STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2025-06-13

MAYORAL COMMITTEE MEETING

WEDNESDAY, 2025-06-18 AT 10:00

TO	The Executive Mayor, Ald J Fasser
	The Deputy Executive Mayor, Cllr M Slabbert
COUNCILLORS	JC Anthony
	R du Toit
	T Kumm
	L Nkamisa
	C Manuel
	R Pheiffer
	N Olayi
	J Williams

Notice is hereby given that a Mayoral Committee Meeting will be held **in Council Chamber** on **Wednesday, 2025-06-18 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD J FASSER

CHAIRPERSON

AGENDA

MAYORAL COMMITTEE MEETING

2025-06-18

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	**OPENING AND WELCOME**	
2.	**COMMUNICATION**	
3.	**DISCLOSURE OF INTERESTS**	
4.	**APPLICATIONS FOR LEAVE OF ABSENCE**	
5.	**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**	
5.1	The minutes of the Mayoral Committee meeting: 2025-05-21 refers attached as **APPENDIX 1**. **FOR CONFIRMATION**	4
6.	**STATUTORY MATTERS**	
6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2025	49
7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD J FASSER]**	
7.1	**PROTECTION SERVICES: [PC: CLLR J WILLIAMS]**	
	NONE	51
7.2	**SPORTS, YOUTH AND CULTURE: [PC: CLLR T KUMM]**	
	NONE	51
7.3	**CORPORATE SERVICES: [PC: CLLR L NKAMISA]**	
7.3.1	RETURN ITEM: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL	52
7.3.2	REQUEST TO RECONSIDER EXECUTIVE MAYORAL COMMITTEE RESOLUTION IN RESPECT OF MONTHLY RENTAL CHARGED TO STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH	123
7.3.3	PROPOSED LEASE AGREEMENT: MICHAEL WALTERS AND THELMA BRYANT: A PORTION OF ERF 35, FRANSCHHOEK	155
7.3.4	REVISED AND CONSULTED MICRO-STRUCTURES FOR THE CORPORATE SERVICES (HUMAN RESOURCE MANAGEMENT AND LEGAL SERVICES) AND FINANCIAL SERVICES (SUPPLY CHAIN MANAGEMENT AND REVENUE AND EXPENDITURE SERVICES)	177
7.4	**FINANCIAL SERVICES: [PC: ALD JC ANTHONY]**	
7.4.1	MFAMA CIRCULAR 131:IMPLICATIONS FOR TOURISM-RELATED EXPENDITURE AND SECTOR GROWTH**(ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER)**	213

7.5	**HUMAN SETTLEMENTS: [PC: CLLR R DU TOIT]**	
	NONE	213
7.6	**INFRASTRUCTURE SERVICES: [PC: CLLR R PHEIFFER]**	
	NONE	213
7.7	**PARKS AND OPEN SPACES: [PC: CLLR N OLAYI]**	
	NONE	213
7.8	**PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: DEPUTY MAYOR M SLABBERT]**	
7.8.1	REQUEST FOR TARIFF FEE REDUCTION AT THE KAYAMANDI CORRIDOR TO FACILITATE SERVICE DELIVERY BY THE SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA)	214
7.9	**COMMUNITY SERVICE: [PC:]**	
7.9.1	JUNIOR TOWN COUNCIL STANDING RULES AND ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES	219
7.9.2	INTRODUCTION OF THE STELLENBOSCH JUNIOR TOWN COUNCIL	247
7.9.3	JUNIOR TOWN COUNCIL MEMBERS	256
7.9.4	UPDATED STELLENBOSCH GIS MAP OF DISABILITIES PERSONS ORGANISATIONS	259
7.9.5	REVIEW STELLENBOSCH MUNICIPALITY EARLY EDUCATION DEVELOPMENT POLICY	262
7.10	**RURAL MANAGEMENT AND ENVIRONMENT: [PC: CLLR C MANUEL]**	
	NONE	291
7.11	**MUNICIPAL MANAGER**	
7.11.1	ADOPTION OF THE PUBLIC PARTICIPATION POLICY	291
7.11.2	ADOPTION OF THE INTERGOVERNMENTAL RELATIONS(IGR)AND INTERNATIONAL RELATIONS(IR)POLICY	330
8.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**	
	NONE	354
9.	**URGENT MATTERS**	
	NONE	354
10.	**MATTERS TO BE CONSIDERED IN-COMMITTEE**	
	SEE PINK DOCUMENTATION	

APPENDIX 1

Confirmation of Minutes: Mayoral Committee Meeting: 2025-05-21

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2025-05-21

MINUTES

MAYORAL COMMITTEE MEETING:

2025-05-21 AT 10:00

MINUTES

MAYORAL COMMITTEE MEETING

2025-05-21

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	**OPENING AND WELCOME**	
2.	**COMMUNICATION**	
3.	**DISCLOSURE OF INTERESTS**	
4.	**APPLICATIONS FOR LEAVE OF ABSENCE**	
5.	**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**	
5.1	The minutes of the Mayoral Committee meeting: 2025-04-16 refers attached as **APPENDIX 1**. **FOR CONFIRMATION**	2
6.	**STATUTORY MATTERS**	
6.1	ADOPTION OF THE 3RD REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027	3
6.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2025/2026-2027/2028	5
6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2025	7
7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD J FASSER]**	
7.1	**PROTECTION SERVICES: [PC: CLLR J WILLIAMS]**	
7.1.1	INVITATION FROM THE STRONG CITIES NETWORK TO ATTEND A WORKSHOP IN DAR ES SALAAM, TANZANIA	8
7.2	**SPORTS, YOUTH AND CULTURE: [PC: CLLR T KUMM]**	
7.2.1	RETURN ITEM: AMENDMENT TO THE INFORMATION STATEMENT OF THE IN-PRINCIPAL DISPOSAL OF THE VAN DER STEL SPORT FACILITY TO THE PREFERRED BIDDER AFTER A FORMAL TENDER PROCESS WAS FOLLOWED	10
7.3	**CORPORATE SERVICES: [PC: CLLR L NKAMISA]**	
7.3.1	RETURN ITEM: REPORT ON ERF 286 GROENDAL (LE ROUX)	12
7.3.2	REVISED AND CONSULTED MICRO-STRUCTURES FOR COMMUNITY AND PROTECTION SERVICES (TRAFFIC AND LAW ENFORCEMENT, DISASTER MANAGEMENT AND FIRE SERVICES),CORPORATE SERVICES (INFORMATION AND COMMUNICATION TECHNOLOGY) AND FINANCIAL SERVICES (FINANCIAL MANAGEMENT SYSTEMS AND BUDGETING AND COSTING)	14
7.4	**FINANCIAL SERVICES: [PC: ALD JC ANTHONY]**	
	NONE	15

7.5	**HUMAN SETTLEMENTS: [PC: CLLR R DU TOIT]**	
7.5.1	PROPOSED INFILL HOUSING DEVELOPMENT OF THE FOLLOWING OF ERVEN 11554- 11457 AND ERVEN 11452 – 11463, LINDIDA, IDAS VALEY, STELLENBOSCH	15
7.5.2	APPROVAL OF THE LAND AVAILIBILITY AGREEMENT BETWEEN THE STELLENBOSCH MUNICIPALITY AND CROWIE PROPERTY GROUP (PTY) LTD PROPERTY GROUP (PTY) LTD FOR THE DEVELOPMENT OF FARMS 81/2 AND 81/9, STELLENBOSCH FOR SOCIAL HOUSING	19
7.5.3	THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2025 – 2028	21
7.6	**INFRASTRUCTURE SERVICES: [PC: CLLR R PHEIFFER]**	
7.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – MAY 2025	28
7.6.2	STELLENBOSCH MUNICIPALITY PARTNERSHIP WITH GERMAN WATER UTILITY: HAMBURGER STATDENTWASSERUNG AND HAFENCITY UNIVERSITY HAMBURG	30
7.6.3	THE 7th SOUTH AFRICAN – GERMAN PEER LEARNING NETWORK WORKSHOP AND TO INFORM COUNCIL OF THE GRANT EXPERTFUND APPROVAL FOR MUNICIPAL PARTNERSHIP WORLDWIDE	32
7.7	**PARKS AND OPEN SPACES: [PC: CLLR N OLAYI]**	
	NONE	33
7.8	**PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: DEPUTY MAYOR M SLABBERT]**	
7.8.1	IDENTIFICATION OF A MARKET TRADING SITE IN STELLENBOSCH	34
7.9	**COMMUNITY SERVICE: [PC:]**	
7.9.1	UNIVERSAL ACCESS (UA) IMPLEMENTATION PROGRESS REPORT 2024/2025	36
7.10	**RURAL MANAGEMENT AND ENVIRONMENT: [PC: CLLR C MANUEL]**	
7.10.1	REQUEST FOR THE ALLOCATION OF FARM No(s): 502AS PORTION AS1; 502AS PORTION AS2, AND 502AS PORTION AS2; TO EMERGING FARMERS IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, 2016	37
7.11	**MUNICIPAL MANAGER**	
7.11.1	2025/2026 GRANT IN AID APPLICATIONS AND RECOMMENDED DONATIONS	39
8.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**	
	NONE	41
9.	**URGENT MATTERS**	
	NONE	41
10.	**MATTERS TO BE CONSIDERED IN-COMMITTEE**	
	SEE PINK DOCUMENTATION	

PRESENT: Executive Mayor, Ald J Fasser **(Chairperson)**
Deputy Executive Mayor, M Slabbert

Councillors: Ald JC Anthony
R du Toit
T Kumm
L Nkamisa
R Pheiffer
N Olayi
J Williams

Also Present: Councillor P Crawley (Chief Whip)
Councillor Q Smit (Speaker)

Officials: Municipal Manager(G Mettler)
Director: Infrastructure Services (S Chandaka)
Director: Community & Protection Services (G Boshoff)
Director : Planning and Economic Development (A Barnes)
Chief Financial Officer (K Carolus)
Acting Chief Audit Executive (M Krige)
Senior Administration Officer (B Mgcushe (Ms))

****

1.	**OPENING AND WELCOME**

The Chairperson, The Executive Mayor welcomed everyone present at the Mayoral Committee Meeting.

2.	**COMMUNICATION BY THE EXECUTIVE MAYOR**

The Chairperson, The Executive Mayor requested that a moment of silence be observed for the late Mayoral committee member Councillor Xolile Kalipa who recently passed on.

3.	**DISCLOSURE OF INTERESTS**

NONE

4.	APPLICATIONS FOR LEAVE OF ABSENCE

The following application for leave of absence was approved in terms of the Rules and Order By-law of Council: -

Councillor C Manuel

5.	CONFIRMATION OF PREVIOUS MINUTES

5.1 The minutes of the Mayoral Committee Meeting held on 2025-04-16 were **confirmed as correct without any amendments.**

6.	STATUTORY MATTERS

6.1	ADOPTION OF THE 3RD REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **21 May 2025**

1. SUBJECT:ADOPTION OF THE 3RD REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027

2. PURPOSE

To submit the following to the Council for adoption:

(a) The 3rd review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027, attached as **ANNEXURE A;** and

(b) The community input and comments, written submissions, and the Provincial Government SIME Assessment Report on the draft 3rd review of the 5th Generation IDP 2022 - 2027, attached as **ANNEXURE B.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 34(a)(i)(ii) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each municipal council must review its Integrated Development Plan annually in accordance with an assessment of its performance measurements in terms of Section 41 of MSA and to the extent the changing circumstances so demand. Therefore, taking into account the changing circumstances in the municipal environment, including the community's needs and priorities.

The 3rd review of the 5th Generation IDP 2022 – 2027 informs the municipality's budget and details the municipality's actions to address the vision, mission, strategic objectives, and needs of the community.

The municipal IDP must be reviewed annually to ensure that:

- municipalities and communities keep track of progress in implementing development projects and spending the municipal budget;
- communities are presented with an opportunity to review their community needs and to recommend changes to the ward priorities outlined in the municipality's IDP;
- to ensure that the IDP remains relevant and responsive to the changing needs and priorities of the community; and
- ultimately helping to guide the municipality in achieving its long-term development goals effectively.

The period for public participation on the draft 3rd review of the 5th Generation IDP 2022 – 2027 and draft Budget 2025 - 2028 was open from 07 - 29 April 2025 (23 days). This period of public participation was intended to give community members and stakeholders ample opportunity to submit verbal and written input / comments on the draft IDP and draft Budget.

In addition, area-based public participation open days were held from 08 – 14 April 2025 in the respective areas / wards. The open days offered an opportunity for community members to engage in one–on–one discussion with departmental representatives and submit verbal input. An IDP and Budget stakeholder engagement was held on 23 April 2025, attended by councillors, senior management, stakeholders, and role-players in the Stellenbosch municipal area.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 6.1

(a) that the Stellenbosch Municipality's 3rd review of the 5th Generation IDP 2022 – 2027 be adopted in terms of Section 34 of the MSA, attached as **ANNEXURE A**;

(b) that the community inputs and written submissions on the draft 3rd review of the 5th Generation IDP 2022 – 2027 and the Provincial Government SIME Assessment Report, attached as **ANNEXURE B**, be noted;

(c) that a notice be placed on the official website of the municipality and in the local newspaper notifying the public that the 3rd review of the 5th Generation IDP 2022 – 2027 has been adopted by the Council; and

(d) that the adopted 3rd review of the 5th Generation IDP 2022 – 2027 be submitted to the MEC for Local Government, Environmental Affairs and Development Planning, Western Cape: Department of Local Government, Western Cape: Provincial Treasury, National Treasury, the Cape Winelands District Municipality, and the Office of the Provincial Speaker.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	geraldine.mettler@stellenbosch.gov.za
REPORT DATE	14 May 2025

6.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2025/2026-2027/2028

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **21 May 2025**

1. SUBJECT:MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2025/2026-2027/2028

2. PURPOSE

The purpose of this report is as follows:

(a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).

(b) The Executive Mayor to approve the Medium-Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).

(c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R475 million of which over the MTREF R198 million will be required in year one, R199 million in year two and R78 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

BUDGET

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 6.2

(a) that the High Level Budget Summary, as set out in APPENDIX 1 – PART 1 – SECTION C; be approved;

(b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in APPENDIX 1 – PART 1 – SECTION D, be approved;

(c) that the three-year Capital Budget for 2025/2026, 2026/2027 and 2027/2028, as set out in **APPENDIX 1** – PART 2 – SECTION N, be approved;

(d) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in APPENDIX 3, be approved;

(e) that the proposed amendments to existing budget related policies, other policies and by-laws as set out in **APPENDICES 4 - 36**, be approved;

(f) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R475 million of which R198 million will be required in year one, R199 million in year two and R78 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;

(g) that Council specifically take note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially; and

(h) that Council takes note of MFMA circulars 129 & 130 that was published to guide the MTREF for 2025/2026 to 2027/2028 as set out in **APPENDICES 36- 37**;

(i) that Council takes note of the Long-Term Financial Plan that contains the financial management principles for sound financial management that was considered with the compilation of the final budget as set out in **APPENDIX 38**;

(j) that Council takes note of the Capital Investment Plan as set out in **APPENDIX 39**;

(k) that Council approves the moratorium on the implementation of the Financing of External Bodies performing a municipal function policy based on the guidance issued by National Treasury in Circular 131 as set out in **APPENDIX 40**; and

(l) that Council takes note that the public comments and submissions were considered with the compilation of the final budget.

NAME	**KEVIN CAROLUS**
POSITION	***DIRECTOR: FINANCIAL SERVICES***
DIRECTORATE	***FINANCIAL SERVICES***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***kevin.carolus@stellenbosch.gov.za***
REPORT DATE	***14 May 2025***

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2025

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **21 May 2025**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2025

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 the Council the SCM deviations that occurred during April 2025.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 6.3

that Council notes that there were no deviations approved for the month of April 2025.

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 May 2025***

7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [CLLR J FASSER]**

7.1	**PROTECTION SERVICES: (PC: CLLR J WILLIAMS)**

7.1.1	**INVITATION FROM THE STRONG CITIES NETWORK TO ATTEND A WORKSHOP IN DAR ES SALAAM, TANZANIA**

Collaborator No: **786073**
IDP KPA Ref No: **Good governance and compliance**
Meeting Date: **21 May 2025**

1. SUBJECT:INVITATION FROM THE STRONG CITIES NETWORK TO ATTEND A WORKSHOP IN DAR ES SALAAM, TANZANIA

2. PURPOSE

To request Council approval for the travelling arrangements for staff as part of the ongoing relations as a member of the Strong Cities Network to attend the workshop from 11-12 June 2025 in Dar es Salaam, Tanzania.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was accepted as a Strong Cities Network member on 25 July 2023. Since then, knowledge-sharing engagements took place whereby information was shared with partnering cities on various crime prevention initiatives. An engagement was held in Cape Town in December 2023 where much interest was shown in Stellenbosch's Neighbourhood Watch support programs and safety initiatives, particularly the safety monitors (eyes and ears) project.

An invitation was received from the Mayor of Nansana Municipality, Ms Regina Bakitte, via the Strong Cities Network platform. Mr Gary Boshoff, Mr Charl Kitching and Ms Joan Felix were invited to provide input, training, sharing of policies, implementation plans, support plans etc. of safety initiatives, especially those related to the establishment of Neighbourhood Watches and similar safety projects. Stellenbosch Municipality was identified as a leader in the design, development and implementation of local safety projects with Neighbourhood Watches as the main pillar of such programs and projects. The municipality has therefore been invited to share its knowledge and expertise with the other partner cities of the Strong Cities Network.

To date, training have been conducted with follow up sessions which have been successfully conducted in Uganda. The focus of the upcoming workshop will be to address Hate, Extremism, Trafficking and Other Threats to Safety and Security.

The travel arrangements of the two employees must be approved by Council as it involves travelling outside the borders of RSA. In view of Council's approval of the

continued involvement and as Council is only responsible for daily allowances the approval is recommended.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.1.1

(a) that Council approves the travelling arrangements for Mr. Gary Boshoff and Mrs. Joan Felix for the workshop of 11- 12 June 2025 in, Dar es Salaam, Tanzania;

(b) that Council approves any further engagements which include international travel associated with Strong Cities Network and Stellenbosch Municipality; and

(c) that Council approves the daily allowances for attendees as and when travelling occurs.

NAME	Gary Boshoff
POSITION	Director
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021- 808 8437
E-MAIL ADDRESS	Gary.boshoff@stellenbosch.gov.za
REPORT DATE	19 May 2025

7.2	**SPORTS, YOUTH AND CULTURE: [PC: CLLR T KUMM]**

7.2.1	**RETURN ITEM: AMENDMENT TO THE INFORMATION STATEMENT OF THE IN-PRINCIPAL DISPOSAL OF THE VAN DER STEL SPORT FACILITY TO THE PREFERRED BIDDER AFTER A FORMAL TENDER PROCESS WAS FOLLOWED**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **21 May 2025**

1. SUBJECT: RETURN ITEM: AMENDMENT TO THE INFORMATION STATEMENT OF THE IN-PRINCIPAL DISPOSAL OF THE VAN DER STEL SPORT FACILITY TO THE PREFERRED BIDDER AFTER A FORMAL TENDER PROCESS WAS FOLLOWED

2. PURPOSE

Is to seek Council's approval to advertise an amended Information Statement for public comment, outlining Council's intention to grant a 30-year lease of the Van der Stel Sport Complex to the Stellenbosch Football Club for the management and development of Erf 235.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

At the 30TH COUNCIL MEETING: 2025-03-31 Council resolve:

(a) that Council approves a 30 (thirty) year lease of the Van der Stel Sport Complex to STELLENBOSCH FOOTBALL CLUB for the management and development of Erf 235; and

(b) that Council notes that although the following two entities are situated on Erf 235 namely, World Tennis Foundation and Van der Stel Bowling Club, they are excluded from the lease agreement.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.2.1

(a) that the resolutions adopted at the 30th Council Meeting on 31 March 2025 for Item 12.2 be rescinded;

(b) that Council acknowledges the language discrepancy between the wording of the Information Statement and the tender specifications; and

(c) that Council approves the advertising of the amendment to the Information Statement.

FOR FURTHER DETAILS CONTACT:

NAME	**Albert van der Merwe**
POSITION	***Senior Manager Community Services***
DIRECTORATE	***Community and Protection Services***
CONTACT NUMBERS	***021-808 8165***
E-MAIL ADDRESS	***albertvandermerwe@stellenbosch.gov.za***
REPORT DATE	***14 May 2025***

7.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)

7.3.1	RETURN ITEM: REPORT ON ERF 286 GROENDAL (LE ROUX)

Collaborator No: **786042**
IDP KPA Ref No: **Good Governance**
Meeting Date: **21 May 2025**

1. SUBJECT: RETURN ITEM: REPORT ON ERF 286 GROENDAL (LE ROUX)

2. PURPOSE

To report back 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

In October 2024 the administration provided Council with a report on the status of Erf 286 Groendal, more specifically on the issues the administration has encountered with Kabouterland, who has been operating from the premises since the early 2000's. Council resolved that a letter be delivered to Kabouterland that, *inter alia,* states that they need to formally apply for a lease agreement and provide full access to the other creche making use of the premises as well as provide access to the Municipality and its consultants in order for the Municipality to attend to maintenance on the premises. A letter was prepared and hand delivered to Kabouterland and Kabouterland in turn appointed attorneys who has responded to indicate that Kabouterland is not going to apply for a lease agreement and further state that they are not willing to provide more access rights to the other creche. The attorneys request of the Municipality to do a diligent search for an existing lease agreement. It has been made clear to Kabouterland and the attorneys that the administration has not been able to locate any such agreement and is therefore of the view that no such an agreement exists.

The Property Management Department phoned the attorneys to try and reach a settlement however the attorneys were very hostile towards the administration and indicated that they do not have a copy of the lease agreement but that does not mean that it does not exist. It was explained that it is the intention of the municipality to ensure compliance with the Municipal Finances Management Act and to attend to maintenance of Council owned buildings, however it is apparent that Kabouterland has no intention of giving their assistance to resolve this matter. Council needs to consider if the municipality can proceed to appoint attorneys to institute eviction proceedings against Kabouterland.

EXECUTIVE MAYORAL COMMITTEE: 2025-05-21: ITEM 7.3.1

RESOLVED

that this item be referred back to the Administration for further discussion.

FOR FURTHER DETAILS CONTACT:

NAME	**Yolande van den Berg**
POSITION	***Head: Contract Management***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***y***olande.vandenberg@stellenbosch.gov.za
REPORT DATE	***2025/05/11***

7.3.2	**REVISED AND CONSULTED MICRO-STRUCTURES FOR COMMUNITY AND PROTECTION SERVICES (TRAFFIC AND LAW ENFORCEMENT, DISASTER MANAGEMENT AND FIRE SERVICES),CORPORATE SERVICES (INFORMATION AND COMMUNICATION TECHNOLOGY) AND FINANCIAL SERVICES (FINANCIAL MANAGEMENT SYSTEMS AND BUDGETING AND COSTING)**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **21 May 2025**

1. SUBJECT: REVISED AND CONSULTED MICRO-STRUCTURES FOR COMMUNITY AND PROTECTION SERVICES (TRAFFIC AND LAW ENFORCEMENT, DISASTER MANAGEMENT AND FIRE SERVICES), CORPORATE SERVICES (INFORMATION AND COMMUNICATION TECHNOLOGY) AND FINANCIAL SERVICES (FINANCIAL MANAGEMENT SYSTEMS AND BUDGETING AND COSTING)

2. PURPOSE

To inform Council of the revised and consulted micro-structures for Community and Protection Services (Traffic and Law Enforcement, Disaster Management and Fire Services), Corporate Services (Information and Communication Technology) and Financial Services (Financial Management Systems and Budgeting and Costing).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The review of the 2017/2019 micro-structures has been on the Local Labour Forum agenda under matters emanating since November 2020. Since then, various consultative meetings were held with the Directorates (sections and department) and structures were presented and amended. During 2024 and 2025 the parties (the Employer, IMATU and SAMWU) after thorough consultation and discussions agreed on the structures presented.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.3.2

that the revised/amended and consulted structures for **Community and Protection Services (Traffic and Law Enforcement, Disaster Management and Fire Services), Corporate Services (Information and Communication Technology) and Financial Services (Financial Management Systems and Budgeting and Costing**) be approved.

NAME	*Alexander Kannemeyer*
POSITION	*Senior Manager Human Resource Management*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021-808 8751*
E-MAIL ADDRESS	*Alexander. Kannemeyer@stellenbosch.gov.za*
REPORT DATE	*14 May 2025*

7.4	FINANCIAL SERVICES: (PC: CLLR JC ANTHONY)

NONE

7.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)

7.5.1	PROPOSED INFILL HOUSING DEVELOPMENT OF THE FOLLOWING OF ERVEN 11554- 11457 AND ERVEN 11452 – 11463, LINDIDA, IDAS VALEY, STELLENBOSCH

Collaborator No: **785859**
IDP KPA Ref No: **Good Governance**
Meeting Date: **21 May 2025**

1. SUBJECT: PROPOSED INFILL HOUSING DEVELOPMENT OF THE FOLLOWING OF ERVEN 11554- 11457 AND ERVEN 11452 – 11463, LINDIDA, IDAS VALEY, STELLENBOSCH

2. PURPOSE

To report to Council on the feasibility and the suitability of the sites for residential development in Idas Valley. The study was to investigate and assess the availability of infrastructure service and to provide a cost analysis for any upgrades (see report attached as **ANNEXURE 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality is actively involved in creating housing opportunities for the disadvantaged, however there are an array of challenges including resources and allocations from National and Provincial Government as well as the availability of land for housing (Integrated Development Plan IDP, 5th Generation 2022- 2027). This project serves as a means to develop vacant and underdeveloped portions of land within Idas Valley to address the housing need.

The particular goal of this study was to perform an investigation to determine whether the proposed development area can be accommodated in the existing infrastucture systems or not. There was an urgent need for the Property to be investigated for an integrated urban development, providing for housing choice. This will be achieved with due consideration for the particular environment within which the project is located as well as the optimum development potential of the subject properties.

The report conducts a site investigation of the relevant properties, to make recommendations on the highest and best use and provide high level cost estimates to install all services (Water, sewer, roads and electrical services) to the respective erven.

The following sites were under investigation:

The location

Erven 11554- 11570 is situated in Talana Street which is off Lindida Drive in the suburb of Idas Valley, Stellenbosch. There is currently a stormwater trench running between the erven and the existing houses. A fenced play park is currently located on erven 11554- 11557. Erven 11554- 11570 is represented graphically in the Figure 1 below.

Figure 1: Erf 11554 to 11570

The Location

Erven 11452- 11463 is situated in Davy Street in the suburb of Idas Valley, Stellenbosch. Erven 11452- 11463 is represented graphically in the Figure 2 below.

Figure 2: Erven 11452- 11463 local context

EXECUTIVE MAYORAL COMMITTEE: 2025-05-21: ITEM 7.5.1

RESOLVED

that this item be referred back for a site inspection by the Mayoral committee members

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	***Lester.vanstavel@stellenbosch.gov.za***
REPORT DATE	***12.05.2025***

7.5.2	APPROVAL OF THE LAND AVAILIBILITY AGREEMENT BETWEEN THE STELLENBOSCH MUNICIPALITY AND CROWIE PROPERTY GROUP (PTY) LTD PROPERTY GROUP (PTY) LTD FOR THE DEVELOPMENT OF FARMS 81/2 AND 81/9, STELLENBOSCH FOR SOCIAL HOUSING

Collaborator No: 785854
IDP KPA Ref No: Good Governance
Meeting Date: 21 May 2025

1. SUBJECT: APPROVAL OF THE LAND AVAILIBILITY AGREEMENT BETWEEN THE STELLENBOSCH MUNICIPALITY AND CROWIE PROPERTY GROUP (PTY) LTD PROPERTY GROUP (PTY) LTD FOR THE DEVELOPMENT OF FARMS 81/2 AND 81/9, STELLENBOSCH FOR SOCIAL HOUSING

2. PURPOSE

To seek Council's approval to sign the agreed Land Availability Agreement (LAA) (as **ANNEXURE A**) with Crowie Property Group (Pty) Ltd, the developer selected through the Municipality's tender process, to develop and manage the social housing project envisioned on Farms 81/2 and 81/9. Stellenbosch.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On the 24th of November 2024, Council approved the draft Land Availability Agreement (LAA) and authorised the Municipal Manager to sign the LAA with minimum amendments between the Municipality and Crowie Property Group (Pty) Ltd. Included in the agreement is a set of municipal incentives that will assist in making the project viable. These incentives have been approved by Council in line with existing capital incentives for government financed housing projects as well as operational incentives linked to the Municipality's indigency policy.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.5.2

(a) that the Council approves the Land Availability Agreement (LAA) (attached as **ANNEXURE A)** between Crowie Property Group (Pty) Ltd and the Stellenbosch Municipality;

(b) that a detailed project plan be prepared by Crowie Property Group (Pty) Ltd to be agreed for by Council, before the rights to the land on a 40-year leasehold basis is entered into;

(c) that the Municipal Manager be authorized to sign the LAA (attached as **ANNEXURE A**); and

(d) that the Municipal Manager be authorized to sign any additional information or documentation required as may be necessary to ensure compliance with regulatory requirements in order to facilitate the effective implementation of the project.

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	***Lester.vanstavel@stellenbosch.gova.za***
REPORT DATE	***12 May 2025***

7.5.3	THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2025 – 2028

Collaborator No: 785858
IDP KPA Ref No: Good Governance
Meeting Date: 21 May 2025

1. SUBJECT: THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2025 – 2028

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 2025 to 2028 attached herein as **ANNEUXRE 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 (PDoI) for the (MTREF) 2025 to 2028.

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 (PDoI).

To request that the Housing Pipeline be submitted to the Provincial Department of Infrastructure (PDoI) 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 2025 – 2028.

The Provincial Department of Infrastructure (PDoI) 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 PDoI housing demand database, Stellenbosch Municipality's current housing demand waiting list comprises of 19 759 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 planning and implementation stages.

In 2020, the Minister of Human Settlements Gazetted the declaration of the Priority Human Settlements and Housing Development Areas (PHSHDA's). The PHSHDAs intend 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.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.5.3

(a) that **Council approves** the reviewed annual Housing Pipeline (Projects) for the Medium-Term Expenditure Framework ("MTREF") period 2025 to 2028 for Stellenbosch Municipality, attached as **ANNEUXRE 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 (PDoI) for the MTREF period of 2025 to 2028;

(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 (PDoI);

(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;

*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.	Adam Tas Precinct 10 (Northern Extension), Kayamandi	IRDP, FHF (formally known as FLISP")	3374 residential opportunities	Detailed planning	The Land Use Application has been advertised for public comment, and no objection to the proposed development was received. Discussions regarding an additional entrance to the development, which includes a servitude over certain properties had to be finalise for the submission to the MPT.
2.	Erf 64, Kylemore	IRDP	419 service sites and top structures	Detailed planning	The HDA submitted the Land Use Application for development rights. An advertisement for public comment will be advertise during May/June 2025. Furthermore, amendments had to be made in order to ahere to all land use planning regulations.
3.	Jamestown Development: Phase 4	IRDP, Formal Housing Finance (FHF — formally known as 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 have been completed. A draft conceptual urban design framework is in progress.
4.	Erven 412, 217, and 284 Groendal, Franschhoek	IRDP, FHF (formally known as FLISP")	Business opportunities	Pre-planning	A call for proposal is being prepared to appoint an implementing agent for the development of Erven 412, 217, and 284.
5.	Portion of Erf 6847, Cloetesville, Stellenbosch	FHF (formally known as FLISP")	Service sites and top structures to be determined	Planning	Council has approved the project to proceed with detailed planning studies. No funding has been allocated on the PDoI Business Plan.

Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
6.	La Motte Old Forest Station	IRDP, FHF (formally known as 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. The NDoPW&I to provide HDA with Power of Attorney for specialist studies to commence.
7.	Droë Dyke	TBD	TBD	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. The NDoPW&I to provide HDA with Power of Attorney for specialist studies to commence.
***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 appointed by the BAC on 16 February 2024. The draft LAA item served before Council and was approved on 27 November 2024. Draft Project Agreement to be concluded before the end of July 2025.
2.	Lapland Precinct	Social Housing	±368 rental units	Feasibility study	The Municipality appointed a professional Social Housing team to undertake various studies to determine the viability for a Social Housing Project. These studies will be submitted during the 2025/26 Financial Year.

3.	Nietvoorbij Stellenbosch	Social Housing	TBD	Feasibility study	To be investigated

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, Klapmuts	UISP	109 serviced sites; possible temporary relocation units	Implementation	The MPT approved the Land Use Application end of February 2024. The PDoI approved the funding for the installation of the services. The user department appointed a service provider for the detail design of all associated infrastructure services. This will also include the construction management of the project for occupation.
2.	Langrug Dam, Franschhoek	UISP	250 - 300 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 PDoI for the planning and implementation of the project. Funding for Interim Basic Services (IBS) has been approved approval from the PDoI.
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 establishments for 3-storey (BNG) walk-ups. Await MPT decision.
4.	Enkanini Informal Settlement	UISP	1300 sites	Implementation	Implementing of Interim Basic Services (IBS) will commence in the 2024/25 and 2025/26 Financial Years.

Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
5.	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 is not in ownership of the Municipality. The matter is currently being dealt with by Department: Corporate Services
6.	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.
7.	Jonkershoek	Township Establishment, IRDP, FHF (formally known as FLISP)	Units and sites TBD, together with 40 existing units	Feasibility study	The HDA has been appointed to facilitate the transfer of land and to finalise detailed planning studies for township establishment.

Table 1

(f) that **Council take note** of the projects under construction (within the implementation phase which is dealt by the Section: Project Management Unit (PMU) or Section: Housing Development), as reflected in table 2 below contained in this report:

Housing projects being Implemented					
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 has commenced and be completed in the 2024/2025.

Name of project / settlement		Type of project / subsidy Mechanism	Estimated Number of opportunities	Status of project	Progress update
2.	Erf 7001, Cloetesville ("Soek-mekaar")	IRDP, FHF (formally known as FLISP")	201 Service Sites and GAP housing	Implementation	The development rights have been obtained to develop middle- to higher-GAP housing. A funding application will be submitted to DPoI to install the internal services.
3.	ISSP Kayamandi Zone O (711) UISP	UISP	178 sites	Implementation	The Project Management Unit is following a procurement process to appointment a contractor for the construction of 170 top structures.
4.	Jamestown Development: Phases 2 & 3	IRDP, FHF (formally known as FLISP")	274 service sites (top structures TBD)	Implementation	The MPT approved the Land Use Application for Phases 2 and 3 on 1 March 2024. A funding application has been submitted for the implementa-tion of Phases 2 and 3. As soon as the contractual agreement and PDoI is concluded, a call for proposal to appoint an Implementing Agent will commence.
5.	Watergang Phase 2C – Portion of Erf 3603, Kayamandi	UISP	86 sites	Implementation	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 to PDoI.
6.	Maasdorp Village, Franschhoek	Township Establishmen t	16 subdivided erven	Detailed planning	The MPT approved the Land Use Application and a funding model needs to be developed to address the specific needs of the Forest Village.

Table 2

(g) that **Council approves** the removal of Erven 6668, 6705, 7181, 7271, Cloetesville, (as explained on Page 29 of **ANNEUXRE** 1) Stellenbosch, from the Housing Pipeline due to the high cost of implementation, the steep terrain and unsuitable soil conditions.

NAME	*Lester van Stavel*
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REPORT DATE	*May 2025*

7.6	INFRASTRUCTURE SERVICES : (PC : R PHEIFFER)

7.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – MAY 2025

Collaborator No: 784933
IDP KPA Ref No: Green & Sustainable Valley
Meeting Date: 21 May 2025

1 SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – MAY 2025

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 20 MW Independent Power Producer Contract: Tender conditionally awarded to successful bidder. A Legal Firm has been appointed by the Municipality and has interrogated the draft Power Purchase Agreement. Once the draft Power Purchase Agreement is finalised and signed off by both parties, development rights will commence.

4.2 50 MW Independent Power Producer Tender: The closing date for the Request for Proposals is 30 September 2025.

4.3 The installation of the 66kV switchgear at Main and University substations was initially planned to be completed in April 2025, the revised estimated completion date is June 2025. This will then enable the installation of the Supervisory Control and Data Acquisition (SCADA) completion at those substations.

4.4 The new (SCADA) tender closed on 17 March 2025.The new tender is for the Supply, Delivery, Off-Loading, Installation, Setup, Configuration and Commissioning/Testing of Electrical Substation Telemetry Monitoring Equipment (SCADA System) and Supervisory Communication Network Installations.

4.5 Fire Station Progress: The tender for the Stellenbosch Fire Station battery storage system was awarded and construction work will be completed by 30 June 2025.

4.6 NPK Building Progress: Tender documentation is being prepared at present for the retrofitting of the building with alternative energy equipment.

4.7 Main Building (Neethling Huis) Progress: Currently at detailed design and tender documentation stage (Electrical and Mechanical Fire Compliancy).

4.8 Energy Performance Certification: The frames have been delivered, and the certificates have been installed in all buildings except the NPK building.

4.9 Municipal Community Buildings Progress: Tender B/SM 34/25 Turnkey – Engineering, Procurement and Construction (EPC) of Hybrid Inverter with Battery Storage Systems at fourteen Stellenbosch Municipality Community Buildings. The tender was awarded and the successful bidder notified on 7 March 2025.

4.10 Eskom Hot Water Load Control (HWLC) and RT 29-2024 Contracts for smart meters:

A new tender will be prepared with the objective of becoming effective on 1 July 2025.

4.11 The Municipality's load curtailment application is still with Eskom at present, and Eskom responded formally to the Municipality's request. The Municipality will still pursue this option, but mitigating measures are in place should Eskom not allow it.

The above projects, 4.1 to 4.10, are still being pursued by the Municipality's Alternative Energy Program with the focus on securing cheaper and renewable energy, as well as the focus on business continuity during outages and ensuring that critical plants and systems are still operational.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.6.1

that Council notes the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	***Nombulelo Zwane / Rendani Makungo***
POSITION	***Senior Manager: Electrical Services / AEG Project Manager***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8770/ 021 808 8333***
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REPORT DATE	***30 April 2025***

7.6.2	STELLENBOSCH MUNICIPALITY PARTNERSHIP WITH GERMAN WATER UTILITY: HAMBURGER STATDENTWASSERUNG AND HAFENCITY UNIVERSITY HAMBURG

Collaborator No:
IDP KPA Ref No: **Green & Sustainable Valley**
Meeting Date: **21 May 2025**

1. SUBJECT: STELLENBOSCH MUNICIPALITY PARTNERSHIP WITH GERMAN WATER UTILITY: HAMBURGER STATDENTWASSERUNG AND HAFENCITY UNIVERSITY HAMBURG

2. PURPOSE

To obtain Council's approval for the Municipality to enter into a partnership with Hamburger Stadtentwasserung AoR and HafenCity University Hamburg (Germany) to explore interventions into Water Recycling and Re-use.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Potable water is fast becoming our most important natural resource, as well as the protection of our riverine systems and ecological habitats. Stellenbosch Municipality has been approached by Hamburger Stadtentwasserung AoR and HafenCity University Hamburg, both based in Germany, to explore the possibility of entering into a Water Operators' Partnership within the NEU-Water: Nature Engineered Urban Design for Water Recycling and Reuse.

The research project "NEU-Water: Nature Engineered Urban Design for Water Recycling and Re-use is funded by the German Federal Ministry of Education and Research and aims to develop solutions and processes that promote the re-use of stormwater and greywater as part of water sensitive urban design. The research project seeks to address these issues whilst working in dense, low-income urban contexts which have limited access to water infrastructure and represents the challenges in the Southern African countries.

Municipal water and wastewater are key players for sustainable prosperity and economic development. Therefore, the Water Operator Partnership intends to look at a more sustainable adaptation and integration of water sensitive urban design. The aim of the partnership is to share knowledge and expertise through peer support and working together on defined areas in order to progressively strengthen utilities' capacity and performance on aspects particulary relating to stormwater management, drinking water supply and sanitation.

The activities of the partnership are driven by the demand of the Stellenbosch Municipality and are jointly decided on between the parties.

The ethos of the partnership will contribute towards the two IDP Strategic Focus Areas of SFA 4: "Dignified Living" as well as SFA 2: "Green and Sustainable Valley"

- To provide access to basic services for households in the WC024 area and;
- Enhancing the integrity of the environment is imperative for long-term sustainability.

The Municipality will also benefit from learnings, methods and technicques regarding water filtration, treatment of grey-water runoff from settlements, incorporating water-sensitive urban design techniques into current and future developments and human settlement initiatives.

The partnership is also geared for both parties to contribute towards research initiatives, peer learning from each other, as well as implementable projects on existing sites where feasible.

The partnership will be funded by the German Federal Ministry of Education and Research. The partnership makes available funds for the German officials to travel to Stellenbosch Municipality to be involved in research, designs and implementable pilot projects, as well as up to 12000 EUR for officials to travel to Hamburg, Germany to learn from initiatives, water operators and the University abroad as well. No financial obligations are placed on the Stellenbosch Municipality.

The duration of the partnership and proposed Memorandum of Understanding will be from date of signature until the research project ends, prospectively April 2028.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.6.2

(a) that Council approves the Stellenbosch Municipality enters into a Water Operators' Partnership with Hamburger Stadtentwasserung AoR and HafenCity University Hamburg on the topic of Nature Engineered Urban Design for Water Recycling and Reuse;

(b) that Council approves the Memorandum of Understanding attached hereto as **ANNEXURE A**;

(c) that the Directorate: Infrastructure submits a progress report to Council after one year, alternatively as soon as practically possible; and

(d) that Council approves the travel related costs (accommodation and daily allowances).

NAME	**Shane Chandaka**
POSITION	***Director Infrastructure Services***
DIRECTORATE	***Infrastructure Services***
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REPORT DATE	***12 May 2025***

7.6.3	THE 7th SOUTH AFRICAN – GERMAN PEER LEARNING NETWORK WORKSHOP AND TO INFORM COUNCIL OF THE GRANT EXPERTFUND APPROVAL FOR MUNICIPAL PARTNERSHIP WORLDWIDE

Collaborator No:
IDP KPA Ref No: **Good governance and compliance**
Meeting Date: **21 May 2025**

1. SUBJECT:THE 7th SOUTH AFRICAN – GERMAN PEER LEARNING NETWORK WORKSHOP AND TO INFORM COUNCIL OF THE GRANT EXPERTFUND APPROVAL FOR MUNICIPAL PARTNERSHIP WORLDWIDE

2. PURPOSE

To obtain Council's permission to attend the 7th South African - German Peer Learning Network and a hospitation as well as to inform Council of the grant approval linked to the Expert fund for Municipal Partnership Worldwide.

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

Stellenbosch Municipality is part of the IUDF Intermediate City Support Programme which is being implemented in partnership with the Cooperative Governance and Traditional Affairs (COGTA) and the South African - German City Network. Dialogues for Urban Change (D4UC) is a project implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the Federal Ministry for Housing, Urban Development and Building (BMWSB). It is framed by the visions for sustainable cities included in the New Urban Agenda, the UN's Sustainable Development Goal 11, the New Leipzig Charter, and the German National Urban Development Policy. D4UC aims at bringing these ideas and approaches into the daily practice of cities by creating an environment for mutual learning among practitioners of urban development. The core of the D4UC project are three city networks from partners in the USA, Ukraine, South Africa and Germany.

The aim is to inform Council of the benefits of the network engagements to date as well as permission to attend the last workshop meeting:

4.1 The extended learning opportunities beyond the eight participating cities during the Stellenbosch learning Network engagements;

4.2 Council to cover cost in terms of travel related costs in Germany for the 4-night stay (accommodation, daily allowances, local transport to and from airport). See attached as **ANNEXURE 1.**

4.3 The successful application of Expertfund for municipal partnerships worldwide

4.4 Council take note that the Expert Climate Change will commence with service from 1st of June 2025 in the office of the Municipal Manager.

4.5 Council to note the hospitation request received from Bottrop to exchange learning ideas

4.6 Council to note that the flight tickets have already been booked and paid for by GIZ for the period of 10th – 18th June 2025,

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.6.3

(a) that Council approves the request for attendance of the 7th South African – German peer learning network workshop and a hospitation by Germany from 10th - 18th June 2025;

(b) that Council approves the travel related costs in Germany for 4-night stay (accommodation and daily allowances);

(c) that Council take note of the successful grant funding application for Expertfund for municipal partnerships worldwide; and

(d) that the Expert Climate Change will commence service from 1st of June 2025 within the office of the Municipal Manager.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021- 808 8025
E-MAIL ADDRESS	geraldine.mettler@stellenbosch.gov.za
REPORT DATE	13 May 2025

7.7	**PARKS AND OPEN SPACES: (PC: N OLAYI)**

NONE

7.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: DEPUTY MAYOR M SLABBERT)

7.8.1	IDENTIFICATION OF A MARKET TRADING SITE IN STELLENBOSCH

Collaborator No: 785640
IDP KPA Ref No: Green & Sustainable Valley
Meeting Date: 21 May 2025

1. SUBJECT:IDENTIFICATION OF A MARKET TRADING SITE IN STELLENBOSCH

2. PURPOSE

To seek Council's approval for the designation of a market trading site within Stellenbosch town, thereby promoting local economic development and support for informal trading activities. Furthermore, to request approval from Council to proceed with advertising of potential trading sites, for public participation.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality envisions a thriving informal trade sector that is valued, legally recognized, and fully integrated into the economic, urban, and social fabric of WC024. As part of its mandate, the Municipality is committed to fostering an environment that supports economic growth and enhances the well-being of its communities.

The Stellenbosch Municipality Informal Trading Policy (2019) outlines the importance of identifying suitable trading areas, such as markets, to create sustainable opportunities for informal traders. A key strategic objective of the Economic Development Section is to support the sector's growth through initiatives that promote entrepreneurship, enhance market access, and foster social cohesion within public spaces.

The Economic Development Section recognises the vital role of informal trade in strengthening the local economy. Key considerations include:

- Enabling Environment: The Municipality has a constitutional mandate to create conditions that promote social and economic well-being.
- Entrepreneurship & Job Creation: Small businesses and startups drive job creation, wealth generation, and increased household incomes.
- Economic Circulation: Affordable infrastructure investments attract new capital and stimulate local economic activity.
- Accessibility & Inclusion: Informal trade provides platforms for individuals with diverse skills, capacities, and financial resources.

- Local Impact: Locally owned and staffed businesses contribute significantly to the economy, with a higher likelihood of income remaining within the community.

- Community Buy-in: Engaging local stakeholders builds capacity, strengthens community ownership, and enhances the long-term sustainability of initiatives.

By fostering a supportive environment for informal traders, the Municipality aims to unlock economic potential, create inclusive opportunities, and build a resilient local economy:

- The initiative focuses on establishing a dedicated space primarily designed for community markets.

- Job creation and new business opportunities are essential for Stellenbosch, requiring a diverse and inclusive approach.

- The selected site should be an inviting open space, offering ample room not only for trading but also for light entertainment.

- Traders will operate on a "pack-up-and-go" basis, ensuring the site remains flexible and multi-purpose.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.8.1

(a) that Council approves the following 3 sites as potential market sites which can be operated by organisers and entrepreneurs from Stellenbosch W024;

- Eerste Riverbank
- Die Braak
- Bloemhof Parking (weekend's only)

(b) that Council approves the advertising of these potential trading sites, for public participation;

(c) that Council notes that potential market organisers wishing to operate markets on these sites will have to comply with all Municipal Policies and by – laws applicable to public events; and

(d) that Council mandates the Municipal Manager to enter into agreements with potential market organisers wishing to operate these sites as a public market on terms as prescribed in Municipal by – laws and any other applicable legislation

NAME	Lesley van Gensen
POSITION	*Manager: Economic Development and Tourism*
DIRECTORATE	*Planning and Economic Division*
CONTACT NUMBERS	*021 808 8179*
E-MAIL ADDRESS	*Lesley.vangensen@stellenbosch.gov.za*
REPORT DATE	*12 May 2025*

7.9	COMMUNITY SERVICES:(PC:)

7.9.1	UNIVERSAL ACCESS (UA) IMPLEMENTATION PROGRESS REPORT 2024/2025

Collaborator No: 785309
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 May 2025

1. SUBJECT: UNIVERSAL ACCESS (UA) IMPLEMENTATION PROGRESS REPORT 2024/2025

2. PURPOSE

To provide a progress report on the implementation of Universal Access within Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For information to Mayco.

4. EXECUTIVE SUMMARY

The department employed the services of Change Ability to assist with the components required for the mainstreaming of the UA Policy across all directorates. The components include the following:

- Establishment of a UA Champion forum to drive processes internally per directorate.
- Practical and Experiential Learning on UA theory and practise in the workplace
- Assessment of policies in terms of alignment with the UA Policy.
- Policy operationalisation and the setting of objectives per directorate.

A report on the implementation of the above is attached as **ANNEXURE 1**.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.9.1

that Council note the Universal Access Progress Report 2024-2025.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	30-04-2025

7.10	RURAL MANAGEMENT AND ENVIRONMENT: (PC: CLLR C MANUEL)

7.10.1	REQUEST FOR THE ALLOCATION OF FARM No(s): 502AS PORTION AS1; 502AS PORTION AS2, AND 502AS PORTION AS3; TO EMERGING FARMERS IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, 2016

Collaborator No: 785640
IDP KPA Ref No: Green & Sustainable Valley
Meeting Date: 21 May 2025

1. SUBJECT:REQUEST FOR THE ALLOCATION OF FARM No(s): 502AS PORTION AS1; 502AS PORTION AS2, AND 502AS PORTION AS3; TO EMERGING FARMERS IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, 2016

2. PURPOSE

To provide Council with the pertinent facts in order to approve the request to allocate the three (3) agricultural land portions (see **APPENDIX 1**) as prescribed in the said Policy.

3. DELEGATED AUTHORITY

Executive Mayor in consultation with the Executive Mayoral Committee has the delegated powers, in terms of Stellenbosch Municipality: System of Delegations as amended on 22 June 2022 to approve lease agreements of Council properties for a period shorter than 10 years and a contract value of less than R5 million.

4. EXECUTIVE SUMMARY

Stellenbosch Council adopted “The Policy for the Management of Municipal Agricultural Land (2016)” with the purpose of availing agricultural land for emerging farmers. The item deals with the allocation of vacant municipal land to successful land applicants after the Council resolved to advertise portions of vacant municipal agricultural land for leasing purposes to current and potential emerging and small-scale farmers.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.9.1

(a) that Council take note of the process and scoring undertaken to allocate and award the three (3) municipal agricultural land portions to the highest scoring applicant convened at the operational committee meeting that took place 17 April 2024 (refer to **APPENDIX 2**). The Operational Committee’s combined evaluation scoring sheets is attached as **APPENDIX 3**;

(b) that Council approves that Farm No.: 502AS, portions AS1, AS2 and AS3, Stellenbosch Division, with a total area of 26.1-hectare (ha), with no (nil) water rights, be awarded to StellCARE, copy of application is attached as **APPENDIX 4**;

(c) that Council approve that the land portions awarded in (b) be leased for a period of Nine (9) Years & Eleven (11) Months, with the option of renewal;

(d) that Council take note that the monthly rental amount for emerging farmers is determined as per the calculation for the previously allocated tariff for emerging farmers; and

(e) that Council take note that in the event 502AS is awarded to StellCARE, a separate service level agreement (SLA) will be established. This SLA aims to enable the Local Economic Department to ensure that their emerging farmer program extends its benefits to all emerging bee farmers located in the WC024 area.

FOR FURTHER DETAILS CONTACT:

NAME	**Mark Harris**
POSITION	***Senior Economic Development Officer***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021 808 8159***
E-MAIL ADDRESS	***Mark.Harris@stellenbosch.gov.za***
REPORT DATE	***12 May 2025***

7.11	MUNICIPAL MANAGER

7.11.1	2025/2026 GRANT IN AID APPLICATIONS AND RECOMMENDED DONATIONS

Collaborator No: 785307
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 May 2025

1. SUBJECT:2025/2026 GRANT IN AID APPLICATIONS AND RECOMMENDED DONATIONS

2. PURPOSE

To obtain Council's approval for Grant-in-Aid (GiA) applications and recommended donations for the financial year 2025-2026.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

In terms of Municipal Finance Management Act (MFMA), Act (56 of 2003) Section 17. (3) (e) relating to content of annual budgets and supporting documents.

4. EXECUTIVE SUMMARY

The Grant-in-Aid policy aims to provide a framework for Grant-in-Aid to non-governmental organisations (NGOs), community-based organisations (CBOs), non-profit organisations (NPOs) or non-profit companies (NPC), Public Benefit Organisations (PBO's) and bodies that are used by government as an agency to serve the poor, marginalised or otherwise vulnerable as envisaged by the Grant in Aid Policy approved at the Council Meeting in May 2024.

In terms of Council's Grant-in-Aid Policy, proposals were called for by means of advertisement in the press on 19 September 2024 (Eikestad Nuus) and on the municipal website and Facebook page.

The advertisement included an invitation to attend one of three compulsory workshops on either 14-16 October 2024 to explain application and policy requirements. One hundred and sixty-two (162) persons attended the workshops.

A workshop to assist with capacity building of small, emerging organisations was conducted during October 2024 focussing on financial management. The workshop was attended by ninety (90) persons.

By the closing date (22 November 2024), 95 applications were received of which one was withdrawn.

The outcome of proposed donations was advertised for public comment. By the closing date of 29 April 2025, 27 comments/appeals and/or feedback reports were received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2025-05-21: ITEM 7.10.1

(a) that Council notes the organisations that are receiving funding are organisations or bodies serving the poor;

(b) that Council support the continuation of the food garden project and approve the donation to SA Institute for Entrepreneurship to conclude the final year of the three-year Cat B donation;

(c) that Council support the implementation of day services for persons who are homeless and approve the deferment of the approved 2024/2025 Cat B application to commence in 2025/2026;

(d) that Council notes that the Cat A donation allows for a maximum amount of R40 000 to be allocated per organisation;

(e) that Council consider and approve the recommended donations to organizations as per attached detailed register inclusive of public comments and feedback received as part of the draft budget public participation process; and

(f) that the Accounting Officer certifies to the Auditor General that the compliance requirements in terms of section 67 (1) (a) of the MFMA are uneconomical and unreasonable for organisations receiving Cat A donation.

FOR FURTHER DETAILS CONTACT:

NAME	*Michelle Aalbers*
POSITION	*Manager: Community Development*
DIRECTORATE	*Community and Protection Services*
CONTACT NUMBERS	*8408*
E-MAIL ADDRESS	*Michelle.aalbers@stellenbosch.gov.za*
REPORT DATE	*09-05-2025*

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

NONE

9.	URGENT MATTERS

NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE

SEE PINK DOCUMENTATION

Meeting adjourned at 10:45

CHAIRPERSON: ……

DATE: ……

Confirmed on ……

6.	**STATUTORY MATTERS**

6.1	**MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2025**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT:MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2025

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 the Council. In compliance thereto, this report presents to the Council the SCM deviations that occurred during May 2025.

5. RECOMMENDATION

that the Council notes that there were no deviations approved for the month of May 2025.

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 May 2025: No deviations were approved as indicated below:

6.3 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.

6.4 Staff Implications:

No staff implications.

6.5 Previous / Relevant Council Resolutions:

None.

6.6 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.

6.7 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.7.1 Municipal Manager

Supports the recommendations.

NAME	*Dalleel Jacobs*
POSITION	*Senior Manager SCM*
DIRECTORATE	*Finance*
CONTACT NUMBERS	*021 808 8137*
E-MAIL ADDRESS	*Dalleel.Jacobs@stellenbosch.gov.za*
REPORT DATE	*03 June 2025*

7.	**CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [CLLR J FASSER]**

7.1	**PROTECTION SERVICES: (PC: CLLR J WILLIAMS)**

NONE

7.2	**SPORTS, YOUTH AND CULTURE: [PC: CLLR T KUMM]**

NONE

7.3	**CORPORATE SERVICES: (PC: CLLR L NKAMISA)**

7.3.1	**RETURN ITEM: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: RETURN ITEM: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

2. PURPOSE

To provide feedback after the public participation process and obtain Council's final approval for the disposal of a portion of erf 9190, Stellenbosch situated in 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.

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. An application was then received from Protea Hotel.

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 adjacent land. 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 provided. Planning submitted a report on the history of the matter which is attached to the item.

The property management department appointed a valuator to determine the fair market value and a valuation report was provided to the applicant and is attached to the item.

After the applicant received the valuation report they submitted an amendment to their request wherein they only requested to purchase the section of the property where the function room was erected on Municipal land. This portion is only 488 square meters. They requested consent to purchase this portion of land and for council to consent to the sub-division of this portion of land and the consolidation thereof to their property, erf 9209. The amended application served before the Executive Mayoral Committee and Council during July 2024, and it was removed from the Council Agenda by the

Speaker for the administration to enter further discussions with the applicant. These discussions took place, and the applicant then provided three alternative proposals on how to finalise this matter. Three alternative proposals submitted by Protea Hotel is attached to the item.

On 24 August 2024 Council resolved that they approve option 3 in principle and that the land can be sold to Protea Hotel, pending a public participation process and that the matter be brought back to Council for a final decision after the public participation process. This process has now been finalised, and no comments were received from the public. Council therefore needs to make a final decision on the sale of the land to Protea Hotel.

5. RECOMMENDATIONS

(a) that Council takes note of the Official Notice that was published on 15 May 2025;

(b) that Council takes note that no comments, inputs or alternative proposals were received from the public during the public participation process;

(c) that Council approves the sale of the portion of Erf 9190, Stellenbosch to Protea Hotel as per option 3 in the item;

(d) that the sales price for the portion of land is R12 069 021.00 (excluding VAT);

(e) that the Municipal Manager be authorised to sign the sales agreement and all necessary transfer documents;

(f) that the sales price be paid to the Municipality upon registration of the property into the name of the Municipality which registration will have to be finalised within 6 months from date of signing of the agreement, failing which the sales agreement will terminate; and

(g) that Protea Hotel pays for all the fees for the registration of the property into their name.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for subdivision to land swap

During 2018 Friedlander, Burger & Volkman, on behalf of Protea Hotel, applied for a subdivision to rectify the encroachment of a structure that was constructed over the boundary of erf 9209 (Protea Hotel) onto Erf 9190 (Council property). A proposal has been submitted to facilitate a land swap with the Municipality to rectify the encroachment.

Since erf 9190 is municipal owned land, the application had to be submitted to the Planning Tribunal. The Planning Tribunal rejected this application.

Although the application was basically a boundary adjustment (±191m² of Protea Hotel land in exchange for ±191m² of Council owned land), and although no objections were received, the Planning Tribunal turned down the application and suggested that the common boundary line be realigned to facilitate the incorporation of the unauthorised

structure in a manner that will ensure that the new boundary line does not create unusable space and also will not have a negative input on the existing amenities on erf 9209. A copy of the report that served before the Planning Tribunal, setting out the reasons for their decision, is attached as **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. 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 adjacent land. 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 provided. Planning submitted a report on the history of the matter which is attached to the item as **APPENDIX 7.**

The department has appointed a valuator to determine the fair market value and a valuation report has been received which is attached hereto as **APPENDIX 5**.

After the applicant received the valuation report they submitted an amendment to their request wherein they only requested to purchase the section of the property where the function room was erected on Municipal land. This portion is only 488 square meters. They requested consent to purchase this portion of land and for council to consent to the sub-division of this portion of land and the consolidation thereof to their property, erf 9209. The amended application served before the Executive Mayoral Committee and Council during July 2024 and it was removed from the Council Agenda by the Speaker in order for the administration to enter into further discussions with the applicant. These discussions took place and the applicant then provided three alternative proposals on how to finalise this matter. Three alternative proposals submitted by Protea Hotel is attached hereto as **APPENDIX 8.**

On 24 August 2024 Council resolved that they approve option 3 in principle and that the land can be sold to Protea Hotel, pending a public participation process and that the matter be brought back to Council for a final decision after the public participation process.

6.1.2 Public Participation Process

An Official Notice was published in EikestadNuus on 15 May 2025 with a closing date for comments, inputs and alternative proposals on 13 June 2025. A copy of the published notice is attached hereto as **APPENDIX 9.** No comments, inputs or alternative proposals were received from the public after the publication of the Official Notice.

6.2. DISCUSSION

6.2.1 Location and context

Erven 9190 and 9209 are located in Techno Road, as shown on Fig 1 and 2 below.

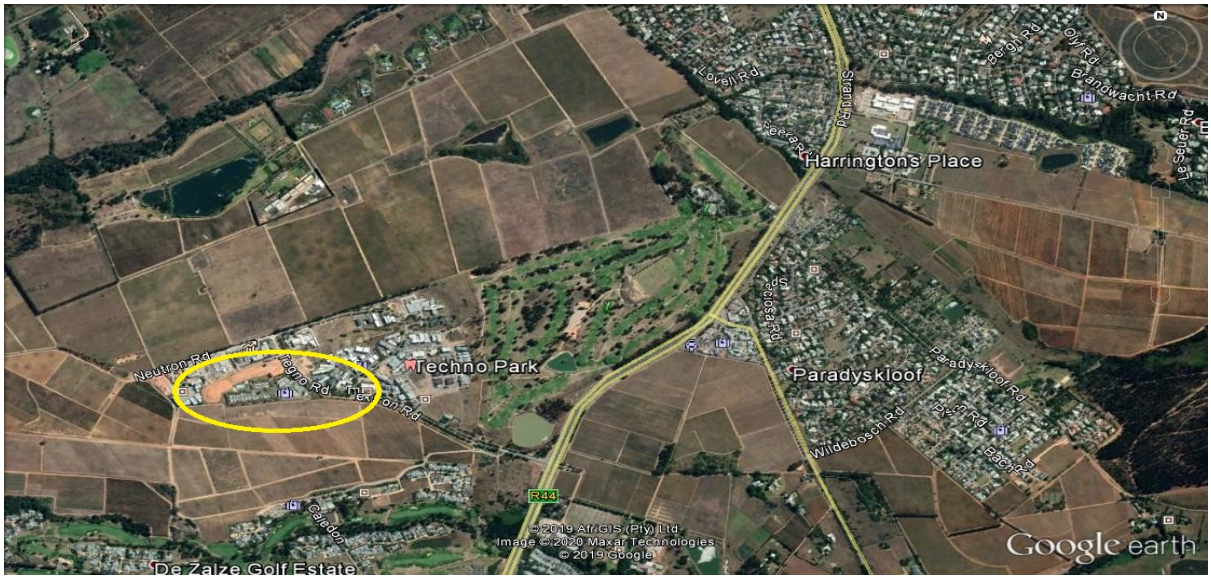

Fig 1: Location and context

Fig 2: Extent of land encroached on

6.2.2 Area description

The area(s) under discussion is shown on Fig 3, below.

Fig 3:

The area consists of three (3) portions:

- Erf 17341 : ±1971m²
- Erf 17340 : ±1094m²
- Erf 17339 : ±440m²

  Total : ±3505m²

The erf numbers referred to here does not exist yet, and forms part of the bigger erf 9190.

Closer photographs of the areas encroached upon look as follows:

6.2.3 Ownership

The ownership of Erf 9190 vests with Stellenbosch Municipality by virtue of Title Deed T28901/1988. A Windeed record is attached as **APPENDIX 4**. Erf 9209 is owned by the applicant.

6.2.4 Application for adjustment of boundary between Remainder erf 9190 (Council owned land) and erf 9209 (Protea Hotel land), Stellenbosch

Following the decision by the Planning Tribunal, an application was submitted by Friedlander, Burger & Volkman, on behalf of Protea Hotel, requesting the adjustment of the common boundary between Protea Hotel and Stellenbosch Municipality's property (Erf 9190). A copy of their application is attached as **APPENDIX 2**.

Also hereto attached as **APPENDIX 3** is an application received from Protea Hotel for the purchasing of a portion of erf 9190, in order to adjust the common boundary, as to incorporate the unauthorised structure build on erf 9190.

A valuator was appointed to determine the land value of the areas encroached upon. It is important to note that 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 valuation was based on the selling price per square meter of previous properties sold in Technopark. The valuation report is attached hereto as **APPENDIX 5**.

After receiving the valuation report the applicants amended their initial request to only apply to purchase a portion of the land being encroached upon. This is specifically the area where the function room is built over the building line onto municipal land and it's for 488 square meters. A copy of the amendment is attached hereto as **APPENDIX 6**.

The Planning Department was requested to provide a report on the background of the approval of the building plans as well as the issuing of an occupation certificate despite the fact that the applicant has such an extensive encroachment on municipal land. The report was submitted and is attached hereto as **APPENDIX 7**.

The matter served before the Executive Mayoral Committee in July 2024 and was supposed to serve before Council however it was removed from the agenda by the Speaker in order for the administration to have further negotiations with the applicant. These negotiations have now taken place and the applicant has provided three alternative proposals for consideration by Council. On 23 August 2024 Council resolved in principle that option 3 is accepted pending a public participation process, which has now been finalised.

6.2.5 Three alternative proposals submitted by Protea Hotel

The proposals submitted by the applicant for consideration by Council is attached hereto as **APPENDIX 8.** An aerial photograph depicting the three alternative proposals is supplied in the proposal and looks as follows:

The three different proposals are indicated in orange, green and blue on the photograph.

Option 1: Indicated on the photograph in Orange: This option is the same proposal as the one which served before the Executive Mayoral Committee to only take transfer of the portion of land where the restaurant is encroaching which is approximately 488 square meters. In terms of the valuation the amount payable for this portion will be R 2 215 032.00 excluding VAT.

Option 2: Indicated in Blue: In this proposal the areas in orange and blue will be sold to the applicant. The area in blue is the area where, inter alia, the play area is currently located. This will add a further 1879 square meters and the total square meters being 2367 square meters. The amount payable for this entire area being R10 743 813.00 excluding VAT.

Option 3: Indicated in Green: This is for a further purchase of the area in Green together with the portions in orange and blue. This will be for a total of 2659 square meters at a cost of R12 069 021.00 excluding VAT.

Council resolved that Option 3 is approved in principle pending a public participation process which has now been finalised.

6.2.6 Legal Requirements

6.2.6.1 MFMA

In terms of Section 14 of the MFMFA 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 services.

Further, in terms of Subsection (2), a municipality may dispose of land not needed to provide the main level of basic municipal services, but only if the Council, in a meeting open to the public, (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

6.2.6.2 Asset Transfer Regulation (ATR)

6.2.6.1Transfer or disposal of non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal Council may transfer or dispose of a non-exempted capital asset only after-

a) the 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 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.

*Only applicable to high value properties, i.e. in excess of R50M

6.2.6.2. Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), take into account—

(a) whether the capital asset may be required for the municipality's own use at a later date;

(b) the expected loss or gain that is expected to result from the proposed transfer or disposal;

(c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;

(d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;

(e) the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;

(f) any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;

(g) the estimated cost of the proposed transfer or disposal;

(h) the transfer of any liabilities and reserve funds associated with the capital asset;

(i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons; (if applicable)
(j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury; (if applicable)
(k) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
(l) compliance with the legislative regime applicable to the proposed transfer or disposal.

6.2.6.3 Conditional approval of transfer or disposal of non-exempted capital assets

Further, in terms of Regulation 11, an **approval in principle** in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, **may be given subject to any conditions**, including conditions specifying—

(a) the way in which the capital asset is to be sold or disposed of;

(b) a floor price or minimum compensation for the capital asset;

(c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and

(d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.

6.2.6.4 Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system

In terms of Regulation 12(1); if approval has been given in terms of regulation 5(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its disposal management system, irrespective of—

(a) the value of the capital asset; or

(b) whether the capital asset is to be transferred to a private sector party or an organ of state.

*In the case of Stellenbosch Municipality the Policy on the Management of Council-owned property is deemed to be the disposal management system.

6.2.6.5 Transfer agreements

In terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state, only by way of a written transfer agreement concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

(a) a sufficient description of the capital asset being transferred in order to identify the asset;

(b) particulars of any subsidiary assets that are transferred with the capital asset;

(c) particulars of any liabilities transferred with the asset;

(d) the amount of compensation payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and

(e) the effective date from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.3 Financial Implications

Should Council give final approval a purchase price of R12 069 021.00 (excluding VAT) is payable by the applicant to the Municipality. The applicant will also have to pay the fees for the subdivision, consolidation and registration fees. There will be no further costs implications for the Municipality.

6.4 Legal Implications

The legal implications are discussed in the item.

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

EXECUTIVE MAYORAL COMMITTEE: 2023-11-16: ITEM 7.3.2

RESOLVED

that this item be referred back to Administration for further discussion and refinement.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-07-24: ITEM 7.3.11

That the item be referred to Council for consideration.

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.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management

All Directorates provided comments on the previous item and as this is a return item after public participation no further comments were requested.

ANNEXURES: Appendix 1: Report that served before the Planning Tribunal

Appendix 2: Application from Friedlander. Burger & Volkmann

Appendix 3: Application from Protea Hotel

Appendix 4: Windeed report

Appendix 5: Valuation Report

Appendix 6: Amended application

Appendix 7: Report by Planning Department

Appendix 8: Three alternative proposals from applicant

Appendix 9: Official Notice

NAME	**Yolande van den Berg**
POSITION	***Head: Contract Management***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***Yolande.vandenberg@stellenbosch.gov.za***
REPORT DATE	***2025/06/14***

APPENDIX 1

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LAND USE PLANNING REPORT TO THE MUNICIPAL PLANNING TRIBUNAL

APPLICATION IS HEREBY MADE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2015 PERTAINING TO THE SUBDIVISION, REZONING AND CONSOLIDATION OF PORTIONS ERVEN 9190 AND 9209, STELLENBOSCH, TO RECTIFY ENCROACHMENTS.

Reference number	LU/6518 Erf file 9190	*Application submission date*	July 2017	*Date report finalized*	Nov 2018

INTRODUCTION

The subject properties form part of the Technopark development. All the properties with the exception of erf 9209 the Protea Hotel are zoned for Special Zone I including the open space areas and roads within the development. The Protea Hotel Stellenbosch was developed on Erf 9209, Technopark, Stellenbosch, which is a portion of erf 9190. The hotel is a sectional title scheme and the portion of this property under consideration forms part of the common property of the sectional title scheme of this property.

The proposal under consideration is to rectify the encroachment of a structure that was constructed over the boundary of Erf 9209 (The Protea Hotel) onto Erf 9190 (Council property). The proposal has been submitted to facilitate a land swop with the Municipality to rectify the encroachment. Due to the fact that Erf 9190 is a municipal owned property the applications under consideration needs to be referred to the Planning Tribunal for consideration and a decision in terms of the Stellenbosch Municipal Land Use Planning By-Law.

PART A: AUTHOR DETAILS

First name(s) and Surname	Robert Fooy
Job title	Senior Town Planner
SACPLAN registration number	N/A
Directorate/Department	Planning and Economic Development / Land Use Management
Contact details	021 808 8680 robert.fooy@stellenbosch.gov.za

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PART B: APPLICANT DETAILS							
First name(s) and Surname	Mark Straughan						
SACPLAN registration number	N/A						
Company name	Friedlaender, Burger and Volkmann			Is the applicant authorized to submit this application?	Y		
Registered owner(s)	The Protea Hotel Body Corporate (The area under discussion forms part of the common area within the sectional title scheme)						
PART C: PROPERTY DETAILS							
Property description (in accordance with Title Deed)	Erven 9190, and 9209, Stellenbosch						
Physical address	Techno Avenue			Town/City	Stellenbosch		
Current zoning	Erf 9190 Special Zone 1: Technology or Science Park & Erf 9209 Specific Business Zone for hotel purposes	Extent (m^2/ha)	Erf 9209 3.0ha 9190 33.28ha	Are there existing buildings on the property?	Y		
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Regulations (1996)						
Current Land Use	Erf 9209 (Hotel purposes) and 9190 (Vacant)			Title Deed number & date	T28901/1988		
Any restrictive title conditions applicable?		N	If Yes, list condition number(s)	N/A			
Any third party conditions applicable?		N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y		If Yes, explain	A building has been constructed over the common boundary of erf 9190 and erf 9209.			

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PART D: APPLICATION DESCRIPTION

Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 9190 and Erf 9209, Technopark, Stellenbosch:

a) The subdivision of Portion A (±191m²) from Erf 9190 in terms of Section 15(2)(d));

b) The rezoning of unregistered Portion A (±191m²) from Special Zone I (Technology or Science Park) to Specific Business for Hotel purposes;

c) The subdivision of Portion B (±191m²) from Erf 9209 in terms of Section 15(2)(d));

d) The rezoning of unregistered Portion B (±191m²) from Specific Business for Hotel purposes to Special Zone I (Technology or Science Park);

e) The consolidation of unregisterred rezoned Portion A with Erf 9209 in terms of Section 15(2)(e));

f) The consolidation of unregisterred rezoned Portion B with Erf 9191 in terms of Section 15(2)(e)).

PART E: SUMMARY OF APPLICANTS MOTIVATION

The land use planning application has been submitted to formalise the structure that has been constructed over the common boundary line between Erf 9190 and Erf 9209. The proposal underconsider has been advertised as required and no objections or comments have been received on the proposal. The propsal was submitted after discussions with the Manager of the Property Management Department of the Municipality and has been submitted to facilitate a land swop as suggested by the Property Management Department.

PART F: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	16 November 2017	15 December 2017
Notices	Y	N	N/A	16 November 2017	15 December 2017
Ward councillor	Y	N	N/A	16 November 2017	15 December 2017
On-site display	Y	N	N/A	16 November 2017	15 December 2017
Community organisation(s)	Y	N	N/A	16 November 2017	15 December 2017
Oth-er	Y	N	If yes, specify		

Was public participation undertaken in accordance with sections 44-49 of the Stellenbosch Land Use Planning By-law, October 2015	Y	

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PART G: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)			
FARM/ ERF NO.	ISSUES RAISED	APPLICANT'S RESPONSE	DEPARTEMENTAL REPONSE
	No Comments or Objections received on the application.		

PART H: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR					
NAME OF DEPARTMENT	DATE	SUMMARY OF COMMENTS	RECOMMENDATION		
Department of Environmental Affairs and Development Planning	06 December 2017	Support the application with standard conditions.	**Positive**	Nega-tive	No Com-ment
Stellenbosch Electrical Department	16 January 2017	Support the application with conditions.	**Positive**	Nega-tive	No Com-ment
Local Economic Development	21 November 2017	Support the application.	**Positive**	Nega-tive	No Com-ment
Directorate Infrastructure Services (Traffic Engineer)	08 November 2017	Support the application with conditions.	**Positive**	Nega-tive	No Com-ment
Manager: Property Management Department	11 November 2017	Support the application.	**Positive**	Nega-tive	No Com-ment

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Ward Councillor		No formal response was received from the Ward Councilor	Positive	Nega-tive	**No Com-ment**

PART I: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Background

The application area (Erven 9190 and 9209) are located in Techno Avenue, Technopark, Stellenbosch and are surrounded by primarily office buildings, open area or undeveloped portion of land which forms part of Erf 9190 and are used for agricultural and open space purposes.

The application under consideration is to facilitate the formalization of the building which has been constructed over the common boundary between Erven 9190 and 9209. The area under consideration on Erf 9209 forms part of the common space of the Protea hotel which has been sectional titled. The proposal has also been submitted to facilitate a land swop between the Municipality (Erf 9190) and the Protea hotel (Erf 9209) as suggested by the Manager: Land Use Management.

The areas under consideration are currently being used by the Protea hotel to accommodate the building which is constructed over the common boundary of the two properties and as part of the common open space area within the sectional title scheme. The proposal as submitted will only facilitate a form of boundary adjustment which normally could be dealt with by the Municipality via the existing delegations, but due to the fact that the one property, Erf 9190 is owned by the Municipality the application needs to be referred to the tribunal for a decision in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

a) Spatial Justice

N/A

b) Spatial Sustainability

The proposal will not have a detrimental impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas or scenic and cultural landscapes as the subject property is located within the urban edge of Stellenbosch and the properties are not zoned for agricultural purposes.

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c) Efficiency

The proposed application will only facilitate the formalization of the existing building which was been constructed over the common property boundary between Erf 9090 and Erf 9209.

d) Spatial Resilience

N/A

e) Good Administration

The application was processed strictly in accordance with the prescribed application procedures as stipulated in the By-law on Municipal Land Use Planning, 2015.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The proposal is supported by Spatial Planning, Heritage and Environment Department as it will have no impact on its surroundings.

(In)consistency with guidelines prepared by the Provincial Minister

This section has no bearing on the application as the subject property is loacted within the urban edge of Stellebenbosch town.

Outcomes of investigations/applications i.t.o other laws

The application complies with the relevant legislation applicable to the application.

Existing and proposed zoning comparisons and considerations

The change in zoning proposed will have no impact on the surrounding area as the subject properties are located within the existing urban area and the proposed zonings will only facilitate a form of boundary adjustment to accommodate the existing building which is located over the common boundary line between Erf 9190 and Erf 9209.

The need und desirability of the proposal

The subject properties are located within Techno Avenue, Technopark, Stellenbosch and the surrounding land uses are primarily offices, open space and agricultural purposes. The applications under consideration will only faciliate the movement of the common boundary line to accommodate the existing structure which is currently located over the common boundary line of Erf 9190 and Erf 9209, Technopark and to facilitate a land swop.

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As noted above the proposal is basically a boundary adjustment with the rezoning of the various subdivided portions being required to ensure that they have the applicable zoning prior to being consolidated with the respective erven.

The proposal as submitted will only facilitate the formalization of the unauthorized building work but will also result in unusable portions of land being formed (Portion B). The new boundary line that will be created by the proposal will also result in the fact that the unauthorized structure is now located on the common boundary between Erf 9190 and Erf 9209. As a result should the owners of the Hotel decide to enclose their property with a wall or fence the existing deck / stoep area which will be located on the erf boundary would be negatively affected due to the fact that the deck / stoep area is will be narrow due to the fact that the fence / wall will be located on the edge of the deck / stoep. The new boundary that will be created over erf 9209 has also not taken cognizance of the fact that the area being cut off and consolidated with erf 9190, will result in an unusable portion of land being created between the "Road" and erf 9209.

The two areas being subdivided, rezoned and consolidated have the same area to facilitate a land swop but would create unusable areas as a result of the new erf boundaries that will be created. The proposal as submitted is not supported as the applicant is in effect trying to facilitate the formalization of the unauthorized structure and a land swop without taking into consideration what impact the revised boundary will have on the two erven concerned.

PART J: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Financial or other value of the rights affected

The proposal as submitted will create an area of unusable land due to the new shape of the subject properties.

Benefits to the holder of such rights in terms of the restrictive condition

This section is not applicable to the application under consideration.

Personal benefits which will accrue to the applicant

This section is not applicable to the application under consideration.

Social benefit of the restriction remaining in place

This section is not applicable to the application under consideration.

Social benefit of the proposal and whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights

This section is not applicable to the application under consideration.

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PART K: SUMMARY OF EVALUATION

The application as submitted is only to facilitate the formalization of the structure that has been constructed over the common boundary line between Erf 9209 and Erf 9190 and to facilitate in effect a land swop. The proposal as submitted will also result in an unusable area being created due to the irregular shape created by the "boundary adjustment" of the two erven and will also have a negative impact on the existing facilities located on erf 9209 such as the garden area with its facilities. The application submitted is purely to ensure or facilitate a land swop at all cost and has not taken cognizance of the impact of the revised boundary line between Erf 9209 and Erf 9190.

The new boundary line that will be created by the proposal will also result in the fact that the unauthorized structure is now located on the common boundary between Erf 9190 and Erf 9209. As a result should the owners of the Hotel decide to enclose their property with a wall or fence the existing deck / stoep area which will now be located on the erf boundary would be negatively impacted on due to the fact that the deck / stoep area will be narrow due to the fact that the fence / wall will be located on the edge of the deck / stoep. The new boundary that will be created over erf 9209 has also not taken cognizance of the fact that the area being cut off from Erf 9209 and consolidated with erf 9190, will result in an unusable portion of land being created between the "Road" and existing erf 9209.

The two areas being subdivided, rezoned and consolidated have the same area to facilitate a land swop but would create unusable areas as a result of the new erf boundaries as noted above. For this reason the proposal as submitted is not supported by the Land Use Planning Department, as the applicant is in effect trying to facilitate the formalization of the unauthorized structure and a land swop without taking into consideration what impact the revised boundary will have on the two erven concerned.

The proposal also only just incorporates the building that is currently located over the common boundary into Erf 9209 without taking cognizance of the fact that the new boundary line will have a negative impact on the existing facilities. As the proposal has not taken note of the fact that by realigning the common boundary as indicated / proposed it will have a negative impact on the facilities located in the common area on Erf 9209.

The Land Use Department is of the opinion that the common boundary line must be realigned to facilitate the incorporation of the unauthorized structure in a manner that will ensure that the new boundary line does not create unusable space and also will not have a negative impact on the existing amenities on Erf 9209.

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PART L: RECOMMENDATION

That **approval not be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

a) The subdivision of Portion A (±191m²) from Erf 9190 in terms of Section 15(2)(d));

b) The rezoning of unregistered Portion A (±191m²) from Special Zone I (Technology or Science Park) to Specific Business for Hotel purposes;

c) The subdivision of Portion B (±191m²) from Erf 9209 in terms of Section 15(2)(d));

d) The rezoning of unregistered Portion B (±191m²) from Specific Business for Hotel purposes to Special Zone I (Technology or Science Park);

e) The consolidation of unregisterred rezoned Portion A with Erf 9209 in terms of Section 15(2)(e));

f) The consolidation of unregisterred rezoned Portion B with Erf 9191 in terms of Section 15(2)(e)).

PART M: REASONS FOR RECOMMENDATION

a) The proposed subdivision, rezoning and consolidation of Portion A (±191m²) and Portion B (±191m²) with Erf 9209 and Erf 9190 will result in the creation of irregular shaped property with unusable sections due to the shape created by the subdivision and consolidation of the various portions.

b) The proposal has not taken into consideration the fact that the approval of the application will have a negative impact on the common area in terms of the sectional title plan on Erf 9209, due to the fact that the existing facilities located on the Hotel property will be negatively impacted on.

c) The proposals main objective is to facilitate a land swop by incorporating the unauthorized building into Erf 9209 and ensuring that both portions to be subdivided and consolidated are of equal size without taking into account what the negative impact of the proposal will be on both erven 9209 and 9190.

PART N: ANNEXURES

Annexure A Locality and Zoning map.
Annexure B Proposed Subdivisions and consolidation plan.
Annexure C Title deed.
Annexure D Motivation of Applicant.
Annexure E Portfolio of Evidence/ Affidavit.

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Annexure F	Copy of Notices sent to Interested and Affected parties/ Organs of state.
Annexure G	Comments received from Internal Departments.
Annexure H	Comments received from External Departments.
Annexure I	Power of Attorney from both property owners.

PART T P: SIGNATURES

REPORT COMPILED AND ASSESSED BY:

RFooy

ROBERT FOOY
SENIOR TOWN PLANNER

30/11/2018
DATE

RECOMMENDED BY:

H Dednam

H. DEDNAM
MANAGER: LAND USE MANAGEMENT
(Pr.Pln A/ 846/1995)

03/12/2018.
DATE

PART U: DECISION IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, OCTOBER 2015:

APPROVE		APPROVE IN PART		REFUSE	

Tick the appropriate box:

SIGNATURE: _____

DATE: _____

CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL
ADV. MANDLA MDLUDLU

IF REASON/S FOR DECISION:

_____

_____

_____

_____

APPENDIX 2

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS. SECTIONAL TITLE CONSULTANTS. MAPPING CONSULTANTS

39 Herte Str, Stellenbosch, 7600
PO Box 154, Stellenbosch, 7599
+27 21 8864004
+27 21 8878088
info@fbvsurvey.co.za
www.fbvsurvey.co.za

Our ref: ERF9209F

Friday, 18 October 2019

The Director

Human Settlements and Property Management

Town House Complex

Plein Street

Stellenbosch

7600

By email to Piet.Smit@stellenbosch.gov.za

Dear Mr. Smit

ADJUSTMENT OF BOUNDARY BETWEEN THE REMAINDER OF ERF 9190 AND ERF 9209, STELLENBOSCH (THE PROTEA HOTEL, STELLENBOSCH, AT TECHNOPARK)

I refer to the above matter and our telephone conversation this morning.

Erf 9209 is the property on which the Protea Hotel, Stellenbosch is constructed. The remainder of Erf 9190 is Municipal property and is the parent erf of the Technopark development.

The background to the matter as discussed, is that we applied for subdivision, rezoning and consolidation of the above erven to give effect to a land swap involving each party relinquishing, and gaining 191m² of land. This was undertaken to rectify an encroachment by a building of the hotel over Erf 9190.

The application was made with power of attorney by your office and the Protea Hotel.

The Land Use Planning recommendation to the Municipal Planning Tribunal ("MPT") was that the application is not approved as it did not deal fully with the area of encroachment by the hotel over Municipal land. The subsequent recommendation to us from the Municipal Land Use Planning department

was that the application be withdrawn and resubmitted as a request for exemption to adjust a common boundary. The recommendation was further that the Municipality will rezone the affected land.

We have therefore surveyed the area fenced in and used by the Protea Hotel. As advised by you this area is subject to an encroachment agreement with the Municipality. Please see our plan attached as Annexure A.

We will to commence the application process for the subdivision exemption of the area encroached. It will save time if this is done simultaneously with the process in your office to alienate Municipal land.

Kindly confirm that we may proceed based on the attached plan. Please call us should any matters require clarification. We are happy to meet at your convenience if necessary.

Your sincerely

M.B. Straughan

pp. Friedlaender, Burger and Volkmann

Land unit	Figure description	Area	Current Use	Current Zone
Existing properties				
Remainder Erf 9190, Stellenbosch		33.0865 ha	Technopark	
Protea Hotel Stellenbosch: Sectional title units and common property of Protea Hotel Stellenbosch Sectional Title Scheme (Previously Erf 9209, Stellenbosch)	A, B, C, D, E, F, G, H, J, K	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices

Land unit	Figure description	Area
Final layout		
Protea Hotel Stellenbosch: Notarial tie of erven 17339, 17340 and 17341 with Protea Hotel Stellenbosch Sectional Title Scheme	K, L, M, P, Q, R, S, T, D, U, V, W, X, Y, Z, A1, B1, C1, D1, E1, F1, G1, H1, J1, K1, L1, M1, N1, P1	±3.3505 ha
Remainder of erf 9190		±32.7361 ha

Land unit	Figure description	Area	Current Use	Current Zone	Rezoning
Proposed subdivisions and rezonings of parts of erf 9190, Stellenbosch					
Erf 17339: proposed portion of erf 9190	K, L, M, N, P, Q, R, S, T, D, C, B, A	±440m²	Protea Hotel	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme
Erf 17340: proposed portion of erf 9190	D, U, V, W, X, Y, Z, A1, B1, N, G, F, E	±1094m²	Protea Hotel	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme
Erf 17341: proposed portion of erf 9190	C1, D1, E1, F1, G1, H1, I1, K1, L1, M1, N1, P1,	±1971m²	Protea Hotel (building encroachment)	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Stellenbosch Body Corporate and included in common property of Protea Hotel Sectional Title Scheme

Note
Erven 17339, 17340 and 17341 to be subdivided from remainder erf 9190 and included in sectional title scheme Protea Hotel Stellenbosch by notarial tie and not by consolidation.

TN

Caveat
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:1000	Date:27 Sept 2019	Contours: n/a	System: WG 19

Adjustment of Boundaries and Rezoning
Protea Hotel Stellenbosch

Ref:erf9209f | Dwg:pr-on-rev3.dwg a3

fbv friedlaender, burger & volkmann

APPENDIX 3

PROTEA HOTEL
MARRIOTT
Stellenbosch

INITIATIVE SA INVESTMENTS 159 (PTY) LTD
Company Registration: 2003/009691/07, VAT Registration: 4360217345
Directors: K. Jankowitz, B. Venter, A. Malan, C. Visagie, D. Pretorius

RODASH 125 (PTY) LTD
Company Registration: 2009/017174/07, VAT Registration: 4810254518
Directors: K. Jankowitz, B. Venter, A. Malan, C. Visagie, D. Pretorius

35 Techno Avenue, Techno Park
Stellenbosch 7600
South Africa
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Stellenbosch 7613
South Africa

T +27 (0) 21 880 9500
F +27 (0) 21 880 9505
E info@phstellenbosch.com
W marriott.com/cptst

Date: 17 November 2019

For Attention:

Mr Piet Smit
Stellenbosch Municipality

Good day Sir,

Application for the Purchase of certain pieces of land of the Stellenbosch Municipality by the Protea Hotel by Marriott Stellenbosch in Techno Park.

We hereby make application to purchase pieces of land from the Municipal which the Protea Hotel Stellenbosch is using currently.

This means that Erven 17339, 17340 and 17341, all portions of the Remainder of erf 9190, shall have to be subdivided and rezoned as per the attached Plan.

Once subdivided these erven will be included by Notarial Tie in the Common Property of the Protea Hotel Stellenbosch Sectional Title Scheme.

We had previously made Application for a Land Swap of the pieces of land being used by the Hotel coupled with an Encroachment Agreement which Application was not acceptable to the MPT. The MPT suggested that we follow this route to make Application to realign our boundaries.

Please inform us if there is any further information that you need in order to consider our Application.

Kind regards,

Riaan Malan

Protea Hotel by Marriott Stellenbosch

APPENDIX 4

Printed: 2019/12/12 10:27

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

STELLENBOSCH, 9190, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested	2019/12/12 10:24
Deeds Office	CAPE TOWN
Information Source	WINDEED DATABASE
Reference	-

PROPERTY INFORMATION

Property Type	ERF
Erf Number	9190
Portion Number	0 (REMAINING EXTENT)
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	T28901/1988
Extent	31.9688H
Previous Description	PTN OF ST RD 377
LPI Code	C06700220000919000000

OWNER INFORMATION

Owner 1 of 2

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	T28901/1988
Registration Date	1988/06/02
Purchase Price (R)	UNKNOWN
Purchase Date	-
Share	0.00
Microfilm	2007 0556 3308
Multiple Properties	NO
Multiple Owners	NO

Owner 2 of 2

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	T76566/2002
Registration Date	-
Purchase Price (R)	TRANSFER BY ENDORSEMENT
Purchase Date	-
Share	0.00
Microfilm	2002 0736 5098
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (6)

#	Document	Institution	Amount (R)	Microfilm
1	K199/1995L	GOLF CLUB-STELLENBOSCH	UNKNOWN	1995 0286 2058
2	K331/1998S	-	UNKNOWN	1998 0272 4942
3	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 13168 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 13166 ,PRTN 0	UNKNOWN	-
5	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 17317 ,PRTN 0	UNKNOWN	-
6	VA3757/2019	MUN STELLENBOSCH	UNKNOWN	-

Printed: 2019/12/12 10:27

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	STF5-34/1883	MUN STELLENBOSCH	0	2006 1881 1465

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).

APPENDIX 5

VALUATION REPORT

PORTION OF ERF 9190, TECHNOPARK

STELLENBOSCH

HCB Property Valuations
38 Long Street
Moorreesburg
7310
Tel: 022 433 2035
Email: admin@hcb.co.za

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined, and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.

Signature

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.

Signature

INDEX **PAGE**

1. INTRODUCTION
1.1 Instruction 6
1.2 Date of Valuation 6
1.3 Date of Inspection 6

2. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION
2.1 Local Authority 6
2.2 Zoning 6
2.3 Municipal Valuation 7

3. PHYSICAL DESCRIPTION
3.1 Location 7
3.2 Infrastructure 7
3.3 Land 7
3.4 improvements 7

4. MARKET ANALYSIS 7

5. METHOD OF VALUATION 7

6. ESTABLISHMENT OF COMPARABLES
6.1 Highest and Best use 8
6.2 Comparable Properties 8
6.3 Conclusion 9

7. CERTIFYING OF VALUATION 10

INDEX **PAGE**

8. CAVEATS

8.1	Valuation Standard	11
8.2	Statutory Notices & Unlawful Use	11
8.3	Confidentiality	11
8.4	Final Calculation	11

9. ANNEXURES

9.1	Annexure 1 – Valuers Certificates	12
9.2	Annexure 2 – Instruction	13
9.3	Annexure 3 - Aerial Photography of Subject Portion	15
9.2	Annexure 4 – Valuation Certificate	16

1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have identified and inspected the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

- *See Annexure 1 for Valuer Certificates*

1.1 Instruction

An instruction was received from Yolande van den Berg of Stellenbosch Municipality to attend to the valuation of a Portion of Erf 9190, situated in Stellenbosch. The purpose of the valuation is to determine the open market valuation of the property as on 1 November 2023.

- *See Annexure 2 for Instruction*

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 November 2023.

1.3 Date of Inspection

A Desktop Valuation was done.

2. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION

2.1 Local Authority

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

2.2 Zoning

Zoning was not supplied by Stellenbosch Municipality, thus HCB used commercial zoning as reference. Should this be incorrect, HCB reserves the right to amend this valuation report.

92. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (Technical approval)	Consent Uses (Application required)
• Business premises (including a shop, market, restaurant, office) • Clinic • Flats • Medical consulting rooms • Public parking area • Private road • Occasional use (one event/year)	• Tourist dwelling unit (in flat) • Commune (in flat)	• Commercial gymnasium • Community residential building • Conference facility • Day care Centre • Extramural facility • Filling station • Guest house • Hostel • Hotel • Liquor store • Occasional use (more than one) • Parking garage • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tourist accommodation establishment • Welfare institution

3.3 Municipal Valuation

Municipal Valuation is not applicable as only a Portion of Erf 9190 is being valued in this report.

3. PHYSICAL DESCRIPTION

3.1 Location

The subject portions referred to in the order from Stellenbosch Municipality refers to portions of erf 9190 adjacent to the Protea Hotel in Techno Park, an established neighbourhood in Stellenbosch.

- *See Annexure 3 for Locality Plan*

3.2 Infrastructure

It was noted that all infrastructure is available to the surrounding erven and services are available.

3.3 Land

Subject property is flat and ground conditions are good, therefore our findings that the topography will not affect market value.

3.4 Improvements

The Protea Hotel encroaches on Municipal Land.

4. MARKET ANALYSIS

The definition “Market Value” as laid down by the International Valuation Standards Committee is: *“The estimated amount for which an asset should exchange, on the date of valuation, between a willing buyer and a willing seller, in an arms-length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.”*

5. METHOD OF VALUATION

The Comparable Method of valuation is the most suitable method to apply to establish the market value of the subject property. In applying the Comparable Method, it is necessary to investigate the sales of similar types of properties that have been sold.
The below information (see 7.2) is compared to the subject property, which involves judgments as to the degree of similarity regarding value factors such as location, shape of erf and use to which the subject property can be put.
The comparable method was applied to determine a land valuation.
Construction costs for the pavilion and clubhouse was determined and used with the land value to get to a value for the subject portion.

6. ESTABLISHMENT OF COMPARABLES

6.1 Highest and Best use

Definition*: "The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued".* Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financially feasible and which result in the best value of the property to be valued.

It is my opinion that the highest and best use is commercial.

6.2 Comparable Properties

Erf	Area	Extent	Sale Date	Sale Price
9194	Stellenbosch	3 800m²	2019/07/04	R17 250 000-00
263	Stellenbosch	1 218m²	2021/03/02	R10 750 000-00

Vacant Commercial Sales are not readily available in Techno Park. Stellenbosch Municipality bought Erf 9194 for R 17 250 000-00 in 2019. This sale calculates to R4 539-00/m².
There are no other recent sales available in Techno Park.

Vacant Commercial Sales in Stellenbosch are also rare to find, with only Erf 263 available. This sold at a rate of R8 825-00/m². This erf is in central Stellenbosch on 43 Alexander Road and could be seen as premium property. It is thus not 100% comparable with the Techno Park area.

The property Market of Techno Park slowed down after the covid pandemic and the sales in the area regarding commercial property are struggling to recover.

It is my opinion to use erf 9194 and the tariff of R4 539-00/m² as a base price to calculate a rate/m² tariff for the applicable portion as determined by a Land Surveyor.

Erf 9209 is the Protea Hotel, other two erven indicated on the above imagery are the applicable sales.

6.3 Conclusion

It is my opinion that the Open Market Value of the subject property on 1 November 2023 is R4 539-00/m², taking into consideration sales and after adjusting for time, location, zoning, and usage.

7. CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market related value thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the Market Value of the subject property on 1 November 2023 to be R4 539-00/m² (Four Thousand Five Hundred and Thirty-Nine Rand per Square Meter). VAT Excluded.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

1 November 2023
Date of Signature

8. CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation unless such full disclosure has been made.

8.1 Valuation Standard

This valuation has been prepared in accordance with the guidelines of the South African Institute of Valuers for valuation reports.

8.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

8.3 Confidentiality

This valuation is produced exclusively for Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

8.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

9. ANNEXURES

9.1 Annexure 1 – Valuer Certificates

SOUTH AFRICAN COUNCIL FOR THE
PROPERTY VALUERS PROFESSION

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Valuer

In terms of section 20(2)(a) of the Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020
DATE OF ISSUE: 13 February 2020
PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024

JF Cloete
President

REGISTRATION No: 5601

MC Seola
Registrar

9.2 Annexure 2 – Instruction

Beste Helen,

Vind hierby aangeheg.

Ek het die zoning aangevra en sal laat weet sodra ek ontvang het.

Vriendelike Groete,

Kind regards,
Yolande van den Berg
Head: Contract Management
Corporate Services

T: +27 21 808 8073| Fax 021-886 7319
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Dear Helen,

I hereby confirm that we accept the following quotations:

- 266 – Erf 9190 Technopark
- 267 – Erf 23 Franschhoek
- 268 – Erf 2885 Franschhoek
- 269 – Erf 1693 Franschhoek

I trust you find this to be in order and look forward to receiving your valuation reports.

Kind regards,
Yolande van den Berg
Head: Contract Management
Corporate Services

T: +27 21 808 8073| Fax 021-886 7319
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

HCB
Valuations and Services (Pty) Ltd
HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za

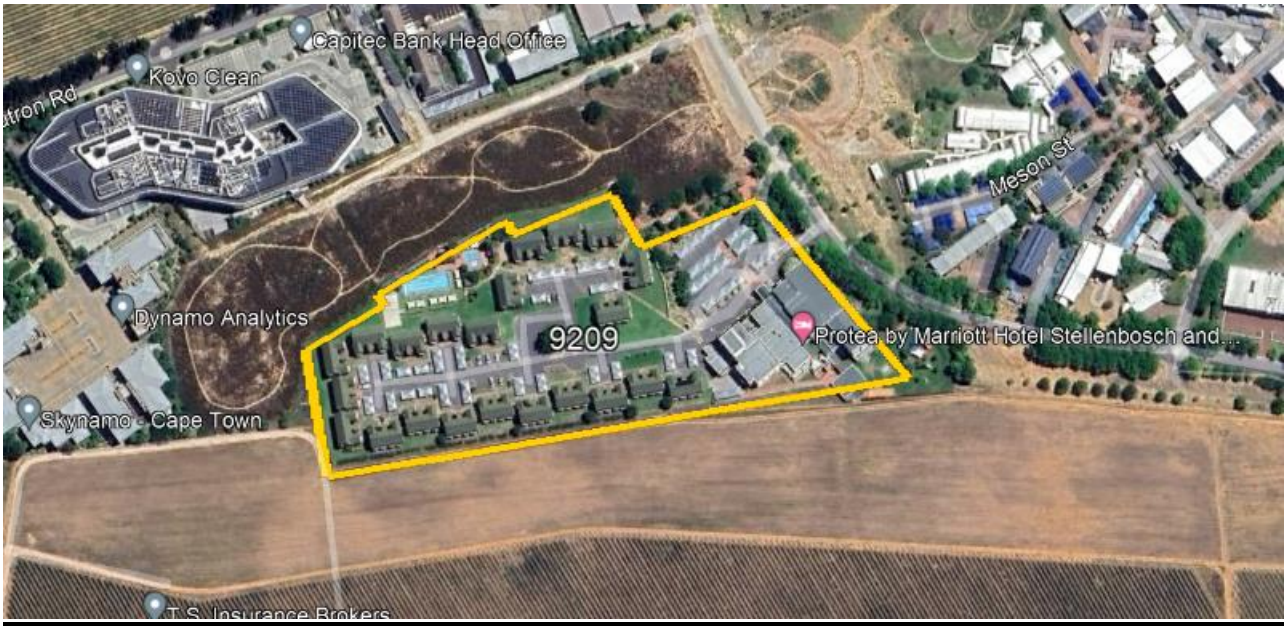
HCB would like to assist with you valuation request.
Kindly complete below to the best of your ability in order for us to provide you with a quotation and subsequent valuation report.

Erf/Farm Number:	ERF 9190 Stellenbosch (TechnoPark)
Town/Region:	Stellenbosch (TechnoPark)
Owner:	Stellenbosch Municipality
Zoning and Usage:	TBC
Date of Valuation:	14/11/2023
Reason for valuation:	Protea Hotel built over their erf line onto our property and Council needs to consider possibly selling these portions to the Hotel.
Any other information you feel is pertinent to the valuation:	
Expected Delivery Date:	As soon as possible.

Should you have any questions or concerns contact:
Helen: 081 4733 707 / helen@hcbval.co.za
Coenraad: 083 663 2140 / coenraad@hcb.co.za

9.3 Annexure 3 - Locality Map

Please note no indication was provided as to what areas of Protea Hotel are encroaching on municipal land, thus this is a general aerial photography to indicate locality of the hotel in proximity to municipal land.



9.4 Annexure 4 – Valuation Certificate

HCB
Valuations and Services (Pty) Ltd

HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 **M**: +27(0)83 663 2140 **E**: admin@hcb.co.za

Valuation Certificate

Client:	Stellenbosch Municipality
Erf Number:	Portion of Erf 9190
Title Deed Number:	Unavailable
Area/Town:	Stellenbosch
Owner:	Mun Stellenbosch
Erf Extent:	N/A
Date of Valuation:	1 November 2023
Reference Number:	STELL/PTN/9190
Valuation Amount:	R4 539-00/m² (VAT excluded)
Zoning:	Commercial/Business Zone 1

Comments:

This Valuation Certificate must be read in conjunction with the attached Valuation Report.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

APPENDIX 6

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com

12 April 2024

The Municipal Manager
PO Box 17
STELLENBOSCH
7600
Per email: Yolande.vandenBerg@stellenbosch.gov.za

Dear Madam

AMENDED APPLICATION FOR THE CONSIDERATION OF THE SUBDIVISION AND TRANSFER OF PORTIONS OF ERF 9190, STELLENBOSCH (TECHNOPARK)

The application on behalf of the Protea Hotel Stellenbosch Body Corporate, Sectional Title Scheme 480/2002 dated 28 June 2022 for approval of a land transaction entailing a subdivision and consolidation of council-owned land and subsequent interaction and consultation between the parties refer. The purpose of this submission is to amend the aforementioned application, for which purpose a new plan of proposed subdivision and consolidation is submitted herewith in Annexure A.

In summary, and as detailed in the initial application, the Protea Hotel submitted building plans for extension of the Sectional Title Scheme by addition of a function room in 2010 (BP/10/2274 – under Annexure C of the June 2022 application). The building plan was approved on 15 June 2010 and the development completed. The function room encroaches on Erf 9190, which is municipal property, as indicated on the approved building plan by roughly 1 971m².

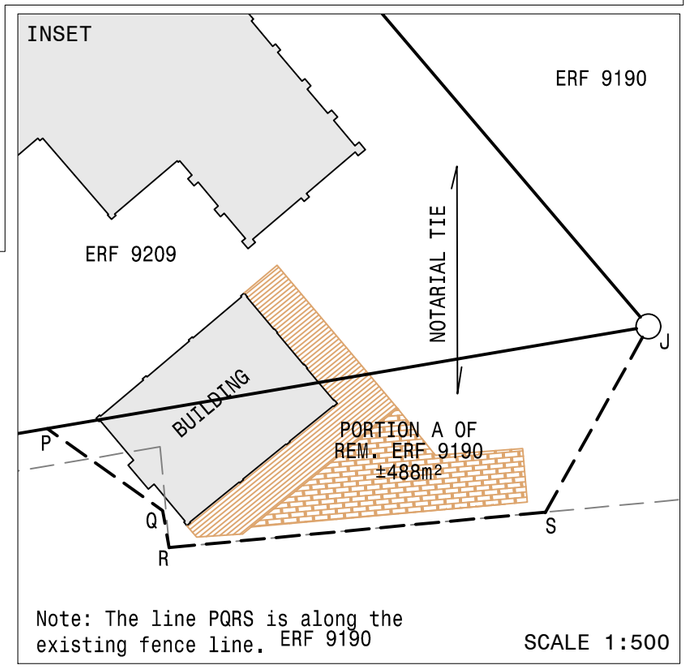
The purpose of this application is to request Council to approve of the subdivision of only that portion of Erf 9190 on which the function room has been constructed, and disposal thereof to the Protea Hotel Stellenbosch Body Corporate, and to permit the consolidation thereof with Erf 9209 (Annexure A).

Following an approval of this application for a land transaction by Council, the rezoning, subdivision and consolidation of the land would have to be addressed in an application in terms of the Stellenbosch Municipality: Municipal Land Use Planning Bylaw, 2023.

Yours faithfully

DUPRé LOMBAARD

Annexure A - Subdivision and consolidation plan



Land unit	Figure description	Area	Current Use	Current Zone	Rezoning
Existing properties					
Remainder erf 9190, Stellenbosch	See plan of proposed subdivision	33.0866 ha	Technopark	Special Zone 1: Technology or Science Park	
Protea Hotel Stellenbosch: Sectional title units and common property of Protea Hotel Stellenbosch Sectional Title Scheme (Previously Erf 9209, Stellenbosch)	A, B, C, D, E, F, G, H, J, K	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices	
Proposal					
Portion A: a portion of remainder erf 9190	P, S, R, Q, J	±488m²	Protea Hotel (building encroachment)	Special Zone 1: Technology or Science Park	To be rezoned to Specific Business: Hotel and offices, transferred to Protea Hotel Body Corporate and included in common property of Protea Hotel Sectional Title Scheme by notarial tie
Final layout					
Protea Hotel Stellenbosch: Notarial tie of Portion A with Sectional Title Scheme Protea Hotel Stellenbosch: Proposed total area of Protea Hotel non-building common property	A, B, C, D, E, F, G, H, J, S, R, Q, P, K	±3.0488 ha			
Remainder of erf 9190 after deduction of Portion A	See plan of proposed consolidation	±33.0378 ha			

building

pergola

paving

boundary line

proposed subdivision

TN

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:1000	Date: 15 Mar 2024	Contours: n/a	System: WG 19

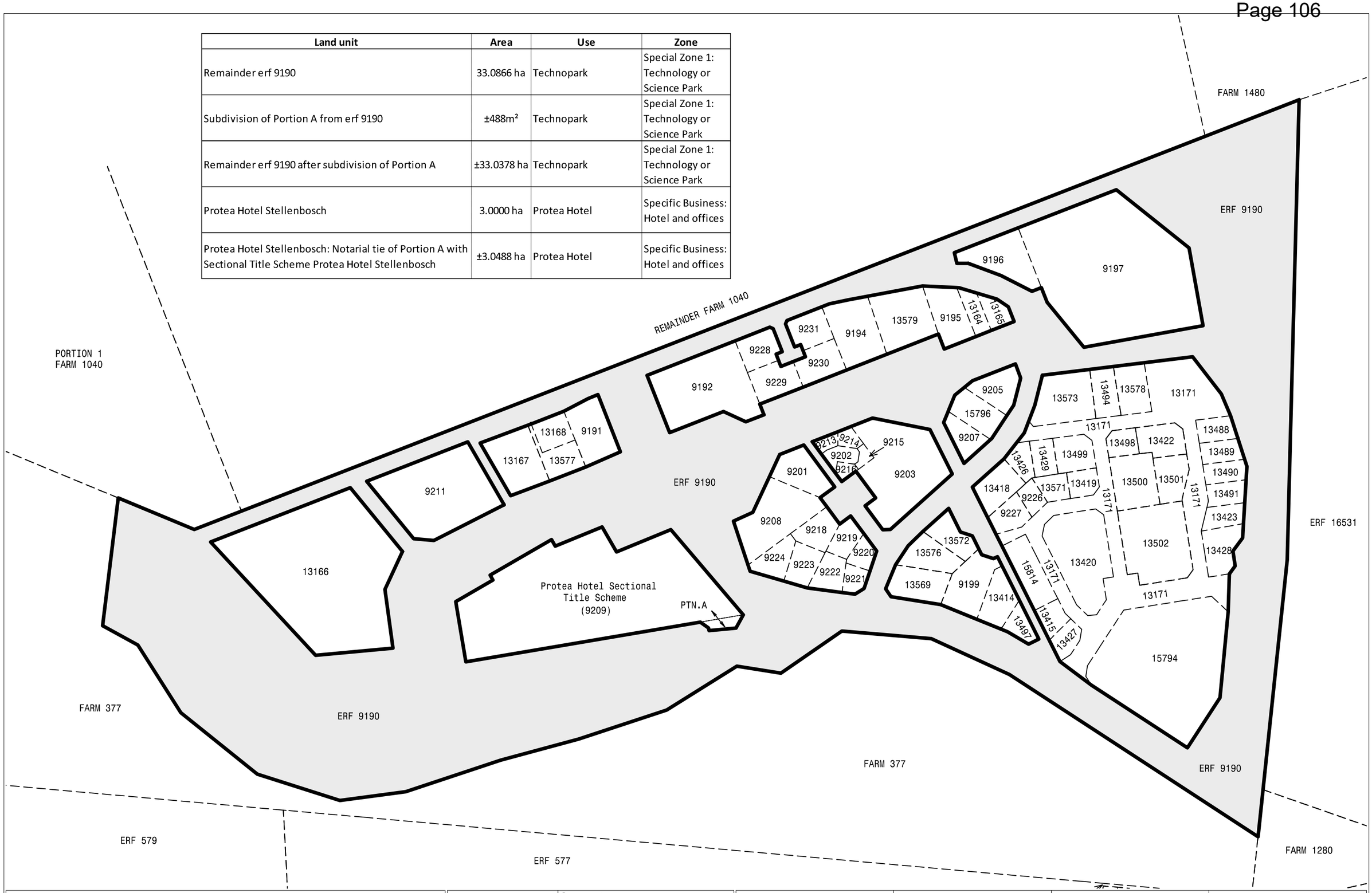
Proposed Subdivison and Notarial Tie
Remainder Erf 9190 and Erf 9209
Stellenbosch

Ref: ERF9209F | Dwg:PR-ON - REV4.DWG

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS
Stellenbosch House 4, Perryvale, 7600 T +27 21 8864004 Cape Town 150 St. George's Mall, 8000 T +27 21 0071851
Riebeek Kasteel 3 Bergzig, Wafer Street, 7300 T +27 22 4481024
enquiries@fbvsurvey.co.za • www.fbvsurvey.co.za

Annexure B – Locality plan

Land unit	Area	Use	Zone
Remainder erf 9190	33.0866 ha	Technopark	Special Zone 1: Technology or Science Park
Subdivision of Portion A from erf 9190	±488m²	Technopark	Special Zone 1: Technology or Science Park
Remainder erf 9190 after subdivision of Portion A	±33.0378 ha	Technopark	Special Zone 1: Technology or Science Park
Protea Hotel Stellenbosch	3.0000 ha	Protea Hotel	Specific Business: Hotel and offices
Protea Hotel Stellenbosch: Notarial tie of Portion A with Sectional Title Scheme Protea Hotel Stellenbosch	±3.0488 ha	Protea Hotel	Specific Business: Hotel and offices



denotes final boundaries after land swop

TN

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:4000 @A3	Date:08 April 2024	Contours:NA	System: WG 19

Proposed Subdivison and Notarial Tie
Remainder Erf 9190 and Erf 9209
Stellenbosch

Ref:ERF9209F | Dwg: PROPOSED REMAINDER ERF 9190 - rev4.dwg

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS
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Riebeek Kasteel 5 Bergzig, Wolfer Street, 7307 T +27 22 4481624
enquiries@fbvsurvey.co.za • www.fbvsurvey.co.za

APPENDIX 7

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Planning and Economic Development

FROM/VAN : **Building Inspectorate Section**

TO/AAN : **Manager: Building Development Management**

DATE / DATUM : **25 July 2024**

INSAKE / RE : **Inspection report – Erf 9209 Protea Hotel, Technopark**

PURPOSE

To provide a chronological account of the BDM Record with regard to the development of The Protea Hotel, Erf 9209, Technopark, Stellenbosch.

BUILDING DEVELOPMENT MANAGEMENT RECORD

Record of building plans submitted and approved in terms of Section 7 of the NBR Act

2002 – **BP02/455** Proposed New Hotel **No Record of Approval**

- **BP02/842** Proposed Gas installation Approved on 12 December 2002

2003 - **BP03/15** Proposed Hotel **Approved** on 3 February 2003

- **BP03/249** Proposed Gas installation Approved on 19 May 2003

2004 – **NO BP Number** proposed new extension to black bull restaurant and new Refuse & Laundry Building – **To Note: No record of Approved Building Plan**

2005 - **BP05/623** Proposed Gas installation Approved on 29 June 2005

2006 – **BP06/531** Proposed Conference room Approved on 7 July 2006

- **BP06/495** Proposed Gas room / installation Approved on 12 June 2006

2009 – **BP09/785** Proposed Antennas & equipment room Approved 25 February 2009

2010 – **BP10/2274** Proposed New function room Approved 15 June 2010

2012 – **BP12/5414** Proposed New Laundry room Approved 12 December 2012

2013 – **BP13/402** Proposed Alteration to new restaurant Approved 21 May 2013

2016 – **BP16/817** "As- Built" Approved 10 Augustus 2016 for the existing swimming pool area

2023 - **BP3375/2023** Proposed Alteration & Addition to Protea Hotel Approved 19 May 2023

(To Note: BP Number referred to Gym and break away room building plans)

2024 – **BP4438/2023** Proposed Gas installation Approved on 09 February 2024

Record of Certificate of Occupancy issued in terms of Section 14 of the NBR Act

BDM record confirms that two (2) Certificate of Occupancy was issued

2011 - **BP/10/2274**

Certificate of Occupancy issued for new conference Centre extension on 25 February 2011 for ***(To Note: BP Application referred to new function room building plan)***

2017 - **BP17/4423**

Certificate of Occupancy issued for HOTEL on 25 February 2011

(To Note: BP Number referred to the request / application for certificate of occupancy)

BDM further confirms that the **2017** request for Certificate of Occupancy does not specify a specific building plan. The application BP2027/4423 was for request for Certificate of Occupancy. BDM records further confirm that a Certificate of Occupancy was issued specifying HOTEL dated 17 November 2017 and approved by the late Manager: BDM.

No further record with regards to the Certificate of Occupancies.

ERF FILE RECORD

The erf File records confirm communication since 2015 with regards to Lease Agreement of Municipal property.

No record and/or account of encroachment and or inspection report with regards to the deviation of the approved building plan more 15-20 years ago.

Building Plan Record confirms that all building plans that was submitted from 2010 specified the encroachment of the restaurant over the erf Boundary.

The record further confirmed that all building plan applications was circulated to all departments, including Land Use Management – and approved as specified.

BDM does not have record of a Lease Agreement, the erf File Record contain communication in reference thereto.

To Note:

Building Plan BP10/2274 was for the proposed conference room, submitted and approved in 2010. This building specifies encroachment of "As Built" the restaurant building over the erf boundary.

STATUS

Site inspection conducted on 24/07/2024 at Erf 9209 – Protea Hotel, Technopark.

Protea Hotel (Technopark) - Locality Plan

TO NOTE:

BDM Record confirms no building plan was submitted and/approved for the following:

1. Container - Use as Storage
2. Wendy Houses - Use as Staff Rooms
3. Play Park

Restaurant and Play Park Locality

1. Building and play park is encroaching over onto municipal property.

Container and Wendy House Structures –

1. Container and 2 x Wendy House structures - During the above-mentioned inspection, it was noted that unauthorized structures were placed on Municipal Property.

2. Inspection further confirmed that the unauthorized structures are used by Protea Hotel for storage and staff rooms respectively.

3. Constructed outside the Boundary line on municipal property.

Location of container on municipal property (Storage)

Location of Wendy House (staff room)

Compiled By:

.....

A Langeveldt
Senior Building Inspector

APPENDIX 8

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com

26 July 2024

The Municipal Manager
PO Box 17
STELLENBOSCH
7600
Per email: Yolande.vandenBerg@stellenbosch.gov.za

Dear Madam

SUPPLEMENT TO THE AMENDED APPLICATION FOR THE CONSIDERATION OF THE SUBDIVISION AND TRANSFER OF PORTIONS OF ERF 9190, STELLENBOSCH (TECHNOPARK)

The application on behalf of the Protea Hotel Stellenbosch Body Corporate, Sectional Title Scheme 480/2002 dated 28 June 2022 for approval of a land transaction entailing a subdivision and consolidation of council-owned land and subsequent interaction and consultation between the parties, the amended application submitted by hand on 16 April 2024, our subsequent discussion of the matter, and the meeting between Mr Deleur Stander (General Manager of the Protea Hotel) and the Executive Mayor in July 2024 refer.

This submission is made to provide alternatives for consideration of the application. A plan showing three alternatives is submitted herewith in Annexure A.

1) Alternative 1 (shown in orange on the plan): The current proposal as submitted on 16 April 2024 for the subdivision only of that portion of the land on which the conference centre was constructed is shown in orange on the attached plan. It covers and area of only 488m² and addresses only the encroachment of the building construction.

2) Alternative 2: It includes the area shown in Alternative 1 and adds roughly 1 879m² (shown in blue on the plan) covering the fenced area around the children's playground, the outdoor entertainment area and the air conditioning units constructed for the conference facility along the eastern boundary of the property with Techno Avenue.
3) Alternative 3: It includes the area shown in Alternatives 1 and 2 and adds roughly 292m² to the western boundary of the site (shown in green on the plan). It is aligned with the existing fence and allows for access around the entire complex for security personnel, maintenance staff and in case of emergencies.

As discussed and as detailed in the initial application, the Protea Hotel submitted building plans for extension of the Sectional Title Scheme by addition of a function room in 2010 (BP/10/2274 – under Annexure C of the June 2022 application) and for ease of reference attached hereto under Annexure B. The building plan was approved on 15 June 2010 and the development completed.

We trust that this submission will facilitate a rapid positive conclusion of the matter.

Yours faithfully

DUPRé LOMBAARD

Annexure A – Plan showing alternatives

Protea Hotel (Erf 9209) boundary adjustment alternatives

Legend

- Farm Portions
- Erf

Map Center: Lon: 18°49'59.5"E
Lat: 33°57'58.1"S

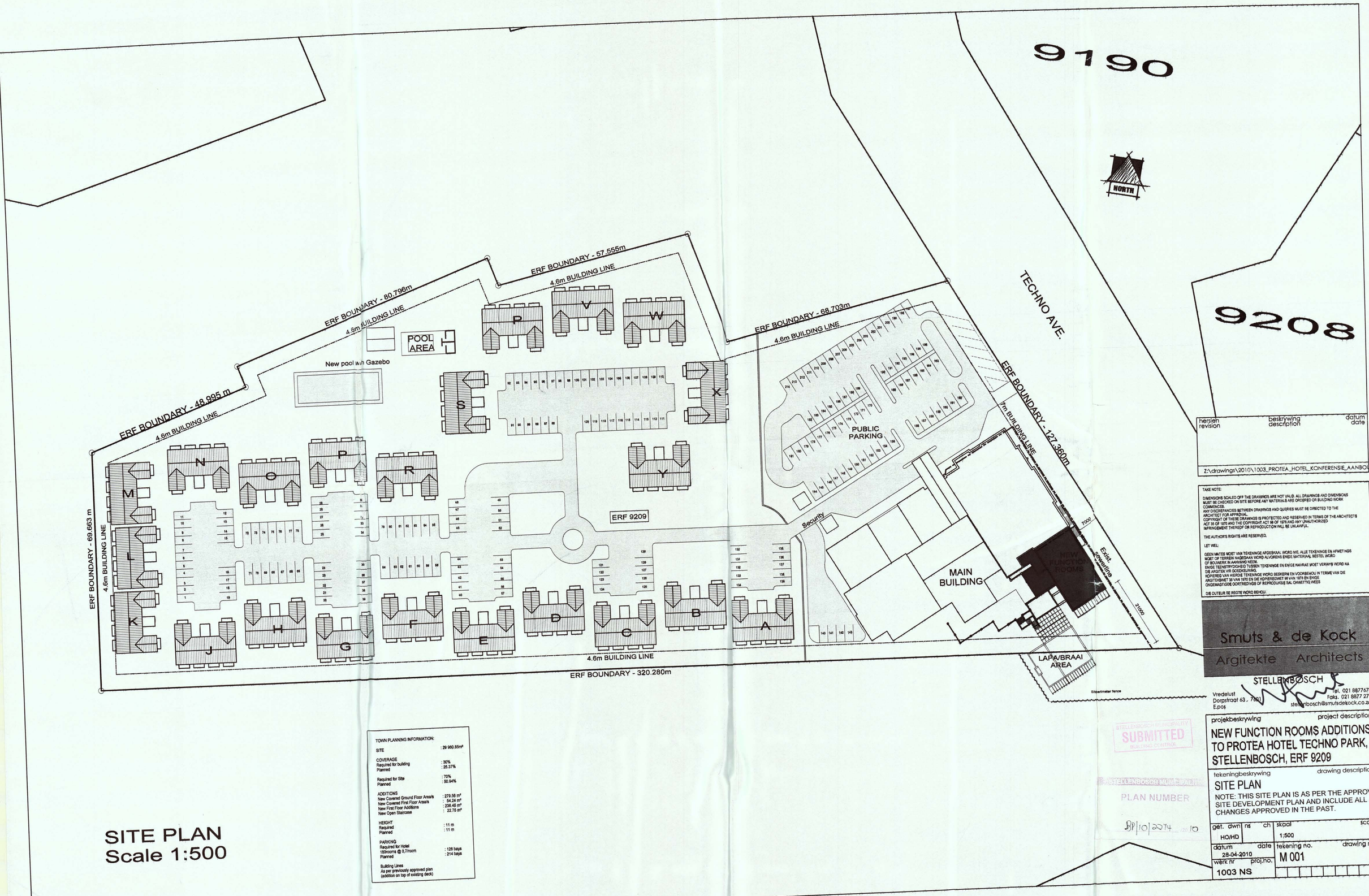
Scale: 1:1,500

Date created: 2024/07/26

Western Cape Government
FOR YOU

Annexure B – Building plan approvals

Annexure C – Approved building plan



SITE PLAN
Scale 1:500

TOWN PLANNING INFORMATION:

SITE	: 29 960.85m²
COVERAGE	
Required for building	: 30%
Planned	: 25.37%
Required for Site	: 70%
Planned	: 50.94%
ADDITIONS	
New Covered Ground Floor Area/s	: 279.56 m²
New Covered First Floor Area/s	: 54.24 m²
New First Floor Additions	: 238.45 m²
New Open Staircase	: 22.76 m²
HEIGHT	
Required	: 11 m
Planned	: 11 m
PARKING	
Required for Hotel	
180rooms @ 0,7/room	: 126 bays
Planned	: 214 bays
Building Lines	
As per previously approved plan (addition on top of existing deck)	

hersien revision	beskrywing description	datum date

Z:\drawings\2010\1003_PROTEA_HOTEL_KONFERENSIE_AANBOU

TAKE NOTE:

DIMENSIONS SCALED OFF THE DRAWINGS ARE NOT VALID. ALL DRAWINGS AND DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCES.
ANY DISCREPANCIES BETWEEN DRAWINGS AND QUERIES MUST BE DIRECTED TO THE ARCHITECT FOR APPROVAL.
COPYRIGHT OF THESE DRAWINGS IS PROTECTED AND RESERVED IN TERMS OF THE ARCHITECTS ACT 35 OF 1970 AND THE COPYRIGHT ACT 98 OF 1978 AND ANY UNAUTHORIZED INFRINGEMENT THEREOF OR REPRODUCTION WILL BE UNLAWFUL.

THE AUTHOR'S RIGHTS ARE RESERVED.

LET WEL:

GEEN MATES MOET VAN TEKENINGE AFGESKAAL WORD NIE. ALLE TEKENINGE EN AFMETINGS MOET OP TERREIN NAGEGAAN WORD ALVORENS ENIGE MATERIAAL BESTEL WORD OF BOUWERK IN AANVANG NEEM.
ENIGE TEENSTRYDIGHEID TUSSEN TEKENINGE EN ENIGE WAVRAE MOET VERWYS WORD NA DIE ARGITEK VIR GOEDKEURING.
KOPIEREG VAN HIERDIE TEKENINGE WORD BESKERM EN VOORBEHOU IN TERME VAN DIE ARGITEKSWET 35 VAN 1970 EN DIE KOPIEREGWET 98 VAN 1978 EN ENIGE ONGEMAGTIGDE OORTREDINGS OF REPRODUKSIE SAL ONWETTIG WEES

DIE OUTEUR SE REGTE WORD BEHOU.

Smuts & de Kock
Argitekte Architects
STELLENBOSCH
Vredelust
Dorpstraat 63 , 7600
E.pos
tel. 021 8877678
Faks. 021 8877 279
stellenbosch@smutsdekock.co.za

STELLENBOSCH MUNICIPALITY
SUBMITTED
BUILDING CONTROL

STELLENBOSCH MUNICIPALITY
PLAN NUMBER
BP/10/2274 /2010

STELLENBOSCH MUNICIPALITY
BUILDING DEVELOPMENT MANAGEMENT
APPROVED
IN TERMS OF SECTION 7(1)(a) OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, NO 103 OF 1977
15/6/2010
DIRECTOR: PLANNING & DEVELOPMENT DATE

projekbeskrywing	project description
NEW FUNCTION ROOMS ADDITIONS TO PROTEA HOTEL TECHNO PARK, STELLENBOSCH, ERF 9209	
tekeningbeskrywing	drawing description
SITE PLAN NOTE: THIS SITE PLAN IS AS PER THE APPROVED SITE DEVELOPMENT PLAN AND INCLUDE ALL CHANGES APPROVED IN THE PAST.	

get. dwn	ns	ch	skaal	scale
HO/HD			1:500	
datum		date	tekening no.	drawing no.
28-04-2010			M 001	
werk nr		proj.no.		
1003 NS				

Annexure G – Occupation certificate

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

OCCUPATION CERTIFICATE

2011 / 02 / 25

EIENAAR / OWNER : **BODY CORP PROTEA HOTEL STELLENPARK**

GEMAGTIGDE AGENT : **F C S CONSTRUCTION**

AUTHORISED AGENT : **CELL: 082 3429 591**

ERF / ERWEN : **9209**

VOORSTAD / SUBURB : TECHNOPARK

TYPE OF UNIT : NEW CONFERENCE CENTRE EXTENSION

BUILDING PLAN NUMBER : **BP / 10 / 2274**

Goedkeuring van Bou-inspekteur :

Approval from Building Inspector: REGINALD KING **Inspeksie Datum / Inspection Date** : 2011/02/21

Issued in terms of section 14(1)(a) of Act 103 of 1977
Uitgereik in terme van 14(1)(a) van Wet 103 van 1977

I hereby certify that a building(s) / dwelling / garage in respect of which application is made in the Stellenbosch district (Stellenbosch) has been erected in accordance with the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, as amended.

Hiermee sertifiseer ek dat 'n gebou(e) / woning / motorhuis ens, afhangend van watter aansoek gemaak is in die Stellenbosch distrik (Stellenbosch) opgerig is in ooreenstemming met die bepalings van die Nasionale Bouregulasies en Boustandaarde Wet, Nr 103 van 1977, soos gewysig.

This certificate does not exempt the applicant from any other legal requirements which must be complied with, or the approval of any other Authority which must be obtained.

Hierdie sertifikaat stel die aansoeker nie kwyt van enige ander wettige vereistes wat aan vodoen moet word, of goedkeuring van ander Owerhede wat verkry moet word nie.

Voorwaardes / Conditions :

Geteken / Signed:

HOOF: BOUBEHEER / HEAD: BUILDING CONTROL

nm : UITVOERENDE DIREKTEUR : EKONOMIESE FASILITEERINGSDIENSTE

EXECUTIVE DIRECTOR : ECONOMIC FACILITATION SERVICES

STADHUIS / TOWN HALL • PLEINSTRAAT / PLEIN STREET • STELLENBOSCH • 7600 • POSBUS 17 / P.O. BOX 17 • STELLENBOSCH • 7599
TEL +27 21 808 8111 • FAKS / FAX +27 21 808 8200 • E-MAIL MUNISIPALITEIT@STELLENBOSCH.ORG

7.3.2	**REQUEST TO RECONSIDER EXECUTIVE MAYORAL COMMITTEE RESOLUTION IN RESPECT OF MONTHLY RENTAL CHARGED TO STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: REQUEST TO RECONSIDER EXECUTIVE MAYORAL COMMITTEE RESOLUTION IN RESPECT OF MONTHLY RENTAL CHARGED TO STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH

2. PURPOSE

To consider a request from Stellenbosch Animal Hospital regarding a reduction in the new monthly rental to be charged in terms of an Executive Mayoral Committee resolution.

3. DELEGATED AUTHORITY

The Executive Mayor in consultation with the Executive Mayoral Committee.

4. EXECUTIVE SUMMARY

On 17 January 2024 the Executive Mayoral Committee considered a request from Dr. GA Giliomee on behalf of the Stellenbosch Animal Hospital for an extension of their lease agreement. It was resolved, *inter alia*, that the lease agreement be renewed for a period of nine years and 11 months and that the monthly rental be determined by a valuator.

A valuator was subsequently appointed, and a valuation report was received indicating that the market related monthly rental should be R39 500.00 per month exclusive of VAT. The valuation report calculated the parking spaces at R500.00 per parking per month which is not in line with the approved tariff. The approved tariffs should be used in terms of the parking spaces.

In April 2024 the item returned to the Executive Mayoral Committee after the public participation process. It was resolved, *inter alia*, that the property be leased to the applicant for 9 years 11 months and that the Municipal Manager be mandated to determine the monthly rental after the valuation report is received.

The applicant was informed about the Executive Mayoral Committee resolution as well as the valuation report and in July 2024 the applicant wrote a letter wherein, they request that the monthly rental be reconsidered. According to the applicant the substantial increase in rental is way above inflation. The applicant further states that they moved into the premises in 1981 after the building, which was constructed in 1947, was standing empty for a couple of years. Over the last 43 years they have spent lots of money on maintenance and improvements of the building. All the capital expenses from when they moved into the building has been paid by the Stellenbosch Animal Hospital, which includes the doubling of the usable floor space, new floors, new water piping, complete electrical rewiring, air conditioning etc. In effect, they are being charged to lease a portion of the building which they themselves paid for.

The applicant suggests and requests that the new lease agreement be based on the old monthly rental with a 6% escalation as per the previous agreement which will be an increase to R31 361.81 per month for the building as well as the parking spaces.

Although the Municipal Manager has been mandated to determine the monthly rental, the Executive Mayoral Committee resolution states that it should be in line with the valuation report. Considering the substantial difference in valuation and the request received from the applicant the Department is of the opinion that the request should be considered by the Executive Mayoral Committee.

5. RECOMMENDATIONS

(a) that the Executive Mayoral Committee takes note of the application received for a reconsideration of the monthly rental payable by the lessee;

(b) that the Executive Mayoral Committee approves the request received from the lessee for the lease amount to be based on the previous lease agreement including an escalation of 6%, the monthly rental being R31 361.81; and

(c) that the monthly rental will escalate yearly at a rate of 6% from July of every year.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1Council resolution

On 17 January 2024 the Executive Mayoral Committee considered a request from Dr. GA Giliomee on behalf of the Stellenbosch Animal Hospital for an extension of their lease agreement. It was resolved, *inter alia*, that the lease agreement be renewed for a period of nine years and 11 months and that the monthly rental be determined by a valuator.

A valuator was subsequently appointed, and a valuation report was received indicating that the market related monthly rental should be R39 500.00 per month exclusive of VAT. The valuation report calculated the parking spaces at R500.00 per parking per month which is not in line with the approved tariff. The approved tariffs should be used in terms of the parking spaces. A copy of the valuation report is attached hereto as **APPENDIX 1**.

A public participation process was followed and the matter returned to the Executive Mayoral Committee in April 2024 where it was resolved, inter alia, that the application for lease for a period on 9 years 11 months be approved and that the Municipal Manager be mandated to determine the monthly rental based on the valuation report received.

6.2 DISCUSSION

6.2.1 Request from applicant in respect of reduction of monthly rental

In July 2024 the applicant wrote a letter to the Municipality wherein they request that the monthly rental be reconsidered. According to the applicant the substantial increase in rental is way above inflation. The applicant further states that they moved into the premises in 1981 after the building, which was constructed in 1947, was standing empty for a couple of years. Over the last 43 years they have spent lots of money on maintenance and improvements of the building. All the capital expenses from when they moved into the building has been paid by the Stellenbosch Animal Hospital, which includes the doubling

of the usable floor space, new floors, new water piping, complete electrical rewiring, air conditioning etc. In effect, they are being charged to lease a portion of the building which they themselves paid for.

The applicant suggests and requests that the new lease agreement be based on the old monthly rental with a 6% escalation as per the previous agreement which will be an increase to R31 361.81 per month for the building as well as the parking spaces.

A copy of the letter is attached hereto as **APPENDIX 2.**

It should be noted that the previous lease agreement did not make specific reference to the parking tariffs for the parking spaces. As these are approved tariffs the Municipality cannot deviate from same. The reduction in lease will only be in terms of the building itself and not for the parking spaces and, if accepted by the Executive Mayoral Committee, it will be reflected in the lease agreement to indicate what portion will be for parking spaces and what portion will be towards the lease of the building.

6.2.2 Ownership and Location

The ownership of the property vests with the Municipality and the property is situated in Bird Street, in the parking area of the Stelmark Shopping Centre.

Fig 1. Location

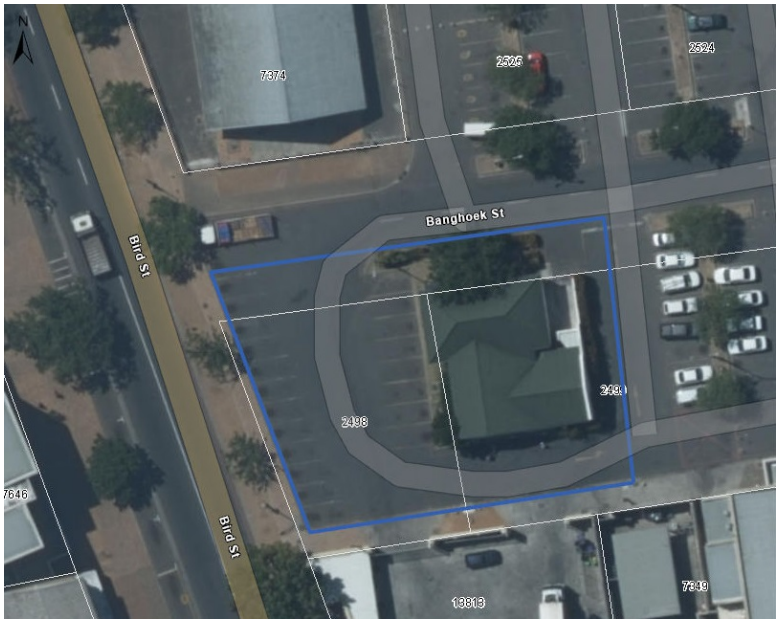


Fig 2. Premises

6.3 Financial Implications

In the event that that proposal is accepted the monthly rental will be R31 361.81 and the applicant will proceed to maintain the premises. This amount is based on the previous lease amount plus escalation.

If the request is not accepted the monthly rental will be R39 500.00 per month excluding VAT and excluding the parking spaces, which will be charged in accordance with the approved tariff. There are roughly 22 parking spaces and the approved tariff for Stellenbosch CBD is R346.00 per month per parking. This will add a further R7612.00 on the lease amount.

6.4 Legal Implications

A public participation has already been followed, and a final decision was made to lease the property to the Stellenbosch Animal Hospital. Although the monthly rental is not in line with the valuation, the valuation looked at the property as a whole and did not take into account that a large portion of the property was constructed by the tenant and that all maintenance has been attended to by the tenant since taking occupation.

6.5 Staff Implications

There are no staff implications.

6.6 Previous / Relevant Council Resolutions

EXECUTIVE MAYORAL COMMITTEE: 2024-01-17: ITEM 7.3.1

RESOLVED

(a) That erven 2498 and 2499 be identified as land not needed for the delivery of minimum basic municipal services;

(b) That the application for renewal of the lease for a further period of 9 years 11 months be approved in principle;

(c) That the monthly rental be determined by a valuator;

(d) That the municipality follow a public participation process advertising the intention to lease the property for 9 years 11 months for alternative proposals/comments or objections;

(e) That the item be brought back to Mayco for final determination after the public participation process; and

(f) That the applicant be allowed to lease the property whilst the renewal process runs its course at the current rental of R29 586.61 per month.

EXECUTIVE MAYORAL COMMITTEE: 2024-04-17: ITEM 7.3.1

RESOLVED

(a) that the Mayoral Committee takes note of the official notice that was published on 27 February 2024 and no objections/comments/alternative proposals were received;

(b) that the erven 2498 and 2499 be identified as land not needed for the delivery of minimum basic municipal services; and

(c) that the application for renewal of the lease for a further period of 9 years and 11 months be approved subject to the following condition:

(d) that the Municipal Manager determine the monthly rental as soon as the new valuation report is received with an annual escalation of 6%.

6.7 Risk Implications

The risks are that the Animal Hospital will not be able to continue to pay the monthly rental and yearly escalations as well as attend to the maintenance and upkeep of the premises. It is possible that they will not continue with the lease and they have been an exceptional tenant for 43 years whilst offering a much-needed service to the greater Stellenbosch Community.

Appendix 1: Valuation Report
Appendix 2: Letter from Applicant

NAME	**Yolande van den Berg**
POSITION	***Head: Contract Management***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-808 8073***
E-MAIL ADDRESS	***Yolande.vandenberg@stellenbosch.gov.za***
REPORT DATE	***21/05/2025***

APPENDIX 1

RENTAL VALUATION REPORT

MARKET RELATED RENTAL VALUE OF ERVEN 2498 & 2499 STELLENBOSCH ANIMAL HOSPITAL

HCB GROUP

HCB Property Valuations
38 Long Street
Moorreesburg
7310
Tel: 022 433 2035
Email: admin@hcb.co.za

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined, and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.

Signature

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.

Signature

INDEX **PAGE**

1. INTRODUCTION
1.1 Instruction 6
1.2 Date of Valuation 6
1.3 Date of Inspection 6

2. TITLE DEED DESCRIPTION
2.1 Title Deed 6
2.2 Description 6
2.3 Owner 6
2.4 Extent 6
2.5 Purchase Price 6
2.6 Surveyor General Information 6
2.7 Title Deed Conditions 7

3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION
3.1 Local Authority 7
3.2 Zoning 7

4. PHYSICAL DESCRIPTION
4.1 Land 8
4.2 Improvements 8

5. MARKET ANALYSIS 8

6. METHOD OF VALUATION 8

7. ESTABLISHMENT OF COMPARABLE RENTALS
7.1 Highest and Best use 9
7.2 Valuation Method 9
7.3 Application of Comparables 10

8. CERTIFYING OF VALUATION 12

9. CAVEATS 13

INDEX **PAGE**

10. ANNEXURES

10.1	Annexure 1 – Valuer Certificates	14
10.2	Annexure 2 – Instruction	15
10.3	Annexure 3 – Locality Map / Aerial Photo	17
10.4	Annexure 4 – Copy of Property Report	18
10.5	Annexure 5 – CSG Diagram	20
10.6	Annexure 6 – Photos of Subject Property	22
10.7	Annexure 7 - Rental Valuation Certificate	23

1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have identified and inspected the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

- *See Annexure 1 for Valuer Certificates*

1.1 Instruction

An instruction was received from Yolande van den Berg of Stellenbosch Municipality to attend to the valuation of the property being more commonly known as Erven 2498 and 2499, Stellenbosch. This property is used as the Stellenbosch Animal Hospital and parking, and the valuation is to determine the open market rental value of the property, as on 1 March 2024.

- *See Annexure 2 for Instruction*

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 March 2024.

1.3 Date of Inspection

The Subject Portions were inspected on 5 April 2024.

2. TITLE DEED DESCRIPTION

2.1 Title Deed

The property reports indicate title deed numbers:
Erf 2498: T16507/1977
Erf 2499: T16507/1977

2.2 Description

The property can be described as “Erven 2498 and 2499, Stellenbosch, Western Cape”. Hereafter in the report we will refer to this erf as the “subject properties”.

2.3 Owner

The properties are registered in the name of Mun Stellenbosch.

2.4 Extent

The full erf extents of the subject properties:
Erf 2498: 583m²
Erf 2499: 1 162m²

2.5 Purchase Price

Not relevant to this report, because it will not have an impact on Market Value.

2.6 Surveyor General Information

HCB could not find any discrepancies regarding the ground layout with the Surveyor General Information.

2.7 Title Deed Conditions

HCB did not have sight of the Title Deed; thus, we cannot comment on any restrictive conditions it may hold.

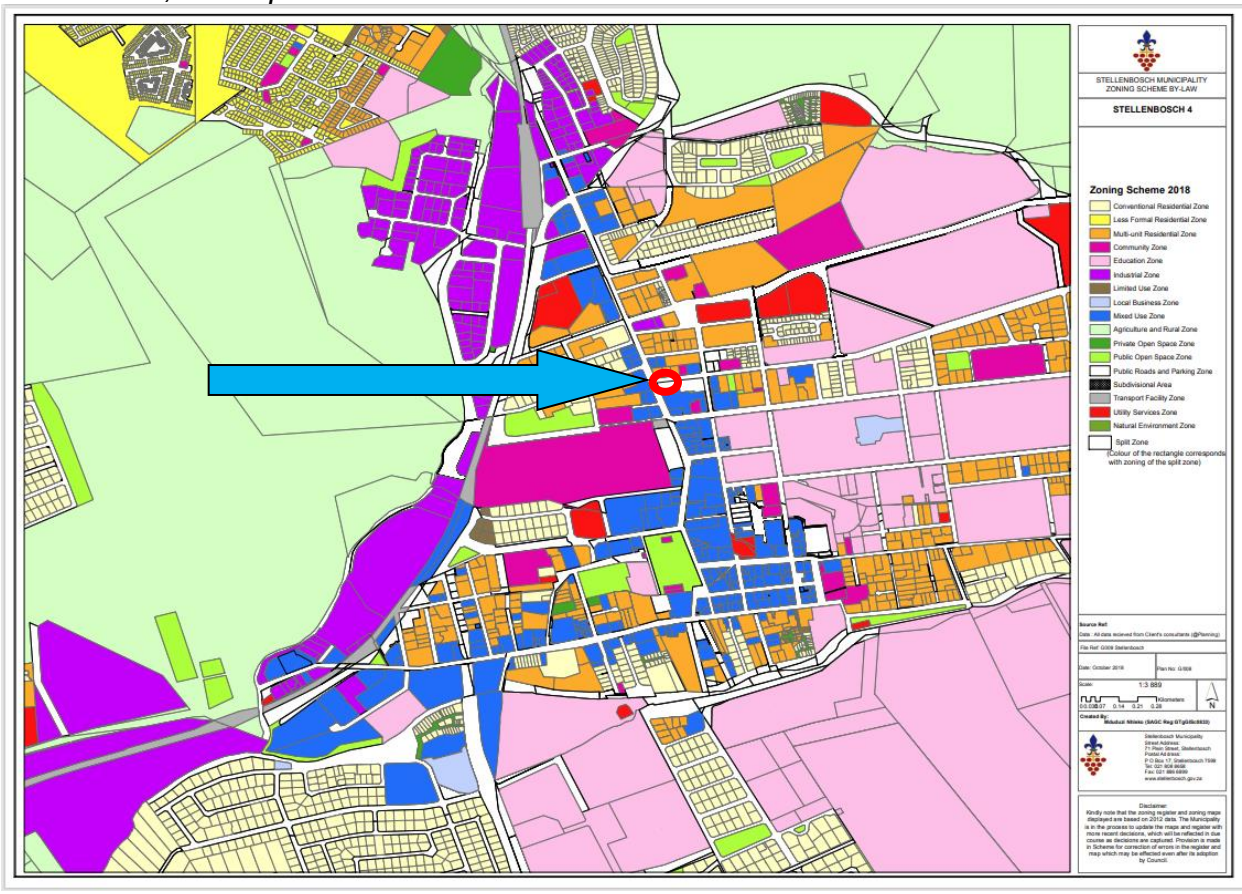
3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION

3.1 Local Authority

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

3.2 Zoning

The following Zoning was found on the Stellenbosch Municipal Website (January 2024).
Erf 2498 & 2499 – Zoned: **Public Use and Parking**
Please note this zoning was confirmed by Stellenbosch Municipality, and should this be incorrect, this report will be amended.



CHAPTER 17: PUBLIC ROADS AND PARKING ZONE

173. Zone name and designation on map

(1) The Public Roads and Parking zone may be referred to by the code (PR) and shall be indicated on the zoning map in white (Colour code 255,255,255).

174. Purpose of the zone

(1) The purpose of this zone is to make provision for the following:
  (a) public roads as indicated on a general plan and roads, whether constructed or not.
  (b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee.

175. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Public parking area • Public road • Utility service • Occasional use (one event/year)	• Rooftop base telecommunication station • Market	• Freestanding base telecommunication station • Occasional use (>one event /year) • Parking garage • Transport purposes (passengers)

The zoning of both subject properties does not give consent for commercial activity It was confirmed with Stellenbosch Municipality that special consent was given to the animal Hospital to practise commercial activity on the terrain.

4. PHYSICAL DESCRIPTION

4.1 Land

The land of both erven is flat, and ground is in good condition, as it has been well maintained. It is situated on the corner of Bird Street and Banghoek Road in central Stellenbosch. It is very easily accessible.

- *See Annexure 3 for Locality Map / Aerial Photo*

4.2 Improvements

Erf 2498 is not improved but is used as parking facility for adjacent erf 2499. Both subject properties are tarred for parking purposes.
Erf 2499 is improved with a veterinary clinic.

Improvement Extents are as follows:

- Veterinary Clinic 219m²

These improvements consist of brick-plastered walls, sink-plated roofing, security measures such as burglar bars in front of all windows and safety gates in front of glass and aluminium doors. The clinic is well maintained.

5. MARKET ANALYSIS

Rent is a system of payment for the temporary use of something owned by someone else; the payments for such use are typically referred to as "rent". In the open market, rent is a product; it does not occur naturally, as in, 'this is the rent for the premises. To value rent, all the terms and conditions of the tenancy must be known, stated in advance, or defined. However, because the rent at a new letting is often agreed before the lease is drafted and/or approved; it is possible for a completed lease to contain terms and conditions that could produce a different rent to what was agreed.

6. METHOD OF VALUATION

The Comparable Rental Method of valuation is the most suitable method to apply to establish the market rental of the subject property. In applying the Comparable Rental Method, it is necessary to investigate the sales of similar type properties that have been rented as well as returns required by the holders of such land.

The above information is compared to the subject property, which involves judgments as to the degree of similarity regarding value factors such as location, shape of erf and use to which the subject property can be put.

7. ESTABLISHMENT OF COMPARABLE RENTALS

7.1 Highest and Best use

Definition*: "The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued"*.

Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financially feasible and which result in the best value of the property to be valued.

I believe highest and best use is commercial, although this goes against the current zoning restrictions.

7.2 Valuation Method

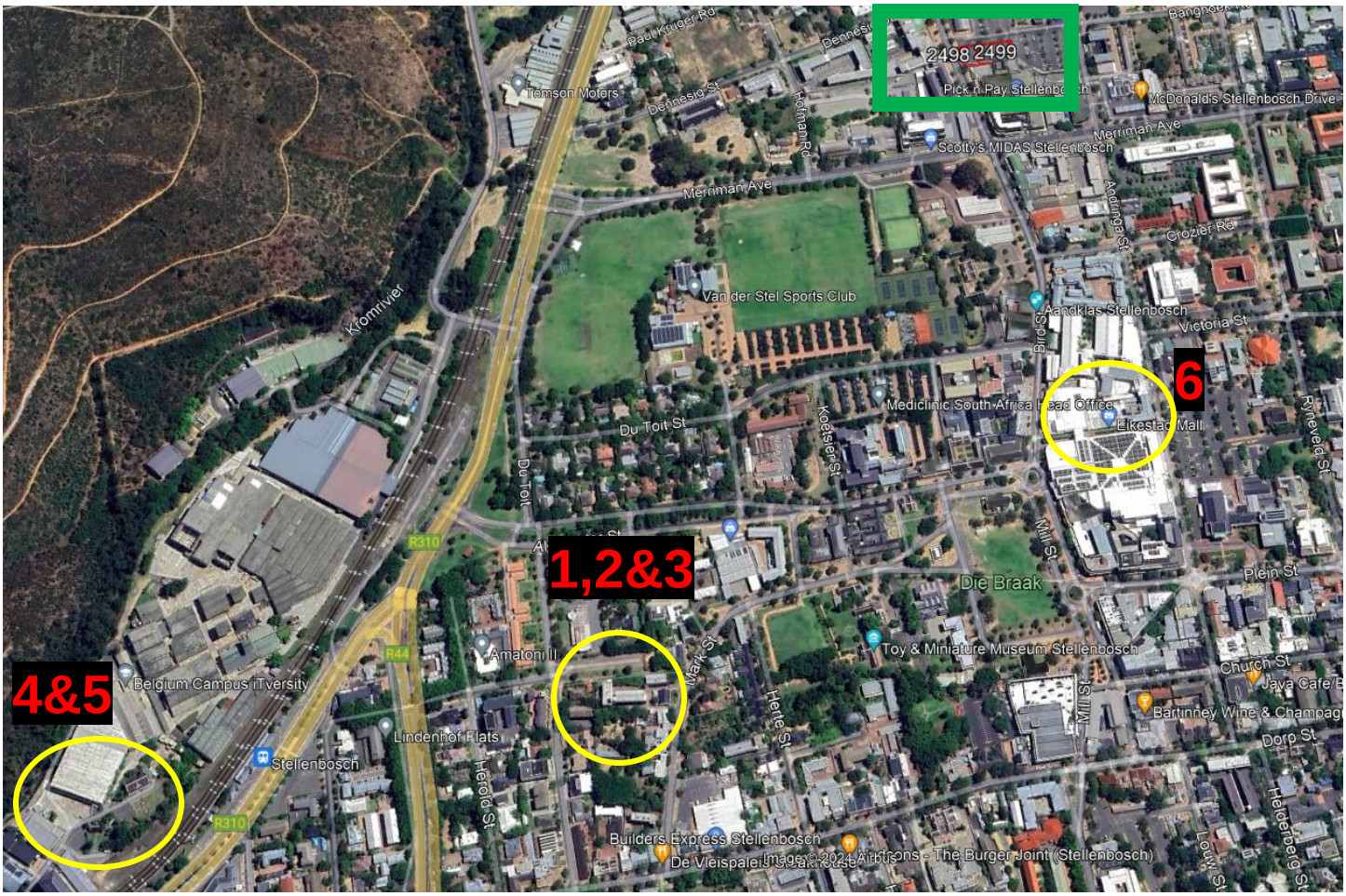
The market was surveyed for current leases, rates of return and leasing practices. Information was sourced from local estate agents, local property professionals, as well as our property info database. The information that was obtained was verified and adjustments were made for time, use, layout, and location.

There is a lack in comparable property sales for this specific use. Commercial Rental spaces were investigated, and proposed rental was calculated from this.

VALUATION REPORT – RENTAL VALUATION OF ERVEN 2498 & 2499 STELLENBOSCH

Comparable Rentals:

Number:	Area	Monthly Rental	Extent	Rate/m²
1	Markplein Unit 15, Stellenbosch	R10 000	28m²	R357-00
2	Markplein Unit 16, Stellenbosch	R10 500	29m²	R362-00
3	Markplein, Stellenbosch	R12 600	42m²	R300-00
4	Bosmansclub, Stellenbosch	R34 200	190m²	R180-00
5	6 Bosmansclub, Stellenbosch	R21 600	120m²	R180-00
6	Beyers Street, Stellenbosch	R34 000	160m²	R212-00



7.3 Application of Comparables

These market rentals range between R180-00/m² and R360-00/m² and were adjusted due to location and finishes as the subject property is older than the comparable rentals that are currently being achieved in the market.

Thus, it is my opinion that a rental of R180-00/m² is applicable to the improvements of Erf 2499. Current zoning limits the future development of the subject property.

Our market research has concluded parking rental in Stellenbosch to be between R500-00 and R1 200-00 per parking per month. It is noted that Stellenbosch Municipality however has a standard tariff for parking rental of R362-00 per month.

My opinion is that a lower tariff is applied to the parking of Erf 2498 & 2499, as it is open to the public for use, not only by customers of the animal clinic. It is also a complicated parking lot, which is exceedingly difficult to exit should it be crowded.

Thus, it is my opinion to apply R 500-00 per parking per month, with the 8 parking bays marked for use of animal clinic clients directly in front of the animal Clinic being included in the improvement rent of Erf 2499.

The Rental Valuation of the Subject Property is Calculated as follows:

Improvements (Erf 2499): 219m² @ R180-00/m² = R39 500-00 (rounded)

Determination and Adjustment of Value:

Rental of the Subject Property is determined as follows, based on the market research of rentals in Stellenbosch central, Rental of Erven 2498 & 2499 comprise as follows on 1 March 2024:

Description	Market Value
Parking Bays on Erf 2498 & 2499	R500-00 per parking per month
Erf 2499 (improvements & 8 adjacent parking bays on Erf 2498)	R39 500-00 per month

8 CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the monthly rental of the subject portion of 1 March 2024 to be
R39 500-00/month for improvements & 8 parking bays allocated and R500-00 per parking bay per month for parking area. VAT INCLUDED.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601
5 April 2024
Date of Signature

CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation unless such full disclosure has been made.

9.1 Valuation Standard

This valuation has been prepared in accordance with the guidelines of the South African Institute of Valuers for valuation reports.

9.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

9.3 Confidentiality

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

9.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

10 ANNEXURES

10.1 Annexure 1 – Valuer Certificate

SOUTH AFRICAN COUNCIL FOR THE
PROPERTY VALUERS PROFESSION

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Valuer

In terms of section 20(2)(a) of the Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020
DATE OF ISSUE: 13 February 2020
PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024

JF Cloete
President

REGISTRATION No: 5601

MC Seota
Registrar

10.2 Annexure 2 – Instructions

From: Yolande van den Berg <Yolande.vandenBerg@stellenbosch.gov.za>
Sent: Wednesday, 21 February 2024 10:17
To: Helen Louwrens <helen@hcbval.co.za>
Subject: REQUEST FOR QUOTATION: ERVEN 2498 AND 2499 STELLENBOSCH

Dear Helen,

Please see attached a request for quotation.

We look forward to hearing from you.

Kind regards,
Yolande van den Berg
Head: Contract Management
Corporate Services

T: +27 21 808 8073| Fax 021-886 7319
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

HCB
Valuations and Services (Pty) Ltd
HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za

HCB would like to assist with you valuation request.
Kindly complete below to the best of your ability in order for us to provide you with a quotation and subsequent valuation report.

Erf/Farm Number:	Erven 2498 & 2499
Town/Region:	Stellenbosch
Owner:	Stellenbosch Municipality
Zoning and Usage:	Business & Parking
Date of Valuation:	21/02/2023
Reason for valuation:	To determine Rental value
Any other information you feel is pertinent to the valuation:	Animal Hospital
Expected Delivery Date:	As soon as possible.

Should you have any questions or concerns contact:
Helen: 081 4733 707 / helen@hcbval.co.za
Coenraad: 083 663 2140 / coenraad@hcb.co.za

10.3 Annexure 3 – Locality Map / Aerial Photo

10.4 Annexure 4 – Property report

Erf 2498

Hcb Valuations - Moorreesburg
Helen Louwrens

E-mail: helenlowrens@gmail.com
Cell: 081 473 3707

Tel: 022 433 2035

HCB Group
Tel: 022 433 2035
Email: admin@hcb.co.za
PO Box 247, Moorreesburg, 7310

PROPERTY INFORMATION			
Erf	2498	GPS	18.858473°E 33.931142°S
Township	STELLENBOSCH	Extent	583 m²
Address	BIRD STREET	Cadastral extent	584 m²
Suburb	STELLENBOSCH CENTRAL	Usage	Business
Municipality	STELLENBOSCH	Type	
Province	WESTERN CAPE	Zoning	
		Zoning Desc	

MUNICIPAL VALUATION	
Total Value	R 1 516 000
Valuation Year	2021

SALE INFORMATION			
Note: The Sale Price is inclusive of 12 properties on this Title Deed			
Owner	MUN STELLENBOSCH	Title Deed	T16507/1977
Sale Price	-	Bond Holder	-
Sale Date	-	Bond Amount	-
Registered	1977/07/06	Sale Type	-

Erf 2499

Hcb Valuations - Moorreesburg
Helen Louwrens

E-mail: helenlowrens@gmail.com
Cell: 081 473 3707

Tel: 022 433 2035

HCB Group
Tel: 022 433 2035
Email: admin@hcb.co.za
PO Box 247, Moorreesburg, 7310

PROPERTY INFORMATION			
Erf	2499	GPS	18.858827°E 33.931099°S
Township	STELLENBOSCH	Extent	1 162 m²
Address	377 BANGHOEK STREET	Cadastral extent	1 165 m²
Suburb	STELLENBOSCH CENTRAL	Usage	Business
Municipality	STELLENBOSCH	Type	
Province	WESTERN CAPE	Zoning	
		Zoning Desc	

MUNICIPAL VALUATION	
Total Value	R 3 901 000
Valuation Year	2021

SALE INFORMATION			
Note: The Sale Price is inclusive of 12 properties on this Title Deed			
Owner	MUN STELLENBOSCH	Title Deed	T16507/1977
Sale Price	-	Bond Holder	-
Sale Date	-	Bond Amount	-
Registered	1977/07/06	Sale Type	-

10.5 Annexure 5 – CSG Diagram of Property

Erf 2498:

SERWITUUTKAART

KANTOORAFSKRIF

SYE METER		RIGTINGS-HOEKE		KOÖRDINATE Y	Stelsel Lo. 19° X
		Konstante		+ 0,00	+3700000,00
			A	+ 13 036,76	+ 55 721,43
CD	18,60	81 17 10	C	+ 13 008,27	+ 55 745,28
DA	28,52	159 15 30	D	+ 13 026,66	+ 55 748,10
		N29A	⊕	+ 13 055,88	+ 55 710,37
		N29B	⊕	+ 12 890,87	+ 55 686,72

L.G. No. 2944/81

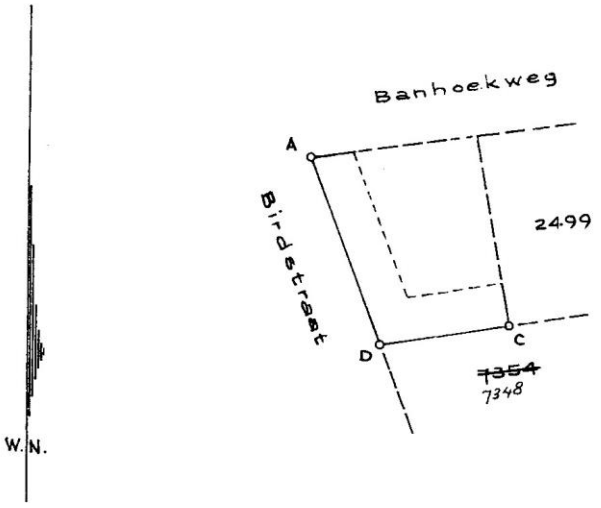
Goedgekeur

Hfd. Landmeter-generaal

1981-07-07

Beskrywing van Bakens:

A,D : 12mm ysterpen
C : Geen baken



Skaal 1: 750

~~Die figuur~~ Die lyne AD en DC

stel voor die Westelike en die Suidelike grense respektiewe- ~~grond, synde~~ lik van 'n Serwituut Reg van Weg 6 meter wyd oor

ERF 2498, Stellenbosch

geleë in die Munisipaliteit en Administratiewe Distrik

van Stellenbosch Provinsie Kaap die Goeie Hoop.

Opgemeet in Sept. 1977 en April-Mei 1981

deur my, J. Burger Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaart is. No. B. 101/1930 geheg aan Transport/~~Grondbrief~~ No. 1860-37 -296	Lêer No. S/2641/32 M.S. No. E547/78 en E 1000/81 Komp. BH-8DA/Z.51 (1480) BH-8DA/Z.53 (1482)

Erf 2499:

SERWITUUTKAART

KANTOORAFSKRIF

SYE METER		RIGTINGS-HOEKE		KOÖRDINATE Stelsel Lo. 19° Y	X
		Konstante		+ 0,00	+3700000,00
BC	26,67	351 48 30	B	+ 12 970,09	+ 55 712,45
CD	42,47	81 17 10	C	+ 12 966,29	+ 55 738,85
			D	+ 13 008,27	+ 55 745,28
		N29A	⊕	+ 13 055,88	+ 55 710,37
		N29B	⊕	+ 12 890,87	+ 55 686,72

L.G. No. 2945/81

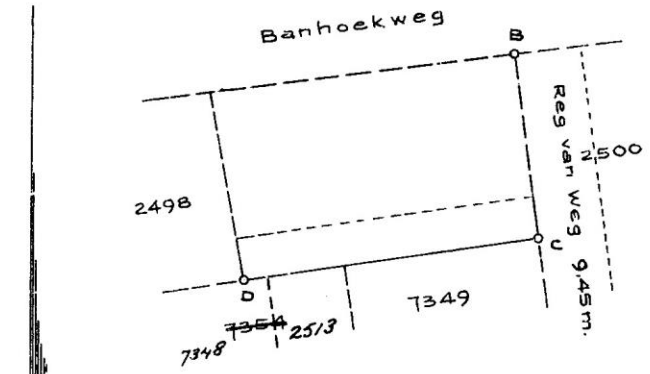
Goedgekeur

Landmeter-generaal

1981 -07- 07

Beskrywing van Bakens:

B : Plat ysterpen
C : 12mm ysterpen
D : Geen baken



W.N.

Skaal 1: 750

~~Die figuur~~ Die lyn CD

stel voor die Suidelike grens van 'n Serwituut Reg van Weg 6 meter wyd oor ~~grond, synde~~

ERF 2499, Stellenbosch

geleë in die Munisipaliteit en van Stellenbosch

Administratiewe Distrik Provinsie Kaap die Goeie Hoop.

Opgemeet in Sept. 1974 en April-Mei 1981 deur my,

D. Burger
Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaart is. No. A3534/1931 geheg aan Transport/~~Grondbrief~~ No. 1932-I26-6333	Lêer No. S/2641/32 M.S. No. E2309/74 en E 1000/81 Komp. BH-8DA/Z.51 (1480) BH-8DA/Z.53 (1482)

10.6 Annexure 6 – Photos of Subject Portion

10.7 Annexure 7 – Rental Valuation Certificate

HCB
Valuations and Services (Pty) Ltd

HEAD OFFICE
38 Long Street, Moorreesburg, 7310
T: +27(0)22 433 2035 **M**: +27(0)83 663 2140 **E**: admin@hcb.co.za

Valuation Certificate

Client:	Stellenbosch Municipality
Erf Number:	Erven 2498 & 2499
Title Deed Number:	T16507/1977
Area/Town:	Stellenbosch
Owner:	Mun Stellenbosch
Date of Valuation:	1 March 2024
Reference Number:	STEL/2498/2499
Rental Valuation Amount:	
Erf 2498:	R500-00/Month/Parking (Vat Excluded)
Erf 2499:	R39 500-00/month (Improvements & 8 allocated Parking Bays) (Vat Excluded)
Zoning:	Public Use and Parking

Comments:

This Valuation Certificate must be read in conjunction with the attached Valuation Report.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

APPENDIX 2

STELLENBOSCH ANIMAL HOSPITAL
DIEREHOSPITAAL BK
[redacted]
DRS. A.B. KIDD (BVSc), M.C. FRANKEN (BVSc), G.A. GILIOMEE (BVSc) & I. GERSBACH (BVSc)
[redacted]

12 July 2024

Regarding new monthly rental fees in lease agreement for erven 2498 and 2499

I have been informed by Ms Yolande van den Berg (Head contract management, Stellenbosch Municipality) by email on 7 May 2014 that a least extension of 9 years and 11 months has been approved and that the new monthly rental would be R 39 500 per month. We very much appreciate the approval of our application for a lease extension. We are however of the opinion that the substantial increase in the monthly rental fee (way above inflation) is not appropriate. I hereby want to ask MAYCO to reconsider this.

As back ground: Stellenbosch Animal Hospital moved from a converted dwelling (owned by a now retired partner, dr AJJ Maree) in Piet Retief Street into the old Dennesig Post Office building in 1981, on the recommendation of the Stellenbosch Municipality. The post office building offered to us was built in 1947 and has been standing empty for some time.

Over the past 43 years a lot of money has been spent by the partners of our practice on this building. The amount of floor space has been doubled and the premises is now a modern veterinary facility, employing 13 permanent staff including five veterinarians. We serve a large community by caring for household pets, production animals and wildlife. The services we render include all veterinary related work for registered welfare organisations like Franschhoek SPCA and Winelands Cat Trapping. We are also the only veterinary facility in Stellenbosch offering emergency veterinary services outside normal business hours.

In our opinion the following needs to be taken into consideration when determining a fair rental fee for the premises (with some text copied from the 2019 lease agreement in *italics*):

- The building we received from the municipality in 1981 needed a lot of capital expenses before it could be used by us. All addition capital expenses over the past 43 years was also fully paid for by the partners. This included the doubling of usable floor space, new floors, new water piping (with the addition of hot water), complete electrical rewiring, air conditioning, etc. With each new agreement the extra floor space (in years when added) was taken in consideration, meaning we had to rent back the space we built at our own cost. The 2019 contact states (clause 13.3): .. *all improvements made to the Premises shall belong to the LESSOR and may not be removed from the Premises at any time.*

- All maintenance and repairs is for our (lessee) account (clause 14.2).

- There was already a substantial increase in our monthly rental fee five years ago when the municipality also did a detail evaluation with an evaluator then visiting our practice. I am not aware of a visit by an evaluator this time.

The latest rental invoice (dated 18/6/2024) was for an amount of R 31 953.54. This is despite the following text in the 27 February 2024 Die Burger advertisement, stating: *The applicant be allowed to lease the property whilst the renewal process runs its course at the current rental of R 29 586.61 per month.*

In the 2019 lease agreement an annual 6% escalation in rental was stipulated (clause 5.1.2), which has been slightly above the CPI index for this period. Our rental for the last year of our 2019 five year contract was R 29 586.61. In our opinion an increase to R 31 361.81 (6% increase on the last year of previous lease agreement) would be more appropriate for the first year of the new 9 year and 11 month lease agreement (starting 1 January 2024).

We would appreciate MAYCO reconsidering the monthly rental fee in the new lease agreement.

Kind regards

Dr Gerhard Giliomee

7.3.3	**PROPOSED LEASE AGREEMENT: MICHAEL WALTERS AND THELMA BRYANT: A PORTION OF ERF 35, FRANSCHHOEK**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: PROPOSED LEASE AGREEMENT: MICHAEL WALTERS AND THELMA BRYANT: A PORTION OF ERF 35, FRANSCHHOEK

2. PURPOSE

To consider an application from Mr Michael Walters and Miss Thelma Bryant to lease a portion of Erf 35, Franschhoek for security purposes.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations, the Executive Mayor, in consultation with the Executive Mayoral Committee, can consider applications for the lease of council-owned property for a period shorter than 10 years and a contract value of less than R5M.The Municipal Manager has the delegated authority to sign lease agreements on behalf of the Municipality.

4. EXECUTIVE SUMMARY

During 2021 an application was received from Wille Steyn Land Use Planners on behalf of Mr Michael Walters and Miss Thelma Bryant for the alienation of a portion of Erf 35 Franschhoek. This application was never before Council however the applicants were informed that an application of this nature will not be supported by the Directorate. The applicants have now applied to lease this portion of land.

Erf 35 Franschhoek can be best described as a “nagbaan”. With the sub-division of this area in Franschhoek provision was made for a so called “nagbaan” as an access lane to clean buckets. This access lane runs through the middle of the block between several properties. When the bucket-system was abolished, the need for the so-called “nagbaan” became obsolete, however the access lane is still there and open. This has caused a severe security risk for the adjacent properties. The applicants have therefore filed an application to lease a portion of Erf 35 Franschhoek (which is the access lane that was registered as an Erf and not as a servitude) in order to put security measures in place on both sides of the block. The intention is to fence the access lane and add a gate only for use by the applicants and adjacent neighbours.

The application does not indicate a period the applicants are interested in leasing the area however the department suggests a period of three years. This will allow for the applicants to immediately secure the area whilst a plan can be made on how to deal with this property on a more permanent basis.

5. RECOMMENDATIONS

(a) that the portion of Erf 35 Franschhoek is identified as a property not needed to provide the basic minimum municipal services;

(b) that Michael Walters and Thelma Bryant be allowed to lease the portion of Erf 35 Franschhoek as per the application for a period of 3 years for the purpose of securing the area;

(c) that a valuator be appointed to determine the monthly rental;

(d) that no construction will be allowed on the area and that the Municipality will be allowed full access to the area for maintenance, upgrades and emergency works on the infrastructure on the property; and

(e) that the Municipal Manager be mandated to determine the monthly rental based on the valuation report.

6. BACKGROUND

6.1 Ownership

Erf 35 Franschhoek has the status of a public road and as such the ownership vests in the name of the Stellenbosch Municipality and the property consists of a small portion of road and the access lane more commonly referred to as the “nagbaan”.

6.1 Historic use of access lane

During 1905, with the subdivision of erf 35 and 58, provision was made for a few residential properties and street as per General Plan F13. The subdivision also made provision for a mid-block access lane (the so-called “Nagbaan”) such as the lane between Erven 2745, 2744, 95, 99, 100 and erven 92, 93, 96 and 98, which made up the remainder of Erf 35. The purpose of the access lane was to allow for the collection of sewer buckets. With the change over from the bucket system to a full sewer system the access lane to collect sewer buckets became obsolete.

6.2.2 Discussion

6.2.2.1 Application for Lease Agreement

Hereto attached as **APPENDIX 1** a self-explanatory application for lease of municipal land received from Mr Michael Walters and Miss Thelma Bryant the registered owners of Erf 96 Franschhoek, one of the properties adjacent to Erf 35. The application indicates that they are not interested in leasing the full remainder of Erf 35 Franschhoek, merely the portion on their block in order to secure same. An application for a lease agreement was filed as they have over the years not been able to get permission for alienation of this portion nor has the Municipality been able to secure the area. The applicants claim that there has been many instances over the years that this vacant area of land has been used by vagrants as a place to hide as well as for criminals to access the adjacent properties. One of these instances includes an elderly couple being held up in their home during a robbery.

The applicants indicate that their desire in leasing this portion of land is to securely fence it and add CCTV cameras and other security features that will be linked to an alarm system and local armed response services. This will assist in securing unwanted access to the area and thereby protecting all adjacent property owners.

No indication is given of the lease period the applicants are interested in however the department suggests three years in order for the applicants to be able to secure the premises whilst a more permanent solution for the property is determined.

Further attached as **APPENDIX 2** is the application filed by Willie Steyn Land Use Planner on behalf of the applicants in 2021 which sets out further details as well as maps and diagrams of the property.

There is currently an active sewer line running across the property. A diagram is attached hereto as **APPENDIX 3.** If the lease is approved the municipality will need a key or access code to access the property in order to maintain, upgrade or repair the sewer line. No permanent structure can be allowed on the property.

6.2.2.2 Location and context

The property is situated mid-block between Dirkie Uys Street, Hugenote Street, de Wet Street and La Cotte Street in Franschhoek as per Fig. 1 and 2, below.

Fig 1: Location and context

Fig 2: The property

6.2.2.3 Legal requirements

6.2.2.3.1 Asset Transfer Regulation

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

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

b) The municipal council has approved in principle that the right may be granted. *Sub regulation (1) (a) (public participation process), however, must be complied with only if-

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

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

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

a) whether such asset may be required for the municipality's own use or to provide basic services during the period for which such right is to be granted;

b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;

c) the risks and rewards associated with such right to use; and

d) the interest of the local community

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

a) the value of the asset; or

b) the period for which the right is granted

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

6.3 Financial Implications

A valuator will have to be appointed at the cost of the Municipality to determine the fair market value. The financial implications will only be available after the market value has been determined. The applicants will have to maintain the area.

6.4 Legal Implications

The legal implications are discussed in the item.

6.5 Staff Implications

No further staff implications.

6.6 Previous / Relevant Council Resolutions

A previous application from another landowner for alienation of a portion of the remainder of Erf 35 was before the Executive Mayoral Committee in the past. It was however referred back for the implementation of the Property Management Policy to be finalised. The Department was unable to allocate a return item on this application, and it would therefore appear that the item was not brought back to the Executive Mayoral Committee after the policy was finalised.

6.7 Risk Implications

Vandalism and illegal use of the premises if not under control of a tenant. Security risks for the adjacent property owners.

6.8 Comments from Senior Management.

6.8.1 Director: Infrastructure

There is a sewer line running over the property and the Infrastructure Department will require full access to the property at all times in order to maintain, upgrade or attend to emergencies. No permanent structure or building works can be allowed on the premises. The lease agreement should make it clear that the Municipality requires an access key or access code for the gate that is to be installed.

6.8.2 Director: Planning and Economic Development

The DPED have no objection against the entering into of a lease agreement for the subject property. Similar leases were approved in the past as these narrow alleyways give access for criminal elements to access the back of private properties. However, the lease agreement should be on condition that no building work will be allowed on this land and that it should be accessible to Council officials should it be necessary.

It should further be noted that Erf 35, Franschhoek is currently zoned as Public Roads & Parking Zone in terms of the Stellenbosch Municipality's Integrated Zoning Scheme. As such, the entering of the lease agreement would necessitate that the subject property be closed for public road purposes. This can be facilitated through a temporary closure by the Municipal Manager for the duration of the lease agreement.

ANNEXURES:

Appendix 1: Application for lease of Municipal Land

Appendix 2: Application letter from Willie Uys

Appendix 3: Diagram

FOR FURTHER DETAILS CONTACT:

NAME	**Yolande van den Berg**
POSITION	***Head: Contract Management***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***Yolande.vandenberg@stellenbosch.gov.za***
REPORT DATE	***2025/06/10***

APPENDIX 1

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

APPLICATION FOR LEASE OF MUNICIPAL LAND APPLICATION FORM

A: APPLICANT'S DETAILS

Name : Mr Michael Walters and Miss Thelma Bryant

Physical address: 40 Dirkie Uys Street
Franschhoek

Postal code: 7690

Mailing address: [redacted]
Franschhoek

Postal code: 7690

E-mail address: [redacted]

Telephone: NA

Cell phone: [redacted]

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : Erf 96

Suburb: Franschhoek

Town: Franschhoek

C: PROPERTY DETAILS OF LEASE AREA APPLYING FOR

Erf/farm number : Portions B, C & D of Erf 35 (per diagram)

Suburb: Franschhoek

Town: Franschhoek

Area applying for 185 m²

***** To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

For commercial purposes, other than for parking	☐
For commercial parking purposes	☐
For residential parking purposes	☐
For non-commercial purposes	X
For projecting structures onto street reserves	☐
For projecting structures onto other council-owned land	☐
Other: please provide description:	X

Brief description of application: **Lease portions B, C & D of Erf 35 so as to fence/secure the old servitude ("Nag Kanaal") area between ourselves and our adjoining neighbours. See attached diagram. Note that portion A is excluded as it has been taken over and walled as part of Erf 1488**

Motivation: **Given that the area is not properly fenced or secured, there have been many instances over the years since we have owned our home at 40 Dirkie Uys Street that this vacant area of land has been used by vagrants as a place to hide as well as for criminals to access both ours and**

our neighbours properties for a variety of criminal activities from theft to holding our former elderly neighbours hostage while their house was ransacked and items stolen. Our desire in leasing this small narrow piece of land is to securely fence it (possible electric, but yet to be determined) and add CCTV cameras and other security features that will be linked to our alarm and local armed response services. This will assist in securing unwanted access to the area in question and, thereby protect our adjoining neighbours properties as well as our own.

E: LIST OF ATTACHEMENTS AND SUPPORTING DOCUMENTS

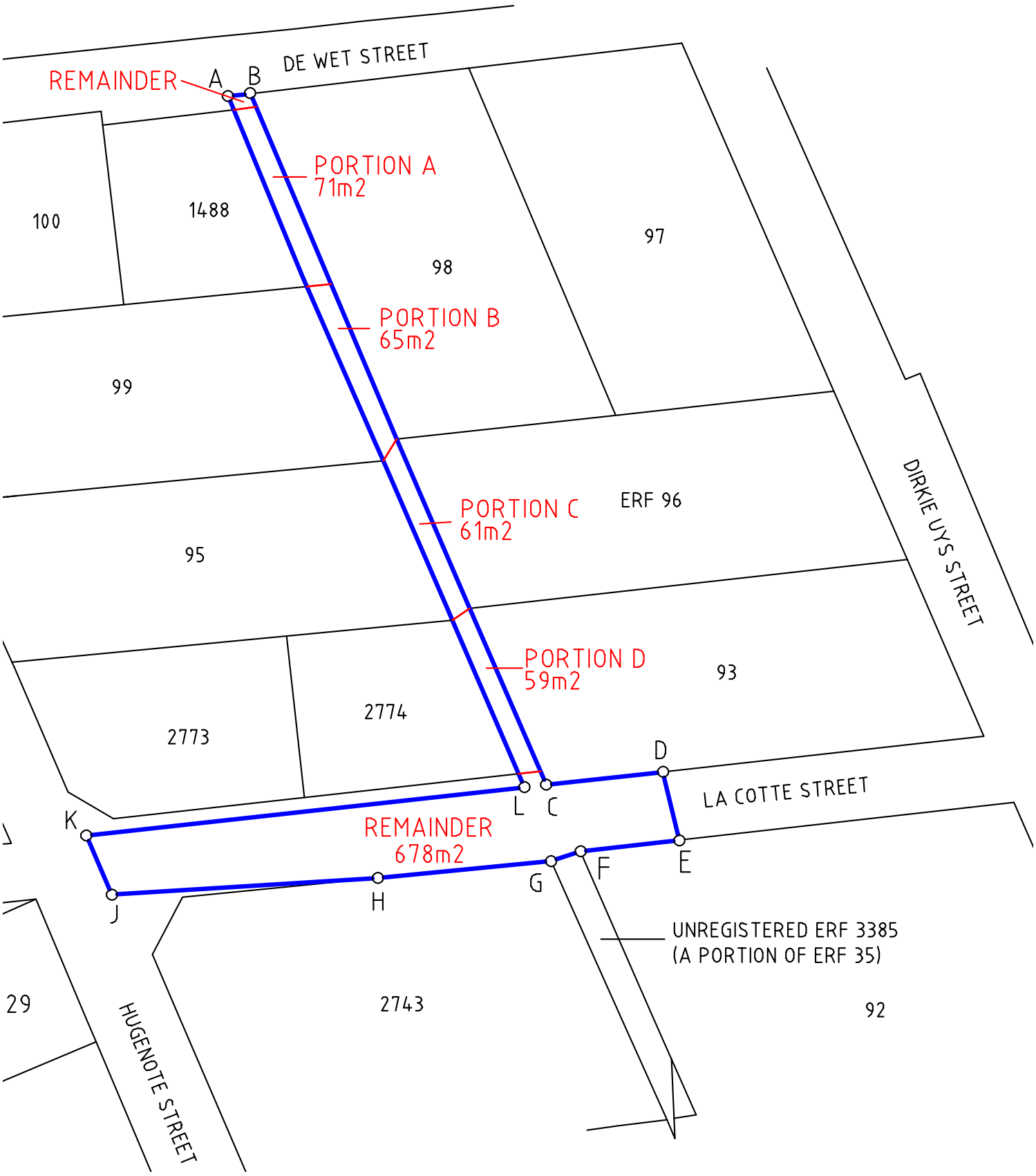
Please mark the appropriate box

Special Power of Attorney, where Applicant is not the owner	☐
Diagram of proposed area of the lease area	X
Letters of consent (affected neighbours)	☐
Application fee (non-refundable)	☐

I hereby certify that the information supplied in this application form is correct and that I am property authorized to make this application.

Applicant's signature: …… Date: **27 February 2025**

Full name: **Michael Walters and Thelma Bryant**


REMAINDER
A
B
DE WET STREET
PORTION A
71m2
100
1488
98
97
PORTION B
65m2
99
PORTION C
61m2
ERF 96
95
DIRKIE UYS STREET
PORTION D
59m2
93
2773
2774
D
LA COTTE STREET
K
L
C
REMAINDER
678m2
E
F
G
H
J
UNREGISTERED ERF 3385
(A PORTION OF ERF 35)
29
HUGENOTE STREET
2743
92

APPENDIX 2

W I L L I E S T E Y N
Tch. Pln (B/8074/1998)

L A N D U S E P L A N N E R

Address: 1 Flambeau Street North, Paarl, 7646 ■ Phone: 082 757 2449 ■ E-mail: williesteyn1960@gmail.com

Date: 27/4/2021
Ref.: WM1

Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch

Sir

APPLICATION FOR THE ALIENATION OF A PORTION OF ERF 35 FRANSCHHOEK

1. Reference

Application is hereby made in terms of Section 14(2) of the Local Government: Municipal Finance Management Act of 2003 on behalf of Michael John Walters and Thelma Jane Bryant, registered owners of Erf 96 Franschhoek (Erf 96), to alienate the portion of Erf 35 Franschhoek located between Erven 2774, 95, 99 & 1488 and Erven 93, 96 & 98 Franschhoek (the subject site) in four portions as indicated on the attached proposed Plan of Closure, Rezoning, Subdivision and Alienation dated 27/4/2021 by a closed tender to all abutting land owners.

2. Applicants' details

2.1	Applicants:	Michael John Walters, ID No. 6710195100084 Thelma Jane Bryant, ID No. 641011 (UK subject)
2.2	Residential address:	40 Dirkie Uys Street, Franschhoek, 7690
2.3	Postal address:	As above
2.4	Contact email address:	c/o eustace@adonic.org
2.5	Contact phone number:	c/o 082 099 3763

3. Background

3.1 Erven 35 and 58 Franschhoek were in 1845 subdivided into a number of erven and streets vide General Plan F13. The subdivision layout also made provision for mid-block lanes, such as the lane between Erven 2774, 95, 99 & 100 and Erven 93, 96 & 98 Franschhoek, which all make up the Remainders of Erven 35 and 58 and which vest with the Stellenbosch Municipality vide Section 25(1) of the Stellenbosch Municipal Planning Bylaw 2015.

3.2 The mid-block lanes would historically probably been used as service lanes.

3.3 In 2009 approval was granted by Stellenbosch Municipality for the closure and subdivision of the portion of Erf 35 Franschhoek located between Erven 2743 and 3288 Franschhoek. The land was closed and subdivided on 3 September 2010 as a separate erf, but has not been transferred an abutting land owner yet.

3.4 The subject site is not currently being used as an access lane and has over time informally been incorporated into the backyards of some abutting erven. According to the owners of Erf 99 they however still do receive *leiwater* from Dirkie Uys Street via a waterpipe over the subject site.

3.5 The owners of Erf 96 would like to obtain an access to their backyard from La Cotte Street and are therefore applying for the alienation of the subject site in four portions by closed tender to all abutting land owners.

4. Land Status

4.1 Erf 35 Franschhoek is indicated as a street on General Plan F13 (2620), as depicted on the Surveyor-General's Compilation Map 1602. In terms of Section 25(1) of the Stellenbosch Municipal Planning Bylaw 2015 the ownership of land earmarked as a public place (i.e. also a public street) as shown on an approved subdivision plan vests in the Municipality upon confirmation of the subdivision or part thereof.

4.2 The subject site is also zoned as a Public Road in terms of the Stellenbosch Municipality Zoning Scheme Bylaw 2019.

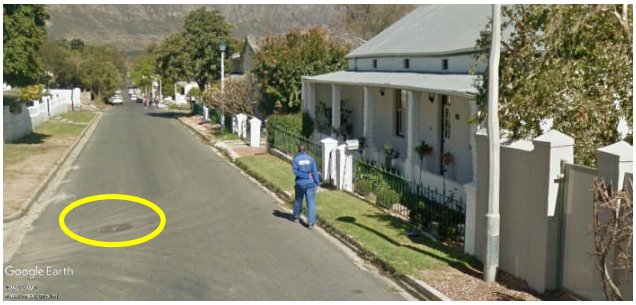
4.3 The subject site is however not being utilised as a public street, but is informally being utilised by some abutting land owners as part of their gardens.

4.4 The subject site is also located inside the Urban Conservation Zone of Stellenbosch Municipality Zoning Scheme Bylaw 2019 where additional mechanisms apply to ensure a balanced development in respect of the receiving environment.

5. Motivation

5.1 According to the GIS information obtained from the Stellenbosch Municipality Engineering Services Department there are no municipal services located on or over the subject site (see attached Engineering Services Map). The GIS information seems to be incomplete with regard to the sewerage network, but the presence of sewer manholes in Dirkie Uys and Huguenot Streets suggest that the sewerage reticulation network is located in these street reserves and not on or over the service lane.

5.2 The owners of Erf 99 and possibly others as well however apparently still do receive *leiwater* from Dirkie Uys Street via a pipe over the subject site. The use of the *leiwater* facility can however be secured by servitudes in favour of the users or service provider.



Dirkie Uys Street

Huguenot Street

5.3 The subject site is located inside the existing urbanised area of Franschhoek and are identified by the Stellenbosch Municipal Spatial Development Framework (SDF) as an Urban Character Area, i.e. an area where the historic urban character is to be maintained. The area is also located inside the Urban Conservation Zone of Stellenbosch Municipality Zoning Scheme Bylaw 2019 where additional mechanisms apply to ensure a balanced development in respect of the receiving environment. The inclusion of the subject site with abutting erven will however not introduce a foreign land usage into the area and the use thereof for residential purposes will be compatible with the conservation status of the area.

5.4 The subject site is not a developable piece of land on its own and offers no alternative usage potential as an alone standing site. The most appropriate use for the subject site would therefore be to consolidate the land with abutting properties.

5.5 The nature of the subject site is also such that the Municipality cannot derive any economic and/or social return from continued ownership of the site.

5.6 The proposed alienation of the subject site to abutting land owners will not place any additional burden on the provision of municipal civil and electrical services.

6. Conclusion and way forward

6.1 The subject site appears not to be needed for the provision of basic municipal services and the Municipality would not be able to derive any economic and/or social return from continued ownership of the site. Consolidation of the site with abutting erven will be compatible with spatial and land use planning directives for the area.

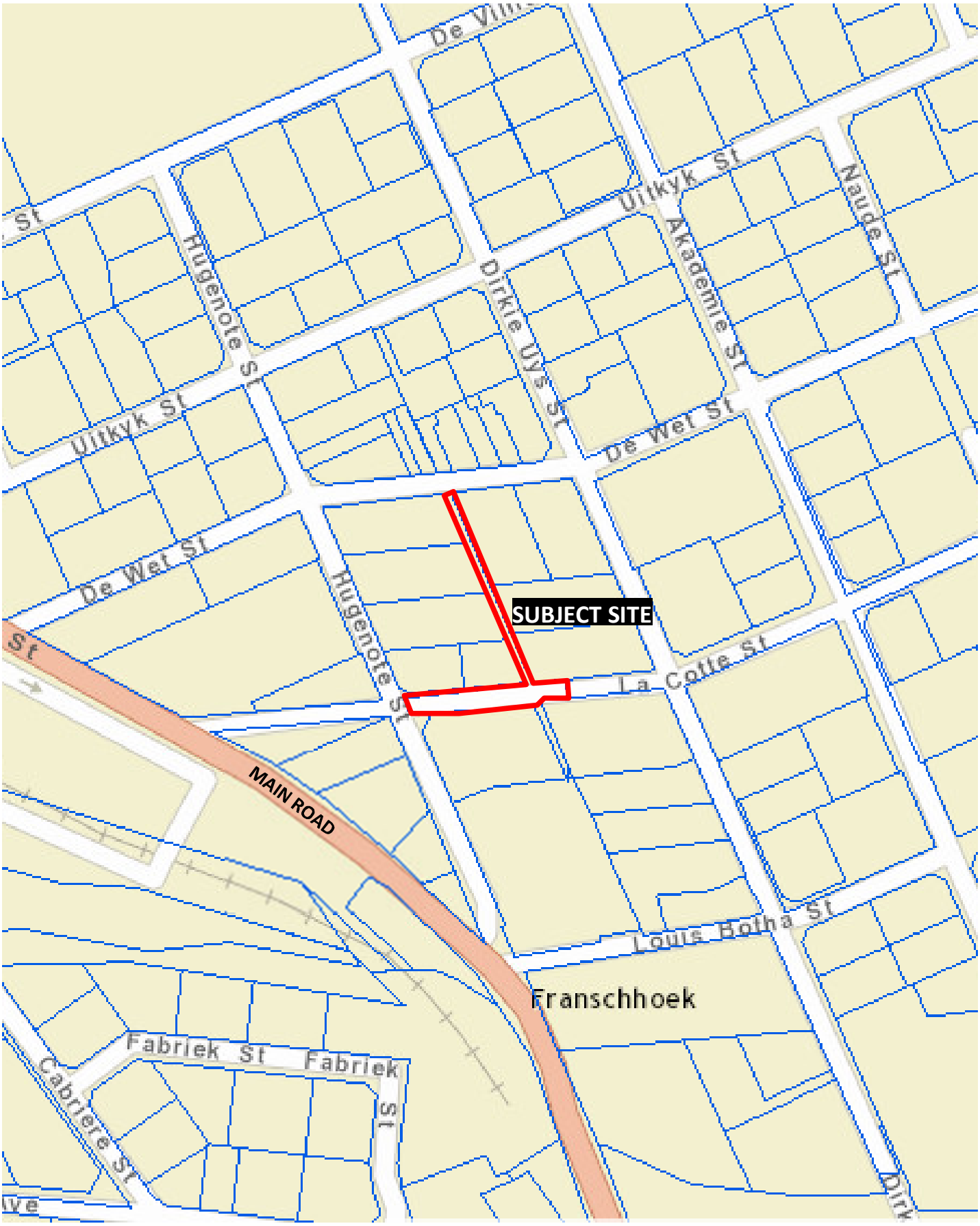
6.2 It is acknowledged that the alienation of the subject site to abutting land owners will be subject to the closure, rezoning and subdivision of the subject site into 4 land units and consolidation thereof with the erven of the successful bidders.

Kind regards

WILLIE STEYN

Annexures:

a) Locality Map
b) Physical Environment Map
c) Engineering Services Map
d) Plan of Closure, Rezoning, Subdivision, Alienation
e) Power of Attorney

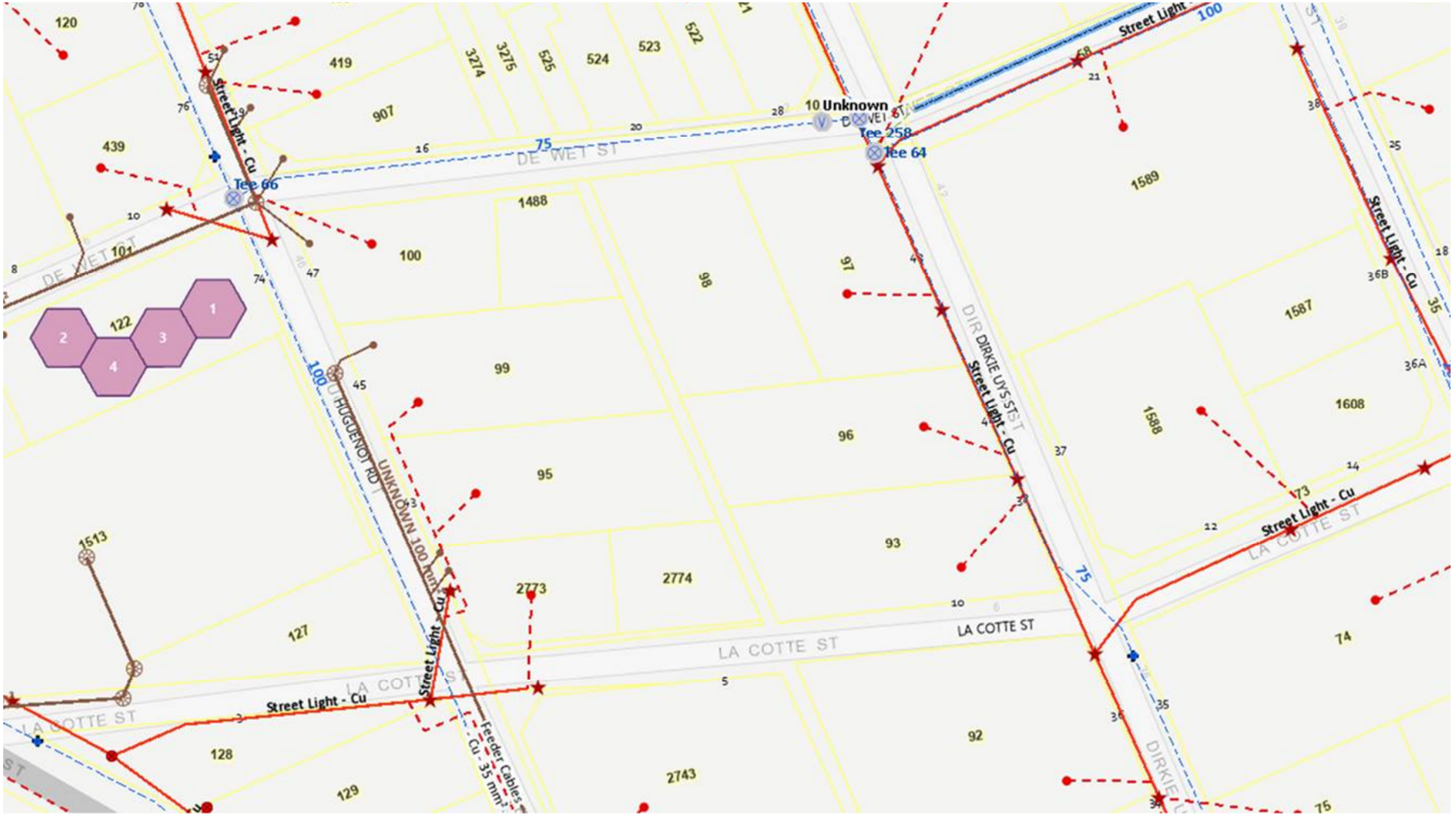


WILLIE STEYN
Tch. Pln (B/8074/1998)
LAND USE PLANNER
082 757 2449

ERVEN 35 FRANSCHHOEK
LOCALITY MAP

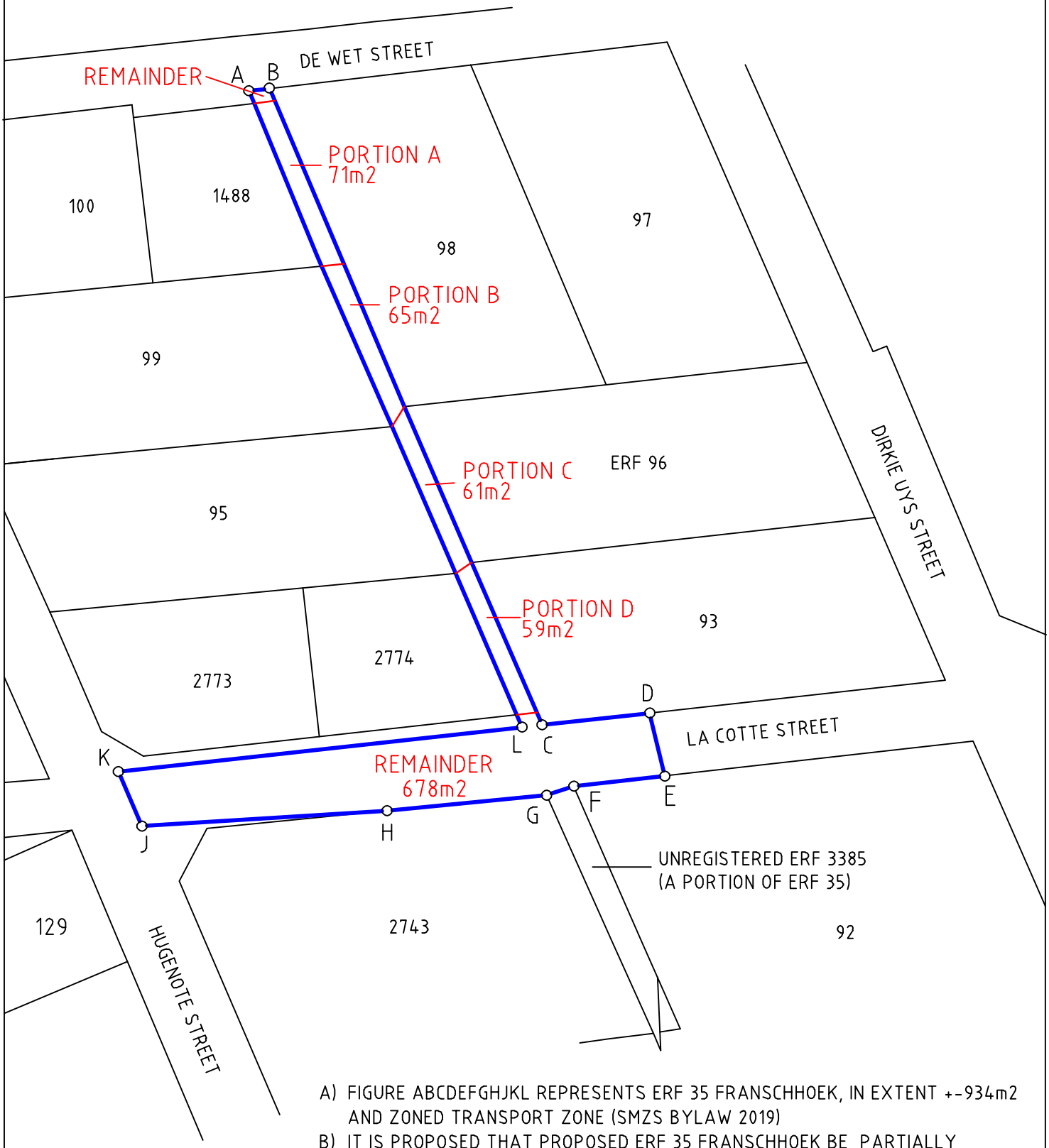
Ref.	Base Info
WM1	
Date	Scale
	NTS

WILLIE STEYN Tch. Pln (B/8074/1998) **LAND USE PLANNER** 082 757 2449	**ERF 35 FRANSCHHOEK** **PHYSICAL ENVIRONMENT**	Ref. WM1	Base Info CFM	N
		Date 21/3/2021	Scale NTS	



Red – electricity; Brown – sewer; Blue – water

WILLIE STEYN Tch. Pln (B/8074/1998) **LAND USE PLANNER** 082 757 2449	**ERVEN 35 AND 96 FRANSCHHOEK** **ENGINEERING SERVICES LAYOUT**	Ref. WM1	Base Info STB. MUN.	N
		Date 12/1/2021	Scale NTS	



A) FIGURE ABCDEFGHJKL REPRESENTS ERF 35 FRANSCHHOEK, IN EXTENT +-934m2 AND ZONED TRANSPORT ZONE (SMZS BYLAW 2019)

B) IT IS PROPOSED THAT PROPOSED ERF 35 FRANSCHHOEK BE PARTIALLY CLOSED AS A PUBLIC STREET, REZONED TO CONVENTIONAL HOUSING ZONE AND SUBDIVIDED INTO 4 PORTIONS TO BE ALIENATED BY CLOSED TENDER TO THE OWNERS OF ERVEN 93, 95, 96, 98, 99, 1488 AND 2774 FRANSCHHOEK

WILLIE STEYN
Tch. Pln (B/8074/1998)
LAND USE PLANNER
0827572449
Copyright Reserved

ERF 35 FRANSCHHOEK

PLAN OF CLOSURE, REZONING, SUBDIVISION, ALIENATION

Ref.	Base Info
WM1	
Date	Scale
27/4/2021	1 : 750

N

POWER OF ATTORNEY AND DECLARATION

We, the undersigned

MICHAEL JOHN WALTERS
and
THELMA JANE BRYANT

from

40 DIRKIE UYS STREET
FRANSCHHOEK
(Domicilium citandi et executandi)

registered owners of

ERF 96 FRANSCHHOEK

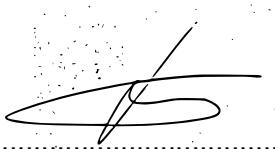
by virtue of Deed of Transfer No T24094/2017

authorise hereby **WILHELM JACOBUS STEYN Tch. Pln (B/8074/1998)** from 1 Flambeau Street North, Paarl

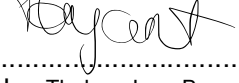
to apply on our behalf to purchase a portion of Erf 35 Franschhoek from Stellenbosch Municipality, to close, rezone and subdivide the aforementioned portion of Erf 35 Franschhoek and to consolidate the portion of land with Erf 96 Franschhoek and to attend to any matter in connection thereto on our behalf

and declare that we are am not aware of a) any pending court case(s) / order(s) relating to the properties and b) any land claim(s) registered against the properties

and that we are aware that development charges may be payable to the Stellenbosch Municipality in respect of the application.



..... 1/12/2020
Signed Michael John Walters Date



..... 1/12/2020
Signed Thelma Jane Bryant Date

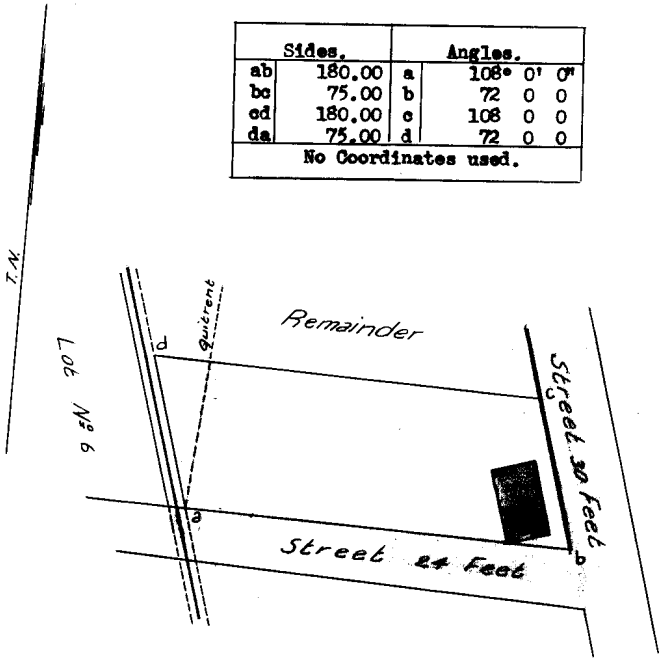
APPENDIX 3

S. G. Dgm. No. 2177/1893

The numerical data of this Diagram are sufficiently consistent.
No. 2177/1893.

(Sgd) J.J.Bosman,
Examiner,

Sides.		Angles.			
ab	180.00	a	108°	0'	0"
bc	75.00	b	72	0	0
cd	180.00	c	108	0	0
da	75.00	d	72	0	0
No Coordinates used.					



100 50 0 100 Cape Feet.

*Now Erf No. 93 Franschhoek.
The above Diagram a.b.c.d. represents 89 Square Roods 23 Square Feet being 82 Square Roods 131 Square Feet Freehold and 6 Square Roods 36 Square Feet Quitrent land, situate at French Hoek, Paarl Division,* part of the Erf marked Lot No.9 transferred in favor of Jephta Petrus and Isaac Petrus 17 July 1873 and still held by them.

Bounded N. by the Remaining Extent,
S. & E. by Street,
W. by an open space used for a water furrow.

Framed from actual survey by me

(Sgd) R.J.Moll,
Govt. Surveyor,
December,1893.

Copied from the diagram relating to
Transfer Deed No. 3897
16th July,1894. in favour of
Isaac Petrus.

M. M. Hagar
for SURVEYOR GENERAL.
CAPE TOWN.
25.5.1952.

CHECKED adP 14/7/10 S P

ERF 93
Comp. B1-7CA/X52
Ref.
A.J.V.

93

7.3.4	**REVISED AND CONSULTED MICRO-STRUCTURES FOR THE CORPORATE SERVICES (HUMAN RESOURCE MANAGEMENT AND LEGAL SERVICES) AND FINANCIAL SERVICES (SUPPLY CHAIN MANAGEMENT AND REVENUE AND EXPENDITURE SERVICES)**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT:REVISED AND CONSULTED MICRO-STRUCTURES FOR THE CORPORATE SERVICES (HUMAN RESOURCE MANAGEMENT AND LEGAL SERVICES) AND FINANCIAL SERVICES (SUPPLY CHAIN MANAGEMENT AND REVENUE AND EXPENDITURE SERVICES)

2. PURPOSE

To inform the Council of the revised and consulted micro-structures for the revised and consulted micro-structures for the **CORPORATE SERVICES (HUMAN RESOURCE MANAGEMENT AND LEGAL SERVICES) AND FINANCIAL SERVICES (SUPPLY CHAIN MANAGEMENT AND REVENUE AND EXPENDITURE SERVICES)**.

3. DELEGATED AUTHORITY

The delegated authority is Council.

4. EXECUTIVE SUMMARY

The review of the 2017/2019 micro-structures has been a standing item under "matters emanating" on the Local Labour Forum agenda since November 2020. Since then, various consultative engagements were held with the respective departments and directorates. These engagements resulted in revised structures, which were amended through consensus. In 2024 and 2025, the Employer, IMATU, and SAMWU reached agreement on the revised structures after thorough consultation. The structures were subsequently submitted to the Restructuring Working Group and endorsed for Council consideration.

5. RECOMMENDATION

That the revised/amended and consulted structures for the **Corporate Services (Human Resource Management and Legal Services) and Financial Services (Supply Chain Management and Revenue and Expenditure Services)** be approved.

6. DISCUSSION / CONTENTS

6.1 Background

The micro-structures initially approved by Council in 2017 and 2019 were identified for review and refinement to improve operational efficiency. Since 2020, this process has been actively pursued through consultation in the Local Labour Forum and Restructuring Working Group.

6.1.1 **DEPARTMENT HUMAN RESOURCE MANAGEMENT** (WITHIN THE CORPORATE SERVICES DIRECTORATE) – Annexure A

The department submitted their proposals during June 2024 and after several meetings and discussions between the parties it served at the Restructuring Working Group meeting on 6th June 2025. The parties agreed to the revised proposals and the Unions indicated that they would send correspondence to the Mayco should any need arises and concurred that the item can serve on June 2025 Council meeting.

6.1.2 **DEPARTMENT LEGAL SERVICES** (WITHIN THE CORPORATE SERVICES DIRECTORATE) Annexure B

The department submitted their proposals during March 2024 to the Municipal Manager and submitted same to the Restructuring Working Group on 24th April 2025. After several meetings and discussions between the parties it served at the Restructuring Working Group meeting again on 6th June 2025. The parties agreed to the revised proposals and the Unions indicated that they would send correspondence to the Mayco should any need arises and concurred that the item can serve on June 2025 Council meeting.

6.1.3 **DEPARTMENT SUPPLY CHAIN MANAGEMENT** (WITHIN THE FINANCIAL SERVICES DIRECTORATE) Annexure C

The department submitted their proposals during to the Restructuring Working Group meeting on 24th April 2025 and again on 6th June 2025 where it was consulted with the Unions. The parties agreed to the revised proposals and the Unions indicated that they would send correspondence to the Mayco should any need arises and concurred that the item can serve on June 2025 Council meeting.

6.1.4 **DEPARTMENT REVEUE AND EXPENDITURE** (WITHIN THE FINANCIAL SERVICES DIRECTORATE) Annexure D

The department submitted their proposals during to the Restructuring Working Group meeting on 24th April 2025 and again on 6th June 2025 where it was consulted with the Unions. The parties agreed to the revised proposals and the Unions indicated that they would send correspondence to the Mayco should any need arises and concurred that the item can serve on June 2025 Council meeting.

6.2 Financial Implications

There may be financial implications in terms of newly created positions, but this will be addressed through a costing exercise and in line with the currently available budget.

6.3 Legal Implications

There are no legal implications at this stage as the revision of the micro-structures were done in line with legislative prescripts and based on what is operationally more efficient and effective for the Municipality.

6.4 Staff Implications

There may be staff implications, but this will be addressed after final approval by Council and in terms of the placement process.

6.5 Previous / Relevant Council Approval

The 2017/2019 were respectively approved by Council on the 25th of October 2017 and 27th of February 2019.

6.6 Risk Implications

There may be risks in terms of placement, but this will be dealt with in terms of the Placement Process.

6.7 Comments from Senior Management

This item is supported by Senior Management.

APPENDICES A - E:

Annexure A REVISED STRUCTURES - HUMAN RESOURCE MANAGEMENT
Annexure B REISED STRUCTURES – LEGAL SERVICES
Annexure C REVISED STRUCTURES - SUPPLY CHAIN MANAGEMENT
Annexure D REVISED STRUCTURES – REVENUE AND EXPENDITURE

FOR FURTHER DETAILS CONTACT:

NAME	*Alexander Kannemeyer*
POSITION	*Senior Manager Human Resource Management*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021-808 8751*
E-MAIL ADDRESS	*Alexander. Kannemeyer@stellenbosch.gov.za*
REPORT DATE	*11TH May 2025*

ANNEXURE A-E

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER
Signature
25/10/2017
27/02/2019

APPROVED BY COUNCIL
Signature
____/____/2017

DIVISION: HUMAN RESOURCES MANAGEMENT (HRM)

PURPOSE: To render human resources management and support services to the municipality that will sustain the optimum utilisation of the municipality's human capital

FUNCTIONS:
1. Achieve maximum benefit from the talent potential of individuals within the organisation to enable the development and implementation of the talent and retention strategy for the municipality; ensure remuneration and development, implementation & maintenance of OEI services
2. Render an effective and efficient labour relations function and to ensure compliance with relevant labour legislation, collective agreements and council policy
3. Render occupational health, safety and employees wellness services
4. Render management and line function administrative support services

SNR MANAGER: HRM — Alexander Kannemeyer — CS/HRM/01

SECTION: ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:
1. Provide secretarial/ administrative/ logistical support services to the Manager
2. Administer and maintain HR database, contracts and records

~~ADMIN OFFICER~~ EXEC SECRETARY — Jannine Botha — CS/HRM/AS/01

OFFICE ASSISTANT/ ~~CLERK~~ — Vacant — CS/HRM/AS/02

ADMIN SUPPORT EXEC SECRETARY

OFFICE ASST CS/HRM/AS/02 (a)

CLERK Snr CS/HRM/TMO/AS/03 — moved from p.6

CLERK CS/HRM/TMO/AS/05 — moved from p.6

CONTRACTS BY (2)

SECTION: TALENT MANAGEMENT & ORGANISATIONAL EFFICIENCY/ IMPROVEMENT/ ENVIRONMENT (OEI)

PURPOSE: To achieve maximum benefit from the talent potential of individuals within the organisation to enable the development and implementation of the talent and retention strategy for the municipality; ensure remuneration and development, implementation & maintenance of OEI services

MANAGER: TALENT MANAGEMENT & ORGANISATIONAL EFFICIENCY IMPROVEMENT (OEI) — NEW POST — Vacant — CS/HRM/TMO/01

SEE PAGE 6

HR SPECIALIST: OEI CS/HRM/TMO/OE/01 — moved from p.6

SECTION: LABOUR RELATIONS

PURPOSE: To render an effective and efficient labour relations function and to ensure compliance with relevant labour legislation, collective agreements and council policy

FUNCTIONS:
1. Managing the labour relations function and provide a general administrative and advisory service to management and trade unions
2. Develop, implement and maintain sound labour relation policies and procedures, grievance procedures and disciplinary hearing processes
3. Studying and interpreting all relevant labour legislation and other available literature including case law reports and attend relevant labour law seminars
4. Case management with regard to grievances, disciplinary, incapacity, conciliation and arbitration cases

LR SPECIALIST — Mellony Zimri — CS/HRM/LR/01

H/O NEW

HR OFFICER — Zoella Amaldi — CS/HRM/LR/02 (b)

SNR CLERK — GODFREY MAMBO — CS/HRM/LR/03 (b)

SECTION: OCCUPATIONAL HEALTH & SAFETY (OHS)

PURPOSE: To render occupational health, safety and employees wellness services

FUNCTIONS:
1. Conduct health and safety inspections/ audits and safety meetings
2. Administer IOD claims
3. Coordinate occupational health and safety programmes, identify safety-training needs and nominate OHS representatives
4. Direct the municipality's employee wellness programmes in support of optimum achievement of a healthy working environment for the municipality
5. Coordinate counselling support to staff by selected institutions/ agencies

OHS SPECIALIST — Vacant — CS/HRM/OHS/01

ASST OHS OFFICER — Nwangeli Sheila Hlekiwa — CS/HRM/OHS/02 (c)

ASST OHS OFFICER — Ronia Harribi — CS/HRM/OHS/03 (c)

MUNICIPALITY STELLENBOSCH MUNISIPALITEIT — 2 SEP 2017

'Annexure A'

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

STELLENBOSCH

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25 / 10 /2017

27/02/2019

APPROVED BY COUNCIL

Signature

____/____/2017

SECTION
TALENT MANAGEMENT & ORGANISATIONAL EFFICIENCY IMPROVEMENT (OEI)

PURPOSE: To achieve maximum benefit from the talent potential of individuals within the organisation to enable the development and implementation of the talent and retention strategy for the municipality; ensure remuneration and development, implementation & maintenance of OEI services

FUNCTIONS:

1. Render human resources administration services: recruitment and selection, policies, systems, procedures and staff establishment
2. Facilitate / arrange / coordinate training interventions and implement and monitor career pathing, talent management and succession planning
3. Provide an effective personnel administration and benefit function
4. Ensure remuneration and development, implementation & maintenance of OEI services, norms and standards, services strategies, workforce planning, policies and employees performance appraisal system (EPAS)

MANAGER: TALENT MANAGEMENT & ORGANISATIONAL EFFICIENCY IMPROVEMENT (OEI) T
NEW POST Vacant CS/HRM/TMO/01

SNR MANAGER CS/HRM/01

SUB-SECTION
RECRUITMENT & SELECTION

PURPOSE: To render human resources administration services: recruitment and selection, policies, systems, procedures and staff establishment

FUNCTIONS:

1. Provide staff provisioning services: recruitment and selection, policies, systems, and procedures
2. Implement / administer / monitor the Employment Equity Plan (EE)
3. Administer staff establishment control system

HR SPECIALIST T
Lucretia CS/HRM/TMO/RS/01

SUB-SECTION
TRAINING & SKILLS DEVELOPMENT

PURPOSE: To facilitate / arrange / coordinate training interventions and implement and monitor career pathing, talent management and succession planning

FUNCTIONS:

1. Initiate and coordinate organisational development interventions
2. Compile, coordinate and implement skills development planning processes, Work Place Skills Plan (WSP), and ATR (Annual Training Plan), performing the functions of Skill Development Facilitator (SDF)
3. Administer Learnerships and RPL
4. Report on training implemented and funding applications to LGSETA and funds spent to Training Committee, LLF and LGSETA
5. Administer municipal bursaries
6. Implement and monitor career pathing, talent management and succession planning
7. Develop, implement and maintain sound training and skills development policies

HR SPECIALIST T
Joanne Petersen CS/HRM/TMO/TS/01

SUB-SECTION
HR ADMINISTRATION & BENEFITS

PURPOSE: To provide an effective personnel administration and benefit function

FUNCTIONS:

1. Provide HR administration and benefit function:
   i) Administer conditions of service, benefits, memberships, leave and terminations
   ii) Front desk assistance
   iii) Operate and update the HR system
   iv) Administration of attendance registers

HR SPECIALIST T
Trudene Bashoff CS/HRM/TMO/AB/01

SECTION
ORGANISATIONAL EFFICIENCY IMPROVEMENT (OEI)

PURPOSE: To ensure remuneration and development, implementation & maintenance of OEI services, norms and standards, services strategies, workforce planning, policies and employee performance appraisal system (EPAS)

FUNCTIONS:

1. Administer salary-advices / instructions to Finance (Payroll office)
2. Manage organisation design & business modelling
3. Coordinate culture & change management intervention
4. Administer job descriptions, strategic job pricing & evaluation system management
5. Develop and maintain an effective employee performance appraisal system (EPAS)

HR SPECIALIST T
NEW POST Vacant Alidu - CS/HRM/TMO/OE/01

move to p5 under Manager: TMO

(a) (b) (c) (d)

HR OFFICER Evan T
Lynette Kannemeyer CS/HRM/TMO/RS/02

CLERK Lisa T
CS/HRM/TMO/RS/03

HRD NEW

HR OFFICER T
Michelle Hangeveldt CS/HRM/TMO/TS/02

PRINCIPAL CLERK T
CS/HRM/TMO/TS/03

INTERNS

HR offices

HR OFFICER: ADMINISTRATION T
Edmund Hangeveldt CS/HRM/TMO/AB/02

HR OFFICER: ADMINISTRATION T
Phelisiwe Bangoza CS/HRM/TMO/AB/04

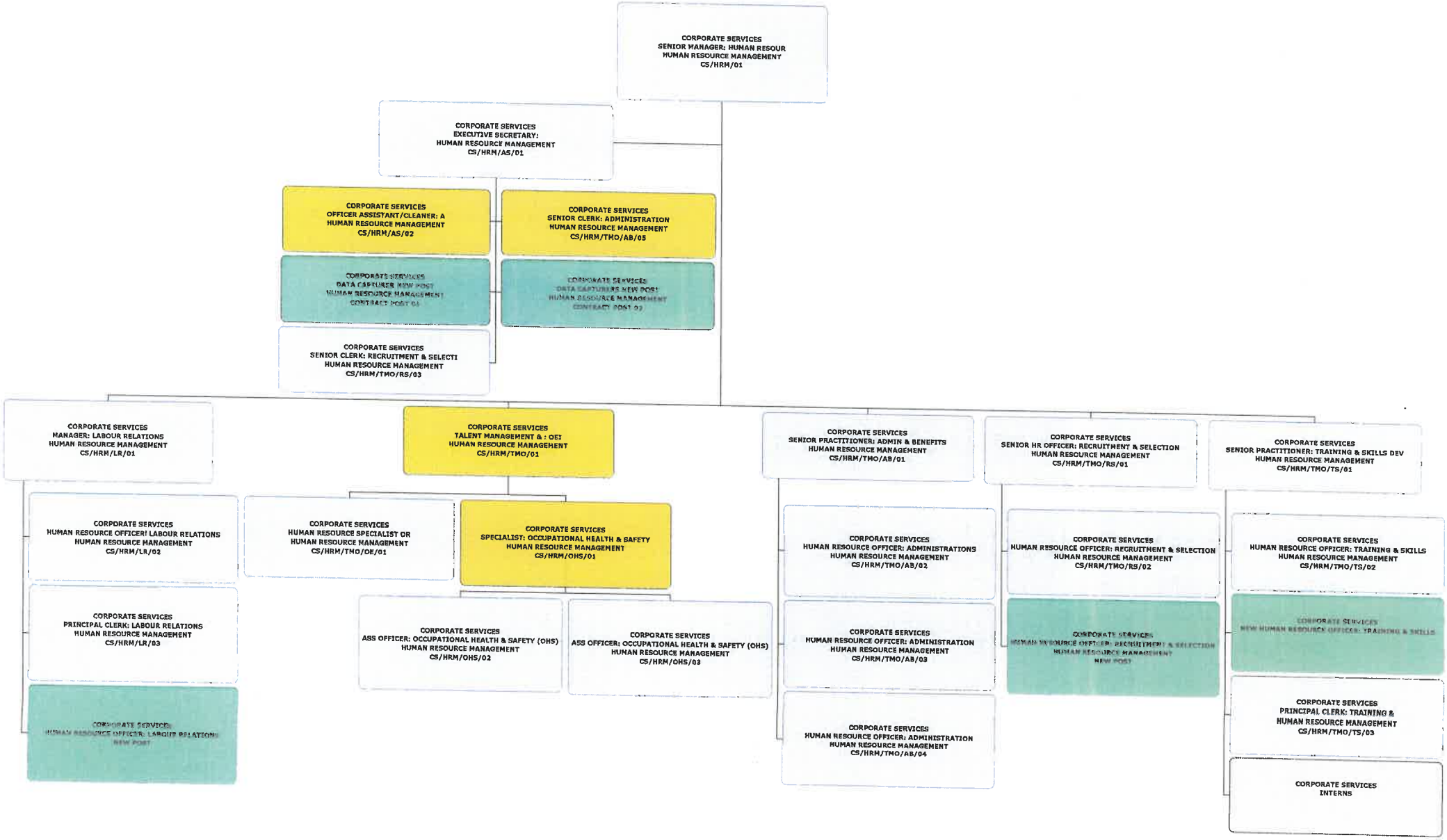
HR OFFICER: ADMINISTRATION T
Sizeka Yolisa CS/HRM/TMO/AB/03

SNR CLERK T
Vacant CS/HRM/TMO/AB/05

MUNISPALITEIT / MUNICIPALITY
MENSLIKE HULPBRONNE/BESTUUR
HUMAN RESOURCES MANAGEMENT
25 SEP 2019
STELLENBOSCH

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE CORPORATE SERVICES



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STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY
MUNICIPAL MANAGER
Signature
25 / 10 /2017
27/ 02/2019

APPROVED BY COUNCIL
STELLENBOSCH
Signature
____/____/2017

DIRECTORATE
CORPORATE SERVICES
PURPOSE: To provide corporate services to the institution in support of efficient organisational and administrative processes
FUNCTIONS:
1. Provide administrative support services to the institution enabling proficient administrative practices and procedures
2. Render human resources management and support services to the municipality that will sustain the optimum utilisation of the municipality's human capital
3. Provide effective and efficient information and communication technology services
4. Manage the offices of the political office bearers to ensure coordinated, efficient and effective administrative and support services
5. Render properties and facilities management administrative processes in respect of all land and property transactions and maintain all municipal buildings
6. Ensure the organisation is conforming with, or eligible for, contractual obligations, government regulations, laws, or licenses and permits
7. Provide municipal court agency services
8. Render management and line function executive support services to the directorate
DIRECTOR: CORPORATE SERVICES — SECT. 57
Anna de Beer — CS/01

SECTION
PURPOSE: To render management and line function executive support services to the directorate
FUNCTIONS:
1. Provide executive support services
2. Provide logistic/ secretarial support services
3. Provide planning, research, analyses and reporting services to the Director
SNR ADMIN OFFICER
Akhona Mdunzana — CS/ES/01

PERSONAL ASISSTANT
Roneta Petersen — CS/ES/02

DIVISION
services to the institution enabling proficient administrative practices and procedures
SNR MANAGER: ADMINISTRATIVE SUPPORT SERVICES
NEW POST — Vacant
CS/ASS/ES/01
SEE PAGE 3

DIVISION
and support services to the municipality that will sustain the optimum utilisation of the municipality's human capital
SNR MANAGER: HRM
Alexander Kammeyer — CS/HRM/01
SEE PAGE 5

DIVISION
PURPOSE: To provide effective and efficient information and communication technology services
SNR MANAGER: ICT
[illegible] — CS/ICT/01
SEE PAGE 7

SECTION
COUNCILLOR'S SUPPORT
political office bearers to ensure coordinated, efficient and effective administrative and support services
MANAGER: COUNCILLOR'S SUPPORT
Donavan Muller — CS/CS/01
SEE PAGE 8

SECTION
PURPOSE: To render properties and facilities management administrative processes in respect of all land and property transactions and maintain all municipal buildings
MANAGER: PROPERTIES MANAGEMENT & T
MUNICIPAL BUILDING MAINTENANCE
[illegible] — CS/PMBM/01
SEE PAGE 9

SECTION
LEGAL & COMPLIANCE SERVICES
PURPOSE: To ensure the organisation is conforming with, or eligible for, contractual obligations, government regulations, laws, or licenses and permits
FUNCTIONS:
1. Ensure legal and regulatory compliance to improve the organisational and regulatory environment
2. Provide legal guidance regarding ESTA evictions in order to ensure that the municipality operate within the legal parameters of the country
3. Provide legal opinions on by-laws
CHIEF LEGAL ADVISOR
Mervin Williams — CS/LCS/01

SAO LEGAL
SNR CLERK
NEW POST — Vacant — CS/LCS/02
INTERN.

SECTION
MUNICIPAL COURT
PURPOSE: To provide municipal court agency services
FUNCTIONS:
1. Provide an effective, efficient, independent and accountable prosecution service
2. Ensure prosecutorial service operations and standard compliance
3. Provide by-law prosecution services
4. Provide representation services
5. Provide court administration services
MANAGER: MUNICIPAL COURT
Vacant — CS/MC/01

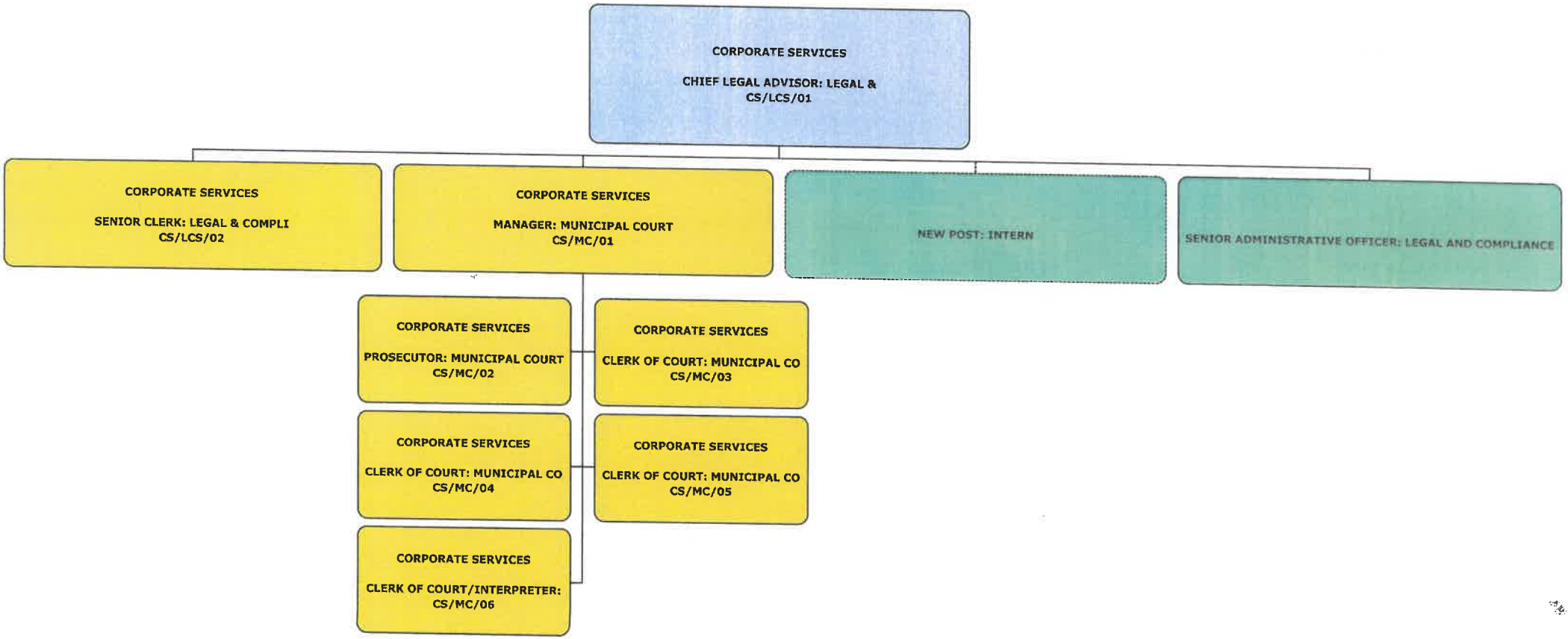
PROSECUTOR — CS/MC/02
CLERK OF COURT — CS/MC/03
CLERK OF COURT — CS/MC/04
CLERK OF COURT — CS/MC/05
CLERK OF COURT/ INTERPRETER — CS/MC/06

MUNISIPALITEIT STELLENBOSCH
MENSLIKE HULPBRONNE
25 SEP 2017

ANNEXURE B

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE
CORPORATE SERVICES



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PROPOSED MICRO STRUCTURE - 21 SEP 2017

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DIVISION
SUPPLY CHAIN MANAGEMENT (SCM)

PURPOSE: To manage supply chain management (SCM) services to ensure proper systems, policies, procedures and control for demand, acquisition, logistics, assets and disposal management

FUNCTIONS:

1. Render a demand management service
2. Render an acquisition management service
3. Administer and perform SCM procurement contract and tender administration
4. Render management and line function administrative support services

SNR MANAGER: SCM T
D. Jacobs FS/SCM/01.

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

~~P. Engelbrecht~~ **SNR CLERK** T
FS/SCM/AS/01

Office Assistant
- Cleaning of offices
- Filing
- Messenger

1. Pool.
FS/SCM/AS/02.

SECTION
DEMAND MANAGEMENT

PURPOSE: To render a demand management service

~~SNR ACCOUNTANT~~ Manager Demand MANAGER
B. Louw FS/SCM/DM/01.

SEE PAGE 26

SECTION
ACQUISITION MANAGEMENT

PURPOSE: To render acquisition management services MANAGER:

~~SNR ACCOUNTANT~~ T
FS/SCM/AM/01

JANIE-LEIGH BRUCE ALEXANDER

SEE PAGE 27

SECTION
TENDER & CONTRACT ADMINISTRATION

PURPOSE: To administer and perform contract and tender administration

FUNCTIONS:

1. Administer tender administration, conditions of contracts and CIDB
2. Perform contracts, risks and performance management processes
3. Implement effective systems for contract, performance and risk management
4. Develop legal framework for contract management and administration
5. Monitor and report on contracts

SNR ACCOUNTANT T
NEW POST DONALD BRUINTJIES FS/SCM/TCA/01

Snr. Proffesional SCM Officer Contract Management
FS/SCM/TCA/04

VACANT

Clerk (New Post) T

CLERK CARLIN T
NEW POST VAN DER COLFF
FS/SCM/TCA/02

Clerk (New Post) T

CLERK AMY T
NEW POST WILLIAMS
FS/SCM/TCA/03

25 SEP 2019

25

Annexure C

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STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

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25 / 10 /2017
27/02/2019

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Signature
____/____/2017

SECTION
DEMAND MANAGEMENT

PURPOSE: To render a demand management service

FUNCTIONS:

1. Compile annual demand management plan
2. Develop procurement strategy
3. Perform needs analyses
4. Perform expenditure analysis with respect to payments, quotations and bids
5. Compile specifications and terms of reference
6. Maintain supplier database, perform market research and sourcing of suppliers
7. Perform commodity analysis
8. Render bid administrative support function to bid committees and maintain bid registers

SNR ACCOUNTANT T
B. Louw FS/SCM/DM/01
NEW

SNR CLERK: SCM DATABASE T
N. Hamilton
FS/SCM/DM/02

SNR CLERK: SCM DATABASE T
Vacant
FS/SCM/DM/03

SCM PROFESSIONAL: T
~~TENDER DOCUMENT~~
COMPLIANCE
DEMAND MANAGEMENT
HAIDEN ANNSTER
FS/SCM/DM/04

CLERK: DEMAND MANAGEMENT NEW POST T
MAGDALENE STEYAFF
FS/SCM/DM/05

SNR CLERK SASCHA DAVIDS T
NEW POST
FS/SCM/DM/06

SNR CLERK T
NEW POST LAUREN CAROLUS
FS/SCM/DM/07

25 SEP 2019

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Signature

____/____/2017

SECTION
ACQUISITION MANAGEMENT

PURPOSE: To render acquisition management services

FUNCTIONS:

1. Render acquisition management services for purchases above R30000
2. Render acquisition management services for purchases from R0 to R200000
3. Provide tender evaluations services for bids above R200000
4. Coordinate, control and apply logistics and disposal management practices and procedures in order to administer and manage the receipt , safeguarding and issuing of store items

~~CHIEF ACCOUNTANT~~ Manager

JANIE-LEIGH BRUCE FS/SCM/Am/01

SUB-SECTION
ACQUISITION MANAGEMENT
(ABOVE R30 000)

PURPOSE: To render acquisition management services for purchases above R30 000

FUNCTIONS:

1. Formulate, implement and monitor the annual demand management plan (inclusive of strategic and operational procurement plan)
2. Process and apply bid systems to solicit responses in the form of quotations from suppliers/ vendors or service providers
3. Perform procurement function for department (inclusive of transversal bids) and facilitate the emergency procurement process
4. Execute procurement process compliance
6. Administer concluded contracts, interact with departments to establish conformance with specifications, terms and conditions and related legal aspects
7. Perform Bid operations, compilation, evaluation, adjudication, administration, maintenance of bid registers and bid reporting

ACCOUNTANT

NEW POST

SCM PRACTIONER

SCM PRACTIONER

SCM PRACTIONER

SUB-SECTION
ACQUISITION MANAGEMENT
(R0-R200 000)

PURPOSE: To render acquisition management services for purchases from R0 to R200 000

FUNCTIONS:

1. Coordinate and control procurement and/ or purchasing sequences
2. Confirm capacity and capability of suppliers to meet specific requirements
3. Monitor compliance and perform supplier audits and performance evaluation
4. Collate and verify transactional documentation (requisitions, delivery notes,)
5. Provide detailing report on outstanding/ back orders and re-order status
6. Analyze inventory schedules to determine critical needs

CHIEF BUYER

NEW POST J. Stanfield FS/SCM/Am/05

Principal Clerk: Purchasing

BUYER B. Dolomba FS/SCM/Am/02

BUYER

BUYER FS/SCM/Am/03

BUYER FS/SCM/Am/04

Principal Clerk: Purchasing

Assistant BidCommittee

SUB-SECTION
TENDER EVALUATIONS
(ABOVE R200 000)

PURPOSE: To provide tender evaluations services for bids above R200 000

FUNCTIONS:

1. Decide on the manner in which the market will be approached
2. Establish the total cost of ownership of a particular type of asset
3. Ensure that bid documentation is complete, including evaluation criteria
4. Evaluate bids in accordance with published criteria
5. Ensure that proper contract documents are signed
6. Ensure that bids be evaluated in accordance with the criteria specified in the bid specifications

SNR SCM PROFESSIONAL

NEW POST JACQUELINE ARENDS FS/SCM/TE/01

SCM PROFESSIONAL

NEW POST A. Bergstedt FS/SCM/TE/02

SCM Practitioner: Bid & FC Professional

J. Williams FS/SCM/TE/03

SCM PROFESSIONAL

NEW POST G. Kruikamp FS/SCM/TE/04

SCM Clerk: Bid Commitees

I. THESEN FS/SCM/TE/05

25 SEP 2019

SECTION
STORES & DISPOSAL MANAGEMENT

PURPOSE: To coordinate, control and apply logistics and disposal management practices and procedures in order to administer and manage the receipt , safeguarding and issuing of store Items

FUNCTIONS:

1. Apply logistics management practices
2. Execute prescribed procurement practices, orders, requisitions, assessing patrons' needs, dispatch goods
3. Administer and control specific accounting procedures associated with disposal management
4. Administer the disposal of obsolete items/ goods and maintain a database of redundant materials/ goods

ACCOUNTANT Stores & Disposals FS/SCM/SDM/01

see changes

Buyer VACANT FS/SCM/SDM/02

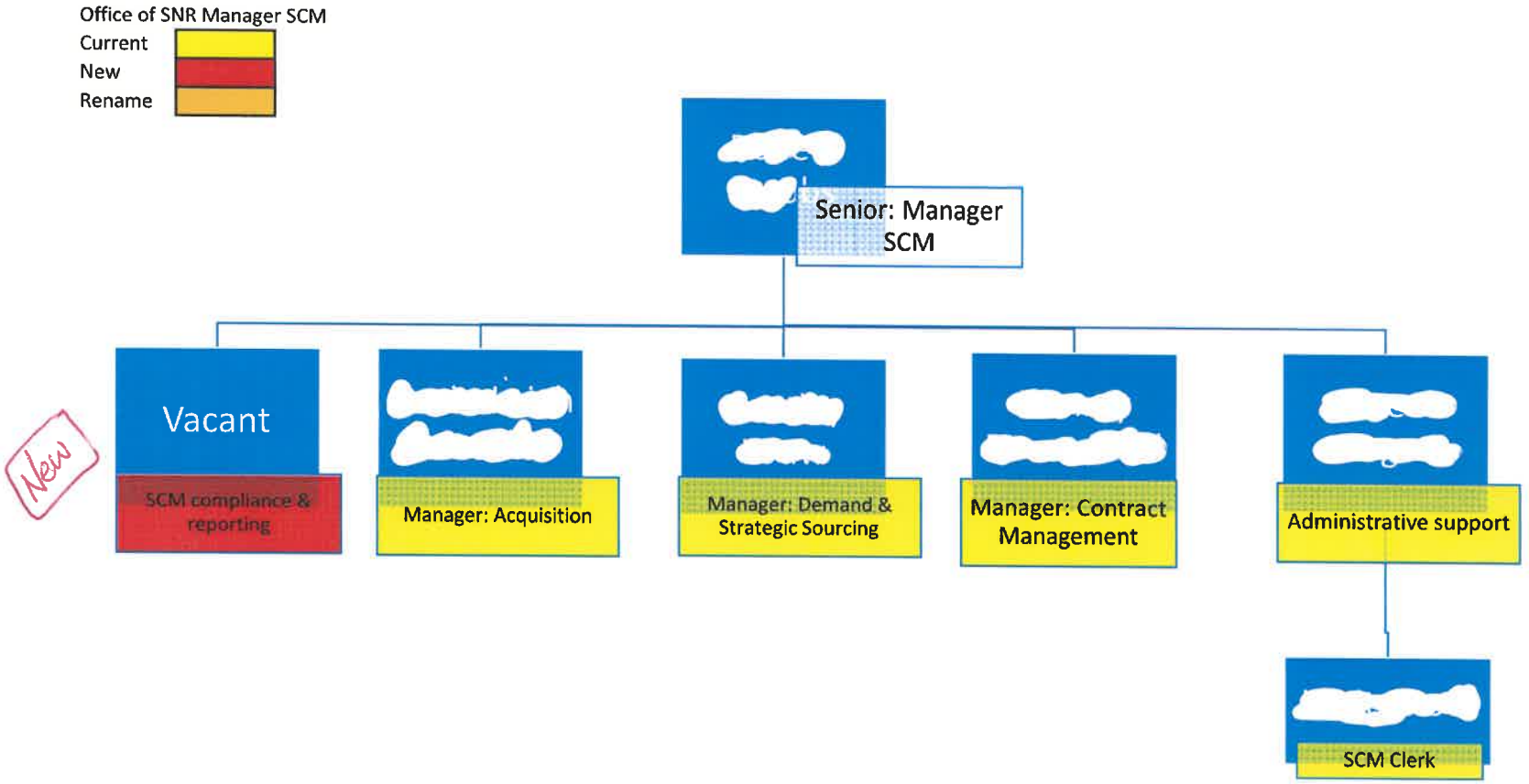
STORES ADMINISTRATOR Robyn Loeks FS/SCM/SDM/03

STORES ASSISTANT J. Wollow FS/SCM/SDM/04

STORES ASSISTANT VACANT FS/SCM/SDM/05

SCM Practitioner (Stores) Assistant Accountant Stores CARLYANNE BORRAINE FS/SCM/SDM/06

Principle Clerk 27 Amy Kleinhans ?

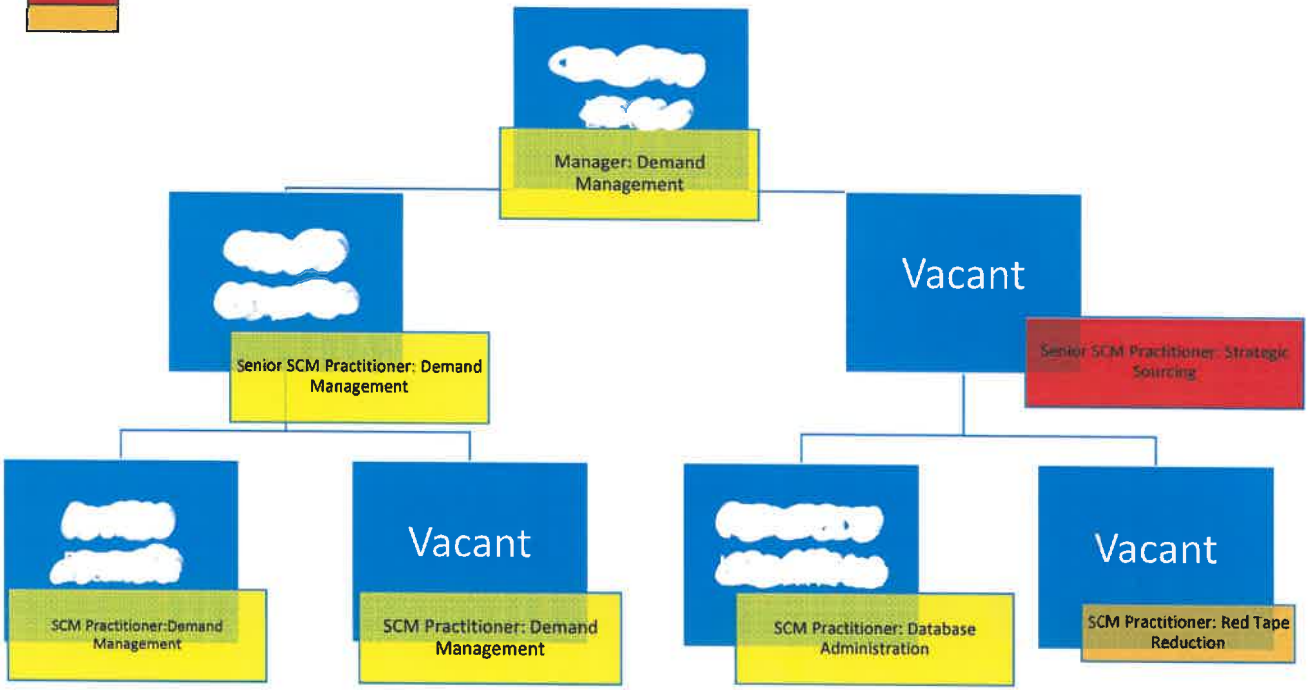


P.25.

Annexure C

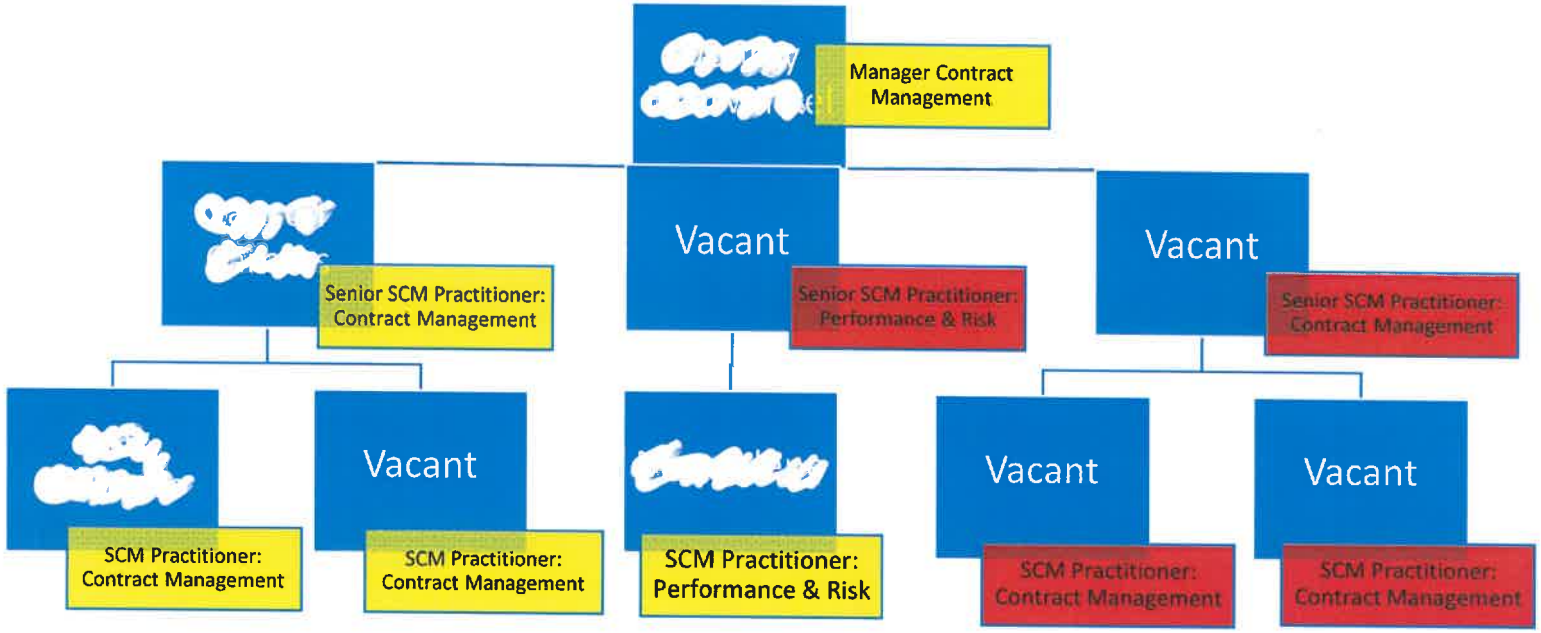
Demand Management and Strategic Sourcing Unit

Current
New
Rename



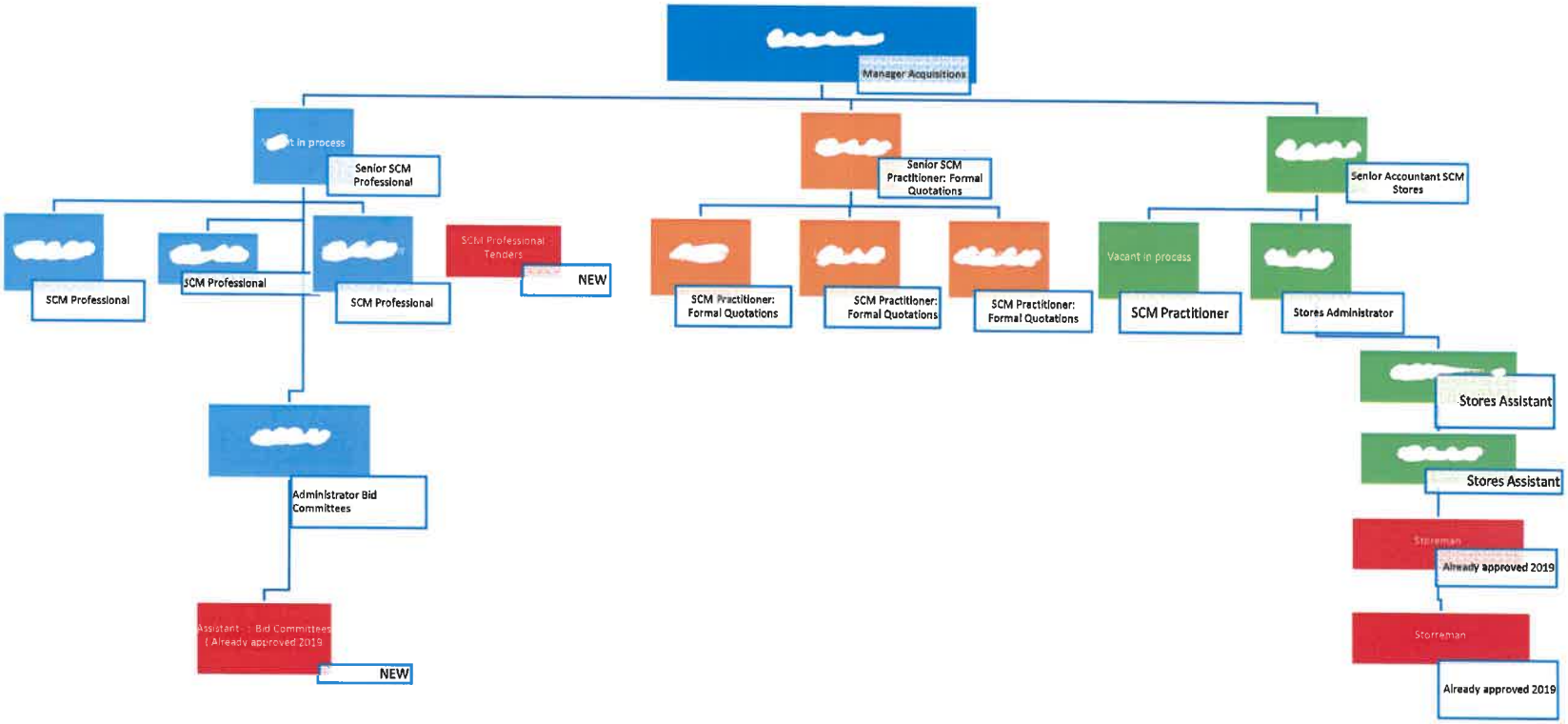
P. 26.

Contract Management



p.25

Acquisition Management



p. 27.

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STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER
Signature
25/10/2017
27/02/2019

STELLENBOSCH

APPROVED BY COUNCIL
Signature
____/____/2017

DIVISION
REVENUE & EXPENDITURE

PURPOSE: To implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance, and ensure recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions

FUNCTIONS:

1. Implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance
2. Ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions
3. Render management and line function administrative support services
4. Implement revenue protection processes and procedures

SNR MANAGER: REVENUE & EXPENDITURE
HENRY MITCHELL FS/RE/01 ①

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER P. Ndlebe FS/RE/AS/01

OFFICE ASSISTANT/ CLEANER
P. Bowtshi FS/RE/AS/02

OFFICE ASSISTANT/ CLEANER T
~~E. Willemse~~ FS/RE/AS/03 Vacant

SECTION
REVENUE

PURPOSE: To implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance

MANAGER: REVENUE ②
JP. Wagener FS/RE/REV/01

SEE PAGE 16

SECTION
EXPENDITURE

PURPOSE: To ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions

MANAGER: EXPENDITURE ③
NA. SONDLO FS/RE/EXP/01

SEE PAGE 23

MUNICIPALITY ... MENSLIKE HULPBRONNE-BESTUUR
25 SEP 2019

'Annexure D'

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STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

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25/10/2017
27/02/2019

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Signature
___/___/2017

SECTION
REVENUE

PURPOSE: To implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance

FUNCTIONS:

1. Implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance
2. Ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions
3. Render management and line function administrative support services

MANAGER: REVENUE
J.P. Wagener FS/RE/REV/01 ?

SUB-SECTION
CONSUMER ACCOUNTS & VALUATIONS

PURPOSE: To administer billing, rates and taxes and property valuations in accordance with legislative prescripts and coordinate customer care management services

CHIEF ACCOUNTANT ALICIA WATERS T
...? FS/RE/REV/CAV/01

SEE PAGE 17

SUB-SECTION
CASH MANAGEMENT & CREDIT CONTROL

PURPOSE: To manage and administer cashiering, receipting, credit control policy and procedures in accordance with regulations and Council

SNR ACCOUNTANT T
J. Pietersen FS/RE/REV/CMC/01

SEE PAGE 19

SUB-SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER ? T
NEW POST Vacant FS/RE/REV/AS/01

FILING CLERK ...? / MARIE ARNOLDS T
NEW POST FS/RE/REV/AS/02

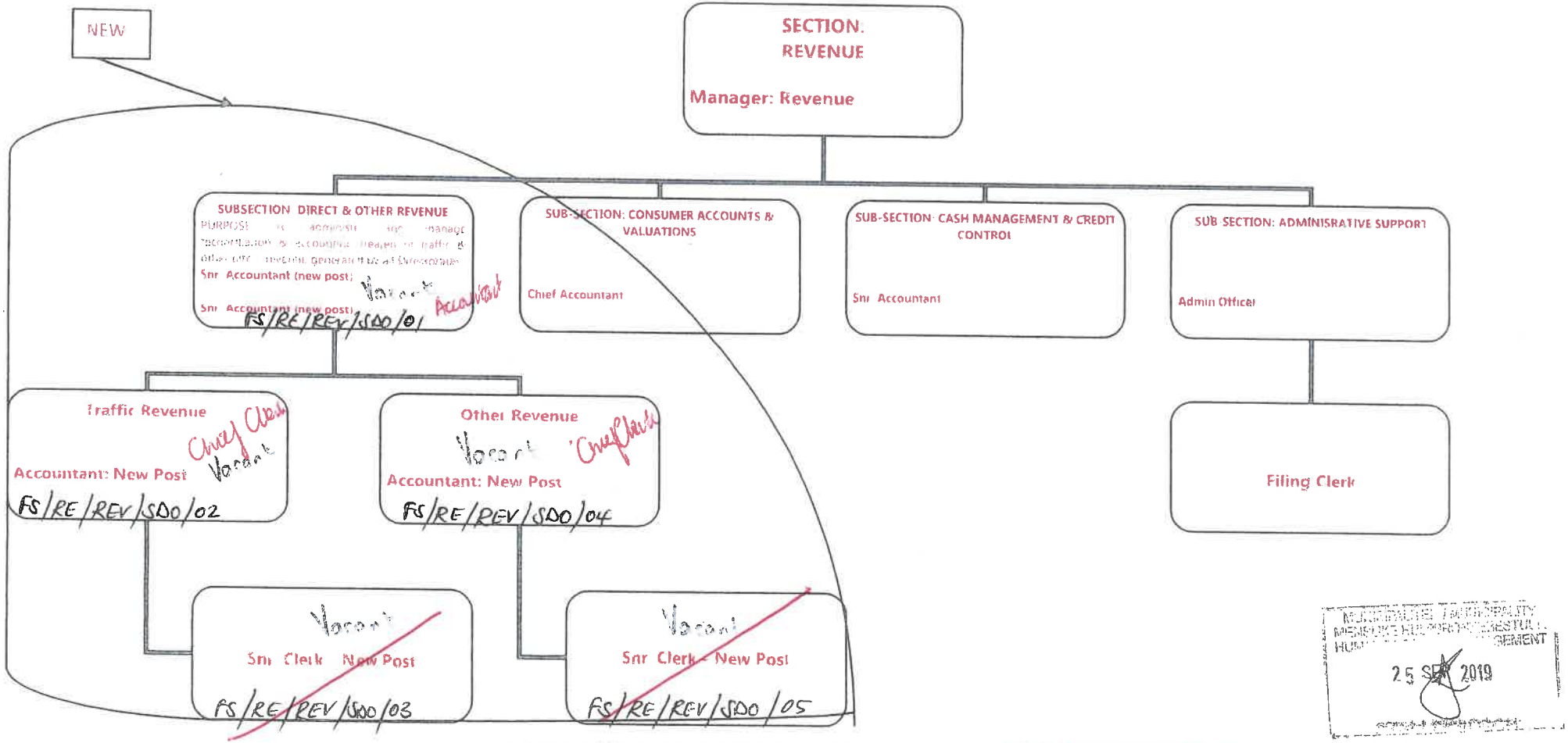
SUB-SECTION
DIRECT & OTHER REVENUE

Senior Accountant:
See p 16A
FS/RE/REV/SDO/01 D Vacant

MUNICIPALITY / MUNISIPALITEIT
MENSLIKE HULPBRONBESTUUR
HUMAN RESOURCE MANAGEMENT
25 SEP 2019

16

FURTHER TO PAGE 16



MUNICIPAL MUNICIPALITY
MENSURE HUMAN RESOURCES MANAGEMENT
25 SEP 2019

NOTES

S64 (2)(h) of MFMA stipulates that all revenue received must be reconciled on a weekly basis. This is not currently happening and the various Directorates are not taking responsibility for it.

Finance: Revenue will take responsibility and will require a new Sub-section to be created as indicated above.

Page 16 A

25/10/2017
27/02/2019
16.(a)

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Signature
25/10/2017
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SUB-SECTION
CONSUMER ACCOUNTS & VALUATIONS

PURPOSE: To administer billing, rates and taxes and property valuations in accordance with legislative prescripts and coordinate customer care management services

FUNCTIONS:
1. Provide meter reading, water and electricity billing services
2. Administer rates and taxes
3. Administer valuations in accordance with legislative prescripts

CHIEF ACCOUNTANT Alicia Luiters — FS/RE/REV/CAV/01 — T

METER READING, TRADING & BILLING SERVICES

PURPOSE: To provide meter reading, water and electricity billing services

ACCOUNTANT — T
M.F. Kopydenberg
FS/RE/REV/CAV/MRTB/01

SEE PAGE 18

RATES & TAXES

PURPOSE: To administer rates and taxes

FUNCTIONS:
1. Assist with compilation of statistics; check journals and data changes; approve and check customer tariffs and perform special rating area functions
2. Accurate levying of fixed municipal rates and taxes according to council's By-Laws
3. Ensuring levying of rates and taxes in accordance with rates policy in order to maintain and extend council tax base
4. Ensure the levying of service charges e.g. sewerage and refuse
5. Ensuring the regular reconciliation of rates and taxes accounts against valuation roll
6. Issuing of clearances
7. Maintain Council's property owners system and balance erf sale register
8. Administer revenue protection processes and procedures
9. Administer and ensure compliance by both parties with Financial Agreements signed between municipality and SRA(s):
   i) Debtor administration pertaining to SRAs
   ii) Reporting and statistics with regards to SRA
   iii) Financial administration with regards to SRAs

ACCOUNTANT — T
Yolanda Lisa
FS/RE/REV/CAV/RT/01

SRA

CHIEF CLERK L. Pathiway — T
FS/RE/REV/CAV/RT/02

SNR CLERK Vacant — T
FS/RE/REV/CAV/RT/04

SNR CLERK — T
FS/RE/REV/CAV/RT/03

CLERK — T
FS/RE/REV/CAV/RT/05

SNR CLERK — T
NEW POST KS: Rhode
FS/RE/REV/CAV/RT/06

CLERK F. Benjamin — T
FS/RE/REV/CAV/RT/08

CLERK Senior Clerk — T
NEW POST Vacant
FS/RE/REV/CAV/RT/07

VALUATIONS

PURPOSE: To administer valuations in accordance with legislative prescripts

FUNCTIONS:
1. Administer all valuated properties within the municipality for purposes of levying rates
2. Prepare, certify and submit valuation roll
3. Apply consultation and objection procedures
4. Provide administrative support regarding valuation matters
5. Directs the processes of general and supplementary valuations
6. Administer and maintain financial procedures regarding property valuation
7. Maintain the property register
8. Liaise with Valuer

SNR VALUATION OFFICER — T
M. Blaauw
FS/RE/REV/CAV/VA/01

SNR CLERK Valuations — T
E. Standover
FS/RE/REV/CAV/VA/02

25 SEP 2019

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PROPOSED MICRO STRUCTURE - 21 SEP 2017

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25/10/2017

27/02/2019

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Signature

____/____/2017

METER READING, TRADING & BILLING SERVICES

PURPOSE: To provide meter reading, water and electricity billing services

FUNCTIONS:

1. Billing, debtors accounts, generate accounts and journals
2. Administer and manage meter reading services, download meter reader units, generate electronic reports, interdepartmental charges, manage meter reading routes, service charges, cut-off lists, cutting off and switching on meters; readings for new applications & disconnection.
3. Prepare refunds on remaining credits and deposits on closed accounts
4. Reconciliation of the monthly movements with ledger in relation to the relevant votes
5. Administer water & electricity records; water & electricity consumption; bulk meter readings; process final accounts trial billing runs
6. Revenue protection through physical inspections
7. Handle queries and complaints from the general public in respect of accounts; service applications/disconnections; correctness of water and electricity records
8. Administer revenue protection processes and procedures

ACCOUNTANT
F. Koegelenberg FS/RE/REV/CAV/MRTB/01

CUSTOMER CARE, ENQUIRIES, LIAISON, WATER & ELECTRICITY
CHIEF CLERK Vacant T FS/RE/REV/CAV/MRTB/02

STELLENBOSCH
SNR CLERK JP. September T FS/RE/REV/CAV/MRTB/03
CLERK T FS/RE/REV/CAV/MRTB/04
CLERK T FS/RE/REV/CAV/MRTB/05
CLERK Vacant T FS/RE/REV/CAV/MRTB/06

FRANSCHHOEK
SNR CLERK N. Erasmus T FS/RE/REV/CAV/MRTB/07
CLERK NEW POST Vacant T FS/RE/REV/CAV/MRTB/08

PNIEL
SNR CLERK Vacant T FS/RE/REV/CAV/MRTB/09
CLERK NEW POST Vacant T FS/RE/REV/CAV/MRTB/10

KLAPMUTS
SNR CLERK T
NEW POST Vacant FS/RE/REV/CAV/MRTB/11
CLERK NEW POST Vacant T FS/RE/REV/CAV/MRTB/12

WATER & ELECTRICITY
FS/RE/REV/CAV/MRTB/13
Snr. Clerk F. Benjamin
SNR CLERK J. RENE T FS/RE/REV/CAV/MRTB/14
SNR CLERK T FS/RE/REV/CAV/MRTB/15
SNR CLERK T
NEW POST N. DODA FS/RE/REV/CAV/MRTB/16

METER READING
SNR CLERK A. Retyu T FS/RE/REV/CAV/MRTB/18
CLERK NEW POST Vacant T FS/RE/REV/CAV/MRTB/19
CHIEF METER READER F. Mfinyezane T FS/RE/REV/CAV/MRTB/20
SNR CLERK L. NDEVU T FS/RE/REV/CAV/MRTB/17
SNR CLERK T
NEW POST
METER READER G. Gallagher T FS/RE/REV/CAV/MRTB/21
METER READER T FS/RE/REV/CAV/MRTB/22
METER READER T FS/RE/REV/CAV/MRTB/23
METER READER T FS/RE/REV/CAV/MRTB/24
METER READER T FS/RE/REV/CAV/MRTB/25
METER READER T FS/RE/REV/CAV/MRTB/26
METER READER T FS/RE/REV/CAV/MRTB/27
METER READER T FS/RE/REV/CAV/MRTB/28

25 SEP 2019

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25/10/2017

27/02/2019

APPROVED BY COUNCIL

Signature

____/____/2017

SUB-SECTION
CASH MANAGEMENT & CREDIT CONTROL

PURPOSE: To manage and administer cashiering, receipting, credit control policy and procedures in accordance with regulations and Council

FUNCTIONS:

1. Administer sundry debtors, cashiering and receipting
2. Administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management
3. Administer credit control policy and procedures, indigent and legal actions in accordance with regulations and Council policies

SNR ACCOUNTANT T

J. Pietersen FS/RE/REV/CMC/01

SUNDRY DEBTORS & CASHIERS

PURPOSE: To administer sundry debtors, cashiering and receipting

ACCOUNTANT T

L. Walters FS/RE/REV/CMC/SBC/01

SEE PAGE 20

CREDIT CONTROL & PRE LEGAL DISCONNECTIONS

PURPOSE: To administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management

ACCOUNTANT T

L. Marechal FS/RE/REV/CMC/CCO/01

SEE PAGE 21

INDIGENT & PRE-LEGAL SERVICES

PURPOSE: To administer credit control policy and procedures, indigent and legal actions in accordance with regulations and Council policies

ACCOUNTANT T

S. Jacobs FS/RE/REV/CMC/IND/01

SEE PAGE 22

SNR CREDIT CONTROL - VERN

CHIEF

SNR

25 SEP 2019

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STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

STELLENBOSCH

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25 / 10 /2017

27/02/2019

APPROVED BY COUNCIL

Signature

____/____/2017

SUNDRY DEBTORS & CASHIERS

PURPOSE: To administer sundry debtors, cashiering and receipting

FUNCTIONS:

1. Administer sundry income in accordance to signed contracts and Council's by laws
2. Printing and posting of sundry accounts and diverse debtors
3. Administer collections with respect to housing scheme, perform general financial administration, compile rental and service tariffs, reconcile long term debtors, selling and rental schemes and capital unsold units
4. Receipting, capture financial transactions, receive monies, cashier services, assistance to the public, income protection and control , financial control procedures and administration of the council's Pay points
5. Ensure revenue protection through physical inspections
6. Handle queries and complaints from the general public in respect of accounts

ACCOUNTANT T
L. Walters FS/RE/REV/CMC/SBC/01

Chief Clerk

SUNDRY DEBTORS
SNR CLERK T
N. Erasmus
FS/RE/REV/CMC/SBC/02

Senior Clerk
T L.V. Scholtwyk FS/RE/REV/CMC/SBC/03

3RD PARTY & ELECTRONIC PAYMENTS

SNR CLERK T N. Ntopone FS/RE/REV/CMC/SBC/04

SNR CLERK T S. de Clerk FS/RE/REV/CMC/SBC/05

Snr Clerk.

CASH CONTROL
SNR CLERK Principal Clerk T
U. Toutie FS/RE/REV/CMC/SBC/06

STELLENBOSCH

CASHIER/CLERK Cashier
JA. Williams FS/RE/REV/CMC/SBC/07

CASHIER/CLERK Cashier
E. Beukes FS/RE/REV/CMC/SBC/08

CASHIER/CLERK Cashier
A. Hendricks FS/RE/REV/CMC/SBC/09

PNIEL

CASHIER/CLERK Cashier
A. Petersen FS/RE/REV/CMC/SBC/10

FRANSCHHOEK

CASHIER/CLERK Cashier
C George FS/RE/REV/CMC/SBC/11

KLAPMUTS

CASHIER/CLERK NWASHANT T
NEW POST
FS/RE/REV/CMC/SBC/12

KYAMANDI

CASHIER/CLERK T
ENQUIRIES
NEW POST Account
FS/RE/REV/CMC/SBC/13

MUNICIPAL MANAGEMENT
25 SEP 2019

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25/10/2017

27/02/2019

APPROVED BY COUNCIL

CREDIT CONTROL & DEBT COLLECTION/PRE LEGAL DISCONNECTIONS

PURPOSE: To administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management

FUNCTIONS:

1. **Maintain Council's debtor's arrangement file system**
2. **Recommend disconnections & reconnections**
3. **Admin & maintenance of notices and reminders for debtors accounts up to 60 days**
4. **Identification of potential write-offs**
5. **Control & maintain Council's debtor files**
6. **Liaison with internal and external parties**

ACCOUNTANT L. Marechal FS/RE/REV/CMC/CCD/01 T

Additional Functions:

- Liaise with outside providers regarding credit control
- Manage outstanding accounts
- Generating and coordinating notices & final demand letters
- Generating hand overs to attorneys (lists)
- Maintain and supervise hand-over system
- Administration of processes i.t.o. debtors
- Recommendations for write-off.

Pre-Legal Services

Snr. Clerk RICHARD SECONDS FS/RE/REV/CMC/CCD/02

Clerk L. Joop FS/RE/REV/CMC/CCD/03

CREDIT CONTROL

SNR CLERK T

~~Vacant~~ L.N. [illegible] FS/RE/REV/CMC/CCD/04

CLERK T T. Hani FS/RE/REV/CMC/CCD/05

CLERK T ~~Vacant~~ I Pieters FS/RE/REV/CMC/CCD/06

DISCONNECTIONS & RECONNECTIONS

CLERK/ FIELDWORKER T L. Qulu FS/RE/REV/CMC/CCD/07

CLERK/ FIELDWORKER T Vacant FS/RE/REV/CMC/CCD/08

CREDIT CONTROL & DISCONNECTIONS (PRE-PAID)

SNR CLERK T Vacant FS/RE/REV/CMC/CCD/09

CLERK NEW POST Vacant T FS/RE/REV/CMC/CCD/10

CLERK (x 2 posts) Vacant FS/RE/REV/CMC/CCD/11

FS/RE/REV/CMC/CCD/12

[illegible] MANAGEMENT

25 SEP 2019

21

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25/10/2017

27/02/2019

STELLENBOSCH

APPROVED BY COUNCIL

Signature

____/____/2017

INDIGENT & ~~PRE-LEGAL SERVICES~~

PURPOSE: To administer ~~credit control policy and procedures,~~ indigent and ~~legal~~ actions in accordance with regulations and Council policies

FUNCTIONS:

1. ~~Generation and co-ordinating of the monthly notices and final demands for debtors with accounts outstanding above 60 days~~
2. ~~Generation, evaluation and compilation of handover lists to Council's attorney~~
3. ~~Maintain and supervise Council's hand over file system~~
4. ~~Administration of processes i.r.o debtors under debt review, administration, insolvent / late estates, liquidations etc~~
5. Supervise Council's indigent registration processes
6. Check applications for refunds
7. Recommend potential debtors for write off indigent
8. ~~Manage all accounts in respect of staff, councillor and government accounts~~
9. ~~Liaise with external service providers regarding legal credit control services~~

ACCOUNTANT T

S. Jacobs FS/RE/REV/CMC/IND/01

KPI's To Change

Move To Credit Control

INDIGENT

SNR ~~CLERK~~ Principal Clerk T

VACANT

FS/RE/REV/CMC/IND/02

CLERK Senior Clerk T

NEW POST G. Jones

FS/RE/REV/CMC/IND/03

Senior Clerk

CLERK Vacant T

NEW POST ~~Vacant~~ [illegible]

FS/RE/REV/CMC/IND/04

CLERK Senior Clerk T

NEW POST ~~Vacant~~

FS/RE/REV/CMC/IND/05

JD Francis

PRE-LEGAL SERVICES

SNR CLERK T

CLERK T

CLERK Senior Clerk T

NEW POST T. Mwezeni

FS/RE/REV/CMC/IND/06

CLERK Senior Clerk T

NEW POST Vacant

FS/RE/REV/CMC/IND/07

CLERK Senior Clerk T

NEW POST Vacant

FS/RE/REV/CMC/IND/08

MUNICIPALITY ... GEMENT

25 SEP 2019

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25/10/2017

27/02/2019

APPROVED BY COUNCIL

Signature

____/____/2017

SECTION EXPENDITURE

PURPOSE: To ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions

FUNCTIONS:

1. Manage the recording, authorisation, executing and reporting of creditors and payroll related payment transactions
2. Handle month end and year end procedures, control integration of creditors with ledger, reconciliations, balance records
3. Render management and line function administrative support services

MANAGER: EXPENDITURE
A. Sondlo FS/RE/EXP/01.

Split.

SUB-SECTION CREDITORS & PAYROLL

PURPOSE: To manage the recording, authorisation, executing and reporting of creditors and payroll related payment transactions

SNR ACCOUNTANT T
E. Klaasen FS/RE/EXP/CP/01.

SEE PAGE 24

SUB-SECTION RECONCILIATIONS

PURPOSE: To handle month end and year end procedures, control integration of creditors with ledger, reconciliations, balance records

FUNCTIONS:

1. Administer bank statements
2. Administer retention register
3. Financial control procedures, answer audit queries, financial/ statistical reports, computerised systems requirements and maintenance
4. Implement and maintain expenditure processes and procedures, including outstanding orders, customer enquiries and filing

Move to 24

ACCOUNTANT T
NEW POST Vacant FS/RE/EXP/REC/01.

SUB-SECTION ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER T
NEW POST Vacant
FS/RE/EXP/AS/01

Filing Clerk
C. Kispel.
FS/RE/EXP/AS/02.

CLERK T
NEW POST B. Nxusani
FS/RE/EXP/REC/02

CLERK T
NEW POST M. Thebe
FS/RE/EXP/REC/03

CLERK T
NEW POST DINO JANSEN
FS/RE/EXP/REC/04

CLERK T
NEW POST Vacant
FS/RE/EXP/REC/05.

FILING

CLERK T

26 SEP 2019

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017

RECOMMENDED BY MUNICIPAL MANAGER

Signature

25 / 10 /2017

27/02/2019

APPROVED BY COUNCIL

Signature

____/____/2017

SUB-SECTION
CREDITORS & PAYROLL

PURPOSE: To manage the recording, authorisation, executing and reporting of creditors and payroll related payment transactions

FUNCTIONS:

1. Provide recording, authorisation, executing and reporting of creditors, ad-hoc payments transactions and EFT payments on system
2. Provide recording, authorisation, executing and reporting of payroll transactions

SNR ACCOUNTANT
E. Klaasen FS/RE/EXP/CP/01 ? T

CREDITORS

PURPOSE: To provide recording, authorisation, executing and reporting of creditors, ad-hoc payments transactions and EFT payments on system

FUNCTIONS:

1. Accurate timeous payment of council's creditors according to the approved budget and in compliance with all the council's policies and Municipal Finance Management Act and other relevant prescripts
2. Implement and maintain expenditure processes and procedures, including adhoc payments, VAT, EFT, process invoices, master file of council creditors, outstanding orders, customer enquiries and filing

ACCOUNTANT
K. Ebrahim FS/RE/EXP/CP/02 ? T

CREDITORS

- SNR CLERK N. Zimri ? T — FS/RE/EXP/CP/03
- SNR CLERK A. Jonkers ? T — FS/RE/EXP/CP/04
- SNR CLERK N. Mienze ? T — FS/RE/EXP/CP/05

DIRECT PAYMENTS

- CLERK L. Daniels ? T — FS/RE/EXP/CP/06
- CLERK O. Muller ? T — FS/RE/EXP/CP/07
- CLERK Vacant ? T — FS/RE/EXP/CP/08

PAYROLL

PURPOSE: To provide recording, authorisation, executing and reporting of payroll transactions

FUNCTIONS:

1. Compile and administer salary budget
2. Handle staff queries, housing subsidies, deductions, pay group insurance, insurance policies, medical aid funds and pension funds
3. Administer third party payments
4. Pay salaries and wages, allowances, S&T claims
5. Capture and update details of employees on the payroll system, prepare and effect payment of salaries, balance control accounts for salaries, reconciliation
6. Create statistical reports, generate IRP 5's, generate payroll

ACCOUNTANT
R. Dreyer FS/RE/EXP/CP/09

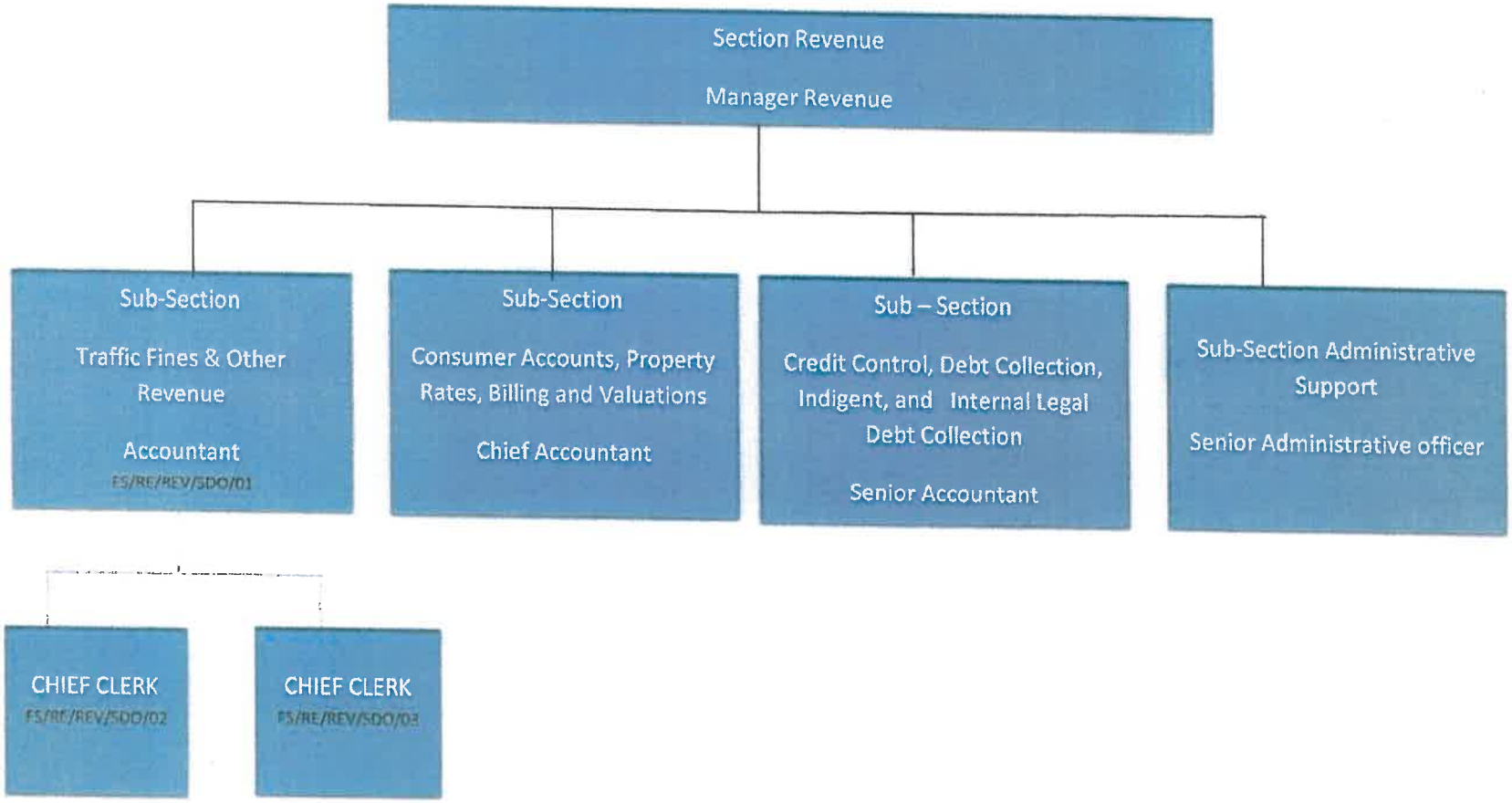
- SNR CLERK C. Pretesen ? T — FS/RE/EXP/CP/10
- SNR CLERK V. Kwintshi ? T — FS/RE/EXP/CP/11
- SNR CLERK NEW POST M. Fritz T — FS/RE/EXP/CP/12
- SNR CLERK [illegible] — FS/RE/EXP/CP/13
- NEW POST M. Goosen — FS/RE/EXP/CP/14

SAO

25 SEP 2019

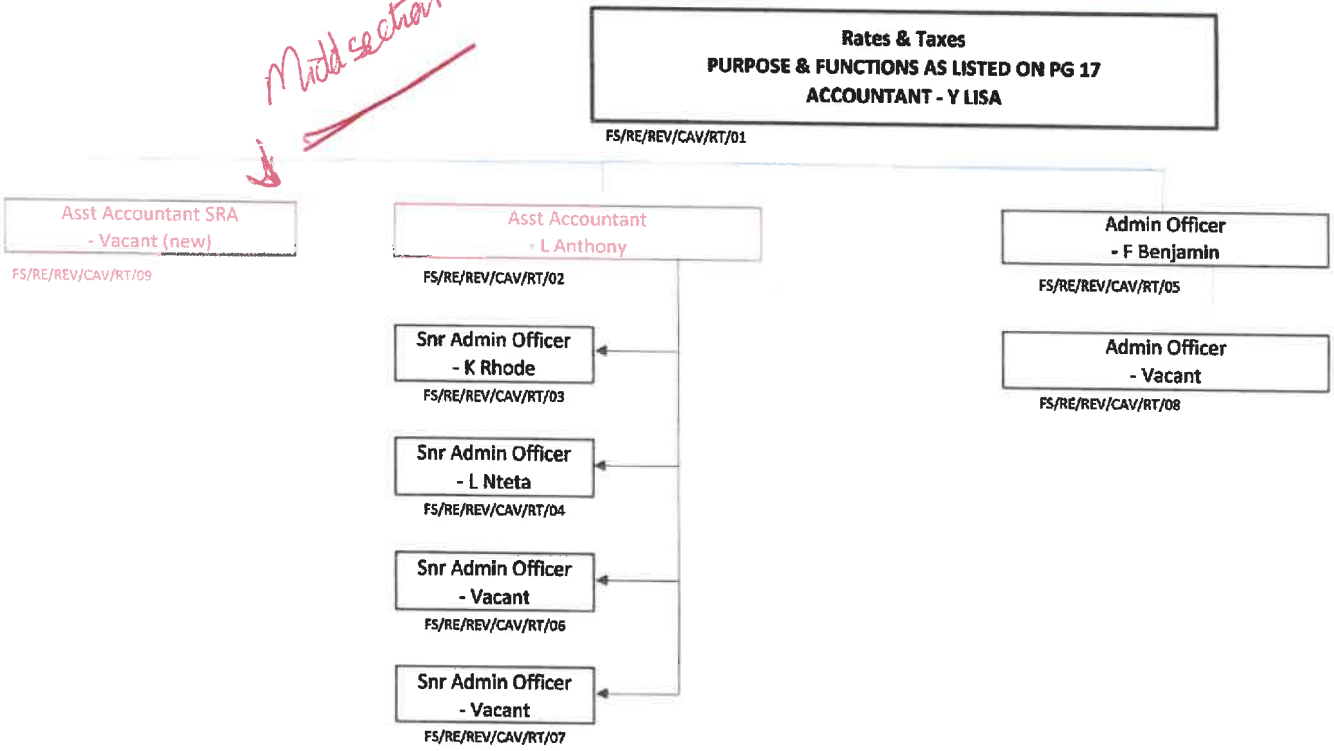
STELLENBOSCH MINICPALITY

PROPOSED MICRO STRUCTURE – AMENDMENTS – OCTOBER 2023 (P16)

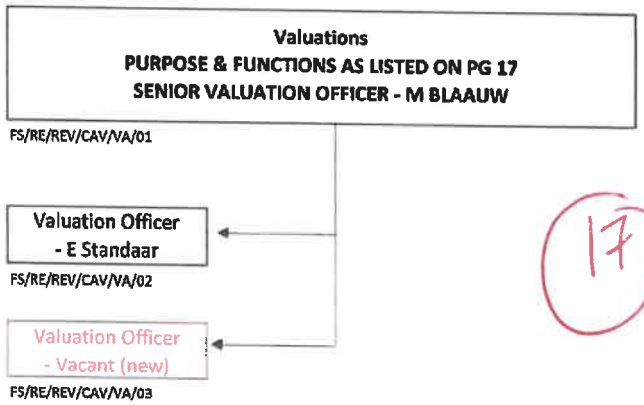


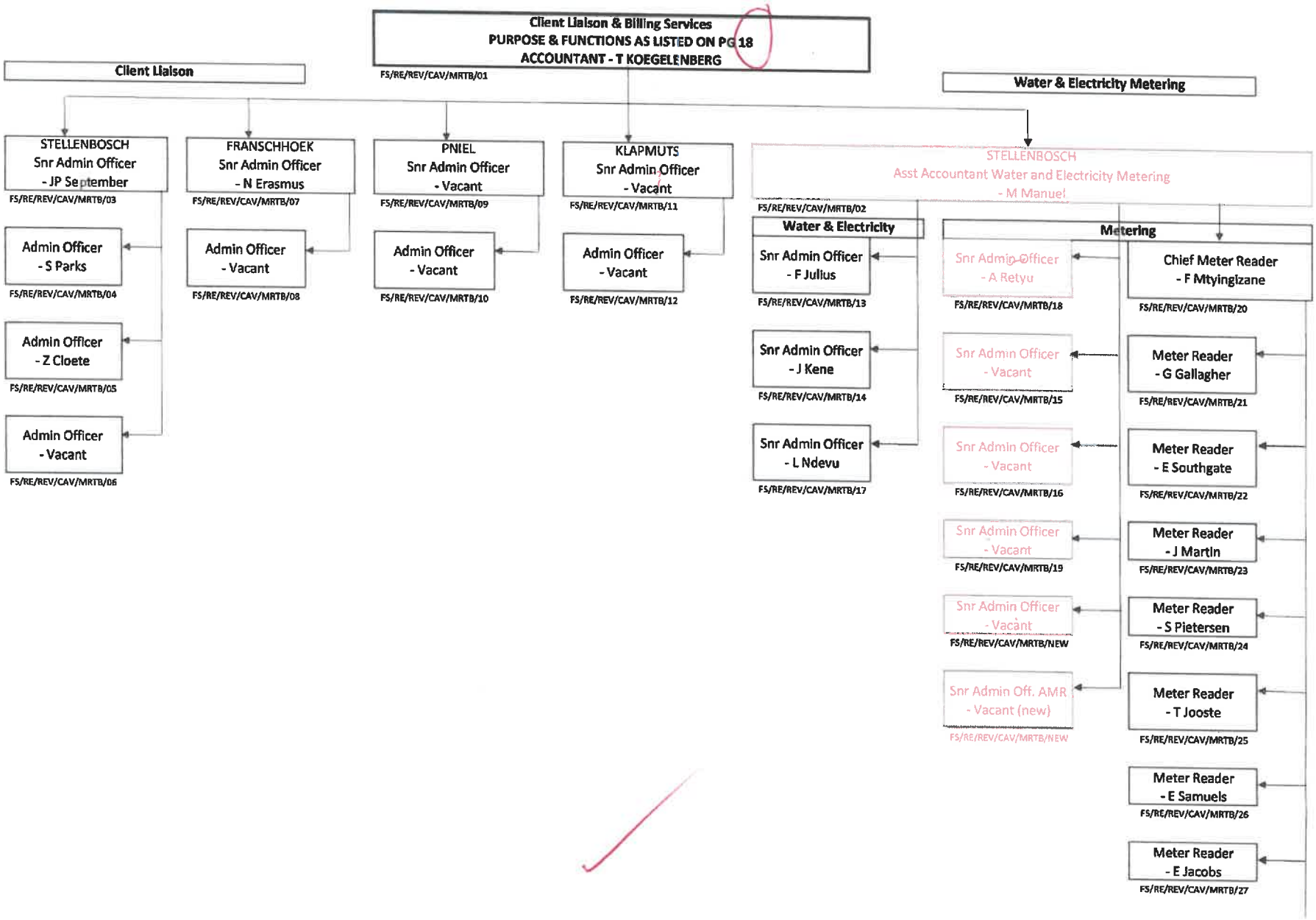
Leg Mid

Middle section



17


Valuations
PURPOSE & FUNCTIONS AS LISTED ON PG 17
SENIOR VALUATION OFFICER - M BLAAUW
FS/RE/REV/CAV/VA/01
Valuation Officer
- E Standaar
FS/RE/REV/CAV/VA/02
Valuation Officer
- Vacant (new)
FS/RE/REV/CAV/VA/03
17
leg 2


Client Liaison & Billing Services
PURPOSE & FUNCTIONS AS LISTED ON PG 18
ACCOUNTANT - T KOEGELENBERG
FS/RE/REV/CAV/MRTB/01
Client Liaison
Water & Electricity Metering
STELLENBOSCH
Snr Admin Officer
- JP September
FS/RE/REV/CAV/MRTB/03
FRANSCHHOEK
Snr Admin Officer
- N Erasmus
FS/RE/REV/CAV/MRTB/07
PNIEL
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/09
KLAPMUTS
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/11
STELLENBOSCH
Asst Accountant Water and Electricity Metering
- M Manuel
FS/RE/REV/CAV/MRTB/02
Admin Officer
- S Parks
FS/RE/REV/CAV/MRTB/04
Admin Officer
- Z Cloete
FS/RE/REV/CAV/MRTB/05
Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/06
Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/08
Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/10
Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/12
Water & Electricity
Snr Admin Officer
- F Julius
FS/RE/REV/CAV/MRTB/13
Snr Admin Officer
- J Kene
FS/RE/REV/CAV/MRTB/14
Snr Admin Officer
- L Ndevu
FS/RE/REV/CAV/MRTB/17
Metering
Snr Admin Officer
- A Retyu
FS/RE/REV/CAV/MRTB/18
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/15
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/16
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/19
Snr Admin Officer
- Vacant
FS/RE/REV/CAV/MRTB/NEW
Snr Admin Off. AMR
- Vacant (new)
FS/RE/REV/CAV/MRTB/NEW
Chief Meter Reader
- F Mtyingizane
FS/RE/REV/CAV/MRTB/20
Meter Reader
- G Gallagher
FS/RE/REV/CAV/MRTB/21
Meter Reader
- E Southgate
FS/RE/REV/CAV/MRTB/22
Meter Reader
- J Martin
FS/RE/REV/CAV/MRTB/23
Meter Reader
- S Pietersen
FS/RE/REV/CAV/MRTB/24
Meter Reader
- T Jooste
FS/RE/REV/CAV/MRTB/25
Meter Reader
- E Samuels
FS/RE/REV/CAV/MRTB/26
Meter Reader
- E Jacobs
FS/RE/REV/CAV/MRTB/27

PROPOSED AMENDMENTS TO ORGANOGRAM – OCTOBER 2020 (Pg 19 of Structure)

PURPOSE & FUNCTIONS AS LISTED ON PG 21

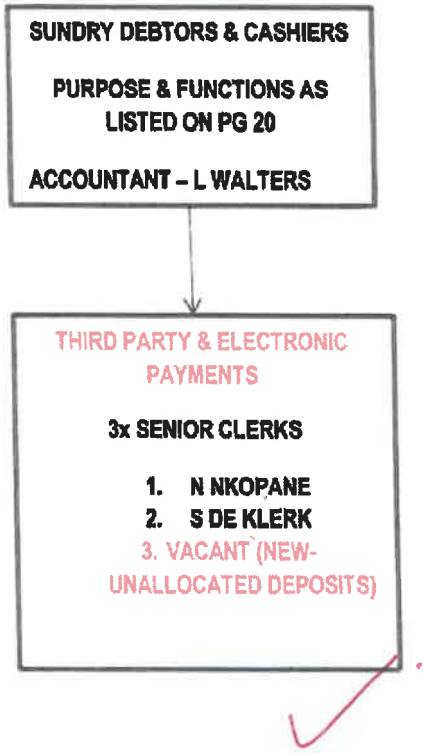
SUB-SECTION CASH MANAGEMENT, SUNDRIES, CREDIT CONTROL & OTHER REVENUE

SENIOR ACCOUNTANT

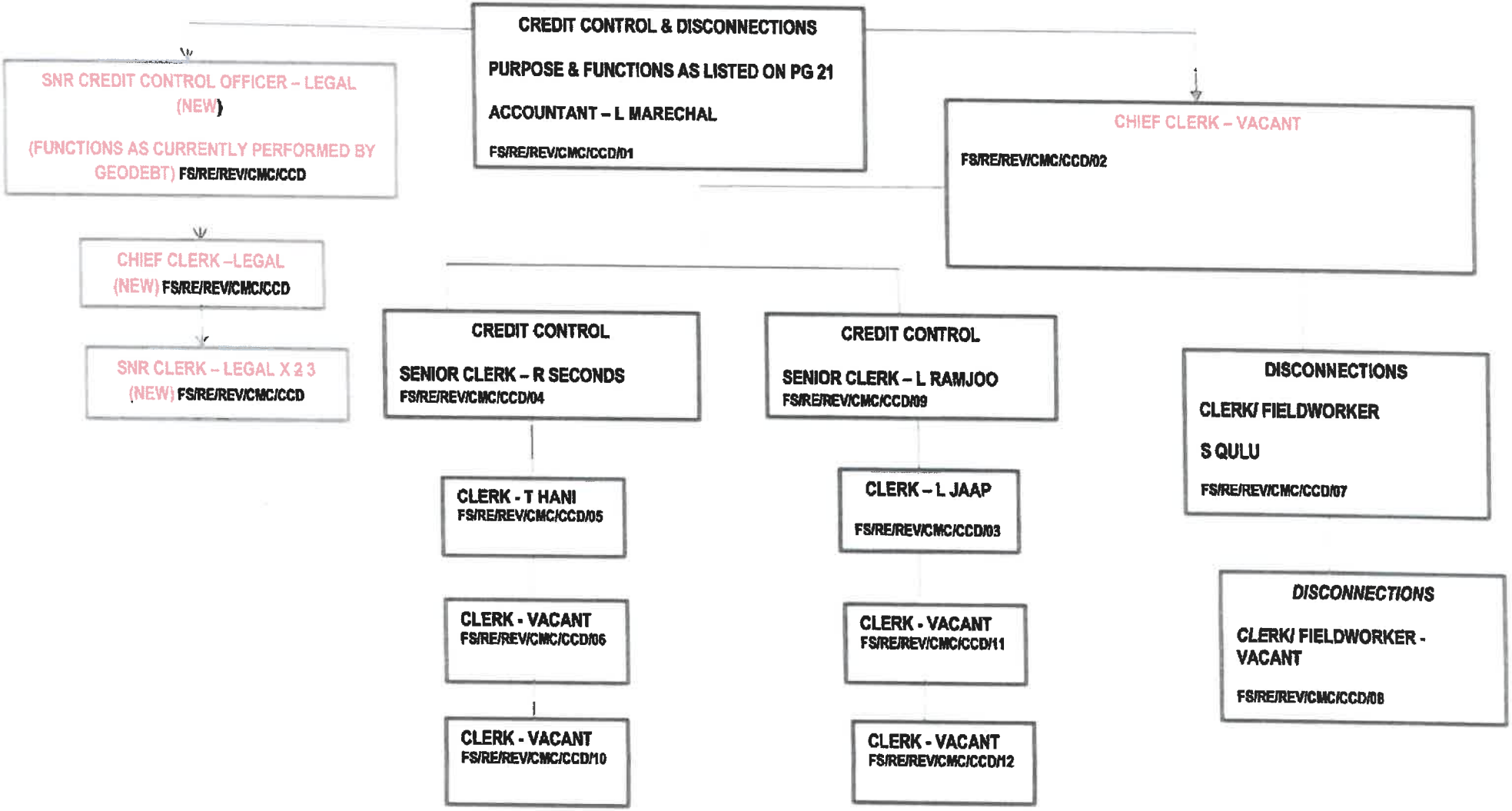
- SNR CREDIT CONTROL OFFICER – LEGAL (NEW) (FUNCTIONS AS CURRENTLY PERFORMED BY GEODEBT)
  - CHIEF CLERK –LEGAL (NEW)
  - SNR CLERK – LEGAL X 2 (NEW)
- **SUNDRY DEBTORS & CASHIERS ACCOUNTANT**
- **CREDIT CONTROL ACCOUNTANT**
- **INDIGENT ACCOUNTANT**
  - Snr Clerk.

19

PROPOSED AMENDMENTS TO ORGANOGRAM – OCTOBER 2020 (Pg 20 of Structure)

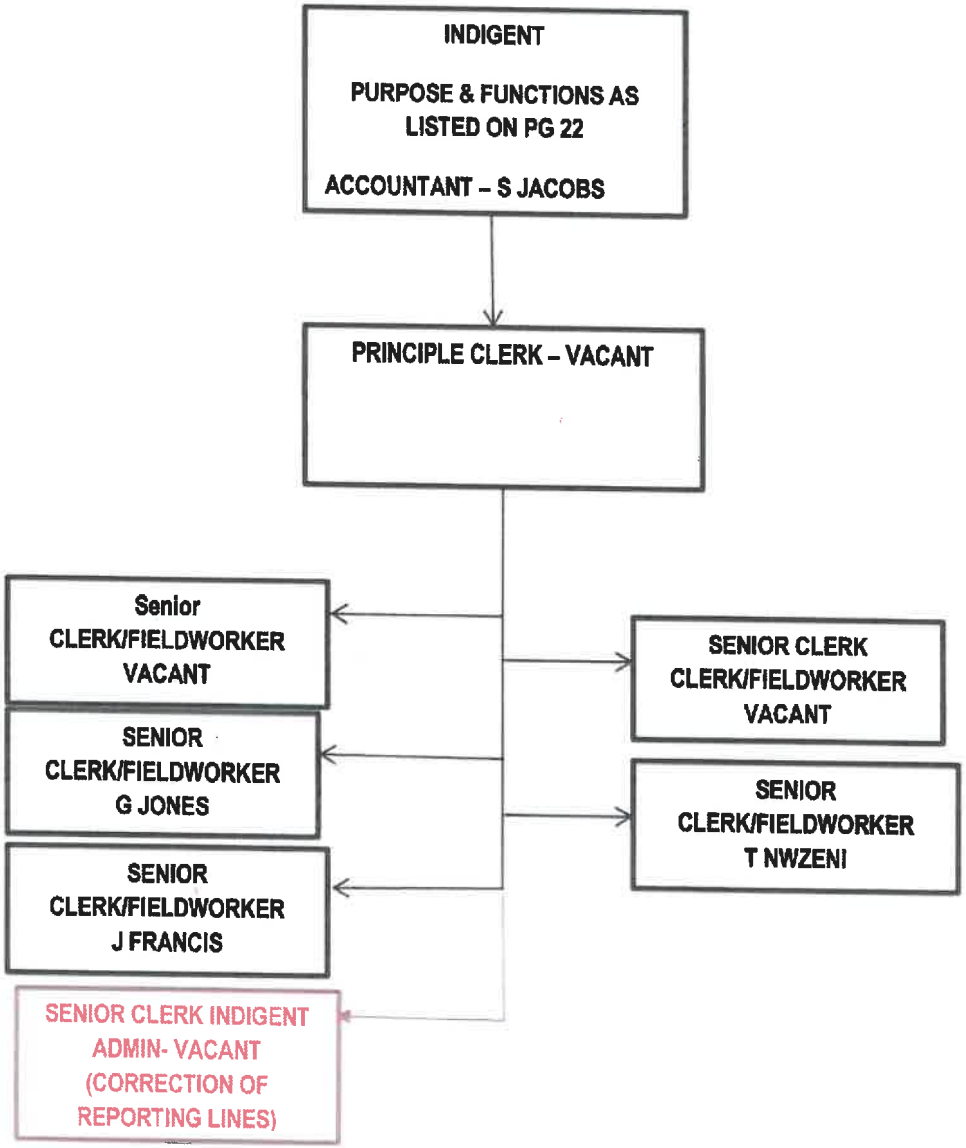


PROPOSED AMENDMENTS TO ORGANOGRAM – OCTOBER 2020 (Pg 21 of Structure)

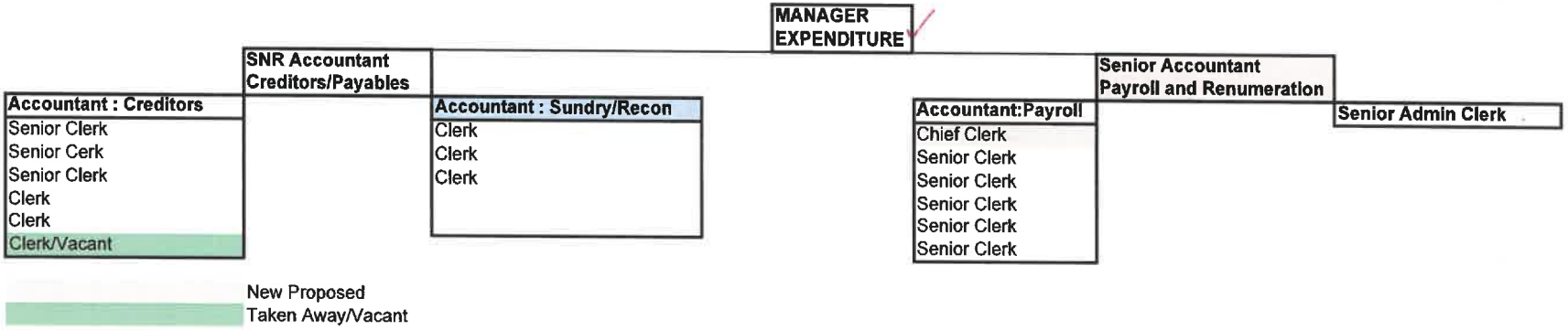


PROPOSED AMENDMENTS TO ORGANOGRAM – OCTOBER 2023 (Pg 17 of Structure)

P. 22.



DRAFT EXPENDITURE ORGANIGRAM



24

7.4	**FINANCIAL SERVICES: (PC: CLLR JC ANTHONY)**

7.4.1	**MFMA CIRCULAR 131: IMPLICATIONS FOR TOURISM-RELATED EXPENDITURE AND SECTOR GROWTH**

ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER IN DUE COURSE

7.5	**HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)**

NONE

7.6	**INFRASTRUCTURE SERVICES : (PC : R PHEIFFER)**

NONE

7.7	**PARKS AND OPEN SPACES: (PC: N OLAYI)**

NONE

7.8	**PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: DEPUTY MAYOR M SLABBERT)**

7.8.1	**REQUEST FOR TARIFF FEE REDUCTION AT THE KAYAMANDI CORRIDOR TO FACILITATE SERVICE DELIVERY BY THE SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA)**

Collaborator No: **787955**
IDP KPA Ref No: **Good Governess**
Meeting Date: **18 June 2025**

1. SUBJECT:REQUEST FOR TARIFF FEE REDUCTION AT THE KAYAMANDI CORRIDOR TO FACILITATE SERVICE DELIVERY BY THE SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA)

2. PURPOSE

To attain Council's approval to obtain the necessary authorisation for the intended amendment of an Agreement/ MOU concluded with the government agency, South African Social Security Agency (SASSA) to further reduce the standard tariff for the Kayamandi Corridor Conference Centre from R2 500 (Incl VAT) per day to R592 (Incl. VAT) per day, to align with the current tariff and Agreement/ MOU for the Eike Hall.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The South African Social Security Agency (SASSA) was awarded a 3-year Agreement/ MOU for the use of premises, within the WC024, on specific days for the administration of social security applications and enquiries as well as any business related thereto and for no other purpose, except with the written consent of Stellenbosch Municipality.

In order to achieve a cost effective and centralised installation of services, a decision was made to install SASSA services at the Klapmuts Multi-Purpose Centre, Franschhoek Community Hall and the Cloetesville Eike Hall. The current safety challenges in Cloetesville have necessitated the roll-out of the service at an alternative venue, which has been identified as the Kayamandi Corridor Conference Centre.

The amendment to the existing Agreement/MOU between SASSA and Stellenbosch Municipality, which involves relocating SASSA services to the Kayamandi Corridor, will result in additional costs due to the higher tariff associated with the Kayamandi venue. These costs will remain elevated even after applying the 30% reduction in accordance with the tariff policy. SASSA has requested that the Municipality apply the same daily tariff for the Kayamandi Corridor as they are currently paying at Eike Hall, Cloetesville.

5. RECOMMENDATIONS

(a) that the rental amount for the provision of SASSA services be reduced from R2 500 per day to R592, per day; and

(b) that the Municipal Manager be authorised to conclude the contract or agreement after (d) above, is finalized in terms of the applicable Act/Regulation.

6. DISCUSSION / CONTENT

6.1 Background

The South African Social Security Agency (SASSA) was awarded a 3-year Agreement/ MOU for the use of premises, within the WC024, on specific days for the administration of social security applications and enquiries as well as any business related thereto and for no other purpose, except with the written consent of Stellenbosch Municipality.

The objective of the amended Agreement/ MOU is to replace one of the existing premises with an alternative venue, being the Kayamandi Corridor Conference Centre. The Municipality envisages this as a viable alternative as the much-needed services, will remain a centralised option.

A budget of R388 224.00 was allocated by SASSA for the 3-year rental period as per the current Agreement/ MOU, of the three identified venues, which is valid until 31 March 2026.

6.2 Discussion

The South African Social Security Agency, abbreviated as SASSA, Western Cape has entered into an agreement with Stellenbosch Municipality, for the use of the premises on specific days for the administration of social security applications and enquiries, as well as any business related thereto and for no other purpose.

The current premises include the Klapmuts Multi-Purpose Centre, Franschhoek Community Hall and the Eike Hall, Cloetesville.

The current agreements in respect of the premises and rentals to be paid as set out in the table below:

NO.	DESCRIPTION	RENTAL (PER DAY)	DAYS (PER MONTH)	TOTAL DAYS	TOTAL RENTAL
1.	**Klapmuts Multi-Purpose Centre**				
	1st April 2023- 30th June 2023	R 496,00	4	10	R 4960,00
	1st July 2023- 30th June 2024	R 526,00	4	46	R 24 196,00
	1st July- 30th June 2025	R 558,00	4	46	R 25 668,00
	1st July 2025- 31st March 2026	R 592,00	4	35	R 20 720,00
2.	**Franschhoek Community Hall**				
	1st April 2023- 30th June 2023	R 496,00	4	11	R 5456,00
	1st July 2023- 30th June 2024	R 526,00	4	47	R 24 722,00
	1st July- 30th June 2025	R 558,00	4	48	R 26 784,00
	1st July 2025- 31st March 2026	R 592,00	4	35	R 20 720,00
3.	**Cloetesville Eikestad Community**				
	1st April 2023- 30th June 2023	R 496,00	12	37	R 18 352,00
	1st July 2023- 30th June 2024	R 526,00	12	142	R 74 692,00
	1st July- 30th June 2025	R 558,00	12	143	R 79 794,00
	1st July 2025- 31st March 2026	R 592,00	12	105	R 62 160,00
TOTAL AMOUNT					**R 388 224.00**

The ongoing security challenges faced daily in the Cloetesville area greatly impacts the rendering of SASSA services to the communities of Cloetesville and surrounding neighbourhoods, necessitating an alternative venue.

An alternative venue, the Kayamandi Corridor Conference Centre, was identified for use on the following dates:

VENUE: KAYAMANDI CORRIDOR CONFERENCE CENTRE							
RENTAL DATES	**TOTAL DAYS**	**STANDARD RENTAL PER DAY**	**TOTAL RENTAL**	**30% DISCOUNTED RATE**	**TOTAL DISCOUNTED RENT**	**REQUESTED RATE PER DAY**	**TOTAL REQUESTED RATE**
July 2025: 1,2,3,8,9,10,15,16,17,22,23,24,29, 30,31	15	R2 5000	R37 500	R1 750	R26 250	R592	R8 880
August 2025: 5,6,7,12,13,1419,20,21,26,27, 28	12	R2 500	R30 000	R1 750	R21 000	R592	R7 104
September 2025: 2,3,49,10,11,16,17,18,23,24,25,30	13	R2 500	R32 500	R1 750	R22 750	R592	R7 696
October 2025: 1,2,7,8,9,14,15,16,21,22,23,28,29,30	14	R2 500	R35 000	R1 750	R24 500	R592	R8 288
November 2025: 4,5,6,11,12,13,18,19,20,25,26, 27	12	R2 500	R30 000	R1 750	R21 000	R592	R7 104
December 2025: 2,3,49,10,11	6	R2 500	R15 000	R1 750	R10 500	R592	R3 552
January 2026: 13,14,15,20,21,22,27,28,29	9	R2 500	R22 500	R1 750	R15 750	R592	R5 328
February 2026: 3,4,5,10,11,12,17,18,19,24,25, 26	12	R2 500	R30 000	R1 750	R21 000	R592	R7 104
March 2026: 3,4,5,10,11,12,17,18,19,24.25, 26,31	13	R2 500	R32 500	R1 750	R22 750	R592	R7 696
Total Amount – Standard Rate			**R265 000**				
Total Amount – 30% Discounted Rate					**R185 500**		
Total Amount – Requested Rate							**R62 752**

It is important that a decision is made to amend the current contract/ MOU to reinstate the much-needed services, to our already vulnerable communities.

6.3 Financial Implications

A R1 908,00 reduction in the daily venue cost, will need to be effected, which will then align with the already agreed upon costs until 31 March 2026.

6.4 Legal Implications

6.4.1 An amended contract/ MOU/ Agreement should be recorded and approved by the Accounting Officer or his/her delegate prior to the reinstatement of services by SASSA.

6.4.2 Municipal Finance Management Act (MFMA)
In terms of the current Agreement/ Contract/ MOU entered into between SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA) and Stellenbosch Municipality it may be amended by the parties, but only after:

a) The reasons for the proposed amendment have been tabled in the council of the municipality; and

i) Any variation of the conditions of the agreement will be by mutual agreement by both parties and in writing.

6.4.3 Comments from Legal Service

None at present.

6.5 Staff Implications

None.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

FOR FURTHER DETAILS CONTACT:

NAME	Carmen Saville
DIRECTORATE	***Planning & Economic Development***
CONTACT NUMBERS	***021 808 8151***
E-MAIL ADDRESS	***Carmen.Saville@stellenbosch.gov.za***
REPORT DATE	***06 June 2025***

7.9	**COMMUNITY SERVICES:(PC:)**

7.9.1	**JUNIOR TOWN COUNCIL STANDING RULES AND ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: JUNIOR TOWN COUNCIL STANDING RULES AND ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES

2. PURPOSE

To inform the Stellenbosch Junior Town Council of the approved Standing Rules and Order for the Meetings of the Council and its Committees.

3. DELEGATED AUTHORITY

For information and implementation by Junior Town Council and its Committees.

4. EXECUTIVE SUMMARY

Stellenbosch Council approved the Standing Rules and Order for Meetings of Council and Committees on 27 July 2022. (Annexure A) The aim of the rules is to allow free, open and constructive debate during meetings; to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to the meetings. The item aims to ensure that the members of the Stellenbosch Junior Town Council is aware of the existing standing rules and order and commit to abide thereby.

5. RECOMMENDATIONS

(a) that the newly elected Junior Town Council of Stellenbosch Municipality familiarise themselves with the Standing Rules and Order for Meetings of Council and Committees; and

(b) that the newly elected Junior Town Council of Stellenbosch Municipality commit to abide thereby in order to achieve the aim of constructive debate and freedom of expression.

6. DISCUSSION / CONTENTS

6.1 Background

To ensure free, open and constructive debate whilst allowing for freedom of expression in an orderly manner, agreed upon rules of engagement are required. These rules and order are informed by the Constitution of the Republic of South Africa 1996 and the local Government: Municipal Structures Act 117 of 1998.

6.2 Discussion

The Stellenbosch Municipality aims to promote active and informed participation by youth in the matters of local government and their communities. To achieve this a Junior Town Council programme was invested in with the first of these structures advertised for participation by youth in local high schools during November 2024.

To ensure that the elected youth are able to conduct their business in a structured manner enhancing their ability to actively affect their communities, the attached rules and order is introduced.

6.3. Financial Implications

Implementation of the Standing Rules and Order for the Meetings of Council and Committees holds no additional financial implications for Stellenbosch Municipality.

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:

6TH COUNCIL MEETING: 2022-07-27: ITEM 13.1 RESOLVED (nem con)

(a) that Council takes note of the input received and approved the accommodation of the input in the draft document;

(b) that the draft revised Stellenbosch Municipality Rules of Order By-law (APPENDIX 2) be approved;

(c) that the Stellenbosch Rules of Order By-Law be promulgated in the Government Gazette.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 *Director Community and Protection Services:*

Support the report.

6.8.2 *Municipal Manager:*

Support the report.

ANNEXURES

Annexure A: STANDING RULES AND ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	30-04-2025

ANNEXURE A

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STANDING RULES AND ORDER FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

March 2022 review

Date approved by Council: 27 July 2022

MUNICIPAL NOTICE

The Municipal Council of Stellenbosch Municipality adopted the following bylaw at its meeting held on 2022-07-27 under section 165 (2) of the Constitution of the Republic of South Africa 1996, read with section 31 (2) of the Local Government: Municipal Structures Act 117 of 1998, and hereby publishes the bylaws under section 13 (a) of the Local Government: Municipal Systems Act 32 of 2000 to come into effect on the date of publication of this Notice in the *Provincial Gazette*.

STELLENBOSCH MUNICIPALITY STANDING RULES AND ORDER FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES

TABLE OF CONTENTS **PAGE**

1.	Application of the rules	4
2.	Definitions	4
3.	Council meetings open to the public	5
4.	Council meetings	6
5.	Special Council meetings	6
6.	Serving of notices	7
7.	Non-serving of notices	7
8.	Urgent matters	7
9.	Conduct at meetings	7
10.	Interpretation of the rules	8
11.	Quorum and acts of Council	8
12.	Decisions and voting	8
13.	Disclosure of interest and removals	9
14.	Walkout	10
15.	Head count	10
16.	Adjourned meetings	10
17.	Notice of adjourned meetings	10
18.	Chair at meetings	10

19.	Agenda	11
20.	Order of business at Council meetings	11
21.	Leave of absence and attendance	12
22.	Minutes to be kept and approved	13
23.	No discussion on minutes during approval stage	13
24.	Motions	13
25.	Amendments to recommendations	14
26.	Precedence of the speaker	15
27.	Relevance	15
28.	Members' right to speak	16
29.	Mayoral address	16
30.	Debate management	16
31.	Length of speeches	16
32.	Disorderly conduct by councillors and the chair's function	17
33.	Obstruction by persons other than councillors	17
34.	Points of order and personal explanations	18
35.	Questions	18
36.	Terms of reference of subcommittees	19
37.	Extension or restriction of powers by the Council	19
38.	Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees	19
39.	Inspection of minutes	19
40.	Non-attendance by committee members	19
41.	Council members attending meetings of committees of which they are not members	20
42.	Information to be obtained from the Municipal Manager or heads of department	20
43.	Information to the media: in-committee discussions	20

44.	Legal defence and indemnification of councillors and officers of the Council	21
45.	Speaker may refer matters for legal advice	21
46.	Activities prohibited within the Council chamber or meeting venue and the use of the Council chamber by other persons or institutions	21
47.	Sanctions and offences	22
48.	Dress code	22

1. **Application of the rules**

1.1 The rules of order contained in this Notice apply to all meetings of the Municipal Council and any committee of the Municipal Council, as well as any other committee of councillors established within the Municipality, unless the terms of reference for a specific structure explicitly exclude the application of these rules for such structure.

1.2 The aim of the rules are to allow free, open and constructive debate during meetings; to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to meetings.

1.3 The rules are meant to create the opportunity for councillors serving in Council structures to air their views on any matter of public importance.

1.4 The rules of order apply to:

1.4.1 all councillors;
1.4.2 all officials of the Municipality; and
1.4.3 all members of the public present in the Council chamber/ precinct/on a virtual platform.
1.4.4 The provisions under these rules also applies to all virtual meetings.

2. **Definitions**

In these rules, the following terms and phrases have the meaning assigned to them below:

Code of Conduct – the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act;

Committee – any committee established in the Municipal structure, including but not limited to committees established under sections 79 and 80 of the Structures Act;

Constitution – the Constitution of the Republic of South Africa 1996;

Council – the Municipal Council of Stellenbosch Municipality;

Councillor – a member of the Municipal Council;

Council whip – the person elected as the Council whip in terms of the Local Government Structures amendment Act (3/21)

Day – a day that is not a public holiday, Saturday or Sunday; for the purposes of calculating a period of days, the first day is excluded and the last is included;

Executive Mayor – the Executive Mayor of the Municipality as elected under section 55 of the Structures Act;

In committee – the part of a meeting of the Municipal Council during which the meeting is closed to members of the public and press, and to such municipal officials as determined by the speaker – excluding the Municipal Manager – because of the nature of the business being transacted;

Local Government Municipal Structures Amendment Act – refers to Act 3/2021

Mayoral Committee – the committee appointed by the Executive Mayor under section 60 of the Structures Act;

Member – a councillor serving on the Municipal Council of the Municipality;

Motion – a matter submitted by a member in accordance with rule 24 below;

Municipality – Stellenbosch Municipality;

Urgent matter - A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

Point of order – a point raised by a councillor during a Council meeting that relates to a matter of procedure only, as provided for in the rules of order;

Precinct – the area defined by the chair at the meeting concerned;

Privilege – the right to freedom of speech for councillors at Council and committee meetings, subject to the rules of order or any ruling by the speaker under such rules; as well as the right not to be held liable for civil or criminal proceedings for anything said or submitted to the Council or Committee or produced by such bodies;

Procedural motion – a matter raised by a member at a meeting in accordance with rule 34;

Report – any item included in the agenda for consideration by the Council or a committee;

Senior managers – the person appointed by the Council as the Municipal Manager as well as all managers directly accountable to the Municipal Manager, as approved under the official organisational structure of the Municipality;

Sergeant-at-arms – a person in the full-time employment of the Municipality, who is charged to assist the speaker in maintaining order at Council meetings and who may be assisted by such staff members as the speaker may direct;

Speaker – the person as elected under section 36 of the Structures Act;

Special meeting – any additional Council meeting called by the speaker by the powers vested in the speaker;

Structures Act – the Local Government: Municipal Structures Act 117 of 1998;

Systems Act – the Local Government: Municipal Systems Act 32 of 2000;

Urgent special meeting – a special meeting related to an urgent matter under rule 5.4.

Venue – the place or location where a meeting is held, including any public gallery and any virtual platform on which a meeting is conducted;

Whip – a member of the Municipal Council, one whip appointed by each political party represented on the Council, to perform the function set out in rule 9.

3. Council meetings open to the public

3.1 The Municipal Council must conduct its business in an open manner, and every meeting of the Council and all its committees must be open to the public, provided that this rule will not apply when an open meeting would

be unreasonable having regard to the nature of the business being transacted under section 20(1)(*a*) and (*b*) of the Systems Act.

3.2 When meetings are conducted on a virtual platform the link to such meetings will be made available on social media platforms and on the website.

3.3 The Council will convene "in committee" when discussing any of the following matters:

3.3.1 a trade secret or confidential commercial information of any supplier of the Municipality or any person rendering a service to the Municipality;

3.3.2 personal and private information of any councillor or Municipal employee;

3.3.3 the Municipality's intention to purchase or acquire land or buildings;

3.3.4 the price that the Municipality may offer for the purchase or acquisition of land or buildings;

3.3.5 any report regarding legal proceedings that the Municipality is involved in, or that it is contemplating to institute or defend;

3.3.6 disciplinary proceedings or proposed disciplinary proceedings against any Municipal employee;

3.3.7 any matter of which disclosure is forbidden by legislation;

3.3.8 the minutes of previous in-committee discussions; and

3.3.9 any matter the Speaker may rule warrants an in-committee discussion to prevent reputational damage to the municipality;

3.4 A councillor may, when an agenda item – other than a matter referred to in 3.3 above and provided that it not be a matter that is required by law to be dealt with at an open meeting – is put to order, propose (with motivation) that the matter be dealt with further in committee. The speaker's ruling in this regard is final and no further discussion will be allowed.

3.5 Councillors must switch on their cameras when they are requested to by the Speaker or the Council Whip or when speaking.

4. Council meetings

The Council must hold an ordinary meeting for the transaction of business at least once every three months.

5. Special Council meetings

5.1 The speaker may, at any time and of his/her own accord, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.2 The speaker must, upon written request of a majority of the councillors, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.3 Should the speaker fail or refuse to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager must call the special meeting for the date set out in the written request, and at a venue and time determined by the Municipal Manager.

5.4 The speaker may, at any time and of his/her own accord, call an urgent Council meeting; provided that no such urgent meeting may take place unless all councillors have received notice of at least 24 hours before the date and time set for the meeting.

6. **Serving of notices**

The Municipality must distribute a notice to each councillor to attend a meeting, specifying the business proposed to be transacted (agenda) and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, by electronic mail to the official email address of each councillor. The following time frames are to be followed:

6.1 at least 72 hours before any ordinary Council meeting; or

6.2 at least 48 hours before any special meeting.

6.3 24 hours before any urgent special Council meeting,

6.4 A notice to attend the meeting, specifying the business proposed to be transacted and signed by the speaker or the Municipal Manager as contemplated in rule 5 above, must be distributed by electronic mail to the address provided to each councillor as their official email address.

6.5 when a matter related to a by-law must be considered, notice of the item must be given at least seven (7) days before the matter is to be considered.

6.6 Hard copies will be made available only upon request and with the approval of the speaker under exceptional circumstances. Councillors who make such requests must pay the printing costs and must collect the document personally.

7. **Non-serving/ non-receipt of notices**

7.1 Accidental omission to serve on any councillor a notice of a meeting does not invalidate the proceedings of that meeting.

7.2 This also applies to the non-receipt of electronic notices.

8. **Urgent matters**

8.1 No business may be transacted at a meeting of the Council or any Council committee other than that specified in the relevant agenda, except any matters that the chair concerned may consider urgent and only after the chair has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters for decision by the Council that, in the Manager's discretion, are urgent. A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

8.3 The speaker or chair at a meeting must determine an appropriate time when the Municipal Manager may raise urgent matters, as well as the time available for discussing them, provided that the speaker may rule that the matter is not urgent as defined in 8.2 above.

9. **Conduct at meetings**

The speaker or the chair at a meeting must:

9.1 maintain order during the proceedings;

9.2 ensure that the Code of Conduct for Councillors be adhered to during the meeting;

9.3 ensure that the meeting be conducted in accordance with these rules;

9.4 ensure that members conduct themselves in a dignified and orderly manner during the meeting;

9.5 ensure that members of the public attending meetings be seated in areas designated for that purpose;

9.6 ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chair at the meeting;

9.7 ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chair leave the meeting;

9.8 ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council, maintain discipline during the meeting. and

9.9 Ensure that where meetings are conducted on the virtual platform each councillor sit at his/her own electronic device.

9.10 Participants must also adhere to the rules in regard to any chats in the chatroom

10. **Interpretation of the rules**

10.1 The ruling of the speaker or the chair at a meeting regarding the application and interpretation of the rules, as well as other procedural matters not dealt with in these rules, is final and binding; provided that the speaker or chair may be required to furnish reasons for a ruling.

10.2 Any ruling made by the speaker or chair must be done with due regard for the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies (including these rules), the rule of law and the rules of natural justice.

11. **Quorum and acts of Council**

11.1 A majority of the councillors must be present at a Council meeting before any matter may be considered or put to the vote.

11.2 Should there be no quorum for a meeting, the meeting must be suspended for no more than 20 minutes. If, at the end of the stated time, there is still no quorum, the speaker or chair may suspend the meeting for a period that they deem fit and thereafter adjourn the meeting to reconvene on another date and at another time and/or venue.

12. **Decisions and voting**

12.1 Subject to 12.3 below, all matters must be decided by a majority of councillors present at the meeting.

12.2 Before a formal vote is taken on any matter before the Council, the speaker must indicate that voting is due to take place, where after no member or other person may be allowed to enter or leave the venue or further debate the matter.

12.3 Any matter referred to in section 160(2) of the Constitution is to be decided by a majority of the councillors.

12.4 Should there be an equality of votes on any matter, the speaker of chair may exercise a casting vote in addition to that particular councillor's deliberative vote; provided that the casting of such vote fall within the ambit of the powers duly delegated to the relevant committee

12.5 For the matters listed in section 160(2) of the Constitution there is no provision for a casting vote.

12.6 Should the speaker or chair ask the meeting whether it is in agreement with the recommendations before them and should no member present raise an objection, such recommendations are adopted without being put to the vote formally.

12.7 In the event of there being opposition to a recommendation, the decision is taken by means of voting – either by show of hands or, if requested and if approved by the speaker, by way of secret ballot.

12.8 Where the meeting is held on a virtual platform the Speaker will request each political party whip to indicate their vote on the matter and all the members of that party will then be deemed to have voted as indicated by the party whip unless specifically indicated otherwise by a member.

12.9 The council whip counts the votes and declares the result of the decisions to the chair.

12.10 In the event of a secret ballot, the Municipal Manager must hand each councillor a ballot paper bearing the official mark or logo of the Municipal Council and clearly depicting the options to be voted for.

12.11 The Municipal Manager must collect all ballot papers and count them in the presence of a representative of each party represented on the Council or committee and present at such meeting.

12.12 If the meeting is held on a virtual platform and the facility for a secret ballot is available the secret voting facility will be used.

12.13 Upon receiving the results, the speaker or chair declares the motion carried or lost, which must be recorded in the minutes.

12.14 The number of votes cast must be recorded, along with the general result. The outcome of the voting will be announced by the speaker.

12.15 Members may abstain from voting.

12.16 Members may request that their support/dissent/abstention be recorded in the minutes.

13. Disclosure of interest and removals

A councillor or other member of a meeting:

13.1 must disclose to the meeting any direct personal or private business interest that they themselves, or their spouse, partner or business associate or close family member, may have in any matter before the Council or the committee;

13.2 must withdraw from the proceedings until the matter has been concluded; unless the meeting decides by resolution that the person's direct or indirect interest in the matter is trivial or irrelevant;

13.3 who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the person is aware at the first meeting at which it is possible for them to make such disclosure.

13.4 Rule 13.3 does not apply to an interest or benefit that a councillor or other member, or their spouse, partner or business associate or close family member, has or has acquired in common with other residents and ratepayers of the Municipal area.

13.5 when a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting by the Speaker or the chair, they will not be allowed to return to that meeting or any in-committee session at that meeting. This includes any adjournment of a Council meeting where the speaker and chair concerned have requested a member or committee member or member of the public to leave the meeting and precinct.

13.6 When the meeting is conducted on a virtual platform the councillor requested to leave must leave the meeting and may not take part on the meeting through any other electronic device, whether his own or some one else's.

14. Walkout

Should a councillor or group of councillors leave any meeting in protest, and the remaining councillors constitute a quorum, the business of the meeting proceeds as usual. It includes any virtual meeting.

15. **Head Count**

Should, during any sitting of the Council or any Council committee, the attention of the speaker or chair be called to the number of members present, he/she will request the Council Whip to count them and, should it be found that no quorum is present, the matter must be dealt with in accordance with rule 14 above.

16. **Adjourned meetings**

A council meeting or a Council committee meeting may be adjourned to any date or hour so decided by the Speaker or the chair, but may not proceed to transact any business at such adjourned meeting, except for such matters as was set out in the notice for the meeting that has so been adjourned.

17. **Notice of adjourned meetings**

When a meeting is adjourned, notice of the adjourning must be sent to each Council or committee member, specifying the time, date and place of the adjourned meeting, subject to rule 32.3 and 32.6.

18. **Chair at meetings**

18.1 The speaker – or, in the speaker's absence, the acting speaker – serves as chair at all Council meetings. An acting speaker may be elected by the majority of councillors present at any Council meeting where the speaker is not present.

18.2 The Executive Mayor chairs meetings of the Mayoral Committee and, in the Executive Mayor's absence, the Deputy Executive Mayor; and, should the Deputy Executive Mayor also be unavailable, any other councillor appointed by a majority Mayoral Committee members in attendance.

18.3 The Executive Mayor must appoint a chair to serve at meetings of the portfolio committees (section 80 of the Structures Act).

18.4 The person so appointed by Council must chair Council committee meetings (section 79), provided that, where no such person was nominated, the members present may elect their own chair.

19. **Agenda**

Subject to 19.1 and 19.2 below, all meetings must be conducted in accordance with the order in which matters appear on the relevant agenda, and only matters included in the agenda may be debated.

19.1 The speaker or chair may, after considering a duly motivated request, change the order of agenda items.

19.2 The speaker or chair may, after considering a duly motivated request, direct that a matter be moved between the "in-committee" and open-meeting sections of the agenda.

20. **Order of business at Council meetings**

The order of business of an ordinary Council meeting is as follows:

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 (Dealt with by Council Whip)**
7. **Approval of the minutes of the previous meeting**
8. **Statutory matters**
9. **Report by the Municipal Manager on outstanding resolutions**
10. **Items for noting:**
    - **10.1 Report(s) by the Executive Mayor**
    - **10.2 Report(s) by the speaker**
    - **10.3 Report(s) by the Municipal Manager**
11. **Items for consideration from the Executive Mayor in consultation with the Mayoral Committee:**
    - **11.1 Protection Services**
    - **11.2 Youth, Sports and Culture**
    - **11.3 Corporate Services**
    - **11.4 Financial Services**
    - **11.5 Human Settlements**
    - **11.6 Infrastructure Services**
    - **11.7 Parks, Open Spaces and Environment**
    - **11.8 Planning**
    - **11.9 Local Economic Development and Tourism**
    - **11.10 Rural Management and Tourism**
    - **11.11 Municipal Manager**
12. **Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager**
13. **Municipal Public Accounts Committee (MPAC)**
14. **Reports by the Municipal Manager**
15. **Consideration of notices of questions and notices of motions received by the speaker**
16. **Consideration of urgent motions**
17. **Urgent matters submitted by the Municipal Manager**
18. **Reports by the speaker**
19. **Matters to be considered in-committee**

21. **Leave of absence and attendance**

All councillors must punctually attend and remain in attendance for the full duration of each meeting of Council or one of its committees, unless leave of

absence has been granted or a matter serves before the meeting in which a councillor or committee member or their spouse, partner or business associate or close family member has any direct or indirect personal or private business interest and such councillor or committee member is required to withdraw in terms of the Code of Conduct.

21.1 Applications for leave of absence from any Council or committee meeting must be submitted to the Council whip for approval by the speaker or the relevant chair. The application must be in writing and signed by the member applying for leave.

21.2 For any meeting other than an urgent special meeting, all applications for leave must be submitted at least 12 hours before the starting time of the meeting. In case of an urgent special meeting, the Council whip must receive the application an hour before the meeting. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.

21.3 The speaker or chair may grant leave at their sole discretion, and the speaker or chair is at liberty to reject an application for leave of absence; except when such request is accompanied by a medical certificate prescribing a member's being absent or due to an emergency. A medical certificate that is not attached to a request for absence must be submitted within three (3) working days after the meeting and must be dated at least on the date of the meeting. No medical certificate will be required for an emergency.

22. **Minutes to be kept and approved**

22.1 Minutes of the proceedings of every meeting of the Council and its committees must be recorded electronically or otherwise and kept for that purpose by the Director: Corporate Services. The Municipal Manager is responsible for the accuracy of the minutes, and every set of minutes must be approved at the next ordinary meeting.

22.2 Minutes of the proceedings of every Council or committee meeting must be recorded, put in writing and printed and, once approved, signed by the chair at the next ensuing ordinary meeting. Minutes must be bound and kept secure.

22.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.

23. **No discussion on minutes at approval stage**

Any motion or discussion during the approval of the minutes is limited to its accuracy of the decisions.

24. **Motions**

24.1 No matter may be brought before a meeting by any member except upon a notice of motion, which must be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.

24.2 All notices of motion must be submitted to the speaker or chair ten (10) days before the meeting concerned.

24.3 All notices of motion must be dated and numbered as received by the Municipal Manager, and are entered on the agenda paper in the order in which they have been received; save and except that notices of amendment to motions must be entered immediately after the notice of motion that they relate to, irrespective of the time at which the notice has been received.

24.4 Subject to rule 35.4 no member may enter more than two notices of motion on the same agenda.

24.5 Before any notice of motion may be placed on the agenda, it must be submitted to the Municipal Manager, who must obtain the written technical input from the various heads of department of the Municipality, if so required; and who, should the Manager be of the opinion that the motion would be *ultra vires* existing legislation, must ensure that the member concerned be so informed. The notice giver does have the right to appeal to a committee comprising the speaker, Executive Mayor and Council whip of the Council, who will review the matter on the papers alone and decide whether or not such notice of motion should be included in the agenda.

24.5.1 A motion lapses if the member who submitted it is absent at the meeting where the motion is to be debated. The motion concerned must be resubmitted.

24.5.2 The member who submitted a motion must introduce it at the meeting and has the right to deliver a reply.

24.5.3 No motion will be considered that that has the same purport as a motion that was rejected in the three preceding months.

24.7 When a motion is introduced, it must be read out together with the number allocated to it and the name of the mover.

24.6 The speaker or chair must ascertain which motions are unopposed; these must be passed without debate. Thereafter the opposed motions will be called in accordance with the order on the agenda.

24.7 The speaker may disallow a motion that:

24.7.1. may lead to discussion of a matter already dealt with on the agenda;

24.7.2 addresses a matter on which the Council has no jurisdiction;

24.7.3 addresses a matter on which a decision of a judicial or quasi-judicial body is pending;

24.7.4 has not been seconded;

24.7.5 if passed, would contradict existing law; or

24.7.6 is frivolous

24.8 The mover may withdraw a motion or amendment with the consent of the seconder.

24.9 The speaker or chair may call upon any mover of an amendment to a motion to reduce the same to writing and sign it, and to hand it to the Municipal Manager to read it for the meeting's adoption or rejection. Except upon the recommendation of the committee to which the Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any Council meeting may be revoked or altered at any subsequent meeting, unless notice of a motion to amend or revoke has been submitted as contemplated in section 24.

25. **Amendments to recommendations**

25.1 An amendment that is moved:

25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;

25.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the speaker; and

25.1.3 may be moved by a member only while he/she is speaking on a recommendation, motion or proposal under debate.

25.1.4 in the case of minor changes the Speaker may rule that rule 25.1.2 will not apply;

25.2 A member who has moved an amendment may speak thereon for no longer than three (3) minutes, but the seconder will not be allowed to speak thereon, and all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.3 More than one amendment may be moved to a recommendation, motion or proposal and, subject to rule 25.9, all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.4 No member may move more than one amendment to a recommendation, motion or proposal.

25.5 If the Mayor or member of the Mayoral Committee or chair of a committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, they may do so only during their reply.

25.6 The debate is closed after the Mayor or member or chair has delivered their reply.

25.7 If more than one amendment to a recommendation, motion or proposal have been moved, they must be put to the vote in the order in which they were moved.

25.8 The speaker must state each amendment to a recommendation, motion or proposal clearly to the meeting before it is put to the vote.

25.9 If an amendment be carried, the amended recommendation, motion or proposal must take the place of the original recommendation, motion or proposal, in respect of which only further proposed amendments will be put to the vote; provided that, should the speaker be of the opinion that an amendment that has been carried renders another amendment unnecessary or pointless, may rule that such other amendment need not be put to the vote, in which case the latter amendment lapses.

25.10 Council may at any time following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights that may have accrued as a result of the resolution.

26. **Precedence of the speaker**

26.1 Members at a sitting of the Council or a committee must have their heads uncovered; except for members in traditional, cultural or religious headdress.

26.2 Councillors must remain seated while speaking, addressing the speaker or chair at all times.

26.3 Councillors must put on their cameras when speaking during virtual meetings;

26.4 Whenever the speaker or chair speaks, any member speaking or offering to speak at that moment must be silent in order for the speaker to be audible and speak without interruption.

27. **Relevance**

Members who speak must confine their speech strictly to the motion or matter under discussion or to an explanation or a question of order.

28. **Members' right to speak**

Unless otherwise provided for in these rules, no member may speak more than once on any recommendation or amendment to a recommendation(s), motion or proposal; provided that the Executive Mayor or a member may reply in conclusion of a debate – even then confining their comments to previous speakers, without introducing any new matter into the debate.

29. **Mayoral address**

29.1 After the speaker has opened the meeting, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter, whether it be on the agenda or not, which he/she deems appropriate. No points of order or debate are allowed during the Mayoral address.

29.2 At the conclusion of the Mayoral address, the speaker may allow a maximum of ten (10) minutes for questions and answers arising from such address. The speaker must ensure that the time available be allocated proportionally to the political parties, and as agreed at the whips' meeting.

29.3 The Executive Mayor may reply to any questions envisaged in rule 29.2 above or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

30. **Debate management**

30.1 The speaker determines the time allocated to each political party.

30.2 At least 24 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the Council Whip with a list indicating which agenda items are to be debated.

30.3 At least 12 hours before the meeting, the Council whip must provide the speaker or chair with a list indicating which members will speak on which agenda items.

30.4 The speaker determines the time allocated per item, and informs the whips of the speaking time allowed each member included in the list, based on the principle in 29.2 above.

30.5 Each political party or interest group represented on the Municipal Council has the right to speak on each agenda item.

31. **Length of speeches**

31.1 No speech may be longer than three (3) minutes without the speaker's consent. This allotted time excludes consecutive translation time required.

31.2 The speaker or the chair will be entitled at any time to set, limit or extend reasonable time limits for discussion and/or decision-making regarding any item or group of items on the relevant agenda.

32. **Disorderly conduct by councillors and the chair's function**

32.1 Should members at any meeting conduct themselves improperly, behave unseemly or persistently obstruct business to be transacted at that meeting, challenge a ruling by the speaker or chair, or decline to withdraw an expression when required to do so by the speaker or the chair, indulge in tedious repetition or unbecoming language, or commit any breach of these rules, the speaker or chair may rule those members to be out of order and may direct them to conduct themselves properly and, if they have been speaking, to cease such speech immediately.

32.2 Should members persistently disregard directions by the speaker or chair, the latter may declare those members to be out of order and direct them to retire from the venue for the remainder of that meeting and, if necessary, may cause them to be ejected from the venue. The speaker

or chair will launch an investigation under the Code of Conduct regarding such behaviour.

32.3 Unless otherwise ruled, such members are excluded for the full duration of the meeting concerned, including the “in-committee” section of the meeting and any adjournment of that meeting.

32.4 Should members refuse to retire from the venue, the speaker or chair may request the Sergeant-at-arms to facilitate the removal of such members.

32.5 If this cannot be done in an orderly manner, the speaker or chair at the meeting may adjourn proceedings for no longer than 15 minutes to allow for the relevant members to retire or be ejected from the venue. If the members have not left or been ejected by the time that the meeting is to be resumed, it may be adjourned for another 10 minutes to resolve the situation.

32.6 After a second adjournment the speaker or chair may rule that the meeting will re-convene at another venue and time, and that any members ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Council’s Sergeant-at-arms must ensure that such members do not, indeed, enter the alternative venue.

32.7 When the meeting is conducted on a virtual platform the councillor requested to leave must leave the meeting and may not take part in the meeting through any other electronic device, whether his own or someone else’s.

A councillor requested to leave will be cut from the virtual platform by the administration.

33. **Obstruction by persons other than councillors**

Any persons other than members who misconduct themselves, behave unseemly or interrupt the proceedings of the Council or any Council committee meeting must, should the speaker or chair so direct, leave the venue or be removed from it. Should such persons refuse to leave, the Sergeant-at-arms is responsible for removing them from the venue. The speaker or the chair may exclude such persons from further admittance to the venue or the meeting for a period as the speaker or chair may deem fit.

34 Points of order and personal explanations

34.1 All members, whether they have addressed the Council on the matter under debate or not, may raise a point of order at any time and must specify the rule upon which they raise it after having been acknowledged by the speaker or chair.

34.2 All members who have addressed a meeting on the matter under discussion may raise a point of personal explanation in order to only clarify any misunderstanding or incorrect interpretation of their input .

34.3 No point of order or personal explanation constitutes a speech and, therefore, will not affect any members' right to speak on a particular item; provided that they must be limited to one (1) minute speaking on the point of order or personal explanation.

34.4 Any members contemplated in rule 34.1 and 34.2 must be heard, and the member speaking at the time as well as all other members must remain silent until the speaker or chair has ruled on the matter.

34.5 The ruling by the speaker or chair on a point of order or on the admissibility of a point of personal explanation is final and will not be open to discussion.

34.6 Members who persist in raising a point of order or of personal explanation after the speaker of chair has made a ruling are subject to rule 32 above.

35. **Questions**

35.1 All members may submit a question requiring a written reply from any political office bearer, the Municipal Manager or Senior Manager of the Municipality concerning any matter related to the Municipality's effectively performing its functions and exercising its powers; provided that a written notice of such question must be submitted to the speaker or chair and the Municipal Manager at least 10 days before the Council or committee meeting, and the political office bearer and the Municipal Manager must ensure that the members concerned receive a written reply at the meeting.

35.2 If, after questions have been replied to, members should consider a reply to be unclear or satisfactory, they may request a follow-up question in writing with the permission of the speaker or chair.

35.3 All questions duly given notice of and all responses submitted must be recorded in the minutes.

35.4 Each member may raise/file/petition only two (2) motions or two (2) questions, or one (1) question and one (1) motion, per meeting.

35.5 Members may not submit a question or motion that is substantially the same as a motion or question raised in the previous three months; the speaker or chair has sole discretion to make a ruling regarding the substance of a motion or question.

36. **Terms of reference of subcommittees**

Upon the appointment of any subcommittee of Council, the Council must specify the terms of reference of such subcommittee and determine the number of members required for a quorum.

37. **Extension or restriction of powers by the Council**

The Council may at any time extend, withdraw or modify the duties and powers of a committee or subcommittee appointed under section 79 of the Structures Act.

38. **Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees**

38.1 Every committee must keep minutes of its proceedings and cause the same to be duly stored by the Director: Corporate Services.

This provision applies to the Mayoral Committee too, except when it is specifically exempted from this duty by a resolution by the Council in view of the sensitivity, confidentiality or other nature of the subject matter of a particular meeting; and provided that the final resolution or recommendation be duly recorded in writing.

38.2 At every ordinary meeting of a committee, the minutes of the previous meeting will be taken as read, with a view to approving it; provided that a copy of such minutes be attached to the agenda and have been sent to each member of the committee beforehand.

38.3 No discussion will be allowed regarding the minutes, except as to its accuracy or the resolutions taken, save at portfolio committee meetings – and even then at the sole discretion of the chair.

39. **Inspection of minutes**

39.1 Once approved, the minutes of recent Council meetings must be posted on the Municipality's website for perusal.

39.2 Hard copies of minutes and historical minutes may be inspected, but access must be applied for as per the Municipality's policy regarding PAIA (Promotion of Access to Information Act 2 of 2000), and may attract an administration fee.

40. **Non-attendance by committee members**

40.1 Should any member of the Council or a committee of Council fail to attend three or more consecutive meetings of the relevant body without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 1 to the Systems Act) applies and must be removed as a councillor in terms of the Code of Conduct.

40.2 Members of Council or a committee who fail to attend a meeting of the relevant body without leave of absence having been granted as contemplated in rule 21 above may incur a fine of 10% of their monthly salary for every meeting that the member was absent from.

40.3 A committee consisting of the speaker, the Council whip and two other party whips chosen on a rotational basis must investigate before a fine is

imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21.

41. **Council members attending meetings of committees of which they are not members**

41.1 Members of the Municipal Council may attend the meeting of any committee of which they are not a member. In all such instances, the Council members are granted observer status and thus may not participate or vote at such meetings.

41.2 The provisions of rule 41.1 do not apply to the Municipal Public Accounts Committee (MPAC).

41.3 Mayoral Committee members may be requested to attend MPAC meetings, and the notice must specify the matters on which the Mayoral Committee member is expected to address the MPAC.

41.4 Mayoral Committee members who have been requested to attend an MPAC meeting may request that the Municipal Manager – or a senior manager, with the Municipal Manager's permission – accompany them to such MPAC meeting; however, they may not instruct such official to appear before and address the MPAC on their behalf.

42. **Information to be obtained from the Municipal Manager or heads of department**

Subject to the provisions of rule 38 above, Council members who wish to obtain from any Municipal official information about the Municipality's administrative work – which information is not accessible to the general public – must address their enquiries firstly to the Municipal Manager in writing; in the event of the Municipal Manager refusing such request, the Council member concerned may submit a PAIA application.

43. **Information to the media including social media platforms: in-committee discussions**

43.1 The Executive Mayor or, in his/her absence, the Deputy Executive Mayor and the Municipal Manager – or their delegated representative according to their discretion – may supply, upon application to them by any registered newspaper, radio station, television service or internet publisher, information and reports relating to the Municipality's work to such media or their representatives.

43.2 In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, Council and committee members must refrain from providing the media with documents or information that they have received for the purposes of discussion by the Council or committee; on the understanding that this clause is not be construed as abrogating councillors' individual

constitutional right to make press statements that reflect their personal or political views, not those of the Council; and provided, further, that no in-committee discussion may be conveyed to the public or media except by the Executive Mayor or Municipal Manager.

43.3 Committee chairs must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to the committee concerned; if approved, the Municipal Manager will arrange for the publication of the relevant information.

44. **Legal defence and indemnification of members and officers of the Council**

The Council (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, that a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a Municipal official.

45. **Speaker may refer matters for legal advice**

The speaker may, within the framework of the Municipality’s approved operational budget and subject to its supply chain management policy, refer any matter pertaining to the Council and its proceedings for legal advice.

46. **Activities prohibited within the Council chamber or meeting venue and the use of the Council chamber by other persons or institutions**

46.1 All persons and institutions who make use of the facilities must respect and adhere to the decorum of the Council chamber as the official seat of Municipal governance at all times.

46.2 The following activities, conducted by whosoever, are strictly prohibited within the confines of the Council chamber or a meeting venue of the Council or its committees:

45.2.1 being in possession of a cellular telephone that is not in silent mode;

45.2.2 speaking on a cellular phone during a meeting; and

45.2.3 consuming any food or drink, excluding water provided at the meeting or bottled water.

46.3 The use of the Council chamber by any persons or institutions other than a recognised committee, body of or person in the employ of the Municipality is subject to approval by the speaker’s office, and at all times dependent on the venue’s availability as regards the Council's calendar of use and the purpose for which it is requested. Applications for use must be submitted in writing to the speaker, who will confer with the Director: Corporate Services about making the venue available and send a written reply.

47. **Sanctions and offences**

Any person who wilfully contravenes any provision of these rules is guilty of an offence and subject to the following sanctions imposed by the Council:

47.1 a fine as determined by Council from time to time for the categories of offences as approved by Council by resolution from time to time;

47.2 suspension from attending Council or committee meetings as the Council may determine, for such a period as the Council may determine by resolution from time to time for the categories of offences as determined by Council.

48. **Dress code**

48.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.

48.2 Notwithstanding the provisions of any resolution passed in accordance with rule 48.1, no councillor will be allowed to wear to any meeting any clothing or accessory that displays party-political paraphernalia or any clothing that may offend a party or person.

7.9.2	INTRODUCTION OF THE STELLENBOSCH JUNIOR TOWN COUNCIL

Collaborator No: **786763**
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: INTRODUCTION OF THE STELLENBOSCH JUNIOR TOWN COUNCIL

2. PURPOSE

To introduce the newly elected Stellenbosch Junior Town Council and provide information on the purpose of such a structure.

3. DELEGATED AUTHORITY

For information to Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality embarked on a process to establish a Junior Town Council represented by learners attending schools within WCO24. After a call for applications and the completion of a recruitment and selection process 16 learners were elected to form the first Stellenbosch Junior Town Council.

The Junior Town Council is made up of the Junior Town Council Mayor, the Junior Town Council Deputy Mayor, the Junior Town Council Speaker, the Portfolio Holder: Community Interventions and the Portfolio Holder: School Interventions. After campaigning, the above positions were filled by 30 May 2025. The remainder of the Junior Town Council members makes up the respective membership of the two portfolio committees.

5. RECOMMENDATIONS

(a) that Council note the newly elected Junior Town Council and its executive; and

(b) that Council support the structure and their endeavours during their appointed period.

6. DISCUSSION / CONTENTS

6.1. Background

The Junior Town Council was established as a forum for high school learners (Grade 10 and 11) to:

- Broaden their knowledge of local government, with special reference to municipal matters; and
- increase their understanding of the scope and extent of the functions performed by local authorities.

The composition of the Junior Town Council has been designed to more closely align the schools in each of the local town's wards to governance and service delivery matters. The program aims to empower learners to become active citizens and future

leaders through leadership development, civic participation, local government understanding and project management.

The Junior Town Council is not a political structure and participation by schools is voluntary.

As communities across the nation strive to build resilient, inclusive, and forward-thinking local governments, one often-overlooked asset is the energy and insight of young people. Establishing a Junior Town Council offers a structured and meaningful way to involve youth in civic life, foster future leadership, and strengthen the democratic process from the ground up. For Stellenbosch municipality, investing in a Junior Town Council is not only a statement of trust in the next generation but also a strategic decision with tangible benefits.

6.2 Discussion

A call for participation and applications was sent to all local high schools and advertised through ward councillors and social media. After the initial shortlisting process, a final Junior Town Council team consisting of 15 members was selected.

Activities with the Junior Town Council are limited to outside of school hours within school terms. The initial period after the conclusion of the selection process thus focussed on orientation, setting expectations and the election of the office bearers.

The Strategic Objectives of the Junior Town Council include the following:

a) Civic Literacy and Engagement:
Youth involved in a Junior Town Council gain firsthand experience with legislative processes, budgeting, public debate, and community planning. This builds foundational civic literacy and encourages long-term voter participation and political involvement.
b) Youth Representation in Governance:
Young people often feel disconnected from politics because their voices are underrepresented. A Junior Town Council bridges this gap, allowing local government to hear directly from the demographic that will inherit today's policy decisions.
c) Leadership and Skill Development:
Through public speaking, negotiation, team projects, and event coordination, Junior Town Council members acquire skills that benefit not just their own futures but the future workforce and civic leadership pipeline.
d) Stronger Community Ties:
Youth councils often initiate or support projects that benefit the wider community—ranging from public art and environmental campaigns to peer mental health programs and technology literacy workshops.

Tangible Benefits to Local Governments

a) Policy Innovation:
Young people think creatively and bring new perspectives to traditional problems. Their input can inform more inclusive and forward-thinking policies, particularly in areas such as mental health, climate action, digital access, and public safety.
b) Enhanced Public Trust:

By actively including youth in governance, municipalities can build trust with families, schools, and underrepresented groups. It sends a powerful message that all voices matter in civic discourse.

It is envisaged that the Stellenbosch Junior Town Council will consist of 2 representatives from each of the 19 local high schools. The full number of Junior Town Council members will thus be 38.

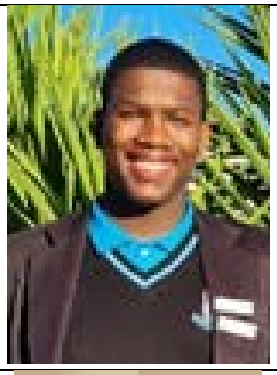
Franschhoek High	Groendal Secondary
Bridge House	Kylemore Secondary
Stellenbosch High	Rhenish High
Paul Roos Gymnasium	Bloemhof High
Delicuim Academic Centre	Somerset College
Calling Academy	Apex High
Kayamandi High	Makupula High
Cloetesville High	Luckhoff Secondary
Klapmuts High	Dorothea School
Stellenzicht High	

Participation by all schools were not obtained with the first call for participation. It is envisaged that through active coverage of the activities of the Junior Town Council more schools will participate in future. For this reason, if more than 2 applications were received from a school, the opportunity to participate was provided to more than 2 representatives for the pilot Junior Town Council. Thus, ensuring a big enough group to allow for sufficient group interaction.

The elected 2025 Junior Town Council members consist of the following individuals:

1	**Byron Scheepers** Gr 11 Groendal Secondary	
2	**Kayleigh Cass** Gr 11 Groendal Secondary	

3	**Daniella Smit** Gr 10 Stellenbosch High	
4	**Riane Louw** Gr 10 Stellenbosch High	
5	**Seaton Adonis** Gr 10 Stellenbosch High	
6	**Aleza Roos** Gr 10 Stellenbosch High	
7	**Luandri Stadler** Gr 10 Franschhoek High	

8	**Claython Malgas** Gr 11 Franschhoek High	
9	**Cecilia Visagie** Gr 11 Bloemhof High	
10	**Melvine Martin** Gr 10 Stellenzicht Secondary	
11	**Jacquin Johanessen** Gr 10 Stellenzicht Secondary	
12	**Rachel Johnston** Gr 10 Rhenish Girsl High	

13	**Aqhama Kwayimani** Gr 10 Rhenish Girls High	
14	**Lulibo Kwayimani** Gr 11 Rhenish Girls High	
15	**Peyton Arendse** Gr 10 Rhenish Girls High	

All members of the Stellenbosch Junior Town Council signed the pledge confirming their commitment to serve the Council and their communities with honour and dignity. (**ANNEXURE A**)

After the campaigning process, the following leaders were elected to fill the available portfolios:

	Portfolio	**Name**	**School**
1	Junior Town Council Mayor	Claython Malgas	Franschhoek High School
2	Junior Town Council Deputy Mayor	Melvine Martin	Stellenzicht Secondary School
3	Junior Town Council Speaker	Peyton Arendse	Rhenish Girls High School
4	Junior Town Council Portfolio Holder: Community Interventions	Kayleigh Cass	Groendal Secondary School

5	Junior Town Council Portfolio Holder: School Interventions	Riane Louw	Stellenbosch High School

6.3 Financial Implications

Financial implications as per approved budget.

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:

None

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 *Director Community and Protection Services:*

Support the report.

6.8.2 *Municipal Manager:*

Support the report.

ANNEXURES

Annexure A: Example Junior Town Council Pledge

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	30-04-2025

ANNEXURE A

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

JUNIOR TOWN COUNCILLOR PLEDGE

I, _____,
pledge to uphold the vision and mission of the Stellenbosch Junior Town Council (JTC) with pride and purpose.

I commit to representing the JTC, my community and the greater Stellenbosch Municipality with integrity, dignity and respect. I will not bring disrepute to the Municipality or the Council and will carry out my responsibilities with honour.

I pledge to uphold the values of transparency, accountability, responsiveness and meaningful participation.

I will celebrate and respect the diversity of the JTC, recognising and embracing differences in culture, language, religion, race, gender and socio-economic background.

I commit to contributing towards a strong, dedicated and united Junior Town Council, working collaboratively with my fellow Councillors to serve our communities.

I further pledge to serve my full term and to attend all meetings and activities diligently and consistently.

_____ _____

Signature Date

7.9.3	JUNIOR TOWN COUNCIL MEMBERS

Collaborator No: **786516**
IDP KPA Ref No: **Good Governance**
Meeting Date: **18 June 2025**

1. SUBJECT: JUNIOR TOWN COUNCIL MEMBERS

2. PURPOSE

To inform all councillors of the requirements of the job shadowing experience needed by the newly elected Junior Town Councillors and elicit their support with the roll-out of the project.

3. DELEGATED AUTHORITY

For information to Council.

4. EXECUTIVE SUMMARY

The newly elected Junior Town Councillors have a certain understanding of what their role and function will be as councillors but does not have the practical experience which will assist them to not only fulfil their role as junior councillor but also guide the selection and implementation of the community and school projects they are required to do.

For them to be effective in understanding leadership at a local government level, they are required to understand the workings of council and how to represent their constituents. Shadowing Stellenbosch Councillors will assist the Junior Town Council members to gain a practical view of the daily tasks of a councillor to prepare them in fulfilling their role and to make it an enriching and educational experience.

5. RECOMMENDATION

that council indicate which of its members are willing to act as mentors by providing a job shadowing opportunity to the Junior Town Council members.

6. DISCUSSION / CONTENTS

6.1 Background

The newly elected Junior Town Council members do not necessarily hold elected leadership positions at their individual schools but have shown a keen interest in serving their communities and have thus voluntarily applied to participate in the Junior Town Council programme. All of them are already involved in extra-mural activities with a community focus, but none of them have experience in how local government works. The purpose of the Junior Town Council programme is to develop a representative forum through which the youth of Stellenbosch can make their voice heard and through which they can become active citizens.

6.2 Discussion

Through Job Shadowing, The Junior Town Council need to gain practical experience regarding the duties of councilors. The expectations of the Junior Town Council that Stellenbosch Councillors will be required to fulfill may include:

b) **Insight into Local Government**: To gain an understanding of how local government works, including decision-making, planning, and community engagement.

c) **Guidance and Mentorship**: Councillors explain their roles, provide context for meetings or activities, and offer mentorship about leadership and public service.

d) **Involvement and observations in Real Activities**: For learners to observe actual duties (as far as possible)—such as attending meetings, community visits, or planning sessions. It is desirable that the JUNIOR TOWN COUNCIL does not only shadow office tasks.

e) **Openness and Communication**: Councillors being open to answering questions and sharing personal experiences, challenges, and motivations.

f) **Respect and Inclusion**: Learners to be treated respectfully, feel included in discussions where appropriate, and have their presence acknowledged.

g) **Safe and Supportive Environment**: For learners to have a safe environment where they feel comfortable to ask questions and participate.

Learners can gain several valuable insights and experiences by job shadowing councillors. These include:

b) **Understanding Local Government Functions**: Learners see firsthand how decisions are made, policies are implemented, and public services are managed.

c) **Civic Awareness and Engagement**: They develop a deeper appreciation for civic responsibility, community challenges, and the role of elected officials.

d) **Practical Skills**: Exposure to communication, negotiation, problem-solving, and leadership in real-world contexts enhances their soft skills.

e) **Insight into Political Processes**: Learners witness meetings, consultations, and the bureaucratic steps involved in governance.

f) **Career Exploration**: It helps them assess whether a career in public service, politics, or administration aligns with their interests and values.

g) **Networking Opportunities**: They can connect with local leaders and stakeholders, potentially opening doors for internships or mentorship.

Junior Town Council members are school going youth and thus would require jobbing shadow after school hours, during weekends and/or school holidays. The number of hours required can be negotiated between the Stellenbosch Councillor and the Junior Town Council member. All 16 Junior Town Council members need to be

accommodated with a job shadowing opportunity. Dependent on the circumstances of the Junior Town Council member, it might be requested from the Stellenbosch Councillor to assist with transport.

6.3. Financial Implications

Financial implications as per approved budget.

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:

None.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 *Director Community and Protection Services*

Support the report.

6.8.2 *Municipal Manager*

Support the report.

ANNEXURES

None

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	09-05-2025

7.9.4	**UPDATED STELLENBOSCH GIS MAP OF DISABILITIES PERSONS ORGANISATIONS**

Collaborator No: **786109**
IDP KPA Ref No: **Dignified Living**
Meeting Date: **18 June 2025**

1. SUBJECT: UPDATED STELLENBOSCH GIS MAP OF DISABILITIES PERSONS ORGANISATIONS

2. PURPOSE

To present the Reviewed GIS Map of Disability Persons Organisations (DPO) serving the Stellenbosch Community.

3. DELEGATED AUTHORITY

For information to Mayco.

4. EXECUTIVE SUMMARY

The Stellenbosch Disability Network has completed a map containing the contact details of organisations serving persons with disabilities and their families within the Stellenbosch Municipal area. The map aims to provide easy access to services and contains a GIS Map as well as the contact details of the organisations. The information relating to the organisations was updated for the 2024/25 financial year.

5. RECOMMENDATION

that MAYCO note the GIS DPO Map.

6. DISCUSSION / CONTENTS

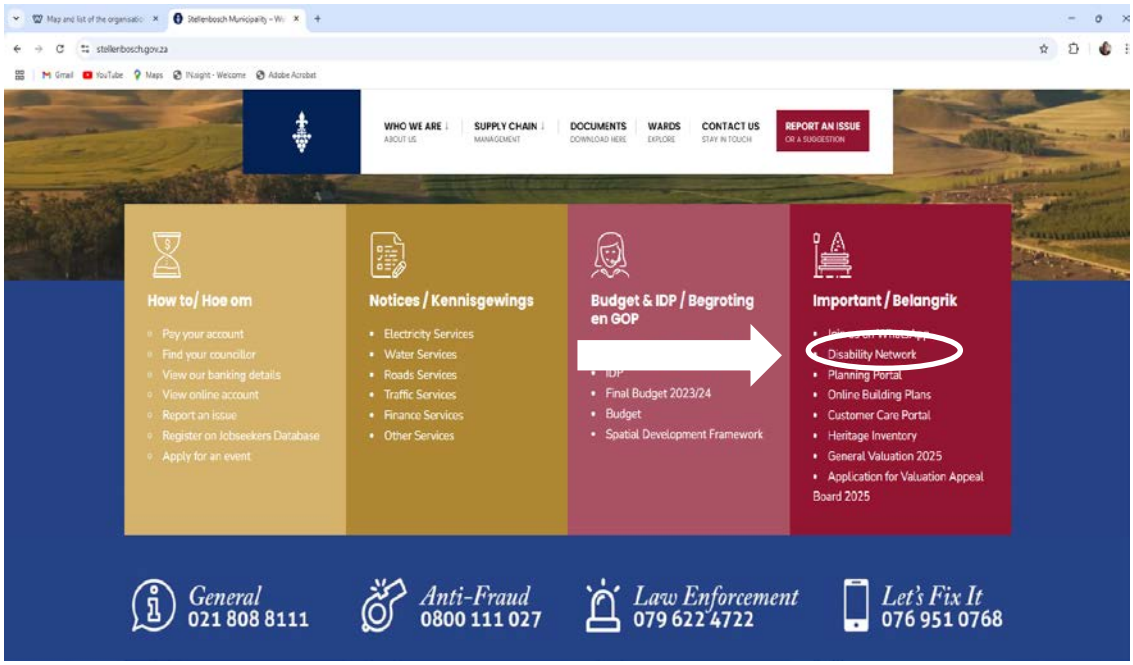
6.1 Background

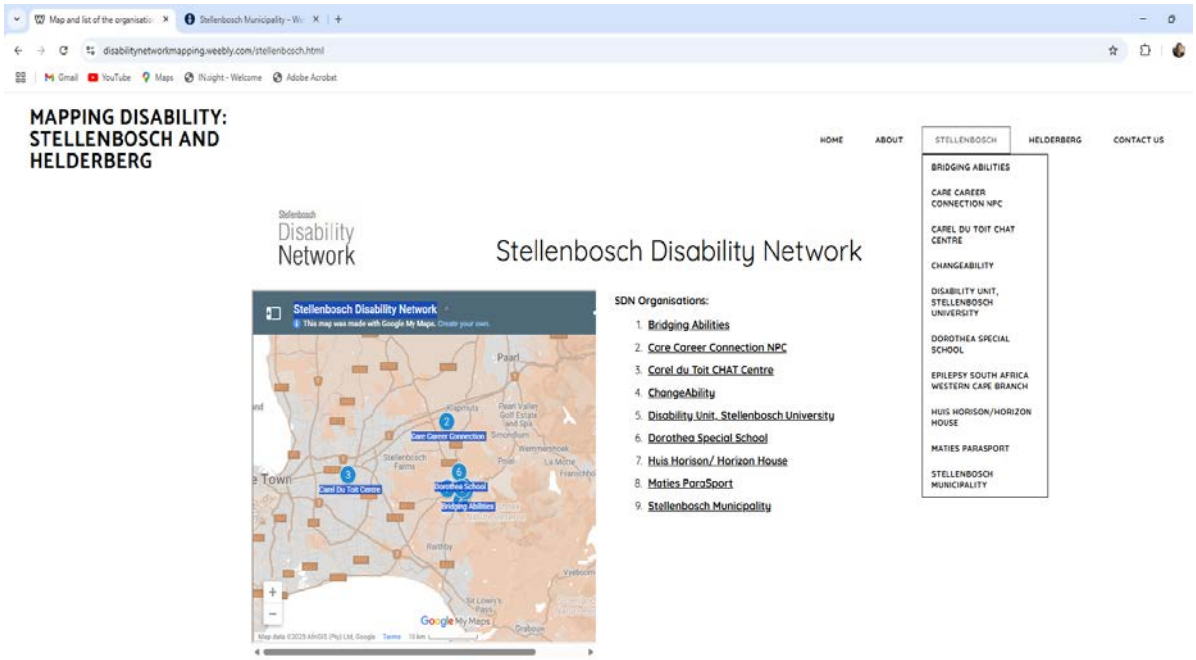
Stellenbosch Municipality approved the Universal Access Policy that guides the way in which we render services to ensure accessibility for all persons including persons with disabilities. One of the objectives of the policy is to provide quick and easy access to information on available services to the citizens of Stellenbosch through a map.

6.2 Discussion

Stellenbosch Municipality is a member of the Stellenbosch Disability Network and thus participated in the project to develop a map of all locally available services. The map is available at the following link: https://disabilitynetworkmapping.weebly.com/stellenbosch.html with further quick access from the municipality's website.

The map contains easy to access contact information of the organisations by using the drop-down menu of the Stellenbosch tab and GIS location indicators of where the organisations are situated.





The following updates were included to ensure the information is current:

a. Stellenbosch University Disability Unit – New contact person

6.3. Financial Implications

The recommendation in this report has no financial implications for the municipality.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation and has specific bearing on the implementation of the Universal Access Policy.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

40TH COUNCIL MEETING: 2021-01-27: ITEM 11.9.1
RESOLVED (nem con)

(a) that Council notes the results of the public participation process for the Review of the Universal Access Policy; and
(b) that the reviewed Universal Access Policy be approved.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 *Director Community and Protection Services*

Content noted.

6.8.2 *Municipal Manager*

Content noted.

ANNEXURES

NONE

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	12-05-2025

7.9.5	REVIEW STELLENBOSCH MUNICIPALITY EARLY EDUCATION DEVELOPMENT POLICY

Collaborator No: **787976**
IDP KPA Ref No: **Dignified Living**
Meeting Date: **18 June 2025**

1. SUBJECT: REVIEW STELLENBOSCH MUNICIPALITY EARLY EDUCATION DEVELOPMENT POLICY

2. PURPOSE

To obtain approval for the review of the Stellenbosch Municipality Early Childhood Development Policy

3. DELEGATED AUTHORITY

For approval by council.

4. EXECUTIVE SUMMARY

The Department: Community Development is responsible for services relating to children including assistance towards achieving full registration. The department, however, is not responsible for the registration of Early Childhood Development Centres nor for the approvals relating to local government services and processes required. The above-mentioned services and processes are spread among the Provincial Department of Basic Education (previously the Department of Social Development), the Cape Winelands District Municipality Environmental Health and several local government departments. In order to ensure coordinated service delivery between the above-mentioned entities, a policy has been developed to provide a framework and guide as to the process for the registration of ECD facilities in Stellenbosch Municipal area. Comments on the Children's Amendment Bill has been submitted through SALGA, but it is not near to being enacted. The changes suggested in the Amendment Bill is thus not included in this review of the policy.

The review of the policy takes into consideration the migration of the registration function from the Department of Social Development to the Department of Basic Education.

5. RECOMMENDATIONS

(a) that MayCo support the revised Early Childhood Development Policy for submission to Council;

(b) that the revised Early Childhood Development Policy be approved in principle for public comment; and

(c) that the policy be brought back to council for consideration after the public participation process.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality has an approved Early Childhood Development Policy which was adopted for the first time in 2018 which has been reviewed in 2022. It is currently eligible for review again and although the Children's Amendment Bill has not yet been enacted, the migration of the function from the Department of Social Development to the Department of Basic Education necessitates the review of the policy to bring it in line with this development.

6.2 Discussion

The above-mentioned migration already occurred in 2023, but it took the Department of Basic Education some time to provide guidance to the sector and local authorities on the processes they will implement relating to the registration of the Early Childhood Development facilities. To date a number of meetings and imbizo's has been hosted by the Department of Basic Education to explain their roadmap and the way forward.

These initial sessions indicated to the sector that until the Department of Basic Education themselves has developed their own processes, the registration process will continue as per previous processes.

The Department Community Development also migrated from the Department Local and Economic Development to the Community and Protection Services Department since the original policy approval. Since then, the Community Development Department developed a Standard Operating Procedure in association with the Department Social Development, Cape Winelands District Municipality and Stellenbosch Municipality officials involved with the registration process. The agreed upon operating procedures further necessitated changes to the current policy in that the initial stage of registration was moved from the Department of Social Development to the Community Development Department to allow for coordination of the registration process as it progress through the different legislative processes and entities.

6.3. Financial Implications

Financial implications as per approved budget.

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:

16TH COUNCIL MEETING: 2018-03-28: ITEM 8.3.1 RESOLVED (nem con) that the draft Early Childhood Development Policy be approved.

5TH COUNCIL MEETING: 2022-05-25: ITEM 11.2.2 RESOLVED (nem con)

(a) That Council notes the impending legislative changes and the resulting impact on local government capital and operation budgets;
(b) That Council approves this review of the Stellenbosch Municipality ECD Policy without changes; and
(c) That the Policy be reviewed and submitted back to Council once the above mentioned legislation has been enacted, whereafter the public participation process will ensue.

6.7 Risk Implications

Risks are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 *Director Community and Protection Services:*

Support the report.

6.8.2 *Director Engineering Services:*

Received comments has been incorporated in policy.

6.8.3 *Director Planning and Economic Development:*

Comment received in relation to the role and responsibilities of the Building Development Management Department. Comments were incorporated into the item.

6.8.4 *Chief Financial Officer*

No comment received by the due date.

6.8.5 *Municipal Manager and Director Corporate Services:*

Support the draft changes.

ANNEXURES

Annexure A: Review of Early Childhood Development Policy (with track changes)

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ANNEXURE A

EARLY CHILDHOOD DEVELOPMENT POLICY
STELLENBOSCH MUNICIPALITY
~~DRAFT~~REVIEW

TABLE OF CONTENT

Table of Contents

1. ABBREVIATIONS 4
2. GLOSSARY 5
3. EXECUTIVE SUMMARY 6
4. THE PURPOSE OF THIS POLICY 10
5. SCOPE AND APPLICATION 11
6. OBJECTIVES 11
7. LEGISLATIVE FRAMEWORK 11
8. POLICY PARAMETERS 13
9. ROLE PLAYERS AND STAKEHOLDERS 14
    - Stellenbosch Municipality 14
        - Planning and Economic Development Directorate 14
            - Land Use Management 14
            - Building Control 14
            - Housing Development Integrated Human Settlements Department 14
        - Corporate Services 15
            - Property Management Department 15
        - Community and Protection Services 15
            - Environment, Sport and Facilities 15
            - Library Services 15
            - Fire and Emergency Services 15
            - Disaster Management 15
            - Traffic Services 16
            - Community Development Department 16
        - Engineering Services Directorate 17
        - Finance Directorate 18
    - District Environmental and Regional Health Services 18
    - Provincial Departments 18
    - ECD forums 18
10. REQUIREMENTS FOR ECD REGISTRATION COMPLIANCE 19
11. IMPLEMENTATION OF POLICY 21
12. MONITORING, EVALUATION AND REVIEW 21

12.1. Monitoring 22
12.2. Evaluation:..... 22
12.3. Review: 22
12.4. Data gathering: 22

13. APPLICATION FOR REGISTRATION OF A PARTIAL CARE CENTRE (Flow chart) 23

1. ABBREVIATIONS

CBO: Community-based organisations concerned with helping the community local to the Organisation. CBOs are not for profit organisations. Also see NGO.

CWDM: Cape Winelands District Municipality

DBE~~SD~~: Department of ~~Social Development~~: Basic Education: Western Cape

DSD: Department of Social Development

ECD: Early Child Development Is the process of emotional, mental, spiritual, moral, physical and social development of children from birth to nine years.

GiA: Municipal Grant in Aid funding annual donations

NGO: Non-Government Organization

NQF: National Qualifications Framework

PHC: Primary Health Care

SM: Stellenbosch Municipality

sqm: Square metre

SSO: Social Service Organisation (Implementing Support Partner)

WC024: Local municipal area of Stellenbosch Municipality, South Africa

2. GLOSSARY

"Baby/infant": A child from 0-18 months old.

"Child": A person under the age of 18 years.

"Child minder": A person who provides care and early learning for up to six children, typically in their own homes. Also in some contexts referred to as "day mothers".

"Collaboration": Involves networking, cooperation and coordination, and also involves improving the capacity of partners for mutual benefit and attainment of a common purpose.

"Communicable disease": A disease that can be passed on to others e.g. scabies, chickenpox, measles.

"Cooperation": Includes the exchange of information for mutual benefit, aligning activities for a common purpose and sharing resources for mutual benefit.

"Coordination": Involves information exchange and aligning activities to work.

"Department": In this policy, "Department" refers to the Department of ~~Social Development~~Basic Education (DBE~~SD~~).

"Development appropriate": This term is used to describe activities, equipment or programmes. It is a way of working with children that takes note of what is known about child development and also what is known or learnt about each child and his/her development.

"Disability": Persons (young children) with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others

"Director-General": In this policy, Director-General refers to the Director-General of the National Department of ~~Social Development~~Basic Education.

"Early Childhood Development Centre": Is a partial care facility that provides an early childhood programme with an early learning and development (ECD) focus for children from birth until the year before they enter Grade R/formal school.

"ECD Forums": Is a structure that allows for communication between ECD Sector and government on issues related to ECD. The forum is open to individuals and organisations with an interest in promoting early childhood development. The membership of ECD forums can includes civil society, representatives from government, higher education institutions, training providers, other forums and associations, businesses, and interested individuals. The underlying characteristic of a forum is that forum members are able to share decision making, resources and credit. ECD Forums emerge as spaces which enable active citizenry, broadly defined as participation in civil society, community and/or political life characterised by mutual respect and non-violence and in accordance with human rights and democracy.

"Early LearningCD Practitioner": A person who provides early childhood development services through formal early childhood development programmes, family services, playgroups and training, as well as those providing management support services to these workers.

"ECD Programmes": Programmes that provide one or more forms of daily care, development, early learning opportunities and support to children from birth until the year before they enter formal school. These programmes include, but are not limited to:

- Community-based play groups operating for specific hours;
- outreach and support programmes for young children and their families/caregivers, at a household level;
- parenting support and enrichment programmes;
- support for the psycho-social needs of young children and their families;
- ECD programmes provided at partial care facilities and at child and youth care facilities, as contemplated in section 93 (5) of the Children's Act; and
- any other programme that focuses on the care, development and early learning of children from birth until the year before they enter formal school.

"ECD Services": Services or support provided to infants and young children or to the child's parents or caregiver by a government department or civil society organisation. The intention of ECD services are to promote children's behavioural competencies and enable them to participate meaningfully in their homes and community environments.

"Environmental Health Officer": (Also known as Public Health Inspectors or Environmental Health Practitioners) are responsible for carrying out measures to protect public health, including administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards. They are involved in a variety of activities, for example inspecting food facilities, ECD facilities, investigating public health nuisances, and implementing disease control. Environmental Health Officers are focused on prevention, consultation, investigation, and education of the community regarding health risks and maintaining a safe environment.

"Grant in Aid": Stellenbosch Municipality annual Grant in Aid funding donations. Refer to Grant in Aid policy.

"Municipality": Stellenbosch Municipality serving the community within the geographical area known as WC024.

"Non-Government Organization": All non-governmental and non-profit organisations that are concerned with the betterment of society or the individual. NGOs are private, self-governing, voluntary organisations operating not for commercial purposes but in the public interest, for the promotion of social welfare and development, religious, charity, education, sports, arts and culture and research.

"Pre-school child": A child under six years of age not yet attending formal school.

"Qualification": means formal recognition of the achievement of the required number and type of credits and such other requirement at specific levels of the NQF as maybe determined by the relevant bodies registered for such purpose by the South African Qualifications Authority.

"The Act": For the purpose of this policy it means the Children's Care Act (38 of 2005).

"Vulnerability": means a heightened or increased exposure to risk as a result of one's circumstances.

3. EXECUTIVE SUMMARY

The population of Stellenbosch Municipality is estimated to be ~~155 733~~199 325 according to the ~~Stellenbosch Municipal IDP~~Western Cape Socio-Economic Profile. Children between the ages of 0-4 years constitute 4.3% which is the second highest age category in the municipal area.

According to Department of ~~Social Development~~Basic Education, there are two hundred and twenty six (226) Early Childhood Centres operational in the WC024.

Of these only fifty eight (58) ECD's are registered with the Department of ~~Social Development~~Basic Education. Thirty (30) of the registered ECD's are funded by DBE~~SD~~. In a survey completed by the municipality in 2016 all ECD's were captured on the GIS database of these 134 ECD's were found to be active.

Approximately 37% of South African children aged 0–4 years attended ECD centres. However, ECD activities were not provided for at all these facilities. This means that most of the children do not have access to an ECD centre which provides proper stimulation and supports the case to plan for support to ECD centres as well as inclusion of these centres in future town planning.

The sensitivity of the brain in the early stages of development determines the functioning of the child's brain at a later stage. From a development perspective it is vulnerable to biological, social and environmental risk factors. The risk factors associated with children not attending ECD centres include the following:

- ***Poverty:***
  Poverty is widely recognised as "a root cause of poor child development". Low socioeconomic status is a key predictor of poor early childhood development. Persistent, cumulative poverty and exposure to hardship in the first years of life has a detrimental effect on cognitive functioning, with the impact being stronger on verbal, compared to non-verbal skills.

- ***Malnutrition:***
  Poor infant and child nutrition, especially in the period between conception and the age of two years, can lead to irreversible stunting and delays in growth resulting in poor cognitive development, and ultimately lower educational and labour market performance. Poor maternal nutrition, such as lack of folic acid in the early antenatal period, can cause significant structural damage to the foetus in utero.

- ***Stunting:***
  Low height-for-age is caused by chronic malnutrition which is, in turn, predictive of poor cognitive and language development. The impact of poor nutrition on the child's development is particularly pronounced in the first two years of life. Even if children catch up in terms of length, the impact of stunting on brain development in this critical early period may well endure. On average, children who are stunted by age 2 go on to complete fewer years schooling than peers, perform poorly at school and generally earn less as adults.

- ***Low birth-weight:***
  Infants with low birth-weight (< 2 500 grams) have a bigger lifetime risk for cardiovascular disease, diabetes and learning difficulties.

- ***Infectious diseases in pregnant women, infants and children:***
  Antenatal infections in pregnant women, such as syphilis and rubella, as well as diseases in infants and young children, such as measles, meningitis, middle ear infection, diarrhoea, parasitic infections and HIV, may negatively affect the young child's physical and cognitive development

- ***Environmental toxins:***
  Pre- and post-natal exposure to environmental toxins such as alcohol, drugs, chemicals and pesticides can cause irreversible damage to the developing brain and resultant cognitive, physical, emotional, and social development of the embryo (first trimester), foetuses (second and third trimester) and the baby.

- ***Stress:***
  In the absence of a supportive caregiver to buffer children against stress brought about by factors such as abuse and neglect, severe maternal depression, parental substance abuse, family violence and extreme poverty "tolerable stress" becomes "toxic stress".

  Toxic stress can lead to cognitive damage, health-damaging behaviours and harmful adult lifestyles as well as greater susceptibility throughout childhood and later adult life to physical illnesses, such as cardiovascular diseases, obesity, diabetes and others, with probable accompanying mental health problems such as depression, anxiety disorders and substance abuse.

- ***Exposure to violence:***
  The social and emotional development of infants and young children, who are exposed to violence in their family circles and communities, and who do not enjoy the protective buffering of strong and supportive caregiving, is compromised particularly if corporal punishment is involved.

  They are at a greater risk of insecure attachments and behavioural problems, reduced levels of pro-social behaviour, increased aggressive behaviour, and an inability to regulate their emotions.

- ***Psychosocial risks:***
  Maternal depression presents a significant risk to the cognitive, physical, social and emotional development of infants and young children. Maternal depression often leads to unresponsive caregiving. However, the relationship between 'maternal depression and compromised early child development is multilevel and cumulative' because poverty, low education, high stress, lack of empowerment and poor social support are also risk factors for poor child development.

- ***Disrupted caregiving - absent parents, ill parents, non-parent caregivers or abandonment:***
  Disruptions of parental caregiving due to illness or death of the caregiver or abandonment of the child, and the assumption of the caregiving role by a non-parent caregiver, creates a risk of bullying, mental health problems, abuse as well as emotional and behavioural problems in infants and young children. Infants and young children living without their biological parents are especially at risk of being denied the care necessary for their physical and psychosocial well-being.

- ***Disabilities:***
  Approximately 23% of children between birth and 9 years of age in low and middle-income countries are at risk for disabilities. Whilst this is indicative of their compromised development, children with disabilities are in addition, at risk of low access to early childhood development services and at an increased risk of poor quality care.

  Services for children with disabilities:
  Currently, there are no reliable national estimates of child disability, especially for children under 5 years of age. An estimated 474 000 children live with severe disabilities in South Africa. In addition, many more children may have mild to moderate disabilities.

  Children in rural areas are slightly more likely to have some form of serious disability (2.7%) than children in urban areas (2.3%). An estimated 40 % of disabilities affecting children are due to preventable causes, i.e. birth asphyxia, infections, etc. A crucial starting point to ensure the development of children with disabilities is early identification to facilitate proper planning, targeting and provision of adequate resources and services. This is hampered by poor or absent screening at PHC pre-school child level. High-quality assessments by trained professionals are often required; however, there is a shortage of appropriately skilled staff and resources.

  Once children are identified as being disabled, they require on-going support, intervention and referral, and may need rehabilitation services. Such services are not widely available. Currently there is only one known facility in WC024 to deliver services to children with disabilities.

  The current provision of early learning and development programmes, mainly provided through the NPO and private sectors, do not ensure environments conducive to learning by young children with disabilities. Shortcomings in services and support extend beyond the health sector.

  Analysis of the profile of Care Dependency Grant (CDG) beneficiaries in 2006 found that only 24 per cent of children from birth to 6 years of age attended an early childhood development centre or child-minding group. Only a small proportion of children with disabilities (4 to 5%) are estimated to be attending early childhood development programmes offered at partial care facilities.

  (It is noteworthy how some of the social and health risks above can be linked to problems within communities identified through the IDP process of Stellenbosch Municipality.)

Therefore this policy on Early Childhood Development~~In conclusion, this policy on early childhood development~~ centres is premised on a distinction between registered and ~~the reality of~~ unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services.

Thus, Stellenbosch Municipality has to ensure that ECD facilities, child care centres or play parks are part of Town Planning and New Housing Projects, in order to accommodate the children within the area. It is therefore the responsibility of Stellenbosch Municipality to identify suitable land and provide infrastructure under the constitutional mandate "child care facilities" as listed in schedule 4B.

The motivation for a standard policy for ECD centres for Stellenbosch Municipality arises from:

- The growth in the number of applications for ECD centres linked to the population growth.
- The growth in the number of informal facilities vs. formal facilities.
- The mushrooming phenomena of ECD facilities within the municipal area
- Ignorance among ECD practitioners regarding the Children's Act 38 of 2005, Chapter 5 (registration compliance).
- The need to ensure ECD's within WC024 are accessible to children with disabilities.
- The prevalence of issues pertaining to ECD centres; particularly the impact of noise and traffic.

This policy must provide a framework to assist officials in assessing applications for ECD centres as well as ~~a~~ guide~~line as to~~ how matters relating to ECD centres should be dealt with collaboratively.

4. THE PURPOSE OF THIS POLICY

This policy will outline a guiding framework within which an integrated and holistic ECD service within Stellenbosch Municipality would be implemented to ensure sustainability and innovation.

The purpose of the Stellenbosch Municipality ECD Policy is to:

4.1. Ensure the sufficient availability of, and equitable access to, early childhood development services through an integrated system which is embedded within a coherent legal framework that identifies, enables and compels the fulfilment of early childhood development roles and responsibilities of relevant role players within the Stellenbosch municipal jurisdiction;

4.2. Establish the organisational and institutional arrangements necessary to lead, plan for, implement, coordinate and monitor the provision of early childhood development services and support;

4.3. Ensure the provision of adequate public funding amongst others through the annual municipal budget and infrastructure for sustainable availability of, and equitable access to, quality comprehensive early childhood development services; and

4.4. Establish appropriate monitoring, quality assurance and improvement systems to secure the provision of quality early childhood development services and outcomes for young children in Stellenbosch.

5. SCOPE AND APPLICATION

This policy is a guide for the assessment of proposals for the development or establishment of ECD centres in Stellenbosch and subsequent support to such centres after its establishment. It is applicable to the founding of ECD's in accordance with all different definitions of ECD centres; viz. aftercare centres; crèches; home childcare facilities; nursery schools; play groups; pre- schools; educare centres and/or similar facilities.

6. OBJECTIVES

The predominant objective of this policy is to increase the number of children who have access to registered ECD Centres compliant with health and safety requirements and satisfy the educational development needs of a child. To this end Stellenbosch Municipality aims to provide a firm educational foundation for children that enter the formal schooling system by:-

6.1. Increasing the number of registered ECD facilities by facilitating part of the registration process which falls within its ambit;

6.2. Improving the time taken for registration by internal and external collaboration of documented standardized processes;

6.3. Expanding and facilitating integrated ECD services through internal and external collaboration. This will be achieved through the municipal internal committee, ECD Forums and also working in partnerships with NGO's and governmental departments;

6.4. Improving awareness and training on ECD requirements for internal and external stakeholders.

7. LEGISLATIVE FRAMEWORK

The historical overview of legal and scientific foundations for the public provision of early childhood development services is based on international legal and developmental frameworks. Government ratified and/or endorsed a number of international and regional rights and development instruments, including, but not limited to, the following:

7.1. Constitution of South Africa, 1996 –

7.1.1. Section 28 (1) of the Constitution of the Republic of South Africa specifies the rights of children including, the right

7.1.1.1. To a name and a nationality from birth;

7.1.1.2. To family care or parental care, or to appropriate alternative care when removed from the family environment;

7.1.1.3. To basic nutrition, shelter, basic health care services and social services;

7.1.1.4. To be protected from maltreatment, neglect, abuse or degradation;

7.1.2. Section 28 (2) also requires that a child's 'best interests' are of paramount importance in every matter concerning the child.
7.1.3. Section 152(1) (b) compels local government to ensure the provision of services to communities in a sustainable manner.
7.1.4. Section 153(1) of the Constitution provides that a municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and promote the social and economic development of the community and participate in national and provincial development programmes.
7.1.5. According to Schedule 4 Part B of the Constitution, municipalities are responsible for "Child care Facilities", to the extent set out in section 155 (6) (a) and (7) of the Constitution.

7.2. Children's Act, No 38 of 2005

7.2.1. The Children's Act forms the context for this policy and Stellenbosch Municipality's position on ECD matters. The aim of this Act includes provision for early childhood development, partial care (Chapter 5) of children, child and youth care centres and drop-in centres.

7.2.1.1. Section 76: defines partial care as: "when a person, whether for or without reward, takes care of more than six children on behalf of their parents or care-givers during specific hours of the day or night, or for a temporary period, by agreement between the parents or care-givers and the provider of the service, but excludes the care of a child: -by a school as part of tuition, training and other activities provided by the school; as a boarder in a school hostel or other residential facility managed as part of a school; or -by a hospital or other medical facility as part of medical treatment provided to the child."

7.2.1.2. Section 79: requires norms and standards for partial care (which include a safe environment for children), while Section 80 requires facilities to be registered with the Department of ~~Social Development~~Basic Education.

7.3. Local Government Municipal Systems Act (Act No 32 of 2000)
Section 4 (2) (j) of the Municipal Systems Act states that the council of the municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in section 27 of the Constitution.

7.4. Local Government Municipal Financial Management Act (Act No 56 of 2003)
Chapter 8: 'General financial management functions' of the Municipal Finance Management Act states that "the accounting officer of a municipality is responsible for managing the financial administration of the municipality and for this purpose take all reasonable steps to ensure that "resources of the municipality are used effectively, efficiently and economically." In other words the local municipality has to ensure that there is funding/resources available to improve ECD services. This includes under-utilized facilities. The municipality also has to ensure that these resources and/or funding is being utilised effectively. Therefore capacity building and monitoring needs to implement these resources to be efficiently utilised.

7.5. The United Nations (UN) Convention on the Rights of the Child (CRC) (ratified in 1995)

7.6. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (ratified in 1995)

7.7. The African Charter on the Rights and Welfare of the Child (ACRWC) (ratified in 2000)

7.8. The UN Convention on the Rights of Persons with Disabilities (CRPD) (ratified in 2006);

7.9. The UN Millennium Development Goals (MDGs) (adopted in 2000)

7.10. The UN Sustainable Development Goals (adopted 2015)

7.11. UNESCO Dakar Framework of Action for Attaining Education for All (EFA) (adopted in 2000);

7.12. The UN World Fit for Children (adopted in 2002)

7.13. UNESCO Moscow Framework of Action and Cooperation: Harnessing the Wealth of Nations (2010)

7.14. The Paris Declaration on Food Security and the Rome Declaration on Nutrition (November 2014)

8. POLICY PARAMETERS

8.1. This policy must be used to guide services for the registration of ECD centres and assessment of proposals for the development or establishment of ECD centres in the Stellenbosch Municipal Area, including subsequent operational management and support to such centres, as well as to provide guidance to existing centres.

8.2. This policy addresses all facets of ECD facilities, including those that operate in the less formal settlements but does not deal with facilities relating to formal schooling, with the only exception being aftercare services that operate within the ECD centres/facilities.

8.3. Transversal nature: This policy has transversal implications. It is thus essential for Stellenbosch Municipality (Planning and Economic Development, ~~Human Settlements and~~ Property Management, Community and Protection Services, Engineering Services and Finance), the Provincial Departments of Health and ~~Social~~ Basic Education~~Development~~, the District Municipality and ECD Forums to work collaboratively in implementing the policy.

9. ROLE PLAYERS AND STAKEHOLDERS

The following role players are identified for the purpose of implementing the policy provisions:

9.1. Stellenbosch Municipality

9.1.1. Planning and Economic Development Directorate

9.1.1.1. **Land Use Management** Department is responsible for the affording of land use rights through zoning, re-zoning, temporary departures and consent use applications according to the Stellenbosch Municipal Zoning Scheme. Cost relating to these applications will be approved annually in the municipal tariffs with special dispensation for ECD applications. The department is represented on the municipal internal ECD committee and responsible to ensure that no new township establishments are approved without making provision for suitable ECD service delivery.

9.1.1.2. **Building Development Management** is responsible for the building plan application process, mandatory inspections during construction in compliance of approved building plans, as well as the issuing of Certificated of Occupancy. The Department is represented on the municipal internal ECD committee and responsible to ensure regulatory compliance in terms of the National Building Regulations Act and all applicable legislation to ensure health and safety for all.
~~**Building Control** is responsible for the approval of building plans, inspection of completed works and issuing of occupation certificates.~~

Commented [MA1]: Comments provided by Kululekani Donald Makeleni

9.1.1.2. The **Housing Development Integrated Human Settlements Department** is responsible to ensure that no new housing development projects are approved without provisioning for suitable ECD service delivery.

~~9.1.1.2.~~

~~9.1.1.3.~~1.1.1.3. ~~**Community Development Department** is the lead department tasked with internal and external collaboration between all the role players and thus the driver of the municipal internal ECD committee. The department is also responsible for all approved ECD applications to be registered on the municipal GIS database for ECD centres and to provide support to the ECD sector and forums within the municipal area.~~
~~Further to the above, the Community Development Department is responsible:~~

- ~~To ensure that the municipality align its services with the Children's Act in terms of registration and the Constitution in terms of the best interest of the child.~~
- ~~To ensure that we give the ECD sector support and partnership in terms of providing efficient services such as capacity building; funding (Grant in Aid Funding) in order~~

~~for them to provide efficient services within the Stellenbosch Municipal area.~~

- ~~To provide support to the local ECD forums in terms of sustainability and dissemination of information to all bodies that provides ECD services in the municipal area.~~
- ~~Parenting and family support programmes as envisaged through chapter 8 of The Act and the White Paper on Families (2012).~~

9.1.2. **Corporate Services**

9.1.2.1. The **Property Management Department** is responsible for identification of possible land or underutilized facilities for ECD centres. The department in consultation with Legal Services is responsible to sign lease or facility management agreements between Stellenbosch Municipality and appointed registered ECD NGOs that operates from Council owned facilities.

The department can and should take responsibility for ECD infrastructure development on identified land or at existing municipal facilities.

~~9.1.2.2. The **New Housing Department** is responsible to ensure that no new housing development projects are approved without provisioning for suitable ECD service delivery.~~

9.1.3. **Community and Protection Services**

9.1.3.1. **Environment, Sport and Facilities** is responsible for the identification of new parks and the linkage between ECD locations and new and existing parks. Community parks in close approximation of ECD centres must receive priority attention regarding upgrading and maintenance. The department is also responsible to make community facilities available for implementation of children's activities such as the "come and play" programme. This will be done by implementing a fair tariff structure to recognise community based ECD centres and facilities. Tariffs will be advertised annually as part of the Draft Budget for public comment. Community facilities which can also be used to implement ECD capacity building training sessions should be made available for this purpose. Where possible underutilized community facilities can be made available for the establishment of ECD centres after consultation with the community and in an open and fair tender process. To note: Sport facilities are excluded from this policy, but will be taken on review after the approval of a Sport Facility Management Model.

9.1.3.2. **Library Services** as a local agent for the provincial Department Culture, Arts and Sport is responsible for the provision of well-resourced child-friendly libraries. A library service should investigate collaboration with specialized toy library services if they cannot operate a toy library services by themselves. Further support to ECD centres include holiday programmes, active reading and story-telling programmes as well as availing library halls to ECD centres for activities.

9.1.3.3. **Fire and Emergency Services** assess the ECD facility for its compliance with the national fire regulation and issues fire safety certificates. The department will be represented on the municipal internal ECD committee. Educational programmes for ECD centres on fire prevention will be conducted by the department.

9.1.3.4. **Disaster Management** will implement an educational programme aimed at prevention of disasters at ECD centres.

9.1.3.5. **Traffic Services** will conduct road safety education programmes at ECD centres. Centres in areas with high traffic volumes during the times when children are dropped off or picked up. ~~from t~~The centre can apply for traffic calming measures at Engineering Services.

9.1.3.6. **Community Development Department** is the lead department tasked with internal and external collaboration between all the role players and thus the driver of the municipal internal ECD committee. The department is also responsible for all approved ECD applications to be registered on the municipal GIS database for ECD centres and to provide support to the ECD sector and forums within the municipal area.
Further to the above, the Community Development Department is responsible:

- To ensure that the municipality align its services with the Children's Act in terms of registration and the Constitution in terms of the best interest of the child.
- To ensure that we give the ECD sector support and partnership in terms of providing efficient services such as capacity building: funding (Grant in Aid Funding) in order for them to provide efficient services within the Stellenbosch Municipal area.
- To provide support to the local ECD forums in terms of sustainability and dissemination of information to all bodies that provides ECD services in the municipal area.
- Parenting and family support programmes as envisaged through chapter 8 of The Act and the White Paper on Families (2012).

~~9.1.3.5.~~

9.1.4. **Engineering Services Directorate**

9.1.4.1. Bulk Infrastructure (Electricity, Water, Sewage) in formal areas:
Water and Sewerage
Stellenbosch Municipality supplies potable water to the entire municipal area through existing bulk water infrastructure consisting of Water Treatment Plants, Reservoirs and bulk and network water distribution systems. Sewerage is being collected through a collector pipe network and outfall sewer system to be treated at various treatment works throughout Stellenbosch area. Water and Sewer Future plans and Master Plans are kept up to date to enable SM to plan, budget and implement enhancements to the existing infrastructure. All the formal erven in the urban areas of Stellenbosch Municipality's Management Area are provided with water connections and waterborne sanitation

facilities (higher level of service).~~Stellenbosch Municipality supplies potable water to the entire municipal area through existing bulk water infrastructure consisting of Water Treatment Plants, Reservoirs and bulk and network water distribution systems. Sewerage is being collected through a collector pipe network and outfall sewer system to be treated at various treatment works throughout Stellenbosch area. Water and Sewer Future plans and Master Plans are kept up to date to enable SM to plan, budget and implement enhancements to the existing infrastructure. All the formal erven in the urban areas of Stellenbosch Municipality's Management Area are provided with water connections and waterborne sanitation facilities (higher level of service).~~

~~9.1.4.2. Water, sewage and electricity in informal areas:~~
~~Water and Sewerage~~
~~Poverty reduction and improved water management are in extricable linked. Section 4B of the Constitution lists water and sanitation services, limited to potable water supply systems and domestic waste water and sewerage disposal systems, as a local government function. As a priority it is the responsibility of Stellenbosch Municipality to ensure that adequate and appropriate investments are made to ensure the progressive realisation of the rights of all people in its area of jurisdiction to receive at least a basic level of water and sanitation services. While the provision of basic water services is the most important and immediate priority, Water Services Authorities move to provide intermediate and higher levels of services (for example water on site) wherever it is practical possible. Stellenbosch Municipality works towards providing all households in the towns with a water connection inside the house and connecting all households to a waterborne sanitation system. Communal standpipes and ablution facilities are provided in the informal areas as a temporary emergency service and comply with the legal minimum requirements of service delivery to informal settlements.~~

Electrical Services: Stellenbosch municipality is responsible for the provision of electricity within the WCO24. However, there are a few areas within the WCO24 that are Eskom or Drakenstein areas of supply. These areas are: Wemmershoek, Pniel, James Town, Vlottenburg, Raithby, La Motte, Groendal, Klapmuts and Koelenhof. All the areas in the WCO24 area of supply have access to electricity. It may happen that there aren't service connections to the houses or structures, in which case an application is to be submitted to the municipality and necessary steps will be followed to realise connections.~~Stellenbosch municipality is responsible for the provision of electricity within the WCO24. However there are few areas within the WCO24 that are Eskom or Drakenstein areas of supply. These areas are: Wemmershoek, Pniel, James Town, Vlottenburg, Raithby, La Motte, Groendal, Klapmuts and Koelenhof.~~

~~All the areas in the WCO24 area of supply have access to electricity. It may happen that there aren't service connections to~~

~~the houses or structures, in which case an application is to be submitted to the municipality and necessary steps will be followed to realise connections.~~

Traffic Engineering: Receive asses and respond to applications for traffic calming measures.

9.1.4.3. Refuse removal: It is important that all residents and communities have access to refuse removal in order to maintain appropriate health and safety conditions in the area. Failure to do so can result in various diseases such as tetanus, Hepatitis B, diarrhoea, amongst others, where children are mainly at risk. It is critical that the importance of sound waste management practices be taught at an early age to prevent the exposure to harmful pathogens which could lead to an outbreak in the area. ECD centres must have access to waste receptacles on provision that the ECD must conduct educational programmes on and implement waste minimisation initiatives to re-use, reduce and recycle waste streams to reduce waste that is destined for landfill sites. The Solid Waste Management Department can play an important role in providing the initial education and awareness training and promotional material to assist ECD centres. In informal settlements, no new waste receptacle may be placed within 50m radius of an existing ECD and no new ECD may be approved within a radius of 50m of a waste receptacle.~~It is important that all residents and communities have access to refuse removal in order to maintain appropriate health and safety conditions in the area. Failure to do so can result in various diseases such as tetanus, Hepatitis B, diarrhoea, amongst others, where children are mainly at risk. It is critical that the importance of sound waste management practices be taught at an early age to prevent the exposure to harmful pathogens which could lead to an outbreak in the area.~~

ECD centres must have access to waste receptacles on provision that the ECD must conduct educational programmes on and implement waste minimisation initiatives to re-use, reduce and recycle waste streams in order to reduce waste that is destined for landfill sites. The Solid Waste Management Department can play an important role in providing the initial education and awareness training and promotional material to assist ECD centres.

In informal settlements, no new waste receptacle may be placed within 50m radius of an existing ECD and no new ECD may be approved within a radius of 50m of a waste receptacle.

9.1.5. **Finance Directorate**

Alignment of internal policies (ie. special tariffs) to promote achievement of ECD Policy objectives. These include among others, zoning and building plan application fees, development fees.

9.2. **District Environmental and Regional Health Services**

9.2.1. **Environmental Health (CWDM**) is responsible for the assessment of ECD Centres and issuing of Health Reports to Provincial Department Social Development~~Clearance Certificates~~.

9.2.2. **Primary Health Care** for pregnant women and children under 6 is provided by Regional Department of Health through a service level agreement with the Provincial Government of the Western Cape.

9.3. **Provincial Departments of ~~Social Development~~Basic Education (DBE~~SD~~) and Social Development (DSD)**

Stellenbosch Municipality shall partner with ~~DSD~~ DBE to provide holistic and integrated ECD services and address backlogs and challenges related to the ECD registration processes.

9.3.1. The ~~DSD Regional~~Provincial Office of the Department of Basic Education~~, Cape Winelands~~: Provide support and guidance on registration and re-registration to ECD services in the area.

9.3.2. ~~DSD~~ DBE must register ECD Centres and keep an updated ~~regional and~~ provincial register of all registered early childhood development services.

9.3.3. DBE~~SD~~ must register the ECD Programme.

9.3.4. DBE~~SD~~ must perform inspections and cancel registration certificates due to non-compliance.

9.3.5. DBE support compliant ECD facilities through a subsidy programme

~~9.3.4.~~9.3.6. DSD is responsible for all child protection services at ECD facilities and must ensure registration as Non Profit Organisations.

9.4. **ECD forums**

9.4.1. An ECD forum is a voluntary organization for local ECD centres which serves as a representative body for community ECD centres and is governed by its constitution. An ECD forum also co-ordinates the ECD sector at community level and manages this sector's inputs or comments on ECD policy matters. An ECD forum will be responsible for participation in the Integrated Development Planning process of Stellenbosch Municipality on behalf of its members. It is the responsibility of the forum to disseminate information among its members and to inform the municipality of any mushrooming occurring within its geographical area. ECD forums further assist their members during the DBE and DSD registration process.

10. REQUIREMENTS FOR ECD REGISTRATION COMPLIANCE

10.1. Initial Stage: Reporting to ~~DSD appointed ECD Service Provider~~~~ocial Worker~~the Stellenbosch Municipality Community Development Department.

10.1.1. The applicant/owner's initial contact must be made with the ~~Social Worker at Department of Social Development that~~Community Development Department official of the municipality who provides ECD services in the respective area.

10.1.2. This will be an information session between the ~~social worker~~official and the applicant/owner of the facility.

10.1.3. The ~~social worker~~official must obtain the organisation's details and will advise applicant/owner whether the applicant/owner may proceed with the process depending on the area the facility plans to or~~will~~ operates in.

~~10.1.4. The social worker will determine whether the service is appropriate and whether the infrastructure that will be used is appropriate for ECD services, before any further steps are taken.~~

~~10.1.5. If the applicant/owner proceeds, the social worker will complete Form 11 with the applicant which specifies what is needed in order to be registered.~~

~~10.1.6. The social worker will refer the applicant/owner to the local municipality, in order to obtain the necessary certificates in order to be registered as a legal entity.~~

~~10.1.7. The Service Provider refer the application with the relevant information to the Environmental Health Practitioner (CWDM) to do the necessary inspection and report back to Social Development on the suitability of the proposed ECD Centre.~~

10.2. Assessing land use applications according to the appropriate Zoning Scheme

10.2.1. Land use rights:

10.2.1.1. A day care centre is defined as a place which is used, whether for profit or otherwise, for the care of children of all ages including schooling of pre-primary school children and after-school care and is the same as early childhood development centre (ECD), crèche, preschool, playgroup or aftercare. Day care centres can be operated as of right under Community and Education Zone.

10.2.1.2. A home day care means using a dwelling house, second dwelling and/or its outbuildings or a portion thereof to provide day care, crèche, after school care, early childhood development centre (ECD) or instruction for a limited number of infants or children, provided that:

- The scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
- The primary use of the property shall remain a residence for the operator; and
- The operator of the enterprise shall permanently reside on the property. A home day care centre may not accommodate more than six children (including any children of the resident family who also attend the facility).

10.2.1.3. Day care centres can also be permitted, in some Zones, as an additional use (which means an activity or use that is permitted in the zone additional to a primary right, provided provisions specified for such use are adhered to) and that only a Site Development Plan (SDP) needs to be submitted for consideration.

10.3. Small vs. Large Scale Centres
10.3.1. Small Scale centres would be regarded as home day care centres which can be mostly found in residential areas as they are limited to up to 6 children.
10.3.2. Large Scale centres (Day care centres), would be more located in non-residential zoned properties and can have more than 6 pupils.

10.4. Land Use Application ~~G~~guide:
10.4.1. The following information should be included with a land use application (in conjunction with other requirements as per the Department's basic application submission checklist):
10.4.1.1. A proper written motivation which details:
- The number of children proposed to be accommodated;
- The type and nature of the proposed facility and services offered, including the type of structures and any proposed additions thereto;
- The number of people to be employed;
- The hours of operation and a daily timetable (including list of activities), including time allocated for outside play;
- A scaled and clearly dimensioned Site Development Plan indicating:
  - Cadastral boundaries on the subject property;
  - The areas of the dwelling/building(s) to be used;
  - Applicable building lines;
  - Play areas;
  - On-site parking for staff & visitors;
  - Drop off & pick up areas;

10.5. Criteria to be used in assessing land use applications for ECD centres
10.5.1. Locational Criteria:
10.5.1.1. Large scale ECD centres (day care) should be located close to public open spaces schools, churches, community facilities, clinics, sports fields and libraries etc. This clustering promotes sharing of infrastructure; such as parking; maximises access and confines the traffic impact to a defined area.
10.5.1.2. Their proximity to public transport nodes is also to be taken into consideration.
10.5.1.3. The ECD centres should not be located next to a tavern; sports bar; adult centres; or any other facility that would not be of a positive influence.
10.5.2. Access and Parking Criteria:
10.5.2.1. Both pedestrian and vehicle access are to be provided.
10.5.2.2. A suitable, safe drop-off area is to be provided.
10.5.2.3. Adequate provision is to be made for on site visitors parking. Should this be limited the number of attendees should also be accordingly limited. The zoning scheme requires at least 1 parking bay per classroom or office.
10.5.3. Hours of operation
10.5.3.1. These are hours that the facility will operate on a daily basis.
10.5.4. Noise and Security
10.5.4.2. Noise and security considerations for ECD centres

10.6. Minimum health requirement standards as per Chapter 5 (Child Care Facilities and Institutions) of Provincial Gazette Extraordinary 6696, 15 February 2010: Municipal

Health By-Laws Cape Winelands District Municipality.~~District Municipality regulations~~.

The Cape Winelands District Municipality Environmental Health Officer is responsible to provide this service to registered ECD facilities and application for registration.

All ECD centres must comply with health requirements which include, **but are not limited to the following**:

10.6.1. An unobstructed indoor play area of at least 1.5 meter square per child must be provided;
10.6.2. An outdoor play area of at least 2 meter square per child must be provided;
10.6.3. If no outdoor space is available; add an extra 1 meter square per child indoor;
10.6.4. The learning indoor and outdoor play areas must be separated from the children and ~~after~~other play areas;
10.6.5. Where children are bottle-fed suitable facilities must be provided for cleaning of the bottles;
10.6.6. One potty for every 5 children must be provided;
10.6.7. The potties must be washed and disinfected after each usage and the waste of the potties must be disposed of hygienically in a toilet;
10.6.8. Storage facilities for soiled nappies must be provided.
10.6.9. Potties and nappies may not be cleaned near the food preparation and eating area;
10.6.10. Facilities for the washing of children [babies] must be provided;
10.6.11. Covered; safe; clean and waterproof mattresses and or cots must be provided;
10.6.12. Bedding should be provided and the blankets should be washed frequently;
10.6.13. A separate nappy changing area should be provided;
10.6.14. A separate nappy washing area should be provided and or disposable nappies should be stored and disposed in an approved manner.
10.6.15. Provide separate kitchen and facilities compliant with Regulation R962/2012 if food is handled on the premises. Apply for a Certificate of Food Acceptability.

10.7. Fire Safety Certification

10.7.1. One (1) portable fire extinguisher for every 200 square meters. (sqm);
10.7.2. One (1) fire hose reel for every 500 sm if the building is bigger than 250 sqm;
10.7.3. One (1) fire hydrant for every 1000 sqm;
10.7.4. Exit signs - illuminated symbolic safety sign - above escape routes (doors);
10.7.5. Escape route signs;
10.7.6. If the building has only one escape route (door) not more than 25 persons are allowed inside;
10.7.7. The building's external walls must have a fire resistance of 120 minutes.

11. IMPLEMENTATION OF POLICY

Implementation date to be determined by Council after approval of policy.

12. MONITORING, EVALUATION AND REVIEW

In order to ensure effectiveness, relevance and efficiency of the ECD program, there will be an on-going monitoring of the implementation. Evaluation will be done by the Department Community Development in collaboration with all other external stakeholders.

Review will encompass the results of monitoring and evaluation processes.

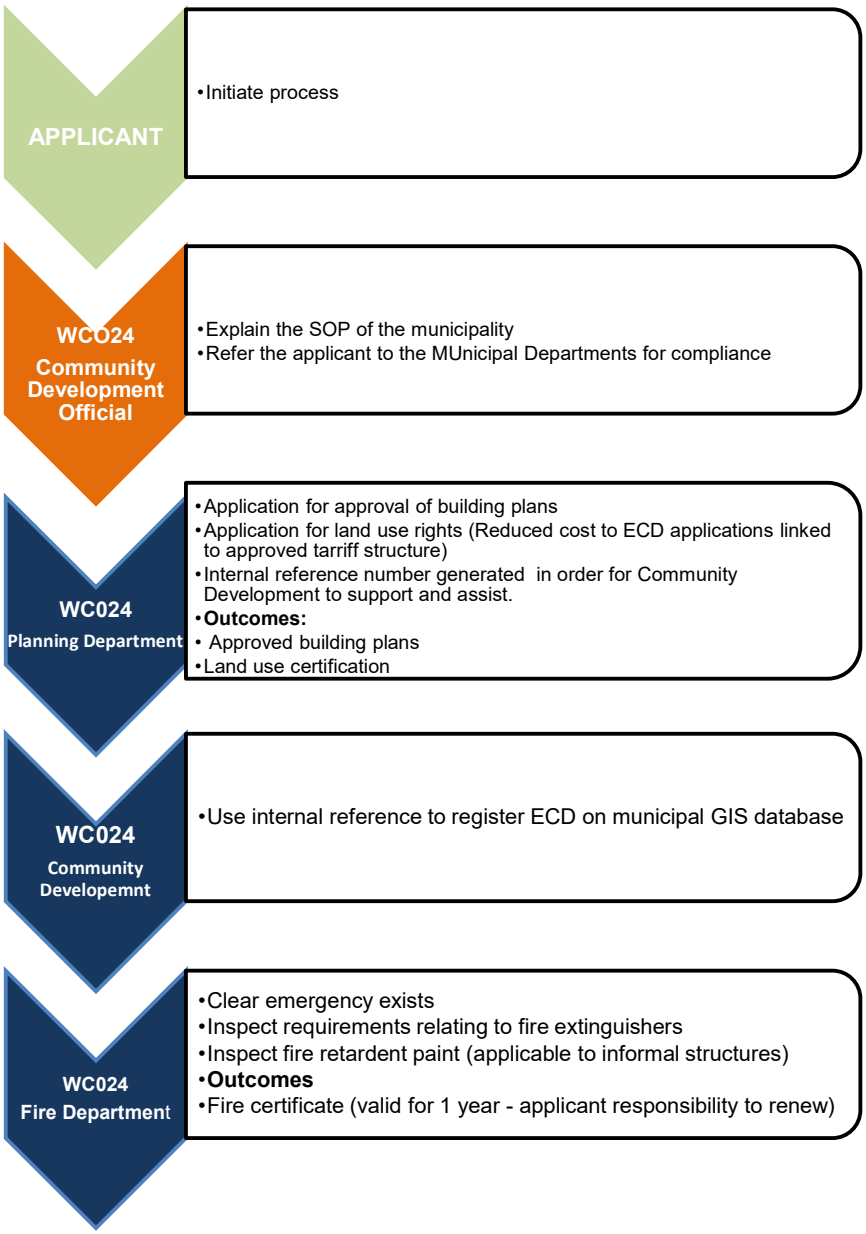
12.1. Monitoring
- 12.1.1. Monitoring the development and updating of unregistered and registered ECD centres database in the Municipal Area.
- 12.1.2. Monitoring of the implementation of capacity building programmes and number of attendees to training opportunities.
- 12.1.3. Monitoring of the ECD registration drive campaigns.
- 12.1.4. Monitoring of collaborative interventions and programmes between Municipality and Department of ~~Social Development~~Basic Education.
- 12.1.5. Monitor time taken to get an ECD centre registered.
- 12.1.6. Monitor number of children attending registered ECD Centres.
- 12.1.7. Monitor number of ECD registration per year.

12.2. Evaluation:
Collaborate with internal and external stakeholder to evaluate impact.

12.3. Review:
The ECD Policy review will occur every 5 years, unless new legislation comes into effect before then.

12.4. Data gathering:
The Municipality will annually update its GIS database of ECD's and maintain a register reflecting the status of ECD's in the WC024.

13. APPLICATION FOR REGISTRATION OF A PARTIAL CARE CENTRE (Flow chart)



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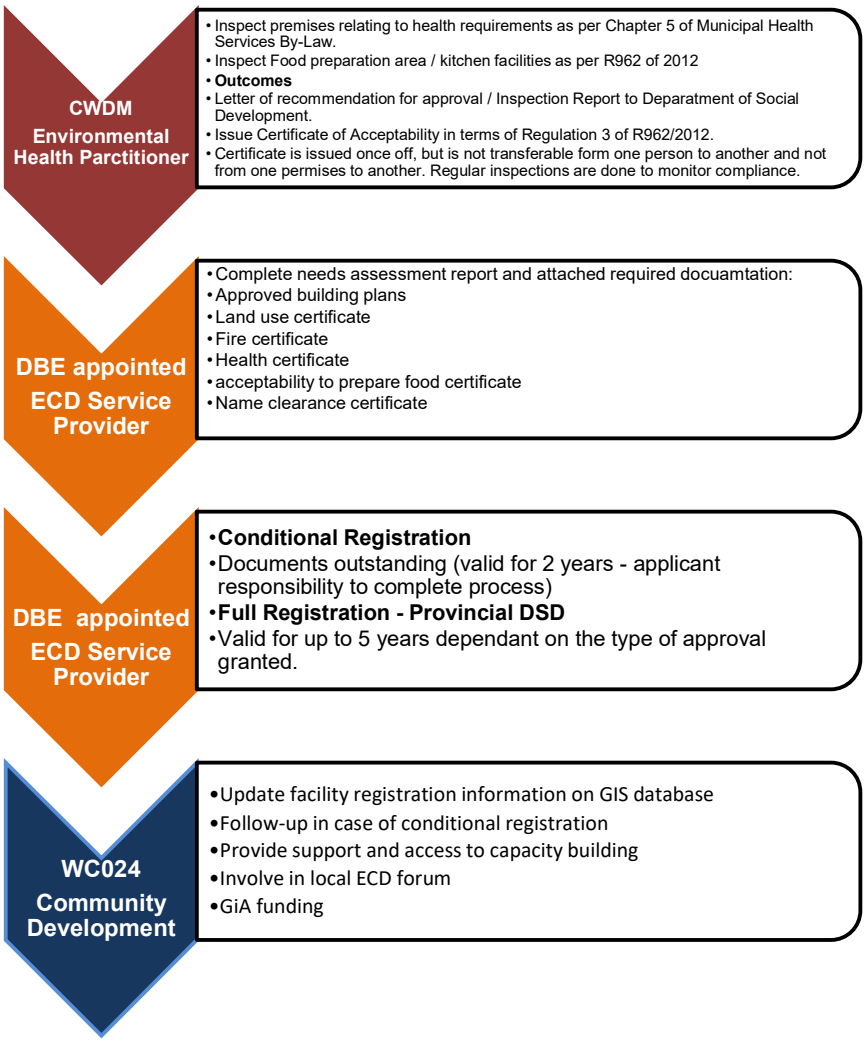
CWDM
Environmental
Health Parctitioner
• Inspect premises relating to health requirements as per Chapter 5 of Municipal Health Services By-Law.
• Inspect Food preparation area / kitchen facilities as per R962 of 2012
• Outcomes
• Letter of recommendation for approval / Inspection Report to Deparatment of Social Development.
• Issue Certificate of Acceptability in terms of Regulation 3 of R962/2012.
• Certificate is issued once off, but is not transferable form one person to another and not from one permises to another. Regular inspections are done to monitor compliance.
DBE appointed
ECD Service
Provider
•Complete needs assessment report and attached required docuamtation:
•Approved building plans
•Land use certificate
•Fire certificate
•Health certificate
•acceptability to prepare food certificate
•Name clearance certificate
DBE appointed
ECD Service
Provider
•Conditional Registration
•Documents outstanding (valid for 2 years - applicant responsibility to complete process)
•Full Registration - Provincial DSD
•Valid for up to 5 years dependant on the type of approval granted.
WC024
Community
Development
•Update facility registration information on GIS database
•Follow-up in case of conditional registration
•Provide support and access to capacity building
•Involve in local ECD forum
•GiA funding

7.10	RURAL MANAGEMENT AND ENVIRONMENT: (PC: CLLR C MANUEL)

NONE

7.11	MUNICIPAL MANAGER

7.11.1	ADOPTION OF THE PUBLIC PARTICIPATION POLICY

Collaborator No: **787996**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **18 June 2025**

1. SUBJECT: ADOPTION OF THE PUBLIC PARTICIPATION POLICY

2. PURPOSE

For Council to consider and approval:

(a) The final Public Participation Policy, attached as **ANNEXURE A;**

(b) Written submissions on the draft Public Participation Policy, attached as **ANNEXURE B.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) mandates a local municipality to develop a culture of community participation by creating conditions for the local community to participate in the affairs of the municipality as stipulated in Chapter 4 of Section 16 (1)(a)(i)(v).

Stellenbosch Municipality values the community's contributions in attaining its mandates by making every effort to create invited public participation spaces and platforms. The municipality is continuously evaluating methods and strategies to enhance opportunities for public participation in municipal processes. On the premise of this, the municipality drafted an inclusive policy on how Stellenbosch Municipality conducts public participation in municipal matters, as stated in Section 16 (1)(a)(i)(v) of the MSA.

In formulating a comprehensive and inclusive Public Participation Policy, a notice for public input on the draft policy was published on 06 March 2025, following the Council's adoption of the draft policy on 26 February 2025. The stakeholders and community were given not less than 21 days to provide written input on the draft Public Participation Policy. A consolidated report of all written submissions on the draft Public Participation Policy is attached as **ANNEXURE B**.

5. RECOMMENDATIONS

(a) that the final Public Participation Policy of Stellenbosch Municipality be adopted in terms of Chapter 4 of the MSA, attached as **ANNEXURE A**; and

(b) that the written submissions on the draft Public Participation Policy, attached as **ANNEXURE B**, be noted; and

(c) that an advertisement be placed on the official website of the municipality and in the local newspaper notifying the public that the final Public Participation Policy has been adopted by the Council.

6. DISCUSSION

6.1 Background

In developing and adopting a Public Participation Policy for the municipality, the function of public participation is formalised in mainstreaming public participation in overall municipal planning and budgeting, as well as other processes that require public participation.

Sections 16 - 22 are entirely devoted to public participation and address the following aspects:

(a) development of a culture of community participation;
(b) mechanisms, processes and procedures for community participation;
(c) communication of information concerning community participation;
(d) public notice of meetings of municipal councils;
(e) admission to public meetings;
(f) communications to the local community;
(g) documents to be made public;
(h) official website; and
(i) regulations and guidelines.

The internal consultation process for the draft Public Participation Policy commenced in October 2024 and was completed with a report submitted to Management on the public participation input for their review and consideration.

The table below outlines the key activities followed in the consultation process for the formulation of the final Public Participation Policy, for submission to the Council for adoption.

No.	Key Activities	Dates
1.	Draft Public Participation Policy submitted to the Directors Forum for input	22 October 2024
2.	Draft Public Participation Policy distributed to Directors / Senior Managers (SM) and managers for input	07 – 26 November 2024
3.	Tabled the departmental inputs on the draft Public Participation Policy to the Directors Forum	14 January 2025

4.	Consultation Sessions: Directors, Senior Managers, and Managers	03 – 04 February 2025
5.	Draft Public Participation Policy submitted to the Council for the purpose of obtaining approval for public input	26 February 2025
6.	Notice published in the Eikestad Nuus, municipal website, social media platforms, and hard copies of the draft policy delivered to the libraries and ward offices	06 March 2025
7.	Public participation period for public input on the draft Public Participation Policy	06 – 27 March 2025
8.	Electronic submission of the draft policy to the Department: Local Government and the Cape Winelands District Municipality for input	07 March 2025
9.	Submit the draft Public Participation Policy to the All-Ward Councillors Meeting	13 March 2025
10.	Submit a consolidated report on the written submissions to the Directors Forum for consideration	25 April 2025
11.	Submit the Public Participation Policy to the Council for final adoption	25 June 2025

The provincial department and stakeholders that submitted written input on the draft Public Participation Policy during the public participation period, 06 – 27 March 2025, are listed below:

No.	Name and Surname	Organisation
1.	Mr I Meyer (Jr)	Western Cape Department: Local Government
2.	Ms R Kirsten	Welgelegen, Stellenbosch
3.	Mr R Lodewyk	Disability Peer Supporter
4.	Mr TL and R Donaldson	Stellenbosch Interest Group
5.	Mr B Phillips	Franschhoek Heritage and Ratepayers Association

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2024/25 MTREF Budget.

6.3 Legal Implications

In accordance with section 152(1)(e) of the Constitution, one of the objects of local government are –

(e) *to encourage the involvement of communities and community organisations in the matters of local government.*

Section 152(2) of the Constitution further stipulates that –

A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

Chapter 4 of the MSA further specifies that in terms of :

Section 16

(1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance*, and must for this purpose-*

(a*) encourage, and create conditions for, the local community to participate in the* affairs of the municipality, including in—

(i) the preparation. implementation and review of its integrated development plan in terms of Chapter 5;
(ii) the establishment, implementation and review of its performance management system in terms of Chapter 6:
(iii) the monitoring and review of its performance, including the outcomes and impact of such performance:
(iv) the preparation of its budget; and
(v) strategic decisions relating to the provision of municipal services in terms of Chapter 8;

(b) contribute to building the capacity of—
(i) the local community to enable it to participate in the affairs of the municipality; and
(ii) councillors and staff to foster community participation; and

(d) use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b).
(2) *Subsection (1) must not be interpreted as permitting interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality*.

Section 19 of the Local Government: Municipal Structures Act 117, 1998 (Act No. 32 of 1998) (MSA) further states that a municipal council must strive within its capacity to achieve the objectives as set in Section 152 of the Constitution and annually review the processes for involving the community. In addition, Section 19(3) of the MSA determines that –

A municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers.

6.4 Staff Implications
This report has no additional staff implications for the municipality.

6.5 Risk Implications
This report has no direct risk implications for the municipality.

6.6 Previous / Relevant Council Resolutions
Not applicable

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services
Supported.

6.7.2 Chief Financial Officer
Supported.

6.7.3 Director: Infrastructure Services
Supported

6.7.4 Director: Corporate Services
Supported.

6.7.5 Director: Planning and Economic Development
Supported.

6.7.6 Comments from the Municipal Manager
Supported.

ANNEXURES

Annexure A: Final Public Participation Policy

Annexure B: Written submissions on the draft Public Participation Policy

FOR FURTHER DETAILS CONTACT:

NAME	G Cain
POSITION	Manager: IDP/PMS/PP
DIRECTORATE	Office of the Municipal Manager
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E-MAIL ADDRESS	gurswin.cain@stellenbosch.gov.za
REPORT DATE	12 June 2025

ANNEXURE A

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PUBLIC PARTICIPATION POLICY

2025

Table of Contents

1. Introduction 9

2. Legislative framework 9

3. Objectives of the Public Participation Policy 9

4. Benefits of public participation 10

5. Public participation in local government 10

5.1. Developing a culture of public participation 10

5.2. Principles guiding public participation 11

6. PUBLIC PARTICIPATION MECHANISMS, PROCESSES AND PROCEDURES 12

6.1. Mechanisms 12

6.2. Intergovernmental Structures 12

6.3. Stakeholder Forums 13

7. Roles and responsibilities 13

8. Statutory processes necessitating public participation 15

8.1. Participation in the drafting, review and/or amendment of the IDP 15

8.2. Participation in the budget preparation process 17

8.3. Development, implementation and review of the performance management system (PMS), monitoring and review of organisational performance, including outcomes and impact of performance 17

(annual report) 17

8.4. Policy formulation and development of By-laws and Policies 18

8.5. Strategic decisions relating to service delivery 18

8.6. Other council processes for public participation 18

9. Public participation methods and timeframes 18

9.1. Notices 18

9.2. Petitions and complaints 18

9.3. Public input and comments on the draft IDP and draft Budget 18

9.4. Public comments and input submitted on electronic platforms 19

9.5. Invitation to public participation engagements 19

9.6. Special needs 20

9.7. Legislative Public Participation Time Frames 20

10. General arrangements for public participation processes 21

10.1. Admission to municipal public engagements 21

10.2. Accessibility of information 21

10.3. Language 21

11. Conclusion 21

List of Tables

Table 1: Principles guiding public participation.....11
Table 2: Roles and Responsibilities.....13

Policy	Public Participation Policy
Directorate	Office of the Municipal Manager
Date Approved	
Date Effective	
Council Item Number	
Collab File Ref	

Version	Date Created	Status	Author	Review Date
1.0	2025	Final draft	Gurswin Cain	New document

PREAMBLE

a) Stellenbosch Municipality acknowledges that it is committed to the development of a culture of municipal governance that complements formal representative government with a system of participatory governance; and

b) Through this policy the municipality commits itself to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality in terms of the provisions of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000) (MSA).

VISION, MISSION AND VALUES OF THE STELLENBOSCH MUNICIPALITY

Vision

We describe the vision of where we want to be as a municipality and the Greater Stellenbosch area as the **"An Integrated Valley of Opportunity and Innovation".**

Mission

Our mission is to deliver services in an enabling environment through sustainable, cost-effective and accountable services for our community.

Values

In all our work and engagements with the community and other stakeholders, we subscribe to the following values:

Integrity: As servants of the public, we undertake to perform the functions and operations of the municipality honestly and ethically.

Accountability: As responsible public servants, we pledge to perform our duties in a manner that is open to oversight and public scrutiny. This commitment is shaped by our understanding to give an account of our actions to individuals, groups and organisations.

Transformation: We, as custodians of hope, will work tirelessly at transforming our municipality, communities and broader society by unlocking the endless possibilities that our valley holds and treasures. This commitment is shaped by our understanding of the historical, spatial, social and economic inequalities in our valley.

Innovation: We will continuously review our systems, procedures and processes to make them less bureaucratic and more responsive to customer needs. We will acknowledge and reward initiatives that show creativity and ingenuity.

Excellence: As a municipality, we will strive to deliver excellent services for all areas within the greater Stellenbosch.

Responsiveness: The municipality is a responsive municipal entity with zero tolerance for corruption and illegal actions.

List of Acronyms

CPF	: Capital Planning Forum
IDP	: Integrated Development Plan
IGR	: Inter-Governmental Relations
MFMA	: Municipal Finance Management Act
MTREF	: Medium Term Revenue and Expenditure Framework
MSA	: Municipal Systems Act
*m*SDF	: municipal Spatial Development Framework
SDBIP	: Service Delivery and Budget Implementation Plan
SLA	: Service Level Agreement
SMS	: Short Message Service
PMS	: Performance Management System

Glossary of terms

In this policy, unless the context indicates otherwise-

"By-law" means legislation passed by the council of a municipality binding in the municipality on the persons to whom it applies.

"Council" means the municipal council of Stellenbosch Municipality established by the Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) and Provincial Notice.

"Councillor" means a member of the municipal council.

"Local community" or "Community" means that body of people comprising –

- The resident of the Municipality;
- The ratepayers of the Municipality;
- Any civic organisation or non – governmental, private sector or bodies, which are involved in the local affairs of the Municipality;
- Visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of the services or facilities provided by the municipality, and includes, more specifically, the poor and other disadvantaged sections of such a body of persons.

"Consultation" means the action or process of formally consulting or discussing.

"Democracy" 'rule by the people' or the idea that all members of a community should be treated as if they were equally qualified to participate in the decision-making process for that community.

"Inform" means to give or impart knowledge of a fact or circumstance.

"Integrated Development Plan (IDP)," means a single, inclusive and strategic plan for the development of the municipality.

"Involve" means to have or include someone as a necessary or integral part or result.

"Local community" or **"community"** in relation to the municipality means the body of people comprising –

- The residents of the municipality;
- The ratepayers of the municipality;
- Any civic organisation and non-governmental, private sector or labour organisation or bodies, which are involved in local affairs in the municipality.

"Municipal Manager" means a person appointed in terms of section 54A of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) (MSA)

"Municipality", when referred to as "an entity" means a municipality as described in Section 2 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) (MSA); and when referred to as a geographic area means the municipal area determined in terms of the Local Government: Municipality Demarcation Act, 1998 (Act No. 27 of 1998).

"National Development Plan" means the plan for the country to eliminate poverty and reduce inequality

by 2030 through uniting South Africans, unleashing the energies of its citizens, growing an inclusive economy, building capabilities, enhancing the capability of the state and leaders working together to solve complex problems.

"Public participation" means an open, fair and accountable process through which individuals and groups within communities can exchange views with the Municipality and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives.

"Stakeholder" means an individual or group with an interest in a particular issue addressed by government. E.g. ratepayers association, trade unions.

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended.

"Systems Act" means the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000), as amended.

"The Constitution" means the Constitution of the Republic of South Africa, 1996.

"Ward committee" means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

1. INTRODUCTION

This policy seeks to build on the commitment of a democratic local government to deepen democracy, which is embedded in the Constitution of the Republic of South Africa (1996).

This policy, therefore, describes Stellenbosch Municipality's public participation processes for the Integrated Development Planning (IDP) and Budget as well as other municipal processes requiring public participation, how it will be conducted, the appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality in terms of the legal statutes of local government.

2. LEGISLATIVE FRAMEWORK

Legislation that forms the foundation for this policy:

- Constitution of the Republic of South Africa (1996): Chapter 7, Sections 152(1); 153(b); 160(4) and 162, Chapter 10, Section/s 195(1) and 195(1)(g;
- The White Paper on Local Government of 1998;
- Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998): Chapter 4 – Establishment of ward committees; Sections 19(2)(c); 19(3) and Section 72;
- Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) (MSA) and its amendments: Chapters 4, 5 and 6; and
- Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003) (MFMA).

3. OBJECTIVES OF THE PUBLIC PARTICIPATION POLICY

Through the implementation of this policy, Stellenbosch Municipality strives:

3.1 To meet the legal requirements as stipulated in the Constitution, the MSA and relevant legislation.
3.2 To establish a transparent, accountable and responsive municipality.
3.3 To facilitate and create reasonable opportunities for communities to meaningfully participate in municipal decision-making processes.
3.4 To promote the values of good governance in Stellenbosch Municipality.
3.5 To facilitate the development of mutual trust between the public and the municipality.
3.6 To make development plans and services more relevant to local needs and environments.
3.7 To develop coherent municipal strategies for ongoing communication and participation around development planning and governance processes that require community involvement.
3.8 To facilitate consistent engagement with all sectors in our municipality through stakeholder engagements, ward committee structures and the community.
3.9 To develop and identify public participation approaches, platforms and mechanisms for local communities and stakeholders to participate in the affairs of local government.
3.10 To build inter–governmental mechanisms to ensure that the local, district, provincial and national government work together to enhance service delivery and address the needs of the community.
3.11 To outline the roles and responsibilities of the municipality and the public in deepening participatory democracy.

4. BENEFITS OF PUBLIC PARTICIPATION

4.1 Increases participation in statutory processes and allows for greater links between sectors and communities.
4.2 Encourages a culture of openness, responsiveness and transparency in engaging with communities.
4.3 Alerts the municipality of grassroot issues from a citizen's perspective.
4.4 Contributes to the development of self-confidence, pride, initiative, responsibility and cooperation.
4.5 Encourages citizens and communities to take ownership of their own lives and be actively involved in finding solutions to their problems.
4.6 Builds the capacity of citizens to engage effectively and meaningfully with their local council.
4.7 When local authorities establish good working relationships with communities, it increases their level of confidence without losing perspective.
4.8 Participation also encourages and strengthens internal accountability structures in community organisations.
4.9 With increased communication between structures, negotiations become part of the participatory process.
4.10 Meaningful participation builds ownership of the processes of change on the part of communities and deepens their commitment to it.
4.11 In terms of the municipal IDP and Budget process, participation enables the formation of collaborative partnerships.

5. PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

Public participation has been defined as an open, accountable process through which individuals and groups within communities can exchange views with the Municipality and influence decision-making. It is a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

5.1. Developing a culture of public participation

The Speaker of Municipal Council, as the executive authority upon whom public participation is placed, has a statutory obligation, as provided for in section 37 (k) of the Structures Act 'to ensure the effectiveness and functionality of public participation and the public participation processes'. This entails, among other things, that he/she has to exercise his/her oversight mandate by ensuring that administration is held accountable for operations, effectiveness and functionality of ward committees and public participation processes.

Pursuant to the above legislative and policy requirement, and to institutionalize and/or streamline public participation within the Municipality, the Municipal Manager must, consistent with his/her functions as contemplated in section 55 of the Systems Act (read with section 16 and 21) provide all the necessary administrative support, as set out in the policy by encouraging, facilitating and creating reasonable conditions for the local community to participate meaningfully in the affairs of the Municipality, including in:

5.1.1 Strengthening the capacity of ward committees to perform their functions effectively as a primary mechanism to enhance public participation
5.1.2 The drafting, implementation, review and/or amendment of its Integrated Development Plan (IDP);
5.1.3 The drafting of the Medium-Term Revenue Expenditure Framework (MTREF) / budget;

5.1.4 The establishment, implementation and review of the Municipality's performance management system;
5.1.5 The drafting, determination, consideration and adoption of by-laws and sector/master plans linked to the IDP and Spatial Development Framework (SDF), where applicable; and
5.1.6 Strategic decisions relating to the provision of municipal services.

5.2. Principles guiding public participation

The White Paper on Local Government (1998), which is currently under review, emphasized the importance of building relationships between local communities and the municipality. It also emphasised the principle of accountability by municipal councils.

The underlying principles guiding this policy are also underscored by the Batho Pele Principles as stipulated below:

Table 1: Principles guiding public participation

Principle	Applying these principles
Accessibility	The Municipality to ensure that public participation processes are accessible, gender-sensitive and open to all role-players. Conducting public engagements, taking into account the circumstances of the various communities and available resources.
Accountability	Ensuring report back to the community forums or role-players at least twice a year through IDP and Budget processes, and ward councillors report back to community meetings.
Trust, commitment and respect	Ensuring that the purpose of the public participation process is explained adequately, as well as how it will develop.
Consultation	Consulting internal and external role-players is critical when planning and/or initiating programmes and projects.
Diversity	Ensure that different interest groups, including vulnerable groups (women, disabled persons and youth) are part of governance structures. Embracing all races, gender, religions, ethnicity, language, age, special needs, economic status and sexual orientation.
Openness and Transparency	Promoting openness, sincerity, and honesty among all the role-players in a public participation process.
Flexibility	Being flexible in terms of time, language and approaches to public participation engagements and processes.
Inclusivity	Identifying and recognising existing social networks, structures, organisations and institutions and using them as vehicles for public participation and communication. Embracing the views and opinions of all irrespective of gender, age, religion and economic status in the public participation processes.
Building community capacity	Embarking on citizen education on all aspects of local governance. Keep the public informed and knowledgeable through open communication and for that the public to have a clear understanding of the purpose and the role that they are required to play.
Integration	The Municipality to ensure that public participation processes are integrated into the planning and decision-making processes, such as the Integrated Development Plan (IDP), Budget, Performance Management System, Sectoral Planning and by-laws.

6. PUBLIC PARTICIPATION MECHANISMS, PROCESSES AND PROCEDURES

Public participation should take place through the established structures in the Stellenbosch Municipality as the political structures, ward committees, and intergovernmental structures.

6.1. Mechanisms

Section 17 of the MSA provides for processes, mechanisms, and procedures for public participation and prescribes that 'participation by the local community in the affairs of the municipality must take place through' the following:

6.1.1 political structures for participation in terms of the Municipal Structures Act;

6.1.2 the mechanisms, processes and procedures for participation in municipal governance established in terms of this Act;

6.1.3 other appropriate mechanisms, processes and procedures established by the municipality, and councillors;

6.1.4 generally applying the provisions for participation as provided for in this

Taking the above into account, the Municipality will use the following mechanisms and procedures to strengthen and enhance its interface with communities:

6.1.5 **The Municipal Council or its Committees:** According to Section 5 (e)(i) of the Municipal Systems Act the proceedings of the municipal council and those of its committees must be open to the public, subject to Section 20, which governs the rules of admission of the public to council meetings.

6.1.6 **Ward Councillors**: Ward Councillors are the representatives of specific communities and are ideally placed to be the link between the public and the municipality. Therefore, they should bring people's needs and problems to the municipality, and then consult and inform the community on municipal services and programmes.

6.1.7 **Ward Committees:** Ward Committees represent the community and different sectors in communities. Ward Committee members can be very useful in assessing the needs, building partnerships, consulting the community and advising the ward councillor on service delivery challenges.

Any other mechanisms, processes and procedures established by the municipality in terms of Council policies.

6.2. Intergovernmental Structures

Effective intergovernmental relations (IGR) structures are important to the developmental role of municipalities. This role can only be fulfilled through the active involvement of all spheres of government in the setting of priorities, resource allocation and development planning.

Structures that are active within the district of the CWDM, and to ensure continued liaison and coordination throughout the municipal processes, include:

1. District IDP Managers Forum (DIDPMF)
2. District Public Participation Forum (DPPF)
3. Joint District and Metro Approach task team (JDMA)
4. Strategic Integrated Municipal Engagements (SIME)
5. District Co-ordinating Forum (DCF)

6. Municipal Managers Forum (MMF)
7. District Communications Forum
8. Provincial IDP Indaba's
9. Provincial IDP Managers Forum and Public Participation and Communications Forum.

6.3. Stakeholder Forums

The main purpose of convening stakeholder forums by the municipality, will be for engagement pertaining to municipal areas of service delivery or contribute to the lives of those living in the Stellenbosch municipal area, and to provide feedback to the municipality on implementation and issues arising through structured engagement. Stakeholder forums for public participation in our municipal processes can include established forums such as, but not limited to, municipal sports councils, churches, businesses, agriculture and tourism, various institutions, non-governmental organisations, community-based organisations, ratepayers and environmental forums.

Stakeholders may register on the IDP stakeholder database to be invited to stakeholder engagements in municipal public participation processes.

The objectives of these structured engagements will be to:

6.3.1 Elicit input for the drafting, review / or amendment of IDP and preparation for the draft Budget.
6.3.2 To develop integration by balancing the economic, ecological and social pillars without compromising the institutional capacity.
6.3.3 Strengthen the dialogue between municipal areas of deliverables and the key sectors across the municipality.
6.3.4 Better target and coordinate implementation plans with partners, sectors and different spheres of government; and
6.3.5 Identify the gaps and means for closing gaps with our partners;
6.3.6 Ensure alignment between Provincial, District and Municipal strategic frameworks and implementation plans.

7. ROLES AND RESPONSIBILITIES

The roles and responsibilities of role-players during the public participation processes are summarised as follows:

Table 2: Roles and Responsibilities

Role Player	Roles and Responsibilities
Executive Mayoral Committee	↕ Play a role in the monitoring of public participation by annually reporting to the Council on community involvement. ↕ Ensure that public views and opinions are taken into account.

Role Player	Roles and Responsibilities
Office of the Speaker	▪ The Speaker is the custodian of public participation and has an oversight obligation to ensure that public participation is effective and that ward committees are operational fully. ▪ The support for the participatory component of the political system resides with the Office of the Speaker. ▪ The Speaker, who chairs Council meetings, is ultimately responsible for ensuring that the Stellenbosch Municipal Council, through its elected Councillors, implements a dynamic and effective system of public participation. ▪ The co-ordination of public participation processes through the Office of the Speaker does not mean the implementation of all the aspects of public participation. ▪ The management of the public participation process into the Integrated Development Plan and Budget would be managed through the Office of the Municipal Manager and the Directorate: Finance. However, the co-ordination of how this process fits into the ward committee system that deals with input to the IDP and budget will be set up through proper mechanisms within the Office of the Speaker (politically) and through the Office of the Municipal Manager (Administratively).
Council	▪ Municipal Council to familiarise themselves with the content of this policy, make their constituencies aware and oversee its implementation of the policy; ▪ It is the Council's responsibility to promote and supervise the implementation of public participation initiatives. Councillors should act as enabling agents in the community.
Municipal Manager	To give effect to Sections 16 and 17 of the MSA as set out in this policy, the Municipal Manager must do the following: Encourage and ensure conducive conditions for public participation in the affairs of the municipality, including in: ▪ Preparation, implementation and review of the Integrated Development Plan (IDP). ▪ Establishment, implementation and review of the municipal Performance Management System. ▪ Monitoring and review of the municipality's performance, including the outcome and impact of such performance. ▪ Considering draft by-laws. ▪ Preparation of the municipal budget. ▪ Strategic decisions relating to the provision of municipal services. ▪ Ensure that the municipality employs sufficient component staff members, other than councillors, to assist in the public participation processes. ▪ Ensure that all staff members, including councillors, are trained in the public participation methodologies and processes. ▪ Ensure community capacity building for meaningful participation in municipal affairs. ▪ Establish and notify the public on all available participation platforms in the municipality. ▪ Ensure that the municipality uses appropriate venues and platforms for public participation. ▪ Ensure that gender-sensitive approaches are developed to make public participation platforms accessible to all community members.

Role Player	Roles and Responsibilities
Manager: Integrated Development Planning	▪ Draft the IDP and Budget Process Plan / Time Schedule for the scrutiny of the Executive Management Committee, the consideration of the Mayoral Committee and adoption by the Municipal Council. ▪ Implementation of a public participation plan to encourage community and sector participation in the IDP and Budget process. ▪ Consolidate all community input and needs, including newly identified projects for channeling to the relevant departments for consideration. ▪ The role here is specifically a facilitation and administrative function of guidance, assistance and implementation of the process in itself.
Community	▪ Members of the public to familiarise themselves with the content of this policy. ▪ Ensure that their participation takes place through the public participation mechanisms and platforms established and approved by the municipality in terms of the MSA as set out in this policy and made public in municipal public notices, and such other mechanisms and platforms as it may establish for the purposes of deepening participatory democracy and the other objectives of this policy.
Ward Committees	▪ Mobilise communities to participate in IDP and Budget public participation processes or any other service delivery matter demanding public participation. ▪ Facilitating communication between residents, ward councillor, and the municipality, advocating for community needs and priorities, and fostering collaboration to address common challenges. ▪ Assist ward councillors in the distribution and communication of information about public participation engagements and the platform available for engagements. ▪ Identify persons with special needs and communicate this to the ward councillors in cases where special logistical arrangements need to be made, where appropriate, if circumstances permit this and dependent on the availability of resources. ▪ All ward committee members must be present at the IDP and Budget public engagements and or other public engagements relating to municipal affairs requiring public participation, to represent their respective communities. ▪ Ward committee members must participate in the ward-based planning process for their respective wards. ▪ Prioritise the community needs and assist the ward councillor to determine the key priorities for the respective ward. ▪ Provide in-depth details on priority issues and problems raised in the public engagements. ▪ Monitor and evaluate IDP projects and ward priorities. ▪ Must adhere to the values of public participation as set out in this policy.

8. STATUTORY PROCESSES NECESSITATING PUBLIC PARTICIPATION

Different types and forms of decision-making necessitate varying levels of public participation. To avoid any uncertainty about whether or not participation is critical with regard to certain important municipal decisions and processes, the MSA provides a non-exhaustive list of important municipal 'events' in which public participation is particularly important, including:

8.1. Participation in the drafting, review and/or amendment of the IDP

Facilitation of public participation in the IDP process takes place as set out in the IDP and Budget Process Plan (Time Schedule), and is implemented through the following structures and methods:

8.1.1 Department: IDP / PMS / Public Participation

8.1.1.1 Draft the IDP and Budget Process Plan (Time Schedule) in terms of Section 21(1)(b) of the MFMA in consultation with the Departments: Spatial Planning, Budget and Disaster Management for scrutiny of the Executive Management, the consideration of the Mayoral Committee and adoption by the Council;
8.1.1.2 Draft and implement the IDP and Budget public participation plan to encourage community and sector participation in the IDP and Budget process;
8.1.1.3 Consolidate community and sector inputs received during the IDP public participation processes, including newly identified projects for channelling to the relevant departments; and
8.1.1.4 Ensure that departmental feedback on the IDP community and sector inputs is captured and updated before the following IDP and Budget process.

8.1.2 Ward Committees

The objective of a ward committee is to enhance participatory democracy in local government, and must participate and provide assistance in the following:

8.1.2.1 Assist with the mobilisation of communities to attend IDP and Budget engagements in person or via online platforms made available by the municipality;
8.1.2.2 Participate in the needs analysis phase of the IDP;
8.1.2.3 Participate in the driving of the ward-based planning process in the development of ward plans;
8.1.2.4 In consultation with the ward councillor, prioritise the community inputs and determine the top ward priorities for the respective ward;
8.1.2.5 Elaborate on priority issues and problems and advise the ward councillor;
8.1.2.6 The ward councillor and ward committee will have the duty to explain the ward priorities to their respective wards (the administration will provide technical support to the ward councillor and ward committee during this consultative process);
8.1.2.7 Communicate information in both directions between the community and the municipal council;
8.1.2.8 Monitor and evaluate IDP projects as encapsulated in the IDP and ward plans;
8.1.2.9 Participate in the establishment, implementation and review of the Performance Management System (PMS);
8.1.2.10 Participate in the preparation of the budget; and
8.1.2.11 Strategic decisions of the Municipality relating to the provisions of municipal services in terms of Chapter 8 of the MSA.

The functions of Ward Committees are specified in the Ward Committee Policy of Stellenbosch Municipality.

8.1.3 Electronic and print media

8.1.3.1 Community input and comments must be obtained from calls for comment as advertised in local print media, on the municipal website, social media platforms and the municipal notice boards;
8.1.3.2 Give notice to the public of the adoption of the IDP and Budget (within 14 days of the adoption of the IDP) and budget (within 10 working days) as prescribed by the MSA;
8.1.3.3 The draft IDP and Budget must be published on the municipal website for public scrutiny as prescribed by the MSA and MFMA not later than five (5) days after its tabling in Council or on

the date on which it must be made public for a period of at least 21 days for public comments and written submissions;

8.1.3.4 The IDP and budget-related documents must be made available at municipal offices and municipal libraries.

8.1.4 Written Submissions

Members of the community and stakeholders may participate in the drafting of the municipal Integrated Development Plan (IDP) by making written submissions to the Municipal Manager on the dates as specified in the municipal notices.

8.2. Participation in the budget preparation process

The Budget preparation process commences with the adoption of the IDP and Budget Process Plan (Time Schedule) by the Council and further unfolds as follows:

8.2.1 The IDP department, Budget Office, ward councillor, and ward committee will consult respective communities to determine the developmental needs of the community;

8.2.2 All community needs determined through this process, will be captured and prioritised by the ward committee during the ward-based planning process;

8.2.3 The Capital Planning Forum (CPF) will reflect on the strategic objectives for service delivery and proposed capital projects emanating from the ward-based planning process;

8.2.4 All internal municipal departments will take into consideration the priorities listed by the community;

8.2.5 The Department: Finance of the Stellenbosch Municipality has a duty in terms of the MFMA to compile the draft budget for the Medium-Term Revenue and Expenditure Framework (MTREF) period;

8.2.6 Once the draft budget is compiled, the Executive Mayor will table the draft IDP, draft budget and related policies, and Service Delivery and Budget Implementation Plan (SDBIP) to the Council;

8.2.7 The draft budget and its related documents will be published on the municipal website, and hard copies placed in the municipal libraries and offices, to ensure that the public has access to the documents to make informed comments and written submissions.

8.2.8 In order to ensure that all stakeholders are informed about the budget consultation sessions, notices will be placed in local print media, on the municipal website, on social media platforms and the municipal notice boards.

8.2.9 In addition, the municipality will also consult with stakeholders who are registered on the municipal stakeholder database;

8.2.10 All submissions received through the IDP and Budget public participation process, including the written submissions, will be submitted to the Budget Office and Mayoral Committee for consideration, whereafter the Executive Mayor will submit the final budget to Council for adoption.

8.3. Development, implementation and review of the performance management system (PMS), monitoring and review of organisational performance, including outcomes and impact of performance (annual report)

The MSA and applicable regulations stipulate that the public must participate in the monitoring and review of the performance of municipalities. The list below sets out the various issues in respect of which the municipality is required to engage with the community in terms of performance management:

8.3.1 Make public the projections, targets and indicators as set out in the SDBIP (no later than 14 days after the approval of the SDBIP by the Executive Mayor);
8.3.2 Make public the Quarterly Performance Assessment Reports of the municipality;
8.3.3 Monitoring and review of organisational performance, including outcomes and impact of performance (Annual Report).

8.4. Policy formulation and development of By-laws and Policies

All proposed by-laws and policies must be published for public comment in a manner that allows the public an opportunity to make representations concerning the proposed by-law or policy.

8.5. Strategic decisions relating to service delivery

Regulations and legislation guide the process to be followed in the decision-making process relating to service delivery, such as Service Level Agreements (SLAs) and the role of the public therein.

8.6. Other council processes for public participation

The Municipality may engage the community on any other aspects identified by the Municipality for public consultation. Consultation on other council processes will be the responsibility of the respective functional department.

9. PUBLIC PARTICIPATION METHODS AND TIMEFRAMES

9.1. Notices

9.1.1 Notices about community engagements must be placed in the local print media, municipal website, municipal notice boards, municipal-approved social media platforms, and other platforms as it they becomes available.
9.1.2 When the municipal administration communicates this information, it must take into account the Communication Policy of the municipality, as well as the special needs of vulnerable groups and persons who cannot read or write.
9.1.3 Municipal officials will assist all persons with special needs who cannot read or write.

9.2. Petitions and complaints

9.2.1 Petitions and complaints lodged by the public shall be addressed to the Executive Mayor or Municipal Manager and/or their delegates.
9.2.2 Petitions will be dealt with as per the standard operating procedure set out by the Executive Mayor and Municipal Manager.

9.3. Public input and comments on the draft IDP and draft Budget

The Municipality should consider inviting the public and interested stakeholders to submit inputs and comments on the following:

9.3.1 The identification of community needs and the prioritisation of those needs in the municipal area or specific ward, within the IDP and budgeting processes;
9.3.2 On strategies, programmes and services to address the developmental agenda based on community needs as encapsulated in the IDP;
9.3.3 In the development, implementation and monitoring of the municipal Performance Management System (PMS);

9.3.4 The inputs and written submissions of the public on the budget, proposed tariffs, as well as budget-related policies;

9.3.5 The Municipal Manager should ensure that all input and written submissions are submitted to the Council for consideration.

9.3.6 The Municipal Manager should ensure that copies of the draft documents are made available to the general public in one or more of the following:

- By publication in the official municipal newsletter;
- Hard copy available at all municipal ward offices and libraries;
- Publish an electronic copy of the report/ plan on the municipal website.
- By posting notices on municipal-approved social media platforms.

9.4. Public comments and input submitted on electronic platforms

9.4.1 The Municipality will provide the community with an email address in the published notices where the public and stakeholders may submit written comments directly to the municipality on any matter referred to in this policy and or other relevant municipal policies and/or by-laws;

9.4.2 Comments may also be submitted through the dedicated municipal-approved electronic platforms as it appear in the public notices;

9.4.3 Emails and electronic platforms will be accessed regularly, and comments collated by the responsible department;

9.4.4 The municipal website will provide a facility for the public to provide online comments for specific public participation processes without the Municipality necessarily permitting the abuse of the facility.

9.5. Invitation to public participation engagements

9.5.1 Members of the community will be invited to participate in open sessions where statutory determined processes, such as the *m*SDF, IDP, budget, policies and by-laws.

9.5.2 Public engagements will be held at a place, time and venue convenient to the majority of people in a particular ward/area, depending on the availability of resources.

9.5.3 The size of the venue and the approximate number of people who might be attending must be taken into consideration. Physical engagements will only be conducted if circumstances permit it.

9.5.4 This policy makes provision for online or hybrid public engagements. Online public engagements will be held on MS Teams or any other platform as approved by the Municipality, at times convenient for the majority of people in a particular ward. The meeting link for these engagements will be communicated to the community in due time in order to enable the community to participate.

9.5.5 Notices of consultations / public engagements will be published at least seven (7) days before the date of the meeting through the following communication platforms:

- Local newspapers that are circulated and advertised once on a weekly basis;
- Municipal website;
- Municipal-approved social media platforms
- Public loud hailing will be done on public engagements and events, if circumstances permit this and dependent on the availability of resources; and
- When deemed necessary, and when financially viable, pamphlets may be distributed and the posting of posters to publicise municipal engagements.

9.5.6 Councillors will be consulted and informed of such meeting(s) before a notice is given to the community.

9.5.7 Where practically and economically feasible, the Municipality will endeavour to make translators, print and electronic formats of the presentation available for the purpose of the public participation meeting.

9.5.8 Ward Councillors will play an official council role at public participation meetings in their respective wards.

9.5.9 Written submissions may be emailed or hand–delivered at the designated municipal electronic platforms and municipal offices as it appears in the public notices.

9.6. Special needs

In terms of Section 17(3) of the MSA, the Council must take into account the special needs of:

9.6.1 People who cannot read or write;
9.6.2 People with disabilities;
9.6.3 Women;
9.6.4 Senior Citizens; and
9.6.5 Other disadvantages groups.

9.7. Legislative Public Participation Time Frames

The relevant legal statutes establish specific deadlines for each municipal legislative process that involves public participation.

9.7.1. IDP and Budget public participation time frames

The legislative public participation time frames in terms of the MSA and MFMA below should be adhered to at all times:

Activity	Legislative Requirements	Time Frame	Responsible
Submission of the draft IDP, budget, tariffs, budget-related policies and SDBIP	MFMA - Sec 16(2) MSA - Sec 25 (b)(c) MBRR - Part 3	At least 90 days before the start of the budget year	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services
Advertise the Draft IDP and Draft Budget and other required documents	MFMA - Sec 22(a) MSA - Sec 21A, 42 MPPMR - Reg 15(3)	Provide at least 21 days for public comments and written submissions	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services
Council meeting to adopt final IDP, Performance Management Measures and targets and the budget	MFMA - Sec 24	At least 30 days before the start of the budget year)	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services
Place the adopted IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 (1)(2) MSA - Sec 21A and 21B	Within 5 days after adoption	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services
Give notice to the public of the adoption of the IDP and Budget	MBRR - Reg 18 MSA - Sec 25(4)(a)(b) MFMA - Sec 75(1)	Within 14 days of the adoption of the IDP and the budget, within 10 working days	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services

10. GENERAL ARRANGEMENTS FOR PUBLIC PARTICIPATION PROCESSES

10.1. Admission to municipal public engagements

10.1.1 Section 20(1) of the MSA provides that meetings of the Council and its Committees are open to the public, including the media. The Council or its Committee may only exclude the public and media, when it is reasonable to do so, having regard to the nature of the business being transacted.

10.1.2 A by-law or resolution of the Council must specify the circumstances in which such meetings may be closed. The Council's Standing Rules, allow for meetings to be held in - committee.

10.1.3 Section 20(3) of the MSA constitutes that the Mayoral Committee may close any or all of its meetings to the public and the media, when it is reasonable to do so, having regard to the nature of the business being transacted.

10.1.4 Section 20(2) of the MSA sets out the matters, to be considered by the Council or its committees in respect of which meetings may not be closed for a draft by-law, Budget, IDP and any amendments to the IDP, a municipality's draft performance management system and amendments to the system, decision to enter into a service delivery agreement referred to in Section 76(b); and any matter prescribed by legislation.

10.2. Accessibility of information

10.2.1 The Promotion of Access to Information Act, 2000, sets out the procedure to be followed by members of the public to obtain access to records.

10.2.2 The Act further sets out grounds for refusal of access to information and makes provision for an appeal mechanism.

10.3. Language

Account is taken of national and provincial legislation on the recognition of official languages, and these will be used as a minimum framework. The diversity of Stellenbosch Municipality communities is recognised, and every effort will be made to use an appropriate language in any public participation process.

In terms of Section 18(2) of the MSA, the Council must take into account the language preferences of its community when providing information and /or interacting with such community. However, the first medium of communication will be English and will be translated if practically and economically feasible.

11. CONCLUSION

This policy outlines how the municipality's public participation processes, as well as the organisation's legislative processes and issues requiring public participation, will be conducted, organised, and managed.

The policy works from the premise that public participation is not isolated and only the function of a specific directorate, but an underlying value of the work of all departments in the Stellenbosch Municipal Council. The principles of public participation filter into the mainstream work of the Council and contribute towards building a transparent and participatory system of a democratic local government in the Stellenbosch municipal area. The document highlights the main areas where the Stellenbosch Municipality must find itself engaging in public participation initiatives.

It is important to note that the Public Participation Policy will be reviewed and developed over time, to reflect changing circumstances that allow or permit different approaches to conduct public participation. These improvements to the policy will always be done in accordance with legislative mandates.

ANNEXURE B

STELLENBOSCH
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Consolidated Written Submissions: Draft Public Participation

Table of Contents

1. Written Submissions: Draft Public Participation Policy....3

1.1. Submission: Western Cape Department Local Government....3

1.2. Submission: Ms Rachelle Kirsten (Welgelegen, Stellenbosch)....6

1.3. Submission: Mr Ricardo Lodewyk (Disability Peer Supporter)....6

1.4. Submission: Mr Thomas Lawrie and Ronnie Donaldson (Stellenbosch Interest Group)....7

1.5. Submission: Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)....9

Tables

Table 1: Written Submission – Western Cape Department Local Government....3

Table 2: Written Submission – Ms Rachelle Kirsten....6

Table 3: Written Submission – Mr Ricardo Lodewyk (Disability Peer Supporter)....6

Table 4: Written Submission – Mr Thomas Lawrie and Ronnie Donaldson (Stellenbosch Interest Group)....7

Table 5: Written Submission – Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)....9

1. Written Submissions: Draft Public Participation Policy

1.1. Submission: Western Cape Department Local Government

Table 1: Written Submission – Western Cape Department Local Government

Western Cape Department Local Government		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
9	Under the heading: 3 Objectives of the public participation policy	Include the word 'responsive' in line 3.2 to read as follows: To establish a transparent, responsive and accountable municipality.
9	Under the heading: 3 Objectives of the public participation policy	Proposed to include line 3.3: To facilitate and create reasonable opportunities for residents to meaningfully participate in municipal decision-making processes DLG is making the point in the context of the 2023 landmark Constitutional Court Judgement in the matter involving Mogale vs the Speaker of the National Assembly and Others
9	Under the heading 4: Benefits of public participation	Replace the word 'attitude' with 'a culture' and include the word 'responsiveness' in sentence 4.2 to read as follows: Encourages a culture of openness, responsiveness and transparency in engaging with communities.
10	Under the heading 4: Benefits of public participation	Add the words 'and meaningfully' in sentence 4.6 to read as follows: Builds the capacity of citizens to engage effectively and meaningfully with their local council.
10	Under the heading 4: Benefits of public participation	Replace the word 'communities' with 'local authorities' in sentence 4
10	Under the heading 4: Benefits of public participation	Add the wording 'meaningfully' to the beginning of sentence 4.10

Western Cape Department Local Government		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
10	Heading: 5.1 Developing a culture of public participation	The DLG propose that the following paragraph be inserted under the heading 5.1, felt it is important to emphasise from the onset the prominent role of the Speaker of Council in public participation. He/she is the custodian of public participation and has a statutory obligation to exercise his/her oversight function over the Municipal Administration. To insert the paragraph: The Speaker of Municipal Council, as the executive authority upon whom public participation is placed, has a statutory obligation, as provided for in section 37 (k) of the Structures Act ''to ensure the effectiveness and functionality of public participation and the public participation processes". This entails, among other things, that he/she has to exercise his/her oversight mandate by ensuring that administration is held accountable for operations, effectiveness and functionality of ward committees and public participation processes. The DLG propose that the following paragraph be inserted under the heading 5.1 because this is to ensure that the MM, and NOT the Speaker, has a responsibility to allocate resources and budget for the implementation of public participation programmes in line with this draft policy. More importantly, the implementation of public participation processes resides in his/office as prescribed in section 55 of the MSA. To insert the paragraph: Pursuant to the above legislative and policy requirement, and to institutionalize and/or streamline public participation within the Municipality, the Municipal Manager must, consistent with his/her functions as contemplated in section 55 of the Systems Act (read with section 16 and 21) provide all the necessary administrative support, as set out in the policy by encouraging and creating reasonable conditions for the local community to participate meaningfully in the affairs of the Municipality, including in
10	Heading: 5.1 Developing a culture of public participation	Replace the sub-heading: 5.1. Developing a culture of public participation….replacement sentence/sub-heading: 5.1. Strengthening the capacity of ward committees to perform their functions effectively as a primary mechanism to enhance public participation
10	Heading 5.2 Principles guiding public participation	A draft discussion paper on the review of the White Paper on Local Government (WPLG) will be released for public comments during March 2025. Add the wording in the paragraph referring to the White Paper: 'which is currently under review'
	Heading 6: Public Participation Structures and Mechanisms	Amend the wording of heading 6 to read: Public Participation Mechanisms, Processes and Procedures Reason for proposed amendment of the heading 6: It is common cause that ward committees are one of the primary mechanisms used by most municipalities to enhance public participation and cannot therefore be characterised as ''political structures"'. Rather refer to them as mechanisms
	Heading 6: Public Participation Structures and Mechanisms	Amend the section under heading 6: Delete: In terms of the provisions of Section 17(1)(a) of the MSA, political structures must be used to drive the public participation processes. The Act defines 'political structures' as the council of a municipality or any committee or other collective structure of a municipality that has been elected, designed or appointed in terms of the Municipal Structures Act. These political structures include: Insert: Section 17 of the MSA provides for processes, mechanisms, and procedures for public participation and prescribes that "Participation by the

Western Cape Department Local Government		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
		local community in the affairs of the municipality must take place through" the following: • political structures for participation in terms of the Municipal Structures Act; • the mechanisms, processes and procedures for participation in municipal governance established in terms of this Act; • other appropriate mechanisms, processes and procedures established by the municipality, councillors; • generally applying the provisions for participation as provided for in this Paragraphs and bullet points have been rephrased and inserted into the policy.
	Heading 6: Public Participation Structures and Mechanisms	To insert the sentence above 6.1.1 - Taking the above into account, the Municipality will use the following mechanisms and procedures to strengthen and enhance its interface with communities:
	Heading 6.2. Intergovernmental structures	To include the District Public Participation Forum (DPPF)
	Heading 7, Table 2: Roles and Responsibilities	To insert the following sentence in the column with reference to the Office of the Speaker: 'The Speaker is the custodian of public participation and has an oversight obligation to ensure that public participation is effective and that ward committees are operational fully'
	Heading 7, Table 2: Roles and Responsibilities	Column referring to the Municipal Manager: Delete: Ensure that the municipality employs sufficient component staff members, other than councillors, to assist in the public participation processes. To insert: Ensure that the municipality establishes a public participation unit with dedicated staff to carry out and implement public participation programs and activities Reason for proposed deletion and insertion: Experience has taught us that public participation becomes effective when there is a Public Participation Unit with dedicated administrative capacity located in the office of the MM or a delegated senior official.
	Heading 8.4 Policy formulation and development of By-laws	Perhaps putting time frames here, as in the previous items, might be helpful. Each directorate will determine its time frames in terms of the prescribed legislation and will be indicated in the public notices being advertised.
	Heading 9.5 Invitation to public participation engagements	9.5.2 Public engagements will be held at a place, time and venue convenient to the majority of people in a particular ward/area, depending on the availability of resources. Delete the wording: 9.5.2 'depending on the availability of resources' What type of resources are referred to here, given the availability of public facilities, including community halls? We suggest that your Comms Policy guide you in this context. Noted.
	Heading 9.5 Invitation to public participation engagements	9.3.3 - The size of the venue and the approximate number of people who might be attending must be taken into consideration. Physical engagements will only be done if circumstances permit it. Delete the wording: 'Physical engagements will only be done if circumstances permit it'

Western Cape Department Local Government		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
	Heading 10.3	In terms of Section 18(2) of the MSA, the Council must take into account the language preferences of its community when providing information and /or interacting with such community. However, the first medium of communication will be English and will be translated into other languages where appropriate, if circumstances permit this and depending on the availability of resources. Proposal is to delete the wording: 'and will be translated into other languages where appropriate, if circumstances permit this and depending on the availability of resources.' Reason for proposed deletion: This appears to contradict paragraph 9.5.7, which speaks about practicality and economic feasibility, and here in paragraph 10.3, the word ''appropriateness" is being used. Our suggestion remains as in that paragraph and further suggests that this be informed or guided by the Municipality's Language Policy, read in conjunction with the relevant policy and statutory frameworks.
	Correction of spelling and grammatical errors.	

1.2. Submission: Ms Rachelle Kirsten (Welgelegen, Stellenbosch)

Table 2: Written Submission – Ms Rachelle Kirsten

Ms Rachelle Kirsten (Welgelegen, Stellenbosch)
Input / Comment/s
Does such a Public Participation and IGR Policy currently exist?

1.3. Submission: Mr Ricardo Lodewyk (Disability Peer Supporter)

Table 3: Written Submission – Mr Ricardo Lodewyk (Disability Peer Supporter)

Mr Ricardo Lodewyk		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
18	Heading 9.5: Invitation to public participation engagements	Provide inclusive transport options, such as accessible public or subsidised transport, for attendees with mobility impairments
18	Heading 9.5: Invitation to public participation engagements	Consider transport assistance programs that accommodate wheelchair users, ensuring they can attend meetings, consultations, and other public engagement events
18	Heading 9.5: Invitation to public participation engagements – line 9.5.7	Furthermore, I fully support the Directives for Public Participation, which mandate that all participation programs must be fully accessible to persons with disabilities. In addition to selecting only fully accessible venues, I recommend: Ensuring reasonable accommodation measures, such as sign language interpretation, braille or electronic formats for documents, and assistive listening devices.

Mr Ricardo Lodewyk		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
		on the Rights of Persons with Disabilities. **Department: IDP / PMS and Public Participation** The policy under 9.5.7 makes provision for 'where practically and economically feasible, the Municipality will endeavour to make translators, print and electronic formats of the presentation available for the purpose of the public participation meeting.
18	Heading 9.5: Invitation to public participation engagements	Utilising digital participation platforms that are accessible to persons with disabilities, providing alternative means of engagement for those unable to attend in person. Reason for proposals: By integrating these measures, Stellenbosch Municipality can uphold the principles of inclusivity, ensuring that all residents, regardless of ability, can actively participate in shaping policies that impact their lives.

1.4. Submission: Mr Thomas Lawrie and Ronnie Donaldson (Stellenbosch Interest Group)

Table 4: Written Submission – Mr Thomas Lawrie and Ronnie Donaldson (Stellenbosch Interest Group)

Mr Thomas Lawrie and Mr Ronnie Donaldson (Stellenbosch Interest Group)		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
10	Heading 5.2: Principles guiding public participation	The national government is in the process of renewing the 1998 White Paper on Local Government. The White Paper emphasises that "a renewed focus on participatory governance can foster stronger relationships between municipalities and their constituents. Encouraging active citizen involvement ensures that local governments remain attuned to the evolving needs and aspirations of the communities they serve." The Stellenbosch Interest Group (SIG) accordingly welcomes the municipality's initiative to develop a policy on public participation (PP).
7	Glossary of terms	Definition of "community" in the glossary The definition of "community" currently omits an important element from the White Paper on Local Government, which states: "Visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of the services or facilities provided by the municipality, and includes, more specifically, the poor and other disadvantaged sections of such a body of persons." This should be incorporated to ensure a comprehensive definition.
12	Section 6.1.3	The policy does not adequately address the role of ward committees in facilitating public participation. While Table 2 states: "Ward committees: Mobilise communities to participate in IDP and Budget public participation processes or any other service delivery matter demanding public participation". It, however, fails to explain how ward committees mobilise communities. Clear mechanisms should be outlined.
18	Section 9.5.2	Meetings must be held in the Town Hall, ensuring representation from all wards. For instance, proposals concerning the town centre or the extension of the urban edge impact all wards and should be addressed collectively. Issues affecting the entire town should be discussed with all groups together, rather than following the policy of consulting only the ward where a proposal is to be implemented. In the past, Town Hall meetings were highly successful, with participants seated at round tables. These gatherings fostered engagement between representatives, leading to consensus on most issues—one notable example being the First IDP.
12	Section 6.3: Stakeholder Structures	The draft policy states:

Mr Thomas Lawrie and Mr Ronnie Donaldson (Stellenbosch Interest Group)		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
		"The main purpose of stakeholder structures, if and when established, will be for strategic engagement pertaining to municipal areas of service delivery or to contribute to the lives of Stellenbosch communities." The use of "if" leaves room for these structures not to be established at all. A firm commitment to stakeholder structures is necessary. Additionally, the policy should clarify the difference between a "strategic forum" and a "stakeholder body" to avoid ambiguity.
15	Section 8.1: Participation in the drafting, review and/or amendment of the IDP	Scope of public participation The policy primarily addresses Public Participation in relation to the Integrated Development Plan (IDP) but does not consider day-to-day issues affecting communities that may also require public participation. This is a fundamental flaw and should be rectified.
16	Section 8.1.4: Written Submissions	Registration and notice for Public Participation bodies All community or neighbourhood organisations—whether officially registered or informal—should be able to register as public participation (PP) bodies. These bodies must receive all PP notices to ensure broader community involvement.
16	Section 8.1.4: Written Submissions	There should be a second round of PP after stakeholder comments have been incorporated.
16	Section 8.1.4: Written Submissions	The municipality must clarify how written submissions are considered and responded to. Recent experience with SIG has shown that responses to IDP/SDF submissions were often ignored or dismissed with brief, unexplained and potentially misleading replies.
16	Heading 8.2: Participation in the budget preparation process - Section 8.2.9	Municipal stakeholder database The policy lacks clarity on how the municipal stakeholder database is established and maintained. Councillors, with the assistance of ward committees, should ideally: • Compile a database of all interest groups and civil society organisations in their wards and share these contacts on the municipal www platforms • Ensure these groups are represented in the ward committee. If certain groups are not represented, the ward committee should actively engage with them. Stakeholder groups may include: School governing bodies; Neighbourhood groups; Sports clubs; Child welfare organisations; Other community-focused institutions; Etc.
16	Heading 8.2: Participation in the budget preparation process - Section 8.2.9	The municipality should create dedicated participation processes for vulnerable and underrepresented groups, such as the poor in informal settlements and those living in backyard shacks. Various public participation platforms are available to the broader community to enable residents to participate in public participation processes.
18	Heading 9.3 Public input and comments on the draft IDP and draft Budget - Section 9.3.6	The municipality's website is difficult to navigate. There should be a single platform or link dedicated to all information (public participation resources) that enables the public to make an informed decision. This will be referred to the Department: Communications, responsible for the municipal website.
18	Heading 9.5 Invitation to public participation engagements - Section 9.5.5	The policy states that notices should be published at least seven (7) days in advance. This should be extended to 14 days to allow for meaningful public engagement. Additionally, notices should not be published during the December holiday period (15 Dec – 10 Jan), when many residents are unavailable. The seven (7) day period for the publishing of notices does allow adequate notice for residents to prepare and attend the physical meetings. For meaningful engagement, a period of not less than 21 days as prescribed by the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) (MSA) is made available for residents, stakeholders and interested parties to participate in public participation processes and engage on the various platform with the municipality.
18	Heading 9.5 Invitation to public participation engagements	Role of social media and digital engagement: Social media should be the primary communication tool for engaging residents – WhatsApp, Facebook, and Instagram.

Mr Thomas Lawrie and Mr Ronnie Donaldson (Stellenbosch Interest Group)		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
18	Heading 9.5 Invitation to public participation engagements	Online petitions and public participation surveys should be used to collect input from the community efficiently
Establishment of a dedicated Public Participation Unit: The municipality should consider establishing a dedicated Public Participation Unit to ensure a coherent and systematic approach to public engagement. According to Section 17 of the Municipal Systems Act, this unit would be responsible for: • Receiving, processing, and considering petitions. • Notifying the public of issues under consideration and facilitating public comments. • Organising public meetings and hearings for councillors and officials. • Regularly sharing information with community organisations and ensuring consultation. The PP Unit's key responsibilities may include: • Managing and monitoring ward committee functionality. • Organising and promoting community participation in municipal processes. • Coordinating community outreach programs. • Collaborating with sector departments on community participation initiatives.		

1.5. Submission: Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)

Table 5: Written Submission – Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)

Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
	Email submission	Extend the closing date for comment to 15th April so these drafts can be considered at the next meeting of the FHRPA's Ratepayers Committee on 9th April. Please also let me have a copy of the standard operating procedure for petitions referred to in 9.2.2 of the draft PPP, as previously requested.
8	Glossary of Terms	Insert the wording: 'with the Municipality' to read as follows: "Public participation" means an open, fair and accountable process through which individuals and groups within communities can exchange views with the Municipality and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives.
9	Heading 3: Objectives of the Public Participation Policy	To delete the wording with a strikethrough 3.5 ~~For the municipality~~ To make development plans and services more relevant to local needs and environments.
9	Heading 3: Objectives of the Public Participation Policy	Add the word 'To' in front of the sentence 3.6 – 3.9
10	Heading 5: Public Participation in Local Government	Insert the wording: 'with the Municipality' to read as follows: "Public participation" means an open, fair and accountable process through which individuals and groups within communities can exchange views with the Municipality and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives.
10	Heading 5: Section 5.1 – Developing a culture of public participation	Add the word: 'facilitates' for the sentence to read as follows: The Municipality encourages, facilitates and creates conditions for the local community to participate in the affairs of the Municipality, including in:

Mr Barry Phillips (Franschhoek Heritage and Ratepayers Association)		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
10	Heading 5: Section 5.1 (5.1.4) – Developing a culture of public participation	Add the wording 'the drafting' to the sentence to read as follows: 5.1.4 The drafting, determination, consideration and adoption of by-laws and sector/master plans linked to the IDP and Spatial Development Framework (SDF), where applicable; and
11	Heading 6: Public participation structures and mechanisms	Insert the wording 'stakeholder structures' to the sentence to read as follows: Public participation should take place through the established structures in the Stellenbosch Municipality as the political structures, ward committees, stakeholder structures and intergovernmental structures
12	Heading 6 – Section 6.3: Stakeholder Structures	Delete the words: 'Stellenbosch communities' Add the wording: 'those living in the municipality, and to provide feedback to the municipality on implementation and issues arising through structured engagement. The new sentence will read as follows: The main purpose of stakeholder structures, if and when established, will be for strategic engagement pertaining to municipal areas of service delivery or contribute to the lives of ~~Stellenbosch communities,~~ those living in the Municipality, and to provide feedback to the Municipality on implementation and issues arising through structured engagement.
12	Heading 6 – Section 6.3: Stakeholder Structures	Add the wording: 'such as but not limited to ratepayers, heritage and environmental conservation associations' The amended sentence will read: Structured forums for public participation in our municipal processes can include established forums, municipal sports councils, churches, businesses, agriculture and tourism, various institutions, nongovernmental organisations and community-based organisations, such as but not limited to ratepayers, heritage and environmental conservation associations.
13	Heading 7: Roles and responsibilities	Table 2: Roles and responsibilities line referring to the 'Community' Add the wording: 'and such other mechanisms and platforms as it may establish to deepen participatory democracy and the other objectives of this policy' The amended sentence reads as: Ensure that their participation takes place through the public participation mechanisms and platforms established by the municipality in terms of the MSA as set out in this policy and made public in municipal public notices and such other mechanisms and platforms as it may establish for the purposes of deepening participatory democracy and the other objectives of this policy.
14	Heading 8.4: Policy formulation and development of By-law	Add the words in font green for the sentence to read as follows: All proposed by-laws and policies must be published for public comment in a manner that allows the public an opportunity to make representations concerning the proposed by-law or policy. Section 8.4 has been revised.
17	Heading 9, Section 9.1	Add the word 'they' The sentence is to read as follows: 9.1.1 Notices about community engagements must be placed in the local print media, municipal website, municipal notice boards, municipal-approved social media platforms and other platforms as they become available. The word has been inserted.
18	Heading 9, Section 9.3	Add the following point to the paragraph: By posting notices on municipal-approved social media platforms.

7.11.2	**ADOPTION OF THE INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY**

Collaborator No: **787995**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **18 June 2025**

1. SUBJECT: ADOPTION OF THE INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY

2. PURPOSE

For the Council to consider and approval:

(a) The final Intergovernmental Relations (IGR) and International Relations (IR) Policy, attached as **ANNEXURE A;** and

(b) Written submissions on the draft IGR and IR Policy, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), aims to promote cooperative governance between the national and provincial governments, including other municipalities. It stipulates mechanisms for consultation, cooperation, and coordination among the three spheres of government to ensure effective service delivery and development.

Stellenbosch Municipality drafted an Intergovernmental Relations (IGR) and International Relations (IR) Policy to facilitate effective communication and collaboration with the provincial and national governments, as well as the district and other local municipalities. The policy sets the foundation for Stellenbosch Municipality to collaborate with other government departments and municipalities to facilitate challenges, coordinate resources, and enact policies that benefit the community.

In terms of international relations, the desired outcome of the IGR and IR Policy is to promote Stellenbosch Municipality as a competitive global destination for economic, social, and cultural activities and one that values international partnerships as a means to facilitate economic growth, actively encourages inward investment, and exchanges knowledge and best practices.

The final IGR and IR Policy stipulates the criteria and procedures to be followed when establishing formal relations with international parties to enable sufficient flexibility so that the municipality is able to capitalise on opportunities when they are deemed valuable and in the interest of service delivery.

The purpose of this item is to submit the final Intergovernmental Relations (IGR) and International Relations (IR) Policy to the Council for adoption. An internal and external consultation process was conducted to obtain input on the draft Intergovernmental

Relations (IGR) and International Relations (IR) Policy. A report containing all written submissions on the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy is attached, as **ANNEXURE B**.

5. RECOMMENDATIONS

(a) that the final Intergovernmental Relations (IGR) and International Relations (IR) Policy of Stellenbosch Municipality be adopted, attached as **ANNEXURE A**; and

(b) that the written submissions on the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy, attached as **ANNEXURE B**, be noted; and

(c) that an advertisement be placed on the official website of the municipality and in the local newspaper notifying the public that the final Intergovernmental Relations (IGR) and International Relations (IR) Policy has been adopted by the Council.

6. DISCUSSION

6.1 Background

Chapter 3 of the Constitution, 1996, of South Africa provides that the three spheres of government are ‘distinctive, interdependent, and interrelated.’ The principles that underlie the relationships between the spheres are those of cooperative government and intergovernmental relations (IGR).

In terms hereof, each sphere must, among other things:

(a) respect the constitutional status, institutions, and powers and functions of government in the other spheres;

(b) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional, or institutional integrity of government in another sphere;

(c) cooperate with one another in mutual trust and good faith by:

- assisting and supporting one another;
- consulting one another on matters of common interest;
- coordinating their actions and legislation with one another; and
- adhering to agreed procedures.

A clear understanding of each sphere of government's powers and functions is an important part of this cooperative relationship. This is to make sure that no sphere of government or organ of state interferes with the institutional, functional, or geographical integrity of another sphere of government.

The final IGR and IR Policy outlines the principles of intergovernmental relations, such as mutual respect, cooperation, and information sharing, to facilitate collaboration and decision-making processes. It also mandates the establishment of structures and participation therein, such as intergovernmental forums. In addition, it highlights

communication and coordination between municipalities and other government bodies, as well as dispute resolution.

The period for public input commenced on 06 March 2025 and concluded on 27 March 2025. The internal and external consultation processes were conducted concurrently, with all the written input submitted to Management for consideration in drafting the final IGR and IR Policy.

The table below outlines the consultation process followed for the final draft of the IGR and IR Policy.

No.	Key Activities	Dates
1.	Draft IGR and IR Policy submitted to the Directors Forum for input	22 October 2024
2.	Draft IGR and IR Policy distributed to Directors / Senior Managers (SM) and managers for input	07 – 26 November 2024
3.	Tabled the departmental inputs on the draft IGR and IR Policy to the Directors Forum	14 January 2025
4.	Consultation Sessions: Directors, Senior Managers, and Managers	03 – 04 February 2025
5.	Draft IGR and IR Policy submitted to the Council for the purpose of obtaining approval for public input	26 February 2025
6.	Notice published in the Eikestad Nuus, municipal website, social media platforms, and hard copies of the draft policy delivered to the libraries and ward offices	06 March 2025
7.	Public participation period for public input on the draft IGR and IR Policy	06 – 27 March 2025
8.	Electronic submission of the draft policy to the Department: Local Government and the Cape Winelands District Municipality for input	07 March 2025
9.	Submit the draft IGR and IR Policy to the All-Ward Councillors Meeting	13 March 2025
10.	Submit a consolidated report on the written submissions to the Directors Forum for consideration	25 April 2025
11.	Submit the IGR and IR Policy to the Council for final adoption	25 June 2025

The Western Cape Department of Local Government was the only stakeholder to submit written input on the draft IGR and IR Policy.

No.	Name and Surname	Organisation
1.	Mr I Meyer (Jr)	Western Cape Department: Local Government

6.2 **Financial Implications**

There are no financial implications beyond that which was approved in the 2024/25 MTREF Budget.

6.3 **Legal Implications**

In accordance with Chapter 3 of the Constitution, the principles of co-operative and intergovernmental relations are stipulated as –

Section 41.

(1) *All spheres of government and all organs of state within each sphere must—*

(a) preserve the peace, national unity and the indivisibility of the Republic;

(b) secure the well-being of the people of the Republic;

(c) provide effective, transparent, accountable and coherent government for the Republic as a whole;

(d) be loyal to the Constitution, the Republic and its people;

(e) respect the constitutional status, institutions, powers and functions of government in the other spheres;

(f) not assume any power or function except those conferred on them in terms of the Constitution;

(g) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and

(h) co-operate with one another in mutual trust and good faith by—

(i) fostering friendly relations;

(ii) assisting and supporting one another;

(iii) informing one another of, and consulting one another on, matters of common interest;

(iv) co-ordinating their actions and legislation with one another;

(v) adhering to agreed procedures; and

(vi) avoiding legal proceedings against one another.

Section 41(3) ascribed that –

An organ of state involved in an intergovernmental dispute must make every

reasonable effort to settle the dispute by means of mechanisms and procedures

provided for that purpose and must exhaust all other remedies before it approaches a court to resolve the dispute.

It is further emphasised by **Section 41 (4)** that –

If a court is not satisfied that the requirements of subsection (3) have been met, it may refer a dispute back to the organs of state involved.

The Intergovernmental Relations Framework Act No. 13 of 2005 provides for –

A framework for the establishment of intergovernmental forums and mechanisms to facilitate the settlement of intergovernmental disputes.

The White Paper on Local Government, 1998, promotes the engagement with other municipalities in other countries by stipulating that -

Section 3.2.

Municipalities can also engage with municipalities in other countries, through a range of mechanisms from informal linkages to formal twinning arrangements and membership of international municipal institutions.

International linkages may provide numerous benefits to South African municipalities, including facilitating the sharing of international expertise and best practice experience.

Council should note that a draft discussion paper on the review of the White Paper on Local Government (WPLG) was released for public comments, under Notice No. 6118 (Gazette: 52498), to initiate a national discussion aimed at producing a revised White Paper on Local Government by March 2026.

6.4 Staff Implications
This report has no additional staff implications for the municipality.

6.5 Risk Implications
This report has no direct risk implications for the municipality.

6.6 Previous / Relevant Council Resolutions
Not applicable.

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services
Supported.

6.7.2 Chief Financial Officer
Supported.

6.7.3 Director: Infrastructure Services
Supported.

6.7.4 Director: Corporate Services
Supported.

6.7.5 Director: Planning and Economic Development
Supported.

6.7.6 Comments from the Municipal Manager
Supported.

ANNEXURES

Annexure A: Final Intergovernmental Relations (IGR) and International Relations (IR) Policy

Annexure B: Written submissions on the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy

FOR FURTHER DETAILS CONTACT:

NAME	G Cain
POSITION	Manager: IDP/PMS/PP
DIRECTORATE	Office of the Municipal Manager
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REPORT DATE	12 June 2025

ANNEXURE A

STELLENBOSCH

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INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY

2025

Table of Contents

1. Preamble 6
2. Regulatory Context 6
3. Desired Outcomes....7
4. Role Players and Stakeholders 7
5. International Partnerships and Agreements....9
6. Roles and Responsibilities of Local Government 10
7. Alignment with the National Government 10
8. Alignment with the Provincial Government 11
9. Alignment with the district and local municipalities within the Cape Winelands and Western Cape....11
10. Alignment with Organised Local Government (SALGA) 12
11. Disputes....12
12. Policy Review 13

Policy	Intergovernmental (IGR) and International Relations (IRs) Policy
Directorate	Office of the Municipal Manager
Date Approved	
Date Effective	
Council Item Number	
Collab File Ref	

Version	Date Created	Status	Author	Review Date
1.0	2025	Final draft	Gurswin Cain	New document

List of Abbreviations and Acronyms

IDP	Integrated Development Plan
IGR	Intergovernmental Relations
IR	International Relations
SALGA	South African Local Government Association
MayCo	Mayoral Committee
MSA	Municipal Systems Act
MSA	Municipal Structures Act
MOU	Memorandum of Understanding
WCO24	Refers to the Stellenbosch Municipality

Definitions

"Agreement"	Refers to a written document wherein the goals, objectives, projects and programmes necessary for achieving benefit from Municipal International Relations, in the knowledge that it does not constitute a legally binding agreement, that is not governed by a specific legal regime and that a party cannot institute legal action on grounds of breach of the agreement.
"Council"	"Council', means the Municipal Council as specified in section 160(1)(a) of the Constitution of the Republic of South Africa which states that: "The Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality". Herein referred to as the Council of Stellenbosch Municipality
"Distinctive"	The Stellenbosch Municipality is a self–governing legislative body and has executive authority over and within its demarcated municipal area.
"Interrelated"	The obligation placed on national, provincial and local governments to cooperate with each other to promote the well-being of all citizens.
"Intergovernmental Relations"	means relationships that arise between different governments or between organs of state from different governments within South Africa in the conduct of their affairs.
"International Relations"	Refers to the interactions between and behaviour of several actors or stakeholders in the global system. These actors or stakeholders include governments in all spheres, international organisations, international private sector actors, and multinational enterprises.
"Municipality"	Is an organ of state within the local sphere of government exercising legislative and executive authority within its legally demarcated area, as envisaged in Section 152 of the Constitution of the Republic of South Africa.
"SALGA"	The South African Local Government Association (SALGA) is an autonomous association of municipalities with its mandate derived from the Constitution of the Republic of South Africa. This mandate defines SALGA as the voice and sole representative of local government. SALGA interfaces with parliament, the National Council of Provinces (NCOP), cabinet as well as provincial legislatures.

Part A: General Provisions

1. Preamble

1.1 Stellenbosch Municipality's Intergovernmental and International Relations (IGR and IR) Policy has an important role to play in determining the municipality's intergovernmental and international relations priorities and objectives, and in delineating the powers, roles, procedures and functions of the relevant role-players. It has the potential to be a powerful tool to enhance the international profile of Stellenbosch Municipality as an attractive place to visit, live, work and do business.

1.2 The Stellenbosch Municipality's IGR and IR Policy aims to guide decision-making pertaining to intergovernmental and international relations in an articulate manner that aligns with the strategic goals of the municipality as identified in the Integrated Development Plan (IDP).

1.3 The Policy is aligned with the key objectives of the Western Cape Government International Relations Strategy focusing on increasing trade, tourism, investment and skills development while promoting knowledge sharing to achieve the vision of globally positioning Stellenbosch Municipality.

1.4 The Policy further intends to reflect an international reality in which local governments will play an increasingly critical role both as regulators and as facilitators of economic growth and development.

1.5 Intergovernmental relations intend to promote relationships with a wide range of stakeholders, through multi–sphere dialogue. This includes liaison with local government, provinces, sector departments and other state and non–state actors to promote effective governance, service delivery, economic growth and social upliftment.

2. Regulatory Context

This section provides an overview of the relevant legislation and policies that have a bearing on the intergovernmental relations of the Stellenbosch Municipality:

2.1 Constitution of the Republic of South Africa No.18 of 1996

2.2 Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005)

2.3 Intergovernmental Fiscal Relations Framework Act (1997)

2.4 Local Governmental: Municipal Finance Management Act, 2003 (Act No.56 of 2003)

2.5 Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998)

2.6 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

2.7 Department of International Relations and Cooperation (DIRCO) Policy Framework

2.8 Western Cape Government International Relations Strategy

2.9 Stellenbosch Municipality's Subsistence and Travel Policy

2.10 Stellenbosch Municipality's Cost Containment Policy

3. Desired Outcomes

3.1 To administer and coordinate intergovernmental and international liaison functions.

3.2 To promote Stellenbosch Municipality as a competitive global opportunity for economic, social and cultural activity, one that values international connectivity as a means to facilitate job creation through private sector-led economic growth and is recognized for its open and competitive regulatory environment, which is balanced by the Municipality's values and strategic goals.

3.3 With regards to international relations, it is the intention of the Stellenbosch Municipality to utilise its international relations to actively encourage inward investment, particularly in the catalytic growth sectors identified in the IDP.

3.4 To articulate a clear set of goals and objectives that promote the interests of the municipality that are aligned with the values and strategic policy objectives of the Western Cape Government and the Department of International Relations and Cooperation.

3.5 To clarify the powers, functions, roles and responsibilities of role–players.

3.6 To set out the criteria and procedures to be followed when establishing formal relations with international parties to enable sufficient flexibility so that the municipality is able to capitalize on ad hoc opportunities when such opportunities are deemed valuable.

3.7 This Policy aims to ensure that appropriate controls are in place to curtail fruitless initiatives and onerous and costly commitments where these do not result in tangible benefits for Stellenbosch Municipality.

3.8 To integrate international relations within Stellenbosch Municipality's broader development agenda.

3.9 To recommend ways by which mechanisms, processes and procedures should be developed and implemented to ensure sound intergovernmental relations between Stellenbosch Municipality, Provincial and National Government, District Municipality, and municipalities with the Western Cape Province, organised local government (SALGA) and local stakeholders.

3.10 To ensure that interaction between Stellenbosch Municipality, Provincial and National Government, District Municipality and municipalities within the Western Cape Province and organised local government enhances effective alignment in terms of legislation, financial matters, policies, projects and programmes, integrated development planning and local government management and ultimately promotes effective and cohesive service delivery.

4. Role Players and Stakeholders

The following internal role players are identified for the purpose of implementing the IGR and IR Policy:

Stakeholders	Responsibility
Executive Mayor	• The Office of the Executive Mayor is the entry point of all requests and initiatives to embark on international relations projects through the Municipal Manager. • The Office of the Executive Mayor is responsible for facilitating and coordinating the international and local travel arrangements of the Executive Mayor and other assigned political office bearers.

Stakeholders	Responsibility
Municipal Manager	▪ The Office of the Municipal Manager is responsible for facilitating all requests and initiatives to embark on international relations projects to the Office of the Executive Mayor. ▪ Advise the Executive Mayor prior to formal consideration of intergovernmental and international engagements and commitments. ▪ The Office of the Municipal Manager is responsible for preparing items for international visits for Council approval or may delegate this to the responsible directorate/department. ▪ The Office of the Municipal Manager is responsible for facilitating and coordinating the international and local travel arrangements of the Municipal Manager and other assigned municipal officials or may delegate this to the responsible directorate/department. ▪ Responsible to advise the Executive Mayor on IGR structures. ▪ To report, where necessary, on Stellenbosch Municipality's participation in international and local projects and commitments.
Directors / Senior Manager / Manager	▪ To advise on the benefits of intended IGR and IR relationships and partnerships to enhance integrated planning and service delivery. ▪ To implement relevant programmes as agreed upon. ▪ To assign a staff member as liaison with intergovernmental and international partners at a project level. ▪ To report to the Municipal Manager on the status of agreements and partnerships, as and when required. ▪ Set key initiatives/projects/programmes with clear measurable performance targets and timeframes for the duration of the MOAs and MOUs. ▪ To participate in intergovernmental structures and to report thereon. ▪ To ensure that IGR-related community priorities are reported to the national and provincial government and reported back to the municipality. ▪ Municipal officials or departmental representatives participating in forums or engagements on behalf of the municipality must obtain an official mandate from the Municipal Manager before participating in IGR or IR decision–making processes. ▪ Submit a back-to-office report to the Municipal Manager after attending IGR and IR forums.

External stakeholders that may be consulted on matters pertaining to intergovernmental and international relations of the municipality include:

Stakeholders	Departments / Organisations / Entities
National and Provincial stakeholders	▪ The National Department of International Relations and Cooperation (DIRCO); ▪ Other National Government Departments; ▪ Provincial Government; ▪ South African Missions abroad; ▪ South African Local Government Association (SALGA); ▪ Other municipalities; and ▪ Intergovernmental forums/structures.
International Stakeholders	▪ Foreign diplomatic representation in South Africa; ▪ South African diplomatic representation abroad; ▪ International Organisations; ▪ Foreign city governments.
Other Stakeholders	▪ Local Tourism Associations with the greater Stellenbosch area

PART B: INTERNATIONAL RELATIONS

5. International Partnerships and Agreements

5.1 The Office of the Municipal Manager's recommendation to the Executive Mayor, together with the Mayoral Committee, regarding the Municipality's membership of international organisations shall be guided by consideration of the following factors:

5.1.1 The international standing of the organisation;

5.1.2 The benefits to be gained from membership; and

5.1.3 The cost implications of membership.

5.2 Unless otherwise agreed as per 5.2.2 below, the Municipality will only enter into the following types of agreements with international organisations or stakeholders:

5.2.1 Partnership Agreements, Twinning Agreements, Membership Agreements, Memoranda of Understanding (MoU), Grant agreements, Development Assistance Agreements, Statements of intent, and Cooperation Protocol.

5.2.2 Other types of agreements may be entered into as a result of a decision by the Council.

5.2.3 Guidelines detailing the nature and scope of each type of agreement, and the implications of each for the Municipality, will be agreed upon and drafted before a formal agreement is reached.

5.3 All recommendations and decisions taken by the Council regarding international partnerships or memberships on the part of the Municipality shall be taken:

5.3.1 With due regard to the cost implications;

5.3.2 By weighing such costs against the anticipated benefits to the Municipality; and

5.3.3 In accordance with the provisions in the MFMA and other relevant legislation and policies.

5.4 Where appropriate, the Municipality shall be open to coordination and cooperation with the Western Cape Government on matters relating to international relations.

5.5 A review of the Municipality's memberships with international organisations shall be conducted as per the stipulations contained in the membership agreement with the particular international organisation. In the Municipal Manager's recommendation, and the final decision by the Executive Mayor together with the Mayoral Committee, consideration should be given to the factors highlighted in section 5.1.

5.6 The Municipality will act as the overarching Implementing Agent for Partnerships and Agreements. However, it will be the responsibility of the recipient directorates to execute the actual implementation and monitoring and evaluation (M&E) of the partnership or agreements, report to the Municipal Manager and provide international partners with updated information in this regard.

PART C: INTERGOVERNMENTAL RELATIONS

6. Roles and Responsibilities of Local Government

6.1 Local government has a vital role to play and responsibilities with regard to intergovernmental relations. All departments within Stellenbosch Municipality should take note of the system of intergovernmental relations that have the following objectives:

6.1.1 To enhance effective service delivery to all residents within the Stellenbosch municipal area (WCO24);
6.1.2 To promote and facilitate cooperative decision–making;
6.1.3 To coordinate and align priorities, budgets, policies and activities across interrelated functions and sectors;
6.1.4 To ensure a smooth flow of information between the different spheres of government, between the Municipality and the communities, with a view to enhance the implementation of policies and programmes; and
6.1.5 To give effect to the legal prescripts contained in various pieces of legislation relative to intergovernmental relations.

6.2 Horizontal cooperation and coordination of activities between departments of Stellenbosch Municipality and the relevant National and Provincial departments are vital to the integrity and effectiveness of local government. Mechanisms and processes should be identified and developed by each department within the municipality to enhance the effectiveness of intergovernmental relations between role-players mentioned in this policy.

6.3 In order for cooperative role–players to succeed, Stellenbosch Municipality should:

6.3.1 Collectively harness public resources behind the common goal and within a framework of mutual support and cooperation;
6.3.2 Develop a cohesive, multi-sectoral perspective in the interest of the community as a whole and to respect the discipline of national goals, policies, and operation principles;
6.3.3 Coordinate IGR activities in Stellenbosch to avoid wasteful competition and costly duplication;
6.3.4 Settle disputes with other spheres of government constructively without resorting to costly and time–consuming litigation; and
6.3.5 Each department within Stellenbosch Municipality must engage with their counterparts at national and provincial government, where necessary, to promote and facilitate intergovernmental relations.

7. Alignment with the National Government

Stellenbosch Municipality will maintain open, cooperative and constructive relations with national government. All departments within the municipality will therefore participate, as delegated by the Municipal Manager, in programmes and structures, established on a national level to address issues of service delivery in terms of:

7.1.1 Legislation;
7.1.2 Integrated Development Planning;
7.1.3 Financial Matters;
7.1.4 Policies, projects and programmes; and

7.1.5 Intergovernmental programmes (such as Imbizo's and outreaches).

8. Alignment with the Provincial Government

8.1 The Provincial Government has a number of roles and responsibilities with respect to local government that are "interrelated" in the sense that each sphere must exercise its autonomy to the common good of the province by cooperating with one another.

8.3 Stellenbosch Municipality should, inter alia, ensure that the municipal IDP forms a viable development framework across the municipality and is vertically integrated with the provincial strategies. Provincial Government is also responsible for the processing of grants to municipalities to promote strategies of local and provincial interest.

8.4 Stellenbosch Municipality to participate in intergovernmental structures and programmes established to promote intergovernmental relations on a provincial level, with the view to enhance effective and efficient service delivery. These are:

8.4.1 Ministers Mayoral Technical Forum (MinMay Tech)
8.4.2 Minister's and Mayoral Forum (MinMay)
8.4.3 Premier's Coordinating Technical Forum (PCFTech)
8.4.4 Premiers Coordinating Forum (PCF)
8.4.5 Joint District and Metro Approach (JDMA) (One Plan)

8.5 There are also special purpose IGR structures instituted to align provincial and municipal priorities and service delivery. These are:

8.5.1 Annual "meet and greet" between Provincial Ministers and Executive Mayors.

8.6 Stellenbosch Municipality participates in a range of other line-specific IGR Forums and platforms that meet regularly, as agreed in the terms of references of these IGR Forums.

9. Alignment with the district and local municipalities within the Cape Winelands and Western Cape

9.1 The Intergovernmental Relations Framework Act 13 of 2005 (amendments proposed to the Act currently, which is in 'Bill' form), aims to foster friendly relationships within government but also to ensure that each sphere performs its functions as required by the Constitution.

9.2 The objective of the Act is to give effect to the constitutional requirements regarding the structures and institutions to promote IGR and mechanisms and procedures to facilitate dispute resolution.

9.3 The purpose of the legislation is to encourage coordination across the three spheres of government in the implementation of policy and legislation, but also to ensure proper coordination within district municipalities. The Act establishes a broad statutory framework dealing with:

9.3.1 Key principles of co-operative government and IGR;
9.3.2 Intergovernmental forums that form the institutional spine of IGR;
9.3.3 Implementation protocols that facilitate integrated service delivery; and
9.3.4 Rules for the settlement of intergovernmental disputes.

9.4 Section 24(1) of the MSA requires neighbouring municipalities to interact as regards to planning matters. Stellenbosch Municipality will interact and cooperate with neighbouring municipalities as required from time to time to promote service delivery.

9.5 Stellenbosch Municipality participates in a range of IGR Forums and platforms on the district level that meet regularly, as agreed in the terms of references of these IGR Forums.

10. Alignment with Organised Local Government (SALGA)

10.1 The Constitution allows municipalities to organise and form municipal associations. A National organisation, The South African Local Government Association (SALGA) and nine Provincial associations have been established.

10.2 Section 3(3) of the Local Government: Municipal Systems Act, 2000 provides as follows with regard to the role of organised local government:

"3(3) For the purpose of effective cooperative government, organised local government must seek to:

a) *develop common approaches for local government as a distinct sphere of government;*
b) *enhance cooperation, mutual assistance and sharing of resources among municipalities;*
c) *find solutions for problems relating to local government generally; and*
d) *Facilitate compliance with the principles of cooperative government and intergovernmental relations."*

10.3 SALGA's key role is the effective representation of the local government in the legislative processes of all spheres of government and intergovernmental executive processes.

10.4 SALGA also represents local government interests in forums such as the National Council of Provinces, the Budget Forum dealing with intergovernmental transfers, MINMEC, and in the drafting of legislation that affects the status, institutions, powers and functions of municipalities.

10.5 It is imperative that SALGA should develop strong internal mandating and consultative processes with municipalities. SALGA is also an employers' organisation and constitutes the employer component of the South African Local Government Bargaining Council.

10.6 SALGA's role is, inter alia:

10.6.1 The provision of specialised services to supplement and strengthen the capacity of municipalities;
10.6.2 Research and information dissemination;
10.6.3 Facilitating shared learning between municipalities;
10.6.4 Human resource development; and
10.6.5 Councillor training.

10.7 The provincial SALGA establishes working groups on which the Stellenbosch Municipality Must be represented by councillors as deployed by the Stellenbosch Municipality.

10.8 Stellenbosch Municipality will participate in structures established by SALGA to promote service delivery and will cooperate with SALGA on matters as required from time to time.

11. Disputes

11.1 In terms of the Intergovernmental Relations Framework Act, all organs of state must make every reasonable effort –

11.1.1 To avoid intergovernmental disputes when exercising their statutory powers or performing their statutory functions; and

11.1.2 To settle intergovernmental disputes without resorting to judicial proceedings.

11.2 The Act requires that any formal agreement between two or more organs of state in different spheres of government regulating the exercise of statutory powers or performance of statutory functions, including any implementation protocol or agency agreement, must include dispute settlement mechanisms or procedures that are appropriate to the nature of the agreement and the matters that are likely to become the subject of a dispute.

11.3 Stellenbosch Municipality will, as required by the Act, make every reasonable effort to settle any dispute with another organ of the state, and should such reasonable efforts fail, follow due processes as prescribed by the relevant legislation and the relevant agreement.

12. Policy Review

12.1 The Policy is to be reviewed if or when required, aligned to changing circumstances and tabled to Council for approval.

ANNEXURE B

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Consolidated Written Submissions: Draft Intergovernmental Relations (IGR) and International Relations (IR) Policies

Table of Contents

1. Written Submissions: Draft IGR and IR Policy 3

1.1. Submission: Western Cape Department Local Government 3

Tables

Table 1: Written Submission – Western Cape Department Local Government.....3

1. Written Submissions: Draft IGR and IR Policy

1.1. Submission: Western Cape Department Local Government

Table 1: Written Submission – Western Cape Department Local Government

Western Cape Department Local Government		
Page no.	**Table / Paragraph Graph**	**Input / Comment/s**
10	Heading 6: Roles and Responsibilities of Local Government	Add the sentence below to 6.1: 'Local government has a vital role to play and responsibilities with regard to intergovernmental relations'
10	Heading 6: Roles and Responsibilities of Local Government (6.1.1)	The meaning of the abbreviation: WCO24
10	Heading 6: Roles and Responsibilities of Local Government – 6.3.3	Perhaps an inclusion/consideration of arrangements pertaining to district-wide IGR collaboration
11	Heading 8: Alignment with the Provincial Government – 8.5.1	Delete the word: 'Provincial' Reason for deletion: JDMA functions as an interface between Provincial and Local Government within the broader IGR. As such, it doesn't fit the typical definition of an IGR 'structure,' and I propose we remove it.
11	Heading 8: Alignment with the Provincial Government – 8.4	Include the following forums: - Minister's and Mayoral Forum (MinMay) Premier's Coordinating Technical Forum (PCFTech)
11	Heading 8: Alignment with the Provincial Government – 8.6.1	Add the word: 'Provincial' for the sentence to read: Annual "meet and greet" between Provincial Ministers and Executive Mayors. Reasons: Meet and Greet takes place after every 2 years or after every Local and General election. New arrangements might be introduced, and the policy should be updated when it becomes available.
11	Heading 9: Alignment with the district and local municipalities within the Cape Winelands and Western Cape – 9.1.1	Inclusion of the Act number and the comment on the amendment of the Act. The Intergovernmental Relations Framework Act, 13 of 2005 (amendments proposed – currently in 'Bill' form), aims to foster friendly relationships within government but also to ensure that each sphere performs its functions as required by the Constitution.

8.	**REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**

NONE

9.	**URGENT MATTERS**

NONE

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