addressed in the item.

6.6 Comments from Senior Management

6.6.1 Director: Community and Protection Services

Supports the recommendations

6.6.2 Municipal Manager

Supports the recommendations

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-10-14: ITEM 9.1

- (a) that Erf 4810, Erf 4811 and Erf 4812 Stellenbosch, be identified as land not needed to provide the minimum of basic services;
- (b) that Council considers the disposal of the 3 erven by public auction at a market-related price with a reserve set price determined by a valuation;
- (c) that the Municipal Manager be authorised to conclude the sale agreements after the auction, provided that the sale prices are not lower than the reserve price; and
- (d) that the three erven be disposed of to different buyers.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	13-10-2020

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11.25.

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

1. **SUBJECT:MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020**

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

Council

FOR NOTING.

4. **EXECUTIVE SUMMARY**

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

5. **RECOMMENDATION**

that Council notes the deviations as listed for the month of October 2020.

6. **DISCUSSION / CONTENTS**

6.1. **Background/Legislative Framework**

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6.2. Discussion

Reporting the deviations as approved by the Accounting Officer for October 2020:

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 06/20	16 October 2020	Martin and East (Pty) Ltd	Schuilplaats road - safe disposal of hazardous waste	Emergency	<p>Substantiation for the deviation:</p> <p>1. The possibility of human injury or death and the possibility of serious damage occurring to the natural environment;</p> <p>The Hazardous waste needs to be handled by a specialist service provider, who have the relevant knowledge, equipment, expertise and insurances in place for the disposal of Hazardous waste. Should the waste that contains elements of mercury and other toxins not be effectively dealt with, the possibility of Human injury and death exist as well as the possibility of serious damage to the natural environment.</p> <p>2. Exceptional case and it is impractical or impossible to follow the official procurement processes</p> <p>This is an exceptional case, the uncovering of</p>	R 508 183.96 (Excl. Vat)

					<p>hazardous waste underneath a road construction site meets the exceptional event definition for the following reasons:</p> <ul style="list-style-type: none"> • It was not reasonably foreseen - as an event that could occur, • Such an event had never before occurred - in the history of Stellenbosch Municipality – Road Construction. <p>It is impractical to follow any other process since the Municipality has contractual agreements in place with the appointed contractor and had handed over the site. In order to follow any other process, the Municipality would be required to renegotiate new terms with the contractor to allow for de-establishment from the site and re-establishment after disposal of the hazardous waste. It would be impractical for another Service Provider to take possession of the site, take over and carry out the supporting operational works eg. removal, loading and backfilling and facilitating and managing of the transporting and disposal of the hazardous waste and then de-establish and hand the site back to the originally appointed contractor.</p> <p>It would also be impractical to cancel the contract with the appointed contractor, establish a new contract and new Service Provider to address the hazardous waste and to</p>	
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					<p>commence with a new contract to continue and complete with the Road Construction Project.</p> <p>These options would result in sever delays (estimated at 6 months to 1 year) to essential services delivery as well as significant additional costs implications associated with the de-establishment and re-establishment of a Service Provider, cancellation of contract, loss of production time etc., all of which would be detrimental impact on the Municipality.</p> <p>3. The interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole;</p> <p>Following any other process will result in an interruption of an essential service (as described above), the timeous completion of the extension of Schuilplaats road is essential for safe and effective transportation in the region. The timeous completion of the road project is also linked to housing developments, the municipality will not be in a position to allow occupation of these housing units (should other process be followed) thereby impacting on rights of housing security for residents.</p>	
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6.3 Financial Implications

As per table above.

6.4 Legal Implications

The regulation applicable is:

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

6.5 Staff Implications:

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

That the market may not be tested.

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

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager: Supply Chain Management
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8588
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
REPORT DATE	05 November 2020

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

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK

2. PURPOSE

Council's to consider the application for the renewal of the Lease Agreement with Franschhoek Tennis Club.

3. DELEGATED AUTHORITY

The Executive Mayor in consultation with the Executive Mayoral Committee.

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.

The new Property Management Policy, allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to lease the property being advertised for public inputs, before making a final decision. Council delegated the decision for the approval of lease agreements for a period of less than 10 years to the Executive Mayor in consultation with the Executive Mayoral Committee.

The agreements continued on a month to month basis. The request for a renewal must be considered.

An email dated 22 October 2020 from the tennis club is attached as **APPENDIX 2**.

A copy of the Constitution of the club that was requested is attached as **APPENDIX 3**.

5. RECOMMENDATIONS

- (a) that a portion of Erf 1693, Franschhoek, identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that the Executive Mayor in consultation with the Executive Mayoral Committee consider the, **in principle** approval of a lease agreement for 9 years and 11 months to be concluded on a private treaty basis with Franschhoek Tennis club, as provided for in Regulation 34 (1) (b), and
- (c) that should the application be approved Council's intention to lease the property to the Franschhoek Tennis Club be advertised for public inputs/comments/alternative proposals as provided for in paragraph 9.2.2 of the Property Management Policy;

6. DISCUSSION / CONTENTS**6.1 Background****6.1.1 Initial Lease Agreement**

Franschhoek Tennis Club and Stellenbosch Municipality concluded a 25 year Lease Agreement in 1989. The contract lapsed in 2014.

6.1.2 Attempt to renew lease agreement

Over the past 5 years various attempts were made to either renew the Lease Agreement, none of these attempts, however, were successful, as the SCM Policy (at the time) did not allow for a process of renewal without following a public competitive process.

After the appointment of the Director Corporate Services all the lease agreements were inspected and the department was requested to get an indication from the lessee's if they are interested to continue with the leases.

An email from the club is attached as **APPENDIX 2**. The constitution of the club is attached as **APPENDIX 3**.

6.1.3 Application for renewal

Hereto attached as **APPENDIX 1** a self-explanatory application from the Tennis Club.

6.2 Discussion**6.2.1 Location and context****6.2.1.3 Franschhoek Tennis Club**

The Franschhoek Tennis Club is situated on erf 1693, Franschhoek, as indicated on Fig 1 and 2 below.

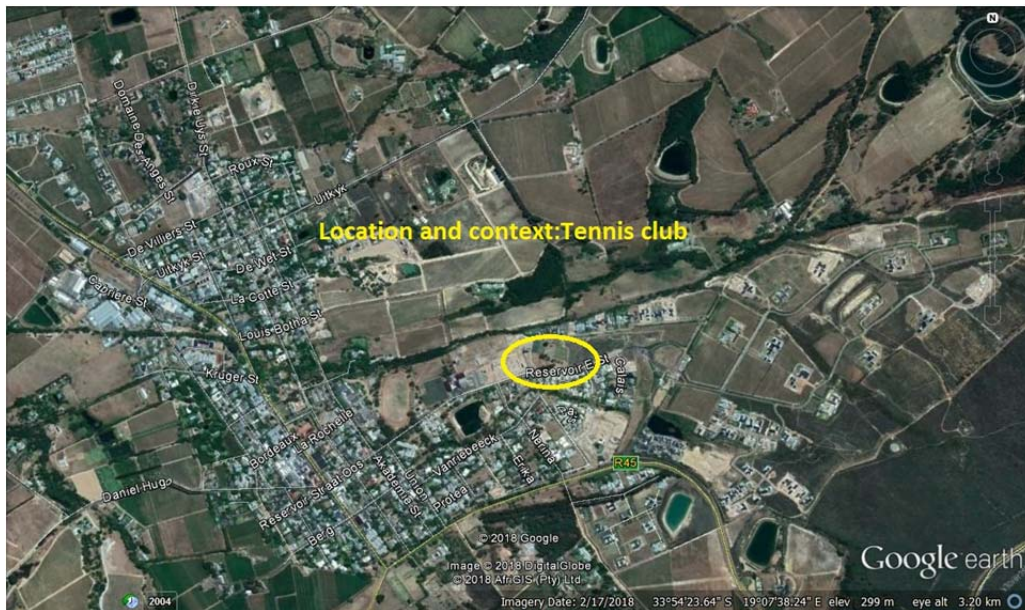


Fig 7: Location and context



Fig 8: Extent of property

6.2.1 Legal requirements

6.2.2.1 Asset Transfer Regulation

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-

- a) The Accounting officer has concluded a public participation process*; and
- b) 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.

6.2.1.2 Policy on the Management of Council owned property

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

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Such agreements may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comment.

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

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

Seeing that the Franschhoek Tennis Club is a sporting body, and seeing that they are responsible for the maintenance of the grounds it is recommended that they be responsible to pay 10% of market rental, to be determined by an independent valuer.

6.3 **Financial Implications**

There are no financial implications should the recommendations as set out in the report be accepted, except the income that will derive from the rentals.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

This report has no staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

The approval of the lease agreement in 1989 did not serve before this council.

6.7 **Risk Implications**

Risks has been addressed by the item.

6.8. **Municipal Manager**

Supports the recommendations

ANNEXURES

APPENDIX 1: Application for renewal

APPENDIX 2: Email response from the club dated 22 October 2020

APPENDIX 3: Constitution of the club.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020 -08 - 03

APPENDIX 1

Court and Garden Maintenance	R182 461
Clubhouse Maintenance	R169 176
Administration/Sundry Costs	R23 810
Youth Development	R22 500
Total	R397 947

We look forward to hearing from you in the very near future..

Brian St Clair Moor

Chairman Franschhoek Tennis Club.

From: Brian Moor [<mailto:briansmoor@gmail.com>]

Sent: 07 January 2020 09:36 AM

To: Piet Smit

Cc: Siegfried Schäfer; Margie Ellis; Tennis Ross Hutchinson; Jayne Cully; Anetta Hausner; Joost Beumer

Subject: [EX] Franschhoek Tennis Club

Dear Mr Smit,

I refer to our previous correspondence relating to a lease agreement for the Franschhoek Tennis Club (FTC) for a period of nine years and eleven months.

For the record, it is important to note that FTC has sought to enter into a lease agreement with the municipality since 2014.

APPENDIX 2

Annalene De Beer

From: Siegfried Schäfer <siegfried.schafer@gmail.com>
Sent: Thursday, 22 October 2020 11:52
To: Annalene De Beer
Cc: Manie Pietersen; Piet Smit; Gary Boshoff
Subject: Re: [EX] Fwd: Franschhoek Tennis Club Lease
Attachments: Appendix 3 - Summary of August 2020 meeting with Mr Smit.pdf; Appendix 5 - Love-All Tennis! Overview.pdf; Appendix 1 - Lease extension request summary.pdf; Appendix 2 - Mr Moor email to Mr Smit.pdf; Appendix 4 - FTC CONSTITUTION - Final.pdf; Appendix 6 - Franschhoek Tatler - September 2020.pdf

Dear Director De Beer,

I'm pleased to be able to submit the following information in response to your email requesting such.

Item 1 – Lease Renewal

Thus far we've located the following regarding the 2014 – 2019 period and other efforts to renew the lease:

- Minutes Tennis Committee Meeting | 12 November 2014:
Lease update (Siegfried) – No major news other than an off the record assurance from Piet Smit to Siegfried that there are no plans to “evict” FTC any time soon.
- Minutes 2015 Club AGM – Chairman's Report (Joost Beumer):
The municipal lease has expired on 31st January 2014, meaning that as from February 1st, 2014 technically FTC has no legal basis on the property. Various requests for extension of the lease were responded to with “We will revert.”
- Lease Extension Request Summary: (Attached as Appendix 1)
Prepared by outgoing chairman (Joost Beumer) for incoming chairman (Brian Moor) in March 2017 and summarises efforts made to renew the lease between 2010 and early 2014.
- In October 2018 during a meeting at the club premises with myself and the then-chairman, Brian Moor, Cllr Manie Petersen advised the club to join the sports council as a means to resolve the lease issue. These actions are mentioned in the minutes of the club's March 2019 AGM.
- After joining the council, the club was informed by Mr Smit on 28 November 2019 that it couldn't be a member of the council and asked to submit a request for renewal of the lease. This was seen as a strange request as the club had been asking Mr Smit for a renewal of the lease since 2010 – nevertheless the request was once again made by Mr Moor on 7 January 2020. For your convenience Mr Moor's email is attached as Appendix 2.
- In December 2019 I requested a meeting with Mr Albert van der Merwe for a meeting with myself and the chairman, Brian Moor, to discuss the club's lease. Mr Van der Merwe indicated that he needed to investigate the issue before he could meet with us. The meeting never happened.
- A summary of club representatives' last meeting with Mr Smit in August 2020 is attached as Appendix 3.

Item 2 – Constitution

Constitution attached as Appendix 4

Item 3 – Membership

Membership fees are R1300 per year and the membership numbers have ranged between 50 and 70 over the past few years. It should be noted that children do not pay membership fees.

2020 Membership breakdown	
Honorary	5
Senior - Male	33
Senior - Female	19
Children	18
Coaches	2
Schools	1
TOTAL	78

The membership is diverse in terms of socio-economic status, gender, sexual orientation and ethnicity. Both club-endorsed coaches are black.

Additional Information

Vision

The club's committee has recently accepted the following vision which is proposed to replace the current 'purpose' contained in the constitution at the 2021 AGM:

Franschhoek Tennis Club aims to be an exceptional community tennis club, with a diverse membership. Our ambition is to have all the facilities required to host ITF, national and regional tournaments, league matches, year-round social play and associated social events. These goals are not achievable or sustainable unless the game of tennis is developed in our valley. We are therefore committed to a development programme encompassing both tennis and life skills for players from all backgrounds.

Development Programme

The club's support of a tennis development programme in association with the Franschhoek Valley Community Sports Centre in Groendal was detailed in Mr Moor's renewal request of 7 January 2020.

Since then the club has partnered with Train Camp Franschhoek to offer a tennis programme (Love all, Tennis) to all 500 learners at Franschhoek High School in 2021. The programme overview is attached as Appendix 5.

Fundraiser

Just before the lockdown the club hosted a fundraiser for the daughter of a past member of the club, Gary Mantile, who could not earn a living in Franschhoek and had to move back to Khayelitsha. The purpose of the fundraiser was to raise funds to ensure that his daughter, Siyo, whose tennis talent was identified by the club coach, could continue fulltime coaching at the Anthony Harris Tennis Academy in Sea Point. (She is considered as a future professional tour player.) The event, dubbed the 'Siyo Shindig' raised R146 000 towards this aim. A report on the event in the *Franschhoek Tatler* is attached as Appendix 6.

Schools

Bridge House School is a member of the club and their tennis teams use the club's facilities for matches on a regular basis. During 2019 the courts were also used by several Paarl schools as part of an interprovincial tournament – a ringing endorsement of the standard at which the facilities are maintained.

Maintenance

Mr Moor's email detailed that the club has spent almost R400 000 on maintaining, insuring and improving the clubhouse and courts over the past number of years – even while the unresolved lease issue was hanging over the club's head.

The club is now saving money to have two courts resurfaced and upgraded again at an estimated cost of approximately R70 000 – R90 000. We hope to be able to do this during 2021.

In conclusion

I'm proud to be able to say that the Franschhoek Tennis Club is well managed, takes exemplary care of the facility it uses and is an active force for good in the local community.

Discussions regarding the renewal of the lease started three years before it expired in 2014 and we'd love nothing better than to be able to finally put this administrative nightmare behind us so that we can return our focus to practicing and promoting our sport and being a good corporate citizen in our community. Our record in this regard speaks for itself.

Kind regards,

Siegfried Schäfer

Chairman: Franschhoek Tennis Club

On Wed, 14 Oct 2020 at 15:55, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za> wrote:

Dear Mr Schäfer

That is the period that we would actually like some feedback on. You do not necessarily need to submit all the documentation for now. For now if you can just list the actions taken and dates on which it was taken in bullet format.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

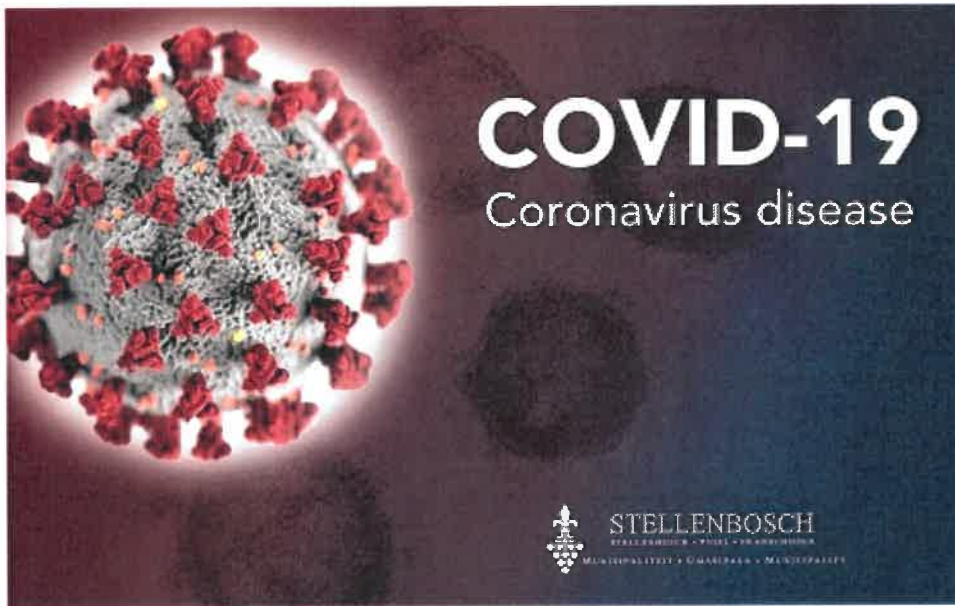
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

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About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens. Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit <https://protect-za.mimecast.com/s/le5YC58wvKuZnpPKsz12xH?domain=stellenbosch.gov.za>

Disclaimer:

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From: Siegfried Schäfer <siegfried.schafer@gmail.com>

Sent: Wednesday, 14 October 2020 14:17

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>

Cc: Manie Pietersen <Manie.Pietersen@stellenbosch.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>; Gary Boshoff <Gary.Boshoff@stellenbosch.gov.za>; Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>

Subject: Re: [EX] Fwd: Franschhoek Tennis Club Lease

Dear Dir De Beer,

Should you need more correspondence covering the period 2014 - 2019 I'm sure I can organise those too. As I wasn't on the committee for most of that period they're just not in my personal email archive - I'll need to source them from other members/past members. I however figured that the ones I sent are sufficient to prove that we are not without a lease because of any lack of effort on the club's part.

Please advise whether you'd like me to source emails.

Kind regards | Vriendelike groete

Siegfried Schäfer

siegfried.schafer@gmail.com | 0823915327



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On Wed, 14 Oct 2020 at 13:30, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za> wrote:

Dear Mr Schäfer

I confirm that I have read through 4 emails and confirm that all of the actions relate to a period between 2011 and 2014. The last being the minutes of an AGM and meeting notes in 2014. These actions are noted.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

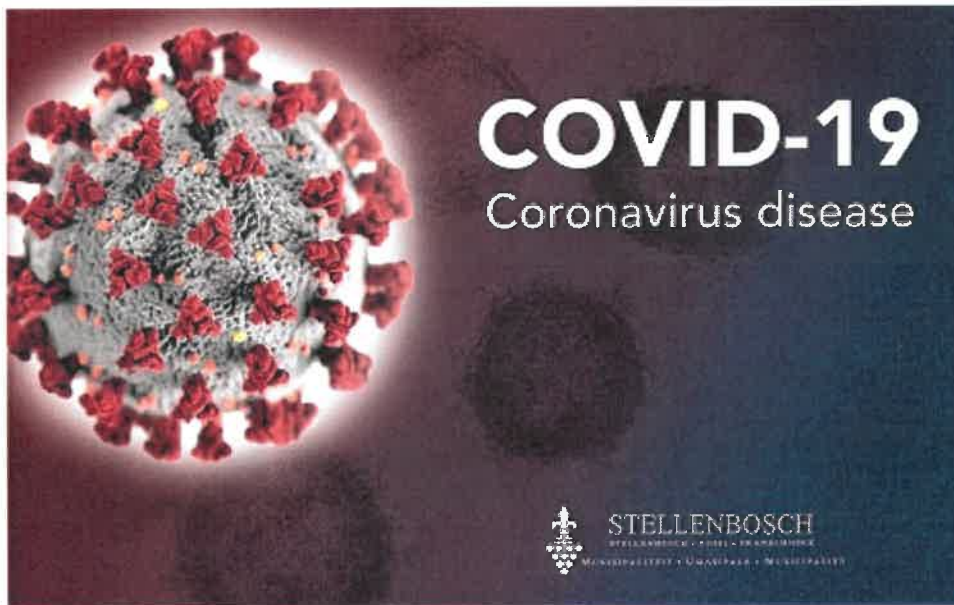
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

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From: Siegfried Schäfer <siegfried.schafer@gmail.com>
Sent: Wednesday, 14 October 2020 12:33
To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Manie Pietersen <Manie.Pietersen@stellenbosch.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>; Gary Boshoff <Gary.Boshoff@stellenbosch.gov.za>; Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>
Subject: [EX] Fwd: Franschhoek Tennis Club Lease

----- Forwarded message -----

From: Joost Beumer <jope@telkomsa.net>
Date: Tue, 12 Apr 2011 at 12:15
Subject: RE: Franschhoek Tennis Club Lease
To: Piet Smit <Psmitt@stellenbosch.org>

Dear Piet,

Thanks for the update.
 Can you please keep me posted of the outcome of your meeting with the Municipal Manager.
 Thanks and regards,
 Joost

-----Original Message-----

From: Piet Smit [mailto:Psmitt@stellenbosch.org]
Sent: 12 April 2011 08:37 AM
To: Joost Beumer
Subject: RE: Franschhoek Tennis Club Lease

Joost,
 The good news is that the CFO has now commented, and he is supporting your application. Our Legal department, however, has indicated, that we should go out on tender. I cannot agree with this, but cannot discard the inputs received from them. I am now going to set up a meeting with the Municipal Manager to make a ruling....

>>> "Joost Beumer" <jope@telkomsa.net> 08/04/2011 09:27:56 AM >>>

Dear Piet,

Can you let me know whether my request to the CFO did result in the required action from his side? Is FTC's Lease request now put on the Agenda and/or is there any progress regarding this issue?
 Your response is appreciated.
 Regards,
 Joost

-----Original Message-----

From: Piet Smit [mailto:Psmitt@stellenbosch.org]
Sent: 17 March 2011 08:15 AM
To: Joost Beumer
Subject: RE: Franschhoek Tennis Club Lease

I have AGAIN referred the matter to the CFO. Can I please request that you contact the CFO, Mr. Mark Bolton, with the request that he provide me with his inputs.

>>> "Joost Beumer" <jope@telkomsa.net> 16/03/2011 16:33:08 PM >>>

Dear Piet,

My e-mail of March 7th refers.

As explained before FTC is in dire need of further investments as well as extensive delayed maintenance.

You will appreciate that I find it difficult to ask the members at this evening's AGM to further fund the Club in the absence of a clear decision by the Municipality regarding the Lease. FTC believes that it fulfils a function in the social fabric of greater Franschhoek for its residents and visitors. FTC is a plus for tourists who wish to play tennis during their visits to the village as evidenced by the numerous requests FTC receives from guesthouses on behalf of their guests during the year.

The economic benefit, -i.e. guesthouses, restaurants, local shops etc. -, to Franschhoek in general of having a tennis club may be illustrated by the fact that about 20 tennis players from the UK will visit Franschhoek for two weeks in November of this year during which time they wish to make extensive use of the tennis courts.

Maintenance costs of courts and clubhouse are not subsidised, and the longer the delays in repair and preventive maintenance the higher the cost and the higher the annual subscription costs to be borne by the members will be. The subscription elasticity is high and the willingness of FTC members to carry unnecessary higher subscriptions caused by undue delays in decision-taking by the Municipality is limited.

I may remind you that the cost of one tennis court build from scratch is about R250,000 at today's prices. FTC has four courts. Three of these courts are in dire need of repair, estimated at R20/30,000 per court. Last year, when we asked for extension of the Lease the repair costs were nearer the R10/15,000 per court! Higher subscriptions result in less members, lesser number of members make it more prohibitive to do proper repairs and maintenance, which will result in non-maintained facilities which then ultimately may lead to the demise of a tennis Club. Mind you FTC is a Tennis Club that has been part of Franschhoek since the first half of the previous century.

Apart from the fact that it is very disappointing that a decision on the Lease is still outstanding I find it incomprehensible that an asked for detailed explanation why the Municipality is struggling to take a decision is not shared with the Club.

Regards,

For Franschhoek Tennis Club
Joost Beumer, Chairman

-----Original Message-----

From: Joost Beumer [mailto:jope@telkomsa.net]
 Sent: 07 March 2011 02:40 PM
 To: 'Piet Smit'
 Cc: 'Basil Davidson'; 'clr_idevilliers@stellenbosch.org'; 'guido.louwerse@gmail.com'; 'siegfried.schafer@gmail.com'
 Subject: Re: Franschhoek Tennis Club Lease

Dear Piet,

The Franschhoek Tennis Club will hold its AGM on March 16th.

Last week when I met Basil Davidson on a different subject I had the chance to remind him about this long standing issue. At the time of FTC's written extension request of April 22nd, 2010 you indicated that the process at the Municipality would take about two months. All in all we are now 11 months down the road without a decision.

It would be appreciated if you could inform me as detailed as possible what I can tell the FTC members about its request for Lease extension and what the obstacles are for the Municipality to reach a decision.

Your co-operation is as always appreciated.

Best regards,
 Joost Beumer
 Chairman FTC

-----Original Message-----

From: Piet Smit [mailto:Psmit@stellenbosch.org]
 Sent: 20 January 2011 01:18 PM
 To: jope@telkomsa.net
 Cc: Basil Davidson; Rene Crosney (Farmer)
 Subject: Fwd: Re: Franschhoek Tennis Club Lease

Joost, your enquiry to the Director Planning refers. Please see my e-mail to [him](#). As you would see, I am still waiting for the CFO's input.....I have now requested the Director to take the matter up with the CFO.

My apologies for this delay, but I cannot proceed without the inputs from the CFO.

Kind Regards

Piet Smit

>>> Piet Smit 20/01/2011 13:13:44 PM >>>

Rene, wat betref die Tennisklub in Franschhoek, net die volgende agtergrond. Na aanleiding van 'n versoek van die klub om hul kontrak te hernue, het ek 'n agenda item opgestel (aug 2010), en uitgestuur aan departemente om kommentaar te lewer. Die CFO het versoek dat, alvorens hy kommentaar kan lewer, die klub eers sekere finansiële inligting aan hom moet verskaf. Nadat ek die inligting van die klub ontvang het, het ek dit aan die CFO

deurgestuur(Sept.2010) Na aanleiding van verdere navrae van die klub,het ek dit weer met die CFO opgevolg in Oktober.Ek wag nog steed vir sy insette.Hieronder die onderskeie korrespondensie ,waarna hierbo verwys

Ek kan nie die agenda item by die raad laat dien sonder die CFO se insette nie.

Neem ook kennis dat ek intussen die hoof :regsdienste se insette ontvang het.Volgens hom kan ons nie die kontrak hernue sonder om deur n tender proses te gaan nie.Ek kan nie huiermee akkoord gaan nie.

Kan ek versoek dat jy vir Basil vra om die saak met die CFO op te neem,want ek weet nie meer wat om vir die Klub te se nie.....

Groete,

Piet Smit

>>> Piet Smit 05/10/2010 15:24:45 PM >>>

Aangehegte korrespondensie verwys.

Kan jy asb vir my n aanduiding gee wanneer ek jou insette/kommentaar kan ontvang,na aanleiding van dei finansieele inligting wat aan jou gestuur is

groete,
Piet Smit

>>> Piet Smit 05/10/2010 15:22 PM >>>

I have send the information received from you to the CFO,at his request.I have not received any written responce from him.I will,however follow up with him.

Kind regards

Piet Smit

>>> "Joost Beumer" <jope@telkomsa.net> 05/10/2010 15:09 PM >>>

Dear Piet,

Can you let me have the present status of FTC's request for extention of the Lease please.

Thanks and regards,
Joost

-----Original Message-----

From: Joost Beumer [mailto:jope@telkomsa.net]

Sent: 03 September 2010 04:47 PM

To:

Cc: 'Guido Louwerse'

Subject: Franschhoek Tennis Club Lease

Dear Piet,

As requested hereby financial info on FTC.
In case of queries, please contact me.

Regards,
Joost

FTC is a Service Club, with an annual neutral budget. There is no B/S, although the investments over the past years are estimated to be around R500,000 (Clubhouse, maintenance and refurbishment courts) The annual expenses are budgeted and totalled. Based on the estimated number of members an annual member fee is set. For 2010/2011 the expenses are budgeted to be R62,000 +R60,000 . The latter amount required for refurbishment of three courts. The income for this financial year will be around R60,000. FTC's expenses are very much controlled and squeezed as much as possible in order to "save" on expenses and by doing so create funds to do the necessary maintenance of the courts and clubhouse. The Clubhouse needs a complete overhaul, but unless FTC knows that the Lease is extended the members are not prepared to fund overdue maintenance of Courts and Clubhouse.

In 2008 we had to double the annual subscription fee as a consequence of which the membership numbers declined drastically. The annual membership fee for seniors is presently R800 p.a. No subsidies are received from whatsoever side. It is FTC's aim to keep the annual subscription as low as possible, which will allow also the less fortitude to play tennis.

FTC takes its social responsibility seriously, by giving free coaching lessons to about 25 disadvantaged Franschhoek youngsters. The youth thus coached is chosen by the schools. Promising players will get more personalised training. In order to grow FTC's membership base children under 12 years of age do not pay an annual subscription fee. In this respect FTC desperately needs to invest in a practice wall in order to assist youth coaching and attracting more youth as well.

The attached budget and I&E as per September 1, 2010 are herewith attached. It should be noted that most of the income over the current financial year (1 Mar-28Feb) has been received, whereas the expenditure is lagging. The tennis season, weather wise, runs in the 2nd half of FTC's financial year.

Expenditure of refurbishments of courts (60,000) and putting up a practice wall (10,000) is dependent on firstly extension of the Lease and secondly on the availability of funds.

FTC is looking forward to receive a positive response on its request for extension of the Lease.

Regards,
Joost Beumer, Chairman

-----Original Message-----

From: Piet Smit [mailto:Psmit@stellenbosch.org]

Sent: 31 August 2010 03:03 PM

To: jope@telkomsa.net

Subject: Fwd: Re: Franschhoek Tennis Club

Joost,
Please see comments received from our CFO,requesting copies of your last

Financial statements.....

Will it be possible to provide me with same?

>>> Mark Bolton 31/08/2010 14:53:00 PM >>>

Piet

I require their last financial statements in order to apply my mind relating to the request for a further long-term extension of 25 years.

Mark AC Bolton
Chief Financial Officer
Stellenbosch Municipality
Tel: +27 21-808 8528
Fax: +27 21-808 8585
[mail:cfo@stellenbosch.org](mailto:cfo@stellenbosch.org)

>>> Lorelle Adams 2010/08/31 02:29 PM >>>

Attached the above mentioned item for your comments.

Regards,
Piet



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APPENDIX 3

FRANSCHHOEK TENNIS CLUB

CONSTITUTION as adopted in the AGM of 20 March 2018

1 Name:

The name of the club shall be "Franschhoek Tennis Club".

2 Purpose of the Club:

The purpose of the club is to promote and encourage the sport of tennis at all ages and standards of play and to support village life and activities.

3 Club Year:

For administrative purposes the club's year shall start each year on 1 March and end on 28 February of the next year or 29 February of the next year in a leap year. The club's year shall be independent of when the leagues start and end.

4 Membership:

4.1 New Members:

Membership of the club is open to all persons older than 18 years at the start of the club's year that support the purpose of the club. A member is defined as any person over the age of 18 years who wishes to join as a member and who has paid in full the appropriate fee for such a category of membership, together with those members who fall into the categories of Honorary Members, and the representative person of a School.

Any potential member wishing to join the club must report to a member of the Executive Committee. A membership application form must then be completed and returned indicating the membership category of the person wishing to join and should be accompanied by the appropriate fee for that membership category.

A person or organisation becomes a member as soon as their subscription has been paid in full. Members joining after the start of the club year must pay the full fee for that year's membership.

4.2 Franchise:

Each member whose subscription is fully paid shall be entitled to one vote at a general meeting. The representative of a school, likewise, is entitled to one vote.

4.3 Resignation from the Club:

Any member wishing to temporarily or permanently resign from the club must inform a member of the Executive Committee of his / her / their intention giving the intended date. It will otherwise be assumed that their membership is to continue and a fee request sent to them. No refunds of membership fees will be made to resigning members.

4.4 Misconduct:

The club reserves the right to institute disciplinary measures against members guilty of misconduct, or any action likely to bring the club into disrepute, or for breach of the club rules. Such disciplinary measures can, if the misconduct or actions persist, include temporary disbarment from the club and its premises or even, the sole discretion of the Executive Committee, expulsion from the club. The membership fees of members subject to disciplinary conduct will not be refunded.

4.5 Membership Categories:

The following membership categories shall exist:

Single: Individuals older than 18 years at the start of the club's year.

Junior: A child under the age of 18 at the start of the club's year, whose parent/s are not club members.

Students: Individuals older than 18 years at the start of the club year, but younger than 25 years who are entered in full-time education.

School: Any registered school body providing education.

Temporary: Any short-term visitor. This membership can be extended only once in a period of twelve months and is restricted to a maximum time-period of one month, or for such other duration as defined by the Executive Committee.

Patron: Someone who wishes to support the club out of goodwill.

Honorary Life Member: The Executive Committee may confer life membership to persons who over a number of years have rendered exceptional services to the club. Only one life membership may be conferred annually by the club.

Visitors: Visitors are welcome to play at the club after payment of a day visitor's fee as determined annually by the Executive Committee.

4.6 Membership Fees:

The Executive Committee proposes the next year's membership fees at the AGM for approval by the members.

The membership of all persons whose membership fees have not been fully paid by the end of May will automatically be terminated.

Staged payments of fees are only permitted under special circumstances and by prior arrangement with the Treasurer.

5 Executive Committee:

The management of the club and its finances shall reside with an Executive Committee of no less than 5 and no more than 7 members.

5.1 *Rights and Responsibilities of the Executive Committee:*

The Executive Committee will have the right to appoint subcommittees under the leadership of an Executive Committee member for any purpose that the Executive Committee sees fit.

The Executive Committee will further have the right to co-opt any person / persons on to the Executive Committee in an advisory capacity for a period not exceeding the duration of the Executive Committee's term.

Should a vacancy occur on the Executive Committee during the club year the Executive Committee will have the right to fill it at any Executive Committee meeting or one convened for this purpose.

Additionally it is the responsibility of the Executive Committee to:

- Determine annual subscriptions and other fees payable to the club.
- Ensure the club is adequately insured, pay any premiums due, and to maintain such an insurance and liability cover as they consider prudent.
- Purchase stocks and equipment as required by the club.
- Organise tournaments, leagues and social functions.
- Acquire professional services as needed.
- Maintain club facilities and grounds.
- Manage administrative and financial matters on behalf of the members.
- Deal with any other club matters in good faith.
- Ensure the proper behaviour of the members.
- Deal with club disciplinary matters.
- Act within their powers in respect of club's financial affairs. They may not place the club in debt without the prior permission of the members at an Extraordinary or Annual General Meeting of the club, where a minimum of a quorum of the club's eligible voting members are present, and who vote in favour of such action.
- Set the date and time of the Annual General Meeting of the club and to inform members of the same.
- When necessary call an Extraordinary General Meeting of the club's members and give due notice of same to the members.

5.2 *Office-bearers:*

The Executive Committee elects a Chairperson and may elect any office-bearers as it sees fit or fill any Executive Committee vacancy that arises throughout the club year.

The previous year's Chairperson may attend Executive Committee meetings in an advisory capacity at the invitation of the current Chairperson only.

5.3 Franchise:

Each member of the Executive Committee shall have one vote at Executive Committee meetings.

The Chairperson shall have both an ordinary and, where necessary, a deciding vote at Executive Committee meetings.

Co-opted members and the previous year's Chairperson shall have no vote at Executive Committee meetings.

5.4 Quorum:

At least half the Executive Committee members have to be present for a quorum to exist.

6 Club Team Captains

The Captains of the Ladies' Team/s, Men's Team/s and Mixed Team/s shall be elected by the eligible members at the Annual General Meeting of the club.

7 Annual General Meeting:

A general meeting of club members shall be held annually within twelve weeks of the club's year end. At least two weeks' notice must be given to all members of the date of the Annual General Meeting.

Minutes of the Annual General Meeting must be taken.

7.1 Decision Making:

Decision making at general meetings shall be by means of a normal (50% + 1) majority of eligible voting members present, either physically or by proxy.

The Chairperson shall have a deciding vote in case of a drawn vote.

Decisions regarding changes to the constitution shall require a two-thirds majority vote of eligible voting members present at the Annual General Meeting.

Members who are not able to attend the AGM may appoint a proxy to vote on their behalf.

7.2 Quorum:

At least 15 eligible voting members must be present to form a quorum. For this purpose an eligible voting member is any paid up member of the club.

A quorum cannot exist without the presence of the Chairperson. If the Chairperson cannot be present the Executive Committee shall nominate one of its members to act as Chairperson.

7.3 Reports:

The following reports shall be presented to the members at the Annual General Meeting for their acceptance:

- Financial report
- Membership and administrative report
- League report
- The Chairperson shall report about any other matters.

7.4 Election of the Executive Committee:

A new Executive Committee of the club shall be elected each year with current Executive Committee members all standing down.

Those available to be elected / re-elected to the Executive Committee must inform the Executive Committee before the end of the club year.

Any member standing for election or re-election must be proposed by a member attending the AGM.

The Annual General Meeting shall elect the members of the Executive Committee.

Voting shall take place by a show of hands or, if requested by a majority of eligible voting members, by means of a secret ballot. The Club Secretary shall count the votes. At the request of a majority of eligible voting members present a public recount of the votes may be held. A member requires a majority of votes from those present to be elected to the Executive Committee. The Chairperson shall have a casting vote in the event of no clear decision by the eligible voting members.

7.5 Extraordinary General Meeting:

An Extraordinary General Meeting of members must be held when at least ten paid up members request it in writing from the Chairperson. At least one weeks' notice must be given to members of the proposed date of such a meeting. An Extraordinary General Meeting must be called by the Executive Committee in all instances where it requires the full authority of the members to act ultra vires its defined levels of responsibility e.g. in matters of finance where such action would or may place the club in debt.

Minutes of any Extraordinary General Meeting must be taken.

8 Assets and Liabilities:

The responsibility for all assets and liabilities of the club resides with the Executive Committee.

The Chairperson and Club Treasurer shall both have signing rights to the club's bank account(s). For the purposes of electronic funds transfer (EFT), in paying bona fide accounts presented to the club, either the Chairperson or the Treasurer shall be individually authorised to make such payments on behalf of the club.

Furthermore it is a requirement that for all single payments or aggregated payments in the sum of R5 000 or more, an additional signature of a member of the Executive Committee must be obtained to the invoices/accounts being paid in advance of any such payment being made.

The Executive Committee may dispose of any club assets under the value of R5000 at its sole discretion. Disposal of assets valued at more than R5000 must be authorised by the members at the Annual General Meeting or an Extraordinary General Meeting called for the purpose.

9 Club Rules:

A copy of the Club Rules must be displayed on the club's notice board.

The Executive Committee shall have the right to change the Club Rules. Such changes will, however, only take effect after they have been displayed on the club notice board for one week and should thereafter be ratified at the next general meeting of the club. These rules form an integral part of the Constitution of the club and should be read by all members. Changes must be notified to members as soon as is practicable. A copy of the current Club Rules is contained in the Annexe 1 to this Constitution.

10 Interpretation:

The Executive Committee alone shall be responsible for the interpretation of the club's Constitution and Rules.

ANNEXE 1 to the Constitution of Franschhoek Tennis Club

20 March 2018

Club Rules and Guidelines:

1. Suitable footwear which will not damage or mark the surface of the courts must be worn
2. Behaviour at all times should be appropriate and not offensive to other members and visitors
3. Chairs, skate boards, roller skates, bicycles etc. are not allowed on the courts
4. Due care must be taken to avoid damage to club property
5. The last person leaving the club is responsible for ensuring that the clubhouse is locked and secure and that all equipment is returned to the correct places
6. Members who bring guests to the club are responsible for ensuring that the appropriate fee is paid by the visitors. Members remain responsible for the behaviour of their guests who must conform to the club rules
7. Children younger than 14 years of age must be under the supervision of an adult member at all times
8. Cans of new balls should only be opened at Friday morning socials
9. The top switch on the bank of three switches inside the clubhouse must remain on to ensure that the light sensors for the exterior lights continue to operate

Signed:

Brian Moor

Chairman: Franschhoek Tennis Club

Club Secretary - Franschhoek Tennis Club in confirmation that this document was adopted at the Annual General Meeting of the Club held on 20 March 2018 as the new Constitution of the Club with effect from that date.

7.2.2	CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

1. SUBJECT: CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON

2. PURPOSE

To request Council's approval of the consulted Parking Policy.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Over the years there were various decision by Council in regard to the closure of the municipal offices. The trade unions have over the last three years on a regular basis requested that the municipal offices be closed during the period between Christmas and New Year and it was dealt with on an ad hoc basis. In January 2020 the trade unions requested that the employer close the offices between Christmas and new year.

The matter has being discussed at the LLF and the guidelines attached as **APPENDIX 1** has been agreed to by both unions.

5. RECOMMENDATIONS

- (a) that Council approve the annual closure of the Municipal Offices between 13h00 on 24 December and 2 January at 08h00;
- (b) that Should 2 January be regarded as a public holiday due to 1 January falling on a Sunday, the offices will reopen on the first working day after the public holiday at 08h00;
- (c) that Employees will have to put in leave on the dates the offices is closed, no additional leave will be granted to staff; and
- (d) that the Municipal Manager will ensure the operations of the municipality continue through inter alia the attached guidelines.

6. DISCUSSION / CONTENTS

6.1 Background

Over the years there were various decision by Council in regard to the closure of the municipal offices.

6.2 Discussion

The trade unions have over the last three years on a regular basis requested that the municipal offices be closed during the period between Christmas and New Year and it was dealt with on an ad hoc basis. In January 2020 the trade unions requested that the employer close the offices between Christmas and new year.

The matter has being discussed at the LLF and the guidelines attached as **APPENDIX 1** has been agreed to by both unions.

The Main collective agreement determines that each employee is entitled to 24 or 27 work days leave per year of which at least 16 or 19 days must be taken in a calendar year. While offices are closed the days will be regarded as part of the compulsory leave each employee must take in a calendar year. The municipality cannot grant additional leave to employees during this period unless exemption was requested and granted by the SALGBC. The employer struggles each year to ensure that employees take their compulsory leave especially those employees that are not essential workers in operational situations. It is therefore important that employees take compulsory leave during the time that offices are closed.

Essential operations of the municipality will continue through the guidelines as attached.

6.3 Financial Implications

No additional financial implications as leave is already provided for as paid leave. The public can pay their accounts at various places outside the municipality or online.

6.4 Legal Implications

The recommendations are in line with legislation and the collective agreements applicable.

6.5 Staff Implications

Employees who do not perform the functions as indicated in the attached guidelines will have to put in leave for the period of the period of closure.

6.6 Previous / Relevant Council Resolutions:

Previous council resolutions dealt with the ad hoc closure on a yearly basis.

6.7 Risk Implications

Risks are addressed in the item.

6.8 Comments from Senior Management:

The comments from management has been incorporated in the draft guidelines

ANNEXURES**Annexure 1: Guidelines: Closure of offices****FOR FURTHER DETAILS CONTACT:**

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 – 808 8018</i>
E-MAIL ADDRESS	Annalene.Debeer@ Stellenbosch.gov.za
REPORT DATE	<i>10 November 2020</i>

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

GUIDELINES : CLOSURE OF OFFICES

1. All municipal offices in the Stellenbosch Municipal Area will close for business over the period between 24 December from 13:00 to 2 January 08h00.
2. Should 2 January be regarded as a public holiday due to 1 January falling on a Sunday the offices will re-open on the first working day after the public holiday at 08h00.
3. During the period of closure of the offices, all essential staff will be on standby to deal with operational service delivery complaints and perform essential services as and when needed.
4. Payment for standby and overtime for services performed will continue as usual.
5. Uniform staff (Traffic / Fire and Law Enforcement Including the control room) will continue with their operations as per the shift rosters.
6. All essential services like;
 - a. Municipal Court
 - b. Water Treatment Plants
 - c. Waste Water Plants

d. Disposal Sites

e. Refuse Removal / Collections / Area Cleaning

f. Emergency Services

g. Water & Sewer Operations (Reticulation)

will continue operations as usual.

7. Employees who does not fall under identified services in 5 and 6 above must put in annual leave for the period of the closure of the offices. These closure days will not be granted as additional leave.
8. Staff regarded as essential under 5 and 6 above must be granted their annual leave as per a plan to ensure operations yet complying with the Main Collective Agreement.
9. These guideline will automatically terminate when Council resolves again not to implement a closing of offices over the holiday period in December at a later stage.

APPROVED :

7.2.3	APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIVE CRAFT CENTRE: ERF 143, FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

1. SUBJECT:APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIVE CRAFT CENTRE: ERF 143, FRANSCHHOEK

2. PURPOSE

For Council to consider the application for the approval of a Lease Agreement with Franschhoek Life Craft Centre.

3. DELEGATED AUTHORITY

Council must consider the matter.

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. The agreements continued in terms of common law on a month to month basis as council did not terminate the agreement and the tenant kept using the property.

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

The tenants in October 2019 send letters requesting to renew the lease agreement (**APPENDIX 1 and 2**). Technically the agreement has lapsed especially as they are not paying the rent. They have however continued to use the building.

The item was submitted to Mayco in January 2020, but was referred back to the department. The Executive Mayor wanted to gather more information in regard to the use of the property and the viability. Since then the Covid 19 pandemic brought major changes to the economy and the tourist industry. No further feedback was received and the item is resubmitted for consideration.

5. RECOMMENDATIONS

- (a) that a portion of Erf 143, Franschhoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council, consider the application; and
- (c) that if Council wants to enter in to a lease agreement the period of the lease must be determined, subject thereto that Council's intention to enter into such an agreement be advertised for public inputs/comments, as provided for in paragraph 9.2.2 of the Property Management Policy; and further subject to a 3 months early termination clause.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Initial Lease Agreement

Franschhoek Life Craft Centre and Stellenbosch Municipality concluded a Lease Agreement in relation to a portion of erf 143, Franschhoek in 2004 for a period of 9 years and 11 months – attached as **APPENDIX 3**. This agreement has subsequently lapsed in 2014.

6.1.2 Attempt to renew lease agreement

Over the past 5 years various attempts were made to either renew the Lease Agreement, and in the meantime the leases continued on a month to month basis. None of these attempts, however, were successful, as the SCM Policy (at the time) did not allow for a process of renewal without following a public competitive process.

6.1.3 Application for renewal of lease agreement

Hereto attached as **APPENDIX 1** an application received from Franschhoek Live Craft Centre, requesting that their lease agreement be renewed for a further period of 5 years. Also hereto attached as **APPENDIX 2** correspondence received from Remax, wherein they pledge to provide financial assistance to the FLCC, should their lease agreement be extended. As the lease agreement has terminated and they are in arrears with their rent any agreement will be a new agreement as opposed to a renewal of a previous agreement.

6.2 Discussion

6.2.1 Location and context

6.2.1.3 Franschhoek Life Craft Centre

The Franschhoek Live Craft Centre is operating on a portion of erf 143, Huguenot Road, Franschhoek as indicated on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Extent of property

6.2.2 Legal requirements

6.2.2.1 Asset Transfer Regulation

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-

- c) The Accounting officer has concluded a public participation process*; and
- d) 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-

- c) The capital asset in respect of which the right is to be granted has a value in excess of R10M*; and
- d) 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:-

7. the value of the asset; or
8. 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.

6.2.2.2 Policy on the Management of Council owned property

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

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Such agreements may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comment.

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

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

Seeing that the Life Craft Centre is a NGO, and taking into account the high prices in Franschhoek, it is recommended that they be responsible for 10% of market rental, to be determined by an independent valuer.

6.3 Financial Implications

The current rent payable by the tenants is R115 per year (vat included). The current arrears is R2 978.00 and the last payment was in August 2019.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

The approval of the previous lease agreement was not placed before Council.

6.7 Risk Implications

Risks addressed in the item and will further be covered by the lease agreement. .

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

Agree with the recommendations

6.8.2 Municipal Manager

Support the recommendations

ANNEXURES: Appendix 1: Application from FLCC
 Appendix 2: Letter from REMAX (Financial assistance)
 Appendix 3: Old agreement

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020- 11 - 01

APPENDIX 1

FRANSCHHOEK LIVE
CRAFT CENTRE

Franschhoek Live Craft Centre
Main Rd, Franschhoek
+2721 8764029



20 October 2019

Councillor Frazenburg (Aldridge.frazenburg@stellenbosch.gov.za)
Stellenbosch Municipality

Cc: Carmen Saville (mayor.pa@stellenbosch.gov.za)

Dear Sir

Re: EXTENSION OF LEASE AGREEMENT FOR THE FLCC

Thank you for the opportunity to meet with you and the Mayor of Stellenbosch Municipality regarding the Franschhoek Live Craft Centre.

Our lease agreement for the Franschhoek Live Craft Centre (a municipal building on the main road) has come to an end and I want to apply for an extension of the lease agreement. The role of the FLCC should not be underestimated as it motivated and supported the most vulnerable sector of our community - people who have missed out on training and educational opportunities in the previous political dispensation and who currently cannot afford full-time training due to financial constraints. What makes it more difficult for this sector is seasonal employment in our Franschhoek community. However we dare not turn our backs on this sector.

Despite lack of funding the FLCC managed to stay afloat. An example of the impact of the FLCC is the successful potter Elvis Potina who is now financially able to sustain himself and his business. However to continue to service our community our most pressing needs are the following:

1. We require a lease period of the current building for at least five years. The location of the building is crucial as it affords the emerging entrepreneurs in a fair manner the opportunity to have access to the golden mile in Franschhoek.

We have currently acquired the support of a funder whom we are very grateful for. They are familiar with the challenges of empowerment and their support entails networking, marketing, training support and assistance with renovation. I attach their letter of support. They are

also of the opinion that a realistic lease period would be a minimum of five years.

2. We need to give the FLCC a face-lift and renovate the building.

I appeal to you councilor Frazenburg to put the necessary processes in place to extend our lease for the Franschhoek Live Craft Centre.

I am eagerly awaiting your response.

Thanking you.

Benji Fray
Chairperson: FLCC
0822023448



4 July 2018

NAME AND LOCATION

The name of the project is FRANSCHHOEK LIVE CRAFT CENTRE (FLCC)

The FLCC is situated on the Main Road in Franschhoek within the golden mile of Franschhoek and enjoys good business due to the neighbouring businesses(a guest house, and restaurants).

HISTORY OF FLCC

The Franschhoek Live Craft Centre (FLCC) is a Voluntary Association of people and is governed by its constitution. The idea of a Live Craft Center started in 1997 when founder members Joan Jephtha, Rodney George and Benji Fray decided to do something about the plight of unemployed HDI. For the first seven years it was very difficult to obtain a workplace in our rural village due to exorbitant rental and property prices. Despite working on stoeps of houses and in garages, the FLCC Committee managed to keep the spirit of upliftment alive. Networking with other NPO's like the Rural Economic Development Initiative (REDI) and corporates like Old Mutual advanced the course of the FLCC. Benji, the REDI champion in Franschhoek, secured much needed funding and resources for FLCC from REDI. In 2005 a nine-year lease had been signed between the Stellenbosch Municipality and the FLCC.

The FLCC is managed by the FLCC Committee and consists of members of the FLCC. Membership of the FLCC is open to predominantly HDI. The FLCC is not an employer but presents the local community with job creation and enterprise development opportunities. The current committee members are as follows:

Chairperson:	Benji Fray
Vice Chairperson:	Joan Jephtha (supervisor)
Secretary:	Julian Jefthas
Treasurer:	Titus Jefthas
Additional Members:	Dawn Nel
	Ann Sutton
	Roger Tambwe
	Yvonne Williams

OBJECTIVE

The main objective for which the Voluntary Association has been established is to promote and advance micro enterprises, primarily amongst previously disadvantaged communities, devoted to crafting.

HOW DOES THE FLCC OPERATE

- Potential crafters apply for membership of FLCC whereafter the Centre Committee will explore and facilitate capacity building and training opportunities.
- Only members of the FLCC may use the tools and equipment of the center.

- Members enjoy the benefit of selling through the FLCC shop.
- Every crafter selling through the shop must add on 30% of the value of the item to the item's price. This is the commission of the FLCC.
- The commission is spent on electricity, telephone calls, security(alarm system)
- Every crafter receives the sale price less 30% commission.
- The FLCC provides packaging as far as possible.
- A supervisor has been appointed to coordinate duties of resident crafters, security of stock, shop sales, marketing and communication with the public.
- Resident crafters assist the supervisor with duties at the Centre.

HOW DOES THE FLCC GENERATE ITS FUNDS

- 30% Commission on every product for non-resident crafters
- 20% Commission on every product for resident crafters
- Fruit cake sales during October, November and December months
- One day excursion to tourist attractions to the West Coast and Inland.

ACHIEVEMENTS

<u>YEAR</u>	<u>ACTIVITY</u>	<u>FACILITATED and FUNDED BY</u>
2003	Micro Business Management Training	FLCC, Old Mutual and REDI
2003	1 Year full-time training of FLCC ceramicist at Boland College	FLCC, Old Mutual and REDI
2004	3 month Pattern-making Course	FLCC, Old Mutual and REDI
2005	FLCC secures 9-year lease from Stellenbosch Municipality	FLCC
2006	Mentoring of 2 potential pottery learners	FLCC and Rotary Club (Paarl)
2007	Leathercraft workshop (3 weeks)	FLCC
2007	Master Crafter Workshop	FLCC and Old Mutual
2008	FLCC shop upgrade and Launch	FLCC and Old Mutual
2008	Leathercraft workshop (3 weeks)	FLCC and Ackerman Pick n Pay Foundation
2010	Mosaic Classes for school children and youth	Estercia Visser and FLCC
2010	Introduction of Beading to youth	Nancy Chipfupi

The Craft sector is used as a vehicle for capacity building and empowerment in order to create jobs and alleviate poverty.

The focus of the support programmes are Paintings, Ceramics, Beading, Sewing, Embroidery, Screen printing, Wire works, Tie dyeing, Crocheting and Leathercraft. The products include décor items, costume and fashion jewellery, leisurewear, corporate gifts, leather bags, leather belts and other leather items. Two new members will add traditional wear to the existing range of the FLCC.

TARGET GROUP

The target group includes

- People from rural and under resourced communities
- Adults who are trapped in jobs of seasonal nature
- Adults who have the desire to start their own business
- Adults who do not have secondary school education
- Adults who want to live off their own income and not be dependant on family members or grants
- Youth, women and differently-abled people will get preference

AVAILABLE RESOURCES

The following resources are already available in the project. Some of the resources are on loan to the FLCC:

RESOURCES			
QTY	ITEM	FLCC ASSET	ON LOAN
1	Kiln		Benji
1	Computer	FLCC	
1	Scanner, Printer	FLCC	
1	Industrial Sewing Machine	FLCC	
1	Industrial Overlocker (motor faulty)	FLCC	
1	Credit Card machine	FLCC	
1	Cutting table for sewing department	FLCC	
1	Screenprinting machine	FLCC	
4	Display tables	FLCC	

In addition to the existing programs the FLCC wants to introduce crafts made of a variety of mediums. The focus of the FLCC for 2018 is:

- Strengthening our Leather craft division
- Recycling as a craft form.

CHALLENGES

The biggest challenge for the FLCC is to meet running expenses of the autumn and winter seasons. It is sad to say that sales in these months are extremely low to the extent that the supervisor works during these months on a voluntary basis without remuneration

Due to limited space at the Centre we can only accommodate the Supervisor and an assistant to run a sewing and repair service from the Centre. The centre has in essence become a point of sale for crafters.



RE/MAX

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TO WHOM IT MAY CONCERN

We assist very High net-worth individuals and corporations to establish worthy causes with a commercial spin-off to ensure longevity of projects.

Although we would prefer complete anonymity regarding the ultimate sponsors at this early stage, we do work for

- Penny Streeter (OBE) who owns the A24 Health group as well as Benguela Cove
<https://www.benguelacove.co.za/news/penny-streeter-ob-e-business-woman-of-the-year-2019>
- The owners of Grootbos <https://www.grootbos.com/en> and <https://grootbosfoundation.org/>
- And RE/MAX SA <https://www.remax.co.za/>

All are strong supporters of many arts and culture projects and committed to concepts which benefit previously disadvantaged local communities

I came across the Franschhoek Crafts Centre ("FLCC") and strongly believe it's a very worthy cause. Indeed it's a pity I did not identify this concept many years ago, as the FLCC should be improving way more lives

- The concept of a retail outlet for crafts produced by the less advantaged is excellent
- The location of the FLCC is vital to it's success, as the many foreign visitors to Franschhoek are the most logical buyers
- And it seems clear far more disadvantaged people can benefit, if the FLCC has the proper financial and marketing support

I confirm that our benefactors wish to support the FLCC on a long-term basis of at least 5 years and that we have access to significant financial resources. Should additional letters of reference and recommendation be required, we can arrange same.

Our partners have the commercial and marketing skills to help ensure the long-term success of the FLCC.

EXTENSION/ RENEWAL OF CURRENT LEASE

- We have been made aware of the FLCC's application to renew/ extend the lease for the premises in which the FLCC operates
- The current location is essential to ensure exposure of the crafts to foreign buyers with funds and the desire
- Clearly the "curb appeal" and customer experience can (and should be) vastly improved by upgrading the exterior and interior of the premises
- And marketing the FLCC far more aggressively to the huge number of tourists visiting Franschhoek

We estimate the investment required to improve the premises to be at least R50,000



2019-04-03

Registered mail

FRANSCHHOEK LIVE CRAFT CENTRE

Dear Sir/Madam

POSSIBLE RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK LIVE CRAFT CENTRE: ERF 143, FRANSCHHOEK

As you know you are currently leasing the above facility on a month-to-month basis, due to the fact that your previous Lease Agreement has lapsed some years ago.

In terms of our previous Supply Chain Management Policy it was not possible to renew this agreement without following a public competitive process (tender). This situation, however, has now managed with the approval of the new Policy on the Management of Council owned property.

In terms hereof Council can 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 being advertised Council's intention so to act.

One of the circumstances listed in the Policy is where there are existing contracts in place. Such agreements maybe negotiated where Council is of the opinion that a public competitive process would not serve any useful purpose.

To enable me to advise Council accordingly (i.e. renewal of lease agreement for a period of 9 years and 11 months), I am affording you an opportunity to provide me with a motivation on why we should indeed conclude a new lease agreement.

I await your fully motivated application* in this regard.

*Please provide full detail of your organisation including number of members, NGO status, financial position, etc. where applicable.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

APPENDIX 2



RE/MAX
TOWN & COUNTRY

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• • HERMANUS Office:
021 010 0685
2A Broad Str, Cnr Mitchell Str, Hermanus, 7200

ONRUS Office:
087 551 2665
Unit 7A, Optimum Building, 10 Main Road, Onrus, 7201

GENERAL Fax Nr: 086 293 0166

• • www.remax.co.za
• www.remax-townandcountry.co.za

Baroville Trade and Investments 10
t/a RE/MAX Town and Country
Cc Reg No: 2012/162247/07 | VAT: 4860269291

ATTENTION:

Councillor Frazenburg
The Honorable Mayor

REQUEST AND MOTIVATION TO FAST-TRACK EXTENSION OF FLCC LEASE

We understand the Stellenbosch Municipality is processing the Franschhoek Live Craft Centre ("FLCC") application to extend the lease.

We wish to share the ideas to assist in converting the Franschhoek Live Craft Centre ("FLCC") into a huge success and hopefully help fast-track and provide additional motivation for the extension.

Obviously our benefactors lose interest when things slow down and we'd be grateful if the lease-extension process could be fast-tracked, but we do appreciate you have processes to follow.

The FLCC can be a national example of how the Stellenbosch Municipality leveraged their resources to achieve job creation and empowerment!

EXECUTIVE SUMMARY

The FLCC can improve many lives, but a lack of private sector support has failed the project

A 5-year lease is required to interest the relevant benefactors to assist in turning FLCC into a success

Fast-tracking the lease extension would be good to leverage some of the high-season in 2020

The key factors which we can assist with include

- dramatically upgrading the exterior, interior and retail experience of FLCC
- drawing on private sector skills to ensure the beneficiaries produce relevant, attractive, small (easily transportable) and highest-value items foreigners want to buy
- marketing the FLCC widely in Franschhoek and via the web

the bigger future opportunity is global marketing **and international mail-delivery sales**

we would like to pledge our support to have the lease extension fast-tracked to leverage high-season a.s.a.p.

INTRODUCTION

I have been active in promoting "inclusive commerce" or social enterprise ideas since 2006 and have seen many, many ideas.

THE FLCC IS A SOUND CONCEPT

In my opinion, the FLCC is a very sound social enterprise concept.

The idea of a retail outlet in Franschhoek's "golden mile" where previously disadvantaged people have access to wealthy foreign tourists to sell items (they are able to produce themselves) is sound!

The future opportunity is to sell to international buyers via mail-delivery and use the retail outlet to leverage a potentially global opportunity.

FLCC can be improving many, many more disadvantaged lives rapidly!

NEGATIVE IMPACT OF LACK OF FUNDING AND PRIVATE SECTOR SUPPORT ON FLCC TO DATE

I have dealt extensively with the people involved with the FLCC including **Benji Fray and Joan Jephtha**, in particular. They are intelligent, responsive and obviously very capable people. They are good operators! Full credit to them for keeping the FLCC alive without ANY private sector support!!

The lack of private sector funding completely undermined the potential success of the concept:

- Poor condition of building exterior leads to low visibility
- Lack of signage
- No shop-front and unattractive entrance
- Very worn retail display facilities
- Dark interior and poor interior maintenance

All these issues resulted in the FLCC not being visible to foreign tourists and not that attractive to enter. Consequently very negatively impacting the success of the FLCC.

A VERY BRIGHT FUTURE

Our support would focus on the following key aspects to turn the FLCC into a powerful job-creation engine:

- **To radically improve**
 - o the **visibility of the FLCC** as a retail outlet for the disadvantaged
 - o **the interior and exterior** look and feel to luxury-art outlet status
 - o **the quality, uniqueness and price of items** produced by the disadvantaged
 - o drive awareness of the FLCC through **marketing throughout Franschhoek**
- **The key deliverables will include:**

EXTERIOR VISIBILITY, ATTRACTION AND INTERIOR RETAIL EXPERIENCE

- o **Total refurbishment of the exterior.** FLCC should be brightly painted and have an upmarket, luxury-item look and feel.
- o **The shop-front is a crucial issue.** Subject to regulations, the “stoep” area should be enclosed with “Perspex-type” glass and used as **the key display area** to attract wealthy foreigners
- o **The interior has to be spruced up dramatically.**
 - Opening up the interior to create a spacious display area with many shelves and attractive displays
 - Pictures/ info inside telling the story of the individuals producing the wares. Especially how their lives are improved when visitors buy their wares
 - Permanently brewing coffee and free cake to extend the buyer stay

INNOVATIVE PRODUCT CONCEPTS, QUALITY AND PRICE OF PRODUCTS

Tourists wish to buy an authentic Africa-feel product. Obviously small, higher value products can be transported more easily. We wish to assist in this regard:

- o We have access to established artists with skills to transfer. Anton and Lionel Smit and Tay Dall who's works are displayed at our benefactors lodges/ hotels
- o These people will happily assist in skills transfer
- o Global trends will be followed to ensure the most innovative, high value items are produced

WIDER MARKETING OF FLCC

We can assist financially to achieve the following:

- o Aligned to the visibility and retail experience, the FLCC should **be marketed widely** to all the tourists visiting Franschhoek
- o **Quality pamphlets** telling the empowerment story and showing wares and location should be distributed at every entry point for tourists
- o **A quality website** which is promoted to create awareness

PROVIDING ADDITIONAL SERVICES AT FLCC TO ATTRACT TOURISTS

- o A section of FLCC could be converted into an **info/ local tour booking desk**. Tourists want to know they are not missing out and love **1-stop booking for experiences**.

FUTURE GLOBAL OPPORTUNITY

- Given the weak Rand, high-quality, high-value, minimum size/ weight products can be marketed via the web and sold globally
- Once the FLCC is turned into a conversation-piece, a specialist can be engaged to grow the mail-order opportunity
- Obviously this is a commercial enterprise which requires special expertise and FLCC would have to partner with the right players with existing distribution networks

CONCLUSION

We pledge our support to ensure the incredible opportunity FLCC offers to improve lives by having access to wealthy foreign buyers for disadvantaged people who can be helped to create relevant high-value items. And can assist in any form required to finalize the extension of the FLCC's lease by 5 years.

Thanking you in anticipation.

Yours sincerely

Johann Larney B.Com (Hons) CTA B.Proc
Qualified but non-practicing Chartered Accountant

TEL : 074 1947 927
EMAIL: Johann@remax-townandcountry.co.za

Piet Smit

From: johann@remax-townandcountry.co.za
Sent: 19 November 2019 07:58 AM
To: Piet Smit
Subject: [EX] EXTENSION : LEASE AGREEMENT OF FRANSCHHOEK LIVE CRAFT CENTRE
Attachments: EXTENTION OF THE LEASE_20 October 2019.docx; Elvis Potina_ Franschoek Live Craft Centre01.jpg; EP, Bowl1_ Franschoek Live Craft Centre02.jpg; EP, Bowl2_ Franschoek Live Craft Centre03.jpg; EP, Vase1_ Franschoek Live Craft Centre04.jpg; EP, Vase3_ Franschoek Live Craft Centre06.jpg; LETTER OF SUPPORT_REMAX2019.pdf; FLCC background_2018.docx

Dear Mr. Smit

Thanks very much for your quick response which is appreciated sincerely.

I take the liberty of forwarding the application to extend the FLCC's lease which was sent to Councillor Frazenburg and the Mayor on 21 October 2019.

Our benefactors will provide the funding for any upgrades and see this as a vital contribution.

So no budget would be required of Council.

Please inform if this application will be adequate and if any further information is required

Thanking you in anticipation

From: Benji Fray [mailto:benjif@absamail.co.za]
Sent: Monday, October 21, 2019 12:56 AM
To: 'aldridge.frazenburg@stellenbosch.gov.za'
Cc: 'mayor.pa@stellenbosch.gov.za'
Subject: LEASE AGREEMENT OF FRANSCHHOEK LIVE CRAFT CENTRE

Councillor Frazenburg

Attached please find the following documents regarding the EXTENSION OF THE FRANSCHHOEK LIVE CRAFT CENTRE LEASE AGREEMENT

ATTACHMENTS:

1. FLCC letter requesting extension of FLCC lease
2. Beneficiary of FLCC: Elvis Potina
3. Pottery items produced by E. Potina

4. Letter of support from funder REMAX
5. FLCC achievements and background history.

Awaiting your response

Benji Fray

--

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Piet Smit

From: Piet Smit
Sent: 19 November 2019 07:39 AM
To: 'johann@remax-townandcountry.co.za'
Subject: RE: [EX] FW: PROPOSED ACTION STEPS TO ENSURE SUCCESS FOR THE FRANSCHHOEK LIVE CRAFTS CENTRE

Hi Johan,

Thank-you for your letter of support .I do ,however need a letter/motivation from the FLCC why their lease should be renewed. I have written to them earlier this year to request such a motivation, but to date have not received any feedback. Your letter of support is fine, but I do need their application/motivation.

Once I receive their application for renewal ,I will submit an Item to Council. This will most probably only happen in January/February 2020.Should Council support the application(in principle),then it needs to be advertised for public inputs, where after it must go back to Council for a final decision.

You make mention about the possible upgrade of the building, but you do not indicate who will stand in for the cost of upgrading. Please provide more detail. Should the FLCC expect the municipality to upgrade the facility, this will have to be put on the budget and compete with other projects.

I await your feedback

Kind regards

Piet

From: johann@remax-townandcountry.co.za [mailto:johann@remax-townandcountry.co.za]
Sent: 19 November 2019 06:55 AM
To: Piet Smit
Subject: [EX] FW: PROPOSED ACTION STEPS TO ENSURE SUCCESS FOR THE FRANSCHHOEK LIVE CRAFTS CENTRE

Dear Mr. Smit

I trust you are well!

Benji Fray gave me your contact-details, as the FLCC beneficiaries are under the impression your department is also involved in the process required

to extend the lease for the premises from which FLCC operates in Franschhoek's main road?

I believe it is a fantastic opportunity to create livelihoods for many disadvantaged people and would love to move forward as soon as possible.

Obviously it's impossible to start with the various initiatives while there does not appear to be certainty regarding the premises?

I attach the correspondence we were requested to send Councillor Frazenburg and the Mayor for your information.

We obviously respect that procedures need to be followed. I shall be very grateful if you could please provide us with feedback

so that I can convey some clarity to the benefactors who are keen to start helping. Especially possible timelines are important.

Thanking you in anticipation.

From: johann@remax-townandcountry.co.za <johann@remax-townandcountry.co.za>
Sent: Thursday, 07 November 2019 12:32
To: 'aldridge.frazenburg@stellenbosch.gov.za' <aldridge.frazenburg@stellenbosch.gov.za>; 'mayor.pa@stellenbosch.gov.za' <mayor.pa@stellenbosch.gov.za>
Cc: 'Janus de Jonge' <janus@remax-townandcountry.co.za>; 'Benji Fray' <benjif@absamail.co.za>
Subject: PROPOSED ACTION STEPS TO ENSURE SUCCESS FOR THE FRANSCHHOEK LIVE CRAFTS CENTRE

Dear Councillor Frazenburg and Ms. Carmen Saville (for the Mayor's attention)

Ms. Benji Fray and Ms. Joan Jephtha asked us to prepare a document with the actions we could assist with to help ensure sustainable success for the FLCC.

This current letter should preferably be read in conjunction with the original Letter of Support where the various charitable foundations involved are described.

This letter summarizes the various proposals and actions required to execute the plans for success. I believe the steps are tangible, do-able and can result in very sustainable job-creation for the disadvantaged. The FLCC concept has export-market potential which could increase the business opportunity for the disadvantaged tremendously.

To date, the lack of charitable/ private funding has definitely all but obliterated the opportunity.

We understand u obviously have processes to follow which takes time.

Is it possible to please indicate the level of high-level support of the Town Council for the extension of FLCC's lease?

As well as possible timelines?

I need to inform the benefactors of the 3 key charitable foundations we have involved, as they obviously want to focus on projects with shorter-term benefits for the disadvantaged.

Kind regards



THE RE/MAX COLLECTION
 Fine Homes & Luxury Properties

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Piet Smit

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Sent: 19 November 2019 06:55 AM
To: Piet Smit
Subject: [EX] FW: PROPOSED ACTION STEPS TO ENSURE SUCCESS FOR THE FRANSCHHOEK LIVE CRAFTS CENTRE
Attachments: letter of actions.doc

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Sent: Thursday, 07 November 2019 12:32
To: 'aldridge.frazenburg@ Stellenbosch.gov.za' <aldridge.frazenburg@Stellenbosch.gov.za>; 'mayor.pa@Stellenbosch.gov.za' <mayor.pa@Stellenbosch.gov.za>
Cc: 'Janus de Jonge' <janus@remax-townandcountry.co.za>; 'Benji Fray' <benjif@absamail.co.za>
Subject: PROPOSED ACTION STEPS TO ENSURE SUCCESS FOR THE FRANSCHHOEK LIVE CRAFTS CENTRE

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APPENDIX 3

7/2/2/2/Life Craft Centre

MEMORANDUM VAN OOREENKOMS

AANGEGAAN DEUR EN TUSSEN

DIE STELLENBOSCH MUNISIPALITEIT

hierin verteenwoordig deur die Direkteur: Korporatiewe Dienste, behoorlik daartoe gemagtig
(hierna die "**EIENAAR**" genoem)

EN

FRANSCHHOEK LIVE CRAFT CENTRE

hierin verteenwoordig deur *B. J. FRAY*

in sy/haar hoedanigheid as *VOORSITTER*....., behoorlik daartoe gemagtig

(hierna die "**HUURDER**" genoem)

[Handwritten signatures and initials]

NADEMAAL die **EIENAAR** die eiendom op gedeelte van Erf 143, Huguenoteweg, Franschhoek besit, soos duidelik aangetoon op die aangehegde sketsplan.

EN

NADEMAAL die **HUURDER** begerig is om van die eiendom, soos aangetoon op dieselfde aangehegte skets, te gebruik, kom die **EIENAAR** en die **HUURDER** soos volg ooreen:

1. Die **EIENAAR** verskaf en die **HUURDER** benut hiermee die gebou op die eiendom, geleë in Franschhoek, soos gemerk op die kaart hierby aangeheg as **AANHANGSEL 1**.

(hierna genoem die "**VERHUURDE EIENDOM**" genoem)
- 2.1 Die gebruik van die **VERHUURDE EIENDOM** tree in werking op die eerste dag van die maand wat volg op die datum van ondertekening van hierdie kontrak en loop tot die verstryking van die huurtermyn.
- 2.2 Die huurtermyn sal vir 'n periode van 9 (NEGE) jaar en 11 (ELF) maande wees met 'n opsie aan die **HUURDER** om die **VERHUURDE EIENDOM** vir 'n verdere termyn te huur.
3. Die **HUURDER** onderneem om die **VERHUURDE EIENDOM** slegs te gebruik vir die doel van 'n "**LIVE CRAFT CENTRE**".
- 4.1 Die **HUURDER** betaal 'n nominale huurgeld van R100,00 (EENHONDERD RAND) per jaar aan die **EIENAAR**.

The bottom of the page features four handwritten marks in black ink. From left to right, there is a large, stylized signature, followed by a smaller signature, then a set of initials that appear to be 'JF', and finally a single letter 'B'.

- 4.2 Die **HUURDER** sal verantwoordelik wees vir heffings ten opsigte van water- en elektrisiteitsverbruik asook die normale heffings ten opsigte van vullisverwydering en riolering.
5. Die **HUURDER** onderneem om alle strukturele veranderinge aan die binnekant van die gebou wat hy benut en vir sy eie doeleindes nodig ag, op sy eie koste aan te bring, met dien verstande dat alle planne en spesifikasies daarvoor eers deur die **EIENAAR** goedgekeur moet word.
6. Die **EIENAAR** is by die beeïndiging van hierdie kontrak nie gebonde om enige vergoeding aan die **HUURDER** te betaal vir enige verbeterings wat, hetsy met of sonder die **EIENAAR** se goedkeuring, deur die **HUURDER** aan die **VERHUURDE EIENDOM** aangebring is nie. Alle verbeteringe wat as vaste toebehore aangebring is bly die eiendom van die **EIENAAR**. Sou die **HUURDER** egter strukturele verbeterings aan die ontwikkeling, met die voorafgoedkeuring van die **EIENAAR** aanbring, kan die partye ooreenkom op maandelike vergoeding, sou die kontrak in terme van Klousule 15 voor die vervaldatum beeïndig word.
7. Die **EIENAAR** het deur sy behoorlik gemagtigde verteenwoordigers die reg van toegang tot die verhuurde eiendom te alle redelike tye met die doel om inspeksies uit te voer.
8. Die **HUURDER** is verantwoordelik vir alle binne-instandhoudingswerk aan die gedeelte van die gebou wat hy gebruik en onderneem om die **VERHUURDE EIENDOM** in 'n netjiese en sindelike toestand te herstel en te hou.
9. Die **EIENAAR** verseker die verhuurde eiendom teen brandskade maar aanvaar geen verantwoordelikheid vir skade aan enige ameublement, toerusting of ander goedere wat die **HUURDER** in die gebou bring of huisves nie.

\$



10. Die **HUURDER** vrywaar die **EIENAAR** teen enige eise van 'n derde party ten opsigte van skade gely, hetsy aan persoon of goedere, wat mag ontstaan as gevolg van hierdie gebruik.
11. Die **HUURDER** onderneem om alle wette en verordeninge wat sy onderneming raak, na te kom.
12. Die **HUURDER** sal verantwoordelik wees vir die nakoming van alle vereistes en voorskrifte in terme van die Wet op Masjinerie en Beroepsveiligheid, 1983, soos gewysig.
13. Indien die **HUURDER** versuim om enige voorwaarde van hierdie ooreenkoms na te kom of indien dit sou blyk dat die onderneming aanstootlik vir die omgewing is of 'n ernstige oorlas skep, het die **EIENAAR** die reg om hierdie ooreenkoms met kennisgewing van 3 (drie) maande te kanselleer en van die **EIENDOM** besit te neem.
14. Die **HUURDER** mag nie die **VERHUURDE EIENDOM** of enige gedeelte daarvan onderverhuur sonder die **EIENAAR** se toestemming nie.
15. Sou die **EIENAAR** die eiendom vir enige doeleindes benodig, kan by die **HUURDER** drie (3) maande skriftelik kennis gee van vroeë beëindiging en sal die **HUURDER** die **EIENAAR** nie verantwoordelik hou vir enige eise wat mag voortspruit uit die vroeë beëindiging van die huurooreenkoms nie.

The block contains several handwritten marks at the bottom of the page. On the left, there is a large, stylized signature that appears to be 'JP'. To its right is a single, tall, thin vertical stroke. Further right, there is another signature that looks like 'AB' followed by a small 'B' or 'S' character.

GETEKEN TE STELLENBOSCH HIERDIE 16^{de} DAG VAN November 2004

IN DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

1. 

2. 


DIREKTEUR: KORPORATIEWE DIENSTE

GETEKEN TE STELLENBOSCH HIERDIE 15^{de} DAG VAN November 2004

IN DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

NAMENS OKKUPEERDER

AS GETUIES

1. 

2. 

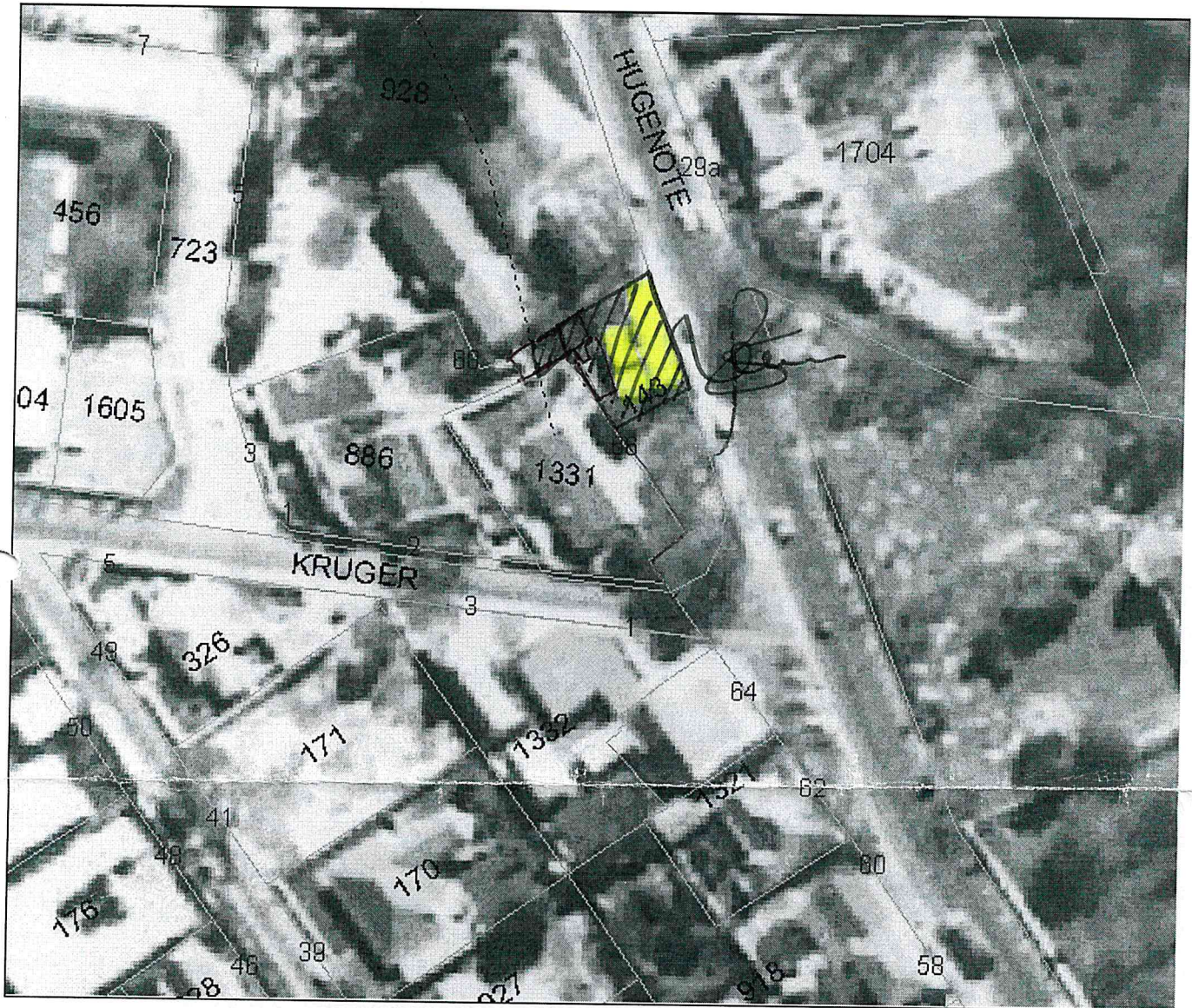

HUURDER

TIK2: KONTRAK: LIVE CRAFT CENTRE/JJK/JCB

Kwit nr. 73225
Datum 15/11/2004
Bedrag R100.00



STELLENBOSCH GIS MAP



J B

7.2.4	POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK

2. PURPOSE

to consider an application from the owner of erf 4409, Stellenbosch to acquire a portion of unused street (Kromrivier road) for the purpose of consolidating it with his erf.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The owner of erf 4409, Stellenbosch has applied to Council to acquire a portion of (un-used) Kromrivier road with the intention of consolidating it with his erf.

The property is encumbered with a water pipeline and electrical cable servitude and can therefore not be utilised as a free standing erf. The erf is currently used and enclosed as if it is part of the erf 4409 and was enclosed when sold to the current owner. The properties behind the two erven has been consolidated and there cannot be a thoroughfare or a road build to serve any other properties. It is adjacent to the development "Die Rand ". Due to the infrastructure services that run across the property no buildings can be put up on the property and it is therefore not recommended that it be sold as a separate erf. If not sold as a separate erf the only owner who will have any use for the property is the adjacent owner and Council have sold the property behind to the adjacent owner in 2002.

5. RECOMMENDATIONS

- (a) that the portion of land, consisting of a portion of Rem Farm 180, Stellenbosch and Rem. Erf 4648, Stellenbosch, measuring approximately 407m² in extent, as shown in Fig 4, be identified as land not needed to provide the minimum of basic services;
- (b) that Council consider the disposal of the land, **in principle**, at market related value subject thereto that Council's intention be advertised for public inputs/objections/other proposals; and
- (c) that Should Council approve the sale of the property to Mr van Wyk it must be subject to the retaining of the servitude protecting the infrastructure that run through the property.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Initial lay-out (General plan No 7926/1968)

With the development of the area in 1968, this portion of land was part of a bigger road reserve, linking Kromrivier road with Conde Road, as can be seen on Fig 1, below.

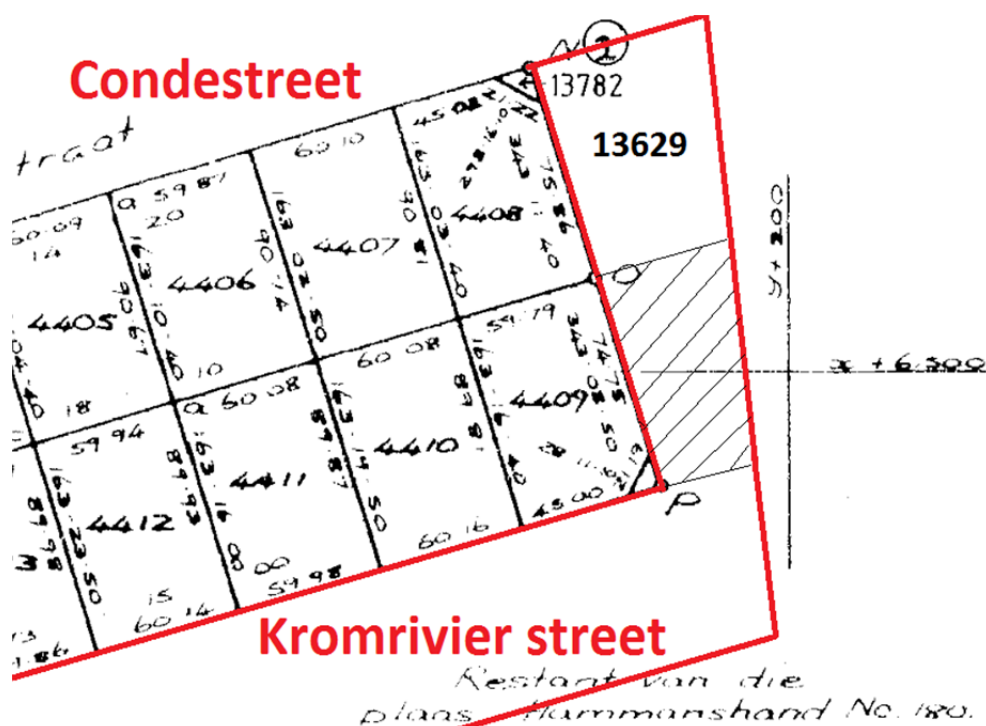


Fig1: General Plan: 7926/1968

6.1.2 Disposal of a portion of street to owner of Erf 4408

The area marked erf 13629 was later (2002) sold to the owner of (then) Erf 4408 and was consolidated to form erf 5413. For this reason, the property under discussion has no purpose as a street anymore.

6.1.3 Encroachment agreement

Over the years various Encroachment arrangements were concluded with owners of erf 4409, using the area as an extension of their garden and for parking purposes. The last Encroachment Agreement was concluded in 2004, but has lapsed in 2009. A copy of the Agreement is attached as **APPENDIX 1**. Council may consider to conclude a further encroachment agreement or a lease rather than disposing of the property.

6.1.4 Application to acquire property by previous owner

During 2005 the (then) owner of Erf 4409 also applied to Council to acquire the portion of land under discussion, but it was not approved.

6.1.5 Application for encroachment permit

During 2018 the owner of erf 4409 submitted an application to use the property under discussion on an encroachment basis, but this request was never considered. A copy of the application is attached as **APPENDIX 2 and 2.1**.

6.1.6 Application to acquire portion of un-used street

Following a site visit to the area the Applicant submitted a request to purchase the said portion of land. See application hereto attached as **APPENDIX 3**.

6.2. DISCUSSION

6.2.1 Location and context

The portion of land under discussion is situated off Kromrivier Road, as shown on Fig 1 and 2 below.



Fig 2: Location and context

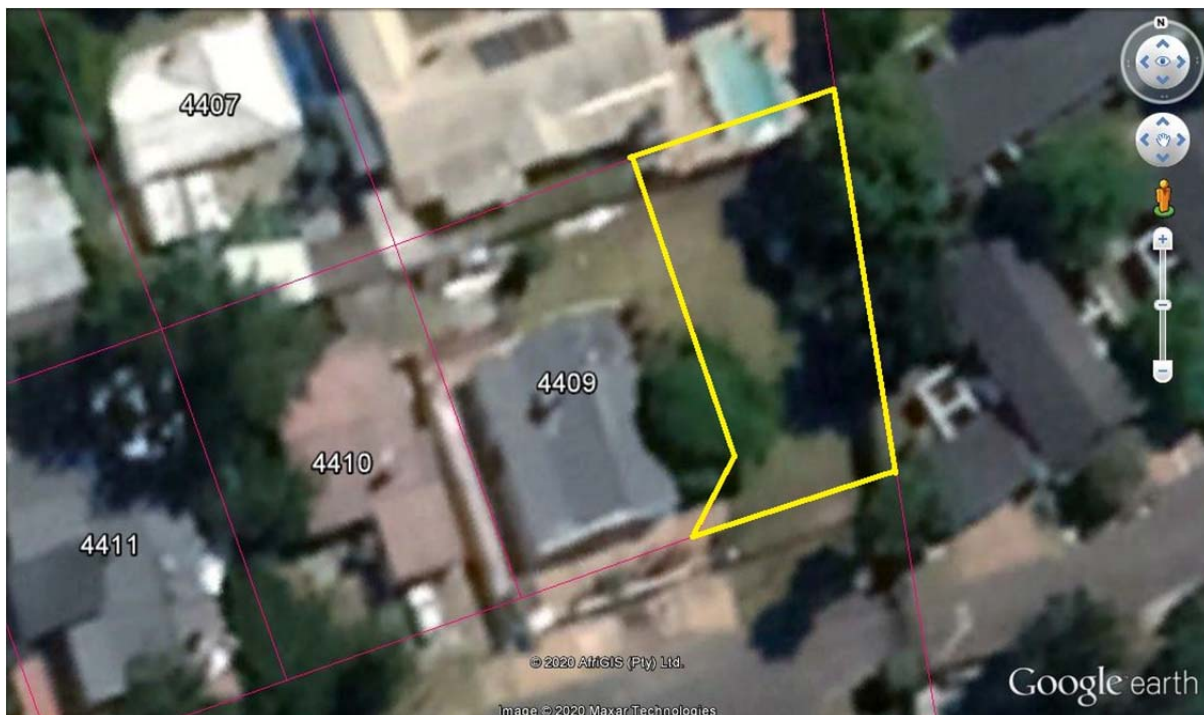


Fig 3: Extent of property

6.2.2 Property description

The property under discussion, being a portion of a public street (Kromrivier Road), consist of a portion of Rem. Farm 180 and Rem. Erf 4648, measuring approximately 407m² is size, as can be seen in Fig 4 and 5 below.

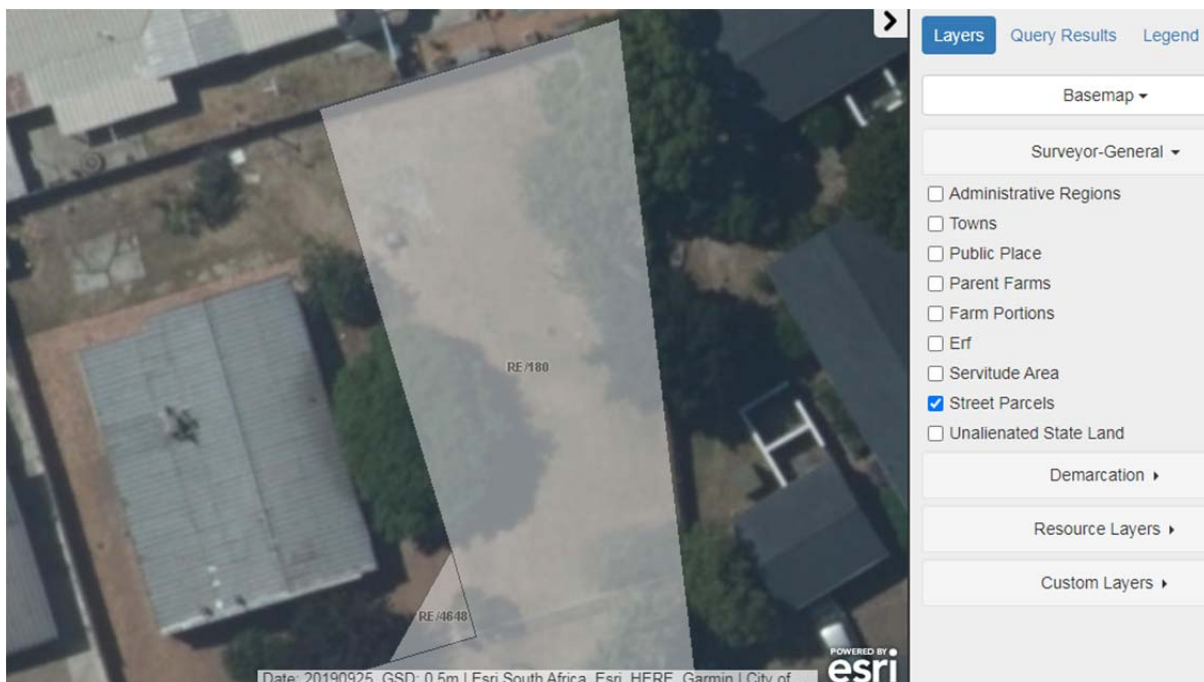


Fig 4: Property description



Fig 5: Size of property (Still to be confirmed)

6.2.3 Ownership

The ownership of both properties, i.e. Rem. Farm 180 as well as Rem. Erf 4648, vests with Stellenbosch Municipality by virtue of Title Deeds T2625/1940 and T59977/2002, respectively. See copy of Windeed record attached as **APPENDIX 4**.

6.2.4 Legal regime

6.2.4.1: Municipal Finance management act, no 56 of 2003 (MFMA)

In terms of section 14(1) of the MFMA “a municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.”

Further, in terms of sub-section (2)” a municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—

(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and

(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.”

In terms of subsection (5) “any transfer of ownership of a capital asset in terms of subsection (2) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.”

6.2.4.2 Municipal Asset Transfer Regulations(ATR)

In terms of Regulation 5 of the ATR :-

“1) A municipality may transfer or dispose of a non-exempted capital asset only after—

(a) the accounting officer has in terms of regulation 6 conducted a public participation process to facilitate the determinations a municipal council must make in terms of section 14(2)(a) and (b) of the Act; and

(b) the municipal council—

(i) has made the determinations required by section 14(2)(a) and (b) and*

(ii) has as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

*(2) Sub-regulation (1)(a) must be complied with only if the capital asset proposed to be transferred or disposed of is a high value *capital asset. * i.e. in excess of R50M*

6.2.4.3 Property Management Policy

In terms of par.7.2.1 of the policy, **“unless otherwise provided for in this policy”, the disposal of Viable Immovable property shall be effected-**

*(a) by means of a process of **public competition**; and*

*(b) **at market value** except when the public interest or the plight of the poor demands*

*Further, in terms of par.7.2.3, before alienating Immovable property or rights in Immovable property the Municipality shall be satisfied that **alienation is the appropriate methodology and that reasonable economic, environmental and social return cannot be derived whilst ownership of the Immovable property or Property rights is retained by the Municipality.***

In term of par.9.1 of the Policy, the Municipality may use any of the following methods, depending on the circumstances pertaining the specific Immovable property:

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

i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.

ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.

iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. the developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses

in the project. The developer transfers the facility to the municipality at the end of the fixed term.

- b) The nature of the formal tender process is that a legally binding relationship is formed between the parties when the Municipality accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified in the tender documents. The tender documents could include a contract for sale or lease which could be completed with the tenderer's details, the tender price and be signed by the tenderer. A binding legal agreement is created upon the acceptance in writing of a tender by the Municipality.*
- c) Such a process may, depending on the nature of the transaction, include a two-stage or two- envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.*

9.1.2 Public Auction

- a) Disposal by public auction may be appropriate where there is no obvious potential purchaser and where speed and the best price can be obtained by auction.*
- b) The decision to dispose of Immovable property by way of public auction must be recorded in writing and must include-*
 - (i) the reasons justifying a disposal by public auction;*
 - (ii) the reserve price, if any, for the auction;*
 - (iii) the authority for a staff member to attend the auction and to act on behalf of the Municipality.*
- c) The contract for sale or lease must be ready for exchange at the auction.*
- d) The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged.*
- e) The terms and conditions of each auction shall be determined on a project-by-project basis, appropriate to the specific characteristics and attributes of the Immovable property, and to the Municipality's strategic objectives.*
- f) Where the services of an auctioneer are utilised, the auctioneer's commission shall be payable by the successful bidder and shall not form part of the financial offer to the Municipality.*

9.1.3 Closed Tender

- a) If a Non-Viable Immovable property has more than one adjacent owner and if such an Immovable property is capable of being consolidated with more than one *of the properties owned by such adjacent owners, then a closed bid will be called from all the registered owners of all the adjacent properties with which the Immovable property can be consolidated*.*

**In this specific case there are indeed two (2) adjoining owners, one of whom is the Applicant and the other has already acquired a similar portion of land next to his property, as indicated in par.6.1.2 above.*

In terms of Par.9.2 the Policy, however, “*the Municipal Council **may dispense with the competitive processes** established in this policy, and may enter into a **Private Treaty Agreement through any convenient process, which may include direct negotiations**, including in response to an unsolicited application, **but only in the following circumstances, and only after having advertised Council’s intention so to act**. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed. The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):*

- (a) **due to specific circumstances peculiar to the property under consideration**, it can only be utilized by the one person/organization wishing to enter into the Property Transaction;
- (b) **in exceptional cases** where the Municipal Council is of the opinion the **public competition would not serve a useful purpose** or that it is in the interest of the community and the Municipality, and where none of the conditions as set out in the policy provides for such exception, is permitted, and where they are not in conflict with any provision of the policy. In such cases reasons for preferring such out-of hand sale or lease to those by public competition; must be recorded

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

From the above It is clear that, should Council so wish;-

- a) **it may dispense with the prescribed, competitive processes** (public tender or auction) by either dispose of the property by way of a private treaty agreement (i.e. direct negotiations), subject to Council's intention so to act, being advertised for public inputs/objections, if Council is of the opinion that the property is not a **viable property** to be developed as a single residential property on its own, due to the encumbering services crossing the property, or
- b) by following a **closed tender**, i.e. only adjacent property owners may partake in the tender and subject thereto that the property be consolidated with the property of the successful bidder.

6.3 Financial Implications

The financial implications can only be indicated once an in principle decision has been taken to dispose of the property, and if so, on what basis. The disposal should be at a market related price.

6.4 Legal Implications

See par. 6.2.5 (*supra*)

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

Addressed in the item.

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

No comments received

6.8.2 Director: Planning and Economic Development

I have consulted with both the Spatial Planning and Housing Development Division's within the Directorate: PED with respect to the disposal of the said land holding.

Based on the comments the D: PED does not have any objection to the disposal of the said property.

6.8.3 Chief Financial Officer

No Comments received

ANNEXURES:	Appendix 1:	Copy of Lease Agreement
	Appendix 2 and 2.1:	Application for encroachment
	Appendix 3:	Application to acquire portion of un-used street
	Appendix 4:	Windeed records

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020-08 -26

APPENDIX 1

Friedlaender, Burger & Volkmann Landmeters

KOMPONENTE

1. Die figuur ABjFG stel voor ERF 4408 STELLENBOSCH in die Dorp Stellenbosch Uitbreiding Nr.14 sien Algemene Plan TP.Nr.7926
2. Die figuur BCDEFj stel voor ERF 13783 STELLENBOSCH sien Kaart Nr 5697/1999

L.G. No.

767/2002

Goedgekeur

Blou Chaung

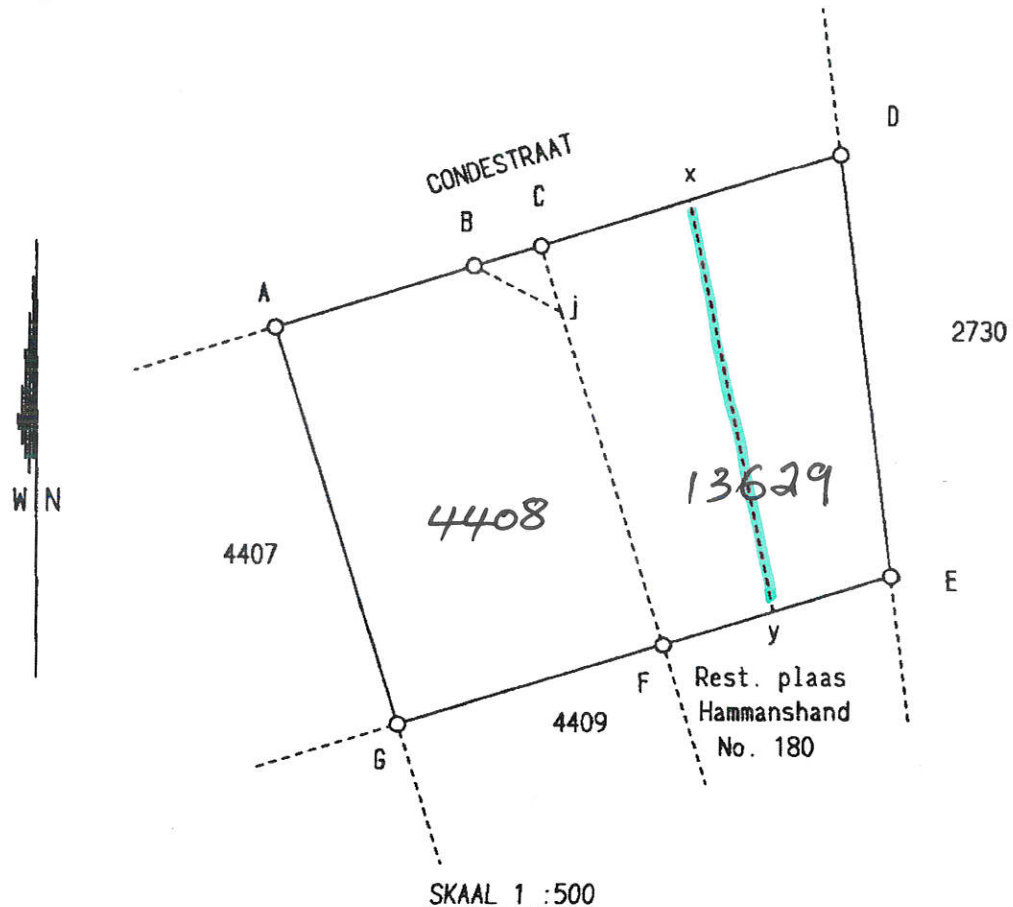
2002-03-11

nms.

Landmeter-generaal

Serwituut Nota

Die lyn xy stel voor die middel van n 3.00 meter wyd elektriese kabel serwituut
Sien Kaart Nr 5695/1999



Die figuur ABCDEFG
stel voor 1077 vierkante meter

grond, synde

ERF 5413 STELLENBOSCH en bevat in 1. and 2. soos hierbo

gelee in die Stellenbosch Munisipaliteit
Administratiewe Distrik van Stellenbosch
Saamgestel in Februarie 2002
deur my

Provinsie Wes Kaap

D P Burger Pr Landmeter PLS 0080

Hierdie kaart is geheg aan
No. **59982/2002**
Gedateer
t.g.v.

Die oorspronklike kaart is
~~No.~~ soos hierbo
~~Geheg aan~~

Leer No. Stel.180
M.S. No. Compiled
Komp. BHSZ-1412(M2751)

Registrateur van Aktes

5413

S



Ons Verw

:

7/2/1/6/70 (Mnr JJ Kruger tel nr 808-8103)

2003-12-05

Mev AM van Eyssen
Krommerivierweg 44
STELLENBOSCH
7600

Mevrou

OORSKRYDINGSOOREENKOMS

Aangeheg hierby is 'n afskrif van die voltooide ooreenkoms en u kwitansie.

Die uwe

n DIREKTEUR: KORPORATIEWE DIENSTE

BYLAE

TIK4: 5KOORSKRY/JJK/JS

P 2008/11/15

MEMORANDUM VAN OORSKRYDINGSOORENKOMS

AANGEGAAN DEUR EN TUSSEN

DIE MUNISIPALITEIT VAN STELLENBOSCH hierin verteenwoordig deur

P. de P. SMIT

DIREKTEUR KORPORATIEWE DIENSTE
in sy hoedanigheid as ~~MUNISIPALE BESTUURDER~~ van gemelde Munisipaliteit

(hierna die "STADSRAAD" genoem)

en

A.M. VAN EYSEN

in sy hoedanigheid as eienaar van

ERF NR 4409

geleë te KROMMERIVIERWEG 44

(hierna die "OORSKRYDER" genoem)

NADEMAAL die STADSRAAD die EIENAAR is van 'n sekere stuk grond, synde 'N GESELOTE
STRAATGEDEELTE
Groot ongeveer 800 m²

soos aangedui op die bygaande skets wat deur die partye parafeer is vir identifikasiedoeleindes;

(hierna die "EIENDOM" genoem)

EN NADEMAAL die OORSKRYDER begerig is om die EIENDOM te gebruik;

WESHALWE kom die STADSRAAD en die OORSKRYDER ooreen en getuig hulle soos volg:

1. Die STADSRAAD verleen die reg aan die OORSKRYDER om die EIENDOM te gebruik vir 'n termyn van 5 (VYF) jaar vanaf 1 JANUARIE 2004 onderworpe aan die voorwaardes en bepalings van hierdie ooreenkoms.

Wtj

4

A. van Eyssen

2.1 Die **OORSKRYDER** betaal 'n eenmalige bedrag van R50,00 (VYFTIG RAND) vir die gebruik van die **EIENDOM** vir 5 (VYF) jaar by die kantoor van die **STADSRAAD** se Stadstesourier by ondertekening van hierdie ooreenkoms.

2.2 Dit is 'n spesiale voorwaarde van hierdie ooreenkoms dat die **STADSRAAD** die reg voorbehou om hierdie ooreenkoms summier te kanselleer, sonder enige verdere skriftelike kennisgewing, indien die **OORSKRYDER** sou versuim om enige gelde wat ingevolge klousule 2.1 verskuldig is binne 7 (SEWE) dae vanaf die vervaldatum te vereffen, en so 'n kansellering affekteer generwyse die reg van die **STADSRAAD** om enige bedrag wat die **OORSKRYDER** skuld, geregtelik van hom te vorder nie.

3. Die **OORSKRYDER** onderneem:

- (a) om die **EIENDOM** slegs vir die doel van 'n grasperk of ligte tuinbou aan te wend;
- (b) om geen struktuur of permanente verbeterings van enige aard aan te bring of bome daarop te plant nie, met dien verstaande dat hierdie verbod nie van toepassing sal wees op ligte en tydelike grensheinings wat maklik verwyderbaar is vir die geval dat munisipale beamptes die **EIENDOM** vir 'n voertuigdeurweg wil gebruik nie;
- (c) om toe te sien dat daar geen vullis, rommel of dergelike afvalmateriaal op die **EIENDOM** gestort word nie en om die **EIENDOM** in 'n skoon en sindelike toestand te hou totdat dit by verstryking of kansellering van die ooreenkoms aan die **STADSRAAD** terugbesorg word;
- (d) om die **EIENDOM** van skadelike gewasse wat kragtens Wet geproklameer is, skoon te hou; en
- (e) om niks op die **EIENDOM** te doen, of om toe te laat dat dit gedoen word, wat enige munisipale installasies of werke daarop sal beskadig nie.

4.1 Die **STADSRAAD** behou die reg om die **EIENDOM** te eniger tyd deur munisipale werknemers te laat betree ten einde sodanige munisipale werk aldaar te verrig as wat die **STADSRAAD** nodig ag, of om sodanige inspeksies as wat hulle nodig mag ag, uit te voer om vas te stel of die voorwaardes van die ooreenkoms nagekom word.

4.2 Indien die **OORSKRYDER** versuim om enige voorwaardes soos in klousule 3 gestipuleer na te kom, kan die **STADSRAAD** deur middel van sy amptenare of 'n kontrakteur vir die doel aangestel, die **EIENDOM** laat betree en sodanige werk laat uitvoer as wat nodig mag wees as gevolg van die **OORSKRYDER** se versuim en die koste daaraan verbonde op die **OORSKRYDER** verhaal.

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

Wxj B *Antwa Eyosen*

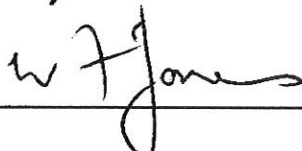
6. Die OORSKRYDER is aanspreeklik vir enige seëlregte wat op voorskrif ten opsigte van hierdie ooreenkoms betaalbaar mag wees.
7. Indien die OORSKRYDER sy voormelde erf verkoop, word hierdie ooreenkoms sonder enige skriftelike kennisgewing beëindig vanaf die datum van registrasie van oordrag van die erf.
8. Ondanks enige andersluidende bepalings in hierdie ooreenkoms kan dit ter eniger tyd opgesê word met 30 (DETTIG) dae skriftelike kennisgewing:
 - (a) deur die STADSRAAD as die OORSKRYDER versuim om sake reg te stel binne 14 (VEERTIEN) dae waarop die OORSKRYDER skriftelik in kennis gestel is van sy versuim om aan enige van die voorwaardes in hierdie ooreenkoms te voldoen;
 - (b) deur die STADSRAAD as die EIENDOM, of enige deel daarvan vir munisipale doeleindes benodig word; of
 - (c) deur die OORSKRYDER na goeëdunke.
9. By beëindiging van die ooreenkoms op welke wyse en om welke rede ookal, is die STADSRAAD generwyse teenoor die OORSKRYDER aanspreeklik vir vergoeding ten opsigte van enige skade of verlies voortspruitend uit sodanige beëindiging of vir die terugbetaling van enige deel van gelde wat deur die OORSKRYDER ingevolge klousule 2.1 betaal is nie.
10. Die STADSRAAD kies vir doeleindes van hierdie ooreenkoms as domicilium citandi et executandi POSBUS 17, STELLENBOSCH

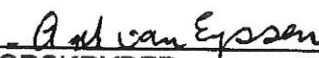
en die OORSKRYDER kies KROMMERIJN WEG 44
STELLENBOSCH

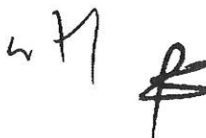
GETEKEN TE STELLENBOSCH OP HIERDIE 3 DAG VAN DESEMBER 2003.

AS GETUIES:

1. 

2. 


OORSKRYDER



GETEKEN TE STELLENBOSCH OP HIERDIE 4 DAG VAN DESEMBER 2002.

AS GETUIES:

1. W F Jones
2. [Signature]

[Signature]
MUNISIPALE BESTUURDER
DIREKTEUR: KORPORATIEWE
DIENSTE.

Kragtens Raadsbesluit : 1970-03-01 (Raad-in-Komitee – Item 2)

Kwitansie 135926 Datum 3/12/2003 Bedrag R50 000.

[Signature]
HANDTEKENING

2005.03.16

4.1.2.1 APPLICATION TO BUY A PORTION OF COUNCIL LAND ADJACENT TO ERF 4409, KROMMERIVIER (7/1/R)

Report by the Director: Corporate Services

Background

The owner of Erf 4409 applied to buy a portion of Council's land adjacent to his property ($\pm 400\text{m}^2$). Attached as **APPENDIX 1** is a diagram of the said land.

During 1997, the owner of Erf 4408 also applied to purchase a portion of the same portion of Council's land and to consolidate it with his property. Council resolved to sell the land, subject to the registration of a servitude in favour of the Municipality for an electricity cable which runs through the area. The selling price of the land was fixed at R70,00 per m^2 and the buyer was responsible for all the costs relating to the transaction.

From the attached diagram it is clear that a water pipeline crosses the said portion of land, with a fire hydrant at the end of the pipeline.

The cost to extend the pipeline to the street was calculated by the Directorate Engineering and Technical Services at approximately R20 000,00.

The said portion of land is currently being leased to the owner on an encroachment basis for gardening purposes.

Comments by the Directorates

Electrical Engineering Services

1. The electricity cable must be protected by a 3m wide servitude.
2. The servitude area must be accessible at all times for maintenance work, when necessary.
3. No permanent structures must be erected or any trees be planted in the servitude area.

Engineering and Technical Services

The extended water pipeline must be protected by a servitude area if it cannot be accommodated in the normal building lines. An electrical servitude, to the satisfaction of the Chief: Systems Operations, must be registered.

Planning and Economic Development Services

If the portion of land is being sold to the adjacent owner, it must be consolidated with Erf 4409. All planning and development proposals in respect of the new plot must adhere to the present prescription and zoning conditions.

RECOMMENDED

that, in terms of Section 124 of the Municipal Ordinance, 1974 (No 20 of 1974), the portion of land be sold, subject to the following conditions:

- (a) that the specific area be surveyed at the cost of the buyer;
- (b) that the closure of the road, alienation and rezoning be advertised at the cost of the buyer;
- (c) that a 3m servitude be registered in favour of the Municipality to protect the existing electricity cable;
- (d) that the said portion of land be consolidated with Erf 4409; and
- (e) that the water pipeline and the installation of the fire hydrants be extended to the street at the cost of the buyer.

CORPORATE SERVICES COMMITTEE MEETING : 2005-02-23 : ITEM 4.1.2.2

RESOLVED (nem con)

- (a) that an investigation with regard to the transferring of services be done;
- (b) that feedback pertaining to the transferring of services be given at the next meeting of this Committee; and
- (c) that the application to buy the portion of Council land in question also be referred to the next meeting of this Committee for consideration.

Comments by the Director: Corporate Services

At the time of compiling this agenda, the comments/inputs from various Directorates were still being awaited.

CORPORATE SERVICES COMMITTEE MEETING : 2005-03-16 : ITEM 4.1.2.1

RESOLVED (nem con)

that this matter be referred back until all the necessary information has been acquired whereafter same must be re-submitted at a next meeting of this Committee for finalisation.

Comments by the Directorates

Planning and Economic Development Services

From a town planning point of view, the restrictions on the land are of such a nature that the usable area will not be sufficient to erect a free standing house ($\pm 94\text{m}^2$). There must be a 4m wide servitude over an existing electric cable. Furthermore, the land is not of a rectangular shape which is also a burden. It is proposed that the land be alienated to the adjacent owner.

Engineering and Technical Services

The approximate cost to extend the existing waterline to the pipeline in Krommerivier Street is approximately R30 000,00.

Electrical Engineering Services

The cost to move the overhead as well as the underground cables to the servitude area will be approximately R60 000,00.

Taking the above-mentioned comments into account, it is clear that the expenditure to create an erf without restrictions will be approximately R100 000,00 which includes the extension of the waterpipeline, the shifting of electrical cables, surveying and rezoning

The property valuation of Erf 4409 (adjacent) as from 2005-07-01 will be R164 000,00 which amounts to R314,00 per m^2 (522m^2).

When the said price per m^2 is used for the area under consideration, the valuation, therefore, will be approximately R125 600,00. The burden of a servitude must be taken in account when the land is being sold.

Possible options

1. Council spend approximately R100 000,00 to prepare the plot as a single residential zoned erf and put it on tender.
2. Council sell the land to the adjacent owner at a market related price (taken the burden of the servitude into consideration), subject thereto that he will be responsible for all the cost related to the extension of the waterpipe, the shifting of the electrical cables, the survey road closure, registration of the servitude and the rezoning of the erf as well as the consolidation and transfer fees.

RECOMMENDED

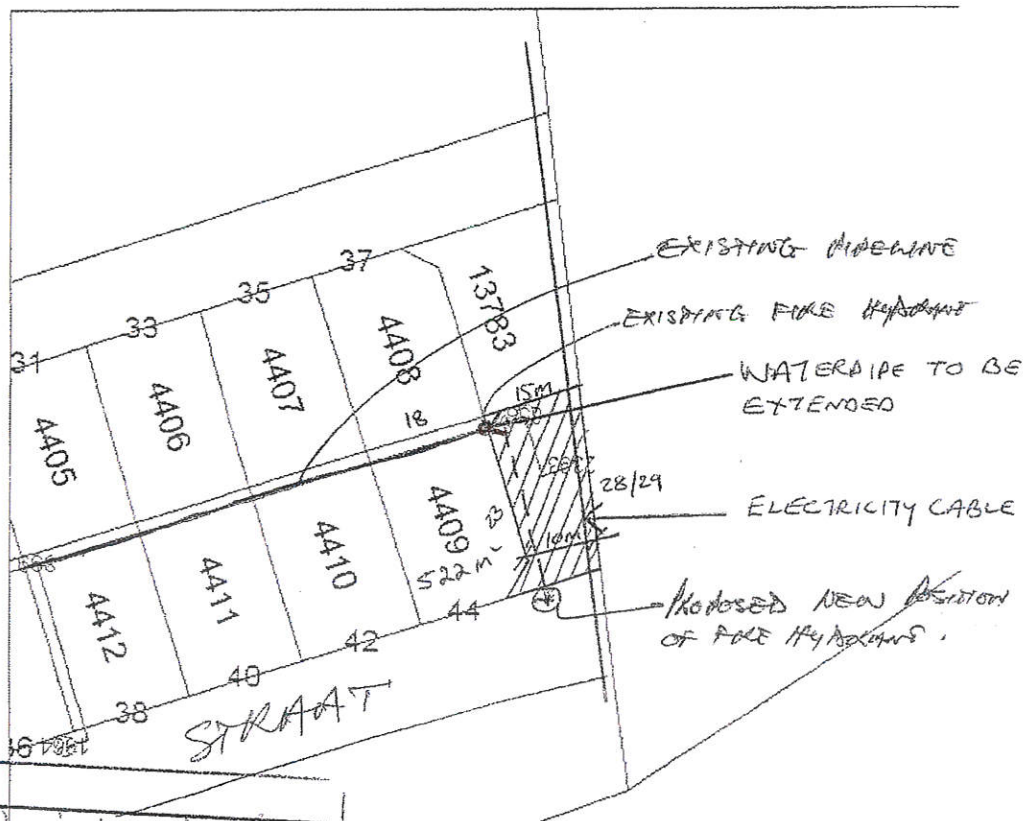
that the Council consider the two options, as set out above, taking into account that a servitude is a burden on any land.

Not approved

Stellenbosch Map

Page 1 of 1

59x74



420

6.

2005-04-15
Hochschule Mittelhessen
Münster

FILE NO.

11/11/Residential 5/16

SCAN NR:

COLLABORATOR NR:

PIPELINE TO BE EXTENDED

Vanuit 'n beplanningsoogpunt sal daar nie 'n huis binne redelike terme opgeig kan word. Aangesien daar 'n ~~straatfront~~ ^{behoefte} ~~behoefte~~ ^{behoefte} ongeveer 10m, met die elektriese kabel oor die euf gelee is word daar ten minste 4m servituut vereis. Die straatfront is egter net 10m wat beteken dat daar slegs 6m oorbly waarop nog 'n baulyn ook geld. Die gedeelte wat ons oorbly om 'n huis op te stig is

<http://172.16.1.35/StellenboschWeb/BigScreenMap.asp>

1/25/2005

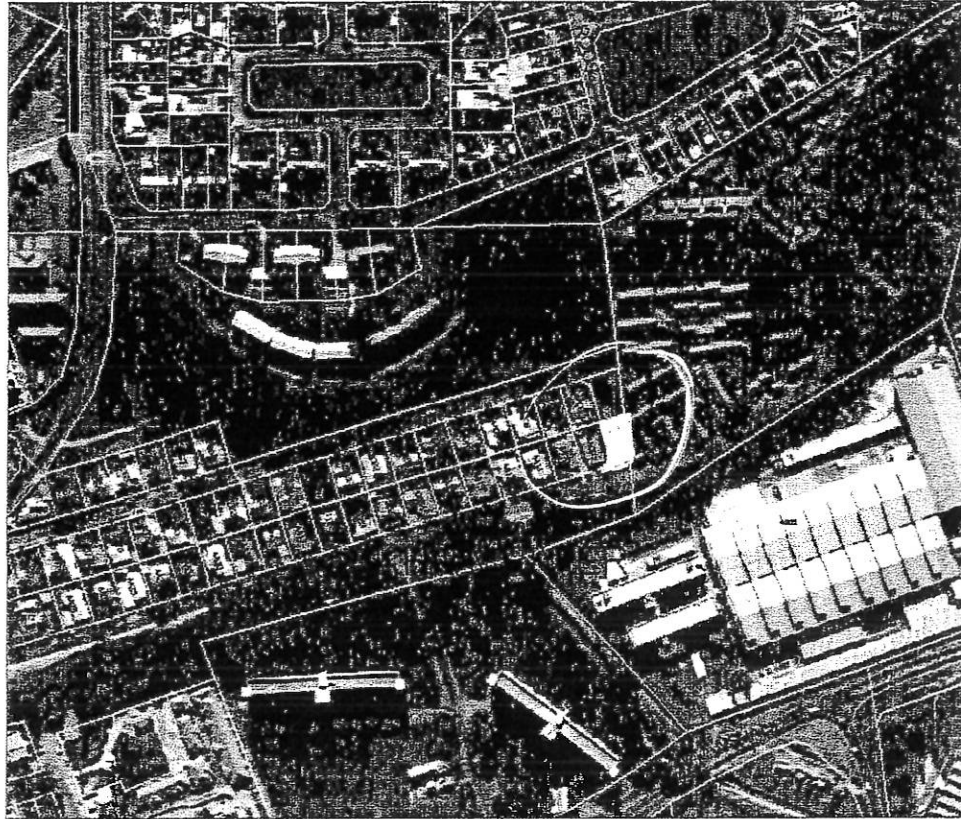
baie klein ± 4,5m X 21¹₁m. = 94m². In praktyk is die euf egter van onreëlmatige vorm en sal dit baie moeilik wees om 'n huis op die euf op te rig. Die voorstel is dat ~~daar~~ ~~die~~ ~~aanv.~~ ~~die~~ eerder aan die aangrense eiendom verleen word.

d/Vieuwmaat 2005-03-70

Wm. L. Galt

ndh

STELLENBOSCH GIS MAP



APPENDIX 2



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENCROACHMENT PERMIT APPLICATION FORM

A: APPLICANT'S DETAILS

Name : E. VAN DYK

Physical address: 5 BAY VIEW ROAD
SOMERSET WEST

Postal code: 7130

Mailing address: AS ABOVE

Postal code:

E-mail address: card@mweb.co.za

Telephone: 021-851 7640

Cell phone: 071-470 6037

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 4409

Suburb: KROMRIVIER WEG 44

Town: STELLENBOSCH

The Municipal Manager
Stellenbosch Manager
P.O. Box 17
Stellenbosch
7600

For Attention: Mr. P. Smit

Dear Sir,

CONSENT FOR ENCROACHMENT: ERF4409.....

DIE RAND

As owner(s) of erf*..... I/we hereby give consent that the above-mentioned
open erf may be made available to the owner of erf4409..... for purposes
ofSHADEA PARKING.....

Signed at STELLENBOSCH on this18e..... day of MAART 2020

D. R. Stodart

Owner/Representative

VOORSITTER RAAD VAN TRUSTEES

APPENDIX 3

To: 'Piet Smit'

Cc: 'Annelene Rooifontein'; 'annalene.debeer@stellenbosch.gov.za'; 'Glen Loxton'

Subject: Huur van grond aangrensend aan erf 4409

Goeie more Piet

Aangeheg sommige van ons korrespondensie asook my voltooide aansoek vorm (1/2/2019) en "geen beswaar" briewe van die bure soos (omtrent n jaar later) deur julle kantoor versoek.

Na ons onlangse gesprek in jou kantoor het n ontmoeting tussen myself en Annelene de Beer by die eiendom (19 Mei 2020) plaasgevind om perspektief te gee. Kortlike die volgende voorstspruitende punte:

1. Annelene voel dat die meer sinvolle stap sal wees om die grond te koop eerder aldan n oorskredings opsie. Sou die koop opsie nie n werklikheid raak nie, kan daar weer op die verhurings opsie terug geval word en is al die werk darem nie onnodig gedoen nie.
2. Die besluit hieroor sal aan die raad voorgelê moet word.
3. As gevolg van diense wat oor die genoemde grond loop asook standaard boulyne en toelatings weerskante van die elektriese kables is die "netto beskikbare spasie" vir n vrystaande woning amper onmoonlik; laasgenoemde uitgewys soos per aangehegde memorandum uit julle argiewe.
4. In dieselfde memorandum kan gesien word dat die buurman agter my eiendom (Conde straat) wel die servituut aangrensend aan sy eiendom gekoop het en dat die twee erwe gekonsolideer was.
5. Die eiendom op erf 4409 is gekoop na konsultasie met die munisipaliteit waardeur ek insig bekom het tov die moontlike pad vorentoe.
6. Die vorige eienare het reeds die bestaande eiendom op erf 4409 en die servituut basies as "een eiendom" omring deur n aaneenlopende muur aan die voorkant te bou.
7. As gevolg van die erf se ligging is dit bykans onmoontlik om vir die erf n apparte toegang vanaf Kromrivier te gee; die ingang sal in direkte konflik met verkeer by Die Rand se ingang (baie besige hek) wees en doodeenvoudige onveilig wees. Die enigste wenslike toegang sal dus via erf 4409 wees wat die grond bykans sinneloos maak vir oorweging deur n derde party. (sien foto aangeheg)
8. Die primêre behoefte vir die gebruik van die grond is vir parkering van voertuie en/of ander nie permanente strukture wat met gemak rond beweeg kan word.
9. Ek vertrou dat n waardeerder na alle relevante aspekte sal kyk; asook die huidige ekonomiese klimaat, wanneer daar n koste bedrag op die grond geplaas word.

Ek verneem graag of daar n verdere prosedure is waaraan ek moet voldoen/vorms wat ek moet voltooi; alternatiewelik sien asb hierdie skrywe as n aansoek om die koop van die grond voor te lê vir oorweging. Natuurlik draal hierdie proses nou alreeds vir meer as n jaar en is my versoek dat daar "tyd gekoop word" met verdere stappe.

Dankie byvoorbaat.

Vriendelik groete

Etienne van Dyk

071 470 6037



APPENDIX 4

Deeds Office Property

HAMMANS HAND, 180, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Deeds Office CAPE TOWN
 Date Requested 2020/05/22 09:17
 Information Source DEEDS OFFICE
 Reference -



PROPERTY INFORMATION

Property Type FARM
 Farm Name HAMMANS HAND
 Farm Number 180
 Portion Number 0 (REMAINING EXTENT)
 Local Authority STELLENBOSCH MUN
 Registration Division STELLENBOSCH RD
 Province WESTERN CAPE
 Diagram Deed STQ14-36/1861
 Extent 4.3350H
 Previous Description -
 LPI Code C06700000000018000000

OWNER INFORMATION

Owner 1 of 2

Company Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T2625/1940
 Registration Date 1940/03/21
 Purchase Price (R) SECT 16
 Purchase Date -
 Share
 Microfilm Reference 2002 0607 2914
 Multiple Properties NO
 Multiple Owners NO

Owner 2 of 2

Company Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T59978/2002
 Registration Date -
 Purchase Price (R) TRANSFER BY ENDO
 Purchase Date -
 Share
 Microfilm Reference 2002 0607 2923
 Multiple Properties NO
 Multiple Owners NO

ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	NOW SUBDIVISION	TOWN STELLENBOSCH , 13629 , 0	UNKNOWN	
2	FARM ST 180	-	UNKNOWN	1985 0071 0558
3	FROM ST RD 1125 & ST	ATE LAND	UNKNOWN	
4	PTNS ST RD 180/1	-	UNKNOWN	

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T2625/1940	MUN STELLENBOSCH	UNKNOWN	2002 0607 2914

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7.2.5	PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

1. SUBJECT: PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH

2. PURPOSE

To obtain Council's approval to amend the Lease Agreement between Stellenbosch Municipality and Karlien and Kandas crèche in regard to erven 12758 and 12759, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality took over a Lease Agreement between Karlien en Kandas Creche and the Dutch Reform church when the properties (erven 12758 and 12759) were transferred to Stellenbosch Municipality in 2001. This agreement was for an undetermined period, and had an early termination clause (6 months). This Agreement was replaced with a new Lease Agreement in 2004, also for an undetermined period (**APPENDIX 3**).

It is recommended that the current lease agreement be amended to provide for a change to the time period for the lease from an undefined period to a period of 9 years and 11 months, based on a monthly rental of 50% of market rental, to be determined by an independent valuer. The change can only be implemented with the agreement of the lessee as rights are in existence in terms of the current agreement's term. The Lessee has indicated that they will accept the change in the lease period. The nature of the business of the crèche requires that they get at least 12 months' notice to ensure that the children are accommodated should they need to move out of the current facility.

5. RECOMMENDATIONS

- (a) that it be confirmed that erven 12758 and 12759 was identified as land not needed for municipal purposes for the period for which the rights are awarded;
- (b) that Council note that a current lease agreement with the Lessee exists;
- (c) that Council approves the amended period of 9 years and 11 months for the Lease Agreement concluded with Karlien en Kandas, based on the following conditions:
 - i) Monthly rental: 50% of market value, to be determined by an independent valuer, as contemplated in par 22.1.4 of the Property Management Policy;
 - ii) Annual escalation: 6%;
 - iii) Early termination clause of 12 months written notice, should the property be required for municipal purposes.

- (d) that the public comments/objections be requested and if no objections or comments are received the Municipal Manager be mandated to sign the addendum to indicate the changes; and
- (e) that the lessee is responsible for the costs of the rezoning of the property. Should the rezoning not be approved the lease agreement will have to be terminated.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Acquisition of properties

Erven 12758 and 12759 were acquired by Stellenbosch Municipality by virtue of an Exchange of Land Agreement concluded between Stellenbosch Municipality and the Dutch Reform Church in May 1993.

6.1.2 Ownership

The properties were transferred to Stellenbosch Municipality on 2001.01.23 and now vests with the Municipality by virtue of Title Deed T4375/2001. Copies of the Deeds Records are attached as **APPENDIX 1**.

6.1.3 Lease Agreement

At the time of acquiring the properties from the Dutch Reform Church: Welgelegen a Lease Agreement was in place between then and Karlien and Kandas (Mrs. Vlok). The agreement was for an undetermined period, but with a 6 months early termination clause. A copy of the Lease Agreement is attached as **APPENDIX 2**.

In terms of the legal principle “huur gaan voor koop”, this lease agreement was taken over by Stellenbosch Municipality. The rental at the time was R100/month.

6.1.4 New Lease Agreement

On 2004.08.08 a new Lease Agreement was concluded in to make the monthly rental more market related. Correspondence and a copy of the Lease Agreement is attached as **APPENDIX 3**. In terms of the new Lease Agreement a monthly rental of R340-00 was payable, with an annual escalation of 10%. The term of the agreement was for an undetermined period.

6.1.5 Request for further amendment of Lease Agreement

On 2019.07.11 the Director: Corporate Services addressed a memo to the Manager: Property Management requesting some information in regard to the Lease Agreement. A copy of the memo is attached as **APPENDIX 4**.

6.2. DISCUSSION

6.2.1 Location and context

Erven 12758 and 12759 are situated in Rhodestreet, as shown on Fig 1 and 2, below.



Fig 1: Location and context: Erven 12758/9



Fig 2: Extent of property

6.2.2 Ownership

As was indicated above, ownership of the properties vests with Stellenbosch Municipality.

6.2.3 Zoning

Although it was a condition of the Exchange of Land Agreement that the properties were to be rezoned, and although the Municipality started the process of rezoning (see notices

published on 1996.05.10 hereto attached as **APPENDIX 5**), the properties were never formally rezoned from single residential to educational/institutional purposes to allow for a crèche to be operated. The properties are still zoned for single residential use. See copy of zoning certificate issued on 2009-09-01, hereto attached as **APPENDIX 6**.

6.2.4 Current rental payable

The current monthly rental amounts to R1796.61. Over and above the monthly rental, the crèche is also liable for annual levies in relation to sewer and refuse removals as well as services consumed.

6.3 Financial Implications

Should Council approve the recommendations, a new monthly rental (at 50% of market rental) will be determined.

6.4 Legal Implications

6.4.1 Asset Transfer Regulation

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-

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

- The capital asset in respect of which the right is to be granted has a value in excess of R10M*; and
- 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 Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct **negotiations**, but only in **specific circumstances**, and only after having **advertised** Council's intention.

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Seeing that the crèche offers a service to the community, albeit at a fee, it is recommended that Council approve a Lease Agreement on a private treaty basis, i.e. direct negotiations. It is further recommended that the rental be determined at 50% of market rental.

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

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

This report has no risks for the Municipality.

ANNEXURES: Appendix 1: Windeed Records

Appendix 2: Lease Agreement

Appendix 3: New Lease Agreement

Appendix 4: Memo from DCS

Appendix 5: Notices that were published

Appendix 6: Zoning Certificate

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2019-09-17

APPENDIX 1

WinDeed Database Deeds Office Property

STELLENBOSCH, 12759, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/09/16 12:40
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -



PROPERTY INFORMATION

Property Type ERF
Erf Number 12759
Portion Number 0
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T4375/2001
Extent 720.0000SQM
Previous Description PTN OF 5339-GP709/94
LPI Code C06700220001275900000

OWNER INFORMATION

Owner 1 of 1

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T4375/2001
Registration Date 2001/01/23
Purchase Price (R) EXCHANGE *
Purchase Date -
Share 0.00
Microfilm 2001 0105 2173
Multiple Properties YES
Multiple Owners NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

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APPENDIX 2

REPUBLIEK SUID-AFRIKA
INKOMSTE
2.8.90 NR 803 000,4
REVENUE
CLUSTER MARKOTTERITH AFRICA
Posbus 12
STELLENBOSCH

HUURKONTRAK

OOREENKOMS VAN HUUR AANGEGAAN DEUR EN TUSSEN:

THEUNIS JACOBUS BOTHA

in sy hoedanigheid as Leraar en Gevolmagtigde van die Kerkraad van die
NEDERDUITSE GEREFORMEERDE KERK STELLENBOSCH-WELGELEGEN
Gemeente

behoorlik daartoe gemagtig deur 'n Besluit van die Kerkraad geneem op 'n
vergadering gehou te STELLENBOSCH op die 4de Februarie 1986
~~1990~~

MW. J. J. J.
JP

van: Posbus 7036
Dalsig
STELLENBOSCH
Telefoon 5975

(hierna die VERHUURDER genoem)

en

MARICHEN CORENE VLOK
(Identiteitsnommer 530305 0045 00 7)

Getroud buite gemeenskap van goedere

van: Coronatastraat 31
Paradyskloof
STELLENBOSCH
7600

Telefoon 900077

(hierna die HUURDER genoem)

JP
MW

Now draw 12 758 and 9

-2-

1. Die VERHUURDER verhuur hiermee en die HUURDER huur hiermee:

Sodanige gedeelte van Erf 5339 STELLENBOSCH geleë op die hoek van Van Rheedestraat en Rhodeslaan, Die Boord, Stellenbosch,

soos deur die VERHUURDER aan HUURDER uitgewys.

2. Die aanvanklike huurtermyn sal in aanvang neem op 23 Maart 1990 en sal eindig op 22 Maart 1991. Na verstryking van die aanvanklike huurtermyn sal die huurkontrak voortduur vir 'n onbepaalde tydperk onderworpe aan 6 (SES) maande wedersydse skriftelike opsegging van huur.
3. Die huurgeld vir die periode 23 Maart 1990 tot en met 22 Maart 1991 sal R100.00 (EEN HONDERD RAND) per maand wees, welke huurgeld maandeliks vooruit voor of op die eerste dag van iedere en elke maand aan die VERHUURDER betaal sal word by die Kerkkantoor te Welgelegen Kerkentrum, Binnekringweg, Stellenbosch of te sodanige ander plek as wat die VERHUURDER die HUURDER van tyd tot tyd skriftelik in kennis mag stel. Die huurgeld vir enige verdere gedeelte van die verdere huurtermyn na verstryking van die aanvanklike huurtermyn sal van tyd tot tyd tussen die VERHUURDER en die HUURDER ooreengekom word.
4. Die uitsluitlike en enigste gebruik waarvoor die verhuurde perseel aangewend mag word, is vir die oprigting en bedryf van 'n Kleuterbewaarskool deur die HUURDER op sy kostes en wel onderworpe aan die volgende voorwaardes:-
 - 4.1 Die afwykende gebruik van Erf 5339 vir doeleindes van 'n Kleuterbewaarskool sal gedig wees so lank dit die Raad van die Munisipaliteit van Stellenbosch behaag;
 - 4.2 Die vereistes soos gestel deur die Hoof Gesondheidsbeampte van die Raad van die Munisipaliteit van Stellenbosch moet deur die HUURDER nagekom word;



-3-

- 4.3 Die VERHUURDER sal aanspreeklik wees vir betaling van die belasting en dienstariewe soos geheg deur die Plaaslike Owerheid ten opsigte van die grond alleen van daardie gedeelte van Erf 5339 wat nie deur die HUURDER in beslag geneem word ingevolge die bepalings van hierdie huurkontrak nie, terwyl die HUURDER aanspreeklik sal wees vir betaling van daardie gedeelte van die belasting en diensgelde soos gehef deur die Plaaslike Owerheid op die gebou opgerig op Erf 5339 asook enige verhoogde diensgelde weens ingebruikneming van toilet fasiliteite asook ten opsigte van 'n pro rata gedeelte van die belasting gehef deur die Plaaslike Owerheid ten opsigte van die grond soos geokkupeer deur die HUURDER ingevolge die bepalings van hierdie huurkontrak. 'n Sertifikaat uitgereik deur die VERHUURDER sal afdoende bewys wees van die gedeelte van die belasting verskuldig deur die HUURDER en sal op aanvraag deur die HUURDER aan die VERHUURDER betaal word;
- 4.4 Slegs een ingang tot die Kleuterbewaarskool en wel vanaf Rhodestraat sal toegelaat word;
- 4.5 Die gebou moet te alle tye op die Suidwestelike gedeelte van Erf 5339 geplaas wees;
- 4.6 Die gebou moet te alle tye van 'n geverfde Everite dakbedekking (Core-of-Spantyle) wees.
5. Die VERHUURDER sal geregtig wees op die gratis gebruik van die gebou opgerig op die verhuurde perseel gedurende Sondae vir Kerklike fasiliteite.
6. Die HUURDER vrywaar hiermee die VERHUURDER teen enige eise vir skade of beserings wat enige iemand mag opdoen as gevolg van ongelukke op die verhuurde perseel.
7. Geen openbare veiling sal op die eiendom gehou word nie.
8. Geen honde, katte, voëls of ander troeteldiere van enige aard mag op die perseel of enige gedeelte daarvan aangehou word sonder die toestemming van die VERHUURDER nie.



Handwritten signature and initials, possibly 'MCS' and 'JF', in the bottom right corner.

-4-

9. Die HUURDER sal verplig wees om by verstryking van die huurkontrak die gemelde voorafvervaardigde gebou op eie koste te verwyder en die verhuurde perseel terug te plaas in die toestand waarin dit was ten tyde van die aanvang van die huurkontrak.
10. Die HUURDER verleen hiermee aan die VERHUURDER die reg om alle verbeterings op die verhuurder perseel soos aangebring deur die HUURDER oor te neem by verstryking van die huurtermyn teen 'n vergoeding ooreengekom te word tussen die HUURDER en die VERHUURDER onderling.
11. Die HUURDER onderneem hiermee om daardie gedeelte van Erf 5339 wat beslaan word deur die gemelde voorafvervaardigde gebou, asook daardie gedeelte wat die gebou omring soos uitgewys deur die VERHUURDER aan die HUURDER, behoorlik te omhein en te alle tye in 'n goeie toestand van onderhoud en netheid te hou.
12. Geen persone of persone sal sonder die skriftelike toestemming van die VERHUURDER toegelaat word om op die verhuurde perseel te oornag nie.
13. Die HUURDER onderneem om op aanvraag aan die Prokeurs CLUVER & MARKOTTER te betaal die seëlbelasting asook die koste van en in verband met die opstel, konsultasies, telefoonoproepe en verlyding van hierdie kontrak.
14. Indien die HUURDER nalaat om die huurgeld of enige gedeelte daarvan stiptelik op die betaaldatum te betaal of by die verbreking van enige voorwaarde van hierdie huurkontrak, sal die VERHUURDER geregtig wees om hierdie ooreenkoms dadelik te kanselleer en besit te neem van die eiendom sonder om afbreuk te doen aan die VERHUURDER se reg om 'n eis in te stel teen die HUURDER vir agterstallige huurgeld of vir vergoeding van enige skade deur die VERHUURDER gely weens die beëindiging van die huurkontrak.

Handwritten signature and initials, possibly "MCS" and "JTB", in the bottom right corner.

-5-

ALDUS gedoen en geteken te STELLENBOSCH op hierdie dag
 van 1990 in die teenwoordigheid van die ondergetekende getuies.

AS GETUIES:-

1.




 VERHUURDER

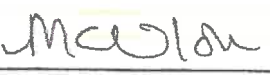
2.



ALDUS gedoen en geteken te STELLENBOSCH op hierdie dag
 van 1990 in die teenwoordigheid van die ondergetekende getuies.

1.




 HUURDER

2.



APPENDIX 3

oppv = 1487 m²
 grondw = R390 000
 = R262 / m²

7/1/2/17 (ASS)

2003-06-09

MEMO AAN

DIREKTEUR: BEPLANNING EN EKONOMIESE
ONTWIKKELINGSDIENSTE

VERHURING VAN RAADSEIENDOM AAN KARLIEN EN KANDAS

Die Raad verhuur Erwe 12758 en 12759 aan Karlien en Kandas Pre-primêre Skool vir 'n onbepaalde tyd vir R100,00 per maand.

Hierdie aangeleentheid spruit voort uit die onderverdeling en verkoop van erwe in die Boord. Die eiendom was eers in besit van die NG Kerk Stellenbosch Welgelegen maar is geruil vir ander grond in Paradyskloof.

Terwyl die kerk die grond besit het, is Karlien en Kandas daar gevestig en met die ruiltransaksie het die betrokke 2 erwe die Raad se eiendom geraak.

Ondersoek is gedoen na die verskuiwing van Karlien en Kandas maar tot op hede het dit nog nie 'n werklikheid geword nie.

Ek is van mening dat die verhuring van die erwe vir R100,00 per maand glad nie realisties is nie.

Het jy enige voorstelle in hierdie geval ?

Dankie.

n DIREKTEUR: KORPORATIEWE DIENSTE

TIK4: 9FVERHURING/JJK/JS

12759.

(720 m²)
 767
 1487

767 m²
 R170 000 - grond
 265 000 - verhit.

R220 000 - gr.
 grond = R390 000
 265 000
 655 000

Evakl.
 18/6

Kommunikasie
 R125.00

12758

Datum / Date: 2003/07/09

AAN / TO: K. Kruger

Departement / Department: Konsultante Dienste

VAN / FROM: P. nd. Mearns

Departement / Department: R+ L.C.D.

ONDERWERP / SUBJECT: Kame 1258 + 12754: Kamei + Kamei - Hame

Kame -
 Ek stem saam dat die bedrag van R100 p/m nie realisties is nie. Ek stel die nly. voor.

Minimale veranderinge :
 Erf 1258 -- R170000
 12754 -- R220000
 R390 000

Totale erfgr. 1487 m²

⇒ Kame 1 m² = R262 p/m²

Ry. wamlaar is vir jou 2000 gerdas. Ek dink dat 10% p.j. bygesit moet word. Ek oon dus reken dat 'n bedrag van R340 p/maand gerdas kan word.

Ek vertrou u vind by 'n ontb.

Kame

Ben
 AM

MEMORANDUM VAN OOREENKOMS

AANGEGAAN DEUR EN TUSSEN

STELLENBOSCH MUNISIPALITEIT

hierin verteenwoordig deur die DIREKTEUR: KORPORATIEWE DIENSTE

(hierna die "EIENAAR" genoem)

EN

KARLIEN EN KANDAS

(in haar hoedanigheid as EIENAAR genoem)

hierin verteenwoordig deur MEV M VLOK

(hierna die "OKKUPEERDER" genoem)

NADemaal die EIENAAR die erwe waarop die KARLIEN EN KANDAS SPEELSKOOL geleë is besit, soos duidelik aangetoon op die aangehegte sketsplan, naamlik Erwe 12758 en 12759.

EN

NADemaal die OKKUPEERDER begerig is om die eiendom, soos aangetoon op dieselfde aangehegte sketsplan, te gebruik, kom die EIENAAR en die OKKUPEERDER soos volg ooreen:

1. Die EIENAAR verskaf en die OKKUPEERDER benut hiermee die eiendom, geleë in Rhodesstraat in die Afdeling en Munisipaliteit Stellenbosch, soos gemerk op die kaart hierby aangeheg as AANHANGSEL 1.

(hierna genoem die "VERHUURDE EIENDOM")

J. M. Burger
P. Vlok

- 2.1 Die gebruik van die VERHUURDE EIENDOM tree op 2004-04-01 in werking en loop vir solank dit die EIENAAR behaag.
3. Die OKKUPEERDER onderneem om die VERHUURDE EIENDOM slegs te gebruik vir die doel van speelskool.
- 4.1 Die OKKUPEERDER betaal 'n huurgeld van R340,00 (DRIEHONDERD EN VEERTIG RAND) per maand aan die EIENAAR, welke bedrag jaarliks op 1 Julie met 10% opwaarts aangepas sal word.
- 4.2 Die OKKUPEERDER sal verantwoordelik wees vir heffings ten opsigte van water- en elektrisiteitsverbruik asook die normale heffings ten opsigte van vuilnisverwydering en riolering.
5. Die OKKUPEERDER onderneem om alle strukturele veranderinge aan die binnekant van die gebou wat hy benut en vir sy eie doeleindes nodig ag, op sy eie koste aan te bring, met dien verstande dat alle planne en spesifikasie daarvoor eers deur die EIENAAR goedgekeur moet word.
6. Die EIENAAR is by die beëindiging van hierdie kontrak nie gebonde om enige vergoeding aan die OKKUPEERDER te betaal vir enige verbeterings wat, hetsy met of sonder die EIENAAR se goedkeuring, deur die OKKUPEERDER aan die VERHUURDE EIENDOM aangebring is nie. Alle verbeteringe wat as vaste toebehore aangebring is sal deur die OKKUPEERDER op eie koste verwyder word.
7. Die EIENAAR het deur sy behoorlik gemagtigde verteenwoordigers die reg van toegang tot die VERHUURDE EIENDOM te alle redelike tye met die doel om inspeksies uit te voer.

[Handwritten signature]
M Burger
D. Nyk

8. Die OKKUPEERDER is verantwoordelik vir alle instandhoudingswerk aan die gebou wat hy gebruik en onderneem om die gebou en VERHUURDE EIENDOM in 'n netjiese en sindelike toestand te hou.
9. Die EIENAAR aanvaar geen verantwoordelikheid vir skade aan enige ameublement, toerusting of ander goedere wat die OKKUPEERDER in die gebou bring of huisves nie.
10. Die OKKUPEERDER vrywaar die EIENAAR teen enige eise van 'n derde party ten opsigte van skade gely, hetsy aan persoon of goedere, wat mag ontstaan as gevolg van hierdie gebruik.
11. Die OKKUPEERDER onderneem om alle wette en verordeninge wat sy onderneming raak, na te kom.
12. Die OKKUPEERDER sal verantwoordelik wees vir die nakoming van alle vereistes en voorskrifte in terme van die Wet op Masjinerie en Beroepsveiligheid, 1983, soos gewysig.
13. Indien die OKKUPEERDER versuim om enige voorwaarde van hierdie ooreenkoms na te kom of indien dit sou blyk dat die onderneming aanstootlik vir die omgewing is of 'n ernstige oorlastig skep, het die EIENAAR die reg om hierdie ooreenkoms met kennisgewing van 6 (SES) maande of tot die einde van die betrokke jaar te kanselleer welke ookal die vroegste mag wees.
14. Die OKKUPEERDER mag nie die VERHUURDE EIENDOM of enige gedeelte daarvan onderverhuur sonder die EIENAAR se toestemming nie.

[Handwritten signatures and initials]
maser
mburger
D. huyk

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

1.





DIREKTEUR: KORPORATIEWE DIENSTE

2.

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

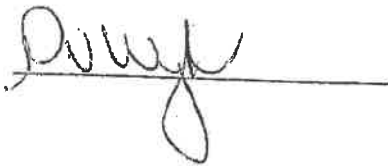
1.

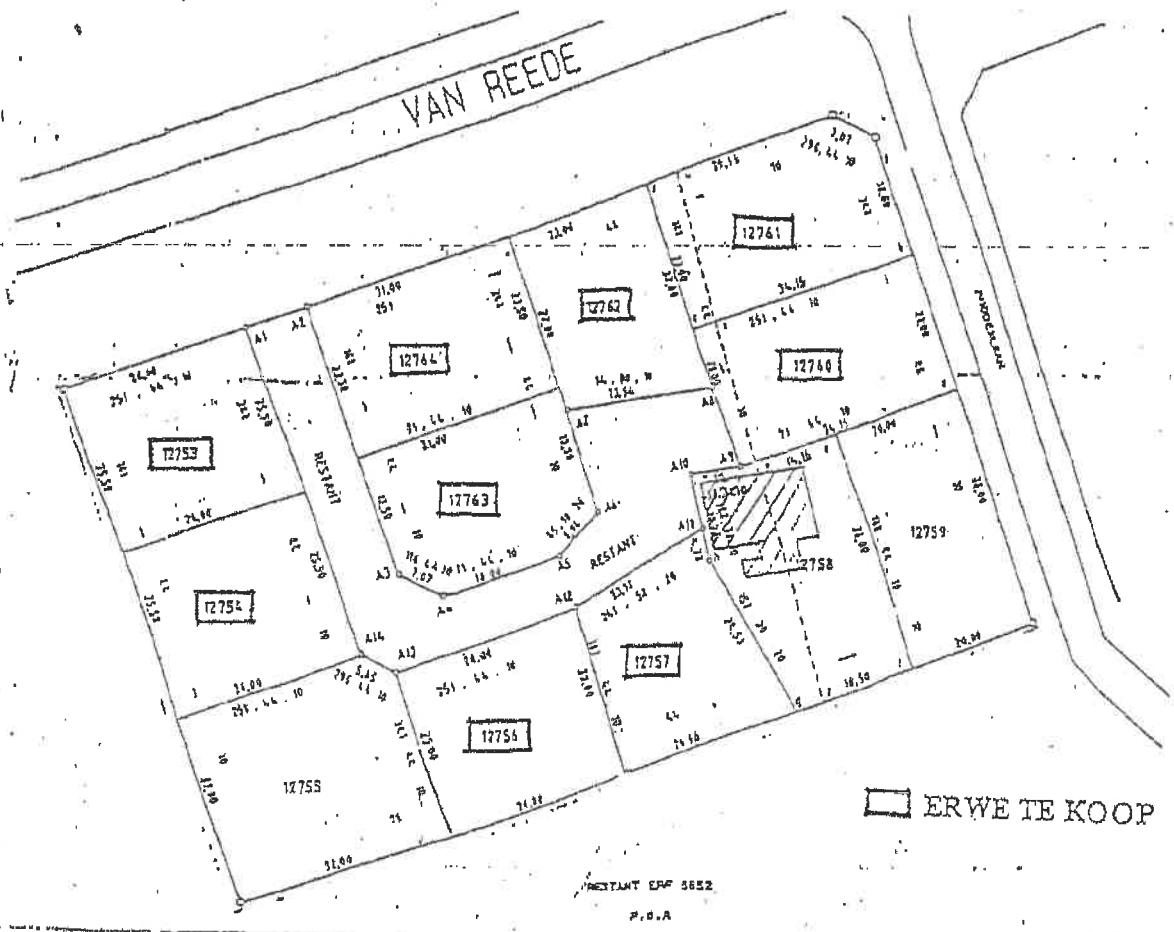




OKKUPEERDER

2.





B

Handwritten signatures and initials, including a large 'B' and the word 'Mrs.' followed by a signature.

APPENDIX 4



Stellenbosch Municipality

CORPORATE SERVICES DIRECTORATE

MEMORANDUM

TO : MANAGER: PROPERTIES AND BUILDIN MAINTENANCE
FROM : DIRECTOR CORPORATE SERVICES
DATE : 11 JULY 2019
RE : KARLIEN EN KANDAS SPEELSKOOL
COPIES TO : MUNICIPAL MANAGER
: RECORDS

Attached hereto is a copy of the lease agreement entered into with the crèche. In 2004.

I am informed that this agreement is linked to the buy-back of land in Paradyskloof from the NG Church in the Boord as my understanding is that the crèche is operated from the erven that we received as part of the land swap? Please advise if there is a link as this would then have to be addressed in the item to Mayco – planned for August 2019.

I do not see and end date in the agreement. In that case this agreement should have been notarial registered and I am not even sure if it was legal to make it open ended in terms of the provisions of the Asset Transfer Regulations. I am also informed that the erf is not zoned for the activity of a crèche which need to be corrected – please advise what the zoning is and if there is a need for rezoning should they want to continue with the lease and the use there. The provisions of the amount of the lease is also not in line with the current provisions as a % of the market related rent/value and in case of long term arrangements providing for a new valuation process.

Are they up to date with their rent and has the rent now escalated as it should have?

I am of the opinion that the agreement will have to be reviewed and brought in line with other agreements (not longer than 9 years 11 months) etcetera and approved by council.

Please advise on all the questions?

ANNALENE DE BEER
DIRECTOR: CORPORATE SERVICES

APPENDIX 5

Enkeldoel 10/5/96.

14.

14/3/2/1
→ REF 12758
12759

**MUNISIPALITEIT
STELLENBOSCH
WYSIGING VAN
SONERINGSKEMA
HERSONERING
VAN ERWE 12758
EN 12759, GELEË
TE LAETITIA 9 EN
RHODESLAAN
NOORD 5, DIE
BOORD**

Kennis geskied hiermee
ingevolge artikel
17(2)(a) van Ordon-
nansie 15 van 1985 dat
die Stadsraad van
voorneme is om erwe
12758 en 12759 vanaf
enkelbewoning na
onderwysinrigtingdoe-
leindes (beperk tot 'n
kinderbewaarskool te
hersoneer.

Verdere besonderhede is
gedurende kantoorure
by die kantoor van die
Hoofstadsbeplanner,
Departement Beplan-
ning en Ontwikkeling,
Stadshuis, Pleinstraat,
Stellenbosch beskikbaar
en enige kommentaar
kan skriftelik, maar nie
later nie as 1996-05-
31 by die onderge-
tekende ingedien word.
Uitvoerende Hoof/
Stadsklerk
Kennisgewing nr 44
gedateer 1996-05-10.

**STELLENBOSCH MUNICIPALITY
AMENDMENT TO ZONING SCHEME
REZONING OF ERVEN 12758 AND
12759, SITUATE AT 9 LAETITIA AND
5 RHODES AVENUE NORTH, DIE
BOORD**

Notice is hereby given in terms of section 17(2)(a)
of Ordinance no 15 of 1985 that the Town Council
received an application for the rezoning of erven
12758 en 12759 from single residential to educa-
tional institution purposes (limited to a crèche).
Further particulars are available at the office of the
Chief Town Planner, Department of Planning and
Development, Town Hall, Plein Street,
Stellenbosch during office hours and any com-
ments may be lodged in writing with the under-
signed, but not later than 1996-05-31.

Chief Executive/Town Clerk
Notice no 44 dated 1996-05-10.

APPENDIX 6



1 September 2009

Our Ref : 12758
Contact per : C Alexander
Contact no : (021) 808 8656

ZONING CERTIFICATE – ERF 12758, STELLENBOSCH

It is hereby certified that the zoning of Erf 12758, Stellenbosch in terms of the Zoning Scheme Regulations of Stellenbosch is:

Single Residential

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT
(2)	(3)
Dwelling house Hothouse	Additional dwelling unit Day-care centre limited to 15 children Guest house Breeding of dogs Use of a minor portion of a dwelling house for social, religious or occupational purposes or for a home-enterprise. Accommodation of additional persons

Department: Planning & Development Services
ZD/ca

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

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

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

2. PURPOSE

To consider the enforcement of the fall-back clause in the Exchange of Land Agreement of 12 May 1995 and to determine the value at which such buy back should take place if approved.

3. DELEGATED AUTHORITY

For decision by Council.

4. EXECUTIVE SUMMARY

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

The item served before Mayco in November 2019 and was referred back. We received a update on the Municipal Value for the property on which the rates are base. That information is attached as **APPENDIX 8**.

It was resubmitted in February 2020, but did not serve on the agenda. It is now resubmitted for consideration.

5. RECOMMENDATION

For Council Consideration

6. DISCUSSION / CONTENT

6.1 Background

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

6.2 Application to enforce buy-back clause

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

6.2 Discussion

6.2.1 Location and context

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



Fig 1: Location and context: Erven 12758 and 12759



Fig 2: Extent: Erven 12758 and 12759

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



Fig 3: Location and context: erf 13246



Fig 4: Extent Erf 13246

6.2.2 Property description and Ownership

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

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

When Council acquire land no need exists in Law to follow a public participation process.

6.2.3 Contractual situation

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

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

6.2.4 Valuation

Hereto attached as **APPENDIX 6** and **7** respectively, valuations obtained from Pendo Property Valuers and DDP, valuing the property at R5 100 000.00 and R4 500 000, respectively. The weighted average is R4 800 000.00.

6.2.5 Options available to Council

In terms of clause 13 of the Exchange of Land Agreement, should erf 13246 not be used for religious purposes by the church, it must be transferred back to the Municipality at an amount to be agreed upon between the parties.

6.4 Financial Implications

Should Council resolve to buy-back erf 13246, the initial financial cost will be determined by the amount that Council resolve to pay for the property plus transfer costs, should the parties reach agreement.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

Council has approved the initial Exchange of Land, during 1995, but no detail could be found. The item also served as a Mayoral Committee meeting held on 2019-05-21, where it was decided to refer the matter back to allow the Administration to obtain additional information.

6.7 Risk Implications

Risks are addressed in the item.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

No comments received

6.8.2 Director: Planning and Economic Development

None received

6.8.3 Chief Financial Officer

See Appendix 8.

6.8.4 Director: Community and Protection Services

None received

6.8.5 Municipal Manager

Notes the recommendations

ANNEXURES:

Appendix 1: Copy of Agreement

Appendix 2: Request from Dutch Reform Church

Appendix 3: Windeed report

Appendix 4 and 5: Windeed records

Appendix 6: Valuation report Pendo

Appendix 7: Valuation report DDP

Appendix 8: Input from the CFO

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088750</i>
E-MAIL ADDRESS	<i>Piet.smit@ Stellenbosch.gov.za</i>
REPORT DATE	<i>2020 – 11- 09</i>

APPENDIX 1

Cluver Markotter
Pleinstraat 4, Stellenbosch

RUILOOREENKOMS

AANGEGAAN DEUR EN TUSSEN:

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

Adres: Die Munisipaliteit
Pleinstraat
STELLENBOSCH
7600

(hierna die STADSRAAD genoem)

en

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

Adres: N G Kerk Stellenbosch Welgelegen
Buitekringweg
Dalsig
STELLENBOSCH
7600

(hierna die KERK genoem)

NADEMAAL:

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

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

GROOT Ongeveer 9 000 (NEGE DUISEND) vierkante meter

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

(hierinlater na verwys as die EERSTE EIENDOM)



12/5/10/95

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

5. REGISTRASIE VAN TRANSPORT

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

6. TITEL- EN ANDER VOORWAARDES

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

7. TRANSPORTKOSTES

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

8. BAKENS EN GRENSE

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

9. DOMICILIUM CITANDI ET EXECUTANDI

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

10. JURISDIKSIE

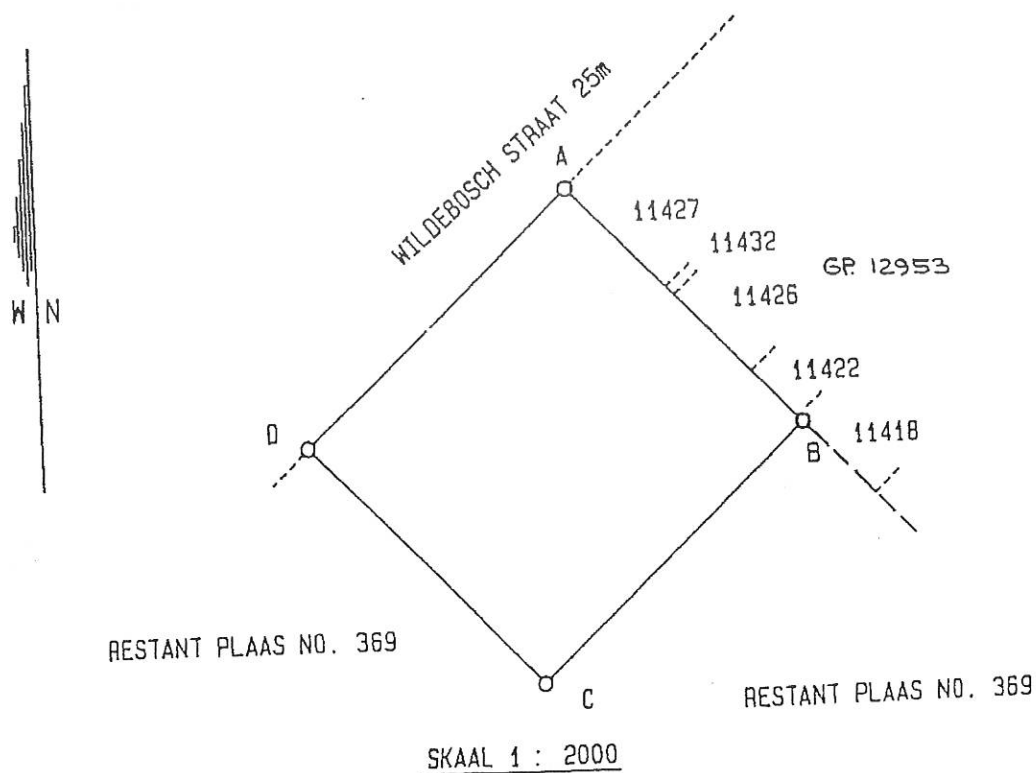
Die partye stem hiermee toe tot die jurisdiksie van die Landdroshof oor enige geding wat voortspruit uit hierdie ooreenkoms met dien verstande dat die partye die reg voorbehou om in die Hooggeregshof aksie teen mekaar in te stel, in welke geval die party wat sodanige aksie aanhangig maak, ook geregtig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

Friedlaender, Burger & Volkmann Landmeters

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

BESKRYWING VAN BAKENS

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



Die figuur ABCD
 stel voor 9000 vierkante meter

grond, synde

ERF 13246 STELLENBOSCH

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

Provinsie Wes Kaap

D P Burger

Pr Landmeter PLS0080

Hierdie kaart is geheg aan
 No.
 Gedateer
 t.g.v.

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

Leer No. Stel.369
 M.S. No. E731/1998
 Komp. BH-8DC/X51(1509)

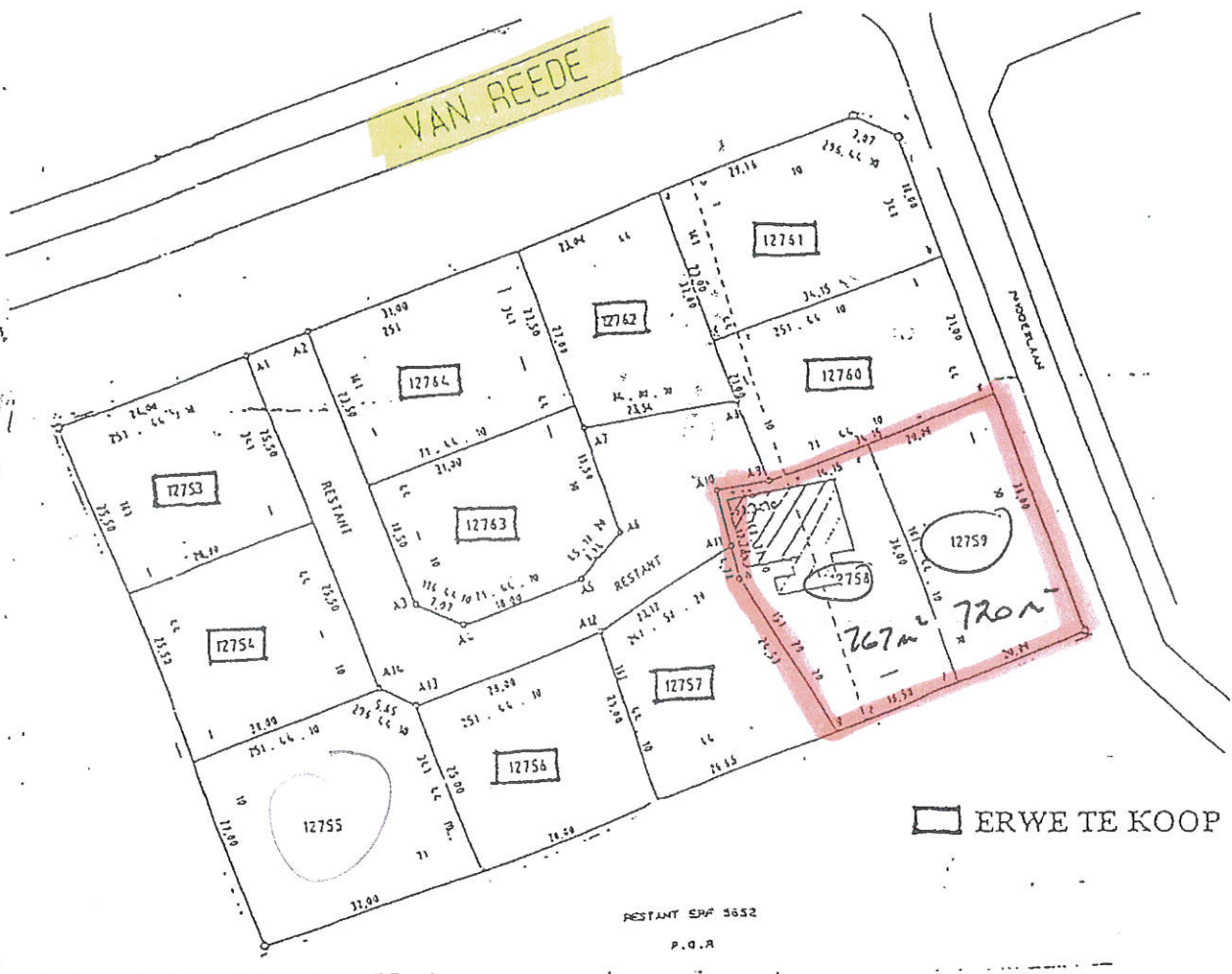
Registrateur van Aktes

VRYGESTEL VAN DIE BEPALINGS
 VAN WET 76 VAN 1970

ARTIKEL 2 (a)

VRYGESTEL VAN DIE BEPALINGS
 VAN WET 76 VAN 1970

DIE BOORD ERWE



Bylae C

117

OPGEGESTEL DEUR MY
TRANSPORTBESORGER
A L DE WAAL

OPGEGESTEL DEUR MY

TRANSPORTBESORGER

A L DE WAAL

[Handwritten signature]

Transportakte

CLUVER MARKOTTER ING.
PROKUREURS
STELLENBOSCH

T. 004376 * 2001

HIERBY WORD BEKEND GEMAAK

DAT MELIZE VAN DER MERWE

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

MUNISIPALITEIT STELLENBOSCH

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

GROOT: 9 000 (NEGE DUISEND) vierkante meter

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

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

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

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

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

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

5

A

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

TRANSPORTGEWER

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

TRANSPORTNEMER

die se Administrateurs of Gemagtigdes

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

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

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

Januarie

q.q.

in my teenwoordigheid,

Registrateur van Aktes

APPENDIX 2



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

4 Oktober 2018

Die Bestuurder: Eiendomsbestuur

Stellenbosch Munisipaliteit

Posbus 17

STELLENBOSCH

7600

Geagte Meneer

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

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

1. AGTERGROND

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

1.1. Waarde van die eiendom (Par. 1)

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

1.2. Terugvalsreg (Par. 13)

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

1.3. Gebruik/sonering (Par 14.2)

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

2. HUIDIGE STATUS

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

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

3. BEROEP OP TERUGVALSREG

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

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

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

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

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

4. AANSOEK

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

Met waardering.



Ds Monty Sahd

Voorsitter: NG Gemeente Stellenbosch-Welgelegen

Geroep Gewillig Gestuur

Bylae A

ERF 13246



ERF 12758
& 12759



Bylae B

APPENDIX 3

Printed: 2019/03/29 07:36

WinDeed Database Deeds Office Property

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STELLENBOSCH, 13246, 0 (CAPE TOWN)

GENERAL INFORMATION

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

**PROPERTY INFORMATION**

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

OWNER INFORMATION**Owner 1 of 1**

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

ENDORSEMENTS (1)

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

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

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APPENDIX 4

WinDeed Database Deeds Office Property

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STELLENBOSCH, 12758, 0 (CAPE TOWN)

GENERAL INFORMATION

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

**PROPERTY INFORMATION**

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

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T4375/2001
Registration Date 2001/01/23
Purchase Price (R) EXCHANGE *
Purchase Date -
Share 0.00
Microfilm 2001 0105 2173
Multiple Properties YES
Multiple Owners NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

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APPENDIX 5

WinDeed Database Deeds Office Property

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STELLENBOSCH, 12759, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/03/29 07:38
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 12759
Portion Number 0
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T4375/2001
Extent 720.0000SQM
Previous Description PTN OF 5339-GP709/94
LPI Code C06700220001275900000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T4375/2001
Registration Date 2001/01/23
Purchase Price (R) EXCHANGE *
Purchase Date -
Share 0.00
Microfilm 2001 0105 2173
Multiple Properties YES
Multiple Owners NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

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APPENDIX 6



VALUATION REPORT

DETERMINATION OF THE MARKET VALUE OF:

ERF 13246 STELLENBOSCH

WESTERN CAPE

Client:

STELLENBOSCH MUNICIPALITY

10 October 2019

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)



10 October 2019

Mr. Piet Smit
 Stellenbosch Municipality
 Property Management
 Plein Street
 Stellenbosch
 7600

VALUATION CERTIFICATE

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the following immovable property namely:

**ERF 13246 STELLENBOSCH,
 STELLENBOSCH REGISTRATION DIVISION, in the WESTERN CAPE**

I consider the market value of the abovementioned property to be as follows:

R 5 100 000	Five Million One Hundred Thousand Rand (Excluding VAT)
--------------------	--

As at: **7 October 2019**

Signed at Stellenbosch this 10th day of October 2019.

A handwritten signature in black ink, appearing to read 'J. Klopper', is written over a horizontal line.

J. Klopper
 Professional Valuer
 Registration Number: 6372/0

VALUATION REPORT

1. Instructions & Purpose of Valuation

Instructions were received from the Stellenbosch Municipality to determine the fair market value of Erf 13246 Stellenbosch, located in the jurisdiction of the Stellenbosch Municipality, Western Cape (hereinafter referred to as the subject property), as at the effective date mentioned in paragraph 3. The purpose of the valuation is to inform the Stellenbosch Municipality of the market value in light of negotiations with the Dutch Reform Church regarding a possible buy-back of the subject property.

2. Date of Inspection

7 October 2019

3. Effective Date of Valuation

7 October 2019

4. Definition of Market Value

The market value can be defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms' length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

(International Definition – International Valuation Standards Council)

5. Valuation Methodology

The most appropriate valuation method to determine the market value of the subject property would be the **Comparable Sales Method**: This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place have been sold at a particular value, then the comparable asset will also sell at a similar price.

Factors taken into consideration in determining the market value of the subject property include location, size of property, usage and rights of use, potential use, condition, cost, physical position and comparable properties.

6. Restrictive Conditions

Information regarding the subject property and comparable properties was received from local authorities and third parties. This information was received in good faith and it is assumed that the supplied information is correct, but the accuracy thereof is not guaranteed.

We did not undertake a structural survey of each building, nor did we arrange for tests or inspections to be carried out on any of the service installations. This valuation is based on the assumption that the buildings and assets are in a reasonable state of repair and condition, unless expressly stated otherwise in this report.

In this report, the market value and all other values referred to exclude VAT (unless clearly indicated). While taxation can have a considerable influence on the value of the property, we did not take into account the tax consequences that could arise due to past or intended future actions of the present owner.

We did not take into account any possible contamination of the subject property as a result of an environmental incident, nor did we examine the cost of any remedial measures involved.

The property is valued wholly owned, with no account being taken of monies due in respect of mortgage bonds, liens, loans or other charges.

Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

The valuer was specifically instructed to value the subject property as agricultural land, without account to be taken of possible encumbrances due to the initial exchange agreement or current lease agreements and improvements (i.e. vineyards) made by the lessee.

This valuation was performed for market value purposes in light of negotiations with the Dutch Reform Church regarding a possible buy-back of the subject property, and should not be used for any other purpose.

7. Title Deed Information

Description:	ERF 13246 STELLENBOSCH, STELLENBOSCH REGISTRATION DIVISION, WESTERN CAPE
Extent:	0.9000 Ha
Title Deed number:	Held by T4376/2001 (Refer to Annexure A)
Registered owner:	DUTCH REFORMED CHURCH – WELGELEGEN – STELLENBOSCH
Purchase date:	n/a
Registration date:	2001/01/23
Purchase price:	Exchange
Mortgage bonds:	None Noted
Endorsements / Conditions:	None noted that materially affect the market value of the subject property.
S.G. Diagram:	S.G. No's. 1732/1998 (Refer to Annexure B)
LPI Code:	C06700220001324600000

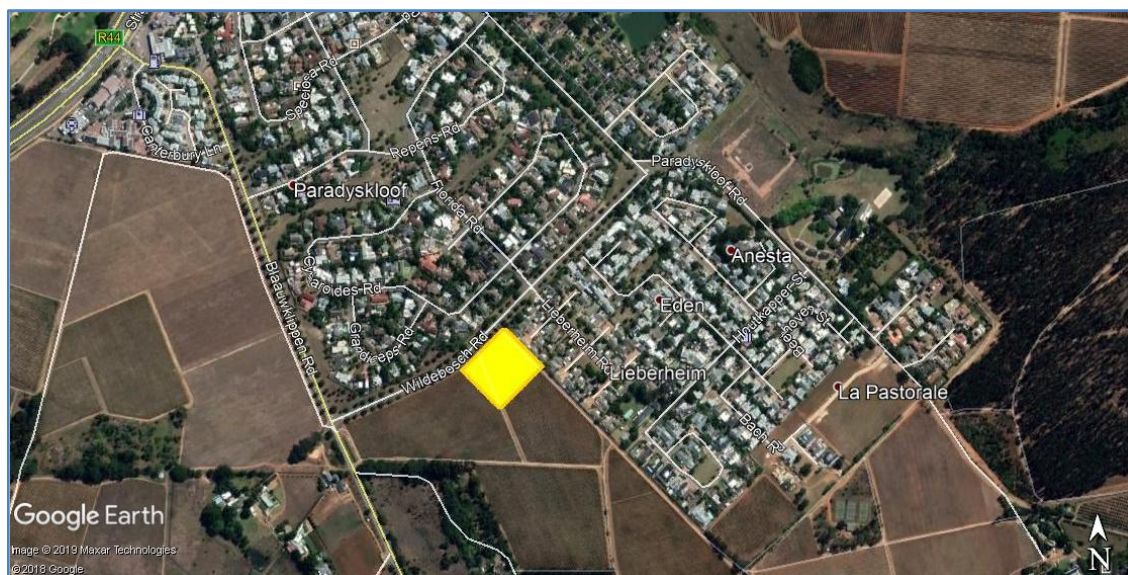
8. Local Government Information

Local Authority	Stellenbosch Municipality
Zoning / Usage	Agriculture
Municipal Valuation (GV2017)	R 2 300 000

9. Physical Characteristics

9.1 Location

The subject property is located along Wildebosch Road in the Paradyskloof residential node on the southern periphery of Stellenbosch. This is a sought-after residential node affording spectacular views towards the Stellenbosch Mountains. It is located directly adjacent to the Lieberheim access controlled estate. See Aerial Photograph below indicating the location of the subject property.

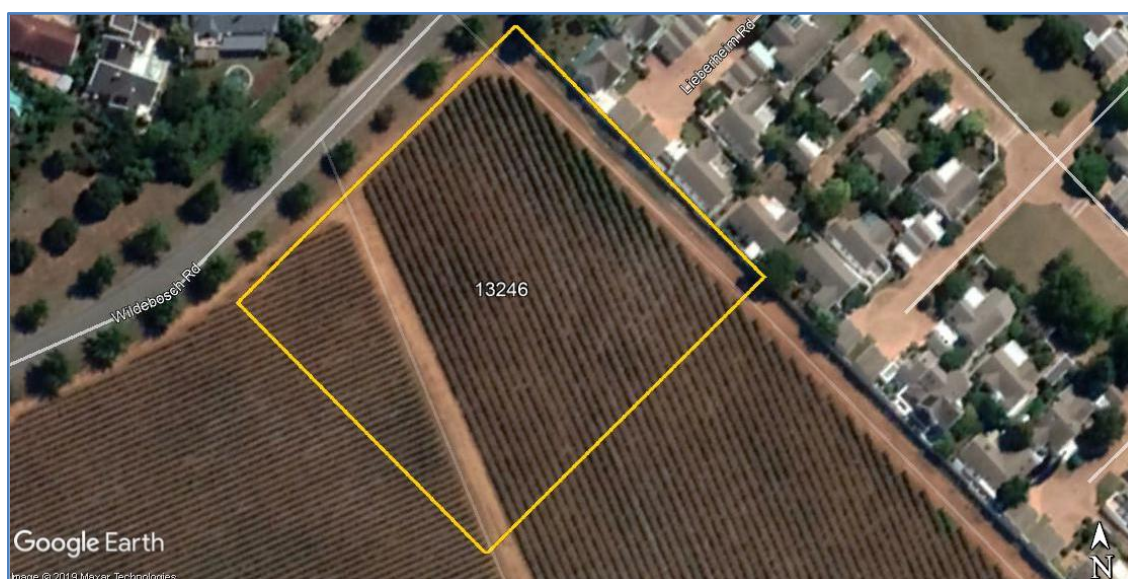


9.2 Services

Enquiries at the Stellenbosch Municipality Engineering Department confirmed that bulk municipal services appear to be available, but there are no connections to the subject property.

9.3 Site

The subject property represents a square shaped tract of land of 0.9 hectares, sloping down slightly in a northerly direction. It offers trellised vineyards under drip irrigation. Refer to aerial photograph below and **Annexure C** for photographs of the subject property.



10. Highest and Best Use

Highest and Best Use is defined under the International Valuation Standards (IVSC) as “The most probable use of an asset which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the asset being valued”.

The subject property represents a 0.9 hectare tract of agricultural land located in a residential node. The immediate vicinity is characterised by medium density residential erven in a number of residential estates, low density residential erven in the Paradyskloof neighbourhood, as well as a number of small holdings along Paradyskloof Road and Blaauwklippen Road.

The subject property would be in high demand as a small holding due to the aesthetic appeal of the surroundings and concomitant lifestyle appeal, while developers would also show interest in the tract of land for future development purposes.

Based on the current agricultural zoning the subject property will therefore be valued accordingly, bearing in mind the demand for this type of property in this node.


11. Market Information


11.1 Comparable Sales


We liaised with the Cape Town Deeds Office to determine the recent sales and transfers in the direct vicinity of the subject property. Comparisons were then made in terms of size and quality of improvements, as well as size, utilisation and potential of the land and date of sale, after which the necessary adjustments were made.

The following transactions of properties sold in relative close proximity to the subject property give an indication of land values of agricultural units in the area and serve as good comparisons in determining the current market value of the subject property:


NO	DESCRIPTION	SALES DATE	SALES PRICE (EX VAT)	TITLE DEED NO	SIZE (HA)	R/HA
1	Erf 16574 Stellenbosch	2019/03/27	R 1 000 000	T34872/2019	0.6989	R 1 430 820
2	Erf 15679 Stellenbosch	2018/02/05	R 5 990 000	T13715/2018	0.0901	R 66 481 687
3	Erf 17382 Stellenbosch	2018/01/26	R 7 871 805	T40181/2017	1.1584	R 6 795 412
4	Erf 15680 Stellenbosch	2017/11/27	R 5 460 000	T7333/2018	0.1099	R 49 681 529
5	Erf 15750 Stellenbosch	2017/02/23	R 12 000 000	T22036/2017	0.6675	R 17 977 528
6	Erf 8075 Stellenbosch	2017/02/06	R 2 440 000	T11530/2017	0.1080	R 22 592 593
7	Erf 16659 Stellenbosch	2017/01/25	R 15 000 000	T40181/2017	3.2290	R 4 645 401
8	Portion 245 of Farm 510 Stellenbosch RD	2016/07/19	R 2 200 000	T63970/2016	0.6179	R 3 560 447
9	Portion 698 of Farm 510 Stellenbosch RD	2016/03/31	R 3 500 000	T31680/2016	1.3576	R 2 578 079
10	Erf 1468 Franschhoek	2016/02/18	R 4 000 000	T28502/2016	0.8153	R 4 906 170

SALE 1: Erf 16576 Stellenbosch, Stellenbosch RD	
Land size	0.6989 Ha
Purchase Date	2019/03/27
Purchase Price	R 1 000 000 (R 1 430 820 / Ha)
Comments	This vacant small holding with vineyards is located adjacent to the Welgevonden Estate. It compares well with the subject property in terms of size and utility but the location of the subject property is considered superior, which suggests an upward adjustment would be justified for the land rate to be applied to the subject property.
	


SALE 2: Erf 15679 Stellenbosch, Stellenbosch RD	
Land size	00901 Ha
Purchase Date	2018/02/05
Purchase Price	R 5 990 000 (R 66 481 687 / Ha)
Comments	This vacant residential stand is located in the new La Pastorale extension in the immediate vicinity of the subject property. The site offers spectacular views over the adjoining mountain ranges. The high rate is indicative of the premium paid for secured prime residential site in this node.
	

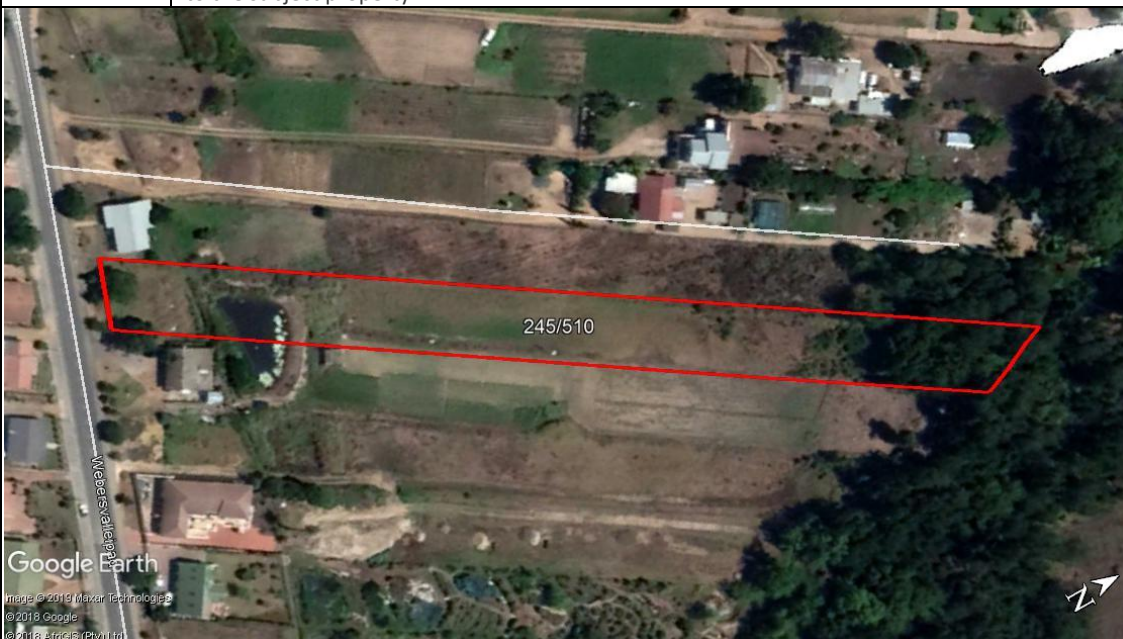
SALE 3: Erf 17382 Stellenbosch, Stellenbosch RD	
Land size	1.1584 Ha
Purchase Date	2018/01/26
Purchase Price	R 7 871 805 (R 6 795 412 / Ha)
Comments	This tract of development land is located in the Nuutgevonden node on the north-western periphery of Stellenbosch. At the date of sale development approvals were in place for 67 development opportunities, including 5 single residential erven and 62 sectional title flats. The development rights in place at the date of sale suggests that a downward adjustment would be justified to the land rate to be applied to the subject property.
	


SALE 4: Erf 15680 Stellenbosch, Stellenbosch RD	
Land size	0.1099 Ha
Purchase Date	2017/11/27
Purchase Price	R 5 460 000 (R 49 681 529 / Ha)
Comments	This vacant residential stand is located in the new La Pastorale extension in the immediate vicinity of the subject property. The site offers spectacular views over the adjoining mountain ranges. The high rate is indicative of the premium paid for secured prime residential site in this node.
	

SALE 5: Erf 15750 Stellenbosch, Stellenbosch RD	
Land size	0.6675 Ha
Purchase Date	2017/02/23
Purchase Price	R 12 000 000 (R 17 977 528 / Ha)
Comments	This vacant tract of residential land is located in the sought-after De Bosch Estate, adjacent to the Die Boord residential node. The sale is indicative of the premium paid for large tracts of residential land in the direct vicinity of Stellenbosch, but the location within a secured estate is considered superior to the subject property which suggests that a significant downward adjustment in the land rate applied to the subject property would be justified.
	

SALE 6: Erf 8075 Stellenbosch, Stellenbosch RD	
Land size	0.1080 Ha
Purchase Date	2017/02/06
Purchase Price	R 2 440 000 (R 22 592 593 / Ha)
Comments	This vacant residential stand is located in Paradyskloof, in close proximity to the subject property. The sale is considered indicative of vacant residential land rates in the immediate vicinity. A downward adjustment of the land rate would be justified for the subject property due to the significant size difference.
	

SALE 7: Erf 16659 Stellenbosch	
Land size	3.2290 Ha
Purchase Date	2017/01/25
Purchase Price	R 15 000 000 (R 4 645 401 / Ha)
Comments	This tract of development land is located in the Nuutgevonden node on the north-western periphery of Stellenbosch. At the date of sale development approvals were in place for 71 single residential erven. The tract of land is bigger than the subject property, and the location is deemed inferior.
	

SALE 8: Portion 245 of the farm Blaauw Klip no. 510, Stellenbosch RD	
Land size	0.6179 Ha
Purchase Date	2016/07/19
Purchase Price	R 2 200 000 (R 3 560 447 / Ha)
Comments	This vacant small holding represents a long narrow tract of land located in the Jamestown node on the southern periphery of Stellenbosch, in relative close proximity to the subject property. The location and shape of the subject property is considered superior which suggests that, apart from an upward adjustment for the efflux of time, a higher land rate would be applicable to the subject property.
	

SALE 9: Portion 698 of the farm Blaauw Klip no. 510, Stellenbosch RD	
Land size	1.3576 Ha
Purchase Date	2016/03/31
Purchase Price	R 3 500 000 (R 2 578 079 / Ha)
Comments	This vacant small holding represents a long narrow tract of land located in the Jamestown node on the southern periphery of Stellenbosch, in relative close proximity to the subject property. The location and shape of the subject property is considered superior which suggests that, apart from an upward adjustment for the efflux of time, a higher land rate would be applicable to the subject property.
	

SALE 10: Erf 1468 Franschhoek	
Land size	0.8153 Ha
Purchase Date	2016/02/18
Purchase Price	R 4 000 000 (R 4 906 170 / Ha)
Comments	This similar sized tract of agricultural land is located adjacent to Franschhoek. The location is considered similar to the subject property which suggests that this sale serves as a good indication of the market value of the subject property. An upward adjustment for the efflux of time would however be justified.
	

11.2 Conclusion on comparable sales

Sales 1, 8 and 9 represent small holdings located in the Welgevonden and Jamestown nodes respectively. These sales are considered indicative of similar sized small holdings, but the location of the subject property is deemed superior which suggests an upward adjustment would be justified for the subject property. Sale 10 represents a similar sized tract of agricultural land located in a comparable node. This sale serves as a good indication of the rate to be applied to the subject property, with an upward adjustment justified for the efflux of time.

Sales 2, 4 and 5 represent smaller tracts of residential land located in prime residential estates. These properties are not considered directly comparable, but were included to illustrate the premium paid for prime residential land with concomitant lifestyle appeal. These sales ranged between R 5 460 000 and R 12 000 000 which is considered indicative of the opportunity value of a prime lifestyle opportunity in this node. It must however be borne in mind that these properties are located in secured villages. Sale 6, a vacant residential stand located in the immediate vicinity of the subject property, was included to illustrate the higher prices paid for small holdings (Sales 8 and 9) *vis a vis* vacant residential land in the same area.

Sales 3 and 7 represent development sites, with development rights in place at the date of sale. The location of these properties is considered inferior, but the sales were included for comparison with larger tracts of land in demand due to the lifestyle appeal.

12. Valuation of Subject Property

After analysis of the listed sales and the necessary adjustments were made, with specific note taken of the location and land size, the valuer determined the market value of the subject property as at 7 October 2019 to be the sum of **R 5 100 000**. This relates to a rate of R 5 666 666 per hectare which is considered in keeping with the market, bearing in mind the available market information.

13. Declaration

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

As a result of my inspection, research and evaluation it is my opinion that the fair market value of ERF 13246 STELLENBOSCH, STELLENBOSCH REGISTRATION DIVISION, WESTERN CAPE, on 7 October 2019, amounts to:

R 5 100 000 (FIVE MILLION ONE HUNDRED THOUSAND RAND)

Signed at STELLENBOSCH on this the 10th day of October 2019.



J. Klopper
Professional Valuer (Reg. No. 6372/0)
Member of the SA Institute of Valuers
BCom (Law); NDip (Property Valuation)

ANNEXURES:

- A. TITLE DEED INFORMATION
- B. S.G. DIAGRAM
- C. PHOTOGRAPHS OF THE SUBJECT PROPERTY


ANNEXURES:

A. TITLE DEED INFORMATION

Printed: 2019/10/07 13:56

Deeds Office Property


STELLENBOSCH, 13246, 0 (CAPE TOWN)



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GENERAL INFORMATION

Deeds Office	CAPE TOWN
Date Requested	2019/10/07 13:56
Information Source	DEEDS OFFICE
Reference	-



PROPERTY INFORMATION

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

OWNER INFORMATION

Owner 1 of 1

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

ENDORSEMENTS (1)

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

HISTORIC DOCUMENTS

No documents to display

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B. S.G. DIAGRAM

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

BESKRYWING VAN BAKENS

A --- ~~Spoorstaafekkie~~ 15mm ~~aan p~~ ysterpen
 Alle ander bakens is 12mm ysterpenne

VRYGESTEL VAN DIE BEPALINGS
 VAN WET 74 VAN 1970
 ARTIKEL 2(6)

WILDEBOSCH STRAAT 25m

RESTANT PLAAS NO. 369

SKAAL 1 : 2000

GP 12953

11427

11432

11426

11422

11418

Die figuur ABCD
 stel voor 9000 vierkante meter

ERF 13246 STELLENBOSCH

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

Provinsie Wes Kaap
D P Burger
 D P Burger Pr Landmeter PLS0080

Hierdie kaart is geheg aan No. 593/1884 Gedateer T4376/2001 t.g.v.	Die oorspronklike kaart is No. 593/1884 Gehg aan Stel F 5-35 (Plaas 369)	Leer No. Stel.369 M.S. No. E731/1998 Komp. BH-8DC/X51(1509)
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Registrateur van Aktes

13246

MUNISIPALITEIT STELLENBOSCH

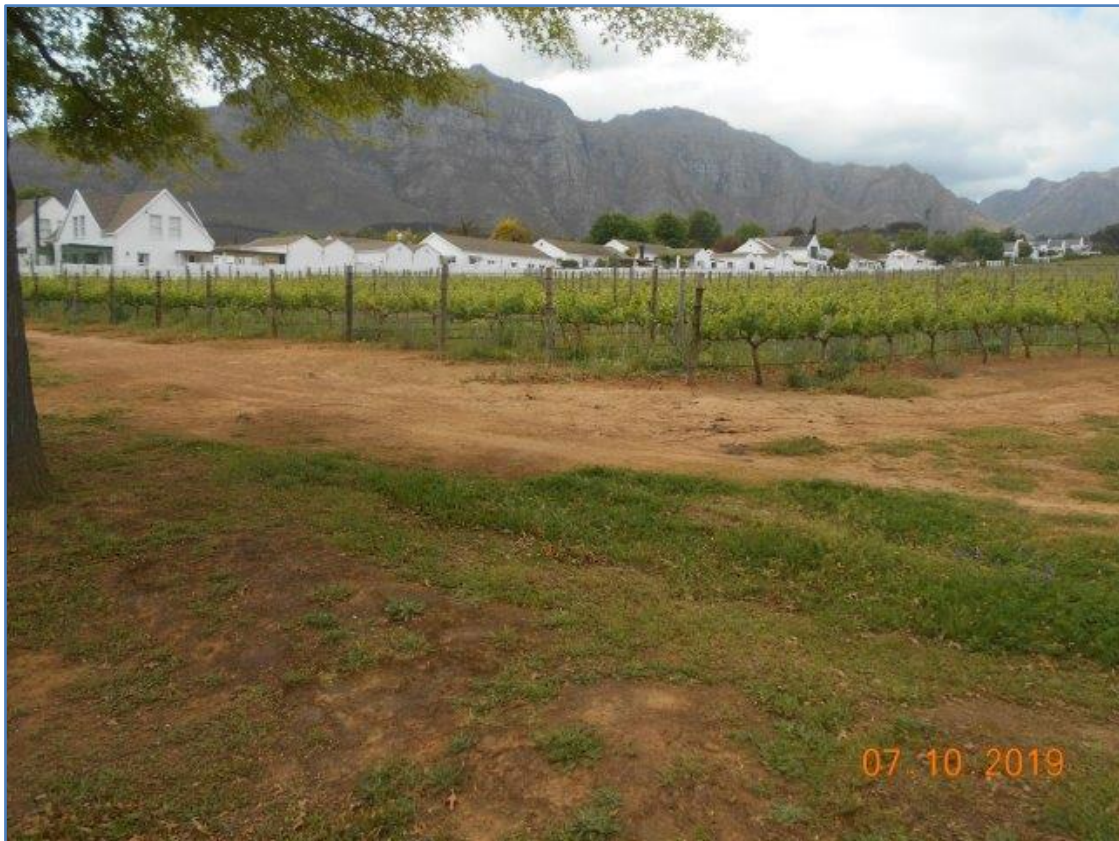
Hierdie onderverdeling is vrygestel van die
bepalings van Hoofstuk III kragtens artikel
23(1) van Ordonnansie 15 van 1985.

1997/11/25
.....
Datum


.....
n Stadsklerk

Rede: Vervreemding van Raadsgrond

C. PHOTOGRAPHS OF THE SUBJECT PROPERTY



End of report

APPENDIX 7

Valuation Report

**Erf 13246 STELLENBOSCH
STELLENBOSCH REGISTRATION DIVISION
PROVINCE OF THE WESTERN CAPE**

REFERENCE NO: AGR1072

PURCHASE ORDER: 35715

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1. CONTACT DETAILS

Name	Mr. Piet Smit
Title	Property Management
Organisation	Stellenbosch Municipality
Address	PO Box 17 Stellenbosch 7600
Phone	+27 (21) 808 8189
Fax	+27 (21) 808 8688
Mobile	Unknown
Email	piet.smit@ Stellenbosch.gov.za
Website	https://www.stellenbosch.gov.za

2. SUMMARY OF KEY FACTS

Subject Property	Erf 13246 Stellenbosch, Stellenbosch Registration Division, Province of Western Cape.
Physical Address	Wildebosch Road, Paradyskloof.
Registered Owner	Nederduitse Gereformeerde Kerk Welgelegen – Stellenbosch
Date Of Inspection	8 October 2019
Effective Date Of Valuation	01 November 2019
Method Of Valuation	Comparable Sales Approach
Zoning	Agricultural
Property Type	Agricultural land planted with wine grapes
Gross Leasable Area	N/A
Net Rentable Area	N/A
Quality Of Accommodation Offered	N/A
Net Operating Income (NOI)	N/A
Capitalisation Rate	N/A
Market Value	R4 500 000.00

3. INTRODUCTION

3.1. INSTRUCTION

Stellenbosch Municipality as represented by Mr. Piet Smit, instructed DDP Valuation and Advisory Services (Pty) Ltd to determine the fair market value for the subject property as described in this report. Discussions held with Stellenbosch Municipality confirmed that the property should be valued in terms of its current zoning.

3.2. PURPOSE OF VALUATION

The purpose of this valuation report is to determine a current market value for the subject as at the date of valuation. The subject property is zoned Agricultural zoning and will be valued accordingly.

3.3. METHODS OF VALUATION

The method of valuation employed to determine the market value of the subject property is the Comparable Sales Approach.

The value indicated is established by comparing the subject property with similar properties, called comparable sales. Comparable sales are recent property transactions of properties that were sold in accordance with the definition of market value. Comparable sales are analysed and measured against the subject property in various elements of comparison that might influence and ultimately determine the value of the subject property.

3.4. DEFINITION OF OPEN MARKET VALUE

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

3.5. DATE OF INSPECTION

01 November 2019

3.6. EFFECTIVE DATE OF VALUATION

01 November 2019

3.7. INFORMATION SOURCES

Deeds Office – Cape Town
Chief Surveyor General – Western Cape
Lightstone;
Municipality of Stellenbosch;
Property professionals and Estate Agents
Own records.

4. TITLE DEED INFORMATION

4.1. DEED DESCRIPTION OF the SUBJECT Property

Erf 13246 Stellenbosch, Stellenbosch Registration Division,
Province of the Western Cape.

4.2. LPI CODE

C067002200013254600000

4.3. REGISTERED OWNER

Nederduitse Gereformeerde Kerk - Welgelegen - Stellenbosch.

4.4. EXTENT OF the SUBJECT property

9 000 m² (0.9 hectares)

4.5. HISTORICAL PURCHASE PRICE

Not Applicable (Exchange)

4.6. DATE OF PURCHASE

Not Applicable

4.7. TITLE DEED NUMBER

T4376/2001

4.8. DATE OF TRANSFER

23 January 2001.

4.9. ENDORSEMENTS

Not applicable

4.10. SERVITUDES

None indicated on SG Diagram SG No.: 1732/1998.

4.11. OTHER CONDITIONS

The property is subject to:

That all roads and thoroughfares described in the diagram shall remain free and uninterrupted unless the same be closed or altered by competent authority;

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

The property is entitled to:

A servitude road 4.0m wide over Portion 13 and Portion 14 of Farm no. 369.
Both these farm portions no longer exist as per the Cape Town Deeds Registry.

The property is subject to the stipulations of clause 13 of the exchange agreement between the herein mentioned Transferor and Transferee, dated 12 May 1995, which determines that if the Transferee no longer requires the herein mentioned property for the purposes of building a church, that it be transferred back to the Transferor at compensation to be determined by the parties.

Furthermore, it should be mentioned that an open channel with gabions for storm water run-off has been constructed alongside the eastern boundary of the subject property. Although it was difficult to establish whether this storm water channel or part thereof is located on the subject property or not, it would be assumed that a stormwater servitude be registered over the subject property.

5. ZONING INFORMATION

5.1. Name of local authority

Stellenbosch Municipality

5.2. Zoning

PERMISSIBLE	ACTUAL
Agricultural	Agricultural / Smallholding

5.3. Comments

The property was previously rezoned to Institutional Use some time ago, however this zoning has lapsed, as it was not implemented. The current zoning is therefore Agricultural.

Agricultural Zoning and Rural Zone (AR)

Primary Uses:

Agriculture, dwelling, forestry, natural environment, occasional use (one event/year), private road, polytunnel, second dwelling, employee housing (one unit).

Additional Use Rights;

Bed and breakfast establishment, employee housing (exceeding one unit), guest house, home day care centre, home occupation practice, polytunnel, rooftop base telecommunication station, tourist dwelling units and tourist facility (existing buildings).

Consent Uses:

Abattoir, additional dwelling units, airfield, airstrip, camping site, Day care centre, freestanding base telecommunication station, helicopter landing pad, intensive feed farming, kennel, plant nursery, renewable energy structure, service trade, tourist accommodation establishment, tourist facility, any additional use exceeding the threshold set out in the zoning chapter.



6. LOCAL AUTHORITY VALUATION

TOTAL VALUE R2 300 000.00

DATE 01 JULY 2017

COMMENT Rating category: Agriculture

As per the General Valuation Roll 2018/2019 the subject property enjoys an Agricultural zoning.

7. LOCATION AND SITUATION

7.1. LOCATION

The subject property is situated along the southern side of Wildebosch Road in the Paradyskloof residential area where it is situated on the urban fringe but still within the urban edge.

The subject property is easily accessible from the R44 (± 1 km) via either Paradyskloof Road or Blaauwklippen Road, into Wildebosch Road. Paradyskloof is located approximately 2km from Techno Park and approximately 4km from the Central Business District of Stellenbosch.

The immediate surroundings of the subject property comprise a variety of upmarket group housing and freehold residential properties with some commercial activity that has developed mostly alongside the R44 national road and which includes a retail component with a Spar as the anchor, hotel, health & fitness facility, petrol filling station and restaurants. A new state of the art Mediclinic hospital that has recently been completed is situated less than one kilometre down the road (R44) from Paradyskloof.

The shortage of land suitable for housing in and around Stellenbosch together with factors such as climate change and the resultant drought, difficult agricultural conditions, the stagnation of the national economy etc. have created incentives for farm and smallholding owners in and around Stellenbosch to convert their agricultural land into land suitable for housing, especially, high-income residential and retirement estates. (Refer to Figure 4 for some proposed estate developments in Stellenbosch).

An idea was tabled of an eastern bypass from Jamestown through Paradyskloof, Brandwacht / Dalsig area to intersect with Van Riebeeck Street opposite Marais Street. This road would have provided an “eastern bypass” to link to the Helshoogte Road. However, this route is no longer as building plans were approved years ago to construct buildings for Boland College across this route. It was then discovered that a route from the R44, from opposite the Techno Avenue intersection, through Blaauwklippen farm along Wildebosch Road, through Paradyskloof and Brandwacht and to the east of Dalsig, across Wellgevalen and Coetzenburg to tie in opposite Marais Street is a proclaimed Provincial main road. It thus appears that this proclaimed main road was supposed to be the “eastern bypass” mentioned above (Sources iCE Group Stellenbosch, dated 23 April 2017)

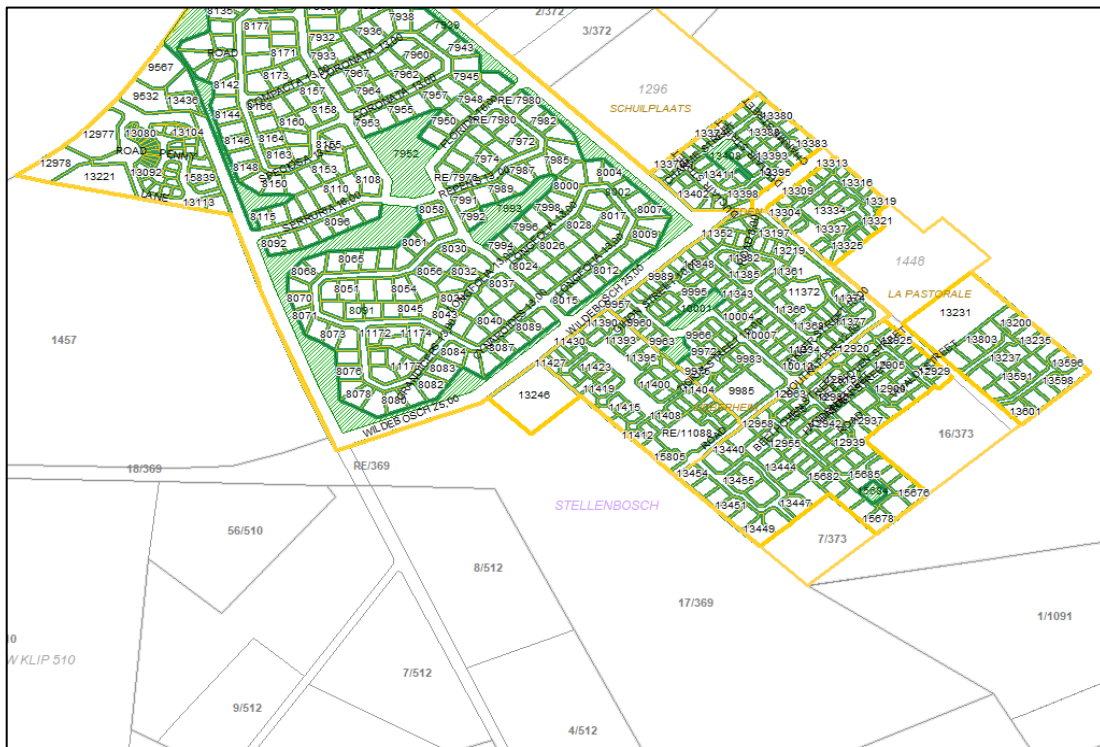


Figure 1: Location of the subject property in relation to other Residential Properties.
Sourced from Planet GIS 2017



Figure 2 Aerial view of the subject property
Sourced from Google Earth 2019

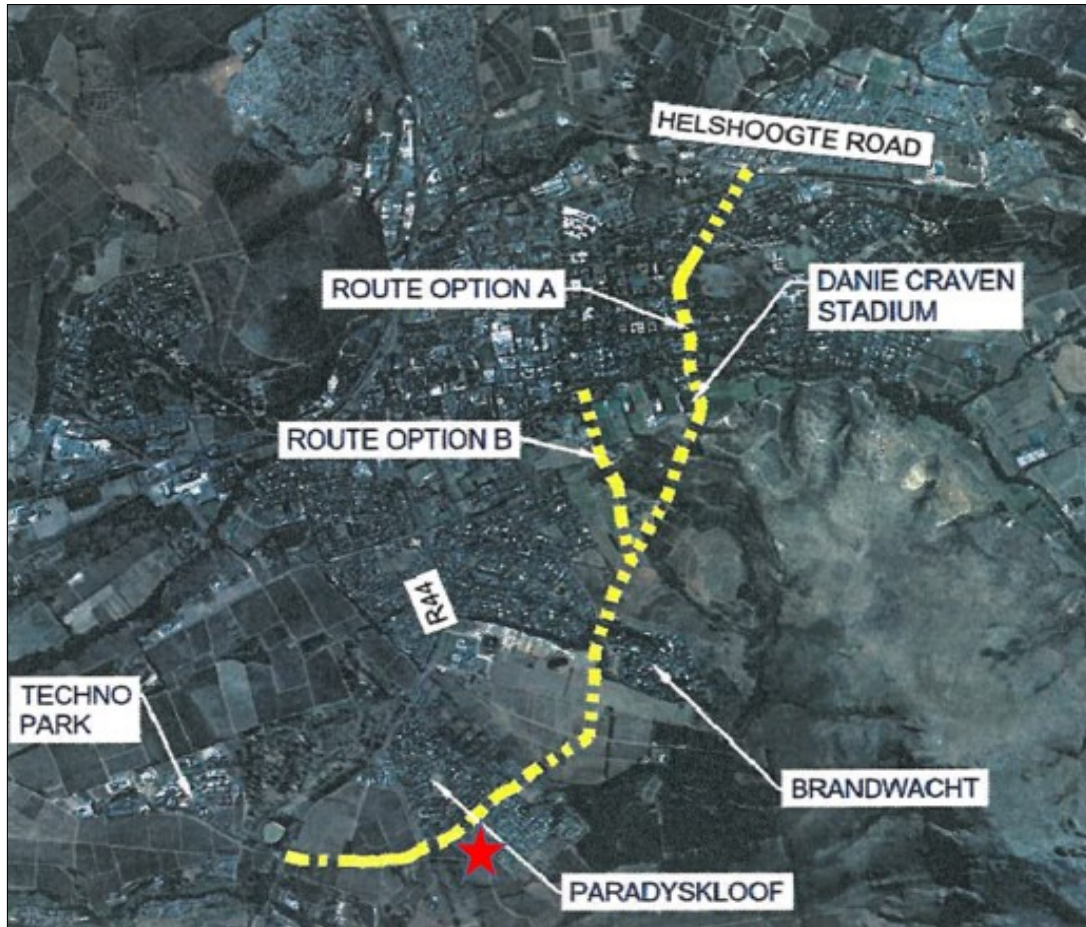


Figure 3: Eastern Link Road, image given on 13 September 2018 of the draft roads.

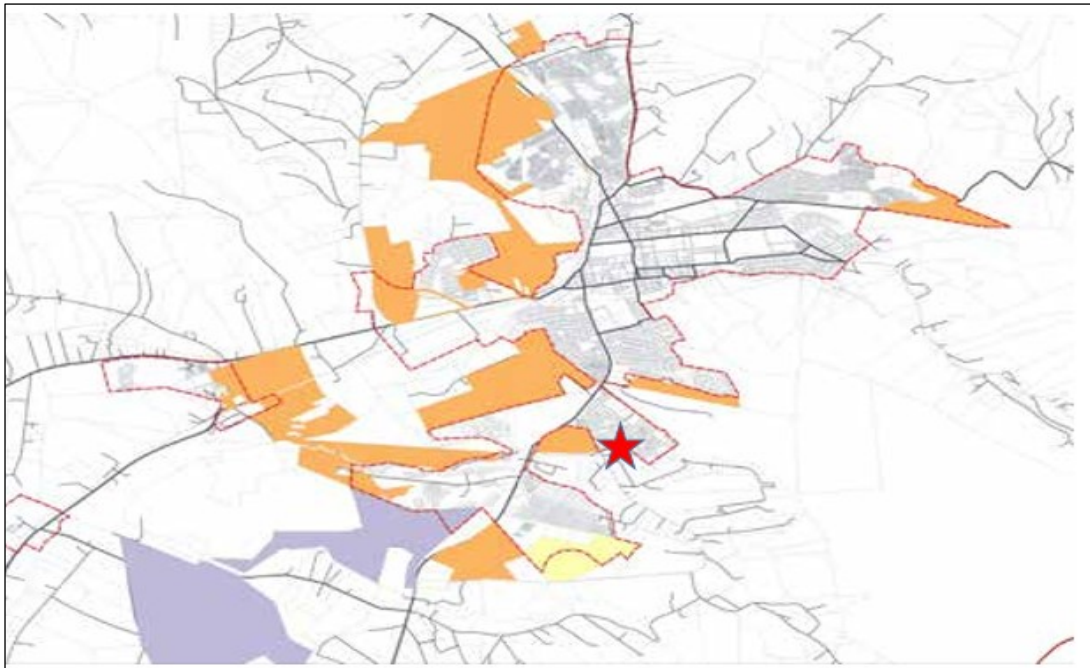


Figure 4: Proposed estate developments in Stellenbosch

7.2. NATURE OF SURROUNDING NEIGHBOURHOOD

The surrounding neighbourhood predominantly offers a variety of residential accommodation, consisting a combination of upmarket freehold dwellings, group housing units and retirement units in security estates. A small commercial node has developed mostly alongside the R44 national road and includes a retail component with a Spar as the anchor, hotel, health & fitness facility, petrol filling station and restaurants. The subject property also borders a portion (26.67ha) of farmland on the western and southern boundaries that is owned by Blaauwklippen Agricultural Estates Pty Ltd and planted with vineyards (0.76ha Petit Verdot 2007)

7.3. REGION/CLIMATE/RAINFALL

Stellenbosch normally receives about 570mm of rain per year and because it receives most of its rainfall during winter it has a Mediterranean climate. Stellenbosch receives the lowest rainfall (10mm) in February and the highest (96mm) in June. The monthly distribution of average daily maximum temperatures for Stellenbosch range from 16.2°C in July to 26.1°C in February. The region is the coldest during July when the mercury drops to 7.2°C on average during the night.

7.4. TOPOGRAPHY

The subject property that offers a more or less square shape has a north western orientation and enjoys a very moderate slope from south east to north west.

7.5. SOILS

Yellowish and brownish clayey soils derived from Malmesbury Group shales. The soils contain prismatic diagnostic horizons and Glenrosa and Mispah form are predominant. Land types are mainly Db, FB and Da.

		
Soil type 1	Soil Type 2	Soil Type 3

7.6. Natural grazing

No Natural vegetation is present on the subject property.

8. HIGHEST AND BEST USE

8.1. DEFINITION

A term meaning the reasonable, probable and permissible use that will support the highest present value, as of the effective date of valuation.

Although currently being utilised for the cultivation of wine grapes, the highest and best use of the subject property, in our opinion, is considered not ideal for the cultivation of wine grapes as it is simply too small to be economically viable should it be farmed as a stand-alone small farming unit. Taking into consideration its location together with the relatively small size, it could rather be considered more suitable to be utilised or developed as a lifestyle opportunity.

Alternatively, should rezoning to a Multi-Unit Residential Zone be allowed, the highest and best use would most definitely be for future development purposes.

Numerous unsuccessful attempts have been made to set up an appointment with the Town Planning Department of Stellenbosch Municipality (Mr Robert Fooy and Ms Bernabe De La Bat) in order to discuss the probability of having the subject property rezoned for a potential high-density housing development. Should such a rezoning be allowed, it could mean that a potential investor or developer would be willing to pay a substantial premium for the development potential of the land, depending on the maximum density (units per hectare) allowed by the Local Authority.

However, without any confirmation of such rezoning probability, we have elected not to take any such potential into account and to value the property in terms of its existing Agricultural zoning.

9. DESCRIPTION OF IMPROVEMENTS

9.1. SITE LAYOUT

The property is more or less rectangular in shape, planted with 0.76ha of grape wines (Petit Verdot - 2007) and offers no structural improvements.



9.2. FENCING AND CAMPS:

The subject property offers no fencing or camps.



9.3. WATER SOURCES:

Although the vineyards are currently being irrigated, we were unable to establish whether the subject property has a registered water use right for agricultural irrigation purposes. We were also unable to establish whether there are any equipped boreholes on the subject property.

9.4. ROAD NETWORK

Vehicular access onto the subject property is from the north-eastern corner, which is also the highest point of the property. From there a gravel road runs towards Wildebosch Road. Along the boundary wall of Lieberheim residential buildings.

9.5. OTHER

The property offers no Eskom electricity supply point. Cell-phone reception is available.

10. LAND USE

10.1. Layout of the subject property

The subject property is planted with 0.76ha of grape wines (Petit Verdot - 2007) that is managed by Blaauwklippen. The average production figures for the last three years calculate to 4.05 ton per hectare. Mr J G van Heerden, Financial Manager of Blaauwklippen confirmed that the agreement between the Dutch Reformed Church and Blaauwklippen has already expired with no renewal option in place. At present the agreement between the two parties is being re-negotiated on an annual basis and the annual rental figure of R21 550.00 (excl. VAT) is being paid upfront in June/July each year.

In view of the fact that there is no written agreement in place between the two parties involved, we have assumed for the purpose of this valuation report that no form of compensation whatsoever would be payable should Blaauwklippen no longer be allowed to benefit from the vineyards on the property.

11. MARKET COMMENTARY

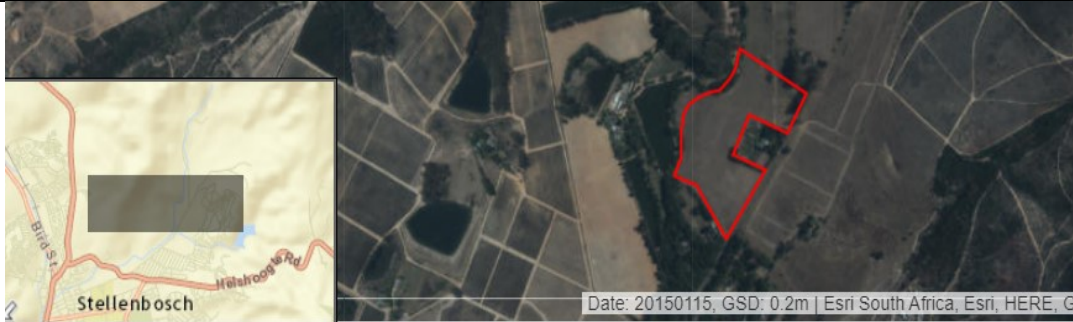
In determining the market value for the subject property, a number of wide ranging factors had to be considered. This includes factors that range from market conditions, legislation, political stability and various factors that might influence the market value of the subject property. Other factors such as location, site extent, proximity and accessibility to amenities, zoning as well as general value-bearing characteristics of the subject property were also considered.

A have selected a total of eight comparable sales transactions that have occurred in and around Stellenbosch during the period December 2017 to July 2019. These transactions are regarded as suitable comparables and have therefore been used as a basis to determine a realistic market value for the subject property. These eight comparables comprise a combination of larger agricultural zoned properties used for agricultural purposes, smaller agricultural zoned properties that are used for residential purposes as well as much smaller residential zoned properties that are used purely for residential purposes.

SALES COMPARABLES:

The most accurate method to determine the market value is through evidence produced by actual market transactions. The following sales transactions have been used as comparable transactions in this valuation report:

Comparable Sale One



Deed Description	Portion 3 of farm Idas Valley Proper no.164, Stellenbosch RD
Type of property	Vacant land (7.9829ha)
Additional Comments	
<p>Selling price: R15 000 000.00 (R1 879 016/ha) Selling date: 08 July 2019</p> <p>This comparable comprises an irregular-shaped portion of vacant land, measuring 7.9829ha in extent. Property offered dry lands and small portion of wine grapes at the date of sale. The comparable is located in Rustenburg lifestyle area, approximately 6.7km north of the subject property. This comparable is zoned Agricultural (AG) and in our opinion enjoys an inferior location compared to the subject property. This comparable was purchased by the owner (Eurafruit Investments Pty Ltd) of the adjoining property.</p>	

Comparable Sale Two



Deed Description	Portion 104 of the farm 1089, Stellenbosch RD
Type of property	Vacant land (0.5867ha)
Additional Comments	
Selling price: R2 200 000 (R3 749 787/ha) Selling date: 18 March 2019	
<p>This comparable comprises an irregular-shaped portion of vacant land, measuring 0.5867 in extent. Property was overgrown with natural vegetation at the date of sale. This comparable is zoned agriculture, however forms part of a small, upmarket, low-density security estate that is located approximately 3.0km north of Sir Lowry's Pass, on the southern slopes of the Hottentots-Holland mountain range. The comparable is located approximately 16.00km south east of the subject property as the crow flies, near Knorhoek Road, Sir Lowry's Pass.</p>	

Comparable Sale Three



Deed Description	Portion 11 of the farm Edgbaston no.104, Stellenbosch RD
Type of property	Vacant land (0.2963ha)
Additional Comments	
<p>Selling price: R3 100 000 (R10 462 369/ha)</p> <p>Selling date: 18 January 2019</p> <p>This comparable comprises a rectangular-shaped portion of vacant land, measuring 0.2963ha in extent. This comparable is zoned agriculture, however forms part of a small, upmarket, low-density security estate that is located alongside the R44, opposite Morgenhof Wine Estate and ± 3.5km outside Stellenbosch. The comparable is located approximately 8.0km north of the subject property as the crow flies.</p>	

Comparable Sale Four



Deed Description	Erf 5343, 84 A Lovell Avenue, Die Boord, Stellenbosch
Type of property	Vacant land (1 281 m ²)
Additional Comments	
<p>Selling price: R3 534 000 (R2 759/m²)</p> <p>Selling date: 27 January 2018</p> <p>This comparable comprises an irregular-shaped portion of vacant land, measuring 1281 m² in extent. Property comprised vacant land on date of transaction, suitable for residential purposes. The comparable is located in Die Boord, approximately 1.6km north west of the subject property. This comparable is zoned Multi-Unit Residential Zone and enjoys a similar location compared to the subject property. This site has since been developed with five duplex residential units, resulting in a selling rate of R706 800 per opportunity.</p>	

Comparable Sale Five



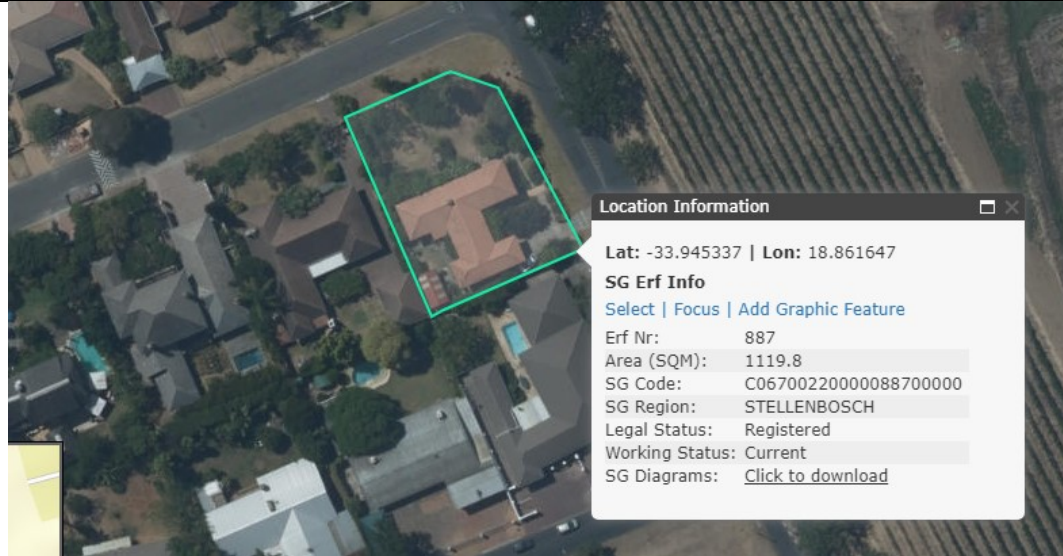
Deed Description	Erf 15841, 7 Park Road, Krigeville, Stellenbosch RD
Type of property	Vacant land (975m ²)

Additional Comments

Selling price: R3 800 000 (R3 897/m²)
Selling date: 27 July 2018

This comparable comprises a panhandle shaped portion of vacant land, measuring 975m² in extent. The comparable is located approximately 2.2km north east of the subject property and lies within the urban edge of Stellenbosch. This comparable is zoned Conventional Residential Zone and enjoys a superior location compared to the subject property.

Comparable Sale Six



Deed Description	Erf 887 Stellenbosch (7 Park Road, Krigerville)
Type of property	Vacant land (1 119m ²)
Additional Comments	
<p>Selling price: R4 800 000 (R4 290/m²) Selling date: 19 March 2019</p> <p>This comparable comprises a rectangular-shaped corner stand, measuring 1 119m² in extent. The comparable is located approximately 2.2km north east of the subject property and lies within the urban edge of Stellenbosch. This comparable is zoned Conventional Residential Zone and enjoys a superior location compared to the subject property. The old dwelling has recently been demolished.</p>	

Comparable Sale Seven



Deed Description	Erf 1545 Stellenbosch (31 Jonkershoek Road)
Type of property	Vacant land (1 357 m ²)
Additional Comments	
<p>Selling price: R12 500 000 (R9 212/m²) Selling date: 18 December 2017</p> <p>This comparable comprises rectangular-shaped portion of vacant land, measuring 1357 m² in extent. The comparable is located approximately 4.2km north-east as the crow flies from the subject property. The stand is zoned conventional residential zone and enjoys a far superior location compared to the subject property.</p>	

Comparable Sale Eight



Deed Description	Erven 1497 & 1505 Stellenbosch (20 Thibault Street).
Type of property	Vacant land (4 124 m ²)
Additional Comments	
<p>Selling price: R23 510 000 (R5 700/m²) Selling date: 15 October 2018</p> <p>This comparable comprises a square-shaped portion of vacant land, measuring a total of 4 124 m² in extent. The sale was improved with residential home at the date of sale but was demolished shortly afterwards. The comparable is located approximately 6km north east of the subject property in Mostertsdrift. The comparable enjoys a superior location compared to the subject property. Selling price equates to a rate of R5 700 78/ m².</p>	

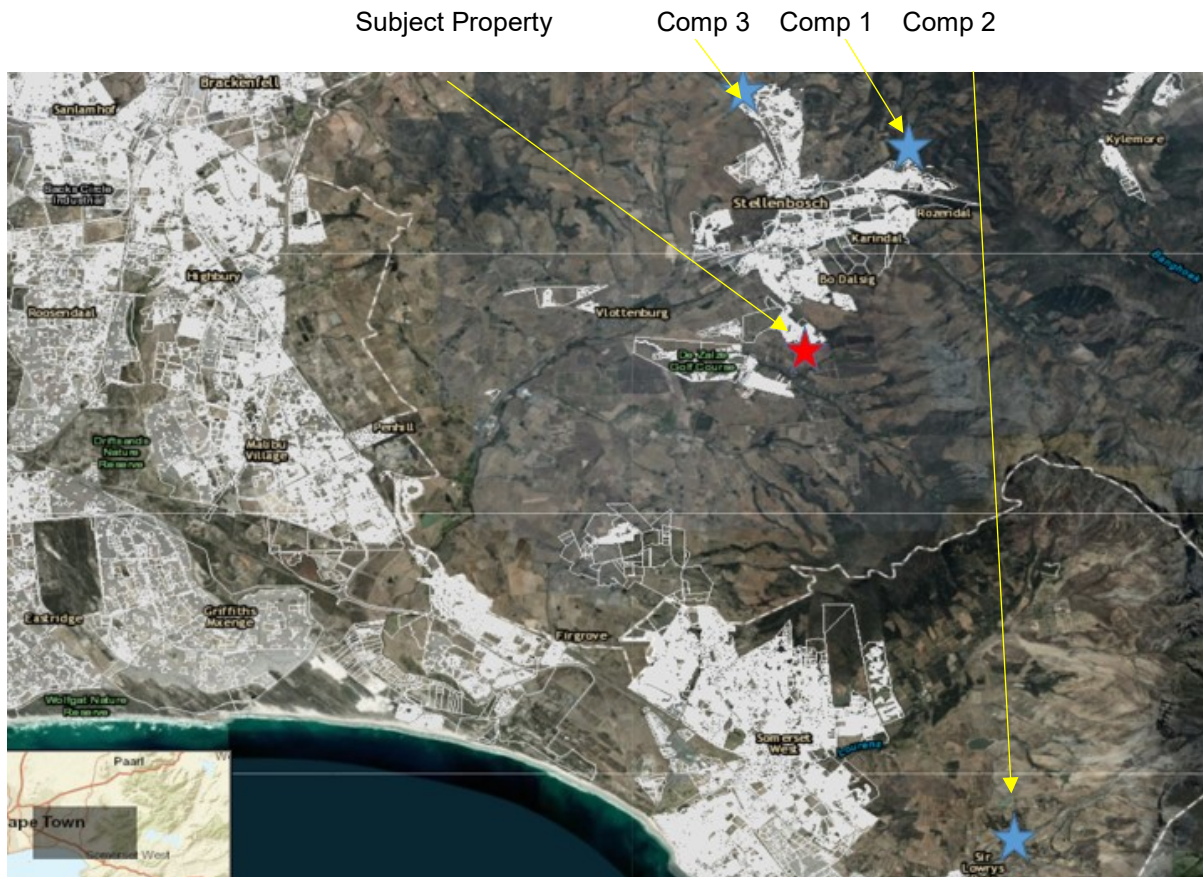


Figure 12: Locality of the agricultural zoned comparable sales in relation to the subject property.

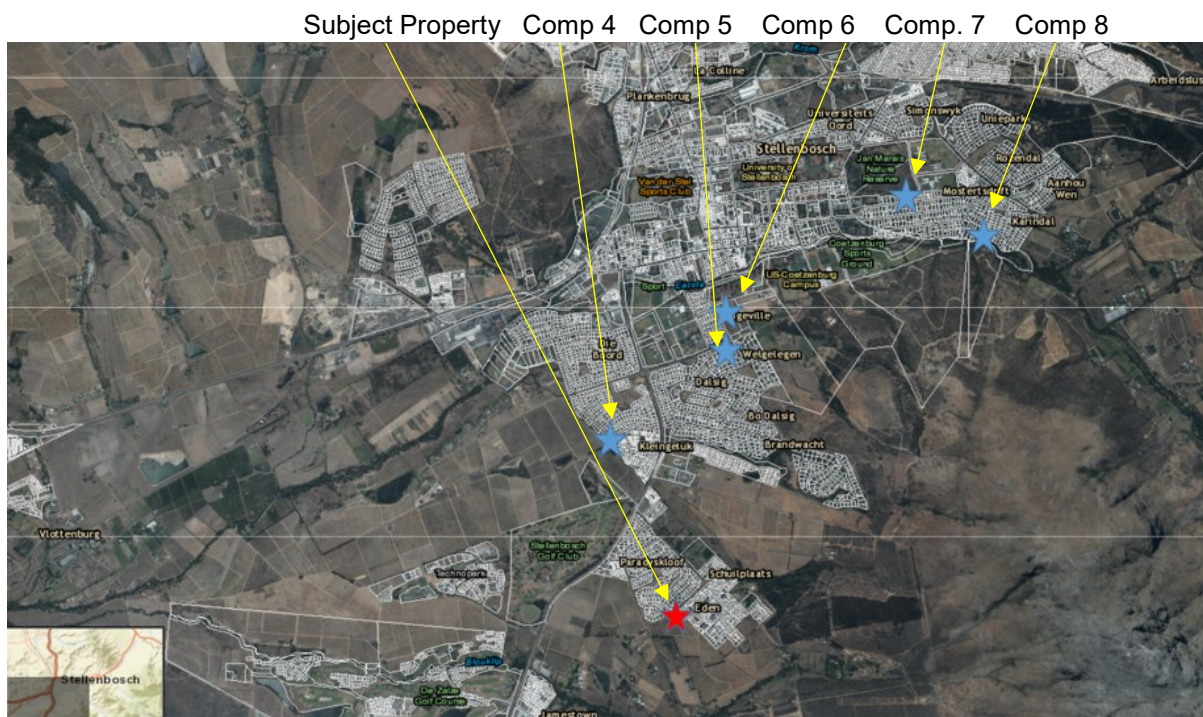


Figure 13: Locality of the residential zoned comparable sales in relation to the subject property.

12. VALUATION CALCULATION

12.1. VALUATION OF THE LAND COMPONENT:

By analysing all the comparable transactions, we have concluded that Comparable sale 1 is not necessarily considered as the best comparable due to the larger extent of the property and the agricultural nature of the immediate surroundings. Comparables sales 2 and 3 are smaller in extent compared to the subject property, however considered more comparable to the subject property in terms of the highest and best use of the subject property i.e. a lifestyle opportunity. Comparable sales 4 to 8 comprise of upmarket residential zoned stands that are fully serviced and that fall within the urban edge of Stellenbosch. These comparable sales are far smaller compared to the subject property and range between 975m² and 4 124 m² in extent.

Furthermore, portion 9 of the farm Edgbaston no.104 (1.16ha) was listed earlier this year for R3 250 000 (R2 801 724/ha) as vacant agricultural land. This property forms part of the same small estate where Comparable 3 is situated. However, this property has since been rezoned to offer 45 development opportunities. This listing is currently at R10 950 000, which equates to a rate of R243 333 / opportunity.

In addition to the above comparable transactions, we have also analysed the following agricultural / lifestyle holdings that are currently listed and available on the open market:

1. 4.77ha of vacant land situated within the Slaley Security Estate, approximately 5km outside Stellenbosch on the R44. Property offers vineyards and an olive grove and enjoys good security. Property is being advertised for R10 000 000.00 (R2 096/ha);
2. 1.13ha of vacant land situated on the outskirts of Kylemore, approximately 6km outside Stellenbosch. Level, grassed area equipped with a borehole. Property is being advertised for R10 000 000.00 (R8 850 000/ha);
3. 10.00ha planted with young vineyards and improved with a 3-bedroomed managers dwelling. Situated in the sought-after Golden Triangle and approximately 4km outside Stellenbosch. Property is being advertised for R17 000 000.00 (R1 700 000/ha);
4. 2.00ha farm situated within the urban edge of the town of Johannesdal, approximately 10km from Stellenbosch. Opportunity to rezone and subdivide or to be used as lifestyle holding. Property is being advertised for R8 000 000.00 (R4 000 000/ha);
5. 1.85ha smallholding located just off the R44 along the Stellenrust Road and approximately 6km outside Stellenbosch. Improved with two rather neglected managers' houses totalling approximately 200m² with beautiful valley views. Property comprises level, arable land and considered perfect to be developed as a lifestyle holding. Property offers borehole water and municipal water, sewerage and electricity. Property is being advertised for R7 500 000.00 (R4 047 000/ha). Property falls outside the urban edge of Stellenbosch;
6. 1.22ha smallholding located just off the R44 along the Stellenrust Road and approximately 6km outside Stellenbosch. Comprises level, arable land and considered perfect for a lifestyle holding. Improved with 6 x plastic rainwater tanks but with no structural improvements. Property is being advertised for R5

500 000.00 (R4 510 000/ha). Property falls outside the urban edge of Stellenbosch.

The above listed properties also serve as a good indication of what the market is not willing to pay for similar, smaller type agricultural properties with lifestyle potential. We can safely assume that these properties should most likely sell for less than what they are being advertised for and with that in mind, together with all the other value-bearing characteristics offered by the subject property, we are of the opinion that a market value of say R4.5 million is considered realistic and achievable in the present market.

In view of the information presented in this report, a valuation of **R4 500 000.00 (Four Million Five Hundred Thousand Rand Only)** is considered to be a realistic reflection of the subject property's market value as at the date of valuation.

13. CONDITIONS AND RECOMMENDATIONS

No allowance has been made for Value Added Tax (VAT) or transfer fees nor for duties which may be payable in the event of the sale of the subject property.

For the purpose of this valuation and in terms of the current Agricultural zoning of the subject property, we have elected not to take any re-development potential into account. Should any information become available, whereby the subject property is entitled to be rezoned for any type of high-density residential development in future, we reserve our right to revise our valuation accordingly.

In view of the fact that there is no longer an agreement in place between the two parties (Blaauwklippen Agricultural estates Pty Ltd and the Dutch Reformed Church), we have assumed for the purpose of this valuation report that no form of compensation whatsoever would be payable should Blaauwklippen no longer be allowed to benefit from the vineyards on the subject property.

DECLARATION

Having inspected the above-mentioned property and after taking due consideration of all the relevant factors, I **Carla Beyers** in my capacity as a **Candidate Valuer**, and as assisted by **Jaco Voges** in his capacity as a **Professional Valuer** consider the above valuation to be a true reflection and a fair assessment of the subject property's market value, as at the date of valuation.



Carla Beyers
Candidate Valuer
SACPVP Reg. No: 7897



Jaco Voges
Professional Valuer (South Africa)
SACPVP Reg. No 3838/6

DATE: 01 November 2019

APPENDIX A: BRIEF/ INSTRUCTION

13 September 2019

Our Reference: Cindy Oosthuizen / Jaco Voges

Supply Chain Management Office
Stellenbosch Municipality

Email: Scm.Intern4@stellenbosch.gov.za

FEE PROPOSAL FOR THE REQUEST OF QUOTATIONS: APPOINTMENT OF VALUERS FOR 3 PROPERTIES: ERF 13246 STELLENBOSCH

DDP Valuers (Pty) Ltd would like to thank you for allowing us the opportunity to submit a quotation.

Our valuation report will be completed in accordance with both international and local standards, namely, the International Valuation Standards Council (IVSC), International Accounting Standards (IAS) and the rules and guidelines laid down by the South African Council for the Property Valuers Profession in accordance with the Valuers Act 2000.

TIME FRAME:

Given the nature of the valuation project and in line with your request, we will require a minimum of seven (7) working days, from date of appointment to complete the valuation report.

APPENDIX B: TITLE DEED

117

ACCUSED R.....
DUTY R.....
SUM R..... 95.00
FILE R.....

Opgestel deur my
TRANSPORTBESORGER
A L DE WAAI

Transportakte

CLUVER MARKOTTER ING.
PROKUREURS
STELLENBOSCH

HIERBY WORD BEKEND GEMAAK

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

MUNISIPALITEIT STELLENBOSCH

T 004376 * 2001

2

A

EN die Komparant het verklaar dat sy voorsegde prinsipaal werklik en wetlik op
12 Mei 1995 geruil het van

NEDERDUITSE GEREFORMEERDE GEMEENTE WELGELEGEN TE
STELLENBOSCH

die volgende eiendomme, naamlik:

1. **ERF 12759 (Gedeelte van Erf 5339) STELLENBOSCH in die Munisipaliteit en
Afdeling Stellenbosch, Provinsie Wes-Kaap**

GROOT: 720 (SEWE HONDERD EN TWINTIG) vierkante meter

en

2. **ERF 12758 (Gedeelte van Erf 5339) STELLENBOSCH in die Munisipaliteit en
Afdeling Stellenbosch, Provinsie Wes-Kaap**

GROOT: 767 (SEWE HONDERD SEWE EN SESTIG) vierkante meter

ALBEI EIENDOMME GEHOU kragtens Transportakte Nr T20474/1985

EN dat hy die Komparant in sy hoedanigheid voormeld in ruil, hiermee in volkome en
vrye eiendom seeder en transporteer aan en ten gunste van

NEDERDUITSE GEREFORMEERDE GEMEENTE WELGELEGEN TE
STELLENBOSCH

die se Administrateurs of Gemagtigdes

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

GROOT: 9 000 (NEGE DUISEND) vierkante meter

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

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Akte van Toekenning
 uitgereik kragtens die bepalings van Artikel XIII van Wet Nummer 14 van 1878 op
 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35).

B. ONDERHEWIG aan voorwaardes nommers 2 en 4 vervat in Akte van Toekenning
 uitgereik kragtens die bepalings van Artikel XIII van Wet Nummer 14 van 1878
 (Stellenbosch Eiendomsbriewe Volume 5 No 35) wat soos volg lees:

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

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

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

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

4

coloured Lessees, viz. Joseph Waald and Johannes Gordou, of the other part on the 22nd May 1883 shall be extended for a period of ten(10) years from the 15th May 1883 on the terms and conditions set forth in the twelve (12) agreements of Leases referred to."

A

- D. **GEREGTIG** op die bepalings van 'n endossement gedateer 24 November 1992 op Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eiendomsbriewe Volume 5 No 35), welke endossement as volg lees:

"Restant

Kragtens Akte van Transport nr. T75383/1992 is die binnegemelde restant geregig op 'n sertwituutpad 4 m wyd oor Gedeelte 13 van die Plaas nr. 369, gehou deur T75383/1992 soos voorgestel deur die lyn F G H J op diagram LG nr. 2895/92."

- E. **GEREGTIG** op die bepalings van 'n endossement gedateer 8 April 1993 op Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eiendomsbriewe Volume 5 No 35), welke endossement as volg lees:

"Restant

Kragtens Akte nr. T30895/1993 gedateer hede is die binnegemelde restant geregig op 'n sertwituutpad 4 m wyd oor Gedeelte 14 van die Plaas nr. 369, groot 1,8653 Ha en gehou onder bogemelde transportakte, soos voorgestel deur die lyn F G H J K op diagram LG nr. 2896/92."

- F. **ONDERHEWIG** aan die bepalings van klousule 13 van die ruilooreenkoms tussen die hieringemelde Transportgewer en -nemer gedateer 12 Mei 1995 wat bepaal dat indien die Transportnemer nie meer die hieringemelde eiendom vir kerkdoeleindes benodig nie, dit aan die Transportgewer teruggetranspoteer sal word teen 'n vergoedingsbedrag soos deur die partye ooreengekorn.

5



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

TRANSPORTGEWER

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

TRANSPORTNEMER

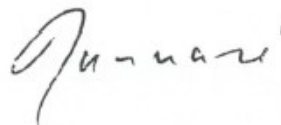
die se Administrateurs of Gemagtigdes

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

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

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop.

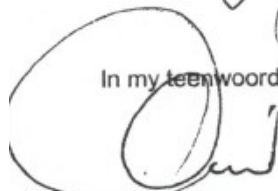
op die 22^{ste} dag van die maand
in die jaar Tweeëduisend en Een (2001).



q.q.



In my teenwoordigheid,



Registrateur van Aktes

Property detail:

Deeds registry	CAPE TOWN
Property type	ERF
Township	STELLENBOSCH
Erf number	13246
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	STELLENBOSCH RD
Local authority	STELLENBOSCH MUN
Previous description	-
Diagram deed number	T4376/2001
Extent	9000.0000 SQM
LPI Code	C06700220001324600000

Title Deeds detail:

Document	Registration date	Purchase date	Amount	Microfilm reference	Document copy?
T4376/2001	20010123	-	EXCHANGE	2001 0105 2202	Yes

Owners detail:

Document	Full name	Identity Number	Share	Person Enquiry?
T4376/2001	NED GER KERK-WELGELEGEN-STELLENBOSCH	-	-	Yes

Endorsements / Encumbrances:

Endorsement / Encumbrance	Holder	Amount	Microfilm reference	Document copy?
SUBDIVISION FROM	REG DIV STELLENBOSCH RD ,NAME FARM 369 ,NO 369 ,PRTN 0	-	-	Not available

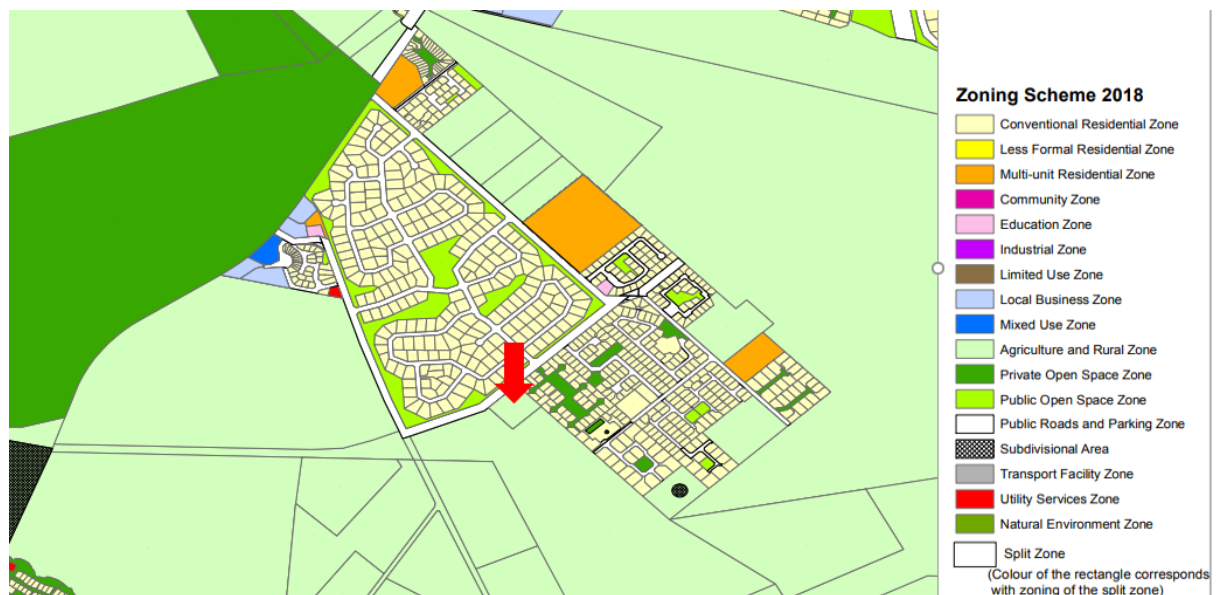
APPENDIX C: ZONING AND LOCAL AUTHORITY VALUATION

201. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> \text{one event/year}$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.



Municipal Valuation

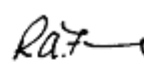
Municipal Valuation: R 2 300 000
 Rating Period: 2017/2018
 Usage Category: AGRICULTURE

Year of Valuation: 2017
 Estimated Monthly Rates: R 216
 Usage: AGRICULTURE

APPENDIX D: LOCALITY MAP

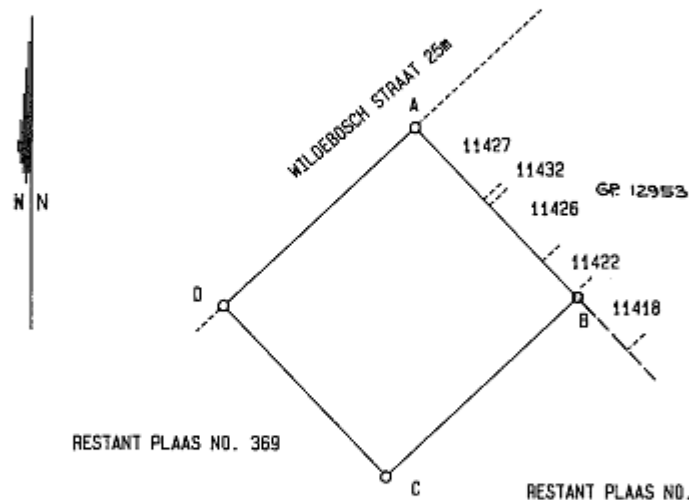
APPENDIX E: SURVEYOR GENERAL DIAGRAM

Friedlaender, Burger & Volkmann Landmeters

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

BESKRYWING VAN BAKENS

A ---- Speerstaafseksie 15mm ysterpen
 Alle ander bakens is 12mm ysterpenne



Die figuur ABCD
 stel voor 9000 vierkante meter

grond, synde

ERF 13246 STELLENBOSCH

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

Provinsie Wes Kaap

D P Burger Pr Landmeter PL50080

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

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

Leer No. Stel.369
 M.S. No. E731/1998
 Komp. BH-8DC/X51(1509)

Registrateur van Aktes

/3246

MUNISIPALITEIT STELLENBOSCH

Hierdie onderverdeling is vrygestel van die
bepalings van Hoofstuk III kragtens artikel
23(1) van Ordonnansie 15 van 1985.

1997/11/25
.....
Datum


.....
n Stadsklerk

Rede: Vervreemding van Raadsgrond

APPENDIX F: VALUATION PRINTOUT

VALUATION CERTIFICATE

I, the undersigned, Jaco Voges, *Professional Valuer* registered in terms of the *Valuer's Profession Act, 2000* do hereby certify that I have valued the following immovable property namely:

Erf 13246, Stellenbosch RD, Western Cape

I consider the fair and reasonable compensation for the acquisition of the said portion to be as indicated below:

1. **MARKET VALUE:**

R4 500 000.00	R4 500 000.00	Four Million Five Hundred Thousand Rand Only (Excl. VAT)
---------------	---------------	---



Carla Beyers
Candidate Valuer
 SACPVP Reg. No: 7897



Jaco Voges
Professional Valuer
 SACPVP Reg. No: 3838/6

APPENDIX G: WATER USE CERTIFICATE

No documents were available. The subject property is currently cultivated with wine grapes under drip irrigation.

APPENDIX H: PHOTOGRAPHS



Wine Grapes, October 2019.



Soil, October 2019.



Wine Grapes 2, October 2019.



Gravel Road, October 2019.



Wine Grapes 3, October 2019.



Wine Grapes 4, October 2019.

CAVEATS

1. FULL DISCLOSURE

This valuation has been prepared on the basis that full disclosure of all information and factors that could affect the valuation ('all relevant factors') have been made to us. We accept no liability or responsibility whatsoever for the valuation if it should transpire that a full disclosure of all relevant factors was not made.

2. THIRD PARTY INVOLVEMENT

Where reliance was placed on information supplied by third parties in undertaking the evaluation, we have assumed such information to be substantially correct. We accept no liability or responsibility whatsoever for the valuation if it should transpire that the information supplied was substantially incorrect.

3. VALUATION STANDARD

This valuation has been prepared in accordance with the International Valuation Standards Committee requirements as adopted by the South African Council for the Property Valuers Profession and the South African Institute of Valuers.

4. FREEHOLD PROPERTY

In the case of freehold properties we have inspected the relevant Title Deed documents when available. Whenever perusal of the Title Deed caused concern, we made specific reference to this in the Valuation Report. Where the Title Deeds were not available we have assumed that good title can be shown and that the property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoings.

5. MORTGAGE BONDS, LOANS OR OTHER CHARGES

The property has been valued as if wholly owned with no allowance made for any outstanding monies due in respect of mortgage bonds, loans or other charges. No deductions have been made in our valuation for the cost of acquisition, such as legal or transfer fees, or the costs involved in the disposal of the assets.

6. CALCULATION OF AREAS

Where the client (or his/her representative) has provided all surface areas quoted within the Valuation Report, we assume such surface areas have been calculated in accordance with the SAPOA standard method of measurement. Where a valuer on site measures the surface areas, the SAPOA standard method of measurement shall be employed.

7. PLANS

All plans included in the Valuation Report are supplied for the purpose of identification and orientation only and are not necessarily to scale.

8. PROPERTY BOUNDARIES

The farm or property boundaries, as indicated to the Valuer by the instructing client or his appointed agent, or the boundaries as indicated by plans supplied by the client, are assumed to be the legal extent of the property. Any variation of these boundaries by extension or omission, and the resultant inclusion or omission of any improvements because of this or these variations, cannot therefore be regarded as the responsibility of the Valuer. We accept no liability or responsibility whatsoever for the valuation should it transpire that any boundaries were incorrectly pointed out.

9. OUTGOINGS

It is assumed, except where otherwise stated, that the property is subject to the normal property owner's outgoings and that there are no onerous restrictions or unusual covenants of which we have no knowledge. In preparing our valuation, we have formed our opinion of outgoings, having had reference to the various schedules of outgoings supplied by the client or a representative thereof.

10. STRUCTURAL CONDITION

The property has been valued in its existing state. In the event of its ownership or use changing in such a manner that the local authority will require the upgrading of the premises to comply with fire protection and other regulations, it may be necessary to reduce the valuation by the amount covering the cost of such compliance. We have had regard to the apparent state and condition of the property but have not carried out a structural survey, nor inspected those areas, which were covered, unexposed or inaccessible, neither have we arranged for the testing of electrical, heating or other services. The valuation assumes that the services and structures are in a satisfactory state of repair and condition, unless otherwise stated in our report. The valuation further assumes that the improvements have been erected in accordance with the relevant Building and Town Planning Regulations as well as the Local Authority by-laws. We have not inspected woodwork or other parts of the structure, and we are therefore unable to report that such parts of the property are free from rot, beetle or other defects. We have assumed that no deleterious or hazardous materials or techniques were used in the construction of the property nor have since been incorporated.

11. CONTAMINATION

Our valuation assumes that a formal environmental assessment is not provided and further that the property is not environmentally impaired nor contaminated, unless otherwise stated in our report.

12. VACANT LAND

No soil or substratum tests on the property have been undertaken and it is assumed that the property is suitable for the intended purpose, without having to provide excessive reinforcement to any structure built thereon.

13. STATUTORY NOTICE AND UNLAWFUL USE

We have assumed that the property and its value are unaffected by any statutory notice, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

14. INDIVIDUAL PROPERTIES

The values reported are for the individual properties. No allowance is made for any premium, which may be applicable for an assembled portfolio of properties, nor is a discount allowed for any flooding of the market, which might exist if all, or a majority of the properties were offered for sale simultaneously.

15. CONFIDENTIALITY

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

16. NON-PUBLICATION

Neither the whole nor any part of this valuation report or certificate, nor any reference thereto, may be included in any published document, circular or statement, nor published in any way without the written approval of the Valuer, as to the form or context in which it may appear and acknowledgement that the Valuer are professional valuers.

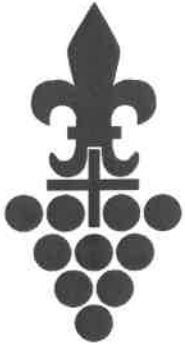
17. INDEPENDENT VALUERS CLAUSE

Neither the Valuer, nor any employee, have any present or contemplated interest in this or any other properties or any other interests, which could affect the statements or values, contained in this valuation report. The valuation enclosed herewith was therefore undertaken on a completely independent basis by a valuer employed the Valuer, a company which specializes in valuation and which does not trade in these assets.

18. VALUE ADDED TAX

All figures quoted are exclusive of Value Added Tax.

APPENDIX 8



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

2020/11/03

TO/AAN: Ned Geref Kerk Stellenbosch Welgelegen
Buitekringweg 6
Dalsig
STELLENBOSCH
7600

COPY OF NOTICE

... **GENERAL VALUATION 2021 - 2025 ALGEMENE WAARDASIE** ...

ERF/ERF: **SB13246**
SITUATED AT/GELEë TE: **Wildebosch**

AREA/GROOTTE (m²): **9000**

ENTITY/ENTITEIT	CATEGORY/KATEGORIE	Tariff/Tarief	VALUATION/WAARDASIE
			Current Total/Huidige Totaal: R 2 300 000
Primary	Agricultural	AGR	New Total/Nuwe Totaal: R 2 700 000

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act", that the Valuation Roll for the financial years 2021-07-01 to 2025-06-30 is open for public inspection at the various Municipal offices or at the council's website www.stellenbosch.gov.za from 2020-11-05 to 2021-01-15.

An invitation is hereby made in terms of Section 49(1)(a)(ii) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the Valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act an objection must be in relation to a specific individual property and not against the Valuation Roll as such. The prescribed forms for the lodging of an objection is obtainable from the website www.stellenbosch.gov.za or at the following Municipal offices:

Municipal Offices: Plein Street, Stellenbosch :: Hugonote Road, Franschhoek :: Main Road, Pniel

Kennis geskied hiermee kragtens die bepalings van Artikel 49(1)(a)(i) van die Plaaslike Owerhede: Munisipale Eiendomsbelasting Wet, 2004 (Wet 6 van 2004) hierna verwys as die "Wet" dat die Waardasierol vir die boekjare 2021-07-01 tot 2025-06-30 ter insae lê vir openbare inspeksie by die onderskeie Munisipale kantore sowel as die raad se webwerf by www.stellenbosch.gov.za vanaf 2020-11-05 tot 2021-01-15.

Geliewe kennis te neem dat enige eienaar van vaste eiendom of enige ander persoon kragtens die bepalings van Artikel 49(1)(a)(ii) van die Wet 'n beswaar binne bovermelde tydperk kan indien by die Munisipale Bestuurder ten opsigte van enige aangeleentheid of uitsluitel rakende die Waardasierol.

U aandag word spesifiek gevestig op die bepalings van Artikel 50(2) van die Wet wat bepaal dat 'n beswaar na 'n spesifieke eiendom moet verwys en nie na die Waardasierol sodanig nie. Die voorgeskrewe beswaarvorms is verkrygbaar vanaf die webwerf www.stellenbosch.gov.za of by die onderskeie Munisipale kantore:

Munisipale Kantore: Pleinstraat, Stellenbosch :: Hugonotestraat, Franschhoek :: Hoofstraat, Pniel

Period to lodge an objection / Periode vir die indien van 'n beswaar:
Office hours for enquiries / Kantoorure vir navrae: 08h00-16h00

2020-11-05 to/tot 2021-01-15
Elleniece Standaar Tel: 021 808 8515
Marinda Blaauw Tel: 021 808 8662

The completed forms must be returned to / Die voltooië vorms moet gestuur word aan
valuations@stellenbosch.gov.za or/of Fax to mail : 086 451 5011

Alternatively send forms to / Alternatiewelik stuur vorms na : Valuation Section , P O Box 17, STELLENBOSCH, 7599
Waardsie Afdeling , Posbus 17, STELLENBOSCH, 7599

G METTLER
MUNICIPAL MANAGER
MUNISIPALE BESTUURDER

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

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

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

2. PURPOSE

The purpose of this report is for Council to:-

- a) Provide feedback on the public participation process envisaged in in paragraph 9.2.2.1 of the Policy on the Management of Council-owned property, and
- b) Make a final determination on the request for a long term lease agreement.

3. DELEGATED AUTHORITY

The Executive Mayor in consultation with the Executive Mayoral Committee has delegated powers to decide on lease agreements less than 10 years. Council however has to deal with properties worth more than R5 million even if the proposed agreement is less than 10 years. .

4. EXECUTIVE SUMMARY

After following the public participation process prescribed by Regulation 35 of the Asset Transfer Regulation, Council decided on 2010-08-29 *inter alia*, to in principle approve a Lease Agreement with the Flying Club for a period of 9 years and 11 months without following a public competitive process, subject thereto that Council's intention to enter into the agreement be advertised for public comment/inputs/alternative proposals.

The notice was published on 2 October 2020 and the closure for inputs was 23 October 2020.

Only one (1) input was received from the Western Cape Education Department which must now be considered by Council, before making a final determination regarding the proposed long term Lease Agreement (see 6.1.4 below).

We are still awaiting the valuations of the property and will endeavour to get the valuation before the Council meeting.

5. RECOMMENDATIONS

- (a) that Council consider the inputs received from the Western Cape Education Department;
- (b) that Council take note of the fact that the two (2) valuation reports (determinations of a market related rental) is still outstanding at the time of the writing of this item; and
- (c) that council make a final determination on the request for a long term lease provided that the valuation reports has being received.

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

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha in extent) from Stellenbosch Municipality. They currently lease and occupies the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for a renewal and/or extension of the term. The intention to enter into a long term lease agreement was advertised as is required in terms of regulation 35 and Council resolved to in principle approve a lease agreement of 9 years and 11 months on 24 August 2020.

6.2.6 Further consideration by Council

Following the above resolution, a public notice was published in the Eikestad news on 18th June 2020, soliciting inputs/comments on the Information Statement, as provided for in Regulation 35 of the Asset Transfer Regulation.

On 2010-08-24 Council considered the inputs/comments received. Having considered the matter, Council decided as follows:

RESOLVED (majority vote)

- (a) *that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;*
- (b) *that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;*
- (c) *that Council confirms that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;*
- (d) *that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;*
- (e) *that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;*
- (f) *that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;*
- (g) *that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and*
- (h) *that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made.*

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

6.2.7 Public Notice

Following the above Council-resolution a public notice was published in die Burger of 02 October 2020, soliciting public inputs/comments/alternative proposals within 21 days from date of publication, i.e. on/or before 23 October 2020 on the fact that Council intended to enter into a lease agreement for a period of 9 years and 11 months.

A copy of the public notice is attached as **APPENDIX 2**.

6.2.8 Inputs/comments received

At the closing date and time only one (1) input was received, that of the Western Cape Educations Department, a copy of which is attached as **APPENDIX 3**.

6.2.9 Appointment of valuers

Following the above Council resolution 2(two) independent Valuers were appointed to advise Council on a market related rental. At the time of compiling this report we are still waiting for the valuations.

6.3 DISCUSSION

Council must now make a final determination on the proposed lease of 9 years and 11 months that was approved in principle with the Stellenbosch Flying Club.

Should Council decide to approved of the proposed long term lease agreement, it should be subject thereto that a final determination on the rental only be made once the valuation reports has been received.

6.4 Legal requirements

The recommendations contained in the item comply with Council's policy and relevant legislation.

6.4 Financial Implications

The rental must be determined. Council already indicated that it must be market related.

6.5 Staff Implications

This report has no additional staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

See paragraph 6.1.2 above

6.7 Risk Implications

Risks are addressed in the item

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

None received

6.8.2 Director: Planning and Economic Development

No comments received.

6.8.3 Chief Financial Officer

No comments received

6.8.6 Director: Community and Protection Services

No comments received

6.8.7 Municipal Manager

Supports the recommendations

ANNEXURES:

Appendix 1: Agenda Item

Appendix 2: Public Notice

Appendix 3: Comment received: From Western Cape Education Department

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020-11-10

APPENDIX 1



Collaborator No: (To be filled in by administration)
IDP KPA Ref No: **GOOD GOVERNANCE**
Meeting Date: **12and 24 August 2020**

1. SUBJECT

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

2. PURPOSE

The purpose of this report is to submit the written comments received after completion of the public participation process. An Information Statement was published, and the comments must now being considered to make a decision in regard to the application of the Flying Club.

3. DELEGATED AUTHORITY

Municipal Council due to the value of the land and the possible term of the lease.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have amended their request to whatever other term Council see fit given the nature of the activities on the site **Appendix 6**.

The Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be conclude, as provided for in the Property Management Policies, should Council approve of the request for a long-term lease. Before Council could decide the intention to enter into the long-term lease must be been advertised for public inputs thus the Information statement that was published. The views of Provincial and national Treasury should also be solicited. Letters was send to both (**Appendix 7**) in May 2020, but no comment has been received to date.

The item served before the Executive Mayor on 24 April 2020, where it was *inter alia* decided, that Council only considers the approval of a long-term lease **after the public participation process** envisaged in Regulation 35 of the Asset Transfer Regulation is

Council must now consider the written inputs received after the information statement was published and whether to approve a lease agreement on a private treaty basis as requested by the Stellenbosch Flying Club, or not and if approved the term of the lease and the rental amount.

5. RECOMMENDATIONS

- 5.1** that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- 5.2** that Council, consider the application for a new long-term lease to the Flying Club;
- 5.3** that, Council determine the period of the lease agreement on a private treaty basis, i.e. without following a public tender process as well as determine the rental amount should a lease be approved.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Existing lease agreement

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha in extent) from Stellenbosch Municipality. They currently lease and occupies the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for a renewal and/or extension of the term. A copy of the agreement was attached to the previous item that formed part of the March 2020 council agenda. The item was not dealt with due to Council the lock down and was dealt with by the Executive Mayor in April 2020 under the delegated powers given to her. agenda. A self-explanatory letter for a further long-term lease agreement received from the Stellenbosch Flying Club, dated 21 June 2018, was also attached to the item of March 2020.

6.2 Discussion:

Consideration by Executive Mayor

On 24 April 2020 the Executive Mayor (under delegated authority) considered the matter and decided as follows:

- a) *“that the Council resolution dated 30 April 2015 be rescinded;*
- b) *that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality’s own use during the period for which the right is to be granted;*
- c) *that Council only considers the approval of a long-term lease after a public participation process;*

- A copy of the agenda item, together with the minutes, is attached as **APPENDIX 1**.

Following the above resolution, a Public Notice was published in the Eikestad News on the 18th of June 2020, soliciting inputs/comments on the Information Statement. A copy of the Public Notice is attached as **APPENDIX 2**.

The closing date for the inputs was 10 July 2020. At the closing date the following written inputs were received:

- ## Locality and context

[illegible]

3

Services

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

Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

Motivation for entering into a lease agreement with the Flying Club

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

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

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

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

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South

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

What is essential to the Stellenbosch Flying Club to enter into a long term lease with the Stellenbosch Municipality, is so there can be stability and security for the other entities like Working on Fire, the company that is involved in the servicing of the planes so these entities have the assurances that they need, in order to make a substantial investment to construct the facilities that they require to comply with the directive from the South African Civil Aviation Authority. If one considers the track record the Club has as a tenant of the Municipality and as the operator of a highly efficient airfield they believe that it is in the interest of the Municipality and the region to continue with the relationship with the Stellenbosch Flying Club through a new agreement. They acknowledge that the new agreement would be subject to review and revision as appropriate from time to time.

Precinct Plan

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

Proposed new bypass road

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



Fig 2: Proposed Western by-pass route

6.3 Legal requirements

Asset Transfer Regulations

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

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

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

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

- 3)
 - a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)

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

Public participation process for granting of long term rights

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

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

Consideration of proposals

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

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

Conditional approval of rights

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

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

Granting of rights to be in accordance with disposal management system

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

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

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

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

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

In terms of paragraph 9.1.1 of the Policy,

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

- i) Outright tender may be appropriate where the Immoveable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- ii) Qualified tenders/call for proposals will be appropriate where the Immoveable property ownership position is complex or the development proposals for the

Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.

- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

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

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

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

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

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

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

Deviation from competitive process

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

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

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

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

6.4 Financial Implications

The rental must be determined.

6.5 Staff Implications

This report has no additional staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

24 April 202 – Executive Mayor under delegation by Council. (Appendix 1)

6.7 Risk Implications

Risks are addressed in the item

6.8 Comments from Senior Management

Chief Financial Officer

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

Director: Community Services

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

Municipal Manager:

The item is fully supported as a functional airfield offers many advantages to the municipality, in that it can unlock various economic opportunities and can be catalytic in a post Covid-19 economic. Further to this it is ideally located in case of disasters especially mountain fires and can service the greater district from a disaster management point of view.

ANNEXURES:

Appendix 1: Agenda Item and Minutes

Appendix 2: Public Notice

Appendix 3: Comment received: Cllr F Adams

Appendix 4: Comment received: Cllr DA Hendrickse

Appendix 5: Comment received: WCED

Appendix 6: Revised request from the Flying club

Appendix 7: Letters to Provincial and national Treasury

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020-08- 06

MINUTES

37TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2020-08-24

37TH COUNCIL MEETING: 2020-08-24: ITEM 11.2.1**RESOLVED** (majority vote)

- (a) that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;
- (b) that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;
- (c) that Council confirms that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (d) that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;
- (e) that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;
- (f) that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;
- (g) that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and
- (h) that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made.

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

Cllr F Adams; FT Bangani-Menziwa (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2020-08-06

APPENDIX 2

KENNISGEWINGS



HANTAM MUNISIPALITEIT HANTAM MUNICIPALITY



Herewith Hantam Municipality would like to inform prospective bidders that the following tender is being advertised:

1. NC065/T19/2020: CALVINIA NORTHERN WELLFIELD PIPELINES

The full advertisement can be found on the website of Hantam Municipality at www.hantam.gov.za and on the e-portal website www.etenders.gov.za.

Mr. J. I. Swartz
MUNICIPAL MANAGER

3797070400020



STELLENBOSCH STELLENBOSCH • PIET • FRANSCHOEK MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

LOCAL AUTHORITY NOTICE

PROPOSED LONG-TERM LEASE AGREEMENT WITH STELLENBOSCH FLYING CLUB: PORTION 1 OF FARM 502, STELLENBOSCH

1. BACKGROUND

During 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renewal) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021.

The Stellenbosch Flying Club has recently requested that a new long term Lease Agreement be concluded, as the existing contract does not allow for an automatic renewal and/or extension of the term.

2. COUNCIL RESOLUTION

After following the public participation process prescribed by Regulation 35 of the Asset Transfer Regulation Council, considered the application on 2010-08-24.

Having considered the matter, Council decided, inter alia, to, in principle, approves a long term Lease Agreement, with the Flying Club on a private treaty basis, i.e. without following a public competitive process, as provided for in paragraph 9.2.2.1 of the Policy on the Management of Council-owned property, subject thereto that Council's intention so to act be advertised for public comments/input/alternative proposals.

3. FURTHER INFORMATION

Further information, such as the agenda item that served before Council, is available at the office of the Manager: Property Management during office hours.

Email: piet.smith@stellenbosch.gov.za
Physical address: 3rd Floor, Oude Bloemhof (Abso) Building, corner of Ryneveld and Plein Streets, Stellenbosch.
Postal Address: P O Box 17, Stellenbosch 7599
Cell phone: 084 504 5065
Landline: 021 808 8189

4. INVITATION TO SUBMIT COMMENTS /INPUTS OR ALTERNATIVE PROPOSALS

Interested and affected parties/individuals are hereby invited/called upon to submit comments/inputs or alternative proposals in respect of the proposed granting of the rights referred to above.

Any such comments/inputs/alternative proposals must be in writing and must reach the Office of the Manager: Property Management by no later than 21 days after the date of publication of this notice, at close of business at the address or e-mail listed above.

5. PERSONS WITH DISABILITIES

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No 32 of 2000 that anyone with disabilities or who is unable to write, but need to participate in the process, may present him/herself during office hours at the office of the Manager: Property Management, where a staff member of the Municipality will assist such person to transcribe that person's comments/inputs or alternative proposals.

GERALDINE METTLER
MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

3797070400020



MATZIKAMA MUNICIPALITY

TENDER NOTICE

Notice is hereby given that the following tenders are advertised on the Matzika Municipality website at www.matzikamun.co.za and on the municipal notice boards at all offices in Matzika Municipality Area:

T16/2020/2021: UPGRADE OF WATER & SEWER INFRASTRUCTURE IN PAPENDORP

Any specification enquiries can be directed to Mr. Carel Davis at tel: 021 914 0300 or e-mail: carel@lyners.co.za

Compulsory Clarification meeting: 13 October 2020 at 11:00 Ebenhaezers Community Hall
Closing Date: 27 October 2020 at 12:00

T29/2020/2021: APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A VALUE ADDED TAX REVIEW FOR MATZIKAMA MUNICIPALITY

Any specification enquiries can be directed to Lizaan King at e-mail: lizaan@matzikama.gov.za

Closing Date: 20 October 2020 at 12:00

Prospective tenderers can also contact: Andrea Lott at 021 201 3477 or email andrea@matzikama.gov.za and Erico Christiaan at 021 201 3366 or email ern2@matzikama.gov.za to view an electronic version of the detailed advertisement.

Al Hendricks
Municipal Manager
Notice: K49/2020

Municipal Offices
37 Church Street / P O Box 86
Vredendal 8160

www.matzikamun.co.za 140164

www.thematzikamun.co.za



KENNISGEWING VAN TENDERKANSSELLASIE

Kennis geskied hiermee dat die volgende tender gekanselleer is:

TENDERKANSSELLASIE: T44/19/20

Tenderbeskrywing: Malmesbury RSEP: Lewering en Aanplant van Gras en Bome

Rede vir kansellasië: Verandering in projekomvang van wêreld begrotingsbeperkings.

TENDERUITNODIGINGS

TENDERKANSSELLASIE: T26/20/21

NUWE BELIGTING VIR SPORTGRONDE IN DARLING EN CHATSWORTH

Swartland Munisipaliteit vra hiermee tenders aan vir die lewering en installering van nuwe beligting by die Gabriel Pharoah-sportgronde in Darling en die Chatsworth-sportgronde naby Malmesbury.

Tenderaars moet oor 'n CIBD-registrasie in 'n EP-klas vir konstruksiewerk beskik, met 'n graderingstoekenning gelykstaande aan of hoër as die gradering wat bereken word op grond van die tenderaanbod van 'n waarde soos bepaal deur Regulasie 25(1B) of 25(7A) van die Konstruksiebedryf-ontwikkelingsregulasies, 2004 (soos gewysig). Die geskatte waarde van die kontrak is tussen R3 miljoen en R6 miljoen.

Tegniese navrae rakende hierdie tender kan aan mnr Theo Potgieter by tel. 021 914 0300, faks 021 914 0437 of e-pos theo@lyners.co.za gerig word.

'n Verpligte opklaringsvergadering met verteenwoordigers van die Werkgewer sal op Woensdag, 14 Oktober 2020 vanaf 11:00 (registrasie sluit om 11:05) by die Swartland Munisipale Kantore, PEP Gebou op die hoek van Hill- en Piet Retiefstraat in Malmesbury plaasvind, waarna die konstruksieterrrein besoek sal word.

'n Gestipuleerde minimum drumpel vir plaaslike vervaardiging en inhoud is van toepassing vir die lewering van elektriese kables en elektrisiteitsmeters. Bylaag MBD 6.2 moet voltooi word deur tenderaars wat op die lewering van elektriese kables, elektrisiteitsmeters, PVC-pyp en staalprodukte kwoteer.

Volledig voltooide tenders in 'n verskeide kovert gemerk: "T26/20/21: NUWE BELIGTING VIR SPORTGRONDE IN DARLING EN CHATSWORTH", met die naam en adres van die tenderaar, moet voor 12:00 op Vrydag, 23 Oktober 2020 in die tenderbus, Munisipale Kantore, Kerkstraat, Malmesbury ingedien word, waarna tenders in die openbaar oopgemaak sal word.

TENDERKANSSELLASIE: T27/20/21

MALMESBURY RSEP: LEWERING EN AANPLANT VAN GRAS EN BOME

Swartland Munisipaliteit vra hiermee tenders aan vir die lewering en aanplant van gras en bome in Malmesbury.

Tenderaars moet oor 'n CIBD-registrasie in 'n SH- of CE-klas vir konstruksiewerk beskik, met 'n graderingstoekenning gelykstaande aan of hoër as die gradering wat bereken word op grond van die tenderaanbod van 'n waarde soos bepaal deur Regulasie 25(1B) of 25(7A) van die Konstruksiebedryf-ontwikkelingsregulasies, 2004 (soos gewysig). Die geskatte waarde van die kontrak is tussen R500 000 en R1 miljoen.

Navrae wat met die uitreik van hierdie dokumente verband hou, kan aan mnr Wihan Swart by Lyners Raadgewende Ingenieurs by tel. 021 672 0622, faks 021 672 0619 of e-pos wihan@lyners.co.za gerig word.

'n Verpligte opklaringsvergadering met verteenwoordigers van die Werkgewer sal op Woensdag, 14 Oktober 2020 om 10:00 (registrasie sluit om 10:05) by die Swartland Munisipale Kantore, PEP Gebou op die hoek van Hill- en Piet Retiefstraat in Malmesbury plaasvind, waarna die konstruksieterrrein besoek sal word.

Volledig voltooide tenders in 'n verskeide kovert gemerk: "T27/20/21: MALMESBURY RSEP: LEWERING EN AANPLANT VAN GRAS EN BOME", met die naam en adres van die tenderaar, moet voor 12:00 op Vrydag, 23 Oktober 2020 in die tenderbus, Munisipale Kantore, Kerkstraat, Malmesbury ingedien word, waarna tenders in die openbaar oopgemaak sal word.

Voorkeur sal gegee word aan tenderaars wat aan die kriteria voldoen wat in die Tenderdata gespesifiseer is, Slegs tenderaars wat aan die nakomingskriteria in die Tenderdata voldoen, sal toegelaat word om tenders in te dien.

Tenderdokumente kan vanaf 09:00 op Maandag, 5 Oktober 2020 by die kantore van die Direkteur: Siviële Ingenieurswese Swartland Munisipaliteit, Piet Retiefstraat 6, Malmesbury afgehaal word. 'n Nie-verhaalbare bedrag van R300,00 in kontant of per bankgewaarborgde tjek in die naam van die Swartland Munisipaliteit, is betaalbaar by die afhaal van die tenderdokumente.

'n Verteenwoordiger van die Munisipaliteit sal op versoek beskikbaar wees om hulp te verleen met die voorbereiding van die tendervoorleggings, met uitsondering van die bepaling van die tenderprys. Tenderaars word versoek om mnr Johan Venter by tel. 022 487 9400 voor die tendersluitingsdatum te skakel oor navrae rakende die voltooiing van die skedule of inligting oor die tender.

Tenders sal geëvalueer word ingevolge die Raad se Voorkeurvrykrygsbeleid en die spesifikasies wat saam met die tenderdokument uitgereik word. Die kontrak sal ingevolge die 80/20-voorkeurpuntstelsel geëvalueer word. Die Voorkeurvrykrygsbeleid is gedurende normale kantoorure ter insae by die munisipale kantore.

Die Swartland Munisipaliteit onderskryf en ondersteun die Regering se Swart Ekonomiese Bemagtigingsprogram en is daartoe verbind om die ongelykheid van die verlate reg te stel. Tenderaars wat vir die voordele van die Wet op Bredegebaseerde Swart Ekonomiese Bemagtiging (B-BBEE) wil kwalifiseer, moet Bylaag MBD 6.1 (deel van die tenderdokument) volledig voltooi. Voorkeurpunte MOET ook in paragraaf 6.1 geëis word. Tenderaars word versoek om oorspronklike en geldige B-BBEE-statusvlak verifiëringsertifikaat of gewaarmerkte afskrifte daarvan in te dien, ten einde hul B-BBEE-graderingselke te substansieer. Die Munisipaliteit behou die reg voor om bewyse van bemagtiging aan te vra en te verseker dat die skiep van werksgeleenthede teen gepaste vergoeding wel aan histories-benadeelde individue beskikbaar gestel word.

Laat tenders sal nie aanvaar word nie en die Munisipaliteit word nie daartoe verbind om die laagste, 'n gedeelte van 'n tender of 'n tender in geheel te aanvaar nie. Die Munisipaliteit behou die reg voor om enige deel van die projek weg te laat. Geen tender sal per telefoon, faksimilie of e-pos aanvaar word nie. Tenders mag slegs op die uitgereikte tenderdokumentasie ingedien word. Voorskrifte vir die verskeëling, adressering, aflewering, oopmaak en beoordeling van tenders word in die Tenderdata uiteengesit.

Swartland Munisipaliteit
Privaat Sak X52
Malmesbury
02 Oktober 2019

JJ Scholtz
Munisipale Bestuurder

www.theswartlandmunicipality.co.za 140590

www.ayazandibanga.co.za

APPENDIX 3



**Western Cape
Government**

Education

Directorate: Physical Resource Planning
& Property Management

Gerrit.Coetzee@westerncape.gov.za
tel: +27 21 467 9261 fax: 021 467 2565

Reference: 20200915-8070
Enquiries: Gerrit Coetzee (0844224334)

Ms G Mettler
Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Ms Mettler

APPLICATION FOR THE LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH AND PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB (SFC)

The above-mentioned applications as well as the council decision of 24 August 2020 refers. At the meeting of 24 August council, in principle, approved a term lease agreement on the basis of a private treaty agreement for a period of 9 years and 11 months. Based on the council decision, the lease agreement will be subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities and well as other entities linked to providing services to the airfield.

Council's in principal approval was further advertised for comment/inputs/alternative proposals. This letter is submitted as the Western Cape Education Department's (WCED) further comment/input with regard to the proposal. In an effort not to repeat the comments submitted 20 April 2020, please find these comments attached which remain relevant for this final decision.

The WCED, having an interest in the decisions that are being made, would like to submit this further comment for clarity in terms of our proposal to establish an Aeronautical School at the Stellenbosch Airfield. The WCED appreciate the in-principal decision taken by council to approve a term lease agreement with the Stellenbosch Flying Club (SFC) and the condition proposed that the lease agreement be subject to the Lessee reaching agreement with the WCED in regard to our needs.

It is important to note that the WCED have continued engagement with the SFC, although no final agreements have been made between the parties. The WCED will continue these engagements in an effort to ensure that all the needs of the WCED are met with the understanding that the SFC will accommodate the WCED's proposed Aeronautical School within the confines of the relevant aeronautical requirements and legislation regarding safety. The WCED have stated on numerous occasions that the safety of learners and staff remains paramount in our decisions regarding this school.

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Despite this undertaking by the WCED, it remains our intention to find practical ways of accommodating the proposed Aeronautical school on the leasehold area of the SFC, as a first phase of development. As mentioned in previous correspondence, the establishment of the school is planned in phases, with only the first phase (maximum 60 students) being accommodated at the Airfield. All necessary precautions and measures must be taken to ensure adherence to requirements for the management of safety and security of this registered aerodrome. The SFC has indicated that they are willing to assist the WCED with regard to the establishment of the school and the associated agreements in terms of services that will need to be entered into with various parties.

However, accommodating the school on the premises of the SFC remains a challenge to the club. This emphasises the importance for council to make a decision regarding availing a site adjacent to the airfield to the WCED for the establishment of the proposed Aeronautical School. Although the SFC seems willing to assist, it might not be practical for them to assist with accommodation, forcing the WCED to find alternative accommodation for phase 1 of the project. Further negotiations between the WCED and the SFC will ultimately determine the location of phase 1 of the project.

The WCED remains committed to the establishment of a high school within the province that specialises in Aeronautical Sciences and increase the technical skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills. Once again, the WCED would like to emphasise the decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. Stellenbosch was decided upon, not only because of the availability of training facilities at the airfield, but also the proximity to the Stellenbosch University, their Engineering faculty and the academic/innovative ethos of the town.

However, the WCED will need the assistance of the Stellenbosch Municipality, the SFC and the broader community of Stellenbosch to make this dream a reality. The opportunities and benefits associated with the successful establishment of such a school in Stellenbosch could prove to be of huge value to the municipality and broader community. It would be a real pity if the establishment of this school cannot be realised in Stellenbosch. Your continued assistance in this regard is appreciated.

I trust that you will take the above-mentioned into account when considering the applications surrounding the SFC lease and sub-lease. Should council require any further information, the WCED is more than willing to present our proposal in person to council. We await your positive feedback in this regard. Please do not hesitate to contact Gerrit Coetzee on 0844224334 should you require further information.

Regards



GERRIT COETZEE
DIRECTOR: PHYSICAL RESOURCES PLANNING & PROPERTY MANAGEMENT
DATE: 2020/09/15

Copy to:

Piet Smit (Piet.Smit@ Stellenbosch.gov.za)
Annalene De Beer (Annalene.DeBeer@ Stellenbosch.gov.za)



Western Cape
Government

Education

Directorate: Physical Resource Planning
& Property Management

Gerrit.Coetzee@westerncape.gov.za
tel: +27 21 467 9261 fax: 021 467 2565

Reference:

Enquiries: Gerrit Coetzee (0844224334)

Ms G Mettler
Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Ms Mettler

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

PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB

The above-mentioned applications refer as well as the council decision of 26 February 2020 setting out the process for the long-term lease of the Stellenbosch Flying Club (SFC) and the subsequent decision to subject the application to a public participation process. The Western Cape Education Department (WCED), having an interest in the decisions that are being made, would like to submit the following comments for clarity in terms of our proposal to establish an Aeronautical School at the Stellenbosch Airfield.

In a letter dated 07 November 2019, the WCED requested Stellenbosch Municipality to grant permission to the SFC to sub-lease a portion of their leased property (a hanger) to the WCED for the establishment of an Aeronautical school. The decision to sub-lease is however not subject to a public participation process, but council indicated that the decision to sub-lease will only be made once the public participation process for the long-term lease agreement between the Stellenbosch Municipality and the SFC has been concluded and a decision is made in this regard by council.

Upon hearing the news that Stellenbosch Municipality is considering both applications (long-term lease and sub-lease) at the same time, the SFC submitted a letter dated 20 January 2020, with the intention of making their position in this regard known. The SFC does not object to the proposed high school but renders its *"firm support for this venture and intention to find a workable solution while maintaining an open mind to the complex constraints posed by our location."* Despite this support, the letter does highlight several reasons and concerns why the school cannot practically function on the airfield. Noise-pollution, increase traffic and the stringent requirements for the management of the safety and security of registered aerodromes are concerns raised by the SFC.

In light of these concerns the WCED would like to highlight the following to the Stellenbosch Municipality as comments related to the applications under consideration by council:

- The WCED have continued engagement with the SFC, following their letter to council. With the SFC planning the Stellenbosch Air Show and the Covid 19 lock-down, it has not been possible for the WCED and SFC to meet regarding these matters. These engagements will continue after the lock-down has ended.
- It is important to emphasise the intention of the WCED, that is for the establishment of a high school within the province that specialises in Aeronautical Sciences. The intention is to increase the technical skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills.
- Not all students attending the school, will necessarily become pilots and follow the pathway of training for a pilot. Many of the students will follow career paths into aviation engineering and mechanics and will thus limit the impact in terms of actual flight training.
- The decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. Stellenbosch was decided upon, not only because of the availability of training facilities at the airfield, but also the proximity to the Stellenbosch University, their Engineering faculty and the academic/innovative ethos of the town.
- The school is planned in a phased approach. The first phase constitutes a multi-year pilot as 3 consecutive cohort intakes of up to a maximum of 20 Grade 10 learners are planned for the years 2020, 2021 and 2022. Each of those cohorts are to be progressed to Grade 12 examinations and the curriculum design will be tested and finalised during this phase. The school would not have more than 60 learners enrolled in total in any academic year during the first phase (considering maximum class sizes for Grade 10, 11 and 12).
- The second phase, should an evaluation of the pilot project recommend it does so, would be to expand to a fully-fledged technical education public high school, i.e. a school of specialisation under the authority of the minister for Education in the Western Cape that covers Grades 8 to 12, on a property that would ideally, but not necessarily, be located in close proximity to Aeronautical training facilities and that has suitable space for conducting practical exercises.
- The WCED would ideally like to secure the use of a hanger at the SFC and secure the use of aviation training facilities preferably through lease agreements or the acquisition of such facilities. The context for the requirement of a hanger at the SFC is primarily to find an adequate location for instruction and administration facilities, provided the appropriate authorisation could be obtained.
- Although the SFC does mention the clear and stringent requirements for the management of the safety and security of registered aerodromes as stipulated by the South African Civil Aviation Authority, it remains the intention of the WCED to

find practical ways of accommodating the proposed Aeronautical school on the leasehold area of the SFC, as a first phase of development. As explained above, the establishment of the school is planned in phases, with only the first phase (maximum 60 students) being accommodated at the Airfield. All necessary precautions and measures will be taken to ensure adherence to requirements for the management of safety and security of this registered aerodrome.

- As mentioned earlier, a key design principle for the curriculum for this school, is to minimise the proportion of learners of any cohort that would pursue Private Pilots training, as another school in the Province already caters for this. For this new school, the prospect of being co-located with drone training and other aeronautical research and development establishments is more exciting and a bigger drawcard. The intended development of the curriculum is focused on technical education, in which students will need to complete both rigorous vocational and academic programs, that provide excellent preparation for aviation-related careers as well as higher education.
- The target operating model of this new type of public school is intentionally that it will function as a "Collaboration school" – a first-of-its-kind, innovative new model being pioneered in the Western Cape and that was introduced legally as part of a reform to enhance school accountability and governance. A "Collaboration School" means an institutional mechanism that contractually partners schools with an external school operating partner committed to increasing the quality of the teaching and learning at that school in order to substantially improve the school's education outcomes. The operating partner for the target Aeronautical Sciences school, whether in Stellenbosch or elsewhere in the Province, has not been finalised as yet, but will require a background in Aviation and related experiences.
- The premise for the Collaboration School also includes a contributory governance role for "Donors", a group of private foundations that have indicated their intention to fund and work together with Government for the purpose of supporting the Collaboration School Pilot programme to develop a sustainable model for improved education outcomes for more learners.
- The design of the school and governance model will consider the situational context of this unique school of specialisation. Given its premise as a public school, it will first and foremost be managed and governed in accordance with the provisions of the applicable legal and regulatory frameworks governing education delivery.
- It is also important to point out that accommodating the school within the environment of the airfield will be temporary in nature. In fact, accommodating the school on the airfield would only be an option if compliance with applicable environmental and aviation authority regulations could be met and a full risk assessment was done that considers the safety of all stakeholders, particularly that of our young learners. Therefore, it should be noted clearly that there is no intent to locate a fully-fledged high school at the SFC or even on adjacent land, unless this

land was zoned for educational purposes and all conditions could be fulfilled. A long-term lease would not be required by the WCED; the sub-lease request to the SFC is for a pre-determined term only, while the project is in its initial phase (3 year contract).

The WCED would appreciate any **municipal support with regard to establishing a workable agreement with the SFC**, to the extent that the municipality include the successful agreement between the SFC and the WCED as a condition of approval in the renewal of the lease agreement of the SFC with Stellenbosch Municipality. It remains imperative that the SFC and the WCED find agreeable terms with regards to access to their facilities and services; otherwise the proposed aeronautic school remains a non-starter.

I trust that you will take the above-mentioned into account when considering the applications surrounding the SFC lease and sub-lease. Should council require any further information, the WCED is more than willing to present our proposal in person to council. We await your positive feedback in this regard. Please do not hesitate to contact Gerrit Coetzee on 0844224334 should you require further information.

Regards

A handwritten signature in black ink, appearing to read 'Gerrit Coetzee', with a large, sweeping flourish extending from the end of the signature.

GERRIT COETZEE
DIRECTOR: PHYSICAL RESOURCES PLANNING & PROPERTY MANAGEMENT
DATE: 2020/04/20

7.2.8	PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

1. SUBJECT: PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB

2. PURPOSE

To consider a request received from the Western Cape Government for a proposed sub-lease at the Stellenbosch Flying Club.

3. DELEGATED AUTHORITY

Council

Delegated authority to Executive Mayor in consultation with the Executive Mayoral Committee

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. (Portion L of Farm 502). An item is serving before Council to consider a further lease agreement with the Flying club.

The Western Cape Government requested to sub-lease a piece of land from the flying club to establish an Aeronautical High School on the property. The request is attached as **APPENDIX 1**. The request served before Mayco in November 2019 but was referred back to be refined. The aeronautical school that the Western Cape Government envisaged to establish in the Stellenbosch area has a direct link to the Stellenbosch airfield as it intends on the long run to use the facilities at the airfield for the training of the learner pilots and other related skills. In the short term it envisaged leasing from the Flying Club and or using the facilities at the airfield for training purposes. The Flying club has provided some input/response to the request of the Western Cape Government. **(APPENDIX 2). In view of the response** the Western Cape Government has requested to acquire a piece of land from the Municipality for the purposes of building the school. The land for this purpose has not being identified and the item will be brought to council as soon as this has been done.

5. RECOMMENDATIONS

- (a) that the request from the Western Cape Government be noted;
- (b) that the response from the Flying Club be noted; and
- (c) that the request be considered.

6. DISCUSSION / CONTENTS

6.1 Background

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha in extent) from Stellenbosch Municipality. They currently leases and occupies the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021.

6.2 Discussion

Locality and context

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



Fig 1: Location and regional context

The current process to consider a new lease agreement with the flying club was advertised and the Information Statement clearly indicates council's intention to accommodate the aeronautical school at the airfield and should the lease agreement with the Flying club be approved that the Flying club must accommodate the aeronautical school. This accommodation from the latest proposal from the Western Cape Department of Education will have several phases and starts with a group of learners using the facility for training as learner pilots either on the simulator or in aeroplanes. This number to increase as the development and accommodation of learners at the school can be accommodated.

The identification and consideration of a piece of land to build the school is intended not to be on the current area rented by the Flying club and is a separate process to be considered.

The Flying club and the Western Cape Department of Education need to come to an agreement on the costs to be paid to the Flying club for the sub lease.

Services

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

Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

6.3. Financial Implications

The financial implications could not be determined yet.

6.4 Legal Implications

In terms of the current agreement with the airfield they must get Council approval to sub lease any part of the facility.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions:

No previous resolution on this application

6.7 Risk Implications

Risk implications has been addressed in the item.

6.8 Comments from Senior Management:**Municipal Manager:**

Supports the request for a sub-lease. The request for the identification of additional land will be dealt with in a separate item.

ANNEXURES

APPENDIX 1. Request from the Western Cape Government.

APPENDIX 2 Response from the Flying club

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>(021) 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>7.02.2020</i>

APPENDIX 1



Reference: 2/19/2
Enquiries: Adv. L Coleridge-Zils

Ms G Mettler
Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Ms Mettler

PROPOSAL TO SUBLEASE THE MUNICIPAL PROPERTY FROM THE STELLENBOSCH FLYING CLUB

1. The purpose of this correspondence is to make a proposal to the Stellenbosch Municipality to give permission to the Stellenbosch Flying Club to sublease the municipal property to the Western Cape Education Department (from hereinafter referred to as "the WCED") to establish an Aeronautical High School on the property.
2. The WCED liaised with the Stellenbosch Flying Club to establish the Aeronautical High School for Grade 8-12 learners, with a high quality, academic and Aeronautical Program, which will prepare learners to meet the challenges of the 21st century and 4th Industrial Revolution, and a career in the Aerospace domain.
3. During the engagement with the Stellenbosch Flying Club, it came forth that the property belongs to the Stellenbosch Municipality.
4. As a province, we are convinced that –
 - 4.1. The global aerospace industry has driven social and economic transformation around the world. Aerospace has since the beginning enabled many technological breakthroughs facilitating the connection of people, countries and cultures, providing access to global markets and generating trade and tourism.
 - 4.2. Aerospace technologies have furthered our horizons, expanded access to education and information to the most remote areas on the planet, and revolutionised how people and businesses connect and create wealth thus improving the living standards of millions of people around the globe.
 - 4.3. The aerospace industry offers solutions to many of the socio-economic challenges Africa is facing on the path to sustainable development. A paradigm shift from thinking

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about aerospace as an isolated industry to a key enabler of socio-economic change is necessary to realise its benefits for a prosperous future.

- 4.4. The inherent and extensive nature of aerospace technology offers boundless possibilities and opportunities for Africa's socio economic transformation by creating health and jobs, building skill and aiding in the delivery of essential services.
5. In the province there is no fully fledged high school that makes provision for education and training in the Aerospace domain.
6. During deliberations between the WCED and the Stellenbosch Flying Club, it became evident that the WCED and the Stellenbosch Flying Club can co-exist in a complementary manner.
7. The WCED is planning to establish a school with a specialised focus on Aeronautics. The communities from the impoverished areas such as Stellenbosch, and surrounding areas will be targeted.
8. The project will unfold as follows:

Phase1:

- i. Propose to buy or rent a hanger on the Stellenbosch Flying Club property and convert part into classrooms for 20 learners initially with expansion plan in future years.
- ii. Proposed alternative: Acquisition of mobile classrooms and Teacher Area to cater for 20 learners.
- iii. Arrange Service agreements with Stellenbosch Flying Club. Property and Lease agreements.
- iv. Arrange Service Agreements for Training Schedules with Stellenbosch Flying School (PPL Training), Stellenbosch Flight Academy (Simulator Training) and Stellair (AMO Training).
- v. Enrol 20 Grade 10 learners in January 2020, or soonest thereafter.

Phase 2:

Enrol 20 Grade 10 learners and Grade 10 learners proceed to Grade 11 in 2021.

Phase 3:

Enrol 20 Grade 10 learners whilst Grade 10 move to Grade 11, Grade 11 move to Grade 12 in 2022.

Phase 4:

Build a fully-fledged Aeronautical High School on a property identified by the Stellenbosch Municipality situated close to the flying school.

9. There is a huge growth forecast for Aviation in the future. The need to educate and mobilise the youth of today, to sustain the Aerospace for tomorrow, is an imperative.
10. The growth Aerospace market requirements for new Aircraft and Skilled Aviation Practitioners, is forecasted to grow exponentially with the demand of particularly commercial aircraft.
11. A high school that is geared to offer this unique programme, is proposed for the Western Cape and I believe that in line with the spirit, purport and objects of intergovernmental relations the Stellenbosch Municipality will permit our proposal.
12. It is therefore proposed that Stellenbosch Municipality agree to place the WCED's proposition on the Council Agenda for Wednesday, 27 November 2019. The WCED may be represented by Mr Salie Abrahams, Mr Gerrit Coetzee, Adv. Lynn Coleridge-Zils, Mr Juan Benjamin, a representative from the Stellenbosch Flying Club and a representative from the Donor.

Yours faithfully



BK SCHREUDER
HEAD OF EDUCATION: WESTERN CAPE
DATE: 7 NOVEMBER 2019

APPENDIX 2



20 January 2020

The Director Corporate Services
Stellenbosch Municipality
P O Box 17
Stellenbosch
7600

Attention: Director Annalene De Beer
Cc: Mr Piet Smit
Councillor Rikus Badenhorst
Colonel Alan Nelson

Dear Director De Beer

AVIATION THEMED HIGH SCHOOL, STELLENBOSCH

The Stellenbosch Flying Club has been approached by a group who, in collaboration with the Western Cape Education Department, intend establishing an aviation themed private high school. They have as we understand considered a number of sites and have settled on Stellenbosch as the preferred location. As our landlord we have been advised and deemed it appropriate that we communicate our position in this regard to the Stellenbosch Municipality first and foremost, indicating our firm support for this venture and our intention to find a workable solution while maintaining an open mind to the complex constraints posed by our location.

The Project Group is seeking to secure a relationship with the Stellenbosch Flying Club for the provision of services and access to facilities to support their venture. The school will consist of a core, mainstream high school curriculum supplemented with an aviation component to address two streams namely those students who wish to learn to fly, and those who wish to follow a technical career. It has been indicated that those wishing to learn to fly would follow the Private Pilot Training Course with the objective being that they complete grade 12 with a PPL. This licence allows the holder to fly recreationally and can be a stepping stone to obtaining a Commercial Pilot's Licence or CPL. While the beginnings are indicated to be small with an initial group of 20 drawn from feeder high schools in the area, the vision that has been shared with us is for it to grow to the point where it accommodates around 100 students with the expectation being that roughly half will follow the pilot training and technical streams respectively. 43 Airschool, a large flight school in Port Alfred, has been referred to as a model that they would like to emulate.

Several meetings and discussions have been held in order to understand the needs of the school and how the Stellenbosch Flying Club is being asked to and is able to support and get involved. The group's initial request was for the Club to make space available in a hanger for the establishment of the school and alternatively to make available a site for the construction of a purpose built facility, although they indicated that their preference was for the use of an existing hangar. We have advised that this is not possible, since the club only owns a very small number of hangars at the field all of which are used for the storage of the club's own aircraft. The balance of the hangars belongs to members who in turn use them for the storage of their own aircraft. While some land remains open and has been earmarked for the construction of additional hangars, the current need for hangars among our members indicates that the demand will exceed the supply. In addition to considering the needs of our members, provision has also been made for the erection of a hangar by Kishugu Aviation, an aerial firefighting service provider to the Western Cape Government under the Working on Fire program. Leading Edge Aviation is a second aerial firefighting service provider based at the field who is contracted to the Winelands Municipality. Their needs for space are less than that of Kishugu Aviation and they recently purchased a hangar which had come onto the market.

Following discussions with the Municipality the Project Group requested a follow up meeting with the intention of signing a memorandum of understanding and a service level agreement between ourselves. At this meeting it was established that contrary to our understanding, the group had in fact requested from the Municipality the provision of premises within our leasehold area which we again advised was not possible. The reasons for our position in this regard are as follows:

1. Limited space available for additional hangars as described above. That space which is available is earmarked for limited additional hangars to service the needs of our members and to accommodate an established, essential emergency service. The needs of Kishugu Aviation have in fact been prioritised over those of our members as they provide a critical emergency service to the area. Stellenbosch Flying Club has accommodated the Working on Fire services for several years and the proximity of our airfield to the area that Working on Fire serves is critical to the local community. Kishugu Aviation has indicated that they wish to construct a facility at the field as they have been instructed by the South Africa Civil Aviation Authority to do so as there are legislated requirements for aircraft maintenance facilities. They are however not in a position to invest the significant amount of money such a facility would cost until the Club lease has been renewed.

When one looks at the airfield one gets the impression of there being a lot of open space, however this open space is there to maintain minimum legal clearance and separation of buildings from taxiways and the runway both in terms of distance and height and the existing airfield layout has been constructed with this in mind. The space available for further development is therefore vastly less than what it may appear;

2. The South African Civil Aviation Authority has clear and stringent requirements for the management of the safety and security of registered aerodromes and the Stellenbosch Flying Club is audited annually against these requirements. If one
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considers the requirements of a school, it would be more extensive than simply a place to present instruction and would require ablutions, administrative areas, outdoor recreation areas and drop off and pick up zones. This can simply not be accommodated within the footprint of the airfield without compromising our compliance with these requirements. Being an active airfield with aircraft coming and going during the day, free movement on the secure air side of the airfield where the hangars are located would have serious safety implications for the students, aircraft and other users. In addition to the above, given that some of the students are likely to come from quite far afield the possibility of a residential component has been discussed and this could certainly not be accommodated on the field. We are aware of a few portions of land adjacent to the airfield that belong to the municipality and it was with the above constraints in mind and the Club's earnest intention of finding a way in which we could assist and support this venture that we proposed that the Municipality be approached to secure a lease on one of these properties. This would provide a piece of land over which the school would have autonomous control and the ability to develop infrastructure specifically tailored to meet their requirements, while still having very convenient proximity to the Club for access to the services and facilities to be agreed. The most suitable portion of land which appears to be coming available is portion 502R to the south of the Airfield.

The Stellenbosch Flying Club operates in an area that is extremely noise sensitive and we have implemented a comprehensive noise abatement procedure in order to accommodate our neighbours and the local community by keeping the noise footprint of the airfield to the minimum possible.

When the Stellenbosch Flying Club was first established in the very early 1970's the location was relatively isolated and the club's activities very limited. With few members the noise produced was insignificant and therefore not a consideration in those early days. Things have however changed, the Club has grown, and development has encroached to the extent that we now have a very high value, upmarket development sharing part of our northern boundary in the form of De Zalze. This along with the general expansion of Stellenbosch as a town has demanded that we have had to adjust our activities, and this has impacted our training activities as well.

The flight training centre at the club was established to provide training to club members and was initially very small but has grown along with the club. The club's training activities are also impacted by our noise abatement procedures with an example being the fact that night circuit training, which involves repeated take-offs and landings is only conducted on one night of the week. Further measures include the moving of the airfield overhead circuit for all aircraft away from the residential areas with joining routines carried out to the over unoccupied land to the west. We are currently also developing an alternative joining routine for helicopters which will see them approaching directly from the west to land without following the fixed wing aircraft joining routine.

While our training centre could certainly accommodate the numbers projected for the early phase of the development of the school, the group's indicated growth ambition for the school is concerning in that it would increase traffic at the airfield significantly and it would certainly be met with resistance and objection from the local community. Other airfields around South Africa have faced serious opposition with training and other activities impacted and the risk to the future of the airfield would be significant. An example is Oudtshoorn where the local ratepayers association briefed the National Council of Provinces (NCOP) for assistance with concerns relating to the establishment of a commercial flight training school with their points including among others the following:

- Failure to take into consideration the conditions and regulations of the National Environmental Management Act and provincial environmental laws;
- Refusal by the Municipality to conduct a proper Environmental Impact Assessment (EIA), which residents were assured of by the Provincial Government and Oudtshoorn Municipality;
- Refusal by the Municipality to conduct a proper risk management analysis on safety issues, physical and mental health and safety study into the effects of repetitive low level flight training traffic over the residential environments;
- There was also a failure to apply the local by laws governing noise pollution and nuisance caused by the low level flight training.

The Stellenbosch Flying Club does not have the resources to counter such opposition and it would therefore most likely fall to the landlord as in the above case to manage such opposition. This would impact not only the Stellenbosch Flying Club but also the two firefighting service providers at the field, Stellair and the Stellenbosch Flying Academy both based at the field and all those who are employed, most of whom are from the local community with many drawn from Jamestown and Kayamandi. It is therefore critical to the future of the Stellenbosch Airfield as a whole and not only the Club, that we continue to manage our noise footprint extremely carefully, and a school that is intended to grow as indicated by the Project Group would represent significant risk.

I wish to reiterate that the Stellenbosch Flying Club supports this venture and sees the value of it in context with the current socio-economic and education climate in South Africa and a venture such as this promoting aviation among our youth is certainly to be applauded and supported. While the Club is supportive and happy to take our discussions forward, there are however as described above several factors that constrain our ability to support to the extent anticipated by the Project Group. Our very strong recommendation is that the group secures an agreement with the Stellenbosch Municipality to lease an adjacent piece of land after which the detail can be considered and recorded. This we believe to be key to progressing with their initiative in this location.

The scaling of the proposed development is also key to its future and while our flight training centre is able to absorb an additional twenty students, the increased traffic to accommodate the ultimate one hundred students as indicated would increase traffic and in turn our noise footprint to the extent that strong community objection is highly likely. Should this be the ultimate objective of the group then the consideration of an alternative location is strongly recommended.

Our ability to support this project in whatever way is of course also closely linked with the renewal of our lease which falls due in March 2021.

We would be happy to meet with you at your convenience should you wish to discuss our involvement in this project or other aspects of our tenancy.

Sincerely

A handwritten signature in black ink, appearing to read 'Dr Jurie Steyn', written over a series of horizontal lines.

Dr Jurie Steyn

Chairman

7.2.9	REQUEST TO SECURE PROPERTY FOR AN AERONAUTICAL SCIENCES SCHOOL IN STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

1. SUBJECT:REQUEST TO SECURE PROPERTY FOR AN AERONAUTICAL SCIENCES SCHOOL IN STELLENBOSCH

2. PURPOSE

To consider a request from the Western Cape Government (Education Department) to acquire land to establish a high school within the Stellenbosch Municipality that specialises in Aeronautical Sciences.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Western Cape Government has initially requested to sub-lease a portion of the Stellenbosch Flying Club's land for the purpose of establishing an aeronautical science school on the flying club's site.

At the time Council has not yet considered the Stellenbosch Flying Club's request for a new Lease Agreement, and for this reason the request for a sub-lease could not be considered.

In the mean-time the Flying Club has indicated that they would not be able to accommodate the building of a school on their site due to the aviation regulations and the size of the property they are leasing.

For this reason, the Western Cape Government has requested to acquire land from the municipality as close as possible to the flying club to accommodate the building of a school for the purpose of training young people in the aviation industry careers.

Council must consider this request.

5. RECOMMENDATIONS

- (a) that Council consider whether to dispose of one (1) of the identified portions of land to the Provincial Government for the purpose of establishing an aeronautical school;
- (b) that, should Council decide to dispose of the property a decision be made if the disposal will be at market free of charge;
- (c) that should the property be disposed of, it be subject thereto that:-
 - i) it be the responsibility of the Provincial Government to attend to the sub-division and rezoning thereof, at their risk and cost; and
 - ii) the Provincial Government be responsible for payment of BICL's
- (d) that the portion that was identified to be sold, be identified as land not needed to provide the minimum level of basic municipal services; and

- (e) that Councils intention to dispose of the land be advertised for public comment/input/alternative proposals.

6.5 DISCUSSION/CONTENTS

6.1 Background

6.1.1 Proposal to sublease from the Flying Club

On 07 November 2019 a written request to sub-lease from the Stellenbosch Flying Club was submitted to the Municipal Manager, a copy of which is attached as **APPENDIX 1**.

In terms hereof, they would operate from the Flying Club's premises for a period of three (3) years (Phases 1-2).

Phase 3 would involve the construction of a fully-fledged Aeronautical School on the property. Seeing that the Lease Agreement of the Stellenbosch Flying Club would come to an end by 31 March 2021, and seeing that the Lease Agreement did not provide for an automatic renewal, it did not make sense to consider the application at the time, as the authorisation to sub-lease would have lapsed with the lapsing of the Lease Agreement.

In the mean-time the Flying Club was requested to comment on the application, as it would impact on their use of the site.

Please find hereto attached as **APPENDIX 2** copy of a letter received from the Flying Club indicating that they would not be able to accommodate the school on their premises. They are, however, in favour of such a nature on adjacent, municipal owned land.

6.1.2 Request to secure property from Municipality for the purpose of an Aeronautical School

Following the inputs received from the Flying Club, a further request was submitted requesting that Stellenbosch Municipality make available land to in close proximity to the Flying Club, for the purpose of development of an Aeronautical School, either by way of a lease agreement, but preferably by way of purchasing /acquiring of land. A copy of their request is attached as **APPENDIX 3**.

6.1.3 Request for renewal of lease Agreement by Stellenbosch flying Club

In the mean-time, the Stellenbosch Flying Club has (again) submitted an application for the extension of their lease agreement, a copy of which is attached as **APPENDIX 4**.

Following the prescribed public participation process envisaged in Section 35 of the Asset Transfer Regulation, Council considered the application on 2020-08-24. Having considered the inputs received as a consequence of the public notice,

Council decided as follows:

37TH COUNCIL MEETING: 2020-08-24: ITEM 11.2.1

RESOLVED (majority vote)

- “(a) that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;
- (b) that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;

- (c) *that Council confirms that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;*
- (d) *that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;*
- (e) ***that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;***
- (f) *that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;*
- (g) *that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and*
- (h) *that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made".*

6.2 DISCUSSION

6.2.1 Identification of possible site(s) for an aeronautical school

Following the request from the Provincial Government for land for a school as close as possible to the Flying Club, in extent ± 1 ha, the following two options were identified:

Option 1: An area of approximately 10224m² in extent, situated next to the entrance to the airfield, as indication on Fig 1, below.



Fig 1:

Option 2: An area of approximately 10569 in extent situated adjacent to the airfield, as indicated on Fig 2, below.



Fig2:

6.2.2 Ownership

Ownership of Farm 502 vests with Stellenbosch Municipality by virtue of Title Deed STF 5-34/1885. See a copy of the Windeed record attached as **APPENDIX 5**.

6.2.3 Zoning

The current zoning of both the areas of the land identified above is Agricultural. Should Council indeed approve the disposal of any of these portions, it will have to be subject thereto that the land be sub-divided and rezoned at the cost and risk of the Western Cape Government.

6.2.4 Access to property

Although both options have access off the access road to the Airfield, ultimately access will be obtained from the R44. This might be an issue for the Provincial Road Engineer, as the intersection with the R44 is problematic. For more detail see page of 1 of the Precinct Plan, as discussed below.

6.2.5 Airfield precinct plan

Please find hereto attached as **APPENDIX 6** a copy of a Precinct Plan for the Airfield area.

This plan highlights the access of issue (alternative access from Annandale road) for the area, as well as critical biodiversity areas (Louw se Bos), that might impact on the develop ability of the area.

The plan proposed that the precinct be retained and developed as an airfield precinct that accommodate the airfield, but also make provision for ancillary land uses, such as working on fire, etc.

They area should form a buffer between urban development (De Zalze) and the rural area and should not be used for urban expansion. This Department is of the view that the proposed Aeronautical School would indeed be in line with the proposals contained in the Precinct Plan. The critical issue, however, would be the question of access.

6.2.4 Legal requirements

6.2.6.1 Municipal Finance Management Act (MFMA)

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

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

6.2.6.2 Municipal Supply Chain Management Regulations

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

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

Stellenbosch Municipality's SCM Policy, however, is silent on ways in which assets may be transferred to another organ of state.

6.2.6.3 Asset Transfer Regulations (R878/2008)

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

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

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

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

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

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

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

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

6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted.

6.4 Legal Implications

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

6.9 Staff Implications

This report has no additional staff implications to the Municipality;

6.10 Previous / Relevant Council Resolutions

See par. 6.1.2 and 6.1.4 above

6.11 Risk Implications

The risks have been addressed in the item.

ANNEXURES:

APPENDIX 1: Written request to sub-lease from the Stellenbosch Flying Club submitted to the Municipal Manager

APPENDIX 2: Letter from the Flying Club

APPENDIX 3: A copy of their request is attached as

APPENDIX 4: Stellenbosch Flying Club application

APPENDIX 5: Windeed record

APPENDIX 6: Precinct Plan

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189

<i>E-MAIL ADDRESS</i>	Piet.smit@ Stellenbosch.gov.za
<i>REPORT DATE</i>	2020-09-21

APPENDIX 1



**Western Cape
Government**

Education

Directorate: Physical Resource Planning
& Property Management

Gerrit.Coetzee@westerncape.gov.za
tel: +27 21 467 9261 fax: 021 467 2565

Reference:

Enquiries: Gerrit Coetzee (0844224334)

Ms G Mettler
Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Ms Mettler

APPLICATION FOR THE LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION 1 OF FARM 502, STELLENBOSCH; AND

PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB

The above-mentioned applications refer as well as the council decision of 26 February 2020 setting out the process for the long-term lease of the Stellenbosch Flying Club (SFC) and the subsequent decision to subject the application to a public participation process. The Western Cape Education Department (WCED), having an interest in the decisions that are being made, would like to submit the following comments for clarity in terms of our proposal to establish an Aeronautical School at the Stellenbosch Airfield.

In a letter dated 07 November 2019, the WCED requested Stellenbosch Municipality to grant permission to the SFC to sub-lease a portion of their leased property (a hanger) to the WCED for the establishment of an Aeronautical school. The decision to sub-lease is however not subject to a public participation process, but council indicated that the decision to sub-lease will only be made once the public participation process for the long-term lease agreement between the Stellenbosch Municipality and the SFC has been concluded and a decision is made in this regard by council.

Upon hearing the news that Stellenbosch Municipality is considering both applications (long-term lease and sub-lease) at the same time, the SFC submitted a letter dated 20 January 2020, with the intention of making their position in this regard known. The SFC does not object to the proposed high school but renders its *"firm support for this venture and intention to find a workable solution while maintaining an open mind to the complex constraints posed by our location."* Despite this support, the letter does highlight several reasons and concerns why the school cannot practically function on the airfield. Noise-pollution, increase traffic and the stringent requirements for the management of the safety and security of registered aerodromes are concerns raised by the SFC.

In light of these concerns the WCED would like to highlight the following to the Stellenbosch Municipality as comments related to the applications under consideration by council:

- The WCED have continued engagement with the SFC, following their letter to council. With the SFC planning the Stellenbosch Air Show and the Covid 19 lock-down, it has not been possible for the WCED and SFC to meet regarding these matters. These engagements will continue after the lock-down has ended.
- It is important to emphasise the intention of the WCED, that is for the establishment of a high school within the province that specialises in Aeronautical Sciences. The intention is to increase the technical skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills.
- Not all students attending the school, will necessarily become pilots and follow the pathway of training for a pilot. Many of the students will follow career paths into aviation engineering and mechanics and will thus limit the impact in terms of actual flight training.
- The decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. Stellenbosch was decided upon, not only because of the availability of training facilities at the airfield, but also the proximity to the Stellenbosch University, their Engineering faculty and the academic/innovative ethos of the town.
- The school is planned in a phased approach. The first phase constitutes a multi-year pilot as 3 consecutive cohort intakes of up to a maximum of 20 Grade 10 learners are planned for the years 2020, 2021 and 2022. Each of those cohorts are to be progressed to Grade 12 examinations and the curriculum design will be tested and finalised during this phase. The school would not have more than 60 learners enrolled in total in any academic year during the first phase (considering maximum class sizes for Grade 10, 11 and 12).
- The second phase, should an evaluation of the pilot project recommend it does so, would be to expand to a fully-fledged technical education public high school, i.e. a school of specialisation under the authority of the minister for Education in the Western Cape that covers Grades 8 to 12, on a property that would ideally, but not necessarily, be located in close proximity to Aeronautical training facilities and that has suitable space for conducting practical exercises.
- The WCED would ideally like to secure the use of a hanger at the SFC and secure the use of aviation training facilities preferably through lease agreements or the acquisition of such facilities. The context for the requirement of a hanger at the SFC is primarily to find an adequate location for instruction and administration facilities, provided the appropriate authorisation could be obtained.
- Although the SFC does mention the clear and stringent requirements for the management of the safety and security of registered aerodromes as stipulated by the South African Civil Aviation Authority, it remains the intention of the WCED to

find practical ways of accommodating the proposed Aeronautical school on the leasehold area of the SFC, as a first phase of development. As explained above, the establishment of the school is planned in phases, with only the first phase (maximum 60 students) being accommodated at the Airfield. All necessary precautions and measures will be taken to ensure adherence to requirements for the management of safety and security of this registered aerodrome.

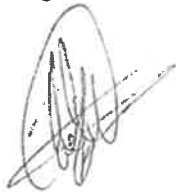
- As mentioned earlier, a key design principle for the curriculum for this school, is to minimise the proportion of learners of any cohort that would pursue Private Pilots training, as another school in the Province already caters for this. For this new school, the prospect of being co-located with drone training and other aeronautical research and development establishments is more exciting and a bigger drawcard. The intended development of the curriculum is focused on technical education, in which students will need to complete both rigorous vocational and academic programs, that provide excellent preparation for aviation-related careers as well as higher education.
- The target operating model of this new type of public school is intentionally that it will function as a "Collaboration school" – a first-of-its-kind, innovative new model being pioneered in the Western Cape and that was introduced legally as part of a reform to enhance school accountability and governance. A "Collaboration School" means an institutional mechanism that contractually partners schools with an external school operating partner committed to increasing the quality of the teaching and learning at that school in order to substantially improve the school's education outcomes. The operating partner for the target Aeronautical Sciences school, whether in Stellenbosch or elsewhere in the Province, has not been finalised as yet, but will require a background in Aviation and related experiences.
- The premise for the Collaboration School also includes a contributory governance role for "Donors", a group of private foundations that have indicated their intention to fund and work together with Government for the purpose of supporting the Collaboration School Pilot programme to develop a sustainable model for improved education outcomes for more learners.
- The design of the school and governance model will consider the situational context of this unique school of specialisation. Given its premise as a public school, it will first and foremost be managed and governed in accordance with the provisions of the applicable legal and regulatory frameworks governing education delivery.
- It is also important to point out that accommodating the school within the environment of the airfield will be temporary in nature. In fact, accommodating the school on the airfield would only be an option if compliance with applicable environmental and aviation authority regulations could be met and a full risk assessment was done that considers the safety of all stakeholders, particularly that of our young learners. Therefore, it should be noted clearly that there is no intent to locate a fully-fledged high school at the SFC or even on adjacent land, unless this

land was zoned for educational purposes and all conditions could be fulfilled. A long-term lease would not be required by the WCED; the sub-lease request to the SFC is for a pre-determined term only, while the project is in its initial phase (3 year contract).

The WCED would appreciate any **municipal support with regard to establishing a workable agreement with the SFC**, to the extent that the municipality include the successful agreement between the SFC and the WCED as a condition of approval in the renewal of the lease agreement of the SFC with Stellenbosch Municipality. It remains imperative that the SFC and the WCED find agreeable terms with regards to access to their facilities and services; otherwise the proposed aeronautic school remains a non-starter.

I trust that you will take the above-mentioned into account when considering the applications surrounding the SFC lease and sub-lease. Should council require any further information, the WCED is more than willing to present our proposal in person to council. We await your positive feedback in this regard. Please do not hesitate to contact Gerrit Coetzee on 0844224334 should you require further information.

Regards



GERRIT COETZEE
DIRECTOR: PHYSICAL RESOURCES PLANNING & PROPERTY MANAGEMENT
DATE: 2020/04/20

APPENDIX 2



20 January 2020

The Director Corporate Services
Stellenbosch Municipality
P O Box 17
Stellenbosch
7600

Attention: Director Annalene De Beer
Cc: Mr Piet Smit
Councillor Rikus Badenhorst
Colonel Alan Nelson

Dear Director De Beer

AVIATION THEMED HIGH SCHOOL, STELLENBOSCH

The Stellenbosch Flying Club has been approached by a group who, in collaboration with the Western Cape Education Department, intend establishing an aviation themed private high school. They have as we understand considered a number of sites and have settled on Stellenbosch as the preferred location. As our landlord we have been advised and deemed it appropriate that we communicate our position in this regard to the Stellenbosch Municipality first and foremost, indicating our firm support for this venture and our intention to find a workable solution while maintaining an open mind to the complex constraints posed by our location.

The Project Group is seeking to secure a relationship with the Stellenbosch Flying Club for the provision of services and access to facilities to support their venture. The school will consist of a core, mainstream high school curriculum supplemented with an aviation component to address two streams namely those students who wish to learn to fly, and those who wish to follow a technical career. It has been indicated that those wishing to learn to fly would follow the Private Pilot Training Course with the objective being that they complete grade 12 with a PPL. This licence allows the holder to fly recreationally and can be a stepping stone to obtaining a Commercial Pilot's Licence or CPL. While the beginnings are indicated to be small with an initial group of 20 drawn from feeder high schools in the area, the vision that has been shared with us is for it to grow to the point where it accommodates around 100 students with the expectation being that roughly half will follow the pilot training and technical streams respectively. 43 Airschool, a large flight school in Port Alfred, has been referred to as a model that they would like to emulate.

Several meetings and discussions have been held in order to understand the needs of the school and how the Stellenbosch Flying Club is being asked to and is able to support and get involved. The group's initial request was for the Club to make space available in a hangar for the establishment of the school and alternatively to make available a site for the construction of a purpose built facility, although they indicated that their preference was for the use of an existing hangar. We have advised that this is not possible, since the club only owns a very small number of hangars at the field all of which are used for the storage of the club's own aircraft. The balance of the hangars belongs to members who in turn use them for the storage of their own aircraft. While some land remains open and has been earmarked for the construction of additional hangars, the current need for hangars among our members indicates that the demand will exceed the supply. In addition to considering the needs of our members, provision has also been made for the erection of a hangar by Kishugu Aviation, an aerial firefighting service provider to the Western Cape Government under the Working on Fire program. Leading Edge Aviation is a second aerial firefighting service provider based at the field who is contracted to the Winelands Municipality. Their needs for space are less than that of Kishugu Aviation and they recently purchased a hangar which had come onto the market.

Following discussions with the Municipality the Project Group requested a follow up meeting with the intention of signing a memorandum of understanding and a service level agreement between ourselves. At this meeting it was established that contrary to our understanding, the group had in fact requested from the Municipality the provision of premises within our leasehold area which we again advised was not possible. The reasons for our position in this regard are as follows:

1. Limited space available for additional hangars as described above. That space which is available is earmarked for limited additional hangars to service the needs of our members and to accommodate an established, essential emergency service. The needs of Kishugu Aviation have in fact been prioritised over those of our members as they provide a critical emergency service to the area. Stellenbosch Flying Club has accommodated the Working on Fire services for several years and the proximity of our airfield to the area that Working on Fire serves is critical to the local community. Kishugu Aviation has indicated that they wish to construct a facility at the field as they have been instructed by the South Africa Civil Aviation Authority to do so as there are legislated requirements for aircraft maintenance facilities. They are however not in a position to invest the significant amount of money such a facility would cost until the Club lease has been renewed.
When one looks at the airfield one gets the impression of there being a lot of open space, however this open space is there to maintain minimum legal clearance and separation of buildings from taxiways and the runway both in terms of distance and height and the existing airfield layout has been constructed with this in mind. The space available for further development is therefore vastly less than what it may appear;
2. The South African Civil Aviation Authority has clear and stringent requirements for the management of the safety and security of registered aerodromes and the Stellenbosch Flying Club is audited annually against these requirements. If one

considers the requirements of a school, it would be more extensive than simply a place to present instruction and would require ablutions, administrative areas, outdoor recreation areas and drop off and pick up zones. This can simply not be accommodated within the footprint of the airfield without compromising our compliance with these requirements. Being an active airfield with aircraft coming and going during the day, free movement on the secure air side of the airfield where the hangars are located would have serious safety implications for the students, aircraft and other users. In addition to the above, given that some of the students are likely to come from quite far afield the possibility of a residential component has been discussed and this could certainly not be accommodated on the field. We are aware of a few portions of land adjacent to the airfield that belong to the municipality and it was with the above constraints in mind and the Club's earnest intention of finding a way in which we could assist and support this venture that we proposed that the Municipality be approached to secure a lease on one of these properties. This would provide a piece of land over which the school would have autonomous control and the ability to develop infrastructure specifically tailored to meet their requirements, while still having very convenient proximity to the Club for access to the services and facilities to be agreed. The most suitable portion of land which appears to be coming available is portion 502R to the south of the Airfield.

The Stellenbosch Flying Club operates in an area that is extremely noise sensitive and we have implemented a comprehensive noise abatement procedure in order to accommodate our neighbours and the local community by keeping the noise footprint of the airfield to the minimum possible.

When the Stellenbosch Flying Club was first established in the very early 1970's the location was relatively isolated and the club's activities very limited. With few members the noise produced was insignificant and therefore not a consideration in those early days. Things have however changed, the Club has grown, and development has encroached to the extent that we now have a very high value, upmarket development sharing part of our northern boundary in the form of De Zalze. This along with the general expansion of Stellenbosch as a town has demanded that we have had to adjust our activities, and this has impacted our training activities as well.

The flight training centre at the club was established to provide training to club members and was initially very small but has grown along with the club. The club's training activities are also impacted by our noise abatement procedures with an example being the fact that night circuit training, which involves repeated take-offs and landings is only conducted on one night of the week. Further measures include the moving of the airfield overhead circuit for all aircraft away from the residential areas with joining routines carried out to the over unoccupied land to the west. We are currently also developing an alternative joining routine for helicopters which will see them approaching directly from the west to land without following the fixed wing aircraft joining routine.

While our training centre could certainly accommodate the numbers projected for the early phase of the development of the school, the group's indicated growth ambition for the school is concerning in that it would increase traffic at the airfield significantly and it would certainly be met with resistance and objection from the local community. Other airfields around South Africa have faced serious opposition with training and other activities impacted and the risk to the future of the airfield would be significant. An example is Oudtshoorn where the local ratepayers association briefed the National Council of Provinces (NCOP) for assistance with concerns relating to the establishment of a commercial flight training school with their points including among others the following:

- Failure to take into consideration the conditions and regulations of the National Environmental Management Act and provincial environmental laws;
- Refusal by the Municipality to conduct a proper Environmental Impact Assessment (EIA), which residents were assured of by the Provincial Government and Oudtshoorn Municipality;
- Refusal by the Municipality to conduct a proper risk management analysis on safety issues, physical and mental health and safety study into the effects of repetitive low level flight training traffic over the residential environments;
- There was also a failure to apply the local by laws governing noise pollution and nuisance caused by the low level flight training.

The Stellenbosch Flying Club does not have the resources to counter such opposition and it would therefore most likely fall to the landlord as in the above case to manage such opposition. This would impact not only the Stellenbosch Flying Club but also the two firefighting service providers at the field, Stellair and the Stellenbosch Flying Academy both based at the field and all those who are employed, most of whom are from the local community with many drawn from Jamestown and Kayamandi. It is therefore critical to the future of the Stellenbosch Airfield as a whole and not only the Club, that we continue to manage our noise footprint extremely carefully, and a school that is intended to grow as indicated by the Project Group would represent significant risk.

I wish to reiterate that the Stellenbosch Flying Club supports this venture and sees the value of it in context with the current socio-economic and education climate in South Africa and a venture such as this promoting aviation among our youth is certainly to be applauded and supported. While the Club is supportive and happy to take our discussions forward, there are however as described above several factors that constrain our ability to support to the extent anticipated by the Project Group. Our very strong recommendation is that the group secures an agreement with the Stellenbosch Municipality to lease an adjacent piece of land after which the detail can be considered and recorded. This we believe to be key to progressing with their initiative in this location.

NB.

The scaling of the proposed development is also key to its future and while our flight training centre is able to absorb an additional twenty students, the increased traffic to accommodate the ultimate one hundred students as indicated would increase traffic and in turn our noise footprint to the extent that strong community objection is highly likely. Should this be the ultimate objective of the group then the consideration of an alternative location is strongly recommended.

Our ability to support this project in whatever way is of course also closely linked with the renewal of our lease which falls due in March 2021.

We would be happy to meet with you at your convenience should you wish to discuss our involvement in this project or other aspects of our tenancy.

Sincerely

A handwritten signature in black ink, appearing to be 'J. Steyn', written in a cursive style.

Dr Jurie Steyn

Chairman

APPENDIX 3



Appendix 3

Be 110% Green. Read from the screen.

From: Limeez Joseph

Sent: 26 February 2020 11:39 AM

To: mayor@stellenbosch.gov.za

Cc: mm@stellenbosch.gov.za; Donovan.Muller@stellenbosch.gov.za; Annalene.DeBeer@stellenbosch.gov.za; Piet.Smit@stellenbosch.gov.za; Lorika Elliott; Lucinda Boniface; Gerrit Coetzee; Cleopatra Van Rensburg

Subject: Request to secure property for new Aeronautical Sciences school in Stellenbosch

Importance: High

Dear Ms. Van Deventer

Please find attached correspondence for your attention and consideration.

If you require further information, you may contact Mr. Gerrit Coetzee on 021 467 9261.

Regards

Limeez Joseph

Branch: Education Planning

Western Cape Education Department

9th Floor

Room 901

Grand Central

Cape Town

8001

Tel: 021 467 2904

E-mail: Limeez.Joseph@westerncape.gov.za

Website: wcedonline.westerncape.gov.za



Be 110% Green. Read from the screen.

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Western Cape
Government
Education

Office of the Deputy Director General Education Planning

Reference: 20200226-4974
Enquiries: Gerrit Coetzee

Ms Gesie Van Deventer
Executive Mayor
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Ms Van Deventer

REQUEST TO SECURE PROPERTY FOR NEW AERONAUTICAL SCIENCES SCHOOL IN STELLENBOSCH

1. The purpose of the correspondence is to follow up on the proposal put forward by the Head of Department of the Western Cape Education Department (the "WCED", hereafter) in correspondence addressed to Municipality Manager Ms. Geraldine Mettler, dated 7 November 2019, and which to date has not yet been answered.
2. In that correspondence, the WCED notified of its intent to
 - a. establish a high school within the Stellenbosch municipality that specialises in Aeronautical Sciences. Increasing the skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills, is part of a strategic plan to broaden access to quality learning opportunities for more learners to develop relevant skills and competencies in order to meet the challenges of the 21st Century world of work.
 - b. establish the school in a phased approach - the first three phases constitute a multi-year pilot as 3 consecutive cohort intakes of 20 Grade 10 learners are planned for the years 2020, 2021 and 2022. Each of those cohorts are to be progressed to Grade 12 examinations and the curriculum design will be

tested and finalised during these phases. The school would not have more than 60 learners enrolled in total in any academic year during the first three phases. The fourth phase involves the building and opening of a fully-fledged Focus high school, i.e. a school of specialisation covering Grades 8-12, on a property that would ideally be located in close proximity to Aeronautical training facilities and that has suitable space for conducting practical exercises.

- c. secure the use of a hangar at the Stellenbosch Flying Club (hereafter the "SFC") in which to locate classrooms and admin facilities, provided the appropriate authorisations could be obtained from the municipality. It has come to the attention of the WCED that the SFC has communicated to the Stellenbosch municipality its apparent inability to accommodate the school within the footprint of the land leased from the municipality, citing several constraints.
3. The decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. The industry focus and choice of skills specialisation complements the broadband and ICT being rolled out to schools in the Western Cape as well as the target expansion of subject choices and skills development programmes being offered to learners in the education district. Coding and Robotics are already being offered in the Klapmuts area and elsewhere across the Cape Winelands.
 4. It is worth noting that a key design principle for the curriculum for this school is to minimise the proportion of learners of any cohort that would pursue Private Pilots training as another school in the Province already caters for this. For the new school, the prospect of being co-located with drone training and other aeronautical research and development establishments is more exciting and a bigger drawcard.
 5. The updated WCED request then, in view of the SFC's position, is to urgently secure for lease and potential purchase land to the extent of 1 Ha in close proximity to the

Stellenbosch Flying Club to enable the establishment of an Aeronautical school in the Cape Winelands district. Failing this, we would need to explore alternatives in George, Oudtshoorn or Beaufort West which have been shortlisted during the initial opportunity analysis. Land immediately adjacent to the SFC has been discussed, but we remain open to any appropriate land option that is available immediately.

I trust that you will consider the WCED's request favourably and look forward to being engaged further on this prospect. Please do not hesitate to contact the Infrastructure Planning director within the WCED, Mr. Gerrit Coetzee on 021 467 9261 should you require further information as regards the design and scope of this exciting initiative.

Regards



SALIE ABRAHAMS

DEPUTY DIRECTOR-GENERAL: EDUCATION PLANNING

WESTERN CAPE EDUCATION DEPARTMENT

DATE: 26 -- 02 -- 2020

Copy to: municipal.manager@ Stellenbosch.gov.za
Donovan.Muller@ Stellenbosch.gov.za
Annalene.DeBeer@ Stellenbosch.gov.za
Piet.Smit@ Stellenbosch.gov.za

APPENDIX 4



08 December 2019

Stellenbosch Municipality
P. O. Box 17
Stellenbosch
7600

Attention: The Manager: Property Management

Dear Mr Smit

APPLICATION FOR RENEWAL OF LEASE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely



Dr Jurie Steyn

Chairman

APPENDIX 5

Printed: 2020/08/26 12:11

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WinDeed Database Deeds Office Property

FARM 502, 502, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2020/08/26 12:11
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -



PROPERTY INFORMATION

Property Type FARM
Farm Name FARM 502
Farm Number 502
Portion Number 0 (REMAINING EXTENT)
Local Authority STELLENBOSCH MUN
Registration Division STELLENBOSCH RD
Province WESTERN CAPE
Diagram Deed STF5-34/9/1883
Extent 9.9894H
Previous Description -
LPI Code C06700000000050200000

OWNER INFORMATION

Owner 1 of 2

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed STF5-34/1883
Registration Date -
Purchase Price (R) 0
Purchase Date -
Share 0.00
Microfilm 2006 1881 1465
Multiple Properties NO
Multiple Owners NO

Owner 2 of 2

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T36696/2006
Registration Date -
Purchase Price (R) TRANSFER BY ENDO
Purchase Date -
Share 0.00
Microfilm 2006 1869 1425
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (8)

#	Document	Institution	Amount (R)	Microfilm
1	I-1064/93LG	-	UNKNOWN	-
2	K211/1962S	-	UNKNOWN	-
3	VA5665/2006	MUN STELLENBOSCH	UNKNOWN	2006 1869 1399
4	FARM ST 502	-	UNKNOWN	1985 0072 0330
5	I-2562/2014LG	-	UNKNOWN	-
6	K925/1965S	-	UNKNOWN	-
7	K5211/2006S	-	UNKNOWN	2006 1869 1430
8	PTNS ST RD 502/1-3&6	-	UNKNOWN	-

APPENDIX 6

STELLENBOSCH AIRFIELD PRECINCT PLAN

(Draft Proposals for Discussion – 14 September 2017)

1. PURPOSE

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

2. DESCRIPTION OF THE AREA

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

3. CONSTRAINTS

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

An important ridgeline is prominent just south of Jamestown.

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

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

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

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

4. OPPORTUNITIES

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

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

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

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

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

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

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

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

5. THREATS

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

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

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

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

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

6. CONSULTATION

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

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

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

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

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

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

7. PROPOSAL

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

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

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

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

There is an opportunity to expand the tourist offering of the area by linking tourist activities with the airfield and associated uses.

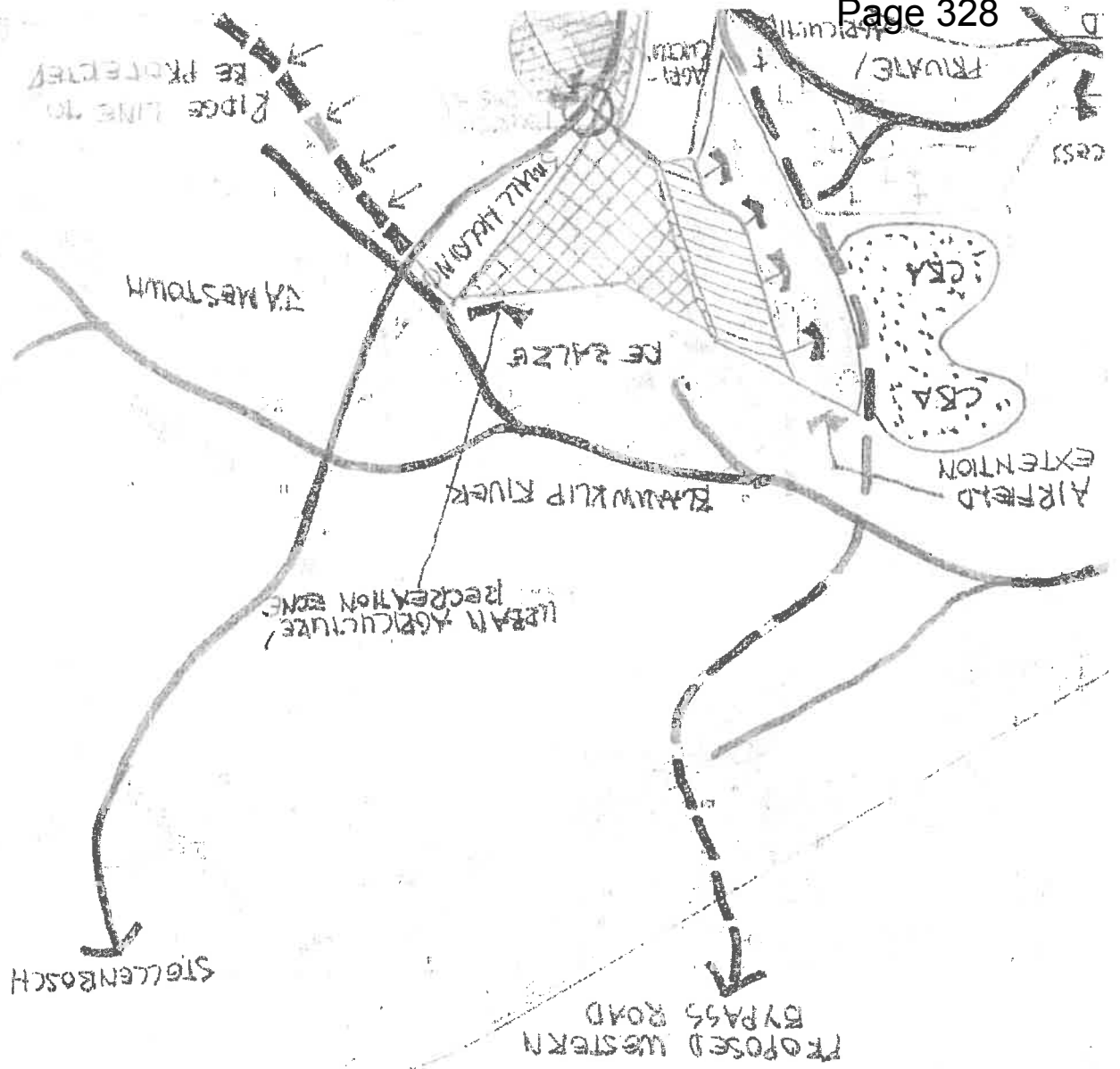
The area to the east of the R44 should be preserved as it is significant cultural landscape that contributes to the unique sense of place of Stellenbosch. The existing small holdings along the R44 should be retained for the same purpose and to function as a peri-urban land use. No subdivision should be allowed.

It is of critical importance that the alternative access, linked with the proposed Western Bypass, be clarified as soon as possible. In the event that the development of by-pass cannot be confirmed or that it will not be developed within the foreseeable future, then alternative access over private and/or municipal property from the Annandale Road be investigated and obtained.

8. CONCLUSION

The airfield precinct plays an important supportive role for the community of Stellenbosch and functions on a level that can benefit the broader community that is not involved with aviation. Opportunities to increase the tourist offering to the area will benefit all including the lessee of the Stellenbosch airfield.

The area does not have a pure agricultural character and has, over time, obtained a peri-urban character without degrading the rural quality of the site. It successfully fulfils a role to curb urban sprawl to the south of Stellenbosch despite the pressure for corridor development along the R44 up to Somerset-West. This function should not be underrated as it protects the sense of place of this all important access to the winelands which plays an important role as a scenic route. Limited development opportunities that do not detract from that value of function of the area will benefit the broader community of Stellenbosch and should be considered.



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

7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
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NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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7.5.1	POSTER BY-LAW
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Collaborator No: 696737
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020

1. SUBJECT: POSTER BY-LAW

2. PURPOSE

To obtain Council's approval to commence with another public participation process for the acceptance of the attached Draft By-Law Relating to Outdoor Advertising and Signage

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This item deals with the accepting of a 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 has to be republished for comment.

Once the Draft By-Law has been accepted, the By Law will be advertised for Public Comment and the comments will be adjudicated, where after a final report will be submitted to Council

5. RECOMMENDATIONS

- (a) that the Second Draft of the By-Law Relating to Outdoor Advertising and Signage, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in the second Public Participation process;
- (b) that this Second Draft By-Law Relating to Outdoor Advertising and Signage be duly advertised for the purpose of a Public Participation process; and
- (c) that upon the completion of the Public Participation process, the Second Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.

6. DISCUSSION / CONTENTS

6.1 Background

The original Draft By-Law was approved for public participation by Council on 31 October 2018. The Draft By-Law was published for Public Comment on November 2018. See attached advertisement attached as **ANNEXURE B**.

Quite a number of public comments were received and these were debated at Section 80 committee on 05 September 2019.

It was decided to arrange sessions with the entities that offered comments. Various sessions were held with interested and affected parties.

6.2 Discussion

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

- 03 February 2020
- 19 February 2020
- 2 September 2020

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

It is therefore requested that this By-Law be advertised for a second time for public comment.

6.3 Environmental implications

This report does not have any direct environmental implications.

6.4 Financial Implications

There are existing tariffs for advertising within public places

6.5 Legal Implications

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

The following legislation must be complied with:

- a. The Constitution, Act 106 of 1996, as amended
 - b. The Municipal Systems Act, Act 32 of 2000, as amended
- "12. Legislative procedures.—**(1) *Only a member or committee of a municipal council may introduce a draft by-law in the council.*
- (2) *A by-law must be made by a decision taken by a municipal council—*
 - (a) *in accordance with the rules and orders of the council; and*
 - (b) *with a supporting vote of a majority of its members.*
 - (3) *No by-law may be passed by a municipal council unless—*
 - (a) *all the members of the council have been given reasonable notice; and*
 - (b) *the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.*
 - (4) *Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws, provisions of—*
 - (a) *legislation passed by another legislative organ of state; or*
 - (b) *standard draft by-laws made in terms of section 14.*

13. *Publication of by-laws.—A by-law passed by a municipal council—*
- (a) must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and*
 - (b) takes effect when published or on a future date determined in or in terms of the by-law.”*

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

6.6 Staff Implications

This report has no additional staff implications to the Municipality.

6.7 Previous / Relevant Council Resolutions:

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

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

RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-11-05: ITEM 5.1.2

- (a) that the Second Draft of the By-Law Relating to Outdoor Advertising and Signage, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in the second Public Participation process;
- (b) that this Second Draft By-Law Relating to Outdoor Advertising and Signage be duly advertised for the purpose of a Public Participation process; and
- (c) that upon the completion of the Public Participation process, the Second Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.

ANNEXURES

Annexure A: Copy of the Second Draft By-Law Relating to Outdoor Advertising and Signage.

Annexure B: Copy of newspaper advert used for the public participation of the first Draft By-Law

FOR FURTHER DETAILS CONTACT:

NAME	J G LOUW
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 4004
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REPORT DATE	23 October 2020

ANNEXURE A

ANNEXURE A

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

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

PREAMBLE

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

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

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

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

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1. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“organ of state” means—

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

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

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

“person” includes—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“veranda” includes a cantilever canopy and sunblind;

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

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

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

2. Principles

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

CHAPTER 1

3. Submission of applications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Impact Assessment and public participation processes where applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) nature of the event;

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

(d) size of the proposed sign;

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

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CHAPTER 2

6. Standard conditions for approval

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

7. Electrical requirements

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

8. Illumination requirements

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

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

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

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

9. Road traffic safety requirements

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

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

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

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

- (a) any stylised or pictorial presentation of a road traffic sign or traffic signal;
- (b) any word, symbol, logo or other device used on a road traffic sign;
- (c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and
- (d) any reflector paint or material.

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

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

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

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

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

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

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

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

TABLE 1: LINEAR SPACING BETWEEN SIGNS

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

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

10. Legal requirements

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

11. Approval

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

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

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

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

(c) becomes redundant or obsolete;

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

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

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

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

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

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

CHAPTER 3: GENERAL PROVISIONS

12. Appeal

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

13. Signs for which Municipality's approval not required

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

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

(3) Development Boards

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

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

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

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

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

(4) To Let/For Sale Signs

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

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

(5) On Premises Business Signs

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

(6) Window Signs

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

(7) Signs incorporated in the face of a building

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

(8) Security Signs

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

- (a) only one such sign is displayed on any public road or each street frontage of such premises; and
- (b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

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

- (a) Any such sign whether erected by or in connection with a non-profit body or not; not exceeding 4.5m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign may be permitted per erf.
- (b) Signs which comply with provisions of sub-section (a) may, when erected on Municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit and the terms of the erection of the sign has been agreed.
- (c) All other sponsored signs are dealt with in Schedule 16 and 17.

(10) Advertising on Vehicles

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

14. Disfigurement

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

15. Damage to Municipal property

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

16. Entry and inspections

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

17. Presumptions

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

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

18. Enforcement and removal of signs

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

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

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

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

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

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

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

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

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

19. Service of notices

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

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

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

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

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

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

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

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

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

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

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

20. Liaison forums in community

(1) The Municipality may establish liaison forums in the community for the purposes to—

- (a) ensure the local community participation in the implementation and execution of this By-Law; and
- (b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Stellenbosch Municipal area;

(2) A forum as contemplated in sub-section (1) may consist of-

- (a) a person or persons of an interested party or an affected person or community;
- (b) designated official or officials of the Municipality and
- (c) a council member of the relevant council committee

(3) The Municipality may request-

- (a) a forum to give their input or
- (b) make use of a forum's special knowledge or capacity

(4) A forum of persons or a person as defined in sub clause (2) may give input on their own accord to the Municipality for its consideration, but will have no powers

21. Offences and Penalties

(1) A person who contravenes any provision or fails to comply with any provision of this By-law, or fails to comply with a notice issued in terms of this By-law, commits an offence and shall upon conviction be liable to—

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

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

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

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

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

22. Conflict with other legislation

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

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

23. Exemptions

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

24. Repeal of By-Law

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

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

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

25. Transitional arrangements

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

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

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

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

26. Short title and commencement

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

SCHEDULE 1: AREAS OF CONTROL

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

SCHEDULE 2: BILLBOARDS

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

- (a) If the proposed erf where the billboards are to be erected borders on class 2 and 3 roads the billboard may not be placed less than 5 meters from the property's boundary line. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway;
- (b) Billboards must comply with the standard conditions of approval set out in this By-Law;
- (c) Billboards must not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;
- (d) Billboards must have a minimum clear height of 2.4m and a sign structure which does not exceed a maximum height of 7.5m above natural ground level;
- (e) Billboards must not exceed a maximum total size of 6 x 3m (18m²) provided that on any V-shaped structure, two such panels may be permitted;
- (f) Billboards must be displayed between the angles of 90° and 60° to the direction of oncoming traffic;
- (g) Billboards must be spaced a minimum distance apart as specified in section 9 of this By-Law;
- (h) If located at signalized traffic intersections, Billboards may not be erected or displayed within 50 meters of the perimeter of the intersection if un-illuminated; and within 80 meters of the perimeter of the intersection if illuminated;
- (i) If erected along the right hand side of a section of road, such that its graphics are visible to a driver traveling on the left hand side of the road, shall be deemed to have replaced the advertising opportunity that existed on the left hand side of the road;
- (j) Billboards must have a minimum letter or number height of 285mm.

SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

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

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

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

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

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

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

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

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

composite signs shall be allowed as prescribed in Schedule 18.

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

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

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

(8) is not allowed on the sides of buildings around the areas of maximum and partial control.

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SCHEDULE 5: SKY SIGNS

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

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

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

(2) Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, un-illuminated and consist of individual cut-out letters or logos.

SCHEDULE 6: ROOF SIGNS

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

In addition:

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

(b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 1 metre in height and its total area may not exceed 25% of the roof area to which it is affixed.

(2) It shall be permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total area; with a maximum height of 1 metre.

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

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

(1) No signs may be attached to Historical Buildings

(1) No such signs will be allowed on or over architectural features of buildings.

(2) Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony.

(3) The sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within 0,6 meters of the edge of the roadway.

(4) Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.

(5) Only one sign per column, pillar or post will be allowed.

(6) Such signs suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed 1,8 meters in length or 600mm in height.

(7) Every such sign must be at right angles to the building line.

(8) No signs suspended under a canopy may extend beyond the external edge of the canopy or veranda to which it is attached.

(9) All suspended signs must have a clear height of at least 2,4 meters.

(10) Such signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut- out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony.

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE 9: HEADLINE POSTERS

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

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

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

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

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

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

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

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

SCHEDULE 10: POSTERS, BANNERS, TEAR-DROP BANNERS, FLAGS AND BALLOONS

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

- (1) The display of posters, banners, tear-drop banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.
- (2) Posters, banners, tear-drop banners, flags and balloons may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic.
- (3) No banner, or flag-type banner may be larger than 5m², and no flag may be larger than 2m²; provided further that no flagpole may exceed a relevant height restriction of the zoning of the premises, up to a maximum of 8m above natural ground level, measured directly below the pole;
- (4) No poster, banner, tear-drop banner, flag, or balloon may be displayed within 30 meters of **any road traffic sign or traffic signal.- special permission required for display within 30m**
- (5) Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property.
- (6) Posters, banners, tear-drop banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.
- (7) Only one banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.
- (8)
 - (i) A maximum of five flagpoles bearing national flags may be erected on the premises of an accommodation facility on a single residential erf
 - (ii) Subject to the conditions laid down in paragraph 4, a maximum of two tear-drop banners or flags displaying the name, corporate symbol or nature of the business on the premises on which it is displayed, may be allowed.

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

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

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

- (1) Approval for third party advertising on posters, banners, tear-drop banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or for a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.
- (2) The name of the host organisation, the date and venue must appear on the material in letters not less than 50mm in height.
- (3) Posters, banners tear-drop banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material.
- (4) The Municipality may levy a tariff to cover the cost for the removal of material which has been erected without the approval of the Municipality given under the hand of an authorized official.
- (5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of fourteen days prior to the event and must be removed within 2 days from the date of the event or the last day thereof as applicable.
- (6) Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.
- (7) Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No **political** banners will be allowed.
- (8) Only one poster or flag per organisation may be erected on every second streetlight pole.

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

SCHEDULE 12: ESTATE AGENT SIGNS

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

- (1) Estate Agencies must apply annually for permission to display signs and approval may be subject to payment of an annual fee in accordance with the Municipality's by-law and policy on tariffs.
- (2) A deposit may be required by the Municipality against which a charge for the removal of any sign which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is paid to the Municipality.
- (3) Any Estate Agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said sign not being removed, photographic evidence of the unlawful sign may be obtained by the Municipality prior to levying the said charge.
- (4) "For sale", "Sold" and "To let" signs shall be fixed flat to the surface of the boundary fence or wall of the property.
- (5) "Sold" signs may be displayed, fixed flat to the surface of the boundary fence or wall of the property, for a maximum period of two weeks.
- (6) No sign may be erected in such a way that any part of it is closer than 1.5m from a road verge.
- (7) No sign may be erected on centre islands.
- (8) No sign may obscure a road traffic sign.
- (9) No signs may be erected on any tarred area of pavements.
- (10) Estate agent signs may not exceed 0.3m² in total area.
- (11) "Show House" signs may be displayed only from 12h00 on Fridays to 20h00 on Sundays.
- (12) Show house signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorised by the Municipality in writing.

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

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

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

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

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

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

SCHEDULE 13: LOOSE PORTABLE SIGNS

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

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

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

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

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

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

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

(d) that the loose portable sign or proposed number thereof does not detract from the amenity of the local streetscape or local environment;

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

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

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

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

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

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

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

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

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SCHEDULE 14: AERIAL SIGNS

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

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

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SCHEDULE 15: TRANSIT ADVERTISING

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

In addition:

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

SCHEDULE 16: SIGNS ON MUNICIPAL LAND OR BUILDINGS

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

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

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

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

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

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

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

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

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

(bb) the design contribution;

(cc) the best community benefit offered;

(dd) the creativity and public safety;

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

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

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

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

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

(b) Sponsored signs

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

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

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

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

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

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

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

(c) Non-profit body signs

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

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

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

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

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

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

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

(ii) the design contribution;

(iii) the best community benefit offered;

(iv) the creativity and public safety; and

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

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

(i) the Municipality must evaluate the proposal;

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

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

(e) In addition the following conditions will apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The signs and advertising structures shall:

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

(b) Not be displayed in the road reserve.

ANNEXURE B



Eikestad

Skakel 021 887 2840

Nuus net vir jou sedert 1950

NUUS

Betrekkinge

Kennisgewings

Boedels

Veilinge

Betrekkinge

Kennisgewings

Boedels

Veilinge

KENNISGEWING VAN 'N ARTIKEL 24G PUBLIEKE DEELNAME PROSES

in terme van die Wet op Nasionale Omgewingsbestuur, Wet No. 107 van 1998, soos gewysig en die Omgewingsimpakstudieregulasies van 2014, soos gewysig en Artikel 24G Boeteregulasies (Goewermenskennisgewing Nr. R. 698), vir die volgende projek:

ARTIKEL 24G RETROSPEKTIEWE OMGEWINGSMAGTIGINGSAANSOEK VIR DIE ONTWIKKELING VAN 'N RESTAURANT, DRYWENDE DEK, VERBINDINGSOPRIT, KOMBUIS EN ABLUSIEBLOK BY HIDDEN VALLEY WINES BINNE 'N WATERLOOP, OP GEDEELTE 7 VAN DIE PLAAS GROENERIVIER NR. 571, STELLENBOSCH, WES-KAAP

Onwettige Aktiwiteite: Konstruksie van 'n restaurant, drywende dek, verbindingsoprit, kombuis en ablusieblok binne 'n waterloop, 'n klein sytak van die Groenerivier, sonder omgewingsmagtiging. Ligging: Die fasiliteit is geleë op die Hidden Valley Wines plaas, Gedeelte 7 van Plaas Nr. 571, langs Annandaleweg, Stellenbosch.

Aansoek vir die regstelling van die volgende onwettige aktiwiteite: Lystingskennisgewing 1 van die Omgewingsimpakstudieregulasies van 2014, soos gewysig (RK Nr. R. 327): Aktiwiteite 12 en 19.

Geleentheid om deel te neem: Lede van die publiek word uitgenooi om te registreer as belanghebbende en/of geaffekteerde partye (B&GPe) en/of om skriftelike kommentaar op die voorgestelde projek te stuur, per e-pos of gewone pos, aan Cornerstone Omgewingskonsultante. Enige skriftelike voorleggings deur B&GPe moet die volgende insluit: die B&GP se naam, kontakbesonderhede (posadres en e-pos adres), en 'n aanduiding van enige direkte besigheids-, finansiële-, persoonlike of ander belange wat hul in die aansoek mag hê. Slegs geregistreerde **B&GPe sal in kennis gestel word gedurende die res van die publieke deelname proses.**

Duur van registrasieperiode: B&GPe het 20 dae om te registreer om deel te neem aan die openbare deelnameproses, vanaf **Donderdag 15 November 2018 tot Dinsdag 4 Desember 2018**. Die advertensie is ook beskikbaar op die volgende webwerf: www.hiddenvalleywines.co.za. Enige toekomstige openbare dokumente sal beskikbaar wees **op www.cornerstoneenviro.co.za.**

Datum van die advertensie: Donderdag, 15 November 2018 in die Eikestadnuus koerant.

Vir meer inligting, of om te registreer as 'n B&GP, en/of om kommentaar in te dien, kontak gerus vir:

NOTICE OF SECTION 24G PUBLIC PARTICIPATION PROCESS

in terms of the National Environmental Management Act, Act 107 of 1998, as amended (NEMA), the Environmental Impact Assessment (EIA) Regulations, 2014, as amended and the Section 24G Fine Regulations (Government Notice No. R. 698), for the following project:

SECTION 24G RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE DEVELOPMENT OF A RESTAURANT, FLOATING DECK, RAMP, KITCHEN AND ABLUTION BLOCK AT HIDDEN VALLEY WINES WITHIN A WATERCOURSE, ON PORTION 7 OF FARM GROENE RIVIER NO. 571, STELLENBOSCH, WESTERN CAPE

Activities unlawfully commenced with: Construction of a restaurant, floating deck, connecting ramp, kitchen and ablution block, within a watercourse, a small tributary of Groene Rivier, without environmental authorisation.

Location: The facility is situated at Hidden Valley Wines, Portion 7 of Farm No. 571, which lies adjacent the Annandale Road, Stellenbosch.

Application for retrospective Environmental Authorisation for the following listed activities: Listing Notice 1 of the EIA Regulations, 2014, as amended (GN No. R. 327): Activities 12 and 19.

Opportunity to Participate: Members of the public are invited to register as interested and/or affected parties (I&APs) and/or to submit written comments on the rectification process, via e-mail or post, to Cornerstone Environmental Consultants. Any submissions by I&APs should please include the I&AP's name, contact details (postal address and e-mail address), and an indication of any direct business, financial, personal or other interest, which they may have in the application. **Only registered I&APs will be notified during the remainder of the public participation process.**

Duration of registration period: I&APs have 20-days to register to participate in the public participation process, from the date of the advert, which is from **Thursday, 15 November 2018 until Tuesday, 4 December 2018**. The advert will also be available to view on the following website: www.hiddenvalleywines.co.za. Any future public documents will be available to view on www.cornerstoneenviro.co.za.


Date of Advertisement: Thursday, 15 November 2018 in the Eikestadnuus newspaper.


For more information, to register as an Interested and/or Affected Party, and/or to submit comments, please contact:

CORNERSTONE ENVIRONMENTAL CONSULTANTS

Contact person: Pieter de Villiers | Postal address: PO Box 12606, Die Boord, Stellenbosch, 7613 | Fax: 086 435 2174

Tel: 021 887 9099 | Email: info@cornerstoneenviro.co.za | Web: www.cornerstoneenviro.co.za





STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING : 32/2018

OPENBARE PUBLIEKE DEELNAME PROSES VIR NUWE 'PLAKKAAT' VERORDENING

Kennis geskied hiermee dat Stellenbosch Munisipaliteit 'n nuwe Verordening vir Plakkate ter tafel lê vir openbare inspeksie en kommentaar by die onderskeie biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **9 November - 10 Desember 2018**

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

Kontak persoon:

Tel:

E-Pos:

Onderwerpslyn:

Deon Louw

021 808 8213

engineering.services@stellenbosch.gov.za

Poster By-law

Geraldine Mettler

MUNISIPALE BESTUURDER

Posbus 17

STELLENBOSCH

7599

Kennisgewing Nr. 32/2018 Datum: 01 November 2018

MUNICIPAL NOTICE: 32/2018

CALLING ON PUBLIC FOR COMMENTS ON NEW POSTER BY-LAW

Notice is hereby given that Stellenbosch Municipality has revised the By-Law for Posters, available for public comment at the libraries in the Stellenbosch municipal area and on www.stellenbosch.gov.za from **09 November - 10 December 2018**

Al comments must be submitted to the Director: Infrastructure Services

Contact person:

Tel:

Email:

Subject matter :

Deon Louw

021 808 8213

engineering.services@stellenbosch.gov.za

Poster By-Law

Geraldine Mettler


MUNICIPAL MANAGER

PO BOX 17

STELLENBOSCH

7599

Notice No 32/2018 Date: 01 November 2018



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

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DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN

Notice is herewith given of the draft Paradyskloof Nature Area Environmental Management Plan for comment.

The document is available on the municipal website (<https://www.stellenbosch.gov.za>). Copies are available at the Municipal Advice Centre in Stellenbosch (municipal offices, Plein Street, Stellenbosch) as well as Plein Street and Jamestown library.

Comment on the document must be submitted in writing to Schalk van der Merwe, PO Box 17, Stellenbosch, 7599, faxed to 021 887 7446 or mailed to schalk.vandermerwe@stellenbosch.gov.za. The closing date for receipt of comment is 31 January 2019.

KONSEP OMGEWINGSBESTUURSPLAN VIR PARADYSKLOOF NATUURAREA

Kennis geskied hiermee van die beskikbaarheid van die konsep Omgewingsbestuursplan vir Paradyskloof Natuurarea vir kommentaar.

Die dokument is beskikbaar op die munisipale webtuiste (<https://www.stellenbosch.gov.za>). Afskrifte is beskikbaar by die munisipale Advieskantoor te Stellenbosch (munisipale kantore, Pleinstraat, Stellenbosch) asook Pleinstraat- en Jamestown biblioteek.

Skriftelike kommentaar op die dokument kan gerig word aan Schalk van der Merwe, Posbus 17, Stellenbosch, 7599, gefaks word na 021 887 7446 of per e-pos gestuur word aan schalk.vandermerwe@stellenbosch.gov.za. Die sluitingsdatum vir die ontvang van kommentaar is 31 Januarie 2019.

7.5.2	INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 696778
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020

1. SUBJECT: INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval to circulate the draft Integrated Waste Management Plan (IWMP) for public comment (**APPENDIX 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) each council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan (IDP) for the development of the municipality. In relation to waste management, the IDP is required to include sectoral environmental plans which would be an IWMP for waste management.

Stellenbosch Municipality has drafted an IWMP and has appointed Jan Palm (Pty) Ltd to review and finalize this draft IWMP. This revised IWMP has been internally reviewed and requires public comment to be finalised.

5. RECOMMENDATIONS

- (a) that Council accepts the draft IWMP and approves that the draft IWMP be circulated for public comment;
- (b) that the draft IWMP By-Law be submitted to D:EA&DP (Department of Environmental Affairs & Development Planning) for comment. In this process internal stakeholders will also be given an opportunity to comment; and
- (c) that relevant comments be incorporated for final approval and adoption by Council.

6. DISCUSSION / CONTENTS

6.1 Background

JPCE (Pty) Ltd has been appointed by the Stellenbosch Municipality to review and finalize the third generation Integrated Waste Management Plan (IWMP). This third generation IWMP was developed during 2020 and will now replace the draft third generation IWMP developed by Green Cape in 2017. The development of the IWMP is necessary as it is an integral tool to identify current needs and act as a guide towards sustainable waste management. With regular updates of this document the changing needs as well as progress in the waste management field can be tracked and strategies adapted accordingly.

It also provides a framework for budgeting purposes. The IWMP must be incorporated as part of each Municipality's Integrated Development Plan (IDP) but is submitted as a separate document. The IWMP also shows alignment of its goals with the Western Cape IWMP, the District Municipality IWMP and the National Waste Management Strategy (NWMS). This generation IWMP improved upon the previous generation document in that progress has been made with shortcomings identified in the previous draft plan.

The scope of this local municipal IWMP includes an investigation into the current state of the solid waste management system of the Stellenbosch Local Municipality and provides the overview thereof. This investigation aims to include all the various aspects of the solid waste management system which ranges from legislation, waste types and generation, waste facilities and infrastructure to financing and all other details as listed under the terms of reference above.

The status quo is evaluated in order to determine the gaps and needs of the system. The scope also includes goals and objectives to improve the system where required but is limited to implementation on the local authority level. The implementation items in order to improve the waste management system and to achieve goals are coupled with a monitoring and review programme to ensure that the IWMP is up to date and is implemented.

The Plan takes particular note of importance of local authority waste management planning. This document underlines the following principles of the National Waste Management Strategy:

- The prevention of waste generation;
- The recovery of waste of which the generation cannot be prevented, and
- The safe disposal of waste that cannot be recovered.

The Plan will address all areas of waste management – from waste prevention and minimisation (Waste avoidance), to its collection, storage, transport, treatment, recovery and final disposal. It will not only address the practicalities of waste management in context of this Municipality, but also the issues of public education and changing concepts, as these are vital to a successful management system.

6.2 Discussion

The following chapter in the IWMP provides the status quo and the plan for waste management in the Municipality.

POLICY AND LEGISLATION

All applicable waste management legislation is listed and discussed under section 2 of the IWMP. The latest published legislation have been added in the IWMP update, which mainly consists of Norms & Standards published under the Waste Act as well as the Draft Updated National Waste Management Strategy since the previous Stellenbosch IWMP. The current Stellenbosch Integrated Waste Management By-Laws are drafted and in process of being approved by council after which implementation and enforcement would be paramount.

WASTE QUANTITIES AND TYPES

The Stellenbosch Municipality operates only one landfill facility for the disposal of waste, but since August 2019 has made use of the Vissershok Private Landfill (Vissershok Waste Management Facility (Pty) Ltd) operated by Enviroserv and Averda. The waste

collected in Stellenbosch is transported to the Klapmuts Solid Waste Transfer Station from where it gets taken to the Vissershok Landfill.

A waste characterisation study was conducted in 2017 by Stellenbosch Municipality's Solid Waste Management Department, and analysed in 2019 by JG Afrika (see full report in **ANNEXURE A**). The waste characterised was solely black bag waste, i.e. waste destined for landfill. Waste materials separated at source by households and placed in clear bags for collection by means of the recycling programme, was not sampled. The characterisation focused on residential/household waste and not commercial or business waste.

EXISTING WASTE MANAGEMENT STRUCTURE, SYSTEMS AND PRACTICES

The municipal waste management responsibilities lie with the Directorate: Infrastructure Services (together with Electricity, Water, Sewerage, Stormwater, Transport, Roads and Robots).

The approved Stellenbosch Waste management division organogram is provided in the report. The Senior Manager Waste Management (Municipal Waste Manager) is supported by two Section Managers. One for the Area Cleansing and Collections Section and one for Waste Minimization & Disposal Section. There are a number of vacancies that need to be filled and the Municipality is working on appointing competent staff to these positions. The vacancies are for 66 general workers, 15 supervisors, 2 technicians, 1 superintendent and 1 team leader. The management of the waste division have indicated that they require more technical staff to be appointed to the two sections in order assist in the management of waste within the Municipality.

Stellenbosch municipality serves approximately 38,500 households with solid waste management services. The 28,751 collection points are spread across the 22 wards of the Municipality. The refuse collection breakdown is approximately 20,000 wheelie bins and 4,000 standard refuse bags as of 2019.

The Municipality utilises eleven (11) refuse collection trucks, operated by more than 60 crew members in a 30-hour working week. The Municipality reports that 100% of urban households receive kerb side collection once per week.

All the urban and informal areas of Stellenbosch Municipality have access to at least a basic refuse removal service. Some refuse removal services exist in the rural areas and farming communities, but all the rural areas at least have access to drop-off facilities.

The Municipality currently provides a two-bag collection system where clear bags are collected from middle to higher income areas once a week. The clear bags are to be filled with recyclable materials which households are required to sort waste into two streams namely; general landfill waste (black bags) and recyclable waste (clear bags). The recyclables were transported to a mini materials recovery facility (MRF) that is situated at the landfill. Since the landfill ceased operations the clear bags are collected and taken directly to the Kraaifontein MRF in the City of Cape Town. The MRF currently under construction near the landfill should start operations towards the end of 2020 after which the clear bags collected in the Municipality will be taken to this new facility for processing and recycling.

The Municipality is in the process of expanding the sorting at source programme to include more households in the initiative. The department reported that the total number of indigent households was 6,995 as of July 2020 and in the order of 75% to 80% of these households receive at least a basic refuse collection service.

The Municipality has a standard operating procedure to deal with all waste related complaints. All received complaints regarding solid waste are logged on the internal system. A complaint is logged when a service desk consultant answers the call and captures the complaint on the service request register to be addressed by the relevant official or department. This person must then address the complaint and report back in order to complete the process and for the complaint to be removed from the request register.

Recycling of waste was predominantly taking place at the mini MRF facility located on the landfill site.

Here the separately collected clear bag waste (up to August 2019), and waste obtained from landfill working face by informal recyclers, got sorted into recyclable portions and beneficated by either selling them to the market or donating to other users. After closure of the landfill the clear bags are collected and taken directly to Kraaifontein MRF in the City of Cape Town.

The Municipality have identified the need for increased recycling and is in the process of developing a fully functional MRF at the Devon Valley landfill site. The new MRF is constructed at the landfill site and will be able to handle 450 tonnes of waste per month based on an adjusted ultimate public participation rate in the source separation scheme of 50%. As there is already a demand for a public drop-off facility, it is anticipated that residents will independently come to the MRF to drop off mixed recyclables. The mixed recyclables projections model does not take into account the mass of mixed recyclables coming in independently from residents.

Much potential for diversion exists within the organic fraction of the waste stream with reference to the characterisation results discussed, indicating potentially 31% organics present in the household waste stream. This study must be further refined in order to indicate the breakdown of these organics and how they have changed since 2017 when the WCS was done in order to see what the diversion potential with each is and the appropriate treatment/re-use methods.

The Stellenbosch Municipality currently diverts organic waste via chipping and composting. Chipping takes place at the landfill under a private contract, and the Municipality is planning the development of an organic waste refuse transfer station at the landfill site to further divert organic waste from landfill.

The main option with building rubble diversion is crushing the clean rubble and using it as road building material (or other appropriate uses depending on material quality) or using it as cover material in landfilling, eliminating the need to use natural materials such as soil. No building rubble received is directly disposed. Oversized rubble is stockpiled separately until sufficient volumes are reached for crushing operations. Manageable rubble is used as cover material. A contract was recently awarded to a private contractor who will be tasked with the crushing of builder's rubble and benefication of the crushed material at the landfill.

The Stellenbosch Municipality conducts comprehensive awareness and education campaigns with continual involvement with the public in terms of solid waste management and the promotion of better waste management practices. Residents are informed and given feedback through the means of newsletters, pamphlets, social media and the municipal website. Schools are visited to educate learners about solid waste and recycling.

The Municipality underwent a Section 78(3) process recently as required by the Municipal Systems Act in order for the Municipality to outsource municipal waste management functions to private parties. The process has neared completion and the

item is with the Council for approval at the time of writing of this report. Under this process all Municipal Waste Management services will be outsourced to private companies with the exception of area cleaning, waste collection and transportation which will stay a Municipal function.

The Devon Valley landfill is the only operating landfill within the Stellenbosch Municipality. The Devon Valley landfill has reached its current capacity and licence applications and preliminary designs for the development of Cell 4 is underway. The proposed development area for the new Cell 4 is within the central portion of the existing Devon Valley Landfill. At present, the study area is bounded by two existing landfill footprints, Cells 1 & 2 to the south and Cell 3 to the north. The entire site is surrounded by concrete palisade fencing. An Eskom Servitude traverses the site, with overhead electrical pylons running from north-west to south-east respectively.

There are no dedicated garden waste or building & demolition waste sites in Stellenbosch. Garden waste and building & demolition waste are accepted at the landfill and stockpiled for chipping and crushing. A new garden waste transfer station is planned as part of the Stellenbosch integrated waste management facility at the landfill. This facility is still in the planning stages and if developed will divert municipal organic waste from the landfill. The Stellenbosch Municipality currently only has one fully operational licensed transfer station at Klapmuts with one mini public drop off located in Franschhoek.

The drop-off does not require licensing due to its size, and there is a great need for the development of a larger transfer station in the Franschhoek area.

Since the closure of the Stellenbosch Devon Valley Landfill Site, the Klapmuts Transfer Station is being used to transfer all waste from Stellenbosch Municipality to the Vissershok private landfill site. The transfer station and landfill is internally and externally audited with the latest external audit for both facilities conducted in early 2020 by JGAfrika (Pty) Ltd.

GAPS AND NEEDS ASSESSMENT

The main gaps and needs identified for waste management within the Stellenbosch Municipality are discussed in Chapter 3.

They are:

- Legislation
 - Adherence to hazardous waste and landfill closure legislation. Stellenbosch integrated waste management by-laws to be approved by council and enforced.
- Waste generation quantities
 - Detail records should be kept on how much waste gets collected from households and businesses, how much waste is accepted at the Devon Valley landfill and Klapmuts transfer station, and how much waste is being transported to the Vissershok site so that a waste flow and volume balance can be established.
- Waste minimisation recycling and reuse initiatives
 - There remains a need for the development of a solid waste transfer station in the Franschhoek area.
- Institutional and organisational needs

- Fill all vacant positions and appoint dedicated waste management personnel;
- Identification of alternatives
 - Continue to look for ways in which to reduce waste to landfill by beneficiation the waste in innovative ways, with a focus on organic waste and builder's rubble.
- Funding mechanisms
 - Improvements require funding and new funding mechanisms need to be explored continuously. Funding is required in order to successfully rehabilitate all closed landfill cells as per requirements and stipulated time-frames;
- Public awareness and education
 - Improve on successful public awareness and education campaigns and develop new ones.

IMPLEMENTATION STRATEGY, MONITORING AND REVIEW

Based on the gaps and needs identified, aligned goals of the IWMP, and planned projects by the municipality, an implementation strategy was developed that contains the objectives, timeline and required resources for implementation of the IMWP. These goals are linked to the main goals contained in the Western Cape Provincial IWMP.

To ensure that the IWMP remains up to date as far as practically possible and stays relevant, it must go through a review process. This process will be initiated and followed by the IWMP advisory committee.

The implementation of the third generation IWMP will start following Council approval. Apart from the continuous project implementation and goal tracking, which must be done by each individual project team as and when each project is running and report to the designated Waste Management Officer, an annual IWMP report must be submitted along with the other Municipal annual reports and a copy sent to D:EA&DP as well.

6.3 Financial Implications

None

6.4 Legal Implications

In terms of Municipal Systems Act (Act no. 32 of 2000) Section 25:

25 Adoption of integrated development plans

(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 which-

- (a) links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
- (b) aligns the resources and capacity of the municipality with the implementation of the plan;
- (c) forms the policy framework and general basis on which annual budgets must be based;
- (d) complies with the provisions of this Chapter; and

ANNEXURE A

STELLENBOSCH MUNICIPALITY

INTEGRATED WASTE MANAGEMENT PLAN

THIRD GENERATION

EXECUTIVE SUMMARY

INTRODUCTION AND GENERAL DESCRIPTION

JPCE (Pty) Ltd has been appointed by the Stellenbosch Municipality in the Cape Winelands District of the Western Cape Province to assist in developing their third generation Integrated Waste Management Plan (IWMP). This third generation IWMP was developed during 2020 and will now replace the draft third generation IWMP developed by Green Cape in 2017. The development of the IWMP is necessary as it is an integral tool to identify current needs and act as a guide towards sustainable waste management. With regular updates of this document the changing needs as well as progress in the waste management field can be tracked and strategies adapted accordingly.

It also provides a framework for budgeting purposes. The IWMP must be incorporated as part of each Municipality's Integrated Development Plan (IDP) but is submitted as a separate document. The IWMP also shows alignment of its goals with the Western Cape IWMP, the District Municipality IWMP and the National Waste Management Strategy (NWMS). This generation IWMP improved upon the previous generation document in that progress has been made with shortcomings identified in the previous draft plan.

The scope of this local municipal IWMP includes an investigation into the current state of the solid waste management system of the Stellenbosch Local Municipality and provides the overview thereof. This investigation aims to include all the various aspects of the solid waste management system which ranges from legislation, waste types and generation, waste facilities and infrastructure to financing and all other details as listed under the terms of reference above.

The status quo is evaluated in order to determine the gaps and needs of the system. The scope also includes goals and objectives to improve the system where required but is limited to implementation on the local authority level. The implementation items in order to improve the waste management system and to achieve goals are coupled with a monitoring and review programme to ensure that the IWMP is up to date and is implemented.

The primary objective of Integrated Waste Management (IWM) planning is to integrate and optimise waste management, in order to maximise efficiency and minimise the associated environmental impacts and financial costs and to improve the quality of life of all residents within the Stellenbosch Municipality. The Plan takes particular note of importance of local authority waste management planning. This document underlines the following principles of the National Waste Management Strategy:

- The prevention of waste generation;
- The recovery of waste of which the generation cannot be prevented, and
- The safe disposal of waste that cannot be recovered.

The Plan will address all areas of waste management – from waste prevention and minimisation (Waste avoidance), to its collection, storage, transport, treatment, recovery and final disposal. It will not only address the practicalities of waste management in context of this Municipality, but also the issues of public education and changing concepts, as these are vital to a successful management system.

POLICY AND LEGISLATION

All applicable waste management legislation is listed and discussed under section 2 of the IWMP. The latest published legislation have been added in the IWMP update, which mainly consists of Norms & Standards published under the Waste Act as well as the Draft Updated National Waste Management Strategy since the previous Stellenbosch IWMP. The current Stellenbosch Integrated Waste Management By-Laws are drafted and in process of being approved by council after which implementation and enforcement would be paramount.

WASTE QUANTITIES AND TYPES

The Stellenbosch Municipality operates only one landfill facility for the disposal of waste, but since August 2019 has made use of the Vissershok Private Landfill (Vissershok Waste Management Facility (Pty) Ltd) operated by Enviroserv and Averda. The waste collected in Stellenbosch is transported to the Klamputs Solid Waste Transfer Station from where it gets taken to the Vissershok Landfill.

A waste characterisation study was conducted in 2017 by Stellenbosch Municipality's Solid Waste Management Department, and analysed in 2019 by JGAfrika (see full report in **Annexure A**). The waste characterised was solely black bag waste, i.e. waste destined for landfill. Waste materials separated at source by households and placed in clear bags for collection by means of the recycling programme, was not sampled. The characterisation focused on residential/household waste and not commercial or business waste.

Analysis of the 2017 data revealed that the separation-at-source programme is effective in this Local Municipality, as less waste is sent to landfill by households residing in areas participating in this scheme compared to areas who do not yet have access to it.

Based on the combined results obtained, it is clear that the major fraction of the waste stream consists of organic waste, which if you combine food waste and garden waste makes up more than 31% of the total municipal black bag waste stream by weight. Plastics (22.96%), Metals (2.51%), Glass (10.58%) and Paper & Cardboard (20.34%) makes up the other large waste portions. These fractions combined make up more than half of the total waste stream (56.39%) and have potential for recovery, depending on contamination levels and feasibility of successful sorting. Based on these results alone, the biggest diversion potential lies with the organic waste fraction and removing the potentially recyclable materials from the black bag waste streams.

From the available information it can be seen that the Stellenbosch Municipality did well over the last two years with diverting waste from landfill. If using a generally accepted 20% as a diversion target the information shows that they have achieved more than double this (about 45%) on average over the last two years. The applicable graph further shows that diversion was most prolific during 2018 when large amounts of builder's rubble was crushed and diverted. The Municipality has known for a number of years that their landfill airspace was running out and they were thus forced to embark on additional diversion strategies which clearly made a difference when assessing the available information. Based on the waste characterisation study, which is based on household waste put out for disposal, there exists further potential in increasing diversion rates especially in the organic fraction. These values only include waste from residents that receive a waste collection service and thus excludes portions of the rural population of the Municipality. The data indicates that the vast majority (more than 60%) of all landfilled waste is considered domestic waste. This is the normal black bag municipal waste on which the waste characterisation study was done, and even though the WCS was done in 2017, the results of the study shown earlier indicates that this waste stream still contains large quantities of recoverable organic waste and recyclable material.

The waste generation rates shows that the public generated in the order of 4,900 tonnes of waste each month which required landfilling. The average transported to Vissershok since September 2019 is just over 3,100 tonnes per month, but is expected to be closer to 3,600 tonnes per month if the impact of the nationwide lockdown and the end of year student holidays are allowed for. There is thus a case to be made that being forced to pay for transport and disposal of waste resulted in an increase in waste diversion, either at household level or through municipally introduced recycling and beneficiation programmes.

EXISTING WASTE MANAGEMENT STRUCTURE, SYSTEMS AND PRACTICES

The municipal waste management responsibilities lie with the Directorate: Infrastructure Services (together with Electricity, Water, Sewerage, Stormwater, Transport, Roads and Robots). The Waste Manager is Mr Clayton Hendricks. Provision must be made for the continuous training and education of the Stellenbosch waste management employees. Waste management information sharing/capacity-building events such as the Departmental Waste Forum, Waste Khoro and the IWMSA's WasteCon should be attended by waste management employees determined by the Municipality.

The approved Stellenbosch Waste management division organogram is provided in the report. The Senior Manager Waste Management (Municipal Waste Manager) is supported by two Section Managers. One for the Area Cleansing and Collections Section and one for Waste Minimization & Disposal Section. There are a number of vacancies that need to be filled and the Municipality is working on appointing competent staff to these positions. The vacancies are for 66 general workers, 15 supervisors, 2 technicians, 1 superintendent and 1 team leader. The management of the waste division have indicated that they require more technical staff to be appointed to the two sections in order assist in the management of waste within the Municipality.

Stellenbosch municipality serves approximately 38,500 households with solid waste management services. The 28,751 collection points are spread across the 22 wards of the Municipality. The refuse collection breakdown is approximately 20,000 wheelie bins and 4,000 standard refuse bags as of 2019. The Municipality utilises eleven (11) refuse collection trucks, operated by more than 60 crew members in a 30-hour working week.

The Municipality reports that 100% of urban households receive kerb side collection once per week. All the urban and informal areas of Stellenbosch Municipality have access to at least a basic refuse removal service. Some refuse removal services exist in the rural areas and farming communities, but all the rural areas at least have access to drop-off facilities.

The Municipality currently provides a two bag collection system where clear bags are collected from middle to higher income areas once a week. The clear bags are to be filled with recyclable materials which households are required to sort waste into two streams namely; general landfill waste (black bags) and recyclable waste (clear bags). The recyclables were transported to a mini materials recovery facility (MRF) that is situated at the landfill. Since the landfill ceased operations the clear bags are collected and taken directly to the Kraaifontein MRF in the City of Cape Town. The MRF currently under construction near the landfill should start operations towards the end of 2020 after which the clear bags collected in the Municipality will be taken to this new facility for processing and recycling.

The Municipality is in the process of expanding the sorting at source programme to include more households in the initiative. The department reported that the total number of indigent households was 6,995 as of July 2020 and in the order of 75% to 80% of these households receive at least a basic refuse collection service.

The Municipality has a standard operating procedure to deal with all waste related complaints. All received complaints regarding solid waste are logged on the internal system. A complaint is logged when a service desk consultant answers the call and captures the complaint on the service request register to be addressed by the relevant official or department. This person must then address the complaint and report back in order to complete the process and for the complaint to be removed from the request register.

Recycling of waste was predominantly taking place at the mini MRF facility located on the landfill site. Here the separately collected clear bag waste (up to August 2019), and waste obtained from landfill working face by informal recyclers, got sorted into recyclable portions and benefited by either selling them to the market or donating to other users. After closure of the landfill the clear bags are collected and taken directly to Kraaifontein MRF in the City of Cape Town.

The Municipality have identified the need for increased recycling and is in the process of developing a fully functional MRF at the Devon Valley landfill site. The new MRF is constructed at the landfill site and will be able to handle 450 tonnes of waste per month based on an adjusted ultimate public participation rate in the source separation scheme of 50%. As there is already a demand for a public drop-off facility, it is anticipated that residents will independently come to the MRF to drop off mixed recyclables. The mixed recyclables projections model does not take into account the mass of mixed recyclables coming

in independently from residents.

Much potential for diversion exists within the organic fraction of the waste stream with reference to the characterisation results discussed, indicating potentially 31% organics present in the household waste stream. This study must be further refined in order to indicate the breakdown of these organics and how they have changed since 2017 when the WCS was done in order to see what the diversion potential with each is and the appropriate treatment/re-use methods.

The Stellenbosch Municipality currently diverts organic waste via chipping and composting. Chipping takes place at the landfill under a private contract, and the Municipality is planning the development of an organic waste refuse transfer station at the landfill site to further divert organic waste from landfill. The main option with building rubble diversion is crushing the clean rubble and using it as road building material (or other appropriate uses depending on material quality) or using it as cover material in landfilling, eliminating the need to use natural materials such as soil. No building rubble received is directly disposed. Oversized rubble is stockpiled separately until sufficient volumes are reached for crushing operations. Manageable rubble is used as cover material. A contract was recently awarded to a private contractor who will be tasked with the crushing of builder's rubble and beneficiation of the crushed material at the landfill.

The Stellenbosch Municipality conducts comprehensive awareness and education campaigns with continual involvement with the public in terms of solid waste management and the promotion of better waste management practices. Residents are informed and given feedback through the means of newsletters, pamphlets, social media and the municipal website. Schools are visited to educate learners about solid waste and recycling.

The Municipality underwent a Section 78(3) process recently as required by the Municipal Systems Act in order for the Municipality to outsource municipal waste management functions to private parties. The process has neared completion and the item is with the Council for approval at the time of writing of this report. Under this process all Municipal Waste Management services will be outsourced to private companies with the exception of area cleaning, waste collection and transportation which will stay a Municipal function.

The Devon Valley landfill is the only operating landfill within the Stellenbosch Municipality. The Devon Valley landfill has reached its current capacity and licence applications and preliminary designs for the development of Cell 4 is underway. The proposed development area for the new Cell 4 is within the central portion of the existing Devon Valley Landfill. At present, the study area is bounded by two existing landfill footprints, Cells 1 & 2 to the south and Cell 3 to the north. The entire site is surrounded by concrete palisade fencing. An Eskom Servitude traverses the site, with overhead electrical pylons running from north-west to south-east respectively.

There are no dedicated garden waste or building & demolition waste sites in Stellenbosch. Garden waste and building & demolition waste are accepted at the landfill and stockpiled for chipping and crushing. A new garden waste transfer station is planned as part of the Stellenbosch integrated waste management facility at the landfill. This facility is still in the planning stages and if developed will divert municipal organic waste from the landfill. The Stellenbosch Municipality currently only has one fully operational licensed transfer station at Klipmuts with one mini public drop off located in Franschoek. The drop-off does not require licensing due to its size, and there is a great need for the development of a larger transfer station in the Franschoek area.

Since the closure of the Stellenbosch Devon Valley Landfill Site, the Klipmuts Transfer Station is being used to transfer all waste from Stellenbosch Municipality to the Vissershok private landfill site. The transfer station and landfill is internally and externally audited with the latest external audit for both facilities conducted in early 2020 by JGAfrika (Pty) Ltd.

GAPS AND NEEDS ASSESSMENT

The main gaps and needs identified for waste management within the Stellenbosch Municipality are discussed in Chapter 3. They are:

- Legislation – Adherence to hazardous waste and landfill closure legislation. Stellenbosch integrated waste management by-laws to be approved by council and enforced.
- Waste generation quantities – Detail records should be kept on how much waste gets collected from households and businesses, how much waste is accepted at the Devon Valley landfill and Klapmuts transfer station, and how much waste is being transported to the Vissershok site so that a waste flow and volume balance can be established.
- Waste minimisation recycling and reuse initiatives – There remains a need for the development of a solid waste transfer station in the Franschhoek area.
- Institutional and organisational needs – fill all vacant positions and appoint dedicated waste management personnel;
- Identification of alternatives – Continue to look for ways in which to reduce waste to landfill by beneficiation the waste in innovative ways, with a focus on organic waste and builder's rubble.
- Funding mechanisms – Improvements require funding and new funding mechanisms need to be explored continuously. Funding is required in order to successfully rehabilitate all closed landfill cells as per requirements and stipulated time-frames;
- Public awareness and education – improve on successful public awareness and education campaigns and develop new ones.

IMPLEMENTATION STRATEGY, MONITORING AND REVIEW

Based on the gaps and needs identified, aligned goals of the IWMP, and planned projects by the municipality, an implementation strategy was developed that contains the objectives, timeline and required resources for implementation of the IMWP. These goals are linked to the main goals contained in the Western Cape Provincial IWMP. The main goals and associated strategic objectives are indicated in the tables below. Refer to Section 4: Strategy and Implementation for detailed implementation:

Goal 1: Strengthened education, capacity and advocacy towards Integrated Waste Management	
Objectives	
Strategic Objective 1:	Facilitate consumer and industry responsibility in integrated waste management
Strategic Objective 2:	Promote and ensure awareness and education of integrated waste management
Strategic Objective 3:	Build and strengthen waste management capacity

Goal 2: Improved integrated waste management planning and implementation for efficient waste services and infrastructure	
Objectives	
Strategic Objective 1:	Facilitate municipal waste management planning
Strategic Objective 2:	Promote industry waste management planning
Strategic Objective 3:	Promote the establishment of integrated waste management infrastructure and services
Strategic Objective 4:	Ensure effective and efficient waste information management

Goal 3: Effective and efficient utilisation of resources	
Objectives	
Strategic Objective 1:	Minimise the consumption of natural resources
Strategic Objective 2:	Stimulate job creation within the waste economy
Strategic Objective 3:	Increase waste diversion through reuse, recovery and recycling

Goal 4: Improved compliance with environmental regulatory framework	
Objectives	
Strategic Objective 1:	Strengthen compliance monitoring and enforcement
Strategic Objective 2:	Remediate and rehabilitate contaminated land
Strategic Objective 3:	Facilitate the development of waste policy instruments
Strategic Objective 4:	Promote self/co-regulatory measures

To ensure that the IWMP remains up to date as far as practically possible and stays relevant, it must go through a review process. This process will be initiated and followed by the IWMP advisory committee.

The implementation of the third generation IWMP will start following Council approval. Apart from the continuous project implementation and goal tracking, which must be done by each individual project team as and when each project is running and report to Mr Hendricks as the designated Waste Management Officer, an annual IWMP report must be submitted along with the other Municipal annual reports and a copy sent to D:EA&DP as well.

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INTEGRATED WASTE MANAGEMENT PLAN (3rd Generation)

(Draft Report)

COMPILED BY:

JPCE

(Specialist Consulting Engineers)

September 2020

REPORT: STELLENBOSCH MUNICIPALITY – INTEGRATED WASTE MANAGEMENT PLAN – DRAFT REPORT

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STELLENBOSCH MUNICIPALITY

INTEGRATED WASTE MANAGEMENT PLAN (Third Generation)

(Draft Report)

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ABBREVIATIONS

AHP	Analytical Hierarchy Process
CBD	Central Business District
CoCT	City of Cape Town
COGTA	Cooperative Governance and Traditional Affairs
CRR	Cash Reserve Ratio
CWDM	Cape Winelands District Municipality
D:EA&DP	The Department: Environmental Affairs and Development Planning
DBE	Department of Basic Education
DEA	Department of Environmental Affairs
DOE	Department of Energy
DoH	Department of Housing
dti	Department of Trade & Industry
ECA	Environmental Conservation Act
EDP	Economic Development Plan
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
EPR	Extended Producer Responsibility
GN	Government Notice
HCGW	Health Care General Waste
HCRW	Health Care Risk Waste
HDPE	High Density Polyethylene
IDP	Integrated Development Plan
IPWIS	Integrated Pollutant and Waste Information System
ITAC	International Trade Administration Commission
IUDF	Integrated Urban Development Framework
IWMP	Integrated Waste Management Plan
IWMSA	Institute of Waste Management of South Africa
kg	Kilograms
kg/m ³	Kilogram per cubic meter
kg/p/d	kilograms per person per day
KPI	Key Performance Indicator
LC	Leachable Concentration
LDPE	Low Density Polyethylene
LDV	Light Duty Vehicle
LM	Local Municipality
m ²	Square meter
MBT	Mechanical Biological Treatment
MEC	Member of the Executive Council
mg/kg	Milligram per kilogram
mg/l	Milligram per litre
MJ/kg	Mega joule per kilogram
MOU	Memorandum of Understanding
MRF	Material Recovery Facility
NCC	National Consumer Commission
NCPC-SA	National Cleaner Production Centre South Africa
NDP	National Development Plan
NEM:WA	National Environmental Management Waste Act

NEMA	National Environmental Management Act
NPA	National Prosecuting Authority
NU	Non-urban
NWA	National Water Act
NWMS	National Waste Management Strategy
ODM	Overberg District Municipality
ODS	Operational Data Store
OPEX	Operational Expenditure
PCB	Polychlorinated Biphenyls
PET	Polyethylene Terephthalate
PH	Potential of Hydrogen
POP	Persistent Organic Pollutants
ppm	Parts per Million
PVC	Polyvinyl Chloride
RDI	Research Development and Innovation
REL	Rear end Loader
RO-RO	Roll on, Roll off
RTS	Refuse Transfer Station
S&EIR	Scoping and Environmental Impact Report
SALGA	South African Local Government Association
SANAS	South African National Accreditation System
SANRAL	South African National Roads Agency Limited
SANS	South African National Standards
SAPS	South African Police Service
SARS	South African Revenue Service
SAWIS	South African Waste Information System
SDF	Spatial Development Framework
SP	Sub-place
TBD	To be determined
TC	Total Concentration
TDS	Total Dissolved Solids
TIA	Technology and Innovation Agency
TOC	Total Organic Content
WCDM	West Coast District Municipality
WCG	Western Cape Government
WCIWMP	Western Cape Integrated Waste Management Plan
WCPSPDF	Western Cape Provincial Spatial Development Framework
WCS	Waste Characterisation Study
WEEE	Waste Electrical and Electronic Equipment
WMO	Waste Management Officer
WWTW	Waste Water Treatment Works

STELLENBOSCH MUNICIPALITY

INTEGRATED WASTE MANAGEMENT PLAN

THIRD GENERATION

EXECUTIVE SUMMARY

INTRODUCTION AND GENERAL DESCRIPTION

JPCE (Pty) Ltd has been appointed by the Stellenbosch Municipality in the Cape Winelands District of the Western Cape Province to assist in developing their third generation Integrated Waste Management Plan (IWMP). This third generation IWMP was developed during 2020 and will now replace the draft third generation IWMP developed by Green Cape in 2017. The development of the IWMP is necessary as it is an integral tool to identify current needs and act as a guide towards sustainable waste management. With regular updates of this document the changing needs as well as progress in the waste management field can be tracked and strategies adapted accordingly.

It also provides a framework for budgeting purposes. The IWMP must be incorporated as part of each Municipality's Integrated Development Plan (IDP) but is submitted as a separate document. The IWMP also shows alignment of its goals with the Western Cape IWMP, the District Municipality IWMP and the National Waste Management Strategy (NWMS). This generation IWMP improved upon the previous generation document in that progress has been made with shortcomings identified in the previous draft plan.

The scope of this local municipal IWMP includes an investigation into the current state of the solid waste management system of the Stellenbosch Local Municipality and provides the overview thereof. This investigation aims to include all the various aspects of the solid waste management system which ranges from legislation, waste types and generation, waste facilities and infrastructure to financing and all other details as listed under the terms of reference above.

The status quo is evaluated in order to determine the gaps and needs of the system. The scope also includes goals and objectives to improve the system where required but is limited to implementation on the local authority level. The implementation items in order to improve the waste management system and to achieve goals are coupled with a monitoring and review programme to ensure that the IWMP is up to date and is implemented.

The primary objective of Integrated Waste Management (IWM) planning is to integrate and optimise waste management, in order to maximise efficiency and minimise the associated environmental impacts and financial costs and to improve the quality of life of all residents within the Stellenbosch Municipality.

The Plan takes particular note of importance of local authority waste management planning. This document underlines the following principles of the National Waste Management Strategy:

- The prevention of waste generation;
- The recovery of waste of which the generation cannot be prevented, and
- The safe disposal of waste that cannot be recovered.

The Plan will address all areas of waste management – from waste prevention and minimisation (Waste avoidance), to its collection, storage, transport, treatment, recovery and final disposal. It will not only address the practicalities of waste management in context of this Municipality, but also the issues of public education and changing concepts, as these are vital to a successful management system.

POLICY AND LEGISLATION

All applicable waste management legislation is listed and discussed under section 2 of the IWMP. The latest published legislation have been added in the IWMP update, which mainly consists of Norms & Standards published under the Waste Act as well as the Draft Updated National Waste Management Strategy since the previous Stellenbosch IWMP. The current Stellenbosch Integrated Waste Management By-Laws are drafted and in process of being approved by council after which implementation and enforcement would be paramount.

WASTE QUANTITIES AND TYPES

The Stellenbosch Municipality operates only one landfill facility for the disposal of waste, but since August 2019 has made use of the Vissershok Private Landfill (Vissershok Waste Management Facility (Pty) Ltd) operated by Enviroserv and Averda. The waste collected in Stellenbosch is transported to the Klapmuts Solid Waste Transfer Station from where it gets taken to the Vissershok Landfill.

A waste characterisation study was conducted in 2017 by Stellenbosch Municipality's Solid Waste Management Department, and analysed in 2019 by JG Afrika (see full report in **Annexure A**). The waste characterised was solely black bag waste, i.e. waste destined for landfill. Waste materials separated at source by households and placed in clear bags for collection by means of the recycling programme, was not sampled. The characterisation focused on residential/household waste and not commercial or business waste.

Analysis of the 2017 data revealed that the separation-at-source programme is effective in this Local Municipality, as less waste is sent to landfill by households residing in areas participating in this scheme compared to areas who do not yet have access to it.

Based on the combined results obtained, it is clear that the major fraction of the waste stream consists of organic waste, which if you combine food waste and garden waste makes up more than 31% of the total municipal black bag waste stream by weight. Plastics (22.96%), Metals (2.51%), Glass (10.58%) and Paper & Cardboard (20.34%) makes up the other large waste portions. These fractions combined make up more than half of the total waste stream (56.39%) and have potential for recovery, depending on contamination levels and feasibility of successful sorting. Based on these results alone, the biggest diversion potential lies with the organic waste fraction and removing the potentially recyclable materials from the black bag waste streams.

From the available information it can be seen that the Stellenbosch Municipality did well over the last two years with diverting waste from landfill. If using a generally accepted 20% as a diversion target the information shows that they have achieved more than double this (about 45%) on average over the last two years. The applicable graph further shows that diversion was most prolific during 2018 when large amounts of builder's rubble was crushed and diverted. The Municipality has known for a number of years that their landfill airspace was running out and they were thus forced to embark on additional diversion strategies which clearly made a difference when assessing the available information. Based on the waste characterisation study, which is based on household waste put out for disposal, there exists further potential in increasing diversion rates especially in the organic fraction. These values only include waste from residents that receive a waste collection service and thus excludes portions of the rural population of the Municipality. The data indicates that the vast majority (more than 60%) of all landfilled waste is considered domestic waste. This is the normal black bag municipal waste on which the waste characterisation study was done, and even though the WCS was done in 2017, the results of the study shown earlier indicates that this waste stream still contains large quantities of recoverable organic waste and recyclable material.

The waste generation rates shows that the public generated in the order of 4,900 tonnes of waste each month which required landfilling. The Municipality records and reports landfilled waste tonnages to the IPWIS system. The average transported to Vissershok since September 2019 is just over 3,100 tonnes per month, but is expected to be closer to 3,600 tonnes per month if the impact of the nationwide lockdown and the end of year student holidays are allowed for. There is thus a case to be made that being forced to pay for transport and disposal of waste resulted in an increase in waste diversion, either at household level or through municipally introduced recycling and beneficiation programmes.

EXISTING WASTE MANAGEMENT STRUCTURE, SYSTEMS AND PRACTICES

The municipal waste management responsibilities lie with the Directorate: Infrastructure Services (together with Electricity, Water, Sewerage, Stormwater, Transport, Roads and Robots). The Waste Manager is Mr Clayton Hendricks. Provision must be made for the continuous training and education of the Stellenbosch waste management employees. Waste management information sharing/capacity-building events such as the Departmental Waste Forum, Waste Khoro and the IWMSA's WasteCon should be attended by waste management employees determined by the Municipality.

The approved Stellenbosch Waste Management division organogram is provided in the report. The Senior Manager Waste Management (Municipal Waste Manager) is supported by two Section Managers. One for the Area Cleansing and Collections Section and one for Waste Minimization & Disposal Section. There are a number of vacancies that need to be filled and the Municipality is working on appointing competent staff to these positions. The vacancies are for 66 general workers, 15 supervisors, 2 technicians, 1 superintendent and 1 team leader. The management of the waste division have indicated that they require more technical staff to be appointed to the two sections in order assist in the management of waste within the Municipality.

Stellenbosch municipality serves approximately 38,500 households with solid waste management services. The 28,751 collection points are spread across the 22 wards of the Municipality. The refuse collection breakdown is approximately 20,000 wheelie bins and 4,000 standard refuse bags as of 2019. The Municipality utilises eleven (11) refuse collection trucks, operated by more than 60 crew members in a 30-hour working week.

The Municipality reports that 100% of urban households receive kerb side collection once per week. All the urban and informal areas of Stellenbosch Municipality have access to at least a basic refuse removal service. Some refuse removal services exist in the rural areas and farming communities, but all the rural areas at least have access to drop-off facilities.

The Municipality currently provides a two bag collection system where clear bags are collected from middle to higher income areas once a week. The clear bags are to be filled with recyclable materials which households are required to sort waste into two streams namely; general landfill waste (black bags) and recyclable waste (clear bags). The recyclables were transported to a mini materials recovery facility (MRF) that is situated at the landfill. Since the landfill ceased operations the clear bags are collected and taken directly to the Kraaifontein MRF in the City of Cape Town. The MRF currently under construction near the landfill should start operations towards the end of 2020 after which the clear bags collected in the Municipality will be taken to this new facility for processing and recycling.

The Municipality is in the process of expanding the sorting at source programme to include more households in the initiative. The department reported that the total number of indigent households was 6,995 as of July 2020 and in the order of 75% to 80% of these households receive at least a basic refuse collection service.

The Municipality has a standard operating procedure to deal with all waste related complaints. All received complaints regarding solid waste are logged on the internal system. A complaint is logged when a service desk consultant answers the call and captures the complaint on the service request register to be addressed by the relevant official or department. This person must then address the complaint and report back in order to complete the process and for the complaint to be removed from the request register.

Recycling of waste was predominantly taking place at the mini MRF facility located on the landfill site. Here the separately collected clear bag waste (up to August 2019), and waste obtained from landfill working face by informal recyclers, got sorted into recyclable portions and benefited by either selling them to the market or donating to other users. After closure of the landfill the clear bags are collected and taken directly to Kraaifontein MRF in the City of Cape Town.

The Municipality have identified the need for increased recycling and is in the process of developing a fully functional MRF at the Devon Valley landfill site. The new MRF is constructed at the landfill site and will be able to handle 450 tonnes of waste per month based on an adjusted ultimate public participation rate in the source separation scheme of 50%. As there is already a demand for a public drop-off facility, it is anticipated that residents will independently come to the MRF to drop off mixed recyclables. The mixed recyclables projections model does not take into account the mass of mixed recyclables coming in independently from residents.

Much potential for diversion exists within the organic fraction of the waste stream with reference to the characterisation results discussed, indicating potentially 31% organics present in the household waste stream. This study must be further refined in order to indicate the breakdown of these organics and how they have changed since 2017 when the WCS was done in order to see what the diversion potential with each is and the appropriate treatment/re-use methods.

The Stellenbosch Municipality currently diverts organic waste via chipping and composting. Chipping takes place at the landfill under a private contract, and the Municipality is planning the development of an organic waste refuse transfer station at the landfill site to further divert organic waste from landfill. The main option with building rubble diversion is crushing the clean rubble and using it as road building material (or other appropriate uses depending on material quality) or using it as cover material in landfilling, eliminating the need to use natural materials such as soil. No building rubble received is directly disposed. Oversized rubble is stockpiled separately until sufficient volumes are reached for crushing operations. Manageable rubble is used as cover material. A contract was recently awarded to a private contractor who will be tasked with the crushing of builder's rubble and beneficiation of the crushed material at the landfill.

The Stellenbosch Municipality conducts comprehensive awareness and education campaigns with continual involvement with the public in terms of solid waste management and the promotion of better waste management practices. Residents are informed and given feedback through the means of newsletters, pamphlets, social media and the municipal website. Schools are visited to educate learners about solid waste and recycling.

The Municipality underwent a Section 78(3) process recently as required by the Municipal Systems Act in order for the Municipality to outsource municipal waste management functions to private parties. The process has neared completion and the item is with the Council for approval at the time of writing of this report. Under this process all Municipal Waste Management services will be outsourced to private companies with the exception of area cleaning, waste collection and transportation which will stay a Municipal function.

The Devon Valley landfill is the only operating landfill within the Stellenbosch Municipality. The Devon Valley landfill has reached its current capacity and licence applications and preliminary designs for the development of Cell 4 is underway. The proposed development area for the new Cell 4 is within the central portion of the existing Devon Valley Landfill. At present, the study area is bounded by two existing landfill footprints, Cells 1 & 2 to the south and Cell 3 to the north. The entire site is surrounded by concrete palisade fencing. An Eskom Servitude traverses the site, with overhead electrical pylons running from north-west to south-east respectively.

There are no dedicated garden waste or building & demolition waste sites in Stellenbosch. Garden waste and building & demolition waste are accepted at the landfill and stockpiled for chipping and crushing. A new garden waste transfer station is planned as part of the Stellenbosch integrated waste management facility at the landfill. This facility is still in the planning stages and if developed will divert municipal organic waste from the landfill. The Stellenbosch Municipality currently only has one fully operational licensed transfer station at Klapmuts with one mini public drop off located in Franschhoek. The drop-off does not require licensing due to its size, and there is a great need for the development of a larger transfer station in the Franschhoek area.

Since the closure of the Stellenbosch Devon Valley Landfill Site, the Klapmuts Transfer Station is being used to transfer all waste from Stellenbosch Municipality to the Vissershok private landfill site. The transfer station and landfill is internally and externally audited with the latest external audit for both facilities conducted in early 2020 by JG Afrika (Pty) Ltd.

GAPS AND NEEDS ASSESSMENT

The main gaps and needs identified for waste management within the Stellenbosch Municipality are discussed in Chapter 3. They are:

- **Legislation – Adherence to hazardous waste and landfill closure legislation.** Stellenbosch integrated waste management by-laws to be approved by council and enforced.
- **Waste generation quantities – Detail records should be kept on how much waste gets collected from households and businesses, how much waste is accepted at the Devon Valley landfill and Klapmuts transfer station, and how much waste is being transported to the Vissershok site so that a waste flow and volume balance can be established.**
- **Waste minimisation recycling and reuse initiatives – There remains a need for the development of a solid waste transfer station in the Franschhoek area.**

- Institutional and organisational needs – fill all vacant positions and appoint dedicated waste management personnel;
- Identification of alternatives – Continue to look for ways in which to reduce waste to landfill by beneficiation the waste in innovative ways, with a focus on organic waste and builder's rubble.
- Funding mechanisms – Improvements require funding and new funding mechanisms need to be explored continuously. Funding is required in order to successfully rehabilitate all closed landfill cells as per requirements and stipulated time-frames;
- Public awareness and education – improve on successful public awareness and education campaigns and develop new ones.

IMPLEMENTATION STRATEGY, MONITORING AND REVIEW

Based on the gaps and needs identified, aligned goals of the IWMP, and planned projects by the municipality, an implementation strategy was developed that contains the objectives, timeline and required resources for implementation of the IWMP. These goals are linked to the main goals contained in the Western Cape Provincial IWMP. The main goals and associated strategic objectives are indicated in the tables below. Refer to Section 4: Strategy and Implementation for detailed implementation:

Goal 1: Strengthened education, capacity and advocacy towards Integrated Waste Management	
Objectives	
Strategic Objective 1:	Facilitate consumer and industry responsibility in integrated waste management
Strategic Objective 2:	Promote and ensure awareness and education of integrated waste management
Strategic Objective 3:	Build and strengthen waste management capacity

Goal 2: Improved integrated waste management planning and implementation for efficient waste services and infrastructure	
Objectives	
Strategic Objective 1:	Facilitate municipal waste management planning
Strategic Objective 2:	Promote industry waste management planning
Strategic Objective 3:	Promote the establishment of integrated waste management infrastructure and services
Strategic Objective 4:	Ensure effective and efficient waste information management

Goal 3: Effective and efficient utilisation of resources	
Objectives	
Strategic Objective 1:	Minimise the consumption of natural resources
Strategic Objective 2:	Stimulate job creation within the waste economy
Strategic Objective 3:	Increase waste diversion through reuse, recovery and recycling

Goal 4: Improved compliance with environmental regulatory framework	
Objectives	
Strategic Objective 1:	Strengthen compliance monitoring and enforcement
Strategic Objective 2:	Remediate and rehabilitate contaminated land
Strategic Objective 3:	Facilitate the development of waste policy instruments
Strategic Objective 4:	Promote self/co-regulatory measures

To ensure that the IWMP remains up to date as far as practically possible and stays relevant, it must go through a review process. This process will be initiated and followed by the IWMP advisory committee.

The implementation of the third generation IWMP will start following Council approval. Apart from the continuous project implementation and goal tracking, which must be done by each individual project team as and when each project is running and report to Mr Hendricks as the designated Waste Management Officer, an annual IWMP report must be submitted along with the other Municipal annual reports and a copy sent to D:EA&DP as well.

STELLENBOSCH MUNICIPALITY

INTEGRATED WASTE MANAGEMENT PLAN

THIRD GENERATION

1. INTRODUCTION

1.1 TERMS OF REFERENCE

JPCE (Pty) Ltd has been appointed by the Stellenbosch Municipality in the Cape Winelands District of the Western Cape Province to assist in developing their third generation Integrated Waste Management Plan (IWMP). This third generation IWMP was developed during 2020 and will now replace the draft third generation IWMP developed by Green Cape in 2017.

The terms of reference for this development are to review and update the draft 2017 IWMP, source the required information, interpret the relevant data and plan accordingly in order to complete the IWMP in terms of the requirements as set out in the National Environment Management: Waste Act (Act no. 59 of 2008) and the contents listed below as required by the Western Cape Department of Environmental Affairs and Development Planning (D:EA&DP).

Chapter 3, Section 11 (4) of the Waste Act states that each Municipality must submit its IWMP to the Member of the Executive Council of a province (MEC) for approval and include the approved IWMP in its Integrated Development Plan (IDP) contemplated in Chapter 5 of the Municipal Systems Act.

Chapter 3, Section 12 of the Waste Act further states that the contents of an IWMP must be at least the following:

- (a) A situation analysis that includes
 - i. A description of the population and development profiles of the area to which the plan relates;
 - ii. An assessment of the quantities and types of waste that are generated in the area;
 - iii. A description of the services that are provided, or that are available, for the collection, minimisation, reuse, recycling and recovery, treatment and disposal of waste; and
 - iv. The number of persons in the area who are not receiving waste collection services;
- (b) Within the domain of the Department, provincial department or municipality, set out how that Department, provincial department or municipality intends –
 - i. To give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act;
 - ii. To give effect to the objects of this Act;
 - iii. To identify and address the negative impact of poor waste management practices on health and the environment;
 - iv. To provide for the implementation of waste minimisation, reuse, recycling and recovery targets and initiatives;
 - v. In the case of a municipal IWMP, to address the delivery of waste management services to residential premises;
 - vi. To implement the Republic's obligations in respect of any relevant international agreements;
 - vii. To give effect to best environmental practice in respect of waste management;
- (c) Within the domain of the Department or provincial department, set out how the Department or provincial department intends to identify the measures that are required and that are to be implemented to support municipalities to give effect to the objects of this Act;
- (d) Set out the priorities and objectives of the Department, provincial department or municipality in respect of waste management;
- (e) Establish targets for the collection, minimisation, re-use and recycling of waste;

- (f) Set out the approach of the Department, provincial department or municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;
- (g) Indicate the financial resources that are required to give effect to the plan;
- (h) Describe how the Department, provincial department or municipality intends to give effect to its IWMP; and
- (i) Comply with the requirements prescribed by the Minister.

The IWMP content requirements further detailed by the D:EA&DP IWMP guideline table of contents are as follows. Only the main headings are shown here. This IWMP was developed to contain all the required information:

- Introduction and background information to the IWMP
- Status Quo:
 - o Legislation
 - o Demographic profile
 - o Waste management cost and financing
 - o Services and delivery
 - o Compliance and enforcement
 - o Waste generation and composition
 - o Waste avoidance, reduction and recycling
 - o Operational structure and staff capacity
 - o Waste awareness and education
 - o Waste information management
- Gaps and needs analysis
- Objectives and targets
- IWMP implementation
- Monitoring and review

The 2017 draft third generation IWMP developed by GreenCape was not submitted to D:EA&DP for review. JPCE (Pty) Ltd have, however, recently updated the IWMPs of a number of other local Municipalities within the Western Cape Province, and received comments from the department on these plans.

This IWMP revision thus aims to address the requirements listed in the D:EA&DP evaluation reports of other Municipalities, on matters applicable to the Stellenbosch Municipality.

1.2 **BACKGROUND**

The IWMP is a statutory requirement of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) that has been promulgated and came into effect on 1 July 2009 and has as its goal the transformation of the current methodology of waste management, i.e. mostly collection and disposal, to a sustainable practice focussing on waste avoidance and environmental sustainability. Implementation of this IWMP will be through municipal by-laws and in accordance with an implementation schedule.

The development of the IWMP is necessary as it is an integral tool to identify current needs and act as a guide towards sustainable waste management. With regular updates of this document the changing needs as well as progress in the waste management field can be tracked and strategies adapted accordingly. It also provides a framework for budgeting purposes. The IWMP must be incorporated as part of each Municipality's Integrated Development Plan (IDP) but is submitted as a separate document. The IWMP also shows alignment of its goals with the Western Cape IWMP, the District Municipality IWMP and the National Waste Management Strategy (NWMS). This generation IWMP improved upon the previous generation document in that progress has been made with shortcomings identified in the previous draft plan.

There is increasing pressure on government, the public and industry to be more environmentally responsible especially in terms of solid waste generation and management. Making waste disposal priority can be seen as archaic planning and is not sustainable as disposal airspace is becoming limited and the establishment of new disposal facilities are becoming increasingly difficult due to the unavailability of suitable land. Establishing new disposal facilities are also increasingly expensive due to the design and construction requirements in order to safely dispose the waste to land. Although the eradication of the practice of waste disposal is currently not possible, the IWMP aims to identify ways on how to decrease disposal, increase diversion and move towards being an environmentally responsible society.

1.3 SCOPE OF THE IWMP

The scope of this local municipal IWMP includes an investigation into the current state of the solid waste management system of the Stellenbosch Municipality and provides the overview thereof. This investigation aims to include all the various aspects of the solid waste management system which ranges from legislation, waste types and generation, waste facilities and infrastructure to financing and all other details as listed under the terms of reference above.

The status quo is evaluated in order to determine the gaps and needs of the system. The scope also includes goals and objectives to improve the system where required but is limited to implementation on the local authority level. The implementation items in order to improve the waste management system and to achieve goals are coupled with a monitoring and review programme to ensure that the IWMP is up to date and is implemented.

The waste types measured and discussed are the following:

- Domestic waste
- Garden waste
- Building & demolition waste
- Household hazardous waste
- Hazardous waste (including health care risk waste)

The sources of the above waste types are also discussed and include the following:

- Residential areas
- Businesses
- Industry
- Farms
- Waste as a result of illegal dumping
- Street cleansing waste

1.4 METHODOLOGY AND APPROACH TO THE IWMP

The planning phase of the 3rd generation IWMP included the following:

JPCE has successfully developed a number of IWMP documents for municipalities within the Western Cape. This creates an opportunity to be in regular contact with D:EA&DP on what the IWMP requirements are through evaluation reports on other IWMP documents etc. Planning thus included addressing the standard D:EA&DP requirements as well as recently received comments on other municipal IWMP documents in the Western Cape.

Aquila Environmental (Pty) Ltd was appointed as sub-consultant to JPCE in order to conduct the hazardous and health care risk waste survey in the Stellenbosch Municipal Area. All the generators of these waste types were identified and interviewed in order to obtain the quantities generated and the treatment and/or disposal methods used. A list was compiled based on the physical survey for each town. All the possible industries were listed but not all businesses, as some were regarded as non-hazardous waste producers due to their nature of business, size, physical structure, etc. Each business listed in the hazardous waste survey list was contacted, telephonically and/or via e-mail.

The general waste characterisation information included in this IWMP was obtained from the data collected by the Municipality during 2017 and completed in 2019. The data was analysed by JGAfrika (Pty) Ltd and also used in a 2020 MSc Thesis by C Nell entitled "*Determining Spatial and Temporal Change in Household Solid Waste Composition within Stellenbosch Local Municipality*".

SRK Consulting (Pty) Ltd was appointed to conduct the geological and geohydrological study for the Stellenbosch Municipal area and generate the accompanying maps.

Extensive input and information were provided by the Stellenbosch Municipality and the plan development included lengthy discussions with and guidance received from the Project Manager: Waste Management, and the Municipal Waste Manager. All the acquired information was reworked into the format presented in this report in order to reflect the status quo, draw conclusions and to make recommendations.

It was intended to get public input by feedback from ward committee meetings and from a viewing of the draft IWMP document at the public library. Due to the national COVID-19 lockdown the public were only able to access the draft IWMP document via the Stellenbosch web site for downloading and commenting.

The IWMP will be submitted to the D:EA&DP for evaluation and approval once public comments have been received. The IWMP is only finalised after the Stellenbosch Municipal Council and the D:EA&DP approves and endorses it.

1.5 OVERALL AIMS AND GOALS OF THE IWMP

The primary objective of Integrated Waste Management (IWM) planning is to integrate and optimise waste management, in order to maximise efficiency and minimise the associated environmental impacts and financial costs and to improve the quality of life of all residents within the Stellenbosch Municipality.

The Plan takes particular note of importance of local authority waste management planning. This document underlines the following principles of the National Waste Management Strategy:

- The prevention of waste generation;
- The recovery of waste of which the generation cannot be prevented, and
- The safe disposal of waste that cannot be recovered.

The Plan will address all areas of waste management – from waste prevention and minimisation (Waste avoidance), to its collection, storage, transport, treatment, recovery and final disposal. It will not only address the practicalities of waste management in context of this Municipality, but also the issues of public education and changing concepts, as these are vital to a successful management system.

The main goals of the Stellenbosch IWMP are aligned with the goals of the Western Cape Provincial IWMP, the NWMS, the Municipal Spatial Development Framework (SDF), the municipal Integrated Development Plan (IDP), the National Development Plan (NDP) and the Provincial Spatial Development Framework (SDF). These are shown in **Table 1-1** and these main goals are shown in further detail and sub-goals and implementation items in **Section 5: Implementation and Strategy Plan** of the report.

Table 1-1: National and Provincial Goals and Strategic Linkages

Western Cape IWMP (2017-2022)		*NWMS 2011		NDP 2030		Western Cape SDF (2014)	
Goal 1:	Strengthened education, capacity and advocacy towards Integrated Waste Management						
Strategic Objective 1:	Facilitate consumer and industry responsibility in integrated waste management	Goal 3:	Grow the contribution of the waste sector to the green economy	Chapter 9:	Improving education, training and innovation	Aim 5 (iii):	Seeks to improve the effectiveness of public investment in the Western Cape's built and natural environments by opening-up opportunities for community and business development in targeted areas.
Strategic Objective 2:	Promote and ensure awareness and education of integrated waste management	Goal 4:	Ensure that people are aware of the impact of waste on their health, well-being and the environment				
Strategic Objective 3:	Build and strengthen waste management capacity						
Goal 2:	Improved integrated waste management planning and implementation for efficient waste services and infrastructure						
Strategic Objective 1:	Facilitate municipal waste management planning	Goal 5:	Achieve integrated waste management planning	Chapter 3:	Develop proposals for an acceptable minimum standard of living and proposals on how to achieve this over time.	Aim 3	Supports municipalities to fulfil their municipal planning mandate in line with the national and Provincial agendas.
Strategic Objective 2:	Promote industry waste management planning					Aim 2	Serve as basis for coordinating, integrating and aligning 'on the ground' delivery of national and Provincial departmental programmes.
Strategic Objective 3:	Promote the establishment of integrated waste management infrastructure and services	Goal 2:	Ensure the effective and efficient delivery of waste services			Aim 1	Give spatial expression to the National and Provincial development agendas.
		Goal 1:	Promote waste minimisation, re-use, recycling and recovery of waste			Aim 4	Communicate government's spatial development intentions to the private sector and civil society.
Strategic Objective 4:	Ensure effective and efficient waste information management						

Western Cape IWMP (2017-2022)		*NWMS 2011		NDP 2030		Western Cape SDF (2014)	
Goal 3:	Effective and efficient utilisation of resources						
Strategic Objective 1:	Minimise the consumption of natural resources	Goal 1:	Promote waste minimisation, re-use, recycling and recovery of waste	Chapter 5:	Environmental Sustainability and Resilience: Put in place a regulatory framework for land use to ensure the conservation and restoration of protected areas.		
Strategic Objective 2:	Stimulate job creation within the waste economy	Goal 3:	Grow the contribution of the waste sector to the green economy	Chapter 3:	Economy and Employment	Aim 5 (iii):	- opening-up opportunities for community and business development in targeted areas.
Strategic Objective 3:	Increase waste diversion through reuse, recovery and recycling	Goal 2:	Ensure the effective and efficient delivery of waste services	Chapter 5:	Environmental Sustainability and Resilience: Absolute reductions in the total volume of waste disposed to landfill each year.	Aim 3	Supports municipalities to fulfil their municipal planning mandate in line with the national and Provincial agendas.
Goal 4:	Improved compliance with environmental regulatory framework						
Strategic Objective 1:	Strengthen compliance monitoring and enforcement	Goal 8:	Establish effective compliance with and enforcement of the Waste Act.	Chapter 5:	Environmental Sustainability and Resilience: Put in place a regulatory framework for land use to ensure the conservation and restoration of protected areas.	Aim 4	Communicate government's spatial development intentions to the private sector and civil society.
Strategic Objective 2:	Remediate and rehabilitate contaminated land	Goal 7:	Provide measures to remediate contaminated land.				
Strategic Objective 3:	Facilitate the development of waste policy instruments	Goal 5:	Achieve integrated waste management planning				
Strategic Objective 4:	Promote self/co-regulatory measures	Goal 2:	Ensure the effective and efficient delivery of waste services				

*Note that the goal alignment includes the NWMS 2011 since the updated NWMS 2019 is still in the process of incorporating public comments and thus not final at the time of writing of this report.

The Stellenbosch Municipality IWMP links with these national and provincial documents in that it will adopt the goals and strategic objectives of the Western Cape Provincial Integrated Waste Management Plan.

The Stellenbosch Spatial Development Framework (SDF, 2019) contained a table showing the alignment of the Stellenbosch Integrated Development Plan (IDP, 2017-2022) and Strategic Focus Areas with the Strategic Directions of the SDF. This table is replicated in **Table 1-2** with the Stellenbosch IWMP goals and their specific strategic objectives linked to them.

The Stellenbosch Municipality forms part of the Cape Winelands District Municipality (CWDM) and the CWDM is currently busy with the review of their next generation IWMP document. The existing (3rd Generation) CWDM IWMP developed by JPCE in 2015 contains the following 7 goals for the district in terms of waste management.

- Goal 1: Awareness and Education
- Goal 2: Improve Waste Information Management
- Goal 3: Effective Solid Waste Service Delivery
- Goal 4: Promote and Ensure Waste Minimisation
- Goal 5: Improve Regulatory Compliance
- Goal 6: Ensure Safe and Integrated Management of Hazardous Waste
- Goal 7: Ensure Sound Budgeting for Integrated Waste Management

These goals are expected to be updated during the development of the fourth generation CWDM IWMP in order to align with the goals of the Western Cape Provincial IWMP.

Table 1-2: Linking the IWMP with the Municipal IDP and SDF

Stellenbosch IWMP (2020)		Stellenbosch IDP (2017 - 2022)	Stellenbosch SDF (Approved by Council November 2019)
IWMP Goal 1: Strengthened education, capacity and advocacy towards Integrated Waste Management			
Strategic Objective 1:	Facilitate consumer and industry responsibility in integrated waste management	<u>Strategic Focus Area 1: Valley of Possibility:</u> Aimed at attracting investment, growing the economy and employment.	<u>Strategic Direction 1:</u> Containment of settlements to protect nature/ agricultural areas and enable public and non-motorized transport and movement. A focus on public and non-motorized transport and movement.
Strategic Objective 2:	Promote and ensure awareness and education of integrated waste management	<u>Strategic Focus Area 4: Dignified Living:</u> Aimed at improving conditions for residents through access to education and economic opportunities.	<u>Strategic Direction 4:</u> A specific focus on the needs of "ordinary" citizens, experiencing limited access to opportunity because of restricted available material resources.
Strategic Objective 3:	Build and strengthen waste management capacity	<u>Strategic Focus Area 2: Green and Sustainable Valley:</u> Aimed at ensuring that the asset base of the municipality is protected and enhanced.	<u>Strategic Direction 2:</u> Protection of nature areas, agricultural areas, and river corridors.
IWMP Goal 2: Improved integrated waste management planning and implementation for efficient waste services and infrastructure			
Strategic Objective 1:	Facilitate municipal waste management planning	<u>Strategic Focus Area 5: Good Governance and Compliance:</u> Aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders.	<u>Strategic Direction 5:</u> Presenting information, including opportunities and choices in a manner that assists its internalization by all.
Strategic Objective 2:	Promote industry waste management planning	<u>Strategic Focus Area 2: Green and Sustainable Valley:</u> Aimed at ensuring that the asset base of the municipality is protected and enhanced.	<u>Strategic Direction 2:</u> Protection of nature areas, agricultural areas, and river corridors.
Strategic Objective 3:	Promote the establishment of integrated waste management infrastructure and services	<u>Strategic Focus Area 4: Dignified Living:</u> Aimed at improving conditions for residents through access to education and economic opportunities.	<u>Strategic Direction 4:</u> A specific focus on the needs of "ordinary" citizens, experiencing limited access to opportunity because of restricted available material resources.
Strategic Objective 4:	Ensure effective and efficient waste information management	<u>Strategic Focus Area 5: Good Governance and Compliance:</u> Aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders.	<u>Strategic Direction 5:</u> Presenting information, including opportunities and choices in a manner that assists its internalization by all.

Stellenbosch IWMP (2020)		Stellenbosch IDP (2017 - 2022)	Stellenbosch SDF (Approved by Council November 2019)
<u>IWMP Goal 3: Effective and efficient utilisation of resources</u>			
Strategic Objective 1:	Minimise the consumption of natural resources	<u>Strategic Focus Area 3: Safe Valley</u> : Aimed at ensuring that its residents are and feel safe.	<u>Strategic Direction 3</u> : Denser settlements with diverse activity to ensure surveillance.
Strategic Objective 2:	Stimulate job creation within the waste economy	<u>Strategic Focus Area 5: Good Governance and Compliance</u> : Aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders.	<u>Strategic Direction 5</u> : Presenting information, including opportunities and choices in a manner that assists its internalization by all.
Strategic Objective 3:	Increase waste diversion through reuse, recovery and recycling	<u>Strategic Focus Area 2: Green and Sustainable Valley</u> : Aimed at ensuring that the asset base of the municipality is protected and enhanced.	<u>Strategic Direction 2</u> : Protection of nature areas, agricultural areas, and river corridors.
<u>IWMP Goal 4: Improved compliance with environmental regulatory framework</u>			
Strategic Objective 1:	Strengthen compliance monitoring and enforcement	<u>Strategic Focus Area 3: Safe Valley</u> : Aimed at ensuring that its residents are and feel safe.	<u>Strategic Direction 3</u> : Denser settlements with diverse activity to ensure surveillance.
Strategic Objective 2:	Remediate and rehabilitate contaminated land	<u>Strategic Focus Area 2: Green and Sustainable Valley</u> : Aimed at ensuring that the asset base of the municipality is protected and enhanced.	<u>Strategic Direction 2</u> : Protection of nature areas, agricultural areas, and river corridors.
Strategic Objective 3:	Facilitate the development of waste policy instruments	<u>Strategic Focus Area 5: Good Governance and Compliance</u> : Aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders.	<u>Strategic Direction 5</u> : Presenting information, including opportunities and choices in a manner that assists its internalization by all.
Strategic Objective 4:	Promote self/co-regulatory measures	<u>Strategic Focus Area 4: Dignified Living</u> : Aimed at improving conditions for residents through access to education and economic opportunities.	<u>Strategic Direction 4</u> : A specific focus on the needs of “ordinary” citizens, experiencing limited access to opportunity because of restricted available material resources.

1.6 GEOGRAPHIC AREA OF STUDY

Stellenbosch Local Municipality spans an area comprising approximately 900km² and is one of five local municipalities that fall under the Cape Winelands District Municipality. It is an area known for its vineyards and Stellenbosch is the second oldest town in South Africa. Three local municipalities and one metropolitan municipality flank Stellenbosch Municipality. Two Cape Winelands municipalities - Drakenstein and Breede Valley - flank Stellenbosch Municipality to the north and east respectively, with Theewaterskloof (a municipality in the Overberg District) and City of Cape Town (CoCT) Metropolitan Municipality sharing boundaries with Stellenbosch to the south and west respectively (**Figure 1-1**).

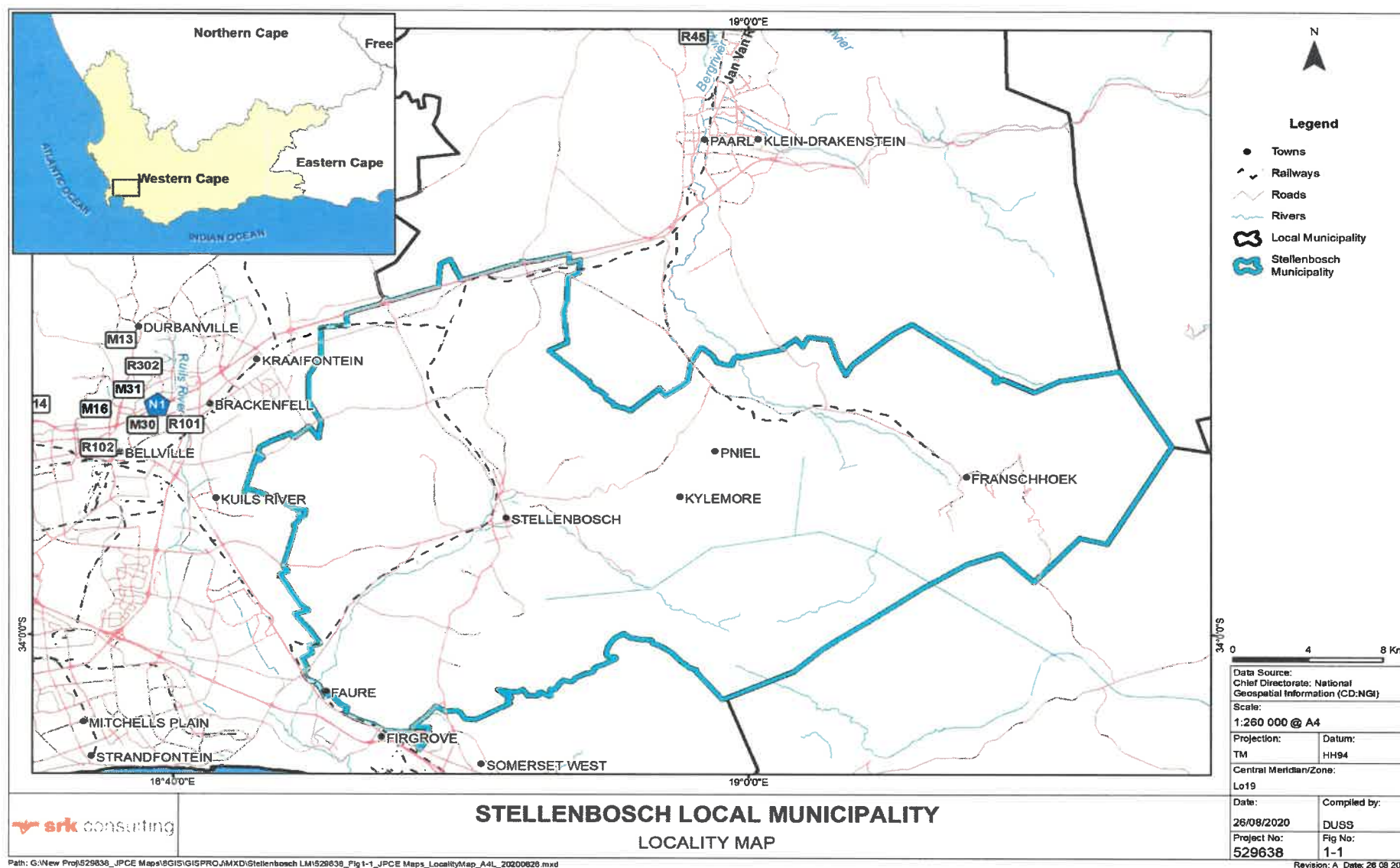


Figure 1-1: Stellenbosch Municipality Locality Map

1.6.1 Climate

The area experiences a Mediterranean climate, with cool winters and hot summers. Rainfall occurs throughout the year, with most of it occurring from April to September, peaking in June (**Figure 1-2**). Monitored rainfall and evaporation data from the Wemmershoek Dam weather station (station number G1E003; co-ordinates: -33.83342 S; 19.08272 E) indicates that February displays the lowest rainfall averaging 20.4 mm, whereas the highest monthly rainfall is in June, averaging 164.9mm (**Table 1-3**). The long-term rainfall data indicates a MAP of 952mm (**Figure 1-2**).

Evaporation trends are opposite to that of rainfall, with maximum evaporation rates in January averaging 188.4mm, and minimum evaporation rates in June averaging 36.4mm (Table 1-3). Long-term evaporation rates display a mean annual evaporation of 1256.9 mm/a.

Table 1-3: Monthly average rainfall and evaporation for the period of 2015 - 2019

Average Monthly	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rainfall	25.9	20.4	32.1	80.0	128.6	164.9	149.9	137.7	81.5	58.4	40.3	32.4
Evaporation	188.4	164.6	138.3	84.8	55.7	36.4	36.7	48.4	65.9	113.5	148.8	175.4

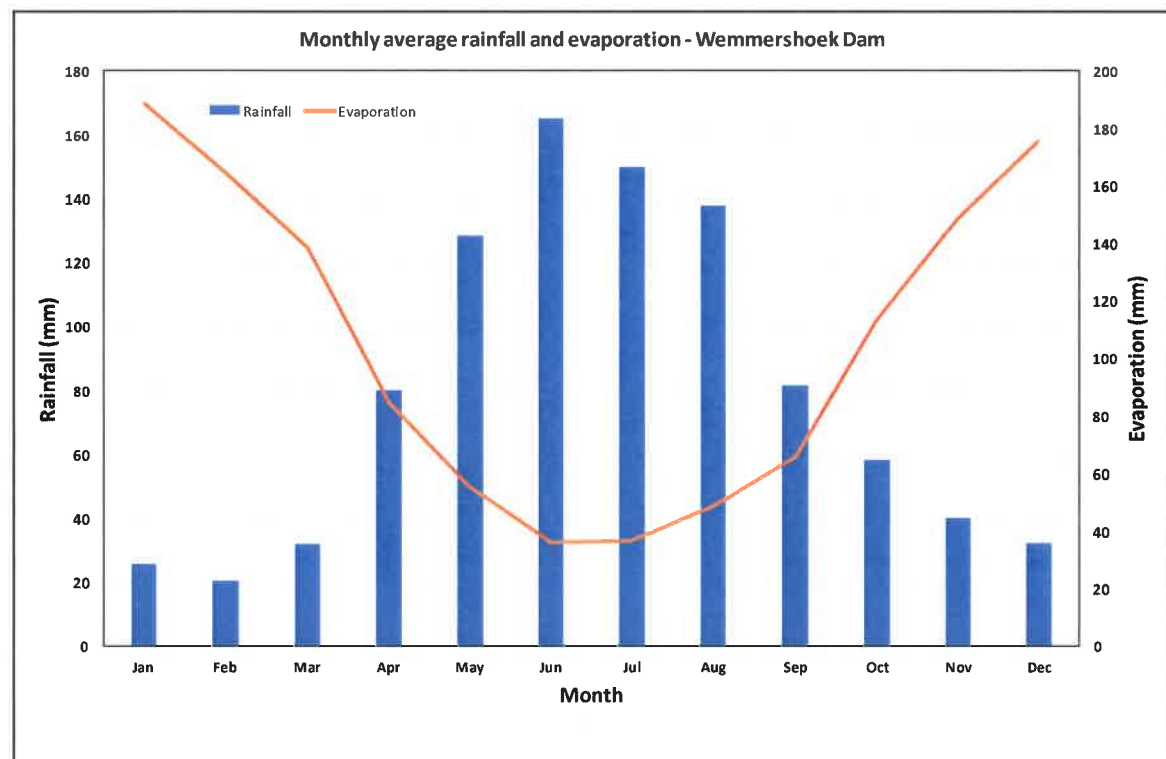


Figure 1-2: Monthly average rainfall and evaporation

1.6.2 Geology and Geohydrology

1.6.2.1 Geology

The Stellenbosch Municipal area is underlain by three geological rock formations. From oldest to youngest, these formations are the Malmesbury Group, Cape Granite Suite and Table Mountain Group (TMG). Recent deposits of river alluvium and scree cover these bedrock units in places to varying thicknesses.

The low-lying areas are underlain by rocks of the Malmesbury Group, which dates back over 600 million years ago. The Malmesbury Group has been compacted over this long period to form impermeable rocks such as phyllites and slates with clayey soils. Present within the Malmesbury Group are granite intrusions (dated approximately 600 million years).

The TMG comprises resistant quartzitic sandstones which form the mountains to the East of Stellenbosch and Franschhoek. These form the spine of the western limb of the Cape Fold Belt. The two main components of the TMG are the Peninsula Formation (~1500 m thick) and the Nardouw Subgroup (~500 m thick), which are separated by the Pakhuis and Cedarberg Formation that are mainly shaley in nature. Resistant sandstones form the rugged grey mountain crags typical of the Western Cape scenery. Sandy and boulder alluvium are evident on the floodplain of the Berg River as well as the central parts of the area, which cover the underlying geology in places at varying thickness.

The lithology of the study area comprises of four main types (**Figure 1-3**) (1) the undifferentiated rocks comprising the major part of the north western study area, (2) the arenaceous rocks which form the eastern boundary, (3) the alluvium found in the central study area and (4) intermediate intrusive rocks which are interspersed within the central and western study area.

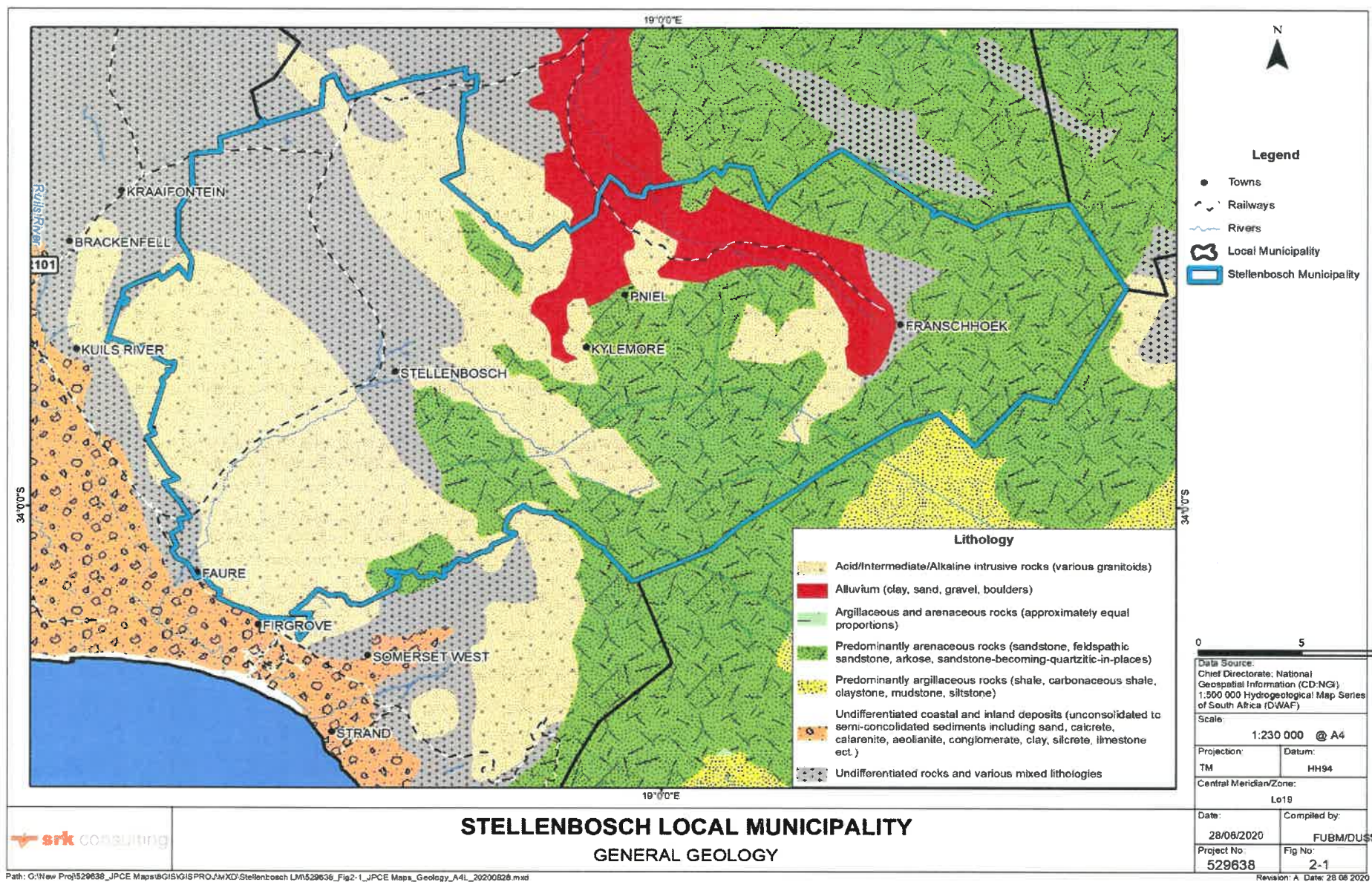


Figure 1-3: General Geology

1.6.3 Geohydrology

The study area is classified into three types of aquifers, intergranular, fractured and intergranular and fractured. Intergranular aquifers comprise Quaternary unconsolidated sediments which are intergranular in nature (shown as violet coloured areas in **Figure 1-4**), whereas fractured aquifers develop from the Malmesbury or TMG formations (shown as green coloured areas in **Figure 1-4**). The aquifers formed by granites are classified as intergranular and fractured (beige colour).

In terms of groundwater, the main aquifer formation in the area is the TMG Aquifer. This formation is being targeted by City of Cape Town for the development of additional water supply to Cape Town. The aquifer can obtain borehole yields of >10 L/s, with the average for the area between 2 and 5 L/s. Groundwater quality in the TMG Aquifer displays very low salinity, with Total Dissolved Solids commonly being <100 mg/l/s (**Figure 1-4**). This indicates good water quality, however the pH is very low (acidic), making it prone to corroding metal pipes and fittings. The groundwater also has a high dissolved iron content which is a common problem that has the potential to cause aesthetic impediments of taste, staining and clogging.

The groundwater potential and quality of the Malmesbury group in general is highly variable. The fault zones and sandstone horizons that are in close contact to the TMG aquifer or granites, display relatively high yields with moderate to good water quality. However, moving further away from these zones, towards the west the water quality is poorer.

The granite formations obtain a moderate to poor yield but with good water quality, whereas the alluvium deposits display a shallow groundwater table that is limited in extent and thickness. Currently, there are no significant wellfields developed within the area as all existing groundwater use is mainly for domestic farming and stock-watering. The TMG around the Wemmershoek dam is being investigated by the CoCT for high volume abstraction.

1.6.4 Hydrology

The Berg and Eerste River is the only significant river that flows through the Stellenbosch area and is listed as an ecologically sensitive river by the Department of Water and Sanitation.

Two major storage dams for potable water to the Cape Peninsula are located within the boundaries of the Stellenbosch Local Municipality. The Berg River and Wemmershoek dams are located close to Franschhoek.

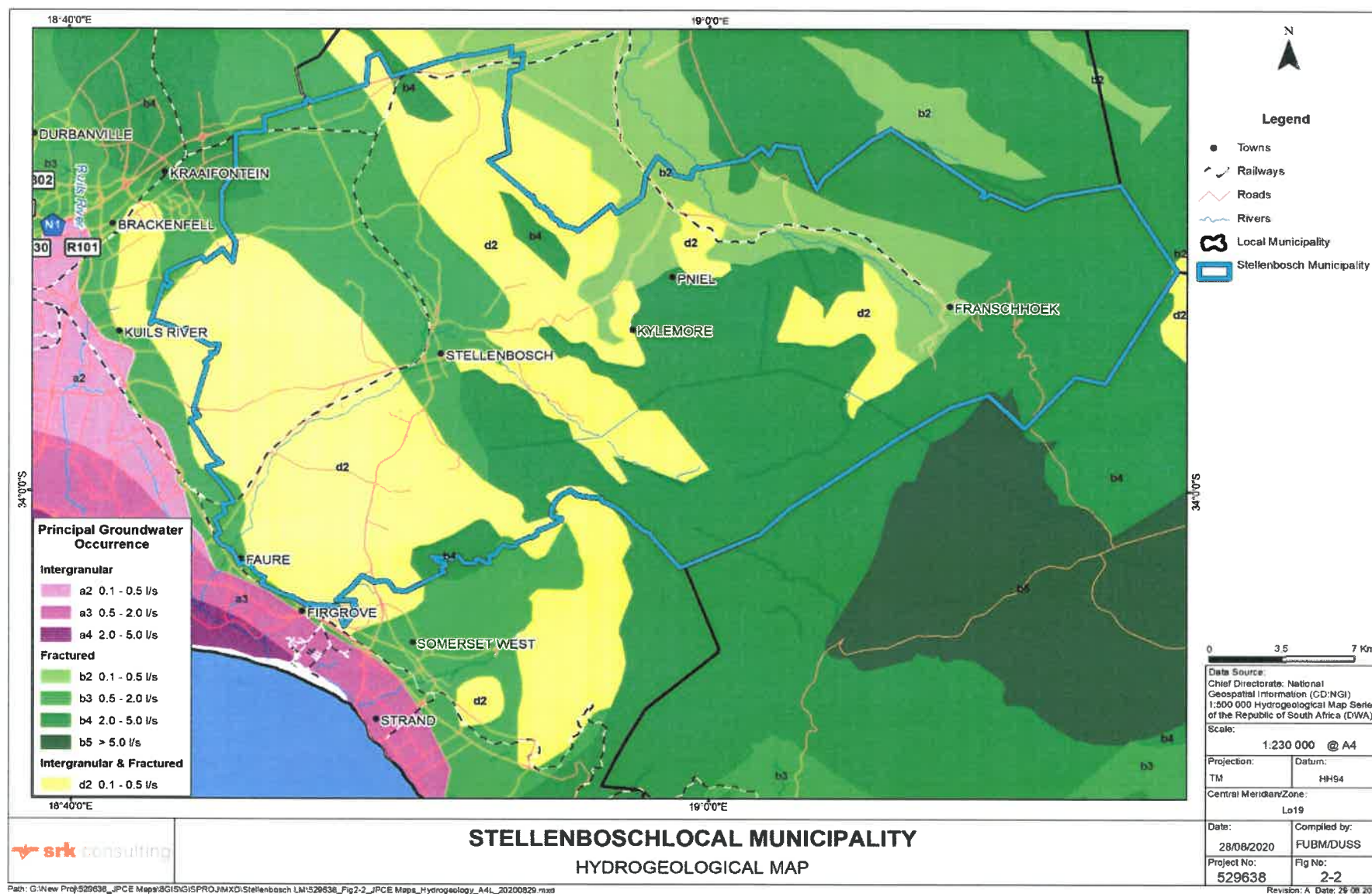


Figure 1-4: Hydrogeological Map

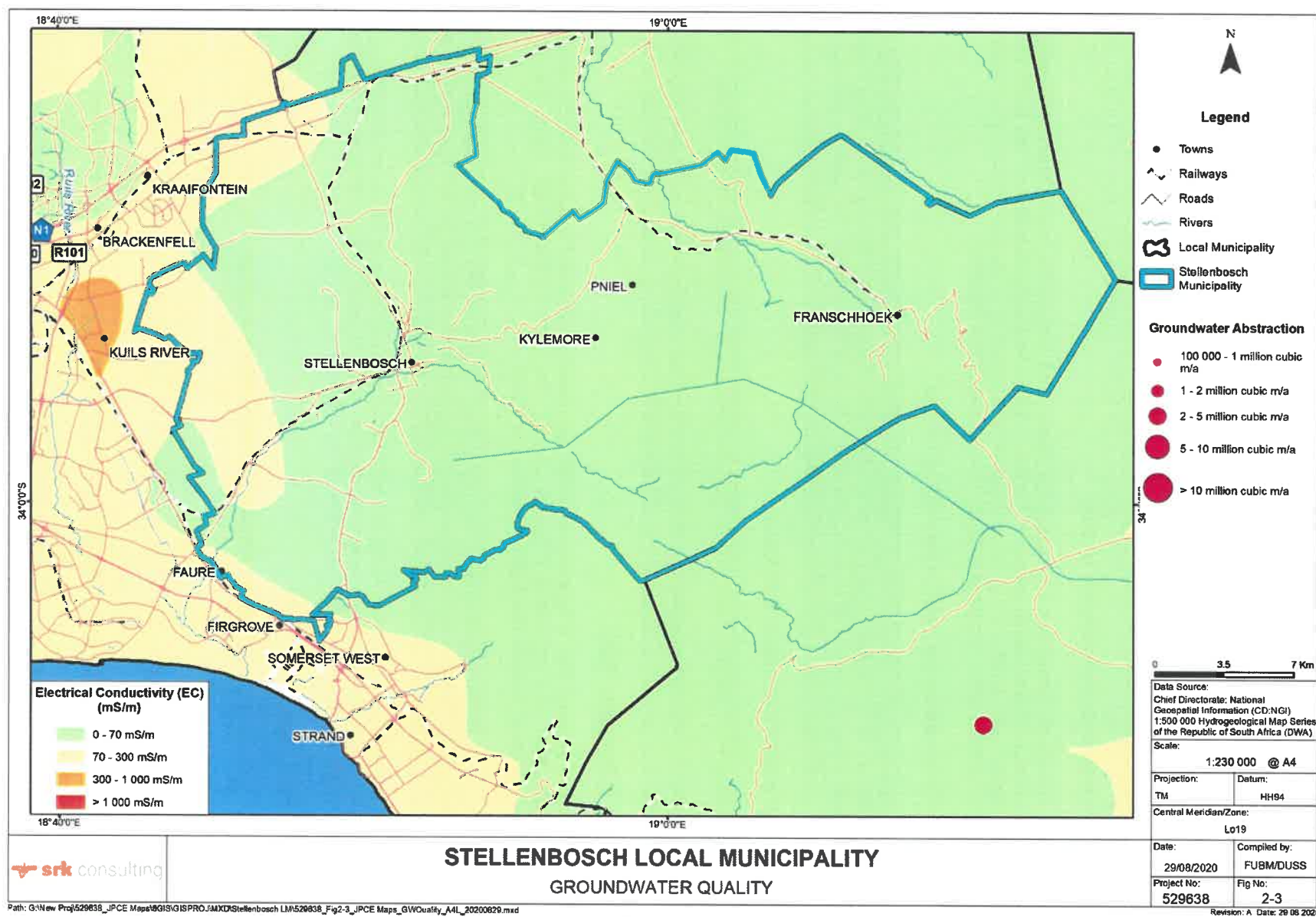


Figure 1-5: Groundwater Quality

1.7 DISTRICT MUNICIPALITY

The Stellenbosch Municipality is located in the Cape Winelands District Municipality (CWDM) in the Western Cape Province. The CWDM was established in December 2000 and includes the local municipalities of Stellenbosch, Drakenstein, Breede Valley, Langeberg and Witzenberg.

The role of the District Municipality does not affect the solid waste functions of the local municipalities. Only when waste from more than one municipality is disposed of at a regional site, does it become a district function and currently there are no regional landfill facilities within the CWDM. A waste licence for the development of a regional landfill serving the municipalities of Breede Valley, Langeberg and Witzenberg was granted some years ago, but the development of the facility is pending the outcome of a legal dispute, and it is not clear when this facility will be built.

The Cape Winelands District has a District Solid Waste Forum where the local municipalities within the District can discuss waste related matters. This forum allows for the municipalities in the District to work and plan together and achieve the solid waste goals and targets as a District. Further opportunities and solutions can also be further explored between Forums of different Districts.

The CWDM's core values are stated in their IDP as follows:

Our core values are largely shaped by the moral fiber of the administrative and political leadership of our municipality, guidance by the Batho Pele service delivery principles and the strategic compass provided to us by the Western Cape Government through its Strategic Plan, which reflects the core values of the Western Cape Government.

The WCDM's vision and mission is as follows:

Vision – “ A unified Cape Winelands of excellence for sustainable development”

Mission – “Working together towards effective, efficient and economically sustainable development”

1.7.1 District Municipality IWMP

The CWDM adopted their 3rd generation IWMP document in 2015 and is currently in the process of developing their next generation IWMP document. The 2015 CWDM IWMP states the following strategic objective of waste management within the district.

To ensure that Waste Management in the Cape Winelands District complies with South African and International environmental standards so that it is beneficial to industrial and agricultural growth and the public's right to a clean and healthy environment.

The above strategic objective is to be implemented through adoption of the waste hierarchy and the effective management of waste to ensure minimal waste to landfill. The Drakenstein Municipality's IWMP will tie in to this overarching objective of the District Municipality.

1.8 LOCAL MUNICIPALITY

The Stellenbosch Municipality has the following policies, vision and mission:

1.8.1 Vision and Mission

The Stellenbosch Municipality's Vision and Mission as described in the most recent IDP and on their website is:

Vision – to be the Valley of Opportunity and Innovation

Mission – to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens

The Strategic Focus Areas are indicated in the IDP as follows:

- Strategic Focus Area 1 – Valley of Possibility;
- Strategic Focus Area 2 – Green and Sustainable Valley;
- Strategic Focus Area 3 – Safe Valley;
- Strategic Focus Area 4 – Dignified Living;
- Strategic Focus Area 5 – Good Governance and Compliance;

1.9 STAKEHOLDER PARTICIPATION

1.9.1 Consultation with Authorities

JPCE (Pty) Ltd have had meetings with D:EA&DP on the compilation of municipal IWMP documents and have been informed by D:EA&DP of what their requirements for these plans are. Also, JPCE have compiled a number of local and district municipality IWMP documents recently and all of them have been reviewed by D:EA&DP. The recommendations in these review reports were taken into consideration when compiling the IWMP for the Stellenbosch Municipality.

A draft IWMP will be sent to the D:EA&DP and any comments made by them will be addressed in the final report to be approved by Council.

1.9.2 Consultation with the public and other interested and affected parties

This draft IWMP will be submitted for comment to the public. Due to nationwide COVID-19 lockdown the public were only able to access the draft IWMP document via the Stellenbosch web site.

The comments received from the public will be attached to the revised report to be submitted to D:EA&DP.

2. STATUS QUO

This section of the IWMP entails the situational analysis of the Stellenbosch Municipality, which includes amongst others, the applicable legislation, population description, waste types and quantities generated and waste management services overview.

2.1 LEGISLATION

The applicable legislation is listed here in chronological order and includes the draft Stellenbosch municipal integrated waste management by-law. Where policies or guidelines are linked to a certain piece of legislation, these are discussed under the main heading of the legislation in question.

2.1.1 Environment Conservation Act, 1989 (Act NO. 73 of 1989)

On 1 July 2009 the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("the Waste Act") came into effect. The Waste Act repealed Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) ("ECA") and introduces new provisions regarding the licensing of waste management activities.

The Waste Tyre Regulations (2009) which were published on 13 February 2009 came into effect on 30 June 2009 and makes provision for effective and integrated management of waste tyres in the country. It provides regulations for tyre producers, tyre dealers and waste tyre stockpile owners.

The regulations furthermore require the compilation of industry waste tyre management plans and waste tyre stockpile abatement plans and details the requirements for waste tyre storage areas.

2.1.2 White Paper on Education and Training (1995)

The 1995 *White Paper on Education and Training* states that "environmental education, involving an interdisciplinary, integrated and active approach to learning, must be a vital element of **all levels and programmes of the education and training system**, in order to create environmentally literate and active citizens and ensure that all South Africans, present and future, enjoy a decent quality of life

through the sustainable use of resources”.

The White Paper advocates environmental education and training **at all levels**. This would include the local government sphere, particularly when it comes to the environmental education & training of government officials and workers.

The education of the youth is the responsibility of national and provincial government. However, the Constitution does state that where the capacity exists, functions can be delegated to local government, and that the spheres of government, while distinctive, are interdependent and interrelated. Local government should support the other spheres of government (such as the national Department of Education, DoE) in areas of its own focus, such as environmental management and sustainable development.

2.1.3 **Constitution of the Republic of South Africa (1996)**

In 1996 the new Constitution created the right to the environment as a fundamental right. This fundamental right to the environment ensures everyone's right to an environment that is not harmful to their health or well-being. South African law, the environment and all South Africans have a constitutional right to have the environment protected for present and future generations. This means that there must be reasonable legal and other measures to prevent ecological degradation, promote conservation and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

All legislation has to fall within the stipulations of the Constitution. The following sections are of particular relevance where waste is concerned:

- **Section 24(a)**

Provides everyone the right to an environment that is not harmful to a person's health and well-being.

- **Section 24(b)**

Provides everyone the right to have the environment protected through reasonable legislative and other measures. The implementation of section 21, 22 and 26 of the Environment Conservation Act, 1989 is such a legislative measure to protect the environment.

- **Section 25**

Provides for property rights. The Constitution makes provision for both property rights and the right to a healthy environment. A situation may arise in extreme cases where there is a conflict due to rejecting an application for a listed activity from taking place. In such cases it will be up to the court to decide whether the interest of the community (right to a healthy environment) weighs heavier than the right to the individual.

- **Section 32**

Provides the right to access to information. The lack of information is one of the major obstacles in environmental impact management. Provision has been made in the regulations in terms of section 26 of the Environment Conservation Act, 1989, that any report submitted becomes a public document.

- **Section 38**

Provides *locus standi* or the “right to get involved” to any member of the public. This means that any member of the public has the right to take appropriate action to prevent environmental damage. This may include taking action against the relevant authority for failing to perform its duties in preventing environmental damage or any individual or authority who is in the process of undertaking listed activities in terms of section 21 of the Environment Conservation Act, 1989, without the necessary authorisation to undertake such activities.

- **Section 41**

Provides principles for co-operative governance and intergovernmental relations. The Constitution allocates legislative authority as well as executive and administrative powers to all three levels of government. Schedules 4 and 5 determine the functional areas of government. The environment is a cross-sectorial matter and it is therefore important that co-operation between government on all levels is necessary. Furthermore, Chapter 7 of the Constitution of South Africa (Act 108 of 1996) describes the role and responsibilities of Local Government, which include the objectives in Section 152:

“The objects of local government are:

- to promote social and economic development.
- to promote a safe and healthy environment...”.

These principles are further developed in the National Environmental Management Act 1998 (Act 107 of 1998).

The Constitution (Act No. 108 of 1996) is relevant to pollution and waste management for two reasons. Firstly, the Bill of Rights (Chapter Two of the Constitution) contains a number of rights relevant to integrated pollution and waste management, to the extent that an Act or particular statutory provision that does not uphold these rights, is unconstitutional. Secondly, the Constitution provides the legal basis for allocating powers to different spheres of government and is thus relevant to the institutional regulation of integrated pollution and waste management.

Sovereign

The Constitution states that South Africa is a sovereign, democratic state. In terms of environmental management, it is important to recognize that sovereignty includes the ability to limit sovereign powers by entering into international agreements where the need arises.

The Bill of Rights

The most pertinent fundamental right in the context of integrated pollution and waste Management is the Environmental Right (Section 24), which provides that:

” Everyone has the right

- (a) to an environment that is not harmful to their health or well-being; and***
- (b) to have the environment protected, for the benefit of present and future generation through reasonable legislative and other measures that –***
 - (i) prevent pollution and ecological degradation.***
 - (ii) promote conservation; and***
 - (iii) Secure ecologically sustainable development and the use of natural resources while promoting sustainable economic and social development.”***

The section of the Bill of Rights specifically imposes a duty on the State to promulgate legislation and take other steps to ensure that the right is upheld and that, other things, pollution and ecological degradation are prevented.

2.1.4 National Water Act (Act no. 36 of 1998)

The purpose of the Act is to ensure that the Municipality’s water resources are protected, used, developed and conserved in ways which take into account the protection of aquatic and associated ecosystems; that addresses basic human needs; that ensures the reduction and prevention of pollution; and that meets international obligations.

Section 19 of the NWA deals with landowners and users involved in any activity or process which causes, has caused or is likely to cause pollution of water resources. Such landowners and users are obliged to take all reasonable measures to prevent any such pollution from occurring, continuing or recurring. This includes measures to comply with any prescribed waste standard or management practice.

Furthermore, the NWA requires anyone who intends undertaking a water use, as defined, to obtain a licence. The water uses that may be relevant to waste management activities are:

- discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit; and
- Disposing of waste in a manner which may detrimentally impact on a water resource.

The applications for permits, licences and exemptions made before the promulgation of this Act could still be dealt with in terms of the Water Act 1956 (Act No. 54 of 1956).

2.1.5 National Environmental Management Act (1998)

The NEMA (Act 107 of 1998) provides for co-operative environmental governance by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith.

As the principal framework act for environmental issues, it has direct relevance to the implementation of the National Waste Management Strategy, one of the key implications being the designation of the DEAT as lead agent for the environment. Chapter 7 of NEMA has important direct implications for the achievement of the NWMS initiative.

The environment as defined in NEMA is the natural environment along with its physical chemical, aesthetic and cultural properties that influence human health and well-being.

NEMA contains the following environmental principles:

- Environmental management must put people and their needs at the forefront and must serve their interest fairly.
- Development must be socially, environmentally and economically sustainable. This means that the following things must be considered before there is development:
 - a) Disturbance of ecosystems and loss of biodiversity
 - b) Pollution and degradation of the environment
 - c) Disturbance of landscapes and sites where the nation's cultural heritage is found
 - d) Non-renewable resources must be used responsibly
 - e) The precautionary principle must be applied
 - f) Negative impacts must be anticipated and prevented and if they can't be prevented, they must be minimized or remedied.
- Environmental management must be integrated. The best practical environmental option must be pursued.
- Environmental justice must be pursued so that there is not unfair discrimination in the way that negative environmental impacts are distributed
- There should be equitable access to environmental resources, benefits and services to meet basic human needs. Special measures may be taken to ensure access for persons disadvantaged by unfair discrimination.
- Responsibility for environmental health and safety of any policy, programme or project must continue throughout the life cycle of a project
- Public participation in environmental decision-making must be promoted. The participation of vulnerable and disadvantaged groups must be ensured
- Decisions must take into account the interests, needs and values of all interested and affected parties. This includes recognizing all forms of knowledge including traditional and ordinary knowledge
- Community well-being and empowerment must be promoted through environmental education
- The social, economic and environmental impacts of the activities must be assessed

- The rights of workers to refuse to do work that is harmful to human health or the environment and to be informed of dangers must be respected
- Decisions must be taken in an open and transparent manner and access to information provided in accordance with the law
- There must be inter government co-ordination and harmonization of policies and laws
- Actual or potential conflicts of interest between organs of state must be resolved through conflict resolution procedures
- Global and international responsibilities relating to the environment must be discharged in the national interest
- The environment is held in a public trust for the people and the use of environmental resources must serve the public interest, and be protected as the people's common heritage
- The polluter must pay for the costs of remedying pollution, environmental degradation and adverse health impacts
- The vital role of youth and women in environmental management must be recognized and their full participation promoted
- Sensitive or stressed ecosystems must receive special attention in planning which might affect them especially when they are subject to significant resource usage and development pressure.

NEMA also stipulates in Section 24 that there must be an environmental impact assessment before any activity or development that needs permission by law and which may significantly affect the environment.

Section 28 places a specific duty of care on every person to prevent, or mitigate and remediate, environmental damage and pollution. Any person, who was responsible for, or directly or indirectly contributed to the pollution, can be held liable. This includes the owner of the land at the time the pollution occurred or their successor in title, a person in control of the land at that time, or any person who negligently failed to prevent the situation.

The public can use NEMA to exercise their rights when they believe that the right procedures were not followed. Therefore it is extremely important to make sure that when there is a proposed development where the municipality is involved e.g. change of land-use – to make sure that the consultant and/or developers follow the right procedures.

2.1.5.1 The NEMA Environmental Impact Assessment Regulations

Sections 24 and 44 of NEMA make provision for the promulgation of regulations that identify activities that may not commence without environmental authorisation or existing activities in respect of which an application for environmental authorisation is required. In this context, EIA Regulations contained in three General Notices in terms of NEMA (GN R385, 386 and 387) (came into force on 3 July 2006.)

The 2006 Regulations were repealed by the June 2010 EIA Regulations (GN R543), and the June 2010 EIA Regulations were repealed and replaced by the 2014 EIA Regulation (GNR 982, GNR 983, GNR 984 and GNR 985.) The purpose of the Regulations is to regulate the procedure and criteria as contemplated in Chapter 5 of the Act relating to the submission, processing and consideration of, and decision on, applications for environmental authorisations for the commencement of activities in order to avoid detrimental impacts on the environment, or where it can be avoided, ensure mitigation and management of impacts to acceptable levels, and to optimise positive environmental impacts, and for matters pertaining thereto.

2.1.5.2 National Environmental Management Act: Fees for consideration and processing of applications for environmental authorisations and amendments thereto (Government Notice 28 February 2014)

These regulations apply to the above applications excluding community based projects funded by government grants or applications made by organs of state. The commencement date is 1 April 2014. Payment details are discussed regarding the different applicable fees which are listed as follows:

Application	Fee
Application for an environmental authorisation for which basic assessment is required in terms of the Environmental Impact Assessment Regulations	R2 000.00
Application for an environmental authorisation, for which a S&EIR is required in terms of the Environmental Impact Assessment Regulations	R10 000.00
Application dealt with in terms of section 24L of the Act	(a) 100% of the most expensive application, namely, R10 000.00 (Ten Thousand Rand) if S&EIR is triggered and R2 000.00 (Two Thousand Rand) if the basic assessment is triggered;
	(b) 50% of the other application, namely, R5 000.00 (Five Thousand Rand) if the S&EIR is triggered or R1 000.00 (One Thousand Rand) if the basic assessment is triggered)
Amendment of an environmental authorisation on application by the holder of an environmental authorisation.	R2 000.00

2.1.6 The Municipal Structures Act, 1998 (Act no. 117 of 1998)

This act makes provision for the establishment of municipalities in accordance with the requirements relating to categories and types of municipality. It establishes criteria for determining the category of municipality to be established in an area and defines the types of municipality that may be established within each category.

The Act furthermore provides for an appropriate division of functions and powers between categories of Municipality and regulates the internal systems, structures and office-bearers of the municipalities. It also provides for appropriate electoral systems for matters in connection therewith.

2.1.7 White paper: policy on pollution prevention, waste minimisation, impact management and remediation (March 2000)

In line with international trends and our national objectives of efficient and effective management of our nation's resources, priority is given to prevention of waste. Unlike previous policies that focused predominantly on so called "end of pipe" treatment, this White Paper underscores the importance of preventing pollution and waste and avoiding environment degradation.

Effective mechanisms to deal with unavoidable waste will remain necessary, but much greater attention must be directed to the introduction of preventative strategies aimed at waste minimisation and pollution prevention. Ever increasing urban and industrial development throughout the world is leading to levels of pollution, which seriously threaten the natural resources upon which humankind depends for its survival.

Although South Africa has extensive environment, pollution and waste management legislation, responsibility for its implementation is scattered over a number of departments and institutions.

The fragmented and uncoordinated way pollution and waste is currently being dealt with, as well as the insufficient resources to implement and monitor existing legislation, contributes largely to the unacceptably high levels of pollution and waste in South Africa.

The White Paper on Integrated Pollution and Waste Management will result in a review of the existing legislation and the preparation of a single piece of legislation dealing with waste and pollution matters.

Pollution and waste management is not the exclusive preserve of government. The private sector and civil society have crucial roles to play. The fostering of partnerships between government and the

private sector is a prerequisite for sustainable and effective pollution and waste management to take place. Similarly, the spirit of partnerships and co-operative governance between organs of state is equally important due to the crosscutting nature of pollution and waste management.

Monitoring and collection of information on pollution and waste generation are crucial for the implementation of pollution and waste reduction measures. Moreover, the sharing of such information and creating awareness about the issues will enable all stakeholders, including communities, to gain a better understanding of the relation between pollution, waste management and the quality of life.

The White Paper proposes a number of tools to implement the objectives of the policy it sets out. The most significant of these is a legislative programme that will culminate in new pollution and waste legislation. This proposed legislation, amongst other things, will address current legislative gaps, and clarify and allocate responsibilities within government for pollution and waste management.

The policy presents seven strategic goals, which are as follows:

- Goal 1: Effective Institutional Framework and Legislation
- Goal 2: Pollution Prevention, Waste Minimisation, Impact Management and Remediation
- Goal 3: Holistic and Integrated Planning
- Goal 4: Participation and Partnerships Governance in Integrated Pollution and Waste Management
- Goal 5: Empowerment and Education in Integrated Pollution and waste Management
- Goal 6: Information Management
- Goal 7: International Cooperation

The role of Local Government

Municipalities will be responsible for providing waste management services, and managing waste disposal facilities. Specific functions to be carried out by municipalities will include:

- compiling and implementing general waste management plans, with assistance from provincial government
- implementing public awareness campaigns
- collecting data for the Waste Information System
- providing general waste collection services and managing waste disposal facilities within their areas of jurisdiction
- implementing and enforcing appropriate waste minimisation and recycling initiatives, such as promoting the development of voluntary partnerships with industry, including the introduction of waste minimisation clubs where possible, regional planning, establishment and management of landfill sites, especially for regionally based general waste landfills.

2.1.8 The Municipal Systems Act (Act 32 of 2000)

This Act outlines the role and responsibilities of local governments as to:

- Provide democratic and **accountable** government for local communities;
- Ensure the provision of services to communities in a **sustainable** manner;
- Promote **social** and economic development;
- Promote a safe and healthy **environment**;
- Encourage the **involvement** of communities and community organisation in the matters of local government; and
- Strive, within its financial and administrative capacity, to achieve the objectives above.

These responsibilities indicate a need for an environmentally educated work force (accountable) as well as an environmentally educated public (involvement). The municipal Systems Act (32 of 2000) requires municipalities to promote public participation and to build the capacity of residents, councillors and municipal officials to engage in participatory processes. As a means of tracking progress in this area, the executive of a municipality is obliged to report annually on the level of public participation in municipal matter.

Each Municipality must include in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act, an integrated waste management plan that is consistent with the relevant provincial integrated waste management plan. The annual performance report which must be prepared in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan.

2.1.9 National Environment Management: Air Quality Act 2004 (Act no. 39 of 2004)

This Act has been promulgated in order to reform the law regulating air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development while promoting justifiable economic and social development. It also provides for national norms and standards regulating air quality monitoring, management and control by all spheres of government; for specific air quality measures; and for matters incidental thereto.

The object of this Act is:

- a) to protect the environment by providing reasonable measures for-
 - (i) The protection and enhancement of the quality of air in the Republic;
 - (ii) The prevention of air pollution and ecological degradation; and
 - (iii) Securing ecologically sustainable development while promoting justifiable economic and social development; and
- b) Generally to give effect to section 24(b) of the Constitution in order to enhance the quality of ambient air for the sake of securing an environment that is not harmful to the health and well-being of people.

2.1.10 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008) ("The Waste Act")

On 1 July 2009 the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("the Waste Act") came into effect. The Waste Act repealed Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) ("ECA") and introduces new provisions regarding the licensing of waste management activities.

Provision has been made in the form of legislative and regulatory tools to facilitate and ensure implementation of the Act by all spheres of government.

The Waste Act was published to reform the law regulating waste management in order to protect the health of the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development.

The purpose of this Act is to protect health, well-being and the environment by providing reasonable measures for –

- the minimisation of the consumption of natural resources;
- the avoidance and minimisation of the generation of waste;
- the recovery, re-use and recycling of waste;
- the treatment and safe disposal of waste as a last resort;
- the prevention of pollution and ecological degradation;
- securing ecologically sustainable development while promoting justifiable economic and social development;
- promoting and ensuring the effective delivery of waste services;
- remediating land where contamination presents, or may present, a significant risk of harm;
- achieving integrated waste management reporting and planning;
- to ensure that people are aware of the impacts of waste on health and the environment;
- to provide for compliance and generally to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to the health and well-being of people.

The interpretation and application of this Act must be guided by the national environmental management principles set out in section 2 of the National Environmental Management Act.

The Waste Act allows for the compilation of a Waste Management Strategy, national, provincial and local standards.

Municipalities must in terms of their by-laws:

- establish service standards and levels of service for the collection of waste;
- may identify requirements in respect of the separation, compacting and storage of waste;
- may identify requirements for the management of waste, including requirements in respect of the avoidance of the generation of waste and the recovery, reuse and recycling of waste;
- the requirements in respect of the directing of waste to specific treatment and disposal facilities.

Each Municipality must include in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act, an integrated waste management plan that is consistent with the relevant provincial integrated waste management plan.

The annual performance report which must be prepared in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan.

Municipalities must also in terms of the Act:

- conduct municipal activities in accordance with the National Waste Management Strategy and any national or provincial norms and standards;
- compile an integrated waste management plan;
- ensure that waste management services are provided within the municipality in a manner which prioritises the recovery, re-use or recycling of waste and provides for the treatment and safe disposal of waste as a last resort;
- designate a waste management officer;
- ensure that provision is made for the management and collection of litter;
- secure compliance with the objects of this Act that are in the domain of the municipality; and
- Implement any other measures that are necessary for securing the objects of this Act that are within the domain of the municipality.

Duty to provide collection services - Every municipality has an obligation to progressively ensure that efficient, effective and affordable waste collection services are provided in its area.

A municipality may, by notice, require any person making use of the municipal collection service to separate specified types of waste from the general waste for the purposes of recovery, re-use or recycling.

In terms of Section 19(1) of the Waste Act, the Minister may publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment. In terms of Section 20 of the Waste Act no person may commence, undertake or conduct a waste management activity except in accordance with the following:

- the requirements or standards determined in terms of Section 19(3) of the Waste Act for that activity; or
- a waste management licence issued in respect of that activity, if a license is required.

On 3 July 2009 a list of waste management activities were published. These activities were published in Government Notice 178 in Government Gazette No. 32368 of 3 July 2009. No person may commence with, undertake or conduct these activities unless a waste management licence is issued in respect of the activity.

A person who wishes to commence, undertake or conduct an activity listed under Category A must conduct a Basic Assessment process whilst activities listed under Category B requires a Scoping and EIA process to be undertaken.

In terms of Section 49(2) of the Waste Act a decision to grant a waste management licence in respect of a waste disposal facility is subject to the concurrence of the Minister responsible for Water Affairs. The Waste Act further specifies that the issuing of a waste management licence for a waste disposal

facility is subject of the inclusion in the licence of any conditions contained in a Record of Decision issued by the Minister responsible for Water Affairs regarding any measures that the Minister responsible for Water Affairs considers necessary to protect a water resource as defined in the National Water Act, 1998 (Act No. 36 of 1998).

As far as hazardous waste goes, the National Department of Environmental Affairs (DEA) is the regulatory body for the licensing of Hazardous Waste Facilities, according to NEM:WA's Chapter 5. In addition, the management of hazardous waste is included in the concurrent legislative competence of both National and Provincial Government assigned by the South African Constitution with respect to environment and pollution control.

2.1.10.1 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): List of waste management activities that has or is likely to have a detrimental effect on the environment. Government Gazette No. 41175, 11 October 2017

The notice replaces the amended 2013 list of activities that trigger a waste licence requirement and because of its impact on financial budgets and budget scheduling, all the activities, quoted verbatim (except where grammatically corrected) from the notice, are listed below:

“GENERAL

No person may commence, undertake or conduct a waste management activity listed in this schedule unless a licence is issued in respect of that activity.

CATEGORY A

3. A person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct a basic assessment process, as stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application.

Storage of waste

- (1) The storage of general waste in lagoons.

Recycling or recovery of waste

- (2) The recycling of general waste at a facility that has an operation area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (3) The recycling of hazardous waste in excess of 500kg but less than 1 tonne per day calculated as a monthly average, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (4) The recovery of waste including the refining, utilisation, co-processing of the waste in excess of 10 tonnes but less than 100 tonnes of general waste per day or in excess of 500kg but less than 1 tonne of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

Treatment of waste

- (5) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tonnes but less than 100 tonnes.
- (6) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to process in excess of 500kg but less than 1 tonne per day excluding the treatment of effluent, wastewater or sewage.
- (7) The remediation of contaminated land.

Disposal of waste

- (8) The disposal of inert waste in excess of 25 tonnes and with a total capacity of 25 000 tonnes, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.
- (9) The disposal of general waste to land covering an area of more than 50m² but less than 200m² and with a total capacity not exceeding 25 000 tonnes.
- (10) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.

Construction, expansion or decommissioning of facilities and associated structures and infrastructure

- (11) The construction of facilities for waste management schedule activity listed in Category A of this Schedule (not in isolation to associated activity)
- (12) The expansion of waste management activity listed in Category A or B of this Schedule which does not trigger an addition waste management activity of this Schedule
- (13) The decommissioning of facility for a waste management activity listed in Category A or B of this Schedule.

CATEGORY B

- 4. A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must conduct a scoping and environmental impact reporting process, set out in the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application contemplated in section 45 read with section 20(b) of this Act.

Storage of hazardous waste

- (1) The storage of hazardous waste in lagoons excluding storage of effluent, wastewater or sewage.

Reuse, recycling and recovery of waste

- (2) The reuse and recycling of hazardous waste in excess of 1 tonne per day, excluding reuse or. Recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (3) The recovery of waste including the refining, utilisation or co-processing of waste at a facility with a facility that processes in excess of 100 tonnes of general waste per day or in excess of 1 tonne of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

Treatment of waste

- (4) The treatment of hazardous waste in excess of 1 tonne per day calculated as a monthly average; using any form of treatment excluding the treatment of effluent, wastewater or sewage.
- (5) The treatment of hazardous waste in lagoons, excluding the treatment of effluent, wastewater or sewage.
- (6) The treatment of general waste in excess of 100 tonnes per day calculated as a monthly average, using any form of treatment.

Disposal of waste on land

- (7) The disposal of any quantity of hazardous waste to land.
- (8) The disposal of general waste to land covering an area in excess of 200m² and with a total capacity exceeding 25 000 tonnes.
- (9) The disposal of inert waste to land in excess of 25 000 tonnes, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.

Construction of facilities and associated structures and infrastructure

- (10) The construction of facilities for a waste management activity listed in Category B of this this Schedule (not in isolation to associated waste management activity).

CATEGORY C

- 5. A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must comply with the relevant norms or standards determined by the Minister listed below-
 - (a) Norms and Standards for Storage of Waste, 2013 or
 - (b) Standards for Extraction, Flaring or recovery of Landfill Gas, 2013; or
 - (c) Standards for Scrapping or Recovery of Motor Vehicles, 2013; or
 - (d) National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017.

Storage of waste

- (1) The storage of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- (2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- (3) The storage of waste tyres in a storage area exceeding 500m².

Recycling or recovery of waste

- (4) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m².
- (5) The extraction, recovery or flaring of landfill gas.
- (6) The sorting, shredding, grinding, crushing, screening or baling of general waste at a waste facility that has an operational area that is 1000m² and more."

2.1.10.2 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Domestic Waste Collection Standards, Government Gazette No. 33935, 21 January 2011

The purpose of this publication is to redress past imbalances in the provision of waste collection services. The provision of waste collection services improves the quality of life of the entire community and ensures a clean and more acceptable place to live and work in. The lack of or poor quality waste collection services can however result in a number of environmental and human health problems.

It is recognised that South Africa is a developing country and the purpose of the setting of standards is to ensure a service to all while complying with health and safety regulations without unnecessarily changing current creative collection processes as long as they function well and deliver a service of acceptable standard to all households. These National Domestic Waste Collection Standards are therefore applicable to all domestic waste collection services throughout the country.

This notice distinguishes between the levels of service relating to waste collection. It further states that equitable waste collection services must be provided to all households within the jurisdiction of the municipality. In areas where travelling distances and the resulting costs may render regular waste collection services impractical, the municipality, through by-laws, must allow for more feasible alternative ways of waste handling, such as on-site disposal.

From here regulations and guidelines on separation at source, collection of recyclable waste, receptacles, bulk containers, communal collection points, and frequency of collection, drop-off centres and collection vehicles are given.

Existing Occupational Health and Safety legislation must be adhered to and the general health of waste collection workers must be addressed by ensuring they receive:

- (i) regular medical check-ups to ensure their health and well-being;
- (ii) appropriate personal protective equipment e.g. gloves, masks, overalls and raincoats, gumboots; and
- (iii) on-going training on health and safety issues.

The role of the Waste Management Officer regarding waste awareness and the handling of complaints are prescribed. The municipality must create awareness amongst households about the following:

- (i) the types of waste collection services provided;
- (ii) Separation at source - the removal of recyclables and re-usable waste from the general household waste;
- (iii) The potential of composting of some of the household waste and the benefit of such to the household;
- (iv) The unacceptability of illegal dumping and littering;
- (v) Measures to be taken against individuals that litter and dump waste illegally;
- (vi) The cost of cleaning up illegal dumping and littering, and the implications on household waste collection rates; and
- (vii) The advantages of reporting illegal dumping activities.

The municipality must provide clear guidelines to households about the following:

- (i) The different types of waste generated in households;
- (ii) separation of non-recyclable and non-reusable household waste from compostable waste and recyclable waste;
- (iii) Appropriate containers for each type of waste;
- (iv) Removal schedules for each type of waste; and
- (v) What to do with waste other than those waste forming part of the regular schedule of waste collection services.

Awareness raising and guideline communications must be done at regular intervals to ensure that all households are well informed about the issues listed above.

The Waste Collection customer service standards for Kerbside collection are described with respect to collection schedule, interruptions, the replacement of bins, collection during holidays and general points.

2.1.10.3 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Waste Information Regulations, Government Gazette No. 35583, 13 August 2012

The purpose of the Regulations is to regulate the collection of data and information to fulfil the objectives of the national waste information system set out in section 61 of the Act.

The Regulations apply uniformly to all persons conducting an activity listed in Annexure A of the Regulations. A person who conducts an activity in a province that has an established waste information system in terms of section 62 of the Act and collects the minimum information required by the Regulations must submit the information to the provincial waste information system.

Where a province has developed waste information regulations that are compatible with the Regulations, a person who conducts an activity contemplated in Annexure A to the Regulations must comply with the provincial waste information regulations.

2.1.10.4 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): Waste Classification and Management Regulations, Government Gazette No. 36784, 23 August 2013

The purpose of the Regulations is to regulate the classification and management of waste in a manner which supports and implements the provisions of the Act; to establish a mechanism and procedure for the listing of waste management activities that do not require a Waste Management Licence; to prescribe requirements for the disposal of waste to landfill; to prescribe requirements and timeframes for the management of certain wastes and to prescribe general duties of waste generators, transporters and managers. It is stated in the Regulations that waste transporters and waste managers must not accept waste that has not been classified in terms of regulation 4 unless such a waste is listed in Annexure A of the Regulations.

Chapter 2 of the Notice covers Waste Classification and Safety Data Sheets. This regulation imposes an obligation on waste generators to prepare safety data sheets for all hazardous waste.

Chapter 3 covers Waste Management in General, Waste Treatment and Waste Disposal to Landfill. Waste Transporters and Waste managers must NOT accept waste that has not been classified in terms of Section 4 unless such waste is listed in Annexure A of the Regulations.

Chapter 4 covers Waste Management Activities that do not require a Waste Management Licence. With reference to section 4: Waste classification: Wastes which were not previously classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste, 2nd Edition 1998 must be classified in terms of SANS 10234 within 18 months from the publication of the regulations, thus on or before 23 February 2015. Wastes which were previously classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste, 1998 must be classified in terms of SANS 10234 within 3 years from the publication of the regulations of 23 August 2013 (thus on or before 23 August 2016).

The safety data sheets for wastes listed in item 2(b)(i) of Chapter 7: Annexure A must be prepared (in accordance with SANS 10234) for the product the waste originates from. The safety data sheets for

hazardous waste, must be prepared (in accordance with SANS 10234) reflecting the details of the specific hazardous wastes or hazardous chemicals in the waste.

Chapter 5 covers the Record Keeping and Waste Manifest System:

- 10(1) the waste generators must keep accurate and up to date records of the management of the waste generated, the records must reflect:-
 - (a) The classification of the waste
 - (b) The quantity of each waste generated in tonnes or cubic metres per month;
 - (c) The quantity of each waste that has been re-used, recycled, recovered, treated or disposed of, and
 - (d) By whom the waste was managed
- 10(2) the sub regulation does not apply to item 2(a) of Annexure A (*general waste*)
- 11(4) Waste Transporters must NOT accept waste that has not been classified in terms of Section 4(2) or waste that has been listed in 2(b) of Annexure A of the Regulations for Transport unless the Waste Manifest Document accompanies the Waste
- 11(5) All transporters of hazardous waste in terms of Regulation 4(2) or waste that is listed in item 2(b) of Annexure A to the Regulations must:-
 - (a) Complete a waste manifest for each consignment of waste transported
 - (b) Provide information to the generator before the waste is transported from the premises
 - (c) Provide the information to the facility waste manager at the time of delivery.
- 11(8) all waste generators, transporters and managers subjected to the requirements of sub-regulation 1, 2, 4, 5, 6 and 7 must-
 - (a) Retain copies or be able access copies/records, of the waste manifest document for at least (5) years.

Chapter 6 covers General Matters which includes Implementation and Transitional Provisions and Offences and Penalties.

Chapter 7 contains the following Annexures:

Annexure 1: Wastes that do not require Classification or Assessment

- (2) General waste.
 - (i) Domestic Waste;
 - (ii) Business waste not containing hazardous waste or hazardous chemicals;
 - (iv) Non-infectious animal carcasses;
 - (iv) Garden waste;
 - (v) Waste packaging;
 - (vi) Waste tyres;
 - (vii) Building and demolition waste not containing hazardous waste or hazardous chemicals; and
 - (viii) Excavated earth material not containing hazardous waste or hazardous chemicals.
- (3) Hazardous waste
 - (i) Waste Products;
 - Asbestos
 - PCB or PCB containing waste
 - Expired, spoiled or unusable hazardous products
 - (ii) Mixed waste
 - General waste excluding domestic- that may contain hazardous waste or hazardous chemicals.
 - Mixed hazardous chemical wastes from analytical laboratories and laboratories from academic institutions less than 100 litre.
 - (iii) Other:
 - Health Care Risk Waste (HCRW)

Based on physical and chemical characteristics hazardous waste can be grouped according to the South African National Standards 10234 (SANS 10234:2008) into the following classes:

Hazardous Waste Class (SANS 10234:2008)	
Classes	Description
9.1	Explosives
9.2	Flammable gases
9.3	Flammable aerosols
9.4	Oxidising gases
9.5	Gases under pressure
9.6	Flammable liquids
9.7	Flammable solids
9.8	Self-reactive substances and mixtures
9.9	Pyrophoric substances
9.10	Self-heating substances and mixtures
9.11	Substances and mixtures that, on contact with water, emit flammable gases
9.12	Oxidizing substances and mixtures
9.13	Organic peroxides
9.14	Corrosive to metals

Annexure 2: Waste Manifest System Information Requirements

- (1) The information required in (2) must be reflected in the Waste Manifest Document required in terms of Regulation 11.
- (2) (a) Information supplied by the waste generator (consignor):
 - (i) Unique consignment identification number
 - (ii) South African Waste Information Number (SAWIS), if applicable
 - (iii) Generator's contact details
 - (iv) Physical address of site where the waste was generated
 - (v) Contact number
 - (vi) Origin/source of the waste. (process or activity)
 - (vii) Classification of the waste (SANS 10234) and Safety Data Sheet (SDS)
 - (viii) Quantity of waste by volume or tonne
 - (ix) Date of collection/dispatch
 - (x) Intended receiver (waste Manager)
 - (xi) Declaration (content of the assignment is fully and accurately described, classified, packed, marked and labelled, and in all respects in a proper condition for transportation in accordance with the applicable by-laws and applications)
- (b) Information to be supplied to the waste Transporter:
 - (i) Name of transporter
 - (ii) Address and telephone number
 - (iii) Declaration acknowledging receipt of the waste.
- (c) Information supplied by the waste manager (consignee):
 - (i) Name, address and contact details
 - (ii) Receiving facility details
 - (iii) Waste management facility licence number
 - (iv) Date of receipt
 - (v) Quantity of waste received
 - (vi) Type of waste management applied
 - (vii) Any discrepancies in information between the different holders of waste
 - (viii) Waste management reporting description and code in terms of the National Waste Information Regulations 2012
 - (ix) Details on any waste diverted to another facility
 - (x) Certification and declaration of receipt and final management of waste.

2.1.10.5 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for the Assessment of Waste for Landfill Disposal, Government Gazette No. 36784, 23 August 2013

The purpose of the Norms and Standards is to prescribe the requirements for the assessment of waste prior to disposal to landfill in terms of Regulation 8(1) (a) of the Regulations.

The Standard Assessment methodology to assess waste for the purpose of disposal to landfill the following are required:

- Identification of chemical substances present in the waste
- Sampling and analysis to determine the total concentrations (TC) and leachable concentrations (LC) of the elements and chemical substances that have been identified in the waste and that are specified in section 6 of the Norms and Standards.

Within 3 years of the date of commencement of the Regulations, all analyses of the TC and LC must be conducted by labs accredited by SANAS. The TC and LC limits must be compared to the threshold limits specified in section 6 of these Norms and Standards. Based on the TC and LC limits the specific type of waste for disposal to landfill must be determined in terms of section 7.

2.1.10.6 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for Disposal of Waste to Landfill, Government Gazette No. 36784, 23 August 2013

The purpose of the Norms and Standards are to determine the requirements for the disposal of waste to landfill as contemplated in regulation 8(1)(b) and (c) of the Regulations.

Chapter 2 describes and illustrates the Landfill Classification and corresponding minimum engineering design requirements for the Containment Barriers. These are for Class A to Class D landfills. The requirements that are to be included in an application for a waste management license are stipulated.

The waste acceptance criteria for disposal to landfill are summarised as follows:

Waste assess in terms of the Norms and Standards for Assessment of Waste for Landfill Disposal set in terms of section 7(1) of the Act must be disposed to a licensed landfill as follows:

Waste Type	Landfill Disposal Requirements
Type 0	Disposal to landfill not allowed
Type 1	Disposed at Class A landfill or H:h/H:H landfill as specified
Type 2	Disposed at Class B landfill or G:L:B+ landfill as specified
Type 3	Disposed at Class C landfill or G:L:B+ landfill as specified
Type 4	Disposed at Class D landfill or G:L:B- landfill as specified

Waste listed in section 2(a) of Annexure A to the Regulations must be disposed as follows:

Listed Waste	Landfill Disposal Requirements
Domestic waste. Business waste not containing hazardous waste or hazardous chemicals. Non-infectious animal carcasses. Garden waste.	Disposed at Class B landfill or G:L:B+ landfill as specified
Post-consumer packaging. Waste tyres.	Disposed at Class C landfill or G:L:B+ landfill as specified
Building and demolition waste not containing hazardous waste or hazardous chemicals. Excavated earth material not containing hazardous waste or hazardous chemicals.	Disposed at Class D landfill or G:L:B- landfill as specified

Unless assessed in terms of the Norms and Standards for Assessment of Waste for Landfill Disposal set in terms of Section 7(1) of the Act and disposed of in terms of section 4(1) of these Norms and Standards, the following waste included in section 2(b) of Annexure A to the Regulations must be disposed as follows:

Listed Waste	Landfill Disposal Requirements
Asbestos waste; Expired, spoilt or unstable hazardous products; PCBs; General waste, excluding domestic waste, which contains hazardous waste or hazardous chemicals; Mixed, hazardous chemical wastes from analytical labs and labs from academic institutions in containers less than 100 litres.	Disposed at Class A landfill or H:h/H:H landfill as specified

Waste that has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; DWAF) prior to the Regulations coming into operation, may be accepted and disposed of as set out below for a period not exceeding 3 years after the date of coming into operation of the Regulations:

Waste	Landfill Disposal Requirements
Hazardous Waste - Hazard Rating 1 or 2	Disposed at Class A landfill or H:H landfill as specified
Hazardous Waste - Hazard Rating 3 or 4	Disposed at Class A landfill or H:h landfill as specified
Hazardous Waste - Delisted	Disposed at Class B landfill or G:L:B+ landfill as specified
General Waste	Disposed at Class B landfill or G:S/M/L:B-/B+ landfill as specified

The Norms and Standards lists prohibitions and restrictions on the disposal of waste to landfill which comes into effect after the timeframes indicated for each waste and activities from the date of the Regulations coming into operation. For garden waste specifically, it states that diversion of garden waste must reach 25% by 2018 and 50% by 2023.

Waste Prohibited or Restricted in terms of Disposal	Compliance Timeframe
(a) Waste which, in the conditions of a landfill, is explosive, corrosive, oxidising (according to SANS 10234 or SANS 10228).	Immediate
(b) Waste with a pH value of <6 or >12.	Immediate
(c) Flammable waste with a closed cup flashpoint lower than 61°Celsius.	Immediate
(d) Reactive waste that may react with water, air, acids or components of the waste, or that could generate unacceptable amounts of toxic gases within the landfill.	Immediate
(e) Waste compressed gases (according to SANS 10234 or SANS 10228)	Immediate
(f) Untreated Healthcare Risk Waste (HCRW).	Immediate
(g) (i) POPs pesticides listed under the Stockholm Convention. (ii) Other waste pesticides.	Eight (8) years Four (4) years
(h) Lead acid batteries.	Immediate
(i) Other batteries.	Eight (8) years
(j) Re-usable, recoverable or recyclable used lubricating mineral oils, as well as oil filters, but excluding other oil containing wastes.	Four (4) years
(k) Re-usable, recoverable or recyclable used or spent solvents.	Five (5) years
(l) PCB containing waste (>50 mg/kg or 50 ppm).	Five (5) years
(m) Hazardous waste Electric and Electronic Equipment (WEEE) – Lamps.	Three (3) years
(n) Hazardous waste Electric and Electronic Equipment (WEEE) – Other.	Eight (8) years
(o) Waste tyres: Whole.	Immediate
(p) Waste tyres: Quartered.	Five (5) years
(q) Liquid waste- (i) Waste which has an angle of repose of less than 5 degrees, or becomes free-flowing at or below 60°C or when it is transported, or is not generally capable of being picked up by a spade or shovel; or (ii) Waste with a moisture content of >40% or that liberates moisture under pressure in landfill conditions, and which has not been stabilised by treatment.	Six (6) years
(r) Hazardous waste with a calorific value of: i > 25MJ/kg ii > 20MJ/kg iii> 10MJ/kg iv > 6% TOC	Four (4) years Six (6) years Twelve (12) years Fifteen (15) years
(s) Brine or waste with a high salt content (TDS > 5%), and a leachable concentration for TDS of more than 100 000 mg/l.	Eight (8) years

Waste Prohibited or Restricted in terms of Disposal	Compliance Timeframe
(t) Disposal of garden waste:	
(i) 25% diversion from the baseline at a particular landfill of separated garden waste.	Five (5) years
(ii) 50% diversion from the baseline at a particular landfill of separated garden waste	Ten (10) years
(u) Infectious animal carcasses and animal waste.	Immediate

Restrictions on activities related to the disposal of waste to landfill:

Waste Prohibited or Restricted in terms of Disposal	Compliance Timeframe
(a) Disposal of-	
(i) Type 1 Waste that has been treated, with waste listed in paragraph (2)(a) of Annexure 1 to the Regulations	Five (5) years
(ii) Waste classified as hazardous in terms of regulation 4(1), or waste listed in paragraph (2)(b) of Annexure 1 to the Regulations, with waste listed in paragraph (2)(a) of Annexure 1 to the Regulations; and	Five (5) years
(iii) Type 4 waste with any waste other than Type 4, unless part of treatment.	Five (5) years
(b) Macro-encapsulation of waste, meaning the isolation (or long-term storage) of waste through containment in containers within a sealed or reinforced cell in a specifically prepared and engineered area within a permitted hazardous waste landfill.	Eight (8) years

2.1.10.7 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): Fee Structure for Consideration and Processing of Applications for Waste Management Licences, Transfer and Renewal thereof, Government Gazette No. 37383, 28 February 2014

These regulations apply to the above application excluding community based projects funded by government grants or applications made by organs of state. The commencement date is 1 April 2014. Payment details are discussed regarding the different applicable fees which are listed as follows:

Application	Fee
Application for a waste management license for which basic assessment is required in terms of the Act.	R200.00
Application for a waste management license for which S&EIR is required in terms of the Act.	R10 000.00
Application for a transfer of a waste management license in terms of section 52(2) or for the renewal of a waste management license in terms of section 55(2) of the Act.	R2 000.00

2.1.10.8 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and standards for the Extraction Flaring or Recovery of Landfill Gas, Government Gazette No. 37086, 29 November 2013

The purpose of these Norms and Standards is to aim at controlling the flaring, extraction or recovery of landfill gas at facilities in order to prevent or minimise the potential negative impacts on the bio-physical and socio-economic environments. It describes how these facilities must be designed, operated, monitored and decommissioned.

2.1.10.9 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for the Scrapping or Recovery of Motor Vehicles, Government Gazette No. 37087, 29 November 2013

These Norms and Standards are applicable to a vehicle scrapping or recovery facility with an operational area exceeding 500m² and describes how such a facility must be designed, operated, monitored and decommissioned.

2.1.10.10 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for the Storage of Waste, Government Gazette No. 37088, 29 November 2013

The purpose of these Norms and Standards is to provide a uniform national approach to the management of waste storage facilities, ensure best practice and to provide minimum standards for the design and operation of new and existing facilities. These Norms and Standards are applicable to waste storage facilities that have the capacity to store in excess of 100m³ general waste continuously or 80m³ of hazardous waste continuously.

2.1.10.11 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): DRAFT National Norms and Standards for Organic Waste composting, Government Gazette No. 37300, 7 February 2014

These draft Norms and Standards are applicable to organic waste composting facilities that have the capacity to process in excess of 10 tonnes but less than 100 tonnes of compostable organic waste per day and describes how such a facility must be designed, operated, monitored and decommissioned.

2.1.10.12 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for the Remediation of Contaminated Land and Soil Quality, Government Gazette No. 37603, 2 May 2014

The purpose of these Norms and Standards is provide a uniform national approach to determine the contamination status of an area and to limit uncertainties about the most appropriate criteria and method to apply in such an assessment. Also provide minimum standards for assessing necessary environmental protection measures for remediation activities.

2.1.10.13 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): National Norms and Standards for the sorting, shredding, grinding, crushing, screening or baling of general waste, Government Gazette No. 41175, 11 October 2017

The purpose of these norms and standards is to provide a uniform national approach relating to the management of waste facilities that sort, shred, grind, crush, screen, chip or bale general waste and applies to a waste facility that has an operational area that is 1000m² and more.

It requires any new facility to register with the competent authority within 90 days prior to construction taking place and it allows for any existing facilities that undertake these activities, and which are already registered in terms of the National Norms and Standards for Storage of waste, to comply with the norms and standards without having to re-register.

A waste facility that is less than 1000m² must register with the competent authority and comply with the principle of duty of care as contained in Section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Section 16(1) and 16(3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

2.1.10.14 National Environmental Management: Waste Act, 2008 (Act no. 59 of 2008): List of Waste Management Activities that has or is likely to have a detrimental effect on the Environment Government Gazette No. 37604, 2 May 2014

The Waste Management Activities List under paragraph 2.15 above has been amended by the deletion of Category B activity 3 (8).

2.1.11 The Western Cape Health Care Waste Management Amendment Act, 2007 (No 6 of 2010)

Act 7 of 2007 was amended in 2010 so as to align the terminology with that used in the National Environmental Management: Waste Act, 2008; to define or redefine certain expressions; to delete certain unnecessary definitions; to provide for the issuing of compliance notices; to amend the provisions relating to offences and penalties; to make further provision regarding regulations; to effect certain textual changes; and to provide for matters incidental thereto. The Health Care Management Bill provides for the effective handling, storage, collection, transportation, treatment and disposal of health care waste by all persons in the Province of the Western Cape; and provides for matters incidental thereto.

The object of this Act is to promote integrated health care waste management and thereby—

- (a) reduce the risks of health care waste to human health;
- (b) prevent the degradation of the environment;
- (c) prevent the illegal dumping of health care waste;
- (d) promote sustainable development, and
- (e) Ensure responsible management of health care waste within the Province.

Under this Act a Municipality must:

- (a) enforce the relevant provisions of this Act within its area of jurisdiction;
- (b) perform audits of generators, transporters, treaters or disposers of health care waste within its area of jurisdiction to ensure compliance with the provisions of this Act;
- (c) report annually to the Provincial Minister on the number of incidents of illegal dumping of health care risk waste within its area of jurisdiction, the number of incidents of illegal dumping of health care risk waste pursued in a court of law, and the number of incidents of illegal dumping of health care risk waste successfully convicted in a court of law.

Health Care Waste is produced by hospitals, clinics, physicians, offices, dentists, funeral homes, veterinary clinics and medical- and research laboratories.

Currently only 10-15% of medical waste is considered infectious. The enormous volumes of health care waste requiring special handling and disposal for all infectious and pathological waste are responsible for the current re-evaluation of the terminology for health care waste.

The modern trend in infection control is dictated by the risk posed by the procedure and not by the diagnoses. Thus health care waste is divided into Health Care General Waste (HCGW) and Health Care Risk Waste (HCRW). HCRW generally indicates infectious waste, pathological waste, sharps, chemical and pharmaceutical waste, radioactive and cytotoxic waste.

2.1.12 The Western Cape Health Care Waste Management Amendment Act, 2007: Western Cape Health Care Risk Waste Management Regulations, 2013

These regulations were published in the Western Cape: Provincial Gazette Extraordinary 15 March 2013. These are the regulations set out in the Schedule under section 14 of the Western Cape Health Care Waste Management Act, 2007.

The regulations address the requirements for packaging, storage, internal transport, external transport, vehicles, drivers, treatment and disposal of health care risk waste. Furthermore the required training, registration of health care risk waste generators, transporters, treaters and disposers, reporting, auditing and record keeping is discussed. Health care waste management plans must be prepared by those who meet the criteria listed. The required actions regarding compliance notices are also listed.

All addressed forms in the regulations are given in the Annexures:

- Annexure A: Minimum Requirements for health care risk waste containers
- Annexure B: Minimum Requirements for storage of health care risk waste in terms of regulation 3
- Annexure C: Form 1, Minimum Requirements for a tracking document
- Annexure 4: Minimum Requirements for information to be contained in a Health Care Waste Management Plan
- Annexure 5: Form 2.1, IPWIS registration form for health care risk waste generators, transporters, treaters and disposers
- Annexure 6: Form 2.2, Registration Certificate; Form 3.1, Monthly record keeping form for generators; Form 3.2 Monthly record keeping form for transporters, treaters and disposers
- Annexure 7: Form 4.1, Compliance Notice; Form 4.2, Compliance certificate.

2.1.13 National Waste Management Strategy (2011)

The National Waste Management Strategy (2011) presents Government's strategy for integrated waste management for South Africa and is a legislative requirement of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). The purpose of the Strategy is to achieve the objectives of the Waste Act.

The National Waste Management Strategy presents a long-term plan (up to the year 2016) for addressing key issues, needs and problems experienced with waste management in South Africa. The strategy gives effect to the Bill of Rights, Constitution of South Africa, Act 107 of 1998, on the basis of which the people of South Africa have the right to an environment that is not detrimental to their health. Furthermore, the strategy translates into action Government's policy on waste as set out in the Draft White Paper on Integrated Pollution and Waste Management for South Africa (published in 1998).

The objective of integrated pollution and waste management is to move away from fragmented and uncoordinated waste management to integrated waste management. Such a holistic and integrated management approach extends over the entire waste cycle from cradle to grave, and covers the prevention, minimisation, generation, collection, transportation, treatment and final disposal of waste. Integrated waste management thus represents a paradigm shift in South Africa's approach to waste management, by moving away from waste management through impact management and remediation and establishing instead a waste management system which focuses on waste prevention and waste minimisation.

The Strategy is built around a framework of eight goals, as listed below, along with specific goals that needed to be reached by 2016, as described below.

Goal 1: Promote waste minimisation, reuse, recycling and recovery of waste.

- 25% of recyclable diverted from landfill sites for re-use, recycling or recovery.
- All Metropolitan Municipalities, secondary cities and large towns have initiated separation at source programmes.

Goal 2: Ensure the effective and efficient delivery of waste services.

- 95% of urban households and 75% of rural households have access to adequate levels of waste collection services.
- 80% of waste disposal sites have permits.

Goal 3: Grow the contribution of the waste sector to the green economy.

- 69 000 new jobs created in the waste sector.

Goal 4: Ensure that people are aware of the impact of waste on their health, well-being and the environment.

- 80% of municipalities running local awareness campaigns.
- 80% of schools implementing waste awareness programmes.

Goal 5: Achieve integrated waste management planning

- All Municipalities have integrated their IWMPs with their IDPs and have met the targets set in the IWMPs.
- All waste management facilities required to report to SAWIS have waste quantification systems that report information to WIS.

Goal 6: Ensure sound budgeting and financial management for waste services.

- All municipalities that provide waste services have conducted full-cost accounting for waste services and have implemented cost reflective tariffs.

Goal 7: Provide measures to remediate contaminated land.

- Assessment complete for 80% of sites reported to the contaminated land register.
- Remediation plans approved for 50% of confirmed contaminated sites.

Goal 8: Establish effective compliance with and enforcement of the Waste Act.

- 50% increase in the number of successful enforcement actions against non-compliant activities.
- 800 EMIs appointed in the three spheres of government to enforce the Waste Act.

The strategy aims to reduce both the generation and the environmental impact of waste. It presents a plan for ensuring that the socio-economic development of South Africa, the health of its people and the quality of its environmental resources are no longer adversely affected by uncontrolled and uncoordinated waste management. It establishes a waste management system that concentrates on avoiding, preventing and minimising waste and makes provision for waste management services for all by extending an acceptable standard of waste collection, as well as transportation, treatment and disposal services to all communities.

While the long-term objective of the strategy is waste prevention and minimisation, a number of remedial actions such as improved waste collection and waste treatment are required in the shorter term due to prevailing inadequate waste management practices.

The Strategy is an institutionally inclusive strategy because its achievement relies on participation by numerous role-players in the public sector, private sector and civil society.

To implement the Waste Act, government must:

- Draft legislation, regulations, standards and Integrated Waste Management Plans.
- Regulate waste management activities through licences and enforce their conditions.
- Implement the South African Waste Information System (SAWIS)
- Coordinate waste management activities using a system of Waste Management Officers.
- Give effect to multilateral agreements and ensure proper import and export controls.
- Progressively expand access to at least a basic level of waste services and plan for future needs.
- Facilitate the establishment of a national recycling infrastructure.
- Provide the framework for the remediation of contaminated land.
- Work in partnership with the private sector and civil society.

2.1.14 National Waste Management Strategy: 2019 Revised and Updated National Waste Management Strategy (DRAFT)

The draft strategy is an update of the 2011 NWMS to be implemented under the Waste Act. It is updated in light of progress, challenges and lessons learned from implementing the 2011 strategy. It was based on a 4-phase approach, which consist of the following:

- The review of the 2011 NWMS
- A situational analysis
- Recommendations
- A draft Revised and Updated NWMS

The latest indications in the Draft 2018 State of Waste Report are that as waste generation continues to grow in South Africa, no significant diversion from disposal is taking place, therefore the depletion of disposal airspace continue at unsustainable rates. Implementation of the waste management hierarchy informed the 2011 NWMS, but progress has been limited. The revised strategy needs to be more specific in terms of objectives, targets and actions in relation to the different levels of the waste management hierarchy and particular waste streams. Progress has been made in terms of recycling as compared to other developing countries. However, with the generated general waste stream consisting of approximately 47% organics (State of Waste Report), this waste stream needs to be prioritised and waste minimisation opportunities above and below recycling in the hierarchy need to be more actively addressed.

The concept of the circular economy is highlighted as being a useful way of understanding the implementation of the waste management hierarchy in terms of its contribution to the green economy and the decoupling of economic activity from harmful environmental impacts. The circular economy consists of closing the loop between resource extraction and waste disposal by the application of waste avoidance, reuse, repair, recycling and recovery throughout the economic cycle to minimise waste and reduce demand for virgin materials.

The updated NWMS is based on two strategic entry points to waste minimisation:

- **Waste prevention:** This includes interventions around the design and packaging of products, cleaner production and industrial symbiosis by reducing the substances, materials and products that become waste. These interventions have the highest priority and should be the first applied to any waste stream.
- **Waste as a resource:** This includes interventions to stimulate secondary resources economy that take place after products or materials have become waste. Examples are recycling and recovery and generating energy from waste.

The 2011 NWMS revolved around 8 goals. This approach has been updated to focus on three overarching goals containing sets of strategic objectives which will be monitored in terms of performance indicators. The three strategic goals correspond to the following implementation themes:

- **Waste Minimisation:** the focus is on waste prevention and building a secondary resources economy. The role of government is to create an enabling environment for the private sector that supports extended producer responsibility and waste beneficiation.
- **Effective and Sustainable Waste Services:** the focus is on government, particularly local government, in ensuring that citizens receive appropriate waste services in a way that contributes to sustainable development.
- **Awareness and Compliance:** the focus is improving behaviour and attitude amongst citizens, businesses and government to lead to a culture of compliance to manage the environmental impact of waste and preventing pollution.

The goals and associated strategic objectives for the updated NWMS are provided in the tables below, which reference the relevant Waste Act goals:

Goal 1	Prevent waste, and where waste cannot be prevented, divert 50% of waste from landfill within 5 years; 65% within 10 years; and at least 80% of waste within 15 years through reuse, recycling and recovery and alternative waste treatment.
Strategic objectives	<u>Waste prevention:</u>
	Prevent waste through cleaner production, industrial symbiosis, and extended producer responsibility
	Prevent food waste by working with agricultural producers, retailers, the hospitality sector and consumers
	<u>Waste as a Resource:</u>
	Divert organic waste from landfill through composting and the recovery of energy
	Divert construction and demolition waste from landfill through beneficiation
	Increase recycling and recovery rates
NEMWA	Increase technical capacity and innovation for the beneficiation of waste
	Minimising the consumption of natural resources
	Avoiding and minimising the generation of waste
	Reducing, reusing, recycling and recovering waste
	Treating and safely disposing waste as a last resort
	Preventing pollution and ecological degradation
	Securing ecologically sustainable development while promoting justifiable economic and social development

Goal 2	All South Africans live in clean communities with waste services that are well managed and financially sustainable.
Strategic objectives	<u>Waste Collection:</u>
	Implementation of the DEA separation at source policy to promote reuse, recycling and recovery of waste
	Safe and environmentally sustainable disposal of hazardous household wastes.
	<u>Integrated Waste Management Planning:</u>
	Provinces provide effective regional guidance and oversight in the development and implementation of metro, district and local municipality IWMPs within the context of overarching Provincial Integrated Waste Management Plans
NEMWA	All local authorities to include provisions for recycling drop-off/buy-back/storage centres in their IWMPs by 2020
	Promoting and ensuring the effective delivery of waste services
	Achieving integrated waste management reporting and planning

Goal 3	South Africans are aware of waste and a culture of compliance with waste management norms and standards exists, resulting in zero tolerance of pollution, litter and illegal dumping.
Strategic objectives	Reduction of littering and illegal dumping due to attitudinal shifts and greater public awareness of the environmental damage caused by waste
	Enhanced capacity to enforce the Waste Act and International Agreements on waste and pollution
	Municipal landfill sites and waste management facilities comply with licensing standards
	All local authorities to include provisions for recycling drop-off/buy-back/storage centres in their IWMPs by 2020
NEMWA	To ensure that people are aware of the impact of waste on their health, well-being and the environment
	To provide for compliance with the measures set out in paragraph (a)
	Generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being

The updated strategy further expands on each of the above goals and defines the implementation, monitoring and evaluation framework in the following tables. Note that all objectives are not applicable to local authority level, but the entire framework is shown here to illustrate all role players.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Prevent waste through cleaner production, industrial symbiosis, and extended producer responsibility</i>	Reduction in waste disposed to landfill in line with goal statement	Reduced GHG emissions from disposal of waste to landfill and recovery of low carbon energy waste	
	Reduction in the toxicity of waste streams	Reduced marine and terrestrial pollution from plastics packaging	
	80% reduction in the production of single-use plastics not covered by EPR deposit schemes	Reduced requirements for new landfill airspace, resulting in avoided costs for local government	
		GDP growth and job creation in targeted sectors due to improved economic performance	
Action	Implementing Agents	Timeline	Performance Indicators
IndWMPs for priority wastes (WEEE, Paper and Packaging, Lighting and Tyres) to include measures for cleaner production, industrial symbiosis and extended producer responsibility.	NCPC-SA supported by the Waste Bureau (DEA) and in collaboration with industry associations.	Tyres: 2019 WEE, Paper and Packaging, Tyres: 2020	Number of IndWMPs meeting or exceeding performance targets within 5 years
Strengthen the capacity and national reach of the NCPC-SA, with waste symbiosis programs established in all provinces.	NCPS-SA in partnership with the DEA, DST (TIA and Waste RDI Roadmap), Provinces, Industrial Development zones, business chambers and industry associations	W. Cape, Gauteng, KZN - 2019 E.Cape, Mpumalanga, N.West - 2020 Free State, Limpopo, N.Cape - 2021	Number of provinces with well-established Industrial Symbiosis Programmes. Increase in training and technical support provided by the NCPC-SA
Restrict the production and retail of single-use plastics, to be replaced with bio-degradable alternatives.	DEA will work with dti, DST (TIA and waste RDI Roadmap), retail and other affected industry associations	Within 5 years, most single-use plastics to be covered by EPR deposit schemes	Industry agreements to phase out single-use plastics

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Prevent food waste</i>	50% reduction in food waste within 5 years	Job creation in the farm-to-table value chain	
		Poverty alleviation	
		Improved child nutrition	
Action	Implementing Agents	Timeline	Performance Indicators
Develop and implement a strategy for reducing food losses prior to retail associated with harvesting, processing and transport of foods in collaboration with food producers and retailers.	The DEA will work with the DAFF in collaboration with food producers and retailers.	Strategy developed by 2020 Annual reporting on strategy by DEA	Reduction in food losses prior to retail. Reduction in food waste in the retail sector
Improve consumer awareness and standards for labelling and marketing of perishable foodstuffs and "ugly" fruits and vegetables.	The DEA will work with the DoH, food retailers, the DTI and the National Consumer Commission (NCC) and South African Bureau of Standards (SABS) to promote compliance of food stuffs.	Marketing and labelling standards reviewed/revised by 2021. Consumer awareness campaign launched in 2021.	
Develop guidelines and norms and standards, for redistributing surplus foods and composting of spoilt food.	The DEA will work with the DoH, food retailers, the hospitality sector and NPOs.	Guidelines/Norms and Standards: 2020	

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
Increase reuse, recycling and recovery rates	70% of paper recycled 60% of plastic recycled 90% of glass recycled 90% of metals recycled 40% of fly-ash recycled	Job creation, entrepreneurship and SMME development in the recycling sector. Innovation in remediation of contaminated lands and addressing acid mine drainage using fly ash. Reduced requirements for new landfill airspace, resulting in avoided costs for local government.	
Action	Implementing Agents	Timeline	Performance Indicators
Develop and implement a public procurement framework to support recycling, encompassing requirements for recycled content.	The DEA will work with NT and COGTA.	Gazetting by 2021	Achievement of procurement targets for recycled content in the public sector
Establish Materials Recovery Facilities and recycle processing plants as Public Private Partnerships based on regionally integrated waste management planning.	The DEA will support provinces and local government in engaging with National Treasury (NT)	All new landfills to include MRFs from 2019	Number of new Materials Recovery Facilities and recycle processing plants established
Industry standards to align technology requirements between primary producers and recyclers of plastics by ensuring that the design of products and packaging facilitate reuse and recycling.	The Waste Bureau, dti, and industry associations. The DST and the Innovation Hub will be key partners in generating knowledge and technical capacity to implement the waste RDI roadmap.	Industry standards by 2019	Increased materials recovery rate for plastics.
Norms and standards for the recycling of fly-ash to be gazetted.	The DEA, in collaboration with the DoE, Eskom, and TIA	Norms and Standards gazetted by 2020	Volume of fly ash recycled.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Divert organic waste from landfill through composting and the recovery of energy</i>	50% reduction in volume of organic waste disposed to landfill within 5 years	Reduction in GHG emissions as a result of waste to energy projects. Improved resilience of communities with composting projects and/or schools participating in the biogas in schools program. Job creation and SMME development in the biogas and composting industry. Reduced requirements for new landfill airspace, resulting in avoided costs for local government.	
Action	Implementing Agents	Timeline	Performance Indicators
DEA to work with DoE on enabling policy environment to produce biogas through anaerobic bio-digestion of organic waste treating sewage and organic domestic waste.	The DEA will work with stakeholders, including the DoE, DST, DWAS and Biogas Association.	Strategy and Regulatory framework finalised by 2020.	Number of new biogas projects involving organic waste. Volume of biogas produced from waste.
Programme linking National School Nutrition Programme to biogas digester projects	DEA, DBE, DoE	MOU with DBE by 2019	Number of schools with biogas digestors
Local government to include composting in IWMPs	The DEA will work with stakeholders including provinces and local government	All metros by 2019. All districts by 2022. All municipalities by 2023.	Number of new composting projects

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Divert construction and demolition waste from landfill through beneficiation</i>	Construction and demolition waste only disposed to landfill as cover.	Reduced environmental footprint from construction. Reduced requirements for new landfill airspace, resulting in avoided costs for local government.	
Action	Implementing Agents	Timeline	Performance Indicators
The DEA will work with SANRAL and the South African Bureau of Standards around best practice guidelines and standards for the reuse of C&D waste in roads and other building materials such as bricks.	DEA, SANRAL, construction industry association and SABS.	Publishing of best practice guidelines and guidelines by 2020.	Construction and Demolition waste only disposed to landfill as cover.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Increase technical capacity and innovation for the beneficiation of waste</i>	Increased capacity to deliver well-managed and innovative waste services.	Enterprise development and innovation in the waste sector contributing to job creation and economic growth.	
Action	Implementing Agents	Timeline	Performance Indicators
Promote research and innovation in the waste sector and ensure that legislation and regulations are reviewed and updated to keep abreast of technical developments and remove unnecessary regulatory barriers to the uptake of new technologies.	The DEA will work with the DST through the Waste RDI Roadmap and TIA	MOU between DEA and DST by 2019	Number of waste beneficiation projects supported by TIA. Published research in the waste sector.
Increase technical capacity and skills in the waste sector.	The Waste RDI Roadmap will work with tertiary institutions to increase graduates specialising in waste management and ensure mentoring for graduates entering public service.	150 new waste management graduates by 2023	Number of waste management graduates. Number of waste management professionals in public service.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Separate waste at source</i>	50% of households to be separating waste	Job creation. Reduction in costs to local government in relation to collection and disposal of waste.	
Action	Implementing Agents	Timeline	Performance Indicators
Integration of waste pickers into municipal collection services.	DEA, Waste RDI Roadmap, Local Government, SALGA, Waste Pickers Association	Guidelines for integrating waste pickers into domestic waste collection published by 2020. All metros to have programs in place for integrating waste pickers by 2021. All secondary cities by 2023.	Number of sustainable jobs/decent livelihoods created in collecting recyclables.
DEA to publish online and annually update guidelines, case studies and planning tools on separation at source for municipal managers.	DEA (Waste Bureau), Waste RDI Roadmap, SALGA	Annual updates	Downloads from online portal
A national awareness campaign around recycling.	DEA, Provinces, Municipalities	Campaign launched in 2019	% of residents separating at source

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Safe and environmentally sustainable disposal of hazardous household wastes and absorbent hygiene products</i>	Reduction in the toxicity of municipal waste disposed to landfill.	Reduction in risks of leachate at landfill sites and Reduction of hazardous compounds in sewage Reduced risks to human health	
Action	Implementing Agents	Timeline	Performance Indicators
As part of separating waste at source, develop and implement a strategy for the safe disposal of domestic hazardous wastes that includes a communication and awareness strategy and extended producer responsibility as core components.	DEA, DoH, DTI, Industry Associations	Strategy developed by 2020. Implementation of the strategy from 2020 going forward.	Reduced incidence of hazardous waste in general landfill sites.
Develop and implement a strategy and standards relating to the design and disposal of Absorbent Hygiene Products (AHPs) such as baby and adult diapers, feminine care products.	DEA, DoH, Private Sector, DTI, SABS	Strategy developed by 2020. Implementation of the strategy from 2020 going forward.	Reduced disposal of AHPs to landfill.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Effective integrated waste management planning</i>	95% of households receive waste collection services in compliance with DWCS. 80% of IWMPs reflected in municipal budgets.	Increased private sector investment in the recycling sector, resulting in job creation. Appropriate and well managed waste services lead to reduced disease and illness, particularly in the young and old and informal settlements.	
Action	Implementing Agents	Timeline	Performance Indicators
All provinces to have 5-year Provincial Integrated Waste Management Plans approved by the Minister	DEA, Provinces, Municipalities	Guidelines and reporting standards for provincial IWMPs to be released in 2019.	All provinces to have updated IWMPs in place by 2020 as per the requirements of the Waste Act, and to be reporting annually, including data from metro, local and district IWMPs. All municipalities with IWMPs reporting on SAWIS.
Waste Bureau and Waste RDI Roadmap to build capacity in integrated waste management planning, provide revised guidelines for IWMPs	DEA (Waste Bureau), Waste RDI Roadmap, SALGA, Provinces and Municipalities	In 2019, Waste Bureau to have a business plan, organisational strategy, CEO appointed.	Number of municipal IWMPs submitted to provinces and approved.
Waste Bureau and Waste RDI Roadmap to build capacity in integrated waste management planning, provide revised guidelines for IWMPs	DEA (Waste Bureau), Waste RDI Roadmap, National Treasury, SALGA, Provinces and Municipalities	Paper and Packaging IndWMPs to be implemented from 2021. MOU with treasury/conditional grant by 2021.	Number of new recycling drop-off/buy-back centres established.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Reduce littering and illegal dumping</i>	Reduction in litter and illegal dumping	Reduction in coastal and marine plastics pollution. Culture of compliance and civic responsibility.	
Action	Implementing Agents	Timeline	Performance Indicators
DEA to launch a national awareness campaign around litter and illegal dumping.	DEA, Provinces, local municipalities and the private sector.	National awareness campaign to be launched in 2019.	Media spend - print, television, radio. Social media campaign statistics.
DEA to establish microgrant facility for training and equipment for community-based clean-up operations.	DEA (Waste Bureau), civil society, City Improvement Districts, National Treasury	First micro-grants issued by 2020.	Number of microgrants issued. Reports by micro-grant recipients.
Reform and enforce the legal framework for fines and prosecution of litter and illegal dumping and align the Standard Operating Procedures between SAPS and the EMI.	DEA, SAPS, NPA	National workshop on enforcement of the Waste Act in 2019. MOU in 2019.	Annual reports on administrative action and prosecutions undertaken with respect to NEM:WA. Number of training sessions with prosecutors relating to environmental crimes, including the brown issues at national, provincial, district and local level.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Enhance capacity to enforce the Waste Act and International Agreements</i>	Compliance with the Waste Act and International Agreements on Chemicals and Waste.	Culture of compliance. Reduction in pollution and associated social and environmental costs.	
Action	Implementing Agents	Timeline	Performance Indicators
Clarify the mandate and duties EMIs in respect of the implementation of NEM:WA (national, provincial and local)	DEA, Provinces, local municipalities	Defined roles and responsibilities in place by 2020.	Reporting on roles and responsibilities in place.
Promulgating regulations on the import and export of waste	DEA, Department of Transport	Regulations in place by 2022.	Enforcement actions in terms of regulations on the import and export of waste.
DEA to strengthen national capacity to prosecute in terms of the Waste Act.	DEA, SAPS, NPA	Annual national workshop on enforcement of the Waste Act, commencing in 2019	Number of administrative actions and criminal prosecutions.

Strategic Objective	Targeted Outcomes:	Socio-Economic and Environmental Impacts:	
<i>Ensure municipal landfill sites and waste management facilities comply with licensing requirements</i>	Local government compliance with the Waste Act	Culture of compliance. Reduction in pollution and associated social and environmental costs. Increased cost of disposing waste to landfill.	
Action	Implementing Agents	Timeline	Performance Indicators
Financial mechanisms such as a landfill tax in place to support compliance and monitoring.	DEA (Waste Bureau), National Treasury, Provinces, local municipalities	Policy recommendations by 2020. Financial mechanisms in place by 2021.	Revenue allocated to monitoring and compliance of licensed waste facilities.
National Action Plan on landfill licensing compliance.	DEA (waste Bureau)	National Action Plan by 2020, implementation from 2021.	80% of municipal landfills comply with licensing conditions by 2023.

Roles and responsibilities are further discussed in the strategy. Specifically for local government, the strategy explains that metropolitan, district and local municipalities are critical to the implementation of the NWMS as they are responsible for the planning and delivery of waste collection and disposal services and infrastructure. Waste collection and disposal to landfill is typically undertaken by local authorities but may be accomplished by subcontracting waste services companies.

As part of the NWMS implementation, local government needs to shift the focus of waste collection services to incorporate separation at source to promote diversion of waste from landfills through reuse, recycling and recovery. IWMPs need to be updated and augmented to support the required shift in focus. In particular:

- The DEA (Waste Bureau) needs to provide guidance on models for incorporating the informal sector (waste pickers), waste collectives and SMME's into municipal collection services to accomplish separation at source.
- All municipalities should include the provision of drop-off/buy-back centres and storage facilities for recyclables in their IWMPs. The DEA (Waste Bureau) will work with partners and stakeholders such as National Treasury and SALGA to develop models for the financing of this infrastructure that may leverage Industrial Waste Management Plans and/or additional fiscal transfer mechanisms such as conditional grants.
- DEA will work with National Treasury to investigate the feasibility of implementing a landfill tax and prepare policy to assist municipalities in financing monitoring and compliance of landfills as part of a national campaign around compliance with waste management licensing.
- IWMPs should include awareness and enforcement strategies aimed at creating a culture of compliance with the Waste Act and municipal by-laws involving waste collection and disposal, littering and illegal dumping. These will be supported by a national waste awareness campaign.

In accordance with the Waste Act, all district and local authorities must appoint a Waste Management Officer, who should work closely with one or more EMI's to ensure compliance with the Waste Act.

2.1.15 National Policy for the Provision of Basic Refuse Removal Services to Indigent Households, Government Gazette No. 34385, 22 June 2011

The main criterion for determining the qualifying recipients of Basic Refuse Removal (BRR) services is registration on a municipality's indigent register as provided for by the indigent policy of the municipality.

The following criteria can be used in the absence of or in addition to the main criterion to determine the qualifying recipients of the BRR services:

- Level of income: Monthly net household income of members of less than or equal to *two old age pensions (including children/individuals who may get state grants)*.
- Residence status: Everybody residing in the municipality provided their indigent status have been verified.
- Special considerations: All child headed households, households headed by pensioners and people with disabilities.
- Value of property (need to note that inherited properties might give false income level status).
- Any other criteria as determined by the specific municipality

A municipality may for practical reasons, declare certain areas or clusters as qualifying recipients of BRR. Examples may include low-income areas and high density, urban informal areas.

- Such declarations have added advantages in terms of administrative feasibility (logistics and costs included) especially where rate collection is challenging.
- A municipality may declare certain low density rural areas as areas where on-site disposal is deemed to be an appropriate waste management option.

If the recipient does not fall under a qualifying indigent area, he/she may register as an indigent at his/her municipality. The municipality must set out certain dates/times for these registrations.

2.1.16 Planning documents

2.1.16.1 The Western Cape Provincial Spatial Development Framework (March 2014)

The Western Cape Provincial Spatial Development Framework (PSDF) states that if the increasing amounts of waste generated are not minimised, it will give rise to the need for more disposal sites which is not desirable. A mind set of "reduce, rethink, recycle" still needs to be mainstreamed and further challenges are created by illegal dumping, shortfalls in hazardous waste facilities, growing informal settlements and a lack of recyclables collection from homes. The following provincial spatial policies related to waste management are included:

Policy R4: Recycle and recover waste, deliver clean sources of energy to urban consumers, shift from private to public transport, and adapt to and mitigate against climate change.

1. Unlock economic opportunities and increase the lifecycle of current disposal sites and apply the principles of "reduce, reuse, and recycle".
2. Close down illegal sites and locate new regional waste sites adjacent to rail facilities to decrease operational costs and energy requirements associated with the need for road freight.

2.1.16.2 The OneCape 2040

OneCape 2010 was developed by the Western Cape Economic Development Partnership (EDP) for the Western Cape Government (WCG) and the City of Cape Town (CoCT). The purpose is to encourage and provide a vision for a more inclusive and resilient economic future for the Western Cape. It does not replace any existing statutory plans required of province or municipalities, but is intended as a guideline for stakeholders in order to:

- Promote fresh thinking and critical engagement on the future;
- Provide a common agenda for private, public and civil society collaboration;
- Help align government action and investment decisions;
- Facilitate the necessary changes we need to make to adapt to our (rapidly) changing local and global context;
- Address our development, sustainability, inclusion and competitiveness imperatives.

Under the Ecological transition, the goal is that all people have access to water, energy and waste services that are delivered in a sustainable resource-efficient manner.

2.1.16.3 The Western Cape Provincial Strategic Plan (2014 – 2019)

The Plan is aligned with the NDP, PSDF and also the OneCape2040. The following Provincial Strategic Goals are set out in the document:

- Strategic Goal 1: Create opportunities for growth and jobs.
- Strategic Goal 2: Improve education outcomes and opportunities for youth development.
- Strategic Goal 3: Increase wellness, safety and tackle social ills.
- Strategic Goal 4: Enable a resilient, sustainable, quality and inclusive living environment.
- Strategic Goal 5: Embed good governance and integrated service delivery through partnerships and spatial alignment.

2.1.16.4 The Western Cape Green Economy Strategy Framework

The Green Economy Strategy Framework is about achieving the double dividend of optimising green economic opportunities and enhancing our environmental performance. The framework is for the Western Cape to become the lowest carbon province and leading green economic hub of the African continent.

“Drivers” and “Enablers” are identified in the Framework as listed below:

Drivers:

- Smart living and working
- Smart mobility
- Smart eco-systems
- Smart agri-production
- Smart enterprise

Enablers:

- Finance
- Rules and Regulation
- Knowledge Management
- Capabilities
- Infrastructure

2.1.17 International treaties

This section lists the international agreements to which South Africa has acceded. The following is as described in section 4.10 of the National Waste Management Strategy 2011:

Various international agreements to which South Africa has acceded relate to waste management. A number of non-binding conventions and protocols are also relevant to waste management. This section summarises the main actions in the NWMS related to implementing international agreements.

2.1.17.1 The Basel Convention

The Basel Convention, adopted in 1989, has the greatest bearing on the Waste Act as it addresses the trans-boundary movement of hazardous wastes and their disposal, setting out the categorization of hazardous waste and the policies between member countries.

DEA is developing MOUs with the International Trade Administration Commission (ITAC) and the South African Revenue Service (SARS) that effectively address the provisions of the Basel Convention.

DEA is considering accession to the amendments to the Basel Convention that ban the import and export of hazardous wastes. DEA is also currently developing a policy on imports and exports of waste that will address this.

DEA and DTI are jointly addressing the import and export control aspects of the Basel Convention, together with the chemical conventions. Control will happen through ITAC permits and SARS tariff codes.

2.1.17.2 The Montreal Protocol

The Montreal Protocol Treaty, revised in 1999, protects the ozone layer by phasing out the production of several substances that contribute to ozone depletion, with the aim of ozone layer recovery by 2050. This has relevance for waste management in instances where such obsolete products enter the waste stream. DEA will finalise and publish the National Implementation Plan for the Montreal Protocol. The plan will include the development on an Ozone Depletion Substance (ODS) strategy and regulations will provide for the phasing out of specified substances and their safe disposal.

2.1.17.3 The Rotterdam Convention

The Rotterdam Convention promotes and enforces transparency in the importation of hazardous chemicals and whilst it explicitly excludes waste, its implementation may lead to bans on listed chemicals. Some of these chemicals may occur in stockpiles of obsolete chemicals such as pesticides that have been identified as a major waste management challenge. Extended producer responsibility schemes will be used to effectively manage obsolete chemicals.

A study to investigate the extent of manufacture, use, import and export of new chemicals listed in the Rotterdam Convention will determine whether South Africa should ratify the newly added chemicals. A process to identify and ban pesticides and industrial chemicals listed in Annex III (that South Africa has not yet banned) has started.

2.1.17.4 The Stockholm Convention

The Stockholm Convention on Persistent Organic Pollutants (POPs), which entered into force in 2004, requires that member countries phase out POPs and prevent their import or export. Parties to the Convention are also required to undertake the following responsibilities:

- Develop and implement appropriate strategies to identify stockpiles, products and articles in use that contain or are contaminated with POPs.
- Manage stockpiles and wastes in an environmentally sound manner.
- Dispose of waste in a way that destroys or irreversibly transforms POPs content.
- Prohibit recycling, recovery, reclamation, direct re-use or alternative use of POPs.
- Endeavour to develop strategies to identify contaminated sites and perform eventual remediation in an environmentally sound manner.

2.1.18 Municipal By-law

The Stellenbosch Municipal Integrated Waste Management by-law is in draft format and is expected to be approved by Council soon.

The by-law is a very comprehensive document dealing with all components of waste management within the Municipality and is not reflected in this report in its entirety. The document deals with the principles of waste and categories of waste within the Municipality and explains the obligations that waste generators have towards sustainable waste management. It explains the by-laws pertaining to each waste type under its own category, and includes priority waste and hazardous wastes. The draft by-law also provides information on who is required to develop an integrated waste management plan and guidelines on the storage, separation and recycling of wastes. It also explains what measures will be taken against those who do not adhere to the by-laws and which officials are designated with powers to uphold the by-laws etc.

The full draft by law can be seen in **Annexure A** of this report.

2.1.19 Discussion of legislation (effectiveness & implementation)

The above listed legislation (national, international and local by-laws) provide comprehensive rule-sets by which the solid waste life-cycle and the management thereof are governed. Although there is always room for improvement, it is widely accepted that South African solid waste legislation is of a high standard and is internationally comparable. To what extent the solid waste legislation is being implemented, and how to ensure compliance by all involved is the challenge that municipalities and provincial government in South Africa is currently facing. Without compliance with the above legislation by all involved in waste management in South Africa, there will not be an opportunity for the creation of a sustainable and environmentally friendly future for the diverse natural South African environment. The current draft updated NWMS substantially expands on the different role players and how the aim is to move to a culture of compliance.

In South Africa's history the more comprehensive legislation and knowledge of better waste management practices are relatively "new" and therefore still in the stages of establishing a secure foothold in our society. Past waste management practices have in essence created a "back-log" of acceptable waste management practices and in many ways, the current generations are now required to address the complications created by old methods, poor management or uninformed decisions. A great number of instances of non-compliance to legislation are a direct result of pre-legislation practices that were not addressed, which can be due to various factors, and are still in some places the norm.

Legislation enforcement on a local level will almost definitely be lacking without the willing co-operation from the public and industry. Open spaces between towns restrict the effectiveness of law enforcement regarding illegal dumping.

In general, the pressure on law enforcement will be lessened with the continued awareness and education of the public, industry and all generators of waste. All parties MUST realise their part in the waste management cycle and accept accountability, so that the response to legislation and waste management practices is not "why?", but "how?". The current draft NWMS summarises this as the culture of compliance. The "how" will have to be continually addressed through education as new technologies, practices, waste types and opportunities emerge. The waste industry cannot afford to get comfortable and settle on "that is how it has always been done", but must be innovative, up-to-date and achieve co-operation between all spheres of society in order to ensure the sustainable future of our environment.

The legislation is therefore sufficient, but compliance must be improved through awareness and education and improved enforcement. The public must also assist the Municipality and report all instances where the law is not obeyed.

Another aspect to consider is affordability. As mentioned, certain practices were the norm in previous years, but are drastically affected by recent legislation. The D:EA&DP conducted a project in order to estimate the costs of compliance for Western Cape municipalities relating to solid waste infrastructure alone. The estimates are considered unaffordable to local municipalities in the short to medium term. In these cases assistance is required or Municipalities must be given sufficient time in order to be compliant.

All of the Stellenbosch Municipality's waste management facilities are licensed and therefore, in that respect, compliant with legislation. The extent of implementation of the licence requirements must be assessed via regular internal and external audits of the facilities. The audit results will determine the requirements for each facility and cost estimates can be made for budget purposes. Both the Devon Valley Landfill Site and the Klapmuts Waste Transfer Station underwent external audits in May 2020 which will be further discussed later in this report.

2.2 DEMOGRAPHICS

The demographics and related statistics were obtained from Statistics SA and were aligned with the figures and projections as presented in the latest Stellenbosch IDP.

2.2.1 Current and projected population and density

The 2011 Census figures indicate that the Stellenbosch Municipality had a total population of 155,733 people with a 2.71% annual population growth rate since the 2001 Census. The Department of Social Development used Stats SA's 2018 Mid-Year Population Estimates (2002 – 2018) to project population growth for the period 2019 to 2024. The resulting Stellenbosch socio economic profile document indicated that the 2018 population was 186,730 people showing a growth rate of 2.63% between 2011 and 2018. This document also projected populations up to 2024 at a 2.20% growth rate which was the growth rate used in the population projections of this IWMP report resulting in an estimated 2020 population of 195,064 people.

The Census 2011 statistics are available in terms of sub-places into which the Municipality was divided for the study. The IDP indicates a combination of these places which form the various wards throughout the municipality. However, for the purpose of the IWMP, the sub-places as per StatsSA were used.

For this IWMP report the population and household totals per sub-place of the 2011 Census were reworked in order to align this IWMP with the projected population for each year as per the IDP, with the assumption that the sub-places would grow in proportion to the total population.

The current and projected populations per sub-place based on the above assumptions are shown in **Table 2-1**.

Table 2-1: Current and projected population of Stellenbosch per sub-area

Sub-area	2018	2020	2021	2022	2023	2024
Bennetsville	1 497	1 563	1 598	1 633	1 669	1 705
Klapmuts SP	155	162	165	169	172	176
Weltevrede Park	6 786	7 087	7 243	7 403	7 566	7 732
Mandela City	795	830	849	867	887	906
Stellenbosch NU	42 660	44 557	45 537	46 539	47 563	48 610
Eisenburg SP	892	932	952	973	995	1 017
De Hollandsche SP	234	244	250	255	261	266
Koelenhof SP	360	376	384	393	401	410
Pniel SP	2 367	2 473	2 527	2 583	2 640	2 698
Wemmerhoek	1 241	1 296	1 325	1 354	1 384	1 414
Langrug	15 165	15 839	16 188	16 544	16 908	17 280
Groendal	2 285	2 386	2 439	2 492	2 547	2 603
Franschhoek SP	1 087	1 135	1 160	1 185	1 211	1 238
Hugenote	1 277	1 334	1 363	1 393	1 424	1 455
Languedoc SP	5 141	5 370	5 488	5 609	5 732	5 858
Wiesiesdraai SP	2 072	2 165	2 212	2 261	2 311	2 361
Welgevonden SP	2 986	3 119	3 188	3 258	3 329	3 403
Weltevrede	2 724	2 845	2 907	2 971	3 037	3 103
Cloeteville SP	15 730	16 429	16 791	17 160	17 538	17 924
Khayamandi SP	29 556	30 871	31 550	32 244	32 954	33 679
La Colline SP	1 795	1 875	1 916	1 959	2 002	2 046
Tennantville SP	676	706	722	738	754	771
Kylermore SP	5 188	5 419	5 538	5 660	5 784	5 912
Idasvallei SP	10 509	10 977	11 218	11 465	11 717	11 975
Stellenbosch SP	18 874	19 714	20 148	20 591	21 044	21 507
Die Boord	3 990	4 167	4 259	4 353	4 449	4 547
Onder Papegaaiberg SP	1 803	1 883	1 924	1 966	2 010	2 054
Devon Valley SP	263	274	280	287	293	299
Robertsvlei SP	14	15	15	16	16	16
Dalsig SP	1 479	1 544	1 578	1 613	1 649	1 685
Kleingeluk SP	273	286	292	298	305	312
Paradyskloof SP	1 936	2 022	2 066	2 112	2 158	2 206

Sub-area	2018	2020	2021	2022	2023	2024
Brandwacht SP	317	331	338	345	353	361
Jamestown SP	3 407	3 559	3 637	3 717	3 799	3 882
Lynedoch SP	133	139	142	145	148	152
Raith SP	1 087	1 135	1 160	1 185	1 211	1 238
La Montagne	4	4	4	4	4	4
Total	186 757	195 064	199 356	203 741	208 224	212 805
Total (Excluding Rural)	144 097	150 507	153 818	157 202	160 661	164 195

-SP = Sub-place

-NU = Non-urban

From the above table it is clear that the vast majority, 22.8% of the Municipal population, resides in rural areas with the second most populated area being Khayamandi with 15.8%. The total average population density for the whole of Stellenbosch is 235 persons per km² (based on total area of 831km² and 2020 population projection of 195,064 persons).

Figure 2-1 below shows the graphical representation of the Stellenbosch population growth up to 2040 based on the estimates discussed and assuming an average annual future population growth rate of 2.2% from 2018 to 2040 and the calculated growth rate of 2.63% from 2011 to 2018 as discussed.

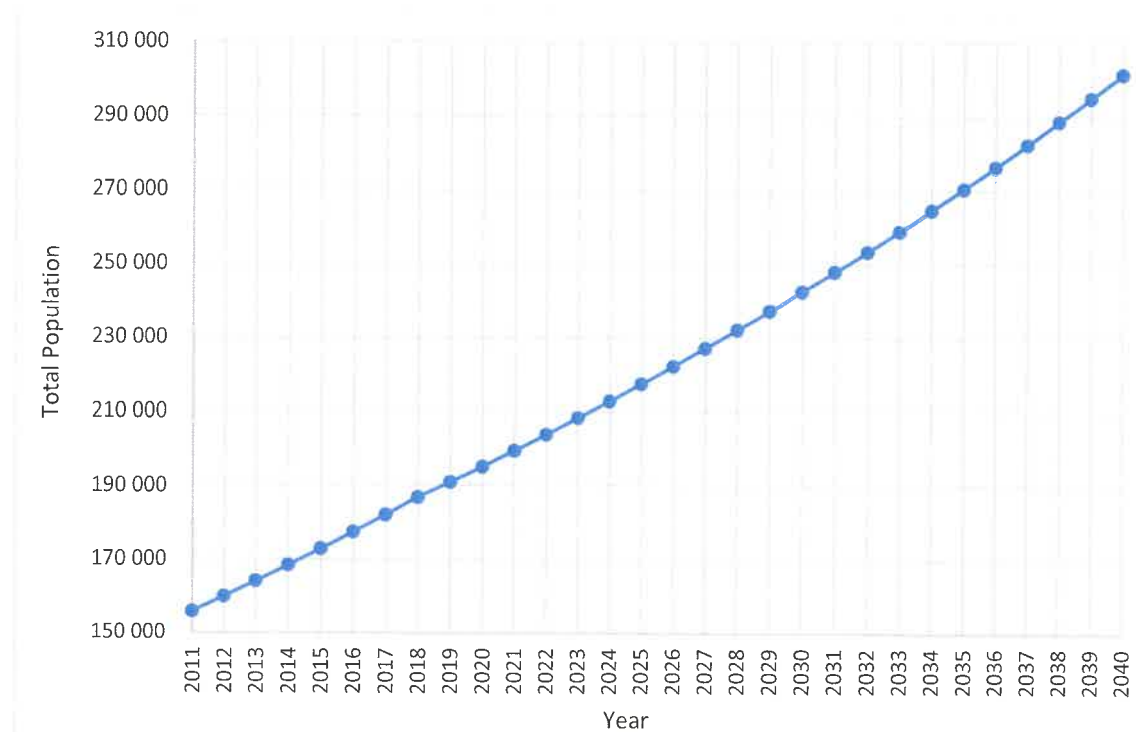


Figure 2-1: Stellenbosch Projected Population

2.2.2 Socio-economic profile and education

Table 2-2 shows the 2018 socio-economic profile of the Stellenbosch municipality according to annual household income obtained from Census 2011 extrapolated to 2018. In order to estimate the current number of households, the recorded number of households for 2018 in the IDP was used along with the estimated population distribution per area to estimate the average number of persons per household for each area. This average was then used with the 2020 population estimate to calculate the 2020 number of households.

The graphical distribution of the socio-economic situation within the Stellenbosch Municipality is shown on **Figure 2-2** on the following page.

Table 2-2: Population Profile According to Household Income (2018 & Estimated 2020)

Sub-area	No of Households 2018	Population (2018)	Average Persons per Household	Very Low and Low Income (R1 - R38,200)	Middle Income (R38,201 - R76,400)	High and Very High Income (R76,401 and more)	Estimated No of Households 2020	Projected Population (2020)
Bennetsville	342	1 497	4.37	44%	28%	29%	358	1 563
Klapmuts SP	38	155	4.03	91%	9%	0%	41	162
Weltevrede Park	1558	6 786	4.35	69%	21%	11%	1 628	7 087
Mandela City	332	795	2.40	88%	9%	2%	347	830
Stellenbosch NU	9468	42 660	4.51	38%	22%	40%	9 889	44 557
Eisenburg SP	161	892	5.55	39%	20%	41%	168	932
De Hollandsche SP	101	234	2.31	34%	24%	41%	106	244
Koelenhof SP	80	360	4.48	74%	13%	13%	84	376
Pniel SP	576	2 367	4.11	33%	13%	53%	603	2 473
Wemmerhoek	286	1 241	4.33	55%	26%	20%	300	1 296
Langrug	4971	15 165	3.05	79%	14%	7%	5 193	15 839
Groendal	559	2 285	4.09	47%	16%	37%	584	2 386
Franschhoek SP	238	1 087	4.57	34%	12%	54%	249	1 135
Hugenote	440	1 277	2.90	19%	6%	75%	460	1 334
Languedoc SP	1100	5 141	4.67	50%	28%	23%	1 150	5 370
Wiesiedraai SP	503	2 072	4.12	48%	21%	31%	526	2 165
Welgevonden SP	1247	2 986	2.39	17%	5%	78%	1 303	3 119
Weltevrede	374	2 724	7.29	46%	24%	30%	391	2 845
Cloeteville SP	3347	15 730	4.70	44%	22%	34%	3 496	16 429
Khayamandi SP	9978	29 556	2.96	78%	13%	8%	10 422	30 871
Pappergaai SP	0	0	0.86	0%	0%	0%	0	0
La Colline SP	580	1 795	3.10	47%	12%	41%	606	1 875
Tennantville SP	147	676	4.61	19%	17%	64%	154	706
Kylemore SP	1160	5 188	4.47	38%	23%	39%	1 212	5 419
Idasvallei SP	2477	10 509	4.24	39%	14%	47%	2 588	10 977
Stellenbosch SP	6289	18 874	3.00	59%	9%	32%	6 569	19 714
Die Boord	1146	3 990	3.48	19%	8%	73%	1 197	4 167
Onder Papegaai SP	555	1 803	3.24	14%	8%	78%	581	1 883
Devon Valley SP	38	263	6.83	36%	36%	27%	41	274
Robertslei SP	0	14	1 235.79	0%	0%	0%	1	15

Sub-area	No of Households 2018	Population (2018)	Average Persons per Household	Very Low and Low Income (R1 - R38,200)	Middle Income (R38,201 - R76,400)	High and Very High Income (R76,401 and more)	Estimated No of Households 2020	Projected Population (2020)
Dalsig SP	503	1 479	2.94	17%	6%	78%	526	1 544
Kleingeluk SP	126	273	2.17	22%	11%	67%	132	286
Paradyskloof SP	688	1 936	2.81	13%	4%	83%	719	2 022
Brandwacht SP	105	317	3.02	7%	3%	90%	110	331
Jamestown SP	702	3 407	4.85	23%	13%	64%	734	3 559
Lynedoch SP	21	133	6.35	0%	17%	83%	22	139
Raith SP	252	1 087	4.32	32%	14%	54%	263	1 135
La Montagne	0	4	308.95	0%	0%	0%	1	4
Total	50 490	186 757	1 686	37%	14%	41%	52 754	195 064
Total (Excluding Rural)	41 022	144 097	1 682	37%	14%	41%	42 865	150 507

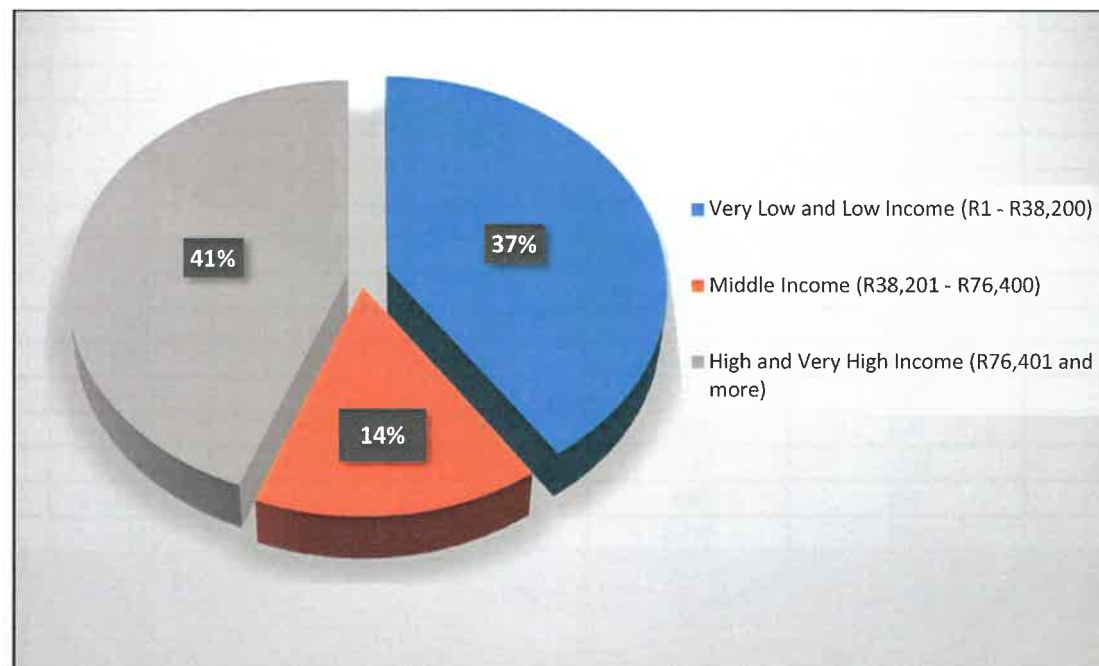


Figure 2-2: Graphical Display of Socio-Economic Distribution

The Census 2011 and 2016 Community Survey information on education levels in the Stellenbosch Municipality is shown in **Table 2-3** and **Figure 2-3**. There are no more recent statistics on the education levels, and it must be noted that the 2016 community survey data excluded the people who answered, “don’t know”, “other” and “unspecified”. The below information does however show that the secondary schooling and higher education percentages did increase from 2011 to 2016.

Table 2-3: Education levels

Education level	2011 Population %	2016 Population %
No Schooling	2.4%	1.6%
Some Primary	31.0%	11.1%
Completed Primary	5.4%	5.7%
Some Secondary	27.5%	39.2%
Completed Secondary	17.1%	28.7%
Higher Education	6.0%	13.7%
Not Applicable	10.5%	

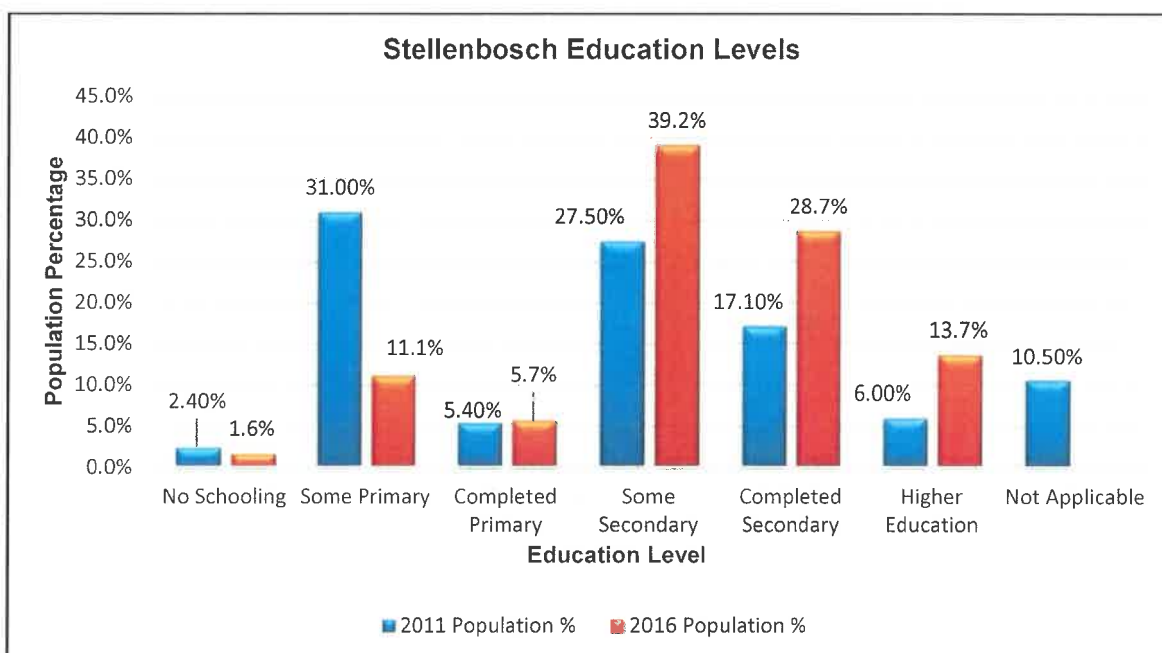


Figure 2-3: Education levels

2.2.3 Age distribution

The population distribution according to age is shown in **Table 2-4** below as per the Western Cape Government 2018 Socio-Economic Profile report.

Table 2-4: Stellenbosch Age Distribution

Year	Children: 0-14 years	Working Age: 15-65 years	Aged: 65+	Dependency ratio
2011	35,544	112,533	7,652	38.4
2019 (estimates)	43,478	133,357	14,376	43.4
2024 (estimates)	47,132	148,159	18,037	44.0

2.2.4 Development

The planned and potential development were obtained from the 2014 Western Cape Growth Potential Study of Towns by the D:EA&DP. This study determined the growth potential and socio-economic needs of settlements in the Western Cape outside of the Cape Town metropolitan area using quantitative data (e.g. factors relating to socio-economic, economic, physical-environmental, infrastructure and institutional aspects). The results of the quantitative analyses were combined with qualitative information (e.g. stakeholder engagements) to identify potential interventions that might unlock latent potential within settlements and regions.

Table 2-5: Growth Potential Study Results

Area	Composite Growth Potential	Socio-economic needs index	Human Capital index	Economic index	Physical index	Infra-structure index	Institutional index
Klapmuts	Medium	Low	Low	Medium	High	Very High	Low
Franschhoek	Medium	Medium	Low	Medium	Very High	High	Medium
Pniel / Kylemore	High	Low	Medium	Medium	Very High	Very High	Medium
Stellenbosch / Jamestown	Very High	Very High	High	Very High	Medium	Very high	Very High

These condensed results of the D:EA&DP study indicate that the Stellenbosch Municipality has a **very high** growth potential with a 99/100 score on the composite index.

The different indexes indicated in the table above are all based on many different factors that was part of the study to determine those indexes but are not discussed in detail here. The summary of what each index indicates are as follows:

Growth Potential: Determined by quantitative indicators relating to socio-economic needs, economic, physical-environmental, infrastructure, human capital and institutional aspects combined with qualitative information such as stakeholder engagements.

Socio-economic needs: Index determined by evaluating household services, education levels, housing needs and economic characteristics.

Human Capital index: Index determined by factors such as education and income.

Economic index: Index determined by factors such as per capita income, tourism, economically active population, etc.

Physical index: Index determined by factors such as annual rainfall, groundwater availability and quality, grazing capacity and growth of cultivated land, etc.

Infrastructure index: Index determined by factors such as household access to water, sanitation, electricity, waste removal and distances to airports and harbours, etc.

Institutional index: Index determined by factors such as crime rate, management capacity, qualified audits, etc.

From the above, the Stellenbosch municipality therefore has a very high overall growth potential determined by the contributing factors. However, it remains important for the waste management department to be up to date with new and potential developments in the Municipality to ensure that the solid waste management system will have the required capacity to keep up with the growth.

2.2.5 Housing Types

The latest information available is the StatsSA 2016 Community survey, which is shown in the table below.

Table 2-6: Housing Types

Housing Type	Number of dwellings	%
Formal Dwelling	33,971	65.0
Traditional Dwelling	366	0.7
Informal Dwelling	17,829	34.1
Other	107	0.2

2.2.6 Employment Levels

The latest available information from 2017 was obtained from the Stellenbosch Socio-Economic Profile 2019 report.

Table 2-7: Employment per sector

Sector	Contribution to employment (%)	Number of jobs
Primary sector	14.8	11,076
Agriculture, forestry and fishing	14.7	11,044
Mining and quarrying	0.0	32
Secondary sector	15.7	11,729
Manufacturing	10.3	7,745
Electricity, gas and water	0.2	155
Construction	5.1	3,829
Tertiary sector	69.5	52,072
Wholesale and retail trade, catering and accommodation	24.4	18,284
Transport, storage and communication	4.1	3,087
Finance, insurance, real estate and business services	16.7	12,539
General government	10.3	7,698
Community, social and personal services	14.0	10,464
Total Stellenbosch	100	74,877

Source: Stellenbosch Socio-Economic Profile 2019

Table 2-8: Unemployment levels in percentage

Area	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Stellenbosch	6.5	6.9	8.0	9.2	9.4	9.5	9.3	9.8	9.3	10.4	11.0
Cape Winelands District	6.5	7.2	8.3	9.6	9.8	9.7	9.4	9.9	9.1	10.1	10.7
Western Cape	13.3	12.9	14.2	15.5	15.7	15.8	15.7	16.1	16.2	17.4	18.2

Source: Stellenbosch Socio-Economic Profile 2019

2.3 WASTE CLASSIFICATION

The waste types and quantities generated in the Stellenbosch Municipality are discussed in this section.

2.3.1 Waste types and classification

With reference to the Waste Act (Act 59 of 2008) the Waste Amendment Act (Act 14 of 2013) and their associated regulations, the only types of waste allowed for disposal at the Stellenbosch disposal facilities are general wastes (Type 2, 3 and 4 wastes according to the classification regulations). No municipal landfills within the Municipality or the Cape Winelands District are allowed to accept hazardous (or Type 0 and 1 wastes according to the classification regulations) for disposal.

The above legislation divides waste in South Africa into two main categories, being Hazardous and General. The current legislated definitions being:

Hazardous Waste – “means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles”

Residue deposits and residue stockpiles refer to mining waste that does not form part of the municipal waste function. **Business waste** means “waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes”.

General Waste – “means waste that does not pose an immediate hazard or threat to health or to the environment, and includes –

- (a) Domestic waste;
- (b) Building and demolition waste;
- (c) Business waste;
- (d) Inert waste; or
- (e) Any waste classified as non-hazardous waste in terms of the regulations made under section 69, and includes non-hazardous substances, materials or objects within business, domestic, inert, building and demolition wastes”

Domestic Waste – “means waste, excluding hazardous waste that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreation purposes and includes:

- (a) Garden and park wastes;
- (b) Municipal waste;
- (c) Food waste”.

Building and Demolition Waste – “means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition”.

Inert Waste – “means waste that (a) does not undergo any significant physical, chemical or biological transformation after disposal; (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant, and which include:

- (a) Discarded concrete, bricks, tiles and ceramics;
- (b) Discarded glass
- (c) Discarded soil, stones and dredging spoil”.

2.3.2 Methodology

The Stellenbosch Municipality operates only one landfill facility for the disposal of waste, but since August 2019 has made use of the Vissershok Private Landfill (Vissershok Waste Management Facility (Pty) Ltd) operated by Enviroserv and Averde. The waste collected in Stellenbosch is transported to the Klappmuts Solid Waste Transfer Station from where it gets taken to the Vissershok Landfill.

The latest available waste data and quantities measured with weighbridges at the Devon Valley Landfill, the Klappmuts Transfer Station and Vissershok Landfills were used.

Aquila Environmental was appointed as sub-consultant and conducted the hazardous waste study throughout the Stellenbosch Municipal area. The general waste characterisation study (WCS) sampling was done by Mrs Charlotte Nell with cooperation of the Stellenbosch Municipality in 2017. The collected data was compared to the 2012 WCS results and used in the compilation of her 2020 MSc thesis entitled “Determining Spatial and Temporal Change in Household Solid Waste Composition Within Stellenbosch Local Municipality” and also reported in the June 2019 Stellenbosch Municipality Waste Characterisation Report by JG Afrika (Pty) Ltd.

2.3.3 General Waste Characterisation

The focus of this IWMP will be on the characterisation conducted in 2017 by Stellenbosch Municipality's Solid Waste Management Department, and analysed in 2019 by JG Afrika (see full report in **Annexure A**). However, some comparisons will be drawn between the studies done in 2012 and 2017.

The waste characterised was solely black bag waste, i.e. waste destined for landfill. Waste materials separated at source by households and placed in clear bags for collection by means of the recycling programme, was not sampled. The characterisation focused on residential/household waste and not commercial or business waste.

2.3.3.1 Sampling

The 2017 waste characterisation study was conducted from August to October 2017. During this time, 3,872 samples were collected from 10 areas already characterised in 2012, plus an additional 18 new areas which had never been characterised before. A total of 14,760 kg of waste was collected.

By making use of available municipal statistics noting the approximate number of households in each area, the Department was able to determine the ideal number of samples to be collected from each area. The sampling size for each area was determined by making use of the following graph supplied by the Environmental Protection Agency (EPA, 1996) for areas with less than 4000 households:

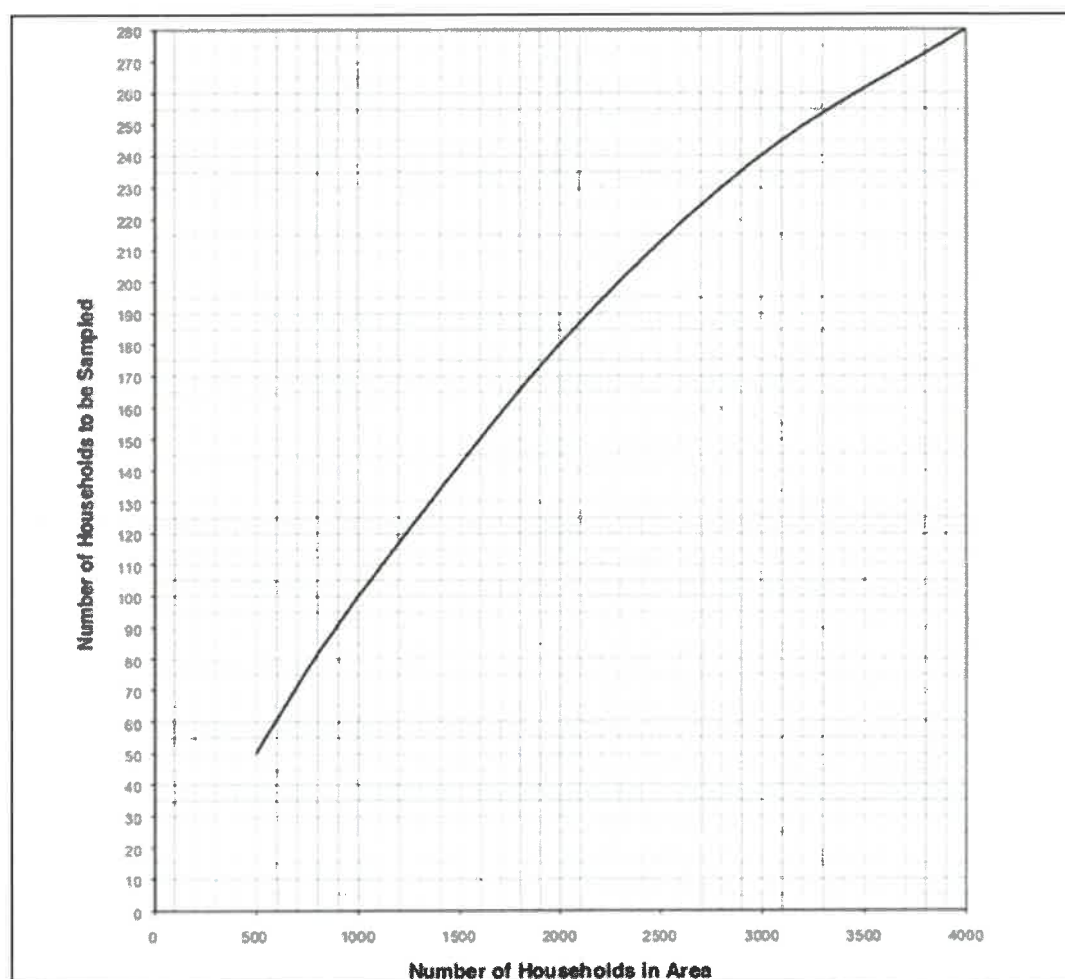


Figure 2-4: EPA Graph for Estimating Sampling Size for areas with less than 4,000 households

2.3.3.2 Sorting

Sampled waste was sorted in the following 18 categories identified prior to the study and in accordance with the DEA&DP guidelines.

Table 2-9: Waste Categories for sorting during WCS

Waste stream	Detailed information of waste stream	WIS classification
1. Hard Plastics	<ul style="list-style-type: none"> • PVC • HDPE • PP • PET • PS (e.g. Video/CD/DVD cases) 	GW51.03 GW51.02 GW51.05 GW51.01 GW51.06
2. Plastic Wrap/Packaging	<ul style="list-style-type: none"> • LDPE • LLDPE • This includes non-recyclable soft plastics (multi-laminates) like chips and chocolate wrappers 	GW51.04
3. Metals (ferrous and non-ferrous)	<ul style="list-style-type: none"> • Aluminium packaging eg. foil • Steel cans (eg. canned food tins) • Aluminium cans (eg. certain cooldrink cans) • Scrap metal (eg. steel offcuts) • Pieces of copper (will not separate copper contained in e-waste) • All aerosol cans • Pill sleeves if all metal 	GW53.01 GW53.02
4. Glass	<ul style="list-style-type: none"> • Glass bottles (e.g. alcohol/drink bottles; all colours) • Other/special glass/2D (windowpanes etc) 	GW52
5. Paper and Cardboard	<ul style="list-style-type: none"> • Office Paper • Newspaper • Magazines • Phonebooks • Books & Booklets • Tissue Paper • Photo Paper • Paper plates and cups • Cards • Envelopes • Receipts • Wrapping paper • Non-recyclable/Badly soiled paper • Paper/cardboard packaging • Cardboard (K4) (corrugated and non-corrugated) • Egg cartons 	GW50.01 GW50.02 GW50.03 GW50.04
6. Food Waste	<ul style="list-style-type: none"> • All kitchen waste – vegetable and animal derived 	GW20.02
7. Garden Waste	<ul style="list-style-type: none"> • All garden waste (incl. soil, plant material, woody plant material, hay, flower bouquets, grass etc.) • Wood waste 	GW20.01
8. Leachate	<ul style="list-style-type: none"> • Liquids generated through prolonged waste storage 	GW20.02
9. TetraPak®	<ul style="list-style-type: none"> • Multi-laminate long life milk or juice cartons 	GW99
10. Household Hazardous Waste	<ul style="list-style-type: none"> • Batteries (automotive, rechargeable, single use etc.) • Lighting equipment (light bulbs etc.) • Medical devices (e.g. monitoring equipment) • Monitoring and control instruments (e.g. thermometers, conductivity meters etc.) • Automatic dispensers (e.g. sanitiser) 	H18.05 H03 H04 H05 H08

Waste stream	Detailed information of waste stream	WIS classification
	<ul style="list-style-type: none"> • Paints and pesticides (only if container is not empty) • Gas bottles • Lighters 	
11. Polystyrene (Foamalite)	• PS (Extruded Polystyrene (EPS) only)	GW51.06
12. Tissues	• Facial tissues	GW99
13. Ash	• Ash from food preparation or heating	GW99
14. E-Waste	<ul style="list-style-type: none"> • Small household appliances • IT and telecommunications equipment • Electric and Electronic Tools • Electrical toys (e.g. battery operated) • Ink and toner cartridges 	H18.02 H18.03 H18.04 H18.06 H18.07
15. Small furniture Items	• Discarded furniture items small enough to fit inside a wheelie bin	GW99
16. Maize meal bags	• PP	GW51.05
17. Textiles	<ul style="list-style-type: none"> • Clothes • Shoes • Linen • Material off-cuts • Rubber • Leather 	GW99
18. Others	<ul style="list-style-type: none"> • Crockery/ceramics • Vacuum cleaner inners • Fines • Cat litter • Orange and onion bags • CD's/DVD's • Cigarette butts • Toothpaste tubes (excluding cap) • Multi-layered/combination materials • Bars of soap • Jewellery • Hardboard 	GW99

After sorting each bag into above categories, each category was weighed and the volume filled by the contents estimated (volume data was not used for the purposes of this report). After weighing, all salvageable recyclable material (paper, glass, plastic etc. that was not too contaminated) was grouped together for recycling purposes and landfill diversion. This material was then weighed and the weight recorded. Sampling was based on areas and not wards specifically.

2.3.3.3 Results

The tables (Table 2-10) and charts (Figure 2-5 & Figure 2-6) on the following pages provide a breakdown of the results from the waste characterisation study undertaken in 2017. The information is provided for the combined waste stream, broken down into the categories discussed.

Table 2-10: Black Bag Waste Characterisation Results

Area / Ward sampled	Ward	Hard plastic	Plastic Wrap/ packaging	Maize bags	Polystyrene	Metal	Glass	Tetra pak	Paper packaging	Paper/ Cardboard	Tissues	Organics	Leachate	Garden	HHW	E-waste	Other	Clothes	Ash	Furniture
Franschhoek	1	133.22	224.55	2.68	19.48	58.77	227.16	20.07	21.18	261.92	89.79	415.21	1.84	154.6	0.56	6.31	96.93	61.94	10.2	2.84
Langrug	2	41.39	78.3	5.26	1.92	3.92	7.14	0.7	0.88	75.98	0.04	0.68	0	9.72	0	0	115.7	94.94	0	29.9
Vermershoek and La Motte	3	25.18	48.77	0.48	3.28	9.72	54.98	4.64	2.74	30.76	5.66	66.42	0	3.28	0	2.34	26.74	21.74	2.38	0
Kylemore and Farms	4	64.55	90.33	0.24	9.72	21.32	96.08	12.32	17.66	84.1	13.94	186.75	6.06	43.37	0.5	0.14	77.53	18.15	11.14	0
Pniel	4	37.51	60.85	0	5.27	12.31	68.59	6.62	23.5	30.29	17.58	135.24	0	10.76	0	1.2	39.75	9.66	4.66	0
Idas Valley	5	54.59	73.34	0	9.83	13.59	42.92	7.54	35.25	62.18	10.82	153.81	0	19.4	0.34	0.74	42.45	16.88	3.66	0
Jonkershoek	5	35.35	56.26	0	3.09	8.94	25.38	2.2	17.67	28.92	14.76	36.72	1.1	10.3	0.04	0.06	19.76	7.97	2.94	6.48
Uniepark and Mostertsdrift	7	70.61	98.5	5	10.42	16.96	81.23	8.9	15.6	111.42	17.2	197.44	0	43.47	1.9	2.22	33.76	4	11.5	2.12
Simonswyk	7	28.76	40.16	0	4.12	6.16	28.38	4.38	12.99	23.51	10.75	97.4	0	74.5	0.03	0	24.69	4.11	4.9	0
Uniepark	7	8.69	12.26	0	3.1	4.29	12.7	4.26	5.31	9.44	5.88	56.7	0	39.44	0	0	12.49	0	0	0
Mostertsdrift	7	24.75	36.49	0	2.65	5.02	43	2.31	20.15	16.02	8.77	112.78	0	28.36	0	0.4	19.29	3.12	17.78	0
Noordwal and Die Laan	8	28.24	34.4	0	3.12	4.12	20.28	2.53	5.28	51.38	13.88	61.88	0	36.96	0.9	0.14	13.28	0.7	1.32	0
Stellenbosch CBD	9	82.19	160.96	1.27	23.49	26.82	98.97	17.4	34.88	132.24	79.14	213.57	0	75.14	0.16	1.62	86.58	26.69	16.76	8.68
La Colline	10	25.62	32.54	0	3.87	5.8	21.28	4.85	9.8	25.8	4.04	73.06	0	8.34	0	0.3	12.66	1.32	4.46	0
Onder Papegaaienberg	11	24.74	33.3	0.42	3.12	7.7	51.98	3.16	11.22	18.98	11.6	44.48	4.2	6.82	6.22	0.38	3.34	11.9	4.62	1.58
Devon Valley	11	29	41.7	0.08	7.6	12.64	40.13	6.74	15.76	41.54	62.21	60.85	0	2.84	0	0.9	9.74	3.72	1.22	3.12
Plankenbrug	12	41.06	54.84	0	7.04	10.12	51.82	6.74	8.92	64.54	25	78.34	2.86	16.04	4.1	0.82	30.73	9.54	4.78	5.08
Kayamandi	13-15	140.59	209.82	2.24	18.75	36.86	202.96	15.4	44.47	170.85	18.13	447.81	10.26	63.84	0.66	1.38	133.2	75.48	17.74	22.05
Cloeteville Industrial	16	24.6	49.7	0	5.06	6.45	12.1	3.76	12.8	37.02	5.31	99.38	0	5.96	8.66	0	21.68	4.68	0.56	0
Cloeteville	16	37.08	48.54	0	5.59	12.94	27.44	5.8	33.93	54.5	11.45	157.5	0	0	0.16	0	61.94	0	0	0
Welgevonden	17	14.74	16.26	0	2.5	3.44	25.93	4.38	11.2	15.28	8.71	37.32	0	6.74	0	1.22	11.33	1.32	2.44	0
Klapmuts	18	26.34	38.72	0	2.16	9.39	13.86	3.69	8.06	38.36	1.18	40.47	0	9.28	0	1.82	29.35	23.22	7.1	0.42
Koelenhof	19	49.1	53.91	0	6.24	10.32	81.44	8.3	9.95	41.94	20.34	126	0	33.73	0.06	0	23.62	6.14	12.8	4.18
Raithby	20	33.9	91.9	0	5.64	11.43	50.74	2.07	25.66	35.42	33.85	118.42	0	4.2	0	0	47.86	13.21	9.54	0
Technopark	21	18.74	26.83	0	7.28	6.36	11.55	7.28	21.3	26.1	42.38	87.42	0	0	0.01	0	1.84	0.38	0.98	0
Paradyskloof	21	33.29	41.16	0	3.93	6.62	62.9	3.8	14.37	30.04	9.01	115.33	0	36.75	0	0	33.6	11.79	6.96	0
Jamestown	21	60.28	84.56	0	21.67	25.11	26.52	20.77	25.14	90.17	82.01	162.7	0	115.82	0.14	0.54	53.26	0.28	0	0
Die Boord	22	22.26	28.08	0	5.43	6.2	32.45	3.73	11.46	23.73	8.91	87.49	0	22.86	0	0	16.81	1.64	2.7	0
Brandwacht	22	33.47	43.19	0	5.67	7.69	42.42	4.12	16.96	31.08	13.68	169.85	0.1	27.18	0.06	1.82	11	3.03	11.7	0
TOTALS		1249.84	1910.22	17.67	211.04	371.01	1562.33	198.46	494.09	1663.51	646.02	3641.02	26.42	909.7	24.5	24.35	1110.91	437.55	174.84	86.45
Weight (%)		8.5%	12.9%	0.1%	1.4%	2.5%	10.6%	1.3%	3.3%	11.3%	4.4%	24.7%	0.2%	6.2%	0.2%	0.2%	7.5%	3.0%	1.2%	0.6%

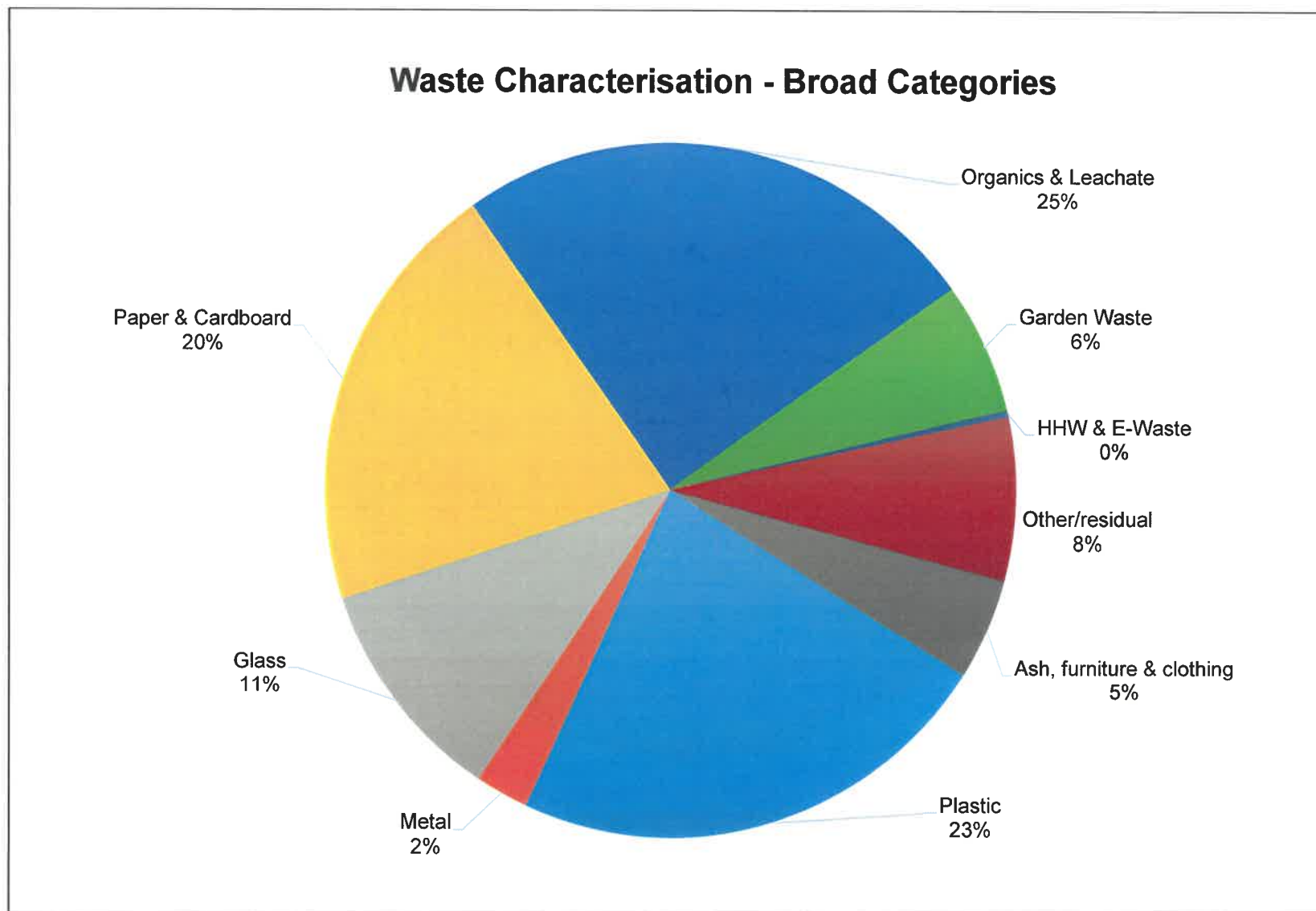


Figure 2-5: Stellenbosch Consolidated Waste Characterisation results (Broad Categories by Weight)

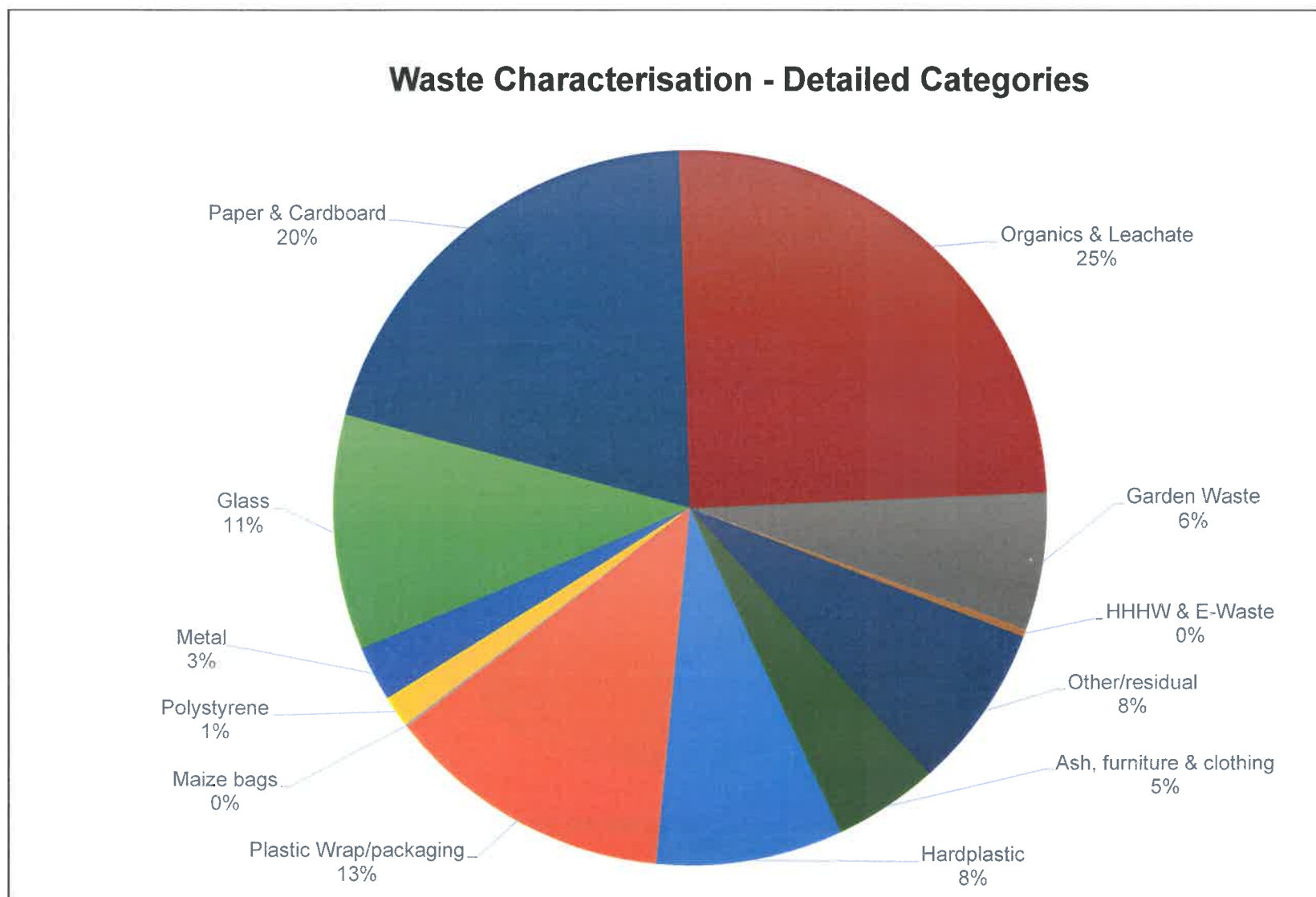


Figure 2-6: Stellenbosch Consolidated Waste Characterisation results (Detailed Categories by Weight)

Analysis of the 2017 data revealed that the separation-at-source programme is effective in this Local Municipality, as less waste is sent to landfill by households residing in areas participating in this scheme compared to areas who do not yet have access to it.

2.3.3.4 Comparison of 2012 and 2017 results

Although the studies undertaken in 2012 and 2017 differed in sampling size, there are some conclusions that can be drawn from the results of these studies. The findings of the characterisation study of 2012 revealed that a total of 38,833.75 tonnes of household solid waste were landfilled in 2012 and that the largest contributor by mass to the waste stream was the organic waste fraction, which contributed a total of 20,772.17 tonnes per annum.

The information in provides a graphic representation of the comparative average masses, in metric tons, for each waste fraction which was landfilled in 2012 and 2017 respectively, based on weighbridge statistics and extrapolated from each year's waste composition.

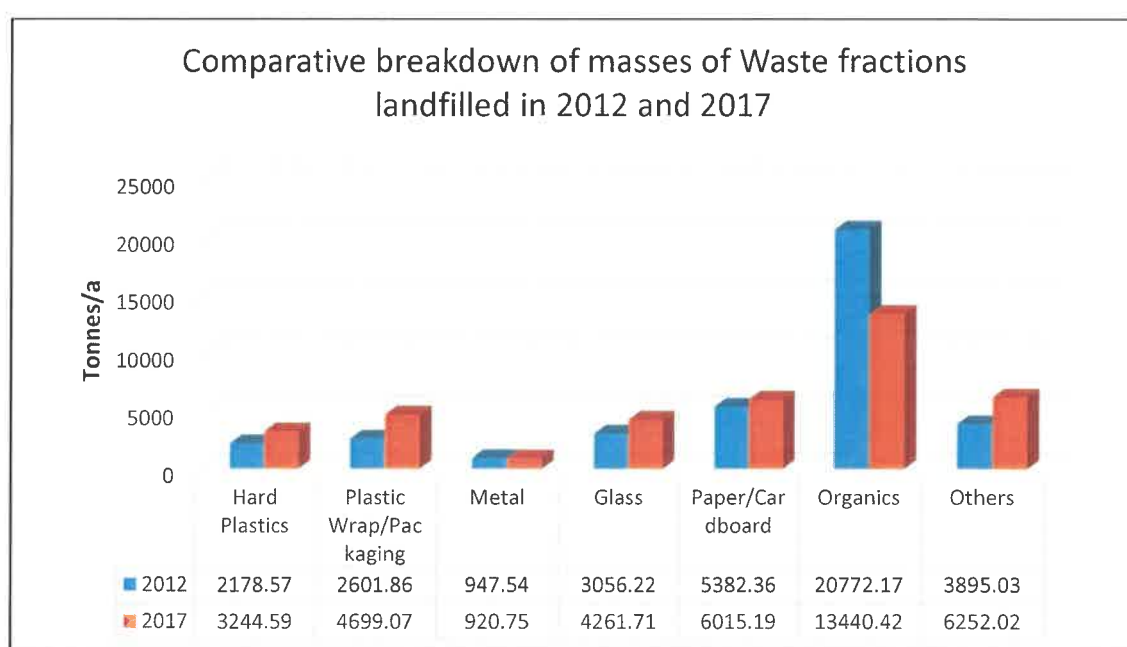


Figure 2-7: Comparative breakdown of the masses landfilled in 2012 and 2017
(Source: C Nell (2020))

The comparison reveals that the plastic wrap/packaging fraction increased more substantially by mass than any other fraction from 2012 to 2017, with 81% more plastic wrap/packaging having been landfilled in 2017 than in 2012. The increase for the 'other' fraction was also particularly high at 61%. The hard plastics, glass and paper/cardboard fractions increased by 49%, 39% and 12% respectively, while the mass of the metals fraction decreased by 3% and that of organic waste decreased significantly by 35%.

Comparison of the 2012 and 2017 further showed that residual, landfill-bound waste disposed of by households is becoming bulkier, but lighter.

2.3.3.5 Waste Characterisation Study Observations

Based on the combined results obtained, it is clear that the major fraction of the waste stream consists of organic waste, which if you combine food waste and garden waste makes up more than 31% of the total municipal black bag waste stream by weight. Plastics (22.96%), Metals (2.51%), Glass (10.58%) and Paper & Cardboard (20.34%) makes up the other large waste portions. These fractions combined make up more than half of the total waste stream (56.39%) and have potential for recovery, depending on contamination levels and feasibility of successful sorting. Based on these results alone, the biggest diversion potential lies with the organic waste fraction and removing the potentially recyclable materials from the black bag waste streams.

2.3.4 General Waste quantities

2.3.4.1 Waste Received at Landfill

The waste tonnages received at the gate of the Devon Valley Landfill since January 2018 is reflected in **Table 2-11**. These tonnages are the average tonnages recorded at the weighbridge of the landfill on a monthly basis and includes all waste prior to any diversion. The Devon Valley Landfill is the only landfill site in the Stellenbosch Municipality.

Table 2-11: Waste Received at Devon Valley Landfill

Date	Industrial Waste	Domestic Waste	Garden Waste	Clean Builder's Rubble	Clean Cover/Soil /Berms	Area Cleaning	Illegal Dumping	Cover to Waste	Totals
Jan-18	445	3 217	381	7 083	1676	483	78	1 007	14 371
Feb-18	423	3 349	344	9 823	7712	400	151	772	22 973
Mar-18	467	3 103	317	6 729	10539	269	176	503	22 102
Apr-18	343	3 077	486	4 458	4789	463	156	663	14 435
May-18	384	3 356	626	5 653	4305	618	157	666	15 765
Jun-18	444	3 219	486	3 637	1359	769	140	1 328	11 382
Jul-18	389	3 280	528	6 228	3 724	92	200	597	15 039
Aug-18	396	3 228	458	7 926	3 368	251	208	77	15 911
Sep-18	318	2 892	484	10 799	37	265	219	-	15 014
Oct-18	529	3 414	581	12 918	9 146	975	201	261	28 024
Nov-18	452	3 443	538	14 823	9 538	668	209	-	29 671
Dec-18	629	3 278	345	10 836	2 133	710	137	10	18 077
Jan-19	521	4 105	633	7 183	605	879	143	3 334	17 403
Feb-19	434	3 048	709	9 291	2 412	647	-	356	16 897
Mar-19	395	3 228	728	5 388	1 689	786	34	3 438	15 686
Apr-19	482	3 645	576	4 478	72	544	-	4 576	14 373
May-19	478	3 794	488	4 220	463	470	29	6 633	16 575
Jun-19	431	3 227	383	3 696	1 559	606	-	5 863	15 764
Jul-19	481	4 123	392	2 613	1 562	510	-	8 171	17 852
Aug-19	720	2 885	234	2 155	83	781	-	2 854	9 712
Sep-19	459	1 621	148	2 071	590	650	-	982	6 521
Oct-19	368	364	362	2 791	150	652	-	1 762	6 449
Nov-19	195	154	379	2 899	-	441	-	2 777	6 845
Dec-19	110	131	239	3 339	-	227	-	438	4 484
Jan-20	161	272	578	3 324	62	264	-	968	5 629
Feb-20	152	106	554	2 892	-	418	-	599	4 721
Mar-20	130	174	495	3 043	9	618	68	770	5 307
Apr-20	12	30	23	21	-	325	-	-	411
May-20	67	78	274	988	-	1 055	-	445	2 907
Jun-20	111	121	863	3 019	-	1 240	-	1 352	6 706
2018 Avg	435	3 238	465	8 409	4 861	497	169	490	18 564
2019 Avg	423	2 527	439	4 177	765	599	17	3 432	12 380
2018	2%	17%	3%	45%	26%	3%	1%	3%	100%
2019	3%	20%	4%	34%	6%	5%	0%	28%	100%

A tonnage of 14,829 was reported for Garden Waste in September 2019. This number was considered an outlier and was reduced by a factor of 100 for use in the calculations to bring it in line with the other reported numbers. The information in the above table shows that waste entering the Devon Valley landfill averaged 18,564 tonnes per month in 2018 and this reduced to 12,380 tonnes per month average in 2019, since waste destined for disposal was transported to the Vissershok site since August 2019. The average was just over 15,000 tonnes per month from January to August 2019 though, which also shows the impact of pre collection waste diversion strategies since the Municipality knew their landfill was fast running out of airspace and something had to be done to divert waste.

2.3.4.2 Waste Generated by the Public

From the above information the average annual waste generated by the public is just over 208,000 tonnes. To estimate the waste generation rate per capita, the above total was used excluding the builder's rubble portions which results in a total equalling **59,526 tonnes** which equates to around 4,900 tonnes per month of waste produced by the residents which requires landfilling each month. The reason is that very little (if any) construction waste (Builders Rubble) is generated by citizens at home and are mainly from official construction activities. Therefore, the waste generation factors per income group were linked to be a factor of the next income group generation rate and applied to the 2020 population determined earlier until the total waste generated across all areas and income groups totalled **59,526 tonnes**. The factors between income groups were determined using the waste per capita per day factors from Oelofse & Godfrey (2009), and as can be seen from the below calculated values, the calculated generation rates for Stellenbosch (kg/person/day) corresponds very well with the findings of the 2009 DEA study by Oelofse & Godfrey.

	Very low & Low Income	Middle income	High & Very high income
Calculated for Stellenbosch	0.46	0.84	1.46
From Oelofse & Godfrey (2009)	0.41	0.74	1.29

These generation rates were then used to estimate the future waste generation totals for the Municipality as shown in **Table 2-12**. The 2020 waste generation totals in the below table for urban areas (totals excluding rural) is slightly less than the calculated value of **59,526 t/a** as described in the previous section. This indicates that although not all rural areas receive a waste collection service, there are some areas that do.

Table 2-12: Current and future estimated waste generation

Sub-area	Pop. (2020)	Waste Generated in t/a (2020)	Pop. (2021)	Waste Generate d in t/a (2021)	Pop. (2022)	Waste Generated in t/a (2022)	Pop. (2023)	Waste Generated in t/a (2023)	Pop. (2024)	Waste Generated in t/a (2024)	Average Waste Generation Factor for Area in kg/p/d
Bennetsville	1 563	517	1 598	529	1 633	540	1 669	552	1 705	564	0.91
Klapmuts SP	162	33	165	33	169	34	172	35	176	36	0.55
Weltevrede Park	7 087	1 819	7 243	1 859	7 403	1 900	7 566	1 942	7 732	1 985	0.70
Mandela City	830	174	849	178	867	182	887	186	906	190	0.58
Stellenbosch NU	44 557	16 234	45 537	16 591	46 539	16 956	47 563	17 329	48 610	17 710	1.00
Elsenburg SP	932	341	952	349	973	356	995	364	1 017	372	1.00
De Hollandsche SP	244	91	250	93	255	95	261	97	266	99	1.02
Koelenhof SP	376	96	384	98	393	100	401	102	410	104	0.70
Pniel SP	2 473	993	2 527	1 015	2 583	1 037	2 640	1 060	2 698	1 083	1.10
Wemmerhoek	1 296	383	1 325	391	1 354	400	1 384	409	1 414	418	0.81
Langrug	15 839	3 691	16 188	3 773	16 544	3 856	16 908	3 941	17 280	4 027	0.64
Groendal	2 386	825	2 439	843	2 492	861	2 547	880	2 603	900	0.95
Franschhoek SP	1 135	458	1 160	468	1 185	478	1 211	488	1 238	499	1.10
Hugenote	1 334	628	1 363	642	1 393	656	1 424	671	1 455	686	1.29
Languedoc SP	5 370	1 666	5 488	1 702	5 609	1 740	5 732	1 778	5 858	1 817	0.85
Wiesiesdraai SP	2 165	717	2 212	733	2 261	749	2 311	766	2 361	783	0.91
Welgevonden SP	3 119	1 494	3 188	1 527	3 258	1 560	3 329	1 595	3 403	1 630	1.31
Weltevrede	2 845	942	2 907	963	2 971	984	3 037	1 006	3 103	1 028	0.91
Cloeteville SP	16 429	5 622	16 791	5 746	17 160	5 872	17 538	6 001	17 924	6 134	0.94
Khayamandi SP	30 871	7 337	31 550	7 498	32 244	7 663	32 954	7 832	33 679	8 004	0.65
Pappergaai SP	0	0	0	0	0	0	0	0	0	0	0.00
La Colline SP	1 875	665	1 916	680	1 959	695	2 002	710	2 046	726	0.97
Tenantville SP	706	315	722	322	738	329	754	336	771	344	1.22
Kylernmore SP	5 419	1 965	5 538	2 008	5 660	2 052	5 784	2 097	5 912	2 143	0.99
Idasvallei SP	10 977	4 151	11 218	4 242	11 465	4 336	11 717	4 431	11 975	4 528	1.04
Stellenbosch SP	19 714	6 256	20 148	6 393	20 591	6 534	21 044	6 678	21 507	6 825	0.87
Die Boord	4 167	1 938	4 259	1 981	4 353	2 024	4 449	2 069	4 547	2 114	1.27
Onder Papegaaiberg SP	1 883	910	1 924	930	1 966	950	2 010	971	2 054	992	1.32
Devon Valley SP	274	93	280	95	287	97	293	99	299	101	0.93
Robertsvlei SP	15	0	15	0	16	0	16	0	16	0	0.06

Sub-area	Pop. (2020)	Waste Generated in t/a (2020)	Pop. (2021)	Waste Generate d in t/a (2021)	Pop. (2022)	Waste Generated in t/a (2022)	Pop. (2023)	Waste Generated in t/a (2023)	Pop. (2024)	Waste Generated in t/a (2024)	Average Waste Generation Factor for Area in kg/p/d
Dalsig SP	1 544	741	1 578	757	1 613	774	1 649	791	1 685	808	1.31
Kleingeluk SP	286	128	292	130	298	133	305	136	312	139	1.22
Paradyskloof SP	2 022	1 004	2 066	1 027	2 112	1 049	2 158	1 072	2 206	1 096	1.36
Brandwacht SP	331	172	338	176	345	180	353	184	361	188	1.43
Jamestown SP	3 559	1 561	3 637	1 595	3 717	1 630	3 799	1 666	3 882	1 702	1.20
Lynedoch SP	139	72	142	73	145	75	148	76	152	78	1.41
Raith SP	1 135	460	1 160	470	1 185	480	1 211	491	1 238	502	1.11
La Montagne	4	0	4	0	4	0	4	0	4	0	0.06
Total	195 064	64 491	199 356	65 910	203 741	67 360	208 224	68 842	212 805	70 356	0.94
Total (Excluding Rural)	150 507	48 257	153 818	49 319	157 202	50 404	160 661	51 513	164 195	52 646	0.94

2.3.4.3 Diverted Waste

The information in the below table shows the wastes diverted from landfill after having arrived at the gate of the Devon Valley Landfill site.

Table 2-13: Diverted waste

Date	Recyclables out	Green waste out	Bricks out	Crushed rubble	Soil/Rubble used as cover	TOTALS
Jan-18	121	384	27	107	2 683	3 322
Feb-18	101	-	30	135	8 484	8 750
Mar-18	140	619	2	943	11 042	12 746
Apr-18	94	315	6	2 578	5 452	8 445
May-18	104	585	5	3 674	4 971	9 339
Jun-18	117	91	18	6 364	2 687	9 277
Jul-18	102	355	14	2 146	4 321	6 938
Aug-18	84	-	33	6 326	3 445	9 888
Sep-18	84	281	20	4 973	37	5 395
Oct-18	113	801	12	2 283	9 407	12 616
Nov-18	121	391	430	2 351	9 538	12 831
Dec-18	101	-	12	1 790	2 143	4 046
Jan-19	117	297	3	1 112	3 939	5 468
Feb-19	86	-	-	139	2 768	2 993
Mar-19	108	517	1	69	5 126	5 821
Apr-19	97	98	12	4 193	4 647	9 047
May-19	99	764	4	1 763	7 096	9 726
Jun-19	87	645	-	151	7 422	8 305
Jul-19	82	946	-	267	9 733	11 028
Aug-19	116	525	-	36	2 937	3 614
Sep-19	100	68	3	-	1 572	1 743
Oct-19	109	547	-	158	1 912	2 726
Nov-19	134	826	-	1 213	2 777	4 950
Dec-19	167	344	-	65	438	1 014
Jan-20	128	-	-	518	1 030	1 676
Feb-20	-	366	-	449	599	1 414
Mar-20	-	417	-	1 257	779	2 453
Apr-20	-	-	-	-	-	-
May-20	-	348	-	1 176	445	1 969
Jun-20	-	1 340	-	594	1 352	3 286
2018 Avg.	107	319	51	2 806	5 351	8 633
2019 Avg.*	99	474	3	966	5 459	7 001

* 2019 average calculated from January to September only.

The bricks referred to are homemade bricks made from soil material on site. The data for bricks out is related to bricks recovered from the landfill by the public and recyclers, and is not representative of bricks leaving site for commercial use.

The Municipality started transporting waste for disposal to the Vissershok landfill in August 2019 so the 2019 average was only calculated from January to September 2019. It includes August to allow for transition between disposal and transportation in the month. Since the operations at the landfill has ceased, the clear bags collected were taken directly to the Kraaifontein Materials Recovery Facility in the City of Cape Town. Recycling will return to the Stellenbosch facility once the new MRF facility is built, which is expected to be towards the end of 2020.

From the above information it can be seen that the Stellenbosch Municipality did well over the last two years with diverting waste from landfill. If using a generally accepted 20% as a diversion target the information on **Figure 2-8** on the following page shows that they have achieved more than double this (about 45%) on average over the last two years. The graph further shows that diversion was most prolific during 2018 when large amounts of builder's rubble was crushed and diverted. The Municipality has known for a number of years that their landfill airspace was running out and they were thus forced to embark on additional diversion strategies which clearly made a difference when looking at the graph below and numbers above. Based on the waste characterisation study discussed earlier, which is based on household waste put out for disposal, there exists further potential in increasing diversion rates especially in the organic fraction.

Diverted Waste in Stellenbosch

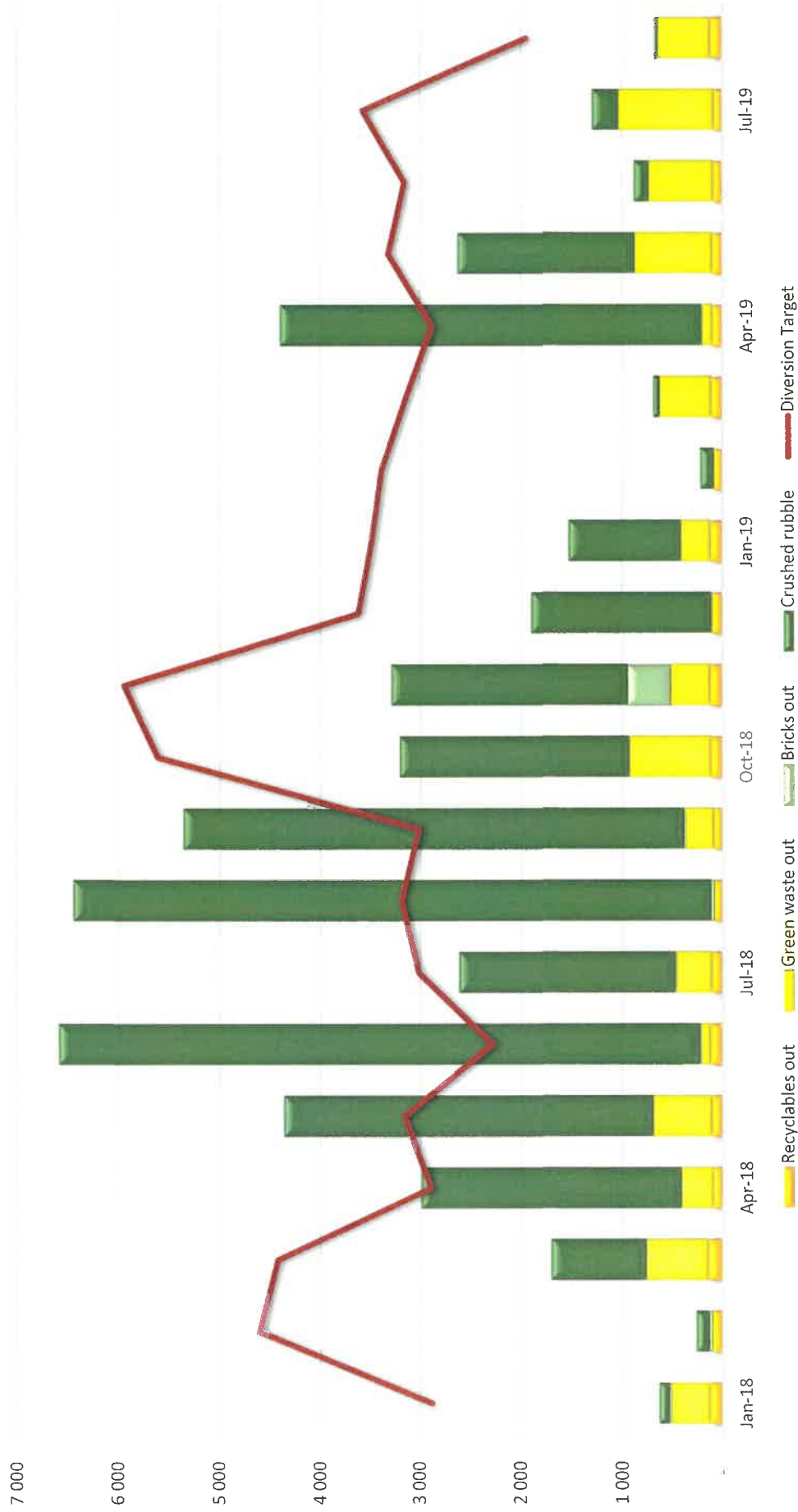


Figure 2-8: Waste Diverted from Devon Valley Landfill

2.3.5 Landfilled Waste

The waste not diverted, and thus requiring landfilling, is shown in the below table.

Table 2-14: Waste Landfilled at Devon Valley Landfill

Date	Industrial Waste	Domestic Waste	Garden Waste	Clean Builder's Rubble	Area Cleaning	Illegal Dumping	Totals
Jan-18	445	3 096	-3	1 042	483	78	5 142
Feb-18	423	3 248	344	1 449	400	151	6 014
Mar-18	467	2 963	-302	868	269	176	4 440
Apr-18	343	2 983	171	281	463	156	4 397
May-18	384	3 252	41	296	618	157	4 748
Jun-18	444	3 102	395	-412	769	140	4 439
Jul-18	389	3 178	173	610	92	200	4 643
Aug-18	396	3 144	458	235	251	208	4 691
Sep-18	318	2 808	203	871	265	219	4 684
Oct-18	529	3 301	-220	1 593	975	201	6 379
Nov-18	452	3 322	147	1 806	668	209	6 605
Dec-18	629	3 177	345	1 355	710	137	6 352
Jan-19	521	3 988	336	910	879	143	6 777
Feb-19	434	2 962	709	1 373	647	-	6 124
Mar-19	395	3 120	211	798	786	34	5 344
Apr-19	482	3 548	478	41	544	-	5 093
May-19	478	3 695	-276	368	470	29	4 764
Jun-19	431	3 140	-262	532	606	-	4 446
Jul-19	481	4 041	-554	352	510	-	4 830
Aug-19	720	2 769	-291	318	781	-	4 297
Sep-19	459	1 521	80	310	650	-	3 020
Oct-19	368	255	-185	395	652	-	1 485
Nov-19	195	20	-447	253	441	-	462
Dec-19	110	-36	-105	491	227	-	687
Jan-20	161	144	578	421	264	-	1 568
Feb-20	152	106	188	366	418	-	1 230
Mar-20	130	174	78	268	618	68	1 336
Apr-20	12	30	23	3	325	-	393
May-20	67	78	-74	-28	1 055	-	1 098
Jun-20	111	121	-477	364	1 240	-	1 359
2018 Avg	435	3 131	146	833	497	169	5 211
2019 Avg*	493	3 408	44	586	653	26	5 209
2018	8%	60%	3%	16%	10%	3%	100%
2019*	9%	65%	1%	11%	13%	0%	100%

* 2019 averages are from January to September only

The 2018 (calendar year) and 2019 (from January to September) monthly average disposed tonnages in the above table are shown graphically in the pie charts below (**Figure 2-9** and **Figure 2-10**). These values only include waste from residents that receive a waste collection service and thus excludes portions of the rural population of the Municipality. These totals are in line with the totals that the Municipality reports to the national IPWIS system. The data indicates that the vast majority (more than 60%) of all landfilled waste is considered domestic waste. This is the normal black bag municipal waste on which the waste characterisation study was done, and even though the WCS was done in 2017, the results of the study shown earlier indicates that this waste stream still contains large quantities of recoverable organic waste and recyclable material.

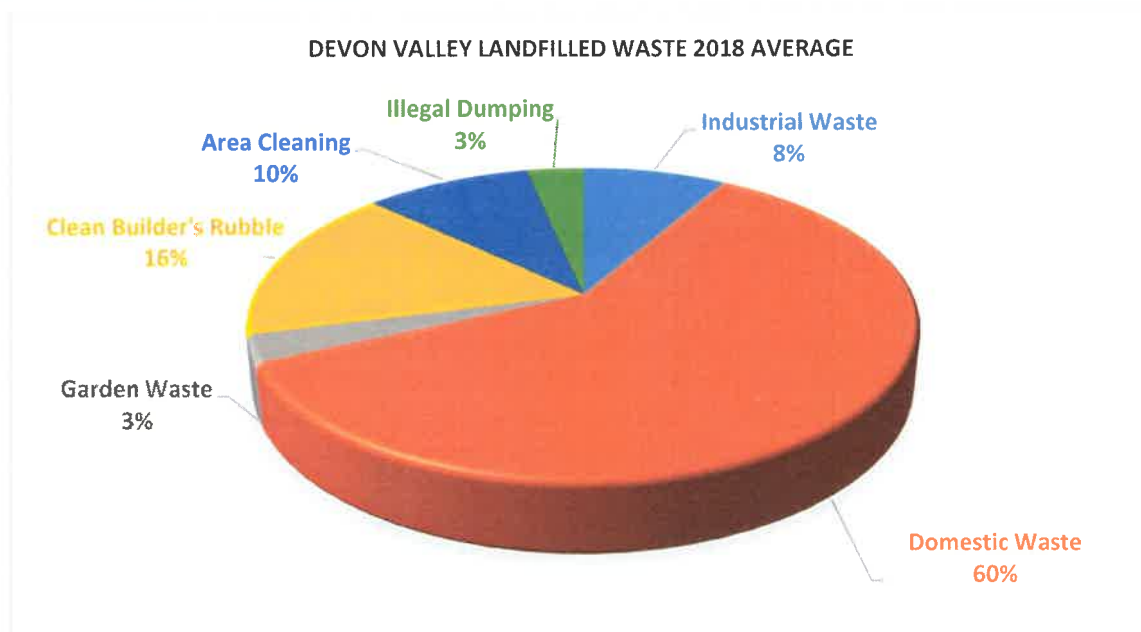


Figure 2-9: 2018 Average Disposal Tonnages

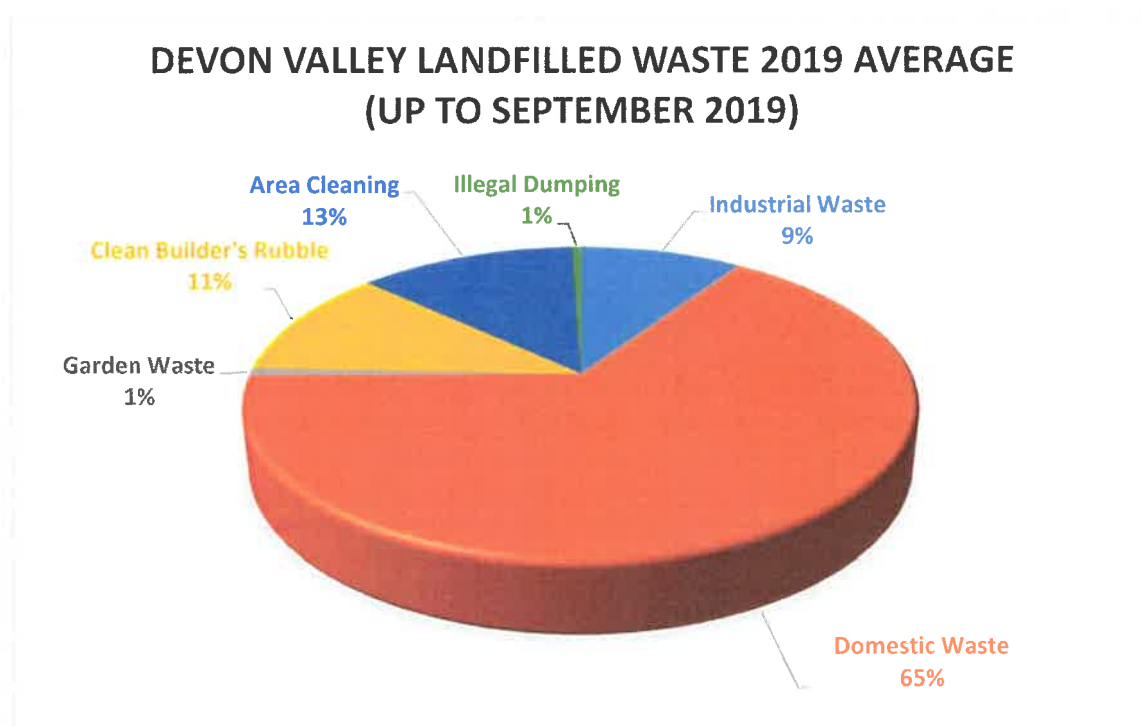


Figure 2-10: 2019 Average Disposal Tonnages

2.3.6 Waste Transported to Vissershok

The Devon Valley landfill has reached its full capacity and although they are busy with planning to establish a new cell between the existing cells, the landfill will not be ready to accept waste until 2023 (estimated). The Municipality thus had to find another landfill for disposal of their waste and they went out on an open tender process **Table 2-15** for this. They received the most competitive rates from the Vissershok private landfill on the N7 north of Cape Town. The information in below shows the waste tonnages transported to Vissershok since August 2019

Table 2-15: Waste transported to Vissershok Private Landfill

Date	Tonnes Transported
Aug-19	420.36
Sep-19	1 642.72
Oct-19	2 944.12
Nov-19	3 945.82
Dec-19	3 388.92
Jan-20	3 650.24
Feb-20	3 310.02
Mar-20	3 085.60
Apr-20	2 613.50
May-20	3 169.92
Jun-20	3 088.90
Jul-20	3 178.62
Total	34 438.74

There has thus been a total of 34,439 tonnes of waste transported from Stellenbosch to the Vissershok Landfill between August 2019 and July 2020, and at an average waste density of 700kg/m³ this equates to 49,198 m³ of airspace saved since August 2019 by transporting waste to the Vissershok Landfill.

When the waste generation rates were discussed earlier, the calculation was that the public generated in the order of 4,900 tonnes of waste each month which required landfilling. The average transported to Vissershok from the above table is just over 3,100 tonnes per month, but is expected to be closer to 3,600 tonnes per month if the impact of the nationwide lockdown and the end of year student holidays are allowed for. There is thus a case to be made that being forced to pay for transport and disposal of waste resulted in an increase in waste diversion, either at household level or through municipally introduced recycling and beneficiation programmes.

2.3.7 Hazardous waste

The Hazardous and Health Care Risk Waste Study was undertaken in August 2020 by Aquila Environmental and the full report is attached as **Annexure B**. The survey found that H&HCRW generated in the study area could be categorised under six of the potential seventeen Industrial Groups listed in Schedule 3 of the National Environmental Management: Waste Amendment Act (NEM:WAA) (Act No. 26 of 2014). The study found that 29 000 litres of chemical waste from laboratories and pathologists, as well as 130 000 litres of waste oils are generated in the study area per annum. Approximately 9 700 and 71 000 units per annum of waste automotive batteries and tyres are also generated. The quantity of Health Care Risk Waste generated in the study area per annum is approximately 88 tonnes. There are 18 service providers collecting and transporting H&HCRW in the study area. The study found that the majority of businesses generating H&HCRW have adequate systems in place to deal with such waste in a responsible manner. Contact details of entities interviewed that do not have such systems in place have been provided to the municipality for follow-up.

2.3.7.1 Sewage sludge

The Stellenbosch Municipality accepts no sewage sludge on its landfill. A private contractor transports the sewage sludge to a farm in Klipheuwel and the grits and screens are taken to the Vissershok Hazardous Landfill.

2.4 EXISTING WASTE MANAGEMENT STRUCTURE, SYSTEMS AND PRACTICES

This section discusses the current solid waste management system in the Stellenbosch Municipality. This includes the organisational structure of the Municipality, solid waste collection methods and vehicles, collection schedules, diversion, treatment and disposal.

2.4.1 Organisational structure

The municipal waste management responsibilities lie with the Directorate: Infrastructure Services (together with Electricity, Water, Sewerage, Stormwater, Transport, Roads and Robots). The Waste Manager is Mr Clayton Hendricks. The waste management division of the directorate provides the following services according to the municipal website: Collections; Recycling; Disposal at landfill site; Wheelie bins (240L); Hiring of wheelie bins (for special events); emptying of Skips and drop offs.

Chapter 3 of the Waste Act states that:

- “10.(3) Each municipality authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a waste management officer from its administration to be responsible for co-ordinating matters pertaining to waste management in that municipality.
- (4) A power delegated or a duty assigned to a waste management officer by virtue of subsection (3) may be sub-delegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the municipality.
- (5) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 or determined by the Minister by notice in the Gazette.”

The designated Waste Management Officer for Stellenbosch Municipality is Mr Clayton Hendricks who was appointed as required by the Waste Act.

Provision must be made for the continuous training and education of the Stellenbosch waste management employees. Waste management information sharing/capacity-building events such as the Departmental Waste Forum, Waste Khoro and the IWMSA's WasteCon should be attended by waste management employees determined by the Municipality.

The approved Stellenbosch Waste management division organogram is shown in the figures on the following pages. The Senior Manager Waste Management (Municipal Waste Manager) is supported by two Section Managers. One for the Area Cleansing and Collections Section and one for Waste Minimization & Disposal Section.

There are a number of vacancies that need to be filled and the Municipality is working on appointing competent staff to these positions. The vacancies are shown on the organogram but are not clear and legible. There were reported to be 85 vacancies and 55 filled posts. The vacancies are for 66 general workers, 15 supervisors, 2 technicians, 1 superintendent and 1 team leader. The management of the waste division have indicated that they require more technical staff to be appointed to the two sections in order assist in the management of waste within the Municipality.

In addition to the below staff structure the waste management division can also rely on overarching Municipal support staff.

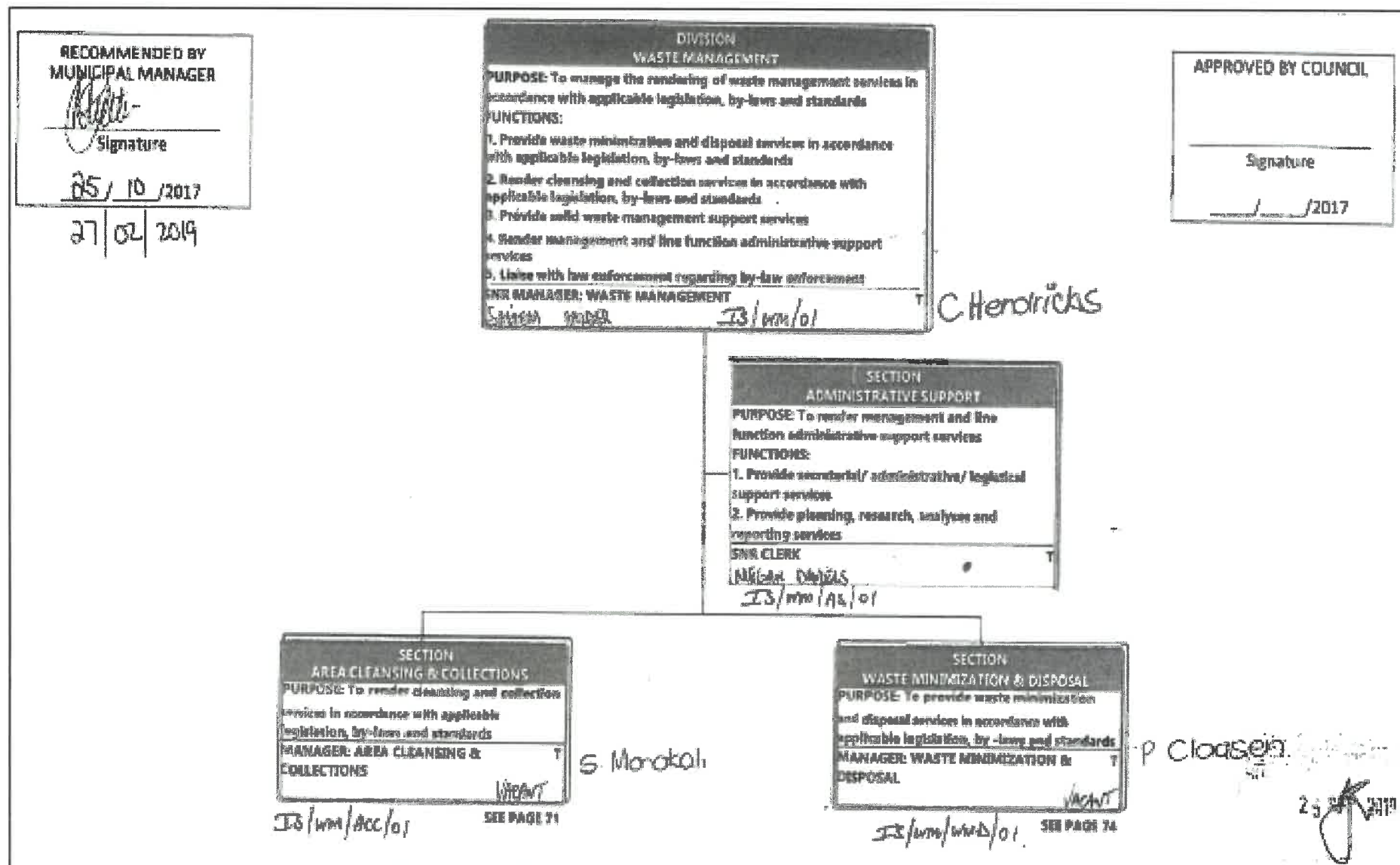


Figure 2-11: Main Structure of Stellenbosch Waste Management Division

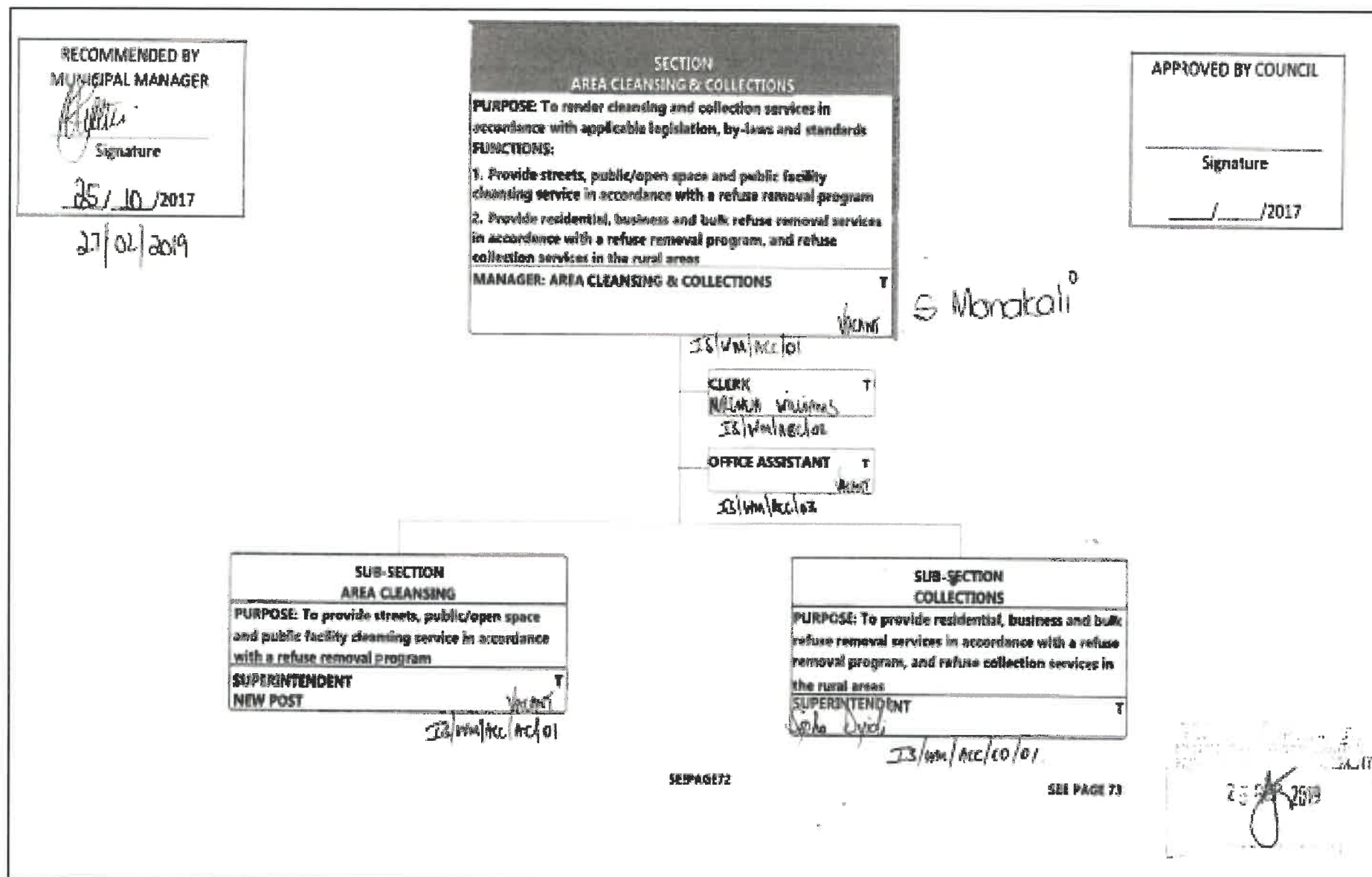


Figure 2-12: Main Structure of Area Cleansing & Collections Section

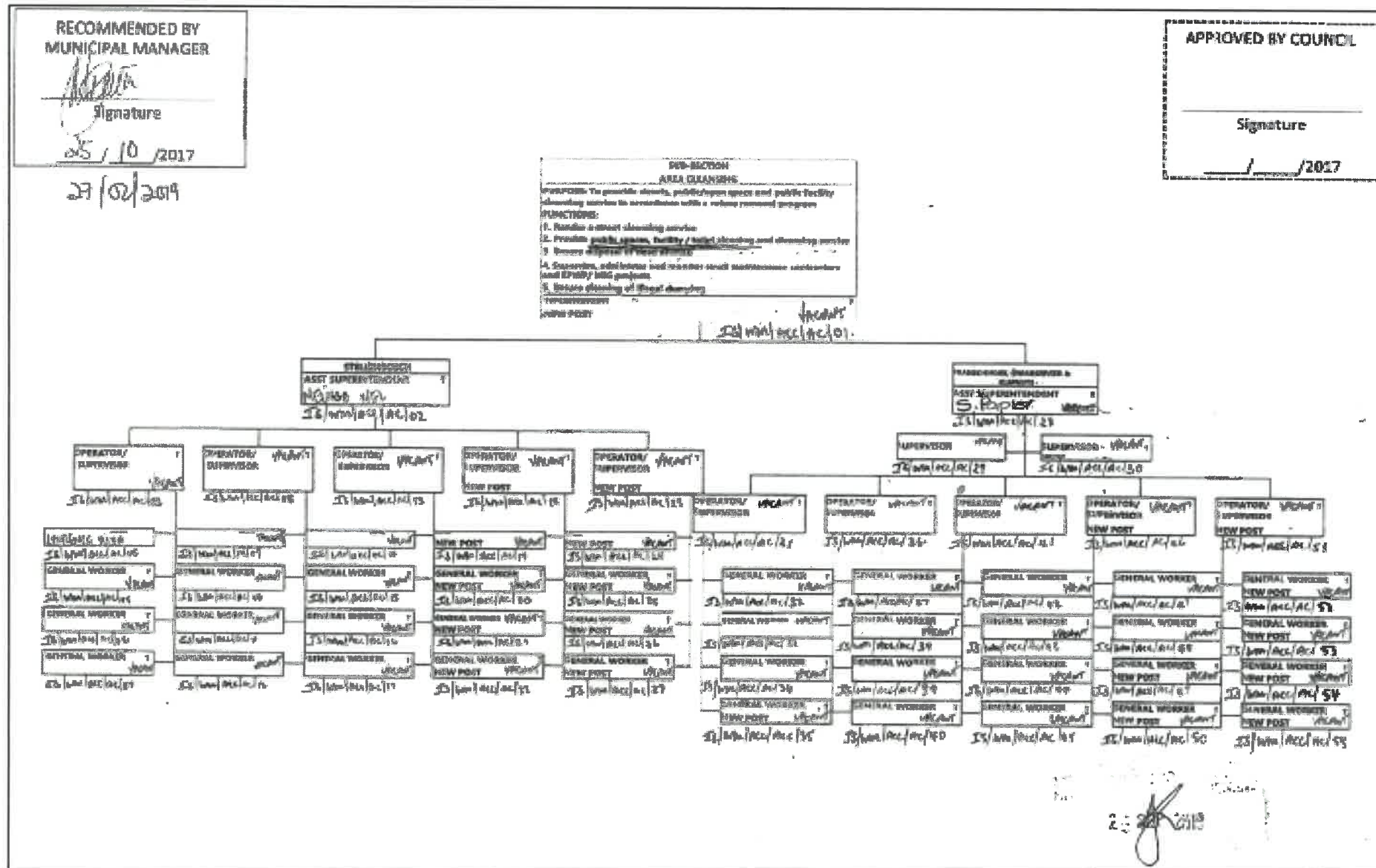


Figure 2-13: Area Cleansing Section Staff Structure

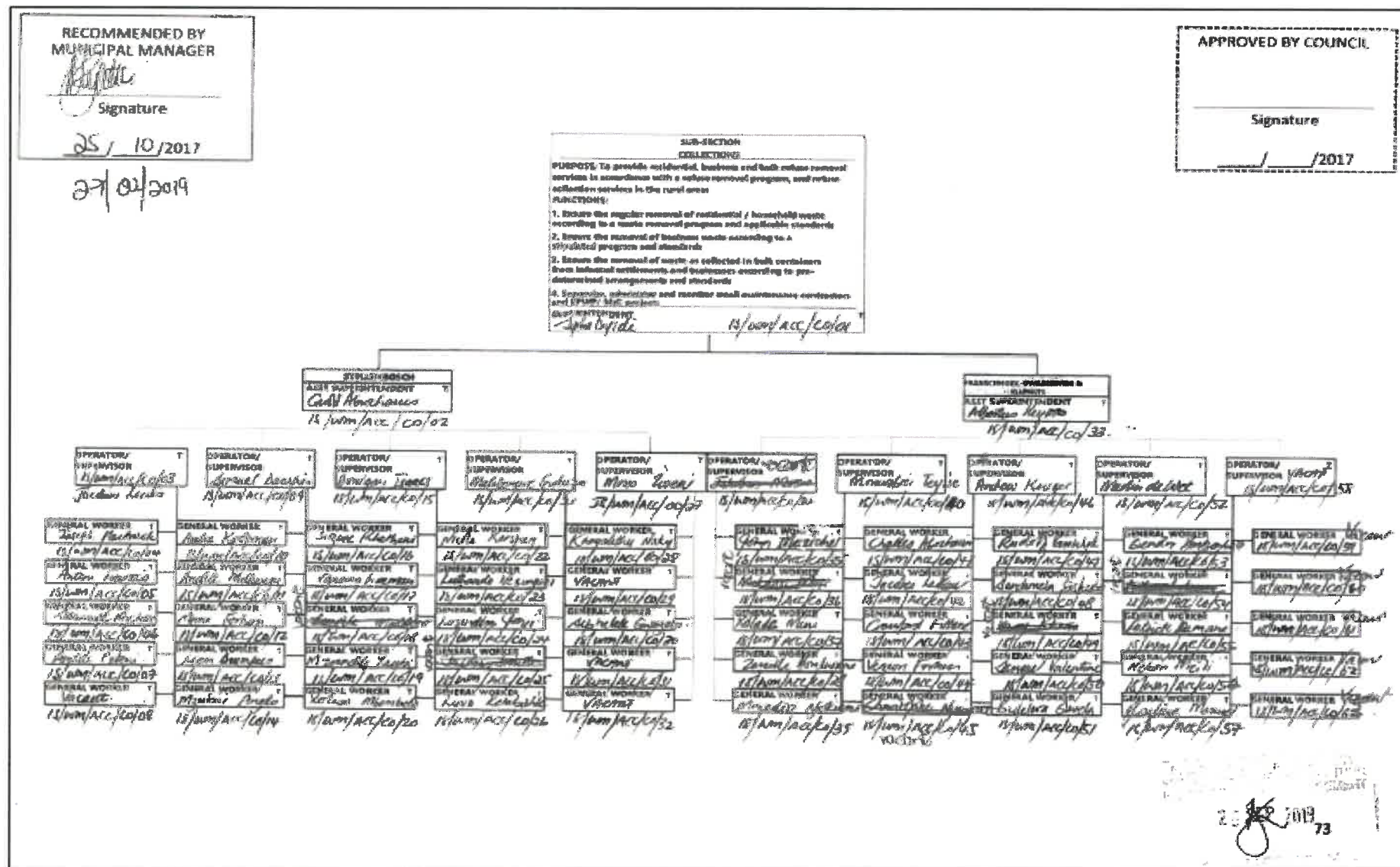


Figure 2-14: Collections Section Staff Structure

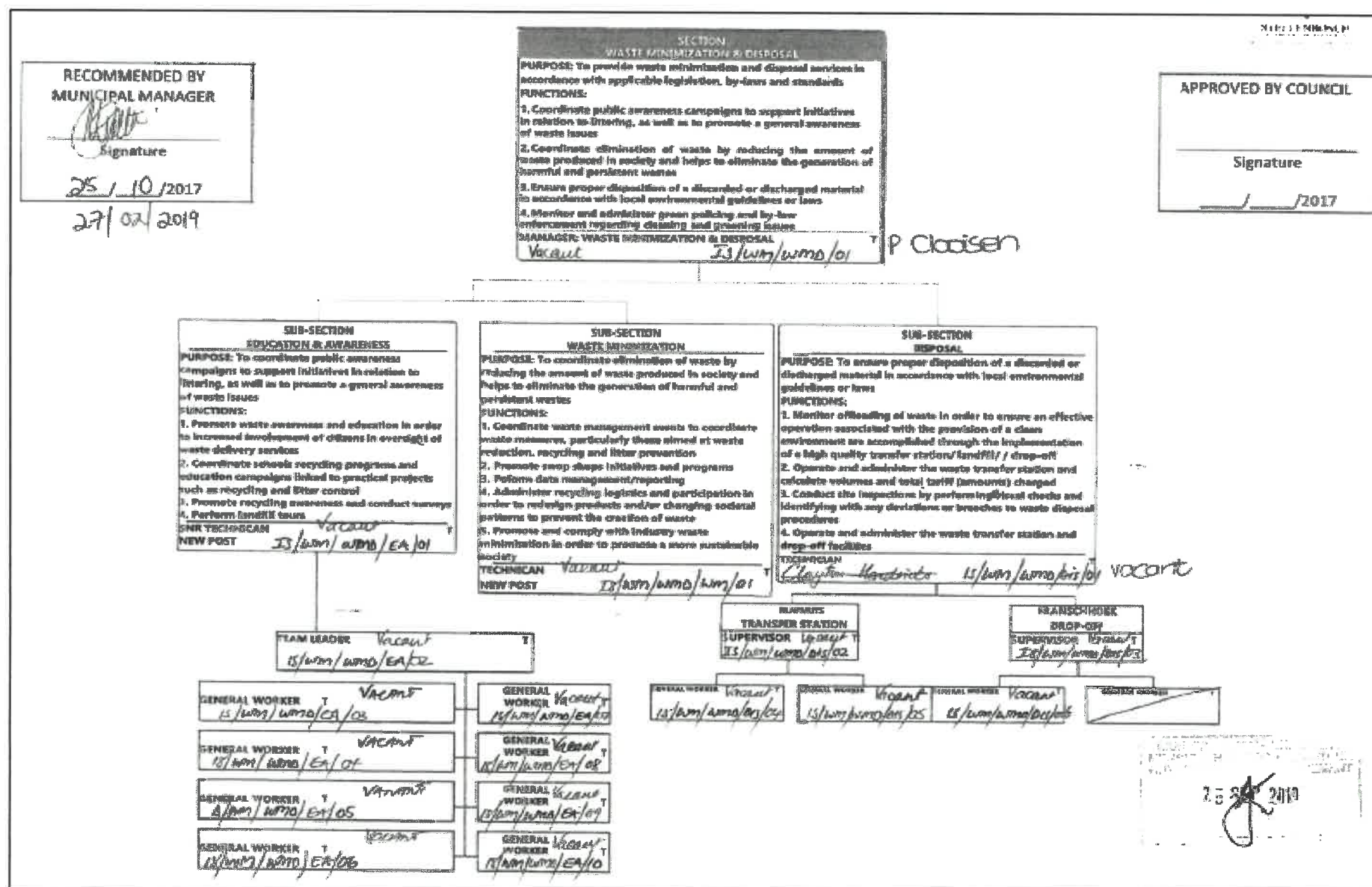


Figure 2-15: Waste Minimisation and Disposal Section Staff Structure

2.4.2 Waste Collection

The Stellenbosch Municipality currently provides a solid waste collection service to all formal households within their municipal area.

Stellenbosch municipality serves approximately 38,500 households with solid waste management services. The 28,751 collection points are spread across the 22 wards of the Municipality. The refuse collection breakdown is approximately 20 000 wheelie bins and 4 000 standard refuse bags as of 2019. The Municipality utilises eleven (11) refuse collection trucks, operated by more than 60 crew members in a 30-hour working week.

Waste collection services for Franschhoek and surrounding areas are outsourced to a private waste service provider.

The following services are rendered to residential properties:

- Once a week collection of black refuse bags, three standard refuse bags are equal to one 240ℓ bin. The SM is currently in the process of phasing out the collection of black bags. Black bags are mainly used in informal settlements and farm areas;
- Once a week collection of 240ℓ bins;
- Blue lid, black bin waste collection three times per week for sectional titles, hostels flats, retirement villages, etc. This service is not available for normal households.

The following services are rendered to business and commercial properties:

- Once a week collection of black refuse bags, three standard refuse bags are equal to one 240ℓ bin;
- 3 x a week collection of black refuse bags, three standard refuse bags are equal to one 240ℓ bin;
- 1 x a week collection of one 240ℓ bin measured as one blue bin;
- Additional 240ℓ removal(s) once per week – measured as the number of additional blue bins;
- Collection based on 1 x 240ℓ three times per week measured as one blue bin;
- Additional 240ℓ removals three times a week – measured as the number of additional blue bins;
- Collection based on 1 x 240ℓ five times a week measured as one red bin;
- The collection of restaurant food waste is being investigated.

The Municipality renders an area cleaning service five days a week from Monday to Friday. The area cleaning staffing structure consists of two legs. The first team covers area cleaning for Stellenbosch and the second team covers area cleaning for Franschhoek, Dwarsrivier and Klipmuts. Area cleaning staff are appointed on temporary 6-month EPWP contracts and there are more than 400 EPWP workers appointed in this way. The Municipality is currently in the process of extending the 6-month contracts to annual contracts. Area cleaning staff make use of blue bags for the disposal of waste. Area cleaning and staff contracts might be added to the list of outsourced services as part of the Section 78(3) process once it is completed. To be noted and as will be reflected in an updated IDP, since the Area Cleaning Unit was transferred to the Engineering Services Directorate in January 2018, cleaning in the informal settlements has also improved with the amount of waste collected also increasing. The current waste collection schedule is shown in **Table 2-16**

Table 2-16: Waste Collection Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Stellenbosch CBD	Brandwaght/Dalsig	Stellenbosch CBD	Pniel and Farms along Helshoogte Rd	Stellenbosch CBD
Stellenbosch University and Devon Valley Industrial Area	De Boord	Stellenbosch University and Devon Valley Industrial Area	Cloetesville (Smarties/ Weltevrede)	Stellenbosch University and Devon Valley Industrial Area
Kayamandi & Plankenburg	Whole Kayamandi	Kayamandi & Plankenburg	Kayamandi	Tenantville/ Koelenhof Business
All business located outside of the CBD	Paradyskloof	All business located outside of the CBD	Cloetesville (Kwarentyn & Welgelegen)	All business located outside of the CBD
Uniepark, Rozendal	La Collin till Dorp Str	Idas Valley	Cloetesville	Jamestown

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Simonswyk	Krigeville	Klapmuts	Koelenhof farms	Klapmuts
Universiteits oord	Klapmuts	Idas Valley	Klein Welgevonden	Welgevonden
Klapmuts Residential and CBD	Noordwal oos	Lyndoch/Vleaburg /R44	Cloetesville	Jonkeshoek /Blaauwklippen
Mostertdrift	Digteby Vlottenberg	Raithby/Wineryrd/	Kylemore	Groot Drakenstein - Franschhoek
Lanquedoc/ Meerlust	Onderpappegaai	Devon Valley Industrial area	Cloetesville (Whitecity)	Franschhoek CBD
Universiteits oord	Vlottenburg Farms	Groot Drakenstein - Franschhoek	Groendal - Franschhoek	Residential area south of Huguenot Rd - Franschhoek
Groot Drakenstein - Franschhoek	La Motte, Franschhoek	Franschhoek CBD	Mooiwater - Franschhoek	
Residential area north of Huguenot Rd - Franschhoek	Wemmershoek, Franschhoek	Farms south of Huguenot Rd - Franschhoek		
Franschhoek CBD	Maasdorp, Franschhoek			
	Robertsvlei, Franschhoek			

In 2019 the Municipality appointed Delta Built Environment Consultants (Delta BEC) to conduct a route mapping and optimization study of the refuse collection rounds/beats. Most of the recommendations made in this report has not yet been implemented by the Municipality.

2.4.3 Collection Fleet

The List of municipal vehicles dedicated waste collection and area cleaning is shown in the table below. The list shows ten refuse compactors but the Municipality has recently acquired a new vehicle which has not been licenced which brings the total to eleven.

Table 2-17: List of Stellenbosch Municipality Vehicle Fleet

Reg. No	Year Model	Model	Date Purchased	Fuel Type
Compactors				
CL 64272	2011	Nissan Diesel UD 330 Compactor	Jan-11	Diesel
CL 64779	2011	Nissan Diesel UD 330 Compactor	Feb-11	Diesel
CL 27923	2012	Nissan Diesel Compactor	Apr-12	Diesel
CL 71677	2013	Nissan Diesel G300 Compactor	Jun-13	Petrol
CL 31479	2015	UD 370 Diesel Compactor	May-15	Diesel
CL 27347	2017	Isuzu FXZ 28-360 Compactor	Mar-17	Diesel
CL 23506	2017	Isuzu FXZ 28-360 Compactor	Mar-17	Diesel
CL 81138	2017	Isuzu FXZ 28-360 Compactor	May-17	Diesel
CL 54065	2018	UD 10 ton Refuse Compactor	Dec-18	Diesel
CL 45166	2019	UD 10 ton Refuse Compactor	Jun-19	Diesel
Other Vehicles				
CL 54664	2010	Nissan NP200 1.6i	Apr-10	Petrol
CL 54664	2010	Nissan NP200 1.6i	Apr-10	Petrol
CL 71576	2013	Toyota Hilux 2.0	May-13	Petrol
CL 76176	2015	Toyota Hilux 2.0	May-15	Petrol
CL 59281	2016	VW Polo Vivo	Jun-16	Petrol
CL 81470	2017	MST Digger Loader	Jun-17	Diesel
CL 35425	2007	Corsa 1.4 Utility Bakkie	Jun-07	Petrol

Reg. No	Year Model	Model	Date Purchased	Fuel Type
CL 47287	2017	Trailer	Jun-17	
CL 26704	2017	Mahindra DC Turbo Bakkie	Jun-17	Diesel
CL 51075	2017	Hino 300 815 Crew Cab 6A 11	Nov-17	Diesel
CL 39782	2017	Priclo Caravan	Jun-17	
CL 83193	2018	Hino 300 815 Crew Cab 6A 11	May-18	Diesel
CL 83195	2018	Hino 300 815 Crew Cab 6A 11	May-18	Diesel
CL 83198	2018	Nissan NP200 1.6i	May-18	Diesel
CL 83197	2018	Nissan NP200 1.6i	May-18	Diesel
CL 52034	2018	Hino 300 815 Crew Cab 6A 11	Apr-18	Diesel
CL 83465	2018	MST Digger Loader	Jun-18	Diesel
CL 83483	2018	UD 10 Ton Tipper Truck	Jun-18	Diesel
CL 84071	2018	UD 10 Ton Tipper Truck	Sep-18	Diesel
CL 76140	2015	Chev 1.4 bakkie	May-15	Petrol
CL 22049	2019	MST Digger Loader	Jul-19	Diesel
CL 10783	2019	UD 16 Ton Hooklift	Aug-19	Diesel

The SM is currently in the process of looking to procure an additional skip lifter truck, the servicing of skips are currently outsourced to a private contractor. The private contractors are currently servicing fifty-two 6-cube skips that are spread over the municipal area. The skips are placed at strategic positions throughout. The 2019 collections optimization report forecasted that the municipality would need a total of 14 REL compacter (19m³) trucks by 2029 to meet the growing needs of the Municipality.

It is advisable that collection vehicles should ideally not be operated beyond 7 to 8 years in age since the maintenance costs increase dramatically with age as well as down-time which also has cost-implications. It is recommended that all vehicles older than 8 years, are evaluated to determine the need for replacement. In the event that a vehicle is temporarily out of operation, its function is covered with a vehicle/s from other departments as solid waste collection takes priority.

2.4.4 Levels of service

The Municipality reports that 100% of urban households receive kerb side collection once per week. All the urban and informal areas of Stellenbosch Municipality have access to at least a basic refuse removal service. Some refuse removal services exist in the rural areas and farming communities, but all the rural areas at least have access to drop-off facilities.

The Municipality currently provides a two bag collection system where clear bags are collected from middle to higher income areas once a week. The clear bags are to be filled with recyclable materials which households are required to sort waste into two streams namely; general landfill waste (black bags) and recyclable waste (clear bags). The recyclables were transported to a mini materials recovery facility (MRF) that is situated at the landfill. Since the landfill ceased operations the clear bags are collected and taken directly to the Kraaifontein MRF in the City of Cape Town. The MRF currently under construction should start operations towards the end of 2020 after which the clear bags collected in the Municipality will be taken to this new facility for processing and recycling.

The management of the clear bag collection project is outsourced to a private service provider. The responsibilities of the service provider include the following:

- Efficient and effective collection of recyclables in the WCO 24 area of Stellenbosch Municipality;
- Handing out of recyclable bags for participating households and record-keeping thereof;
- Processing of recyclables and ensuring beneficiation of co-mingled recyclables;
- Ensuring sustainable job creation of at least five (5) people for the project;
- The areas to be serviced at a minimum of once per week on the same day as general collection;
- Recycling education and awareness.

The Municipality is in the process of expanding the sorting at source programme to include more households in the initiative.

2.4.4.1 Indigent households

The official Stellenbosch Indigent Policy states that a basic level of services will be provided to qualifying households which meet certain qualifying criteria, as determined by the Municipality from time to time. Subsidised services are assessment rates, refuse removal, sewerage and consumption service charges.

The policy indicates that the maximum qualifying income level defined as the Indigent Income Threshold for a household will be equal to or less than R 6 500 per month. Proof must be produced in the form of pay slips, unemployment certificates, income certificates or other acceptable proof of income. For formal indigent households the Municipality will then provide a free service subsidy not exceeding the cost of one refuse unit in respect of a single residential property. For informal settlement households the free basic service will be provided and not billed for. The full Municipal Indigent policy can be viewed on the Municipality website (www.stellenbosch.gov.za/documents).

The department reported that the total number of indigent households was 6,995 as of July 2020 and in the order of 75% to 80% of these households receive at least a basic refuse collection service.

2.4.5 Waste related complaints

The Municipality has a standard operating procedure to deal with all waste related complaints. All received complaints regarding solid waste are logged on the internal system. A complaint is logged when a service desk consultant answers the call and captures the complaint on the service request register to be addressed by the relevant official or department. This person must then address the complaint and report back in order to complete the process and for the complaint to be removed from the request register.

Complaints can be logged at the following numbers for each area:

Stellenbosch/Klapmuts/Kyamandi/Jamestown - (021) 808 8215 or 8953 or 8343
 Dwarsrivier Region/Franschhoek - (021) 808 8632
 After Hours – (021) 808 8890 or 8891

The Municipality holds a full electronic complaints register which is continuously updated. They received and successfully addressed 3,013 complaints between 1 June 2017 and 1 July 2020. The majority of the complaints are related to lost/stolen bins, illegal dumping and area cleaning. A full complaints register is available from the Municipality.

2.4.6 Waste minimisation, re-use, recycling initiatives

2.4.6.1 Recycling

Recycling of waste was predominantly taking place at the mini MRF facility located on the landfill site. Here the separately collected clear bag waste (up to August 2019), and waste obtained from landfill working face by informal recyclers, got sorted into recyclable portions and benefitted by either selling them to the market or donating to other users. After closure of the landfill the clear bags are collected and taken directly to Kraaifontein MRF in the City of Cape Town.

A summary of the recyclable materials leaving the MRF at the landfill was discussed in **Table 2-13** and represents on average about 3% of the domestic waste stream entering the landfill. As shown in the waste characterisation study results, the black bag waste still contains many possible recyclable material with more than 50% of this domestic waste stream (by weight) being potentially recyclable.

The Municipality have identified this and is in the process of developing a fully functional MRF at the Devon Valley landfill site. The new MRF is being constructed at the landfill site and will be able to handle 450 tonnes of waste per month based on an adjusted ultimate public participation rate in the source separation scheme of 50%. As there is already a demand for a public drop-off facility, it is anticipated that residents will independently come to the MRF to drop off mixed recyclables. The mixed recyclables projections model does not take into account the mass of mixed recyclables coming in independently from residents.

A further note on the current status of recycling in general: The recycling market in South Africa is heavily dependent on exporting recyclable materials as there are no large-scale manufacturers that can use the material here, especially plastics. Since importers of recyclables like China and India have diminished or ceased imports, the South African recycling market has slowed down severely. This has drastically decreased the price per ton recyclers receive for materials, to the point that some recyclers cannot continue operations. For the past year recycling accounts for only 2% diversion of the generated household waste stream on average. Based on historic data, with favourable market conditions, the diversion rate via recycling can be increased to 5% on average should the new Devon Valley MRF start operations.

This does not imply that recycling will be stopped and hopefully the market will recover. Recycling is part of the (current draft) NWMS 2019 and source separated collection part of the requirements for municipalities outlined in the strategy. It must however be noted that the collection service and recovery at a MRF will most likely not generate revenue for the municipality and will require operational funding over and above the capital funding to establish the operation. Refer to the table below for the latest prices of recovered materials. The table indicates prices for material that is delivered. Much lower prices can be expected for collected materials, due to transport costs.

Table 2-18: January 2020 Prices of Recovered Materials Delivered to Cape Town

MATERIAL	PRICE IN RAND/TONNE FOR BALED MATERIAL
Cardboard	600
White Paper	2 500
Newsprint	100
Mixed Paper	100
Metals (Mainly cans)	1 400
Glass (All colours, Crushed)	400
Plastic (PET, No 1, White, Blue)	3 800
Green PET	2 800
Plastic (PET, No 1, Brown & other colours)	2 000
Plastic (HDPE, No 2)	4 500
Plastic (LDPE)	Unwashed: 1 450 Washed: 3 200
Plastic (Polypropylene, No 5)	3 300
Plastic (Polystyrene, No 6)	575

The latest prices for cardboard, newsprint and mixed paper have dropped significantly, even forcing some recyclers to close their businesses due to becoming financially unsustainable as paper is the bulk of revenue for most recyclers.

Even though recycling is part of the road to minimise disposal to landfill, the actual reduction in the waste stream via recycling alone is minimal. In order to support diversion in the temporary absence of recycling, there are still many actions and decisions each of us can make. Examples include:

- Rethink and avoid: Eliminate the need to recycle by making better buying decisions. Refuse single-use bags, cups, straws, etc. and make use of washable containers that can be used repetitively.
- Fix and repair household items or clothing before replacing.
- Start composting organics such as food and garden waste at home or deliver your organics to a nearby composter.
- Go paperless: Switch to e-billing wherever possible and print only when necessary.

As far as the private sector goes there are a number of private companies doing recycling within the Stellenbosch municipal area. They collect privately from business and occasionally households and they are currently not governed by the Municipality. This means that the Municipality has no real idea of the volumes being recycled in the private market within the Municipality. As part of the new integrated solid waste by-law that the Municipality has drafted (to be approved by Council soon), all private recycling companies, wishing to do business in the Municipality, will have to be registered with the Municipality.

2.4.6.2 Organic diversion

Much potential for diversion exists within the organic fraction of the waste stream with reference to the characterisation results discussed, indicating potentially 31% organics present in the household waste stream. This study must be further refined in order to indicate the breakdown of these organics and how they have changed since 2017 when the WCS was done in order to see what the diversion potential with each is and the appropriate treatment/re-use methods.

The D:EA&DP has also recognised the importance of organic diversion and stipulated the requirement in the latest issued landfill licences that each landfill must dispose according to its Organic Waste Diversion Plan. The targets for these diversion plans are that 50% organic diversion is achieved by 2022 and 100% diversion by 2027.

The Stellenbosch Municipality currently diverts organic waste via chipping and composting. Chipping takes place at the landfill under a private contract, and the Municipality is planning the development of an organic waste refuse transfer station at the landfill site to further divert organic waste from landfill.

The planned organic waste transfer station is expected to cost in the order of R18 Million according to the 2018 draft preliminary design report by JG Afrika (Pty) Ltd. The development is still in the planning and environmental approval phase and the Municipality still has to secure an offtake for the diverted organic wastes, but successful development of this infrastructure will enable the Municipality to reach the organic waste diversion targets set by the province.

2.4.6.3 Building rubble diversion

The main option with building rubble diversion is crushing the clean rubble and using it as road building material (or other appropriate uses depending on material quality) or using it as cover material in landfilling, eliminating the need to use natural materials such as soil.

No building rubble received is directly disposed. Oversized rubble is stockpiled separately until sufficient volumes are reached for crushing operations. Manageable rubble is used as cover material.

A contract was recently awarded to a private contractor who will be tasked with the crushing of builder's rubble and beneficiation of the crushed material at the landfill.

2.4.7 Awareness & Education

The Stellenbosch Municipality conducts comprehensive awareness and education campaigns with continual involvement with the public in terms of solid waste management and the promotion of better waste management practices. Residents are informed and given feedback through the means of newsletters, pamphlets, social media and the municipal website. Schools are visited to educate learners about solid waste and recycling.

The following summarised examples indicate the latest actions.

- The Solid Waste Department has an annual newspaper called "Utter Rubbish" that gets spread out to the public and contains all the latest waste related information within the Municipality. The 6th edition of this newspaper was due to be released by mid-2020 but got delayed by the nationwide COVID-19 lockdown that happened at the end of March 2020;
- Home biodigester projects at schools being planned;
- Household kitchen caddy (small plastic basket) project to be rolled out;
- Schools are contacted by the Municipality with an offer to undertake recycling at the school in addition to the normal kerbside collection that they do receive. A Municipal official is responsible to keep a database of the schools and who chooses to participate and not;

The Stellenbosch Municipality should continue with their awareness and education campaign which contributes to the Municipality's successful waste management practices and public support and involvement. This is also included as an ongoing action item in the IWMP's implementation.

2.4.8 Section 78(3) Process

The Municipality underwent a Section 78(3) process recently as required by the Municipal Systems Act in order for the Municipality to outsource municipal waste management functions to private parties as summarized in **Table 2-19**. The process has neared completion and the item is with the Council for approval at the time of writing of this report. Under this process all Municipal Waste Management services will be outsourced to private companies with the exception of waste collection and transportation which will stay a Municipal function.

Table 2-19: Proposed outsourcing of Waste services

Service Description			MSA Mechanism
General Solid Waste	Mixed MSW and Residual	Collection / transportation / fleet and storage	Internal
		Process / treatment	External
		Disposal	External (new cell)
	Recyclables (paper, metals, plastic, glass)	Collection / transportation / fleet and storage	External
		Process	External
	Food waste	Collection / transportation / fleet and storage	External
		Process / treatment	External
	Organics (separated at source)	Collection / transportation / fleet and storage	External
		Process / treatment	External
Garden Waste	Collection / transportation / fleet and storage		Internal
	Process / treatment		External
Builders' Rubble	Collection / transportation / fleet and storage		Internal
	Process		External
Soil	Collection / transportation / fleet and storage		Internal
	Process		External
Industrial & Agriculture	Collection / transportation / fleet and storage		External
	Process		External
Sewage Sludge	Collection / transportation / fleet and storage		External
	Process		External
E-Waste	Collection / transportation / fleet and storage		External
	Bulk transfer and disposal		External
Hazardous & Healthcare Risk Waste	Receipt and temporary storage		External
	Bulk transfer and disposal		External
Tyres	Receipt and temporary storage		External
	Bulk transfer and disposal		External

2.4.9 Waste disposal facilities

The operational and closed waste disposal facilities in the Stellenbosch Municipal area are discussed in this section.

2.4.9.1 Landfills

2.4.9.1.1 Operating Landfills

The Devon Valley landfill is the only operating landfill within the Stellenbosch Municipality.

The Devon Valley Landfill Site is situated amongst the low hills of the Hottentots-Holland Mountains, located approximately five kilometres to the east. It is also located outside of urban edge of Stellenbosch, approximately four kilometres west of Stellenbosch central. The site is surrounded by the low Bottelary Hills and Papegaaiberg to the north and flatter agricultural lands to the south.

The landfill site is surrounded by the suburban communities of Onder Papegaaiberg (approximately 700m north east of the site) and Devon Valley (approximately 500m to the east of the site). Agricultural lands, in the form of vineyards, surround the site to the north, west and south. More specifically, Asara vineyards borders the site to the west.

The landfill site is located 300m north of Adam Tas Road, also known as the R310 (Main Road MR00177). The Animal Welfare Society of Stellenbosch, approximately 50m east of the site and the Stellenbosch Waste Water Treatment Works (WWTW) approximately 50m to the south east of the site.

The permit and licence details of the Stellenbosch Landfill are as follows:

- Permitted for operation on 29 January 1999 in terms of the Environment Conservation Act, 1989 (ECA). Permit number 16/2/7/G203/D16/Z1/P331.
- Variation licence issued on 07/02/2013 in terms of the National Environmental Management: Waste Act, 2008 (NEMWA). Licence number E13/2/10/7-B4/37-WL0077/11.
- Closure licence for Cell 1 issued on 13/09/2018 in terms of NEMWA. Licence number 19/2/5/1/B4/46/WL0118/14. **(Note that although the licence name states only Cell 1, the conditions of the licence apply to the entire facility. This apparent administrative discrepancy must be brought under the Regulating Authority's attention.)**

The location of the site can be seen on the below figure. Cells 1 and 2 take up an area of 122,000m² and Cell 3 is 50,000m² in size.



Figure 2-16: Stellenbosch (Devon Valley) Landfill

The Devon Valley landfill has reached its current capacity and licence applications and preliminary designs for the development of Cell 4 is underway. The proposed development area for the new Cell 4 is within the central portion of the existing Devon Valley Landfill. At present, the study area is bounded by two existing landfill footprints, Cells 1 & 2 to the south and Cell 3 to the north. The entire site is surrounded by concrete palisade fencing. An Eskom Servitude traverses the site, with overhead electrical pylons running from north-west to south-east respectively.

The disposal facility is externally audited annually. The latest audit was conducted by JG Afrika (Pty) Ltd in May 2020 and a compliance score of 72.4% was achieved for this audit. The following recommendations were taken directly out of the JG Afrika Audit report:

“The management of Stellenbosch Landfill Site remains good and the site is neat. Meeting the permit requirements in terms of water (surface and ground) and gas monitoring, is still outstanding and must be implemented as a matter of urgency. The following is recommended:

Remains unchanged although planned to commence in May (after the 2020 Audit):

- A landfill gas assessment must be conducted immediately to determine the potential risk associated with the gas being generated on site, as well as to inform the proposed gas to energy beneficiation project;
- A landfill gas management plan must be developed and implemented – including management and monitoring thereof.

Remains unchanged:

- Adequate and regular water quality monitoring be undertaken and recorded regularly. Where necessary additional boreholes must be established / re-opened in order to monitor groundwater quality.
- Leachate monitoring to take place.
- Health and Safety meeting minutes, authority correspondence must be provided to the auditor.
- The MRF area must be cleaned up immediately and all waste material and litter removed.
- Hazardous waste in the containers must be removed from site and safe disposal certificated provided.

Entrance control is good and all incoming loads are weighed and recorded at the weighbridge. Weighbridge data is certified on a monthly basis and reported to IPWIS by the licence holder.

Table 2-20: Stellenbosch (Devon Valley) Waste Disposal Facility: Summary Table

Type of facility	General Waste Disposal Facility, Material Recovery Facility, Public Drop-off
Licensed/Permitted?	Yes
License/Permit Number	16/2/7/G203/D16/Z1/P331 & WML E13/2/10/7-B4/37-WL0077/11
Classification	G:M:B ⁺ (Class B)
Location	33°56'21.82"S, 18°49'15.89"E
Estimated Remaining Lifetime	None
Access Control?	Yes
Externally audited?	Yes
Waste Types Received	General household, source separated recyclables, commercial and industrial waste, garden waste, building & demolition waste

During the 2020 closure cost provisions report completed by JPCE in June 2020 it was estimated that the construction cost for the closure and rehabilitation of Cells 1 and 2 would be R95,482,182 (excluding Vat) with the cost estimated cost to close and rehabilitate Cell 3 reported as R40,912,995 (excluding Vat).

2.4.9.1.2 Closed Landfills

Although there are no official closed and rehabilitated landfill in the Stellenbosch Municipality there is an illegal dump site that was located in Groendal near Franschhoek. This site was used illegally by the residents of the area as a dump site and rehabilitation plan was drafted for this site in November 2015. Rehabilitation included removing of the illegally dumped waste and transporting thereof to Devon Valley landfill for disposal. After the waste was removed the site could be shaped and rehabilitated with natural soil and/or builder's rubble. The cost for rehabilitation was estimated at R3,5 Million excluding Vat in 2015. The Municipality is still in the process of attending to this matter.

The old Municipal landfill site in Klapmuts is licensed in the name of the District Municipality and with the setting of Municipal boundaries now falls within the Drakenstein Local Municipality.

2.4.10 Garden Waste & Builder's Rubble Sites

There are no dedicated garden waste or building & demolition waste sites in Stellenbosch. Garden waste and building & demolition waste are accepted at the landfill and stockpiled for chipping and crushing. A new garden waste transfer station is planned as part of the Stellenbosch integrated waste management facility at the landfill. This facility is still in the planning stages and if developed will divert municipal organic waste from the landfill.

2.4.11 Waste Transfer Stations and public drop-offs

The Stellenbosch Municipality currently only has one fully operational licensed transfer station at Klapmuts with one mini public drop off located in Franschhoek. The drop-off does not require licensing due to its size.

Franschhoek mini Drop-off

Franschhoek has a central drop-off site with designated skips for Recyclables, General waste and Green waste. The skips and servicing thereof is outsourced to a private company. A group of waste pickers are responsible for the sorting of recyclables and the removal thereof. The location of the drop-off is shown in **Figure 2-17**. AECOM SA (Pty) Ltd undertook a study in 2017 to develop a new public drop-off facility in Franschhoek but due to the unavailability of a suitable piece of land within close proximity of the town, the facility was never developed and the need to establish a drop-off in Franschhoek remains a priority.

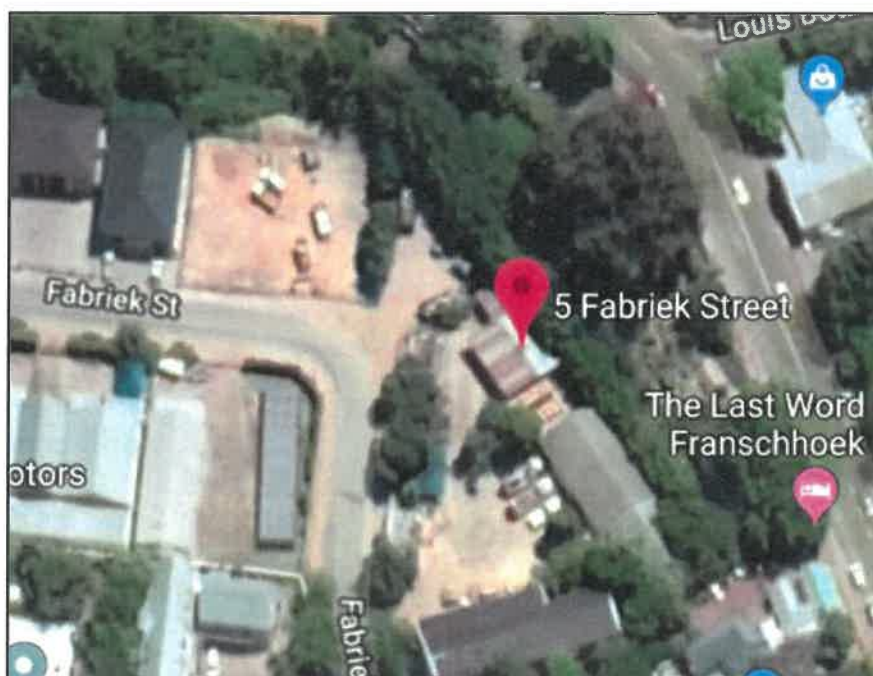


Figure 2-17: Franschhoek mini public Drop-off

Klapmuts Transfer Station (RTS)

A Permit (Number 16/2/7/G204/D49/Z2/P369) in terms of Section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989) was issued by the Department of Water Affairs and Forestry (DWAF) to the Stellenbosch Municipality for the construction and operation of the Klapmuts Waste Transfer Station on 27 March 2000.

The Klapmuts RTS is located on Farm 739, Division of Paarl off the R101. The facility consists of the following (refer to **Figure 2-18** which was taken from the 2020 external audit report by JG Afrika and shows the facilities and the surrounding land uses):

- A three-sided roofed structure with an open floor and storage area containing four (4) 30m³ RO-RO containers. These containers are used to temporarily store waste before it is sent to the Vissershok Private Landfill Site in Cape Town. The transport of the containers is undertaken by a private waste contractor and not the Stellenbosch Municipality;
- The parking area, weighbridge and security offices;
- Containers for the Swop Shop initiative which are now being used as staff areas;
- Portable toilets to meet the requirements with additional staff on site.

There is a possibility that the Municipality will look into the possible relocation of the Klapmuts Transfer Station to make way for a possible residential development in the area. This is still in a negotiations phase but should this happen the Municipality would want to make sure the new facility is up and running before operations at the current Klapmuts transfer station is ceased. If the transfer station is not moved the Municipality as indicated its intention to undertake expansion works at the transfer station in order for it to manage high waste volumes and larger trucks than currently.

Since the closure of the Stellenbosch Devon Valley Landfill Site, the Klapmuts Transfer Station is being used to transfer all waste from Stellenbosch Municipality to the Vissershok private landfill site. The transfer station is internally and externally audited with the latest external audit conducted in May 2020 by JG Afrika (Pty) Ltd. A score of 85% was achieved for this audit with the recommendations below taken directly from the JG Afrika (Pty) Ltd.

The Klapmuts RTS was well managed at the time of the audit despite operating at capacity. Findings and recommendations from the audit are summarised below:

- *Provide Health and Safety Meeting minutes;*
- *Undertake more frequent Internal Audits and provide proof of submission of the information as per Condition 9.1;*
- *Proof of annual submission of the information as per Annexure II of the permit (as per condition 9.1) must be provided to the auditor at the next audit;*
- *Remains unchanged: Undertake water quality monitoring within the stormwater drains and discharge point;*
- *Remains unchanged: Undertake an amendment to the permit to remove condition 3.12 as it is assumed that this refers to the height of a landfill.*



Figure 2-18: Klappmuts Refuse Transfer Station

2.4.12 Disposal Facilities used outside the Stellenbosch Municipality Boundaries

The hazardous waste generated in Stellenbosch Municipality is transported to the Vissershok Waste Management Facility (VWMF). It has a Class A (previously H:H) classification operating licence from the Department: Environmental Affairs. The site is situated some 800m west of the N7 at Vissershok and is operated and audited in terms of its licence conditions. This is the same site currently accepting the general waste from Stellenbosch due to the fact that the Devon Valley landfill reached capacity. The Vissershok landfill will accept waste from Stellenbosch on a two year contract after which the Municipality would have to go out on tender again for disposal of their waste until Cell 4 at the Devon Valley Landfill is operational.

2.4.13 Contaminated Land

There are no known contaminated land or unpermitted landfills prior to ECA 1989 in Stellenbosch Municipality. All contaminated land is discussed under "Closed Landfills".

2.4.14 Informal Salvaging

Informal salvaging has not been reported as a concern in the Stellenbosch as the facilities where salvaging can take place are fenced and access controlled. The main "salvagers" are baboons, but baboon-proof bins are available for purchase from the Municipality to limit this nuisance.

2.5 ECONOMICS AND FINANCING OF SOLID WASTE MANAGEMENT PRACTICES

2.5.1 Current Solid Waste Management System Costs & Budget

The tables below show the totals for the Capital Budget and the Operating Budget for the solid waste management departments of the Stellenbosch Municipality. Income for the Municipality is derived from service charges related to collection from domestic and business refuse removal as well as sales. The tariffs are also indicated below.

Table 2-21: Stellenbosch Waste Management Capital Budget

Name	Funding Source	2020/2021	2021/2022	2022/2023	MTREF Total
Expansion of the landfill site (New cells)	External Loan	2 000 000	7 000 000	20 000 000	29 000 000
Formalize skip areas in Franschhoek and Kayamandi	Own funds	-	-	500 000	500 000
Skips (5,5Kt)	Own funds	200 000	200 000	200 000	600 000
Furniture, Tools and Equipment: Solid Waste	Own funds	45 000	45 000	45 000	135 000
Integrated Waste Management Plan	Own funds	-	-	100 000	100 000
Landfill Gas to Energy	Own funds	500 000	2 000 000	8 000 000	10 500 000
Mini Waste drop-off facilities at inf. Settlements	Own funds	-	-	100 000	100 000
Street Refuse Bins	Own funds	500 000	500 000	500 000	1 500 000
Transfer Station: Stellenbosch Planning and Design	IUDG	2 000 000	3 000 000	-	5 000 000
Transfer Station: Stellenbosch Planning and Design	External Loan	-	5 000 000	9 000 000	14 000 000
Upgrade Refuse disposal site (Existing Cell)- Rehab	Developers Contribution	928 753	-	-	928 753
Upgrade Refuse disposal site (Existing Cell)- Rehab	CRR	1 071 247	1 000 000	1 000 000	3 071 247
Vehicles	CRR	-	2 000 000	3 000 000	5 000 000
Waste Biofuels	CRR	-	-	300 000	300 000
Waste Management Software	CRR	-	-	200 000	200 000
Waste Minimization Projects	CRR	500 000	500 000	500 000	1 500 000
Waste to Energy - Implementation	CRR	-	-	3 000 000	3 000 000
Waste to Energy - Planning	CRR	-	-	300 000	300 000
TOTALS		317 259 511	359 715 477	346 280 392	1 023 255 380

Table 2-22: Stellenbosch Municipality Waste Management Operational Budget

Item Description	Budget 2020/2021	Budget 2021/2022	Budget 2022/2023	Project
REFUSE REMOVAL				
Exchange Revenue				
Receivables: Waste Management	- 1 554 589	- 1 663 500	- 1 780 000	Default
Waste Management: Disposal Facilities	- 1 419 884	- 1 654 200	- 1 927 200	Default
Waste Management: Refuse Removal	- 90 318 422	18 470 000	21 517 600	Default
Waste Management: Refuse Removal	15 854 076	- 105 221 000	- 122 582 500	Water (6 kl p/h/m)
Waste Management: Waste Bins	- 15 012	- 17 500	- 20 400	Default
Total for Exchange Revenue	- 77 453 831	- 90 086 200	- 104 792 500	
Non-exchange Revenue				
National Revenue Fund: Equitable Share	- 28 405 227	- 31 245 700	- 34 057 800	Default
Total for Non-exchange Revenue	- 28 405 227	- 31 245 700	- 34 057 800	
Employee Related Cost				
Allowances: Accommodation, Travel and Incidental	6 239	6 795	7 399	Municipal
Allowances: Cellular and Telephone	28 594	31 139	33 911	Municipal
Allowances: Travel or Motor Vehicle	251 497	273 881	298 256	Municipal
Housing Benefits and Incidental: Essential User	89 422	97 380	106 047	Municipal
Housing Benefits and Incidental: Housing Benefits	141 930	154 562	168 318	Municipal
Overtime: Non Structured	1 181 318	1 286 456	1 400 950	Municipal
Salaries, Wages and Allowances: Basic Salary and Wages	12 998 386	14 155 243	15 415 059	Municipal
Service Related Benefits: Acting and Post Related	8 579	9 342	10 173	Municipal
Service Related Benefits: Bonus	1 083 839	1 180 300	1 285 347	Municipal
Service Related Benefits: Leave Pay	67 326	73 318	79 843	Municipal
Social Contributions: Bargaining Council	8 318	9 059	9 865	Municipal
Social Contributions: Group Life Insurance	160 386	174 661	190 205	Municipal
Social Contributions: Medical	386 148	420 515	457 941	Municipal
Social Contributions: Pension	2 341 189	2 549 555	2 776 465	Municipal
Social Contributions: Unemployment Insurance	115 026	125 263	136 412	Municipal

Item Description	Budget 2020/2021	Budget 2021/2022	Budget 2022/2023	Project
Total for Employee Related Cost	18 868 197	20 547 469	22 376 191	
Inventory Consumed				
Consumables: Standard Rated	299 535	313 014	327 100	Municipal
Consumables: Zero Rated	2 171 369	2 269 081	2 371 190	Municipal
Inventory Consumed: Materials and Supplies	1 236 892	1 292 552	1 350 717	Municipal
Total for Inventory Consumed	3 707 796	3 874 647	4 049 007	
Operating Leases				
Operating Leases: Furniture and Office Equipment	50 000	52 250	54 602	Municipal
Total for Operating Leases	50 000	52 250	54 602	
Contracted Services				
Contractors: Maintenance of Equipment	320 494	334 916	350 010	Civil Structures
Contractors: Maintenance of Unspecified Assets	1 015 254	1 060 939	1 108 800	Civil Structures
Total for Contracted Services	1 335 748	1 395 855	1 458 810	
Depreciation and Amortisation				
Depreciation: Furniture and Office Equipment	59 804	62 495	65 307	Municipal
Depreciation: Machinery and Equipment	475 002	496 377	518 714	Municipal
Sanitation Infrastructure: Waste Water Treatment Wo	7 512	7 850	8 203	Municipal
Solid Waste Infrastructure: Waste Processing Facility	1 378 486	1 440 518	1 505 341	Municipal
Water Supply Infrastructure: Reservoirs	37 560	39 250	41 016	Municipal
Total for Depreciation and Amortisation	1 958 364	2 046 490	2 138 581	
Operational Cost				
Advertising, Publicity and Marketing: Customer/Client	135 605	141 707	148 084	Municipal
Advertising, Publicity and Marketing: Tenders	60 913	63 654	66 518	Municipal
Decommissioning, Restoration and Similar Liability	2 774 634	2 899 494	3 029 970	Municipal
Domestic: Accommodation	3 344	3 495	3 652	Municipal
Domestic: Daily Allowance	3 344	3 495	3 652	Municipal
Domestic: Food and Beverage (Served)	1 108	1 158	1 210	Municipal
Domestic: Incidental Cost	2 216	2 316	2 420	Municipal
Licences: Motor Vehicle Licence and Registrations	600 000	627 000	655 215	Municipal
Operational Cost: Assets less than the Capitalisation	4 531	4 734	4 947	Municipal
Operational Cost: Hire Charges	2 556 736	2 671 789	2 792 020	Municipal
Operational Cost: Uniform and Protective Clothing	448 486	468 668	489 758	Municipal

Item Description	Budget 2020/2021	Budget 2021/2022	Budget 2022/2023	Project
Public Transport: Air Transport	5 225	5 461	5 706	Municipal
Transport with Operator: Other Transport Provider	1 662	1 737	1 815	Municipal
Transport without Operator: Car Rental	1 662	1 737	1 815	Municipal
Total for Operational Cost	6 599 466	6 896 445	7 206 782	
Total for Refuse Removal	32 519 571	34 813 156	37 283 973	
LANDFILL SITE				
Exchange Revenue				
Waste Management: Disposal Facilities	- 2 405 697	- 2 802 700	- 3 265 200	Default
Total for Exchange Revenue	- 2 405 697	- 2 802 700	- 3 265 200	
Employee Related Cost				
Salaries, Wages and Allowances: Basic Salary and Wages	179 493	195 468	212 864	Municipal
Service Related Benefits: Bonus	27 035	29 441	32 061	Municipal
Social Contributions: Bargaining Council	261	284	309	Municipal
Social Contributions: Group Life Insurance	4 030	4 388	4 779	Municipal
Social Contributions: Pension	58 359	63 553	69 209	Municipal
Social Contributions: Unemployment Insurance	3 250	3 539	3 854	Municipal
Total for Employee Related Cost	272 428	296 673	323 076	
Interest, Dividends and Rent				
Interest Paid: Interest costs non-current Provision	8 125 540	8 491 188	8 873 292	Municipal
Total for Interest, Dividends and Rent	8 125 540	8 491 188	8 873 292	
Inventory Consumed				
Consumables: Standard Rated	4 984	5 208	5 443	Municipal
Inventory Consumed: Materials and Supplies	1 241	1 297	1 355	Municipal
Total for Inventory Consumed	6 225	6 505	6 798	
Contracted Services				
Outsourced Services: Refuse Removal	14 400 000	14 850 000	15 518 250	Municipal
Total for Contracted Services	14 400 000	14 850 000	15 518 250	
Depreciation and Amortisation				
Roads Infrastructure: Roads	46 496	48 588	50 774	Municipal
Total for Depreciation and Amortisation	46 496	48 588	50 774	
Operational Cost				
Communication: Cellular Contract (Subscription and	523	547	571	Municipal

Item Description	Budget 2020/2021	Budget 2021/2022	Budget 2022/2023	Project
Decommissioning, Restoration and Similar Liability	10 178 174	10 636 191	11 114 820	Municipal
Insurance Underwriting: Premiums	566	591	618	Municipal
Operational Cost: Hire Charges	1 299 554	1 358 034	1 419 146	Municipal
Operational Cost: Municipal Services	327 508	333 246	339 242	Municipal
Operational Cost: Samples and Specimens	176 900	184 861	193 179	Municipal
Operational Cost: Workmen's Compensation Fund	4 664	4 874	5 094	Municipal
Total for Operational Cost	11 987 889	12 518 344	13 072 670	
Total for Landfill Site	34 838 578	36 211 298	37 844 860	
KLAPMUTS TRANSFER STATION				
Contracted Services				
Outsourced Services: Refuse Removal	19 800 000	20 700 000	21 631 500	Municipal
Total for Contracted Services	19 800 000	20 700 000	21 631 500	
Operational Cost				
Insurance Underwriting: Premiums	27 151	28 372	29 649	Municipal
Total for Operational Cost	27 151	28 372	29 649	
Total for Klappmuts Transfer Station	19 827 151	20 728 372	21 661 149	
CLEANING OF STREETS				
Employee Related Cost				
Allowances: Cellular and Telephone	8 059	13 830	14 452	Municipal
Allowances: Travel or Motor Vehicle	193 139	8 776	9 557	Municipal
Housing Benefits and Incidental: Housing Benefits	12 868	210 328	229 048	Municipal
Salaries, Wages and Allowances: Basic Salary and Wages	9 278 323	14 013	15 260	Municipal
Service Related Benefits: Acting and Post Related	2 978	10 104 094	11 003 359	Municipal
Service Related Benefits: Bonus	57 059	3 243	3 531	Municipal
Social Contributions: Bargaining Council	26 645	62 137	67 667	Municipal
Social Contributions: Group Life Insurance	8 579	29 016	31 599	Municipal
Social Contributions: Pension	123 345	9 342	10 173	Municipal
Social Contributions: Unemployment Insurance	106 189	134 323	146 277	Municipal
Total for Employee Related Cost	9 817 184	10 589 102	11 530 923	

Item Description	Budget 2020/2021	Budget 2021/2022	Budget 2022/2023	Project
Inventory Consumed				
Consumables: Standard Rated	28 081	29 344	30 665	Municipal
Consumables: Zero Rated	611 728	639 256	668 022	Municipal
Inventory Consumed: Materials and Supplies	160 406	167 624	175 167	Municipal
Total for Inventory Consumed	800 215	836 224	873 854	
Contracted Services				
Contractors: Employee Wellness	41 772	43 652	45 630	Municipal
Contractors: Maintenance of Equipment	38 991	40 746	42 660	Furniture
Contractors: Maintenance of Unspecified Assets	340 145	355 451	371 520	Municipal
Contractors: Preservation/Restoration/Dismantling	153 508	160 416	167 670	Municipal
Outsourced Services: Litter Picking and Street Cleaning	4 316 895	4 511 156	4 714 200	Cleanest City
Total for Contracted Services	4 891 311	5 111 421	5 341 680	
Depreciation and Amortisation				
Depreciation: Computer Equipment	1 534	1 603	1 675	Municipal
Depreciation: Furniture and Office Equipment	37 538	39 227	40 992	Municipal
Depreciation: Machinery and Equipment	187 284	195 712	204 519	Municipal
Depreciation: Transport Assets	111 366	116 378	121 615	Municipal
Roads Infrastructure: Roads	5 092	5 321	5 560	Municipal
Solid Waste Infrastructure: Capital Spares	13 234	13 830	14 452	Municipal
Total for Depreciation and Amortisation	356 048	372 071	388 813	
Operational Cost				
Cleaning Services: Laundry Services	81 228	84 884	88 703	Municipal
Communication: Cellular Contract (Subscription)	15 874	16 588	17 335	Municipal
Insurance Underwriting: Premiums	19 784	20 675	21 605	Municipal
Licences: Motor Vehicle Licence and Registrations	16 926	17 688	18 484	Municipal
Operational Cost: Assets less than the Capitalisation	137 765	143 964	150 443	Municipal
Operational Cost: Hire Charges	1 160 316	1 212 530	1 267 094	Municipal
Operational Cost: Uniform and Protective Clothing	505 643	528 396	552 174	Municipal
Operational Cost: Workmen's Compensation Fund	25 189	26 323	27 507	Municipal
Total for Operational Cost	1 962 725	2 051 048	2 143 345	
Total for Cleaning of Streets	17 827 483	18 959 866	20 278 615	

2.5.2 **Tariffs and billing****Table 2-23: Latest approved Stellenbosch Waste Management Tariffs**

SOLID WASTE TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020 (16.50 %)				
SERVICES RENDERED	UNIT	COMMENTS	Tariff 2019/2020 (VAT Excl.)	Tariff 2020/2021 (VAT Excl.)
Residential Waste Collection (Households, Flats, Hostels, Retirement homes, Churches, Schools, Welfare Organisations, etc.)				
Definition: 1 refuse unit = 240ℓ = 3 standard refuse bags				
Indigent subsidy: A monthly subsidy (to be determined by Council) to be credited to a registered indigent consumer's account				
Black bags (only where wheelie bins have not been introduced and/or stolen or lost)				
Single residential properties for indigent households.	per month	Account payable by property owner. Max 3 closed bags. No other extras. Service will cancel when 240ℓ bin is issued.	R135.99	R205.11
Basic residential collection based on 3 standard refuse bags once per week - 1st refuse unit - One dwelling on erf	per month	Account payable by property owner. Max 3 closed bags. No other extras. Service will cancel when 240ℓ bin is issued.	R176.06	R205.11
Basic residential collection based on 3 standard refuse bags per dwelling (1 refuse unit) for additional dwellings on same erf	per refuse unit per month	Account payable by property owner. Max 3 additional closed bags. No other extras. Per fixed arrangement - not variable. Service will cancel when 240ℓ bin is issued. At cluster housing, flats, etc. 1 refuse unit to be charged for every living unit (per month)	R176.06	R205.11
Additional collection based on an additional 3 standard refuse bags once per week - 2nd refuse unit or more	per month	Account payable by property owner. Max 3 additional closed bags. No other extras. Per fixed arrangement - not variable. Service will cancel when 240ℓ bin is issued.	R176.06	R205.11
Mobile bins (240ℓ Wheelie bin)				
Black Bin (Black lid Black bin)				
Basic residential collection based on 1 x 240ℓ per week - 1 st bin - one dwelling per erf	per month	Account payable by property owner. No extras beside bin. At cluster housing, flats, etc. (units to be charged per quantity of bins used). Only WC024 bins will be collected	R176.06	R205.11
Basic residential collection based on 1 x 240ℓ per week for additional dwellings on same erf	per refuse unit per month	Account payable by property owner. No extras beside bin. At cluster housing, flats, etc. Units to be charged per quantity of bins used. Only WC024 bins will be collected.	R176.06	R205.11
Basic residential collection based on 1 x 240ℓ bin per week for additional dwellings	per refuse unit per month	Account payable by property owner. No extras beside bin. At cluster housing, flats, etc. Units to be charged per quantity of bins used. Only WC024 bins will be collected.	R176.06	R205.11

SOLID WASTE TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020 (16.50 %)				
SERVICES RENDERED	UNIT	COMMENTS	Tariff 2019/2020 (VAT Excl.)	Tariff 2020/2021 (VAT Excl.)
Blue Bin (Blue lid Black bin)				
Three times per week removal with a blue lid 240ℓ refuse bin (sectional title, residential zoned i.e. Hostels, Flats, Old age/retirement villages - NOT HOUSEHOLDS)	Per add 240ℓ bin per month	Account payable by property owner. No extras beside bin. (Sectional title, residential zoned i.e. Hostels, Flats, Old age/retirement villages). (Businesses to be charged per quantity of bins)	R624.70	R727.78
Non Residential Waste Collections (Business and Commercial)				
Definition: 1 refuse unit = 240ℓ = 3 standard refuse bags				
Black bags (Only where Wheelie bins have not been introduced)				
Collection based on three (3) standard refuse bags once (x1) per week	per month	Account payable by business owner. Max 3 closed bags. No other extras. Black BAG Service will cancel when 240ℓ bin is issued.	R208.23	R242.59
Collection based on 3 standard refuse bags 3 x per week - three refuse units per month	per month	Account payable by business owner. Max 3 closed bags. No other extras. Service will cancel when 240ℓ bin is issued.	R624.70	R727.78
Additional collection based on additional refuse bags, once (x1) per week - measured in the number of additional refuse units (3) standard refuse bags per week	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable. Service will cancel when 240ℓ bin is issued.	R208.23	R242.59
Additional collection based on an additional refuse bags, 3 x per week - measured in the number of additional refuse units (3 standard refuse bags) per week	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable. Service will cancel when 240ℓ bin is issued.	R624.70	R727.78
Mobile bins (240ℓ Wheelie bin)				
Blue Bin (Blue lid Black bin)				
Collection based on 1 X 240ℓ once (x1) per week measured as one blue bin.	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R208.23	R242.59
Additional 240ℓ removal/s once per week - measured as the number of additional blue bins	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R208.23	R242.59
Collection based on 1 X 240ℓ three times per week measured as one blue bin.	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R624.70	R727.78

SOLID WASTE TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020 (16.50 %)				
SERVICES RENDERED	UNIT	COMMENTS	Tariff 2019/2020 (VAT Excl.)	Tariff 2020/2021 (VAT Excl.)
Additional 240ℓ removals three times per week - measured as the number of additional blue bins	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R624.70	R727.78
Mobile bins (240ℓ Wheelie bin)				
Red Bin (Red lid Black Bin)				
Collection based on 1 X 240ℓ five times per week measured as one red bin.	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R1 041.15	R1 212.94
Additional 240ℓ removals five times per week - measured as the number of additional blue bins	per month	Account payable by business owner. No other extras. Per fixed arrangement - not variable.	R1 041.15	R1 212.94
Charges and Levies				
Solid Waste availability charge	per annum	Vacant erven and to all households, businesses, flats, developments not making use of municipal collection services	R1 104.54	R1 286.79
Collection of food waste				
Restaurant Food Waste only Collection based on 1 X 240ℓ five times per week measured as one white bin	per month	Limited amount of restaurants within the WCO24 will be allowed for the pilot project (5 days/ week)	R512.13	R596.63

Table 2-24: Stellenbosch Municipality Waste Management Sundry Tariffs

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020				
DIRECTORATE: INFRASTRUCTURE SERVICES				
SERVICES RENDERED	UNIT	COMMENTS	2019/20	2020/21
Solid Waste Management Services			R (Vat excl.)	R (Vat excl.)
Stellenbosch Landfill Site (Devon Valley Site) (General Waste only - NO Medical or Hazardous Waste)				
Residents or Garden Services working within WC024				
Disposal of clean garden waste (grass cuttings, leaves etc.) NO OTHER WASTE * contaminated garden waste will be classified as general waste	Per metric ton or part thereof	Must show the latest account that reflects WC024 residency or proof of where in WC024 work is being done	Free	Free
Disposal of clean builder's rubble * contaminated builder's rubble will be classified as general waste	Per metric ton or part thereof	No material other than clean builder's rubble may form part of the load (eg. plastic, iron, wood). Vehicles with a carrying capacity of 1.5 tons and less.	Free	Free
Disposal of clean builder's rubble * contaminated builder's rubble will be classified as general waste	Per metric ton or part thereof	No material other than clean builder's rubble may form part of the load (eg. plastic, iron, wood). Vehicles with a carrying capacity of more than 1.5 tons	Free	R17.39
Disposal of bulky domestic waste	Per metric ton or part thereof	These are limited to items that cannot fit into a 240ℓ wheelie bin. Proof of the latest account that reflects payment for refuse removal needs to be shown. Limited to one load per month.	Free	Free
Contractors within WC024				
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per metric ton or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R547.82	R652.18
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per 500 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R273.91	R326.09

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020				
DIRECTORATE: INFRASTRUCTURE SERVICES				
SERVICES RENDERED	UNIT	COMMENTS	2019/20 R (Vat excl.)	2020/21 R (Vat excl.)
Solid Waste Management Services				
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per 250 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R136.96	R163.05
Disposal of soil	Per metric ton or part thereof	Only soil from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R547.82	R652.18
Disposal of soil	Per 500 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R273.91	R326.09
Disposal of soil	Per 250 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R136.96	R163.05
Interdepartmental Municipal Charges				
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per metric ton or part thereof	All Departments within Stellenbosch Municipality must pay for the disposal of refuse.	R526.32	R626.58
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per 500 kg or part thereof	All Departments within Stellenbosch Municipality must pay for the disposal of refuse.	R263.16	R313.29
Disposal of general waste based on actual mass * contaminated garden waste or contaminated builder's rubble will be classified as general waste	Per 250 kg or part thereof	All Departments within Stellenbosch Municipality must pay for the disposal of refuse.	R131.58	R156.65

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020				
DIRECTORATE: INFRASTRUCTURE SERVICES				
SERVICES RENDERED	UNIT	COMMENTS	2019/20 R (Vat excl.)	2020/21 R (Vat excl.)
Solid Waste Management Services				
Klapmuts Transfer Station				
Disposal of general waste	Per metric ton or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R547.82	R652.02
Disposal of general waste	Per 500 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R273.91	R326.01
Disposal of general waste	Per 250 kg or part thereof	Only waste from within WC024 allowed. Proof of origin of waste to be declared by user at disposal facility (written proof if requested)	R136.96	R163.01
Franschhoek Drop-off				
Residential properties ONLY				
Disposal of bulky domestic waste	Car, trailer, LDV	These are limited to items that cannot fit into a 240ℓ wheelie bin. Proof of the latest account that reflects payment for refuse removal needs to be shown.	Free	Free
Disposal of small quantities of clean builder's rubble *no contaminated builder's rubble will be allowed	Car, trailer, LDV	Only waste from within Franschhoek boundaries allowed. Proof of origin of waste to be declared by user at drop-off facility (written proof if requested).	Free	Free
Disposal of clean garden waste (Grass cuttings, leaves, etc.) *no contaminated garden waste will be allowed	Car, trailer, LDV	Only waste from within Franschhoek boundaries allowed. Proof of origin of waste to be declared by user at drop-off facility (written proof if requested).	Free	Free
WASTE IN EXCESS OF 1 TON AND ALL OTHER WASTE MUST BE DISPOSED OF AT THE SETTLENBOSCH LANDFILL SITE				
Replacement of bin or lid or wheel or axel				
For bin age up to 5 years		For malicious damage where there is negligence on the part of the owner.		

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021				
Applicable to services rendered from 1 July 2020				
DIRECTORATE: INFRASTRUCTURE SERVICES				
SERVICES RENDERED	UNIT	COMMENTS	2019/20	2020/21
Solid Waste Management Services			R (Vat excl.)	R (Vat excl.)
For the replacement of a complete bin	Replacement	Applicable to malicious damage Lost or stolen bin must be reported to the nearest Police Station and a case number be presented to Council before replacement commences. The replacement due to theft on refuse removal day will be excluded from this arrangement. Client still to obtain a case number from the SAPS and present it to Council before replacement will take effect. Maximum of twice per year.	Cost + 15% applicable to malicious damage, lost or theft. Must be reported to the SAPS and a case number and payment to be presented to Council before replacement. The replacement due to theft on refuse removal day will be excluded from this arrangement (Maximum two replacement allowed during the financial year, thereafter payment to be presented before replacement). Client still to obtain a case number from the SAPS and present it to Council before replacement will take effect.	Cost + 15% applicable to malicious damage, lost or theft. Must be reported to the SAPS and a case number and payment to be presented to Council before replacement. The replacement due to theft on refuse removal day will be excluded from this arrangement (Maximum two replacement allowed during the financial year, thereafter payment to be presented before replacement). Client still to obtain a case number from the SAPS and present it to Council before replacement will take effect.
Hiring and servicing of 240ℓ bins				
Hiring of 240ℓ wheelie bin	Per bin per day	For the hiring of 240ℓ bins to a third party within WC024 (includes delivery, collection and servicing of the bin). Subject to prior approval and availability.	R52.18	R54.52
Hiring of 240ℓ wheelie bins: Basic charge for collection and/or delivery on Saturday	Once-off per event	Compulsory fee to be paid when hiring municipal wheelie bins for events taking place over a weekend in WC024	R2 640.00	R2 758.80
Hiring of 240ℓ wheelie bins: Basic charge for collection and/or delivery on Sunday	Once-off per event	Compulsory fee to be paid when hiring municipal wheelie bins for events taking place over a weekend in WC024	R3 480.00	R3 636.60

3. GAPS AND NEEDS ASSESSMENT

From the status quo evaluation the gaps and needs were identified and are discussed below. The methodology used to determine these gaps and needs were through a combination of the following methods and processes:

- Gaps and Needs specifically identified by the municipality's waste management officer during the meetings between JPCE and the municipality;
- Complaints, comments and suggestions made by members of the public during the public consultation process of the IDP and IWMP;
- Shortcomings of municipal infrastructure and/or systems to adhere to the national and provincial requirements of waste volume recording and reporting and management;
- Processes and practices identified that could assist the municipality to adhere to the principles of the National Waste Management Strategy and the NEMA Waste Act and its regulations.
- External and internal audit reports of waste management facilities.
- General D:EA&DP comments on other municipal IWMP reports.

3.1 LEGISLATION

The Municipality's solid waste by-law is in the process of being updated and still requires completion and approval by Council.

The general awareness of the latest legislation has been identified as a gap. Various waste generators (especially hazardous waste) are unaware of the requirements listed in legislation pertaining to the transport and disposal of waste.

The non-compliances (where applicable) at municipal solid waste facilities need to be comprehensively assessed through internal and external audits. These findings must be communicated to the D:EA&DP. This is not considered a gap at the moment as it is being done, however, due to the requirement that it is continually done, it is mentioned here in order to include in upcoming implementation items.

Cell 1 and 2 at the Devon Valley landfill has been issued with a closure licence and it is required that rehabilitation commence before the dates specified in the licences in order to achieve compliance.

The national waste management strategy was recently updated and the Municipality is required to stay up to date with the latest requirements from national and provincial government. Communication channels between national, provincial and local government are meant to relay this information, but in some cases these communication channels require some improvement. There exists a need for the Municipality to obtain more direct guidance from the provincial and national governments on how to continuously improve waste management service delivery.

3.2 WASTE GENERATION QUANTITIES

Excellent data is available for the generated waste quantities in Stellenbosch. Data is well recorded by the contractor operating the landfill site but care must be taken to ensure records are kept for constant categories and not spread over to many categories in order to avoid confusion.

An identified gap is the recording of waste data during the time that waste will be transported to the Vissershok landfill. Detail records should be kept on how much waste gets collected from households and businesses, how much waste is accepted at the Devon Valley landfill and Klapmuts transfer station, and how much waste is being transported to the Vissershok site so that a waste flow and volume balance can be established.

3.3 WASTE MINIMISATION, RECYCLING AND RE-USE INITIATIVES

A new MRF is currently being developed at the Stellenbosch (Devon Valley) landfill which will address some of the waste minimisation and diversion needs of the Municipality. The MRF will be operational by the end of 2020 and an organic waste transfer station is also in the planning stages. More work is however, always required in the waste minimisation and recycling space and residents should be encouraged to further increase separation at source at all times.

There remains a need for the development of a solid waste transfer station in the Franschhoek area and this needs to be budgeted for. Previous studies to find a suitable site for the development of the transfer station have been unsuccessful due to the lack of suitably sized land close enough to the town. Although it is acknowledged that adequate land in proximity to the town will remain a challenge, the requirement for a transfer station is ever increasing and is identified as an urgent need.

3.4 INSTITUTIONAL AND ORGANISATIONAL NEEDS

There are many vacancies in the solid waste management staff compliment, including a few in key positions. Appropriate persons should be appointed for these positions and receive adequate training. There is a need for more technical staff in the waste management division and it should be made a priority to appoint suitably qualified technical staff to the required positions and reflect this in the municipal budget.

3.5 IDENTIFICATION OF ALTERNATIVES

Current organic diversion rates achieved are good, but needs to improve in order to achieve 100% diversion by 2027. The waste characterisation study needs give additional detail (as mentioned previously) in order to identify effective alternatives for diverting the remainder of the organic waste fraction. Possible additional treatment could include Mechanical Biological Treatment (MBT) in order to separate the organic fraction from the collected waste stream and beneficiate it. This is, in part, is the intention of the planned organic waste transfer station and the detail design process for the transfer station would have to investigate and secure off-takers for the organic waste diverted by the transfer station.

3.6 FUNDING MECHANISMS

Funding mechanisms need to be explored. The capital cost requirements of required infrastructure and possible alternatives in order to achieve the required diversion rates are too high to be funded by the solid waste department itself. As described in this report budgets have been allocated for waste management infrastructure and services but the high capital requirements of many of the required developments indicates that the Municipality will have to look outside its borders for funding. This is particularly true for the costs of landfill closure and rehabilitation.

Waste minimisation, including recycling, composting and crushing of builder's rubble, will require financial support and continual public awareness and education (which is on-going and very important) is also a continuous expense.

The Municipality must make provision for the rehabilitation of Cell 1 and 2 of the Devon Valley landfill. With the requirements set in the latest issued licences (which take into account that sites were not constructed with impermeable base liners), the rehabilitation costs have become unaffordable in the short to medium term. It would be most beneficial if the funding allocation for landfill rehabilitation would come through, or be sourced by, the Provincial government systems.

3.7 PUBLIC AWARENESS AND EDUCATION

Public awareness and education must always be a continual requirement and the current work done by the Stellenbosch Municipality must continue and expanded wherever possible. The Municipality does good work with the schools in its jurisdiction and more work is required to ensure that the awareness and education passed through to the youth by these initiatives, can continue.

The Municipality publishes an annual newspaper called "Utter Rubbish" in which it provides information to the public on waste related matters. This is a very good method of relaying important information to the general public and should be committed and improved upon where possible.

A dedicated Municipal official should continuously investigate and implement public awareness and education campaigns related to waste management to ensure that the public understands the need for sustainable waste management within the Municipality.

4. STRATEGY AND IMPLEMENTATION

Based on the gaps and needs identified, aligned goals of the IWMP and planned projects by the municipality, this section contains the objectives, timeline and required resources for implementation of the IWMP. These gaps and needs are linked to the main goals contained in the Western Cape Provincial IWMP.

Goal 1: Strengthened education, capacity and advocacy towards Integrated Waste Management							
Objectives		2020	2021	2022	2023	2024 and on	Priority
Strategic Objective 1:	Facilitate consumer and industry responsibility in integrated waste management	<p>The Waste Management Officer must address and co-ordinate the requirements of awareness and general waste management. He will co-ordinate and/or delegate the follow-up visits to the special and hazardous waste generators in the Stellenbosch municipality to ensure that all these generators are aware of applicable legislation and are following steps to become compliant if required. This person will also oversee the information gathering as per legislation, in other words, ensure that generators and transporters report to the municipality as required. General public awareness and feedback on recycling issues and information will also fall under the duties of this person, including maintaining and improving upon the diversion statistics information provided to the public. Continue to support the educational awareness campaigns.</p>					High
Strategic Objective 2:	Promote and ensure awareness and education of integrated waste management						
Strategic Objective 3:	Build and strengthen waste management capacity	<p>Fill all vacant posts as soon as possible.</p> <p>Municipal solid waste employees to attend education seminars and waste forums as is appropriate for their specific responsibility levels. Capacity training and education must be conducted within the municipality where needed. It must be ensured that the solid waste management employees are informed regarding the latest legislation and how to appropriately handle and identify various waste types. Law enforcement departments must also be approached and receive education in solid waste legislation and management to enable them to identify issues and act when required.</p> <p>The South African Institute of Waste Management (www.iwmsa.co.za) is a voluntary organization that provides training on the management of waste. The Stellenbosch Municipality is encouraged to have their staff become members of this institute and to attend the training sessions that is available on their website.</p> <p>The Waste Management Officer attends the Cape Winelands Provincial Waste Forum, The Western Cape Recycling Action Group as well as District Forums.</p>					
		Costs & Human Resources	<p>Costs to be determined (OPEX). One to two persons in the municipality required, or a consultant can be appointed for public awareness and education. Additional costs are dependent on the number of employees attending educational and capacity building events.</p>				
	Schools and Newsletter		Schools and Newsletter	Schools and Newsletter			
	R100,000.00		R105,000.00	R110,000.00	TBD	TBD	

Goal 2: Improved integrated waste management planning and implementation for efficient waste services and infrastructure							
Objectives		2020	2021	2022	2023	2024 and on	Priority
Strategic Objective 1:	Facilitate municipal waste management planning	Finalise 3rd generation IWMP	Review IWMP and submit IWMP annual report along with implementation projects update.	Review IWMP and submit IWMP annual report along with implementation projects update.	Review IWMP and submit IWMP annual report along with implementation projects update.	Start IWMP 4th generation development.	High and already under way.
	Costs & Human Resources	R350,000.00. Appointed consultants, Waste Management Officer.	Can be done in-house by the solid waste manager. Cost estimate for consultant: R40 000.00 per report.			To be determined.	
Strategic Objective 2:	Promote industry waste management planning	This objective is coupled with Goal 1, where the appointed persons will liaise with industry to ensure that they are aware of the relevant legislation. Follow-up meetings and on-going communication will ensure that industry sufficiently plans and implements actions in order to be compliant and reduce waste generation along with responsible handling/treatment/transport/disposal.					High
Strategic Objective 3:	Promote the establishment of integrated waste management infrastructure and services	Continued Collection Service Review: The municipality must ensure that all residents receive an affordable waste service at an acceptable level at all times. The Solid Waste departments must liaise with the town planning department to stay up to date with new areas that require or will require services. The complaints registry and service requests must be reviewed monthly by the Waste Management Officer. The older Municipal collection vehicles currently in the Municipal fleet aged above 7 to 8 years, must be assessed in terms of running cost and effectivity. Where vehicles are operating beyond their effective economic lifetimes or are not the most efficient vehicles for their functions, they must be replaced. It must also be ensured that each vehicle's function is thoroughly assessed in order to replace the old vehicles with the most efficient and cost-effective ones. This can be done through implementation of the recent optimization report. The Waste Management Officer will be responsible for planning and coordinating with the Operations department, who will be responsible for vehicle assessment.					Medium
	Costs & Human Resources	Review and replace collection vehicles where required. 15m³ REL approx. R2.2 Million; 19m³ REL approx. R2.5 Million; 4 Tonne Truck approx. R0.6 Million					
		Promote the establishment of integrated waste management infrastructure and services	Construction of a new MRF, Organic Waste RTS for Stellenbosch. Find and design public drop off and transfer station for Franschhoek. Amendments to budgets may be required.		To be determined in light of diversion studies and annual IWMP implementation reviews. Possible MBT facility to increase organic waste diversion.		High and already under way.

Goal 2: Improved integrated waste management planning and implementation for efficient waste services and infrastructure							
Objectives		2020	2021	2022	2023	2024 and on	Priority
	Costs & Human Resources	MRF - R2,000,000.00 remaining on budget. Facility nearing completion. RTS – R20,000,000. Appointed consultants, Municipality. Appoint contractors via public tender. Franschhoek Drop off – R8,000,000. Appointed consultants, Municipality. Appoint contractors via public tender. Complete design and license of landfill Cell 4.		Completion of design, tender and Develop Cell 4 of the Devon Valley Landfill site and continuous investment in landfill diversion infrastructure.			
	Promote the establishment of integrated waste management infrastructure and services	Vacant positions need to be filled and the Waste Department expanded in order to keep up with growth and service needs. In order to provide an effective service, key vacant positions in the solid waste department need to be filled.					Medium
	Costs & Human Resources	The number of and type of position will determine the additional costs to the municipality. Competent employees need to be appointed and training provided as necessary.					
Strategic Objective 4:	Ensure effective and efficient waste information management	Improve the detail with which the waste data is recorded, both for generation and transportation. Continue recording at weighbridges and reporting to IPWIS by the Waste Management Officer.					High

Goal 3: Effective and efficient utilisation of resources							
Objectives		2020	2021	2022	2023	2024 and on	Priority
Strategic Objective 1:	Minimise the consumption of natural resources	This also ties in with Goal 1 to promote waste minimisation and recycling, which will in turn reduce pressure on natural resources by re-using materials efficiently. New facility designs must take cognisance of natural resource protection. For example, a rehabilitated disposal site must be covered with indigenous vegetation suited to the climate so as not to require additional watering to thrive. Awareness and education should place additional focus on waste avoidance, reducing the need for diversion methods and disposal.					High
Strategic Objective 2:	Stimulate job creation within the waste economy	Appoint contractor(s) for MRF and chipping operations at the new MRF.		Assess job creation opportunities, both permanent and temporary in the waste management field and upcoming projects. Job creation remains a top need in the community.			High
Strategic Objective 3:	Increase waste diversion through reuse, recovery and recycling	Appoint contractor(s) for MRF, chipping operations and crushing at the new landfill and look at integration of services.		Investigate alternatives in order to improve organic waste diversion rates in order to achieve 50% organic diversion by 2022.	Apply identified strategies/infrastructure to increase diversion.	Continue with investigations and applying methods to improve diversion rates.	High
		Develop the Devon Valley Landfill Organic Waste Diversion Plan					
	Costs & Human Resources	TBD	TBD	TBD	TBD	TBD	

Goal 4: Improved compliance with environmental regulatory framework							
Objectives		2020	2021	2022	2023	2024 and on	Priority
Strategic Objective 1:	Strengthen compliance monitoring and enforcement	Conduct internal and external compliance audits at all waste management facilities as required according to licences and legislation. Findings must be communicated to the D:EA&DP.					High
	Costs & Human Resources	External auditors to be appointed. Waste management officer to conduct internal audits. Between R20,000 and R40,000 per Audit depending on the requirements.					
	Strengthen compliance monitoring and enforcement	Cooperate with the public and law enforcement to reduce instances of illegal dumping. Enforce legislation on perpetrators.					
Strategic Objective 2:	Remediate and rehabilitate contaminated land	Remove and remediate illegal dump sites	Close and rehabilitate the unused cells at the landfill. Considering the estimated costs and limited time, apply to postpone the required rehabilitation of the sites for which funding cannot be sourced.				Medium
	Costs & Human Resources	R4,000,000.00. Appoint a contractor via public tender.	Note that these are the 2020 estimates which include professional and construction fees. These costs must be updated annually: Cell 1&2 - R95,482,182.07 , Cell 3 - R40,912,995.02.				
Strategic Objective 3:	Facilitate the development of waste policy instruments	Update integrated waste management by-laws in terms of latest national legislation and 3rd Gen IWMP.					Low
	Costs & Human Resources	Solid waste manager and his appointed consultants. Cost TBD					
Strategic Objective 4:	Promote self/co-regulatory measures	Ties in with Goal 1. Person responsible to liaise with industry should promote the implementation of these measure e.g. through reviewing industry waste management plans. Ensure annual IWMP review and reporting.					Medium

5. MONITORING AND REVIEW

5.1 ESTABLISHMENT OF AN IWMP MONITORING ADVISORY COMMITTEE

To ensure that the IWMP remains up to date as far as practically possible and stays relevant, it must go through a review process. This process will be initiated and followed by the IWMP advisory committee.

The committee will review the proposed projects and implementation items contained in the IWMP. The committee should consist of at least the following persons:

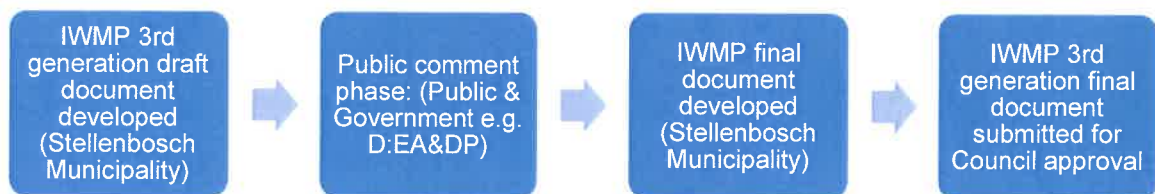
- The Stellenbosch Waste Management Officer with assistance from the Operational Services Department's Supervisors and Foremen.
- The Stellenbosch Deputy Director Infrastructure Services
- The Stellenbosch Deputy Director Operational Services
- The Stellenbosch Municipality's appointed consultant, but only if required.

The members of the Committee, responsible for their separate tasks, will ensure that projects are followed, reported on and the IWMP and its schedule are up to date.

5.2 MONITORING SCHEDULE OR PROGRAMME

For the IWMP to be an effective and relevant tool and guide for integrated waste management in the Stellenbosch Municipality, it will need to be monitored and reviewed. Monitoring relates to the goals and targets set out in the IWMP and whether they are being achieved or pursued. Reviewing relates to the document and the projects themselves which will require regular updates to stay up-to-date, specifically the implementation items of Section 5. The proposed implementation schedule as well as allocated budget may change at any time and these changes, if any, need to be reflected in the reviewed IWMP to avoid confusion.

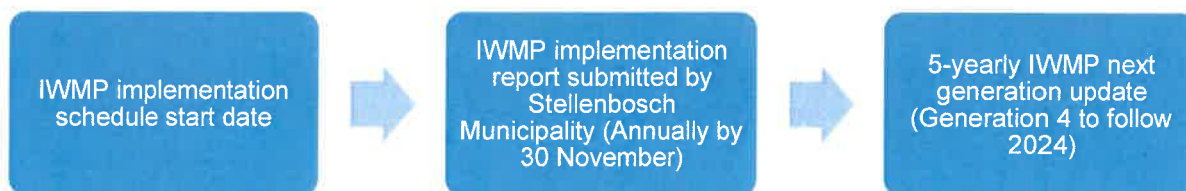
The following diagram illustrates the initial review cycle when a new IWMP is developed:



The implementation of the third generation IWMP will start following Council approval. Apart from the continuous project implementation and goal tracking, which must be done by each individual project team as and when each project is running and report to Mr Hendricks (Waste Management Officer), an annual IWMP report must be submitted along with the other Municipal annual reports and a copy sent to D:EA&DP as well.

As per the Waste Act, the IWMP annual report must reflect the following:

- a. the extent to which the plan has been implemented during the period;
- b. the waste management initiatives that have been undertaken during the reporting period;
- c. the delivery of waste management services and measures taken to secure the efficient delivery of waste management services, if applicable;
- d. the level of compliance with the plan and any applicable waste management standards;
- e. the measures taken to secure compliance with waste management standards;
- f. the waste management monitoring activities;
- g. the actual budget expended on implementing the plan;
- h. the measures that have been taken to make any necessary amendments to the plan;
- i. in the case of a province, the extent to which municipalities comply with the plan and, in the event of any non-compliance with the plan, the reasons for such non-compliance: and
- j. any other requirements as may be prescribed by the Minister.



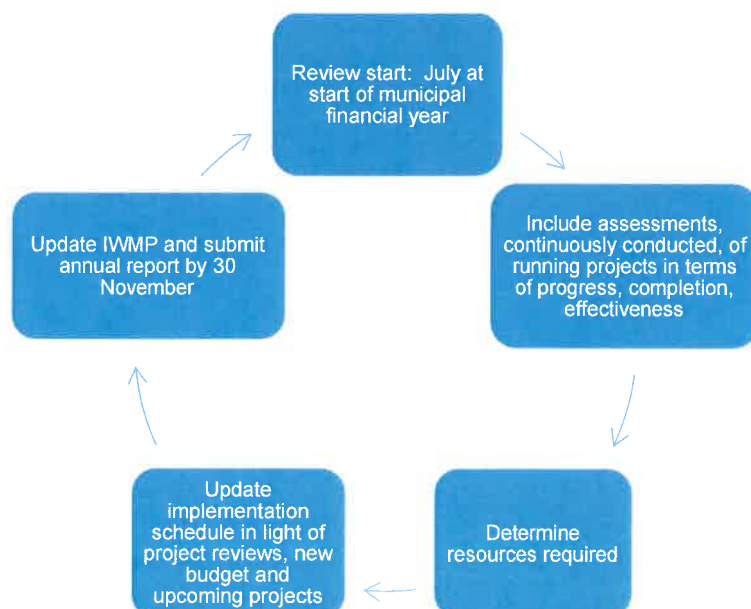
The annual implementation reports will be submitted by the Stellenbosch Municipality and will be compiled by Mr Hendricks, or to whom the task is delegated by him. The annual report must contain the approved implementation items and dates of the IWMP and the progress thereof of the past year. Based on the progress and possible new budget allocations, the implementation schedule of the IWMP must be updated and included in the annual report. This new implementation schedule must provide for 3 upcoming years from the report date.

The progress of each task on the implementation schedule, if under way according to the schedule for that year, must be summarised and the estimated completion date must be updated. The reasons for the lack of progress or practical difficulties must be stated along with a summarised action plan to adhere to the schedule as close as possible. This does not infer that the implementation items themselves are only reviewed once per year. Each item and progress must be continually evaluated by the persons responsible. This will allow the information, whether a project has been completed or is on-going, to be included in the annual report and allow for the implementation schedule of the IWMP to be updated as part of the IWMP annual review process.

The report must further discuss the effectiveness of completed projects. For example, when a new drop-off has been commissioned, the collected data must be reported on and added to the IPWIS. Also the participation rates of source separation can be monitored along with the public awareness and education campaign. The way in which projects are tracked for review are not prescribed, as long as it is done in order to measure the success of addressing the identified gaps and requirements and to identify and plan for new gaps and needs.

Wherever issues are reported or identified in the projects, these issues must also be evaluated in terms of the relevant legislation and by-laws. It must be stated if there is relevant legislation applicable to the issue and if so, was it the lack of enforcement, for example, that caused the issue. If no relevant legislation exists, it must be noted to adapt the by-laws accordingly in future revisions.

Below is the proposed review cycle and amendment procedure of the IWMP and its projects:



6. CONCLUSIONS AND RECOMMENDATIONS

Through this 3th generation IWMP development, the current solid waste management system of the Stellenbosch Municipality has been assessed in order to determine the adequacy, shortcomings and possible improvements.

The Devon Valley landfill site has reached its current capacity and plans are underway to develop the next cell between the current cells. Until Cell 4 is built and ready to accept waste, the Stellenbosch Municipality will be using other landfills for the disposal of its waste. All waste gets collected and transported to the Klappmuts Transfer station from where it is currently taken to the Vissershok Private Landfill North of Cape Town. The contract with Vissershok expires in June 2022.

During the process of the implementation of the municipality's IWMP, and arising from the public consultation process, further input and/or corrections to the report may come to light that will then be added as a revision to the report.

The strategic objectives for integrated waste management in Stellenbosch Municipality can be summarised as follows:

- To ensure that Waste Management in the Stellenbosch Municipal Area complies with South African and International environmental standards so that it is beneficial to industrial and agricultural growth and the public's right to a clean and healthy environment;
- To minimise the entrance of material of value into the waste stream;
- To reduce all waste so that nothing of value nor anything that can decompose, gets disposed;
- To store, dispose or treat all waste that cannot be avoided nor reduced at licensed facilities with regular operational and environmental monitoring and in accordance with regulatory requirements.

For these strategic objectives to be met, a series of implementation instruments (action plans) will need to be implemented. These implementation instruments as well as time framework within which it should be addressed are described in this report but need to be fully detailed at a later stage as projects are approved and acquires funding. The instruments are the following:

- Strengthened education, capacity and advocacy towards Integrated Waste Management;
- Improved integrated waste management planning and implementation for efficient waste services and infrastructure;
- Effective and efficient utilisation of resources;
- Improved compliance with environmental regulatory framework;

The above instruments, through implementation via their action plans, will ensure that waste management in Stellenbosch focusses on avoidance and reduction rather than collection and disposal, but simultaneously maintaining the practical balance between the various waste management functions.

The analyses of the current waste management system has led to the identification of gaps and needs (**Chapter 3**) and these are addressed with the overarching goals and implementation (**Chapter 4**).

ANNEXURE A



**STELLENBOSCH MUNICIPALITY
WASTE CHARACTERISATION
REPORT**

JUNE 2019






STELLENBOSCH
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1 INTRODUCTION

JG Afrika were appointed to compile a Waste Characterisation Report for Stellenbosch Municipality. Stellenbosch Municipality conducted waste characterization studies in 2012 and 2017 to determine the waste composition within the Municipal area.

The Scope of Works stated that the key purpose of the study is to compile a final report using the raw data from the two waste characterization studies focusing primarily on the 2017 study, undertaking the following:

- Comparing the results of the two studies within the report;
- Liaise with officials and others (such as Charlotte Nell) who conducted/was involved in field work in both studies;
- List the waste streams from high priority to low priority based on the two studies;
- Inclusion of graphs, flow charts, pie charts etc. to visually display trends in waste volumes; and
- Workshop of the draft report with the Project Manager and incorporation of comments received into the Final Report. *Please see **Annexure A** for the workshop presentation.*

Only the results of the 2017 study were provided to JG Afrika, however this report has been compiled with the aim of assisting the Municipality with forward planning to address various waste streams in terms of legislated waste minimization and beneficiation requirements.

2 WASTE CHARACTERIZATION METHODOLOGY AND SAMPLING PROCEDURE

JG Afrika was not provided with the methodology or sampling procedure, however, the following was noted:

- Sampling took place on various collection days from August to October 2017. See **Annexure B** for the schedule.
- Only black bags were sorted, however, some of the areas included in the study were participating in the two bag separation system.
- Waste was sorted into categories and then weighed, a volume is also provided although this has not been used for the purposes of this report.
- Leachate was also included as a category and weighed.
- After the sorting was completed, all salvageable recyclable material (paper, glass, plastic etc. that was not too contaminated) was grouped together for recycling purposes and landfill diversion. This material was then weighed and the weight recorded.
- The characterisation focused on residential/household waste and not commercial or business waste.
- Sampling was based on areas and not wards specifically.
- Stellenbosch University waste was included the characterisations, however separated into different categories and is therefore presented in a separate section of this report.

An example of the waste characterisation sheet that was used for recording the data is provided in **Annexure C**.

The following major waste categories (19) for the characterization included:

- Hard plastic
- Tetrapak
- Plastic wrap/packaging
- Metal
- Glass
- Paper packaging
- Paper/Cardboard
- Organics

- Leachate
- Household hazardous waste
- Garden waste
- Foamalite (i.e. polystyrene)
- Tissues
- Other (nappies, soil, dirt i.e. residual)
- Clothes
- Ash
- Electronics (i.e. e-waste)
- Furniture
- Woven bags (i.e. polypropylene/plastic)

Changes/amendments to data/information included in spreadsheet:

- La Montle – changed to La Motte
- Coastaland – changed to Costa Land
- Sucka – changed to woven plastic bags (generally made from polypropylene)
- Data checked to ensure that Recyclables was not included in Calculated Final Weight.
- Difference between calculated and initial total weights is regarded as negligible and was in the region of 0.02kg on average.
- Foamalite – changed to polystyrene.

The following should be noted:

- The information/graphs provided is based directly on the actual data provided without detailed interpretation or analysis.
- The characterisation was conducted using weight (kilograms) and an estimation of volume (m³) however only weight has been used for the purposes of this report and the graphs. This is particularly important to note when assessing items such as glass and organic waste versus the plastic and paper components of the waste stream.
- “Other” or residual usually contains a vast array of items and these could contribute to the organic content (e.g. dog faeces) as well as household hazardous waste (e.g. nappies/sanitary products).
- Household hazardous waste includes e-waste such as batteries and fluorescent bulbs, cleaning chemicals, pesticides/herbicides and medical/pharmaceutical waste.

3 FINDINGS

3.1 Data Analysis and overview of findings

The data collected during the waste characterization was captured in an Excel Spreadsheet for further analysis, and various comparisons have been made in terms of waste types per facility/site, number of different wards, suburbs, etc.

In certain instances, waste categories have been combined to simplify comparisons and allow focus on other categories, such as:

- Construction and wood waste.
- Packaging/Recyclables – combined category which includes plastic, metal, paper and cardboard, Tetrapak and multilayer material.
- Leachate was generally included with the “organic” category as it was only found in a few samples (i.e. Franschoek and Groendal; Kylemore and Farms; Jonkershoek; Onder Papegaaiberg; Plankenbrug and Kayamandi).

Waste from Stellenbosch University has not been included in this section and is represented separately.

Table 1 provides an overview of the sampling in terms of area and ward. It is understood that sampling was reliant on not interfering with the normal operations of the collection in a specific area and were selected to try and get a representative sample from the area. The full set of data is presented in **Annexure A**. The number of samples per area could not be directly compared to the number of lifts per area as some areas are combined in the lift schedule.

Table 1: Sampling Overview and Summary – Municipal areas and wards

Area sampled	Ward into which area falls	No of bags sampled	Total Weight (sorted) kg
Franschhoek (including Groendal)	1	411	1809.25
Langrug (waste from skips, not bags)	2	80	466.47
Wemmershoek and La Motte	3	84	309.11
Kylemore and Farms	4	171	753.9
Pniel	4	111	463.79
Idas Valley	5	166	547.34
Jonkershoek	5	81	277.94
Uniepark and Mostertsdrift	7	216	732.25
Simonswyk	7	101	364.84
Uniepark	7	78	174.56
Mostertsdrift	7	92	340.89
Noordwal and Die Laan	8	81	278.41
Stellenbosch CBD	9	271	1086.56
La Colline	10	75	233.74
Onder Papegaaiberg	11	63	249.76
Devon Valley	11	96	389.79
Plankenbrug	12	122	422.37
Kayamandi	12, 13, 14, 15	384	1632.49
Cloetesville Industrial	16	83	297.72
Cloetesville	16	113	456.87
Welgevonden	17	62	162.81
Klapmuts	18	79	253.42
Koelenhof	19	117	488.07
Raithby	20	122	483.84
Technopark	21	85	258.45
Paradyskloof	21	122	409.55
Jamestown	21	207	768.97
Die Boord	22	80	273.75
Brandwacht	22	119	423.02
Total		3872 bags	14 760 kg

3.2 Consolidated Data for Stellenbosch Municipality (excluding the University)

The consolidated data providing an overall broad characterisation of the waste sampled (by weight) for all the areas sampled within Stellenbosch Municipality is presented in **Figure 1**. The following should be noted with regards to the categories illustrated:

- Packaging/Recycling is a broad category where data has been combined to include glass, metal, plastic, paper and board, Tetrapak and multilayer.
- Organic waste and garden waste have been kept as separate items.
- Household Hazardous Waste included batteries, fluorescent bulbs, cleaning chemicals, medical waste, nappies and sanitary products.

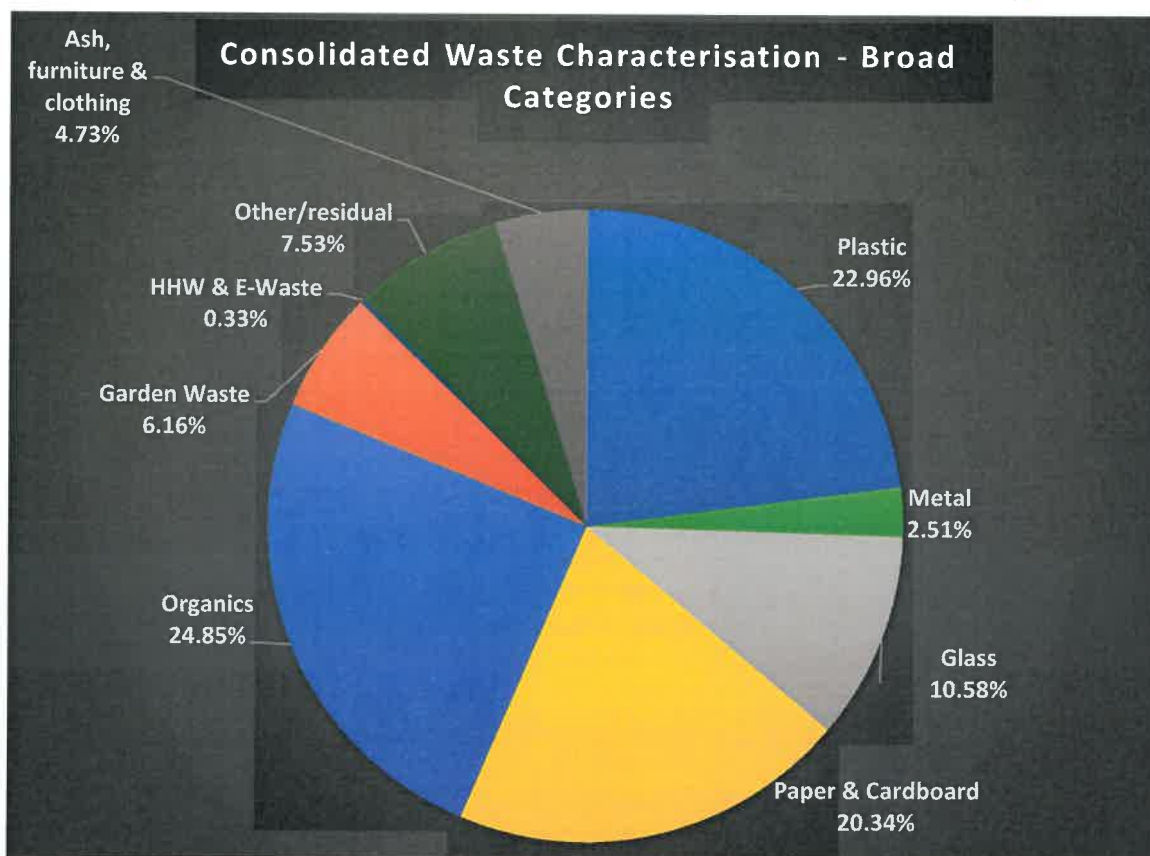


Figure 1: Consolidated Waste Characterisation Data showing the broad categories for all areas

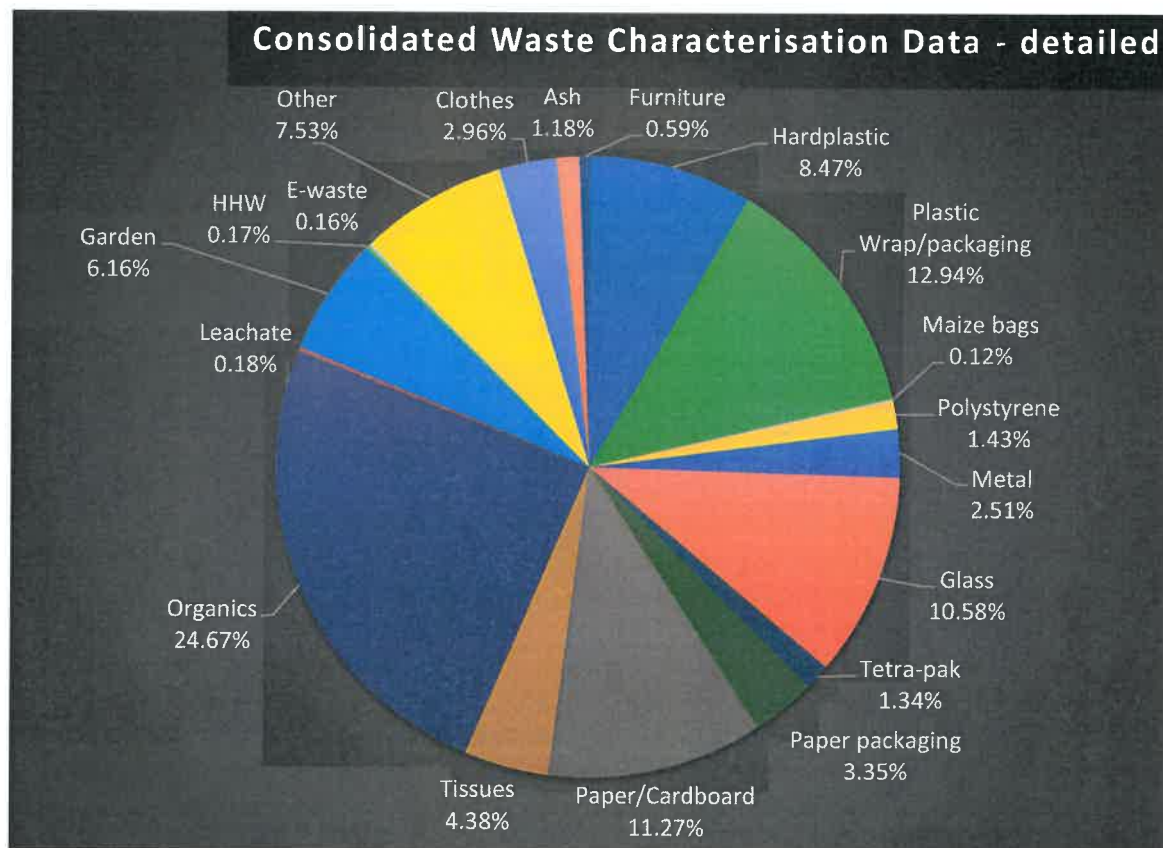


Figure 2: Consolidated Waste Characterisation Data (all areas)

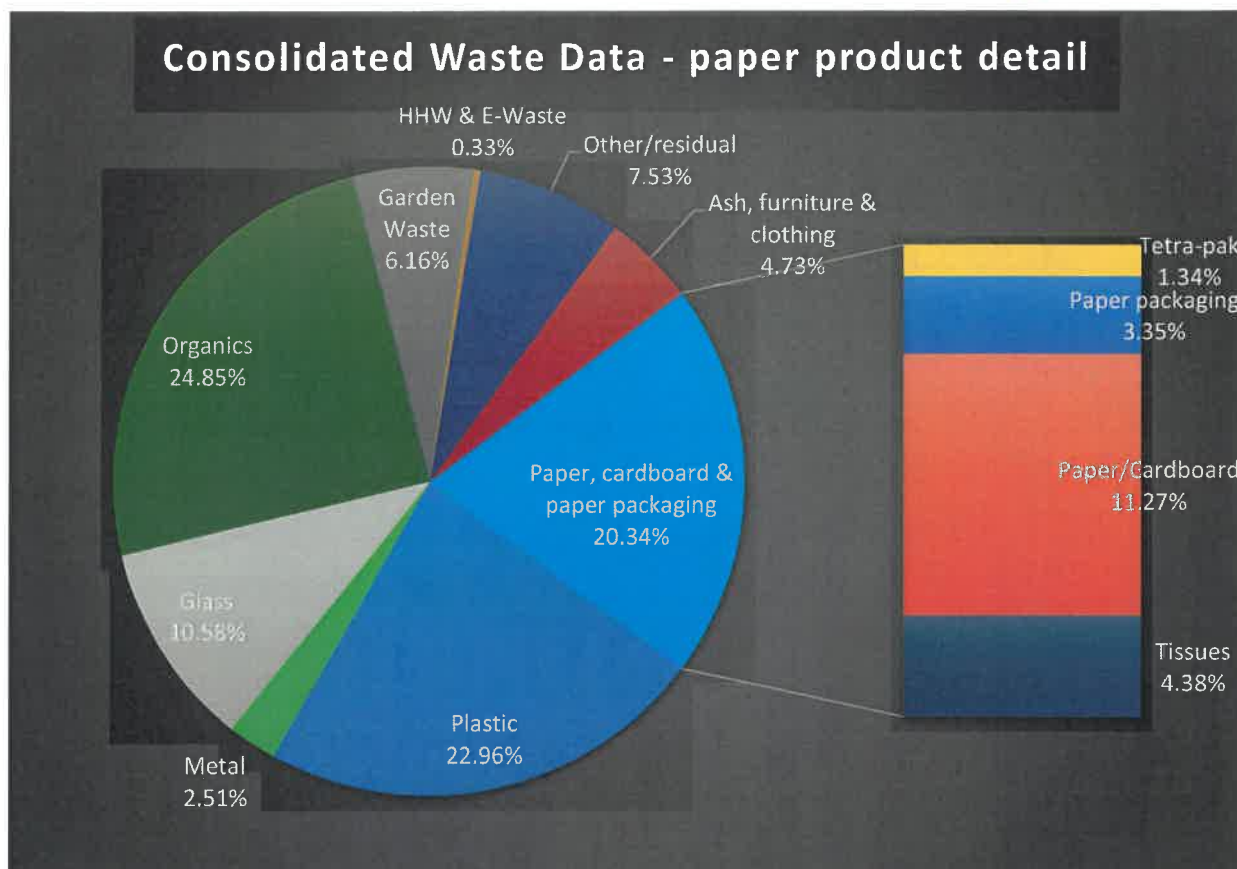


Figure 3: Consolidated Waste Data with breakdown of paper product component

Figure 2 provides the consolidated waste data, separated further, to give an indication of the overall percentages of waste in each of the categories for the entire municipality.

Figure 3 provides a pie chart of the consolidated waste categories with a more detailed breakdown of the paper and cardboard component.

Figure 4 provides a pie chart of the consolidated waste categories with a more detailed breakdown of the plastic component.

The purpose of Figure 3 and Figure 4 is to try and understand what the recyclable component of the waste stream is to determine the potential for diversion from landfill. In theory, recyclables are easy to divert using a two-bag system for municipal waste.

The overall percentages of 20.34% for cardboard and paper, 22.96% for plastic, 10.58% for glass and 2.51% for metal indicate that **56.39%** of the waste stream could potentially be diverted for recycling.

It should, however, be noted that not all plastic is recyclable and paper and cardboard is not recycled if it is contaminated. Contaminated paper and cardboard could, however, be composted or incorporated in an anaerobic digestion system. If this is coupled with the diversion of organics at 24.85% and garden waste at 6.16% from the landfill, up to 87% on average of the waste stream could be diverted from landfill.

A conservative approach should, however, be taken to account for the non-recyclable components of plastic i.e. not all plastic is currently recyclable. In addition, some of the organic fraction may not be acceptable or desirable in the diversion system identified.

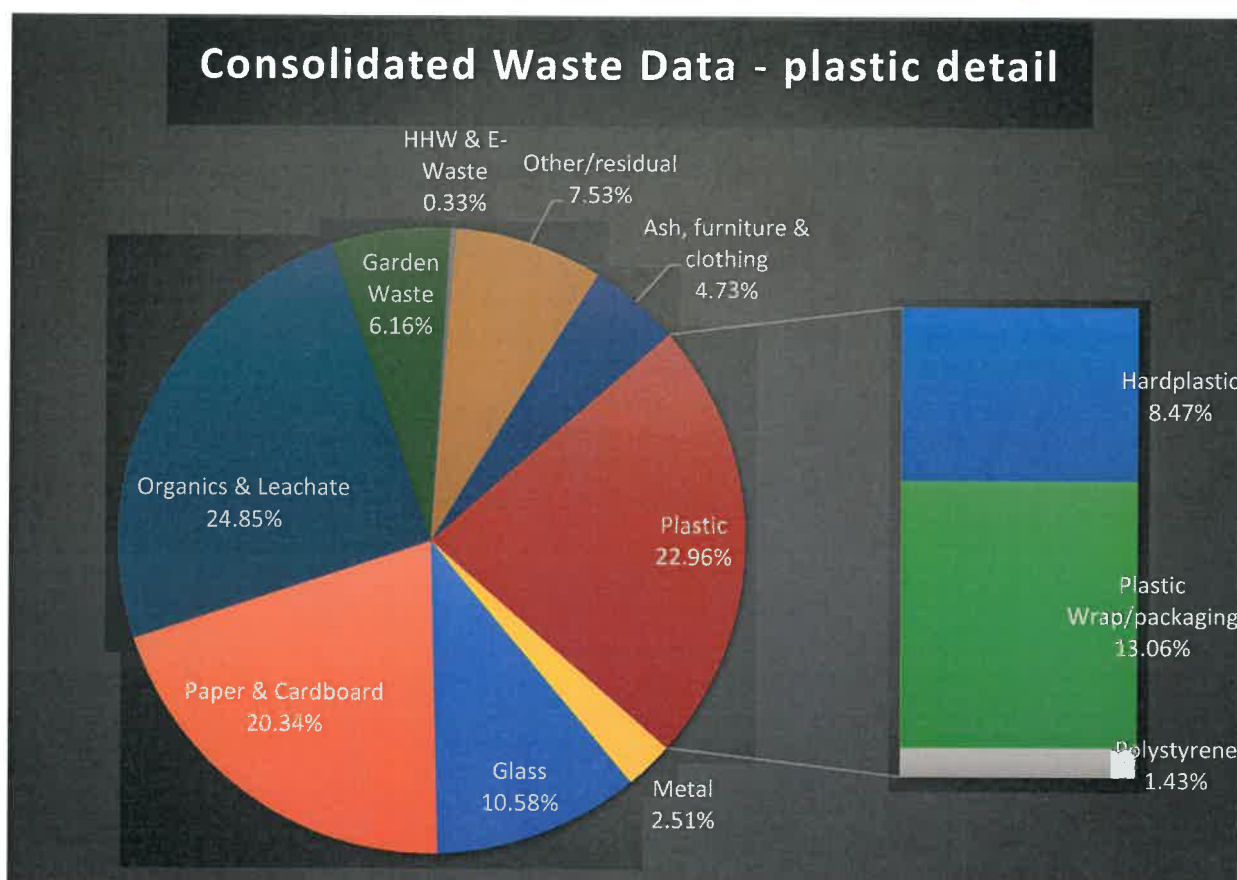


Figure 4: Consolidated Waste Data with breakdown of plastic component

When developing solutions for diverting waste from the landfill, it is also important to understand how the waste fractions differ from area to area as this may influence what options for diversion are selected.

Figure 5 illustrates the broader fractions from each area by means of a bar graph for comparison purposes.

Figure 5 indicates that by diverting recyclables, i.e. plastic, paper and cardboard, glass and metal waste streams along with organic and garden waste, waste being disposed of to landfill can be drastically reduced by at least 50% and potentially up to 80% in certain areas. However, this would depend on the level of contamination and quality of recyclables and would probably require the implementation of a three-bag system for separation at household level of recyclable, non-recyclable and organic waste. Certain areas could also be provided with a targeted garden waste collection system.

This assumption would appear to exclude the ward of Langrug, which appears to generate much less organic waste and considerably more ash, furniture and clothing and other/residual waste compared to other wards. Some of the factors that may contribute to and may account for this is that Langrug has been part of the Genius of Space project, which has focussed on sustainability in the area amongst other issues. The recyclables component is comparable to other areas despite being largely a low income area which generally tend to generate fewer recyclables, as well as there being an active recycling organisation in the area.

The municipality must remain cognisant of the lower organic percentage in this area and potentially investigate this further when deciding on a solution for this area in particular.

Waste Characterisation Data comparing broad waste categories per area

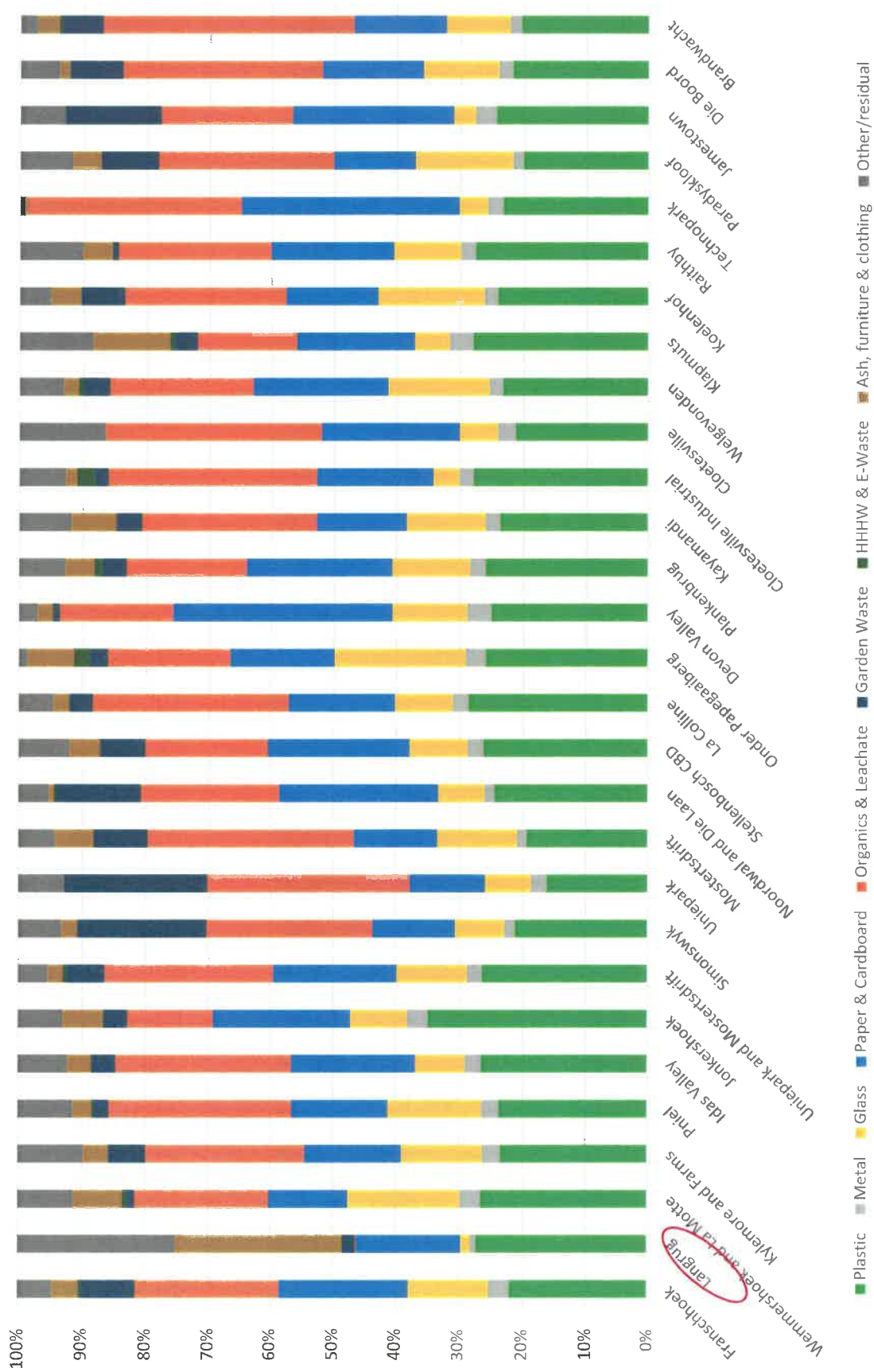


Figure 5: Waste Characterisation Data comparing areas and their broad waste categories

Waste Characterisation Data comparing recyclable, organic and non-recyclable waste per area

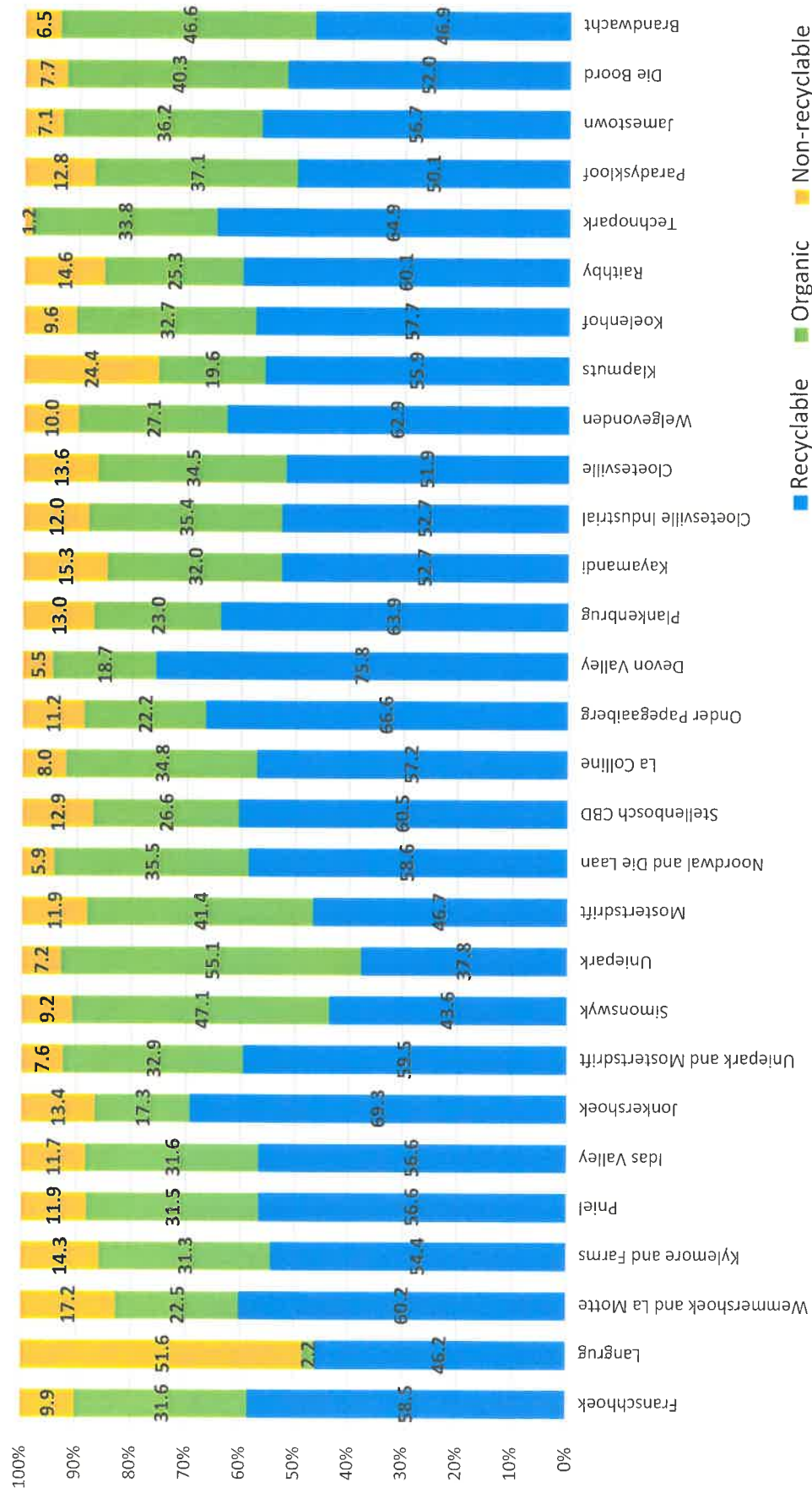


Figure 6: Waste Characterisation Data with data consolidated into recyclable, organic and non-recyclable waste streams

Figure 6 provides the same information as **Figure 5**, however the broader categories have been consolidated as follows, with the aim of providing a simpler visual comparison of the diversion potential per area:

- **Recyclable** (glass, metal, plastic, paper & cardboard);
- **Organic** (household organic & garden waste); and
- **Non-recyclable** (residual, other and HHW).

The orange section of the bar chart indicates the non-recyclable component of waste which cannot readily be diverted from landfill. This data has also been presented in tabulated format in **Table 2**. This has not been compared to income level due to the wide range of income levels per area.

Table 2: Waste Characterisation Data consolidated into recyclable, organic and non-recyclable streams

Area Name	Ward No	Recyclable % ¹	Organic % ²	Non-recyclable % ³
Franschhoek (incl Groendal)	1	58.5	31.6	9.9
Langrug	2	46.2	2.2	51.6
Wemmershoek and La Motte	3	60.2	22.5	17.2
Kylemore and Farms	4	54.4	31.3	14.3
Pniel	4	56.6	31.5	11.9
Idas Valley	5	56.6	31.6	11.7
Jonkershoek	5	69.3	17.3	13.4
Uniepark and Mostertsdrift	7	59.5	32.9	7.6
Simonswyk	7	43.6	47.1	9.2
Uniepark	7	37.8	55.1	7.2
Mostertsdrift	7	46.7	41.4	11.9
Noordwal and Die Laan	8	58.6	35.5	5.9
Stellenbosch CBD	9	60.5	26.6	12.9
La Colline	10	57.2	34.8	8.0
Onder Papegaaiberg	11	66.6	22.2	11.2
Devon Valley	11	75.8	18.7	5.5
Plankenbrug	12	63.9	23.0	13.0
Kayamandi	12, 13, 14, 15	52.7	32.0	15.3
Cloetesville Industrial	16	52.7	35.4	12.0
Cloetesville	16	51.9	34.5	13.6
Welgevonden	17	62.9	27.1	10.0
Klapmuts	18	55.9	19.6	24.4
Koelenhof	19	57.7	32.7	9.6
Raithby	20	60.1	25.3	14.6
Technopark	21	64.9	33.8	1.2
Paradyskloof	21	50.1	37.1	12.8
Jamestown	21	56.7	36.2	7.1
Die Boord	22	52.0	40.3	7.7
Brandwacht	22	46.9	46.6	6.5

After the characterisation/sorting was completed, salvageable recyclables were removed from the waste fractions and weighed separately. This data has been compared to the recyclable fraction and appear to roughly correlate with the metal and glass fractions in **Figure 7**. It can be assumed that the other recyclable fractions were contaminated as a result of being disposed of in a mixed bag of household waste. Glass and metal are generally less easily contaminated and more easily salvaged from mixed municipal waste. If this is the case, it provides a strong argument for a household separation at source system.

¹ glass, metal, plastic, paper & cardboard

² household organic & garden waste

³ residual, other & HHW

Comparison of salvageable recyclables with metal and glass fractions

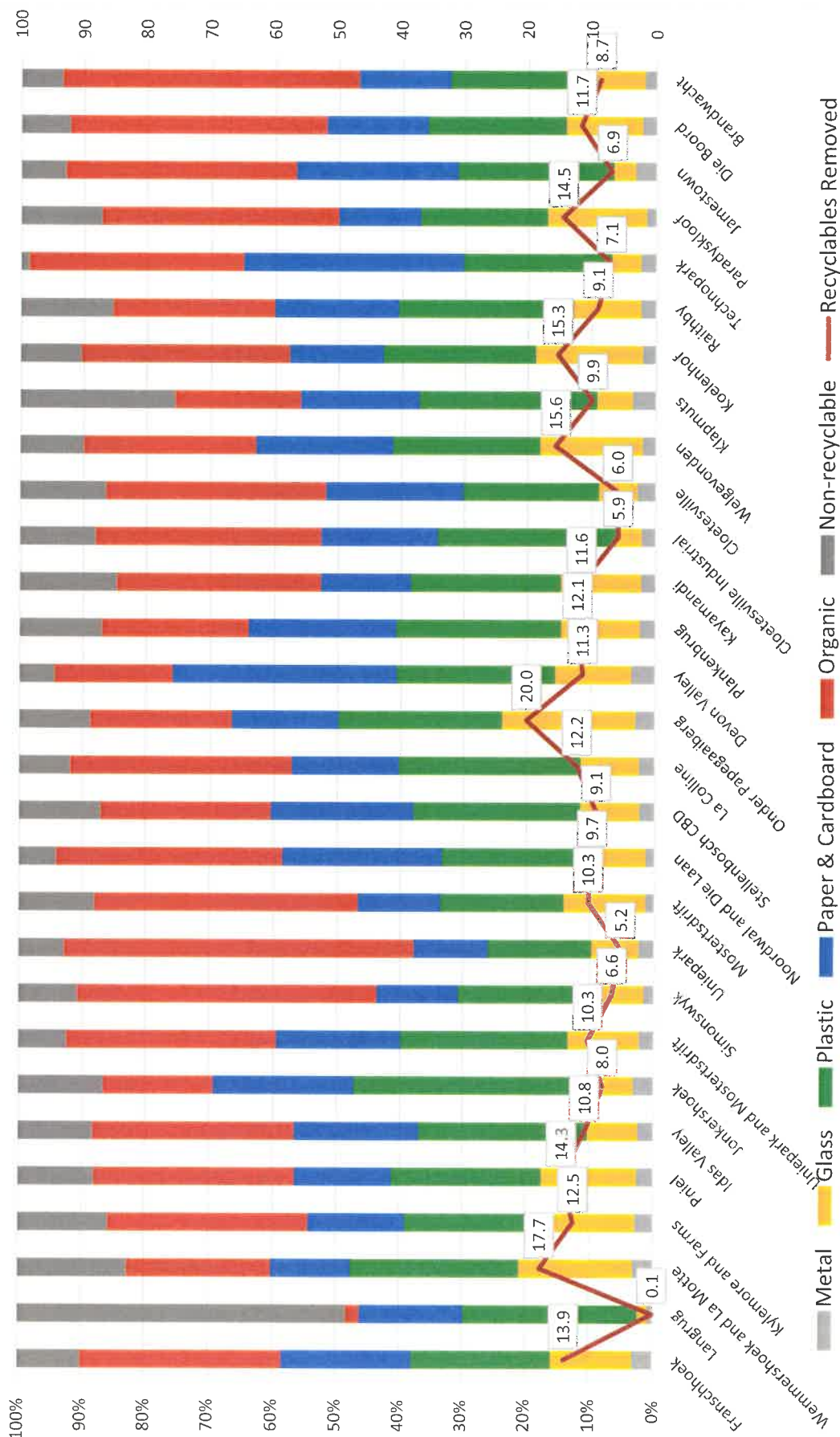


Figure 7: Comparison of salvageable recyclables removed after the characterisation with metal and glass fractions

In order to better understand the split of the organic component between organic household waste and garden waste per area, these are all represented separately in **Figure 8**.

Garden waste is generally more easily separated from household waste and although it does not necessarily contaminate recyclable waste, it is not ideal for all organic waste beneficiation processes and technologies, such as anaerobic digestion, and may therefore require a separate approach to the other household organic waste fraction.

Figure 9 provides pie charts for each waste fraction on a per areas basis. These have been included to illustrate that the percentage of total waste for the recyclable fractions and organic appears to be a fairly consistent percentage of the total waste in each area. The biggest variation occurs in the organic waste and household hazardous waste streams.

Waste Characterisation Data comparing recyclable, household organic, garden waste and non-recyclable waste

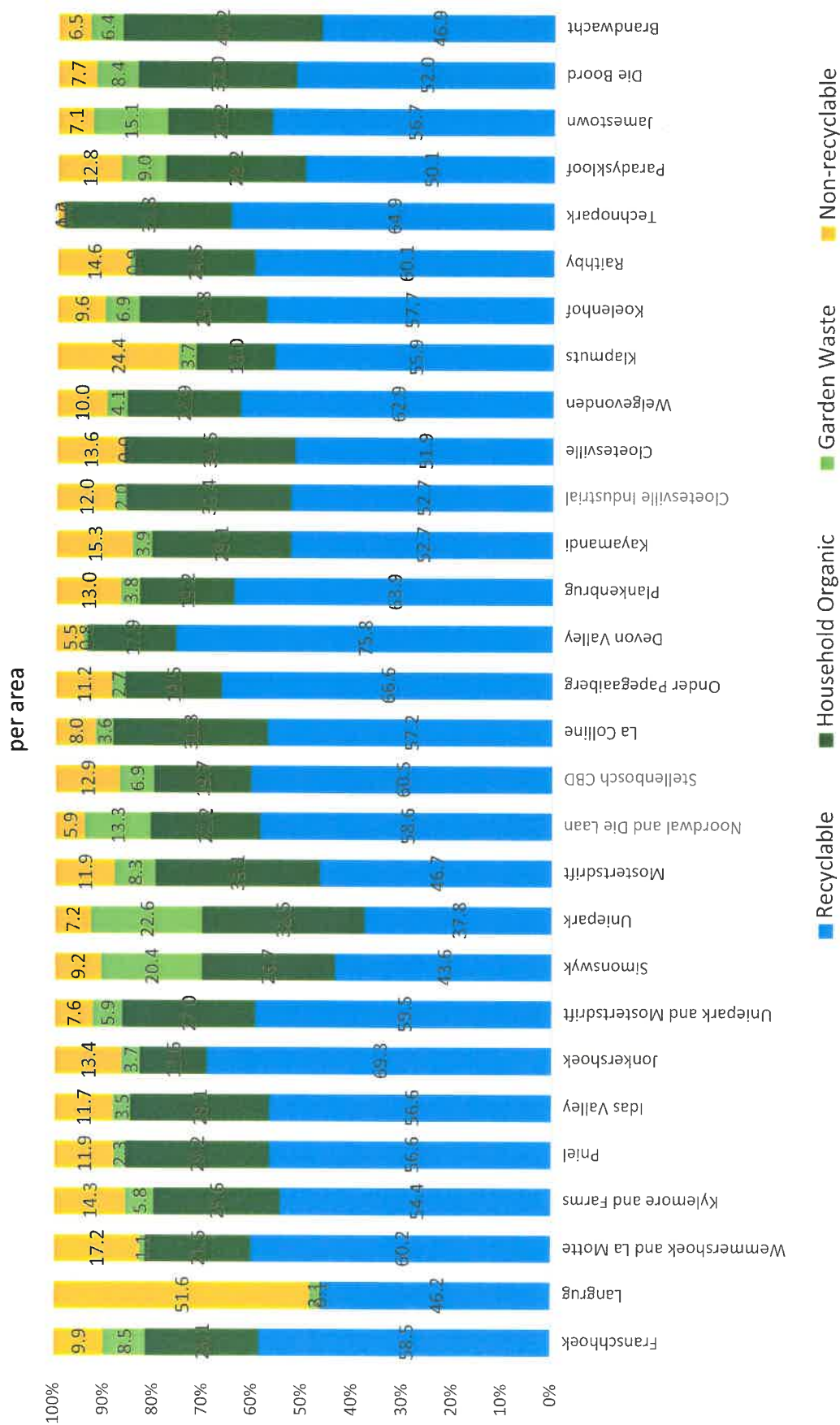


Figure 8: Waste Characterisation Data with data consolidated into recyclable, household organic, garden waste and non-recyclable waste streams

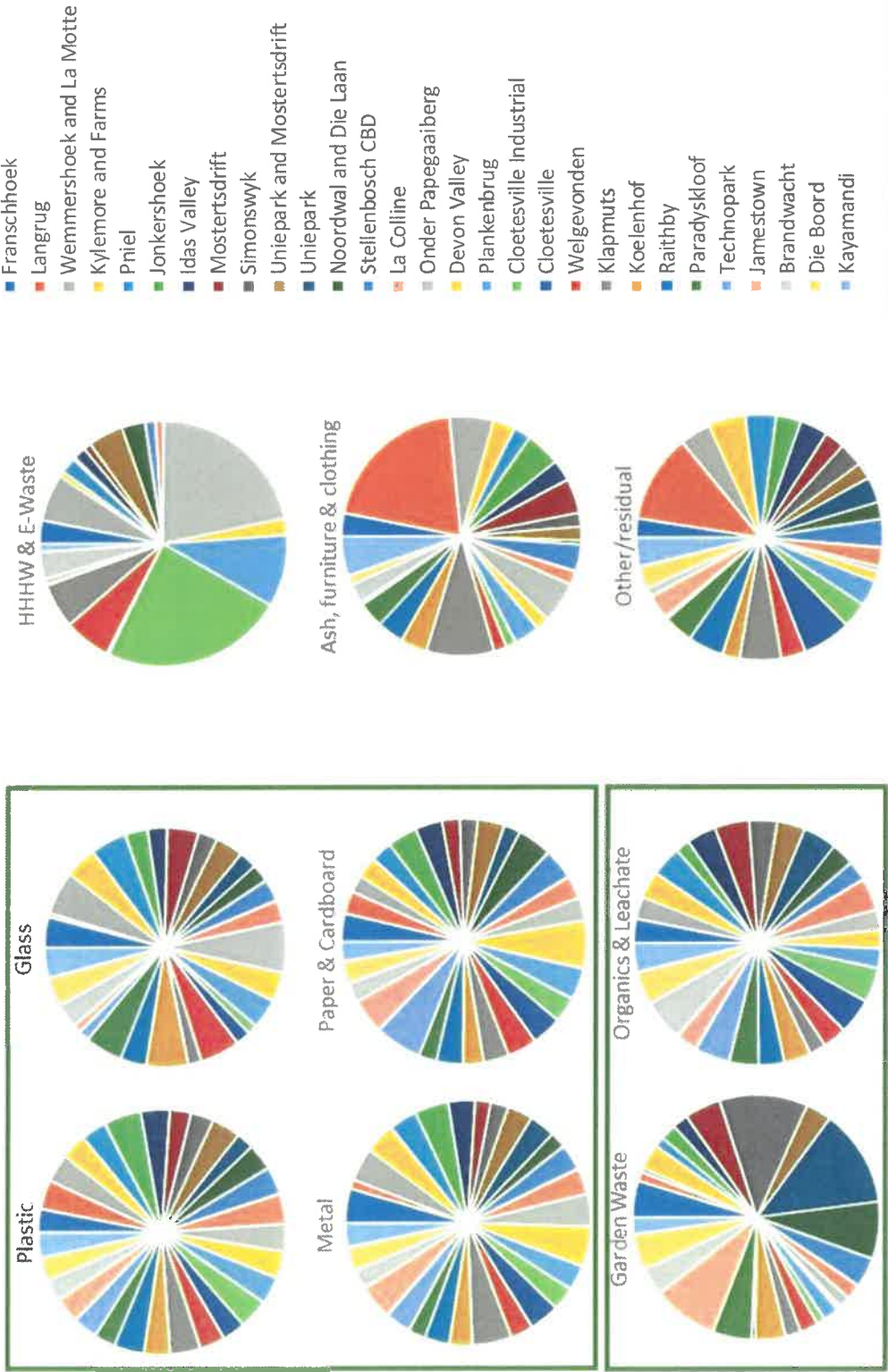


Figure 9: Comparison of each waste fraction per area

3.3 Stellenbosch University Findings

As the Stellenbosch University Data was categorised into different categories to the characterisation undertaken for the Municipal waste stream, this data has been represented separately, see **Figure 10**.

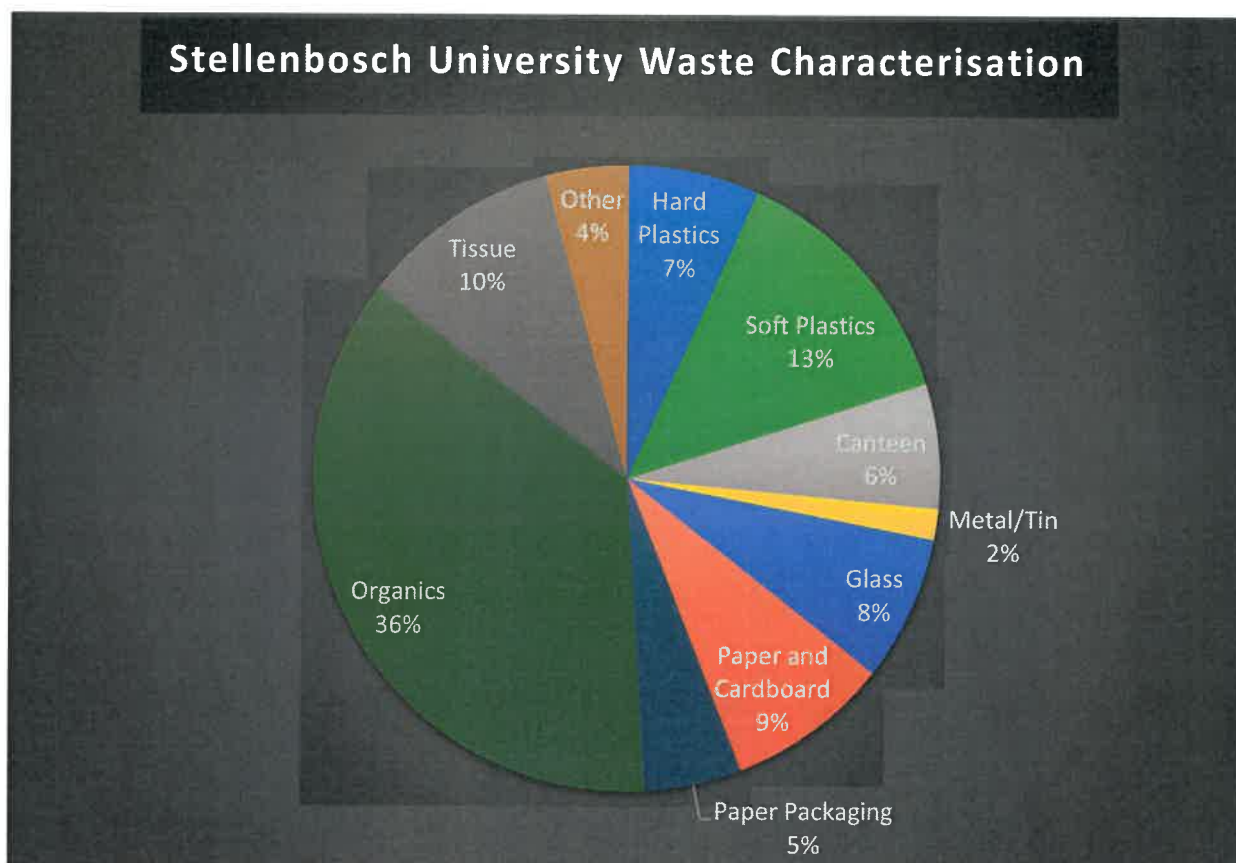


Figure 10: Stellenbosch University Waste Characterisation

The characterisation does not appear to represent the entire University's buildings but is likely to provide a good indication of the character of the waste.

Figure 11 provides an indication of the waste characterisation per building facility i.e. Men's and Ladies Residences, the faculty buildings and the Neelsie. It is not clear what the category of 'canteen' waste included.

The Neelsie and Ladies Residences appear to generate the most organic waste, Men's and Ladies Residences appear to generate a fair amount of glass which should be diverted from landfill for recycling. The large amount of tissue maybe be as a result of hand towel usage in bathrooms and could potentially be composted.

It is recommended that the Municipality engage with the University and offer input into waste minimisation and waste diversion efforts.

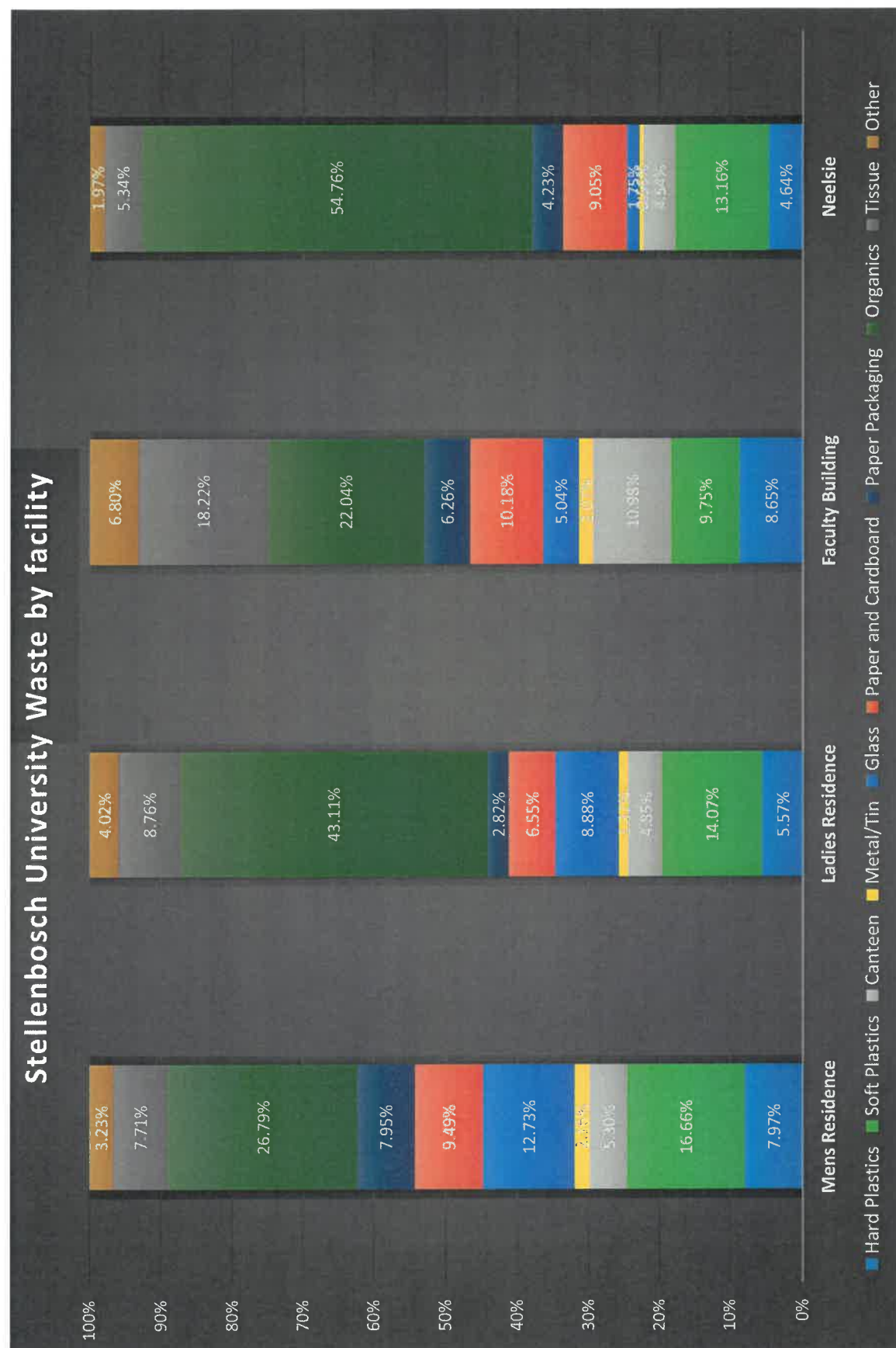


Figure 11: Stellenbosch University Waste Characterisation (%) by facility type

4 CONCLUSION

The graphical representation of the waste characterisation data indicates the following:

- As there is a variation in waste character per area, the solutions to divert waste from landfill do not have to be a “one size fits all” solution or approach and that different solutions in different areas may be more appropriate.
- A multi-pronged approach will be required to effectively divert and remove the recyclable, organic and garden waste fractions in different areas from landfill.
- As a minimum, a three-bag household separation at source programme should be implemented for:
 - organics (excluding garden waste),
 - recyclables/packaging, and
 - general waste.
- A system for diversion of garden waste should be considered, either separate household bin and collection or potentially provision of composting bins, where appropriate.
- It is recommended that the Municipality engage with the University and offer input into waste minimisation and waste diversion efforts.
- It is also recommended that the Municipality engage with existing collectors and recyclers to understand that challenges and collaboratively come up with potential solutions to bring about greater diversion of waste from landfill.

It is recommended that a collaborative approach is undertaken in order to allow the growth of the recycling industry, the Municipality could work with businesses in the area to support development of a recycling industry and secondary markets and potentially for a collective approach to organic waste management.

A Literature review and feasibility study of programmes that have worked should be undertaken to determine the most appropriate in terms of:

- Frequency of collections for the different material streams/waste fractions,
- Type and size of the bins/receptacles for different waste streams,
- Best methods and types of communication programme, and
- Investigation of the effectiveness of compulsory vs voluntary programmes on the participation rate from a behavioral perspective.

Annexure A: Workshop Presentation



Stellenbosch Municipality Waste Characterisation Report



Workshop
30 May 2019

SIKHULISA SONKE • WE DEVELOP TOGETHER

SCOPE OF WORKS

- The key purpose of the study is to compile a final report using the raw data from the two waste characterization studies focusing primarily on the 2017 study;
- Comparing the results of the two studies within the report;
- Liaise with officials and others (such as Charlotte Nell) who conducted/involved field work in both studies;
- List the waste streams from high priority to low priority based on the two studies;
- Inclusion of graphs, flow charts, pie charts etc. to visually display trends in waste volumes;
- **Workshop of the draft report with the Project Manager and incorporation of comments received into the Final Report.**

A methodology or sampling procedure was not provided, however the following has been noted:

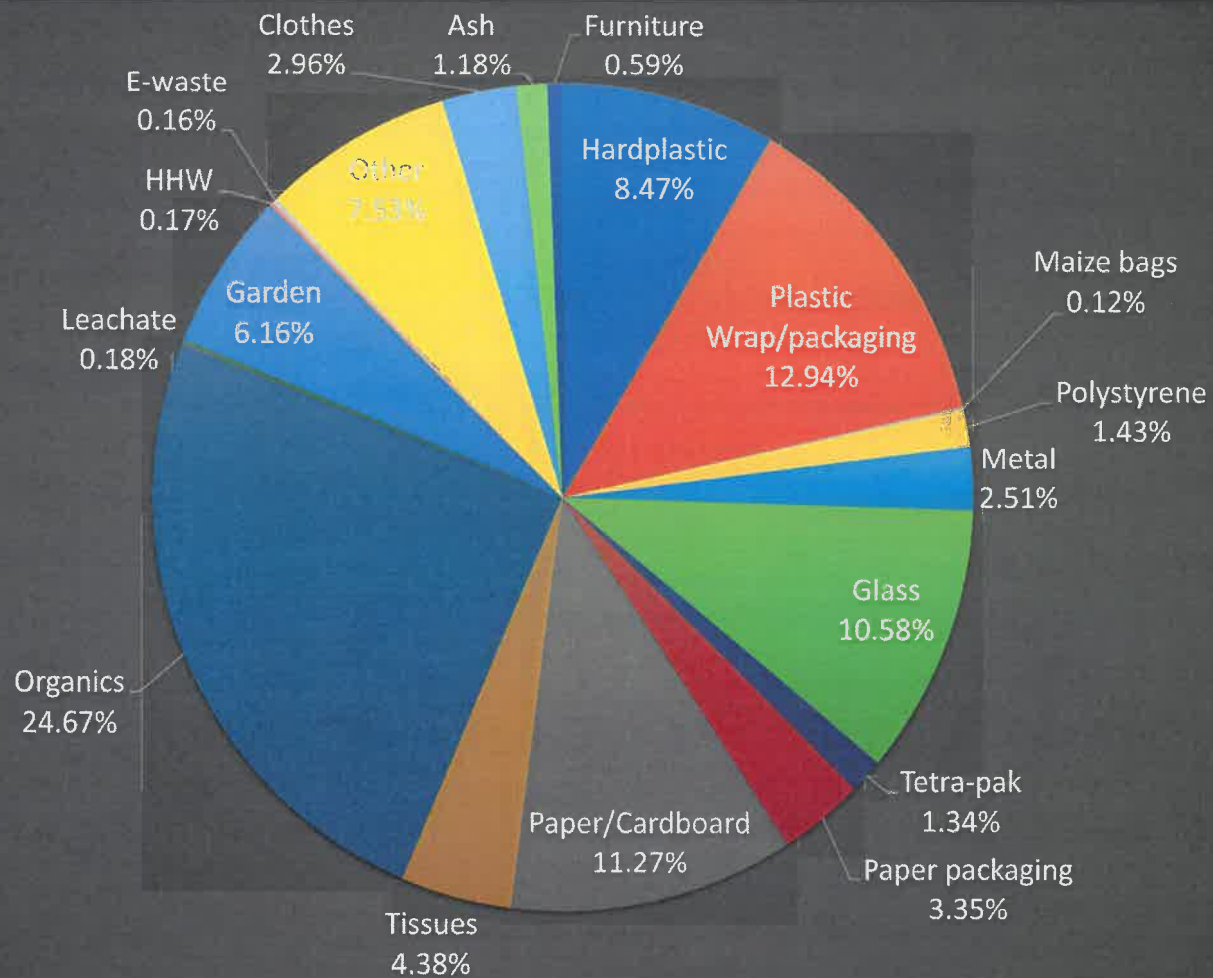
- Sampling took place on various collection days from **August to October 2017**.
- Only black bags were sorted. No two bag separation system areas were included in the study.
- Waste was sorted into categories and then weighed, a volume is also provided although this has not been used for the purposes of this report.
- Leachate was also included as a category and weighed, where applicable.
- After the sorting was completed, all salvageable recyclable material (paper, glass, plastic etc. that not too contaminated) was grouped together for recycling purposes and landfill diversion. This material was then weighed and the weight recorded.
- The characterisation focused on residential/household waste and not commercial or business waste.

Table 1: Sampling Overview and Summary – Municipal areas and wards

Area / Ward sampled	Ward	No of bags	Total Weight (sorted)
Franschhoek	1	411	1809.25
Langrug	2	80	466.47
Wemmershoek and La Motte	3	84	309.11
Kylemore and Farms	4	171	753.9
Pniel	4	111	463.79
Idas Valley	5	166	547.34
Jonkershoek	5	81	277.94
Uniepark and Mostertsdrift	7	216	732.25
Simonswyk	7	101	364.84
Uniepark	7	78	174.56
Mostertsdrift	7	92	340.89
Noordwal and Die Laan	8	81	278.41
Stellenbosch CBD	9	271	1086.56
La Colline	10	75	233.74
Onder Papegaaiberg	11	63	249.76
Devon Valley	11	96	339.79
Plankenbrug	12	122	422.37
Kayamandi	12, 13, 14, 15	384	1632.49
Cloetesville Industrial	16	83	297.72
Cloetesville	16	113	456.87
Welgevonden	17	62	162.81
Klapmuts	18	79	253.42
Koelenhof	19	117	488.07
Raithby	20	122	483.84
Technopark	21	85	258.45
Paradyskloof	21	122	409.55
Jamestown	21	207	768.97
Die Boord	22	80	273.75
Brandwacht	22	119	423.02
Total		3872 bags	14 760 kg

19 Categories

- Hardplastic
- Plastic Wrap/packaging
- Maize bags
- Polystyrene
- Metal
- Glass
- Tetra-pak
- Paper packaging
- Paper/Cardboard
- Tissues
- Organics
- Leachate
- Garden
- HHW – household hazardous
- E-waste
- Other
- Clothes
- Ash
- Furniture



19 Categories - groupings

- Hardplastic
- Plastic Wrap/packaging
- Maize bags
- Polystyrene

- Metal
- Glass

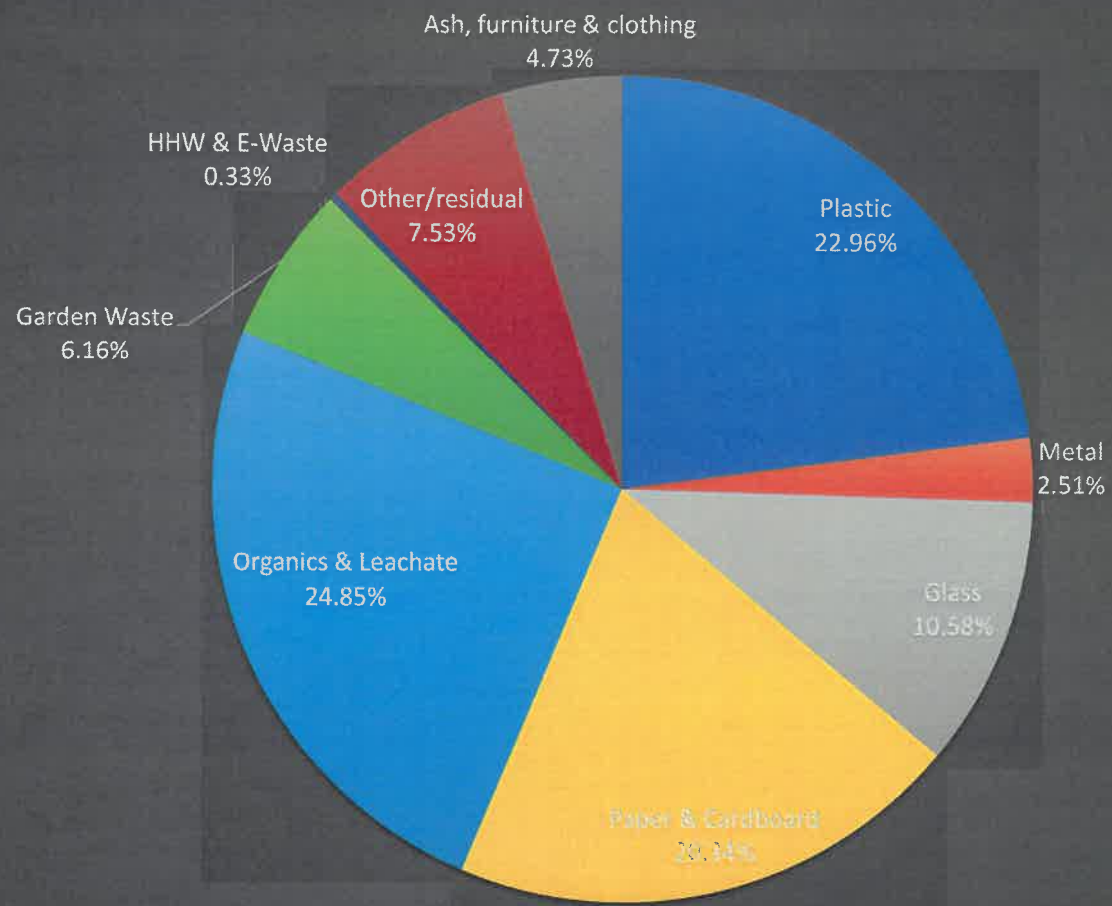
- Tetra-pak
- Paper packaging
- Paper/Cardboard
- Tissues

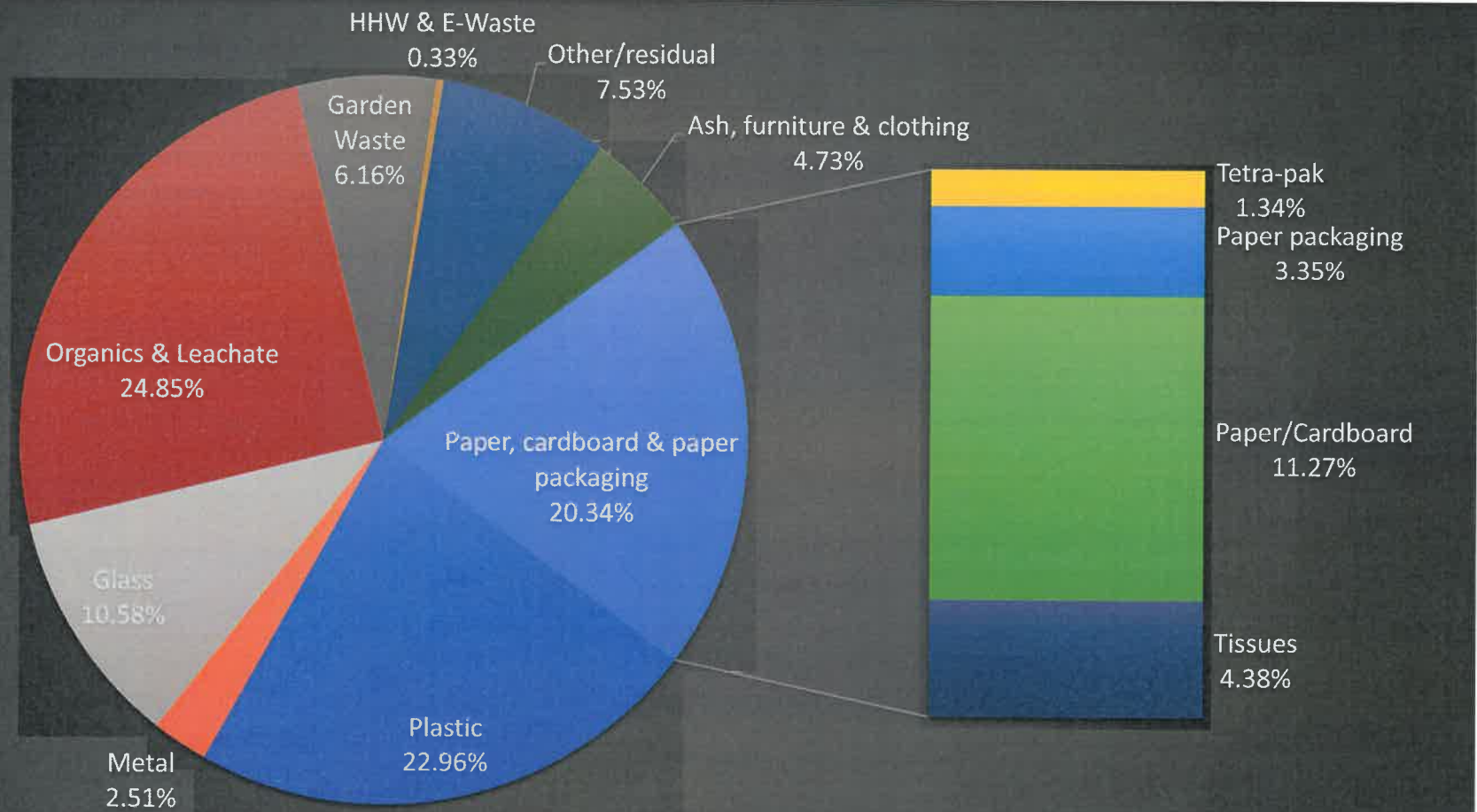
- Organics
- Leachate
- Garden

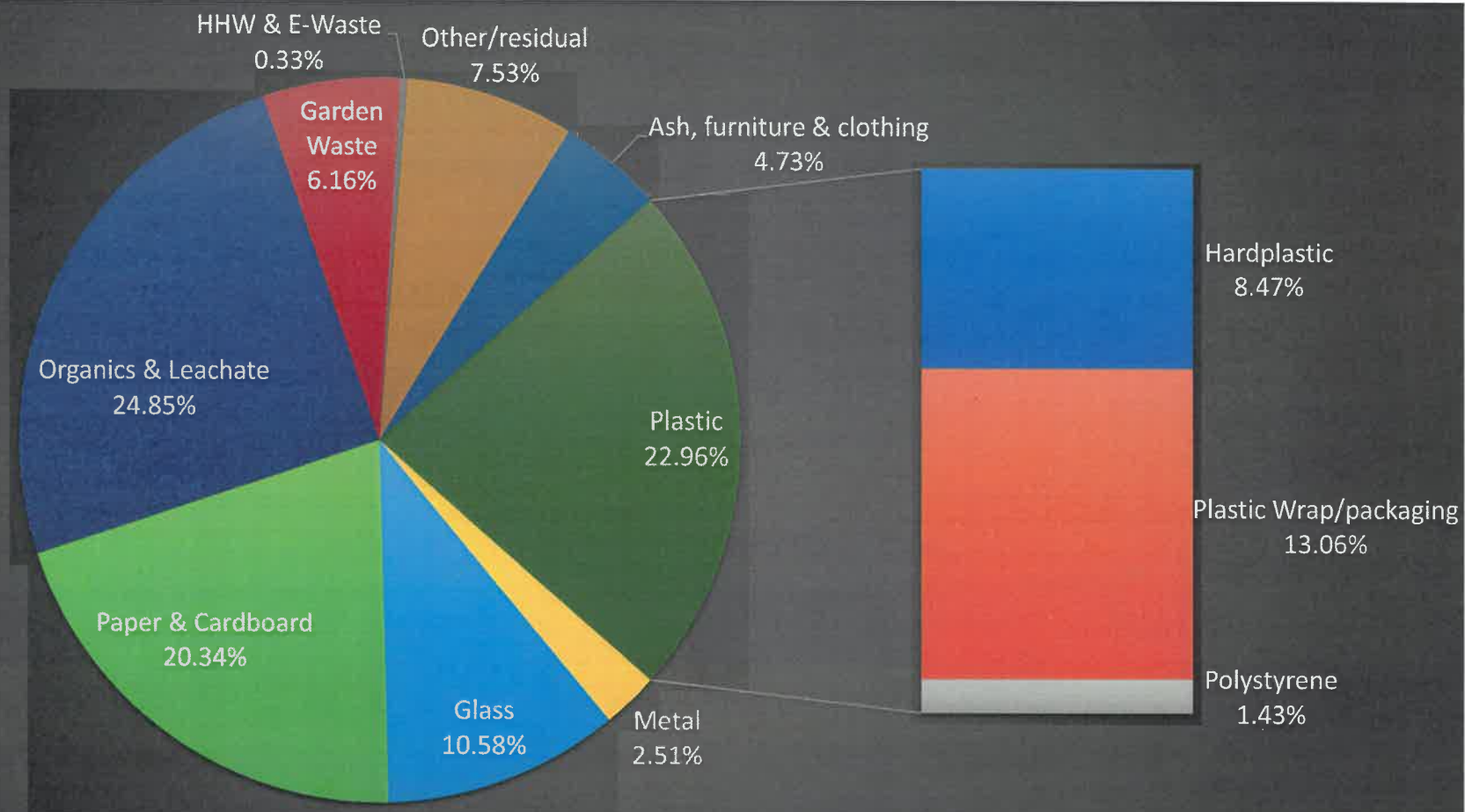
- HHW – household hazardous
- E-waste

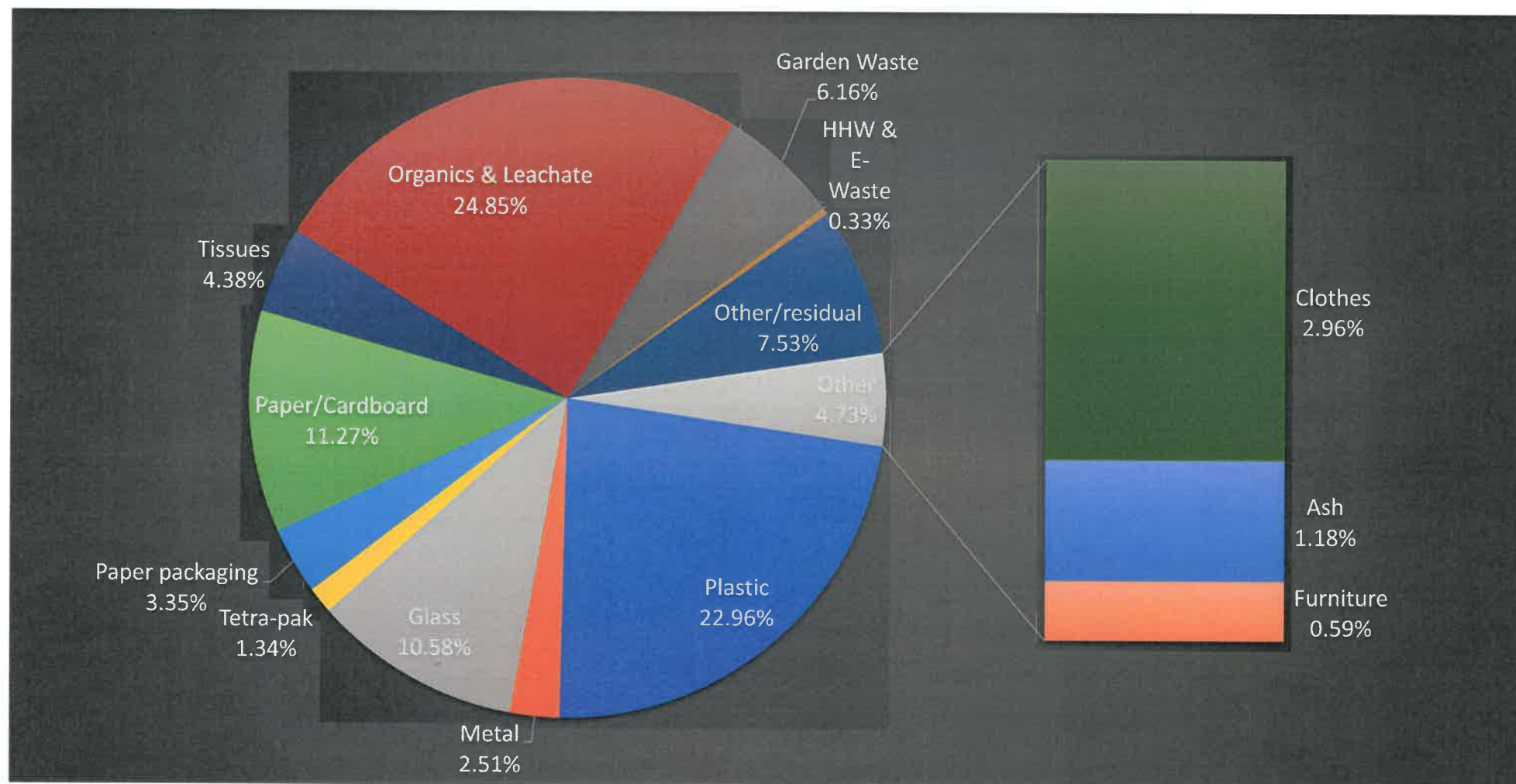
- Other

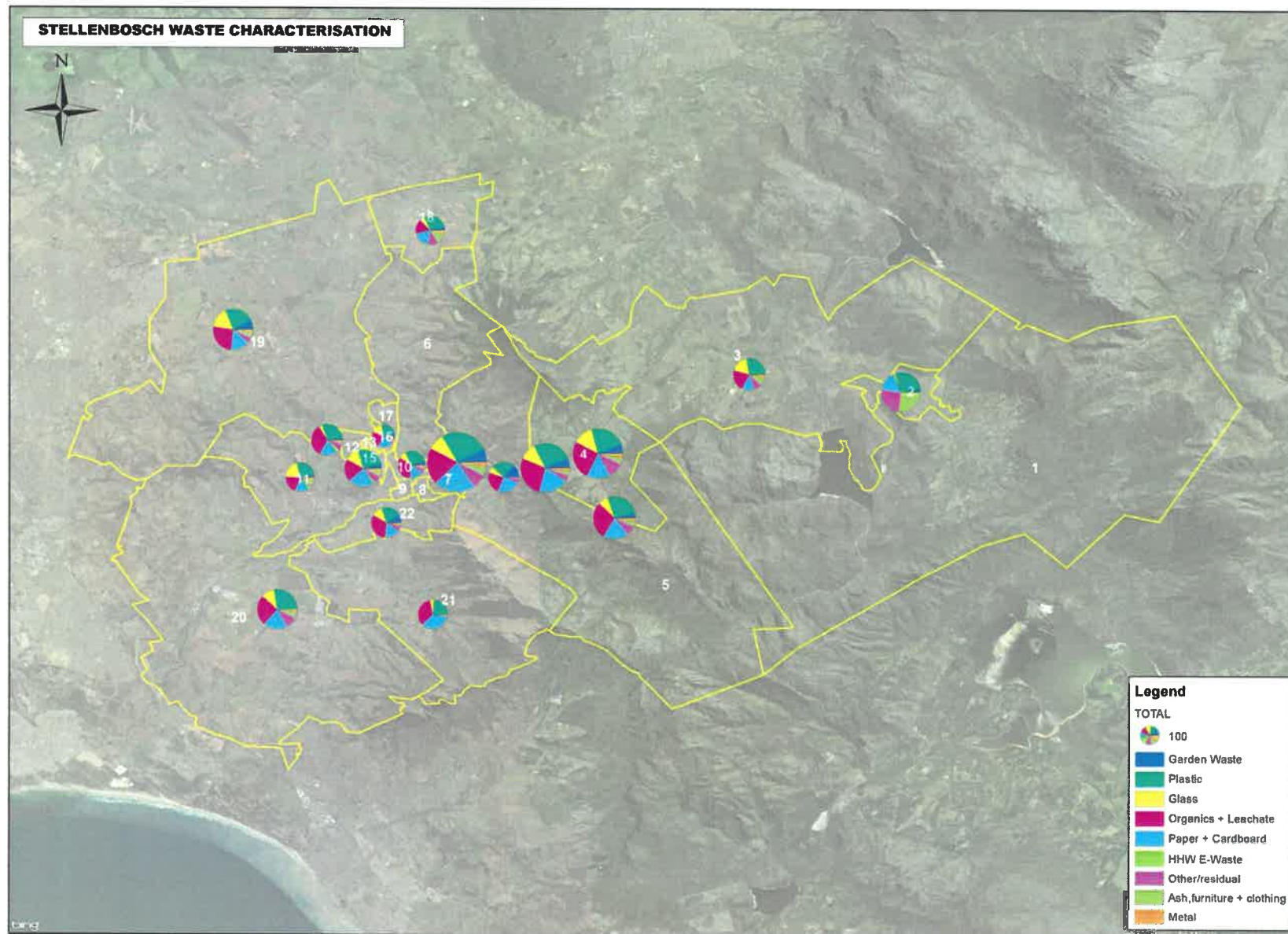
- Clothes
- Ash
- Furniture

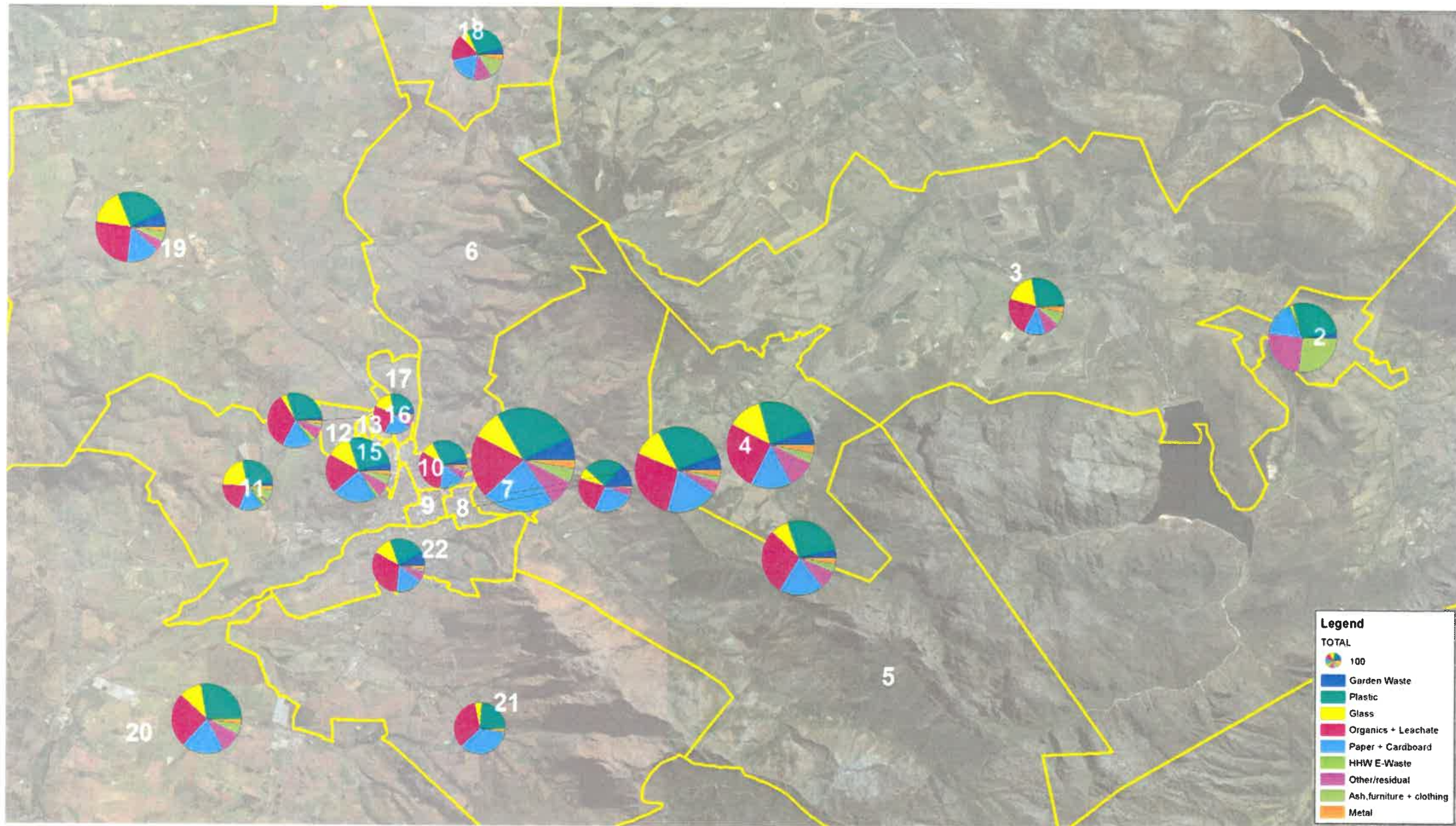


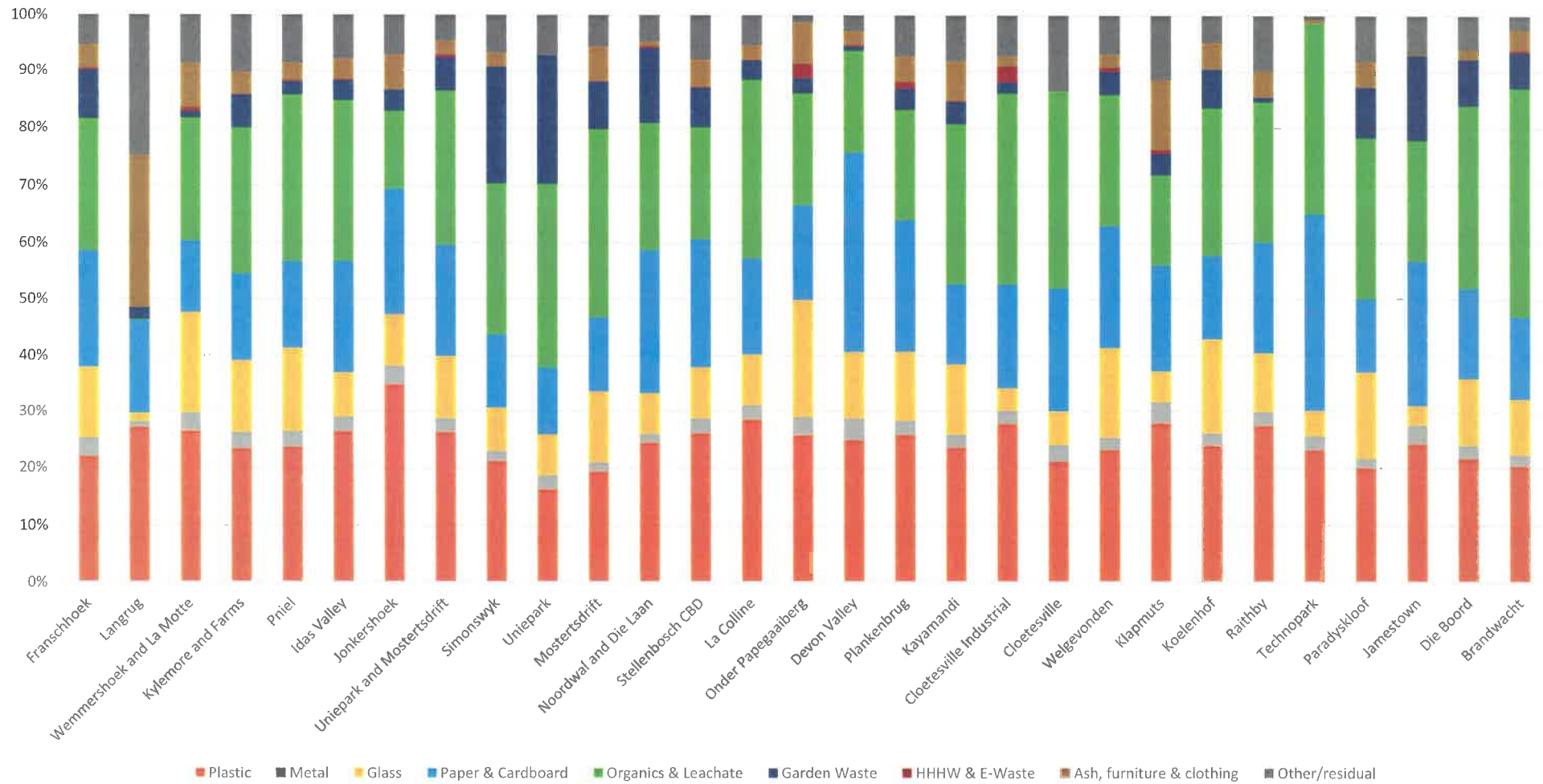


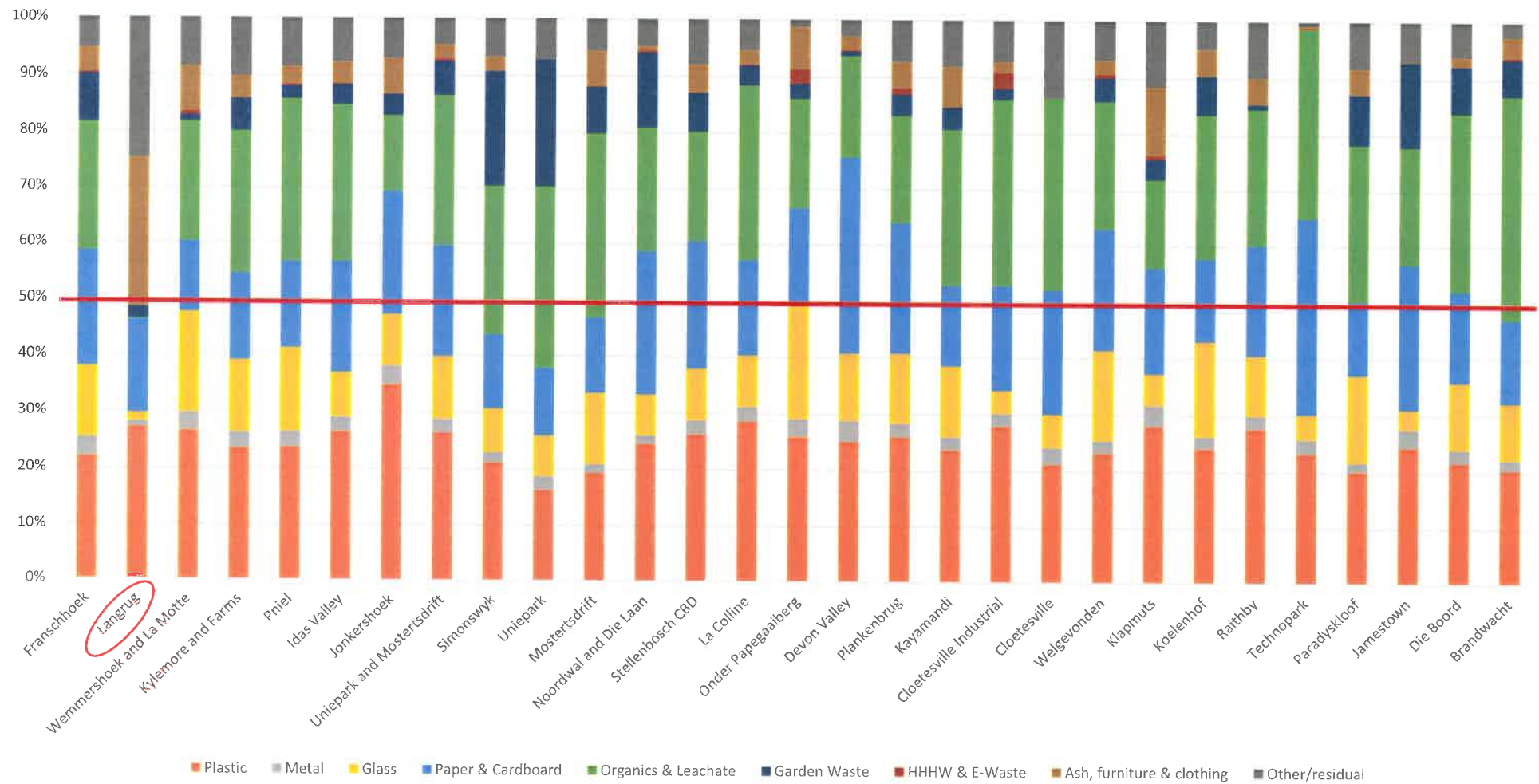


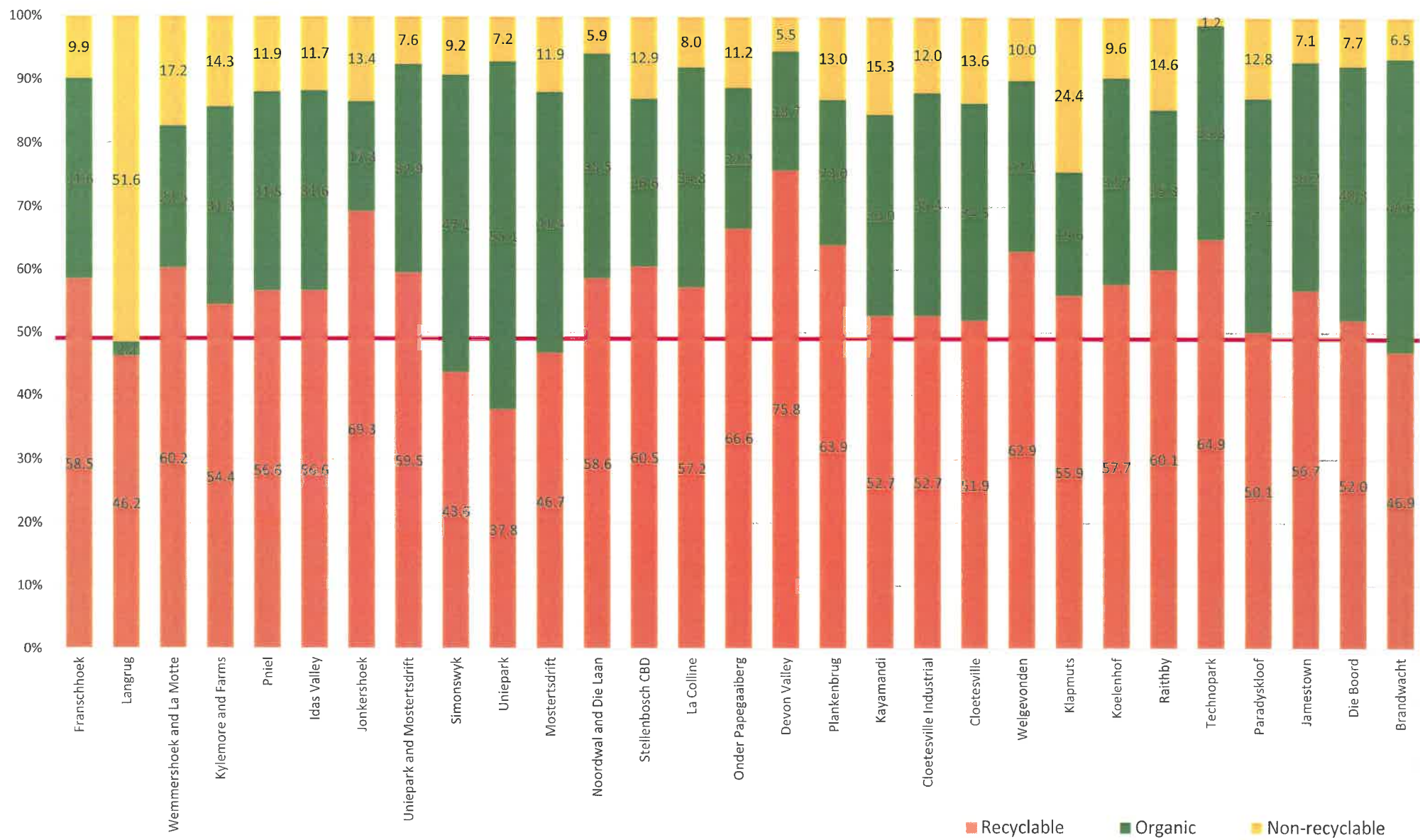


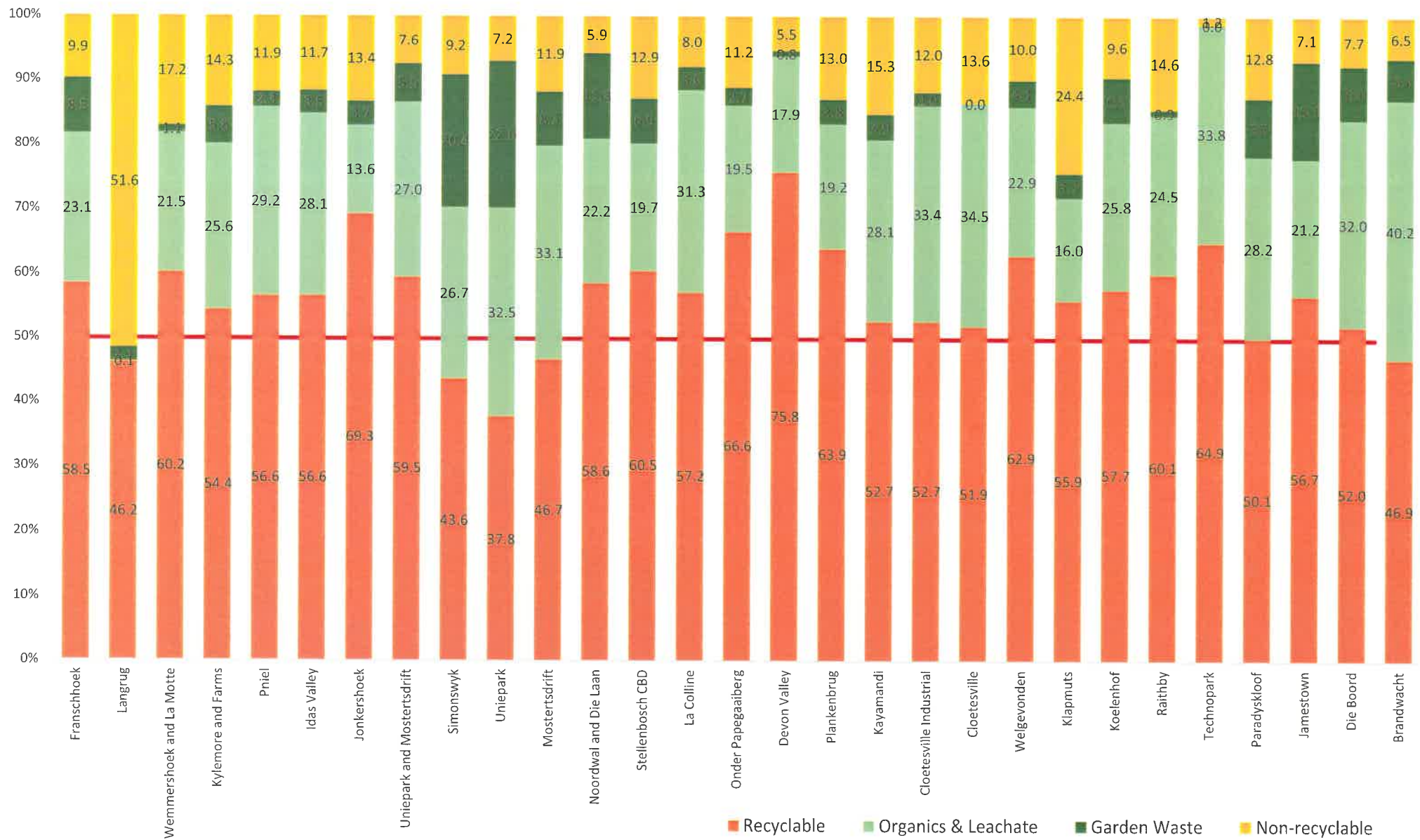


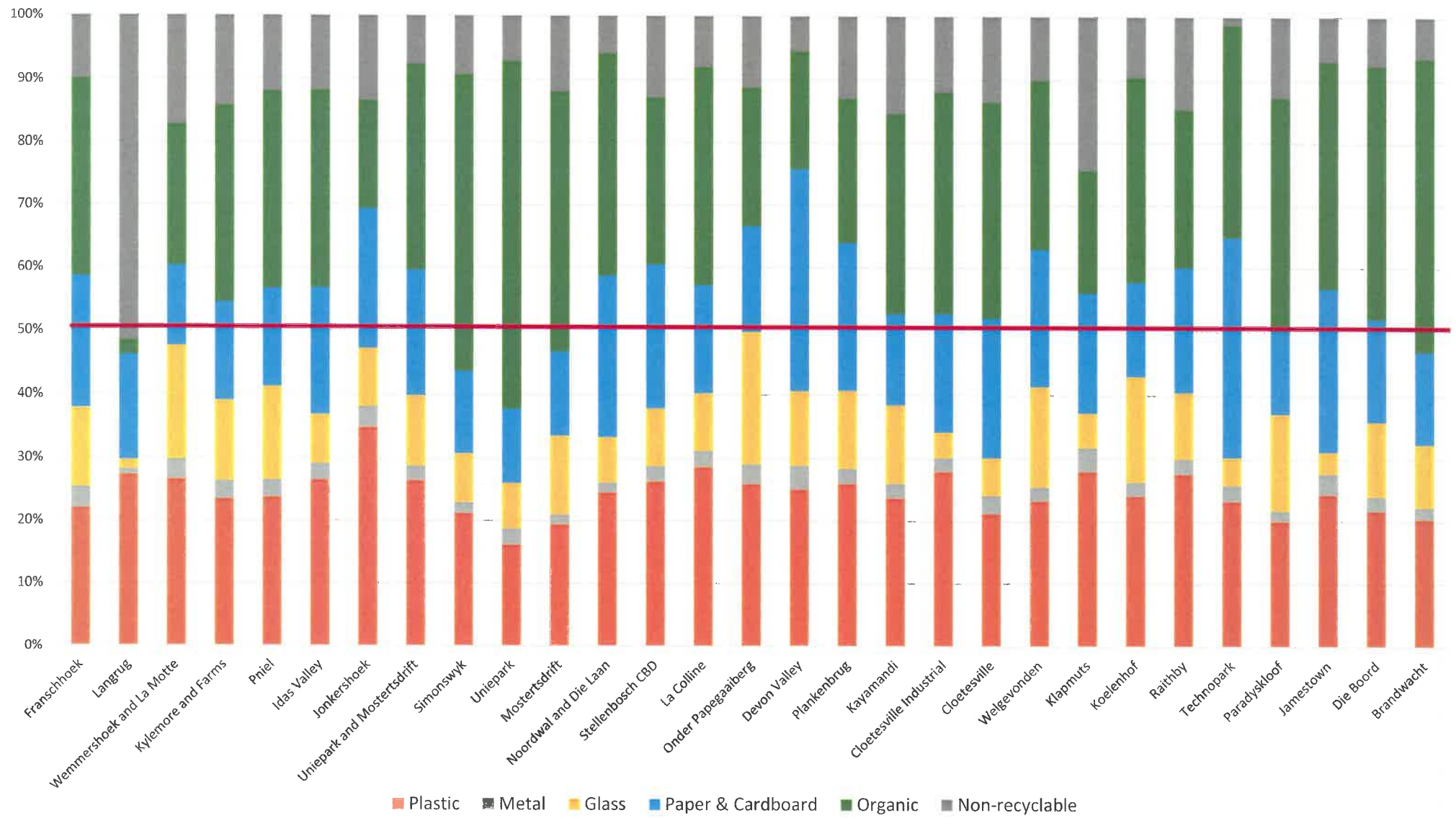


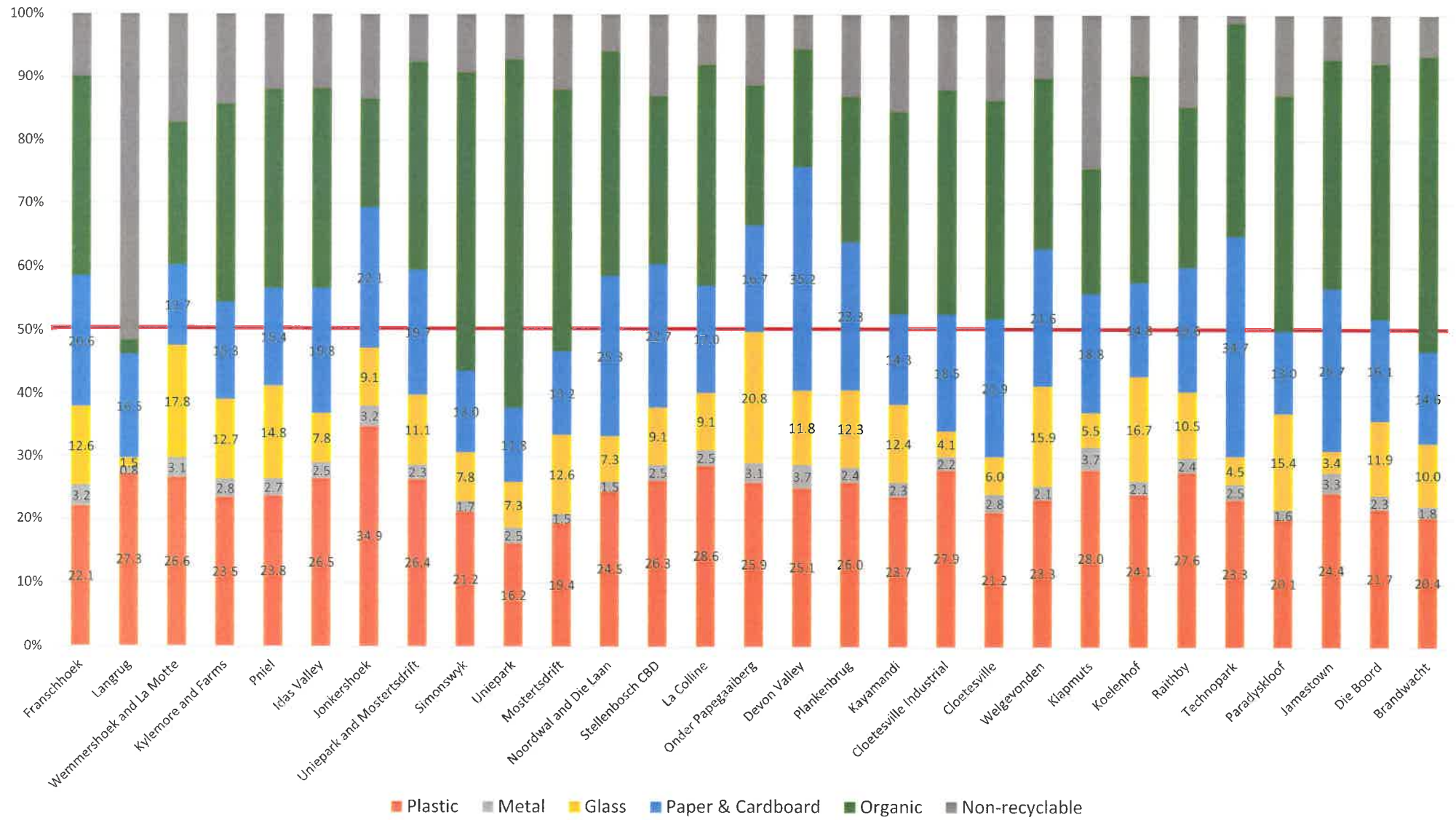


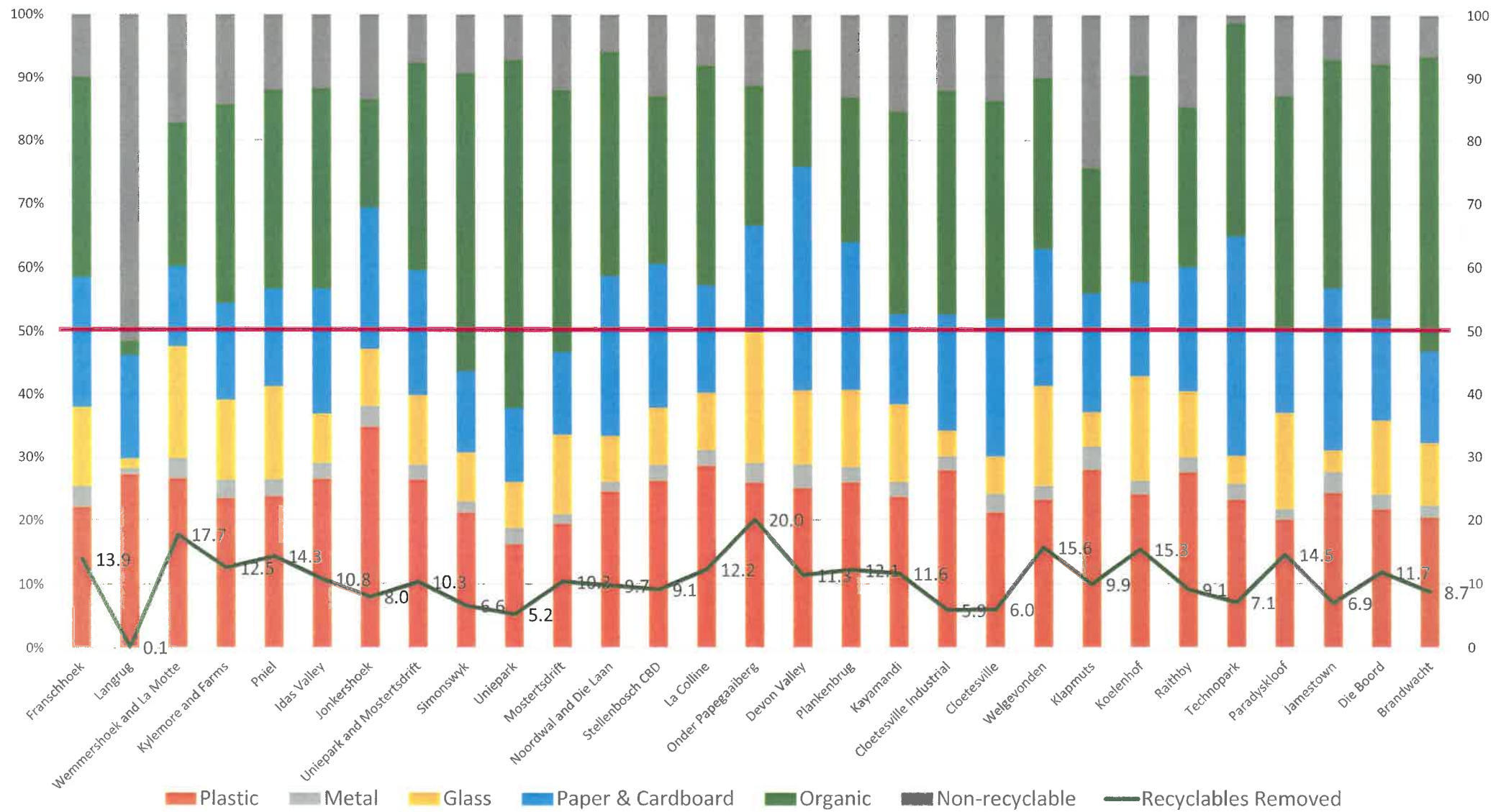


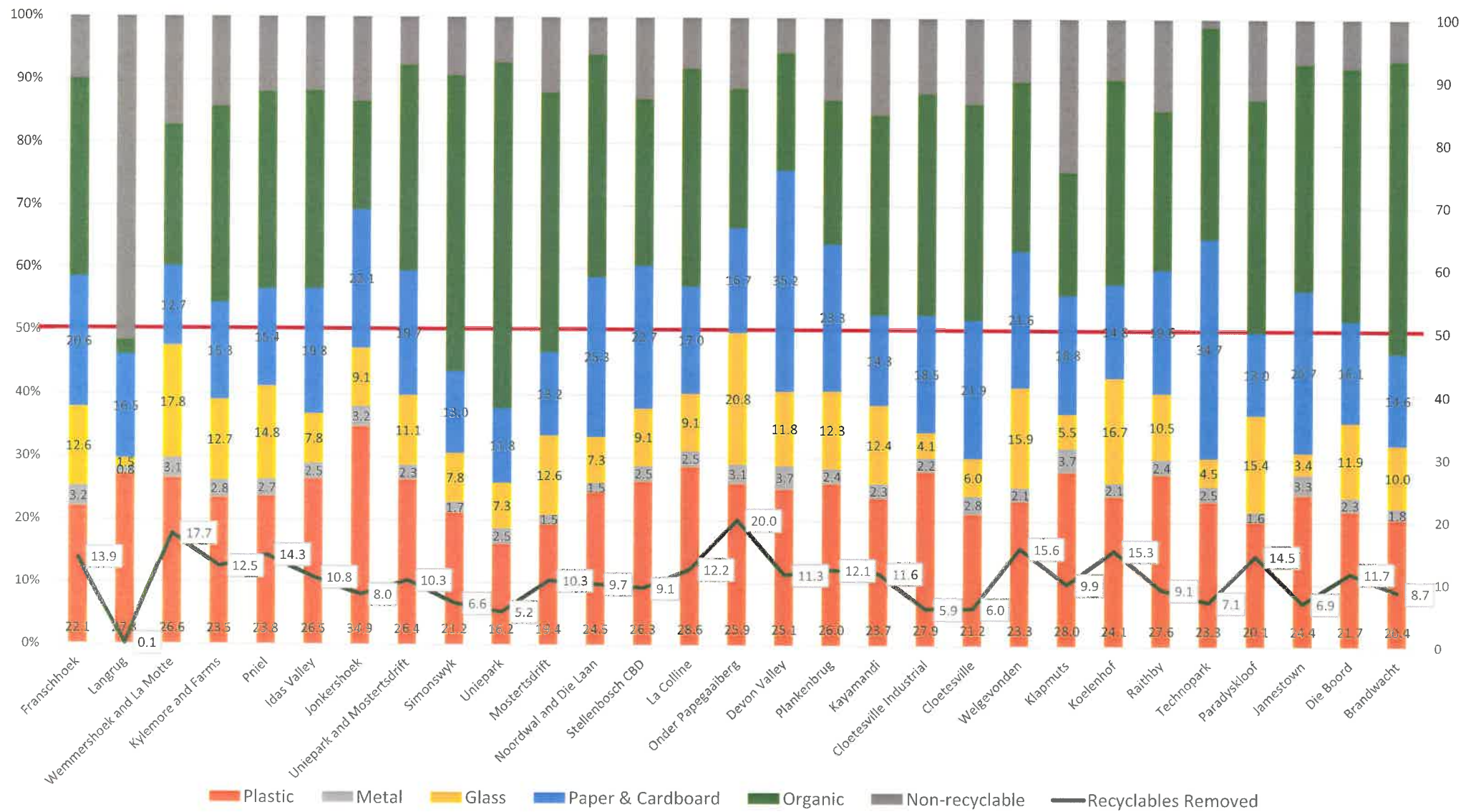


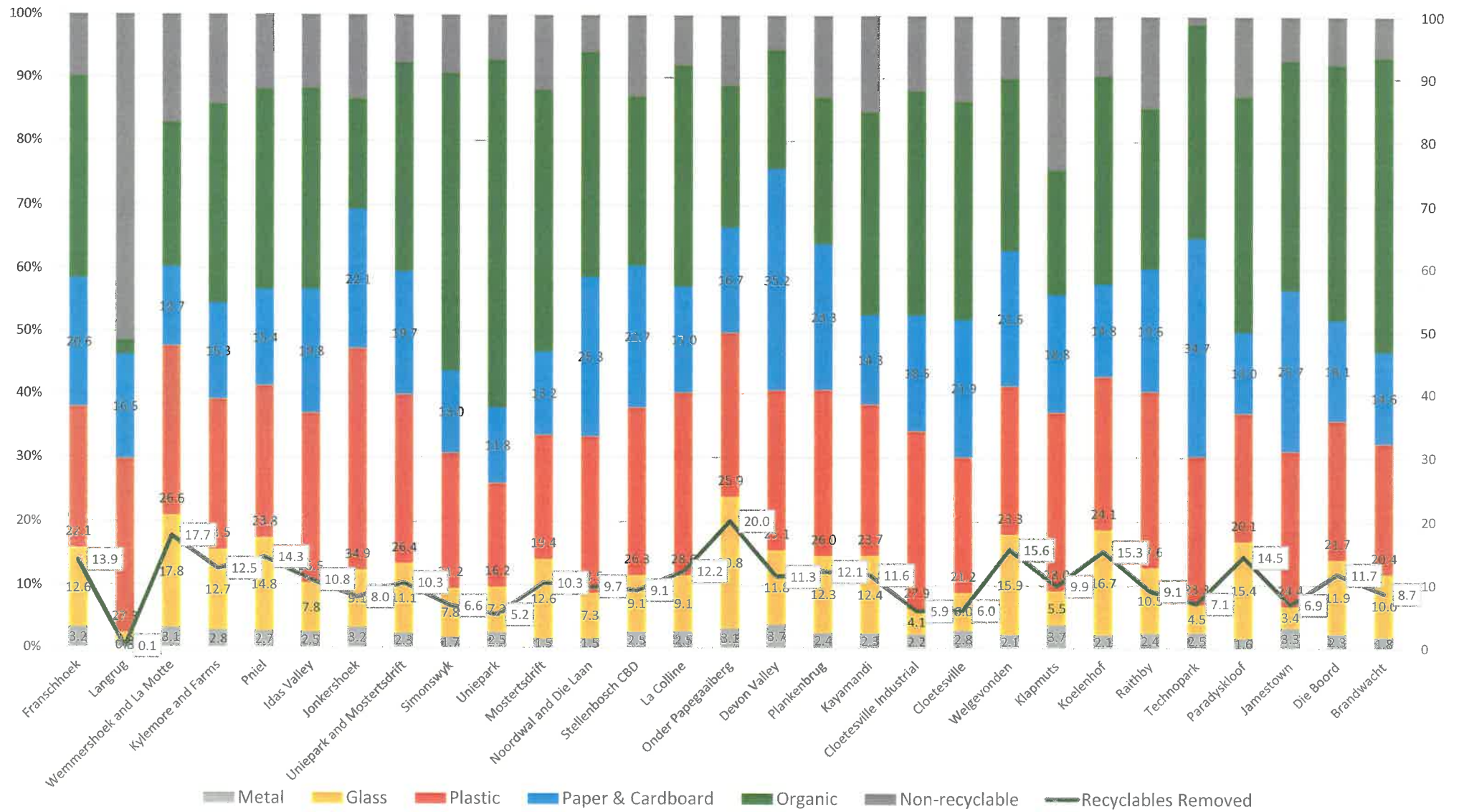


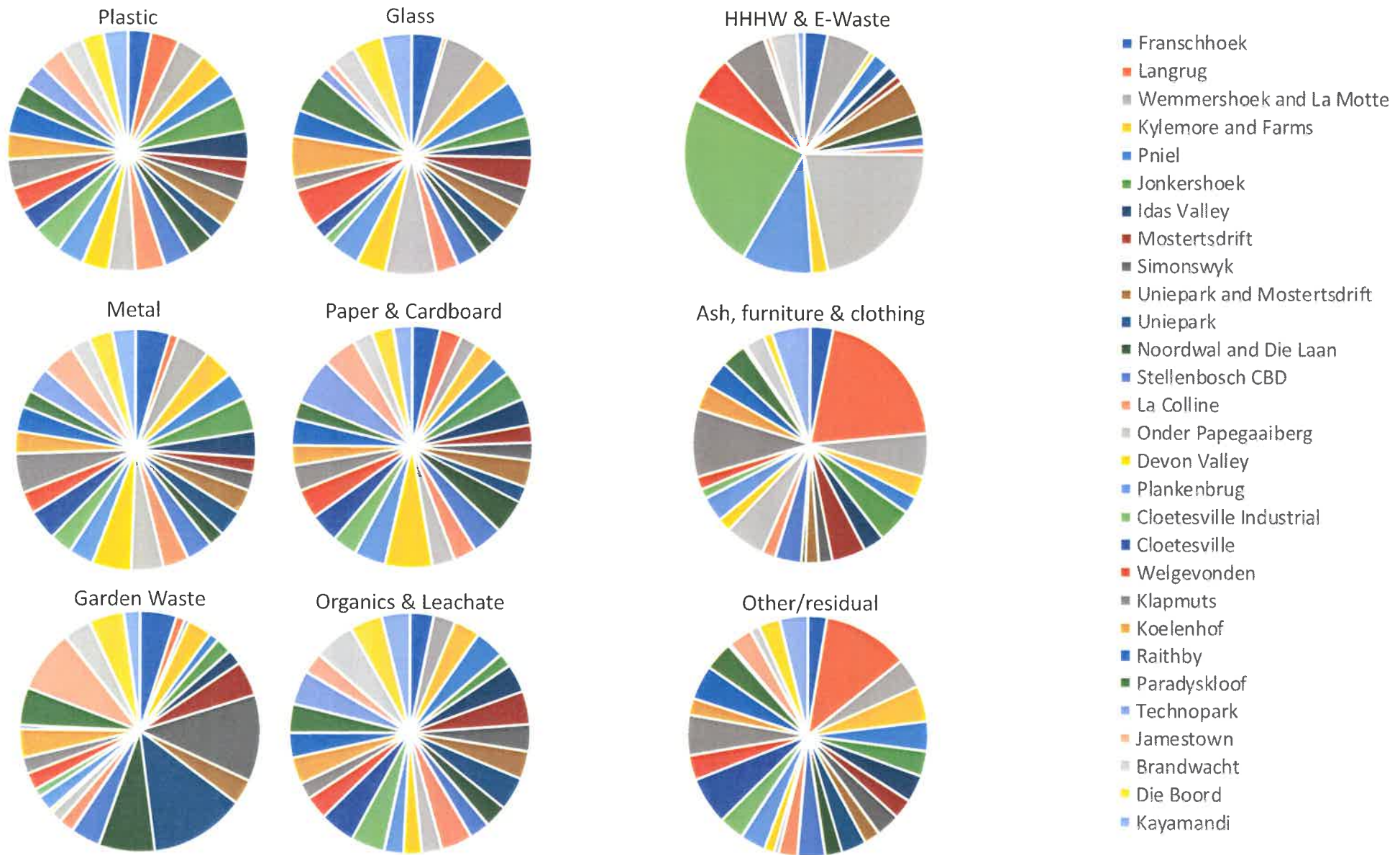


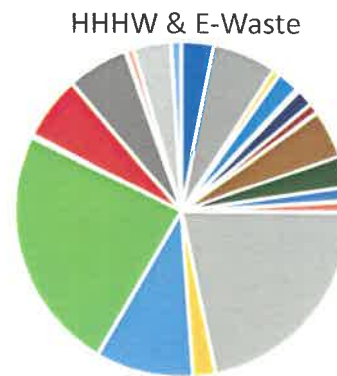
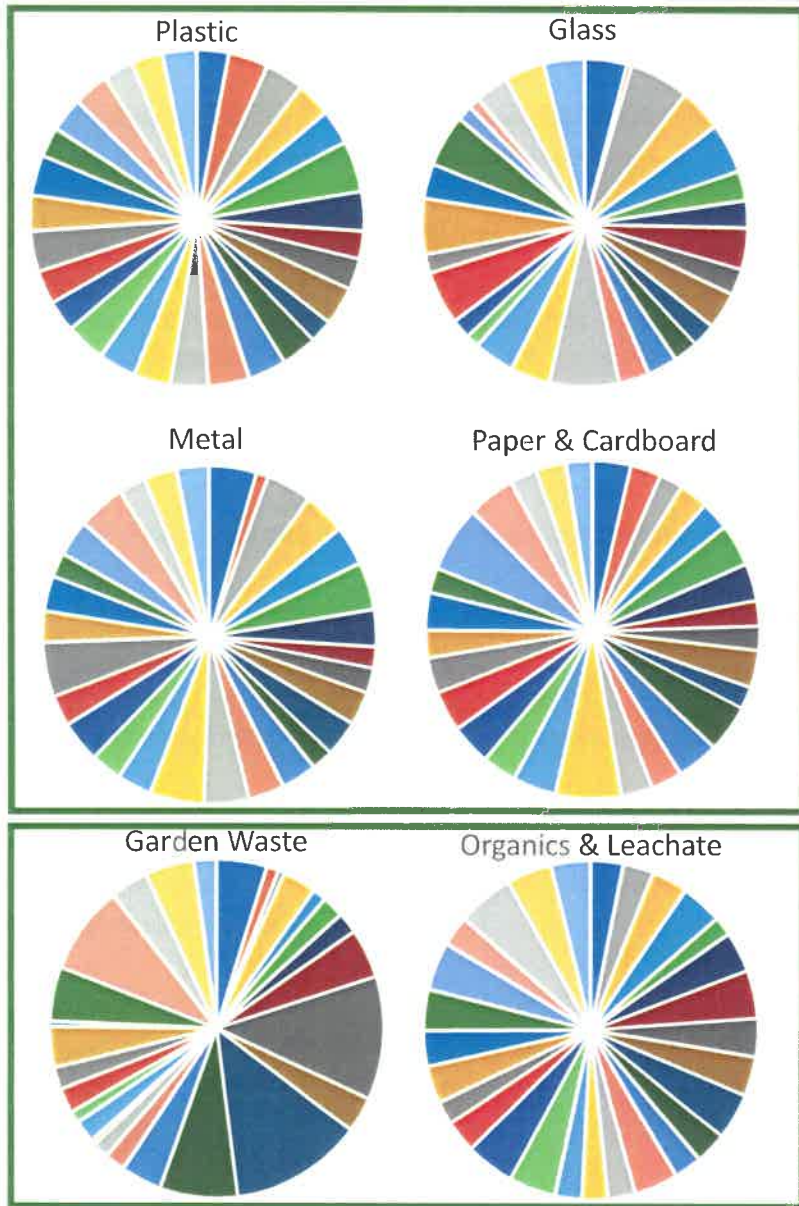












- Franschhoek
- Langrug
- Wemmershoek and La Motte
- Kylemore and Farms
- Pniel
- Jonkershoek
- Idas Valley
- Mostertsdrift
- Simonswyk
- Uniepark and Mostertsdrift
- Uniepark
- Noordwal and Die Laan
- Stellenbosch CBD
- La Colline
- Onder Papegaaiberg
- Devon Valley
- Plankenbrug
- Cloeterville Industrial
- Cloeterville
- Welgevonden
- Klipmuts
- Koelenhof
- Raithby
- Paradyskloof
- Technopark
- Jamestown
- Brandwacht
- Die Boord
- Kayamandi

CONCLUSION

- Does not have to be a “one size fits all” solution
- Multi-pronged approach
- Collaboration
 - Support development of a recycling industry and secondary markets
 - Collective approach to organic waste management
- Three-bag household separation at source programme for:
 - organics (excluding garden waste),
 - recyclables/packaging and
 - general waste.
- Separate household system for Garden Waste or Composting bins
- Literature review & feasibility of programmes that have worked to determine:
 - Frequency of collections,
 - Type and size of the bins/receptacles
 - Communication of programme
 - Compulsory vs voluntary - effect on participation rate

Organics – short term, technology readily available

Recyclables – longer term, needs secondary market development





1

Place your food waste in the BAG TO EARTH® Food Waste Bag.



2

Seal the bag to keep it odor-free.



3

Place the full BAG TO EARTH® Food Waste Bag in your municipal bin.



CITY OF MORENO VALLEY RECYCLING PROGRAM

PICK THE RIGHT BIN

Recycling is easy when you know the correct bin to put your items in.

Waste Management
Customer Service 800.425.9886

Recyclables	Green Waste	Trash
Aluminum & Steel Cans Cardboard Boxes Cleaned Egg Cartons Flattened Paper Glass Bottles & Jars Household Appliances Household Electronics Household Freezers Household Stoves Household Washers & Dryers Household A/C Units Household Dishwashers Household Freezers Household Stoves Household Washers & Dryers Household A/C Units Household Dishwashers	Grass & Leaves Household Appliances Household Electronics Household Freezers Household Stoves Household Washers & Dryers Household A/C Units Household Dishwashers	Animal Waste Disposable Diapers Food Waste Drinking Glasses Glass or Ceramic Plates Paint, Foods & Cakes Plastic Bags Plastic Wrap Sinks, Tubs & Bathtubs Foam Egg Cartons Waxed Paper Window Glass & Mirrors Plastic Grocery Bags

For more information about Moreno Valley's Recycling Programs call: 951.413.3100

Annexure B: Sampling Schedule

Wed 06/09	Raithby
Thurs 07/09	Pniel
Fri 08/09	Blaauwklippen
Mon 11/09	Lanquedoc
Tues 12/09	Brandwacht, Dalsig
Wed 13/09	Stellenbosch CBD
Thurs 14/09	Tennantville, Businessess.
Fri 15/09	Jonkershoek
Mon 18/09	Simonwyk
Tues 19/09	La Colline
Wed 20/09	Klapmuts
Thurs 21/09	Kayamandi
Fri 22/09	Plankenburg
Tue 26/09	O/Papagaai
Wed 27/09	Tubelitsha
Thurs 28/09	businesses,flats,restaurants central
Fri 29/09	Mums Café
Mon 02/10	Unie park
Tues 03/10	Die Laan,Noordwal Wes
Weds 04/10	Kayamandi
Thurs 05/10	Koelenhof
Fri 06/10	Franschhoek
Mon 09/10	Kayamandi
Tues 10/10	Costaland
Wed 11/10	Franschhoek
Thurs 12/10	Franschhoek
Fri 13/10	Stellenbosch CBD
Mon 16/10	Franschhoek
Tues 17/10	Franschhoek
Wed 18/10	Stellenbosch Business

Annexure C: Example of Waste Characterisation Recording sheet

[illegible]

ANNEXURE B

STELLENBOSCH MUNICIPALITY



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

HAZARDOUS AND HEALTH CARE RISK WASTE SURVEY

AUGUST 2020

Completed by:

AQUILA
ENVIRONMENTAL

Aquila Environmental (Pty) Ltd
Waste Management Consultants

50 Long Street
Cape Town CBD
Cape Town, 8001

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Executive Summary

A Hazardous and Health Care Risk Waste (H&HCRW) Survey was conducted in August 2020 in Stellenbosch Local Municipality. The survey found that H&HCRW generated in the study area could be categorised under six of the potential seventeen Industrial Groups listed in Schedule 3 of the National Environmental Management: Waste Amendment Act (NEM:WAA) (Act No. 26 of 2014). The study found that 29 000 litres of chemical waste from laboratories and pathologists, as well as 130 000 litres of waste oils are generated in the study area per annum. Approximately 9 700 and 71 000 units per annum of waste automotive batteries and tyres are also generated. The quantity of Health Care Risk Waste generated in the study area per annum is approximately 88 tons. There are 18 service providers collecting and transporting H&HCRW in the study area. The study found that the majority of businesses generating H&HCRW have adequate systems in place to deal with such waste in a responsible manner. Contact details of entities interviewed that do not have such systems in place have been provided to the municipality for follow-up.

1 Introduction

In July 2020, JPCE (Pty) Ltd was appointed by Stellenbosch Municipality to update their existing Integrated Waste Management Plan (IWMP) according to the National Environmental Management: Waste Act of 2008 and requirements as stipulated by the Department: Environmental Affairs and Development Planning. In August 2020, Aquila Environmental (Pty) Ltd was appointed by JPCE as sub-consultant to conduct a survey on types and quantities of hazardous and health care risk waste (H&HCRW) generated within the Stellenbosch Local Municipality. This which forms part of the IWMP.

Aquila Environmental's scope included the identification of hazardous and health care risk waste generators as well as acquiring the available information of these waste types from the generators such as the volumes generated, treatment methods, transport methods, transporters and final disposal.

The H&HCRW Survey was undertaken in August 2020 by identifying and listing all businesses and facilities potentially generating either hazardous or health care risk waste. Each entity contributing data to this report was contacted telephonically or via e-mail.

This report details the findings of the survey and discusses H&HCRW generated within the study area separately. Quantities of the various waste fractions contributing to both these waste streams were estimated, and are reported in Table 2 and **Error! Reference source not found.** respectively.

2 H&HCRW generated in Stellenbosch Local Municipality

The data contained in this survey was obtained from owners/employees at the various places of business directly. For the purposes of this study, Schedule 3 of the National Environmental Management: Waste Amendment Act (NEM:WAA) (Act No. 26 of 2014), was used to determine the various industrial groups potentially generating H&HCRW waste. Schedule 3 identifies 17 industrial groups, sub-divided into 86 waste fractions (as set out in Appendix A to this report). This study has determined that businesses and industry in Stellenbosch Municipality generate H&HCRW categorised under 6 out of the potential 17 industrial groups listed in Schedule 3. These are:

Industrial Group 5:	Wastes from inorganic chemical processes
Industrial Group 6:	Wastes from organic chemical processes

Industrial Group 12:	Oil wastes and wastes of liquid fuels (except edible oils)
Industrial Group 14:	Other wastes not specified in the list
Industrial Group 16:	Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)

It can be expected that hazardous portions of waste from the following industrial groups could potentially be generated within the study area, in addition to those listed above. Unfortunately, no data on these types of waste could be obtained during the survey, and therefore it cannot be stated with certainty whether such waste fractions are, in fact, generated. The industrial groups under question is as follows:

Industrial Group 1:	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing
Industrial Group 8:	Wastes from the photographic industry
Industrial Group 10:	Wastes from chemical surface treatment and coating of metals and other materials; non-ferrous hydrometallurgy
Industrial Group 15:	Construction wastes

It is not expected/unlikely that waste from the following industrial groups is generated in the study:

Industrial Group 2:	Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard
Industrial Group 3:	Wastes from the leather, fur and textile industries
Industrial Group 4:	Wastes from the leather, fur and textile industries
Industrial Group 7:	Wastes from thermal processes
Industrial Group 9:	Wastes from the manufacture, formulation, supply and use (MFSU) of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks
Industrial Group 11:	Wastes from shaping and physical and mechanical surface treatment of metals and plastics
Industrial Group 13:	Waste organic solvents, refrigerants and propellants
Industrial Group 17:	Wastes from waste management facilities

3 Hazardous Waste

In order to fully understand the importance of proper handling and disposal of Hazardous Waste in South Africa, the legislative context will first be described.

3.1 Legislative context for Hazardous Waste in South Africa

3.1.1 The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)

The first waste specific legislation published in South Africa was the National Environmental Management: Waste Act (NEM:WA). It provided the mechanism to regulate the waste value chain aiming to minimise adverse effects on human health and the environment. The National Department of Environmental Affairs (DEA) is the regulatory body for the licensing of Hazardous Waste Facilities, according to NEM:WA's Chapter 5. In addition, the management of hazardous waste is included in the concurrent legislative competence of both National and Provincial Government assigned by the South African Constitution with respect to environment and pollution control.

3.1.2 The National Environmental Management: Waste Amendment Act, 2014 (Act No. 26 of 2014)

On 02 June 2014 an amendment of Section 1 of the NEM:WA, as amended by the National Environmental Management: Waste Amendment Act (NEM:WAA), was enacted whereby "Schedule 3: Defined Wastes" was inserted. The purpose of Schedule 3 is to define all types of waste and to categorise them in order to assist with the identification of wastes. This Schedule is divided into Category A: Hazardous Waste and Category B: General Waste. Schedule 3, Category A defines Hazardous Waste as follows:

"'Hazardous waste' means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles."

For the purposes of this study, Schedule 3, Category A of NEM:WAA was used to determine the various industrial groups potentially generating hazardous waste in the study area and is set out in **Table 4**: Schedule 3 of the National Environmental Management: Waste Amendment Act, 2014 Act No. 26 of 2014: Category A: Hazardous Waste below.

3.1.3 Waste Classification and Management Regulations (G.N. No. R. 634 of August 2013)

These regulations support and implement the provisions of the NEM:WA and, amongst others, establishes a procedure and mechanism for the listing of waste management activities that do not require a Waste Management Licence. It also states that waste must be classified according to the South African National Standard Globally Harmonized System of Classification and Labelling of Chemicals (SANS 10234:2008).

SANS 10234:2008 is a standard that classifies waste according to the physical and health hazards specific substances could potentially pose (including hazards to the aquatic environment).

GN. No. R. 634 also talks to the requirements for disposal, record keeping and re-classification. For example, it is stated that:

"Waste must be classified within 180 days of generation and should be re-used, recycled, recovered, treated and/or disposed of within 18 months of generation."

Based on physical and chemical characteristics hazardous waste can be grouped according to the South African National Standards 10234 (SANS 10234:2008) into the following classes:

Table 1: Hazardous Waste Classes

Hazardous Waste Class (SANS 10234:2008)	
Classes	Description
9.1	Explosives
9.2	Flammable gases
9.3	Flammable aerosols
9.4	Oxidising gases
9.5	Gases under pressure
9.6	Flammable liquids
9.7	Flammable solids
9.8	Self-reactive substances and mixtures
9.9	Pyrophoric substances

- 9.10 Self-heating substances and mixtures
- 9.11 Substances and mixtures that, on contact with water, emit flammable gases
- 9.12 Oxidizing substances and mixtures
- 9.13 Organic peroxides
- 9.14 Corrosive to metals

3.1.4 Norms & Standard for the Assessment of Waste for Landfill Disposal (G.N. No. R. 635 of August 2013)

This piece of legislation covers the assessment of waste prior to landfilling and prescribes limits relating to chemical composition of waste from laboratory testing such as Leachable Concentration Threshold (LCT).

3.2 Hazardous waste data collation summary

Entities identified as potential hazardous waste generators were interviewed in August 2020.

Table 2: Hazardous waste quantitative data collation summary below indicates a summary of all quantitative information gathered during the survey on hazardous waste produced in the study area. A full list of these businesses, and detailed notes on information provided, has been provided to Stellenbosch Municipality.

Table 2: Hazardous waste quantitative data collation summary

Industrial Group (NEM:WAA Schedule 3)	Waste fraction (NEM:WAA Schedule 3)	Generator and notes	Number of generators surveyed in study area:	Quantity generated per annum
5	Wastes from inorganic chemical processes	Laboratories and Pathologists: (a) wastes from the manufacture, formulation, supply and use (MFSU) of acids (b) wastes from the MFSU of bases	3	29 000 litres/a
6	Wastes from organic chemical processes	Pharmacies, clinics and hospitals: (e) Pharmaceuticals Included in HCRW results	Refer to HCRW Results	Refer to HCRW Results
12	Oil wastes and wastes of liquid fuels (except edible oils)	Service centres: (a) waste hydraulic oils (b) waste engine, gear and lubricating oils (c) waste insulating and heat transmission oils (d) oil/water separator contents (e) wastes of liquid fuels (f) hazardous portion of other oil waste	17	130 000 litres/a
14	Other wastes not specified in the list	Retailers/service centres selling batteries: (e) wastes from discarded batteries	15	9 700 units/a
16	Wastes from human or animal health care and/or related research	Hospitals, Clinics, Medical practitioners, Pharmacies, Veterinarians, Beauty Salons, Mortuaries: Included in HCRW results	Refer to HCRW results	Refer to HCRW results
Other	Waste tyres	Retailers/service centres selling tyres: Waste tyres	8	71 000 units/a

4 Health Care Risk Waste

4.1 Legislative context for Health Care Risk Waste in South Africa

4.1.1 The National Health Act, 2003 (Act No. 61 of 2003) as amended

This Act regulates national health and provides uniformity in respect of health services. This is done by aiming to establish a national health system which encompasses public and private providers of health services. It further aims to provide the population of South Africa with the best possible health services that available resources can afford. It sets out the rights and duties of healthcare providers, health workers, health establishments and users.

4.1.2 Regulations Relating to Health Care Waste Management in Health Establishments (G.N. No. R. 375 of May 2014)

The following section highlights key principles contained within these Regulations, relevant to this study:

Section (3)(1) maintains that all health establishments that generate Health Care Waste:

- (a) have a duty to dispose of the waste safely;
- (b) are legally and financially responsible for the safe handling and environment sound disposal of the waste they produce;
- (c) must always assume that the waste is hazardous until shown to be safe; and
- (d) have a responsibility of the waste from the point of generation until its final treatment and disposal.

Section (4) further indicates that the Scope of the Regulations are applicable to all private and public health establishments; that the regulations shall regulate the handling, storage, collection, transportation, treatment and disposal of health care waste; and that it does not apply to radioactive, electronic and animal wastes.

These Regulations also provide a formal definition of "Health Care Risk Waste". It refers to waste "capable of producing any disease". It includes, but is not limited to, the following:

- (i) Chemical waste
Means solid, liquid and gaseous products that are to be discarded and that contain dangerous or polluting chemicals that pose a threat to humans, animals or the environment, when improperly disposed of.
- (ii) Cytotoxic waste
Means waste that is toxic to cells and that can lead to cell death.
- (iii) Genotoxic waste
Means waste capable of interacting with living cells and causing genetic damage.
- (iv) Infectious waste
Means materials suspected to contain pathogens (bacteria, viruses, parasites or fungi) in sufficient concentrations or quantity to cause disease in susceptible hosts.
- (v) Isolation waste
Means waste containing discarded materials contaminated with excretion, exudates, or secretions from humans or animals who or which are required to be isolated in order to protect others from highly communicable or zoonotic diseases.

(vi) Laboratory waste

Means human or animal specimen cultures from healthcare and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of bacteria, viruses, or the use of spores, discarded, live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures; and waste containing any microbiological specimen sent to a laboratory for analysis.

(vii) Pathological waste

Means tissues, organs, body parts, blood, body fluids, human foetuses, infected animal carcasses and other waste from surgery and autopsies on patients with infectious diseases.

(viii) Pharmaceutical waste

Means unused medicines, medications and residues of medicines that are no longer usable as medication.

(ix) Radioactive waste

Means liquid, solid or gaseous materials that contain, or are contaminated with, radionuclides at concentrations or activities greater than the clearance levels and for which no use is foreseen.

(x) Sharps waste

Means items that could cause cuts or puncture wounds, including needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and pipettes.

4.2 Health Care Risk Waste generated in the Stellenbosch Local Municipality

Based on the results obtained during the 2020 HCRW survey, the following table shows which of the waste fractions defined above are generated in the study area. All such wastes form part of Industrial Group 16 listed in Schedule 3 of NEM:WAA.

Table 3: HCRW generated within the study area

Industrial Group (NEM:WAA Schedule 3)	Waste fraction (G.N. No. R. 375 of May 2014)	Generator and notes	Number of generators surveyed in study area:	Kilograms generated per annum
16	(i) Chemical waste	Laboratories and Pathologists: Figures included in Hazardous Waste results.	Refer to Hazardous Waste Results	Refer to Hazardous Waste Results
16	(ii) Infectious waste	Hospitals, Clinics, Medical practitioners (including general practitioners, physiotherapists, dentists etc.), pathologists, pharmacies, veterinarians: Includes <u>Medical Disposables</u> such as cotton swabs, used bandages, gauze, plaster and syringes and could also include pathological waste from small surgeries (e.g. moles, extracted teeth, etc.) as well as isolation waste.	58	74 363 kg/a
16	(iii) Isolation waste	Hospitals and Clinics: COVID-19 related but included in infectious waste quantities	Included in infectious waste quantities	Included in infectious waste quantities
16	(iv) Laboratory waste	Laboratories and Pathologists: Figures included in Hazardous Waste results.	Refer to Hazardous Waste Results	Refer to Hazardous Waste Results
16	(v) Pathological waste	Hospitals, Clinics and Medical practitioners: Also referred to as anatomical waste and includes removed organs, tissues and body parts from humans and animals.	6	6 971 kg/a
6	(vi) Pharmaceutical waste	Hospitals, Clinics, Medical practitioners and pharmacies: Expired and redundant pharmaceuticals are	16	1 784 kg/a
16	(vii) Sharps waste	Hospitals, Clinics, Medical practitioners, Pharmacies, Veterinarians, Beauty Salons, Mortuaries: Consists mostly of needles but also blades. Average weights: Hospitals, Clinics, Medical Practitioners and Pharmacies: 5 - 8g/needle Dentists and Beauty Salons: 3 - 5g/needle Veterinarians: 8 - 10g/needle	63	5 135 kg/a
			TOTAL H&HCRW:	88 253 kg/a

5 Service Providers active in study area

The following Service Providers are appointed by the various H&HCRW generators to collect and transport hazardous waste.

Service Provider	Chemical Waste	Oil waste	Waste Batteries	Waste Tyres	Infectious Waste	Pathological Waste	Pharmaceutical Waste	Sharps Waste
EnviroServ	X							
Oilkol		X						
JJ Oil Removals		X						
Africa Oil		X						
OLS Oil Disposal Services		X						
Ikhapa		X						
Ithekane Waste		X		X				
Battery Manufacturers			X					
CL Waste			X					
Ednol				X				
Lugmaan				X				
UTCA				X				
BCL Medical Waste					X	X	X	X
Clinx					X	X	X	X
Averda					X	X	X	X
Compass					X	X	X	X
Cannon Hygiene (Rentokil)					X	X	X	X
Earthpets						X		

6 Conclusion and Recommendations

Results from the H&HCRW Survey conducted in August 2020 within the Stellenbosch Local Municipality shows that the majority of waste generators have systems and processes in place able to adequately and responsibly deal with the waste generated. However, the following risks have been identified during the 2020 H&HCRW survey:

1. Some smaller medical practices (e.g. single physiotherapists) have indicated that they struggle to find a service provider willing to accept their low quantities of sharps waste generated per annum. Services offered are usually on a monthly contract basis, and not on a once-off basis. Monthly contracts are usually too expensive for these small practices.
2. Interviews with beauty salons have shown that some salons make use of the normal municipal refuse collection systems to dispose of their sharps and infectious waste. This poses a risk to municipal workers. One salon in particular stated that they throw their needles in the recycling bin provided at a local supermarket.
3. Generation of household hazardous waste is not included in the scope of the study but the disposal thereof via the municipal system can still cause harm. A system aimed at collecting household hazardous waste is advised. This includes all lighting waste.
4. Various sources indicated that there is a big problem in the study area regarding theft of car batteries. Once these batteries have been stolen, they are dismantled in order to retrieve the valuable lead contact for reselling purposes. However, during this process, concentrated acid leaches out of the battery, and if uncontaminated can lead to pollution.
5. Two hazardous waste generators indicated that they burn their waste on site.

It is recommended that the Municipality engage with the abovementioned entities to assist them with putting the required systems in place.

Appendix A

Table 4: Schedule 3 of the National Environmental Management: Waste Amendment Act, 2014 Act No. 26 of 2014: Category A: Hazardous Waste

Industrial Group	Waste Fractions
1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing	(a) hazardous portion of wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard	(a) hazardous portion of wastes from wood processing and the production of panels and furniture (b) hazardous portion of wastes from wood preservation (c) hazardous portion of wastes from pulp, paper and cardboard production and processing
3. Wastes from the leather, fur and textile industries	(a) hazardous portion of wastes from the leather and fur industry (b) hazardous portion of wastes from the textile industry
4. Wastes from petroleum refining, natural gas purification and pyrolytic treatment of coal	(a) wastes from petroleum refining (b) wastes from the pyrolytic treatment of coal (c) wastes from natural gas purification and transportation
5. Wastes from inorganic chemical processes	(a) wastes from the manufacture, formulation, supply and use (MFSU) of acids (b) wastes from the MFSU of bases (c) wastes from the MFSU of salts and their solutions and metallic oxides (d) metal-containing wastes (e) wastes from the MFSU of sulphur chemicals, sulphur chemical processes and desulphurisation processes (f) wastes from the MFSU of halogens and halogen chemical processes (g) wastes from the MFSU of silicon and silicon derivatives (h) wastes from the MFSU of phosphorous chemicals and phosphorous chemical processes (i) wastes from the MFSU of nitrogen chemicals, nitrogen chemical processes and fertiliser manufacture (j) wastes from the manufacture of inorganic pigments (k) other wastes from inorganic chemical processes
6. Wastes from organic chemical processes	(a) wastes from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals (b) wastes from the MFSU of plastics, synthetic rubber and man-made fibres (c) wastes from the MFSU of organic dyes and pigments (d) wastes from the MFSU of organic plant protection products, wood preserving agents and other biocides (e) wastes from the MFSU of pharmaceuticals (f) wastes from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics (g) other wastes from the MFSU of fine chemicals and chemical products

7. Wastes from thermal processes	<ul style="list-style-type: none"> (a) hazardous portion of wastes from power stations and other combustion plants (b) hazardous portion of wastes from the iron and steel industry (c) wastes from aluminium thermal metallurgy (d) wastes from lead thermal metallurgy (e) wastes from zinc thermal metallurgy (f) wastes from copper thermal metallurgy (g) wastes from silver, gold and platinum thermal metallurgy (h) wastes from other non-ferrous thermal metallurgy (i) hazardous portion of wastes from casting of ferrous pieces (j) hazardous portion of wastes from casting of non-ferrous pieces (k) hazardous portion of wastes from manufacture of glass and glass products (l) hazardous portion of wastes from manufacture of ceramic goods, bricks, tiles and construction products (m) hazardous portion of wastes from manufacture of cement, lime and plaster and articles and products made from them
8. Waste from the photographic industry	<ul style="list-style-type: none"> (a) hazardous portion of waste from the photographic industry
9. Wastes from the manufacture, formulation, supply and use (MFSU) of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks	<ul style="list-style-type: none"> (a) wastes from MFSU and removal of paint and varnish (b) wastes from MFSU of other coatings (including ceramic materials) (c) wastes from MFSU of printing inks (d) wastes from MFSU of adhesives and sealants (including waterproofing products)
10. Wastes from chemical surface treatment and coating of metals and other materials; non-ferrous hydrometallurgy	<ul style="list-style-type: none"> (a) wastes from chemical surface treatment and coating of metals and other materials (for example galvanic processes, zinc coating processes, pickling processes, etching, phosphating, alkaline degreasing, anodising) (b) wastes from non-ferrous hydrometallurgical processes (c) wastes from sludges and solids from tempering processes (d) wastes from hot galvanising processes
11. Wastes from shaping and physical and mechanical surface treatment of metals and plastics	<ul style="list-style-type: none"> (a) hazardous portion of wastes from shaping and physical and mechanical surface treatment of metals and plastics (b) wastes from water and steam degreasing processes
12. Oil wastes and wastes of liquid fuels (except edible oils)	<ul style="list-style-type: none"> (a) waste hydraulic oils (b) waste engine, gear and lubricating oils (c) waste insulating and heat transmission oils (d) oil/water separator contents (e) wastes of liquid fuels (f) hazardous portion of other oil waste
13. Waste organic solvents, refrigerants and propellants	<ul style="list-style-type: none"> (a) waste organic solvents, refrigerants and foam/aerosol propellants
14. Other wastes not specified in the list	<ul style="list-style-type: none"> (a) hazardous portion of wastes from end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (b) hazardous portion of wastes from electrical and electronic equipment (c) hazardous portion of wastes from off-specification batches and unused products

	<ul style="list-style-type: none"> (d) wastes from discarded gases in pressure containers and discarded chemicals (e) wastes from discarded batteries and accumulators (f) wastes from transport tank, storage tank and barrel cleaning (g) spent catalysts wastes (h) oxidising substances wastes (i) aqueous liquid wastes destined for off-site treatment (j) waste linings and refractories
15. Construction wastes	<ul style="list-style-type: none"> (a) wastes from bituminous mixtures, coal tar and tarred products (b) discarded metals (including their alloys) (c) waste soil (including excavated soil from contaminated sites), stones and dredging spoil (d) wastes from insulation materials and asbestos-containing construction materials (e) wastes from gypsum-based construction material (f) wastes from other construction and demolition wastes
16. Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)	<ul style="list-style-type: none"> (a) wastes from natal care, diagnosis, treatment (b) wastes from research, diagnosis, treatment or prevention of disease in humans prevention of disease involving animals
17. Wastes from waste management facilities	<ul style="list-style-type: none"> (a) hazardous portion of wastes from incineration or pyrolysis of waste (b) hazardous portion of wastes from physico / chemical treatments of waste (c) hazardous portion of stabilised/solidified wastes (d) hazardous portion of wastes from aerobic treatment of solid wastes (e) hazardous portion of wastes from anaerobic treatment of waste (f) landfill leachate wastes (g) wastes from shredding of metal-containing wastes (h) wastes from oil regeneration (i) wastes from soil remediation

ANNEXURE C

STELLENBOSCH MUNICIPALITY

INTEGRATED WASTE MANAGEMENT DRAFT BY-LAW, 2018

To regulate the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and for matters related thereto.

Preamble

WHEREAS the Municipality has under the Constitution, legislative competence in respect of refuse removal, refuse dumps and solid waste disposal;

Whereas the Stellenbosch Municipality ("the Municipality") has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by waste;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors or tourists and government departments are able to access services from a legitimate waste management service provider; and

Whereas the Municipality wishes to regulate waste generation, cleaning, separation, storage, collection, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation of waste.

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

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DRAFT

1. Definitions

1. In this By-law, unless the context indicates otherwise:

Any words not mentioned below of which the definition is addressed in the Act will carry the meaning as defined in the Act.

“Act” means the National Environmental Management: Waste Act, Act 59 of 2008, as amended and includes all Regulations promulgated by the Minister of Environmental Affairs and Tourism

“accredited service provider” means a person or entity accredited by the Municipality in accordance with its guidelines published from time to time and who provides a waste management service in the Municipality and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

“building waste” means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition, but excludes garden waste;

“business waste” means waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes, and also applies to waste generated by informal traders and residential premises where commercial activities are being conducted;

“chemical waste” includes discarded solid, liquid and gaseous chemicals;

“Council” shall have the same meaning as defined in the Local Government Systems Act, Act 32 of 2000, as amended.

“Director” means the Director responsible for solid waste management in the Municipality or any person formally delegated to be responsible by the Municipality;

“delegation” shall have the same meaning as defined in the Local Government Systems Act, Act 32 of 2000, as amended.

“dump” means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

“event waste” means waste that originates from the activities related to an event that is held in the Municipality;

“garden waste” means organic waste which emanates from gardening or landscaping activities at residential, business or industrial properties including but not limited to, soil, grass cuttings, leaves and branches, and includes any biodegradable material and includes such waste emanating from residential, business or industrial properties, but excludes waste products of animal origin;

“hazardous waste” means health care risk waste and any waste that may, by circumstances of the production, use, quantity, concentration or inherent physical, chemical or toxicological characteristics thereof, have a significant adverse effect on the environment, or the health of a person or other living organism;

“health care waste” means any waste—

(a) Generated by or derived from medical care or medical research including but not limited to—

- (i) infectious waste;
- (ii) pathological waste;
- (iii) sharp waste;
- (iv) pharmaceutical waste;
- (v) genotoxic waste;
- (vi) chemical waste;
- (vii) pressurized container waste;
- (viii) waste with heavy metals;
- (ix) radioactive waste;
- (x) general waste

(b) That has been in contact with blood, bodily fluids or tissues from humans, or infected animals from veterinary practices;

“infectious waste” means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes cultures and stocks of infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolation wards, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues including swabs and any other instruments or materials that have been in contact with infected persons or materials;

“pathological waste” includes all human tissues, organs, body parts, foetuses, blood and bodily fluids and those also those of animals;

“sharp waste” includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word “sharp” has a corresponding meaning;

“pharmaceutical waste” includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

“genotoxic waste” means highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“pressurized container waste” includes pressurized cylinders and cartridges used in health care facilities to store gases;

“radioactive waste” includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as in vitro analysis of body tissue and fluid, in vivo organ imaging and tumour localization and various investigative and therapeutic practices;

“general waste” is a generic term for waste that, because of its composition and characteristics, does not pose a significant risk to public health or the environment if managed properly, and typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity;

“health care risk waste” means that portion of health care waste that is hazardous and includes infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, waste with heavy metals, radioactive waste, and any other health care waste which is defined as hazardous in terms of the waste Management Series: Document 1: Minimum Requirements/or the Handling, Classification and Disposal of Hazardous waste, as published by the Department of Water Affairs and Forestry or any other applicable legislation;

“holders of waste” means any person who imports, generates, stores, accumulates, transports, processes, treats, exports or disposes of waste and also includes recyclers and scrap dealers;

“industrial waste” means waste that emanates from premises that are used wholly or mainly for industrial purposes and generate waste through manufacturing, industrial or fabricating processes including premises used for agricultural activities, mining activities or the operation of power stations;

“integrated waste management plan” means an integrated waste management plan which is required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

“licenced waste disposal facility” means a site, or premises which is licenced by the Province of the Western Cape or the National Government and used for the accumulation or disposal of waste;

“litter” means waste, excluding hazardous waste, arising from activities in public areas that has not been disposed of in a public litter container;

“Municipality” means the Stellenbosch Municipality established by Provincial Notice No. 479 of 2000 or its successors in title;

“owner” includes the registered owner, lessee or occupier of a premises, or the person in charge or control of any premises or part thereof who is over 16 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

“person” includes any organ of state;

“priority waste” means waste declared to be such by the Director in terms of this By-law or in terms of national or provincial legislation;

“recyclable materials” means any material that can be converted into raw material that can be re-used to make new products or resources;

“residential waste” means waste that emanates from premises used wholly or mainly for residential, educational, sport or recreational purposes and may include recyclable materials and non-recyclable material, but excludes hazardous waste;

“Tariff Policy and Tariff By-Law” means the Tariff Policy and Tariff By-Law adopted by the Council of the Municipality and published in the Provincial

Gazette from time to time;

“waste” means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the National Minister of Environmental Affairs and Tourism by notice in the Government Gazette or by the member of the Executive Council of the Province of the Western Cape who is responsible for waste management in the Province of the Western Cape, as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity;

“waste generator” means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

“waste management officer” means the Manager of Solid Waste Management, or an officer referred to in section 25 of this By-law;

“waste minimisation club” means a group of persons, typically residing in a high density residential or office building, or a multi-property cluster residential or business development, that have an agreement approved by the Director in terms of this By-law to minimise waste in exchange for a lower tariff according to an integrated waste management plan.

“waste with heavy metals” includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic;

2. Application of this By-law

2. In the event of conflict between this By Law and any other by law of the Municipality dealing with waste management this By Law must prevail. This By Law is subordinate to the Act and the Act shall prevail should any conflict occur between this By Law and the Act

3. Categorisation of waste

3.(1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law, and the Environmental Health By-Law insofar as it defines Medical waste and to the extent that it is unclear under which category a type of waste falls.

(2) The decision of the Director must, subject to any other law, be final in the categorizing of waste.

4. Obligations of waste generators

4.(1) A waste generator must—

(a) avoid the generation of waste or where it cannot be avoided minimise the toxicity and amounts of waste generated;

(b) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non-recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;

(c) re-use, recycle or recover waste where possible;

(d) dispose of recyclable waste by—

(i) contracting with the Municipality where the waste generator will be charged at the Municipality's standard charge in terms of the Tariff By-law;

(ii) where the Municipality does not provide such a service by contracting with an accredited service provider; or

(iii) delivering waste to a licenced waste disposal facility and ensure that waste is treated or disposed of in an environmentally sensitive manner at a licenced waste disposal facility;

(e) manage waste so that it does not endanger health or the environment or create a nuisance;

(f) maintain suitable cleanliness and hygiene standards on their premises as required by the Municipality's Environmental Health By-law;

(g) make use of the waste removal services provided by the Municipality or its service provider, unless the Municipality does not provide a waste removal service for the type of waste to be disposed of, in which case they shall make use of an accredited service provider;

- (h) conclude a contract with the Municipality, its service provider or an accredited service provider, as the case may be, for the storage and collection of waste;
- (i) store waste in the containers provided by the Municipality or an accredited service provider prior to collection or where a container is not provided, store waste in plastic black bags, which containers or bags will be collected by the service provider at least once a week according to the routes as published by the Municipality or the service provider from time to time;
- (j) pay tariffs and rates charged by the Municipality for such waste removal services according to the Municipality's Credit Control and Debt Collection By-law.
- (2) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality's Tariff-By-Law and Tariff Policy.
- (3) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.
- (4) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.
- (5) Should the waste generated by a waste generator exceed the volume that can be stored in the containers provided or bags, the owner must make arrangements for the collection of the excess waste by an accredited service provider.
- (6) If no arrangement is made for collection of excess waste, the owner or waste generator must promptly transport that additional waste to and deposit it at a licenced waste disposal facility at his or her own cost.
- (7) The owner of a formal dwelling who has other structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the Municipality and shall be entitled to have it collected on the same terms as the residential dwelling.
- (8) The owner of the property will have to sign an additional contract with the Municipality for the storage, collection and disposal of waste contemplated in subsection (7) and shall be liable for the charges levied by the Municipality in connection therewith.
- (9) Any business or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as determined by the Director from time to time, on or before the 7th of each month.
- (10) A waste generator generating Industrial waste must contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility.
- (11) The owner must on demand prove to the waste management officer that he or she has entered into a suitable agreement with an accredited service provider for the collection, processing, treatment or disposal of industrial waste at least once per week or as determined by the waste management officer.
- (12) An accredited service provider must in respect of industrial waste as defined by SANS 10228 and 10229 comply with all legislation relating to handling, transfer, storage, use, treatment and transportation of the dangerous goods and dispose of same at a licenced waste disposal facility or landfill site.

(13) A waste generator generating industrial waste shall submit an integrated waste management plan to the Municipality and comply with the terms and conditions set out by the Municipality for the generation, minimisation, storage, recycling, collection and disposal of such waste.

(14) Garden waste generated at properties being used mainly for residential purposes may be composted on the property, or it may be stored in a compost heap or suitable bags as per the Municipality's requirements, and it may be kept on the property until collection or taken to a licenced waste disposal facility

(15) The waste generator may be called upon by the waste management officer to produce a weighbridge ticket as proof of proper disposal of garden waste over a certain mass, as determined by the Municipality in terms of its guidelines and conditions imposed from time to time.

(16) Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall not store such waste in containers provided by the Municipality for residential waste and shall remove and dispose of it at a licenced crushing plant or landfill site or any other licenced building waste disposal facility.

(17) When plans are submitted to the Municipality for its approval in terms of the National Building Regulations and Building Standards Act, 1977(Act No. 107 of 1977), the person submitting same must submit simultaneously therewith—

(a) an integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;

(b) what provisions are made to store the waste on their property; or

(c) provide a permit to store the waste on the Municipality's property.

(18) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licenced waste disposal facility for the treatment and disposal of hazardous waste.

(19) The owner of the facility where building rubble is disposed of shall provide a monthly report to the waste management officer of the mass of such waste deposited at such facility.

(20) The waste generator or the owner of the property on which waste is generated who deposits or stores waste on property of the Municipality may be fined for failure to have or produce a permit for such deposit or storage.

(21) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been disposed of.

(22) The owner of the property referred to in subsection (21) will be required to provide the building control officer with proof of a weighbridge certificate that he or she has disposed of the full mass of the building rubble at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

(23) The Waste Generator may only dispose of hazardous waste in the prescribed manner. The Waste Generator shall be held responsible for any incidents caused by hazardous waste emanating from his bin(s). The Waste Generator may be charged to the Act as well as any other related Act, and this By

Law, should any unlawful waste be found, or incidents occurring as a result of unlawful waste being stored in a bin, or bins, operated by the Waste Generator.

5. Hazardous waste

5.(1) A waste generator who generates hazardous waste and an owner of property where hazardous waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licenced hazardous waste disposal facility.

(2) A person transporting the hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle

6. Event waste

6.(1) Any person who is directly or indirectly involved with the organisation or management of a sporting, entertainment, cultural or religious event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres, must submit an integrated waste management plan consistent with this By-law to the waste management officer in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event and comply with the terms and conditions set out by the Municipality.

(2) The integrated waste management plan must also include costing information, and the organiser, management or owner will be required to pay a refundable deposit as determined by the Municipality.

(3) Any person who intends to generate event waste shall contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility and provide proof of this to the Municipality as part of its integrated waste management plan.

(4) If the event is to be held in a public area, the use, sale or distribution of glass or similar containers is prohibited, unless the prior consent has been obtained from the waste management officer on such conditions as will be determined by him or her that will reduce the likelihood of injury from broken glass.

(5) Should a person fail or neglect to obtain services of an accredited service provider in terms of subsection (3) prior to the event in question, or fail to provide the Municipality with the integrated waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (6), arrange for the collection, clean-up, recycling and disposal of the waste.

(6) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organiser and may be recovered from the deposit paid or in terms of the Municipality's Credit Control and Debt Collection By-law.

7. Priority waste

7.(1) The Director must in terms of this By-law categorise priority waste if he or she reasonably believes that special measures are required in respect of the management of that waste, because it—

- (a) poses a significant threat to health or the environment;
- (b) may persist in the environment;
- (c) contains or could foster pathogens or communicable diseases; or
- (d) has been declared a priority waste in terms of other applicable legislation.

(2) The Municipality may publish guidelines from time to time insofar as may be necessary in respect of categorisation of waste.

8. Emergencies requiring the management of waste

8.(1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage same within a stipulated period to the Municipality's satisfaction.

(2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licenced waste disposal facility accredited for the specific type of waste generated.

(3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment in this process.

(4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials shall be for the account of the person responsible for the emergency.

(5) If an emergency occurs by an act of God the Municipality will deal with such emergency in such manner as the circumstances and funding may allow.

9. Establishment of formal waste minimisation clubs in communities or businesses

9.(1) Waste management clubs may apply to the Director for special dispensation as an enhanced service associated with waste minimisation in terms of the Municipality's Tariff By-Law and Tariff Policy.

(2) The club must submit an integrated waste management plan in writing to the Director for approval, as well as other application documentation for the formation and operation of a waste minimisation club, as may be determined by the Municipality.

(3) The Director may subject to the provisions of this By-law determine whether to approve the application for a special dispensation of a waste minimisation club.

(4) If an application is unsuccessful, the Director must stipulate and provide reasons for turning down an approval to the waste minimisation club.

(5) If an application to form a waste minimisation club is approved by the Director, the club must comply with the terms and conditions set out by the Director for the generation, minimisation, storage, collection and disposal of such waste.

10. Integrated waste management plan

10.(1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.

(2) An integrated waste management plan must include —

(a) an assessment of the quantity and type of waste that will be generated;

(b) a description of the services required to store, collect, transport and dispose of such waste;

(c) a description of how they intend separating recyclable and non-recyclable material at the point of source;

(d) the waste minimisation and pollution prevention plans of such waste generator;

(e) the impact or potential impact on the environment of the waste created by them;

(f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and

(g) targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.

(3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.

(4) Industrial and business entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.

(5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated and

comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.

(6) The waste management officer must consider the plan and —

- (a) approve it with conditions and give directions for the implementation thereof;
- (b) request that additional information be furnished or a revised plan be submitted for approval;
- (c) require amendments to be made within a time frame so specified by them;
- (d) reject the plan and provide reasons therefor; or
- (e) approve such a plan and specify conditions pertaining to such approval.

(7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the waste management officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.

(8) The Director may by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan.

(9) Should a person fail to provide the information referred to in subsection (8), the Director may appoint an auditor to obtain such information at the cost of waste generator.

(10) The waste generators of the following classes of waste must submit an integrated waste management plan:

- (a) business waste;
- (b) industrial waste;
- (c) building waste;
- (d) event waste;
- (e) priority waste;
- (f) hazardous waste;
- (g) those applying for special dispensation in terms of section 9;
- (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
- (i) any other person who is given notice to do so by the Director; or
- (j) those persons carrying out the activities listed in paragraph (h).

11. Exemptions from submitting an integrated waste management plan

11.(1) If one of the waste generators for the categories of waste referred to in section 10(10)(j) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.

(2) A waste management officer may also declare—

(a) certain types of waste or waste generators;

(b) a particular mass or volume of waste; or

(c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation, to be exempt from the submission of an integrated waste management plan.

12. Storage and transportation of waste

12.(1) Any holder of waste who stores or transports waste must ensure that—

(a) the container in which any waste is stored is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of waste if the waste is not in a container provided by the Municipality;

(b) suitable measures are in place to prevent accidental spillage or leakage;

(c) the waste cannot be blown away;

(d) nuisances such as odour, visual impacts and breeding of vectors do not arise;

(e) pollution of the environment and harm to health are prevented;

(f) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and

(g) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorised persons or members of the public.

(2) The waste generator and the holder of waste must ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with the waste.

13. Recycling, re-use, sorting and recovery of waste

13.(1) Any person who undertakes a recycling, re-use or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must, before undertaking that activity make sure by way of an environmental impact assessment or similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must obtain accreditation from the Municipality in terms of its guidelines as published from time to time.

(2) The person referred to in subsection (1) must also submit an integrated waste management plan, and the waste management officer must, when deciding to grant authorisation, consider such integrated waste management plan.

(3) Any person who undertakes a recycling, re-use, processing, treatment or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must register for accreditation with the Municipality that will entitle them to perform such activities.

(4) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report on or before the 7th of each month in a format to be determined by the Director.

(5) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

(6) Any Service Provider or persons that took part in the recycling of waste prior to the date of proclamation of these By Laws, will be allowed 6 months from the date of proclamation, to conform to the all the legal requirements emanation from the Act or this By Law.

14. Prohibition of unauthorised disposal of waste

14. No person may—

- (a) dispose of waste in a manner likely to cause pollution of, or have an impact on, the environment or to be harmful to health;
- (b) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (c) dispose of hazardous waste in a container provided by the Municipality that is designed for the storage of residential or business waste or in bags to be collected by the Municipality;
- (d) burn waste especially hazardous waste except in approved incinerators which have a permit or licence to do so;
- (e) dispose of hazardous waste, unless in accordance with an approved integrated management plan;
- (f) deposit residential, business, industrial, garden, building or hazardous waste in a public litter bin;
or
- (g) deal with waste in a manner that causes dust, spillage or litter.

15. Littering and dumping

15.(1) No person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street,

road, wetland, coastline or on any place to which the public has access, or otherwise dispose of it nor may they allow a person under their control to do so.

(2) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

(3) If the provisions of subsection (1) are contravened, the Director may direct, by way of a written notice to persons that—

(a) they cease the contravention, in a specified time;

(b) they prevent a further contravention or the continuation of the contravention;

(c) take whatever measures the Director considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.

(4) The Director may in respect of the notice contemplated in subsection (3)(c) state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Director may grant a further 2 days, on request of the person, to remove the litter or waste.

(5) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.

(6) If the Municipality elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.

(7) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

16. Licences

16. Any person who, or entity which, requires a license in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

17. Waste management services, applications and registration for waste collection and removal services

17.(1) All persons collecting or removing waste must have a contract for the collection and removal of waste with the Municipality or an accredited service provider.

- (2) Residents must apply and register for waste collection and removal services that will be provided exclusively by the Municipality or its contracted accredited service provider, unless the Council authorises otherwise.
- (3) Businesses have an option to contract with the Municipality for the waste collection and removal services, or to contract with an accredited service provider.
- (4) Industries, including those that produce hazardous waste, due to the specialised nature of waste produced in these sectors, must contract with a private sector accredited service provider.
- (5) If an entity or an accredited service provider is required to have a licence or approval in terms of national or provincial legislation, they are required to provide proof thereof, as well as comply with criteria determined by the Council before they will be registered by the Director.
- (6) The Director shall keep an updated record of registered accredited service providers.
- (7) Commercial and industrial undertakings, including scrap dealers requiring a waste collection and removal service which is not provided by the Municipality, must register with the Municipality and prove that they have contracted with an accredited service provider for such service.

18. Access to private property

- 18.(1) The owner must, on request, allow a peace officer or any other duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.
- (2) When accessing the property the authorised employee must, on request, identify him or herself by producing written proof of such authority.
 - (3) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorised employee.

19. Premises inaccessible for refuse collection

19. Should the Municipality be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

20. Compliance notices

20.(1) The waste management officer may issue notices to any person contravening the provisions of this By-Law—

- (a) setting out the provisions or conditions contravened;
- (b) directing such person to comply with such provisions or conditions; and
- (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.

(2) If a person fails to comply with directions given in a notice issued by the waste management officer, the waste management officer may —

(a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;

(b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-Law, who shall be jointly and severally liable therefor.

(3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.

(4) The following persons may be served with such notice:

- (a) any person who committed, or who directly or indirectly permitted, the contravention;
- (b) the generator of the waste;
- (c) the owner of the land or premises where the contravention took place;
- (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

21. Service of documents and process

21. Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;

(d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or

(e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

22. Failure to comply with the Act and By-law and enforcement

22.(1) If the waste management officer has issued a compliance notice in terms of section 21 to anyone for contravening any provision of the Act and this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.

(2) The waste management officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.

(3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.

(4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the Act or this By-law or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.

(5) The waste management officer may then direct the person who failed to comply with the Act or this By-Law to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the Act or this By-Law shall be liable for the cost thereof.

23. Offences and penalties

23.(1) A person who contravenes sections 12(b), 12(f), 15(1) shall be guilty of an offence and shall on conviction be liable for—

(a) littering or dumping over 8m³ of waste or hazardous waste;

(b) spillage or leakage over 8m³ of waste without putting in place suitable measures;

(c) conveying of an uncovered load of hazardous waste of any volume;

(d) conveying of an uncovered or unsecured load which results in spillage over 8m³ of waste or hazardous waste, such fine or imprisonment as the court may deem appropriate and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

(2) Should any person induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of this By-law he or she shall be guilty of an offence.

(3) Should any person induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.

(4) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-law shall be guilty of an offence.

(5) Any person who commits any offence referred to in subsections (2) to (4) or any other offence in terms of this By-law shall on conviction be liable for the payment of a minimum fine of R500 but not exceeding R10 000 or imprisonment for a minimum period of 6 months but not exceeding 2 years, or to both such fine and such imprisonment.

(6) The court may in addition to any penalty imposed in terms of subsection (5), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

(7) The Court may, when considering any sentence for an offence in terms of this By-Law, take into account the following:

(a) That a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-law;

(b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;

(c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

24. Delegations by the waste management officer

24. The waste management officer shall be entitled to sub delegate to any r official of the Municipality under the charge of the, waste management officer, any of his or her powers or obligations in terms of this By-law and as allowed for in the Systems of Delegations approved by Council, from time to time, in accordance with Sections 59 & 60 of the Local Government Municipal Systems Act, Act 32 of 2000, as amended

25. Functions and powers of waste management officer

25. The waste management officer shall be responsible for regulating, controlling, managing and enforcing the provisions of this By-Law and national and provincial legislation relating to waste management in terms of the System of Delegations.

26. Amendments to waste removal services

26. The Municipality may amend any existing waste removal or cleansing services once a process of public notification, participation and comment has been completed and provided the amendment is practical, cost effective and has as its objective the prevention of the proliferation of waste, the minimisation of waste or the reduction of waste to be removed.

27. Transitional provisions

27. Any approvals given in accordance with previous by-laws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted, but cannot be transferred to any other person.

28. Guidelines

28. The Council may make guidelines not inconsistent with other legislation generally for the better carrying out of the objects and purposes of this By-law.

29. Repeal of By-laws

29. The By-laws in Schedule 1 hereto are hereby repealed.

30. Interpretation

30. In the event of a conflict between English, Xhosa and Afrikaans versions of this By-law, the English version shall be decisive.

31. Short title and commencement

31. This By-law is called Stellenbosch Municipality: Integrated Waste Management By-law, 2018 and comes into operation on promulgation hereof in the Provincial Gazette.

DRAFT

SCHEDULE 1

REPEALED LAWS

DRAFT

SATURDAY DUTY ROSTER: KLAPMUTS TRANSFER STATION

OCTOBER 2020			
Saturday 08:00-13:00	Ester Swarts	Lawrence Bixa	Signed off by Supervisor/Management
03			
10			
17			
24			
31			

 : ON DUTY

I agree to the above roster.

Ester Swarts: _____ on _____
Signed Date

Lawrence Bixa: _____ on _____
Signed Date

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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7.6.1	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE
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Collaborator No: 697006
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020

1. SUBJECT: INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE

2. PURPOSE

To put forward a recommendation as to the conclusion of the investigation with regards to the various residential properties in Mont Rochelle Nature Reserve.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality (Council).

4. EXECUTIVE SUMMARY

Council decided to investigate all possible options in dealing with the residential properties located in the Mont Rochelle Nature Reserve (the reserve) in an effort to achieve the most effective environmental outcome, address potential negative impact associated with possible development of the various properties whilst at the same time maintaining and preserving the use of the reserve for recreation by the broader public.

The above options investigated included maintaining the *status quo* (trust that no further development within the reserve take place), expropriation or buying-back of the 14 sold (but undeveloped) erven or an exchange of land (swop of erven within the reserve from sensitive to less-sensitive locations). Experience gained from the above investigation has now led to a proposed redesign of the current layout of erven clustered around the current access roads, within the existing layout footprint.

5. RECOMMENDATIONS

- (a) that Council approves Option 3: the redesign of the existing layout of erven in Mont Rochelle Nature Reserve;
- (b) that Option 3 be implemented once budget for this purpose becomes available;
- (c) that existing landowners of erven in sensitive area be offered a like-for-like (with reference to erf size) proposal in a less sensitive location within the revised layout, as provided for in Paragraph 9.2.3 of the Property Management Policy;
- (d) that the Municipal Manager be authorised to finalise the above process insofar an agreement between the relevant landowners can be reached; and
- (e) that the remaining unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve.

6. DISCUSSION / CONTENTS

6.1 Background

62 Erven were proclaimed in Mont Rochelle Nature Reserve in 1910, 16 of which have been sold on auction to private individuals. The purpose of the auction was to generate funds for improving the Franschoek sports facilities and water provision infrastructure to the town. Informal access roads to the erven were constructed by the municipality. During 1997 the (then) Franschoek Council decided not to sell any of the remaining erven due to the possible negative environmental impact posed by the development of the erven and the lack of services to the properties. Houses have been built on 2 of the sold erven, with the remainder (14) lying vacant. None of the remaining 46 erven were, however, de-proclaimed and remain the property of Stellenbosch Municipality. The rights of the owners to develop their properties are still in place. There are no limiting conditions that prevent the owners from constructing any residential buildings.

Council has since made the decision to ensure that the potential negative environmental impact posed by the development of the erven be limited by investigating the possibilities available to it in this regard.

In January 2014 Council requested the appointment of an environmental specialist to investigate the various options available, from an environmental management perspective, but also taking into account legal rights of the current owners and, to advise Council on a way forward. During June 2015 service providers were invited to submit quotes to conduct an investigation in the above regard. Bids received ranged between R934 321.20 and R2 652 196.00. Given the high cost of the above investigation Council reconsidered its January 2014 resolution and decided that the funds rather be spent on consolidating the 46 un-sold erven with Mont Rochelle Nature Reserve and negotiations be entered into with the owners of the 14 sold (but undeveloped) erven regarding the possibility to exchange current erven within the reserve with erven in a more suitable area. Most owners of residential property within the reserve expressed their willingness to enter into negotiations for a possible land exchange. All the erven were surveyed and marked on-site and the various owners approached with proposals based on a "like-for-like" (erf size) basis. Owners responded with demands such as redesign of the current lay-out of erven, provision of access roads, provision of services, reimbursement of expenses on current property and the deregistration of bordering erven. In the light of the above it became clear that an erf-for-erf land exchange within the current layout of erven will likely not succeed. Council therefor is left with three options explained below.

6.2 Discussion

Based on the background described above, the options going forward can be summarized as follows:

Option 1: Maintaining status quo, in essence to wait and see, hoping that no further development within Mont Rochelle Nature Reserve take place. Although limited, seeing as only 2 properties have been developed since the establishment of the erven all those years back, there is a possibility of the existing or future owners developing their erven. Moreover, current technology makes "off-grid" living viable and property owners could feasibly build houses and supply their own services. The possible financial implications are limited to the receipt of some rates and taxes revenue.

Option 2: Agreeing with owner's demands within the current layout. This option will result in a dispersed layout and the construction of access roads at a considerable cost to Council.

Option 3: Redesign of the current layout, clustered around the current access roads, within the existing layout footprint. The possible financial implications will be the registration of the revised layout with the Surveyor General.

Of the above option Option 3 is argued to be most preferred, based on the following advantages thereof:

- a) Clustering the layout together and minimizing the layout footprint;
- b) Utilising existing access roads and minimising the requirement of the construction of new roads (it is proposed that no services to private erven, other than access roads, will be provided by Council);
- c) Making better use of the site's topographical characteristics; and
- d) Providing a positive product in exchange for the current erven and thereby increasing the possibility of a successful land exchange and conclusion of the above Council Resolution.

This option would be in line with the below Council Resolution (October 2015) with specific reference to point (iii) *that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered*, it is proposed that the existing private owners be presented with the option of a proposed layout redesign within the existing layout footprint.

6.3 Financial Implications

The financial implication depends on the option Council decides upon going forward. Option 1 (as described in Section 6.2 above) will have little financial implication at this stage but presents the highest risk in terms of avoiding the potential negative environmental impact posed by the development of the erven which Council is trying to avoid.

Of the three options Option 2 will have the largest financial implication with the provision of access to erven. It is proposed that no services to private erven, other than access roads, will be provided by Council. Option 2, however, will have limited impact in avoiding the potential negative environmental impact posed by the development of the erven other than moving private erven behind the ridgeline towards the visually less sensitive eastern slope of the site.

The financial implications of Option 3, if accepted and successfully negotiated with the owners of private erven within Mont Rochelle Nature Reserve, will be associated with de-registration of the existing - and registration of the new erven.

6.3 Legal Implications

6.4.1 General

The rights of the owners to develop their properties are in place. There are no limiting conditions that prevent the owners from constructing any buildings. Council will have to consider building plans submitted from landowners, should any of the private land owners choose to submit the same.

6.4.2 Property Management Policy

Paragraph 9.2.3 of the Municipality's policy on the management of Council-owned property provides for the exchange of land transactions under specific circumstances on condition that:

- 9.2.3.1 *Disposal by exchange of land will be appropriate when it is advantageous to the Municipality and other parties to exchange land in their ownerships and will achieve best consideration for the municipality;*
- 9.2.3.2 *The Municipal Council must authorise the disposal of land by exchange with another land owner for alternative land. Reasons for justifying this manner of disposal must be recorded in writing; and*
- 9.2.3.3 *The exchange will usually be equal in value. However, an inequality in land value may be compensated for by other means where appropriate. In such circumstances the Municipality must seek an independent valuation to verify that "best consideration" will be obtained.*

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

17th Council Meeting: 2014-01-16: Item 7.2:

Resolved

- (a) that the Municipal Manager be requested to appoint an environmental specialist to investigate the various options, from an environmental management perspective, but also taking into account legal rights of the current owners and, to advise Council on a way forward, in general, but also regarding the specific properties facing the Franschhoek Valley;
- (b) that the views of the Advisory Board for the Mont Rochelle Nature Reserve and current land owners also be solicited during this investigation; and
- (c) that the Municipal Manager be requested to report on progress within 3 months.

35th Council Meeting: 28-10-2015: Item 7.6

Resolved

- (a) that Council reconsider its resolution of its meeting dated 2014-01-16, with regards to Item 7.2.
- (b) That the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 un-sold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschhoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective).
- (c) That any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.

6.7 Risk Implications

The risk to the Municipality is the potential that a development application, for the realisation of the development rights associated with the privately owned residential property in the reserve, is received with the municipality having no option but to consider an application that might ultimately have a detrimental impact on the surrounding environment.

6.8 Comments from Senior Management:

This Item was circulated via e-mail to all internal Directorates on the 5th of October 2020 for comment by 14 October 2020. The Director: Infrastructure Services responded, requesting an amendment to the item (inclusion of the proposed redesign of the layout option in the executive summary) but indicated that he is, in general, satisfied with the content of the item.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	15 October 2020

7.6.2	PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 697733
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020

1. SUBJECT: PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To report on the status of the above project. This is the second progress report following the one submitted to the February 2020 Section 80 Meeting.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

During 2016 Stellenbosch Municipality commenced with a project of identifying and acquiring the necessary environmental and land use approvals for the establishment of one or more large (± 30 ha) cemeteries for the WC024 area.

During a comprehensive feasibility study conducted 54 sites were considered against a set of criteria which included:

- Ownership (Municipal / State / Private)
- Extent
- Location (proximity to settlements / accessibility / surrounding land uses)
- Zoning and land use
- Environmental characteristics (current status / vegetation / geology / pedology / hydrology)
- Soil characteristics (excavability / permeability / drainage / topography / basal buffer / stability / workability)

A total of 4 sites were identified as being feasible:

- Louw's Bos (Farm 502, south of Stellenbosch)
- Culcatta Bos (Farm 29, north of Koelenhof)
- Meerlust (Portion 1 of Farm Meer Lust No 1006, Groot-Drakenstein)
- De Novo (Portion 10 of Farm De Novo No 727, south of Muldersvlei)

Of the 4 sites 2 were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery. These 2 sites were Louw's Bos and Culcatta Bos. Even though the Meerlust site is ideally located (in terms of need for burial space) it was (for the time being) excluded due to risks associated with the site's location in close proximity to an existing settlement. The National Health Act, 61 of 2003, Regulations Relating to the Management of Human Remains (Government Notice R363), includes the following:

15. Burial sites and burials

(2) All burial sites must comply with the following environmental requirements-

- (a) *be located outside the 100 year floodplain;*
- (b) *be located at least 350m from ground water sources used for drinking purposes and 500m from the nearest habitable building;*
- (c) ...

Even though there are examples of cemetery sites that have been established within these zones since the above regulations came into effect proceeding with an application for establishing a cemetery site within these zones is a risk if the relevant authorities cannot be convinced of the need and impact of such development. The De Novo site (property of the Department of Transport and Public Works) was excluded due to uncertainty regarding the long term planning of the property.

Both sites (Louw's Bos and Culcatta Bos) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law)

The process of acquiring all 3 sets of approvals for both sites have commenced and are at different stages of conclusion.

5. RECOMMENDATION

that the report on the status of the project: Identification and acquisition of authorisations and approvals for the establishment of one or more regional cemeteries for Stellenbosch Municipality, be noted.

6. DISCUSSION / CONTENTS

6.1 Background

The provision and maintenance of cemeteries, funeral parlors and crematoria is a function vested in local government in terms of Schedule 5 (Part B) of the Constitution of the Republic of South Africa, 108 of 1996.

Stellenbosch Municipality (the Municipality), like most of its neighboring local authorities, have a shortage in burial space. A 2012 SALGA report¹ on the status of cemeteries in South African Cities indicated, at that stage, in most municipalities less than 50% of its cemeteries still had capacity for burials. Primary challenges in this regard are:

- shortage of land for more cemeteries,
- insufficient budget for the development of cemeteries,
- the high rate of conventional / traditional burials, and
- resistance by communities to alternative forms of burial.

In reaction to the shortage of burial space the Municipality during 2016 started with a project of identifying and developing one or more regional cemetery sites within the WC024 area to provide for the whole of the municipality for the foreseeable future.

¹ The State of Cemeteries in South African Cities (SALGA, 2012)

6.2 Discussion**History:**

The Municipality's burial space in existing cemeteries are under pressure. The development of suitable cemetery sites to provide capacity in this regard has become critical.

An Item (listed under #6.6 below and attached under Annexure 1) that served before Council during 2015 reported the status of burial space within the Municipality and the need to provide for additional burial space. The above Council Meeting resolved that the situation pertaining to burial space in the municipality is acknowledged and that various possible sites be investigated as a solution to the burial space needed. The then Department Planning & Economic Development subsequently initiated a tender process in terms of which the following call for proposals was issued:

- a) *the establishment of a professional team for the identification of suitable sites for the establishment of one or more regional cemetery sites of 30 ha and more within Stellenbosch Municipality;*
- b) *the preparation and the submission of applications for authorisation of a municipal cemetery, including all specialist assessments related to the activities;*
- c) *the planning and design of all related services infrastructure for the cemetery; and*
- d) *the planning and design of the cemetery and establishing a cemetery register in accordance with the layout.*

Bidders were requested to evaluate those cemetery sites as per the above Council Resolution as well as alternative sites that might be identified as being feasible. CK Rumboll & Partners were appointed during June 2016 in the above regard after the tender process was successfully concluded and commenced with the identification and feasibility study of the various sites.

During 2017, after the identification and feasibility study of the various sites were completed, Council resolved (Resolution included under Annexure 2) that it supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired. Following the above Council Resolution these sites were included in a Pre-Application (in terms of the National Environmental Management Act, 107 of 1998) process which included a public participation process. This was done to screen out any potential issues that might occur during an official application process.

Of the 4 sites 2 (Louw's Bos and Culcatta Bos) were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery (see the Memorandum [May 2018] in this regard submitted to the Municipal Manager included under Annexure 3). The 2 remaining sites were (for the time being) excluded from the process after a process of communication with the land owner (Department of Transport and Public Works) and the long term intention of the property could not be established as well as risks associated with the location of the Meerlust site relevant to existing settlements a boreholes.

Approvals (progress):

Both sites (Louw's Bos and Culcatta Bos) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law)

Environmental Authorization

Applications for Environmental Authorization to the Department of Environmental Affairs and Development Planning for both sites followed a range of specialist studies including geological, archaeological, paleontology, freshwater, heritage, visual, botanical and geohydrological assessments conducted.

Louw's Bos: Environmental Authorisation (EA) issued 22 January 2020 (Annexure 4). The above EA issued by the Department of Environmental Affairs and Development Planning was appealed against by a group of landowners in the vicinity of the proposed development. Stellenbosch Municipality has, through its appointed Environmental Assessment Practitioner, submitted its corresponding papers and is awaiting the decision from the Minister on the appeal received.

Culcatta Bos: Environmental Authorisation issued 20 September 2019 (Annexure 5).

Water Use Licensing

Applying for water use includes a number of phases (Pre-Application Phases / Phase 1: Pre-Application Meeting / Phase 2: Draft Application / Phase 3: Final Submission).

Louw's Bos: Draft Application was submitted to the Department Water and Sanitation September 2019. We are awaiting feedback from the Department Water and Sanitation to proceed to Phase 3.

Culcatta Bos: Final Submission to the Department Water and Sanitation has been made November 2019. A decision on the application is expected by the end of 2020.

Land Use Approval

As both sites are the property of the Municipality both land use applications were referred to the Municipal Planning Tribunal for a decision.

Louw's Bos: Land use application approved by the Municipal Planning Tribunal on 28 August 2020 (Annexure 6).

Culcatta Bos: Land use application approved by the Municipal Planning Tribunal on 26 June 2020 (Annexure 7).

Planning:

Both sites are planned in a manner that does not conform to the traditional way people think of graveyards (as areas used solely for burial purposes, i.e. predominantly rows of graves), but rather as memorial parks visited for a range of activities other than burials. Together these sites will consist of a combined area of 30 hectare of burial space (traditional graves).

During the 2017/18 financial year a total number of 810 people were buried in the Municipality. This equates to 67.5 burials per month. The general formula for calculating traditional grave (i.e. interment) space, as set out by the Western Cape Department of Environmental Affairs and Development Planning, is determined at 2 000 graves per hectare or alternatively 5m² per traditional grave, including 10% for circulation. In the planned Louw's Bos cemetery and memorial park alone, approximately 20 hectare is proposed for use as traditional grave space. Using the formula provided by the Department of Environmental Affairs and Development Planning, 39 940 traditional graves may be provided for as set out below.

$19.97 \text{ ha} \times 2\,000 = 39\,940 \text{ graves}$ $39\,940/810 = \mathbf{49 \text{ years}}$

$199\,700 / 5\text{m}^2 = 39\,940 \text{ graves}$

Calculating at an average of 810 deaths per annum, 4 050m² grave space per annum will be required. Should the average burials stay more or less the same approximately 12.15 hectare of land will be required over the next 30 years. The planned Louw's Bos regional site should provide sufficient traditional interment space for approximately the next 49 years.

6.3 Financial Implications

On completion of this project (acquisition of the approvals), which is expected to conclude during 2020, it is estimated that the establishment / development of the 2 sites will cost in the order of R34 000 000-00 over the next 5 years.

6.4 Legal Implications

The provision and maintenance of cemeteries, funeral parlors and crematoria is a function vested in local government in terms of Schedule 5 (Part B) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

6.5 Staff Implications

This report has no staff implications to the Municipality. Given the size of the 2 cemetery sites additional dedicated staff will have to be appointed for the day-to-day maintenance and upkeep of both sites.

6.6 Previous / Relevant Council Resolutions:**27TH Council Meeting: 2015-02-25: Item 7.4****RESOLVED** (nem con)

- (a) that the current situation pertaining to burial space in WC024, be noted by Council; and
- (b) that the following sites which were identified, be investigated as a solution to the critical burial space needed:
 - i. Erf 619/1: Municipal owned land zoned for agricultural use. This land is approximately 29 ha not in lease currently.
 - ii. Louw's Bos plantation: The plantation operation has been stopped and the area is currently Fynbos area.
 - iii. De Novo existing cemetery is owned by Department of Transport and Public Works.
 - iv. Franschhoek Valley: La Motte – Farm 1339/1 (Public Works).
 - v. Wemmershoek: Farm 1024/1 (Stellenbosch Municipality).
 - vi. Dennegeur: Erf 3666 (Private).
 - vii. Klappmuts: Farm 748/40 (Private).
 - viii. Stellenbosch: Onder Papegaaiberg – Re Farm 183 (Stellenbosch Municipality)
 - ix. Jamestown: Farm 1166 (Private).

8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2**RESOLVED** (nem con)

- (a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;
- (b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;
- (c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and
- (d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.

6.7 Risk Implications

The direct risk to the Municipality is the reality that the WC024 cemeteries have reached its capacity and will run out of burial space over the next few years.

ANNEXURES

Annexure 1: Council Resolution 2015

Annexure 2: Council Resolution 2017

Annexure 3: Memorandum to the Municipal Manager (May 2018)

Annexure 4: Environmental Authorisation (Louw's Bos) (22 January 2020)

Annexure 5: Environmental Authorisation (Culcatta Bos) (20 September 2019)

Annexure 6: Municipal Planning Tribunal Meeting Minutes (28 August 2019)

Annexure 7: Municipal Planning Tribunal Meeting Minutes (26 June 2019)

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REPORT DATE	16 September 2020

APPENDIX 1

7.4 EXTENTION OF BURIAL SPACE*File number* : 16/6/1*Compiled by* : *Manager: Community Services & Acting Head:
Parks, Rivers & Area Cleaning**Report by* : *Director Community & Protection Services**Delegated Authority* : *Council****Strategic intent of item***

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input type="checkbox"/>

1. PURPOSE OF REPORT

To inform Council of:

- (a) the critical need for burial space in the Greater Stellenbosch;
and
- (b) the outcome of the workshop held on 30 October 2014.

2. BACKGROUND

Due to the increase of population growth in the Greater Stellenbosch, the existing burial space in cemeteries is under severe pressure and will soon reach full capacity. Contributing factors are the conventional burial methods, which is still preferred above other burial methods which include cremation and liquid burials. This phenomenon is further enhanced by the capacity of cemeteries reached by the neighboring towns such as City of Cape Town, Drakenstein and Overstrand Municipality.

The Municipality started with its first investigation to extend burial space in 2006. Dennis Moss Partnership was appointed to identify areas for possible development.

The finding of the report was considered by Council and five areas were recommended where the need was most urgent, subject to the condition to utilize Council owned land to avoid cost of purchasing land.

The areas identified were Onder-Papegaaiberg, Klapmuts, Pniel/Kylemore, La Motte and Jamestown.

FINDINGS OF DENNIS MOSS SURVEY 2006

Name of cemetery	Investigation outcomes	Alternative burial space to be used
Onder-Papegaaiberg	Existing cemetery	Continue to bury in informal plantation area used for children grave blocks
Klapmuts	No Municipal owned land for burial space	Existing cemetery on private property
Pniel	No Municipal land	Cemetery belongs to Congregational Church
Kylemore	Cemetery belongs to the Old Apostolic Church and Municipal public open space	Both cemeteries are in operation
La Motte	Municipal owned land	Cemeteries are in operation
Jamestown	Municipal owned land with available space earmarked for housing development	Cemeteries are in operation

The Department of Public Works granted permission to proceed with the study (Environmental Impact Assessment) for La Motte.

As a first phase for the extension of burial space, a consultant was appointed in 2008 to conduct the prescribed studies to meet the legal requirements for Onder-Papegaaiberg, Kylemore and La Motte.

Subsequent to these applications submitted to the Department of Environment Affairs and Development Planning (DEADP), the application for Kylemore Village was approved. The Property Manager has applied for consolidation of the different erven contained in the approval. The relevant ervens are 9, 21, 22, 34, 35, 36 and 71 Kylemore. **(APPENDICES 1 and 2)**

The La Motte application was rejected by the Department of Water Affairs and due to this rejection the Department decided not to proceed with the process. **(APPENDIX 3)**

Onder-Papegaaiberg's application has not been finalized yet, pending a final decision on the land use by Council. Two applications were submitted to DEADP, one being for the extension of burial space on a portion of the land and the other for the declaration of the entire area as a Nature Reserve.

3. DISCUSSION

In October 2014 a Cemetery workshop was conducted with an aim of finding possible solutions to the shortage of burial space. The attendees included Councilors, Municipal officials and External experts in cemetery management. The discussions were overwhelmed with finding sufficient space which should at least be 30 hectares or more for the development of proper burial space. The development should include various alternative burial methods such as:

- Landscaped grid areas: grassed surface with a plaque
- Sculpture and tombstone areas: high cost area
- Medium costs areas: landscape with flower areas
- Low costs areas: general accepted grave sites
- Pauper burial sites

3.1 Current capacity

The Department Community Services conducted a base line assessment of the available space and projected the operations in terms of number of grave sites.

CEMETERY SITE	% OF LAND USE AS GRAVE SITES	REMAINING GRAVE SITES (ESTIMATED)
Onder-Papegaaiberg	98%	150 pre-booked graves
Jamestown	98%	300 graves
Pniel	98%	30 graves
Franschhoek	10% of 2ha	1000 graves
Wemmershoek	98%	20 graves
Groendal	98%	38 graves
Kylemore	95%	20 graves
Klapmuts	Reached capacity	-

3.2 Possible land identified during the workshop

The Department Community Services proceeded beyond the call by Council to investigate only the five identified areas in the Dennis Moss report for alternative burial sites.

In collaboration with the Congregational Church of Pniel, the Municipality and Boschendal Treasury Trust (BTT), Boschendal subsequently donated land adjacent to the existing cemetery as additional space.

The Boschendal Estate donated additional burial space on portion 13 of their farm Boschendal 1674. This offer was accepted and the application for rezoning was submitted.

- Erf 619/1: Municipal owned land zoned for agricultural use. This land is approximately 29 ha not in leased currently. **(APPENDIX 4)**
- "Louw's Bos" plantation: The plantation operation has been stopped and the area is currently Fynbos area. **(APPENDIX 5)**
- De Novo existing cemetery is owned by The Department of Transport and Public Works.

4. **LEGAL IMPLICATION**

Regulatory context

Constitution of the Republic of South Africa 1996 Part B of Schedule 5 of the Constitution provides that cemeteries, crematoria and funeral parlours are local government matters. Local government has a Constitutional and statutory duty to regulate Cemeteries, crematoria and funeral parlours, to provide for the internment of human remains in a dignified manner.

5. **FINANCIAL IMPLICATION**

Budget requirements must be dealt with through the budget process.

6. **COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

6.1 **Planning Department**

The Boschendal Estate application for rezoning must, like any other sites, be preceded by a full environmental authorization application. There is no sense in incurring costs and considering rezonings if the site does not meet the strict cemetery specifications.

The Directorate must make available the required budget, estimated at roughly R2,4 million over two financial years to the Planning and Economic Development Directorate, to proceed with the gaining of the required approvals and authorisations for the establishment of one or more regional or sub-regional cemeteries. P&ED will then manage the process and ensure that suitable cemetery space is identified and planned by commencement of the 2017/18 financial year.

6.2 **Property Management**

As is mentioned in the report, we are in the process of acquiring various portions of land in the Dwarsrivier area, being Pniel, Lanquedoc and Kylemore.

This Department is not in support of the two (2) options mentioned in par. 3.2, i.e Erf 619/1 (Portion 1 of Farm 619) and Louw's Bos (Portion of Farm 502). Farm 619/1 is situated 2km from the Annandale road with limited access (gravel road), whilst Louw's Bos, next to the Airfield, have other, more option potential.

This department would suggest the following sites based on the principle of *"building on whilst is already in place"*, rather than developing new burial sites:

Franschhoek Valley:	La Motte:	Farm 1339/1:	Public Works
	Wemmershoek:	Farm 1024/1:	Stellenbosch Municipality
Dennegeur:	Erf 3666:	Private	
Klapmuts:	Next to existing site:	Farm 748/40:	Private
Stellenbosch:	Onder Papegaaiberg:	Rem Farm 183:	Stellenbosch Municipality
Jamestown:	Next to existing site:	Farm 1166:	Private

The areas are shown on **APPENDICES 6 - 8**.

RECOMMENDED

- (a) that the current situation pertaining to burial space in WCO24, be noted by Council; and
- (b) that the sites which were identified, be investigated as a solution to the critical burial space needed.

(DIRECTOR: COMMUNITY AND PROTECTION SERVICES TO ACTION)

COMMUNITY AND PROTECTION SERVICES COMMITTEE: 2015-02-11: ITEM 5.1.1

RECOMMENDED

- (a) that the current situation pertaining to burial space in WCO24, be noted by Council; and
- (b) that the following sites which were identified, be investigated as a solution to the critical burial space needed:

Franschhoek Valley:	La Motte:	Farm 1339/1:	Public Works
	Wemmershoek:	Farm 1024/1:	Stellenbosch Municipality
Dennegeur:	Erf 3666:	Private	
Klapmuts:	Next to existing site:	Farm 748/40:	Private

Stellenbosch:	Onder Papegaaiberg:	Rem Farm 183:	Stellenbosch Municipality
Jamestown:	Next to existing site:	Farm 1166:	Private

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

MAYORAL COMMITTEE MEETING: 2015-02-18: ITEM 5.1.4

RECOMMENDED BY THE EXECUTIVE MAYOR

- (a) that the current situation pertaining to burial space in WCO24, be noted by Council; and
- (b) that the following sites which were identified, be investigated as a solution to the critical burial space needed:
 - (i) Erf 619/1: Municipal owned land zoned for agricultural use. This land is approximately 29 ha not in leased currently.
 - (ii) "Louw's Bos" plantation: The plantation operation has been stopped and the area is currently Fynbos area.
 - (iii) De Novo existing cemetery is owned by Department of Transport and Public Works.
 - (iv) Franschhoek Valley: La Motte: Farm 1339/1: Public Works
 - (v) Wemmershoek: Farm 1024/1: Stellenbosch Municipality
 - (vi) Dennegeur: Erf 3666: Private
 - (vii) Klapmuts: Next to existing site: Farm 748/40: Private
 - (viii) Stellenbosch: Onder Papegaaiberg: Rem Farm 183: Stellenbosch Municipality
 - (ix) Jamestown: Next to existing site: Farm 1166: Private

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

27TH COUNCIL MEETING: 2015-02-25: ITEM 7.4**RESOLVED** (nem con)

- (a) that the current situation pertaining to burial space in WCO24, be noted by Council; and
- (b) that the following sites which were identified, be investigated as a solution to the critical burial space needed:
 - (i) Erf 619/1: Municipal owned land zoned for agricultural use. This land is approximately 29 ha not in leased currently.
 - (ii) "Louw's Bos" plantation: The plantation operation has been stopped and the area is currently Fynbos area.
 - (iii) De Novo existing cemetery is owned by Department of Transport and Public Works.
 - (iv) Franschhoek Valley: La Motte: Farm 1339/1: Public Works
 - (v) Wemmershoek: Farm 1024/1: Stellenbosch Municipality
 - (vi) Dennegeur: Erf 3666: Private
 - (vii) Klappmuts: Next to existing site: Farm 748/40: Private
 - (viii) Stellenbosch: Onder Papegaaiberg: Rem Farm 183: Stellenbosch Municipality
 - (ix) Jamestown: Next to existing site: Farm 1166: Private

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

ITEM 7.4

APPENDICES 1-8

EXTENTION OF BURIAL SPACE

**27TH COUNCIL MEETING:
2015-02-25**

APPENDIX 1

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

2012-09-14

The Manager: Property Management
Department of Transport & Public Works
Provincial Government of the Western Cape
9 Dorp Street
Cape Town
8001

Dear Mrs Koeries

PROPOSED ACQUISITION OF A NUMBER OF ERVEN IN KYLEMORE FOR THE PURPOSE OF A CEMETERY

1. Background

On 22 January 1987 the then Regional Director of the Administration: House of Representatives, wrote to the Secretary of the Divisional Council, indicating that they are willing to sell a portion of Remainder Farm 124/33 (Now erf 9, Kylemore) to the Divisional Council for the purchase price of R2.00, for the purposes of a cemetery. Hereto attached as **APPENDIX 1**, a copy of the said letter. I have no records whether this proposal was indeed considered by the Divisional Council.

During 1994 Stellenbosch Municipality took over the Management of the Kylemore area. During 1999 an agenda item served at the Executive Committee meeting, where it was decided to inform the Department of Planning, Local Government and Housing that "*the matter is under investigation*" (the management of the cemetery). A copy of the agenda item, setting out the history of the cemetery, is attached as **APPENDIX 2**. Again, I can find no record that the matter was indeed taken up with the Department.

Since then the area is managed on an informal basis by the various churches in the community.

2. Environmental Authorisation

During 2011 a consultant was appointed to do a basic assessment with the view of extending the existing cemetery in Kylemore. On 2011-06-22 an Environmental Authorisation was issued by the Provincial Department of Environmental Affairs & Development a copy of which is attached as **APPENDIX 3**. The area (property) identified in this authorisation consist of erven 9,21,22,34,35,36 and 71, Kylemore, as shown on General Plan No 12164, a copy of which is attached as **APPENDIX 4**.

3. De Facto situation

The de facto situation is that the area referred to above, and not only erf 9, is effectively used as an informal cemetery, as can be seen on Fig 1, below.



Fig 1: Aerial photo of area

Hereunder a list of the erven mentioned above, with an indication of ownership:

Erf number	Size	Ownership*
9	9271m ²	Provincial Housing Development Board
21	13115 ha	Stellenbosch Municipality
22	2771m ²	Provincial Housing Development Board
34	356m ²	National Housing Board
35	350m ²	National Housing Board
36	4190m ²	National Housing Board
71	1834m ²	Old Apostolic Church of Africa

*See Deeds Search results attached as **APPENDIX 5**.

From the above it is clear that there are three (3) owners involved, i.e.:-

Stellenbosch Municipality : Erf 21, measuring 13115m²

Provincial Housing Development Board :	Erven 9, 22, 34, 35 and 36 measuring 16938m ² and
Old Apostolic Church of Africa :	Erf 71, measuring 1834m ²

4. Request to acquire land

We hereby request that erven 9, 22, 34, 35 and 36 be made available/transferred to Stellenbosch Municipality for the purpose of using/managing it as a cemetery. Please note that Stellenbosch Municipality, for all practical purposes, is already managing the entire area as a cemetery.

We await your urgent feedback in this regard.

Yours faithfully



.....
PIET SMIT
MANAGER: PROPERTY MANAGER

cc: Johan Le Roux

APPENDIX 2

APPENDIX 2



APPENDIX 3

APPENDIX 3



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X16, Santamhof, 7532 / 52 Voortrekker Road, Bellville, 7530
Tel: (021) 941 6143 Fax: (021) 950 7224

Enquires: Blantina Masela,
Cell: 082 3292 736,
E masela@dw.gov.za,
16/2/11/G10A/A/11

Attention: NZ Loebenberg

Cape Lowlands Environmental Services
P.O. Box 70
DARLING
7345

Dear Sir/Madam

FINAL BASIC ASSESSMENT REPORT: PROPOSED CONSTRUCTION OF LA MOTTE VILLAGE CEMETERY ON FARM NO. 1339/1, STELLENBOSCH

Your report dated 13 January 2012 with DEA&DP Ref No. E 12/2/4/1-B4/37-1015/11 refers.

This Department has reviewed your report and wishes to inform you on the following conditions concerning the proposed development:

1. The requirements of the Department of Water Affairs are that graveyards should not be:

- located below the 1 in 50 year floodline of a river;
- in close proximity to water bodies such as wetlands, vleis, pans, estuaries and floodplains;
- situated on unstable areas, like fault zones, seismic zones, dolomitic or karst areas where sinkholes and subsidence are likely;
- situated in or near sensitive ecological areas;
- situated in or on areas characterised by flat gradients, shallow or emergent groundwater;
- situated in areas characterised by steep gradients, or shallow bedrock with little soil cover, where stability of slopes could be a problem;
- situated in areas of ground water recharge on account of topography and/or highly permeable soils; and
- situated on areas overlaying or adjacent to important or potentially important aquifers (Parsons aquifer classification), where such aquifers are to be used for water supply purposes.

2. It has been noted that the site is characterised by a high water table and might be affected by the proposed development. Please refer to the Geohydrological comments attached. This office does not support the proposed activity.

3. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.

Should there be any queries, please do not hesitate to contact this office.

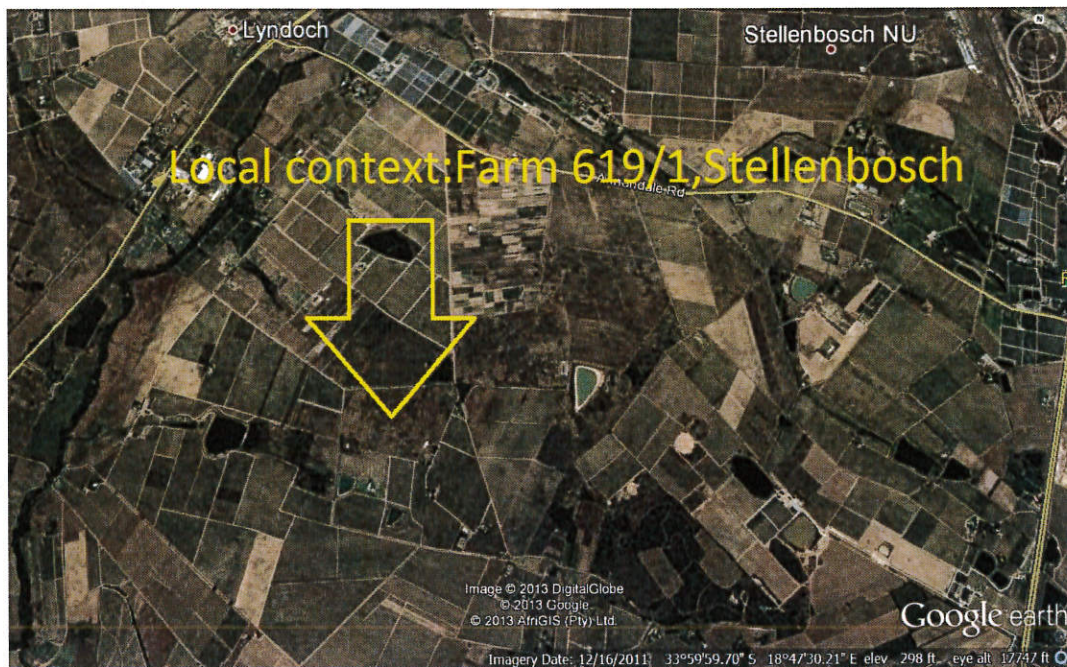
Yours faithfully

Ambschneider
27 CHIEF DIRECTOR: WESTERN CAPE

DATE: 23 April 2012

APPENDIX 4

APPENDIX 4



APPENDIX 5

APPENDIX 5

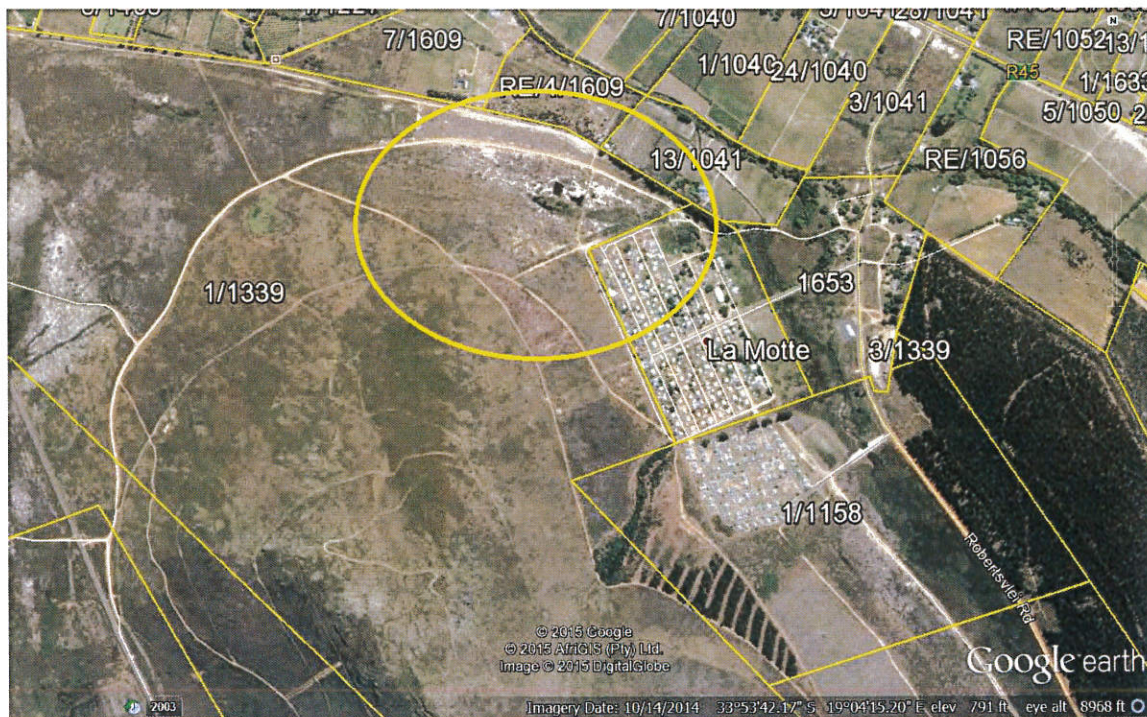
LOUWS BOS PLANTATION



ERF Number	Farm 502 (portion of) with agricultural zoning.
Size	42.8 ha

APPENDIX 6

Appendix 6



La Motte



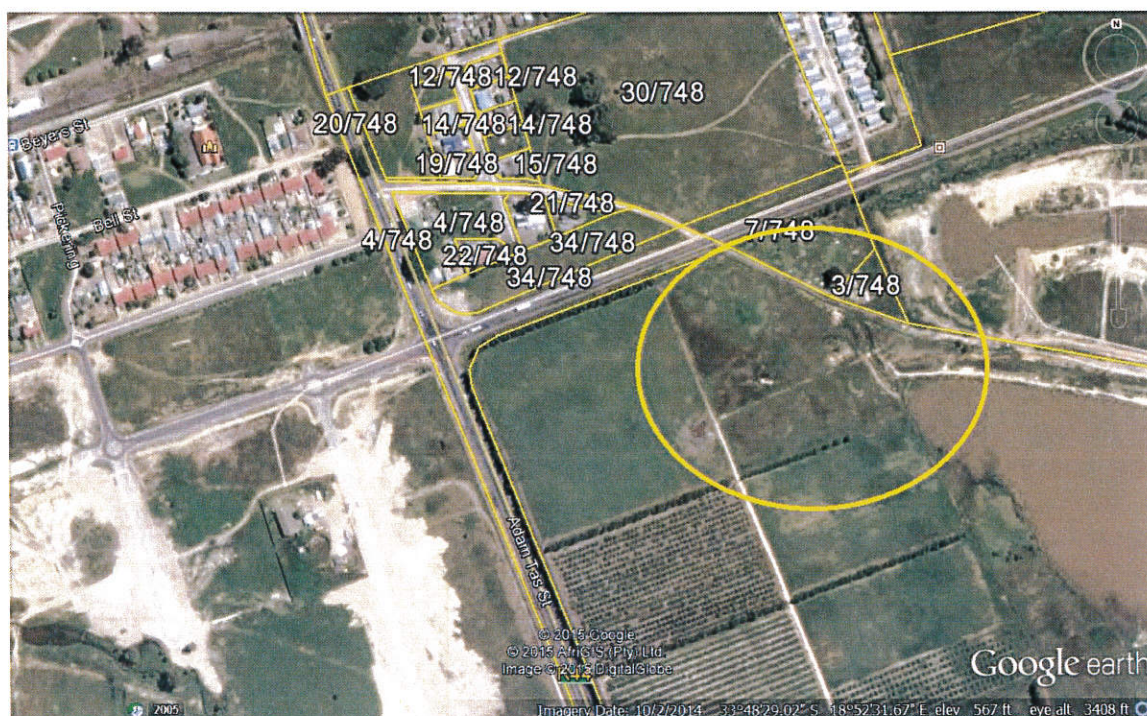
Wemmershoek

APPENDIX 7

Appendix 7



Dennegeur



Klapmuts

APPENDIX 8

Appendix 8



Papegaaiberg



Jamestown

APPENDIX 2



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2017-05-12

MINUTES

8TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2017-04-26 AT 10:00

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

7.3.2	STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE
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1. PURPOSE OF THE REPORT

To inform Council of the status of the above project, the result of the feasibility study conducted in the process of identifying new cemetery sites, and to obtain Council's approval to commence with the process of developing the proposed sites as cemeteries.

2. BACKGROUND

The provision and maintenance of cemeteries, funeral parlours and crematoria is a function vested in local government in terms of Schedule 5 (Part B) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

The Greater Stellenbosch Municipality's (the municipality) burial space in cemeteries is under pressure. The development of suitable cemetery sites to provide capacity in this regard has become critical.

An Item that served before Council on the 27th Meeting of the Council of Stellenbosch (25 February 2015) (**APPENDIX 1**) reported the status of burial space within the municipality and the need to provide for additional burial space mainly due to the increase in population growth within the municipality, cultural beliefs as it pertains to dealing with the deceased and the fact that neighbouring municipality's, the City of Cape Town, Drakenstein and Overstrand, cemeteries have also reached capacity.

The above Council Meeting resolved that the situation pertaining to burial space in the municipality is acknowledged and that various possible sites be investigated as a solution to the burial space needed.

The Department Planning & Economic Development subsequently initiated a tender process in terms of which the following call for proposals was issued:

- a) *the establishment of a professional team for the identification of suitable sites for the establishment of one or more regional cemetery sites of 30 ha and more within Stellenbosch Municipality;*
- b) *the preparation and the submission of applications for authorisation of a municipal cemetery, including all specialist assessments related to the activities;*
- c) *the planning and design of all related services infrastructure for the cemetery; and*
- d) *the planning and design of the cemetery and establishing a cemetery register in accordance with the layout.*

Bidders were requested to evaluate those cemetery sites as per the above Council resolution as well as alternative sites that might be identified as being feasible.

CK Rumboll & Partners were appointed during June 2016 in the above regard after the tender process was successfully concluded and commenced with the identification and feasibility study of the various sites.

8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2

RESOLVED (nem con)

- (a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;
- (b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;
- (c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and
- (d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.

Meeting:	8 TH COUNCIL: 2017-04-26	Submitted by Directorate:	Planning & Econ Dev
Ref no	7/2/1/1	Author	D Lombaard
Collab:		Referred from:	Mayco: 2017-04-19

APPENDIX 3

11 JUN 2018

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder



MEMORANDUM

Department Spatial Planning, Heritage and Environment

Departement Ruimtelike Beplanning, Erfenis and Omgewing

To : Municipal Manager

From : Manager: Spatial Planning Heritage & Environment – Bernabé de la Bat

Date : 31 May 2018

File ref. : 16/6/1

Re : EXTENTION OF BURIAL SPACE – BID 17/16

1. PURPOSE OF THE MEMORANDUM

The 8th Meeting of Council (2017-04-26: Item 7.3.2) resolved:

- (a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;
- (b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;
- (c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and
- (d) that Council authorizes the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.

CK Rumboll & Partners was appointed in terms of BID 17/16 during 2016 for a process that resulted in the identification of the above proposed regional cemetery sites. Further to such identification process the appointment included the acquisition of the required authorization for cemetery establishment on two (2) sites.

The purpose of this memorandum is to report on the progress made in terms of the above project and to acquire the Municipal Manager's approval on the two (2) recommended sites upon which formal application for the required authorization for cemetery establishment will follow.

2. CEMETERY SITES

During January 2018 the Department Spatial Planning, Heritage & Environment through its appointed consultant, CK Rumboll & Partners, commenced with the acquisition of Environmental Authorization in terms of the National Environmental Management Act, 107 of 1998 (NEMA), Environmental Impact Assessment Regulations, for the establishment of regional cemetery sites at the above locations.

To manage risk, especially with respect to possible future wasteful expenditure, a pre-application process as allowed in the above regulations was undertaken before a formal process for Environmental Authorization is launched. This process has allowed the municipality to advertise all the sites and the intention of possible cemetery establishment in the local newspapers.

Three of the four sites formed part of the process. The Farm De Novo No. 727/10 was excluded due to the uncertainty on the landowner's, Department of Roads & Public Works, side as to the future use of the property.

A 60-day period was allowed for interested and affected parties to register and submit comment. During this time the municipality and its consultants were also able to conduct further studies into the feasibility of the use of the sites for the intended purpose. The 60-day commenting period has concluded.

The next step will be the formal application to the Department of Environmental Affairs & Development Planning in terms of NEMA for Environmental Authorization as well as an application to the Department of Water and Sanitation for a Water Use License where required.

The following information relevant to the three remaining possible sites must be noted at this point:

2.1 LOUW'S BOS

Stellenbosch Municipality owns Farm Louw's Bos No. 502. Farm Louw's Bos No. 502 is a large track of land south-west of Stellenbosch town (De Zalze), west of the R44 and along the Annendale Road (see Figure 1 on the following page). This property includes the Stellenbosch Airfield precinct.

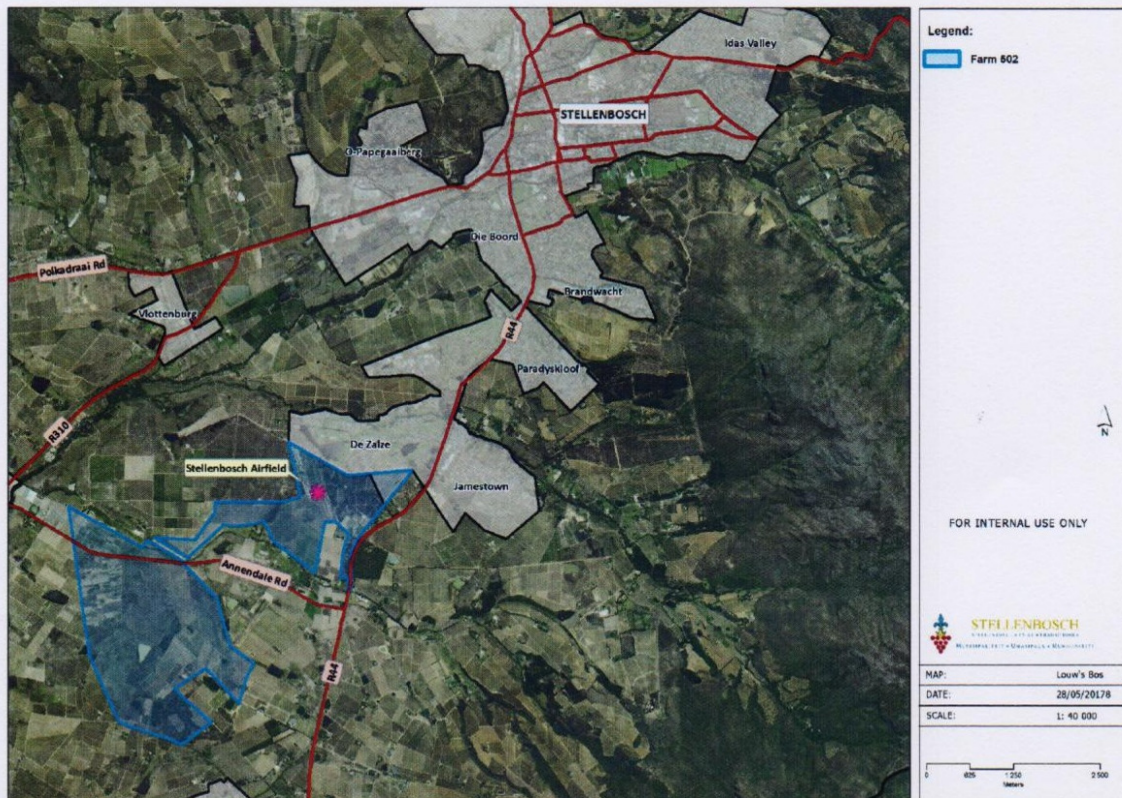


Figure 1: Farm Louw's Bos No. 502

This property is located in what has been identified in the cemetery study (Identification and Acquisition of Authorisations and Approvals for the establishment of One or More Regional cemeteries for Stellenbosch Municipality, CK Rumboll & Partners, October 2016) as the "Central District" ideally located to provide for burial space in an area within Stellenbosch Municipality where the highest concentration of its population is located.

Initially only the portion immediately south of the Stellenbosch Airfield (north of the Annendale Road) was investigated for possible cemetery establishment. This area is marked as Area "A" in Figure 2 on the following page. However, a portion of property immediately south of the Annendale Road, Area "B" was also recently identified by the municipality's Property Management section. Because Area B presents some advantages over the development of Area A as a regional cemetery site this option is also dealt with as part of this memorandum and recommendations.

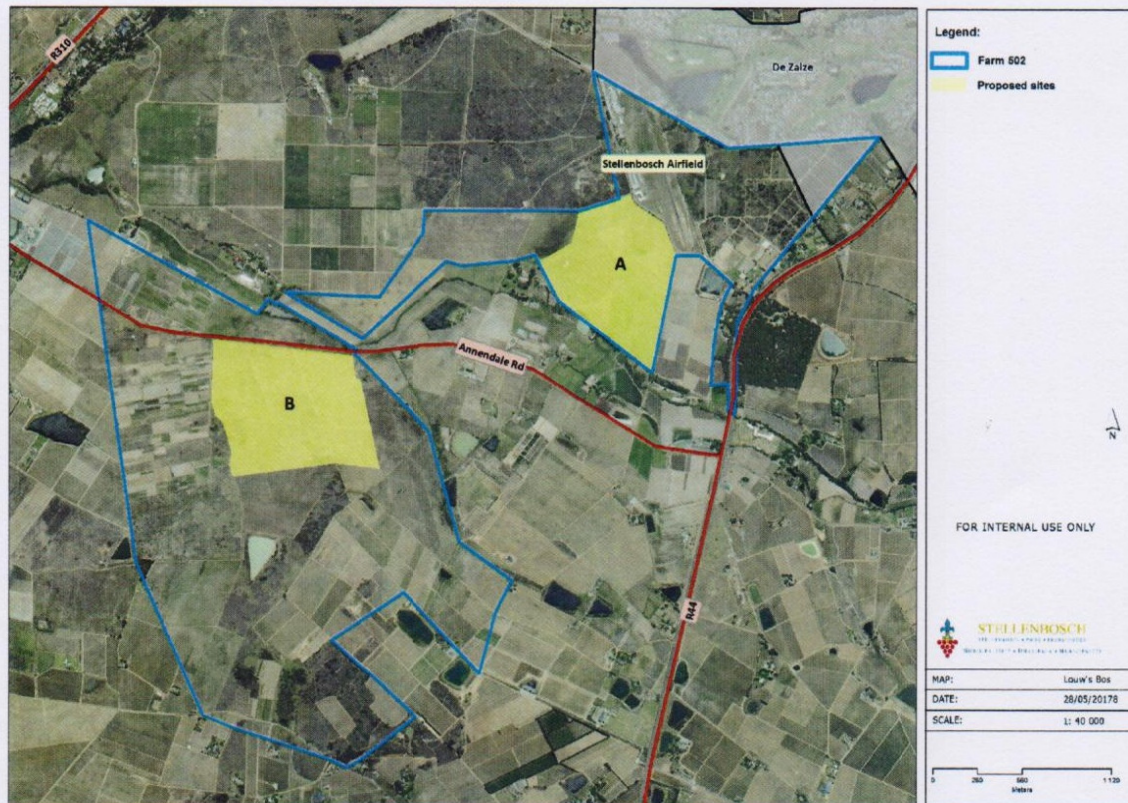


Figure 2: Proposed sites on Farm Louw's Bos No. 502

The main concerns that were identified during the above public participation process, relevant to Farm Louw's Bos No. 502 was the following:

- Access will need to be provided
- Possible congestion on the Annendale Road
- Potential ground water/surface water contamination
- Potential Western By-Pass
- Potential Airfield expansion
- Loss of high potential agricultural land
- Conservation of natural vegetation

2.1.1 Site Advantages

	Area A	Area B
<u>Location</u>	Located close to Stellenbosch town.	Located close to Stellenbosch town.
<u>Access</u>		Directly off the Annendale Road onto municipal land.
<i>Notes:</i>	Access from the R44 and via the existing access road to the Stellenbosch Airfield will	

not be possible. Access will have to be gained from the Annendale Road.		
<u>Area size</u>	±30ha. Large enough to accommodate a regional cemetery site.	±35ha. Large enough to accommodate a regional cemetery site.
<u>Biophysical</u>	Biophysically the site is suitable for cemetery establishment. Soil-type is granite.	Although the biophysical characteristics of Area B need to be confirmed, the indications, similar to that of Area A, are that the site is suitable for cemetery establishment. The available land offers more gradual slopes (compared to Area A) which impact on the storm water management. This may have cost implications in the long term.
<u>Land Use</u>	No water rights registered on the property. The property is underutilized and lying fallow.	Water rights registered on the property could be used for agricultural purposes and upkeep of the cemetery.

2.1.2 Site Challenges

	Area A	Area B
<u>Access</u>	No option for direct access from the Annendale Road. Access will have to be gained over private property as well as a river crossing.	
<u>Area size</u>	Even though Area A consists of a large enough area to accommodate a regional cemetery it has to allow for the possible future construction of a western by-pass. Planning for such a possibility will somewhat fragmented a proposed site.	
<u>Biophysical</u>	High yielding boreholes directly south of the site.	
<u>Land Use</u>		The area is currently being used for agricultural purposes. The development of this area will result in the sterilization of the particular area from agriculture. In addition, there is one lease agreement that will be affected by the establishment of a cemetery on the site.
<u>Notes:</u>	The lease agreement in place with the lessee on the relevant portion of land allows the Municipality to end the agreement with 12-month notice.	

Whilst Area B is less complicated than Area A with regards to possible future development (possible extension of the airfield / development of a western by-pass) the biggest difference between the two areas is its location in terms of its proximity to the Annendale Road. To provide access to Area A will require access over private land as well as make provision for a river crossing. Area B is located on the Annendale Road. The development of access to Area B will represent a substantial saving (in the order of R1.2mil) to Council compared to the development of access to Area A.

2.2 MEERLUST

Portion 1 of Farm Meer Lust No 1006 is located in the Dwarsriver Valley north of Pniel and the Helshoogte Road / R45 intersection (Figure 3). This property is located in the "Eastern District" of the municipal area, located in relatively close proximity of Klapmuts, Pniel and Wemmershoek.

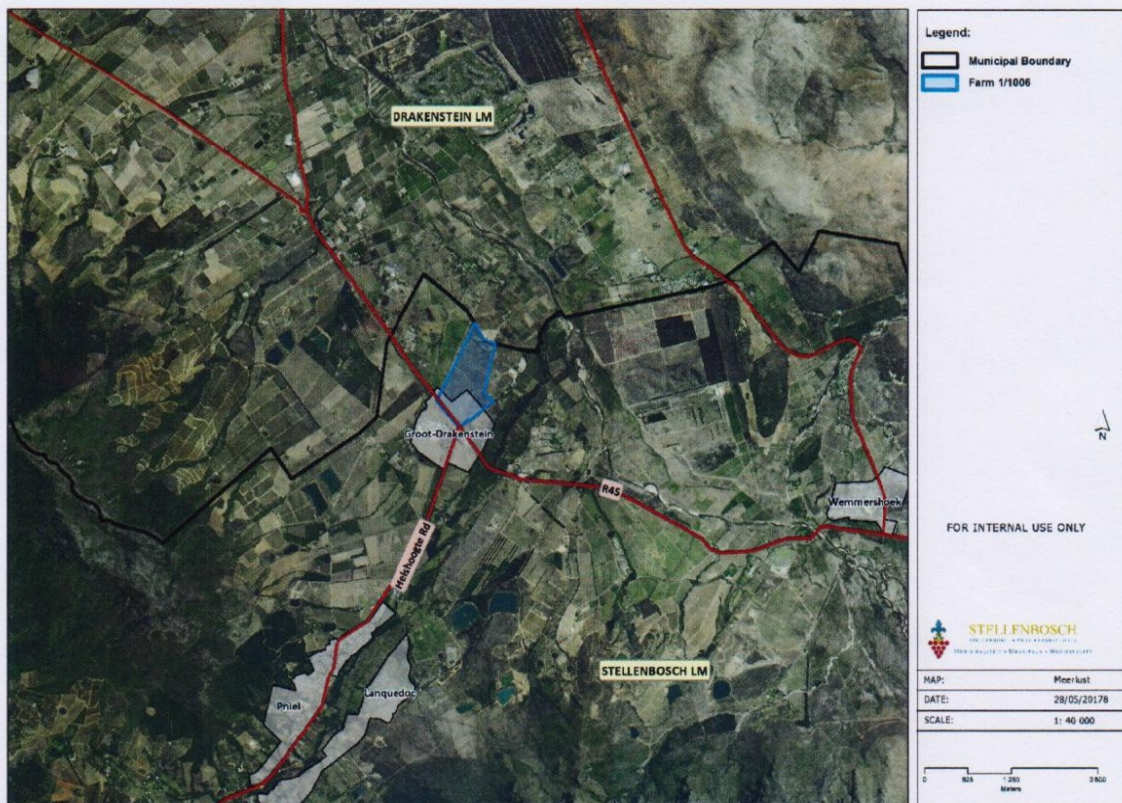


Figure 3: Portion 1 of Farm Meer Lust No 1006

Of the three sites Portion 1 of Farm Meer Lust No 1006 received the most input from the public during the above public participation process. Most of these responses where,

however, relating to the local community's demand for housing and the need for economic development rather than that of burial space.

The main concerns that were identified during the above public participation process was the following:

- Access will need to be provided
- Possible congestion on the R301
- Social – Housing requirements/title deed (tenure outstanding)
- Need for economic development
- Conservation of natural vegetation
- Potential groundwater contamination

2.2.1 Site Advantages

<u>Location</u>	Ideally located to serve the northern and eastern district of Stellenbosch Municipality.
<u>Access</u>	Directly off the R45.
<u>Area size</u>	±20ha. Large enough to accommodate a regional cemetery site.

2.2.2 Site Challenges

<u>Location</u>	Located in close proximity to existing residential settlement. It is also located close to high yielding boreholes.
-----------------	---

Portion 1 of Farm Meer Lust No 1006 is ideally located in the Eastern District of the municipal area in relatively close proximity to various local settlements. However, the site's location in terms of its proximity to an existing settlement and boreholes represents a risk if the legislation guiding the location of cemeteries and the requirements for buffer zones from these areas is rigorously applied. The National Health Act, 61 of 2003, Regulations Relating to the Management of Human Remains (Government Notice R363), includes the following:

15. *Burial sites and burials*

- (2) *All burial sites must comply with the following environmental requirements-*
- (a) *be located outside the 100 year floodplain;*
 - (b) ***be located at least 350m from ground water sources used for drinking purposes and 500m from the nearest habitable building;***
 - (c) ...

Even though there are examples of cemetery sites that have been established within these zones since the above regulations came into effect proceeding with an application for

establishing a cemetery site within these zones is a risk if the relevant authorities can not be convinced of the need and impact of such development.

2.3 CULCATTa

Stellenbosch Municipality owns Farm Culcatta No. 29. Farm Culcatta No. 29 borders the R304 to the east between the Koelenhof node and Muldervlei Crossing (Figure 4). This property is located in the "North Western District" of the municipal area, is lying fallow and is currently overgrown with alien vegetation *Eucalyptus globulus* or Tasmanian blue gum. This property is surrounded by privately owned agricultural land. Limited response was received during the above public participation process.

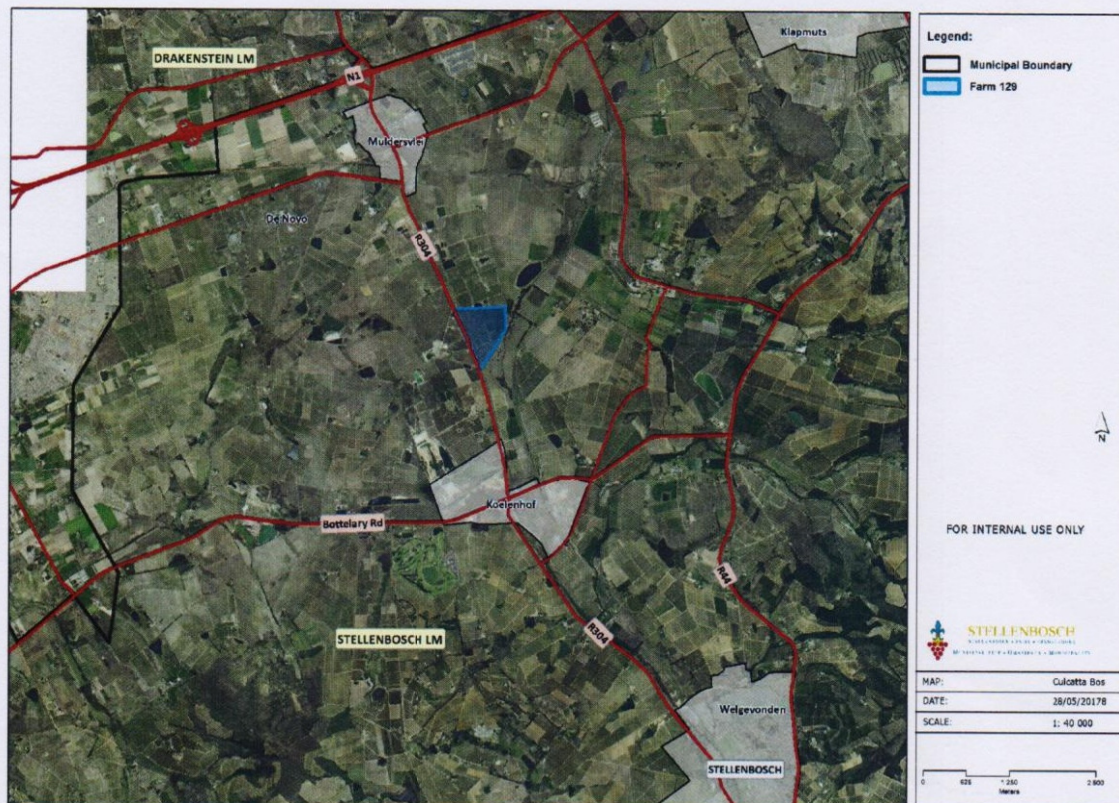


Figure 4: Farm Culcatta No 29

The main concerns that were identified during the above public participation process was the following:

- Access will need to be provided
- Potential ground water/surface water contamination
- Congestion of the R304 as a high-speed road
- Aesthetics impact

2.3.1 Site Advantages

<u>Access</u>	Directly off the R304 onto municipal land.
<u>Area size</u>	±26ha. Large enough to accommodate a regional cemetery site.
<u>Biophysical</u>	Biophysically the site is suitable for cemetery establishment. Soil-type is Malmesbury Group shales.
<u>Land Use</u>	The property is underutilized and lying fallow.

2.3.2 Site Challenges

<u>Access</u>	Requirement to be set by provincial Department of Transport. This can be time-consuming and expensive.
<u>Location</u>	Not as ideally located compared to the other two sites, somewhat removed from the main settlements of Stellenbosch Municipality.

3. RECOMMENDATIONS

The appointment of CK Rumboll & Partners for BID 17/16 was for the identification of cemetery sites (regional, ±30ha in size), followed with the acquisition of the required authorization for cemetery establishment (for two sites), the planning and design of all related infrastructure for such cemeteries, the planning and design of the cemeteries itself as well as the establishment of cemetery registers for the respective cemeteries.

Based on the information gathered during the project so far it is recommended that the above process continue for the following two (2) sites:

Farm Louw's Bos No. 502 (Area B)

Reasons:

- Located in close proximity to where the largest portion of population of Stellenbosch Municipality resides.
- Access directly off the Annendale Road (Area B) onto municipal land.
- Largest of the four sites (Area B: ±35ha) that formed part of the above Council Resolution.

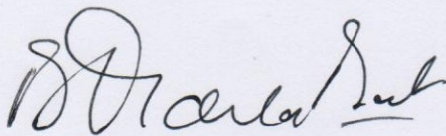
Farm Culcatta No. 29

Reasons:

- The development of underutilized municipal land.

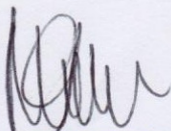
- Access directly off the R304 onto municipal land, however, the cost implications to access from a high speed road may be onerous as additional slip lanes will be required.

Portion 1 of Farm Meer Lust No 1006 provides a more central location for the establishment of a regional cemetery site than Farm Culcatta No. 29. The reason for the exclusion of Portion 1 of Farm Meer Lust No. 1006 is the site's proximity to an existing settlement and a borehole. The risk to Council for pursuing the establishment of a regional cemetery site on Portion 1 of Farm Meer Lust No. 1006 is that the full processes of acquiring environmental and other authorization can be run, and associated expenses incurred, only to be refused the right by the National Department of Health or the Department of Water and Sanitation to establish such use at a later stage. If the prescribed buffers included in the relevant legislation described above are applied on the site (excluded from the total area that comprises the identified site) the remaining total area does not allow for the establishment of a regional cemetery site. Council may in the future, rather consider the establishment of a local cemetery that allows for the recommended buffers from the existing settlement and borehole at the same site.



B DE LA BAT
MANAGER: SPATIAL PLANNING, HERITAGE & ENVIRONMENT

Approved / ~~Not approved~~



G METTLER
MUNICIPAL MANAGER
STELLENBOSCH MUNICIPALITY

APPENDIX 4

REFERENCE: 16/3/3/1/B4/45/1047/19
DATE: 19 AUGUST 2020

The Municipal Manager
 Stellenbosch Municipality
 P. O. Box 17
STELLENBOSCH
 7599

Attention: Mr. P. Smit

Tel.: (021) 808 8750
 Email: Piet.Smit@stellenbosch.gov.za

Dear Sir

CORRECTION NOTICE: THE PROPOSED LOUW'S BOS PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 502, STELLENBOSCH

1. The Environmental Authorisation ("EA") issued by the Department on 22 January 2020 and the subsequent electronic correspondence from Ms. V. Thompson on 11 August 2020, refer.
2. With reference to the above, the Department herewith acknowledges the typographical error in Section B in the EA, as outlined in the electronic correspondence.
3. In order to rectify the matter, kindly note that in terms of Section 47A(1)(b) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended) the administrative error in the EA is corrected as follows:

3.1 SECTION B: LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
EIA Regulations Listing Notice 1 of 2014: Activity Number 23: The development of cemeteries of 2 500 square metres or more in size.	The proposed public cemetery and memorial park will cover an area of approximately 30ha in extent.

Is replaced with:

Listed activities	Activity/Project Description
EIA Regulations Listing Notice 1 of 2014: Activity Number 23: The development of cemeteries of 2 500 square metres or more in size.	The proposed public cemetery and memorial park will cover an area of approximately 74ha in extent.

4. Reasons for rectifying the error:

4.1 The error is administrative in nature as the activity remains the same as that which was assessed and described in the documents supporting the application for authorisation.

4.1 The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to rectify the administrative error as the impacts associated with the activity were assessed during the EIA process.

5. You are requested to bring the contents of this letter to the attention of all registered Interested and Affected Parties ("I&APs") and submit the proof thereof to this Department.

5.1 If an I&AP wishes to lodge an appeal as a consequence of this correction notice, the I&AP must apply to the Minister (Mr. Anton Bredell) for condonation to submit a late appeal. Condonation requests must be submitted for to:

Attention: Mr Marius Venter

Tel: (021) 483 3721;

Fax: (021) 483 4174); or

Email: DEADP.Appeals@westerncape.gov.za

Yours faithfully



MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr. S. van der Merwe (Stellenbosch Municipality)

Email: schalk.vandermerwe@stellenbosch.gov.za

(2) Ms. V. Thompson (EnviroAfrica CC)

Email: vivienne@enviroafrica.co.za

(3) Mr. N. Mkonto (Department of Water and Sanitation)

Email: mkonton@dws.gov.za

(4) Mr. R. Smart (CapeNature)

Email: rsmart@capenature.co.za

(5) Mr. C. van der Walt (Department of Agriculture)

Email: corvdw@elsenburg.com

(6) Mr. M. Venter (DEA&DP)

Email: Marius.Venter@westerncape.gov.za

APPENDIX 5



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

EIA REFERENCE: 16/3/3/1/B4/45/1030/19
NEAS REFERENCE: WCP/EIA/0000593/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2019 -09- 2 0

The Municipal Manager
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr P. Smit

Tel.: (021) 808 8750

Fax: (021) 887 6167

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Freshwater Rehabilitation, Maintenance and Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


MR. ZAKHIR JOFFEY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

Fax: (021) 886 6899
Fax: (086) 512 0154
Fax: (021) 941 6082
Fax: (086) 529 4992
Fax: (021) 808 5092



EIA REFERENCE: 16/3/3/1/B4/45/1030/19
NEAS REFERENCE: WCP/EIA/0000593/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2019 -09- 20

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated May 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Freshwater Rehabilitation, Maintenance and Management Plan ("FRMMP")** for the associated infrastructure within and adjacent to the watercourse on site, included in the BAR dated May 2019.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Stellenbosch Municipality
 % Mr. P. Smit
 P. O. Box 17
STELLENBOSCH
 7599

6th Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 8350 Fax: +27 21 483 3098
 E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Tel.: (021) 808 8750

Fax: (021) 887 6167

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12: The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The proposal will include the construction of boardwalks and wooden bridges as well as a gabion lined drift, over the watercourse that traverses the site.</p>
<p>Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells,</p>	<p>The construction and maintenance of the watercourse crossings and the rehabilitation of the watercourse will require the infilling and movement of material in excess of 10m³.</p>

<p>shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies. 	
<p>Activity Number 23:</p> <p>The development of cemeteries of 2 500 square metres or more in size.</p>	<p>The proposed public cemetery and memorial park will cover an area of approximately 30ha in extent.</p>
<p>Activity Number 24:</p> <p>The development of a road—</p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; <p>but excluding a road—</p> <ul style="list-style-type: none"> (a) which [are] is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter. 	<p>An access road wider than 8m will be constructed as part of the proposal, in an area where no road reserve exists.</p>
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number 4:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been 	<p>The new access road will be wider than 4m and will require the removal of indigenous vegetation.</p>

<p>determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	
<p>Activity Number 12:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>The proposal will include the clearance of more than 300m² of critically endangered indigenous vegetation.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the development of a public cemetery and memorial park that will comprise:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as

headstone. The zone will incorporate the outspan in the southern section of the site and wetland buffer zones of 25m to 30m for watercourses.

- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.
- An access road that will be constructed at a dedicated two-way intersection of the R304 at approximate KM 50,37.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other regions within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- Boardwalks and wooden bridges.
- Gabion lined drift.
- An irrigation reservoir.
- A memorial park center and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewer treatment plant and network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.
- A security route along the boundary of the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 29, Stellenbosch, at the following co-ordinates:

Latitude (S)			Longitude (E)		
33°	51'	13.55"	18°	48'	35.96"

The SG digit code is: C06700000000002900000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC
% Ms. V. Thomson
P. O. Box 5367

HELDERBERG

7135

Tel.: (021) 851 1616

Fax: (086) 512 0154

E. CONDITIONS OF AUTHORISATION**Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Alternative 1, as described in the BAR dated May 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and

- 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
- 8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The Freshwater Rehabilitation, Maintenance and Management Plan ("FRMMP") adopted as part of this Environmental Authorisation must be implemented.
- 11. The EMPr and FRMMP must be included in all contract documentation for all phases of implementation.

Monitoring

- 12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, FRMMP and the conditions contained herein.
- 13. A copy of the Environmental Authorisation, EMPr, FRMMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
- 14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Monthly ECO Audit Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an

application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMP is as follows:
Amendments to the EMP must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully


MR. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 20/09/2019

CC: (1) Mr. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

Fax: (021) 886 6899
Fax: (086) 512 0154
Fax: (021) 941 6082
Fax: (086) 529 4992
Fax: (021) 808 5092

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map.

ANNEXURE 2: SITE DEVELOPMENT PLAN

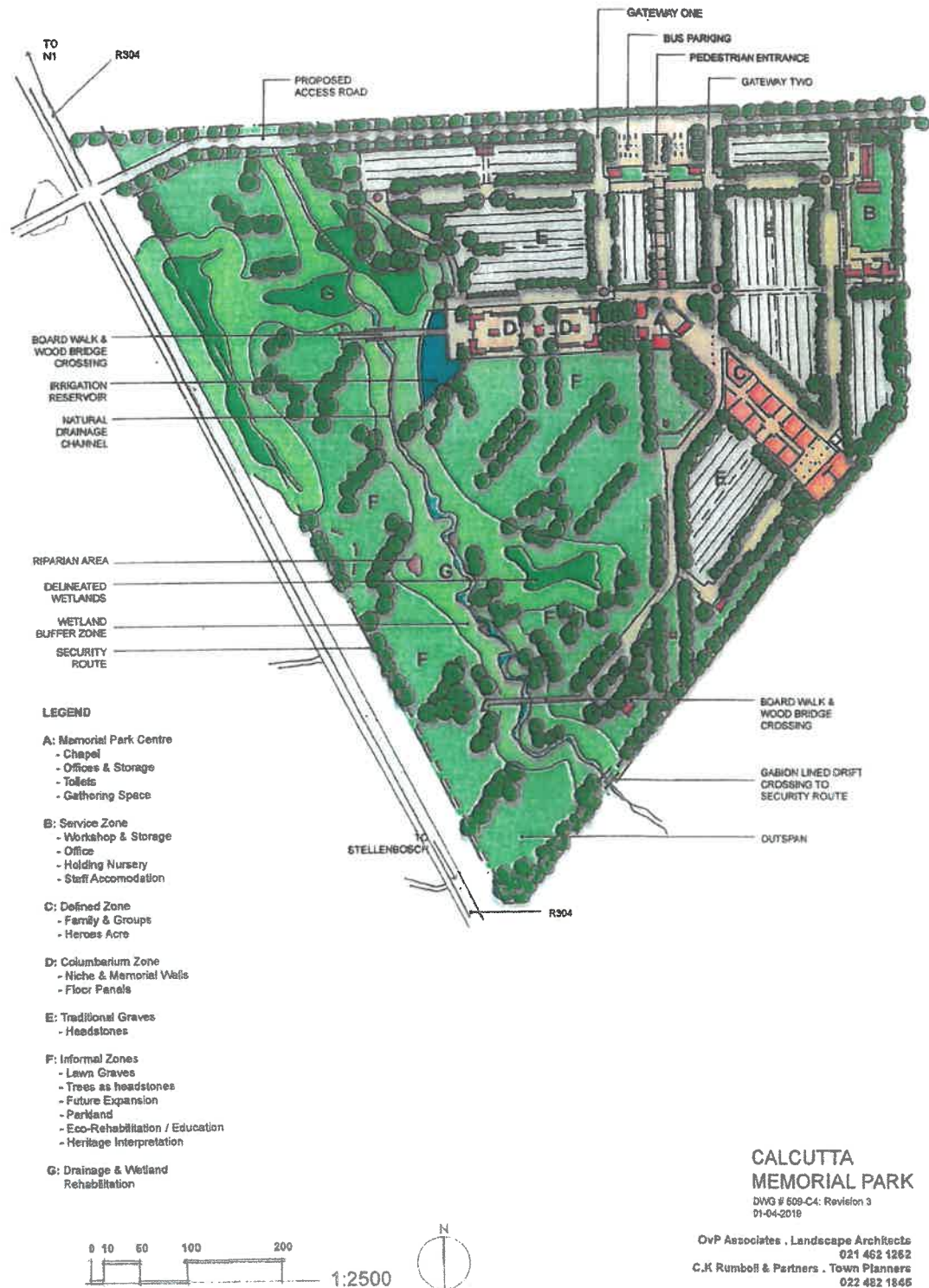


Figure 2: Site development plan for the cemetery and memorial park.



Figure 3: Storm water and sewage plan layout.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 16 April 2019, the final BAR dated May 2019 and the EMPr and FRMMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated May 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation EMPr and in the FRMMP, in order to address the concerns raised.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the sites where the listed activities are to be undertaken on 7 February 2018;
- the placing of a newspaper advertisement in the 'Eikestad Nuus' on 8 February 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 14 September 2017, 9 February 2018, 15 November 2018, 1 February 2019 and 23 April 2019; and
- making the pre-application draft BAR's available to I&APs from 15 November 2018 and 1 February 2019 and making the in-process draft BAR available to I&APs for public review from 23 April 2019.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and EMPr, in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Layout alternatives were assessed as part of the application and are discussed below.

Alternative 1 (Herewith Authorised):

The proposal entails the development of a public cemetery and memorial park that will comprise:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as headstone. The zone will incorporate the outspan in the southern section of the site and wetland buffer zones of 25m to 30m for watercourses.
- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.
- An access road that will be constructed at a dedicated two-way intersection of the R304 at approximate KM 50,37.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other regions within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- Boardwalks and wooden bridges.
- Gabion lined drift.
- An irrigation reservoir.
- A memorial park center and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewer treatment plant and network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.
- A security route along the boundary of the site.

This alternative is preferred as the layout plan accommodates wetland buffer zones between 25m and 30m, whilst providing ample memorial park/garden space to the west of the site. The additional crossing over the non-perennial drainage line will also enable the security team to have ease of access to the entire site during monitoring of the route. This alternative does not locate the conservancy tank/sewer treatment plant within the wetland buffer zone and makes provision for two storm water treatment plants and a storm water retention pond within the storm water network.

Alternative 2:

This alternative is similar to Alternative 1, with the exception of the wetland buffer zones ranging between 10m and 15m, structures (maintenance and nursery building) as well as cultivated areas

(orchards) within the wetland buffer zones and the conservancy tank being located in the wetland buffer zone and in close proximity to the non-perennial drainage line.

This alternative is not preferred since the layout does not allow for the maximum wetland buffer zones to be established and it places structures (maintenance and nursery building) as well as cultivated areas (orchards) in areas that are to be rehabilitated and maintained as part of a park. Additionally, the location of the conservancy tank within the wetland buffer zone is not appropriate and this alternative does not make provision for an effluent treatment plant or a retention pond.

Alternative 3:

This alternative is similar to Alternative 2, except that the access road off the R304 is located at KM 50,58.

This alternative is not preferred for the same reasons as provided for Alternative 2. In addition, this alternative is not preferred as it does not take the Final Traffic Study's recommendation into consideration that the access road off the R304 must be located at KM 50,37.

"No-Go" Alternative

The "no-go" option to not develop a public cemetery and memorial park was considered. However, it is not preferred because it will not address the need for additional burial space within Stellenbosch Municipality, which currently has very limited burial space at existing cemeteries.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

There is currently a shortage of land within Stellenbosch Municipality for the development of public cemeteries. The existing public cemeteries within Stellenbosch Municipality are nearing maximum occupation and alternative land for public cemeteries is needed. The proposed public cemetery and memorial park will address the limited burial space within the municipality. The specialist studies conducted during the EIA process has informed the layout of the site to avoid and mitigate impacts and provide the best practicable environmental option.

3.2 Biodiversity and Biophysical Impacts

According to the Botanical Statement dated 30 January 2019, compiled by Mr. P. Botes of PB Consulting, the site would have been historically comprised of Swartland Shale Renosterveld, an ecosystem listed as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site is however, overgrown by a dense mix of alien invasive vegetation and approximately 5% of the site contains hardy shrubs or pioneer species. The site has been previously disturbed by sand mining, as well as harvesting and dumping, which has further degraded the area. The Botanical Statement concluded that the proposed development will not have any significant impact on indigenous vegetation. Through the implementation of the EMPr (accepted in Section E, Condition 9), the impact on indigenous vegetation will be limited.

According to the Freshwater Impact Assessment dated May 2019, compiled by Mr. J. Gericke of EnviroSwift, a non-perennial drainage line and a mosaic of depression wetlands were identified and delineated. The northern section of the non-perennial drainage line (between the northern boundary and northernmost wetland) is artificial and has been excavated historically. This may have been a measure to drain the northernmost wetland. The rest of the non-perennial drainage line is natural and has been subjected to substantial erosion, which is related to the presence of alien invasive vegetation. The present ecological state of the non-perennial drainage line is

classified as being largely modified, since there has been a large loss of natural habitat, biota and ecosystem functions. The ecological importance and sensitivity of the non-perennial drainage line is deemed to be moderate, since it has been severely impacted by alien invasive vegetation and the introduction of storm water runoff from the R304. However, rehabilitation is not excessively difficult, since the natural course seems to be intact. The mosaic of depression wetlands was delineated within the southern and north-western portion of the site. They are largely modified and have a moderate ecological importance. Through the implementation of the EMPr (accepted in Section E, Condition 9) and FRMMP (adopted in Condition 10), the impact on the non-perennial drainage line and depression wetlands will be mitigated.

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) will be submitted to the Department of Water and Sanitation, that will assess the water related impacts further.

A FRMMP has been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this FRMMP. It must be noted that the accepted maintenance activities only relate to the activities described in the FRMMP. Should any new activities and associated infrastructure, not included in the FRMMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the FRMMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Geohydrological Impacts

According to the Geohydrological Assessment dated 23 October 2018, compiled by Mr. C. Peek of Geohydrological and Spatial Solutions International (Pty) Ltd, the site is located on a fractured aquifer. Most of the site is classified as having a low/medium groundwater vulnerability rating. The southern portion of the site has been classified as medium grading into a very high vulnerability classification. Traditional burial sites have however, been located in the north eastern and eastern section, which is away from the medium to very high vulnerability areas to avoid potential impacts on groundwater. Through the implementation of the EMPr (accepted in Section E, Condition 9), groundwater impacts will be mitigated.

3.4 Heritage Impacts

According to the Heritage Impact Assessment dated November 2018, compiled by New World Associates, no fossil remains were recorded during the palaeontological site visit, therefore it is unlikely to expect significant impacts palaeontological heritage. No pre-colonial archaeological heritage and no buildings, structures or features were encountered during the field assessment. Impacts on archaeological heritage is not anticipated. The proposed public cemetery and memorial park will have a medium impact and significance on the landscape, in terms of the visual impact associated with the development. An outspan has been identified in the south

western corner of the site. The area containing the outspan has however, been included in the informal park zone, to preserve the significance of this heritage feature within this landscape. Through the implementation of the EMPr (accepted in Section E, Condition 9), impacts on heritage resources will be mitigated.

3.5 Traffic Impacts

According to the Traffic Impact Assessment dated March 2019, compiled by Sturgeon Consulting (Pty) Ltd, the proposed new intersection at the northern boundary (KM 50,37) of the site will operate at acceptable levels of service.

The development will result in both negative and positive impacts.

Negative Impacts:

- There will be a minimal impact on the remaining indigenous vegetation.
- Impacts on the watercourse is expected during construction, however, rehabilitation of the stream will be undertaken.

Positive impacts:

- Additional land for burial will become available.
- The non-perennial drainage line and wetlands will be rehabilitated.
- Alien invasive plants will be removed.
- Employment opportunities will be created during the construction and operational phases.

4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

APPENDIX 6

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
WEDNESDAY, 2020-09-23 FROM 10:00-15:00**



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
WEDNESDAY, 2020-09-23 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2020-09-23

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delpont

Internal Members

Mr B de la Bat: Manager - Spatial Planning

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers: Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU): Infrastructure Services

Ms M Francis: Manager- Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

Mr K Munro: Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held via **MS TEAMS (Virtual Meeting)** on **WEDNESDAY, 2020-09-23 from 10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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2.	LEAVE OF ABSENCE	
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5.	MATTERS FOR CONSIDERATION	
5.1	APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND CONSENT USE ON FARM 1075/9 AND FARM 1070 PAARL DIVISION (LU/4731)	35 - 647
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 AUGUST 2020

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 28TH OF AUGUST 2020, via MS TEAMS 10H00-15H00**

Ref. no. 3/4/5/2/40

2020-08-28

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr B de la Bat: Manager Spatial Planning

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems & Project Management Unit -Infrastructure Services

Ms M Francis: Manager Project Management Unit

Mr G Cain: Manager IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

Technical Advisor

Mr K Munro: Director Development Management; Department of Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager Development Management

Ms C Kriel: Manager Land Use Management

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr P April: Senior Town Planner

Ms B Zondo: Senior Town Planner

Mrs S Zangqa: Town Planner

Ms L Kamineth: Senior Administrative Officer

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 AUGUST 2020

ITEM	SUBJECT
SMPT 01/08/20	OPENING AND WELCOME Chairperson du Plessis welcomed all to the meeting.

SMPT 02/08/20	LEAVE OF ABSENCE
	No apologies were received.

SMPT 03/08/20	DISCLOSURE OF INTERESTS <ol style="list-style-type: none"> 1. Mr Schalk van der Merwe indicated that his involvement relating to Item 5.4. should be noted. He acted as a project administrator from the Stellenbosch Municipality. 2. Mr Albert van der Merwe also requested that his involvement in item 5.4 be noted as he was part of the planning process of the said item. 3. Mr Kobus Munro indicated that he was involved as a consultant to the applicant in respect of item 5.1.

SMPT 04/08/20	MINUTES OF THE PREVIOUS MEETING DATED 26 JUNE 2020
	The Minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/08/20	APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND CONSENT USE ON FARM 1075/9 & FARM 1070, PAARL DIVISION Discussion: <ol style="list-style-type: none"> a) Chairperson Du Plessis announced the first item on the agenda and handed over to Ms Zondo to present a summary of the application. b) Members of the tribunal expressed various concerns with regard to the Dirkie Uys Road reserve, specifically with regard to the status of the servitude as well as the future widening of the road. The Technical Advisor referred to paragraph (d) in the Engineering condition on pages 416 and 417 of the agenda where the conditions are laid down with regard to the

Dirkie Uys Road upgrade. He confirmed that Dirkie Uys road leading to the access gate of the subject properties, is a public road and indicated that an additional Traffic Impact Study was done by SMEG containing a statement regarding the upgraded cross-section and road reserve for Dirkie Uys Road.

- c) Indications were given by Mr April that in his understanding, the subject road (through the proposed development) is currently a servitude road in favour of agricultural properties and that is not a proclaimed public road.
- d) Tribunal member Mr Rabie referred to the engineers report and enquired who will be responsible for the refuse removal.
- e) Mr Rabie requested that the Conveyancer Certificate form part of Annexure B.
- f) An in-depth discussion followed between the members of the Tribunal.
- g) Chairperson du Plessis concluded that there are a couple of technical issues that were not resolved which made the tribunal hesitant to approve the application in its current format.

UNANIMOUSLY RESOLVED:

THE APPLICATION BE REFERRED BACK TO THE ADMINISTRATION TO ADDRESS THE FOLLOWING:

- 1. The Subdivision Plan be amended to indicate the servitude road as a public road with the Public Road Zoning as per the former Franschhoek Zoning Scheme;
- 2. Indicate the subdivision and dimensions of the electrical substation to the satisfaction of the Electrical Engineer;
- 3. The Infrastructure services servitude be indicated on the Western Boundary of the development;
- 4. The status of the servitude road traversing the subject properties be clarified, including the legal affect of the conversion thereof to a public road as well as the effect on those who is in favour, should the servitude be registered;
- 5. The implication of the long period since the advertising was done needs to be clarified;
- 6. Provision for refuse removal to be addressed ;
- 7. The structural road design be addressed as a condition of approval.

SMPT 06/08/20	<p>APPLICATION FOR SUBDIVISION, CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION AND A DEPARTURE: ERF 1956, ERF 1957, UNREGISTERED ERF 6487 & UNREGISTERED ERF 6488, VICTORIA STREET, STELLENBOSCH</p> <p>DISCUSSION:</p> <ul style="list-style-type: none"> a) Chairperson introduced the next item and handed over to Ms Guntz to present a summary of application. b) Tribunal member Dr Pool-Stanvliet indicated that she support the application; however she was slightly concerned about the under provision of parking. c) Tribunal member Mrs Crooijmans-Lemmer motivated that the property is situated next to a big parking area which will assist with the parking concerns, thus she supports the application. d) Tribunal member Mr Rabie indicated that there was no Power of Attorney that was part of the documents. Ms Guntz confirmed that said document is on file and that she can furnish the tribunal members with the document. e) An in-depth discussion followed between the members of the Tribunal. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, on Erf 1956, Erf1957, Unregistered Erf 6487 & Unregistered Erf 6488 for: <ol style="list-style-type: none"> 1.1 Subdivision in terms of Section 15(2)(d) of the said Bylaw of Erf 1957, Stellenbosch into two portions namely Portion A ($\pm 60,03\text{m}^2$) and Remainder ($42,97\text{m}^2$); as indicated on <i>Drawing Nr. 19P001-Erf1957-TRP-SUB001-F-20190710-Rev00, drawn by Plan4SA Professional Planners and Project Managers.</i> 1.2 Closure of public parking place in terms of Section 15(2)(n) of the said Bylaw for: <ul style="list-style-type: none"> a) Erf 1956, Stellenbosch (measuring $\pm 79\text{m}^2$ in extent); and b) the newly subdivided Portion A (measuring $\pm 60,03\text{m}^2$ in extent.) 1.3 Rezoning in terms of the Section 15(2)(a) of the said Bylaw of:
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- a) Erf 1956, Stellenbosch from Local Authority (Public Parking) to General Business be used as a business development incubator (hub) which will include office and shop uses.
- b) The newly subdivided Portion A from Local Authority (Public Parking) to General Business be used as a business development incubator (hub) which will include office and shop uses.
- c) Unregistered Erf 6487 (a portion of Erf 1956), Stellenbosch from Local Authority (General) to General Business to be used as a business development incubator (hub) which will include office and shop uses.
- d) Unregistered Erf 6488 (a portion of Erf 1957), Stellenbosch from Local Authority (General) to General Business to be used as a business development incubator (hub) which will include office and shop uses.

1.5 Consolidation in terms of Section 15(2)(e) of the said Bylaw of Unregistered Erf 6487 ($\pm 214\text{m}^2$ in extent), Unregistered Erf 6488 ($\pm 202\text{m}^2$ in extent), Erf 1956 ($\pm 79\text{m}^2$ in extent) and subdivided Portion A ($\pm 60,03\text{m}^2$ in extent) into Consolidated Erf A, being approximately $555,03\text{m}^2$ in extent, as indicated on Drawing Nr. 19P001-E1956/1957-TRP-CP001-F-20190710-Rev00, drawn by Plan4SA Professional Planners and Project Managers.

1.6 Departure in terms of Section 15(2)(b) of the said Bylaw for the under-provision of parking (4 bays instead of 14,47 bays).

REASONS FOR APPROVAL:

1. The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.
2. The proposed land use will improve the quality and functionality of the existing under-utilized public facilities.
3. The proposed LED hub is within walking distance to public transport routes and other businesses and will reduce vehicular movement in

	town.
	4. The under-provision of parking will not have a negative impact on the environment since the property is situated next to the municipal parking area.
	5. The business incubator (LED Hub) will provide entrepreneurs, start-up businesses and SMME'S access to rental space, shared basic business services and equipment as well as technology support services.
	2. The approval in Section 1 is SUBJECT TO the following conditions in terms of Section 66 of the said Bylaw:
	2.1 The approval applies only to the proposed application, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
	2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw.
	2.3 A site development plan be submitted for approval to the Authorised Official
	2.4 The newly created erf only have one (1) water connection and one (1) sewer connection. The position of the connections be indicated on the building plans (<i>any other existing connections to be blanked out</i>).
	2.5 Any signage be designed in a sympathetic way and an application be submitted for approval to the Heritage Section at Stellenbosch Municipality (Planning and Economic Development Department). No neon or internally illuminated signage will be allowed.
	2.6 The historic back wall may not be demolished, but be retained for its historical significance. Access through a pedestrian gate or, in the event of motor vehicles being parked inside the back yard, a solid motor gate.
	2.7 No electrical fencing, barbed wire or spikes be allowed on the

	<p>historical walls surrounding the property.</p> <p>2.8 Building plans be submitted to the Municipality for approval.</p> <p>3. Matters on the application TO BE NOTED:</p> <p>3.1 Business licence and a liquor licence be applied for, if required.</p> <p>3.2 The consultant must provide the Department: Spatial Planning with a permit from Heritage Western Cape for any additions and alterations to the existing structure older than 60 years before a building plan can be approved.</p>
<p>SMPT 07/08/20</p>	<p>APPLICATION FOR THE REZONING AND SUBDIVISION OF ERF 579, FRANSCHHOEK MATTERS FOR CONSIDERATION</p> <p>DISCUSSION:</p> <ul style="list-style-type: none"> a) Chairperson du Plessis handed over to Mr Fooy who presented a summary of the application. b) The Chairperson provided an opportunity to Mr Dreyer from David Hellig Planners to conduct his oral presentation. c) Chairperson brought it to the attention of the members that the objectors were invited to participate in the oral presentation but however did not respond to the invitation. d) Members of the Tribunal had various concerns on whether the subject property was situated inside or outside the urban edge. Tribunal member, Mr Williams enquired whether the application was located inside or outside the urban edge when submitted in 2018. Tribunal member Mr de la Bat indicated that the subject property was never inside the urban edge as it was always excluded. Mr Carstens indicated that Mr de la Bat already responded and that he would like to confirm that the subject property is outside the urban edge. Mr Spencer indicated that it was previously indicated to them that the subject property was inside the urban edge. Tribunal member Ms Havenga asked why the recommendations of the Stellenbosch Heritage Inventory and Management Plan were not reflected in the specialist studies accompanying the application. e) Tribunal member Mrs Crooijmans-Lemmer enquired about what type of

development is permissible on the subject property in terms of the current zoning thereof. Mr Fooy indicated in terms of the new zoning allocated in terms of the 2019 zoning scheme, a church can be developed on the property.

- f) Tribunal member Mr Rabie enquired if the application was submitted prior to new zoning scheme, whether the Municipality would be under obligation to approve an application if it complied with relevant policies. Mr Carstens replied to Mr Rabie's question.
- g) Tribunal member Dr Pool-Stanvliet indicated that this is a challenging application. She indicated that in the pre-consultation minutes on page 359 of the agenda it stated that the site was within the urban edge. She requested that the Administration take caution to not create expectations as applicants appoint several consultants which is an expensive exercise.
- h) Chairperson du Plessis enquired about the reason for the long delay between the date of the Department of Spatial Planning's comments dated May 2019 and these comments apparently being made known to the applicant during April 2020.
- i) Mr Munro stated that the Tribunal must decide whether there is justification to deviate from the provisions of the municipal spatial development framework. If the Tribunal cannot find justification then legislation is clear that it cannot be allowed.
- j) Tribunal member Mrs Hedwig Crooijmans-Lemmer indicated that there is no special reason to deviate from the SDF. Deputy Chairperson Havenga indicated that the applicant did not convincingly motivate site specific circumstances to support this deviation from the SDF.

UNANIMOUSLY RESOLVED:

1. Approval not be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, applications submitted on the grounds of Site-Specific Deviation from the Stellenbosch MSDF, 2019 for:

- 1.1 Rezoning of Erf 579, Franschhoek to Subdivisional Area in terms of Section 15(2)(a) of the Bylaw to allow for the following uses:

- i. 56 Group Housing portions,
- ii. 1 Private Open Space portion,

iii. 1 Private Open Space (For road purposes)

1.2 Subdivision of Erf 579, Franschhoek to create the following erven:

- i. 56 Group Housing portions
- ii. 1 Private Open Space portion
- iii. 1 Private Open Space (For road purposes)

REASONS FOR REFUSAL:

1. The MSDF as supported by the Heritage Inventory and Management Plan is regarded as relevant to this area and the Site-Specific Deviation presented is not viewed as credible grounds for the purpose of the proposed group housing development to deviate from the MSDF.
2. The subject property is located outside the urban edge and the proposal as submitted does not comply with the principles of the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework.
3. Franschhoek is not identified as a growth node by the MSDF and thus the incorporation of properties outside the urban edge is not promoted.
4. The MSDF only focus on inward development of land within the of town of Franschhoek and the subject property is located on the outer edge of Franschhoek.
5. The re-development of the subject property to establish a gated group housing development is seen to be out of character with the surrounding area and the density proposed is too high for the area in which the property is located.
6. The proposal has not taken its surroundings into consideration as the subject property forms part of the "transition zone" between the urban and rural areas of Franschhoek and the proposal submitted does not reflect this.
7. The proposal has not taken the recommendations of the Heritage Inventory and Management Plan for the area into consideration and thus has not addressed the cultural impact that the proposed development will have on the area.

<p>SMPT 08/08/20</p>	<p>APPLICATION FOR REZONING AND SUBDIVISION ON FARM 742/2, PAARL DIVISION</p> <p>DISCUSSION:</p> <ul style="list-style-type: none"> a) Chairperson du Plessis handed over to Mrs Zangqa to present a summary of the application. b) He later announced the application open for discussion. c) Tribunal member Mrs Crooijmans-Lemmer questioned the size of the area required for the school. d) Clarification was requested regarding access routes to the sites. e) An in-depth discussion followed between the members of the Tribunal. <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:</p> <p>1.1 Rezoning of Farm 742/2, Paarl Division from Agricultural Zone I to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses as depicted on plan number 674/1, dated October 2018 and drawn by BVZ Plan:</p> <ul style="list-style-type: none"> i. Two (2) Institutional Zone 1 erven namely, Portion 1 (±3.3608ha) and Portion 2 (±3.4802ha) in order to accommodate schools. ii. One (1) Transport Zone II erf on Portion 3 (±0.7525ha) in order to provide an access road to the schools; and iii. One (1) Agricultural Zone I portion for the Remainder (±53.5172ha). <p>1.2 Subdivision in terms of Section 15(2)(d) of the said Bylaw in accordance with the Subdivisional plan number 674/1, dated October 2018 and drawn by BVZ Plan.</p> <p>REASONS FOR APPROVAL:</p> <ul style="list-style-type: none"> 1. Providing schools close to communities would play an important role in the education of the local community. 2. The facility creates employment opportunities and diversifies the

economic base of the local area and region as a whole.

3. The proposed school will be located within walking distance of the existing residential areas.
4. The proposed use is not undesirable and will have minimal impact on the surrounding properties.
5. The proposal complies with the principles of the Stellenbosch Spatial Development Framework.

2. The approval in Section 1 is SUBJECT TO the following conditions in terms of Section 66 of the said Bylaw:

2.1 The approval applies only to the subdivision and rezoning in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.2 The approval granted does not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.3 Building plans be approved by this Municipality, prior to any building work commencing on site.

2.4 That the following conditions as set out by the **Directorate: Engineering Services** be adhered to (see **Annexure K**):

2.4.1 Status of bulk municipal engineering services and upgrades required:

- a. **Water Network:** There is currently not sufficient capacity in the bulk water reticulation network to accommodate the proposed development. However, the Municipality has budgeted R30m ex VAT over the next three financial years to upgrade the bulk water supply in Klapmuts in order to create spare capacity. The development will be able to connect to the municipal water network once the upgrades have been completed and commissioned and it is currently estimated that this date will be 30 June 2022. A more accurate date will be available when building plans are submitted for approval. The developer will be responsible

for any link pipelines between the development and the municipal water network.

- b. **Roads Network:** The portion of land indicated a Road (Portion 3) on the subdivision plan must be rezoned to public road be transferred to the Municipality before clearance is given.

- c. **Solid Waste:**

For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (Mr Saliem Haider, Saliem.haider@ Stellenbosch.gov.za), 021 808 8241 before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

2.4.2 Development Charges

- a. Development charges will be applicable and will be calculated when a detailed SDP is submitted for approval or when building plans are submitted for approval;
- b. The “**Developer**” accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
- c. If the “**Developer**” may enter into an engineering services agreement with the “**Municipality**” to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
- d. The Development Charges be paid by the “**Developer**” per phase – prior to the approval of any building- and/or services plans and;

2.4.3 Site Development

- a. A fully detailed site development plan be submitted for approval prior to the approval of engineering services plans and or building and/ or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, storm water detention facilities, connection points to municipal water and sewer services, updated land-use diagram and possible servitudes;

2.4.4 Ownership and Responsibility of services

- a. Proposed Subdivision and Rezoning Plan Plan No 674/1 by BvZ, the internal services on the said erven will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

2.4.5 Internal- and Link Services

- a. The "*Developer*", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

2.4.6 Bulk Water Meter

- a. The "*Developer*" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his

cost at the entrance gate and that clearance will only be issued if the bulk water meter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

2.4.7 Damage to municipal services

- a. The "**Developer**" will be held liable for any damage to municipal infrastructure within the road reserves of the roads, caused as a direct result of the development of the subject property. The "**Developer**" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;
- b. The "**Developer**" will enter into an Engineering Services Agreement with the "**Municipality**" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
- c. Should the "**Developer**" not take up his rights for whatever reason within two years from 12 November 2019 a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "**Developer**" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will not be supported by the Directorate: Infrastructure Services for the development if bulk services are not available upon occupation or taking up of proposed rights;
- d. The "**Developer**" indemnifies and keep the "**Municipality**" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the

municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

- e. The "Developer" ensures that he / she has an acceptable public liability insurance policy in place;
- f. The "Developer" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
- g. The "Developer" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
- h. The General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
- i. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in

order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. The Developer is responsible for stipulating this condition in any purchase contracts with buyers of the properties;

j. The "Developer" takes cognizance and accepts the following:

- i. No construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
- ii. No approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
- iii. No approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
- iv. No building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
- v. No building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
- vi. No building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued.

2.4.8 Internal- and Link Services

- a. The Directorate: Infrastructure Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future

	<p>developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;</p> <p>b. The detailed design and location of access points, circulation, parking, loading – and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;</p> <p>c. Plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;</p> <p>d. Construction of services may only commence after municipal approval has been obtained;</p> <p>e. The construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the “Engineer”;</p> <p>f. The “Developer” ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure</p> <p>g. Be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;</p> <p>h. A suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;</p> <p>i. Engineering design drawings will only be approved once approval in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;</p> <p>j. All the internal civil services (water, sewer and storm water), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;</p>
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- k. Prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
- l. Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning Bylaw will be issued (prior to transfer of individual units or utilization of buildings);
- m. A complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
- n. The "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
- o. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
- p. The "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
- q. All connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
- r. The Developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

2.4.9 Servitudes

- a. The "**Developer**" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services

including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;

- b. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "**Developer**" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
- c. The "**Developer**" obtains the written approval of all affected owners where the route of proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

2.4.10 Stormwater Management

- a. The design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of storm water on receiving aquatic environments;
- b. The consulting engineer, appointed by the "**Developer**", analyses the existing storm water systems and determine the expected storm water run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal storm water system not be able to accommodate the expected storm water run-off, the difference between the pre and post-development storm water run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "**Developer**" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned storm water analysis is to be submitted concurrent with the detail services plans;
- c. No overland discharge of storm water will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities

are required. The "Developer" needs to connect to the nearest piped municipal storm water system with a storm water erf connection which may not exceed a diameter of 300mm.

2.4.11 Roads

- a. Where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable; that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
- b. Visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
- c. Each erf has its own access (drive-way), (the new access(es) (dropped kerb(s)) to the proposed parking bays be constructed to standards as set out by the Directorate: Infrastructure Services and in line with the Road Access Guideline;
- d. The access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;

2.4.12 Wayleaves

- a. Way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

- b. Wayleaves will only be issued after approval of relevant engineering design drawings;
- c. It is the Developer's responsibility to obtain way leaves from any other authorities/service provider's who's services may be affected.

2.4.13 Solid Waste

- a. It be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
- b. The "**Developer**" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; saliem.haider@ Stellenbosch.gov.za;
- c. Should it not be an option for the "**Municipality**" to enter into an agreement with the "**Developer**" due to capacity constraints, the "**Developer**" will have to enter into a service agreement with a service provider approved by the "**Municipality**" prior to clearance certificate or occupation certificate (where clearance not applicable);
- d. If the "**Developer**" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "**Municipality**";
- e. Refuse storage areas are to be provided for all premises other than single residential erven;
- f. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
- g. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
- h. The refuse storage area shall be large enough to store all

	<p>receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 ℓ Municipal wheelie bin;</p> <ul style="list-style-type: none"> i. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse; j. All black 85 ℓ refuse bins or black refuse bags is in the process of being replaced with 240 ℓ black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are: Commercial and Domestic: 585 mm wide x 730 mm deep x 1100 mm high k. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency; l. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department: Tel 021 808-8224 m. Building specifications for refuse storage area: <ul style="list-style-type: none"> i. Floor: The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage). ii. Walls and Roof: The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters. iii. Ventilation and Lighting: The refuse storage area shall be adequately lit and ventilated. The room shall be
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provided with a lockable door which shall be fitted with an efficient self-closing device. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

iv. Water Supply and Drainage: A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases, a grease gully may be required.

n. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;

o. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;

p. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;

q. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

r. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

s. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other

	<p>companies;</p> <p>2.4.14 AS-BUILTs</p> <p>a. The "Developer" shall provide the "Municipality" with:</p> <ul style="list-style-type: none"> i. complete set of as-built paper plans, signed by a professional registered engineer; ii. A CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "Engineer" and is reflected herewith as Annexure X; iii. A completed Asset Verification Sheet in Excel format, reflecting the componentization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer; iv. A complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer; v. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid; <p>b. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";</p> <p>c. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;</p>
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- d. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
- e. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "**Engineer**" and written clearance given, by the "**Engineer**";

2.4.15 Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law

- a. It is specifically agreed that the "**Developer**" undertakes to comply with all conditions of approval as laid down by the "**Municipality**" before clearance certificates shall be issued, unless otherwise agreed herein;
- b. The "**Municipality**" reserves the right to withhold any clearance certificate until such time as the "**Developer**" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "**Municipality**" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
- c. The onus will be on the "**Developer**" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning Bylaw. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
- d. Any application for Certificate of Clearance will only be supported by the "**Engineer**" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is

	<p>submitted to the "<i>Engineer</i>" and approved by the "<i>Engineer</i>".</p> <p>2.4.16 Avoidance of waste, nuisance and risk</p> <p>a. Where in the opinion of the "<i>Municipality</i>" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "<i>Municipality</i>" may give the "<i>Developer</i>" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "<i>Municipality</i>" may carry out the work itself or have it carried out, at the cost of the "<i>Developer</i>" and or OWNER'S ASSOCIATION.</p> <p>3. Matters on the application TO BE NOTED:</p> <p>3.1 The conditions imposed by the Department of Water and Sanitation in their letter date 19 March 2020, attached as Annexure H.</p> <p>3.2 The conditions imposed by the Manager: Spatial Planning, Heritage & Environment in their letter date 14 March 2020, attached as Annexure L.</p>
SMPT 09/08/20	<p>APPLICATION FOR REZONING FROM AGRICULTURE TO LOCAL AUTHORITY FOR THE ESTABLISHMENT OF A PUBLIC CEMETERY AND MEMORIAL PARK ON A 70HA PORTION OF FARM NO. 502, STELLENBOSCH (LOUW'S BOS)</p> <p>DISCUSSION:</p> <p>a) Chairperson du Plessis handed over to Mr Pedro April to present a summary of the application.</p> <p>b) Tribunal member Dr Pool-Stanvliet questioned the need for another cemetery as the Tribunal at their previous meeting approved a similar development at the Calcutta site.</p> <p>c) Tribunal member Mr van der Merwe explained that there was an extensive process to determine suitable sites for cemeteries and that there was eventually decided on two suitable sites to address the existing need. It is foreseen that Calcutta be developed first.</p> <p>d) Tribunal member Mrs Crooijmans-Lemmer enquired if the possibility of a crematorium on-site has been investigated. Tribunal member Mr Schalk van der Merwe indicated that it was investigated and if necessary can be</p>

considered in future, but is not part of the existing application.

- e) Tribunal member Albert van der Merwe further indicated the Municipality are looking at alternative burial methods, but persons cannot be forced to cremate.
- f) Tribunal member Ms Havenga questioned how the number of parking bays was determined.
- g) Tribunal member Mr Rabie indicated that the approval period of 5 years may be an issue
- h) Mr April confirmed the time period as it is 5 years
- i) Tribunal member Mr Rabie noted that if the time to develop the Calcutta cemetery be taken into consideration, it means that this application if approved, will have to be extended or it will lapse.
- j) Mr April indicated that the Stellenbosch Planning By-Law will be amended to allow for a period of 10 years, which will allow for a further extension of 5 years.
- k) An in-depth discussion followed between the members of the Tribunal.

UNANIMOUSLY RESOLVED:

1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:

- 1.1 Rezoning of ±70ha of Farm No. 502, Stellenbosch in terms of Section 15(2)(a) of the said Bylaw from Agricultural to Local Authority for the establishment of a municipal public regional cemetery and memorial park (Louw's Bos Memorial Park).

REASONS FOR APPROVAL:

- 1. Cemeteries require limited services relative to the amount of land needed, making them inefficient users of public infrastructure and are better suited outside urban areas, to make provision for urban development within urban edges. This regional rural cemetery provides such an option to the Municipality.
- 2. The proposed cemeteries are compatible with the rural land uses, and have been designed as parks and natural spaces to compliment the surrounding agricultural community.
- 3. The establishment of these cemeteries represents a permanent land use

	<p>and will very rarely convert to another use. The future change of this site now being zoned out of agriculture for urban development is therefore unlikely, while physical features of the proposed use is complementary to the rural context it will be situated in.</p> <p>4. The proposed rezoning will not affect any natural habitat or ecological corridors, although a partially uncultivated 70 ha portion of an 707 ha agricultural land unit will be used for cemetery and memorial park purposes.</p> <p>2. The approval granted in Section 1 is SUBJECT TO the following conditions in terms of Section 66 of the said Bylaw:</p> <p>2.1 The approval applies only to the rezoning in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.</p> <p>2.2 The neighbouring farms and lease hold areas right to farm and that what is normally associated with that (including boreholes, farm infrastructure and day to day farming activities but not limited to) be protected at all cost and that the cemetery and use thereof not impede in any way.</p> <p>2.3 The following conditions imposed by the Manager: Spatial Planning in their memo dated 26 March 2020, attached as APPENDIX M be adhered to:</p> <ul style="list-style-type: none"> a) The mitigation recommendation as contained in the visual impact assessment be implemented b) The mitigation measures contained in the Heritage Impact <i>assessment be implemented.</i> <p>2.4 The following conditions imposed by the Director: Engineering Services in their memo dated 13 March 2020, attached as APPENDIX N be adhered to:</p> <p>2.4.1 Waste Water and Sewage</p> <p><i>The following information must be provided at building plan stage:</i></p> <ul style="list-style-type: none"> (i) <i>Provide details of the proposed treatment and disposal method: Manufacturer, model, type of treatment technology, will disposal be by irrigation, into a watercourse etc.</i> (ii) <i>If an on-site treatment plant is considered, it should preferably be</i>
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based on the activated sludge process.

- (iii) Provide a Waste Management Plan or indicate measures to be taken for the handling of solid by-products (i.e. waste sludge, by products of the manufacturing process), including contingency plans / risk mitigation for when the processes do not perform as intended.

2.4.2 Water

- (i) Before connecting to the municipal water network, a water demand report be submitted before this request can be approved;
- (ii) The alternative potable water source is indicated in this application as borehole water.
- (iii) The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

2.4.3 Solid Waste

- (i) Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

2.4.4 Roads

- (i) The Transport Impact Study Reference number: STUR 0216 dated April 2019 compiled by Sturgeon consultants is supported;
- (ii) Please refer the application to the District Roads Engineer for comment. Any conditions set by the District Roads Engineer will be applicable.
- (iii) Prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval.

2.4.5 Stormwater Management

- (i) The geometric design of the roads, parking area and grave layout must ensure that no trapped low-points are created with regard to stormwater management.

2.4.6 Electrical Engineering.

- (i) All electrical requirements must be directed to Eskom

	<p>2.5 A final detailed landscaping and site development plan, indicating the details of the proposed land development including the site layout, position and height of buildings and structures, detailed property access, building designs, landscaping and incorporating all the proposals from the specialist studies conducted, be submitted to the Directorate of Planning and Economic Development for approval;</p> <p>2.6 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;</p> <p>2.7 Building plans only be approved when all conditions of approval have been complied with;</p> <p>2.8 The conditions from Eskom (See APPENDIX K) be complied with to their satisfaction;</p> <p>2.9 The conditions stated in letter TPW/CFS/RP/LUD/REZ/SUB-25/357 (Job 27572) by the Department of Transport and Public Works dated 10 March 2019 (See APPENDIX L), be complied with to the satisfaction of the competent roads authority.</p> <p>3. Matters on the application TO BE NOTED:</p> <p>3.1 It's the responsibility of the applicant/owner to apply and obtain a water use authorisation from the competent authority prior to construction taking place.</p> <p>3.2 The conditions imposed by the Department of Environmental Affairs and Development Planning in their letter dated 22 January 2020 (Environmental Authorisation), attached as APPENDIX G must be complied with to the satisfaction of the competent authority;</p> <p>3.3 Should any heritage resources, including evidence of graves, human burials, archaeological material and paleontological material be discovered during the execution of the cemetery and memorial construction activities, all works be stopped immediately, Heritage Western Cape be notified without delay and the owner comply with any requirements to the satisfaction of Heritage Western Cape (see APPENDIX</p>
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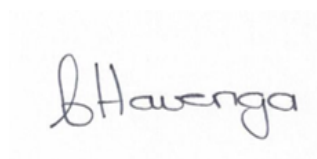
MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 AUGUST 2020

	J for their letter dated 02 May 2019);
SMPT 10/08/20	<p>OTHER MATTERS</p> <ol style="list-style-type: none">1. Mr Rabie indicated he is not available for the MPT meeting scheduled for the 23rd of September 2020.2. Chairperson du Plessis thanked all for attending the sitting. <p>The meeting adjourned at 15h20.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

APPENDIX 7

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-08-28 FROM 10:00-15:00**

VOLUME 1



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-08-28 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2020-08-28

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr B de la Bat: Manager - Spatial Planning

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers: Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU): Infrastructure Services

Ms M Francis: Manager- Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

Mr K Munro: Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held via **MS TEAMS (Virtual Meeting)** on **FRIDAY, 2020-08-28 from 10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2020

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 26TH OF JUNE 2020, via MS TEAMS 10H00-15H00**

Ref. no. 3/4/5/2/40

2020-06-26

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr B de la Bat: Manager Spatial Planning

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Mr S van der Merwe: Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems & Project Management Unit -Infrastructure Services

Ms M Francis: Manager Project Management Unit

Mr G Cain: Manager IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

Technical Advisor

Mr K Munro: Director Development Management; Department of Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager Development Management

Ms C Kriel: Manager Land Use Management

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr P April: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2020

ITEM	SUBJECT
SMPT 01/06/20	OPENING AND WELCOME
	The Chairperson welcomed all present and extended a special word of welcome to Chrizelle Kriel and Anthony Barnes who joined the Stellenbosch Municipality on 1 June 2020.
SMPT 02/06/20	LEAVE OF ABSENCE
	Apologies were received from Mervin Williams who joined the meeting at 11:30 and Lenacia Kamineth.
SMPT 03/06/20	DISCLOSURE OF INTERESTS
	No conflicts of interest were noted. Schalk van der Merwe noted his involvement in Item 5.4. He acted as a project administrator from the Stellenbosch Municipality. Albert van der Merwe also noted his involvement in the planning process of Item 5.4.
SMPT 04/06/20	MINUTES OF THE PREVIOUS MEETINGS DATED 28 FEBRUARY 2020 FEBRUARY 2019
	The Minutes of the previous meeting was approved.
SMPT 05/06/20	MATTERS FOR CONSIDERATION
	<p>APPLICATION FOR SUBDIVISION, FARM NO. 1460/1 PAARL DIVISION</p> <p>DISCUSSION: Concerns were raised on the uncertainty of the proposed use of the portion to be subdivided off the farm, specifically the smaller Portion A.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval not be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:</p>

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2020

	<p>1.1 Cancellation of unregistered subdivisional diagrams section 15 (2) (k) in respect of portions 81 and 82 of the Farm Deltameer No. 1460 Paarl Division.</p> <p>1.2 Subdivision in terms of section 15 (2) (d) of the Remainder of portion 1 of the Farm Deltameer No. 1460 Paarl Division into:</p> <ul style="list-style-type: none"> • Portion A ($\pm 1,25$ hectares in extent) • Portion B ($\pm 11,58$ hectares in extent) • The remainder Main Road No 191 (± 0.90 hectares in extent). <p>1.3 Registration of servitudes over subdivided portions as indicated on Plan No.3 Rev 7 and dated Sept 2018-Jan 2019.</p> <p>REASONS FOR NON-APPROVAL:</p> <ol style="list-style-type: none"> 1. The application proposal provides no rationale of the intentions in subdividing the property and how it will contribute towards the development of the area. 2. The application may compromise future development within the urban edge of the broader plan for the area. 3. No indication was given as to how the subdivision will improve agricultural viability as stated on the application motivation. 4. The proposed application does not motivate how it will fit in with the urban development as indicated in the MSDF. 5. Recognised that the area is indicated within the urban edge, but the fragmentation of the land within its agricultural zoning is not supported.
<p>SMPT 06/06/20</p>	<p>REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, SUBDIVISION, PHASING, STREET NAME AND NUMBERING AND DEPARTURES ON ERF 1692, FRANSCHHOEK</p> <p>DISCUSSION:</p> <ol style="list-style-type: none"> a) A question was raised on the status of the land claim and it was confirmed that the land claim was resolved and that the claimants are participants in the proposed application. Portion 31 is reserved for the use by the claimants. b) Concerns were raised on the participation of the claimants in the process and it was confirmed that a resolution was signed by all the trustees of the Franschhoek Claimant's Trust. <u>The power of attorney and resolution were emailed to the attendees during the meeting and are attached to the Minutes.</u> The potential defect of the Date and Place not indicated on the resolution is noted. c) Concerns were raised regarding the number of departures and limited size for the Private Open Space in the design. It was confirmed that the proposed layout is not inconsistent with the parameters in the Franschhoek Zoning Scheme. d) Alternative proposals for layout, less hard surfaces and more open space may be investigated. It seems as if the open space is a buffer area and does not make spatial logical sense in the layout. It is noted that the

design is not submitted for approval, and only the rezoning and subdivision of the property. A Site Development Plan needs to be submitted as a condition of approval. It was suggested that the possible reconfiguration of the units in the General Residential Components be investigated and that a proposal for a functional open space should be considered.

- e) Concerns raised on the size of the properties are noted. It is mentioned that the proposed property size conforms to other property sizes in the surrounding area. The proposal supports spatial transformation strategies such as the integration of communities and the creation of more affordable properties and is in line with the spatial proposals in the MSDF.
- f) Concerns were raised on the lack of assessment by the planner on NMT and parking requirements, the traffic impact, the natural state of the development and the biodiversity impact.
- g) Clarity is sought on the discrepancy of the proposed phasing of the development as indicated on page 142 between Phase 2 and Paragraph 6.5.

UNANIMOUSLY RESOLVED:

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:

- 1.1 The **removal of a restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of condition A.6 as contained in Title Deed Nr. T60152/2008 which reads *"that a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government."*

- 1.2 The **rezoning** of the subject property from Undetermined Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses (and in accordance with the land use framework plan and such phasing as depicted in plan with reference "Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners:

- a. Twenty-eight (28) Single Residential zone erven (portions 1- 28) and approximately 0,6061ha in extent for purposes of single dwelling units;
- b. Three (3) General Residential Zone erven (portions 29-31) and approximately 0,6630ha in extent, for apartment buildings;
- c. One (1) Business zone property (portion 32) and approximately 0,0908ha in extent, for office purposes;
- d. Three (3) Private Open Spaces erf (portions 33 and 34 and approximately 0,1321ha in extent for open space purposes and portion 35 approximately 0,5076 in extent for road purposes); and
- e. The phasing of the development into six (6) phases.

1.3 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with the subdivision plan "Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners.

1.4 **Departure** in terms of section 15(2)(b) of the said Bylaw:

a) Portion 29

- i. to exceed the permissible coverage from **25%** to **31%**;
- ii. to allow for a minimum street front of **13m** instead of **15m**;
- iii. to relax the common building lines (adjacent to Erf 2850 and Erf 2835, Franschhoek) from **4,6m** to **3,0m** and **2,8m** respectively for building C;
- iv. to relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **2,8m** and **3,1m** for building D;
- v. relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,1m** and **3,3m** for building E;
- vi. relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,0m** for building F.

b) Portion 30

- i. to exceed the permissible coverage from **25%** to **28%**;
- ii. from the provisions 8.3.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with of **8,5m** in lieu of **12,5m**;
- iii. relax the street building line (Rue De Vie Street) from **7,6m** to **4,7m** and **3,9m** for building A;
- iv. relax the street building lines (Reservoir & Rue De Vie Streets) from **7,6m** to **4,7m** respectively for building B;
- v. relax the common building line (adjacent to Erf 1693, Franschhoek) from **4,6m** to **3,8m** for building C;
- vi. **4,7m** in lieu of the **11,7m** from the street boundary of Rue De Vie for the portion that is less than 16m wide.

c) Portion 31

- i. to exceed the permissible coverage of **25%** to **37%**;
- ii. to exceed the permissible bulk of **0.4** to **0.74**;
- iii. from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be **459m²** in lieu of **1000m²**;
- iv. from the provision 8.3.5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of **8,5m** in lieu of **12,5m**;
- v. **7,0m** in lieu of **11,7m** from the Rue De Vie street boundary;
- vi. relax the common building line (adjacent to Portion 30) from **4,6m** to **3,3m**;
- vii. relax the common building line (adjacent to Portion 33) from **4,6m** to **2,1m**;
- viii. relax the common building line (adjacent to Erf 1693, Franschhoek) from **4,6m** to **3,4m**.

REASONS FOR APPROVAL:

1. The proposal will develop underutilized land within the urban edge for urban development.
 2. The proposed residential development constitutes infill development and is therefore in line with the principles of the SDF.
 3. The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
 4. Additional affordable residential opportunities will be made available within the area.
 5. The development will allow previously disadvantaged individuals of the Franschhoek Claimants Trust, to develop land that has been acquired through a land claim process.
 6. The proposed development will have a positive impact on the town's local economy as it will create new employment opportunities during the construction phase.
 7. The proposed business zone site allowing for general practitioners will not be out of character and will provide for the convenience of and service to the surrounding residential community.
 8. As the title restrictions are not for the benefit of any specific property or person, and the development parameters will still be governed by the applicable Zoning Scheme, the deletion of condition A.6 as contained in Title Deed Nr. T60152/2008 which reads "that a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government will not negatively impact on the personal benefits of any surrounding property owner within this township development.
2. That the approval in Section 1 is **SUBJECT TO** the following conditions in terms of Section 66 of the said Bylaw:
- 2.1 The approval only applies to the proposed development in question, as indicated on attached **Subdivision Plan (Plan nr Subdivision/922/1 Revision 1, dated November 2019)** and the **Phasing Plan (Plan nr Phasing/922/1 Revision 1, dated November 2019)** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 2.2 New erf diagrams or general plans for the newly created land units be submitted to the municipality for clearance and record purposes.
 - 2.3 The applicant submits an electronic copy (shp, dwg, dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
 - a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
 - d) Street names (if approved by Council).

	<p>2.4 All relevant owners' associations be established in terms of Section 29(1) of the said bylaw.</p> <p>2.5 A constitution for each of the entities be submitted for approval to the Municipality and which constitution take into account the requirements stipulated in Section 29(3) of the said bylaw.</p> <p>2.6 That the constitution for each of the relevant Owners Associations, inclusive of Architectural and Aesthetic guidelines, be submitted for approval by the Director: Planning and Economic Development and that the relevant Owners Associations comply with such requirements as may be imposed by these architectural and aesthetic guidelines;</p> <p>2.7 That all public places and public streets be transferred to the Local Authority upon transfer of the first unit/erf in each phase of the subdivision. All cost for the surveying and transfer of public land will be for the account of the applicant/developer.</p> <p>2.8 The existing municipal water line across Erf 1692, Franschoek be located in the road reserve of Rue de Vie Road and be protected by means of registration of a servitude to be undertaken by the developer at his cost prior to the vesting of the development rights.</p> <p>2.9 All new servitude rights be registered in the title deeds of the applicable property/ies.</p> <p>2.10 The conditions imposed by the Director: Engineering Services as contained in their memo dated 18 December 2019, attached as ANNEXURE Q be complied with.</p> <p>2.11 The development contributions are payable before the transfer of the property or approval of building plans, whichever occurs first, and which amount will be calculated in accordance with the approved council tariffs in force at the time of payment.</p> <p>2.12 A formal application be submitted for the erection of advertising signs and that all signage be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected.</p> <p>2.13 A Site Development Plan be submitted for approval to the Directorate of Planning and Economic Development for portions 29, 30, 31 & 32 prior to the submission of any building plans.</p> <p>2.14 The Site Development Plan referred to in paragraph 2.13 to adhere to spatial logic in the placement of buildings, clustering of parking and open space in a better revised configuration that will reduce the hard</p>
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	<p>surfaces and include more natural open space area.</p> <p>2.15 That Portion 32 be restricted for the exclusive use of medical consulting rooms (offices for general practitioners, specialists, etc) and with a gross leasable area of $\pm 366\text{m}^2$.</p> <p>2.16 Landscape plan be developed in accordance with the revised Site Development plan and submitted to the Director: Community & Protection Services.</p> <p>2.17 The approval not be acted upon prior to the issuing of a certificate of consolidated title and endorsement of the relevant title deed by the Registrar of Deeds.</p> <p>2.18 Consideration be given to the provision of Inclusionary housing units in order to expand housing opportunity for a broader range of income groups.</p> <p>2.19 Building plans only be submitted for approval when all conditions have been complied with.</p> <p>3. Matters on the application TO BE NOTED:</p> <p>3.1 The approval on the name of the development and the naming and number of streets as per the proposed subdivision plan, with reference to ANNEXURE C, BE OBTAINED from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.</p> <p>3.2 The conditions stated in letter 16/3/3/1/B4/12/1067/18 by the Department of Environmental Affairs and Development Planning, dated 18 April 2018, BE NOTED. See ANNEXURE I.</p>
SMPT 07/06/20	<p>APPLICATION FOR SUBDIVISION: ERF 721, PNIEL</p> <p>DISCUSSION:</p> <p>a) Clarity is sought on the zoning of the property. It is noted that the zoning is "Authority Use" in terms of the previous Zoning Scheme Regulations which is applicable as the application was submitted before the new Zoning Scheme Bylaw of 2019 came into effect. The zoning will be converted to "Utility Services" in terms of the Stellenbosch Zoning Scheme Bylaw.</p> <p>b) Concerns were raised as there is no access to the site and no provision made for parking but it was noted that parking requirements can be addressed on Portion A.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:</p>

	<p>1.1 Subdivision of Erf 721, Pniel into two portions, Portion A ($\pm 2702 \text{ m}^2$) and Remainder ($\pm 5511 \text{ m}^2$).</p> <p>REASONS FOR APPROVAL:</p> <ol style="list-style-type: none"> 1. The proposal will not adversely impact on the surrounding environment, uses, property values or the character of the area. 2. The zoning and land use will remain the same. 3. The proposal will not have any impact on municipal services as no additional buildings or land use rights will be granted by the approval of the subdivision. 4. Sufficient parking bays will still be provided to support the existing land uses. 5. The proposed subdivision will only facilitate in the location of the existing Municipal building on a land unit with the remainder still being accessible to the public for road and parking purposes. <p>2. The approval granted in Section 1 above, is SUBJECT TO the following conditions in terms of Section 66 of the said by-law:</p> <p>2.1 The subdivision diagram together with the Municipality's decision and conditions of approval be submitted to the Surveyor-General for approval within five (5) years from date of final notification.</p> <p>2.2 The application submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which were preliminary approved by the SG. The following information must be indicated on the subdivision plan:</p> <ol style="list-style-type: none"> a) Newly allocated Erf Numbers b) Co-ordinates c) Survey Dimensions. <p>2.3 Raised kerbing be installed along the street boundary line of Portion 1 and Main Road No 172 and Hill Street to restrict direct access to the parking area located in front of the existing building from Main Road No 172 as required by the Department: Transport and Public Works, as contained in their letter dated 16 October 2017, attached here as ANNEXURE G.</p> <p>2.4 All servitudes applicable to Erf 721 be carried over to Remainder of Erf 721 to ensure that existing accesses are retained, and no portion of land is land locked by the proposal.</p>
<p>SMPT 08/06/20</p>	<p>REZONING FROM AGRICULTURAL ZONE 1 TO OPEN SPACE ZONE II FOR THE ESTABLISHMENT OF A PUBLIC CEMETERY AND MEMORIAL PARK: REMAINDER FARM NO. 29, STELLENBOSCH DIVISION</p> <p>DISCUSSION:</p> <ol style="list-style-type: none"> a) Concerns were raised on the provision of sufficient parking for private vehicles. It was noted that access of private vehicles was taken into consideration when the layout was prepared, and provision is made for

- parking throughout the cemetery development within the width of the roads and circular routes not to create bottlenecks.
- b) Clarity was sought on the number of burial opportunities and it was noted that provision is made for the next 30 years for between 30 000 and 35 000 burial opportunities to be created.
 - c) Compliments were given to the project team leaders as well as the number of specialist studies which informed this development and the design proposal for of the cemetery and memorial park.
 - d) Concerns were raised on the distance of the cemetery from town. It was noted that various sites were investigated and different criteria were considered.
 - e) A question was raised on the compliance of health regulations and whether all approvals were obtained. It was noted that it will be followed up and compliance ensured.
 - f) Questions were raised on the agricultural potential of the land, the biodiversity value, freshwater impact and surface run-off water. It was noted that the recommendation of specialist studies and comments were taken into consideration in the Environmental Authorization and addressed and informed the different zones in the layout of the development.

UNANIMOUSLY RESOLVED:

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015, for:
 - 1.2 **Rezoning** of Remainder Farm No. 29, Stellenbosch Division from **Agricultural Zone I** to **Open Space Zone II** to allow for a public cemetery and memorial park.

REASONS FOR APPROVAL:

1. There is a great need for cemeteries in the Stellenbosch area.
 2. The property will be put to better use to provide a much needed social service to Stellenbosch Municipality and its inhabitants.
 3. The proposed rezoning will have limited affect on natural habitats, ecological corridors or high potential agricultural land and no viable agricultural land will be lost.
 4. The proposed development will optimise the use of existing resources and infrastructure.
2. The approval granted in Section 1 is **SUBJECT TO** the following conditions in terms of Section 66 of the said Bylaw:
 - 2.1 The approval applies only to the rezoning in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 2.2 The neighbouring farms right to farm and that what is normally

associated with that (including boreholes, farm infrastructure and day to day farming activities but not limited to) be protected at all cost and that the cemetery and use thereof not impede in any way and that the owners/managers and successors in title agree to that.

- 2.3 The following conditions imposed by the **Manager: Spatial Planning** in their memo dated 14 November 2019, attached as **Annexure Q** be adhered to:

a) *The mitigation recommendation as contained in the visual impact assessment be implemented.*

b) *The mitigation measures contained in the Heritage Impact assessment be implemented.*

- 2.4 The following conditions imposed by the **Director: Engineering Services** in their memo dated 18 October 2019, attached as **ANNEXURE R** be adhered to:

a) *Wastewater and Sewage*

A technical report by a suitable qualified professional, regarding the "package plant" proposed in your letter be submitted for approval, prior to the acceptance of any building plans, and prior to the installation thereof.

b) *Water*

The quality of the water for human use stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

c) *Solid Waste*

Solid waste be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

d) *Roads*

Prior to commencement of any demolition/construction work, a traffic accommodation plan for the surrounding roads be submitted to the Directorate: Infrastructure Services for approval.

e) *Storm Water Management*

The geometric design of the roads, parking area and grave layout ensures that no trapped low-points are created with regard to storm water management.

- 2.5 A detailed landscaping and site development plan, indicating the details of the proposed land development be submitted to the Directorate of Planning and Economic Development for approval.

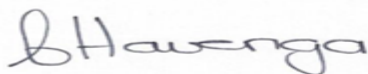
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	<p>2.6 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw.</p> <p>2.7 Building plans will only be approved when all conditions of approval have been complied with.</p> <p>2.8 The conditions stated in letter TPW/CFS/RP/LUD/REZ/SUB-25/342 by the Department of Transport and Public Works dated 15 November 2019, Paragraph 7, attached as ANNEXURE K, be adhered to.</p> <p>3. Matters on the application TO BE NOTED:</p> <p>3.1 The conditions imposed by the Department of Environmental Affairs and Development Planning in their letter dated 20 September 2019 (Environmental Authorisation), attached as ANNEXURE G BE NOTED.</p> <p>3.2 The conditions stated in letter 20/9/2/5/6/904 by the Department of Agriculture (Elsenburg), dated 17 January 2020, BE NOTED. See ANNEXURE H.</p> <p>3.3 The conditions stated in letter TPW/CFS/RP/LUD/REZ/SUB-25/342 by the Department of Transport and Public Works dated 15 November 2019, BE NOTED. See ANNEXURE K.</p> <p>3.4 A water use licence application (WULA) must be applied for and obtained prior to construction taking place.</p>
SMPT 09/06/20	OTHER MATTERS <p>The Meeting Adjourned at 14:52.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC:CLLR E GROENEWALD (MS))
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NONE

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

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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7.9.1	GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005
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Collaborator No: 695199
 IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
 File Plan: 8/1/4/2/3
 Meeting Date: 17 November 2020

1. SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005

2. PURPOSE

To obtain a formal position on the Guidelines for Municipalities on the Implementation of the Children's Act as introduced to municipalities on 14 August 2020 during a SALGA consultation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Children's Act, 2005 (Act No. 38 of 2005) is the primary legislation that regulates protection and developmental services to children. Among others, it provides for the norms and standards linked to the registration, de-registration and monitoring of child care facilities.

It is 10 years since the Children's Act was implemented. The Department of Social Development (DSD) as the custodian of the Children's Act took an initiative and developed the guidelines for Municipalities to enhance implementation of some of the critical provisions in the Act, namely the assignment of functions to Municipalities.

The Guidelines aim to:

1. Guide both Provincial DSD and Municipalities on the implementation of the Children's Act;

2. Draw attention to the roles and responsibilities of Municipalities as part of Government in providing services to children; and
3. Assist both Provincial DSD and Municipalities with processes to assign functions in a uniform and coordinated manner.

Thus the Guidelines provide guidance in line with provisions of the Children's Act on: The functions in the Children's Act, which may be assigned to municipalities.

Secondly, to guide municipalities on their role to support and facilitate the implementation of the Act generally.

This item seeks to find agreement with the Guidelines in terms of process and interpretation of the Children's Act and the role of local government in the implementation of said Act.

5. RECOMMENDATIONS

- (a) that the municipality assist ECD's to comply with registration requirements;
- (b) that the municipality encourages ECD's to apply for Grant in Aid funding; and
- (c) that Stellenbosch Municipality does not accept the responsibilities as listed in the Guidelines as the municipality does not have the financial and/or human resource capacity to implement the guidelines.

6. DISCUSSION / CONTENTS

6.1 Background

Chapter 1, Section 4 of the Children's Act explicitly places an obligation on all spheres of government and organs of state to implement the Act to the maximum extent possible. This section states that;

"(1) The Act must be implemented by organs of state in the national, provincial and, where applicable, local spheres of government subject to any specific section of the Act and regulations allocating roles and responsibilities, in an integrated, co-ordinated and uniform manner.

(2) Recognising that competing social and economic needs exist, organs of state in the national, provincial and where applicable, local spheres of government must, in the implementation of this Act, take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of the Act."

Section 5 of the Children's Act further requires all organs of state at the national, provincial and local level to work together within a uniform approach to coordinate and integrate services to children. This section states that:

"To achieve the implementation of this Act in the manner referred to in section 4, all organs of state in the national, provincial and, where applicable, local spheres of government involved with the care, protection and well-being of children must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to children"

Schedule 4B of the Constitution of the Republic of South Africa (1996) list "Child Care Facilities" as a local government matter to the extent set out in section 155(6) (a) and (7).

According to The National Guidelines for Municipalities on the Implementation of the Children's Act, the following are listed **as services that municipalities are obliged to provide (no need to be assigned)**, and have implications for the Children's Act:

1. Developing regulations.
2. Municipal planning, health services and public transport.
3. Providing structures for Child Care facilities.
4. Control of public nuisances and noise pollution.
5. Land allocation, zoning, roads and sport facilities.
6. Municipal parks and recreation.
7. Water, sanitation services and sewage disposal systems.
8. Refuse removal, refuse dumps and solid waste disposal.
9. Implementation provision of structural, Health and safety standards in Child and Youth Care Centres (CYCC), Early Childhood Development Centres (ECD), Partial Care Facilities (PCF) and Drop-in Centres (DIC) (Funeka – please explain what this refers to.) please see below
10. Powers of inspection for all the child care facilities

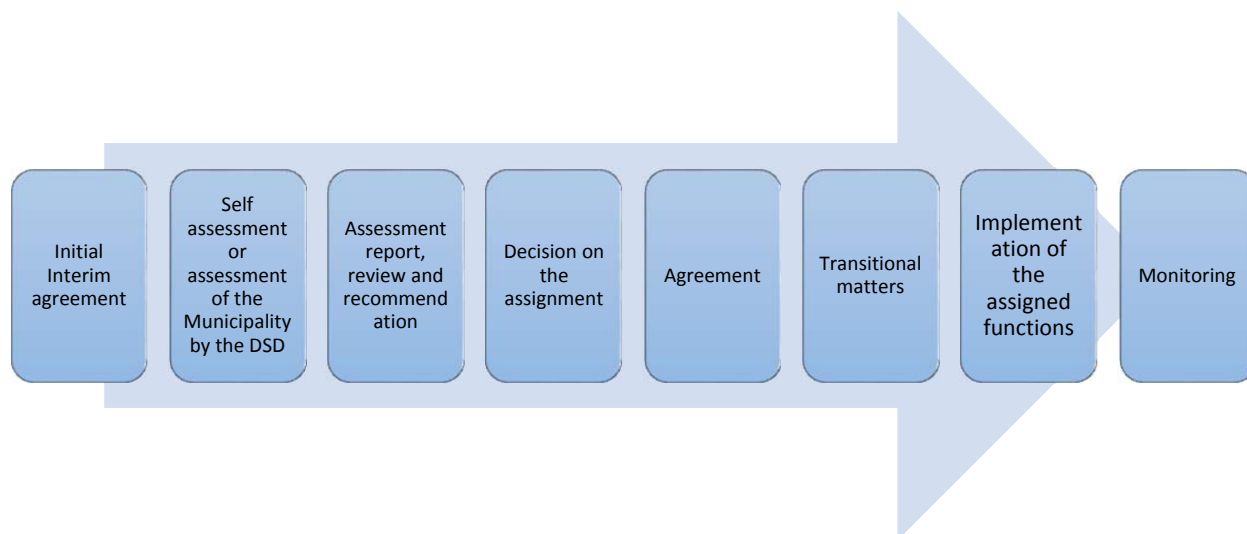
The following, however, **may be assigned by agreement** by either the HOD or the Municipal Manager:

1. Registration of facilities.
2. Assessment and Consideration of applications.
3. Renewal of registrations.
4. Conditional registration.
5. Cancellation of registration.
6. Issuing of notices of enforcement.
7. Maintaining records of facilities (database/profiles).
8. Monitoring of facilities.

The chapters that could be assigned are:

1. Chapter 5: Partial Care Facilities also known as crèches, day care centres for children from 0-9 years aimed to provide holistic development of a child;
2. Chapter 6: Early Childhood Development refers to the learning programme used at PCFs for the holistic development of children;
3. Chapter 13: Child and Youth Care Centres which is a detention centre for children under the age of 18 who are in need of care and also those who are involved in crime or awaiting trial; and
4. Chapter 14: Drop in centres - a facility which provides "basic services aimed at meeting the emotional, physical and social development needs of vulnerable children". The basic services provided must include one of the following: food, homework support, laundry or personal hygiene—homework clubs and soup kitchens would count as drop-in centres.

The **process** of assigning functions as laid out in the guidelines is as follow:



Basic requirements to consider with assignment of functions:

(i) Regulation 22(2) of Children's Act 38 of 2005 regarding:

- Skills, knowledge and qualifications of staff that will enable the municipality to implement the assigned function;
- Adequate staff to implement the assigned functions;
- Ability of the municipality, to develop capacity and monitor the implementation of the minimum norms and standards as it pertains to the assigned function.
- The overall capacity of the municipality to implement the assigned function.
- The financial ability of the municipality in terms of allocated funding to sustain these functions.

(ii) The willingness of the municipality at political and administrative level to manage and implement the assigned function.

(iii) The IDP of the municipality and how it facilitates the intended assignment of functions and the Annual Performance Plan (APP) of the municipal manager.

The guidelines contain the following on **norms and standards**:

The norms and standards for partial care facilities and drop-in centres require these facilities to:

- *Provide a safe environment for children including the structural safety of the building.*
- *Adequate space and ventilation.*
- *Safe drinking water.*
- *Hygienic and adequate toilet facilities.*
- *Access to refuse disposal services.*

It is the primary duty of municipalities to provide water, sanitation, sewage disposal, refuse removal and building regulations.

Municipalities should therefore assist facilities to comply with the norms and standards in order to be registered.

In relation to partial care, the transport operators are required to possess the necessary permits and they should comply with the transport safety regulations.

6.2 Discussion

Child Care Facilities are listed in Schedule 4B of the Constitution of South Africa and cannot be ignored. To date exactly what is meant by the function has not been clarified. Is it the identification and servicing of land for the facilities or is it the building of facilities and the management thereof? The current municipal ECD Policy provides for the following responsibilities by the municipality:

1. **Land Use Management Department** is responsible for the affording of land use rights through zoning, re-zoning, temporary departures and consent use applications according to the Stellenbosch Municipal Zoning Scheme. Cost relating to these applications will be approved annually in the municipal tariffs with special dispensation for ECD applications.
2. **Building Control** is responsible for the approval of building plans, inspection of completed works and issuing of occupation certificates.
3. **Community Development Department** is the lead department tasked with internal and external collaboration between all the role players and thus the driver of the municipal internal ECD committee. The department is also responsible for all approved ECD applications to be registered on the municipal GIS database for ECD centres and to provide support to the ECD sector and forums within the municipal area.

Further to the above, the Community Development Department is responsible:

- To ensure that the municipality aligns its services with the Children's Act in terms of registration and the Constitution in terms of the best interest of the child.
 - To ensure that we give the ECD sector support and partnership in terms of providing efficient services such as capacity building funding (Grant in Aid Funding) in order for them to provide efficient services within the Stellenbosch Municipal area.
 - To provide support to the local ECD forums in terms of sustainability and dissemination of information to all bodies that provide ECD services in the municipal area.
 - Parenting and family support programmes as envisaged through chapter 8 of The Act and the White Paper on Families (2012).
4. The **Property Management Department** is responsible for identification of possible land or underutilized facilities for ECD centres. The department, in consultation with Legal Services, is responsible to sign lease or facility management agreements between Stellenbosch Municipality and appointed registered ECD NGOs that operate from Council owned facilities. The department can take responsibility for ECD infrastructure development on identified land or at existing municipal facilities.
 5. The **New Housing Department** is responsible to ensure that no new housing development projects are approved without provisioning for suitable ECD service delivery.
 6. **Environment, Sport and Facilities Department** is responsible for the identification of new parks and the linkage between ECD locations and new and

existing parks. Community parks in close approximation of ECD centres must receive priority attention regarding upgrading and maintenance. The department is also responsible to make community facilities available for implementation of children's activities such as the "come and play" programme. This will be done by implementing a fair tariff structure to recognise community based ECD centres and facilities. Community facilities which can also be used to implement ECD capacity building training sessions should be made available for this purpose. Where possible, underutilized community facilities can be made available for the establishment of ECD centres after consultation with the community and in an open and fair tender process.

7. **Library Services** is responsible for the provision of well-resourced child-friendly libraries. A library service should investigate collaboration with specialized toy library services if they cannot operate a toy library services by themselves. Further support to ECD centres include holiday programmes, active reading and story-telling programmes as well as availing library halls to ECD centres for activities.
8. **Fire and Emergency Services** assess the ECD facility for its compliance with the national fire regulation and issues fire safety certificates. The department will be represented on the municipal internal ECD committee. Educational programmes for ECD centres on fire prevention will be conducted by the department.
9. **Environment, Sport and Facilities Department** is responsible for the identification of new parks and the linkage between ECD locations and new and existing parks. Community parks in close approximation of ECD centres must receive priority attention regarding upgrading and maintenance. The department is also responsible to make community facilities available for implementation of children's activities such as the "come and play" programme. This will be done by implementing a fair tariff structure to recognise community based ECD centres and facilities. Community facilities which can also be used to implement ECD capacity building training sessions should be made available for this purpose. Where possible underutilized community facilities can be made available for the establishment of ECD centres after consultation with the community and in an open and fair tender process.
10. **Disaster Management** will implement an educational programme aimed at prevention of disasters at ECD centres.
11. **Traffic Services** will conduct road safety education programmes at ECD centres. Centres in areas with high traffic volumes during the times when children are dropped off or picked up from the centre can apply for traffic calming measures to be implemented at their schools as well as point duty officers during peak times.
12. **Infrastructure Services** (Electricity, Water, Sewage) in formal areas:
 - Water and Sewerage: Stellenbosch Municipality supplies potable water to the entire municipal area through existing bulk water infrastructure consisting of Water Treatment Plants, Reservoirs and bulk and network water distribution systems. Sewerage is being collected through a collector pipe network and outfall sewer system to be treated at various treatment works throughout Stellenbosch area. Water and Sewer Future plans and Master Plans are kept up to date to enable SM to plan, budget and implement enhancements to the existing infrastructure. All the formal households in the urban areas of Stellenbosch Municipality's Management Area are provided

with water connections and waterborne sanitation facilities inside the houses (higher level of service).

- 13 Electrical Services: Stellenbosch municipality is responsible for the provision of electricity within the WCO24. However there are few areas within the WCO24 that are Eskom or Drakenstein areas of supply. These areas are: Wemmershoek, Pniel, James Town, Vlottenburg, Raithby, La Motte, Groendal, Klapmuts and Koelenhof.

13. **Finance Services: Income and Expenditure Department:** is responsible for availing budget for the development of ECD centres and play parks. Aligning ECD centres with their internal policies for any special tariffs and manage payments for leases of municipal property.

The Children's Act (38 of 2005) as enacted in 2010 is clear that all spheres of government has a role to play in the development and protection of children. The interpretation of "*and, **where applicable**, local spheres of government*", requires further consultation and legal input including input, from SALGA.

The Guidelines are not clear on what is required in terms of the identified norms and standards. The suitability and accuracy of said guidelines can thus not be agreed upon. The guidelines were also developed without consultation, and were provided to municipalities on 14 August 2020 with the instruction to provide agreement per municipality on the content thereof by the middle of October 2020.

It is difficult not to be left with a feeling of trepidation considering the financial impact and risk should a child be hurt at a facility under the "care" of a municipality when considering the proposed guidelines. The impression is created that legislation is interpreted in a way that will make municipalities responsible for functions that are not necessarily that of local government, without anywhere clearly stating that the primary responsible department for the function (DSD) will take financial and/or legal responsibility for the function and the staff component required to fulfil the function for as long as local government fulfil said function or portion thereof.

As the guidelines come down to the interpretation of the Act, the department is of the view that legal opinion should be requested, including from SALGA, as the guidelines affect all municipalities within South Africa.

6.3. **Financial Implications**

Assuming functions in relation to the registration, de-registration and monitoring of child care facilities will have major financial implications on the municipality. The financial implications will include the following:

1. Skills Development for existing staff
2. Appointment of suitably qualified and registered social workers, social auxiliary workers and ECD assistants
3. Additional office space and transport

6.4 **Legal Implications**

Urgent input is required from our legal department in relation to the interpretation of the roles and responsibilities as it appears in the Act and the Guidelines.

6.5 Staff Implications

Assigning the functions as illustrated through the Children's Act Implementation Guide for Municipalities will have serious staff implications for the municipality. The extent of the impact is not clear as the guidelines do not indicate how many staff members at what qualification level are required per facility with a specific capacity.

6.6 Previous / Relevant Council Resolutions

Approval of the Stellenbosch Municipal ECD Policy which does not make provision for the registration and monitoring of child care facilities as a function of local government.

6.7 Risk Implications

Registration and monitoring of facilities do not necessarily mean the management of a facility which can still be done by private individuals and/or NGO's. Should a child however be neglected, abused or gravely injured at such a facility, the municipality will be held liable as the overseeing agency.

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

Agree with the recommendations.

6.8.2 Director: Planning and Economic Development

Agree with the recommendations.

6.8.3 Director: Community and Protection Services

Agree with the recommendations.

6.8.4 Director: Strategic and Corporate Services

Agree with the recommendations.

6.8.5 Chief Financial Officer:

Agree with the recommendations.

6.8.6 Municipal Manager:

Agree with the recommendations.

RECOMMENDATION FROM THE YOUTH, SPORTS AND CULTURE COMMITTEE TO THE EXECUTIVE MAYOR: 2020-11-05: ITEM 5.1.1

- (a) that the municipality assist ECD's to comply with registration requirements;
- (b) that the municipality encourages ECD's to apply for Grant in Aid funding; and
- (c) that Stellenbosch Municipality does not accept the responsibilities as listed in the Guidelines as the municipality does not have the financial and/or human resource capacity to implement the guidelines.

ANNEXURES

Annexure A: Municipal Guidelines on the Implementation of the Children's Act.
Annexure B: Children's Act (38 of 2005)

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	18-08-2020

ANNEXURE A

GUIDELINES FOR MUNICIPALITIES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT

2019

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ACRONYMS

APP	Annual Performance Plan
DSD	Department of Social Development
ECD	Early Childhood Development
HOD	Head of Department
IDP	Integrated Development Plan
M&E	Monitoring & Evaluation
MEC	Member of the Executive Committee
NDP	National Development Plan
PEI	Prevention and Early Intervention
SAC	South African Constitution

DEFINITIONS

"by-law" means legislation passed by the council of a municipality binding the municipality and the persons to whom it applies.

"child" means a person under the age of 18 years.

"executive authority", in relation to a municipality, means the municipality's executive authority envisaged in section 156 of the Constitution read with section 11 of the Municipal Systems Act No. 32 of 2000.

"financially sustainable", in relation to the provision of a municipal service, means the provision of a municipal service in a manner aimed at ensuring that the financing of that service from internal and external sources, including budgeted income, grants and subsidies for the service, is sufficient to cover the costs of—

- (a) the initial capital expenditure required for the service;
- (b) operating the service; and
- (c) maintaining, repairing and replacing the physical assets used in the provision

of the service;

“municipal manager” means a person appointed in terms of section 82 of the Municipal Structures Act;

“Municipality”, when referred to as— an entity, means a municipality as described in section 2 of the Municipal Systems Act No. 32 of 2000; and a geographic area. means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“basic municipal services” means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety or the environment;

1. SUMMARY

The Children’s Act, 2005 (Act No. 38 of 2005) is the primary legislation that regulates protection and developmental services to children. For local government, it identifies partial care, early childhood development and drop-in centres as facilities and programmes that can be assigned to municipalities, provided that the provincial head of social development (HOD) is satisfied that municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned. The Act also sets out norms and standards which early childhood development (ECD) services, partial care centres and drop-centres should comply with. It gives the Department of Social Development (DSD) the responsibility for registration of these programmes and facilities based on their compliance with standards. It also recognises the multisectoral approach to the protection of children, as well as the role of other departments such as Education, Finance, Health, Cooperative Governance, as well as Transport in the delivery services to children.

The Act extensively provides for the protection of all children from abuse, neglect, exploitation and unnecessary removal of children from their families. It obliges, among others, members of staff and volunteers at child care and protection facilities to report abuse to the police, a designated child protection organisation or provincial Department of Social Development. Further protection for children is provided for through the National Child Protection Register, which keeps a record of persons unsuitable to work with children and children who are victims of abuse and neglect. The Act requires that persons whose names appear in Part B of the National Child Protection Register are persons not suitable to work with children. People working with children and those in regular contact with children will have to be screened for their suitability to work with children. These include staff members and volunteers in children’s programmes as well as other officials and sectors involved in the implementation of the Act.

Functions which, in terms of the Children's Act, reside with municipalities without any need for assignment or delegation are the implementation of structural, health and safety standards in child and youth care centres, ECD facilities, partial care facilities and drop-in centres, and powers of inspection with regard to all children's facilities. Municipalities are also responsible for zoning and land allocation to such facilities as well as providing a range of municipality services.

2. INTRODUCTION

In the context of an ongoing economic crisis, high levels of unemployment and inequality South Africa is experiencing, many families are under material and psychological pressure to make ends meet. Communities can no longer provide the same level of support to families and a safe environment for children as before without adequate support. Under these conditions, some children are at even greater risk of vulnerability, underdevelopment, abandonment, abuse, neglect and exploitation. One of the ways to mitigate such vulnerability is to create Child Friendly Communities (CFCs). The Child Friendly Communities Initiative has been adopted in various parts of the world to support children, families and their communities to safeguard children's rights and wellbeing in the neighborhoods where they live. A child friendly community can be defined as *"any local system of governance, urban or rural, large or small, committed to fulfilling children's rights. It is a community where the needs, rights, priorities and voices of children are an integral part of policies, budgets, programmes and decisions. It is also a community that actively and consciously acts towards the realization of all children's rights by coordinating the efforts of all social systems and agencies, targeting major areas of a child's life, such as health, education, safety, housing and participation using an intersectoral approach"*.¹

¹ Department of Social Development (2015). *Safe and Caring Communities: Strengthening Local Governance for Children: A child Friendly Communities Framework*. Pretoria

This Framework consists of Nine Building Blocks that are necessary to "build" a child friendly community. Through these building blocks communities will be able to:

- i. Create platforms for children to participate and influence community decisions and actions.
- ii. Base community decisions on a child-friendly legal framework.
- iii. Develop an inclusive community-wide children's rights strategy.
- iv. Create and utilize children's rights coordinating mechanisms.
- v. Empower children to assess their communities and community resources.
- vi. Promote, develop and implement child friendly budgets.
- vii. Produce a regular state of the community's children's report.
- viii. Make children's rights known by children and adults.
- ix. Support independent advocacy for children.

The Children's Act makes provision for municipalities to carry out their responsibilities to the benefit of children. It also seeks to realise some of the Building Blocks for child friendly communities. Lastly it defines how municipalities could create a child friendly environment as their contribution to the protection of children.

3. BACKGROUND

The Children's Act, seeks to afford children the necessary care, protection and assistance so that they can develop to their full potential. It gives effect to international and national obligations that the country has agreed to deliver on, as provided for in the:

- a. United Nations Convention on the Rights of the Child;
- b. African Charter on the Rights and Welfare of the Child and its Optional Protocols;
- c. Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoptions;
- d. Hague Convention on the Civil Aspects of International Child Abduction;

- e. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, amongst others, as well as
- f. The South African Constitution.

All of the aforementioned place an obligation on the national, provincial and local spheres of government to promote, protect and fulfil the rights of children.

Section 4 of the Children's Act explicitly place an obligation on all spheres of government and organs of state to implement the Act to the maximum extent possible.

This section states that;

“(1) The Act must be implemented by organs of state in the national, provincial and, where applicable, local spheres of government subject to any specific section of the Act and regulations allocating roles and responsibilities, in an integrated, co-ordinated and uniform manner.

“(2) Recognising that competing social and economic needs exist, organs of state in the national, provincial and where applicable, local spheres of government must, in the implementation of this Act, take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of the Act.”

Section 5 of the Children's Act further requires all organs of state at the national, provincial and local level to work together within a uniform approach to coordinate and integrate services to children. This section states that:

“To achieve the implementation of this Act in the manner referred to in section 4, all organs of state in the national, provincial and, where applicable, local spheres of government involved with the care, protection and well-being of children must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to children”

Thus, the State at the national, provincial and local level has a general responsibility to implement the Children's Act, but also have specific responsibilities that are explicitly assigned within the Act. These responsibilities can either be assigned directly, for example, powers conferred to the provincial Head of Social Development (HOD). The Act also makes provision for assignment of certain functions through agreement between a provincial HOD and a municipality. Functions that may be assigned relate to partial care, early childhood development and/or drop-in centres.

4. PURPOSE

This Document aims to provide essential information and guidance to provincial Departments of Social Development and municipalities on the implementation of the Children's Act, and to draw attention to the roles and responsibilities of municipalities as part of the Government, to provide services to children. The focus is primarily on the provisions of the Children's Act.

The Department of Social Development (DSD) as the principal stakeholder in the implementation of the Children's Act, deemed it appropriate and necessary to issue national guidelines to ensure uniform, consistent and coordinated application of the provisions of the Act in all provinces and municipalities.

This Document spells out the minimum **generic** requirements that will facilitate the assignment of certain functions in the Children's Act to municipalities and to guide municipalities on their roles and responsibilities to facilitate the implementation of the Act.

5. RATIONALE FOR THE GUIDELINES

One of the key requirements of the Children's Act, as mentioned above, is the assignment of functions to municipalities in a legally prescribed manner. Since the promulgation of the Act, it is noted that no functions have been assigned to

municipalities for partial care, early childhood development (ECD) programmes and drop-in centres as provided for in the Act. Neither does a uniform and coordinated framework or guideline for this exist.

The purpose of this document is to provide guidelines in line with provisions of the Children's Act on:

- The functions in the Children's Act, which may be assigned to municipalities.
- Secondly, to guide municipalities on their role to support and facilitate the implementation of the Act generally.

6. GUIDING PRINCIPLES

The guiding principles for this document derive from the provisions of the Children's Act itself in combination with the rights of the child as provided for in the South African Constitution (SAC).

- The **Best interests of the child** as safeguarded in section 28(2) of the South African Constitution and repeated in section 7 of the Children's Act.
- **Child-centred:** The system must be designed around, and in response to, the needs, rights and vulnerabilities of children.
- **Recognition of and respect for parents and families as primary duty-bearers of care and protection:** Parents and families are the primary duty-bearers for the provision of care to ensure the development and protection of their children; the system must prioritise maximising their capacity to do so.
- **Equity, non-discrimination and social inclusion:** This Document is founded on the universality of children's rights to survive, be protected from abuse and neglect, and develop to their full potential. This means that no children may be excluded from access to any of the child care and protection services provided for in legislation based on any of the constitutionally prohibited grounds, including race, gender, sex, ethnic or social origin, sexual orientation, age, disability, religion, conscience, language, culture or birth.

- The *distinctive, interdependent and interrelated nature* of the national, provincial and local spheres of government. (SAC Section 40(1))
- The *principles of co-operative and intergovernmental relations* that are based on mutual trust and good faith. (SAC Section 41)
- The *collaborative implementation of the Children's Act in an integrated, co-ordinated and uniform manner.* (Children's Act Section 4(1))
- *Reasonable measures to the maximum extent within the resources available to realise the objects of the Children's Act.* (Children's Act Section 4(2))
- *A uniform approach in coordinating and integrating services for the care, protection and well-being of children.* (Children's Act Section 5)

7. MUNICIPALITIES AS KEY DELIVERY SITES OF SERVICES TO CHILDREN

Poverty is a key development challenge in social, economic and political terms; not only in South Africa but throughout the developing world. In post-apartheid South Africa, fighting poverty and under-development has always been a central theme of Government. This is cemented in the in the National Development Plan (NDP) published in 2011. The guiding objectives of the NDP is the elimination of poverty and the reduction in inequality and all the elements of the plan must demonstrate their effect on these two objectives.

Given the fact that South Africa experiences high levels of poverty, unemployment and inequality. Municipalities are directly confronted with the day to day community challenges. As a result, a large part of the burden of addressing social challenges falls upon local government, as it is the provider of primary services, which are essential to the dignity of all who live in their area of jurisdiction.

Thus, local government is and remains the key site of delivery and development, and is central to the entire transformative project of the country. It is therefore a key mandate of local government (with the support of provincial and national government) to tackle the disparities and day to day challenges that face the country, especially with regard its children.

Many municipalities have already taken on work that relates to the care, protection and well-being of children as part of their mandate. This includes providing services to indigent households, the provisioning of safe water, provision and maintenance of recreational facilities for children (e.g. parks, swimming pools, and sports facilities), libraries, housing, sanitation, and health care services, amongst others.

Many municipalities draw up profiles on their wards (communities) that include specific issues pertaining to children. For example, they provide support and services to children living and working on the streets, children with disabilities, child headed households, set safety and health standards for facilities (partial care, entertainment centres, etc.) that take care of children. Some of these services are provided in terms of municipal policies and bylaws, municipal council resolutions or related provisions that guide and regulate operations at municipal level.

8. MUNICIPAL BY-LAWS

A number of municipalities have by-laws that have a direct bearing on the care, protection and well-being of children, such as by-laws on child care; by-laws on the use of recreational facilities such as swimming pools; by-laws on libraries; and so forth. These by-laws often differ significantly in standard and provision from municipality to municipality, and are not uniform. Thus, different standards are often set for services that relate to children in different municipalities, and some may not meet national requirements or the measures set out in the Children's Act.

In respect of bylaws, the Children's Act in section 3 provides that:

"In the event of a conflict between a section of this Act and.... (1)(b) "... a municipal by-law relating to the protection and well-being of children, the conflict must be resolved in terms of section 156 of the Constitution".

(2) In the event of a conflict between a regulation made in terms of this Act and ... (c) a municipality by-law, the conflict must be resolved in terms of section 156 of the Constitution",

Section 156(3) of the Constitution indicates that *"a by-law that conflicts with national or provincial legislation is invalid"*. Thus, municipal by-laws should be in line (and not in conflict) with the Children's Act.

Regarding the assignment of functions, section 156 of the Constitution provides for assignment of functions by national government or provincial government to a municipality. The assignment must be by agreement and may be subject to some conditions. The assignment should be for matters that would most effectively be administered locally and the municipality must have the capacity to administer it.

9. LEGAL REQUIREMENTS

The process of assigning functions to municipalities is regulated by the Constitution, the Children's Act 38 of 2005, the Local Government: Municipal Systems Act 32 of 2005 and the Financial and Fiscal Commission Act 99 of 1997 (as amended).

Section 3 (2A) of the Financial and Fiscal Commission Act 99 of 1997 as amended states that:

"an organ of state in one sphere of government which seeks to assign a power or function to an organ of state in another sphere of government in terms of a law must first, before assigning the power or function-

(i) notify the Commission of the fiscal and financial implications of such assignment on-

(aa) the future division of revenue raised nationally between the spheres of government as required by section 214 of the Constitution;

(bb) in the case of an assignment to a provincial or local organ of state, the fiscal power, fiscal capacity and efficiency of the relevant province or municipality; and

(cc) any transfer of employees, assets and liabilities, if any; and

(ii) request the recommendation or advice of the Commission regarding such assignment.”

According to section 10 (3) of the Local Government: Municipal Systems Act 32 of 2005, the Cabinet member or MEC initiating an agreement for assignment of functions to a municipality, must take appropriate steps to ensure sufficient funding, and capacity building initiatives as may be needed, for the performance of the assigned function or power by the municipality concerned if—

(a) the assignment of the function or power imposes a duty on the municipality concerned;

(b) that duty falls outside the functional areas listed in Part B of Schedule 4 or Part B of Schedule 5 to the Constitution or is not incidental to any of those functional areas; and

(c) the performance of that duty has financial implications for the municipality concerned.

7. ASSIGNMENT OF FUNCTIONS IN TERMS OF THE CHILDREN’S ACT

7.1. Assignable functions in terms of section 88, section 102 and section 225 of the Children’s Act

(a) The Children Act provides in sections 88(1), 102(1) and 225(1), for the assignment of functions in relation to partial care, early childhood development and drop-in-centres respectively.

Section 88 (1) outlines functions that may be assigned in relation to partial care. This section states that

“ The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions

contemplated in sections 80, 81, 82, 83, 84, 85 and 87 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned”.

These section relate to the:

- i. registration of facilities (S80),
- ii. assessment and consideration of applications (S81 and S82),
- iii. renewal of registration (S81),
- iv. conditional registration of facilities (S83),
- v. cancellation of registration (S84),
- vi. issuing of notices of enforcement (S85), and
- vii. maintaining records of partial care facilities and conducting inspections in partial care facilities (S87).

Section 102 (1) regulates functions that may be assigned to municipalities in relation to ECD services. According to this section,

“The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions contemplated in sections 95, 96, 97, 98, 99 and 100 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned”.

These sections focus on:

- i. registration of ECD programmes (S95),
- ii. assessment and consideration of applications (S96 and S97),
- iii. renewal of registration (S96),
- iv. conditional registration of programmes (S98),
- v. cancellation of registration (S99) and
- vi. issuing of notices of enforcement (S100).

Section 225(1) provides for the assignment of functions relating to drop-in centres. It states that,

“The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions contemplated in sections 217, 218, 219, 220, 221, 222 and 224 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned”.

These sections are similar to the provisions for partial care and ECD. They focus on:

- i. registration of drop-in centres,
- ii. assessment and consideration of applications,
- iii. renewal of registration,
- iv. conditional registration,
- v. cancellation of registration and
- vi. issuing of notices of enforcement.”

(b) The assignment of these functions must be in writing and in Annexure A of this Document.

7.2. The process of assignment of functions to municipalities.

- (a) The assignment of the functions can be either
- by way of a request from the provincial Department of Social Development to a specific municipality; or
 - by way of a request from a municipality to a provincial Department of Social Development.

(b) Though the initiation of the request for the assignment of the functions may differ and require different actions, the core process of the assignment of functions will remain the same as this Document will indicate.

7.2.1. Assignment of functions initiated by the provincial Department of Social Development

(a) The HOD, in consultation with MEC for Social Development, within the parameters of the provincial strategy for partial care and/or early childhood development and/or drop-in centres as contemplated in section 77(2) (b), section 92(2) (b) and section 214(2) (b) of the Children’s Act, respectively, may identify specific municipalities to which the functions as identified above may be assigned.

(b) The assignment of functions, shall take due consideration of aspects such as accessibility of services, effective service delivery and efficient use of resources.

(c) The HOD shall engage in bilateral discussions with the identified municipality to get an in-principle interim agreement on;

- willingness of the municipality to accept the possible assignment of functions;
- the procedures that will be followed;
- the timeframe attached to the process of the possible assignment of functions;
- an understanding that the assignment is subject to the municipality complying with minimum requirements with regard to capacity and the necessary funding to perform the functions set to be assigned as contemplated in sections 88(1), 102(1) or 225(1) of the Children’s Act, respectively.

(d) The HOD shall:

- Make the prescribed requirements known to the municipality.
- Establish a written interim agreement with the municipality that spells out the process, procedures, timeframes and roles and responsibilities of both parties.

7.2.2. Assignment initiated by municipality

(a) The municipal manager, in consultation with the Mayor and the Municipal Council, within the parameters of the Integrated Development Plan (IDP) of the municipality, may decide that the municipality has the capacity and funding as contemplated in sections 88(1), 102(1) or 225(1) of the Children's Act, respectively, and wish to have those functions for partial care and/or early childhood development and/or drop-in centres, assigned to it.

(b) The municipal manager shall engage in bilateral discussions with the HOD to indicate:

- The municipality's willingness to have functions assigned to it;
- That the municipality believes it has the capacity and funding to perform the functions set to be assigned as contemplated in sections 88(1), 102(1) or 225(1) of the Children's Act, respectively.
- The municipality's willingness to enter into a process of assessment by the provincial Department of Social Development to confirm its capacity, financial ability and readiness to have functions assigned to it.

(c) The HOD, in consultation with MEC for Social Development, shall consider the request by the municipality for the assignment of functions giving due consideration to the provincial strategy for partial care and/or early childhood development and/or drop-in centres as contemplated in section 77(2) (b), section 92(2) (b) and section 214(2) (b) of the Children's Act, respectively.

(d) The HOD shall:

- Inform the municipality of the decision of the provincial Department of Social Development to consider the municipality's request for the assignment of functions with 30 days after such a request was made;
- Indicate willingness to engage in a written interim agreement with municipality to ascertain if the municipality complies with minimum requirements with regard

to capacity to perform the functions set to be assigned as contemplated in sections 88(1), 102(1) or 225(1) of the Children's Act, respectively.

- Make certain prescribed requirements known to the municipality
- Inform the municipality in writing, of the requirements, any gaps, the timeframes and the procedures to be followed to comply with the requirements for the assignment of functions

7.3. Initial Interim agreement between the provincial Department of Social Development and a municipality

(a) The purpose of the interim agreement is to formalise the process of assessment of the municipality by the provincial Department of Social Development to ascertain whether the municipality meets the minimum requirements with regard to capacity and financing to perform the functions set to be assigned as contemplated in sections 88(1), 102(1) and 225(1) of the Children's Act, respectively. It is not a commitment by either party that any function will be assigned.

(b) The interim agreement shall contain the following minimum information:

- Mutual agreement to the assessment of the municipality for the purpose of assignment of functions.
- The specific procedures and timelines attached to the said assessment.
- The specific roles and responsibilities of each party (provincial Department of Social Development and municipality).
- Documents that need to be made available and persons who will be made available by the municipality for the assessment.
- An indication that the assessment does not commit either party to assign functions or accept the assignment of functions.
- Any other relevant matter that may be mutually agreed upon.

(c) The interim agreement shall be duly signed by the HOD and the municipal manager and should contain timeframes and requirements for reporting.

7.4. Basic Requirements for the assignment of functions to municipalities

(a) Sections 88(1), 102(1) and 225(1) of the Children's Act, respectively, indicate that the assignment of functions related to partial care, early childhood development and drop-in centres must correspond with minimum requirements with regard to capacity and financial ability of the municipality to perform the functions set to be assigned. The following paragraphs give an indication of the basic requirements that need to be in place for the assignment of functions to a municipality. These are linked to the assessment process that is dealt with in the section below.

(b) The minimum requirements with regard to the capacity of the municipality to perform the functions set to be assigned include:

(i) Requirements as set out in Regulation 22(2) of Children's Act 38 of 2005 regarding:

- a) Skills, knowledge and qualifications of staff that will enable the municipality to implement the assigned function;
- b) Adequate staff to implement the assigned functions;
- c) Ability of the municipality, including the allocated staff, to develop capacity and monitor the implementation of the minimum norms and standards as it pertains to the assigned function.
- d) The overall capacity of the municipality to implement the assigned function.
- e) The financial ability of the municipality in terms of allocated funding to sustain these functions.

(ii) The willingness of the municipality at political and administrative level to manage and implement the assigned function.

(iii) The financial management capacity of the municipality, inclusive of the available funding for the functions to be assigned.

(iv) The Integrated Development Plan (IDP) of the municipality and how it facilitates the intended assignment of functions and the Annual Performance Plan (APP) of the municipal manager.

(v) Existing policies and by-laws pertaining to services to children and compliance with national legislation with particular reference to the safety, development and inclusion of children with disabilities and chronic illnesses.

(vi) Data collection and information management technology system within the municipality that are needed to record, manage and implement the assigned functions.

(vii) Existing monitoring systems that will assist with compliance and the implementation of the assigned functions and reporting thereof.

(viii) Physical resources required for the implementation of the assigned functions such as infrastructure, vehicles, computers, printers, internet connection, furniture, etc.

(ix) Existing systems and procedures for the environmental health assessment of child care facilities.

(x) General working conditions of staff and observation of occupational health and safety measures.

(xi) Existence of a municipal profile that identifies the needs of children and families, focusing on the status of services and the demand for services that would be rendered through the functions to be assigned.

(xii) The identification of the special needs of children with disabilities and what those disabilities may be in the numbers that the municipality has to provide services for.

7.5. Assessment of a municipality by the provincial Department of Social Development

(a) The assessment of municipalities by the provincial Department of Social Development shall be uniform and based on the basic requirements mentioned above. This will ensure consistency and adherence with the provisions of the Children's Act, its regulations, minimum norms and standards and the requirements set out in this Document.

(b) The assessment shall contain two parts, namely:

(i) A self-assessment to be completed by the municipality based on the basic requirements which will be submitted to the provincial Department of Social Development prior to an assessment by the said Department.

(ii) An assessment by the provincial Department of Social Development based on the requirements in the Children's Act and the self-assessment by the municipality. The assessment shall be based on verifiable facts, sources and source documents.

(c) These shall be included in the assessment:

(i) The willingness and commitment to undertake the implementation of the assigned functions, giving consideration to the:

- Integrated Development Plan (IDP) of the municipality (provisions and level of current execution);
- Resolutions regarding the assignment of functions made by the Municipal Council as well as other related resolutions that pertain to the provision of services to children and families;
- Experience in service provision to children (existing services);
- Budget allocations of the municipality.

(ii) Skills and knowledge of staff, which will include:

- Qualification ;
- Experience and staff capacity;
- Content or technical knowledge of the particular function to be assigned;
- Financial management skills;
- Planning skills;
- Overall ability to implement programmes.

(iii) Staffing and staff structure to manage and implement the assigned functions, focusing on:

- Existing staff structures and location of the management of the assigned functions;
- Compliance of relevant staff members with professional registration;
- Support and supervision available to staff on the management and implementation of the assigned function.

- Roles and responsibilities (workplans) of identified staff.

(iv) Integrated Development Plan (IDP) of the municipality, with emphasis on:

- Linkages between the intended functions to be assigned and the objectives of the IDP;
- The budget allocated to the IDP's implementation;
- Provisions in the IDP to provide services to children and families;
- Implementation plan related to the IDP, and level of execution;
- Accountability structures and procedures related to the implementation of the IDP;
- Role of ward committees in the monitoring of the implementation of the IDP.

(v) Environmental health and safety assessments and procedures

- Environmental health policy and procedures;
- Monitoring of the compliance with environmental health standards;
- Procedure of issuing certificates and number certificates issued, withdrawn and reassessed in relation to ECD, partial care and drop-in centres;
- Timeframe of environmental health assessments and issuing of certificates.

(vi) By-laws and municipal policy

- Existing policy and by-laws that pertain to or impact on children and families and/or the functions to be assigned;
- Compliance with national legislation and policy;
- Involvement of service recipients/beneficiaries in the development and implementation of by-laws and policies;
- Monitoring of policy and by-law implementation once identified
- Coordination and collaboration with relevant stakeholders.

(vii) Monitoring, data collections and information technology needed for the implementation of the assigned functions:

- Data collection and capturing capacity;
- Available data and how it is used;

- How data feed into the IDP and action plans;
- Monitoring mechanisms and systems in place;
- Reporting mechanisms in place and accountability lines;
- Role of the municipal council in the monitoring of service delivery.

7.6. Assessment report, review and recommendation

(a) The provincial Department of Social Development shall compile a comprehensive report on the assessment, based on the principles set out in the section above, which will provide a factual and impartial analysis of whether the municipality meets the minimum requirements for the assignment of functions as contemplated in sections 88(1), 102(1) and 225(1) of the Children's Act.

(b) The said report shall indicate the:

- Process and procedures followed in the assessment;
- Names, position and qualifications of staff from the provincial Department of Social Development who conducted the processes and were involved in the assessment of the municipality;
- Details of the parties (persons/groups), the documents and the sources consulted;
- Main findings against the stipulated requirements and assessment criteria;
- Recommendation in relation to the assignment of functions, i.e. recommended; recommended with conditions or not recommended;
- Contact person in the provincial Department of Social Development;
- Copy of the self-assessment by the municipality.

(c) The report shall be submitted to the Municipal Manager to provide the municipality an opportunity to comment, in writing, and correct facts (in writing with evidence) within 30 days. The revised report will then be made available to the Municipal Manager within 30 days.

(d) The person who conducted the assessment shall give due consideration to the comments and inputs of the Municipality in compiling the final report to be submitted to HOD and Municipal Manager.

7.7. Decision on the assignment of functions by the HOD

The HOD giving due consideration to the report compiled based on the assessment of the municipality and the recommendations made therein and any further input or evidence, may make a decision in relation to the assignment of functions regarding partial care, early childhood development or drop-in centres as contemplated in the relevant section decide to:

- (i) Assign a function to the municipality (unconditional); or
- (ii) Assign a function to the municipality with certain conditions and provide a motivation; or
- (iii) Not assign a function to a municipality, with reasons.

(b) The HOD shall communicate his/or her decision to the Municipal Manager in writing within 30 days with a clear indication on the process to be followed.

(c) The Municipal Manager shall acknowledge receipt in writing of the aforementioned letter and

- (i) Indicate that the municipality is willing to proceed with the assignment of functions if such functions were to be assigned; or
- (ii) Indicate that the municipality is willing to proceed with the assignment of functions with certain conditions if such functions were to be assigned with conditions; or
- (iii) Indicate that the municipality notes the decision of the HOD not to assign functions and that it is satisfied with the reason given;

(iv) Indicate that the municipality notes the decision of the HOD not to assign functions and that it is not satisfied with the reason given.

(d) In the case where the HOD decides not to assign any functions to the municipality and the municipality is not satisfied with the reasons given, the municipality may request the decision to be reviewed.

(i) The Municipal Manager has to lodge such a request with the office of the MEC in the province where the municipality is situated within 30 days and request the MEC to review the decision.

(ii) The MEC for Social Development in consultation with the MEC responsible for Local Government shall review the decision by the HOD, in order to ascertain whether all facts were considered in the application and whether a just and fair decision was taken. Based on the aforementioned the MEC for Social Development shall reach a final decision and communicate that to the municipal manager and the HOD.

7.8. Agreement between the provincial Department of Social Development and a municipality on the assignment of functions

Regulation 22(4) prescribes that the following items shall be included in the agreement on the assignment of functions:

- (a) A strategic plan containing a business plan for a period of three years, an operational plan for a period of a year on year basis and a budget for the period of three years;
- (b) A service level agreement;
- (c) An organogram for the component/s responsible for the administration of the assigned functions; and
- (d) A provision to the effect that the items contemplated in paragraphs (a), (b) and (c) must be reviewed, updated and reported on annually.

In addition to the requirements as set out in regulation 22(4), the formal agreement shall include the following:

- (i) Details on the specific function(s) that is/are assigned;
- (ii) Funding arrangements, if any, in respect of the functions that are assigned, and including the arrangements for the transfer of funds and conditions attached to it;
- (iii) Staffing and capacity arrangements;
- (iv) Training, capacity development and mentoring;
- (v) Monitoring and reporting;
- (vi) Review of agreement;
- (vii) Timeframes related to the assignment of functions;
- (viii) Transitional arrangements for the transfer of functions from the provincial department of social department to the municipality;
- (ix) Conditions, if any;
- (x) Any other matters that need to be included in the agreement.

7.9. Transitional arrangements

(a) When functions are assigned, it is essential that certain transitional arrangements be made to ensure the smooth transfer of the assigned functions and to prevent the disruption of services, agreements with service providers and related matters.

(b) These transitional arrangements should be based on an agreed plan and be included in the agreement between the provincial Department of Social Development and the municipality.

(c) These transitional arrangements shall include, but not be limited to, the following:

- Agreed transitional function period/timeframe;
- Joint communication to all stakeholders based on a communication plan indicating the change in arrangements, communication, contact people, etc.;

- Orientation and capacity development of municipal staff in relation to the assigned function;
- Budget agreements and arrangements;
- Transfer of files and relevant documents;
- Handover report from provincial Department of Social Development to the municipality;
- Handover of data and information database from the provincial Department of Social Development to the municipality.

7.10. Implementation of the assigned functions by the municipality

(a) The implementation of the assigned functions shall be in accordance with the signed agreement, based on the strategic plan, an operational plan and a budget for a period of three years.

(b) The municipality is responsible for adherence to the requirements of the Children's Act, its Regulations and Norms and Standards as they pertain to the assigned function.

(c) The municipality shall employ its internal mechanisms for the monitoring and reporting of service delivery.

(d) The provincial Department of Social Development shall continue with mentoring and capacity development of the municipality as agreed.

(e) The municipality shall include a human resource capacity development strategy pertaining to the execution of the assigned function in its overall human resource development strategy and budget.

(f) The municipality shall communicate with the provincial Department of Social Development as agreed or as the need arises on issues pertaining to implementation.

(g) The municipality may establish a local mechanism to coordinate services in relation to the assigned function or functions.

7.11. Monitoring and review by the provincial Department of Social Development

(a) The provincial Department of Social Development is responsible for monitoring the agreement on the assigned functions and the implementation of the agreement. In order to give effect to the aforementioned, the provincial Department of Social Development and the municipality will need to agree on the:

- (i) Indicators to be monitored;
- (ii) Reports to be submitted by the municipality and the timeframes related to such reporting undertakings (timeframes can be shorter in the beginning and extend over time);
- (iii) Monitoring and support visits to the municipality at least every six months;
- (iv) Quality assurance to be conducted at least annually during the first three years and every three years thereafter.

(b) The HOD may, at any time, review the agreement on the assignment of functions to a municipality, based on the findings of any monitoring report or visit by the provincial Department of Social Development.

7.12. Amendment of agreement to the assigned functions

(a) The HOD may, as contemplated in sections 88 (8) (c) (i), 102(8) (c) (i) and 225(8) (c) (i), amend the written agreement with the municipality on the assignment of functions. Such an amendment would be based on the monitoring by the provincial Department of Social Development of the implementation of the functions assigned, as contemplated in sections 88 (8)(a), 102(8)(a) and 225(8)(a) of the Children's Act. The amendment may also include reduction, addition, restriction or conditions on the assigned functions. The HOD must communicate in writing his or her intention and

decision to amend the assignment and allow the municipal Manager 30 days to respond.

(b) The Municipal Manager may also request the HOD, with reasons, to amend the written agreement with the municipality on the assignment of functions.

7.13. Withdrawal of the agreement on the assignment of functions

- a) The HOD may, as contemplated in sections 88 (8) (c) (ii), 102(8) (c) (ii) and 225(8) (c) (ii), withdraw the written agreement with the municipality on the assignment of functions if it appears that the municipality no longer has the capacity to perform some or all of the functions that were assigned. Such a withdrawal will be based on the monitoring performed by the provincial Department of Social Development of the implementation of the functions assigned, as contemplated in sections 88 (8)(a), 102(8)(a) and 225(8)(a) of the Children's Act.
- b) The Municipal Manager may request the HOD, with reasons, to withdraw some or all of the functions that were assigned.
- c) In the case of a withdrawal of the functions assigned, transitional arrangements shall be made to ensure the smooth transfer of functions back to the provincial Department of Social Development.
- d) The withdrawal of assigned functions should not have adverse effects on service beneficiaries.

7.14. Procedures for the delegations by the municipal manager

(a) Any power or duty that the municipal manager delegates in terms of 88(3), 102(3) and 225(3) of the Children's Act, shall be subject to the provisions of the Children's Act and;

- (i) shall be in writing;
- (ii) Shall be specific;
- (iii) Shall indicate the specific post level and provide details of the person so delegated.

8. GUIDELINES FOR MUNICIPALITIES TO SUPPORT AND FACILITATE THE IMPLEMENTATION OF THE CHILDREN'S ACT

8.1. Play and recreation

Section 6 of the Children's Act dealing with general principles, has as one of its principles 'the recognition of the child's need for development and to engage in play and other recreational activities appropriate to the child's age.'

As municipalities have the executive authority in relation to the establishment and maintenance of amusement facilities, local amenities, sport facilities, municipal parks and recreational facilities, they therefore have a responsibility to give effect to section 6 (2) (e) of the Act.

8.2. Services for children with disabilities

All stakeholders and organs of state involved in the implementation of the Act must recognize and respect the rights of children with disabilities and create an enabling environment to respond to the special needs that these children have.

Municipalities have authority in relation to child care facilities, local amenities, municipal health services, as well as public transport.

Therefore, they have to ensure an enabling environment for children with disabilities by making public amenities, facilities and public transport accessible to children with disabilities.

Municipal health and welfare services should provide the necessary support services to children with disabilities as provided for in section 11(d) of the Children's Act.

8.3. Provision of health services

In their endeavour to provide health services, municipalities should ensure that children and their families have access to information on health promotion, the prevention and treatment of ill-health and disease, sexuality and reproduction needs. (Section 13 of the Children's Act).

The Children's Act acknowledges primary obligation of parents to care for and guide their children. However, there are some children without proper parental guidance, those who experiment and get involved in sexual activities, as well as those who are victims of abuse. Taking into account these categories of children, providing reproductive health services to such children is important as a prevention measure to avoid unwanted pregnancies and contracting of sexually transmitted infections.

Municipal health facilities that provide reproductive health services should provide such services to children upon request of the children in terms of section 134 of the Act.

Notwithstanding the provisions of section 134, the Act has built in a protective measure in section 110. Section 110 (1) stipulates that a health practitioner, who on reasonable grounds concludes that a child is being abused, must report that conclusion to a designated social worker or a police official. A **'designated social worker'** for this purpose, is a social worker in the service of-

- (a) the department of social development;
- (b) a designated child protection organisation; or
- (c) a municipality;

A child who approaches a health practitioner for reproductive health services may be found to be a child in need of care and protection and might require child protection services.

8.4. Provision of childcare facilities

Partial care facilities that provide ECD programmes, after school centers/services and respite care centre /services, as well as drop-in centres may be regarded as child care facilities over which municipalities have executive authority in terms of the Constitution.

This means that municipalities are empowered by the Constitution to provide these facilities and there is no need for the Department of Social Development to assign the function to municipalities to provide these services.

8.5. Child Protection Services

Section 110 of the Act provides a list of persons who are obliged to report cases of abuse and/ or deliberate neglect of children. Professionals and practitioners employed by municipalities including social workers, health practitioners, social service practitioners, staff members and volunteers at childcare facilities are obliged to report cases to the local Department of Social Development, a designated child protection organization or a police official using Form 22.

Municipal employees who work directly with children, including social workers, volunteers, community development workers, librarians, lifeguards at swimming pools, etc., shall be subject to screening against the National Child Protection Register as contemplated in the Children's Act and the National Register for Sex Offenders.

Before appointing a person to work with or have access to children, a municipality must forward a request to the Director-General of Social Development using Form 29

to establish whether that person's name appears in Part B of the National Child Protection Register. A manager of a childcare facility that operates in a municipality must also forward Form 29 requests for their current employees and Form 30 requests for themselves to establish whether their names appear in the National Child Protection Register.

8.6. Prevention and early intervention services

The direct role of municipalities in providing prevention and early intervention services/programmes include:

- Assisting families to obtain the basic necessities of life.
- Empowering families to obtain such necessities for themselves.
- Providing families with information to enable them to access appropriate and relevant services.
- The basic necessities of life may include relevant documents such as birth certificates or identity documents; food, shelter, sanitation, water, ablution services or health care services.
- Programmes in line with by-laws relevant to children

8.7. Services to vulnerable children

Municipalities are close to communities, hence they play an important role in identifying and referring vulnerable children including children who are abused, neglected, exploited or trafficked; children without proper care and supervision; children in child headed households; children living, begging and working on the streets and children involved in child labour. These children may be reported to the local social development office, child protection organization or police.

Those municipalities that offer welfare services have an obligation to offer relevant assistance to such children; however, those children who need statutory intervention

should be referred to a designated social worker at a Designated Child Protection Organization or Provincial DSD.

8.8. Places of entertainment for children

Municipalities that have amusement, sports, and recreation facilities that accommodate children and are used by children should comply with section 140 of the Children's Act to ensure the safety of children and that children do not have access to alcohol, drugs, illegal substances or tobacco products.

The municipality has an obligation to inspect such facilities in terms of section 140(5).

Should a child be identified as a child at risk at a place of entertainment he/she should be referred to a designated social worker.

8.9. Norms and standards

The norms and standards for partial care facilities and drop-in centres require these facilities to:

- Provide a safe environment for children including the structural safety of the building.
- Adequate space and ventilation.
- Safe drinking water.
- Hygienic and adequate toilet facilities.
- Access to refuse disposal services.

It is the primary duty of municipalities to provide water, sanitation, sewage disposal, refuse removal and building regulations.

Municipalities should therefore assist facilities to comply with the norms and standards in order to be registered.

In relation to partial care, the transport operators are required to possess the necessary permits and they should comply with the transport safety regulations.

Municipal police officials have an obligation to ensure that transport operators comply with the relevant traffic and safety rules.

8.10. Issuing of relevant certificates

According to Regulation 14(f) of the Children's Act, the municipality is required to issue a health certificate to confirm compliance of a partial care facility with the structural health requirements. In addition, new partial care buildings and alterations to buildings must comply with the National Building Regulations and Building Standards Act 103 of 1997, which is administered by municipalities.

In relation to child and youth care centres, the municipality must issue a certificate to confirm that a facility complies with the national and local building regulations, as well as the structural safety, health and other requirements of the municipality. The municipality has a responsibility to inspect the relevant facility before issuing a health certificate. They also have an obligation to assist and guide facilities to comply with the municipality by-laws and regulations.

9. MUNICIPAL BY-LAWS IN RELATIONS TO THE ACT

Municipal by-laws pertaining to children shall not be in conflict with the Children's Act or provide for lesser quality standards for services to children than any national legislation.

Municipalities may seek advice from the Department of Social Development in the development and review of their by-laws, for example, by-laws relating to removal of children living, working or begging on the streets or by-laws for issuing health certificates for registration of child care facilities.

10. ROLES AND RESPONSIBILITIES

Element	Principles	Recommended practice
1. Finance and capacity	A provincial Department of Social Development initiating the assignment of functions or powers to a municipality must ensure sufficient funding and capacity building initiatives as may be needed for the performance of the assigned functions or powers by the municipalities concerned.	<p>The MEC and the HOD must take appropriate steps to ensure sufficient funding, and capacity building initiatives if—</p> <p>(a) the assignment imposes a duty on the municipalities concerned;</p> <p>(b) that duty falls outside the functional areas listed in Part B of Schedule 4 or Part B of Schedule 5 of the Constitution or is not incidental to any of those functional areas; and</p> <p>(c) the performance of that duty has financial implications for the municipality concerned.</p> <p>Where applicable, the agreement between the Department and the municipality must stipulate the provision of adequate resources, payment schedules, and so on.</p>
	A municipality initiating the assignment of	The Municipal Manager must ensure an assessment of the

Element	Principles	Recommended practice
	functions or powers must ensure sufficient funding and capacity as may be needed for the performance of the assigned function or power concerned.	<p>financial and human resource capacity of the municipality to perform the envisaged functions.</p> <p>The results of the assessment must be contained in an assessment report.</p> <p>Where applicable, the Agreement between the Department and the municipality must stipulate the resources the municipality will provide and any additional resources required from the Department to close the funding or human resource gap.</p>
2. Assessment of the municipality	The municipality must conduct an internal assessment and compile an assessment report before an assessment by the Department.	<p>Conduct a needs assessment to assess the capacity of the municipality to perform the function in respect of:</p> <ul style="list-style-type: none"> • Adequate staff, including relevant social service professionals who are

Element	Principles	Recommended practice
	The Department must in consultation with the municipality, conduct a comprehensive assessment of a municipality before assigning any functions in terms of the Children's Act.	<p>suitably qualified and skilled.</p> <ul style="list-style-type: none"> • The ability to render the required services and to ensure compliance with legislation and the relevant norms and standards. • The capacity to manage the functions to be assigned. • Financial resources required to perform the functions that will be assigned.
3. Service Delivery Agreement	The Department and the relevant municipality must sign a Service Delivery Agreement before any assigned functions may be performed.	<p>Develop and sign an agreement with regard to the assignment of the function. The agreement must be accompanied by the following:</p> <ul style="list-style-type: none"> • A clause stating the duration of the agreement. • Clearly defined roles and responsibilities. • A strategic plan containing an operational plan for a period of one

Element	Principles	Recommended practice
		<p>year and a budget for a period of three years.</p> <ul style="list-style-type: none"> An organogram for the staff establishment responsible for the administration of the assigned functions. <p>The strategic plan, the service level agreement and organogram must be reviewed and updated every three years.</p> <p>The agreement must be signed and dated by the relevant parties in the presence of two witnesses for each party.</p> <p>The agreement must be in a form similar to Form 55 in terms of the Children's Act or Annexure A .</p>
4. Responsible leadership	The HOD and the Municipal Manager should provide effective leadership based on an ethical and corruption free foundation.	<p>Ethical leaders should:</p> <ul style="list-style-type: none"> Direct the strategy and operations to build sustainable services; Consider the short- and long-term impact of the

Element	Principles	Recommended practice
		<p>strategy on the community and society</p> <ul style="list-style-type: none"> Take account of the organisation's impact on internal and external stakeholders. The municipal council of a municipality, has the duty to exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community, within the municipality's financial and administrative capacity,
5. Performance assessment after the assignment of functions.	The performance of the assigned functions should be evaluated within the prescribed periods as contained in the Service Delivery Agreement.	<ul style="list-style-type: none"> The Provincial Department and the municipality should set performance criteria that will serve as a benchmark for the performance appraisal. Performance monitoring should be performed by both parties and the results should identify

Element	Principles	Recommended practice
		<p>developmental needs, which will inform the Organisational Development Plan.</p> <ul style="list-style-type: none"> • An overview of the appraisal process, results and action plans should be disclosed in an integrated report. • The continuation of the performance of the assigned functions should only occur after an appraisal that reveals satisfactory results.
6. Monitoring and evaluation of assigned functions.		
6.1. Audit		
6.1.1. The need for and role of internal audit.	The municipality should ensure that there is an effective risk-based internal audit.	<p>The municipality should establish an internal audit function. The internal audit should perform the following functions:</p> <ul style="list-style-type: none"> • Evaluate the municipality's governance processes; • Perform an objective

Element	Principles	Recommended practice
		<p>assessment of the effectiveness of risk management and the internal control framework;</p> <ul style="list-style-type: none"> • Systematically analyse and evaluate business processes, the governance of the functions assigned and associated controls; and • Provide guidelines for dealing with cases of fraud, corruption, theft, unethical behaviour and irregularities.
	The audit committee should be an integral component of the risk management process.	<p>The Terms of Reference of the audit committee should set out its responsibilities regarding risk management. The audit committee should specifically have oversight of:</p>

Element	Principles	Recommended practice
		<ul style="list-style-type: none"> financial reporting risks; internal financial controls; fraud risks as it relates to financial reporting.
6.1.2. Reporting on the results of the internal audit.	The audit committee should report on how it has discharged its duties over the intervals as agreed in the terms of reference	The audit committee should report internally to the municipal council on how its duties were carried out, findings made, and any recommendations.
6.2. The governance of risk		
6.2.1. Management's responsibility for risk management.	The municipal manager should be responsible for the governance of risk	<p>A plan for a system and process of risk management should be developed.</p> <p>The municipal manager should ensure that the implementation of the risk management plan is monitored continually</p>

Element	Principles	Recommended practice
6.2.2. Risk assessment	The municipal manager should ensure that risk assessments are performed on a continual basis	<p>The municipality must ensure effective and ongoing risk assessments.</p> <p>A systematic, documented, formal risk assessment should be conducted at least once a year by the municipality.</p> <p>Risks should be prioritised and ranked to focus responses from and interventions by.....</p> <p>The risk assessment process should identify the risks affecting various assigned functions, the sustainability of services and the legitimate interests and expectations of stakeholders.</p>
6.2.3. Risk monitoring	The municipal manager should ensure continual risk	The municipal manager should

Element	Principles	Recommended practice
	monitoring and appropriate risk responses.	<p>ensure that effective and continual monitoring of risk management takes place.</p> <p>The responsibility for monitoring should be defined in the risk management plan.</p> <p>Management should also demonstrate how risk response provides for the identification and exploitation of opportunities to improve the performance of the municipality in respect of the assigned functions.</p>
6.2.4. Risk assurance	The Provincial Department of Social Development should receive assurance regarding the effectiveness of the risk management process	The municipality should provide assurance to the Provincial Department of Social Development that the risk management plan

Element	Principles	Recommended practice
		<p>is integrated in its routine activities and is supported by evidence.</p> <p>Internal audit should provide a written assessment of the effectiveness of the system of internal controls and risk management to the municipal council.</p>
6.2.5. Risk disclosure	The municipality should ensure that there are processes in place enabling complete, timely, relevant, accurate and accessible risk disclosure to the Department and stakeholders supported by evidence.	<p>Undue, unexpected or unusual risks should be disclosed in the monitoring and evaluation report. Emergency measures should also be detailed.</p> <p>The municipality should disclose its view on the effectiveness of the risk management process in the M&E report.</p>

Element	Principles	Recommended practice
7. Compliance with laws, rules, codes and standards	The municipal manager should ensure that the municipality complies with applicable laws and must impose consider adherence to rules, codes and standards and layout the penalties for non-compliance.	<p>Municipalities must comply with all applicable laws.</p> <p>Exceptions permitted in law, shortcomings and proposed changes expected should be handled ethically and in an informed manner</p> <p>Compliance should be a legal and ethical imperative.</p> <p>Compliance with applicable laws should be understood not only in terms of the obligations that they create, but also for the rights and protections that they afford.</p> <p>The municipality should understand the context of the Children's Act and</p>

Element	Principles	Recommended practice
		how other applicable legislation interact with it.

11. COMMUNICATION PLAN

Provincial Heads of Social Development and Provincial Heads of Departments responsible for Local Government are requested to bring the content, responsibilities and compliance issues of this Document to the attention of relevant social workers, social auxiliary workers, child and youth care workers, community development workers and practitioners, municipal managers and mayors.

ANNEXURE A: AGREEMENT FORM**AGREEMENT BETWEEN PROVINCIAL HEAD OF SOCIAL DEVELOPMENT AND MUNICIPALITY IN TERMS OF (Regulation 22, 29 and 96)****[SECTION 88 (2), 102 (2) and 225(2) OF THE CHILDREN'S ACT 38 OF 2005]**

I _____
 (full names) in my capacity as the Head of the Provincial Department of Social Development in the _____ Province (name of the province) and duly authorized bythereto

AND

I _____ (full names) in my capacity as the Municipal Manager of the _____ (name of municipality) and duly authorized thereto

hereby agree that the functions contemplated in the following sections of the Children's Act, Act 38 of 2005 be assigned to the Municipal Manager of the _____ (name of municipality) with effect from _____ to _____ (date)

(Tick whichever is applicable)

Partial Care	(tick with an X)	ECD	(tick with an X)	Drop in centres	(tick with an X)
80		95		217	
81		96		218	
82		97		219	
83		98		220	
84		99		221	
85		100		222	
87				224	

SIGNED at _____ on this _____ day of _____

As Witnesses:

1.
2.

Provincial HOD

As Witnesses:

1.
2.

Municipal Manager

SIGNED aton thisday of
.....(20.....)

ANNEXURE B: FORM 22

REPORTING OF ABUSE OR DELIBERATE NEGLECT OF CHILD

(Regulation 33)

[SECTION 110 OF THE CHILDREN'S ACT 38 OF 2005]

REPORTING OF ABUSE TO PROVINCIAL DEPARTMENT OF SOCIAL DEVELOPMENT, DESIGNATED CHILD PROTECTION ORGANISATION OR POLICE OFFICIAL

NOTE: A SEPARATE FORM MUST BE COMPLETED FOR EACH CHILD

TO: The Head of the Department

.....

.....

.....

.....

Pursuant to section 110 of the Children's Act, 2005, and for purposes of section 114(1)(a) of the Act, you are hereby advised that a child has been abused in a manner causing physical injury/ sexually abused/ deliberately neglected or is in need of care and protection.

Source of report (do not identify person)				<input type="checkbox"/> Victim	<input type="checkbox"/> Relative	<input type="checkbox"/> Parent
<input type="checkbox"/> Neighbour				<input type="checkbox"/> friend	<input type="checkbox"/> Professional (specify)	
<input type="checkbox"/> Other (specify)						
Date Reported to child protection organisation:				DD	MM	CCYY

1. CHILD: (COMPLETE PER CHILD)						
Surname			Full name(s)			
Gender:	M	F	Date of Birth:	DD	MM	CCYY
School Name:			Grade:		Age / Estimated Age:	
* ID no:			* Passport no:			
Contact no:						

2. CATEGORY OF CHILD IN NEED OF CARE AND PROTECTION			
<input type="checkbox"/> Child abuse	<input type="checkbox"/> Child labour	<input type="checkbox"/> Child trafficking	<input type="checkbox"/> Street child
<input type="checkbox"/> Commercial sexual exploitation	<input type="checkbox"/> Exploited children	<input type="checkbox"/> Child abduction	

3. OTHER INTERVENTION – CONTACT PERSON TRUSTED BY CHILD	
Surname:	Name:
Physical address:	Telephone number:
Other children interviewed: <input type="checkbox"/> Yes <input type="checkbox"/> No Number :	

4. CAREGIVER INFORMATION (If not same as trusted person or parent(s) of child)	
Surname:	Name:
Physical Address:	Postal address
Relationship to child:	
Telephone number:	Mobile:

5. ALLEGED ABUSER						
5.1) Surname				Full Name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID No:				Age:		
* Passport No:				* Drivers license number:		
Also known as:				Relationship to child: <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Grandfather <input type="checkbox"/> Grandmother <input type="checkbox"/> Step father <input type="checkbox"/> Step mother		

Street Address (include postal code):	<input type="checkbox"/> Foster father <input type="checkbox"/> Aunt <input type="checkbox"/> Uncle
	<input type="checkbox"/> Foster mother <input type="checkbox"/> Sibling <input type="checkbox"/> Caregiver
	<input type="checkbox"/> Professional: social worker/police officer/teacher/caregiver/priest/dr/volunteer
	<input type="checkbox"/> Other (specify) Other (specify)
Postal Code:	

5.2) WHEREABOUTS OF ALLEGED PERPETRATOR:

☐ Section 153 (Request for removal by SAPS)
 ☐ Still in home

☐ In hospital (Name/Place.....)

☐ In detention (Name/Place.....)

☐ Living somewhere else (Address.....)

☐ Whereabouts unknown
 ☐ Un-identified

6. PARENTS OF CHILD (If other than above)						
Surname: Father / Step-father				Full name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID number:				Age:		
Surname: Mother / Step-mother				Full name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID number:				Age:		
Names and ages of siblings or other children if helpful for tracking						
Surname		Full names			Age/Date of birth	
Street Address (include postal code):					Postal Code:	

--	--

7. ABUSE									
Date of Incident:			If date unknown (mark with X here):	Episodic/ongoing from (date)			Reported to CPR:		
DD	MM	CCYY		DD	MM	CCYY	DD	MM	CCYY
Place of incident: <input type="checkbox"/> Child's home <input type="checkbox"/> Field <input type="checkbox"/> Tavern <input type="checkbox"/> School <input type="checkbox"/> Friend's place <input type="checkbox"/> After school centre <input type="checkbox"/> ECD Centre <input type="checkbox"/> Neighbour <input type="checkbox"/> Private hostel <input type="checkbox"/> Child and youth care centre <input type="checkbox"/> Foster home <input type="checkbox"/> Temporary safe care <input type="checkbox"/> temporary respite care <input type="checkbox"/> Other (specify)									
7.1) TYPE OF ABUSE (Tick only the one that indicates the key motive of intent)									
Physical			Emotional		Sexual		Deliberate neglect		
7.2) INDICATORS (Check any that apply)									
<u>PHYSICAL:</u> <input type="checkbox"/> Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Burns/Scalding <input type="checkbox"/> Fractures <input type="checkbox"/> Other physical illness <input type="checkbox"/> Cuts <input type="checkbox"/> Welts <input type="checkbox"/> Repeated injuries <input type="checkbox"/> Fatal injury (date of death) <input type="checkbox"/> Injury to internal organs <input type="checkbox"/> Head injuries <input type="checkbox"/> No visible injuries (elaborate) <input type="checkbox"/> Poisoning (specify) <input type="checkbox"/> Other Behavioral or physical (specify)									

<u>EMOTIONAL:</u> <input type="checkbox"/> Withdrawal <input type="checkbox"/> Depression <input type="checkbox"/> Self destructive aggressive behaviour <input type="checkbox"/> Corruption through exposure to illegal activities <input type="checkbox"/> Deprivation of affection <input type="checkbox"/> Exposure to anti-social activities <input type="checkbox"/> Exposure to family violence <input type="checkbox"/> Parent or care giver negative mental condition <input type="checkbox"/> Inappropriate and continued criticism <input type="checkbox"/> Humiliation <input type="checkbox"/> Isolation <input type="checkbox"/> Threats <input type="checkbox"/> Development Delays <input type="checkbox"/> Oppression <input type="checkbox"/> Rejection <input type="checkbox"/> Accusations <input type="checkbox"/> Anxiety <input type="checkbox"/> Lack of cognitive stimulation <input type="checkbox"/> Mental, emotional or developmental condition requiring treatment (specify)	
<u>SEXUAL:</u> <input type="checkbox"/> Contact abuse <input type="checkbox"/> Rape <input type="checkbox"/> Sodomy <input type="checkbox"/> Masturbation <input type="checkbox"/> Oral sex area <input type="checkbox"/> Molestation <input type="checkbox"/> Non contact abuse (flashing, peeping) <input type="checkbox"/> Irritation, pain, injury to genital <input type="checkbox"/> Other indicators of sexual molestation or exploitation (specify)	
<u>DELIBERATE NEGLECT:</u> <input type="checkbox"/> Malnutrition <input type="checkbox"/> Medical <input type="checkbox"/> Physical <input type="checkbox"/> Educational <input type="checkbox"/> Refusal to assume parental responsibility <input type="checkbox"/> Neglectful supervision <input type="checkbox"/> Abandonment	
7.3) Indicate overall degree of risk to child:	
<input type="checkbox"/> Mild <input type="checkbox"/> Moderate <input type="checkbox"/> Severe <input type="checkbox"/> Unknown	

7.4) Where applicable, tick the secondary type of abuse or multiple abuse: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Sexual	Physical	Emotional	Deliberate Neglect
Brief explanation of occurrence(s) (including a statement describing frequency and duration)			
8. MEDICAL INTERVENTION (*)			
Examined by:	Treatment received:	Where (name of hospital, clinic, private doctor):	Hospitalised:
<input type="checkbox"/> Doctor	<input type="checkbox"/> Yes		<input type="checkbox"/> For assessment
<input type="checkbox"/> Reg. Nurse	<input type="checkbox"/> No		<input type="checkbox"/> For treatment
			<input type="checkbox"/> As temporary safe care (place of safety)
Contact person:	Contact person:	Contact person:	Contact person:
Telephone No:	Telephone No:	Telephone No:	Telephone No:

9. CHILDREN'S COURT INTERVENTION (*)			
Removal of child to temporary safe care (Section 152):		Date	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	MM	DD CCYY

10. SAPS: (ACTION RELATED TO ALLEGED ABUSER(S)) – (*)		
Reported to SAPS:	Charges laid:	Date

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	DD	MM	CCYY
CASE NR		Police Station		Telephone Nr		
Name of Police Officer		Rank of Police Officer				

11. CHILD KNOWN TO DESIGNATED CHILD PROTECTION ORGANISATION (DCPO)/ SOCIAL DEVELOPMENT(DSD)?						
11.1) Child known to DCPO/DSD ? : <input type="checkbox"/> Yes <input type="checkbox"/> No						
Name of DCPO/DSD Office:		Contact number		Reference number		
12. DETAILS OF PERSON WHO REPORTS ALLEGED ABUSE (Refers to a professional or mandatory obliged to report child abuse in terms of Section 110(1))						
CAPACITY(OF INFORMANT)						
Caregiver	Correctional Official	Child and Youth Care Centre	Dentist	Doctor	Drop in Centre	
Homeopath	Labour Inspector	Legal Practitioner	Midwife	Member of staff – partial care facility	Medical Practitioner	
Minister of Religion	Nurse	Occupational Therapist	Psychologist	Police Official	Physiotherapist	
Religious leader		Social service professional		Social worker		
Speech therapist		Shelter		Traditional leader		

Teacher	Traditional health practitioner	Volunteer Worker – partial care facility
Other (specify)		
Surname of informant	Name of informant	Name of employer
Employer Address	Work Telephone Nr	Fax Number
Email Address		

(*) = Complete if information is available or applicable

Date: _____

Official Stamp

I declare that the particulars set out in the above mentioned statement are true and correct to the best of my knowledge.

Signature of informant: _____

ANNEXURE C: FORM 29**INQUIRY BY EMPLOYER TO ESTABLISH WHETHER PERSON'S NAME APPEARS IN PART B OF
NATIONAL CHILD PROTECTION REGISTER**

(Regulation 44)

[SECTION 126 OF THE CHILDREN'S ACT 38 OF 2005]

TO: The Director-General
Department of Social Development
Private Bag X901
PRETORIA
0001

Dear Sir / Madam

In terms of section 126(1) / 126(2)* of the children's Act, (No. 38 of 2005), I,.....
..... (full names and surname) wish to inquire
whether the name of a certain person is included in Part B of the National Child Protection
Register. The particulars of the person are:

(* - Delete which is not applicable)

1. EMPLOYEE'S DETAILS:	
Surname	Full name(s)

Gender:	M	F	Date of Birth:	DD	MM	CCYY
* He / she is known as:			Driver's licence no:			
Alias (also known as):						
* ID no:			* Passport no:			
Physical Address:			Postal Address:			
* Telephone no:			Mobile no:			
The above-mentioned person will be / is currently* employed in the following position:						

2. DETAILS OF EMPLOYER - (My / our details are the following :)

Employer's name or name of NPO:	NPO Registration number:
Employer's Physical Address:	Employer's Postal Address:
Employer's telephone no/s:	Other contact details:

Please note that section 126(5)(a) of the Act requires you to respond to this inquiry within 21 working days.

Yours sincerely

(Signature)

(Designation)

(Date)

3. ATTACHED DOCUMENTS:

A certified copy of the following documents attached as verification of identity:

- ☐ certified copy of birth certificate, identity document or passport of person who signed letterhead;
- ☐ certified copy of birth certificate, identity document or passport of person to be screened.

Official Stamp of employer/ Organisation

ANNEXURE D: FORM 30**INQUIRY BY PERSON TO ESTABLISH IF HIS / HER NAME IS INCLUDED IN PART B****OF NATIONAL CHILD PROTECTION REGISTER****(REGULATION 50(1)(b))****[SECTION 126(3) OF THE CHILDREN'S ACT, (No 38 OF 2005)]**

TO: The Director-General
 Department of Social Development
 Private Bag X901
 Pretoria
 0001

Dear Sir / Madam

In terms of section 126(3) of the Children's Act, (No. 38 of 2005), I _____

_____ (full names and surname) wish

to enquire whether my name is included in Part B of the National Child Protection Register. A certified copy

of one of the following documents is attached as verification of my identity.

1. IDENTIFYING DOCUMENTS:**One of the following identification documents must be attached:**

- ☐ birth certificate (only if not in possession of identity document or passport)
- ☐ identity document ☐ passport ☐ other (e.g. asylum)

In the event that my name has been included in Part B of the Register, kindly furnish reason why this was done. My personal details are:

2. CONTACT DETAILS:	
Postal address:	Physical address:
* Email:	
Telephone No:	* Cellular No:

(* - if applicable)

Please note that section 126 of the Act requires you to respond to this inquiry within 21 working days.

Yours sincerely

(Signature)

ANNEXURE B

REPUBLIC OF SOUTH AFRICA

CHILDREN'S AMENDMENT BILL

(As presented by Select Committee on Social Services (National Council of Provinces))
(The English text is the official text of the Bill)

(MINISTER OF SOCIAL DEVELOPMENT)

[B 19B—2006]

ISBN

No. of copies printed 1 800

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Children’s Act, 2005, so as to insert certain definitions; to provide for partial care of children; to provide for early childhood development; to make further provision regarding the protection of children; to provide for prevention and early intervention services; to provide for children in alternative care; to provide for foster care; to provide for child and youth care centres and drop-in centres; to create certain new offences relating to children; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of long title of Act 38 of 2005

1. The following long title is substituted for the long title to the Children’s Act, 2005 (hereinafter referred to as the principal Act):

5
“To give effect to certain rights of children as contained in the Constitution; to set out principles relating to the care and protection of children; to define parental responsibilities and rights; to make further provision regarding children’s courts; to provide for partial care of children; to provide for early childhood development; to provide for the issuing of contribution orders; to provide for prevention and early intervention services; to provide for children in alternative care; to provide for foster care; to provide for child and youth care centres and drop-in centres; to make new provision for the adoption of children; to provide for inter-country adoption; to give effect to the Hague Convention on Inter-country Adoption; to prohibit child abduction and to give effect to the Hague Convention on International Child Abduction; to provide for surrogate motherhood; to create certain new offences relating to children; and to provide for matters connected therewith.” 10 15

Amendment of Table of Contents of Act 38 of 2005

2. The Table of Contents after the long title of the principal Act is hereby amended— 20
 (a) by the insertion after “75. Regulations” of the following:

“CHAPTER 5

PARTIAL CARE

- | | |
|--------------------------------------|----|
| 76. Partial care | |
| 77. Strategy concerning partial care | |
| 78. Provision of partial care | 25 |

79. Norms and standards for partial care	
80. Partial care facility to be registered	
81. Application for registration and renewal of registration	
82. Consideration of application	
83. Conditional registration	5
84. Cancellation of registration	
85. Notice of enforcement	
86. Appeal against and review of certain decisions	
87. Record and inspection of and provision for partial care facility	
88. Assignment of functions to municipality	10
89. Death, abuse or serious injury of child in partial care facility	
90. Regulations	

CHAPTER 6

EARLY CHILDHOOD DEVELOPMENT

91. Early childhood development	15
92. Strategy concerning early childhood development	
93. Provision of early childhood development programmes	
94. Norms and standards for early childhood development	
95. Early childhood development programme to be registered	
96. Application for registration and renewal of registration	20
97. Consideration of application	
98. Conditional registration	
99. Cancellation of registration	
100. Notice of enforcement	
101. Assessment of early childhood development programmes	25
102. Assignment of functions to municipality	
103. <u>Regulations</u> ”;	

(b) by the insertion after “**PROTECTION OF CHILDREN**” of the following:

“Part 1

Child protection system

104. Strategy concerning child protection	30
105. Provision of child protection services	
106. Norms and standards concerning child protection	
107. Designation of child protection organisation	
108. Existing child welfare organisation	
109. Withdrawal of designation	35
110. <u>Reporting of abused or neglected child</u> ”;	

(c) by the insertion after “134. Access to contraceptives” of the following Part:

“Part 4

Other protective measures

135. Applications to terminate or suspend parental responsibilities and rights	40
136. Child-headed household	
137. Unlawful removal or detention of child	
138. Unlawful taking or sending of child out of Republic	
139. Discipline of child	45
140. Child safety at place of entertainment	
141. <u>Child labour and exploitation of child</u> ”;	

(d) by the insertion after “142. Regulations” of the following:

“CHAPTER 8

PREVENTION AND EARLY INTERVENTION

143. Prevention and early intervention programmes	
144. Purposes of prevention and early intervention programmes	5
145. Strategy for securing prevention and early intervention	
146. Provision of prevention and early intervention programmes	
147. Norms and standards for prevention and early intervention programmes	
148. Court may order early intervention	
149. Report to include summary of prevention and early intervention programmes”; and	10

(e) by the insertion after “166. Change of residence or work by respondent” of the following:

“CHAPTER 11

ALTERNATIVE CARE

167. Alternative care	
168. Leave of absence	
169. Child in alternative care prohibited from leaving Republic	
170. Child absconding from alternative care	
171. Transfer of child in alternative care	20
172. Change in residential care programme	
173. Removal of child already in alternative care	
174. Provisional transfer from alternative care	
175. Discharge from alternative care	
176. Remaining in alternative care after reaching age of 18 years	25
177. Appeal against and review of certain decisions	
178. Death, abuse or serious injury of child in alternative care	
179. Regulations	

CHAPTER 12

FOSTER CARE

180. Foster care	
181. Purposes of foster care	
182. Initial proceedings	
183. Prospective foster parent	
184. Determination of placement of child in foster care	35
185. Number of children to be placed in foster care per household	
186. Duration of foster care placements	
187. Reunification of child with biological parent	
188. Responsibilities and rights of foster parent	
189. Termination of foster care	40
190. Regulations	

CHAPTER 13

CHILD AND YOUTH CARE CENTRES

191. Child and youth care centre	
192. Strategy to ensure sufficient provision of child and youth care centres	45
193. Provision of child and youth care centres	
194. Norms and standards for child and youth care centres	

Part 1**Establishment and registration of child and youth care centre**

195. Establishment of child and youth care centre by organ of state	
196. Existing government children's home, place of safety, secure care facility, school of industry and reform school	5
197. Establishment of child and youth care centre by accredited organisation	
198. Existing registered children's home	
199. Notice of enforcement	
200. Application for registration or renewal of registration	
201. Consideration of application	10
202. Conditional registration	
203. Amendment of registration	
204. Cancellation of registration	
205. Voluntary closure of child and youth care centre	
206. Child in child and youth care centre to be closed	15
207. Appeal against and review of certain decisions	

Part 2**Operation and management of child and youth care centre**

208. Management board	
209. Manager and staff of child and youth care centre	20
210. Management system	
211. Quality assurance process	

Part 3**Miscellaneous**

212. Regulations	25
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CHAPTER 14**DROP-IN CENTRES**

213. Drop-in centres	
214. Strategy concerning drop-in centres	
215. Provision of drop-in centres	30
216. Norms and standards for drop-in centres	
217. Drop-in centres to be registered	
218. Notice of enforcement	
219. Application for registration and renewal of registration	
220. Consideration of application	35
221. Conditional registration	
222. Cancellation of registration	
223. Appeal against and review of certain decisions	
224. Record and inspection of and provision for drop-in centres	
225. Assignment of functions to municipality	40
226. Death, abuse or serious injury of child in drop-in centre	
227. Regulations	

Amendment of section 1 of Act 38 of 2005

3. Section 1 of the principal Act is hereby amended—

- (a) by the insertion after the definition of **“adoptive parent”** of the following definitions:
- “**‘alternative care’** means care of a child in accordance with section 167;
‘area’, in relation to—
 (a) a metropolitan or local municipality, means the area for which the municipality has been established; and
 (b) a district municipality, means those parts of the area for which the municipality has been established which do not fall within the area of a local municipality;”;
- (b) by the insertion after the definition of **“child”** of the following definition:
“‘child and youth care centre’ means a facility described in section 191(1);”;
- (c) by the insertion after the definition of **“Child Care Act”** of the following definition:
“‘child-headed household’ means a household recognised as such in terms of section 136;”;
- (d) by the insertion after the definition of **“clerk of the court”** of the following definitions:
- “‘cluster foster care scheme’** means a scheme providing for the reception of children in foster care in accordance with a foster care programme operated by—
 (a) a social, religious or other non-governmental organisation; or
 (b) a group of individuals, acting as care-givers of the children, and managed by a provincial department of social development or a designated child protection organisation;”;
- (e) by the insertion after the definition of **“Department”** of the following definitions:
- “‘designated child protection organisation’** means an organisation designated in terms of section 107 to perform designated child protection services;
‘designated child protection service’ means a child protection service referred to in section 106;”;
- (f) by the insertion after the definition of **“divorce court”** of the following definitions:
- “‘drop-in centre’** means a facility referred to in section 213(2);
‘early childhood development programme’ means a programme referred to in section 91(3);
‘early childhood development services’ means services referred to in section 91(2);
‘early intervention service’ means a service referred to in section 143(1);”;
- (g) by the insertion after the definition of **“family member”** of the following definitions:
- “‘foster care’** means care of a child as described in section 180(1) and includes foster care in a cluster foster care scheme;
‘foster parent’ means a person who has foster care of a child by order of the children’s court, and includes an active member of an organisation operating a cluster foster care scheme and who has been assigned responsibility for the foster care of a child;”;
- (h) by the insertion after the definition of **“mental illness”** of the following definition:
“‘midwife’ means a person registered as a midwife under the Nursing Act, 1978 (Act No. 50 of 1978);”;

- (i) by the insertion after the definition of **“Minister”** of the following definition:
“‘municipality’ means a metropolitan, district or local municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), but to the extent that a municipality may or must implement a provision of this Act in or in relation to an area which falls within the area of both a district municipality and a local municipality, **“municipality”** in such a provision means the relevant local municipality;”;
- (j) by the insertion after the definition of **“neglect”** of the following definition:
“‘nurse’ means a person registered as a nurse under the Nursing Act, 1978 (Act No. 50 of 1978);”;
- (k) by the insertion after the definition of **“parental responsibilities and rights”** of the following definition:
“‘partial care’ means partial care referred to in section 76;”;
- (l) by the insertion after the definition of **“party”** of the following definition:
“‘permanency plan’ means a documented plan referred to in section 157(1);”;
- (m) by the insertion after the definition of **“presiding officer”** of the following definition:
“‘prevention services’ means services referred to in section 145(2);”;
- (n) by the insertion after the definition of **“psychologist”** of the following definition:
“‘quality assurance process’ means a developmental quality assurance process in terms of which—
 (a) a team of people connected to a child and youth care centre makes an internal assessment of the centre;
 (b) a team of people unconnected to the centre conducts an independent assessment of the centre;
 (c) an organisational development plan for the centre covering matters prescribed by regulation is established by agreement between the teams; and
 (d) the unconnected team appoints a mentor to oversee implementation of the plan by the management of the centre;”;
- (o) by the insertion after the definition of **“removal of body parts”** of the following definition:
“‘residential care programme’ means a programme described in section 191(2) which is or must be offered at a child and youth care centre;”;
- (p) by the insertion after the definition of **“school”** of the following definition:
“‘secure care’ means the physical containment of children in a safe and healthy environment conducive to addressing behavioural or emotional difficulties;”.

Insertion of chapters 5 and 6 in Act 38 of 2005

4. The following chapters are hereby inserted in the principal Act after Chapter 4:

“CHAPTER 5

PARTIAL CARE

Partial care

76. Partial care is provided when a person, whether for or without reward, takes care of more than six children on behalf of their parents or care-givers during specific hours of the day or night, or for a temporary period, by agreement between the parents or care-givers and the provider of the service, but excludes the taking care of a child—

- (a) by a school as part of tuition, training and other activities provided by the school;
 (b) as a boarder in a school hostel or other residential facility managed as part of a school; or

- (c) by a hospital or other medical facility as part of the treatment provided to the child.

Strategy concerning partial care

77. (1) The Minister, after consultation with interested persons and the Ministers of Finance, of Health and of Education, must include in the departmental strategy a comprehensive national strategy aimed at ensuring an appropriate spread of partial care facilities throughout the Republic, giving due consideration as provided in section 11 to children with disability or chronic illness.

(2) The MEC must—

- (a) maintain a record of all the registered partial care facilities in the province concerned;
- (b) within the national strategy referred to in subsection (1), provide for a provincial strategy to ensure an appropriate spread of partial care facilities in the province.

(3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

Provision of partial care

78. (1) The MEC for social development of a province may, from money appropriated by the relevant provincial legislature, provide and fund partial care facilities and services for that province, taking into consideration the national and provincial strategies contemplated in section 77.

(2) Such partial care facilities—

- (a) must be managed and maintained in accordance with this Act; and
- (b) must comply with—
 - (i) the prescribed norms and standards contemplated in section 79 and such other requirements as may be prescribed;
 - (ii) the structural safety, health and other requirements of the municipality of the area where the partial care facility is situated.

(3) The owner or manager of a partial care facility or provider of a partial care service only qualifies for funding appropriated as contemplated in subsection (1) if it complies with the prescribed norms and standards contemplated in section 79.

Norms and standards for partial care

79. (1) The Minister must determine national norms and standards by regulation after consultation with interested persons, including local government.

(2) The norms and standards contemplated in subsection (1) must relate to the following:

- (a) A safe environment for the children;
- (b) proper care for sick children or children that fall ill;
- (c) adequate space and ventilation;
- (d) safe drinking water;
- (e) hygienic and adequate toilet facilities;
- (f) safe storage of anything that may be harmful to children;
- (g) access to disposal of refuse services or other adequate means of disposal of refuse generated at the facility;
- (h) a hygienic area for the preparation of food for the children;
- (i) measures for the separation of children of different age groups;
- (j) the drawing up of action plans for emergencies; and
- (j) the drawing up of policies and procedures regarding health care at the centre.

(3) A partial care facility for children with disability and chronic illness must, in addition to the norms and standards contemplated in subsection (1)—

- (a) be accessible to such children;
- (b) provide facilities that meet the needs of such children; and
- (c) employ persons that are trained in and provide training to persons employed at the facility on—
 - (i) the needs, health and safety of such children; and
 - (ii) appropriate learning activities and communication strategies for such children.
- (4) A partial care facility may offer such programmes appropriate to the developmental needs of the children in that facility as may be prescribed.

Partial care facility to be registered

80. (1) Any person may establish or operate a partial care facility provided that the facility—

- (a) is registered with the provincial government of the province where that facility is situated;
- (b) is managed and maintained in accordance with any conditions subject to which the facility is registered; and
- (c) complies with the prescribed norms and standards contemplated in section 79 and such other requirements as may be prescribed.

(2) The Minister by regulation may exempt any person or organisation or any category of person or organisation from the requirement to register on such conditions as may be prescribed.

(3) (a) Partial care facilities operated or managed by a national or provincial state department must comply with subsection (1).

(b) Notwithstanding the provisions of paragraph (a), partial care facilities operated or managed by a national or provincial state department responsible for social development need not comply with subsection (1).

(4) As from the date on which this section takes effect an existing place of care registered or deemed to be registered in terms of the Child Care Act must be regarded as having been registered in terms of this section as a partial care facility.

(5) A facility referred to in subsection (4) is regarded to be a registered partial care facility for a period of five years from the date on which that subsection takes effect, unless its registration is withdrawn in terms of section 84 before the expiry of that period.

Application for registration and renewal of registration

81. (1) An application for registration or conditional registration of a partial care facility or for the reinstatement or renewal of a registration must—

- (a) be lodged with the provincial head of social development of the province where the facility is situated in accordance with a procedure prescribed by regulation;
- (b) contain the particulars prescribed by regulation; and
- (c) be accompanied by—
 - (i) a report by a social service professional on the viability of the application; and
 - (ii) any documents that may be prescribed by regulation.

(2) An applicant must provide such additional information relevant to the application as the provincial head of social development may determine.

(3) An application for the renewal of registration or conditional registration must be made at least 90 days before the registration is due to expire, but the provincial head of social development may allow a late application on good cause shown.

(4) The provincial head of social development must renew the registration of a partial care facility before the expiration thereof if the application for renewal was lodged at least 90 days before the registration was due to expire as mentioned in subsection (3).

Consideration of application

- 82.** (1) The provincial head of social development must—
- (a) consider an application for registration or conditional registration or for the renewal of a registration and either reject the application or, having regard to subsection (2), grant the registration or renewal with or without conditions; 5
 - (b) issue to the applicant a certificate of registration or conditional registration or renewal of registration in the form prescribed by regulation if the application is granted; and
 - (c) state in the certificate of registration the period for which the registration will remain valid. 10
- (2) When considering an application the provincial head of social development must take into account all relevant factors, including whether—
- (a) the facility complies with the prescribed norms and standards contemplated in section 79 and such other requirements as may be prescribed; 15
 - (b) the applicant is a fit and proper person to operate a partial care facility;
 - (c) the applicant has the necessary funds and resources available to provide the partial care services of the type applied for; 20
 - (d) each person employed at or engaged in the partial care facility is a fit and proper person to assist in operating a partial care facility; and
 - (e) each person employed at or engaged in the partial care facility has the prescribed skills to assist in operating that partial care facility. 25
- (3) A person unsuitable to work with children is not a fit and proper person to operate or assist in operating a partial care facility.
- (4) The provincial head of social development must consider the report contemplated in section 82(1)(c)(i) of a social service professional before deciding an application for registration, conditional registration or renewal of registration. 30
- (5) Notwithstanding the provisions of section 78(3) a provincial head of social development may assist the owner or manager of a partial care facility to comply with the prescribed norms and standards contemplated in section 79 and such other requirements as may be prescribed.

Conditional registration

- 83.** The registration or renewal of the registration of a partial care facility may be granted on such conditions as the provincial head of social development may determine, including conditions—
- (a) specifying the type of partial care that may or must be provided in terms of the registration; 40
 - (b) stating the period for which the registration will remain valid; and
 - (c) providing for any other matters that may be prescribed by regulation.

Cancellation of registration

- 84.** (1) The provincial head of social development may cancel the registration or conditional registration of a partial care facility by written notice to the registration holder if— 45
- (a) the facility is not maintained in accordance with the prescribed norms and standards contemplated in section 79 and such other requirements as may be prescribed;
 - (b) any condition subject to which the registration or renewal of registration was issued is breached or not complied with; 50
 - (c) the registration holder or the management of the facility contravenes or fails to comply with a provision of this Act;
 - (d) the registration holder becomes a person who is not a fit and proper person to operate a partial care facility; or
 - (e) a person who is not a fit and proper person to assist in operating a partial care facility, is employed at or engaged in operating the facility. 55

(2) The provincial head of social development may in the case of the cancellation of a registration in terms of subsection (1)(a), (b), (c) or (e)—

- (a) suspend the cancellation for a period to allow the registration holder to correct the cause of the cancellation; and
- (b) reinstate the registration if the registration holder corrects the cause of the cancellation within that period.

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(3) The provincial head of social development may assist a registration holder to comply with the prescribed norms and standards contemplated in section 79, any requirements as may be prescribed or any provisions of this Act where the cancellation was due to non-compliance with those norms and standards, conditions, requirements or provisions.

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Notice of enforcement

85. (1) A provincial head of social development may by way of a written notice of enforcement instruct—

- (a) a person operating an unregistered partial care facility—
 - (i) to stop operating that facility; or
 - (ii) to apply for registration in terms of section 80 within a period specified in the notice; or
- (b) a person operating a registered partial care facility otherwise than in accordance with the provisions of this Act or any conditions subject to which the registration was issued, to comply with those provisions or conditions.

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(2) A person operating an unregistered partial care facility and who is instructed in terms of subsection (1)(a)(ii) to apply for registration within a specified period, may, despite the provisions of section 80, continue operating the facility during that period and, if that person applies for registration, until that person's application has been processed.

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(3) The Director-General or the provincial head of social development may apply to the High Court for an order to instruct a partial care facility, whether registered or not, to stop operating that facility.

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(4) The High Court may grant an order for costs against the owner of manager of the partial care facility referred to in subsection (3) if so requested by the Director-General or provincial head of social development.

Appeal against and review of certain decisions

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86. (1) An applicant aggrieved by a decision of a provincial head of social development in terms of section 82 or 83, or a registration holder aggrieved by a decision of a provincial head of social development in terms of section 84, may lodge an appeal against that decision with the MEC for social development.

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(2) An applicant that is not satisfied with the outcome of an appeal lodged as referred to in subsection (1) may apply to the competent division of the High Court to review that decision.

Record and inspection of and provision for partial care facility

87. (1) A provincial head of social development must—

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- (a) maintain a record of all available partial care facilities in the province, the types of partial care facility and the number of each type of facility;
- (b) compile a profile of the children in that province in the prescribed manner; and
- (c) conduct regular inspections of partial care facilities in the province to enforce the provisions of this Act.

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(2) Provincial strategies must include strategies for the provision of partial care facilities in its area, which must include measures—

- (a) facilitating the establishment and operation of sufficient partial care facilities in the province;
- (b) prioritising those types of partial care facilities most urgently required; and

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- (c) liaising with municipalities on facilitating the identification and provision of suitable premises.

Assignment of functions to municipality

88. (1) The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions contemplated in sections 80, 81, 82, 83, 84, 85 and 87 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned.

(2) The agreement must be in the prescribed form and contain the prescribed particulars.

(3) The municipal manager referred to in subsection (1) may delegate any power or duty assigned to him or her in terms of this section to a designated social worker in the employ of the municipality.

(4) A delegation in terms of subsection (2)—

(a) is subject to any limitations, conditions and directions which the municipal manager may impose;

(b) must be in writing; and

(c) does not divest the municipal manager of the responsibility concerning the exercise of the power or the performance of the duty.

(5) The municipal manager may—

(a) confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision; and

(b) at any time withdraw a delegation.

(6) An applicant aggrieved by a decision of an official in the employ of a municipality with regard to an application for registration or renewal of registration in terms of section 81, the conditions on which registration was granted in terms of section 82, conditional registration in terms of section 83 or a registration holder aggrieved by a decision to cancel the registration of a partial care facility in terms of section 84 may lodge an appeal with the municipal council against that decision.

(7) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (6) may apply to the competent division of the High Court to review that decision.

(8) (a) The provincial head of social development must monitor the performance of the functions assigned in terms of this section.

(b) The provincial head of social development may by notice in writing require the municipal manager or any other person in possession of information required by the provincial head of social development for purposes of monitoring the performance of the functions assigned by this section, to provide such information to the provincial head of social development within the period specified in the notice.

(c) If, after the functions contemplated in subsection (1) had been assigned to a municipality, it appears that a particular municipality no longer has the capacity to perform some or all of the functions assigned to it, the provincial head of social development may—

(i) amend the written agreement contemplated in subsection (1); or

(ii) withdraw the assignment of the functions.

Death, abuse or serious injury of child in partial care facility

89. (1) If a child dies while in partial care or following an occurrence at a partial care facility, the person operating the partial care facility must immediately after the child's death report such death—

(a) to a police official;

(b) the provincial head of social development; and

(c) the parent or guardian of the child.

(2) The police official must cause an investigation into the circumstances surrounding the death of the child to be conducted by the South African

Police Service if the police official is satisfied that the child did not die of natural causes.

(3) If a child is abused or seriously injured while in partial care or following an occurrence at a partial care facility, the person operating the partial care facility must immediately report such injury or abuse to the provincial head of social development, who must cause an investigation into the circumstances of the abuse or serious injury to be conducted.

Regulations

90. The Minister may make regulations in terms of section 306 concerning—

- (a) the norms and standards that partial care facilities must comply with;
- (b) the procedure to be followed in connection with the lodging and consideration of applications for registration in terms of this Chapter, for the renewal of such registration and for the suspension or cancellation of registration;
- (c) the different types of partial care that may be provided in terms of such registration;
- (d) the period for which registration is valid;
- (e) the requirements that the different types of partial care facilities have to comply with;
- (f) the management of partial care facilities;
- (g) the procedure to be followed and the fees to be paid in connection with the lodging and consideration of appeals in terms of this Chapter; and
- (h) any other matter that may be necessary to facilitate the implementation of this Chapter.

CHAPTER 6

EARLY CHILDHOOD DEVELOPMENT

Early childhood development

91. (1) Early childhood development, for the purposes of this Act, means the process of emotional, cognitive, spiritual, moral, physical and social development of children from birth to school-going age.

(2) Early childhood development services means services—

- (a) intended to promote early childhood development; and
- (b) provided by a person, other than a child's parent or caregiver, on a regular basis to children up to school-going age.

(3) An early childhood development programme means a programme structured within an early childhood development service to provide learning and support appropriate to the child's developmental age and stage.

Strategy concerning early childhood development

92. (1) The Minister, after consultation with interested persons, and the Ministers of Education, of Finance and of Health, must include in the departmental strategy a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed early childhood development system, giving due consideration as mentioned in section 11 to children with disability or chronic illness.

(2) The MEC must—

- (a) maintain a record of all the early childhood development programmes registered in the province concerned;
- (b) within the national strategy referred to in subsection (1), provide for a provincial strategy aimed at a properly resourced, co-ordinated and managed early childhood development system.

(3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

Provision of early childhood development programmes

- 93.** (1) The MEC for social development of a province may, from money appropriated by the relevant provincial legislature, provide and fund early childhood development programmes for that province.
- (2) Early childhood development programmes must—
- (a) be provided in accordance with this Act; and
 - (b) comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed.
- (3) The provider of an early childhood development programme only qualifies for funding appropriated as contemplated in subsection (1) if it complies with the prescribed norms and standards contemplated in section 79.
- (4) The funding of early childhood development programmes in communities where families lack the means of providing proper shelter, food and other basic necessities of life to their children must be given priority.
- (5) Early childhood development programmes must be provided by—
- (a) a partial care facility providing partial care services for any children up to school-going age; and
 - (b) a child and youth care centre which has in its care any children up to school-going age.
- (6) Any other person or organisation not disqualified in terms of section 96(3) may provide early childhood development programmes, provided that those programmes comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed.

Norms and standards for early childhood development

- 94.** (1) The Minister must determine national norms and standards by regulation after consultation with interested persons, including the Departments of Education and of Health.
- (2) The prescribed norms and standards contemplated in subsection (1) must relate to the following:
- (a) The provision of appropriate developmental opportunities;
 - (b) programmes aimed at helping children to realise their full potential;
 - (c) caring for children in a constructive manner, providing support and security;
 - (d) ensuring development of positive social behaviour;
 - (e) respect for and nurturing of the culture, spirit, dignity, individuality, language and development of each child; and
 - (f) meeting the emotional, cognitive, spiritual, moral, physical and social development needs of the children.
- (3) Early childhood development programmes provided in terms of this section must be appropriate to the needs of the children to whom the services are provided, including children with disabilities, chronic illness and other special needs.

Early childhood development programme to be registered

- 95.** (1) A person operating or managing a partial care facility or a child and youth care centre where an early childhood development programme is provided must—
- (a) register the programme with the provincial head of social development of the province where that programme is provided;
 - (b) provide the programme in accordance with any conditions subject to which the programme is registered; and
 - (c) comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed.
- (2) The Minister by regulation may exempt any person or organisation or any category of person or organisation from the requirement to register on such conditions as may be prescribed.

(3) (a) Early childhood development programmes provided by a national or provincial state department must comply with subsection (1).

(b) Notwithstanding the provisions of paragraph (a), early childhood development programmes provided by a national or provincial state department responsible for social development or education need not comply with subsection (1).

Application for registration and renewal of registration

96. (1) An application for registration or conditional registration of an early childhood development programme or for the renewal of a registration must—

- (a) be lodged with the provincial head of social development of the province where the partial care facility or child and youth care centre is situated in accordance with a procedure prescribed by regulation;
- (b) contain the particulars prescribed by regulation; and
- (c) be accompanied by any documents that may be prescribed by regulation.

(2) An applicant must provide such additional information relevant to the application as the provincial head of social development may determine.

(3) An application for the renewal of registration or conditional registration must be made at least 90 days before the registration is due to expire, but the provincial head of social development may allow a late application on good cause shown.

(4) The provincial head of social development must renew the registration of a partial care facility before the expiration thereof if the application for renewal was lodged at least 90 days before the registration was due to expire as contemplated in subsection (3).

Consideration of application

97. (1) The provincial head of social development must—

- (a) consider an application for registration or conditional registration or for the renewal of a registration, and either reject the application or, having regard to subsection (2), grant the registration or renewal with or without conditions;
- (b) issue to the applicant a certificate of registration or conditional registration or renewal of registration in the form prescribed by regulation, if the application is granted; and
- (c) state in the certificate of registration the period for which the registration will remain valid.

(2) When considering an application, the provincial head of social development must take into account all relevant factors, including whether—

- (a) the early childhood development programme complies with the prescribed norms and standards as contemplated in section 94 and such other requirements as may be prescribed;
- (b) the applicant is a fit and proper person to provide early childhood development services;
- (c) the applicant has the prescribed skills, funds and resources available to provide the early childhood development programme as applied for; and
- (d) the early childhood development programme meets the emotional, cognitive, spiritual, moral, physical and social development needs of the children in that partial care facility or child and youth care centre.

(3) A person unsuitable to work with children is not a fit and proper person to provide or assist in the provision of early childhood development services or programmes.

(4) The provincial head of social development must consider a report of a social service professional before deciding an application for registration, conditional registration or renewal of registration.

(5) Notwithstanding the provisions of section 78(3), a provincial head of social development may assist a partial care facility or a child and youth

care centre providing early childhood development programmes to comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed.

Conditional registration

98. The registration or renewal of the registration of an early childhood development programme may be granted on such conditions as the provincial head of social development may determine, including conditions—

- (a) specifying the type of early childhood development programme that may or must be provided in terms of the registration;
- (b) stating the period for which the registration will remain valid; and
- (c) providing for any other matters that may be prescribed by regulation.

Cancellation of registration

99. (1) A provincial head of social development may cancel the registration or conditional registration of an early childhood development programme by written notice to the registration holder if—

- (a) the programme is not run in accordance with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed;
- (b) any condition subject to which the registration or renewal of registration was issued is breached or not complied with;
- (c) the registration holder contravenes or fails to comply with a provision of this Act;
- (d) the registration holder becomes a person who is not a fit and proper person to provide early childhood development programmes; or
- (e) a person who is not a fit and proper person to provide or assist in the provision of early childhood development programmes provides or assists in the provision of such programmes.

(2) The provincial head of social development may in the case of the cancellation of a registration in terms of subsection (1)(a), (b), (c) or (e)—

- (a) suspend the cancellation for a period to allow the registration holder to correct the cause of the cancellation; and
- (b) reinstate the registration if the registration holder corrects the cause of the cancellation within that period.

(3) A provincial head of social development may assist a registration holder to comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed or any provisions of this Act where the cancellation was due to non-compliance with those norms and standards, requirements, conditions or provisions.

(4) The cancellation of the registration or conditional registration of an early childhood development programme in terms of subsection (1) does not affect the registration or conditional registration of a partial care facility or a child and youth care centre.

Notice of enforcement

100. A provincial head of social development may by way of a written notice of enforcement instruct—

- (a) the person operating or managing a partial care facility or a child and youth care centre which does not provide an early childhood development programme, to comply with that section within a period specified in the notice;
- (b) the person operating or managing a partial care facility or a child and youth care centre which does provide early childhood development programmes but of a standard that does not comply with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed, to comply with those norms and standards and other requirements within a period specified in the notice; or
- (c) a person who provides an early childhood development programme which does not comply with the prescribed norms and standards

contemplated in section 94 and such other requirements as may be prescribed]—

- (i) to stop the provision of that programme; or
- (ii) to comply with those norms and standards and other requirements within a period specified in the notice.

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Assessment of early childhood development programmes

101. (1) A provincial head of social development must authorise a suitably qualified person to assess the provision and content of early childhood development programmes, in order to determine whether the programme complies with the prescribed norms and standards contemplated in section 94 and such other requirements as may be prescribed.

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(2) Section 304(2) and (3), read with such changes as the context may require, applies to any assessment in terms of subsection (1) of this section.

Assignment of functions to municipality

102. (1) The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions contemplated in sections 95, 96, 97, 98, 99, 100 and 101 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned.

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(2) The agreement must be in the prescribed form and contain the prescribed particulars.

(3) The municipal manager referred to in subsection (1) may delegate any power or duty assigned to him or her in terms of this section to a designated social worker in the employ of the municipality.

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(4) A delegation in terms of subsection (2)—

- (a) is subject to any limitations, conditions and directions which the municipal manager may impose;
- (b) must be in writing; and
- (c) does not divest the municipal manager of the responsibility concerning the exercise of the power or the performance of the duty.

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(5) The municipal manager may—

- (a) confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision; and
- (b) at any time withdraw a delegation.

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(6) An applicant aggrieved by a decision of an official in the employ of a municipality with regard to an application for registration or renewal of registration in terms of section 96, the conditions on which registration was granted in terms of section 97, conditional registration in terms of section 98 or a registration holder aggrieved by a decision to cancel the registration of a partial care facility in terms of section 99 may lodge an appeal with the municipal council against that decision.

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(7) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (6), may apply to the competent division of the High Court to review that decision.

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(8) (a) The provincial head of social development must monitor the performance of the functions assigned in terms of this section.

(b) The provincial head of social development may by notice in writing require the municipal manager or any other person in possession of information required by the provincial head of social development for purposes of monitoring the performance of the functions assigned by this section, to provide such information to the provincial head of social development within the period specified in the notice.

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(c) If, after the functions contemplated in subsection (1) had been assigned to a municipality, it appears that a particular municipality no longer has the capacity to perform some or all of the functions assigned to it, the provincial head of social development may—

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- (i) amend the written agreement contemplated in subsection (1);
or
- (ii) withdraw the assignment of the functions.

Regulations

- 103.** The Minister may make regulations in terms of section 306 concerning—
- (a) the norms and standards that early childhood development programmes must comply with;
 - (b) any other requirements with which early childhood development programmes must comply;
 - (c) the procedure to be followed in connection with the lodging and consideration of applications for registration in terms of this Chapter and for the renewal of such registrations;
 - (d) the assessment and compulsory monitoring of early childhood development programmes offered at partial care facilities and child and youth care centres; and
 - (d) any other matter necessary to facilitate the implementation of this Chapter.”.

Amendment of chapter 7 of Act 38 of 2005

- 5.** Chapter 7 of the principal Act is hereby amended—
- (a) by the insertion before Part 2 of the following Part:

“Part 1

Child protection system

Strategy concerning child protection

- 104.** (1) The Minister, after consultation with interested persons, including the Ministers of Education, of Finance, of Health, of Justice and Constitutional Development and the South African Police Service, must develop a comprehensive inter-sectoral strategy aimed at securing a properly resourced, co-ordinated and managed national child protection system.
- (2) The MEC must within the national strategy referred to in subsection (1), provide for a provincial strategy aimed at a properly resourced, co-ordinated and managed child protection system.
- (3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

Provision of child protection services

- 105.** (1) The MEC for social development of a province must, from money appropriated by the relevant provincial legislature, provide and fund child protection services for that province.
- (2) Such child protection services—
- (a) must be management and maintained in accordance with this Act; and
 - (b) must comply with the prescribed norms and standards contemplated in section 106 and such other requirements as may be prescribed.
- (3) Designated child protection services provided by an organ of state or a designated child protection organisation only qualify for funding from money appropriated by a provincial legislature if it complies with the norms and standards mentioned in section 106.
- (4) Designated child protection services may be provided by—
- (a) the Department;
 - (b) a provincial department responsible for social development in a province; and
 - (c) a designated child protection organisation.

- (5) Designated child protection services include—
- (a) services aimed at supporting—
 - (i) the proceedings of children's courts; and
 - (ii) the implementation of court orders;
 - (b) services relating to—
 - (i) prevention services;
 - (ii) early intervention services;
 - (iii) the reunification of children in alternative care with their families;
 - (iv) the integration of children into alternative care arrangements;
 - (v) the placement of children in alternative care; and
 - (vi) the adoption of children, including inter-country adoptions;
 - (c) the carrying out of investigations and the making of assessments, in cases of suspected abuse, neglect or abandonment of children;
 - (d) intervention and removal of children in appropriate cases;
 - (e) the drawing up of individual development plans and permanency plans for children removed, or at risk of being removed, from their family; and
 - (f) any other social work service that may be prescribed by regulation.]

Norms and standard concerning child protection

106. (1) The Minister must determine national norms and standards by regulation after consultation with interested persons.

(2) The norms and standards contemplated in subsection (1) must relate to the following:

- (a) Prevention and early intervention programmes;
- (b) assessment;
- (c) therapeutic programmes;
- (d) after care;
- (e) family reunification and reintegration;
- (f) foster care supervision;
- (g) family preservation;
- (h) integration into alternative care;
- (i) adoption;
- (j) permanency plans;
- (k) development;
- (l) education and information;
- (m) outreach;
- (n) support groups;
- (o) preparation programmes; and
- (p) social security.

(3) Child protection services only qualifies for funding from money appropriated by a provincial legislature if it complies with the prescribed norms and standards contemplated in subseas determined by the Minister by regulation.

Designation of child protection organisation

107. (1) The Director-General or provincial head of social development on written application may designate any appropriate organisation that complies with the prescribed criteria as a child protection organisation to perform in the relevant province all or any specific designated child protection services.

(2) A designation in terms of subsection (1)—

- (a) must be in writing;
- (b) may be made on such conditions as the Director-General or provincial head may determine; and
- (c) must be made for such period as may be prescribed.

(3) The Director-General or provincial head for social development may delegate to a designated child protection organisation such powers and duties in terms of this Act as may be necessary for the proper provision of designated child protection services by the organisation.

(4) Sections 303 and 304, read with such changes as the context may require, apply to any delegation in terms of subsection (1).

Existing child welfare organisation

108. (1) Any organisation which, when section 107 takes effect, was a designated welfare organisation within the meaning of the Child Care Act must be regarded as having been designated in terms of section 107 as a child protection organisation to perform the designated child protection services which it performed immediately before that section took effect.

(2) An organisation referred to in subsection (1) is regarded to be a designated child protection organisation for a period of five years from the date on which section 107 takes effect, unless its designation is withdrawn in terms of section 109 [110] before the expiry of that period.

Withdrawal of designation

109. (1) The Director-General or provincial head for social development may withdraw the designation of a child protection organisation to perform any, or any specific, designated child protection service—

(a) if the organisation—

(i) breaches or fails to comply with any conditions subject to which the designation was made;

(ii) contravenes or fails to comply with a provision of this Act; or

(b) if it is in the best interest of the protection of children.

(2) Before the designation of a child protection organisation is withdrawn as contemplated in subsection (1), the Director-General or provincial head for social development, as the case may be, must conduct quality assurance in the prescribed manner of the child protection organisation concerned.

Reporting of child in need of care and protection

110. (1) Any correctional official, dentist, homeopath; labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, police official, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, shelter, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, if it is in the best interest of the child concerned, must report that conclusion to a designated child protection organisation or the provincial department of social development.

(2) Any person who on reasonable grounds believes that a child is in need of care and protection because of abuse, sexual abuse or deliberate neglect, may report that belief to the provincial department of social development, a designated child protection organisation or a police official.

(3) A person referred to in subsection (1) or (2)—

(a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or police official;

(b) who makes a report in good faith is not liable to civil action on the basis of the report.

(4) A police official to whom a report has been made in terms of subsection (2) must—

(a) within 24 hours ensure the safety and well-being of the child concerned if the child's safety or well-being is at risk; and

(b) notify the provincial department of social development or a designated child protection organisation of the report and any steps that have been taken with regard to the child.

- (5) The provincial department of social development or designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4), must—
- (a) ensure the safety and well-being of the child concerned, if the child's safety or well-being is at risk; 5
 - (b) make an initial assessment of the report;
 - (c) submit such particulars concerning the matter as may be prescribed by regulation to the Director-General for inclusion in Part A of the National Child Protection Register; 10
 - (c) unless the report is frivolous or obviously unfounded, investigate the truthfulness of the report or cause it to be investigated; and
 - (d) if the report is substantiated by such investigation, without delay initiate proceedings in terms of this Act for the protection of the child.
- (7) The provincial department of social development or designated child protection organisation who has conducted an investigation as contemplated in subsection (5) may— 15
- (a) take measures to assist the child, including counselling, mediation, prevention and early intervention services, family reconstruction and rehabilitation, behaviour modification, problem solving and referral to another suitably qualified person or organisation; 20
 - (b) if he or she is satisfied that it is in the best interest of the child not to be removed from his or her home or place where he or she resides, but that the removal of the alleged offender from such home or place would secure the safety and well-being of the child, request a police official in the prescribed manner to take the steps referred to in section 153; or 25
 - (c) deal with the child in the manner contemplated in sections 151, 152 or 155.”; 30

(b) by the insertion after section 134 of the following Part:

“Part 4 30

Other protective measures

Applications to terminate or suspend parental responsibilities and rights

- 135.** (1) The Director-General, a provincial head of social development or a designated child protection organisation may apply to a High Court, or a divorce court in divorce matters or a children's court for an order— 35
- (a) suspending for a period, terminating or transferring any or all of the parental responsibilities and rights which a specific person has in respect of a child; or
 - (b) restricting or circumscribing the exercise by that person of any or all of the parental responsibilities and rights that person has in respect of a child. 40
- (2) An application in terms of subsection (1) may be brought without the consent of a parent or care-giver of the child if the child, at the time of the application— 45
- (a) is older than seven years, and has been in alternative care for more than two years;
 - (b) is older than three years but not older than seven years, and has been in alternative care for more than one year; or
 - (c) is three years or younger, and has been in alternative care for more than six months. 50
- (3) When considering an application the court must be—
- (a) guided by the principles set out in Chapters 2 and 3 to the extent that those principles are applicable to the matter before it; and
 - (b) take into account all relevant factors, including— 55
 - (i) the need for the child to be permanently settled, preferably in a family environment, taking into consideration the age and stage of development of the child;

- (ii) the success or otherwise of any attempts that have been made to reunite the child with the person whose parental responsibilities and rights are challenged;
 - (iii) the relationship between the child and that person;
 - (iv) the degree of commitment that that person has shown towards the child;
 - (v) whether there had been any contact between the parent and the child over the year preceding the application; and
 - (v) the probabilities of arranging for the child to be adopted or placed in another form of alternative care.
- (4) Section 29, read with such changes as the context may require, applies in respect of any proceedings in terms of this section.

Child-headed household

- 136.** (1) A provincial head of social development may recognise a household as a child-headed household if—
- (a) the parent or care-giver of the household is terminally ill or has died;
 - (b) no adult family member is available to provide care for the children in the household;
 - (c) a child over the age of 15 years has assumed the role of care-giver in respect of the children in the household;
 - (d) the children in the household have been investigated by a social worker as contemplated in section 150(2); and
 - (e) it is in the best interest of the children in the household.
- (2) A child-headed household must function under the general supervision of an adult designated by—
- (a) a children's court; or
 - (b) an organ of state or a non-governmental organisation determined by the provincial head of social development.
- (3) The supervising adult must—
- (a) perform the duties as prescribed in relation to the household;
 - (b) may not supervise more than 12 children in child-headed households.
- (4) (a) The child at the head of the household or the adult contemplated in subsection (2) may collect and administer for the child-headed household any social security grant or other assistance to which the household is entitled.
- (b) An adult that collects and administers money for a child-headed household as contemplated in paragraph (a) is accountable in the prescribed manner to the organ of state or the non-governmental organisation that designated him or her to supervise the household.
- (5) (a) The organ of state or non-governmental organisation contemplated in subsection (2) may collect and administer for the child-headed household any social security grant or other grant or assistance to which the household is entitled.
- (b) An organ of state or non-governmental organisation is accountable to the provincial department of social development or the children's court for the administration of any money received on behalf of the household.
- (6) The adult referred to in subsection (2) and the organ of state or non-governmental organisation referred to in subsection (3) may not take any decisions concerning such household and the children in the household without consulting—
- (a) the child at the head of the household; and
 - (b) given the age, maturity and stage of development of the other children, also those other children.
- (7) The child heading the household may take all day-to-day decisions relating to the household and the children in the household as if that child was an adult care-giver.
- (8) A child-headed household may not be excluded from any grant, subsidy, aid, relief or other assistance or programmes for poor households and vulnerable children provided by an organ of state in the national, provincial or local sphere of government solely by reason of the fact that the household is headed by a child.

Unlawful removal or detention of child

137. (1) No person may without lawful authority or reasonable grounds—

- (a) remove a child from the care of a person who lawfully cares for the child; or
- (b) detain a child with the result that the child is kept out of the care of a person entitled to lawful care of the child.

(2) For the purposes of subsection (1) a person must be regarded as detaining a child if that person—

- (a) causes the child to be detained; or
- (b) induces the child to remain with him or her or any other person.

Unlawful taking or sending of child out of Republic

138. (1) No person may take or send a child out of the Republic—

- (a) in contravention of an order of a court prohibiting the removal of the child from the Republic; or
- (b) without consent—

- (i) obtained in terms of section 30(5) from persons holding relevant parental responsibilities and rights in respect of that child;

- (ii) obtained in terms of section 169 with regard to a child in alternative care; or

- (ii) of a court.

(2) For the purposes of subsection (1) a person must be regarded as—

- (a) taking a child out of the Republic if that person—
- (i) causes the child to be taken, or in any way assists in taking the child, out of the Republic; or

- (ii) causes or induces the child to accompany or to join him or her or any other person when departing from the Republic; or

- (b) sending a child out of the Republic if that person causes the child to be sent, or in any way assists in sending the child, out of the Republic.

Discipline of children

139. (1) A person who has care of a child, including a person who has parental responsibilities and rights in respect of the child, must respect, promote and protect the child's right to physical and psychological integrity as conferred by section 12(1)(c), (d) and (e) of the Constitution.

(2) No child may be subjected to corporal punishment or be punished in a cruel, inhuman or degrading way.

(3) The common law defence of reasonable chastisement available to persons referred to in subsection (1) in any court proceeding is hereby abolished.

(4) No person may administer corporal punishment to a child or subject a child to any form of cruel, inhuman or degrading punishment at a [any] child and youth care centre, partial care facility or shelter or drop-in centre.

(5) The Department must take all reasonable steps to ensure that—

- (a) education and awareness-raising programmes concerning the effect of subsections (1), (2), (3) and (4) are implemented throughout the Republic; and

- (b) programmes promoting appropriate discipline are available throughout the Republic.

(6) A parent, care-giver or any person holding parental responsibilities and rights in respect of a child who is reported for subjecting such child to inappropriate forms of punishment must be referred to an early intervention service as contemplated in section 144.

(7) Prosecution of a parent or person holding parental responsibilities and rights referred to in subsection (6) may be instituted if the punishment constitutes abuse of the child.

Child safety at place of entertainment

140. (1) A person providing entertainment to children in any premises or enclosure must comply with subsection (2) if—

- (a) access to the premises or enclosure where the entertainment is provided requires the use of doors, stairs, escalators, lifts or other mechanical means; 5
- (b) the majority of the people attending the entertainment are children; and
- (c) the number of people, including children, who attend the entertainment exceeds 50. 10

(2) A person providing entertainment to children in the circumstances specified in subsection (1) must—

- (a) determine the number of people, including children, who can safely be accommodated in the premises or enclosure and each part of the premises or enclosure; 15
- (b) station a sufficient number of adult attendants to prevent more people, including children, being admitted to the premises or enclosure, or any part of the premises or enclosure, than the number of people determined in terms of paragraph (a) for the premises or enclosure or that part of the premises or enclosure; 20
- (c) control the movement of people admitted to the premises or enclosure, or any part of the premises or enclosure, while entering or leaving the premises or enclosure or that part of the premises or enclosure; and
- (d) take all reasonable precautions for the safety of the children and other people attending the entertainment. 25

(3) No alcohol or tobacco products may be sold, served or made available to children at places of entertainment.

(4) If the person providing the entertainment is not the owner of the premises or enclosure where the entertainment is provided, the owner or the owner's agent must take all reasonable steps to ensure that subsections (2) and (3) are complied with. 30

(5) (a) A person authorised by a municipality in whose area a premises or enclosure is situated where entertainment described in subsection (1) is or is to be provided, or on reasonable suspicion is or is to be provided, may enter such enclosure in order to inspect whether subsections (2) or (3) are complied with. 35

(b) Section 297(2) and (3), read with such changes as the context may require, applies to any inspection in terms of paragraph (a) of this subsection.

Child labour and exploitation of children

141. (1) No person may—

- (a) employ a child contrary to the provisions of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (b) use, procure, offer or employ a child for purposes of commercial sexual exploitation; 45
- (c) use, procure, offer or employ a child for illicit activities, including drug production and trafficking; or
- (d) use, procure, offer or employ a child for child labour;

(2) A social worker or social service professional who becomes aware of instances of child labour or contraventions of the provisions of the Basic Conditions of Employment Act, 1997 must report it to the Department of Labour.” 50

Amendment of section 142 of Act 38 of 2005

6. Section 142 of the principal Act is hereby amended by the insertion in subsection (1) before paragraph (g) of the following paragraphs:

- “(a) prescribing criteria for determining organisations which may be designated as child protection organisations; 5
- (b) prescribing norms and standards and codes of good practice to guide designated child protection organisations, organs of state and social workers involved in the provision of designated child protection services; 10
- (c) prescribing a broad risk assessment framework to guide decision-making in the provision of designated child protection services; 10
- (d) prescribing— 15
 - (i) criteria for determining suitable persons who may conduct investigations into cases of alleged child abuse or neglect; and
 - (ii) the powers and responsibilities of persons contemplated in subparagraph (i); 15
- (e) prescribing the conditions for the examination or assessment of children who have been abused or neglected, including the consent of the child for any such examination or assessment given the age and maturity of the child; 20
- (f) prohibiting or regulating cultural and religious practices violating the physical integrity of children;”.

Insertion of chapter 8 in Act 38 of 2005

7. The following chapter is hereby inserted in the principal Act after Chapter 7:

“CHAPTER 8**PREVENTION AND EARLY INTERVENTION****Prevention and early intervention programmes**

- 143.** (1) Early intervention programmes means programmes—
- (a) designed to serve the purposes mentioned in section 144; and
 - (b) provided to families where there are children identified as being vulnerable to or at risk of harm or removal into alternative care; 30
- (2) Prevention programmes means programmes—
- (a) designed to serve the purposes mentioned in section 144; and
 - (b) provided to families with children in order to strengthen and build their capacity and self-reliance to address problems that may or are bound to occur in the family environment which, if not attended to, may lead to statutory intervention. 35

Purposes of prevention and early intervention programmes

- 144.** (1) Prevention and early intervention programmes must focus on:
- (a) Preserving a child’s family structure;
 - (b) developing appropriate parenting skills and the capacity of parents and care-givers to safeguard the well-being and best interests of their children; 40
 - (c) establishing appropriate interpersonal relationships within the family;
 - (d) promoting the well-being of children and the realisation of their full potential; 45
 - (e) providing psychological, rehabilitation and therapeutic programmes for children;
 - (f) preventing the neglect, abuse or inadequate supervision of children and preventing other failures in the family environment to meet children’s needs; 50
 - (g) preventing the recurrence of problems in the family environment that may harm children or adversely affect their development;
 - (h) diverting children away from the child and youth care system and the criminal justice system; and

- (i) avoiding the removal of a child from the family environment.
- (2) Prevention and early intervention programmes may include—
- (a) assisting families to obtain the basic necessities of life;
- (b) empowering families to obtain such necessities for themselves.
- (3) Prevention and early intervention programmes must involve and promote the participation of families, parents, care-givers and children in identifying and seeking solutions to their problems.

Strategy for securing prevention and early intervention

145. (1) The Minister, after consultation with the relevant interested persons, including the Ministers of Education, of Finance and of Health, must include in the departmental strategy a comprehensive national strategy aimed at securing the provision of prevention and early intervention services to families, parents, care-givers and children across the country.

(2) The MEC must within the national strategy referred to in subsection (1) provide for a provincial strategy aimed at properly resourced, co-ordinated and managed prevention and early intervention.

(3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

Provision of prevention and early intervention services

146. (1) The MEC for social development of a province may, from money appropriated by the relevant provincial legislature, provide and fund prevention and early intervention programmes for that province.

(2) Prevention and early intervention programmes must—

- (a) be provided in accordance with this Act; and
- (b) comply with the norms and standards prescribed by the Minister.

(3) The provider of prevention and early intervention programmes only qualifies for funding appropriated as contemplated in subsection (1) if the programmes comply with the prescribed norms and standards mentioned in section 147.

(4) In implementing prevention and early intervention programmes families who lack the means of providing proper shelter, food and other basic necessities of life to their children must be given priority.

Norms and standards for prevention and early intervention programmes

147. (1) The Minister must determine national norms and standards by regulation after consultation with interested persons, including the Departments of Education and of Health.

(2) The norms and standards contemplated in subsection (1) must relate to the following:

- (a) Outreach;
- (b) education, information and promotion;
- (c) therapeutic programmes;
- (d) family preservation;
- (e) skills development programmes;
- (f) diversion programmes;
- (g) protection;
- (h) temporary safe care;
- (i) assessment;
- (j) social security;
- (k) family participation; and
- (l) empowerment.

(3) Prevention and early intervention programmes only qualify for funding from money appropriated by a provincial legislature if it complies with the norms and standards as determined by the Minister by regulation.

Court may order early intervention

148. (1) Before making an order concerning the temporary or permanent removal of a child from that child's family environment, a children's court may order—

- (a) the provincial department of social development, a designated child protection organisation, any other relevant organ of state or any other person or organisation to provide early intervention programmes in respect of the child and the family or parent or care-giver of the child if the court considers the provision of such programmes appropriate in the circumstances; 5
- (b) the child's family and the child to participate in a prescribed family preservation programme. 10

(2) An order made in terms of subsection (1) must be for a specified period not exceeding six months.

(3) When a case resumes after the expiry of the specified period, a designated social worker's report setting out progress with early intervention programmes provided to the child and the family, parent or care-giver of the child, must be submitted to the court. 15

(4) After considering the report, the court may—

- (a) decide the question whether the child should be removed; or 20
- (b) order the continuation of the early intervention programme for a further specified period not exceeding six months.

(5) Subsection (1) does not apply where the safety or well-being of the child is seriously and imminently at risk.

Report to include summary of prevention and early intervention programmes 25

149. When a report of a designated social worker is produced before a court in order to assist a court in determining a matter concerning a child, the report must contain a summary of any prevention and early intervention programmes provided in respect of that child and the family, parent or care-giver of the child.”. 30

Amendment of section 156 of Act 38 of 2005

8. Section 156 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (e) of the following paragraph:

“(f) if the child lives in a child-headed household, that the child must remain in that household subject to section 136;”. 35

Insertion of chapters 11, 12, 13 and 14 in Act 38 of 2005

9. The following chapters are hereby inserted in the principal Act after Chapter 10:

“CHAPTER 11**ALTERNATIVE CARE****Alternative care**

167. (1) A child is in alternative care if the child has been placed—

- (a) in foster care; 40
- (b) in the care of a child and youth care centre following an order of a court in terms of this Act or the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or 45
- (c) in temporary safe care.

(2) A child may not be cared for, kept or retained at a facility or a place other than a registered child and youth care centre or in foster care for longer than the prescribed period without a court order placing the child in alternative care. 50

(3) (a) The head of social development must approve a person, facility, place or premises for temporary safe care in the prescribed manner.

(b) A person, facility, place or premises for temporary safe care must comply with the prescribed criteria.

Leave of absence

168. (1) Leave of absence may, subject to subsection (2) and such limitations and conditions as may be prescribed by regulation, be granted to a child in alternative care—

(a) by the management of a child and youth care centre in whose care the child has been placed;

(b) by the person in whose alternative care the child has been placed; and

(c) by the head of social development in the relevant province, in the case of a child in temporary safe care.

(2) If a child has been placed in alternative care under the supervision of a designated social worker, leave of absence may only be granted with the approval of that social worker.

(3) The management, person referred to in subsection (1), designated social worker or the head of social development in the province may at any time cancel any leave of absence granted in terms of subsection (1).

(4) In the case of foster care, the supervising designated social worker may at any time cancel any leave of absence granted in terms of subsection (1).

(5) When a child's leave of absence has been cancelled, the management, person referred to in subsection (1), designated social worker or the head of social development must request the child to return to the child and youth care centre or person, or to the place where the child is in temporary safe care.

Child in alternative care prohibited from leaving Republic

169. (1) A child in alternative care may not leave the Republic without the written approval of the provincial head of social development first being obtained.

(2) In granting approval in terms on subsection (1), the provincial head of social development may prescribe any terms and conditions to protect the best interest of the child in alternative care.

Child absconding from alternative care

170. (1) Any police official or designated social worker may apprehend a child in alternative care who—

(a) has absconded from the child and youth care centre or person in whose foster care or temporary safe care that child has been placed; or

(b) has been granted leave of absence by the child and youth care centre or person in whose foster care or temporary safe care that child has been placed and who on cancellation or expiration of such leave of absence fails to return to that centre or person.

(2) If a police official or designated social worker contemplated in subsection (1) has reasonable grounds to believe that a child is in or on certain premises, the police official or designated social worker may, without a warrant, enter and search the premises for the purpose of apprehending the child.

(3) A police official referred to in subsection (1) may use such force as may be reasonably necessary to overcome any resistance against the entry or search of the premises as contemplated in subsection (1), including the breaking of any door or window of such premises: Provided that the police official shall first audibly demand admission to the premises and notify the purpose for which he or she seeks to enter such premises.

(4) On apprehending a child in alternative care who has absconded or failed to return in terms of subsection (1), the police official must ensure the safety and well-being of the child concerned, if the child's safety or

well-being is at risk, and notify the provincial department of social development or a designated child protection organisation of the fact the child has been apprehended and of any steps that have been taken with regard to the child.

(5) A child so apprehended or a child who returns, of his or her own accord, to the centre or person in whose alternative care he or she was before absconding— 5

(a) must without delay be brought before a presiding officer of a children's court; and

(b) may, until brought before a presiding officer of a children's court, be kept in temporary safe care in terms of section 152. 10

(6) When the child is brought before a presiding officer of a children's court, the presiding officer must—

(a) order that the child be put in the temporary safe care of a child and youth care centre or appropriate facility or person determined by the presiding officer and kept there until the proceedings in terms of this section are completed and any order made or action taken in terms of this section is given effect to; 15

(b) inquire into the reasons why the child absconded from, or failed to return to, the relevant child and youth care centre or person, and may for this purpose question the child; and 20

(c) order that the child—

(i) be returned to that centre or person;

(ii) may not be returned to that centre or person pending any action by the provincial head of social development in the relevant province in terms of subsection (8), if the presiding officer is of the opinion that there are good reasons why the child should not be returned to that centre or person; or 25

(iii) be placed in another form of alternative care.

(7) The presiding officer of the children's court must order the clerk of the children's court to— 30

(a) report to the provincial head of social development in the relevant province the result of an inquiry in terms of subsection (6); and

(b) notify the provincial head of any order made in terms of subsection (6) (c). 35

(8) When an order has been made in terms of subsection (6)(c)(ii) the provincial head may, after consideration of the report of the children's court and such inquiry as the provincial head may consider necessary—

(a) transfer the child in terms of section 171;

(b) remove the child from alternative care in terms of section 173; 40

(c) discharge the child from alternative care in terms of section 175; or

(d) order that the child be returned to the child and youth care centre or person in whose care or temporary safe care that child has been placed.

Transfer of child in alternative care

171. (1) The provincial head of social development in the relevant province may, subject to subsection (5), by order in writing transfer a child in alternative care from the child and youth care centre or person in whose care or temporary safe care that child has been placed to any other child and youth care centre or person. 45

(2) The provincial head may not transfer a child to a child and youth care centre in another province without the permission of the provincial head of social development in that other province and without the prescribed financial arrangements regarding the placement being made. 50

(3) (a) If the provincial head transfers a child in terms of subsection (1) to the care of the child's parent, guardian or former care-giver under the supervision of a designated social worker, the order must specify the requirements with which the child and that parent, guardian or former care-giver must comply. 55

(b) If any requirement referred to in paragraph (a) is breached or not complied with, the designated social worker concerned may bring the child 60

before a children's court, which may, after an inquiry, vary the order issued by the provincial head or make a new order in terms of section 156.

(4) Before the provincial head issues an order in terms of subsection (1), a designated social worker must consult—

- (a) the child;
- (b) the parent or primary care-giver of the child, if available;
- (c) the child and youth care centre or person in whose care or temporary safe care that child has been placed; and
- (d) the child and youth care centre or person to whom the child is to be transferred.

(5) If the provincial head transfers a child from a secure care child and youth care centre to a less restrictive child and youth care centre or to the care of a person, the provincial head must be satisfied that the transfer will not be prejudicial to other children.

(6) No order in terms of subsection (1) may be carried out without ratification by a children's court if the child is transferred—

- (a) from the care of a person to a child and youth care centre; or
- (b) from the care of a child and youth care centre to a secure care or more restrictive child and youth care centre.

Change in residential care programme

172. (1) The provincial head of social development in the relevant province may, subject to subsection (3), determine that—

- (a) a child in a child and youth care centre be released from a residential care programme;
- (b) another residential care programme be applied to such a child; or
- (c) an additional residential care programme be applied to such a child.

(2) To give effect to subsection (1), the provincial head may transfer the child to another child and youth care centre or to a person in terms of section 171.

(3) No determination in terms of subsection (1) may be carried out without ratification by a children's court if that determination requires the application to the child of a residential care programme—

- (a) which includes the secure care of the child; or
- (b) which is more restrictive than the child's current programme.

Removal of child already in alternative care

173. (1) The provincial head of social development in the relevant province may, in the best interest of a child at any time whilst the child is in alternative care, issue a notice directing that the child, pending any action in terms of subsection (3)—

- (a) be removed from the child and youth care centre or person in whose care or temporary safe care the child is; and
- (b) be put in temporary safe care at a place specified in the notice.

(2) The provincial head must, within six months from the date on which a child has been moved and put in temporary safe care in terms of subsection (1) and after such inquiry as the provincial head may consider necessary—

- (a) transfer the child in terms of section 171;
- (b) discharge the child from alternative care in terms of section 175; or
- (c) issue a notice directing that the child be returned to the child and youth care centre or person in whose care or temporary care the child was immediately before the subsection (1) notice was issued.

Provisional transfer from alternative care

174. (1) A provincial head of social development may, in the best interest of a child at any time whilst the child is in alternative care, issue a notice directing that the child be provisionally transferred from alternative care into another form of care that is not more restrictive, as from a date specified in the notice, for a trial period of not more than six months.

- (2) A notice of provisional transfer in terms of subsection (1) may be issued only after—
- (a) procedures prescribed by regulation have been followed—
 - (i) to assess the best interest of the child; and
 - (ii) to reunite the child with the child's immediate family or other family members, if applicable; and
 - (b) a report on such assessment and reunification has been submitted to and considered by the provincial head of social development.
- (3) Provisional transfer must be managed by a designated social worker to establish the feasibility of—
- (a) reunification of the child with the child's immediate family or other family members;
 - (b) integration into another family; or
 - (c) a transfer to another child and youth care centre of any other form of placement.
- (4) The provincial head—
- (a) must revoke the transfer if the child so requests and the social worker so recommends; and
 - (b) may at the end of or at any time during the trial period confirm the child's placement or permanently discharge the child from alternative care in terms of section 175.
- (5) The notice of provisional transfer shall be considered proof of eligibility for any form of state support which would have been payable if the transfer had been permanent.

Discharge from alternative care

- 175.** (1) The provincial head of social development in the relevant province may, in the best interest of a child at any time whilst the child is in alternative care, issue a notice directing that the child be discharged from alternative care as from a date specified in the notice.
- (2) A notice of discharge in terms of subsection (1) may be issued only after—
- (a) procedures prescribed by regulation have been carried out—
 - (i) to assess the best interest of the child; and
 - (ii) to reunite the child with the child's immediate family or other family members, if applicable; and
 - (b) a report on such assessment and reunification by a designated social worker has been submitted to and considered by the provincial head of social development.
- (3) A notice of discharge relieves the alternate care-giver from any further responsibilities in relation to the child.

Remaining in alternative care after reaching age of 18 years

- 176.** (1) A person placed in alternative care as a child is entitled, after having reached the age of 18 years, to remain in that care until the end of the year in which that person reached the age of 18 years.
- (2) A provincial head of social development may on application by a person placed in alternative care as a child, allow that person to remain in that care until the end of the year in which that person reaches the age of 21 years if—
- (a) the current alternative care-giver is willing and able to care for that person; and
 - (b) the continued stay in that care is necessary to enable that person to complete his or her education or training.

Appeal against and review of certain decisions 177.

- (1) A child or person aggrieved by a decision in terms of section 168 or a decision or action in terms of section 170(8), 171, 172, 173, 174, 175, or 176 may lodge an appeal with the MEC against that decision.

(2) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (1), may apply to the competent division of the High Court to review that decision.

Death, abuse or serious injury of child in alternative care 178.

(1) If a child in alternative care dies, the management of the child and youth care centre or person in whose care or foster care the child has been placed must immediately after the child's death report such death—

- (a) to a police official;
- (b) the provincial head of social development;
- (c) the parent or guardian of the child, if he or she can be traced; and
- (d) the social worker dealing with the matter.

(2) The police official must cause an investigation into the circumstances surrounding the death of the child to be conducted by the South African Police Service if the police official is satisfied that the child did not die of natural causes.

(3) If a child in alternative care is abused or seriously injured, the management of the child and youth care centre or person in whose care the child has been placed must immediately report the matter to the provincial head of social development who must cause an investigation into the circumstances of the abuse or serious injury to be conducted.

Regulations

179. The Minister, after consultation with the Minister for Justice and Constitutional Development where court orders are regulated, may make regulations in terms of section 306 prescribing—

- (a) the manner in which a person, facility, place or premises for temporary safe care must be approved;
- (b) the criteria that a person, facility, place or premises for temporary safe care must comply with;
- (c) limitations or conditions for leave of absence from alternative care;
- (d) the manner in which children in alternative care must be transferred or provisionally transferred, their residential care programmes changed, be removed or permanently discharged from alternative care;
- (e) fees payable to a child and youth care centre on transfer or provisional transfer of a child in alternative care to that centre;
- (f) the manner in which applications for extension of alternative care beyond 18 years of age are to be made; and
- (g) any other matter that may be necessary to facilitate the implementation of this Chapter.

CHAPTER 12

FOSTER CARE

Foster care

180. (1) A child is in foster care if the child has been placed in the care of a person who is not the parent or guardian of the child as a result of—

- (a) an order of a children's court; or
- (b) a transfer in terms of section 171.

(2) Foster care excludes the placement of a child—

- (a) in temporary safe care; or
- (b) in the care of a child and youth care centre.

(3) A children's court may place a child in foster care—

- (a) with a person who is not a family member of the child;
- (b) with a family member who is not the parent or guardian of the child; or
- (c) in a cluster foster care scheme.

Purposes of foster care

181. The purposes of foster care are to—

- (a) protect and nurture children by providing a safe, healthy environment with positive support;
- (b) promote the goals of permanency planning, first towards family reunification, or by connecting children to other safe and nurturing family relationships intended to last a lifetime; and
- (c) respect the individual and family by demonstrating a respect for cultural, ethnic and community diversity.

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Initial proceedings

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182. Before a children's court places a child in foster care, the court must follow the children's court processes stipulated in Part 2 of Chapter 10 to the extent that the provisions of that Part are applicable to the particular case.

Prospective foster parent

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183. (1) A prospective foster parent must be—

- (a) a fit and proper person to be entrusted with the foster care of the child;
- (b) willing and able to undertake, exercise and maintain the responsibilities of such care; and
- (c) properly assessed by a designated social worker for compliance with paragraphs (a) and (b).

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(2) A person unsuitable to work with children is not a fit and proper person to be entrusted with the foster care of a child.

(3) Subsections (1) and (2), read with such changes as the context may require, apply to any organisation or a group of individuals managing a cluster foster care scheme.

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Determination of placement of child in foster care

184. (1) Before a children's court places a child in foster care by court order in terms of section 156, the court must consider a report by a designated social worker about—

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- (a) the cultural, religious and linguistic background of the child; and
- (b) the availability of a suitable person with a similar background to that of the child who is willing and able to provide foster care to the child.

(2) A child may be placed in the foster care of a person from a different cultural, religious and linguistic background to that of the child, but only if—

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- (a) there is an existing bond between that person and the child; or
- (b) a suitable and willing person with a similar background is not readily available to provide foster care to the child.

Number of children to be placed in foster care per household

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185. (1) Not more than six children may be placed in foster care with a single person or two persons sharing a common household, except where—

- (a) the children are siblings or blood relations; or
- (b) the court considers this for any other reason to be in the best interest of all the children.

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(2) More than six children may be placed in foster care in terms of a cluster foster care scheme as prescribed.

Duration of foster care placements

186. (1) A children's court may, despite the provisions of section 159(1)(a) regarding the duration of a court order, after a child has been in foster care with a person other than a family member for more than two

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years and after having considered the need for creating stability in the child's life, order that—

- (a) no further social worker supervision is required for that placement;
- (b) no further social worker reports are required in respect of that placement; and
- (c) the foster care placement subsists until the child turns 18 years, unless otherwise directed.

(2) A children's court may, despite the provisions of section 159(1)(a) regarding the duration of a court order and after having considered the need for creating stability in the child's life, place a child in foster care with a family member for more than two years, extend such an order for more than two years at a time or order that the foster care placement subsists until the child turns 18 years, if—

- (a) the child has been abandoned by the biological parents;
- (b) the child's biological parents are deceased;
- (c) there is for any other reason no purpose in attempting reunification between the child and the child's biological parents; and
- (d) it is in the best interest of the child.

(3) Despite the provisions of subsections (2) and (3), a social service professional must visit a child in foster care at least once every two years to evaluate the placement.

Reunification of child with biological parent

187. (1) If a children's court placing a child in foster care is of the view that reunification between the child and the child's biological parents is possible and in the best interest of the child, the court must issue the placement order subject to conditions providing for a designated social worker to facilitate such reunification as contemplated in section 156(3)(a).

(2) If the child has not been reunited with the child's biological parents two months before the expiry of the initial court order or any extension of the order, the designated social worker appointed to facilitate the reunification must submit a report to the children's court—

- (a) explaining why the child was not reunited with the biological parents; and
- (b) recommending any steps that may be taken to stabilise the child's life.

(3) The children's court considering the report may—

- (a) order that the designated social worker must continue facilitating the reunification; or
- (b) order the termination of the reunification services if there are no prospects of reunification.

Responsibilities and rights of foster parent

188. (1) The foster parent of a child has those parental responsibilities and rights in respect of the child as set out in—

- (a) the order of the children's court placing the child in the foster care of that foster parent;
- (b) the responsibilities and rights of foster parents as may be prescribed;
- (c) an order of the children's court amending the initial order;
- (d) an order of court assigning parental responsibilities and rights in terms of section 23;
- (e) a parenting plan between the parent or guardian of the child and the foster parent in terms of section 33;
- (f) any applicable provisions of this Act.

(2) An order of the children's court may give parental rights and responsibilities to a foster parent in addition to those normally necessary for a foster parent if—

- (a) the child has been abandoned;
- (b) the child is an orphan; or
- (c) family reunification is not in the best interest of the child.

(3) A children's court may in terms of section 65 monitor the suitability of the placement of a child in foster care.

Termination of foster care

189. (1) Foster care may be terminated by a children's court if it is in the best interest of the child.

(2) Before terminating the foster care of a child, the court must take into account all relevant factors, including—

- (a) the bond that exists between the child and the child's biological parent, if the biological parent reclaims care of the child;
- (b) the bond that developed between—
 - (i) the child and the foster parent; and
 - (ii) the child and the family of the foster parent; and
- (c) the prospects of achieving permanency in the child's life by—
 - (i) returning the child to the biological parent;
 - (ii) allowing the child to remain permanently in foster care with the foster parent;
 - (iii) placing the child in any other alternative care; or
 - (iv) adoption of the child.

Regulations

190. The Minister, after consultation with the Minister for Justice and Constitutional Development where court orders are regulated, may make regulations in terms of section 306—

- (a) prescribing the responsibilities and rights of foster parents;
- (b) regulating the establishment, functioning and management of cluster foster care schemes;
- (c) prescribing the requirements with which cluster foster care schemes and any foster care programmes provided in terms of such schemes, must comply; and
- (d) prescribing any other matter that may be necessary to facilitate the implementation of this Chapter.

CHAPTER 13**CHILD AND YOUTH CARE CENTRES****Child and youth care centre**

191. (1) A child and youth care centre is a facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential care programme or programmes suited for the children in the facility, but excludes—

- (a) a partial care facility;
- (b) a drop-in centre;
- (c) a boarding school;
- (d) a school hostel or other residential facility attached to a school;
- (e) a prison; or
- (f) any other establishment which is maintained mainly for the tuition or training of children other than an establishment which is maintained for children ordered by a court to receive tuition or training.

(2) A child and youth care centre must offer a therapeutic programme designed for the residential care of children outside the family environment, which may include a programme designed for—

- (a) the reception, care and development of children otherwise than in their family environment;
- (b) the reception, care and development of children on a shared basis with the parent or other person having parental responsibilities;
- (c) the reception and temporary safe care of children pending their placement;
- (d) the reception and temporary safe care of children to protect them from abuse or neglect;
- (e) the reception and temporary safe care of trafficked or commercially sexually exploited children;

- (f) the reception and temporary safe care of children for the purpose of—
 - (i) observing and assessing those children;
 - (ii) providing counselling and other treatment to them; or
 - (iii) assisting them to reintegrate with their families and the community;
 - (g) the reception, development and secure care of children awaiting trial or sentence;
 - (h) the reception, development and secure care of children with behavioural, psychological and emotional difficulties;
 - (i) the reception, development and secure care of children in terms of an order—
 - (i) under the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
 - (ii) in terms of section 156(1)(h) placing the child in a child and youth care centre which provides a secure care programme; or
 - (iii) in terms of section 171 transferring a child in alternative care;
 - (j) the reception and care of street children; or
 - (k) the reception and care of children for any other purpose that may be prescribed by regulation.
- (3) A child and youth care centre may in addition to its residential care programmes, offer—
- (a) the provision of appropriate care and development of children with disabilities or chronic illnesses;
 - (b) therapeutic programmes;
 - (c) the treatment of children for addiction to dependence-producing substances;
 - (d) a programme for the treatment of children with a psychiatric condition;
 - (e) a programme to assist a person with the transition when leaving a child and youth care centre after reaching the age of 18; or
 - (f) any other service that may be prescribed by regulation.

Strategy to ensure sufficient provision of child and youth care centres

192. (1) The Minister, after consultation with the Ministers of Education, of Health and of Justice and Constitutional Development, must include in the departmental strategy a comprehensive national strategy aimed at ensuring an appropriate spread of child and youth care centres throughout the Republic providing the required range of residential care programmes in the various regions, giving due consideration as provided in section 11 to children with disability or chronic illness.

(2) The MEC must within the national strategy referred to in subsection (1) provide for a provincial strategy aimed at the establishment of an appropriate spread in the province of properly resourced, co-ordinated and managed child and youth care centres providing the required range of residential care programmes.

(3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

(4) The provincial head of social development must maintain a record of all available child and youth care centres in the province concerned and of the programmes contemplated in section 191 offered by each centre.

Provision of child and youth care centres 193.

(1) The MEC for social development of a province must, from money appropriated by the relevant provincial legislature, provide and fund child and youth care centres for that province.

(2) Such child and youth care centres—

- (a) must be managed and maintained in accordance with this Act; and
- (b) must comply with—
 - (i) the prescribed norms and standards contemplated in section 194 and such other requirements as may be prescribed;

- (ii) the structural, safety, health and other requirements of the municipality of the area in which the child and youth care centre is situated.

(3) An accredited organisation operating a child and youth care centre only qualifies for funding from money appropriated by a provincial legislature if it complies with the norms and standards as determined by the Minister by regulation.

Norms and standards for child and youth care centres

194. (1) The Minister must determine national norms and standards by regulation after consultation with interested persons.

(2) The norms and standards contemplated in subsection (1) must relate to the following:

- (a) A residential care programme;
- (b) therapeutic programmes;
- (c) development programmes;
- (d) permanency plans for children;
- (e) individual development plans;
- (f) temporary safe care;
- (g) protection from abuse and neglect;
- (h) assessment of children;
- (i) family reunification and reintegration;
- (j) after-care with the purpose of prevention and early intervention;
- (k) access to and provision of adequate health care;
- (l) access to schooling and education; and
- (m) measures for the separation of children in secure care programmes from children in other programmes.

Part 1

Establishment and registration of child and youth care centre

Establishment of child and youth care centre by organ of state

195. The MEC for social development of a province must, from money appropriated by the relevant provincial legislature, establish and operate child and youth care centres for that province.

Existing government children's home, place of safety, secure care facility, school of industry and reform school

- 196.** (1) As from the date on which section 195 takes effect—
- (a) an existing state operated children's home established or deemed to have been established in terms of the Child Care Act must be regarded as having been established in terms of section 195 as a child and youth care centre providing a residential care programme referred to in section 191(2)(a);
 - (b) an existing state operated place of safety established or deemed to have been established in terms of the Child Care Act must be regarded as having been established in terms of section 195 as a child and youth care centre providing residential care programmes referred to in section 191(2)(c) and (d);
 - (c) an existing state operated secure care facility established or deemed to have been established in terms of the Child Care Act must be regarded as having been established in terms of section 195 as a child and youth care centre providing a residential care programme referred to in section 191(2)(g);
 - (d) a government industrial school established in terms of section 33 of the Children's Protection Act, 1913 (Act No. 25 of 1913) must be regarded as having been established in terms of section 195 as a child and youth care centre providing a residential care programme referred to in section 191(2)(h);

- (e) a reformatory established in terms of section 52 of the Prisons and Reformatory Act, 1911 (Act No. 13 of 1911) must be regarded as having been established in terms of section 195 as a child and youth care centre providing a residential care programme referred to in section 191(2)(i). 5

(3) The provincial department of education must provide education to the children in the facilities mentioned in paragraphs (d) and (e).

Establishment of child and youth care centre by accredited organisation

197. (1) Any accredited organisation may establish or operate a child and youth care centre provided that the centre— 10

- (a) is registered with the relevant provincial department of social development; 15
- (b) is managed and maintained in accordance with this Act and any conditions subject to which the centre is registered;
- (c) complies with the prescribed norms and standards for child and youth care centres as contemplated in section 194 and such other requirements as may be prescribed; and
- (d) complies with the structural, safety, health and other requirements of the municipality of the area in which the child and youth care centre is or is to be situated. 20

(2) Subsection (1) also applies to a child and youth care centre established by an organ of state in terms of section 195 if the centre is operated by an accredited organisation.

(3) With the exception of partial care facilities operated or managed by a national or provincial state department responsible for social development, all partial care facilities operated or managed by a national or provincial state department must comply with subsection (1). 25

Existing registered children's home and registered shelter

199. (1) As from the date on which section 197 takes effect an existing privately operated children's home registered or deemed to be registered in terms of the Child Care Act must be regarded as having been registered in terms of section 196 as a child and youth care centre providing a residential care programme mentioned in section 191(2)(a). 30

(2) A children's home referred to in subsection (1) is regarded to be a registered child and youth care centre for a period of five years from the date on which that subsection takes effect, unless its registration is withdrawn in terms of section 204 before the expiry of that period. 35

(3) An existing shelter registered in terms of the Child Care Act must register as a child and youth care centre within a period of five years from the date on which this section takes effect. 40

Notice of enforcement

199. (1) A provincial head of social development may by way of a written notice of enforcement instruct—

- (a) a person or organisation operating an unregistered child and youth care centre— 45
 - (i) to stop operating that centre; or
 - (ii) to apply for registration in terms of section 199 within a period specified in the notice; or
- (b) a person or organisation operating a registered child and youth care centre otherwise than in accordance with the provisions of this Act or any conditions subject to which the registration was issued, to comply with those provisions or conditions. 50

(2) A person or organisation operating an unregistered child and youth care centre and who is instructed in terms of subsection (1)(a)(ii) to apply for registration within a specified period may, despite the provisions of section 196 regarding the establishment of child and youth care centres by 55

accredited organisations, be given permission by the provincial head of social development to continue operating the centre during that period and, if that person applies for registration, until that person's application has been finalised.

(3) The Director-General or the provincial head of social development may apply to the High Court for an order to instruct a person or organisation operating a child and youth care centre, whether registered or not, to stop operating that centre.

(4) The High Court may grant an order for costs against the person or organisation referred to in subsection (3) if so requested by the Director-General or provincial head of social development.

Application for registration or renewal of registration

200. (1) An application for registration of a child and youth care centre established by an accredited organisation as referred to in section 196 or for the renewal of such a registration must—

- (a) be lodged with the provincial head of social development in the relevant province in accordance with a procedure prescribed by regulation;
- (b) contain the particulars prescribed by regulation; and
- (c) be accompanied by—
 - (i) a certified copy of the constitution or founding document of the child and youth care centre;
 - (ii) a certificate issued by the municipality in which the child and youth care centre is or is to be situated certifying that the premises in which the centre is or is to be accommodated complies with all structural, safety, health and other requirements of the municipality; and
 - (iii) any documents that may be prescribed by regulation.

(2) An applicant must provide such additional information relevant to the application as the provincial head of social development may determine.

(3) An application for the renewal of registration must be made at least 90 days before the registration is due to expire, but the provincial head of social development may allow a late application on good cause shown.

(4) The provincial head of social development must renew the registration of a partial care facility before the expiration thereof if the application for renewal was lodged at least 90 days before the registration was due to expire as contemplated in subsection (3).

Consideration of application

201. (1) The provincial head of social development must—

- (a) consider an application for registration or for the renewal of a registration and either refuse the application or grant the registration or renewal with or without conditions, having regard to subsection (2);
- (b) issue to the applicant a certificate of registration or renewal of registration in the form prescribed by regulation if the application is granted; and
- (c) state in the certificate of registration the period for which the registration will remain valid.

(2) When deciding an application the provincial head of social development must take into account all relevant factors, including whether—

- (a) the child and youth care centre complies with—
 - (i) the prescribed norms and standards for child and youth care centres contemplated in section 194 and such other requirements as may be prescribed; and
 - (ii) the structural, safety, health and other requirements of the municipality in which the child and youth care centre is or is to be situated;
- (b) the applicant is a fit and proper person to operate a child and youth care centre;

- (c) the applicant has the necessary skills, funds and resources available to operate the child and youth care centre;
 - (d) each person employed at or engaged in the child and youth care centre is a fit and proper person to assist in operating a child and youth care centre; and
 - (e) each person employed at or engaged in the child and youth care centre has the prescribed skills to assist in operating a child and youth care centre.
- (3) A person unsuitable to work with children is not a fit and proper person to operate or assist in operating a child and youth care centre.
- (4) The provincial head of social development must consider a report of a designated social worker before deciding an application for registration or renewal of registration.
- (5) Notwithstanding the provisions of section 193(3) a provincial head of social development may assist the person or organisation operating a child and youth care centre to comply with the prescribed norms and standards contemplated in section 194 and such other requirements as may be prescribed.

Conditional registration

- 202.** The registration or renewal of the registration of a child and youth care centre may be granted on such conditions as the provincial head of social development may determine, including conditions—
- (a) specifying the type of residential care programme or programmes that may or must be provided in terms of the registration;
 - (b) stating the period for which the registration will remain valid; and
 - (c) providing for any other matters that may be prescribed by regulation.

Amendment of registration

- 203.** The provincial head of social development in the relevant province may, on application in the prescribed circumstances by the holder of a registration of a child and youth care centre, amend the registration by written notice to that person.

Cancellation of registration

- 204.** (1) The provincial head of social development in the relevant province may cancel the registration of a child and youth care centre by written notice to the registration holder if—
- (a) the centre is not maintained in accordance with—
 - (i) the prescribed norms and standards contemplated in section 194 for child and youth care centres and such other requirements as may be prescribed;
 - (ii) any structural, safety, health and other requirements of the municipality in which the child and youth care centre is situated;
 - (iii) any organisational development plan established for the centre as part of the quality assurance process in terms of section 211; or
 - (iv) any other requirements of this Act;
 - (b) any condition subject to which the registration or renewal of registration was issued is breached;
 - (c) the registration holder or the management of the centre contravenes or fails to comply with a provision of this Act;
 - (d) the registration holder becomes a person who is not a fit and proper person to operate a child and youth care centre; or
 - (e) a person who is not a fit and proper person to assist in operating a child and youth care centre is employed at or involved in activities at the centre.
- (2) A person unsuitable to work with children is not a fit and proper person to operate or assist in operating a child and youth care centre.

- (3) The provincial head of social development may in the case of the cancellation of a registration in terms of subsection (1)(a), (b), (c) or (e)—
- (a) suspend the cancellation for a period to allow the registration holder to correct the cause of the cancellation; and
 - (b) reinstate the registration if the registration holder corrects the cause of the cancellation within that period.
- (4) The Director-General or a provincial head of social development may assist a registration holder to comply with—
- (a) the prescribed norms and standards for child and youth care centres contemplated in section 194 and such other requirements as may be prescribed;
 - (b) any structural, safety, health and other requirements of the municipality in which the child and youth care centre is situated; or
 - (c) any provisions of the organisational development plan established for the centre in terms of the quality assurance process contemplated in section 211, where the cancellation was due to a failure to comply with those norms and standards, requirements or process.
- (5) The cancellation of a registration which has not been suspended takes effect from a date specified in the notice referred to in subsection (1), which may not be earlier than 90 days from the date on which that notice was given, except if—
- (a) the provincial head of social development and the holder of the registration agree on an earlier date; or
 - (b) the safety or protection of the children in the centre requires an earlier date.

Voluntary closure of child and youth care centre

- 205.** (1) The holder of a registration of a child and youth care centre may close the centre by—
- (a) giving written notice to the provincial head of social development in the relevant province; and
 - (b) surrendering the certificate of registration to the provincial head of social development for cancellation.

Child in child and youth care centre to be closed

- 206.** (1) If a child and youth care centre is to be closed as a result of the cancellation of its registration in terms of section 204 or voluntary closure of the centre in terms of section 205 every child placed in that centre must be transferred in terms of section 171.

Appeal against and review of certain decisions

- 207.** (1) An applicant aggrieved by a decision of a provincial head of social development with regard to the consideration of an application for registration or renewal of registration in terms of section 200, or the conditions on which registration was granted in terms of section 201, or a registration holder aggrieved by a decision of a provincial head of social development to cancel the registration of a child and youth care centre in terms of section 204, may lodge an appeal against that decision with the MEC for social development.
- (2) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (1), may apply to the competent division of the High Court to review that decision.

*Part 2****Operation and management of child and youth care centre*****Management board**

- 208.** (1) Each child and youth care centre must have a management board consisting of no fewer than six and no more than nine members. 5
- (2) The members of a management board are appointed by—
- (a) the MEC for social development in the relevant province in accordance with a procedure prescribed by regulation, in the case of a child and youth care centre which is operated by the province; and
 - (b) the registration holder in accordance with a procedure prescribed by regulation, in the case of a privately operated child and youth care centre. 10
- (3) In appointing members of the management board, equitable representation by all stakeholders, including the community in which the child and youth care centre is located, must be ensured. 15
- (4) No person unsuitable to work with children may be appointed or continue to serve as a member of a management board.
- (5) A management board functions in terms of the regulations, and may exercise the powers and must perform the duties conferred on it in terms of this Act. 20
- (6) The management board must create a children's forum as part of the management board to ensure the participation of resident children in the operation of the centre.

Manager and staff of child and youth care centre

- 209.** (1) The person or organisation operating a child and youth care centre must appoint or designate— 25
- (a) a person as the manager of the centre; and
 - (b) a sufficient number of staff or other appropriate persons to assist in operating the centre.
- (2) A person may be appointed or designated in terms of subsection (1) only— 30
- (a) after following an interview process prescribed by regulation;
 - (b) if that person has the skills and training as prescribed; and
 - (c) if that is a fit and proper person to assist in operating a child and youth care centre. 35
- (3) A person unsuitable to work with children is not a fit and proper person to assist in operating or serving at a child and youth care centre.
- (4) The number of staff appointed or designated must be in accordance with any staff-to-children ratios that may be—
- (a) prescribed by regulation; or
 - (b) required in the conditions of registration of the centre. 40

Management system

- 210.** A child and youth care centre must be managed—
- (a) in accordance with— 45
 - (i) a system of management that allows for a division of responsibilities between the management board and the manager of the centre and an appropriate interaction in the exercise of those responsibilities, as may be prescribed by regulation;
 - (ii) the organisational development plan established for the centre in terms of its quality assurance process; and
 - (iii) any other requirements of this Act; and
 - (b) in a manner that is conducive to implementing the residential care programme and other programmes offered at the centre. 50

Quality assurance process

211. (1) The provincial head for social development must ensure that a quality assurance process is carried out in respect of each child and youth care centre in the manner and at the intervals as prescribed.

(2) The management board of a child and youth care centre must without delay, after completion of the quality assurance process, submit a copy of the organisational development plan established for the centre in terms of the quality assurance process to the MEC for social development in the province.

(3) A provincial head of social development may give advice to a child and youth care centre on carrying out the quality assurance process as contemplated in subsection (1).

Part 3**Miscellaneous****Regulations**

212. The Minister may, where appropriate after consultation with the Ministers of Education, of Health and of Justice and Constitutional Development, in terms of section 306 make regulations prescribing—

- (a) the procedure to be followed in connection with the lodging and consideration of—
 - (i) applications for registration of child and youth care centres;
 - (ii) applications for renewal or amendment of such registrations; and
 - (iii) objections to applications made in terms of sub-paragraphs (i) and (ii);
- (b) the norms and standards that child and youth care centres must comply with;
- (c) the matters with which applicants must comply before, during or after the lodging of their applications;
- (d) consultation processes that must be followed in connection with such applications;
- (e) any additional factors that must be taken into account when deciding such applications;
- (f) the procedure to be followed and the fees to be paid in connection with the lodging and consideration of appeals in terms of this Chapter;
- (g) the format and contents of registration certificates;
- (h) methods and procedures to enforce compliance with registration conditions;
- (i) matters in connection with the physical attributes, operation and management of child and youth care centres;
- (j) matters in connection with residential care programmes provided at child and youth care centres, including the setting of criteria for—
 - (i) the core components of such programmes; and
 - (ii) the implementation of such programmes;
- (k) the provision of programmes at child and youth care centres to meet the developmental, therapeutic and recreational needs of children;
- (l) an assessment of and the formulation of an individual developmental and permanency plan for each child;
- (m) the powers and duties of the management boards of child and youth care centres;
- (n) the composition of management boards, which may include representation for staff and residents;
- (o) matters relating to members of management boards, including—
 - (i) appointment procedures;
 - (ii) qualifications for membership;
 - (iii) term of office;
 - (iv) filling of vacancies; and
 - (v) suspension or termination of membership;

- (p) matters relating to the functioning of management boards, including—
 - (i) designation and functions of presiding members;
 - (ii) the convening and conduct of meetings;
 - (iii) quorums; and
 - (iv) the appointment and functioning of committees of a board;
- (q) matters relating to training, qualifications and experience of staff of child and youth care centres;
- (r) matters relating to the responsibilities of and interaction between the management board and the staff and residents of a child and youth care centre;
- (s) the reporting responsibilities of management boards and staff to the department, person or organisation operating the child and youth care centre;
- (t) the format of the constitution or founding document of a child and youth care centre and the matters to be regulated in such constitution or founding document;
- (u) the rights of children in child and youth care centres;
- (v) management, disciplinary and other practices in child and youth care centres;
- (w) matters in connection with quality assurance processes and organisational development plans established in terms of such processes for child and youth care centres, including—
 - (i) the composition of teams to conduct internal and independent assessments;
 - (ii) the qualifications of team members and the remuneration payable to members of independent teams;
 - (iii) the manner in which internal and independent assessments must be conducted;
 - (iv) the core components of organisational development plans;
 - (v) the implementation, revision and amendment of such plans;
 - (vi) the monitoring of implementation and reporting of violations of such plans; and
 - (vii) the qualifications, functions and remuneration of mentors appointed to oversee the implementation of such plans; and
- (x) any other matter that may facilitate the implementation of this Chapter.

CHAPTER 14

DROP-IN CENTRES

Drop-in centres

213. A drop-in centre is a facility located at a specific place which is managed for the purpose of providing basic services, excluding overnight accommodation, to children, including street children, who voluntarily attend the facility but who are free to leave.

Strategy concerning drop-in centres

214. (1) The Minister, after consultation with civil society and the relevant interested parties, including the Ministers of Finance and Health, must include in the departmental strategy a strategy aimed at ensuring an appropriate spread of drop-in centres throughout the Republic, giving due consideration as provided in section 11 to children with disability or chronic illness.

(2) The MEC must—

- (a) maintain a record of all the registered drop-in centres in the province concerned;
- (b) within the national strategy referred to in subsection (1), provide for a provincial strategy to ensure an appropriate spread of drop-in centres in the province.

(3) The MEC must compile a provincial profile from time to time in order to make the information available that is necessary for the development and review of the strategies referred to in subsections (1) and (2).

Provision of drop-in centres

215. (1) The MEC for social development of a province may, from money appropriated by the relevant provincial legislature, provide and fund drop-in centres for that province.

(2) Such drop-in centres—

(a) must be management and maintained in accordance with this Act; and
(b) must comply with—

(i)

the prescribed norms and standards contemplated in section 216 and such other requirements as may be prescribed;

(ii)

the structural safety, health and other requirements of the municipality of the area where the drop-in centre is situated.

(3) The owner or manager of a drop-in centre only qualifies for funding appropriated as contemplated in subsection (1) if the centre complies with the prescribed norms and standards contemplated in section 216 and such other requirements as may be prescribed.

Norms and standards for drop-in centres

216. (1) The Minister must determine norms and standards by regulation after consultation with interested persons, including local government.

(2) The norms and standards contemplated in subsection (1) must relate to the following:

(a) A safe environment for the children;

(b) adequate space and ventilation;

(c) safe drinking water;

(d) hygienic and adequate toilet facilities;

(e) access to disposal of refuse services or other adequate means of disposal of refuse generated at the shelter or drop-in centre;

(f) a hygienic area for the preparation of food for the children.

(g) providing adequate care for the children.

(h) providing programmes in life and social skills, as well as psychosocial services, education, primary health care and recreation.

(i) reporting of all children residing the drop-in centres to a social worker for intervention and family reunification.

(j) drop-in centres should not be seen as a permanent or long term placement.

(k) drop-in centres should have screened and trained staff and care givers.

(l) shelters and drop-in centres should have management committees.

(3) A drop-in centre only qualifies for funding from money appropriated by a provincial legislature if it complies with the prescribed norms and standards as contemplated in section 216 and such other requirements as may be prescribed.

(4) A drop-in centre may offer such programmes appropriate to the developmental needs of the children in that centre as may be prescribed.

Drop-in centres to be registered

217. (1) Any person or organisation may establish or operate a drop-in centre provided that the drop-in centre—

(a) is registered with the provincial head of social development of the province where that drop-in centre is situated;

(b) is managed and maintained in accordance with any conditions subject to which the drop-in centre is registered; and

(c) complies with—

- (i) the prescribed norms and standards for drop-in centres contemplated in section 216 and such other requirements as may be prescribed; and
- (ii) the structural, safety, health and other requirements of the municipality.

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(2) As from the date on which this section takes effect an existing drop-in centre registered in terms of the Child Care Act must be regarded as having been registered as a drop-in centre in terms of this section.

(3) A drop-in centre referred to in subsection (4) is regarded to be a registered drop-in centre for a period of five years from the date on which that subsection takes effect, unless its registration is withdrawn in terms of section 84 before the expiry of that period.

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Notice of enforcement

218. (1) The provincial head of social development may by way of a written notice of enforcement instruct—

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- (a) a person or organisation operating an unregistered drop-in centre—
 - (i) to stop operating that drop-in centre; or
 - (ii) to apply for registration in terms of section 217 within a period specified in the notice; or
- (b) a person or organisation operating a registered drop-in centre otherwise than in accordance with the conditions subject to which the registration was issued, to comply with those conditions.

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(2) A person or organisation operating an unregistered drop-in centre and who is instructed in terms of subsection (1)(a)(ii) to apply for registration within a specified period may, despite the provisions of section 217 be given permission by the provincial head of social development to continue operating the drop-in centre during that period and, if that person applies for registration, until that person's application has been finalised.

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(3) The Director-General or the provincial head of social development may apply to the High Court for an order to instruct a drop-in centre, whether registered or not, to stop operating that centre.

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(4) The High Court may grant an order for costs against the owner of manager of the drop-in care centre referred to in subsection (3) if so requested by the Director-General or provincial head of social development.

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Application for registration and renewal of registration

219. (1) An application for registration or conditional registration of a drop-in centre or for the renewal of a registration must—

- (a) be lodged, in accordance with a procedure prescribed by regulation, with the provincial head of social development in which the facility is or will be situated;
- (b) contain the particulars prescribed by regulation; and
- (c) be accompanied by any documents that may be prescribed by regulation;

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(2) An applicant must provide such additional information relevant to the application as the provincial head of social development may determine.

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(3) An application for the renewal of registration must be made at least 90 days before the registration is due to expire, but the provincial head of social development may allow a late application on good cause shown.

(4) The provincial head of social development must renew the registration of a drop-in centre before the expiration thereof if the application for renewal was lodged at least 90 days before the registration was due to expire as contemplated in subsection (3).

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Consideration of application

220. (1) The provincial head of social development must—

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- (a) consider an application for registration or conditional registration or for the renewal of a registration, and either reject the application or

- grant the registration or renewal with or without conditions, having regard to subsection (2); and
- (b) issue to the applicant a certificate of registration, conditional registration or renewal of registration on a form prescribed by regulation if the application is granted. 5
- (2) When considering an application, the provincial head of social development must take into account all relevant factors, including whether—
- (a) the drop-in centre complies with— 10
- (i) the prescribed norms and standards for drop-in centres contemplated in section 216; and
- (ii) the structural, safety, health and other requirements of the municipality;
- (b) the applicant is a fit and proper person to operate a drop-in centre;
- (c) the applicant has the necessary skills, funds and resources available to operate the drop-in centre; 15
- (d) each person employed or engaged in the drop-in centre is a fit and proper person to assist in operating a drop-in centre; and
- (e) each person employed at or engaged in the drop-in centre has the prescribed skills to assist in operating a drop-in centre. 20
- (3) A person unsuitable to work with children is not a fit and proper person to operate or assist in operating a drop-in centre.
- (4) The provincial head of social development must consider a report of a social service professional before deciding an application for registration, conditional registration or renewal of registration. 25
- (5) Notwithstanding the provisions of section 215(3) a provincial head of social development may assist the person or organisation operating a drop-in centre to comply with the prescribed norms and standards contemplated in section 216 and such other requirements as may be prescribed. 30

Conditional registration

- 221.** (1) The registration or renewal of the registration of a drop-in centre may be granted on such conditions as the provincial head of social development may determine, including conditions—
- (a) specifying the type of services that may or must be provided in terms of the registration; 35
- (b) stating the period for which the registration will remain valid; and
- (c) providing for any other matters that may be prescribed by regulation.
- (2) A provincial head of social development may give advice to a drop-in centre on complying with the prescribed norms and standards contemplated in section 216 and such other requirements as may be prescribed. 40

Cancellation of registration

- 222.** (1) A provincial head of social development may cancel the registration of a drop-in centre by written notice to the registration holder if—
- (a) the drop-in centre is not maintained in accordance with— 45
- (i) the prescribed norms and standards for drop-in centres contemplated in section 216 and such other requirements as may be prescribed; and
- (ii) any other requirements of this Act; 50
- (b) any condition subject to which the registration or renewal of registration was issued is breached or not complied with;
- (c) the registration holder or the management of the drop-in centre contravenes or fails to comply with any provision of this Act;
- (d) the registration holder becomes a person who is not a fit and proper person to operate a drop-in centre; or 55
- (e) a person who is not a fit and proper person to assist in operating a drop-in centre is employed at or engaged in operating the shelter or drop-in centre.

(2) A person unsuitable to work with children is not a fit and proper person to operate or assist in operating a drop-in centre.

(3) The provincial head of social development may in the case of the cancellation of a registration in terms of subsection (1)(a), (b), (c) or (e)—

- (a) suspend the cancellation for a period to allow the registration holder to correct the cause of the cancellation; and 5
- (b) reinstate the registration if the registration holder corrects the cause of the cancellation within that period.

(4) A provincial head of social development may assist a registration holder to comply with the prescribed norms and standards for drop-in centres contemplated in section 216 and such other requirements as may be prescribed. 10

Appeal against and review of certain decisions

223. (1) An applicant aggrieved by a decision of a provincial head of social development with regard to the consideration of an application for registration, conditional registration or renewal of registration in terms of section 219, or the conditions on which registration was granted in terms of section 221, or a registration holder aggrieved by a decision of a provincial head of social development to cancel the registration of a drop-in centre in terms of section 222 may lodge an appeal with the MEC for social development against that decision. 15 20

(2) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (1), may apply to the competent division of the High Court to review that decision.

Record and inspection of and provision for drop-in centres 25

224. (1) A provincial head of social development must—

- (a) maintain a record of all available drop-in centres in its area; and
- (b) conduct regular inspections of drop-in centres in the province in collaboration with the municipality where the drop-in centres are situated to enforce the provisions of this Act. 30

(2) A province's strategies must include strategies for the provision of drop-in centres in the province, which must include measures—

- (a) facilitating the establishment of sufficient drop-in centres in the province;
- (b) prioritising those types of drop-in centres most urgently required; and 35
- (c) facilitating the identification and provision of suitable premises.

Assignment of functions to municipality

225. (1) The provincial head of social development may, by written agreement with a municipality, assign the performance of some or all of the functions contemplated in sections 215, 217, 218, 219, 221 and 222 to the municipal manager if the provincial head of social development is satisfied that the municipality complies with the prescribed requirements with regard to the capacity of that municipality to perform the functions concerned. 40

(2) The agreement must be in the prescribed form and contain the prescribed particulars. 45

(3) The municipal manager referred to in subsection (1) may delegate any power or duty assigned to him or her in terms of this section to a designated social worker in the employ of the municipality.

(4) A delegation in terms of subsection (2)— 50

- (a) is subject to any limitations, conditions and directions which the municipal manager may impose;
- (b) must be in writing; and
- (c) does not divest the municipal manager of the responsibility concerning the exercise of the power or the performance of the duty. 55

(5) The municipal manager may—

- (a) confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision; and
 - (b) at any time withdraw a delegation.
- (6) An applicant aggrieved by a decision of an official in the employ of a municipality with regard to the consideration of an application for registration, conditional registration or renewal of registration in terms of section 220, or the conditions on which registration was granted in terms of section 221, or a registration holder aggrieved by a decision of a provincial head of social development to cancel the registration of a partial care facility in terms of section 222 may lodge an appeal with the municipal council against that decision.
- (7) An applicant that is not satisfied with the outcome of an appeal lodged as contemplated in subsection (6), may apply to the competent division of the High Court to review that decision.
- (8) (a) The provincial head of social development must monitor the performance of the functions assigned in terms of this section.
- (b) The provincial head of social development may by notice in writing require the municipal manager or any other person in possession of information required by the provincial head of social development for purposes of monitoring the performance of the functions assigned by this section, to provide such information to the provincial head of social development within the period specified in the notice.
- (c) If, after the functions contemplated in subsection (1) had been assigned to a municipality, it appears that a particular municipality no longer has the capacity to perform some or all of the functions assigned to it, the provincial head of social development may—
- (i) amend the written agreement contemplated in subsection (1); or
 - (ii) withdraw the assignment of the functions.

Death, abuse or serious injury of child in drop-in centre

- 226.** (1) If a child is seriously injured or abused while in a drop-in centre or following an occurrence at a drop-in centre, the person operating the drop-in centre must immediately report such injury or abuse to the provincial head of social development.
- (2) The provincial head of social development must cause the serious injury or abuse of the child to be investigated.
- (3) If a child dies while in partial care or following an occurrence at a drop-in centre, the person operating the drop-in centre must immediately after the child's death report such death to a police official and the provincial head of social development.
- (4) The police official must investigate the circumstances of the death of such child.

Regulations

- 227.** The Minister, after consultation with the Minister of Justice and Constitutional Development where review of decisions by the courts are regulated, may make regulations in terms of section 306 concerning—
- (a) the procedure to be followed in connection with the lodging and consideration of applications for registration in terms of this Chapter and for the renewal of registration;
 - (b) the different services that may be provided in terms of such registrations;
 - (c) the procedure to be followed and the fees to be paid in connection with the lodging and consideration of appeals in terms of this Chapter;
 - (d) the management of drop-in centres;
 - (e) any other matter that may be necessary to facilitate the implementation of this Chapter.”.

Amendment of section 250 of Act 38 of 2005

10. Section 250 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(3) A welfare organisation referred to in section 108 which was lawfully engaged in providing adoption services when this section took effect may, despite the provisions of subsection (1), continue with such services for a period of two years without being accredited in terms of section 251 to provide adoption services, but must within that period apply for such accreditation in terms of section 251.”.

Amendment of section 304 of Act 38 of 2005

11. Section 304 of the principal Act is hereby amended by the insertion before subparagraph (iii) of paragraph (a) of subsection (3) of the following subparagraphs:

- “(i) the prescribed norms and standards referred to in section 83, 209 or 220 applicable to it;
- (ii) other norms and standards as may be prescribed by regulation;”.

Amendment of section 305 of Act 38 of 2005

12. Section 305 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(a) fails to comply with section 12(5), 12(9), 57(2), 110(1), 124, 126(1), 134(1) or 232(6);”

- (b) by the insertion after paragraph (d) of subsection (1) of the following paragraphs:

“(e) misappropriates money for which that person is accountable in terms of section 136(3);

- (f) fails to comply with section 78(1), 95(1), 196(1) or 215(1) after that person has been instructed by way of a notice of enforcement in terms of section 80, 99, 198 or 217 to comply with the relevant section;
- (g) fails to stop operating an unregistered child and youth care centre, partial care facility or drop-in centre after that person has been instructed by way of a notice of enforcement in terms of section 80, 198 or 217 to stop operating that child and youth care centre, partial care facility or drop-in centre;
- (h) fails to stop providing early childhood development services after that person has been instructed by way of a notice of enforcement in terms of section 99 to stop providing those services;
- (i) directly or indirectly counsels, induces or aids any child to whom leave of absence has been granted in terms of section 168 not to return to the child and youth care centre or person in whose care or temporary safe care that child has been placed, or prevents the child from returning to that centre or person after the expiration of the period of leave or after the cancellation of such leave;
- (j) remove a child in alternative care from the Republic without the prior written approval for such removal first being obtained in terms of section 169;”.

Short title and commencement

13. This Act is called the Children’s Amendment Act, 2006, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE CHILDREN'S AMENDMENT BILL, 2006

LEGAL-TECHNICAL BACKGROUND OF THE BILL

This Amendment Bill contains part of the envisaged Children's Act. The Bill that was initially submitted to Parliament (the "consolidated Bill") dealt with the full spectrum of protection of children in both national and provincial spheres and was to be dealt with in terms of section 76 of the Constitution of the Republic of South Africa Act, 1996 (functional area of concurrent national and provincial legislative competence). It was later found to be a "mixed" Bill, including elements to be dealt with in terms of both section 75 (functional area of national legislative competence) and section 76 of the Constitution.

Due to its mixed character, the Deputy Speaker of the National Assembly requested the Executive to split the consolidated Bill, which was subsequently done. The provisions of the consolidated Bill that will apply to the national government was passed by Parliament during 2005 as the Children's Act, No. 38 of 2005. The provisions of the consolidated Bill that will apply to the provincial government is contained in the current Amendment Bill as an amendment to the Children's Act, 2005 (the "Children's Act"). This Amendment Bill will be dealt with in terms of section 76 of the Constitution and will complete the Children's Act by inserting the provisions that deal with welfare services as delivered by the provinces.

GENERAL BACKGROUND AND OVERVIEW

The lives of children are affected by various pieces of legislation and international conventions. Apart from section 28 of the Constitution, which deals with the rights of children specifically, some of the statutes pertaining to children currently on the statute book are the following:

- The Age of Majority Act, 1972 (Act No. 57 of 1972)
- The Child Care Act 1960 (Act No. 74 of 1983)
- Children's Status Act, 1987 (Act No. 82 of 1987)
- Guardianship Act, 1993 (Act No. 192 of 1993)
- Hague Convention on the Civil Aspects of International Child Abduction Act, 1996 (Act No. 72 of 1996)
- Natural Fathers of Children born out of Wedlock Act, 1997 (Act No. 86 of 1997)

Over the past few years, it has become clear that existing legislation is not in keeping with the realities of current social problems and no longer protects children adequately. In addition thereto, the Republic of South Africa has acceded to various international conventions, such as the United Nations Declaration on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, the principles of which have to be incorporated into local legislation.

During 1997 the Minister for Social Development requested the South African Law Reform Commission to investigate the Child Care Act, 1983 and to make recommendations to the Minister for the reform of this particular branch of the law. After an extensive process of research and consultation, the Law Reform Commission finalised its report and proposed a draft Children's Bill in January 2003.

The Department of Social Development then took the process further through close liaison with the national Departments of Justice and Constitutional Development, Education, Health, Labour, the South African Police Service, the provinces, national non-governmental organisations and service providers as well as the Office on the Rights of the Child in the Presidency. After extensive discussions in the parliamentary committees and two rounds of public hearings, the Children's Act was finally passed by Parliament in December 2005 and the President assented to the Children's Act on 8 June 2006. The Children's Act will take effect on a date fixed by the President by proclamation in the Government Gazette.

OBJECTS

The objects of the Children's Act are:

- (a) To promote the preservation and strengthening of families;
- (b) To give effect to certain constitutional rights of children;

- (c) To give effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic;
- (d) To make provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children;
- (e) To strengthen and develop community structures which can assist in providing care and protection for children;
- (f) To protect children from discrimination, exploitation and any other physical, emotional or moral harm or hazards;
- (g) To provide care and protection for children who are in need of care and protection;
- (h) To recognise the special needs that children with disabilities may have; and
- (i) Generally, to promote the protection, development and well-being of children.

The Amendment Bill further expands on the above-mentioned objects of the Children's Act by proposing to insert the sections that pertain to the provincial sphere of government. The parts to be inserted may be summarised as follows:

- Chapter 5 deals with partial care and the approval and registration of partial care facilities, while chapter 6 regulates early childhood development and the approval and registration of early childhood development programmes.
- Part 1 of chapter 7 makes further provision for the protection of children by providing for a strategy for child protection and the reporting of children that has been seriously abused, sexually abused or deliberately neglected. The designation of child protection organisations is also regulated in this part of the Amendment Bill. Part 4 of chapter 7 amongst others deals with child-headed households, the unlawful removal or detention of children and corporal punishment.
- Chapter 11 provides for alternative care of children and chapters 12 and 13 further expand on alternative care by respectively regulating foster care and child and youth care centres.
- Chapter 13 determines that child and youth care centres must comply with certain requirements, be registered, offer certain programmes to children in the care of these centres, must have a management system and that a quality assurance process must be carried out in respect of the centres.
- Chapter 14 regulates the establishment and registration of and norms and standards for shelters and drop-in centres.
-

Other amendments proposed are amendments to bring the long title, regulations provided for and the offences section in line with the amendments to be effected by this Bill.

CONSULTATION

Apart from the broad consultation process followed by the South African Law Reform Commission during its review of the Child Care Act, 1983, the Department of Social Development also distributed the original consolidated Bill to national departments, the provinces, non-governmental organisations and other service providers for comment. The consolidated Bill was also published for general comment in the Gazette on 13 August 2004. During the course of 2006, the Department of Social Development consulted other national departments, the provinces and non-governmental organisations through the holding of a series of workshops. It is also envisaged that public hearings on the Amendment Bill will be held once the Bill is in the parliamentary process.

FINANCIAL IMPLICATIONS FOR STATE

The Children's Act and the proposed Amendment Bill has been through an extensive and detailed costing process. The process involved all national and provincial departments that play a part in the implementation of the Children's Act and the proposed Children's Amendment Bill. The final costing report was submitted to the Minister of Social Development in July 2006.

PARLIAMENTARY PROCEDURE

The Department of Social Development and the State Law Advisors are of the view that this Amendment Bill must be dealt with by Parliament in accordance with the procedure established by Section 76 of the Constitution.

7.10	MUNICIPAL MANAGER
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7.10.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

1. SUBJECT:MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS

2. PURPOSE

To obtain Council's approval for entering into a partnership with a Swedish Municipality on the topic of Human Rights. The detail of this project will be discussed and negotiated during the inception phase. This partnership will be undertaken in accordance with the 2030 Agenda for Sustainable Development and its Global Goals.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality (SM) has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights. The Human Rights topic that the Municipality wants to work on with SM will be finalised during the Inception Phase.

SM has over the years developed various programmes premised on enhancing and protecting the Human Rights of its citizens. These programmes allow explicitly for the inclusion of minorities, such as the disabled, the frail and infirm and provide this traditionally marginalised group full access to its attempts at local government. Governmentality refers to the relationship in this case between the local government and its local community. It also refers to inclusivity and an attempt by mostly the local government at moving away from top-down relations and the community having its voice heard on many issues. A good example of governmentality is the Integrated Development Plan's public participation processes. The recent iteration of the IDP saw new innovations being introduced to secure an inclusive process and therewith ensuring that local government meets the community.

In essence, SM has an exportable product which has attracted the attention of in this instance international institutions. It is therefore, incumbent upon us to strengthen our understanding of governmentality by sharing our learnt experiences and learning from an ages old democracy.

The programme consists of various phases and under normal circumstances runs over a four (4) year period. The first phase is the Inception Phase which runs for one (1) year. During this phase the exact collaboration project is finalised for implementation in the 3 outer years.

The project is funded by ICLD and will according to their programme commence in January 2021.

5. RECOMMENDATIONS

- (a) that Council note the invitation by ICLD annexed hereto as “**APPENDIX 1**”;
- (b) that Council approves that SM enter into a partnership with a Swedish Municipality on the topic of Human Rights;
- (c) that the Municipal Manager be authorized to negotiate the terms of the partnership agreement with the identified Swedish Municipality as per the requirements of the Inception Phase of the partnership; and
- (d) that the Municipal Manager submit a report to Council subsequent to the conclusion of the Inception Phase, i.e. after one (1) year or as soon as practically possible after thereafter.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights. One of the Human Rights topics that the Swedish municipalities want to work on with SM, is the notion of *disability rights and access*.

ICLD was directed to Stellenbosch Municipality by the Community Organisation Resource Centre (CORC). SM and CORC has a long standing relationship which started in the informal settlements of Langrug and Enkanini. This relationship was initially cemented through a Memorandum of Understanding (MOU) and in recent years CORC was appointed by the Provincial Department of Human Settlements (PDoHS) as the preferred NGO to work with SM. The work that CORC and SM did together concentrated on amongst others security of tenure, access to basic services and increased access to municipal services.

On the referral by CORC, ICLD initiated contact with SM in order to establish if there are indeed grounds to establish a partnership. Parallel to this process ICLD also commenced with looking for a Swedish partner for SM – the latter has now been established.

“Since we have found Stellenbosch to be a highly suitable partner, we hope that you see the benefits of joining the programme. If so, we already have an interested Swedish partner municipality to present to you.”

The project consists of several phases which commences with the project Initiation Phase which is the platform for finding common grounds where the ground work for the partnership will be done. According to ICLD, the next step would be to complete an application for an Inception Phase, to be carried out in 2021. The final detail of the partnership will be thrashed out through the Inception Phase of the partnership.

6.2 Discussion

Stellenbosch Municipality has entered into partnership agreements with European municipalities before, such as municipalities in Belgium. According to the participants in these partnerships, the learning experience has been immense and many of the lessons learnt by both parties are to this day being implemented by the respective municipalities.

It is commonly known that the Swedish local government system is one of the most advanced and matured systems and the lessons learnt can be immeasurable to SM. On the other hand, SM has developed a system of governmentality through amongst others its Integrated Human Settlements section which seriously supports the notion developmental government. To this extent there are hopefully many lessons that can be exchanged by SM and be imparted on a broader audience.

It is therefore imperative that SM enters into the partnership agreement and commence with the preparatory work of the Inception Phase.

6.3 **Financial Implications**

a) ICLD is funding the project.

“ ... conduct a three year project on a topic of their choice related to Human Rights, with funding from the ICLD”

6.4 **Legal Implications**

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

6.5 **Staff Implications**

No staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

None.

6.7 **Risk Implications**

None.

6.8 **Comments from Senior Management:**

No comments are required from Senior Management.

ANNEXURES

APPENDIX 1: INVITATION

FOR FURTHER DETAILS, CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	9 November 2020

APPENDIX 1

From: Rikard Eduards [<mailto:rikard.eduards@icld.se>]
Sent: Wednesday, 04 November 2020 15:51
To: Nomie Tshefu <Nomie.Tshefu@ Stellenbosch.gov.za>
Cc: Johru Robyn <Johru.Robyn@ Stellenbosch.gov.za>; Myriam Chilvers <myriam.chilvers@icld.se>
Subject: [EX] Municipal Partnership for Human Rights

Dear Nomie Tshefu,

My name is Rikard Eduards, I work for the Swedish International Center for Local Democracy (www.icld.se). I received your contact details from a researcher in our network, Andrew Siddle, PhD in Business Administration, University of Cape Town.

Andrew suggested we contact you, as the Chief Administrative Officer in the office of the Municipal Manager, Geraldine Mettler, and present the below explained opportunity to apply for a "Municipal Partnerships for Human Rights" to her. Our concrete question is if Stellenbosch is interested in initiating such a partnership together with a Swedish municipality. In order to sync all activities involved we need a swift response preferably within one week – an urgency I apologize for! Naturally such a confirmation of interest would not involve formal obligations.

Municipal Partnerships for Human Rights involves a few selected municipalities in Sweden and the Southern Africa region that will be matched by ICLD and conduct a three year project on a topic of their choice related to Human Rights, with funding from the ICLD. The municipalities will receive support by ICLD and be able to network and exchange experiences with each other to reach both individual and joint goals.

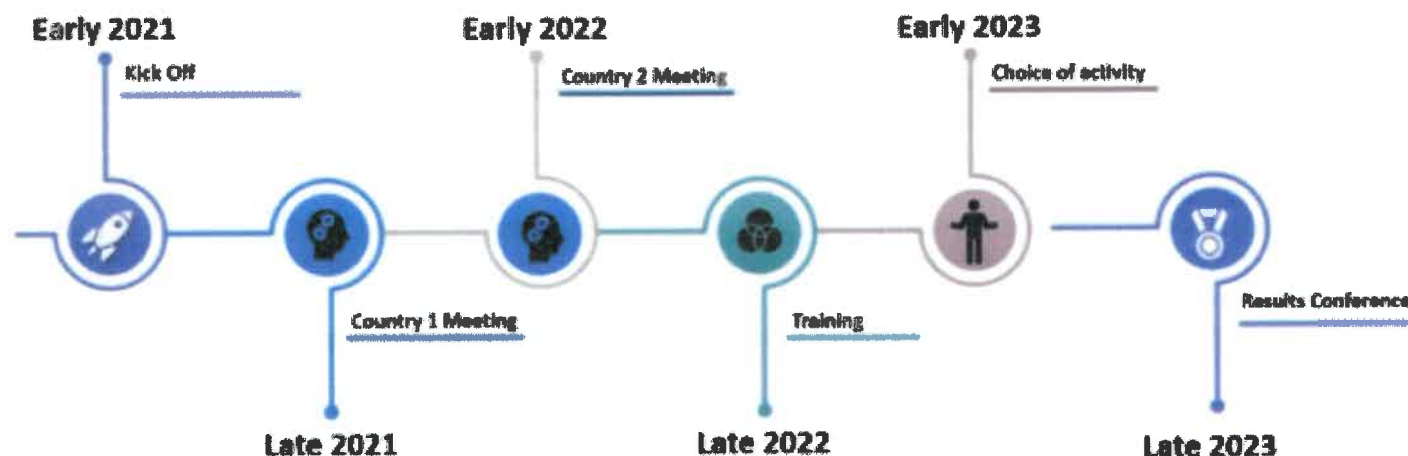
Our partnerships are usually 3 years in length and involve two international study visits between municipalities a year. In between time the partnerships continue working on human rights projects of their choice. The partnerships start with a 1-year Inception Phase through which the partners get to know each other and investigate potential project cooperation areas.

This is our website if you want to find out more: <https://icld.se/en/municipal-partnership/>

This is a link to our Human Rights initiative: <https://icld.se/en/article/humanrights/>

My colleague Myriam Chilvers has recently been in touch with Johru Robyn in Stellenbosch, Manager Informal Settlements (both in Cc), and have had fruitful discussions on collaboration themes within Human Rights. However we need a confirmation that Stellenbosch as a municipality is interested in initiating a Municipal Partnership for Human Rights, which must then come from the appropriate level. This is why we kindly ask you to urgently discuss this with the municipal manager. I apologize again for the urgency, the reason being that we would like to launch this initiative in early 2021 when a network of local governments will be forged.

Since we have found Stellenbosch to be a highly suitable partner, we hope that you see the benefits of joining the programme. If so, we already have an interested Swedish partner municipality to present to you. The next step would be to fill in an application for an Inception Phase, to be carried out in 2021. We will assist you in the application process and our aim is that all applications be filed, assessed and approved this year. See overall timeline below.



I hope I have supplied sufficient information about the initiative that we propose, please do not hesitate to contact me with any questions or comments that you may have.

Kind regards,

Rikard Eduards

Programme Officer Municipal Partnerships

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Swedish International
Centre for Local Democracy



THE GLOBAL GOALS
For Sustainable Development

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 PINK DOCUMENTATION