



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-10-30

NOTICE OF THE 26TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2024-10-30 AT 10:00

TO

The Speaker, Cllr Q Smit [Chairperson]
The Executive Mayor, Ald GMM Van Deventer
The Deputy Executive Mayor, Cllr JS Fasser
The Council Whip, Cllr P Crawley

COUNCILLORS

RA Adams	XL Mdemka
J Andrews	NM Mkhontwana
Ald JC Anthony	NR Ndalasi
ZJ Dalling	L Nkamisa
MM Danana	M Nkopane
JA Davids	N Ntsunguzi
I De Taillerfer	N Olayi
R Du Toit	GA Petersen
A Ferns	WC Petersen
E Groenewald	RO Pheiffer
AJ Hanekom	WF Pietersen
RB Hendrikse	MG Rataza
J Joon	Ald JP Serdyn
O Jooste	MJ Slabbert
X Kalipa	SR Schäfer
TO Kumm	A Tomose
N Mananga-Gugushe	RB Van Rooyen
C Manuel	M Van Stade
EP Masimini	E Vermeulen
NE Mcombring	J Williams

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **26TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 30 OCTOBER 2024** at **10:00** to consider the items on the Agenda.

**SPEAKER
CLLR Q SMIT**

A G E N D A
26TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-10-30

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATIONS BY THE SPEAKER	
4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF PREVIOUS MEETING/S	
7.1	Minutes of the 25 th Council meeting held on 2024-08-23	7
7.2	Minutes of a Special Council meeting held on 2024-09-12	35
8.	STATUTORY MATTERS	
8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST AND SEPTEMBER 2024	45
8.2	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY FOR QUARTER 1 (01 JULY 2024 – 30 SEPTEMBER 2024)	49
8.3	GRANTS ADJUSTMENTS BUDGET 2024/2025 (AMENDED ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER IN DUE COURSE)	72
8.4	MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2024	73
9.	ITEMS FOR NOTING	
9.1	REPORT/S BY THE EXECUTIVE MAYOR	
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 9 SEPTEMBER 2024	130
9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: [JULY – SEPTEMBER 2024]	139
9.1.3	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY – SEPTEMBER 2024]	207
9.1.4	REQUEST TO NOMINATE COUNCILLORS TO SERVE ON THE HOSPITAL FACILITY BOARD AND CLINIC COMMITTEES: AAN-HET-PAD CLINIC; CLOETESVILLE COMMUNITY DAY CENTRE; DON AND PAT BILTON CLINIC (JAMESTOWN); GROENDAL CLINIC; DIRKIE UYS STREET SATELLITE CLINIC; IDAS VALLEY CLINIC; KAYAMANDI CLINIC; KLAPMUTS CLINIC; KYLEMORE CLINIC	218
9.2	REPORT/S BY THE SPEAKER	
9.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 1 st QUARTER OF 2024/2025 FINANCIAL YEAR	269
9.3	REPORT/S BY THE MUNICIPAL MANAGER	
9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 JULY 2024 UNTIL 30 SEPTEMBER 2024	274
11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]	
10.1	PROTECTION SERVICES: [PC: R PHEIFFER]	
10.1.1	APPOINTMENT AS VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBER OF THE NATIONAL INSTITUTE FOR MUNICIPAL PUBLIC SAFETY OF SOUTH AFRICA: MS JOAN FELIX	351
10.1.2	REVIEW OF DISASTER MANAGEMENT PLAN	357
10.1.3	SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000	450
10.2	SPORTS, YOUTH AND CULTURE: [ACTING PC: CLLR J FASSER]	
	NONE	

TABLE OF CONTENT

ITEM	SUBJECT	PAGE
10.3	CORPORATE SERVICES: [PC: CLLR L NKAMISA]	
10.3.1	POSSIBLE REVIEW AND RESCISSION OF COUNCIL RESOLUTION ON THE DISPOSAL OF ERF 347 GROENDAL (LE ROUX)	452
10.3.2	PORTION OF FARM 528 AND PORTION OF FARM 529C ALSO FORMERLY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK	463
10.3.3	POSSIBLE REVIEW AND RESCISSION OF COUNCIL RESOLUTION ON THE FUTURE USE OF ERF 9194 STELLENBOSCH (TECHNOPARK)	472
10.3.4	REPORT ON ERF 286 GROENDAL (LE ROUX)	492
10.3.5	FARM 502L: STELLENBOSCH FLYING CLUB APPLICATION EXTENSION OF LEASE AGREEMENT	517
10.4	FINANCIAL SERVICES: [PC: ALD JC ANTHONY]	
	NONE	
10.5	HUMAN SETTLEMENTS: [PC: CLLR R DU TOIT]	
10.5.1	B/SM 102/21: APPROVAL OF PROPOSED CONCEPT SITE DEVELOPMENT PLANS FOR THE DEVELOPMENT OF ERF 412 (INCLUDING ERF 217) AND ERF 284, GROENDAL, FRANSCHHOEK 26	550
10.6	INFRASTRUCTURE SERVICES: [PC: CLLR R PHEIFFER]	
10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – SEPTEMBER 2024	575
10.6.2	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – OCTOBER 2024	582
10.6.3	ROLL – OUT OF RECYCLING DROP OFF POINTS	589
10.6.4	REPORT ON THE PROMOTION AND IMPLEMENTATION OF NON-MOTORIZED TRANSPORT (NMT) IN STELLENBOSCH	596
10.7	PARKS AND OPEN SPACES: [PC: CLLR N OLAYI]	
	NONE	
10.8	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR M SLABBERT]	
10.8.1	TO PROVIDE FEEDBACK TO COUNCIL FOR THE APPROVAL OF THE PROPOSED SITE TO PILOT THE BICYCLE PARK AND WALK FACILITIES INITIATIVE WITHIN THE WC024 AREA FOR A PERIOD OF TWELVE (12) MONTHS	653
10.8.2	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION	661
10.9	COMMUNITY SERVICE: [PC: CLLR X KALIPA]	
	NONE	
10.10	RURAL MANAGEMENT AND ENVIRONMENT: [PC: CLLR J WILLIAMS]	
10.10.1	STELLENBOSCH MUNICIPALITY NATURE RESERVE AND NATURE AREA BY-LAW	665
10.10.2	EXTENSION OF CURRENT LEASE AGREEMENT WITH 7 YEARS 11 MONTHS: STELLENBOSCH UNIVERSITY FARM 502 BH 1 AND BH 2, STELLENBOSCH	692
10.11	MUNICIPAL MANAGER [G METTLER]	
10.11.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER	718
11.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
11.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: (MPAC): [CLLR WF PIETERSEN]	
11.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DE KOCK AND CRONJE (PTY) LTD FOR THE REPAIRS OF HUGENOTE SUBSTATION DAMAGES CAUSED BY THE HEAVY RAINS THAT OCCURRED ON 24 -25 SEPTEMBER 2023	733
11.1.2	CONSIDERATION OF EXPENDITURE INCURRED THAT WAS PREVIOUSLY CERTIFIED AS IRREGULAR BY MPAC	744

ITEM	SUBJECT	PAGE
11.11.3	CONSIDERATION OF EXPENDITURE RELATING TO NON-COMPLIANCE WITH MUNICIPAL SUPPLY CHAIN REGULATION 32	747
11.11.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY EVOLUTION TECHNOLOGY GROUP (ETG)	758
12.	REPORTS BY THE MUNICIPAL MANAGER [G METTLER]	
12.1	SECOND ANNUAL REVIEW REPORT OF THE AMENDED MSDF, 2023 AS PART OF THE IDP REVIEW PROCESS 2024/25 (WILL BE DISTRIBUTED UNDER SEPARATE COVER)	761
12.2	REQUEST FOR EXEMPTION OF DEVELOPMENT CHARGES BY APEX SCHOOL, KAYAMANDI TO PROMOTE EQUAL EDUCATION TO PREVIOUSLY DISADVANTAGED COMMUNITIES IN STELLENBOSCH	766
12.3	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS	786
12.4	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS – 2024/25 FINANCIAL YEAR	807
12.5	SALARY AND WAGE INCREASE COLLECTIVE AGREEMENT 06 SEPTEMBER 2024	828
12.6	CONFERRAL OF MUNICIPAL HONOURS: PROFESSOR HERMANN BUHR GILIOME	857
12.7	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2025 CALENDAR YEAR	883
12.8	PERMISSION TO JOIN THE DELEGATION ATTENDING THE 12 TH WORLD URBAN FORUM TO EGYPT FROM 2 NOVEMBER 2024 TO 8 NOVEMBER 2024	893
12.9	REQUEST TO UTILISE INTERNAL FUNDING FOR EMERGENCY ALTERNATIVE ACCOMMODATION FOR LANGRUG DAM RESIDENTS ON ERF 3229, MOOIWATER	902
12.10	TRANSVALIA (WILL BE DISTRIBUTED UNDER SEPERATE COVER IN DUE COURSE)	956
12.11	APPOINTMENT OF COUNCILLORS OF LLF IN VACANT POSITIONS	957
12.12	APPOINTMENT OF COUNCILLORS IN DISCIPLINARY COMMITTEE AND APPOINTMENT OF CHAIRPERSON	960
13.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
13.1	NOTICE OF A QUESTION BY CLLR R HENDRIKSE: REASON FOR ERECTION OF SECURITY FENCE ADJACENT TO BOSMASKOP	963
13.2	NOTICE OF A QUESTION BY CLLR R HENDRIKSE: WHO ERECTED SECURITY FENCE ADJACENT TO DELAIRE GRAFF WINE ESTATE TO BOSMANSKOP	972
13.3	NOTICE OF A QUESTION BY CLLR G PETERSEN: LAND USE APPLICATIONS - BOTMASKOP	981
13.4	NOTICE OF A QUESTION BY CLLR G PETERSEN: HOUSES OR RESIDENTIAL LAND PLOTS IN BOTMASKOP	987
13.5	NOTICE OF A QUESTION BY CLLR M VAN STADE: REASON FOR REMOVAL OF BOTMASKOP PRECINCT HOUSING DEVELOPMENT FOR MIXED USE HOUSING DEVELOPMENT	993
13.6	NOTICE OF A QUESTION BY CLLR M VAN STADE: WHY WAS MUNICIPAL LAND (ERF 3363) REMOVED FROM THE BOTMASKOP PRECINCT HOUSING DEVELOPMENT AND GIVEN FREELY TO THE DEVELOPERS OF BOTMASKOP HOUSING DEVELOPMENT	1001
14.	CONSIDERATION OF URGENT MOTIONS	
15.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER [G METTLER]	
16.	REPORT/S SUBMITTED BY THE SPEAKER	
17.	REPORT/S SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	
18.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	(SEE PINK DOCUMENTATION)	

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
----	---

7.1	25 TH COUNCIL MEETING: 2024-08-23
-----	--

The minutes of the 25th Council meeting: 2024-08-23 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-08-23

**THIS IS A PERMANENT DOCUMENT
PLEASE RETAIN AS IT WILL NOT BE REDISTRIBUTED**

MINUTES

25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-08-23 AT 09:00

MINUTES
25TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-08-23

Page 8

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATIONS BY THE SPEAKER	
4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF PREVIOUS MEETING/S	
7.1	Minutes of the 24 th Council meeting held on 2024-07-30	4
7.2	Minutes of a Special Council meeting held on 2024-08-14	4
8.	STATUTORY MATTERS	
8.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26	5
8.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025	7
8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024	8
9.	ITEMS FOR NOTING	
9.1	REPORT/S BY THE EXECUTIVE MAYOR	
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024	9
9.2	REPORT/S BY THE SPEAKER	
	NONE	
9.3	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	
11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]	
10.1	PROTECTION SERVICES: [PC: R PHEIFFER]	
	NONE	
10.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]	
	NONE	
10.3	CORPORATE SERVICES: [PC: CLLR L NKAMISA]	
10.3.1	REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE	11
10.3.2	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL	12
10.4	FINANCIAL SERVICES: [PC: CLLR J FASSER]	
	NONE	
10.5	HUMAN SETTLEMENTS: [PC: CLLR R DU TOIT]	
	NONE	

TABLE OF CONTENT

ITEM	SUBJECT	PAGE
10.6	INFRASTRUCTURE SERVICES: [PC: CLLR P JOHNSON]	
10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024	14
10.6.2	REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY	16
10.7	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR J WILLIAMS]	
	NONE	
10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR C VAN WYK]	
	NONE	
10.9	COMMUNITY SERVICE: [PC: CLLR X KALIPA]	
	NONE	
10.10	RURAL MANAGEMENT: [PC: CLLR J JOON]	
	NONE	
10.11	MUNICIPAL MANAGER	
	NONE	
11.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
11.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: (MPAC): [CLLR WF PIETERSEN]	
	NONE	
12.	REPORTS BY THE MUNICIPAL MANAGER	
12.1	PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024	19
12.2	EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA	21
13.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
	NONE	
14.	CONSIDERATION OF URGENT MOTIONS	
15.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
16.	REPORT/S SUBMITTED BY THE SPEAKER	
	NONE	
17.	REPORT/S SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	
18.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	(SEE PINK DOCUMENTATION)	

MINUTES**25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY****2024-08-23**

PRESENT: The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer
 The Deputy Executive Mayor, Cllr JS Fasser
 The Council Whip, Cllr P Crawley

COUNCILLORS	RA Adams	L Nkamisa
	Ald JC Anthony	M Nkopane
	ZJ Dalling	N Ntsunguzi
	MM Danana	N Olayi
	JA Davids	GA Petersen
	R Du Toit	WC Petersen
	A Ferns	RO Pheiffer
	E Groenewald	WF Pietersen
	J Joon	MJ Slabbert
	X Kalipa	SR Schäfer
	N Mananga-Gugushe	Ald JP Serdyn
	C Manuel	A Tomose
	EP Masimini	RB Van Rooyen
	NE Mcombring	M Van Stade
	XL Mdemka	E Vermeulen
	NM Mkhontwana	J Williams
	NR Ndalasi	

ALSO PRESENT J Snyman
 N Dingle

OFFICIALS Municipal Manager (G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Community and Protection Services (G Boshoff)
 Director: Corporate Services (A De Beer)
 Director: Planning and Economic Development (A Barnes)
 Director: Infrastructure (S Chandaka)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels)

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

- "As the Executive Mayor of Stellenbosch, I have taken it upon myself and has officially written to the Chairperson of the National Energy Regulator of South Africa (NERSA) to express strong opposition to Eskom's proposed 40% tariff increase. In the letter I highlighted that this drastic increase would impose unjustifiable constraints on both residents and businesses within our municipal area. Moreover, it would have a devastating impact on the poorest and most vulnerable members of our community, exacerbating existing challenges. This proposal threatens the economic stability and well-being of our citizens, and we must stand together in voicing our concerns.
- We are nearing the end of August, also known as Women's Month, and I extend my heartfelt wishes to all the incredible women in our beautiful Valley. This day is a powerful reminder of the resilience, strength, and contributions of South African women throughout our history. We honour the heroines of our past who fought tirelessly for the freedoms and rights we enjoy today.
- Was bevoorreg om vroeër hierdie maand die Provinsiale Department van Landbou, se funksie, Vroue Entrepreneurs in Landbou by te woon. Die was 'n prestige funksie om vroue te vereer wie 'n bydrae tot landbou in die Provinsie maak as deel van Vrouemaand.
- Last weekend was a real sporting weekend in Stellenbosch, with all the derby's between many of the high schools of Stellenbosch taking place. I want to congratulate all the schools who participated, and congratulations to the winning schools. I also had the opportunity to meet the captains of Lückhoff and Cloetesville High schools and wished them well with their competition.
- Die Stellenbosch-munisipaliteit waarsku weer inwoners oor individue wat hulle as munisipale amptenare voordoen om toegang tot huise te kry. Veral senior inwoners word geteiken. Hierdie bedrieërs poog om huise onder valse voorwendsels in die naam van die munisipaliteit binne te gaan en gebruik die geleentheid om van inwoners te steel. Dit is belangrik om daarop te let dat die munisipaliteit nooit sal probeer om toegang tot inwoners se huise te kry om items soos muurproppe of krane te tel nie. Water- en elektrisiteitsmeters wat gelees moet word, is hoofsaaklik buite huise geleë, en munisipale werkers het nie toegang tot die binnekant van 'n huis nodig om daardie meters te lees nie. Slegs in sekere seldsame gevalle sal amptenare toegang tot persele benodig, en hulle moet in besit wees van hul amptelike munisipale identiteitskaarte. Dit sluit ad hoc-besoeke in om die werking van voorafbetaalde elektrisiteitsmeters na te gaan. Alle inwoners word aangemoedig om eers die munisipaliteit te kontak om die identiteit van die persoon te verifieer indien hulle onseker of onveilig voel voordat hulle toegang tot hul perseel verleen. Werkers moet bewys van identiteit dra. Skakel gerus 021 808 8215 of stuur 'n boodskap na ons WhatsApp-lyn by 076 951 0768 om die identiteit van 'n munisipale werknemer te verifieer.
- On Wednesday, 28 August 2024, the Swop Shop will be at the Ida's Valley Community market site from 10h00 until 16h00. This is a brilliant initiative, where residents are encouraged to bring their recyclables and swop their bags for awesome items at the pop-up shop. It is the objective of the municipality to take the Swop Shop to many more areas across the municipality.
- Graag wil ek alle raadslede en lede van die publiek inlig van die komende Burgemeestersgolfdag, wat op 1 November 2024 sal plaasvind. Ek versoek alle besighede in Stellenbosch om te oorweeg om 'n span in te skryf, want die fondse word aangewend om te help waar die MFMA riglyne ons nie toelaat om hulp te verleen nie. Meer inligting sal op die munisipale webblad ook volg.

Thank you."

3.	COMMUNICATIONS BY THE SPEAKER
-----------	--------------------------------------

“Executive Mayor
 Deputy Mayor
 Council whip
 Members of the Mayoral Committee
 MPAC Chair
 All Councillors
 Municipal Manager
 Directors
 Members of the administration
 Members of the public

BIRTHDAYS – AUGUST

The following Councillors celebrated their birthdays in August 2024:

Cllr Ntsunguzi – 08 August
 Cllr O Jooste – 11 August
 Cllr M Nkopane – 11 August
 Cllr J Fasser - 13 August

COMMUNICATIONS

Not all Councillors submitted their Disclosure of interest forms and Councillors are urged to do so as soon as possible. For any queries in this regard the Office of the Speaker or the Chief Whip can be contacted in this regard.

Ward Councillor who requested posters and pamphlets for the IDP meetings – can collect these items at the IDP offices.

No Council meeting scheduled for September, but a Special Council will be held during the month. More details will be provided soon.

Awareness programme: Re the Ward Delimitation process – 30 August 2024
09:30AM – 14:00PM.

Thank you.”

4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER
-----------	--

- In recognition of Women's Month, the Municipal Manager extended heartfelt appreciation to all women, each playing a crucial role in shaping the community. The journey towards equal rights has been long and challenging, but the commitment to this cause remains unwavering. The Municipal Manager emphasized the ongoing effort to create a society where all women are safe, protected from gender-based violence and femicide, and receive equal treatment in the workplace. Together, the goal is to build a world where every woman can thrive. She quoted Maya Angelou: " *Each time a woman stands up for herself, without knowing it possibly, without claiming it, she stands up for all women.*" We honour the past pioneers who fought tirelessly for the rights women enjoy today, we also acknowledge the ongoing challenges. The municipality is actively collaborating with community organisations and international partners to address gender-based violence and create a safer environment. Despite these efforts, gender-based violence remains a significant issue in South African society. The Municipal Manager called for continued collective effort toward progress and equality, ensuring that every woman's voice is heard and valued.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

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

NONE

6.	APPLICATION FOR LEAVE OF ABSENCE
----	----------------------------------

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

Cllr AJ Hanekom - 23 August 2024
 Cllr RB Hendrikse - 23 August 2024
 Cllr MG Rataza - 23 August 2024

- 6.2 ABSENT

Cllr J Andrews - 23 August 2024
 Cllr I De Taillerfer - 23 August 2024
 Cllr O Jooste - 23 August 2024

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
----	---

7.1	24 TH COUNCIL MEETING: 2024-07-30
-----	--

The minutes of the 24th Council meeting: 2024-07-30 **were confirmed as correct without any changes.**

7.2	SPECIAL COUNCIL MEETING: 2024-08-14
-----	-------------------------------------

The minutes of a Special Council meeting: 2024-08-14 **were confirmed as correct without any changes.**

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

8.	STATUTORY MATTERS
8.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

Collaborator No: 771524

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

2. PURPOSE

To table to the Council for consideration and approval:

- (a) The SDF / IDP / Budget Time Schedule / Process Plan 2025/26, attached as **ANNEXURE A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2025/26 outlines the key strategic activities and public participation processes that will guide the planning, drafting, and adoption of the **3rd review of the 5th Generation IDP 2022 – 2027** and the Medium – Term Revenue Expenditure Framework (Budget) for the period 2025/26 – 2027/28.

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is, therefore, compiled in terms of Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality **must** –

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

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

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is also compiled in terms of Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

Section 29(1) of the MSA specifies that:

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

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

In preparation for the drafting of the 3rd review of the 5th Generation IDP 2022 – 2027, the public participation period will be from 09 – 30 September 2024, to allow members of the community and stakeholders sufficient time to submit written input and to make oral representations for consideration during the review process of the IDP.

The IDP public participation open days are provisionally scheduled to be held from 10 – 16 September 2024. The IDP public participation open days schedule will be published in the local newspaper, on the municipal website, on the notice boards of libraries, and on social media platforms (Facebook, X, Stellenbosch Citizens App, WhatsApp, and Email).

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.1**RESOLVED** (majority vote)

- (a) that the Council adopts the SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA to guide the planning, drafting, and adoption of the 3rd review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and
- (b) that an advertisement is placed on the official website of the municipality and in the local newspaper notifying the public of the adopted SDF / IDP / Budget Time Schedule / Process Plan for 2025/26.

FOR FURTHER DETAILS CONTACT:

NAME	<i>G Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8025</i>
E-MAIL ADDRESS	<i>municipal.manager@ Stellenbosch.gov.za</i>
REPORT DATE	<i>1 August 2024</i>

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

8.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025
-----	--

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT: ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025

2. PURPOSE

To present the adjustments budget roll-over for the 2024/2025 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

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

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.2

RESOLVED (majority vote)

- (a) that the Adjustments Budget for 2024/2025 as set out in **APPENDIX 1-5**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	06 August 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024
------------	--

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2024/2025 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 (2024/2025) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2024.

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.3

NOTED

the deviations as listed for the month of July 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager SCM
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
REPORT DATE	05 August 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

9.	ITEMS FOR NOTING
9.1	REPORT/S BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 23 August 2024

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024**
2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 5 June 2024.
3. **DELEGATED AUTHORITY**

For information.
4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 5 June 2024. The minutes is attached as **Annexure A**. The University of Stellenbosch caused the delay with the circulation of the minutes.

25TH COUNCIL MEETING: 2024-08-23: ITEM 9.1.1**NOTED**

the report from the Executive Mayor on the Mayor – Rector Forum Meeting: 5 June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@ Stellenbosch.gov.za</u>
REPORT DATE	19 July 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

9.2	REPORT/S BY THE SPEAKER
-----	-------------------------

NONE

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

NONE

10.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
-----	--

10.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)
------	--

NONE

10.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]
------	--

NONE

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
10.3.1	REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

Collaborator No: 771436

IDP KPA Ref No: Good Governance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

2. PURPOSE

To inform Council of the request received from REMGRO and for council to resolve if they will support the application. The item served before the Section 80 Committee in June 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Remgro send an application they want to submit to Heritage Western Cape (**APPENDIX 1**) and requested the Municipal Manager to provide a letter to support the application. The land where the road is Municipal Land. The surrounding owners have all send letter to indicate that they support the application. The Municipal Manager first want Council to indicate if they support the application before she submits any response. This matter served before Mayco in 2023 and the Executive Mayor referred it to a combined section 80 meeting for advice.

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.3.1**RESOLVED** (majority vote with 11 abstentions)

- (a) that Council support the application; and
- (b) that signs be put up and maintained to explain the heritage of the site.

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	2024 – 1 August 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

10.3.2	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL
--------	---

Collaborator No: 771590

IDP KPA Ref No: Good Governance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL**2. PURPOSE**

To obtain Council's approval for the disposal of a portion of erf 9190, Technopark, to Protea Hotel.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Protea Hotel constructed a building on their property, encroaching onto erf 9190 (municipal property). Plans were approved and occupation certificates were provided.

They have tried to rectify the situation by proposing a land swap. This application, however, was turned down by the Planning Tribunal, based on planning principles. **(APPENDIX 1).**

The Planning Tribunal suggested that Protea Hotel request the adjustment of the common boundary and purchase the land from the Municipality that they are currently encroaching on. The extent of the municipal land currently encroaching on is indicated below and they would need to purchase is 3505m² as discussed under 6.2.2 below – fig 3.

An application was received from Protea Hotel – **APPENDIX 2 and 3.**

The item served before Mayco in December 2023. The item was referred back for a valuation and further refinement. The refinement requested was to provide information on the encroachments and the land adjacent. Photos to that effect is included in the item. Planning also needed to provide comment on the approval of the plans. The land use rights also had to be provided. Planning has now submitted a report on the history of the matter which is attached to the item **(APPENDIX 7).**

The department has appointed a valuer to determine the fair market value and a valuation report has been received which is attached hereto as **APPENDIX 5.** The valuation is based on the price of properties sold in the area.

Given that they have already build on the “encroached” areas an encroachment agreement is not the correct vehicle if the applicants decide not to proceed with the purchase. The Land Use Rights of Erf 9190 are already in place, and it will not be necessary to apply for further Land Use Rights in the event that a portion of Erf 9190 had to be considered for selling. The zoning is currently “business”. The area where the hotel currently encroached has a play area and could be considered for further development however the area of encroachment on the other side of the hotel is currently a dam.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.3.2**RESOLVED** (majority vote)

- (a) that the land 2659 square meters is identified as land not required for basic municipal services;
- (b) that Council approves option three (3) in principle;
- (c) that a public participation process be followed in which council's intent to sell the land to the adjacent landowner, Protea Hotel, Technopark without any competitive process having been followed on the basis that no purpose would be served by a competitive process as only the adjacent owner can use the land;
- (d) that the fair market value of R12 069 021.00 excluding VAT, as determined by a valuator, in principle be approved as the sales price; and
- (e) that the item be brought back to Council after the public participation process for a final decision.

Cllrs GA Petersen and M van Stade requested that their votes of dissent be minuted.

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	2024-08-01

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
------	---

NONE

10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
------	---

NONE

10.6	INFRASTRUCTURE SERVICES
------	-------------------------

10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024
--------	--

Collaborator No: 771499

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation which is underway to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. The revised application is planned for submission to Eskom by 8 August 2024

4.2 A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.6.1**NOTED**

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	Nombulelo Zwane
POSITION	<i>Senior Manager: Electrical Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	05 August 2024

10.6.2	REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY
--------	--

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY

2. PURPOSE

For Council to approve the Eikestad Parking Public Private Partnership Feasibility Study

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Council had previously resolved to address parking shortages, extensive studies were commissioned and the statutory requirements, such as the Section 78 of the Systems Act and Section 120 of the MFMA process were undertaken and concluded.

The Project Feasibility Study found that the best available option is a build-operate-transfer (BOT) arrangement with a private sector operator which will be a Public Private Partnership (PPP) as defined in the Municipal PPP Regulations made under the Municipal Finance Management Act (MFMA). Refer to the Feasibility Report, **attached as Annexure 1.**

It is proposed that the private party will raise the necessary funds and erect the facility at its own cost. The private party will operate the facility for an estimated period of approximately 25 years after which the PPP agreement will terminate and the facility will be transferred to the Municipality. The Municipality will then have a number of options including to enter into a new PPP agreement with a private party, entering into a management contract including maintenance, management and maintenance contracts, manage and maintain the property itself, etc., following due process, for possibly another 25 years.

Extensive consultation sessions with interested and affected parties were carried out. Initial views and recommendations from Provincial and National Treasury have been incorporated into the updated report however the Municipality is still awaiting final views and recommendations from National Treasury.

Comments received from the public have been largely addressed, some have indicated support for the initiative while others have raised concerns that relate to aspects such as alignment with municipal strategies, need for possible additional transport studies, impacts of the proposed development on culture, heritage and the fairness of PPP planning and implementation process. Refer to the Public Consultations as contained in **Appendix F of Annexure 1.**

Alignment with strategies have been clarified, the community's request for further traffic studies were considered and is currently underway, and cultural and heritage concerns are addressed, for details refer to the Environmental Scoping Report as contained in **Appendix B of Annexure 1.** National Treasury's robust PPP process ensures fairness and transparency throughout the planning and implementation process.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.6.2**RESOLVED** (majority vote with 1 abstention)

- (a) that Council notes that the Municipal Systems Act processes in terms of Section 78 was rigorously followed since September 2017 to date;
- (b) that Council notes that both COGTA and National Treasury was informed throughout the Section 78 process as required;
- (c) that Council takes note of the consultation sessions that have occurred during the feasibility phase as contained in **Appendix F of Annexure 1**;
- (d) that Council takes note of the required value for money analysis as contained in **Chapter 8 of Annexure 1**;
- (e) that Council notes the comments received from the Stakeholders as well as the Directorate's responses;
- (f) that Council as required in terms of Section 120(6) of the MFMA; in principle approve the Feasibility Study Report attached as **Annexure 1**;
- (g) that Council notes that the approval of the Feasibility Report, is not an approval for the development of a parking garage but merely the feasibility study;
- (h) that Council notes the above approval has to be submitted to National Treasury in terms of Section 120 (6) of the MFMA in order to proceed to the next phase;
- (i) that Council notes that should National Treasury grant its approval; a Request for Proposals need to be prepared and submitted to Council for approval;
- (j) that Council notes that a Traffic Impact Assessment (TIA) was previously carried out, and that the Request for Proposal will include the new, updated and more detailed TIA;
- (k) that Council notes that a Notice of Intent to Develop (NID) has been submitted to Heritage Western Cape, but a final heritage approval will be a requirement at detailed design stage, refer to **Appendix B of Annexure 1**;
- (l) that Council notes that Environmental Impact Assessment (EIA) have been undertaken and that no environmental triggers have been found, refer to **Appendix B of Annexure 1**;
- (m) that Council notes that once all the above processes have been followed, another public participation process will be required; and
- (n) that Council notes that the outcomes of the above public participation process will be submitted to Council for final consideration.

Councillors GA Petersen and M van Stade requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	8 August 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

10.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
------	---

NONE

10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM:
------	---

NONE

10.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)
------	---

NONE

10.10	RURAL MANAGEMENT: (PC: CLLR J JOON)
-------	--

NONE

10.11	MUNICIPAL MANAGER
-------	--------------------------

NONE

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

NONE

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

12.	REPORTS BY THE MUNICIPAL MANAGER
12.1	PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

Collaborator No: 769990

IDP KPA Ref No: Good Governance and Public Participation

Meeting Date: 06 August 2024 and 23 August 2024

1. SUBJECT: PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

2. PURPOSE

To present to Council the Stellenbosch Municipality: Proposed Draft Zoning Scheme By-Law (2024) (ZSB) for consideration to adopt the same for the purpose of a public participation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following the internal review of the Stellenbosch Municipality: Zoning Scheme By-Law (2019) and a report submitted on same, Council decided as follows vide **Item 11.8.1 on 26 April 2023**:

- (a) *That the contents in the report on the internal review of the current Stellenbosch Zoning Scheme By-Law (2019) **BE NOTED**.*
- (b) *That the proposed development of a revised and updated Stellenbosch Zoning Scheme By-Law **BE AUTHORISED**.*
- (c) *That the provincial standard draft Zoning Scheme By-Law be used as the foundation for the development of the revised and updated Stellenbosch Zoning Scheme **BE ADOPTED**."*

The Department of Development Management proceeded to develop an updated zoning scheme By-Law based on the provincial standard draft zoning scheme By-Law further enhancing it with the unique and relevant provisions of the current zoning scheme By-Law.

The proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024) is now being presented to Council for consideration and to be adopted for the purpose of a public participation process. This public participation process will firstly include a round of consultations with key stakeholder groups, inclusive of the Portfolio Committee for Planning, after which any amendments will be undertaken before it is released and published for the public participation process.

Following such public participation process and any required amendments that may result from such process, the final draft zoning scheme By-Law will be submitted to Council for consideration of approval and implementation.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

25TH COUNCIL MEETING: 2024-08-23: ITEM 12.1**RESOLVED** (majority vote with 10 abstentions)

- (a) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE NOTED**;
- (b) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE ADOPTED** for the purpose of a public participation process which will include:
 - (i) a first round of workshops with stakeholder groups and engagements with resource persons which will include any required amendments that may result from such inputs; and
 - (ii) thereafter a general public participation process during which the updated subject Draft By-Law will be advertised for general public comment / inputs.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Stiaan Carstens</i>
POSITION	<i>Senior Manager: Development Management</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8674</i>
E-MAIL ADDRESS	<i>Stiaan.carstens@ Stellenbosch.gov.za</i>
REPORT DATE	<i>27 June 2024</i>

12.2	EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA
------	---

Collaborator No: 8/1

BUDGET KPA Ref No: Good Governance and Compliance

Meeting Date: 23 August 2024

1. SUBJECT: EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA

2. PURPOSE

To ask permission from the council to extend the submission date for the application of a Special Rating Area beyond 30 September 2024.

3. DELEGATED AUTHORITY

COUNCIL

FOR DECISION BY MUNICIPAL COUNCIL

In terms of Section 9.2 of the approved Special Rating Area Policy, an application for a special rating area, must be submitted by the end of September of the financial year preceding the establishment of the special rating area.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality has an approved Special Rating Area Bylaw and Policy which give any owner within the jurisdiction of the municipality and who owns property within the proposed special rating area, the right to lodge an application to council for the establishment of a special rating area.

Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period from 1 July of a specific year and ending on 30 June of the fifth year or covering such lesser period as may be determined by the CFO.

In terms of the Special Rating Bylaw and Policy of Council, any application for the establishment of a special rating area, must be submitted before 30 September of the financial year preceding the financial in which the special rating area is established.

A notice of intention to establish a special rating area was received from the steering committee of the new proposed Stellenbosch Central SRA(SITI).

The Steering Committee of the Stellenbosch Central SRA indicated that they will not be able to submit their formal application before the due date of 30 September 2024 and they asked for an extension to submit their application by 30 November 2024. This is because they do not have the required number of votes from the property owners in the area, as required by the policy.

Due to time constraints and for budget purposes, the Finance Department can only recommend an extension until the 31st of October 2023. This will give the department sufficient time to evaluate their application and to submit the complete application timeously to council for approval.

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

25TH COUNCIL MEETING: 2024-08-23: ITEM 12.2**RESOLVED** (majority vote with 2 abstentions)

that Council gives approval to extend the submission date to 31 October 2024 for the application of the Stellenbosch Central Special Rating Area.

FOR FURTHER DETAILS CONTACT:

NAME	Henry Mitchell
POSITION	<i>Snr Manager Revenue & Expenditure</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8016</i>
E-MAIL ADDRESS	<i>Henry.Mitchell@ Stellenbosch.gov.za</i>
REPORT DATE	19 August 2024

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-08-23

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

NONE

14.	CONSIDERATION OF URGENT MOTIONS
-----	---------------------------------

NONE

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

NONE

16.	REPORTS SUBMITTED BY THE SPEAKER
-----	----------------------------------

NONE

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

NONE

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

NONE

The meeting adjourned at 13:50.

CHAIRPERSON:

DATE:

Confirmed onwithout amendments.

7.2	SPECIAL COUNCIL MEETING: 2024-09-12
-----	--

The minutes of a Special Council meeting: 2024-09-12 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-09-12

**THIS IS A PERMANENT DOCUMENT
PLEASE RETAIN AS IT WILL NOT BE REDISTRIBUTED**

MINUTES

SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-09-12 AT 10:00

MINUTES
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-09-12

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	COMMUNICATION BY THE EXECUTIVE MAYOR	
3.	COMMUNICATION BY THE SPEAKER	
4.	COMMUNICATION BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	STATUTORY MATTERS	
	NONE	
8.	REPORTS BY THE MUNICIPAL MANAGER	
8.1	ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)	4
9.	URGENT MATTERS	
	NONE	
10.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	NONE	

MINUTES**SPECIAL COUNCIL MEETING****2024-09-12**

PRESENT: The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer
 The Deputy Executive Mayor, Cllr JS Fasser
 The Council Whip, Cllr P Crawley

COUNCILLORS	RA Adams	NM Mkhontwana
	J Andrews	NR Ndalasi
	Ald JC Anthony	L Nkamisa
	ZJ Dalling	M Nkopane
	MM Danana	N Ntsunguzi
	JA Davids	N Olayi
	I De Taillerfer	GA Petersen
	R Du Toit	WC Petersen
	A Ferns	RO Pheiffer
	AJ Hanekom	WF Pietersen
	RB Hendrikse	Ald JP Serdyn
	SC Heneke	SR Schäfer
	J Joon	MJ Slabbert
	X Kalipa	A Tomose
	N Mananga-Gugushe	RB Van Rooyen
	C Manuel	M Van Stade
	EP Masimini	E Vermeulen
	NE Mcombring	J Williams
	XL Mdemka	

OFFICIALS Municipal Manager (G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Community and Protection Services (G Boshoff)
 Director: Corporate Services (A De Beer)
 Director: Planning and Economic Development (A Barnes)
 Director: Infrastructure (S Chandaka)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels)

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

The Speaker, Cllr Q Smit welcomed all to the Special Council meeting which was held via MS Teams.

2.	COMMUNICATION BY THE EXECUTIVE MAYOR
-----------	---

- Congratulations to the Deputy Executive Mayor, Cllr J Fasser, who was elected as the Ward Councillor for Ward 17.
- Due to the recent resignation of two Councillors who were Mayco members as well, it prompted me to reconsider the Mayoral Committee. It gives me great pleasure then to share with everyone this morning the new mayoral committee:

PROPOSED NEW MAYORAL COMMITTEE	
Executive Mayor	Cllr GMM van Deventer
Deputy Mayor, incl Protection Services	Cllr Jeremy Fasser
Infrastructure	Cllr Reginald Pheiffer
Planning, LED and Tourism	Cllr Mynard Slabbert
Corporate Services	Cllr Lwando Nkamisa
Community Services	Cllr Xolile Kalipa
Human Settlements	Cllr Rozette du Toit
Rural Management and Environmental Management	Cllr James Williams
Finance	Ald John Cornelius (JC) Anthony
Sport, Youth and Culture	Deputy Mayor will act as MMC
Parks, Open Spaces	Cllr Ndipiwe Olayi

- A warm welcome to the new Councillor, Cllr Stephanie Heneke. We trust Cllr Heneke will settle in quickly, and it is always good to have fresh new insight into municipal matters.
- Tans besig met die IDP proses, en dit is 'n baie belangrike deel van die munisipale proses om insette vanaf die publiek te ontvang. Moedig alle inwoners aan om deel te neem aan die proses. Jou insette as inwoner is belangrik vir die munisipaliteit.
- We are incredibly proud to celebrate two of our newest firefighters, Mr. Bruno Herrman and Mr. Terence Januarie, who were honored at last week's Cape Winelands District Fire Services Passing Out Parade!
- The Municipality is aware of an email scam currently circulating, where fraudulent emails are being sent to stakeholders/residents, falsely claiming to be from the Municipality. These emails may request personal information or payments, using official logos or names/signatures to appear legitimate. We would like to emphasise that the Municipality will never ask for sensitive information or payment details via email. If you receive a suspicious email, please do not respond or click on any links. Delete the email from your inbox immediately and also remove it from your Deleted Items. Thank you for your vigilance.

Thank you."

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

The Speaker expressed his concern regarding Councillors who still did not adhere to the **Request for information (RFI) for the audit of Stellenbosch Municipality for the year ended 30 June 2024** which the Auditor-General sent. The cut-off date for submission was Wednesday, 11 September 2024 and all Councillors who did not submit their information yet are requested to do so within the next 48-72 hours via the Office of the Manager: Councillor Support, Mr Donovan Muller. This is not just a request, but a legislative requirement and non-submission will result in the Speaker reporting those Councillors to the MEC for Local Government, because not submitting your request for information is the same as not declaring your interest to Council.

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

- The Municipal Manager, Ms G Mettler welcomed the newly elected PR Councillor, Ms SC Heneke, as well as the newly elected Ward Councillor, Cllr JS Fasser.
- She reiterated the importance of submitting information to the Auditor-General timeously when requested to do so, because failure to comply with this legislation affects the municipality's clean audit status.
- A By-election will be held on 23 October 2024 in Ward 8. The names of candidates for the new election should be signed off by 17 September 2024.

Thank you.

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

NONE

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

6.	APPLICATION FOR LEAVE OF ABSENCE
-----------	---

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

Cllr E Groenewald	- 12 September 2024
Cllr MG Rataza	- 12 September 2024

6.2 **ABSENT**

Cllr O Jooste	- 12 September 2024
---------------	---------------------

7.	STATUTORY MATTERS
-----------	--------------------------

NONE

8.	REPORTS BY THE MUNICIPAL MANAGER
8.1	ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

12 September 2024

1. SUBJECT: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

2. PURPOSE

Council must approve the established the Section 80 Committee and must appoint the members on these Committees. This item serves to amend the Committees and the members as appointed in May 2023.

3. DELEGATED AUTHORITY

Council establishes the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

4. EXECUTIVE SUMMARY

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in Section 80.

The members are appointed by Council in accordance with the principle of representation amongst the amount of members allocated to each committee.

Council established the Section 80 Committees on 23 February 2022 as indicated in 6 below.

The Administration received an indication from the Speaker that amendments should be made to the Section 80 committees as well as the members of the Committees to be appointed by Council and these amendments were affected in May 2023. Some of these functions previously resided under Youth Sport and Culture Committee. The Terms of Reference will have to be amended by the Committees for Planning, Local Economic Development and Tourism, Sport Youth and Culture and the newly established Community Services Committee.

Due to resignations amongst the Councillors including the Chairpersons of the portfolio committees the Executive Mayor has appointed new chairpersons to the portfolio committee and the Speaker has also indicated that some of the functions for the portfolio committees are changing.

The letter from the Executive Mayor regarding the appointment of the Portfolio Chairpersons is attached as **APPENDIX 2**.

SPECIAL COUNCIL MEETING: 2024-09-12: ITEM 8.1**RESOLVED** (majority vote)

(a) that it be noted that Council approved the following Section 80 Portfolio Committees:

- Corporate Services;
- Planning, LED and Tourism
- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Protection Services
- Community Services
- Rural Management and Environment
- Youth, Sport and Culture
- Parks and Open Spaces

(b) that Council approves the amendment of the establishment of the Section 80 Committees as follows:

1. **Corporate Services**, total 5 members:

- | | | |
|-----|---|------------------------------|
| DA | – | Cllr L Nkamisa (Chairperson) |
| DA | – | Cllr Z Dalling |
| DA | – | Cllr JP Serdyn |
| ANC | – | Cllr M Rataza |
| FF+ | – | Cllr I De Taillerfer |

2. **Planning, Local Economic Development and Tourism**, total 5 members:

- | | | |
|------|---|-------------------------------|
| DA | – | Cllr M Slabbert (Chairperson) |
| DA | – | Cllr A Hanekom |
| DA | – | Cllr SC Heneke |
| ANC | – | Cllr M Danana |
| GOOD | – | Cllr GA Petersen |

3. **Financial Services**, total 5 members:

- | | | |
|------|---|------------------------------|
| DA | – | Ald JC Anthony (Chairperson) |
| DA | – | Cllr E Groenewald |
| DA | – | Cllr WC Petersen |
| ANC | – | Cllr A Tomose |
| GOOD | – | Cllr R Hendrikse |

4. **Human Settlements**, total 5 members:

- | | | |
|------|---|------------------------------|
| DA | – | Cllr R Du Toit (Chairperson) |
| DA | – | Cllr E Vermeulen |
| DA | – | Cllr X Mdemka |
| ANC | – | Cllr E Masimini |
| GOOD | – | Cllr M Van Stade |

5. **Infrastructure Services**, total 5 members:

- | | | |
|-----|---|-------------------------------|
| DA | – | Cllr R Pheiffer (Chairperson) |
| DA | – | Cllr R van Rooyen |
| DA | – | Cllr N Mcombring |
| ANC | – | Cllr N Ntsunguzi |
| EFF | – | Cllr Z Ndalasi |

6. **Protection Services**, total 5 members:

- | | | |
|-----|---|-----------------------------|
| DA | – | Cllr J Fasser (Chairperson) |
| DA | – | Cllr C Manuel |
| DA | – | vacant (Ward 8 Cllr) |
| ANC | – | Cllr A Tomose |
| EFF | – | Cllr N Mkhontwana |

-
7. **Rural Management and Environment**, total 4 members:
- DA – Cllr J Williams (Chairperson)
 DA – Cllr JP Serdyn
 DA – Cllr C Manuel
 ANC – Cllr J Davids
8. **Sport, Youth and Culture**, total 5 members:
- DA – Cllr J Fasser (Acting Chairperson)
 DA – Cllr R Van Rooyen
 DA – Cllr N Mcombring
 GOOD – Cllr G Petersen
 PA – Cllr J Andrews
9. **Parks & Open Spaces**, total 4 members
- DA – Cllr N Olayi (Chairperson)
 DA – Cllr E Vermeulen
 DA – Cllr Z Dalling
 ANC – Cllr M Nkopane
10. **Community Services** total 5 members:
- DA – Cllr X Kalipa (Chairperson)
 DA – Cllr N Mcombring
 DA – Cllr R Van Rooyen
 ANC – Cllr M Nkopane
 EFF – Cllr N Mkhontwana
- (c) that it be noted that the Executive Mayor has amended the appointment of the Chairpersons of Committees as from 4 September 2024 as per **APPENDIX 2**;
- (d) that the Terms of Reference for the following Section 80 Committees be amended to reflect the changes in the Committees:
- (i) Rural Management that now has Environment added; and
 (ii) Parks & Open Spaces that no longer deals with Environment;
- (e) that the amended Terms of References be referred to the relevant Section 80 Committees for revision and adoption.
- (f) that Council appoints the members of the Section 80 Committees as per **APPENDIX 3**; and
- (h) that the members of the Section 79 Committee – MPAC be amended as follows:
- Cllr WF Pietersen (PDM) – (Chairperson) Full time Councillor
 Cllr SR Schäfer (DA)
 Cllr A Ferns (DA)
 Cllr R Adams (DA)
 Cllr J Joon (DA)
 Cllr N Mananga-Gugushe (ANC)
 Cllr O Jooste (ACDP)

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>9 September 2024</i>

MINUTES

SPECIAL COUNCIL MEETING

2024-09-12

SECTION 80 COMMITTEES AS APPROVED BY THE EXECUTIVE MAYOR ON 5 SEPTEMBER 2024

FINANCIAL SERVICES	INFRASTRUCTURE	PLANNING, LED & TOURISM	PROTECTION SERVICES
1) Ald JC Anthony (Chairperson) (DA) 2) Cllr WC Petersen (DA) 3) Cllr E Groenewald (DA) 4) Cllr A Tomose (ANC) 5) Cllr R Hendrikse (GOOD)	1) Cllr R Pheiffer (Chairperson) (DA) 2) Cllr R van Rooyen (DA) 3) Cllr N Mcombring (DA) 4) Cllr N Ntsunguzi (ANC) 5) Cllr Z Ndalasi (EFF)	1) Cllr M Slabbert (Chairperson) (DA) 2) Cllr A Hanekom (DA) 3) Cllr SC Heneke (DA) 4) Cllr M Danana (ANC) 5) Cllr G Petersen (GOOD)	1) Cllr J Fasser (Chairperson) (DA) 2) Cllr C Manuel (DA) 3) vacant (Ward 8 Cllr) (DA) 4) Cllr A Tomose (ANC) 5) Cllr N Mkhontwana (EFF)
SPORT, YOUTH & CULTURE	RURAL MANAGEMENT & ENVIRONMENT	CORPORATE SERVICES	HUMAN SETTLEMENT
1) Cllr J Fasser (Act Chairperson) (DA) 2) Cllr R van Rooyen (DA) 3) Cllr N Mcombring (DA) 4) Cllr G Petersen (GOOD) 5) Cllr J Andrews (PA)	1) Cllr J Williams (Chairperson) (DA) 2) Ald JP Serdyn (DA) 3) Cllr C Manuel (DA) 4) Cllr J Davids (ANC)	1) Cllr L Nkamisa (Chairperson) (DA) 2) Cllr Z Dalling (DA) 3) Ald JP Serdyn (DA) 4) Cllr M Rataza (ANC) 5) Cllr I De Taillerfer (FF+)	1) R Du Toit (Chairperson) (DA) 2) Cllr E Vermeulen (DA) 3) Cllr X Mdemka (DA) 4) Cllr E Masimini (ANC) 5) Cllr M van Stade (GOOD)
PARKS & OPEN SPACES	COMMUNITY SERVICES		MPAC (SECTION 79) (FULLTIME)
1) Cllr N Olayi (Chairperson) (DA) 2) Cllr E Vermeulen (DA) 3) Cllr Z Dalling (DA) 4) Cllr M Nkopane (ANC)	1) Cllr X Kalipa (Chairperson) (DA) 2) Cllr N Mcombring (DA) 3) Cllr R van Rooyen (DA) 4) Cllr M Nkopane (ANC) 5) Cllr N Mkhontwana (EFF)		1) Cllr WF Pietersen (Chairperson) (PDM) 2) Cllr SR Schäfer (DA) 3) Cllr A Ferns (DA) 4) Cllr R Adams (DA) 5) Cllr J Joon (DA) 6) Cllr N Mananga-Gugushe (ANC) 7) Cllr O Jooste (ACDP)

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

NONE

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

NONE

The meeting adjourned at 10:35.

CHAIRPERSON:

DATE:

Confirmed onwith/without amendments.

8.	STATUTORY MATTERS
8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST AND SEPTEMBER 2024

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 October 2024 & 30 October 2024

1. SUBJECT:MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST AND SEPTEMBER 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2024/2025 to report the deviations to the 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 (2024/2025) stipulate that SCM deviations be reported to the Council. In compliance thereto, this report presents to the Council the SCM deviations that occurred during August and September 2024.

5. RECOMMENDATION

that Council notes the deviations listed for the month of August and September 2024.

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 August and September 2024:

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 7/25	2024/08/12	ATC t/a CBI Electric African Cables	Main Substation to Markotter 66Kv cable low oil pressure trip on 23 July 2024	Exceptional case and it is impractical or impossible to follow the official procurement processes	On the 23rd of July 2024, the Superintendent: Substations reported to the Manager: Operations & Maintenance that the 66kV feeder between Main Substation and Markotter Substation tripped because of low oil pressure. The Manager: Operations & Maintenance instructed the Principal Technician: Operations & Maintenance to monitor the load on the entire 66kV network through the SCADA system. Based on the gathered information, the Superintendent: Substations was further instructed to reconfigure the network by closing the ring between Golf Substation and the University Substation to ensure network stability. The network reconfiguration was ultimately carried out on the 24th of July 2024. A preliminary investigation was conducted immediately after the fault was reported on the 23rd of July 2024, and the oil pressure readings were taken on both oil feeder cables from the Main Substation (Main to Markotter and Main to University) and recorded by the Superintendent: Substations. It was confirmed after an investigation that the oil pressure on the cables between the Main Substation and Markotter Substation were indeed below the minimum trip set point of 2 bar, which caused	R132,810.67 excl VAT

					the trip. Additionally, the oil pressure reading on the 66kV oil cable between the Main Substation and the University was 1.65 bar, approaching the alarm set point of 1.45 bar and the trip set point of 1.24 bar. Based on the investigation, it was confirmed that the cause of the trip was because of the drop in oil pressure oil and not because of a cable fault. This issue can be remedied by an oil refill; however, the task requires specialized expertise and cannot be performed with internal resources. Therefore, a specialist external service provider must be urgently appointed to refill the cable oil to return it to service and to prevent the second cable from tripping, which could compromise network redundancy (alternative supply points) and stability and could potentially result in a prolonged wide-area blackout.	
D/SM8/25	2024/08/23	NEC Xon	Certificate of emergency: Failed computer room air conditioning (CRAC) units	Emergency	Stellenbosch Municipality's ICT Data Centre experienced failures to 2 of the 3 air-conditioning units carrying out thermal management (cooling) needed to protect the critical hardware systems and services running Municipal applications required to service the public and deliver on its mandate. The 3rd and only working unit was in an error state with continuous unit system alarms being presented on the management system. This unit may fail at any time to provide cooling as there is insufficient refrigerant in the unit, therefor the only procurement process is to appointed a service provider on an emergency deviation.	R77 340,83 incl. VAT

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.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE
EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 6.1**

that Council notes the deviations listed for the month of August and September 2024.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
POSITION	<i>Senior Manager SCM</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@ Stellenbosch.gov.za</i>
REPORT DATE	<i>03 October 2024</i>

8.2	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY FOR QUARTER 1 (01 JULY 2024 – 30 SEPTEMBER 2024)
-----	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 October 2024 & 30 October 2024

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY FOR QUARTER 1 (01 JULY 2024 – 30 SEPTEMBER 2024)

2. PURPOSE

To submit to Council a report for the period 01 July 2024 – 30 September 2024 on the implementation of Council's Supply Chain Management (SCM) 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 2024/2025 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 aid in the provision of municipal services.

5. RECOMMENDATIONS

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

6 DISCUSSION/CONTENTS

6.1 Background

The Accounting Officer must within 10 days at the end of quarter report on the implementation of the SCM System.

6.2 Constitutional and Policy Implications

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and other

applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch Municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6(3) of the above stated Policy determines that the Accounting Officer must within 10 days of the end of each quarter; submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

6.3 Environmental implications

None.

6.4 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 July 2024 – 30 September 2024 and the payments that will derive from these commitments.

The transaction for the procurement of good and services that were processed during 01 July 2024 to 30 September 2024 were provided for in the Municipality's approved budget.

6.5 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive, and cost-effective. Reporting back in terms of paragraph 6(3) of the SCM Policy 2024/2025 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

6.6 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions

None.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 6.2

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

APPENDICES

ANNEXURE A: Report for the period 01 July 2024 – 30 September 2024 on the Implementation of Council's Supply Chain Management Policy

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
CONTACT NUMBERS	<i>8137</i>
E-MAIL ADDRESS	Dalleel.Jacobs@Stellenbosch.gov.za
DIRECTORATE	<i>Supply Chain Management</i>
REPORT DATE	<i>03 October 2024</i>

ANNEXURE A

STELLENBOSCH MUNICIPALITY

IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT

SECTION 6 (3) OF SCM REGULATIONS: OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY

PERIOD: 01 JULY 2024 – 30 SEPTEMBER 2024

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy are part of the budget related policies that are annually reviewed.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f) ((iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included)	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the first quarter, there were three (8) final awards above R10 million.
5(2)(b)	Make a final award above R 300 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the first quarter, there were (21) final awards above R300 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R300 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made from petty cash, made during that month, including – (a) the amount of the award. (b) the name of the person to whom the award was made. (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer Senior Manager SCM	YES	The awards made were submitted on the following dates within this quarter: 05 August 2024 03 September 2024 03 October 2024
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy was submitted to council in the last quarter of the previous financial year as part of the Budget Related policies.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems have occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	<u>Direct that:</u> a) cash purchases up to transaction value as defined I Council's Petty Cash policy b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included). c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included) d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00 e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation (1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior: Manager SCM	YES	To be advertised in quarter three
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliations on petty cash purchases monthly.	Chief Financial Officer	Manager: Expenditure section	YES	Done
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	This section has been repealed
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer	YES	This section has been repealed

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer: below R200,000	YES	Reports were submitted on the following dates within this quarter: 05 August 2024 03 September 2024 03 October 2024
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager: Supply Chain Management	YES	
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website and only opened on the closing date and time and mitigate the risks during the calling for quotations.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
18(d)	Notify the Accounting Officer or CFO in writing monthly of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Reports were submitted on the following dates within this quarter: 05 August 2024 03 September 2024 03 October 2024
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long-term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee	YES	For quarter one, (41) tenders specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.	Accounting Officer		YES	None
23(a) (i)(ii)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation –	Accounting Officer	Relevant user department Head of Department or Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>(a) does not allow any preferred bidder a second or unfair opportunity.</p> <p>(b) is not to the detriment of any other bidder; and</p> <p>(c) does not lead to a higher price than the bid submitted.</p> <p>Minutes of such negotiations must be kept.</p>				the tender documents
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	Not Applicable
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R300 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department must complete. Meetings are held according to pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f)	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	and a prescribed in terms of the Preferential Procurement Policy Framework Act.				
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed.
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In the first quarter there were thirteen (13) BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In the first quarter there were (8) final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid – (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Bid Adjudication Committee		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
29(5)(b)	<p>(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Accounting Officer		YES	None
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	(2) tender was referred back from the BEC in the first quarter
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer		YES	Not Applicable
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if –</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or</p> <p>(b) the transaction value of a contract to be procured by the municipality whether for one</p>	Accounting Officer		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	or more years exceeds R50 million.				
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable
32(1)	<p>To procure goods or services for the municipality under a contract secured by another organ of state, but only if –</p> <p>(a) The contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state.</p> <p>(b) The municipality has no reason to believe that such contract was not validly procured.</p> <p>(c) there are demonstrable discounts or benefits for the municipality; and</p> <p>that other organ of state and the provider have consented to such procurement in writing.</p>	Accounting Officer	Bid Adjudication Committee	YES	None
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are considered when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	Tender in place.
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant during the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(1)(a)	<p>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 –</p> <ul style="list-style-type: none"> (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 worker of art or historical objects where specifications are difficult to compile. (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote 	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	Delegations are in place for BAC to recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.
36(1)(b)	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	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	technical nature.				
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	Done
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept. (b) The product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality. (c) the person who made the bid is the sole provider of the product or service; and (d) The reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account were considering an unsolicited bid –	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(i) any comments submitted by the public; and any written comments and recommendations of the National Treasury or the relevant provincial treasury.				
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury regarding the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified – (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	more than three months. (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.				
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or (i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors – (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system. (ii) has been convicted for fraud or corruption during the last five years. (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>other public sector contract during the past five years; or</p> <p>(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).</p>				
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations are in place
40(2) a	<p>A Supply Chain management policy must specify the ways in which assets may be disposed of, including by –</p> <p>(i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets</p> <p>(ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge</p> <p>(iii) Selling the asset</p> <p>(iv) Destroying the asset</p>	Municipal Council	Chief Financial Officer	YES	As per delegations
40(2) (b)	Stipulate that –	Municipal Council		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise				
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer	YES	As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer	N/A	Not Applicable
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer		N/A	Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Not Applicable
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council		N/A	None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.			N/A	Not Applicable
41(1)	A Supply chain management policy must provide for	Accounting Officer	Internal Audit	YES	Busy implementing a system for risk

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system				management
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer	YES	Implemented a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked regularly and before awards are made.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person. (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information was disclosed within financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keeps records of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept in the SCM section and hard copy on file.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Senior Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or compliant against the decision or action.	Accounting Officer		YES	Have an administrative process in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other people and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	of Regulation 50(1) to perform his or her functions effectively.				
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

AGENDA**26TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY****2024-10-30**

8.3	GRANTS ADJUSTMENTS BUDGET 2024/2025
------------	--

Collaborator No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 16 & 30 October 2024

**KINDLY NOTE: THE UPDATED ITEM WILL BE DISTRIBUTED UNDER
SEPARATE COVER IN DUE COURSE**

8.4

MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2024

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

16 October 2024 & 30 October 2024

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2024**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget; and service delivery budget plan of the Municipality for the 1st quarter of the 2024/25 financial year.

3. DELEGATED AUTHORITY**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

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

"The mayor of a municipality—

(d) must, within 30 days of the end of each quarter; submit a report to the council on the implementation of the budget and the financial affairs of the municipality:"

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 July 2024 to 30 September 2024.

5. RECOMMENDATION

that Council notes Section 52 Report (including quarterly performance report) – First Quarter.

6. DISCUSSION / CONTENTS**6.1 Background**

To comply with section 52 (d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan of the Municipality for the 1st quarter of the financial year. The report is indicated under **APPENDIX 1**.

6.2 Discussion

This report illustrates the implementation of the budget as well as the non-financial performance of the municipality for quarter 1.

In terms of the Municipal Finance Management Act (MFMA) Section 52(d) *"must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality."*

AGENDA

26TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-10-30

6.3 Financial Implications

None.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None.

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.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE
EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 6.4**

that Council notes Section 52 Report (including quarterly performance report) – First Quarter.

ANNEXURES

Appendix 1 : Section 52 Report – First Quarter

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBER	021 – 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	SEPTEMBER 2024

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

QUARTERLY BUDGET MONITORING REPORT

1st Quarter 2024/25



QUALITY CERTIFICATE

I, Geraldine Mettler, the Municipal Manager of Stellenbosch Municipality, hereby certify that the quarterly report the period ending September 2024 has been prepared in accordance with Section 52 of the Municipal Finance Management Act and regulations made under the Act and accordingly submit the required quarterly statement on the state of Stellenbosch Municipality's budget reflecting the particulars up until the end of September 2024.

Name: Geraldine Mettler

Municipal Manager of Stellenbosch Municipality- WC024

Signature

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

Date: 30 October 2024

To Council

In accordance with Section 52(d) of the Municipal Finance Management Act, I submit the required report on the implementation of the budget and the financial situation of Stellenbosch Municipality reflecting the particulars of the third quarter of the financial year 2024/25.

The submission of this report forms part of my general responsibilities as the Mayor of Stellenbosch Municipality. The purpose of the report serves to inform Council on the financial affairs of Stellenbosch Municipality and to enable Council to fulfil its oversight responsibility in this regard.



.....
Advocate G M van Deventer
Executive Mayor
Date: 30 October 2024

Table of Contents

1. Recommendations.....	5
2. Executive Summary.....	6
3. Operating Revenue.....	7
4. Operating Expenditure.....	13
5. Capital Expenditure	18
6. Investments and Borrowings	23
7. Allocations and grant receipts and expenditure for the 1st quarter of 2024/25.....	25
8. Personnel Expenditure	26
9. Withdrawals	27
10. Cost containment reporting.....	28
11. Quarterly Budget Statements.....	31
12. Top Layer Service Delivery and Budget Implementation Plan (SDBIP ..	43
13. Actual Strategic Performance and Corrective Measures that will be implemented.....	44
14. Strategic performance conclusion.....	54

1. Recommendations

These recommendations are linked to the responsibilities of the Mayor under Section 52 of the MFMA.

- (a) That the content of the quarterly budget statement and supporting documentation be noted.

2. Executive Summary

2.1 Introduction

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

This report is a summary of the main budget issues arising from the monitoring process. It compares the implementation of the budget to the commitments/promises made and contained in the Service Delivery and Budget Implementation Plan (SDBIP) and is intended to inform and enable the Council with a view of giving effect to Council's oversight responsibility.

2.2 Summary of 2024/25 budget progress / implementation

The following table summarises the overall position of the capital and operating budgets.

The above figures are explained in more detail throughout this report.

Detail	Capital Expenditure	Operating Expenditure	Operating Revenue (excluding capital transfers and contributions)
Original Budget	599 345 303	2 511 734 132	2 532 153 396
Adjustment Budget	634 147 943	2 511 734 132	2 532 153 396
Plan to Date (SDBIP)	52 865 408	479 351 295	670 669 009
Actual	27 342 746	336 995 607	734 687 474
Variance to SDBIP	(25 522 662)	(142 355 688)	64 018 465
Year to date % Variance to SDBIP	-48,28%	-29,70%	9,55%

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

3. Operating Revenue

The following table shows the actual operating revenue per National Treasury Reporting regulations against that planned in the SDBIP for the 1st Quarter of 2024/25.

Operating Revenue by Source

Description	ORIGINAL BUDGET	ADJUSTMENT BUDGET
Exchange Revenue		
Service charges - Electricity	1 029 705 173,00	1 029 705 173,00
Service charges - Water	182 522 220,00	182 522 220,00
Service charges - Waste Water Management	122 771 630,00	122 771 630,00
Service charges - Waste Management	115 081 671,00	115 081 671,00
Sale of Goods and Rendering of Services	24 653 963,00	24 653 963,00
Agency services	3 794 352,00	3 794 352,00
Interest earned from Receivables	18 172 580,00	18 172 580,00
Interest earned from Current and Non Current	44 232 144,00	44 232 144,00
Rental from Fixed Assets	13 648 887,00	13 648 887,00
Licence and permits	8 385 504,00	8 385 504,00
Operational Revenue	47 692 457,00	47 692 457,00
Non-Exchange Revenue		
Property rates	509 116 169,00	509 116 169,00
Fines, penalties and forfeits	163 379 995,00	163 379 995,00
Transfer and subsidies - Operational	245 637 999,00	245 637 999,00
Interest	3 358 652,00	3 358 652,00
Other Gains	-	-
Total Revenue (excluding capital transfers and contributions)	2 532 153 396	2 532 153 396

QUARTER 1 2024/25		
PLANNED	ACTUAL	VAR
246 766 162	306 437 451	-24%
33 405 613	39 876 231	-19%
31 230 499	35 782 585	-15%
30 305 916	32 429 777	-7%
5 267 165	7 081 329	-34%
911 631	818 247	0
4 712 837	6 208 199	-32%
11 058 036	15 292 108	-38%
2 646 635	2 550 253	4%
2 045 375	1 501 829	27%
17 834 119	12 447 322	30%
187 985 320	188 178 332	0%
22 746 061	81 887	100%
72 820 562	84 944 787	-17%
933 078	1 057 137	-13%
-	-	0%
670 669 009	734 687 474	-10%

QUARTER 1 2023/24		
PLANNED	ACTUAL	VAR
197 248 209	246 768 929	-25%
37 645 121	33 410 567	11%
29 009 775	31 232 443	-8%
28 727 644	30 696 473	-7%
4 847 796	5 738 091	0%
747 098	911 632	-22%
3 101 131	5 014 363	-62%
10 298 166	14 282 312	-39%
1 306 404	2 306 962	-77%
1 836 969	2 090 950	0%
1 784 945	12 853 581	0%
193 780 642	176 481 540	9%
17 523 192	22 811 816	-30%
73 441 475	83 724 000	-14%
624 222	933 078	0%
-	-	
601 922 789	669 256 735	-11,19%

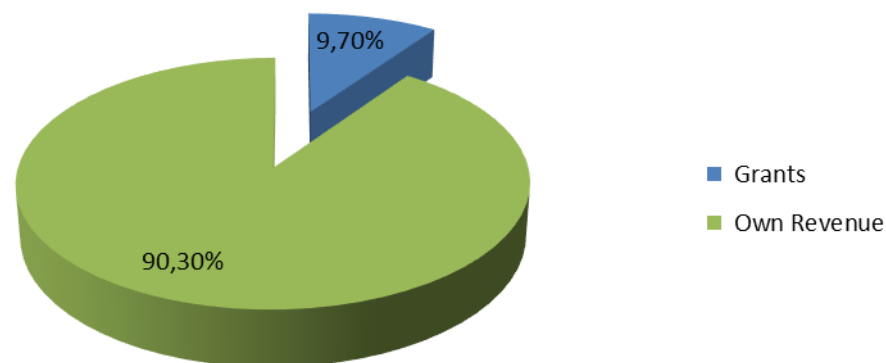
NB: - The “year to date” actual for income refers to the total billed and earnings for the year and not actual receipts/collections.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

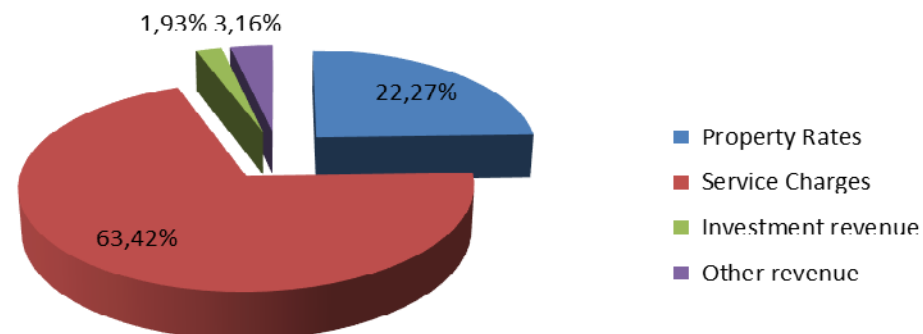
Stellenbosch municipality is not dependant on grant funding to fund the operating budget as is evident in the graph below.

Own revenue consists mainly of service charges at 63.42 per cent of the 2 286 515 397 billion own revenue budget.

Funding of the 2024/25 operating budget



Composition of own revenue



Operating Revenue Variance Report

The variances between actual operating revenue and the planned operating revenue contained in the SDBIP are explained per revenue source and are as follows:

Revenue by Source

3.1 Property Rates

Property rates and service charges water are billed monthly. However, some consumers applied to have their property rates and service charges to be billed annually. This has resulted in an overperformance of R193 012 for property rates when compared to the year-to-date budget projections as the annual applications do not form part of the monthly budgeted revenue projections.

3.2 Service charges - Electricity

The municipality has billed R59 671 289 more electricity charges than initially anticipated. The largest over performance was noted for Electricity Sales: Time of use tariffs (R33 413 886) and Electricity Sales: Domestic High: Prepaid (R15 645 033). This increase is a result of the increase in tariffs and consumption because of suspended load shedding and increased demand during seasonal cold temperatures.

3.3 Service charges - Water revenue

The municipality has billed R6 470 618 more water charges than initially anticipated. The largest over performance was noted for Water sale conventional (R3 709 281) and Industrial Water (R2 642 222). This increase in billings is a result of an increase in consumption and increases in tariffs.

3.4 Service charges - Waste Water Management

The municipality has billed R4 552 086 more Wastewater charges than initially anticipated. The largest over performance was noted for Industrial Effluent (R1 863 406), Sanitation Charges (R1 179 377) and Industrial wastewater (R1 080 665). This increase in billings is a result of an increase in usage and increases in tariffs.

3.5 Interest earned from Current and Non-Current Assets

An over performance was noted for interest earned – external investments to the amount of R4 234 072. The variance is mainly attributed to increases in the interest

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

rates in the past few years and the municipality has also invested additional funds which has resulted in an increase in the earnings from investments.

3.6 Transfer and subsidies – Operational

An over performance is noted for transfers and subsidies to the amount of R12 124 225. The overperformance is due to the transfer tranche payments received.

3.7 Operational Revenue

An under performance is noted for operational revenue to the amount of R5 386 797. The items that attributed to the underperformance are as follows:

3.7.1 Revenue: Exchange Revenue: Operational Revenue: Development Charges

An under performance of R5 450 478 has been noted. This is a result of less payments being received from developments carried out by the municipality than initially anticipated.

3.8 Fines, penalties, and forfeits

An underperformance was noted to the amount of R22 664 174. The recognition of traffic fines in terms of iGRAP 1 will be done monthly, including the journal processed on the financial system.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

4. Operating Expenditure

The following table illustrates the actual operating expenditure for each Directorate against planned expenditure in the SDBIP for the 1st Quarter of 2024/25.

Operating Expenditure (Per Directorate):

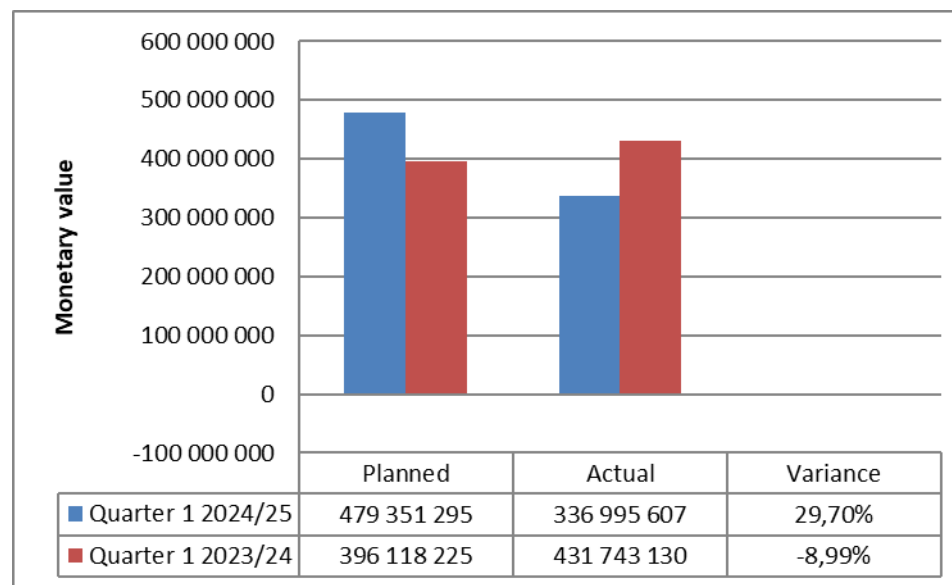
DIRECTORATE	ORIGINAL BUDGET	AMENDED BUDGET
Municipal Manager	17 202 891	17 202 891
Planning & Development	98 091 073	98 091 073
Infrastructure Services	1 541 782 409	1 541 782 409
Community and Protection Services	510 981 472	510 981 472
Corporate Services	216 623 591	216 623 591
Financial Services	127 052 696	127 052 696
TOTALS	2 511 734 132	2 511 734 132

QUARTER 1 2024/25	
PLANNED	ACTUALS
3 604 556	359 317
26 212 909	7 455 880
297 365 666	273 248 479
76 942 368	20 870 303
42 871 754	18 464 086
32 354 042	16 597 542
479 351 295	336 995 607

QUARTER 1 2023/24	
PLANNED	ACTUALS
3 264 780	4 259 903
18 306 540	22 639 694
256 078 400	276 765 547
59 240 468	65 103 656
33 727 831	36 341 056
25 500 206	26 633 274
396 118 225	431 743 130

During the first quarter of the financial year the directorates spent R336 995 607, 30% less than the planned expenditure. At the same period last year, the directorate spent R431 743 130, 9% more than the planned expenditure. Due to system related challenges, amounts relating to employee related costs and councillors' remuneration could not be integrated into the financial system. Consequently, they do not reflect on the totals in system reports. The actual amounts incurred in relation to employee related costs and remuneration of councillors amount to R150 108 009.17 and R5 291 085.57 respectively.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024



The year on year comparison for the first quarter is 70,30% actual spending rate of the planned operating budget for the financial year 2024/25, compared to a 108.99% actual spending rate for the same period in the previous financial year.

Operating Expenditure Variance Report

The variances between actual operating expenditure and planned operating expenditure contained in the SDBIP are explained per item and are as follows:

4.1 Planning and Development Services

The Planning and Development Services directorate planned to spend R26 212 909 of the amended budget. The year- to- date actual expenditure incurred amounted to R7 455 880 which resulted in an underperformance of R18 757 029. The items that attributed to the underperformance are as follows:

4.1.1 Expenditure: Transfers and Subsidies: Operational: Monetary Allocations: Non-profit institutions: Tourism

The user department planned to spend R7 177 330 of the amended budget. The year-to-date actual expenditure incurred amounted to R2 525 330. The user department indicated that they have finalised all documentation and payments will be submitted for payment. An improvement will be seen in the next reporting period.

4.1.2 Expenditure: Contracted Services: Consultants and Professional Services: Business and Advisory: Project Management (Planning and development general).

The user department planned to spend R1 007 197 of the amended budget. No expenditure has been incurred to date. The user department indicated that they are currently finalising the specifications for the project which are expected to serve at the Bid specifications committee in October 2024.

4.1.3 Expenditure: Contracted Services: Contractors: Maintenance of Buildings and Facilities (Informal Settlements)

The user department planned to spend R437 997 of the amended budget. No expenditure has been incurred to date. The user department indicated that they will be utilising the funds for the repair and maintenance of ablution facilities.

4.1.4 Expenditure: Operational Cost: External Computer Service: GPS Licence Fees

The user department planned to spend R200 000 of the amended budget. No expenditure has been incurred to date. The user department indicated that they are awaiting invoices from the service providers.

4.1.5 Employee related costs

The user department planned to spend R14 659 279 of the amended budget. Expenditure has been incurred but has not yet been integrated into the financial system due to system integration challenges.

4.2 Infrastructure Services

The Infrastructure Services directorate planned to spend R297 365 666 of the amended budget. The year-to-date actual expenditure incurred amounted to R273 248 479 which resulted in an underperformance of R24 117 187. The items that attributed to the underperformance are as follows:

4.2.1 Expenditure: Contracted Services: Outsourced Services: Refuse Removal (Refuse Removal)

The user department planned to spend R8 106 576 of the amended budget. The year-to-date actual expenditure incurred amounted to R3 544 607. The user department indicated that they are currently waiting for invoices from the service providers that have been delayed.

4.2.2 Expenditure: Inventory Consumed: Water

The user department planned to spend R10 513 395 of the amended budget. The year-to-date actual expenditure incurred amounted to R3 869 157. The user department indicated that expenditure is dependent on usage and the invoice for September 2024 will only be received in October and processed for payment.

4.2.3 Expenditure: Contracted Services: Contractors: Maintenance of Equipment (Sewerage purification Stellenbosch)

The user department planned to spend R2 619 999 of the amended budget. The year-to-date actual expenditure incurred amounted to R923 184. The user department indicated that expenditure is incurred as and when maintenance is performed.

4.2.4 Expenditure: Operational Cost: Hire Charges (Refuse removal)

The user department planned to spend R1 282 857 of the amended budget. No expenditure has been incurred to date. The user department indicated that

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

they hire compactors as and when needed and expenditure will only be incurred on a need-to basis.

4.2.5 Expenditure: Contracted Services: Outsourced Services: Refuse Removal (Landfill Site)

The user department planned to spend R6 562 767 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 769 306. The user department indicated that the invoices have been submitted for payment.

4.2.6 Employee related costs

The user department planned to spend R50 774 934 of the amended budget. Expenditure has been incurred but has not yet been integrated into the financial system due to system integration challenges.

4.3 Community and Protection Services

The Community and Protection Services directorate planned to spend R76 942 368 of the amended budget. The year-to-date actual expenditure incurred amounted to R20 870 303 which resulted in an underperformance of R56 072 065. The items that attributed to the underperformance are as follows:

4.3.1 Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets (Fire Services)

The user department planned to spend R437 748 of the amended budget. The year-to-date actual expenditure incurred amounted to R195 754. The user department indicated that work is being done continuously and they are awaiting invoices for work that has been done to date.

4.3.2 Expenditure: Transfers and Subsidies: Operational: Allocations In-kind: Households: Social Assistance: Social Relief

The user department planned to spend R1 176 558 of the amended budget. The year-to-date actual expenditure incurred amounted to R484 115. Orders to the amount of R460 000 have been loaded onto the financial system. The user department indicated that they are awaiting approval for the procurement of fire kits which will expediate the planned expenditure.

4.3.3 Expenditure: Transfers and Subsidies: Operational: Monetary Allocations: Households: Social Security Payments: Social Assistance: Grant in Aid

The user department planned to spend R2 920 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 541 999. The user department indicated that all category A donations were approved, and all payments have been made. The application for the Category B donation which is payable on a claims basis was however denied due to access space and they are currently investigating and second site.

4.3.4 Expenditure: Contracted Services: Outsourced Services: Security Services

The user department planned to spend R15 000 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R8 784 175. The user department indicated that services are rendered continuously and that they are awaiting invoices from the service providers.

4.3.5 Employee related costs

The user department planned to spend R48 209 750 of the amended budget. Expenditure has been incurred but has not yet been integrated into the financial system due to system integration challenges.

4.4 Corporate Services

The Corporate Services directorate planned to spend R42 871 754 of the amended budget. The year-to-date actual expenditure incurred amounted to R18 464 086 which resulted in an underperformance of R24 407 668. The items that attributed to the underperformance are as follows:

4.4.1 Expenditure: Contracted Services: Consultants and Professional Services: Legal Cost: Legal Advice and Litigation

The user department planned to spend R652 160 of the budget. The year-to-date actual expenditure incurred amounted to R73 420. Orders to the amount of R296 516 have been loaded onto the financial system. The user department indicated that payments are made as and when invoices are received monthly depending on whether expenditure has been incurred.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

4.4.2 Expenditure: Operational Cost: Registration Fees: Seminars, Conferences, Workshops and Events: National

The user department planned to spend R495 790 of the amended budget. The year-to-date actual expenditure incurred amounted to R267 660. The user department indicated that there are a few training sessions that have been planned and expenditure will be incurred after they commence.

4.4.3 Expenditure: Operating Leases: Investment Properties

The user department planned to spend R1 880 393 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 462 716. The user department indicated that they are in the process of advertising for new leases, the current lease is being paid monthly.

4.4.4 Employee related costs

The user department planned to spend R22 486 170 of the amended budget. Expenditure has been incurred but has not yet been integrated into the financial system due to system integration challenges.

4.5 Financial Services

The Financial Services directorate planned to spend R32 354 042 of the budget. The year-to-date actual expenditure incurred amounted to R16 597 542 which resulted in an underperformance of R15 756 500. The items that attributed to the underperformance are as follows:

4.5.1 Expenditure: Operational Cost: External Audit Fees

The user department planned to spend R734 463 of the budget. The year-to-date actual expenditure incurred amounted to R66 150. This was due to the audit process already being underway.

4.5.2 Expenditure: Operational Cost: Commission: Third Party Vendors

The user department planned to spend R964 251 of the budget. The year-to-date actual expenditure incurred amounted to R148 387.

4.5.3 Employee related costs

The user department planned to spend R16 153 950 of the amended budget. Expenditure has been incurred but has not yet been integrated into the financial system due to system integration challenges.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

5. Capital Expenditure

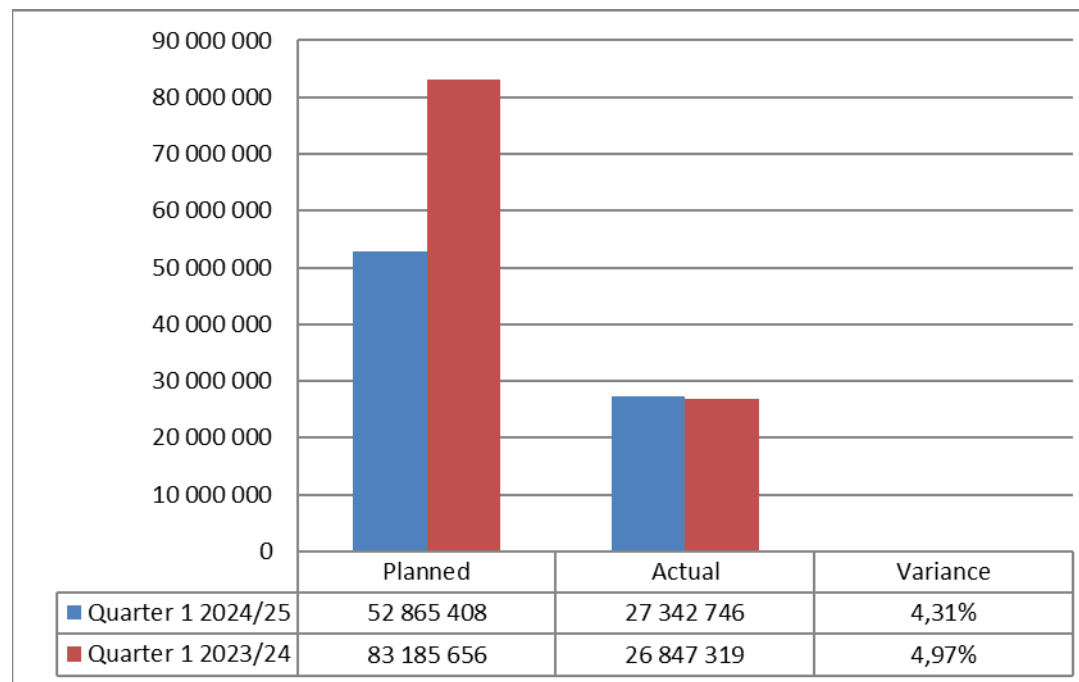
The following table illustrates the actual capital expenditure per directorate against the planned in the SDBIP for the 1st Quarter of 2024/25.

DIRECTOR	ORIGINAL BUDGET	AMENDED BUDGET
Municipal Manager	40 000	40 000
Planning & Development	20 244 000	21 923 845
Infrastructure Services	449 483 974	476 298 433
Corporate Services	56 420 000	60 688 523
Community and Protection Services	71 757 329	73 797 142
Financial Services	1 400 000	1 400 000
TOTALS	599 345 303	634 147 943

QUARTER 1 2024/245		
PLANNED	ACTUAL EXPENDITURE	VAR %
-	7 489	-
1 281 482	502 321	-61%
43 511 567	25 328 651	-42%
40 000	46 746	17%
7 922 359	1 375 054	-83%
110 000	82 487	-25%
52 865 408	27 342 746	-48%

QUARTER 1 2023/24		
PLANNED	ACTUAL EXPENDITURE	VAR %
-	4 249	100%
572 634	414 839	-28%
71 536 051	24 873 200	-65%
4 688 873	1 394 020	-70%
6 344 768	156 880	-98%
43 330	4 131	-90%
83 185 656	26 847 319	-68%

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024



The year-on-year comparison for the end of the first quarter is [R27 342 746/ R634 147 943] 4.31% of the total capital budget of R634 147 943 for the 2024/25 financial year compared to a [26 847 319/ R 539 909 625] 4.97% spending rate for the same period in the previous financial year.

Capital Expenditure Variance Report

The variances between actual capital expenditure and the planned capital expenditure contained in the SDBIP are explained per directorate and are as follows:

5.1 Planning and Development

The Directorate planned to spend R1 281 482 of the amended budget. The year-to-date actual expenditure incurred amounted to R502 321. This resulted in an underperformance of R779 161. The projects that attributed to the underperformance are as follows:

5.1.1 Establishment of the Kayamandi Informal Trading Area

The user department planned to spend R150 000 of the amended budget. No expenditure has been incurred to date. Orders to the amount of R83 000 have been loaded onto the financial system. The user department indicated that a land surveyor has been appointed and the specifications for the technical proposals have been completed.

5.1.2 Installation of Agricultural Irrigation infrastructure on Farm 502BH (Emerging Farmers)

The user department planned to spend R100 000 of the amended budget. No expenditure has been incurred to date. Orders to the amount of R190 000 have been loaded onto the financial system. The user department indicated that a service provider has been appointed and they are currently busy with the required assessments for the installations.

5.1.3 ISSP Kayamandi

The user department planned to spend R142 732 of the amended budget. No expenditure has been incurred to date. The user department indicated that a service provider will be appointed on an existing term tender to provide possible locations for the installation of basic services, the first report is expected to be received by the end of November 2024.

5.1.4 Rehabilitation of Langrug Dam and Engineering Services

The user department planned to spend R100 000 of the amended budget. No expenditure has been incurred to date. The user department indicated that an existing tender will be utilised to erect a security fence for the prevention of land invasion during the current relocation plan for Erf 3229 Mooiwater.

5.1.5 Flats: Interior Upgrading - Kayamandi

The user department planned to spend R400 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R37 830. The user department indicated that a consultant has been appointed to draft the specifications for the construction tender.

5.2 Community and Protection Services

The Directorate planned to spend R7 922 359 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 375 054. This resulted in an underperformance of R6 547 305. The projects that attributed to the underperformance are as follows:

5.2.1 Calcutta Memorial Park

The user department planned to spend R5 000 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R392 235. The user department indicated that the tender for the construction of the memorial park will be advertised at the beginning of October 2024.

5.3 Infrastructure Services

The Directorate planned to spend R43 511 567 of the amended budget. The year-to-date actual expenditure incurred amounted to R25 328 651. This resulted in an underperformance of R18 182 916. The projects that attributed to the underperformance are as follows:

5.3.1 Expansion of the landfill site (New cells)

The user department planned to spend R3 914 952 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 339 738. Orders to the amount of R2 097 016 have been loaded onto the financial system. The user department indicated that advertisements for the appointment of service providers have been drafted and are expected to close on 11 October 2024.

5.3.2 Landfill Gas to Energy

The user department planned to spend R4 568 350 of the amended budget. The year-to-date actual expenditure incurred amounted to R2 114 065. Orders to the amount of R13 585 935 have been loaded

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

onto the financial system. The user department indicated that construction commenced in the previous financial year and an invoice has been received and submitted for payment. An improvement will be seen in the next reporting period.

5.3.3 Alternative Energy

The user department planned to spend R3 231 171 of the amended budget. No expenditure has been incurred to date. Orders to the amount of R6 866 980. The user department indicated that commencement of the project is expected to be in November 2024.

5.3.4 Franschhoek Mooiwater 236

The user department planned to spend R4 100 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R1 744 879. Orders to the amount of R9 561 415 have been loaded onto the financial system. The user department indicated that the construction of the service sites is currently in progress.

5.3.5 New Reservoir & Pipeline: Vlottenburg

The user department planned to spend R8 595 258 of the amended budget. The year-to-date actual expenditure incurred amounted to R212 255. Orders to the amount of R1 092 937 have been loaded onto the financial system. The user department indicated that there is a delay due to a landowner objection for the routing and they will be submitting a basic assessment application prior to going out on tender.

5.4 Corporate Services

The Directorate planned to spend R40 000 of the amended budget. The year-to-date actual expenditure incurred amounted to R46 746. This resulted in an overperformance of R6 746. The projects that attributed to the overperformance are as follows:

5.4.1 Upgrade and Expansion of IT Infrastructure Platforms

The user department had no planned expenditure on the amended budget. The year-to-date actual expenditure incurred amounted to R30 730. The user department indicated that the tender was advertised and is currently in its evaluation stage.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

6. Investments and Borrowings

6.1 Investments

ACC. NR	BANK	Type/ Period	INTEREST RATE	MATURITY DATE	OPENING BALANCE AS AT 1 JULY 2024	QUARTER 1		TOTAL INVESTMENTS/ WITHDRAWALS	INTEREST CAPITALISED FOR THE QUARTER UNDER REVIEW	INTEREST ACCRUED YTD	CLOSING BALANCE YTD
						INVEST	WITHDRAWAL				
93-6748-9415	ABSA BANK	CALL	7,000%		56 294 418,72	49 388 535,85	50 000 000,00	(611 464,15)	1 969 259,19	1 969 259,19	57 652 213,76
20-8139-2381	A#2381	FIXED/9 MTHS	9,660%	07-Oct-24	167 283 375,34	-	-	-	3 895 758,90	3 895 758,90	171 179 134,25
20-8176-3645	A#3645	FIXED/6 MTHS	9,030%	12-Mar-25		100 000 000,00	-	100 000 000,00	470 054,79	470 054,79	100 470 054,79
					223 577 794,07	149 388 535,85	50 000 000,00	(611 464,15)	6 335 072,89	6 335 072,89	329 301 402,80
	NEDBANK										
03/7881123974/...031	N#031	FIXED / 12 MTHS	10,300%	10-Jul-24	116 078 362,13	-	116 346 255,64	(116 346 255,64)	267 894,48	267 894,48	0,98
03/7881123974/...032	N#032	FIXED / 12 MTHS	9,670%	19-Dec-24	71 928 701,37	-	-	-	1 706 158,90	1 706 158,90	73 634 860,27
03/7881123974/...033	N#033	FIXED / 4 MTHS	9,200%	18-Nov-24		100 611 464,15	-	100 611 464,15	1 952 689,35	1 952 689,35	102 564 153,50
03/7881123974/...034	N#034	FIXED / 6 MTHS	8,845%	12-Mar-25		50 000 000,00	-	50 000 000,00	230 212,33	230 212,33	50 230 212,33
					188 007 063,50	150 611 464,15	116 346 255,64	34 265 208,51	4 156 955,07	4 156 955,07	226 429 227,08
	SBSA										
258489367-041	S#041	FIXED 3 MNTHS	9,150%	12-Sep-24	100 426 164,38	-	102 256 164,38	(102 256 164,38)	1 830 000,00	1 830 000,00	0,00
					100 426 164,38	-	102 256 164,38	(102 256 164,38)	1 830 000,00	1 830 000,00	0,00
INVESTMENT TOTAL					512 011 021,95	300 000 000,00	268 602 420,02	(68 602 420,02)	12 322 027,95	12 322 027,95	555 730 629,89

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

6.2 Borrowings

Lending Institution	Balance 1/07/2024	Received Quarter 1	Interest Capitalised Quarter 1	Capital Repayments Quarter 1	Balance 30/09/2024	Percentage	Sinking Funds
							(R'000)
DBSA@ 11.1%	3 918 505	-	-	-	3 918 505	11,10%	
DBSA@ 10.25%	18 576 891	-	-	-	18 576 891	10,25%	
DBSA @ 9.74%	54 048 197	-	-	-	54 048 197	9,74%	
NEBANK @ 9.70%	98 728 950	-	-	-	98 728 950	9,70%	
NEBANK @ 8.8%	80 633 572	-	-	-	80 633 572	6,73%	
STANDARD BANK @ 11.00%	126 007 906	-	-	-	126 007 906	11,00%	
NEDBANK @9.70%	64 989 129	-	-	-	64 989 129	9,70%	
NEDBANK @10,71%	137 446 093	-	-	-	137 446 093	10,71%	
TOTAL	584 349 243	-	-	-	584 349 243		

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

7. Allocations and grant receipts and expenditure for the 1st Quarter of 2024/25

		EXPECTED	OPENING	CAPITAL	ACCUMULATE	ACCUMULATE	QUARTER 1	QUARTER 1	UNSPENT
OPERATING & CAPITAL GRANTS	TOTAL 2024/25	ALLOCATION	BALANCE 1 JULY 2024	DEBTORS	D ACTUAL RECEIPTS	D ACTUAL EXPENDITURE	RECEIPTS	ACTUAL EXPENDITURE	CONDITIONAL GRANTS - 30 JUNE 2025
Unconditional Grant:Equitable Share	215 604 000	215 604 000	-		89 835 000	35 394 370	89 835 000	35 394 370	54 440 630
Grand Total (Unconditional Grants)	215 604 000	215 604 000	-	-	89 835 000	35 394 370	89 835 000	35 394 370	54 440 630
EPWP Integrated Grant for Municipalities	2 021 000	2 021 000			505 000	-	505 000	-	505 000
Local Government Financial Management Grant	1 600 000	1 600 000			1 600 000	-	1 600 000	-	1 600 000
Integrated National Electrification Programme (Municipal) Grant	5 056 000	5 056 000			2 000 000	-	2 000 000	-	2 000 000
Integrated Urban Development Grant	64 495 000	64 495 000			12 899 000	567 097	12 899 000	567 097	12 331 903
Energy Efficiency and Demand Side	5 000 000	5 000 000			1 000 000	-	1 000 000	-	1 000 000
Community Development Workers Operational Support Grant	38 000	38 000			38 000	-	38 000	-	38 000
Community Library Service Grant	11 333 000	11 333 000			3 778 000	-	3 778 000	-	
Human Settlements Development Grant	20 248 690	18 568 845	1 679 845	204 170	-	-	-	-	1 679 845
Informal Settlements Upgrading Partnership Grant: Provinces	19 343 904	18 550 000	793 904	363 114	3 000 000	3 272 950	3 000 000	3 272 950	520 954
Title Deeds Restoration Grant	803 000	803 000			-	-	-	-	-
Municipal Accreditation and Capacity Building Grant	249 000	249 000			-	-	-	-	-
Integrated Transport Planning	628 000	628 000			-	-	-	-	-
Maintenance and Construction of Transport Infrastructure	345 000	345 000		345 000	-	-	-	-	-
Regional Socio-Economic Project/violence through urban upgrading	1 500 000	1 500 000			1 500 000	-	1 500 000	-	1 500 000
Cape Winelands District Municipality Grant	500 000	500 000			-	-	-	-	-
Cape Winelands District Municipality Grant Capacity and support	150 000	150 000			-	-	-	-	-
Khaya Lam Free Market Foundation	360 000	-	360 000		-	-	-	-	-
Grand total (Conditional Grants)	133 670 594	130 836 845	2 833 749	912 284	26 320 000	3 840 047	26 320 000	3 840 047	21 175 702

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

8. Personnel Expenditure

In terms of Section 66 of the MFMA, all expenditure incurred by the municipality on staff salaries, wages, allowances, and benefits must be reported to council.

Employee - Related Costs	Original Budget	Adjustments Budget	Quarter 1 Budget	Quarter 1 Actual	YTD Budget	YTD Actual	YTD %
Basic Salary and Wages	380 410 739	379 860 333	94 600 083	-	363 922 222	-	0%
Bonus	33 175 849	33 175 849	145 995		31 242 155	-	0%
Acting and Post Related Allowances	905 064	905 064	226 269	-	852 226	-	0%
Non Structured	43 266 162	43 266 162	10 816 545	-	40 740 266	-	0%
Standby Allowance	15 740 886	15 740 886	3 935 226	-	14 821 927	-	0%
Travel or Motor Vehicle	13 635 637	13 635 637	3 405 162	-	12 826 635	-	0%
Accommodation, Travel and Incidental	52 068	52 068	13 017	-	47 744	-	0%
Bargaining Council	227 151	227 151	56 793	-	215 178	-	0%
Cellular and Telephone	3 174 757	3 174 757	793 704	-	2 989 730	-	0%
Current Service Cost	6 436 226	6 436 226	1 609 056	-	6 060 476	-	0%
Essential User	870 292	870 292	217 575	-	819 483	-	0%
Entertainment	-	-	-	-	-	-	0%
Fire Brigade	3 273 647	3 273 647	818 412	-	3 082 530	-	0%
Group Life Insurance	6 125 321	6 125 321	1 531 338	-	5 767 920	-	0%
Housing Benefits	3 432 541	3 432 541	858 147	-	3 232 190	-	0%
Interest Cost	21 022 581	21 022 581	5 255 646	-	19 795 274	-	0%
Leave Gratuity	7 989 130	7 989 130	1 997 280	-	7 522 722	-	0%
Leave Pay	-	-	-	-	-	-	0%
Long Term Service Awards	2 551 160	2 551 160	637 791	-	2 402 222	-	0%
Medical	32 420 645	32 420 645	8 105 175	-	30 528 169	-	0%
Non-pensionable	259 243	259 243	64 812	-	244 107	-	0%
Pension	69 061 237	69 061 237	17 265 315	-	65 030 845	-	0%
Scarcity Allowance	1 611 775	1 611 775	402 942	-	1 517 679	-	0%
Shift Additional Remuneration	4 893 835	4 893 835	1 223 463	-	4 608 129	-	0%
Structured	2 743 570	2 743 570	685 893	-	2 583 399	-	0%
Unemployment Insurance	3 175 159	3 175 159	791 877	-	2 982 569	-	0%
Totals	656 454 675	655 904 269	155 457 516	-	623 835 797	-	0%

During the first quarter of the financial year the directorates spent R298 702 001, 89.20% more than the planned expenditure of R157 873 797. This overspending is a result of the employee related costs not being integrated onto the financial system due to system related issues prior to the amendment of the budget. These issues have since been resolved and the expenditure is still within the total budget for the municipality. The actual amount incurred in relation to employee related costs amounts to R150 108 009.17

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

9. Withdrawals

<i>Consolidated Quarterly Report for period 01/07/2024 to 30/09/2024</i>				
Date	Payee	Amount in R'000	Description and Purpose (including section reference e.g. sec 11(f))	Authorised by (name)
Monthly	Provincial Government Western Cape	9 360 504	The Municipality acts as an agent for PAWC for collection of licencing fees. S 11(e)(i)	Acting Director: Community and Protection Services
Monthly	VERSO Group Insurance and Sanlam Group Insurance	2 209 796	Group Insurance. S11(e) (ii)	Council
Ad Hoc	Investment Management	300 000 000	Investment in accordance with the Cash Management and Investment Policy. S11(h)	Accounting Officer (Municipal Manager)

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

10. Cost Containment Reporting

Measures	Cost Containment In - Year Report							
	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	YTD		Saving/ (Over spending)
			Budget	Actual		Total YTD Budget	Total YTD Actual	
Use of consultants	35 930 448	34 278 948	5 935 595	1 281 794	4 653 801	5 935 595	1 281 794	4 653 801
Vehicles used for political office -bearer	-	-	-	-	-	-	-	-
Accomodation, Travel and Incidental cos	15 505 704	15 503 704	3 813 320	116 983	3 696 337	3 813 320	116 983	3 696 337
Sponsorships, events and catering	5 241 543	5 252 543	413 573	233 573	180 000	413 573	233 573	180 000
Communication	14 642 730	14 642 730	2 860 253	1 592 441	1 267 812	2 860 253	1 592 441	1 267 812
Other related expenditure items	50 953 967	50 953 967	12 745 791	725	12 745 066	12 745 791	725	12 745 066
Grand Total	122 274 392	120 631 892	25 768 532	3 225 517	22 543 015	25 768 532	3 225 517	22 543 015

The largest year to date spending was noted for Communication related expenditure items of which the largest component relates to Radio and TV Transmissions.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Item for report	Item longcode	Description	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	YTD		Saving/ (Overspending)
					Budget	Actual		Total YTD Budget	Total YTD Actual	
Use of consultants	IE0030020010010000000000000000000000	Business and Advisory:Accounting and Auditing	-	-	-	-	-	-	-	-
	IE0030020010030000000000000000000000	Business and Advisory:Audit Committee	369 000	369 000	39 125	66 000	- 26 875	39 125	66 000	- 26 875
	IE0030020010050000000000000000000000	Business and Advisory:Business and Financial Manag	6 322 827	5 121 327	288 060	524 164	- 236 104	288 060	524 164	- 236 104
	IE0030020010060000000000000000000000	Business and Advisory:Commissions and Committees	-	-	-	-	-	-	-	-
	IE0030020010070000000000000000000000	Business and Advisory:Communications	-	-	-	-	-	-	-	-
	IE0030020010080000000000000000000000	Business and Advisory:Human Resources	110 000	110 000	38 400	-	38 400	38 400	-	38 400
	IE0030020010100000000000000000000000	Business and Advisory:Occupational Health and Safe	-	-	-	-	-	-	-	-
	IE0030020010110000000000000000000000	Business and Advisory:Organisational	118 973	118 973	-	-	-	-	-	-
	IE0030020010120000000000000000000000	Business and Advisory:Project Management	12 715 406	12 665 406	4 530 559	139 294	4 391 265	4 530 559	139 294	4 391 265
	IE0030020010130000000000000000000000	Business and Advisory:Research and Advisory	3 084 414	2 684 414	470 307	-	470 307	470 307	-	470 307
	IE0030020010140000000000000000000000	Business and Advisory:Qualification Verification	-	-	-	-	-	-	-	-
	IE0030020010150000000000000000000000	Business and Advisory:Quality Control	-	-	-	-	-	-	-	-
	IE0030020010160000000000000000000000	Business and Advisory:Valuer and Assessors	3 982 250	3 982 250	77 752	404 813	- 327 061	77 752	404 813	- 327 061
	IE0030020010170000000000000000000000	Business and Advisory:Forensic Investigators	289 939	289 939	-	4 000	- 4 000	-	4 000	- 4 000
	IE0030020020010000000000000000000000	Infrastructure and Planning:Architectural	-	-	-	-	-	-	-	-
	IE0030020020040040000000000000000000	Engineering:Civil	-	-	-	-	-	-	-	-
	IE0030020020040100000000000000000000	Engineering:Structural	-	-	-	-	-	-	-	-
	IE0030020020080000000000000000000000	Infrastructure and Planning:Land and Quantity Surv	-	-	-	-	-	-	-	-
Vehicles used for political office -bearers	IE0030020030040000000000000000000000	Laboratory Services:Water	2 870 000	2 870 000	36 548	70 104	- 33 556	36 548	70 104	- 33 556
	IE0030020040010000000000000000000000	Legal Cost:Legal Advice and Litigation	5 563 863	5 563 863	454 844	73 420	381 424	454 844	73 420	381 424
	IE0030020040020000000000000000000000	Legal Cost:Issue of Summons	503 776	503 776	-	-	-	-	-	-
	N/A	N/A	-	-	-	-	-	-	-	-

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Accommodation, Travel and Incidental	IE0050010010010050050000000000000000	Allowance:Travel or Motor Vehicle	142 513	142 513	33 612	-	33 612	33 612	-	33 612
	IE0050010020010050050000000000000000	Allowance:Travel or Motor Vehicle	304 976	304 976	67 224	-	67 224	67 224	-	67 224
	IE0050010020010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-
	IE0050010040010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-
	IE0050010070010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-
	IE0050010090010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-
	IE0050010100010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-
	IE0050010110010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-
	IE0050010140010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-
	IE0050010170010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-
	IE0050020010050010000000000000000000	Allowances:Accommodation, Travel and Incidental	49 643	49 643	12 411	-	12 411	12 411	-	12 411
	IE0050020010050060000000000000000000	Allowances:Travel or Motor Vehicle	12 974 044	12 974 044	3 239 763	-	3 239 763	3 239 763	-	3 239 763
	IE0080010010030000000000000000000000	Allowances and Service Related Benefits:Travelling	202 248	202 248	50 562	-	50 562	50 562	-	50 562
	IE0080020010030000000000000000000000	Allowances and Service Related Benefits:Travelling	20 195	20 195	5 049	-	5 049	5 049	-	5 049
	IE0080030010030000000000000000000000	Allowances and Service Related Benefits:Travelling	202 248	202 248	50 562	-	50 562	50 562	-	50 562
	IE0080040010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	-	-	-	-	-	-	-
	IE0080050010030000000000000000000000	Allowances and Service Related Benefits:Travelling	181 764	181 764	45 441	-	45 441	45 441	-	45 441
	IE0080060010030000000000000000000000	Allowances and Service Related Benefits:Travelling	202 661	202 661	50 664	-	50 664	50 664	-	50 664
	IE0100390000000000000000000000000000	Travel Agency and Visa's	30 155	35 155	4 640	12 641	8 001	4 640	12 641	8 001
	IE0100570010010000000000000000000000	Travel and Subsistence:Domestic:Accommodation	394 559	394 559	86 852	36 912	49 940	86 852	36 912	49 940
	IE0100570010020000000000000000000000	Travel and Subsistence:Domestic:Daily Allowance	175 083	168 083	28 176	12 331	15 845	28 176	12 331	15 845
	IE0100570010030000000000000000000000	Travel and Subsistence:Domestic:Food and Beverage (Served)	365 457	365 457	85 744	42 231	43 513	85 744	42 231	43 513
	IE0100570010040000000000000000000000	Travel and Subsistence:Domestic:Incidental Cost	15 889	15 889	2 758	-	2 758	2 758	-	2 758
	IE0100570010050010000000000000000000	Travel and Subsistence:Domestic:Transport without Operator:Car Rental	33 353	33 353	7 290	-	7 290	7 290	-	7 290
	IE0100570010060010000000000000000000	Travel and Subsistence:Domestic:Transport with Operator:Other Transport Provider	5 000	5 000	1 300	-	1 300	1 300	-	1 300
	IE0100570010060020010000000000000000	Travel and Subsistence:Domestic:Transport with Operator:Public Transport:Air Transport	205 916	205 916	41 272	12 869	28 403	41 272	12 869	28 403
Sponsorships, events and catering	IE0030030100000000000000000000000000	Contractors:Catering Services	2 699 520	2 710 520	361 553	233 573	127 980	361 553	233 573	127 980
	IE0030010060000000000000000000000000	Outsourced Services:Catering Services	-	-	-	-	-	-	-	-
	IE0100020050000000000000000000000000	Advertising, Publicity and Marketing:Gifts and Pro	35 823	35 823	-	-	-	-	-	-
	IE0030030140000000000000000000000000	Contractors:Event Promoters	2 506 200	2 506 200	52 020	-	52 020	52 020	-	52 020
Communication	IE0100150010000000000000000000000000	Communication:Cellular Contract (Subscription and	2 867 000	2 867 000	336 177	375 940	39 763	336 177	375 940	39 763
	IE0100150020000000000000000000000000	Communication:Licences (Radio and Television)	-	-	-	-	-	-	-	-
	IE0100150040000000000000000000000000	Communication:Radio and TV Transmissions	2 685 232	2 685 232	581 897	636 296	54 399	581 897	636 296	54 399
	IE0100150030000000000000000000000000	Communication:Postage/Stamps/Franking Machines	2 632 343	2 632 343	646 749	95 820	550 929	646 749	95 820	550 929
	IE0100150070000000000000000000000000	Communication:SMS Bulk Message Service	122 400	122 400	30 600	-	30 600	30 600	-	30 600
	IE0100150090000000000000000000000000	Communication:Telemetric Systems	-	-	-	-	-	-	-	-
	IE0050020010050030000000000000000000	Allowances:Cellular and Telephone	2 995 523	2 995 523	748 890	-	748 890	748 890	-	748 890
	IE0100150080000000000000000000000000	Communication:Telephone, Fax, Telegraph and Telex	3 340 232	3 340 232	515 940	484 385	31 555	515 940	484 385	31 555
Other related expenditure items	IE0100230030000000000000000000000000	Entertainment:Senior Management	30 000	30 000	18 200	-	18 200	18 200	-	18 200
	IE0100230020000000000000000000000000	Entertainment:Total for All Other Councillors	-	-	-	-	-	-	-	-
	IE0100230010000000000000000000000000	Entertainment:Executive Mayor	20 400	20 400	1 690	725	965	1 690	725	965
	IE0100230040000000000000000000000000	Entertainment:Deputy Executive Mayor	-	-	-	-	-	-	-	-
	IE0100230050000000000000000000000000	Entertainment:Speaker	-	-	-	-	-	-	-	-
	IE0100230060000000000000000000000000	Entertainment:Chief Whip	-	-	-	-	-	-	-	-
	IE0100230070000000000000000000000000	Entertainment:Executive Committee	-	-	-	-	-	-	-	-
	IE0100230080000000000000000000000000	Entertainment:Section 79 committee chairperson	-	-	-	-	-	-	-	-
	IE0050020010050090120020000000000000	Overtime:Non Structured	43 266 162	43 266 162	10 816 545	-	10 816 545	10 816 545	-	10 816 545
	IE0050020010050090120040000000000000	Overtime:Shift Additional Remuneration	4 893 835	4 893 835	1 223 463	-	1 223 463	1 223 463	-	1 223 463
	IE0050020010050090120030000000000000	Overtime:Structured	2 743 570	2 743 570	685 893	-	685 893	685 893	-	685 893
Grand Total			122 274 392	120 631 892	25 768 532	3 225 517	22 543 015	25 768 532	3 225 517	22 543 015

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

11. Quarterly Budget Statements

Table C1: Quarterly Budget Statement Summary

WC024 Stellenbosch - Table C1 Monthly Budget Statement Summary - Q1 First Quarter

Description	2023/24	Budget Year 2024/25							
R thousands	Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
Financial Performance									
Property rates	484 454	509 116	509 116	37 209	188 178	187 985	193	0%	509 116
Service charges	1 289 135	1 450 081	1 450 081	143 029	414 526	341 708	72 818	21%	1 450 081
Investment revenue	57 312	44 232	44 232	5 124	15 292	11 058	4 234	38%	44 232
Transfers and subsidies - Operational	230 231	245 638	245 638	-	84 945	72 821	12 124	17%	245 638
Other own revenue	312 624	283 086	283 086	6 895	31 746	57 097	(25 351)	-44%	283 086
Total Revenue (excluding capital transfers and contributions)	2 373 756	2 532 153	2 532 153	192 258	734 687	670 669	64 018	10%	2 532 153
Employee costs	632 279	656 455	655 904	-	-	155 458	(155 458)	-100%	655 904
Remuneration of Councillors	22 620	23 422	23 422	-	-	5 856	(5 856)	-100%	23 422
Depreciation and amortisation	207 181	249 408	249 408	-	36 638	0	36 638	1221253486%	249 408
Interest	63 411	71 259	71 259	-	-	-	-	-	71 259
Inventory consumed and bulk purchases	724 599	827 038	826 957	108 449	211 689	204 943	6 746	3%	826 957
Transfers and subsidies	21 324	20 739	20 739	506	5 097	11 274	(6 177)	-55%	20 739
Other expenditure	571 775	663 413	664 045	31 536	83 573	101 822	(18 249)	-18%	664 045
Total Expenditure	2 243 190	2 511 734	2 511 734	140 491	336 996	479 351	(142 356)	-30%	2 511 734
Surplus/(Deficit)	130 567	20 419	20 419	51 767	397 692	191 318	206 374	108%	20 419
Transfers and subsidies - capital (monetary allocations)	106 864	99 123	101 597	1 882	3 799	18 761	(14 962)	-80%	101 597
Transfers and subsidies - capital (in-kind)	5 137	-	-	-	-	-	-	-	-
Surplus/(Deficit) after capital transfers & contributions	242 568	119 542	122 016	53 649	401 491	210 078	191 413	91%	122 016
Share of surplus/ (deficit) of associate	-	-	-	-	-	-	-	-	-
Intercompany/Parent subsidiary transactions	-	-	-	-	-	-	-	-	-
Surplus/ (Deficit) for the year	242 568	119 542	122 016	53 649	401 491	210 078	191 413	91%	122 016
Capital expenditure & funds sources									
Capital expenditure	427 374	599 345	634 148	20 248	27 343	52 865	(25 523)	-48%	634 148
Capital transfers recognised	121 312	137 551	143 903	6 970	8 928	24 613	(15 685)	-64%	143 903
Borrowing	137 739	200 000	209 300	6 349	8 323	13 196	(4 873)	-37%	209 300
Internally generated funds	162 937	261 795	280 944	6 929	10 092	15 057	(4 965)	-33%	280 944
Total sources of capital funds	421 989	599 345	634 148	20 248	27 343	52 865	(25 523)	-48%	634 148
Financial position									
Total current assets	2 197 460	894 865	860 143		2 361 425				860 143
Total non current assets	6 291 425	6 680 375	6 715 178		6 263 230				6 715 178
Total current liabilities	1 638 888	486 366	483 973		1 372 655				483 973
Total non current liabilities	827 907	1 076 572	1 076 572		827 907				1 076 572
Community wealth/Equity	6 026 624	6 012 302	6 014 776		6 497 456				6 014 776
Cash flows									
Net cash from (used) operating	1 812 697	461 634	461 634	62 453	263 403	109 167	(154 236)	-141%	2 448 283
Net cash from (used) investing	(422 339)	(689 247)	(729 270)	(22 130)	(94 795)	59 749	154 544	259%	729 270
Net cash from (used) financing	(137 446)	200 000	200 000	-	-	50 000	50 000	100%	200 000
Cash/cash equivalents at the month/year end	2 132 596	593 861	553 838	-	1 500 227	840 389	(659 839)	-79%	4 709 173
Debtors & creditors analysis	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total
Debtors Age Analysis									
Total By Income Source	172 723	12 652	8 499	10 103	8 576	8 722	49 151	277 123	547 548
Creditors Age Analysis									
Total Creditors	22 512	-	-	-	-	-	-	-	22 512

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C2: Monthly Budget Statement – Financial Performance (standard classification)

W0024 Stellenbosch - Table C2 Monthly Budget Statement - Financial Performance (functional classification) - Q1 First Quarter

Description	Ref	2023/24	Budget Year 2024/25								
		Adj and Outcome	Org an Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD % Variance	Fc Year Forecast	
Revenue - Functions											
Governance and administration		684 905	684 387	684 387	40 954	230 914	230 908	173	0%	40 954	
Executive management		846	927	927	25	27	17	110	55%	927	
Finance and accounting services		684 059	683 460	683 460	41 226	230 887	230 898	-111	0%	41 226	
Human resources		-	-	-	-	-	-	-	-	-	
Community and public safety		221 983	221 401	221 111	1 180	7 959	34 981	27 022	78%	221 111	
Community and social services		2 156	1 782	1 782	26	222	1 311	1 089	46%	1 782	
Social services		246	27	27	25	26	7	19	28%	27	
Public safety		175 088	163 287	163 287	1 153	7 937	26 671	22 863	87%	163 287	
Police		175 088	22 047	21 472	682	1 864	2 671	987	53%	21 472	
Fire		-	-	-	-	-	-	-	-	-	
Economic and environmental services		105 383	121 084	121 778	2 778	8 951	26 885	17 934	87%	121 778	
Planning and development		87 438	106 067	106 067	2 734	8 954	27 635	18 681	85%	106 067	
Local services		17 945	15 017	15 712	-	1 287	1 902	2 284	56%	15 712	
Environmental services		989	1 017	1 017	43	128	48	60	88%	1 017	
Trading services		1 683 888	1 641 485	1 641 485	145 488	483 483	281 181	202 302	23%	1 641 485	
Energy services		996 736	1 22 287	1 22 287	10 274	34 326	264 361	22 002	29%	1 222 287	
Water management		220 271	275 255	275 255	15 322	5 540	38 748	11 853	17%	275 255	
Waste management		186 881	143 943	143 943	11 483	8 752	38 488	1 872	23%	143 943	
Waste management		186 881	143 943	143 943	8 258	41 152	48 611	1 882	15%	143 943	
Other	1	-	-	-	-	-	-	-	-	-	
Total Revenue - Functions	2	2 485 797	2 601 284	2 601 751	184 140	738 487	688 431	40 057	7%	2 601 751	
Expenditure - Functions											
Governance and administration		311 289	353 728	353 728	8 983	34 048	30 881	3 167	-9%	353 728	
Executive management		1 787	11 786	11 786	35	284	1 238	1 203	98%	11 786	
Finance and accounting services		271 426	341 934	341 934	8 851	11 211	26 487	15 277	82%	341 934	
Human resources		4 117	5 351	5 351	4	17	1 251	1 234	98%	5 351	
Community and public safety		482 724	510 988	510 988	10 882	31 931	37 588	5 657	82%	510 988	
Community and social services		46 510	55 482	55 482	97	1 271	11 981	4 688	71%	55 482	
Social services		48 881	55 111	55 111	925	2 414	14 582	11 167	82%	55 111	
Public safety		385 751	345 534	345 534	7 542	26 671	41 388	22 717	82%	345 534	
Police		385 751	42 011	42 355	1 281	1 125	7 588	1 463	45%	42 355	
Fire		-	-	-	-	-	-	-	-	-	
Economic and environmental services		193 714	228 728	228 728	1 088	8 887	41 485	1 598	78%	228 728	
Planning and development		86 617	84 954	84 954	295	1 935	21 171	1 254	82%	84 954	
Local services		48 526	24 288	24 288	2 381	1 575	1 588	1 213	71%	24 288	
Environmental services		15 571	15 486	15 486	46	1 001	1 211	2 208	45%	15 486	
Trading services		1 388 542	1 410 382	1 410 382	117 888	283 130	283 387	25 254	1%	1 410 382	
Energy services		771 688	835 835	835 835	12 054	27 325	11 934	2 631	1%	835 835	
Water management		188 776	188 777	188 777	1 136	2 854	27 281	1 428	51%	188 777	
Waste management		78 148	28 771	28 771	1 488	5 417	11 171	1 554	5%	28 771	
Waste management		125 482	18 111	18 111	7 688	12 351	26 578	1 831	87%	18 111	
Other		-	-	-	-	-	-	-	-	-	
Total Expenditure - Functions	3	2 240 189	2 511 734	2 511 734	148 481	338 934	498 381	159 447	38%	2 511 734	
Surplus (Deficit) for the year		245 608	189 550	189 550	35 659	40 453	200 050	169 413	91%	120 017	

Table C2: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure in the standard classifications which are the Government Finance Statistics Functions and Sub-functions. The main functions are Governance and Administration; Community and public safety; Economic and environmental services; and Trading services.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C3: Monthly Budget Statement – Financial Performance (revenue & expenditure by municipal vote)

WC024 Stellenbosch - Table C3 Monthly Budget Statement - Financial Performance (revenue and expenditure by municipal vote) - Q1 First Quarter

Vote Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
R thousands										
Revenue by Vote	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	-	-	-	-		-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		23 224	33 903	35 583	1 412	4 623	5 434	(811)	-14,9%	35 583
Vote 3 - INFRASTRUCTURE SERVICES		1 595 582	1 748 089	1 748 883	147 442	489 126	413 206	75 920	18,4%	1 748 883
Vote 4 - COMMUNITY AND PROTECTION SERVICES		202 046	199 917	199 917	1 731	5 823	32 191	(26 367)	-81,9%	199 917
Vote 5 - CORPORATE SERVICES		12 856	12 642	12 642	675	3 134	2 162	972	45,0%	12 642
Vote 6 - FINANCIAL SERVICES		652 059	636 725	636 725	42 879	235 780	236 437	(657)	-0,3%	636 725
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-		-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-		-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-		-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-		-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-		-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-		-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-		-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-		-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-		-
Total Revenue by Vote	2	2 485 768	2 631 276	2 633 750	194 140	738 487	689 430	49 057	7,1%	2 633 750
Expenditure by Vote	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		13 630	17 203	17 203	112	359	3 605	(3 245)	-90,0%	17 203
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		82 395	98 091	98 091	1 345	7 456	26 213	(18 757)	-71,6%	98 091
Vote 3 - INFRASTRUCTURE SERVICES		1 427 232	1 541 782	1 541 782	120 308	273 248	297 366	(24 117)	-8,1%	1 541 782
Vote 4 - COMMUNITY AND PROTECTION SERVICES		410 086	510 981	510 981	9 837	20 870	76 942	(56 072)	-72,9%	510 981
Vote 5 - CORPORATE SERVICES		179 643	216 624	216 624	6 137	18 464	42 872	(24 408)	-56,9%	216 624
Vote 6 - FINANCIAL SERVICES		130 204	127 053	127 053	2 752	16 598	32 354	(15 756)	-48,7%	127 053
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-		-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-		-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-		-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-		-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-		-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-		-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-		-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-		-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-		-
Total Expenditure by Vote	2	2 243 190	2 511 734	2 511 734	140 491	336 996	479 351	(142 356)	-29,7%	2 511 734
Surplus/ (Deficit) for the year	2	242 578	119 542	122 016	53 649	401 491	210 078	191 413	91,1%	122 016

Table C3: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure by municipal vote. The municipal directorates are Municipal Manager; Planning Development; Infrastructure Services; Community and Protection Services; Corporate Services; and Financial Services. The operating expenditure budget is approved by Council on the municipal vote level.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C4: Monthly Budget Statement – Financial Performance (revenue & expenditure)

WC024 Stellenbosch - Table C4 Monthly Budget Statement - Financial Performance (revenue and expenditure) - Q1 First Quarter

Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
Revenue									%	
Exchange Revenue		1 469 210	1 610 661	1 610 661	154 649	460 425	386 184	74 241	19%	1 610 661
Service charges - Electricity		874 586	1 029 705	1 029 705	110 012	306 437	246 766	59 671	24%	1 029 705
Service charges - Water		203 271	182 522	182 522	13 967	39 876	33 406	6 471	19%	182 522
Service charges - Waste Water Management		114 952	122 772	122 772	11 152	35 783	31 230	4 552	15%	122 772
Service charges - Waste management		96 327	115 082	115 082	7 898	32 430	30 306	2 124	7%	115 082
Sale of Goods and Rendering of Services		25 260	24 654	24 654	2 076	7 081	5 267	1 814	34%	24 654
Agency services		3 697	3 794	3 794	371	818	912	(93)	-10%	3 794
Interest		-	-	-	-	-	-	-	-	-
Interest earned from Receivables		23 505	18 173	18 173	2 081	6 208	4 713	1 495	32%	18 173
Interest earned from Current and Non Current Assets		57 312	44 232	44 232	5 124	15 292	11 058	4 234	38%	44 232
Dividends		-	-	-	-	-	-	-	-	-
Rent on Land		-	-	-	-	-	-	-	-	-
Rental from Fixed Assets		11 056	13 649	13 649	736	2 550	2 647	(96)	-4%	13 649
Licence and permits		8 149	8 386	8 386	588	1 502	2 045	(544)	-27%	8 386
Operational Revenue		51 096	47 692	47 692	643	12 447	17 834	(5 387)	-30%	47 692
Non-Exchange Revenue		904 547	921 493	921 493	37 609	274 262	284 485	(10 223)	-4%	921 493
Property rates		484 454	509 116	509 116	37 209	188 178	187 985	193	0%	509 116
Surcharges and Taxes		-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		184 354	163 380	163 380	38	82	22 746	(22 664)	-100%	163 380
Licence and permits		-	-	-	-	-	-	-	-	-
Transfer and subsidies - Operational		230 231	245 638	245 638	-	84 945	72 821	12 124	17%	245 638
Interest		4 239	3 359	3 359	362	1 057	933	124	13%	3 359
Fuel Levy		-	-	-	-	-	-	-	-	-
Operational Revenue		-	-	-	-	-	-	-	-	-
Gains on disposal of Assets		302	-	-	-	-	-	-	-	-
Other Gains		966	-	-	-	-	-	-	-	-
Discontinued Operations		-	-	-	-	-	-	-	-	-
Total Revenue (excluding capital transfers and		2 373 756	2 532 153	2 532 153	192 258	734 687	670 669	64 018	10%	2 532 153
Expenditure By Type										
Employee related costs		632 279	656 455	655 904	-	-	155 458	(155 458)	-100%	655 904
Remuneration of councillors		22 620	23 422	23 422	-	-	5 856	(5 856)	-100%	23 422
Bulk purchases - electricity		626 176	714 397	714 397	99 860	198 593	178 599	19 994	11%	714 397
Inventory consumed		98 423	112 641	112 560	8 589	13 096	26 343	(13 248)	-50%	112 560
Debt impairment		49 124	74 031	74 031	-	-	-	-	-	74 031
Depreciation and amortisation		207 181	249 408	249 408	-	36 638	0	36 638	#####	249 408
Interest		63 411	71 259	71 259	-	-	-	-	-	71 259
Contracted services		278 249	297 434	296 097	20 550	32 136	62 116	(29 979)	-48%	296 097
Transfers and subsidies		21 324	20 739	20 739	506	5 097	11 274	(6 177)	-55%	20 739
Irrecoverable debts written off		101 630	121 383	121 383	156	16 297	5	16 291	312096%	121 383
Operational costs		138 791	169 885	171 853	10 829	35 140	39 701	(4 561)	-11%	171 853
Losses on Disposal of Assets		2 288	-	-	-	-	-	-	-	-
Other Losses		1 692	680	680	-	-	-	-	-	680
Total Expenditure		2 243 190	2 511 734	2 511 734	140 491	336 996	479 351	(142 356)	-30%	2 511 734
Surplus/(Deficit)		130 567	20 419	20 419	51 767	397 692	191 318	206 374	0	20 419
Transfers and subsidies - capital (monetary allocations)		106 864	99 123	101 597	1 882	3 799	18 761	(14 962)	(0)	101 597
Transfers and subsidies - capital (in-kind)		5 137	-	-	-	-	-	-	-	-
Surplus/(Deficit) after capital transfers & Income Tax		242 568	119 542	122 016	53 649	401 491	210 078			122 016
Surplus/(Deficit) after income tax		242 568	119 542	122 016	53 649	401 491	210 078			122 016
Share of Surplus/Deficit attributable to Joint Venture		-	-	-	-	-	-			-
Share of Surplus/Deficit attributable to Minorities		-	-	-	-	-	-			-
Surplus/(Deficit) attributable to municipality		242 568	119 542	122 016	53 649	401 491	210 078			122 016
Share of Surplus/Deficit attributable to Associate		-	-	-	-	-	-			-
Intercompany/Parent subsidiary transactions		-	-	-	-	-	-			-
Surplus/ (Deficit) for the year		242 568	119 542	122 016	53 649	401 491	210 078			122 016

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C5: Monthly Budget Statement – Capital Expenditure

WC024 Stellenbosch - Table C5 Monthly Budget Statement - Capital Expenditure (municipal vote, functional classification and funding) - Q1 First Quarter

Vote Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
R thousands	1									
Multi-Year expenditure appropriation	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		39	40	40	3	7	–	7		40
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		3 726	18 294	19 974	400	400	803	(403)	-50%	19 974
Vote 3 - INFRASTRUCTURE SERVICES		353 580	444 684	468 578	18 599	25 329	42 077	(16 748)	-40%	468 578
Vote 4 - COMMUNITY AND PROTECTION SERVICES		26 587	54 148	56 090	326	565	7 522	(6 957)	-92%	56 090
Vote 5 - CORPORATE SERVICES		29 161	56 420	60 609	21	47	40	7	17%	60 609
Vote 6 - FINANCIAL SERVICES		1 404	100	100	55	55	20	35	173%	100
Vote 7 - [NAME OF VOTE 7]		–	–	–	–	–	–	–		–
Vote 8 - [NAME OF VOTE 8]		–	–	–	–	–	–	–		–
Vote 9 - [NAME OF VOTE 9]		–	–	–	–	–	–	–		–
Vote 10 - [NAME OF VOTE 10]		–	–	–	–	–	–	–		–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–		–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–		–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–		–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–		–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–		–
Total Capital Multi-year expenditure	4,7	414 497	573 686	605 390	19 403	26 402	50 462	(24 059)	-48%	605 390
Single Year expenditure appropriation	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		–	–	–	–	–	–	–		–
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		556	1 950	1 950	94	103	479	(376)	-79%	1 950
Vote 3 - INFRASTRUCTURE SERVICES		2 115	4 800	7 721	–	–	1 435	(1 435)	-100%	7 721
Vote 4 - COMMUNITY AND PROTECTION SERVICES		3 610	17 609	17 708	723	810	400	410	102%	17 708
Vote 5 - CORPORATE SERVICES		1 039	–	80	–	–	–	–		80
Vote 6 - FINANCIAL SERVICES		494	1 300	1 300	28	28	90	(62)	-69%	1 300
Vote 7 - [NAME OF VOTE 7]		–	–	–	–	–	–	–		–
Vote 8 - [NAME OF VOTE 8]		–	–	–	–	–	–	–		–
Vote 9 - [NAME OF VOTE 9]		–	–	–	–	–	–	–		–
Vote 10 - [NAME OF VOTE 10]		–	–	–	–	–	–	–		–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–		–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–		–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–		–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–		–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–		–
Total Capital single-year expenditure	4	7 814	25 659	28 758	845	940	2 404	(1 463)	-61%	28 758
Total Capital Expenditure	3	422 311	599 345	634 148	20 248	27 343	52 865	(25 523)	-48%	634 148
Capital Expenditure - Functional Classification										
Governance and administration		37 522	57 860	62 129	106	137	150	(13)	-9%	62 129
Executive and council		39	40	40	3	7	–	7		40
Finance and administration		37 484	57 820	62 089	104	129	150	(21)	-14%	62 089
Internal audit		–	–	–	–	–	–	–		–
Community and public safety		30 806	82 931	87 363	1 518	1 852	8 844	(6 992)	-79%	87 363
Community and social services		11 766	39 069	40 005	266	505	5 145	(4 640)	-90%	40 005
Sport and recreation		8 194	13 800	15 125	73	160	600	(440)	-73%	15 125
Public safety		7 584	11 943	12 435	687	687	2 166	(1 479)	-68%	12 435
Housing		3 262	18 119	19 799	491	499	933	(433)	-46%	19 799
Health		–	–	–	–	–	–	–		–
Economic and environmental services		90 290	106 734	118 621	10 356	12 142	16 544	(4 402)	-27%	118 621
Planning and development		14 453	18 131	24 040	1 655	3 279	5 083	(1 804)	-35%	24 040
Road transport		74 697	85 953	91 984	8 679	8 841	11 461	(2 620)	-23%	91 984
Environmental protection		1 140	2 650	2 598	23	23	–	23		2 598
Trading services		268 755	351 820	366 035	8 268	13 212	27 328	(14 116)	-52%	366 035
Energy sources		98 459	87 035	87 400	1 054	4 010	7 131	(3 121)	-44%	87 400
Water management		72 955	156 882	159 555	3 605	4 850	9 052	(4 201)	-46%	159 555
Waste water management		20 885	77 504	77 955	852	886	931	(45)	-5%	77 955
Waste management		76 457	30 400	41 124	2 757	3 465	10 213	(6 748)	-66%	41 124
Other		–	–	–	–	–	–	–		–
Total Capital Expenditure - Functional Classification	3	427 374	599 345	634 148	20 248	27 343	52 865	(25 523)	-48%	634 148
Funded by:										
National Government		86 958	72 056	72 056	233	567	13 993	(13 426)	-96%	72 056
Provincial Government		19 575	27 067	29 541	1 649	3 273	4 768	(1 495)	-31%	29 541
District Municipality		–	–	–	–	–	–	–		–
Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educ Institutions)		14 779	38 428	42 307	5 088	5 088	5 852	(764)	-13%	42 307
Transfers recognised - capital		121 312	137 551	143 903	6 970	8 928	24 613	(15 685)	-64%	143 903
Borrowing	6	137 739	200 000	209 300	6 349	8 323	13 196	(4 873)	-37%	209 300
Internally generated funds		162 937	261 795	280 944	6 929	10 092	15 057	(4 965)	-33%	280 944
Total Capital Funding	7	421 989	599 345	634 148	20 248	27 343	52 865	(25 523)	-48%	634 148

Table C5: Monthly Budget Statement – Capital Expenditure consists of three sections: Appropriations by vote; Standard classification and funding portion.

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C6: Monthly Budget Statement – Financial Position

WC024 Stellenbosch - Table C6 Monthly Budget Statement - Financial Position - Q1 First Quarter

Description R thousands	Ref	2023/24	Budget Year 2024/25			
		Audited Outcome	Original Budget	Adjusted Budget	YearTD Actual	Full Year Forecast
ASSETS	1					
Current assets						
Cash and cash equivalents		609 419	529 941	489 918	689 958	489 918
Trade and other receivables from exchange transactions		282 581	283 068	283 068	313 232	283 068
Receivables from non-exchange transactions		104 354	27 565	27 565	123 433	27 565
Current portion of non-current receivables		–	–	–	–	–
Inventory		23 268	36 429	36 510	32 862	36 510
VAT		1 157 916	11 901	17 121	1 186 918	17 121
Other current assets		19 922	5 961	5 961	15 022	5 961
Total current assets		2 197 460	894 865	860 143	2 361 425	860 143
Non current assets						
Investments		–	–	–	–	–
Investment property		422 931	426 452	426 452	422 862	426 452
Property, plant and equipment		5 853 650	6 238 418	6 273 087	5 825 564	6 273 087
Biological assets		2 925	5 743	5 877	2 925	5 877
Living and non-living resources		–	–	–	–	–
Heritage assets		1 313	1 313	1 313	1 313	1 313
Intangible assets		4 098	3 850	3 850	4 058	3 850
Trade and other receivables from exchange transactions		6 491	4 582	4 582	6 491	4 582
Non-current receivables from non-exchange transactions		17	17	17	17	17
Other non-current assets		–	–	–	–	–
Total non current assets		6 291 425	6 680 375	6 715 178	6 263 230	6 715 178
TOTAL ASSETS		8 488 885	7 575 239	7 575 321	8 624 655	7 575 321
LIABILITIES						
Current liabilities						
Bank overdraft		–	–	–	–	–
Financial liabilities		69 853	62 457	62 457	69 853	62 457
Consumer deposits		24 190	23 689	23 689	24 138	23 689
Trade and other payables from exchange transactions		317 010	308 387	308 468	(38 007)	308 468
Trade and other payables from non-exchange transactions		37 827	21 235	18 761	60 297	18 761
Provision		65 196	59 899	59 899	62 611	59 899
VAT		1 124 810	10 699	10 699	1 193 763	10 699
Other current liabilities		–	–	–	–	–
Total current liabilities		1 638 888	486 366	483 973	1 372 655	483 973
Non current liabilities						
Financial liabilities		514 496	720 635	720 635	514 496	720 635
Provision		132 874	148 734	148 734	132 874	148 734
Long term portion of trade payables		–	–	–	–	–
Other non-current liabilities		180 536	207 202	207 202	180 536	207 202
Total non current liabilities		827 907	1 076 572	1 076 572	827 907	1 076 572
TOTAL LIABILITIES		2 466 794	1 562 937	1 560 545	2 200 561	1 560 545
NET ASSETS	2	6 022 091	6 012 302	6 014 776	6 424 094	6 014 776
COMMUNITY WEALTH/EQUITY						
Accumulated Surplus/(Deficit)		5 754 944	5 967 595	5 970 069	6 225 775	5 970 069
Reserves and funds		271 680	44 707	44 707	271 681	44 707
Other		–	–	–	–	–
TOTAL COMMUNITY WEALTH/EQUITY	2	6 026 624	6 012 302	6 014 776	6 497 456	6 014 776

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Table C7: Monthly Budget Statement – Cash Flow

WC024 Stellenbosch - Table C7 Monthly Budget Statement - Cash Flow - Q1 First Quarter

Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
R thousands										
CASH FLOW FROM OPERATING ACTIVITIES	1								%	
Receipts										
Property rates		1 315 228	488 755	488 755	90 242	348 354	122 188	226 166	185%	488 755
Service charges		1 081 723	1 608 400	1 608 400	124 884	350 777	377 400	(26 624)	-7%	1 608 400
Other revenue		97 379	210 077	210 077	4 769	30 571	40 856	(10 285)	-25%	210 077
Transfers and Subsidies - Operational		203	245 638	245 638	-	1 600	72 821	(71 221)	-98%	245 638
Transfers and Subsidies - Capital		-	99 123	99 123	-	2 000	18 761	(16 761)	-89%	99 123
Interest		8 215	44 232	44 232	1 013	2 970	11 058	(8 088)	-73%	44 232
Dividends		-	-	-	-	-	-	-		-
Payments										
Suppliers and employees		(690 049)	(2 156 820)	(2 156 820)	(158 456)	(472 869)	(522 643)	(49 774)	10%	(170 171)
Interest		-	(57 032)	(57 032)	-	-	-	-		(57 032)
Transfers and Subsidies		-	(20 739)	(20 739)	-	-	(11 274)	(11 274)	100%	(20 739)
NET CASH FROM/(USED) OPERATING ACTIVITIES		1 812 697	461 634	461 634	62 453	263 403	109 167	(154 236)	-141%	2 448 283
CASH FLOWS FROM INVESTING ACTIVITIES										
Receipts										
Proceeds on disposal of PPE		-	-	-	-	-	-	-		-
Decrease (increase) in non-current receivables		1 910	-	-	-	-	-	-		-
Decrease (increase) in non-current investments		-	-	-	-	-	-	-		-
Payments										
Capital assets		(424 249)	(689 247)	(729 270)	(22 130)	(94 795)	59 749	154 544	259%	729 270
NET CASH FROM/(USED) INVESTING ACTIVITIES		(422 339)	(689 247)	(729 270)	(22 130)	(94 795)	59 749	154 544	259%	729 270
CASH FLOWS FROM FINANCING ACTIVITIES										
Receipts										
Short term loans		-	-	-	-	-	-	-		-
Borrowing long term/refinancing		(137 446)	200 000	200 000	-	-	50 000	(50 000)	-100%	200 000
Increase (decrease) in consumer deposits		-	-	-	-	-	-	-		-
Payments										
Repayment of borrowing		-	-	-	-	-	-	-		-
NET CASH FROM/(USED) FINANCING ACTIVITIES		(137 446)	200 000	200 000	-	-	50 000	50 000	100%	200 000
NET INCREASE/ (DECREASE) IN CASH HELD		1 252 911	(27 613)	(67 636)	40 322	168 608	218 915			3 377 553
Cash/cash equivalents at beginning:		879 684	621 473	621 473		1 331 620	621 473			1 331 620
Cash/cash equivalents at month/year end:		2 132 596	593 861	553 838		1 500 227	840 389			4 709 173

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

12. Supporting Documentation

Debtors Age Analysis

Supporting Table SC3: Monthly Budget Statement - Aged Debtors

WC024 Stellenbosch - Supporting Table SC3 Monthly Budget Statement - aged debtors - Q1 First Quarter

Description	NT Code	Budget Year 2024/25												Actual Bad Debts Written Off against Debtors	Impairment - Bad Debts i.t.o Council Policy
		0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total	Total over 90 days				
R thousands															
Debtors Age Analysis By Income Source															
Trade and Other Receivables from Exchange Transactions - Water	1200	24 569	3 090	3 865	3 567	2 882	3 051	16 695	93 771	151 491	119 967	-	-		
Trade and Other Receivables from Exchange Transactions - Electricity	1300	87 366	5 494	1 123	3 867	3 065	3 030	13 777	10 363	128 085	34 102	-	-		
Receivables from Non-exchange Transactions - Property Rates	1400	24 225	1 443	1 045	829	740	735	3 565	18 741	51 324	24 611	-	-		
Receivables from Exchange Transactions - Waste Water Management	1500	14 398	1 024	1 007	536	575	516	3 577	24 131	45 766	29 337	-	-		
Receivables from Exchange Transactions - Waste Management	1600	13 339	1 116	961	827	838	760	5 416	32 311	55 567	40 152	-	-		
Receivables from Exchange Transactions - Property Rental Debtors	1700	1 996	288	255	203	200	188	1 150	11 610	15 890	13 351	-	-		
Interest on Arrear Debtor Accounts	1810	2 432	148	203	237	245	304	2 867	74 075	80 511	77 728	-	-		
Recoverable unauthorised, irregular, fruitless and wasteful expenditure	1820	-	-	-	-	-	-	-	-	-	-	-	-		
Other	1900	4 398	49	41	37	31	137	2 103	12 119	18 915	14 427	-	-		
Total By Income Source	2000	172 723	12 652	8 499	10 103	8 576	8 722	49 151	277 123	547 548	353 675	-	-		
2023/24 - totals only										-	-				
Debtors Age Analysis By Customer Group															
Organs of State	2200	27 441	196	90	70	69	68	1 386	2 372	31 691	3 965	-	-		
Commercial	2300	38 280	5 556	1 716	3 837	3 423	3 394	15 831	36 622	108 661	63 108	-	-		
Households	2400	91 293	6 533	6 387	5 978	4 898	4 949	30 089	225 290	375 417	271 204	-	-		
Other	2500	15 709	367	306	217	186	311	1 844	12 838	31 779	15 397	-	-		
Total By Customer Group	2600	172 723	12 652	8 499	10 103	8 576	8 722	49 151	277 123	547 548	353 675	-	-		

Creditors Age Analysis

Supporting Table SC4: Monthly Budget Statement – Aged Creditors

WC024 Stellenbosch - Supporting Table SC4 Monthly Budget Statement - aged creditors - Q1 First Quarter

Description		NT Code	Budget Year 2024/25								
			0 -	31 -	61 -	91 -	121 -	151 -	181 Days -	Over 1	Total
R thousands			30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	1 Year	Year	
Creditors Age Analysis By Customer Type											
Bulk Electricity	0100	-	-	-	-	-	-	-	-	-	-
Bulk Water	0200	-	-	-	-	-	-	-	-	-	-
PAYE deductions	0300	9 507	-	-	-	-	-	-	-	-	9 507
VAT (output less input)	0400	-	-	-	-	-	-	-	-	-	-
Pensions / Retirement deductions	0500	-	-	-	-	-	-	-	-	-	-
Loan repayments	0600	-	-	-	-	-	-	-	-	-	-
Trade Creditors	0700	13 005	-	-	-	-	-	-	-	-	13 005
Auditor General	0800	-	-	-	-	-	-	-	-	-	-
Other	0900	-	-	-	-	-	-	-	-	-	-
Total By Customer Type	1000	22 512	-	-	-	-	-	-	-	-	22 512

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Investments and Borrowings

Supporting Table SC5: Monthly Budget Statement – Investment Portfolio

WC024 Stellenbosch - Supporting Table SC5 Monthly Budget Statement - investment portfolio - Q1 First Quarter

Investments by maturity Name of institution & investment ID	Ref	Period of Investment	Type of Investment	Capital Guarantee (Yes/ No)	Variable or Fixed interest rate	Interest Rate *	Commission Paid (Rands)	Commission Recipient	Expiry date of investment	Opening balance	Interest to be realised	Partial / Premature Withdrawal (4)	Investment Top Up	Closing Balance
R thousands		Yrs/Months												
Municipality														
A#9415		CALL ACCOUN	Deposits - Bank (03)	No	Yes	7,00%	No	No	30/06/2025	107 105	548	(50 000)	-	57 652
A#2381		9M	Deposits - Bank (03)	No	Yes	9,60%	No	No	07/10/2024	169 909	1 270		-	171 179
A#3645		6M	Deposits - Bank (03)	No	Yes	9,03%	No	No	12/03/2024		470		100 000	100 470
N#032		1Y	Deposits - Bank (03)	No	Yes	9,67%	No	No	19/12/2024	73 079	556		-	73 635
N#033		4M	Deposits - Bank (03)	No	Yes	9,20%	No	No	18/11/2024	101 803	761		-	102 564
N#034		6M	Deposits - Bank (03)	No	Yes	8,85%	No	No	12/03/2024		230		50 000	50 230
S#041		3M	Deposits - Bank (03)	No	Yes	9,15%	No	No	12/09/2024	101 980	276	(102 256)	-	0
-										-	-		-	-
Municipality sub-total										553 876	4 111	(152 256)	150 000	555 731
TOTAL INVESTMENTS AND INTEREST	2									553 876	4 111	(152 256)	150 000	555 731

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Supporting Table SC6: Monthly Budget Statement – Transfers and grant receipts

WC024 Stellenbosch - Supporting Table SC6 Monthly Budget Statement - transfers and grant receipts - Q1 First Quarter

Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
R thousands										
RECEIPTS:	1,2									
Operating Transfers and Grants										
National Government:		209 528	221 720	221 720	-	91 940	638	91 302	14310,7%	3 621
Operational Revenue:General Revenue:Equitable Share		200 488	215 604	215 604	-	89 835	-	89 835		-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		4 519	2 021	2 021	-	505	505	(0)	0,0%	2 021
Local Government Financial Management Grant [Schedule 5B]		1 550	1 600	1 600	-	1 600	133	1 467	1105,3%	1 600
Integrated Urban Development Grant		2 971	2 495	2 495	-	-	789	(789)	-100,0%	2 495
Provincial Government:		12 516	23 268	23 268	-	3 816	3 453	363	10,5%	23 268
LIBRARY SERVICES CONDITIONAL GRANT		11 252	11 333	11 333	-	3 778	2 989	789	26,4%	11 333
Municipal Accreditation and Capacity Building Grant		245	249	249	-	-	65	(65)	-100,0%	249
TITLE DEEDS RESTORATION GRANT		317	803	803	-	-	399	(399)	-100,0%	803
MAINTENANCE & CONSTRUCTION OF TRANSPORT INFRASTRUCTURE		-	345	345	-	-	-	-		345
FINANCIAL MANAGEMENT CAPABILITY BUILDING GRANT		240	-	-	-	-	-	-		-
CDW OPERATIONAL SUPPORT GRANT		38	38	38	-	38	-	38		38
Western Cape Municipal Energy Resilience Grant		244	-	-	-	-	-	-		-
Human Settlements Development Grant (top structures)		180	10 500	10 500	-	-	-	-		10 500
District Municipality:		138	650	650	-	-	151	(151)	-100,0%	650
Cape Winelands District Community Capacity and Support		-	150	150	-	-	26	(26)	-100,0%	150
Cape Winelands District Municipality Safety Grant		138	500	500	-	-	125	(125)	-100,0%	500
Other grant providers:		1 249	-	-	-	22	-	22		-
Non-profit Institutions		258	-	-	-	-	-	-		-
Private Enterprises		991	-	-	-	22	-	22		-
Total Operating Transfers and Grants	5	223 431	245 638	245 638	-	95 778	4 242	91 536	2157,6%	27 539
Capital Transfers and Grants										
National Government:		106 572	72 056	72 056	-	15 899	13 993	1 906	13,6%	67 056
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		20 000	5 056	5 056	-	2 000	500	1 500	300,0%	5 056
Energy Efficiency and Demand Side Management Grant		-	5 000	5 000	-	1 000	-	1 000		-
Municipal Disaster Relief Grant		30 132	-	-	-	-	-	-		-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-		-
Metro Informal Settlements Partnership Grant		56 440	62 000	62 000	-	12 899	13 493	(594)	-4,4%	62 000
Provincial Government:		20 262	27 067	27 067	3 000	4 500	4 768	(268)	-5,6%	27 067
INTEGRATED TRANSPORT PLANNING		6 175	628	628	-	-	50	(50)	-100,0%	628
HUMAN SETTLEMENTS DEVELOPMENT GRANT		3 784	6 389	6 389	-	-	-	-		6 389
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		9 099	18 550	18 550	3 000	3 000	4 568	(1 568)	-34,3%	18 550
Library Services: Conditional Grant		203	-	-	-	-	-	-		-
RSEP/ VPUU		1 000	1 500	1 500	-	1 500	150	1 350	900,0%	1 500
District Municipality:		-	-	-	-	-	-	-		-
Other grant providers:		-	-	-	-	-	-	-		-
Departmental Agencies and Accounts		-	-	-	-	-	-	-		-
Foreign Government and International Organisations		-	-	-	-	-	-	-		-
Households		-	-	-	-	-	-	-		-
Non-Profit Institutions		-	-	-	-	-	-	-		-
Private Enterprises		-	-	-	-	-	-	-		-
Public Corporations		-	-	-	-	-	-	-		-
Higher Educational Institutions		-	-	-	-	-	-	-		-
Parent Municipality / Entity		-	-	-	-	-	-	-		-
Transfer from Operational Revenue		-	-	-	-	-	-	-		-
Total Capital Transfers and Grants	5	126 834	99 123	99 123	3 000	20 399	18 761	1 638	8,7%	94 123
TOTAL RECEIPTS OF TRANSFERS & GRANTS	5	350 264	344 761	344 761	3 000	116 177	23 003	93 174	405,1%	121 662

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Supporting Table SC7 (1) Monthly Budget Statement – transfers and grant expenditure

WC024 Stellenbosch - Supporting Table SC7(1) Monthly Budget Statement - transfers and grant expenditure - Q1 First Quarter

Description	Ref	2023/24	Budget Year 2024/25							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
R thousands										
EXPENDITURE										
Operating expenditure of Transfers and Grants										
National Government:		209 528	221 720	221 720	10 568	35 394	1 427	33 968	2380,9%	(6 116)
Operational Revenue:General Revenue:Equitable Share		200 488	215 604	215 604	10 568	35 394	-	35 394		-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		4 519	2 021	2 021	-	-	505	(505)	-100,0%	(2 021)
Local Government Financial Management Grant [Schedule 5B]		1 550	1 600	1 600	-	-	133	(133)	-100,0%	(1 600)
Integrated Urban Development Grant		2 971	2 495	2 495	-	-	789	(789)	-100,0%	(2 495)
Programme and Project Preparation Support Grant		-	-	-	-	-	-	-		-
Provincial Government:		12 517	23 268	23 268	-	-	3 453	(3 453)	-100,0%	(23 268)
LIBRARY SERVICES CONDITIONAL GRANT		11 252	11 333	11 333	-	-	2 989	(2 989)	-100,0%	(11 333)
Municipal Accreditation and Capacity Building Grant		245	249	249	-	-	65	(65)	-100,0%	(249)
TITLE DEEDS RESTORATION GRANT		317	803	803	-	-	399	(399)	-100,0%	(803)
MAINTENANCE & CONSTRUCTION OF TRANSPORT INFRASTRUCTURE		-	345	345	-	-	-	-		(345)
FINANCIAL MANAGEMENT CAPABILITY BUILDING GRANT		241	-	-	-	-	-	-		-
CDW OPERATIONAL SUPPORT GRANT		38	38	38	-	-	-	-		(38)
Western Cape Municipal Energy Resilience Grant		244	-	-	-	-	-	-		-
Human Settlements Development Grant (top structures)		180	10 500	10 500	-	-	-	-		(10 500)
District Municipality:		138	650	650	-	-	151	(151)	-100,0%	(650)
CAPE WINELANDS DISTRICT TOURISM GRANT		138	650	650	-	-	151	(151)	-100,0%	(650)
Other grant providers:		1 249	-	-	0	33	-	33		-
Private Enterprises		991	-	-	0	33	-	33		-
Public Corporations		258	-	-	-	-	-	-		-
Total operating expenditure of Transfers and Grants:		223 431	245 638	245 638	10 568	35 428	5 031	30 397	604,2%	(30 034)
Capital expenditure of Transfers and Grants										
National Government:		106 572	72 056	72 056	233	567	13 993	(13 426)	-95,9%	(67 056)
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		20 000	5 056	5 056	-	-	500	(500)	-100,0%	(5 056)
Energy Efficiency and Demand Side Management Grant		-	5 000	5 000	-	-	-	-		-
Municipal Disaster Relief Grant		30 132	-	-	-	-	-	-		-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-		-
Metro Informal Settlements Partnership Grant		56 440	62 000	62 000	233	567	13 493	(12 926)	-95,8%	(62 000)
Integrated Urban Development Grant		-	-	-	-	-	-	-		-
Provincial Government:		20 262	27 067	27 067	103	2 479	4 768	(2 289)	-48,0%	(29 541)
Specify (Add grant description)		-	-	-	-	-	-	-		-
Library Services: Conditional Grant		203	-	-	-	-	-	-		-
HUMAN SETTLEMENTS DEVELOPMENT GRANT		3 784	6 389	6 389	-	-	-	-		(8 069)
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		9 099	18 550	18 550	103	2 479	4 568	(2 089)	-45,7%	(19 344)
INTEGRATED TRANSPORT PLANNING		6 175	628	628	-	-	50	(50)	-100,0%	(628)
RSEP/ VPUU		1 000	1 500	1 500	-	-	150	(150)	-100,0%	(1 500)
Total capital expenditure of Transfers and Grants		126 834	99 123	99 123	336	3 046	18 761	(15 714)	-83,8%	(96 597)
TOTAL EXPENDITURE OF TRANSFERS AND GRANTS		350 265	344 761	344 761	10 904	38 474	23 792	14 682	61,7%	(126 631)

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

Supporting Table SC7 (2) Monthly Budget Statement – expenditure against approved roll-overs

WC024 Stellenbosch - Supporting Table SC7(2) Monthly Budget Statement - Expenditure against approved rollovers - Q1 First Quarter

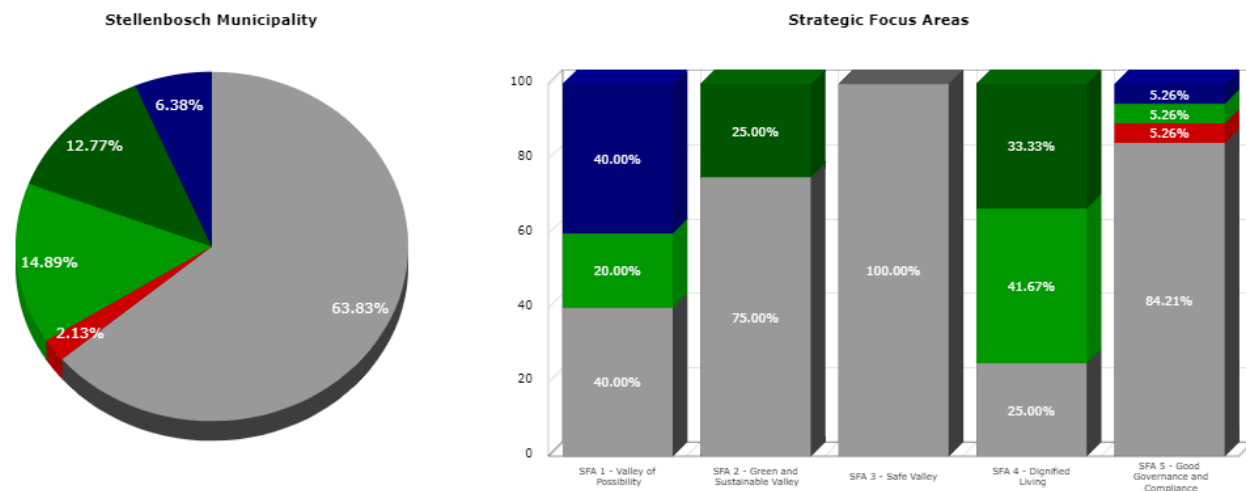
Description	Ref	Budget Year 2024/25				
		Approved Rollover 2023/24	Monthly Actual	YearTD Actual	YTD Variance	YTD Variance
						%
R thousands						
EXPENDITURE						
Operating expenditure of Approved Roll-overs						
National Government:		-	-	-	-	
Operational Revenue: General Revenue: Equitable Share			-	-	-	
Provincial Government:		-	-	-	-	
Specify (Add grant description)			-	-	-	
District Municipality:		-	-	-	-	
Other grant providers:		-	-	-	-	
Departmental Agencies and Accounts			-	-	-	
Foreign Government and International Organisations			-	-	-	
Households			-	-	-	
Non-profit Institutions			-	-	-	
Private Enterprises			-	-	-	
Public Corporations			-	-	-	
Higher Educational Institutions			-	-	-	
Parent Municipality / Entity			-	-	-	
Total operating expenditure of Approved Roll-overs		-	-	-	-	
Capital expenditure of Approved Roll-overs						
National Government:		-	-	-	-	
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]			-	-	-	
Energy Efficiency and Demand Side Management Grant			-	-	-	
Provincial Government:		2 474	794	794	(1 680)	-67,9%
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		1 680	-	-	(1 680)	-100,0%
HUMAN SETTLEMENTS DEVELOPMENT GRANT		794	794	794	0	0,0%
District Municipality:		-	-	-	-	
Other grant providers:		-	-	-	-	
Departmental Agencies and Accounts			-	-	-	
Foreign Government and International Organisations			-	-	-	
Households			-	-	-	
Non-Profit Institutions			-	-	-	
Private Enterprises			-	-	-	
Public Corporations			-	-	-	
Higher Educational Institutions			-	-	-	
Parent Municipality / Entity			-	-	-	
Transfer from Operational Revenue			-	-	-	
Total capital expenditure of Approved Roll-overs		2 474	794	794	(1 680)	-67,9%
TOTAL EXPENDITURE OF APPROVED ROLL-OVERS		2 474	794	794	(1 680)	-67,9%

QUARTERLY BUDGET STATEMENT FOR SEPTEMBER 2024

12. QUARTERLY PERFORMANCE ASSESSMENT REPORT 2024/25, Q1 (01 July – 30 September 2024)

12.1 OVERALL PERFORMANCE OF THE MUNICIPALITY

(a) Dashboard summary per Municipal Strategic Focus Area (SFA) for the 1st Quarter (01 July – 30 September 2024) of the 2024/25 financial year.



Stellenbosch Municipality		Municipal Strategic Focus Areas (SFAs)				
		SFA 1 - Valley of Possibility	SFA 2 - Green and Sustainable Valley	SFA 3 - Safe Valley	SFA 4 - Dignified Living	SFA 5 - Good Governance and Compliance
KPI Not Yet Measured	30 (63.83%)	2 (40%)	6 (75%)	3 (100%)	3 (25%)	16 (84.21%)
KPI Not Met	1 (2.13%)	-	-	-	-	1 (5.26%)
KPI Almost Met	-	-	-	-	-	-
KPI Met	7 (14.89%)	1 (20%)	-	-	5 (41.67%)	1 (5.26%)
KPI Well Met	6 (12.77%)	-	2 (25%)	-	4 (33.33%)	-
KPI Extremely Well Met	3 (6.38%)	2 (40%)	-	-	-	1 (5.26%)
Total:	47	5	8	3	12	19
	100%	10.64%	17.02%	6.38%	25.53%	40.43%

Table: 1 Overall performance for Quarter 1 (01 July – 30 September 2024) per SFA

13. ACTUAL PERFORMANCE AND CORRECTIVE MEASURES TO BE IMPLEMENTED

13.1 SFA 1 - Valley of Possibility

SFA 1 - Valley of Possibility										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL101	KPI002	Submission of the revised Economic Development Strategy to the Municipal Manager	Number of revised Economic Development Strategies submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		
TL102	KPI003	The number of jobs created through the municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created through the municipality's local economic development initiatives including capital projects by 30 June	1 100	1 100	330	653	B		
TL103	KPI004	Submission of Land-use applications to the Municipal Planning Tribunal (MPT) within 120 days from the conclusion of the administrative processing of the application	Percentage of Land-use applications submitted to the MPT within 120 days from the conclusion of the administrative processing of the application	75%	75%	75%	75%	G	During quarter 1 of the 2024/25 financial year, no land use applications were needed to serve at the MPT for consideration; as such, no MPT meetings were held in Q1 and no MPT decisions were issued.	
TL104	KPI005	Provide training opportunities to entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided to entrepreneurs and SMMEs	4	4	1	3	B		
TL106	KPI007	Submission of the revised Housing Pipeline (document) to the MayCo	Number of revised Housing Pipelines (document) submitted to the MayCo by 31 May	1	1	0	0	N/A		

Summary of Results: SFA 1 - Valley of Possibility

	KPI Not Yet Measured	2
	KPI Not Met	0
	KPI Almost Met	0
	KPI Met	1
	KPI Well Met	0
	KPI Extremely Well Met	2
Total KPIs		5

13.2 SFA 2 - Green and Sustainable Valley

SFA 2 - Green and Sustainable Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL109	KPI020	Conduct an external audit of the Stellenbosch Municipal Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipal Waste Disposal Facilities conducted by 30 June	1	1	0	0	N/A		
TL110	KPI021	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	2	2	0	0	N/A		
TL111	KPI014	Process building plan applications of <500sqm within 30 days after the date of receipt	Percentage of building plan applications of <500sqm processed within 30 days after the date of receipt	60%	60%	60%	89.67%	G2	547 / 610 x 100 = 89.67%	
TL112	KP022	Wastewater quality measured to the Department of Water and Sanitation's License Conditions for physical and micro parameters	Percentage of wastewater quality compliance as per the analysis certificate, measured quarterly	70%	70%	70%	73%	G2		
TL113	KPI016	Reduce organic waste	Percentage of organic waste reduced by 30 June	20%	20%	0%	0%	N/A		
TL141	KPI018	Submission of a Waste Reclaimers Strategy to the Municipal Manager	Number of Waste Reclaimers Strategies submitted to the Municipal Manager by 30 June	1	1	0	0	N/A		
TL143	KPI010	Installation of the SCADA Master Station	Number of SCADA Master Stations installed by 30 June	1	1	0	0	N/A		
TL145	KPI013	Submission of a revised Friends Group Memorandum of Understanding (MOU) to the Municipal Manager	Number of revised Friends Group MOUs submitted to the Municipal Manager by 30 June	1	1	0	0	N/A		

Summary of Results: SFA 2 - Green and Sustainable Valley

	KPI Not Yet Measured	6
	KPI Not Met	0
	KPI Almost Met	0
	KPI Met	0
	KPI Well Met	2
	KPI Extremely Well Met	0
Total KPIs		8

13.3 SFA 3 - Safe Valley

SFA 3 - Safe Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL114	KPI024	Submission of the revised Disaster Management Plan to the Municipal Manager	Number of revised Disaster Management Plans submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		
TL115	KPI025	Submission of the revised Safety and Security Strategy to the Municipal Manager	Number of revised Safety and Security Strategies submitted to the Municipal Manager by 30 April	1	1	0	0	N/A		
TL116	KPI026	Submission of the revised Traffic Management Plan to the Municipal Manager	Number of revised Traffic Management Plans submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		

Summary of Results: SFA 3 - Safe Valley

KPI Not Yet Measured	3
KPI Not Met	0
KPI Almost Met	0
KPI Met	0
KPI Well Met	0
KPI Extremely Well Met	0
Total KPIs	3

13.4 SFA 4 - Dignified Living

SFA 4 - Dignified Living										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL117	KPI028	Provision of waterborne toilet facilities in informal settlements as identified by the Department: Integrated Human Settlements	Number of waterborne toilet facilities provided in Informal settlements as identified by the Department: Integrated Human Settlements by 30 June	25	25	0	0	N/A		
TL118	KPI032	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	G	6 330 / 6 330 x 100 = 100%	
TL119	KPI029	Limit unaccounted electricity to less than 9% annually {(Number of Electricity Units Purchased and / or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or generated) x 100}	Percentage of average electricity losses, measured by 30 June	<9%	<9%	0%	0%	N/A		
TL120	KPI030	Water quality measured quarterly to the SANS 241 physical and micro parameters	Percentage of water quality level as per the analysis certificate, measured quarterly	95%	95%	95%	95%	G		
TL121	KPI031	Limit unaccounted water to less than 25%	Percentage of average unaccounted water, measured by 30 June	<25%	<25%	0%	0%	N/A		
TL122	KPI033	Registered indigent formal households with access to free basic electricity provided by the municipality (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	100%	100%	100%	100%	G	6 330 / 6 330 x 100 = 100%	
TL123	KPI034	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	G	6 330 / 6 330 x 100 = 100%	

SFA 4 - Dignified Living										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL124	KPI035	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	G	6 330 / 6 330 x 100 = 100%	
TL125	KPI036	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	27 000	27 000	27 000	27 467	G2		
TL126	KPI037	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	27 000	27 000	27 000	27 467	G2		
TL127	KPI038	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	27 000	27 000	27 000	27 467	G2		
TL128	KPI039	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	27 000	27 000	27 000	27 467	G2		

Summary of Results: SFA 4 - Dignified Living

	KPI Not Yet Measured	3
	KPI Not Met	0
	KPI Almost Met	0
	KPI Met	5
	KPI Well Met	4
	KPI Extremely Well Met	0
Total KPIs		12

13.5 SFA 5 - Good Governance and Compliance

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL97	KPI059	Submission of the revised Communication Policy to the MayCo	Number of revised Communication Policies submitted to the MayCo by 31 May	1	1	0	0	N/A		
TL98	KPI044	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	50%	50%	0%	0%	N/A		
TL99	KPI049	Submission of the Auditor General of South Africa (AGSA) Audit Action Plan (AAP) to the APAC	Number of AGSA Audit Action Plans submitted to the APAC by 31 March	1	1	0	1	B		
TL100	KPI053	Submission of the draft Integrated Development Plan (IDP) to the Council	Number of draft IDPs submitted to the Council by 31 March	1	1	0	0	N/A		
TL107	KPI055	Submission of the revised Wastewater Master Plan to the Municipal Manager	Number of revised Wastewater Master Plans submitted to the Municipal Manager by 30 June	1	1	0	0	N/A		
TL108	KPI060	Submission of the updated Comprehensive Integrated Transport Plan (CITP) 2023 - 2028 to the MayCo	Number of updated CITPs 2023 - 2028 submitted to the MayCo by 30 November	1	1	0	0	N/A		
TL129	KPI042	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment) / Monthly Fixed Operational Expenditure excluding (Depreciation)	2	2	0	0	N/A		

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL130	KPI043	Achieve an average payment percentage of 96% by 30 June (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	96%	96%	0%	0%	N/A		
TL131	KPI040	Actual expenditure of the approved Capital Budget for the municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of the approved Capital Budget for the municipality actually spent by 30 June	90%	90%	10%	4.31%	R	Actual Expenditure/ Amended Budget: R27 342 746 / R634 147 943 x 100 = 4.31% (Actual Expenditure / Planned Capital Budget Expenditure: R27 324 297/ R52 865 408 x 100 = 51.68%)	To optimise capital expenditure, regular meetings have been established for Mondays, facilitating collaboration among directorates and the Department of Financial Services. This approach aims to address any expenditure challenges promptly and effectively.
TL132	KPI045	The percentage of the payroll budget spent on implementing the Municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of the municipality's payroll budget actually spent on implementing its Workplace Skills Plan ((Total Actual Training Expenditure / Total Annual payroll Budget) x 100), measured by 30 June	0.20%	0.20%	0%	0%	N/A		
TL133	KPI046	Financial viability measured in terms of the municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured by 30 June	15%	15%	0%	0%	N/A		
TL134	KPI047	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio - (Total outstanding service debtors / revenue received for services) measured by 30 June	27%	27%	0%	0%	N/A		
TL135	KPI054	Submission of the IDP / Budget / SDF time schedule (process plan) to the Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to the Council by 31 August	1	1	1	1	G		

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 July – 30 September 2024				
						Target	Actual	R	Performance Comment	Corrective Measures
TL136	KPI051	Submission of the revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan to the ICT Steering Committee	Number of revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		
TL137	KPI052	Submission of the revised Strategic ICT Plan to the ICT Steering Committee	Number of revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		
TL138	KPI048	Submission of the revised Risk-Based Audit Plan (RBAP) to the Audit and Performance Audit Committee (APAC)	Number of revised RBAPs submitted to the APAC by 30 June	1	1	0	0	N/A		
TL139	KPI050	Submission of the revised Strategic Risk Register (SRR) to the Risk Management Committee	Number of revised SRRs submitted to the Risk Management Committee by 30 June	1	1	0	0	N/A		
TL140	KPI056	Submission of the revised Electrical Master Plan to the Council	Number of revised Electrical Master Plans submitted to the Council by 30 June	1	1	0	0	N/A		
TL144	KPI057	Submission of a draft Smart City Framework to the Municipal Manager	Number of draft Smart City Frameworks submitted to the Municipal Manager by 30 June	1	1	0	0	N/A		

Summary of Results: SFA 5 - Good Governance and Compliance

	KPI Not Yet Measured	16
	KPI Not Met	1
	KPI Almost Met	0
	KPI Met	1
	KPI Well Met	0
	KPI Extremely Well Met	1
Total KPIs		19

14. STRATEGIC PERFORMANCE CONCLUSION

- (a) Out of the 47 Key Performance Indicators (KPIs) listed on the Top layer SDBIP 2024/25, 29 were not measured during quarter 1 (01 July – 30 September 2024). 02 of the measured KPIs were not achieved, 07 were met and 06 were well met.

Summary of Results: Strategic Focus Areas 1 – 5

	KPI Not Yet Measured	30
	KPI Not Met	1
	KPI Almost Met	0
	KPI Met	7
	KPI Well Met	6
	KPI extremely well met	3
Total KPIs		47

9.	ITEMS FOR NOTING
9.1	REPORT/S BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 9 SEPTEMBER 2024

Collaborator No: 775751
 IDP KPA Ref No: Good Governance
 Meeting Date: 30 October 2024

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 9 SEPTEMBER 2024

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 9 September 2024.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 9 September 2024. The minutes is attached as **Annexure A**. The University of Stellenbosch caused the delay with the circulation of the minutes.

5. RECOMMENDATION

that Council take note of the report from the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

The Mayor – Rector Forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

6.2 Discussion

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The minutes is attached as **Annexure A**.

The following concerns were discussed: 9 September 2024.

- Matters arising from previous meeting
 - o Recent events and engagements on campus
 - o Update on Adam Tas Corridor

- Feedback from standing committees
 - o Stellenbosch Municipality Mobility Forum
 - o Infrastructure Forum
 - o Stellenbosch Municipal Water Management
 - o Monitoring & Advisory Committee on Crime (MACC)
- New Matters
 - o Parking and traffic congestion
 - o Student safety between Idas Valley and Campus
 - o Presentation on Security Measures (stand over to next meeting)

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 9.1 – Council meeting: 2024-06-14

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure A: Minutes of the Mayor – Rector Forum meeting: 9 September 2024

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@ Stellenbosch.gov.za</u>
REPORT DATE	15 October 2024

ANNEXURE A

STELLENBOSCH RECTOR / EXECUTIVE MAYOR FORUM

Minutes of the Rector / Executive Mayor Forum

Date: Monday, 9 September 2024
Time: 10h00 – 12h00
Venue: Council Chambers, Main Building, Stellenbosch Municipality
Chair: Mayor van Deventer

Members present:

Stellenbosch Municipality	
Cllr J Fasser	Deputy Mayor
Mr G Boshoff (GB)	Director: Community and Protection Services
Mr S Chandaka (SC)	Director: Infrastructure Services
Mr A Barnes (AB)	Director: Planning and Economic Development
Mr C Kitching (CK)	Deputy Director: Protection Services
Mr D Muller (DM)	Manager: Councilor Support
Stellenbosch SU	
Prof W de Villiers (WdV)	Rector and Vice-Chancellor
Prof S du Plessis (SdP)	Chief Operating Officer
Dr L van Rooi (LBvR)	Senior Director: Social Impact and Transformation
Mr N van der Merwe (NvdM)	Corporate Communication and Marketing
Mr V van der Walt (VvdW)	Senior Director: Campus Security
R Kotze (RK)	International Office
Ms A Lewis (AL)	Senior Journalist
Ms A Mawson (AM)	Secretariat

Members absent with apology:

Stellenbosch Municipality (the Municipality)	
Adv GMM van Deventer (GvD)	Executive Mayor
Ms G Mettler	Municipal Manager
Stellenbosch University (the SU)	
Prof H Klopper (HK)	Deputy Vice-Chancellor: Strategy and Internationalisation
Prof N Koopman (NK)	Vice-Rector: Social Impact, Transformation and Personnel
Ms A Mawson	Secretariat
Ms N van den Eijkel (NvdE)	Chief Director: Facilities Management

ITEM	DISCUSSION	RESPONSIBLE PERSON
1.	Opening and welcome	
	WdV welcomed all members present.	WdV
2.	Finalisation of agenda	
	Changes were proposed to minutes: AB indicated some corrections under 4.2 – minor wording changes. Will provide the changes to secretariat. Change under 4.1 – start up date for project to be 2017 and not 2027.	WdV
3.	Approval of previous minutes	
3.1	A motion for adopting minutes was accepted.	WdV
4.	Matters from previous meeting	

4.1	<p>WdV shared the following:</p> <ul style="list-style-type: none"> - Successor for WdV was announced – Prof Deresh Ramjugernath – current deputy Vice-Chancellor for Learning and Teaching at Stellenbosch University. Must be invited to attend the next Mayor – Rector forum meeting. He will formally start his tenure on 1 April 2025. <p>Recent events and engagements on campus</p> <p>WdV shared current events and some highlights of the academic year, noting the following:</p> <p>Africa in the World Conference</p> <p>Second or third time hosting the conference at STIAS. University contributed quite significantly.</p> <p>Homecoming</p> <p>Event on the US calendar now and takes place in second week of September. Opportunity for alumni to make their way back to their alma mater and attend various events, albeit a reunion. Also, a massive SRC reunion, and concerts are part of the homecoming week.</p> <p>Woordfees</p> <p>At the end of September and start of October, the town will be busier than usual. Many activities are planned for the start of October. Includes the Langtafel, and later in October the Nobel in Africa Symposium. Nobel Foundation is sponsoring the event. A number of laureates have already accepted.</p>	
4.2	<p>Update on Adam Tas Corridor</p> <p>AB provided an update on the ATC. The local spatial development framework and overlay zone currently being implemented.</p> <p>Western Cape Economic Partnership will assist with institutional arrangements, especially putting in place the advisory steering committee for the ATC catalytic project. In addition, a project facilitation unit is also being put in place. Currently, already 16 land use applications that were completed for the ATC, and 8 application processes currently underway.</p> <p>11 precincts in terms of the ATC, and currently focusing on precincts 2 till 6. Focus on bulk infrastructure to ignite the developments in precincts 2 – 6. All major bulk needs for ATC will be in place over the next 5 years.</p> <p>Housing agreements have been concluded with three private developers. Council also approved the inclusionary zoning policy, which makes provision for inclusionary housing. This means a maximum of 30% of the units will be inclusionary housing, and the benefits will be noticeable as the development unfolds. For example, the Newinbosch development was also subject to the inclusionary zoning policy. These units were sold within the first two months of being available, which indicated there is a definite market. Discussion about the APEX school – AB confirmed the importance of holistic development projects like the ATC – it must include schools, clinics, etc. currently busy with the process to approve the building plans for the APEX school.</p> <p>RK mentioned the possibility of business opportunities in the ATC, and that interest and input should be sought from the agreement with the town of Leuven, especially around the importance of tech transfer companies building up. Also proposed the involvement of the Groningen University, as well as the Dutch Chamber of Commerce to investigate co-operation and support.</p>	<p>AB</p> <p>RK</p>
5.	Feedback from standing committees	
5.1	<p>Stellenbosch Municipality Mobility Forum</p> <p>SC advised the Terms of Reference for the Transport Forum concluded. Discussions underway with Stellenbosch University on how to find the best possible way forward to include the broader community and or other interested parties. It was suggested that we move away from the negative connotations associated with the previous mobility forum. It was suggested that the meeting be called SU / SM Transport Forum.</p> <p>Good discussions with Megan Bruwer and Prof Anderson regarding how to optimise the use of your smart mobility lab as well as the future of data within that space, how we could also capitalize on it with regards to modelling future transport movements for the municipality, and we would also be thinking about trying to put it into a visual kind of medium so people could see how the current projects could be could unlock this traffic congestion crisis we're having at the moment, so that that was quite positive</p> <p>Issue was raised about the current projects, especially the feasibility study for the proposed Eikestad mall complex – the public – private partnership to address the parking problem. The feasibility study was approved by Council, and this caused a stir with the</p>	<p>SC</p>

	<p>residents. National and provincial treasury are with the municipality in terms of the approvals. The parking facility is part of the larger parking strategy for the for the town for central town. It covers different parking areas and possibly park and ride. People tend to believe that it's going to attract a lot of vehicular movement towards that point. But in actual fact, studies have shown that it releases congestion in many ways, both for the residents, and for consumers in businesses here and for the students who come in here, who we gauge as consumers as well.</p> <p>The municipality is positive it will have a positive impact. The proposal is for a half a floor level underground and 2 1/2 floors overground, going for optimum size. Currently busy with heritage impact assessments and development rights have been done quite extensively.</p> <p>Council opted not for the BRT system but rather an incremental approach, both with current public transport and then also investigate those spots which could be used as park and ride. It's going to take a lot of public engagement, especially with respect to safety etcetera, for the students coming in from outer areas and municipal officials and employees in town.</p>	
5.2	<p>Infrastructure Forum</p> <p>The meeting is attended by the Faculty of Engineering and other interested parties from Stellenbosch University as well as the Senior Managers of all the Services of the Infrastructure Services Directorate at Stellenbosch Municipality. The purpose of this meeting is to discuss research projects of mutual interest and to identify research topics / areas for students and staff to assist the municipality. The previous meeting took place on 14/05/2024 and updates are based on this meeting minutes. The next meeting is scheduled to take place on 13/08/2024.</p> <p>In-time control system for traffic signals along the R44 corridor</p> <p>Prof Andersen reported Internal training completed and in the process of updating the model.</p> <p>Landfill Project</p> <p>Completed two of the three cells. Ready for commissioning. Partly drilled wells for methane gas on the remainder of the landfill which will be commissioned at the end of this year. C Hendricks assisted Prof James Bekker with some information that one of his students needed for research</p> <p>Alternative Generation and Procurement of Electricity Project</p> <p>The Feasibility study concluded for possible addition of up to 50MW and workshopped internally within the Municipality. Report will be tabled at the upcoming Council meeting on 14/08/24 to determine a way forward on how to proceed. Possible procurement of 20MW is at evaluation adjudication stage currently. Investigations for possible installation of alternative energy generation underway. Number of critical plants equipped with generators to assist in the case of extended loadshedding periods. Installation of energy efficient measures to enable adherence to legislative compliance with electricity consumption certificates underway.</p> <p>Municipal Energy storage study</p> <p>N Zwane reported that the study was concluded.</p> <p>Electric Minibus Taxi Project</p> <p>J Fullard reported that they are currently in phase 1 (construction phase). Phase 2 will make provision for EV charging infrastructure. In discussions with Flex EV for the implementation of phase 2. Compilation and lease agreement with Flex EV in process.</p> <p>Sewage Slug Project</p> <p>P Joubert and Prof A Burger to follow a different route to finalize the agreement.</p> <p>Biomass Power Station</p> <p>Prof van Niekerk reported since there is currently no loadshedding by Eskom, there is a lot</p>	<p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p>

	<p>less enthusiasm for alternative generation of energy. Nothing more to report at this stage.</p> <p>NEW PROJECTS:</p> <ul style="list-style-type: none"> - <u>KaackKai wastewater regeneration pilot</u> (Prof Gideon Wolfaardt) <p>Meeting scheduled between Stellenbosch Municipality and Emma Muller from KaackKai for 13/08/2024.</p> <ul style="list-style-type: none"> - <u>Vehicle Infrastructure Technology</u> (VTI) (Johann Andersen) <p>Prof Andersen requested that the project be listed as a current project. Master's student is currently looking at vehicle to infrastructure connectivity. Currently busy with testing and benchmarking exercise on connecting infrastructure to vehicles. Entails the ability of embedded software in the vehicle or cell phone app on cell phones to communicate the status of traffic lights.</p> <p>Other matters arising:</p> <p>SCADA – Currently in phase 2. Hardware installed at major intake points for remote switching once SCADA has been established. Self-loadshedding is not part of the immediate plan for now but working towards it. More focused on being considered as a load curtailment customer during loadshedding stages 1 - 4. Load curtailment application submitted to Eskom. Awaiting feedback from Eskom.</p> <p>WdV raised a question about what is envisaged at the Van der Stel Sport grounds. GB replied that an advert for new tender of minimum 30-year lease was advertised for an interested company, and this is linked to the ATC for future development. Where it is situated, it creates a green lung and will remain in use for sports and recreational activities.</p>	
5.3	<p>Stellenbosch Municipal Water Management</p> <p>There is no change to the status quo and no water restrictions are in place. All Western Cape Dams affecting supply to Stellenbosch are above 60% and the rainy season is about to start. No drought warnings are currently active.</p> <p>Current projects status:</p> <ul style="list-style-type: none"> • Vlotenburg Water Scheme Phase 1 completed; Phase 2 currently delayed due to the Woodmill Development objecting to the pipeline route. • Jamestown Reservoir Project's nearing completion with expected completion November 2024. • (Kayamandi) Stellenbosch 10 megalitre Reservoir encountered minor delays due to funding. Construction now expected to start by October 2024. 	SC
5.4	<p>Monitoring and Advisory Committee on Crime (MACC)</p> <p>Had operational meeting last week, where the station commander of Stellenbosch police station and Cloeteville police station were present. Shared information about statistics regarding criminal experiences.</p> <p>Shared information about the sensitivity of muggings of students that occur especially at night. Students are soft targets for criminals due to walking alone or using mobile phones while walking. When the students resist during the attacks, it tends to turn violent. Weather recently influenced the number of muggings, but all incidents are deemed as important. The option of the university shuttle was also raised.</p> <p>Also discussed was vehicle theft. Vehicle theft is not the type of crime that the patrol officer of the campus or of the municipal law enforcement could prevent by walking around. They are highly sophisticated syndicates coming through into areas and the base remedy for them is the police vehicles theft division. Students must also take responsibility regarding leaving valuables in sight within vehicles. Vehicle theft is not a specific area but is all over town.</p> <p>Some positive feedback about the special operations started recently. Apprehended two people attempting to steal a vehicle. Court does not regard that as a crime, so they were sent off with a warning.</p> <p>Additional concern is the homeless people, and their removal. However, this is a discussion by itself.</p>	VvdW

	Possible need for operational MACC every quarter, and the M<ACC report circulated.	
6	New Matters	
6.1	<p>Parking and traffic congestion</p> <p>Also refer to discussion under 5.1, where some matters regarding this point were raised. The issue around traffic congestion in town: the municipality's approval of the Public private partnership, parking yards and the mayor just highlighted the fact that you know that the municipality didn't expect the negative backlash. The municipality is trying to do something positive around parking, to alleviate the congestion. Already the concern about the public backlash - of course the other thing was as a partner, the university around student parking. What particular plans does the university have in providing parking space or areas for students?</p> <p>After extensive period of consultation internally to have a relook at our own parking management system, currently we have a manual system where we have a lot of people, about 100 parking attendants that's roaming the street trying to coordinate parking. But we're looking at all options at the moment and this professional will look at digitised technical technology, whatever you can find and eventually make a proposal to the municipality. Optimise the available parking spaces on street and off St and see how that can contribute to alleviating the congestion.</p> <p>LvR responded the US had internal meetings with Visit Stellenbosch and our vehicle parking specific related office to also share information around. Agreed at the previous meeting chair that we will jointly between the municipality and the university write up something to be communicate communicated externally as a way just to make the public aware of the joint initiatives.</p> <p>Also discuss further the use of the Ou Bloemhof parking area at night to alleviate evening congestion for parking. Students under-utilized shuttle service to northern parts of campus.</p> <p>Uber license / Electric scooters</p> <p>WdV raised this point again. SC responded that from the engineering side, there have been some discussions with provincial government who Department of Mobility, who said that they are engaging their own attorneys just to look at the legislation and tell us what is applicable from their side and that we'll take guidance from them.</p> <p>Also, legislation does not make provision for Uber drivers in Stellenbosch. There is a need from students and that really is a requirement. So that is something that is also being put on the discussion from the traffic engineering section to try and see how we can get permits for these Uber drivers. And they will sort it out. So that is something that we are tabling.</p> <p>E-scooters: There's been quite a bit of incidents where people have been involved in accidents, knocked over pedestrians. There is a bit of a challenge because nothing has been approved by law and ultimate to be used and especially with the request is for these goods is to be used on a pavement that's not permitted on the on the pedestrian walkways and that is what is frustrating the pedestrians and residents. Some of the scooters are just lying around and some are being damaged and things nobody's taking control or taking responsibility for that. So that is now still a no go.</p>	<p>GB</p> <p>LvR</p> <p>SC</p> <p>CK</p>
6.2	<p>Student safety between Idas Valley and campus</p> <p>The two councillors from Idas Valley said students are complaining about safety. Definitely shuttles running but they choose not to use the shuttles when the shuttles run, and then later on they want to walk and it just so happens that there's been a lot of muggings on the road from Ida Valley, and that was brought to the mayor's attention.</p> <p>Landlords' union approached the campus security requested a talk. Had meet and greet and shared information. US have in-house security and cannot patrol beyond. Will have follow-up meeting and involve Cloetesville police in US communication regarding support to students and their travels.</p> <p>Landlords regarded as substantial partners to US. Need more permanent drop and go procedure. Must consider the issue of the current taxi association as well but needs to</p>	<p>GB</p> <p>NvdM</p> <p>LvR</p>

	<p>rather focus on evening shuttle. Needs more permanent intervention regarding shuttling. Taxi association indicated they prefer not to have shuttles that will be in competition with taxis. Would prefer taxi association be used as shuttle service. Maybe consider the Jamie Shuttle model.</p> <p>Discussion to improve visibility in areas, and an option to maybe be explored – visibility of policing in certain hotspots, and the use of the municipal policy on Rent-a Cop. What the policy allows for the municipality is it's externally funded way by an external organisation can contribute towards the salary of a law enforcement official doing crime prevention for a specific area. As example: university would like maybe two law enforcement officers during the time frames of Monday to Friday between the morning 8 until 10 O clock while the students or 6:00 until 10:00 in the morning while students. Walk those to the university. Those two law enforcement officials can be deployed there, and they are primary responsible just for that area. They will not ultimately be removed from that. it is a fully fledged law enforcement official which is employed by the municipality on a contractual basis and is being funded by an external organisation. It is also something that we were looking at and for the areas where the students are frequenting going to the nightclubs and things like it, there are specific roads that must be covered as well.</p>	CK
6.3	<p>Presentation on security measures</p> <p>Stand over until next meeting.</p>	
7	Closing	
	<p>Meeting adjourned at 11h00.</p> <p>Next meeting will be on 8 November 2024.</p>	

9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JULY - SEPTEMBER 2024
-------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 October 2024

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JULY - SEPTEMBER 2024

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from July 2024 to September 2024 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council takes note of the decisions by the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

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

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

6.2 Discussion

Council approved delegations to the Executive Mayor and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

The Executive Mayor also takes decisions in consultation with the Mayoral committee. The decisions of the 2023/24 financial year will be reported in a separate item.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 9.1 – Council meeting: 2024-07-30

6.7 Risk Implications

Risk implications are mitigated when decisions taken are in line with approved powers and functions.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure 1: Decisions taken by the Executive Mayor in the period July to September 2024.

Appendix 1: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE APPROVAL OF REVISED SITE DEVELOPMENT PLAN ERVEN 3785-3761 (PORTIONS OF ERF 872) FRANSCHHOEK

Appendix 2: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING OF FARM NO. 1038/8, PAARL DIVISION - LU/12698.

Appendix 3: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 5640, STELLENBOSCH - LU/14663.

Appendix 4: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON PORTION 11 OF FARM NO. 1646, PAARL DIVISION

Appendix 5: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON FARM NO. 537, STELLENBOSCH DIVISION (LU/11849)

-
- Appendix 6: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND CONSENT USE: ERF 2797, STELLENBOSCH (LU/15859)
- Appendix 7: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING AND SUBDIVISION OF FARM NO. 527/7, STELLENBOSCH DIVISION - LU/15064 (TP228/2022)
- Appendix 8: APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE, DEPARTURE AND PERMISSION ON FARM NO. 528/5, STELLENBOSCH DIVISION - LU/14500

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@Stellenbosch.gov.za
REPORT DATE	10 October 2024

ANNEXURE A

DELEGATIONS EXERCISED FOR PERIOD [JULY - SEPTEMBER 2024]**EXECUTIVE MAYOR**

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
110	FINANCE	S 71 monthly budget monitoring report for June 2024	24/07/2024	24/07/2024	Approved
110	FINANCE	S 71 monthly budget monitoring report for July 2024	15/08/2024	15/08/2024	Approved
110	FINANCE	S 71 monthly budget monitoring report for August 2024	13/09/2024	13/09/2024	Approved
110	FINANCE	S 52 Quarterly budget monitoring report 4 th quarter 2023/24	24/07/2024	24/07/2024	Approved
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE APPROVAL OF REVISED SITE DEVELOPMENT PLAN ERVEN 3785-3761 (PORTIONS OF ERF 872) FRANSCHHOEK	24/10/2023	05/07/2024	Dismissed and confirm [see attached document – APPENDIX 1]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING OF FARM NO. 1038/8, PAARL DIVISION - LU/12698.	13/02/2024	12/07/2024	Vary [see attached document – APPENDIX 2]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 5640, STELLENBOSCH - LU/14663.	25/03/2024	12/07/2024	Confirm [see attached document – APPENDIX 3]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON PORTION 11 OF FARM NO. 1646, PAARL DIVISION	27/03/2024	12/07/2024	Confirm [see attached document – APPENDIX 4]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON FARM NO. 537, STELLENBOSCH DIVISION (LU/11849).	18/06/2024	04/09/2024	Confirm [see attached document – APPENDIX 5]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND CONSENT USE: ERF 2797, STELLENBOSCH (LU/15859)	25/06/2024	21/08/2024	Confirm [see attached document – APPENDIX 6]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING AND SUBDIVISION OF FARM NO. 527/7, STELLENBOSCH DIVISION - LU/15064 (TP228/2022)	25/06/2024	08/08/2024	Confirm [see attached document – APPENDIX 7]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE, DEPARTURE AND PERMISSION ON FARM NO. 528/5, STELLENBOSCH DIVISION - LU/14500.	25/06/2024	15/08/2024	Vary [see attached document – APPENDIX 8]

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE APPROVAL OF REVISED SITE DEVELOPMENT PLAN ERVEN 3758-3761 (PORTIONS OF ERF 872) FRANSCHHOEK

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

DISMISSED	X	CONFIRM	X	VARY		REVOKE	
<p>THE DECISION OF THE AUTHORISED DECISION MAKER ON 29 JULY 2022 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW DATED 20 OCTOBER 2015, APPLICATION FOR THE APPROVAL OF REVISED SITE DEVELOPMENT PLAN ERVEN 3758-3761 (PORTIONS OF ERF 872) FRANSCHHOEK.</p>							

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 29 July 2022 **Approved**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the approval of a revised site development plan.
3. The Municipality received an appeal relating to the abovementioned application on the 05th of September 2022, in terms of Section 79(2) of the Stellenbosch Municipality By-Law (2015.) The appellant was Mr Pienaar on behalf of 6 other appellants.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

4. It should be noted that the Administration informed the applicant of the appeal, and an opportunity was granted to submit comments on the grounds of appeal. Mr Malan from DHM Attorneys submitted comments on behalf of Mr Steyn on the 04th of October 2022.
5. The appeal assessment report was drafted hereafter, based on all documentation provided.
6. In order to comply with Section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making. The appeal assessment report was forwarded electronically to all interested and affected parties on the 12th of October 2023. Mr Pienaar submitted comments on the appeal assessment report on the 17th of October 2023.
7. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which was made by the interested parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the approval of the Authorised Decision Maker dated 29 July 2022, in respect of the application for the approval of revised Site Development Plan for Erven 3758-3761 Franschhoek, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015, as follows:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.1 The following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 namely:

1.1.1 The application for the amendment of the approved Site Development Plan for Erven 3758 to 3761 Franschhoek terms of Section 15(2)(h) of the said By-law,

BE APPROVED in terms of Section 60 of the said By-law.

2. **The approval is subject to the following conditions imposed in terms of Section 66 of the said By-Law:**

2.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legal prescriptions or requirements from Council or other legislation or By-Laws or Regulations that may be applicable.

2.2 The development must be undertaken generally in accordance with the revised Site Development Plan attached as **Annexure E**, dated :07/09/2020, ref no: HA1 and drawn by: Willie Steyn, Land Use Planners.

2.3 The coverage applicable to these erven be limited to 33% and that this condition be imposed in the title deed of each property.

2.4 The conditions imposed by the Directorate: Infrastructure Services as contained in their memorandum dated 31 July 2020 and attached as **Annexure G** are applicable.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

2.5 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed used.

3. The reasons for the above decision are as follows:

3.1 The revised proposal with the exception of the coverage which has been reduced from 40% to 33% by the applicant, will result in the subject properties being developed in line with the development parameters rules applicable to the Conventional Residential Zone of the 2019 Stellenbosch Municipality Zoning Scheme By-Law, which is the norm for the majority of the properties located within the surrounding residential area.

3.2 The proposal as submitted will not result in dwelling units being developed on the subject properties that are out of character with the surrounding residential area as noted above in the report.

3.3 The proposal complies with the parameters of the 2019 Stellenbosch Municipality Zoning Scheme By-Law.

3.4 The subject properties are located within the urban edge of Franschhoek.

3.5 Having regard to the facts of the matter, the appellant did not provide any compelling arguments or new information that warrants an alternative decision on the matter other than to want to impose his conditions in relation to reducing the scale of the dwelling units that may be constructed on the properties.

4. Matters to be noted:

4.1 All electrical requirements be directed to Eskom.

SIGNATURE: _____

DATE: _____

5 July 2024

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

APPENDIX 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING OF FARM NO. 1038/8, PAARL DIVISION - LU/12698.

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM		VARY	X	REVOKE	
THE DECISION OF THE AUTHORISED DECISION MAKER ON 16 FEBRUARY 2023 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW, THE APPLICATION FOR THE REZONING A PORTION OF FARM NO. 1038/8, PAARL DIVISION - LU/12698.					

A. BACKGROUND

1. The abovementioned appeal refers.

2. The Authorised Decision Maker on 16 February 2023, approved, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the application for rezoning in terms of Section 15(2)(a) of the said by-law of an ±8200m² portion of Farm No. 1038/8, Paarl Division from Agricultural and Rural Zone to Industrial Zone to establish a water bottling facility.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3. Two appeals were received on the 22nd of March 2023 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Du Plessis Hofmeyr Malan Inc. Attorneys Conveyancers Notaries, on behalf of the applicant P-J Le Roux Town Planners Pty Ltd and the owner (Applicant) and Tommy Brummer Town Planners, on behalf of a number of surrounding property owners respectively.
4. The applicant, represented by Hofmeyr Attorneys, submitted responding comments on the appeal on the 4th of August 2023.
5. Comments were also requested from the Department of Environmental Affairs and their comment relating to the ground of appeal was received on the 22nd of November 2023.
6. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law to the Appellants and Applicant on the 25th of January 2024. Mr Du Plessis submitted comments on the appeal assessment report on the 26th of January 2024.
7. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeals, the report of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.



B. APPEAL RESOLUTION

1. The appeals submitted against the approval of the Authorised Decision Maker dated 16 February 2023, in respect of the subject application on Farm No. 1038/8, Paarl Division, insofar as the appeal submitted by the objector, **BE DISMISSED** and, insofar as the appeal submitted by the applicant, **BE UPHELD** to clarify conditions of approval, and for which purpose the subject decision **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

1.1 That the application for rezoning in terms of Section 15(2)(a) of the said by-law of an $\pm 8200\text{m}^2$ portion of Farm No. 1038/8, Paarl Division from Agricultural and Rural Zone to Industrial Zone to establish a water bottling facility,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval in terms of Section 66 of the said By-law.

1.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the development of the land:

1.2.1 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of clearance certificates, any building plans or as may be agreed on in writing with the Director Infrastructure Services.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.2.2 A final master landscaping plan that sufficiently mitigate the views from all parts of the R45, must be prepared by a registered professional landscape architect, be submitted with the building plans and be implemented before occupation certificates is issued. The master landscaping plan must include visual screening that offset the visual impact of the built form and establish a green network of indigenous vegetation at the site.
- 1.2.3 A zoning diagram be prepared by a registered land surveyor indicating coordinates of the area to be rezoned and be submitted with the building plan, in order to validate the split zone and for the approval not to lapse.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 1.2.4 The approval only applies to the proposed rezoning, as indicated on the referenced Project No 1682, Drawing No. 100 & 101, Revision B, dated 2021-03-26 and drawn by Malherbe Rust Architects, attached as **ANNEXURE B** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or bylaws or regulations that may be applicable.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.2.5 The development must be undertaken generally in accordance with the zoning plan, as indicated on the referenced plans; Project No 1682, Drawing No. 100 & 101, Revision B, dated 2021-03-26 and drawn by Malherbe Rust Architects, attached as **ANNEXURE B**.
- 1.2.6 The operating hours of all activities outside of the water bottling plant building be restricted to 07:00am to 17:00pm Mondays to Thursdays and Fridays from 07:00am to 14:00pm.
- 1.2.7 The building footprint of the water bottling facility within the rezoned area be restricted to $\pm 4200\text{m}^2$.
- 1.2.8 An electronic copy (shp, dwg, dxf) of the zoning diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - 1.2.8.1 Co-ordinates
 - 1.2.8.2 Survey dimensions
- 1.2.9 No bottles be manufactured on site, the facility only be used for water bottling activities (water treatment area, bottling, bottle moulding as part of the bottling process, labelling, dispatching, warehousing, ancillary structures and office space), as long as the water-use licence is valid. The zoning will subsequently revert back to Agriculture and Rural Zone if the water bottling operations has been ceased.
- 1.2.10 Rezoning approval to Industrial Zone is limited to the water bottling facility and all other primary use rights for the zoning of Industrial Zone in



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

terms of the zoning scheme bylaw, is not permitted and no additional uses (Technical Approvals) and consent uses associated with the Industrial Zone will be permitted.

- 1.2.11 The proposed solar panels on the roof of the structure are to be specified with anti-reflective glass and coatings to reduce glare and visibility from elevated vantage profiles.
- 1.2.12 Existing vegetation to be retained, trees must be protected in accordance with a tree survey, a tree management plan and indicated on the final master landscaping plan.
- 1.2.13 Excessive signage be avoided and applications be submitted to the competent authorities for assessment and approval.
- 1.2.14 That exterior colours that have low reflectivity value and blend with the surrounding and the contextual character of the area be used at all times for the new building.
- 1.2.15 Lighting must be low energy and must be shielded down lighting to minimize light impacts and night and light spillage into the surrounding areas.
- 1.2.16 All areas disturbed during construction activities must be rehabilitated using appropriate vegetation and any damage roads surfaces repaired before occupation certificates is issued.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.2.17 The conditions listed in the memorandum dated 13/09/2021 from the Municipal Director: Infrastructure Services attached as **ANNEXURE E** be complied with.
- 1.2.18 The conditions listed in the letter dated 21/09/2021 from the Western Cape: Transport & Public Works: Roads attached as **ANNEXURE F** be complied with.
- 1.2.19 The conditions listed in the letter dated 19 April 2022 from the Cape Winelands District Municipality (Environmental Health Practitioner) attached as **ANNEXURE G** be complied with.
- 1.2.20 The conditions listed in the letter dated 28 June 2022 from Heritage Western Cape attached as **ANNEXURE H** be complied with.

2. The reasons for the above decision are as follow:

- 2.1 A water bottling plant is not an unrelated land use in the rural area and is not regarded as inconsistent with the Western Cape Rural Guidelines.
- 2.2 Mitigating measures are imposed as conditions of approval to limit the scale, visual impact and operational impacts of the proposed buildings and activities. The industrial activities are also restricted to a water bottling facility only and will revert to agricultural uses if no longer required for water bottling activities.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 2.3 The concerns raised in the appeal by the objector were adequately addressed by the applicant, the special's studies conducted, the recommendations made and was approved by the competent decision-making authorities. All services could be provided to the satisfaction of all applicable authorities.

SIGNATURE: 

DATE: 2024-07-12

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 3



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 5640, STELLENBOSCH - LU/14663.

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
THE DECISION OF THE AUTHORISED DECISION MAKER ON 05 JANUARY 2024 TO PARTLY REFUSE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, THE APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 5640, STELLENBOSCH - LU/14663.					

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 05 January 2024, approved, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the Section 15(2)(g) application for permission required in terms of the zoning scheme for an additional use to allow a second dwelling on Erf 5640, Stellenbosch, including the application for Administrator's consent to relax the restrictive title deed condition(s) contained in Title Deed No. T. 19523/2022, Clause C(5)(b) in order to relax the restrictive title



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

deed street building line from 4,6m to 4,0m to accommodate the main dwelling and second dwelling unit; and common building lines from 2,3m to 0m in order to accommodate the garages / carports. The application in terms of Section 15(2)(d) for the Subdivision of Erf 5640, Stellenbosch into two portions measuring $\pm 512\text{m}^2$ for Portion 1 and Portion 2 respectively, was refused.

3. An appeal was received on the 5th of February 2024 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Clifford Heys of TV3 Architects, Town Planners & Urban designers on behalf of the registered owner.
4. Stellenbosch Interest Group, as objector to the initial application, submitted responding comments on the appeal on the 14th of February 2024.
5. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law to the Appellant, Stellenbosch Interest Group, Mrs Broeksma and Ms Lambrechts on the 11th of March 2024. The applicant Mr Heys and Stellenbosch Interest Group submitted comments on the appeal assessment report on the 12th and 18th of March 2024.
6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

B. APPEAL RESOLUTION

1. The appeal submitted against the partial refusal of the Authorised Decision Maker dated 05 January 2024, in respect of the subject application on Erf 5640, Stellenbosch, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

1.1 That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 5640, Die Boord, Stellenbosch, namely:

1.1.1 **Permission required in terms of the zoning scheme** for an additional use in terms of Section 15(2)(g) to allow for the construction of a second dwelling unit; and

1.1.2 The **Administrator's consent** to relax the restrictive title deed condition(s) contained in Title Deed No. T. 19523/2022, Clause C(5)(b), in order to relax the restrictive title deed street building line from **4,6m** to **4,0m** to accommodate the main dwelling and second dwelling unit; and common building lines from **2,3m** to **0m** in order to accommodate the garages/carports.

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

- 1.2.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 1.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 1.2.3 The applicable conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 09 November 2022 and attached as **ANNEXURE G**, be complied with.
- 1.2.4 The applicable conditions imposed by the **Director: Engineering Services** as contained in their memo date 30 October 2023, and attached as **ANNEXURE I**, be complied with.
- 1.2.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 1.2.6 A revised Site Development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approval only. The proposal must adhere to the



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme.

1.2.7 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme By-law to the satisfaction of the Municipality.

1.3 The reasons for the above decision are as follows:

1.3.1 The proposal for a second dwelling unit is regarded as a sensible mechanism for densification of the area as it is in keeping with the current land use of the subject property and the surrounding residential area.

1.3.2 The proposal for a second dwelling unit and development of the property within the zoning scheme development parameters applicable to the property will not have a detrimental impact on the character of the area and will not have any negative impact on the rights currently enjoyed by the surrounding properties.

1.4 That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for the **Subdivision** of Erf 5640, Die Boord, Stellenbosch into two portions measuring $\pm 512\text{m}^2$ for Portion 1 and Portion 2 respectively,

BE REFUSED in terms of Section 60 of the said By-law.



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.5 The reasons for the refusal are as follows:

1.5.1 The proposed subdivision of the property, which will also create additional primary rights and consent uses, is not in keeping with the current development context and will be detrimental to the residential character of the area as it is not consistent with the general size of properties located in the area.

1.5.2 The property is located on the corner of Van Rheede and Formosa Street and the proposed access from Formosa Street will pose as a safety / traffic risk.

1.6 Matters to be noted:

1.6.1 Building plans be approved by the Municipality prior to any building work commencing.

SIGNATURE: 

DATE: 2024-07-12

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 4



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON PORTION 11 OF FARM NO. 1646, PAARL DIVISION

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
THE DECISION OF THE AUTHORISED DECISION MAKER ON 15 DECEMBER 2022 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, THE APPLICATION FOR CONSENT USE ON PORTION 11 OF FARM NO. 1646, PAARL DIVISION - LU/6004					

A. BACKGROUND

1. The abovementioned appeal refers.

2. The Authorised Decision Maker on 15 December 2022, approved, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the Section 15(2)(o) application for Consent Use for a Tourist Accommodation Establishment in order to use four (4) existing workers cottages for guest accommodation purposes on Portion 11 of Farm No. 1646, Paarl Division.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3. An appeal was received on the 31st of January 2023 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Mrs van Niekerk from Cluver Markotter Inc. on behalf of Donre 8 Co (Pty) Ltd the registered owner.
4. The applicant was afforded with the opportunity to comment on the appeal received and submitted comments on the said appeal.
5. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law to the Appellant on the 7th of March 2024. Mrs van Niekerk and Mr Squires submitted comments on the appeal assessment report on the 18th of March 2024.
6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the approval of the Authorised Decision Maker dated 15 December 2022, in respect of the subject application on Portion 11 of Farm No. 1646, Paarl, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.1 That the application for Consent Use for a Tourist Accommodation Establishment in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law in order to use four (4) existing workers cottages for guest accommodation purposes on Portion 11 of Farm No. 1646, Paarl Division,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

1.2 **The approval is subject to the following conditions:**

- 1.2.1 The approval only applies to the application under consideration as indicate don the Site Development Plan drawing no: 17-008, 16-131, 17-08-GC4 & 17-08GC2, dated: 2017/03/17 drawn by: Red Atlantic architecture attached as Annexure D and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 1.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 1.2.3 The development must be undertaken generally in accordance with the site development plan drawing no: 17-008, 16-131, 17-08-GC4 & 17-08GC2, dated: 2017/03/17 drawn by: Red Atlantic architecture attached as **Annexure D**.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.2.4 The conditions of approval as imposed by the Directorate Infrastructure Services, in their memorandum dated 18 October 2018, be complied with, as attached as **Annexure C**.

1.2.5 Building plans must be submitted for approval and that the relevant occupancy certificates be issued prior to the vesting of this approval.

1.3 **The reasons for the approval are as follow:**

1.3.1 The proposal will have no direct impact on the surrounding properties due to the scale of the accommodation establishment and the location of the buildings being used.

1.3.2 The proposal promotes sensitive agri-tourism in the rural area without threatening the agricultural potential of the property as it makes use of existing buildings that are repurposed for tourist accommodation purposes.

SIGNATURE: 

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

DATE: 2024-07-12

APPENDIX 5



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON FARM NO. 537, STELLENBOSCH DIVISION (LU/11849).

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
<p>THE DECISION OF THE AUTHORISED DECISION MAKER ON 20 SEPTEMBER 2023 TO REFUSE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW THE APPLICATION FOR CONSENT USE ON FARM NO. 537, STELLENBOSCH DIVISION (LU/11849)</p>					

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 20 September 2023, refused, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the application for consent use to expand an approval for a tourist facility to permit the sale of other alcohol products e.g. craft beer, craft gin, etc. (in addition to their wine) on Farm No. 537, Stellenbosch Division.
3. An appeal relating to the abovementioned application was received on the 25th of October 2023, in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Mr. Heys of TV3 Architects and Town Planners on behalf of the owner Daxon Development Trust.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

4. The appellant notified the interested and affected parties of the appeal, and an opportunity was granted to submit comments on the grounds of appeal within a 21-day period. Comments were received from surrounding residents in the form of a response letter co-signed by Mrs. Briedenhann, Mrs. Du Plessis, Mr. De Swardt and Mrs. & Mr. McNaughton on the 7th of November 2023. Comment was also received from Mrs. Rabe of Stellenbosch Wine Route on the 9th of November 2023.
5. In order to comply with Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law, an inspection of the documents by all parties concerned must be held before the handover to the Appeal Authority for consideration and decision making. The appeal assessment report was forwarded electronically to all interested and affected parties on the 20th of December 2023. Mr. Heys submitted comments on the appeal assessment report on the 15th of January 2024.
6. An oral hearing was held on the 18th of April 2024. The Appeal Authority granted all parties present at the oral hearing the opportunity to submit any additional documentation or information for her consideration. Mr. Heys, Mrs. Hendriks, Mr. de Swardt, Mrs. & Mr. McNaughton, Mr. Hunt, Mrs. Rabe, Mrs. & Mr. Briedenhann submitted comments on the 10th of May 2024 and Mrs. Du Plessis submitted comments on the 13th of May 2024.
7. The Appeal Authority has also granted all parties present an opportunity to comment on the said additional documentation or information that were submitted. Mrs. Hendriks submitted their comments on the 22nd of May 2024 and Mr & Mrs McNaughton submitted their comments on the 31st of May 2024.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

8. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the reports of the relevant Authorised Employees, as well as an oral hearing and various written submissions which was made by the appellant and all parties involved, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the refusal of the Authorised Decision Maker dated 20 September 2023, in respect of the application for Consent Use on Farm No. 537, Stellenbosch Division, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

- 1.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to expand Council's approval (tourist facility) to permit the sale of other alcohol products e.g. craft beer, craft gin, etc. (in addition to their wine) on Farm No. 537, Stellenbosch Division,

BE REFUSED in terms of Section 60 of the said By-law.

2. **The reasons for the above decision are as follows:**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 2.1 Having regard to the facts of the matter, there are no deficiencies in the administration and processing of the application that would prohibit to reconsider and decide on the appeal.
- 2.2 An assertive effort was made to exhaust all means to obtain additional information from all relevant parties on the appeal. After having independently considered and weighed all the relevant information obtained, it was evident that there are no additional information or arguments that are deemed relevant, and which were not already fully taken into account during the original assessment and decision on the land use application. There was consequently no new information which would serve as compelling grounds to warrant that the decision be reviewed.
- 2.3 The consent use that was approved in 2009 was for the explicit objective to establish a wine/ cuisine and art tourist center. In accordance with the application that was submitted and considered, the concept of a wine emporium was pursued to showcase the locally produced wines. The proposal to permit the sale of other alcohol products does not fall within the scope and spirit of the objective of the approval granted.
- 2.4 Currently cuisine is the focus and overwhelming offering with limited exposure to the marketing of wine. The offering of other types of alcohol to clients has been motivated by the Appellant as a requirement for the ongoing success of the emporium. To permit the sale of other types of alcohol will contribute to erode the approved concept of a wine emporium and suggest that it will contribute to achieving higher visitor numbers.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 2.5 Due to the bias as a food emporium rather than a wine emporium, the resulting current clientele to the property is already considered high, with a resulting impact on traffic, access and parking. The existing access (MR27/DR1050) is considered substandard for the current operation of the wine emporium and cannot readily accommodate the existing traffic. Parking is also an increasing challenge as experienced over peak times. With no foreseen upgrading of the road infrastructure in the near future to address this matter, the existing traffic challenges will be aggravated.
- 2.6 From evidence provided it is evident that the existing provision for parking is already saturated. With the existing parking facilities already being inadequate for the current operation of the wine emporium, any approval that would result in higher visitor numbers will require even more parking. With the existing parking area that already occupies a large portion of the property with no bona fide agricultural activity, the expansion of the parking area that will be required, and the visual impact thereof, will further erode the rural character and be detrimental to the surrounding agricultural area.
- 2.7 The relatively small size of the property in relation to the existing large-scale development, and in light of the existing inadequate road infrastructure, does not provide scope for the extension of development rights. A piecemeal approach to increasingly erode the original concept of the wine emporium will result in the eventual and material wholesale change of the original approved concept of the wine emporium. This application is viewed to materially contribute towards a change of the approved concept in terms of the development rights.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 2.8 If it is the endeavour to pursue another type of tourist facility with a different operation, it will require different development rights associated with such qualified land uses. In such instance a proper application needs to be made to change the development rights on the property that would enable a different type of tourist facility to accommodate such array of land use activities, together with addressing the appropriate level of road infrastructure and mitigating measures of its impact in the rural context to accommodate such type of development.

SIGNATURE:  DATE: 4/9/24

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

APPENDIX 6



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND CONSENT USE: ERF 2797, STELLENBOSCH (LU/15859)

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
THE DECISION OF THE AUTHORISED DECISION MAKER ON 20 MARCH 2024 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW, THE APPLICATION FOR PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND CONSENT USE: ERF 2797, STELLENBOSCH (LU/15859)					

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 30 March 2024, approved, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the application for permission required in terms of the zoning scheme and consent use to permit a second dwelling unit on Erf 2797, Stellenbosch and the use the said dwelling unit as a commune for student accommodation.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3. An appeal was received on the 2nd of May 2024 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Mr. J. Lamprecht of Cluver Markotter Inc. (the appellant), on behalf Mr. J. C. J. Newman who is the owner of adjacent Erf 2796 (the objector). A copy of the same appeal signed by Mr. J. C. J. Newman was also received.
4. The applicant, represented by Mr. B. Simpson was afforded with the opportunity to comment on the appeal and responding comments on the appeal were submitted on the 23rd of May 2024.
5. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law to the Appellant and Applicant on the 11th of June 2024. No comments were received on the appeal assessment report.
6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the reports of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the approval of the Authorised Decision Maker dated 20 March 2024, in respect of the subject application on Erf 2797, Stellenbosch, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-law, 2023 on Erf 2797, Stellenbosch for:

- a) **Permission required in terms of the zoning scheme** in terms of Section 15(2)(g) for an additional use to construct a second dwelling unit; and
- b) **Consent use** in terms of Section 15(2)(o) to utilize the proposed second dwelling unit as a **commune** for student accommodation;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

- 2.1 The approval only applies to the proposed application under consideration, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 2.2 The development must be undertaken generally in accordance with the site plan as referenced **CCT-P-1913, REV-01, dated 13 December 2023 & 02 May 2023, and drawn by BBS Town and Regional Planning Consultant** and attached as **ANNEXURE B**.
- 2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 2.4 Building plans must be generally in accordance with the site plan as referenced **CCT-P-1913, REV-01, dated 13 December 2023 & 2 May 2023, and drawn by BBS Town and Regional Planning Consultant** and attached as **ANNEXURE B**.
- 2.5 A landscaping plan, indicating vegetation and garden space areas, be submitted with the building plans.
- 2.6 The residential character of the dwelling house shall not be altered in such a manner that, in the opinion of Council, may detract from the character of a dwelling house.
- 2.7 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 2.8 A maximum of five (5) persons may be accommodated in the commune.
- 2.9 No vehicles of the residents or visitors to the property may be parked in the street at any time;
- 2.10 The conditions imposed by **Manager: Electrical Services** as contained in their memo dated 03 October 2023, be complied with (see **ANNEXURE F**).
- 2.11 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 January 2024, be complied with (see **ANNEUXRE H**).



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

2.12 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme By-law and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

2.13 Owner to reside on the property.

3. The reasons for the above decision are as follow:

- 3.1 The proposal will result in a sensible increase in density which will have minimal impact on the amenities of the adjoining property owners.
- 3.2 The residential character of the area will not be impacted on by the proposed use as the primary use of the property will still be residential.
- 3.3 The proposal would also be of an appropriate scale that would relate to the surrounding townscape and land use character of the area.
- 3.4 Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area.
- 3.5 The proposal will not pose a traffic hazard.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3.6 The scale and bulk of the existing and proposed buildings can be accommodated within the Conventional Residential Zone development parameters applicable to the property and no departures are required.

4. Matters to be noted:

4.1 The consent use may be withdrawn in terms of Section 90(c) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 if any undue impacts results from this approval or if not complying with the conditions of approval.

SIGNATURE: _____

Gesie van Deventer

DATE: _____

21/8/2024

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 7



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING AND SUBDIVISION OF FARM NO. 527/7, STELLENBOSCH DIVISION - LU/15064 (TP228/2022)

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL ON 01 MARCH 2024 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, THE APPLICATION FOR REZONING AND SUBDIVISION OF FARM NO. 527/7, STELLENBOSCH DIVISION - LU/15064 (TP228/2022)					

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Municipal Planning Tribunal on 01 March 2024, approved, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, the application for rezoning and subdivision on Farm No. 527/7, Stellenbosch Division.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3. The Municipality received an appeal on the 10th of April 2024 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from, Leon Jubilius of AHG Town Planning (Pty) Ltd on behalf of Monica van Niekerk Trust, owner of various properties along Blakemore Street and Rovell Crescent, Jamestown.
4. The applicant, represented by Rudolf Schröder, submitted responding comments on the appeal on the 9th of May 2024.
5. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law to the Appellant and Applicant on the 10th of June 2024. It should be noted that there were no comments received on the appeal assessment report.
6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the approval of the Municipal Planning Tribunal dated 01 March 2024, in respect of the application for rezoning and subdivision of Farm No. 527/7, Stellenbosch Division, **BE DISMISSED** and that



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

the subject decision, **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

1.1 That the applications in terms Section 15(2) of the Stellenbosch Municipality Land Use Planning By-law on Farm No. 527/7, Stellenbosch Division for the following:

1.1.1 **Rezoning** in terms of Section 15(2)(a) of the said By-law from Agriculture and Rural Zone to Subdivisional area in order to allow for the following uses:

- (a) 274 Conventional Residential Zone (Single Residential housing) erven ($\pm 44\,291\text{ m}^2$),
- (b) 2 Public Open Space Zone erven ($\pm 699\text{ m}^2$),
- (c) 1 Community Zone erven ($\pm 577\text{ m}^2$),
- (d) 1 Transport Facility Zone (Transport Embayment) erven ($\pm 1929\text{ m}^2$),
- (e) Public Roads and Parking Zone erven (Public Roads) ($\pm 52\,069\text{ m}^2$),
- (f) Agriculture and Rural Zone (Remainder $\pm 49\,524\text{ m}^2$),

1.1.2 **Subdivision** in terms of Section 15(2)(d) of the said By-law in accordance with the subdivisional plan in order to allow the proposed development,



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval in terms of Section 66 of the said By-law.

1.2 The approval is subject to the following conditions of approval:

- 1.2.1 The approval applies only to the proposed development under consideration shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 1.2.2 The development be undertaken in accordance with the Subdivisional layout and phasing plan, Rev 3, drawn by CHH (Zutari Pty (Ltd)), dated 15/12/2023, attached as **Annexure C**.
- 1.2.3 A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.
- 1.2.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.2.5 New erf diagrams or general plans for the newly created land units be submitted to the municipality for clearance and record purposes.
- 1.2.6 A Street Naming and Numbering Plan be submitted and approved prior to the issuing of Section 28 Certification.
- 1.2.7 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:
 - a) Newly allocated erf numbers,
 - b) Co-ordinates,
 - c) Survey dimensions,
 - d) Street names and numbering.
- 1.2.8 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 1.2.9 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

- 1.2.10 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said By-law, which service agreement includes and complies with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 16 February 2024, attached as **Annexure J**.
- 1.2.11 The conditions imposed by the Western Cape: Transport Infrastructure as contained in their letter dated 27 February 2024, attached as **Annexure K**, be complied with.
- 1.2.12 The final SDP must consider the inclusion of functional recreation space and greening in support of a liveable environment.



1.3 **Matters to be noted:**

- 1.3.1 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 1.3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 1.3.3 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 1.3.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

1.4 **The reasons for the above decision are as follow:**

- 1.4.1 The subject property is located within the approved urban edge of Stellenbosch and Jamestown, and the proposed development is included in the Municipal Capital Expenditure Framework.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.4.2 The scale and nature of the proposed development will not compromise the existing character of the surrounding urban landscape considering that it will offer additional residential and community orientated opportunities in the area.
- 1.4.3 Provision has been made for the required infrastructure and there are sufficient services to support the proposal. Conditions of approval are imposed by the relevant road authorities to mitigate the traffic impact of the proposed development and its future phases.

SIGNATURE: Adv. Gesie van Deventer DATE: 8/8/2024

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 8



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE, DEPARTURE AND PERMISSION ON FARM NO. 528/5, STELLENBOSCH DIVISION - LU/14500.

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM		VARY	X	REVOKE	
THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL ON 20 MARCH 2024 TO PARTLY REFUSE AND PARTLY APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, THE APPLICATION FOR CONSENT USE, DEPARTURE AND PERMISSION ON FARM NO. 528/5, STELLENBOSCH DIVISION - LU/14500.					

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Municipal Planning Tribunal considered a suite of land use planning applications on Farm No. 528/5 in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law on 20 March 2024.
3. The following applications were **NOT APPROVED**:

3.1 Consent use application for tourist facilities, consisting of:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- (a) a new function / wedding venue / 68-seater chapel of 325 m²;
 - (b) the conversion of the existing second dwelling into a farm stall / shop of 96 m²; and
 - (c) a wellness centre / spa for the guests of 583 m².
- 3.2 Consent use application for a tourist accommodation establishment, consisting of three bedrooms in the second dwelling with a capacity of six guests; and
- 3.3 A permanent departure to permit the construction of a 2.1m high brick wall on the eastern boundary of the property adjacent to the R44 Road and to relax the building line from 5m to 0m in order to accommodate the new wellness centre / spa.

4. The following applications were **APPROVED**:

- 4.1 Consent use application for a tourist accommodation establishment consisting of twelve bedrooms with a capacity of 24 guests in the converted main dwelling and three bedrooms with a capacity of six guests in the converted manager's / additional dwelling;
- 4.2 Consent use for tourist facilities consisting of a restaurant limited to 90 m² and providing seating for 30 guests and an outdoor garden venue limited to 314 m² and providing seating and picnics to 110 guests; and
- 4.3 Consent use for occasional uses exceeding one event per year to permit a maximum of 24 events per calendar year for live music, art



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

exhibitions and functions not extending beyond 18:00 in the restaurant and outdoor garden venue.

5. An appeal was received from the Applicant on the 15th of April 2024 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from Dupré Lombaard of Viridus Works (Pty) Ltd, on behalf of the registered owner The Benedetto Trust.
6. The appeal was submitted against the refusal of applications listed in paragraph 3 above.
7. Responding comments on the appeal were submitted by the Stellenbosch Interest Group (SIG) on the 6th of May 2024 and Wilhelm Esterhuizen of Pieterhuizen Planning (Pty) Ltd on behalf of Bellevue Trust, the owner of adjacent Farm No. 528/4 on the 3rd of May 2024.
8. The appeal assessment report was submitted in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-Law to the Appellant and commenting parties on the 10th of June 2024. Dupré Lombaard of Viridus Works (Pty) Ltd, on behalf of the registered owner The Benedetto Trust submitted comments on the 13th of June 2024. No comments were submitted on the appeal assessment report by SIG and Wilhelm Esterhuizen of Pieterhuizen Planning (Pty) Ltd.
9. An oral hearing was requested by the Appellant and conducted on the 1st of August 2024 where both the Appellant and Objectors made representations on the appeal. A subsequent site inspection was held by the Appel Authority on 8 August 2024 with officials to view and familiarise herself with the layout of the property and location of the existing buildings.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

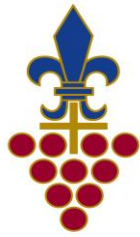
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

extent of existing developments.

10. In considering the appeal, all the relevant documents, which includes, but are not necessarily limited to, the original application and supporting documents and planning evaluation report, the appeal and the appeal evaluation report and submissions made by the parties on the appeal, and deliberations during the appeal hearing, were considered.
11. In considering the appeal, it is evident that the provisions of the Stellenbosch Zoning Scheme By-law, insofar as it relates to the zoning of the subject property, and the locational context of the subject property, which also falls within a Scenic Route Overlay Zone, is of paramount relevance.
12. The subject property was acquired with its zoning being for Agricultural and Rural Zone, and the subject property and area are also not earmarked for urban development or any other future alternative land use in accordance with the Municipal Spatial Development Framework.
13. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which were made by the relevant parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the decision of the Municipal Planning Tribunal dated 20 March 2024, in respect of the subject application on Farm No. 528/5, Stellenbosch Division, **BE DISMISSED**, and that the subject decision, insofar as the



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

conditions of approval, **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

1.1 That the applications made in terms of Stellenbosch Municipal Land Use Planning By-law, 2023, on Farm No. 528/5, Stellenbosch Division for the following:

1.1.1 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:

a) Tourist facilities to facilitate the following:

- i. New function/wedding venue (68-seater Chapel) (325 m²);
- ii. Convert the existing second dwelling into a Farm stall/shop (96 m²); and
- iii. Wellness centre/spa for the guests (583 m²);

b) Tourist Accommodation Establishment for three (3) bedrooms in the second dwelling with a capacity of six guests;

1.1.2 **Permanent Departure** in terms of Section 15 (2)(b) of the said by-law for the following:

- a) To construct a 2.1m high brick wall on eastern boundary of the property (adjacent to the R44 Road);
- b) To relax the building line from 5m to 0m in order to accommodate the new wellness centre/spa;



BE REFUSED in terms of Section 60 of the said By-law.

1.2 Reasons for the above decision:

- 1.2.1 The accumulative scale and form of the proposed uses that would result from permitting new buildings/structures, in addition to the existing building structures which are already significant for the size of the property, and its associated land uses, are not in keeping with the rural landscape as it will lead to the overdevelopment and crowdedness of non-agricultural land uses on an agricultural and rural zoned property that will not be subservient to the primary land use and farming activities.
- 1.2.2 The conversion of the second dwelling to provide guest accommodation will result therein that there is no residence on the property for the use of the owner or permanent resident involved in the agricultural activities on the subject property. The conversion of existing buildings to other uses can only be supported if these are no longer used, or suitable to be used in support of the primary uses of the subject property and if there are still adequate buildings remaining to cater for the primary uses of the subject property. The construction of any new primary use buildings to substitute converted existing primary use buildings to alternative non-primary uses are therefore either specifically prohibited in terms of the Zoning Scheme By-law, or unjustified as the converted primary use buildings were deemed to be no longer required to serve the primary uses of the subject property.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.2.3 The primary purpose of the Agricultural and Rural Zone is to protect and preserve agricultural land. The proposed use and overdevelopment of the subject property for non-agriculture related uses is not aligned with this purpose. The lack of buildings associated with and supporting the primary land use on the subject property further deteriorates the agricultural potential of the subject property.
- 1.2.4 The boundary fence / wall structure consist of a combination of masonry work and steel fencing which is specifically prohibited by the Zoning Scheme By-law on properties zoned Agricultural and Rural Zone and is not compatible with the rural character of the area or the objectives of the Scenic Route Overlay Zone and will detract from the rural character of the area and the scenic value of R44 Road.
- 1.2.5 No unique characteristics and considerations exist to view the subject property differently than the surrounding Agricultural and Rural Zone properties, and to justify or accommodate the extent of proposed development and associated new building structures.
- 1.2.6 The rural location and scenic route setting must be respected and protected from insensitive developments that detract from the provisions of the Zoning Scheme By-law and prevailing land use planning.
- 1.3 That the applications made in terms of Stellenbosch Municipal Land Use Planning By-law, 2023, on Farm No. 528/5 Stellenbosch Division for the following:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.3.1 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:

a) Tourist Accommodation Establishment for the following:

- i. Twelve (12) bedrooms with a capacity of 24 guests in the converted main dwelling;
- ii. Three (3) bedrooms with a capacity of six guests in the converted manager's / additional dwelling;

b) Tourist facilities to facilitate a:

- i. Restaurant limited to 90 m² providing seating for 30 guests; and
- ii. Outdoor garden venue limited to 314 m² providing seating and picnics to 110 guests;

c) Occasional uses exceeding one event per year to allow for a maximum of 24 events per calendar year on Farm No. 528/5 for live music, art exhibition and functions not extending beyond 18:00 in the restaurant and outdoor garden venue;

BE APPROVED in terms of Section 60 of the said by-law, subject to conditions in terms of Section 66 of the said By-law.

1.4 **Conditions of Approval:**

1.4.1 The approval only applies to the consent use application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.4.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme By-law, 2023 be submitted within 3 months to the Municipality and approved prior to the submission of any building plans, which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said By-law, any relevant matters relating to Section 16 (4) of the said By-law and specifically illustrate:

- a) that sufficient on-site parking is provided in accordance with the provisions of the subject Zoning Scheme By-law;
- b) that the boundary fence is provided in accordance with the provisions of the subject Zoning Scheme By-law;
- c) the area of the outdoor garden venue;
- d) areas and buildings used for agricultural activities;
- e) the building lines in terms of the Zoning Scheme By-law as well as Title Deed; and
- f) include appropriately labelled floor plans depicting all approved land uses as well as ancillary uses within the corresponding approved floor size limitations.

1.4.3 The enclosed gazebo in the garden be used only as an extended serving point of the Restaurant in the Tourist Accommodation Establishment to the outdoor garden venue and not be operated as a separate kitchen or restaurant.

1.4.4 No permanent structures be allowed in the outdoor garden venue except the existing enclosed gazebo.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- 1.4.5 An accurate register of events be kept and presented on request from an authorised official of the Municipality.
- 1.4.6 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 1.4.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said By-law, which service agreement includes and complies with the conditions related to the approval as imposed by the Directorate Infrastructure Services in their memo dated 17 January 2024, attached as **Annexure I**.
- 1.4.8 No directional, advertisement, or any other signage be erected without the prior approval of the competent authority and the Municipality.
- 1.4.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans, or as may be agreed on in writing with the Director Infrastructure Services.
- 1.4.10 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

- 1.4.11 All doors and windows must strictly be kept closed after 18:00 when the Restaurant makes use of amplified sound.
- 1.4.12 Building plans be submitted within three months after the approval of the Site Development Plan and approved by the Municipality for all existing unauthorised building structures as approved in this appeal decision on the land use application and as depicted on the site development plan to be approved, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 1.4.13 Building plans be submitted within three months after the approval of the Site Development Plan for all changes of use in the existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 1.4.14 The conditions related to the approval as imposed by the Western Cape Government: Transport Infrastructure contained in their letter dated 20 December 2023, attached as **Annexure G**, be complied with. Should revised comments be agreed in relation to the approval between the applicant and the commenting body, the said revised conditions be submitted to the Municipality with the Site Development Plan.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

1.4.15 That the approval, insofar as the structures that have been developed without prior authorisation to facilitate unauthorised land use activities which have already commenced, is subject to a contravention penalty in accordance with the approved tariffs of Council, which contravention penalty is payable within 30 days from date of the subject approval.

1.5 The reasons for the above decision:

1.5.1 The scale and nature of the proposed activities in the existing structures will not further compromise the rural character of the surrounding landscape.

1.5.2 The development proposal will be accommodated within existing structures and will consequently have no additional impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

1.5.3 The necessary mitigation is proposed to limit any noise or nuisance impact relating to scheduled events.

1.6 Matters to be noted:

1.6.1 Event permits be obtained for any events proposed on the subject property as prescribed in the relevant policy or by-law of the Municipality.

1.6.2 Should, after following due process -



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

- a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- b) The operational use of the tourist facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- c) The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-law (2023) to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

1.6.3 The delegated official to consider the permission required in terms of restrictive title deed condition clauses D (3) - (4) on page 2 of Title Deed No T18186/2016, to facilitate the approved land uses.

1.6.4 All other required approvals for the operation of the permitted land use activities must be obtained from the competent authority in order to comply with all legal requirements associated with this approval.

SIGNATURE

2024-08-15

DATE

Adv. Gesie van Deventer

EXECUTIVE MAYOR(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

9.1.3	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY – SEPTEMBER 2024]
-------	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 October 2024

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY - SEPTEMBER 2024]

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from July to September 2024 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council take note of the decisions by the Executive Mayor taken in consultation with the Mayoral committee meeting from July until September 2024.

6. DISCUSSION / CONTENTS

6.1 Background and discussion.

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

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

Council approved delegations to the Executive Mayor as per EM 12 of the Stellenbosch Municipality Systems of Delegations, and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 9.1.2 – Council meeting: 2024-07-30

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Appendix 1: Decisions taken by the Executive Mayor in the period July to September 2024 at Mayoral Committee meetings.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@ Stellenbosch.gov.za</u>
REPORT DATE	10 October 2024

APPENDIX 1

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
2024-07-24	7.3.2	APPLICATION FOR A LEASE AGREEMENT: PORTION OF ERF 6847 STELLENBOSCH (CLOETESVILLE POOL) FOR TELECOMMUNICATIONS BASE STATION	2024-07-24	RESOLVED (a) that Erf 6847 Stellenbosch be identified as land not needed to provide basic municipal services; (b) that the application of Helios Towers to lease the existing Telecommunication base station for the additional period of 4 years 11 months from be approved in principle, subject to Council advertising the intention for public input and comment after which it be returned to Council for a final decision; and (c) that the applicant continues to pay the current rent as per the ceded agreement for the current structure until a new agreement has been signed; and (d) that a market related rental be determined by a valuator prior to the item be returned to Council
2024-07-24	7.3.3	APPLICATION TO LEASE ON A PORTION OF FARM 527 STELLENBOSCH (JAMESTOWN CEMETERY) FOR TELECOMMUNICATIONS BASE STATION	2024-07-24	RESOLVED (a) that a portion of the remainder of Farm 527 Stellenbosch be identified as land not needed to provide basic municipal services; (b) that Helios Towers be allowed, in principle, to lease the existing Telecommunication base station for the additional period of 4 years 11 months subject to Council advertising the intention for public input and comment after which it be returned to Council for a final decision; (c) that the applicant continues to pay the current rent as per the ceded agreement for the current structure until a new agreement has been signed; and (d) that a market related rental be determined by a valuator prior to the item be returned to Council.
2024-07-24	7.3.4	APPLICATION TO LEASE PORTION OF ERF 748 FRANSCHHOEK FOR EXISTING TELECOMMUNICATIONS BASE STATION	2024-07-24	RESOLVED (a) that the application be approved on a month-to-month basis until the property is sold; (b) that the property be vacated after it is sold; and (c) if an eviction process and demolition process must be followed it will be for the account of the lessee.
2024-07-24	7.3.6	RETURN ITEM: RENEWAL OF LEASE	2024-07-24	RESOLVED

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

		AGREEMENT APPLICATION: USE OF COUNCIL-OWNED LAND FOR TELECOMMUNICATIONS BASE STATION ON ERF 46 LANQUEDOC (LANQUEDOC SPORTS GROUNDS)		<p>(a) that Council confirms that erf 46, Lanquedoc is identified as land not needed for the provision of basic municipal services;</p> <p>(b) that Council takes note that no comments / objections or alternative proposals were received on the Official Notice; and</p> <p>(c) that Helios Towers be allowed to lease the existing Telecommunication Base station for the additional period of 4 years and 11 months at a market related price.</p>
2024-07-24	7.3.7	PROPOSED LEASE AGREEMENT: ERF 1258 STELLENBOSCH (61 PLEIN STREET), COL'CACCHIO STELLENBOSCH	2024-07-24	<p>RESOLVED</p> <p>(a) that the application be not approved as it is in the entrance to throughfare; and</p> <p>(b) that the applicant may display a sign to indicate where they are if not well marked from Plein Street.</p>
2024-07-24	7.3.8	LEASE AGREEMENT APPLICATIONS: USE OF COUNCIL-OWNED LAND FOR PARKING PURPOSES: PORTION OF REMAINDER OF FARM 183 STELLENBOSCH (BOSMANS CROSSING)	2024-07-38	<p>RESOLVED</p> <p>(a) that the applications for the lease of current site is not supported and approved at this stage;</p> <p>(b) that this Matter be referred back to Administration for further investigation by the Planning department; and</p> <p>(c) Community services investigate the heritage site.</p>
2024-08-14	7.3.2	APPLICATION FOR LEASE OF MUNICIPAL LAND: A PORTION OF ERF 104 LA MOTTE	2024-08-14	<p>RESOLVED</p> <p>(a) that the portion of Erf 104 La Motte be identified as land not needed to provide the minimum basic municipal service;</p> <p>(b) that the application for the lease of a portion of Erf 104 La Motte be approved in principle for a period of three years for the running of a tuck shop; and</p> <p>(c) that market related monthly rental be paid the amount to be determined through a valuation.</p>
2024-08-14	7.3.4	PROPOSED LEASE AGREEMENT: ERF 1299 STELLENBOSCH	2024-08-14	RESOLVED

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

		(21 CHURCH STREET), BASIC BISTRO	<p>5.1. That the land (erf 1299) measuring approximately 10m² in extent, be identified as land not needed to provide the minimum level of basic municipal services during the period that the rights are awarded;</p> <p>5.2 That the application for outdoor dining be approved for an initial period of 3 years with the option of a renewal subject to the following conditions:</p> <p>5.2.1 That no permanent structure or deck be erected without the prior written consent of council, including approved building plans and approval from the Heritage Advisory Committee.</p> <p>5.2.2 A minimum of 1.5m (unobstructed walkway) be left open for pedestrian use, adjacent to the street kerb. Any deviations must be approved by the Municipal Manager on application.</p> <p>The impact of proposed outdoor dining on pedestrian movements, is subject to an assessment in terms of the Municipality's Sidewalk Accessibility Policy and the Municipal Manager is mandated to amend the layout and demarcation of the area when assessing applications.</p> <p>5.2.3 That a site development plan be submitted for approval which must address at least the following requirements:</p> <p>(a) Demarcation of the lease area relative to its abutting context with the street, the user property, and neighbouring properties. The demarcation of the outdoor dining area should where possible be demarcated by natural features like for example plants must be clearly demarcated as per the approved site development plan. The type of demarcation must be done in consultation with the Municipal Manager. If natural features such demarcation is not possible the demarcation must be indicated on the plan with lines and applicable measurements. A line indicating the area for outdoor dining may also be used. In the event that the outdoor dining spills over the demarcated area the furniture will be confiscated.</p> <p>(b) Indicate the accurate location of all existing infrastructure, landscaping features and street furniture. The layout of all furniture and features that will be used for the outdoor dining activity.</p> <p>5.2.4 Demarcation must be provided and maintained by the lessee.</p> <p>5.2.5 No advertising signs (including A- frames) to be placed on the sidewalk or displayed against the building without the prior approval of council the Municipal Manager or delegate and if such signs is displayed, it must be within the demarcated area. All signs displayed outside the demarcated area may be removed by law enforcement and outdoor dining furniture outside the demarcated area can be confiscated and repeated offences may result therein that the lease be cancelled forthwith after a 30-day notice period.</p> <p>5.2.6 All umbrellas to be used has to be at least 2.2m high.</p> <p>5.2.7 Any awnings will require pre-approval from council.</p> <p>5.2.8 Council is indemnified against all possible 3rd party claims.</p> <p>5.2.9 The municipality or other public service providers must not be prohibited from maintaining, repairing, upgrading and / or installing new public services within the leased area. For planned</p>
--	--	----------------------------------	--

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

				<p>maintenance and repairs, upgrades or new installations, the applicant will be provided with a 5-day written notice to remove all furniture for the municipality and any other public service provider to gain access. For emergency work the applicant will be required to remove everything immediately for the municipality or other public service providers to gain access.</p> <p>5.2.10 The municipality reserves the right to end the lease agreement when the need arises, i.e. when the leased area is required for municipal or other public services purposes or when the applicant refuses the municipality or other public service providers access if required.</p> <p>5.3 That the rental amount be determined by the Municipal Manager in terms of the approved tariffs and an escalation of CPI per annum applies;</p> <p>5.4 Where the lessee does not comply with the conditions attach to the lease within 30 days after receipt of the approval, the approval may be withdrawn, and the lease ended after a 30-day notice period. Such establishment will not be allowed to trade on Municipal Property until they comply and then re-apply for approval.</p> <p>5.5 The lease agreement with the municipality must be signed within 30 days after receipt of the letter of approval and the draft agreement.</p> <p>5.6 Where the lessee put furniture or signs outside the demarcated agreed areas such furniture and signs will be removed by Law Enforcement without further notice after a notice was served on the establishment.</p>
2024-08-14	7.3.5	<p>RETURN ITEM: RENEWAL OF LEASE AGREEMENT APPLICATION: USE OF COUNCIL-OWNED LAND FOR TELECOMMUNICATIONS BASE STATION ON THE REMAINDER OF ERF 2149 STELLENBOSCH</p>	2024-08-14	<p>RESOLVED</p> <p>(a) that the Executive Mayoral Committee takes note of the official notice that was published and that no comments, objections, or alternative proposals were received;</p> <p>(b) that the Executive Mayoral Committee approves the lease agreement for a period of 4 years 11 months from 1 September 2024; and</p> <p>(c) that the market related rental be determined by council's valuator after which the new agreement will be signed.</p>
2024-08-14	7.3.7	<p>PROPOSED LEASE AGREEMENT: ERF 1259 STELLENBOSCH (19 RYNEVELD</p>	2024-08-14	<p>RESOLVED</p> <p>(a) that the application is not approved as this is not a restaurant and the need for outdoor dining has not been motivated.</p> <p>(b) that applicants be informed to remove the illegal deck as the current structure was erected without approval and does not comply with the bylaw.</p>

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

		STREET), OLD SCHOOL BRAND																																																
2024-08-14	7.9.1	STELLENBOSCH LOCAL DRUG ACTION COMMITTEE APPOINTMENT	2024-08-14	<div><div>RESOLVED that the mandated and elected members of the Stellenbosch Local Drug Action Committee, formally be appointed by the Executive Mayor.</div><table><tr><th>Legislative Requirement</th><th>Name and Surname</th><th>Organisation</th><th>Service Type</th></tr><tr><td rowspan="2">Act 70 of 2008 60(3)(a)</td><td>Petdro George</td><td>DSD</td><td>Social Work Supervisor</td></tr><tr><td>Cameron Isaacs</td><td>WC Liquor Authority</td><td>Liquor License enforcement</td></tr><tr><td rowspan="2">Act 70 of 2008 60(3)(b)</td><td>Sgt Jason Rhoda</td><td>SAPS Stellenbosch</td><td>Social Crime Prevention</td></tr><tr><td>Sgt F Swartz</td><td>SAPS Cloetesville</td><td>Law Enforcement</td></tr><tr><td>Act 70 of 2008 60(3)(c)</td><td colspan="3">Attempts are in the process to request Mr A Jephtha from Franschhoek to avail himself.</td></tr><tr><td>Act 70 of 2008 60(3)(d)</td><td>Mandy Baartman</td><td>WCED</td><td>Educational Social Worker</td></tr><tr><td rowspan="5">Act 70 of 2008 60(3)(e)</td><td>Muriel Koopstad</td><td>ABBA Stellenbosch</td><td>Substance Abuse counselling and Prevention</td></tr><tr><td>Alison Crosbie</td><td>The Mudita Foundation</td><td>Substance Abuse Prevention</td></tr><tr><td>Johann von Wielligh</td><td>Hesketh King Treatment Centre</td><td>In patient Treatment Care</td></tr><tr><td>Russel Kinnear</td><td>De Novo Treatment Centre</td><td>In patient Treatment Care</td></tr><tr><td>Dr George Herman</td><td>Agnieszkas Haven Rehabilitation and Community Centre</td><td>In patient Treatment Care</td></tr><tr><td>Act 70 of 2008 60(3)(f)</td><td>Liesl Sassman</td><td>DoH</td><td>Hospital Social Worker</td></tr></table></div>	Legislative Requirement	Name and Surname	Organisation	Service Type	Act 70 of 2008 60(3)(a)	Petdro George	DSD	Social Work Supervisor	Cameron Isaacs	WC Liquor Authority	Liquor License enforcement	Act 70 of 2008 60(3)(b)	Sgt Jason Rhoda	SAPS Stellenbosch	Social Crime Prevention	Sgt F Swartz	SAPS Cloetesville	Law Enforcement	Act 70 of 2008 60(3)(c)	Attempts are in the process to request Mr A Jephtha from Franschhoek to avail himself.			Act 70 of 2008 60(3)(d)	Mandy Baartman	WCED	Educational Social Worker	Act 70 of 2008 60(3)(e)	Muriel Koopstad	ABBA Stellenbosch	Substance Abuse counselling and Prevention	Alison Crosbie	The Mudita Foundation	Substance Abuse Prevention	Johann von Wielligh	Hesketh King Treatment Centre	In patient Treatment Care	Russel Kinnear	De Novo Treatment Centre	In patient Treatment Care	Dr George Herman	Agnieszkas Haven Rehabilitation and Community Centre	In patient Treatment Care	Act 70 of 2008 60(3)(f)	Liesl Sassman	DoH	Hospital Social Worker
Legislative Requirement	Name and Surname	Organisation	Service Type																																															
Act 70 of 2008 60(3)(a)	Petdro George	DSD	Social Work Supervisor																																															
	Cameron Isaacs	WC Liquor Authority	Liquor License enforcement																																															
Act 70 of 2008 60(3)(b)	Sgt Jason Rhoda	SAPS Stellenbosch	Social Crime Prevention																																															
	Sgt F Swartz	SAPS Cloetesville	Law Enforcement																																															
Act 70 of 2008 60(3)(c)	Attempts are in the process to request Mr A Jephtha from Franschhoek to avail himself.																																																	
Act 70 of 2008 60(3)(d)	Mandy Baartman	WCED	Educational Social Worker																																															
Act 70 of 2008 60(3)(e)	Muriel Koopstad	ABBA Stellenbosch	Substance Abuse counselling and Prevention																																															
	Alison Crosbie	The Mudita Foundation	Substance Abuse Prevention																																															
	Johann von Wielligh	Hesketh King Treatment Centre	In patient Treatment Care																																															
	Russel Kinnear	De Novo Treatment Centre	In patient Treatment Care																																															
	Dr George Herman	Agnieszkas Haven Rehabilitation and Community Centre	In patient Treatment Care																																															
Act 70 of 2008 60(3)(f)	Liesl Sassman	DoH	Hospital Social Worker																																															

**MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY –
SEPTEMBER 2024**

					Act 70 of 2008 60(3)(g)	Attempts are in the process to nominate a legal liquor licence holder to join the LDAC.		
					Act 70 of 2008 60(3)(h)	Codie Cupido	DoJ/NPA	Court Preparation Prosecutor
					Act 70 of 2008 60(3)(i)	There are no traditional authorities registered in the WC.		
					Local Government	Zingani Tsefu	Stellenbosch Mun	Law Enforcement
						Officer Magwaza	Stellenbosch Mun	Law Enforcement – Neighbourhood Watches
						Deputy Chief Botha	Stellenbosch Mun	Traffic Services
						Priscilla Napoleon	Stellenbosch Mun	Community Development
					Faith Based Organisations	P Fray	True Vine Ministries	Faith Based
						Andre Pretorius	Kingdom Gang Movement	Faith Based
						Jolene Wade	Shofar Christian Church Franschhoek	Faith Based
					NGO's	Ronell Fritz	StellCare	Child and Family Services
						ACVV Stellenbosch HQ	Simone Hendricks- Wareley	Child and Family Services
						Elza Basson	ACVV Stellenbosch	Child and Family services
						Shereleen Layman	Care for Kids	Child Care
						Nathalie Skippers	Bergzicht Training	Skills Development
						Mervin Bailey	Cloetesville Senior Citizens	Community Organisation
						Nanine Steenkamp	Real Deal	Community Organisation
						Dino Boonzaaier	Making a Difference Development Centre	Community Organisation

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

2024-09-26	7.3.1	RETURN ITEM: APPLICATION FOR LEASE AGREEMENT: USE OF COUNCIL- OWNED LAND FOR TELECOMMUNICATIO NS BASE STATION ON FARM 1653 LA MOTTE	2024-09-26	RESOLVED (a) that the Executive Mayoral Committee takes note that no comments, objections or alternative proposals were received after the publication of the Official Notice; (b) that it is confirmed that the portion of Farm 1653 La Motte requested to lease be identified as land not needed to provide basic municipal services; (c) that the application to lease a portion of Farm 1653 La Motte for a new telecommunications tower be approved for 9 years 11 months; and (d) that the Municipal Manager be authorised to determine the market related rental after a valuator determine the fair market related rental.
2024-09-26	7.3.2	RETURN ITEM: PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK	2024-09-26	RESOLVED (a) that the Executive Mayoral Committee takes note of the Official Notice which was published in Die Burger and that no comment, input or alternative proposals were received; (b) 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; (c) that the Executive Mayor in consultation with the Executive Mayoral Committee approve the request for a lease agreement of 9 years 11 months; (d) that the Municipal Manager be authorised to determine the monthly rental payable as 10 % of the valuation report; (e) that the lease be subject to the club implementing empowerment projects for disadvantaged communities and children and proof thereof be submitted to Council on an annual basis.
2024-09-26	7.3.5	RETURN ITEM: PROPOSED LEASE AGREEMENT: ERF 1281 STELENBOSCH (cnr RYNEVELD AND CHURCH STREETS), MERAKE	2024-09-26	RESOLVED 5.1. That the Mayoral Committee takes note of the public participation process and that no comments, objections or alternative proposals were received; 5.2 That the land (erf 1281) measuring approximately 113m ² in extent, be identified as land not needed to provide the minimum level of basic municipal services during the period that the rights are awarded; 5.3 That the application for outdoor dining be approved for a further period of 5 years; 5.3.1 That no changes are made to the deck without the prior written consent of

MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE MAYOR / MAYORAL COMMITTEE: JULY – SEPTEMBER 2024

				<p>council, including approved building plans and approval from the Heritage Advisory Committee.</p> <p>5.3.2 A minimum of 1.5m (unobstructed walkway) be left open for pedestrian use, adjacent to the street kerb. The impact of proposed outdoor dining on pedestrian movements, is subject to an assessment in terms of the Municipality's Sidewalk Accessibility Policy and the Municipal Manager is mandated to amend the layout and demarcation of the area when assessing applications.</p> <p>5.3.3 Demarcation must be maintained by the lessee.</p> <p>5.3.4 No advertising signs (including A- frames) to be placed on the sidewalk or displayed against the building without the prior approval of council the Municipal Manager or delegate and if such signs is displayed, it must be within the demarcated area. All signs displayed outside the demarcated area may be removed by law enforcement and outdoor dining furniture outside the demarcated area can be confiscated and repeated offences may result therein that the lease be cancelled forthwith after a 30-day notice period.</p> <p>5.3.5 All umbrellas to be used has to be at least 2.2m high.</p> <p>5.3.6 Any awnings will require pre-approval from council.</p> <p>5.3.7 Council is indemnified against all possible 3rd party claims.</p> <p>5.3.8 The municipality or other public service providers must not be prohibited from maintaining, repairing, upgrading and / or installing new public services within the leased area. For planned maintenance and repairs, upgrades or new installations, the applicant will be provided with a 5-day written notice to remove all furniture for the municipality and any other public service provider to gain access. For emergency work the applicant will be required to remove everything immediately for the municipality or other public service providers to gain access.</p> <p>5.3.9 The municipality reserves the right to end the lease agreement when the need arises, i.e. when the leased area is required for municipal or other public services purposes or when the applicant refuses the municipality or other public service providers access if required.</p> <p>5.4 That the rental amount be determined as per the annual approved tariffs for outdoor dining.</p> <p>5.5 Where the lessee does not comply with the conditions attach to the lease within 30 days after receipt of the approval, the approval may be withdrawn and the lease ended after a 30-day notice period. Such establishment will not be allowed to trade on Municipal Property until they comply and then re-apply for approval.</p> <p>5.6 The lease agreement with the municipality must be signed within 30 days after receipt of the letter of approval and the draft agreement.</p> <p>5.7 Where the lessee put furniture or signs outside the demarcated agreed areas such furniture and signs will be removed by Law Enforcement without further notice after a notice was served on the establishment.</p>
--	--	--	--	---

9.1.4	REQUEST TO NOMINATE COUNCILLORS TO SERVE ON THE HOSPITAL FACILITY BOARD AND CLINIC COMMITTEES: AAN-HET-PAD CLINIC; CLOETESVILLE COMMUNITY DAY CENTRE; DON AND PAT BILTON CLINIC (JAMESTOWN); GROENDAL CLINIC; DIRKIE UYS STREET SATELLITE CLINIC; IDAS VALLEY CLINIC; KAYAMANDI CLINIC; KLAPMUTS CLINIC; KYLEMORE CLINIC
-------	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 October 2024

- SUBJECT: REQUEST TO NOMINATE COUNCILLORS TO SERVE ON THE HOSPITAL FACILITY BOARD AND CLINIC COMMITTEES: AAN-HET-PAD CLINIC; CLOETESVILLE COMMUNITY DAY CENTRE; DON AND PAT BILTON CLINIC (JAMESTOWN); GROENDAL CLINIC; DIRKIE UYS STREET SATELLITE CLINIC; IDAS VALLEY CLINIC; KAYAMANDI CLINIC; KLAPMUTS CLINIC; KYLEMORE CLINIC**

- PURPOSE**

To inform Council of the nomination of a councillor to serve on the Hospital Facility Board and the ward councillors to serve on the respective Clinic Committees.

- DELEGATED AUTHORITY**

Council delegated the “*nomination / appointment of councillors to represent the municipality at meetings, functions and on outside bodies, etc. or to open projects, events, facilities and new buildings, etc*” to the Executive Mayor.

- EXECUTIVE SUMMARY**

The Executive Mayor was requested to nominate a councillor to serve on the Hospital Facility Board and ward councillors to serve on the following clinic committees, namely Aan-Het-pad Clinic (Cloetesville), Cloetesville Community Day Centre (Tennantville), Don And Pat Bilton Clinic (Jamestown), Groendal Clinic (Groendal, Franschhoek), Dirkie Uys Street satellite Clinic (Franschhoek), Idas Valley Clinic (Idas Valley), Kayamandi Clinic (Kayamandi), Klapmuts Clinic (Klapmuts) and Kylemore Clinic (Kylemore).

With the Local Government elections on 1 November 2021, new ward councillors were elected. The new ward councillors had to replace the non-returning ward councillors on the clinic committees for the clinic situated in the respective wards. A request is also made for the nomination of a councillor to serve on the Hospital facility Board. The nominations was duely done on 28 January 2022.

A clinic committee is usually apointed for a period of 3 years. The last appointments were made on 28 Janaury 2022 and the three years are about to expiremand new Hospital Facility Boards and clinic commitees must be appointed. Here has also been changes in ward councillors after by e-lections in this period. The letter of request from the Community Outreach Officer, Ministry of Health, Western Cape Government is attached as **Appendix A**.

The Executive Mayor has made the following new nominations:

5. RECOMMENDATIONS

- (a) that Council notes the nomination of Cllr J Serdyn to serve on the Hospital Facility Board;
- (b) that Council notes the nomination of the following councillors to the respective Clinic Committees:
 - Aan-het-Pad Clinic (Cloetesville) – Cllr E Vermeulen;
 - Cloetesville Community Day Centre (Tennantville) – Cllr R du Toit;
 - Don And Pat Bilton Clinic (Jamestown) – Cllr M Slabbert;
 - Groendal Clinic – Cllr W Petersen;
 - Dirkie Uys Street Satellite Clinic – Cllr R Pheiffer;
 - Idas Valley Clinic – Cllr N Mcombring;
 - Kayamandi Clinic – Cllr E Masimini;
 - Klappmuts Clinic – Cllr JC Anthony;
 - Kylemore Clinic – Cllr R Adams
- (c) that the office of Western Cape Provincial Minister of Health and respective clinic committees be informed of the respective ward councillors that will serve on the respective clinic committees and the Hospital Facility Board, as per the request from the letter of the Community Liaison Officer, Cape Winelands District Office, Department of Health and Wellness.

6. DISCUSSION / CONTENTS**6.1 Background**

As per clauses 5(2)(b) and 6(1)(a) of the Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) each clinic committee needs to have a councillor appointed by the municipal council or a health-related committee of the municipal council. Clause 5 (2)(b) and 6(1)(a):

- 5.(1) *The Provincial Minister must appoint to a Board not more than 14 members, including—*
 - (2) *In addition to the members appointed in terms of subsection (1) the Provincial Minister may appoint to a Board—*
 - (b) *one or more councillors of the municipal council for the municipal area in which the hospital is situated, nominated by the municipal council or a health-related committee of the municipal council.*
- 6.(1) *The Provincial Minister must appoint to a Committee not more than 12 members, including—*
 - (a) *one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;*

The Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) is attached as **APPENDIX B**.

6.2 Discussion

A clinic committee is usually appointed for a period of 3 years. The last appointments were made on 28 January 2022. The Provincial Government requested that the new appointments be made (**APPENDIX A**).

Three years are about to lapse and new Hospital Facility Boards and clinic committees must be appointed.

The presence of the ward councillor is very crucial for the committee of the above-mentioned clinics as they hold the interest of the citizens at heart. It is also important for accountability. This initiative will build good relations between the Health Department and the municipality, as health is key in the development and deliverance of the IDP.

The role of serving on the respective committees does not have any remuneration.

6.3 **Financial Implications**

Recommendations are dealt with in terms of the approved budget. No additional costs will be incurred.

6.4 **Legal Implications**

Recommendations comply with approved delegations, legislation and Council policies.

6.5 **Staff Implications**

This report has no additional staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

Item 9.1.1 [2018-10-31]
Item 10.1.4 [2021-07-28]
Item 10.1.2 [2022-01-28]

6.7 **Risk Implications**

Addressed in the item.

6.8 **Comments from Senior Management:**

The report was not circulated for comment as the delegation lies with the Executive Mayor to nominate the councillors responsible for the wards where the respective clinics are situated.

ANNEXURES

Annexure A: The letter of request from the Western Cape Provincial Minister of Health as well as communication from the Community Outreach Officer, Ministry of Health, Western Cape Government.

Annexure B: The Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016)

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	17 October 2024

ANNEXURE A

Dear Mayor, Deputy Mayor and Speaker

NOMINATION OF CLINIC COMMITTEES AND HOSPITAL FACILITY BOARDS

WESTERN CAPE HEALTH FACILITY BOARDS AND COMMITTEES Act 4 of 2016

As per clauses 5(2)(b) and 6(1)(a) of the Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) each clinic committee and hospital facility board need to have a councilor appointed by the municipal council or a health-related committee of the municipal council. Clauses 6(1)(a) and 5(2)(b):

6. (1) The Provincial Minister must appoint to a Committee not more than 12 members, including—

(a) one or more councilors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;

5. (1) The Provincial Minister must appoint to a Board not more than 14 members, including—

(2) In addition to the members appointed in terms of subsection (1) the Provincial Minister may appoint to a Board—

(b) one or more councilors of the municipal council for the municipal area in which the hospital is situated, nominated by the municipal council or a health-related committee of the municipal council.

As such I am writing to you to request that your council or health portfolio committee submit a nomination for the below clinic committees:

- Stellenbosch Hospital Facility Board
- Aan-het-Pad Clinic
- Cloetesville CDC
- Don and Pat Bilton Clinic
- Dirkie Uys Street Satellite Clinic
- Groendal Clinic
- Kylemore Clinic
- Kayamandi Clinic
- Idas Valley Clinic

- Klapmuts Clinic

I have attached the Act, the nomination form and the clinic list.

Looking forward to your response.

Do not hesitate to contact me should you have any enquiries.

Kind Regards

Redah Cox

Community Liaison Officer

Cape Winelands District Office

Haarlem Street, Worcester, 6850

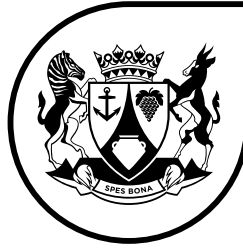
Tel: (+27) 23 348 8100

Cell: (+27) 83 631 1622

E-mail: redah.cox@westerncape.gov.za

Website: www.westerncape.gov.za WESTERN CAPE HEALTH FACILITY BOARDS AND COMMITTEES
Act 4 of 2016

ANNEXURE B



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

7648

Tuesday, 5 July 2016

**Buitengewone
Provinsiale Koerant**

7648

Dinsdag, 5 Julie 2016

**Isongezelelo
kwiGazethi yePhondo**

7648

Lwesibini, 5 Julayi 2016

Registered at the Post Office as a Newspaper

(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

**OFFICE OF THE PREMIER
OF THE PROVINCE OF THE
WESTERN CAPE**

P.N. 273/2016 5 July 2016

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 4 of 2016: Western Cape Health Facility Boards and Committees Act, 2016.

As 'n nuusblad by die Poskantoor geregistreer

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

**KANTOOR VAN DIE PREMIER
VAN DIE PROVINSIE
WES-KAAP**

P.K. 273/2016 5 Julie 2016

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 4 van 2016: Wes-Kaapse Wet op Rade en Komitees vir Gesondheidsfasiliteite, 2016.

Ibhaliswe ePosini njengePhephandaba

(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Wale Street, eKapa 8001.)

**I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI**

I.S. 273/2016 5 Julayi 2016

Kwenziwa isaziso apha sokuba iNkulumbuso yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala:—

Nomb 4 ka-2016: UMthetho weeKomiti kunye neeBhodi zaMaziko ezeMpilo weNtshona Koloni, 2016.

(English text signed by the Premier)
(Assented to 30 June 2016)

ACT

To provide for the establishment, functions and procedures of boards established for hospitals and committees established for primary health care facilities; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
 - “**auditor**” means a person registered as an auditor in terms of the Auditing Profession Act, 2005 (Act 26 of 2005); 5
 - “**Board**” means a board established in terms of section 4(1);
 - “**central hospital**” means a hospital designated as such by the national Minister under the National Health Act;
 - “**Committee**” means a committee established in terms of section 4(4); 10
 - “**Department**” means the provincial department responsible for health matters in the Province;
 - “**district health council**” means a district health council as defined in section 1 of the Western Cape District Health Councils Act, 2010 (Act 5 of 2010);
 - “**district health manager**” means a district health manager as defined in section 1 of the Western Cape District Health Councils Act, 2010; 15
 - “**existing central-hospital board**” means a board appointed under the Western Cape Health Facility Boards Act for a central hospital and existing immediately before the commencement of this Act;
 - “**Head of Department**” means the head of the provincial department responsible for health matters in the Province; 20
 - “**health facility**” means a hospital or primary health care facility;
 - “**hospital**” means a building, institution or place designated as a hospital by the Provincial Minister in terms of section 3;
 - “**member**” means a member of a Board or Committee, as the case may be; 25
 - “**National Health Act**” means the National Health Act, 2003 (Act 61 of 2003);
 - “**national Minister**” means the national Minister responsible for health matters;
 - “**prescribe**” means prescribe by regulation;
 - “**primary health care facility**” means a building, institution or place designated as a primary health care facility by the Provincial Minister in terms of section 3; 30
 - “**Province**” means the Province of the Western Cape;
 - “**Provincial Minister**” means the Provincial Minister responsible for health matters in the Province;
 - “**regulation**” means a regulation made under this Act;
 - “**representative central-hospital board**” means a board appointed by the national Minister under section 41(4) of the National Health Act; 35
 - “**this Act**” includes the regulations;
 - “**Western Cape Health Facility Boards Act**” means the Western Cape Health Facility Boards Act, 2001 (Act 7 of 2001).

Objects of Act

2. The objects of this Act are to provide for—
- (a) the establishment of representative and accountable Boards and Committees as statutory bodies;
 - (b) responsiveness of the management of health facilities to the community and the needs of patients and their families; 5
 - (c) community support for, and involvement in, health facilities and their programmes;
 - (d) a basic set of clearly defined functions for Boards and Committees, which may be incrementally expanded in the public interest as the capacity of a Board or Committee increases; and 10
 - (e) transitional provisions for existing central-hospital boards.

Designation of hospital or primary health care facility

3. (1) For the purposes of the establishment of a Board or Committee in terms of this Act, the Provincial Minister may designate as a hospital or primary health care facility any building, institution or place where persons receive treatment, diagnostic or therapeutic interventions or other health services. 15

(2) The Provincial Minister may so designate as a hospital or primary health care facility a building, institution or place that is administered by a municipality only with the concurrence of— 20

- (a) the Provincial Minister responsible for local government; and
- (b) the municipality concerned.

Establishment of Boards and Committees

4. (1) The Provincial Minister must establish a Board for each hospital or group of hospitals other than a central hospital or a group of central hospitals. 25

(2) Where a Board is established for a group of hospitals, the Provincial Minister must determine the group by having regard to—

- (a) the geographic distance between the hospitals;
- (b) the size and distribution of the population served by the hospitals; and
- (c) the service volumes of the hospitals. 30

(3) A Board is a juristic person and is capable of suing and being sued and holding property in its own name.

(4) The Provincial Minister must establish a Committee for—

- (a) every primary health care facility; or
- (b) a group of primary health care facilities, determined by the Provincial Minister. 35

(5) The criteria and process for the clustering of primary health care facilities in the case of a Committee appointed for a group of primary health care facilities may be prescribed by the Provincial Minister.

(6) A Committee is not a juristic person and is not capable of suing or being sued or holding property in its own name. 40

Appointment of members of Board

5. (1) The Provincial Minister must appoint to a Board not more than 14 members, including—

- (a) persons representing the community or communities served by the hospital for which the Board is established, nominated in terms of subsection (4); 45
- (b) at least one person with technical expertise in business, law, finance or accounting or some other area relevant to the functions of the Board;
- (c) the head of the hospital concerned or, in the case of a Board established for more than one hospital, at least one of the heads of those hospitals; 50
- (d) at least one person representing the clinical staff of the hospital concerned, nominated by the clinical staff of the hospital, but in the case of a Board established for more than one hospital it is not necessary for a person representing the clinical staff of every hospital concerned to be appointed;
- (e) at least one person representing the non-clinical staff of the hospital concerned, nominated by the non-clinical staff of the hospital, but in the case 55

- of a Board established for more than one hospital it is not necessary for a person representing the non-clinical staff of every hospital concerned to be appointed; and
- (f) in the case of a Board established for one or more hospitals where health professionals are trained, at least one person representing the academic interests of each hospital concerned, nominated by the Vice-Chancellor or Vice-Chancellors of the university or universities concerned. 5
- (2) In addition to the members appointed in terms of subsection (1) the Provincial Minister may appoint to a Board—
- (a) a member of the Provincial Parliament, nominated by the parliamentary committee concerned with health matters; and 10
- (b) one or more councillors of the municipal council for the municipal area in which the hospital is situated, nominated by the municipal council or a health-related committee of the municipal council.
- (3) The members appointed in terms of subsection (1)(a) must constitute at least fifty per cent of the total number of members of the Board. 15
- (4) The members referred to in subsection (1)(a) must be nominated by a body that, in the opinion of the Provincial Minister, is sufficiently representative of the interests of the community or communities concerned.
- (5) A body referred to in subsection (4)— 20
- (a) may not be a political party;
- (b) may be, but need not be, a—
- (i) community health committee or forum;
- (ii) community development forum;
- (iii) civic organisation; 25
- (iv) welfare organisation;
- (v) representative organisation of patients who use health services or health facilities;
- (vi) community-based organisation;
- (vii) non-governmental organisation; or 30
- (viii) representative organisation of children, women, the elderly, persons with disabilities or persons granted asylum.
- (6) The Provincial Minister must prescribe procedures for the invitation of nominations contemplated in subsections (1)(a) and (4).
- (7) Where nominations are required in terms of this section, all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made. 35
- (8) If the Provincial Minister receives no or insufficient nominations required in terms of this section, any suitably qualified person may be appointed a member from the relevant category stipulated in subsection (1) or (2). 40
- (9) The appointments to the Board must be made with racial and gender sensitivity and sensitivity to the elderly, the youth and persons with disabilities.

Appointment of members of Committee

6. (1) The Provincial Minister must appoint to a Committee not more than 12 members, including— 45
- (a) one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;
- (b) members of the community or communities served by the primary health care facility for which the Committee is established, nominated in terms of subsection (3); and 50
- (c) the head of the primary health care facility concerned or, in the case of a Committee appointed for more than one primary health care facility, a manager designated by the district health manager.
- (2) The members appointed in terms of subsection (1)(b) must constitute at least fifty per cent of the total number of members of the Committee. 55
- (3) The members referred to in subsection (1)(b) must be nominated by a body that—
- (a) in the opinion of the Provincial Minister, is sufficiently representative of the interests of the community or communities concerned;
- (b) is not a political party, but may be, yet need not be, a body referred to in section 5(5)(b). 60

(4) The Provincial Minister may prescribe procedures for the invitation of nominations contemplated in subsections (1)(b) and (3).

(5) Where nominations are required in terms of subsection (1)(b) and (3), all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made. 5

(6) If the Provincial Minister receives no or insufficient nominations required in terms of paragraph (b) of subsection (1), any suitably qualified persons may be appointed as members from the category stipulated in that paragraph.

(7) The appointments to the Committee must be made with racial and gender sensitivity and sensitivity to the elderly, the youth and persons with disabilities. 10

Eligibility for appointment as a member

7. (1) To be eligible for appointment as a member a person must—

- (a) be a South African citizen;
- (b) be older than 18 years;
- (c) not be an unrehabilitated insolvent; 15
- (d) not, at any time, have been convicted of—
 - (i) an offence for which he or she was sentenced to imprisonment without the option of a fine; or
 - (ii) theft, fraud, forgery, the uttering of a forged document, perjury, any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element, 20

whether in the Republic or elsewhere if the conduct constituting the offence would be an offence in the Republic;
- (e) demonstrate commitment to community service; 25
- (f) demonstrate support for the mission and values of the health facility concerned; and
- (g) demonstrate a high level of personal integrity and honesty.

Term of office of members

8. (1) Members are appointed for a period of three years. 30

(2) On the expiry of the term of office of a member, that member may remain in office until a successor has been appointed, but not for longer than six months.

(3) Subject to subsection (4), a member is eligible for reappointment to a Board or Committee at the expiry of his or her term of office.

(4) A member, other than a member appointed in terms of section 5(1)(c) or 6(1)(c), 35 may not serve on a Board or Committee for more than two consecutive terms.

(5) Despite subsection (4), a member who has served for two consecutive terms may be reappointed if, in the opinion of the Provincial Minister, exceptional circumstances exist for reappointment or, in the absence of exceptional circumstances, after an interval of not less than one year. 40

Vacancies

9. (1) The chairperson of a Board or Committee must immediately in writing declare an office on the Board or Committee vacant if a member—

- (a) dies;
- (b) submits his or her resignation from office in writing to the chairperson; 45
- (c) is declared insolvent by a court of the Republic;
- (d) is during his or her term of office convicted of—
 - (i) an offence and sentenced to imprisonment without the option of a fine; or
 - (ii) theft, fraud, forgery, the uttering of a forged document, perjury, any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element, 50

whether in the Republic or elsewhere if the conduct constituting the offence would be an offence in the Republic;
- (e) is absent without leave of the chairperson of the Board or Committee from 55 three consecutive ordinary meetings of the Board or Committee;
- (f) is suspended or removed from office under section 24(12)(b);

- (g) ceases to hold any office by virtue of which that member was appointed to the Board or Committee; or
- (h) fails to disclose to the Board or Committee any direct or indirect personal financial interest in a matter before the Board or Committee, and that member is present during, or participates in, the discussion of, or voting on, that matter. 5
- (2) If a member of a Board or Committee continuously disrupts meetings of the Board or Committee or fails to perform his or her duties in good faith or honestly, the Provincial Minister may initiate an investigation into the matter and, if sufficient grounds are found to exist, remove that member and declare his or her office vacant.
- (3) Within seven days of declaring an office vacant in terms of subsection (1), the chairperson must in writing inform the Provincial Minister of the vacancy. 10
- (4) On receipt of notice of a vacancy in terms of subsection (3), or on the removal of a member under subsection (2), the Provincial Minister must appoint another person to fill the vacancy for the unexpired period of office of the previous incumbent and, for the purposes of section 8(4), the unexpired period constitutes a term of office. 15
- (5) For the purposes of an appointment contemplated in subsection (4) the Provincial Minister must apply the same criteria used for the appointment of the vacating member.
- (6) In the event that a Board or a Committee fails to hold four meetings in a calendar year, the Provincial Minister may declare the Board or Committee concerned dysfunctional and appoint a new Board in terms of section 5 or a new Committee in terms of section 6. 20

Duties of Boards

- 10. (1) A Board must, in respect of each hospital for which it is established—
 - (a) participate in strategic planning with a view to advising the hospital management; 25
 - (b) monitor the performance, effectiveness and efficiency of the hospital and measures taken by the hospital management to improve the performance and quality of service of the hospital;
 - (c) take measures to ensure that the needs, concerns and complaints of patients and the community are properly addressed by the hospital management; 30
 - (d) foster community support for the hospital;
 - (e) encourage volunteers to offer their services in performing general duties for the hospital in accordance with the applicable policy on volunteers;
 - (f) request and review at least once a year the financial statements and annual financial statements of the hospital; 35
 - (g) raise funds for the functioning of the Board; and
 - (h) at reasonable times and in cooperation with the hospital management conduct scheduled visits to the hospital, without impeding its functioning, and provide constructive written feedback on such visits to the management.
- (2) A Board must take receipt of, administer and account for the funds raised by a Committee for which it is designated in terms of section 18(6) for the benefit of the primary health care facility concerned or the functioning of the Committee, in the manner prescribed by the Provincial Minister. 40

Powers of Boards

- 11. A Board may, in respect of a hospital for which it is established— 45
 - (a) advise and make recommendations to the Provincial Minister, the hospital management, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Board's functions;
 - (b) advise and make recommendations to the Provincial Minister or the municipality concerned, as the case may be, on the naming or renaming of the hospital or a part thereof, including a ward or theatre; 50
 - (c) obtain information it requires from the hospital management if the information does not violate the rights of a patient or staff member to privacy and confidentiality; 55
 - (d) request from the hospital management copies of routine progress reports that have been generated;
 - (e) conduct surveys, meetings and consultative workshops in the community or communities concerned;

- (f) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the hospital;
- (g) appoint staff on a contractual basis to serve the purposes of the Board;
- (h) donate funds or movable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets for the benefit of the hospital, in the manner prescribed by the Provincial Minister; and 5
- (i) raise and administer trust funds or Board funds for the purposes referred to in paragraph (g) or (h), or to give effect to any other provision of this Act. 10

Duties of Committees

12. A Committee must, in respect of each primary health care facility for which it is established—

- (a) request feedback on measures taken by the management of the primary health care facility to improve the quality of service at the facility; 15
- (b) assist the community to effectively communicate its needs, concerns and complaints to the management of the primary health care facility so that the needs, concerns and complaints can be appropriately addressed;
- (c) foster community support for the primary health care facility;
- (d) at reasonable times and in cooperation with the management of the primary health care facility conduct scheduled visits to the facility, without impeding its functioning, and provide constructive written feedback on such visits to the management; 20
- (e) encourage volunteers to offer their services in performing general duties in respect of the primary health care facility in accordance with the applicable policy on volunteers; and 25
- (f) provide constructive feedback to the management of the primary health care facility in order to enhance service delivery.

Powers of Committees

13. (1) A Committee may, in respect of a primary health care facility for which it is established— 30

- (a) conduct surveys, meetings and consultative workshops in the community or communities concerned;
- (b) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the primary health care facility; 35
- (c) advise and make recommendations to the Provincial Minister, the management of the primary health care facility, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Committee's functions; 40
- (d) obtain information it requires from the management of the primary health care facility if the information does not violate the rights of a patient or staff member to privacy and confidentiality;
- (e) request from the management of the primary health care facility copies of routine progress reports that have been generated; and 45
- (f) conduct fundraising activities for the benefit of the primary health care facility and the functioning of the Committee.

(2) All funds raised by a Committee—

- (a) must be paid to, administered by, and accounted for by, the Board designated by the Head of Department in terms of section 18(6), in the prescribed manner; 50
- (b) may be used only for the benefit of the primary health care facility or facilities concerned or for the functioning of the Committee.

(3) Moveable property donated to the Committee must be allocated on receipt to the primary health care facility concerned and must be accounted for by that facility in accordance with the asset and inventory management policies applicable to the facility. 55

Alteration of functions of Board or Committee

14. (1) Subject to subsection (4) and any other law, the Provincial Minister may in consultation with a Board or Committee authorise that Board or Committee to perform additional duties or exercise additional powers if the Provincial Minister has reason to believe that— 5

- (a) the Board or Committee has the capacity to perform those additional duties or exercise those additional powers; and
- (b) it would be in the public interest for the Board or Committee to do so.

(2) The Provincial Minister may after consultation with a Board or Committee revoke the authority given to that Board or Committee in terms of subsection (1) to perform an additional duty or exercise an additional power if the Provincial Minister has reason to believe that— 10

- (a) the Board or Committee no longer has the capacity to perform that additional duty or exercise that additional power; or
 - (b) it would be in the public interest for the Provincial Minister to do so. 15
- (3) The Provincial Minister may after consultation with a Board or Committee—
- (a) exempt that Board or Committee from performing a duty imposed by section 10 or 12; or
 - (b) revoke a power conferred on the Board or Committee by section 11 or 13. 20

(4) When exercising a power contemplated in subsection (1), (2) or (3), the Provincial Minister must act after consultation with the head or heads of the health facility or facilities concerned. 20

Performance of duties and exercise of powers

15. (1) In performing its duties or exercising its powers, a Board or Committee must act in accordance with the relevant and applicable laws and policy made by the national, provincial or local government. 25

(2) The Head of Department may request a Board or Committee to provide a quarterly report on its activities.

(3) The chairperson of a Board or Committee must, within two months of the end of each calendar year, submit a written report to the Provincial Minister on the activities of the Board or Committee during that year. 30

Measures for cooperation

16. (1) The Provincial Minister may take measures to ensure collaborative working relationships between Boards, Committees and district health councils.

(2) A Board or Committee must forge strong and cooperative relations with the management of the health facility it serves. 35

(3) The head of a health facility must—

- (a) take measures to assist the Board or Committee concerned to perform its duties and exercise its powers; and
- (b) forge strong and cooperative relations with the Board or Committee. 40

(4) If irreconcilable differences arise between the management of a health facility and the Board or Committee concerned, the Board or Committee or the head of the health facility may request mediation or arbitration by the Head of Department.

Chairperson and deputy chairperson

17. (1) A Board or Committee must, from among the members referred to in section 5(1)(a), 5(1)(b) or 6(1)(b), as the case may be, elect a chairperson and a deputy chairperson— 45

- (a) at its first meeting; and
- (b) subsequently, whenever either of those offices becomes vacant.

(2) An employee of the Department may not be the chairperson of a Board. 50

(3) The chairperson and the deputy chairperson are elected for the term of office of the member concerned.

(4) Within 14 days of the election of a chairperson or deputy chairperson in terms of subsection (1), the chairperson must notify the Head of Department in writing of the name and address of the office bearer concerned. 55

(5) When the chairperson is absent from a meeting of the Board or Committee or is not available, the deputy chairperson acts as chairperson.

(6) If both the chairperson and deputy chairperson are absent from a meeting of the Board or Committee, the members present must elect one of their number to act as chairperson for that meeting. 5

(7) The chairperson of a Board is the accounting officer for that Board and has the powers and duties prescribed by the Provincial Minister.

(8) The office of the chairperson or the deputy chairperson becomes vacant if the member concerned—

(a) resigns in writing; or 10

(b) is removed by a decision of the Board or Committee concerned.

General support

18. (1) The hospital for which a Board is established must provide a venue for the Board as well as secretarial, administrative and financial accounting support required by the Board. 15

(2) If a Board is established for more than one hospital, a venue and secretarial, administrative and financial accounting support required by the Board must be provided by one or more of the hospitals, as determined by—

(a) agreement between the heads of the hospitals concerned; or

(b) the Head of Department, in the absence of such agreement. 20

(3) Despite subsections (1) and (2), a Board may make alternative arrangements for the provision of a venue as well as secretarial, administrative and financial accounting support from its funds in the manner prescribed by the Provincial Minister.

(4) The primary health care facility or facilities for which a Committee is established must provide a venue for the Committee and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee. 25

(5) If a Committee is established for more than one primary health care facility, a venue and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee must be provided by one or more of the primary health care facilities, as determined by— 30

(a) agreement between the heads of the primary health care facilities concerned; or

(b) the Head of Department, in the absence of such agreement.

(6) The Head of Department must designate a Board for every Committee for the purposes of taking receipt of, administering and accounting for the funds raised by a Committee. 35

(7) A Board designated in terms of subsection (6) must receive, administer and account for the funds raised by the Committee in the manner prescribed.

(8) The Department must provide for the induction and training of members newly appointed to a first term of office and must provide additional training if considered necessary and appropriate. 40

Scheduling of meetings

19. (1) The Head of Department must determine the time and place for the first meeting of a Board or Committee.

(2) A Board or Committee must determine the time and place of subsequent ordinary meetings, which must take place at least once every three months and four times in a calendar year. 45

(3) The chairperson may at any time call a special meeting, and must do so if requested in writing by at least two members of the Board or Committee, as the case may be, and the chairperson is satisfied that the request is reasonable. 50

(4) The chairperson must notify members of the time, place and reason for a special meeting at least three working days in advance of the meeting, except where a shorter notice period is necessitated by the exceptional urgency of the circumstances.

(5) Notice of all meetings of a Board or Committee must be made public by the Board or Committee concerned. 55

Procedure at meetings

- 20.** (1) The procedure at a meeting of a Board or Committee must, in so far as it has not been prescribed, be determined by the Board or Committee.
- (2) A quorum of not less than one half of the members appointed in terms of section 5(1)(a) or 6(1)(b) and one half of the other members appointed in terms of section 5(1) and (2) or 6(1), as the case may be, must be present at a meeting at any time. 5
- (3) A decision of a Board or Committee should be by consensus, but in the absence of consensus the decision of a majority of the members present at the meeting is the decision of the Board or Committee.
- (4) In the event of an equality of votes on any matter, the chairperson at the meeting has a casting vote and a deliberative vote. 10
- (5) A Board may request or permit any person to participate in a meeting of the Board in an advisory capacity.
- (6) The chairperson must ensure that—
- (a) a proper record is kept of attendance at, minutes of, and resolutions adopted at, every meeting; and 15
- (b) a copy of a record referred to in paragraph (a), signed by the chairperson, is sent to the Head of Department if the Head of Department requests it.

Public attendance at meetings

- 21.** (1) Subject to subsection (2), all meetings of a Board or Committee are open to members of the public. 20
- (2) If a Board or Committee decides on reasonable grounds that members of the public should not be present at a meeting while a particular issue is being discussed, the chairperson must exclude the public from the meeting for the duration of that discussion.
- (3) A Board or Committee may use any reasonable means to inform members of the public of Board or Committee meetings. 25

Executive committee

- 22.** (1) A Board or Committee may appoint an executive committee composed of members of the Board or Committee, at least half of whom must be members appointed in terms of section 5(1)(a) in the case of a Board and section 6(1)(b) in the case of a Committee. 30
- (2) Subject to the directions of a Board or Committee and subsections (3) and (4), an executive committee may perform all the duties and exercise all the powers of the Board or Committee between meetings of the Board or Committee.
- (3) An executive committee does not have the power to review or alter a decision of the Board or Committee, except in so far as the Board or Committee directs otherwise. 35
- (4) Any action taken or decision made by an executive committee may at the first meeting of the Board or Committee following that action or decision be reviewed and altered by the Board or Committee, without prejudice to any person.

Specialist committees

40

- 23.** (1) A Board or Committee may appoint specialist committees consisting of members of the Board or Committee to perform certain duties or exercise certain powers on behalf of the Board or Committee.
- (2) Where executive power is delegated to a specialist committee, the mandate, terms of reference, procedure and quorums of the specialist committee must be agreed to and recorded by the Board or Committee. 45
- (3) A specialist committee of a Board may co-opt a person or persons not serving on the Board to serve on the specialist committee in an advisory capacity.
- (4) Any action taken or decision made by a specialist committee may, at the first meeting of the Board or Committee following that action or decision, be reviewed and altered by the Board or Committee, without prejudice to any person. 50

Raising and utilisation of Board funds

- 24.** (1) A Board may receive services, funds or property for the purpose of performing its functions.

(2) A Board may use funds, property or equipment belonging to it for the purpose of performing its functions.

(3) A Board may establish a trust for the benefit of a hospital served by it and may accept and administer a trust already established for the benefit of a hospital served by it.

(4) A Board must keep records of all funds received and spent by it and of its assets, liabilities and transactions.

(5) A Board must annually, within two months of the end of its financial year, submit to the Head of Department its financial statements for that year, compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(6) An auditor appointed by the Board must, subject to subsection (7), audit the records and annual financial statements of the Board and must submit an audit report to the Head of Department and the Board within two months of receipt of the statements referred to in subsection (5).

(7) The Provincial Minister may, after consultation with the Head of Department, determine that a Board is exempted from being audited.

(8) The Provincial Minister must consider the following when making a determination in terms of subsection (7):

- (a) whether the total asset value, including investments of the Board, exceeded R5 000 000 in the previous financial year, with such amount to be adjusted annually on 1 March in accordance with the consumer price index;
- (b) the financial statements of the Board in the previous financial year; and
- (c) whether the Board complied with its duties in terms of this Act in the previous financial year.

(9) Where the Provincial Minister has exempted a Board in terms of subsection (7), the Board must nevertheless submit to the Head of Department financial statements compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(10) The Provincial Minister may require a Board that has been exempted in terms of subsection (7) to be audited as set out in subsection (6).

(11) The financial year of a Board is a year ending on 31 March.

(12) If a Board fails to comply with subsection (5) or (9), or in the event of any financial mismanagement by a Board, the Provincial Minister may take reasonable remedial steps that he or she considers necessary, including—

- (a) the appointment of an administrator to administer the financial affairs or operational functions of the Board;
- (b) the suspension or removal of Board members from office; and
- (c) the alteration of the duties and powers of the Board, despite section 14.

(13) Before the Provincial Minister takes any remedial steps contemplated in subsection (12), the Head of Department must issue to the Board a compliance notice and copies thereof to its members setting out—

- (a) a description of the transgression constituting the non-compliance;
- (b) the steps that the Board is required to take and the period within which those steps must be taken to remedy the transgression; and
- (c) a notification to the Board that if it fails to take any steps referred to in paragraph (b), the Head of Department must refer the non-compliance to the Provincial Minister to take remedial steps in terms of subsection (12).

(14) If the Board complies with all the steps referred to in subsection (13)(b) within the period specified in the compliance notice, the Head of Department must notify the Board in writing of its compliance with the terms of the compliance notice.

(15) If the Board fails to comply with any or all of the steps referred to in subsection (13)(b) within the period specified in the compliance notice—

- (a) the Head of Department must, on expiry of the period specified in the compliance notice, notify the Provincial Minister in writing of the non-compliance or partial compliance by the Board; and
- (b) the Provincial Minister must within 30 days of receipt of a notification of non-compliance or partial compliance notify the Board in writing of its non-compliance or partial compliance with the terms of the compliance notice.

(16) The notice contemplated in subsection (15)(b) must state—

- (a) the proposed remedial steps to be taken in terms of subsection (12); and

- (b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed remedial steps.
- (17) On expiry of the 14 days contemplated in subsection (16)(b), whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including the partial compliance of the Board with the terms of the compliance notice and any written representations by the Board, take the proposed remedial steps. 5
- (18) If an administrator is appointed in terms of subsection (12)(a), he or she must—
- (a) within six months of his or her appointment, furnish the Head of Department with a report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board; 10
 - (b) thereafter, in consultation with the Head of Department, prepare a recovery plan for the Board; and
 - (c) upon completion of the implementation of the recovery plan, or failure to implement the recovery plan— 15
 - (i) if necessary, recommend to the Provincial Minister and Head of Department an extension of the recovery plan for a period not exceeding six months; or
 - (ii) furnish the Provincial Minister and Head of Department with a final report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board. 20
- (19) The Provincial Minister may, after consultation with the Head of Department and on receipt of the final report contemplated in subsection (18)(c)(ii), determine that—
- (a) the Board is capable of administering its own financial affairs; or 25
 - (b) the Board is capable of administering its own financial affairs with the assistance of an administrator appointed by the Provincial Minister on such further terms and conditions as determined by the Provincial Minister.
- (20) Before the Provincial Minister makes a determination in terms of subsection (19)(b), he or she must notify the Board in writing of his or her intention to make such a determination. 30
- (21) The notice contemplated in subsection (20) must state—
- (a) the determination that the Provincial Minister intends to make; and
 - (b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed determination. 35
- (22) On expiry of the 14 days contemplated in subsection (21)(b), whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including any representations by the Board, make the proposed determination. 40

Travelling and other allowances

- 25.** (1) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may from its funds reimburse a member of the Board appointed in terms of section 5(1)(a) and (b), an advisor in terms of section 20(5) or any person co-opted to serve on a specialist committee in terms of section 23(3) for— 45
- (a) transport expenses between that member's, advisor's or person's normal place of residence or business and the venue of a meeting of the Board or the specialist committee concerned; and
 - (b) travelling and subsistence expenses incurred as a result of attendance at conferences, seminars or training courses or other business of the Board, but in the case of conferences, seminars and training courses outside the Province, the Provincial Minister's prior written approval must be obtained. 50
- (2)(a) A Board may not compensate its members for time spent on Board business.
- (b) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may from its funds compensate an advisor in terms of section 20(5) or a person co-opted to serve on a specialist committee of the Board in terms of section 23(3) for time spent on Board business. 55
- (3)(a) A member of a Committee is not entitled to be compensated for time spent on Committee business. 60

(b) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may from its funds compensate a member of a Committee appointed in terms of section 6(1)(b) for transport expenses incurred as a result of attendance at meetings of the Committee.

(4) In the event that the Board has insufficient available funds, and subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may from its funds reimburse a member of a Board appointed in terms of sections 5(1)(a) or (b) for the transport expenses contemplated in subsection (1)(a). 5

Closure of health facility 10

26. (1) In the event of the closure of a health facility for which a Board or Committee has been established, the Head of Department must, at least three months prior to the closure and after consultation with that Board or Committee, instruct the Board or Committee in writing regarding—

- (a) in the case of a Board or Committee established only for that health facility, the intended closure of that facility and the dissolution of the Board or Committee and, in the case of a Board, any trust that may have been established by the Board; 15
- (b) in the case of a Board or Committee established for more than one health facility, any intended alteration of its composition necessitated by the closure of that facility; and 20
- (c) in the case of a Board established only for that health facility, the disposal of the assets and liabilities of the Board and any trust which may have been established by the Board.

(2) On the closure of a health facility referred to in subsection (1)(a), the Board or Committee serving that health facility and, in the case of a Board, any trust that may have been established by the Board are dissolved, and the Head of Department must, if necessary, take steps to give effect to the instructions contemplated in subsection (1)(c). 25

Limitation of liability of members

27. A member is not liable for anything done in good faith in the performance of a function in terms of this Act. 30

Regulations

28. (1) Subject to subsection (3), the Provincial Minister must make regulations regarding—

- (a) procedures for the nomination of members for appointment to Boards and Committees; 35
- (b) the financial governance of Boards;
- (c) the manner in which a Board may donate funds or other moveable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets for the benefit of the hospital; 40
- (d) the powers and duties of the chairperson of a Board or Committee;
- (e) the manner in which a Board may make arrangements for the provision of a venue, as well as secretarial, administrative and financial accounting support;
- (f) the manner in which a Committee must pay funds raised for the benefit of the primary health care facility and the functioning of the Committee to the Board designated by the Head of Department in terms of section 18(6); 45
- (g) the manner in which a Board designated in terms of section 18(6) must take receipt of, administer and account for the funds raised by a Committee;
- (h) travelling and other allowances payable in terms of this Act; 50
- (i) the establishment of trusts by Boards; and
- (j) the criteria and process for the clustering of primary health care facilities for the purposes of the establishment of a Committee for a group of primary health care facilities.

(2) Subject to subsection (3), the Provincial Minister may make regulations regarding— 55

- (a) procedures for meetings of a Board or Committee; and

- (b) any other matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

(3) In the case of regulations that have financial implications for the state, the Provincial Minister must make the regulations with the concurrence of the Provincial Minister responsible for finance.

5

Delegation

29. (1) The Provincial Minister may delegate or assign any of his or her powers or duties in terms of this Act, except the power to make regulations, to the Head of Department.

(2) The Head of Department may delegate or assign any of his or her powers or duties in terms of this Act to—

10

- (a) an employee in the Department; or
- (b) the holder of a specific office or position in the Department.

(3) Despite subsection (2), the Head of Department may not delegate a power or assign a duty to a member.

15

(4) A delegation or assignment referred to in subsection (1) or (2)—

- (a) must be in writing;
- (b) may be made subject to conditions;
- (c) may be withdrawn or amended in writing by the Provincial Minister or the Head of Department, as the case may be;
- (d) may permit the further delegation of that power or further assignment of that duty;
- (e) does not prevent the Provincial Minister or the Head of Department, as the case may be, from exercising that power or performing that duty; and
- (f) does not divest the Provincial Minister or the Head of Department, as the case may be, of the responsibility regarding the exercise of the delegated power or the performance of the assigned duty.

20

25

Transitional provisions in respect of central hospitals

30. (1) Despite the repeal of the Western Cape Health Facility Boards Act by this Act, an existing central-hospital board in the Province continues to function in accordance with the provisions of that Act until the national Minister has appointed a representative central-hospital board for the hospital concerned.

30

(2) Notwithstanding section 7 of the Western Cape Health Facility Boards Act, when the term of office of a member of an existing central-hospital board lapses prior to the appointment by the national Minister of a representative central-hospital board for the hospital concerned, that member may remain in office until the appointment has been made by the national Minister.

35

(3) On the appointment of a representative central-hospital board by the national Minister—

- (a) the assets and liabilities of the existing central-hospital board vest in the representative central-hospital board, on condition that the assets must be utilised by the representative central-hospital board for the benefit of that board or the central hospital it serves; and
- (b) the Provincial Minister may, after consultation with the existing central-hospital board, make a determination in writing regarding any matter that may be necessary to ensure the effective functioning of the representative central-hospital board.

40

45

Repeals and savings

31. (1) The Western Cape Health Facility Boards Act is repealed.

(2) Subject to section 30—

50

- (a) a Board established under section 5 of the Western Cape Health Facilities Board Act and in existence immediately before the commencement of this Act continues to function and is regarded as having been established under section 4(1) of this Act;
- (b) the juristic identity and the rights and obligations of such a Board are not affected by the repeal of that Act; and

55

- (c) any person holding an office in accordance with that Act immediately before the commencement of this Act continues in office for the term of that person's appointment and is regarded as duly appointed in terms of this Act for the unexpired portion of his or her term of office.

(3) Any proclamation, regulation, notice, order, authority, permission or document issued, promulgated, given or granted and any other action taken under the Western Cape Health Facility Boards Act is, if not inconsistent with this Act, deemed to have been issued, promulgated, given, granted or taken under this Act. 5

Short title and commencement

32. This Act is called the Western Cape Health Facility Boards and Committees Act, 2016, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 10

(Engelse teks deur die Premier geteken)
(Bekragtig op 30 Junie 2016)

WET

Om voorsiening te maak vir die instelling, werksaamhede en prosedures van rade wat vir hospitale ingestel is en komitees wat vir primêregesondheidsorg-fasiliteite ingestel is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - “**bestaande sentralehospitaal-raad**” ’n raad wat kragtens die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade vir ’n sentrale hospitaal aangestel is en onmiddellik voor die inwerkingtreding van hierdie Wet bestaan; 5
 - “**Departement**” die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;
 - “**Departementshoof**” die hoof van die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie; 10
 - “**distriksgesondheidsbestuurder**” ’n distriksgesondheidsbestuurder soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010 (Wet 5 van 2010);
 - “**distriksgesondheidsraad**” ’n distriksgesondheidsraad soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010; 15
 - “**gesondheidsfasiliteit**” ’n hospitaal of ’n primêregesondheidsorg-fasiliteit;
 - “**hierdie Wet**” ook die regulasies;
 - “**hospitaal**” ’n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as ’n hospitaal aangewys is; 20
 - “**Komitee**” ’n komitee wat ingevolge artikel 4(4) ingestel is;
 - “**lid**” ’n lid van ’n Raad of Komitee, na gelang van die geval;
 - “**Nasionale Gesondheidswet**” die “National Health Act, 2003” (Wet 61 van 2003);
 - “**nasionale Minister**” die nasionale Minister verantwoordelik vir gesondheidsaangeleenthede; 25
 - “**ouditeur**” ’n persoon geregistreer as ’n ouditeur ingevolge die “Auditing Profession Act, 2005” (Wet 26 van 2005);
 - “**primêregesondheidsorg-fasiliteit**” ’n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as ’n primêregesondheidsorg-fasiliteit aangewys is; 30
 - “**Provinsiale Minister**” die Provinsiale Minister verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;
 - “**Provinsie**” die Provinsie van die Wes-Kaap;
 - “**Raad**” ’n raad wat ingevolge artikel 4(1) ingestel is; 35
 - “**regulasie**” ’n regulasie wat kragtens hierdie Wet gemaak is;
 - “**sentrale hospitaal**” ’n hospitaal wat as sodanig aangewys is deur die nasionale Minister kragtens die Nasionale Gesondheidswet;
 - “**verteenwoordigende sentralehospitaal-raad**” ’n raad wat deur die nasionale Minister kragtens artikel 41(4) van die Nasionale Gesondheidswet aangestel is; 40
 - “**voorskryf**” voorskryf by regulasie;
 - “**Wes-Kaapse Wet op Gesondheidsfasiliteitsrade**” die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001 (Wet 7 van 2001).

Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om voorsiening te maak vir—
- (a) die instelling van verteenwoordigende en rekenpligtige Rade en Komitees as statutêre liggame;
 - (b) responsiwiteit van die bestuur van gesondheidsfasiliteite teenoor die 5
gemeenskap en die behoeftes van pasiënte en hul gesinne;
 - (c) gemeenskapsteun vir, en -betrokkenheid by, gesondheidsfasiliteite en hul programme;
 - (d) 'n basiese stel duidelik omskrewe werksaamhede vir Rade en Komitees, wat 10
toenemend uitgebrei kan word in die openbare belang namate die vermoë van 'n Raad of Komitee toeneem; en
 - (e) oorgangsbepalings vir bestaande sentralehospitaal-rade.

Aanwysing van hospitaal of primêregesondheidsorg-fasiliteit

3. (1) Met die doel van die instelling van 'n Raad of Komitee ingevolge hierdie Wet 15
kan die Provinsiale Minister enige gebou, inrigting of plek waar persone behandeling, diagnostiese of terapeutiese ingrypings of ander gesondheidsdienste ontvang, aanwys as 'n hospitaal of primêregesondheidsorg-fasiliteit.
- (2) Die Provinsiale Minister kan 'n gebou, inrigting of plek wat deur 'n munisipaliteit geadministreer word aldus aanwys as 'n hospitaal of primêregesondheidsorg-fasiliteit 20
slegs met die instemming van—
- (a) die Provinsiale Minister verantwoordelik vir plaaslike regering; en
 - (b) die betrokke munisipaliteit.

Instelling van Rade en Komitees

4. (1) Die Provinsiale Minister moet 'n Raad instel vir elke hospitaal of groep 25
hospitale behalwe 'n sentrale hospitaal of 'n groep sentrale hospitale.
- (2) Waar 'n Raad vir 'n groep hospitale ingestel word, moet die Provinsiale Minister die groep bepaal deur die volgende in ag te neem:
- (a) die geografiese afstand tussen die hospitale;
 - (b) die grootte en verspreiding van die bevolking wat deur die hospitale bedien 30
word; en
 - (c) die diensvolumes van die hospitale.
- (3) 'n Raad is 'n regspersoon en is bevoeg om te dagvaar en gedagvaar te word en eiendom in sy eie naam te besit.
- (4) Die Provinsiale Minister moet 'n Komitee instel vir—
- (a) elke primêregesondheidsorg-fasiliteit; of 35
 - (b) 'n groep primêregesondheidsorg-fasiliteite, bepaal deur die Provinsiale Minister.
- (5) Die maatstawwe en prosedures vir die groepering van primêregesondheidsorg-fasiliteite in die geval van 'n Komitee wat vir 'n groep primêregesondheidsorg-fasiliteite aangestel word, kan deur die Provinsiale Minister voorgeskryf word. 40
- (6) 'n Komitee is nie 'n regspersoon nie en is nie bevoeg om te dagvaar of gedagvaar te word of eiendom te besit nie.

Aanstelling van lede van Raad

5. (1) Die Provinsiale Minister moet hoogstens 14 lede in 'n Raad aanstel, met 45
inbegrip van—
- (a) persone wat die gemeenskap of gemeenskappe verteenwoordig wat bedien word deur die hospitaal waarvoor die Raad ingestel is, benoem ingevolge subartikel (4);
 - (b) minstens een persoon met tegniese kundigheid oor die sakewêreld, die reg, finansies of rekeningkunde of 'n ander vakgebied van toepassing op die 50
werksaamhede van die Raad;
 - (c) die hoof van die betrokke hospitaal of, in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, minstens een van die hoofde van daardie hospitale;
 - (d) minstens een persoon wat die kliniese personeel van die betrokke hospitaal 55
verteenwoordig, benoem deur die kliniese personeel van die hospitaal, maar in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, is dit nie

- nodig dat 'n persoon wat die kliniese personeel van elke betrokke hospitaal verteenwoordig, aangestel word nie;
- (e) minstens een persoon wat die niekliniese personeel van die betrokke hospitaal verteenwoordig, benoem deur die niekliniese personeel van die hospitaal, maar in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, is dit nie nodig dat 'n persoon wat die niekliniese personeel van elke betrokke hospitaal verteenwoordig, aangestel word nie; en 5
- (f) in die geval van 'n Raad wat vir een of meer hospitale ingestel is waar gesondheidsberoepslui opgelei word, minstens een persoon wat die akademiese belange van elke betrokke hospitaal verteenwoordig, benoem deur die Visekanselier of Visekanseliers van die betrokke universiteit of universiteite. 10
- (2) Buiten die lede aangestel ingevolge subartikel (1) kan die Provinsiale Minister die volgende persone in 'n Raad aanstel—
- (a) 'n lid van die Provinsiale Parlement, benoem deur die parlementêre komitee betrokke by gesondheidsaangeleenthede; en 15
- (b) een of meer raadslede van die munisipale raad vir die munisipale gebied waarin die hospitaal geleë is, benoem deur die munisipale raad of 'n gesondheidsverwante komitee van die munisipale raad.
- (3) Die lede wat ingevolge subartikel (1)(a) aangestel word, moet minstens vyftig persent van die totale getal lede van die Raad uitmaak. 20
- (4) Die lede bedoel in subartikel (1)(a) moet deur 'n liggaam benoem word wat, na die mening van die Provinsiale Minister, verteenwoordigend genoeg van die belange van die betrokke gemeenskap of gemeenskappe is.
- (5) 'n Liggaam bedoel in subartikel (4)— 25
- (a) mag nie 'n politieke party wees nie;
- (b) kan die volgende wees, maar hoef dit nie te wees nie:
- (i) 'n gemeenskapsgesondheidskomitee of -forum;
- (ii) 'n gemeenskapsontwikkelingsforum;
- (iii) 'n burgerlike organisasie; 30
- (iv) 'n welsynsorganisasie;
- (v) 'n verteenwoordigende organisasie van pasiënte wat gesondheidsdienste of gesondheidsfasiliteite gebruik;
- (vi) 'n gemeenskapsgebaseerde organisasie;
- (vii) 'n nieregeringsorganisasie; of 35
- (viii) 'n verteenwoordigende organisasie van kinders, vroue, bejaardes, persone met gestremdhede of persone aan wie asiel verleen is.
- (6) Die Provinsiale Minister moet prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)(a) en (4).
- (7) Waar benoemings ingevolge hierdie artikel vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word. 40
- (8) Indien die Provinsiale Minister geen, of nie die vereiste hoeveelheid, benoemings ingevolge hierdie artikel ontvang nie, kan enige toepaslik gekwalifiseerde persoon as 'n lid aangestel word uit die tersaaklike kategorie vermeld in subartikel (1) of (2). 45
- (9) Die aanstellings in 'n Raad moet gedoen word met ras- en geslagsensitiwiteit en sensitiwiteit teenoor bejaardes, die jeug en persone met gestremdhede.

Aanstelling van lede van Komitee

6. (1) Die Provinsiale Minister moet hoogstens 12 lede in 'n Komitee aanstel, met inbegrip van— 50
- (a) een of meer raadslede van die munisipale raad vir die munisipale gebied waarin die primêregesondheidsorg-fasiliteit geleë is, benoem deur die munisipale raad of 'n gesondheidsverwante komitee van die munisipale raad;
- (b) lede van die gemeenskap of gemeenskappe wat bedien word deur die primêregesondheidsorg-fasiliteit waarvoor die Komitee ingestel is, benoem ingevolge subartikel (3); 55
- (c) die hoof van die betrokke primêregesondheidsorg-fasiliteit of, in die geval van 'n Komitee wat vir meer as een primêregesondheidsorg-fasiliteit aangestel is, 'n bestuurder aangewys deur die distriksgesondheidsbestuurder.
- (2) Die lede wat ingevolge subartikel (1)(b) aangestel word, moet minstens vyftig persent van die totale getal lede van die Komitee uitmaak. 60

- (3) Die lede bedoel in subartikel (1)(b) moet deur 'n liggaam benoem word wat—
 (a) na die mening van die Provinsiale Minister, voldoende verteenwoordigend van die belange van die betrokke gemeenskap of gemeenskappe is;
 (b) nie 'n politieke party is nie, maar 'n liggaam bedoel in artikel 5(5)(b) kan wees, maar hoef nie te wees nie. 5
- (4) Die Provinsiale Minister kan prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)(b) en (3).
- (5) Waar benoemings ingevolge subartikel (1)(b) en (3) vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word. 10
- (6) Indien die Provinsiale Minister geen, of nie die vereiste hoeveelheid, benoemings ingevolge paragraaf (b) van subartikel (1) ontvang nie, kan enige toepaslik gekwalifiseerde persone as lede aangestel word uit die kategorie vermeld in daardie paragraaf.
- (7) Die aanstellings in die Komitee moet gedoen word met ras- en geslagsensitiwiteit 15 en sensitiwiteit teenoor bejaardes, die jeug en persone met gestremdhede.

Benoembaarheid vir aanstelling as 'n lid

7. (1) Om vir aanstelling as 'n lid te kwalifiseer, moet 'n persoon—
 (a) 'n Suid-Afrikaanse burger wees;
 (b) ouer as 18 jaar wees; 20
 (c) nie 'n ongerehabiliteerde insolvent wees nie;
 (d) nie, te eniger tyd, skuldig bevind gewees het nie aan—
 (i) 'n oortreding waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is; of
 (ii) diefstal, bedrog, vervalsing, die in omloop bring van 'n vervalste 25 dokument, meened, enige misdryf ingevolge die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet 12 van 2004), of enige misdryf waarvan oneerlikheid 'n element is, hetsy in die Republiek of elders indien die optrede wat die oortreding uitmaak 'n oortreding in die Republiek sal wees; 30
 (e) toewyding tot gemeenskapsdiens toon;
 (f) steun vir die missie en waardes van die betrokke gesondheidsfasiliteit toon; en
 (g) 'n hoë vlak van persoonlike integriteit en eerlikheid toon.

Ampstermyn van lede

8. (1) Lede word vir 'n tydperk van drie jaar aangestel. 35
 (2) By verstryking van die ampstermyn van 'n lid, kan daardie lid in die amp bly totdat 'n opvolger aangestel is, maar nie vir langer as ses maande nie.
 (3) Behoudens subartikel (4) is 'n lid by verstryking van sy of haar ampstermyn heraanstelbaar in 'n Raad of Komitee.
 (4) 'n Lid, behalwe 'n lid wat ingevolge artikel 5(1)(c) of 6(1)(c) aangestel is, mag nie 40 vir langer as twee opeenvolgende termyne in 'n Raad of Komitee dien nie.
 (5) Ondanks subartikel (4) kan 'n lid wat vir twee opeenvolgende termyne gedien het, heraanstellings word indien daar, na die mening van die Provinsiale Minister, buitengewone omstandighede vir heraanstelling bestaan of, in die afwesigheid van buitengewone omstandighede, na 'n onderbreking van nie minder as een jaar nie. 45

Vakatures

9. (1) Die voorsitter van 'n Raad of Komitee moet 'n amp in die Raad of Komitee onmiddellik op skrif vakant verklaar indien 'n lid—
 (a) sterf;
 (b) sy of haar bedanking uit die amp skriftelik by die voorsitter indien; 50
 (c) insolvent verklaar word deur 'n hof van die Republiek;
 (d) gedurende sy of haar ampstermyn skuldig bevind word aan—
 (i) 'n oortreding en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete; of
 (ii) diefstal, bedrog, vervalsing, die in omloop bring van 'n vervalste 55 dokument, meened, enige misdryf ingevolge die Wet op die Voorkoming

- en Bestryding van Korrupte Bedrywighede, 2004 (Wet 12 van 2004), of enige misdryf waarvan oneerlikheid 'n element is, hetsy in die Republiek of elders indien die optrede wat die oortreding uitmaak 'n oortreding in die Republiek sal wees;
- (e) sonder verlof van die voorsitter van die Raad of Komitee afwesig is van drie opeenvolgende gewone vergaderings van die Raad of Komitee; 5
 - (f) geskors of uit die amp verwyder is kragtens artikel 24(12)(b);
 - (g) ophou om enige amp te beklee uit hoofde waarvan daardie lid in die Raad of Komitee aangestel is; of
 - (h) versuim om aan die Raad of Komitee enige direkte of indirekte persoonlike finansiële belang in 'n aangeleentheid voor die Raad of Komitee bekend te maak, en daardie lid teenwoordig is gedurende, of deelneem aan, die bespreking van of stemmery oor, daardie aangeleentheid. 10
- (2) Indien 'n lid van 'n Raad of Komitee voortdurend vergaderings van die Raad of Komitee ontwrig of versuim om sy of haar pligte te goeder trou of eerlik uit te voer, kan die Provinsiale Minister 'n ondersoek instel na die aangeleentheid en, indien daar voldoende gronde gevind word, daardie lid uit sy of haar amp verwyder en sy of haar amp vakant verklaar. 15
- (3) Die voorsitter moet binne sewe dae vandat 'n amp ingevolge subartikel (1) vakant verklaar is die Provinsiale Minister skriftelik van die vakature in kennis stel. 20
- (4) By ontvangs van kennisgewing van 'n vakature ingevolge subartikel (3) of by die verwydering van 'n lid kragtens subartikel (2) moet die Provinsiale Minister 'n ander persoon aanstel om die vakature te vul vir die onverstreke ampstermyn van die vorige ampsbekleër en, vir die toepassing van artikel 8(4), maak die onverstreke termyn 'n ampstermyn uit. 25
- (5) Vir 'n aanstelling beoog in subartikel (4) moet die Provinsiale Minister dieselfde maatstawwe toepas wat vir die aanstelling van die uittredende lid gebruik is.
- (6) In die geval dat 'n Raad of 'n Komitee versuim om vier vergaderings in 'n kalenderjaar te hou, kan die Provinsiale Minister die betrokke Raad of Komitee wanfunksioneel verklaar en 'n nuwe Raad ingevolge artikel 5 of 'n nuwe Komitee ingevolge artikel 6 aanstel. 30

Pligte van Rade

10. (1) 'n Raad moet, ten opsigte van elke hospitaal waarvoor hy ingestel is—
- (a) deelneem aan strategiese beplanning met die doel om die hospitaalbestuur van raad te bedien; 35
 - (b) die prestasie, doeltreffendheid en doelmatigheid van die hospitaal en maatreëls wat deur die hospitaalbestuur getref word om die prestasie en gehalte van diens van die hospitaal te verbeter, monitor;
 - (c) maatreëls tref om toe te sien dat die behoeftes, kwellinge en klagtes van pasiënte en die gemeenskap behoorlik deur die hospitaalbestuur aangepak word; 40
 - (d) gemeenskapsteun vir die hospitaal bevorder;
 - (e) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte vir die hospitaal uit te voer ooreenkomstig die toepaslike beleid oor vrywilligers;
 - (f) minstens een keer 'n jaar die finansiële state en jaarlikse finansiële state van die hospitaal aanvra en hersien; 45
 - (g) fondse vir die funksionering van die Raad insamel; en
 - (h) op redelike tye en in samewerking met die hospitaalbestuur, geskeduleerde besoeke aan die hospitaal aflê, sonder om die funksionering daarvan te belemmer, en konstruktiewe skriftelike terugvoering oor sodanige besoeke aan die bestuur verskaf. 50
- (2) 'n Raad moet fondse ingesamel deur 'n Komitee waarvoor hy ingevolge artikel 18(6) aangewys is tot voordeel van die betrokke primêregesondheidsorg-fasiliteit of die funksionering van die Komitee in ontvangs neem, administreer en van rekenskap gee, op die wyse voorgeskryf deur die Provinsiale Minister. 55

Bevoegdhede van Rade

11. 'n Raad kan, ten opsigte van 'n hospitaal waarvoor hy ingestel is—
- (a) raad gee en aanbevelings maak aan die Provinsiale Minister, die hospitaalbestuur, die Departementshoof of die betrokke munisipaliteit, na

- gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Raad se werksaamhede verband hou;
- (b) raad gee en aanbevelings maak aan die Provinsiale Minister of die betrokke munisipaliteit, na gelang van die geval, oor die benaming of herbenaming van die hospitaal of 'n deel daarvan, met inbegrip van 'n saal of teater; 5
 - (c) inligting bekom wat hy van die hospitaalbestuur benodig, indien die inligting nie die regte van 'n pasiënt of personeellid tot privaatheid en vertroulikheid skend nie;
 - (d) afskrifte van gegenerende roetine-vorderingsverslae by die hospitaalbestuur aanvra; 10
 - (e) opnames, vergaderings en raadplegende werksinkels in die betrokke gemeenskap of gemeenskappe hou;
 - (f) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleide, strategieë, behoeftes en finansiële status van die hospitaal; 15
 - (g) personeel op kontrak aanstel om die doeleindes van die Raad te dien;
 - (h) fondse of roerende eiendom skenk vir die verskaffing, verbetering of uitbreiding van dienste en geriewe, of fondse skenk vir die verkryging van roerende of onroerende bates tot voordeel van die hospitaal, op die wyse voorgeskryf deur die Provinsiale Minister; en 20
 - (i) trustfondse of Raadfondse insamel en administreer vir die doeleindes bedoel in paragraaf (g) of (h), of om uitvoering te gee aan enige ander bepaling van hierdie Wet.

Pligte van Komitees

- 12.** 'n Komitee moet, ten opsigte van elke primêregesondheidsorg-fasiliteit waarvoor hy ingestel is— 25
- (a) terugvoering versoek oor maatreëls wat deur die bestuur van die primêregesondheidsorg-fasiliteit getref is om die gehalte van diens by die fasiliteit te verbeter;
 - (b) die gemeenskap bystaan om sy behoeftes, kwellinge en klagtes doeltreffend aan die bestuur van die primêregesondheidsorg-fasiliteit te kommunikeer sodat die behoeftes, kwellinge en klagtes toepaslik aangepak kan word; 30
 - (c) gemeenskapsteun vir die primêregesondheidsorg-fasiliteit bevorder;
 - (d) op redelike tye en in samewerking met die bestuur van die primêregesondheidsorg-fasiliteit geskeduleerde besoeke aan die fasiliteit aflê, sonder om die funksionering daarvan te belemmer, en konstruktiewe skriftelike terugvoer op sodanige besoeke aan die bestuur verskaf; 35
 - (e) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte uit te voer ten opsigte van die primêregesondheidsorg-fasiliteit ooreenkomstig die toepaslike beleid oor vrywilligers; en 40
 - (f) konstruktiewe terugvoer verskaf aan die bestuur van die primêregesondheidsorg-fasiliteit ten einde dienslewering te verbeter.

Bevoegdhede van Komitees

- 13.** (1) 'n Komitee kan, ten opsigte van 'n primêregesondheidsorg-fasiliteit waarvoor hy ingestel is— 45
- (a) opnames maak en vergaderings en raadplegende werksinkels in die betrokke gemeenskap of gemeenskappe hou;
 - (b) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleide, strategieë, behoeftes en finansiële status van die primêregesondheidsorg-fasiliteit; 50
 - (c) raad gee en aanbevelings maak aan die Provinsiale Minister, die bestuur van die primêregesondheidsorg-fasiliteit, die Departementshoof of die betrokke munisipaliteit, na gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Komitee se werksaamhede verband hou;
 - (d) inligting bekom wat hy van die bestuur van die primêregesondheidsorg-fasiliteit benodig indien die inligting nie die regte van 'n pasiënt of personeellid tot privaatheid en vertroulikheid skend nie; 55
 - (e) afskrifte van gegenerende roetine-vorderingsverslae by die bestuur van die primêregesondheidsorg-fasiliteit aanvra; en

- (f) fondsinsamelingsbedrywighede tot voordeel van die primêregesondheidsorg-fasiliteit en die funksionering van die Komitee hou.
- (2) Alle fondse wat deur 'n Komitee ingesamel is—
 - (a) moet betaal word aan, en geadministreer word en van rekenskap gegee word deur, die Raad wat ingevolge artikel 18(6) deur die Departementshoof aangewys is, op die voorgeskrewe wyse;
 - (b) kan gebruik word slegs tot voordeel van die betrokke primêregesondheidsorg-fasiliteit of -fasiliteite of vir die funksionering van die Komitee.
- (3) Roerende eiendom wat aan die Komitee geskenk is, moet by ontvangs aan die betrokke primêregesondheidsorg-fasiliteit toegewys word, en die fasiliteit moet daarvan rekenskap gee ooreenkomstig die bate- en inventarisbestuursbeleid van toepassing op die fasiliteit.

Verandering van werksaamhede van Raad of Komitee

- 14.** (1) Behoudens subartikel (4) en enige ander wet kan die Provinsiale Minister in oorleg met 'n Raad of Komitee daardie Raad of Komitee magtig om bykomende pligte uit te voer of bykomende bevoegdhede uit te oefen indien die Provinsiale Minister rede het om te glo dat—
- (a) die Raad of Komitee die vermoë het om daardie bykomende pligte uit te voer of daardie bykomende bevoegdhede uit te oefen; en
 - (b) dit in die openbare belang sal wees vir die Raad of Komitee om dit te doen.
- (2) Die Provinsiale Minister kan na oorleg met 'n Raad of Komitee die gesag wat ingevolge subartikel (1) aan daardie Raad of Komitee gegee is om 'n bykomende plig uit te voer of 'n bykomende bevoegdheid uit te oefen, intrek indien die Provinsiale Minister rede het om te glo dat—
- (a) die Raad of Komitee nie meer die vermoë het om daardie bykomende plig uit te voer of daardie bykomende bevoegdheid uit te oefen nie; of
 - (b) dit in die openbare belang sal wees vir die Provinsiale Minister om dit te doen.
- (3) Die Provinsiale Minister kan na oorleg met 'n Raad of Komitee—
- (a) daardie Raad of Komitee vrystel van die uitvoering van 'n plig wat by artikel 10 of 12 opgelê is; of
 - (b) 'n bevoegdheid intrek wat by artikel 11 of 13 aan die Raad of Komitee verleen is.
- (4) Wanneer die Provinsiale Minister 'n bevoegdheid beoog in subartikel (1), (2) of (3) uitoefen, moet die Provinsiale Minister na oorleg met die hoof of hoofde van die betrokke gesondheidsfasiliteit of -fasiliteite handel.

Uitvoering van pligte en uitoefening van bevoegdhede

- 15.** (1) By die uitvoering van sy pligte of uitoefening van sy bevoegdhede moet 'n Raad of Komitee handel ooreenkomstig die tersaaklike en toepaslike wette en beleid wat deur die nasionale, provinsiale of plaaslike regering gemaak is.
- (2) Die Departementshoof kan 'n Raad of Komitee versoek om 'n kwartaallikse verslag van sy bedrywighede te verskaf.
- (3) Die voorsitter van 'n Raad of Komitee moet binne twee maande voor die einde van elke kalenderjaar 'n skriftelik verslag by die Provinsiale Minister indien oor die bedrywighede van die Raad of Komitee gedurende daardie jaar.

Maatreëls vir samewerking

- 16.** (1) Die Provinsiale Minister kan maatreëls tref om samewerkende werksbetrekkinge tussen Rade, Komitees en distriksgesondheidsrade te verseker.
- (2) 'n Raad of Komitee moet sterk en samewerkende betrekkinge smee met die bestuur van die gesondheidsfasiliteit wat hy bedien.
- (3) Die hoof van 'n gesondheidsfasiliteit moet—
- (a) maatreëls tref om die Raad of Komitee by te staan in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede; en
 - (b) sterk en samewerkende betrekkinge met die Raad of Komitee smee.
- (4) Indien onversoenlike verskille tussen die bestuur van 'n gesondheidsfasiliteit en die betrokke Raad of Komitee ontstaan, kan die Raad of Komitee of die hoof van die gesondheidsfasiliteit bemiddeling of arbitrasie deur die Departementshoof aanvra.

Voorsitter en ondervoorsitter

- 17.** (1) 'n Raad of Komitee moet, vanuit die lede bedoel in artikel 5(1)(a), 5(1)(b) of 6(1)(b), na gelang van die geval, 'n voorsitter en 'n ondervoorsitter verkies—
- (a) by sy eerste vergadering; en
 - (b) daarna, wanneer ook al die een of die ander amp vakant word. 5
- (2) 'n Werknemer van die Departement mag nie die voorsitter van 'n Raad wees nie.
- (3) Die voorsitter en die ondervoorsitter word vir die ampstermyn van die betrokke lid verkies.
- (4) Binne 14 dae vanaf die verkiesing van 'n voorsitter of ondervoorsitter ingevolge subartikel (1) moet die voorsitter die Departementshoof skriftelik in kennis stel van die naam en adres van die betrokke ampsbekleër. 10
- (5) Wanneer die voorsitter afwesig is van 'n vergadering van die Raad of Komitee of nie beskikbaar is nie, neem die ondervoorsitter as voorsitter waar.
- (6) Indien beide die voorsitter en ondervoorsitter afwesig is van 'n vergadering van die Raad of Komitee moet die teenwoordige lede een onder hulle verkies om as voorsitter vir daardie vergadering waar te neem. 15
- (7) Die voorsitter van 'n Raad is die rekenpligtige beampte vir daardie Raad en het die bevoegdhede en pligte voorgeskryf deur die Provinsiale Minister.
- (8) Die amp van die voorsitter of die ondervoorsitter word vakant indien die betrokke lid— 20
- (a) skriftelik bedank; of
 - (b) verwyder word deur 'n besluit van die betrokke Raad of Komitee.

Algemene steun

- 18.** (1) Die hospitaal waarvoor 'n Raad ingestel is, moet 'n lokaal vir die Raad asook die sekretariële, administratiewe en finansiële rekeningkundige steun verskaf wat die Raad benodig. 25
- (2) Indien 'n Raad vir meer as een hospitaal ingestel word, moet 'n lokaal en die sekretariële, administratiewe en finansiële rekeningkundige steun wat die Raad benodig deur een of meer van die hospitale verskaf word, soos bepaal—
- (a) by ooreenkoms tussen die hoofde van die betrokke hospitale; of 30
 - (b) deur die Departementshoof, in die afwesigheid van sodanige ooreenkoms.
- (3) Ondanks subartikels (1) en (2) kan 'n Raad uit sy fondse op die wyse voorgeskryf deur die Provinsiale Minister alternatiewe reëlins tref vir die verskaffing van 'n lokaal asook sekretariële, administratiewe en finansiële rekeningkundige steun.
- (4) Die primêregesondheidsorg-fasiliteit of -fasiliteite waarvoor 'n Komitee ingestel is, moet 'n lokaal vir die Komitee en, so ver as moontlik, die sekretariële, administratiewe en finansiële rekeningkundige steun wat die Komitee benodig, verskaf. 35
- (5) Indien 'n Komitee vir meer as een primêregesondheidsorg-fasiliteit ingestel is, moet 'n lokaal en, so ver as moontlik, sekretariële, administratiewe en finansiële rekeningkundige steun benodig deur die Komitee deur een of meer van die primêregesondheidsorg-fasiliteite verskaf word, soos bepaal— 40
- (a) by ooreenkoms tussen die hoofde van die betrokke primêregesondheidsorg-fasiliteite; of
 - (b) deur die Departementshoof, in die afwesigheid van sodanige ooreenkoms.
- (6) Die Departementshoof moet 'n Raad vir elke Komitee aanwys met die doel om die fondse ingesamel deur 'n Komitee in ontvangs te neem, te administreer en van rekenskap te gee. 45
- (7) 'n Raad aangewys ingevolge subartikel (6) moet die fondse ingesamel deur die Komitee ontvang, administreer en van rekenskap gee op die voorgeskrewe wyse.
- (8) Die Departement moet voorsiening maak vir die inlywing en opleiding van lede wat nuut aangestel is in 'n eerste ampstermyn en moet bykomende opleiding verskaf, indien nodig en toepaslik geag. 50

Skedulering van vergaderings

- 19.** (1) Die Departementshoof moet die tyd en plek vir die eerste vergadering van 'n Raad of Komitee bepaal. 55
- (2) 'n Raad of Komitee moet die tyd en plek van daaropvolgende gewone vergaderings bepaal, wat minstens een keer elke drie maande en vier keer per kalenderjaar moet plaasvind.

(3) Die voorsitter kan te eniger tyd 'n spesiale vergadering belê en moet dit doen indien skriftelik versoek deur minstens twee lede van die Raad of Komitee en die voorsitter tevrede is dat die versoek redelik is.

(4) Die voorsitter moet lede van die tyd, plek en rede vir 'n spesiale vergadering in kennis stel minstens drie werksdae voor die vergadering, behalwe waar 'n korter kennisgewingtydperk genoodsaak word deur die uitsonderlike dringendheid van die omstandighede. 5

(5) Kennisgewing van alle vergaderings van 'n Raad of Komitee moet aan die publiek bekendgemaak word.

Prosedure by vergaderings 10

20. (1) Die prosedure by 'n vergadering van 'n Raad of Komitee moet, vir sover dit nie voorgeskryf is nie, deur die Raad of Komitee bepaal word.

(2) 'n Kworum van minstens een helfte van die lede aangestel ingevolge artikel 5(1)(a) of 6(1)(b) en een helfte van die ander lede aangestel ingevolge artikel 5(1) en (2) of 6(1), na gelang van die geval, moet te eniger tyd by 'n vergadering teenwoordig wees. 15

(3) 'n Besluit van 'n Raad of Komitee behoort deur eenparigheid te wees, maar by gebrek aan eenparigheid is die besluit van 'n meerderheid van die lede teenwoordig by die vergadering die besluit van die Raad of Komitee.

(4) In die geval van 'n staking van stemme oor enige aangeleentheid het die voorsitter by die vergadering 'n beslissende stem en 'n beraadslagende stem. 20

(5) 'n Raad kan enige persoon versoek of toelaat om in 'n raadgewende hoedanigheid aan 'n vergadering van die Raad deel te neem.

(6) Die voorsitter moet toesien dat—

(a) daar behoorlike rekord gehou word van bywoning van, die notule van, en besluite aangeneem by, elke vergadering; en 25

(b) 'n afskrif van 'n rekord bedoel in paragraaf (a), onderteken deur die voorsitter, na die Departementshoof gestuur word indien die Departementshoof dit versoek.

Openbare bywoning by vergaderings

21. (1) Behoudens subartikel (2) is alle vergaderings van 'n Raad of Komitee oop vir lede van die publiek. 30

(2) Indien 'n Raad of Komitee op redelike gronde besluit dat lede van die publiek nie teenwoordig behoort te wees by 'n vergadering terwyl 'n bepaalde kwessie bespreek word nie moet die voorsitter die publiek vir die duur van daardie bespreking uit die vergadering uitsluit. 35

(3) 'n Raad of Komitee kan enige redelike middele gebruik om lede van die publiek van vergaderings van Rade of Komitees in kennis te stel.

Uitvoerende komitee

22. (1) 'n Raad of Komitee kan 'n uitvoerende komitee aanstel wat uit lede van die Raad of Komitee bestaan, waarvan minstens die helfte lede moet wees wat ingevolge artikel 5(1)(a) aangestel is in die geval van 'n Raad en artikel 6(1)(b) in die geval van 'n Komitee. 40

(2) Behoudens die opdragte van 'n Raad of Komitee en subartikels (3) en (4), kan 'n uitvoerende komitee tussen vergaderings van die Raad of Komitee alle pligte uitvoer en bevoegdhede uitoefen van die Raad of Komitee. 45

(3) 'n Uitvoerende komitee het nie die bevoegdheid om 'n besluit van die Raad of Komitee te hersien of te verander nie, behalwe vir sover die Raad of Komitee anders opdrag gee.

(4) Enige handeling wat verrig of besluit wat geneem is deur 'n uitvoerende komitee kan by die eerste vergadering van die Raad of Komitee wat volg op die handeling of besluit hersien en verander word deur die Raad of Komitee, sonder benadeling van enige persoon. 50

Spesialiskomitees

23. (1) 'n Raad of Komitee kan spesialiskomitees aanstel wat uit lede van die Raad of Komitee bestaan om namens die Raad of Komitee sekere pligte uit te voer of sekere bevoegdhede uit te oefen.

(2) Waar uitvoerende bevoegdheid aan 'n spesialiskomitee gedelegeer word, moet daar oor die mandaat, opdrag, prosedure en kworums van die spesialiskomitee ooreengekom word en moet dit deur die Raad of Komitee aangeteken word. 5

(3) 'n Spesialiskomitee van 'n Raad kan 'n persoon of persone wat nie in die Raad dien nie koöpteer om in 'n raadgewende hoedanigheid in die spesialiskomitee te dien.

(4) Enige handeling verrig of besluit geneem deur 'n spesialiskomitee kan by die eerste vergadering van die Raad of Komitee na daardie handeling of besluit deur die Raad of Komitee hersien en verander word, sonder benadeling van enige persoon. 10

Insameling en aanwending van fondse van Raad

24. (1) 'n Raad kan dienste, fondse, of eiendom ontvang met die doel om sy werksaamhede te verrig. 15

(2) 'n Raad kan fondse, eiendom of toerusting wat aan hom behoort, aanwend vir die doel om sy werksaamhede te verrig.

(3) 'n Raad kan 'n trust instel tot voordeel van 'n hospitaal wat deur hom bedien word en kan 'n trust aanvaar en administreer wat reeds ingestel is tot voordeel van 'n hospitaal wat deur hom bedien word. 20

(4) 'n Raad moet rekord hou van alle fondse deur hom ontvang en bestee en van sy bates, laste en transaksies.

(5) 'n Raad moet jaarliks, binne twee maande voor die einde van sy boekjaar, sy finansiële state vir daardie jaar by die Departementshoof indien, saamgestel volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies. 25

(6) 'n Ouditeur wat deur die Raad aangestel is, moet, behoudens subartikel (7), die rekords en jaarlikse finansiële state van die Raad ouditeer en moet binne twee maande vanaf ontvangs van die state bedoel in subartikel (5) 'n auditverslag by die Departementshoof en die Raad indien. 30

(7) Die Provinsiale Minister kan, na oorleg met die Departementshoof, bepaal dat 'n Raad daarvan vrygestel is om geouditeer te word.

(8) Die Provinsiale Minister moet die volgende oorweeg wanneer 'n bepaling ingevolge subartikel (7) gemaak word:

- (a) of die totale batewaarde, met inbegrip van beleggings van die Raad, in die vorige boekjaar R5 000 000 oorskry het, met sodanige bedrag wat jaarliks op 1 Maart ooreenkomstig die verbruikersprysindeks aangepas moet word; 35
- (b) die finansiële state van die Raad in die vorige boekjaar; en
- (c) of die Raad in die vorige boekjaar aan sy pligte ingevolge hierdie Wet voldoen het. 40

(9) Waar die Provinsiale Minister 'n Raad ingevolge subartikel (7) vrygestel het, moet die Raad nietemin finansiële state by die Departementshoof indien wat saamgestel is volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies.

(10) Die Provinsiale Minister kan vereis dat 'n Raad wat ingevolge subartikel (7) vrygestel is, geouditeer word soos uiteengesit in subartikel (6). 45

(11) Die boekjaar van 'n Raad is 'n jaar wat op 31 Maart eindig.

(12) Indien 'n Raad versuim om aan subartikel (5) of (9) te voldoen, of in die geval van enige finansiële wanbestuur deur 'n Raad, kan die Provinsiale Minister redelike regstellende stappe doen wat hy of sy nodig ag, met inbegrip van— 50

- (a) die aanstelling van 'n administrateur om die finansiële sake of bedryfsfunksies van die Raad te administreer;
- (b) die skorsing of verwydering van Raadslede uit hul amp; en
- (c) die verandering van die pligte en bevoegdhede van die Raad, ondanks artikel 14. 55

(13) Voordat die Provinsiale Minister enige regstellende stappe beoog in subartikel (12) doen, moet die Departementshoof aan die Raad 'n voldoeningskennisgewing, en afskrifte daarvan aan sy lede, uitreik wat die volgende uiteensit:

- (a) 'n beskrywing van die oortreding wat die nievoldoening uitmaak;

- (b) die stappe wat die Raad moet doen en die tydperk waarbinne daardie stappe gedoen moet word om die oortreding reg te stel; en
- (c) 'n kennisgewing aan die Raad dat indien hy versuim om enige stappe bedoel in paragraaf (b) te doen, die Departementshoof die nievoldoening na die Provinsiale Minister moet verwys om ingevolge subartikel (12) regstellende stappe te doen. 5
- (14) Indien die Raad binne die tydperk vermeld in die voldoeningskennisgewing aan die stappe bedoel in subartikel (13)(b) voldoen, moet die Departementshoof die Raad skriftelik in kennis stel van sy voldoening aan die bepalings van die voldoeningskennisgewing. 10
- (15) Indien die Raad versuim om binne die tydperk vermeld in die voldoeningskennisgewing aan enige of alle stappe bedoel in subartikel (13)(b) te voldoen—
 - (a) moet die Departementshoof, by verstryking van die tydperk vermeld in die voldoeningskennisgewing, die Provinsiale Minister skriftelik in kennis stel van die nievoldoening of gedeeltelike voldoening deur die Raad; en 15
 - (b) moet die Provinsiale Minister binne 30 dae van ontvangs van 'n mededeling oor nievoldoening of gedeeltelike voldoening die Raad skriftelik in kennis stel van sy nievoldoening of gedeeltelike voldoening aan die bepalings van die voldoeningskennisgewing. 20
- (16) Die kennisgewing beoog in subartikel (15)(b) moet die volgende vermeld:
 - (a) die voorgestelde regstellende stappe wat ingevolge subartikel (12) gedoen moet word; en
 - (b) dat die Raad daarop geregtig is om binne 14 dae van ontvangs van die kennisgewing rakende die voorgestelde regstellende stappe skriftelike versoë aan die Provinsiale Minister te rig. 25
- (17) By verstryking van die 14 dae beoog in subartikel (16)(b), of die Provinsiale Minister enige skriftelike versoë van die Raad ontvang het al dan nie, kan die Provinsiale Minister, na behoorlike oorweging van alle tersaaklike feite, met inbegrip van die Raad se gedeeltelike voldoening aan die bepalings van die voldoeningskennisgewing en enige skriftelike versoë deur die Raad, die voorgestelde regstellende stappe doen. 30
- (18) Indien 'n administrateur ingevolge subartikel (12)(a) aangestel word, moet hy of sy—
 - (a) binne ses maande van sy of haar aanstelling die Departementshoof voorsien van 'n verslag van die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige handeling wat deur die Raad gepleeg is; 35
 - (b) daarna, in oorleg met die Departementshoof, 'n herstelplan vir die Raad voorberei; en
 - (c) by voltooiing van die implementering van die herstelplan, of by versuim om die herstelplan te implementeer— 40
 - (i) indien nodig, aan die Provinsiale Minister en Departementshoof 'n verlenging van die herstelplan vir 'n tydperk van hoogstens ses maande aanbeveel; of
 - (ii) die Provinsiale Minister en Departementshoof voorsien van 'n finale verslag van die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige handeling wat deur die Raad gepleeg is. 45
- (19) Die Provinsiale Minister kan, na oorleg met die Departementshoof en by ontvangs van die finale verslag beoog in subartikel (18)(c)(ii), bepaal dat— 50
 - (a) die Raad in staat is om sy eie finansiële sake te administreer; of
 - (b) die Raad in staat is om sy eie finansiële sake te administreer met die bystand van 'n administrateur aangestel deur die Provinsiale Minister op sodanige verdere bepalings en voorwaardes soos bepaal deur die Provinsiale Minister.
- (20) Voordat die Provinsiale Minister 'n bepaling ingevolge subartikel (19)(b) maak, moet hy of sy die Raad skriftelik in kennis stel van sy of haar voorneme om so 'n bepaling te maak. 55
- (21) Die kennisgewing beoog in subartikel (20) moet die volgende vermeld:
 - (a) die bepaling wat die Provinsiale Minister van voorneme is om te maak; en
 - (b) dat die Raad daarop geregtig is om binne 14 dae van ontvangs van die kennisgewing skriftelike versoë rakende die voorgestelde bepaling aan die Provinsiale Minister te rig. 60

(22) By verstryking van die 14 dae beoog in subartikel (21)(b), of die Provinsiale Minister enige skriftelike vertoë van die Raad ontvang het al dan nie, kan die Provinsiale Minister, na behoorlike oorweging van alle tersaaklike feite, met inbegrip van enige vertoë deur die Raad, die voorgestelde bepaling maak.

Reis- en ander toelae

5

25. (1) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad uit sy fondse 'n lid van die Raad wat ingevolge artikel 5(1)(a) en (b) aangestel is, 'n raadgewer ingevolge artikel 20(5) of enige persoon wat gekoöpteer is om ingevolge artikel 23(3) in 'n spesialiskomitee te dien, vergoed vir— 10

(a) vervoeruitgawes tussen daardie lid, raadgewer of persoon se normale woon- of werkplek en die plek van 'n vergadering van die Raad of die betrokke spesialiskomitee; en

(b) reis- en verblyfuitgawes wat aangegaan is as gevolg van bywoning van konferensies, seminare of opleidingskursusse of ander sake van die Raad, 15 maar in die geval van konferensies, seminare en opleidingskursusse buite die Provinsie moet die skriftelike goedkeuring van die Provinsiale Minister vooraf bekom word.

(2)(a) 'n Raad mag nie sy lede vergoed vir tyd wat aan Raadsake bestee is nie.

(b) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale 20 Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad uit sy fondse 'n raadgewer ingevolge artikel 20(5) of 'n persoon wat gekoöpteer is om ingevolge artikel 23(3) in 'n spesialiskomitee van die Raad te dien, vergoed vir tyd wat aan Raadsake bestee is.

(3)(a) 'n Lid van 'n Komitee is nie geregtig op vergoeding vir tyd wat op 25 Komiteesake bestee is nie.

(b) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse 'n lid van 'n Komitee wat ingevolge artikel 6(1)(b) aangestel is, vergoed vir reisuittgawes wat as gevolg van bywoning van vergaderings van die Komitee aangegaan 30 is.

(4) In die geval dat die Raad onvoldoende beskikbare fondse het, en behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse 'n lid van 'n Raad wat ingevolge artikels 5(1)(a) of (b) aangestel is, vergoed vir die 35 vervoeruitgawes beoog in subartikel (1)(a).

Sluiting van gesondheidsfasiliteit

26. (1) In die geval van die sluiting van 'n gesondheidsfasiliteit waarvoor 'n Raad of Komitee ingestel is, moet die Departementshoof minstens drie maande voor die sluiting en na oorleg met daardie Raad of Komitee, die Raad of Komitee skriftelik opdrag gee 40 rakende—

(a) in die geval van 'n Raad of Komitee wat slegs vir daardie gesondheidsfasiliteit ingestel is, die voorgenome sluiting van daardie fasiliteit en die ontbinding van die Raad of Komitee en, in die geval van 'n Raad, enige trust wat moontlik 45 deur die Raad ingestel is;

(b) in die geval van 'n Raad of Komitee wat vir meer as een gesondheidsfasiliteit ingestel is, enige voorgenome aanpassing van sy samestelling wat deur die sluiting van daardie gesondheidsfasiliteit genoodsaak word; en

(c) in die geval van 'n Raad wat slegs vir daardie gesondheidsfasiliteit ingestel is, die beskikking oor die bates en laste van die Raad, en enige trust wat moontlik 50 deur die Raad ingestel is.

(2) By die sluiting van 'n gesondheidsfasiliteit bedoel in subartikel (1)(a) word die Raad of Komitee wat daardie gesondheidsfasiliteit bedien en, in die geval van 'n Raad, enige trust wat moontlik deur die Raad ingestel is, ontbind, en die Departementshoof moet, indien nodig, stappe doen om uitvoering te gee aan die instruksies beoog in 55 subartikel (1)(c).

Beperking van aanspreeklikheid van lede

27. 'n Lid is nie aanspreeklik vir enigiets wat te goeder trou gedoen is in die uitvoering van 'n werksaamheid ingevolge hierdie Wet nie.

Regulasies

28. (1) Behoudens subartikel (3) moet die Provinsiale Minister regulasies maak rakende— 5

- (a) prosedures vir die benoeming van lede vir aanstelling in Rade en Komitees;
- (b) die finansiële bestuur van Rade;
- (c) die wyse waarop 'n Raad fondse of ander roerende eiendom kan skenk vir die verskaffing, verbetering of uitbreiding van dienste en geriewe, of fondse kan skenk vir die verkryging van roerende of onroerende bates tot voordeel van die hospitaal;
- (d) die bevoegdhede en pligte van die voorsitter van 'n Raad of Komitee;
- (e) die wyse waarop 'n Raad reëlins kan tref vir die verskaffing van 'n lokaal, asook sekretariële, administratiewe en finansiële rekeningkundige steun;
- (f) die wyse waarop 'n Komitee fondse wat ingesamel is tot voordeel van die primêregesondheidsorg-fasiliteit en vir die funksionering van die Komitee moet betaal aan die Raad wat ingevolge artikel 18(6) deur die Departementshoof aangewys is;
- (g) die wyse waarop 'n Raad wat ingevolge artikel 18(6) aangewys is die fondse wat deur 'n Komitee ingesamel is in ontvangs moet neem, moet administreer en van rekenskap gee;
- (h) reis- en ander toelae wat ingevolge hierdie Wet betaalbaar is;
- (i) die instelling van trusts deur Rade; en
- (j) die maatstawwe en prosedures vir die groepering van primêregesondheidsorg-fasiliteite met die doel om 'n Komitee vir 'n groep primêregesondheidsorg-fasiliteite in te stel.

(2) Behoudens subartikel (3) kan die Provinsiale Minister regulasies maak rakende—

- (a) prosedures vir vergaderings van 'n Raad of Komitee; en
- (b) enige ander aangeleentheid wat nodig of raadsaam kan wees om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(3) In die geval van regulasies wat finansiële implikasies vir die staat inhou, moet die Provinsiale Minister die regulasies maak met die instemming van die Provinsiale Minister verantwoordelik vir finansies.

Delegering

29. (1) Die Provinsiale Minister kan enige van sy of haar bevoegdhede of pligte ingevolge hierdie Wet aan die Departementshoof deleger of opdra, behalwe die bevoegdheid om regulasies te maak.

(2) Die Departementshoof kan enige van sy of haar bevoegdhede of pligte ingevolge hierdie Wet deleger of opdra aan—

- (a) 'n werknemer in die Departement; of
- (b) die bekleër van 'n spesifieke amp of posisie in die Departement.

(3) Ondanks subartikel (2) mag die Departementshoof nie aan 'n lid 'n bevoegdheid deleger of 'n plig opdra nie.

(4) 'n Delegasie of opdrag bedoel in subartikel (1) of (2)—

- (a) moet op skrif wees;
- (b) kan behoudens voorwaardes gemaak word;
- (c) kan skriftelik deur die Provinsiale Minister of die Departementshoof, na gelang van die geval, ingetrek of gewysig word;
- (d) kan die verdere delegasie van daardie bevoegdheid of verdere opdrag van daardie plig toelaat;
- (e) verhoed nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, om daardie bevoegdheid uit te oefen of daardie plig uit te voer nie; en
- (f) ontnem nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, van die verantwoordelikheid rakende die uitoefening van die gedelegeerde bevoegdheid of die uitvoering van die opgedraagde plig nie.

Oorgangsbepalings ten opsigte van sentrale hospitale

30. (1) Ondanks die herroeping by hierdie Wet van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, gaan 'n bestaande sentralehospitaal-raad in die Provinsie voort om te funksioneer ooreenkomstig die bepalinge van daardie Wet totdat die nasionale Minister 'n verteenwoordigende sentralehospitaal-raad vir die betrokke hospitaal aangestel het. 5

(2) Ondanks artikel 7 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, wanneer die ampstermyn van 'n lid van 'n bestaande sentralehospitaal-raad verval voor die aanstelling deur die nasionale Minister van 'n verteenwoordigende sentralehospitaal-raad vir die betrokke hospitaal, kan daardie lid in die amp bly totdat die aanstelling deur die nasionale Minister gemaak is. 10

(3) By die aanstelling van 'n verteenwoordigende sentralehospitaal-raad deur die nasionale Minister—

(a) vestig die bates en laste van die bestaande sentralehospitaal-raad in die verteenwoordigende sentralehospitaal-raad op voorwaarde dat die bates deur die verteenwoordigende sentralehospitaal-raad aangewend moet word tot voordeel van daardie raad of die sentrale hospitaal wat hy bedien; en 15

(b) kan die Provinsiale Minister na oorleg met die bestaande sentralehospitaal-raad 'n skriftelike bepaling maak rakende enige aangeleentheid wat nodig kan wees om die doeltreffende funksionering van die verteenwoordigende sentralehospitaal-raad te verseker. 20

Herroeping en voorbehoude

31. (1) Die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade word herroep.

(2) Behoudens artikel 30—

(a) gaan 'n Raad ingestel kragtens artikel 5 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, voort om te funksioneer en word die Raad geag ingestel te wees kragtens artikel 4(1) van hierdie Wet; 25

(b) word die regsidentiteit en die regte en verpligtinge van so 'n Raad nie deur die herroeping van daardie Wet geraak nie; en 30

(c) gaan enige persoon wat ooreenkomstig daardie Wet onmiddellik voor die inwerkingtreding van hierdie Wet 'n amp beklee, voort in die amp vir die termyn van daardie persoon se aanstelling en word die persoon geag behoorlik aangestel te wees ingevolge hierdie Wet vir die onverstreke gedeelte van sy of haar ampstermyn. 35

(3) Enige proklamasie, regulasie, kennisgewing, bevel, magtiging, toestemming of dokument wat uitgereik, gepromulgeer, gegee of verleen en enige ander handeling verrig kragtens die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade word geag, indien nie onbestaanbaar met hierdie Wet nie, kragtens hierdie Wet uitgereik, gepromulgeer, gegee, verleen of verrig te wees. 40

Kort titel en inwerkingtreding

32. Hierdie Wet heet die Wes-Kaapse Wet op Rade en Komitees vir Gesondheidsfasiliteite, 2016, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

(Uxwebhu lwesiNgesi lutyikitywe yiNkulumbuso)
(Wamkelwe ngowama-30 Juni 2016)

UMTHETHO

Lo mthetho uyilwayo ulungiselelwe ukuseka, imisebenzi, amagunya neenkqubo zeebhodi ezimiselle izibhedlele neekomiti ezimisellewo zamaziko ezempilo onyango olusisiseko; kunye nokulungiselela imiba enxulumene noko.

NGOKO KE KUWISWA UMTHETHO yiPalamente yeNtshona Koloni, ngolu hlobo lulandelayo:—

Inkcazo-magama

1. Kulo Mthetho naliphi na igama elinikwe intsingiselo lihlala linaloo ntsingiselo liyini kiweyo ngaphandle kwalapho indlela elisetyenziswe ngayo igama linika enye intsingiselo—

“**umphicothi**” uthetha umntu obhalise njengomphicothi ngokoMthetho i-*Auditing Profession Act, 2005* (uMthetho 26 ka-2005);

“**iBhodi**” ithetha iBhodi yesibhedlele esekwe ngokwecandelo 4(1);

“**isibhedlele esikhulu**” sithetha isibhedlele esibalelwa ukuba sisibhedlele esikhulu ngokwecandelo lama-35 lomthetho i-*National Health Act* nguMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

“**IKomiti**” ithetha iKomiti yeziko lempilo leenkonzo zonyango olusisiseko esekwe ngokwecandelo (4);

“**ISebe**” lithetha isebe lephondo elinoxanduva lwemicimbi yezempilo kwiPhondo;

“**IBhunga lezeMpilo leSithili**” lithetha iBhunga leMpilo leSithili ngokwendlela echazwe kwicandelo 1 lomthetho i-*Western Cape District Health Councils Act, 2010* (uMthetho 5 ka-2010);

“**umphathi wezempilo wesithili**” uthetha umphathiswa wezempilo wesithili njengeko kuchaziwe kwicandelo 1 lomthetho i-*Western Cape District Health Councils Act, 2010*;

“**ibhodi emileyo yesibhedlele esikhulu**” ithetha ibhodi ngokwendlela echazwe phantsi kwecandelo 5 lomthetho i-*Western Cape Health Facility Boards Act* yesibhedlele esikhulu;

“**INTloko yeSebe**” ithetha intloko yesebe onoxanduva lwemicimbi yezempilo kwiPhondo;

“**iziko lempilo**” lithetha isibhedlele okanye iziko lempilo elineenkonzo zonyango olusisiseko;

“**isibhedlele**” sithetha isakhiwo, iziko okanye indawo emiselwe njengesibhedlele nguMphathiswa wePhondo ngokwecandelo 3;

“**ilungu**” lithetha ilungu leBhodi okanye leKomiti, njengoko kunjalo;

“**INational Health Act**” ithetha i-*National Health Act, 2003* (uMthetho 61 ka-2003);

“**uMphathiswa wesizwe**” uthetha uMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

“**ukumisela**” kuthetha ukumisela ngokommiselo;

“**iziko lempilo leenkonzo ezisisiseko**” lithetha isakhiwo, iziko okanye indawo emiselwe njengeziko lempilo nguMphathiswa wePhondo ngokwecandelo 3;

“**IPhondo**” lithetha iPhondo leNtshona Koloni;

“**UMphathiswa wePhondo**” uthetha uMphathiswa wePhondo onoxanduva lwemicimbi yezempilo kwiPhondo;

“**ummiselo**” uthetha ummiselo owenzwe phantsi kwalo mthetho;
 “**ibhodi yabameli yesibhedlele esikhulu**” ithetha ibhodi enyulwe nguMphathiswa wesizwe phantsi kwecandelo 41(4) lomthetho i*National Health Act*;
 “**lo Mthetho**” uquka nemimiselo;
 “**iWestern Cape Health Facility Boards Act**” ithetha i*Western Cape Health Facility Boards Act, 2001* (uMthetho 7 ka-2001). 5

Injongo yalo Mthetho

2. Injongo zalo mthetho kukulungiselela—

- (a) ukumisela abameli neeBhodi kunye neeKomiti njengamaqumrhu omthetho;
- (b) ukukwazi kwabaphathi bamaziko empilo ukukhawulelana noluntu kunye neemfuno zezigulane neentsapho zazo;
- (c) inkxaso yoluntu, ukubandakanyeka kwalo kumaziko empilo kunye neenkqubo zawo;
- (d) iiBhodi zempilo neKomiti inikwe imisebenzi esisiseko ecacisiweyo, enokumana isandiswa ngokwezinto eziphambili ezifunwa luluntu njengoko umsebenzi weBhodi okanye oweKomiti uya usanda; kunye
- (e) nemimiselo yethutyana yeebhodi esezikho zezibhedlele ezikhulu. 15

UkuChongwa kwesibhedlele okanye iziko lempilo leenkono ezisisiseko

3. (1) Ngokweenjongo zokumisela kweBhodi okanye kweKomiti ngokwalo Mthetho, uMphathiswa wePhondo uya kuchonga njengesibhedlele okanye iziko lempilo nasiphi isakhiwo, iziko okanye indawo apho abantu baye bafumane unyango khona, apho kukho iinkqubo zohlolo ukufumanisa ngezigulo nangonyango okanye kwenziwe nezinye iinkono zonyango. 20

(2) UMphathiswa wePhondo uya kuchonga njengesibhedlele okanye iziko lempilo elineenkono ezisisiseko isakhiwo, iziko okanye indawo emiselwe ngumasipala ekwenza oko kuphela ngokwesivumelwano— 25

- (a) noMphathiswa wePhondo ojongene norhulumente wommandla; kunye
- (b) nomasipala ochaphazelekayo.

Ukusekwa kweeBhodi neeKomiti

4. (1) UMphathiswa wePhondo uya kumisela iBhodi yesibhedlele okanye iqela lezibhedlele ngaphandle kwezibhedlele ezikhulu okanye iqela lezibhedlele ezikhulu. 30

(2) Apho iBhodi yeqela lezibhedlele iya kumisela khona, uMphathiswa wePhondo uya kumisela iqela enike ingqalelo—

- (a) umgama ophakathi kwezibhedlele ngokweendawo ezimi kuzo;
- (b) ubukhulu nobungakanani babantu abancedwa kwezi zibhedlele; kunye
- (c) nobungakanani beenkono ezenziwa ezibhedlele. 35

(3) IBhodi ngumntu osemthethweni onokufaka isimangalo okanye amangalelwe ngegama layo.

(4) UMphathiswa wePhondo uya kumisela iKomiti—

- (a) iziko lempilo elineenkono zonyango olusisiseko; kunye
- (b) neqela lamaziko empilo aneenkono zonyango olusisiseko, amiselwe nguMphathiswa wePhondo. 40

(5) Imigaqo neenkqubo ezilandelwayo zokuhlenganisa amaziko empilo aneenkono zonyango olusisiseko kwimeko apho iKomiti ithe yatyunjelwa ukujongana namaziko empilo aneenkono zonyango olusisiseko iya kumisela nguMphathiswa wePhondo. 45

(6) IKomiti asingomntu womthetho kwaye akanako ukumangalela okanye amangalelwe okanye onepropathi egameni lakhe.

Ukutyunjwa kwamalungu eBhodi

5. (1) UMphathiswa wePhondo kufuneka amisele iBhodi enamalungu angekho ngaphezu kwesine kodwa angadluli kumalungu ali-14, kuqukwa— 50

- (a) abantu abamele uluntu okanye iindawo ezahlukeneyo zoluntu oluncedwa kwesi sibhedlele emiselwe sona iBhodi, etyunjwe ngokwecandelwana (4);
- (b) ubuncinane ibe ngumntu omnye onobungcali kwezomsebenzi, kwezomthetho, ezemali okanye kwezinye iindawo ezinxulumene nemisebenzi yeBhodi;

- (c) intloko yesibhedlele esichaphazelekayo okanye, kwimeko apho iBhodi imiselwe ukujongana nezibhedlele eziliqela, makuphume intloko ibenye kwiintlo kwezo zibhedlele ubuncinane;
- (d) ubuncinane mayibe ngumntu omnye omele abasebenzi bezonyango emiselwe bona iBhodi, atyunjwe ngabasebenzi bezonyango besibhedlele, kodwa kwimeko apho iBhodi imiselwe ukujongana bezibhedlele eziliqela, kodwa akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi bezempilo kwisibhedlele ngasinye esichaphazelekayo; 5
- (e) ubuncinane ngumntu omnye omele abasebenzi abangengobanyangi abasebenza esibhedlele esimiselwe sona iBhodi, okhethwa ngabasebenzi abangengobanyangi, kodwa kwimeko yokumiselwa kweBhodi ejongene nezibhedlele eziliqela akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi abangengobanyangi kwisibhedlele ngasinye; kunye 10
- (f) nakwimeko apho iBhodi imiselwe isibhedlele esinye okanye izibhedlele eziliqela iingcali zabasebenzi ziye ziqeqeshwe, ubuncinane umntu omnye omele iimfuno eziphambili ezinxulumene nemfundo kwisibhedlele ngasinye esichaphazelekayo, otyunjwe liSeleka-Ngqonyela okanye ngaMasekela-Ngqonyela eyunivesithi okanye eeyunivesithi ezichaphazelekayo. 15
- (2) Ukwangeza kumalungu atyunjwe ngokwecandelwana (1) uMphathiswa wePhondo uya kunyulela kwiBhodi— 20
- (a) ilungu lePalamente yePhondo limisele ikomiti yepalamente ejongene nemiba yempilo; kunye
- (b) uceba omnye okanye ooceba abaninzi bebhunga likamasipala lendawo kamasipala enesibhedlele, amiselwa libhunga likamasipala okanye ikomiti echaphazelekayo yezempilo yebhunga laloo masipala. 25
- (3) Amalungu amiselwe ngokwecandelwana (1)(a) aya kuba namalungu eBhodi akumlinganiselo wamashumi amahlanu eepesenti ewonke.
- (4) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)(a) aya kumiselwa liqumrhu eliya kuthi ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifizekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo 30
- (5) Iqumrhu ekubhekiselelwa kulo kwicandelwana (4)—
- (a) aliya kuba ngumbutho wezopolitiko;
- (b) liya kuthi, nangani kunganyanzelekanga ukuba libe—
- (i) yikomiti okanye iforam yezempilo yoluntu; 35
- (ii) yiforam yophuhliso loluntu;
- (iii) ngumbutho wezokuhlala;
- (iv) ngumbutho wezentlatlantle;
- (v) ngumbutho omele izigulane ezisebenzisa inkonzo yezempilo okanye amaziko empilo; 40
- (vi) ngumbutho osekwe eluntwini;
- (vii) ngumbutho ongekho kurhulumente; okanye
- (viii) ngumbutho omele abantwana, amabhinqa, abantu abadala, abantu abakhubazekileyo okanye iimbacu.
- (6) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyumba njengoko kuchaziwe kumacandelwana (1)(a) no-(4). 45
- (7) Apho kufuneka kutyunjwe khona ngokweli candelo, onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba. 50
- (8) Ukuba uMphathiswa wePhondo uthe akafumana magama aphakanyiselwe ukutyunjwa okanye angonelanga afunekayo ngokweli candelo, nawuphi umntu oselungelweni nofanelekileyo uya kutyunjwa njengelungu etyunjwa kwisigaba esimiselweyo nesichazwe kwicandelwana (1) okanye (2).
- (9) Ukutyunjelwa ukuba kwiBhodi kuya kwenziwa kuthatyathelwe ingqalelo uhlanga nesini kwanabantu abadala, ulutsha kwanabantu abakhubazekileyo. 55

Ukumiselwa kwamalungu ekomiti

6. (1) UMphathiswa wePhondo uya kumisela iKomiti engayi kuba namalungu angaphantsi kwamathathu kodwa angabi ngaphezu kwali-12, kuqukwa—

- (a) uceba omnye okanye ooceba abaninzi bebhunga likamasipala lendawo kamasipala enesibhedlele, amiselwa libhunga likamasiapala okanye ikomiti echaphazelekayo yezempilo yebhunga laloo masipala;
- (b) amalungu oluntu okanye eendawo zoluntu oluncedwa liziko lempilo elineenkonzon zonyango olusisiseko ngokubhekiselele kwindawo elikulo iziko lempilo elineenkonzon zonyango oluphambili elimiselwe lona uluntu, atyunjwe ngokwecandelwana (3); kunye 5
- (c) nentloko yeziko elichaphazelekayo lempilo elineenkonzon zonyango oluphambili okanye, kwimeko apho iKomiti imiselwe ukujongana neziko lempilo elineenkonzon zonyango oluphambili, umanejala wesithilana sezonyango apho limi khona iziko lempilo elineenkonzon zonyango olusisiseko. 10
- (2) Amalungu atyunjwe ngokwecandelwana (1)(b) aya kuba namalungu eKomiti akumlinganiselo wamashumi amahlanu eepesenti ewonke.
- (3) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)(b) aya kutyunjwa liqumrhu elithe— 15
- (a) ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifizekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo;
- (b) aliyi kuba ngumbutho wezopolitiko, kodwa lingalilo, nangani kunganyanzelekanga ukuba libe liqumrhu ekubhekiselelwe kulo kwicandelo 5(5)(b). (4) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyumba njengoko kuchaziwe kumacandelwana (1)(b) nele (3). 20
- (5) Apho kufuneka kutyunjwe khona ngokwecandelo (1)(b), onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba. 25
- (6) Ukuba uMphathiswa wePhondo uthe akafumana magama aphakanyiselwe ukutyunjwa okanye angenelanga afunekayo ngokwecandelo (b) wecandelwana (1), nabaphi na abantu abafanelekileyo baya kutyunjwa njengamalungu, betyunjwa kwisigaba esimiselweyo nesichazwe kula mhlathi. 30
- (7) Ukonyulelwa kwiKomiti makwenziwe ngokukekelele kwisini nohlanga kwakunye nokukekelele kwabadala, ulutsha nabantu abakhubazekileyo.

Ukulungela ukuba sesikhundleni kwelungu

35

7. (1) Ukuze abe umntu ukulungele ukuba sesikhundleni njengelungu kufuneka abe—

- (a) ungummi waseMzantsi Afrika;
- (b) ngaphezulu kwiminyaka eli-18 ubudala;
- (c) akakho matyaleni angahlawulekiyo; 40
- (d) akazange, nangaliphi na ixesha, afunyaniswe—
- (i) enetyala awakhe waligwetyelwa ngokuvallelwa entolongweni engasinikwanga isohlwayo; okanye
- (ii) ebuseleni, ubuqhetseba, ukukhohlisa, lithethe inkohliso ngamaxwebhu, lifunge ubuxoki, libe likwanalo naliphi na ityala ngokwe*Prevention and Combating of Corrupt Activities Act, 2004* (uMthetho 12 ka-2004), okanye linalo naliphi ityala ngenxa yokungathembeki kwalo, nokuba kukwiRiphabliki yoMzantsi Afrika okanye ngaphandle kwiRiphabliki, ukuba oku kuziphatha bekuya kuba lityala kwiRiphabliki; 45
- (e) ubonakalisa ukuzinikela kwinkonzon yoluntu; 50
- (f) ubonakalisa inkxaso kumnqophiso neempawu zentsulungeko zeziko lezempilo elichaphazelekayo; kunye
- (g) nokubonakalisa imfezeko nentembeko enkulu.

Ixesha lokuba sesikhundleni kwamalungu

8. (1) Amalungu atyunjelwa ukuba sesikhundleni isithuba seminyaka emithathu 55
- (2) Lakuba liphelile ixesha lokuba sesikhundleni kwelungu, elo lungu liya kuba sesikhundleni kude kutyunjwe umntu oya kungena esikhundleni salo, kodwa zingendluli iinyanga ezinthandathu.

(3) Ngokuxhomekeke kwicandelwana (4), ilungu linako ukutyunjelwa kwiBhodi okanye kwiKomiti lakuba liphelile ixesha lalo lokuba libe sesikhundleni.

(4) Ilungu, ngaphandle kwelungu elityunjwe ngokwecandelo 5(1)(c) okanye 6(1)(c), liya kusebenza kwiBhodi okanye kwiKomiti izihlandlo ezilandelelanyo eziya kuba ngaphezulu kezibini. 5

(5) Nangona kuchazwa kwicandelwana (4), ilungu elisebenze izihlandlo ezilandelelanayo ezibini liya kuphinda lityunjwe kwakhona ukuba kuthe ngokwembono yoMphathiswa wePhondo kubekho iimeko ezibaluleke ngokukodwa ukuba lityunjwe kwakhona okanye, xa kungekho meko zibaluleke ngokukodwa, emva kokuba likhe lanqumama ixesha elingabanga ngaphantsi konyaka omnye. 10

Izikhundla

9. (1) USihlalo weBhodi okanye weKomiti uya kuthi ngokukhawuleza abhalele iBhodi okanye kwiKomiti isibhengezo esichaza ukuba isikhundla njengesingenamntu xa lithe ilungu—

(a) lasweleka; 15

(b) lithe lakwazisa ukurhoxa kwalo kusihlalo ngembalelwano;

(c) lisematyaleni angahlawulekiyo yinkundla yeRiphabliki;

(d) lithe ngexesha lisesikhundleni lachaphazeleka—

(i) lafunyaniswa linetyala lize ligwetyelwe intolongo lingasinikwanga sohlwayo; okanye 20

(ii) ebuseleni, ubuqhetseba, ukukhohlisa, lithethe inkohliso ngamaxwebhu, lifunge ubuxoki, libe likwanalo naliphi na ityala ngokwe*Prevention and Combating of Corrupt Activities Act, 2004*, (uMthetho 12 ka-2004), okanye linalo naliphi ityala ngenxa yokungathembeki kwalo, nokuba kukwiRiphabliki yoMzantsi Afrika okanye ngaphandle kwiRiphabliki, ukuba oku kuziphatha bekuya kuba lityala kwiRiphabliki; 25

(e) alibangakho kwiintlanganiso ezintathu zilandelelana libe lingekho kwikhefu elimiselwe yiBhodi okanye yiKomiti;

(f) linqunyanyiwe okanye lirhoxisiwe kwisikhundla salo phantsi kwecandelo 24(12)(b); 30

(g) liyayeka esikhundleni elalinyulelwe sona yiBhodi okanye kwiKomiti; okanye

(h) lisilele ukuchaza kwiBhodi okanye kwiKomiti layo nayiphi indlela eliyingenisa ngayo imali, aliwandlalanga umcimbi onjalo ngokungqalileyo okanye ngokungqalanga kwiBhodi okanye kwiKomiti, kwaye elo lungu kufuneka libekho xa, okanye lithathe inxaxheba kwiingxoxo, okanye xa kuvotelwa lo mcimbi. 35

(2) Ukuba ilungu leBhodi okanye leKomiti liziphazamisa rhoqo iintlanganiso zeBhodi okanye ezeKomiti, okanye liyasilela ukwenza umsebenzi walo ngokuzimisela nangokuthembeka, uMphathiswa wePhondo uya kuqhuba uphando ngaloo mcimbi kwaye, ukuba akho amagunya afanelekileyo, uya kulirhoxisa elo lungu esikhundleni aze asibhengeze njengesingenamntu isikhundla salo. 40

(3) Kwisithuba seentsuku ezisixhenxe zokubhengeza isithuba ngokwecandelwana (1), usihlalo uya kubhalela uMphathiswa wePhondo amazise ngesithuba eso.

(4) Uya kuthi akuba esifumene isaziso ngesithuba ngokwecandelwana (3), okanye ngokurhoxiswa kwelungu ngokwecandelo (2), uMphathiswa wePhondo uya kunyula omnye umntu, elandela kwinkqubo efanayo naleyo yayilandelwe xa kwakunyulwa eli lungu likhutshwayo, lungu elo liya kuba sesikhundleni selungu elimkileyo ixesha elingayi kuphelelwa, kwaye ngokweenjongo zecandelo 8(4), kwakukho isithuba ngexesha ebelingene ngalo esikhundleni. 45

(5) Ngokweenjongo zokutyumba okuchazwe kwicandelwana (4) uMphathiswa wePhondo uya kusebenzisa imigaqo efanayo eyayisetyenzisiwe yokutyumba ilungu elingena kwisikhundla selungu elirhoxisiweyo. 50

(6) Xa iBhodi okanye iKomiti ithe yasilela ukuya kwiintlanganiso ezine ngokwekhalenda yonyaka, uMphathiswa wePhondo uya kuyibhengeza iBhodi okanye iKomiti echaphazelekayo njengengasebenzi kakuhle aze amisele iBhodi entsha ngokwecandelo 5 okanye iKomiti entsha ngokwecandelo 6. 55

Imisebenzi yeeBhodi

- 10.** (1) IBhodi iya kuthi ngokuphathelele kwisibhedlele ngasinye emiselwe sona—
- (a) ithathe inxaxheba kucwangciso-qhinga ngenjongo yokunika abalawuli besibhedlele iingcebiso;
 - (b) ikhangele ukuba ingaba isibhedlele sisebenza ngokufanelekileyo, ngokukuko namanyathelo athatyathwa ngabalawuli besibhedlele ukuphucula indlela yokusebenza nomgangatho wenkonzo yesibhedlele; 5
 - (c) ithabathe amanyathelo okuqinisekisa ukuba iimfuno, izinto ezixhalabisayo nezikhalazo zezigulane nezoluntu ziqwalaselwa ngokukuko ngabalawuli besibhedlele; 10
 - (d) ukumilisela inkxaso yesibhedlele luluntu;
 - (e) ukukhuthaza amavoluntiya ukuba anikele ngeenkonzo zawo zokwenza imisebenzi ngokubanzi esenzela isibhedlele, oko ekwenza ngokomgaqo-nkqubo ophathelelene namavolontiya;
 - (f) ukwenza isicelo nokuphonononga kube kanye ngonyaka iingxelo zemali neengxomali-zemali zonyaka zesibhedlele; 15
 - (g) ukunyusa ingxowa-mali yokusebenza yeBhodi; nokuba
 - (h) ithi ngokusebenzisana nabalawuli besibhedlele indwendwele isibhedlele, kodwa kungabikho luphazamiseko kwimisebenzi yaso, kwaye inike ingxelo ebhaliweyo eyakhayo ngondwendwelo olo kubalawuli. 20
- (2) IBhodi inokwamkela, ilawule kwaye iphendule ngengxowa-mali eyenziwe yiKomiti emiselwe yona ngokwecandelo 18(6) elungiselelwe unyango olusisiseko lweziko elichaphazelekayo okanye ukusebenza kweKomiti, ngendlela emiselwe nguMphathiswa wePhondo.

Amagunya eeBhodi

25

- 11.** IBhodi iya kuthi, ngokubhekiselele kwisibhedlele emiselwe sona—
- (a) icebise yenze iziphakamiso kuMphathiswa wePhondo, kulawulo lwesibhedlele, kwiNtloko yeSebe, okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngayo nayiphi indlela ewenza ngayo imisebenzi yayo iBhodi; 30
 - (b) icebise yenze iziphakamiso kuMphathiswa wePhondo okanye kumasipala ochaphazelekayo, ngokwaloo meko, malunga nokuthiywa okanye ukuthiywa ngokutsha kwesibhedlele okanye inxalenye kuqukwa iwodi okanye ithiyetha;
 - (c) ifumana nayiphi into efuna ukuyazi kubalawuli besibhedlele, ukuba ngaba olo lwazi lufunekayo aluwanyhashi amalungele ezigulane okanye awabasebenzi okugcinwa kwengcombolo zabo ziyimfihlelo zikhuselekile; 35
 - (e) yenza iinkqubo zophando, iintlanganiso neendibano ezixhobisa ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;
 - (f) ihambisa ulwazi eluntwini okanye kwiindawo zoluntu oluchaphazelekayo, umnqophiso, umbono, iimpawu zentsulungeko, iinkonzo, umsebenzi, umgangatho, imigaqo-nkqubo, iimfuno nobume bezimali zesibhedlele; 40
 - (g) iqesha abasebenzi ngokwekhontrakthi ukuze baphumeze iinjongo zeBhodi;
 - (h) inikele ngemali okanye ngempahla enokuphakamiseka ukubonelela, ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda isibhedlele, oko kusenzeka ngokwendlela emiselwe nguMphathiswa wePhondo; 45
 - (i) yenze ingxowa-mali ize ilawule imali yetrasti okanye imali yeBhodi ngeenjongo ekubhekiselelwa kuzo kumhlathi (h) okanye (i), okanye yenze isebenze nayiphi imimiselo yalo Mthetho; 50

Imisebenzi yeeKomiti

- 12.** IKomiti iya kuthi, ngokubhekiselele kwiziko ngalinye emiselwe lona—
- (a) icele ingxelo malunga namanyathelo athatyathiweyo ngabalawuli beziko lonyango olusisiseko okuphucula umgangatho wenkonzo kwiziko; 55
 - (b) incedise uluntu ukuba luzichaze iimfuno, inkxalabo nezikhalazo zalo kwabezolawulo lweziko lezempilo elineenkonzo zonyango olusisiseko ukuze ezo mfuno, inkxalabo nezikhalazo ziqwalaselwe ngokufanelekileyo;
 - (c) imilisele ukuxhaswa kweziko lezempilo elineenkonzo zonyango ezisisiseko;

- (d) ithi ngokusebenzisana nabalawuli besibhedlele indwendwele isibhedlele, kodwa kungabikho luphazamiseko kwimisebenzi yaso, kwaye inike ingxelo ebhaliweyo eyakhayo ngondwendwelo olo kubalawuli;
- (e) amavolontiya ukuba anikele ngeenkonzozo zawo zokwenza imisebenzi ngokubanzi esenzela isibhedlele, oko ekwenza ngokomgaqo-nkqubo ophathelelene namavolontiya; kunye 5
- (f) nokunika ingxelo esulungekileyo kubalawuli beziko lezempilo elineenkonzozo ezisisiseko ukuphucula ukwenziwa kweenkonzo.

Amagunya eeKomiti zeziko lonyango olusisiseko

13. (1) IKomiti iya kuthi ngokuphathelelene neziko lonyango olusisiseko emiselwe lona— 10

- (a) yenze uphando, ihlale iintlanganiso yenze neendibano zokuxhobisana ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;
- (b) ihambise ulwazi oluphethelelene nomnqophiso, umbono, iimpawu zentsulungeko, iinkonzozo, umsebenzi, imigangatho, imigaqo-nkqubo, izicwangciso-qhinga, iimfuno nobume bezezimali zeziko lezempilo elineenkonzozo zonyango olusisiseko kuluntu okanye kwiindawo zoluntu oluchaphazelekayo; 15
- (c) icebise kwaye yenze iziphakamiso kuMphathiswa wePhondo, kubalawuli beziko lonyango olusisiseko, kwiNtloko yeSebe okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngawo nawuphi umba ophathelelene nendlela yokwenziwa kwemisebenzi yeKomiti; 20
- (d) ifumane naluphi ulwazi olufunwa lulawulo okanye abalawuli beziko lempilo elineenkonzozo zonyango olusisiseko, ukuba olo lwazi aluwanyhashi amalungelo ezigulane okanye awabasebenzi ngokugcina imicimbi yabo iyimfihlo kwaye isekhusini; 25
- (e) iyalele abalawuli beziko lonyango olusisiseko ukuba likhuphe iikopi eziphathelelene neengxela ngenkqubela yemisebenzi eyenziwayo neyathi yasungulwa; kunye
- (f) inyuse ingxowa-mali eya kusetyenziswa liziko lonyango olusisiseko nasekusebenzeni kweKomiti. 30

(2) Yonke imali eyenziwe yiKomiti—

- (a) iya kuhlululwa, ilawulwe kwaye kuphendule ngemali kwiBhodi emiselwe yiNtloko yeSebe ngokwecandelo 18(6), ngendlela emiselweyo;
- (b) iya kusetyenziswa kuphela ukunceda iziko okanye amaziko onyango olusisiseko achaphazelekayo okanye ekusebenzeni kweKomiti. 35

(3) Impahla enokuphakamiseka engumnikelo kwiKomiti iya kwabiwa yakufunyanwa liziko lonyango olusisiseko elichaphazelekayo kwaye liziko elo eliya kuphendula, oko likwenza ngokwemigaqo-nkqubo emiselwe ukulawulwa kweempahla noluhlu lwezinto kwiziko.

Ukutshintsha-tshintsha kwemisebenzi yeBhodi okanye yeKomiti 40

14. (1) Ngokuxhomekeke kwicandelwana (4) nawo nawiphi omnye umthetho, uMphathiswa wePhondo uya kuthi akuba ebonisene neBhodi okanye neKomiti agunyazise iBhodi okanye iKomiti ukuba yenze imisebenzi eyongezelelweyo okanye isebenzise amagunya ongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba— 45

- (a) iBhodi okanye iKomiti ukuba inako ukuyenza loo imisebenzi yongezelelweyo okanye ukusebenzisa loo magunya ongezelelweyo; kunye
- (b) nokuba kuya kuxhomekeka kumdla wabantu wokuba uMphathiswa wePhondo angakwenze oko.

(2) UMphathiswa wePhondo uya kuthi emva kokubonisana neBhodi okanye neKomiti, alirhoxise igunya ebelinikwe iBhodi okanye iKomiti ngokwecandelwana (1) lokuba yenze imisebenzi eyongezelelweyo okanye isebenzise igunya elongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba—

- (a) iBhodi okanye iKomiti ayinakuwenza umsebenzi owongezelelweyo okanye ayinakulisebenzisa igunya; okanye 55
- (b) nokuba kuya kuxhomekeka kumdla wabantu wokuba uMphathiswa wePhondo angakwenze oko.

- (3) UMphathiswa wePhondo uya kuthi akuba ebonisene neBhodi okanye neKomiti—
 (a) ayikhulule iBhodi okanye iKomiti ekubeni yenze imisebenzi ibimiselwe ukuba iyenze ngokwecandelo 10 okanye 12; okanye
 (b) arhoxise igunya ekubhekiselelwe kulo kwicandelo 11 okanye 13 ngokumayela neBhodi okanye neKomiti. 5
- (4) Xa esebenzisa igunya elichazwe kwicandelwana (1), (2) okanye (3), uMphathiswa wePhondo uya kuwasebenzisa emva kokubonisana nentloko okanye neentloko zeziko okanye zamaziko achaphazelekayo empilo.

Ukwenziwa kwemisebenzi nokusetyenziswa kwamagunya

15. (1) Xa kusenziwa imisebenzi okanye xa kusetyenziswa amagunya, iBhodi okanye iKomiti iya kusebenza ngokwemithetho echaphazelekayo nesetyenziswayo yezempilo kunye nomgaqo-siseko owenziwe ngurhulumente wesizwe, owephondo okanye owommandla. 10
- (2) INTloko yeSebe iya kucela iBhodi okanye iKomiti ukuba ingenise ingxelo ephathelelene neenkqubo zayo. 15
- (3) Usihlalo weBhodi okanye weKomiti uya kwisithuba seenyanga ezimbini ekupheleni konyaka ngamnye wekhalenda, angenise ingxelo ebhaliweyo kuMphathiswa wePhondo ngemisebenzi yeBhodi okanye yeKomiti ngaloo nyaka.

Amanyathelo eNtsebenziswano

16. (1) UMphathiswa wePhondo uya kuthabatha amanyathelo okuqinisekisa ubudlelane bentsebenziswano phakathi kweBhodi, iiKomiti namabhunga ezithili zempilo. 20
- (2) IBhodi okanye iKomiti iya kwenza kubekho ubudlelane bentsebenziswano eluqilima kunye nolawulo lwelo ziko lempilo ilisebenzelayo.
- (3) INTloko yeziko lempilo iya— 25
- (a) kuthabathela amanyathelo iBhodi okanye iKomiti echaphazelekayo ukuba yenze imisebenzi yayo okanye isebenzise amagunya ayo; kunye
- (b) nokuqinisa ubudlelane bentsebenziswano kunye neBhodi okanye neKomiti echaphazelekayo.
- (4) Ukuba isonjululwe iyantlukwano ethe yakho phakathi kwabalawulo beziko lezempilo kunye neBhodi okanye neKomiti echaphazelekayo, iBhodi okanye iKomiti okanye intloko yeziko lezempilo iya kucela iNtloko yeSebe ukuba ingenelele okanye ilamle. 30

USihlalo nasekela sihlalo

17. (1) IBhodi okanye iKomiti iya kuthi phakathi kwamalungu ekubhekiselelwe kuwo kwicandelo 5(1)(a) okanye 6(1)(b), ngokwaloo meko, inyule usihlalo kunye nasekela sihlalo— 35
- (a) kwintlanganiso yokuqala; kunye
- (b) nokuya kuthi kwenziwe, nokuba sesiphi kwezo zikhundla esishiyeka singenamntu. 40
- (2) Umsebenzi weSebe akayi kunyulwa njengosihlalo weBhodi.
- (3) Usihlalo kunye nasekela sihlalo batyunjelwa esikhundleni ixesha le-ofisi lelungu ekuthethwa ngalo.
- (4) Kwisithuba seentsuku ezili-14 zenkqubo yokutyumba usihlalo okanye usekela sihlalo ngokwecandelwana (1), usihlalo uya kuyazisa iNtloko yeSebe ngembalelwano ngegama nedilesi yegosa elichaphazelekayo elichaphazelekayo. 45
- (5) Ukuba usihlalo akakho entlanganisweni yeBhodi okanye eyeKomiti okanye akafumaneki, usekela sihlalo uya kubamba njengosihlalo.
- (6) Ukuba usihlalo kunye nasekela sihlalo abakho entlanganisweni yeBhodi okanye eKomiti, amalungu akhoyo aya kunyula omnye kwelo nani alilo ukuba abambe njengosihlalo kuloo ntlanganiso. 50
- (7) Usihlalo weBhodi ligosa lengxelo laloo Bhodi kwaye uya kuba namagunya nemisebenzi emiselwe nguMphathiswa wePhondo.
- (8) I-ofisi kasihlalo okanye usekela sihlalo ayibinamntu ukuba ilungu ekuthethawa nagalo— 55
- (a) libeka phantsi iintambo ngembalelwano; okanye
- (b) liyasuswa ngesigqibo seBhodi okanye iKomiti ekuthethwa ngayo.

Inkxaso ngokubanzi

18. (1) Isibhedlele emiselwe sona iBhodi siya kwalatha indawo, iofisi yonobhala, inkxaso kwezolawulo nakwezemali ezimiselwe yiBhodi.

(2) Ukuba iBhodi iye yamiselwa ukuba ijongane nezibhedlele eziliqela, indawo neofisi yonobhala, inkxaso kwezolawulo nakwezemali iya kunikwa sisibhedlele okanye zizibhedlele eziliqela njengoko kumiselwe— 5

(a) ngokwesivumelwano esiphakathi kweentloko ezibhedlele ezichaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho isivumelwano esinjalo.

(3) Nangona ngokwamacandelwana (1) nele-(2), iBhodi iya kwenza amanye amalungiselelo aphahelelene nendawo, iofisi yonobhala, inkxaso kwezolawulo nakwimali evela engxoweni yayo oko kusenziwa ngendlela emiselwe nguMphathiswa wePhondo. 10

(4) Iziko lonyango olusisiseko emiselwe kulo iKomiti liya kukunika indawo eya kusetyenziswa yiKomiti kwaye kukho imfuneko enkulu yokuba iKomiti ibe ne-ofisi yonobhala, inkxaso yezolawulo nokuphendula ngemali. 15

(5) Ukuba iKomiti imiselwe ukujongana namaziko empilo aneenkonzo zonyango oluphambili aliqela, indawo kukho imfuneko enkulu yokuba kubekhona unobhala, inkxaso kwezolawulo nophicotho zincwadi efunwa yiKomiti neya kwenziwa liziko elinye okanye amaziko aliqela ezempilo aneenkonzo zonyango oluphambili, njengoko kumiselwe— 20

(a) ngokwesivumelwano esiphakathi kweentloko zamaziko onyango olusisiseko achaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho eso sivumelwano.

(6) INtloko yeSebe iya kumisela iBhodi yeKomiti nganye ngokweenjongo zokwamkela, ilawule kwaye iphendule ngemali eyenziwe yiKomiti. 25

(7) IBhodi emiselwe ngokwecandelwana (6) iya kwamkela, ilawule kwaye iphendule ngemali eyenziwe yiKomiti ngendlela emiselweyo.

(8) ISebe liya kuqeqesha lifundise amalungu alo amatsha aqeshiweyo kwisigaba sokuqala sokuba sesikhundleni eofisini kwaye makubonelelwe ngoqeqesho olongezelelweyo ukuba luthatyathwa luyimfuneko kwaye lufanelekile. 30

Ukumisela iintlanganiso

19. (1) INtloko yeSebe iya kumisela ixesha nendawo yentlanganiso yokuqala yeBhodi okanye yeKomiti.

(2) IBhodi okanye iKomiti iya kumisela ixesha nendawo yentlanganiso yezinye iintlanganiso zesiqhelo ezilandelayo eziya kuhlala kube kanye kwinyanga ezintathu kanye ngonyaka. 35

(3) Usihlalo uya kuthi nangaliphi na ixesha abize iintlanganiso yesikhawu, kwaye uya kukwenza oko xa eceliwe ngembalelwano ngamalungu eBhodi okanye eKomiti amabini ubuncinane, xa athe wakubona oko kufanelekile. 40

(4) Usihlalo uya kuwazisa amalungu ngexesha, indawo nesizathu sokubizwa kwentlanganiso yesikhawu ubuncinane kwisithuba seentsuku ezintathu zomsebenzi ngaphambi kokuba ihlale kwintlanganiso leyo, ngaphandle kwaxa kufuneka ibizwe ngesiqophe iintlanganiso ngokubangelwa ziimeko ezingxamisekileyo.

(5) Isaziso sazo zonke iintlanganiso zeBhodi okanye iKomiti mazenziwe zivuleleke eluntwini yiBhodi okanye iKomiti ekuthethwa ngayo. 45

Inkqubo elandelwayo ezintlanganisweni

20. (1) Inkqubo elandelwayo entlanganisweni yeBhodi kufuneka ithi, njengoko ingagunyaziswanga, imiselwe yiBhodi okanye yiKomiti.

(2) Ikhoram enamalungu angayi kuba ngaphantsi kwesiqingatha samalungu amiselwe ngokwecandelwana 5(1)(a) okanye 6(1)(b) kwaye esinye isiqingatha samanye amalungu atyunjwa ngokwecandelo 5(1) no (2) lecandelo 6(1), njengoko kunjalo, kulindeleke ukuba abekho entlanganisweni nangaliphi ixesha. 50

(3) Isigqibo seBhodi okanye seKomiti siya kwenziwa ngokufikelela kwisivumelwano, kodwa xa singafikelelanga isininzi samalungu ebekho entlanganisweni kwisivumelwano, eso sivumelwano kufikelelwe kuso iya kuba sisigqibo seBhodi okanye seKomiti. 55

(4) Xa kuye kwakho ukulingana ngokweevoti kuwo nawuphi umbandela, usihlalo kuloo ntlanganiso uya kongeza eyakhe ivoti ukuze kuthathwe isigqibo.

(5) IBhodi iya kunika umyalelo okanye inike imvume nawuphi na umntu osesikhundleni sokuba ngumcebisi athabathe inxaxheba kwiintlanganiso.

(6) Usihlalo uya kuqinisekisa ukuba—

(a) iyagcinwa irekhodi egqibeleleyo yamalungu abekho entlanganisweni, amanqaku entlanganiso nezisombululo ekugqitywe ngazo, kuzo zonke iintlanganiso; kunye

(b) nekopi yerekhodi ekubhekiselwe kuyo kumhlathi (a), ityikitywe ngusihlalo, ithunyelwe kwiNtloko yeSebe, ukuba iNtloko yeSebe ithe yayifuna.

5

10

Iintlanganiso ezivulelekele noluntu

21. (1) Ngokuxhomekeke kwicandelwana (2), zonke iintlanganiso zeBhodi zivulelekile eluntwini.

(2) Ukuba iBhodi okanye iKomiti ithe ngezizathu ezifanelekileyo yagqiba ekubeni uluntu malungathabathi nxaxheba kwintlanganiso xa kuxoxwa ngomba othile, usihlalo akayi kulubandakanya uluntu entlanganisweni ngexesha laloo ngxoxo.

(3) IBhodi okanye iKomiti iya kusebenzisa nayiphi na into ebona ifanelekile, ukwazisa uluntu ngeentlanganiso zeBhodi okanye zeKomiti

15

Ikomiti elawulayo

22. (1) IBhodi okanye iKomiti iya kuseka ikomiti elawulayo enamalungu eBhodi okanye eKomiti, ekuya kubakho kuwo ubuncinane isiqingatha samalungu anyulwe ngokwecandelo 5(1)(a) xa iyiBhodi nangokwecandelo 6(1)(b).

(2) Ngokuxhomekeke kwimigaqo yeBhodi okanye yeKomiti kunye necandelwana

(3) nele (4), ikomiti elawulayo iya kwenza yonke imisebenzi kwaye isebenzise onke amagunya eBhodi okanye eKomiti phakathi kweentlanganiso zeBhodi okanye zeKomiti.

25

(3) IKomiti elawulayo ayinawo amagunya okumisela okanye okwenza nasiphi na isigqibo seBhodi okanye seKomiti, ngaphandle kwaxa iBhodi okanye iKomiti ikwalathile oko.

(4) Naliphi inyathelo okanye isigqibo esithatyathiweyo yikomiti elawulayo siya kuthi kwintlanganiso yokuqala yeBhodi okanye yeKomiti elandela emva kwelo nyathelo okanye eso sigqibo, siphononongwe yiBhodi okanye yiKomiti size silungiswe kungagatywanga nawuphi na umntu.

30

IiKomiti ezizodwa

23. (1) IBhodi okanye iKomiti iya kuseka iikomiti ezizodwa eziya kuba namalungu eBhodi okanye eKomiti aya kwenza imisebenzi ethile okanye asebenzise amagunya athile egameni leBhodi okanye leKomiti.

35

(2) Xa igunya lolawulo linikwe ikomiti eyodwa, umyalelo, imimiselo ekubhekiselelwa kuyo, inkqubo neekhoram zekomiti eyodwa kufuneka kuya kuvunyelwana ngazo zishicilelwe yiBhodi okanye yiKomiti.

40

(3) Ikomiti eyodwa yeBhodi iya kutyumba umntu okanye abantu abangasebenzi kwiBhodi ukuba basebenze kwikomiti njengabacebisi.

(4) Naliphi inyathelo elithatyathiweyo okanye isigqibo esithatyathiweyo yikomiti eyodwa, siya kuthi kwintlanganiso yokuqala yeBhodi okanye iKomiti emva kwelo nyathelo kweso sigqibo, kuphononongwa okanye sitshintshwe yiBhodi okanye iKomiti kungakhethwanga mntu utheni.

45

Ukunyusa ingxowa-mali yeBhodi nokusetyenziswa kwayo

24. (1) IBhodi iya kufumana iinkonzo, imali, oovimba bokugcina okanye izixhobo ngeenjongo zokufezekisa imisebenzi yayo.

(2) IBhodi iya kuyisebenza imali, oovimba okanye izixhobo ezinikwe ngeenjongo zokwenza imisebenzi yayo.

50

(3) IBhodi iya kuseka iqumrhu eliya kujongana nemali eya kuba luncedo kwiziko lempilo esebenzela lona kwaye iya kwamkela ize ilawule elo qumrhu lakuba lisekiwe ukuze lincede iziko lempilo esebenzela lona.

(4) IBhodi iya kugcina zonke iirekhodi zemali ezifumeneyo nezichithileyo neempahla.

(5) IBhodi iya kuthi rhoqo kwisithuba seenyanga ezimbini zokuphela konyaka-mali, ingenise kwiNtloko yeSebe iingxelo zemali zonyaka ezihlanganiswe ngokwesikhokelo soniko-ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali. 5

(6) UMphicothi zincwadi onyulwe yiBhodi uya kuthi ngokwecandelwana (7), enze uphicotho kwiirekhodi nakwiingxelo zonyaka zemali zeBhodi athumele ingxelo yophicotho kwiNtloko yeSebe nakwiBhodi echaphazelekayo kwisithuba seenyanga ezimbini zifumanekile iingxelo ekubhekiselelwa kuzo kwicandelwana (5). 10

(7) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe amisele ukuba iBhodi ixolelwe ekuphicothweni.

(8) UMphathiswa wePhondo uya kuqwalasela oku kulandelayo kuba iBhodi xa esenza isindululo ngokwecandelwana (7):

(a) ukuba ngaba lilonke ixabiso lee-asethi kuqukwa nemali eselugcinweni yeBhodi egqithileyo kuma-R5 000 000 kumnyaka-mali odlulileyo, kunye nesixamali esinjalo siza kuhlengahlengiswa rhoqo ngonyaka ngowo-1 Matshi ngokuhambelana neSalathisi seXabiso loMthengi; 15

(b) iingxelo zemali zeBhodi zomnyaka-mali odlulileyo; kunye

(c) nokuba iBhodi yayenza imisebenzi yayo ngokwalo Mthetho kumnyaka-mali odlulileyo. 20

(9) Apho uMphathiswa wePhondo aye wayixolela iBhodi ngokwecandelwana (7), iBhodi iya kuthi nokuba kunjalo ingenise kwiNtloko yeSebe iingxelo zemali ezenziwe ngokwesikhokelo soniko ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wemali. 25

(10) UMphathiswa wePhondo uya kumisela iBhodi exolelweyo ngokwecandelwana (7) kuba iphicothwe njengoko kuchaziwe kwicandelwana (6).

(11) Unyaka-mali weBhodi ngunyaka ophela ngomhla wama-31 kuMatshi.

(12) Ukuba iBhodi iyasilela ukuthobela icandelwana (5) okanye (9), okanye apho iBhodi iye yanamagingxigingxi ekuphatheni imali, uMphathiswa wePhondo uya kumisela amanyathelo olungiso awabona efanelekile, aquka— 30

(a) ukuqeshwa komlawuli ukuze alawule imicimbi yemali okanye imisebenzi eyenziwayo yiBhodi;

(b) ukunqunyanyiswa okanye ukurhoxiswa kwamalungu eBhodi esikhundleni; kunye 35

(c) nokutshintshwa kwemisebenzi namagunya eBhodi, nangona kumiselwe kwicandelo 14.

(13) Ngaphambi kokuba athabathe amanyathelo olungiso akhankanywe kwicandelwana (12), uMphathiswa wePhondo, iNtloko yeSebe iya kukhuphela amalungu eBhodi isaziso neekopi ezigunyazisa ukufezekiswa kwemisebenzi njengoko inikiwe— 40

(a) inkcazelo ephathelele ekunxaxheni kwimimiselo kuqukwa nokusilela ukwenza imisebenzi ngemfezeko;

(b) amanyathelo amiselwe iBhodi ukuba iwalandele kwanexesha apho la manyathelo aya kuthi alungise oko kunxaxhwe kuko; kunye

(c) nokwazisa iBhodi ukuba isilele ekuthabatheni amanyathelo akhankanywe kumhlathi (b) iNtloko yeSebe iya kugqithisela kuMphathiswa wePhondo olo nxaxho ukuze ibe nguye othabatha amanyathelo olungiso ngokwecandelwana (12). 45

(14) IBhodi iyakhawulelana nawo onke amanyathelo akhankanyiweyo kwicandelwana (13)(b) kwisithuba esikhankanyiweyo kwisaziso sothobelo, iNtloko yeSebe iya kuyazisa iBhodi ngembalelwano malunga nokuthobela kwayo ngokwesaziso sokuthobela. 50

(15) Ukuba iBhodi iyasilela ukuthobela naliphi na inyathelo kumanyathelo onke ekubhekiselelwa kuwo kwicandelwana (13)(b) kwisithuba esikhankanywe kwisaziso sothobelo— 55

(a) iNtloko yeSebe iya kuthi ekupheleni kwexesha elichazwe kwisaziso sothobelo, imazise uMphathiswa wePhondo ngembalelwano ngesizathu sokunxaxha okanye ukungathobeli ngokupheleleyo kweBhodi; kunye

(b) nokuthi uMphathiswa wePhondo athi kwiintsuku ezingama-30 esifumene isaziso sonxaxho okanye ukungathobeli ngokupheleleyo kweBhodi ngembalelwano malunga nokunxaxha okanye ukungathobeli ngokupheleleyo ngokwendlela ekhankanywe kwisaziso sothobelo. 60

- (16) Isaziso esikhankanywe kwicandelwana (15)(b) iya kuchaza—
- (a) amanyathelo aphakanyisiweyo olungiso aya kuthatyathwa ngokwecandelwana (12); kwaye
 - (b) ukuba iBhodi inelungelo lokwenza ulwandlalo phambi koMphathiswa wePhondo kwisithuba seentsuku ezi-14 sifunyenwe isaziso esiphathelele kumanyathelo aphakanyisiweyo olungiso. 5
- (17) Zakuphela iintsuku ezili-14 ezichazwe kwicandelwana (16)(b), ukuba uMphathiswa wePhondo uyifumene akayifumana ingcaciso ngembalelwano evela kwiBhodi, uMphathiswa wePhondo uya kuthi emva kokuqwalasela onke amanqaku afanelekileyo kuquka nokungathobeli ngokupheleleyo kweBhodi, athabathe amanyathelo olungiso aphakanyisiweyo 10
- (18) Ukuba umlawuli uye waqeshwa ngokwecandelwana (12)(a), uya kuthi—
- (a) kwisithuba seenyanga ezintandathu eqeshiwe, angenise kwiNtloko yeSebe ingxelo emalunga nemicimbi yemali yeBhodi nazo naziphi na izenzo ezikrokelwayo zonxaxho kwimimiselo esemthethweni okanye ukwenza isenzo solwaphulo-mthetho seBhodi echaphazelekayo 15
 - (b) emva koko, iya kuthi ibonisene neNtloko yeSebe, yenze isicwangciso sokulungisa seBhodi echaphazelekayo; kunye
 - (c) nokuthi sakuba sigqityiwe isicwangciso sokulungisa, okanye ukuphumeza isicwangciso sokulungisa— 20
 - (i) ukuba kufanelekile, kungenziwa isiphakamiso kuMphathiswa wePhondo neNtloko yeSebe sokuba kwandiswe isicwangciso sokulungisa esiya kuthatha isithuba seenyanga ezintandathu; okanye
 - (ii) kungeniswe kuMphathiswa wePhondo nakwiNtloko yeSebe ingxelo egqibeleleyo yemicimbi yemali yeBhodi kunye nalo naluphi na unxaxho kummiselo womthetho okanye isenzo esingekho mthethweni esenziwe yiBhodi. 25
- (19) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe akufumana ingxelo egqibeleleyo echazwe kwicandelwana (18)(c)(ii), nguye oya kubona ukuba— 30
- (a) iBhodi inako ukulawula imicimbi yayo yemali; okanye
 - (b) iBhodi inako ukulawula imicimbi yayo yemali ngoncedo lomlawuli omiselwe nguMphathiswa wePhondo ngokuphathelene ngemiqathango nemimiselo njengoko kumiselwe nguMphathiswa wePhondo.
- (20) Ngaphambi kokuba uMphathiswa wePhondo enze isindululo ngokwecandelwana (19)(b), uya kuyazisa iBhodi ngembalelwano ngeenjongo zakhe zokuba enze eso sindululo. 35
- (21) Isaziso esikhankanywe kwicandelwana (20) siya kuchaza—
- (a) isindululo sokuba uMphathiswa wePhondo abe nenjongo yokwenza; kunye
 - (b) nokuba iBhodi inelungelo lokwenza ingcaciso ebhaliweyo kuMphathiswa wePhondo kwisithuba seentsuku ezili-14 isifumene isaziso esimalunga nesindululo esenziweyo. 40
- (22) Ukuphela kweentsuku ezili-14 ezikhankanywe kwicandelwana (21)(b), ukuba ingaba uMphathiswa wePhondo uyifumene okanye akayifumananga ingcaciso ebhaliweyo evela kwiBhodi, uMphathiswa wePhondo uya kuthu emva kokuqwalasela onke amanqaku afanelekileyo kuquka nayo nayiphi na ingcaciso eyenziwe yiBhodi, enze isindululo 45

Imfanelo zohambo nezimayela noko

- 25.** (1) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo, ebonisene noMphathiswa wePhondo wezemali, iBhodi ingathatha kwimali yayo ibuyekeze ilungu leBhodi, elatyunjwa ngokwecandelo 5(1)(a) no(b), umcebisi ngokwecandelo 20(5), okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 23(3) mayela—
- (a) neendleko zothutho phakathi kwendawo elihlala, okanye elisebenza kuyo ilungu, umcebisi okanye umntu kunye nendawo ebanjelwe kuyo intlanganiselo yeBhodi okanye yekomiti echaphazelekayo; kunye 55
 - (b) neendleko zohambo neemfanelo zokuphila ezithe zadaleka ngenxa yokuya kwiinkomfa, iisemina okanye kwiinkqubo zoqeqesho zeBhodi, kodwa xa iinkomfa, iisemina neenkqubo zoqeqesho zingaphaya kwemida yePhondo yoMzantsi Afrika, kuya kufumaneka imvume kuMphathiswa wePhondo. 60

(2) (a) IBhodi ayiyi kuwabuyekeza amalungu ayo ngexesha elichithelwe kwizinto zomsebenzi weBhodi.

(b) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali, iBhodi ingathatha kwimali yayo ibuyekeze umcebisi ngokwecandelo 20(5) okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 23(3), ngexesha elichithwe emsebenzini weBhodi. 5

(3) (a) Ilungu leKomiti alinalungelo lokubuyekwezwa ngexesha elilichithele emsebenzini weKomiti.

(b) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali, iSebe lingathatha kwingxowamali yalo libuyekeza ilungu leKomiti elatyunjwa ngokwecandelo 6(1)(b) iindleko zohambo ezenzeke ngokuya ezintlanganisweni zeKomiti. 10

(4) Xa iBhodi ingenamali yaneleyo, ize ithi ngokuxhomekeke kwixabiso elimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wezemali, iSebe lingathatha kwingxowamali yalo libuyekeza ilungu leBhodi elingekabikho lungelweni lokubuyekwezwa ngeendleko zalo liSebe ngenxa yokuba sesikhundleni ekubhekiselelwa kuso kumacandelo 5(1)(c), (d), (e) okanye (f), zohambo ezikhankanyiweyo kwicandelwana (1)(a). 15

Ukuvalwa kweziko lempilo

20

26. (1) Xa lithe lavalwa iziko lempilo yiBhodi okanye yiKomiti emiselwe lona, iNtloko yeSebe iya kuthi kwisithuba seenyanga ezintathu ubuncinane ngaphambi kokuvalwa kwalo nasemva kokuba ibonisene neBhodi okanye neKomiti, iyalele iBhodi okanye iKomiti ngembalelwano malunga—

- (a) nemeko apho ithe iBhodi okanye iKomiti eyayimiselwe ukujongana nelo ziko lempilo kuphela, kuthe injongo yokuvalwa kwalo ziko nokuchithwa kweBhodi okanye iKomiti kunye, naxa iBhodi yayisungule nayiphi na itrasti; 25
- (b) naxa iBhodi okanye iKomiti eyayimiselwe ukujongana namaziko empilo angaphezulu kwelinye, nakuphi na ukutshintshwa okucetywayo ngolwakhwiwo lwayo olubangelwa kukuvalwa kwelo ziko; kunye 30
- (c) naxa iBhodi eyayimiselwe kuphela elo ziko lempilo, ukutshithiswa kweempahla namatyala eBhodi, okanye nayiphi na itrasti eyayisungulwe yiBhodi.

(2) Xa kuvalwa iziko lempilo ekubhekiselelwa kulo kwicandelwana (1)(a), iBhodi okanye iKomiti ejongene nelo ziko lempilo, apho itrasti eyayisungulwe yiBhodi ithe yatshithiswa, iNtloko yeSebe iya kuthi, xa kukho imfuneko, ithabathe amanyathelo okuba kuqaliswe ukusetyenziswa imiyalelo echazwe kwicandelwana (1)(c). 35

Imimiselo yexeshana ngokubhekiselele kwizibhedlele ezikhulu

27. Ilungu alinaxanduva layo nayiphi na into ethe yenziwa ngentembeko ekwenzeni umsebenzi ngokwalo Mthetho. 40

Imimiselo

28. (1) Ngokuxhomekeke kwicandelo (3), uMphathiswa wePhondo uya kwenza imimiselo ephathelele—

- (a) neenkqubo zokutyunjwa kwamalungu aya kunyulwa asebenze kwiiBhodi nakwiiKomiti; 45
- (b) nolawulo lwemali yeeBhodi;
- (c) indlela ethi iBhodi yenze isibonelelo ngayo okanye enye iimpahla enokushukumiseka yokubonelela, ukuphucula okanye ukwandisa iinkonzo ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda isibhedlele; 50
- (d) amagunya nemisebenzi kasihlalo weBhodi okanye weKomiti;
- (e) indlela ethi iBhodi enokuthi yenze ngayo amalungiselelo endawo, kunye nenkxaso kwi-ofisi yonobhala, ulawulo nakwezemali;
- (f) indlela emiselwe iKomiti ekuhlawuleni imali eyenzelwe ukuxhasa iziko lonyango olusisiseko nokusebenza kweKomiti kwiBhodi emiselwe yiNtloko yeSebe ngokwecandelo 18(6); 55

- (g) indlela ethi imiselwe ngayo iBhodi ngokwecandelo 18(6) ukuba yamkele, ilawule iphendule ngemali eyenziwe yiKomiti;
 - (h) iindleko zokuhamba neemfanelo ezihlawulwayo ngokwalo Mthetho;
 - (i) ukusungulwa kwetrasti yiBhodi; kunye
 - (j) inkqubo elandelwayo inkqubo yokuhlanganiswa kwamaziko onyango olusisiseko nokumiselwa kweKomiti yamaziko aliqela onyango. 5
- (2) Ngokuxhomekeke kwicandelwana (3), uMphathiswa wePhondo wenza imimiselo malunga—
- (a) iinkqubo ezilandelwayo zentlanganiselo zeBhodi okanye zeKomiti; kunye
 - (b) nawo nawuphi na omnye umba oyimfuneko okanye ungxamiseko lokukhupha umyalelo ukuze kufezekiswe iinjongo zalo Mthetho. 10
- (3) Xa imimiselo ifuna kubekho imali kurhulumente, uMphathiswa wePhondo uya kwenza imimiselo ngokwesivumelwano soMphathiswa wePhondo wezemali.

Ulwabiwo-msebenzi

29. (1) UMphathiswa wePhondo uya kumisela nawaphi na amagunya okanye imisebenzi ayinikwe ngokwemimiselo yalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, kwiNtloko yeSebe. 15
- (2) INtloko yeSebe iya kumisela okanye inike naliphi na igunya ngokwemimisela yalo Mthetho—
- (a) umsebenzi weSebe; okanye 20
 - (b) umntu osesikhundleni okanye kwisihlalo esithile kwiSebe.
- (3) Ngaphandle kwe candelwana (2), iNtloko yeSebe iya kumisela amagunya okanye inike ilungu umsebenzi.
- (4) Ukumiselwa magunya okanye imisebenzi ekubhekiselelwa kulo kwicandelwana (1) okanye (2)— 25
- (a) kuya kubhalwa phantsi;
 - (b) kuyaa kwenziwa ngokwemiqathango;
 - (c) kuya kurhoxiswa okanye kulunguswe ngokubhalwa phantsi nguMphathiswa wePhondo okanye yiNtloko yeSebe, njengoko kunjalo;
 - (d) kunika imvume yokumiselwa kwamanye amagunya okanye oko kwenziwayo kula msebenzi; 30
 - (e) akumthinteli uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kunjalo, ekubeni asebenzise amagunya akhe okanye enze la msebenzi; kunye
 - (f) nokuba akumhluthi uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kunjalo, uxanduva lwakhe malunga namagunya amiselweyo okanye ukwenza umsebenzi omiselweyo. 35

Imimiselo yethutyana ephathelele nezibhedlele ezikhulu

30. (1) Nangona ubhangiso lwe*Western Cape Health Facility Boards Act* lalo Mthetho, ibhodi ekhoyo yesibhedlele esikhulu iqhuba nokusebenza ngokwemimiselo yala Mthetho ade uMphathiswa wesizwe atyumbe ibhodi engummeli wesibhedlele esikhulu yesibhedlele esichaphazelekayo. 40
- (2) Lingatyeshelwanga nje icandelo 7 lomthetho i*Western Cape Health Facility Boards Act*, ukuba ixesha lokuba sesikhundleni kwelungu lebhodi lesibhedlele esikhulu elikhoyo liyaphela ngaphambi kokuba uMphathiswa wesizwe amisele isibhedlele esichaphazelekayo ibhodi engummeli wesibhedlele esikhulu, elo lungu liya kuhlala esikhundleni ade uMphathiswa wesizwe alimisele. 45
- (3) Yakuba imiselwe ibhodi engummeli yesibhedlele esikhulu nguMphathiswa wesizwe—
- (a) iimpahla namatyala ebhodi ekhoyo kwisibhedlele esikhulu, ezinikwe ibhodi engummelo wesibhedlele esikhulu ngokomqathango ezo mpahla ziya kusetyenziswa yibhodi engummeli wesibhedlele esikhulu ixhase le bhodi okanye isibhedlele esikhulu esebenzela sona; kunye 50
 - (b) nokuba uMphathiswa wePhondo uya kuthi emva kokubonisana nebhodi ekhoyo yesibhedlele esikhulu enze ummiselo obhaliweyo ophathelelene nawo nawuphi na umba oyimfuneko ukuqinisekisa ngokusebenza ngokufanalekileyo kwebhodi engummeli wesibhedlele esikhulu. 55

UBhangiso noLondolozo

31. (1) UMthetho weeBhodi zamaZiko eMpilo weNtshona Koloni uyabhangiswa.

(2) Ngokwecandelo 30—

- (a) iBhodi emiselwe phantsi kwecandelo 5 le*Western Cape Health Facilities Board Act* kunye nokubakho kwayo ngaphambi kokuqalisa kokusebenza kwalo Mthetho iyaqhuba nokusebenza kwaye ithathwa njengemiselwe phantsi kwecandelo 4(1) lalo Mthetho; 5
- (b) ukuchongwa kwegunya lolawulo lomthetho namalungelo nezimiselo zaloo Bhodi azichaphazeleki ngenxa yokubhangiswa kwalo Mthetho; kunye
- (c) nawuphi na umntu osesikhundleni ngokwalo Mthetho othi ngaphambi kokuqalisa ukusebenza kwalo Mthetho aqhubeke esesikhundleni ixesha elisikelwe ukuba abe sesikhundleni loo mntu kwaye oku kuthathwa njengokuba watyunjelwa kweso sikhundla ngokwalo Mthetho ngokwenxalenye yexesha elingaphelelwayo lokuba sesikhundleni. 10

(3) Nawuphi na umpoposho, umgaqo, umyalelo, isigunyaziso, imvume okanye uxwebhu oluthe lwakhutshwa, lwapapashwa, lwanikelwa okanye lwavunywa kunye naso nasiphi na esinye isenzo esenziwe phantsi komthetho i*Western Cape Health Facility Boards Act*, ukuba oko akuhambi ngokwalo Mthetho, uthatyathwa njengopapashwe, wanikelwa, wavunywa okanye wenziwa phantsi kwalo Mthetho. 15

Isihloko esifutshane nokuqala kokusebenza komthetho

20

32. Lo Mthetho ubizwa ngokuba ngu uMthetho weeBhodi neeKomiti zamaZiko eMpilo weNtshona Koloni, 2016 noya kuqala ukusebenza ngomhla oya kumiselwa yiNkulumbuso ngokwenza umpoposho kwiGazethi yePhondo.

9.2	REPORT/S BY THE SPEAKER
-----	-------------------------

9.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 1 ST QUARTER OF 2024/2025 FINANCIAL YEAR
-------	--

Collaborator No: 775750
IDP KPA Ref No: Good Governance
Meeting Date: 30 October 2024

**1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING
1ST QUARTER OF 2024/2025 FINANCIAL YEAR**

2. PURPOSE

For Council to take note of the Functioning of Ward Committees within the Stellenbosch municipal areas.

3. DELEGATED AUTHORITY

For Notification by Municipal Council

4. EXECUTIVE SUMMARY

In terms of section 73 of the Local Government: Municipal Structures Act, no 117 of 1998 and Regulations, Ward Committees must be established for each ward within the municipal area within 120 days after the election.

The system of delegations of the Stellenbosch Municipality (S6 and S7) designates the Speaker of Stellenbosch Municipality to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees.

At the Council meeting of 30 March 2022, Council noted the establishment of Ward Committees for all 23 wards within the Stellenbosch Municipality.

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as ANNEXURE A is a table outlining the functioning of all Ward Committees for the period July to September 2024, including dates and number of Ward Committee meetings held to date.

5. RECOMMENDATIONS

- (a) that Council note the functioning of Ward Committees in all 23 wards; and
- (b) that Council take note of the number of Ward Committee and Sector meetings held to date in all 23 wards from July to September 2024.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of In terms of the Policy and Procedures for Ward Committees amended and adopted by Council on 23 November 2021, the Speaker of Council is the custodian of Ward Committees. The Speaker must, in collaboration with Ward Councillors, regulate and monitor the frequency of ward committee and community report back meetings and must through his/her office ensure functionality of ward committees, as outlined in paragraphs 15(1) and 15(3 and 4) of Council's Policy and Procedures for Ward Committees.

In terms of section 73 of the Local Government: Municipal Structures Act, no 117 of 1998 and Regulations, Ward Committees must be established for each ward within the municipal area within 120 days after the election.

6.2 **Discussion**

At the meeting of 30 March 2022 Council noted the establishment of Ward Committees for all 23 wards within the Stellenbosch Municipality.

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees.

All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as ANNEXURE A is a table outlining the functioning of all Ward Committees, including dates and number of Ward Committee meetings for the period July to September 2024.

6.5. **Financial Implications**

As per the approved budget.

6.4 **Legal Implications**

The recommendations in this report comply with approved delegations, legislation and Council policies.

6.5 **Staff Implications**

Ward Administrators have been appointed to assist with the functioning of Ward Committees. Where vacancies exist, there are processes in place to fill the vacancies.

6.6 **Previous / Relevant Council Resolutions:**

23rd COUNCIL MEETING: 2024-07-24: ITEM 10.2.1

6.7 **Risk Implications**

This report addresses the risk implications for the Municipality.

6.8 **Comments from Senior Management:**

The report was not circulated for comment

ANNEXURES

Annexure A: Summary of Ward Committee and Public Meetings held: July - September 2024

FOR FURTHER DETAILS CONTACT:

NAME	Jacqueline Beerwinkel
POSITION	EXECUTIVE SUPPORT OFFICER
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021808 8618
E-MAIL ADDRESS	Jacqueline.Beerwinkel@stellenbosch.gov.za
REPORT DATE	30 October 2024

ANNEXURE A

**ANNEXURE A: SUMMARY OF WARD COMMITTEE AND PUBLIC MEETINGS HELD:
JULY - SEPTEMBER 2024.**

WARD COMMITTEE MEETINGS: JANUARY – JULY - SEPTEMBER 2024					
Wards	No of WC Members	No of WC Meetings	Meeting dates (WC)	Public / Report back meetings	IDP attendance of w comm
1	7	2	31/07/2024; 18/09/2024		
2	10	2	25/07/2024; 29/08/2024		
3	8	1	18/07/2024		
4	9	2	29/07/2024; 03/09/2024		
5	9	2	09/07/2024; 06/08/2024		
6	8	2	07/08/2024; 04/09/2024		
7	10	2	14/08/2024; 11/09/2024		
8	5	1	25/07/2024		
9	10	2	02/07/2024; 03/09/2024	26/09/2024	
10	8	2	20/08/2024; 09/09/2024	10/09/2024	
11	10	3	23/07/2024; 13/08/2024; 17/09/2024		
12	10	2	10/07/2024; 07/08/2024		
13	10	2	31/07/2024; 12/09/2024		

Wards	No of WC Members	No of WC Meetings	Meeting dates (WC)	Public / Report back meetings	IDP attendance of w comm
14	10	2	24/07/2024; 26/09/2024		
15	10	2	15/08/2024; 17/09/2024		
16	8	2	15/07/2024; 15/08/2024		
17	7	1	12/09/2024		
18	10	3	08/07/2024; 12/08/2024; 02/09/2024		
19	8	3	17/07/2024; 15/08/2024; 05/09/2024		
20	9	3	16/07/2024; 06/08/2024; 17/09/2024		
21	7	2	20/08/2024; 03/09/2024	13/08/2024	
22	9	2	08/08/2024; 04/09/2024		
23	9	2	06/08/2024; 03/09/2024		

9.3	REPORT/S BY THE MUNICIPAL MANAGER [MS G METTLER]
9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 JULY 2024 UNTIL 30 SEPTEMBER 2024

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 October 2024

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 JULY 2024 UNTIL 30 SEPTEMBER 2024

2. PURPOSE

To report to Council on the decisions taken by the Municipal Manager and the Directors in terms of Council's System of Delegations for the period 1 July 2024 until 30 September 2024, 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

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.

Furthermore, these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

5. RECOMMENDATION

that Council takes note of the decisions taken for the period 1 July 2024 until 30 September 2024, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 July 2024 – 30 September 2024)
- Chief Financial Officer – Mr K Carolus (1 July 2024 – 30 September 2024)
- Director Infrastructure Services – Mr S Chandaka (1 July 2024 – 30 September 2024)
- Director Planning and Economic Development – Mr A Barnes (1 July 2024 – 30 September 2024)
- Director Corporate Services – Ms A de Beer (1 July 2024 – 30 September 2024)
- Director Community and Protection Services – Mr G Boshoff (1 July 2024 – 30 September 2024)

6. DISCUSSION / CONTENTS

6.1 BACKGROUND

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:

"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has been delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

6.2 DISCUSSION

The report outlines the delegations exercised to the various Senior Managers as delegated by Council.

6.3 FINANCIAL IMPLICATIONS

Authorisations were dealt with as per approved budget.

6.4 LEGAL IMPLICATIONS

The report complies with Council's System of Delegations and all applicable legislation.

6.5 STAFF IMPLICATIONS

The are no additional staff implications

6.6 PREVIOUS / RELEVANT COUNCIL RESOLUTIONS**24THCOUNCIL MEETING: 2024-07-30: ITEM 9.3.1****NOTED**

that Council takes note of the decisions taken for the period 1 April 2024 until 30 June 2024, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 April 2024 – 30 June 2024)
- Chief Financial Officer – Mr Kevin Carolus (1 April 2024 – 30 June 2024)
- Director Corporate Services – Ms A de Beer (1 April 2024 – 30 June 2024)
- Director Infrastructure Services – Mr S Chandaka (1 April 2024 – 30 June 2024)
- Director Planning and Economic Development – Mr A Barnes (1 April 2024 – 30 June 2024)
- Director Community and Protection Services – Mr G Boshoff (1 April 2024 – 30 June 2024).

6.7 RISK IMPLICATIONS

Council must comply with the provisions of the approved Systems of Delegations

6.8 COMMENTS FROM MANAGEMENT

The item was not circulated for comments as the delegations are exercised by Section 56 Managers.

ANNEXURES

Delegations exercised by Directorates: 1 July 2024 – 30 September 2024.

FOR FURTHER DETAILS CONTACT:

NAME	G Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	10 October 2024

ANNEXURE A

DIRECTORATE: OFFICE OF THE MUNICIPAL MANAGER

DELEGATION	CATEGORY	REPORT SUBJECT AND RECOMMENDATIONS	DATE RECEIVED	DATE RESOLVED	RESOLUTION AND COMMENTS
ACTING MUNICIPAL MANAGER – A BARNES: 26 – 30 JUNE 2024					
SC13	17(C)	Deviation: Appointment of ONTEC Systems on a month-to-month basis until 30/11/2024 to manage the existing STS6 edition 2 compliant electricity prepayment vending starting 1/07/2024	26/06/2024	26/06/2024	Approved
C70	Section 34(1), MFMA	Funding Agreement for providing free basic electricity (1 July 2024-30 June 2027	28/06/2024	28/06/2024	Signed
C70	Section 34(1), MFMA	MOA: Government of the Republic of South Africa through its Department of Mineral Resources and Energy// Stellenbosch Municipality (EEDSM) 1/07/2024 – 30/06/2025	28/06/2024	28/06/2024	Signed
SC6	5(2)(b)	BSM43/24 – Hiring of refuse compactors and refuse cage trucks as and when required from 1/07/2024-30/06/2027	28/06/2024	28/06/2024	Approved
SC16	26(1)(b)	Appointment of members of the BEC Effective 1 July 2024	28/06/2024	28/06/2024	Approved
SC13	17(C)	Deviation: Tender for bill payment receipting services	28/06/2024	28/06/2024	Approved
SC13	17(C)	Deviation: BSM3/22 - Provision of traffic law enforcement equipment, back-office system and related services	28/06/2024	28/06/2024	Approved
SC13	17(C)	Deviation: BSM73/21 - Unarmed security tender	28/06/2024	28/06/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Chief Accountant – SDBIP Monitoring and Budget Control X2	28/06/2024	28/06/2024	Approved
ACTING MUNICIPAL MANAGER – G BOSHOF: 1 - 18 JULY 2024					
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Lan Use Inspector LUM	1/07/2024	1/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Report on recruitment process for the position Programme Manager Housing Development	1/07/2024	1/07/2024	Approved
CL10	Section 59(1) of MSA	Application for donation – Meyer Family	1/07/2024	1/07/2024	Recommended for approval

SC13	17(C)	Deviation – Appointment of Zutari (Pty) Ltd for completion of new Cells and associated infrastructure at the Stellenbosch landfill	2/07/2024	2/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – SCM Practitioner (Stores)	2/07/2024	2/07/2024	Approved
C70	Section 34(1), MFMA	MOA: WCG via LG//STBMUN – Community Development Worker Programme (CDWP)	2/07/2024	2/07/2024	Signed
AD3	General	Approval of advertisement – General worker Sport Recreation and Halls	3/07/2024	3/07/2024	Approved
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM84/24 – Appointment of a panel service providers to supply and deliver tools and hardware for a contract period 30 June 2025 – Nomzamo Industrial Supplies and services (Pty) Ltd	3/07/2024	3/07/2024	Signed
MM55	Section 62(1)(f)(iv), MFMA	Approval of Report on Regulation 5	3/07/2024	3/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Assistant superintendent (Housing stock)	3/07/2024	3/07/2024	Approved
APP1	Section 62(4)(a) MSA	Response to S62MSA Appeal – BSM71/24 – Tridentchem (Pty)Ltd	5/07/2024	5/07/2024	Signed
MM84	Section 66, MFMA	Pre-approvals – overtime and standby July 2024 – Informal Settlements	5/07/2024	5/07/2024	Approved
	Regulations on Cost containment	Approval of catering services – PDOI session – Integrated Human Settlements	5/07/2024	5/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Chief Audit Executive	5/07/2024	5/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave	5/07/2024	5/07/2024	Approved
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM84/24 – 19 Hundred Trading (Pty) Ltd	5/07/2024	5/07/2024	Signed
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM61/24 – Harold Henning Levendal t/a Levendal Attorneys	5/07/2024	5/07/2024	Signed

MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice 30/06/2024– FNB	8/07/2024	8/07/2024	Approved
SC13	17(C)	Deviation: Appointment of an attorney firm to assist the appeal authority in rehearsing of the appeal by DB Properties regarding the conditions that was approved with the development. Reviewing a decision by the administration to approve credit for the development contributions payable to the municipality by DB properties regarding the development	8/07/2024	8/07/2024	Approved
MM84	Section 66, MFMA	Approval of cellphone allowance – Snr Building Inspector - PED	8/07/2024	8/07/2024	Approved
LPC5		Approval of poster application – Stellenbosch University campaign	8/07/2024	8/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator – Examiner of Drivers Licenses – Traffic services	8/07/2024	8/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator – Snr Manager Wastewater services – Infrastructure services	8/07/2024	8/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator – General worker Infrastructure services	8/07/2024	8/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator – Clerk Infrastructure services	8/07/2024	8/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator – General worker Infrastructure services	8/07/2024	8/07/2024	Approved
HE8	Section 31, HA	Section 31(4) Certificate and Affidavit – Farm 748 Klapmuts	9/07/2024	9/07/2024	Approved
SC6	5(2)(b)	BSM71/23 Underwriting and management of short-term insurance portfolio	10/07/2024	10/07/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – The Institute of Internal Auditors	10/07/2024	10/07/2024	Approved
MM16	Section 55(1)(p), Systems Act	Approval of IUDG Report – June 2024	10/07/2024	10/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of Flexi-hours – Principal Technician – Infrastructure services	10/07/2024	10/07/2024	Approved

BC9	Section 10(1) NBRBSA	Addressing of illegal land use tourist accommodation facility Farm 528/5 Stellenbosch	10/07/2024	10/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of flexi-hours – Snr Building Inspector	10/07/2024	10/07/2024	Approved
SC3	4(1)	Approval of S71 Report – June 2024	10/07/2024	10/07/2024	Approved
SC6	5(2)(b)	BSM101/24 – Bill payment receipting services for a contract period ending 30/06/2027	12/07/2024	12/07/2024	Approved
HR2	Conditions of Service (SALGBC)	MOA – Transport Allowance Snr Manager Development Planning	12/07/2024	12/07/2024	Signed
MM84	Section 66, MFMA	Approval of cellphone allowance – Snr Manager Development Planning	12/07/2024	12/07/2024	Approved
	MFMA	RSEP Programme – Allocation of transfer funds (WCG Grant funding 2024/25)	15/07/2024	15/07/2024	Signed
MM166C	Section 33	POA – Dorp Street Market	15/07/2024	15/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Snr Clerk IDP	16/07/2024	16/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment Knowledge and Information Officer	16/07/2024	16/07/2024	Approved. Appointment of the highest scoring candidate.
SC13	17(C)	Deviation – Appointment of an attorney in appeal matter – Franschhoek Claimant Trust//Stellenbosch Mun	16/07/2024	16/07/2024	Approved
BC9	Section 10(1) NBRBSA	Addressing illegal land use student accommodation/commune at Erf 10857/29 Van Riebeeck Street, Stellenbosch	16/07/2024	16/07/2024	Approved
MM84	Section 66, MFMA	Approval of standby – Chief fire services – august 2024	18/07/2024	18/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of Essential Motor vehicle user scheme – Deputy Chief Law Enforcement	18/07/2024	18/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and employer representative – C Christians – Community and Protection services	18/07/2024	18/07/2024	Approved

MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and employer representative – M Adams – Community and Protection services	18/07/2024	18/07/2024	Approved
VPR2	Paragraph 6f	Approval of virementation – Municipal Running Cost – MM office	18/07/2024	18/07/2024	Approved
MM84	Section 66, MFMA	Approval of cellphone allowance – Assistant Superintend Infrastructure services	18/07/2024	18/07/2024	Approved
MM84	Section 66, MFMA	Approval of standby Snr Manager Protection services – August and September 2024	18/07/2024	18/07/2024	Approved
APP1	Section 62(4)(a) MSA	Response on S62 MSA Appeal – BSM42/24 – Abusons (Pty) Ltd t/a UNICA Plastic Moulders	23/07/2024	23/07/2024	Signed
CL10	Section 59(1) of MSA	Application for donation – Sienah Saaiman Funerals obo MW Stoffels	23/07/2024	23/07/2024	Recommended for approval
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Snr Admin Officer – MM Office	23/07/2024	23/07/2024	Approved
LPC5		Approval of Poster Application – donate Blood at Stellenbosch North Church, DS Botha Street	23/07/2024	23/07/2024	Recommended for approval
LPC5		Approval of Poster Application – donate Blood at VV Hall Neelsie Centre	23/07/2024	23/07/2024	Recommended for approval
	MFMA	MFMA – Municipal Regulations on MMCL – 6-month implementation report – STB Mun	29/07/2024	29/07/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – Media 24	29/07/2024	29/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Snr Technician Water services	29/07/2024	29/07/2024	Approved. As per panel recommendation.
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM71/24 – Bidtiq (Pty) Ltd t/a RC Suppliers	29/07/2024	29/07/2024	Signed
MM84	Section 66, MFMA	Approval of cellphone allowance - Manager Budgeting and Costing	29/07/2024	29/07/2024	Approved
MM84	Section 66, MFMA	Approval of cellphone allowance - Snr Clerk Fleet Management	29/07/2024	29/07/2024	Approved

MM84	Section 66, MFMA	Approval of cellphone allowance - Accountant Financial services	29/07/2024	29/07/2024	Approved
AD3	General	Approval of advertisement – Area Cleaning – Waste Management	29/07/2024	29/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Task outcomes – Provisional Audit Report – Area Cleansing/Collections/Waste management/Traffic services/Waste management	29/07/2024	29/07/2024	Approved
GENERAL	LEG	TPA: Cape Winelands District Municipality//Stellenbosch Municipality – Safety Initiative implementation – Whole of Society Approach (WOSA)	29/07/2024	29/07/2024	Signed
DELEGATION	CATEGORY	REPORT SUBJECT AND RECOMMENDATIONS	DATE RECEIVED	DATE RESOLVED	RESOLUTIONS AND COMMENTS
MM166C	Section 33	Deed of Transfer Erf 238 La Motte (Illegal occupier)	1/08/2024	1/08/2024	Signed
MM166C	Section 33	Deed of Transfer Erf 230 La Motte (Illegal occupier)	1/08/2024	1/08/2024	Signed
SC3	4(1)	Quarterly verifications for Q4 – S71 – Conditional Grants, Borrowings, monitoring investment monitoring	1/08/2024	1/08/2024	Signed
MM109	Section 79(1)(b), MFMA	Delegations exercised by Director Infrastructure services – July 2024	1/08/2024	1/08/2024	Signed
NEM1	Section 24K & L of the “NEMA”.	Declaration of the preponement – Calcutta Dam infill	1/08/2024	1/08/2024	Approved
LPC5		Approval of Poster Application – Bohemia August Band	2/08/2024	2/08/2024	Approved
LPC5		Approval of Poster Application – Democratic Alliance – Ward 17 By-elections	2/08/2024	2/08/2024	Recommended for approval
LEG		Co-operation Agreement between STBMUN//TSU Protection Services (PTY) Ltd its nominee and REMGRO Management Services Limited	2/08/2024	2/08/2024	Signed. Please send to Director Community and Protection Services and to Snr Manager Protection services as well.
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Principal Technician Water Services	2/08/2024	2/08/2024	Approved

MM10	Section 55(1)(f)-(h), Systems Act	Authorisation to implement disciplinary action – J Erasmus - Waste water Treatment	2/08/2024	2/08/2024	Approved
SC6	5(2)(b)	BSM65/24 – Provision of unarmed security services for the greater WC024 for a period ending 30/06/2027	2/08/2024	2/08/2024	Approved
SC6	5(2)(b)	BSM80/24 – Mowing/grass cutting of developed/undeveloped public open spaces, parks, road reserves, cemeteries, facilities and other municipal areas in STB WC024 as and when required from 1/07/2024 – 30/06/2027	2/08/2024	2/08/2024	Approved
CL10	Section 59(1) of MSA	Application for donation – Kayamandi High School	2/08/2024	2/08/2024	Recommended for approval
MM55	Section 62(1)(f)(iv), MFMA	Approval of Report on Regulation 5	3/08/2024	3/08/2024	Approved
AD3	General	Approval of advertisement – Lifeguards X4 – seasonal	6/08/2024	6/08/2024	Approved
AD3	General	Approval of advertisement – General worker temporary post – Sport, Recreation and Halls	6/08/2024	6/08/2024	Approved
AD3	General	Approval of advertisement – Cashiers X2 – temporary – Cloeteville swimming pool – Sports, Recreation and Halls	6/08/2024	6/08/2024	Approved
AD3	General	Approval of advertisement – Supervisor/Driver temporary post – Sport, Recreation and Halls	6/08/2024	6/08/2024	Approved
AD3	General	Approval of advertisement – Cashier – Jonkershoek Picnic site – Sport, Recreation and Halls	6/08/2024	6/08/2024	Approved
AD3	General	Approval of advertisement – Cleaners X2 – temporary – Cloeteville swimming pool – Sports, Recreation and Halls	6/08/2024	6/08/2024	Approved
MM16	Section 55(1)(p), Systems Act	Monthly report IUDG – July 2024	6/08/2024	6/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Project Manager AEG	11/08/2024	11/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Law Enforcement Officers x4	11/08/2024	11/08/2024	Approved

MM9	Section 55(1)(e), Systems Act	Approval of appointment – Snr Clerk X2 – SCM	11/08/2024	11/08/2024	Approved
LPC5		Approval of Poster Application – Christ Embassy Cape Twon NPC	11/08/2024	11/08/2024	Approved
LPC5		Approval of Poster Application – Open Window – Stellenbosch Campus	11/08/2024	11/08/2024	Approved
MM84	Section 66, MFMA	Approval of cellphone allowance – Meter Reader X3– Financial services	11/08/2024	11/08/2024	Approved
C19.1	Section 56(1)(a)(ii), Systems Act	Approval of Acting allowance – Acting Municipal Manager – Director Community and Protection services 1-18 July 2024	12/08/2024	12/08/2024	Approved
LEG16		MOA: STBMUN//Franschhoek Wine Valley Tourist Association	12/08/2024	12/08/2024	Signed
CL10	Section 59(1) of MSA	Application for donation – Cape Winelands Farmworkers Sport Recreation Association	14/08/2024	14/08/2024	Recommended for approval
DM1	57)(Section 44 and 55 of the Disaster act	Funding application - Disaster management - Water and Wastewater services	14/08/2024	14/08/2024	Signed
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ – Specifications – High-end corporate gifts and marketing material for guests, seminars events, campaigns – Communications Department	14/08/2024	14/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or	FQ – Specifications – design, printing of big market and branding material for municipal campaigns – Communications department	14/08/2024	14/08/2024	Approved

	offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)				
C50	Section 14(2) of the MFMA (read with section 90, MFMA)	Transfer document – Land swap Agreement REMGRO – Remainder Erf 705 Stellenbosch & Remainder Erf 4080 Stellenbosch	14/08/2024	14/08/2024	Signed
C50	Section 34(1), MFMA	Deed of Sale and Transfer – Erf 299 La Motte (illegal occupier)	14/08/2024	14/08/2024	Signed
HE8	Section 31, HA	Section 31(4)(a) Certificate – Erven 260 and 268 Johannesburg	14/08/2024	14/08/2024	Signed
HR2	Conditions of Service (SALGBC)	Delegation to approve selection panel for recruitment and selection purposes in accordance with section 16 of the Municipal Staff Regulation GN 890	14/08/2024	14/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval for the appointment of a selection panel – General worker Refuse Collection X2	14/08/2024	14/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval for the appointment of a selection panel – Field officer – Informal Settlements	15/08/2024	15/08/2024	Approved
SC3	4(1)	S71 report – July 2024	15/08/2024	15/08/2024	Signed
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Chief Risk Officer	15/08/2024	15/08/2024	Approved
LPC5		Approval of Poster Application – study Abroad Expo	15/08/2024	15/08/2024	Approved
HR2	Conditions of Service (SALGBC)	MOA – Transport Allowance – Manager Development Infrastructure services	15/08/2024	15/08/2024	Signed
	Regulations on Cost Containment	Approval of catering services – Strategic session with Ward Administrators – council support	15/08/2024	15/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment of selection panel– Operator Supervisor – Collections X4	15/08/2024	15/08/2024	Approved

MM9	Section 55(1)(e), Systems Act	Approval of appointment of selection panel – Manager Operations and Maintenance – Infrastructure services	15/08/2024	15/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment of selection panel – Clerk Roads and Storm water	15/08/2024	15/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment of selection panel – Library Attendant Community services	15/08/2024	15/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment of selection panel – Operator/Supervisor – Area cleaning	15/08/2024	15/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Chief Law Enforcement	15/08/2024	15/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Sner Clerk Risk Management	15/08/2024	15/08/2024	Approved
MM84	Section 66, MFMA	Approval of cellphone allowance – Traffic services	15/08/2024	15/08/2024	Approved
AD3	General	Approval of advertisement – Programme Manager – Integrated Human Settlements	15/08/2024	15/08/2024	Approved
MM93	Section 69(2), MFMA	Quality Certificate – Roll-over adjustments budget implementation August 2024	15/08/2024	15/08/2024	Signed
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM61/24 – Harols Henning Levendal t/a Levendal Attorneys	15/08/2024	15/08/2024	Signed
CL10	Section 59(1) of MSA	Application for donation – Changeability Franschhoek	20/08/2024	20/08/2024	Recommended for approval
CM7	General provisions	Approval of DMP 2024/25 Reporting July 2024	20/08/2024	20/08/2024	Approved
LEG6	GENERAL	Settlement Agreement – STBMUN//Veolia Services Southern Africa – BSM4/15 – upgrade and extension of WWTW	22/08/2024	22/08/2024	Signed
LEG		TPA: WCG via its Department of Infrastructure – Construction and Maintenance Projects 2024/25	22/08/2024	22/08/2024	Signed
MM84	Section 66, MFMA	Approval of cellphone allowance – Snr Electrician – Electrical services	22/08/2024	22/08/2024	Approved

MM166C	Section 33	POA – Erf 718 Kayamandi	23/08/2024	23/08/2024	Signed
MM84	Section 66, MFMA	Approval of standby – Chief fire services – September 2024	23/08/2024	23/08/2024	Approved
LEG10		Approval for appointment of attorneys for evictions on public rental flats	23/08/2024	23/08/2024	Approved
LPC5		Approval of poster application – Toyota Stellenbosch Woordfees	23/08/2024	23/08/2024	Approved
MM84	Section 66, MFMA	Approval of pre-approvals for overtime and standby – Informal Human settlement – September 2024	23/08/2024	23/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Snr Admin Officer MM office	23/08/2024	23/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Task outcomes – SALGA provisional audit report – Development Management- PED	23/08/2024	23/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Chief Risk Officer	23/08/2024	23/08/2024	Approved
DELEGATION	CATEGORY	REPORT SUBJECT AND RECOMMENDATIONS	DATE RECEIVED	DATE RESOLVED	RESOLUTIONS AND COMMENTS
ACTING MUNICIPAL MANAGER – K CAROLUS: 2 – 8 September 2024					
LPC5		Approval of poster application – Aucor Properties	2/09/2024	2/09/2024	Approved
DM2	(Section 55 (2a)) of Disaster act	Provision of emergency fire kits – Hostel C143 Kayamandi	2/09/2024	2/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Application for unpaid leave – MN Langeveldt - HR	2/09/2024	2/09/2024	Approved
	Regulations on Cost Containment	Request for catering services – Basic Business skills - LED	2/09/2024	2/09/2024	Approved
MM109	Section 79(1)(b), MFMA	Delegations exercised by Director Planning and Economic Development August 2024	8/09/2024	8/09/2024	Signed
MM10	Section 55(1)(f)-(h),	Appointment of Presiding officer and Initiator – Law Enforcement Officer X2	8/09/2024	8/09/2024	Approved

	Systems Act				
MM84	Section 66, MFMA	Approval of cellphone allowance – Snr Technician Infrastructure services	8/09/2024	8/09/2024	Approved
MP3		Request for waiver – Fun Walk – Vlotenburg Primary School	8/09/2024	8/09/2024	Approved
C50	Section 14(2) of the MFMA	Application for Section 40 of the Deeds Registries Act Erf 1123 – 1154 Kayamandi	8/09/2024	8/09/2024	Signed
HR2	Conditions of Service (SALGBC)	Approval of overtime – H Lamberts	8/09/2024	8/09/2024	Approved
GENERAL	LEG	TPA: WCG//STBMUN – contribution towards construction and maintenance projects	10/09/2024	10/09/2024	Signed
SC3	4(1)	Appointment of members for delegations of signing power of operational supply chain management effective 18 January 2024	10/09/2024	10/09/2024	Approved
	Regulations on Cost containment	Request for catering services – EPWP project managers workshop - LED	10/09/2024	10/09/2024	Approved
LPC5		Approval of poster application – Stellenbosch University Botanical Garden, Botanical Art and Photography exhibition	10/09/2024	10/09/2024	Approved
LPC5		Approval of poster application – Skeppend SA Pty Ltd – Christmas market	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Manager Communications department	10/09/2024	10/09/2024	Approved
LEG19		Lease Agreement: STBMUN//LC Style Studio - Kayamandi Business and Tourism Corridor	10/09/2024	10/09/2024	Signed
LEG9	General	Founding Affidavit: STBMUN//Catherine Fortuin and others – illegal occupants of 31 Park Street, Groendal, Franschhoek	10/09/2024	10/09/2024	Signed
LEG9	General	Opposing Affidavit: STBMUN//AA Mogolegeng	10/09/2024	10/09/2024	Signed

	Regulations on Cost Containment	Request for catering services – Workshop with Provincial Department of Infrastructure and social housing consultants – Integrated Human Settlements	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Manager communications department	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Director Corporate services	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Director PED	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Director Infrastructure services	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Snr Admin Officer – MM office	10/09/2024	10/09/2024	Approved
APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM73/24 – PTA Agencies (Pty) Ltd	10/09/2024	10/09/2024	Signed
LPC5		Approval of poster application – HFPA Sport & Fitness education – open day	10/09/2024	10/09/2024	Approved
AD3	General	Approval of advertisement – Snr Technician – Metering – Electrical services	12/09/2024	12/09/2024	Approved
MM166C	Section 33	Special POA – STBMUN//CABZUS(Pty) Ltd	12/09/2024	12/09/2024	Signed
MM55	Section 62(1)(f)(iv), MFMA	Approval of report on Regulation 5	13/09/2024	13/09/2024	Approved
CM7	General provisions	Approval of DMP 2024/25 July and August 2024 Report	13/09/2024	13/09/2024	Approved
SC6S	5(2)(b)	BSM108/24 – New Stellebnosch Bien Donne 66/11kV substation	13/09/2024	13/09/2024	Approved
SC6	5(2)(b)	BSM60/24 – Request for proposal (RFP) from Independent Power producers to provide 20MWP renewable energy to STBMUN	13/09/2024	13/09/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – GANEDHI Trading Enterprise	13/09/2024	13/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – Shan Suppliers (Pty) Ltd	13/09/2024	13/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – Take note Trading Universal Trading	13/09/2024	13/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of maternity leave – Snr admin Officer MM office	13/09/2024	13/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Manager Communications Department	13/09/2024	13/09/2024	Approved
LEG16		MOA: STBMUN//Visit Stellenbosch NPC	13/09/2024	13/09/2024	Signed
MM166C	Section 33	Special POA – Unathi Taleni of Taleni Godi Incorporated – High Court Appeal Case No A162/2024	16/09/2024	16/09/2024	Signed
LPC5		Approval of poster application – extension to put up poster – University of Stellenbosch	16/09/2024	16/09/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Appointment of presiding officer and initiator for disciplinary hearing of g Windwaai – Infrastructure services	16/09/2024	16/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Manager IDP/PMS/PP	16/09/2024	16/09/2024	Approved
MM109	Section 79(1)(b), MFMA	Delegation exercised by Director Infrastructure services – August 2024	16/09/2024	16/09/2024	Signed
MM84	Section 66, MFMA	Approval of standby – Chief Fire Officer – October 2024	18/09/2024	18/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – Stellenbosch Travel (Pty) Ltd	18/09/2024	18/09/2024	Approved
SC6	5(2)(b)	BSM113/24: Phase 1 – Structural, electrical, fire compliance and roof replacement for the upgrade of the Beltana depot Stellenbosch	20/09/2024	20/09/2024	Approved
LPC5		Approval of poster application – Stellenbosch Woordfees NPC	20/09/2024	20/09/2024	Approved

APP1	Section 62(4)(a) MSA	Response to S62 MSA Appeal – BSM114/24 – Imbola (Pty) Ltd	20/09/2024	20/09/2024	Signed
HR2	Conditions of Service (SALGBC)	Approval of annual leave – Director PED	20/09/2024	20/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of family responsibility leave – Chief Audit Executive	20/09/2024	20/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Chief Financial Officer	20/09/2024	20/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Approval of invoice – NHN Bricks and Concrete (Pty) Ltd	20/09/2024	20/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of sick leave – Manager IDP/PMS/PP	20/09/2024	20/09/2024	Approved
LEG9	General	Replying Affidavit – Case No 11720/2024 – STBMUN//De Canha N.O. – Cova Da Iria Trust	25/09/2024	25/09/2024	Signed
SC16	26(1)(b)	Appointment of members of the BEC Committee effective 1 November 2023	25/09/2024	25/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ – Specifications – Design and print of 2025 diaries and calendars	27/09/2024	27/09/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Snr Clerk Sundry debtors	28/09/2024	28/09/2024	Appointment of EE candidate in line with employment equity who scored the

					same as the candidate that is recommended. The EE policy is clear in this regard.
MM9	Section 55(1)(e), Systems Act	Approval of appointment – Snr SCM Practitioner	30/09/2024	30/09/2024	Approved as per panel recommendation.

DIRECTORATE: FINANCIAL SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
VPR2	Paragraph 6f	Capital Virementations – All Directorates	01/07/24	31/07/24	Approved
HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores Creditors	01/07/24	31/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 101/24 Bill Payment Receipting Services for a Contract Period ending 30 June 2027	12/07/24	12/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 104/24 Sampling and Testing of Potable and Waste Samples in the Stellenbosch Municipality Area Ending June 2027	12/07/24	12/07/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/07/24	31/07/24	Approved
	Section 96(b), Systems Act	Write Off Various Debtors	01/07/24	31/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 55/23 Vlothenburg Outfall Sewer: Construction of Bulk Sewer and Associated Infrastructure	19/07/24	19/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 88/24 Supply and Installation and Repairs of Artificial Grass in Stellenbosch (Wc024) as and when needed with a Contract Period Commencing 1 July 2024 until 30 June 2027	19/07/24	19/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 93/24 Web Based Power Quality Monitoring / Management System for the Period until 30 June 2027	19/07/24	19/07/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 92/24 Substation Protection and Maintenance within the Stellenbosch Municipality Area (Wc024) as and when Needed: Period 1 July 2024 to 30 June 2027	19/07/24	19/07/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/07/24	31/07/24	Approved
HR2	Conditions of Service (SALGBC)	Overtime pre-approval – Various sections within Finance	01/07/24	31/07/24	Approved

MM122	Section 115(1)(a), MFMA	BSM 100/24 Selling of Pine logs once off to the Highest Bidder	26/07/24	26/07/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/07/24	31/07/24	Approved
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
VPR2	Paragraph 6f	Capital Virementations – All Directorates	01/08/24	31/08/24	Approved
HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores Creditors	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 45/24 Supply and Install Intrusion Detection Systems Including Maintenance In The Stellenbosch WC024 for a Period Ending 30 June 2027	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 65/24 Provision of Unarmed Security Service For The Greater Wc024 for a Period Ending 30 June 2027	01/08/24	31/08/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/08/24	31/08/24	Approved
	Section 96(b), Systems Act	Write Off Various Debtors	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 74/24 The Removal and Transportation Of Shipping Containers to And From Various Locations Within Stellenbosch Municipal Boundaries for a Period Ending 30 June 2027	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 80/24 Mowing / Grass Cutting of Developed/Undeveloped Public Open Mowing / Grass Cutting of Developed/Undeveloped Public Open Mowing / Grass Cutting of Developed/Undeveloped Public Open 01 July 2024 – 30 June 2027	01/08/24	31/08/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/08/24	31/08/24	Approved
HR2	Conditions of Service (SALGBC)	Overtime pre-approval – Various sections within Finance	01/08/24	31/08/24	Approved

HR2	Conditions of Service (SALGBC)	Overtime pre-approval – Salaries department	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 109/24 Development Charges, Technical and Legal Support Services (2-Year Contract) Ending 30 June 2026	01/08/24	31/08/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 03/24 Provision Of Employee Assistance Programme	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 107/24 Appointment of an Event Organiser to Organise The Stellenbosch Festival Of Lights Over a Period Of Three Financial Years From 2024 -2027	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 71/24 Supply, Delivery and Off-Loading of Cleaning Materials and Equipment Supply, Delivery and Off-Loading Of Cleaning Materials and Equipment	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 67/24 Provisions of Traffic Law Enforcement Equipment, Back-Office Systems and Related Service for the Stellenbosch Municipality Including Nrta and All Municipal By-Law Infringements Contraventions for a Period Ending 30 June 2027. (Inclusive Of Last Six Months - Legacy Cases Period)	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 54/24 Various Training Programmes Until 30 June 2027	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 61/24 Appointment of Attorneys for the Rendering of Conveyancing Services: Transfer Of State Subsidized Housing Units for a Period up to 30 June 2027 For The Title Deeds Registration Programme (TRP) – As And When Required	01/08/24	31/08/24	Approved

CM3	General provisions	SCM letters approved Tenderers	01/08/24	31/08/24	Approved
HR2	Conditions of Service (SALGBC)	Acting Allowance to pay various employees within Finance	01/08/24	31/08/24	Approved
HR2	Conditions of Service (SALGBC)	Counter Performance agreements — various employees within Financial Services	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 114/24 Appointment of an Architectural Professional with Heritage Experience to Draft Building Plans, Specifications and act as a Principal Agent for the Renovations to the Municipal Court Building, Stellenbosch	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 105/24 Construction of the Stellenbosch 10ml Reservoir, Bulk Water Supply and ASSOCIATED WORKS	01/08/24	31/08/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 81/24 Pruning, Felling and Stump-Grinding of Trees in Stellenbosch Municipality for the Period Ending 30 June 2025	01/08/24	31/08/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/08/24	31/08/24	Approved
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
VPR2	Paragraph 6f	Capital Virementations – All Directorates	01/09/24	30/09/24	Approved
HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores Creditors	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 60/24 Request For Proposal (RFP) From Independent Power Producers To Provide 20mwp Renewable Energy To Stellenbosch Municipality	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 108/24 NEW STELLENBOSCH BIEN DONNE 66/11kv SUBSTATION	01/09/24	30/09/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/09/24	30/09/24	Approved

	Section 96(b), Systems Act	Write Off Various Debtors	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 10/25 Supply Of Digital Aerial Photography (Orthophotos And Oblique Imagery) For Stellenbosch Municipality (Wc024)	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 87/24 Supply, Delivery, Installation Of Outdoor Exercise Equipment & The Repairs Of Existing Equipment (Exercise Equipment) Starting 01 July 2024 Ending 30 June 2027	01/09/24	30/09/24	Approved
CM3	General provisions	SCM letters approved Tenderers	01/09/24	30/09/24	Approved
HR2	Conditions of Service (SALGBC)	Overtime pre-approval – Salaries department	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 113/24 Phase 1: Structural, Electrical, Fire Compliance and Roof Replacement For The Upgrade of The Beltana Depot Stellenbosch.	01/09/24	30/09/24	Approved
MM122	Section 115(1)(a), MFMA	BSM 110/24 Provision of a Hazardous Waste Classification, Collection Provision of a Hazardous Waste Classification, Collection Hazardous Waste from the Stellenbosch Municipal Area from until 30 June 2027	01/09/24		
CM3	General provisions	SCM letters approved Tenderers	01/09/24	30/09/24	Approved

DIRECTORATE: INFRASTRUCTURE SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1 Section 11, WSA	Water restrictions exemption:			
		Borehole registrations: 0 – Application to drill 0 – Residential Applications 0 – Commercial Applications 0 – Public Buildings Applications 0 – Grey water Applications			
		MUNICIPAL NOTICE:			
		Notice 97/2024 Stormwater and rainwater entering Stellenbosch Municipal sewer system	24/07/2024	Approved	
		Notice 87/2024 Interruption in the water supply due to upgrading of the water network in De Villiers Str (between Hugenate- and Akademie Str, Franschhoek.	02/07/2024	Approved	
		Notice 94A/2024 Planned interruption in the water supply – La Petite Provence Estate, Franschhoek.	28/07/2024	Approved	
		Notice 94/2024 Planned interruption in the water supply – La Petite Provence Estate, Franschhoek. 22 Jul 24 13:00 – 16:00	08/07/2024	Approved	

To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	EL18 Section 10	MUNICIPAL NOTICE: Notice 89/2024 Auditing of pre-paid electricity meters – Ward 13 Kayamandi Notice 95/2024 Supply of electricity disconnected on 23/07/24 Area affected: Mooiwater: LowerLea Smith Mini SS		18/072024 19/072024	Approved Approved
To permit co-generation of electricity	EI12 Section 2(4)	SMALL-SCALE EMBEDDED GENERATION (SSEG) APPROVAL Connect a 26.28 kw peak installation at Erf 15757, 7 Rivierbosch, Stellenbosch Connect a 8 kVA peak grid-tied hybrid installation at Erf 6056, 41 Brandwacht Str, Dalsig, Stellenbosch Connect a 24 kw peak grid-tied Hybrid installation at Erf 1456, 4 Bagatelle Str, Franschhoek. Connect a 5 kVA peak grid-tied Hybrid installation at Erf 6595, 27 Barry Str, Dalsig, Stellenbosch. Connect a 10 kw peak grid-tied Hybrid installation at Erf 16111, 77 ^{de} Slot, Bradwacht aan Rivier, Stellenbosch.		05/07/2024 23/07/2024 23/07/2024 23/07/2024 23/07/2024	Approved Approved Approved Approved Approved
To exercise all powers conferred upon the municipality by applicable legislation and by-	Section 7 – 9, NEMWA	Notice 90/2024 Change in refuse removal schedule Notice 88/2024		12/07/2024	Approved

laws relating to the collection, removal, storage and disposal of refuse and other offensive or unhealthy items of waste		<p>Increase in disposal tariffs at Landfill Site</p> <p>Notice 98/2024</p> <p>Refuse removal- and recycling services on 09/08/2024</p>		<p>12/07/2024</p> <p>24/07/2024</p>	<p>Approved</p> <p>Approved</p>
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	<p>WS1</p> <p>Section 11, WSA</p>	<p>Water restrictions exemption:</p> <p>Borehole registrations:</p> <p>0 – Application to drill</p> <p>0 – Residential Applications</p> <p>0 – Commercial Applications</p> <p>0 – Public Buildings Applications</p> <p>0 – Grey water Applications</p> <p>MUNICIPAL NOTICE:</p> <p>Notice 108/2024 Planned maintenance at the Wemmershoek Water Treatment Plant affecting water supply to Franschhoek, Dwarsrivier, Klapmuts, Koelenhof and surrounding areas.</p> <p>Notice 109/2024 Interruption in the water supply in La Petite Provence, Franschhoek.</p> <p>Notice 110/2024 Interruption in water supply in Jamestown.</p>		<p>13/08/2024</p> <p>20/08/2024</p> <p>20/08/2024</p> <p>20/08/2024</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

		<p>Notice 111/2024 Interruption in water supply in De Zalze.</p> <p>Notice 102/2024 Planned interruption of the water supply to Long Str Apartment (Block F) and Kloof Str Apartments, Cloetesville.</p>		01/08/2024	Approved
To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	EL18 Section 10	<p>MUNICIPAL NOTICE:</p> <p>Notice 104/2024 Supply of electricity to premises disconnected on 05/08/2024. 11 kV switching to identify cable for the 17 de Beer Str development minisub cut in power interruption 3 minutes. Soeteweide/Groeneweide Str, Stb Hospital, SS Simonsberg, Jonkerszicht Development.</p> <p>Notice 107/2024 Updating of pre-paid electricity meters – Cloetesville.</p> <p>Notice 114/2024 Updating of pre-paid electricity meters – Ward 15 Kayamandi.</p> <p>Notice 116/2024 Updating of pre-paid electricity meters – Franschhoek.</p> <p>Notice 118/2024 Changing of residential load / geyser control switching times.</p> <p>Notice 101/2024</p>		02/08/2024	Approved
				08/08/2024	Approved
				28/08/2024	Approved
				30/08/2024	Approved
				30/08/2024	Approved
				11/08/2024	Approved
				01/08/2024	Approved

		<p>Update of pre-paid electricity meters – Ward 12 Kayamandi.</p> <p>Notice 100/2024 Supply of electricity disconnected on 07/08/2024. Area affected:</p> <p>Vriesenhof, Oakdale, The Glades, Kabouterbos, Dillon Lewis</p>			
To permit co-generation of electricity	EI12 Section 2(4)	SMALL-SCALE EMBEDDED GENERATION (SSEG) APPROVAL		14/08/2024	Approved
		Connect a 110 kVA peak grid-tied hybrid installation at Erf 17939, 1 Newinbosch Boulevard, Stellenbosch.		14/08/2024	Approved
		Connect a 10.17 kw peak grid-tied hybrid installation at Erf 14144, 1 Hamman Str, Die Boord, Stellenbosch.		14/08/2024	Approved
		Connect a 50 kVA installation at Erf 9205, 15 Elektron Str, Technopark, Stellenbosch		14/08/2024	Approved
		Connect a 20 kVA installation at Erf 5140, 22 Bird Str, Stellenbosch.		14/08/2024	Approved
		Connect a 25 kw peak grid-tied installation at Erf 824, Piet Retief Str, Krigeville, Stellenbosch.		14/08/2024	Approved
		Connect a 200 kVA installation at Erf 5386 Cluver Str, Simonsrust Business Centre, Stellenbosch.		14/08/2024	Approved
		Connect a 5 kVA peak grid-tied hybrid installation at Erf 5129, 8 Brandwacht Str, Stellenbosch.		14/08/2024	Approved

		<p>Connect a 50 kw peak installation at Erf 14584, 32 Piet Retief Str, Stellenbosch.</p> <p>Connect a 50 kVA installation at Erf 1221, 5 Plein Str, Stellenbosch.</p> <p>Connect a 2500 kVA standby generator at Erf 15827, Simonsberg Residence, Merriman Str, Stellenbosch.</p>		19/08/2024	Approved
To monitor industrial effluent discharges and industrial effluent quality for compliance and the minimisation of water pollution arising from commercial and industrial activity	566	Industrial Effluent permit			
		Permit no IEA: Michael Paetzold Wine Services		01/08/2024	Approved
		Permit no IEA: Kleine Zalze Wines		01/08/2024	Approved
		Permit no IEA: Beyerskloof Wines		01/08/2024	Approved
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1 Section 11, WSA	Water restrictions exemption:			
		Borehole registrations: 1 – Application to drill 2 – Residential Applications 1 – Commercial Applications 0 – Public Buildings Applications 0 – Grey water Applications			Approved
		MUNICIPAL NOTICE: Notice 134/2024 Notice of water interruption and water supply issue. Area affected: Kayamandi Ward 15 18 Sept 24 from 09:00 – 12:00.		18/09/2024	Approved
				05/09/2024	Approved

		<p>Notice 120/2024 Interruption in the water supply in Baden Powell Road between Polkadraai and Vlottenburg Road. 10 September 2024 from 10:00 – 13:00 11 September 2024 from 09:00 – 15:00</p> <p>Notice 122/2024 Construction works and contractor site establishment in Ward 11 and 20, Vlottenburg area.</p> <p>Notice 121/2024 Planned maintenance at the Blackheath Water Treatment Plant affecting water supply to Polkadraai, Vlottenburg and surrounding areas.</p> <p>Notice 119/2024 Installation of Water Management Devices rollout for indigent users</p>		<p>06/09/2024</p> <p>05/09/2024</p> <p>03/09/2024</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p>
To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	EL18 Section 10	<p>MUNICIPAL NOTICE:</p> <p>Notice 138/2024 Supply of electricity to premises disconnected on 23/09/2024. Power supply interruption to Paul Kruger and Dennesig Str on 23/09/24 from 14:00 – 15:00.</p> <p>Notice 135/2024 Updating of pre-paid electricity meters – Idasvalley</p> <p>Notice 136/2024 Updating of pre-paid electricity meters – Stellenbosch CBD</p>		<p>19/09/2024</p> <p>19/09/2024</p> <p>19/09/2024</p> <p>19/09/2024</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

		Notice 137/2024 Updating of pre-paid electricity meters – Kayamandi		13/09/2024	Approved
		Notice 125/2024 Update of pre-paid electricity meters – Hollandse Molen/Wemmershoek (Franschhoek)		13/09/2024	Approved
		Notice 126/2024 Update of pre-paid electricity meters – Pniel / Johannesdal		13/09/2024	Approved
		Notice 127/2024 Update of pre-paid electricity meters – Mostertdrift / Rozendal (Stellenbosch)		13/09/2024	Approved
		Notice 128/2024 Update of pre-paid electricity meters – Die Boord / Werf (Stellenbosch)		05/09/2024	Approved
		Notice 129/2024 Update of pre-paid electricity meters – Paradyskloof (Stellenbosch)		02/09/2024	Approved
		Notice 117/2024 Update of pre-paid electricity meters – Langrug (Franschhoek)		30/09/2024	Approved
		Notice 118/2024 Changing of residential load/geyser control switching times		30/09/2024	Approved
		Notice 141/2024 Updating of pre-paid electricity meters – Dennesig, Stellenbosch		30/09/2024	Approved
		Notice 140/2024			

		Updating of pre-paid electricity meters – Distillery Road, Stellenbosch		30/09/2024	Approved
		Notice 139/2024 Updating of pre-paid electricity meters – Weltevreden Hills, Stellenbosch		30/09/2024	Approved
		Notice 142/2024 Updating of pre-paid electricity meters – Cluver, Stellenbosch		30/09/2024	Approved

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (If any)
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: E'BEE'S Food Delights	02/08/2024	02/08/2024	Approved
Regulations on Cost containment		Remuneration of Stellenbosch Municipality Conservation Advisory Committee	02/08/2024	02/08/2024	Approved
MM109	Section 79(1)(b), MFMA	Monthly PED Delegations – July 2024	05/08/2024	05/08/2024	Signed
MM84	Section 66, MFMA	Overtime time off – pre-approval - Housing Admin	06/08/2024	06/08/2024	Approved
	SOP	SOP: KPI description (D3260 / D3431) linked to SDBIP to be developed or reviewed for 24/25 financial year - Allocation of vacant Municipal rental stock units - Procedure to deal with maintenance of rental flats & houses - Transfer & registration of state-subsidized houses	06/08/2024	06/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued	FQ: Request to submit rates for removal & disposal of asbestos roofing	07/08/2024	07/08/2024	Approved

	up to R200 000 (VAT inclusive)				
MM64	Section 62(1)(f)(iv), MFMA	B/SM 50/23 SE,8 – rectification of 146 municipal rental flats in Kayamandi	07/08/2024	07/08/2024	Approved
VPR2	Paragraph 6f	Virement: Housing Admin	08/08/2024	08/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: WC Government 13893	08/08/2024	08/08/2024	Approved
MM64	Section 62(1)(f)(iv), MFMA	Tender questionnaire: BSM 07/25 Asbestos tender	12/08/2024	12/08/2024	Approved
VPR2	Paragraph 6f	Creation of a new Ukey – Advertising, Publicity & Marketing: Corporate & Municipal Activities	15/08/2024	15/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Stellenbosch Travel (Pty) Ltd	15/08/2024	15/08/2024	Approved
C31	Build capacity of human resources in accordance with the Skills Development Act, of 1998	MOA: Fire Warden Training – Informal Settlements	16/08/2024	16/08/2024	Approved
C31	Build capacity of human resources in accordance with the Skills Development Act, of 1998	MOA: Fire Warden Training – Office of the Director	16/08/2024	16/08/2024	Signed
MM82	Section 62(1)(f)(iv), MFMA	Direct payment: Windeed	16/08/2024	16/08/2024	Approved

CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ: Heritage impact assessment (HIA) & visual impact assessment (VIA) on remainder, Farm 527 Jamestown	16/08/2024	16/08/2024	Approved
MM64	Section 62(1)(f)(iv), MFMA	Tender: deliver transport & construction of alternative building technical (ABT) houses in WC024 for emergency housing for 3 years (ending 30 June 2027)	16/08/2024	16/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Payment of grant funds to Tourism Bodies (LTO's)	19/08/2024	19/08/2024	Approved
LEG		MOA – transfer of LTO Grant (visit Stellenbosch)	19/08/2024	19/08/2024	Approved
LUP99	Section 24 of the BLUPBL Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	Application for subdivision & rezoning of remainder, Farm 1505 Stellenbosch	20/08/2024	20/08/2024	Supported
VPR2	Paragraph 6f	Virement: Housing Admin	20/08/2024	20/08/2024	Approved

MM9	Section 55(1)(e), Systems Act	Approval of appointment of attorneys for eviction	20/08/2024	20/08/2024	Supported
C50	Section 14(2) of the MFMA	Application of Deeds Registries Act, Erf 1123 – 1154, 1113 – 1122 Kayamandi	22/08/2024	22/08/2024	Supported
MM84	Section 66, MFMA	Overtime pre-approvals Sep 2024 – Informal Settlements	22/08/2024	22/08/2024	Supported
MM9	Section 55(1)(e), Systems Act	Approval of appointment: Receptionist / Switchboard – Housing Admin	22/08/2024	22/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Stellenbosch Travel (Pty) Ltd R11395.25	23/08/2024	23/08/2024	Approved
MM64	Section 62(1)(f)(iv), MFMA	BSM 50/23 rectification of 146 Municipal Rental Flats in Kayamandi	23/08/2024	23/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: h2o	26/08/2024	26/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: LBC Multiserve	26/08/2024	26/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Shortlist: Receptionist/Switchboard – Housing Admin	26/08/2024	26/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued	FQ: removal & disposal of asbestos – Hostels C143 Kayamandi	27/08/2024	27/08/2024	Approved

	up to R200 000 (VAT inclusive)				
VPR2	Paragraph 6f	Virement: EDT	27/08/2024	27/08/2024	Approved
LEG9	General	4 x Power of attorney	28/08/2024	28/08/2024	Supported
MM64	Section 62(1)(f)(iv), MFMA	BSM 07/25 – removal & disposal of asbestos roofing, replacing	28/08/2024	28/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ: Heritage inventory	28/08/2024	28/08/2024	Approved
MM84	Section 66, MFMA	Standby & overtime pre-approval – Housing Admin	28/08/2024	28/08/2024	Approved
MM84	Section 66, MFMA	Overtime pre-approval – Housing Admin	28/08/2024	28/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of	FQ: BSM 32/25	29/08/2024	29/08/2024	Approved

	goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)				
LUP99	Section 24 of the BLUPBL Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes	Land Use compliance, Erf 3607 Stellenbosch	29/08/2024	29/08/2024	Approved
DM2	(Section 55 (2a)) of Disaster act	Provision of emergency disaster kits – hostel C143 Kayamandi	29/08/2024	29/08/2024	Supported
LUP99	Section 24 of the BLUPBL Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes	Application for consent use permanent departure & administrator, Erf 5583	29/08/2024	29/08/2024	Supported
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: LBC Multiserv	29/08/2024	29/08/2024	Approved

VPR2	Paragraph 6f	Virement: Housing Admin	30/08/2024	30/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Alusani Skills & Training Network – MM59C	30/08/2024	30/08/2024	Approved
LUP5	Section 42 of LUPO	Exemption certificate, Farm 137/1 Stellenbosch	30/08/2024	30/08/2024	Supported
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (If any)
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: LBC Multiserv	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP: extension of existing contract – Parking Marshall	03/09/2024	03/09/2024	Approved
MM109	Section 79(1)(b), MFMA	Monthly PED Delegations – August 2024	03/09/2024	03/09/2024	Signed
MM64	Section 62(1)(f)(iv), MFMA	BSM 107/24 – appointment of festival of lights over 3 years 2024-2027	03/09/2024	03/09/2024	Signed
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: SACP reimbursement – Development Planning	03/09/2024	03/09/2024	Signed
LEG10		Eviction report – case no. 7072/1014	03/09/2024	03/09/2024	Supported
LEG16		MOA: Visit Stellenbosch NPC	03/09/2024	03/09/2024	Supported
	Regulations on Cost containment	Catering request for basic business skills training (SEDA)	03/09/2024	03/09/2024	Supported

C50	Section 14(2) of the MFMA (Read with section 90, MFMA)	1x deeds registries, Erf 1123 – 1154 Kayamandi	04/09/2024	04/09/2024	Supported
HR2	Conditions of Service (SALGBC)	Approval for Chantel to attend the SACPLAN Women in Planning Awards	05/09/2024	05/09/2024	Supported
MM64	Section 62(1)(f)(iv), MFMA	BSM 61/24 appointment of an attorney for rendering conveyancing services	05/09/2024	05/09/2024	Signed
MM84	Section 66, MFMA	Overtime (time off) pre-approval – Housing Admin	05/09/2024	05/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ: to appoint a suitable service provider to provide a cost breakdown installation for all civil infrastructure services, Erven 11554 – 11570 & Erven 11452 – 11463 Idas Valley	05/09/2024	05/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Request permission to leave the WC024 area Esri SA Garden Route Seminar (The Road Ahead) 06-09-2024	05/09/2024	05/09/2024	Approved
MM84	Section 66, MFMA	Overtime pre-approvals – September 2024	06/09/2024	06/09/2024	Supported
MM84	Section 66, MFMA	Overtime – Informal Settlements	06/09/2024	06/09/2024	Approved

SC13	17(C)	Approval for deviation of procurement procedure to allow the procurement of furniture not provided for in Tender BSM 92/23	09/09/2024	09/09/2024	Supported
	Regulations on Cost containment	Catering request for EPWP project managers workshop	09/09/2024	09/09/2024	Supported
	Regulations on Cost containment	Remuneration of Stellenbosch Municipality Conservation Advisory Committee	09/09/2024	09/09/2024	Approved
	Regulations on Cost containment	Catering requested for the 2-day workshop: Provincial Department of Infrastructure, Social Housing & IHS	10/09/2024	10/09/2024	Supported
HR2	Conditions of Service (SALGBC)	EPWP: extension of existing contract – Office Assistant	11/09/2024	11/09/2024	Signed
LEG		Extension of lease agreement Stellenbosch University Farm 502 BH1 & BH2	11/09/2024	11/09/2024	Supported
Item 7.3.3 Council Meeting 2019-09-25	Items/ reports to consider the Administrator's consent as a condition in the title deed of the property.	Memo: Water pressure standard: Adam Tas Corridor Precinct 10	11/09/2024	11/09/2024	Supported
HR2	Conditions of Service (SALGBC)	Contracts: Caretaker – Aurora 401, Phyllaria 402, 146-unit P6 Kayamandi Flats, 146 unit 03, Flat 07 Kloof street	12/09/2024	12/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: NHN Bricks & Concrete	12/09/2024	12/09/2024	Approved
MM84	Section 66, MFMA	Overtime & standby September 2024 – Informal Settlements	16/09/2024	16/09/2024	Signed
	Regulations on Cost containment	Catering refund for hosting workshop with BI	16/09/2024	16/09/2024	Supported

AD3	General	Approval of advertisement: Senior Clerk Housing Demand	18/09/2024	18/09/2024	Signed
MM82	Section 62(1)(f)(iv), MFMA	Konika Minolta printer invoice Sep 2024	20/09/2024	20/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Fatima Nell – catering EPWP project	25/09/2024	25/09/2024	Approved
LUP99	Section 24 of the BLUPBL Performing functions in terms of the “LUPO” “SPLUMA” “LUPA” “SLUPB” and “Zoning Schemes	Application for a temporary departure, permanent departure & permission, Erf 632 Klapmuts	25/09/2024	25/09/2024	Supported
MM84	Section 66, MFMA	Overtime pre-approval – Housing Admin	25/09/2024	25/09/2024	Approved
MM84	Section 66, MFMA	Overtime & standby – Housing Admin	25/09/2024	25/09/2024	Approved
MM84	Section 66, MFMA	Overtime pre-approval – Housing Admin	25/09/2024	25/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Memotek Trading cc	25/09/2024	25/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Application of Flexi hours – Land Use Management	25/09/2024	25/09/2024	Approved

HR2	Conditions of Service (SALGBC)	Caretaker contracts: G03 Long Street	25/09/2024	25/09/2024	Approved
AD3	General	Approval of advertisement: GIS Technician	26/09/2024	26/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: LBC Multiserv	26/09/2024	26/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: RIZQ catering & events	26/09/2024	26/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Batsini (Pty) Ltd	30/09/2024	30/09/2024	Approved

DIRECTORATE: CORPORATE SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
HR2	Conditions of Service (SALGBC)	Fixed term contract for Clayton Otto	1/7/2024	1/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Addendum to fixed term contract for M Jacobs, E Meletzky	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Nkutwala Construction in the amount to R877 897.35	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: HCB Valuation and services in the amount of R2500 (ERF 1962)	1/7/2024	1/7/2024	Approved
HR2	Conditions of Service (SALGBC)	NJ and sons (invoice) R17 053.09	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Xigombe Holdings in the amount of R920 980.40 (BSM 24/22)	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: turner and townsend in the amount of R31 464	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: ISA architects in the amount of R67 390 (Upgrade of the millennium hall)	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Archie constructions and maintenance in the amount of R39 925	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Sterling Holdings in the amount of R12 850	1/7/2024	1/7/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Utshalomali in the amount of R77 426.54 (Hygiene Services)	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Linares architects in the amount of R15 129.40	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom in the amount of R146 004.61	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Innovo Network in the amount of R49 543.73	1/7/2024	1/7/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP contracts for S Swartz	1/7/2024	1/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Payment of ward committee members in the amount of R118 860.00	1/7/2024	1/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation of P Coollen	2/7/2024	2/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Cell phone allowance for L Mdingi	2/7/2024	2/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Addendums to fixed term contracts for E Gerber, M Haffit, N Sobutyu, E Bronner, F Bronner, E George, E Booyesen	2/7/2024	2/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Fixed term contract for R Daniels	2/7/2024	2/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice for Sterling holding in the amount of R13 050 (new aircon at the fire station department)	2/7/2024	2/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Mokgaga and associates quantity survey in the amount of R95 255.85	4/7/2024	4/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: JG Afrika in the amount of R269 474.67	4/7/2024	4/7/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Xcell Environmental services in the amount of R891.89	4/7/2024	4/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Archie construction in the amount of R68876.31	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Rufus Dercksen in the amount of R4830	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Rufus Dercksen in the amount of R3620.80	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Rufus Dercksen in the amount of R79300	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Van der Spuy in the amount of R14 662.50	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Webber Wentzel in the amount of R18 624.25	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Webber Wentzel in the amount of R16920	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Levendal attorneys in the amount of R34104.07	5/7/2024	5/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Yvette Cloete in the amount of R67 830.28	5/7/2024	5/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets for Z Maghashu, M Haffit, E Gerber and P Coollen, H Bronner, E George, E Booysen , E Bronner	8/7/2024	8/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets for Council Support	9/7/2024	9/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Payment for Ward Committee members	10/7/2024	10/7/2024	Approved

HR2	Conditions of Service (SALGBC)	Timesheets for Y Buthelezi, R Anthony and Z Jooste	10/7/2024	10/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Memorandum: Late submission of fixed term contracts	10/7/2024	10/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Memorandum: appointment of Graduate intern	11/7/2024	11/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom in the amount of R1578.39	19/7/2024	19/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom in the amount of R108 555.93	22/7/2024	22/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Addendums to fixed term contract for W Gamzana	24/7/2024	24/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: DG digital in the amount of R30937.50	24/7/2024	24/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Fixed term contract for J August	24/7/2024	24/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Direct payment for Octofin (hire of office space) In the amount of R684 203.72	24/7/2024	24/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Wynland in the amount of R12 167	24/7/2024	24/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft in the amount of R131 027.49	26/7/2024	26/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft in the amount of R 217 196.82	26/7/2024	26/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: EOH (maintenance support) in the amount of R756 304.40	26/7/2024	26/7/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft in the amount of R18 886.96	26/7/2024	26/7/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	First technology (ICT services) in the amount of R58 100.00	26/7/2024	26/7/2024	Approved
HR2	Conditions of Service (SALGBC)	Additional allowance for L Loubser	26/7/2024	26/7/2024	Approved
Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Data Centrix for an amount of R976 866	2/8/2024	2/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Izwi (ICT services) in the amount of R25 875	2/8/2024	2/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Izwi (ICT services) in the amount of R49 152.92	2/8/2024	2/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Standby authorization for ICT technicians: E Williams, A Williams, A Korkie, R Cupido and P Lejaha	5/8/2024	5/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance registers for E Maletzky and Y van den Berg	7/8/2024	7/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Drakenstein Municipality in the amount of R17897.90	7/8/2024	7/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance registers for M Haffit, N Sobutyu, E Gerber, Z Maqhashu and A Marais	7/8/2024	7/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance registers for M Loggenberg	8/8/2024	8/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Standby authorization for ICT technicians R Cupido, A Korkie and P Lejaha and A Williams	12/8/2024	12/8/2024	Approved

HR2	Conditions of Service (SALGBC)	Termination of fixed term contract for Ms Klaasen	12/8/2024	12/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance register for Z Jooste and R Anthony	12/8/2024	12/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Office tech brokers in the amount of R5899.50	12/8/2024	12/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom for La motte office in the amount of R3006	12/8/2024	12/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Fixed term contract for A Lumkwana and O Gxeka	13/8/2024	13/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: First technology in the amount of R52 900 (internet access)	13/8/2024	13/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Ubuntu (SLA) in the amount of R134 189.82	13/8/2024	13/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Standby authorization for ICT technicians	13/8/2024	13/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 (advertisements for vacancies) in the amount of R29 375.60	15/8/2024	15/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation for C Abels	15/8/2024	15/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: media 24 in the amount of R9066.60 (Cancellation of tender BSM 79/24)	16/8/2024	16/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 in the amount of R9066.60	16/8/2024	16/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Utshalomali (hygiene services) in the amount of R82 071.30	19/8/2024	19/8/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom (Mountain Breeze office) in the amount of R29 077.30	19/8/2024	19/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Addendums to fixed term contracts for W Gamaza	21/8/2024	21/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: SA Fire academy (2-day training: first aid) R5799.91	21/8/2024	21/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: SA Fire academy (2-day training: first aid) R5799.91	21/8/2024	21/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom (VPN National connection) in the amount of R116 169.15	21/8/2024	21/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom (Po 35744) subscriber in the amount of R2226.94	21/8/2024	21/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Direct payment: Octofin (office hire charges) in the amount of R720 572.10	22/8/2024	22/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom (Merchant Street) in the amount of R6773.55	22/8/2024	22/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Extension on fixed term contract for ward admin	23/8/2024	23/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Pay Day software systems for an amount of R587 792.60	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom for an amount of R87 633.93	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Tjeka training matters in the amount of R14 791.99	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Izwi in the amount of R454 889.02	26/8/2024	26/8/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: African spear trading in the amount of R2960.59	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: LBC multiserv in the amount of R1509.49	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Khusela solutions in the amount of R102 350	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Nex Xon systems in the amount of R240 167.88	26/8/2024	26/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: media 24 (advertising of vacancies) in the amount of R29 375.60	27/8/2024	27/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Stuttford van lines in the amount of R11419.50	28/7/2024	28/7/2024	
HR2	Conditions of Service (SALGBC)	Termination of Service of R Gabriels	29/8/2024	29/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Ushalomali (hygiene services) for an amount of R83 071.30	29/8/2024	29/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Standby authorization for ICT technicians	29/8/2024	29/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Jabulani security in the amount of R202 064.00	29/8/2024	29/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Esri south Africa (license renewal) in the amount of R2 242 000.87	29/8/2024	29/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Elerekt lift services in the amount of R2377.05	29/8/2024	29/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance registers for council support	29/8/2024	29/8/2024	Approved

HR2	Conditions of Service (SALGBC)	Timesheets and attendance registers for Auxiliary services	29/8/2024	29/8/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheets and attendance for Municipal Court staff	29/8/2024	29/8/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: SA Fire Academy – R5799.91 (2-day first aid level 1)	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Nec xon systems – R5964.19 (aircon com room)	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Nec Xon systems – R71 376.64 (aircon com room)	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R377.10	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R261 746.55	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R377.10	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R377.10	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R377.10	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R1935.20	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R377.10	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Telkom – subscription service amount of R754.20	12/9/2024	12/9/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Samras – R2 953 892.34 (web interface)	12/9/2024	12/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Nkemba – R178 892.85 (100 member servers)	17/9/2024	6/6/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: LBC multiserv – R12 809.50 (BSM 83/21	17/9/2024	10/6/2024	Approved
HR2	Conditions of Service (SALGBC)	Disciplinary hearing of Mr G Windwaai	18/9/2024	10/6/2024	Approved
HR2	Conditions of Service (SALGBC)	Timesheet for Andre Marais	18/9/2024	10/6/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom – R13 604.25 (La motte office)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Linares Architects – R11 840.40 (BSM 31/23)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Linares Architects – R6578.00 (BSM 31/23) erf 235	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eezi build – R419.95 (bb1 wight latch)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24- R9066.60 (Tender BSM 26/24)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 – R7555.50 (Erf 6847 Stellenbosch)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 – R9066.60 (Plaas 527 Jamestown)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom – R48 720.05 (Mountain Breeze)	19/9/2024	19/9/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: African spear trading – R10 139.99 (maintenance)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Eskom – R7417.85 (172 merchant street)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 – R9066.60 (BSM 27/24)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Memotek trading – R2831.40 (black bags)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 – R27 480.40 (various adverts)	19/9/2024	19/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Medical claim: Mr R Prins – R2950.00	20/9/2024	20/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Memotek trading – R2831.40	23/9/2024	23/9/2024	Approved
HR2	Conditions of Service (SALGBC)	Emergency overtime: ICT	25/9/2024	25/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Data proof – R96 092.74	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom – R1677.41 (PO357441)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Vodacom – R116 169.15 (VPN national)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft – R19 538.03	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft – R19 529.12	27/9/2024	27/9/2024	Approved

MM82	Section 62(1)(f)(iv), MFMA	Invoice: Izwi – R49 152.92 (Data centre space)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Izwi – R454 889.02 (Network Management)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Microsoft – R18 886.90	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: CAT – R343 653.63 (License fee)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: First Technology – R2300.00	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Madge Computers – R1237.95 (Huawei)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Media 24 – R9066.60 (Tender BSM 31/25)	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Stellenbosch Travel – R1290.00	27/9/2024	27/9/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Direct Payment Invoice: Octofin – R784 946.45 (Rent for Oct 2024)	30/9/2024	30/9/2024	Approved

DIRECTORATE: COMMUNITY AND PROTECTION SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
MM9	Section 55(1)(e), Systems Act	Letter of appointments EPWP P: N Jikumlambo, R Muller, C Williams	01/07/2024	01/07/2024	Approved
		SOP: The process when applying for burial of ashes	01/07/2024	01/07/2024	Approved
		SOP: Process when re-opening an existing grave	01/07/2024	01/07/2024	Approved
		SLA: South African Post Office	01/07/2024	02/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Attendance Register: M Aalbers	01/07/2024	02/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting: L Petersen (1-31 July 2024)	01/07/2024	02/07/2024	Approved
MM84	Section 66, MFMA	Standby: Law Enforcement (July 2024)	01/07/2024	02/07/2024	Approved
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: F Fortuin (Firearms)	01/07/2024	02/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of appointment EPWP: Sport, Recreation and Halls (9)	01/07/2024	02/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of appointment; Snr Librariansx2 and Handyman Irrigation	04/07/2024	04/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Overtime: Traffic Services (June 2024)	05/07/2024	08/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Late submission of fixed term contracts (Traffic)	05/07/2024	08/07/2024	Approved
		SOP: To construct a cricket pitch	05/07/2024	08/07/2024	Approved
MM84	Section 66, MFMA	Standby: Exceeding 14 days for June 2024 (Environmental Implementation)	05/07/2024	08/07/2024	Approved
SC6	5(2)(b)	Questionnaire: Supply and installation of palisade fence in Franschoek and Pniel	05/07/2024	08/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime for weekend 6-7 July 2024	05/07/2024	08/07/2024	Approved

TR1	Skills Development Act /MSA	Training: Driver's License EC1 (Halls)	05/07/2024	08/07/2024	Approved
LEG16		Agreement for the use of the La Motte Community Hall and Wemmershoek Community Hall	05/07/2024	08/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Appointment of BSC and BAC members: July 2024	05/07/2024	08/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting: K Alberts (1-31 July 2024)	08/07/2024	08/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Cell phone application form: C Visagie	08/07/2024	08/07/2024	Approved
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: C Visagie (Fire-Arms)	08/07/2024	08/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Essential Motor Vehicle Scheme – C Visagie	08/07/2024	08/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of appointment EPWP – A Mayingiza	09/07/2024	09/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of appointments – Safety Monitors	09/07/2024	09/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of appointment: M Africa	09/07/2024	10/07/2024	Approved
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: S Tomose, P Mabhumulu, S Mandlakhe (Backhoe/Digger)	09/07/2024	10/07/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Tax invoice: Karoo Lodge	09/07/2024	10/07/2024	Approved
TR1	Skills Development Act /MSA	MOA: J Paulse (First Aid Level 2)	12/07/2024	12/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime: 20-21 July 2024	17/04/2024	17/04/2024	Approved
SC13	17(C)	Deviation: Emergency of Trees in WC024	17/04/2024	17/04/2024	Approved
MM84	Section 66, MFMA	Standby: Chief Fire and Disaster Services (August)	17/04/2024	17/04/2024	Supported
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: F Fortuin (Fire-arms)	17/04/2024	17/04/2024	Approved
MM84	Section 66, MFMA	Standby: Fire & Disaster (August)	17/04/2024	17/04/2024	Approved
TR1	Skills Development Act /MSA	Training: T Ismail (Supervisory), Z Masimela (Supervisory, First Aid level)	19/07/2024	22/07/2024	Approved

VPR2	Paragraph 6f	Virement: Maintenance of unspecified assets (R58 000)	19/07/2024	22/07/2024	Supported
	MFMA	Grant-in-Aid 2024-25 Donations	22/07/2024	22/07/2024	Approved
TR1	Skills Development Act /MSA	Training: Z Mazimela (Supervisory, First aid level 3)	22/07/2024	22/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime: 20&21 July 2024 (Law Enforcement)	22/07/2024	22/07/2024	Approved
AD3	GENERAL	Approval of advert: Personal Assistant	23/07/2024	23/07/2024	Approved
MM84	Section 66, MFMA	Standby: Traffic (August)	23/07/2024	23/07/2024	Approved
MM84	Section 66, MFMA	Standby: Snr Manager Protection Services (August)	23/07/2024	23/07/2024	Approved
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: Daniel Jonkers (Firearms)	23/07/2024	23/07/2024	Approved
VPR2	Paragraph 6f	Virement : Mont Rochelle Nature Reserve 9R168 733)	23/07/2024	23/07/2024	Approved
VPR2	Paragraph 6f	Virement: Maintenance of Buildings (R750 000)	23/07/2024	23/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Late submission of EPWP contracts (Community Services0	23/07/2024	24/07/2024	Approved
VPR2	Paragraph 6f	Virement: Driver's License Cards (R25 0000), (R12 000),	23/07/2024	24/07/2024	Supported
HR2	Conditions of Service (SALGBC)	Amended overtime: 13 July 2024 (Traffic0	23/07/2024	24/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime: 27-28 July 2024 (Traffic)	23/07/2024	24/07/2024	Approved
MM100	Section 72(1)(a), MFMA	Performance Plan: C Kitching	23/07/2024	24/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of appointment: G Jacobs	23/07/2024	24/07/2024	Approved
SC6	5(2)(b)	Questionnaire: Monthly servicing of grease taps at various municipal halls	25/07/2024	25/07/2024	Approved
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	MOA: Gawie Botha (Firearms)	25/07/2024	25/07/2024	Approved
MM9	Section 55(1)(e), Systems Act	Letter of EPWP appointment: P Sello	25/07/2024	25/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime: 3-4 August 2024(Traffic)	25/07/2024	25/07/2024	Approved
MM100	Section 72(1)(a), MFMA	Performance Plan: M Aalbers	26/07/2024	26/07/2024	Approved

HR2	Conditions of Service (SALGBC)	Termination of services clearance form: W Carter	26/07/2024	26/07/2024	Approved
VPR2	Paragraph 6f	Virement: Furniture and Office Equipment (R2000)	26/07/2024	26/07/2024	Supported
HR2	Conditions of Service (SALGBC)	Updating of reporting lines: Traffic Services	26/07/2024	26/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Motivation for planned overtime: Community Development (July 2024)	26/07/2024	26/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP contract: J Parson	26/07/2024	26/07/2024	Approved
HR2	Conditions of Service (SALGBC)	MOA: M Mzana, J Janse, F Wareley, V Mdala, M Mafenyanga	26/07/2024	26/07/2024	Approved
VPR2	Paragraph 6f	Virement: Parks FHK Maintenance & Cleaning (R40 000)	29/07/2024	29/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Amended overtime: 21 July 2024 (Traffic)	29/07/2024	29/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Amended overtime: 16 July 2024 (Traffic)	29/07/2024	29/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Planned overtime: 27 & 28 July 2024 (Law Enforcement)	29/07/2024	29/07/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Disciplinary Complaint Form: G Solomons	29/07/2024	29/07/2024	Approved
MM84	Section 66, MFMA	Standby: Law Enforcement (August)	29/07/2024	29/07/2024	Approved
SC6	5(2)(b)	MDB Contract: BSM 100/24 x2	30/07/2024	31/07/2024	Approved
VPR2	Paragraph 6f	Virement: Vehicle Fleet: Library Services (R145 000)	30/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Updating of payday /reporting lines: Cemeteries	30/07/2024	31/07/2024	Approved
SC6	5(2)(b)	Questionnaire: Appointment of contractor for the upgrading and maintenance of ECD's	30/07/2024	31/07/2024	Approved
VPR2	Paragraph 6f	Virement: SRD Vehicle (R40 000)	30/07/2024	31/07/2024	Supported
VPR2	Paragraph 6f	Virement: SRD Vehicle (R150 000)	30/07/2024	31/07/2024	Supported
MM84	Section 66, MFMA	Standby: Community Development (August)	30/07/2024	31/07/2024	Approved
SC6	5(2)(b)	Tender: Purchasing of small plant equipment for a period of 12 months	30/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Shortlist: Chipper Operator	30/07/2024	31/07/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: maintain turf cricket pitches training: Msekeli Cosa	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Javin Carlo Lennerts	31/07/2024	31/07/2024	Approved

HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Curtley Karelse	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Emile Matjan	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Roberto Mthyse	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Mcebisi Mqijima	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Lwazi Stanley Naku	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Benathi Mniki	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Samlun Palison	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Lee Angelo Benting	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Urban Forestry: Bongoletu Pride Dongo	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting Appointment of Kenny Alberts	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Cancellation of Leave: Saraladevi Majudith	31/07/2024	31/07/2024	Approved
VPR2	Paragraph 6f	New Creation of ukey and Virement: Parks and Cemeteries: Maintenance of Building and Facilities: R150 000	31/07/2024	31/07/2024	Approved
VPR2	Paragraph 6f	Virement: Parks Stellenbosch: Clearing and Grass cutting to Standard rated R1000	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP contract (irrigations x2) Adriaan Wildskut; Mckayo Michela Adams	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract- MPR9 x1- Austin Rhode	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday ESS reporting lines- Sport and Halls	31/07/2024	31/07/2024	Approved
AD3	GENERAL	Approval of Advertisement x6 (Seasonal) Cleaners x2: Cloeteville Swimming Pool (Seasonal) Lifeguards x4: Cloeteville Swimming Pool (Seasonal) Cashiers x2: Cloeteville Swimming Pool (Temporary) Supervisor/ Driver x1 (Temporary) General worker x1	31/07/2024	31/07/2024	Approved

		(Temporary) Jonkerhoek Picnic Site: Cashier			
HR2	Conditions of Service (SALGBC)	Memo: Planned Overtime: Traffic Admin- Court Section: August 2024	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned Overtime for weekend: 03 and 04 August 2024	31/07/2024	31/07/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Late submission of Acting Memo: Joshuan Josias	01/08/2024	01/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Zukisani Dayeni (Law Enforcement)	01/08/2024	01/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Jeffery Sobashe (Law Enforcement)	01/08/2024	01/08/2024	Approved
SC6	5(2)(b)	Tender questionnaire and specifications: Appointment of a contractor for the Upgrade and Maintenance of Early Childhood Development Centres	02/08/2024	02/08/2024	Approved
VPR2	Paragraph 6f	Virement: R127 918.00- Contractors; Forestry (Environmental Management)	02/08/2024	02/08/2024	Approved
VPR2	Paragraph 6f	New creation of ukey and virement: R722 594.00- Employee related cost: basic Salary and Wages (Environmental Management)	05/08/2024	05/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting appointment and Allowance: Acting PA: C&P Services: Angelique George	05/08/2024	05/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned Overtime: Traffic Admin: August 2024	05/08/2024	05/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Employee Attendance register: 2024/25: Michelle Aalbers	05/08/2024	05/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Employee Attendance register: 2024/25: Kevin Alkaster	05/08/2024	05/08/2024	Approved
SC6	5(2)(b)	Approval of final tender invitation documents: BSM: 08/25: Appointment of a Professional Service Provider for the Establishment of a Fire station at Jamestown Stellenbosch	06/08/2024	06/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Signed Invoices: ETG invoices for June 2024 serial numbers- A79K021019938 and V7C8817620	06/08/2024	06/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Thulisa Nomnganga (Traffic Services)	06/08/2024	06/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Lihle Mhlakaza (Traffic Services)	06/08/2024	06/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Overtime for July 2024: Traffic Services	06/08/2024	06/08/2024	Approved

TR1	Skills Development Act /MSA	Memorandum of Agreement: First Aid Training: Zine Mazimela	06/08/2024	06/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Maintain Turf Cricket Pitches and Outfields training	06/08/2024	06/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP contract: MPR9: Kurt Bailey (Sport Section)	06/08/2024	06/08/2024	Approved
VPR2	Paragraph 6f	Virement: Forestry to Software License (R23 100): Environmental Planning	06/08/2024	06/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Payment of Acting allowance authorisation: appointment of Kenny Alberts	07/08/2024	07/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Motivation for approval of planned overtime for August 2024: Women's Month Programmes- Community Development	07/08/2024	07/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Cancellation of annual leave on Payday ESS: G Hansen (Halls Section)	07/08/2024	07/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Approved Overtime for the Traffic service administration section from 01-31 July 2024	08/08/2024	08/08/2024	Approved
LIB1		Conditional Grant: Capital Budget for the month of June 2024: Library Services: Plein Street Library Upgrade (R233 070.89)	08/08/2024	08/08/2024	Approved
LIB1		Conditional Grant: Capital Budget for the month of June 2024: Library Services: Ida's valley Library Repairs and Maintenance: ECD Library (R180 000.00)	08/08/2024	08/08/2024	Approved
LIB1		Conditional Grant: Monthly Expenditure Report: June 2024: Library Services	08/08/2024	08/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ: Questionnaire and specifications: Supply and Deliver of books	08/08/2024	08/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Parking Marshall- Nathan Van Lill	08/08/2024	08/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Parking Marshall- Asive Maningiza	08/08/2024	08/08/2024	Approved

HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for 09 August 2024: Law Enforcement	08/08/2024	08/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for 10-11 August 2024: law Enforcement	08/08/2024	08/08/2024	Approved
HR2	Paragraph 6f	Virement: Consumables: Materials and supplies (R1300)-Sport Section	08/08/2024	08/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Overtime for July 2024: Law Enforcement	08/08/2024	08/08/2024	Approved
MM84	Section 66, MFMA	Memo: Overtime and Standby for July 2024: Law Enforcement	08/08/2024	08/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of short list: Chipper Operator: Environmental Implementation CP/CS/EM/EI/27	08/08/2024	08/08/2024	Approved
SC6	5(2)(b)	MBD 7 Contract: BSM 88_24-Supply and installation, repairs of artificial grass	19/08/2024	19/08/2024	Approved
MM84	Section 66, MFMA	Standby schedule: September 2024: Community Development	20/08/2024	20/08/2024	Approved
MM84	Section 66, MFMA	Standby for September 2024: Fire and Disaster Management personnel	20/08/2024	20/08/2024	Approved
MM84	Section 66, MFMA	Standby for September 2024: Chief Fire Officer/ Disaster Manager	20/08/2024	20/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Examiner of driver's license: Grade A training: Jan Britz (Traffic services)	20/08/2024	20/08/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Disciplinary complaint form - Zoleka Gqomo (Traffic Services)	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Michyla Danielsf	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Chante Hendricks	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Siphelele Nkosi	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Ntombovuyo Nyathi	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Keysha Joshua	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Xavier Dampies	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: David Esau	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Abongile Mabongo	20/08/2024	20/08/2024	Approved

HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Nomalazi Mapoma	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Zenande Mggubungu	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x11 (Project: MPR7-Traffic Services) 02 Sept- 31 Dec 2024: Noma Tukwayo	20/08/2024	20/08/2024	Approved
LIB1		Request for funding 2024/2025: Municipal Library Services	20/08/2024	20/08/2024	Approved
TR1	Skills Development Act /MSA	Grading Certificate: SASREA Section 8 (1) & 8 (4) Safety Certificate: Ida's Valley Stadium.	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Corbin Wana	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Errol Manuel	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Sabelo Gaba	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Ethan Ghalpie	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Michyla Daniels	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Parking Marshall: Nomalizo Mapoma	20/08/2024	20/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts: Safety Monitor: Simthembele Mabandla	20/08/2024	20/08/2024	Approved
SC6	5(2)(b)	Approval of tender BSM 15/25: Impoundment of vehicles for the period ending 30 June 2027- Traffic Services	20/08/2024	20/08/2024	Approved
LIB1		Request for funding 2024/2025: Municipal Library Services	22/08/2024	22/08/2024	Approved
TR1	Skills Development Act /MSA	Training needs: Chainsaw refresher course: Enzo Vergotine and Elbert Malgas	22/08/2024	22/08/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ Questionnaire and Specifications: Purchasing of steel quad bike trailer (Workshop- Environmental Management)	22/08/2024	22/08/2024	Approved

HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for the weekend: 24-25 August 2024: Law Enforcement Officers	22/08/2024	22/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Training: Examiner of driver's license: Grade A Training: Charleston Fredericks	22/08/2024	22/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Training: Examiner of driver's license: Grade A Training: Valestine Miles	22/08/2024	22/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Training: Examiner of driver's license: Grade C Training: Lizelle Moses	22/08/2024	22/08/2024	Approved
VPR2	Paragraph 6f	Virement: Machinery and Equipment & materials and Supplies to Maintenance of Equipment- R5 000 (Sport Section)	22/08/2024	22/08/2024	Approved
VPR2	Paragraph 6f	New creation of ukey (Cleaning Services: Car valet) and Virement: Standard Rated to Cleaning Services R5 000 (Sport Section)	22/08/2024	22/08/2024	Approved
MM9	Section 55(1)(e), Systems Act	Approval of Appointment: Operator Chipper: Environmental Implementation	22/08/2024	22/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of shortlist: Senior inspector: Operations x2: Law Enforcement Services	22/08/2024	22/08/2024	Approved
H02		Memo: Motivation for staff Housing for Ms Yvonne Hendricks- Halls Section	23/08/2024	23/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Operate a brushcutter: New Training (Simphiwe Mandlakhe, Petros Mabhumbulu, Dyllan Cloete)	23/08/2024	23/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memorandum of Agreement: Operate a Mobile Elevating Work Platform (Cherry picker) (Vusi Nxopo, Samuel Fortuin, Giel Olyn, Elbert Malgas, Enzo Vergotine, Zine Mazimela, Maindren Chettiar)	23/08/2024	23/08/2024	Approved
VPR2	Paragraph 6f	New Creation of ukey and Virement: Travel Agency and Visa's: Protection Services R5000	23/08/2024	23/08/2024	Approved
SC6	5(2)(b)	Annexure E: Approval of tender: BSM 114/24: supply, installation and commissioning as well as maintenance of biometric access control, remote access gates and booms and time and attendance to be link to the main server at various municipal sites for a period ending 30 June 2027	23/08/2024	23/08/2024	Approved
MM84	Section 66, MFMA	Memo: Standby requirements: September 2024: Law Enforcement Services	23/08/2024	23/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: 24-25 August 2024: Traffic Services (Sups, Ass sups, Traffic officers, traffic wardens)	23/08/2024	23/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Motivation to approve the Traffic Services standby rooster for September 2024	23/08/2024	23/08/2024	Approved

HR2	Conditions of Service (SALGBC)	Memo: Motivation for approval of planned overtime for August 2024: Community Development	26/08/2024	26/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime 31 August- 1 September 2024: Traffic Services (senior sups, Ass sups, Traffic officers and traffic wardens)	26/08/2024	26/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Amended overtime: 23 and 24 August 2024: Traffic: Law Enforcement Officials	26/08/2024	26/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for the weekend: 24-25 August 2024: Control Room Operations: Law Enforcement	26/08/2024	26/08/2024	Approved
AD3	GENERAL	Advertisement of Control room operator: Fire Services	26/08/2024	26/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: First Aid Level 1 training (Christelle Andrews, Cebisa Khathi, Dabell Prins, Andiswa Sipika, Ricardo Joubert, Odile Williams, Yolana Zeze)	26/08/2024	26/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Apply Advance Driving skills: Defence Driving training (Monray Okkers, Kelvin Adams, Hansley Goldman, Trevino Malgas, Sandile Abrahams, Reginald Jacobs, Thabo Nomeva, Thobile Somdaka, Matthew Williams, Cobin Arendse, Franklin Robyn, Ricardo Banies, Chris Koegelenberg)	26/08/2024	26/08/2024	Approved
TR1	Skills Development Act /MSA	Memorandum of Agreement: Fire Warden Training (Monray Okkers, Belrenice Smith)	26/08/2024	26/08/2024	Approved
	Paragraph 6f	Virement: R132 000 (Travel and motor vehicle (Libraries)	26/08/2024	26/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting lines: Groendal Library	26/08/2024	26/08/2024	Approved
LIB1		Conditional Grant for Stellenbosch Libraries (CG) final allocation for 2024/2025	26/08/2024	26/08/2024	Approved
TR1	Skills Development Act /MSA	SASREA Section 8 (1) & 8 (4) Safety Certificate: Danie Craven Stadium	27/08/2024	27/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Operate a brush cutter: Refresher training- Sport Section (Nicklaas Petersen; Lionel Van Wyk; Fiona Wareley; Zine Dwanya; Johannes Janse; Mandla Mzana)	27/08/2024	27/08/2024	Approved
SC6	5(2)(b)	Tender questionnaire and specifications: Upgrading of existing floodlights at Sport Facilities	28/08/2024	28/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Apply Advance Driving skills: Defensive driving: Shudick Daniels (Traffic Services)	28/08/2024	28/08/2024	Approved
SC6	5(2)(b)	Contract form: Rendering of services: BSM 45/25; Supply and install intrusion systems including maintenance in the Stellenbosch WC024 for period ending 30 June 2027	28/08/2024	28/08/2024	Approved

SC6	5(2)(b)	Contract form: Rendering of services: BSM 74/24: The removal and transportation of shipping containers to and from various locations within Stellenbosch Municipal boundaries for a period ending 30 June 2027	28/08/2024	28/08/2024	Approved
LEG16		Memorandum of Agreement: Safe Hands Animal Rescue Franschhoek	29/08/2024	29/08/2024	Approved
LEG16		Memorandum of Agreement: Animal Welfare Society of Stellenbosch			
VPR2	Paragraph 6f	Virement: CG Basic Salary and Wages to Maintenance of Building and Facilities_R1 273000 (Libraries)			
VPR2	Paragraph 6f	Virement: CG Basic Salary and wages to Inventory Consumed-Standard Rated_R60 000 (Libraries)	29/08/2024	29/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting Line: Malcohm Afrika (Halls Section)	29/08/2024	29/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting Lines: Franscois Fortuin (Law Enforcement)	29/08/2024	29/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training- Supervision training- Zine Mazimela (Workshop)	29/08/2024	29/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training- Supervision training- Andiswa Sipika (Law Enforcement)	29/08/2024	29/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training- Apply Advance Driving Skills (Osric Jumat; Bongani Nonkwelo; Khumabuzile Boo)	29/08/2024	29/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 31 August until 1 September 2024 (Law Enforcement Officers)	29/08/2024	29/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting Appointment for September 2024- Angelique George (Acting PA to Director; C&P Services)	29/08/2024	29/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Req 36029 and invoice for Flights, accommodation and car rental_T Leibrandt and G Abrahams_IERM Convention PE_10- 13 sept 2024	29/08/2024	29/08/2024	Approved
VPR2	Paragraph 6f	Virement: Beautification of Parks to Main Routes and Tourist (R80 000)	29/08/2024	29/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for the weekend of 31 Aug 2024 until 01 Sept 2024	30/08/2024	30/08/2024	Approved
	Cost Containment Regulations	Reimbursement of refreshments- payment request: Myra Francis (19/08/2024)	30/08/2024	30/08/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: Stellenbosch Travel- IERM Convention (10-13 Sept 2024) T Leibrandt and	30/08/2024	30/08/2024	Approved

	Cost Containment regulations	Memo : Re-imbursement of PDP_Deon Leibrandt	30/08/2024	30/08/2024	Approved
MM84	Section 66, MFMA	Standby and overtime schedule: September 2024: Community Services	30/08/2024	30/08/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Operator a brush cutter: Refresher (M Ngandisa)- Sport Section	30/08/2024	30/08/2024	Approved
VPR2	Paragraph 6f	Virement: R52 467.80 – Vehicle Fleet Workshop – Specialized Equipment Urban Forestry	30/08/2024	30/08/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Overtime request-IDP sessions 10-16 Sept 2024: Law Enforcement	30/08/2024	30/08/2024	Approved
MM84	Section 66, MFMA	Memo: Standby requirements: Traffic and Law Enforcement: September and October 2024	30/08/2024	30/08/2024	Approved
TR1	Skills Development Act /MSA	Training needs: EC Driving Licence: Traffic Services	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: Traffic Admin: Court Section: September 2024	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: September 2024: Traffic Administration	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: weekend 31 Aug until 1 Sept 2024	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: Traffic Admin: September 2024	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: 07- 08 September 2024	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Amended memo: Overtime: 30-31 August 2024: Law Enforcement Officials.	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Extension of existing EPWP Contracts: parking Marshall- 2 Sept 2024 until 31 Dec 2024 (Nomalizo Mapoma)	02/09/2024	02/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Examiner of driver's license: Grade C- Charl Smit (Traffic Services)	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Ntomboxolo Phithana- Traffic Services	02/09/2024	02/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Extension of existing EPWP Contracts: parking Marshall- 2 Sept 2024 until 31 Dec 2024 (Michyla Daniels)	02/09/2024	02/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations,	FQ specifications: Purchasing and deliver of Library Books, Newspapers, Magazines and ECD Resources	02/09/2024	02/09/2024	Approved

	or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)				
HR2	Conditions of Service (SALGBC)	Resignation letter: Senior Librarian: Nizam Bray	02/09/2024	02/09/2024	Approved
SC6	5(2)(b)	Tender questionnaire: Upgrading of the existing floodlights at Sport Facilities	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Overtime for August 2024: Kevin Alkaster	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday reporting lines: Community Development: Charlene Beukus	03/09/2024	03/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Supervision training: Priscilla Napoleon- Community Development	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Attendance register: Michelle Aalbers	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Payment of Acting allowance authorisation: Shamiel Vermeulen (Fire Services)	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Payment of Acting allowance authorisation: Kenny Alberts (Fire Services)	03/09/2024	03/09/2024	Approved
SC6	5(2)(b)	Tender specifications and questionnaire: de-bushing of invasive species (Environmental Implementation)	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts: Urban Forestry (Charlton Solomons; Downlin Josias; Jan Oncker)	03/09/2024	03/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Ornamental Horticulture 9Jody Carolus)	03/09/2024	03/09/2024	Approved
SC6	5(2)(b)	Memo: Increase in professional fees: for contract: BSM 13/21: SE.1- Community Development	03/09/2024	03/09/2024	Approved
VPR2	Paragraph 6f	Virement: R52 000- Vehicle fleet: Law Enforcement to SRD vehicle-Community Development	03/09/2024	03/09/2024	Approved
SC6	5(2)(b)	Approval of final tender invitation: BSM 16/25: Supply and delivery x1 moving, towing, recovery tow truck vehicle.	04/09/2024	04/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Amended overtime: 29 August 2024: Traffic Law Enforcement officials	04/09/2024	04/09/2024	Approved

HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: 14-15 September 2024 (Traffic Services: sups, Ass sups, traffic officers and traffic wardens)	04/09/2024	04/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: DLTC: September 2024 (Traffic Services)	04/09/2024	04/09/2024	Approved
MP3		Recommendation for waiver of the Fun walk event on the 6 th of September 2024 of Vlottenburg Primary School (Traffic Services)	04/09/2024	04/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting Allowance: Request for payment of Mrs L Petersen- August 2024 (Traffic Services)	04/09/2024	04/09/2024	Approved
VPR2	Paragraph 6f	Virement: Specialised Equipment: Traffic to FTE: Law Enforcement- R660 000	04/09/2024	04/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Supervision training: Francois Fortuin (Law Enforcement)	04/09/2024	04/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ questionnaire and specs: Purchasing of battery-operated machinery (Workshop)	04/09/2024	04/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ questionnaire: Supply and deliver of pots to greater Stellenbosch WC024 (Parks Section)	04/09/2024	04/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contact: Assistant for Sport- Theresa Dico	04/09/2024	04/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 14 and 15 September 2024: Law Enforcement Officers	05/09/2024	05/09/2024	Approved

HR2	Conditions of Service (SALGBC)	Memo: Approved overtime for Traffic Law Enforcement- August 2024 (Traffic Services)	05/09/2024	05/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Overtime for August 2024: Traffic Officers	05/09/2024	05/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts: MPR7- Traffic and Law Enforcement (Nobuzwe Makasi and Shaneez Fran Rhode)	05/09/2024	05/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Examiner of Driver's License: Grade A Training: Edrich Beakus	05/09/2024	05/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Incapacity of Mr. T Steyn 9Fire Services	09/09/2024	09/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Employee attendance register: Albert van der Merwe	09/09/2024	09/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: Traffic and Law Enforcement: Samatha Steyn	09/09/2024	09/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 7-8 September 2024	09/09/2024	09/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Approved overtime for the administration section from 1-31 August 2024: Traffic Services	09/09/2024	09/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Overtime for August 2024: Law Enforcement	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Law Enforcement: Leighton Adams	10/09/2024	10/09/2024	Approved
MM84	Section 66, MFMA	Memo: Overtime and standby: August 2024: Law Enforcement: 1-31 August 2024	10/09/2024	10/09/2024	Approved
TR1	Skills Development Act /MSA	Annexure E: Approval of final tender invitation: BSM 28/25: Accredited skills training for painting, carpentry and table attendant ending 30 June 2025 (Community Development)	10/09/2024	10/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice 6053477673: Media 24; Advertisement of tender BSM 18/25: Purchasing of small plant equipment- Environmental Management	10/09/2024	10/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice 6053477682: Media 24: Advertisement of tender BSM 15/25: Impoundment of vehicles- Traffic Services	10/09/2024	10/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice 6053477683: Media 24: Advertisement of tender BSM 46/24: Maintenance of Biometric Access Control- Law Enforcement	10/09/2024	10/09/2024	Approved
SC6	5(2)(b)	Annexure E: BSM 29/25: Community Development	10/09/2024	10/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Extension of EPWP Contract: C Beukus (Community Development)	10/09/2024	10/09/2024	Approved
SC6	5(2)(b)	Tender questionnaire and Specifications : Culcatta	10/09/2024	10/09/2024	Approved

TR1	Skills Development Act /MSA	MOA: Brush cutter training (Y Hendricks; R Lekeur, E Michael)	10/09/2024	10/09/2024	Approved
CM3	Authority to communicate the acceptance of tenders, quotations, or offers for the procurement of goods/services i.t.o council's supply chain policy, valued up to R200 000 (VAT inclusive)	FQ questionnaire and specifications: Heavy duty plastic chairs (Halls)	10/09/2024	10/09/2024	Approved
MM84	Section 66, MFMA	Memo: Approval of standby exceeding 14days for August 2024: Environmental Management	10/09/2024	10/09/2024	Approved
MM84	Section 66, MFMA	Memo: approval of overtime and standby for August 2024: Parks	10/09/2024	10/09/2024	Approved
LPC3	GATHERINGS ACT 205 OF 1993 EVENTS BY-LAW PN7564 DATED 12/02/2016	Approval letter: Protest picketing application in terms of the gathering Act 205 of 1993_11-13 Sept 2024 (Law Enforcement)	11/09/2024	11/09/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Suspension letters: A Gabriels and J Janse	11/09/2024	11/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contract: Traffic and Law Enforcement: Quinnita Tromp	11/09/2024	11/09/2024	Approved
MM100	Section 72(1)(a), MFMA	Mid-year performance evaluation (2023/24)	11/09/2024	11/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Letter: Application for Early retirement as Superintendent: Sport (A Gabriels)	11/09/2024	11/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Self-defence training x20- Fire Services	11/09/2024	11/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Check request: License fees: Provincial Government of Western Cape	11/09/2024	11/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Self-defence training- Law Enforcement x12	12/09/2024	12/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: weekend 14-15 September 2024: Control Room Operations	12/09/2024	12/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Amended overtime: 8 Sept 2024: Traffic Law Enforcement officials	12/09/2024	12/09/2024	Approved

HR2	Conditions of Service (SALGBC)	EPWP Contracts: Parks wardens: Luzaan Boltman; Uleco Moses; Brandon Schruder; Jolene Riana Mumba	12/09/2024	12/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: CN 998: Mofoko Security Control- R62 400 (Aug 2024)	12/09/2024	12/09/2024	Approved
TR1	Skills Development Act /MSA	Drivers Competency test: Traffic Services (Wayne Valtyn and Jefferey Sobashe	12/09/2024	12/09/2024	Approved
SC6	5(2)(b)	MBD&- Contract Form-Rendering of services- BSM 80/24: Mowing/ Grass cutting of developed/ undeveloped public open spaces and parks	12/09/2024	12/09/2024	Approved
MM84	Section 66, MFMA	Memo: Approval for standby exceeding 14 days for August 202- Simphiwe Mandlake	13/09/2024	13/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Self-defence training: Daw Jooste (Fire services)	16/09/2024	16/09/2024	Approved
SC6	5(2)(b)	Tender questionnaire and specifications: Supply and delivery of medical supplies and equipment for period ending 30 June 2027- Fire Services	16/09/2024	16/09/2024	Approved
MM10	Section 55(1)(f)-(h), Systems Act	Investigation report: Cemeteries: Mr Julies	16/09/2024	16/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Acting appointment of Monray Okkers: October 2024 (Law Enforcement)	16/09/2024	16/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for public holiday 24 September 2024- Law Enforcement	16/09/2024	16/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Self-defence training- Andiswa Sipika (Law Enforcement)	16/09/2024	16/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Resignation letter: Safety monitor officer- S Skinner (Law Enforcement)	16/09/2024	16/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of short list: Supervisor: Parks CP/CS/ PC/A3/02	16/09/2024	16/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: 6053479972: Media 24: Cancellation of tender: BSM 47/24: Supply and deliver of Traffic Law Enforcement Equipment	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: MPR3: Urban Forestry: Noxolo Jolumpo and Dumekaya Banana	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contract: MPR14: Stellenbosch Park wardens: Delano Steward Bailey	17/09/2024	17/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Operator a brush cutter: Remarco Snyders and Bradley Williams (Sport Section)	17/09/2024	17/09/2024	Approved

TR1	Skills Development Act /MSA	MOA: Training: Operate a chainsaw: Zine Dwanya; Mawandile Nqandisa; Fiona Warely; Nicklaas Petersen; Mandla Mzana and Lionel Van Wyk	17/09/2024	17/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: In119684: Red Ant- Security services (R422 169.80) Law Enforcement	17/09/2024	17/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: In119685: Red Ant- Security services (R422 169.80)_Law Enforcement	17/09/2024	17/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: 4406: LBC Multiserv: Stationary (R18 596.85)	17/09/2024	17/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: training: Self-defence- Kelvin Adams (Law Enforcement)	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination of EPWP Contracts x3- Lilitha Xelelo; Phelisa Botya; Dominic Olkers	17/09/2024	17/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Check request- R780 367.84- Traffic Services	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 28-29 September 2024: Law Enforcement officers	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 21-22 September 2024: Law Enforcement officers	17/09/2024	17/09/2024	Approved
MM84	Section 66, MFMA	Memo: Standby requirements: Law Enforcement: October 2024	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime: 24, 28 and 29 September 2024: Traffic sups, officers and wardens	17/09/2024	17/09/2024	Approved
MM84	Section 66, MFMA	Memo: Motivation to approve Traffic Services standby roster for October 2024	17/09/2024	17/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: 6053481641: Media 24: Advertisement of tender BSM 16/25: supply and deliver of x1 moving, towing and recovery tow truck	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts x3: Traffic Services (Zandiswa Siganga; Corne Williams and Jayden Josephs)	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Late submission of Acting Allowance letter of Kenny Alberts: September 2024 (Fire Services)	17/09/2024	17/09/2024	Approved
MM84	Section 66, MFMA	Memo: Standby for October 2024: Fire and Disaster	17/09/2024	17/09/2024	Approved
MM84	Section 66, MFMA	Memo: Standby for October 2024: Fire Chief Officer	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Termination letters: Parking project- Traffic Services (Akhona Cese; Xoliswa Makupila; Mario de Bruin; Ronell Roman)	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	EPWP Contracts: Parking project- Traffic Services (Akhona Cese; Xoliswa Makupila; Mario de Bruin; Ronell Roman)	17/09/2024	17/09/2024	Approved

HR2	Conditions of Service (SALGBC)	Payday Reporting lines: Cinthia Vasagie (Law Enforcement)	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting lines: S Somdaka; L Mclean; N Williams (Law Enforcement)	17/09/2024	17/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting lines- All staff at Law Enforcement	17/09/2024	17/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training Self-defence: S Kiva (Fire Services)	17/09/2024	17/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Supervision: Monray Okkers and Stefan Van Zyl (Law Enforcement)	17/09/2024	17/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Operate a chainsaw (Petros Mabhumulu; Simphiwe Mandlakhe; Dyllan Cloete, Enzo Vergotine; Elbert Malgas)	18/09/2024	18/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Self-defence (Joan Felix and Charl Kitching)	18/09/2024	18/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: HN002009: NHN Bricks and Concrete (R2080)- Law Enforcement	18/09/2024	18/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: HN0020088: NHN Bricks and Concrete (R2600)- Law Enforcement	18/09/2024	18/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: IN104359: Ganedhi Trading (R3760.50)-Law Enforcement	18/09/2024	18/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Invoice: IN104363: Ganedhi Trading (R5750.50)- Law Enforcement	18/09/2024	18/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting appointment of Monray Okkers-October 2024 Senior Inspector: Law Enforcement	18/09/2024	18/09/2024	Approved
SC6	5(2)(b)	Tender questionnaire and specifications: Upgrading of existing floodlights at Sport Facilities	19/09/2024	19/09/2024	Approved
VPR2	Paragraph 6f	Virement: Maintenance of Building and Facilities- R68 000- Sport Section	19/09/2024	19/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 28-29 Sept 2024: Control Room Operations (Law Enforcement)	19/09/2024	19/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for Public Holiday 24 Sept 2024: Control Room Operations (Law Enforcement)	19/09/2024	19/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for weekend 21-22 Sept 2024: Control Room Operations (Law Enforcement)	19/09/2024	19/09/2024	Approved
MM84	Section 66, MFMA	Standby Rooster: October 2024: Control Room Operations and security	19/09/2024	19/09/2024	Approved

TR1	Skills Development Act /MSA	MOA: Self-defence training: Gawie Botha; Zoleka Gqomo and Liesle Petersen (Traffic Services)	19/09/2024	19/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Payday Reporting lines: Sport Section	19/09/2024	19/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Training: Self-defence training: Michelle Fortuin and Yandiswa Mdabane (Law Enforcement)	23/09/2024	23/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Memo: Planned overtime for the weekend 21 and 22 September 2024- Law Enforcement	23/09/2024	23/09/2024	Approved
MM82	Section 62(1)(f)(iv), MFMA	Request 36930_RT57 010 JCB 3CX Plus backhoe loader digger loader- R1 552 467.80	23/09/2024	23/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Cell phone application form: T Cloete (Sport Section)	25/09/2024	25/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Acting appointment of Angelique George: October 2024	25/09/2024	25/09/2024	Approved
LIB1		Conditional Grant: Monthly Expenditure Report: August 2024 (Staffing and Operational Budget)- Libraries	25/09/2024	25/09/2024	Approved
TR1	Skills Development Act /MSA	MOA: Supervision training: Tashlee Ismail	25/09/2024	25/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Approval of short list: Clerk Traffic fines- CP/PRS/TL/TS/90	25/09/2024	25/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Employee attendance register: September 2024: Angelique George	30/09/2024	30/09/2024	Approved
HR2	Conditions of Service (SALGBC)	Employee attendance register: September 2024: Kevin Alkaster	30/09/2024	30/09/2024	Approved

10.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
10.1	PROTECTION SERVICES: [PC: CLLR J FASSER]
10.1.1	APPOINTMENT AS VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBER OF THE NATIONAL INSTITUTE FOR MUNICIPAL PUBLIC SAFETY OF SOUTH AFRICA: MS JOAN FELIX

Collaborator No: 773710

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024 & 30 October 2024

1. SUBJECT: APPOINTMENT AS VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBER OF THE NATIONAL INSTITUTE FOR MUNICIPAL PUBLIC SAFETY OF SOUTH AFRICA: MS JOAN FELIX

2. PURPOSE OF REPORT

For Council to take cognisance of the election and appointment of Ms Joan Felix as Vice President and National Council Office Bearer for 2024-2026 of the National Institute for Municipal Public Safety of South Africa (IMPS-SA).

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

Ms Felix has been elected and appointed as Vice President and National Council Office Bearer for 2024 -2026 of the National Institute for Municipal Public Safety of South Africa (IMPS-SA).

The appointment of Ms Felix is in line with the criteria set by SALGA for the recognition of municipal professional institutes towards the transformation of local government which embraces democracy, transparency, ethical conduct and equity.

As the Vice President and National Council Office Bearer for the 2024 - 2026 of the National Institute for Municipal Public Safety of South Africa (IMPS-SA), Ms Felix will be required to attend, at the municipalities cost, at most four (4) National Council meetings held at various municipalities during the term of office.

5. RECOMMENDATIONS

- (a) that Council takes cognisance of the election and appointment of Ms Felix as Vice President and National Council Office Bearer for the 2024-2026 of the National Institute for Municipal Public Safety of South Africa (IMPS-SA);
- (b) that permission be granted for Ms Felix attends the four (4) National Council meetings held annually at various municipalities in South Africa as well as any other related meetings to fulfil her duties in terms of the above;
- (c) that the attendance of the meetings be subject to prior approval by the Director Community and Protection Services in terms of his delegated authority;

(d) that the applicable travel and subsistence allowance be paid to Ms Felix when attending meetings; and

(e) that provision be made in future for operational budgets for this expense.

6. DISCUSSION / CONTENTS

6.1 Background

Ms Felix was part of the interim steering committee for the newly established IMPS-WC and formally elected as a work stream coordinator by IMPS-SA and Western Cape.

Subsequent, Ms Felix has been elected by IMPS-SA as a national council member on the 2nd and 3rd of May 2024 and elected as the 2nd Vice President for the Institute for Municipal Public Safety of Southern Africa. Ms Felix is the first female appointed to such a role within IMPS-SA.

6.2 Discussion

Ms Felix as the Vice president for IMPS-SA and Elected member of the executive committee for IMPS-WC will have many responsibilities in the interest of public safety and be beneficial, not just for the country, but also the province and the municipality. Some roles of this position would be:

- (a) To enhance Public Safety, Municipal Law Enforcement, Municipal Policing & Municipal Security Services within Local Governments as a profession in its own right.
- (b) to publicize and promote the image of the public safety profession.
- (c) to do research, develop training, to convene conferences, symposia, seminars, and forums and to arrange for the giving of lectures and presenting of papers on matters and problems of interest to the local government sector and members of the Institute towards encouraging stimulation, promotion, and facilitation of debate.
- (d) to represent IMPS-WC on a national level within IMPS-SA.
- (e) other requirements would be to attend a maximum of 4 national council meetings annually at various municipalities around the country as well as western cape workshops and steering committee meetings whereby the municipality is requested to bare all costs.

6.3 Financial Implications

Cost to attend council meetings / workshops related to IMPS-SA and IMPS-WC to be borne by the municipality and within the Directorates vote.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

6.8 Comments from Senior Management

None requested.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.1.1

- (a) that Council takes cognisance of the election and appointment of Ms Felix as Vice President and National Council Office Bearer for the 2024-2026 of the National Institute for Municipal Public Safety of South Africa (IMPS-SA);
- (b) that permission be granted for Ms Felix attends the four (4) National Council meetings held annually at various municipalities in South Africa as well as any other related meetings to fulfil her duties in terms of the above;
- (c) that the attendance of the meetings be subject to prior approval by the Director Community and Protection Services in terms of his delegated authority;
- (d) that the applicable travel and subsistence allowance be paid to Ms Felix when attending meetings; and
- (e) that provision be made in future for operational budgets for this expense.

ANNEXURES

Letter from IMPS-SA

NAME	<i>Gary Boshoff</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8437</i>
E-MAIL ADDRESS	Gary.Boshoff@ Stellenbosch.gov.za
REPORT DATE	<i>7 June 2024</i>

APPENDIX 1



SPECIAL MEETING TO EFFECT GOVERNANCE OF THE INSTITUTE, HELD IN MPUMALANGA, MBOMBELA STADIUM ON 3 MAY 2024

**THE FOLLOWING MEMBERS WERE ELECTED AND THEIR APPOINTMENTS RATIFIED -
NATIONAL COUNCILLORS FOR TERM 2024 - 2026**

IN ATTENDANCE (i.t.o. CLAUSE 21 OF THE CONSTITUTION

MR ID MINNAAR..... (Chairperson)

NATIONAL COUNCILLORS	MUNICIPALITY	POLITICAL WILL COUNCILLORS	MUNICIPALITY
MABUNDA N J	TSHWANE METRO	SMITH JP ALDERMAN	CITY OF CAPE TOWN
MKHABELA T V	CITY OF MBOMBELA	MASUKU S ALDERMAN	EKHURULENI METRO
SMIT J P	TSHWANE METRO	BRESLER R COUNCILLOR	CITY OF CAPE TOWN
SAKATI A S	BITOU MUNICIPALITY	SCHAFFERS M MMC	SALDANHA BAY MUNICIPALITY
DAVIDS J A	STELLENBOSCH	NQAVASHE M PORTFOLIO CHAIR	CITY OF CAPE TOWN
FELIX J G	STELLENBOSCH MUNICIPALITY	NTSABO L DEP MAYOR	OVERSTRAND MUNICIPALITY
BOSHOF G B E	STELLENBOSCH MUNICIPALITY	BENSON D ALDERMAN	KOUGA MUNICIPALITY
KITCHING C	STELLENBOSCH MUNICIPALITY		
MALOTSWANA	SALDANHA BAY MUNICIPALITY	VAN DYK L MMC	MOSSEL BAY MUNICIPALITY
LACKAY B	CITY OF CAPE TOWN	MHLANA T MMC	BITOU MUNICIPALITY
WENTZEL L	CITY OF CAPE TOWN	TRUTER A EXECUTIVE MAYOR	SALDANHA MUNICIPALITY
SAPTO M	CAPE AUGHALAS		
BREEDT H	RED ANT SECURITY		
SMITH J	STADIO HIGHER LEARNING		
MLUNGU N P	MBHASHE MUNICIPALITY		

ELECTED NATIONAL COUNCIL OFFICE BEARERS FOR THE 2024/2026 TERM OF OFFICE

Item 1:

- PRESIDENT (*Clause 24(a)*) :MR TV MKHABELA
- VICE PRESIDENT 1 :MR A SAKATI
- VICE PRESIDENT 2 :MRS J G FELIX

Item 2:

- EXCO MEMBERS (6) (*clause 29(1)*) :
 - Designated Members (3) :
 - MR TV MKHABELA
President
 - MR A SAKATI.
Vice President 1
 - MRS J G FELIX
Vice President 2
 - Other Members :
 -MR I D MINNAAR
 -ALDERMAN A TRUTER
 -MR L WENTZEL
 - MR C KITCHING (ex officio)
 - MR L VAN DYK (ex officio)

Item 3:

NB: EXCO members elects Chairperson :

- (*Clause 29(2)*) :ALDERMAN A TRUTER
CHAIRPERSON
- :MR I D MINNAAR
DEPUTY-CHAIRPERSON

Item 4: Specialist Office Bearers:

- ADVISER ON PROFESSIONAL & RELATED MATTERS :MR L WENTZEL

10.1.2	REVIEW OF DISASTER MANAGEMENT PLAN
--------	---

Collaborator No: 773711

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024

1. SUBJECT: REVIEW OF DISASTER MANAGEMENT PLAN

2. PURPOSE

To notify Council of the recently reviewed Disaster Management Plan.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality, as prescribed by the Disaster Management act, do have a disaster plan. Due to the dynamic nature of disaster management, an annual review of the disaster plan is necessary. The disaster section therefore embarked on a consultative process and engaged widely with various stakeholders and institutions to collect and verify information and data needed to amend the current plan, where required.

5. RECOMMENDATION

that Council approves and adopts the revised Disaster Management Plan.

6. DISCUSSION / CONTENTS

6.1 Background

The Stellenbosch Municipality is legally obliged to prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area; to co-ordinate and align the implementation of its plan with those of other organs of state and institutional role players; and to regularly review and update its plan. The municipality also consulted the local communities within its area regarding the preparation and amendment of its plan. One noteworthy change to the plan is the inclusion of a Risk Reduction Plan (Annexure F) that was a product of a collaborative effort between the Provincial Disaster Management Centre (PDMC) and Stellenbosch municipality. This Risk Reduction Plan also ensured that the municipality is fully compliant in terms of integrating risk reduction into developmental planning.

6.2 Discussion

The Disaster Management Amendment Act, 2015 (Act 16 of 2015) commenced on 1 May 2016. The Proclamation that was published in the Government Gazette No 399430 on 22 April 2016 (hereafter referred to as "the Act") requires:

Each municipality must:

- a) conduct a disaster risk assessment for its municipal area;
- b) identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human induced threats;
- c) prepare a Disaster Management Plan setting out:
 - i) the way in which the concept and principles of disaster management must be applied in its municipal area, including expected climate change impacts and risks for the municipality;
 - ii) its role and responsibilities in terms of the national, provincial or municipal Disaster Management Framework;

-
- iii) its role and responsibilities regarding emergency response and post-disaster recovery and rehabilitation;
 - iv) its capacity to fulfil its role and responsibilities;
 - v) particulars of its disaster management strategies;
 - vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
 - vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;
- d) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;
 - e) provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;
 - f) develop early warning mechanisms and procedures for risks identified in the municipal area;
 - g) regularly review and update its plan; and
 - h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), consult the local community on the preparation or amendment of its plan. "...prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area and within the ambit of its municipal Disaster Management Framework." Section 53(2) (a) of the Act specifies that the Disaster Management Plan for a municipality must form an integral part of the municipality's integrated development plan (IDP). Section 26(g) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) lists "applicable Disaster Management Plans" as core components of an IDP.

The current Disaster Management Plan was comprehensively reviewed two years back and all of its content is still relevant, but non the less required some changes.

The following amendments was made to the existing plan:

- Updating of the key contact list, to reflect the new administrative and political office bearers (Annexure C).
- Inclusion of a Disaster Risk Reduction Plan (Annexure F) – as prescribed by the Disaster Management Act, as amended (Act No 57 of 2022) for integration of risk reduction into developmental planning.

6.3 **Financial Implications**

As per the approved budget.

6.4 **Legal Implications**

All actions and functions performed in line with applicable legislation.

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

The risks are addressed through the contents of the report.

6.8 Comments from Senior Management

No comments requested.

6.8.1 Director: Infrastructure Services

No comments requested.

6.8.2 Director: Planning and Economic Development

No comments requested.

6.8.3 Director: Protection and Community Services

No comments requested.

6.8.4 Director: Corporate Services

No comments requested.

6.8.5 Chief Financial Officer

No comments requested.

6.8.6 Municipal Manager

No comments requested.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.1.2

that Council approves and adopts the revised Disaster Management Plan.

ANNEXURES

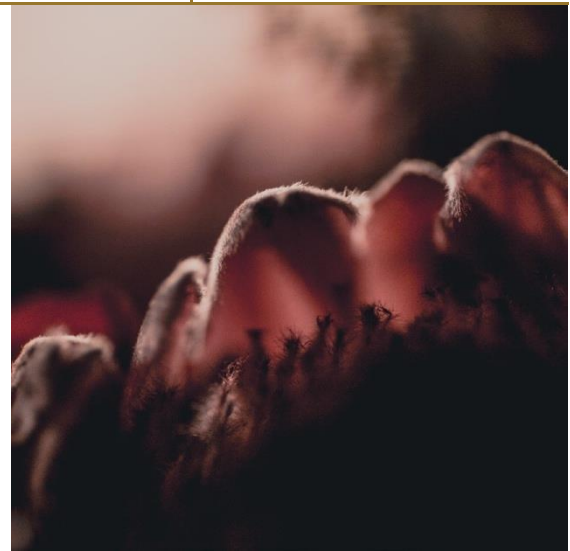
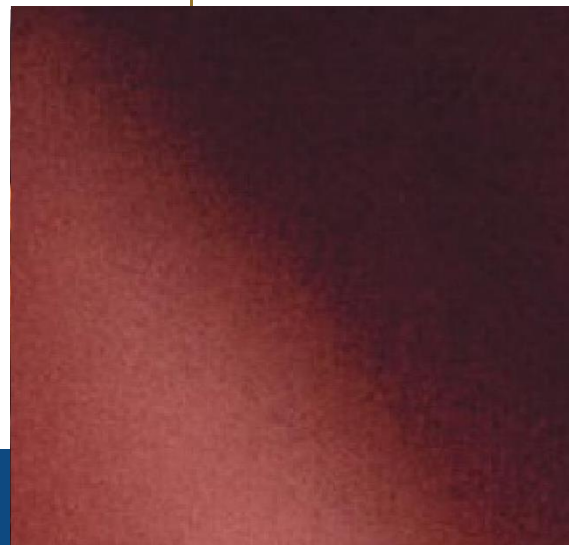
Annexure A: Reviewed Disaster Management Plan

NAME	Wayne Smith
POSITION	<i>Manager: Fire Services and Disaster Management</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8771</i>
E-MAIL ADDRESS	<i>wayne.smith@ Stellenbosch.gov.za</i>
REPORT DATE	<i>2 May 2024</i>

ANNEXURE A

MUNICIPAL DISASTER MANAGEMENT PLAN

STELLENBOSCH MUNICIPALITY



Core Plan for inclusion within the IDP
of the Stellenbosch Municipality

CONTENTS

1.	Introduction	6
1.1	Legal Requirements	6
1.2	Key Outcomes	6
1.3	Linkage with the Integrated Development Plan of the Stellenbosch Municipality	6
1.4	Linkage with the Disaster Management Framework of the Cape Winelands District Municipality	6
1.5	Structure of the Plan	7
1.6	Definition and Abbreviations	7
2.	Institutional Arrangements	7
2.1	Shared Responsibility for Disaster Management	7
2.1.1	Nodal Points for Disaster Management	8
2.1.2	Departments with Primary Responsibility for Specific Hazards and Disaster Risks	8
2.1.3	Assignment of Responsibility to Deal with Specific Disaster Risks (pg. 13, No 3.2)	8
2.2	Corporate Disaster Management Structure for the Stellenbosch Municipality	9
2.2.1	Stellenbosch Disaster Management	9
2.2.2	Municipal Disaster Management Advisory Forum	9
2.2.3	Interdepartmental Disaster Management Coordination	10
2.2.4	Nodal Points for Disaster Management within Municipal Departments	10
2.2.5	Departmental Planning Groups	10
2.2.6	Risk Reduction Project Teams	10
2.2.7	Preparedness Planning Groups	11
2.2.8	Joint Response and Relief Management Teams	11
2.2.9	Recovery and Rehabilitation Project Teams	11
2.2.10	Stellenbosch Disaster Management Communications Centre	12
2.2.11	Stellenbosch Disaster Operations Centre (DOC)/Joint Operations Centre (JOC)	12
3.	Risk Assessment	13

3.1	Background	13
3.2	Legal Requirements	13
3.3.	Aim	14
3.4	Data Collection Methods	14
3.5	Priority Risk Identification	14
3.6	Synopsis of All Identified Risks per Ward	16
3.7	Stellenbosch Municipality Comment on the 2020/2021 WBRA Report	18
3.8	Covid-19	18
3.8.1	Risk-adjusted Strategy	18
3.9	Risk Profile of the Stellenbosch Municipality	19
3.9.1	Rating a Risk	20
4.	Disaster Risk Reduction Plans	20
4.1	Risk Reduction Plans for the Stellenbosch Municipality	20
4.2	Risk Reduction Capacity for the Stellenbosch Municipality	21
5.	Pre-disaster Risk Reduction and Preparedness	21
5.1	Prevention and Risk Reduction/Mitigation Strategies	21
5.2	Standard Operating Procedures (SOPs)	22
6.	Preparedness Plans	22
6.1	Preparedness Plans of the Stellenbosch Municipality	22
6.2	Preparedness Capacity of the Stellenbosch Municipality	22
7.	Response and Recovery	23
7.1	Response Procedure	23
7.1.1	Notification/Activation	23
7.1.2	Rapid Initial Assessment	24
7.1.3	Establish Response Management Structure	24
7.1.4	Re-assess	26
7.1.5	Establish Incident Management Objectives	27
7.1.6	Plan of Action	27

7.1.7	Implementation	28
7.1.8	Strategic Response Management Structure	28
7.1.9	Monitor/Evaluate	29
7.1.10	Close Incident and Document	30
7.1.11	Demobilize	30
7.1.12	Complete Review (Postmortem)	30
7.1.13	Corrective Actions	30
7.2	Declaration of a State of Disaster and Disaster Classification	30
8.	Testing and Review of the Plan	31
9.	Reference Documents	32
10.	Annexure A: Disaster Preparedness Guidelines	
10.1	Disaster Preparedness Plan: Fire	
10.2	Disaster Preparedness Plan: Flooding	
10.3	Disaster Preparedness Plan: Earthquake	
10.4	Disaster Preparedness Plan: Infrastructure Failure	
10.5	Disaster Preparedness Plan: Transport Incidents	
10.6	Disaster Preparedness Plan: Hazardous Materials Incidents	
10.7	Disaster Preparedness Plan: Drought 90-day Action Plan	
10.8	Disaster Preparedness Plan: Prolonged Electricity Interruptions	
10.9	Disaster Preparedness Plan: Idas Valley Dam Wall Failure	
11.	Annexure B: Disaster Risk Reduction Guideline	
11.1	Disaster Risk Project Proposals: Fire	
11.2	Disaster Risk Project Proposals: Hazmat Incidents	
11.3	Disaster Risk Project Proposals: Flooding	
11.4	Disaster Risk Project Proposals: Earthquake	
11.5	Disaster Risk Project Proposals: Infrastructure Failure	
11.6	Disaster Risk Project Proposals: Transport Incidents	
11.7	Risk assessments conducted	

12. Annexure C: Key Stakeholders Contact List

Emergency numbers list
Executive Mayor
Municipal Manager
Director: Community and Protection Services
Director: Engineering Services
Director: Strategic and Corporate Services
Director: Property and Planning Development and Human Settlement
Director: Financial Services

12.1 Community and Social Services: DSD and SASSA

12.2 Ward Councilor Contact Information

13. Annexure D: SOP – Primary Relief Assistance

14. Annexure E: IDP and Disaster Management Plan Integration

15. Annexure F: Disaster Risk Reduction Plan

1. INTRODUCTION

This plan confirms the arrangements for managing disaster risk and preparing for and responding to disasters within the Stellenbosch Municipality as required by the Disaster Management Act 2002 (Act 57 of 2002). In case of an emergency, the user of this document should immediately turn to the attached preparedness plan for guidelines on managing the response.

1.1 Legal Requirements

The Stellenbosch Municipality is legally obliged to prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area; to coordinate and align the implementation of its plan with those of other organs of state and institutional role players; and to regularly review and update its plan. The Municipality must also consult the local municipalities within its area and local communities on the preparation or amendment of its plan.

The Disaster Management Amendment Act 2015 (Act 16 of 2015) commenced on 1 May 2016. The Proclamation that was published in the Government Gazette No 399430 on 22 April 2016 (hereafter referred to as “the Act”)

1. Each Municipality must
 - a. conduct a disaster risk assessment for its municipal area.
 - b. identify and map risks, areas, ecosystems, communities, and households that are exposed or vulnerable to physical and human-induced threats.
 - c. prepare a Disaster Management Plan setting out.
 - i. how principles of disaster management must be applied in its municipal area, including expected climate change impacts and risks for the municipality.
 - ii. its role and responsibilities in terms of the national, provincial, or municipal Disaster Management Framework.
 - iii. its role and responsibilities regarding emergency response and post-disaster recovery and rehabilitation.
 - iv. its capacity to fulfill its role and responsibilities.
 - v. particulars of its disaster management strategies.
 - vi. contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
 - vii. specific measures taken to address the needs of women, children, the elderly, and persons with disabilities during the disaster management process.
 - d. coordinate and align the implementation of its plan with those of other organs of the state and institutional role players.
 - e. provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches.
 - f. develop early warning mechanisms and procedures for risks identified in the municipal area.
 - g. regularly review and update its plan; and
 - h. through appropriate mechanisms, processes, and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), consult the local community on the preparation or amendment of its plan. “...prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area and within the ambit of its Municipal Disaster Management Framework.”

Section 53(2) (a) of the Act specifies that the Disaster Management Plan for a municipality must form an integral part of the municipality's Integrated Development Plan (IDP). Section 26(g) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) lists "applicable Disaster Management Plans" as core components of an IDP.

The municipality must submit a copy of its Disaster Management (DM) Plan, and any amendments to the plan, to the Disaster Management Centre of the Western Cape Province and the National Disaster Management Centre.

1.2 Key outcomes

This plan seeks to achieve the following key outcomes:

- integration of Disaster Risk Management into the strategic and operational planning and project implementation of all line functions and role players within the municipality.
- resilient communities; and
- an integrated, fast, and efficient response to emergencies and disasters by all role players.

1.3 Linkage with the Integrated Development Plan of the Stellenbosch Municipality

Both the Municipal Systems Act and the Disaster Management Act require the inclusion of this plan into the Integrated Development Plan (IDP) of the Stellenbosch Municipality. It would however not be practical to include the complete Disaster Management Plan with all its annexures within the Integrated Development Plan of the Stellenbosch Municipality.

Therefore, the complete plan can be considered as an annexure to the IDP, while this core document without annexures will be submitted for inclusion within the IDP document.

A separate Disaster Management Plan included in the IDP but standing on its own and isolated from the rest of the IDP, does not necessarily give evidence of the integration of disaster management into the IDP.

All departments and role players submitting input to the content of the current and future IDP of the municipality are therefore urged to consider the inclusion and integration of disaster risk management into their strategies, operational planning, and project implementation. It is strongly recommended that the municipality institutes the compulsory consideration of disaster risk management in the planning and execution stages of all IDP projects.

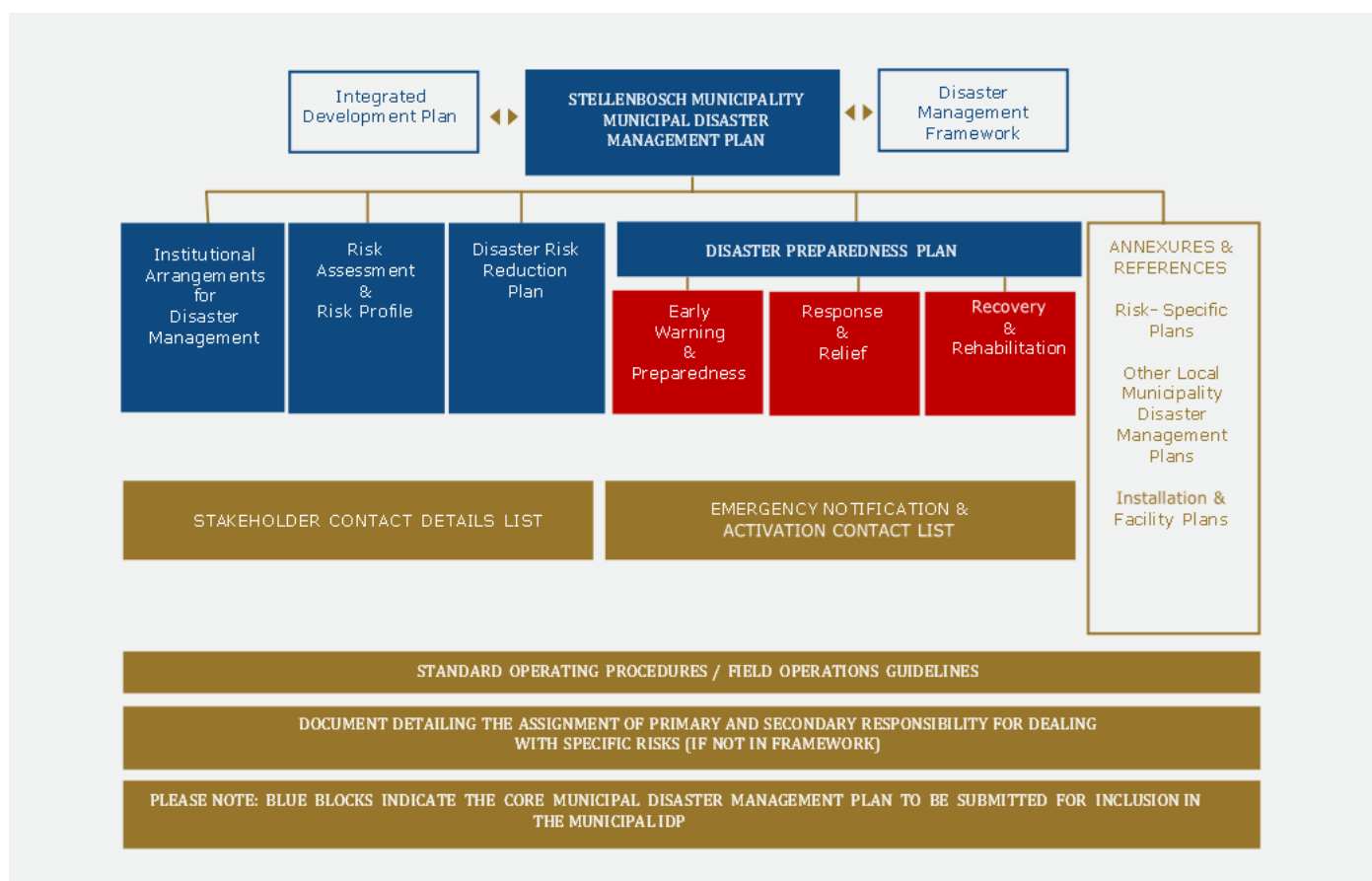
This will ensure the integration of disaster management into the IDP and will ensure that all plans and projects are focused on contributing to disaster risk reduction and disaster preparedness – thus reducing the impact of disasters on lives, property, community activities, the economy, and the environment in the Stellenbosch Municipality. Annexure E illustrates the linkage between the IDP and the Disaster Management Plan.

1.4 Linkage with the Disaster Management Framework of the Cape Winelands District Municipality

The Stellenbosch Municipality must prepare and execute its Disaster Management Plan within the Disaster Management Framework of the Cape Winelands District Municipality. The National, Western Cape Provincial, and Cape Winelands frameworks will guide the development of this plan and future versions of this plan.

1.5 Structure of the Plan

The Municipal Disaster Management Plan of the Stellenbosch Municipality consists of components as indicated in the figure below.



1.6 Definitions of abbreviations

ASAP:	As Soon As Possible	PDMC:	Provincial Disaster Management Centre
DMC:	Disaster Management Centre		
LA:	Local Authority		
JOC:	Joint Operations Centre		
SAWS:	South African Weather Services		
DOC:	Disaster Operational Centre		

2. INSTITUTIONAL ARRANGEMENTS

2.1 Shared Responsibility for Disaster Management

The responsibility for reducing disaster risk, preparing for disasters, and responding to disasters is shared among all departments and employees of the Cape Winelands District Municipality, local municipalities within the Cape Winelands District Municipality, all departments and employees of the Stellenbosch Municipality, all provincial and national organs of state operating within the municipality, all sectors of society within the municipality and, perhaps most importantly, all the residents of the municipality.

2.1.1 Nodal Points for Disaster Management

Although the municipal department within the Stellenbosch Municipality assigned with the Disaster Management function should direct and facilitate the disaster risk management process, it cannot perform the whole spectrum of disaster risk management activities on its own.

It is required that each municipal department within the municipality assign a person or section within the department/local municipality to be the nodal point for disaster management activities in that department.

The disaster management activities to be performed within departments and local municipalities include participation in disaster risk reduction, as well as preparedness and response.

Status: The Disaster Management Centre of the Stellenbosch Municipality continuously reviews the nodal points in its area of jurisdiction.

2.1.2 Departments with Primary Responsibility for Specific Hazards and Disaster Risks

Where a department has primary responsibility for a specific hazard, the department's role in disaster risk management for that specific hazard will be more than mere participation: it will have to lead risk reduction, as well as preparedness activities due to its expertise in the field. Stellenbosch Disaster Management can support such a department with advice, information, facilitation, and coordination.

Status: The Disaster Management Centre of the Stellenbosch Municipality maintains a list of hazards that may affect the municipality with associated primary role players indicated for risk reduction, as well as preparedness for each specific hazard. (See next section for the process of assigning such responsibility.)

The plans for disaster risk reduction and preparedness compiled by these primary role players should be attached to this plan or should be referenced as supporting documentation as indicated in Figure 1: Structure of the Stellenbosch Municipal Disaster Management Plan, on page 8. These documents must be easily accessible to all relevant role players

2.1.3 Assignment of Responsibility to deal with Specific Disaster Management Risks (Page 15 no. 3.2)

Departments that are responsible for specific services in normal conditions will remain responsible for such services during disasters.

The declaration of a state of disaster and the tighter coordination instituted during disasters do not absolve any agency of its assigned responsibilities. Legislation assigns responsibility for most disaster risks to specific departments or functions. There are, however, grey areas related to some disaster risks.

To ensure clear roles and responsibilities and enhance integrated disaster risk management efforts, such grey areas must be addressed and assigned responsibilities must be confirmed.

Status: The risk profile of the Stellenbosch Municipality is considered on a continuous basis and primary and supporting role players will be identified for each identified risk. Such allocation of primary and supporting roles is done in consultation with all relevant role players, is informed by existing legal frameworks, and assignments done on a consensus basis.

The above assignment of responsibilities will be revisited and confirmed on an annual basis and will be recorded and distributed in the format indicated in Table 1 below.

TABLE 1: ASSIGNMENT OF PRIMARY AND SUPPORTING ROLE PLAYERS FOR DISASTER RISKS

DESCRIPTION OF DISASTER RISKS IDENTIFIED IN THE RISK PROFILE OF THE MUNICIPALITY (COMPLETE ONE TABLE PER RISK)	The primary role player in risk reduction to be indicated here	Supporting role players
	The primary role player in preparedness to be indicated here	Supporting role players
	The primary role player in response and relief to be indicated here	Supporting role players
	The primary role player in recovery and rehabilitation to be indicated here	Supporting role players

The document assigning responsibilities becomes an annexure of the Municipal Disaster Management Plan of the municipality.

2.2 Corporate Disaster Management Structure for the Stellenbosch Municipality

The Corporate Disaster Management Structure for the Stellenbosch Municipality must deal with both pro-active and reactive disaster management issues and encompasses more than the department that is responsible for the function. The structure can include the following elements, which may be collapsed into a smaller number of elements if less complexity is required:

2.2.1 Stellenbosch Disaster Management

The Directorate: Community and Protection Services within the municipality are assigned with the Disaster Management function. A local municipality is not legally obliged to establish a Disaster Management Centre, but it is recommended.

The Disaster Management Centre of the Stellenbosch Municipality aims to prevent or reduce the risk of disasters, mitigate the severity or consequences of disasters, prepare for emergencies, respond rapidly and effectively to disasters, and implement post-disaster recovery and rehabilitation within the municipality by monitoring, integrating, coordinating, and directing the disaster risk management activities of all role players.

A fully established and functioning Municipal Disaster Management Centre is a key element of this plan.

Status: Stellenbosch Municipality has established and maintains a partially staffed and resourced Disaster Management Centre.

2.2.2 Municipal Disaster Management Advisory Forum

Metropolitan or District Municipalities may establish municipal disaster management advisory forums as described in Section 51 of the Disaster Management Act 2002. Local municipalities are not required to establish advisory forums.

It is however advantageous for a municipality to establish such a forum to coordinate strategic issues related to disaster management, such as risk assessments, and to approve and/or review the Disaster Management Plan for the municipality before it is submitted to the Council. The frequency of meetings of such a body is two to four times per year or as required.

Status: Stellenbosch Municipality is represented at the well-established Disaster Management Advisory Forum: Cape Winelands District Municipality, of which compulsory bi-monthly meetings are held)

2.2.3 Interdepartmental Disaster Management Coordination

Internal coordination will occur at the manager level where instructions and identified projects from the Advisory Forum can be implemented and tracked. Municipal top-management meetings can serve as a coordination forum for disaster management issues within the municipality.

Although a dedicated structure can be created for this purpose, the top management team of the municipality will perform this role to reduce the complexity of the disaster management structure. Ad-hoc external representation may form part of the deliberations upon invitation.

Status: Disaster Management coordination in the entire WC024 is in place to ensure effective and efficient services throughout Greater Stellenbosch.

2.2.4 Nodal Points for Disaster Management within Municipal Departments

Refer to sections 2.1.1 and 2.1.3 above.

2.2.5 Departmental Planning Groups

This element relates to planning groups that can be established within departments within the municipality to deal with internal disaster management issues, such as the compilation of departmental or local municipal Disaster Management Plans and contingency plans for facilities and services of the department or local municipality.

The disaster management nodal points of such departments or local municipalities will be involved in these planning groups

Status: Nodal points are established, empowered, and supported by their departments/organizations to manage and participate in departmental and/or local municipal planning groups.

2.2.6 Risk Reduction Project Teams

A multi-disciplinary project team convened to address and reduce a specific disaster risk. Convened by the primary role player for the risk and supported by Disaster Management.

Status: The primary role players for specific hazards or disaster risks, in collaboration with Stellenbosch Disaster Management, aim to establish and manage preparedness planning groups as required or when requested by the Disaster Management Advisory Forum: Cape Winelands District Municipality. (Existing structures are used as far as possible to prevent duplication and reduce the meeting burden on role players.)

2.2.7 Preparedness Planning Groups

A multi-disciplinary planning group convened to ensure an elevated level of preparedness for a specific disaster risk. Convened by the primary role-player for the risk and supported by Disaster Management.

2.2.8 Joint Response and Relief Management Teams

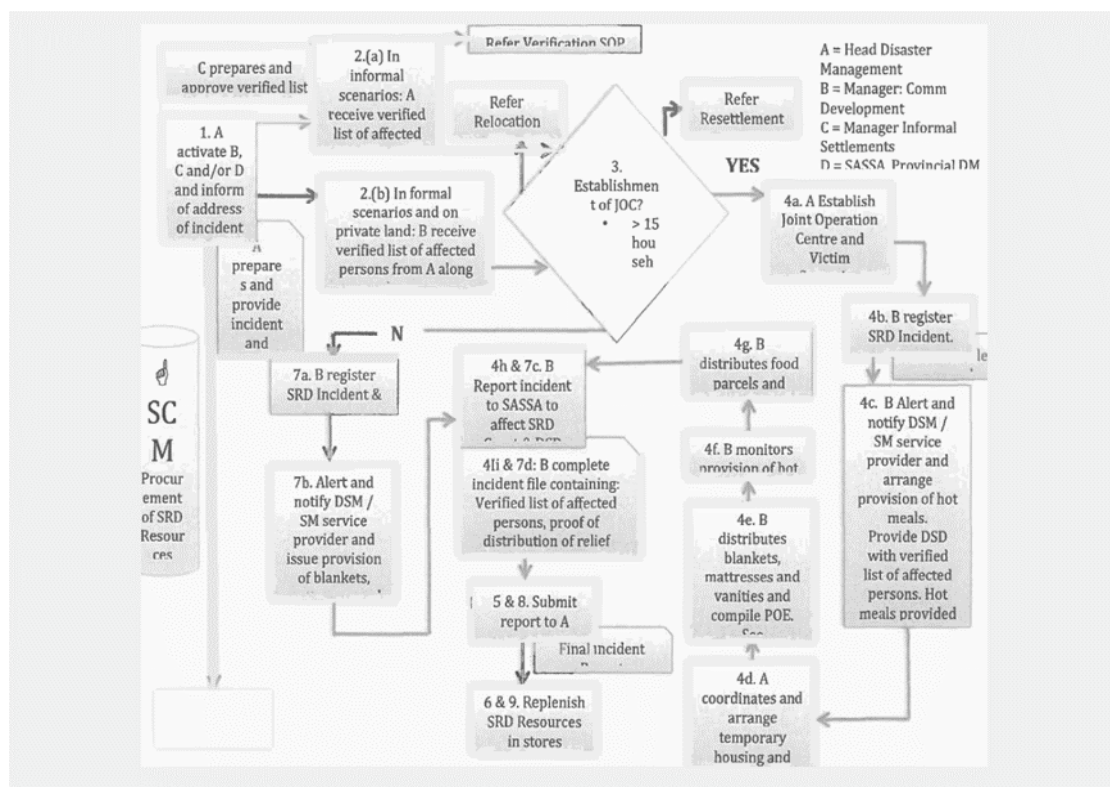
Mostly flowing from a preparedness planning group, this team is mobilized to deal with the immediate response and relief required during or immediately after major incidents and disasters. The team will normally convene in the Disaster Operations Centre (see diagram below) and must utilize the Standard Operating Procedure (SOP) for primary relief assistance.

Status: The preparedness planning group for each hazard will detail how the activation of a joint response and relief management team for that specific hazard will be managed, and who will form part of the team. The procedure outline can be seen in Annexure 12 (SOP: Primary Relief Assistance).

2.2.9 Recovery and Rehabilitation Project Teams

These are project teams managing recovery and rehabilitation after disasters, mostly on a project-management basis. Disaster recovery and rehabilitation must focus on risk elimination or mitigation. Departments responsible for the maintenance of specific infrastructure are also responsible for the repair or replacement of such infrastructure after disasters.

Status: The preparedness planning group for each hazard will detail how the activation of recovery and rehabilitation project teams for that specific hazard will be managed, and who will form part of the teams.



2.2.10 Stellenbosch Disaster Management Communications Centre

This is the Centre that provides 24-hour emergency and essential services contact points to the public within the municipal area. The Centre is responsible for day-to-day emergency response by municipal departments and the establishment of strategic communication links. Stellenbosch Fire and Rescue Services Control Centre will liaise closely with the Emergency Control Centres/Groups of the local municipalities and other stakeholders within the Stellenbosch Municipality on an ongoing basis.

Status: Stellenbosch Disaster Management maintains a fully staffed and resourced municipal Fire and Rescue Services and Law Enforcement Control Centre, and if required, collaborate with other agencies to maintain 24-hours per day, 7 days per week public emergency call-taking capacity.

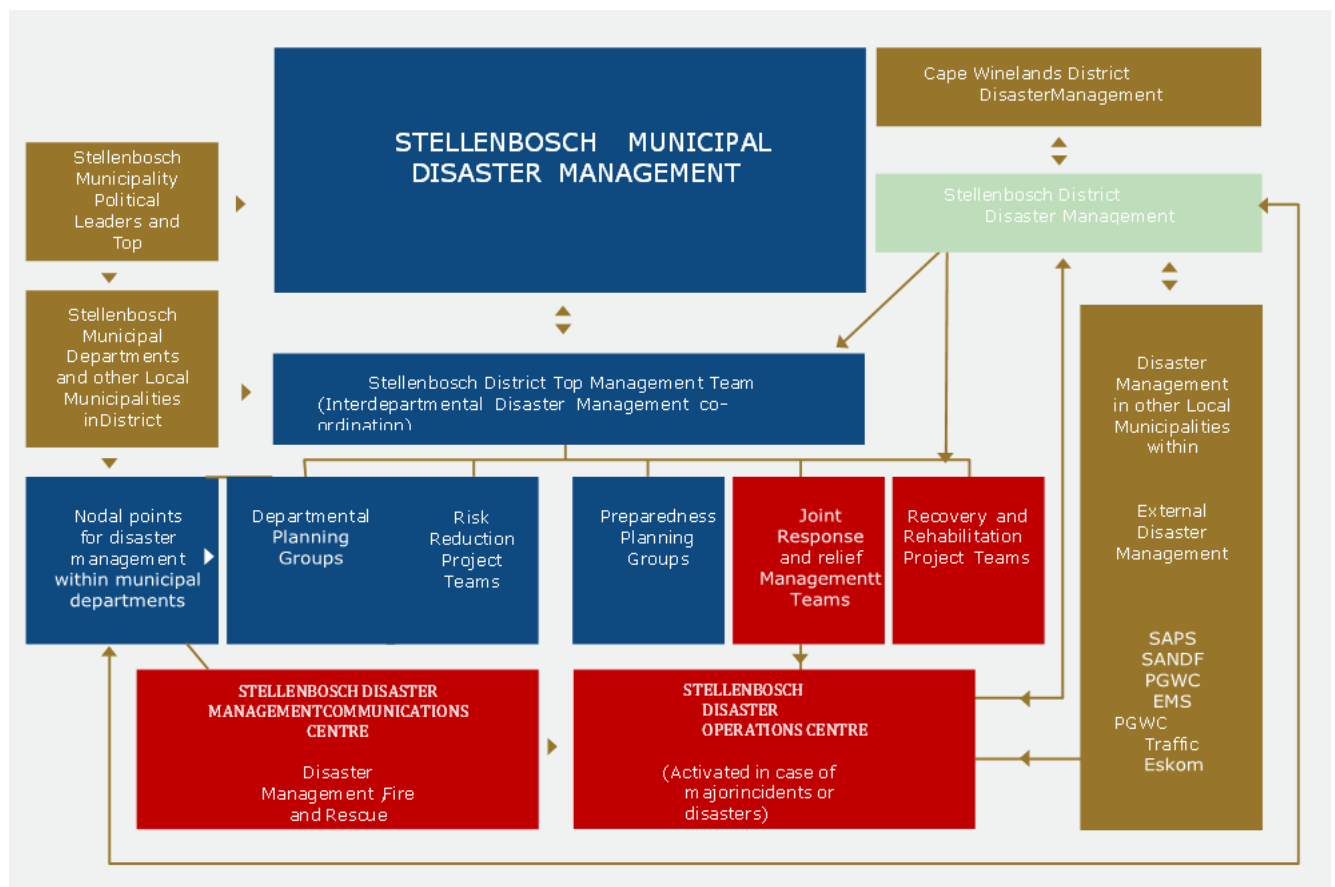
2.2.11 Stellenbosch Disaster Operations Centre (DOC)/ Joint Operations Centre (JOC)

Stellenbosch municipality has a purpose-built facility (mini disaster management centre) at the Stellenbosch fire brigade, from where disasters can be coordinated. The facility consists of:

1. A refurbished CCTV monitoring room, which can accommodate numerous disaster agencies.
2. An equipped war room where decision-makers can meet to manage and coordinate incidents

Status: Stellenbosch Disaster Management has a well-established and maintained Fire and Rescue Services and Law Enforcement Control Centre for activation.

FIGURE 2: MUNICIPAL DISASTER MANAGEMENT STRUCTURE

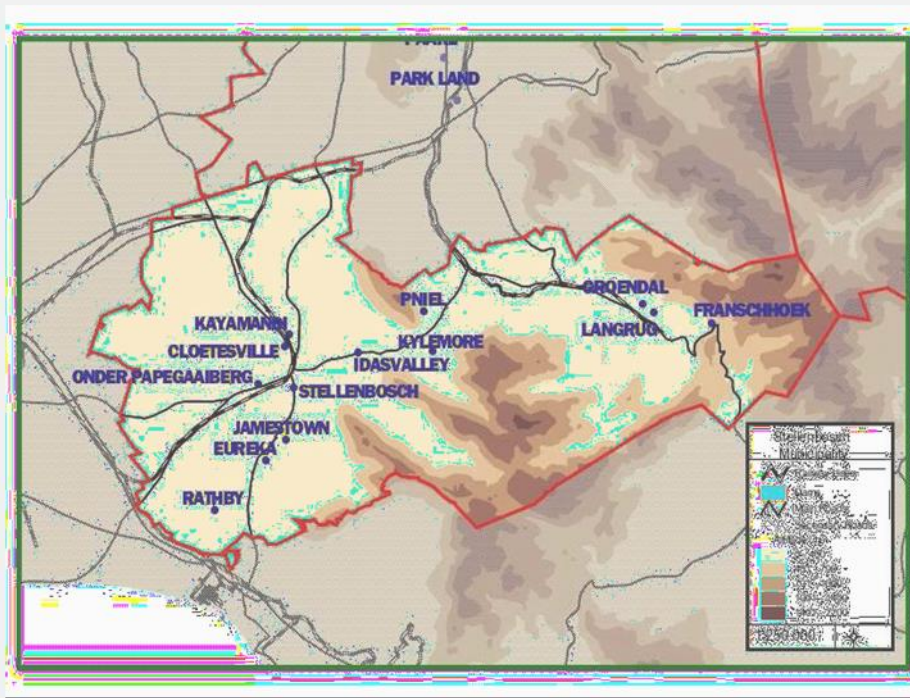


3. RISK ASSESSMENT

3.1 Background

Disaster Risk Assessment is a tool used to determine the risks affecting a community. Risk assessment is a methodology to identify and determine the nature and the extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability. These conditions could have a negative impact or potentially harm exposed people, property, services, livelihoods, and the environment on which they depend.

Risk assessments will be used to inform the Stellenbosch Municipality's Disaster Management and Integrated Development Plans.



3.2 Legal Requirements

Section 53(1) of the Disaster Management Act, No. 57 of 2002 as amended in 2015 (Act No 16 of 2015), states that:

Each municipality must

- (a) conduct a risk assessment for its municipal area.
- (b) identify and map risks, areas, ecosystems, communities, and households that are exposed or vulnerable to physical and human-induced threats.'

Key Performance Area 2 of the National Disaster Management Framework of 2005 explains that disaster risk assessments are essential for:

- effective disaster risk management and risk reduction planning.

- sustainable development planning.
- shaping and focusing disaster risk reduction programs for specific threats.
- identifying high-risk periods and conditions; and
- activating preparedness and response plans.

3.3 Aim

Stellenbosch Municipality, in collaboration with Cape Winelands District Municipality, conducted an all-ward-based risk assessment for the WC024 area. The aim of conducting a risk assessment in this way is to enable Ward Councilors to take ownership of the identified risks in their respective wards and to ensure that these risks are addressed during their term of office.

As the environment is dynamic and constantly changing, so are the risks that affect our communities. In the period since the risk assessments took place, some of these risks would have been addressed by projects implemented by municipalities, however, new risks might have also emerged. Therefore, it is necessary to regularly review the risk assessments.

3.4 Data Collection Methods

During the risk assessment, all relevant role players and the community were consulted to gather information concerning the risks that they are facing. This was done in the following way:

1. Meetings were held with officials from relevant departments operating within the Stellenbosch Municipal area.
2. Focus group consultations took place with Ward Councilors and the Ward Committee members of each Ward.
3. Community workshops were held in each ward. These group meetings provided an opportunity for the community members residing in that ward to provide information regarding the hazards affecting their communities.
4. A community sample survey was also conducted per ward to reach a broader community input.

Several risks were identified during the consultation sessions with the local municipal officials and community members.

3.5 Priority Risk Identification

Several risks were identified during the consultation sessions with the local municipal officials and community members. However, six risks were identified by the Director of Community Services of Stellenbosch Municipality to be high-priority risks.

These high-priority risks include:

A. Inability to control urbanization

“Urbanization – the increase in the number of people living in towns and cities, resulting in the growth of urban populations.”

Several disadvantages occur with rapid and unplanned urban growth. These disadvantages include, but are not limited to, poor infrastructure, inadequate housing and putting added pressure on, water and sanitation, waste disposal, transport, and healthcare services.

B. Increased poverty and unemployment

According to the 2020-2021 Stellenbosch IDP and the latest annual report, Stellenbosch Local Municipality has a total population of 192 879, of whom 11.3% are unemployed. The youth unemployment rate is said to be 21.5% (STATSSA). Poverty and unemployment directly correlate with the quality of life of the members of the community.

The rising unemployment is again highlighted as a socio-economic risk in the 2020-2021 Stellenbosch Municipal IDP. Furthermore, the risk is exacerbated by the expansion of the informal sector and a skills-based population.

C. Access to basic services

Basic services include water, sanitation, refuse removal, and electricity.

Total percentage of Stellenbosch population with access to basic services:

- Flush toilet connected to sewage: 87.1%
- Weekly refuse removal: 87%
- Piped water inside dwelling: 72.4%
- Electricity for lighting: 92,9%

The lack of basic services results in major personal and environmental health concerns. The lack of formal electrical infrastructure also results in structural fire risks within the informal settlements.

D. Safety and security

Human-induced hazards such as crime (which includes theft, robbery, rape, and murder), gangsterism, and alcohol and drug abuse remain one of the top hazards in most wards within the Stellenbosch municipal area.

E. Poor / no electricity

Inadequate electricity supply is a result of cable theft, but also the continuing population growth – specifically within the informal settlements. Increased population growth leads to the increased erection of informal structures that require electricity. In most cases, the electricity is obtained illegally through illegal electrical connections.

Cable theft is becoming more common in larger parts of South Africa and the Stellenbosch municipal area is not excluded from this phenomenon. This hinders the operations of businesses, households, and transportation systems.

F. Illegal dumping

Illegal dumping poses great environmental health risks. Not only are these locations where infectious diseases spread, but they also attract unwanted pests such as cockroaches, mice, and rats. In most cases, illegal dumping occurs in highly populated informal settlements due to a lack of proper and frequent waste disposal.

3.6 Synopsis of All Identified Risks per Ward

WARD	PRIORITY RISKS	WARD SPECIFIC RISKS
1	A, B, C, D, E, F	Crime, illegal electricity cables, localized flooding due to blocked stormwater drains, traffic accidents, human diseases, water pollution, flooding, and veld fires
2	A, B, C, D, E, F	Drug abuse, illegal electrical cables, domestic wastewater pollution, localized flooding, structural fires, traffic accidents, veld fires
3	A, B, C, D, E, F	Crime, drug abuse, illegal electrical connections, localized flooding, traffic accidents, drug abuse, solid waste pollution, alcohol abuse and FAS, structural fires, traffic accidents, animals, pests, water pollution, veld fires
4	A, B, C, D, E, F	Drug abuse, crime, domestic solid waste and water pollution, alcohol abuse and FAS, structural fires, traffic accidents, human disease, animals, water pollution, veld fires,
5	A, B, C, D, E, F	Drugs, gangsterism, crime, domestic solid waste and water pollution, open water source, alcohol abuse, traffic accidents, animals, human disease, pests, water pollution, drought, veld fires
6	A, B, C, D, E, F	Drug abuse, crime, illegal electricity, domestic solid waste, and water pollution, alcohol abuse and FAS, road accidents, animals, water pollution, drought, veld fires

7	A, B, C, D, E, F	Crime, domestic wastewater, traffic accidents, high-risk installations, animals, water pollution, riverine flooding, drought, veld fires.
8	A, B, C, D, E, F	Drug abuse, gangsterism, protests, crime, domestic waste pollution, alcohol abuse, FAS, localized flooding due to blocked drains, traffic accidents, human disease, riverine flooding, drought, windstorms, veld fires
9	A, B, C, D, E, F	Drug abuse, gangsterism, public unrest, crime, localized flooding due to blocked stormwater drains, traffic accidents, human disease, pests, water pollution, drought, windstorms, domestic solid waste pollution, alcohol abuse, and FAS
10	A, B, C, D, E, F	Crime, gangsterism, localized flooding due to blocked stormwater drains, traffic accidents, human disease, water pollution, pests, windstorms
11	A, B, C, D, E, F	Drug abuse, public unrest, crime, domestic solid waste and water pollution, alcohol abuse and FAS, structural fires, animals, pests, water pollution, drought, windstorms, veld fires
12	A, B, C, D, E, F	Drug abuse, crime, illegal electricity connections, domestic solid waste, and water pollution, open water sources, alcohol abuse, FAS, localized flooding due to blocked stormwater drains, informal settlement fires, high-risk installations, human disease, animals, pests, water pollution
13	A, B, C, D, E, F	Drug abuse, gangsterism, crime, illegal electricity cables, domestic solid waste and water pollution, open water sources, alcohol abuse, localized flooding due to blocked stormwater drains, structural fires, traffic incidents, train accidents, human disease, pests, water pollution, drought
14	A, B, C, D, E, F	Crime, illegal electricity cables, domestic wastewater pollution, alcohol abuse, FAS, localized flooding due to blocked drains, structural fires, human disease, pests, water pollution
15	A, B, C, D, E, F	Drug abuse, crime, domestic solid waste and water pollution, alcohol abuse and FAS, fires due to lack of electricity, human disease, animals, pests
16	A, B, C, D, E, F	Gangsterism, crime, illegal electricity connections, domestic solid waste and water pollution, informal settlement fires, train accidents, human disease
17	A, B, C, D, E, F	Crime, gangsterism, drug abuse, illegal dumping, localized flooding due to blocked drains, animals, human disease
18	A, B, C, D, E, F	Drug abuse, gangsterism, xenophobia, crime, illegal electricity cables, domestic solid waste, and water pollution, alcohol abuse and FAS, localized flooding due to blocked drains, structural fires, traffic incidents, train accidents, human disease, animals, pests, veld fires

19	A, B, C, D, E, F	Drug abuse, gangsterism, crime, domestic solid waste and water pollution, structural fires due to lack of electricity, traffic and train incidents, animals, water pollution, drought
20	A, B, C, D, E, F	Drug abuse, public unrest, crime, illegal electrical cables, domestic solid waste, and water pollution, alcohol abuse and FAS, traffic accidents, dam failure, human disease, drought, veld fires
21	A, B, C, D, E, F	Crime, illegal electricity cables, domestic solid waste pollution, structural fires, traffic accidents, transportation of hazardous materials, human disease, pests, water pollution, drought, veld fires
22	A, B, C, D, E, F	Crime, traffic accidents, veld fires

3.7 Stellenbosch Municipality's Comment on the 2020/2021 Ward Based Risk Assessment Report:

The WBRA report serves as a hand guide to all government levels for risk reduction, elimination, and preparedness. It provides an indication of the degree of vulnerability of communities within each ward of the Stellenbosch municipal areas.

All wards experience different risks and hazards according to their demographics, locations, and proximity. However, one cannot disregard the most vulnerable communities to disaster-causing hazards, i.e., informal settlements.

Each ward thus requires the capacity to reduce its respective risks. This can be done through lesser actions, such as the implementation of community projects/awareness, to more significant efforts, such as the cooperation of local/provincial municipal efforts.

3.8 Covid-19

Covid-19 was first reported in China and spread throughout the world. The disease spreads from person to person through infected air droplets that are projected during sneezing or coughing. It can also be transmitted when humans have contact with hands or surfaces that contain the virus and then touch their eyes, nose, or mouth with the contaminated hands. As the virus spread globally, South Africa and Stellenbosch were not spared.

A national state of disaster was declared by the President on 15 March 2020 and the entire country was subsequently put in various stages of lockdown – from alert level 5 to the current level one, each level with supporting regulations.

The Provincial Disaster Centre was activated, which in turn propelled local municipalities, via the district forums, into action. All the local municipalities and other external role players meet regularly under the umbrella-coordinating body of the CWDM and a district-wide strategy against the Covid-19 spread was formulated. For the past couple of years we have been enjoying normality (as with the pre Covid era), with no restrictions, although we are not totally free from Covid yet. (Also see Appendix 1.3)

3.8.1 Risk-adjustment Strategy

As the government gradually started easing the lockdown restrictions from level 5 to level 1 to allow for more activity, the municipality also followed suit through its risk-adjusted strategy (Appendix 1.4). During each level of lockdown, the Council's operational and service delivery responses were adjusted to allow for more activity. A risk-adjusted strategy was formulated and approved, which provided clear guidelines in terms of Council delegations, the rendering of essential services, and workplace readiness. It also

resulted in the revision of our risk register and the inclusion of Covid-19 as a strategic risk for the Council. A COVID-19 risk register was subsequently developed, which reflects the pending risks and the mitigating strategies against these risks.

3.9 Risk Profile of the Stellenbosch Municipality

Risks represent significant uncertainties about outcomes. Any uncertainty may be measured in two dimensions: the likelihood of the risk event occurring and the extent of the consequences if it were to occur. Risk analysis involves the assignment of an overall risk rating to each of the risk events identified by following these steps:

- Analyze inherent risk – What is the likelihood and consequence of a risk event if it were to occur in an uncontrolled environment?
- Identify and evaluate controls – What existing controls are in place to address the identified risk and how effective are these controls in design and operation?
- Analyze residual risk – What is the likelihood and consequence of a risk event if it were to occur in the current control environment?

The following risks were identified within the geographical are of Stellenbosch

RISK
Aircraft incidents
Chemical spills: Hazmat incidents
Chlorine stations
Climate change (high/fierce winds, heatwaves, cold fronts)
Communicable disease: Covid-19 pandemic, (H1N1 influenza, COVID-19)
Dam wall failure
Drought
Environmental pollution (air, water, ground contamination, pest infestation)
Erosion
Explosive storage (fuel, gas)
Fire-veld and runaway fires
Floods
Food security
Infrastructure decay
Insufficient hydrants
IT – Failure of system: access to info
Power failure
Rock falls
Seismic hazards
Service disruption (electricity, sewerage and drainage, solid waste management, water supply)
Strikes/social conflict
Transport incidents (road, railway accidents)
Tree fell

Municipality and their possible effects

The communities at risk can be derived from the risk lists and are also shown in the risk assessment that was conducted for the area. More detailed risk descriptions, inclusive of hazards, vulnerability, and capacity descriptions, are available in the original risk assessment document.

3.9.1 Rating a Risk

Risk rating is the process of assessing the risks involved in the daily activities of the organization, whereby they are classified accordingly (Table 1 below).

RISK RATING	DESCRIPTION
Severe	<ul style="list-style-type: none"> Intolerably elevated risk and a disaster in the making. Urgent risk reduction interventions required; preparedness and response plans.
Major	<ul style="list-style-type: none"> Elevated risk. Combination of risk reduction interventions and preparedness plans. These plans must be implemented.
Moderate	<ul style="list-style-type: none"> Medium risk which must be monitored and considered for development. Implementation of risk reduction and preparedness plans.
Minor	<ul style="list-style-type: none"> Tolerable risk but should be monitored.

These identified hazards will then be rated accordingly. This will enable the organization to affect or adopt or control measures to reduce or eliminate the risk further.

Where frequency of exposure is an important consideration, the following may be appropriate:

4. DISASTER RISK REDUCTION PLANS

Disaster risk reduction plans providing for prevention and mitigation strategies have been compiled through a participative process and have not been vetted or submitted to feasibility studies.

The plans outlined in this document and its annexures, which are implementable, must be considered for inclusion into the IDP projects of the municipality. If included, they must be budgeted for in terms of the operating and capital budgets of the municipality. Each project should be evaluated to determine which municipal department can lead its implementation. When a lead department is assigned through consensus in the Disaster Management Advisory Forum, such a lead department must manage all planning and budgeting processes for said project. The Disaster Management Department of the Stellenbosch Municipality must assist in this regard.

Where the proposed project falls outside the mandate of the municipality, the municipality should establish a lobbying and monitoring mechanism to motivate the need for the project in the correct governmental or societal sector and to track progress on the project. It is anticipated that many projects will need to be executed on a partnership level, and in such cases, the department of the municipality responsible for service delivery partnerships should take the lead with support from the Stellenbosch Disaster Management Centre.

4.1 Risk Reduction Plans for the Stellenbosch Municipality

Risk reduction project proposals for priority risks are listed in the attached risk reduction plan document (Annexure F).

4.2 Risk Reduction Capacity for the Stellenbosch Municipality

The organizational structure for risk reduction within the municipality includes Stellenbosch Disaster Management, the Disaster Management Advisory Forum, the top management team of Stellenbosch Municipality, the nodal points for disaster management within municipal departments within the municipality, departmental planning groups, risk reduction project teams, and preparedness planning groups. See Figure 2: Municipal Disaster Management Structure on page 16. The total structure of the municipality with every member of personnel and every resource should also be committed to disaster risk reduction. Ongoing capacity-building programs will be required to ensure the availability of adequate capacity for risk reduction.

5. PRE-DISASTER RISK REDUCTION AND PREPAREDNESS

Pre-disaster risk reduction and preparedness should form part of the primary objectives of this Municipal Disaster Risk Management Plan. All departments/services must pursue disaster risk reduction and mitigation in all their activities.

For a comprehensive and integrated approach to disaster risk reduction and preparedness, all departments within the local municipality have been requested to provide inputs/risk reduction plans as per their departments, respectively. These plans have been integrated into the Disaster Risk Management Plan and will assist in eliminating any uncertainties during an emergency.

It would however not be practical to include all the plans within the Disaster Management Plan and as such, the respective disaster guideline inputs have been included in the form of summaries/flow charts as annexures.

Please refer to Annexure A for disaster preparedness guidelines as received by the respective departments.

5.1 Prevention and Risk Reduction / Mitigation Strategies

Integrated strategies must be developed and implemented covering disaster prevention and disaster risk reduction through the following:

1. Policies and legislation
2. Economic development programs and the Stellenbosch Municipal IDP
3. Continuing disaster-risk, vulnerability, and manageability assessments
4. Risk reduction studies and projects
5. Training and community awareness
6. Environmental impact assessments
7. Hazard management
8. Community education and capacity building
9. Insurance
10. Early warning systems

It is the responsibility of the Stellenbosch Municipality to compile proactive Disaster Risk Management programs that support disaster risk reduction and preparedness.

Integrated strategies must therefore be developed and implemented across all municipal departments, which cover disaster preparedness through the following:

1. Emergency response and recovery planning
2. Contingency planning
3. Drills, rehearsals, and exercises
4. Training and exercises
5. Management and institutional arrangements
6. Mutual aid agreements
7. Early warning systems

5.2 Standard Operating Procedures (SOPs)

The Disaster Risk Management Department should formulate SOPs that outline the details of their systems of operation and actions under especially emergency conditions to create this awareness amongst its staff members. These will be linked to the DRM Plans to expand on the specific operations required during a particularly hazardous situation.

These SOPs will also form the basis for a more comprehensive disaster response.

6. PREPAREDNESS PLANS

Preparedness plans are compiled to enable fast and efficient response to predicted and unpredicted emergencies. In case of an emergency, the user of this document should immediately turn to the attached preparedness plan for guidelines on managing response.

6.1 Preparedness Plans of the Stellenbosch Municipality

Risk-specific preparedness plan proposals for priority risks are listed in the attached preparedness plan document, along with a standard response procedure for Disaster Management. The risk-specific preparedness plans have been compiled through a participative process.

6.2 Preparedness Capacity for the Stellenbosch Municipality

The organizational structure for preparedness within the municipality includes Stellenbosch Disaster Management, the Disaster Management Advisory Forum: Cape Winelands District Municipality, the top management team of the Stellenbosch Municipality, the nodal points for disaster management within municipal departments within the municipality, departmental planning groups, preparedness planning groups, Joint Response and Relief Management teams, Recovery and Rehabilitation project teams, and the Stellenbosch Municipal Fire and Rescue Services Control Centre. See Figure 2: Municipal Disaster Management Structure on page 18.

The total structure of the municipality, with every member of personnel and every resource, can potentially form part of preparedness capacity. Ongoing capacity-building programs will be required to ensure the availability of adequate capacity for disaster preparedness.

The Stellenbosch Fire and Rescue Services Control Centre is responsible for the operational procedures

associated with day-to-day operational responses to emergencies by municipal departments.

The Stellenbosch top management team is jointly responsible for the emergency management policy framework and organization that will be utilized to mitigate any significant emergency or disaster affecting the municipality.

7. RESPONSE AND RECOVERY

During response and recovery operations the relevant disaster preparedness plans of the municipality will be executed by the disaster management structures.

7.1 Response Procedure

During Disaster Response the Unified Command approach will be implemented and the Western Cape Disaster Preparedness Response and Relief Plan (DPRRP) will be utilized. The duplication of the DPRRP inside this plan would constitute unnecessary duplication. Therefore, the DPRRP is seen as a reference document, while the response and relief procedure from the DPRRP will be summarized here for quick reference. The basic steps and actions of the response and relief management procedure are summarized below.

TABLE 2: STEPS IN THE RESPONSE AND RELIEF PROCEDURE

NUMBER	STEPS	COMPONENTS
7.1.1	Notification and activation	<ul style="list-style-type: none"> Detection Mobilization
7.1.2	Rapid assessment	
7.1.3	Response management structure	<ul style="list-style-type: none"> Structures to coordinate a response. Flexible organization Standardized terminology Tactical incident structures On-site incident coordination point Joint incident management team Determining primary role players for incidents Communications
7.1.4	Re-assess	Resources
		Hazard
		Situation
7.1.5	Objectives	
7.1.6	Plan of action	Planning
7.1.7	Implementation	Monitor/evaluate/review
7.1.8	Strategic response management Structure	JOC
7.1.9	Monitor/evaluate	Observing of principles
7.1.10	Close incident	
7.1.11	De-mobilize	Returning to normality
7.1.12	Complete review	Postmortem
7.1.13	Corrective actions	Lessons learned and recommendations

This procedure is compatible with KPA 4 of the SA National Disaster Management Framework

7.1.1 Notification/Activation

During the notification phase, it must be ensured that management and operational staff are informed and mobilized as speedily and effectively as possible. To facilitate the foregoing, 24-hour duty and standby rosters must be kept current and available at the 24-hour communication facilities for the Provincial

Disaster Management Centre and all service communications centers that have an emergency and/or disaster response role in the province.

Such call-out lists must indicate the first-response mobilization and second-line responders. It is therefore necessary to design standardized response procedures and protocols for specific incidents and consider variables such as season, time of day, etc.

7.1.2 Rapid Initial Assessment

The basis for any effective response is the initial rapid, but accurate on-scene assessment of the situation, i.e., the nature of the hazard, resource requirements, immediate threats to people, property, and the environment, magnitude, and boundaries of current and probable future impacts, and to be able to communicate this information in a predetermined standardized format.

Rapid and effective response can also be facilitated if a standardized initial report-back includes response suggestions and needs. The rapid initial assessment must be as accurate as possible with accurate predictions of what may still occur.

7.1.3 Establish Response Management Structure

Once the initial response has been affected and services arrive on the scene, the process for the implementation of the secondary response must be initiated as soon as possible. This response must be based on the needs received from the scene because of the rapid assessment. This response must build on existing response levels and strengthen the deployments and actions on the scene.

7.1.3.1 Structures to coordinate response.

The establishment of a structure to manage, coordinate, and integrate response actions at the scene of an incident is imperative and a priority for all services involved in an incident. Such a basic structure should be contained in a Standardized Incident Management Plan agreed to beforehand by all role-players. There are several essential elements to the structure and principles, which should always be observed.

7.1.3.2 Flexible organization

The composition of the organization must be adapted to the size, magnitude, and nature of the incident. The organization must be adapted (increased or decreased) as circumstances dictate.

7.1.3.3 Standardized terminology

All services must be informed and be familiar with the organization and terms used by services, which may be involved in an incident.

7.1.3.4 Tactical incident management facilities/structures

As part of the management structure, there are several essential facilities/structures, which may need to be established at the scene of an incident. These can include:

- Outer perimeter/cordon/public exclusion zone
- Inner perimeter
- Establishing a landing zone
- Staging area

- Incident command post
- Casualty clearing post.
- Information point/media liaison
- Communications network
- Access control to the incident site and emergency infrastructure

The above elements are described in further detail in the disaster response activities and their action steps.

7.1.3.5 On-site Incident Coordination Point

This is an on-scene facility where tactical decision-making and control of inter-disciplinary coordination takes place, also known as Incident Command Post (ICP)/On-site JOC/Forward Control/Command Post (FCP). This is the single point of command for all on-site operations during the response phase of an emergency and will be located at an appropriate location at or near the scene of the emergency, normally within the outer perimeter.

The incident commanders/managers from key response agencies will operate under unified command to coordinate incident operations.

7.1.3.6 Joint incident management team/unified command

One of the main objectives to ensure effective on-scene management of services is to establish a 'Unified Incident Management' system. This system allows for a structure whereby overall incident objectives and strategies can be formulated.

In incidents involving multiple authorities, a single jurisdiction with multi-agency involvement, or multiple jurisdictions with multi-agency involvement, unified command allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.

In this regard, the representative must be suitably mandated and take full responsibility and charge of its service at that level. It will ensure that the agreed-upon operational plan and integrated tactical strategies are implemented by making optimum use of available resources. It is normally structured to facilitate activities in five major functional areas:

- Command
- Operations
- Planning
- Logistics
- Finance and Administration

This organization should also include the following elements depending on the situation:

- Safety
- Media/public liaison – information
- Liaison – supporting agency/jurisdiction liaison (DisMan well-placed for this)

Depending on the situation, the estimated duration of the incident must be established to plan the need for the rotation of staff and to plan meals, etc.

7.1.3.7 Determining the primary role player for an incident or activity

Communications

For Municipal communication networks and structures, see the main document to which this document is an annexure.

7.1.4 Re-assess

The first particularly crucial step after the Joint Incident Management Team has been established is for them to reassess the situation. During this process, three aspects must be addressed.

7.1.4.1 Re-assess resources

The team needs to establish:

- present deployment and how effective it is.
- possible further immediate, medium, and long-term resource needs.

An analysis of special equipment, services, and needs must be done at this stage.

When evaluating the mobilizing of additional resources, the following needs must be considered:

- the type of human resources required, i.e., skills and type of performance.
- equipment and supplies are required, and which must come first (priorities).
- who will be responsible for controlling essential supplies, which essential services are required, and/or should be restored first (priorities).
- observe and ensure that supply chain management/logistics are complied with (accountability); and
- invoking mutual aid arrangements and/or other formalized agreements.

7.1.4.2 Re-assess hazard

A thorough analysis of the potential impact of the hazard must be made. In this regard, the following should be assessed:

- Present impact
- Potential hazard impact (worst-case scenario)
- Also think beyond the present situation
- Obtain specialist input.
- Consider implementation of risk-specific plans

7.1.4.3 Re-assess situation

In this regard, the following aspects must be carefully analyzed and assessed:

LOOK UP Establish the present weather and get a prediction for the next 24 hours. It is important to consider what impact the weather may have on the situation and what short- and long-term changes may be predicted.	
LOOK AROUND Look at the topography and natural environment and establish what effect it would have on the hazard behavior and impact.	
LOOK DOWN Look at the built environment, the natural environment, and the economic activities and establish how the hazard can affect these activities. It is also important to consider/establish the landowner and type of facility, e.g., key points being affected.	

Do a complete evaluation to establish the severity and implications of the problem (direct and indirect implications).

7.1.5 Establish Incident Management Objectives

Once the re-assessment has been completed, the team should decide on the incident management objectives. The following should receive attention:

- Broad statement of intent.
- Think strategically.
- Determine risks/hazards and prioritize accordingly.
- Ensure public protection and secure the affected area.

It is important to observe emergency workers and public protection throughout the process of setting objectives.

7.1.6 Plan of Action

Once the incident management objectives are complete, a well-framed and well-prepared plan of action is essential for the effective execution of the operation.

To plan effectively, the following should be considered:

- Situational analysis (clearly mapped)
- Resource status and response levels (accurate recording)
- Think of a worst-case scenario (think ahead)
- Plan for all phases (response, relief, recovery)
- Decide on key objectives and responsibilities.
- Consult with external organizations.

- Protective actions (response activities)
- Protective action strategies (response management strategies)
- Incident communication planning (radios, IT, public and media)
- Develop alternatives (think beyond the normal)
- Review alternatives
- Decide on a plan of action.
- Plan rehabilitation phase
- Plan reconstruction phase

7.1.7 Implementation

Once a decision has been made on the plan of action, the plan must be communicated clearly to all role-players. In this regard, the following should receive particular attention:

- Communicate objectives, responsibilities, and timeframes.
- Action tasks clearly and to specific services and/or sections.
- Motivate staff and support implementation throughout.

7.1.8 Strategic Response Management Structure /Joint Operations Centre

The Disaster Operations Centre is an off-site, centralized facility, which is provided by the Provincial or Municipal Disaster Management Centre, where multi-disciplinary coordination and strategic decision-making take place. It is a fully equipped, dedicated facility within the Provincial Disaster Management Centre.

For multidisciplinary strategic management of response and recovery operations, this facility must be capable of accommodating any combination of emergency and essential services representatives, including all relevant role players and stakeholders identified in response and recovery plans.

This facility must be activated when a local, provincial, or national disaster occurs or is threatening to occur. The Disaster Operations Centre may be activated immediately upon receipt of information of a specific type of incident or may be activated upon request or advice of the joint incident management team(s) at the scene of the incident(s).

Initial Strategic Situation Analysis

Once the initial activation has taken place, the following should take place:

- Convene meeting in the JOC.
- Review the situation on available information.
- All possible role players must be identified and mobilized if not yet present.
- Identify and appoint an incident Coordinator.

- Ensure all services required have been activated and are responding to their areas of responsibility.
- Compile an initial situation report for distribution to all stakeholders – internal and external.
- Establish public notification needs.
- Establish public safety advisory needs.
- Generate a media release for public communication (WhatsApp, Bulk SMS, etc.).
- Monitor, assess, and support services on-scene.
- Establish possible resource needs.
- Evaluate resources available vs. resources possibly required.
- Establish availability of resources – consult the database.
- Establish the possible need for invoking mutual aid agreements and do initial notifications of possible support required. All relevant documents must be archived and easily accessible.
- Monitor, re-assess, and adapt strategy.

Structures to provide relief

Additional off-site structures may need to be established to provide relief. These could include:

- Mass care centres
- Victim information centres
- Reconciliation areas (where victims and their friends/family can be reunited)
- Data processing centres
- Media briefing facilities
- Counselling facilities
- Animal holding areas.

7.1.9 Monitor/Evaluate

The successful implementation and execution of any plan are very dependent on sustained and effective monitoring and evaluation of its effectiveness. This must be ensured by observing the following principles:

- To constantly receive and evaluate feedback reports from line departments.
- To regularly direct requests and ask questions.
- To take note of and observe status changes on an ongoing basis.
- To analyze actions and anticipate problems/changes (be flexible).
- To regularly reassess the situation and the effectiveness of actions and adapt strategies as circumstances dictate. Repeat process – schedule meetings at agreed-upon regular times.

7.1.10 Close Incident and Document

Once an incident has been effectively managed and services can return to normal operations, the following actions must be taken:

7.1.10.1 Demobilize

Once the response to an incident is completed and there is consensus amongst all role players that the point has been reached for services to stand down from the incident and return to their normal activities, the demobilization phase is reached.

Ensure that all services have received demobilizing orders and are reporting to their workstations.

7.1.10.2 Complete Review (Postmortem)

After each incident, copies of all messages, reports, and incident logs of all services must be submitted to the PDMC for joint analysis and review.

There must be a formal and structured critical review of all actions and all findings and/or areas of concern must be recorded and included in a report with the necessary recommendations and/or corrective actions to improve response in the future.

7.1.10.3 Corrective Actions

Corrective action plans must be drawn up. These plans are designed to implement changes that are based on lessons learned and recommendations made from reports and reviews after actual incidents or from training and exercises

Such actions and recommendations must include timeframes and deadlines for implementation.

7.2 Declaration of the State of Disaster and Disaster Classification

The Stellenbosch Municipal Council should adopt a formal policy for the declaration of a local state of disaster. Such a policy will replace this section of the plan, which provides a general description of issues surrounding the declaration of a state of disaster.

When a disastrous event occurs or is threatening to occur around the municipality, the DMC/Section will determine whether the event is a disaster in terms of the Act, and, if so, the Head of the Centre will immediately.

- initiate efforts to assess the magnitude and severity of potential magnitude and severity of the disaster.
- alert Disaster Management role players in the municipal area that may be of assistance in the circumstances.
- initiate the implementation of the disaster response plan or any contingency plans and emergency procedures that may be applicable in the circumstances; and
- inform the National Disaster Management Centre and the Western Cape Provincial Disaster Management Centre via the Cape Winelands District Disaster Management Centre of the disaster and its initial assessment of the magnitude and severity of potential magnitude and severity of the potential disaster.

When informing the National Centre and the Western Cape Provincial Disaster Management Centre via the Cape Winelands DMC, the Stellenbosch Disaster Management Centre may make recommendations regarding the classification of the disaster as appropriate.

Irrespective of whether a local state of disaster has been declared or not, the municipality is primarily responsible for the coordination and management of local disasters that occur in its area.

Whether or not an emergency is determined to exist, municipal and other agencies may take such actions under this plan as necessary to protect the lives and property of the inhabitants of the municipality.

Declaration of a local state of disaster: In the event of a local disaster, the municipal council may, by notice in the provincial gazette, declare a local state of disaster if existing legislation and contingency arrangements do not adequately provide for the municipality to deal effectively with the disaster; or other special circumstances warrant the declaration of a local state of disaster.

If a local state of disaster has been declared, the Council may make by-laws or issue directions, or authorize the issue of directions to:

- Assist and protect the public.
- Provide relief to the public.
- Prevent or combat disruption; or
- Deal with the destructive and other effects of the disaster.

8. TESTING AND REVIEW OF THE PLAN

The municipality will regularly review and update its plan, as required by Section 48 of the Disaster Management Act, 2002. The Disaster Management Advisory Forum shall be responsible for the review of the municipal Disaster Management Plan on an annual basis.

Status: Stellenbosch Municipality Disaster Management Plan is reviewed on an annual basis.

9. REFERENCE DOCUMENTS

- a) Cape Winelands District Municipality Draft Disaster Management Framework.
- b) Cape Winelands District Municipality Community-Based Risk Assessment, 2008.
- c) Towards Disaster Management Plans for the Cape Winelands District Municipality (Hazard Identification, Vulnerability Assessment, and Risk Prioritization), 2005.
- d) Sensitizing Document: Transport of Hazardous Materials in Bulk: Spoornet, Undated.
- e) Agricultural Disaster Risk Management: Agricultural Drought Management Plan, Department of Agriculture, Aug 2007.
- f) Emergency Preparedness and Response Plan, Drakenstein Local Municipality, March 2009.
- g) Contingency Plan, Metrorail Western Cape, October 2008.
- h) Hospital Emergency Plans, Medi-Clinic – Worcester, Paarl.
- i) Hospital Emergency Plans, Western Cape Department of Health.
- j) Outbreak Response Team.
- k) Education: The principal of each school is responsible. Plan per school. Unannounced visits and testing of emergency plans. Schools must have plans for when things go wrong with transport. Organized into circuits.
- l) Constitution of the Republic of South Africa, 1999.
- m) Disaster Management Act, 2002 (Act 57 of 2002).
- o) National Disaster Management Framework, 2005 (Government Notice 654 of April 2005: A Policy Framework for Disaster Risk Management in South Africa).
- p) Fire Brigade Services Act (Act 99 of 1997) as amended.
- q) Fund Raising Act (Act 107 of 1978) (FRA).
- r) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- s) Major Hazardous Installations Regulations of the Occupational Health and Safety Act.
- t) Road Traffic Act.
- u) Social Assistance Act, 1992 (Act 59 of 1992).

ANNEXURE A-E

10. ANNEXURE A: DISASTER PREPAREDNESS GUIDELINES

NB: New risks and the resulting plans can be completed after the conclusion of the Risk Assessment and added as the plan is reviewed and updated.

10.1 Disaster Preparedness Plan: Fire

NO	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Awareness / Information sessions (disseminate emergency numbers)	Fire Services	Billboards, Intersections	Immediately	Prevent delay in response
	Inform fire services	The first person to notice the incident	Local authority fire call centre	Immediately	To respond resources
	Respond resources	Fire Services Control Centre	Local authority fire call centre	Immediately	To limit impact
	For facilities: activate facility fire teams	Facility manager or as per plan	Facility manager's office	Immediately when the incident is reported	To contain situation
	For facilities: fire team to extinguish small fires	Trained fire team	At the point of the incident	ASAP	To prevent/minimize the chance of the fire spreading
	For facilities: evacuate the facility	Evacuation teams/SAPS/ fire	At Facility	ASAP	To prevent injuries/deaths
	For facilities: Check the list of names of all evacuated people	Trained control team	At specific control points (assembly areas) outside the building/ facility	ASAP after evacuation	To ensure everyone is out of the building/facility
	Assess situation	First responders on the scene	At scene	On arrival	To determine needs
	Request additional resources	First responders on the scene	From the scene through the local authority fire call centre	After assessment	To manage situation
	Treat injured people	EMS, hospital, and clinic	First aid posts, hospitals, and clinics	ASAP	To treat injuries and prevent fatalities
	Implement appropriate emergency intervention	First responders on the scene	At scene	On arrival	To protect life and property and neutralize any impacting hazard
	Set up command post	A senior officer on-site	The safe area on site	Immediately	To plan and implement correct immediate responses
	Establish incident management plan per service	Services on scene	On scene	ASAP	To effect appropriate immediate response and relief actions
	Assess impact	Services on scene	On scene	Immediately	To determine future relief and recovery actions

NO	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notify Disaster Management team of major incident	Services on scene/senior officer on scene	From command post	As soon as required	To facilitate multi-disciplinary coordination and major incident management support
	Crowd and traffic control	SAPS, traffic, law enforcement, and private security if appropriate	Around scene	Immediately	To control people and traffic at the incident
	Engage with grassroots leaders (ward committee, neighborhood watch)	SAPS, traffic, law enforcement,	Identified area	As soon as possible	Support services
	Assemble joint incident management team	Senior representatives of all services on scene	At the appropriate single command post, in case of a fire incident, preferably at the fire command post	Immediately once more than one service working on a scene	To ensure multi-disciplinary coordination that enables effectiveness, response and relief
	Design a joint incident action plan	Joint incident management team	Command post/FCP	ASAP	To manage situation
	Implement a joint plan of action	Joint incident management team	On scene	ASAP	To normalize situation
	Seek missing people	Search team/fire/EMS/SAPS	Through the whole building/facility/affected area	ASAP once missing people have been reported	To rescue missing persons
	Treat injured people	Trained first aid team/EMS/fire	At the first aid post/triage area	Immediately when the injury is reported	To treat injuries
	Inform next of kin of injured people	Facility manager/SAPS/EMS	At the facility manager/director's office/from the scene	Immediately when the injury is reported	To inform family members of the conditions of the injured relative and how to reach them
	Monitor actions	Joint incident management team	On scene	Ongoing incident management	To ensure effective planning and execution
	Area/facility clean-up	All services	On-site	On completion of rescue/immediate emergency actions	To prevent further incidents/environmental impacts
	On-site inspection	EMS/traffic/fire/SAPS forensics	On scene	On completion of emergency actions	To ensure the site is safe for use again
	Provide social relief	Relevant Stakeholders (To be specified)	At the affected area/relief centre	After assessment	To minimize the impact on those affected by the hazard
	Stand down	All services	On scene	Once the site is declared safe	To normalize service operations
	Debrief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
	Update plans and procedures	All role-players	At service HQ	ASAP	Effective service delivery

10.2 Disaster Preparedness Plan: Flooding

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notify response teams (municipal engineering, SAPS, Fire, EMS, Department of Water Affairs, SAWS)	Local authority	24-hour call centre	Immediately	To activate response teams
	Activate response teams	Fire services, disaster management, and services standby teams	From locations/standby positions	Immediately	To assess the impact and actions required
	Treat injured people	EMS, hospital, and clinic staff	First aid posts, hospitals, and clinics	ASAP	To treat injuries and prevent fatalities
	Identify affected and damaged area	Fire services, disaster management, and services standby teams	In affected area	Immediately	To determine the extent of the damage to assess the affected area
	Determine impact	Disaster management and services standby teams	In affected area	Immediately	To determine the actions and level of response required
	Implement appropriate emergency intervention	First responders on scene	At scene	On arrival	To protect life and property and neutralize any impacting hazard
	Activate JOC	Disaster and senior management of all services/jurisdictions involved	Fire services or alternative	Immediately if a major flooding incident	To plan strategically and coordinate multi-disciplinary response, relief, and rehabilitation
	Assess information	All services	JOC	Immediately	To plan actions
	Design a plan of action	Disaster Management Coordination Team/JOC team	JOC	After assessment	To facilitate response and relief
	Implement response actions	The disaster management team, fire services, SAPS, EMS	Affected area	ASAP	To prevent injury/mortality and to provide basic needs/services
	Engage with grassroots leaders (ward/street committee, neighborhood watch)	Disaster Management	Identified area	As soon as possible	Support services
	Provide social relief	Relevant stakeholders (to be specified)	At the affected area/relief centre	After assessment	To minimize the impact on those affected by the hazard
	Mopping up	Relevant stakeholders	Affected area	ASAP	To normalize community
	Assess the possibility of further flooding	Disaster management team, SAWS	Entire area	Immediately	To minimize and/or prevent further disruption/damage

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Issue early warning to areas vulnerable to further flooding (Ward Offices, Ward councillor, Bulk community messages)	Disaster management team, SAWS	Vulnerable areas	Immediately	To minimize and/or prevent further disruption/damage
	Institute recovery measures	CWDM DM, PDMC, Treasury, relevant departments	JOC	One situation is under control	To restore normal activities in the area
	Road closures	Municipality/provincial traffic	On-site	ASAP	To prevent loss of life and property
	Communicate with Ward/street committees and, the population of affected areas	Municipality/media/ Disaster Management/ SAPS	On-site media liaison point/media centre close to JOC	ASAP	To prevent loss of life and property through public communication
	Arrange temporary accommodation	Municipality/social services/NGO's	Available venues	When needed	To provide temporary accommodation – emergency shelter
	Organize medical search parties	EMS/Fire and Rescue	On-site	ASAP if people reported missing/unaccounted for	To treat medical cases
	Flood management	Department of Water Affairs and Municipal Engineers	On-site and downstream	ASAP	To manage the effects of the flood
	Rapid initial impact assessment	Municipal engineer, provincial roads engineer, and other relevant stakeholders.	In affected area	Once flooding has subsided, if infrastructure damage suspected	To establish impact and immediate required repair to infrastructure, as well as assistance required from province/ national
	Prioritize, plan, and implement emergency repairs to infrastructure	Infrastructure owner	Areas with damaged infrastructure	ASAP – depending on prioritization and available resources	To restore critical and essential services
	Verification of impact assessment	CWDM DM, Province/ NDMC/ contracted impact assessment team	Areas with damaged infrastructure	ASAP after a rapid initial impact assessment	To quantify and verify infrastructure damage and repair/replacement cost in monetary terms

10.3 Disaster Preparedness Plan: Earthquake

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notification and activation	Any person observing impact	Fire 24-hour Control Centre	ASAP	To activate response teams
	Activate response teams	Fire 24-hour Control Centre	Fire 24-hour Control Centre	ASAP	To assess and determine the needs
	Activate JOC	DMC	DMC/appropriate alternative	ASAP	To coordinate actions
	Assess and establish the extent of the earthquake	Survivors and emergency Services	In area	ASAP	To determine needs and strategies
	Collaborate	SA Council for Geoscience	JOC/Area	ASAP	Determine magnitude, depth of quake, etc.,
	Collate info	JOC Team	JOC	ASAP	To determine priorities
	Determine evacuation needs	JOC Team	At affected areas	ASAP	To provide relief to affected people
	Establish a plan of action	JOC Team	JOC	After initial assessment	To provide relief to affected people
	Arrange accommodation for evacuees	JOC Team	Identified halls masscare centres and tent camps as structural integrity may have been compromised by the quake.	ASAP	To provide relief to affected people
	Treat injured people	EMS, hospital, and clinic staff	First aid posts, hospitals, and clinics	ASAP	To treat injuries and prevent fatalities
	Arrange search and rescue	JOC Team	In identified areas	ASAP	To rescue trapped people and animals
	Arrange trauma counseling	JOC Team	Affected areas	ASAP	To assist all traumatized people
	Monitor and re-assess	JOC Team	Affected areas	After initial assessment and planning	To evaluate actions
	Adapt planning	JOC Team	JOC	ASAP	To facilitate normalization
	Arrange an infrastructure impact/damage assessment	JOC Team	Affected areas	ASAP	To create a report of damaged infrastructure and determine needs

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Establish a central call centre	Local authority	Affected area	As needed	To address shelter/ housing needs
	Set up satellite operation centres	Appointed site commanders	On-site/in areas as required	As needed	To coordinate response
	Dedicated social media	Media liaison	On-site / JOC	ASAP	Inform
	Determine short-, medium- and long-term needs	JOC Team	JOC	ASAP	To plan service restoration
	Develop reconstruction and redevelopment plans and strategies	JOC Team	JOC	ASAP	To normalize and resettle the area
	Provide social relief	Relevant stakeholders (to be specified)	At the affected area/relief centre	After assessment	To minimize the impact on those affected by the hazard
	Implement reconstruction program	JOC Team	Affected areas	After the initial emergency response	To normalize and resettle the area
	Monitor actions	JOC Team	JOC	Ongoing	To ensure effective planning
	Area clean-up	All services	Affected areas	On completion of rescue/ immediate emergency actions	To prevent further incidents/environmental impacts
	On-site inspection	All services	Affected areas	On completion of emergency actions	To ensure the area is safe for use again
	Stand down	All services	Deployment points	One area is declared safe	To normalize service operations
	Debrief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
	Update plans and procedures	All role-players	DMC	ASAP	Effective service delivery

10.4 Disaster Preparedness Plan: Infrastructure Failure

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notify service	Any person observing failure	Fire 24-hour Control Centre	ASAP	To activate response teams
	Activate response teams	Service Control Centres	Service Control Centres	ASAP	To restore service
	Assess situation	Response teams	At the site of failure	On arrival	To determine needs
	Request additional resources	Response teams	Service Control Centre	ASAP	To facilitate rapid restoration of service
	Determine a plan of action	Service management with other involved parties	At site	ASAP	To coordinate response
	Secure area	SAPS, local and provincial traffic	At site	ASAP	To protect workers and the public
	Implement plan	Services responsible	At site	ASAP	To restore services
	Monitor actions	Service management, Service Control Centres	On scene, Service Control Centres	Ongoing	Ensure effective planning
	Area/road clean-up	All services	At site	On completion of rescue/immediate emergency actions	To prevent further incidents/environmental impacts
	On-site inspection	EMS/Traffic/Fire/SAPS forensics	On scene	On completion of emergency actions	To ensure the site is safe for use again
	Stand down	All services	On scene	Once the site is declared safe	To normalize service operations
	Debrief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
	Update plans and procedures	All role-players	At Services HQ	ASAP	Effective service delivery
	No water: Make use of reserve tanks	Technicians	Hospitals	ASAP	Water is vital in the effective functioning of hospitals
	No electricity: make use of generators	Technicians	In the area of the incident	ASAP	To rectify the situation
	Identify sewage system failure	Technicians	Hospitals	ASAP	To prevent pollution
	No refuse removal: contact the municipality	Hospital manager	Hospitals	ASAP	Refuse needs to be removed – can pose a health risk
	Roads and RDP houses must be repaired and maintained	Individuals	In the area of the incident	ASAP	Fix the problem area
	Dam overflow: contact the Department of Water Affairs	Individuals	In the area of the incident	ASAP	Prevent the loss of water

10.5 Disaster Preparedness Plan: Transport Incidents

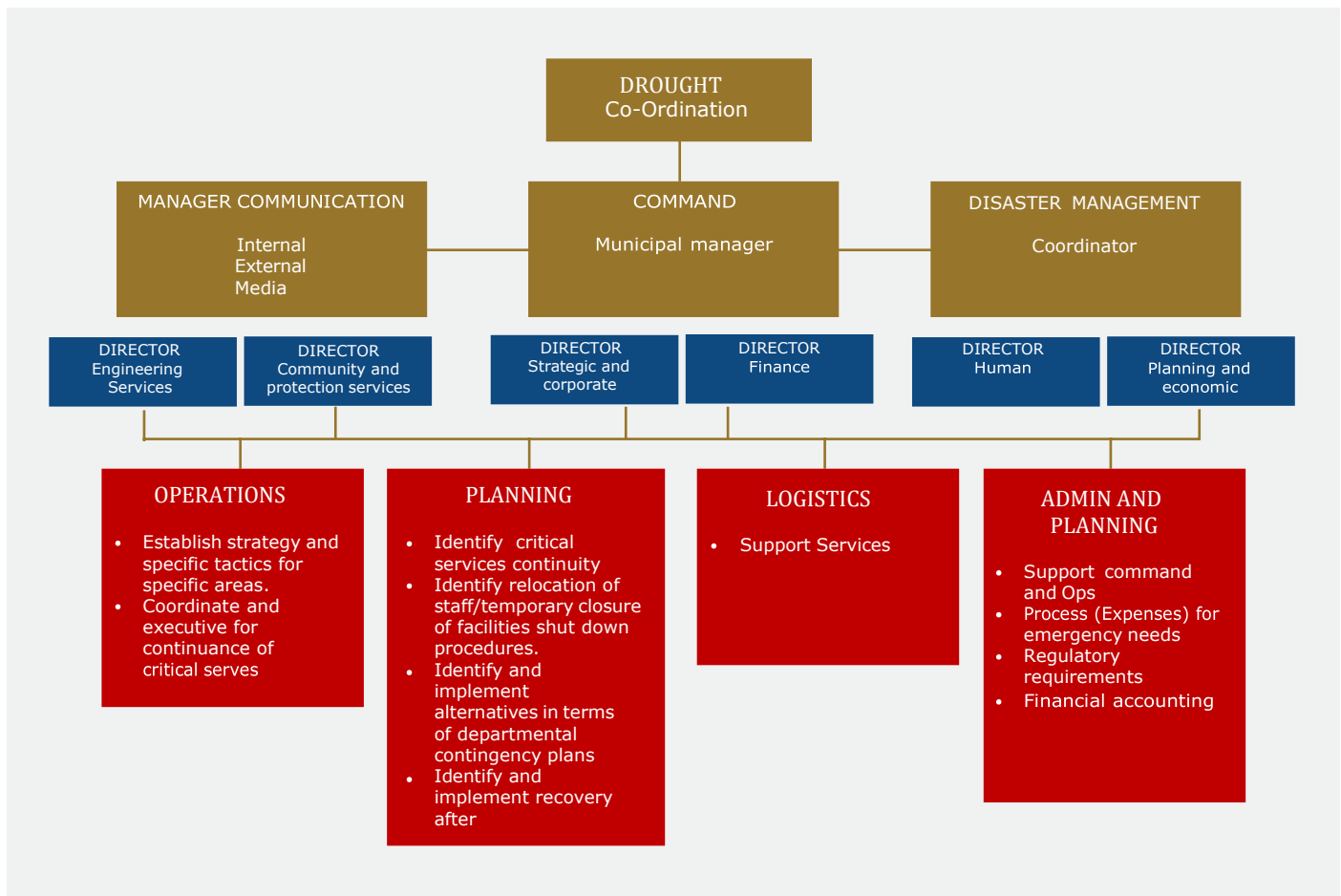
NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notify Control Centre	Public/official witnessing incident	Fire 24-hour Control Centre	ASAP	To trigger response
	Contact Fire, Traffic Services, SAPS, EMS	Fire 24-hour Control Centre	Fire 24-hour Control Centre	ASAP	To limit the effects the of incident
	Notify response teams	Service Control Centres	Service Control Centres	ASAP	To control/normalize traffic. See to the people involved
	Treat injured people	EMS, hospital, and clinic staff	First aid posts, hospitals, and clinics	ASAP	To treat injuries and prevent fatalities
	Assess and set up command post	Incident Management Team	On scene	On arrival	To plan response and relief
	Activate additional response	Services	On scene	After initial assessment	To ensure effective response actions and resources
	Determine action plan	Incident Management Team	On scene	ASAP	To implement integrated response actions
	Execute action plan	Response teams	On scene	ASAP	To prevent or limit loss of life and property
	Monitor actions	Incident Management Team	On scene	Ongoing	Ensure effective planning
	Area clean-up	All services	On-site	On completion of rescue/ immediate emergency actions	To prevent further incidents To prevent environmental impacts
	On-site inspection	EMS/Traffic/Fire/SAPS forensics	On scene	On completion of emergency actions	To ensure the site is safe for use again
	Stand down	All services	On scene	Once the site is declared safe	To normalize service operations
	Debrief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
	Update plans and procedures	All role-players	At Service HQ	ASAP	Effective service delivery

10.6 Disaster Preparedness Plan: Hazardous Materials Incidents

NO.	WHAT MUST BE DONE	WHO MUST DO IT	WHERE IT MUST BE DONE	WHEN IT MUST BE DONE	WHY IT MUST BE DONE
	Notify Fire Department/ SAPS	Member of public/official observing incident The first person on the scene (10111/112/10177/021 887 4446)	On-site (safe distance from incident)	ASAP	To action response
	Notify the hazmat team and Fire/Local and Provincial Traffic/EMS/SAPS/ Transnet	Emergency Call Centre/ fire dispatcher	Call centre	ASAP	To activate response
	Identify the type of hazmat	Responding agencies/ hazmat technician	On-site	ASAP	To determine the appropriate response
	Identification of the affected area	Responding agencies/ hazmat technician	On-site	ASAP	To determine the appropriate response
	Assess and set up an on- site command centre	Hazmat team	On-site	Immediately	Coordination
	Removal of hazardous material	Hazmat team, e.g., within the fire department or contractor	On-site	ASAP	To increase the safety of the area
	In the case of rail, notify Transnet	Fire dispatcher	Call centre	ASAP	To activate response
	Assess the situation	Hazmat crew	On-site (at a safe distance)	Once on scene	To facilitate a plan of action and assess the situation
	Saving of lives	Hazmat crew/primary respondent	On-site	ASAP	To save lives
	Secure the area	Traffic/SAPS/Transnet	On-site	Once on scene	Personnel, public, and environmental safety
	Evacuation	SAPS/Fire/Traffic	On-site	Immediately once determined. necessary	To protect life
	Command vehicle/ establish an incident management team	Fire department dispatcher/fire department/senior fire officer on duty	On-site	Once the area layout is established	To facilitate coordination/draw up a plan of action
	Deploy contaminant specialist	Transnet/transport company	On-site	After the area is secured	To ensure correct measures are taken
	Stop leakage if any	Hazmat crew	On-site	ASAP	To stop further leakage
	Containment of spill	Hazmat crew	On-site	ASAP	To contain spill
	Activate clean-up specialist	Command vehicle/ incident management team	On-site	If the extent of the incident requires it	To clean up properly

	Notify DWAF	Command vehicle/ incident management team	Command vehicle/ incident management team	ASAP	To analyze water quality
	Notify and caution downstream Water Users Association/agricultural unions/local/district and neighboring municipalities	Command vehicle/ incident management team	From the site (via controlcentres)	Once the nature of the spill confirmed	To prevent usage of affected water
	Notify DEA	Command vehicle/ incident management team	From the site (via controlcentres)	Once the nature of the spill confirmed	Analyze water quality
	Notify Cape Nature	Command vehicle/ incident management team	From the site (via controlcentres)	Once the nature of the spill confirmed	Analyze water quality
	Re-assessment	Command vehicle/ incident management team	On-site	Regularly during incident management	To determine the effectiveness and appropriateness of the current response
	Mobilize clean-up specialist. If rail – The Transnet recoveryunit	Command vehicle/ incident management team	On-site	If the extent of the incidentrequires it	Final clean-up
	Incident stand down	Command vehicle/ incident management team	On-site	One situation is normalized and under control	To close incident and restore normal operations
	On-site debriefing	Command vehicle/ incident management team	On-site	After standing down	Compilation of detailed incident report
	Final debriefing	Incident management team	Appropriate meeting venue	Within one week ofthe incident	To learn from mistakes, update plans
	Follow-up testing of soiland water	DEA	In situ follow-ups after the incident	As required	Follow-up studies

10.7 Disaster Preparedness Plan: Drought – 90-day action plan



10.8 Disaster Preparedness Plan: Prolonged Electricity Interruptions

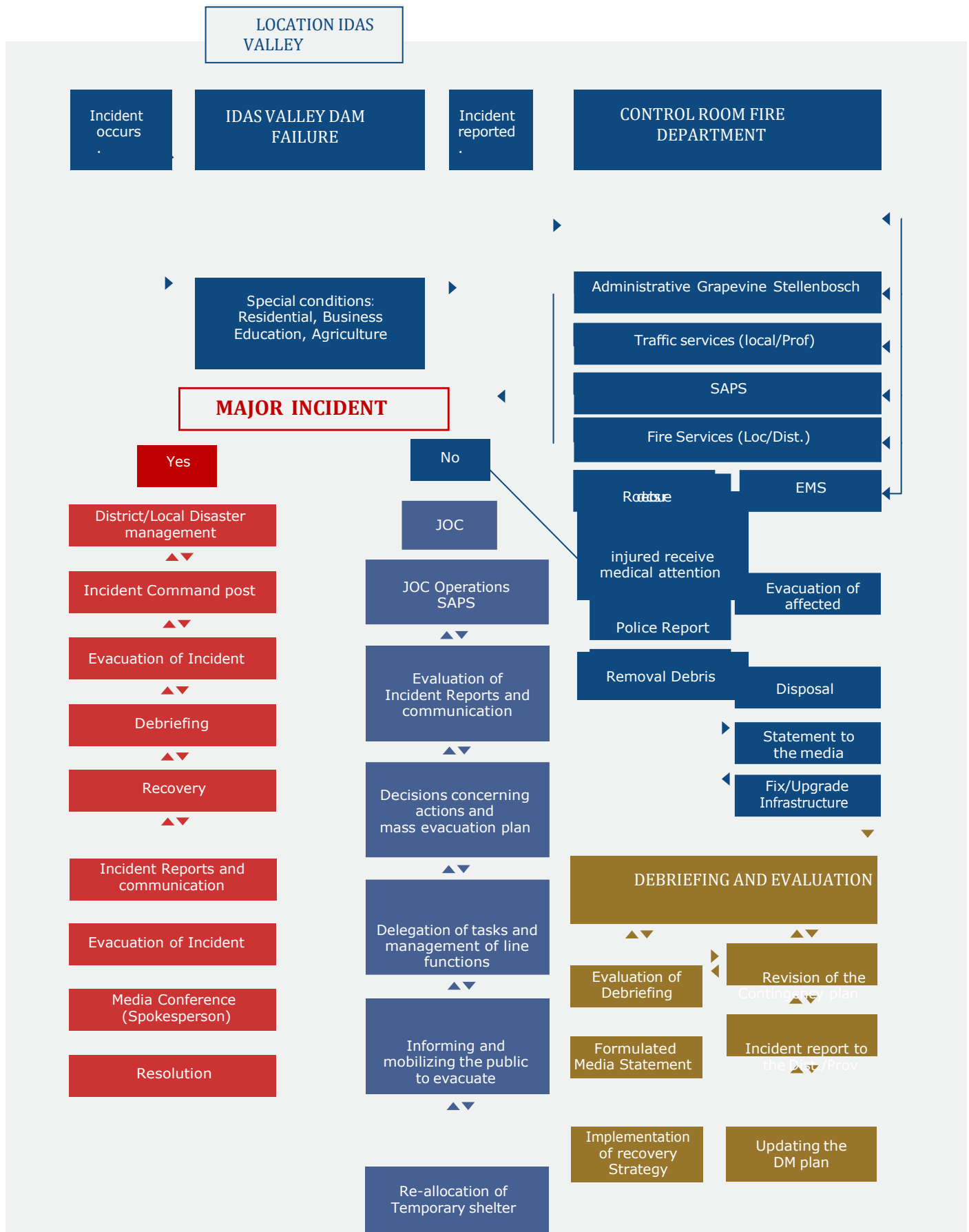
NO	INCIDENT	ACTION	TO BE PUT IN PLACE	RESP
1.	Power goes off	Determine if this is normal load shedding by checking the websites and other news. If it is not country- or province-wide, chances are that it is more than load shedding and maybe a blackout. The actual frequency of electricity just before the outage could also indicate that a blackout has occurred.	A power frequency logger will give a warning if the frequency goes below 49.3Hz.	Frequency meters/ loggers to be arranged by Shane Chandaka
2.	Call in emergency blackout JOC	Chances are that cell phones will still operate for another four hours. All JOC members must automatically proceed to Stellenbosch JOC room when it has been determined that this blackout is wider than normal load-shedding	All JOC members and support staff must be fully aware of their responsibilities.	The municipal manager is the main member – Shane Chandaka if municipal manager has not reacted
3.	Report to JOC room	Try to get as much information as possible from government, Eskom, and other sources.	Key personnel from national, provincial government, district municipality, SAPS, hospitals, university need to be available.	
4.	Obtain a full set of support to JOC	Call out: 1. Fire Chief if not already on-site as part of JOC. The Fire Chief must respond upon finding out that the power outage is most likely a large region blackout. 2. Call out all standby staff. Staff automatically proceed to the JOC room when determining that it is likely a large region blackout. 3. Managers: Electricity Stellenbosch operations and Dwars River operations are to be called out/immediately respond and report to JOC when it is determined that a large regional blackout has most likely occurred.		
5.	JOC and support members arrive at JOC room	All JOC and supporting members are to report to the JOC room where the JOC Committee will start operating procedures.	JOC room to be established and equipped with all necessary equipment. Must have all forms of communication – from cell phones to two-way radios and communications through loud hailing and written messaging. MM staff to ensure needs in and around the JOC chamber.	

6.	Conducting of JOC Meeting	Most senior member of the JOC committee takes up the chairman of the committee, until the MM arrives, after which she will chair and guide the process. She will indicate who will be chair upon her leaving the room. The JOC will jointly sit and conduct all operations on an ongoing basis. JOC members must be relieved by backup members when the need arises.	Convenient meeting room with telephones, radios, television, and cooking utensils.	
7.	Communication	<p>All forms of communication will be used:</p> <ol style="list-style-type: none"> 1. During the first part of the blackout, normal communication via cell phone should be available, as well as normal telephone communication. 2. At some stage, cell phones and normal telephones will fail, after which two-way radio communication must be used. <p>If all the above fails, communication will be done via messenger by travelling to the person that needs to receive the message or by loud hailing any messages to the public.</p>	All possible communication methods must be available and stocked. The communication team must oversee message creation and controlling the send-out of messages.	
8.	Preparation for a long blackout	<p>Once it has been determined that the blackout will last for a long time (longer than two days), preparations must be made to assist the public with emergency services. It needs to be determined whether the District Emergency JOC has been activated and a member from Stellenbosch JOC must meet with the District JOC. District JOC to liaise with Provincial JOC. Various methods of communication must be established between JOCs. Various external members must join the various JOCs, such as:</p> <ol style="list-style-type: none"> 1. Senior member of SAPS 2. Senior member of the University 3. Senior members from each hospital 	<p>SOPs to be drawn up for any possible actions needed during the blackout:</p> <ol style="list-style-type: none"> 1. Making maximum use of fridge and freezer. 2. Cooking/preparing food for long-term storage. 3. Obtaining and rationing of long-term unperishable foods. 	
9.	<p>Actions to be taken to prepare for a long blackout. Note that there will be no electricity and therefore no streetlights or floodlights. Few restaurants are working. The university will not be able to supply cooked food. No alarms will work, and no SCADA will work.</p>	<ol style="list-style-type: none"> 1. All electricity networks are to be switched such that any emergency electricity can reach key points on the network. 2. Inform the public how to conserve and/or prepare food. 3. Communal ward food-preparing sites may be arranged. 4. All deep-freeze food from houses, supermarkets, and shops needs to be brought to these centres to be prepared and sealed to last for at least 14 days. 5. Long-lasting food, such as tinned food must be obtained from supermarkets to distribute evenly to the public. 6. Various methods of lighting units need to be obtained. 	<p>Various scenarios need to be assessed and SOPs written:</p> <ol style="list-style-type: none"> 1. Diesel stocking during a long-term outage. 2. Fighting fires with no vehicles and pumps. 3. Obtain assistants from SANDF to assist with field kitchens and rations. 4. Obtain materials to build PV installations such as PV panels, and inverters. <p>Key buildings need to be equipped with PV solar installations, such as:</p> <ol style="list-style-type: none"> a. Fire station. b. Main building of JOC quarters; and c. Town hall kitchen. <p>Mobile units for pump stations.</p>	

10.	Pre-arranged tasks for staff and coordinators of each function	<p>Staff members to be allocated pre-arranged tasks:</p> <ol style="list-style-type: none"> 1. Electricians to maintain and operate all generators and solar power installations, including fueling and batteries. 2. Water staff to maintain all water networks that are operating as normal. 3. Sewage staff to maintain all sanitation plants and networks that are operating as normal. 4. Roads staff to assist with directing traffic at all major crossings until moving vehicles have diminished considerably. 5. All infrastructure services planning staff and customer care staff to assist with administration and communication matters. 6. All waste staff operate all possible waste removal functions. 7. All protection services staff to go into protection mode, including all traffic police and law enforcement. Patrol streets on a three-shift basis. 8. Fire & Rescue is responsible for all emergency incidents. 9. Community service staff, corporate services staff, and planning staff to communicate and inspect public facilities. 10. All SCM staff actively procure any material, food, or services needed for emergency services. 11. HR to oversee recruiting volunteers for all sort of associated services. 12. EPWP/LED/Housing is responsible for obtaining enough labour, food, and energy to operate food corners. 13. All other staff procure food, wood, and gas. 14. Special care for informal settlements with no backup of food or energy. 	Staff to operate in three shifts.	
-----	--	---	-----------------------------------	--

10.9 DISASTER PREPAREDNESS PLANS

IDA'S VALLEY DAM WALL FAILURE



11.1 Disaster Risk Project Proposals: Fire

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 Build fire stations.
	2 Plan and provide for a buffer zone between residential and vegetation areas.
	3 Plan and provide access roads for fire trucks in informal settlements.
	4 Plan to prevent illegal electricity connections in informal settlements through community awareness and education.
	5 Plan fire services in line with new development needs.
	6 Ensure that the development of dwellings does not take place before adequate bulk services are provided.
	7 Encourage and facilitate integrated catchment management planning.
ENGINEERING AND CONSTRUCTION MEASURES	8 Ensure compliance with fire regulations and by-laws.
	9 Install fire alarms in buildings.
	10 Plan and provide fire escape routes and doors.
	11 Plan and provide fire breaks in high-risk vegetation areas.
	12 Provide suitable roads as evacuation routes in informal settlements.
	13 Provide informal areas with fire-resistant materials.
	14 Plan and develop early fire warning systems.
	15 Provide additional fire hydrants.
	16 Research and upgrade/improve firefighting equipment/trucks/ hydrants.
	17 Provide fire hydrants in informal settlements.
	18 Install watch towers, fire breaks, and fire extinguishers in forestry areas.
	19 Improve the quality and provide appropriate firefighting equipment at all levels.
ECONOMIC MEASURES	20 Ensure that the fire hydrant water supply is sufficient in higher-lying areas.
	21 Provide for capital projects in the municipal budget.
	22 Provide funds for upgrading fire equipment.
	23 Fines for illegal electrical connections.
	24 Implement a program to decrease high-risk housing.
	25 Authorities to develop a project to make fire extinguishers more affordable for every household, as well as a means of making the maintenance thereof less expensive. (Distribution of Fire Killa and smoke detectors apparatus: projects)
	26 Property rebates for rural areas under conservation.
	27 Action plans in place.
	28 Reaction plan in place.
	29 Train fire marshals for commercial/industrial complexes.
	30 Appoint/train appropriate staff.
	31 Conduct fire and evacuation drills.

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
	32 Ensure evacuation doors are unlocked.
	33 Run programs for arson prevention.
	34 Maintenance program for fire extinguishing equipment.
	35 Identify and procure appropriate equipment.
	36 Structured and sustained fire-prevention inspections.
	37 Cleaning of undergrowth around buildings.
	38 Train and deploy firefighting volunteers at fire stations and roadworks.
	39 Identify high-risk fire areas (hotspots).
	40 Identify safer alternatives for cooking and lighting, i.e., stoves, lamps, etc.
	41 Ensure the correct storage of combustible materials.
	42 Develop and implement maintenance programs for access routes in high-risk fire areas.
	43 Train and develop fire response teams (both community and volunteers)
	44 Training at all levels to improve the implementation of an incident command system as a standard operating procedure.
	45 Develop a management policy for the sale of paraffin.
	46 Establish and support the Fire Protection Association.
	47 Develop area fire management plans.
	48 Refrain from using recycling cardboard containers for recycling paper.
	49 Revisit policy for evicting shack dwellers.
	50 Maintenance program.
	51 Develop fire evacuation procedures for commercial/industrial complexes.
	52 Declare non-smoking areas.
	53 Prohibit fires in high-risk areas.
	54 Conduct fire hazard awareness programs.
	55 Conduct community awareness programs in communities.
	56 Implement community-based programs for the proper care/maintenance of electrical equipment.
	57 Include fire prevention education in the school curriculum.
	58 Include disaster risk management in the school curriculum.
	59 Implement fire education, fire risk awareness, recruitment of volunteer firefighters, social responsibility, ownership system, e.g., hydrants.

11.2 Disaster Risk Project Proposals: Hazmat Incidents (HMIs)

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 Zoning for HMIs (building codes).
	2 Proactive hazmat classification of installations.
	3 Proper planning for the placement of factories and plants.
	4 Manage development around HMIs.
	5 Limit population figures around HMIs.
	6 Enforce and evaluate risk assessment for major hazardous installations.
	7 Enforce and evaluate EIAs for HMIs.
	8 Enforce proper labeling of chemicals and poisons (labels).
	9 Monitor, restrict, and manage routes for hazmat materials in transit (railways/roads).
	10 Safe packaging and storage to prevent leakage and seepage of hazmat and poisons.
	11 Identify specific parking areas for hazmat vehicles along the roadside.
	12 Increased hazmat capabilities allocated to areas on main routes where hazmat freight vehicle parking areas can be found.
ENGINEERING AND CONSTRUCTION MEASURES	13 Enforcement of construction needs to be determined by the type of particulates being used and stored.
	14 Identify containment sites and measures.
ECONOMIC MEASURES	15 Fines for non-compliance.
	16 Awards to compliant companies.
	17 Fines for not having correct signage when transporting hazmat.
	18 Fines for not having correct paperwork when transporting hazmat.
	19 Spiller fine structure for hazmat spillage and enforcement thereof.
	20 Polluter pays.
SOCIETAL MEASURES	21 Local economic development, assistance to non-compliant small businesses.
	22 Community/individual training.
	23 Regular awareness published in newspapers.
	24 Education of farm workers on how to handle/store hazmat/ poisons/protective clothing.
	25 Information sessions on pesticide poisonings on farms/misuse/misapplication.
	26 Notification of times of 'in-line' dosage of pesticides and poisonings.
	27 Early warning system for spills/exposures.
	28 Community-based training/awareness.

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
MANAGEMENT AND INSTITUTIONAL MEASURES	29 Compliance with storage and handling specifications.
	30 Annual compliance certificates for hazmat/LPG coupled with an inspection, using approved/certified service providers.
	31 Declaration of what is being transported and enforcing escorts for high-risk cargo.
	32 Inform the local municipality of cargo passing through its boundaries, especially if alternate routes are used.
	33 Regulate overnight stops for trucks transporting hazmat.
	34 Introduce measures that regulate the times during which hazmat can be transported.
	35 Spiller to use accredited/competent mop-up teams.
	36 Create capacity for regular site inspections.
	37 Create capacity for regular vehicle inspections.
	38 Enforce registers of hazmat on the premises.
	39 Increased monitoring by law enforcement (road/railway)
	39 Regular training of rescue personnel and transport personnel (drivers) in contact and handling of hazmat.
	40 Education campaign for local cellars and farmers who transport spirits as mixed loads.
	14 Identify and manage nodal points of inspection – yard/weighbridges/destination.
	41 Regulate the bulk sale of fuel.
	42 Enforce occupational health and safety adherence.
	43 Registration/compliance of all hazmat and hazmat installations (databases).
	44 Identify and register all MHIs/inspect and liaise per area.
	45 Enforce storage regulations.
	46 Enforce AVCASA regulations for pesticides.
	47 Shift from reactive to proactive measures.
	48 Annual compliance certificates for hazmat/LPG coupled with an inspection, using approved/certified service providers.
	49 Effective communication of hazmat/poisons requirements.
	50 Operational plans/and response teams that are trained and practiced at hazmat installation.
	51 Training exercise to improve response management skills.
	52 Address lack of capacity at times of detours when passing small poor towns (resource skills distribution).
	53 Monitoring, accreditation, and registration of clean-up teams and disposal sites, and a contact database.
	54 Enforcement of NEMA Section 30.
	55 Enforcement of spiller-pays regulation of using approved service providers.
	56 Simplify coding system for hazmat.
	57 Promote co-operative governance between organs of state responsible for control of hazmat.
	58 Simplify the recognition system of cargo to effect quicker and correct response in case of an incident.

11.3 Disaster Risk Project Proposals: Flooding

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 The enforcement of Environmental Impact Assessment (EIA) with all development projects.
	2 Plan for the upgrading of existing infrastructure to cope with new developments.
	3 Identify and plot vacant high-risk flood areas for future reference and avoid human settlements in such areas. Appoint a Hydrologist or expert to assess the area of jurisdiction
	4 Avoid the development and settling of communities along rivers and within the flood line.
	5 Apply and update zoning regulations regularly.
	6 Identify alternate suitable venues/facilities for emergency services.
	7 Apply low-intensity land use in 1:100 flood line areas.
	8 Study and understand the impact of climate change on development.
	9 Signage.
	10 Asset management.
	11 Maintenance of rivers is critical especially flow gauges on rivers and streams, especially after flooding occurrences.
ENGINEERING AND CONSTRUCTION MEASURES	12 Study EIA to inform construction and building measures.
	13 Identify flood measuring and early warning systems.
	14 Plan and build retention dams to reduce the risk of flooding.
	15 Restore and maintain water catchment areas
	16 Build retaining walls to protect buildings.
	17 Improve and upgrade stormwater reticulation systems regularly.
	18 Develop and maintain early warning systems.
	19 Develop, maintain, and monitor sustained cleaning programs for rivers and dams.
	20 Plan bigger capacity dams to regulate the flow of water.
	21 Implement programs, monitoring, and measures to prevent erosion.
	22 Plan and erect visible warning signs in low-lying areas.
ECONOMIC MEASURES	23 Provide for disaster relief funds.
	24 Ensure adequate provision for the maintenance of stormwater systems.
	25 Farmers developing areas for agricultural use in flood-prone areas should pay increased insurance on crops in those areas.

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
MANAGEMENT AND INSTITUTIONAL MEASURES	26 Plan for the support of affected communities.
	27 Develop and maintain flood emergency response teams.
	28 Develop and supervise maintenance programs.
	29 Ensure that SOP for disasters is developed and maintained.
	30 Facilitate strategic planning of resources to cover all areas during emergencies.
	31 Plan and ensure Strategic distribution of disaster management resources across the area
	32 Ensure the provision of emergency flood kits.
	33 Mutual aid agreements to be established for relief and response.
	34 More command centre vehicles.
	35 Quality assessments.
	36 Asset management.
SOCIETAL MEASURES	37 Develop awareness training and workshops in high-risk areas.
	38 Develop and inform communities of response actions to early warning systems.
	39 Ensure coordination and cooperation with NGO's.
	40 Community awareness.
	41 Early warning systems and conduct regular surveys to check them.

11.4 Disaster Risk Project Proposals: Earthquake

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 Identify earthquake-prone areas/geological faults.
	2 Develop suitable building codes (and enforcement thereof) including those that do not build according to standards (suggest retrofitting actions such as additional strengthening braces).
	3 Develop zoning codes for high-risk areas.
	4 Limit development in high-risk areas.
ENGINEERING AND CONSTRUCTION MEASURES	5 Only approve single-story buildings in high-risk areas
	6 Enforce area-specific building methods/codes.
	7 Design strong earthquake-resistant infrastructure/services.
ECONOMIC MEASURES	8 Disaster relief funds from the National Government.
	9 Household insurance (act of God).
	10 MOUs with suppliers of emergency materials/supplies.
	11 Incentives for compliance with building codes.
MANAGEMENT AND INSTITUTIONAL MEASURES	12 Develop institutional capacity for management of incidents.
	13 Good response support services (police, fire department, etc.).
	14 Develop good evacuation plans.
	15 Plan for the relocation of people in high-risk areas.
	16 Development and training for the mass casualty response team.
	17 Development and communication of recovery plans and strategies.
	18 Identify effective communication systems other than cell phones or radios.
	19 Investigate and plan for an air evacuation system.
	20 Development and training of search and rescue teams and strategies.
	21 Identify mass care facilities outside possible affected areas.
	22 Develop a mass care strategy.
	23 Develop a strategy and process for public notification and to inform communities about the risk.
	24 Develop mutual aid agreements and MOUs for identified tasks.
	25 Plan and develop strategies and procedures for trauma counselling.
	26 Plan for the management and care of emergency responders.
	27 Strict enforcement of building codes in identified earthquake-prone areas.
SOCIETAL MEASURES	28 Develop robust warning systems through Geoscience to ensure the rollout of educational programs on these warning systems.
	29 Awareness raising (how to act/react).
	30 Develop self-reliant communities/emergency preparedness.
	31 Inclusion of programs in schools in earthquake-prone areas.

11.5 Disaster Risk Project Proposals: Infrastructure Failure

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 Perform composite risk assessments before developing services.
	2 Research and develop alternative energy sources other than electricity, e.g., generators.
	3 Research effective and correct waste removal and storage.
	4 Development of standards and quality assurance of RDP houses.
	5 Development and enforcement of minimum standards for service delivery.
	6 Standardize a planning horizon of at least 50 years.
	7 Monitor and respond to farmers altering river courses.
	8 Planning of user-friendly public transport services.
ENGINEERING AND CONSTRUCTION MEASURES	9 Apply minimum standards for all services.
	10 Structured maintenance programs for service infrastructure
	11 Safeguard essential service infrastructure.
	12 Maintain the integrity of dams, dam walls, etc.
	13 Proper assessment of building materials and architectural plans.
	14 Preventative maintenance and upgrading of equipment/facilities.
ECONOMIC MEASURES	15 Fines for exceeding limits.
	16 Improve ineffective systems that lead to loss of revenue.
	17 Fines for transgressions, i.e., littering/dumping. Provide incentives for community recycling projects.
	18 Implement more effective road restrictions and toll fees.
	19 Blacklist corrupt service providers.
	20 Implement more structured bulk service infrastructure contributions.
	21 Budget for sustained infrastructure maintenance.
	22 Implement more effective basic service rates for all users.
	23 Buildings should have ISO 14001 accreditation in terms of water usage.
	24 Mitigation/emergency measures/strategies should be in place in the event of sewage system failure.
	25 Structured and sustained maintenance programs for service infrastructure.
	26 Design and develop emergency measures in the event of service failure (departmental emergency plans).
	27 Implement safe public transport systems.
	28 Design/upgrade bulk services before development.
	29 Structured asset management about infrastructure development and maintenance.
	30 Emergency procedure development for all service disruptions.
	31 Enforce energy-saving laws at all levels.

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
MANAGEMENT AND INSTITUTIONAL MEASURES	32 Define and develop early warning systems linked to management plans.
	33 Monitor community responsibility concerning feedback on structure service and quality.
	34 Enforce water conservation measures and/or by-laws.
	35 Dedicated government supervision and quality assurance on all contracts.
	36 Appoint competent individuals to manage and monitor.
SOCIETAL MEASURES	37 Ensure aid agreements and supplier agreements in case of specific infrastructure failure.
	38 Community awareness in terms of water usage and economic use of services.
	39 Transport management, i.e., 'lift clubs' to reduce road traffic.
	40 Advocacy campaign, i.e., saving measures (electricity).
	41 Structured and sustained training and education (correct use of infrastructure).

11.6 Disaster Risk Project Proposals: Transport Incidents

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
PHYSICAL PLANNING MEASURES	1 Plan alternative routes/road capacity required for the increase in traffic.
	2 Research and plan safe sites for airports.
	3 Research and plan public transport safety measures.
	4 Incorporate pedestrian safety into new developments.
	5 Plan for increased, improved, and effective infrastructure concerning public transport.
	6 Plan and ensure correct placement of railway crossings and pedestrian crossings.
ENGINEERING AND CONSTRUCTION MEASURES	7 Plan and design safe railway crossings.
	8 Determine the need and planning of pedestrian crossings.
	9 Effective management of time delays in changing traffic lights.
	10 Make use of traffic circles to slow down traffic.
	11 Construction of speed bumps in residential areas
	12 Set standards and update aviation standards.
	13 Design and implement bicycle lanes for cyclists.
	14 More effective traffic light programming for peak and off-peak times.
	15 Enforce exhaust emission standards.
	16 Plan for effective bus lanes, as well as heavy vehicle lanes on major routes.
	17 Ensure constant maintenance of all transport infrastructure.
ECONOMIC MEASURES	18 Decrease in public transport travelling costs to promote public transport and decrease road traffic.
	19 More effective management and processing of fines for all traffic offenders.
	20 Introduce cost-effective and time-effective rail transport for commuters and freight to reduce road transport.

RISK REDUCTION CATEGORY	RISK REDUCTION PROJECT PROPOSALS
MANAGEMENT AND INSTITUTIONAL MEASURES	21 Design and implement a points demerit system for transgressors.
	22 Identify and enforce alternate routes for heavy-duty vehicles.
	23 Develop good institutional capacity and programs to promote transport safety.
	24 Develop good infrastructure and capacity to facilitate effective law enforcement.
	25 Capacity and structured audits for licensing.
	26 Train and implement more scholar patrols.
	27 Promote the use of reflective bands for children.
	28 Implement capacity to manage register for traffic offenders.
	29 More advanced and affordable skills development programs for professional drivers.
	30 More structured and vigilant testing/monitoring of licensed drivers and vehicles.
	31 Use accredited contractors and building materials for road construction.
	32 Enforce clear road signs/warnings and markings during construction periods.
	33 Implement and manage structured general road maintenance programs.
	34 Implement restriction measures to control the times and routes of heavy vehicles.
	35 Design and implement traffic management plans.
	36 Learner license and driver training programs in schools to develop young responsible drivers.
	37 Develop a system whereby intoxicated pedestrians are effectively removed from busy roadways and prosecuted.
	38 Permit system.
SOCIETAL MEASURES	39 Discourage aggression/road rage.
	40 Promote alternative transport.
	41 Structured educations on road safety.
	42 structured programs to increase awareness of pedestrians.

12. ANNEXURE C: KEY STAKEHOLDERS CONTACT LIST

STELLENBOSCH MUNICIPALITY						
NAME	DEPARTMENT	DESIGNATION	TEL	FAX	CELL	EMAIL
MAYOR'S OFFICE						
Cllr. Gesie van Deventer (Mrs.)	Office of the Executive Mayor	Executive Mayor	021 808 8002		082 570 5681	mayor@stellenbosch.gov.za
Jeremy Fasser	Office of the Executive Mayor	Deputy Mayor and Human Settlements Mayco Member	021 808 8002		081 419 1233	Jeremy.fasser@stellenboch.gov.za
Quintin Smit	Office of the Executive Mayor	Speaker	021 808 8941		082 570 5681	Quintin.smit@stellenbosch.gov.za
Charlotte De Wet	Office of the Executive Mayor	Personal Assistant	021 808 8002			charlotte.dewet@stellenbosch.gov.za
MUNICIPAL MANAGER						
Geraldine Mettler (Ms)	Office of the Municipal Manager Function. Internal Audit;Risk Management. Strategic Management. Responsible for Overall Leadership Management of Functions Listed per Directorate	Municipal Manager	021 808 8025	021 808 8026	082 313 3063	municipal.manager@stellenbosch.gov.za
DIRECTORATE: COMMUNITY AND PROTECTION SERVICES						
Carli van Wyk	Councillor	Portfolio Councillor: Protection Services (Traffic & Law Enforcement	021 808 8746		0791663899	Carli.vanwyk@stellenbosch.gov.za
Reginald Pheiffer	Councillor	Portfolio Councillor: Protection Services (Fire and Disaster Management)	021 808 8746		079 597 2765	Reginald.pheiffer@stellenbosch.gov.za
Gary Boshoff	Libraries. Cemeteries and Amenities. Sport, Parks, and Recreation. Area Cleaning. Disaster Management. Social Conflict Management. Fire Services. Traffic Services. Law Enforcement. Security Services. Land Invasion. VIP Protection. By-Law Enforcement; Control Room. Events Management, Logistics, Fleet Management	Director: Community and Protection Services	021 808 8437		082 805 2926	gary.boshoff@stellenbosch.gov.za
Charl Kitching		Senior Manager: Community and Protection Services	021 808 8815		084 887 4310	Charl.Kitching@stellenbosch.gov.za
Wayne Smith		Manager: Fire and Disaster	021 808 8888	021 883 3200	071 443 7337	wayne.smith@stellenbosch.gov.za
Joan Felix		Manager: Traffic & Law Enforcement services	021 808 8447		073 182 1392	joan.felix@stellenbosch.gov.za
Shezayd Seigels (Ms)		Senior Disaster Coordinator	021 808 8888	086 574 6470	082 050 4834	shezayd.seigels@stellenbosch.gov.za
Gavin Solomons		Chief: Traffic Services	021 808 8800	021 808 8832	073 184 2169	gavin.solomon@stellenbosch.gov.za
Lizel Pietersen		Acting Deputy Chief: Traffic Law Enforcement	021 808 8800	021 808 8809	079 685 7290	lizel.pietersen@stellenbosch.gov.za
Zingani Thefu		Deputy Chief: Law Enforcement	021 808 8937	021 808 8182	065 831 7396	zingani.tshefu@stellenboch.gov.za
Daniel Jonker		Chief: Law Enforcement	021 808 8441		084 551 8932	Daniel.jonker@stellenbosch.gov.za

.....

NAME	DEPARTMENT	DESIGNATION	TEL	FAX	CELL	EMAIL
DIRECTORATE: ENGINEERING SERVICES						
Shane Chandaka	Transport, Roads and Stormwater; Water Services; Mechanical Workshop. Solid Waste Management. Development and Project Management. Drawing Office. Electricity Services	Director: Engineering Services	021 808 8023		078 8019 628	Shane.chandaka@stellenbosch.gov.za
Sylvia Pretorius (Ms)		Manager: Administration and Client Services	021 808 8023			Sylvia.pretorius@stellenbosch.gov.za
Paul Jobert		Senior Manager: Water/Sewage	021 808 8218		072 995 9258	Paul.joubert@stellenbosch.gov.za
Nombulelo Zwane		Senior Manager: Electricity	021 808 8770	021 883 9874	082 826 5587	Nombulelo.zwane@stellenbosch.gov.za
Clayton Hendricks		Senior Manager: Solid Waste	021 808 8241	021 883 9874	073 134 4912	Clayton.Hendricks@Stellenbosch.gov.za
Johan Fullard		Senior Manager: Roads and Stormwater	021 808 8023	021 883 9874	072 829 2779	[REDACTED]
Nigel Winter		Manager: Transport Engineering	021 808 8223			Nigel.winter@stllenbosch.gov.za
DIRECTORATE: CORPORATE SERVICES						
Annalene de Beer (Ms)	Integrated Development Planning; Corporate Strategy. Performance Management. Communication. Inter-governmental Relations. International Relations Policy Management. Human Resources, Community Participation, Information Technology, Legal Services	Director: Strategic and Corporate Services	021 808 8018		083 305 3685	Annaleen.debeer@stellenbosch.gov.za
Alexander Kannemeyer		Senior Manager: Human Resources			083 679 2085	Alexander.Kannemeyer@stellenbosch.gov.za
Stuart Grobbelaar		Manager Communications	021 808 8079		084 036 1395	Stuart.Grobbelaar@stellenbosch.gov.za
DIRECTORATE: PROPERTY AND PLANNING DEVELOPMENT						
Anthony Barnes	Develop and Implement High-level Strategic Objectives for Integrated Human Settlements Projects,	Director: Property and Planning Development and Human Settlement	021 808 8757		082 776 1960	Anthony.Barnes@stellenbosch.gov.za
Lester van Stavel	Public and Staff Rental Housing and Housing Demand Database/Waiting List.	Manager: New Housing	021 808 8762		082 442 7709	lester.vanstavel@stellenbosch.gov.za
Johru Robyn	Implement the Strategic Objectives of the Council About Informal Settlements. Management of Council-owned Fixed Properties	Manager: Informal Housing Settlement	021 808 8762		083 560 0816	johru.robyn@stellenbosch.gov.za
Rotanda Swartbooi		Municipal Housing: Rentals	021 808 8757		066 460 7463	Rotanda.swartbooi@stellenbosch.gov.za
Craig Alexander	Strategic and Effective Management of Heritage and Environmental Resources.	Senior Manager: Planning and StrategicDevelopment	021 808 8196		083 461 9604	Craig.Alexander@stellenbosch.gov.za
Bernabé de la Bat	Spatial Planning, Heritage and Environmental Projects Planning, Implementation, and Management; and Compliance of Development Applications with Relevant,Heritage, Environment, and Community Development. Local Economic Development and Tourism	Manager	021 808 8653		082 788 3727	Bernabe.DeLaBat@stellenbosch.gov.za
Leslie van Gensen		Manager: Local Economic Development and Tourism	021 808 8179		082 399 2834	Lesley.vangensen@stellenbosch.gov.za
DIRECTORATE: FINANCIAL SERVICES						
Kevin Carolus	Financial Services Revenue. Expenditure. Budget Office. Financial Statements. Supply Chain Management. Asset Management	Director: Financial Services	021 808 8528	021 808 8574	083 388 5549	Kevin.Carolus@stellenbosch.gov.za
Monique Steyl	Finance Services: Budget, Financial statements	Senior Manager: Finance	021 808 8516		078 429 8229	Monique.Steyl@stellenbosch.gov.za
Daleel Jacobs	SCM	Senior Manager: SCM	021 808 8137		060 682 0429	Dalleel.Jacobs@stellenbosch.gov.za

12.1 COMMUNITY AND SOCIAL SERVICES: DSD AND SASSA

NAME	CONTACT NO	EMAIL
STELLENBOSCH MUNICIPALITY		COMMUNITY DEVELOPMENT
Michelle Aalbers	083 560 5935	Michelle.aalbers@ Stellenbosch.gov.za
Funeka Mayembana	079 824 9378	Funeka.mayembana@ Stellenbosch.gov.za
Portia Jansen	083 712 5770	Portia.jansen@ Stellenbosch.gov.za
Fiona Kruiwagen	062 689 6413	Fiona.kruiwagen@ Stellenbosch.gov.za

STELLENBOSCH MUNICIPALITY		DISASTER RISK MANAGEMENT
Wayne Smith	071 443 7337	Wayne.smith@ Stellenbosch.gov.za
Shezayd Seigels	082 050 4834	Shezayd.seigels@ Stellenbosch.gov.za
Wiseman Ndamase	076 618 6612	Wiseman.ndamase@ Stellenbosch.gov.za
Nevada Hendricks	079 143 7720	Nevada.hendricks@ Stellenbosch.gov.za

DEPARTMENT: SOCIAL DEVELOPMENT		PAARL REGIONAL OFFICE
Terence Orr	082 826 4457	Terence.orr@ WesternCape.gov.za
Brian Goliath	082 777 7247	Brian.goliath2@ WesternCape.gov.za
Peter Gabriels	083 980 3458	Peter.gabriels@ WesternCape.gov.za

DEPARTMENT: SOCIAL DEVELOPMENT		DISASTER MANAGEMENT (CT)
Linice Noland	082 956 3416	Linice.noland@ WesternCape.gov.za

SASSA		LOCAL OFFICE (PAARL)
Morne Nortje	076 339 6091	morneN@sassa.gov.za
June Davids	083 774 1578	juneD@sassa.gov.za

SASSA		REGIONAL OFFICE (CT)
H de Grass	083 265 1699	henryDG@sassa.gov.za
A Brink	083 409 2533	andreb@sassa.gov.za
B Letompa	073 391 4918	busisiweLE@sassa.gov.za
P Pietersen	083 535 7429	patience@sassa.gov.za
L Qabisisa	082 774 6596	lungileQa@sassa.gov.za
Z Madolo	082 045 1190	zukiswaM@sassa.gov.za
A Bester (SCM)	082 927 9039	annelizeb@sassa.gov.za
L Berling	082 577 5699	LorraineB@sassa.gov.za

12.2 Ward Councillor Contact Information

WARD COUNCILLOR	WARD NO.	MAYCO ROLES	EMAIL ADDRESS:
Reginald Pheiffer	Ward 1	Protection Services	Reginald.Pheiffer@stellenbosch.gov.za
Wilhelmina Petersen	Ward 2		Wilhelmina.Petersen@stellenbosch.gov.za
Charles Manuel	Ward 3		Charles.Manuel@stellenbosch.gov.za
Ralphton Adams	Ward 4		Ralphton.Adams@stellenbosch.gov.za
Roy van Rooyen	Ward 5		Roy.Vanrooyen@stellenbosch.gov.za
Nateshia Mcombring	Ward 6		Nateshia.Mcombring@stellenbosch.gov.za
Annemarie Ferns	Ward 7		Annemarie.Ferns@stellenbosch.gov.za
Carli van Wyk	Ward 8	Planning, Traffic & Law Enforcement	Carli.vanwyk@stellenbosch.gov.za
Zelda Dalling	Ward 9	Infrastructure	Zeldadalling@gmail.com
Rozette du Toit	Ward 10	Local Economic Development and Tourism	Rozette.dutoit@stellenbosch.gov.za
Johanna Serdyn	Ward 11		Johannie.Serdyn@stellenbosch.gov.za
Ayanda Tomose	Ward 12		Ayanda.Tomose@stellenbosch.gov.za
Mary Nkopane	Ward 13		Mary.Nkopane@stellenbosch.gov.za
Maxwell Danana	Ward 14		Maxwell.Danana@stellenbosch.gov.za
Elliot Phakamisa	Ward 15		Elliot.Phakamisa@stellenbosch.gov.za
Elsabe Vermeulen	Ward 16		Elsabe.vermeulen@stellenbosch.gov.za
Peter Johnson	Ward 17	Financial Services, Fire & Disaster Management	Peter.Johnson@stellenbosch.gov.za
JC Anthony	Ward 18		Jc.Anthony@stellenbosch.gov.za
James Williams	Ward 19	Rural Management	James.Williams@stellenbosch.gov.za
Joseph Joon	Ward 20	Community Development (Parks, Open Spaces, Environment)	Joseph.Joon@stellenbosch.gov.za
Mynard Slabbert	Ward 21		
Esther Groenewald	Ward 22		Esther.groenewald@stellenbosch.gov.za
Lwando Nkamisa	Ward 23		ELwando.Nkamisa@stellenbosch.gov.za

13. ANNEXURE D: SOP: PRIMARY RELIEF ASSISTANCE

ACTION REF	PROCEDURE DESCRIPTION	TIMEFRAME	PERSON(S) RESPONSIBLE	RESOURCES REQUIRED	DELIVERABLES	DEPENDENCIES	LINKS TO SOP
	Procure blankets, mattresses, food parcels, and vanity packs through approved tender in line with the temporary accommodation of affected persons. (In cases where support fromDSD and SASSA is not forthcoming) to ensure suitable stock levels in preparation for disasterincidences.	3-year approved tenders. Specification is to be submitted 3 months before the end ofthe previous tender.	Community Development Official	Blankets Mattresses Vanity Packs FoodParcels	Approved tender through SCM process	SCM Processes	Procurement SOP
1	Head Disaster Management informs applicable departments of the incident and location with an estimated affected number of households and persons via WhatsApp (including DSD and SASSA) followed by an incident and activation report.	2 hours	Head Disaster Management	Data Standby resources	WhatsApp incident report Activation report confirming the type of assistance required		Activation SOP
2 (a)	Community Development receives a verified list of affected persons from Disaster Management as prepared and signed off by the Informal Settlements Department	Upon receipt	Head Disaster Management	Email	Verified listcontaining: <ul style="list-style-type: none">Address, ID/birth date, name, surname and gender of all inhabitants		Verification SOP
	Formal and private property: Community Development receives a verified list from DisasterManagement as prepared by and signed off by the Informal Settlements Department. DM assesses the impact of the incident and recommends to the Director of Community and Protection Services the extent of humanitarian relief required. DM issues directors written instructions to CD to implement SRD along with a verified list and assessment of the scenario.	Upon receipt	Head DisasterManagement	Email and WhatsApp	Verified list containing: <ul style="list-style-type: none">Address, ID/birth date, name, surname, and gender of all inhabitants.Written confirmation (WhatsApp/ SMS print screen of the phone)		Verification SOP
	Decisions to be made upon receipt of assessments: <ul style="list-style-type: none">Need to establish a JOC.Size of affected area (more than 15)Temporary housing required?Relocation vs resettlement	24 hours	Head Disaster Management				
IF YES	(and/or temporary accommodation must be arranged)						
4a	Establish JOC and VOC	24 hours	Management				
4b	Register SRD Incident on the internal incident board and open the incident file	24 hours	Community Development Official	Stationery	SRD Register		
4c	Alert and notify the DSD/SM service provider of the incident. CD arranges the provision of hot meals and relief items. Provide DSD with a verified list of affected persons. Hot meals are provided for a maximum of 7 days. Each affected household is informed of this on day 1.	24 hours	Community Development Official	Transport Data Standby resources	Notifications and proof of receipt thereof	Verified report	
4d	Coordinate and arrange temporary housing of affected persons lto council delegations.Community development official is introduced to the affected community.	12 hours	Disaster Management in collaboration with: <ul style="list-style-type: none">Human SettlementsCommunity and Protection Services CBOs	Data Standby resources		Availability of community facilities	Resettlement and relocation SOPs
4e	Distribute blankets, mattresses, and vanity packs and compile POE as proof of receipt perperson/household. Temporary accommodation and adverse conditions: Blankets, mattresses, and vanities may be distributed before receipt of the verification report.	As soon as SASSA responds or not/ SM within 5 workingdays of receipt of the verified list	SASSA/Community Development Official	Blankets Mattresses Vanity packs	Signed receipts of support materials provided	Availability of affected persons Verified list	
	Partially affected households: DM provides a written assessment of the extent of the damageand the resulting SRD requirements: blankets, mattresses, food parcels, and vanities.	Within 5 working days of the receipt of the DM assessment	Disaster Management Community Development Official	Blankets Mattresses Vanity packs Food parcels	Signed receipts of support materials provided	Availability of affected persons Verified list	

ACTION REF	PROCEDURE DESCRIPTION	TIMEFRAME	PERSON(S) RESPONSIBLE	RESOURCES REQUIRED	DELIVERABLES	DEPENDE AGENCIES	LINKS TO SOP
4f	Monitor the provision of hot meals to affected persons: If provided by SASSA, for a maximum of 3 days. If provided by SM, up to a maximum of 7 days or resettlement, whichever comes first.	For the duration of temporary housingprovided	Community Development Officials	Transport	Two meals are delivered to beneficiaries daily as per SASSA and tender standards	Approved tenders	
4g	Distribute food parcels and compile POE as proof of receipt per household after receipt ofverification report	Upon resettlement of persons	Community Development Official	Transport Data Standby resources	Copies of receipts	Availability of affected persons	
4h	Report incident to SASSA for grants and to DSD for trauma	Upon resettlement	Community Development Official	Verified list of affected persons	Verified list and referral		
	Counseling if required (note fatalities)	Number of persons	Community Development Official	Persons	To SASSA Referral to DSD		
4i	Conclude incident file containing a verified list of affected persons, proof of distribution of relief items, and proof of referral to SASSA and/or DSD	24 hours after resettlement	Community Development Official	Verified list of affected persons	Completed file		
5	Submit a report to Disaster Management	Monthly	Community DevelopmentOfficial		Monthly report		
6	Replenish food parcel stock in stores if minimum levels have been reached	48 hours after completion	Community Development Official	Budget	Stock in stores up to 50	Availability of funding	
IF NO	(and/or temporary accommodation)	Not required					
7a	Register SRD incident on internal incident board and open incident file	24 hours	Community Development Official	Stationery	SRD Register		
7b	Issue blankets, mattresses, vanity packs, and food parcels from stores upon receipt of verified report. Ensure proof of receipt is obtained.	Upon resettlement and within 3 working days of receipt of the verified list	Community Development Official	Data Standby Transport SRDResources	Signed receipts of support materials were provided. 1 food parcel per household. <4 persons = small food parcel, >4 persons = large food parcel	Notification of fire kit issuing process	
7c	Report incident to SASSA for grants and/or DSD for trauma counselling (note fatalities)	Upon resettlement of persons	Community Development Official	Verified list of affected persons	Referral to SASSA/DSD		
7d	Conclude incident file containing verified list of affected persons, proof of distribution of relief items, and proof of referral to SASSA/ DSD	24 hours after resettlement	Community Development Official	Verified list of affected persons	Completed file		
8	Submit a report to Disaster Management	Monthly	Community DevelopmentOfficial				
9	Replenish food parcel stock in stores if minimum levels have been reached	48 hours after completion	Community Development Official	Budget	Stock in stores up to 30	Availability of funding	

14. ANNEXURE E: IDP AND DISASTER MANAGEMENT PLAN INTEGRATION

IDP	DISASTER MANAGEMENT INTEGRATION
Phase 1: Analysis	Phase 1: Analysis
<p>Compilation and reconciliation of the following:</p> <ul style="list-style-type: none"> Existing information on what is available in terms of development. Community and stakeholder analysis – who should be consulted? Municipal-wide analysis in terms of spatial development, gender, environment, economic and institutional analysis. The municipality must also determine what the current prevailing trends are concerning the aforementioned. The outcome of the analysis should result in the formulation of priorities, and it should also conduct an in-depth analysis of these priority issues. 	<p>Compile disaster management information utilizing:</p> <ol style="list-style-type: none"> Doing a hazard assessment (ward-based). Communities at risk – who is at risk of a particular hazard. <p>Done ✓</p>
Phase 2: Strategy	Phase 2: Strategy
<p>This involves the following:</p> <ol style="list-style-type: none"> The vision and mission of the municipality. Strategic objectives as set out in Phase 1. Localized strategic guidelines such as: <ul style="list-style-type: none"> Spatial planning Poverty and gender Environmental Economic Institutional Development of strategy for each priority issue. 	<ol style="list-style-type: none"> This involves the formulation of disaster strategies such as: <ul style="list-style-type: none"> Prevention and mitigation strategies Vulnerability reduction strategies Capacity building Contingency building Emergency preparedness Operationalize disaster management in the municipality utilizing identifying projects such as setting up the relevant structures <ul style="list-style-type: none"> Creating community awareness Establishing volunteer structures <p>(DM act, no 57 of 2002, section 53.1 (a-d), section 53.2 (a)) Completed by 30 October 2021 Responsible officials: Manager, Fire and Disaster/Senior Coordinator: Disaster Management</p>
Phase 3: Projects	Phase 3: Projects
<p>This phase deals with processes involving project design.</p> <p>The identified projects are a result of a consultative process followed and must be in terms of the specifications required.</p>	<p>This phase deals with the design of disaster management projects.</p> <p>Whatever projects identified by disaster management must be listed here.</p> <p>(DM act, no 57 of 2002, section 53.1 (a-d), section 53.2 (a)) Complete by 30 December 2022. Responsible officials: Manager, Fire and Disaster/Senior Coordinator: Disaster Management</p>
Phase 4: Integration	Phase 4: Integration
<p>This phase deals with the compilation of integrated plans and programs developed such as:</p> <ul style="list-style-type: none"> All sector programs/plans The five-year financial plan Five-year capital investment programs Five-year action programs Integrated spatial development programs. Integrated local economic development program. Integrated environmental program. Integrated poverty alleviation program Institutional plan Integrated HIV plan Development and performance management indicators Disaster Management Plan 	<p>Compilation of Disaster Management Plan including the following:</p> <ul style="list-style-type: none"> The risk profile of the municipality The risk reduction strategy Disaster response strategy Field operation guides SOP's Emergency preparedness Electronic database Communicators <p>(DM act, no 57 of 2002, section 53.1 (a-d), section 53.2 (a)) Completed by 28 February 2022 Responsible officials: Manager, Fire and Disaster/Senior Coordinator: Disaster Management</p>

DISASTER RISK REDUCTION

AND

INTEGRATION INTO DEVELOPMENT

PLANNING FOR THE

STELLENBOSCH MUNICIPALITY

2024

TABLE OF CONTENTS

ACRONYMS	69
LIST OF FIGURES	69
1. INTRODUCTION	70
1.1. LEGISLATIVE MANDATE	70
1.2. METHODOLOGY	70
1.3. HAZARD PROFILE FOR STELLENBOSCH MUNICIPALITY	70
2. POLICIES AND BY-LAWS SUPPORTING DISASTER RISK REDUCTION	71
2.1. COMMUNITY FIRE SAFETY BY LAW	71
2.2. STELLENBOSCH MUNICIPALITY BY-LAW RELATING TO STORMWATER	72
2.3. STELLENBOSCH MUNICIPALITY BY-LAW RELATING TO WATER SERVICES	73
2.4. INTEGRATION OF DISASTER RISK REDUCTION INTO DEVELOPMENT PLANNING PROCESSES	73
2.4.1. INTEGRATION OF DISASTER RISK REDUCTION INTO THE SPATIAL DEVELOPMENT FRAMEWORK	73
2.4.2. INTEGRATION OF DISASTER RISK REDUCTION INTO THE DEVELOPMENT APPROVAL PROCESS	73
2.4.3. OPPORTUNITIES TO INTEGRATE DISASTER RISK REDUCTION MEASURES IN DEVELOPMENT PLANNING	74
2.4.4. OPPORTUNITIES FOR INTEGRATION OF DISASTER RISK REDUCTION MEASURES INTO SECTOR PLANS	74
3. DISASTER RISK REDUCTION MEASURES	75
3.1. DISASTER RISK REDUCTION MEASURES FOR WATER POLLUTION	75
3.2. DISASTER RISK REDUCTION MEASURES FOR WILDFIRE	78
3.3. DISASTER RISK REDUCTION MEASURES FOR DROUGHT	81
3.4. DISASTER RISK REDUCTION MEASURES FOR INFORMAL SETTLEMENT FIRES	83
3.5. DISASTER RISK REDUCTION MEASURES FOR FLOODING (RIVERINE AND URBAN)	86

ACRONYMS

CCA	Climate Change Adaptation
CWDM	Cape Winelands District Municipality
CWDMC	Cape Winelands Disaster Management Centre
DRR	Disaster Risk Reduction
EPWP	Expanded Public Works Programme
FDI	Fire Danger Index
FPA	Fire Protection Association
IDP	Integrated Development Plan
MHS	Municipal Health Services
SDF	Spatial Development Framework
SFDRR	Sendai Framework for Disaster Risk Reduction
UNISDR	United Nations Office for Disaster Risk Reduction
WC: PDMC	Western Cape: Provincial Disaster Management Centre

LIST OF FIGURES

Table 1: Disaster Risk Reduction Measures for flooding contained within the By-Law for Stormwater (Stellenbosch Municipality)	72
Table 2: Disaster Risk Reduction Measures for Water Use contained in the Water Services By-Law	73

1. INTRODUCTION

The Stellenbosch Municipality is faced with several hazards that repeatedly threaten the environment, economic activity, and livelihoods of the municipal area. Only recently, the Stellenbosch Municipality has been adversely impacted by floods during 2023.

These disasters are a result of the interaction between a hazard, the vulnerability, and the capacity. They can be sudden or develop slowly. While communities are usually aware of their risks, they often wait to respond by activating their plans when disasters strike. This has seen major losses for infrastructure and property and requires a paradigm shift from a response-centric approach to a focus on Disaster Risk Reduction (DRR), which is what this plan seeks to achieve.

The United Nations Office for Disaster Risk Reduction (UNISDR) defines a DRR plan as “a document prepared by an authority, sector, organization, or enterprise that sets out goals and specific objectives for reducing disaster risks together with related actions to accomplish these objectives”. The DRR plan first outlines the risk profile of the Stellenbosch Municipality. The DRR plan then analyses the key gaps in institutional arrangements that are necessary for the coordination of DRR activities, explains how Stellenbosch Municipality can integrate DRR into developmental planning processes, and highlights the current and proposed DRR measures.

The Western Cape: Provincial Disaster Management Centre (WC: PDMC) supported the Stellenbosch Municipality in developing the DRR plan. The plan was developed in line with the Risk Reduction Planning and Integration into Integrated Development Planning Guidelines for the Western Cape.

An extensive consultation process was undertaken whereby one-on-one interviews were held with role players identified by the municipality.

1.1. LEGISLATIVE MANDATE

The legislative and policy mandate to develop a DRR plan emanates from international and national policy frameworks. The Sendai Framework for Disaster Risk Reduction (SFDRR) (2015-2030) calls on signatory states to prevent new and reduce existing disaster risk through the implementation of integrated and inclusive economic, structural, legal, social, health, cultural, educational, environmental, technological, political, and institutional measures that prevent and reduce hazard exposure and vulnerability to disasters, increase preparedness for response and recovery, and thus strengthen resilience. Moreover, priority three (3) of the SFDRR, encourages public and private investment in disaster risk prevention and reduction through structural and non-structural measures. These investments are critical to enhancing the economic, social, health, and cultural resilience of persons, communities, countries, and their assets, as well as the environment.

In addition, the Municipal Systems Act (Act No. 32 of 2000) mentions that a core component of an Integrated Development Plan (IDP) is a Disaster Management Plan and the Disaster Management Act, as amended (Act No. 57 of 2002), calls for the integration of risk reduction into development planning.

1.2. METHODOLOGY

The aim of the DRR plan is to identify measures to prevent the creation of risk and reduce current disaster risks. Furthermore, the DRR plan builds upon the Stellenbosch Municipality Ward-based Disaster Risk Assessment, which was conducted in 2020. It aims to develop DRR measures for the Disaster Risks that were already identified in the risk assessment and it is not aimed at conducting a Disaster Risk Assessment.

The methodology undertaken to develop the DRR Plan entailed a document analysis of the Stellenbosch Ward-based Disaster Risk Assessment, the Stellenbosch Municipality Disaster Management Plan, the Integrated Development Plan, the Spatial Development Framework (SDF) and the By-Laws of the municipality.

Moreover, extensive one-on-one stakeholder consultations were conducted over a period of two months with various divisions of the Stellenbosch Municipality and the Cape Winelands District Municipality. A focus group discussion was held for Wildfires with Cape Nature, the Winelands Fire Protection Association, and the Cape Winelands District Municipality Fire Services. Inputs on the current and proposed DRR measures for the hazards identified in the risk assessment were collated and documented and relevant stakeholders for implementation were identified.

1.3. HAZARD PROFILE FOR STELLENBOSCH MUNICIPALITY

The Stellenbosch Municipality Ward-Based Risk Assessment identified the following hazards as priority risks:

- inability to control urbanization,
- increased poverty and unemployment,
- access to basic services,
- safety and security,
- poor/no electricity, and
- illegal dumping,

During consultations with the Stellenbosch Municipality Disaster Management, it was concluded that these were risk drivers rather than disaster hazards and did not align with the Extensive List of Provincial Hazards that the WC: PDMC developed.

However, it is important to note that DRR also aims to address the risk drivers and the underlying vulnerabilities such as poverty and unemployment and measures aimed at reducing vulnerability, building resilience, and managing risk drivers contribute to reducing vulnerability to disasters for communities at risk.

An analysis of the Ward Based Risk Assessment document was then undertaken to determine which hazards were prevalent across all wards and these hazards would be the focus of the DRR plan. It was therefore agreed that the plan would focus on:

- wildfires,
- informal settlement fires,
- water pollution,
- urban and riverine flooding, and
- drought.

2. POLICIES AND BY-LAWS SUPPORTING DISASTER RISK REDUCTION

This section identifies and outlines the policies and By-laws of the Stellenbosch Municipality which support DRR.

2.1. COMMUNITY FIRE SAFETY BY LAW

The Community Fire Safety By-Law supports preparedness and DRR measures by locking in the following preparedness and DRR measures in Chapter 3 of the By-law:

- 12(1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads, they must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), it may be required to comply with the following:
 - (a) an access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater to the risk of the premises;
 - (b) a motorized or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device;
 - (c) fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road;
 - (d) fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four meters, above the fire lane must remain unobstructed;
 - (e) a cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to clear for the risk of the premises;
- (2) The design, marking, use, and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

The Cape Winelands District Municipality (CWDM) has a Fire Safety By-law that was adopted in 2008. The conditions set out in the By-law concur with the aforementioned Community Fire Safety By-Law.

Moreover, Chapter 4 of the Community Fire Safety By-law also makes provisions for the installation of fire extinguishers, which states that they must be provided and installed on-premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).

2.2. STELLENBOSCH MUNICIPALITY BY-LAW RELATING TO STORMWATER

The By-law Relating to Stormwater aims to reduce the impact of flooding on community livelihoods and regional communities, safeguard human health, protect natural aquatic environments, and maintain recreational water quality. Table 2 below highlights some of the provisions that support the integration of DRR into development planning. The left side of the table is the section in which the measure is found, and the right elaborates on such measures.

SECTION IN BY-LAW	DISASTER RISK REDUCTION MEASURES
(4) Applications for permits, consent or authorization- a person who wishes to obtain a permit, consent or authorization of the municipality as contemplated in this By-law, must apply in writing and follow the applicable process as prescribed by the municipality	(a) Applicants may be required to submit impact studies such as, but not limited to, environmental impact studies or environmental impact investigations as required in terms of national and provincial environmental legislation; and (b) To establish and provide documentation indicating flood lines
(7) Sustainable Urban Drainage System: To advance a holistic approach to catchment development and the application of Water Sensitive Urban Design Principles, all developers, owners, professionals, and contractors must, at all times, comply with the following provisions:	(a) Determine all flood lines which may impact the development concerned, in which event the municipality, must, on written request, make available any flooding information that is on record; (b) Do planning and take flood attenuation measures before any development above an existing development or in a catchment area commences; (h) Construct stormwater systems before any construction on a site commences; (i) Monitor and adjust the stormwater control measures taken during the construction progress, to ensure complete erosion control and appropriate runoff control (k) Design elements of developments so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on the property; and (l) Avoid concentration of flow onto downstream properties due to walls and fences around properties that cross natural drainage channels.

Table 1 Disaster Risk Reduction measures for flooding contained within the By-Law for Stormwater (Stellenbosch Municipality)

2.3. STELLENBOSCH MUNICIPALITY BY-LAW RELATING TO WATER SERVICES

The following table gives a summary of the provisions in the By-Law Relating to Water Services that give the municipality authority to monitor and enforce these provisions in support of Disaster Risk Reduction.

SECTION IN BY-LAW	SECTION IN BY	DISASTER RISK REDUCTION MEASURES
Part 2 Standards, (83)-	Pollution of Water	An owner must provide and maintain approved measures to prevent the entry of any substance, which might be a danger to health or adversely affect the portability of water or affect its fitness for use, into- (a) The water supply system; and Any part of the water installation on his premises.
Part 2: Standards, (84)	Water Restrictions	(1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent, by public notice – (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction – (i) in general or for specified purposes; (ii) during specified hours of the day or on specified days; and (iii) in a specified manner; and (b) Determine and impose – (i) a restriction on the quantity of water that may be consumed over a specified period; (ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(b)(i); (iii) a general surcharge on the determined charges in respect of the supply of water; and (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

Table 2 Disaster Risk Reduction Measures for Water Use contained in the Water Services By-Law

2.4. INTEGRATION OF DISASTER RISK REDUCTION INTO DEVELOPMENT PLANNING PROCESSES

This section discusses the various avenues that provide an opportunity for integrating DRR into development planning processes such as the Spatial Development Framework (SDF), development approval processes and sector plans.

2.4.1. INTEGRATION OF DISASTER RISK REDUCTION INTO THE SPATIAL DEVELOPMENT FRAMEWORK

Considering that DRR can be integrated into various processes, the Spatial Development Framework offers a unique governance and policy mechanism for integration. The Stellenbosch Municipality Spatial Development Framework has seven principles which are listed below:

1. First, maintain and grow the assets of Stellenbosch Municipality’s natural environment and farming areas;
2. Second, to respect and grow the cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations;
3. Third, within developable areas – areas not set aside for limited development owing to their natural or cultural significance – allow future opportunities to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented, or expanded;
4. Fourth, clarify and respect the different roles and potentials of existing settlements;
5. Fifth, address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunities related to natural assets, cultural assets, infrastructure, and the role of settlements;
6. Sixth, pursue balanced communities. All settlements should be balanced.
7. Finally, focus energy on a few catalytic areas that offer extensive opportunity and address present risk.

Unfortunately, none of the principles addresses either DRR or Climate Change Adaptation (CCA) directly or indirectly. It is imperative, that to develop sustainable spaces, the municipality integrate DRR into its planning processes in a coordinated and intentional manner.

This can be expressed through the governance and policy mechanisms of the municipality such as the SDF. Therefore, there is an opportunity to explicitly express DRR as a principle within the SDF. Moreover, spatial planning can be used to reduce people's vulnerability, by locating them closer to economic opportunities which allows them easier access to employment and services such as healthcare and education.

2.4.2. INTEGRATION OF DISASTER RISK REDUCTION INTO THE DEVELOPMENT APPROVAL PROCESS

Chapter V of the Stellenbosch Municipality By-Law on Municipal Land Use Planning (2023) has a criterion for development planning that supports the inclusion of DRR measures in planning decisions. These include the following:

- (iv) impact on safety, health, and well-being of the surrounding community;
- (vi) impact on the biophysical environment;
- (vii) whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land.

Criterion (iv) mentions the safety, health, and well-being of the surrounding community, this can also allude to ensuring communities are safe from disaster hazards which the development can exacerbate or create new risks. This gives a mandate to the municipality to ensure that the impact of new developments does not adversely impact communities. Moreover, where a development may have an adverse impact, section 66 (1) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning enables the municipality to mitigate the adverse impacts of the development. Conditions that can be used to impose DRR measures upon a development include (i) requirements aimed at addressing climate change- this would specifically speak to climate-related hazards.

2.4.3. OPPORTUNITIES TO INTEGRATE DISASTER RISK REDUCTION MEASURES IN DEVELOPMENT PLANNING

The municipality can take other measures to strengthen the process of integration of DRR into its development planning processes. Measures that can be undertaken include the following:

- Conditions for new developments should include as a requirement rainwater harvesting so that sustainable development can be promoted and that residents contribute to building water resilience against future droughts.
- There is an increased pressure for urban sprawl in Stellenbosch and in particular, urban growth is threatening to move into natural areas, these developments increase fire risk and other hazards. It is therefore imperative that better and coordinated integration of DRR measures into development planning. For example, integrate Disaster Management Practitioners into spatial development planning and development approval processes is needed.
- Inclusion of the Fire Services in the Environmental Impact Assessment process and resulting in preventative and mitigating measures included in the Record of Decisions.
- Articulate that DRR and/or CCA be adopted as one of the principles of the SDF.

2.4.4. OPPORTUNITIES FOR INTEGRATION OF DISASTER RISK REDUCTION MEASURES INTO SECTOR PLANS

DRR can be integrated into sector plans to build resilience and support sustainable development, this can be done through:

- Vulnerability reduction through positioning local economic development for communities with multiple vulnerabilities;
- Integration of DRR into infrastructure projects;
- Integration of DRR into housing projects;
- Promoting conservation and sustainable water use for water services and
- Using transport plans as a means to reduce vulnerability and ensure transport services are resilient against shocks.

3. DISASTER RISK REDUCTION MEASURES

This section outlines the current and proposed DRR measures for the various hazards that were identified in the Stellenbosch Municipality Ward-Based Disaster Risk Assessment. These hazards include Water Pollution, Wildfire, Drought, Informal Settlement Fire, Urban Flooding, and Riverine Flooding.

3.1. DISASTER RISK REDUCTION MEASURES FOR WATER POLLUTION

TECHNOLOGICAL HAZARD		
WATER POLLUTION		
Objective	Reduce the incidents of water pollution and make the public aware of the importance of cleaner rivers	
Areas Affected	Various rivers in the municipal area.	
Performance Indicators	Stellenbosch Municipality has reduced incidents of river pollution.	
	Residents are more aware of the importance of keeping their rivers clean.	
	The rivers in Stellenbosch are clean.	
PROPOSED DRR MEASURES		
DESCRIPTION	STAKEHOLDERS	ESTIMATED COST OF PROJECT
Development of an emergency response plan for a water-borne disease outbreak.	CWDM Municipal Health Services (MHS) and Stellenbosch Municipality	
Increase capacity to fully implement the functions of Environmental Health at the District level, to strengthen ongoing monitoring of rivers.	CWDM MHS	
Reprioritisation of resources to focus on prevention including awareness, education and enforcement measures.	CWDM MHS	

Development of an awareness and education strategy to address behavioural issues and highlight the negative impacts of pollution on the community itself.	CWDM MHS	Page 436
Skills development for existing staff to contribute towards improving the functionality of wastewater plants.	Stellenbosch Municipality Water Services	
Recruitment of technical staff to increase capacity to run plants.	Stellenbosch Municipality Water Services	
Strengthen enforcement capabilities for land invasion as unplanned developments ultimately contribute to pollution as the land is not serviced.	Stellenbosch Municipality Law Enforcement and Security	
Develop partnerships with research institutions to research alternative ways of handling wastewater and construction of wastewater treatment plants.	Stellenbosch Municipality Water Services and Research Institutions	
Improve waste collection in inaccessible areas of Kayamandi and Langrug.	Stellenbosch Municipality Solid Waste Management	
Establishment of a hotline or complaint system for the reporting of water pollution particularly from industrial or manufacturing sources along the Plakenbrug and Eerste River as well as in the Meulsloot system.	Stellenbosch Municipality and CWDM MHS	
CURRENT/KNOWN DRR MEASURES BEING IMPLEMENTED		
DESCRIPTION		RESPONSIBLE/ IMPLEMENTING ENTITY
PREPAREDNESS PLANNING		
A procedure is in place for the implementation of mechanisms for monitoring upon identification of increased water pollution.	CWDM MHS	
AWARENESS, EDUCATION AND TRAINING		
Multi-hazard campaigns for schools are conducted within the Stellenbosch	CWDM MHS	

Municipality area.	
Provide informal education sessions with residents about dumping during routine inspections.	CWDM MHS
POLICIES AND REGULATIONS	
The Municipal Health By-law is in place.	CWDM MHS
ENFORCEMENT	
The monitoring, reporting and enforcement of the Municipal Health By-Law with respect to dumping is ongoing.	CWDM MHS

HYDRO-METEOROLOGICAL HAZARDS		
WILDFIRE		
Objective	To undertake measures to reduce fire load and reduce the number of uncontrolled fires.	
Areas Affected	Areas in the Wildland-Urban interface, open spaces, and rural farm areas within the municipality.	
Performance Indicators	A reduction in uncontrolled fires in the Stellenbosch Municipality.	
	A reduction in fuel load.	
	An increase in the number of prescribed burns completed.	
	All fire breaks are regularly maintained.	
PROPOSED DRR MEASURES		
DESCRIPTION	STAKEHOLDERS	ESTIMATED COST OF PROJECT
A review of the District Fire Safety By-law.	CWDM Fire Services	
The standardization of Fire Safety By-Laws in the province.	WC: PDMC	
The review of the fire services functions in South Africa.	Department of Cooperative Governance and Traditional Affairs	
Training of firefighters for wildfire management.	CWDM Fire Services and Stellenbosch Municipality	R100 000
Conduct regular fuel load reduction through prescribed burning and the removal of biomass during alien vegetation clearing.	CWDM Fire Services, Cape Nature, Winelands Fire Protection Association (FPA)	
Development of an integrated fire awareness strategy.	CWDM Fire Services, Winelands FPA, Cape Nature, WOF and	

Page 439

	Stellenbosch Municipality	
Strengthen enforcement of the current by-laws such as the Fire Safety By-Law and Community Safety By-Law.	CWDM Fire Services and Stellenbosch Municipality	
Better management and compliance of land belong to the Department of Forestry, Fisheries, and the Environment.	Department of Forestry, Fisheries and the Environment	
CURRENT/KNOWN DRR MEASURES BEING IMPLEMENTED		
DESCRIPTION	RESPONSIBLE/ IMPLEMENTING ENTITY	
PREPAREDNESS PLANNING		
An Integrated Wildfire seasonal plan is in place.	CWDM Fire Services, Stellenbosch Municipality and Winelands FPA	
A Memorandum of Understanding between the Districts and Local Municipalities to assist with resources during fires.	CWDM Fire Services, Stellenbosch Municipality Fire and Rescue.	
Identification, development, maintenance and mapping of strategic fire breaks.	CWDM Fire Services, Stellenbosch Municipality Fire and Rescue, Winelands FPA and Cape Nature	
Annual infrastructure risk assessment is conducted.	Cape Nature	
The dissemination of early warnings and the Fire Danger Index (FDI).	Cape Nature, Cape Winelands Disaster Management Centre (CWDMC), Cape Winelands Communications, Stellenbosch Municipality Fire and Rescue and Winelands FPA	
An approved fire protection plan for Stellenbosch Municipality.	CWDM Fire Services and Stellenbosch Municipality Fire and Rescue	
FDI threshold triggered preparedness activities for Cape Nature Reserves.	Cape Nature	
An established Cape Winelands Veldfire Working Group for integrated planning.	CWDM Fire Services, Winelands FPA, Cape Nature, Working on Fire and Stellenbosch Municipality Fire and	

	Rescue
Annual tenders for aerial resources and ground teams for responding to fires.	CWDM Fire Services
AWARENESS, EDUCATION AND TRAINING	
A partnership between Stellenbosch Municipality and Stellenbosch University for the conducting of fynbos management and climate change education and awareness in schools.	Stellenbosch Municipality Environmental Management and Stellenbosch University
Established an Eco-centre for school learners concerning the natural environment.	Stellenbosch Municipality Environmental Management
In-house training of Expanded Public Works Program Workers (EPWP) skilled in terms of using equipment and plant identification, Invasive Alien plants for clearing.	Stellenbosch Municipality Environmental Management
Training conducted for forest and wildfire management for response.	Cape Nature
Training of FPA members in wildfire response.	Winelands FPA
Fire awareness programme is conducted in schools.	Cape Nature
Social media fire awareness campaign is conducted.	CWDM Communications, Winelands FPA and Stellenbosch Municipality Communications
Ongoing awareness campaigns are conducted for fires in various communities across the municipal area.	Stellenbosch Municipality Disaster Management
POLICIES AND REGULATIONS	
An invasive alien plan management plan is in place.	Stellenbosch Municipality Environmental Management.

HYDRO-METEOROLOGICAL HAZARDS		
DROUGHT		
Objective	To ensure water security and resilience to drought.	
Areas Affected	The Stellenbosch Municipal area.	
Performance Indicators	Improved preparedness for drought.	
	Increased number of households with water tanks.	
PROPOSED DRR MEASURES		
DESCRIPTION	STAKEHOLDERS	ESTIMATED COST OF PROJECT
An education and awareness campaign to sensitize the public, especially in informal settlement areas on water saving.	Stellenbosch Municipality, CWDM Communications, CWDMC	
Capacitation of internal staff and recruitment of qualified and experienced staff must be undertaken so that water plants and borehole equipment can be well maintained.	Stellenbosch Municipality Water Services	
Research into the recharging of aquifers.	Stellenbosch Municipality Water Services and Tertiary Institutions	
Development of an awareness, education and training strategy to address how awareness, education, and training is done to change the mindset on water use and how to save water.	Stellenbosch Municipality Communications	

Inclusions of conditions for new developments to include water-saving devices and rain water harvesting.	Stellenbosch Municipality Spatial Planning and Land Use Management	
Increase drought water tariffs to benchmark them with other municipalities.	Stellenbosch Municipality Water Services	
Development of a Drought Risk Management Plan.	Stellenbosch Municipality Water Services	
Upgrading of the Wemmershoek Sewerage Recycling Plant	Stellenbosch Municipality Water Services	

CURRENT/KNOWN DRR MEASURES BEING IMPLEMENTED

DESCRIPTION	RESPONSIBLE/ IMPLEMENTING ENTITY
INFRASTRUCTURE AND PREPAREDNESS PLANNING	
Installation of various boreholes equipped with containerized water treatment plant.	Stellenbosch Municipality Water Services
Contingency planning for water augmentation as part of the Berg River Voelvlei Water Augmentation Scheme in the case of a water shortage or drought.	Stellenbosch Municipality Water Services
Installation of smart water meters in formal settlements.	Stellenbosch Municipality Water Services
Indigent leak repair programme.	Stellenbosch Municipality Water Services
AWARENESS, EDUCATION AND TRAINING	
Ongoing campaign that encourages wise water use that is done through the social media pages of the municipality.	Stellenbosch Municipality Communications
Distribution of dam levels to role players.	CWDMC Communications

TECHNOLOGICAL HAZARDS		
INFORMAL SETTLEMENT FIRES		
Objective	To build resilience by reducing the number of fire incidents in informal settlements by putting in place DRR measures that aim to protect lives and ensure sustainable livelihoods.	
Areas Affected	Informal settlements within the Stellenbosch Municipality.	
Performance Indicators	A substantial reduction in the occurrence of informal settlement fires.	
	A reduction in several houses affected by informal settlement fires.	
PROPOSED DRR MEASURES		
DESCRIPTION	STAKEHOLDERS	ESTIMATED COST OF PROJECT
Enforcement of land use management policy to prevent mushrooming of backyard dwellers.	Stellenbosch Municipality Law Enforcement and Security	
Use fire-retardant paint on houses in informal settlements.	Stellenbosch Municipality Disaster Management and Informal Settlement Upgrade and Management	R100 000
Housing projects to address informal settlements.	Stellenbosch Municipality Informal Settlement Upgrade and Disaster Management	
Creation of an anti-land invasion unit for the municipality.	Stellenbosch Municipality	

CURRENT/KNOWN DRR MEASURES BEING IMPLEMENTED	
DESCRIPTION	RESPONSIBLE/ IMPLEMENTING ENTITY
PREPAREDNESS PLANNING	
The municipality has a program that is aimed at the prevention of illegal electricity connections.	Stellenbosch Municipality Informal Settlement Upgrade and Management
Maintenance of spaces and road reserves in informal settlements to allow for access of emergency vehicles.	Stellenbosch Municipality Informal Settlement Upgrade and Management
A preparedness and response plan for informal settlement fires has been developed.	Stellenbosch Municipality Disaster Management, Department of Social Development and Department of Home Affairs.
Ongoing installation of smoke alarms in high-risk vulnerable communities.	Stellenbosch Municipality Fire Services
Distribution of Fire Killa extinguishers in high-risk communities.	Stellenbosch Municipality Fire Services
Inclusion of a smoke alarm in emergency housing kits provided by the municipality	Stellenbosch Municipality Fire Services
AWARENESS, EDUCATION AND TRAINING	
Community workers trained in conducting ward-based disaster risk assessments which include risk assessments for informal settlement fires.	Stellenbosch Municipality Disaster Management
Training of EPWP workers in disaster management to assist with post-incident recovery and awareness campaigns.	Stellenbosch Municipality Disaster Management
Awareness campaigns and distribution of awareness materials to communities.	Stellenbosch Municipality Disaster Management
Ongoing awareness campaigns for informal settlement fires through various media platforms such as social media and print media.	Stellenbosch Municipality Communications and Western Cape Government.
Provision of awareness materials to municipalities.	WC: PDMC
POLICIES AND REGULATIONS	

An approved emergency housing assistance policy which covers disasters and eviction orders and makes provisions for relocation of people in the case where areas are declared uninhabitable.	Stellenbosch Municipality Informal Settlement Upgrade and Management
ENFORCEMENT	
Enforcement is by Law Enforcement and red ants to prevent new informal settlements from being set up (organized informal settlements).	Stellenbosch Municipality Law Enforcement and Security and Red Ants
Prevention of illegal electricity connections so that unsafe connections that can lead to informal settlement fires are reduced.	Stellenbosch Municipality Informal Settlement Upgrade and Management
INFRASTRUCTURE	
Electrification of informal settlements will help reduce the occurrence of informal settlement fires as unsafe fuel sources will be eliminated.	Stellenbosch Municipality Informal Settlement Upgrade and Management
Interim basic services (water, and sanitation) is provided and this includes putting fire hydrants in the informal settlements.	Stellenbosch Municipality Water Services, Stellenbosch Municipality Transport, Roads and Storm Water, Stellenbosch Municipality Water Services

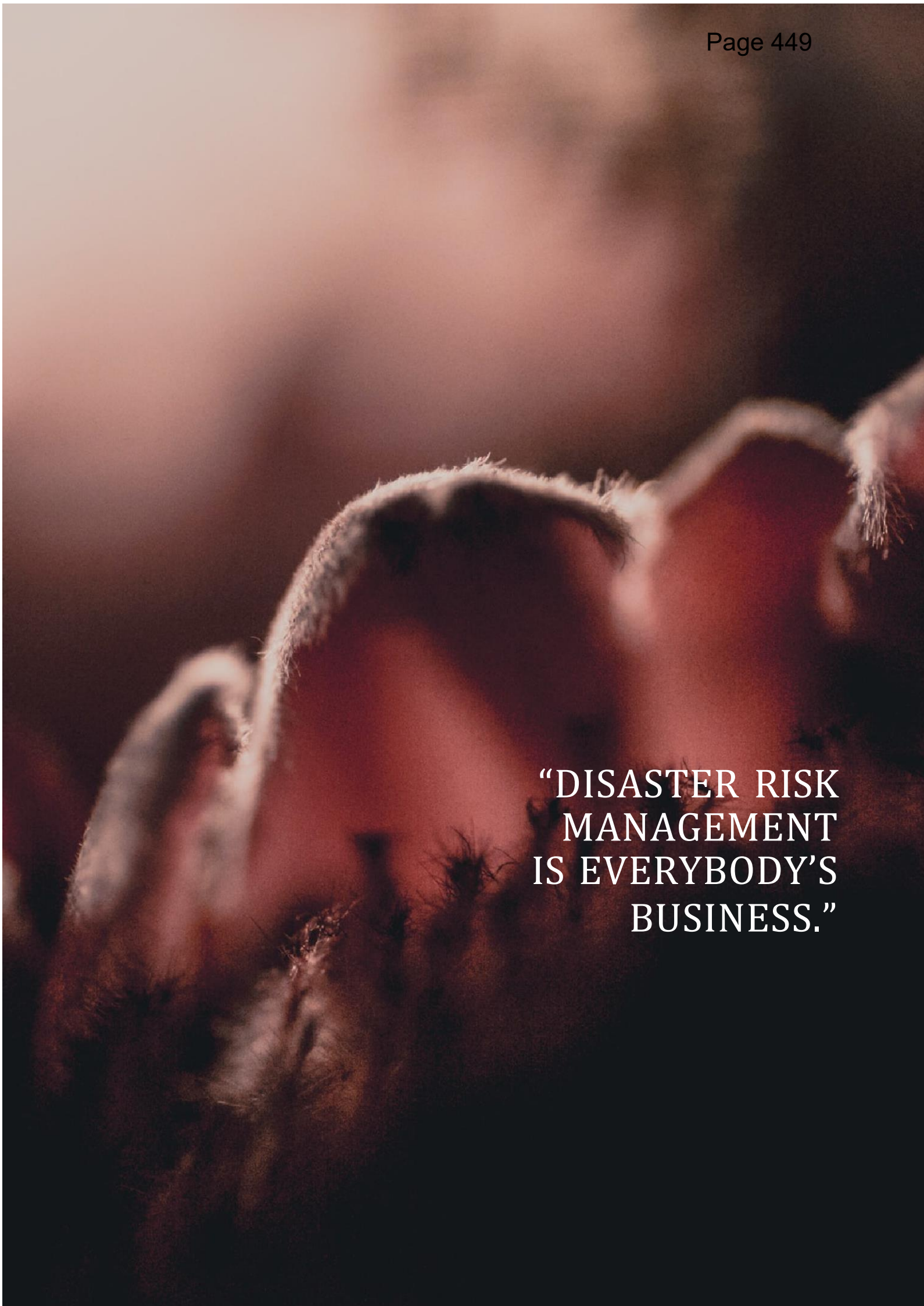
TECHNOLOGICAL HAZARDS		
FLOODING		
Objective	To reduce the impact of flooding on people, property, and infrastructure and to avoid the placement of infrastructure on a floodplain.	
Areas Affected	Stellenbosch Municipal Area	
Performance Indicators	A reduction in urban areas impacted by flooding	
	An increase in community resilience to flooding	
PROPOSED DRR MEASURES		
DESCRIPTION	STAKEHOLDERS	ESTIMATED COST OF PROJECT
Rebuilding roads and bridges which were washed away during 2023 floods. Improvements to infrastructure to accommodate more stormwater will be taken into consideration.	Stellenbosch Municipality Transport, Roads, and Stormwater	
Development of retention ponds linked to treatment plants and new township developments to reduce run-off.	Stellenbosch Municipality Waster Services and Stellenbosch Municipality Transport, Roads, and Stormwater	

Undertake flood risk assessment studies and flood line studies to generate better risk knowledge that will inform development planning, land use development approvals and ensure appropriate preparedness and response plans are formulated.	Stellenbosch Municipality Disaster Management, Stellenbosch Municipality Transport, Roads and Stormwater and Tertiary Institutions	
Create a centralized GIS portal for risk information including risk assessment mapping and Stormwater Master Plan Mapping which will assist in facilitating risk knowledge sharing, eliminate fragmented planning, and ensure standardization of risk knowledge used for planning and disaster risk and preparedness.	Stellenbosch Municipality Disaster Management	
An interdepartmental approach to addressing and relocating communities identified to be in high-risk areas for flooding. This includes houses beneath the dam in Langrug.	Stellenbosch Municipality Informal Settlement Upgrade and Management.	

CURRENT/KNOWN DRR MEASURES BEING IMPLEMENTED

DESCRIPTION	RESPONSIBLE/ IMPLEMENTING ENTITY
PREPAREDNESS PLANNING	
Updating of the Stormwater Master Plan to assess the stormwater system which includes ascertaining if it can accommodate the additional run-off and the identification of flood hotspots.	Stellenbosch Municipality Transport, Roads and Stormwater
Inclusion of a flood risk study in the Stormwater Master Plan which includes determination of flood lines and flood modeling.	Stellenbosch Municipality Transport, Roads and Stormwater
Continuous proactive operations including the clearing of stormwater drainage in flood hotspots upon receipt of severe weather warnings.	Stellenbosch Municipality Transport, Roads and Stormwater

Winter preparedness plan and operations.	Stellenbosch Municipality Transport, Roads and Stormwater
Maintaining stormwater drainage and riverbanks as part of flood management and risk reduction	Stellenbosch Municipality Transport, Roads and Stormwater
AWARENESS, EDUCATION AND TRAINING	
Ongoing awareness campaign that is done through social and print media platforms for flooding.	Stellenbosch Municipality Communications
Flood warnings are continuously disseminated when received from South African Weather Services on various social media platforms and through WhatsApp groups.	Stellenbosch Municipality Communications
Distribution of early warnings to all role players via email and social media.	CWDMC and CWDM Communications
Flood awareness is included in ongoing campaigns.	CWDMC
Distribution of flood awareness via social media.	Western Cape Government Department of Local Government Communications, WC: PDMC
Development, distribution, and provision of flood awareness materials to municipalities	WC: PDMC
POLICIES AND REGULATIONS	
An approved emergency housing assistance policy covers disasters and eviction orders and makes provisions for relocation of people in the case where areas are declared uninhabitable.	Stellenbosch Municipality Informal Settlement Upgrade and Management



“DISASTER RISK
MANAGEMENT
IS EVERYBODY’S
BUSINESS.”

10.1.3	SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000
--------	---

Collaborator No:

IDP KPA Ref No:

Safe Valley

Meeting Date:

16 October 2024 & 30 October 2024

1. SUBJECT: SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000

2. PURPOSE

To request Council approval for the surrender and destruction of one firearm (12 bore shotgun) in terms of the Firearms Control Act, Act 60 of 2000.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Community and Protection Services Directorate have one Franchi 12 Bore shotgun that it wishes to surrender and destroy.

The firearm is damaged and is irreparable.

The firearm that needs to be destroyed have to be dealt with in terms of Section 149 of the Firearms Control Act 2000 read with regulation 94 of the Firearms Control Regulations 2004, which prescribes that "*firearms may only be destroyed*", after it is declared "*forfeited to the State*".

5. RECOMMENDATIONS

- (a) that Council approves the surrender for destruction of the mentioned firearm;
- (b) that the SAPS be authorized to deal with the said item in terms of Section 149 of the Firearms Control Act, Act 60 of 2000 read with regulation 94 of the Firearms Control Regulations of 2004, that is, to destroy the said firearm;
- (c) that the asset register be amended to reflect the surrender of said items, after notification by the SAPS that the said firearm had been destroyed; and
- (d) that the department be allowed to replace the firearm that will be surrendered with a new firearm.

6. DISCUSSION / CONTENTS

6.1 Discussion

The department has nine 12 bore shotguns that is used by law enforcement officers in the execution of their duties. One Franchi 12 bore shotgun with serial number 04505S is damaged and is irreparable. Hence the request for destruction of the firearm.

Section 149 of the Firearms Control Act 2000 states a firearm can only be surrendered to and destroyed by the State.

A firearm forfeited to the State must be destroyed by the State within six months of the date of forfeiture.

In terms of regulation 94 (1) of the Firearms Control Regulations 2004, "*.....the owner of a firearm or ammunition may surrender that firearm or ammunition to the South African Police Service*". Sub-regulation (3) prescribes that "*The South African Police Service may in accordance with the provisions of this Act, dispose of a firearm or ammunition that is surrendered...*"

The mentioned firearm must be surrendered to Stellenbosch SAPS for destruction. A receipt must be handed over to the person from whom the firearm or ammunition is received.

SAPS will investigate circumstances to establish whether an offence has been committed with or in respect of the firearm. If no offence with or in respect of the firearm had been committed, SAPS will proceed with the destruction of the firearm and will notify the Responsible Person of the municipality of the destruction.

6.2 **Financial Implications**

None

6.3 **Legal Implications**

The surrender and destruction of the firearm will be dealt with in terms of the provisions of The Firearms Control Act (Act 60 of 2000)

6.4 **Staff Implications**

This report has no staff implications to the Municipality.

6.5 **Previous / Relevant Council Resolutions:**

None

6.6 **Risk Implications**

None

6.7 **Comments from Senior Management:**

The item was not circulated for comments.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.1.1

- (a) that Council approves the surrender for destruction of the mentioned firearm;
- (b) that the SAPS be authorized to deal with the said item in terms of Section 149 of the Firearms Control Act, Act 60 of 2000 read with regulation 94 of the Firearms Control Regulations of 2004, that is, to destroy the said firearm;
- (c) that the asset register be amended to reflect the surrender of said items, after notification by the SAPS that the said firearm had been destroyed; and
- (d) that the department be allowed to replace the firearm that will be surrendered with a new firearm.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Daniel Jonkers</i>
POSITION	<i>Chief: Law Enforcement Services</i>
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8814
E-MAIL ADDRESS	<i>Daniel.jonkers@ Stellenbosch.gov.za</i>
REPORT DATE	8 August 2024

10.2	SPORTS, YOUTH AND CULTURE: [ACTING PC: CLLR J FASSER]
------	--

NONE

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
------	---

10.3.1	POSSIBLE REVIEW AND RESCISION OF COUNCIL RESOLUTION ON THE DISPOSAL OF ERF 347 GROENDAL (LE ROUX)
--------	--

Collaborator No: 775196
 IDP KPA Ref No: Good Governance
 Meeting Date: 16 October 2024

1. SUBJECT: POSSIBLE REVIEW AND RESCISION OF COUNCIL RESOLUTION ON THE DISPOSAL OF ERF 347 GROENDAL (LE ROUX)

2. PURPOSE

To obtain Council's approval to review and rescind the Council resolution to dispose of Erf 347 Groendal (Le Roux) by way of Call-for-Proposal for possible Gap Housing opportunities and for Council to consider disposing of the property by way of Public Auction.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 21 May 2019 Council considered an item to dispose of Erf 347 Groendal (Le Roux). This property was donated to the Stellenbosch Municipality by the Provincial Housing Board and registered in the name of the Municipality in 2014. Council resolved, *inter alia*, to dispose of the property by going out on a Call for Proposal soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies.

The property is zoned single residential and is only 537 m² big. The Property Management Section discussed the possibility of gap housing with the Housing Department who indicated that the property is not big enough to consider for gap housing. The zoning is also for single residential and not multiple units, and it will have to be rezoned. The property is situated between two other single residential units

Council should consider if the 2019 resolutions should be reviewed and rescinded so that the property rather be sold on auction to the highest bidder. Council may attach provisions to the disposal regarding what may be developed on the site. This area is one in which there is a high demand for community development needs like churches and other social activities.

5. RECOMMENDATIONS

- (a) that Council rescinds the resolution dated 21 May 2019;
- (b) that Erf 347 Groendal (Le Roux) be identified as land not needed to provide the minimum level of basic municipal services;
- (c) that Council approves the disposal of the erf by way of public auction with a reserve price determined by an independent valuator;
- (d) that the buyer be responsible for the payment of the costs for the transfer and possible rezoning of the property;
- (e) that the risk transfers to the buyer on occupation; and
- (f) that the successful bidder has to take occupation of the property after the auction approval and ensure transfer of the property within 6 months after the auction has been finalised.

6. DISCUSSION / CONTENTS**6.1.1 Background**

Erf 347 Groendal (Le Roux) was donated to the Stellenbosch Municipality by the Provincial Housing Board and registered in the name of the Municipality in 2014. In May 2019 Council resolved that the property should go out on Call-for-Proposal for possible gap housing opportunities soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies.

The property is zoned single residential and is only 537 m².

6.1.2 Property description and Location

Erf 347 Groendal (Le Roux) is situated in Keerom Street, Groendal as indicated on Fig 1 and 2 below. The property is registered in the name of the Stellenbosch Municipality.



Fig 1: Location and Context



Fig 2: Extent of Property

6.2 DISCUSSION

On 21 May 2019 Council considered an item to dispose of Erf 347 Groendal (Le Roux). This property was donated to the Stellenbosch Municipality by the Provincial Housing Board and registered in the name of the Municipality in 2014. Council resolved, *inter alia*, to dispose of the property by going out on a Call for Proposal soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies.

The property is zoned single residential and is only 537 m². The Property Management Department discussed the possibility of gap housing with the Housing Department who indicated that the property is not big enough to consider for gap housing. The zoning is also for single residential and not multiple units, and it will have to be rezoned. The property is situated between two other single residential units.

The current Council resolution as it stands will be difficult to implement based on the size of the property as well as the zoning.

6.3. Legal Implications and Framework

6.3.1: 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.”

6.3.2 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

6.3.3 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:

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.*
 - a) *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.*
 - b) *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.*

6.4 Financial Implications

A valuator will have to be appointed to determine the market related value of the property. The Municipality will have to carry the costs of the valuator. The successful bidder will carry the costs of the registration of the property.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

27TH COUNCIL MEETING: 2019-05-29: ITEM 7.2.2 RESOLVED (majority vote)

(a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;

(b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies;

(c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and

(d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.

6.7 Risk Implications

If the property is not sold it will remain vacant and could possibly be subject to illegal occupation.

6.8 Comments from Senior Management

This item was circulated during September 2024 for comments and no comments have been received by the administration.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.3.2

- (a) that council review and rescinds the resolution dated 21 May 2021;
- (b) that Erf 347 Groendal (Le Roux) be identified as land not needed to provide the basic municipal services;
- (c) that Council approves the disposal of the erf by way of public auction at a reserve price (the market value of the erf) determined by an independent valuator;
- (d) that the auction provisions includes the following of which proof must be provided to the municipality at the auction:
 - (i) the buyer must be a resident of Mooiwater and Groendal for a period of at least 10 Years;
 - (ii) that the buyer may not have received any form of financial assistance/subsidy from the state in obtaining a house/serviced site previously;
 - (iii) that the buyer may not own other fixed assets at the time of the auction;
 - (iv) that the buyer must be a first-time homeowner;
 - (v) that the land must be used to build housing for the buyer him/herself within 2 years of transfer;
 - (vi) that a restrictive condition be written into the title deed that if the building is not constructed within this period the property will fall back to the municipality to be bought back at the same price it was sold at the auction;
 - (vii) that a further restrictive clause be written into the title deed that the property may not be sold for a period of at least 8 years and if the owner wants to sell the property the property will fall back to the municipality to be bought back at the property at the price it was sold on auction.

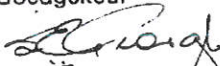
NAME	Annalene De Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	annalene.debeer@ Stellenbosch.gov.za
REPORT DATE	2024 – 10 - 08

APPENDIX 1

SYE METERS		RIGTINGS-HOEKE	KOÖRDINATE			L.G. No.
			Y	Stelsel	Lo 19° X	
		Konstante		+	0,00	+3700000,00
ab	25,00	312 31 10	a	-	9 577,44	+ 51 909,39
bc	16,00	42 31 10	b	-	9 595,87	+ 51 926,29
cd	27,31	108 48 00	c	-	9 585,05	+ 51 938,08
da	26,98	222 31 10	d	-	9 559,20	+ 51 929,28
3319/22		French Hoek		-	9 267,35	+ 47 936,71
3319/49		Middenberg		-	6 881,61	+ 52 965,39

9 9 9 6 / 7 7

Goedgekeur



w Landmeter-generaal

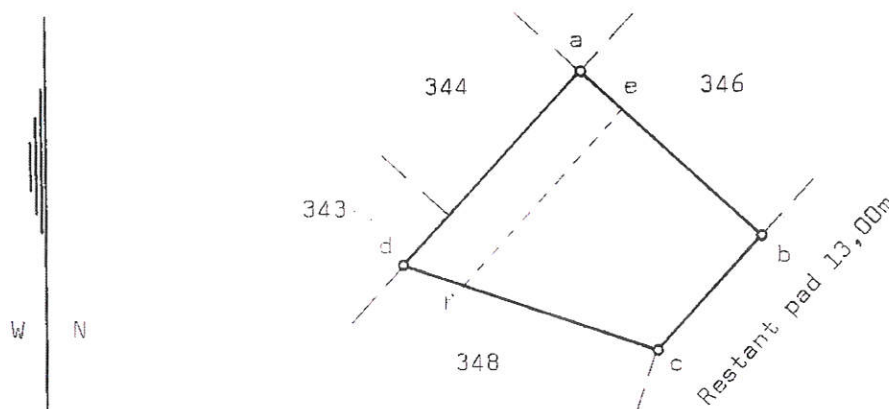
25. 4 . 78

Goedgekeur

[Signature]

Landmeter-generaal
25.4.78

a b c d 12mm ronde ysterpen



Skaal 1: 750

Die figuur a b c d

stel voor 537 vierkante meter

grond, synde

ERF 347, 'n gedeelte van ERF 234 LE ROUX

geleë in die Munisipaliteit van Franschhoek

Administratiewe Distrik

Paarl

Provinsie Kaap die Goeie Hoop.

Opgemeet in Oktober - Desember 1977

deur my, ons

[Signature]
Landmeters

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

Die oorspronklike kaart is.
No. 10143/76 geheg aan
Transport/Grondbrief
No.

Lêer No. S/6378/2
M.S. No. E.2438/77.
Komp. BI-7CAD (3094)
Alg Plan F 19 (2627)
BI-7CA/W53(6391)

C

Registrateur van Aktes

APPENDIX 2

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

LE ROUX, 234, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2018/08/21 08:08
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 234
Portion Number 0 (REMAINING EXTENT)
Township LE ROUX
Local Authority FRANSCHHOEK MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T14137/1980
Extent 800.0000DUM
Previous Description -
LPI Code C05500060000023400000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T44661/2014
Registration Date 2014/08/20
Purchase Price (R) TRANSFER BY ENDORSEMENT
Purchase Date -
Share 0.00
Microfilm -
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (7)

#	Document	Institution	Amount (R)	Microfilm
1	COMP-15-ERVEN	-	UNKNOWN	-
2	NOW SUBDIVISION	TOWN LE ROUX ,ERF 303 ,PRTN 0	UNKNOWN	-
3	NOW SUBDIVISION	TOWN LE ROUX ,ERF 326 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN LE ROUX ,ERF 310 ,PRTN 0	UNKNOWN	-
5	NOW SUBDIVISION	TOWN LE ROUX ,ERF 303 ,PRTN	UNKNOWN	-
6	NOW SUBDIVISION	TOWN LE ROUX ,ERF 326 ,PRTN	UNKNOWN	-
7	NOW SUBDIVISION	TOWN LE ROUX ,ERF 310 ,PRTN	UNKNOWN	-

Printed: 2018/08/21 08:08

HISTORIC DOCUMENTS (6)				
#	Document	Owner	Amount (R)	Microfilm
1	T14137/1980	COMMUNITY DEVELOPMENT BOARD	UNKNOWN	2007 1268 0812
2	T14137/1980	PROVINCIAL HOUSING DEVELOPMENT BOARD-WESTERN CAPE	UNKNOWN	2007 1268 0812
3	T14137/1980	PROVINCIAL GOVERNMENT-WESTERN CAPE	UNKNOWN	2007 1268 0812
4	T14137/1980	NASIONALE BEHUISINGSRAAD	UNKNOWN	2007 1268 0812
5	T14137/1980	HOUSING DEVELOPMENT BOARD-WESTERN CAPE	UNKNOWN	2007 1268 0812
6	T78485/2007	PROVINCIAL GOVERNMENT-WESTERN CAPE	TRANSFER BY ENDORSEMENT	2007 1268 0788

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

10.3.2	PORTION OF FARM 528 AND PORTION OF FARM 529C ALSO FORMERLY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK
--------	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 October 2024 & 30 October 2024

1. SUBJECT: PORTION OF FARM 528 AND PORTION OF FARM 529C ALSO FORMERLY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK

2. PURPOSE

To inform council on the challenges experienced with the tender process for the implementation of the council resolution on 27 July 2022.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward. The public notice requested inputs on/before 3 September 2021. Various written submissions were received. Council resolved on 30 March 2022:

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

This decision was subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA that entailed a further public participation process indicating the specific intent for the land moving forward. The combined municipal valuation for the land is R16,7 million and the current zoning is agriculture and rural and it had a consent use for a camping site, taking into consideration that it is situated in an area surrounded by agricultural use and the airfield. Council approved the Information statement on 25 May 2022, which was subsequently published. Responses were received from four people – see discussion under 6.2.6 below. Council considered the inputs and made an in-principle decision in July 2022 to rent the property through a tender process. In compiling the tender document several obstacles were encountered especially around services to the site. The four staff members have been employed temporary to look after the site but recently despite

their presence on the property there were vandalism taking place even in daylight. The municipality has appointed a night guard to try and prevent the vandalism but is not a sustainable long-term solution due to the costs of security guards. There are also still illegal people with buildings on the site which will require eviction processes to give vacant occupation. Council has not made a final resolution as the tender process is not finalised.

Tender documents are in draft form since March 2024, but has not been finalised due to the following issues:

- i) Access to the property with a big amount of people accessing the area for the proposed uses as the current access is over a small gravel road over the property of an adjacent owner. Building a new access road will be very costly and as we are intending to rent the property will be for the municipality's account
- ii) The water is currently bought from the Zettlers. Putting in our own connections will cost in the vicinity of R 1 000 000 and will also be for our own account as it remains our property and the municipality must provide water to the property. This will be subject to provincial approval as it will have to go under the Stellenrust road.
- iii) The property is not zoned for education or business and will have to be rezoned by the municipality before it can be used in terms of the in-principle decision.
- iv) It must be noted that the property is outside the urban edge.

5. RECOMMENDATION

For consideration

6. DISCUSSION

6.1 Background

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward. The public notice requested input on/before 3 September 2021. Various written submissions were received. Council resolved on 30 March 2022:

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

This decision was subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA that entailed a further public participation process indicating the specific intent for the land moving forward. The combined municipal valuation for the land is R16,7 million and the current Zoning is agriculture and rural and it had a consent use for a camping site, taking into account that it is situated in an area surrounded by agricultural use and the airfield. Council approved the Information statement on 25 May 2022, which was subsequently published.

6.2 Discussion

6.2.1 Locality and context

Mountain Breeze Caravan Park is situated on Lease Portions 528 and 529C, measuring 20.3ha in size, as indicated on Fig 1 and 2 below.

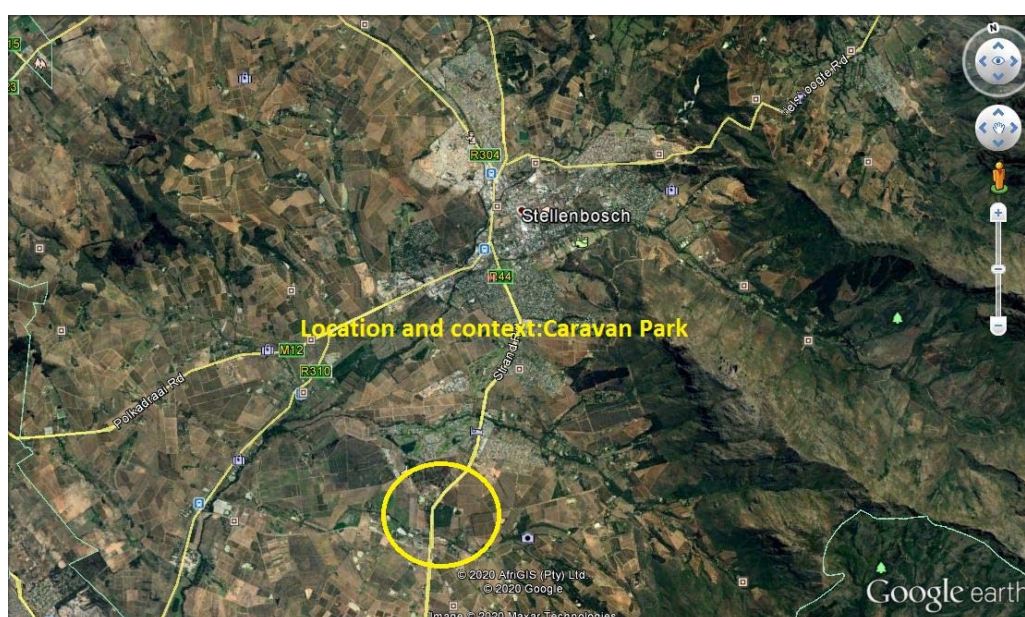


Fig 1: Location and regional context

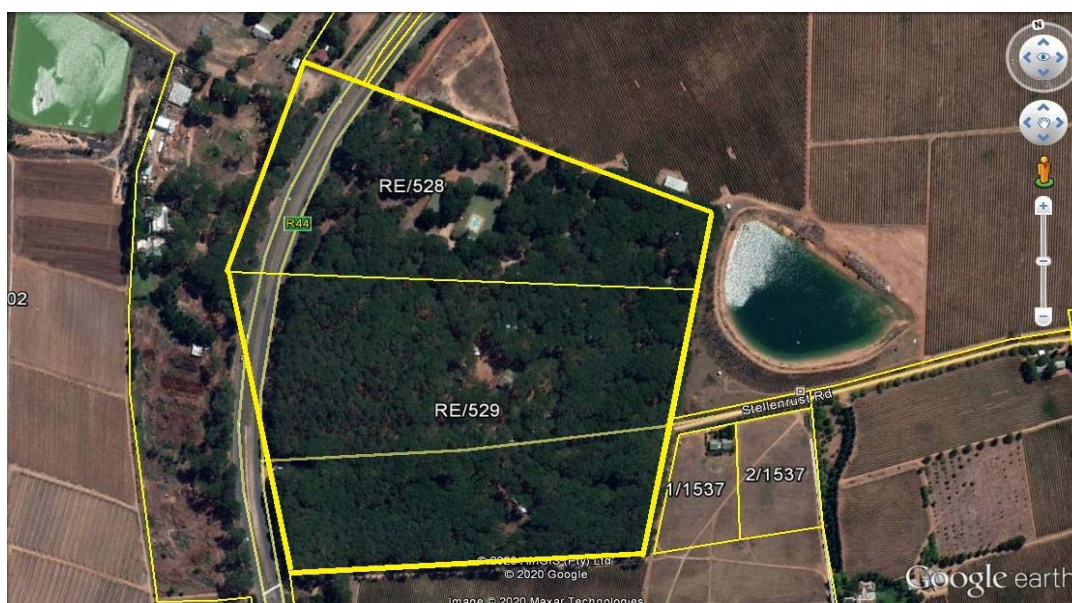


Fig 2: Extent of property(s)

6.2.2 Ownership

The ownership of the two properties vests in Stellenbosch Municipality by virtue of Title Deeds STFH-891 and STFH6-4/1890, respectively.

6.2.3 Access

Access to the property is via a registered servitude access off the R44, over a portion of Farm 1166, Stellenbosch as shown on Fig 3, below.

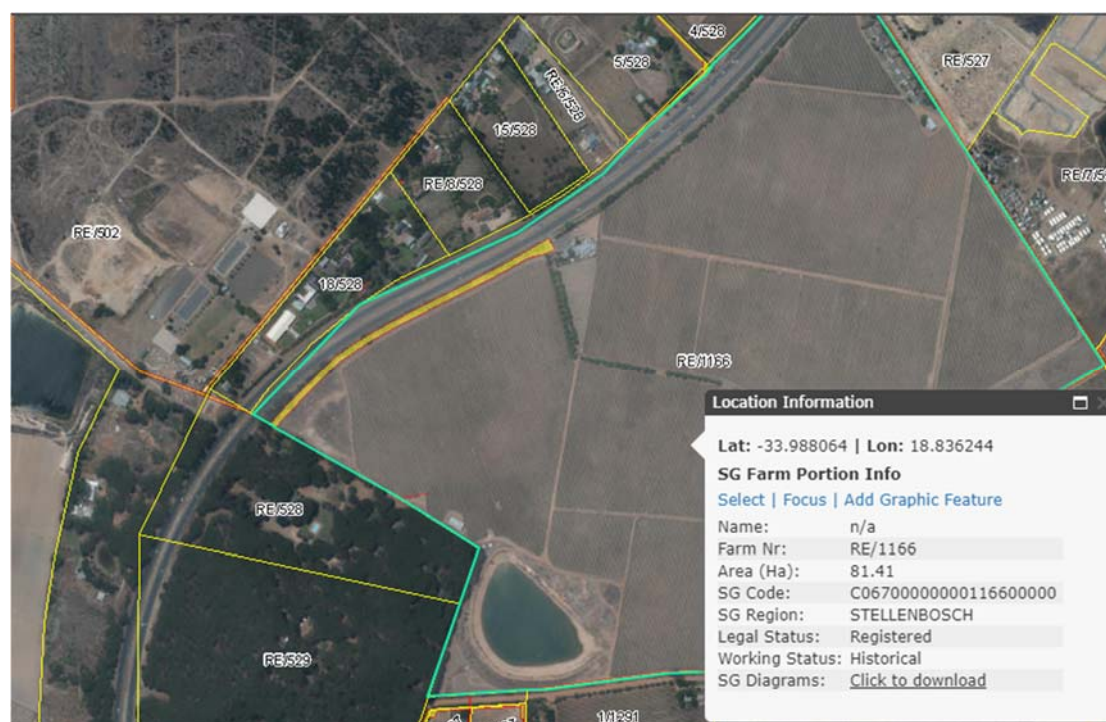


Fig 3: Access road

The servitude was registered at the Surveyor General in 1985, LG Diagram 8786/83.

6.2.4 Access to services

The property has access to irrigation water (Theewaterskloof) and is getting drinking water from a borehole situated on the neighbouring farm 1166 (Zettlers). Electricity is supplied by Eskom.

6.2.5 Improvements

There are various building and amenities on the site including some chalets, a swimming pool and a hall with a kitchen.

6.2.6 When the information statement was published in June 2022 with a closing date of 7 July 2022 the following input was received:

Brain Burgess:

SUBMISSION TO COUNCIL OF INPUT/ COMMENT/ALTERNATIVE PROPOSALS
CONCERNING MOUNTAIN BREEZE CARAVAN PARK: FOR APPLICANT
MR. D. L. ZETLER:

INTRODUCTION

In terms of the INFORMATION STATEMENT clause 3.4 requesting input/comment /alternative proposals, here is the reply and response of the applicant Mr. D. L. Zetler of Mooiberge Farms PO Box 98 Stellenbosch, concerning the previously mentioned and use of the Caravan Park, which is situated on the adjacent boundaries of Mountain Breeze farm owned by the applicant, Stellenrust Road and the R44 Highway, Stellenbosch.

INTENTION OF APPLICANT

The applicant, depending on the outcome of the proposal, is willing to enter into a lease agreement as mentioned in the Municipal Notice, to turn the existing caravan park property into a Tourist and Visitors Eco educational and Adventure Centre, as described in clause 3.3.1 of the Council resolution at the meeting, dated 30 March 2022.

INPUT / COMMENT / ALTERNATIVE PROPOSALS

The Municipal Notice calls for an Adventure, Eco and Educational Centre catering for Cycling, Hiking and other youth groups, with the property being leased on a 5 year period. However it is noted that the existing Municipal leasehold properties of Stellenbosch including the Caravan Park, historically have shown very little practical and financial advantages or benefits to the Municipality, taxpayers or Tourists of Stellenbosch.

As an alternative proposal, as called for in the Municipal Notice, should Council further consider the possibility of the sale of this property, millions of Rands could immediately flow into the Municipal coffers, which have no doubt been sorely strained by the recent downturn in the economy, resulting in drastic inflation, spiralling escalation and very high prices.

CONCLUSION

The applicant has been an immediate neighbour to the Caravan Park property for probably a longer period than the previous lessee's 30 year lease period and can say on the strength of firsthand observations, that the sale of the property would financially be a far better solution to the Municipality than reverting back to a leasehold situation, for the reasons as mentioned previously. Should the Municipality consider the alternative proposal of selling the property, the applicant would like to confirm that he would also be keen to make an offer to the Municipality for the Caravan Park.

BENEFITS TO THE MUNICIPALITY.

In consideration of the above, the income from a leasehold proposal may be sparse and spread over the period of the lease, by comparison to selling, which would provide immediate financial benefits to the Municipality, such as funds for improvement of required capital works and services of Stellenbosch. Many other shorter and longer term benefits could also be forthcoming from both the lease proposal or the sale proposal, due to the fact that the proposals are aimed at attracting more Eco Adventure seekers, Youth groups, visitors and tourists to the Historical Town and Wine lands of Stellenbosch.

CONFIRMATION.

All the above input / comments / alternative proposals are confirmed by Mr. D. L. Zetler in the above application and will be submitted to the Municipal Manager, at the offices of the Municipality in terms of clause 3.4, before the 7July,2022, in accordance with the Municipal Information Statement, Please confirm receipt of this email submission and that it was received, before the return date of the 7July, 2022, as stated in the Information Statement.

G. Hauptfleisch**RE: Mountain Breeze Caravan Park**

As invited by the Information Statement in the newspaper I would like to suggest that, as well as using the current facilities for cycling, hiking, eco-education and overnight facilities linked to these activities, the facilities also be used as a cultural hub,

incorporating theatre productions, workshops, drama festivals for professionals, amateurs and schools and for other community-based cultural activities.

The venue has the necessary infrastructure to facilitate this, as well as a convenient location. The addition of this can be utilized to help with eco-education, as theatre is the ideal vehicle to convey educational information to children and adults alike.

I think that, as well as all the other activities, a cultural hub at the centre of everything will not only be a benefit to the local population but will also be an enhancement to the suggested activities, and will also be a big drawing card for visiting tourists.

Dirk van Aarde

It is with great interest that my wife and I are following the latest developments regarding Mountain Breeze Caravan Park. I have read the information statement referenced above carefully and want to make the following comments and proposals:

- *Your vision to create a facility that can serve the youth with activities such as Cycling, Hiking, Eco Education and Adventure is wonderful. There is however more to what the facility can and should offer. What our nation, and the local community, needs is the restoration of families. This includes the healing of broken relationships between children, parents, and grandparents. Our nation will only reach its full potential once strong family ties exist.*
- *All activities offered on the premises should have one common goal in mind and that is to establish, over a period of time, a strong identity and unique purpose in each visitor.*
- *The facility should also be available to train youth coaches that can go into schools across South Africa and offer stability to the lives of our rising generation.*
- *Key to the funding of those who cannot pay for their own participation would be through a sponsorship program. For this Stellenbosch would need a showpiece facility, attractive to local and overseas sponsors.*
- *Your proposed 5-year lease term is not an attractive lease term. To upgrade the current facility to a world class venue and to provide proper security measures will require a substantial capital investment. The risk of not having the lease term extended after five years is just too high for a serious investor like us.*
- *We would gladly do a full presentation of our vision for this premises to the Council should such an opportunity arise.*

Kagisho Molatedi

I am contacting you with regards to the Mountain Breeze property in Stellenbosch that was advertised in July/Aug 2021 for public comment on its future use. Since council has ruled on its future use and is in the process of issuing an RFP for 5 years, my understanding following my conversation with Piet Smit is that the full public engagement process was not followed in lines with the Asset Transfer regulations with regards to the issuance of an Information Statement to be tabled at council. The proposed 5 years for any RFP to be issued relating to this property significantly reduces the overall benefit to be had by the people of Stellenbosch by means of employment & tax generation for the municipality as it limits any potential investor who is looking to deploy meaningful capital to develop the property and realise a commensurate return within 5 years.

I humbly request a reconsideration of this process and re-tabling of this matter with a considered Information Statement to align the needs of the property, Stellenbosch residents and investors, to ensure meaningful benefit can be had for all stakeholders concerned?

I look forward to engaging you further on this matter to reach a satisfactory conclusion on the next steps.

6.3 Financial Implications

The combined municipal valuation for the land is R16,7 million and the current zoning agricultural and rural and it had a consent use for a camping site. The latter expires after 5 years and cannot be renewed. The rental income will be determined through the tender process should it go ahead.

6.4 Legal Implications

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".

"3)a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)

b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement, stating:*

i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;

ii) any expected benefit to the municipality that may result from the granting of the right;

iii) any expected proceeds to be received by the municipality from the granting of the right; and

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

6.5 Staff Implications

There are currently four staff members employed on short term contracts. They ensure maintenance, including cleaning of the ablution facilities and access control. Their contracts are subject to the finalisation of the tender process.

6.6 Previous / Relevant Council Resolutions**3RD COUNCIL MEETING: 2022-03-30: ITEM 11.2.2****RESOLVED (nem con)**

that Council take note of all the proposals received;

that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;

that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure center for school groups along with overnight facilities be advertised;

that the existing buildings and infrastructure be use for the above purpose;

that the facility to be leased for a period of 5 years; and

that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

5TH COUNCIL MEETING: 2022-05-25: ITEM 13.3**RESOLVED (nem con)**

that Council approves the Information Statement for publication.

6TH COUNCIL MEETING: 2022-07-27: ITEM 11.3.2**RESOLVED (majority vote with abstentions)**

- (a) that Council considered the input received on the Information Statement;
- (b) that Council confirms the decision to identify Portions 528 and 529C, Stellenbosch as land not needed for municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be used for the above purpose;
- (e) that the existing facility be leased for a period up to 9 years; and
- (f) the successful lessee must enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

6.7 Risk Implications

We may not get qualifying bidders due to all the processes that impacts on the tender process.

6.8 Comments from Senior Management

The item was not circulated for comments at this stage.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.3.8

- (a) that the Council resolutions taken on 2022-07-27 be reviewed and rescinded;
- (b) that Portions 528 and 529C, Stellenbosch (also known as Mountain Breeze Caravan Park) be identified as land not needed for basic Municipal Services;
- (c) that an information statement be prepared for approval by council to indicate Council's intention to sell the property on auction to the highest bidder and that the item and information statement returns to Council for approval of the information statement;
- (d) that provision be made for a fall back clause if the buyer wants to sell the property within 10 years;
- (e) that the property must be used as per the current zoning and will be sold voetstoots;
- (f) that an updated property valuation report be obtained before the item be resubmitted to Council;

ANNEXURES:

NONE

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	2022 – 07-11

10.3.3	POSSIBLE REVIEW AND RESCISION OF COUNCIL RESOLUTION ON THE FUTURE USE OF ERF 9194 STELLENBOSCH (TECHNOPARK)
--------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 October 2024 & 30 October 2024

1. SUBJECT: POSSIBLE REVIEW AND RESCISION OF COUNCIL RESOLUTION ON THE FUTURE USE OF ERF 9194 STELLENBOSCH (TECHNOPARK)

2. PURPOSE

To obtain Council's approval to review and rescind the Council resolution on the future plans of Erf 9194 Stellenbosch (Technopark) alternatively to obtain guidance on the implementation of the previous Council resolution.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 27 February 2019 Council resolved, *inter alia*, that Council should buy back the property as per the Municipal valuation and that Erf 9194 Stellenbosch be earmarked for empowerment of local black entrepreneurs within the Stellenbosch area.

Erf 9194 Stellenbosch was purchased from the Municipality in February 2008 for a price of R8 436 000.00. Clause 11 of the sales agreement states that "*if building operations in respect of the development of the Property have not commenced within 3 (three) years after the date of transfer.... then the SELLER shall have the right/option to repurchase the property at the same price that the PURCHASER has bought from the SELLER, plus a fair escalation thereon.... to be determined by an independent valuer.*"

a) In April 2016 the purchaser requested consent from the Municipality to allow him to sell the undeveloped erf. The matter was brought to Council and it was resolved that the Municipality repurchase the property. The property was repurchased at a price of R17 250 000.00 and registered in the name of the Municipality in 2019. Council resolved *inter alia* as follows: *That Council resolves to buy back the property as per the Municipal evaluation and that this property be earmarked for empowerment of local black entrepreneurs within the Stellenbosch Municipal area;*

It further needs to be noted that Technopark has its own provisions limiting the type of use that the purchaser of such a property can use it for. For the municipality to move forward a decision is needed as to determine the manner in which the property must be "earmarked". The section is seeking guidance on the intention of Council in terms of the implementation of the 2019 resolution. It is unclear if the property should be disposed of and if so, if it should be done by way of tender or auction. As the municipality as a rule would not do a development on the land it is assumed that it was meant to be sold. We do however require a method of disposal and if there should be special conditions that must be adhered to if the property is developed going forward over and above the provisions in the Technopark development scheme. Should the involvement of black entrepreneurs be a use for any development on the property and therefore be included in the title deed or should it be sold to a company consisting of Black Entrepreneurs. The latter may be problematic as it may be seen as discriminatory and double application of a preference to a certain group. The municipality already apply the BBEEE principles when for instance evaluating a company in a tender process, but those points are not limited to Black people and there is no manner of knowing whether they are entrepreneurs or not when awarding the BEE points. The principles of BEE also does not apply to an auction situation.

The property is situated next to the offices of Bester Voer & Graan in Technopark and is currently vacant and being used as a parking lot for the overflow of cars in the area.

The matter was before the Executive Mayoral Committee in September 2024 and was referred back in order for the administration to obtain a copy of the Deed of Transfer as well as the rules pertaining to Technopark as a whole. Both is now attached as **APPENDIX 1 and 2.**

5. RECOMMENDATION

For consideration.

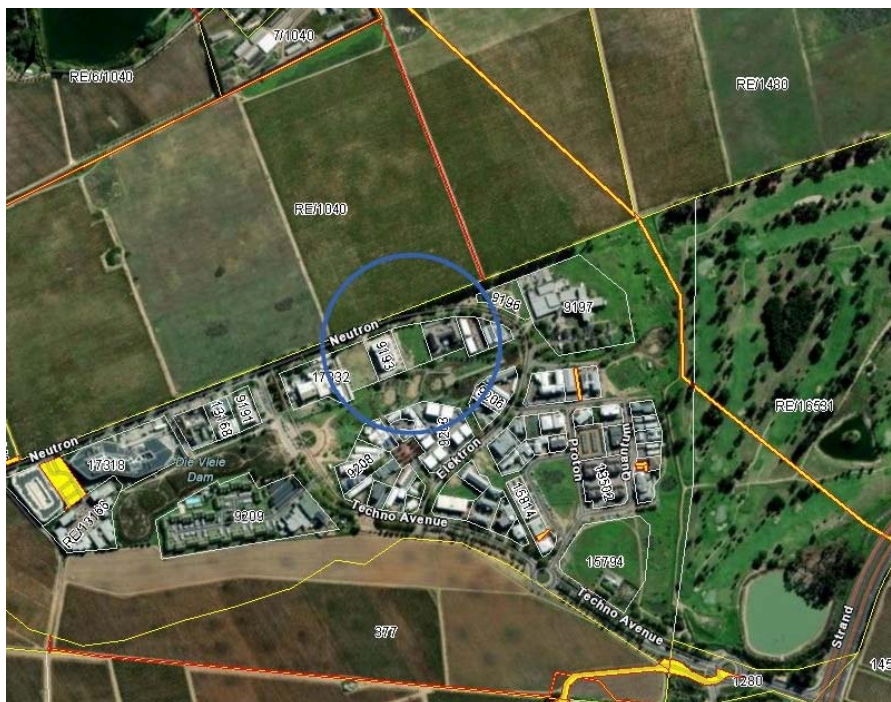
6. DISCUSSION / CONTENTS

6.1.1 Background

Erf 9194 Stellenbosch was purchased from the Municipality in February 2008 for a price of R8 436 000.00 after a tender process was followed. Clause 11 of the sales agreement states that *"if building operations in respect of the development of the Property have not commenced within 3 (three) years after the date of transfer.... then the SELLER shall have the right/option to repurchase the property at the same price that the PURCHASER has bought from the SELLER, plus a fair escalation thereon.... to be determined by an independent valuer."* In April 2016 the purchaser requested consent from the Municipality to allow him to sell the undeveloped erf. The matter was brought to Council, and it was resolved that the Municipality repurchase the property. The property was repurchased at a price of R17 250 000.00 and registered in the name of the Municipality in 2019.

6.1.2 Property description and Location

Erf 9194 Stellenbosch is situated in Neutron Street in Technopark next to the offices of Bester Voer & Graan as per Fig. 1 and Fig. 2 below.



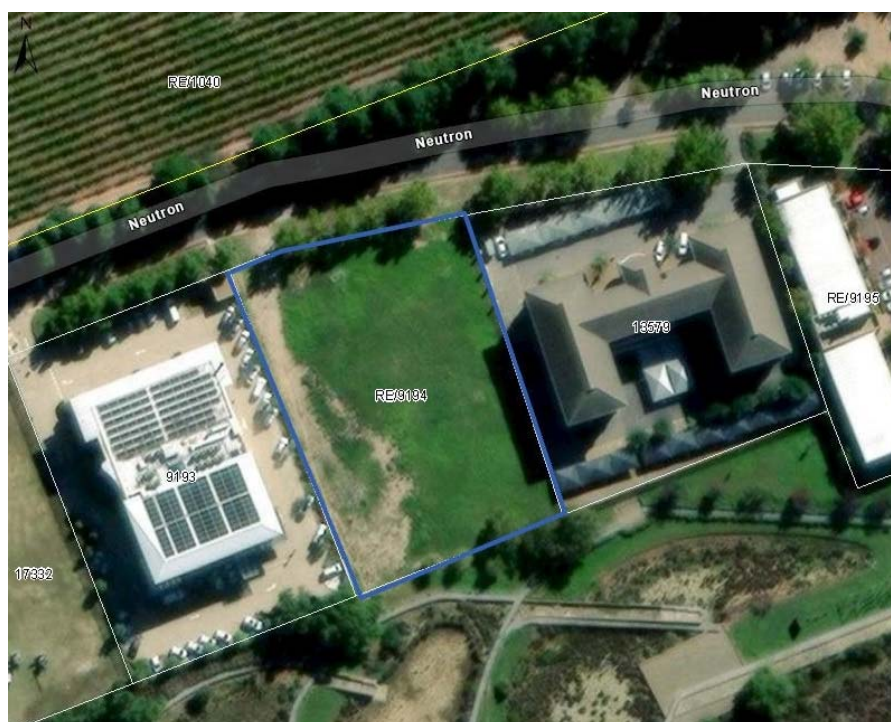


Fig 2: Extent of Property

6.2 DISCUSSION

In February 2019 Council resolved to repurchase the property and that the property *be earmarked for empowerment of local black entrepreneurs within the Stellenbosch Municipality*. The Council resolution does not provide any further details on what Council's intentions are with the property and it is therefore difficult for the administration to implement the Council Resolution. Should the intention be to sell the property Council will have to review and rescind the 2019 resolution and first resolve that the property is not needed to provide the minimum basic level of municipal services and secondly resolve on the manner in which the disposal should take place.

If Council is not of the intention of disposing of the property then guidance should be given on the way forward with the property.

The matter was before the Executive Mayoral Committee in September 2024 and was referred back for the administration to obtain a copy of the Deed of Transfer as well as the rules for Technopark.

A copy of the Deed of Transfer is attached hereto as **APPENDIX 1**. There are no restrictive conditions or endorsements registered against the Title Deed.

Technopark also has a Local Overlay Zone and a copy of same is attached hereto as **APPENDIX 2**.

6.3. Legal Implications

6.3.1: 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—

(c) 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."

6.3.2 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

6.3.3 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:

c) 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.*
 - d) *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.*
 - e) *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.*

6.4 Financial Implications

In the event that Council is of the intention to dispose of the property a valuator will have to be appointed to determine the market related value of the property. The Municipality will have to carry the costs of the valuator. The successful bidder will carry the costs of the registration of the property. If the property is sold through a tender it will return to Council for a final decision.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

24th COUNCIL MEETING: 2019 – 02 – 27: ITEM 8.2.6

RESOLVED

- b) That Council resolves to buy back the property as per the Municipal evaluation and that this property be earmarked for empowerment of local black entrepreneurs within the Stellenbosch Municipal area;
- c) That Council makes provision for the purchase of the property within 2019/2020 budget; and

- d) That the Municipal Manager be mandated to investigate and report back to Council at the March 2019 Council meeting as to whether outstanding municipal debt should be recovered.

EXECUTIVE MAYORAL COMMITTEE: 2024-09-26: ITEM 7.3.3

RESOLVED

that this item be referred back to Administration for clarification.

6.7 Risk Implications

If the property is not sold it will remain vacant and could possibly be subject to illegal occupation, as it is currently already an informal parking lot for the overflow cars in Technopark.

6.8 Comments from Senior Management

6.8.1 Municipal Manager

Supports the rescission.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.3.9

- (a) that Council review and rescind the Council resolution on 27 February 2019;
- (b) that an in principle decision be taken to dispose of the property through a public auction process;
- (c) that a valuation of the property be obtained which should form the basis of the reserve price for the auction;
- (d) that the land only be used as per the Technopark overlay zone;
- (e) that a fall back clause be written into the title deed that the land may not be sold within 5 (five) years. If the owner intends to sell the property within the 5 years, the property falls back to the Municipality at the price it was bought at the auction.
- (f) that the item return to Council after the auction for a final decision.

ANNEXURES:

Appendix 1: Title Deed

Appendix 2: Overlay Zone

FOR FURTHER DETAILS CONTACT:

NAME	Annalene De Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	annalene.debeer@ Stellenbosch.gov.za
REPORT DATE	2024/10/03

APPENDIX 1

41

Edward Nathan Sonnenbergs Inc
PO Box 2293
Cape Town
8000

Prepared by me

CONVEYANCER
Lee-Ann Fiona Hopley

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 2250 000.00 17 250 000.00	R. 1588.00 3831.00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....



T 000032361/2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Arno Watson

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

ELSABE DANEEL PROPERTIES PROPRIETARY LIMITED
Registration Number 2007/024963/07

which said Power of Attorney was signed at STELLENBOSCH on 15 July 2019



Lexis® Convey 17.1.10.3

And the appearer declared that his/her said principal had, on 4 July 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

STELLENBOSCH MUNICIPALITY

its Successors in Title or assigns, in full and free property

REMAINDER ERF 9194 STELLENBOSCH
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3800 (THREE THOUSAND EIGHT HUNDRED) Square metres

FIRST TRANSFERRED by Certificate of Registered Title Number
T28905/1988 with General Plan SG No. 1582/1988 relating thereto and held by
Deed of Transfer Number T19339/2008

- A. SUBJECT to the conditions as are referred to in Certificate of Registered Title Number T28901/1988.
- B. SUBJECT FURTHER as contained in the said Deed of Grant Stellenbosch Quitrents Volume 5 No 34 dated 20 September 1883, namely:

"Subject to all such duties and regulations as are either already or shall in future be established with regard to such land."

WHEREFORE the said Appearer, renouncing all rights and title which the said

ELSABE DANEEL PROPERTIES PROPRIETARY LIMITED
Registration Number 2007/024963/07

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

STELLENBOSCH MUNICIPALITY

its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R15 000 000,00 (FIFTEEN MILLION RAND) excluding VAT in the sum of R2 250 000,00 (TWO MILLION TWO HUNDRED AND FIFTY THOUSAND RAND), total consideration paid by the transferee to the transferor being the amount of R17 250 000,00 (SEVENTEEN MILLION TWO HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 5 August 2019 .



q.q.

In my presence



REGISTRAR OF DEEDS

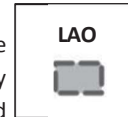


APPENDIX 2

CHAPTER 27: LOCAL AREA OVERLAY ZONES

263. Zone name and designation on map

- (1) The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO) followed by a number designating the zone. The area to which the Local Area Overlay zone applies shall be indicated on the zoning map by a green unique coloured dotted outline with a transparent fill in the same colour (Colour code 35,142,35).



264. Purpose of the zone and incorporation of land

- (1) The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.
- (2) The Municipality may demarcate new Local Area Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, but land cannot be rezoned by an owner for incorporation into or exclusion from this overlay zone.

265. Areas designated as local area overlay zones

- (1) The Municipality has designated the areas listed in **Table D** as Local Area Overlay zones.

TABLE D: LOCAL AREA OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
LAO1	Techno Park Local Area Overlay zone	
LAO2	Adam Tas Corridor Local Area Overlay zone	TBC

266. Areas declared as local overlay zone areas and specific provisions

Sub-sections 1-4 deals with the Techno Park Local Area Overlay Area.

- (1) The **Techno Park Local Area Overlay Area** is indicated on Map LAO1 and the parameters in this subsection will apply as indicated.
- (2) The purpose of the Techno Park Local Overlay zone is to retain the development parameters applicable to this area, as they applied in terms of the former Stellenbosch Zoning Scheme.
- (3) The development parameters set out in this Chapter replace all the development rules set out in the General Business Use zone and shall apply to all the properties or portion of properties falling within the boundaries of the Techno Park Local Area Overlay zone as depicted on Map LAO1.
- (4) The following land uses are permitted in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
i. Laboratories, offices and other facilities for research, development, design, testing and consultation by any individual, corporation, partnership, business association or any other type of organization, whether public or private. ii. Production and assembly of prototype products but only on a scale necessary for the completion of research in connection with the product.	i. Professional and related business services directly associated with and primarily geared towards activities referred to in paragraphs (i) and (iii) of the primary uses, for example, banking facilities, personal services, post-office, day-care centre, sports and health facilities, food services and training centres. ii. Conference centres and administrative offices needed for the running of the Techno Park.	i. Any other usage, which is incidental to the aforementioned character of the Techno Park

iii. Pilot plants, in which planned processes or products are investigated, tested and assembled with a view to production elsewhere.	iii. Facilities for light manufacturing and/or the assembly of products that require a high level of skills in the high-technology sector and result in regular liaison with the research and design personnel and require mainly highly skilled personnel. iv. Incidental operations required for the maintenance of the facilities referred to in paragraphs (i) to (iii) of the primary or additional uses, such as maintenance workshops, power plants and effluent treatment.	
---	---	--

- (a) The following development parameters apply to all buildings in this zone unless otherwise indicated:

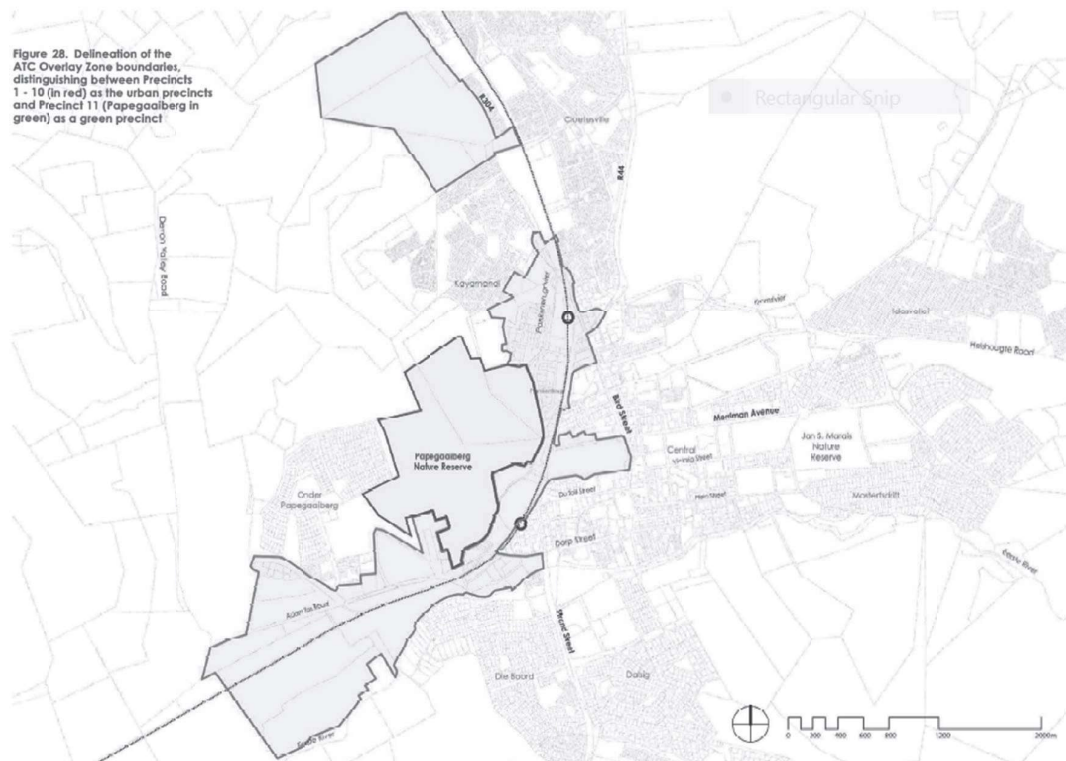
Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	none	none	Erven >3000m ² = 30% Erven < 3000m ² = 40%	2 Storeys With permission: 3 storeys

- (b) Coverage which includes building coverage plus all other built upon areas including all improvements such as parking areas, vehicular circulation and buildings may not exceed 75% of the area of the land unit.
- (c) Permission in terms of the Scheme may be granted by the Municipality for additional height or storeys after being applied for by the owner.
- (d) Parking shall be provided at four bays per 100m² gross leasable area of the building.
- (e) The Municipality shall retain the right to lay down directives pertaining to the aesthetic appearance of buildings and the use of materials, textures and colours for the exterior finishing which factors may affect the appearance of the Techno Park.
- (f) The following restrictions apply to address issues of nuisance and safety:
- no building shall be used for the manufacture, storage, distribution, or sale of any product or item, which increases the fire hazard to any other improvement or property in the environment.
 - no business shall be permitted which constitutes a nuisance by the emission of smoke, gases, and effluvia, which could reasonably be expected to be injurious to products or persons in the Techno Park.
 - the storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted.
 - except with the technical approval of the Municipality, the storage of explosives shall not be permitted in the Techno Park.
- (g) These rules of development shall be supplemented by a development plan with development guidelines specifically prepared for the Techno Park, which shall be binding on all developers at the discretion of the Municipality.

267. Areas declared as local overlay zone areas and specific provisions

Sub-sections 1-39 deals with the Adam Tas Corridor Local Area Overlay Area.

- (1) The Adam Tas Corridor Local Overlay Area is indicated on Map LAO2 and the parameters in this subsection will apply as indicated.
- (2) The purpose of the Adam Tas Corridor Overlay zone is to enable development of the area in a manner which provides for:
 - (a) A vibrant, compact, and efficient urban district as part of Stellenbosch town, respectful of the environment and history.
 - (b) Increased access to livelihood opportunity for ordinary citizens and different income groups.
 - (c) Inclusionary Housing.
 - (d) Seamless spatial and socio-economic integration with surrounding areas.
 - (e) Financial sustainability.
 - (f) Pro-active partnership, shared responsibility, and a clear differentiation of roles between landowners, government, and other stakeholders.
 - (g) A clear development process with speedy decision-making.
- (3) Unless otherwise indicated, the development parameters set out in this Chapter replace all the development rules set out in the various use zones applicable to the area and shall apply to all the properties or portion of properties falling within the boundaries of the Adam Tas Corridor Local Area Overlay zone as depicted on map LAO2.
- (4) The Municipality's overall intent for the Adam Tas Corridor Overlay Area is stated in the Adam Tas Corridor Local Spatial Development Framework, prepared in terms of the legislative framework, settlement development and management objectives, principles, and policy set out in the Spatial Planning and Land Use Management Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014, approved Stellenbosch Municipal Spatial Development Framework, and related legislation and policy.



- (5) Core components of the Adam Tas Corridor Local Spatial Development Framework which informs the development parameters in this Chapter, its extent and distribution across the area, take-up, phasing, and form, are the:
- Development Principles.
 - Policy framework.
 - Area-wide Development Framework, including the identification of precincts, mix of uses (including the compulsory provision of inclusionary housing), and development yields permitted.
 - Area-wide Services Framework, including the progressive extent of development permitted with respect to bulk infrastructure provision/ investment triggered by such development.
 - Area-wide Development Guidelines.
 - The hierarchical process of plan preparation and approval - the "package of plans" - required for precincts and parts of precincts following below the Development Framework and the focus and format of each.
- (6) The indicative land area allocated to different uses as permissible in the Adam Tas Corridor Overlay Area and precincts shall be as set out in the table below:

Area	Residential	Mixed use residential	Mixed use commercial/retail	Light industry	Sporting facilities	Public facilities
Overall Area	259 730	487 111	379 398	220 661	57 026	198 025
Precinct #1 Droë Dyke	173 125	194 766	-	-	21 641	43 281
Precinct #2 Sawmill	-	49 063	56 072	28 036	-	7009
Precinct #3 Oude Libertas	-	17 804	17 804	-	-	23 738
Precinct #4 Adam Tas	-	56 986	56 986	14 247	-	14 247
Precinct #5 Remgro	-	12 360	24 719	12 360	-	12 360
Precinct #6 Bosman's Crossing	-	16 586	14 513	8 293	-	2 073
Precinct #7 Bergkelder	-	-	50 971	16 990	-	16 990
Precinct #8 Van der Stel	-	24 073	30 951	-	6 878	6 878
Precinct #9 Plankenbrug	-	-	98 514	140 735	14 073	28 147
Precinct #10 Northern Extension	86 605	115 473	28 868	-	14 434	43 302
Precinct #11 Papegaalberg	-	-	-	-	-	-

- (7) The overall extent of floor area permitted in the Adam Tas Corridor Local Area Overlay area and its distribution between precincts and uses shall be as set out in the table below.

Area	Residential		Mixed use residential		Mixed use commercial/retail		Light industry		Sporting facilities		Public facilities		TOTAL	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Overall Area	372 971	528 793	884 948	1 250 285	908 685	1 227 516	500 076	669 315	104 551	143 809	375 427	526 881	3 146 659	4 346 599
Precinct #1 Droë Dyke	234 758	328 902	264 103	370 014	-	-	-	-	29 345	41 113	58 690	82 225	586 895	822 254
Precinct #2 Sawmill	-	-	107 624	172 830	122 998	197 520	61 499	98 760	-	-	15 375	24 690	307 496	493 799
Precinct #3 Oude Libertas	-	-	24 947	42 371	42 371	42 371	-	-	-	-	33 263	56 495	100 581	141 238
Precinct #4 Adam Tas	-	-	158 305	204 295	158 305	204 295	39 576	51 074	-	-	39 576	51 074	395 762	510 737
Precinct #5 Remgro	-	-	24 857	33 185	49 714	66 370	24 857	33 185	-	-	24 857	33 185	124 285	165 925
Precinct #6 Bosman's Crossing	-	-	45 114	56 392	39 474	49 343	22 557	28 196	-	-	5 639	7 049	112 784	140 980
Precinct #7 Bergkelder	-	-	-	-	138 641	190 085	46 214	63 362	-	-	46 214	63 362	231 048	316 809
Precinct #8 Van der Stel	-	-	75 716	104 677	97 349	134 584	-	-	21 633	29 908	21 633	29 908	216 331	299 076
Precinct #9 Plankenbrug	-	-	-	-	213 761	276 317	305 373	394 739	30 537	39 474	61 075	78 948	610 747	789 478
Precinct #10 Northern Extension	138 213	199 891	184 283	266 522	46 071	66 630	-	-	23 035	33 315	69 106	99 946	460 709	666 304
Precinct #11 Papegaalberg	-	-	-	-	-	-	-	-	-	-	-	-	-	-

- (8) At the discretion of the Municipality, and subject to meeting the overall intent for the Adam Tas Corridor Overlay Area, floor area associated with the preservation of historic buildings, historic structures, and inclusionary housing, may be excluded from overall floor area permitted.
- (9) With cognizance to the general purpose of a specific building or structure, its specific location and built environment context - including the general townscape, historic features, view lines, and the amenity of adjoining development - no building or structure in the Adam Tas Corridor Overlay Area shall exceed a height of six (6) storeys.
- (10) The Municipality will follow a package of plans approach as the basis for approvals in respect of the Adam Tas Corridor Overlay Zone.
- (11) The package of plans consists of the following components, listed in a hierarchy from higher - order to lower-order plans:
 - (a) Contextual Framework.
 - (b) Development Framework.
 - (c) Precinct Plan.
 - (d) Subdivision Plans.
 - (e) Site Development Plans.
 - (f) Building Plans.
- (12) The Municipality will issue detailed specifications related to the focus, subject matter, and format of components of the package of plans for the Adam Tas Corridor Overlay Area from time to time.
- (13) General provisions of the package of plans are that:
 - (a) Lower-order plans must follow higher-order plans.
 - (b) The Municipality may deem the description of the Adam Tas Corridor Overlay Area contained in the approved Municipal Spatial Development Framework as the Contextual Framework for the area.
 - (c) The Municipality may deem the description and associated development parameters of the Adam Tas Corridor Overlay Area contained in the approved Adam Tas Local Corridor Local Spatial Development Framework as the area-wide Development Framework for the area.
 - (d) Bulk allocated to a Precinct Plan area remains "floating" across the precinct - within the overall over-all intent for the Adam Tas Corridor Overlay Area as stated in the Adam Tas Corridor Local Spatial Development Framework and area-wide Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.
 - (e) Unless otherwise stated in this Chapter, no development may commence on site unless the necessary hierarchy of plans have been submitted and approved by the Municipality.
 - (f) A specific plan - at any level in the hierarchy - shall only lapsed if replaced by a new approved plan.
 - (g) The Municipality is the approving authority of any level of plan and may require amendments of plans under preparation to address reasonable concerns related to the overall vision, strategic goals, and planning of the area.
- (14) Upon approval of a Precinct Plan for each of the precincts constituting the Adam Tas Corridor Overlay Area, and with cognizance to the development guidelines contained in the Adam Tas Corridor Local Spatial Development and the area-wide Development Framework for the area, the Municipality shall impose conditions of approval which will specify additional development parameters for the precinct, including, but not limited to:
 - (a) Site coverage, height, and massing of buildings.
 - (b) The relationship between buildings, streets, and spaces.
 - (c) The management of environmental resources.
 - (d) The provision of Inclusionary Housing.
 - (e) The general response to, incorporation, and management of aspects of heritage and culture.
 - (f) Parking, and access.
 - (g) Engineering services provision.
- (15) The application and calculation of Development Charges (DCs) for the enhanced rights as per 266(6) for these developments, will be subject to the Stellenbosch Municipality's DC Policy and DC Tariffs, as approved annually by Council.
- (16) Road reserve widths for public roads that includes non-motorized transport, pedestrian walkways, cycle routes and public transport routes within the Adam Tas Corridor will be a minimum of 16m wide. The development of traffic impact assessments and the Adam Tas transport study will propose and inform on road reserve widths.

- (17) Final Road Reserve widths will be determined by the Municipality's Infrastructure Services in collaboration with the Planning Department.
- (18) Non-motorized transport and public transport in the overlay zone must be promoted.
- (19) The Adam Tas Transport Study currently underway will inform and provide guidance to the Municipality on all transport related aspects which must be taken into account in the preparation of all precinct plans.
- (20) The new residential or mixed-use development which include 20 dwelling units or more, must contain a minimum of 30% of the total units to be targeted at affordable housing on-site (also referred to as inclusionary housing units), falling within the affordability thresholds for rental or ownership.
- (21) These inclusionary housing units must be provided on-site as part of the market-related development i.e., in the same building or on the same land parcel and should be spread throughout the development as indicated on the approved precinct site development plan.
- (22) Residents of the inclusionary housing units must have indiscriminate access to all entrances and amenities of the development; and -
 - (a) The inclusionary housing units are not intended for community residential buildings, communes, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)
 - (b) The target market for beneficiation should benefit employed households (excl. students) earning stable incomes that fall within the affordability threshold as defined above.
- (23) The inclusionary housing units will be reserved for qualifying recipients with a total combined annual gross monthly household income from R3 500 to R27 200 (Financial Services Charter Measure, 2022 rates (updated yearly).
 - (a) Monthly rent or repayments may not be more than 30% of the total monthly household income for renters and 30-35% for homeowners;
 - (b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by Stats SA.
- (24) The conditions of affordable housing which relates to the inclusionary housing units must be in place for not less than 30 years using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development, or until repealed by a Council resolution.
 - (a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition, as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.
 - (b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or
 - (c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.
 - (d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.
- (25) The developer or managing agent (HOA or Body Corporate) must provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually. The entities should also ensure that the affordability preservation and any other requirements as agreed in the inclusionary housing agreements as part of the planning permission are stipulated in the constitution of these bodies.
- (26) If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

- (27) In addressing parking, landowners should consider:
- (a) The intent expressed in the Adam Tas Corridor Local Development Framework and area-wide Development Framework to pursue and environment prioritizing public and non-motorized transport.
 - (b) The reality of having to accommodate parking – serving Stellenbosch town and the Adam Tas Corridor Overlay Area – while expecting to progress towards lower private motor vehicle dependence and use over time; this, in turn, requiring innovative transitory arrangements, including the provision of parking in a form enabling ready conversion in future to other uses.
 - (c) Centralized parking facilities, delinking the provision of parking from the specific entity served.
- (28) With cognizance to the intent expressed in the development guidelines contained in the Adam Tas Corridor Local Spatial Development Framework, its core components, and the development parameters contained in this Chapter, it is anticipated that the Municipality, landowners, and other stakeholders will enter into formal agreements from time to time to further inform the manner in which the overall development intent for the Adam Tas Corridor Overlay Area is to be achieved and to affirm the varied commitments and responsibilities of landowners and stakeholders. These agreements may include inter alia:
- (a) Shared responsibility related to the provision of infrastructure services and the phasing of infrastructure, including the extent and use of development contributions.
 - (b) Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).
 - (c) Shared responsibility related to the formation and operation of institutional arrangements established in support of the Adam Tas Corridor Overlay Area.
 - (d) Landowner and shared responsibility related to the provision of inclusionary housing.
 - (e) Shared responsibility related to undertaking environmental remediation work.
 - (f) Shared responsibility related to the provision and operation of public facilities.
- (29) To enable the coordination demanded to achieve the stated overall intent for the Adam Tas Corridor Overlay Area between landowners, the Municipality, and other stakeholders, the Municipality and land-owners will establish and maintain dedicated institutional arrangements to support the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Adam Tas Corridor Local Spatial Development Framework and contained in this Chapter.
- (30) The Institutional mechanism referred to in (29) above will be established within three (3) months after the proclamation of the Adam Tas Overlay Zone and according to a structure with Terms of Reference as approved by Council. The institutional mechanism will include the establishment of a Project Management Unit (“PMU”) who will assist the Municipality with the implementation of the ATC.
- (31) The purpose, composition and functioning of the Institutional Mechanism will be described in the Terms of Reference as approved by Council and as may be amended from time to time.
- (32) Public participation related to the Adam Tas Corridor Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning By-law, 2015 shall occur:
- (a) Prior to the adoption of the Adam Tas Corridor Local Spatial Development Framework and establishment of the Adam Tas Corridor Local Area Overlay zone.
 - (b) At the review of the Adam Tas Corridor Local Spatial Development Framework (and resultant- if demanded through the review- amendment of the Overlay zone).
 - (c) When a departure from the provisions of the Adam Tas Corridor Local Area Overlay zone is applied for.
- (33) As part of the dedicated institutional arrangements contemplated in Section (34) above, detailed arrangements will be agreed to related to addressing possible disputes between landowners, their agents, and proponents of individual development projects in the Adam Tas Corridor Overlay Area.

- (34) The Municipality may consider lead projects to commence development of the Adam Tas Corridor Overlay Area - prior to completion and adoption of Precinct Plans - if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future roll-out of development in the area.
- (35) Lead projects - taken together- should encompass a balanced package of interventions and reflect the future of the area as a vibrant, mixed use living and working environment serving a range of interests and income groups.
- (36) No application for building plan approval in terms of the National Building Act for a lead project shall be granted by the Municipality unless a Site Development Plan has first been approved.
- (37) As it is expected that development of the Adam Tas Corridor Overlay Area will take place over a lengthy period, the Municipality may consider interim uses for parts of the area, ensuring fruitful use of existing land and building resources, meeting community needs, and assisting in project learning.
- (38) In considering interim uses other than that permitted in terms of the base zoning of the Adam Tas Corridor Overlay Area, the Municipality may require submission of a Site Development Plan for approval.
- (39) To address issues of nuisance and safety the following restrictions apply to the Adam Tas Corridor Overlay Area:
 - (a) No building shall be used for the manufacture, storage, distribution, or sale of any product or item which increases the fire hazard to any other improvement or property in the environment.
 - (b) No business shall be permitted which constitutes a nuisance by the emission of smoke, gases, and effluvia, which could reasonably be expected to be injurious to products or persons in the Adam Tas Corridor Overlay Area.
 - (c) The storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted.
 - (d) The storage of explosives shall not be permitted in the Adam Tas Corridor Overlay Area.

CHAPTER 28: LOCAL ECONOMIC OVERLAY ZONE**268. Zone name and designation on map**

- (1) The Local Economic Overlay zone shall be depicted on a map and shall be referred to by the code (LEO) followed by a number designating the particular zone. The area to which the Local Economic Overlay zone applies shall be indicated on the zoning map by a magenta-coloured dotted outline with a transparent fill in the same colour (Colour code 255,0,255).

LEO**269. Purpose of the zone**

- (1) The purpose of the Local Economic Overlay zone is to:
- (a) permit an increased mix of land uses in low-income areas to stimulate local economic activity.
 - (b) to apply less stringent land use management and building development management provisions.
 - (c) to allow for a greater flexibility regarding accommodation of lodgers in order to address the housing need.

270. Areas designated as Local Economic Overlay areas

- (1) The Municipality may designate areas as Local Economic Overlay zone areas. These areas shall be depicted on a map and the areas shall be recorded in Table E.

TABLE E: LOCAL ECONOMIC OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
LEO1	Reserved for future demarcation: study or SDF	
LEO2		

- (2) An area may be designated as a Local Economic Overlay zone once it is identified as such in the spatial development framework of the Municipality or after the completion of a study to identify the extent and boundaries based on appropriate criteria.
- (3) The Municipality may demarcate new Local Economic Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, but land cannot be rezoned by an owner for incorporation into or exclusion from this overlay zone.

271. Parameters applicable to Conventional Residential zone properties in this overlay zone

- (1) Notwithstanding the provisions of the base zone, the following land uses will be permitted on properties that are zoned Conventional Residential zone (CR) in the demarcated area:

10.3.4	REPORT ON ERF 286 GROENDAL (LE ROUX)
---------------	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 October 2024

1. SUBJECT: REPORT ON ERF 286 GROENDAL (LE ROUX)**2. PURPOSE**

To report to Council on the status of Erf 286 Groendal (Le Roux) and to obtain guidance on the way forward.

3. DELEGATED AUTHORITY

For consideration and decision by Municipal Council.

4. EXECUTIVE SUMMARY

Erf 286 Groendal (Le Roux) is an unregistered erf which has been sub-divided from Erf 233 Groendal (Le Roux), which was acquired from the Western Cape Government in terms of Section 19 of the Western Cape Housing Development Act. Erf 233 Groendal (Le Roux) is registered in the name of the Municipality (mother erf). Erf 286 is an unregistered portion of erf 233 and the portion on which Kabouterland is build. As erf 286 is not registered as a separate entity it is not officially recognised in the deeds office as a separate erf and will only become a registered erf after registration. Kabouterland creche, who has been occupying the premises since at least the early 2000's disputes the Municipality's ownership of this portion.

During 2000 the Franschhoek/Belgian Development Trust (Belgian Trust) made available R206 000.00 for the purpose of converting one of the existing buildings in Mooiwater into a creche. The former Franschhoek Council accepted the donation on the condition that a trilateral agreement be entered into between Council, The Belgian Trust and Kabouterland creche. On 27 March 2001 Council resolved, *inter alia*, that Council approves the signing of a trilateral agreement. During this time attorneys were appointed to attend to the registration of Erf 286 Groendal in the name of the Municipality and the negotiations with Kabouterland to enter into a lease agreement started. During these negotiations and on suggestion of the attorneys acting on behalf of the Municipality it was decided that the property be registered in the name of Kabouterland and that it then be donated to the Municipality since there was an existing building on it. The registration from Province to Kabouterland and from Kabouterland to the Municipality would have been done on the same day. There are several letters between the attorneys acting for the Belgian Trust, the attorneys acting on behalf of the municipality and the State's attorneys. In 2003 the correspondence stopped and the registration to Kabouterland did not proceed. The property therefore remains part of the mother erf which belongs to the Stellenbosch Municipality.

Since 2002 Kabouterland has been stating that they are the owners of the property. However, in terms of the agreement between the Belgian Trust, Kabouterland and the municipality, the trust would only make the donation on the condition that the property be registered in the name of the Municipality and that the Municipality will attend to the maintenance of the property. The administration has not been able to obtain a copy of the signed agreement however this was the condition on which the 2001 Council resolution was based and the correspondence between the attorneys as well as the Trust confirms the agreement. The donation of the money was accepted and the upgrades to Kabouterland was attended to. This is seen as Phase 1 of the building.

During 2017 a request was received from Cape Winelands Biosphere to allow them to make an offer to build the second phase on Erf 286 Groendal. The offer was accepted by the Municipality, building works proceeded, the occupation certificate was issued and in April 2019 Efata Creche moved into the building.

Since almost the start of Efata taking occupation there has been numerous issues with Kabouterland. Kabouterland has locked the premises (there is only one access gate for both ECD facilities) and they are refusing a key to Efata and completely control the access to the property for both the staff as well as the children attending Efata. They have also on numerous occasions refused access to the Municipality as well as our consultants. The Directorate Community and Protection services is busy with a capital expenditure project which includes the upgrades to this ECD facility. Due to the refusal of Kabouterland to grant access to our consultants on our own property the project cannot continue for these ECD's. It therefore has a direct influence on the capital expenditure of the Municipality.

Efata has applied for a formal lease agreement which at this stage can't be processed as we are unable to provide them access to the property as and when needed. Kabouterland on the other hand refuses to apply for a lease agreement stating on the one hand that they are in fact the owners of the property and on the other hand that there is already a lease agreement in place. We have not been able to find any records of an existing lease agreement and Kabouterland has never paid to make use of the premises. Despite Mr Smit previously indicating that there is a lease agreement, he when pressured acknowledged that no formal written agreement ever existed and claims he referred to a verbal agreement. The content of this verbal agreement cannot be determined and as such is therefore in law regarded as illegal. It is also a known fact that when a municipality wants to dispose of land it must be in writing. Leases are also seen as a form of disposal and therefore Kabouterland has no legal footing for their allegations of ownership. Especially as the land is part of a bigger property registered in the name of the Municipality.

The Property Management Section as well as the Community Development Department has had several engagements with Kabouterland over the last 18 months to try and reach an amicable solution, however we have been met with hostility and no effort from Kabouterland to reach an agreement. It has now reached a stage where not only are they refusing access to Efata, but they have also applied for an interdict against Efata and they are refusing access to the public who makes donations to the Efata school. Last week when a food delivery arrived, they were refused access and could not deliver the food to the school.

Council must consider the way forward with Kabouterland as at this stage it appears that they are hi-jacking Municipal property by refusing the Municipality and Efata access and further by refusing to apply for a lease agreement and pay for their usage of the property.

The municipality must also continue to subdivide the property and register all in the Municipality's name.

The administration suggests that Kabouterland receives a formal notice to apply for a lease agreement within 30 days failing which an attorney be appointed to proceed with eviction proceedings against them and that Kabouterland received a formal notice to immediately grant full access to Efata creche. That Kabouterland immediately grant access to the Municipality and the contractors of the Municipality to proceed with the renovations.

The matter was before the Executive Mayoral Committee in September 2024 and referred back in order to provide a copy of the Title Deed as well as confirm that there is no lease agreement in place. A copy of the Title Deed is attached to the item. The administration has not been able to obtain a copy of any formal written lease agreement with Kabouterland. Kabouterland has also on several occasions confirmed in writing that they do not have a copy of a formal written lease agreement. It must be noted that the previous Manager Properties confirmed during an investigation that the allegations made in a memo to the Executive Mayor indicating the existence of an agreement referred to a oral agreement and that no written agreement exists. It is required that when rights are provided on land it must be in writing and if not the terms of an oral agreement must be clear and determinable. We have been unable to determine the terms of such an agreement and therefore there is no legal agreement with the institution.

5. RECOMMENDATIONS

- (a) that Council takes note of the challenges that is experienced with Kabouterland;
- (b) that the administration writes a letter to Kabouterland to inform them that they have 30 days to apply for a lease agreement, alternatively provide a copy of a signed lease agreement with the Municipality, failing which the municipality will appoint an attorney to attend to an eviction;
- (c) that the letter further indicates that Kabouterland has to provide full access to Efata Creche to the premises, failing which an attorney will be appointed to attend to an eviction; and
- (d) that the letter states that Kabouterland has to give reasonable access to the Municipality to do inspections, upgrades and maintenance on the premises, failing which an attorney will be appointed to attend to an eviction.

6. DISCUSSION / BACKGROUND

6.1 Background

Erf 286 Groendal (Le Roux) is an unregistered erf which has been sub-divided from Erf 233 Groendal (Le Roux), acquired from the Western Cape Government in terms of Section 19 of the Western Cape Housing Development Act, but not registered in the name of any entity yet. Erf 233 Groendal (Le Roux) is registered in the name of the Municipality and the administration is in the process of finalising the registration of Erf 286 Groendal also in the name of the Municipality. As the property is still unregistered it falls within the mother erf and is therefore already the property of the Municipality. The reason for the registration as a separate property is because the because Kabouterland creche, was built on it since at least the early 2000's.

Attached hereto as **APPENDIX 1** is a copy of the Title Deed for Erf 233.

During 2000 the Franschhoek/Belgian Development Trust (Belgian Trust) made available R206 000.00 for the purpose of converting one of the existing buildings in Mooiwater into a creche. The former Franschhoek Council accepted the donation on the condition that a trilateral agreement be entered into between Council, The Belgian Trust and Kabouterland creche. On 27 March 2001 Council resolved, *inter alia*, that Council approves the signing of a trilateral agreement. During this time attorneys were appointed to attend to the registration of Erf 286 Groendal in the name of the Municipality and the negotiations with Kabouterland to enter into a lease agreement started. During these negotiations and on suggestion of the attorneys acting on behalf of the Municipality it was decided that the property be registered in the name of Kabouterland and that it then be donated to the Municipality since there was an existing

building on it. The registration from Province to Kabouterland and from Kabouterland to the Municipality would have been done on the same day. There are several letters between the attorneys acting for the Belgian Trust, the attorneys acting on behalf of the municipality and the State's attorneys. In 2003 the correspondence stops, and no registration takes place. The property therefore remains part of the mother erf which belongs to the Stellenbosch Municipality.

Since 2002 Kabouterland has been stating that they are the owners of the property. However, in terms of the agreement between the Belgian Trust, Kabouterland and the municipality, the trust would only make the donation on the condition that the property be registered in the name

of the Municipality and that the Municipality will attend to the maintenance of the property. The administration has not been able to obtain a copy of the signed agreement however this was the condition on which the 2001 Council resolution was based and the correspondence between the attorneys as well as the Trust confirms the agreement. The donation of the money was accepted and the upgrades to Kabouterland was attended to. This is seen as Phase 1 of the building.

During 2017 a request was received from Cape Winelands Biosphere to allow them to make an offer to build the second phase on Erf 286 Groendal. The offer was accepted by the Municipality, building works proceeded, the occupation certificate was issued and in April 2019 Efata Creche moved into the building.

Since almost the start of Efata taking occupation there has been numerous issues with Kabouterland. Kabouterland has locked the premises (there is only one access gate for both ECD facilities) and they are refusing a key to Efata and completely control the access to the property for both the staff as well as the children attending Efata. They have also on numerous occasions refused access to the Municipality as well as our consultants. The Directorate Community and Protection services is busy with a capital expenditure project which includes the upgrades to this ECD facility. Due to the refusal of Kabouterland to grant access to our consultants on our own property the project cannot continue. It therefore has a direct influence on the capital expenditure of the Municipality.

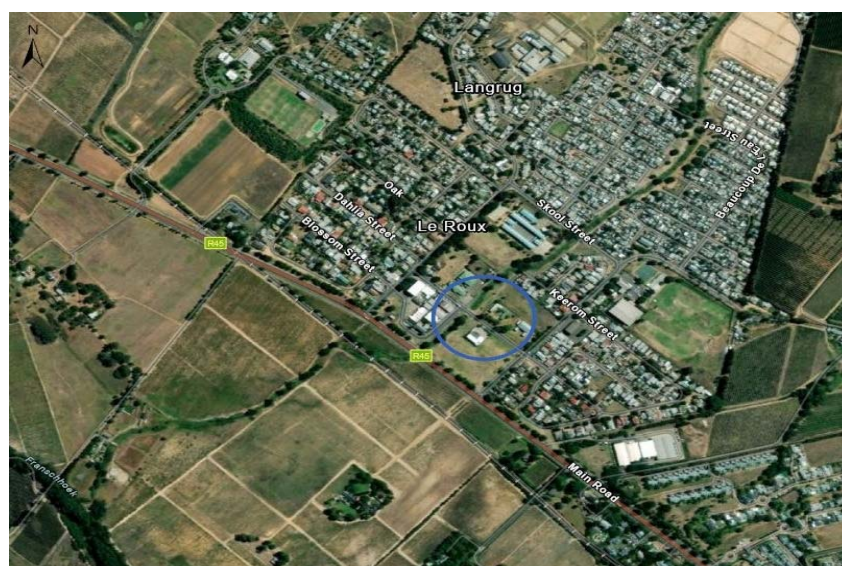
Efata has applied for a formal lease agreement which at this stage can't be processed as we are unable to provide them access to the property as and when needed. Efata requires the lease agreement in order to be registered as an ECD. Kabouterland on the other hand refuses to apply for a lease agreement stating on the one hand that they are in fact the owners of the property and on the other hand that there is already a lease agreement in place. We have not been able to find any records of an existing lease agreement and Kabouterland has never paid to make use of the premises. Kabouterland was able to register as an ECD without owning the property or without having a formal lease agreement. We did make enquiries as to how this was allowed however we have not been able to ascertain what documentation they filed in order to be compliant.

The administration has not been able to allocate any formal written lease agreement and Kabouterland has also confirmed in writing that they do not have a copy of a formal written lease agreement.

6.2. DISCUSSION

6.2.1 Location and context

The property is located at 25 Stiebeuel Street, Groendal as indicated in Fig. 1 and Fig. 2. Take note that the imaging does not yet reflect the second phase that Efata is currently occupying.

**Fig 1. Location****Fig 2. View of Property**

The Property Management Section as well as the Community Development Department has had several engagements with Kabouterland over the last 18 months to try and reach an amicable solution, however we have been met with hostility and no effort from Kabouterland to reach an agreement. They have cancelled several meetings at the last minute. It has now reached a stage where not only are they refusing access to Efata, they have applied for an interdict against Efata and they are refusing access to the public who makes donations to the Efata school. Last week when a food delivery arrived they were refused access and could not deliver the food to the school.

We have several emails and correspondence on file between the Municipality and Kabouterland which can be made available on request, however the information in the correspondence is provided in the item.

6.2.3 Ownership

The ownership of the properties vests with Stellenbosch Municipality.

6.3 Financial Implications

Currently neither of the ECD's are paying any rent for the use of the property. Although the buildings were donated they should still be paying for the use of the land and all services. The Municipality is carrying the costs for the registration of the property.

There is also an implication for the capital expenditure for the Community and Protections Services Department in that they are not able to spend the money on the upgrades, although they have already paid the consultants to attend to draw up the specs as well as the building plans.

6.4 Legal Implications

Should Council decide to place Kabouterland on terms and they do not comply with the requirements set out by Council then the legal department will have to appoint attorneys to follow an eviction process. This will affect the children currently attending the ECD.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions**COMMUNITY SERVICES COMMITTEE: 2001-03-12: ITEM 3.1****RECOMMENDED:**

- a) That Council approve the signing of a trilateral agreement, dealing with the issues as set out in the report;
- b) That the maintenance of the building be referred for consideration as an additional expense on the 2001/2002 operating budget;
- c) That Council consider providing bridging finance only until the R70 000.00 contribution by Mr McGahey is paid with the selling of unit number 70; and
- d) That the recommendations be referred to Council via the Executive Committee Meeting.

FIRST EXECUTIVE COMMITTEE: 2001-03-20: ITEM 3.5**RECOMMENDED:**

That the recommendations (a), (c) and (d) be accepted subject to the following amendments / additions:

- a) That the operational costs of the creche not be the responsibility of Council initially or in future pending further investigation;
- b) That the necessary provision for maintenance funds be made by the lessee; and
- c) That the lessee submit audited financial statements to Council on an annual basis.

COUNCIL: 2001-03-27: ITEM 6.5**RESOLVED (nem con)**

That the Executive Committee recommendations be approved.

EXECUTIVE MAYORAL COMMITTEE: 2024-09-26: ITEM 7.3.2**RESOLVED**

That the matter be referred back for further administration.

6.6.1 Risk Implications

Kabouterland will continue to use the premises without paying and further refusing access to the Municipality as well as the staff and children of Efata.

6.7 Comments from Senior Management

No comments have been requested as we seek guidance on how to proceed.

6.7.1 Municipal Manager

Supports the recommendations

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.3.10

- (a) that Council takes note of the challenges that is experienced with Kabouterland;
- (b) that the administration writes a letter to Kabouterland to inform them that they have 30 days to apply for a lease agreement, alternatively provide a copy of a signed lease agreement with the Municipality, failing which the municipality will appoint an attorney to attend to an eviction;
- (c) that the letter further indicates that Kabouterland must provide full access to Efata Creche to the premises, failing which an attorney will be appointed to attend to an eviction; and
- (d) that the letter states that Kabouterland must give reasonable access to the Municipality to do inspections, upgrades and maintenance on the premises, failing which an attorney will be appointed to attend to an eviction.

APPENDIX

Appendix 1: Title Deed

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	2024-10-07

APPENDIX 1

96

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R.....	R. 2100000
Mortgage cash Amount	R.....	R.....
Reason for exemption	Cat.....	Exempt T. o section 6(4) Act 6 of 1999

Prepared by me,

CONVEYANCER
LENKA ROSSOUW

**APPLICATION IN TERMS OF SECTION 19(6) READ WITH SECTION 6(3) OF
 ACT 6 OF 1999 READ WITH SECTION 14(2) OF ACT 107 OF 1997**

I, the undersigned **LEON RAUTENBACH**
 in my capacity as **ASSISTANT DIRECTOR**
 in the Department of Human Settlements, Provincial Administration: Western Cape
 and acting herein on behalf of the **PROVINCIAL GOVERNMENT OF THE WESTERN
 CAPE**, and duly authorised thereto by Section 6(3) of Western Cape Act 6 of 1999,
 read with Section 19 of Western Cape Act 6 of 1999 and Section 14(2) of the
 Housing Act, No. 107 of 1997

hereby apply in terms of Section 19(6) read with Section 6(3) of Western Cape Act
 6 of 1999 and Section 14(2) of Act 107 of 1997 to the Registrar of Deeds at Cape
 Town to endorse

Deed of Transfer No. T 48171/1992 ✓

Deed of Transfer No. T 16109/1957 ✓

Deed of Transfer No. T 16139/1985 ✓

Deed of Transfer No. T 29673/1976 ✓

Deed of Transfer No. T 47139/1984 ✓

Deed of Transfer No. T 16460/1980 ✓

Certificate of Registered Title No. T 26374/2002 X

Certificate of Consolidated Title No. T 14140/1980 X

Certificate of Consolidated Title No. T 14137/1980 X

Certificate of Consolidated Title No. T 21945/1976 ✓

Certificate of Consolidated Title No. T 11992/1981 ✓

Certificate of Registered Title No. T 53160/1988 ✓

Certificate of Consolidated Title No. T 21951/1976 ✓

Certificate of Registered Title No. T 91076/1996 ✓

Certificate of Registered Title no. T 77355/1999 ✓

T 000044661/2014

DATA / VERIFY

12 SEP 2014

OLIVIER YOLANDI

DATA / CAPTURE

28 AUG 2014

L. M. M. YOLANDI

to the effect that ownership of the properties held thereunder passed to the

[Signature]

- 2 -

STELLENBOSCH MUNICIPALITY in terms of Section 19(6), read with Section 6(2) of
Western Cape Act 6 of 1999.

SIGNED at CAPE TOWN on this 1ST day of AUGUST 2013.

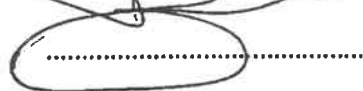
AS WITNESSES:

1.



.....

2.



.....



.....

96

(2)

1

**CERTIFICATE IN TERMS OF SECTION 19(6) READ WITH SECTION 6(3) OF
WESTERN CAPE ACT 6 OF 1999 READ WITH SECTION 14(2) OF
ACT 107 OF 1997**

I, the undersigned **PETRUS DU PLESSIS SMIT**

in my capacity as **ACTING MUNICIPAL MANAGER**

of the **STELLENBOSCH MUNICIPALITY**, acting herein on behalf of the **MUNICIPALITY**,
and duly authorised thereto

Hereby certify in terms of Section 19(6) read with Section (6)(3) of the Western Cape
Act 6 of 1999 and Section 14(2) of Act 107 Of 1997, that the properties held under

Deed of Transfer No. T 48171/1992
Deed of Transfer No. T 16109/1957
Deed of Transfer No. T 16139/1985
Deed of Transfer No. T 29673/1976
Deed of Transfer No. T 47139/1984
Deed of Transfer No. T 16460/1980
Certificate of Registered Title No. T 26374/2002
Certificate of Consolidated Title No. T 14140/1980
Certificate of Consolidated Title No. T 14137/1980
Certificate of Consolidated Title No. T 21945/1976
Certificate of Consolidated Title No. T 11992/1981
Certificate of Registered Title No. T 53160/1988
Certificate of Consolidated Title No. T 21951/1976
Certificate of Registered Title No. T 91076/1996
Certificate of Registered Title no. T 77355/1999

passed to **STELLENBOSCH MUNICIPALITY** in terms of Section 19(6), read with Section
6(2) of Western Cape Act 6 of 1999.

SIGNED at Stellenbosch on this 4th day of July 2013.

AS WITNESSES:

1. [Signature]
2. [Signature]

[Signature]

MICRO FILMED—MIKROVERFILM	
DATE—D. TO	OF R. FOR—OPE. / TEUR
1980-06-12	B. B.

18-03-1980

18-04-1980

ORIGINAL CORRESPONDENCE STAMPED DESEB	ESTING
DUTY SEELER &.....	
FEES FUND.....	
TRANSFER DUTY INTEREST.....	

T 14140	1980
---------	------

Prepared by me,

[Signature]
CONVEYANCER.

D E E D _ O F _ T R A N S F E R
(By virtue of Section 16 of Act No. 3 of 1966)

BE IT HEREBY MADE KNOWN:

THAT WHEREAS the COMMUNITY DEVELOPMENT BOARD has acquired:

The undermentioned erven which are at present
registered in its name as hereafter set out;

CB	10	10/12
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

6/6/80	AE
9.6.80	RRoberts

the

[Handwritten marks and signature]

BLADSEY PAGE 2
 ENDORSEMENT 14140 / 80
 EISENHAUT PROPERTY Ef 233
Le Rouse

Ef 283 = 804 m²

GETRANSPORTEER 13-08-1980 F. J. Williams
 TRANSFERRED
 No. T 29087/80 Restant 13,3808 HA
 Remainder
E. S. FURMAGE
 Asst.-Registateur/Asst. Registrar.

Ef 280 mes 7663 m²

GETRANSPORTEER Municipaliteit Vaal
 TRANSFERRED Aan Franshoek
 No. T 32172/80 Restant 4,9566 ha
 Remainder
E. S. FURMAGE
 Asst.-Registateur/Asst. Registrar.

11,6145 ha

Ef 291 mes 792 m²

GETRANSPORTEER 11-11-1980 F. J. Fortuin
 TRANSFERRED
 No. T 43509/80 Restant 11,5353 ha
 Remainder
M. L. BESTER
 Asst.-Registateur/Asst. Registrar.

Ef 293 mes 794 m²

GETRANSPORTEER MANUEL
 TRANSFERRED
 No. T 5907/81 Restant 11,4559 ha
 Remainder
M. L. BESTER
 Asst.-Registateur/Asst. Registrar.

Ef 282 mes 764 m²

GETRANSPORTEER 1981-10-9 L. M. Carls
 TRANSFERRED
 No. T 29768/1981 Restant 4,1699 HA
 Remainder
E. S. FURMAGE
 Asst.-Registateur/Asst. Registrar.

BLADSY/PAGE 85
 ENDOSSEMENT OP
 ENDORSEMENT ON T14/40 180
 EIENDOM/PROPERTY Erf 233 Le Roux

ANNEXURE "A"
 REMAINDER: BY DEED OF TRANSFER T43509/180 THE WITHIN PROPERTY IS

Subject to the following conditions imposed by the Administrator of the Cape of Good Hope in terms of Section 9 of Ordinance 33 of 1934 when approving the subdivision of Erf No. 233 Le Roux.

- (i) The owner of this erf shall without compensation, be obliged to allow gas mains, electricity-, telephone- and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
- (ii) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

DEEDS OFFICE
 CAPE TOWN

M. L. BESTER
 REGISTRAR OF DEEDS

11-11-1980

BLANK PAGE 5
 EN 14/40/80
 EN ON
 REM. PROPERTY _____

cf 285 mas 2.854 m²

GETRANSPORTÉER TRANSFERRED	Ann. <u>United Congregational Church Transvaal</u>
No. <u>133470/81</u>	<u>42463 HA</u>
<u>6-8-81</u>	<u>E. S. FURMAGE</u> Registrar. Rem 11, 0941 ha

cf 278 = 2,2657 HA

GETRANSPORTÉER TRANSFERRED	Ann. <u>Republiek van Suid Afrika</u>
No. <u>134531/81</u>	<u>45317 HA</u>
<u>12-8-81</u>	<u>F. A. MOUTON</u> Registrar. Rem 8, 8284 ha

- 2 -

the said properties all being situate in Le Roux Township as defined by Section 16(4)(b) of Act 3 of 1966.

<u>Property</u>	<u>Registered Owner</u>	<u>Title No. and Date</u>
1. Erf 180	Community Development Board	31984 dd 5/11/1970
2. Erf 179 Res.	Community Development Board	31984 dd 5/11/1970
3. Erf 230	Community Development Board	14138 dd this day
4. Erf 207	Community Development Board	31349 dd 23/10/1973
5. Erf 177	Community Development Board	18808 dd 12/ 9/1966
6. Erf 206	Community Development Board	32842 dd 30/ 9/1974
7. Erf 205	Community Development Board	4113 dd 20/ 2/1974
8. Erf 174	Community Development Board	15524 dd 3/ 8/1966
9. Erf 173	Community Development Board	15524 dd 3/ 8/1966
10. Erf 172	Community Development Board	15524 dd 3/ 8/1966
11. Erf 204	Community Development Board	11869 dd 2/ 5/1974
12. Erf 170	Community Development Board	18598 dd 8/ 9/1966
13. Erf 166	Community Development Board	17659 dd 29/ 8/1966
14. Erf 203	Community Development Board	37970 dd 10/12/1973
15. Erf 202	Community Development Board	5010 dd 6/ 3/1975
16. Erf 158	Community Development Board	23161 dd 3/11/1966
17. Erf 159	Community Development Board	9433 dd 20/ 5/1966
18. Erf 163	Community Development Board	33336 dd 22/12/1972
19. Erf 164	Community Development Board	24864 dd 23/11/1966
20. Erf 95	Community Development Board	23537 dd 15/ 9/1965
21. Erf 97	Community Development Board	5443 dd 24/ 3/1966
22. Erf 96	Community Development Board	13435 dd 7/ 7/1966
23. Erf 198	Community Development Board	14139 dd this day
24. Erf 201	Community Development Board	38809 dd 14/12/1973
25. Erf 109	Community Development Board	4606 dd 2/ 3/1972
26. Erf 108	Community Development Board	742 dd 20/ 1/1966
27. Erf 105	Community Development Board	742 dd 20/ 1/1966
29. Erf 106 Res.	Community Development Board	742 dd 20/ 1/1966
29. Erf 110	Community Development Board	8320 dd 17/ 4/1972

AND WHEREAS the aforementioned erven constitute the whole of the undermentioned land;

NOW

n

6

M

- 3 -

NOW THEREFORE I, the REGISTRAR OF DEEDS at CAPE TOWN, acting in terms of Section 16 of Act 3 of 1966 and under the authority vested in me by Section 31 of Act 47 of 1937, do, by these presents, cede and transfer in full and free property to and in favour of the

COMMUNITY DEVELOPMENT BOARD
(as constituted by Act 3 of 1966)

Its successors in title or assigns:

CERTAIN: piece of land, being Erf No. 233 Le Roux, situate in the Municipality of Franschhoek, Administrative District Paarl;

MEASURING: 12,4612 (Twelve comma four six one two) hectare;
AS WILL MORE FULLY APPEAR FROM DIAGRAM NO. 10142/76 HERETO ANNEXED.

GEKLEURDE
GROEP
COLOURED GROUP

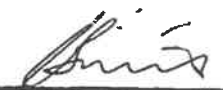
WHEREFORE by virtue of this deed the said

COMMUNITY DEVELOPMENT BOARD

Its successors in title or assigns, now is and hereafter shall be entitled thereto conformably to local custom, the State however, reserving its rights.

IN WITNESS WHEREOF I, the said Registrar, have subscribed to these presents, and have caused the seal of Office to be affixed thereto.

THUS DONE and EXECUTED in the Office of the REGISTRAR OF DEEDS at CAPE TOWN, on the 21st day of May in the year of Our Lord One Thousand Nine Hundred and Eighty (1980).


REGISTRAR OF DEEDS

Registered in the erven register ✓
Page 233 ✓
on the above date.


CLERK IN CHARGE.

MDT



4062/79/A/G

/ms

u

CERTIFICATE AND APPLICATION

I, the undersigned,

WILSON FREDERICK FEINAUER

in my capacity as Control Administrative Officer in the Department of Community Development authorised thereto by the COMMUNITY DEVELOPMENT BOARD which authority is filed in C/B No. 291/13.

A. Certify that:

1. The Community Development Board (hereafter referred to as the Board) has acquired all the lots or erven within that portion of the township of le Roux situate on the land defined by Diagram No. 10142/76.
2. On the *11th March 1977*, the date determined by the Board under the provisions of section 16 of Act No. 3 of 1966, all the public places within that portion of the township defined by the said diagram, vested in the Board in terms of section 16 aforesaid.
3. The Board is, in terms of section 16 aforesaid, entitled to obtain transfer in respect of the land (defined by the said diagram) comprising such lots or erven and public places, free from all restrictive conditions, servitudes or encumbrances, as if that land had become vested in the Board under circumstances contemplated in section 31(1) of Act No. 47 of 1937.

Stamps need to be placed in word below article 6 of Act 58 of 1957, as amended.

4. The

.....
 ADJUNK-STAATSPROKUREUR
 DEPUTY STATE ATTORNEY

- 2 -

4. The provisions of any law in connection with the change of ownership in the land acquired in consequence of vesting have been complied with.

B. Apply to the Registrar of Deeds to make the appropriate entries prescribed by section 16(2)(b) of Act No. 3 of 1966, viz:

that the conditions of title attaching to any erf or lot in that portion of the said township defined by the said diagram have lapsed.

C. Request the said Registrar to register transfer to the Board of the aforesaid land which have vested in terms of section 16 of Act No. 3 of 1966 as hereinbefore set out, free of all restrictive conditions, servitudes or encumbrances.

SIGNED at CAPE TOWN on the 12th
day of NOVEMBER 1979.

AS WITNESSES:

1. *[Signature]*.....

[Signature]
.....

2. *[Signature]*.....

VAN DER MERWE, DUXBURY & DUNN
Landmeters Le RI

10142/76

SYE Meter		RIGTINGS- HOEKE	Y KOORDINATE Stelsel Lo 19° X		
		Konstante	t	0,00	+ 3700000,00
ab	178,95	312 25 20	a	- 9545,69	+ 51 476,72
bc	48,47	222 20 00	b	- 9677,79	+ 51 597,44
cd	341,13	308 01 00	c	- 9710,43	+ 51 561,60
de	232,90	11 26 20	d	- 9979,18	+ 51 771,70
ef	10,52	129 01 00	e	- 9932,99	+ 51 999,97
fg	16,01	74 23 00	f	- 9924,82	+ 51 993,35
gh	28,50	132 32 00	g	- 9909,40	+ 51 997,66
hj	15,71	191 41 00	h	- 9888,40	+ 51 978,39
jk	10,00	132 23 10	j	- 9891,58	+ 51 963,01
km	25,20	222 23 10	k	- 9884,19	+ 51 956,27
mn	31,50	132 23 10	m	- 9901,18	+ 51 937,65
np	25,20	42 23 10	n	- 9877,91	+ 51 916,42
pq	31,50	132 23 10	p	- 9860,92	+ 51 935,03
qr	25,20	222 23 10	q	- 9837,66	+ 51 913,80
rs	63,06	132 23 10	r	- 9854,64	+ 51 895,10
st	25,20	42 23 10	s	- 9808,07	+ 51 852,6
tu	63,05	132 23 10	t	- 9791,08	+ 51 871,29
uv	25,20	222 23 10	u	- 9744,51	+ 51 828,78
vw	31,53	132 23 10	v	- 9761,49	+ 51 810,17
wx	25,20	42 23 10	w	- 9738,20	+ 51 788,91
xy	31,49	132 23 10	x	- 9721,22	+ 51 807,52
yz	63,10	222 37 30	y	- 9697,96	+ 51 786,29
zo'	75,61	132 23 00	z	- 9740,69	+ 51 739,86
a'b'	63,10	42 34 20	a'	- 9684,84	+ 51 688,89
b'c'	94,51	132 24 10	b'	- 9642,15	+ 51 735,36
c'd'	39,39	42 24 10	c'	- 9572,36	+ 51 671,63
d'e'	62,98	312 24 10	d'	- 9545,80	+ 51 700,72
e'f'	26,80	222 24 10	e'	- 9592,30	+ 51 743,19
f'g'	62,97	312 24 10	f'	- 9610,38	+ 51 723,40
g'h'	125,91	42 34 30	g'	- 9656,88	+ 51 765,86
h'j'	245,08	132 23 50	h'	- 9571,69	+ 51 858,50
j'k'	41,00	222 22 30	j'	- 9390,70	+ 51 693,3
k'm'	31,49	132 23 50	k'	- 9418,33	+ 51 663,04
m'o	223,48	222 22 30	m'	- 9395,07	+ 51 641,81
z'c'	12,59	222 24 10	z'	- 9563,87	+ 51 680,93
t'c'	44,51	132 24 10	t'	- 9605,23	+ 51 701,64
		3318/60 Simon		+ 6670,03	+ 50 486,32
		3319/87 Banghoek		1,53	+ 55 551,13

Die figuur abcdefghjkmnpqrstuvwxyzo'b'c'd'e'f'g'h'j'k'm'
stel voor 124612 hektaar grond, synde

Erf 233 Le Roux, en beval (1-29) soos langsaan aangehaal
geleë in die Munisipaliteit van Franschhoek Administratiewe Distrik Paarl
Provinsie Kaap die Goeie Hoop
Opgemeet in Januarie - Junie 1972 en Nov.-Des. 1976
deur my *R. van der Merwe* Landmeter

Hierdie kaart is geheg
aan TRANSPORTARTE
No

gedateer 14140 21-05-1980

L.g.v. GEMEENSAPONTWIKKEL-
INGSRAAD

Registroleur van Aktes

Die oorspronklike kaart
is soos langsaan
aangedui

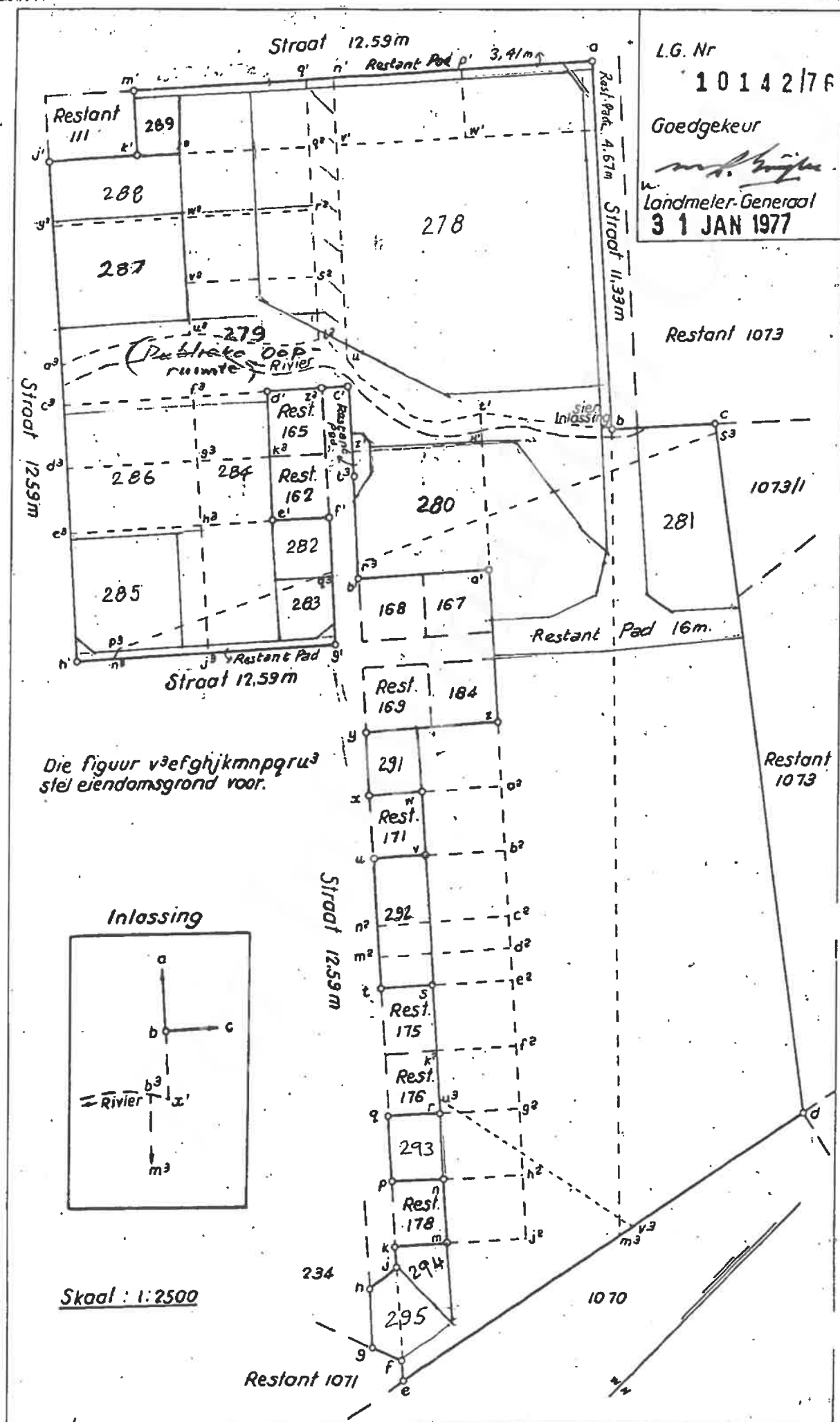
Lêer no S/6378/2

M.S. no E. 2584/76

Komp. B1-7CAB(3894)

Alg. Plan. F.19(2627)

F.20(2627)



	Figuur	Erf Nr	Kaart Nr.	
	cdm ³ b ³ reglerwal van rivier x'b	180'	3725/1931	S.G.T. 1935.143.7150
	b ³ m ³ efkj ³ l' reglerwal van rivier	Res.179	3724/1931	T/A 1935.103.5205
3	fghj	230'	10139/76	T/A 1980.14138
4	h ² j ² mn	207'	4457/72	T/A 31349/73.
5	g ² h ² pq	177'	4258/1902	T/A 1902.136.10220
6	f ² g ² rk ²	206'	4456/72	T/A 32842/74.
7	e ² f ² k ² s	205'	4455/72	T/A 4113/74.
8	d ² e ² lm ²	174'	3788/1905	T/A 1906.6.393
9	c ² d ² m ² n ²	173'	3787/1905	T/A 1906.6.392
10	b ² c ² n ² u	172'	1932/1900	T/A 1901.18.1381
11	a ² b ² v.w	204'	4454/72	T/A 11869/74
12	z ² a ² xy	170'	1930/1900	T/A 1901.18.1394
13	y'o'b'z'	166'	1291/1909	T/A 1909.116.7246
14	d'k ³ g ³ f ³	203'	4453/72	T/A 37970/73
15	k ³ e'h ³ g ³	202'	4452/72	T/A 5010/75
16	f'g'j ³ h ³	158'	282/1901	T/A 1901.18.1402
17	h ³ j ³ h'e ³	159'	1998/1900	T/A 1901.18.1391
18	g ³ h ³ e ³ d ³	163'	1937/1900	T/A 1901.18.1385
	f ³ g ³ d ³ c ³	164'	1936/1900	T/A 1901.18.1380
	or'w'p'	95'	2329/1901	T/A 1902.52.3731
21	r'x' reglerwal van rivier u'v'	97'	2333/1901	T/A 1902.52.3730
22	p'w'v'n'	96'	2330/1901	T/A 1902.52.3728
23	n'u' reglerwal van rivier t'y'z'c'c ³ a ³			
	reglerwal van rivier t ² q'	198	4448/72	T/A 1980.14139
24	q'q ² k'm'	201'	4451/72	T/A 38809/73.
25	q ² r ² w ² x ²	109'	2331/1901	T/A 1902.61.4456
26	r ² s ² v ² w ²	108	2332/1901	T/A 1902.69.5142
27	s ² t ² reglerwal van rivier u ² v ²	105	2335/1901	T/A 1904.53.2914
28	w ² u ² reglerwal van rivier a ³ y ³	Res.106	2336/1901	T/A 1902.52.3733
29	x ² w ² y ² j'	110'	5542/1902	T/A 1909.2.79

Alle bakens is 12mm ronde ysterpenne behalve :
 e ysterspoorstaaf hoekdraadpaal
 f ysterstaander
 g swaar ysterstaander hoekdraadpaal
 k,u,y,z 12mm ronde ysterpen in beton
 o' plat ysterpen
 c' nie gebaken nie
 z²l² aanduidingsbaken

(2)

E2438/77		K.L.		RESIDENT	
9927/77	E.I.F.	278	2,2657	34531/81	1/8
9928/77	"	279			
9929/77	"	280	7663	34172/80	1/8
9930/77	"	281			
9931/77	"	282	764	29768/81	1/8
9932/77	"	283	809	29087/80	1/8
9933/77	"	284			
9934/77	"	285	2854	33470/81	1/8
9935/77	"	286			
9936/77	"	287	3287	61689/91	1/8
9937/77	"	288			
9938/77	"	289	590	27663/90	1/8
9939/77	"	290			
9940/77	"	291	792	43509/80	1/8
9941/77	"	292	1589	9384/90	1/8
9942/77	"	293	794	5907/81	1/8
9943/77	"	294	629	87592/94	1/8
9944/77	"	295			

G.P.-S.

J 700

NOTAS VAN ONDERSOEKERS—EXAMINERS' NOTES

J. BESTER

KANTOOR
OFFICE

Voeg No. van Transportakte in
Insert No. of Transfer

diagrams. No. ⑥

1st Examiner

Sign diagrams i.r.o.
note 2.

CB 291/13.

Correct as Appointed

No. _____

Vir Kans. _____ Vir Ged. Afhet. _____
For Canc. _____ For Pl. Pmnt. _____

Vir Onthef _____ Vir Sessie _____
For Release _____ For Session _____

Vir Afstand _____ Vir Subst. _____
For Waiver _____ For Substn. _____

10-4-1980 // 27-2-1980
INTERDIKTE NAGESIEN
INTERDICTS CHECKED: 14-1-1980

KANTOOR
OFFICE

Voeg No. van Transportakte in
Insert No. of Transfer

Part. _____ NO. ④-⑤

INTERDIKTE NAGESIEN
INTERDICTS CHECKED

1) Coloured Group 285/64 (b)

2) Complete diagram No 10139/76 certifi-
cates

3) hester 4 — no I van stel I.V.T.
Deed redrawn
See 4 + 5 of Set

④ R 488/79 S
P4-22, 24-26, 28-29

5) Withdraw rejected deed B/E

P.T.O.

6) Provide deeds with registration clause.

7) Disclose ^{Done.} correct execution month
i.r.o. T. 4113/1974 in pg 2
of deeds. (20-2-1974).
H Done.

8. Note 9 in No 3 re the proclamation
is also applicable. ~~See reply to note 13~~
Proclamation no 285/1964
" " 283/1964

9. Note 10 in No 3 refers :- what about
the tenure of the party?
In terms of Section 16 of Act 13/66 all conditions lapse.

10) See doc 1 Clause 2, what
public places are being dealt
with? None of diagram.

11) See also note 13 ~~on~~ on No 3
Heading changed.

12) Withdraw rejected pages B/E.

13. Note 8 stands - Proclamation ^{see reply to} note 8

10.3.5	FARM 502L: STELLENBOSCH FLYING CLUB APPLICATION EXTENSION OF LEASE AGREEMENT
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 October 2024

1. SUBJECT: FARM 502L: STELLENBOSCH FLYING CLUB APPLICATION EXTENSION OF LEASE AGREEMENT

2. PURPOSE

Is to consider an application from the Stellenbosch Flying Club to enter into a long-term lease agreement with the club.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement expired on 21 March 2021. At that stage the club applied for a 30-year lease agreement and the matter was before Council in August 2020. Council approved a lease agreement for a further 9 years 11 months with certain other requirements. A lease agreement was entered into which is valid from 1 April 2021 until 28 February 2031.

The Stellenbosch Flying Club has filed another application for a 30-year lease agreement in August 2024. If Council decide to, in principle, enter into a private treaty the intention to enter into the long-term lease must be advertised for public inputs/objections/alternative proposals. The matter will then be brought back to Council to consider any inputs received from the public.

An Information Statement for publication needs approval from Council and the inputs from National and provincial treasury given the term so the application.

5. RECOMMENDATIONS

- (a) that Council approves the Information Statement attached to the item for publication;
- (b) that Council only considers the approval of an extension of the current agreement beyond 10 years after a public participation process and the input from National and provincial treasury is obtained; and
- (c) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

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. The current lease agreement is valid until the last day of February 2031. A copy of the agreement is attached as **APPENDIX 1**.

6.2 Discussion

6.2.1 Locality and context

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



Fig 1: Location and regional context

6.2.2 Application for renewal of Lease Agreement

Attached as APPENDIX 2 a self-explanatory letter received from the Stellenbosch Flying Club, dated 13 August 2024 wherein they request a longer lease term. The extension of an agreement beyond a total term of 30 years is not supported by the administration.

Council decides to, in principle, enter into a private treaty the intention to enter into the long-term lease must be advertised for public inputs/objections/alternative proposals. An Information Statement has been prepared for consideration and approval by Council and is attached hereto as **APPENDIX 3**.

6.2.3 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 is available.

6.2.4 Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

6.2.5 Legal requirements

6.2.5.1 Asset Transfer Regulations

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

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

- 1) a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and

- b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
 - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
 - b) a long-term right is proposed.

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

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

6.2.5.1.2 Public participation process for granting of long-term rights

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

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

6.2.5.1.3 Consideration of proposals

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

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

6.2.5.1.4 Conditional approval of rights

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

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

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

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

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

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

6.2.5.2 Policy on the Management of Council owned property

6.2.5.2.1 Competitive process

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be affected 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 Immoveable 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.

6.2.5.2.2 Deviation from competitive process

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

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

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

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

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

6.2.6 Motivation for entering into a long-term lease agreement provided by 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 provide by Working on Fire during the Western Cape fire season.

The facility is very well managed by an extremely competent team drawn from it's 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, it's availability to the Stellenbosch region and their use thereof continue for many years to come.

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains for the use of aviators but is also ensures the continued employment of approximately 25 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

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

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

6.3 Financial Implications

A market related rental will have to be determined by a valuator. The current lease agreement is for R30 080.00 (including VAT) but has escalated by 6% yearly from March 2022. The flying club leases the hangers on the property to their members. If the rental income exceeds the income the club pays to the municipality council land is used for the profit of the flying club. No reports are currently given to the municipality regarding the income and expenditure of the Flying club. All other long-term agreements approved by the current administration does not extend beyond a total of 30 years.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

On 30 April 2015 Council resolved as follows:

RESOLVED (majority vote)

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

The decision, however, was never implemented.

37th COUNCIL MEETING: 2020-08-24: ITEM 11.2.1**RESOLVED**

- a) that Council takes note of the public participation process 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 : of Farm 502, Stellenbosch, be identified as land note 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 Management of Council owned property for a period of 9 years 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 into 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 a 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

40th COUNCIL MEETING: 2021-01-27: ITEM 11.2.3**RESOLVED**

- a) that Council takes note of the inputs received by WCED;
- b) that the lease be approved to be entered into for a period of 9 years and 11 months with an option to renew the agreement after this initial period;
- c) that before the lease is signed, proof be submitted from the Western Cape Education Department on the agreement reached between the WCED and the Flying Club;
- d) that a market related monthly rental of R30 080.00 (the average of the two new evaluations) be charged from 1 April 2021;
- e) that the rental be escalated by CPI on the first day of the financial year annually, excluding 1 July 2021;
- f) that, if Flying Club wishes to enter into a sub-lease arrangement, such sub-lease must be approved by Council;
- g) that Council approves the sub-leases with the current companies operating on the field and with whom sub-leases were approved previously;
- h) that the delegation to approve any other sub-leases be delegated to the Municipal Manager;
- i) that the agreement may be terminated earlier on a 12 months' notice period if the land is needed for municipal services; and
- j) that the Flying Club pay taxes and services punctually.

6.7 Risk Implications

None.

6.8 Comments from Senior Management

The item has not been circulated for comment.

6.8.1 Municipal Manager

None of the other long-term agreements has been approved beyond a total of 30 years.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.3.11

- (a) that Council approves the Information Statement attached to the item for publication;
- (b) that Council only considers the approval of an extension of the current agreement beyond 10 years after a public participation process and the input from National and provincial treasury is obtained; and
- (c) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

ANNEXURES:

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

ANNEXURE A



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Page 527

502 L

1/4/2021

- 28/2/2031

LEASE AGREEMENT

Entered into by and between

STELLENBOSCH MUNICIPALITY

Herein represented by **GARALDINE METTLER** in her capacity as
Municipal Manager, being duly authorised (herein after called the **LESSOR**)

AND

STELLENBOSCH FLYING CLUB

Herein represented by **Dr Jurie Steyn** being duly authorised (herein after called the **LESSEE**)

For the lease of Lease area 502L, being a portion of Farm 502, Stellenbosch measuring approximately 28.2ha in extent (herein after called the **PROPERTY**).

1. PARTIES

1.1 The parties to this lease are:-

1.1.1 (Stellenbosch Municipality) ("the **LESSOR**"); and

1.1.2 (*Stellenbosch Flying Club*) ("the **LESSEE**").

2. INTERPRETATION

2.1 In this lease agreement, except in a context indicating that some other meaning is intended,

2.1.1 "*the Lease Period*" means the period for which this lease subsists,

2.1.2 "*month*" means a calendar month, and more specifically;

2.1.2.1 in reference to a number of months from a specific date, a calendar month commencing on that date or the same date of any subsequent month; and

- 2.1.2.2 In any other context, a month of the calendar, that is, one of the 12 months of the calendar, and "monthly" has the corresponding meaning;
- 2.1.3 "*the parties*" means the parties to this lease, and "party" means one of them;
- 2.1.4 "*the PROPERTY*" means Lease Area 502L, Stellenbosch,
- 2.1.5 "*the Rates*" means the assessment rates payable on the **PROPERTY** and includes but is not limited to, refuse removal charges and sanitary fees;
- 2.1.6 "*the Premises*" has the same meaning as the **PROPERTY**;
- 2.1.7 "*year*" means a period of 12 consecutive months, and "*yearly*" refers to a year commencing on the date on which the lease comes into operation or any anniversary of that date;
- 2.1.8 references to notices, statements and other communications by or from the **LESSOR** include notices by or from the **LESSOR's** agent;
- 2.1.9 expressions in the singular also denote the plural, and vice versa;
- 2.1.10 words and phrases denoting natural persons refer also to juristic persons, and vice versa; and
- 2.1.11 pronouns of any gender include the corresponding pronouns of the other genders.
- 2.2 Any provision of this lease imposing a restraint, prohibition or restriction on the **LESSEE** shall be so construed that the **LESSEE** is not only bound to comply therewith but is also obliged to procure that the same restraint, prohibition or restriction is observed by everybody occupying or entering the Premises or any other part of the **PROPERTY** through, under, by arrangement with, or at the invitation of, the **LESSEE**, including (without limiting the generality of this provision) its Associates and the directors, members, officers, employees, agents, customers and invitees of the **LESSEE** or its Associates.
- 2.3 Clause headings appear in this lease for purposes of reference only and shall not influence the proper interpretation of the subject matter.
- 2.4 This lease shall be interpreted and applied in accordance with South African law.

3. LETTING AND HIRING

- 3.1 The **LESSOR** lets and the **LESSEE** hires the Premises on the terms of this lease.

A handwritten signature in black ink, appearing to be 'A. G. X' or similar, located in the bottom right corner of the page.

4. DURATION

- 4.1 This lease has come into operation on 01 April 2021, notwithstanding date of signature and shall subsist for 9 years and 11 months with an option to renew the agreement after the initial period, subject to clause 4.2 and 4.3.
- 4.2 Notwithstanding the above, should the LESSOR require the property for any *bona fide* municipal purposes, this agreement can be terminated by giving the LESSEE 12 months written notice, in which event the LESSEE will have no claim for compensation or otherwise against the LESSOR.
- 4.3 Notwithstanding the above, should the LESSEE want to terminate the agreement for whatever reason, it can do so by giving the LESSOR 12 months written notice, in which event the LESSOR will have no claim for compensation or otherwise against the LESSEE.

5. RENT

- 5.1 The rent shall be
- 5.1.1 R30 080.00 (Inclusive of VAT) per month for the period ending 31 March 2022, and
- 5.1.2 shall thereafter, on the 1st of July of each year escalate by 6%. The first escalation to take place in 2022.

6. PAYMENTS

- 6.1 The rent payable by the LESSEE to the LESSOR in terms of this Agreement shall be payable monthly in advance on or before the 7th day of each month free of exchange at such address or by electronic funds transfer as directed by the LESSOR in writing from time to time.
- 6.2 The LESSOR shall have the right, notwithstanding any instruction given by the LESSEE, to appropriate any amount paid by the LESSEE hereunder to whatsoever indebtedness of the LESSEE as the LESSOR may decide upon in its absolute discretion.

7. RATES

- 7.1 The LESSEE will also be responsible for the payment of rates and taxes on the property, including the annual levies in relation to refuse removal and sewer connection(s), where applicable.

8. ADDITIONAL CHARGES

- 8.1 In addition to paying the rent and rates, the LESSEE shall reimburse the LESSOR, monthly in arrear, within 7 (seven) days after receiving an account from the LESSOR reflecting the amount(s) so payable.

Handwritten signature and initials, possibly 'G. J. A.' or similar, in the bottom right corner of the page.

9. INSURANCE

- 9.1 The LESSEE shall not keep or do in or about the Premises anything which is liable to enhance any of the risks against which the Property is insured for the time being to the extent that such insurance is rendered void or voidable or the premiums of such insurance are, or become liable to be increased.
- 9.2 The LESSOR must insure the Property against risks for the duration of the Lease Period.
- 9.3 The LESSEE will be responsible to ensure the buildings on the Property as well as the content of the buildings, at their own cost.

10. SUB-LETTING AND RELATED MATTERS

- 10.1 The LESSEE may, without the LESSOR's prior written consent:
 - 10.1.1 sub-let any part of the PREMISES for any aviation related purpose including but not limited to aviation maintenance organisations, fire-fighting and other emergency services, aviation related training and education and the owners of hangars located at the Stellenbosch Airfield but not owned by the Stellenbosch Flying Club.
 - 10.1.2 A copy of all pre-approved sub-lease agreements shall be lodged with the Lessor;
 - 10.2.3 All other sub-lease agreements must be approved by the Lessor and a copy of the agreement submitted to the Lessor.
- 10.2 Should the LESSEE wish to sub-let the whole or any part of the PREMISES at any time during the currency of the Lease, for any other purpose than the LESSEE shall apply to the LESSOR in writing for its consent thereto given, in regard to the proposed sub-lease, the name of the sub-tenant, the guarantors if any of the sub-tenant date of commencement, the duration of the proposed sub-lease, the exact premises and the consideration payable thereunder. The LESSOR at its option may:
 - 10.2.1 consent to the sub-lease, in which case the LESSEE may on receipt of written confirmation by the LESSEE sub-let the PREMISES or part thereof as the case may be in accordance with the written application submitted to the LESSOR in terms of this Clause 10.2, or
 - 10.2.2 provided the proposed sub-tenant wishes to lease the whole of the PREMISES, give the LESSEE written notice of its intention to enter into a direct lease with the proposed sub-tenant in which event on the commencement date of the new written lease entered into between the LESSOR and the proposed sub-tenant this Lease shall be cancelled and of no further force or effect.

provided that such cancellation shall in no way detract from the LESSOR's rights to enforce performance of any obligations of the LESSEE arising, prior to the date of cancellation, or the LESSOR's rights to recover arrear payments from the LESSEE.

11. ACCESS TO THE LEASED PROPERTY

- 11.1 It is specifically recorded that all vehicular access to the leased land is currently provided from the R44 via an access road situated on municipal land. In the event that the current access road, for whatever reason, is closed, or need to be relocated, the Parties will endeavour to find alternative access over municipal land, subject thereto that the Provincial Roads Engineer is amenable to such alternative arrangements.

12. IMPROVEMENTS

- 12.1 The LESSEE shall not make any alterations or additions to the Premises without the LESSOR's prior written consent.
- 12.2 If the LESSEE does alter, add to, or improve the Premises in any way, whether in breach of clause 14.1 or not, the LESSEE shall, if so required in writing by the LESSOR, restore the Premises on the termination of this lease to their condition as it was prior to such alteration, addition or improvement having been made. The LESSOR's requirement in this regard may be communicated to the LESSEE at any time, but not later than the (30th) day after the LESSEE has delivered up the Premises pursuant to the termination of this lease; and clause 12.2 shall not be construed as excluding any other or further remedy which the LESSOR may have in consequence of a breach by the LESSEE of clause 14.1.
- 12.3 Save for any improvement which is removed from the Premises as required by the LESSOR in terms of clause 12.2, all improvements made to the Premises shall belong to the LESSOR and may not be removed from the Premises at any time. The LESSEE shall not, whatever the circumstances, have any claim against the LESSOR for compensation for any improvement to the Premises

13. EXCLUSION OF LESSOR FROM CERTAIN LIABILITY AND INDEMNITY

- 13.1 The LESSEE shall have no claim for damages against the LESSOR and may not withhold or delay any payment due to the LESSOR by reason directly or indirectly of
- 13.1.1 a breach by the LESSOR of any of its obligations under this lease;
- 13.1.2 any act or omission of the LESSOR or any agent or servant of, or contractor to, the LESSOR, whether or not negligent, wilfully wrongful, or otherwise actionable at law, and including (without limiting the generality of the foregoing) any act or omission of any

aug 11

cleaner, maintenance person, handyman, artisan, labourer, workman, watchman, guard, or caretaker;

13.1.3 the condition or state of repair at any time of the **PROPERTY**, or any part of the **PROPERTY**;

13.1.4 any failure or suspension of, or any interruption in, the supply of water, electricity, air-conditioning, heating, or any other amenity or service to the Premises or the **PROPERTY** (including, without generality being limited, any cleaning service), whatever the cause;

13.2 The **LESSOR** shall not, however, be excused from specific performance of any of its obligations under this lease, whether express or implied, and particularly (but not only) its obligations to afford the **LESSEE** occupation and enjoyment of the Premises as contemplated by this lease and to carry out such maintenance and repairs as are Incumbent upon the **LESSOR** in terms hereof; and if the **LESSOR** fails to carry out any such obligation of maintenance or repair with reasonable speed or efficiency, and persists in such default after reasonable notice in writing requiring that it be remedied, the **LESSEE** may cause the necessary maintenance or repair (including any incidental or necessary replacement) to be carried out and may then recover the reasonable cost thereof from the **LESSOR** on demand.

13.3 The **LESSOR** does not warrant that the Premises are suitable for the purposes of the **LESSEE** or any of its Associates or that the **LESSEE** or any of its Associates will be granted any licence or consent which may be necessary for the carrying on of any business or activity in the Premises.

14. **LESSOR'S RIGHTS OF ENTRY AND CARRYING OUT OF WORKS**

14.1 The **LESSOR's** representatives, agents, servants and contractors may at all reasonable times, without thereby giving rise to any claim or right of action on the part of the **LESSEE** or any other occupier of the Premises

14.1.1 enter the leased Premises in order to inspect them, to carry out any necessary repairs, replacements, or other works, or to perform any other lawful function in the *bona fide* interests of the **LESSOR** or any of the occupiers of the **PROPERTY**; or

14.1.2 carry out elsewhere on the **PROPERTY** any necessary repairs, replacements, or other works, but the **LESSOR** shall ensure that this right is exercised with due regard for, and a minimum of interference with, the beneficial enjoyment of the Premises by those in occupation thereof.

15. **DAMAGE TO OR DESTRUCTION OF PREMISES**

15.1 If the Premises are destroyed or so damaged that they can no longer be beneficially occupied, this lease shall terminate when that happens unless the parties agree in writing otherwise.

Handwritten signature and initials, possibly 'Gm' and 'A', with a large 'X' mark.

- 15.2 If the Premises are significantly damaged but can still be beneficially occupied, this lease shall remain in force and the LESSOR shall repair the damage without undue delay but the rent shall be abated so as to compensate the LESSEE fairly for the effects of the damage and repair work on the enjoyment of the Premises. Failing agreement on such abatement or on the applicability of this clause to any particular circumstances, the matter shall be referred to an expert appointed by the parties jointly or, if they do not agree on such appointment, nominated by the President for the time being of The Institute of Estate Agents of South Africa, and the decision of such expert shall be final and binding. The expert's fees and disbursements, including any inspection costs, shall be borne and paid by the parties in equal shares. Pending determination of the abatement the LESSEE shall continue to pay the full rent for the Premises as if they had not been damaged and as soon as the matter has been resolved the LESSOR shall make the appropriate repayment to the LESSEE.
- 15.3 If any damage to the Premises or the destruction thereof is caused by an act or omission for which either party is responsible in terms of this lease or in law, the other party shall not be precluded by reason of any of the foregoing provisions of this clause from exercising or pursuing any alternative or additional right of action or remedy available to the latter party under the circumstances (whether in terms of this lease or in law).

16. SPECIAL REMEDY FOR BREACH

- 16.1 Should the LESSEE default in any payment due under this lease or be in breach of its terms in any other way, and fail to remedy such default or breach within 14 days after receiving a written demand that it be remedied, the LESSOR shall be entitled, without prejudice to any alternative or additional right of action or remedy available to the LESSOR under the circumstances, to cancel this lease with immediate effect, be repossessed of the Premises, and recover from the LESSEE damages for the default or breach and the cancellation of this lease.
- 16.2 In the event of the LESSOR having cancelled this lease justifiably but the LESSEE remaining in occupation of the Premises, with or without disputing the cancellation, and continuing to tender payments of rent and any other amounts which would have been payable to the LESSOR but for the cancellation, the LESSOR may accept such payments without prejudice to and without affecting the cancellation, in all respects as if they had been payments on account of the damages suffered by the LESSOR by reason of the unlawful holding over on the part of the LESSEE.

17. NEW TENANTS AND PURCHASERS

- 17.1 The LESSEE shall at all reasonable times:-

17.1.1 during the Lease Period, allow prospective purchasers of the PROPERTY or of any shares or other interests in the LESSOR; and

- 17.1.2 during the last (3) months of the Lease Period, allow prospective tenants or purchasers of the Premises, to enter and view the interior of the Premises.

18. DOMICILIA AND NOTICES

- 18.1 The parties choose as their *domicilia citandi et executandi* the addresses mentioned in clause 16.2, provided that such *domicilium* of either party may be changed by written notice from such party to the other party with effect from the date of receipt or deemed receipt by the latter of such notice.

18.2

18.2.1 The LESSOR:

The office of the Municipal Manager

Town Hall Complex
Plein Street
STELLENBOSCH

18.2.2 The LESSEE:

STELLENBOSCH FLYING CLUB
AERODROME ROAD
OFF THE R44, STELLENBOSCH

- 18.3 Any notice, acceptance, demand or other communication properly addressed by either party to the other party at the latter's *domicilium* in terms hereof for the time being and sent by prepaid registered post shall be deemed to be received by the latter on the 5th business day following the date of posting thereof. This provision shall not be construed as precluding the utilisation of other means and methods (including telefacsimile) for the transmission or delivery of notices, acceptances, demands and other communications, but no presumption of delivery shall arise if any such other means or method is used.

19. WHOLE AGREEMENT

- 19.1 This is the entire agreement between the parties.
- 19.2 Neither party relies in entering into this agreement on any warranties, representations, disclosures or expressions of opinion which have not been incorporated into this agreement as warranties or undertakings.
- 19.3 No variation or consensual cancellation of this agreement shall be of any force or effect unless reduced to writing and signed by both parties.

Handwritten signature and initials, likely representing the parties to the agreement.

20. NON-WAIVER

- 20.1 Neither party shall be regarded as having waived, or be precluded in any way from exercising, any right under or arising from this lease by reason of such party having at any time granted any extension of time for, or having shown any indulgence to, the other party with reference to any payment or performance hereunder, or having failed to enforce, or delayed in the enforcement of, any right of action against the other party.
- 20.2 The failure of either party to comply with any non-material provision of this lease shall not excuse the other party from performing the latter's obligations hereunder fully and timeously.

21. WARRANTY OF AUTHORITY

- 21.1 The person signing this lease on behalf of the LESSOR expressly warrants his/her authority to do so.

22. SALE OF PREMISES

The validity of this lease shall not in any way be affected by the transfer of the Premises from the LESSOR pursuant to a sale thereof. It shall accordingly, upon registration of transfer of the Premises into the name of the purchaser, remain of full force and effect save that the purchaser shall be substituted as LESSOR and acquire all rights and be liable to fulfil all the obligations which the LESSOR, as LESSOR, enjoyed against or was liable to fulfil in favour of the LESSEE in terms of the lease.

23. BREACH

- 23.1 Should any payment of rent or any other amount due hereunder not be paid on or before due date or should the LESSEE commit or suffer or permit the commission of a breach of any of the other terms of this Lease, whether or not such breach goes to the root of this contract, and fail to remedy such breach within 7 (seven) days after having been required in writing to do so, or should the LESSEE be placed in liquidation, whether provisional or final and whether voluntary or compulsory, or under judicial management, whether provisional or final, or under sequestration, whether provisional or final, or should the LESSEE effect a general compromise with its creditors or any other arrangements with its creditors necessitated by the inability of the LESSEE to pay its debts, or should the LESSEE commit any act which is, or would if committed by a natural person be, an act of insolvency in terms of Section 8 of the Insolvency Act, 1936, as amended, the LESSOR shall be entitled but not obliged, notwithstanding any previous waiver or anything to the contrary herein provided and without prejudice to any other rights of the LESSOR in terms of this Lease or in law, to cancel this Lease forthwith, eject the LESSEE from the PREMISES and recover from the LESSEE any damages suffered by the LESSOR as well as all amounts which became due for payment by the LESSEE hereunder prior to the date of such cancellation.

du
gm

23.2 Notwithstanding anything to the contrary herein contained, it is specifically recorded that in the event of that LESSEE failing at any time to comply with any of its obligations in terms of this lease, the LESSOR shall be entitled, but not obliged, and without prejudice to any other rights of the LESSOR in terms of this Lease or in Law arising from such breach, to carry out such obligations on behalf of the LESSEE and to incur any costs in connection therewith and to claim immediate reimbursement from the LESSEE of all such costs.

23.3 In the event of the LESSOR instructing its attorneys to take measures for the enforcement of any of the LESSOR's rights under this Lease the LESSEE shall pay to the LESSOR on demand such collection legal and other costs, on the attorney and client scale, as shall be lawfully charged by such action in respect of or arising from the measures to taken by the said attorneys.

SIGNED at Stellenbosch on 9th this July of 2021
in the presence of the undersigned witnesses

Witnesses:

1. Unit 1

2

(Signatures of witnesses)

[Signature]

(Signature of LESSOR)

SIGNED at San Jose, CA on his 08th of July 2021 in
the presence of the undersigned witnesses

Witnesses:

Witnesses:

2 

(Signatures of witnesses)

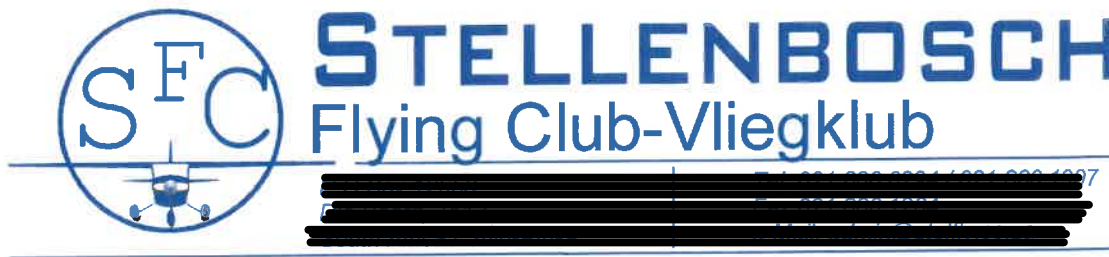
42

(Signature of **LESSEE**)

Not: Filter elements

- 1) $MSL = 100$ (Went 10)
- 2) $Sub = 100000$: $Sub = 100000$ (100000)
- 3) $Sub = 100000$: $Sub = 100000$

ANNEXURE B



13 August 2024

The Executive Mayor
Stellenbosch Municipality

Attention: Councillor van Deventer

Madame Mayor

MOTIVATION FOR THE EXTENSION OF THE LEASE OF PORTION L OF FARM 502, THE STELLENBOSCH AIRFIELD

Background

The Stellenbosch Flying Club first began utilising what has become the Stellenbosch airfield in 1973 when the Stellenbosch Municipality granted the use of portion L of Farm 502, Louwse Bos, which was at the time completely undeveloped with no infrastructure whatsoever.

There is however anecdotal evidence indicating the use of this location as a landing strip since before the Second World War.

Facilities and Infrastructure

Over the years, the members of the club have gradually developed the site from a completely open and undeveloped piece of land to what is now regarded as one of the best managed general aviation airfields in the country.

The airfield, our training centre and our management system are audited annually by the South African Civil Aviation Authority and the reports of these audits attest to the high standards of safety and operational excellence maintained by our employed staff, our legally appointed safety officer, and the members who contribute their time to serve in various roles to ensure the effective management of this world class facility.

The Stellenbosch Airfield comprises of an excellent paved runway of 850 metres in length, accessways and taxiways providing access to the runway from all parts of the field, a fuel bay, clubhouse and restaurant, administration complex, training centre and two hangars owned by the club which house our fleet of 7 training aircraft.

The Stellenbosch Airfield serves as an alternative, emergency airfield for aircraft in distress up to a certain size, and for this purpose the Stellenbosch Flying Club ensures that the runway lights are illuminated every night throughout the night.

A further 81 hangars are owned by members, having been built over the years by members at their own expense, all with the requisite approvals from the Stellenbosch Municipality.

The airfield is not the exclusive domain of the members of the club, but is indeed an asset not only to the greater aviation community, but also the Stellenbosch region and its inhabitants, and areas further afield than just Stellenbosch. These all benefit from the fact that such a facility exists where it does, and serves economic input and growth, job creation and emergency services by its mere existence.

Community and Region Contribution

The Stellenbosch Airfield provides an exceptional facility from which various air services organisations providing maritime patrol, search and rescue, and emergency services.

The location of these services at the Stellenbosch Airfield provides the wider Municipality of Stellenbosch and its stakeholders with a significant advantage in terms of response to incidents in the Stellenbosch area - as opposed to being based further afield at Winelands or even Cape Town International - which are the only feasible alternatives for such operations.

A further advantage to the area is in terms of opportunities to local service providers and for employment of local residents.

Among the users of the Stellenbosch Airfield both as established sub-tenants and occasional users are the following:

- **Working on Fire:** The Western Cape Government sponsored Working on Fire service provided by Kishugu Aviation is based at the Stellenbosch Airfield for the Western Cape summer fire season and has been based here for some 20 odd years. The Working on Fire program provides fire-fighting services which over the years have served the Stellenbosch area and the wider region with wilderness and mountain aerial fire-fighting services utilising their fleet of spotter aircraft, helicopters and fixed wing water bomber aircraft.

In addition to the aircraft crew and maintenance teams, Kishugu Aviation employs a large team of some 40 seasonal rapid response ground fire fighters who are deployed by helicopter and by road. This team is drawn from the local area providing employment opportunities to local young people for whom work is otherwise difficult to find. The Stellenbosch Flying Club has a longstanding relationship with the Working on Fire program and is currently in discussions with Kishugu Aviation regarding the establishment of a permanent facility for this service at the Stellenbosch Airfield.

- **Leading Edge Aviation:** Leading Edge Aviation has for some years supplemented the Working on Fire services and has recently been contracted by a consortium of insurance companies to provide a rapid response helicopter based fire fighting service to protect property and assets during the Western Cape fire season.

Their service has been of exceptional value over recent fire seasons when many millions of rands worth of property was protected during some of the most significant wildfires that have occurred in recent years. Leading Edge Aviation works in close cooperation with the Working on Fire program, providing supplementary aircraft and other resources when necessary to assist Working on Fire in situations where additional resources are required, and has also been contracted directly by the Cape Winelands District Municipality.

Leading Edge Aviation is a small, family owned and operated business and has invested significantly in a hangar at the Stellenbosch Airfield, to support the operation and maintenance of their fleet of helicopters.

It is of significant benefit to the Stellenbosch and greater Winelands area that these services are based at the Stellenbosch Airfield, since their response time to a fire emergency would be significantly increased if they had to be based further afield.

- **Orca Aero Solutions:** A member of the Stellenbosch Flying Club who is also a professional pilot recently acquired a number of retired maritime patrol aircraft from the Italian Coastguard.

These aircraft are purpose-built and equipped for maritime search and rescue and he has secured a contract with the South African Maritime Safety Authority, which is the maritime arm of the South African Department of Transport, to provide a maritime search and rescue service to supplement that which was previously provided by the South African Air Force.

This is a service that the South African government is obliged by international agreement to provide, and fleet availability and budget limitations have significantly compromised the ability of the South African Air Force to render this essential service.

In addition to maritime search and rescue, Orca Aero Solutions will provide a marine nature conservation and research support service to the South African Department of Forestry, Fisheries and the Environment (DFFE).

In order to support this service and provide aircraft maintenance and operational support facilities, Orca Aero Solutions has constructed a hangar at a cost in excess of R10 million. This is a significant investment in a service that will provide benefits to the local area and far beyond as the patrol service will cover the entire South African coastline as well as that of neighbouring Namibia and Mozambique.

- **Red Cross Air Mercy Services:** While not based at the Stellenbosch Airfield, the Red Cross Air Mercy Services make use of the airfield periodically for training exercises and are able to operate into the airfield with both their helicopters and fixed wing medical evacuation aircraft.

The Stellenbosch airfield is the designated alternative airfield if for any reason a Red Cross AMS aircraft is unable to land at or use Cape Town International Airport where they are based.

- **South African Airforce:** The South African Air Force is a regular visitor to the Stellenbosch Airfield both at our periodic airshows and also at times when they need to make use of the airfield for operational or emergency purposes. The airfield serves and is available to the SAAF for any aircraft which is able to and may need to make use of the facilities.
- **Stellenbosch Municipality Emergency Services:** The Stellenbosch Flying Club maintains a very good cooperative relationship with the disaster management services of the Stellenbosch Municipality and hosts annual training and exercises on the airfield ensuring currency both for the airfield and the various teams and units forming part of the Stellenbosch Disaster Management service.

- **Major event security:** While not a designated national key-point, the Stellenbosch Airfield is nonetheless of significant strategic value given the facilities that exist, and the very high standard of operational availability maintained by the Stellenbosch Flying Club.

During major sporting and state events in the vicinity of Cape Town, Stellenbosch Airfield is often used as a base for security services personnel and serves as a diversion airfield for aircraft diverted away from temporary air activity exclusion zones such as during the opening of parliament. Aircraft transgressing such exclusion zones would be diverted and instructed to land at Stellenbosch for processing by the security services.

Business Activities

The Stellenbosch Flying Club operates its own flight training centre which is regarded as one of the best in South Africa. This facility provides permanent employment to a chief flying instructor and administrator and some 21 freelance flight instructors. Our training centre turns out pilots of an extremely high calibre and has been a springboard for numerous pilots from diverse backgrounds entering the aviation industry as a career in a wide range of directions.

Two further independent businesses are established on the Stellenbosch Airfield as authorised sub-tenants of the Stellenbosch Flying Club and these are the Stellenbosch Flight Academy which provides specialist flight simulator training, and Stellair which provides manufacturer accredited and SA Civil Aviation Authority approved aircraft maintenance services.

Both are well established businesses which are well respected in their respective fields of expertise and together employ an additional 12 persons full time. Again, these individuals are drawn from the local area.

Employment

The Stellenbosch Flying Club directly employs a team of 25 permanent and contract employees, the majority of whom are from the Stellenbosch area. In addition around 10 to 15 casual staff are employed on an ongoing basis with some seasonal fluctuations and these are also drawn from the local area.

Financial impact on Stellenbosch

The Stellenbosch Airfield is visited on almost a daily basis by aircraft from across SADEC for purposes of tourism, commerce and leisure. These sophisticated aircraft bring a plethora of very high networth individuals directly to Stellenbosch – which hugely supports our local economy.

Current Status Quo and Beyond

The Stellenbosch Flying Club currently has a lease for 9 years and 11 months which came into effect on 01 April 2021 and which includes an option to renew.

Given the significant investment in the site by the members of the club over the years, and more recently the emergency services which have based themselves at the Stellenbosch Airfield, this is a relatively short period which does not provide much in the way of security of tenure. This short period is not conducive to further improvement of the airfield, nor the required expenditure for ongoing significant investment in the airfield and its facilities.

The investment made in particular by Orca Aero Solutions is very substantial, considering the value of the infrastructure that has been developed, all funded by the member in question at their own personal risk. Orca has therefore requested that the Club approaches the Municipality in order to request consideration of an extension of the lease as they are investing significant further capital into the contract in terms of infrastructure, aircraft and personnel, and have commitments in terms of the agreement signed to base the operation at Stellenbosch - and serve the state as agreed.

Despite the significant effort and funds applied to establishing the excellent facilities that the Stellenbosch Airfield offers, the infrastructure requires constant maintenance and improvement and the club funds all repairs and maintenance itself through funds generated from various sources with no contribution sought from or offered by the Stellenbosch Municipality.

If one looks at other airfields in the Western Cape and others around the country on land owned by various municipalities, there are numerous examples of such airfields which are poorly managed, not well maintained, represent a burden to their local municipality which is not a specialist in airfield management, and in many cases cost the local municipality a significant amount of money every month.

By contrast, the Stellenbosch Airfield operated by the Stellenbosch Flying Club represents an example of operational excellence, and rather than being a financial burden to the Stellenbosch Municipality represents a reliable revenue stream as a rent paying tenant to the tune of R33 788 per month. Needless to say – this rental amount does not factor in the significant investment and increased commerce throughout Stellenbosch on account of the visiting aircraft of business people and tourists.

The Stellenbosch Flying Club has recently been approached by another municipality within the Western Cape to assist with establishing an effective airfield management system for their own local airfield. This attests to the reputation of the Stellenbosch Flying Club in this regard.

Hessequa Municipality has recently (1 September 2023) signed a new lease with the Stilbaai Flying Club for a period of 30 years with two 20 year extensions as they have deemed the services and value of such a facility, well run by members, to be a major economic driver and asset for Stilbaai and surrounds.

What is clear is that the Stellenbosch Airfield as currently operated by the Stellenbosch Flying Club is a significant asset to the Stellenbosch Municipality, the people of Stellenbosch, and the wider Western Cape Community – in terms of safety, investment facilitation and tourism.

The current lease period and its terms are however a restriction and risk to further investment required to continue to maintain, refine and develop the Stellenbosch Airfield so that it remains the significant asset to the area that it is.

Lease Extension Proposal

With the above in mind, the committee of the Stellenbosch Flying Club requests that the Stellenbosch Town Council considers this as a formal request to grant the Stellenbosch Flying Club an extension, (beyond the term of our current lease), of at least 30 years in order to allow us, our members, businesses and emergency services established at the Stellenbosch Airfield to continue to invest the required capital in our infrastructure and facilities as is currently indicated and anticipated.

This will provide certainty of tenure to invest the funds in infrastructure on land that the club does not own, to continue to serve all entities including the local community, local, provincial and national government, that currently benefit from the existence of this shining example of excellent general aviation airfield management which is a Stellenbosch asset.

Also, a favourable consideration of this request will dampen the approaches by Cape Town International Airport, and the new Winelands Airport that is about to begin construction to approach the abovementioned safety, search and rescue – and significantly the firefighting services to relocate to their respective airfields.

Sincerely

A handwritten signature in black ink, appearing to be 'Stuart Burgess', written over a faint rectangular box.

Stuart Burgess
Chairman

ANNEXURE C



INFORMATION STATEMENT IN RELATION TO LEASE FARM 502L, STELLENBOSCH

1. PURPOSE

The purpose of this report is to provide the prescribed information in terms of regulation 34 of the Asset Transfer Regulations, published in terms of Section 168 of the Local Government: Municipal Finance Act (R878, 22 August 2008), and commonly referred to as an Information Statement.

2. BACKGROUND

2.1 Existing Contractual arrangements

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. A further agreement was entered into for a period of 9 years and 11 months from 1 April 2021 until March 2031 after the provisions of the Asset transfer Regulations was followed as this property is worth more than R10 million.

2.2 Request for extension of term of Lease Agreement

Stellenbosch Flying Club recently requested the Lease Agreement be extended for a further term of 30 years. This is not supported by Council – the lease term considered will no exceed 30 years in total including the current term.

Stellenbosch Municipality's Policy on the Management of Council-owned property provides for the renewal of existing agreements in certain circumstances, but subject thereto that Council's intension so to act be advertised for public inputs. This agreement only expires in 2031 and will only be then up for renewal.

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.

3. DISCUSSION

3.1 Public Participation Process

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

3.2 Information Statement

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

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

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

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

The Stellenbosch Flying Club has, in terms of a previous 30 year lease agreement and a current 9 year 11 month lease agreement with the Municipality, established a fully operational private airfield on a portion of Farm 502, Stellenbosch, at considerable costs, partly funded by the financial support of its members and also loans from the Municipality. In order to ensure the continued safe operation of the airfield certain essential work has to be carried out (e.g. subsurface drainage should be installed and taxi ways and the runway needs to be edged, curbed and slurry-sealed) at further substantial costs to be funded by the company, i.e. its members.

The lessee will only be able to raise the necessary funding / loan for the required work if it manages to conclude a long term lease agreement with the Municipality for a sufficient length of time. For this reason they requested the renewal of the Lease Agreement. The lease agreement is not considered by council beyond a total of 30 years including the existing period of the lease.

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

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

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

The direct proceeds will be the rental payable to the municipality. The current annual rental amounts to over R398 000.00. It is, however suggested that a new, market related rental be determined by two (2) independent valuers. Any improvements on the airfield may be removed at the end of the term of the lease as long as it is returned to its original status. There may therefore not be any value added benefit by improvements if all is removed.

The indirect benefits, i.e benefits to the community is difficult to qualify, but is probably worth much more than the annual rental.

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

The aim of the proposed long term lease is to continue the use of the land for the purpose of an airfield. In this context, there will be no additional gains or losses, other than the expected proceeds referred to above.

By concluding a long term lease agreement with a Lessee, it would provide the Lessee with legal certainty for a total of 30 years.

This, in turn, would enable the Lessee to invest in the property (capital investment in improving the infrastructure).

3.3 Location and context

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



Fig 1: Location and Regional context

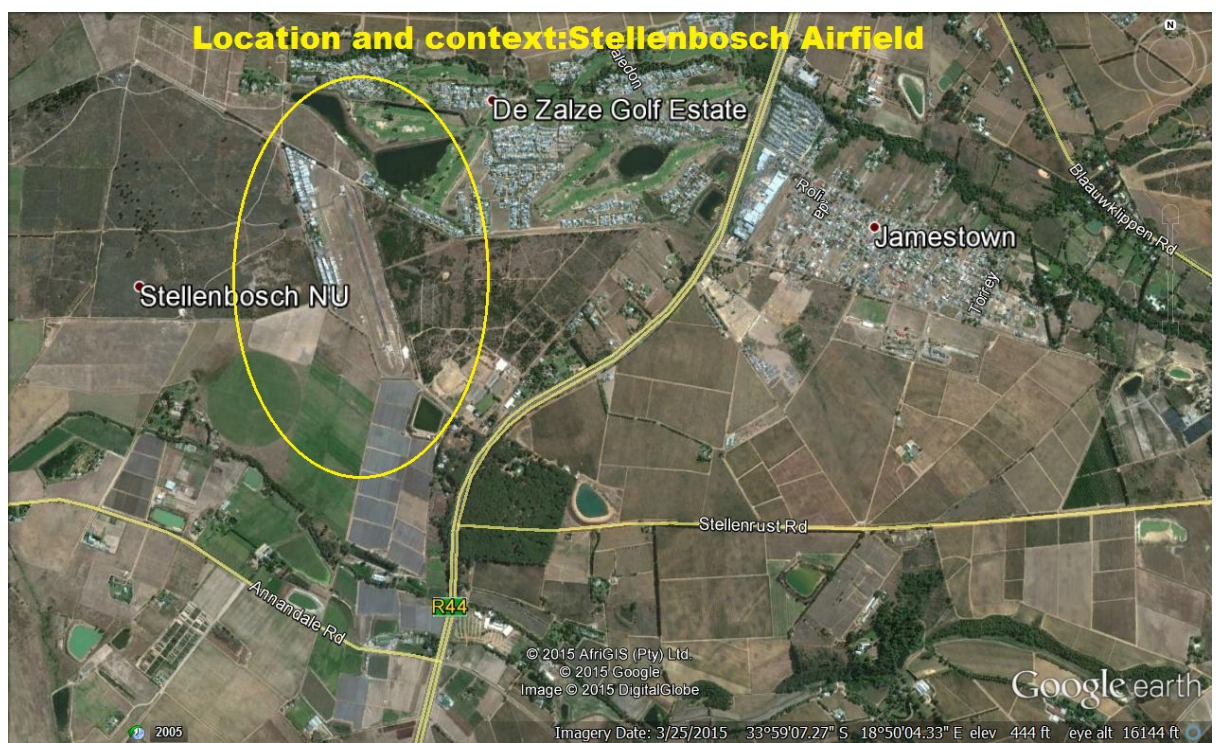


Fig 2: Location and local context



Fig 3: Extent of Lease Farm 502L

3.4 Public Comment invited:

The public are herewith invited to provide input/comment/alternative proposals to the Municipality on the proposal to enter into a further lease agreement with the current lessee whilst accommodating current business that are providing a service to the airfield and its users. Comments can be directed to:

Yolande van den Berg – Contract Management
 Email: Yolande.vandenberg@ Stellenbosch.gov.za
 Tel: 021 808 8073

10.4	FINANCIAL SERVICES: (PC: ALD JC ANTHONY)
	NONE
10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
10.5.1	B/SM 102/21: APPROVAL OF PROPOSED CONCEPT SITE DEVELOPMENT PLANS FOR THE DEVELOPMENT OF ERF 412 (INCLUDING ERF 217) AND ERF 284, GROENDAL, FRANSCHHOEK 26

Collaborator No: 773727

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024 and 30 October 2024

- SUBJECT: B/SM 102/21: APPROVAL OF PROPOSED CONCEPT SITE DEVELOPMENT PLANS FOR THE DEVELOPMENT OF ERF 412 (INCLUDING ERF 217) AND ERF 284, GROENDAL, FRANSCHHOEK**

- PURPOSE**

Is for Council to express their preference in terms of the proposed concept site development plans for Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek. The preferred concept site development plans will then be used for the subsequent tender Request for Proposals.

- DELEGATED AUTHORITY**

Council.

- EXECUTIVE SUMMARY**

In order to follow a tender Request for the Proposals for the development on Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek the Section: Housing Development appointed a service provider to design conceptual site development plan options for Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek.

The preferred concept site development plans will be used in the tender Request for Proposals in the procurement process. In other words, Council's preference will be used by all the bidders as the guiding/ benchmark concept site development plans for the submission of their costing. The costing will form part of the tender Request for Proposals of the procurement process which will contain the specific bid specifications.

On 19 April 2022, the Executive Mayoral Committee resolved, that this item stands over for further discussion with the two ward Councillors concerned. During the process of consultation with the affected Ward Councillors, a meeting with the Franschhoek Chambers of Commerce and Franschhoek Heritage & Ratepayers Association were held on 11 November 2022. Subsequently to the meeting, a memorandum (attached as **ANNEXURE 1**) was received from the representatives at the meeting regarding the proposed development of Erf 412 (including Erf 217) and Erf 284, Groendal.

5. RECOMMENDATIONS

- (a) that Council selects the most suitable Conceptual Subdivisional Plan for Erf 412 (including Erf 217) as depicted in options 1-6 (see **ANNEXURE 2**);
- (b) that Council selects the most suitable Conceptual Subdivisional Plan for and Erf 284, Groendal, Franschhoek as depicted in options 1-4 (see **ANNEXURE 3**);
- (c) that Council should note that the regulatory processes for obtaining development rights on Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek can impact on the final Site Development Plan and yield of opportunities; and
- (d) that if Council has any further comments pertaining to the concept Site Development Plan mentioned in (a) and (b) above, the input/s will be incorporated to form part of the Request for Proposals.

6. DISCUSSION/ CONTENTS**6.1 BACKGROUND**

Erf 412 (including Erf 217) and Erf 284, Groendal are located along Santa Rose Street in Groendal, a suburb of Franschhoek, next to the R45 (see figure 1 below). The two sites fall within an area characterised by medium to high-density residential, as well as non-residential and light industrial uses.

Erf 217 forms a legal part of Erf 412, hence these two erven should be seen as one in terms of this process.

Various studies have been undertaken over the years regarding the development of Erf 412 (including Erf 217) and Erf 284, Groendal. The outcome of these studies was, that the two properties should be developed for high density residential units but also include businesses (light industrial) opportunities. The studies also included extensive public participation processes. Erf 412 has been rezoned to subdivisional area during 2016 allowing for general residential, local authority and general business.

Erf 217 was subdivided from Erf 412 for widening of the road on La Provence Street. However, for this project, Erf 217 will be consolidated once again with Erf 412 for the purpose of the development proposed. The initial plans for Erf 284 were to develop an old age home or retirement village, but due to financial constraints, this never materialised.

The Sections Property Management and Housing Development undertook a process to formulate a Request for Proposal in line with the approved Council decision on 2020-03-31: Item 5.4.1. A service provider was appointed during April 2021 to design different site development plan options for Council to consider a preferred option, where after the procurement process would commence.

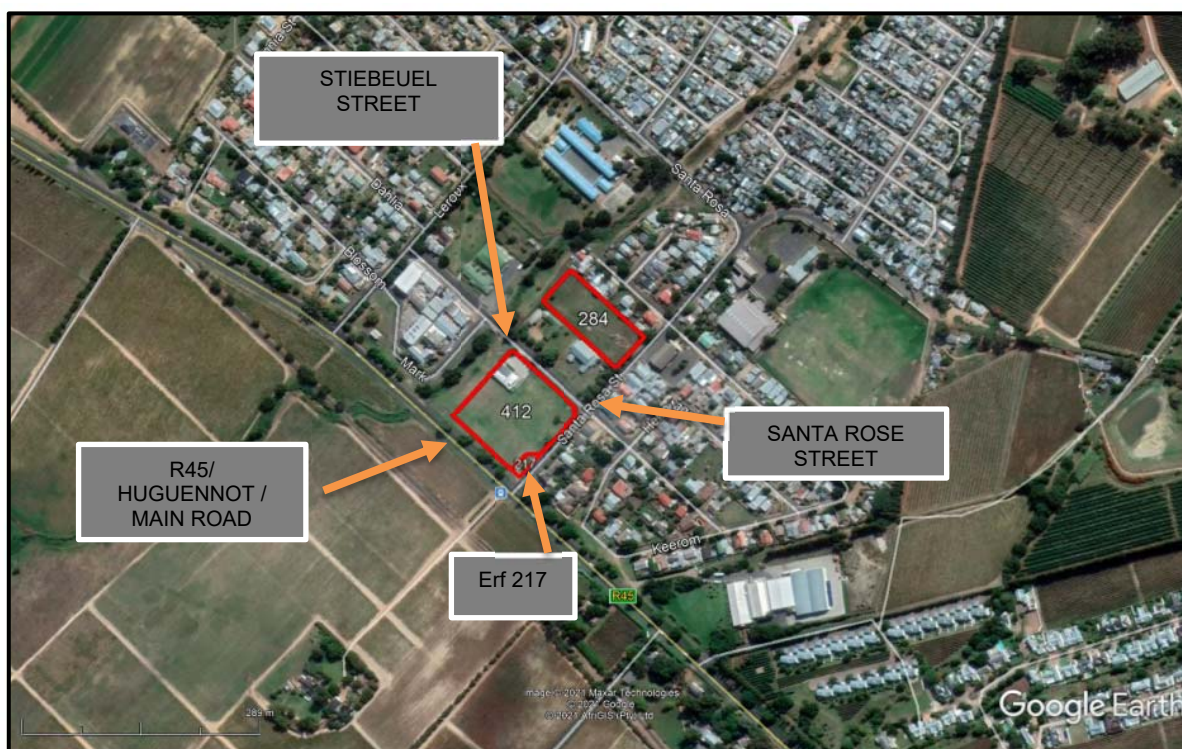


Figure 1: Site location

6.2 DISCUSSION

An agenda item served at Mayco on 13 April 2022 and was referred back for further consultation with Ward Councillors and Ward Committees. The Section: Housing Development engaged with the Ward Councillors and Ward Committee on 2 June 2022 where the different options were workshopped as well with professional input from different stakeholders on the architectural and aesthetical design parameters and guidelines for Franschhoek. The Ward Councillors liaised with the Ward Committee and on 11 November 2022. An enquiry was raised during these discussions with respect to ownership of Erf 284 and was referred to Directorate: Corporate Services that responded under the heading: Comments from Senior Management (6.9.3).

The tender, Request for Proposal will take all inputs/comments from affected Ward Councillors and Community into account when the specifications on the Call for Proposals are finalised. Subsequent to awarding the tender the item will again serve before Council for a final decision on the disposal of the erven. After Council's final decision, the processes for obtaining development rights must be completed which will involve further public participation/ further specialist studies around the technical issues on Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek. Council should note that the processes for obtaining development rights and the adherence to development related norms and standards as stipulated by regulations such as the Stellenbosch Municipal Planning By-Law and Zoning Scheme might influence the final site development plan and the yield of housing opportunities for the development of Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek.

By presenting these different concept site development plans as options, Council can express their view of their preference, by commenting on what they would prefer on the final site development plan and yield. These comments can then also be submitted as part of the processes that still have to unfold in terms of obtaining development rights.

The need for bringing the item to Council is therefore:

- That Council decide on the preferred Concept Site Development Plan options for Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek; and
- Councils' preference in terms of the concept site development plans will be used by the administration as the benchmark Site Development Plan, against which the potential Bidders would have to cost the proposal. The costing of the proposal along with other prescribed procurement considerations will be used in the final adjudication process for the appointment of a turnkey developer, to design and construct Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek.

Having said this, Council, and the administration and the Developer need to be aware that the concept site development plan used in the tender Request for Proposals of the procurement process is exactly that – a concept Site Development Plan with yield and not a final Site Development Plan with yield – as the process for obtaining development rights can still impact on the final Site Development Plan and yield.

The preferred bidder will be appointed as a Turnkey Developer / Implementing Agent of the property on the basis that, it shall at all times act as an independent contractor and in accordance with the scope of its appointment detailed herein, account for the entire cost of the development and for its own profit and/or loss.

6.2.1.1 The Development proposal(s)/concept

Council is hereby requested to select the preferred conceptual Site Development Plan for Erf 412 (including Erf 217) (option 1 - 6 attached as **ANNEXURE 2**) and Concept Site Development Plan for Erf 284 (option 1 – 4 as **ANNEXURE 3**).

6.2.1.2 Correction on the legend as described on the layout options

In accordance with the comments received from the Manager: Land Use Management, all legends on all the plans attached as **ANNEXURE 2** and **ANNEXURE 3** will be renamed from Site Development Plans to Conceptual Subdivisional Plans.

The tables below illustrate the comparison between the different options for Erf 412 (including Erf 217) and Erf 284, Groendal, Franschhoek.

AGENDA

26TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-10-30

Table 1:

ERF 412 (INCLUDING ERF 217): (More Business Related)

	<u>OPTION 1</u>	<u>OPTION 2</u>	<u>OPTION 3</u>	<u>OPTION 4</u>	<u>OPTION 5</u>	<u>OPTION 6</u>
Erf 217 area (m²)	388 m²	388 m²	388 m²	388 m²	388 m²	388 m²
Erf 412 area (m²)	11 204 m²	11 204 m²	11 204 m²	11 204 m²	11 204 m²	11 204 m²
Less Library area (m²)	1 400 m²	1 400 m²	1 400 m²	1 400 m²	1 400 m²	1 400 m²
Erf 412 & Erf 217 development area (m²)	10 192 m²	10 192 m²	10 192 m²	10 192 m²	10 192 m²	10 192 m²
Current Land Uses	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking	<u>Erf 412:</u> Subdivisional Area Overlay Zone <u>Erf 217:</u> Public Roads and Parking
Does current zoning allow for proposed Use	<u>Erf 412:</u> Yes <u>Erf 217:</u> No	<u>Erf 412:</u> Yes <u>Erf 217:</u> No	<u>Erf 412:</u> Yes <u>Erf 217:</u> No	<u>Erf 412:</u> Yes <u>Erf 217:</u> No	<u>Erf 412:</u> Yes <u>Erf 217:</u> No	<u>Erf 412:</u> Yes <u>Erf 217:</u> No
Proposed Land Uses	Conventional Residential, Mixed Uses	Conventional Residential, Mixed Uses	Conventional Residential, Mixed Uses	Mixed Use Zone	Mixed Use Zone	Mixed Use Zone
Housing Typologies / Business Typologies Proposed	Freestanding Units (Single or Double Storey), Semi-detached units (Single or Double Storey) & Flats (above ground floor)	Freestanding Units (Single or Double Storey), Semi-detached units (Single or Double Storey) & Flats (above ground floor)	Freestanding Units (Single or Double Storey), Semi-detached units (Single or Double Storey) & Flats (above ground floor)	Business premises on ground floor, offices on 1 st floor.	Business premises on ground floor, offices on 1 st floor. Kentucky or McDonalds	Filling station with convenience store & wimpy, Business premises on ground floor, offices on 2 nd floor. Kentucky or McDonalds with a drive through
Bedrooms	<u>Erven 1 to 4:</u> 2- or more bedrooms. <u>Erven 5 to 12:</u> Freestanding Units (2-or more bedrooms or Semi-detached units (2-unit Duplexes; 2 bedroom). <u>Erf 13:</u> +-20 x flats (1 or 2-bedroom) on first floor, <u>Erf 14:</u> +-10 x flats (1or 2-bedroom) on the first floor	<u>Erven 5 to 16:</u> (2-Unit Duplexes; 1 or 2-bedrooms), <u>Erf 1:</u> +-9 x flats (1 or 2-bedroom) on first floor, <u>Erf 4:</u> +-11 x flats (1 or 2-bedroom) on first floor	<u>Erven 2 and 5:</u> +-22 x flats (1 or 2-bedroom) on first floor <u>Erven 6 to 23:</u> 2 bedroom	N/A	N/A	N/A
Number of dwelling units / Number of businesses erfs	42	32	40	3	4	4

Table 1: (Continued)						
ERF 412 (INCLUDING ERF 217) (More Business Related)						
	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5	OPTION 6
Freestanding Housing Units	4	0	0	N/A	N/A	N/A
Semi-detached Housing Units	8	12	0	N/A	N/A	N/A
Flats (Housing)	30	20	22 (40m ² - 1 or 2 bedroom)	N/A	N/A	N/A
3 Unit Duplexes	N/A	N/A	18 (2 bedroom)	N/A	N/A	N/A
Density:						
Gross density (du/ha)	41	31	39	N/A	N/A	N/A
Net density (du/ha)	55	41	41	N/A	N/A	N/A
Building lines:	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units (2-Unit Duplexes)	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units (2-Unit Duplexes)	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units (2-Unit Duplexes)	As specified in the Mixed Use Zone. 3m building line proposed on La Provence Street	As specified in the Mixed Use Zone	As specified in the Mixed Use Zone
Internal road widths proposed:	10m and 6m	10m and 6m	10m and 6m	10m and 7m	10m and 7m	10m and 7m
Internal circulation proposed:	Two-way on the 10m road and one-way vehicle circulation on the 6m roads.	Two-way on the 10m road and one-way vehicle circulation on the 6m roads.	Two-way on the 10m road and one-way vehicle circulation on the 6m roads.	Two-way on the 10m road and one-way vehicle circulation on the 7m roads.	Two-way on the 10m road and one-way vehicle circulation on the 7m roads.	Two-way on the 10m road and one-way vehicle circulation on the 7m roads.
Proposed road ownership	Public Roads	Public Roads	Public Roads	Public Roads	Public Roads	Public Roads
Parking	Onsite parking	Onsite parking	Onsite parking	Onsite parking	Onsite parking	Onsite parking
Parking bays required in terms of Stellenbosch Municipality Zoning Scheme Bylaw	139	106	126	164	126	101
Parking bays provided:	144	137	170	146	150	117
Nearest road intersection:	Stiebeuel Street (±70m from access road centre line)	Stiebeuel Street (±70m from access road centre line)	Stiebeuel Street (±70m from access road centre line)	Stiebeuel Street (±70m from access road centre line)	Stiebeuel Street (±70m from access road centre line)	Stiebeuel Street (±70m from access road centre line)

Table 1: Six (6) options for Erf412 (including Erf 217)

Table 2:				
ERF 284 (More Residential Related)				
	OPTION 1	OPTION 2	OPTION 3	OPTION 4
Erf 284 area (size)	5731m²	5731m²	5731m²	5731 m²
Current Land Uses	Community Zone	Community Zone	Community Zone	Community Zone
Does current zoning allow for proposed Use	NO	NO	NO	NO
Proposed Land Uses	Conventional Residential	Conventional Residential	Conventional Residential	Conventional Residential
Housing Typologies Proposed	Freestanding Units and/or Semi-detached units and/or 2-Unit Duplexes	Freestanding Units and 2-storey flats	Freestanding Units and/or Semi-detached units and/or 2-Unit Duplexes	2-Unit & 4-Unit Duplexes
Bedrooms	2 or more per unit	1- or 2-bedroom flats. 2 or more bedrooms for single dwelling units.	2 or more per unit	2 or more per unit
Number of dwelling units	18	42	22	40
Gross density (du/ha)	31	73	38	69
Net density (du/ha)	46	107	48	88
Building lines:	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units or 2-Unit Duplexes	As proposed in Zoning Scheme By-Law	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units or 2-Unit Duplexes	Proposed 0m building line for 1 x common boundary (per erf) to allow for Semi-detached Units or 2-Unit Duplexes
Internal road widths proposed:	10m access, 8m and 6m	10m access, 8m and 6m	10m cul-de-sac. Circle has a 10m radius.	10m cul-de-sac. Circle has a 10m radius.
Internal circulation Proposed:	Two-way on the 10m road and one-way vehicle circulation on the 8m and 6m roads.	Two-way on the 10m road and one-way vehicle circulation on the 8m and 6m roads.	Two-way vehicle circulation	Two-way vehicle circulation
Proposed road ownership	Public Roads	Public Roads	Public Roads	Public Roads
Parking	Onsite parking	Onsite parking	Onsite parking	Onsite parking
Parking bays	36	68	44	80
Nearest road intersection:	La Provence / Keerom Street (±55m from the access road centre line)	La Provence / Keerom Street (±55m from the access road centre line)	La Provence / Keerom Street (±55m from the access road centre line)	La Provence / Keerom Street (±55m from the access road centre line)

Table 2: Four (4) options for Erf 284

It should be noted that in order to obtain development rights in accordance with the relevant legislation, amendments might occur on the final approved site development plan. This might result in a variance of between 10% to 30%.

6.3 Way forward after Council has determined the preferred conceptual Site Development Plans

After Council has selected the preferred conceptual Site Development Plans for the different erven as indicated in Table 1 and Table 2, as well as **ANNEXURES 2 and 3** attached, all the bidders will have the opportunity to submit their Financial Proposals and Feasibility based on the proposal selected by Council. Bidders will also be required to provide a price breakdown for all professional fees to obtain development rights (Business and Residential Rights as per the different options presented in Table 1 and Table 2). The construction cost of a housing unit per square meter and cost of internal civil- and electrical services per site must be included in the submission.

This tender will be evaluated in terms of the Supply Chain Management Policy and the Preferential Procurement Regulations, 2017 that was promulgated by the Minister of Finance on 20 January 2017 in Government Gazette No 40553. Thereafter, Council will then enter into a Land Availability Agreement with the successful bidder who will service the land and build the necessary top structures as indicated in the tender document.

6.4 Financial Implications

There will be publication costs, and the income will depend on the proposals received. The final income will only be known after the outcome of the bidding process when that is reported to Council.

6.5 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. See paragraph 6.2.1, *supra*.

6.6 Staff Implications

No additional staff implications are required.

6.7 Previous / Relevant Council Resolutions

EXECUTIVE MAYORAL COMMITTEE: 2022-04-19: ITEM 7.4.1

RESOLVED

that this item stands over for further discussion with the two Councillors concerned in the wards.

COUNCIL ITEMS FOR CONSIDERATION BY THE EXECUTIVE MAYOR UNDER DELEGATED AUTHORITY: 2020-03-31: ITEM 5.4.1

RESOLVED

- a) that Council identify Erven 412 and 284, Le Roux, as land not needed to provide the minimum level of basic municipal services;
- b) that Council authorise the Administration to follow a public Call-for-Proposal, based on the points system as set out in paragraph 6.2.9;
- c) that Council approve the discounted sales prices as set out in paragraph 6.2.6 subject to the sales restrictions set out in paragraph 6.2.7;
- d) that Council approve the qualifying criteria set out in paragraph 6.2.8;
- e) that Council approve the discounted bulk infrastructure contribution set out in paragraph 6.2.10; and
- f) that following the conditional awarding of the bid to the bidder(s) scoring the highest points, an item be submitted to Council to make a final decision on the disposal of the land.

6.8 Risk Implications

Risk implications are addressed in the item.

6.9 Comments from Senior Management

Comments from Senior Management is reflected in the executive summary.

6.9.1 Director: Planning & Economic Development

It is advisable that the plans submitted in the report be referred to as Conceptual Subdivisional Plans and not Site Development Plans.

Erf 284, Le Roux is unregistered (subdivision approved on 04/01/1977), indicated as zoned Community Zone and will require an application for rezoning and subdivision as a minimum to be submitted, processed and approved. Alternatively, application for departures may be required with detail proposals.

Erf 217, Franschoek is set aside for road widening purposes and is therefore zoned Public Road and Parking Zone. Should the intend be to use this for any other use an application for rezoning and closure of a public road must be submitted.

The consolidation of Erf 412 and 217, Le Roux will require an application for rezoning, subdivision if required and closure of a public place.

The development proposals for Erf 412, Le Roux must take into consideration the prescripts of the Scenic Route Overlay Zone and in specific Urban Scenic Route 11, as it aims to provide a mechanism to mitigate the impact of new developments on the architectural aesthetics of the settlement, with particular reference to how development interacts and interface with the road.

6.9.2 Director: Infrastructure Services

Item supported. The developer must familiarise themselves with the Municipal Fiscal Powers and Functions Amendment Act (Act 4 of 2024) that indicates how Development Charges (DC) must be utilised by all municipalities. It is important to note that the DC policy gets amended on an annual basis. Therefore, the approved Council policy applicable will be utilised by the Directorate: Infrastructure Services to determine any DC discounts once the project is at planning/implementation stage. Any discounts can therefore just be allowed as per the approved Council policy.

Please be aware that there is a municipal sewer line along the northern boundary of Erf 284. Try and avoid any erven or structures along this boundary. The Manager: Development indicated that a public road over the sewer line can however be considered.

6.9.3 Director: Corporate Services

Stellenbosch Municipality is the registered owner of Erf 233, Le Roux. This property was subdivided and some of the new erven have already been transferred into the names on the different owners. This property was acquired from the Western Cape Government in terms of Section 19 of the Western Cape Housing Development Act.

Erf 284 forms part of the subdivision however it has not been officially registered as a separate property at the Registrar of Deeds, which in effect means that the property still forms part of the mother erf, and the Stellenbosch Municipality is therefore the legal owner.

The problem on this property is that a group called Franschoek "Bejaardesorg Vereniging" is claiming that the property was bought by them from the Franschoek Municipality in 1997. They have provided some documentation, and they have also built a structure on the property. They have not been able to provide sufficient proof that this was a legitimate transaction which was finalised and as stated above the ownership vested with the Western Cape Government up until 2013. If the Franschoek Municipality entered into an agreement, they had no right to sell the property.

ANNEXURE 1

Memorandum

From: Councillors Wilhelmina Petersen and Reginald Pheiffer, Adv Wilfred Moses, Irmela Alberts and Barry Phillips.

To: Lester van Stavel and others to whom it may concern in Stellenbosch Municipality

Subject: Development Proposals for Erfs 412 and 217, Franschhoek

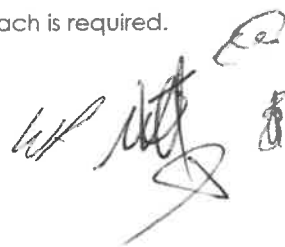
Date:  January 2023

1. Our Interests in these development proposals

- Cllr Wilhelmina Petersen is the Councillor for Ward 2 which includes Erfs 412, 217 and 284 and Cllr Reginald Pheiffer is the Councillor for Ward 1 which includes Franschhoek Village.
- Advocate Wilfred Moses is a resident of Groendal, a member of the Ratepayers Committee of the Franschhoek Heritage & Ratepayers Association (FHRPA) and Chairperson of the Franschhoek Chamber of Commerce with over xx members most of whose businesses are located in the vicinity of Erfs 412 and 217.
- Irmela Alberts and Barry Phillips are co-chairs of the FHRPA. It has over 200 members as residents, ratepayers and business owners in the Franschhoek Valley and is registered as an interest group with Stellenbosch Municipality and with Heritage Western Cape as the Conservation Body for the Franschhoek Valley.

2. Reasons for this Memorandum

- 2.1 It is common cause that the long overdue development of Erfs 412, 217 and 284 is of critical importance for Groendal in that it can provide much needed housing and entrepreneurial opportunities and if sensitively developed can uplift Groendal for the benefit of current and future generations.
- 2.2 The development of Erfs 412 and 217 is also of critical importance for Franschhoek Village. Situated at its entrance, the visual impact of any development of them will be very high. As is now well known, it was included in TIME Magazine's "Top 50 Destinations in the World" for 2022. This further enhancement of its reputation is invaluable as a marketing tool in bringing more visitors to Franschhoek and, therefore, helps to maintain and increase entrepreneurial and employment opportunities.
- 2.3 In the municipality's 2019 Zoning Scheme, the R45 from the R310 intersection at Allee Bleu to the Roux Street intersection is designated as a Rural Scenic Route Overlay Zone. The north west side past Groendal is part of an Urban Scenic Route Overlay Zone and the south east side continues as part of an Urban Scenic Route Overlay Zone. The R45 is also classified as a Scenic Drive in the municipality's 2019 Conservation Management Scheme as Grade IIIa for most of the way from the Allee Bleu R45/R310 intersection to the R45/Robertsylei Road intersection and from there to Roux Street as Grade II.
- 2.4 After the Scenic Drive through the Franschhoek Valley, the level of expectation approaching Franschhoek will be high. First impressions matter. Erfs 412 and 217 are at the gateway to the village. It is, therefore, essential the architecture and layout of a development of them does not detract from that expectation. A creative and imaginative approach is required.



2.5 In this memorandum we set out some of the objectives, parameters and guidelines which, in our opinion, should be applied in evaluating tenders for the development of Erf 412.



Figure 1



Figure 2

Erf 412 from near the Roux Street/R45 intersection



Figure 3 – Erf 412 from cnr R45/La Provence St.



Figure 4 – Erf 412 from cnr La Provence/Stiebevel St.

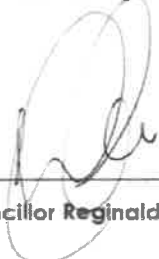
3. Development Objectives

The objectives of a development of Erfs 412 and 217 should be to;

- a) provide affordable residential units for rent, purchase or rent to purchase by local GAP PDIs employed locally in the public or private sectors or self-employed;
- b) provide commercial units for rent, purchase or rent to purchase for existing and start-up businesses owned and operated by local PDIs the sizes, types and rents or purchase prices of which have been discussed with the Franschhoek Chamber of Commerce;
- c) in the construction phase apply a "Franschhoek First" policy in employment and in the appointment of sub-contractors similar to that applied by TCTA in the construction phase of the Berg River Dam Project 2003 to 2007;
- d) create a social, residential and economic hub that will uplift the wider area in which it is located;
- e) create an aesthetically pleasing entrance to the village of Franschhoek consistent with the design parameters and guidelines below;
- f) achieve these objectives through a vehicle with a BEE component.

4. **Design Parameters and Guidelines**

- a) The design should be architecturally appropriate – i.e. non-industrial looking buildings;
- b) The overall design should respond to the immediate area with inherent vernacular precedents – Victorian & Cape Dutch typologies – without being historical copies and with an approved colour scheme;
- c) There should be an overall Master Plan with symmetrically planned entry and exit points;
- d) Views towards the west (across the R 45) to be capitalised upon with shops responding to this interface.
- e) There should be varied building scale and roof form to create more interesting street elevations as opposed to very long or similar building forms with an unvaried elevation;
- f) There should be colonnades with roofed verandas or stoeps to protect pedestrians from the summer sun and winter rains;
- g) There should be a prominent outdoor component in a central open space with shade trees with shops and residences opening onto this space;
- h) Having regard to the proximity of Erfs 412 and 217 to the adjacent residential areas and the level of car ownership in those areas, consideration should be given to a departure to allow a lesser number of parking bays than prescribed in the Municipal Zoning Scheme
- i) Such parking bays as are strictly necessary must be in small parcels on the outside of the development to limit their visibility from the R45 and so there can be a fully pedestrianised green space component, a public square or courtyard on the inside with shade trees;
- j) Whatever zoning the development or parts of it may have, the height of any building must be limited to two storeys.



Councillor Reginald Pheiffer



Councillor Wilhelmina Petersen

For and on behalf of
Franschhoek Chamber of Commerce

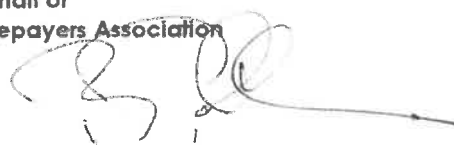


Adv Wilfred Moses = Chairperson

For and on behalf of
Franschhoek Heritage & Ratepayers Association



Irmela Alberts: Co-chairperson



Barry Phillips: Co-Chairperson

ANNEXURE 2

OPTION 1 (Buildings & Parking)

DESCRIPTION	NOTES
Erf 412, Le Roux, FHK	±11,204m ²
Erf 217, Le Roux, FHK	±388m ²
less Library area	±1,400m ²
Erf 412: Total Developable Area	±10,192m²
 Number of Dwelling Units (incl Flats)	42
 Number of Mixed Use Buildings	2
Gross Density (du/ha)	±41
Net Density (du/ha)	±55
 Number of Parking Bays	144

BUILDINGS & HOUSING TYPOLOGIES

- Erven 1 to 4 can accommodate Single or Double Storey Freestanding Units (2-or more bedrooms). Floor areas can vary from ±72m² to ±144m² (and more in some cases).
- Erven 5 to 12 can accommodate Freestanding Units (2-or more bedrooms or Semi-detached Units (2-Unit Duplexes; 2-bedrooms). Floor areas can vary from ±36m² to ±72m².
- Erf 13 can accommodate businesses on the ground floor and ±20 x flats (1 or 2-bedroom) on the 1st floor. Total floor area is ±2,000m² (Ground floor businesses - 1000m² and 1st floor flats - 1000m²).
- Erf 14 can accommodate businesses on the ground floor and ±10 x flats (1 or 2-bedroom) on the 1st floor. Total floor area is ±1,500m² (Ground floor businesses - 750m² and 1st floor flats - 750m²).
- Floor areas for flats can vary between ±40m² to ±60m².
- Height: Single Storey for flats. Single and/or Double Storey for other units.
- Building Lines (indicated as a **RED Dashed line**):
 - 0m building line is proposed for 1 x common boundary (for erven 5 to 12) to accommodate Semi-detached Units or 2-Unit Duplexes.
 - 1m building line on other common boundaries (Erven 1 to 12)
 - 2m street building line on erven up to 250m² (Erven 2 to 12)
 - 3m street building line on erven between 250m² and 500m² (Erf 1)
 - 0m (and 4.5m) street & common boundary building lines for the business uses (and other buildings) on Erven 13 and 14 is allowed. However, the location of the buildings on Erven 13 and 14 are at least 5m and 6m from the erf boundaries respectively.
- Parking:
 - Parking bay dimensions are 2.5m x 5m.
 - 2 x Onsite Parking Bays per erf (Erven 1 to 12).
 - 72 x Onsite Parking Bays on Erf 13.
 - 48 x Onsite Parking Bays on Erf 14.

SHEETS

- Sheet 1: Layout, Erf Numbers & Dimensions
- Sheet 2: Proposed Zonings
- Sheet 3: Buildings & Parking
- Sheet 4: Buildings & Building Lines



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-806-8462
Cell: 082-442-7709
Email: lester.vanstavel@ Stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 412

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
1	Not to scale	A4	3 of 4

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412, 217 & 284, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
 CP: Consolidation Plan
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
 F: Final

DRAWING NUMBER

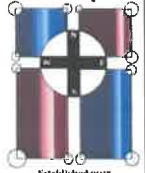
21P003-TRP-SDP412(1)-20210621-D1

PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED

PLAN 4 SA



Katellabrand 2015

OPTION 2 (Buildings & Parking)

DESCRIPTION	NOTES
Erf 412, Le Roux, FHK	±11,204m ²
Erf 217, Le Roux, FHK	±388m ²
less Library area	±1,400m ²
Erf 412: Total Developable Area	±10,192m²
 Number of Dwelling Units (incl Flats)	32
 Number of Mixed Use Buildings	2
Number of other Buildings (Local Business & Filling Station)	2
Gross Density (du/ha)	±31
Net Density (du/ha)	±41
 Number of Parking Bays provided	137

BUILDINGS & HOUSING TYPOLOGIES

- Erven 5 to 16 can accommodate Single or Double Storey Semi-detached Units (2-Unit Duplexes; 1 or 2-bedrooms). Floor areas can vary from ±33m² to ±93m².
- Erf 1 can accommodate businesses and/or offices on the ground floor and 49 x flats (1 or 2-bedroom) on the 1st floor. Total floor area is ±900m² (Ground floor businesses - 450m² and 1st floor flats - 450m²). Floor area for flats was estimated at ±50m².
- Erf 4 can accommodate businesses and/or offices on the ground floor and 11 x flats (1 or 2-bedroom) on the 1st floor. Total floor area is ±1,050m² (Ground floor businesses - 525m² and 1st floor flats - 525m²). Floor area for flats was estimated at ±50m².
- Erf 3 can accommodate a food chain business such as Kentucky. Total floor area is ±225m².
- Erf 4 can accommodate a Filling Station such as an Engen. The total floor area of the building is ±90m².
- Height: Single Storey for flats and businesses. Double Storey for other dwelling units.
- Building Lines (indicated as a **RED Dashed** line):
 - 0m building line is proposed for 1 x common boundary (for erven 5 to 16) to accommodate the Semi-detached Units (2-Unit Duplexes).
 - 1m building line on other common boundaries (Erven 5 to 16)
 - 2m street building line on residential erven up to 250m² (Erven 5 to 16)
 - 5m street building line along the R45. A 4.5m building line was used on the Mixed Use erven (Erven 1 and 4) on the internal streets and common boundaries.
 - 2m street building line and 1m common boundary building line was used in the Local Business Zone (Erf 2).
 - 5m street and common boundary building lines were used in the Transport Facility Zone (Erf 3).
- Parking:
 - 1m Parking bay dimensions are 2.5m x 5m.
 - 2 x Onsite Parking Bays per erf (Erven 5 to 16).
 - 45 and 43 x Onsite Parking Bays on Erven 1 and 4 respectively.
 - 10 x Onsite Parking Bays on Erf 2
 - 15 x Onsite Parking Bays on Erf 3.

SHEETS

- Sheet 1: Layout, Erf Numbers & Dimensions
- Sheet 2: Proposed Zonings
- Sheet 3: Buildings & Parking
- Sheet 4: Buildings & Building Lines



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 412

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	Not to scale	A4	3 of 4

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412, 217 & 284, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

DRAWING NUMBER

21P003-TRP-SDP412(2)-20210622-D1

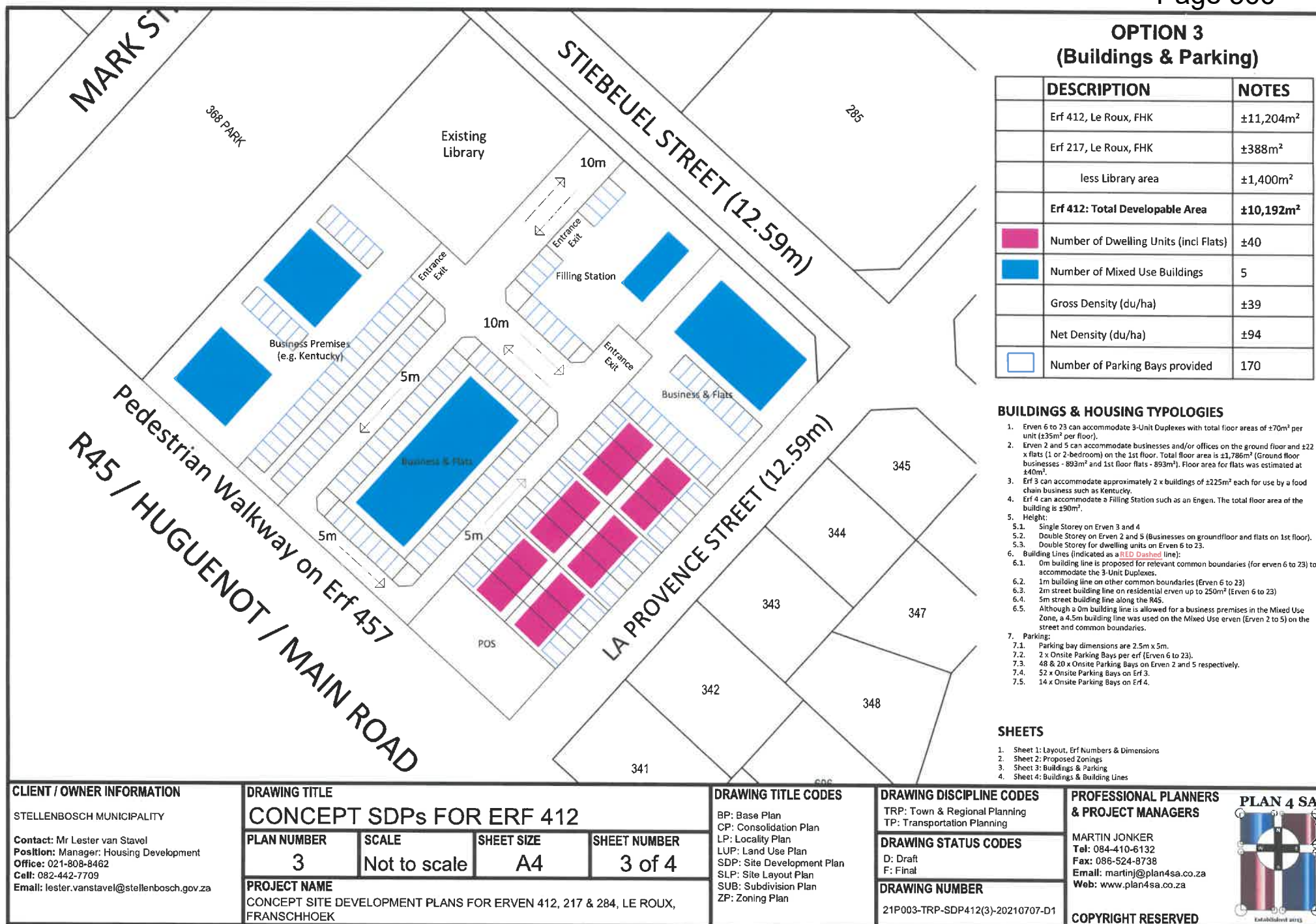
PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED

PLAN 4 SA





OPTION 4 (Buildings & Development Parameters)

ERF 1 (±1974m²)

- Proposed Zoning: Mixed Use Zone
- Proposed Land Uses: Business premises on ground floor, offices on 1st floor
- Coverage:
 - Permitted: 85%
 - Proposed: ±636m² (32%)
- Height:
 - Permitted: 6 storeys
 - Proposed: 2 storeys
- Estimated Floor Areas: ±1272m² calculated for 2 storeys
- Building Lines: As specified in the Mixed Use Zone. 3m building line proposed on La Provence Street.
- Parking Bays:
 - Dimensions: 2.5m x 5m
 - Required: 51
 - Provided: 36
 - A departure on the number of parking bays might be required. However, if a single storey building is constructed then the number of parking bays will be more than enough.

ERF 2 (±2498m²)

- Proposed Zoning: Mixed Use Zone
- Proposed Land Uses: Business Premises on the ground floor and offices on the 1st floor.
- Coverage:
 - Permitted: 85%
 - Proposed: ±711m² (28%)
- Height:
 - Permitted: 6 storeys
 - Proposed: 2 storeys
- Estimated Floor Areas: ±1422m² calculated for 2 storeys
- Building Lines: As specified in the Mixed Use Zone.
- Parking Bays:
 - Dimensions: 2.5m x 5m
 - Required: 57
 - Provided: 51
 - A departure on the number of parking bays might be required. However, if a single storey building is constructed then the number of parking bays will be more than enough.

ERF 3 (±2865m²)

- Proposed Zoning: Mixed Use Zone
- Proposed Land Uses: Business Premises on the ground floor and offices on the 1st floor.
- Coverage:
 - Permitted: 85%
 - Proposed: ±1078m² (28%)
- Height:
 - Permitted: 6 storeys
 - Proposed: 2 storeys
- Estimated Floor Areas: ±1215m² calculated for 2 storeys
- Building Lines: As specified in the Mixed Use Zone.
- Parking Bays:
 - Dimensions: 2.5m x 5m
 - Required: 86
 - Provided: 59
 - A departure on the number of parking bays might be required. However, if a single storey building is constructed then the number of parking bays will be more than enough.

SHEETS

- Sheet 1: Site Layout, Erf Numbers & Zonings
- Sheet 2: Buildings & Development Parameters



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Slavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@ Stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 412

PLAN NUMBER

1

SCALE

Not to scale

SHEET SIZE

A4

SHEET NUMBER

2 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412 & 217, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

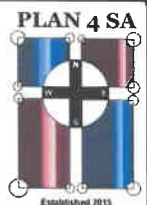
DRAWING NUMBER

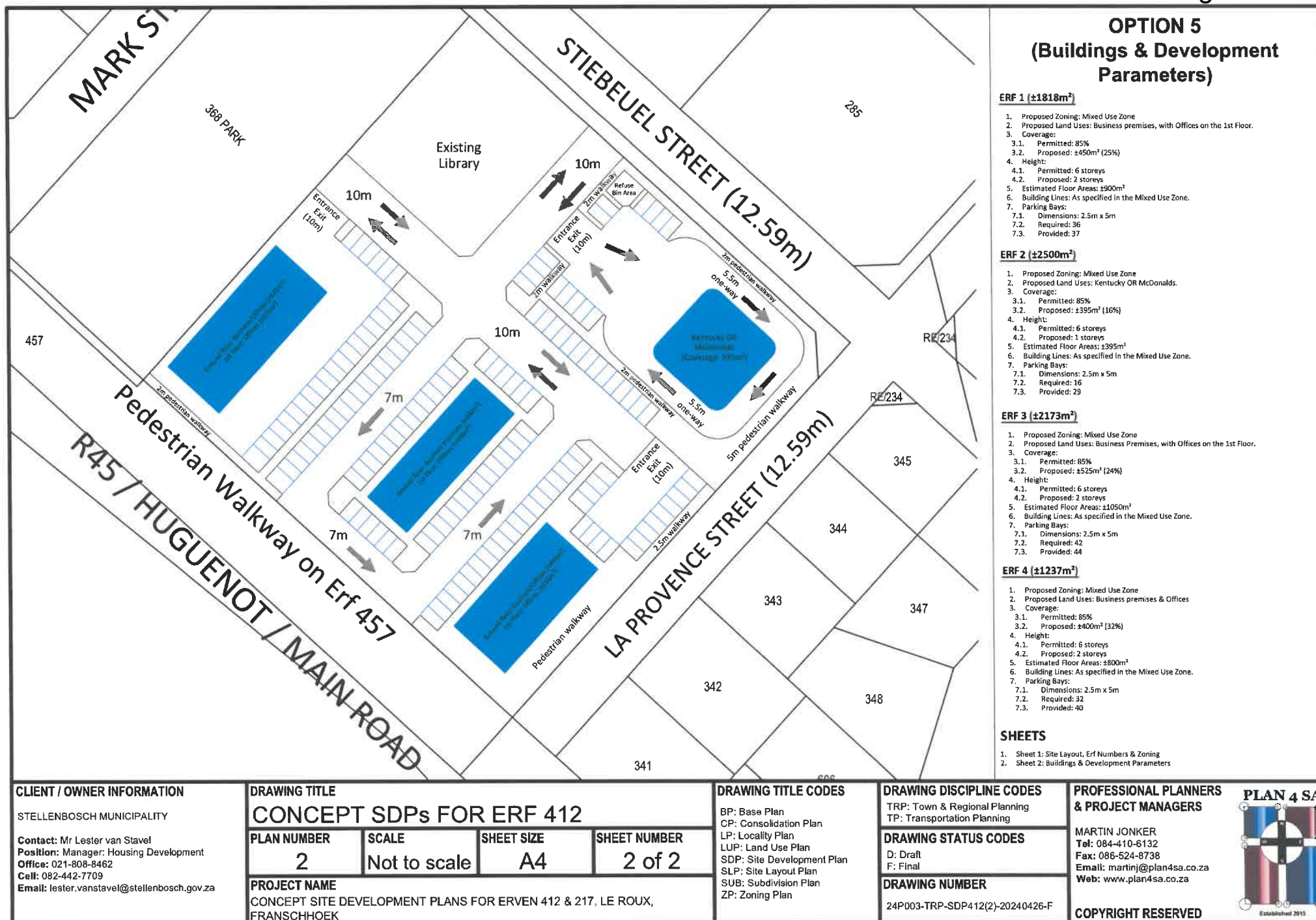
21P003-TRP-SDP412(1)-20240426-F

PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED



**CLIENT / OWNER INFORMATION**

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
 Position: Manager: Housing Development
 Office: 021-808-8462
 Cell: 082-442-7709
 Email: lester.vanstavel@ Stellenbosch.gov.za

DRAWING TITLE**CONCEPT SDPs FOR ERF 412**

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	Not to scale	A4	2 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412 & 217, LE ROUX,
 FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
 CP: Consolidation Plan
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES

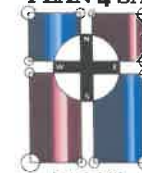
D: Draft
 F: Final

DRAWING NUMBER

24P003-TRP-SDP412(2)-20240426-F

**PROFESSIONAL PLANNERS
& PROJECT MANAGERS**

MARTIN JONKER
 Tel: 084-410-6132
 Fax: 086-524-8738
 Email: martinj@plan4sa.co.za
 Web: www.plan4sa.co.za

COPYRIGHT RESERVED**PLAN 4 SA**

OPTION 6 (Buildings & Development Parameters)

ERF 1 ($\pm 1672\text{m}^2$)

1. Proposed Zoning: Mixed Use Zone with Consent for a Filling Station
2. Proposed Land Uses: Filling Station with Convenience Store & Wimpy
3. Coverage:
 - 3.1. Permitted: 85%
 - 3.2. Proposed: $\approx 620m^2$ (37%)
4. Height:
 - 4.1. Permitted: 2 storeys
 - 4.2. Proposed: Single Storey
5. Estimated Floor Areas: $\approx 660m^2$
6. Building Lines: As specified in the Mixed Use Zone.
7. Parking Bays:
 - 7.1. Dimensions: 2.5m x 5m
 - 7.2. Required: 12
 - 7.3. Provided: 15

ERF 2 ($\pm 1262\text{m}^2$)

1. Proposed Zoning: Mixed Use Zone
2. Proposed Land Uses: Business Premises on the ground floor and offices on the 2nd floor.
3. Coverage:
 - 3.1. Permitted: 85%
 - 3.2. Proposed: $\pm 408\text{m}^2$ (32%)
4. Height:
 - 4.1. Permitted: 6 storeys
 - 4.2. Proposed: 2 storeys
5. Estimated Floor Areas: $\pm 816\text{m}^2$
6. Building Lines: As specified in the Mixed Use Zone.
7. Parking Bays:
 - 7.1. Dimensions: $2.5\text{m} \times 5\text{m}$
 - 7.2. Required: 33
 - 7.3. Provided: 44

ERF 3 ($\pm 2398\text{m}^2$)

1. Proposed Zoning: Mixed Use Zone
2. Proposed Land Uses: Business Premises on the ground floor and offices on the 2nd floor.
3. Coverage:
 - 3.1. Permitted: 85%
 - 3.2. Proposed: $\pm 450\text{m}^2$ (19%)
4. Height:
 - 4.1. Permitted: 6 storeys
 - 4.2. Proposed: 2 storeys
5. Estimated Floor Areas: $\pm 900\text{m}^2$
6. Building Lines: As specified in the Mixed Use Zone.
7. Parking Bays:
 - 7.1. Dimensions: $2.5\text{m} \times 5\text{m}$
 - 7.2. Required: 36
 - 7.3. Provided: 30

ERF 4 ($\pm 2498\text{m}^2$)

1. Proposed Zoning: Mixed Use Zone
2. Proposed Land Uses: Kentucky OR McDonalds with drive through service
3. Coverage:
 - 3.1. Permitted: 85%
 - 3.2. Proposed: ±496m² (20%)
4. Height:
 - 4.1. Permitted: 6 storeys
 - 4.2. Proposed: Single Storey
5. Estimated Floor Area: ±496m²
6. Building Lines: As specified in the Mixed Use Zone.
7. Parking Bays:
 - 7.1. Dimensions: 2.5m x 5m
 - 7.2. Required: 20
 - 7.3. Provided: 28

SHEETS

1. Sheet 1: Site Layout, Erf Numbers & Zonings
2. Sheet 2: Buildings & Development Parameters

CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 412

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	Not to scale	A4	2 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412 & 217, LE ROUX,
FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

DRAWING NUMBER

24P003-TRP-SDP412(3)-20240426-F

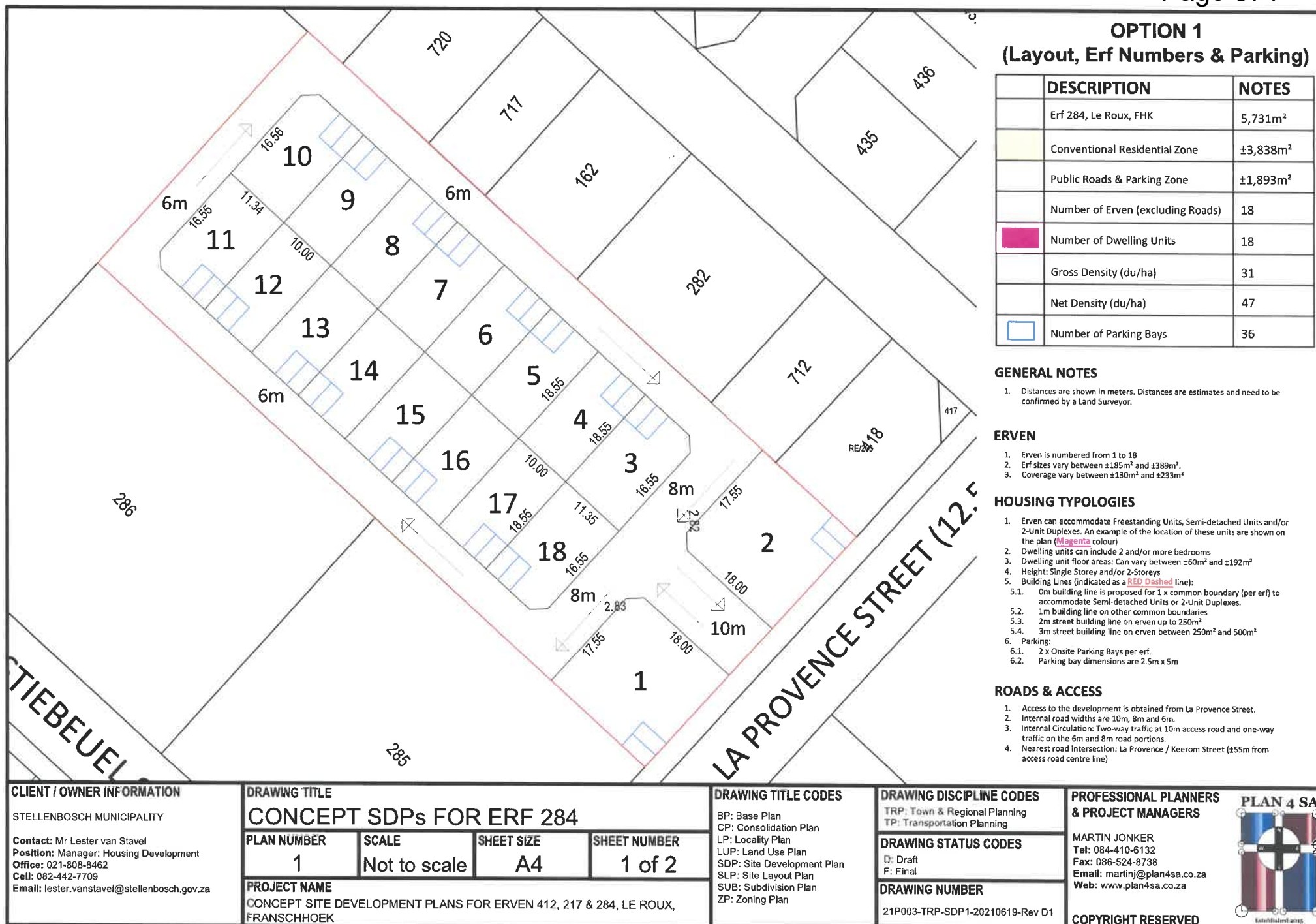
PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED



ANNEXURE 3



OPTION 2 (Layout, Erf Numbers & Parking)

	DESCRIPTION	NOTES
	Erf 284, Le Roux, FHK	5,731m ²
	Multi-Unit Residential Zone	±3,912m ²
	Public Roads & Parking Zone	±1,819m ²
	Number of Erven (excluding Roads)	3
	Number of Dwelling Units	42
	Gross Density (du/ha)	73
	Net Density (du/ha)	107
	Number of Parking Bays	68

GENERAL NOTES

- Distances are shown in meters. Distances are estimates and need to be confirmed by a Land Surveyor.

ERVEN

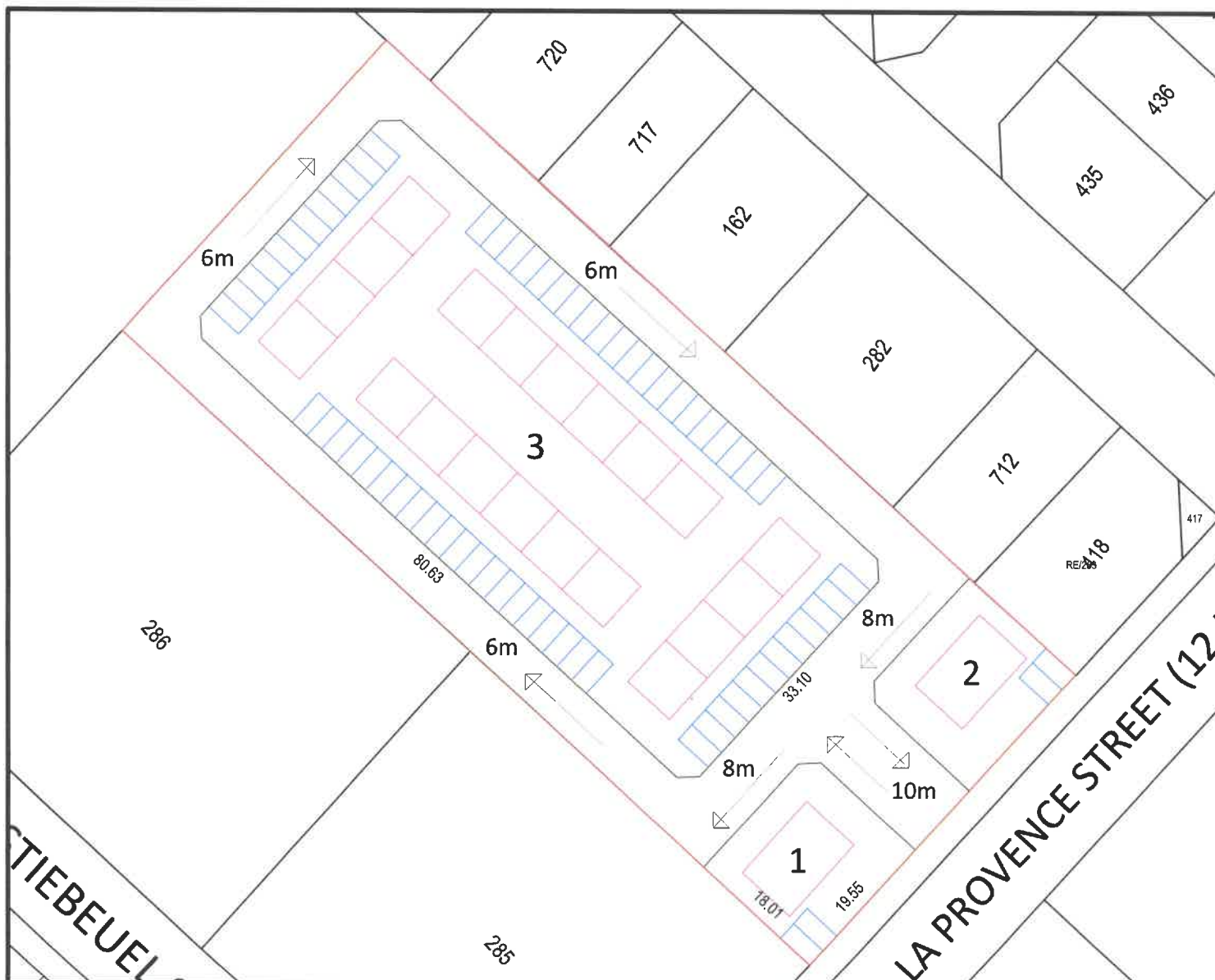
- Erven 1 and 2 are numbered 1 to 3.
- Erven 1 and 2 is ± 389m² each and Erf 3 is ± 3134m² in size.
- Max Coverage allowed on Erf 1 and 2 is ± 233m² each and ± 1567m² on Erf 3.

HOUSING TYPOLOGIES

- Erven 1 and 2 can accommodate Single or Double Storey Freestanding Units, whilst 2-Storey Flats of ± 49m² per unit is proposed for Erf 3. An example of the location of these units are shown on the plan (Magenta colour)
- Freestanding Dwelling Units can include 2 or more bedrooms. Flats can include 1 or 2 bedrooms.
- Dwelling unit floor areas: Can vary between ± 96m² and ± 192m² for the Freestanding Dwelling Units. The 40 x Flats can have a total floor area of ± 1960m² if calculated at 49m² per dwelling unit.
- Height: Single or Double Storey for the Freestanding Units and 2-Storey Flats.
- Building Lines (Indicated as a RED Dashed line):
 - As proposed by the Zoning Scheme By-Law
- Parking:
 - 2 x Onsite Parking Bays per erf for Freestanding Dwelling Units.
 - 1.5 x Onsite Parking Bays per Flat (1 or 2 bedroom units)
 - Parking bay dimensions are 2.5m x 5m

ROADS & ACCESS

- Access to the development is obtained from La Provence Street.
- Internal road widths are 10m, 8m and 6m.
- Internal Circulation: Two-way traffic at 10m access road and one-way traffic on the 6m and 8m road portions.
- Nearest road intersection: La Provence / Keerom Street (± 55m from access road centre line)



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 284

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	Not to scale	A4	1 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412, 217 & 284, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

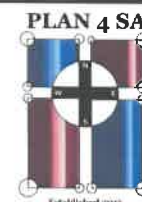
DRAWING NUMBER

21P003-TRP-SDP-1-20210619-Rev D1

PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martin@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED



OPTION 3 (Layout, Erf Numbers & Parking)

	DESCRIPTION	NOTES
	Erf 284, Le Roux, FHK	5,731m ²
	Conventional Residential Zone	±4,524m ²
	Public Roads & Parking Zone	±1,207m ²
	Number of Erven (excluding Roads)	22
	Number of Dwelling Units	22
	Gross Density (du/ha)	38
	Net Density (du/ha)	49
	Number of Parking Bays	44

GENERAL NOTES

- Distances are shown in meters. Distances are estimates and need to be confirmed by a Land Surveyor.

ERVEN

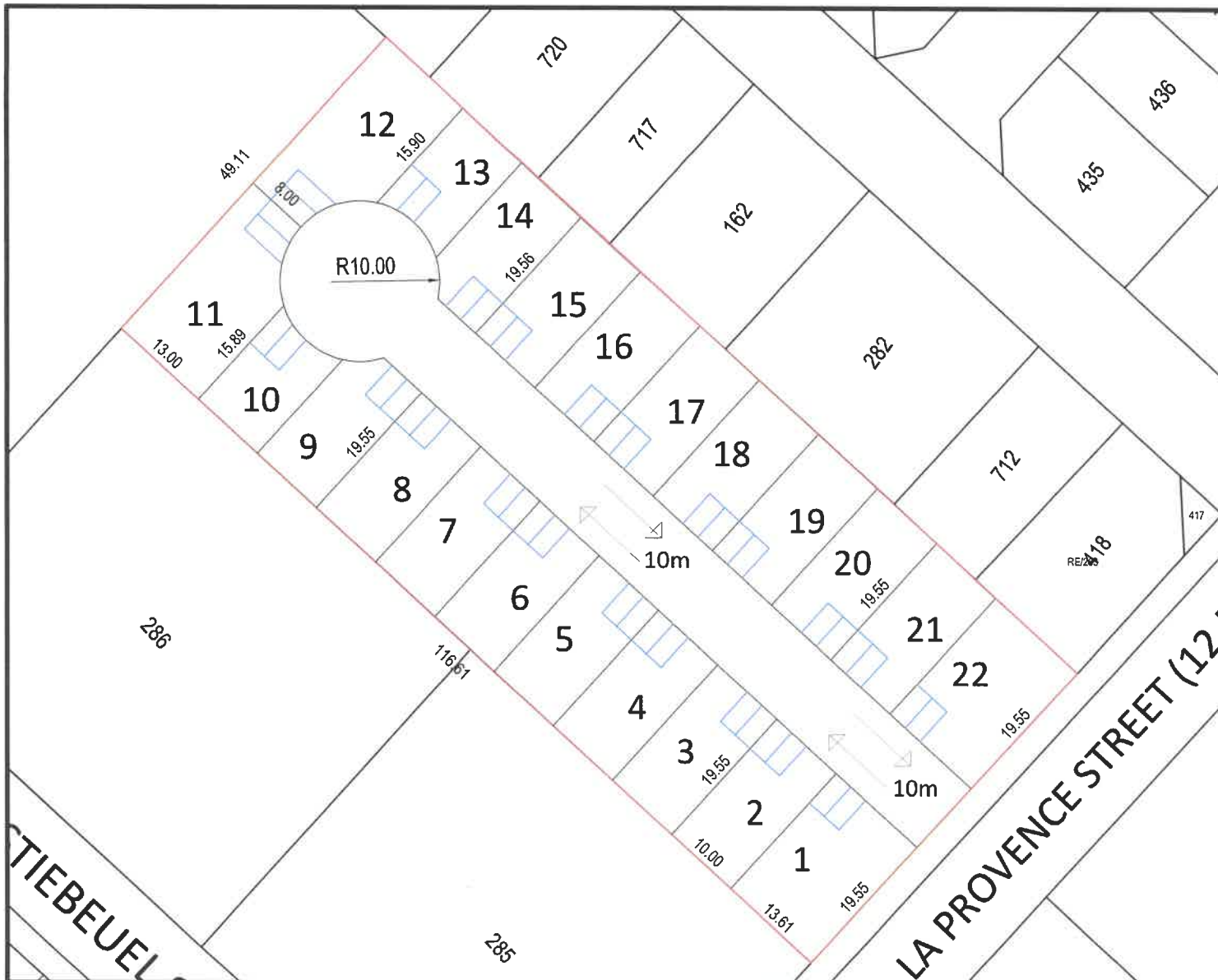
- Erven is numbered from 1 to 22.
- Erf sizes vary between ±150m² and ±289m².
- Coverage vary between ±105m² and ±173m².

HOUSING TYPOLOGIES

- Erven can accommodate Freestanding Units, Semi-detached Units and/or 2-Unit Duplexes. An example of the location of these units are shown on the plan (Magenta colour).
- Dwelling units can include 2 and/or more bedrooms.
- Dwelling unit floor areas: Can vary between ±56m² and ±140m².
- Height: Single Storey and/or 2-Storeys.
- Building Lines (indicated as a RED Dashed line):
 - 0m building line is proposed for 1 x common boundary (per erf) to accommodate Semi-detached Units or 2-Unit Duplexes.
 - 1m building line on other common boundaries.
 - 2m street building line on erven up to 250m².
 - 3m street building line on erven between 250m² and 500m².
- Parking:
 - 2 x Onsite Parking Bays per erf.
 - Parking bay dimensions are 2.5m x 5m.

ROADS & ACCESS

- Access to the development is obtained from La Provence Street.
- Internal road width is 10m ending in a turning circle with a 10m radius.
- Internal Circulation: Two-way traffic.
- Nearest road intersection: La Provence / Keerom Street (±55m from access road centre line).



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@ Stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 284

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	Not to scale	A4	1 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412, 217 & 284, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

DRAWING NUMBER

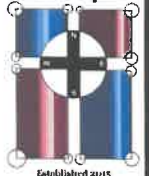
21P003-TRP-SDP1-20210619-Rev D1

PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED

PLAN 4 SA



OPTION 4 (Layout, Erf Numbers & Parking)

	DESCRIPTION	NOTES
	Erf 284, Le Roux, FHK	5,731m ²
	Conventional Residential Zone	±4,524m ²
	Public Roads & Parking Zone	±1,207m ²
	Number of Erven (excluding Roads)	40
	Number of Dwelling Units	40
	Gross Density (du/ha)	±69
	Net Density (du/ha)	±88
	Number of Parking Bays	80

GENERAL NOTES

- Distances are shown in meters. Distances are estimates and need to be confirmed by a Land Surveyor.

ERVEN

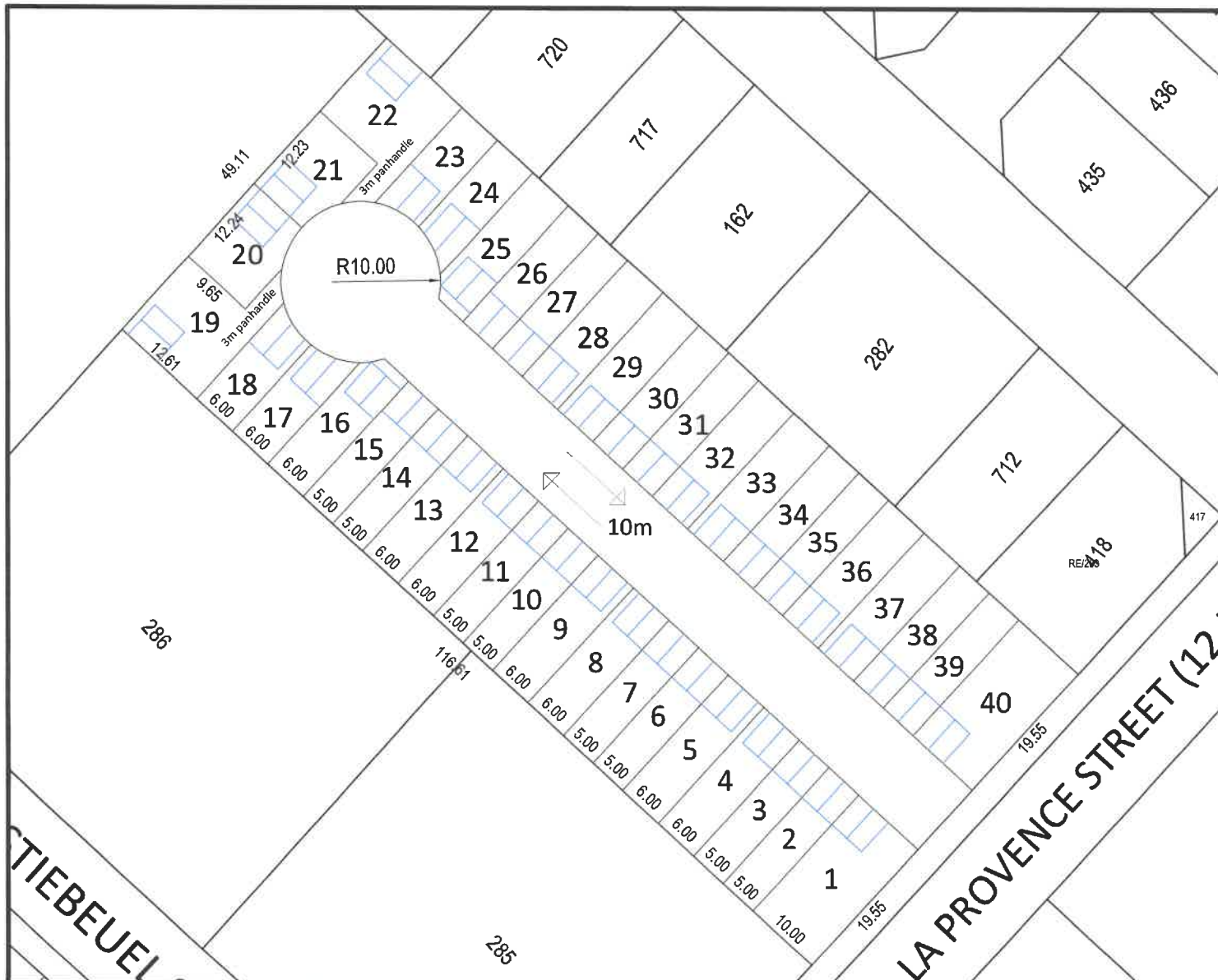
- Erven is numbered from 1 to 40.
- Erf sizes vary between ±90m² and ±195m².
- Coverage vary between ±63m² and ±137m².

HOUSING TYPOLOGIES

- Erven 1 to 16 and 25 to 40 accommodate 4-Unit Duplexes. Erven 17 to 24 accommodate 2-Unit Duplexes. An example of the location of these units are shown on the plan (Magenta colour).
- Dwelling units can include 2 and/or more bedrooms.
- Dwelling unit floor areas: Vary between ±60m² and ±72m² in total (Ground Floor & First Floor: ±30m² to ±36m² each).
- Height: Single Storey and/or 2-Storeys. 2-Storeys recommended.
- Building Lines (indicated as a RED Dashed line):
 - Erven 17-24: 0m building line is proposed for 1 x common boundary (per erf) to accommodate 2-Unit Duplexes.
 - Erven 1-16, 25-40: 0m common boundary building lines to accommodate 4-Unit Duplexes.
 - 1m building line on other common boundaries.
 - 3m rear building line proposed on Erven 22-40 to accommodate sewerage line of adjacent properties.
 - 2m street building line on all erven up to 250m².
- Parking:
 - 2 x Onsite Parking Bays per erf.
 - Parking bay dimensions are 2.5m x 5m.

ROADS & ACCESS

- Access to the development is obtained from La Provence Street.
- Internal road width is 10m ending in a turning circle with a 10m radius.
- Internal Circulation: Two-way traffic.
- Nearest road intersection: La Provence / Keerom Street (±55m from access road centre line).



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Office: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstavel@ Stellenbosch.gov.za

DRAWING TITLE

CONCEPT SDPs FOR ERF 284

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
4	Not to scale	A4	1 of 2

PROJECT NAME

CONCEPT SITE DEVELOPMENT PLANS FOR ERVEN 412, 217 & 284, LE ROUX, FRANSCHHOEK

DRAWING TITLE CODES

BP: Base Plan
CP: Consolidation Plan
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
F: Final

DRAWING NUMBER

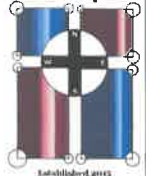
21P003-TRP-SDP-20210706-Rev D1

PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

COPYRIGHT RESERVED

PLAN 4 SA



10.6	INFRASTRUCTURE SERVICES : (PC : CLLR R PHEIFFER)
10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – SEPTEMBER 2024

Collaborator No: 773774

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024 and 30 October 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – SEPTEMBER 2024

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation which is underway to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. A revised application was submitted to Eskom on 22 August 2024.

4.2 A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase. The tender evaluation report served at the BEC for a second time on the 26th of August 2024 and was approved with recommendations. The evaluation report with the BEC recommendations is scheduled to serve at the BAC on the 6th of September 2024.

4.3 The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation of remote viewing at six of the seven main substations completed under Phase 1 of the project in the 2023/2024 financial year. Phase 2 of the project will commence in September 2024 and will include the complete plant to master station verification/testing and implementation of remote switching at Golf, Jan Marais-, Markotter, Suidwal- and Cloetesville substations as well as the installation of the SCADA system and implementation of remote viewing and remote switching at Franshoek substation which could not be completed in Phase 1. The two remaining main substations (Main and University) can only be completed once the project to replace the 66kV switchgear at the two substations are completed. According to the project programme submitted by the appointed contractor responsible for implementing the 66kV switchgear at Main and University substations, the project is planned to be completed in March 2025.

4.4 All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand

Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting in Municipal offices and buildings, retrofitting of LED streetlights and the installation of two PV installations on critical plant buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's). The EPC have been completed and registered on the SANEDI website.

- 4.5** The tender for the Stellenbosch Fire Station battery storage system is awarded with a contractual completion date of end of November 2024. The Main (Neethling Huis Building) and NPK buildings have been earmarked for Business Continuity Initiatives, which entails the installation of BESS, Hybrid Inverters and PV, investigations are currently underway. An assessment report including estimated costs to establish the feasibility of the implementation of the projects was submitted and presented to the user department by the consultant on the 26 August 2024. There were certain recommendations made by the user department which the consultant is adding to the proposal before submission to the AEG Committee.

4.6 Provincial Initiatives

4.6.1 Provincial Initiative to Establish a 50MW Solar Plant

- Feasibility Study has been completed and is currently presented to various internal structures including Council. The 50 MW MIPPP item has served at Council in August 2024.
- The 50 MW MIPPP item that served at council received the go-ahead to proceed to the next stage.
- The Transactional Advisory Team "Cresco" met with Stellenbosch Municipality and Eskom to determine the next procurement steps. It was agreed in the meeting that an Expression of Interest will be advertised, the advert was placed on the 7th of September 2024.
- On the 24th of July 2024 the office of the Premier drafted a letter to Eskom regarding the MIPPP projects in the province and the Eskom areas of concern. Eskom acknowledged the letter from the Premier's office but did not adequately address any of the issues, however agreed to an engagement with the Western Cape Government. The Cresco team met with the Municipality to scrutinize the Eskom response in detail. Cresco was alarmed by the response from Eskom. No proper answers were given by Eskom, and they (Eskom) suggested that the Municipality cannot be treated as a load curtailment customer. The Premier's letter request was for a clear written response from Eskom.
- At a follow up meeting with Cresco and Pegasys attended by the Municipality, the different steps (technical, financial and legal) were discussed and considered. A risk assessment was suggested, which must include legal and finance elements must be formulated to assist in the drafting of the Request for Proposal (RFP). At this meeting the CFO recommended that the formal SCM processes and BSC will be followed. The RFP document is planned to be completed January 2025.
- Eskom's stance is a concern for Pegasys and Cresco and further engagements with Eskom are planned to unpack wheeling generation capacity. All the risks indicated in the letter from Eskom will be prepared by prepared Cresco which will be served in the next Council's Alternative Energy Generation Programme item.
- An extreme concern is that there are no decisive answers from Eskom. The Council must be informed that the project cannot be supported without clear answers. This could result in wasteful and fruitless expenditure. Updates on the project are crucial to keep Council informed. The Premier was asked to intervene on behalf of the Municipality.

4.6.2 Provincial Project: Municipal Pooled Buying initiative:

Following Stellenbosch' input after reviewing the Pool Buying report it was recently indicated by Province that this project has been put on hold until further notice.

5. RECOMMENDATION

that Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

6. DISCUSSION / CONTENTS**6.1 Background**

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

6.2 Discussion

Progress to date on the various initiatives are as follows:

6.2.1 Outcome of Eskom Engagements

The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Eskom's initial indications was that this application would serve at the April 2024 Loadshedding Committee, however confirmation has been received from Eskom that the application has not served yet. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. A revised application was submitted to Eskom on 22 August 2024.

6.2.2 Proposed Load Curtailment Strategy

Taking the above into consideration the following load shedding mitigation strategies are being facilitated.

6.2.3 Municipal Initiatives**6.2.3.1 Appointment of Alternative Energy Independent Power Producers (IPP's)**

A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase.

Possible second Tender: Three sites were identified by Stellenbosch Municipality with the view to establishing IPP's. The Municipality is continuing to facilitate a possible separate tender process to procure IPP's as follows:

- Erf RE/119 Idas Valley for possible Biomass.
- Erf 181/0 Stellenbosch (below reservoir) for possible photovoltaic site.
- Erf 279/0 Stellenbosch (Droëdyke site opposite the landfill) for a possible photovoltaic site.

As a result of extensive investigations that are still required to be conducted to ensure that the tender specifications adhere to the Municipality's needs and ensure the responsiveness of bidders, this tender will be the second tender to be issued. The Municipality is continuously engaging with other Municipalities who are also following the same process to learn from their experiences, but this tender will only be advertised

once the evaluation and adjudication of the 20 MW IPP tender process have been concluded.

6.2.3.2 Implementation of Supervisory Control and Data Acquisition (SCADA)

The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation and the fitting of main substations with the additional equipment to enable remote monitoring (Phase 1). Six main substations have been brought online i.e. Main 11 kV, Gholf 66 kV & 11 kV, Jan Marais 11 kV, Markotter 66 kV & 11 kV, Suidwal 66 kV & 11 kV, University 11 kV and Cloetesville 66 kV & 11 kV substations. Franschhoek substation will only come online in 2024-2025 financial year. Main, Markotter and University 66 kV substations' remote viewing are scheduled for completion in the 2024/2025 financial year pending the completion of the 66 kV circuit breaker replacement. The 66kV circuit breaker upgrade project is planned to be completed in March 2025.

6.2.3.3 Municipal Critical Buildings and Plants

All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting in Municipal offices and buildings, retrofitting of LED streetlights and the installation of two PV installations on critical plant buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's). The EPC have been completed and registered on the SANEDI website.

The investigation for the most suitable alternative energy for the key infrastructure (water- and wastewater plants) to ensure continued service delivery is underway.

The progress on the four municipal buildings identified for business continuity is:

- Fire Station The tender for the Stellenbosch Fire Station battery storage system as awarded and construction work will be completed by 30 June 2025.
- NPK Building – Investigation for the most feasible option is underway. An assessment report including estimated costs to establish the feasibility of the implementation of the projects was submitted and presented to the user department by the consultant on the 26 August 2024. There were certain recommendations made by the user department which the consultant is adding to the proposal before submission to the AEG Committee.
- Main Building (Neethling Huis) – Site visits have been conducted and the Department is in the process of procuring contractors to conduct repairs as well as to ensure compliance with EPCs. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting, retrofitting of LED streetlights and the installation of two PV installations on critical plant buildings. Energy performance certification - Energy specialist company EMVS assigned who will drive the process. Building registration was done. Building information inspection documentation completed and registered on the SANEDI website.

6.3 Financial Implications

This report has further financial implications to the municipality than what has been mentioned in this report, but the exact impact will only become known once all the investigations have been concluded. R20 million in the 2024/2025 financial year has been budgeted for the implementation of the Alternative Energy initiatives to ensure that upgrades to the electrical network are conducted enabling Alternative Energy initiatives.

6.4 Legal Implications

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

6.5 Staff Implications

A minimum of 4 staff members will be required to operate the Remote Switching control room which is required to enable self loadshedding.

Further to the above, specialized technical staff would be required to facilitate and implement the loadshedding initiatives. The department has identified vacancies that are required for the implementation of Alternative Energy initiatives and presented same to Management for consideration and approval.

6.6. Previous / Relevant Council Resolutions**23RD COUNCIL MEETING: 2024-06-14: ITEM 10.6.1****NOTED**

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

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

- (a) that Council approves the investigation into alternate methods of electricity generation and purchases.
- (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government.
- (c) that Council accepts the initiating of the following processes as may be required:
 - i. Municipal Systems Act, Section 78(1) processes
 - ii. Municipal Finance Management Act, Section 33 investigation processes
 - iii. Electricity Regulation Act, Section 13; and
- (d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.

16TH COUNCIL MEETING: 2023-08-23: ITEM 11.6.3**NOTED**

The progress of the Alternate Energy Generation initiatives and studies.

20TH COUNCIL MEETING: 2024-02-21: ITEM 11.6.1**NOTED**

The Alternative Energy Generation strategies identified by the AEG Committee and the progress with the Alternative Energy Generation projects initiated.

6.7 Risks / Challenges: Implications and Mitigation:

- With both initiatives (Municipal 20 MW tender and Provincial 50 MW proposed tender) currently underway, Provincial Government has raised concerns about the Municipal 20 MW tender currently being evaluated. The PGWC were requested to submit their concerns in writing to the Municipality.
- Various engagements were held between the Municipal specialist service provider (Lyners), Municipal officials, Provincial Government Transactional Advisory consortium (Cresco) and the Provincial Government's Project Manager (Pegasys) to mitigate the possible conflict between the two projects.
- The implementation of the load shedding mitigation strategies is still subject to the approval of the municipality's load curtailment application by Eskom's Load Shedding Committee. Regular follow-up engagements are being held with Eskom and the Municipality's revised application is being finalised at present.
- To enable self-loadshedding, a significant capital investment will be required. The Department is implementing in phases the upgrades to the electrical network and has budgeted accordingly.
- The identified resources (vacancies and equipped operational control room) will be budgeted for the strategies and initiatives to be realised.
- The existing ICT network infrastructure needs to be upgraded, but it will be a phased in approach over time, so that the existing bandwidth of the ICT network is sufficient to deal with the volume of the SCADA traffic. The ICT Department is investigating solutions to enable a functioning SCADA on the ICT network.
- The preliminary simulations investigation that was conducted by the Municipality's service provider revealed that the maximum suitable size for a solar plant without batteries that can be absorbed into the Stellenbosch network is 20MW at the Stellenbosch Main substation.

The feasibility study revealed that the maximum capacity that the Stellenbosch Electrical network can accommodate is up to 50 MW.

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

The ICT department is part of the planning regarding the SCADA monitoring project. Additional staff must be appointed once the project of SCADA installation is completed to monitor the equipment. The organogram will have to be amended for this process.

6.8.2 Municipal Manager

Requested item on agenda.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.6.1

that Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Nombulelo Zwane / Mark Benson</i>
POSITION	<i>Senior Manager: Electrical Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8770/ 021 808 8333</i>
E-MAIL ADDRESS	nombulelo.zwane@Stellenbosch.gov.za / mark.benson@Stellenbosch.gov.za
REPORT DATE	<i>18 September 2024</i>

10.6.2	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – OCTOBER 2024
--------	--

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 16 October 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – OCTOBER 2024**2. PURPOSE**

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the Alternative Energy Programme projects which are underway at present.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, confirmation has been received from Eskom that the application has not yet served. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so that Eskom's Loadshedding Committee can take it into consideration. A revised application was submitted to Eskom on 22 August 2024. A Stellenbosch Load Curtailment Meeting with Eskom is scheduled for 15 October 2024 to finalize the load curtailment application.

4.2 A tender for the purchase of 20MW of electricity from an Independent Power Producer (IPP), was conditionally approved by the BAC on 16th September 2024. Consultation with the successful bidder to conclude the Power Purchase Agreement (PPA) will commence after the 21-day appeal period.

4.3 The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation of remote viewing at six of the seven main substations completed under Phase 1 of the project in the 2023/2024 financial year. Phase 2 of the project commenced in October 2024 and will include the complete plant to master station verification/testing and implementation of remote switching at Golf, Jan Marais-, Markotter, Suidwal- and Cloetesville substations as well as the installation of the SCADA system and implementation of remote viewing and remote switching at Franschoek substation, which could not be completed in Phase 1.

The two remaining main substations (Main and University) can only be completed once the project to replace the 66kV switchgear at the two substations are completed. According to the project programme for implementing the 66kV switchgear at Main and University substations, the project is planned to be completed in March 2025.

4.4 All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting in Municipal offices and buildings, retrofitting of LED streetlights and the installation of two PV installations on critical plant

buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's). The EPC have been completed and is registered on the SANEDI website.

- 4.5** The tender for the Stellenbosch Fire Station battery storage system is awarded with a contractual completion date of end November 2024. The Main (Neethling Huis Building) and NPK buildings have been earmarked for Business Continuity Initiatives, which entails the installation of BESS, Hybrid Inverters and PV, investigations are currently underway. An assessment report including estimated costs to establish the feasibility of the implementation of the projects was prepared on the 26 August 2024.

There were certain recommendations made by the user department which will be submitted to the AEG Committee. The revised report for the NPK building is being reviewed by the user department before submitting the AEG committee. A meeting with the Electrical Department is being scheduled where the revised submission will be presented for comment / approval.

4.6 Provincial Initiatives

4.6.1 Provincial Initiative to Establish a 50MW Solar Plant:

- Feasibility Study for the 50 MW MIPPP item was approved by Council in August 2024.
- The Transactional Advisory (TA) Team met with Stellenbosch Municipality and Eskom to determine the next procurement steps. An Expression of Interest has been advertised on the 7th of September 2024.
- On the 24th of July 2024 the office of the Premier sent a letter to Eskom regarding the MIPPP projects in the province and the Eskom areas of concern. Eskom acknowledged the letter from the Premier's office but did not adequately address any of the issues, however agreed to an engagement with the Western Cape Government. The TA team met with the Municipality to scrutinize the Eskom response in detail and there was cause for concern regarding the response from Eskom. Very little detailed responses were provided by Eskom, and they (Eskom) suggested that the Municipality cannot be treated as a load curtailment customer. The Premier's letter request was for a clear written response from Eskom.
- At a follow up meeting with the TA team, Provincial Government officials and the Municipality, the different steps (technical, financial and legal) were discussed and considered. A risk assessment was suggested, which includes legal and finance elements to assist in the drafting of the Request for Proposal (RFP). At this meeting the CFO recommended that the formal SCM processes and BSC will be followed. The RFP document is planned to be completed by January 2025.
- Eskom's stance is a concern for the TA team and further engagements with Eskom are planned to unpack wheeling generation capacity. All the risks indicated in the letter from Eskom will be prepared by prepared the TA team which will be served in the next Council's Alternative Energy Generation Programme item.
- An extreme concern is that there are no decisive answers from Eskom. The Council must be informed that the project cannot be supported without clear answers, because the Provincial Government is expending costs on the Transaction Advisor and Project Management firm consultancy fees. Updates on the project are crucial to keep Council informed. The Provincial Government colleagues were requested to intervene with Eskom on behalf of the Municipality as well.

4.6.2 Provincial Project: Municipal Pooled Buying initiative:

Following Stellenbosch's and the City of Cape Town's input after reviewing the Pool Buying report, it was indicated by Province that this project has been put on hold until further notice. A further workshop was held with the Finance colleagues regarding the World Bank financing platform for municipalities.

5. RECOMMENDATION

That Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

6. DISCUSSION / CONTENTS**6.1 Background**

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

6.2 Discussion

Progress to date on the various initiatives are as follows:

6.2.1 Outcome of Eskom Engagements

The draft application for load curtailment was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Eskom's initial indications was that this application would serve at the April 2024 Loadshedding Committee, however confirmation has been received from Eskom that the application has not served yet. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. A revised application was submitted to Eskom on 22 August 2024. A meeting with Eskom is scheduled for 15 October 2024 to finalize the load curtailment application.

6.2.2 Proposed Load Curtailment Strategy

Taking the above into consideration the following load shedding strategies are being facilitated in Item 6.2.3:

6.2.3 Municipal Initiatives**6.2.3.1 Appointment of Alternative Energy Independent Power Producers (IPP's)**

A tender for the purchase of 20MW of electricity from an Independent Power Producer (IPP), was conditionally approved by the BAC on 16th September 2024. Consultation with the successful bidder to conclude the Power Purchase Agreement (PPA) will commence after the 21-day appeal period.

Possible second Tender: Three sites were identified by Stellenbosch Municipality with the view to establishing IPP's. The Municipality is continuing to facilitate a possible separate tender process to procure IPP's as follows:

- Erf RE/119 Idas Valley for possible Biomass.
- Erf 181/0 Stellenbosch (below reservoir) for possible photovoltaic site.
- Erf 279/0 Stellenbosch (Droëdyke site opposite the landfill) for a possible photovoltaic site.

As a result of extensive investigations that are still required to be conducted to ensure that the tender specifications adhere to the Municipality's needs and ensure the responsiveness of bidders, this tender will be the second tender to be issued. The Municipality is continuously engaging with other Municipalities who are also following the same process to learn from their experiences, but a decision on this tender will only be taken once the conclusion of the 20 MW IPP tender appointment process has been finalised.

6.2.3.2 Implementation of Supervisory Control and Data Acquisition (SCADA)

The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation and the fitting of main substations with the additional equipment to enable remote monitoring (Phase 1). Six main substations have been brought online i.e. Main 11 kV, Gholf 66 kV & 11 kV, Jan Marais 11 kV, Markotter 66 kV & 11 kV, Suidwal 66 kV & 11 kV, University 11 kV and Cloeterville 66 kV & 11 kV substations.

Franschhoek substation will only come online in 2024-2025 financial year. Main, Markotter and University 66 kV substations' remote viewing are scheduled for completion in the 2024/2025 financial year pending the completion of the 66 kV circuit breaker replacement. The 66kV circuit breaker upgrade project is planned to be completed in March 2025.

6.2.3.3 Municipal Critical Buildings and Plants

All municipal buildings that require alternative energy supplies are being investigated as part of the AEG initiatives. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting in Municipal offices and buildings, retrofitting of LED streetlights and the installation of two PV installations on critical plant buildings. These initiatives are driven by the South African National Energy Development Institute (SANEDI) & Department Mineral Resources and Energy (DMRE). This grant funding will also be utilized to ensure compliance to energy performance certificates (EPC's). The EPC have been completed and registered on the SANEDI website.

The investigation for the most suitable alternative energy for the key infrastructure (water- and wastewater plants) is underway, to ensure continued service delivery.

The progress on the four municipal buildings identified for business continuity is:

- Fire Station The tender for the Stellenbosch Fire Station battery storage system as awarded and construction work will be completed by 30 June 2025.
- NPK Building – Investigation for the most feasible option is underway.

An assessment report including estimated costs to establish the feasibility of the implementation of the projects was prepared on the 26 August 2024. There were certain recommendations made by the user department which is being added to the proposal before submission to the AEG Committee. The revised report is being reviewed by the user department before submitting to the AEG committee.

- Main Building (Neethling Huis) – Site visits have been conducted and the Department is in the process of procuring contractors to conduct repairs as well as to ensure compliance with EPC's. The municipality has successfully applied for grant funding of R5 million from DMRE Energy Efficiency Demand Side Management for 2024/25 financial year. This funding will be utilized for the installation of energy efficient lighting, retrofitting of LED streetlights and the installation of two PV installations on critical plant buildings. Energy performance certification - Energy specialist company EMVS assigned who will drive the process. Building registration was done. Building information inspection documentation completed and registered on the SANEDI website.

6.3 Financial Implications

This report has further financial implications to the municipality than what has been mentioned in this report, but the exact impact will only become known once all the investigations have been concluded. R20 million in the 2024/2025 financial year has been budgeted for the implementation of the Alternative Energy initiatives to ensure that upgrades to the electrical network are conducted enabling Alternative Energy initiatives.

6.4 Legal Implications

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

6.5 Staff Implications

A minimum of 4 staff members will be required to operate a Remote Switching control room which is required to enable self loadshedding, should it be required in future.

Further to the above, specialized technical staff would be required to facilitate and implement the loadshedding initiatives. The department has identified vacancies that are required for the implementation of Alternative Energy initiatives and presented the same to Management for consideration and approval.

6.6 Previous / Relevant Council Resolutions

23RD COUNCIL MEETING: 2024-06-14: ITEM 10.6.1

NOTED

The Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

"40TH COUNCIL MEETING: 2021-01-27: ITEM 11.5.1

RESOLVED (nem con)

- (a) that Council approves the investigation into alternate methods of electricity generation and purchases.
- (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government.
- (c) that Council accepts the initiating of the following processes as may be required:

-
- i. Municipal Systems Act, Section 78(1) processes
 - ii. Municipal Finance Management Act, Section 33 investigation processes
 - iii. Electricity Regulation Act, Section 13; and
- (d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.

16TH COUNCIL MEETING: 2023-08-23: ITEM 11.6.3**NOTED**

The progress of the Alternate Energy Generation initiatives and studies.

20TH COUNCIL MEETING: 2024-02-21: ITEM 11.6.1**NOTED**

The Alternative Energy Generation strategies identified by the AEG Committee and the progress with the Alternative Energy Generation projects initiated.

6.7 Risks / Challenges: Implications and Mitigation:

- With both initiatives (Municipal 20 MW tender and Provincial 50 MW proposed tender) currently underway, Provincial Government has raised concerns about the Municipal 20 MW tender which has been conditionally awarded. The PGWC were requested to submit their concerns in writing to the Municipality.
- Various engagements were held between the Municipal specialist service provider, municipal officials, Provincial Government Transactional Advisory consortium and the Provincial Government's Project Manager to mitigate the possible conflict between the two projects.
- The implementation of the load shedding mitigation strategies is still subject to the approval of the municipality's load curtailment application by Eskom's Load Shedding Committee. Regular follow-up engagements are being held with Eskom and the Municipality's revised application is being interrogated by Eskom at present. Of concern, is Eskom's response to the Premier's letter where it was stated that the Municipality cannot be considered as a Load-Curtailment customer.
- The capital upgrades costs is being implemented by the Department in phases as the upgrades to the electrical network and has budgeted accordingly.
- The identified resources (vacancies and equipped operational control room) will be budgeted for the strategies and initiatives to be realised.
- The existing ICT network infrastructure needs to be upgraded, but it will be a phased in approach over time, so that the existing bandwidth of the ICT network is sufficient to deal with the volume of the SCADA traffic. The ICT Department is investigating solutions to enable a functioning SCADA on the ICT network.
- The preliminary simulations investigation that was conducted by the Municipality revealed that the maximum suitable size for a solar plant without batteries that can be absorbed into the Stellenbosch network is 20MW at the Stellenbosch Main substation.
- The feasibility study revealed that the maximum capacity that the Stellenbosch Electrical network can accommodate is up to 50 MW.

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

The ICT department is part of the planning regarding the SCADA monitoring project. Additional staff must be appointed once the project of SCADA installation is completed to monitor the equipment. The organogram will have to be amended for this process.

6.8.2 Municipal Manager

Requested item on agenda.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.6.1

that Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Nombulelo Zwane / Mark Benson</i>
POSITION	<i>Senior Manager: Electrical Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8770/ 021 808 8333</i>
E-MAIL ADDRESS	<i>nombulelo.zwane@ Stellenbosch.gov.za / mark.benson@ Stellenbosch.gov.za</i>
REPORT DATE	<i>03 October 2024</i>

10.6.3	ROLL – OUT OF RECYCLING DROP OFF POINTS
--------	--

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 October 2024 & 30 October 2024

1. SUBJECT: ROLL – OUT OF RECYCLING DROP OFF POINTS**2. PURPOSE**

To request Council to approve the Waste Management's plan to increase recycling and drop off points that are accessible to people within the municipal area.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

Municipalities are required to divert waste from the landfill as per the National Waste Management Strategy. According to goal five of Stellenbosch Municipality's Integrated Waste Management Plan (IWMP) is to increase waste diversion and recycling to promote a circular economy. One of the key objectives of the IWMP in line with goal five is to increase the diversion of recyclables through implementing a pilot project to increase accessibility in terms of recycling by placing facilities/containers in parks for people to take their recyclables to.

In meeting the target for waste diversion from landfill sites and to increase recycling, the Department has identified the need to install bulk underground waste receptacles. The underground waste receptacles are a preferred option because they maximize waste management capacities in a minimal space, odorless due to the coolness of the ground and aesthetically pleasing.

This will assist in increasing recycling and drop off points that are accessible to people. They will also provide convenient opportunities for park users to participate in waste diversion programs. Various parks were identified with the help of the Parks and Recreation Section.

The Department identified parks for installation of signage and underground receptacles as follows:

- Raithby: Watson Way
- Die Boord: Rokewood Road Park
- Krigeville: Suidwal Road
- Idas Valley: Sonnebloem Street

The item served before the section 80 committee on 3 October 2023 and the committee recommended:

RECOMMENDATIONS FROM INFRASTRUCTURE COMMITTEE MEETING: 2024-10-03: ITEM 5.1.2

- (a) that the Ward Councillors and ward committees be consulted first, and public participation be undertaken within the wards identified for the pilot project; and
- (b) that Council approve the roll out of recycling drop off points.

5. THE EXECUTIVE MAYOR RECOMMENDS TO COUNCIL:

- (a) that the Ward Councillors and ward committees be consulted first, and public participation be undertaken within the wards identified for the pilot project;
- (b) that Council approve the roll out of recycling drop off points; and
- (b) That council notes that the item will return to Council after the public participation process for approval.

6. DISCUSSION /CONTENT**6.1 Background**

The Waste Management Section has appointed Greenjobs Pty Ltd to install and manage Bulk Underground Waste Receptacles (BUWRs). The service provider appointed will be responsible for the hiring, installation, servicing, and cleaning of BUWRs. Installing BUWRs in various parks will assist in maximizing recycling within the municipality and increase drop off points for recyclables that are accessible to people.

The aim is to ensure that waste is diverted from the landfill site and increase the volume of recyclable waste. This is in line with National Environmental Management Waste Act (NEMWA), National Waste Management Strategy (NWMS), and the goal and objectives of Stellenbosch Municipality Integrated Waste Management Plan to increase waste diversion and recycling to promote a circular economy.

The appointed service provider will have to supply, install and service BUWRs for the period ending 30 June 2025. The appointed service provider will also erect notice boards indicating recycling/ general waste.

6.2 Discussion

Municipalities are required to divert waste from the landfill as per the National Waste Management Strategy. According to goal five of Stellenbosch Municipality's Integrated Waste Management Plan (IWMP) is to increase waste diversion and recycling to promote a circular economy. One of the key objectives of the IWMP in line with goal five is to increase diversion of recyclables through implementing a pilot project to increase accessibility in terms of recycling by placing facilities/containers in parks for people to take their recyclables to.

In meeting the target for waste diversion from landfill sites and to increase recycling, the Department has identified the need to install bulk underground waste receptacles. The underground waste receptacles are a preferred option because they maximize waste management capacities in a minimal space, odorless due to the coolness of the ground and aesthetically pleasing.

This will assist in increasing recycling and drop off points that are accessible to people. They will also provide convenient opportunities for park users to participate in waste diversion programs. Various parks were identified with the help of the Parks and Recreation Section.

The Department identified parks for installation of signage and underground receptacles as follows:

- Raithby: Watson Way
- Die Boord: Rokewood Road Park
- Krigeville: Suidwal Road
- Idas Valley: Sonnebloem Street

6.3 Financial Implications

The service provider appointed will be responsible for the hiring, installation, servicing, and cleaning of BUWRs at a cost of R355 105.45 over 3 financial years.

The recycling material collected from the BUWRs will be transported to the Stellenbosch Municipality's Material Recovery Facility and the drop off cost will be for the Municipality's account.

6.4 Legal Implications

The approval and implementation of BUWRs will enable the Municipality to remain legally compliant with the National Environmental Management: Waste Act and Integrated Waste Management Plan (IWMP) objectives to divert waste from landfill site and maximise recycling to promote a circular economy.

6.5 Staff Implications

The Manager will ensure that work is done according to the signed contract with the service provider.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

BUWRs reduces vandalism and prevents misuse of receptacles. So, there will be minimal vandalism and waste being reclaimed.

6.8 Comments from Management:

6.8.1 Comments from the Acting Municipal Manager:

Supported.



Map 1: Watson Way, Raithby



Photo 2: Showing where the Bulk Underground Waste Receptacles is going to be installed at Raithby

Map 2: Suidwal Rd, Krigeville

Photo 3: Showing where the Bulk Underground Waste Receptacles are going to be installed at Krigeville.

Map 3: Rokewood Road- Die Boord



Photo 4: Showing where the Bulk Underground Waste Receptacles is going to be installed at Die Boord.

Map 4: Sonnebloem Rd, Idas Valley



Photo 5: Showing where the Bulk Underground Waste Receptacles is going to be installed at Idas Valley

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.6.2

- (a) that the Ward Councillors and ward committees be consulted first, and public participation be undertaken within the wards identified for the pilot project;
- (b) that Council notes that the item will return to Council after the public participation process for consideration.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	DIRECTOR: INFRASTRUCTURE SERVICES
DIRECTORATE	INFRASTRUCTURE SERVICES
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Shane.chandaka@stellenbosch.gov.za
REPORT DATE	10 October 2024

10.6.4	REPORT ON THE PROMOTION AND IMPLEMENTATION OF NON-MOTORIZED TRANSPORT (NMT) IN STELLENBOSCH
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 October 2024

1. SUBJECT:REPORT ON THE PROMOTION AND IMPLEMENTATION OF NON-MOTORIZED TRANSPORT (NMT) IN STELLENBOSCH

2. PURPOSE

For Council to note the revitalization of the Provincial Sustainable Transport Programme (PSTP) by the Provincial Department of Mobility; the promotion of Non-Motorized Transport (NMT), and the NMT infrastructure implemented to date.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Municipality is required to promote and prioritize Non-Motorised Transport (NMT), as outlined in the Comprehensive Integrated Transport Plan (CITP) and Spatial Development Framework (SDF). The promotion of NMT also forms part the Provincial and National Government's strategy for transport.

The Municipality had previously embarked on an annual programme to expand the NMT network. The previous focal point of the provision of roads and NMT facilities were low-income communities that had, in the past, been disadvantaged in terms of transport infrastructure. During the past 8 years, on average between 4km and 5km of NMT was rolled out annually. During the 2023-2024 financial year, a concerted effect was made and 11.2km of NMT facilities was implemented. (See **Annexure A** for details).

The Municipality had been supported by the Western Cape Provincial Government with funding and a team of consulting engineers to review the public transport plan and oversee NMT implementation. The Provincial Cabinet approved the Provincial Sustainable Transport Programme (PSTP), which is aimed at enhancing the Public Transport and the NMT networks in low-income communities.

Between 2016 and 2018, the PSTP provided NMT infrastructure in Kayamandi, Klapmuts, Cloetesville and Idasvalley. During 2019 and 2020, support was received through the provision of expert guidance on the most appropriate approach to Public Transport. Between 2020 and 2024, 242 bicycles were distributed in the Municipal area mostly to schools in low-income communities.

Going forward, the Department of Mobility intends to revitalize the PSTP programme and provide increased support to the Municipality, which will require increased collaboration and a strengthening of the partnership between the Municipality and the Department.

The item served before the Section 80 Committee on 3 October 2024.

5. RECOMMENDATIONS FROM SECTION 80 COMMITTEE TO THE EXECUTIVE MAYOR:

- a) that Council notes the revitalization of the Provincial Sustainable Transport Programme (PSTP), and the increased collaboration and strengthening of the partnership between the Municipality and the Department of Mobility that is required;
- b) that Council notes the rollout of NMT infrastructure to date and particularly infrastructure implemented in the 2023-2024 financial year; for details refer to **Annexure A**.
- c) that Council notes the support received from the Department of Mobility's Provincial Sustainable Transport Programme (PSTP) to date.
- d) that Council notes the Municipality's strategy of promoting Non-Motorised Transport (NMT), as outlined in the Comprehensive Integrated Transport Plan (CITP) and Spatial Development Framework (SDF).

6 DISCUSSION / CONTENTS**6.1 Background**

The Municipality is required to promote and prioritize Non-Motorised Transport (NMT), as outlined in the Comprehensive Integrated Transport Plan (CITP) and Spatial Development Framework (SDF). The promotion of NMT also forms part the Provincial and National Government's strategy for transport.

The NMT Policy and Master Plan was tabled and approved by Council in October 2022. The objectives of the NMT Policy and Master Plan is to provide the Municipality with a framework to enable NMT implementation and to develop an implementation plan for the rollout of NMT infrastructure.

The Municipality endeavours to continuously improve the NMT network and strive for a safe and accessible environment for all NMT uses, namely walking and cycling.

The Municipality had previously embarked on an annual programme to expand the NMT network. The focal point of the provision of roads and NMT facilities are low-income communities that had been disadvantaged in the past, in terms of transport infrastructure.

During the past 8 years, on average between 4km and 5km of NMT was rolled out annually. During the 2023-2024 financial year, a concerted effort was made and 11.2km of NMT facilities was implemented, see 6.2 below for details.

The Municipality had been supported by the Western Cape Provincial Government with funding and a team of consulting engineers to review the public transport and plan and oversee NMT implementation. The Department of Mobility, through its Cabinet approved Provincial Sustainable Transport Programme (PSTP), has selected and partnered with Stellenbosch and 2 other Municipalities, to provide support for Public Transport Planning and NMT infrastructure projects.

The PSTP programme is aimed at enhancing the Public Transport and the NMT networks in low-income communities. Between 2016 and 2018, the PSTP provided NMT infrastructure in Kayamandi, Klipmuts, Cloetesville and Idasvalley. During 2019 and 2020, support was received through the provision of expert guidance on the most appropriate approach to Public Transport. Between 2020 and 2024, 242 bicycles were distributed in the Municipal area mostly to schools in low-income communities.

Going forward, the Department of Mobility intends to revitalize the PSTP programme and provide increased support to the Municipality, which will require increased collaboration and a strengthening of the partnership between the Municipality and the Department.

6.2 Discussion

During the past 8 years, the new NMT infrastructure was implemented on the following streets within the Municipal area:

Provincial Sustainable Transport Programme (PSTP) 2016-2018: Luckhof; Lindley; Gorridon; Langeveld; Davey; Lindida; Woodman; Hammanshand; Klapmuts Park; Kayamandi crossing; Beyers Street; Adam; Eike and Short Road (3.6km).

2017-2018: Barry; Houtkapper; Johnson; Van Dyk; Davy; Neethling; Tarentaal; Rhode; Link; Luckhoff; Stiebeuel River Path (3km)

2018-2019: Silvermyn, Petunia; Mountain View; Plein; Andringa; Crozier; Bird; Neethling; Shaw; Hendricks (Raithby); Angelier; Noordwal Wes; DuToit; Paradyskloof Road. (3km).

2019-2020: Sonneblom, Vredelust; Noordwal Wes; Rustenburg; Mill; Church; Bird; Paradyskloof; Stelkor Parking and Access Road; Onderpapagaai berg Dirkie Uys; La Rochelle; Reservoir; School Street (Groendal) and Stiebeuel River Path (4km).

2020-2021: Strand (R44 Blaauklippen to Jamestown); Waaiepalm; Kloof; Crombi; Last Road; Davy's Street; Long (Kayamandi); Old Helshoogte; Silvermyn; Noordwal Wes; Louw Street; Martinson (4km).

2021-2022: Oude Libertas Road; Paradyskloof Road; Merriman; Martinson; Van Riebeeck; Van Reede; Ryneveld; Church; Drostdy; Die Laan; Fontein; Primrose; Pine & Raziet; Hillside Village; Lelie; Kahler; Steibeuel River Path; Vredenburg; Reservoir; (4.2km & 1km Developer).

2022/2023: Strand (R44); Techno Ave; Silvermyn; Adam; Reservoir; Gabriels; Pine; Koch; Herman; Sampson (Raithby); Plankenberg River Path ; Eerste River Path (3.6km and 1km Developer).

2023/2024: Ryneveld; Bosman; Van Riebeeck; Strand (R44); Tennant; Ortell; Toefy; Lang; Asalea; Hahn; Moffat; Oak Tree Village; Panorama; Simonsberg; Jamboes; Kastaiing; Rhodes-Noord Road; Groenfontein; Stinkhout; Ysterhout; Geelhout; Akkerhout; Kershout; Olienhout; Bergendal; Eerste River Path (11.1km and 1km Developer).

6.3 Financial Implications

As per the approved budget

6.4 Legal Implications

The recommendations complies with council policy and legislation

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:

No comments were requested

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.6.3

- (a) that Council notes the revitalization of the Provincial Sustainable Transport Programme (PSTP), and the increased collaboration and strengthening of the partnership between the Municipality and the Department of Mobility that is required;
- (b) that Council notes the rollout of NMT infrastructure to date and particularly infrastructure implemented in the 2023-2024 financial year; for details refer to **ANNEXURE A**;
- (c) that Council notes the support received from the Department of Mobility's Provincial Sustainable Transport Programme (PSTP) to date; and
- (d) that Council notes the Municipality's strategy of promoting Non-Motorised Transport (NMT), as outlined in the Comprehensive Integrated Transport Plan (CITP) and Spatial Development Framework (SDF).

ANNEXURE A

NMT Report 2023-2024 Financial Year

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	10 October 2024

ANNEXURE A

ANNEXURE A



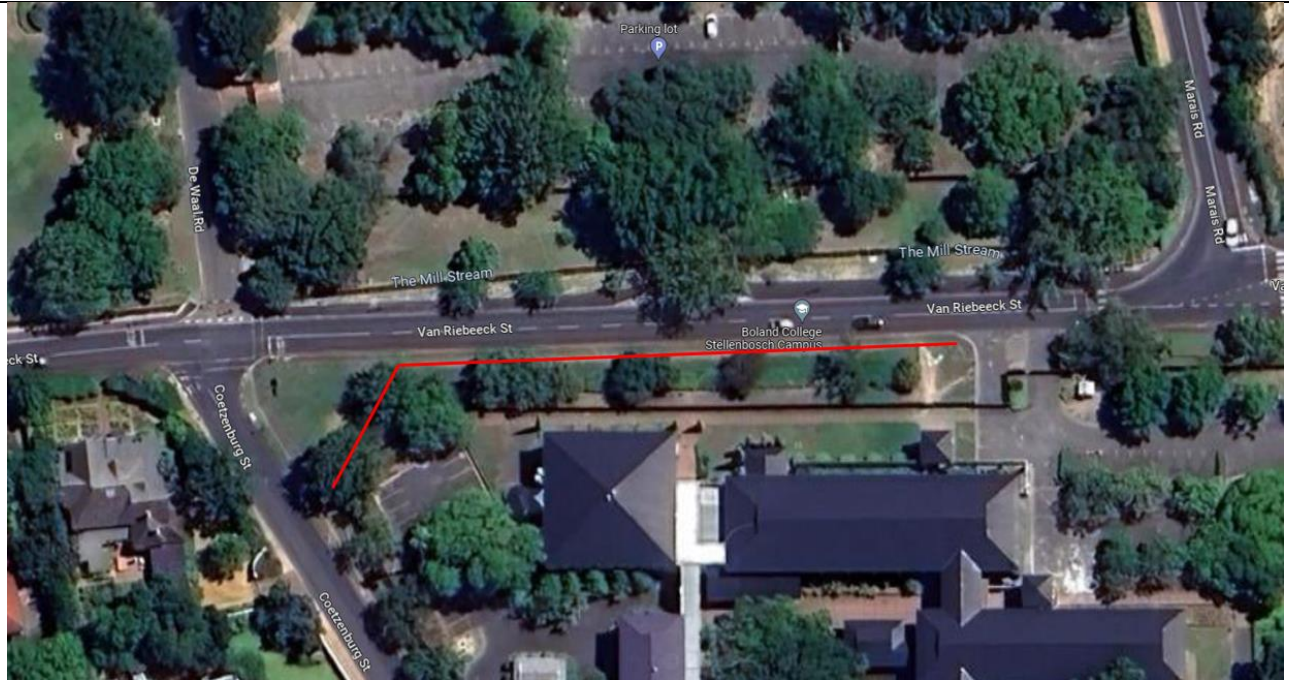
STELLENBOSCH MUNICIPALITY: INFRASTRUCTURE SERVICES

REPORT ON THE PROMOTION AND IMPLEMENTATION OF NON-MOTORISED TRANSPORT (NTM) FOR THE 2023 – 2024 FINANCIAL YEAR

Total KM Achieved for 2023 – 2024 Financial Year = 11,12km

LOCALITY MAP: Stellenbosch - Van Riebeeck Street (130m)





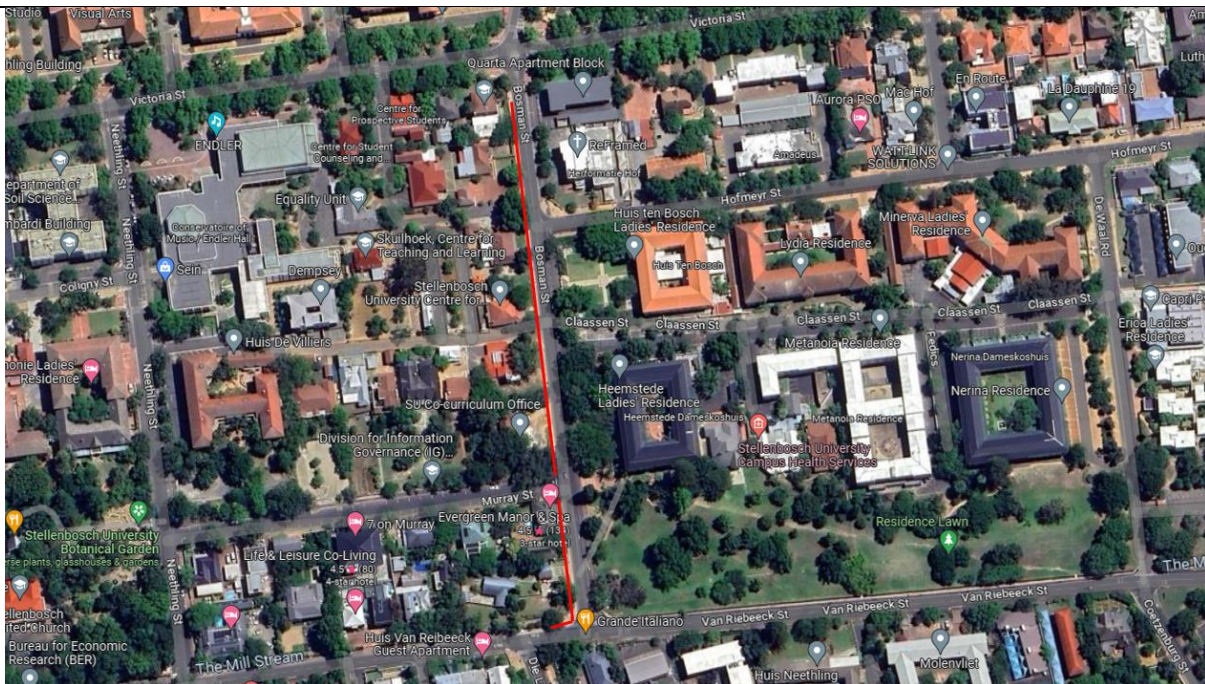
Site Photos







LOCALITY MAP: Stellenbosch-Bosman Street (310m)



Site Photos



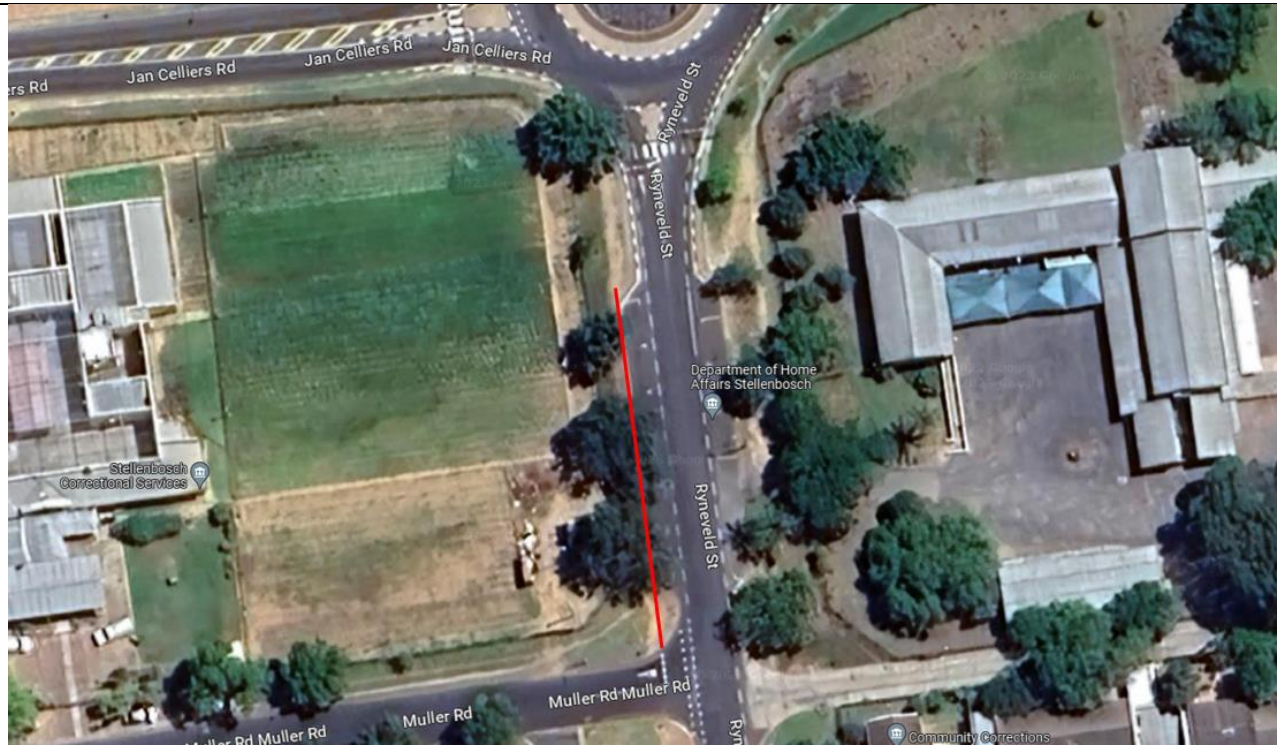




LOCALITY MAP: Stellenbosch-Ryneveld Street (400m)



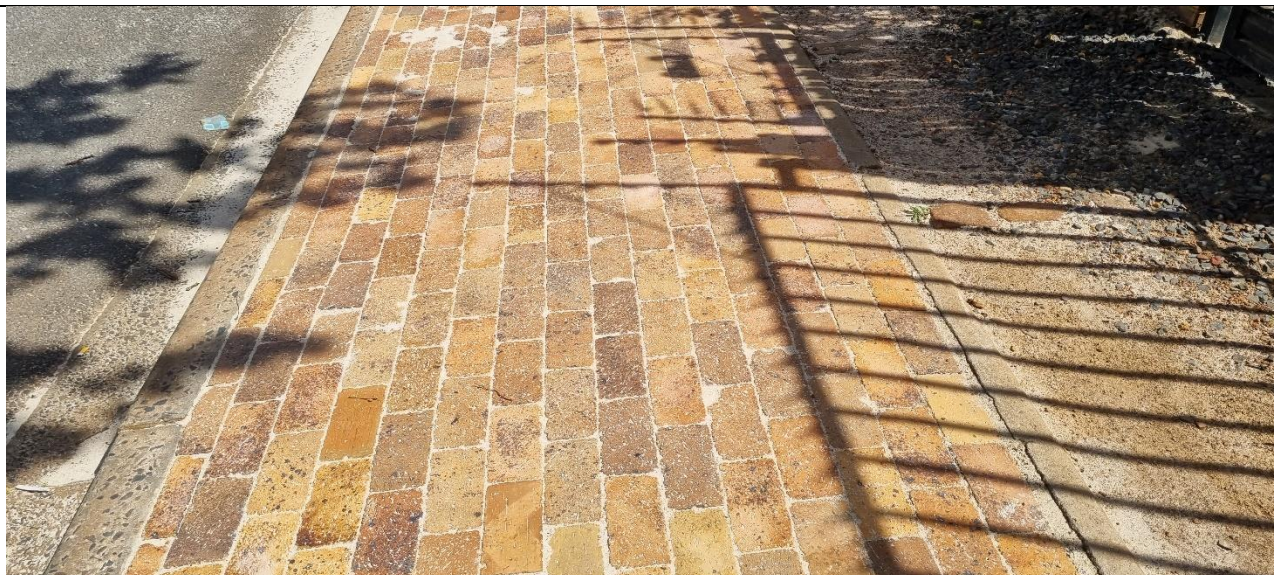
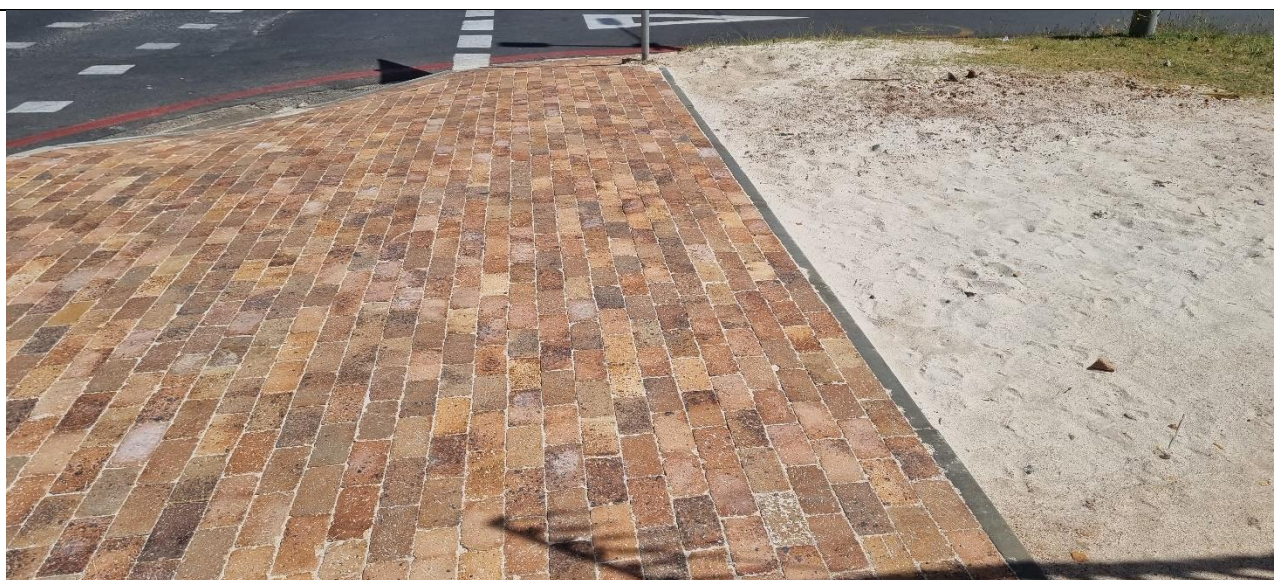




Site Photos







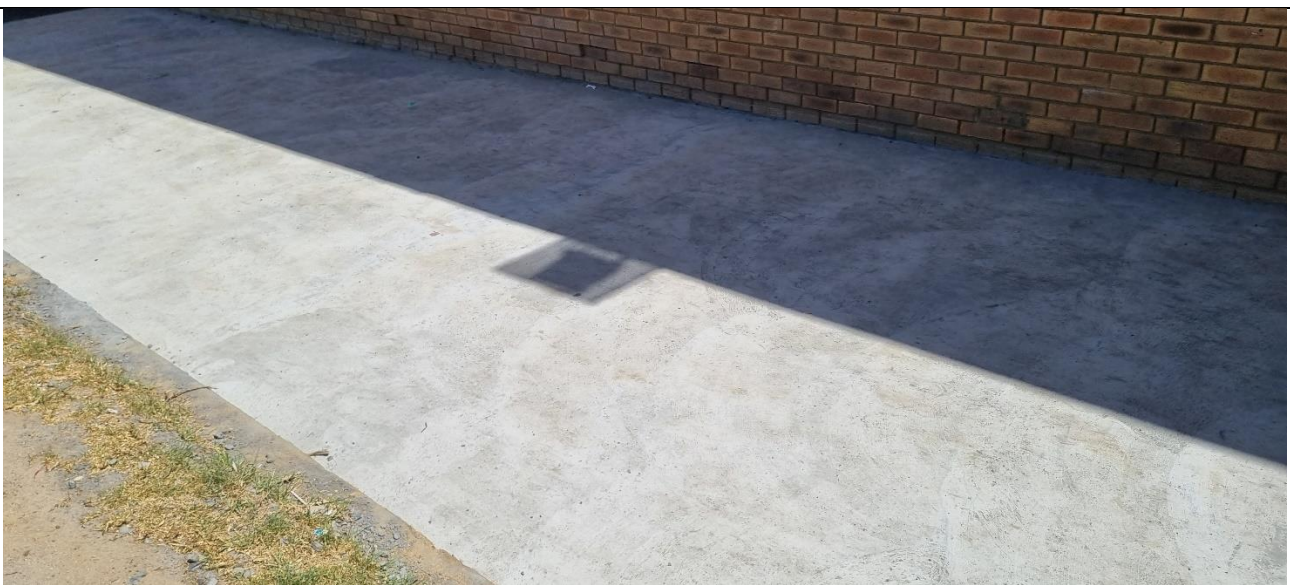


LOCALITY MAP: Cloetesville-Lang Road (52m)

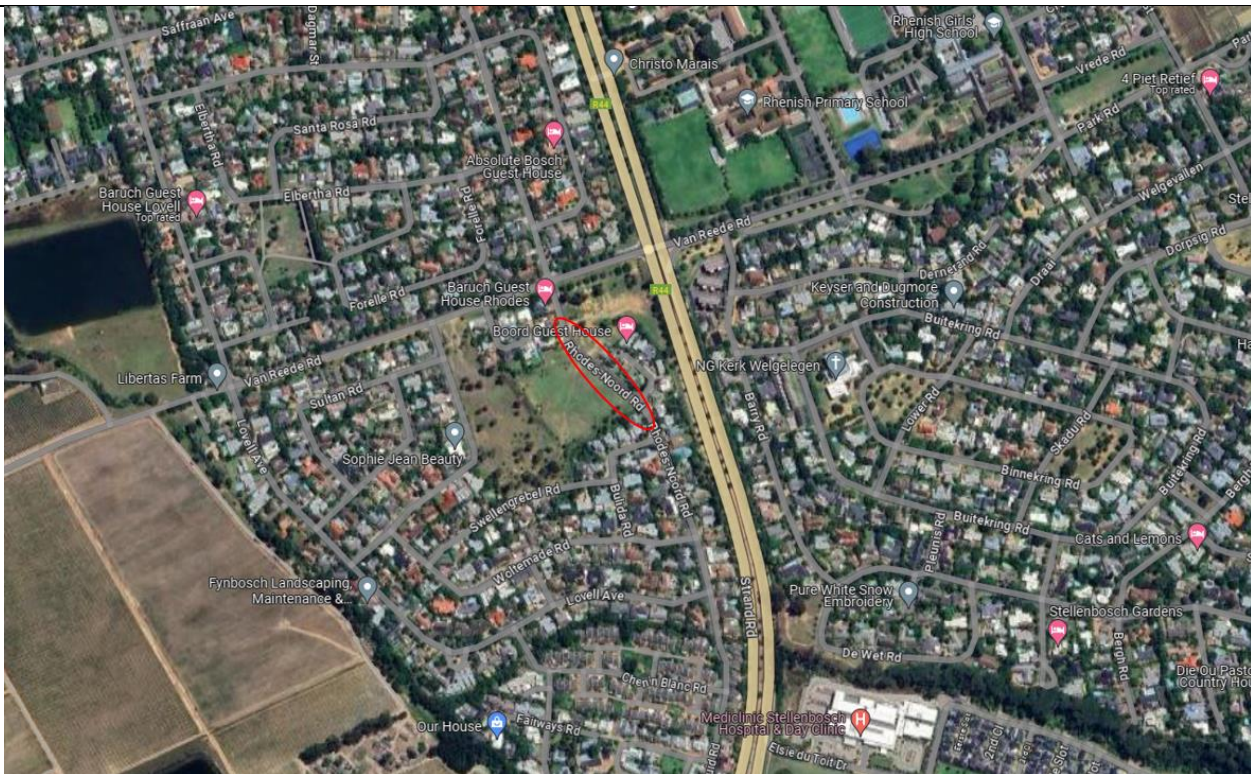


Site Photos



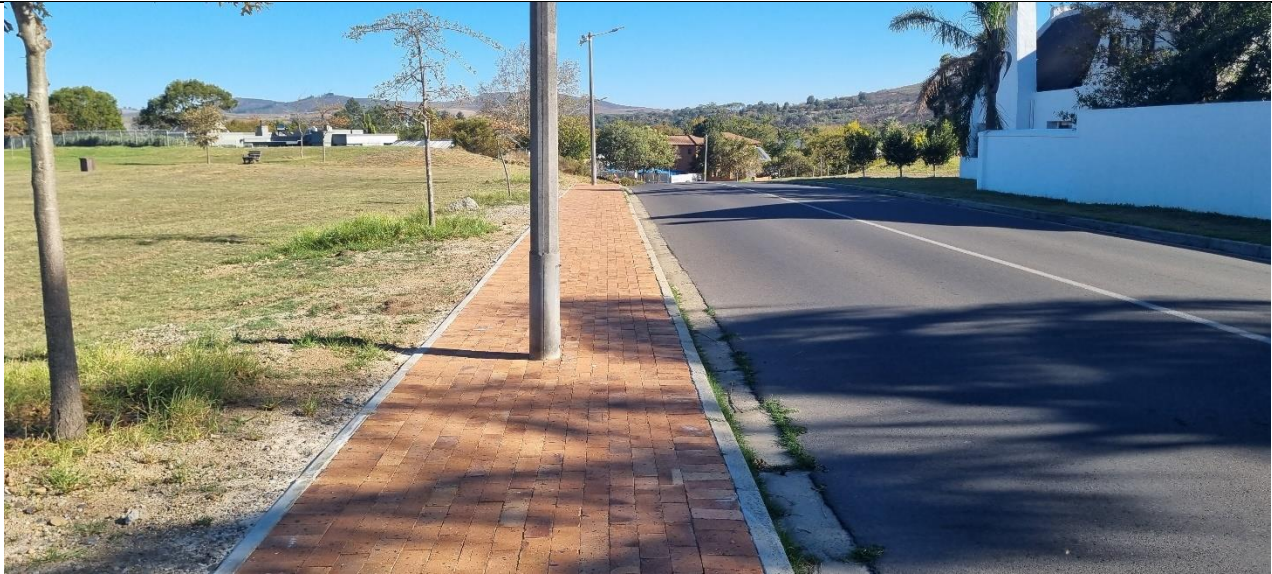
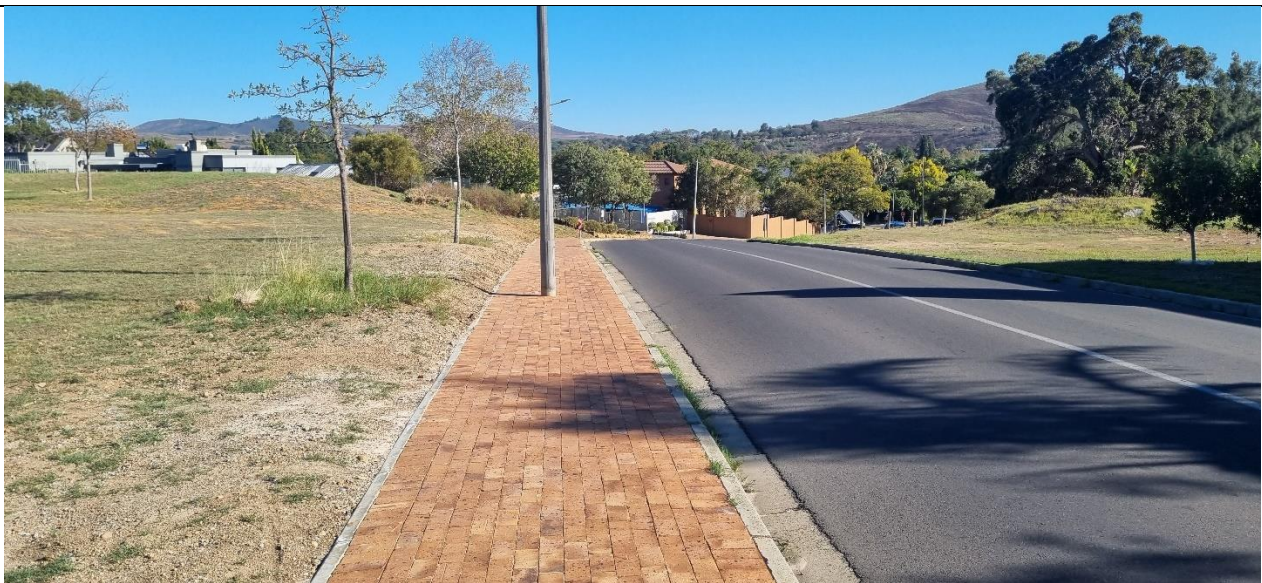


LOCALITY MAP: Stellenbosch-Rhodes-Noord Road (140m)

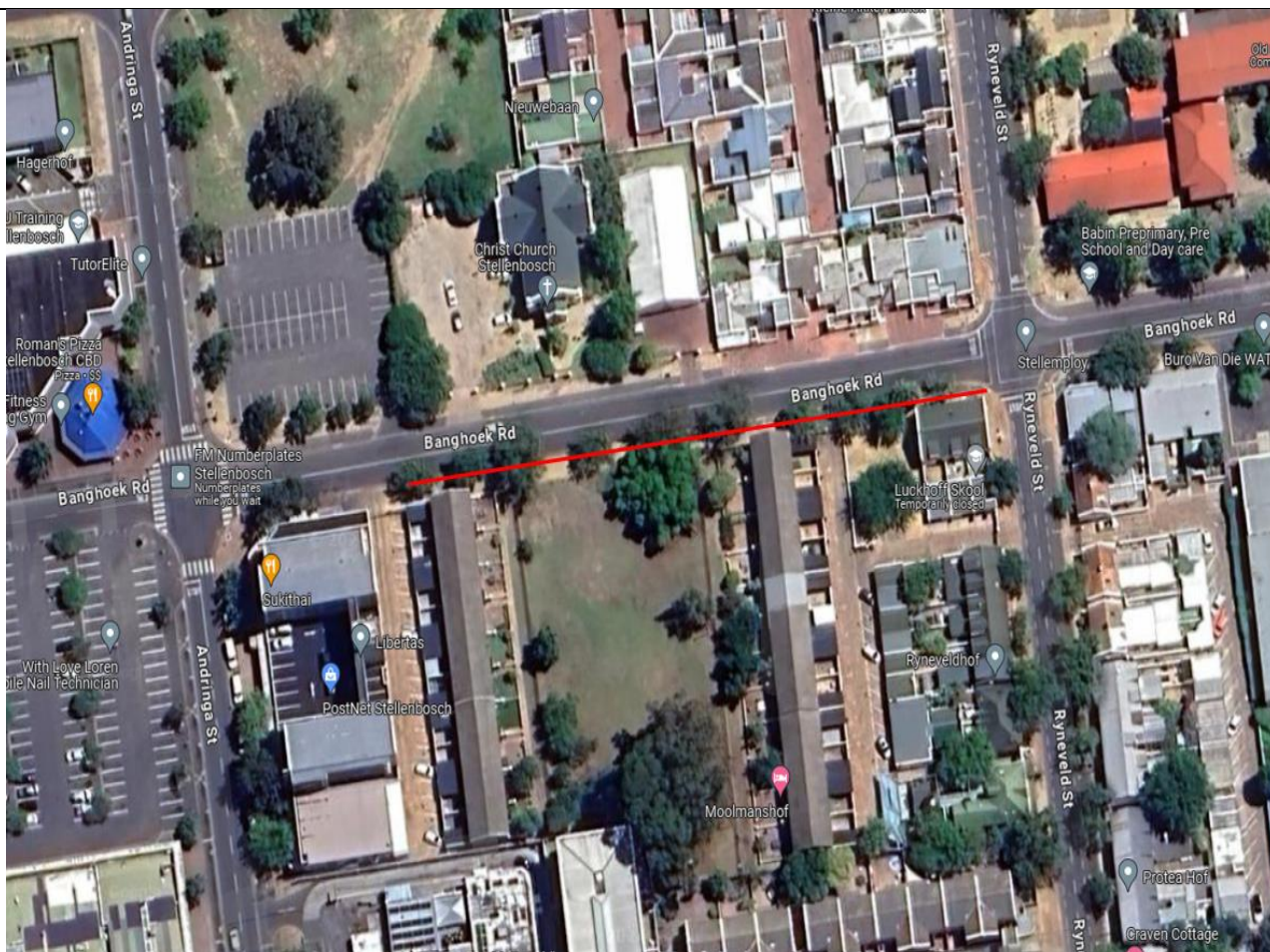


Site Photos





LOCALITY MAP: Stellenbosch-Banghoek Road (125m)

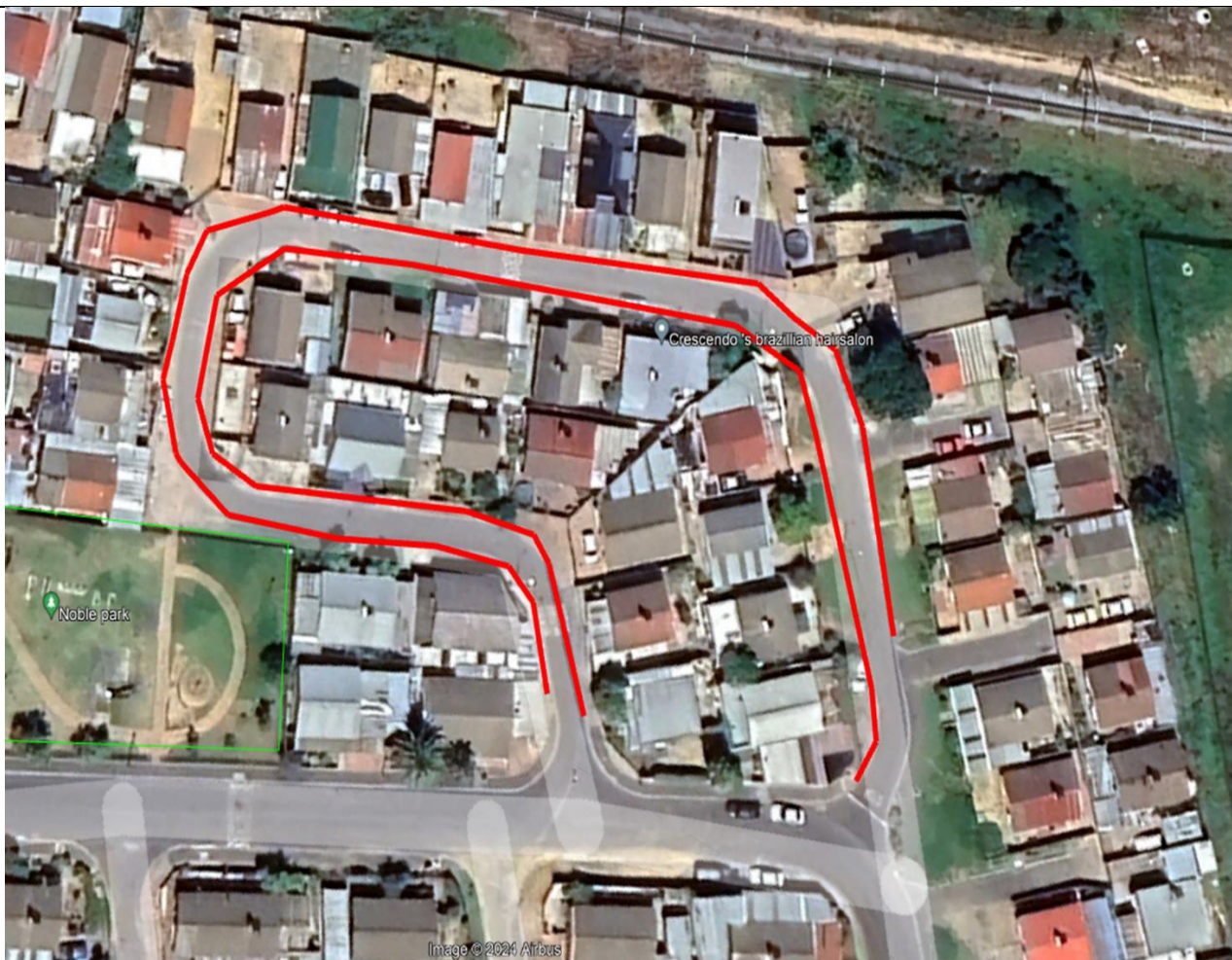


Site Photos





LOCALITY MAP: Cloetesville-Asalea Road (452m)



Site Photos.

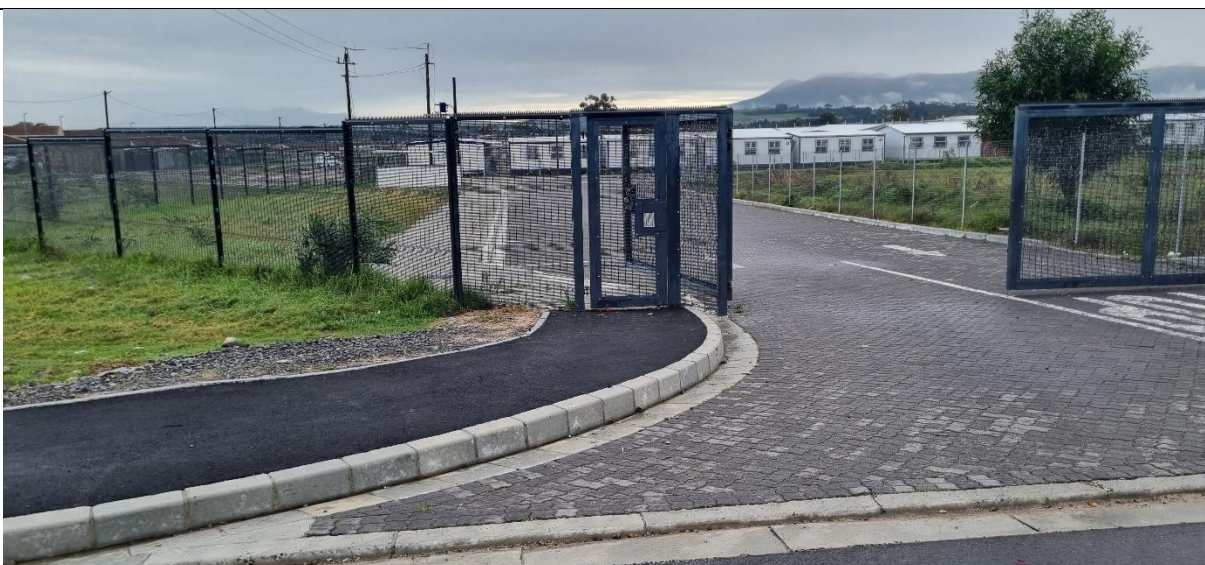




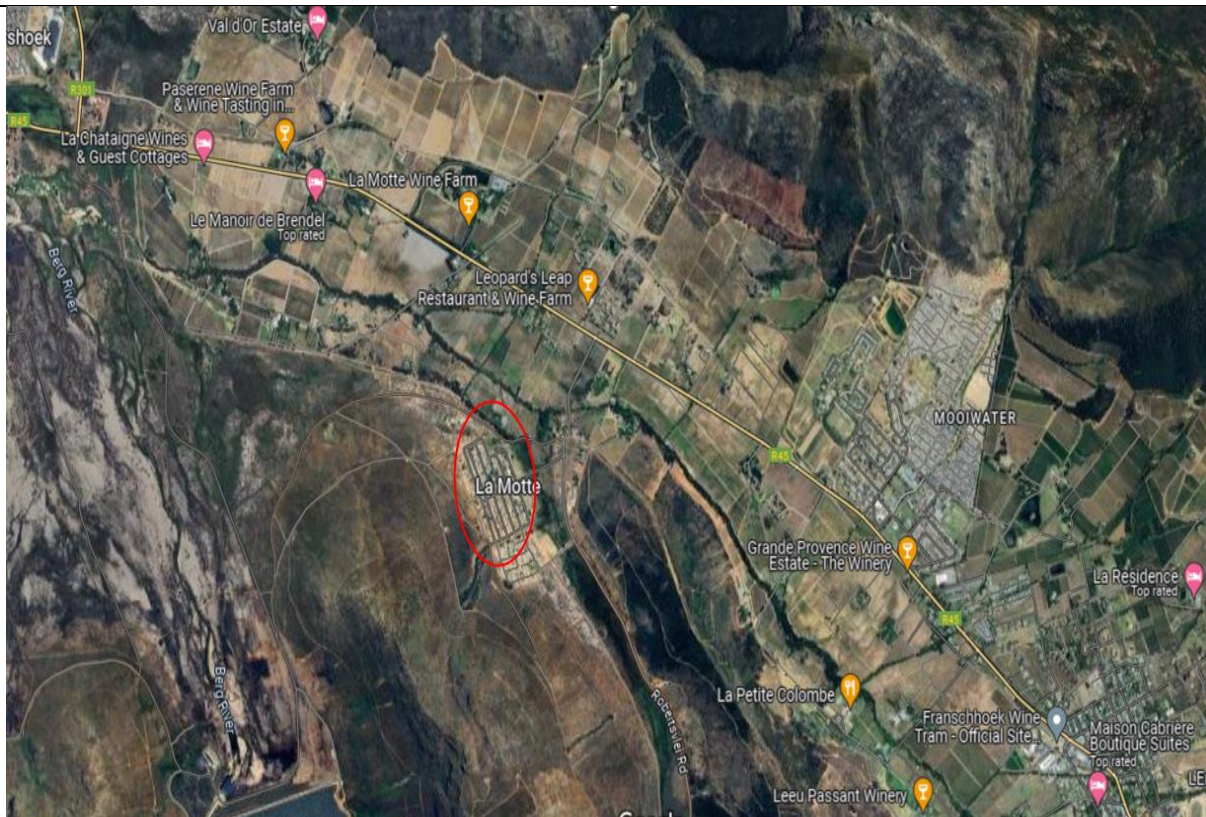
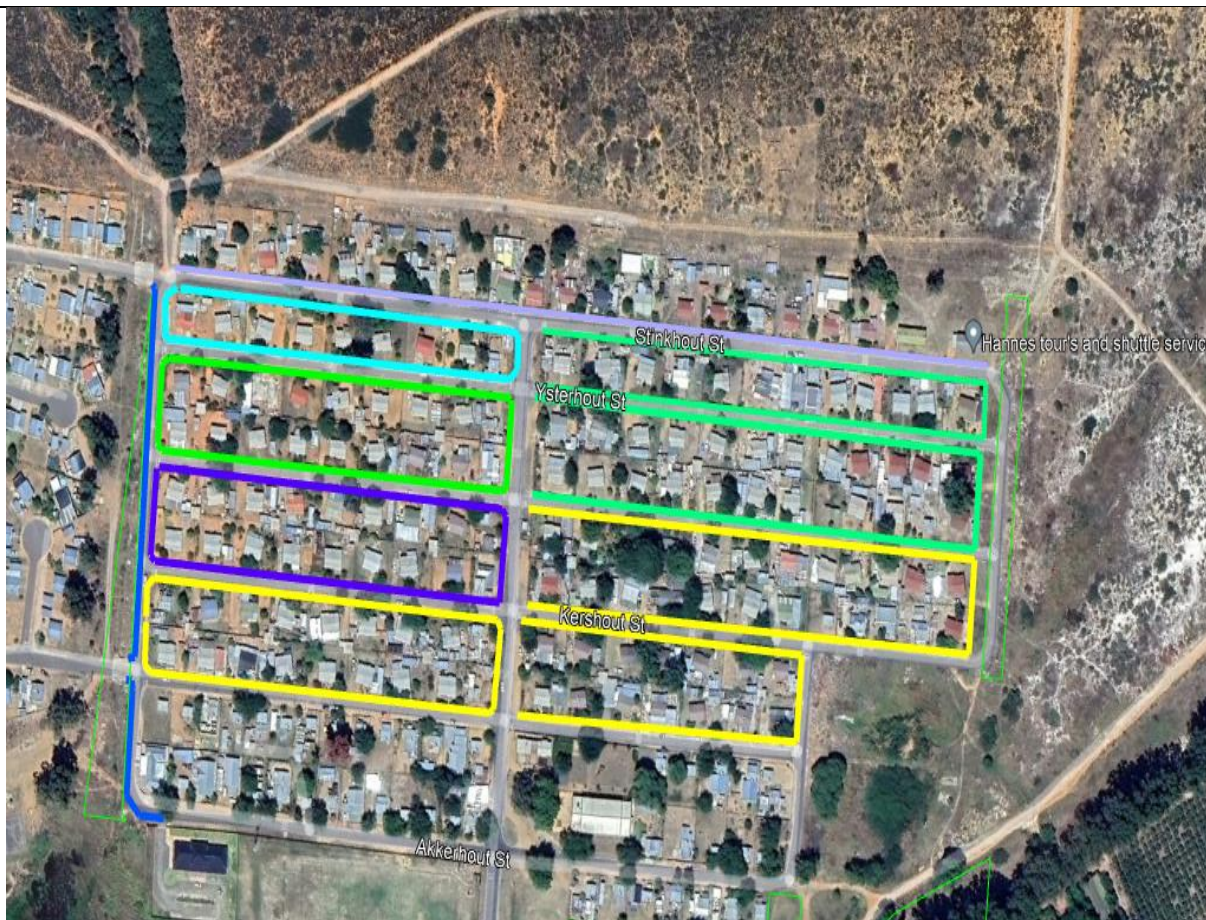


Site Photos.



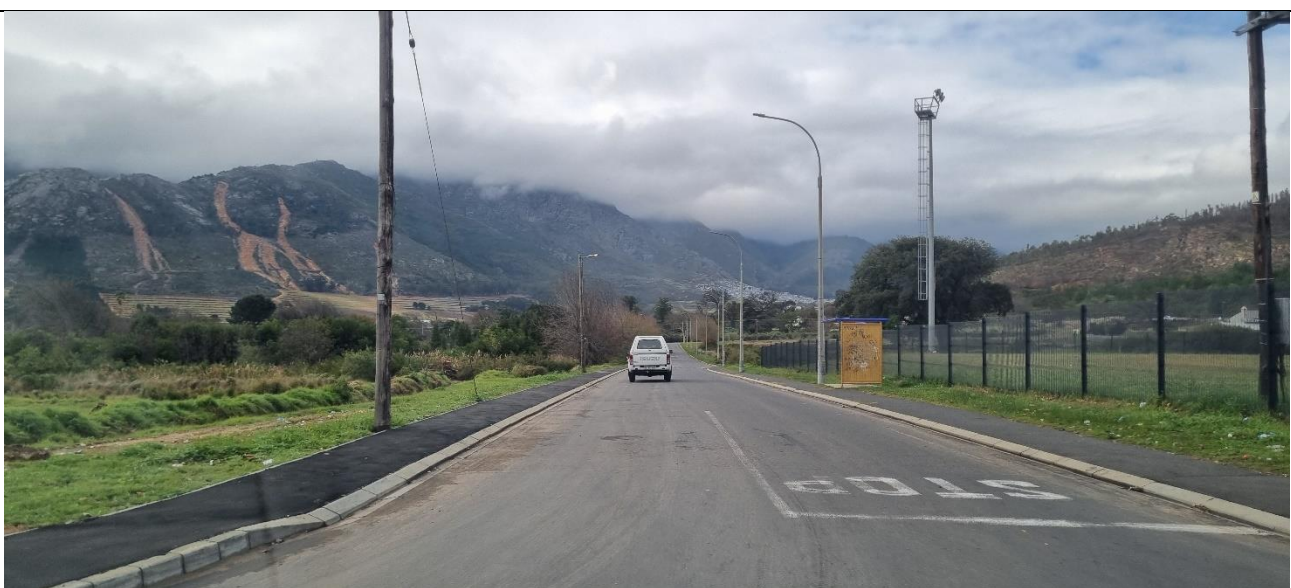


LOCALITY MAP: La Motte-Various streets (4550m)



Site Photos







Site Photos





LOCALITY MAP: Cloetesville-Toefy Rd going into Pool Rd (148m)



Site Photos





LOCALITY MAP: Idasvalley-Hahn Street(332m) and Moffat Street(263m)



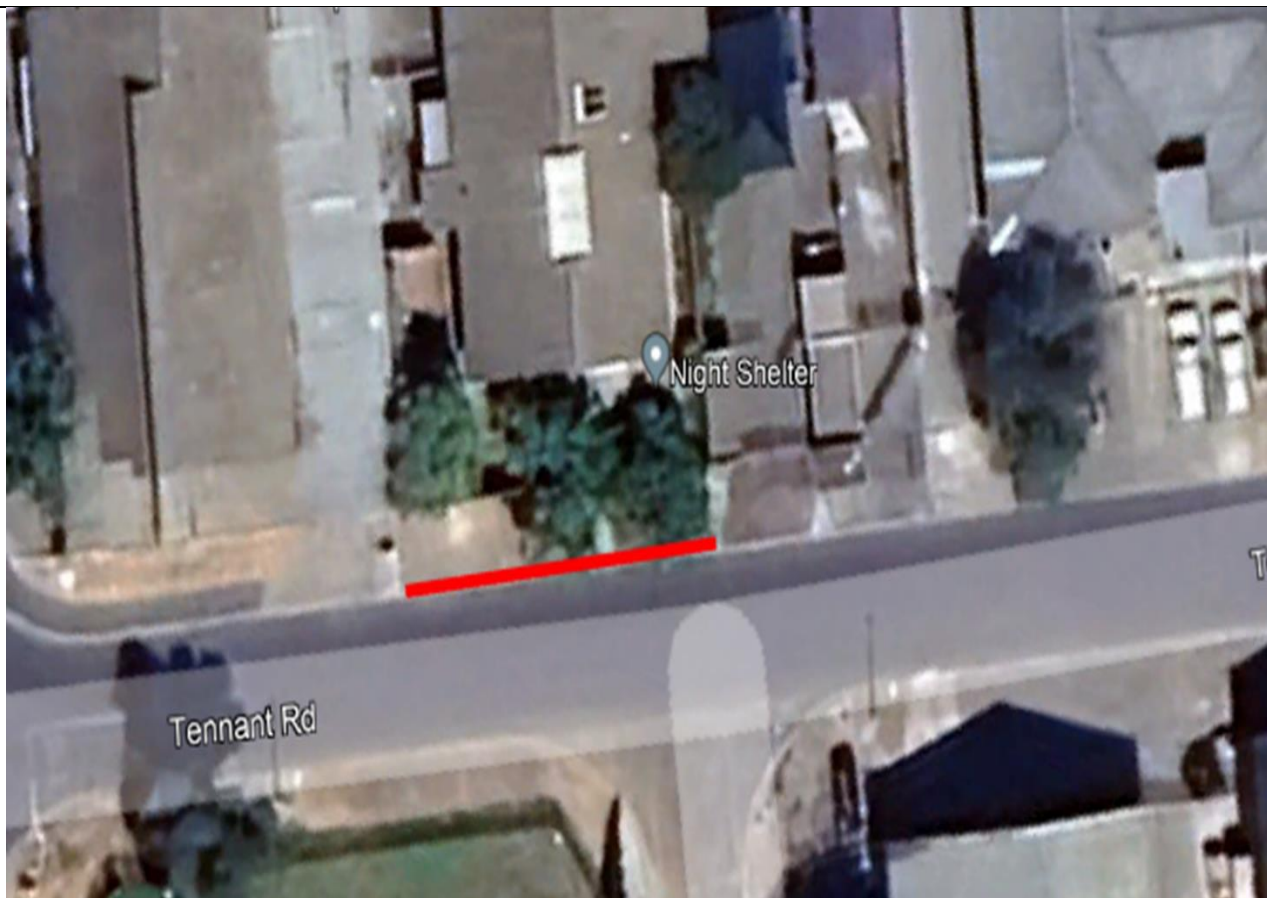
Site Photos (Hahn Street)



Site Photos (Moffat Street)



LOCALITY MAP: Cloetesville-Tennant Rd(22m)



Site Photos



LOCALITY MAP: Cloetesville-Ortell Road (310m)

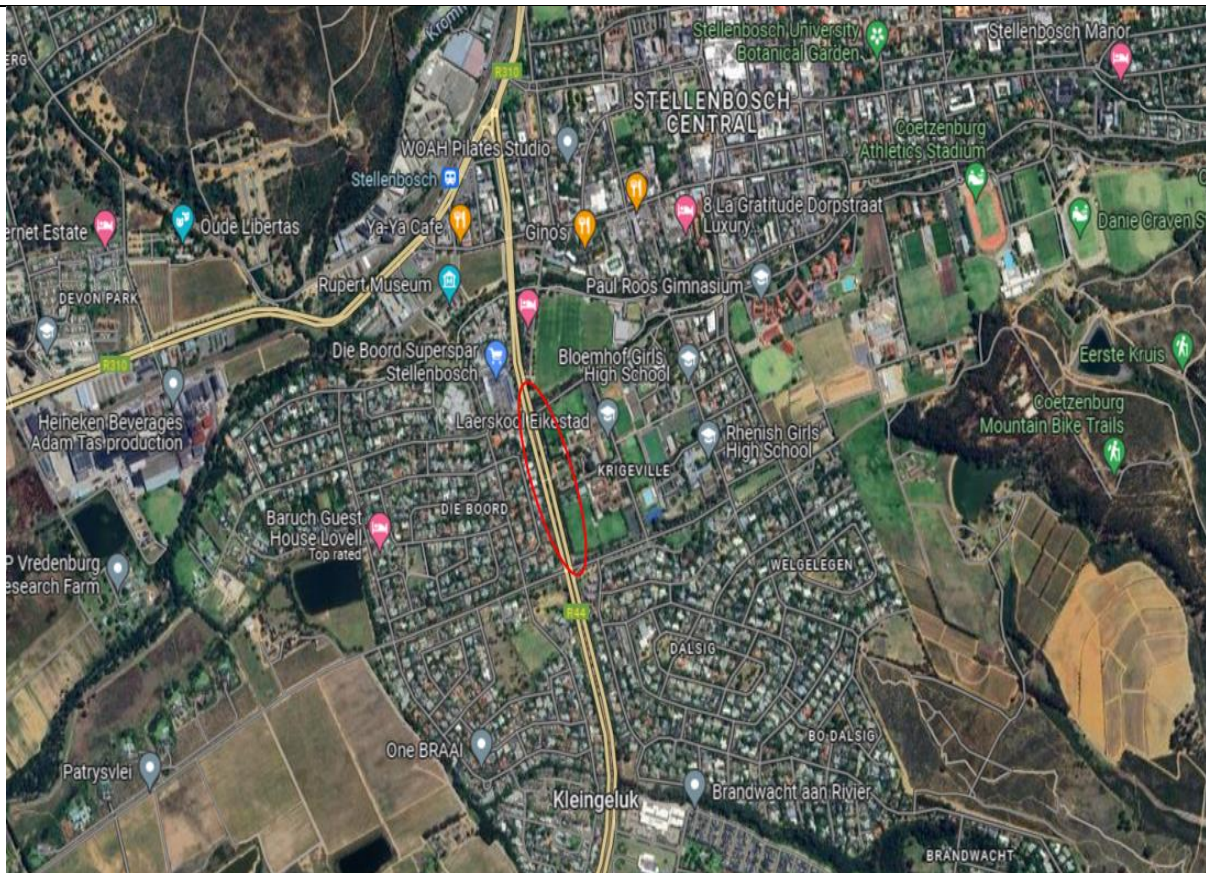
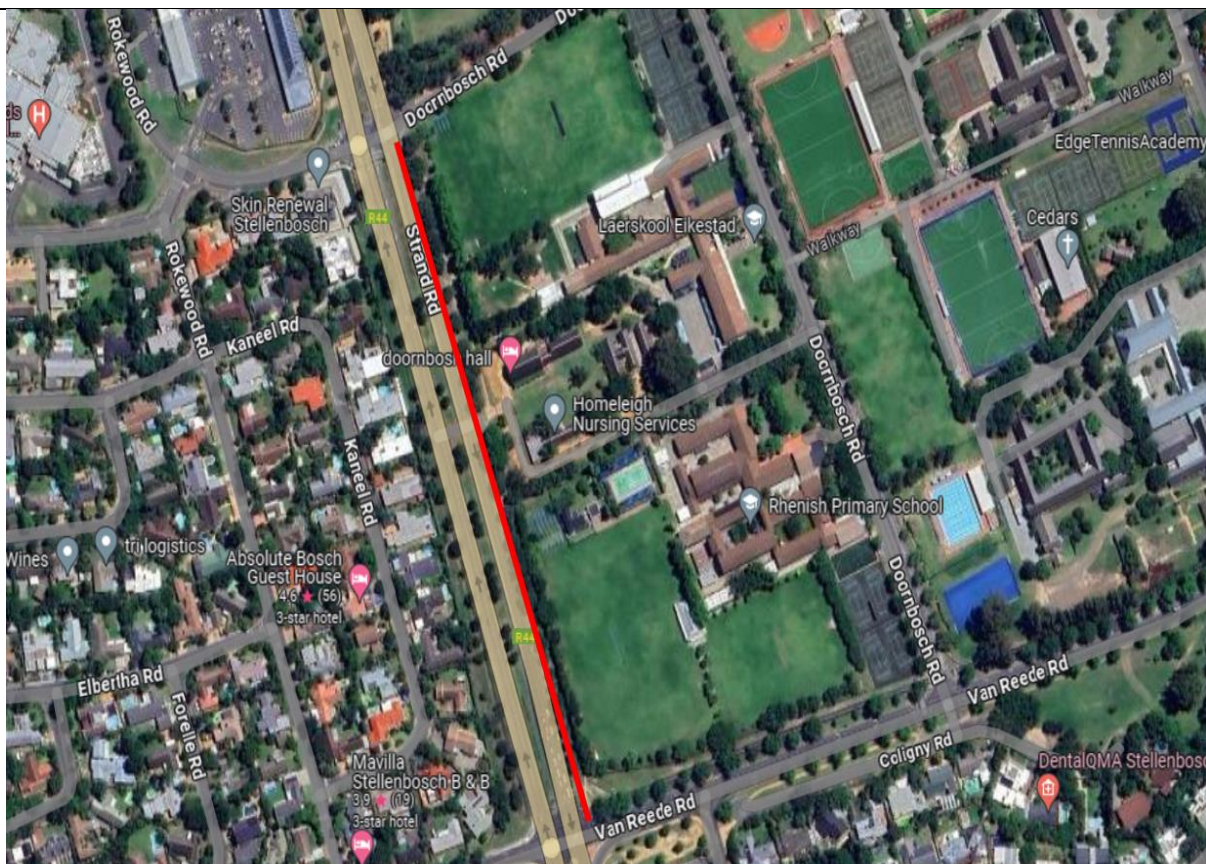


Site Photos

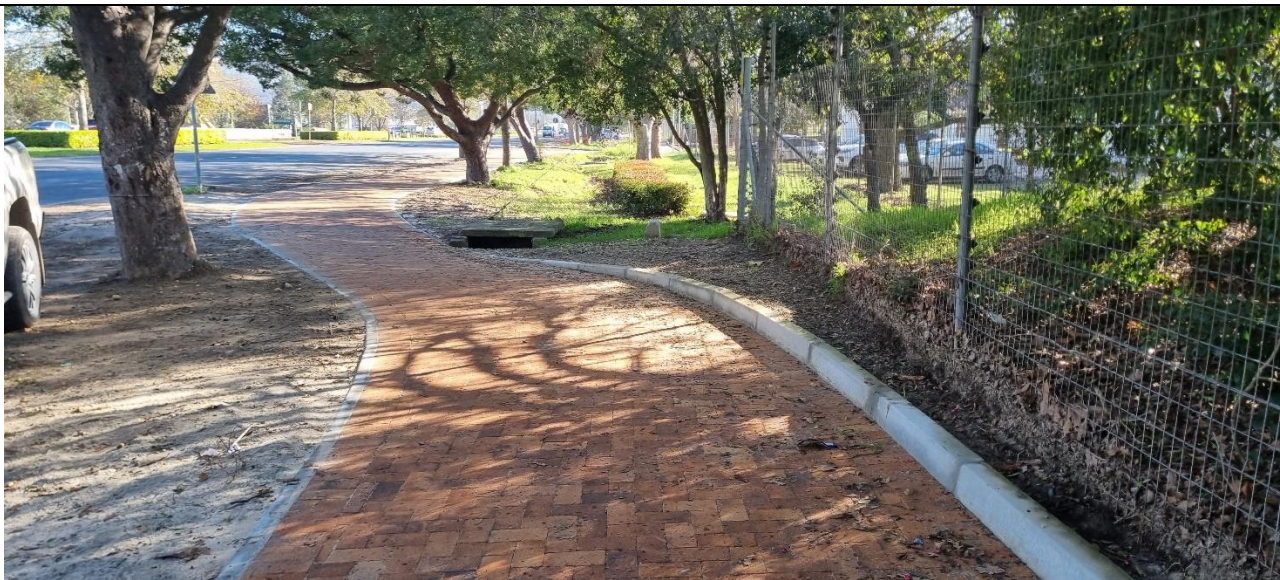




LOCALITY MAP: Stellenbosch-Strand Road (435m) R44



Site Photos





LOCALITY MAP: Idasvalley-Oaktree Village (1995m)



Site Photos





10.7	PARKS AND OPEN SPACES: [PC: CLLR N OLAYI]
------	--

NONE

10.8	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR M SLABBERT]
------	--

10.8.1	TO PROVIDE FEEDBACK TO COUNCIL FOR THE APPROVAL OF THE PROPOSED SITE TO PILOT THE BICYCLE PARK AND WALK FACILITIES INITIATIVE WITHIN THE WC024 AREA FOR A PERIOD OF TWELVE (12) MONTHS
--------	---

Collaborator No: 774011
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 26 September 2024 and 30 October 2024

1. SUBJECT: TO PROVIDE FEEDBACK TO COUNCIL FOR THE APPROVAL OF THE PROPOSED SITE TO PILOT THE BICYCLE PARK AND WALK FACILITIES INITIATIVE WITHIN THE WC024 AREA FOR A PERIOD OF TWELVE (12) MONTHS

2. PURPOSE

Is to provide feedback to Council for the approval of the proposed site to pilot the Bicycle Park and Walk Facilities concept within the WC024 for a period of twelve (12) months.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality aims is to promote and prioritise Non-Motorised Transport (NMT), in line with the outcomes from the IDP consultative processes and as part of the Municipality's and National Government's Strategic Planning.

The objective is to change the character of the Central Business District and the behaviour of motorists to create 'living streets' that would prioritise pedestrians and cyclists.

5. RECOMMENDATIONS

- (a) that Council takes note of the site that has been identified for the Bicycle Park and Walk Pilot;
- (b) that Council approves the proposed site to pilot the Bicycle Park and Walk facilities initiative for a period of twelve (12) months;
- (c) that building plans be submitted by STF in accordance with the National Building Regulations (NBR) and Standards Act, 103 of 1977 for the proposed structure;
- (d) that the necessary wayleaves applications be submitted (if applicable);
- (e) that an application for electricity connection be submitted to the electrical services (if applicable);

- (f) that an application for signage be submitted to Heritage for approval;
- (a) that a new agreement be drawn up between Stellenbosch Municipality and Stellenbosch Trail Fund as the current MOU will not be extended for the purpose of the Bicycle Park and Walk Facilities;
- (h) that milestones be put in place for the submission of the above-mentioned items within the 12-month trial period; and
- (i) that failure to adhere to the above-mentioned conditions will result in the pilot to be terminated and the facility to be removed with remedial action.

6. DISCUSSION / CONTENTS

6.1 Background

The Municipality's Comprehensive Integrated Transport Plan lists the portion or full pedestrianisation of streets in the Central Business District (CBD) as a strategic transport intervention.

A proposal by Stellenbosch Trail Fund (STF) to pilot the Bicycle Park and Walk Facilities within the Central Business District of Stellenbosch was approved by Council during the 18th Council Meeting on 29 November 2023.

6.2 Discussion

Subsequent to the approval by Council, various consultation sessions took place between Stellenbosch Municipality and Stellenbosch Trail Fund to discuss suitable sites for the facilities and determine the requirements and roles and responsibilities of the relevant parties to ensure the successful implementation of the concept.

6.2.1 The proposed Site

The proposed site that has been identified is situated on a portion of Erf 1973 and Erf 1974, in the parking area of the Eikestad Mall on Andringa Street (see attached as **APPENDIX 1**). The site has been identified as the most suitable due to the following reasons:

- a) The identified site is located along the planned NMT network;
- b) The site is located close to amenities;
- c) The site consists of a large area which is already paved;
- d) No parking bays will need to be forfeited due to the facility;
- e) The site has existing walls of functional value.

The following concern was raised regarding the proposed site:

- a) There is an ongoing Public Private Partnership between Stellenbosch Municipality and Eikestad Mall for the development of an extended parking lot.

6.2.2 The proposed design

The Clearvu fence which was previously installed at the Landbou Saal will be erected at the identified site (see attached as **APPENDIX 2**). The fence will be fastened to the decommissioned toilets for stabilization. If the need should arise for the facility to be moved or removed, STF will implement the necessary remedial measures.

The structure must have the following components to comply with the Municipality's regulations and by-laws:

- a) A solid foundation and stabilization to ensure that the facility can withstand extreme weather conditions and comply with safety regulations;
- b) Make provision for site clearance due to the adjacent car parking; sidewalks for pedestrians and storm water drainage;
- c) Must be heritage compliant as the facility falls within the Heritage Overlay Zone; and
- d) Must have height restrictions in compliance with the NBR Act.

To ensure the successful implementation of the Bicycle Park and Walk Pilot it is essential that the approved building plans are obtained and that a Memorandum of Understanding is signed by both parties.

6.3 Financial Implications

No financial implications

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 at this point.

6.6 Previous / Relevant Council Resolutions:

18th Council Meeting: 2023/11/29: ITEM 11.8.5

RESOLVED (nem con)

- a) that Council approve the request to pilot the initiative of Bicycle Park and Walk Facilities concept; and
- b) that further consultation and engagement with Stellenbosch Trail Fund take place to identify more suitable Bicycle Park and Walk sites.

6.7 Risk Implications

None

6.8 Comments from Senior Management

The following Directorates were consulted: Infrastructure; Community Protection Services; Corporate Services and Finance.

No comments received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.8.1

- (a) that Council takes note of the site that has been identified for the Bicycle Park and Walk Pilot;
- (b) that Council approves the proposed site to pilot the Bicycle Park and Walk facilities initiative for a period of twelve (12) months;
- (c) that building plans be submitted by STF in accordance with the National Building Regulations (NBR) and Standards Act, 103 of 1977 for the proposed structure;
- (d) that the necessary wayleaves applications be submitted (if applicable);
- (e) that an application for electricity connection be submitted to the electrical services (if applicable);
- (f) that an application for signage be submitted to Heritage for approval;
- (b) that a new agreement be drawn up between Stellenbosch Municipality and Stellenbosch Trail Fund as the current MOU will not be extended for the purpose of the Bicycle Park and Walk Facilities;
- (i) that milestones be put in place for the submission of the above-mentioned items within the 12-month trial period; and
- (j) that failure to adhere to the above-mentioned conditions will result in the pilot to be terminated and the facility to be removed with remedial action.

APPENDICES

Appendix 1: Proposed site for the Bicycle Park and Walk Facility;

Appendix 2: Proposed design of the Bicycle Park and Walk Facility

FOR FURTHER DETAILS CONTACT:

Name	<i>Joh-ne Jansen</i>
Position	<i>Senior Economic Development Officer</i>
Directorate	<i>Planning and Economic Development</i>
Contact Numbers	<i>021 808 8144</i>
E-mail Address	<i>joh-ne.jansen@ Stellenbosch.gov.za</i>
Report Date	<i>19 September 2024</i>

APPENDIX 1

PROPOSED SITE FOR THE BICYCLE PARK AND WALK FACILITY



Situated inside the parking area opposite McDonalds.

Location:

33°56'08.1"S 18°51'39.1"E

APPENDIX 2

PROPOSED DESIGN: CLEARVU FENCE PREVIOUSLY INSTALLED AT THE LANDBOU
SAAL



10.8.2	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION
--------	---

Collaborator No: 774777
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 October 2024 and 30 October 2024

1. SUBJECT: APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION

2. PURPOSE

Is to seek approval for arrangements for the processing and associated public participation pertaining to land use planning and building plan applications over the festive period.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Land use and building development applications are subject to prescribed legislative timeframes and associated public participation processes. During the festive season most families undertake extended holiday breaks away from home, which presents a challenge when most staff is also on holiday breaks and during which notices are not received by potential interested and affected parties on land use applications. For this purpose, it has become a practice to determine a core festive period during which public participation is not permitted or, alternatively, that such periods are disregarded with the extension of notice periods, and that such core festive period is also not taken into account in the prescribed timeframes for the processing for such applications. It is consequently proposed to adopt these arrangements to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

5. RECOMMENDATIONS

that the core festive period determined as 13 December 2024 to 10 January 2025 **BE APPROVED** for the purpose:

- (a) That no serving or publishing of land use and land development application notices be undertaken during the determined core festive period.
- (b) That the determined core festive period is not taken into account for purposes of calculating the number of days for public participation and/ or the processing of land use and building development applications, and that any such periods affected be accordingly extended.
- (c) That any new land use and building plan applications submitted during the determined core festive period will not be administratively processed and that this period will also not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications.

- (d) That no appeal period can commence which will be affected by the core festive period and that no notifications of decisions on land use applications will be communicated after 29 November 2024, and only be communicated from 13 January 2025.

6. DISCUSSION / CONTENTS

6.1 Background

Sections 45 and 46 of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 regulates the manner in which public notices must be given and served. In terms of Section 47(h) the period which must be allowed for the submission of comments on an application may not be less than 30 days for interested and affected parties, and in terms of Section 51(2) an organ of state must submit its comments within 30 days of receipt of the notice.

Most families break for the festive season, and many depart on extensive out of town holidays during the festive period. It is consequently probable that an interested and affected party to a land use planning application may not be in a position to either receive such notice or deal with same and provide inputs timeously if the advertisement period falls within the core festive period.

For the purpose of fair administrative action, it is deemed reasonable and justifiable in the circumstances for a directive by the Department of Development Management that the core period during the festive holiday period must not be taken into account for the purpose of calculating the number of days for the public consultation processes.

6.2 Discussion

It is thus proposed that no serving or publishing of notices be undertaken in the core festive season to be determined as 13 December 2024 to 10 January 2025. Alternatively, any notices which are published or served prior to this core period, and will consequently run into this period, must be extended accordingly to disregard the stated festive period from the required minimum number of days for the submission of such comments.

Due to the new electronic means to submit land use and building plan applications, such submissions can also continue during the festive season and during which most staff will also be on extended vacation breaks. There will consequently not be adequate staff capacity, and during some periods, no staff, to deal with these applications and the processing of invoices and payment receipts. Due to the prescribed legislative timeframes, it will have a detrimental effect on compliance to these timeframes and performance standards.

Although the TPAMS and BPAMS portal will remain open for the loading of land use and building plan applications, these submissions will not be processed with the issuing of invoices to effect payment during the core festive season. Any submission of applications during the core festive season will consequently only be regarded as being submitted on 13 January 2025.

For this purpose, a notice will be placed on the electronic systems to submit land use and building plan applications (TPAMS & BPAMS) to notify the applicant that no administrative processing of the applications will take place during the core festive period.

The core festive period between 13 December 2024 to 10 January 2025 will also not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications.

A person whose rights are affected by a decision of an authorised employee or the Tribunal in terms of Section 79 of Stellenbosch Municipal Land Use Planning By-law, 2023 may appeal within 21 days of notification of the decision. Accordingly, no appeal period can commence which will be affected by the core festive period of 13 December 2024 to 10 January 2025. No notifications of decision will therefore be communicated after 29 November 2024 and will only be communicated from 13 January 2025.

The above arrangements will be published on the Planning Portal of the Municipal Website and communicated to listed consultants.

6.3 Financial Implications

No financial implications.

6.4 Legal Implications

Recommendation to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

6.5 Staff Implications

No staff implications.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

Recommendation to avert any possible claim for unfair administrative action and judicial review with time delays on development applications.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

No comments solicited.

6.8.2 Director: Planning and Economic Development

No comments solicited.

6.8.3 Director: Community and Protection Services

No comments solicited.

6.8.4 Director: Strategic and Corporate Services

No comments solicited.

6.8.5 Director Human Settlements and Property Management

No comments solicited.

6.8.6 Chief Financial Officer

No comments solicited.

6.8.7 Municipal Manager

Recommendation supported

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.8.1

that Council recognise the core festive period determined as 13 December 2024 to 10 January 2025 **BE APPROVED** for the purpose:

- (a) that no serving or publishing of land use and land development application notices be undertaken during the determined core festive period;
- (b) that the determined core festive period is not taken into account for purposes of calculating the number of days for public participation and/ or the processing of land use and building development applications, and that any such periods affected be accordingly extended;
- (c) that any new land use and building plan applications submitted during the determined core festive period will not be administratively processed and that this period will also not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications; and
- (d) that no appeal period can commence which will be affected by the core festive period and that no notifications of decisions on land use applications will be communicated after 29 November 2024, and only be communicated from 13 January 2025.

ANNEXURES

None

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@ Stellenbosch.gov.za
REPORT DATE	1 October 2024

10.9	COMMUNITY SERVICES: [PC: CLLR X KALIPA]
------	---

NONE

10.10	RURAL MANAGEMENT AND ENVIRONMENT: [PC: CLLR J WILLIAMS]
-------	---

10.10.1	STELLENBOSCH MUNICIPALITY NATURE RESERVE AND NATURE AREA BY-LAW
---------	---

Collaborator No: 773712

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024 and 30 October 2024

1. SUBJECT: STELLENBOSCH MUNICIPALITY NATURE RESERVE AND NATURE AREA BY-LAW

2. PURPOSE

A Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law (August 2024) (**ANNEXURE A**) has been prepared to give effect to the rights contained in Section 24 of the Constitution of the Republic of South Africa (1996) and numerous other legislations. The purpose of this item is to acquire Council's approval to advertise and request public comment on the above draft by-law.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality owns a number of properties throughout the WC024 area. Among these properties are areas formally declared as nature reserves and areas historically used for forestry, nature areas. These areas cover an area of approximately 2 850 ha of vacant land managed by the Section: Environmental Management (Directorate: Community and Protection Services, Department: Community Services).

A Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law (August 2024) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa (1996), the municipality's responsibilities as prescribed by the National Environmental Management: Protected Area Act (57 of 2003), the National Environmental Management: Biodiversity Act (10 of 2004) and the Veld and Forest Fire Act, among other legislation, and to ensure that Stellenbosch Municipality's nature reserves and nature areas are managed and used in a responsible- and sustainable manner.

5. RECOMMENDATIONS

- (a) that Council approves the Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law (August 2024) to be advertised for public input; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law to be presented to Council for approval.

6. DISCUSSION / CONTENTS**6.1 Background**

Stellenbosch Municipality owns a number of properties throughout the WC024 area. Among these properties are areas formally declared as nature reserves and areas historically used for forestry. These areas include:

- Papegaaiberg Nature Reserve
- Mont Rochelle Nature Reserve
- Jan Marais Nature Reserve
- Idas Valley Dam Nature Area
- Botmaskop Nature Area
- Paradyskloof Nature Area
- Louwsbos Nature Area
- Wemmershoek Nature Area
- Purgatory Nature Area

These areas cover an area of approximately 2 850 ha of vacant land managed by the Section: Environmental Management (Directorate: Community and Protection Services, Department: Community Services).

6.2 Discussion

Since 2017 Stellenbosch Municipality has made a concrete effort to put measures in place to ensure that the above areas are managed in accordance with applicable legislation and best practice. To this effect, Council has adopted the following policy and plans:

- Stellenbosch Environmental Management Framework
- Stellenbosch Municipality Invasive Alien Plant Management Plan
- Stellenbosch Municipality Integrated Fire Management Plan
- Papegaaiberg Nature Reserve Environmental Management Plan
- Paradyskloof Nature Area Environmental Management Plan
- Mont Rochelle Nature Reserve Environmental Management Plan
- Idas Valley / Botmaskop Nature Area Environmental Management Plan

Until now, however, Stellenbosch Municipality have not had a dedicated Nature Reserve and Nature Area By-Law addressing place specific challenges. The approval of this item will be the first step in putting such a by-law in place.

The attached draft by-law deals with, among other, the:

- a) Powers and responsibilities of the municipality in relation to its nature reserves and nature areas
- b) Use of biological resources in nature reserves or nature areas
- c) Access to nature reserves or nature areas
- d) Restricted activities
- e) Prohibited activities
- f) Compliance and enforcement

6.3 Financial Implications

There are no direct financial implications should the recommendations as set out in the report be accepted. The purpose of this item is to acquire Council's approval to advertise and request public comment on the draft by-law. Other than advertisement fees the execution of the below recommendation will have no financial implications to Council.

Environmental Management and Law Enforcement will be responsible for enforcing the by-law on adoption thereof.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality. Environmental Management and Law Enforcement will be responsible for enforcing the by-law on adoption thereof.

6.6 Previous / Relevant Council Resolutions:

There are no previous Council Resolutions in this regard.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

This item was circulated to all directorates on the 6th of August 2024 with a request for comment to be submitted by 23 August 2024. The following inputs were received:

6.8.1 Director: Infrastructure Services

No objection to the advertisement of the by-law

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services

No comment received.

6.8.4 Director: Corporate Services

Recommendations supported.

6.8.5 Chief Financial Officer

No comment received.

6.8.6 Municipal Manager

No comment received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.10.1

- (a) that Council approves the Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law (August 2024) to be advertised for public input; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law to be presented to Council for approval.

ANNEXURES

Annexure A:

Draft Stellenbosch Municipality Nature Reserve and Nature Area By-Law (August 2024)

ANNEXURE A

STELLENBOSCH MUNICIPALITY

NATURE RESERVE AND NATURE AREA BY-LAW

Draft: August 2024

Stellenbosch Municipality, in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996, hereby enacts as follows:

Table of contents

CHAPTER 1: INTRODUCTORY PROVISIONS

1. Definitions
2. Application

CHAPTER 2: POWERS AND RESPONSIBILITIES OF THE MUNICIPALITY

3. Functions
4. Commercial, community and visitor activities
5. Rangers
6. Notices
7. Recreational areas inside nature reserves or nature areas

CHAPTER 3: THE USE OF BIOLOGICAL RESOURCES IN NATURE RESERVES OR NATURE AREAS

8. Use of biological resources
9. Community based natural resource utilization
10. Authorization for use of biological resources

CHAPTER 4: ACCESS TO NATURE RESERVES OR NATURE AREAS

11. Access to nature reserves or nature areas by user of biological resources
12. Admission
13. Points of entry and exit
14. Proof of entry
15. Safe entering
16. Staying overnight
17. Times of entry and travel
18. Maximum number of visitors

CHAPTER 5: RESTRICTED ACTIVITIES

19. Activities which may have an adverse effect in a nature reserve or nature area
20. Specified activities
21. Research and monitoring
22. Interference with soil or substrate
23. Bioprospecting
24. Buildings and improvements
25. Land and airspace
26. Water areas
27. Removal and dumping in water areas

CHAPTER 1: INTERPRETATION AND OBJECTIVES

1. Definitions

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

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

“aircraft” means any object driven or propelled, or which glides on or over the surface of a nature reserve or nature area, wholly or partly by mechanical or electrical power, in order to move through the airspace above a nature reserve or nature area;

“animal” means any organism whose taxonomical classification belongs to the kingdom ANIMALIA.

“authorised official” or **“ranger”** means an employee of the Stellenbosch Municipality responsible for carrying out any duty or function or exercising any power in terms of this By-Law and includes employees delegated to carry out or exercise such duties, functions or powers;

“the Act” means the National Environmental Management: Protected Areas Act (57 of 2003);

“biological resource” means any resource consisting of;

- (a) a living or dead animal, plant or other organism of an indigenous species;
- (b) a derivative of such an animal, plant or other organism, as defined in Section 1 of the Biodiversity Act or
- (c) any genetic material of such animal, plant or other organism, as defined in Section 1 of the Biodiversity Act;

“bioprospecting” has the meaning assigned to it in Section 1 of the Biodiversity Act;

“code of conduct” means a written set of specific rules for the use of a specific nature reserve or nature area by users which are not contrary to this By-Law;

“Council” means the council of the Stellenbosch Municipality, being a Council as provided for in terms of section 18 of the Local Government: Municipal Structures Act (117 of 1998), or any committee, any sub-council or councillor of Council, acting under delegated or sub-delegated authority of the Council.

“domestic animal” means any horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, dog, cat, rabbit, and any other livestock, exotic animal or pet;

“management plan” means a plan drafted and submitted to the MEC in compliance with Section 39(2) of the Act; whereas a management plan has been prepared for a nature area, this means a plan drafted and submitted to the Council of Stellenbosch Municipality;

“model aircraft” means any miniature aircraft not capable of or intended for the conveying of persons, which is controlled from a remote location and includes recreational/toy drones;

of such areas, against which water may periodically or seasonally rise, and which is also owned or managed by the municipality;

“Remotely Piloted Aircraft System” (RPAS) means an unmanned aircraft which is piloted from a remote pilot station and includes the Remotely Piloted Aircraft System commonly referred to as drones.

“species” means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any subspecies, cultivar, variety, geographic race, strain, hybrid or geographically separate population;

“specimen” means—

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which—
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

“stormwater system” means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately-owned land used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

“vehicle” means anything defined as a motor vehicle in terms of the National Road Traffic Act (93 of 1996); or any conveyance designed or adapted principally to travel on wheels or tracks;

“water area” means the water and the bottom or floor of any natural lake, river or stream, dam, impoundment or wetland or any part thereof, situated within a nature reserve or nature area, and includes the water and the land between the lowest line and the highest line to which the water-level of such a natural lake, river or stream, dam, impoundment or wetland or any part thereof may recede or rise at any time;

“written authorisation” means written consent issued by an authorised official or ranger of the municipality in terms of this By-Law, and includes any permit issued in terms of Section 15(1) or identification card issued in terms of Section 5(5).

2. Application

This By-Law applies to any area which is –

- (a) proclaimed or recognized as a protected area in terms of the Act; or
- (b) managed as a nature area.

4. Commercial, community and visitor activities

- (1) The municipality may, in terms of a management plan, set aside a part of a nature reserve or nature area, as an area in which a particular activity may be undertaken by visitors to a nature reserve or nature area, communities or interest groups, and must display a notice at the entrance to the nature reserve or nature area in which such area is described, provided that the activity does not compromise the purpose for which the nature reserve or nature area was established.
- (2) The municipality may, in terms of a management plan, set aside a part of a nature reserve or nature area, as an area in which a commercial activity may be undertaken by an authorised vendor, and must display a notice at the entrance to the nature reserve or nature area in which such area is described and at the place the commercial activity is undertaken;
- (3) The municipality may, in consultation with PAAC's, user or interest groups and other interested and affected parties develop codes of conduct for specific activities authorised within a nature reserve or nature area.

5. Rangers

- (1) The municipality may appoint rangers for a nature reserve and nature area and set in writing any prerequisites, terms, conditions or restrictions on any such appointments.
- (2) The municipality must issue any duly appointed ranger with a written authorisation and an identification card.
- (3) The ranger must, when performing any responsibility with regards to this By-Law, have in his/her possession their identification card or written authorization.
- (4) A ranger may issue verbal or written instructions to visitors relating to compliance with this By-Law in terms of the conditions of their written authorization.

6. Notices

- (1) In relation to a nature reserve or nature area, the municipality may from time to time and by means of a notice displayed at the entrance to or at, other relevant places of a nature reserve or nature area—
 - (a) set aside any land or water area;
 - (b) designate any land or water area as a recreational area;
 - (c) designate any land or water area for a purpose other than recreation;
 - (d) prohibit or restrict the use and access of any person, vehicle, vessel, domestic animal, species or specimen to any land or water area or part thereof; or
 - (e) designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area.
- (2) A notice may impose conditions in relation to the participation in or undertaking of any activity in a nature reserve or nature area and the municipality may vary or revoke a notice at any time by a subsequent notice.

10. Authorization for use of biological- or natural resources

- (1) A written authorization or written agreement as contemplated in Sections 4, 8 or 9, must—
 - a) not be in conflict with the purpose for which a nature reserve or nature area was established;
 - b) define the land or water area within which the use of the biological- or natural resources is granted;
 - c) indicate the period for which the right contemplated in Sections 4, 8 and 9 is granted; and
 - d) determine the limits to the use of the biological resources.
- (2) The municipality may demarcate the land or water area contemplated in subsection 10(1)(b) in a manner it deems fit.
- (3) An authorization granted in terms of Sections 4, 8 or 9 may not interfere with the exercise of any authorization which has been granted to another person in respect of the area contemplated in subsection 10(1)(b).
- (4) An authorization granted in terms of Sections 4, 8 or 9 must include a stipulated notice period for cancellation of the right or amendment of the conditions granting the right.
- (5) The municipality may cancel an authorization granted in terms of Sections 4, 8 or 9 in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the municipality.
- (6) The municipality may cancel an authorization granted in terms of Sections 4, 8 or 9 if the conditions set by the municipality are not complied with by the relevant person or group, or if the resource or any other component of the nature reserve or nature area is threatened.
- (7) The municipality may instruct a holder of an authorization contemplated in Sections 4, 8 or 9 to cease all activities immediately, and take any remedial action if the aforementioned holder of the written authorization is found or deemed to be in contravention of any conditions stipulated in the written authorization.
- (8) The municipality may at any time cancel or suspend such authorization contemplated in Sections 4, 8 and 9 in the event of an emergency, disaster, threat to life or safety, threat to the environment, or in any circumstance where the authorized official deems the ongoing activity to be detrimental in any way to the nature reserve or nature area.

CHAPTER 4: ACCESS TO NATURE RESERVES AND NATURE AREAS**11. Access to nature reserves and nature areas by user of biological- or natural resources**

- (1) The holder of a written authorisation granted in terms of Sections 4, 8 or 9 above may, subject to any condition contained in the written authorisation, use a road or path identified by the municipality, for the reasonable exercise of a written authorisation to use biological resources- or natural resources: Provided that -

13. Points of entry and exit

- (1) No person may, other than in open access areas of a nature reserve or nature reserve, or subject to the provisions of Section 11, enter or leave a nature reserve or nature area at any place other than through the designated points of entry or exit, without the written authorisation of the municipality.
- (2) Where a public road, pathway or cycle path passes through a nature reserve or nature area-
 - (a) no written authorisation is required by a person to travel through the nature reserve or nature area on such public road, pathway, or cycle path to a destination outside the nature reserve or nature area in question; and
 - (b) no person may -
 - (i) leave such public road, pathway or cycle path;
 - (ii) enter into a nature reserve or nature area from such public road, pathway or cycle path other than in compliance with Section 12(1).
- (3) No person may fly an aircraft, over a nature reserve or nature area, at a height below 1500ft above ground level without the written authorisation from the municipality.
- (4) No person may land, or attempt to land, an aircraft in a nature reserve or nature area without the prior written authorisation from the municipality.
- (5) No person may fly a RPAS over a nature reserve or nature area or land such RPAS in a nature reserve or nature area without the written authorisation from the municipality.
- (6) Subsection 13(4) and (5) does not apply-
 - (a) in the case of an emergency; or
 - (b) to a person acting on the instructions of a ranger.
- (7) An aircraft performing an emergency landing as per subsection 13(6)(a) above, must report such emergency landing and the nature thereof, in writing, to the municipality before the aircraft is removed from the nature reserve or nature area, within a reasonable time, depending on the nature of the emergency.

14. Proof of entry

- (1) Where a written authorisation, or entry permit, is required for entry to a nature reserve or nature area, a person who enters the nature reserve or nature area in a vehicle or on foot, must ensure that the written authorisation or entry permit is in his or her possession, and available for inspection at all times until he or she leaves the nature reserve or nature area.
- (2) Where a written authorisation is issued for overnighting in a nature reserve, the written authorisation must be displayed at all times in the vehicle in accordance with subsection 14(3) while he or she is overnighting in or near the vehicle.

- (c) intentionally disturb any species or specimen;
- (d) feed any species or specimen;
- (e) use any recording of any species or specimen or the imagery or scent of a species or specimen to attract animals;
- (f) lure, bait or attract by any means or for any purpose or intention any species or specimen;
- (g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood;
- (h) hunt, capture or kill any living animal by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or projectile or injure with intent to hunt, catch, capture or kill any such animal;
- (i) gather, collect or pluck any specimen;
- (j) pick parts of, or cut, chop off, uproot, damage or destroy, any specimen;
- (k) possess or exercise physical control over any specimen;
- (l) grow, breed or in any other way propagate any specimen or cause it to multiply;
- (m) sell or otherwise trade in, buy, receive, give, donate or accept as a gift, or in any way acquire or dispose of any specimen; or
- (n) angle, attempt to angle, catch or attempt to catch fish other than in an area designated for such purpose.

- (2) No person within a nature reserve or nature area may—
 - (a) intentionally or negligently cause pollution;
 - (b) deface cultural heritage resources; or
 - (c) harm, or cause death to any individual specimen or population of any species without the prior written authorisation of the municipality.
- (3) No person may, within a nature reserve or nature area place, throw, dump, or release into the environment any refuse, rubbish, used containers, effluent, toilet waste, or any objectionable material in areas other than those designated fit for this purpose by the municipality.
- (4) No person may spoil or ruin any equipment, furniture or structure located within a nature reserve or nature area by affixing thereto, in any way, papers, placards or notices, or by cutting, writing, stamping, painting, drawing or marking thereon;
- (5) No person may start or keep a fire or commit any acts whereby a fire may be caused within a nature reserve or nature area, except an official or person duly authorised to do so;
- (6) No person may consume alcohol or drugs within a nature reserve or nature area, nor enter a nature reserve or nature area under the influence of alcohol or drugs.

20. Specified activities

- (1) No person may undertake any of the following activities in a nature reserve or nature area except with written authorisation from the municipality and in accordance with an approved environmental management plan for the specified activity:

23. Bioprospecting

No person may undertake any manner or form of bioprospecting in a nature reserve or nature area without the prior written authorisation of the municipality other than subject to such conditions as determined by the municipality.

24. Buildings and improvements

- (1) Building developments and improvements in a nature reserve or nature area are subject to prior approval and written authorisation from the municipality, and any relevant legislation.
- (2) No person may in a nature reserve or nature area, without prior written authorisation of the municipality, erect, construct or transform or cause to be erected, constructed or transformed any building, structure (temporary or permanent) or any other improvement, including but not limited to a building or structure of any kind, jetty, dock, pier, landing stage, landing float, anchor buoy, raft, fence or any obstruction, bridge, pontoon, road or crossing in respect of a building or immovable property.

25. Land and airspace

No person may in a nature reserve and nature area, except with the prior written authorisation of the Municipality-

- (a) engage in the sport of climbing rock faces;
- (b) engage in the sport of paragliding, parachuting or abseiling;
- (c) land or take off in, or attempt to land or take off in, any aircraft, helicopter, glider, hang glider, paraglider or hot air balloon;
- (d) launch or fly a hot air balloon;
- (e) fly model aircraft, RPAS or gliders;
- (f) engage in the sport of any kind of boarding, including sandboarding, windsurfing, kitesurfing or sailboarding
- (g) operate any motorised vehicle for recreational purposes;
- (h) launch or propel, a missile or flare into the airspace above a nature reserve unless such activity is a bona fide emergency; or
- (i) possess, ignite or use any fireworks.

26. Water areas

- (1) No person may, without the written authorisation of the municipality, launch, or use a vessel on a dam, reservoir, lake, river or other body of water in a nature reserve or nature area unless the water has been set aside by the municipality for the use of vessels.
- (2) No person may carry out any repairs, servicing, testing, painting of any vessel in a water area in a nature reserve or nature area unless the prior written authorisation by the municipality has been obtained.

- (f) tamper with, deface, damage, remove or in any other way interfere with a nature reserve- or nature area boundary fence or object demarcating the boundary of a nature reserve or nature area.
- (2) No person may -
- (a) intentionally or negligently cause a fire or discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire, other than at a place where the making of a fire is permitted by the municipality;
 - (b) smoke in a nature reserve or nature area, other than in areas designated for smoking; or
 - (c) discharge any firework.

CHAPTER 6: PROHIBITED ACTIVITIES

32. Prohibitions relating to vehicles

- (1) No person driving a vehicle in a nature reserve or nature area may-
 - (a) drive, park, or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person or vehicle;
 - (b) drive, park or stop in any manner that causes an obstruction;
 - (c) block the pathway of a management operation or emergency vehicle;
 - (d) park a vehicle in a place other than in a place designated for that purpose by the municipality;
 - (e) drive or park anywhere except on a designated road or designated parking area;
 - (f) drive or operate any vehicle in a reckless or negligent manner, or deliberately or intentionally disregard the safety of any person, species, specimen or property of whatever nature;
 - (g) drive a vehicle off designated roads or tracks, except in an area set aside by the municipality for that purpose; or
 - (h) drive a vehicle for recreational purposes, including, but not limited to, 4x4ing, off-roading, quad biking and motor biking in any area not demarcated for such recreational activity.
- (2) The municipality may restrict or preclude the use of any vehicle or vehicle type within a nature reserve or nature area or section of a nature reserve or nature area.
- (3) No person may enter or travel in a nature reserve or nature area except in a vehicle that conforms to the dimensions and other requirements determined by the municipality.

33. Littering and pollution

- (1) No person may, in a nature reserve or nature area-
 - (a) deposit or leave any litter which is either industrial or domestic, regardless of whether that litter is biodegradable or non-biodegradable, except in an area or receptacle provided for that purpose;
 - (b) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provided for that purpose;

- (2) No person may, in a nature reserve or nature area, intentionally obstruct, disturb, interrupt or annoy any other person utilising the nature reserve or nature area in compliance with this By-Law.
- (3) No person may discharge a firearm within a nature reserve or nature area, except-
 - (a) if that person is authorised by the municipality thereto;
 - (b) for the discharge of a blank by a life-guard during an organized competition or by any other person authorised by the municipality, during a sports meeting in a water area; or
 - (c) in connection with the collection of specimens for scientific purposes, subject to the written authorisation of the municipality;
- (3) No person may, in a nature reserve or nature area, throw, roll or discharge any stone, rock, boulder, substance, projectile or missile to endanger any person, species or specimen.
- (4) No person may, in a nature reserve or nature area, prevent, hinder or obstruct a ranger in the exercise of his duties in terms of this By-Law.

CHAPTER 7: FEES AND TARIFFS

35. Fees and tariffs

- (1) The municipality shall annually determine the fees and tariffs applicable for—
 - (a) access to nature reserves or nature areas;
 - (b) the use of any amenity, service, facility, entertainment venue, film show or performance presented or provided or rendered by or on behalf of the municipality, at or in a nature reserve or nature area; and
 - (c) the operation of any commercial activity;
 - (d) costs associated with any remedial action undertaken by the municipality due to non-compliance with the By-law.
- (2) The municipality may recover costs associated with remedial action undertaken due to non-compliance with the By-law.
- (3) The municipality may suspend the payment of entrance fees on any specific day as it may deem fit.

CHAPTER 8: COMPLIANCE AND ENFORCEMENT

36. Rangers

- (1) The municipality may appoint any member of staff as a ranger.
- (2) Any duly appointed ranger must be in possession of the prescribed staff identification card when exercising any power in terms of this By-Law and must, upon request, produce such card.

- (i) which is concerned in or is on reasonable grounds believed to be concerned in an offence in terms of this By-Law;
 - (ii) which may afford evidence of an offence in terms of this By-Law; or
 - (iii) which is intended to be used or is on reasonable grounds believed to be intended to be used in the commission of an offence in terms of this By-Law.
- (6) A person who so requests may, if possible, make a copy of an article to be removed or seized in terms of this section.
- (7) When a ranger removes or seizes an article, the ranger must issue a receipt to the owner or person in control thereof and, if possible, return the article as soon as practicable after achieving the purpose for which the article was removed or seized.
- (8) A ranger must exercise their powers and functions with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.
- (9) Notwithstanding the provisions of this By-Law, and subject to any other applicable legislation, a ranger may —
 - (a) launch, operate or use any vehicle or vessel upon any recreational water or in any nature reserve for the purpose of providing an emergency, rescue or transport service, to provide a municipal service, to ensure compliance with this By-law, or for the purpose of undertaking research, monitoring or conducting a survey;
 - (b) do anything in a nature reserve or nature area in the exercise of a lawful power or duty; and
 - (c) in any nature reserve or nature area, use prohibited means of fishing, hunt any animal, and collect biological specimens in order to eradicate, control, or collect information for the control, monitoring and research of such organisms in the course of their duties.

38. Compliance Notice

- (1) The municipality or appointed ranger may serve a written compliance notice on a person if there are reasonable grounds for believing that the person is in contravention of this By-Law.

The compliance notice must-

- (a) describe the conduct constituting a contravention of this By-Law;
- (b) indicate which provision of this By-Law or condition of approval is contravened;
- (c) where relevant, state that the unlawful conduct constitutes an offence and indicate the penalty;
- (d) where relevant, be issued together with a fine;
- (e) instruct the person to cease the unlawful conduct;
- (f) where relevant, impose conditions which must be complied with and specify the steps to be taken to comply;
- (g) state that a failure to comply with the notice constitutes an offence and indicate the penalty; and
- (h) state that, in the event of non-compliance with the notice, the municipality may take one or more of the following measures-

- (3) The ranger must cause an impounded vehicle to be taken to a designated pound where it must be retained and dealt with in terms of this section.
- (4) The municipality must release the impounded vehicle, items or goods to the owner upon presentation of proof of ownership if, in relation to the offence contemplated in subsection 39(1) –
 - (a) a criminal charge is not laid, or a fine or a notice of intention to prosecute is not issued within 72 hours of the impoundment; or
 - (b) the criminal case against all accused persons is disposed of because –
 - (i) the charges are withdrawn;
 - (ii) the accused persons are acquitted; or
 - (iii) the accused persons are convicted and either the impoundment fee and any fine, costs and damages are paid.
- (5) An impounded vessel, vehicle, items or goods is forfeited to the municipality and becomes the property of the municipality if –
 - (a) a court orders such forfeiture; or
 - (b) the lawful owner of the vehicle, items or goods cannot be traced within 90 days of such impoundment after reasonable efforts to trace the owner have not been successful.
- (6) If any payment contemplated in subsection 39(4)(b)(iii) is not made within such time as the municipality may determine, and if no appeal has been lodged at the expiry of the time limit for an appeal, the municipality may sell an impounded vehicle, items or goods and deal with any net proceeds in accordance with subsection 39(7).
- (7) Any net proceeds from the sale of an impounded vessel, vehicle, items or goods must be applied as follows and in this order:
 - (a) the recovery of costs incurred by the municipality during forfeiture and impoundment;
 - (b) the payment of the impoundment fee, and any fine, costs or damages ordered by a court in relation to an offence contemplated in subsection 39(1); and
 - (c) return to the person who lawfully owned the vessel, vehicle, items or goods at the time of the impoundment except where the vessel, vehicle, items or goods was forfeited to the municipality.
- (8) The municipality may determine an impoundment fee and designate a pound contemplated in this section.

CHAPTER 9: OFFENCES AND PENALTIES

40. Offences

Any person who -

- (a) contravenes a provision of this By-Law;
- (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-Law;

42. Appeals

Any person may appeal against an administrative decision taken by the municipality or ranger in terms of this By-Law in accordance with the provisions of Section 62 of the Local Government: Municipal Systems Act (32 of 2000).

43. Delegation

A function, power or duty conferred on the municipality in terms of this By-Law may be delegated or sub-delegated to an employee of the municipality in accordance with the system of delegation adopted by Council in accordance with Section 59 of the Local Government: Municipal Systems Act (32 of 2000).

44. Indemnity

- (1) The municipality and appointed rangers are not liable for any loss sustained by or damage caused to a person by an act or omission in good faith relating to the performance of a duty under this By-Law, unless gross negligence is proved.
- (2) Any person making use of a public amenity shall do so at his/her own risk, Council shall not be liable for the death of or any injury to persons or any loss of or damage to any property of visitors, unless gross negligence is proved.

45. Repeal of by-laws

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

46. Short title and Commencement

This By-Law is called the Stellenbosch Municipality: Nature Reserve By-Law and comes into operation on promulgation in the Provincial Gazette.

Annexure A:

Pictograms

ANNEXURE A

1	Stay on boardwalk		109	Do not pick flora	
2	Stay on pathways		110	Useful plants	
3	Hiking / Walking		111	Unique vegetation	
4	Guided walk		112	Nature appreciation	
5	Trail running		113	Do not damage fauna or flora	
6	Scenic views		114	General fauna	
7	Pathway		115	Bird viewing	
8	Dog free running area		116	Birdhide	
9	Dogs on leash		117	Do not feed the animals	
10	No dogs allowed		118	Photos allowed	
11	Poop scoop area		119	Discovery trail	
12	No driftlines		120	Whale watching	
13	Bag limits		121	Horse riding	
14	Size limits		122	Camping	
15	Beware of falling branches		123	4 X 4	
19	Fires in demarcated areas		91	Swimming allowed	
20	Braais allowed		92	Swimming is dangerous	
21	No fires		93	No swimming	
22	No fires or gas braais		94	Windsurfing	
23	No overnighting		95	Water skiing	
24	No alcohol		96	Boat launch	
25	No firearms		97	Motorboating	
26	No hunting		98	Sailing	
27	No dumping		99	No sailing	
28	No sand-mining		100	Natural pool	
29	No music		101	Boma	
30	Playground		102	Power boats allowed	
31	No smoking		103	No power boats	
32	Do not leave valuables in vehicle		104	Electric boats allowed	
33	Safeguard valuables		105	No electric boats	
37	Fishing		73	Wheelchair access	
38	Fishing with permit only		74	Parking	
39	No fishing		75	Visitors parking	
40	No treble hooks		76	No parking	
41	No fishing off bridges		77	Information	
42	No fishing at night		78	Speed limit	
43	No fishing with nets		79	No access	
44	No prawn pumping		80	No vehicles	
45	No bait collection		81	No off-road vehicles	
46	No use of live bait		82	No mountain bikes	
47	No lobster fishing		83	No driving on sand dunes	
48	Conservation office		84	Canoeing allowed	
49	Beach		85	No canoeing	
50	No boats of any kind allowed		86	Jet skis prohibited	
51	Wind surfing		87	No water skiing	
55	Restrooms		55	Restrooms	
56	Female restroom		56	Female restroom	
57	Male restroom		57	Male restroom	
58	Restaurant		58	Restaurant	
59	Picnic area		59	Picnic area	
60	Use litterbins		60	Use litterbins	
61	Bin free area Do not litter		61	Bin free area Do not litter	
62	Education facilities		62	Education facilities	
63	Overnight education facilities		63	Overnight education facilities	
64	Accommodation		64	Accommodation	
65	Permit needed		65	Permit needed	
66	Beware of snakes		66	Beware of snakes	
67	Kite surfing		67	Kite surfing	
68	No kite surfing		68	No kite surfing	
69	No mooring of vessels		69	No mooring of vessels	

NO.	INTERPRETATION OF SYMBOL	BETEKENIS VAN SIMBOOL	INTSINGISELO YOMQONDISO
1	Stay on boardwalk	Bly op plankpad	Hamba kwibhulorho yabahambi ngeenyawo
2	Stay on pathways	Bly op voetpaai	Hamba kwiindlelana zenyawo
3	Hiking / walking	Staproete	Kuyahayikwa/kuyahanjwa
4	Guided walk	Begeleide staproete	Uhambo olukhokhelwayo
5	Trail running	Drafroete	Umzila wokubaleka
6	Scenic views	Mooi uitsig	Umbono obukekayo
7	Pathway	Voetpad	Indlela yeenyawo
8	Dog free-running area	Gebied vir loslopende honde	Ummandla wokubaleka izinja ezingabotshelelwanga
9	Dogs on leash	Honde aan leiband	Izinja ezibotshelelwayo
10	No dogs allowed	Geen honde toegelaat nie	Azivumelekanga izinja
11	Poop scoop area	Bollieskoppie-gebied	Ummandla wokukha ilindle lezinja
12	No driftlines	Dryflyne verbode	Azikho iintambo zokuloba
13	Bag limits	Sakbeperrings	Imida yengxowa
14	Size limits	Groottebeperrings	Ubukhulu bomda
15	Beware of falling branches	Pasop vir vallende takke	Lumkela amasebe awayo
16	Restaurant	Restaurant	Irestyurenti
17	No camping	Kamp verbode	Akuvumelekanga ukukhempisha
18	No hiking/walking	Stap verbode	Akuhayikwa/akahanjwa
19	Fires in demarcated areas	Vuurmaak in afgebakende gebiede	Imililo kwimmandla ekhethiweyo
20	Braais allowed	Braaiers toegelaat	Ukoja kuvumelekile
21	No fires	Vuurmaak verbode	Akubaswa mililo
22	No fires or gas braais	Vuurmaak en gasbraaiers verbode	Akubaswa mililo okanye iizitovu zerhasi
23	No overnighting	Oornagverblyf verbode	Akulalwa
24	No alcohol	Alkohol verbode	Akuselwa tywala
25	No firearms	Vuurwapens verbode	Imipu ayivumelekanga
26	No hunting	Jag verbode	Akuzingelwa
27	No dumping	Afvalstorting verbode	Akulahlwa nkunkuma
28	No sand-mining	Sandmynery verbode	Akwembiwa santi
29	No music	Musiek verbode	Awuvumelekanga umculo
30	Playground	Speelgrond	Indawo yokudlala/ibala lokudlala
31	No smoking	Rook verbode	Akutshaywa
32	Do not leave valuables in vehicle	Moenie kosbare items in voertuig los nie	Musa ukushiya izinto zexabiso emotweni
33	Safeguard valuables	Beveilig kosbare items	Zigade izinto ezixabisekileyo
34	Café	Kafee	Ikhefi
35	Administration office	Administrasiekantoor	I-ofisi yolawu
36	No lighting matches / fires	Vuurmaak / aansteek van vuurhoutjies verbode	Akulayitwa imatshisi / imililo
37	Fishing	Hengel	Ukuloba
38	Fishing with permit only	Hengel slegs met permit	Kulotywa ngemvume kuphela
39	No fishing	Hengel verbode	Akulotywa
40	No treble hooks	Drie-angelhoeke verbode	Akukho magwegwe okuloba
41	No fishing off bridges	Hengel van brug af verbode	Akulotywa ngakwiibhlorho
42	No fishing at night	Hengel snags verbode	Akulotywa ebusuku
43	No fishing with nets	Hengel met nette verbode	Akulotywa ngeminatha
44	No prawn pumping	Pomp van garnale verbode	Akuvumelekanga ukumpontshwa kweeprawn

89	Nature garden	Natuurtuin	Igadi yotyani
90	Unique flora and fauna	Unieke flora en fauna	Izityalo kunye nezilwanyana ezizodwa
91	Swimming allowed	Swem toegelaat	Kuvumelekile ukuqubha
92	Swimming is dangerous	Gevaarlike swemgebied	Kuyingozi ukuqubha
93	No swimming	Swem verbode	Akuqujwa
94	Windsurfing	Seilplankry	Ukusefa
95	Water skiing	Waterski	Umdlalo wokutyibiliza emanzini
96	Boat launch	Boot-tewaterlating	Ukuphehlelelwa kwezikhephe
97	Motor boating	Motorbootry	Ukuqhuba isikhephe
98	Sailing	Seiljagry	Ukuhamba ngenqanawa
99	No sailing	Seiljagry verbode	Akuhanjwa ngenqanawa
100	Natural pool	Natuurpoel	Ipuli eyenziwe ngendalo yokusingqongileyo
101	Boma	Boma	Ibhoma
102	Power boats allowed	Kragbote toegelaat	Izikhephe ezinesantya esiphezulu zivumelekile
103	No power boats	Kragbote verbode	Azivumelekanga izikhephe ezinesantya esiphezulu
104	Electric boats allowed	Elektriese bote toegelaat	Zivumelekile izikhephe zombane
105	No electric boats	Elektriese bote verbode	Azivumelekanga izikhephe zombane
106	Water bottle	Waterbottel	Ibhotile yamanzi
107	Sun hat	Sonhoed	Isigqoko selanga
108	Tortoises	Skilpaaie	Ufudo
109	Do not pick flora	Moenie flora pluk nie	Musa ukuzithatha izityalo
110	Useful plants	Nuttige plante	Izityalo ezibalulekileyo
111	Unique vegetation	Unieke plantegroei	Izityalo ezahlukileyo
112	Nature appreciation	Natuurwaardering	Ukuxabisa indalo
113	Do not damage fauna or flora	Moenie fauna of flora beskadig nie	Musa ukuzimoshisa izilwanyana okanye izityalo
114	General fauna	Algemene fauna	Izilwanyana ezizintlobo zonke
115	Bird viewing	Voëlkyk	Ukubukela iintaka
116	Bird hide	Voëlskuiling	Indlwana yokubukela iintaka
117	Do not feed the animals	Moenie diere voer nie	Musa ukutyisa izilwanyana
118	Photos allowed	Foto's toegelaat	Ifoto zivumelekile
119	Discovery trail	Ontdekkingsroete	Ukufunyanwa komkhondo
120	Whale watching	Walviskyk	Ukubukela umnenga
121	Horse riding	Perdry	Ukukhwela ihashe
122	Camping	Kampering	Ukumisa inkampu
123	4x4	4x4	4x4
124	Cellphone	Selfoon	Icelula

Annexure B:

NEMA Admission of Guilt Fines Regulations

GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS**No. R. 574****15 July 2011****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998:
ADMISSION OF GUILT FINES REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs has under section 34G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), made the regulations in the Schedule.

**BOMO EDITH EDNA MOLEWA****MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS****SCHEDULE****Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, the Protected Areas Act or the Protected Areas Regulations, as the case may be, shall have the meaning so assigned and, unless the contents otherwise indicates—

“Protected Areas Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“Protected Areas Regulations” means the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites promulgated under section 86 of the Protected Areas Act and published in *Government Gazette* No. R. 1061 of 28 October 2005;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

TABLE 1

OFFENCES IN TERMS OF PROTECTED AREAS REGULATIONS

1	2	3
Regulation	Description of offence	Fine
4(1)(a)	Introduction of any species or specimen, or part thereof, into a special nature reserve, national park or world heritage site without prior written consent of a management authority, license, permit or receipt.	R 1500,00
4(1)(c)	Intentionally disturbing any species or specimen in a special nature reserve, national park or world heritage site without prior written consent of a management authority, license, permit or receipt.	R 1000,00
4(1)(d)	Feeding any species or specimen in a special nature reserve, national park or world heritage site without prior written consent of a management authority, license, permit or receipt.	R 500,00
4(1)(f)	Removal of any wood, sand, gravel, stone, sea shell, guano or other material without prior written consent of a management authority, license, permit or receipt.	R 2500,00
4(1)(i)	Significantly altering or changing the sense of place, or any environmental, cultural or spiritual values in a special nature reserve, national park or world heritage site without prior written consent of a management authority, license, permit or receipt.	R 1500,00
8(3)	Entering or remaining in a special nature reserve, national park or world heritage site that has been closed without the permission of the management authority.	R 1000,00
9(1)	Entering or remaining in a special nature reserve, national park or world heritage site or part thereof without paying an entrance fee as determined by the management authority.	R 1000,00
9(2)	Entering or remaining within the boundaries of accommodation or recreational facilities in a special nature reserve, national park or world heritage site without paying the fees determined for such accommodation or facilities or without the permission of the management authority.	R 1000,00
10(1)	Entering or leaving a special nature reserve, national park or world heritage site at any place other than through an official point of entry or exit without the written permission	R 1500,00

	heritage site in a way that causes an obstruction or blocks the pathway of a management operation or emergency vehicle.	
16(1)(c)	Parking a vehicle in a special nature reserve, national park or world heritage site in a place other than a place designated for that purpose.	R 500,00
16(1)(d)	Driving or parking in a special nature reserve, national park or world heritage site in an area other than a designated road or place.	R 1000,00
16(1)(e)	Driving a vehicle in a special nature reserve, national park or world heritage site causing damaging or acting in a manner that could cause damage of any nature whatsoever, including damage to any roads, plants or animals.	R 1000,00
16(2)	Entering or being in a special nature reserve, national park or world heritage site in a vessel that does not comply with requirements of management authority's internal rules, subject to the provisions of the Merchant Shipping Act.	R 2500,00
17	Using a vessel in a water area of a special nature reserve, national park or world heritage site without obtaining a permit from the management authority.	R2500.00
18(1)	Using a vehicle or vessel which is propelled by a propeller above the water in a water area.	R 2500,00
18(2)	Painting a vessel in a water area without the prior written approval of the management authority.	R 1000,00
18(3)	Disposing of any liquid or solid waste, including motor oil, into a water area other than in places specifically designated by the management authority therefore.	R 2500,00
18(4)	Intentionally obstructing, disturbing, interrupting or annoying any other person engaged in the proper use of the special nature reserve, national park or world heritage site.	R 1000,00
18(5)	Throwing, rolling or discharging a stone, substance or missile, in a special nature reserve, national park or world heritage site, to endanger any person, specimen or species in the a special nature reserve, national park or world heritage site.	R 1000,00
18(6)	Defacing, painting, writing on, cutting names or letters in, or otherwise making marks or affixing bills on trees, rocks, gates, fences, buildings, signs or other property, or in any other manner spoiling features, buildings or facilities in a special nature reserve, national park or world heritage site without written permission of the management authority.	R 2500,00

	device or other noisy equipment in a special nature reserve, national park or world heritage site without the written permission of the management authority.	
22(b)	Constructing or erecting any booth, marquee or other structure in a special nature reserve, national park or world heritage site without the written permission of the management authority.	R 1000,00
22(c)	Organizing or causing to be organized, attending or participating in any public meeting, demonstration or gathering in a special nature reserve, national park or world heritage site without the written permission of the management authority.	R 2500,00
25(2)	Launching, or using a vessel on a dam, reservoir, lake, river, or other body of water in a special nature reserve, national park or world heritage site without the permission of the management authority.	R 1500,00
26(a)	Bathing, swimming or diving in any area in a special nature reserve, national park or world heritage where such bathing, swimming or diving is not permitted.	R 1000,00
28	Handling, touching or using in any manner a life-saving rope, buoy or other life-saving apparatus installed in or maintained in or at a water area, or doing anything which will impede the proper working of such life-saving apparatus.	R 500,00
29(1)	Water skiing in a water area other than in a place and at times permitted by the management authority.	R 1500,00
30(a)	Engaging in sport of climbing rock faces in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(b)	Engaging in the sport of parachuting or abseiling in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(c)	Using a hang glider or any other kind of glider in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(d)	Launching or flying a hot air balloon in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(e)	Flying model planes or gliders in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(f)	Engaging in the sport of any kind of boarding in a national park or world heritage site without the written permission of the management authority.	R 2500,00
30(h)	Driving a vehicle off-road or off designated roads or tracks in a national park or world heritage site without the written permission of the management authority.	R 2500,00
34(1)	Conducting scientific research in a special nature reserve, national park or world heritage site without the written	R 1500,00

	vegetable matter or other waste material in an area or receptacle other than an area or receptacle provided for that purpose.	
40(b)	Depositing, discharging or leaving any noxious, smelly, offensive or polluting substance, matter or thing in a special nature reserve, national park or world heritage site.	R2500,00
40(c)	Depositing or leaving any offal, dead species or specimen or dung in a special nature reserve, national park or world heritage site.	R 2000, 00
40(d)	Depositing any domestic garbage, in a special nature reserve, national park or world heritage site, in a receptacle other than in any receptacle provided for litter.	R 2000,00
40(e)	Intentionally breaking any article of glass, china, pottery, plastic or other brittle material in a special nature reserve, national park or world heritage site.	R 2000,00
43(a)	Offering any show or entertainment, conducting any business or trade or collecting any money from the public, in a special nature reserve, national park or world heritage site without the prior written consent of the management authority.	R 2000,00
43(e)	Lighting or causing any open fire to be started or making use of an open fire in the special nature reserve, national park or world heritage site, other than in a fireplace or container made available for that purpose by the management authority or without the authority of the management authority.	R 2500,00
43(f)	Placing, throwing, dumping or letting out any refuse, rubbish or used containers in a special nature reserve, national park or world heritage site.	R2000,00
43(h)	Carrying on any agricultural or gardening activities in a special nature reserve, national park or world heritage site without prior written approval of management authority.	R 2500, 00
43(i)	Allowing any species or specimen to graze in or enter upon a special nature reserve, national park or world heritage site without the prior written approval of the management authority.	R 1500,00 (2500)
43(j)	Placing, displaying or distributing any advertisement, promotional material or notice anywhere in a special nature reserve, national park or world heritage site without the prior written permission of the management authority.	R 1500,00
43(k)	Affixing to or, in any manner whatsoever, making on any tree or object not belonging to that person any name, letter, figure, symbol, mark, picture, sign or notice or otherwise damaging any tree or other object, in a special nature reserve, national park or world heritage site.	R 2500,00
43(m)	Playing any radio, compact disc player, music system, musical instrument or in any way causing any noise in a manner likely to disturb any species or specimen or other person in a special nature reserve, national park or world heritage site.	R 2000,00
43(n)	Behaving in an offensive, improper, indecent or disorderly manner in a special nature reserve, national park or world heritage site.	R 1500,00
45(2)(b)(ii)	Possessing or exercising control over a specimen of an alien or listed invasive species in a special nature reserve, national park or world heritage site without the written authorisation of the	R2500, 00

10.10.2	EXTENSION OF CURRENT LEASE AGREEMENT WITH 7 YEARS 11 MONTHS: STELLENBOSCH UNIVERSITY FARM 502 BH 1 AND BH 2, STELLENBOSCH
---------	--

Collaborator No: 774098

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 26 September 2024 and 30 October 2024

1. SUBJECT: EXTENSION OF CURRENT LEASE AGREEMENT WITH 7 YEARS 11 MONTHS: STELLENBOSCH UNIVERSITY FARM 502 BH 1 AND BH 2, STELLENBOSCH

2. PURPOSE

To consider the application from Dr. Leslie Van Rooi on behalf of Stellenbosch University for the extension of their lease agreement to a 9 years 11 months period.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated Authority to consider applications for Lease Agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years.

4. EXECUTIVE SUMMARY

On 1 June 2023 a lease agreement was concluded between Stellenbosch Municipality and the Stellenbosch University in relation to farm 502 BH 1 and BH 2.

The current lease agreement is expiring 30 July 2025, and the applicant has therefore applied to have the lease extended to 9 years 11 months.

The applicants have been using the premises for just over a year and they have used their own funds for land preparation, planting operations and fertilisation. Since the commencement of their lease, they have created seventy-nine (79) employment opportunities for individuals within the WC024 area.

5. RECOMMENDATIONS

- (a) that Farm 502 BH 1 and BH 2, be identified as land not needed for any other municipal service;
- (b) that the lease be extended by 7 years and 10 months, resulting in a total lease term of 9 years and 11 months; and
- (c) that the monthly rental structure be maintained as specified in the existing lease agreement (see **APPENDIX A**).

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Previous lease agreements:

On 1 June 2023 a two-year (2) lease agreement was concluded between Stellenbosch Municipality and the Stellenbosch University in relation to Farm 502 BH 1 and BH 2.

The current lease agreement is set to expire on 30 July 2025. The applicant has requested a new lease term of 9 years and 11 months. However, the lease can only be extended by 7 years and 10 months, as any lease exceeding 9 years and 11 months would need to be registered as a long-term lease with the Deeds Office. A copy of the current lease agreement is attached hereto as **APPENDIX B**.

6.1.2 Application from Stellenbosch University

The application filed by Dr. Leslie Van Rooi is attached hereto as **APPENDIX C**. The application indicates that they request a lease agreement for 9 years 11 months.

6.2 DISCUSSION

6.2.1 Location and context

The property under discussion is situated on Annandale Road on Farm 502 BH, Stellenbosch.

6.2.2 Property description

Farm 502 BH 1 and BH 2 measuring 5 hectares in size with 2 hectares of water and is zoned for agricultural use (**Appendix D**)

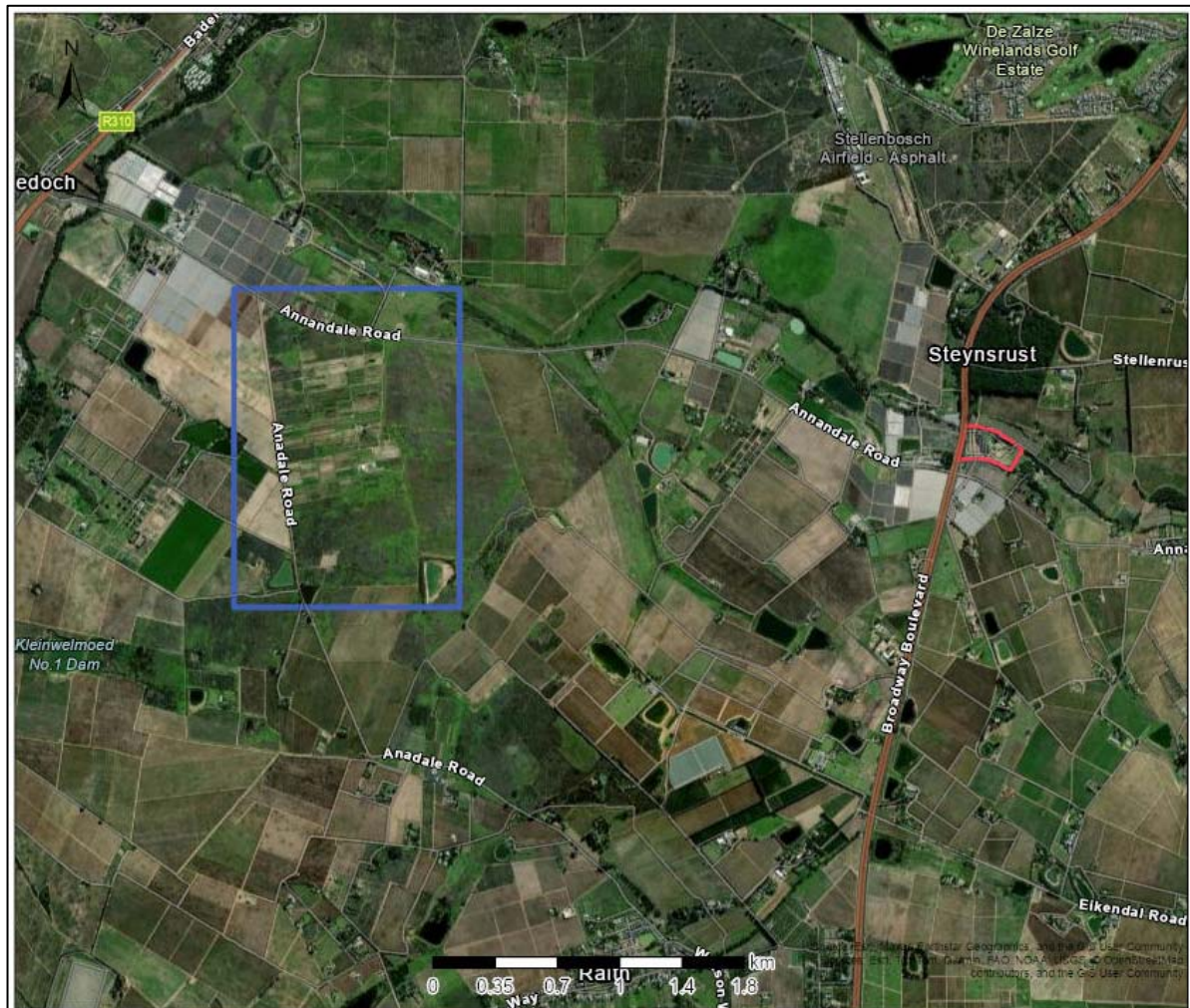


Fig 1: Location and Context

6.3 Financial implication

The previous lease was concluded for R 4 091.52 per annum with an annual escalation measured against the basis of the inflation forecasts, Consumer Price Index (CPI).

6.4 Legal requirements**6.4.1 Municipal Asset Transfer Regulations**

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, *inter alia*:

- whether the capital asset may **be required for the municipality's own use** during the period for which the right is to be granted;
- the extend to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;

- c) the (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

6.4.2 Policy for the Management of Municipal Agricultural Land

In terms of paragraph 4.1.10 of the Policy, the guiding principles are to create an enabling environment to users of the land to participate meaningfully in agricultural activities:

4.1.10.1 Promote entrepreneurship.

4.1.10.2 Contribute to food production and economic opportunities.

4.1.10.3 Leverage the expertise and markets of existing commercial farmers to assist emerging farmers through partnerships and/or shareholding especially new entrants.

6.5 STAFF IMPLICATIONS

No additional staff implications

6.6 RISK IMPLICATIONS

This report has no risk implications for the Municipality.

6.7 PREVIOUS COUNCIL RESOLUTIONS:

12th COUNCIL MEETING: 2022-10-26: ITEM 11.10.1

RESOLVED (majority vote with 2 abstentions)

- (a) That Council take note of the fact no submissions were received on the notice published to express the municipality's intention of following an appropriate process for the consideration of the application from Stellenbosch University for a short-term lease agreement for Erf 502, Lynedoch where they are involved in a project assessing the potential value of seven technologies to enhance the productivity of emerging farmers;
- (b) that the Municipal Manager be authorised to conclude the contract or agreement after above is finalised in terms of the applicable Act/Regulation;
- (c) that the Municipal Manager be mandated to determine the monthly rental amount;
- (d) that farm No.502BH, Stellenbosch Division, be identified as land not needed for Municipal Services;
- (e) that the importance of the study be noted as it will enhance the sustainability of emerging farmers and other farmers as far as possible; and
- (f) that Stellenbosch University enter into an agreement with the Municipality and be responsible for the payment of all services.

8th COUNCIL MEETING: 2023-03-29: ITEM 11.10.1

RESOLVED (NEM CON)

- (a) That farm No.502BH, Stellenbosch Division, be identified as land not needed for Municipal services;
That the importance of the study be noted as it will enhance the sustainability of emerging farmers;

- (b) That Council in-principle agrees to make the property available to the Stellenbosch University as they will deliver a function in Lynedoch for the benefit of the emerging farmers;
- (c) That the intention of Council to lease the property to the Stellenbosch University for a period of (3) three years be advertised for public comment / input;
- (d) That the item be returned to the Executive Mayor, in consultation with the Mayoral Committee, for a final decision, once the public participation process has been completed;
- (e) That the Municipal Manager be mandated to determine a monthly rental amount; and
- (f) That Stellenbosch University enter into an agreement with the Municipality and be responsible for the payment of all services.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-09-26: ITEM 7.10.2

- (a) that Farm 502 BH 1 and BH 2, be identified as land not needed for any other municipal service;
- (b) that the lease be extended by 7 years and 10 months, resulting in a total lease term of 9 years and 11 months; and
- (c) that the monthly rental structure be maintained as specified in the existing lease agreement (see **APPENDIX A**).

APPENDICES:

Appendix A: Monthly rental structure

Appendix B: Current lease agreement

Appendix C: Stellenbosch University Application

Appendix D: Size and Layout for 502 BH 1 and BH 2

NAME	Mark Harris
POSITION	Senior: Economic Development Officer
DIRECTORATE	Corporate Services
CONTACT NUMBERS	(021) 808-8159
E-MAIL ADDRESS	<u>mark.harris@ Stellenbosch.gov.za</u>
REPORT DATE	2024-09-10

APPENDIX A

month written notice, in which event the **LESSOR** will have no claim for compensation or otherwise against the **LESSEE**.

5. RENT

5.1 The rent shall be

5.1.1 R 340.96 per month (Inclusive of VAT) from 1 June 2023;

5.1.2 shall thereafter, on an annual basis escalate by CPI based on the 12 months from 01st July to 30th June of the previous year;

6. PAYMENTS

6.1 The rent payable by the **LESSEE** to the **LESSOR** in terms of this Agreement shall be payable monthly in advance.

6.2 The **LESSOR** shall have the right, notwithstanding any instruction given by the **LESSEE**, to appropriate any amount paid by the **LESSEE** hereunder to whatsoever indebtedness of the **LESSEE** as the **LESSOR** may decide upon in its absolute discretion.

7. RATES

7.1 It is specifically recorded that the **LESSEE** will be responsible for the payment of rates and taxes on the property as levied from time to time.

8. ADDITIONAL CHARGES

8.1 It is specifically recorded that the **LESSEE** will, in addition to the rent and rates, be responsible for the cost of water, electricity and all other services used on the property.

9. INSURANCE

9.1 It is specifically agreed that the **LESSEE** is responsible for insurance of any kind.

A handwritten signature in black ink, appearing to be 'A. G. M.', is located in the bottom right corner of the page.

APPENDIX B

LEASE AGREEMENT

Entered into by and between

STELLENBOSCH MUNICIPALITY

Herein represented by **Geraldine Mettler** in her capacity as

Municipal Manager, being duly authorised

(herein after called the **LESSOR**)

AND

STELLENBOSCH UNIVERSITY

Herein represented by **HAI Lombard** in his capacity as **Chief Director: Finance**

being duly authorised

(herein after called the **LESSEE**)

For the lease of Lease Farms 502 BH1 & BH2

(herein after called the **PROPERTY**)

A handwritten signature in black ink, appearing to be 'HAI Lombard', located in the bottom right corner of the page.

AGREEMENT OF LEASE

1. PARTIES

1.1 The parties to this lease are:-

1.1.1 (Stellenbosch Municipality) ("the **LESSOR**"); and

1.1.2 (Stellenbosch University) ("the **LESSEE**").

2. INTERPRETATION

2.1 In this lease agreement, except in a context indicating that some other meaning is intended,

2.1.1 "**the Lease Period**" means the period for which this lease subsists, including any period for which it is renewed;

2.1.2 "**month**" means a calendar month, and more specifically;

2.1.2.1 in reference to a number of months from a specific date, a calendar month commencing on that date or the same date of any subsequent month; and

2.1.2.2 in any other context, a month of the calendar, that is, one of the 12 months of the calendar, and "monthly" has the corresponding meaning;

2.1.3 "**the parties**" means the parties to this lease, and "party" means one of them;

2.1.4 "**the PROPERTY**" means Lease Farm 502 BH1 and BH2, with improvements, meaning 7,928 hectares;

2.1.5 "**the Rates**" means the assessment rates payable on the **PROPERTY**;

2.1.6 "**the Premises**" has the same meaning as the **PROPERTY**;

2.1.7 "**year**" means a period of 12 consecutive months, and "yearly" refers to a year commencing on the date on which the lease comes into operation or any anniversary of that date;



- 2.1.8 references to notices, statements and other communications by or from the **LESSOR** include notices by or from the **LESSOR's** agent;
 - 2.1.9 expressions in the singular also denote the plural, and *vice versa*;
 - 2.1.10 words and phrases denoting natural persons refer also to juristic persons, and *vice versa*; and
 - 2.1.11 pronouns of any gender include the corresponding pronouns of the other genders.
- 2.2 Any provision of this lease imposing a restraint, prohibition or restriction on the **LESSEE** shall be so construed that the **LESSEE** is not only bound to comply therewith but is also obliged to procure that the same restraint, prohibition or restriction is observed by everybody occupying or entering the Premises or any other part of the **PROPERTY** through, under, by arrangement with, or at the invitation of, the **LESSEE**, including (without limiting the generality of this provision) its Associates and the directors, members, officers, employees, agents, customers and invitees of the **LESSEE** or its Associates.
- 2.3 Clause headings appear in this lease for purposes of reference only and shall not influence the proper interpretation of the subject matter.
- 2.4 This lease shall be interpreted and applied in accordance with South African law.

3. LETTING AND HIRING

- 3.1 The **LESSOR** lets and the **LESSEE** hires the Farm 502 BH1 and BH2 on the terms of this lease for *bona fide* farming purposes only.

4. DURATION

- 4.1 This lease shall come into operation on 01 June 2023 and shall subsist until 30 July 2025, notwithstanding the date of signature hereof.
- 4.2 Notwithstanding the above, should the **LESSOR** require the property for any *bona fide* municipal purposes, this agreement can be terminated by giving the **LESSEE** 2 months written notice, in which event the **LESSEE** will have no claim for compensation or otherwise against the **LESSOR**.
- 4.3 Notwithstanding the above, should the **LESSEE** want to terminate the agreement for whatever reason, it can do so by giving the **LESSOR** 3



month written notice, in which event the **LESSOR** will have no claim for compensation or otherwise against the **LESSEE**.

5. RENT

5.1 The rent shall be

5.1.1 R 340.96 per month (Inclusive of VAT) from 1 June 2023;

5.1.2 shall thereafter, on an annual basis escalate by CPI based on the 12 months from 01st July to 30th June of the previous year;

6. PAYMENTS

6.1 The rent payable by the **LESSEE** to the **LESSOR** in terms of this Agreement shall be payable monthly in advance.

6.2 The **LESSOR** shall have the right, notwithstanding any instruction given by the **LESSEE**, to appropriate any amount paid by the **LESSEE** hereunder to whatsoever indebtedness of the **LESSEE** as the **LESSOR** may decide upon in its absolute discretion.

7. RATES

7.1 It is specifically recorded that the **LESSEE** will be responsible for the payment of rates and taxes on the property as levied from time to time.

8. ADDITIONAL CHARGES

8.1 It is specifically recorded that the **LESSEE** will, in addition to the rent and rates, be responsible for the cost of water, electricity and all other services used on the property.

9. INSURANCE

9.1 It is specifically agreed that the **LESSEE** is responsible for insurance of any kind.

A handwritten signature in black ink, appearing to be 'A. J. M.' or similar, located in the bottom right corner of the page.

10. SUB-LETTING AND RELATED MATTERS

- 10.1 The **LESSEE** shall not, without the **LESSOR's** prior written consent:
- 10.1.1 sub-let the whole or any part of the **PREMISES** or cede, assign, transfer, alienate, or otherwise dispose of any of its rights and/or obligations under this Lease or pledge or hypothecate this Lease;
 - 10.1.2 give up, for either a definite period or at all, occupation or possession of the **PREMISES** or any part thereof to any person or permit any person whether as licensee, sub-tenant, agent, occupier, custodian or otherwise to take possession or occupation of the **PREMISES** or any part thereof either for a definite period or at all.
- 10.2 Should the **LESSEE** wish to sub-let the whole or any part of the **PREMISES** at any time during the currency of the Lease, then the **LESSEE** shall apply to the **LESSOR** in writing for its consent thereto given, in regard to the proposed sub-lease, the name of the sub-tenant, the guarantors if any of the sub-tenant date of commencement, the duration of the proposed sub-lease, the exact premises and the consideration payable there under. The **LESSOR** at its option may:
- 10.2.1 consent to the sub-lease, in which case the **LESSEE** may on receipt of written confirmation by the **LESSOR** sub-let the **PREMISES** or part thereof as the case may be in accordance with the written application submitted to the **LESSOR** in terms of this Clause 10.2, or
 - 10.2.2 provided the proposed sub-tenant wishes to lease the whole of the **PREMISES**, give the **LESSEE** written notice of its intention to enter into a direct lease with the proposed sub-tenant in which event on the commencement date of the new written lease entered into between the **LESSOR** and the proposed sub-tenant this Lease shall be cancelled and of no further force or effect, provided that such cancellation shall in no way detract from the **LESSOR's** rights to enforce performance of any obligations of the **LESSEE** arising, prior to the date of cancellation, or the **LESSOR's** rights to recover arrear payments from the **LESSEE**.

11. MAINTENANCE BY THE LESSOR

- 11.1 It is specifically recorded that the **LESSOR** has no maintenance obligations with regard to the property.

A handwritten signature in black ink, appearing to be 'AG' followed by a stylized flourish.

12. OBLIGATIONS OF LESSEE

- 12.1 The **LESSEE** shall remove alien and/or invasive plants, failure of which will lead to the municipality removing such plants and the **LESSEE** will reimburse such costs to the municipality.
- 12.2 The **LESSEE** shall not without the prior written consent of the **LESSOR**, which shall not be unreasonably withheld, store, harbour or use, or permit the storage, harbouring or use in the **PROPERTY** of any goods, chattels, furniture, fixture, fittings or effects which are subject to any hire purchase or lease agreement and which are not the **LESSEE**'s own **PROPERTY**.
- 12.3 The **LESSEE** must create fire-path for preventing fire spreading to neighbouring farms and must refrain from keeping materials that is conducive to fire hazards.
- 12.4 The **LESSEE** must comply with all relevant National and Provincial legislations.
- 12.5 It is specifically recorded that the **LESSEE** had requested to lease the property as part of a project to assess the value of seven technologies to enhance the productivity of emerging farmers. This technology will be transferred to the other small farmers in the area and the **LESSEE** will further introduce these farmers to market opportunities and provide training and workshops to these farmers.
- 12.6 Should the **MUNICIPALITY** be of the view that the **LESSEE** is not actively using the farm for the above purposes the **MUNICIPALITY** may cancel this Agreement and allocate the lease area to someone else, after having followed due process.
- 12.7 Any installations done on the farm will at the termination of the lease agreement be donated to the Small Farmers also situated on Farm 502 BH.
- 12.7 Before cancelling this Agreement as a result of not optimally using it, the **LESSEE** will be given a reasonable period to rectify the situation. Any such notice of non-compliance or under performance shall be in writing and must spell out the remedial actions to be taken by the **LESSEE** within the specified timeframe(s), failing which the Agreement may be cancelled.

13. IMPROVEMENTS

- 13.1 The **LESSEE** shall not make any improvements to the Premises without the **LESSOR**'s prior written consent, but the **LESSOR** shall not withhold its consent unreasonably to an alteration or addition which is not structural.

A handwritten signature in black ink, appearing to be 'A. G. M.' or similar, located at the bottom right of the page.

- 13.2 If the **LESSEE** does improve the Premises in any way, whether in breach of clause 13.1 or not, the **LESSEE** shall, if so required in writing by the **LESSOR**, restore the Premises on the termination of this lease to their condition as it was prior to such alteration, addition or improvement having been made. The **LESSOR's** requirement in this regard may be communicated to the **LESSEE** at any time, but not later than the (30th) day after the **LESSEE** has delivered up the Premises pursuant to the termination of this lease; and clause 13.2 shall not be construed as excluding any other or further remedy which the **LESSOR** may have in consequence of a breach by the **LESSEE** of clause 13.1.
- 13.3 Save for any improvement which is removed from the Premises as required by the **LESSOR** in terms of clause 10.2, all improvements made to the Premises shall belong to the **LESSOR** and may not be removed from the Premises at any time. The **LESSEE** shall not, whatever the circumstances, have any claim against the **LESSOR** for compensation for any improvement to the Premises, unless such improvements were made with the **LESSOR's** prior written consent which compensation shall be limited to the costs of the improvement, or as otherwise agreed to in writing by the **LESSOR**, nor shall the **LESSEE** have a right of retention in respect of any improvements.

14. LESSOR'S RIGHTS OF ENTRY AND CARRYING OUT OF WORKS

- 14.1 The **LESSOR's** representatives, agents, servants and contractors may at all reasonable times, without thereby giving rise to any claim or right of action on the part of the **LESSEE** or any other occupier of the Premises
- 14.1.1 enter the leased Premises in order to inspect them, to carry out any necessary repairs, replacements, or other works, or to perform any other lawful function in the *bona fide* interests of the **LESSOR** or any of the occupiers of the **PROPERTY**; or
- 14.1.2 carry out elsewhere on the **PROPERTY** any necessary repairs, replacements, or other works, but the **LESSOR** shall ensure that this right is exercised with due regard for, and a minimum of interference with, the beneficial enjoyment of the Premises by those in occupation thereof.

15. DAMAGE TO OR DESTRUCTION OF PREMISES

- 15.1 If the Premises are destroyed or so damaged that they can no longer be beneficially occupied, this lease shall terminate when that happens unless the parties agree in writing otherwise.

- 15.2 If the Premises are significantly damaged but can still be beneficially occupied, this lease shall remain in force and the **LESSOR** shall repair the damage without undue delay but the rent shall be abated so as to compensate the **LESSEE** fairly for the effects of the damage and repair work on the enjoyment of the Premises. Failing agreement on such abatement or on the applicability of this clause to any particular circumstances, the matter shall be referred to an expert appointed by the parties jointly or, if they do not agree on such appointment, nominated by the President for the time being of The Institute of Estate Agents of South Africa, and the decision of such expert shall be final and binding. The expert's fees and disbursements, including any inspection costs, shall be borne and paid by the parties in equal shares. Pending determination of the abatement the **LESSEE** shall continue to pay the full rent for the Premises as if they had not been damaged and as soon as the matter has been resolved the **LESSOR** shall make the appropriate repayment to the **LESSEE**.
- 15.3 If any damage to the Premises or the destruction thereof is caused by an act or omission for which either party is responsible in terms of this lease or in law, the other party shall not be precluded by reason of any of the foregoing provisions of this clause from exercising or pursuing any alternative or additional right of action or remedy available to the latter party under the circumstances (whether in terms of this lease or in law).

16. SPECIAL REMEDY FOR BREACH

- 16.1 Should the **LESSEE** default in any payment due under this lease or be in breach of its terms in any other way, and fail to remedy such default or breach within (30) days after receiving a written demand that it be remedied, the **LESSOR** shall be entitled, without prejudice to any alternative or additional right of action or remedy available to the **LESSOR** under the circumstances, to cancel this lease with immediate effect, be repossessed of the Premises, and recover from the **LESSEE** damages for the default or breach and the cancellation of this lease.
- 16.2 In the event of the **LESSOR** having cancelled this lease justifiably but the **LESSEE** remaining in occupation of the Premises, with or without disputing the cancellation, and continuing to tender payments of rent and any other amounts which would have been payable to the **LESSOR** but for the cancellation, the **LESSOR** may accept such payments without prejudice to and without affecting the cancellation, in all respects as if they had been payments on account of the damages suffered by the **LESSOR** by reason of the unlawful holding over on the part of the **LESSEE**.

A handwritten signature in black ink, appearing to be a stylized 'A' followed by a flourish.

17. DOMICILIA AND NOTICES

17.1 The parties choose as their *domicilia citandi et executandi* the addresses mentioned in clause 17.2, provided that such *domicilium* of either party may be changed by written notice from such party to the other party with effect from the date of receipt or deemed receipt by the latter of such notice.

17.2

17.2.1 The LESSOR:

Town Hall Complex
Plein Street
STELLENBOSCH

Email: municipal.manager@ Stellenbosch.gov.za

17.2.2 The LESSEE:

University of Stellenbosch

Admin B Building

Victoria Street

Stellenbosch

Email: gmw@sun.co.za

17.3 Any notice, acceptance, demand or other communication properly addressed by either party to the other party at the latter's *domicilium* in terms hereof for the time being and sent by prepaid registered post shall be deemed to be received by the latter on the 5th business day following the date of posting thereof. This provision shall not be construed as precluding the utilisation of other means and methods (including telefacsimile) for the transmission or delivery of notices, acceptances, demands and other communications, but no presumption of delivery shall arise if any such other means or method is used.

18. WHOLE AGREEMENT

18.1 This is the entire agreement between the parties.

18.2 Neither party relies in entering into this agreement on any warranties, representations, disclosures or expressions of opinion which have not been incorporated into this agreement as warranties or undertakings.

18.3 No variation or consensual cancellation of this agreement shall be of any force or effect unless reduced to writing and signed by both parties.



19. NON-WAIVER

- 19.1 Neither party shall be regarded as having waived, or be precluded in any way from exercising, any right under or arising from this lease by reason of such party having at any time granted any extension of time for, or having shown any indulgence to, the other party with reference to any payment or performance hereunder, or having failed to enforce, or delayed in the enforcement of, any right of action against the other party.
- 19.2 The failure of either party to comply with any non-material provision of this lease shall not excuse the other party from performing the latter's obligations hereunder fully and timeously.

20. WARRANTY OF AUTHORITY

- 20.1 The person signing this lease on behalf of the **LESSOR** expressly warrants his authority to do so.

21. SALE OF PREMISES

- 21.1 The validity of this lease shall not in any way be affected by the transfer of the Premises from the **LESSOR** pursuant to a sale thereof. It shall accordingly, upon registration of transfer of the Premises into the name of the purchaser, remain of full force and effect save that the purchaser shall be substituted as **LESSOR** and acquire all rights and be liable to fulfil all the obligations which the **LESSOR**, as **LESSOR**, enjoyed against or was liable to fulfil in favour of the **LESSEE** in terms of the lease.

22. BREACH

- 22.1 Should any payment of rent or any other amount due hereunder not be paid on or before due date or should the **LESSEE** commit or suffer or permit the commission of a breach of any of the other terms of this Lease, whether or not such breach goes to the root of this contract, and fail to remedy such breach within 7 (seven) days after having been required in writing to do so, or should the **LESSEE** be placed in liquidation, whether provisional or final and whether voluntary or compulsory, or under judicial management, whether provisional or final, or under sequestration, whether provisional or final, or should the **LESSEE** effect a general compromise with its creditors or any other arrangements with its creditors necessitated by the inability of the **LESSEE** to pay its debts, or should the **LESSEE** commit any act which is, or would if committed by a natural person be, an act of insolvency in terms of Section 8 of the Insolvency Act, 1936, as



amended, the **LESSOR** shall be entitled but not obliged, notwithstanding any previous waiver or anything to the contrary herein provided and without prejudice to any other rights of the **LESSOR** in terms of this Lease or in law, to cancel this Lease forthwith, eject the **LESSEE** from the PREMISES and recover from the **LESSEE** any damages suffered by the **LESSOR** as well as all amounts which became due for payment by the **LESSEE** hereunder prior to the date of such cancellation.

22.2 Notwithstanding anything to the contrary herein contained, it is specifically recorded that in the event of that **LESSEE** failing at any time to comply with any of its obligations in terms of this lease, the **LESSOR** shall be entitled, but not obliged, and without prejudice to any other rights of the **LESSOR** in terms of this Lease or in Law arising from such breach, to carry out such obligations on behalf of the **LESSEE** and to incur any costs in connection therewith and to claim immediate reimbursement from the **LESSEE** of all such costs.

22.3 In the event of the **LESSOR** instructing its attorneys to take measures for the enforcement of any of the **LESSOR's** rights under this Lease the **LESSEE** shall pay to the **LESSOR** on demand such collection legal and other costs, on the attorney and client scale, as shall be lawfully charged by such action in respect of or arising from the measures to taken by the said attorneys.

SIGNED at STELLENBOSCH on this 28th of August 2023 in
the presence of the undersigned witnesses

Witnesses:

1 [Signature]
2 [Signature]
(Signatures of witnesses)

[Signature]
(Signature of **LESSOR**)

SIGNED at Stellenbosch on this 10 of August 2023
in the presence of the undersigned witnesses

Witnesses:

1

2 L Seeliger

(Signatures of witnesses)

[Signature]

(Signature of **LESSEE**)

[Signature] [Signature]

APPENDIX C



Dear Stellenbosch Municipality Council

Re: Request by University of Stellenbosch for an extension of the lease on the Farm 502 BH1 and BH2

1. The University of Stellenbosch and Stellenbosch Municipality, on 28 August 2023, entered into a Lease Agreement in respect of agricultural land on Farm 502 BH1 and BH2 in Lynedoch ("the Property") ("the Lease Agreement"). The Lease Agreement was entered into for the period 1 June 2023 to 31 July 2025.
2. The purpose of this correspondence is to request the extension of the Lease Agreement for an additional 9 (nine) year and 11 (eleven) month period.
3. The aforementioned request is premised on:
 - 3.1. the anticipated date for completion of the project entitled: "Revenue diversification pathways in Africa through bio-based and circular agricultural innovation" ("the DIVAGRI Project") funded by European Commission through its Research Executive Agency, for which the Property is being used by University Stellenbosch in collaboration with the FPSU Stellenbosch Secondary Cooperative Limited, commonly referred to as the Farmer Production Support Unit ("the FPSU"). The aims of the DIVAGRI Project is to empower and uplift small farmers in Stellenbosch; and
 - 3.2. further sustainability and social impact research on the Property building on the outcomes of the DIVAGRI Project.
4. The DIVAGRI Project has made great strides in empowering small farmers in Lynedoch to become part of bioeconomy, training them in bio-based technologies that promote the circular economy, reduce waste, minimize agricultural water use and address other issues of climate change. The FPSU and participating farmers have acted as co-researchers, adapting and developing the technology as the research project has progressed.

Social Impact & Transformation
 +27 21 808 0993 · lbvr@sun.ac.za · www.sun.ac.za
 Private Bag X1 · Private Sak X1 · Matieland 7602 · South Africa · eMzantsi Afrika · Suid-Afrika

forward together · sike-siya phambili · saamvorentoe

5. Like the FPSU and participating farmers, the Stellenbosch Municipality has also been a partner in this research project and we would like to further develop this beneficial partnership between the FPSU, the participating farmers, the University and the Municipality. Continued research subsequent to the conclusion of the DIVAGRI Project at the Property will promote sustainable land reform and give and provide an opportunity to build on the agricultural training facilities that have been initiated so that even more farmers can benefit.
6. We would be delighted if you would assist us in this regard by allowing us to extend the lease for the 9 (nine) year and 11 (eleven) month period.
7. We thank you for taking the time to consider our request and look forward to hearing from you in this regard.

Kind regards



Dr Leslie Van Rooi

Senior Director: Social Impact & Transformation

Date: 19 July 2024

20240719 SU Request for Extension of Lease Agreeemnt

Final Audit Report

2024-07-19

Created:	2024-07-19
By:	Olof Abram Esterhuizen (ollof@sun.ac.za)
Status:	Signed
Transaction ID:	CBJCHBCAABAEa6wIxRAVUXv6SUKPy9Mp2OW_dtlDeG

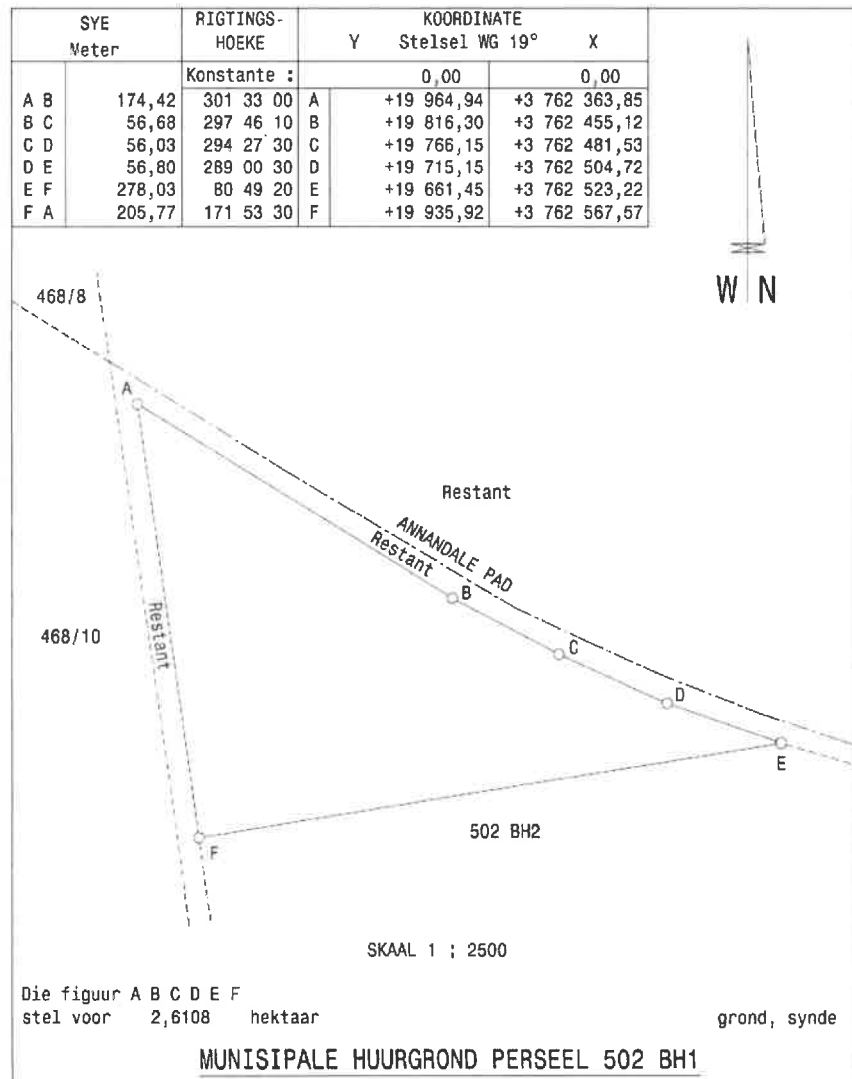
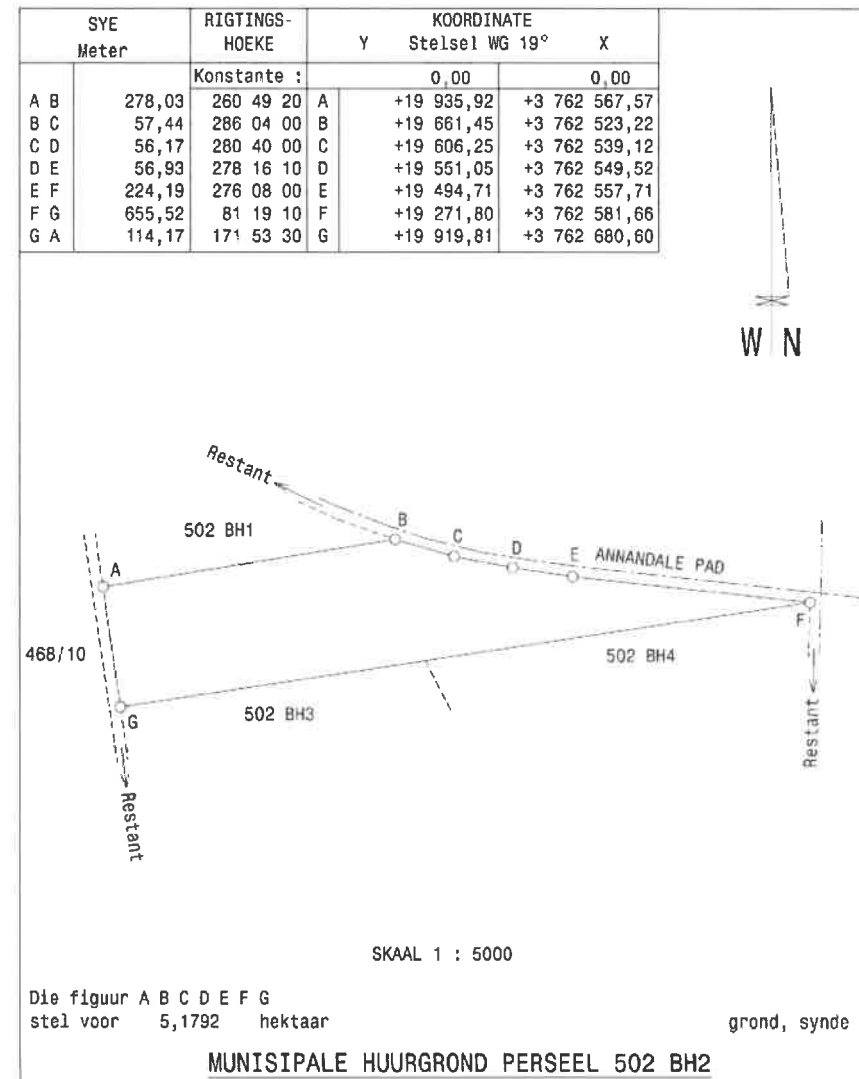
"20240719 SU Request for Extension of Lease Agreeemnt" History

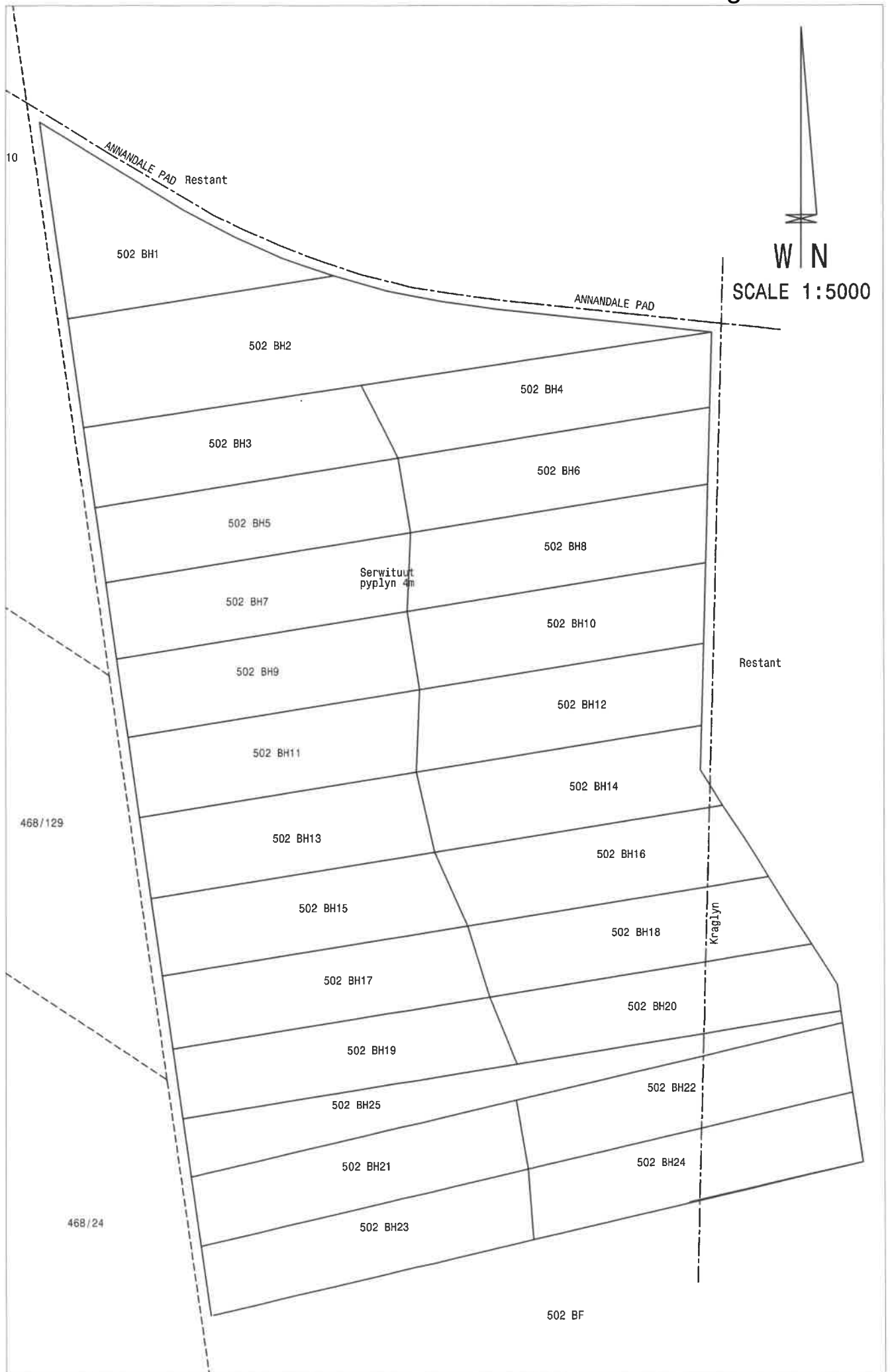
-  Document created by Olof Abram Esterhuizen (ollof@sun.ac.za)
2024-07-19 - 5:48:12 AM GMT- IP address: 102.182.118.203
-  Document emailed to lbvr@sun.ac.za for signature
2024-07-19 - 5:49:07 AM GMT
-  Email viewed by lbvr@sun.ac.za
2024-07-19 - 5:54:30 AM GMT- IP address: 146.232.65.147
-  Signer lbvr@sun.ac.za entered name at signing as Leslie
2024-07-19 - 5:58:36 AM GMT- IP address: 146.232.65.147
-  Document e-signed by Leslie (lbvr@sun.ac.za)
Signature Date: 2024-07-19 - 5:58:38 AM GMT - Time Source: server- IP address: 146.232.65.147
-  Agreement completed.
2024-07-19 - 5:58:38 AM GMT



APPENDIX D

Appendix D





10.11	MUNICIPAL MANAGER (MS G METTLER)
10.11.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 16 October 2024 and 30 October 2024

1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

2. PURPOSE:

- 2.1** To report to Council in terms of Council Item 11.11.1 of the 19th Council meeting of 24 January 2024. See attached **ANNEXURE 1**, reference to resolution (b) of the minutes of this meeting.

***Resolution (b):** "that Council take note of the Municipal Manager's progress report / feedback dated 24 January 2024."*

- 2.2** To report to the Council the progress made with the pilot project for the upgrading / re-imagining of the Upper George Blake Avenue area.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality entered into a partnership agreement with Jönköping Municipality on the topic of Human Rights on 17 December 2020, which culminated in a multi-year agreement in December 2022. In accordance with the reporting standards created in the preceding years, the Municipal Manager must provide an annual report and / or alternatively an interim progress report to Council (as and when required), detailing the relevant activities undertaken during the reporting period.

The feedback to Council will deal with the following:

- 4.1 Visit by representatives from Stellenbosch Municipality to Jönköping Municipality in August and September 2024;
- 4.2 Visit by representatives from Stellenbosch Municipality to Refugees Association in Istanbul, Turkey in September 2024;
- 4.3 Report on Steering Group / Committee meetings and activities;
- 4.4 Progress made in terms of the multi-year programme;
- 4.5 The International Training Programme of Swedish International Centre for Local Democracy and their visit to Cape Town in October 2024.
- 4.6 The feedback on the Pilot Project – Upper George Blake Avenue - Urban and Social Revitalisation Project
- 4.7 Progress on energy discussions, in particular waste to energy

5. RECOMMENDATIONS

- (a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during August and September 2024;
- (b) that Council takes note of the visit by representatives of Stellenbosch Municipality to Refugees Association in Istanbul, Turkey in September 2024;
- (c) that Council take note of the Municipal Manager's progress report / feedback dated October 2024;
- (d) that Council take cognizance that 2025 is the final year of the multi-year programme;
- (e) that Council take note that for continuity the Steering Group remains unchanged during the final year of the multi-year programme;
- (f) that Council take note of ICLD's conference in October 2024 in Cape Town and Stellenbosch Municipality's attendance at same;
- (g) that Council take note of ICLD's requirement of a visit by the respective municipalities' representatives to their partner municipalities;
- (h) that Council takes note that the next visit for Stellenbosch Municipality to Jönköping Municipality is March 2025 to coincide with the Normstorm exhibition in Sweden;
- (i) that Council take note of the progress made with the Normstorm project; and
- (j) that Council takes note of the progress made with the pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

6. DISCUSSION / CONTENTS**6.1 Background**

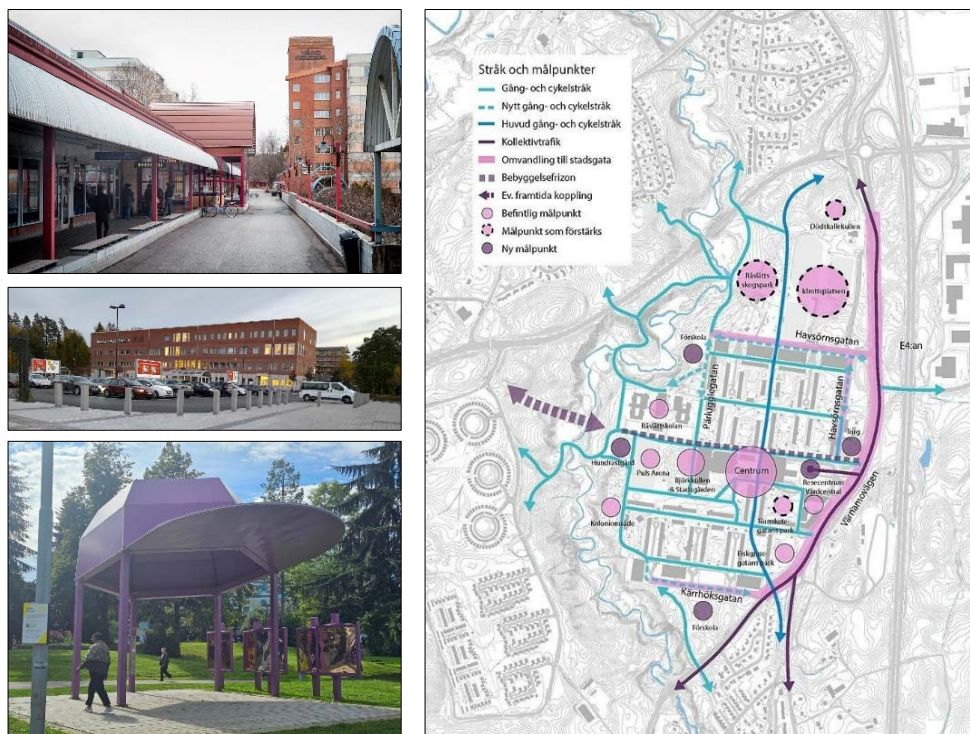
Stellenbosch Municipality entered into a partnership agreement with Jönköping Municipality on the topic of Human Rights on 17 December 2020, which culminated in a multi-year agreement in December 2022. In accordance with the reporting standards created in the preceding years, the Municipal Manager must provide an annual report and / or alternatively an interim progress report to Council (as and when required), detailing the relevant activities undertaken during the reporting period.

Abbreviations

ATC	-	Adam Tas Corridor
GBA	-	George Blake Avenue
GBB	-	Gender Based Budgeting
GBP	-	Gender Based Planning
ICLD	-	Swedish International Centre for Local Democracy
ITP	-	International Training Programme
NS	-	Normstorm
MPP	-	Municipal Partnership Programme
SDG	-	Sustainable Development Goal
WCED	-	Western Cape Department of Education

6.2 Visit by Jönköping Municipality to Stellenbosch Municipality

Representatives of Jönköping Municipality visited Stellenbosch Municipality for a week during end February 2024 and beginning March 2024. Their visit coincided with the ICLD Steering Group meetings scheduled for this period. During this period many of the short-term objectives for the multi-year programme has been met, such as visits to the three schools for the Normstorm pilot project. They also attended ward committee meetings and a Council meeting. This experience resulted in our Swedish counterparts requesting Stellenbosch Municipality to make a presentation to their full Council on gender budgeting and gender mainstreaming.

Figure: Råslätts, Jönköping

6.3.6 Energy Discussion

The visit also concentrated on energy, in particular what steps the Swedes have taken to obtain energy from waste and other alternative sources. Meetings and contacts were arranged between senior staff from both municipalities, and all indications are that there is synergy between the two municipalities on the concept of energy, especially the exploration of renewable energy.

Figure : Biogas plant, Jönköping

A Swedish delegation will visit Stellenbosch Municipality in October 2024 to meet with our Infrastructure services directorate to discuss the possibility of a joint pilot project.

This component of the visit also included a visit to the biogas plant. The majority of the public bus system in Jönköping are either electrical vehicles or run on biogas. The biogas plant obtains its electricity from the municipal dumping site which is abutting the biogas plant.²

<https://www.jonkoping.se/trafik--stadsplanering/planarbete-och-samhallsbyggnad/detaljplanering/planarbete/planprogram-for-raslatt>

² <https://www.hzi-jonkoping-biogas.com/>

6.3 ICLD Programmes (ITP)

ICLD has scheduled a conference in South Africa in October 2024. Stellenbosch Municipality was however unsuccessful in convincing the ICLD to host the conference in Stellenbosch. The conference will be held in Cape Town. Notwithstanding, Stellenbosch Municipality managed to convince ICLD to bring delegates to Stellenbosch Municipality on 22 October 2024. They will amongst other do the GBA walk.

International Training Programme (ITP)

The cornerstone of the ITP programme is to create municipal partnerships within the ambit of fostering and enhancing human rights. The project management training component of the ITP culminated at the end of 2023. The municipalities were given a couple of months since then to cement their partnership and get their respective projects underway. This part of the training session therefore concentrates on reporting, giving feedback and observing best practices. The ITP session includes lectures from UCT³ as well as a session with local government agencies amongst others SALGA⁴ and its southern African counterparts in Zambia and Botswana.

Logical Framework Approach (LFA)

ICLD uses the logical framework approach (LFA) as the basis for its training programme. This approach is further integrated in the concepts of local democracy and possibly creating or instituting organisational change. This concept is further elaborated on in the paragraphs below.

Visit by ICLD Senior Management

Additionally Senior Management from ICLD has requested to meet with senior management, as well as senior politicians from Stellenbosch Municipality. It is proposed that this meeting will be held on or about the 22nd of October 2024 in Stellenbosch. This meeting will run concurrent with the same visit of the ICLD representatives. As far as it can be ascertained, it is the first time that ICLD'S senior management requested a meeting with any of the municipalities in the ITP programme.

6.4 Feedback on Stellenbosch and Jönköping Municipality partnership

Proposed interventions and programmes that Stellenbosch Municipality will / must undertake in collaboration with Jönköping Municipality. The partnership is broadly premised on three programmes, i.e.

- i. Normstorm
- ii. Organisational change (respectively), and
- iii. Re-imagining George Blake Avenue (GBA) in context of safety and gender-based violence (GBV)

6.4.1 Normstorm

As mentioned in previous Council items, Stellenbosch Municipality and Jönköping Municipality collaborated on the concept of Normstorm, which is in essence the attempts to address the negative normative patterns that learners experience in their adolescent and pre-adolescent years. Due to a difference in municipal organisational structures, i.e. education is not a local government competency in South Africa, the assistance of the WCED was obtained in realising this programme of the partnership.

³ University of Cape Town – Institute for Democracy, Citizenship and Public Policy in Africa

⁴ SALGA – South African Local Government Association

Stellenbosch Municipality therefore portrayed the role of matchmaker and enabler in this process.

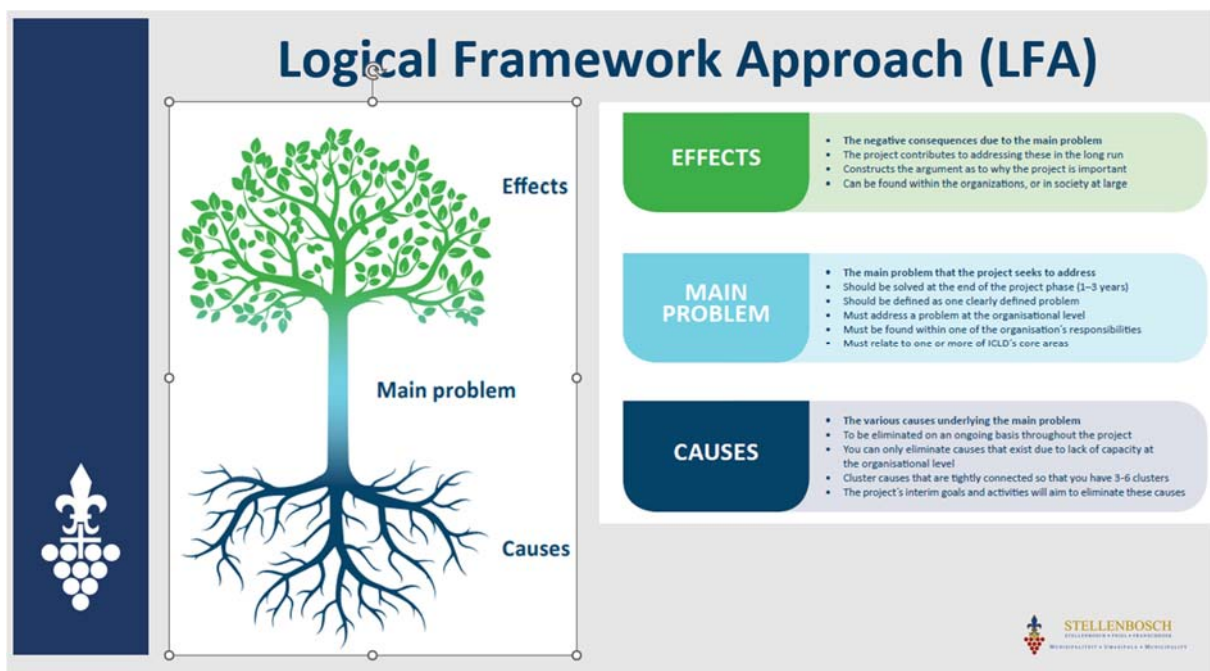
Notwithstanding, currently, there are three local high schools that form part of the programme. Some of their work has been exhibited in Sweden during this year's round of the Normstorm exhibitions. There is also a strong possibility that the teachers from the identified school might visit the respective schools in Jonkoping. Also, the WCED indicated that there is also a strong possibility that the programme might be rolled out to a wider number of schools.

6.4.2 Organisational Change

Organisational change is one of the key pillars of ICLD's International Training Programme (ITP). Accordingly, delegates to the training sessions are constantly required to evaluate the partnership project against any influence on organisational change. Previously it was reported on the influence that the programme had on Stellenbosch Municipality's approach to the Employee Wellness Day activities and integration of departments on municipal projects.

The ICLD programme is therefore premised on the Logic Framework Approach (LFA), i.e. identifying issues and more importantly identifying the (root) causes of the issues, drilling down to the main problem, which includes finding possible and plausible solutions to the problem. Lastly it includes the evaluation of the effects or impacts of change that was introduced. See figure below.

Figure 1: LFA tree



The interpretation of the LFA is henceforth expressed in terms of the upgrading of the GBA project. To provide context, until recently the importance of George Blake Avenue as an economic artery of the Stellenbosch municipal area, was severely underestimated. It is estimated that up to 4000 pedestrians use this road as their main link between Kayamandi and the economic opportunities in Stellenbosch town centre. The area until recently presented itself with:

- overgrown trees and shrubs,
- damage to the road infrastructure,
- a river in bad health and
- a generally unsafe area for especially female pedestrians and school going children. See picture collage hereunder.

Figure: Images of George Blake Avenue

Stellenbosch Municipality therefore launched the upgrading of George Blake Avenue as in part meeting the requirements of ICLD, but also to adhere to its own pillars of dignified living and a safe environment for all. This initiative is premised on addressing gender-based violence (GBV).

Accordingly, a development strategy was introduced at the previous feedback session and a scorecard of same is included hereunder.

Review of multi-year programme (Year 2)

This review is broken down into short term, medium term and long-term interventions:

Short term interventions

Table 1: Short-term interventions

Convince ICLD to host final conference in Stellenbosch	✗
SG to visit a Ward meeting	✓
It was requested that a public meeting must be attended by the SG (if public meeting must be arranged for the period of their next visit)	✓
SG requests attendance to Council meeting (preferably the meeting of February 2024)	✓
Walk through Upper George Blake area	✓
Attendance to the street Soiree	✓
SG meeting in February 2024	✓
Discussion on the follow up meeting for representatives to visit the Swedish Municipality	✓

6.7 Medium term interventions and innovations***Table 2: Medium-term interventions and innovations***

Department (Written / Verbal Report)	GBA Maintenance Plan	GBA Innovation / Intervention
Electricity	Yes	<ul style="list-style-type: none"> • Tilt lights (Innovation) • more lights, • adding additional arms to the pole to increase light, solar in future
Environmental Management	GBA Winter / Summer Programme	<ul style="list-style-type: none"> • River rehabilitation by removing waste and logs from river strategically, • landscaping of the natural area to increase visibility but also allow vegetation to regrow focusing energy on healthy parts, • introduced benches strategically to avoid litter here but optimized rest for user through natural shade cover, • plans to remove alien and invasive species and set up embankments to stabilize riverbanks
Roads and Stormwater	GBA Winter / Summer Programme	<ul style="list-style-type: none"> • Road infrastructure maintained where possible and adjustments made to existing infrastructure to be more universally inclusive (Innovation), • added signage, • resealed roads to accommodate high intensity used road areas such as truck stops, • clearing blocked culverts to have an uninterrupted flow of the river in GBA.
Informal Settlements	No	<ul style="list-style-type: none"> • Liaising from a humanistic perspective, dealing with
Governance	No	<ul style="list-style-type: none"> • Poster(s), • Reviewing booklet, • Liaising with WCED representative to assist Normstorm in South African context through professional photography, reworking collages etc
Community Development	No has a yearly program that changes according to needs identified in IDP	<ul style="list-style-type: none"> • Keyrings, • GBV safety pamphlets, • programs for safety geared at parents during 16 days of activism, • programs for menstruation and gender issues at schools, • Walk arrange for community to encourage awareness.
Traffic	No	<ul style="list-style-type: none"> • Bicycle patrols, • more patrols, • Bins / waste picker strategy, benches
Law Enforcement	No	<ul style="list-style-type: none"> • more patrols

Lastly, the feedback after the Cape Town conference will include the changes to GBA since the inception of the project.

Steering Group Activities

The Steering Group has the following remaining activities planned for Year 2 of the multi-year programme:

1. ITP conference in Cape Town (October 2024)
2. Pilot Joint exhibition during the 16 days of activism (South Africa) and Orange week (Sweden) in November 2024

The Steering Group has the following remaining activities planned for Year 3 of the multi-year programme:

- i. Visit by Stellenbosch Municipality to Jönköping Municipality during March 2025 (date to be confirmed)
- ii. Explore the possibility of the South African teachers in the Normstorm programme visiting Jönköping
- iii. A joint exhibition in July 2025
- iv. Visit by Jönköping Municipality (date to be confirmed)

7. Financial Implications

None. Swedish International Centre for Local Democracy covers all costs directly associated to the project(s), as well as the cost for accommodation and travelling as and when required.

8. Legal Implications

None

9. Staff Implications

None

10. Risk Implications

This report has no risk implications for the Municipality.

11. Comments from Senior Management

No comments required.

12. Previous / Relevant Council Resolutions**19TH COUNCIL MEETING: 2024-01-24: ITEM 11.11.1**

- (a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during August 2024 and September 2024;
- (b) that Council takes note of the Municipal Manager's progress report / feedback dated 25 October 2024;
- (c) that Council takes note of the integration between the Employee Wellness Programme (EWP) and Municipal Partnership Programme (MPP);
- (d) that Council takes note of the guidelines by ICLD for changing Steering Group members;
- (e) that Council replaces Cllr Z Dalling as office bearer, as representatives to the Swedish International Centre for Local Democracy with Deputy Mayor, Cllr J Fasser and second Cllr C van Wyk and second second Cllr L Nkamisa;
- (f) that Council takes cognizance that the ICLD requires an annual inter-partnership visit, i.e. that Stellenbosch Municipality visits Jönköping Municipality in Sweden once a year for the duration of the multi-year programme; and
- (g) that Council takes note of the proposed pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

17TH COUNCIL MEETING: 2023-10-25: ITEM 11.11.1**RESOLVED (nem con)**

- (a) that Council takes note of the visit by representatives of Jönköping Municipality during February 2023;
- (b) that Council takes note of the visit to Gaborone Botswana during March 2023 by a delegation from Stellenbosch Municipality as part of the International Training Programme;
- (c) that Council takes note of the training in Lusaka, Zambia during December 2022 and October 2023 by a delegation from Stellenbosch Municipality as part of the International Training Programme;
- (d) that Council takes note of the Municipal Manager's progress report / feedback;
- (e) that Council takes note of the approval multi-year application by Swedish International Centre for Local Democracy; and

- (f) that Council takes note of the integration between the Employee Wellness Programme and the Municipal Partnership Programme.
- (g) that Council re-evaluate and confirm the delegates / representatives from Stellenbosch Municipality that will serve on the Steering Group created by the multi-year agreement, by no later than end January of every calendar year.
- (h) that Council takes cognizance that the International Centre for Local Democracy requires an annual inter-partnership visit, i.e., that Stellenbosch Municipality visits Jönköping Municipality in Sweden once a year for the duration of the multi-year programme.

8TH COUNCIL MEETING: 2022-10-26: ITEM 13.5**RESOLVED (nem con)**

- (a) that Council takes note of the visit to Jönköping Municipality by a delegation from Stellenbosch Municipality;
- (b) that Council takes note of the visit to Lund Municipality by a delegation from Stellenbosch Municipality as part of the International training programme;
- (c) that Council takes note of the Municipal Manager's progress report / feedback;
- (d) that Council takes note for the multi-year application;
- (e) that the Municipal Manager submits an updated (interim) report to Council as soon as the final application to the International Commission for Local Democracy is approved by the latter;
- (f) that the possibility of a Twinning Agreement be investigated and the results be reported to Council; and
- (g) that Council takes note of the training in Lusaka, Zambia during December 2022.

3RD COUNCIL MEETING: 2022-03-30: ITEM 11.11.7**RESOLVED (nem con)**

- (a) that Council takes note of the Municipal Manager's progress report / feedback;
- (b) that Council take note of the visit to Stellenbosch Municipality by a delegation of from Jönköping Municipality;
- (c) that the Municipal Manager submits an updated report to Council as soon as the final application to Swedish International Centre for Local Democracy is approved by the latter; and
- (d) that Council appoints the following office bearers, as representatives to the Swedish International Centre for Local Democracy:
 - (i) Cllr Z Dalling (Ms)
 - (ii) Cllr M Nkopane (Ms)

40th COUNCIL MEETING: 2021-01-27: ITEM 11.10.2**RESOLVED (majority vote)**

- a) that Council takes note of the requirement to identify and confirm the appointment of two (2) suitable Councillors to represent the Municipality in this partnership;
- b) that Council takes note of the requirements to identify and confirm the appointment of two (2) suitable Officials to represent the Municipality in this partnership;

- c) that council takes note that the traveling and accommodations requirements for the four (4) staff members will be covered by Swedish International Centre for Local Democracy;
- d) that Council takes note of the fact that there currently are international travel restrictions in place as a result of the ongoing Covid 19 pandemic;
- e) that Council confirms the appointment of Cllrs WC Petersen (Ms) and Z Dalling (Ms) – with Cllr E Groenewald (Ms) to be secondi- to represent the Municipality in this partnership, who's particular will be recorded in the Inception Application; and
- f) that Council confirms the appointment of the Municipal Manager, Ms Geraldine Mettler, and the Manager: Housing Administration, Ms Rotanda Swartbooi, as the two (2) suitable Officials to represent the Municipality in this partnership.

39th COUNCIL MEETING: 2020-11-25: ITEM 11.10.1

During deliberation on the matter, Cllr P Sitshoti (Ms) requested that the topic of Human Rights be discussed with Council before the partnership is undertaken. The Speaker replied that her request is NOTED.

RESOLVED (majority vote with 1 abstention)

- a) that Council notes the invitation by ICLD annexed hereto as “**APPENDIX 1**”;
- b) that Council approves that Stellenbosch Municipality enters 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 submits a report to Council subsequent to the conclusion of the Inception Phase, i.e. after one (1) year or as soon as practically possible thereafter.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-01-17: ITEM 7.11.1

- (a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during December 2023;
- (b) that Council takes note of the Municipal Manager's progress report / feedback dated 25 October 2023;
- (c) that Council takes note of the integration between the Employee Wellness Programme (EWP) and the Municipal Partnership Programme (MPP);
- (d) that Council takes note of the guidelines by ICLD for changing Steering Group members;
- (e) that Council re-evaluate and confirm the delegates / representatives from Stellenbosch Municipality that will serve on the Steering Group created by the multi-year agreement, by no later than end January of every calendar year;
- (f) that Council takes cognizance that the ICLD requires an annual inter-partnership visit, i.e. that Stellenbosch Municipality visits Jönköping Municipality in Sweden once a year for the duration of the multi-year programme; and
- (g) that Council takes note of the proposed pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-10-16: ITEM 7.11.1

- (a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during August and September 2024;
- (b) that Council takes note of the visit by representatives of Stellenbosch Municipality to Refugees Association in Istanbul, Turkey in September 2024;
- (c) that Council take note of the Municipal Manager's progress report / feedback dated October 2024;
- (d) that Council take cognizance that 2025 is the final year of the multi-year programme;
- (e) that Council take note that for continuity the Steering Group remains unchanged during the final year of the multi-year programme;
- (f) that Council take note of ICLD's conference in October 2024 in Cape Town and Stellenbosch Municipality's attendance at same;
- (g) that Council take note of ICLD's requirement of a visit by the respective municipalities' representatives to their partner municipalities;
- (h) that Council takes note that the next visit for Stellenbosch Municipality to Jönköping Municipality is March 2025 to coincide with the Normstorm exhibition in Sweden;
- (i) that Council take note of the progress made with the Normstorm project; and
- (j) that Council takes note of the progress made with the pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

ANNEXURES**ANNEXURE 1** – Minutes of 19th Meeting of Council: 2024-01-24: Item 11.11.1

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021- 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	2024-10-10

ANNEXURE 1

11.11	MUNICIPAL MANAGER
11.11.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 17 January 2024 & 24 January 2024

1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

2. PURPOSE

- 2.1 To report to Council in terms of Council Item 11.11.1 of the 17th Council meeting of 25 October 2023 . See attached **ANNEXURE 1**, in particular reference to resolution and resolution (g), respectively of the minutes of this meeting.

Resolution (d): "that Council take note of the Municipal Manager's progress report / feedback ."

Resolution (g): "That Council re-evaluate and confirm the delegates / representatives from Stellenbosch Municipality that will serve on the Steering Group created by the multi-year agreement, by no later than end January of every calender year."

To report on the procedure as suggested by ICLD on how to implement Resolution (g) See attached **ANNEXURE 2**.

- 2.2 To bring to Council's attention the proposed pilot project for the upgrading / re-imagining of the Upper George Blake Avenue area.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality entered into a partnership agreement with Jönköping Municipality on the topic of Human Rights on 17 December 2020, which culminated in a multi-year agreement in December 2022. Therefore, and in accordance with the reporting standards created in the preceding years, the Municipal Manager must provide an annual report and / or alternatively an interim progress report to Council (as and when required), detailing the relevant activities undertaken during the reporting period.

The feedback to Council will deal with the following:

- 4.1 Visit by representatives from Stellenbosch Municipality to Jönköping Municipality;
- 4.2 Report on Steering Group / Committee meetings and activities;
- 4.3 Proposals for the multi-year programme;
- 4.4 The conclusion of the International Training Programme of Swedish International Centre for Local Democracy;

MINUTES

19TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2024-01-24

- 4.5 The alignment of the municipal partnership programme with the; Stellenbosch Municipality's Employee Wellness Programme; and
- 4.6 Pilot Project – Upper George Blake Avenue - Urban and Social Revitalisation Project

19TH COUNCIL MEETING: 2024-01-24: ITEM 11.11.1**RESOLVED** (majority vote with 11 abstentions)

- (a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during December 2023;
- (b) that Council takes note of the Municipal Manager's progress report / feedback dated 25 October 2023;
- (c) that Council takes note of the integration between the Employee Wellness Programme (EWP) and the Municipal Partnership Programme (MPP);
- (d) that Council takes note of the guidelines by ICLD for changing Steering Group members;
- (e) that Council replaces Cllr Z Dalling as office bearer, as representatives to the Swedish International Centre for Local Democracy with Deputy Mayor, Cllr J Fasser and secundi Cllr C van Wyk and second secundi Cllr L Nkamisa;
- (f) that Council takes cognizance that the ICLD requires an annual inter-partnership visit, i.e. that Stellenbosch Municipality visits Jönköping Municipality in Sweden once a year for the duration of the multi-year programme; and
- (g) that Council takes note of the proposed pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Geraldine Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021- 808 8025</i>
E-MAIL ADDRESS	<i>municipal.manager@stellenbosch.gov.za</i>
REPORT DATE	<i>2024-01-04</i>

11.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
11.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
11.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DE KOCK AND CRONJE (PTY) LTD FOR THE REPAIRS OF CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DE KOCK AND CRONJE (PTY) LTD FOR THE REPAIRS OF HUGENOTE SUBSTATION DAMAGES CAUSED BY THE HEAVY RAINS THAT OCCURRED ON 24 -25 SEPTEMBER 2023

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 17 October 2024 and 30 October 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DE KOCK AND CRONJE (PTY) LTD FOR THE REPAIRS OF HUGENOTE SUBSTATION DAMAGES CAUSED BY THE HEAVY RAINS THAT OCCURRED ON 24 -25 SEPTEMBER 2023

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to recommend to Council to consider the expenditure as irrecoverable.

To obtain approval from the Council to write off the expenditure as irregular expenditure in terms of Section 32 of the MFMA. The expenditure incurred is for unforeseen additional work done at Hugenote Substation by De Cock and Cronje Pty an electrical contractor appointed under deviation number D/SM 6/24 to repair damages caused by the heavy rains on 24-25 September 2023. The total cost incurred is R 256 576 VAT inclusive.

3. DELEGATED AUTHORITY

Council to write-off the expenditure as irregular expenditure due to the breach of the procurement process. The said breach did not impact in any significant way on the essential fairness, equity, transparency, competitiveness, or cost effectiveness, for the payment De Kock and Cronje (Pty) Ltd.

4. EXECUTIVE SUMMARY

The WC024 area was severely impacted by the inclement weather conditions over the long Heritage weekend of 24 September 2023 which resulted in damage to all the various infrastructure such as roads, electricity, underground pipes, buildings, and other municipal facilities. It became practically impossible to follow any other procurement process other than the deviation hence the request was considered and approved by the Accounting Officer on 27 September 2023.

Most of municipal areas in Franschhoek were without water and electricity for days. The damage to and debris in the road infrastructure made it difficult to deliver essential community services to the affected areas. It is also important to note that proper clean-up services had to be prioritised to gain access to the municipality infrastructure to finalise the assessments to determine the financial implications of the storm damage.

When deviation D/SM 6/24 was approved the financial implications were unknown as the officials were in process to determine the extent of damage and the scope of works. Quotations were obtained at a later date.

On 27 September 2023 the Bid Adjudication Committee (BAC) approved a deviation to appoint De Kock and Cronje (Pty) Ltd to do Franschhoek electrical infrastructure repairs damaged by the heavy rain fall that took place on 24 – 25 September 2023. The contractor's scope of work included.

- a) the supply of materials and repair work for the damaged mini-substations, Ring Main Unit (RMU) and Kiosks.
- b) Dismantling and removal of all the damaged equipment within the Hugenote substation.
- c) Supply and Installation of temporal switchgears at Hugenote Substation to ensure continuity of supply while waiting for the delivery of new equipment and refurbishing and repairing some of the equipment.
- d) On receipt of all equipment, remove temporal switchgears and re-assemble the original repaired switchgears that were initially installed in Hugenote substation.

It was later discovered while work was in progress that more material and additional cable joints and terminations were needed to be able to restore the substation to its original condition. Therefore, also increasing the labour hours. It can also be noted that it was impossible to determine the exact amount of work and material needed during the quotation stage. Only when work commenced, and the panels were stripped, did the appointed contractor know that there was additional material needed.

All the work associated with the repairs of Hugenote substation was completed in June 2024.

As a result of this irregular expenditure the Department will do proper contract management, consult the Supply Chain Management unit to advise on a process to follow where purchase order amount is to be increased due to unforeseen costs, training of staff and Standard Operating Procedures (SOPs).

5. RECOMMENDATION

For consideration

6. DISCUSSION

On appointment the electrical contractor submitted two draft quotations. The first quotation was for R 677 973.88 VAT inclusive to do the electrical infrastructure repairs of the infrastructure as indicated in 4(a) above. This work has been completed and invoiced. The second quotation is associated with the repairs to be done in the Hugenote Substation as indicated in 4(b) to 4(d) above. The second quotation included a monthly fee for rental of the temporary switchgears while the new switchgears and circuit breakers are manufactured. The total amount of both quotation that was submitted to SCM for BAC consideration as support documents for deviation D/SM 6/24 is R 2 446 394,43 VAT inclusive.

It was later discovered while work was in progress that more material and additional cable joints and terminations were needed to be able to restore the substation to its original condition. Therefore, also increasing the labour hours. It can also be noted that it was impossible to determine the exact amount of work and material needed during the quotation stage. Only when work commenced, and the panels were stripped, did the appointed contractor know that there was additional material needed.

Variation Order (VO) to cater for the 10,49% increase of the original amount quoted for was compiled and sent to Supply Chain Management unit but was later advised by SCM that VO's are not allowed for deviations. A follow-up deviation was compiled and sent to SCM for BAC consideration. On the BAC sitting of 28 June 2024 the user department was advised to prepare an item for MPAC consideration since the work had already been completed.

7. FINANCIAL IMPLICATIONS

The initial quotation amount for the electrical infrastructure repairs in Franschhoek is R 2 446 394,43 VAT inclusive and the variation amount quoted for in the third quotation is R 256 576 VAT inclusive which is 10.49% of the total contract value. The U-key that was utilized for the variance is 20240124072569. This quotation dated 31/05/2024 quote number DCQ21456 **ANNEXURE A** is attached.

8. LEGAL IMPLICATIONS

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

Supply Chain Management Policy, 4.36.1a (i)
Supply Chain Management Policy, 4.36.b
Supply Chain Regulation 36(1)
MFMA Section 32(2)

9. RISK IMPLICATIONS

All intent was in good faith and should the repairs not been completed the municipality was going to be at risk of not having a stable supply to customers feeding out of the Hugenote Substation in Franschhoek.

10. CONCLUSION

It is acknowledged that there was a breach of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. Council incurred no loss during this process and there was no intentional disregard of Council's procurement processes. It is therefore requested that the expenditure be written off because the services were rendered.

11. COMMENTS FROM THE MUNICIPAL MANAGER

It was impractical to start repairs to determine the exact extent of the damage caused. Only after repairs started, more damage as initially anticipated were discovered. The repairs were essential to ensure safe and continuous delivery service. I have requested Financial Services and SCM to look into possibly policy amendments to cater for this instance. The deviation approved was a valid procurement process i.t.o. emergencies i.e. the floods in September which necessitated the additional cost and services. Recommend write-off.

MPAC DISCUSSIONS: 2024-10-17: ITEM 5.1

MPAC Committee notes the report from the officials.

The Committee notes the impact of the inclement weather conditions.

The MPAC committee noted the communication between the relevant officials regarding that Council did not lose in this transaction in the emergency.

The Committee agrees that the intent was in good faith and in the interest of continued good governance and services delivery.

The Committee supports the action to introduce corrective measures and consequence management to curb any irregular expenditure.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-10-17: ITEM 5.1

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 256 576.00 (including VAT) to De Kock and Cronje (Pty) Ltd as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

ANNEXURES

Annexure A Quotation & Invoice

FOR FURTHER DETAILS CONTACT:

NAME	Preshane Chandaka
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	<u>Shane.Chandaka@ Stellenbosch.gov.za</u>
REPORT DATE	17 July 2024

ANNEXURE A

QUOTATION

Quotation to: Name Stellenbosch Munic Address Contact Victor Dyusha - 083 3626829 Email victor.dyusha@stellenbosch.gov.za VAT	Date 31/05/2024 Quote No DCQ 21456 (Rev I) Quotation done Elana Ellis
--	---

Qty	JOB DESCRIPTION	Unit Price	TOTAL
	<u>Site: Franschoek</u> <u>Substation: Hugenote Substation</u> <u>Scope of Work: Substation Repairs - Cut In</u>		
SUBSTATION REPAIRS: CUT IN			
1	LABOUR <u>Installation of cables. ID cables. Termination & jointing. Testing, phasing and re-energizing. Cut in of cables</u> Labour <u>Monday 08/04/2024 - Jobcard 6740 (2 x Teams)</u> <u>Tuesday 09/04/2024 - Jobcard 6741 (2 x Teams)</u> <u>Wednesday 10/04/2024 - Jobcard 6835 (1 x Team)</u> <u>Thursday 11/04/2024 - Jobcard 6835 (1 x Team)</u> <u>Friday 12/04/2024 - Jobcard 6835 (1 x Team)</u> <u>Friday 26/04/2024 - Jobcard 5985 (1 x Team)</u> <u>Friday 03/05/2024 - Jobcard 5989 (2 x Teams & Jointers)</u> <u>Friday 10/05/2024 - Jobcard 6233 (1 x Team & Jointers)</u>	R 117 140,50	R 117 140,50
	MATERIALS AND CONSUMABLES		
1	<u>Copper stubs</u>	R 2 240,00	R 2 240,00
2	<u>50 - 95 XLPE Joints</u>	R 4 388,50	R 8 777,00
3	<u>50 - 95 Pilc Joints</u>	R 5 182,00	R 15 546,00
1	<u>90 - 240 XLPE Joints</u>	R 5 265,00	R 5 265,00
1	<u>50 - 120 Pilc Terminations 650T</u>	R 2 659,00	R 2 659,00
1	<u>50 - 120 XLPE Terminations 650T</u>	R 2 513,00	R 2 513,00
1	<u>95 - 185mm XLPE Terminations 650T</u>	R 2 581,00	R 2 581,00
1	<u>RCab Boots</u>	R 1 123,00	R 1 123,00
2	MOBILE UNIT RENTAL <u>Rental of mobile unit (2 months)</u>	R 28 000,00	R 56 000,00
1090	TRAVELLING COST <u>Travelling @ R8.50 p/km (Install and Remove)</u>	R 8,50	R 9 265,00
DIVISIONAL SUBTOTAL			R 223 109,50
	NOTE: <u>This quotation is valid for 30 days only.</u> <u>2.5% Interest will be levied as a penalty on late payments</u> <u>This quotation is for normal & after hours</u> <u>Additional work will be charged for on completion.</u> <u>Unforeseen damage will be repaired on site charged for on completion.</u>		
De Kock and Cronje (Pty) Ltd Reg.: 2017/283200/07 VAT: 4520235161		Subtotal	R 223 109,50
		Vat at 15%	R 33 466,43
		TOTAL	R 256 575,93

TERMS AND CONDITIONS

- All prices quoted are nett.
- 2.5% Interest will be levied as a penalty on late payments
- All prices quoted exclude VAT.
- Quotations are valid for 30 days unless otherwise indicated in writing.
- Any variations negotiated are accepted only if put in writing by ourselves.
- Prices quoted are based on the available information at the time of tender.
- Delivery date to be negotiated.
- The prices set out herein are based upon the full quantities quoted herein being accepted, this quote may not be accepted in part.
- Any shortages or discrepancies must be notified to De Kock and Cronje in writing within seven days of goods and or services received.
- All parts, equipment and spares remain the property of De Kock and Cronje until fully paid for.
- In the event of De Kock and Cronje instituting collection procedures due to accounts not being settled timeously, the debtor agrees that all the costs associated with the collection procedure shall be for the debtors' account.

De Kock & Cronje (Pty) Ltd

Unit 1 and 2 Buildco Park, Teejay Street
 Brackenfell, Western Cape ZA
 accounts@dekockandcronje.co.za
 VAT Registration No. 4520235161
 Business ID No. 2017/283200/07

De Kock & Cronje

MV Switchgear

Tax Invoice**BILL TO**

STE001 - STELLENBOSCH MUNICIPALITY
 STELLENBOSCH MUNICIPALITY
 Stellenbosch Main Building, 17 Plein Street
 Stellenbosch 7600
 VAT Registration No. 4700102181

INVOICE

DCI 104613

DATE

24/06/2024

TERMS

Net 30

DUE DATE

24/07/2024

ORDER NUMBER
 000000900011501

DATE	DESCRIPTION	QTY	RATE	TAX	AMOUNT
	Labour				
	Site: Franschhoek Substation: Hugenote Substation Scope of Work: Substation Repairs - Cut In	1	117,140.50	Standard	117,140.50
	LABOUR Installation of cables. ID cables. Termination & jointing. Testing, phasing and re- energizing. Cut in of cables Labour Monday 08/04/2024 - Jobcard 6740 (2 x Teams) Tuesday 09/04/2024 - Jobcard 6741 (2 x Teams) Wednesday 10/04/2024 - Jobcard 6835 (1 x Team) Thursday 11/04/2024 - Jobcard 6835 (1 x Team) Friday 12/04/2024 - Jobcard 6835 (1 x Team) Friday 26/04/2024 - Jobcard 5985 (1 x Team) Friday 03/05/2024 - Jobcard 5989 (2 x Teams & Joints) Friday 10/05/2024 - Jobcard 6233 (1 x Team & Joints)				
	Labour				
	MATERIALS AND CONSUMABLES Copper stubs	1	2,240.00	Standard	2,240.00
	Labour				
	50 - 95 XLPE Joints	2	4,388.50	Standard	8,777.00
	Labour				
	50 - 95 Pilc Joints	3	5,182.00	Standard	15,546.00
	Labour				
	90 - 240 XLPE Joints	1	5,265.00	Standard	5,265.00

Herby I certify that Hiarmee sertifiseer ek dat:

VOTE NUMBER/POS NOMMER: _____

- a) Goods/Services identified on this Invoice was received Goedere/Dienste geïdentifiseer op hierdie faktuur is ontvang
 b) As per attached order all goods and services delivered are allocated to specified budget vote/Goedere en dienste gelewer is toegewys op die gespesifiseerde begrotingsposte soos op meegaande bestelling.
 c) Adequate funds are available on the Budget vote/Voldoende fondse beskikbaar is op die begrotingepos.
 d) Expenditure incurred is in accordance with Councils SCM policy/Uitgawe aanvaar is in ooreenstemming met die Raad se SCM beleid.

HEAD OF DEPT./DEDICATED OFFICIAL/ACCOUNT EXPENDITURE/DEDICATED OFFICIAL
 HOOF VAN DEPT./GEMAGTIGDE BEAMPTER/REKENMEESTER/GEMAGTIGDE BEAMPTER

DATE/DATUM: 25/6/2024

24/06/2024

Labour	50 - 120 Pilc Terminations 650T	1	2,659.00	Standard	2,659.00
Labour	50 - 120 XLPE Terminations 650T	1	2,513.00	Standard	2,513.00
Labour	95 - 185mm XLPE Terminations 650T	1	2,581.00	Standard	2,581.00
Labour	RCab Boots	1	1,123.00	Standard	1,123.00
Labour	MOBILE UNIT RENTAL Rental of mobile unit (2 months)	2	28,000.00	Standard	56,000.00
Travelling	TRAVELLING COST Travelling @ R8.50 p/km (Install and Remove)	1,090	8.50	Standard	9,265.00

Invoice done by: E/EMs

Contact Person: Nombulelo Zwane - 021-8088111 / Victor Dyusina - 083
3626829

SUBTOTAL 223,109.50

TAX 33,466.43

TOTAL 256,575.93

BALANCE DUE **R256,575.93**

Account name: De Kock and Cronje (Pty) Ltd
 Bank: ABSA
 Account type: Current
 Branch code: 632005
 Account number: 4067803580

Please use your company name and invoice number in the description.

TERMS AND CONDITIONS

1. Accounts not settled within the agreed terms will be charged at 3% above the prime loan rate calculated on a daily basis.
2. In the event of De Kock & Cronje instructing attorneys to collect from the debtor any amount owing to De Kock & Cronje, then the debtor agrees to pay all costs on an attorney and client scale and also all collection charges.
3. Any shortages or discrepancy must be notified in writing within 7 (seven) days of receipt of goods or service.
4. All spares used remains the property of De Kock & Cronje until fully paid for.

STELLENBOSCH MUNICIPALITY

DIRECTORATE

Infrastructure Services

DATE

24/06/2024

SUPPLIER NAME

De Kock & Cronje

INVOICE
NUMBER

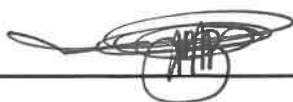
DCI 104613

	ITEM	YES	NO	COMMENTS
1	IS THERE A VALID ORDER? INDICATE ORDER NUMBER IN COMMENTS COLUMN	✓		
2	IS THE DATE OF ORDER PRIOR TO DATE OF INVOICE? IF NOT, REASONS?	✓		
3	DOES THE ORDER MATCH (OR EXCEED) THE INVOICE WITH REGARDS TO QUANTITY, DESCRIPTION AND PRICE?		✓	Part payment
4	IS IT A VALID TAX INVOICE?	✓		
5	IS THE INVOICE ADDRESSED TO THE MUNICIPLITY AND NOT AN INDIVIDUAL?	✓		
6	ARE CALCULATIONS ON THE INVOICE CORRECT?	✓		
7	ARE THE VAT NUMBERS OF BOTH SUPPLIER AND MUNICIPALITY STATED ON THE INVOICE?	✓		
8	DOES THE INVOICE MATCH THE QUOTE WITH REGARDS TO DESCRIPTION AND PRICE?	✓		
9	IN CASE OF A DIRECT PAYMENT, IS SUFFICIENT BUDGET AVAILABLE?		✓	
10	IN CASE OF DIRECT PAYMENT, PROVIDE U KEY IN COMMENTS COLUMN		✓	
11	INVOICE SIGNED OF BY PERSON WITH DELEGATED AUTHORITY?	✓		

PREPARED BY

VICTOR

NAME AND SIGNATURE



DATE

24/06/2024



All orders are subjected to the Supply Chain Management Policy.

VAT REG NO	OFFICIAL ORDER NO	ORDER DATE
4700102181	000000900011501	21/11/2023

TO: DE KOCK AND CRONJE
Unit 1 + 2
Buldevco Park, Teejay Road,
Brackenfell
Brackenfell Industrial
Brackenfell

Tel:
Fax:
Email:

Invoice To: Stellenbosch Local
Municipality
Stellenbosch Main Building
17 Plein Street
Stellenbosch

7600
Tel: (021) 8088111
Fax:
Email:

DELIVERY ADDRESS:
Stellenbosch Main Building
17 Plein Street
Stellenbosch

CONTACT DETAILS
MARTHINUS NICOLAAS
SLABBER
(021) 8088338

7600

CREDITORS / SUPPLIER NUMBER	REQUEST NO.	CONTRACT NO.	TENDER NO.
MAAA0032793	000000100025764	DSM 06/24 002	

PLEASE SUPPLY AND DELIVER THE UNDERMENTIONED GOODS / SERVICES TO THE STIPULATED DELIVERY ADDRESS

#	COMMODITY CODE	STOCK CODE	ORDER LINE DESCRIPTION	QTY	UNIT PRICE	GROSS (EXCL VAT)	VAT	TOTAL COST (INCL VAT)
1	72102201	V72102201	DRAFT 2 QUOTE	1.00	1 537 757.00	1 537 757.00	230 663.55	1 768 420.55

TOTAL ORDER: R 1 768 420.55

Digitally signed by dalleelj
21/11/2023 15:49:42

1. Ensure that prices as quoted are correctly reflected on this order and quote this order number on all invoices.
2. Payment will be made within 30 days of the statement date on items printed on the original order.
3. Upon receipt of official orders, suppliers must commence within at least seven (7) days or prior with the disposal of the order, failure to do so without any substantial reasons may lead to cancellation of this order.
4. No provider or prospective provider may order or grant any inducement or reward, gift or favour to any official or role player.
5. Stellenbosch Local Municipality may cancel a contract and claim any damages for any losses incurred due to poor performance based on a performance rating assessment.
6. Any cancelled contract due to poor performance may lead to the suspension of service providers.
7. All invoices must be emailed to creditors@stellenbosch.gov.za

**Remittance Advice**

17/07/2024

DE KOCK AND CRONJE

VAT no: 4520235161

VAT no: 4700102181

Stellenbosch Main Building

17 Plein Street

Stellenbosch

7600

☎ (021) 8088111

Transaction	Invoice Date	Invoice Number	Invoice Amount	Retention	Settlement Discount	Amount Paid
DRAFT 2 QUOTE	28/06/2024	DCI104653	899 975.63	0.00	0.00	899 975.63
TOTAL			0.00	0.00	0.00	899 975.63
DRAFT 2 QUOTE	24/06/2024	DCI104613	256 575.93	0.00	0.00	256 575.93
TOTAL			0.00	0.00	0.00	256 575.93
TRAVELLING @ R8.50 P/KM (INSTALL & REMOVE)	28/06/2024	DCI104650	1 173.00	0.00	0.00	1 173.00
CONSUMABLES & MATERIALS	28/06/2024	DCI104650	1 127.00	0.00	0.00	1 127.00
CORROSION BLOCK	28/06/2024	DCI104650	408.25	0.00	0.00	408.25
TOP UP OIL	28/06/2024	DCI104650	864.80	0.00	0.00	864.80
REPAIR AND TEST OF LUCY RMU_LABOUR	28/06/2024	DCI104650	14 490.00	0.00	0.00	18 063.05
TOTAL			0.00	0.00	0.00	18 063.05
Total Paid						1 174 614.61
Payment Date						17/07/2024
Payment / EFT Reference						STB MUN

NOTE: Please contact the Creditors Department on the email indicated above for any queries.

11.1.2	CONSIDERATION OF EXPENDITURE INCURRED THAT WAS PREVIOUSLY CERTIFIED AS IRREGULAR BY MPAC
--------	---

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 17 October 2024 and 30 October 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED THAT WAS PREVIOUSLY CERTIFIED AS IRREGULAR BY MPAC**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure that was identified subsequent to the tenders serving at MPAC as the tender contracts are still valid and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2023/2024 financial year which was noncompliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

5. RECOMMENDATION

FOR MPAC CONSIDERATION

6. DISCUSSION**CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED ON BSM 13/22- FOR THE ERECTION OF FENCES FOR VARIOUS PROJECTS AS AND WHEN REQUIRED FOR A PERIOD UNTIL 30 JUNE 2025**

Tender BSM 13/22 were advertised initially for under Ten Million Rand (10 million) as per the SCM Governance prescripts and because the department and or contract owner at the time of drafting the specifications and when advertised and adjudicated did not foresee that the needs would exceed the estimated ten million, and the exceeded amounts is now regarded as irregular.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution.

Tender	Total Award	Expenditure previously certified as Irrecoverable by MPAC	Subsequent to Council resolution
BSM 13/22	R10 000 000	R 8 330 002.60	R1 773 221.33

CONSIDERATION OF CONTRACTORS EXPENSE AND LOSS CLAIM RELATING TO BSM 17/20: UPGRADE OF STELLENBOSCH MUNICIPAL FIRE STATION

The tender for the works was submitted by the Contractor on 18 October 2019. The tender was valid for one hundred and twenty (120) days and lapsed on 15 February 2020. It would have been reasonable to expect that the contract (MBD 7.2) would have been signed during this time period and that the Contractor would have provided the Employer with a Construction Guarantee.

However, the conclusion of the contract did not occur within this timeframe. As a result of the Level 5 Covid-19 lockdown (starting 26 March 2020), the MBD7.2 was signed on 25 May 2020 (during Level 5 Lockdown). As per the government regulations, construction sector activities could only resume on 1 June 2020, implying a later site hand-over.

The Contractor did not submit the Construction Guarantee because the Employer did not issue a Purchase Order (PO) to the total value (R8.764 million) of the tendered sum. The Employer issued two (2) PO's during the latter part of 2020 (circa November) to the value of R1.9m and R2m respectively. Subsequently, the Contractor questioned the Employer's commitment to honor the contract for the total contractual tendered value of R8.764m and maintained its position on the risk of the Employer's financial commitment.

At a meeting held on 05 May 2021, the Parties agreed that the project would continue, for the full scope and value on condition that the Employer will issue written confirmation of project funding and would generate the necessary PO for the full value.

The Contractor issued a letter on 13 May 2021 where it sought clarity on its ability to submit an expense and loss claim for the lapsed time between site hand-over and the closing of the tender. In consultation and on behalf of the Employer, the Principal Agent provided the same in its letter issued 18 May 2021.

Although the Principal Agent would normally reject the contractor's expense and loss claim on the grounds that the Contractor is also in default, it does however take note of mitigating factors that surrounded the project from the start such as the Covid-19 pandemic and discussions between the Parties around reduced PO values being issued culminating in discussions of reduced/re-prioritization scope of works and delayed directives from the Employer.

It must also be noted that the Contractor has completed the work three (3) months earlier than the contractual completion date, thus providing earlier beneficial use to the Employer. In the spirit of mutual co-operation, the Principal Agent recommends that the Employer provide some form of compensation to the Contractor in that there has been an impact on the performance by the Contractor due to some events that were outside of their control.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred excluding VAT. This return item is to consider the VAT on the expenditure that was incurred but excluded from the council's resolution.

Tender	Expenditure previously certified as Irrecoverable by MPAC	VAT excluded in Council resolution
BSM 17/20 Upgrade of Stellenbosch Municipal Fire Station	R 520 695.05 (excluding VAT)	R75 104.26

7. FINANCIAL IMPLICATIONS

Financial implications relating to irregular expenditure that was incurred until 30 June 2024.

8. LEGAL IMPLICATIONS

Supply Chain Management Regulations

Municipal Management Finance Act

9. RISK IMPLICATIONS

Reporting irregular expenditure timeously.

10. MUNICIPAL MANAGER'S COMMENT

Support the write-off.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-10-17: ITEM 5.4

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 1 848 325.59 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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	09 October 2024

11.1.3	CONSIDERATION OF EXPENDITURE RELATING TO NON-COMPLIANCE WITH MUNICIPAL SUPPLY CHAIN REGULATION 32
--------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 17 October 2024 and 30 October 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE RELATING TO NON-COMPLIANCE WITH MUNICIPAL SUPPLY CHAIN REGULATION 32**2. PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by the Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the adjudication of piggyback contracts for the period since inception until 31 May 2021.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Auditor-General (AG) required the municipality in the 2018/19 financial year to review its interpretation and implementation of SCM regulation 32 and implement the principles as clarified by the courts in the matters of *Blue Nightingale Trading 397 (Pty) Ltd t/a Siyenza Group v Amathole District Municipality* and *Kwadukuza Municipality v Skilful 1169 CC and Another* as it has the force of law and must form the basis against which the application of regulation 32 is measured.

The AG has concluded that the municipality did not identify that its historical interpretation and application of SCM regulation 32 has resulted in non-compliance with the regulation and/or has failed to provide audit with evidence that the expenditure incurred by it on so-called "piggy-back" contracts were limited to the portion forfeited by the other organ of state, resulting in the incurring of irregular expenditure.

Supply Chain Management has concluded its investigation and determined that there was no subsequent expenditure incurred relating to Regulation 32, after the audit finding raised by the Auditor General.

5. RECOMMENDATION

For MPAC consideration

6. DISCUSSION**6.1 Auditor General's audit finding relating to noncompliance with SCM regulation 32:**

Section 1 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) defines irregular expenditure as "*expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of this Act, and which has not been condoned in terms of section 170*".

Section 110(2)(c) of the MFMA states that Chapter 11, Part 1: Supply chain management, states that: *“This Part, except where specifically provided otherwise, does not apply if a municipality or municipal entity contracts with another organ of state for the procurement of goods and services under a contract secured by that other organ of state, provided that the relevant supplier has agreed to such procurement”*.

Regulation 32 of the Municipal Supply Chain Management Regulations (SCM Regulations) reads as follows:

- (1) *A supply chain management policy may allow the accounting officer to procure goods or services for the municipality or municipal entity under a contract secured by another organ of state, but only if-*
- (a) *the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state;*
 - (b) *the municipality or entity has no reason to believe that such contract was not validly procured;*
 - (c) *there are demonstrable discounts or benefits for the municipality or entity to do so; and*
 - (d) *that the other organ of state and the provider have consented to such procurement in writing.*

The following two court cases provided rulings on the interpretation of SCM regulation 32:

- Blue Nightingale Trading 397 (Pty) Ltd t/a Siyenza Group v Amathole District Municipality [2016] 1 All SA 721 (ELC)
- Kwadukuza Municipality v Skilful 1169 CC and Another (11060/2017) [2018] ZAKZDHC 35

These court rulings have the force of law and must form the basis against which the application of regulation 32 is tested.

The above court case provides the following example and rulings in terms of the interpretation of section 110(2)(c) of the MFMA (referred to as LGMFMA in rulings):

- (a) Ruling 32: The usual example would be where an organ of state contracts, in accordance with a Section 217 compliant process, with a supplier to supply say R5 Million Rand's worth of A4 paper. If that organ of state thereafter does not intend to utilize the entire consignment, it is permissible for another organ of state to, as it were, 'take up the slack' in respect of the remaining portion of the same contract.
- (b) Ruling 33: I must add that the second organ of state will do so by procuring the A4 paper under the contract between the first organ of state and the supplier, as required by section 110(2)(c).
- (c) Ruling 34: The constitutionality of the exemption will always depend on the facts of the particular case. For the exemption to operate under section 110(2) of LGMFMA, I cannot conceive compliance with the constitutional imperatives unless the goods or services procured by the second organ of state are the same as that required by the first organ of state, and the contract price is the same
- (d) Ruling 35: In my respectful view, the terms and conditions of a procurement contract between the second organ of state and the

supplier which complies with Chapter 11 of the LGMFMA (including section 116 thereof which requires the contract to be in writing and stipulates the nature of the terms and conditions thereof and the management of the contract) cannot be deleted or amended or compromised in such a manner as to render the contract with the first organ of state not compliant with either Chapter 11 or with the constitutional imperatives.

- (e) Ruling 36: The words "... under a contract secured by another organ of state ..." in the Regulation can only refer to the "... contract with another organ of state ..." as contemplated by section 110(2) of the empowering legislation (LGMFMA).
- (f) Ruling 37: In my respectful view, this can only refer to the situation where the municipality, with the consent of the supplier, either becomes a party to the existing contract between the other organ of state and the supplier; or where the other organ of state concludes a contract with the supplier for the benefit of a third party, namely for the benefit of the municipality, against payment by the municipality of the approved contract price. In either case, the material terms and contract price of the contract already secured by that organ of state remain binding, and thus remain compliant with section 217 of the Constitution and with the procurement policy of the other organ of state, and therefore with LGMFMA.

MFMA Circular No. 96 was issued on 24 July 2019 *to provide further elaboration to municipalities and municipal entities on the principle as captured in Regulation 32 of SCM Regulations when procuring good or services from contracts secured by other organs of state.*

The legal interpretation results in the application of regulation 32 in a procurement process, effectively meaning that the accounting officer of the original contracting organ of state is willing to forfeit a portion of its contract, in terms of contract value and quantity that has not already been utilised, to the accounting officer who is requesting to procure under that contract.

The following regulation 32 deviations were identified on which expenditure was incurred during the 2018-19 financial year:

Other organ of state	Award number	Contract start date	Supplier name	Award value	Expenditure incurred in 2018-19
DEPARTMENT OF HUMAN SETTLEMENTS	HSC 20-2015/2016	30 November 2017	NCUTHU PROPERTY SERVICES	R3 130 378,58	R 1 075 263
OVERSTRAND MUNICIPALITY	SC 1786-2017	12 December 2017	REDANT SECURITY SERVICES (PTY) LTD	Rate based award	R 4 253 624
SALDANHA MUNICIPALITY	SBM 28/17/18	17 May 2017	AMAPHAFINZI	Rate based award	R 1 697 479
SALDANHA MUNICIPALITY	SBM 29/16/117	17 May 2017	AMAPHAFINZI and LJ PROJECTS & EVENTS PTY LTD	Rate based award	R 1 177 237

CITY OF CAPE TOWN	9S 201617	5 July 2018	CONSUMER PROFILE BUREAU (PTY) LTD	Rate based award	R 1 047
OUUDTSHOORN MUNICIPALITY	SC 1786-2017	19 April 2018	MUBESKO AFRIKA (PTY) LTD	Rate based award	R 118 506
SWELLENDAM MUNICIPALITY	SMT 22/1718	9 July 2018	BRASIKA CONSULTING (PTY) LTD	Rate based award	R 121 313
CAPE WINELANDS DISTRICT MUNICIPALITY	T 2017/099	9 July 2018	ITS ENGINEERS (PTY) LTD (INNOVATIVE TRANSPORT SOLUTIONS)	R1 244 312,00	R 1 244 311
DRAKENSTEIN MUNICIPALITY	COMP 9/2018	12 June 2019	VARIOUS BIDDERS	Rate based award	R 2 837 184
Total					R5 550 414

Other organ of state	Award number	Contract date	start	Identified in the current year that relates to prior years
DEPARTMENT OF HUMAN SETTLEMENTS	HSC 20- 2015/2016	30 November 2017		R 2 319 599
OVERSTRAND MUNICIPALITY	SC 1786-2017	12 December 2017		R 1 771 934
SALDANHA MUNICIPALITY	SBM 28/17/18	17 May 2017		Zero
SALDANHA MUNICIPALITY	SBM 29/16/117	17 May 2017		Zero
CITY OF CAPE TOWN	9S 201617	5 July 2018		Zero
OUUDTSHOORN MUNICIPALITY	SC 1786-2017	19 April 2018		R 131 830
SWELLENDAM MUNICIPALITY	SMT 22/1718	9 July 2018		Zero
CAPE WINELANDS DISTRICT MUNICIPALITY	T 2017/099	9 July 2018		Zero
DRAKENSTEIN MUNICIPALITY	COMP 9/2018	12 June 2019		Zero
Total				R4 223 363

No evidence was submitted to audit as part of the documents supporting regulation 32 awards listed above that indicated that any portion of these contracts equals a portion of the original contract that was forfeited by the other organ of state.

Any expenditure, from inception of the contract, incurred on the above contracts, or on any other similar contracts on which expenditure was incurred during the 2018-19 financial year, and which is not incurred on a portion forfeited by the other organ of state, meets the definition of irregular expenditure detailed in section 1 of the MFMA.

This also constitutes non-compliance with SCM regulation 19, which has been assessed as not material.

Your attention is drawn to the fact that various other communication of audit findings has been issued which could also impact on the R-value of irregular expenditure. Irregular expenditure identified in the current year that relates to prior years' also needs to be taken into account when assessing the impact of the irregular expenditure disclosed in note 58 to the financial statements.

6.2 Stellenbosch Municipality's response on the audit finding raised by the Auditor General

Note that this response is written in response to the generic manner in which the findings have been articulated by AGSA in terms of the court decisions and do not apply to any specific/bespoke findings made per municipality. In respect of all the ComAFs raised by AGSA with Western Cape municipalities as they relate to Regulation 32; after quoting regulation 32 AGSA indicates:

"The following two cases provided rulings on the interpretation of SCM Regulation 32:

- ***Blue Nightingale Trading 397 (Pty) Ltd t/a Siyenza Group v Amathole District Municipality [2016] 1 All SA 721 (ELC)***
- ***Kwadukuza Municipality v Skilful 1169 CC and Another (11060/2017) [2018] ZAKZDHC 35.***

These court rulings have the force of law and must form the basis against which the application of regulation 32 is tested."

At this point it becomes necessary, before one goes into the actual detail of the court decisions and a response to the findings made, to cover the aspect of "jurisdiction":

Jurisdiction is the authority given by law to a court to adjudicate cases and rule on legal matters within a geographical area and/or over certain types of legal cases. A high court has jurisdiction in its own area over all persons residing or present in that area. These courts hear matters that are of such a nature that the lower courts would not be competent to make an appropriate order or to impose a penalty.

When a legal body holds jurisdiction, it has the authority to administer justice within that jurisdiction. In the court system, there are three primary types of jurisdictions: subject matter, territorial, and *in personam* (affecting a particular person only), jurisdiction.

The High Court divisions have "jurisdiction" – the right to hear a case – over defined provincial areas in which they are situated, and the decisions of the High Courts are binding on Magistrates' Courts within their areas of jurisdiction. They hear, amongst others, civil matters involving more than R100 000, serious criminal cases and appeals or reviews from lower courts (Magistrates' courts) which fall in their geographical jurisdiction.

Hence it is common cause that these court decisions, contrary to the statement of AGSA, do NOT "have the force of law" in the Western Cape, having been made by High Courts outside the jurisdiction of the Western Cape. They merely hold persuasive value in the event that courts within the Western Cape hear a similar matter.

Regulation 32 of the Municipal Supply Chain Management Regulations (SCM Regulations) reads as follows:

- 2 "A supply chain management policy may allow the accounting officer to procure goods or services for the municipality or municipal entity under a contract secured by another organ of state, but only if-
 - (e) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state;
 - (f) the municipality or entity has no reason to believe that such contract was not validly procured;

- (g) *there are demonstrable discounts or benefits for the municipality or entity to do so; and*
- (h) *that the other organ of state and the provider have consented to such procurement in writing."*

Suffice for the above requirements in the regulation, there has been a lack of regulations or further directives from the National Treasury on how this must be applied in practice, very much leaving municipalities to their own devices on how this must be applied, **since May 2005** when these regulations were gazetted. National Treasury Circular 96 "*SCM Regulations 32: Procurement of Goods and Services under contracts secured by other organs of state*", was issued on 24 July 2019, technically 14 years after the regulations were issued, which for all intents and purposes was put together after the two above-mentioned court judgments were handed down, and which were used incorrectly as authoritative by AGSA in COMAFS raised in respect of Regulation 32 in the Western Cape.

This lack of full and proper regulation of the requirement set the environment up for the unintended consequences for varied interpretations across the province and in fact across the country, which is evidenced more particularly in the KZN High Court judgment in *Kwadukuza Municipality v Skilful 1169 CC and Another (11060/2017) [2018] ZAKZDHC 35*.

This lack of regulation and purposive definition of Regulation 32 is highlighted in paragraph [18] of the judgment in *Blue Nightingale Trading 397 (Pty) Ltd t/a Siyenza Group v Amathole District Municipality [2016] 1 All SA 721 (ELC)*, wherein the judge notes:

"The Legislative Matrix

[19] Neither of the parties have referred me to any authority on the meaning and interpretation of Regulation 32, and nor has my own research revealed any authority on the subject. It follows that the Regulations must be interpreted in accordance with the usual rules of interpretation. In particular, I believe Regulation 32 calls for a contextual and purposive interpretation"

It is also common cause that both judgments speak to the issue that the object and purport of Regulation 32 is to prevent a costly and time-consuming duplication of tender procedures, whilst retaining the Constitutional imperatives under Section 217(1) of the Constitution. It is also noted that the procedure envisaged was intended to remove complication of costs relating to bureaucratic red tape from procurement process.

Having said this, municipalities did not interpret the regulation in the same manner as narrowly interpreted by the High Courts in other provincial jurisdictions (with the matter still to be determined for the Western Cape by the Western Cape High Court, alternatively by a court with national jurisdiction (Supreme Court of Appeal or Constitutional Court). Municipalities followed the process in terms of their own interpretation, which may still be held to have been the correct interpretation by the Western Cape High Court or a court with national jurisdiction. It would be wholly unreasonable to sanction them for doing this given that for 14 years they were not corrected on practices that they used, neither by the National Treasury nor in any formal audits by AGSA as informed by the "new" interpretation of the regulation by the Eastern Cape and Kwazulu-Natal High Courts referred to by the AGSA, which, as has been mentioned, are not binding on the Western Cape. All former audit findings were in respect of compliance/non-compliance to the letter of Regulation 32 as articulated.

The AGSA appears to have relied on the two court decisions without taking into consideration the principles of procurement as envisaged in the Constitution and in terms of the *Municipal Finance Management Act, 2003 (Act 56 of 2003)* and its regulations issued in July 2005.

Section 217 (1) of the Constitution requires that when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is equitable, transparent, competitive and cost-effective.

Chapter 11 of the *Municipal Finance Management Act, 2003 (Act 56 of 2003)*, prescribes the requirements for Goods and Services and the supply chain management within municipalities. Section 111 prescribes that each municipality must have a supply chain management policy and in terms of section 112 such policy must espouse to the requirements of the constitutional principles for procurement as envisaged in section 217 of the Constitution.

Chapter 2 of the National Treasury Regulations makes provision for the framework for supply chain management policies. In terms of this framework as defined in Regulation 9(b), the effective systems for which provision must be made in an SCM policy include:

- Demand Management;
- Acquisition Management,
- Logistics Management;
- Disposal Management;
- Risk Management; and
- Performance Management

Now at this point it must be noted the Demand Management is a critical part of the supply chain management framework, as it is within the demand management system that planning, budgetary requirements, needs definition, market analysis, supplier analysis and commodity analysis, specification development and service delivery needs are analysed and taken into consideration before the actual procurement process commences, which is referred to in the regulations as the system of acquisition management.

Both courts in their deliberation and judgment failed to consider and is silent on this critical process in the supply chain and hence arrived at a very narrow interpretation of regulation 32. To implement the court decisions in the manner articulated in the judgments would fall foul of the “cost effectiveness” requirement of Section 112(2) of the MFMA and section 217(1) of the Constitution.

Regulation 10 defines the System of Demand Management: “A *supply chain management policy must provide for an effective system of demand management to ensure that the resources to support the strategic and operational commitments of the municipality or municipal entity are delivered at the right time, at the right prices and at the right location, and that the quantity and quality satisfy the need* [own emphasis] of the municipality or municipal entity.

According to the AGSA “Ruling 32: The usual example would be where an organ of state contracts, in accordance with a Section 217 compliant process, with a supplier to supply say R5 Million Rand’s worth of A4 paper. If that organ of state thereafter does not intend to utilize the entire consignment, it is permissible for another organ of state to, as it were, ‘take up the slack’ in respect of the remaining portion of the same contract [own emphasis]”.

This narrow interpretation falls foul of the demand management requirements as an organ of state would need to justify in the first place why it procured beyond its actual, established requirements and underspent its budget which it had committed in the first place in the contracts for the delivery of certain goods or services. It is generally inconceivable, given demand management prescripts, for a municipality or other organ of state to end up “not utilising” a portion of a contract it had committed to in

terms of the procurement process it followed. This would be indicative of poor procurement planning and budgeting and a misuse of state funds, bearing in mind that, if not fortuitously rescued by some other organ of state “piggy-backing” on its contract to absorb the “surplus” part of the contract, it would be obligated to receive and pay for the “surplus” part of the contract when in fact it has **no demand** for it. Another organ of state “taking up the slack” so to speak would not justify the irregularity or non-compliance to demand management requirements. To apply it in terms of the direction provided by the court rulings would nullify the need for Regulation 32 in the first place, which is a legitimate “deviation” or “exemption” from Section 217(1) of the Constitution.

It is in our view in fact highly unlikely that regulation 32, when it was conceived, only contemplated “surplus participation”, as it would effectively render the regulation nugatory, given that it could never have been contemplated that municipalities would risk public funds in procuring in a manner that is inconsistent with actual demand.

Ruling 33 -37 follows from the rationale taken up from Ruling 32 and it is not necessary to comment on these at this stage as ruling 32 itself is contrary to the regulations and whatever that follows therefrom would inadvertently be non-compliant.

When reading both court decisions, the kind of mischief that the courts were trying to curtail or provide direction on, is clear, albeit that the courts have not applied itself fully within the ambit of supply chain management requirements and regulations that are in place and have been implemented, monitored and audited in a particular way by AGSA over time. Both judgments also dealt with cases where the terms and conditions of the contracts were altered, as opposed to the participating organ of state adhering to the same terms and conditions. The courts furthermore did not take into account the absurd consequences that their narrow interpretation might have on term or framework agreements, where the “surplus” concept finds no application.

This calls for a different approach to deal with the issues raised in the court decisions and to rectify the so-called mischief identified, as up until the court decisions, no guidance and support was provided to municipalities by the National Treasury to provide guidance on the purpose and application of Regulation 32. So in practice municipalities interpreted and very much chose their own interpretation of the Regulations to meet their service delivery needs. Their interpretation cannot, based on two High Court judgments handed down outside the Western Cape jurisdiction, be said to be incorrect.

This then bring us to the recommendation made by AGSA which have been simplified and paraphrased in smaller parts and responded to in the table hereunder:

RECOMMENDATION	COMMENT
1. To review the interpretation and implementation of Regulation 32	Concur with this. This includes a review, by National Treasury, of MFMA Circular 96 of 2019.
2. Implement the principles as clarified by the court in the two court decisions referred to as it has the force of law	Disagree, as these decisions are not binding on the Western Cape and do not fully address the principles espoused in section 217(1) of the Constitution and the regulatory framework for SCM. Court decisions to be taken under review and way forward on the application to be decided taking into consideration all SCM and procurement requirements, considerations and impact.
3. Management to investigate all regulation 32 contracts in 2018/19 where prescribed requirements were not met	Concur with this. This must be done for impact and analysing how this was applied only.
4. Provide audit evidence confirming that expenditure was incurred a forfeited portion of the original award	To be held in abeyance up until a competent decision is made on the interpretation and implementation of regulation 32.

5. Amend SC policies for the approval of SCM Council	Agree but to be held in abeyance up until a competent decision is made on the interpretation and implementation of regulation 32.
6. The outcomes of court decisions to be applied retrospectively where expenditure has incurred in the 2018/19 financial year	Disagree. To be held in abeyance up until a competent decision is made on the interpretation and implementation of regulation 32.

a. Auditor General conclusion on the audit finding

The response received from management is noted, management is advised to seek clarity from National Treasury on how to apply the requirements of SCM regulation 32. Upon inspection of the adjustments made to the financial statements it was confirmed that the irregular expenditure that stems from the non-compliance with SCM regulation 32 has been disclosed in the notes to the financial statements. The findings will remain in the management report as it results in non-compliance. The non-compliance has not been assessed as material for 2018-19 but will be assessed as an area that could give rise to material non-compliance in 2019-20.

Furthermore, management must investigate and confirm the irregular expenditure on all "piggyback" contracts since the inception of regulation 32 in 2012. For the 2018-19 financial statements a statement must be included in the irregular expenditure disclosure note stating that the irregular expenditure incurred prior to 2017-18 is still under investigation.

Further auditor's conclusion

The audit finding is not based on MFMA Circular No 96 issued in July of 2019 by National Treasury to provide further elaboration to municipalities and municipal entities on the principles captured in regulation 32 of the Municipal Supply Chain Management Regulations 2005 (SCM Regulations) when procuring goods or services from contracts secured by other organs of state.

Circular 96 provides important principles for the effective implementation of regulation 32 of the municipal supply chain management regulations, and as a consequence section 110(2) of the MFMA.

However, the circular is not used to raise the non-compliance.

There have also been two court judgements which provide an understanding of regulation 32 and section 110(2). They were delivered in the High Court of South Africa KwaZulu-Natal division (Durban) on 6 July 2018 (KwaDukuza) and in the High Court of South Africa (Eastern Cape circuit court, East London) on 24 November 2015 (Amathole) which were based on the interpretation of regulation 32.

In both judgements, the contracts between the supplier and the municipality were declared to be null and void ab initio. Part of the reasons for the decisions are that the original contract had expired at the time the municipality participated and the terms and conditions were different and therefore the conditions for the section 110(2) exemption were not met.

The court judgements (KwaDukuza and Amathole) provide a lens through which regulation 32 and section 110(2) can be interpreted. However, they are not the criteria we use to base and conclude a non-compliance on.

Section 110(2) provides for an exemption from competitive processes established in terms of municipal SCM policies when municipalities contract with other organs of state for the procurement of goods or services under a contract secured by that other organ of state, provided that the relevant supplier has agreed to such procurement.

The exclusion of Part 1 under Chapter 11 of the MFMA may not detract from or erode the constitutional imperatives of fairness, equity, competitiveness and cost-effectiveness.

Regulations must be read subject to the empowering legislation. The regulation may not be used as an aid to interpret a provision of the statute. The regulations shall not be used as an aid to interpret any of the statutory provisions, nor can the regulations be used to extend the meaning of the enactment.

A provision in a statute must be interpreted before the regulation is considered as stated in paragraph 26 of the Amathole judgement.

Regulation 32 must therefore be interpreted to mean that the municipality or municipal entity must conclude a contract with another organ of state as required by section 110(2) and procure within that contract only the goods or services that have been procured through the contract secured by another organ of state and not more.

The "section 110(2) contract" must be in writing as required by section 116 of the MFMA.

The municipality is not legislatively empowered to contract directly with the supplier, as the exemption provided by section 110(2) is applicable only if the municipality contracts (enters into a contract) with another organ of state.

The municipality procures under the contract through the other organ of state. The municipality cannot substitute itself in place of the other organ of state.

A municipality or entity cannot conclude a contract with any supplier without a section 217(1) fair, equitable, transparent, competitive, and cost-effective procurement process in terms of paragraph 50 of the Amathole judgement.

Non-compliance with regulation 32 (remaining scope, term, etc.) is based on the fact that the municipality did not procure under a contract secured by another organ of state as required by MFMA section 110(2)(c). The case law (the 2 court judgments referred to above) assists in understanding the requirements of MFMA section 110(2)(c) and SCM regulation 32.

b. Management's decision on the way-forward on the audit finding

The SCM regulations do provide for the accounting officer to procure goods or services for the municipality or municipal entity under a contract secured by another state organ. The way the provisions were implemented was common practice in municipalities. The noncompliance audit findings were based on the court's ruling in the two cases referred to in the item and where the courts found that the application of SCM regulation 32 was noncompliant with the provision of the MFMA Section 110.

This was a transversal audit finding that affected all municipalities in the country that applied SCM regulation 32 and the irregular expenditure was raised at most municipalities. Furthermore, Management also questioned the jurisdiction of the courts.

Given the nature of the audit finding, provision, and application of SCM regulation 32, Management waited for National Treasury to provide clarification on this audit finding and the provisions in the MFMA Section 110 and SCM regulation 32. However, to date the National Treasury has not provided any response on this matter. The Provincial Treasury has engaged with the National Treasury on this matter on behalf of the municipalities in the Western Cape, but no feedback was forthcoming to the municipality. Therefore management decided to present these expenditures to MPAC for its consideration.

7. FINANCIAL IMPLICATIONS

No financial implications as the expenditure were already incurred.

8. LEGAL IMPLICATIONS

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

9. RISK IMPLICATIONS

All intent was in good faith, the breach could be attributed to the different interpretations pertaining to the provisions within the SCM Environment.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-10-17: ITEM 5.5

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 9 773 777.00 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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	09 October 2024

11.1.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY EVOLUTION TECHNOLOGY GROUP (ETG)
--------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 17 October 2024 and 30 October 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY EVOLUTION TECHNOLOGY GROUP (ETG)**2. PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by the Municipal Public Accounts Committee (MPAC) and to be recommended for consideration to Council to write-off the expenditure in terms of the MFMA Section 32 (2)(b), with regards to the expenditure associated with the use of Office Automation Equipment (Multifunction Printers) by the Municipality for the period June 2023. June 2023 was not covered by the deviation that was approved and the department did not realise that the deviation period has ended. The deviation was also linked to an amount and the cap of that amount was reached in May which led to some invoices in May that had to be paid that was more than the amount allowed in the deviation.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality successfully applied and is currently participating in the RT3-2022 Transversal contract for Printing services from Treasury from 1 July 2024. The roll out and implementation the tender has been delayed by pricing reviews, the availability of stock and the drafting of a contractual agreement to understand firm pricing. As a result of the above delays, two deviations were concluded with the service provider delivering the services under the previous tender to provide needed printing services from 1 December 2022. The previous tender's extension was also based on payment only for usage – no rental was paid for the extension period. The first deviation was approved on 1 December 2022 on a month-to-month basis for no longer than 6 months or as soon as the RT3 – 2022 agreement is implemented. The heading of the deviation however did not indicate the six months period and when the department realise this it was already June 2023. A deviation further deviation was then put in place from 1 July 2023. The deviation running from 1 December was also set at R1 749 245.91 incl. VAT. This cost cap has been reached in May 2023 and the month of June fell outside the 6-month period because it started on 1 December 2022. The department's understanding was that it is in place till a new tender is in place and did not realize that the heading and the final decision differed by adding 6 months from December which would then exclude June 2023. Because the cap was reached in May some invoices from May was also not covered by the amount set in the deviation.

The service was delivered to the Municipality's satisfaction until end of June 2023 when the second deviation was implemented. The municipality lost no money and was also not paying for services not used or needed. It is acknowledged that there were minor breaches of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. Council incurred no loss during this process and there was no intentional disregard of Council's procurement processes. It is therefore requested that the expenditure be written off because the services at the accepted quality were rendered.

5. RECOMMENDATION

For MPAC consideration.

6. DISCUSSION

The Stellenbosch Municipality successfully applied and is currently participating in the RT3-2022 Transversal contract for Printing services from Treasury from 1 July 2024. The roll out and implementation the tender has been delayed by pricing reviews, the availability of stock and the drafting of a contractual agreement to understand firm pricing. As a result of the above delays, two deviations were concluded with the service provider delivering the services under the previous tender to provide needed printing services from 1 December 2022. The previous tender's extension was also based on payment only for usage – no rental was paid for the extension period. The first deviation was approved on 1 December 2022 on a month-to-month basis for no longer than 6 months or as soon as the RT3 – 2022 agreement is implemented. The heading of the deviation however did not indicate the six months period and when the department realise this it was already June 2023. A deviation further deviation was then put in place from 1 July 2023. The deviation running from 1 December was also set at R1 749 245.91 incl. VAT. This cost cap has been reached in May 2023 and the month of June fell outside the 6-month period because it started on 1 December 2022. The department's understanding was that it is in place till a new tender is in place and did not realize that the heading and the final decision differed by adding 6 months from December which would then exclude June 2023. Because the cap was reached in May some invoices from May was also not covered by the amount set in the deviation.

The service was delivered to the Municipality's satisfaction until end of June 2023 when the second deviation was implemented. The municipality lost no money and was also not paying for services not used or needed. It is acknowledged that there were minor breaches of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. Council incurred no loss during this process and there was no intentional disregard of Council's procurement processes. It is therefore requested that the expenditure be written off because the services at the accepted quality were rendered.

The Senior Manager: ICT indicated that he had completed a full audit of all invoices related to EVOLUTION TECHNOLOGY GROUP (ETG) and found that all invoices were billed in terms of the agreed rates and confirmed that said services had been provided.

The department interpreted the deviation that is in place till a new tender would be implemented not realising the decision of the accounting officer capped it at 6 months from December 2022. It must be noted that the usage of the devices in terms of printing output varies based on demand and is not constant from month-to-month whilst the quote provided with the deviation took a flat rate into account. The forecast was based on the first half of the financial year which tends to be much quieter than your second half of the year. It is for this reason that the spend cap included in the Deviation was reached earlier than expected.

7. FINANCIAL IMPLICATIONS

The relevant invoices that were paid outside the cap may be summarized as follows:

	<u>MAY</u>	<u>JUNE</u>	<u>BALANCE</u>
SBM001 (STELLENBOSCH MUNICIPALITY-COMMUNITY SERVICES)	64 399.08	68 506.10	132 905.18
SBM002 (STELLENBOSCH MUNICIPALITY-CORPORATE SERVICES)	64 365.05	59 573.62	123 938.67
SBM003 (STELLENBOSCH MUNICIPALITY-PLANNING AND ECO DEV)	23 524.52	26 771.05	50 295.57
SBM004 (STELLENBOSCH MUNICIPALITY-FINANCE)	23 299.87	24 796.12	48 095.99
SBM005 (STELLENBOSCH MUNICIPALITY-INFRASTRUCTURE)	38 894.57	56 646.05	95 540.62
SBM006 (STELLENBOSCH MUNICIPALITY-MUNICIPAL MANAGER)	5 420.24	10 561.89	15 982.13
Total	219 903.33	246 854.83	466 758.16

8. LEGAL IMPLICATIONS

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

Supply Chain Management Policy, 4.36.1a (i)

Supply Chain Management Policy, 4.36.b

Supply Chain Regulation 36(1)

MFMA Section 32(2)

9. RISK IMPLICATIONS

If there were no printers available, the municipality would not have been able to operate optimally as the equipment is used for scanning and printing purposes.

10. CONCLUSION

It is acknowledged that there were minor breaches of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. Council incurred no loss during this process and there was no intentional disregard of Council's procurement processes. It is therefore requested that the expenditure be written off because the services at the accepted quality were rendered.

11. COMMENTS FROM THE MUNICIPAL MANAGER

The Municipality received the service, delays with implementation of the RT3-2022 Transversal contract for Printing services was beyond our control and that process is driven by National Treasury. The write-off is supported.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-10-17: ITEM 5.6

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 466 758.16 (including VAT) to Evolution Technology Group (ETG) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

NAME	Regan Mooideen
POSITION	Senior Manager: ICT
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 808 8538
E-MAIL ADDRESS	<u>regan.mooideen@ Stellenbosch.gov.za</u>
REPORT DATE	2024/10/10

12.	REPORTS BY THE MUNICIPAL MANAGER (MS G METTLER)
12.1	SECOND ANNUAL REVIEW REPORT OF THE AMENDED MSDF, 2023 AS PART OF THE IDP REVIEW PROCESS 2024/25

Collaborator No:

IDP KPA Ref No: **GOOD GOVERNANCE**

Meeting Date: **30 October 2024**

1. SUBJECT: SECOND ANNUAL REVIEW REPORT OF THE AMENDED MSDF, 2023 AS PART OF THE IDP REVIEW PROCESS 2024/25

2. PURPOSE

For Council to:

Consider, support and adopt the second annual review report of the Amended MSDF/CEF (2023), as part of the IDP Review process 2024/25 for the purpose of public participation.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council is requested to consider, support and adopt the second annual performance review report of the Amended MSDF/CEF (2023) as presented in terms of Section 34(a)(i) and (ii) of the MSA, and to adopt the recommendation to not commence with the amendment process in terms of Section 34(b) of the MSA to amend the MSDF/CEF (2023).

5. RECOMMENDATIONS

For consideration

- (a) Council adopts the second annual review report of the Amended MSDF/CEF (2023);
- (b) that the second annual review report be published for public comment; and
- (c) that this report be updated with any new comments received during the public comment periods of the IDP process plan (2024/25) where after same be resubmitted to Council for consideration and approval in terms of the relevant legislation.

6. DISCUSSION / CONTENT

6.1 Background

The need for all Municipalities (Metropolitan, Local, and District) to have Spatial Development Frameworks (MSDFs) as core components of their Integrated Development Plans (IDPs) has been a legislative requirement for the past 24 years, since the implementation of the Municipal Systems Act, Act 32 of 2000 (MSA). Over the past 24 years our understanding of the importance of MSDFs has improved. In this period three further pieces of legislation have been introduced, namely the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014) (LUPA), and the

Stellenbosch Municipality Land Use Planning By-law (2023), which have further clarified the role and importance of MSDFs. Specifically, these legislations have provided the further needed detail on the content of MSDFs and the administrative processes to be followed.

Given that the MSA makes it clear that an MSDF (including the Capital Expenditure Framework (CEF), is a core component of an IDP, it follows that the process requirements prescribed by the MSA in respect of an IDP, must apply to a MSDF. In the Stellenbosch Municipality context, Council approved the reviewed and Amended MSDF/CEF on 27 June 2023. This final adopted Amended MSDF/CEF was adopted and incorporated within the 2022-2027 IDP on 30 October 2023 (further referred to as the Amended IDP), with confirmation from the Western Cape Provincial MEC for Local Government, Environmental Affairs and Development Planning on compliance with the relevant legislative requirements received on 28 November 2023.

In terms of the legislative requirements after the adoption of the Amended MSDF/CEF/IDP the administrative process for this year is the review of the Amended MSDF/CEF. Section 34(a)(i) and (ii) of the MSA speaks directly to the need to “review” an MSDF annually in terms of the performance of the municipality with respect to the guidance provided in its MSDF, as well as at any time deemed necessary in response to changing circumstances. The annual review allows for proactive monitoring of the implementation of the MSDF, while highlighting the need for actions that need to be taken to support the MSDF implementation on a sustained basis. It is also important to note that an annual review of the MSDF does not necessarily lead to or require an amendment of the MSDF.

Section 34(b) of the MSA goes on to say that this review of the Amended MSDF/CEF may result in there needing to be an amendment to the MSDF. If an amendment is required, the process prescribed in regulation 3 of the Local Government: Municipal Planning and Performance Management Regulation, 2001 must be followed. In addition, the requirements of section 20(3) in SPLUMA, and sections 10, 11, 12, or 13, and 14 of LUPA and sections 3, 4, or 5 and 10 of Stellenbosch Municipality Land Use Planning By-law (2023) must also be satisfied. It is important to note that when an amendment process is required due to recommendations from the review, or decision by Council, this process should be planned for and included in the IDP process plan developed in terms of section 28 and 29 of the MSA. Furthermore, it should be noted that the timeframe normally associated with an amendment process for the MSDF and CEF ranges between 24 to 36 months.

To support municipalities with unpacking the legislative requirements and administrative processes, the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) and the national Department of Cooperative Governance have issued a practice note and revised IDP guidelines. For the annual review of the Amended MSDF/CEF/ (2023) this internal review as part of the IDP process plan 2024/25 was undertaken based on the mentioned practice note and guidelines. Accordingly, and with regard to this internal desktop review of the Amended MSDF/CEF, the following factors have been considered regarding the performance of a municipality concerning its MSDF, namely:

- Are the goals and objectives of the MSDF being reached by the municipality?
- Is the direction provided by the MSDF being brought into the compilation or amendments of relevant sector plans, e.g., the Integrated Transport Plan (ITP), Water Services Development Plan, Integrated Waste Management Plan, Air Quality Management Plan, Engineering Services master plans, the Human Settlements plan, etc.?
- Is the municipal budget spent in line with the priority development areas identified in the MSDF?

-
- What substantive development permissions (rezoning and subdivisions) has the municipality given in the past financial year?
 - o Are these development permissions aligned with the objectives, principles, and policies set out in the MSDF?
 - o What site-specific deviations did the Municipal Planning Tribunal (MPT) permit? What is the impact of these on the Municipal IDP/Budget/MSDF?
 - Are implementation actions identified by the MSDF (including the CEF) being brought forward into the IDP, and SDBIPs and where relevant, budgeted for?
 - Are implementation actions identified by the MSDF (including the Capital Investment Framework) included in the Strategic Plans and/or Annual Performance Plans and Budgets of relevant provincial and national government departments and state-owned entities?
 - Do prior amendments suggest the municipality needs to commence with a compilation of a new MSDF?

The purpose of the annual review report is to start highlighting and building up a list of what should inform the review of the Amended IDP in years 4 and 5 and what should be addressed in the next generation IDP (and MSDF/CEF) to be adopted for the next 5-year term of office. Hence, the annual review reports will compile a list of issues to be dealt with when compiling the MSDF for the period 2028-2032.

6.2 Discussion

One of the contributing factors to the lack of spatial transformation is that strategic policy seldom leads the implementation agenda of municipalities. Ideally, the infrastructure and built environment programmes of Municipalities should align with the spatial objectives of the MSDF, which is the 20-year plan for the management of the physical growth and development of the municipality. The Amended MSDF/CEF, as the strategic and integrative spatial planning policy outlines the municipality's spatial agenda to its service directorates, ensuring that their sector plans, programmes, and projects are grounded in a sound common spatial logic, whilst the CEF, the Municipality's capital planning framework over the 10-year planning horizon, enables specific arrangements for prioritisation, mobilising, sequencing and implementing public and private infrastructural and land development investment ensuring maximum positive impact from the investment of scarce resources as agreed to by all stakeholders, while ensuring financial sustainability.

The Stellenbosch Municipality has over the last few years made deliberate efforts to improve municipal policy coherence, and the vertical alignment in its intra-municipal planning sphere, through a collaborative approach using the Capital Planning Forum (CPF), and the MSDF/CEF mechanisms (e.g. project steering committee). This approach enables the municipality's long-term strategic development vision to direct infrastructure implementation in the functional areas and priority development areas of the municipality (i.e. Stellenbosch, Klapmuts, & Franschhoek), whilst remaining conscious of the municipality's financial position and infrastructure planning needs.

The 2nd annual review for the 2024/2025 cycle of the Amended MSDF/CEF (2023) deals with the performance monitoring of the implementation programme as stipulated in Chapter 6 (Implementation Framework) of the Amended MSDF/CEF (2023). In Section 3 of the review report a performance assessment is provided, including highlighting specific implications and recommendations for consideration for intra-municipal sector planning, and inter-municipal matters, on the following implementation matters, namely:

1. Performance assessment on the implementation of the spatial imperatives (also referred to as principles), across the municipal functional areas and services.
2. Performance assessment on the priority development areas, catalytic initiatives and trends.
3. Performance assessment on further spatial planning initiatives scheduled as part of implementation plans for the Amended MSDF/CEF/IDP.
4. Performance assessment on scheduled spatial planning and land use management system work.

For this 2nd annual review report process of the implementation programme of the MSDF, which is coordinated by the Directorate: Planning & Economic Development (D:P&ED), Council resolutions adopted by the Municipality from 27 September 2023 to date (07/2024) were also analysed.

Section 4 of the review report provides an assessment and recommendations on comments received during the IDP 2023/2024 public participation process from the following parties, namely:

1. Stellenbosch Agricultural Society (SAS);
2. Stellenbosch Ratepayers Association (SRA); and –
3. First Plan Town Planners.

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 Council's policies and all applicable legislation.

6.5 Staff Implications

The report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

The following Council approvals are applicable:

- **COUNCIL MEETING: 2023-06-27: ITEM 10.4**

RESOLVED:

Approval, adoption and promulgation of the amended Stellenbosch Municipality Spatial Planning Development Framework, 2023 ("MSDF"), and the Stellenbosch Municipality Capital Expenditure Framework ("CEF"), 2023

- **COUNCIL MEETING: 2023-10-25: ITEM 8.1**

RESOLVED: Approval of the adoption of the 1st Amendment of the 5th generation Integrated Development Plan (IDP) 2022-2027

6.7 Risk Implications

The risks are addressed through the content of the report.

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

Support the recommendations.

6.8.2 Financial Services:

Support the recommendations.

6.8.3 Municipal Manager:

Support the recommendations.

ANNEXURES:

Appendix 1: Second Annual Review Report of the Amended MSDF/CEF as part of the IDP review process 2024/25 **(KINDLY NOTE: DUE TO THE BULKINESS, THE APPENDIX WILL BE DISTRIBUTED UNDER SEPARATE COVER)**

FOR FURTHER DETAILS CONTACT:

NAME	Jeremy Benjamin
POSITION	Senior Manager: Development Planning
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Jeremy.Benjamin@ Stellenbosch.gov.za
REPORT DATE	18 October 2023

12.2	REQUEST FOR EXEMPTION OF DEVELOPMENT CHARGES BY APEX SCHOOL, KAYAMANDI TO PROMOTE EQUAL EDUCATION TO PREVIOUSLY DISADVANTAGED COMMUNITIES IN STELLENBOSCH
------	--

Collaborator No:

IDP KPA Ref No: SFA 4 – Dignified Living

Meeting Date: 30 October 2024

1. SUBJECT: REQUEST FOR EXEMPTION OF DEVELOPMENT CHARGES BY APEX SCHOOL, KAYAMANDI TO PROMOTE EQUAL EDUCATION TO PREVIOUSLY DISADVANTAGED COMMUNITIES IN STELLENBOSCH

2. PURPOSE

To obtain Council's approval to exempt the payment of Development Charges by the Apex school, Kayamandi.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In 2023, the APEX Education Group purchased a piece of land in Stellenbosch, directly adjacent to Kayamandi, from the landowner, with the aim of constructing and operating a low-fee high school. The land parcel was not a municipal-owned piece of land. The land was registered in the name of INTO Space NPC and previously belonged to WS Smit Boerdery.

Apex Education Group NPC is a registered non-profit company (NPC) – (Attached as **Annexure A**) serving learners from low-income communities within the WC024.

The board of the organisation is chaired by Ernst Gouws, and the CEO is Jana du Plooy. The leadership of the organisation has successfully supported a no-fee public school in the neighbouring town of Eersterivier, for the past 6 years. Apex Eersterivier, is part of the Collaboration Schools Project, a pilot program in partnership with the Western Cape Education Department. This school has won several awards and accolades and continues to demonstrate that high quality education is possible within a low-income community. In 2023, the school achieved a 95% pass rate. While such a high pass rate is the norm for typically well-resourced schools, it is encouraging to note the achievement in communities which cannot afford to supplement the traditional school offering. The most outstanding achievement of Apex is the fact that Apex does not select learners based on academic achievement. The motto of the school is that they offer a solution for the average South African child, and that all children deserve a chance to realize their full potential.

The APEX school in Kayamandi decided to start with the first intake of students whilst the building of the new school on the Louisenhof farm is under construction. The organisation has submitted their building plan application which is currently in process. They have also entered into a partnership with the St John's Anglican church in Kayamandi, where the organisation rents a building from the church in Masithandane Street. The church was transformed into an educational space for use of the school during the 2024 school year.

It is to be noted that there are no zoning issues. The property falls within the Adam Tas Corridor (ATC) and is subject to the ATC overlay zone.



Images of APEX school operating from St John Anglican church, Kayamandi

The Apex Stellenbosch school opened its doors on 17 January 2024 to the first cohort of Grade 8 students. Currently, the school has 100 learners, despite only starting with admissions in November 2023. The school has received 138 applications thus far for the 2025 Grade 8 intake, of which the vast majority of students reside in Kayamandi. The intention of the school for 2025 is to allow the current Grade 8 class to progress to Grade 9, and then to do another intake of Grade 8's, but to increase the 2025 intake to 200 learners. The school will grow with a grade each year and when at full capacity, house the 5 grades of High School with 200 learners in each grade, totaling to a 1000-learner high school.

The school adopted a Blended Learning methodology where 100 learners learn together in one classroom. This model has been deployed at Apex Eersterivier with great success for the past three years and continues to attract attention, both locally and internationally. This innovative model sees every child working on their own computer, while being assisted by educators and facilitators in the classroom. (Motivation letter attached as **Annexure B**)

The school offers education in English, but also offers other languages as First Additional Language i.e., Afrikaans and isiXhosa. It operates as a co-led school and serves both boys and girls. The curriculum offered is based on the national curriculum, implemented according to National Curriculum Assessment Policy Statement (CAPS). The school operates with a governance model of an independent school, with an intentional structured school – especially the educational offering - to run within the broader parameters of public schools. This is because of their strong commitment to design a solution which can ultimately function within the broader national system, thereby positively impacting to the public system which houses the vast majority of children in our country.

The APEX school aims to provide high quality education at an affordable price point, making education accessible to many children. School fees for the year 2024 have been set at R7200 for the year, or R600 per month. School fees have increased slightly for the 2025 school year, to R620 per month.

It is imperative to note that the school fees for education at the level that the APEX school is offering in our country range between R36 000 and R57 500/year. This does not consider the fees of private schools that charge approximately R159 970/year. This is significantly less than the other fee-paying schools in Stellenbosch. The APEX school offers a new alternative to many parents as affordable, high-quality education.

The school has been registered with the Western Cape Education Department with Emis registration number 0100000854. In 2025 (after being in operation for 1 calendar year) the school will be able to apply to the Education Department to become one of

their subsidized independent schools. Subsidies from the Department are reserved for schools who are registered as non-profit organisations, especially since they deliver education at a low price point and manage to perform well in the annual external examinations.

The Development Charges normally applicable for the development according to the current approved Development Contribution (DC) Policy would be R10 765 989,20 (DC calculation attached as **ANNEXURE C**). Council is being requested to waive these charges for the school, in lieu of:

- The socio-economic benefits of the school for the community;
- The saving in waiting period for a typical school to obtain development rights as well as Western Cape Education Department approvals;
- The fact that the school purchased their own land and did not depend on provincial funding for the school to be built;
- The time saving realised by the above endeavours which means that the community starts receiving benefits immediately;
- It has been proven to be a successful education model which has worked in a similar environment in Eersterivier.

5. RECOMMENDATIONS

- (a) that Council notes the fact that the APEX school in Kayamandi will directly serve the community of Kayamandi as well as the surrounding low income areas;
- (b) that Council approves the exemption of the Development Charges of R10 765 989,20 for the APEX school since it meets the criteria of beneficiaries that are primarily indigent persons who depend on social grants subject to:
 - (i) The exemption is granted to Apex Education Group NPC (Emis registration number 0100000854) on Farm 37/183;
 - (ii) The exemption is non-transferable and cannot be transferred to any other property or organization;
 - (iii) The exemption provided is only valid for a period of 5 years. Should the property be sold or the company liquidated within the period, the Developer's Contribution exemption will lapse and will have no effect;
- (c) that Council approves the exemption of the Development Charges based on the criteria that the APEX school's main purpose is to serve and provide affordable and high-quality education to the poorer communities; and
- (d) that Council approves the exemption of the Development Charges due to the registration of the APEX school as a non-profit company/organization that aims to serve the community and has demonstrated to be beneficial and economic benefit to the Municipality.

6. DISCUSSION / CONTENTS

6.1 Background

The proposed establishment of the school is directly adjacent to the Kayamandi. This is in close proximity to the community and easily accessible for the students. According to the Development Charges (DC) policy the main category that poses a financial impact when calculating the DCs is the number of trips generated. This is important to us, because we know that transporting learners to schools far away from their homes poses both a safety risk to learners as well as a financial constraint to the developers.

By being in close proximity to the community, it will allow children to walk to school, therefore not creating any additional traffic. It must be noted that children from Cloeteville would also be able to attend the school with a short commute. The property where the new school will be built falls within the Adam Tas corridor.



Aerial view of proposed APEX school, Stellenbosch

The site already has the following bulk service connections in place:

- Water connection
- Sewerage connection
- Electrical connection
- Storm water (utilising the road and retention pond)

The municipal refuse collection will be collected from the site since the location is enroute to the Newwinbosch development, making it relatively easy to incorporate refuse collection in the future.

iSikolo Road passing through Newwinbosch, will provide convenient access to the school. Although the extension of iSikolo road runs along the boundary of the School, the formalized asphalt section does not extend to the school boundary, an undeveloped portion of approximately 100m remains.

iSikolo Road will serve as a Link Road to the Stellenbosch Extension housing project and will be fully constructed and completed when the first phases of the Stellenbosch Extension housing development is rolled out.

In the meantime, the developer has proposed to construct a gravel road along the undeveloped portion as vehicle access to the facility. The entrance on the R304 will be closed as per traffic regulations once construction has been completed.

The school has already secured donations to buy the land and complete Phase I of construction, in time for the 2025 school year during which it will accommodate 300 learners. The APEX school is busy with fundraising for the construction of Phase II of the project, for which an estimated R 34 million will be required by the organisation from their donors.

6.2 DISCUSSION

With reference to the approved Council Development Charges Policy for the 2024/2025 FY, under Clause 12 – Subsidies, exemptions and discounts: -

Section 12.3 reads as follows:

“The Municipality may only subsidise a land development or category of land developments through reducing the development charge payable in respect thereof if it meets one or more of the following criteria:

- The beneficiaries of the land development must primarily be indigent persons, persons dependent on pensions or social grants for their livelihood, or persons temporarily without income.
- The land development must be for purposes of serving the community, conservation, educational, institutional or public purposes as defined in Schedule 2 to the Spatial Planning and Land Use Management Act (SPLUMA).
- The applicant for a subsidy must be a registered non-profit or charitable community organizations undertaking social development projects that are beneficial to the community and/or where the applicant is able to demonstrate how the proposed development will have a social and/or economic benefit to the Municipality. The use of any land or building, or any part thereof, shall not be for the private financial benefit of any individual, including as a shareholder in a company or otherwise.
- If the bulk engineering services for the land development concerned have been budgeted to be funded through a fiscal transfer from another sphere of government, a subsidy may be granted to the extent of that grant funding.”

Section 12.3 reads as follows:

“Examples of land uses that may potentially qualify for subsidies, subject to council approval, are the following:

- Public schools, hospitals, clinics and other public infrastructure projects developed and funded by the government which provide a service to poorer communities especially may qualify for a potential subsidy. These projects will have a social and economic benefit to the communities and the Municipality in its whole and in so doing will alleviate some institutional and financial pressure on the Municipality in terms of providing social infrastructure and social development programmes.”

Considering the above, and as per the motivation received by the APEX school it can be confirmed that the school adheres to the criteria according to the DC policy of the 2024/2025 FY namely:

1. That it is a registered non-profit company/organisation;
2. The company has no shareholders or individuals who will realize a private financial benefit;
3. APEX operates as a school;
4. The APEX school will directly serve the community of primarily Kayamandi, but also surrounding low income areas;
5. The school will serve a social good by providing high quality education at an affordable price point; and
6. The school will be alleviating pressure from the public sector to provide such infrastructure.

The organisation is entirely reliant on donor funding for its operations. According to the motivation letter received, funding is needed for the building of the school infrastructure, as well as sustaining operations during the growth phase, such as paying salaries and other operational expenses. It was confirmed that for the 2024 and

2025 financial years, the operational expenses of the school have been funded by the Michael & Susan Dell Foundation (based in Texas, USA) while the construction for Phase I has been funded by The Millennium Trust (based in Stellenbosch, SA).

According to the building plan received, which is being assessed at present, well as the motivation letter the school capacity will be able to create an opportunity for 1000 students at its full capacity. Taking into account that all the bulk infrastructure is available to the site and the fact that the operation of the school will not require additional capacity, Council is requested to consider the exemption of the Development Charges calculated. There will be a gradual impact on the bulk infrastructure as the intake of learners will be over a period of 5 years before the school reaches maximum capacity. The school will grow with a grade each year and, when at full capacity, house the 5 grades of High School with 200 learners in each grade.

6.3 Financial Implications

Financial impact is the exemption of the Development Charges of R10 765 989,20 for the APEX school since it meets the criteria of beneficiaries that are primarily indigent persons who depend on social grants.

6.4 Legal Implications

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

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions:

Not applicable

6.7 Risk Implications

Building plan assessment to be completed.

Risk in terms of the potential loss of income for the Municipality is offset against the socio-economic impact derived from the school as well as an accelerated implementation schedule (compared to normal school approvals).

6.8 Comments from Senior Management:

6.8.1 Chief Financial Officer

The exemption application is supported on the following provisions:

- a) The exemption is granted to Apex Education Group NPC (Emis registration number 0100000854) on Farm 37/183.
- b) The exemption is non-transferable and cannot be transferred to any other property or organization.
- c) The exemption provided is only valid for a period of 5 years. Should the property be sold or the company liquidated within the period, the Developer's Contribution exemption will lapse and will have no effect.

6.8.2 Municipal Manager:

The Department of Education has been subjected to various budget cuts which negatively effects the roll out of new infrastructure and schools. Stellenbosch do not

have enough schools to cater for the current demand to register students within Stellenbosch. As per motivation received, Council must note that one primary school in Kayamandi is already on a rotational timetable due to insufficient space to accommodate students. Given this, and because the school will largely cater for under-privileged students where the demand for opportunities is the greatest, this application for exemption is supported as it will be to the benefit of the greater Stellenbosch community.

6.8.3 Directorate: Planning and Economic Development

The Directorate: Planning and Economic Development supports the item.

6.8.4 Directorate: Infrastructure Services

The site already has the following bulk service connections in place:

- Water connection
- Sewerage connection
- Electrical connection
- Storm water (utilising the road and retention pond)

The municipal refuse collection will be collected from the site since the location is enroute to the Newinbosch development, making it relatively easy to incorporate refuse collection in the future.

iSikolo Road passing through Newinbosch, will provide convenient access to the school. Although the extension of iSikolo road runs along the boundary of the School, the formalized asphalt section does not extend to the school boundary, an undeveloped portion of approximately 100m remains.

iSikolo Road will serve as a Link Road to the Stellenbosch Extension housing project and will be fully constructed and completed when the first phases of the Stellenbosch Extension housing development is rolled out.

In the meantime, the developer has proposed to construct a gravel road along the undeveloped portion as vehicle access to the facility. The entrance on the R304 will be closed as per traffic regulations once construction has been completed.

6.8.5 Directorate: Corporate Services

I note the benefits to the learners at the school.

ANNEXURES

Annexure A: Registration of non-profit company

Annexure B: Motivation from APEX school

Annexure C: Development Charge calculations

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Office
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	21 October 2024

ANNEXURE A

Certificate issued by the Commissioner of Companies & Intellectual
Property Commission on Monday, December 4, 2023 at 8:39



Companies and Intellectual
Property Commission
a member of the dti group

Amended Registration Certificate: Companies

COR 14.3

Registration Number: 2022 / 688858 / 08
Enterprise Name: APEX EDUCATION GROUP

Effective date: 01/12/2023
Print date: 04/12/2023
Customer code: GE0733
Tracking number: 9399335061

RE : APEX EDUCATION GROUP NPC

The above company has filed an amendment of its Memorandum of Incorporation in terms of section 16 of the Companies Act, 2008, changing the company name from **INTO SPACE** to **APEX EDUCATION GROUP**.

In accordance with the Notice of Amendment of the Memorandum of Incorporation, the change of the company name takes effect on 01/12/2023.

In conjunction with this certificate, the Commission has not issued another notice contemplated in section 12 (3).

Commissioner: CIPC



Physical Address

the dti Campus - Block F
77 Meintjies Street
Sunnyside 0001

Postal Address: Companies

P O Box 429
Pretoria
0001

Docex: 256

Web: www.cipc.co.za

Contact Centre: 086 100 2472 (CIPC)

Contact Centre (International): +27 12 394 9573



**Certificate issued by the Commissioner of Companies & Intellectual
Property Commission on Monday, December 4, 2023 at 8:39**



Companies and Intellectual
Property Commission
a member of the dti group

Amended Registration Certificate: Companies

COR 14.3

Registration Number: 2022 / 688858 / 08
Enterprise Name: APEX EDUCATION GROUP

ENTERPRISE INFORMATION

Registration Number: 2022 / 688858 / 08
Enterprise Name: APEX EDUCATION GROUP NPC
Registration Date: 29/08/2022
Business Start Date: 29/08/2022
Enterprise Type: Non Profit Company
Enterprise Status: In Business
Financial Year End: February
TAX Number: 9011588309
Addresses: **POSTAL ADDRESS**

SUITE 3 CORNERSTON
LONDON CIRCLE
BRACKENGATE
WESTERN CAPE
7490

ADDRESS OF REGISTERED OFFICE

SUITE 3 CORNERSTON
LONDON CIRCLE
BRACKENGATE
WESTERN CAPE
7490

ACTIVE MEMBERS / DIRECTORS

Surname and First Names	Type	ID Number / Date of Birth	Contrib. (R)	Interest (%)	Appoint. Date	Address
DU PLOOY, JOHANNA CECILIA	Director	8609280135088	0.00	0.00	29/08/2022	Postal: SUNCREST MANOR 3, SONSTRAALWEG, DURBANVILLE, WESTERN CAPE, 7490 Residential: SUNCREST MANOR 3, SONSTRAALWEG, DURBANVILLE, WESTERN CAPE, 7490
BASSON, SUNE	Director	8904200231087	0.00	0.00	29/08/2022	Postal: 87 WILDEBOSCHSTREET, PARYSKLOOF ESTATE, PAARL, WESTERN CAPE, 7646 Residential: 87 WILDEBOSCHSTREET, PARYSKLOOF ESTATE, PAARL,
GOUWS, ERNST FREDERIK	Director	7111185202080	0.00	0.00	29/08/2022	Postal: 13 ROWAN ROAD, STELLENBOSCH, STELLENBOSCH, WESTERN Residential: 13 ROWAN ROAD, STELLENBOSCH, STELLENBOSCH, WESTERN

Physical Address

the dti Campus - Block F
77 Meintjies Street
Sunnyside 0001

Postal Address: Companies

P O Box 429
Pretoria
0001

Docex: 256

Web: www.cipc.co.za

Contact Centre: 086 100 2472 (CIPC)

Contact Centre (International): +27 12 394 9573



ANNEXURE B

TO: THE STELLENBOSCH MUNICIPAL COUNCIL
DATE: 14 OCTOBER 2024

**APPLICATION FOR ACCOMMODATION ON DEVELOPMENT CHARGES FOR
APEX STELLENBOSCH HIGH SCHOOL**

1. EXECUTIVE SUMMARY

Apex Education NPC is a registered non-profit organisation serving learners from low-income communities. Towards the end of 2023, the organisation purchased a piece of land in Stellenbosch, directly adjacent to the Khayamnandi township, with the aim of constructing and operating a low fee high school.

The land has since been transferred to the organisation as planned and construction has commenced. The organisation is however fully reliant on donor funding, has no shareholders who will profit of the operations, and would like to use the resources which it is able to raise, to further its work in the community.

To this extent, the organisation would like to apply to the Stellenbosch Municipal Council to favourably consider providing an accommodation on the Development Charges ordinarily levied against the developers of schools in terms of the Development Charges Policy of Stellenbosch 2022/2023.

2. OUR ORGANISATION

Apex Education Group NPC is a registered non-profit company operating in South Africa.¹ The organisation is also registered with the South African Revenue Service as a Public Benefit Organization (PBO)² and as such, may issue certificates to donors who to deduct any donations made from their tax payable.

The board of the organisation is chaired by Ernst Gouws, and the CEO is Jana du Plooy. The leadership of the organisation has successfully supported a no-fee public school in the neighbouring town of Eersterivier, for the past 6 years. Apex Eersterivier is part of the Collaboration Schools Project, a pilot program in partnership with the Western Cape Education Department. This school has won several awards and accolades and continues to demonstrate that high quality education is possible within a low income community. In 2023, the school achieved a 95% pass rate. While such a high pass rate is the norm for typically well-resourced schools, it is extremely rare to find such quality in communities who cannot afford to supplement the traditional school offering. What's more – Apex does not select learners based on academic achievement. Our belief is that we should offer a solution for the average South African child, and that all children deserve a chance to realize their full potential.

The organisation is entirely reliant on donor funding for its operations. Funding is needed both for the building of any school infrastructure, as well as sustaining operations during the growth phase, such paying salaries and other operational expenses. For the 2024 and 2025 years, the operational expenses have been funded by the Michael & Susan Dell Foundation (based in Texas, USA) while the construction for phase I has been funded by The Millennium Trust (based in Stellenbosch, SA).

3. LAUNCHING APEX STELLENBOSCH

The organisation identified a piece of land adjacent to the Khayamnandi township which would be ideal for the erection of a school. The owners of the former Louisenhof cellar indicated a willingness to sell the property and the organisation considered the proximity as an ideal

¹ Proof of registration with CIPC is attached hereto as Annexure A. Please note that the company was originally called Into Space NPC, but the name was changed to better align with the schools to Apex Education Group NPC.

² Proof of registration with SARS is attached hereto as Annexure B, again note the name Into Space NPC.

opportunity. Once a deed of sale was concluded, it was decided to start with the first school intake at a nearby location, while the building is being constructed.

The organisation entered into a partnership with the St John' Anglican church in Khayamnandi, where the organisation rents a building from the church in Masithandane Street, and transformed into an educational space for use of the school during 2024. Photos of the site in Masithande Street is attached hereto as Annexure C.

Apex Stellenbosch opened its doors on 17 January 2024 to its first cohort of Grade 8 students. Currently, the school has 100 learners, despite only starting with admissions in November 2023. The school has received 138 applications thus far for the 2025 Grade 8 intake, the vast majority of whom are from Khayamnandi. The intention for 2025 is to allow the current Grade 8 class to progress to Grade 9, and then to do another intake of Grade 8's, but to increase the 2025 intake to 200 learners. The school will grow with a grade each year and when at full capacity will house the 5 grades of High School with 200 learners in each grade, totaling to a 1000 learner high school. There is also a future-looking opportunity to partner with an existing primary school, Vision Afrika, to in time further expand Apex' footprint.

As planned, the school adopted a Blended Learning methodology where a 100 learners learn together in one classroom. This model has been deployed at Apex Eersterivier with great success for the past three years and continue to attract attention, both locally and internationally. This innovative model sees every child work on their own computer, while being assisted by educators and facilitators in the classroom.

The school offers education in English, but also offers other languages as First Additional Language, Afrikaans and isiXhosa. It operates as a co-led school and serves both boys and girls. The curriculum offered is based on the national curriculum, implemented according to CAPS. While we operate with a governance model of an independent school, we intentionally structure the school – especially the educational offering - to run within the broader parameters of public schools. This is because of our strong commitment to design a solution which can ultimately function within the broader national system, thereby positively impacting to the public system which houses the vast majority of children in our country.

The school aims to provide high quality education at an affordable price point, making education accessible to many children. School fees for the 2024 year has been set at R7200 for the year, or R600 per month. This has been increased slightly for 2025, to R620 per month.

This is significantly less than the other fee-paying schools in Stellenbosch. We believe this truly offers a new alternative to many parents: Affordable, high-quality education.

The school has been registered with the Western Cape Education Department with Emis registration number 0100000854. In 2025 (after being in operation for 1 calendar year) the school will also apply to the Education Department to become one of their subsidized independent schools. Subsidies from the Department are reserved for schools who are registered as non-profit organisations, deliver education at a low price point, and manage to perform well in the annual external examinations. Since Apex meets all the requirements, it is expected that the subsidy will be granted to the school.

The school has already secured donations to buy the land and complete phase I of construction, in time for the 2025 school year during which it will accommodate 300 learners. We are now busy fundraising for the construction of phase II of the project, for which an estimated R 34 million will be required.

4. THE SITE AND ASSOCIATED DEVELOPMENT CHARGES

The establishment of the school is directly adjacent to the Khayamandi township. The close proximity to the community is important to us, because we know that transporting learners to schools far away from their homes poses both a safety risk to learners as well as a financial constraint to parents. By being in close proximity to the community, it will allow children to walk to school, therefor not create any additional traffic. Children from Cloeteville would also be able to attend the school with a short commute. In Khayamandi there are currently two public primary schools and two public high schools. All four of these schools seem to be extremely full and according to research in the community, the one primary school is apparently still on a rotational timetable of some sorts, because there is insufficient space to accommodate all learners every day for the full timetable at school. It appears that Stellenbosch has a shortage of schools, (particularly high quality, affordable schools) and Apex directly addresses this need.

The property which we procured falls within the Adam Tas corridor. An aerial view is attached hereto, marked as Annexure D.

The site already has the following bulk service connections in place:

- Water connection
- Sewerage connection
- Electrical connection
- Storm water (utilizing the road and retention pond)

Although municipal refuse is not currently collected on-site, the location is en route to the Newinbosch development, making it relatively easy to incorporate refuse collection in the future.

The tarred public iSikolo road passing through Newinbosch will provide convenient access to the school. A portion of the road still needs to be tarred and extended and could take place in future phases. In the meantime, the road will be routed, scraped, and compacted to ensure reliable vehicle access to the facility. The entrance on the R304 will be closed as per traffic regulations once construction has been completed.

In terms of the Development Charges Policy of Stellenbosch 2022/2023, clause 12, the Municipality may consider granting subsidies, exemptions and discounts to land developers under certain circumstances.

Section 12.1 reads as follows:

“The Municipality may only subsidize a land development or category of land developments through reducing the development charge payable in respect thereof if it meets one or more of the following criteria...

- ***The applicant for a subsidy must be a registered non-profit or charitable organisation undertaking social development projects that is beneficial to the community... The use of any land or buildings, or any part thereof, shall not be for the private financial benefit of any individual, including as a shareholder in a company or otherwise.”***

Section 12.3 reads as follows:

“Examples of land uses that may potentially qualify for subsidies, subject to council approval, are the following:

- *Public schools, hospitals, clinics and other public infrastructure projects... which provides a service to especially the poorer communities may qualify for a potential subsidy. These projects will have a social and economic benefit to the communities and the Municipality in its whole and in so doing will alleviate some institutional and financial pressure on the Municipality in terms of providing social infrastructure and social development programmes."*

Therefor, considering that the Applicant in this instance:

1. Is a registered non-profit organisation;
2. Has no shareholders or individuals who will realize a private financial benefit;
3. Operates as a school;
4. Directly serves the community of primarily Khayamnandi, but also surrounding low income areas;
5. Serves a social good by providing high quality education at an affordable price point; and therefor
6. Are alleviating pressure on the public sector to provide such infrastructure,

It is therefor our request that the Council considers our application and if in agreement, decides on a favourable outcome in granting an accommodation in terms of Development Charges ordinarily charged.

5. CONCLUSION

Thank you for your consideration. We are available to answer any further questions you may have in this regard.



J C DU PLOOY
CHIEF EXECUTIVE OFFICER

ANNEXURE C



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	Apex School Farm 183/37 Stellenbosch
Development Name:	
Date:	16 October 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 183/37 Stellenbosch
DC Parameters Reference:	Apex School Farm Watergang erf 183/37 Stellenbosch Alterations & Additions to existing winery project no M 1100 by Salt architect dated 17 June 2024

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	100	50	1	5	1000		0		
Total Service Usage Reduction:	0	0	0	0	500,0		0		
Total Service Usage after Reduction:	100,00	50,00	1,00000	5,000	500,0		0		
Charges before adjusting for positive only, before Deductions	R 3 293 600,02	R 1 812 490,12	R 217 731,61	R 514 000,05	R 7 047 815,90	R 12 885 637,69	R -	R 12 885 637,69	
Charges adjusted for positive only, before Deductions	R 3 293 600,02	R 1 812 490,12	R 217 731,61	R 514 000,05	R 7 047 815,90	R 12 885 637,69	R -	R 12 885 637,69	
Total Deductions:	R -	R -	R -	R -	R 3 523 907,95	R 3 523 907,95	R -	R 3 523 907,95	
Total Development Charges Payable (excluding VAT):	R 3 293 600,02	R 1 812 490,12	R 217 731,61	R 514 000,05	R 3 523 907,95	R 9 361 729,74	R -	R 9 361 729,74	
VAT:	R 494 040,00	R 271 873,52	R 32 659,74	R 77 100,01	R 528 586,19	R 1 404 259,46	R -	R 1 404 259,46	
Total Development Charges Payable (including VAT):	R 3 787 640,02	R 2 084 363,63	R 250 391,35	R 591 100,06	R 4 052 494,14	R 10 765 989,20	R -	R 10 765 989,20	

APPLICANT INFORMATION	
Application Processed by:	Ilze Fillies
Signature:	<i>Ilze Fillies</i>
Notes:	

Stellenbosch Town

	Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)							
										Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Total
			Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	Yes	Yes	Yes		Yes	
Residential	Single Residential >1000m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Apartments	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -	R -
Accommodation	Student Accommodation/Commune/Hostels	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hotel, Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Outdoor Function / Picnic Area	persons							0	R -	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	University/College	student							0	R -	R -	R -	R -	R -	R -	R -	R -
	School/Day Care	student					1000		1000	R 3 293 600,02	R 1 812 490,12	R 217 731,61	R 514 000,05	R 7 047 815,90	R 12 885 637,69	R -	R 12 885 637,69
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Storage Facilities	unit							0	R -	R -	R -	R -	R -	R -	R -	R -
	Non demand	Open Space/Natural Environment/Utility Site	ha							0	R -	R -	R -	R -	R -	R -	R -
Roads and Parking		ha							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
	(Based on equivalent demands)	n/a							0	R -	R -	R -	R -	R -	R -	R -	R -

	Charges before adjusting for positive only, before Deductions					R	3 293 600,02	R	1 812 490,12	R	217 731,61	R	514 000,05	R	7 047 815,90	R	12 885 637,69	R	-	R	12 885 637,69
Deduct	Charges adjusted for positive only, before Deductions					R	3 293 600,02	R	1 812 490,12	R	217 731,61	R	514 000,05	R	7 047 815,90	R	12 885 637,69	R	-	R	12 885 637,69
	Deductions per service (from usage reductions)					R	-	R	-	R	-	R	-	R	3 523 907,95	R	3 523 907,95	R	-	R	3 523 907,95
	Discount Deduction (%)					Percentage: 0,00%		R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Additional Deduction per service - from Service Agreement (sum)					R	-		R	-	R	-	R	-	R	-	R	-	R	-	R
Totals	Sub Total after Ajustments and Deductions (excluding VAT)					R	3 293 600,02	R	1 812 490,12	R	217 731,61	R	514 000,05	R	3 523 907,95	R	9 361 729,74	R	-	R	9 361 729,74
	VAT					R	494 040,00	R	271 873,52	R	32 659,74	R	77 100,01	R	528 586,19	R	1 404 259,46	R	-	R	1 404 259,46
	Total Development Charges					R	3 787 640,02	R	2 084 363,63	R	250 391,35	R	591 100,06	R	4 052 494,14	R	10 765 989,20	R	-	R	10 765 989,20

12.3	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS
------	--

File ref:

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 October 2024

1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS FROM 1 JULY 2023 – 30 JUNE 2024

2. PURPOSE OF REPORT

To inform Council of the provisions of Notice 51407 dated 17 October 2024 published in Government Gazette 712 dated 17 October 2024 in regard to the determination of the upper limits of salaries allowances and benefits for different members of Municipal Councils and to request Council to resolve on the implementation of the provisions for the period from 1 July 2023 – 30 June 2024.

3. DELEGATED AUTHORITY

The notice is published annually in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice. The implementation can only take place after concurrence by the MEC for Local Government.

4. EXECUTIVE SUMMARY

The Minister of Local Government annually publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period from 1 July 2023 – 30 June 2024 was published on 17 October 2024 and is attached hereto as **APPENDIX 2**.

The provisions indicate an upper limit increase of around 3 % for full-time and part-time Councillors. The cell phone allowances in the provisions are R3 600.00 per month and a data allowance of R317 per month which is left unchanged from the previous upper limit publication. The increase is applicable from 1 July 2023 for the 2023/24 financial year and the increase will be backdated for the period and up until a new upper limit provision is published.

Council resolved during 2017 to provide laptops to all Councillors as a tool of the trade. Councillors received laptops after the elections in 2021. Agendas are distributed electronically and most meetings takes place via Teams. Councillors must use the data allowance to provide data for these meetings and to download council information.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (66.67) municipality as indicated in the calculations in **Appendix 1**. In making the decision the Municipal Council must have regard to the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **Appendix 1** The Municipality must get the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

5. RECOMMENDATIONS

- (a) that Council note the provisions of Notice 51407 dated 17 October 2024;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 51407 dated 18 October 2024 from 1 July 2023;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves the cell phone allowance of R3 600 per month to all councillors;
- (e) That Council approves a data allowance of R317 per month for all councillors;
- (f) that Council note that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R22 262 052 which expenditure is within the budgeted amount;
- (g) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (h) Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;
- (i) that Council consider the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (j) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2023, before it be implemented.

6. DISCUSSION / CONTENTS

6.1 Background

The National Minister for Cooperative Governance and Traditional Affairs gazetted the new upper limits of salaries, allowances and benefits which Council must consider and resolve upon before it may be implemented. Council also needs the written concurrence from the Minister of Local Government in the Western Cape who will only give his concurrence if the expenditure is funded through an approved budget.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limit Notice as it can only be implemented "with a supporting vote of the majority of Council members and after consultation with the MEC.

6.2 Discussion

In terms of the Remuneration of Public Office Bearers Act, 1998 read together with Government Notice No 51407 dated 17 October 2024, Council has the authority to determine their remuneration packages, within the proclaimed upper limits, retrospectively as from 1 July 2023 with the *proviso* that the written concurrence of the Minister of Local Government in the Western Cape must be obtained before such packages may be implemented.

The grading of the municipality is determined by determining a point allocation for total municipal income, and total population. These points are then calculated together to determine the municipality grading. The grading is then used to determine the total remuneration packages for full-time and part-time councillors.

Total Municipal Income	Total Population	Points	Grade
1 889 681 287		41.67	
	175 411	25	
		Total: 66.67	
			4

6.3 Financial Implications

The total cost, if the provisions indicated is implemented, will be which is R22 262 052 and is within the approved budget. The full explanation is set out in **Appendix 1**.

6.4 Legal Implications

The recommendations in this report comply with all applicable legislation.

6.5 Staff Implications

There are no additional staff implications

6.6 Previous / Relevant Council Resolutions:

22 June 2022:

- (a) that Council note the provisions of Notice 46470 dated 2 June 2022;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 46470 dated 2 June 2022 from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400 per month to all councillors;

-
- (e) that Council note that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R20 840 075 which expenditure is within the budgeted amount;
 - (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;

Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;

- (h) that Council consider the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2021, before it be implemented.

16TH COUNCIL MEETING: 2023-08-23: ITEM 13.7

RESOLVED (majority vote with 7 abstentions)

- (a) that Council notes the provisions of Notice 49142 dated 18 August 2023;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 49142 dated 18 August 2023 from 1 July 2022;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 600 per month to all councillors;
- (e) that Council approves a data allowance of R317 per month for all councillors;
- (f) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R21 667 047 which expenditure is within the budgeted amount;
- (g) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b), (d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (h) that Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;

- (i) that Council considers the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (j) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2022, before it be implemented.

6.7 Risk implications

Council must comply with the provisions of the Notice.

6.8 Comments from Management:

The item was not circulated for comments except to the Municipal Manager and CFO.

6.8.1 Comments from the Municipal Manager:

Agrees with the recommendations.

6.8.2 Comments from the CFO

Financial Implications was provided through the office of the CFO.

ANNEXURES

Appendix 1: Financial Implications of implementation of provisions indicated in the item.

Appendix 2: Government Notice 51407 published in Government Gazette 712 dated 17 October 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director Corporate Services</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>18 October 2024</i>

APPENDIX 1

STELLENBOSCH MUNICIPALITY

CALCULATION OF MUNICIPAL GRADING FOR PURPOSES OF COUNCILLOR UPPER LIMITS 2023/2024

GOVERNMENT GAZETTE OCTOBER 2024

		R	POINTS
MUNICIPAL INCOME AS PER DEFINITION	2022/2023	1 889 681 287	41,67
TOTAL POPULATION AS PER DEFINITION		175 411	25

TOTAL POINTS 66,67

RANGE 50.01 - 66.67 POINTS = GRADE 4

Affordability Test

BUDGET 2023/2024**22 296 514**

COST OF NEW UPPER LIMITS	NUMBER OF CLLRS	NEW UPPER LIMIT	TOTAL COST	PREVIOUS UPPER LIMITS	ADDITIONAL EXPENSE	% INCREASE
MAYOR	1	984 320	984 320	955 651	28 669	3,00
DEPUTY MAYOR	1	787 454	787 454	764 518	22 936	3,00
SPEAKER	1	787 454	787 454	764 518	22 936	3,00
COUNCIL WHIP	1	738 571	738 571	716 738	21 833	3,05
MAYCO MEMBERS	9	738 571	6 647 139	716 738	21 833	3,05
MPAC CHAIR	1	716 583	716 583	695 712	20 871	3,00
S79 CHAIR (P/T)	0	0	0	0	0	0,00
COUNCILLORS (P/T)	31	311 501	9 656 531	302 428	9 073	3,00
SUB TOTAL	45		20 318 052		148 151	
Data allowance	45	3 804	171 180	3804	0	0,00
CELL PHONE ALLOWANCE						
Mayor, Deputy & Speaker	3	43 200	129 600	43 200	0	0,00
Remaining Councillors	42	43 200	1 814 400	43 200	0	0,00
SUB TOTAL			1 944 000		0	
TOTAL REMUNERATION COST RE COUNCILLORS			22 262 052		148 151	
BUDGET SURPLUS(DEFICIT)			34 462			

APPENDIX 2



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 712

17

October
Oktober

2024

No. 51407



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

5 1 4 0 7

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette</i>	<i>Page</i>
		<i>No.</i>	<i>No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Co-operative Governance and Traditional Affairs, Department of / Samewerkende Regering en Tradisionele Sake, Departement van			
5435	Remuneration of Public Office Bearers Act (20/1998): Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Councils	51407	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 5435

17 October 2024

**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)****DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998), I, Velenkosini Hlabisa, Minister of Cooperative Governance and Traditional Affairs, hereby –

- (a) after consultation with the member of the Executive Council responsible for local government in each province; and
- (b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule, with effect from 1 July 2023.



VELENKOSINI HLABISA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 16/10/2024

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act*, 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);

"capacity building programmes" means training courses or programmes as provided for in the education, training and development policy of council, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government through institutions of higher learning and Further Education and Training Colleges.

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"MEC" means the member of the Executive Council of a province responsible for local government in the province;

"oversight committee" means a committee of the municipal council established in terms of section 79 or 79A of the Structures Act;

"part-time councillor" means a councillor other than a full-time councillor;

"pension fund" means any fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);

"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

“tools of trade” means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

“total municipal income” means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the cash flow statement of the audited financial statements of that municipality for the 2022/ 23 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

“total population” means the official statistics of the population residing in the area of jurisdiction of a metropolitan, district or local municipality, as determined by the Statistician-General for the 2022 Census, in terms of section 14(7) of the *Statistics Act*, 1999 (Act No. 6 of 1999); and

“total remuneration package” means the total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in item 9(1), housing allowance as provided in item 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,691,400	8.33
R 10,691,401	-	R 53,457,000	16.67
R 53,457,001	-	R 213,828,000	25.00
R 213,828,001	-	R 1,603,710,000	33.33
R 1,603,710,001	-	R 2,138,280,000	41.67
More than R 2,138,280,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	73 857	8.33
73 858	-	123 833	16.67
123 834	-	309 583	25.00
309 584	-	681 083	33.33
681 084	-	2 229 001	41.67
More than 2 229 001			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 OR SECTION 79A COMMITTEE
6	1,546,392	1,248,895	1,176,440	1,141,930
5	1,152,968	922,371	864,725	839,360
4	984,320	787,454	738,571	716,583
3	947,990	758,393	710 995	696,710
2	887,651	710,122	672,077	652,364
1	861,790	695,995	652,493	633,353

6. Upper limit of annual total remuneration package or allowance in respect of councillors appointed to a district council

(1) A councillor appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a

section 79 or section 79A committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.

- (b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R 1,214.88: Provided that this allowance is limited to R 1,214.88 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

- (a) the payment of the remuneration or the allowance referred to in sub-item (1);
- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and
- (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

(1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R 1,214.88 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R 1,214.88 per day, irrespective of the number of meetings attended by such councillor on a specific day.

- (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R 1,214.88 per sitting and actual attendance of such structure: Provided that the allowance is limited to R 1,214.88 per day, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

- (a) the payment of the allowance referred to in sub-item (1);

- (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
- (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible of transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 OR SECTION 79A COMMITTEE	OTHER PART-TIME MEMBERS
6	866,811	733,286	656,300	637,048	579,132
5	643,205	514,565	482,405	468,251	364,243
4	549,121	439,306	411,841	399,761	311,501
3	528,856	423,048	396,649	385,005	299,994
2	495,192	396,154	371,396	360,501	280,910
1	480,763	384,609	360,574	349,995	272,396

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

(1) Motor vehicle and travel allowance

- (a) A councillor listed in item 5 and 8 of this Notice may, in line with applicable legislation, structure his or her basic salary to provide for motor vehicle allowance.
- (b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.
- (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
 - (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details (i.e. reason for the trip, duration of trip and place from and place to).
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain a viable municipality.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.

(2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3 600.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R317 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

- (1) Pension, provident or retirement annuity contributions
- (a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).

- (b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

- (a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).
- (b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1,5 million while on vehicles it is limited to R750,000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

- (1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 11 and 12), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee, part-time chairpersons of section 79 committees, and whips.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	<p>Executive Mayor, Mayor, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the recommendations of the South African Police Service.</p> <p>In the event that a written report is received concerning a threat and risk to the personal security of any of the office-bearers referred to above, the municipal council must:</p> <ul style="list-style-type: none"> (i) Determine whether such a threat and risk exist. (ii) Provide bodyguards in terms of this paragraph if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office-bearers referred to above. <p>All councillors, subject to a threat and risk analysis conducted by the South African Police Service.</p>

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

(4) The application of sub-item (1) is subject to concurrence by the MEC for local government in the province.

16. Capacity building

(1) Every council must develop and adopt a policy to provide for education, training and development of councillors.

(2) Council must make provision in its budget for education, training and development of councillors, which must remain valid for the tenure of office of that council.

(3) A training programme must take into consideration the capacity needs of a councillor to fulfil individual councillor's statutory obligations. Provided that the municipal council must, in line with applicable legislation and approved council policy, exercise prudent financial management to ensure that the provision of education, training and development of councillors does not undermine the need to prioritise service delivery and sustain a viable municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act*, 2003 (Act No. 53 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and a municipality –

- (a) must recover that remuneration from the councillor concerned; and
- (b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

- (a) any transgression of subsection (1); and
- (b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

(1) A municipal council must submit to the MEC responsible for local government under whose jurisdiction it falls, within 30 days from the date of publication of this Notice on an official letterhead of the municipality, signed by the executive mayor or mayor, a report containing the following information in respect of its serving councillors for the 2023/ 24 financial year.

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;

- (h) Grading of municipal council;
- (i) Date concurrence granted by the MEC;
- (j) Total remuneration package;
- (k) Total budget for personal security; and
- (l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the information referred to in sub-item 1, the MEC must analyse the information for correctness and completeness and submit a consolidated report to the Minister within 60 days from the date of publication of this Notice.

19. Transitional measures

(1) If a municipal council has no audited financial statements for 2022/ 23 financial year by the date of publication of this Notice, the audited financial statements for the 2021/ 22 financial year shall apply.

(2) If the grading of a municipal council is lower than the current grade of the municipal council as determined in terms of this Notice, a councillor –

- (a) who is in office as at 30 June 2023, will retain the total remuneration package as determined in terms of Government Notice No.38407, Government *Gazette* No. 49142 of 18 August 2023; and
- (b) such councillor is entitled to the applicable cost of living adjustment;
- (c) provided that the data used by the municipal council for determination of the grade of a municipal council is correct.

(3) Item 15(1)(g) of the Notice on upper limits of the salaries, allowances and benefits of the different members of municipal councils has been amended as follows effective from the date of publication of this Notice:

(g)	Personal security	<p>Executive Mayor, Mayor, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the recommendations of the South African Police Service.</p> <p>In the event that a written report is received concerning a threat and risk to the personal security of any of the office-bearers referred to above, the municipal council must:</p> <ul style="list-style-type: none"> (i) Determine whether such a threat and risk exist. (ii) Provide bodyguards in terms of this paragraph if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office-bearers referred to above. <p>All councillors, subject to a threat and risk analysis conducted by the South African Police Service.</p>
-----	-------------------	---

(4) This Notice replaces Government Gazette No. 49142 of 18 August 2023

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2023.

12.4	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS – 2024/25 FINANCIAL YEAR
------	---

File ref:

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 October 2024

1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS FROM 1 JULY 2024 FOR THE FINANCIAL YEAR 2024/25

2. PURPOSE OF REPORT

To inform Council of the provisions of Notice 51419 dated 21 October 2024 published in Government Gazette 712 dated 21 October 2024 in regard to the determination of the upper limits of salaries allowances and benefits for different members of Municipal Councils and to request Council to resolve on the implementation of the provisions for the period from 1 July 2024.

3. DELEGATED AUTHORITY

The notice is published annually in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice. The implementation can only take place after concurrence by the MEC for Local Government.

4. EXECUTIVE SUMMARY

The Minister of Local Government annually publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period from 1 July 2024 was published on 21 October 2024 and is attached hereto as **APPENDIX 2**. This comes just days after the publication of the upper limit notice for the 2023/24 financial year and that is reported in a separate item on the agenda.

The provisions indicate an upper limit increase of around 2,5% for full-time and part-time Councillors. The cell phone allowances in the provisions are R3 600.00 per month and a data allowance of R317 per month which is left unchanged from the previous upper limit publication. The increase is applicable from 1 July 2024 for the 2024/25 financial year and the increase will be backdated for the period from 1 July 2024 and up until a new upper limit provision is published for the next financial year.

Council resolved during 2017 to provide laptops to all Councillors as a tool of the trade. Councillors received laptops after the elections in 2021. Agendas are distributed electronically and most meetings takes place via Teams. Councillors must use the data allowance to provide data for these meetings and to download council information.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (66.67) municipality as indicated in the calculations in **Appendix 1**. In making the decision the Municipal Council must have regard to the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **Appendix 1** The Municipality must get the

concurrence of the Member for Local Government in the Province before the Council resolution can be implemented. It must be noted that the annual financial statements for 2023/24 was not finalised at the time of the publication as the auditor general is still busy with the audit and final financial statements are only deal with when the audit is completed. Therefore the 2022/23 financial statements were used to calculate the municipality income.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

5. RECOMMENDATIONS

- (a) that Council note the provisions of Notice 51419 dated 21 October 2024;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 51419 dated 21 October 2024 from 1 July 2024;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves the cell phone allowance of R3 600 per month to all councillors;
- (e) That Council approves a data allowance of R317 per month for all councillors;
- (f) that Council note that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R22 770 005 which expenditure is within the budgeted amount;
- (g) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (h) Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;
- (i) that Council consider the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (j) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2024, before it be implemented.

6. DISCUSSION / CONTENTS

6.2 Background

The National Minister for Cooperative Governance and Traditional Affairs gazetted the new upper limits of salaries, allowances and benefits which Council must consider and resolve upon before it may be implemented. Council also needs the written concurrence from the Minister of Local Government in the Western Cape who will only give his concurrence if the expenditure is funded through an approved budget.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limit Notice as it can only be implemented "with a supporting vote of the majority of Council members and after consultation with the MEC.

6.2 Discussion

In terms of the Remuneration of Public Office Bearers Act, 1998 read together with Government Notice No 51419 dated 21 October 2024, Council has the authority to determine their remuneration packages, within the proclaimed upper limits, retrospectively as from 1 July 2024 with the *proviso* that the written concurrence of the Minister of Local Government in the Western Cape must be obtained before such packages may be implemented.

The grading of the municipality is determined by determining a point allocation for total municipal income, and total population. These points are then calculated together to determine the municipality grading. The grading is then used to determine the total remuneration packages for full-time and part-time councillors.

Total Municipal Income	Total Population	Points	Grade
1 889 681 287		41.67	
	175 411	25	
		Total: 66.67	
			4

6.3 Financial Implications

The total cost, if the provisions indicated is implemented, will be which is R22 770 005 and is within the approved budget. The full explanation is set out in **Appendix 1**.

6.4 Legal Implications

The recommendations in this report comply with all applicable legislation.

6.5 Staff Implications

There are no additional staff implications

6.6 Previous / Relevant Council Resolutions:

22 June 2022:

- (a) that Council note the provisions of Notice 46470 dated 2 June 2022;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 46470 dated 2 June 2022 from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400 per month to all councillors;
- (e) that Council note that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R20 840 075 which expenditure is within the budgeted amount;
- (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;

Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;

- (h) that Council consider the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2021, before it be implemented.

16TH COUNCIL MEETING: 2023-08-23: ITEM 13.7**RESOLVED** (majority vote with 7 abstentions)

- (a) that Council notes the provisions of Notice 49142 dated 18 August 2023;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 49142 dated 18 August 2023 from 1 July 2022;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 600 per month to all councillors;
- (e) that Council approves a data allowance of R317 per month for all councillors;
- (f) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R21 667 047 which expenditure is within the budgeted amount;
- (g) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b), (d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (h) that Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;
- (i) that Council considers the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (j) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2022, before it be implemented.

6.7 Risk implications

Council must comply with the provisions of the Notice.

6.8 Comments from Management:

The item was not circulated for comments except to the Municipal Manager and CFO.

6.8.1 Comments from the Municipal Manager:

Agrees with the recommendations.

6.8.2 Comments from the CFO

Financial Implications was provided through the office of the CFO.

ANNEXURES

Appendix 1: Financial Implications of implementation of provisions indicated in the item.

Appendix 2: Government Notice 51419 published in Government Gazette 712 dated 21 October 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director Corporate Services</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>22 October 2024</i>

APPENDIX 1

STELLENBOSCH MUNICIPALITY

CALCULATION OF MUNICIPAL GRADING FOR PURPOSES OF COUNCILLOR UPPER LIMITS 2024/2025

GOVERNMENT GAZETTE OCTOBER 2024

		R	POINTS
MUNICIPAL INCOME AS PER DEFINITION	2022/2023*	1 889 681 287	41,67
TOTAL POPULATION AS PER DEFINITION		175 411	25

TOTAL POINTS 66,67

RANGE 50.01 - 66.67 POINTS = GRADE 4

Affordability Test

BUDGET 2023/2024 23 422 305

COST OF NEW UPPER LIMITS	NUMBER OF CLLRs	NEW UPPER LIMIT	TOTAL COST	PREVIOUS UPPER LIMITS	ADDITIONAL EXPENSE PER CLLR	% INCREASE
MAYOR	1	1 008 918	1 008 918	984 320	24 598	2,50
DEPUTY MAYOR	1	807 140	807 140	787 454	19 686	2,50
SPEAKER	1	807 140	807 140	787 454	19 686	2,50
COUNCIL WHIP	1	757 035	757 035	738 571	18 464	2,50
MAYCO MEMBERS	9	757 035	6 813 315	738 571	18 464	2,50
MPAC CHAIR	1	734 498	734 498	716 583	17 915	2,50
S79 CHAIR (P/T)	0	0	0	0	0	0,00
COUNCILLORS (P/T)	31	319 289	9 897 959	311 501	7 788	2,50
SUB TOTAL	45		20 826 005		126 601	
Data allowance	45	3 804	171 180	3804	0	0,00
CELL PHONE ALLOWANCE						
Mayor, Deputy & Speaker	3	43 200	129 600	43 200	0	0,00
Remaining Councillors	42	43 200	1 814 400	43 200	0	0,00
SUB TOTAL			1 944 000		0	
TOTAL REMUNERATION COST RE COUNCILLORS			22 770 005		126 601	
BUDGET SURPLUS(DEFICIT)			652 300			

**Please note that the 2022/23 audited annual financial statements were used to calculate the total municipal income. The 2023/24 audit will be finalised by 30 November 2024, therefore the 2023/24 audited annual financial statements was not available when the Upper Limits Notice was published.*

APPENDIX 2



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 712

17

October
Oktober

2024

No. 51407



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

5 1 4 0 7

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
	Co-operative Governance and Traditional Affairs, Department of / Samewerkende Regering en Tradisionele Sake, Departement van		
5435	Remuneration of Public Office Bearers Act (20/1998): Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Councils	51407	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 5435

17 October 2024

**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)****DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998), I, Velenkosini Hlabisa, Minister of Cooperative Governance and Traditional Affairs, hereby –

- (a) after consultation with the member of the Executive Council responsible for local government in each province; and
- (b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule, with effect from 1 July 2023.



VELENKOSINI HLABISA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 16/10/2024

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act*, 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);

"capacity building programmes" means training courses or programmes as provided for in the education, training and development policy of council, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government through institutions of higher learning and Further Education and Training Colleges.

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"MEC" means the member of the Executive Council of a province responsible for local government in the province;

"oversight committee" means a committee of the municipal council established in terms of section 79 or 79A of the Structures Act;

"part-time councillor" means a councillor other than a full-time councillor;

"pension fund" means any fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);

"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

“tools of trade” means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

“total municipal income” means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the cash flow statement of the audited financial statements of that municipality for the 2022/ 23 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

“total population” means the official statistics of the population residing in the area of jurisdiction of a metropolitan, district or local municipality, as determined by the Statistician-General for the 2022 Census, in terms of section 14(7) of the *Statistics Act*, 1999 (Act No. 6 of 1999); and

“total remuneration package” means the total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in item 9(1), housing allowance as provided in item 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,691,400	8.33
R 10,691,401	-	R 53,457,000	16.67
R 53,457,001	-	R 213,828,000	25.00
R 213,828,001	-	R 1,603,710,000	33.33
R 1,603,710,001	-	R 2,138,280,000	41.67
More than R 2,138,280,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	73 857	8.33
73 858	-	123 833	16.67
123 834	-	309 583	25.00
309 584	-	681 083	33.33
681 084	-	2 229 001	41.67
More than 2 229 001			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 OR SECTION 79A COMMITTEE
6	1,546,392	1,248,895	1,176,440	1,141,930
5	1,152,968	922,371	864,725	839,360
4	984,320	787,454	738,571	716,583
3	947,990	758,393	710 995	696,710
2	887,651	710,122	672,077	652,364
1	861,790	695,995	652,493	633,353

6. Upper limit of annual total remuneration package or allowance in respect of councillors appointed to a district council

(1) A councillor appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a

section 79 or section 79A committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.

- (b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R 1,214.88: Provided that this allowance is limited to R 1,214.88 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

- (a) the payment of the remuneration or the allowance referred to in sub-item (1);
- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and
- (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

(1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R 1,214.88 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R 1,214.88 per day, irrespective of the number of meetings attended by such councillor on a specific day.

- (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R 1,214.88 per sitting and actual attendance of such structure: Provided that the allowance is limited to R 1,214.88 per day, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

- (a) the payment of the allowance referred to in sub-item (1);

- (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
- (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible of transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 OR SECTION 79A COMMITTEE	OTHER PART-TIME MEMBERS
6	866,811	733,286	656,300	637,048	579,132
5	643,205	514,565	482,405	468,251	364,243
4	549,121	439,306	411,841	399,761	311,501
3	528,856	423,048	396,649	385,005	299,994
2	495,192	396,154	371,396	360,501	280,910
1	480,763	384,609	360,574	349,995	272,396

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

(1) Motor vehicle and travel allowance

- (a) A councillor listed in item 5 and 8 of this Notice may, in line with applicable legislation, structure his or her basic salary to provide for motor vehicle allowance.
- (b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.
- (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
 - (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details (i.e. reason for the trip, duration of trip and place from and place to).
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain a viable municipality.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.

(2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3 600.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R317 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

- (1) Pension, provident or retirement annuity contributions
- (a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).

- (b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

- (a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).
- (b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1,5 million while on vehicles it is limited to R750,000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

- (1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 11 and 12), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee, part-time chairpersons of section 79 committees, and whips.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	<p>Executive Mayor, Mayor, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the recommendations of the South African Police Service.</p> <p>In the event that a written report is received concerning a threat and risk to the personal security of any of the office-bearers referred to above, the municipal council must:</p> <ul style="list-style-type: none"> (i) Determine whether such a threat and risk exist. (ii) Provide bodyguards in terms of this paragraph if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office-bearers referred to above. <p>All councillors, subject to a threat and risk analysis conducted by the South African Police Service.</p>

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

(4) The application of sub-item (1) is subject to concurrence by the MEC for local government in the province.

16. Capacity building

(1) Every council must develop and adopt a policy to provide for education, training and development of councillors.

(2) Council must make provision in its budget for education, training and development of councillors, which must remain valid for the tenure of office of that council.

(3) A training programme must take into consideration the capacity needs of a councillor to fulfil individual councillor's statutory obligations. Provided that the municipal council must, in line with applicable legislation and approved council policy, exercise prudent financial management to ensure that the provision of education, training and development of councillors does not undermine the need to prioritise service delivery and sustain a viable municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act*, 2003 (Act No. 53 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and a municipality –

- (a) must recover that remuneration from the councillor concerned; and
- (b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

- (a) any transgression of subsection (1); and
- (b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

(1) A municipal council must submit to the MEC responsible for local government under whose jurisdiction it falls, within 30 days from the date of publication of this Notice on an official letterhead of the municipality, signed by the executive mayor or mayor, a report containing the following information in respect of its serving councillors for the 2023/ 24 financial year.

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;

- (h) Grading of municipal council;
- (i) Date concurrence granted by the MEC;
- (j) Total remuneration package;
- (k) Total budget for personal security; and
- (l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the information referred to in sub-item 1, the MEC must analyse the information for correctness and completeness and submit a consolidated report to the Minister within 60 days from the date of publication of this Notice.

19. Transitional measures

(1) If a municipal council has no audited financial statements for 2022/ 23 financial year by the date of publication of this Notice, the audited financial statements for the 2021/ 22 financial year shall apply.

(2) If the grading of a municipal council is lower than the current grade of the municipal council as determined in terms of this Notice, a councillor –

- (a) who is in office as at 30 June 2023, will retain the total remuneration package as determined in terms of Government Notice No.38407, Government *Gazette* No. 49142 of 18 August 2023; and
- (b) such councillor is entitled to the applicable cost of living adjustment;
- (c) provided that the data used by the municipal council for determination of the grade of a municipal council is correct.

(3) Item 15(1)(g) of the Notice on upper limits of the salaries, allowances and benefits of the different members of municipal councils has been amended as follows effective from the date of publication of this Notice:

(g)	Personal security	<p>Executive Mayor, Mayor, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the recommendations of the South African Police Service.</p> <p>In the event that a written report is received concerning a threat and risk to the personal security of any of the office-bearers referred to above, the municipal council must:</p> <ul style="list-style-type: none"> (i) Determine whether such a threat and risk exist. (ii) Provide bodyguards in terms of this paragraph if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office-bearers referred to above. <p>All councillors, subject to a threat and risk analysis conducted by the South African Police Service.</p>
-----	-------------------	---

(4) This Notice replaces Government Gazette No. 49142 of 18 August 2023

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2023.

12.5	SALARY AND WAGE INCREASE COLLECTIVE AGREEMENT: 06 SEPTEMBER 2024
------	---

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 October 2024

1. SUBJECT: SALARY AND WAGE INCREASE COLLECTIVE AGREEMENT: 06 SEPTEMBER 2024

2. PURPOSE

To inform the Council of the conclusion of a new 5 (five) year Salary and Wage Collective Agreement for all employees reporting below the section 56 Manager, that was signed by the SALGA, IMATU and SAMWU within the South African Local Government Bargaining Council (SALGBC) on the 06th of September 2024 and the implementation of year 1 of the collective agreement during the September 2024 pay run.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The parties to the South African Local Government Bargaining Council (SALGBC) have been engaged in three rounds of salary and wage negotiations, in July and August 2024. These negotiations were facilitated by two independent facilitators and a Facilitator's Proposal was issued on the 16th of August 2024. The parties to the Council adopted and signed the attached new Salary and Wage Collective Agreement at the Bargaining Committee meeting held on the 06th of September 2024. The draft facilitators proposal served before Council (In Committee) on 23 August 2024 and was supported by Council. The agreement that was signed contains the provisions as supported by council in August 2024 and as there was no Council meeting in September was implemented during the September salary run. As the increase was provided for in the approved budget Council would not have been successful if they wanted to ask exemption. The Municipality as a member of SALGA who is a party to the collective agreement is bound by collective agreements concluded in the Bargaining Council unless exemption is granted. It must further be noted that this agreement does not apply to the Municipal Manager and Directors (Section 56 Managers). It applies to all employees reporting below section 56 managers.

The provisions of the agreement has the following implications:

Fin year	Salary increase	Medical aid contribution increase – 60/40 ratio = 60% of the premium employer contribution.	Homeowner allowance	Linked benefits
2024/25	6% - 4.5% from 1/7/24 and 1.5% from 1/3/24	Current max contribution by employer = R5 277.38 increase by 2.4% from 1 July 2024.	R1109.07 from 1 July 24 (4,5%). No further increase from 1 March 2025.	Increase by same % as salary
2025/26	CPI +.75% (min of 4% and max of 7% CPI.	Increase by same % as salary increase.	Increase by same % as salary increase.	Increase by same % as salary
2026/27	CPI +.75% (min of 4% and max of 7% CPI.	Increase by same % as salary increase.	Increase by same % as salary increase.	Increase by same % as salary
2027/28	CPI +.1.25% (min of 4% and max of 7% CPI.	Increase by same % as salary increase.	Increase by same % as salary increase.	Increase by same % as salary
2028/29	CPI +.1.25% (min of 4% and max of 7% CPI.	Increase by same % as salary increase.	Increase by same % as salary increase.	Increase by same % as salary

5. RECOMMENDATIONS

- (a) that council notes the 5 year Salary and Wage Collective Agreement for the period of 01 July 2024 until 30 June 2029.
- (b) that Council condones the implementation of year 1 of the Salary and Wage Collective Agreement during the September 2024 salary run.

6. DISCUSSION / CONTENTS**6.1 BACKGROUND**

The previous Salary and Wage Collective Agreement that was valid for the period of expired on the 30th of June 2024.

6.2 DISCUSSION

Consequently, the parties to the South African Local Government Bargaining Council (SALGBC) have been engaged in three rounds of salary and wage negotiations, in July and August 2024 and after the Facilitator's Proposal was issued, the parties at a Bargaining Committee meeting held on the 06th of September 2024, signed the new Salary and Wage Collective Agreement that will be valid for the period of 01 July 2024 until 30 June 2029. See **APPENDIX 5**.

In brief that new Salary and Wage Collective Agreement seeks to:

- 6.2.1 Provide for across the board increases and other related matters, within competing constraints of a high inflation, fiscally constrained economy and a limited fiscus.
- 6.2.2 Provide for across-the-board, salary adjustments as well as Increases in the minimum wage for the financial years 2024/2025, 2025/2026, 2026/2027, 2027/2028 and 2028/2029.
- 6.2.3 Provide for annual adjustments to the maximum monthly employer contribution rate to accredited medical schemes for the financial years 2024/2025, 2025/2026, 2026/2027, 2027/2028 and 2028/2029;
- 6.2.4 Provide for annual Increases to the Home-Owners Allowance for the financial years 2024/2026, 2025/2026, 2026/2027, 2027/2028 and 2028/2029 as well as a once off, non-pensionable payment to GAP Market employees;
- 6.2.5 Provide for the conduct of an investigation, the purpose of which is to improve access to home ownership for Local Government employees;
- 6.2.6 Specify that the provision of Serviced Stands Is left to the Municipal discretion;
- 6.2.7 Specify that the review of Maternity, Paternity and Adoption leave benefits shall be dealt with as part of the negotiations on the Main Collective Agreement;
- 6.2.8 Outline a productivity statement to emphasise that wage increases provided for in this agreement strive to encourage and promote optimal municipal performance and higher levels of productivity;
- 6.2.9 Provide for an exemption procedure, inclusive of a mediation process; and
- 6.2.10 Provide for matters connected therewith.

6.3 FINANCIAL IMPLICATIONS

Below is a breakdown of the salary and wage increases within the various financial years:

6.3.1 Financial Year 2024/2025

In respect of this financial year, all employees covered by this agreement shall receive an increase of **four and a half percent (4.5%)** with effect from 1 July **2024**.

With effect from 1 March 2025, all employees covered by this agreement shall receive a further increase of **one and a half percent (1.5%)**, based on the salaries of the employees as at 28 February 2025.

6.3.2 Financial Year 2025/2026

In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2025, an increase based on the average CPI percentage for the period 1 February 2024 until 31 January 2025, plus zero comma seventy five percent **(0.75%)**

The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.3. above.

In the event that the average CPI percentage for the period 1 February 2024 until 31 January 2025 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

6.3.3 Financial Year 2026/2027

In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2026, an increase based on the average CPI percentage for the period 1 February 2025 until 31 January 2026, plus zero comma seventy five percent **(0.75%)**.

The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.6 above.

In the event that the average CPI percentage for the period 1 February 2025 until 31 January 2026 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

6.3.4 Financial Year 2027/2028

In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2027, an increase **based** on the average CPI percentage for the period 1 February 2026 until 31 January 2027, plus one comma twenty five percent **(1.25%)**.

The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.9 above.

In the event that the average CPI percentage for the period 1 February 2026 until 31 January 2027 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

6.3.5 Financial Year 2028/2029

In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2028, an increase based on the average CPI percentage for the period 1 February 2027 until 31 January 2028, plus one comma twenty five percent **(1.25%)**.

The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.12 above.

In the event that the average CPI percentage for the period 1 February 2027 until 31 January 2028 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

The 2024/2029 Salary and Wage Collective Agreement falls in line with the budget of the Stellenbosch Municipality.

6.4 **Legal Implications**

The recommendations in this report comply with all applicable legislation.

6.5 **Staff Implications**

The increase is not applicable to the Municipal Manager and section 56 Managers. Their increases are determined by the Minister and the last increase approved for them was 3,3%. It has an impact on the staff morale of the Section 56 managers that they are remunerated at a lower amount than people reporting to them and are not protected under the collective agreements within the Bargaining Council. Currently staff below section 56 managers receives their 13th cheque and notch increases without it been linked to performance as is required for Section 56 managers.

6.6 **Previous / Relevant Council Resolutions:**

25TH COUNCIL MEETING [IN-COMMITTEE]: 2024-08-23: ITEM 22.2

RESOLVED (majority vote with 3 abstentions)

- (a) that Council takes note of the facilitator's proposal;
- (b) that Council mandates the Portfolio Chairperson of Corporate Services, Cllr Lwando Nkamisa and the Corporate Services Director De Beer to attend the mandate meeting; and
- (c) that Council supports the facilitator's proposal.

6.7 **Risk Implications**

The fact that staff members reporting to section 56 Managers has constantly received salary increases about double than that of the section 56 managers has lead to the situation that most of the senior managers reporting to the Directors earn cost to company packages which are higher than that of the Directors. The appointment of Directors becomes increasingly difficult due to this aspect.

6.8 **Comments from Senior Management:**

Senior Management noted the new 20ct that 24-2029 SALGBC Salary and Wage Collective Agreement.

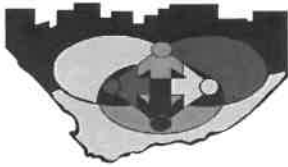
APPENDIXES

Appendix - SALGBC Circular 08 of 2024: Salary and Wage Collective Agreement

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalane De Beer</i>
POSITION	<i>Director Corporate Services</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>16 October 2024</i>

APPENDIX 1



SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

WESTERN CAPE REGIONAL OFFICE

PO 19
SANLAMHOF
BELLVILLE
7532

7 De Villiers Street
Bellville
7530

Tel: (021) 917 1141
Fax (021) 917 1145
E-mail: zikhona@salgbc.org.za

Enquiries: Ms Z. Sanda

CIRCULAR: 08/2024 - WESTERN CAPE DIVISION

09 SEPTEMBER 2024

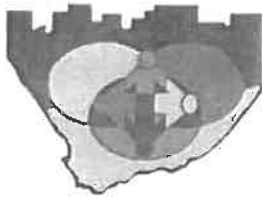
- TO: (A) THE MAYORS**
- (B) THE SPEAKERS**
- (C) THE MANAGERS OF MUNICIPALITIES AND DISTRICT MUNICIPALITIES**
- (D) THE CHAIRPERSON OF THE LOCAL LABOUR FORUM**
- (E) THE CHAIRPERSON OF SAMWU AND IMATU**
- (F) THE SECRETARIAT OF IMATU, SAMWU AND SALGA**

1. SALARY AND WAGE COLLECTIVE AGREEMENT

Attached is Annexure A1 correspondence received from SALGBC Head Office

Yours faithfully

**MS W BRINK
REGIONAL SECRETARY**



SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

Page 834

A1

HEAD OFFICE

Private Bag X16
MUSGRAVE
4062

Tel: (031) 201-8210/6219/6255
Fax: (031) 201-9788

461 King Dinuzulu Road
BEREA
4062

E-mail: info@salgbc.org.za
Web-site: www.salgbc.org.za

9 September 2024

**TO: ALL MUNICIPAL MANAGERS
ALL CHIEF FINANCIAL OFFICERS**

The Parties

SALGA

SAMWU

IMATU

REGIONAL SECRETARIES:

Gauteng/Johannesburg/Tshwane Division

Eastern Cape Division

Western Cape/Cape Metro Division

Northern Cape/Free State Division

North West/Mpumalanga/Limpopo Division

KwaZulu-Natal/eThekweni Division

Mr. S Mbanga

Mr. D Magagula

Mr. J Koen

smbanga@salga.org.za

dumisana.magagula@samwu.org.za

joan@imatu.co.za

Ms. E Sekgweleo

Mr. C. Gqeke

Ms. W Brink

Mr. T Mqobongo

Ms D Monyemangene

Mr. V Nzuza

esmeralda@salgbc.org.za

Chumani@salgbc.org.za

wilma@salgbc.org.za

Thabiso@salgbc.org.za

Dikeledi@salgbc.org.za

vusi@salgbc.org.za

CIRCULAR NO.: 6/2024

SALARY AND WAGE COLLECTIVE AGREEMENT

The parties (SALGA, SAMWU and IMATU) to the Council have been engaged in three rounds of salary and wage negotiations, in July and August 2024. These negotiations were facilitated by two independent facilitators and a Facilitator's Proposal, was issued on 16 August 2024.

The parties to the Council adopted and signed the attached Salary and Wage Collective Agreement at the Bargaining Committee, held on 6 September 2024.

The Collective Agreement must be published on the employee noticeboards. The Collective Agreement is available on the SALGBC website as well.

Your faithfully


MR S. GOVENDER
GENERAL SECRETARY

Encl: Salary and Wage Collective Agreement (22 Pages)

Address correspondence to the General Secretary



**SOUTH AFRICAN LOCAL GOVERNMENT
BARGAINING COUNCIL**

(Hereinafter referred to as "the "SALGBC or Council")

**SALARY AND WAGE
COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995 made and entered
into by and between the:-

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION
(Hereinafter referred to as "SALGA")

and

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION
(Hereinafter referred to as "IMATU")

and

SOUTH AFRICAN MUNICIPAL WORKERS' UNION
(Hereinafter referred to as "SAMWU")

(IMATU and SAMWU will together be referred to as the "Trade Unions")

INDEX

1. SCOPE OF APPLICATION	2
2. EXCLUSIONS	2
3. PERIOD OF OPERATION	2
4. OBJECTIVES	2
5. DEFINITIONS	3
6. SALARY AND RELATED INCREASES	4
7. MINIMUM WAGE	6
8. HOME-OWNERS ALLOWANCE AND RELATED MATTERS	6
9. MEDICAL AID	8
10. LINKED BENEFITS AND CONDITIONS OF SERVICE	9
11. MATERNITY, PATERNITY AND ADOPTION LEAVE BENEFITS	9
12. SERVICED STANDS	9
13. PRODUCTIVITY STATEMENT	9
14. APPLICATIONS FOR EXEMPTION	10
15. ENFORCEMENT OF THIS COLLECTIVE AGREEMENT	18
16. DISPUTES ABOUT THE APPLICATION OR INTERPRETATION OF THIS COLLECTIVE AGREEMENT	20
17. ENTIRE AGREEMENT, SEVERABILITY, WAIVER AND VARIATION	20

Handwritten signatures and initials, including a large stylized 'N' and 'M' with a checkmark, and other scribbles.

1. SCOPE OF APPLICATION

The terms of this agreement shall be observed in the Local Government Undertaking in the Republic of South Africa by all employers and by all employees who fall within the registered scope of the SALGBC.

2. EXCLUSIONS

Municipal Managers and those employees appointed as managers directly accountable to Municipal Managers in terms of Section 54A, Section 56 and Section 57 of the Municipal Systems Act 32 of 2000, as amended, shall be excluded from all the terms of this collective agreement.

3. PERIOD OF OPERATION

3.1 Notwithstanding the date of signature, this agreement shall come into operation in respect of the Parties to the agreement on **1 July 2024** and shall remain in force until **30 June 2029**.

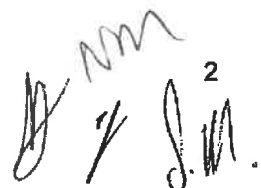
3.2 This agreement may, by agreement of the parties, be submitted to the Minister of Employment and Labour for extension in terms of Section 32 of the Labour Relations Act, in which case, the agreement shall come into operation in respect of non-parties on a date to be determined by the Minister of Employment and Labour and shall remain in force until **30 June 2029**.

4. OBJECTIVES

The objectives of this agreement are, *inter alia*, to:

4.1 Provide for across the board increases and other related matters, within competing constraints of a high inflation, fiscally constrained economy and a limited fiscus.

4.2 Provide for across-the-board, salary adjustments as well as increases in the minimum wage for the financial years 2024/2025, 2025/2026, 2026/2027, 2027/2028 and 2028/2029.



- 4.3 Provide for annual adjustments to the maximum monthly employer contribution rate to accredited medical schemes for the financial years 2024/2025, 2025/2026, 2026/2027, 2027/2028 and 2028/2029;
- 4.4 Provide for annual increases to the Home-Owners Allowance for the financial years 2024/2025, 2025/2026, 2026/2027, 2027/2028 and 2028/2029 as well as a once off, non-pensionable payment to GAP Market employees;
- 4.5 Provide for the conduct of an investigation, the purpose of which is to improve access to home ownership for Local Government employees;
- 4.6 Specify that the provision of Serviced Stands is left to the Municipal discretion;
- 4.7 Specify that the review of Maternity, Paternity and Adoption leave benefits shall be dealt with as part of the negotiations on the Main Collective Agreement;
- 4.8 Outline a productivity statement to emphasise that wage increases provided for in this agreement strive to encourage and promote optimal municipal performance and higher levels of productivity;
- 4.9 Provide for an exemption procedure, inclusive of a mediation process; and
- 4.10 Provide for matters connected therewith.

5. DEFINITIONS

All expressions used in this agreement, which are defined in the Labour Relations Act, 1995 (hereinafter referred to as "the Act"), shall bear the same meaning as in the Act, unless the contrary intention appears, words importing the masculine gender shall include the feminine.

6. SALARY AND RELATED INCREASES

Financial Year 2024/2025

- 6.1 In respect of this financial year, all employees covered by this agreement shall receive an increase of **four and a half percent (4.5%)** with effect from 1 July 2024.
- 6.2 With effect from 1 March 2025, all employees covered by this agreement shall receive a further increase of **one and a half percent (1.5%)**, based on the salaries of the employees as at 28 February 2025.

Financial Year 2025/2026

- 6.3 In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2025, an increase based on the average CPI percentage for the period 1 February 2024 until 31 January 2025, plus zero comma seventy five percent (**0.75%**).
- 6.4 The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.3. above.
- 6.5 In the event that the average CPI percentage for the period 1 February 2024 until 31 January 2025 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

Financial Year 2026/2027

- 6.6 In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2026, an increase based on the average CPI percentage for the period 1 February 2025 until 31 January 2026, plus zero comma seventy five percent (**0.75%**).

Handwritten signatures and initials, including a large 'N' and 'M' and a signature that appears to be 'SM'.

6.7 The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.6 above.

6.8 In the event that the average CPI percentage for the period 1 February 2025 until 31 January 2026 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

Financial Year 2027/2028

6.9 In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2027, an increase based on the average CPI percentage for the period 1 February 2026 until 31 January 2027, plus one comma twenty five percent (1.25%).

6.10 The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.9 above.

6.11 In the event that the average CPI percentage for the period 1 February 2026 until 31 January 2027 is less than four percent (4%), it will be deemed to be four percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

Financial Year 2028/2029

6.12 In respect of this financial year, all employees covered by this agreement shall receive, with effect from 1 July 2028, an increase based on the average CPI percentage for the period 1 February 2027 until 31 January 2028, plus one comma twenty five percent (1.25%).

6.13 The publications of Statistics South Africa shall be used to determine the average CPI in terms of clause 6.12 above.

6.14 In the event that the average CPI percentage for the period 1 February 2027 until 31 January 2028 is less than four percent (4%), it will be deemed to be four

Handwritten signature and initials: NM⁵ J.M.

percent (4%), and in the event that the average CPI percentage for this period is higher than seven percent (7%), it will be deemed to be seven percent (7%).

7. MINIMUM WAGE

- 7.1 With effect from 1 July 2024, the minimum wage payable in the sector shall increase by 4.5% to R 9 960.45 per month.
- 7.2 With effect from 1 March 2025, the minimum wage payable in the sector shall increase by a further 1.5% to R 10 109.85 per month.
- 7.3 With effect from 1 July 2025, the minimum wage payable in the sector shall increase by the same percentage as the salary and wage increase for the 2025/2026 financial year.
- 7.4 With effect from 1 July 2026, the minimum wage payable in the sector shall increase by the same percentage as the salary and wage increase for the 2026/2027 financial year.
- 7.5 With effect from 1 July 2027, the minimum wage payable in the sector shall increase by the same percentage as the salary and wage increase for the 2027/2028 financial year.
- 7.6 With effect from 1 July 2028, the minimum wage payable in the sector shall increase by the same percentage as the salary and wage increase for the 2028/2029 financial year.

8. HOME-OWNERS ALLOWANCE AND RELATED MATTERS

8.1 Increase to the Home-Owners Allowance

- 8.1.1 The flat rate Home-Owners Allowance, which is currently set at R1 066.41, shall increase as follows:



Handwritten signature and initials, including 'NM' and 'Jm', with a small number '6' to the right.

8.1.1.1 For the 2024/2025 financial year, with effect from 1 July 2024, by **4.5%**, to **R 1 114.40**. The home-owners allowance **shall not** increase by 1.5% on 1 March 2025 and shall remain at R 1 114.40 until 30 June 2025.

8.1.1.2 For the 2025/2026 financial year, with effect from 1 July 2025, by the same percentage as the salary and wage increase for the 2025/2026 financial year.

8.1.1.3 For the 2026/2027 financial year, with effect from 1 July 2026, by the same percentage as the salary and wage increase for the 2026/2027 financial year.

8.1.1.4 For the 2027/2028 financial year, with effect from 1 July 2027, by the same percentage as the salary and wage increase for the 2027/2028 financial year.

8.1.1.5 For the 2028/2029 financial year, with effect from 1 July 2028, by the same percentage as the salary and wage increase for the 2028/2029 financial year.

8.2 GAP Market Allowance

8.2.1 Gap Market employees are defined as employees whose income is regarded as too low to access bank funded housing finance (mortgage finance), but too high to qualify for the national government's free-basic housing subsidy scheme.

8.2.2 Gap Market employees who earn a basic salary of R22 000.00 per month or less, as at 01 July 2024, and who do not own a house or receive any form of housing assistance or do not participate in the current or any Home-Owners Allowance shall be paid a once-off, non-pensionable payment of **R2 000.00**.

8.2.3 The once off, non-pensionable payment shall be made on 31 December 2024, and where not possible, by no later than 31 March 2025.

8.3 Housing Investigation

8.3.1 The parties shall conduct an investigation, the purpose of which shall be to improve access to home ownership for employees within the Local Government sector.

8.3.2 The housing investigation must be concluded by no later than 31 March 2025, unless the Parties agree otherwise in writing.

9. **MEDICAL AID**

9.1 For the duration of this agreement, and based on the 60/40 principle set out in the Main Collective Agreement, the maximum medical aid employer contribution rate to accredited medical schemes, which is currently set at **R5 277.38**, shall increase as follows:

9.1.1 For the 2024/2025 financial year, with effect from 1 July 2024, by **4.5%**, to **R 5 514.86**. The maximum medical aid employer contribution shall not increase by 1.5% on 1 March 2025 and shall remain at R 5 514.86 until 30 June 2025.

9.1.2 For the 2025/2026 financial year, with effect from 1 July 2025, by the same percentage as the salary and wage increase for the 2025/2026 financial year.

9.1.3 For the 2026/2027 financial year, with effect from 1 July 2026, by the same percentage as the salary and wage increase for the 2026/2027 financial year.

9.1.4 For the 2027/2028 financial year, with effect from 1 July 2027, by the same percentage as the salary and wage increase for the 2027/2028 financial year.

AD NM 8
/ SM

- 9.1.5 For the 2028/2029 financial year, with effect from 1 July 2028, by the same percentage as the salary and wage increase for the 2028/2029 financial year.

10. LINKED BENEFITS AND CONDITIONS OF SERVICE

Any benefit or condition of service that ordinarily increases by virtue of its link to the increase in the salary of an employee, shall increase by the same rate as the salary increase in each financial year, as set out in clause 6 above.

11. MATERNITY, PATERNITY AND ADOPTION LEAVE BENEFITS

The review of maternity, paternity and adoption leave benefits shall be dealt with as part of the negotiations on the Main Collective Agreement.

12. SERVICED STANDS

The provision of Serviced Stands is left to the Municipal discretion.

13. PRODUCTIVITY STATEMENT

13.1 The Parties recognise that wage increase adjustments strive to reinforce, encourage and promote optimal municipal performance to ensure a higher level of productivity. Therefore, this salary and wage adjustment collective agreement must be seen to attract and retain scarce and critical skills to help municipalities maintain financial sustainability and viability.

13.2 This wage collective agreement is to address socio-economic needs of workers, their families and communities to benefit from the employers' revenue and productivity. Parties commit and recognise that municipalities exist to serve the public. Therefore, service delivery is the focal point of this collective agreement.

13.3 The Parties commit to engage on a method to optimise productivity of the employees in all municipalities, though the implementation of the current Service Charter and Professionalisation Framework for the local government sector.

14. EXEMPTIONS

14.1 Exemption Applications

14.1.1 Any Party or municipality bound by this collective agreement shall be entitled to apply for exemption from any provision of this collective agreement.

14.1.2 All applications for exemption by a municipality must be lodged with the SALGBC's National Office by no later than:

14.1.2.1 45-working days of this collective agreement being signed, in respect of the 2024/2025 financial year; and

14.1.2.2 30-days from the date of approval of the budget of the municipality by the municipal council, or 30 June, whichever is the soonest, in respect of the 2025/2026, 2026/2027, 2027/2028 and 2028/2029 financial years.

14.1.3 All applications for exemption shall be made in writing on the prescribed application form, obtained from the SALGBC, setting out relevant information, including, but not limited to:

14.1.3.1 The provisions of the agreement in respect of which exemption is sought;

14.1.3.2 The number of employees in respect of whom the exemption is sought;

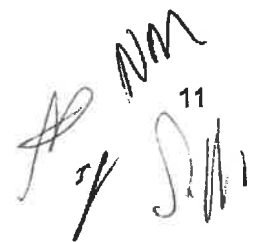
14.1.3.3 The reasons why the exemption is sought;

14.1.3.4 The nature and size of the municipality in respect of which the exemption is sought;

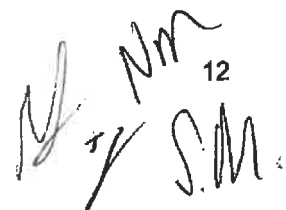
14.1.3.5 The duration and timeframe for which the exemption sought;

AM 10
/ S.M.

- 14.1.3.6 The financial recovery plan of the applicant seeking the exemption;
- 14.1.3.7 The applicant's past record (if applicable) of compliance with the provisions of the Collective Agreement, its amendments and Exemptions Outcome;
- 14.1.3.8 Confirmation that the trade unions or employees themselves were advised of the exemption application at local level;
- 14.1.3.9 The following relevant financial information:
 - 14.1.3.9.1 The last two years' audited financial statements;
 - 14.1.3.9.2 The Section 71 and Section 72 Municipal Finance Management Act (MFMA) reports for the current and preceding two financial years; and
 - 14.1.3.9.3 The latest financial ratios as prescribed by National Treasury in the template for Calculating Uniform Financial Ratios and Norms (MFMA Circular 71 of January 2014).
- 14.1.4 An application for exemption from any provision of the collective agreement shall be lodged, in writing on the prescribed form, with the General Secretary of the SALGBC and the applicant shall serve a copy of the application as follows:
 - 14.1.4.1 In the case of a Trade Union applying for exemption from this collective agreement, serve a copy of the exemption application to the national office of SALGA and the relevant municipality affected by the application; and

 11

- 14.1.4.2 In the case of SALGA and/or a Municipality applying for exemption from this collective agreement, serve a copy of the exemption application to the national office of IMATU and SAMWU.
- 14.1.5 The Parties referred to in clause 14.1.4, as the case may be, shall be afforded ten (10) days to submit a response to the application for exemption to the General Secretary of the SALGBC. The party shall also be obliged to submit the response to the applicant for exemption.
- 14.1.6 The application for exemption shall be considered by the Panellist.
- 14.1.7 All applications considered by the Panellist shall only be based on the written exemption application and written submissions and arguments in respect of the application, if any, by the applicant and any party or a Municipality opposing the application, unless determined otherwise by a Panellist.
- 14.1.8 The Panellist shall consider and determine exemption applications in a manner that is fair and transparent. The applications shall be determined as expeditiously as possible and may, in exceptional cases and subject to the decision of the Panellist, include the hearing of evidence, where the matter cannot be decided solely on the documentation.
- 14.1.9 The Exemptions Process shall be a financial inquiry based on the Exemptions Criteria set out in clause 14.4 below.
- 14.1.10 Notwithstanding clauses 14.1.9 and 14.1.3.9 any Party to this Agreement shall be free to submit any relevant evidence / documents for consideration by the Panellist. However, the Panellist shall determine the relevance and weight to be attached to such evidence, noting the specific criteria and factors to be considered by the Panellist.

 NM 12
S.M.

14.1.11 In the event of applications being made that are frivolous and vexatious, such applications may be dismissed with costs.

14.1.12 Where a municipality submits an application for exemption, the municipality's obligation to implement the salary increase is suspended pending the outcome of the exemption application.

14.1.13 The Panellist must consider and make a decision and issue an Exemption Outcome within 30 days of appointment of the Panellist.

14.1.14 The onus to prove the case for the granting of an exemption lies with the applicant.

14.1.15 Parties undertake to make every reasonable effort to assist their members to discharge such onus in a full and proper manner.

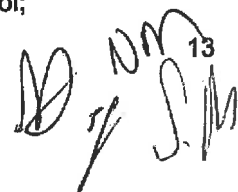
14.2 National Exemption Panel:

14.2.1 The Executive Committee of the SALGBC shall establish a dedicated panel of exemption panellists and mediators that are preferably accredited by the CCMA to conduct mutual interest disputes from the National and Divisional Panel of conciliators and arbitrators of the SALGBC to constitute the National Exemptions Panel.

14.2.2 The Executive Committee of the SALGBC shall also establish a dedicated panel of independent financial experts made up of persons, in good standing, from a body to be determined by the Executive Committee. The financial expert should be in possession of a qualification in finance and, preferably a background and experience in local government finances.

14.2.3 The role of the financial expert shall be to:

14.2.3.1 Conduct an assessment of the exemption application, within the parameters stipulated by this agreement, including the relevant information set out in 14.1.3.9 hereof;



14.2.3.2 Assess whether the municipality can afford the costs of the whole or part of the agreement;

14.2.3.3 Provide financial advice to the Panellist; and

14.2.3.4 Develop and submit a written report with recommendations for consideration by the Panellist.

14.2.4 For each exemption application, the General Secretary of the SALGBC shall appoint a Panellist from the dedicated exemptions panel of arbitrators together with one financial expert from the appointed panel of financial experts.

14.3 Exemption Procedure

14.3.1 The SALGBC must, in the first instance, appoint a mediator to the exemption application.

14.3.2 The mediator must attempt to resolve the application through mediation, within 30-days of receipt of the exemption application by the SALGBC. However, the parties may agree, in writing, to extend the 30-day period.

14.3.3 The discussions and exchange of proposals during the mediation session shall be confidential and on a without prejudice basis.

14.3.4 In the event that mediation is successful, the agreement must be recorded and issued as an exemption outcome of the Panellist, by consent of the parties.

14.3.5 In the event that mediation has failed, or at the end of the 30-day period or any further period agreed to between the parties, the mediator shall issue a written mediation outcome to the Parties, through the office of the General Secretary of the SALGBC.



14.3.6 Any party shall be entitled to supplement its exemption application or response thereto as the case may be, within 10 days of receipt of the mediation outcome.

14.3.7 Once the mediation outcome has been issued, and the 10-day period referred in clause 14.3.6 above has expired, the SALGBC must set the application down for a hearing before a Panellist assisted by a financial expert.

14.3.8 The Panellist shall hear and determine the application. The financial expert shall assist and provide advice and recommendations to the Panellist.

14.3.9 The Panellist shall consider any written and or verbal substantiation provided by the applicant or a Party to the SALGBC.

14.3.10 The Panellist shall undertake its duties in a fair and transparent manner and shall have the powers and functions to:

14.3.10.1 Grant a full or partial exemption or reject an application for exemption; and

14.3.10.2 Approve interim orders in circumstances where this will not affect the final outcome.

14.3.11 For the purposes of this section:

14.3.11.1 Full exemption is defined as an exemption in terms of which a municipality is fully exempted from implementing the provisions of this collective agreement which relate to the salary increase, and / or related conditions, for the full duration of the financial year in respect of which exemption has been sought.

14.3.11.2 Partial exemption is defined as an exemption in terms of which a municipality is exempted from implementing the provisions of

this collective agreement in full, either by a later implementation date, or reduced salary increase or reduced conditions as per the collective agreement.

14.3.12 The Panellist shall have the power to grant a full or partial exemption or reject an application for exemption or issue an exemption outcome by consent of the parties as referred to in clause 14.3.4 above.

14.3.13 The Panellist shall have the power to condone any failure to comply with the time periods provided for in terms of this procedure based on good cause shown.

14.3.14 The decisions of the Panellist shall be final and binding, subject to an aggrieved party's right to institute review proceedings in any court having jurisdiction to hear the matter. The Panellist shall provide brief written reasons for its decision, together with a copy of the financial expert's report.

14.3.15 The Panellist shall notify the parties of its decision and that the aggrieved party has the right to institute review proceedings in any court having jurisdiction to hear the matter.

14.3.16 An Exemption Outcome shall be signed by the Panellist, and contain the following information:

14.3.16.1 The full name of the applicant employer;

14.3.16.2 The date of issue;

14.3.16.3 The details of the agreement for which exemption is granted;

14.3.16.4 The period for which exemption shall operate;

14.3.16.5 The terms and conditions, or remedial requirements of the exemption;

Handwritten signatures and initials:
 # / NM
 16
 NM

14.3.16.6 The reasons for the decision;

14.3.16.7 A copy of the financial expert's report; and

14.3.16.8 Any other matter the Panellist deems relevant.

14.4 Criteria to be considered by the Panellist:

14.4.1 When considering an application for exemption, including an application for the withdrawal of an Outcome of Exemption by the SALGBC, the following criteria shall be taken into account (the order not indicating any form of priority):

14.4.1.1 The employer is unable to afford the costs of the whole or part of this agreement;

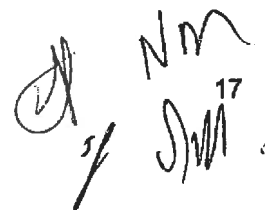
14.4.1.2 The level of compliance with Section 138 and 140 of the Municipal Finance Management Act 56 of 2003, as amended;

14.4.1.3 Fairness to the employer and its employees with reference to the criteria set out in this agreement as well as the impact of the exemption on the employer and its employees;

14.4.1.4 The employer has short-term cash flow problems necessitating a partial exemption;

14.4.1.5 Unexpected economic hardship occurring during the currency of this agreement and job creation and/or loss thereof;

14.4.1.6 Whether a budgetary provision, approved by the Municipal Council, was made for implementation of the obligations arising out of the collective agreement, having regard, where applicable, to unfunded budgets and unforeseen budget constraints;

Handwritten signatures and initials in the bottom right corner. There are three distinct marks: a stylized signature on the left, the letters 'NM' in the middle, and a signature with the number '17' on the right.

14.4.1.7 The outcome of the exemption application should not have the effect of undermining this agreement or the collective bargaining process; and

14.4.1.8 Any other factor(s) which is considered appropriate.

14.5 For the purposes of this section only, "Day" shall mean calendar day, unless otherwise specified.

15. ENFORCEMENT OF THIS COLLECTIVE AGREEMENT

15.1 Despite any other provision in the Act, the SALGBC shall monitor and enforce compliance of this collective agreement in terms of Section 33A of the Act.

15.2 The General Secretary or his appointed designated agent may, in keeping with the SALGBC constitution and Section 33(3) of the Act, issue a compliance order in terms of which any person bound by this collective agreement is required to comply with the terms of this agreement, stipulating the alleged breach and requiring that such breach be rectified within ten (10) days of receipt of such compliance order.

15.3 The SALGBC may refer any unresolved dispute concerning compliance with any provision of this collective agreement to arbitration by an arbitrator appointed by the SALGBC.

15.4 If a party to an arbitration in terms of Section 33A of the Act is not a party to the SALGBC, and objects to the appointment of an arbitrator, the CCMA (herein referred to as "the Commission"), on request by the Council, must appoint an arbitrator.

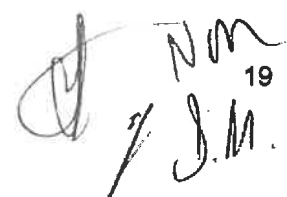
15.5 If an arbitrator is appointed by the Commission in terms of clause 15.4:

15.5.1 The council remains liable for the payment of the arbitrator's fee; and

15.5.2 The arbitration is not conducted under the auspices of the Commission.

17  18 

- 15.6 An arbitrator conducting an arbitration in terms of Section 33A of the Act has the powers of a commissioner in terms of Section 142 of the Act, read with the changes required by the context.
- 15.7 Section 138 of the Act, read with the changes required by the context, applies to any arbitration conducted in terms of Section 33A of the Act and clause 15.6.
- 15.8 An arbitrator acting in terms of Section 33A of the Act and clause 15.6 may determine any dispute concerning the interpretation or application of a collective agreement.
- 15.9 An arbitrator conducting an arbitration in terms of Section 33A of the Act and clause 15.6 may make an appropriate award, including:
- 15.9.1 Ordering any party to pay any amount owing in terms of a collective agreement;
- 15.9.2 Imposing a fine for a failure to comply with a collective agreement;
- 15.9.3 Charging a party an arbitration fee;
- 15.9.4 Ordering a party to pay the costs of the arbitration;
- 15.9.5 Confirming, varying or setting aside a compliance order issued by the General Secretary or his appointed designated agent; and
- 15.9.6 Any award contemplated in Section 139 (9) of the Act.
- 15.10 Interest on any amount that a party is obliged to pay in terms of this collective agreement accrues from the date on which the amount was due and payable at the rate prescribed in terms of Section 1 of the Prescribed Rate of Interest, Act 55 of 1975, unless the arbitration award provides otherwise.



Handwritten signature and initials, including "NM" and "19", and a large "Z" or "J" mark.

15.11 An arbitration award in an arbitration conducted in terms of Section 33A of the Act and clause 15.6 is final and binding and may be enforced in terms of Section 143 of the Act.

15.12 If an employer upon whom a fine has been imposed in terms of this Section files an application to review and set aside an award made in terms of this clause 15.6, any obligation to pay a fine is suspended pending the outcome of the application.

16. DISPUTES ABOUT THE APPLICATION OR INTERPRETATION OF THIS COLLECTIVE AGREEMENT

16.1 Any Party may refer a dispute about the application or interpretation of this agreement to the General Secretary of the SALGBC.

16.2 The General Secretary must appoint a conciliator from the national panel of conciliators, (doing so as far as possible on a rotational basis) to attempt to resolve the dispute.

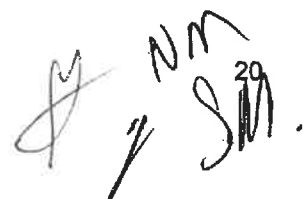
16.3 If the dispute remains unresolved any of the parties to the dispute may request the General Secretary to appoint an arbitrator from the national panel of arbitrators, (doing so as far as possible on a rotational basis) to arbitrate the dispute.

17. ENTIRE AGREEMENT, SEVERABILITY, WAIVER AND VARIATION

17.1 This agreement incorporates the entire agreement between the Parties.

17.2 Any failure by any Party to enforce any provision of this agreement shall not constitute a waiver of such provision or affect, in any way, a Party's right to require performance of such provision at any time in the future, nor shall the waiver of any subsequent breach nullify the effectiveness of the provision itself.

17.3 If any provision of this agreement is held to be illegal, invalid or unenforceable, such illegality, invalidity and/or unenforceability shall not affect the other provisions of this agreement which shall continue to remain in force and effect.

 NM
20
SM.

THIS AGREEMENT WAS CONSIDERED, ADOPTED AND APPROVED BY THE BARGAINING COMMITTEE OF THE CENTRAL COUNCIL IN TERMS OF CLAUSE 17.3 OF THE CONSTITUTION.

SIGNED BY THE PARTIES AT KEMPTON PARK ON THIS THE 6TH DAY OF SEPTEMBER 2024.



**MEMBER OF THE SALGBC
(REPRESENTING SALGA – MR S MBANGA)**



**MEMBER OF THE SALGBC
(REPRESENTING IMATU – MR K SWANEPOEL)**



**MEMBER OF THE SALGBC
(REPRESENTING SAMWU – MR N MOKGOTHO)**



**GENERAL SECRETARY OF THE SALGBC
MR SS GOVENDER**

12.6	CONFERRAL OF MUNICIPAL HONOURS: PROFESSOR HERMANN BUHR GILIOMEE
------	--

Collaborator No:

IDP KPA Ref No: **Good Governance and Compliance**

Meeting Date: **30 October 2024**

1. SUBJECT: CONFERRAL OF MUNICIPAL HONOURS: PROFESSOR HERMANN BUHR GILIOMEE

2. PURPOSE

To obtain Council's approval for the conferral of Municipal Honours on Professor Hermann Buhr Giliomee in terms of the Stellenbosch Municipal Honours By-Law (2002).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipal Honours By-law promulgated in April 2002, provides for the conferral of Municipal Honours on citizens of the greater Stellenbosch municipal area for exceptional achievements, or for rendering exceptional and meritorious services in the interest of the community.

A nomination (attached as **Appendix 1**) was received from the Ward Committee of Ward 22, with a request for Council to consider and recognise the commendable service rendered by Professor Hermann Giliomee over many decades to the students and community across WC024 as a historian and a gifted author. A résumé of Professor Giliomee recording his extensive contribution to the community and history of Stellenbosch is attached as **Appendix 2**.

5. RECOMMENDATIONS

- (a) that Professor Giliomee's professional career and contribution to the community and entire society be recognised; and
- (b) that the municipal honours, specifically Honourary Citizenship of the Municipality of Stellenbosch Municipality as encapsulated in Clause 2(1)(b) of the Stellenbosch Municipal Honours By-Law, be conferred on Professor Hermann Buhr Giliomee in recognition of his momentous impact on the broader community as well as nationally.

6. DISCUSSION / CONTENTS

6.1 Background

In accordance with the Stellenbosch Municipal Honours By-law (**Appendix 3**), an Advisory Panel should advise the Executive Mayor on the conferral of Municipal Honours. In turn, the Executive Mayor, as patron of the Municipal honours, will make recommendations to Council in terms of applications received and evaluated.

A Municipal Honours and Medals Advisory Panel was duly established by Council resolution (2024-07-30, Item 12.5). At the request of the Executive Mayor, as provided for in the Honours By-law, the Advisory Panel met on 23 August 2024 to elect its Chairperson. Mrs. Anneke Schaafsma was elected as the Chairperson of the Advisory Panel. It was further agreed that the Municipal Honours and Medals Advisory Panel will convene on 6 September 2024 to consider, evaluate, and make an appropriate recommendation to the Executive Mayor relating to the application received.

6.2 Discussion

A nomination was received from the Ward Committee of Ward 22, with a request for Council to consider and acknowledge the meritorious service rendered by Professor Hermann Giliomee over many decades to the students and community across WC024 as a historian and a gifted author. A résumé of Professor Giliomee recording his immense contribution to the community and history of Stellenbosch was received.

Subsequently, the Executive Mayor duly requested advice from the Municipal Honours and Advisory Panel. The Advisory Panel met on 2024-09-06 to evaluate the application, and submitted a recommendation to the Executive Mayor, as captured in **Appendix 4** (Minutes of the Municipal Honours Panel meeting: 2024-09-06).

6.3 Financial Implications

There are no financial implications for the municipality, except possibly for the manufacturing of a medal and for the hosting of a small ceremonial event.

6.4 Legal Implications

The item is compliant with the provisions of the Stellenbosch Municipal Honours By-law, 2002.

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.5 Previous / Relevant Council Resolutions

- 24th Council: 2024-07-30, Item 12.5: Establishment of the Municipal Honours and Medals Advisory Panel.
- 41st Council: 2021-03-31, Item 11.10.1: Establishment of the Municipal Honours and Medals Advisory Panel.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management**6.8.1 Municipal Manager:**

In support of the item.

ANNEXURES

- Appendix 1: Nomination received in respect of Professor Hermann Buhr Giliomee
 Appendix 2: Résumé of Professor Hermann Buhr Giliomee and Commendatio
 Appendix 3: Stellenbosch Municipal Honours By-Law (April 2002)
 Appendix 4: Minutes of Municipal Honours Advisory Panel meeting (2024-09-06)

FOR FURTHER DETAILS CONTACT:

NAME	GERALDINE METTLER
POSITION	MUNICIPAL MANAGER
DIRECTORATE	OFFICE OF THE MUNICIPAL MANAGER
CONTACT NUMBER	021 808 8025
E-MAIL ADDRESS	MUNICIPAL.MANAGER@STELLENBOSCH.GOV.ZA
REPORT DATE	10 OCTOBER 2024

APPENDIX 1

NOMINATION RECEIVED IN RESPECT OF PROFESSOR HERMANN BUHR GILIOMEE

PROPOSED AWARD OF HONORARY STELLENBOSCH CITIZENSHIP TO HERMANN BUHR GILIOME

PROPOSAL:

It is proposed by the Ward Committee of Ward 22, Stellenbosch, that honorary citizenship of the town be awarded to Professor Hermann Giliomee, longtime resident of Stellenbosch.

BACKGROUND AND MOTIVATION:

Hermann Giliomee was born at Sterkstroom, near Queenstown, Eastern Cape on 4 April 1938 and spent his early years in Porterville. During 1956 he enrolled at Stellenbosch University where he studied history. As a student he was primarius of Simonsberg and he was elected to the Students' Representative Council. In 1965 he married Annette van Coller, and the couple have two daughters.

Before and after obtaining his doctorate, Giliomee was awarded five fellowships to the Universities of Amsterdam, Yale, and Cambridge, amongst others. In 1967 he joined the History Department of Stellenbosch University, and in 1972 he obtained his doctorate for his thesis, *Die Kaap tydens die eerste Britse bewind, 1795 – 1803*.

In 1983 Giliomee became Professor in political studies at the University of Cape Town, where he co-founded a quarterly political journal, *Die Suid-Afrikaan*. This journal also served to train interested young people in journalism. In 1987 he participated in the Dakar Conference, where ground-breaking discussions with members of the ANC in exile, were held.

During his career, Giliomee wrote some 500 articles, in both English and Afrikaans for newspapers including *Die Burger*, *Cape Times*, and the *Mail and Guardian*. He also wrote and/or co-authored some 20 books. In particular, he co-edited *New History of South Africa*, with Bernard Mbenga and in collaboration with Aaron Cupido he wrote, *Nog altyd hier gewees: Die storie van 'n Stellenbosse gemeenskap*. In 2003 his *magnum opus*, *The Afrikaners: Biography of a people*, was published by the University of Virginia Press in the USA.

Giliomee received several awards and prizes including the *Stals prize* (2000 & 2004); the *Helgard Steyn prize* (2008); the *NP van Wyk Louw medal* (2013); and the *JH Marais prize* (2016) - the latter for his contribution to the academic development of the Afrikaans language.

During the more than sixty years that Giliomee has been associated with Stellenbosch and all its communities his remarkable talent as a historian and as a gifted author has been recognized locally, nationally, and internationally.

In his pursuit of truth, his approach has been wide-ranging, looking at the pertinent issues from a multitude of perspectives. In doing so his interactive spirit and contribution to any debate has always been open and courageous. These attributes are the hallmark of an outstanding professional historian.

The sheer volume and quality of the legacy that Giliomee has laid down, bears testimony to his character as an exceptional and highly valued citizen of Stellenbosch, unquestionably deserving of the honorary citizenship of the town.

SUBMITTED BY:

Councilor Esther Groenewald,

Ward Councillor for Ward 22, Stellenbosch and in collaboration with the Ward Committee

APPENDIX 2

RESUME OF PROFESSOR HERMANN BUHR GILIOMEE AND COMMENDATIO

CURRICULUM VITAE

Hermann Buhr Giliomee

1. Persoonlik

Gebore op 4 April 1938 te Sterkstroom

Getroud met Annette van Coller: 2 dogters, 5 kleinkinders

Die gesin woon sedert 1967 op Stellenbosch

2. Akademiese studie

Studeer vanaf 1956 aan Universiteit Stellenbosch (US) en behaal die volgende grade: BA; BA (honours) in Geskiedenis; MA in Geskiedenis vir *Die administrasietydperk van Lord Caledon (1807–1811)*. In 1966 studeer hy nagraads aan die Universiteit van Amsterdam en in 1972 word D.Phil. in Geskiedenis aan hom toegeken deur US vir *Die Kaap tydens die eerste Britse bewind, 1795-1803*.

Verskeie studiegenootskappe word aan hom toegeken: 1973 en 1977/8 bring hy by Yale Universiteit deur; die Smuts Visiting Research Fellowship gee hom in 1982/3 toelating tot die Universiteit van Cambridge; in 1992-1993 doen hy navorsing in Washington nadat die Woodrow Wilson Center 'n beurs aan hom toeken.

3. Professionele loopbaan

1964-1965 Lektor in Geskiedenis by Unisa

1967-1983 Lektor in Geskiedenis by US

1983-1998 Professor in Politieke Studies by UK. Hoof van die departement van 1989-1991. In 1998 bedank hy om voltyds te skryf.

2002-20?? Buitengewone Professor in Geskiedenis aan US

In 1980 word Giliomee deur die World Peace Foundation saam met 14 ander Suid-Afrikaners genooi vir 'n toer na New York, Washington, Atlanta en Boston om vooraanstaande Amerikaanse meningsvormers te ontmoet.

Hy neem deel aan talle nasionale en internasionale konferensies en kongresse en help ook om twee kongresse in SA te reël en om die finansiering daarvoor te bekom: *Up against the fences: poverty, passes and privilege in South Africa* (1982) en *The awkward embrace: one-party domination and democracy* (1996). Beide kongressese verhandelinge is as boeke gepubliseer wat deur Giliomee en sy kollegas geredigeer is.

Tydens sy professionele loopbaan het hy talle onderhoude met leiersfigure gevoer en dit op skrif gestel: oa Hoofman Mangosuthu Buthelezi, dr. Nthato Motlana, John Vorster, Nelson Mandela en FW de Klerk. Hy het omtrent vyfhonderd artikels geskryf wat in akademiese tydskrifte en in koerante soos *Cape Times*, *Die Burger*, *Rapport*, en *The Sunday Times* verskyn het. Gereelde boekresensies is ook gepubliseer en hy dra hoofstukke by tot ander skrywers se boeke.

In 1984 stig Giliomee en André du Toit die tweetalige, onafhanklike politieke tydskrif *Die Suid-Afrikaan* wat kwartaalliks verskyn. Die tydskrif se redaksie het ook 'n program van opleiding vir joernaliste geïnisieer.

In 1987 is Giliomee deel van die Dakar-konferensie in Senegal waar samesprekings tussen Suid-Afrikaanse leiersfigure en die ANC plaasvind.

4. Komitees/Rade

1975-1977?	Sekretaris van die Stellenbosse Verhoudingskomitee
1981	Lid van die Buthelezi-kommissie
1990's	Raadslid van die Suid-Afrikaanse Instituut vir Rasseverhoudinge (SAIRV)
1995-1996	President van die SAIRV
1997-2016	Vise-president van die SAIRV
2006-2010	Lid van die US-Raad

Hy het ook deelgeneem op baie ander gebiede, bv. as lid van die Synthesis/Sintese-besprekingsgroep in Johannesburg; as politieke kommentator vir die Eenheid vir Toekomstnavorsing by SU; as inisieerder en organiseerder van die Stellenbosch-Soweto-gesprek (1980).

5. Toekennings

- 2001 Stalsprys vir Politieke Wetenskap
- 2004 Stalsprys vir Geskiedenis
- 2008 Helgaard Steynprys vir Letterkunde
- 2016 Jan H Maraisprys vir sy bydrae tot die akademiese ontwikkeling van Afrikaans

6. Monografieë (as outeur/mede-outeur/redakteur)

- 1975 *Die Kaap tydens die eerste Britse bewind*. Kaapstad: HAUM
- 1979 *The rise and crisis of Afrikaner power*. Kaapstad: Philip
(Mede-outeur: H. Adam)
- 1979 *The shaping of South African society, 1652-1820*. Londen: Longman
(Mede-redakteur: R. Elphick)
- 1979 *'n Samelewing in wording: Suid-Afrika, 1652-1820*. Kaapstad: Longman
(Mede-redakteur: R. Elphick)
[Afrikaanse vertaling van *The shaping of South African society ...*]
- 1981 *Afrikanermag: opkoms en toekoms*. Stellenbosch: UUB
(Mede-outeur: H. Adam)
[Afrikaanse vertaling van *The rise and crisis of Afrikaner power*.]
- 1982 *The parting of the ways: South African politics, 1976-1982*. Kaapstad: Philip
- 1983 *Afrikaner political thought, vol.1: 1780-1850 – Documents and analyses*.
Kaapstad: Philip
(Mede-outeur: A. du Toit)
- 1985 *Up against the fences: poverty, passes and privilege in South Africa*. Kaapstad:
Philip
(Mede-redakteur: L. Schlemmer)
- 1989 *From apartheid to nation-building*. Kaapstad: OUP
(Mede-outeur: L. Schlemmer)
- 1989 *Negotiating South Africa's future*. Johannesburg: Southern Book Publishers
(Mede-redakteur: L. Schlemmer)

- 1990 *The elusive search for peace: South Africa, Israel and Northern Ireland*. Kaapstad: OUP
(Mede-redakteur: J. Gagliano)
- 1994 *The bold experiment: South Africa's new democracy*. Johannesburg: Southern Book Publishers
(Mede-redakteurs: L. Schlemmer en S. Hauptfleisch)
- 1999 *The awkward embrace: one-party domination and democracy in industrialising countries*. Kaapstad: Tafelberg
(Mede-redakteur: C. Simkins)
- 2001 *Kruispad: die toekoms van Afrikaans as openbare taal*. Kaapstad: Tafelberg
(Mede-redakteur: L. Schlemmer)
- 2003 *The Afrikaners: biography of a people. / Die Afrikaners: 'n biografie*. Kaapstad: Tafelberg, 2003/2004
[’n Televisiereeks van 16 episodes, ‘Die Afrikaners’ is later vervaardig.]
- 2006 *’n Vaste plek vir Afrikaans: taaluitdagings op kampus*. Stellenbosch: Sun Press
(Mede-outeur: L. Schlemmer)
- 2007 *New history of South Africa / Nuwe geskiedenis van Suid-Afrika*. Kaapstad: Tafelberg
(Mede-redakteur: B. Mbenga)
[’n Tweede uitgebreide uitgawe het in 2022 verskyn.]
- 2007 *Nog altyd hier gewees: die storie van ’n Stellenbosse gemeenskap*. Kaapstad: Tafelberg
- 2012 *The last Afrikaner leaders: a crucial test of power / Die laaste Afrikanerleiers: ’n opperste toets van mag*. Kaapstad: Tafelberg
- 2015 *Buhr van die Bokveld: ’n bloemlesing uit die werk van Johann Buhr*. Kaapstad: Africana Uitgewers
- 2018 *Always been here: the story of a Stellenbosch community*. Pinelands: Africana Uitgewers
[Engelse vertaling van *Nog altyd hier gewees ...*]
- 2019 *The rise and demise of the Afrikaners*. Kaapstad: Tafelberg
- 2020 *Maverick Africans: the shaping of Afrikaners*. Kaapstad: Tafelberg

Hermann Giliomee in Stellenbosch

When we assess Hermann Giliomee's life and work for an award as a resident of Stellenbosch, we must be clear about what we are considering and why. We need to understand:

- His work as an internationally recognised historian.
- How Stellenbosch figures in his writing. And how he meaningfully recorded a lost history in *Always Here: The Story of a Stellenbosch Community* (2007).
- His public involvement, which includes founding and editing *Die Suid-Afrikaan*, being a columnist and book reviewer, participating in political debates, serving on boards of organisations, and serving on the Council of Stellenbosch University.
- The multifaceted, changing political dimension of his historiography and public participation.

Historian

Giliomee's publications are extensive and have national and international recognition. He also publishes with fellow writers of good standing, including Richard Elphick, Heribert Adam, André du Toit, Charles Simkins, Bernard Mbenga, and many others. He was also a widely recognised professor and participant in scholarly institutions.

Stellenbosch historian

The history of Stellenbosch is explicit in parts of Giliomee's work but often also implicit. As an example, I give one page (out of 700) of *The Afrikaners, a biography of people* (2003):

Within ten years of the founding of the Cape Station, the fateful decision was made to import slaves. The Cape's first shiploads of slaves were imported from Angola and Dahomey in West Africa in 1658. Subsequently, other sources were tapped. The Company sponsored voyages to Madagascar and later to Mozambique on the East African coast to purchase slaves. Slaves were brought from Batavia and Ceylon on the Company's annual return fleets, which sold most of the slaves to burghers. Foreign ships, including foreign slavers en route to the Americas, sold slaves that they had bought on the East African coast. An analysis of slave imports between 1680 and 1731 reveals that about half were of Malagasy origin, with Indonesia and India together contributing a third.

Slavery fundamentally changed the course of the Cape's history. Unless a government banned slavery from the outset, as happened in Australia, the introduction of slavery in European colonies in this period was almost automatic if the land was abundant and labour scarce. Freemen who owned land sought slaves to work for them.

Slavery transformed the social ethos of a society, defining freedom and the status hierarchy. High status belonged to those who were free, kept slaves and did not have to work with their hands. To be a servant, doing manual work in the employment of someone else, carried the connotation of slave status, which the burghers at the Cape did everything possible to avoid.

When the first slaves arrived, the Company instructed that the needs of free burghers were to be met first. Almost unobtrusively, the institution of slavery took a grip on social and economic life. Within weeks, Van Riebeeck issued a proclamation that revealed how much slavery debased everyone. Large numbers of slaves ran away at harvest time, and burghers were, therefore, allowed 'to put slaves in chains, except for some old men, young boys and women'. A second proclamation said that no slave 'shall be bound to the whipping post and flogged by order of the fiscal upon complaint of his master, without the previous knowledge and consent of the Commander'.

Not until 1716 did serious discussion occur on the question of slave labour. A letter by the Lords Seventeen posed the question of whether the Cape should continue to import slaves or whether it should turn to the assisted immigration of free European labourers, who could go on to become overseers and artisans and, ultimately, even farmers. In the Council of Policy debate, Councilor D.M. Pasques de Chavonnes raised a lone voice against basing the colony on slave labour. Understanding the disastrous social consequences of slavery, he proposed the sponsored immigration of European wage labourers, who would work on farms until they were able to set up on their own. As free labourers, they would boost the domestic market and colonial prosperity, and, equally important, they would improve the colony's security since no one would have to keep a watchful eye on the slaves.

The rest of the Council, however, had no stomach for a class of free European labourers who, in the secretary's words, 'would have little respect for their master and [would] lay down the law for him.' Predicting that more immigrants would simply increase the number of poor burghers, the Council recommended the importation of slaves as the cheapest and most desirable option.

In 1750, the Lords Seventeen again asked the Cape government to investigate the feasibility of assisted European immigration. The government considered it important enough to consult the burgher councillors on the Council of Justice and the burghers who served as heemraden in the interior districts. These spokesmen for the burghers said that it was 'absolutely impossible to have a flow of immigrants into the colony. If anything, it would ruin the Cape and merely add to the dire state of poverty already existing'.

The die was cast. The colony could not grow out of its economic straitjacket by enlarging the market through a steady increase of cash-earning wage labourers. The burghers also saw little need for European immigrants to supplement their numbers and assist them in building a European colony. Slave labour satisfied most of the labour needs of the Western Cape. The burghers defined their survival not in terms of a large, self-sufficient European society, but in their ability to ensure that land and other opportunities were reserved for them and their children.

This short section illustrates Gilomee's work and style. His description of two seemingly routine meetings about a choice between slaves and free labourers is factual and neutral. Still, it gives the reader a fresh insight into how it profoundly changed the country's (and Stellenbosch's) history.

He makes this history relevant to us today. Every reader could ask: How are we listening to a contemporary Pasques de Chavonnes today in Stellenbosch? Are our village decisions easy, hasty, and for the short term? Are they choices based on prejudices and immediate benefits? How often do we carefully consider the consequences for the long-term welfare of the entire community?

If we pay attention, Giliomee makes old and familiar history newly relevant to us. This is a good reason to honour him.

An additional good reason is *Always Been Here: The Story of a Stellenbosch Community* (2007), in which Giliomee shows how Coloured people participated in the formation of Stellenbosch even when many of the town people wanted to keep them aside and out of the town's history. This multi-faceted history is again factual and neutral but nuanced. It fits outside the history that political and social groups wanted to create. It was not always a uniform community, and social distance was only sometimes part of their and the town's history. Also, it wasn't always a virtuous history, especially not in terms of the consequences for both people in authority and those with less authority, where those in authority would impose a *dopstelsel*, forced relocations, and more on people with less power.

Always Been Here, a recovery of lost history, is relevant for understanding Stellenbosch today.

An involved citizen

Giliomee was for a long time an actively involved figure in the broader political debate, publicly as a columnist, reviewer and editor of *Die Suid-Afrikaan*, but sometimes behind the scenes in discussions with political leaders. In 1987, he was with Van Zyl Slabbert in the group that met with leaders of the ANC in Dakar. President and later vice-president FW de Klerk sometimes asked for his advice. Giliomee has often played a critically constructive role in promoting necessary change in these and other roles. For this, too, the town of Stellenbosch could commemorate his contribution.

A political voice

Giliomee's public and political profile is multifaceted and has developed dynamically over time.

His historiography was mainly factual and outside the well-known ideological schools. However, in the 1970s, when he was a lecturer in history at Stellenbosch University, his work was mostly seen as politically left-wing in a department that was mostly seen as more conservative. One could suspect that this is why he accepted a position as provost at the University of Cape Town in 1983 while remaining a Stellenbosch resident. His choice of co-writers and his work for *Die Suid-Afrikaan* is a confirmation of a voice on the left of the political spectrum.

In public life, Giliomee was generally regarded as straightforwardly honest, often tactlessly. His criticism of people was not based on left versus right but on the quality of work and thought.

More recently, in the Council of Stellenbosch University and afterwards, Giliomee argued extensively that the University should keep Afrikaans on an equal level with English as a language of instruction.

We must know that Giliomee's views had a political dimension or acquired it.

But we recommend that the town recognise his work and honour his contribution as a historian and public figure, not a particular point of view, especially if such a point is still a public dispute. It would not be appropriate to consciously or unconsciously link a recognition of a lifetime's work to a controversial debate.

HvZ

5 September 2024

Hermann Giliomee in Stellenbosch

Om 'n inwoner van Stellenbosch te vereer moet ons weet wat ons oorweeg en hoekom. Wat Hermann Giliomee betref onder meer:

- Sy werk as 'n internasionaal erkende geskiedskrywer.
- Hoe Stellenbosch in sy geskiedskrywing figureer. Veral hoe hy in *Nog altyd hier gewees: die storie van 'n Stellenbosse gemeenskap* (2007) 'n verlore geskiedenis betekenisvol opteken.
- Sy deelname in die openbare lewe, onder meer as stigter en redakteur van *Die Suid-Afrikaan*, rubrieksrywer, resensent, bestuurslid van organisasies, en lid van die Raad van Universiteit Stellenbosch (US).
- Die veelkantige politieke dimensie van Giliomee se geskiedskrywing en sy openbare deelnames.

Historikus

Giliomee se publikasies is omvattend, met nasionale en internasionale erkenning. Hy publiseer ook met mede-skrywers van goeie aansien, onder meer Richard Elphick, Heribert Adam, André du Toit, Charles Simkins, Bernard Mbenga, en vele ander. Hy was ook 'n wyd erkende hoogleraar en deelnemer aan vakkundige instellings.

Stellenbosse geskiedskrywer

Die geskiedenis van Stellenbosch is soms eksplisiet maar dikwels ook implisiet teenwoordig in groter geskiedenisse wat Giliomee beskryf. Kyk byvoorbeeld na een bladsy (uit 700) van *Die Afrikaners, 'n biografie* (2003):

Binne tien jaar na dié stigting van die Kaapse stasie is slawerny ingevoer. Die eerste skeepsvrag slawe het in 1658 aangekom van Angola en Dahomey (nou Benin) in Wes-Afrika. Daarna is uit verskeie ander bronne geput. Die Kompanjie het reise na Madagaskar en later na Mosambiek onderneem om slawe te koop. Slawe is ook van Batavia en Ceylon na die Kaap gebring. Tussen 1680 en 1731 het omtrent die helfte van die slawe van Madagaskar gekom, terwyl Indonesië en Indië saam ongeveer 'n derde gelewer het.

Slawerny het die Kaap se geskiedenis fundamenteel en onherroeplik verander. As 'n regering slawerny nie uit die staanspoor verbied het nie - wat in Australië wel gebeur het - was dit omtrent outomaties dat gedwonge arbeid gebruik sou word indien grond in oorvloed en arbeid skaars was.

Slawerny het 'n samelewing se hele etos bepaal. Dit het vryheid en status gedefinieer. 'n Slaaf se onvryheid het ander mense se vryheid, regte en voorregte soveel skerper laat uitstaan. Mense se status het toegeneem namate hul besit van slawe uitgebrei het. Vir 'n Europeër om 'n handarbeider in die diens van iemand anders te wees, was om 'n status amper soortgelyk aan dié van 'n slaaf te hê. Dit was 'n lot wat die Kaapse burgers tot elke prys wou vermy.

Toe slawe op groot skaal begin inkom, het die Kompanjie opdrag gegee dat eers in die boere se behoeftes voorsien moet word. Ongemerkt het slawerny 'n greep op die maatskaplike en ekonomiese lewe gekry. Binne weke het Van Riebeeck 'n proklamasie uitgereik wat getoon het in watter mate slawerny die samelewing laat ontvaard het. Baie slawe het teen oestyd weggeloop en die burgers is dus toegelaat om slawe in kettings te slaan, behalwe ou mans, jong seuns en vroue. 'n Tweede proklamasie het bepaal dat die kommandeur sy toestemming moet gee voordat 'n slaaf aan 'n paal vasgemaak en 'n loesing op bevel van die fiskaal (staatsaanklaer) ontvang.

Lank het die Politieke Raad geen ernstige bespreking gehou oor die kwessie van slawearbeid nie, maar teen 1716 het 'n brief van die Here Sewentien die raad genoop om by die onderwerp stil te staan. Die vraag is: moet die regering voortgaan om slawe in te voer? Of moet immigrasie van vrye Europese arbeiders aangemoedig word, mense wat later opsigters of ambagslui kon word en selfs boere?

In die Politieke Raad was raadslid D.M. Pasques de Chavonnes die enigste wat gevra het die regering moet slawearbeid afskaf. Hy het op die nadelige maatskaplike gevolge van slawerny gewys en gesubsidieerde immigrasie van Europese arbeiders aanbeveel. As vrye arbeiders wat kontant verdien, sou hulle die binnelandse mark laat uitbrei en sodoende die welsyn van die kolonie verhoog. Net so belangrik was die feit dat 'n ekonomie gebaseer op vrye arbeid vir 'n veel veiliger samelewing sou sorg, aangesien niemand vrye arbeiders so stip hoef dop te hou as slawe nie.

Die ander lede van die raad het min entoesiasme vir vrye arbeiders getoon. Vir die sekretaris was dit 'n voldonge feit dat hulle "min respek vir hul meester sal toon en sal probeer om aan hom voor te skryf". Europese immigrante sou net die getal arm burgers laat toeneem. Die raad het dus besluit om die voortgesette invoer van slawe as die goedkoopste en wenslikste opsie aan te beveel.

In 1750 het die Here Sewentien die Kaapse regering weer gevra om die uitvoerbaarheid van gesubsidieerde Europese immigrasie na die Kaap te ondersoek. In hierdie geval het die regering die burgerlede in die Raad van Justisie en ook die heemrade in die binneland geraadpleeg. Hierdie spreekbuis vir die burgers het geen noodsaak gesien vir 'n bestendige stroom Europese immigrante wat die Europese bevolking selfversorgend in arbeid sou maak nie. Hulle was tevrede met slawearbeid, want hul prioriteit was dat die beskikbare grond en ander geleenthede vir hulle en hul kinders opsy gesit word. Immigrante sou die Kaap ruïneer en "slegs die ernstige armoede wat reeds heers, vererger".

Dit het die lot van die Kaap beseël. Die kolonie sou nie in staat wees om uit sy ekonomiese keurslyf te ontsnap deur die mark te vergroot deur middel van 'n bestendige toename in vrye arbeiders nie.

Dié kort gedeelte illustreer Gilomee se werkwyse en styl as geskiedskrywer. Hy beskryf twee oënskynlik onbelangrike vergaderings oor 'n keuse tussen slawe en vrye arbeiders in die vroeë Kaapse nedersetting feitelik en sonder omhaal. Maar wat hy aanhaal gee aan die leser 'n vars insig hoe twee roetine vergaderings die land en ook Stellenbosch se geskiedenis ingrypend verander het.

So word dit geskiedenis wat vandag nog tersaaklik is. Elke leser kan vra: Hoe luister ons vandag in Stellenbosch na 'n eietydse Pasques de Chavonnes? Gee ons in gewone vergaderings goeie aandag aan 'n besluit se gevolge vir die dorp oor die lange duur en die welsyn van die volle gemeenskap? Of is ons besluite meesal maklik en haastig, keuses gegrond in vooroordele en onmiddellike voordele?

Gilomee maak oënskynlik ou en bekende geskiedenis nuut en tersaaklik - as ons aandag gee. Dit is goeie rede om hom te vereer.

'n Bykomende goeie rede is *Nog altyd hier gewees: die storie van 'n Stellenbosse gemeenskap* (2007), die boek waarin Gilomee wys hoe bruin mense in Stellenbosch skeppend en bevestigend deel was van die vorming van Stellenbosch, ook wanneer baie dorpsmense hulle eenkant en uit die dorp se geskiedenis wou hou. Gilomee skryf dié geskiedenis feitelik en neutraal, maar met skerp nuanse. Dit pas nie binne die geskiedenis wat die heersende politieke en sosiale groepe oor 'n lang tyd meesal wou skep nie. Stellenbosch se mense van kleur was nie almal eenders of eenvormig nie. En sosiale afstand was nie altyd deel van die dorp se geskiedenis nie. Die interaksie tussen sosiale groeperinge in die dorp was ook nie merendeels gemoedelik en deugdelik nie - waar diegene met gesag 'n dopstelsel, gedwonge verskuiwings en meer op mense afgedwing het, het dit menslikheid aangetas, sowel by mense met gesag en dié met minder gesag.

Nog altyd hier gewees is 'n herwinning van verlore geskiedenis, en tersaaklik vir die verstaan van Stellenbosch.

'n Betrokke mens

Giliomee was vir lank betrokke in die groter politieke debat, in die openbaar as rubriekskrywer, resensent en redakteur van *Die Suid-Afrikaan*, en soms agter die skerms in debatte met politieke leiers. Hy was in 1987 onder meer saam met Van Zyl Slabbert in die groep wat in Dakar met leiers van die ANC ontmoet het. President en later vise-president FW de Klerk het soms sy raad gevra. In dié en ander rolle het Giliomee 'n krities konstruktiewe rol gespeel om noodsaaklike verandering te bevorder. Ook hiervoor sou die dorp Stellenbosch sy bydrae kon gedenk.

'n Politieke stem

Giliomee se openbare en politieke profiel is veelkantig en het oor tyd dinamies ontwikkel.

Sy geskiedskrywing is meesal feitelik en buite die bekende ideologiese skole. Maar in die 1970's, as dosent in Geskiedenis aan Universiteit Stellenbosch is sy werk as politiek links beskou, vanuit 'n departement wat meesal as meer behoudend gesien is. Dit was moontlik een van die redes waarom hy in 1983 'n pos as hoogleraar aan Universiteit Kaapstad aanvaar het, en nog 'n inwoner in Stellenbosch was. Sy keuse van mede-skrywers en sy werk vir *Die Suid-Afrikaan* bevestig hy was toe 'n stem links van die politieke spektrum.

Ingeligte waarnemers beskryf Giliomee meesal as reguit eerlik, dikwels ontaktvol so. Sy kritiek op mense was nie op grond van links of regs nie, eerder op die gehalte van hul werk en denke.

Meer onlangs, in die Raad van Universiteit Stellenbosch en daarná, het Giliomee omvattend geargumenteer dat die Universiteit moet Afrikaans gelyk met Engels as 'n onderrigtaal behou.

Ons moet bewus wees dat Giliomee se standpunte het 'n politieke dimensie gehad, of dit later verkry.

Maar as ons aanbeveel die dorp vereer hom en sy werk, erken ons namens die dorp sy bydrae as historikus en openbare figuur, eerder as spesifieke standpunte. Ons doen dit nie omdat so'n standpunt dalk verkeerd is, of in ander se oë dalk juis reg is nie. Veral as 'n standpunt steeds 'n openbare geskil is, pas dit 'n dorp nie om 'n erkenning vir 'n leeftyd se werk bewus of onbewus aan 'n spesifieke polemiese debat te koppel nie.

HvZ
5 September 2024

APPENDIX 3

STELLENBOSCH MUNICIPAL HONOURS BY-LAW 2002

STELLENBOSCH MUNICIPAL HONOURS BY-LAW**BY-LAW**

To provide for Municipal honours, the conferral thereof, the amendment of conferral, of Municipal honours, and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(5) of the Constitution of the Republic of South Africa, Act No 108 of 1996, in general authorise a municipality to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

WHEREAS section 186(9) and (10) of the Municipal Ordinance 1974 (No 20 of 1974), in particular, authorise a municipality to confer the freedom of the municipality on a person or to present a medal, memento, address or other commemorative token to persons;

WHEREAS section 156(2) of the Constitution of the Republic of South Africa authorise a municipality to make by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS it is desirable to take into consideration and recognise persons for exceptional achievements or the rendering of exceptionally meritorious service in the interest of the municipality; and

WHEREAS this needs to be done in an orderly manner;

Be it, therefore, enacted by the Council of the Stellenbosch Municipality.

TABLE OF CONTENTS

1. Definitions
2. Municipal Honours
3. Conferral of Municipal Honours
4. Annulment of Conferral of Municipal Honours
5. Municipal Honours Advisory Panel
6. Criteria for the bestowing of Municipal Honours
7. Warrants
8. Short Title and Date of Commencement

1. DEFINITIONS

1. "*The Council*" means the political structure of Stellenbosch Municipality in terms of section (4) of the Establishment Notice (P.N. 489/2000) as contemplated in section 18 of the Municipal Structures Act.
2. "*Stellenbosch Municipality*" means the municipality established in terms of section (4) of the Establishment Notice (P.N. 489/2000).
3. "*Municipal Manager*" means the person that is the head of administration and also accounting officer for the municipality, appointed in terms of section 82 of the Municipal Structures Act, Act 117 of 1998.
4. "*Councilor*" means a member of the Municipal Council of Stellenbosch Municipality.
5. "*Municipality*" for the purposes of section 7 means:
 - (a) the Municipality of Stellenbosch established by Provincial Notice 489 of 2000 dated 22 September 2000;
 - (b) any municipality established under the provision of the Local Government Transition Act, 1993;
 - (c) any municipality established under the provisions of the Municipal Ordinance, 1974 or any previous ordinance providing for the establishment of a municipality;
 - (d) any council or committee established under the provisions of the Black Local Authorities Act, 1982;
 - (e) any management committee established under the provisions of Provincial Ordinance No 6 of 1963.
6. "*Employee*" means an employee of Stellenbosch Municipality and shall for the purposes of section 6(8) include commencement service at one of the following established municipalities:

Stellenbosch Municipality
 Franschhoek Municipality
 Pniel Local Council
 Boland District Municipality
 Winelands District Council
 Western Cape Metropool Council
 Stellenbosch Divisional Council.

2. MUNICIPAL HONOURS

2. (1) There are the following Municipal honours for Stellenbosch Municipality:
 - (a) freedom of the Municipality or freedom of the town of Stellenbosch, Franschhoek or Pniel;
 - (b) honorary citizenship of the Municipality of Stellenbosch;
 - (c) illuminated address of the Municipality or illuminated address of the town of Stellenbosch, Franschhoek or Pniel;
 - (d) Aldermanship certificate;
 - (e) a Council's commendation certificate;
 - (f) a Mayor's commendation certificate; and
 - (g) certificate for long or outstanding service with the Council.
2. (2) There are the following medal for the Stellenbosch Municipality:
 - (a) the Simonsberg medal (gold) for exceptional achievement or for performing an act of bravery within the Municipal area of Stellenbosch;
2. (3) The Mayor is the patron of the Municipal honours as described in section (1) and (2).

3. CONFERRAL OF MUNICIPAL HONOURS

3. (1) The Mayor, after of approval of Council may confer municipal honours on any person and may make a posthumous conferral of a municipal honour.

4. ANNULMENT OF CONFERRAL OF MUNICIPAL HONOURS AND MEDALS

4. (1) The Mayor, after approval of Council may annul the conferral of a Municipal honour if the holder of the honour has performed any action or has behaved in a manner which harmed the interest of the Municipality of Stellenbosch, or otherwise has become unworthy of the Municipal honour concerned.
4. (2) The Mayor shall, in annulling the conferral of a Municipal honour in terms of subsection (1), do so in accordance with the advice of the panel referred to in section 5.

5. MUNICIPAL HONOURS ADVISORY PANEL

5. (1) The Mayor must obtain advise on the conferral, annulment or restoration of Municipal honours from an advisory panel, consisting of:
 - (a) a maximum of five (5) councillors, broadly representative of the council, appointed by council; and
 - (b) a maximum of five (5) people, highly respected by and who are broadly representative of the people of Stellenbosch Municipality, appointed by Council, if Council so wishes.
5. (2) The advisory panel shall meet at the request of the Mayor.

6. CRITERIA FOR THE BESTOWING OF MUNICIPAL HONOURS

6. (1) The freedom of the Municipality or the freedom of the town of Stellenbosch, Franschhoek or Pniel will be conferred:
 - (a) a non-resident person or organisation, when such a person or organisation is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council by way of a broad consensus. The freedom of the Municipality or of a town shall not be conferred on an active politician.
6. (2) Honorary citizenship of the Municipality of Stellenbosch will be conferred:
 - (a) on a person of national and/or international stature residing in Stellenbosch Municipality for a period of at least 25 years, when such person is worthy of such an honour in the opinion of Council;
 - (b) on such a person if unanimously approved by Council at a Special Council Meeting. Alternatively when approved by Council by way of a broad consensus.
 - (c) Honorary citizenship will not be conferred on an active politician.
6. (3) An illuminated address of the municipality or an illuminated address of the town of Stellenbosch, Franschhoek or Pniel will be conferred:
 - (a) on a person when such person is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council by a two-thirds majority vote;
6. (4) Aldermanship will be conferred on a serving Councillor of Stellenbosch Municipality:
 - (a) who has served on one or more municipalities within the Republic of South Africa for a total period of 20 years. Such terms of office need not be consecutive;

- (b) upon the assumption of the office of Mayor. This criterium does not apply to acting Mayors or acting chairperson of Council. Such title shall be removed if such Councillor does not serve the Council for a full term of office as Mayor;
- (c) who obtains the minimum of 20 points on the following scale:
 - (i) one point for each completed year served as a Councillor on any municipality; plus
 - (ii) one additional point for each completed year service as a member of the executive of any municipality or as chairperson of a standing committee or portfolio committee of such municipality; plus
 - (iii) one additional point for each completed year service as a deputy mayor of a municipality; plus
 - (iv) two additional points for each completed year served as a mayor or chairperson of any municipality; plus
 - (v) two additional points for each completed year served as a member of the executive committee or chairperson of a standing committee of the Stellenbosch Municipality subsequent to 5 December 2000; plus
 - (vi) three additional points for each completed year served as deputy mayor or speaker of the Stellenbosch Council.
- 6. (5) Any current serving Councillor who is of the view that he/she qualifies for Aldermanship, should notify the Municipal Manager in writing, together with the necessary details to the satisfaction of the Municipal Manager. The Municipal Manager shall make a recommendation to Council, after having considered all the relevant details. The Municipal Manager shall for the purpose of this by-law create an appropriate database of all current serving councillors of the Council of Stellenbosch as from 5 December 2000.
- 6. (6) The Council's recommendation certificate will be conferred;
 - (a) a resident of Stellenbosch Municipality when such person is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council;
- 6. (7) The Mayor's recommendation certificate will be conferred on:
 - (a) a resident of Stellenbosch Municipality; and
 - (b) in the sole discretion of the Mayor.
- 6. (8) A certificate for long outstanding service with the Council will be conferred on an employee:
 - (a) who has served the municipality for a period of 25 years, on condition that such an employee has not been found guilty of misconduct for a period of 10 years prior to his/her 35th year of service.
- 6. (9) A medal will be conferred on a resident of Stellenbosch Municipality when:
 - (a) such person is worthy of such an honour in the opinion of Council; and
 - (b) if approved by Council by way of a broad consensus.

7. WARRANTS

The Mayor together with the other members of Council may, by special Council decision and after publication thereof in the Provincial Gazette, issue warrants for the better carrying out of the objects of this by-law and in particular, but without prejudice to the generality of the foregoing, relating to:

- (a) the keeping and administering of the Municipal honours referred to in section 1;
- (b) the keeping of a register of Municipal honours conferred;
- (c) the replacement of lost or stolen Municipal honours and the charges, therefor;
- (d) the publication of an annual Municipal honours list;
- (e) the wearing of Municipal medals;
- (f) benefits and privileges of Alderman;
- (g) rules regarding the annulment and restoration of provincial honours;
- (h) the issuing of accompanying certificates;
- (i) the lay-out/description of Municipal honours/medals; and
- (j) the protocol regarding the handing over of Municipal honours.

8. SHORT TITLE

This by-law is called the Stellenbosch Municipal Honours By-law and takes effect on date of publication thereof.

APPENDIX 4

MINUTES OF MUNICIPAL HONOURS ADVISORY PANEL MEETING (2024-09-06)



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref:

2024-10-09

MINUTES

MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL MEETING

2024-09-06 AT 14:00

MINUTES
MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL
2024-09-06

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	COMMUNICATION BY THE CHAIRPERSON	
3.	APPLICATION FOR LEAVE OF ABSENCE	
4.	CONFIRMATION OF MINUTES	4
	The minutes of the Municipal Honour and Medals Committee Meeting: 2024-08-23 was confirmed as correct with no amendments.	
5.	MATTERS FOR CONSIDERATION	9
5.1	NOMINATION FOR MUNICIPAL HONOURS – PROFESSOR HERMANN BUHR GILIOMEE	

PRESENT Anneke Schaafsma (Chairperson)

Members

Councillor N Mcombring (Ms)
Councillor W Pietersen
Councillor I de Taillefer (Ms)
Jeanneret Momberg (Ms)
Matthew Cyster
Leslie van Rooi
Hannes van Zyl

Officials Committee Clerk: N Mbali

Nomie Tshefu (Ms)
Donovan Muller

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

The Chairperson, Mrs. Schaafsma, welcomed all present at the Municipal Honours and Medals Advisory Panel meeting.

2.	COMMUNICATION BY THE CHAIRPERSON
-----------	---

The objective of the meeting was to evaluate an application in terms of the conferral of municipal honours and medals unto Professor Hermann Buhr Giliomee. Professor Giliomee made a significant contribution as an author to South African and Stellenbosch history.

A nomination was received from the Ward Committee of Ward 22, suggesting that recognition be given to the remarkable work done by Professor Hermann Giliomee in the interest of students and the community of the Stellenbosch Municipal area.

Suggestions by Advisory Panel:

That the Council in its communication indicates who the previous persons were who municipal honours and medals were conferred to.

That a follow-up meeting be held by the Municipal Honours and Advisory Panel to have an in-depth discussion around future proposals/motivations that required the conferral of municipal honours and medals;

That the Conferral of Municipal Honours and Medals be discussed with the Speaker and be added as an agenda point to the All-Wards Agenda, to encourage communities/ward committees to submit motivations/proposals through their ward councillors; and

That Council be advised on the process to follow when considering future proposals/motivations.

3.	APPLICATION FOR LEAVE OF ABSENCE
----	----------------------------------

Apologies:

Councillor Mary Nkopane
Councillor Jeremy Fasser

4.	CONFIRMATION OF MINUTES
----	-------------------------

The minutes of the Municipal Honour and Medals Committee Meeting: 2024-09-06 is attached.

FOR CONFIRMATION

5.	MATTERS FOR CONSIDERATION
----	---------------------------

5.1	NOMINATION FOR MUNICIPAL HONOURS – PROFESSOR HERMANN BUHR GILIOME
-----	---

Collaborator No:**IDP KPA Ref No:****Meeting Date:****Good Governance**

6 September 2024

1. SUBJECT: NOMINATION FOR MUNICIPAL HONOURS – PROFESSOR BUHR HERMANN GILIOME**2 PURPOSE**

To evaluate the nomination received for Municipal Honours in terms of the Stellenbosch Municipal Honours By-Law (2002) and to make recommendations to Council for the award, where merited.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipal Honours By-law promulgated in April 2002, provides for the conferral of Municipal Honours on citizens of the greater Stellenbosch municipal area for exceptional achievements, or for rendering exceptional and meritorious services in the interest of the community.

A nomination (attached as **Annexure 1**) was received from the Ward Committee of Ward 22, with a request for Council to consider and acknowledge the meritorious service rendered by Professor Hermann Giliomee over many decades to the students and community across WC024 as a historian and a gifted author.

**MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL: 2024-09-06:
ITEM 5.1****RESOLVED**

- a) That Professor Giliomee's professional career and contribution to the community and entire society be acknowledged.
- b) That the municipal honours, specifically Honourary Citizenship of the Municipality of Stellenbosch Municipality as encapsulated in Clause 2(1)(b) of the Stellenbosch Municipal Honours By-Law, be conferred on Professor Hermann Buhr Giliomee in recognition of his momentous impact on the broader community as well as nationality.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021-808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	2 September 2024

The meeting adjourned at 13:21

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

12.7	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2025 CALENDAR YEAR
------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 October 2024

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, EXECUTIVE MAYORAL COMMITTEE, SECTION 80 COMMITTEES, SECTION 79 COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2025 CALENDAR YEAR

2. PURPOSE

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2025 calendar year.

3. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

4. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

“The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible.”

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

5. RECOMMENDATIONS

(a) that the schedule with the proposed dates for Council meetings, Executive Mayoral Committee meetings, Section 79 and 80 committees and other committees for the 2025 calendar year (attached as **APPENDIX 1**), be noted;

(b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in whole of the WC024; and

- (c) that it be noted that the Speaker, as provided for in the Standing Rules of Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

6. DISCUSSION / CONTENT

6.1 Background

A municipality is required to enable the local community to participate in the affairs of the municipality. Sections 17 and 20 of the Local Government: Municipal Systems Act, 32 of 2000, refer to meetings of the municipal council and those of its committees as mechanisms that are open to the public to enable community participation.

As stipulated in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, *"the municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -*

- (a) *ordinary meeting of the council; and*
- (b) *special or urgent meeting of the council, except when time constraints make this impossible."*

In line herewith, it is prudent to publish the entire year's schedule of meetings in order to facilitate effective planning and to foster community participation.

6.2 Discussion

The typical pattern used for setting up the monthly cycle of meeting dates is as follows: the Mayoral Committee meeting is on the second Wednesday of the month, and Council meets on the fourth Wednesday of the month. Section 79 and 80 committee meetings are also scheduled monthly as required.

Section 80 committees are established to assist the Executive Mayor in the daily performance and exercise of statutory and delegated functions and powers; therefore, the Section 80 committees will only meet after a referral has been made by the Executive Mayor to the relevant member of the Mayoral Committee for advice on the matter. Meeting dates are provisionally scheduled each month for all of the Section 80 committees although these may not necessarily convene on those dates or at all.

The schedule of proposed dates for meetings, attached as **APPENDIX 1**, indicates the proposed meeting dates and times of Council, the Executive Mayoral Committee, Section 79 and 80 committees, and other Committees of Council. The bi-annual periods that Council will be in recess are also indicated on the schedule.

Notwithstanding the schedule of proposed dates for Council meetings, the Speaker may exercise the prerogative, as provided for in Rule 5 of the Standing Rules and Order By-Law, to also call urgent- or special Council meetings as and when required, which are not reflected in the schedule.

6.3 Financial Implications

Meetings are currently held on the virtual MS Teams platform or in person as determined by the Speaker. Refreshments are only arranged for meetings that will run for more than 5 hours as per the cost containment regulations.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation, notably the Local Government: Municipal Systems Act; and the Stellenbosch Municipality Rules and Order By-Law.

This item does not require public participation.

6.5 Staff Implications

This item has no additional staff implications for the municipality.

6.6 Previous / Relevant Council Resolutions

The Stellenbosch Council ordinarily approves the ensuing year's meeting schedule by November of each year.

6.7 Risk Implications

Risks are addressed through the content of the item.

6.8 Comments from Senior Management**6.8.1 Municipal Manager**

The item and recommendations are supported.

ANNEXURE:

Appendix 1: Schedule of proposed dates for Council & Committee Meetings for 2025

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	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>18 October 2024</i>

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

SCHEDULE OF PROPOSED DATES FOR COUNCIL & COMMITTEE MEETINGS FOR 2025

COUNCIL RECESS: [DATES TO BE FINALISED BY THE SPEAKER]

DATE	DAY	MEETING	TIME
JANUARY			
22 January	Wednesday	Mayoral Committee	10:00
27 January	Monday	Local Labour Forum (LLF)	14:00
29 January	Wednesday	COUNCIL <i>Adjustments Budget; Section 52 Budget Report; Section/s 71 and 72 reporting; Draft Annual Report</i>	10:00
FEBRUARY			
04 February	Tuesday	Planning, Local Economic Development & Tourism	14:00
04 February	Tuesday	Corporate Services	15:00
05 February	Wednesday	Human Settlements	10:00
05 February	Wednesday	Protection Services	12:00
05 February	Wednesday	Rural Management & Environment	14:00
05 February	Wednesday	Parks & Open Spaces	15:00
06 February	Thursday	Sport, Youth & Culture	10:00
06 February	Thursday	Infrastructure Services	12:00
06 February	Thursday	Community Services	14:00
06 February	Thursday	Financial Services	15:00
12 February	Wednesday	Mayoral Committee	10:00
13 February	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
24 February	Monday	Local Labour Forum (LLF)	14:00
26 February	Wednesday	COUNCIL	10:00
MARCH			
04 March	Tuesday	Planning, Local Economic Development & Tourism	14:00
04 March	Tuesday	Corporate Services	15:00

DATE	DAY	MEETING	TIME
05 March	Wednesday	Human Settlements	10:00
05 March	Wednesday	Protection Services	12:00
05 March	Wednesday	Rural Management & Environment	14:00
05 March	Wednesday	Parks & Open Spaces	15:00
06 March	Thursday	Sport, Youth & Culture	10:00
06 March	Thursday	Infrastructure Services	12:00
06 March	Thursday	Community Services	14:00
06 March	Thursday	Financial Services	15:00
12 March	Wednesday	Mayoral Committee	10:00
13 March	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
THURSDAY 21 MARCH: HUMAN RIGHTS DAY			
26 March	Wednesday	COUNCIL	10:00
31 March	Monday	Local Labour Forum (LLF)	14:00
APRIL			
01 April	Tuesday	Planning, Local Economic Development & Tourism	14:00
01 April	Tuesday	Corporate Services	15:00
02 April	Wednesday	Human Settlements	10:00
02 April	Wednesday	Protection Services	12:00
02 April	Wednesday	Rural Management & Environment	14:00
02 April	Wednesday	Parks & Open Spaces	15:00
03 April	Thursday	Sport, Youth & Culture	10:00
03 April	Thursday	Infrastructure Services	12:00
03 April	Thursday	Community Services	14:00
03 April	Thursday	Financial Services	15:00
16 April	Wednesday	Mayoral Committee	
17 April	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
FRIDAY 18 APRIL: GOOD FRIDAY // MONDAY 21 APRIL: FAMILY DAY			
MONDAY 28 APRIL: FREEDOM DAY			
29 April	Tuesday	Local Labour Forum (LLF)	14:00
30 April	Wednesday	COUNCIL	

DATE	DAY	MEETING	TIME
MAY			
WEDNESDAY 1 MAY: WORKER'S DAY			
06 May	Tuesday	Planning, Local Economic Development & Tourism	14:00
06 May	Tuesday	Corporate Services	15:00
07 May	Wednesday	Human Settlements	10:00
07 May	Wednesday	Protection Services	12:00
07 May	Wednesday	Rural Management & Environment	14:00
07 May	Wednesday	Parks & Open Spaces	15:00
08 May	Thursday	Sport, Youth & Culture	10:00
08 May	Thursday	Infrastructure Services	12:00
08 May	Thursday	Community Services	14:00
08 May	Thursday	Financial Services	15:00
14 May	Wednesday	Mayoral Committee	10:00
15 May	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
26 May	Monday	Local Labour Forum (LLF)	14:00
28 May	Wednesday	COUNCIL	10:00
JUNE			
03 June	Tuesday	Planning, Local Economic Development & Tourism	14:00
03 June	Tuesday	Corporate Services	15:00
04 June	Wednesday	Human Settlements	10:00
04 June	Wednesday	Protection Services	12:00
04 June	Wednesday	Rural Management & Environment	14:00
04 June	Wednesday	Parks & Open Spaces	15:00
05 June	Thursday	Sport, Youth & Culture	10:00
05 June	Thursday	Infrastructure Services	12:00
05 June	Thursday	Community Services	14:00
05 June	Thursday	Financial Services	15:00
SUNDAY 16 JUNE: YOUTH DAY // MONDAY 17 JUNE PUBLIC HOLIDAY			
18 June	Wednesday	Mayoral Committee	10:00
19 June	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
30 June	Monday	Local Labour Forum (LLF)	14:00

DATE	DAY	MEETING	TIME
COUNCIL RECESS: [DATES TO BE CONFIRMED BY SPEAKER]			
JULY			
23 July	Wednesday	Mayoral Committee	10:00
24 July	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
28 July	Monday	Local Labour Forum (LLF)	14:00
30 July	Wednesday	COUNCIL Sec 52 Report on implementation of budget	10:00
AUGUST			
05 August	Tuesday	Planning, Local Economic Development & Tourism	14:00
05 August	Tuesday	Corporate Services	15:00
06 August	Wednesday	Human Settlements	10:00
06 August	Wednesday	Protection Services	12:00
06 August	Wednesday	Rural Management & Environment	14:00
06 August	Wednesday	Parks & Open Spaces	15:00
07 August	Thursday	Sport, Youth & Culture	10:00
07 August	Thursday	Infrastructure Services	12:00
07 August	Thursday	Community Services	14:00
07 August	Thursday	Financial Services	15:00
13 August	Wednesday	Mayoral Committee	10:00
14 August	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
25 August	Monday	Local Labour Forum (LLF)	14:00
27 August	Wednesday	COUNCIL <i>Adjustments/Roll-over Budget and Budget/IDP time schedule (Process Plan)</i>	10:00
SEPTEMBER			
02 September	Tuesday	Planning, Local Economic Development & Tourism	14:00
02 September	Tuesday	Corporate Services	15:00
03 September	Wednesday	Human Settlements	10:00
03 September	Wednesday	Protection Services	12:00
03 September	Wednesday	Rural Management & Environment	14:00
03 September	Wednesday	Parks & Open Spaces	15:00
04 September	Thursday	Sport, Youth & Culture	10:00
04 September	Thursday	Infrastructure Services	12:00

DATE	DAY	MEETING	TIME
04 September	Thursday	Community Services	14:00
04 September	Thursday	Financial Services	15:00
17 September	Wednesday	Mayoral Committee	10:00
18 September	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
WEDNESDAY 24 SEPTEMBER: HERITAGE DAY			
29 September	Monday	Local Labour Forum (LLF)	14:00
OCTOBER			
01 October	Wednesday	Human Settlements	10:00
01 October	Wednesday	Protection Services	12:00
01 October	Wednesday	Rural Management	14:00
01 October	Wednesday	Parks, Open Spaces and Environment	15:00
02 October	Thursday	Sport, Youth & Culture	10:00
02 October	Thursday	Infrastructure Services	12:00
02 October	Thursday	Community Services	14:00
02 October	Thursday	Financial Services	15:00
07 October	Tuesday	Planning, Local Economic Development & Tourism	14:00
07 October	Tuesday	Corporate Services	15:00
15 October	Wednesday	Mayoral Committee	10:00
16 October	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
27 October	Monday	Local Labour Forum (LLF)	14:00
29 October	Wednesday	COUNCIL <i>Quarterly report: (Section 52) implementation</i>	10:00
NOVEMBER			
04 November	Tuesday	Planning, Local Economic Development & Tourism	14:00
04 November	Tuesday	Corporate Services	15:00
05 November	Wednesday	Human Settlements	10:00
05 November	Wednesday	Protection Services	12:00
05 November	Wednesday	Rural Management & Environment	14:00
05 November	Wednesday	Parks & Open Spaces	15:00
06 November	Thursday	Sport, Youth & Culture	10:00
06 November	Thursday	Infrastructure Services	12:00

DATE	DAY	MEETING	TIME
06 November	Thursday	Community Services	14:00
06 November	Thursday	Financial Services	15:00
12 November	Wednesday	Mayoral Committee	10:00
13 November	Thursday	Municipal Public Accounts Committee (MPAC)	12:00
24 November	Monday	Local Labour Forum (LLF)	14:00
26 November	Wednesday	COUNCIL	10:00
DECEMBER			
[COUNCIL RECESS DATES TO BE FINALISED BY THE SPEAKER]			

12.8	PERMISSION TO JOIN THE DELEGATION ATTENDING THE 12TH WORLD URBAN FORUM TO EGYPT FROM 2 NOVEMBER 2024 TO 8 NOVEMBER 2024
------	---

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 October 2024

1. SUBJECT: PERMISSION TO JOIN THE DELEGATION ATTENDING THE 12TH WORLD URBAN FORUM TO EGYPT FROM 2 NOVEMBER 2024 TO 8 NOVEMBER 2024.**2. PURPOSE OF REPORT**

To obtain Council approval to attend the 12th World Urban Forum (WUF) on behalf of the municipality, in Egypt over the period of 2 November 2024 to 8 November 2024.

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

The Senior Spatial Planner, Ms Chantel Hauptfleisch, was invited to attend and participate in the 12th World Urban Forum in Egypt from 2 November 2024 to 8 November 2024. The official will be accompanied by the Development Action Group (DAG), which will be a valuable in-person event in Cairo, Egypt. The delegation consisting of colleagues from the Development Action Group, National Treasury, City Support Programme, Stellenbosch Municipality, and City of Johannesburg have been confirmed for active participation, including providing inputs on a panel as well as conducting training in two events on the WUF programme.

The main intention in participating in this forum is to showcase the experiences and lessons learnt from Stellenbosch Municipality, and across South Africa, on the implementation of Land Value Capture. It will also provide an opportunity to network with international agencies, experts and partners and serve as an important platform to learn from experiences in other countries.

All the cost related to attending the WUF will be covered by the Swiss State Secretariat for Economic Affairs (SECO) via the World Bank. The VISA application, air travel costs, accommodation, travel insurance, meals and transport costs will be fully provided for.

5. RECOMMENDATIONS

- a) That Council approves the request for attendance of the 12th World Urban Forum over the period 2 November 2024 to 8 November 2024 for Me Chantel Hauptfleisch; and
- b) That Council approves the daily allowance for the duration of the tour.

6. DISCUSSION / CONTENTS**6.1 Background**

The World Urban Forum (WUF) was established in 2001 by the United Nations to address one of the world's most pressing issues today: rapid urbanisation and its impact on communities, cities, economies, climate change, and policies. The forum is convened by

UN-Habitat and is a high-level, open, and inclusive platform for addressing the challenges of sustainable urbanisation. Moreover, the 12th WUF (WUF12) will focus on localising the Sustainable Development Goals, shedding light on the local actions and initiatives required to curb the current global challenges affecting the daily life of people, including unaffordable housing, rising living costs, climate change, the lack of basic services, and ongoing conflicts. The theme of WUF12 is “It All Starts at Home.” The concept of “home” extends beyond the physical structures that shelter us to encompass the cultural, social, economic and environmental dimensions of daily life. The focus is on the critical role local action can play in accelerating progress towards urban sustainability. The concept of localisation recognises the role of subnational governments and calls for a whole-of-society and whole-of-government approach, empowering local stakeholders and fostering citizen engagement. It requires aligning actions with community priorities and recognising the unique conditions of each locality.

Participation at WUF forms part of the global networking activities of the National Land Value Capture Programme at DAG. The National Land Value Capture (LVC) Programme was first initiated in 2020 as a collaboration between the Cities Support Programme (CSP) within the National Treasury, the Lincoln Institute of Land Policy (LILP) and the Development Action Group (DAG). The National Land Value Capture programme aims to strengthen the capability of officials working in large cities to efficiently implement innovative land value capture tools and strategies. The main intention in participating in this forum is to showcase the experiences and lessons learnt from Stellenbosch Municipality, and across South Africa, on the implementation of Land Value Capture. It will also provide an opportunity to network with international agencies, experts and partners and serve as an important platform to learn from experiences in other countries.

6.2 Discussion

6.2.1 Motivation for international travel as per Clause 9 of the Cost Containment Policy

In terms of Clause 9 of the Cost Containment Policy 2019, the report to council for approval of international travel must include:

- A motivation why the international is seen as critical and fully setting out the anticipated benefit that the municipality will drive from attending the event, meeting or function.
- If international travel to the destination or event was previously undertaken, state what benefits if any derived from the previous attendance.
- The full cost of the international travel including travel allowances to be paid; and
- The proposed officials and political office bearers, not exceeding three, to travel and why they have been identified.

The Senior Spatial Planner, Ms Chantel Hauptfleisch, was invited to attend and participate in the 12th World Urban Forum in Egypt from 2 November 2024 to 8 November 2024. The official will be accompanied by the Development Action Group (DAG), which will be a valuable in-person event in Cairo, Egypt.

The delegation consisting of colleagues from DAG, National Treasury's CSP, Stellenbosch Municipality, and City of Johannesburg have been confirmed for active participation, including providing inputs on a panel as well as conducting training in two events on the WUF programme. The first event is a networking event on “Financing Localization and Localizing Finance” which will be hosted in collaboration with the Lincoln Institute for Land Policy, the Inter-American Development Bank (IADB), and the Organization for Economic Cooperation and Development (OECD). The panel discussion will focus on the specific conditions and obstacles faced by local governments in accessing both public and private sector finance for local development initiatives. South Africa's experiences in land value capture will be profiled. The presentation will be delivered by the National Treasury and the Cities Support Programme, with attendance by the entire South African delegation.

The second event includes a training course in partnership with the Lincoln Institute of Land Policy; Torcuato Di Tella University. The training course will use a combination of presentations and group discussions to explore urban land markets, legal frameworks and related considerations for land value capture. The presentation will be delivered by Stellenbosch Municipality, sharing valuable insights and knowledge on the implementation of catalytic projects like the Adam Tas Corridor and the Inclusionary Zoning Policy.

All the cost related to attending the WUF will be covered by the Swiss State Secretariat for Economic Affairs (SECO) via the World Bank. The VISA application, air travel costs, accommodation, travel insurance, meals and transport costs will be fully provided for.

6.3 Financial Implications

The Swiss State Secretariat for Economic Affairs (SECO) via the World Bank will cover all costs related to the official programme. The air travel costs, accommodation, travel insurance, meals and transport costs will be fully provided for. Pending on Council decision an application will be submitted for travelling allowance that will be calculated by finance.

6.4 Legal Implications

In line with the Cost Containment Policy.

6.5 Staff Implications

The Senior Spatial Planner will be out of office for the period and the Manager: Spatial Planning will be available for the period.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management.

The item was not circulated for comments.

6.8.1 Director: Planning & Economic Development

Supports the recommendations.

6.8.2 Municipal Manager

Supports the recommendations.

ANNEXURES

Appendix 1: Invitation

FOR FURTHER DETAILS CONTACT:

NAME	Anthony Barnes
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8493
E-MAIL ADDRESS	anthony.barnes@ Stellenbosch.gov.za
REPORT DATE	16 October 2024

APPENDIX 1

16 October 2024

Letter of Invitation to the World Urban Forum 12 – Cairo, Egypt.

Dear Chantel Hauptfleisch

You are warmly invited to attend the **Twelfth World Urban Forum**, accompanied with the **Development Action Group (DAG)**, which will be a valuable **in-person** event in **Cairo, Egypt** from the **4th to the 8th of November 2024**.

INTRODUCTION:

The **World Urban Forum (WUF)** was established in 2001 by the **United Nations** to address one of the world's most pressing issues today: rapid urbanisation and its impact on communities, cities, economies, climate change, and policies. The forum is convened by UN-Habitat and is a high-level, open, and inclusive platform for addressing the challenges of sustainable urbanisation. Moreover, the **Twelfth WUF (WUF12)** will focus on localising the Sustainable Development Goals, shedding light on the local actions and initiatives required to curb the current global challenges affecting the daily life of people, including unaffordable housing, rising living costs, climate change, the lack of basic services, and ongoing conflicts. **The theme of WUF12 is “It All Starts at Home.”** The concept of “home” extends beyond the physical structures that shelter us to encompass the cultural, social, economic and environmental dimensions of daily life. The focus is on the critical role local action can play in accelerating progress towards urban sustainability. The concept of localisation recognises the role of subnational governments and calls for a whole-of-society and whole-of-government approach, empowering local stakeholders and fostering citizen engagement. It requires aligning actions with community priorities and recognising the unique conditions of each locality.

BACKGROUND:

Participation at WUF forms part of the global networking activities of the **National Land Value Capture Programme at DAG**. The **National Land Value Capture (LVC) Programme** was first initiated in 2020 as a collaboration between the **Cities Support Programme (CSP)** within the **National Treasury**, the **Lincoln Institute of Land Policy (LILP)** and the **Development Action Group (DAG)**. The National Land Value Capture programme aims to strengthen the capability of officials working in large cities to efficiently implement innovative land value capture tools and strategies. **The main intention in participating in this forum is to showcase the experiences and lessons learnt from South Africa on the implementation of Land Value Capture. It will also provide an opportunity to network with international agencies, experts and partners and serve as an important platform to learn from experiences in other countries.**

PARTICIPATION:

Our active participation, including providing inputs on a panel as well as conducting training in two events on the programme, has been confirmed. The first event is a **networking event** on **“Financing Localization and Localizing Finance”** which will be hosted in collaboration with the **Lincoln Institute for Land Policy**, the **Inter-American Development Bank (IADB)**, and the **Organization for Economic Cooperation and Development (OECD)**. The panel discussion will focus on the specific conditions and obstacles faced by local governments in accessing both public and private sector finance for local development initiatives. South Africa's experiences in land value capture will be



101 Lower Main Road, Observatory, 7925
Cape Town, South Africa

Telephone: +27(21) 448 7886

Email: dag@dag.org.za

www.dag.org.za

16 October 2024

profiled. It is proposed that this presentation will be delivered by the National Treasury and the Cities Support Programme.

The second event includes a **training course** in partnership with **the Lincoln Institute of Land Policy; Torcuato Di Tella University**. The training course will use a combination of presentations and group discussions to explore urban land markets, legal frameworks and related considerations for land value capture. It is proposed that this presentation will be delivered by Stellenbosch Municipality.

EXPENSES:

As hosts, we will be **covering all associated costs** to enable your participation at this event as **the Swiss State Secretariat for Economic Affairs (SECO) via the World Bank** will fund the costs of this trip, covering the air travel costs, accommodation, and travel insurance for the delegates.

We look forward to hearing back from you to ashley@dag.org.za.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Helen Rourke'.

Helen Rourke
Programme Director
Development Action Group

Viola Anthony

From: Geraldine Mettler
Sent: Wednesday, October 16, 2024 12:38 PM
To: Chantel Hauptfleisch; mm; Nomie Tshefu
Cc: Jeremy Benjamin; Anthony Barnes; Bernabe De La Bat
Subject: RE: World Urban Forum - Cairo

Hello Chantel,

This is such a great achievement for you and an opportunity to showcase Stellenbosch. You have my approval subject to council approval. Please finalise council item asap in line with council policy on cost containment that deals with international travels



Kind regards,

Geraldine Mettler
 Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Chantel Hauptfleisch <Chantel.Hauptfleisch@stellenbosch.gov.za>
Sent: Wednesday, 16 October 2024 12:33
To: Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>; Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>
Cc: Jeremy Benjamin <Jeremy.Benjamin@stellenbosch.gov.za>; Anthony Barnes <Anthony.Barnes@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>
Subject: FW: World Urban Forum - Cairo
Importance: High

Dear MM, I trust this e-mail finds you well.

As an expert on land value capture and its application within a local government context, I've been invited to join the South African delegation which consists of National Treasury's Cities Support Programme, Development Action Group, and the City of Johannesburg. The delegation from South Africa has been invited by the Lincoln Institute of

Land Policy and the World Bank and the costs will be covered by the World Bank as confirmed in the subjoined e-mail.

I am currently preparing a Council item which will contain the formal invitation as well as the motivation for the request to join the delegation, and I would really appreciate it if you could favourably consider the request. If you need any additional information please let me know.



Kind Regards / Vriendelike Groete,

Chantel Hauptfleisch

(Pr.Pln A/1484/2011)

**Senior Spatial Planner : Spatial Planning
Planning and Economic Development**

T: +27 21 808 8607 | C: +27 72 224 4495

NPK Building, cnr of Ryneveldt & Plein Streets,
Stellenbosch, 7600

www.stellenbosch.gov.za/planning



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Helen Rourke <helen@dag.org.za>

Sent: Thursday, 19 September 2024 14:21

To: Samantha Naidu <Samantha.Naidu@treasury.gov.za>; Chantel Hauptfleisch

<Chantel.Hauptfleisch@stellenbosch.gov.za>; Minenhle Maphumulo <MinenhleM@joburg.org.za>; Ashley Mogoje <Ashley@dag.org.za>

Subject: [EX] World Urban Forum - Cairo

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

The World Urban Forum is just around the corner – please see the link here to register [UN-Habitat GEMS | UN-Habitat GEMS \(unhabitat.org\)](https://unhabitat.org)

Sam is busy coordinating our flights with the World Bank so reminder to please send a **copy of your passport and preferred flights** to Sam and cc in Ashley and myself.

All costs for travel and accommodation will be covered – please note that the accommodation costs will only cover: check-in Sunday with a check out on Friday morning. Should you wish to extend your stay this will be to your own account. Reminder to please let Sam know your preferred date for leaving.

In the coming weeks we will schedule a call for us to all connect and talk through the programme. There are two events already planned in partnership with Lincoln.

The first event includes a networking event on “Financing Localization and Localizing Finance” be hosted in collaboration with the Lincoln Institute for Land Policy, the Inter-American Development Bank (IADB), and the Organization for Economic Cooperation and Development (OECD). The panel discussion will focus on the specific conditions and obstacles faced by local governments in accessing both public and private sector finance for local development initiatives. South Africa’s experiences in land value capture will be profiled.

The second event includes a training course in partnership with the Lincoln Institute of Land Policy; Torcuato Di Tella University . The training course will use a combination of presentations and group discussions to explore urban land markets, legal frameworks and related considerations for land value capture.

Looking forward to a very exciting WUF.

Please note that Ashley and I will be on leave from Friday 20th and back at work on Thursday 26th. Welcome to whatsapp if there is an emergency.

Warmest regards,
Helen

Helen Rourke	Programme Director
---------------------	---------------------------

	101 Lower Main Road OBSERVATORY 7925 South Africa Tel: +27 (0)21 448-7886 Mobile: +27 (0)83 660-2418 E-mail: helen@dag.org.za Website: www.dag.org.za	<div style="text-align: center;">    </div> <p style="text-align: center;"> Empowering people to create change since 1986 </p>
---	---	---

Information contained in this message or attachment(s) should not be attributed to DAG unless otherwise stated.

DAG is not responsible or liable for any infringement caused by transmission of this email and viruses that may be attached.

12.9	REQUEST TO UTILISE INTERNAL FUNDING FOR EMERGENCY ALTERNATIVE ACCOMMODATION FOR LANGRUG DAM RESIDENTS ON ERF 3229, MOOIWATER
------	---

Collaborator No:

IDP KPA Ref No: SFA 4 – Dignified Living

Meeting Date: 30 October 2024

1. SUBJECT: REQUEST TO UTILISE INTERNAL FUNDING FOR EMERGENCY ALTERNATIVE ACCOMMODATION FOR LANGRUG DAM RESIDENTS ON ERF 3229, MOOIWATER

2. PURPOSE

To obtain Council's approval to use internal funding to provide alternative emergency accommodation for the Langrug dam residents.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Langrug dam area has experienced significant flooding in the last number of years, which created an emergency relocation scenario. The residents currently residing in and around the Langrug dam are at risk of flooding events during the rainy season, given the nature of the dam area.

This necessitated the Municipality to relocate the affected residents via an Emergency Housing solution. The solution proposed was an application for funding for Emergency Structures for the erf 3229 site via the National Department of Human Settlements' (NDHS) Emergency Housing Programme (EHP). Council has an approved Emergency Housing Policy in which the type of alternative accommodation is indicated.

The Municipality identified Erf 3229 as a decanting site (214 erven) for residents of the Langrug dam site (Refer Figure 1 and 2 below). Accordingly, service providers were appointed to install 214 engineering services at Erf 3229 (utilising the Informal Settlements Upgrading Partnership (ISUP) and the Integrated National Electrification Programme (INEP) Grants), and emergency structures funding was anticipated to be supplied by the National Department of Human Settlements.

The Informal Settlements Department (ISD) of the Municipality has applied to the NDHS (National Department of Human Settlements) for the funding for the emergency housing structures. The table below provides an account of engagements to date. The application was prepared in July 2021, but was not submitted at the time. A meeting was held with the Parliamentary Committee in Nov 2023. Applications were then submitted to the Provincial Department of Infrastructure in March 2024 and a site visit conducted with them in June 2024. A draft checklist was submitted to the Provincial DOI in August 2024, and final application was submitted by the Informal Settlements Department on the 16th September 2024. The request for funding is attached as **Annexure B**.

Record of actions with respect to application for: Housing Assistance in the event of a disaster (Langrug Dam residents)					
Process	Status	On or about	Source	Authors	Outcome
1 Prepare application	Application Completed	Jul-21	Draft application	Naudica/Kamza	
2 Submit Application	Not submitted	21-Aug			
3 Meeting with Parliamentary Committee	Discuss application and way forward	23-Nov	Minutes of the meeting	David Ali/Lester	
4 IBS /PFR applications to PDol	Applications Submitted	March - October 24	Copies of applications	Lester/Johru	
5 Request assistance from PDol	PDol responded	April 24?	Email exchange	Johru/David	
6 Site meeting with NDoHS	Completed	24-Jun	Email	Johru/Lester/Lebo (NDoHS)	Checklist of content for application letter
7 Draft Checklist for perusal	No response from NDoHS	24-Aug	On site notes / Email	Johru/Lebo	
8 Meeting with Acting DDG: NDoHS & PDol	Meeting held	End Aug 24		Lester/Johru, PDol & NDoHS	Finalise application letter
9 Meeting with Acting DDG: NDoHS & PDol	Follow up - Meeting Held	04-Sep-24	Meeting invite	Johru, PDol & NDoHS	Finalise application letter
10 Submit application form and Application letter	Submitted to NDoHS	16-Sep-24	Emailed response PDol	Johru/Lester	Await outcome from NDoHS

Even though various engagements and applications have been submitted, no answer has been forthcoming to date.

Currently there is no firm indication by the National or Provincial Departments that they would provide the funding for the top structures.

This places the Municipality and the currently installed services at severe risk because the installation of the engineering services is nearing completion, and the construction of the emergency housing structures (wendy houses) must commence immediately. If the construction of the emergency housing structures does not continue soon, there is a real risk that the services may be vandalised or stolen, as well as a risk that the Integrated National Electrification Programme (INEP) grant would not be spent by the end of June 2025 as envisaged, realising in the loss of grant funding.

After the installation of the structures, the connections of the electrical services to the structures must follow. A delay in the construction program to connect services may realistically lead to the following issues:

- Standing time claims due to delays in procuring the top structures.
- De-establishment and re-establishment costs.
- Vandalism of the installed infrastructure
- Security costs to prevent theft of the infrastructure
- Illegal invasion of the serviced sites.
- Possible wasteful expenditure of the above, should the site remain serviced and vacant.

The Infrastructure Services Directorate was requested to look at possible projects on the current 2024-25 budget, from which the required funds could be viremented internally, in order to fund the emergency structures in the interim. This would save valuable time and allow the procurement of wendy houses with immediate effect, since this is an Emergency scenario. The project which has been identified is the Bulk Water Supply Pipe and Reservoir: Stellenbosch, and the required R16,683,440.00 is being proposed in this submission.

It should be noted that the design of the Mooiwater relocation site consists of smaller serviced erven and this will not fit the normal (Breaking New Ground – BNG) structure units since they require more space and due to the temporary relocation nature of the site, it is not recommended to install any other structures other than those provided for in the Emergency Housing Policy.

A satellite view of a residential area in Mooiwater, South Africa. The image shows a dense cluster of houses with light-colored roofs. Several streets are visible, including 'Le Roux', 'Erf 3229, Mooiwater', and 'Langrug dam site'. The surrounding landscape includes agricultural fields and a large body of water. The Google Earth interface is visible at the bottom, showing the date '12/15/2018' and coordinates '33°53'12.18" S 19°06'18.89" E'.

The risk of waiting until the approval of the adjustment budget, in January 2025, is too high since the civil services will be completed by December 2024 and the top structures need to commence with installation with immediate effect. The request is therefore that Council approve the use of the municipality's Capital Replacement Reserve Funding to fund the erection of the structures on Erf 3229, Mooiwater. This can only be done through virement from the existing approved project on the budget within the Infrastructure Directorate.

According to the Civil contractor's original forecast program, the electrical connections to the houses should start on 19 November 2024 and was then planned to be completed by 06 December 2024 (see **Annexure A**). This will however not be possible since the service provider can build 2 wendy houses per day depending on the allocation of resources. This projects an estimated output of 40 wendy houses per month and a construction period of 6 months and there will therefore be delays to the original implementation plan. As there is a term tender in place for the Wendy houses, it will help to appoint the service provider that can start with the building of the structures as soon as the funding is available.

5. RECOMMENDATIONS

- (a) that Council notes the risks associated with the delay in procuring and installation of structures and the installation of electrical connections;
- (b) that Council notes the challenges and risks with the funding from the National Department of Human Settlements for the wendy houses to accommodate the residents of the Langrugdam relocation;
- (c) that Council approves the use of internal funding (Capital Replacement Reserve (CRR) for the procurement of the wendy houses as alternative accommodations for the Langrugdam residents' relocation;
- (d) that Council approves the reprioritisation of infrastructure project and virement of **R16,683,440.00** CRR funding on the approved budget, prior to the adjustment budget, in order to make provision for the construction of the alternative accommodation (structures) for Langrug dam residents on Erf 3229, Mooiwater;
- (e) that Council notes that the impacts on the starting dates of current approved projects on the budget as discussed under 6.2; and
- (f) that provision be made in the adjustment budget, where needed, for the project that is impacted by the virements.

6. DISCUSSION / CONTENTS

6.1 Background

In 2022 the PMU department appointed a service provider to provide Engineering Design and Construction Monitoring Services of Basic Services for the proposed Development of a Temporary Relocation Area on Erf 3229, Mooiwater.

A contractor was then appointed in June 2024 for the construction of basic services such as water, sanitation, stormwater, roads and electricity. The contractor is currently on site installing underground services. This will be completed in the next few weeks. After the services are installed structures must be erected and then electrical connections must be installed to the structures. The funding for this component is part of INEP grants and if it is not spend by June 2024 then the Municipality will lose this funding. It was rolled over once already.

The provision of the temporary structures has been part of the discussions between PMU, Housing Development, and Informal Settlement from the inception of the project. A funding application was submitted to the National Human Settlements Department by the Informal Settlement Department, however, to date no approval has been granted – see **Annexure B1 and B2**.

6.2 DISCUSSION

The Informal Settlements Department (ISD) of the Municipality has applied to the NDHS (National Department of Human Settlements) for the funding for the emergency housing structures. The table below provides an account of engagements to date. The application was prepared in July 2021, but was not submitted at the time.

A meeting was held with the Parliamentary Committee in Nov 2023. Applications were then submitted to the Provincial Department of Infrastructure in March 2024 and a site visit conducted with them in June 2024. A draft checklist was submitted to the Provincial DOI in August 2024, and final application was submitted by the Informal Settlements Department on the 16th September 2024.

Record of actions with respect to application for: Housing Assistance in the event of a disaster (Langrug Dam residents)					
Process	Status	On or about	Source	Authors	Outcome
1 Prepare application	Application Completed	Jul-21	Draft application	Naudica/Kamza	
2 Submit Application	Not submitted	21-Aug			
3 Meeting with Parliamentary Committee	Discuss application and way forward	23-Nov	Minutes of the meeting	David Allu/Lester	
4 IBS /PFR applications to PDol	Applications Submitted	March - October 24	Copies of applications	Lester/Johru	
5 Request assistance from PDol	PDol responded	April 24?	Email exchange	Johru/David	
6 Site meeting with NDoHS	Completed	24-Jun	Email	Johru/Lester/Lebo (NDoHS)	Checklist of content for application letter
7 Draft Checklist for perusal	No response from NDoHS	24-Aug	On site notes / Email	Johru/Lebo	
8 Meeting with Acting DDG: NDoHS & PDol	Meeting held	End Aug 24		Lester/Johru, PDol & NDoHS	Finalise application letter
9 Meeting with Acting DDG: NDoHS & PDol	Follow up - Meeting Held	04-Sep-24	Meeting invite	Johru, PDol & NDoHS	Finalise application letter
10 Submit application form and Application letter	Submitted to NDoHS	16-Sep-24	Emailed response PDol	Johru/Lester	Await outcome from NDoHS

Even though various engagements and applications have been submitted, no answer has been forthcoming unfortunately. The request for funding is attached as **Annexure B and B1**.

Currently there is no firm indication by the National or Provincial Departments that they would provide the funding for the top structures.

To ensure that the project continues without delays, internal funding (CRR) is required to ensure the erection of the structures timeously. If internal funding is not used for the wendy houses, the electrical services funded by INEP grant is at risk of not been spent by June 2024 and that funding will then be lost. As no internal funding is available in the Planning Directorate at present to fund the structures, Infrastructure Directorate can temporarily fund the structure project from internal funding, but it will mean that a certain project may be impacted and move to the next financial year.

After internal deliberation, the following project could be used for the virements to possibly enable the funding of the wendy houses in the interim:

Option: Virement the entire amount (CRR funds) from the Bulk Water Supply Pipe and Reservoir: Stellenbosch to Housing Projects U-key PMU, with the commitment that the funds be returned during the 2025/26 Financial year. This therefore means the start date of the project will only be in the next financial year.

The risk of waiting until the approval of the adjustment budget is too high. The request is therefore that Council approve that internal funding be used to fund the project and the Municipal Manager will then virement the Infrastructure Services funding to fund the erection of the structures on Erf 3229, Mooiwater.

According to the civil contractor's program, connections to the houses should commence on 19 November 2024 and if all structures were in place, the planned completion date was 06 December 2024. Given that no structures are in place and only 40 per month can be built, it will take 6 months to erect the 214 structures and the electrical service connections will therefore be delayed but can be spent before 30 June 2024.

6.3 **Financial Implications**

The services component of the project is funded amongst others through the Integrated National Electrification program (INEP). There is a significant risk of losing the INEP funding should it not be spent by June 2025. This would lead to several additional costs against the projects.

It is important to note that the service provider can build 2 wendy houses per day depending on the allocation of resources. This will give an estimated output of 40 wendy houses per month and a construction period of 6 months. It is imperative to note that the estimated completion date of the construction of services, excluding the installation of electricity, is in three weeks' time. If the structures are not installed the services are at risk of been vandalized. Additional costs to the project are amongst others standing time, preliminary and general and security for both sites.

The cost implications for the structures are based on the comparison of the two wendy house sizes on the tender and as per the Emergency Housing Policy.

PRODUCT	COST
Wendy house 6x3	R55 000 (R11 770 000)
Wendy house 9x3	R77 960 (R16 683 440)

Source: Term tender B/SM 50/24

Projects in infrastructure will be affected by virement to now fund the structures which should be funded by the National Department of Human Settlements.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

Although the top structure project is intended to be funded by the Infrastructure Directorate, the project of erecting the structures will be rolled out by the Planning and Economic Development Directorate, (Informal Settlements Department).

6.6 **Previous / Relevant Council Resolutions:**

Not applicable.

6.7 **Risk Implications**

The risks that have been identified and may be mitigated by this Council resolution are as follows:

- Standing time claims due to delays in procuring the top structures.
- De-establishment and re-establishment costs.
- Vandalism of the installed infrastructure
- Security costs to prevent theft of the infrastructure
- Illegal invasion of the serviced sites and the Langrug dam.
- Wasteful expenditure should the site remain vacant.
- Losing of INEP funding

6.8 Comments from Senior Management:**6.8.1 Chief Financial Officer**

Directorate Planning and Economic Development to attach the original funding applications and the latest memorandum as well as the proof of communication between the Municipality and the National Department.

To note that the reprioritisation, if approved by Council, does not mean that the Municipality will be required to find additional revenue in this financial year or the next, to cover the shortfall on these projects that will be used to virement funds from.

6.8.2 Municipal Manager:

Supports the Item.

6.8.3 Directorate: Planning and Economic Development

The funding application was originally submitted before the COVID 19 pandemic. We received no responses to enquiries regarding the application. We eventually received some response during January/February 2024 when the Parliamentary Committee insisted that the National Department of Human Settlements (NDoHS) indicate to us what the status of the application is.

They indicated that they no longer used a specific application form and that we must write a letter to them indicating the emergency. A site visit was held during May 2024 with NDoHS representatives in order to explain the intent of the Municipality on site. In August 2024 the application, as well as supporting documentation, was sent to NDoHS and this was followed up by a series of meetings with their Acting DDG at the end of August 2024. During September 2024, a more comprehensive letter as well as the original application was sent to NDoHS again. To date we have not received any answer.

ANNEXURES

Annexure A: Civil Services Construction Programme of current Services Installation Project

Annexure B1: Request for funding to NDHS.

Annexure B2 : Request for funding in the case of an emergency – September 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Myra Francis
POSITION	Senior Manager: Infrastructure Development and Planning
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8760
E-MAIL ADDRESS	Myra.francis@ Stellenbosch.gov.za
REPORT DATE	21 October 2024

ANNEXURE A

Project: Mooiwater Temporary Relocation Date: 15/04/2024	Task		External Tasks		Manual Task		Finish-only		Baseline Milestone	
	Split		External Milestone		Duration-only		Deadline		Baseline Summary	
	Milestone		Inactive Task		Manual Summary Rollup		Critical		Progress	
	Summary		Inactive Milestone		Manual Summary		Critical Split			
	Project Summary		Inactive Summary		Start-only		Baseline			

Project: Mooiwater Temporary Relocation Date: 15/04/2024	Task		External Tasks		Manual Task		Finish-only		Baseline Milestone	
	Split		External Milestone		Duration-only		Deadline		Baseline Summary	
	Milestone		Inactive Task		Manual Summary Rollup		Critical		Progress	
	Summary		Inactive Milestone		Manual Summary		Critical Split			
	Project Summary		Inactive Summary		Start-only		Baseline			

ANNEXURE B1

**APPLICATION FORM: HOUSING ASSISTANCE IN THE EVENT OF A DISASTER**

**APPLICATION FOR APPROVAL OF GRANT ASSISTANCE
TO THE DIRECTOR - GENERAL NATIONAL
DEPARTMENT OF HUMAN SETTLEMENTS**

REQUIRED CONTENT CHECKLIST

PART 1		PARTICULARS OF APPLICANT	
1.1	Name of Province:	Western Cape	
1.2	Name of Municipality:	Stellenbosch	
1.3	Date/s of the disaster	During June to August 2024	
1.4	GPS co-ordinates of location of disaster	33°53'9.85"S; 19° 6'23.01"E	
 <p>Figure 1: Dam Wall Area (211 structures on Blue Impact Zone) – Source: Municipal Database 2024</p>			
1.5	Postal Address of applicant	Town Hall Complex, Plein Street, Stellenbosch, 7599	
1.6	Physical address of applicant	Town Hall Complex, Plein Street, Stellenbosch, 7600	
1.7	Contact Person(s): (Name and surname, designation, telephone number, fax number, email address).	Lester van Stavel Manager: Housing Development Tel: +27 218088462 E-mail: Lester.Vanstavel@ Stellenbosch.gov.za	Johru Robyn Manager: Informal Settlements Tel: +27 21 808 8460 Email: Johru.Robyn@ Stellenbosch.gov.za

PART 2 DESCRIPTION OF EMERGENCY HOUSING SITUATION

2.1 Brief description of the emergency housing situation, e.g., flood, fire, or other reasons.

Approximately 350 families are currently residing within and below the freshwater dam in the Langrug Informal Settlement. Their livelihood is under constant threat, as the dam filled up and submerged structures resultant from recent heavy rainfall and poses great risk of flooding, *see Figure 2 and 3 below*. The heavy rainfall and resultant stagnant water are a major contributor to waterborne and other communicable diseases such as diarrhea in the area. Furthermore, the dam area is also used as the local dumping site by some of the residents, which contributes to unsanitary and unhealthy living conditions.

Figure 2: Flooding as a resultant of heavy rainfall



Figure 3: Localized dumping

2.1.1

Description of location and cause of the emergency housing situation (attach location map).

Location and site description: The Langrug Informal Settlement, occupying about 13.29 hectares of land owned by the Stellenbosch Municipality, lies along the southern foothills of the Wemmershoek Mountains, roughly 2 kilometers northwest of Franschhoek's Town Center. A need for relocation emerged due to constant threat, as the dam filled up and submerged structures resultant from recent heavy rainfall and poses great risk of flooding and unhealthy environment. The disaster-affected (dam area) property is located within the settlement, covering approximately 1.8 hectares on a steep, south-facing slope with a gradient of 1(V):5(H) over a 135-meter horizontal distance. The dam was formed within this sloping terrain. *See Figure 4 and 5 below.*

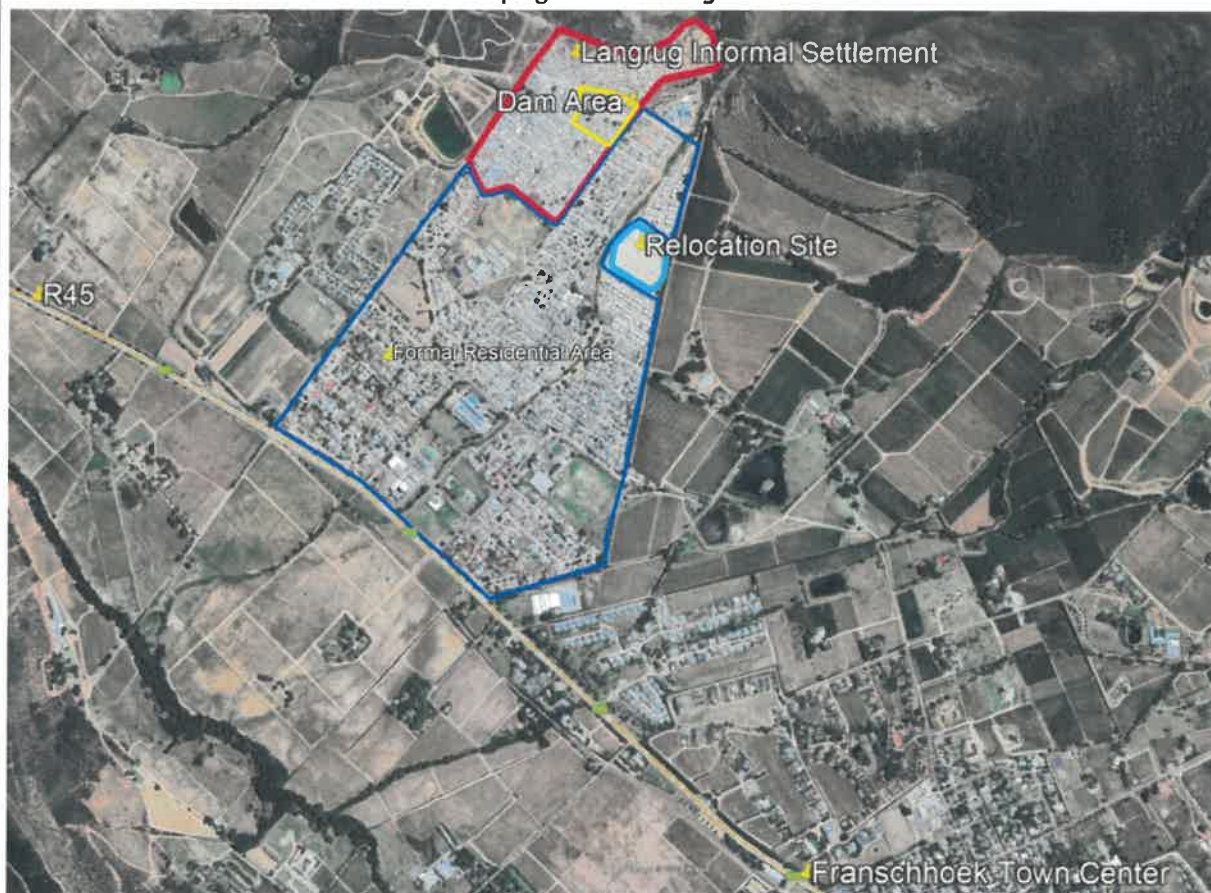


Figure 4: Langrug Informal Settlement in the context of Franschhoek – impact area indicated in yellow.



Figure 5: Contours of affected area in Langrug Dam

Cause of the emergency housing situation:

- Flooding of approximately 350 families during the winter season, and the immediate danger of families residing below the dam wall should the latter collapse. Studies undertaken by the Municipality indicate that the integrity of the dam wall at Langrug has been compromised due to years of:
 - i. soil erosion,
 - ii. heavy rainfall and,
 - iii. illegal structures that have been constructed on top and inside the dam wall.
- The dam wall has further been excavated by residents to create platforms for structures.
- Vegetative, Hydraulic, Mechanical and Aeolian forces have greatly impacted the increased structural degradation of the dam wall. This causes the dam wall to be unstable to hold the relevant volumes of water and poses an increasing risk of flooding, impacting on the structures located in, on and below the dam wall.



Figure 6: Indicated in blue the structures within the dam

2.1.2 Describe the level of destitution / displacement and impact on persons.

The level of destitution and displacement in Langrug Informal Settlement is severe, with approximately 350 families facing flooding during the winter and the imminent threat of a dam wall collapse. The households affected have no alternative accommodation or access to essential services, as there are currently no relocation options available for those living in or below the dam wall. The area, as **shown in Figure 6**, is densely populated, exacerbating the impact. The compromised dam wall, weakened by years of soil erosion, heavy rainfall, illegal structures, and further excavations by residents, poses a growing risk, leaving residents in immediate danger of further displacement and flooding.

2.2 **Nature, scope, and extent of the emergency housing situation:** Provide a full and detailed description of the emergency housing situation, including, among other matters, the nature of the emergency housing situation that needs to be redressed, e.g., whether land, municipal engineering services, and/or shelter is required, or the repair or reconstruction of damaged formal housing.

Approximately 350 families are currently residing in, on and below a freshwater dam in the Langrug Informal Settlement. Their livelihood is under constant threat, as the dam fills up seasonally and poses significant risk of flooding. This situation is a major contributor to waterborne and other communicable diseases.

Furthermore, the dam area is also used as the local dumping site by some of the residents, which contributes to unsanitary and unhealthy living conditions. Land has been identified (Erf 3229), and studies have been completed. A land use application has been submitted and approved, and the municipality commenced construction during July 2024.

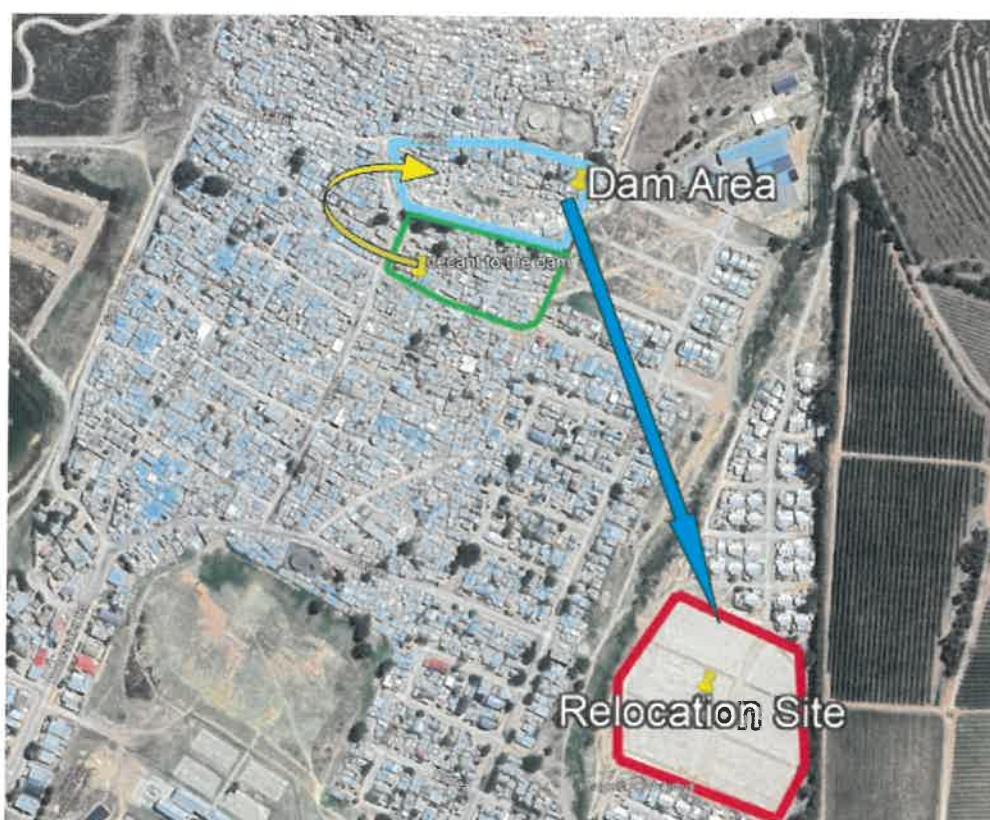
2.3	<p>Has the Mayor agreed to this application? (compulsory)</p> <p>Yes, the Council approved the latest Housing Pipeline on 31 May 2024, which accommodates this project. This project is situated in the Upgrade of Informal Settlements Program for Stellenbosch Municipality and is further identified in conjunction with the upgrading of the Langrug Informal Settlement and Erf 3229 Franschhoek, which will serve as the emergency decanting site.</p>
2.4	<p>Has the Provincial Disaster Management Centre been informed of this application? (Compulsory)</p> <p>No, the Provincial Disaster Management Centre has not been informed of this application, but representatives from the National department of Human settlements visited the site twice. Additionally, during parliamentary committee visit and after a flooding incident in Croydon and Langrug, the latter was conducted on 29 September 2023.</p>

PART 3 COMMUNITY PROFILE															
3	Together with the application, the Municipality must submit a community profile containing the following particulars (as per the attached assessment form):														
3.1	<p>The number of affected persons, households, and families.</p> <p>Phase 1: 211 households in the dam area with 181 single persons Phase 2: 103 households below the dam wall</p> <p>Total number of affected households inside and below the dam is 314 of which 21 were identified as Foreign National(s).</p>														
3.2	<p>An income profile of the families.</p> <p>Below is the income profile of the households residing in the freshwater dam.</p> <table border="1"> <thead> <tr> <th>Income Bracket</th><th>Total Number</th></tr> </thead> <tbody> <tr> <td>Less than R3500</td><td>15</td></tr> <tr> <td>R3501-R7000</td><td>94</td></tr> <tr> <td>More than R7000</td><td>6</td></tr> <tr> <td>Prefer not to say</td><td>8</td></tr> <tr> <td>Unemployed</td><td>88</td></tr> <tr> <td>Total</td><td>211</td></tr> </tbody> </table>	Income Bracket	Total Number	Less than R3500	15	R3501-R7000	94	More than R7000	6	Prefer not to say	8	Unemployed	88	Total	211
Income Bracket	Total Number														
Less than R3500	15														
R3501-R7000	94														
More than R7000	6														
Prefer not to say	8														
Unemployed	88														
Total	211														
3.3	<p>The number of people unemployed.</p> <p>88 individuals</p>														

3.4 Whether relocation / resettlement is required, and, if so, full reasons

Relocation and resettlement are necessary due to the dam wall's unsuitability for settlement purposes. Additionally, the Langrug Informal Settlement is designated as a B1 zone, which requires clearing the area affected by potential flooding from the dam wall. This action is crucial for the following reasons:

- **Rehabilitation of the Dam and Dam Wall:** To reinforce the geotechnical stability of the dam and ensure its safety.
- **Re-blocking and Township Establishment:** To facilitate the re-blocking of the area below the dam wall, enabling proper township development and the installation of essential services.



PART 4 LAND, MUNICIPAL INFRASTRUCTURAL SERVICE AND SHELTER	
4.1	If land is required, provide the following information:
4.1.1	Whether the current settlement is in an <u>urban</u> , rural, communal land area, or other area (e.g. commercial farm, etc.). Urban
4.1.2	Settlement pattern before the occurrence of the event which caused the emergency housing situation. Informal pattern
4.1.3	The nature of the current property rights of the persons concerned, e.g., illegal, informal settlement, tribal settlement, communal tenure rights, rent, leasehold, full ownership, etc. Informal settlement
4.1.4	Have the affected persons been consulted and have their consent and commitment to cooperation been obtained? If not, provide full particulars, including time frames, of the steps that will be taken to obtain their support and commitment. Yes, a social compact has been signed with the affected communities.

Has land been identified for possible settlement:

Yes,

and if so:

a) The location, description, and extent of the land.

Erf 3229 Franschhoek is located off R45, in the township of Groendal situated between the Stiebeuel River and Lea Smith Street. The site is approximately 2km south-west of Franschhoek CBD and is bordered by the Mooiwater Residential Development (north and south) and the Langrug Informal Settlement (west). The property is vacant and measure approximately 2 hectares in extent.



Figure 5: Location of Erf 3229 Franschhoek

b) In whose ownership is the land.

The property is owned by the Stellenbosch Municipality.

c) On what basis will the land be made available, e.g., donation, lease or purchase, and what are the terms and costs involved in each case.

The Stellenbosch Municipality owns the property and as per the approved Housing Pipeline, the property is available for development as a decanting site (Temporary Relocation Area).

d) Are there any restrictions that will impede or preclude the use of land for temporary/permanent residential purposes in terms of, for instance, its title deeds, integrated development planning, the Environmental Conservation Act, 1991, or any other legislation? If so, how will these restrictions be removed? **Annexure A: Land Use approval**

There are no conditions that preclude temporary relocation see the land use management approval. However, there are restrictive conditions with respect to permanent relocation see land use management approval.

e) Does the land form part of an established housing development or on land that has been identified for housing purposes. **Annexure B: Approved Item of the Housing pipeline**

Yes, although the land is earmarked as an Open Space, the location of Erf 3229 is within the established residential areas of Mooiwater, Groendal and Langrug Informal Settlement. Additionally, the project has been approved as part of the Housing Pipeline.

f) If land has not yet been identified, provide full particulars, including time frames and estimated costs of the steps that will be taken to identify and acquire land.

N/A

Full particulars about the time frames and costs of preparing a layout plan for the area of settlement.

- The land use rights to develop the property as a temporary relocation site were obtained in order to deal with the emergency situation at Langrug Informal Settlement.
- The professional fees for preparing a development plan was R2 097 894.00 (excluding VAT).

If municipal engineering services are required, provide the following information:

Full details of any municipal engineering services that are currently available or were available at the time of the occurrence of the event which caused the emergency housing situation. Provide:

a) Full particulars about the municipal services that are required: **Annexure C: Layout Plan**

The approved development resulted in 214 properties each measuring approximately 40 square meters in extent. The current development makes provision for the construction of services as follows:

- 50 communal basic services (water and sanitation)
- Electricity connection for each individual property
- Solid waste collection for each individual property

It is envisaged that the layout plan will cater for communal toilet facility.

Detailed reasons for the necessity to provide them under this programme;

b) Full particulars of the estimated costs of, and the manner in which it is intended to install, the proposed municipal infrastructure. **Annexure D Cashflow**

- Total services costs amounted to R16 861.89 (incl. VAT) see details in Annexure D..

Hereunder is a summary of the estimated project cost:

- Site rehabilitation: R5 049 158.95
- Electrification: R6 361 424.83
- Basic services: R2 656 460.79

- The Municipality has proceeded with site rehabilitation and installation of basic services, electrification to follow construction of top structures.

The municipality must, together with the submission of this application, provide a written undertaking that it will:

a) pending the installation of the municipal engineering services, provide basic municipal services to the affected persons in the form of water, refuse removal, and sewage removal services (where applicable) at affordable tariffs; and

It is hereby confirmed that the Municipality will provide access to basic services in accordance with the municipal indigent policy.

b) be able to provide bulk and connector services to the settlement area.

There are already existing bulk services at Erf 3229 as well as at the Langrug Dam settlements area.

If shelter is required, provide the following information:

A full description of the accommodation that existed in the community before the occurrence of the event which caused the emergency housing situation.

Existing accommodation at the settlement comprises of informal structures constructed with either corrugated iron sheets and / or wooden houses (Wendy houses).

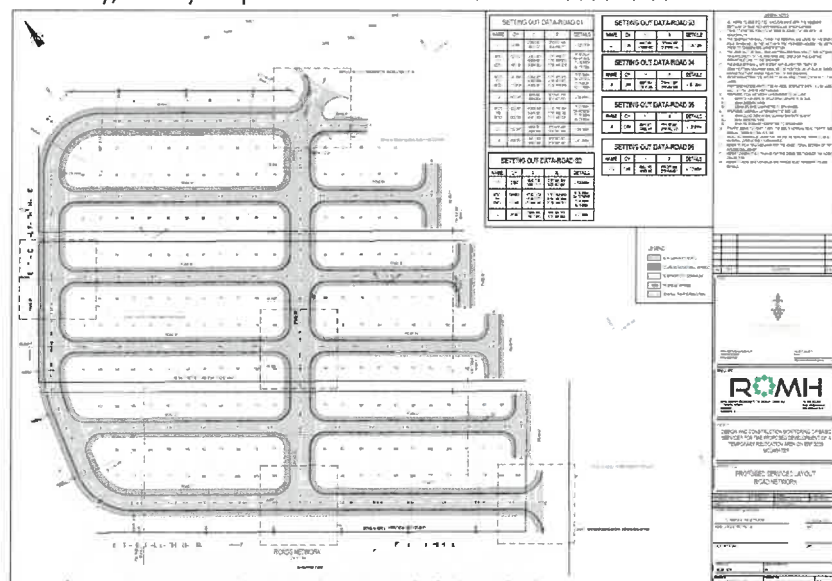


Figure 6: Some of the units located within the disaster area

Full and particularized information about:

- a) the number of persons for whom the shelters will be erected:

Currently, the layout plan can accommodate 214 households.



- b) the nature and description of the proposed structure that will be erected:

The proposed structures should measure approximately to the extent as mentioned below in order to conform to the constraints of the layout as well as the policy guidelines. The detailed number of units required for the actual relocation will be provided accordingly.

- (a) 18 square meters (3x6m²)
- (b) 9 square meters (3x3m²)

NOTES/NOTES

1. STRUCTURE WILL BE DIVIDED INTO 2 x 3m x 3m ROOMS
2. 2 x 300mm x 300mm ALUMINUM WINDOWS PER ROOM
3. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
4. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
5. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
6. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
7. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
8. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
9. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
10. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
11. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
12. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
13. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
14. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
15. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
16. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
17. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
18. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
19. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM
20. 1 x 300mm x 300mm ALUMINUM DOOR PER ROOM

PLAN VIEW

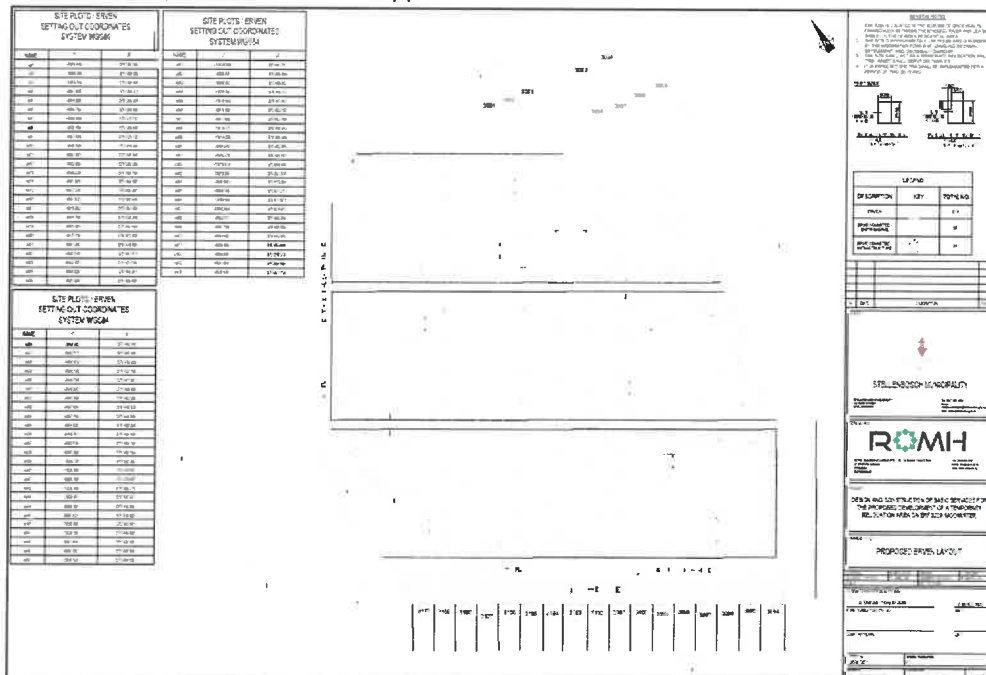
FRONT VIEW

SECTION A-A

FOR TENDER ONLY.
29/10/2017

BP/17/3280

- The current layout allows for 214 opportunities.



- As per the specification provided by National Department of Human Settlement.

f) the sourced material must comply with the Municipal IDP, National Building Regulations and SABS standards

As per the specification provided by National Department of Human Settlement.

g) any other costs required to execute the project.

As per the specification provided by National Department of Human Settlement.

Does the municipality have the capacity to provide training to affected persons on how to erect their own structures and to supervise the construction of the shelters, if applicable? If not, what steps does the municipality intend taking to acquire the required capacity.

The contractor to be appointed will have to include to their services the capacitating of affected persons. Labour will have to be sourced from the local community.

Relocation/resettlement

In the event of relocation and resettlement of persons, the Municipality, must together with this application, submit a written undertaking that it will comply with all the prescripts relating to relocation and resettlement.

In terms of the chapter "Incremental Interventions: Upgrading Informal Settlements, Part 3" of the National Housing Code 2009.

PART 5 STEPS TAKEN TO DATE

5.1 Provide details of all actions the municipality or any other person or institution have taken since the occurrence of the event which caused the emergency housing situation to improve the situation or address the emergency housing situation.

The Municipality is daily pumping water from the dam.

The Municipality has identified an alternative relocation site (Erf 3229 Franschoek, Mooiwater).

The Municipality has secured funding from the Department of Human Settlements for serviced sites.

In the interim minor relocations have been done by the Municipality, however, the lack of space and reoccurring invasions has made this a non-sustainable solution / action.



5.2 Provide a list of other persons or institutions who have a substantial interest in the situation and provide details of such interest.

Provincial Department of Infrastructure: Branch Human Settlements (Western Cape Government)

Relevant Provincial Departments

Stellenbosch Municipality, Department: Disaster Management

Stellenbosch Municipality, Department: Engineering Services

Langrug Dam site community

Backyarders from Mooiwater community

5.3 Has the emergency housing situation been declared a state of disaster in terms of the Disaster Management Act, 2002? (OPTIONAL) - No

5.4 If so, what actions have been taken in terms of the Act?

The Municipality has informed the National Department of Human Settlements on 29 September 2023. During a site visit at Croydon and Langrug Dam on even date.

PART 6 CAPACITY STATUS AND ARRANGEMENTS

6.1 Institutional Capacity:

Provide a brief description of the capacity available to address the emergency housing situation in terms of managerial and technical capacity available to manage, plan and implement the project.

The Stellenbosch Municipality Departments: Informal Settlements, Housing Development and Project Management Unit are working on an integrated basis to address the various issues in Langrug, to plan for housing projects to cater for these issues and to implement plans and approvals.

6.2 Financial Capacity:

6.2.1 Provide confirmation from the Director-General National Department of Human Settlements that funds are available for the project.

Funds have been allocated to the project as per the below extract.



Ms Jacqueline Samson
Head of Department
Email: Jacqueline.Samson@westerncape.gov.za
tel: +27 21 483 2869

Ms Geraldine Mettler

The Municipal Manager

Stellenbosch Municipality

P.O. Box 17

Stellenbosch

7599

Per email; municipal.manager@stellenbosch.gov.za

Dear Ms Mettler

TARGETS AND FUNDING ALLOCATION OF THE APPROVED 2021/22 HUMAN SETTLEMENTS DEVELOPMENT GRANT (HSDG) AND INFORMAL SETTLEMENTS UPGRADE PARTNERSHIP GRANT (ISUPG) BUSINESS PLANS

This letter serves to confirm that the approval of the 2021/22 HSDG and ISUP Business Plans was received on 6th April 2021.

Please find below a list of projects, targets and budget for your municipality for the 2021/22 financial year.

2021/22: R 20,180 000 - INFORMAL SETTLEMENTS UPGRADE PARTNERSHIP GRANT (ISUPG)

Stellenbosch Municipality	2021/22 Planned		
	Sites	Units	Funding R'000
Franschoek Langrug 11900: UISP	0	0	4,500
TOTAL	78	0	20,180

We appreciate your efforts in constantly working with Province to ensure that integrated sustainable human settlements are provided for our communities

For any business plan enquires, kindly contact Christabel Johnston at Christabel.Johnston@westerncape.gov.za and for project technical enquiries contact Peter Klaassen at Peter.Klaassen@westerncape.gov.za

Your co-operation is appreciated.

Kind regards

Ms. J Samson

Head of Department: Human Settlements

Date: 09 APR 2021

Provide a description on the capacity to manage, control and administer funds, as well as the capacity to provide or arrange/ negotiate other sources of additional funds for purposes of the emergency housing situation.

The Stellenbosch Municipality Departments: Informal Settlements, Housing Development and Project Management Unit each have dedicated officials appointed to work on the project, which include external Consultants.

External Funding: IUSP grants, INEP, IUGD, own funds

6.2.2	Cash Flow Projections outlining the utilisation of the funds. Please refer to Annexure D Cashflow .
6.3	If the municipality lacks sufficient capacity to execute the project, indicate how it is envisaged to augment its current capacity in order to address the emergency housing situation? The Municipality has obtained development rights and proceeded with servicing the site for use as a temporary relocation area (TRA) to address the pressing need in the Langrug Dam site. Funding was provided through combination of Provincial and Municipal including INEP.
6.4	Provide details on the proposed contracting strategy and emergency procurement strategy as guided by MFMA/PFMA/Treasury regulations Procurement will occur as per the Municipality's Supply Chain Management processes and regulations.

PART 7 LINKAGES WITH EXISTING AND/OR OTHER PROGRAMMES

7.1	Can this project in any way be linked to any other public or private programmes, housing or otherwise, that may in any way assist in redressing the emergency housing situation? No
7.2	Provide a detailed plan on achieving a permanent housing solution for the effected persons. A housing project has been also identified in La Motte and the Municipality has requested National Department of Public Works (NDoPW) to transfer the property. It is envisaged that the dam wall area will be rehabilitated, and that re-blocking of the area will occur to accommodate the residents of Langrug.

PART 8 FURTHER INFORMATION

8.1	Provide any further information relating to the emergency housing situation, which in the opinion of the municipality and/or the province will assist the Mayor taking a decision. Not Applicable, refer to Mayor support for the project above
-----	--

PART 9 PROPOSED PROJECT BUSINESS PLAN

9.1 Provide a detailed project business plan that includes financial flow details.

- A) INEP Grant allocation 2024/25 financial year R3 081 000.00
 B) ISUPG (approved allocation below)

(b) The revised financial details of the project, in the amount of **R20 462 598.98** [i.e., R8 669 073.00 previously approved **Increased by R11 793 525.98.00**] based on the 2018/2019, 2022/2023 subsidy quanta and tender costs submitted by Developer:

DESCRIPTION	SITES	AMOUNT
Planning approval Tranche payment 1.1	300	R 438 594.00
PFR approval Tranche payment 1.2 rounded	253	R 3 138 929.00
Funding for Site rehabilitation and Earthworks costs		R 5 091 550.00
Provision and servicing of 236 sites as a TRA	236	R11 793 525.98
Funding available		R20 462 598.98

Signed at Stellenbosch on the (day) 13th of (month) September (year) 2024

in the presence of the undersigned witnesses

WITNESS

1. CLAYTON OTTO

PRINT NAME


SIGNATURE

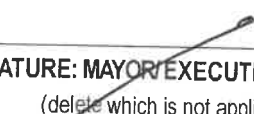
2. CHANGEL OLIVIER

PRINT NAME


SIGNATURE


SIGNATURE: CITY/MUNICIPALITY MANAGER L. VAN STAVEL
(delete which is not applicable)

MANAGER: HOUSING DEVELOP


SIGNATURE: MAYOR/EXECUTIVE MAYOR
(delete which is not applicable)

APPLICATION TO BE CONSIDERED IN LINE WITH EMERGENCY HOUSING PROGRAMME WITHIN THE NATIONAL HOUSING CODE.

ANNEXURE A



STELLENBOSCH
 WITTE LERENDEER • EREDE • VERBODEN
 Gemeente Stellenbosch • Municipality of Stellenbosch

Application Number: LU/12400

Our File Reference Number: Erf 3229, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: Willie@allopputting.co.za / shenay@allopputting.co.za

Sir / Madam

**APPLICATION FOR TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF A PUBLIC PLACE:
 UNREGISTERED ERF 3229, FRANSCHHOEK**

1. The above application refers.
2. The Municipal Planning Tribunal on 21 January 2022 resolved as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3229, Franschhoek, namely:
 - 2.1.1 a **temporary departure** in terms of Section 15(2)(c) of the said Bylaw for the Temporary Relocation Area, to relocate households that are currently residing in a freshwater dam in the Langrug Informal Settlement to temporary housing for a period of 5 years.
 - 2.1.2 the **closure of a public place** in terms of Section 15(2)(n) of the said Bylaw for a period of 5 years.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

3. Conditions of approval:

- 3.1 The approval applies only to the temporary departure and temporary closure of a public place in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 3.2 The structures on the Temporary Relocation Area (TRA) be MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022 Page 8 of 12 removed and the site be rehabilitated after 5 years when this temporary departure lapses and the use of the property revert back to Public Open Space purposes.
- 3.3 The platforms as designed for the TRA should as far as possible be reusable for future public open space purposes and specifically sportfields as is intended for the site.
- 3.4 Detailed measures be put in place by the applicable municipal departments to prevent people from living in the dam site in Langrug during rehabilitation, as well as to prevent the construction of additional shelters on Erf 3229, Franschoek.
- 3.5 Provision be made for a play area on the site at a location accessible and to the benefit of all residents in the area.
- 3.6 Provision be made for the collection of solid waste.
- 3.7 Building plans be submitted to the Municipal Directorate: Planning and Economic Development for consideration and approval, where required.
- 3.8 Conditions of approval listed in **ANNEXURE H** from Cape Winelands Health Department be adhered to.
- 3.9 Infrastructure and services be installed in accordance with the approved engineering drawings and applicable conditions as listed in the letter dated 7 April 2021 attached as **ANNEXURE I**.
- 3.10 The intention of Stellenbosch Municipality to develop the site into a Temporary Relocation Area, as opposed to a sport field, be communicated to the Western Cape Department of Environment Affairs and Development Planning.
- 3.11 The proposed development and its use to not impact negatively on the Stiebeuel River and the surrounding environment.

4. The reasons for the above decision are as follows:

4.1 The temporary relocation of the informal structures of the Langrug residence from a freshwater dam had become an emergency and requires immediate intervention, while MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022 Page 9 of 12 alternatives are being explored by the municipality to provide safer alternative accommodation.

4.2 The proposed TRA site, although zoned Public Open Space for sport field activities, is not currently a developed and active sporting facility, but an illegal dumping site earmarked for sporting activities in future.

4.3 The proposal is temporary in nature, no rezoning of the property is proposed and the land will revert back to the use for sporting facilities after the 5-year period.

4.4 The proposed temporary use of a property zoned Public Open Space for residential purposes, do not compromise the objectives and principles of the Integrated Development Plan or the Stellenbosch Municipal Spatial Development Framework, as the property will revert back to its original intended use after 5-years.

4.5 Relevant legislative and professional engineering requirements can be complied with.

4.6 Specialist studies to assess the feasibility of developing the property as a TRA have been undertaken by the municipality and the outcome of these studies indicate that the property is developable for the intended land use.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)

- (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse@ecsis@stellenbosch.gov.za

8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
9. The approved tariff structure may be accessed and viewed on the municipal website (<http://s://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-17file>).
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully


FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

15/2/2024
DATE:

ANNEXURE B

8.2	THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2024 – 2027
-----	--

Collaborator No: 767521

IDP KPA Ref No: Good Governance

Meeting Date: 31 May 2024

1. SUBJECT: THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2024 – 2027

2. PURPOSE

To seek Council's approval of the Stellenbosch Municipality's Housing Pipeline (Projects) for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2024 to 2027 attached herein as **ANNEXURE 1**.

To inform Council of the Human Settlement Development Grant (HSDG) and the Informal Settlements Upgrading Partnership Grant (ISUPG) allocation for human settlements development projects received from the Provincial Department of Infrastructure (PDol) for the (MTREF) 2024 to 2027.

To inform Council on the process being followed to prepare a Development Plan for Stellenbosch Urban Core PHSHDA (Priority Human Settlement and Housing Development Area) within the jurisdiction area of the Stellenbosch Municipality in conjunction with the Provincial Department of Infrastructure (PDol).

To request that the Housing Pipeline be submitted to the Provincial Department of Infrastructure (PDol) upon attainment of Council's approval.

To provide a status report to Council on the progress of existing human settlement development projects that were previously approved on the Housing Pipeline.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This Council item relates to the annual review of the Stellenbosch Municipality's Housing Pipeline for the MTREF period 2024 – 2027.

The Provincial Department of Infrastructure (PDol) requires that every Municipality must have a Housing Pipeline. The Housing Pipeline is premised on a ten-year horizon and serves as the planning and budgeting tool for the implementation of Human Settlements initiatives. Each Municipality's Housing Pipeline is an integral component of the Department of Human Settlements' Business Plan. It is required that the Housing Pipeline must be annually reviewed.

According to the PDol housing demand database, Stellenbosch Municipality's current housing demand waiting list comprises of 19 575 applicants. The Municipality currently has numerous housing development projects under consideration to ensure a healthy delivery pipeline towards fulfilling the housing demand and its legislative mandate. The overall housing pipeline of the Municipality articulates active housing development projects that are at various stages of planning and implementation.

In 2020, the Minister of Human Settlements Gazetted the declaration of the Priority Human Settlements and Housing Development Areas (PHSHDA's). The PHSHDAs intends to advance Human Settlements Spatial Transformation and Consolidation by ensuring that the delivery of housing is used to restructure and revitalise towns and cities, strengthen the livelihood prospects of households and overcome apartheid spatial patterns by fostering integrated urban forms.

SPECIAL COUNCIL MEETING: 2024-05-31: ITEM 8.2**RESOLVED** (nem con)

- (a) that **Council approves** the reviewed annual Housing Pipeline (Projects) for the Medium-Term Expenditure Framework ("MTREF") period 2024 to 2027 for Stellenbosch Municipality, attached as **ANNEXURE 1** to this report;
- (b) that **Council takes note** of the Human Settlement Development Grant ("HSDG") and Informal Settlements Upgrading Partnership Grant ("ISUPG") budget allocations for human settlements development projects received from the Provincial Department of Infrastructure (PDol) for the MTREF period of 2024 to 2027;
- (c) that **Council takes note** that the reviewed annual Housing Pipeline is aligned to the Stellenbosch Municipality's Spatial Development Framework ("MSDF") as amended in 2023; and the Stellenbosch Municipality's Capital Expenditure Framework (CEF);
- (d) that **Council approves** the submission of the revised Stellenbosch Municipality's Housing Pipeline to the Provincial Department of Infrastructure (PDol);
- (e) that **Council takes note** of the progress of the human settlements development projects that are at pre-planning, and/or planning phase as reflected in table 1 below, as contained in this report; and

*PRE-PLANNING AND/OR PLANNING PHASE					
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
1.	Jamestown Development: Phases 2 & 3	IRDP, FLISP	274 service sites (top structures TBD)	Detailed planning	The MPT approved the Land Use Application for Phases 2 and 3 on 1 March 2024. An appeal has been received.
2.	Jamestown Development: Phase 4	IRDP, FLISP	TBD	Detailed planning	A service provider has been appointed to undertake planning studies and obtain development rights for a mixed-used housing development. Specialist studies are being undertaken.
3.	Erf 7001, Cloetesville ("Soek-mekaar")	IRDP, FLISP	± 250 – 300 service sites (top structures TBD)	Detailed planning	A service provider has been appointed to undertake planning studies and obtain development rights for middle to higher GAP housing development. The Land Use Application has been advertised for public comment before a decision can be made by the MPT.
4.	Erf 64, Kylemore	IRDP	+ 402 service sites and top structures	Detailed planning	Power of Attorney has been obtained by the HDA from the NDoPW&I for the planning and development of the property. The HDA has appointed a team of professionals to finalise detailed planning studies and to obtain development rights.
5.	Adam Tas Precinct 10 (Northern Extension), Kayamandi	IRDP, FLISP	± 4500 residential opportunities	Detailed planning	Service provider has been appointed to obtain development rights for a mixed-use development. The Land Use Application has been advertised for public comment before a decision can be made by the MPT.
6.	Erven 412, 217, Groendal, Franschhoek	IRDP, FLISP	Business opportunities	Pre-planning	A service provider has been appointed to draft different conceptual layout designs and proposals to make provision business orientated opportunities. The different layouts will be presented to Council to decide on a preferred option.

7.	La Motte Old Forest Station	IRDP, FLISP	±1000 sites serviced sites; possible temporary relocation units	Planning	The HDA has been appointed to facilitate the transfer of land. The HDA submitted a new request for the State Land Release for the subject property to the NDoPW&I in order to provide HDA with Power of Attorney for the planning to obtain development rights.
8.	Droë Dyke	TBD	TBD	TBD	HDA is involved to facilitate the transfer of land. The HDA submitted a new request for the State Land Release for the subject property to the NDoPW&I in order to provide HDA with Power of Attorney for the planning to obtain development rights.
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
9.	Watergang Phase 2C – Erf 3603, Kayamandi	UISP	87 sites	Detailed planning	The services are extremely vandalised and a report to determine the cost of damages was submitted for scrutiny. A funding application will be prepared and submitted PDol.
*Social Housing Project					
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
1.	Cloetesville Social Housing (Farms 81/2 and 81/9, Stellenbosch)	Social Housing	± 250 – 350 rental units	Detailed planning	An accredited Social Housing Institute (SHI) and/or Other Development Agency (ODA) to develop social housing was approved by the BAC on 16 February 2024. A Draft Land Availability Agreement (LAA) and Draft Project Agreement to be concluded before the end of July 2024.
*Formalising and upgrading of informal settlements and existing settlements					
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
1.	Erf 2183, La Rochelle, Klipmuts	UISP	109 serviced sites; possible temporary relocation units	Detailed planning	The MPT approved the Land Use Application end of February 2024. Funding applications have been submitted to the PDol for the implementation of the project. Awaits funding approval from the PDol.
2.	Langrug, Franschoek	UISP	1900 sites	Detailed planning	The appointment of a service provider for finalizing detailed conceptual layout plans for the rehabilitation of the freshwater dam and implementation of an in-situ upgrade project has been completed. Funding applications have been submitted to the PDol for the planning and implementation of the project. Awaits funding approval from the PDol.
3.	Kayamandi Town Centre	UISP, Institutional	1854 service sites and top structures	Detailed planning	The service provider submitted the land use application to obtain development rights for township establishment for 3-storey (BNG) walk-ups. Additional bulk services investigation studies were undertaken due to requests from

					Infrastructure services. Await land use rights.
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
4.	Five housing projects in Kayamandi	Township establishment	396 erven	Detailed planning	The MPT approved the 4 projects on 27 January 2023 and the registration of 4 projects was registered at the Surveyor General (SG)'s office. One project that was submitted to Land Use Planning is currently withheld due to an outstanding PoA of Erf 66 which are not in ownership of the Municipality.
5.	3460 Meerlust, Franschhoek (200)	IRDP	200 housing units	Feasibility study	The HDA has been appointed to facilitate the transfer of land and to finalise detailed planning studies for township establishment.

- (f) that **Council takes note** of the projects under construction (within the implementation phase which is dealt by the Section: Project Management Unit (PMU) as reflected in table 2 below contained in this report:

<i>*Housing projects being Implemented</i>					
Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
1.	Erf 3229, Mooiwater	UISP	253 sites	Implementation	Development rights for the project have been obtained. A contractor was appointed, and construction will commence in 2024/2025 for the installation of infrastructure services.
2.	ISSP Kayamandi Zone 0 (711) UISP	UISP	178 sites	Implementation	A contractor to implement the civil infrastructure services has been appointed for the implementation of the project. 49 (forty-nine) of the 55 (fifty-five) households received and signed the MoU and/or relocation notices; 6 (six) structures / family members that re residing with the main family does not want to move with the main family.

FOR FURTHER DETAILS CONTACT:

NAME	Lester van Stavel
POSITION	Manager: Housing Development
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8462
E-MAIL ADDRESS	<u>Lester.vanstavel@ Stellenbosch.gov.za</u>
REPORT DATE	13 May 2024

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

NONE

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

NONE

The meeting adjourned at 12:10.

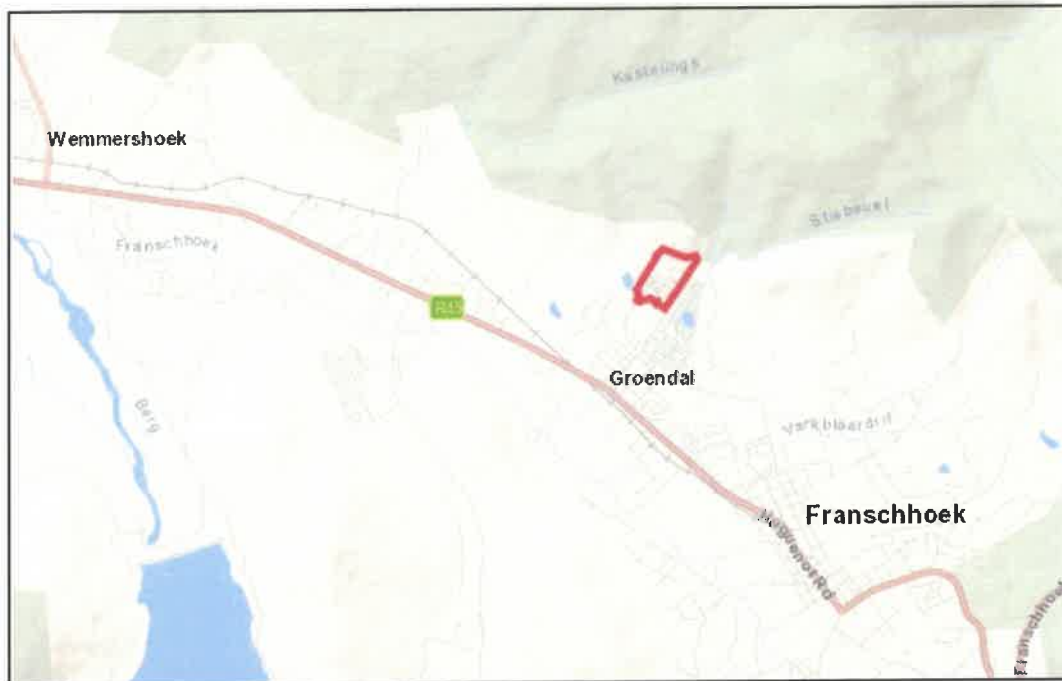
CHAIRPERSON:

DATE:

Confirmed onwithout amendments.

Timeframes	Project Deliverables
2024/25	Implementation
2025/26	Implementation
2026/27	

8.2 Langrug, Franschhoek (Planning P1) - Ward 1 and 2



Langrug informal settlement is located in the north-eastern area of Franschhoek and falls within the jurisdiction of the Stellenbosch Municipality. On the southern side of the settlement is Groendal formal housing developments down to Franschhoek town. On the eastern side is the Mooiwater low-cost housing development. On the northern side of Langrug is a nature reserve that is located on the upper part of the mountain slope on which Langrug informal settlement encroaches.

Project Name		3256 Franschhoek Langrug (1900) UISP
Property Description		Erven 959 – 1120 and Erf 2901
Town		Franschhoek
Suburb		Langrug
Catalytic / PHDA Project		No
Urgency (Proposed year of implementation)		2025/26 – Rehabilitation of freshwater dam
% of Total need addressed by Project		TBD
Housing Programme/s		UISP
Housing Opportunities	Sites	0
	Serviced Sites	236
	Top Structures (Units)	0
	Other	0
Project Readiness	Land Obtained	Yes
	EIA ROD	No
	Bulk capacity	TBD
	Land Use Approval	No
	PDol Approval	Yes (PID)
	Council Approval	Yes
	Risks / Issues	Dense informal settlement that will require a large decanting site
Project Suitability	Readiness Score	3
	Geotech Conditions	Suitable, location in an already built-up area, although structures are being constructed on steep mountain slopes.
	Strategic alignment	MSDF 2023 - Project does fall within the approved Urban Edge of Franschhoek (page 77), and the project is listed on page 200. MHSP 2020 - Project is included in the proposed Housing Pipeline noted on page 131. IDP 2020 - Project is listed as a current municipal project on page 245. PSHDA - The Project is not included in the Stellenbosch PSHDA.
	Planning Opinion	This project has been supported by the Dept. of Human Settlements with the release of Tranche 1.1 and is a critical priority for the PDol. Addressing the Langrug informal settlement must be a major priority for both local and provincial government. Decanting of Langrug informal settlement must be detail with carefully to avoid damaging the local community.

Living conditions at informal settlements are typically poor with residents facing a range of basic livelihood challenges, such as poor access to basic sanitation, low to no potable water supply, inadequate electricity provision, detrimental solid waste accumulation in public spaces, frequent shack fires, safety and security risks; to name a few. Langrug informal settlement is no exception to these deplorable living conditions. Furthermore, and due to the growing number of informal housing and population in the settlement coupled with the lack of availability of land for housing in the Franschhoek Area, there is a growing need at Langrug for additional basics services and amenities (roads, water, sanitation, electricity etc.), the management of grey and black water emanating from households, and the development of housing projects in the settlement.

In light of the above challenges, there are various projects and interventions which have been identified for planning and eventual implementation. The objective of these projects is to upgrade Langrug incrementally and to, as far as possible, formalise existing development patterns to improve the delivery of basic services.

Hereunder is a summary of the medium to long term projects:

- The construction of Phase 2 emergency access road and the installation of underground services.
- Relocation and subsequent rehabilitation of the dam area.
- Cancellation of the existing General Plan and consolidation to create one land unit.

The Municipality is planning to undertake detailed planning studies to unlock housing development opportunities, develop a phased approach implementation plan premised on detailed designs for the provision of basic services and formalisation of Langrug, apply for development rights and installation of basic services, and identify suitable land for decanting.

The **Section: Housing Development** to request technical proposals from service provider to finalise detailed planning for the rehabilitation of the freshwater dam and implement an in-situ upgrading project in 2024/2025.

It is suggested that the following timeframes should be considered for project progression:

Timeframes	Project Deliverables
2024/25	Planning
2025/26	Implementation
2026/27	Implementation

8.3 Kayamandi Town Centre Ward 12, 13, 14



ANNEXURE C



LEGEND

EXISTING INFRASTRUCTURE	
	MUNICIPAL WATER MAIN
	MUNICIPAL SEWER MAIN
	MUNICIPAL STORMWATER MAIN
	STORMWATER MANHOLE
PROPOSED INFRASTRUCTURE	
	MUNICIPAL WATER MAIN
	ABLUTION CONNECTIONS
	RSV GATE VALVE
	BULK WATER METER
	FIRE HYDRANT
	SEWER RETICULATION
	MUNICIPAL MIBLOCK SEWER
	MUNICIPAL SEWER MAIN
	STORMWATER CONDUIT
	STORMWATER MANHOLE
	STORMWATER KERB INLET
	STORMWATER HEADWALL

- GENERAL NOTES**
1. ALL WORK TO BE EXECUTED IN ACCORDANCE WITH THE RELEVANT SECTIONS OF SABS 1200 AND PARTICULAR SPECIFICATIONS.
 2. CHAMBERS AND MANHOLES TO BE IN ACCORDANCE WITH MUNICIPAL STANDARDS.
 3. CONNECTION TO EXISTING INFRASTRUCTURE AND ROAD CROSSINGS TO BE DONE IN CONSULTATION WITH THE MUNICIPALITY.
 4. THE CONTRACTOR SHALL CHECK THE POSITION AND LEVEL OF ALL EXISTING INFRASTRUCTURE WHICH BE TIED INTO WITH THE PROPOSED INFRASTRUCTURE, PRIOR TO COMMENCING CONSTRUCTION.
 5. THE CONTRACTOR SHALL OBTAIN WRITTEN CONFIRMATION OF THE ACCURACY OR INACCURACY OF THE POSITIONS AND LEVELS OF THE EXISTING INFRASTRUCTURE TO THE ENGINEER.
 6. THE ENGINEER SHALL NOT ACCEPT ANY CLAIMS FOR COSTS OF CONSTRUCTION INCURRED BECAUSE THE POSITION OR LEVELS OF EXISTING INFRASTRUCTURE VARIES FROM THAT OF THE DRAWING.
 7. PROPOSED WATER MAINS TO BE 110mm NOMINAL DIAMETER UPVC CLASS 18 SABS 968 PART 1 WITH SPIGOT / SOCKET RUBBER JOINTS.
 8. SEWER PIPES TO BE UPVC PIPE CLASS 34 HEAVY DUTY TO SABS 761 WHERE REQUIRED UNDERGROUND.
 9. ALL ABLUTION BLOCK CONNECTIONS TO BE LAYED AT A MINIMUM GRADE OF 1:80.
 10. COVER LEVELS OF ALL MANHOLES ARE APPROXIMATE, AND COVERS TO BE FLUSHED WITH FINAL ROAD LEVELS.
 11. STORMWATER PIPES TO BE MINIMUM 375mm NOMINAL DIAMETER CLASS 1900 PRECAST CONCRETE SPIGOT/SOCKET.
 12. SUBSOIL DRAINS TO BE MINIMUM 160mm NOMINAL DIAMETER SABS 1661, SCORFLOC OR SIMILAR APPROVED.
 13. CATCHPITS IN SURFACED ROADS TO BE SIDE INLET KERB TYPE AND BE OF SAME PROFILE AND HEIGHT AS ADJOINING KERBS.
 14. REFER TO ROM-127-07-075-04-01 FOR THE WATER SUPPLY LAYOUT PLAN.
 15. REFER TO ROM-127-07-075-04-02 FOR THE SEWER DISCHARGE LAYOUT PLAN.
 16. REFER TO ROM-127-07-075-04-01 FOR THE STORMWATER DRAINAGE LAYOUT PLAN.
 17. REFER TO ROM-127-07-075-04-07 FOR THE ROAD NETWORK LAYOUT PLAN.

No.	DATE	DESCRIPTION	CHECKED
CLIENT			
 STELLENBOSCH MUNICIPALITY <small>STELLENBOSCH MUNICIPALITY 130 CONY STREET STELLENBOSCH</small>			

 ROMH <small>ROYAL NEDERLANDSE HOOFDSTADT ROTTERDAM CONSULTING 37 DE BUIJT AVENUE 3046 CA ROTTERDAM THE NETHERLANDS</small>	
--	--

PROJECT

DESIGN AND CONSTRUCTION OF BASIC SERVICES FOR THE PROPOSED DEVELOPMENT OF A TEMPORARY RELOCATION AREA ON ERF 3229, MOOIWATER

DRAWING TITLE

PROPOSED BASIC SERVICES LAYOUT

DESIGNED	A. MAYEKISO	DRAWN	L. JACOBS
DESIGNED CHECKED	S. XAMUKA	DRAWING CHECKED	A. MAYEKISO
SCALE		SCALE	NOT TO SCALE

DESIGN COORDINATOR APPROVAL

S. XAMUKA - PENDING 20120380

ROMH CONSULTING (Pty) Ltd

14 AUGUST 2023

DATE

CLIENT APPROVAL

DATE

CONTRACT NO.	BSM 13021	DRAWING NUMBER	A1
PROJECT NO.	ROM-127-07-075-04-03	PREPARED BY	DOCUMENTATION & PROCUREMENT

TOP OF BANK

BOTTOM OF BANK

K-4751350

- | No | DATE | DESCRIPTION | CHECKED |
|----|------|-------------|---------|
|----|------|-------------|---------|

CLIENT _____

www.pearsoned.com.au

STELLERBOSCH MUNICIPALITY

STELLENBOSCH MUNICIPALITY

STELLENBOSCH MUNICIPALITY
104 DORP STREET
Tel: (021) 206 6445
Fax: (021) 206 6445

STALLENBOACH
Tel: 0174 24 24 24 24
Fax: 0174 24 24 24 24
Web: www.stallenboach.de

CONSULTANT:



ROYAL MBEANE HOLDINGS (PTY) LTD TR ROMA-CONELA TRNG
21 DE BORN AVENUE

NEWPAGE
CURBANAVALLE

PROJECT _____

DESIGN AND CONSTRUCTION OF BASIC SERVICES FOR

THE PROPOSED DEVELOPMENT OF A TEMPORARY
RELOCATION AREA ON FEBRUARY 2000. NO SIGNIFICANT

RELOCATION AREA ON ERF 3229, MOOIWATER

DRAWING TITLE:

SITE DEVELOPMENT PLAN

SITE DEVELOPMENT PLAN

DESIGNED BY: A. MAYEKISZ DRAWN BY: J. JARON

DESIGNED	A. MAYEKISO	DRAWN	C. JACOBS
CHECKED	S. XAWUKA	CHECKED	A. MAYEKISO
SCALE		NOT TO SCALE	

DESIGN COORDINATOR APPROVAL

S. ZAWILKA - PreEcon 201203M0

ROMH CONSULTING (Pty) Ltd

CLIENT ADDRESS

CLIENT APPROVAL _____ DATE _____

CONTRACT No	
B/SN 13/21	A1

DATE	PREPARED FOR	
------	--------------	--

ROM-127-07-075-04-02	DOCUMENTATION & PROCUREMENT	REV 10	
----------------------	-----------------------------	--------	---

ANNEXURE D

CONTRACT : ACP887 - B/SM 14/24 - MOOIWATER



CMW	Deliverable Description	Tender/Contract Value	CASH FLOW							CONTRACT COMPLETION	DEFECTS RETENTION	Sub-Total
		(By Contractor)	Jun 24	Jul 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Dec 24	Dec 25	
			1	2	3	4	5	6	7	12	14	
	SECTION A - PRELIMINARY & GENERAL	R 3 436 009.61	R 598 156.48	R 472 975.52	R 472 975.52	R 472 975.52	R 472 975.52	R 472 975.52	R 472 975.52			R 3 436 009.60
	SECTION B - WATER SUPPLY	R 978 339.39			R 97 833.94	R 880 505.45						R 978 339.39
	SECTION C - SEWERAGE	R 1 102 116.01		R 771 481.21	R 330 634.80							R 1 102 116.01
	SECTION D - STORMWATER DRAINAGE	R 600 860.34			R 540 774.31	R 60 086.03						R 600 860.34
	SECTION E - ACCESS ROADS	R 5 090 872.23				R 1 527 261.67	R 2 036 348.89	R 1 527 261.67				R 5 090 872.23
	SECTION F - ELECTRIFICATION - NETWORK DISTRIBUTION	R 3 385 136.72				R 338 513.67	R 1 523 311.52	R 1 523 311.52				R 3 385 136.72
	SECTION G - WIRING - HOUSING UNITS	R 2 267 937.60						R 1 133 968.80	R 1 133 968.80			R 2 267 937.60
	VARIATION ORDERS											R 0.00
	CONTRACT PRICE ADJUSTMENT											R 0.00
	VALUE OF WORK:	R 16 861 271.90	R 598 156.48	R 1 244 456.73	R 1 442 218.57	R 3 279 342.35	R 4 032 635.94	R 4 657 517.51	R 1 606 944.32	R 0.00	R 0.00	R 16 861 271.89
	Cumulative	R 16 861 271.90	R 598 156.48	R 1 842 613.21	R 3 284 831.78	R 6 564 174.12	R 10 596 810.06	R 15 254 327.57	R 16 861 271.89	R 16 861 271.89	R 16 861 271.89	
	ACCUMALATIVE RETENTION:											
	Retention 10% on Progress	R 0.00	R -59 815.65	R -124 445.67	R -144 221.86	R -327 934.23	R -403 263.59	R -465 751.75	R -160 694.43			
	Release 5% - Contract Completion	R 0.00								R 843 063.59		
	Release 5% - Defects Retention	R 0.00									R 843 063.59	
	TOTAL CONTRACT VALUE:	R 16 861 271.90	R -59 815.65	R -124 445.67	R -144 221.86	R -327 934.23	R -403 263.59	R -465 751.75	R -160 694.43	R 843 063.59	R 843 063.59	
	THIS CERTIFICATE EXCL. VAT.		R 538 340.83	R 1 120 011.05	R 1 297 996.71	R 2 951 408.11	R 3 629 372.34	R 4 191 765.76	R 1 446 249.89	R 843 063.59	R 843 063.59	
	CUMMALATIVE:		R 538 340.83	R 1 658 351.89	R 2 956 348.60	R 5 907 756.71	R 9 537 129.05	R 13 728 894.81	R 15 175 144.70	R 16 018 208.30	R 16 861 271.89	

ANNEXURE B2

20 September 2024

Acting DDG: Informal Settlements and Emergency Housing
Nation Department of Human Settlements
240 Justice Mahomed Street
Sunnyside Pretoria
0002

Attention Mr K. Ditshego

**REQUEST FOR PROVISION OF EMERGENCY HOUSING ASSISTANCE FOR
MOOIWATER / LANGRUG RELOCATION PROJECT**

With reference to an onsite meeting with representatives from your department, as well as our subsequent online discussion(s) dated 04 September 2024.

Stellenbosch Municipality herewith request your assistance with the provision of emergency housing for Langrug residents that are trapped in the water-logged dam and residents that are located on or in the hand excavated section(s) of the dam wall. The urgency of this request is also spurred on by a recent collapse of at four (4) dam walls in the Swartland area which luckily did not lead to loss of life, however resulted in significant displacement of the affected families¹.

The motivation for this request is expanded upon in the paragraphs below.

1. Background:

The Langrug dam experiences seasonal flooding during the winter months, creating an immediate danger for families residing in the dam, as well as below the dam wall. Recent studies by the Municipality have indicated that the dam's integrity has been severely compromised. This degradation of the dam wall is attributed to several factors, most notably the following:

¹ <https://www.dailymaverick.co.za/article/2024-08-18-fourth-dam-bursts-near-riverlands-in-western-cape/>

- **Soil Erosion and Heavy Rainfall:** Years of erosion, heavy rainfall and excavation of the dam wall have significantly weakened the structure and integrity of the dam wall.
- **Illegal Structures:** Illegal constructions on top and within the dam wall have exacerbated the situation. Residents have also excavated the dam wall to create platforms and/or intrusions in the dam wall for these structures.
- **Environmental Impact:** Vegetative, hydraulic, and aeolian forces have further contributed to the structural degradation of the dam area and its immediate environs. These forces have led to increased instability, reducing the dam's capacity to safely hold water.
- **Mining of the sand and clay in the dam wall:**



This ongoing degradation poses a critical risk of flooding, especially affecting the structures located in, on, and below the dam wall (Refer Fig 1, above). It is crucial that our application underscores these points to convey the urgency and severity of the emergency.

2. Purpose:

As mentioned above, the recent floodings in the Western Cape region as a result of excessively more than the annual precipitation for the region has exponentially increased the risk of a dam wall collapse and therefore the urgency to deal with this matter as swiftly as possible.

Therefore, a quick check list as to where we are in this process is included in Table 1, hereunder:

Table 1: Checklist

Issue	Status	Comment
Dam wall collapsing	High probability	Risk = Significant
Decanting site	Yes	Services are being installed
Rehabilitation of dam site	Yes	Up to 300 opportunities can be created (depending on the approved proposal)
Relocation strategy	Yes	Final negotiations for relocation underway

This letter, in combination with our attached application (**APPENDIX 1**) seeks to address the urgent need for relocation of the current dam residents to a more secure area, where the risk of potential flooding is significantly mitigated and/or nullified. This letter and the attached application outline the critical conditions contributing to the dam's instability and provides a comprehensive plan for emergency housing, including relocation strategies and necessary infrastructure to support affected families.

3. Key Informants to the request/application:

As per our respective discussions the following key topics will be discussed as motivation. The motivation will be broken up in 2 sections i.e. on the dam and at erf 3229. Please read the following sections in conjunction with the application (**APPENDIX 1**)

3.1 Langrug Dam:

3.1.1 Location:

The property relevant to the disaster is located off the R45 on an area of approximately 1.8 hectares that is situated within the Langrug Informal Settlement on a relatively steep, south facing slope falling in the range of 25 metres vertically over a horizontal distance of approximately 135 metres (i.e. a gradient of approximately 1(V):5(H) or just exceeding (10 degrees). The earth dam was formed within this relatively steeply sloping terrain.



3.1.2 Population:

The population as per area in Figure 3 (below) is ± 350 households but the area is divided into the most critically impacted area i.e. the areas in, on and immediately below the dam wall Figure 3 (blue outline) and the houses below the dam wall and the identified boundary in Figure 3 (red outline). Accordingly, the respective number of households for these sections are ± 211 and ± 139 .

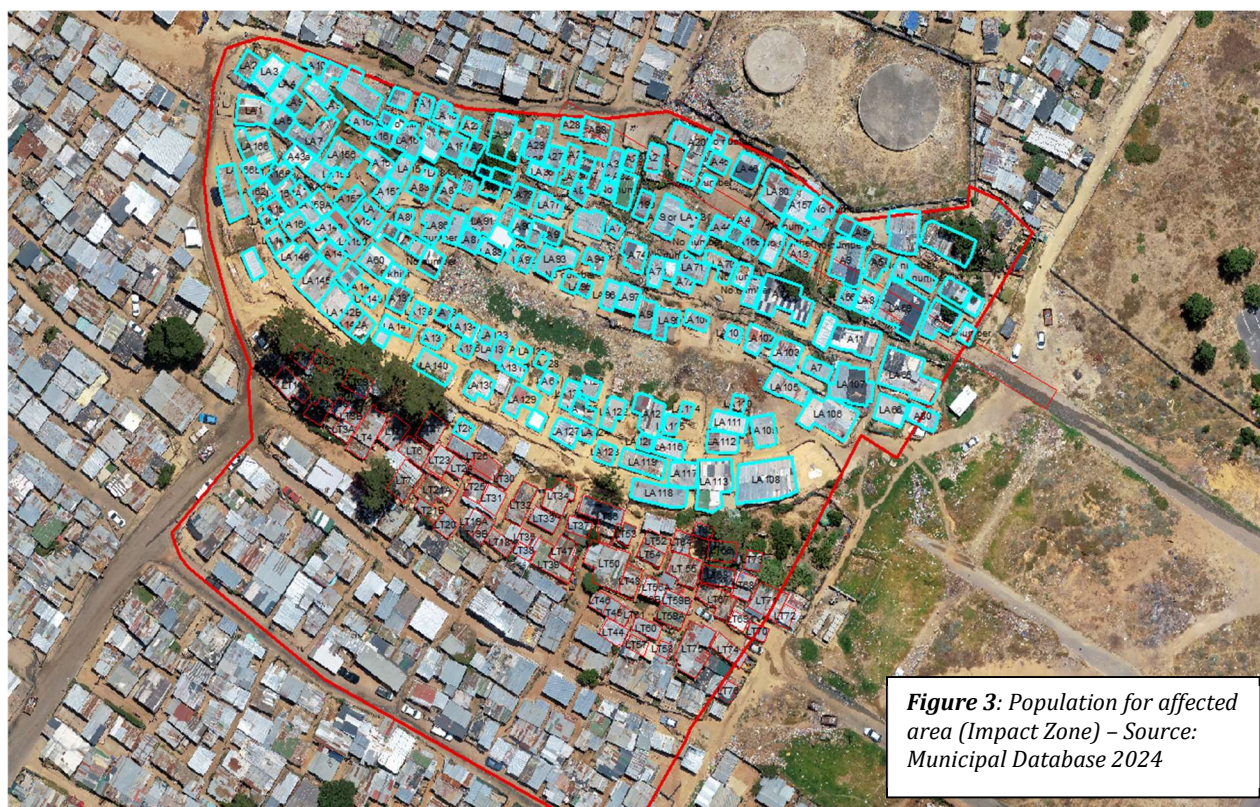


Table 2: Number of Structures / Households

Description	Number of Households	Comments
Entire area	350	
Blue area	211	Including 26 undocumented foreign nationals
Red area	139	Including undocumented foreign nationals

3.2 Mooiwater decanting site:

3.2.1 Location:

Erf 3229 Franschhoek is located off R45, in the township of Groendal situated between the Stiebeuel River and Lea Smith Street. The site is approximately 2km south-west of Franschhoek CBD and is bordered by the Mooiwater Residential Development (north and south) and the Langrug Informal Settlement (west). The property is vacant and measure approximately 2 hectares in extent.



3.2.2 Ownership:

Erf 3229 a portion of Erf 2903 is owned by Stellenbosch Municipality.

3.3.3 Development of erf 3229:

All land use management approvals have been obtained. In accordance with these approvals there are 214 relocation opportunities available. It is proposed that these opportunities will be used as decanting sites for the residents affected by the flooding of the Langrug dam.

In accordance with the approval the individual extent of the 214 erven respectively, is approximately 40 square metres (± 40 sqm) per erf. The site has communal services and individual electrical connections (Refer **Appendix 1**).

4. **Public Participation process**

A rigorous public participation process is being followed. To this extent:

- i. A community facilitator has been appointed to communicate and interact with the affected community in order to keep them abreast with the progress of the project.
- ii. Several surveys and data verification processes has been undertaken to ensure that the information submitted to your department is credible (APPENDIX 2).
- iii. Project Assisting Committees (PAC's) have been established to be the liaison, in collaboration with the community facilitator, between the community and the Municipality.
- iv. Several community meetings have been held with the receiving community and the Langrug dam residents.

5. **Analysis of demographics of the dam occupants:**

According to our most recent verification on Tuesday 17 September 2024, there are 216 households residing within the dam as well as he immediate surrounds.

Table 3:

Description	Number of ...	Comments
Structures in the Dam	198 structures	
Total population	454 people	including undocumented foreign nationals

5. **Relocation strategy:**

It is proposed that erf 3229 be prepared as a decanting site for temporary relocation of the residents of Langrug dam. Services are currently being installed in erf 3229. Once the services are completed the most critically affected residents on and in the Langrug dam will be relocated to erf 3229. Once the dam is cleared it will be rehabilitated in accordance with studies undertaken by Stellenbosch Municipality. The relocated residents of erf 3229 will be returned to the rehabilitated Langrug dam.

Concurrent to this process planning is underway for the development of the broader

Langrug.

6. Conclusion

One of the key discussion points during our online meeting was the issue of permanent relocation as opposed to temporary relocation. The current land use/development approval does not allow for long term residential occupation on the Erf 3229 property and therefore the application for temporary structures.

We trust you find the above request for assistance in order.

Yours sincerely

Johru Robyn
Informal Settlements Manager

12.10	TRANSVALIA
-------	------------

**KINDLY NOTE: THIS ITEM WILL BE DISTRIBUTED UNDER
SEPARATE COVER IN DUE COURSE**

12.11	APPOINTMENT OF COUNCILLOR IN VACANT SEAT TO SERVE ON THE LOCAL LABOUR FORUM
-------	--

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

30 October 2024

1. SUBJECT: APPOINTMENT OF COUNCILLOR IN VACANT SEAT TO SERVE ON THE LOCAL LABOUR FORUM

2 PURPOSE

For Council to appointment a councillor to the vacant DA seat to serve on the Local Labor Forum.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The termination of the 2016-2021 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum.

As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

During the previous term of office, 6 (six) Councillors were appointed to serve on the Local Labour Forum.

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members

SAMWU = 6 members

IMATU = 6 members

The administration is represented by the following six (6) officials:

Director Infrastructure; CFO; Director Corporate Services; Senior Manager Human Resources; Manager Labour Relations; Director Community Services. The employer currently chair the LLF for the 2024 calendar year. The chairpersonship is rotated between the employer and the unions on a annual basis.

On 28 January 2022 Council appointed the following councillors to the LLF:

Cllr L. Nkamisa (DA)

Cllr C. Van Wyk (Ms) (DA)

Cllr R. Pheiffer (DA)

Cllr N. Mananga-Gugushe (Ms) (ANC) and

Cllr I. De Taillerfer (Ms) (VF+)

Councillor van Wyk resigned after the Provincial and National elections and therefore the vacant DA seat must be filled.

7. RECOMMENDATIONS

that Council appoint a councillors to serve on the LLF in the vacant DA seat.

8. DISCUSSION / CONTENTS**8.1. Background**

The termination of the 2016-2021 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum. As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

8.2 Discussion

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members

SAMWU = 6 members

IMATU = 6 members

The administration is represented by the following six (6) officials:
Director Infrastructure; CFO; Director Corporate Services; Senior Manager Human Resources; Manager Labour Relations; Director Community Services.

On 28 January 2022 Council appointed the following councillors to the LLF:

Cllr L. Nkamisa (DA)

Cllr C. Van Wyk (Ms) (DA)

Cllr R. Pheiffer (DA)

Cllr N. Mananga-Gugushe (Ms) (ANC) and

Cllr I. De Taillerfer (Ms) (VF+)

Councillor van Wyk resigned after the Provincial and National elections and therefore the vacant DA seat must be filled.

8.3. Financial Implications

As per the approved budget. Councillors are not remunerated for serving on the LLF.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

ADJOURNED 1ST COUNCIL MEETING: 2021-11-23: ITEM 6.8.10

The Speaker RULED

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

2ND COUNCIL MEETING: 2022-01-28: ITEM 13.1**RESOLVED** (nem con)

that Council appoint the following Councillors to serve on the LLF:

Cllr L. Nkamisa (DA)
Cllr C. Van Wyk (Ms) (DA)
Cllr R. Pheiffer (DA)
Cllr N. Mananga-Gugushe (Ms) (ANC) and
Cllr I. De Taillerfer (Ms) (VF+)

6.7 Risk Implications

The last LLF took place in September 2021. We need the representatives from Council to proceed with the meetings of the LLF although the sub-committees are meeting.

6.8 Comments from Senior Management:

Supported the recommendations.

ANNEXURES

None

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>22 – 10- 2024</i>

12.12	APPOINTMENT OF COUNCILLORS ON THE DISCIPLINARY COMMITTEE, APPOINTING A CHAIRPERSON FOR THE DISCIPLINARY COMMITTEE AND APPOINTING SECONDI WHERE NECESSARY
-------	---

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

30 October 2024

1. SUBJECT: APPOINTMENT OF COUNCILLORS ON THE DISCIPLINARY COMMITTEE, APPOINTING A CHAIRPERSON FOR THE DISCIPLINARY COMMITTEE AND APPOINTING SECONDI WHERE NECESSARY

2. PURPOSE

For Council to appoint Councillors in the vacant seats on the Disciplinary Committee of Council, appoint a chairperson for the disciplinary committee and appoint secondi for the Councillors appointed on the Disciplinary Committee for the Stellenbosch Council, where required.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council established a disciplinary committee for Stellenbosch Municipality during the February 2022 round of meetings and resolved on 23 February 2022 to appoint the Councillors as indicated under 6.6 below. There has been changes to the appointments due to Councillors resigning. After the provincial and national elections there is again vacant seats on the disciplinary committee including the chairperson of the committee. It is necessary to appoint Councillors in the vacant seats as well as a chairperson and secondi where necessary for the Councillors as they may be implicated/needed to testify or not present due to illness or some other unforeseen reason and then the committee cannot properly function.

The current composition of the disciplinary committee is:

3 DA members

1 ANC member

1 Good Party member

The chairperson was Councillor Peter Johnson. He resigned as councilor after the Provincial elections. Councillor van Wyk also resigned after the elections leaving 2 vacant DA seats and the Chairperson vacant.

It is envisage that 2 DA Councillors, 1 ANC councillor and 1 councillor from the GOOD party be nominated as secondi should the Councillors that is on the committee not be able to serve for some reason.

5. RECOMMENDATIONS

- (a) That council fill the vacancies on the disciplinary committee
- (b) That council appoint a chairperson for the Disciplinary committee
- (c) That council nominate secondi for the councillors on the disciplinary committee where necessary.

6. DISCUSSION / CONTENTS

6.1 Background

The Local Government Municipal Structures Amendment Act (Act 3/2021) moved the Code of Conduct from the Systems Act to the Structures Act. Schedule 7 of the Structures act now contains the Code of Conduct. Section 15 of the Code contains the provision on the "Breaches of the code". The Speaker after investigating the "facts and circumstances of the alleged breach and giving the councillor an opportunity to

respond, must report the matter to Council and to the MEC. Section 16 of the Schedule provides that Council then may:

- a) Investigate the alleged breach and make a finding; or
- b) Establish a special committee to (i) investigate and make a finding and (ii) make an appropriate recommendation to council.

Council may then impose a sanction as set out in section 16(2) of the schedule.

Council resolved to appoint 5 Councillors to the Disciplinary Committee: 3 DA; 1 ANC and 1 from the Good Party.

On 23 February 2022 Council resolved that following Councillors will be appointed:

the 3 DA (Cllr CA Van Wyk, Cllr J Fasser and Cllr R Badenhorst, who was also appointed as Chairperson), 1 ANC (Cllr MG Rataza) and 1 from the GOOD Party (Cllr RB Hendrikse). Council also resolved to appoint secondi for the Councillors.

6.2 **Discussion**

The Municipal Local Government Systems Act 32/2000 as amended from time to time contained the Code of Conduct for Councillors. In terms of the code Council established a 5 member disciplinary committee with Councillor Johnson as the last serving Chairperson to assist with the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

It is necessary to appoint Councillors to the vacant seats on the committee, a chairperson and secondi for the Councillors as they may be implicated/needed to testify or not present due to illness or some other unforeseen reason and then the committee cannot properly function.

It is envisaged that 2 DA Councillors, 1 ANC councillor and 1 councillor from the GOOD party be nominated as secondi should the Councillors that is on the committee not be able to serve for some reason.

Cllr Peter Johnson replaced Cllr Badenhorst as the chairperson of the Disciplinary committee.

Cllr van Wyk and Cllr Johnson resigned after the Provincial and national Elections leaving 2 vacant DA seats on the committee as well as the Chairperson.

6.3 **Financial Implications**

Councillors are not remunerated additionally for attending the disciplinary committee. Councillors will only be allowed to claim for out-of-pocket expenses not already covered in their all-inclusive remuneration package.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

The administration provides a scribe and assist if need be with the administrative tasks around a sitting of the committee.

6.6 **Previous / Relevant Council Resolutions:**

SPECIAL COUNCIL: 2022-02-23: ITEM 8.11.3

RESOLVED (nem con)

that the following Councillors serve on the Disciplinary Committee:

Cllr R Badenhorst	(DA)
Cllr C Van Wyk (Ms)	(DA)
Cllr J Fasser	(DA)
Cllr N Rataza	(ANC)
Cllr R Hendrickse	(GOOD)

3RD COUNCIL MEETING: 2022-03-30: ITEM 13.5**RESOLVED** (nem con)

that Council appoints Councillor Rikus Badenhorst as Chairperson of the Stellenbosch Disciplinary Committee.

9TH COUNCIL MEETING: 2022-11-23: ITEM 13.2**RESOLVED** (nem con)

that the following Councillors serve as secondi on the Disciplinary Committee:

- (i) Cllr P Johnson (DA)
- (ii) Cllr J Williams (DA)
- (iii) Cllr R Van Rooyen (DA)
- (iv) Cllr M Nkopane (ANC)
- (v) Cllr M Van Stade (GOOD)

10TH COUNCIL MEETING: 2023-01-30: ITEM 13.2**RESOLVED** (nem con)

- (a) Cllr. Johnson, as secondi, replace Cllr. Badenhorst as a member of the Council Disciplinary Committee; and
- (b) that Cllr. Johnson be elected as Chairperson of the Council Disciplinary Committee

6.7 Risk Implications

Risks has been addressed through the item.

6.8 Comments from Senior Management:

The item was not circulated for comment.

ANNEXURES

None

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>22.10.2024</i>

13.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
13.1	NOTICE OF A QUESTION BY CLLR R HENDRIKSE OF GOOD PARTY: REASON FOR ERECTION OF SECURITY FENCE ADJACENT TO BOSMASKOP

A Notice of a Question, dated 2024-10-16, was received from Councillor R Hendrikse.

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

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: The fencing of the municipal land intended for the Botmaskop Estate Development land swap occurred prior to the approval of the Stellenbosch Municipal Council on 30 July 2024.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600



Dear Municipal Manager

NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and her Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and her Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

The developers of Botmaskop Estate Development indicated in their land swap application letter the need to erect a ClearVu security fence around the new Botmaskop Estate, which will cost approximately R7 million. The proposed land swap application was presented to the Stellenbosch Municipal Council on 21 February 2024.

In his oversight role, Councillor Marius van Stade visited the municipal land adjacent to the Botmaskop Estate on 19 February 2024 and 04 March 2024, and observed that the municipal land intended for the land swap had already been fenced with a ClearVu security fence. **See attached Annexure A: Images of the municipal land being fenced with the ClearVu security fence.**

The timeline issue regarding the fencing of the municipal land for the Botmaskop Estate Development prior to its approval raises serious questions about compliance with local municipal legislation and regulations.

The following questions have reference to this matter:

1. Why was the Clearvu security fence erected adjacent to the Botmaskop Estate Development (on portion 2 of 490) prior to the approval of the land swap at the Stellenbosch Municipal Council meeting on 30 July 2024?
2. Who was responsible for the erection of a Clearvu security fence from the municipal land adjacent to Delaire Graff Wine Estate to Botmaskop Estate Development?

PROPOSED BY: CLLR. ROBIN HENDRIKSE



SECONDED BY: CLLR. MARIUS VAN STADE



THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.



February 19, 2024
2:31 PM Arbeidslus Stellenbosch



Municipal land (Erf 3363) is being fenced with a Clearvu security fence.





March 4, 2024

10:20 AM Arbeidslus Stellenbosch



Municipal land (Remainder of Erf 333) is being fenced with a Clearvu security fence.





March 4, 2024

10:20 AM Arbeidslus Stellenbosch



THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR HENDRIKSE DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor R Hendrikse, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council, and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"Why was the Clearvu security fence erected adjacent to the Botmaskop Estate Development (on portion 2 of 490) prior to the approval of the land swap at the Stellenbosch Municipal Council meeting on 30 July 2024?"*

RESPONSE

The developer had an encroachment agreement in place for this portion of land and erected the fence without the Municipality's involvement.

QUESTION 2:

2. *"Who was responsible for the erection of a Clearvu security fence from the municipal land adjacent to Delaire Graff Wine Estate to Botmaskop Estate Development?"*

RESPONSE

The municipality constructed this fence during the 2022/23 financial year. The project was identified during public engagement (IDP process) and consequently implemented as a measure to address crime and security in and around the area.

Kind regards,

Geraldine Mettler
Municipal Manager

13.2	NOTICE OF A QUESTION BY CLLR R HENDRIKSE OF GOOD PARTY: WHO ERECTED SECURITY FENCE ADJACENT TO DELAIRE GRAFF WINE ESTATE TO BOSMANSKOP
------	--

A Notice of a Question, dated 2024-10-16, was received from Councillor R Hendrikse.

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

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: The fencing of the municipal land intended for the Botmaskop Estate Development land swap occurred prior to the approval of the Stellenbosch Municipal Council on 30 July 2024.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600



Dear Municipal Manager

NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and her Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and her Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

The developers of Botmaskop Estate Development indicated in their land swap application letter the need to erect a ClearVu security fence around the new Botmaskop Estate, which will cost approximately R7 million. The proposed land swap application was presented to the Stellenbosch Municipal Council on 21 February 2024.

In his oversight role, Councillor Marius van Stade visited the municipal land adjacent to the Botmaskop Estate on 19 February 2024 and 04 March 2024, and observed that the municipal land intended for the land swap had already been fenced with a ClearVu security fence. **See attached Annexure A: Images of the municipal land being fenced with the ClearVu security fence.**

The timeline issue regarding the fencing of the municipal land for the Botmaskop Estate Development prior to its approval raises serious questions about compliance with local municipal legislation and regulations.

The following questions have reference to this matter:

1. Why was the Clearvu security fence erected adjacent to the Botmaskop Estate Development (on portion 2 of 490) prior to the approval of the land swap at the Stellenbosch Municipal Council meeting on 30 July 2024?
2. Who was responsible for the erection of a Clearvu security fence from the municipal land adjacent to Delaire Graff Wine Estate to Botmaskop Estate Development?

PROPOSED BY: CLLR. ROBIN HENDRIKSE

A handwritten signature in blue ink, appearing to read 'R. Hendrikse', written over a horizontal line.

SECONDED BY: CLLR. MARIUS VAN STADE

A handwritten signature in blue ink, appearing to read 'M. Van Stade', written over a horizontal line.

THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.



February 19, 2024
2:31 PM Arbeidslus Stellenbosch



**Municipal land (Erf 3363) is being
fenced with a Clearvu security fence.**





March 4, 2024

10:20 AM Arbeidslus Stellenbosch



Municipal land (Remainder of Erf 333) is being fenced with a Clearvu security fence.





March 4, 2024

10:20 AM Arbeidslus Stellenbosch



THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR HENDRIKSE DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor R Hendrikse, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council, and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"Why was the Clearvu security fence erected adjacent to the Botmaskop Estate Development (on portion 2 of 490) prior to the approval of the land swap at the Stellenbosch Municipal Council meeting on 30 July 2024?"*

RESPONSE

The developer had an encroachment agreement in place for this portion of land and erected the fence without the Municipality's involvement.

QUESTION 2:

2. *"Who was responsible for the erection of a Clearvu security fence from the municipal land adjacent to Delaire Graff Wine Estate to Botmaskop Estate Development?"*

RESPONSE

The municipality constructed this fence during the 2022/23 financial year. The project was identified during public engagement (IDP process) and consequently implemented as a measure to address crime and security in and around the area.

Kind regards,

Geraldine Mettler
Municipal Manager

13.3	NOTICE OF A QUESTION CLLR G PETERSEN OF GOOD PARTY: LAND USE APPLICATIONS - BOTMASKOP
------	---

A Notice of a Question, dated 2024-10-16, was received from Councillor G Petersen.

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

FOR CONSIDERATION

APPENDIX 1



Stellenbosch

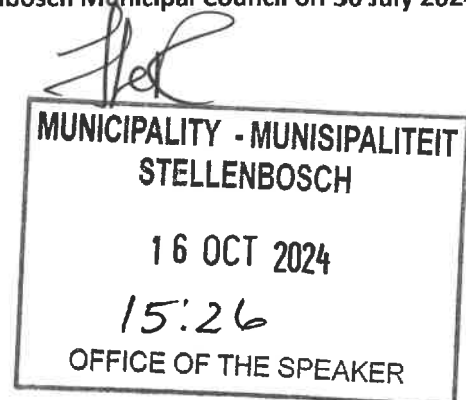
Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: Compliance and Regulatory Approvals Applicable to the Botmaskop Estate Development Prior to Approval by the Stellenbosch Municipal Council on 30 July 2024.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Municipal Manager



NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and her Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and her Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

When the Botmaskop Estate Development land swap was tabled before the Stellenbosch Municipal Council on 21 February 2024, it was indicated that the Botmaskop Lifestyle Estate Development had been approved by Stellenbosch Municipality several years prior, subject to certain conditions. However, no information was provided regarding the specific conditions, any environmental impact assessments (EIA), approved land use applications, or regulatory compliance documents supporting the land swap application for Botmaskop Estate Development.

The following questions have reference to this matter:

1. Why were there no approved land use applications for the Botmaskop Estate Development included in the land swap application presented at the two council meetings on 21 February 2024, and 30 July 2024?
2. Are there any officials or councillors of Stellenbosch Municipality who have purchased houses or residential land plots in the Botmaskop Estate Development?

PROPOSED BY: CLLR. GRECHARD PETERSEN

A handwritten signature in blue ink, appearing to read 'Grechard Petersen', written over a horizontal line.

SECONDED BY: CLLR. MARIUS VAN STADE

A handwritten signature in blue ink, appearing to read 'Marius Van Stade', written over a horizontal line.

THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.

THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR PETERSEN DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor G Petersen, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"Why were there no approved land use applications for the Botmaskop Estate Development included in the land swap application presented at the two council meetings on 21 February 2024 and 30 July 2024?"*

RESPONSE

The application for the land swap was brought by the developer and the municipal land had no development rights. The development rights on the developer's land contained the development rights assigned in 2007. The council resolution prescribes that the swapped land (previously belonging to council) may never be developed, and council has no intention to use any development rights that may have vested in the land of the developer before. For this reason, the development rights had no bearing on the item before council and therefore was not included.

QUESTION 2:

2. *"Are there any officials or councillors of Stellenbosch Municipality who have purchased houses or residential land plots in the Botmaskop Estate Development?"*

RESPONSE

Any resident in the country may purchase land where they want to and have no obligation to inform the Municipality of the purchase. That includes any councillor or official working at the municipality regarding any development or land in the WC024. The administration therefore does not have any information on the purchases before registration of the properties after which the owner needs to register for an account with the Municipality and the administration does not keep record on who owns what land as the constitution protects the right of every citizen to own land as part of the right to freedom.

Kind regards,

Geraldine Mettler
Municipal Manager

13.4	NOTICE OF A QUESTION BY CLLR G PETERSEN OF GOOD PARTY: HOUSES OR RESIDENTIAL LAND PLOTS IN BOTMASKOP
------	--

A Notice of a Question, dated 2024-10-16, was received from Councillor G Petersen.

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

FOR CONSIDERATION

APPENDIX 1



Stellenbosch

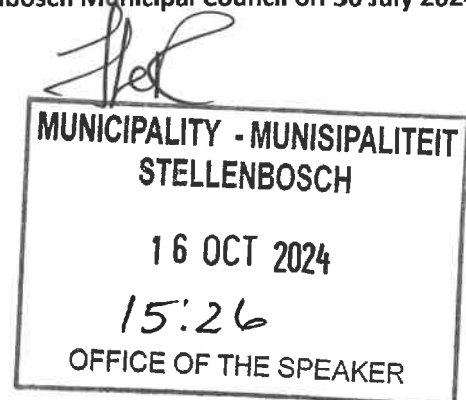
Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: Compliance and Regulatory Approvals Applicable to the Botmaskop Estate Development Prior to Approval by the Stellenbosch Municipal Council on 30 July 2024.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Municipal Manager



NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and her Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and her Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

When the Botmaskop Estate Development land swap was tabled before the Stellenbosch Municipal Council on 21 February 2024, it was indicated that the Botmaskop Lifestyle Estate Development had been approved by Stellenbosch Municipality several years prior, subject to certain conditions. However, no information was provided regarding the specific conditions, any environmental impact assessments (EIA), approved land use applications, or regulatory compliance documents supporting the land swap application for Botmaskop Estate Development.

The following questions have reference to this matter:

1. Why were there no approved land use applications for the Botmaskop Estate Development included in the land swap application presented at the two council meetings on 21 February 2024, and 30 July 2024?
2. Are there any officials or councillors of Stellenbosch Municipality who have purchased houses or residential land plots in the Botmaskop Estate Development?

PROPOSED BY: CLLR. GRECHARD PETERSEN

A handwritten signature in blue ink, appearing to read 'Grechard Petersen', written over a horizontal line.

SECONDED BY: CLLR. MARIUS VAN STADE

A handwritten signature in blue ink, appearing to read 'Marius Van Stade', written over a horizontal line.

THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.

THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR PETERSEN DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor G Petersen, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"Why were there no approved land use applications for the Botmaskop Estate Development included in the land swap application presented at the two council meetings on 21 February 2024 and 30 July 2024?"*

RESPONSE

The application for the land swap was brought by the developer and the municipal land had no development rights. The development rights on the developer's land contained the development rights assigned in 2007. The council resolution prescribes that the swapped land (previously belonging to council) may never be developed, and council has no intention to use any development rights that may have vested in the land of the developer before. For this reason, the development rights had no bearing on the item before council and therefore was not included.

QUESTION 2:

2. *"Are there any officials or councillors of Stellenbosch Municipality who have purchased houses or residential land plots in the Botmaskop Estate Development?"*

RESPONSE

Any resident in the country may purchase land where they want to and have no obligation to inform the Municipality of the purchase. That includes any councillor or official working at the municipality regarding any development or land in the WC024. The administration therefore does not have any information on the purchases before registration of the properties after which the owner needs to register for an account with the Municipality and the administration does not keep record on who owns what land as the constitution protects the right of every citizen to own land as part of the right to freedom.

Kind regards,

Geraldine Mettler
Municipal Manager

13.5	NOTICE OF A QUESTION BY CLLR M VAN STADE OF GOOD PARTY: REASON FOR REMOVAL OF BOTMASKOP PRECINCT HOUSING DEVELOPMENT FOR MIXED USE HOUSING DEVELOPMENT
------	--

A Notice of a Question, dated 2024-04-26, was received from Councillor M Van Stade.

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

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: The removal of the Botmaskop Precinct housing development from the Stellenbosch Municipality Housing Pipeline for the MTREF period 2023 – 2026.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Municipal Manager



NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and the Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and the Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

The Botmaskop Precinct housing development was included in the Annual Review of the Stellenbosch Municipality Housing Pipeline for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2022 to 2025, which was tabled for approval before the Stellenbosch Municipal Council on 25 May 2022.

When the Annual Review of the Stellenbosch Municipality Housing Pipeline for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2023 to 2026 was tabled for approval before the Stellenbosch Municipal Council on 29 March 2023, the Botmaskop Precinct housing development was not included in the Housing Pipeline for that period. However, the Botmaskop Precinct was part of the Stellenbosch Municipality Spatial Development Framework, earmarked for mixed-use development, community facilities, and infill housing on portions of erf 3363 and 3393 (municipal land). **See attached Annexure A: Botmaskop Precinct housing development, which is part of the Annual Review of the Housing Pipeline for the MTREF period 2022 to 2025**

There was no indication of the removal of the Botmaskop Precinct housing development in the Council agenda of 29 March 2023, which could have facilitated an in-depth discussion and allowed the Council to make informed decisions before voting on this item. No alternative measures were proposed to support the Botmaskop Precinct housing development, which was aimed at addressing affordable housing opportunities for Stellenbosch residents. In contrast, the same municipal land earmarked for affordable housing was removed from the Housing Pipeline and given to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions.

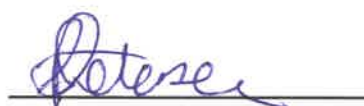
The following questions have reference to this matter:

1. What specific reasons led to the decision to remove the Botmaskop Precinct housing development for mix used housing development from the Stellenbosch Municipality Housing Pipeline 2023 to 2026.
2. Why was the municipal land (Erf 3363) removed from the Botmaskop Precinct housing development and given freely to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions?

PROPOSED BY: CLLR. MARIUS VAN STADE



SECONDED BY: CLLR. GRECHARD PETERSEN



THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.

Annexure A: Botmaskop Precinct housing development, which is part of the Annual Review of the Housing Pipeline for the MTREF period 2022 to 2025.

Page 1893

Project Name		Botmaskop
Property Description		Portions of Erf 3363 and 3393
Town		Stellenbosch
Suburb		Idas Valley
Catalytic / PHDA Project		PHDA
Urgency (Proposed year of Implementation)		TBD
% of Total need addressed by Project		9,2
Housing Programme/s		Mixed-use development
Housing Opportunities	Sites	TBD
	Serviced Sites	0
	Top Structures (Units)	0
	Other	0
Project Readiness	Land Obtained	Yes
	EIA ROD	No
	Bulk capacity	TBD
	Land Use Approval	No
	DHS Approval	No
	Council Approval	Yes
	Risks / Issues	Scale of project
	Readiness Score	2
Project Suitability	Geotech Conditions	Suitable, location in an already built-up area
	Strategic alignment	This project is partially located within the approved urban edge. The sites within the urban edge are indicated in the SDF for future mixed-use, community facilities, and residential infill. Inclusive development is supported in the approved SDF. From a strategic spatial alignment perspective, this project falls within the spatially targeted areas i.e. the functional area and priority development areas, and aligns spatially.
	Planning Opinion	This project proposes to redevelop the Municipal Storage Yard located at Botmaskop into a mixed-use development opportunity. The site is located on a major arterial road with good access to socio-economic facilities in Idas Valley itself. As such this project can be supported for further investigation and possible funding of planning activities.

The Botmaskop site comprises a portion of Remainder Erf 3363 Stellenbosch and a portion of Remainder Erf 3393 Stellenbosch. The site abuts Helshoogte Pass and Simonsberg Road, between Idas Valley, Simonswyk and Uniepark/Rozendal. The study area is approximately 40 hectares in extent, with road access to two sides, without having to inconvenience existing neighbourhoods. In addition, it is within walking distance from a primary and secondary school and abuts large open spaces.

In the context of the locality of the site and immediate surrounds, as well as identified housing needs, it is believed that the Botmaskop site presents an ideal opportunity to provide housing opportunities for a variety of income groups. The exact nature and extent can only be determined after a feasibility study has been concluded. A development at Botmaskop offers a chance for reversing the segregated neighbourhood layouts in Stellenbosch as it creates an infill opportunity for social and middle-income housing.

A team of professional was appointed in July 2021 to undertake a feasibility study to determine the suitability of land for human settlement development. The consultant will investigate a mixed-use development based on different housing typologies

The feasibility study report with the proposed concept development options will be submitted to Council. The capacity of bulk services would have to be tested against a final development model. The approved Stellenbosch Municipality Spatial Development Framework earmarks the site for mixed use community and residential infill.

1.6. Botmaskop Precinct – Ward 7



THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR VAN STADE DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor M van Stade, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"What specific reasons led to the decision to remove the Botmaskop Precinct housing development for mix used housing development from the Stellenbosch Municipality Housing Pipeline 2023 to 2026?"*

RESPONSE

All housing projects must be approved on the Business Plan of the Provincial Department of Infrastructure to receive funding. There was no funding on the Business Plan to continue with the feasibility study of the project due to the National Department of Human Settlement's budget constraints after the pandemic. Only the Northern Extension next to Kayamandi (Adam Tas Corridor Precinct 10) was deemed the highest priority for funding as it healed more than 4500 opportunities.

QUESTION 2:

2. *"Why was the municipal land (Erf 3363) removed from the Botmaskop Precinct housing development and given freely to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions?"*

RESPONSE

The subject of the study area is not the same area as the portion that was part of the land swap.

Kind regards,

Geraldine Mettler
Municipal Manager

13.6	NOTICE OF A QUESTION BY CLLR M VAN STADE OF GOOD PARTY: WHY WAS MUNICIPAL LAND (ERF 3363) REMOVED FROM THE BOTMASKOP PRECINCT HOUSING DEVELOPMENT AND GIVEN FREELY TO THE DEVELOPERS OF BOTMASKOP HOUSING DEVELOPMENT
------	--

A Notice of a Question, dated 2024-04-26, was received from Councillor M Van Stade.

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

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

16 October 2024

Our Ref: GOOD_WC024: Notice of Question: The removal of the Botmaskop Precinct housing development from the Stellenbosch Municipality Housing Pipeline for the MTREF period 2023 – 2026.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Municipal Manager



NOTICE OF QUESTIONS

This notice of question is submitted in accordance with Rule 35.1, as outlined in the Standing Rules and Order for the Meetings of Council and its Committees, which were approved by Council on 27 July 2022.

The Executive Mayor, Ald. Gesie van Deventer, and the Executive Mayoral Committee brought the Botmaskop Estate Development land swap application to the Stellenbosch Municipal Council for consideration and approval on 21 February 2024. The Executive Mayor and the Executive Mayoral Committee indicated to the Council that the proposed land intended for the land swap was not needed for providing basic municipal services. The Botmaskop Estate Development land swap was approved by a majority vote of the Stellenbosch Municipal Council on 30 July 2024.

The Botmaskop Precinct housing development was included in the Annual Review of the Stellenbosch Municipality Housing Pipeline for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2022 to 2025, which was tabled for approval before the Stellenbosch Municipal Council on 25 May 2022.

When the Annual Review of the Stellenbosch Municipality Housing Pipeline for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2023 to 2026 was tabled for approval before the Stellenbosch Municipal Council on 29 March 2023, the Botmaskop Precinct housing development was not included in the Housing Pipeline for that period. However, the Botmaskop Precinct was part of the Stellenbosch Municipality Spatial Development Framework, earmarked for mixed-use development, community facilities, and infill housing on portions of erf 3363 and 3393 (municipal land). **See attached Annexure A: Botmaskop Precinct housing development, which is part of the Annual Review of the Housing Pipeline for the MTREF period 2022 to 2025**

There was no indication of the removal of the Botmaskop Precinct housing development in the Council agenda of 29 March 2023, which could have facilitated an in-depth discussion and allowed the Council to make informed decisions before voting on this item. No alternative measures were proposed to support the Botmaskop Precinct housing development, which was aimed at addressing affordable housing opportunities for Stellenbosch residents. In contrast, the same municipal land earmarked for affordable housing was removed from the Housing Pipeline and given to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions.

The following questions have reference to this matter:

1. What specific reasons led to the decision to remove the Botmaskop Precinct housing development for mix used housing development from the Stellenbosch Municipality Housing Pipeline 2023 to 2026.
2. Why was the municipal land (Erf 3363) removed from the Botmaskop Precinct housing development and given freely to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions?

PROPOSED BY: CLLR. MARIUS VAN STADE



SECONDED BY: CLLR. GRECHARD PETERSEN



THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT COUNCIL MEETING DATED 30 OCTOBER 2024.

Annexure A: Botmaskop Precinct housing development, which is part of the Annual Review of the Housing Pipeline for the MTREF period 2022 to 2025.

Page 1893

Project Name		Botmaskop
Property Description		Portions of Erf 3363 and 3393
Town		Stellenbosch
Suburb		Idas Valley
Catalytic / PHDA Project		PHDA
Urgency (Proposed year of Implementation)		TBD
% of Total need addressed by Project		9,2
Housing Programme/s		Mixed-use development
Housing Opportunities	Sites	TBD
	Serviced Sites	0
	Top Structures (Units)	0
	Other	0
Project Readiness	Land Obtained	Yes
	EIA ROD	No
	Bulk capacity	TBD
	Land Use Approval	No
	DHS Approval	No
	Council Approval	Yes
	Risks / Issues	Scale of project
	Readiness Score	2
Project Suitability	Geotech Conditions	Suitable, location in an already built-up area
	Strategic alignment	This project is partially located within the approved urban edge. The sites within the urban edge are indicated in the SDF for future mixed-use, community facilities, and residential infill. Inclusive development is supported in the approved SDF. From a strategic spatial alignment perspective, this project falls within the spatially targeted areas i.e. the functional area and priority development areas, and aligns spatially.
	Planning Opinion	This project proposes to redevelop the Municipal Storage Yard located at Botmaskop into a mixed-use development opportunity. The site is located on a major arterial road with good access to socio-economic facilities in Idas Valley itself. As such this project can be supported for further investigation and possible funding of planning activities.

The Botmaskop site comprises a portion of Remainder Erf 3363 Stellenbosch and a portion of Remainder Erf 3393 Stellenbosch. The site abuts Helshoogte Pass and Simonsberg Road, between Idas Valley, Simonswyk and Uniepark/Rozendal. The study area is approximately 40 hectares in extent, with road access to two sides, without having to inconvenience existing neighbourhoods. In addition, it is within walking distance from a primary and secondary school and abuts large open spaces.

In the context of the locality of the site and immediate surrounds, as well as identified housing needs, it is believed that the Botmaskop site presents an ideal opportunity to provide housing opportunities for a variety of income groups. The exact nature and extent can only be determined after a feasibility study has been concluded. A development at Botmaskop offers a chance for reversing the segregated neighbourhood layouts in Stellenbosch as it creates an infill opportunity for social and middle-income housing.

A team of professional was appointed in July 2021 to undertake a feasibility study to determine the suitability of land for human settlement development. The consultant will investigate a mixed-use development based on different housing typologies

The feasibility study report with the proposed concept development options will be submitted to Council. The capacity of bulk services would have to be tested against a final development model. The approved Stellenbosch Municipality Spatial Development Framework earmarks the site for mixed use community and residential infill.

1.6. Botmaskop Precinct – Ward 7



THE END.

APPENDIX 2



TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 18 OCTOBER 2024
RE : NOTICE OF QUESTION: COUNCILLOR VAN STADE DATED 17 OCTOBER 2024

Dear Speaker

With reference to the questions received from the GOOD Councillor M van Stade, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 17 October 2024.

QUESTION 1:

1. *"What specific reasons led to the decision to remove the Botmaskop Precinct housing development for mix used housing development from the Stellenbosch Municipality Housing Pipeline 2023 to 2026?"*

RESPONSE

All housing projects must be approved on the Business Plan of the Provincial Department of Infrastructure to receive funding. There was no funding on the Business Plan to continue with the feasibility study of the project due to the National Department of Human Settlement's budget constraints after the pandemic. Only the Northern Extension next to Kayamandi (Adam Tas Corridor Precinct 10) was deemed the highest priority for funding as it healed more than 4500 opportunities.

QUESTION 2:

2. *"Why was the municipal land (Erf 3363) removed from the Botmaskop Precinct housing development and given freely to the developers of Botmaskop Estate Development to construct gated lifestyle estate houses priced in the millions?"*

RESPONSE

The subject of the study area is not the same area as the portion that was part of the land swap.

Kind regards,

Geraldine Mettler
Municipal Manager

14.	CONSIDERATION OF URGENT MOTIONS
-----	---------------------------------

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

16.	REPORTS SUBMITTED BY THE SPEAKER
-----	----------------------------------

NONE

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

NONE

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

NONE

***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER,
CLLR Q SMIT AND HE AGREES WITH THE CONTENT.***
