



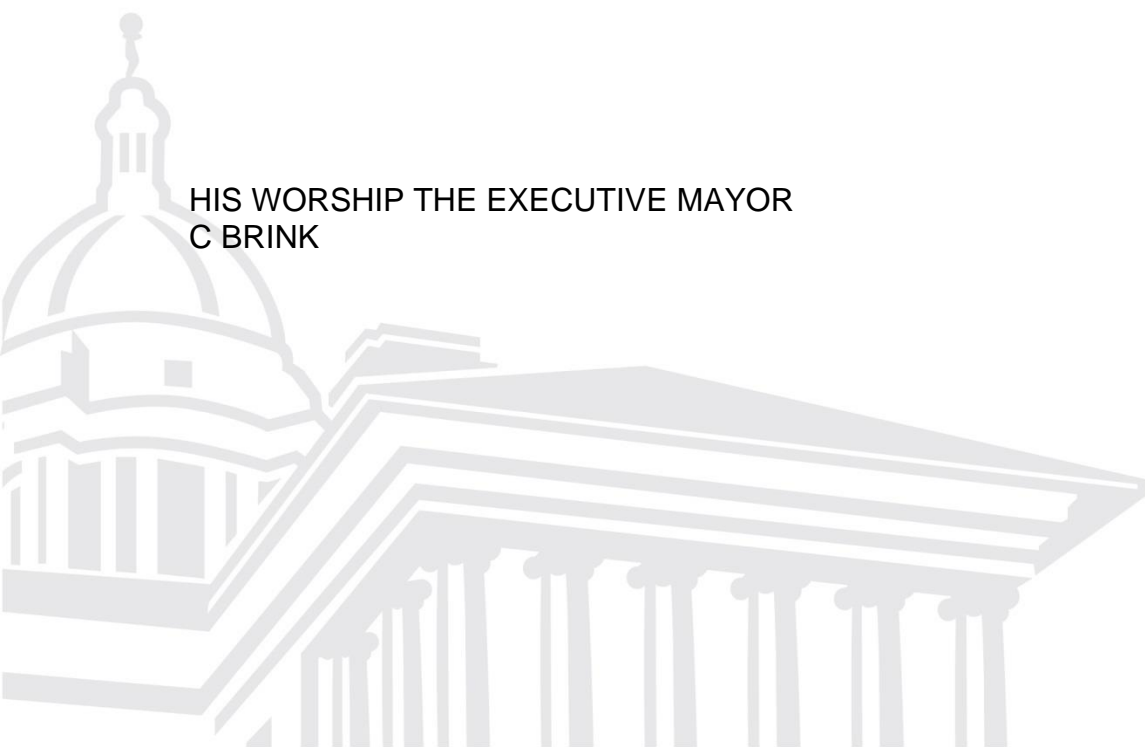
COUNCIL MEETING: 25 JANUARY 2024

ANNEXURE A

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HIS WORSHIP THE EXECUTIVE MAYOR
C BRINK



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A. MAYORAL COMMITTEE: 1 NOVEMBER 2023: ANNEXURE A

I. APPLICATIONS FOR LEAVE OF ABSENCE

NOTED:

- a) That the Member of the Mayoral Committee for Finance would leave at 12:00;
- b) That the Member of the Mayoral Committee for Health would leave at 12:30;
- c) That the Executive Mayor would leave the meeting at 13:45; and
- d) That the Member of the Mayoral Committee for Community and Social Development Services would arrive late.

RESOLVED:

That the following applications of leave of absence be ACCEPTED:

- The Member of the Mayoral Committee for Community Safety;
- The Member of the Mayoral Committee for Roads and Transport;
- The Member of the Mayoral Committee for Corporate and Shared Services;
- The Chief of Police;
- The Group Head: Economic Development and Spatial Planning;
- The Acting Group Head: Office of the City Manager; and
- The Acting Group Head: Energy and Electricity.

II. APPROVAL OF THE MINUTES OF THE MAYORAL COMMITTEES: 4 OCTOBER 2023, 18 OCTOBER 2023, AND THE SPECIAL MAYORAL COMMITTEES: 20 OCTOBER AND 22 OCTOBER 2023

RESOLVED:

- (a) That the minutes of the Mayoral Committee meeting of 4 October 2023, be approved and confirmed subject to the following amendments:

Page 9, item I. OPENING AND WELCOME, No. (c)

RESOLVED:

That the Executive Mayor's opening remarks point No. (c) be amended to read as follows:

“That one of the causes of the financial crisis that the City finds itself in, was the impact of salary scale changes back in 2019 from Patterson to Task, which ballooned the personnel costs of the municipality and to that end, the City had submitted an exemption application to not pay the South African Local Government Bargaining Council approved salary increases and that the positive effect of this exercise would save the City from incurring R600 million on salaries.”

- (b) That the minutes of the Mayoral Committee meeting of 18 October 2023, be approved and confirmed subject to the following amendments:

Page 2, ATTENDANCE LIST

RESOLVED:

1. That the name of the Member of the Mayoral Committee for Economic Development and Spatial Planning be amended to read as follows:

“MMC H Coetzee”
 2. That the name of the Acting City Manager be amended to read as follows:

“V Zitumane”
- (c) That the minutes of the Special Mayoral Committee meeting of 20 October 2023, be approved and confirmed; and
- (d) That the minutes of the Special Mayoral Committee meeting of 22 October 2023, be approved and confirmed.

A. MAYORAL COMMITTEE: 1 NOVEMBER 2023: ANNEXURE A

III. MATTERS CONSIDERED

Reference no. 07817/1

Thabisa Mbungwana (2182)

MAYORAL COMMITTEE: 1 November 2023

1. CITY STRATEGY AND ORGANISATIONAL PERFORMANCE DEPARTMENT
REQUEST FOR APPROVAL FOR THE CITY OF TSHWANE METROPOLITAN
MUNICIPALITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU)
WITH SEFAKO MAKGATHO HEALTH SCIENCES UNIVERSITY (SMU)
(From the Executive Committee: 9 October 2023)

1. PURPOSE

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding (MoU) with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years.

2. STRATEGIC PRIORITIES

- A business-friendly city that promotes employment and economic growth; and
- Creating a healthy and vibrant city.

3. BACKGROUND

The City of Tshwane is a host to renowned Institutions of higher learning and the highest concentration of research and innovation institutions in South Africa hence the need to recognize the importance of these knowledge centers and efforts to leverage on this intellectual capital and expertise by collaborating with these strategic knowledge partners in an effort to enhance service delivery. In order to advance the sustainable provision of services to communities and promote social and economic development, this key attribute of the City is harnessed to support the City's key priorities or objectives.

Sefako Makgatho Health Sciences University- inspired by the legacy of the Sefako Makgatho, a leader, an educator and a former president of the African National Congress- is a dedicated health sciences university that provides professional training and education in a range of fields through excellence in teaching, learning, innovative research and community engagement.

The City through City Strategy and Organisational Performance establishes enduring partnerships with academic and research institutions that will strengthen the City of Tshwane's capacity to address the key priorities of the City as well as unlocking potential for innovation, economic growth, and sustainability in the city.

The Memorandum of Understanding between the City and SMU seeks to formalise relations between the two institutions through a shared vision of improving the health

sector challenges, the socio-economic profile, the efficiency and effectiveness of the City in the delivery of services. The MoU between the City of Tshwane and Sefako Makgatho Health Sciences University proposes the following pillars of collaboration:

- To advance the notion of collaboration between the Parties;
- To foster strategic investment in research and innovation with a view to advance development;
- To jointly implement programmes and projects as identified and agreed upon by both Parties;
- To build capacity and support through advancement of training, skills development, joint organisation of seminars and workshops, and to exchange scientific information, including reports and publications relating to technical aspects in areas of mutual interest;
- To strengthen the value of collaborative ties on local and international areas of common interest and mutual benefit;
- To advance service delivery in the economy; and
- To address any other issues of common interest and mutual benefit between the Parties.

4. DISCUSSION

Strategic partnerships are key in enhancing service delivery and socio-economic growth in a knowledge driven Capital City. In an effort to promote service delivery while improving the quality of life for the citizens, the City has an opportunity to tap into the expertise of Sefako Makgatho University, the only university in South Africa with an exclusive focus on health sciences education and a notable responsibility towards the country to produce highly qualified health personnel with competencies to meet the health care needs of South Africans in the most effective way.

SMU has a critical role to play in contributing to the transformation of the health sciences sector in South Africa while making a meaningful contribution to the needs of the community it serves and South Africa as a whole. This is in line with the City's strategic intent to create a healthy and vibrant City.

In pursuit of continuous professional development, in 2019 the Mayoral Committee granted permission to the Health department to enter into agreements with tertiary institutions for placement of experiential learners. Through engagements between the City's Health department and SMU, the university was selected as one of the institutions to host for this placement opportunity which is in line with the departments public mandate to provide training platforms for the health profession.

The City of Tshwane in partnership with and through a Multiparty agreement that included Sefako Makgatho Health Sciences University as one of the partners (including The Innovation Hub Management Company (TIHMC), The Tshwane University of Technology (TUT), The University of South Africa (UNISA), The University of Pretoria (UP), Tuksnovation, Tshwane South TVET College and Tshwane North TVET College) is about to embark on the second instalment of the

Tshwane Innovation Challenge (TIC). This collaborative project aims to provide innovators and entrepreneurs in and around the region a platform to showcase their solutions, scale up and commercialise.

The TIC will be executed through a Memorandum of Agreement that was approved at MayCo on the 07 of June 2023 and awaiting final signatures. The goal of the innovation challenge is to develop highly competent and confident student entrepreneurs who have the capacity to conceive and implement innovative solutions that can solve the City's service delivery challenges. The programme aims to improve the quality of life of Tshwane residence and intends to build vibrant and competitive entrepreneurship community that will create needed jobs.

The proposed Memorandum of Understanding constitute and will serve as an overarching framework for a collaborative agreement between the City and SMU through recognizing the synergies that exist between the two institutions and wish to execute in relation to the following potential areas of collaboration:

1. The collaborative Research areas include, but are not limited to:
 - 1.1 Entrepreneurship and Economic Development;
 - 1.2 Public Health;
 - 1.3 Health and business Tourism;
 - 1.4 Community and social development (Gender-based violence, anti-substance abuse awareness campaigns); and
 - 1.5 Research and Innovation.
2. The collaborative Capacity Development areas include but are not limited to:
 - 2.1 Skills development and capacity building;
 - 2.2 Internships, Work Integrated Learning and community engagement opportunities for students.
3. The collaborative International Relations areas include but are not limited to:
 - 3.1 Student exchange for study and research (entrepreneurship angle);
 - 3.2 Student and staff accommodation;
 - 3.3 Youth development programmes;
 - 3.4 Training programmes;
 - 3.5 Enhancement capacity of the City and
 - 3.6 Promoting development and transformation of the City of Tshwane.

The City of Tshwane as the Capital City of Excellence therefore, wishes to partner with Sefako Makgatho University and leverage off its resources. expertise and

capabilities in an endeavor to drive economic impact while improving the quality of life of Tshwane citizens, through strengthening health services required for efficient service delivery.

The success of this agreement is dependent upon commitment by both parties involved to act and negotiate in good faith on any terms and conditions coming to the fore during the term of this Memorandum of Understanding.

5. COMMENTS OF THE STAKEHOLDER DEPARTMENTS

5.1 COMMENTS OF THE CHIEF FINANCIAL OFFICER

Cognisance is taken of the content of the report.

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understandings with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years.

Group Financial Services, in principle, has no objection to the proposed partnership as alluded in the report that amongst others it will propel research and development that will transform the City of Tshwane into an inclusive and liveable City which afford its citizens the liberty to access quality government services.

Group Financial Services will render further financial comments on future report regarding the implementation of specific projects/programmes proposed in a form of service level agreements.

5.2 COMMENTS OF THE CHIEF OF STAFF

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years. The OEM supports the intention of the report.

5.3 COMMENTS OF THE GROUP HEAD: GROUP LEGAL AND SECRETARIAT SERVICES

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years.

Sefako Makgatho Health Sciences University (SMU) was established in terms of section 20 of the Higher Education Act 1997 (Act 101 of 1997). It was promulgated in the SA Government Gazette no: 37658 on 16 May 2014.

Section 41(1)(h) of the Constitution of the Republic, prescribes that all spheres of government and all organs of state within each sphere must 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; and

- (v) Adhering to agreed procedures.

Similarly, section 4(a)-(d) of the Intergovernmental Relations Framework Act 13 of 2013 outlines object of this Act as to provide within the principle of co-operative government set out in Chapter 3 of the Constitution a framework for the national government, provincial governments and local governments, and all organs of state within those governments, to facilitate co-ordination in the implementation of policy and legislation, including coherent government; effective provision of services; monitoring implementation of policy and legislation; and realisation of national priorities.

In accordance with section 239 of the Constitution, an organ of state is among others defined as any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation in terms of any legislation but does not include a court or a judiciary officer.

It is noted that the MOU may have future financial implications. In this case, section 15 of the Municipal Finance Management Act 56 of 2003, provides that a Municipality may, except where otherwise provided in this Act incur expenditure only in terms of an approved budget and within the limits of the amounts appropriated for the different votes in an approved budget. Consequent expenditure must be within the allocated budget.

Part C of Reviewed Corporate System of Delegations as approved on 11 September 2020, outlines the powers, functions and duties of the Executive Mayor to be delegated to the City Manager as head of the Administration of the Municipality. Among others, the City Manager is delegated the power to sign any documents on behalf of the Municipality in accordance with Council.

Having taken regard to the aforesaid and with specific reference to the contents of the report, Group Legal and Secretariat Services Department support the approval of the report and its recommendations and submit that all the necessary agreements and/or documents in this regard be referred to our Contract Management Division for vetting prior to the City Manager's or his representative's signature.

5.4 COMMENTS OF THE GROUP HEAD: COMMUNITY AND SOCIAL DEVELOPMENT SERVICES

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years.

The areas of collaboration outlined in the body of the report include some of the functions of the department including GBV programmes, youth development programmes, amongst others. The partnership with the SMU will enhance the work that the CSDS department is tasked with. Given the lack of financial resources in the City, CSDS department thrives on such partnerships in the execution and implementation of its various projects and programmes.

The CSDS Department supports the purpose, contents, and recommendations of the report in line with the applicable policies and regulations.

5.5 COMMENTS OF THE GROUP HEAD: ECONOMIC DEVELOPMENT AND AMP; SPATIAL PLANNING

The report outlines few areas of collaborations between the Sefako Makgatho Health Sciences University (SMU) and the City. Various programmes are proposed which will benefit different departments within the city including Economic Development and Spatial Planning department. The department supports the recommendations of this report and would wish to be engaged on any future projects or programmes that touch on land use and spatial planning.

5.6 COMMENTS OF THE GROUP HEAD: GROUP HUMAN CAPITAL MANAGEMENT

Cognisance is taken of the report to have approval of the City Of Tshwane Metropolitan municipality to enter into an MOU with Sefako Makgato University.

Group Human Capital Management department supports the initiative as it will enhance the already existing relation with other institutions of higher learning within the city. This relation will assist to empower our health sector through capacitation of our officials and exchange in knowledge and research. Learning and development fully support the report.

5.7 COMMENTS OF THE GROUP HEAD: HEALTH

The purpose of the report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years. The Department of Health takes cognisance of the report and its contents. The Department views a partnership with Sefako Makgatho University valuable. The MoU will enable implementation of projects that supports the mandate of the Health Department some of which discussions have already started. It will unlock support with projects and service delivery that strengthens health outcomes within the City of Tshwane. The report and its recommendations are supported.

5.8 COMMENTS OF THE GROUP HEAD: REGIONAL OPERATIONS AND COORDINATION

The purpose of this report is to request approval for the City of Tshwane to enter into a Memorandum of Understanding with Sefako Makgatho Health Sciences University (SMU) for a period of five (5) years.

ROC takes cognisance of the contents of the report.

The envisaged collaborative partnership in key strategic areas such as Research and Innovation, skills and capacity building will benefit both organisation (CoT and SMU).

Ultimately, these collaborative efforts will contribute towards improving the lives of the citizens of Tshwane.

ROC supports the report, its objectives and recommendations.

6. IMPLICATIONS

6.1 HUMAN RESOURCES

Human resource requirements will be determined on project basis during the implementation of the agreement.

6.2 FINANCES

There are no financial implications due to CoT for this agreement.

The financial implications may be incurred from the Service Level Agreements entered with the City of Tshwane's departments and Sefako Makgatho Health Sciences University when there are specific projects/programmes proposed and agreed upon during the implementation of the MoU and the SLA's will follow the normal City approval processes.

6.3 CONSTITUTIONAL AND LEGAL FACTORS

Whereas, both Parties are called upon by the Constitution of the Republic of South Africa (Act No.108 of 1996), Section 41(h) to cooperate with one another, the success of this Memorandum of Understanding relies on the commitment of all Parties, in terms of the aforementioned constitutional provisions, to negotiate at all times in good faith and, mutually, reach satisfactory conclusions on any terms and conditions which is derived from the joint vision of making Tshwane the African Capital City of Excellence.

6.4 COMMUNICATION

Any form of communication or publication by a Party resulting from the activities carried out under this MoU shall be subject to prior agreement of the other Party.

6.5 PREVIOUS COUNCIL OR MAYORAL COMMITTEE RESOLUTIONS

None.

7. CONCLUSION

The City, is mandated to encourage the involvement of communities and community organisations in the matters of local government, seeks and take advantage of the knowledge economy within its boundaries to accelerate service delivery. The SMU contribution in the Health profession fits the profile of a strategic partner that the City of Tshwane needs in addressing the triple challenges of poverty, unemployment (particularly youth) and inequality and therefore fuelling local economic development which in turn promotes the country's economic growth. The proposed partnership will definitely propel research and development that will transform the City of Tshwane into an inclusive and livable city which afford its citizen the liberty to access quality government services.

RESOLVED:

1. That approval be granted to the City Manager to sign the Memorandum of Understanding (MoU) between the City of Tshwane and the Sefako Makgatho Health Sciences University (SMU) to formalise the partnership;
2. That the implementation of the Memorandum of Understanding be coordinated and monitored by the Strategic Relations Coordination (SRC) Division, within the City Strategy and Organisational Performance Department;
3. That the City departments wishing to utilize the Memorandum of Understanding enter into Service Level Agreements (SLA's) with SMU on specific projects during the operationalization of the Memorandum of Understanding (MoU); and
4. That the Service Level Agreements (SLA's) with SMU on specific projects that have financial implications for the City, be approved through relevant City processes prior to them forming part of the addenda to the MoU.

Reference no. 99595/1
 Thabisa Mbungwana (2182)
 MAYORAL COMMITTEE: 1 November 2023

2. CITY STRATEGY AND ORGANISATIONAL PERFORMANCE DEPARTMENT
 REQUEST FOR APPROVAL FOR THE CITY OF TSHWANE (COT) TO ENTER
 INTO A NEW MEMORANDUM OF UNDERSTANDING (MOU) WITH TSHWANE
 UNIVERSITY OF TECHNOLOGY (TUT)
(From the Executive Committee: 9 October 2023)

1. PURPOSE

The purpose of the report is to seek approval for the City of Tshwane (CoT) to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years.

The MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

2. STRATEGIC PRIORITIES

- Prioritisation of the electrical grid and water infrastructure;
- A business-friendly City that promotes employment and economic growth;
- Enhancing City safety, security and emergency services;
- Maintaining a clean and protected natural environment; and
- Creating a healthy and vibrant City.

3. BACKGROUND

TUT, being one of the academic institutions located within the City, is a university of technology with a focus on the development of research and innovation (R&I) capacity in strategically selected areas of strength (niche areas) that are relevant to national and regional needs, priorities and opportunities. These R&I endeavours are supported and sustained through collaborative networks and partnerships.

In capitalising and leveraging on centres of knowledge in the City to drive innovation and economic impact, the City of Tshwane wishes to reaffirm the partnership and enter into a new Memorandum of Understanding with the Tshwane University of Technology to strengthen its relationship and continue to collaborate on research and development.

The MoU between the City and TUT seeks to further strengthen collaborative ties between the two organizations through a shared vision of improving the socio-economic profile, the efficiency and effectiveness of the City in the delivery of public services. Both parties re-affirm their intent to cooperate on various areas of cooperation for mutual benefit by entering into a long term agreement which incorporate the following broad areas of corporation agreed upon (but not limited to) by both Parties to :

- provide sound and relevant research support to form the basis of short-term to long-term strategies and ensure alignment between the Parties;
- investigate and establish a specialised think tank facility for the City of Tshwane in partnership with other identified strategic partners to address service delivery challenges as identified and agreed upon by both Parties;
- exchange scientific and technical information, including publications and reports between the two Parties;
- build capacity through the advancement of training, skills development and joint organisation of seminars, workshops, symposia and technical conferences in areas of mutual interest;
- implement identified programmes and projects jointly; and
- address any other issues of common interest and mutual benefit for both the City and TUT as identified and agreed upon by the Parties;

The areas of collaboration encompasses acting in good faith to ensure an equitable relationship between both parties through the utilization and leveraging on their existing resources and facilities to mutual advantage and benefit.

4. DISCUSSION

The City seeks to renew the partnership with Tshwane University of Technology as it recognizes the importance of collaborating with academic institutions to advance growth and development. In an effort to promote service delivery while improving the quality of life for the citizens, the City through the relationship established with TUT, has an opportunity to tap into the expertise of this largest contact and 'a peoples university of Tech' to fulfil its mandate.

The City of Tshwane has a long-standing relationship with TUT and as such the departments within the city have undertaken various collaborative projects, research studies and innovation activities/programmes between the two institutions throughout the existence of the memorandum of understanding. These collaborative projects/programmes include (but not limited to):

- Tshwane Inter - University Challenge - A collaborative project with the City, local Universities/Colleges and other Innovation institution which is an enabler of innovation for inclusive development. This programme is part of the contribution TUT as a valued partner, has made to ensure project success and it also contributes towards entrepreneurship development for the youth in Tshwane;
- Placement of TUT students for Work Integrated Learning -The aim of this project is to provide TUT learners with the opportunity to apply the theoretical concepts learnt in the academic environment, in an authentic work and to develop the personal skills and work ethics to integrate the learner into the work environment;
- Women in Innovation and Leadership Dialogue(WILD) - An innovation initiative focusing on empowering women innovators for leadership roles and promoting active participation in the innovation ecosystem;
- The Tshwane Varsity Hackathon (TVH) -a student focused innovation initiative and an annual hacking competition drawing on the expertise of young innovators/entrepreneurs to provide solutions to the City's service delivery challenges; and
- Climate Change Research Conference -The Conference follows the approval of the Tshwane Climate Action Plan and Municipal Research Agenda and the purpose of the collaboration was to demonstrate the knowledge-endowed environment that characterises the City based on The City's drive in taking climate

action through collaborative efforts and its commitment in addressing climate change impact.

The programmes listed above form a solid foundation upon which future collaborations can be explored and strengthened. And as such both Parties wish to articulate the basis and general principles for ongoing cooperation, collaboration and alignment between the Parties to promote, support and contribute to the realization of their mutual interests.

The MoU constitutes and serves as an overarching framework for collaboration between the TUT and the City, through recognizing the synergies that exist between them and wish to execute collaborative projects/programmes based on the following potential areas of collaboration:

1. Research on:

- Technologies and innovations to reduce Non-revenue water; and
- Water metering solutions.

2. Skills development collaboration such as:

- Civil infrastructure planning and design training;
- Waste Water Treatment - process controller training;
- Skills Development for the EPWP workers through the partnership of the TUT's Institute for The Future of Work, Unemployment Insurance Fund and the EPWP office;
- Virtual Reality and Augmented Reality Lab to accelerate digital skills development;
- Piloting/upscaling of technologies relevant to CoT;
- Technology development services and facilities through TUT Centres, Institutes and Technology Stations; and
- Development of basic induction course on Corporate Environmental Compliance for all City employees.

3. Innovation on Civil infrastructure (including construction methods and security on infrastructure etc).
4. Identification of two COT's (Municipal Research Agenda) thematic areas to be led and chaired by TUT
5. Effective reporting requirements for management of the Waste Water Treatment Works
6. Technical Audits of the Waste Water Treatment facilities
7. Water Security
8. Renewable Energy (Hydro power and solar)
9. Ground water resource optimization
10. Professional Engineering consulting services
11. Development and implementation of urban greening and ecosystem restoration projects.

5. COMMENTS OF THE STAKEHOLDER DEPARTMENTS

5.1 COMMENTS OF THE CHIEF FINANCIAL OFFICER

Cognisance is taken of the content of the report.

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years.

Group Financial Service, in principle, has no objection to the proposed partnership as the collaboration has added remarkable value to the work and operations of the City through a shared vision to improve the socio-economic profile, the efficiency and effectiveness of the City in the delivery of services.

It is recommended in the report that the Service Level Agreements with TUT on specific projects that have financial implications for the City, be approved through relevant City processes prior to them forming part of the addenda to the MoU.

Group Financial Services will render further financial comments on future reports regarding the proposed MoU in a form of service level agreements.

5.2 COMMENTS OF THE CHIEF OF EMERGENCY SERVICES

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. The MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

The contents of the report are noted, and Emergency Services Department (ESD) is already pursuing the following with TUT as Department. These must be included as areas of possible corporation:

- Partnership on the new ESD Training Academy Project; and
- Accreditation with the International Fire Services Training Congress (IFSAC).

5.3 COMMENTS OF THE CHIEF OF POLICE

Cognisance is taken of the report to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. The renewal of the MoU is supported as it will enhance knowledge exchange and innovation with relation to service delivery and the security of infrastructure in the City as well as the development of students, employees and EPWP workers.

5.4 COMMENTS OF THE CHIEF OF STAFF

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. The Office of the Executive Mayor supports this report.

5.5 COMMENTS OF THE GROUP HEAD: GROUP LEGAL AND SECRETARIAT SERVICES

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years.

The report provides that the MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

Section 41(1)(h) of the Constitution of the Republic, prescribes that all spheres of government and all organs of state within each sphere must 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; and
- (iv) Adhering to agreed procedures.

In accordance with section 239 of the Constitution, an organ of state is among others defined as any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation in terms of any legislation but does not include a court or a judiciary officer.

It is noted that the MOU may have future financial implications. In this case, section 15 of the Municipal Finance Management Act 56 of 2003, provides that a Municipality may, except where otherwise provided in this Act incur expenditure only in terms of an approved budget and within the limits of the amounts appropriated for the different votes in an approved budget. Consequent expenditure must be within the allocated budget.

Part C of Reviewed Corporate System of Delegations as approved on 11 September 2020, outlines the powers, functions and duties of the Executive Mayor to be delegated to the City Manager as head of the Administration of the Municipality. Among others, the City Manager is delegated the power to sign any documents on behalf of the Municipality in accordance with Council.

Having taken regard to the aforesaid and with specific reference to the contents of the report, Group Legal and Secretariat Services Department support the approval of the report and its recommendations and submit that all the necessary agreements and/or documents in this regard be referred to our Contract Management Division for vetting prior to the City Manager's or his representative's signature.

5.6 COMMENTS OF THE GROUP HEAD: COMMUNITY AND SOCIAL DEVELOPMENT SERVICES

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. The MoU renewal is intended to continue the relationship

between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

The CSDS Department supports the purpose, contents, and recommendations of the report in line with the applicable policies and regulations.

5.7 COMMENTS OF THE GROUP HEAD: ECONOMIC DEVELOPMENT AND SPATIAL PLANNING

The report outlines the significant contribution that the relationship between the TUT and the City has made towards research and development. The various programmes and projects that have already been undertaken under the current MOU demonstrate the value that this relationship provides for the City and vice versa. The Spatial Planning section supports the recommendations of this report and would wish to be engaged on any future projects or programmes that touch on land use and spatial planning.

5.8 COMMENTS OF THE GROUP HEAD: ENERGY AND ELECTRICITY

The purpose of the report is noted as to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. In addition, the MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City. Energy and Electricity Department concurs that the City of Tshwane had a long-standing relationship with TUT and consequently the City had undertaken various collaborative projects, research studies and innovation activities/programmes with TUT throughout the existence of the memorandum of understanding. As such there are more benefits to be derived upon the conclusion of the Memorandum of Understanding (MoU) between the City of Tshwane and Tshwane University of Technology. Therefore, the report is supported.

5.9 COMMENTS OF THE GROUP HEAD: ENVIRONMENT AND AGRICULTURE MANAGEMENT

Institutions of higher learning play a critical role in providing evidence-based research, expertise, and innovation, which assist government in planning and delivering on its key mandate. A number of collaborative projects between the two organisations are noted; both stand to benefit further in future collaborations, to position Tshwane as a hub of knowledge, innovation, research and development, and service delivery efficiency. It should be noted that Environment and Agriculture Management Department has had an MoU with TUT to provide experiential training on horticultural services and landscape technologies in the past and with this proposed renewal of the MoU, the Department and TUT continue to benefit on the practical training of Horticulture and Landscape Technology Students. Having due regard to the contents of the report, the Department supports the renewal of the Memorandum of Understanding with the TUT and all relevant municipal policies and other legislative requirements must be met while implementing this collaboration.

5.10 COMMENTS OF THE GROUP HEAD: GROUP HUMAN CAPITAL MANAGEMENT

Group Human Capital Management take cognizance of the report requesting approval to renew the Memorandum of understanding with the Tshwane University of Technology for a period of five (5) years. This is in line with the skills development Act objectives, where the municipality supports its staff members by clarifying the skills required for the job, Identifying the relevant skills needs and developing opportunities to satisfy the skills needs.

It will also promote the development of competent municipal staff, including the development of technical, professional and specialist staff who have required qualifications and skills.

Group Human Capital Management department support this (MOU) initiative of collaboration between the City of Tshwane and the Tshwane University of Technology.

This will improve the skills of our officials and have positive impact on the output on service delivery for the city.

5.11 COMMENTS OF THE GROUP HEAD: HEALTH

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years. The MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City. The Health Departments takes cognisance of the report, its content and the value that is added due to collaboration with stakeholders. The report and the recommendations are supported.

The MoU should allow participation of the Health Department on projects related to its mandate.

5.12 COMMENTS OF THE GROUP HEAD: HUMAN SETTLEMENT

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years, to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

The Human Settlements Department fully supports the report and its recommendations, particularly the skills development area of collaboration.

5.13 COMMENTS OF THE GROUP HEAD: REGIONAL OPERATIONS AND COORDINATION

The purpose of the report is to seek approval for the City of Tshwane to renew the Memorandum of Understanding (MoU) with Tshwane University of Technology (TUT) for a period of five (5) years.

The MoU renewal is intended to continue the relationship between the City and TUT as the collaboration has added remarkable value to the work and operations of the City.

ROC takes cognisance of the contents of the report.

It is noted from the report that through the renewal of the MOU with TUT, the City stands to benefit on research and innovation, skills development, water security, etc.

ROC supports the report, its objectives and recommendations.

5.14 COMMENTS OF THE GROUP HEAD: ROADS AND TRANSPORT

The purpose, content and intent of the report is noted.

The Roads and Transport Department supports the recommendations.

5.15 COMMENTS OF THE GROUP HEAD: WATER AND SANITATION

The Water and Sanitation Department supports the report and its recommendations.

6. IMPLICATIONS

6.1 HUMAN RESOURCES

There are no human resource implications for the approval of this MoU. Human resource requirements will be determined on project basis during the implementation of the MoU.

6.2 FINANCES

There are no financial implications due to CoT for this agreement.

The financial implications may be incurred from the Service Level Agreements entered with the City of Tshwane's departments and TUT when there are specific projects/programmes proposed and agreed upon during implementation of the MoU and the SLA's will follow normal City approval processes.

6.3 CONSTITUTIONAL AND LEGAL FACTORS

Whereas, both Parties are called upon by the Constitution of the Republic of South Africa (Act No.108 of 1996), Section 41(h) to cooperate with one another, the success of this Memorandum of Understanding relies on the commitment of all Parties, in terms of the aforementioned constitutional provisions, to negotiate at all times in good faith and, mutually, reach satisfactory conclusions on any terms and conditions which is derived from the joint vision of making Tshwane the African Capital of Excellence.

6.4 COMMUNICATION

Any form of communication or publication by a Party resulting from the activities carried out under this MoU shall be subject to prior agreement with the other Party.

6.5 PREVIOUS COUNCIL OR MAYORAL COMMITTEE RESOLUTIONS

The previous MoU was approved by the Mayoral Committee of 04 July 2018.

7. CONCLUSION

This Memorandum of Understanding will benefit the city to enhance its capacity and in promoting research and development that will boost City of Tshwane's profile and its endeavour to be one of the world class cities. Equally, the MoU will benefit Tshwane citizens in terms of improving service delivery and providing opportunities for growth and socio-economic development through collaboration with strategic knowledge partners.

IT WAS RECOMMENDED (TO THE MAYORAL COMMITTEE: 1 NOVEMBER 2023):

1. That approval be granted to the City Manager to sign the Memorandum of Understanding (MoU) between the City of Tshwane (CoT) and the Tshwane University of Technology (TUT) to reaffirm the partnership;
2. That the implementation of the Memorandum of Understanding be coordinated and monitored by the Strategic Relations Coordination (SRC) Division, within the City Strategy and Organisational Performance Department;
3. That the City departments wishing to utilize the Memorandum of Understanding enter into Service Level Agreements (SLA's) with Tshwane University of Technology (TUT) on specific projects; and
4. That the Service Level Agreements with Tshwane University of Technology (TUT) on specific projects that have financial implications for the City, be approved through relevant City processes prior to them forming part of the addenda to the Memorandum of Understanding (MoU).

During the consideration of the report, it was:

NOTED:

That it was important for the City of Tshwane to utilise the available services at the institutions of higher learning, as part of the business processes reengineering; and

That the City leverage on the offer by the Tshwane University of Technology to provide the City with training of officials on Business Process Reengineering.

In view of the above, it was:

RESOLVED:

1. That approval be granted to the City Manager to sign the Memorandum of Understanding (MoU) between the City of Tshwane (CoT) and the Tshwane University of Technology (TUT) to reaffirm the partnership;

2. That the implementation of the Memorandum of Understanding be coordinated and monitored by the Strategic Relations Coordination (SRC) Division, within the City Strategy and Organisational Performance Department;
3. That the City departments wishing to utilize the Memorandum of Understanding enter into Service Level Agreements (SLA's) with Tshwane University of Technology (TUT) on specific projects; and
4. That the Service Level Agreements with Tshwane University of Technology (TUT) on specific projects that have financial implications for the City, be approved through relevant City processes prior to them forming part of the addenda to the Memorandum of Understanding (MoU).

Reference no. 79108/1
 Thabisa Mbungwana (2182)
 MAYORAL COMMITTEE: 1 November 2023

3. CITY STRATEGY AND ORGANISATIONAL PERFORMANCE DEPARTMENT
 REQUEST FOR ACCEPTING A DONATION AND DRILLING OF A BOREHOLE BY
 CCBSA (COCA-COLA BEVERAGES SOUTH AFRICA (PTY) LTD) FOR THE
 CITY'S HUMAN SETTLEMENTS FORMALISATION PROJECT LOCATED ON THE
 REMAINDER OF PORTION 21, PORTION 124, 150 AND 227 OF THE FARM
 ZANDFONTEIN 317-J.R

1. PURPOSE

The purpose of the report is to request the City Manager to accept a donation and approve the drilling of a borehole by Coca-Cola Beverages South Africa (CCBSA) Pty in support of the City of Tshwane's department of Housing and Human Settlements' formalization project. The drilling of the borehole is proposed to take place at the remainder of portions 21, 124, 150 and 227 of the farm in Zandfontein 317-J.R, and seeks to partially address the water needs in the Gommora/Malusi Informal Settlement.

2. STRATEGIC PRIORITIES

- Prioritisation of the electrical grid and water infrastructure; and
- A caring City that supports the vulnerable and provides social relief.

3. BACKGROUND

An existing informal settlement known as Malusi/Gommora is partially situated on the Remainder of portions 21, 124, 150 and 227 of the farm Zandfontein 317-JR. This informal settlement was established in 1999. In 2018, the National Department of Human Settlements assessed and categorised it, and subsequently included it in the National Upgrade Support Programme (NUSP) within the City of Tshwane Metropolitan Municipality.

Furthermore, these properties namely portions 21, 124, 150 and 227 of the farm Zandfontein 317-JR, also form part of the Priority Human Settlements Development Zones (PHSDZ) that was declared in the Government Gazette of 15 May 2020. These properties were owned by the Gauteng Provincial Government but were transferred to the City of Tshwane Metropolitan Municipality in 2022. The Human Settlements Department has appointed a Service Provider to continue with a formalization process, township establishment application and general plan approval on these properties to be known as Kirkney Extension 68.

In the absence of engineering services for the area, the Malusi/Gommora Informal Settlement is currently receiving rudimentary services (water tankers and chemical toilets). However, ongoing service delivery challenges in the area affect the provision of water to the community from time to time. Therefore, to ensure a more reliable source of water provision for the informal settlement, Coca Cola Beverages of South Africa (Pty)Ltd in Pretoria West has approached the City of Tshwane's Human Settlements department with a solution to the challenge of sustainable water

provision and has submitted a proposal for a ground water harvesting project. Coca Cola Beverages of South Africa wishes to partner with the City to install a solar-powered groundwater harvesting project.

4. DISCUSSION

Feasibility studies were completed and a township establishment application was submitted at the beginning of December 2022. This application is currently circulating for comments. In light of the request received from Coca Cola Beverages of South Africa, a suitable location for the drilling of the borehole was investigated and identified.

The selection of the proposed location was informed by the following:

- Position of the existing services in the area (water pipeline);
- Position of the future location of erven in the township when the informal settlement has been formalized;
- Security of the proposed position of the borehole on the short term as well as on the long term;
- Confirmation of the position from the City of Tshwane's internal Water and Sanitation Department ; and
- Position confirmed by the external hydrologist.

Coca Cola Beverages of South Africa has indicated that they will be providing the service on the following basis:

- Geophysics siting of boreholes at all sites by Pr. Sci Nat Registered expert;
- Drilling of a borehole 100m deep including the casing and establishment;
- Aquifer testing and water analysis test for the drilled borehole;
- Installation of one solar borehole system complete with 3M tank stands, appropriate storage tank (5 000L-10 000L depending on design), lockable manhole for pump and palisade fencing around tank stands and solar panels with lockable gate;
- Short Term – Installation of the pipes from the borehole system to the front of the existing MYDO community facility stand and providing communal taps for free easy access to water;
- Maintaining the system for the next two years starting on 1 October 2023,
- After two years the system will be transferred to the City to maintain and to monitor.

5. COMMENTS OF THE STAKEHOLDER DEPARTMENTS

5.1 COMMENTS OF THE CHIEF FINANCIAL OFFICER

Cognisance is taken of the content of the report.

The purpose of the report is to request the City Manager to accept a donation and approve the drilling of a borehole by Coca-Cola Beverages South Africa (CCBSA) Pty in support of the City of Tshwane's department of Housing and Human Settlements' formalization project. The drilling of the borehole is proposed to take place at the remainder of portions 21, 124, 150 and 227 of the farm in Zandfontein 317-J.R, and seeks to partially address the water needs in the Gommora/Malusi Informal Settlement.

Group Financial Services welcome a donation from Coca-Cola Beverages South Africa offered to the City of Tshwane as will provided a relief to the ongoing service delivery challenges in the area affect by the provision of water to the community. Coca-Cola Beverages South Africa has set aside an amount to the value of R1 million for this projec.

Note is taken that the Human Settlement Department's technical teams will form part of the project team providing guidance on locations, sites and drilling as and when necessary, while the Water and Sanitation Department will oversee all water related activities happening within the community of Gommora / Malusi Informal Settlement. City Strategy and Organisational Performance department will manage the relationship with Coca - Cola Beverages of South Africa, and have negotiated a broader, longer-term partnership in a form of a five (5) year MoU that will contribute to other priorities of the City.

It is further noted that Coca-Cola Beverages South Africa will be maintaining the system for the next two years starting on 1 October 2023 and that after two years the system will be transferred to the City to maintain and to monitor.

Group Financial Services advises that the comments from all stakeholder departments must be obtained to indicate their commitment towards this initiative.

The proposed donations must be fully disclosed in the corporate financial statements for the purpose of transparency and to comply with the requirements of GRAP. The Head: Water and Sanitation Department must submit full particulars of this donation to the Divisional Head: Financial Reporting and Assets.

5.2 COMMENTS OF THE GROUP HEAD: GROUP LEGAL AND SECRETARIAT SERVICES

The purpose of the report is to request the City of Tshwane to accept a donation and approve the drilling of a borehole by Coca-Cola Beverages South Africa Pty Ltd (CCBSA) in support of the City of Tshwane's department of Housing and Human Settlements' formalisation project. The drilling of the borehole is proposed to take place at the remainder of portions 21, 124, 150 and 227 of the farm Zandfontein 317-J.R. and seeks to partially address the water needs in the Gommora/Malusi Informal Settlement.

Note should be taken that Coca-Cola Beverages South Africa Pty Ltd (CCBSA) is a private company. Therefore, the proposed MoU herein should be concluded in line with the provisions of section 120 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (hereafter referred to as the "MFMA")

Section 120 (1) to (7) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (hereafter referred to as the "MFMA") provides that:

1. A municipality may enter into a public-private partnership agreement, but only if the municipality can demonstrate that the agreement will—
 - (a) provide value for money to the municipality;
 - (b) be affordable for the municipality; and
 - (c) transfer appropriate technical, operational and financial risk to the private party.

2. A public-private partnership agreement must comply with any prescribed regulatory framework for public-private partnerships.
3. If the public-private partnership involves the provision of a municipal service, Chapter 8 of the Municipal Systems Act must also be complied with.
4. Before a public-private partnership is concluded, the municipality must conduct a feasibility study that—
 - a. explains the strategic and operational benefits of the public-private partnership for the municipality in terms of its objectives;
 - b. describes in specific terms—
 - i. the nature of the private party's role in the public-private partnership;
 - ii. the extent to which this role, both legally and by nature, can be performed by a private party; and
 - iii. how the proposed agreement will—
 - (aa) provide value for money to the municipality;
 - (bb) be affordable for the municipality;
 - (cc) transfer appropriate technical, operational and financial risks to the private party; and
 - (dd) impact on the municipality's revenue flows and its current and future budgets;
 - c. takes into account all relevant information; and
 - d. explains the capacity of the municipality to effectively monitor, manage and enforce the agreement.
5. The national government may assist municipalities in carrying out and assessing feasibility studies referred to in subsection (4).
6. When a feasibility study has been completed, the accounting officer of the municipality must—
 - a. submit the report on the feasibility study together with all other relevant documents to the council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership;
 - b. at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act—
 - i. make public particulars of the proposed public-private partnership, including the report on the feasibility study; and
 - ii. invite the local community and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership; and
 - c. solicit the views and recommendations of—
 - (i) the National Treasury;
 - (ii) the national department responsible for local government;

- (iii) if the public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed, the responsible national department; and
- (iv) any other national or provincial organ of state as may be prescribed.

Part 1 of this Chapter applies to the procurement of public-private partnership agreements. Section 33 also applies if the agreement will have multi-year budgetary implications for the municipality within the meaning of that section.

The implementation of recommendation no.2 herein should be in adherence and compliance with the provisions of section 15 of the MFMA.

Having taken regard to the aforesaid and with specific reference to the contents of the report, Group Legal and Secretariat Services Department counsel that the provisions of the above-mentioned legal prescripts should be complied with prior to the accepting of the donation to the value of R1 million by the city manager and the signing of the proposed Memorandum of Understanding.

5.3 COMMENTS OF THE GROUP HEAD: HUMAN SETTLEMENT

The purpose of the report is to request the City Manager to accept a donation and approve the drilling of a borehole by Coca-Cola Beverages South Africa (CCBSA) Pty in support of the City of Tshwane's department of Housing and Human Settlements' formalization project. The drilling of the borehole is proposed to take place at the remainder of portions 21, 124, 150 and 227 of the farm in Zandfontein 317-J. R, and seeks to partially address the water needs in the Gommora/Malusi Informal Settlement.

The Human Settlements Department has appointed a Service Provider to continue with a formalization process (township establishment application and general plan approval) on these properties to be known as Kirkney Extension 68. In the absence of engineering services for the area, the Malusi/Gommora Informal Settlement is currently receiving rudimentary services (water tankers and chemical toilets). However, ongoing service delivery challenges in the area affects the provision of water to the community from time to time. It was on this basis that CCBSA Pretoria West has approached the Human Settlements Department with a solution to the matter and has submitted a proposal for a ground water harvesting project. CCBSA wishes to partner with CoT to install a solar powered groundwater harvesting project in an identified area. The Human Settlements Department engaged Water and Sanitation Department on this proposal and consensus reached that the drilling of borehole must be accommodated on the layout map of the proposed Kirkney Extension 68. The following comments by Water and Sanitation are noted:

The provision of Borehole/ground water as a solution to tanker water provided is supported provided the following:

- Borehole water will not be accepted as a solution to townships formalization;
- The department will not be responsible for the quality or quantity of the water provided; and
- The provider must have the water tested on a regular basis and certified as fit for human consumption.

While the Human Settlements Department appreciate the comments of Water and Sanitation the reality is that there are serious bulk water constraints throughout the City, which has a direct influence on the development through Township Establishment as per the Tshwane Land Use Management By-law (2016). It will not be sufficient for the Water and Sanitation Department to indicate that borehole water will not be accepted as a solution to township formalisation. The development for the City is inevitable and the City through Water and Sanitation department is responsible for the development of bulk services infrastructure, therefore there is need to have a clear plan for infrastructure development that will support sustainable human settlements in the City. Notwithstanding the fact that the City is currently spending huge amount of money in the provision of rudimentary water services. It is expected that the City will be spending over a R1 billion on the provision of rudimentary water services in the next 3 years. The City has been searching for an alternative solution to this expensive water tinkering without much success. It is the view of the Human Settlements Department that the initiation like this one by CCBSA must be accepted, encouraged and used as a model on areas in the City that are having serious bulk water challenges such as Region 5,6 and 7. With the advent of technology through fourth industrial revolution more can be researched to use the initiatives like this one to expedite the township establishment especially the upgrading of the informal settlements. This will mean the review of our planning laws and regulations.

While Water and Sanitation Department will not be responsible for the quality or quantity of the water provided and that the CCBSA must have the water tested on a regular basis and certified as fit for human consumption one will expect to see a plan from Water and Sanitation Department to takeover the borehole after 2 years when the asset (borehole with all its component) will be given to the City. The testing of water in the borehole need to be done like all other random testing that are regularly conducted on Mobile Water Tankers providing rudimentary water services to informal settlements by Water and Sanitation through Scientific Services Section and Health Department through Environmental Health Section. The regular testing by Water and Sanitation Department through Scientific Services Section and Health Department through Environmental Health Section still need to be conducted in the next 2 years while the borehole is still under the management of CCBSA. It is important to note that at some point the City will be responsible for the management of this borehole (asset) and the relevant custodian will be Water and Sanitation Department.

The Human Settlements Department supports the report and its recommendations.

5.4 COMMENTS OF THE GROUP HEAD: REGIONAL OPERATIONS AND COORDINATION

The purpose of the report is to request the City Manager to accept a donation and approve the drilling of a borehole by Coca-Cola Beverages South Africa (CCBSA) Pty in support of the City of Tshwane's department of Housing and Human Settlements' formalization project. The drilling of the borehole is proposed to take place at the remainder of portions 21, 124, 150 and 227 of the farm in Zandfontein 317-J.R, and seeks to partially address the water needs in the Gommora/Malusi Informal Settlement.

ROC takes cognisance of the contents of the report.

The ROC is responsible for the operations and maintenance of existing infrastructure, developed and installed through a formalised township development process.

The department is not responsible for the provision of repairs and maintenance in informal settlements.

As a result, the role of the ROC will be limited as predetermined by the mandate of the department and indicated above.

Gommora/Malusi informal settlement falls within Region 3 of the City, and the concerned Regional Water and Sanitation Director in the Region can play a supportive role (if needed) to the two key implementing departments. i.e. Human Settlement and Water and Sanitation.

Additionally, the ROC will liaise with the key departments on some of the issues to take cognisance of, prior to the implementation of the project.

ROC supports the report, its objectives, and recommendations.

5.5 COMMENTS OF THE GROUP HEAD: WATER AND SANITATION

Water and Sanitation Department take note of the report and would comment as follows:

- The provision of Borehole/ground water as a solution to tanker water provided is supported provided the following:
 - Borehole water will not be accepted as a solution to townships formalization;
 - The department will not be responsible for the quality or quantity of the water provided; and
 - The provider must have the water tested on a regular basis and certified as fit for human consumption.

6. IMPLICATIONS

6.1 HUMAN RESOURCES

City of Tshwane's Human Settlement technical teams will form part of the project team providing guidance on locations, sites and drilling as and when necessary, while the Water & Sanitation department will oversee all water related activities happening within the community of Gommora / Malusi Informal Settlement. City Strategy department will manage the relationship with Coca - Cola Beverages of South Africa, and have negotiated a broader, longer term partnership in a form of a five (5) year MoU that will contribute to other priorities of the City.

6.2 FINANCES

The City will not incur financial implications during the implementation of this project. Coca Cola have set aside an amount to the value of R1 million for this project.

6.3 CONSTITUTIONAL AND LEGAL FACTORS

In terms of Section 152 of the Constitution of South Africa, the municipality is responsible to ensure the provision of services to communities in a sustainable manner and further to promote social and economic development. Moreover, the City

of Tshwane is responsible to ensure compliance to regulatory requirements relating to quality of supply and service standards (NRS 047 and NRS 048).

In addition, in terms of the Municipal Finance Management Act (MFMA), Section 65 (2)(a), the municipality must maintain an effective system of expenditure control, including procedures for the approval, authorization, withdrawal and payment of funds.

6.4 COMMUNICATION

Any notice of a planned water interruption / water contamination emanating from this initiative will be duly communicated within the prescribed planned water interruption notification timelines, as per the City's procedures. Communication regarding the proposed collaboration between the City and Coca Cola Beverages of South Africa will be agreement and consent of both Parties and relevant departments will assign their officials.

6.5 PREVIOUS COUNCIL OR MAYORAL COMMITTEE RESOLUTIONS

None.

7. CONCLUSION

This donation will benefit the people of Gomora/Malusi informal settlement by providing clean water, sustainably through the drilling of the boreholes and installation of communal taps. The City of Tshwane highly appreciates and welcomes this donation from CCBSA and will work together with the community and stakeholders of Gommora/Malusi informal settlement to ensure that this infrastructure remains safe from criminals and continues to deliver the service it is meant for in a sustainable manner.

IT WAS RECOMMENDED (TO THE MAYORAL COMMITTEE: 1 NOVEMBER 2023):

1. That the City Manager accepts a donation to the value of R1 million and grants permission to Coca Cola Beverages of South Africa and the City's Department of Water and Sanitation to proceed with the drilling of the borehole at the position that has been proposed for the purpose of providing free, good quality ground water for inhabitants of the Gommora/Malusi informal settlement; and
2. That the City accepts a long-term partnership will be subjected to the inclusion of the following conditions:
 - Borehole yield test and certification – Certificate of compliance reflecting how many litres per hour the borehole delivers;
 - The maintenance of the system will include cleaning of the water tank and monitoring and testing of the water quality on a monthly basis; and
 - Metering of the amount of water that the borehole as provided monthly (this will form part of the historical documentation to be taken over by the City after two years).

During the consideration of the report, it was agreed:

1. That recommendation 1 be amended to read as follows:

“1. That the Executive Mayor accepts a donation to the value of R1 million and grants permission to Coca Cola Beverages of South Africa and the City's Department of Water and Sanitation to proceed with the drilling of the borehole at the position that has been proposed for the purpose of providing free, good quality ground water for inhabitants of the Gomora/Malusi informal settlement.

2. That the following two recommendations be added to the list of recommendations:

“2. That if the donation was accepted and the contract was concluded that the report be submitted to the Mayoral Committee prior the end of the third quarter of the 2023/24 financial year to:

2.1 Answer the question of how the asset would be maintained after the two-year period;

2.2 Clarify how the infrastructure would be secured after the two-year period, especially in view of water tanker service providers who may have a vested interest in that regard;

“3. That the City Manager be authorised to sign the Service Level Agreement on behalf of the City.”

In view of the above, it was:

RESOLVED:

1. That the Executive Mayor accepts a donation to the value of R1 million and grants permission to Coca Cola Beverages of South Africa and the City's Department of Water and Sanitation to proceed with the drilling of the borehole at the position that has been proposed for the purpose of providing free, good quality ground water for inhabitants of the Gomora/Malusi informal settlement;

2. That the City accepts a long-term partnership will be subjected to the inclusion of the following conditions:

- Borehole yield test and certification – Certificate of compliance reflecting how many litres per hour the borehole delivers;**
- The maintenance of the system will include cleaning of the water tank and monitoring and testing of the water quality on a monthly basis; and**
- Metering of the amount of water that the borehole as provided monthly (this will form part of the historical documentation to be taken over by the City after two years);**

3. That the City Manager be authorised to sign the Service Level Agreement on behalf of the City.

4. That the donation be accepted and that the contract be concluded and that a report be submitted to the Mayoral Committee prior the end of the third quarter of the 2023/24 financial year:
 - 4.1 To answer the issues about how the asset would be maintained after the two-year period; and
 - 4.2 How the infrastructure would be secured after the two-year period (water tanker providers).

Reference no. 41608/1
 Abel Malaka (8600)
 MAYORAL COMMITTEE: 1 November 2023

4. ENVIRONMENT AND AGRICULTURE MANAGEMENT DEPARTMENT CITY OF TSHWANE ENVIRONMENTAL COMPLIANCE GUIDELINE FOR TSHWANE PROJECTS FOR APPROVAL

1. PURPOSE

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

2. STRATEGIC PRIORITIES

- Strategic Pillar 3: A City that delivers excellent services and protects the environment:
 - Priority 12, Action 3: Protecting of the natural environment resources and assets.
- Strategic Pillar 12: Safeguarding water and energy, security and protection of the natural environment.

3. BACKGROUND

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) makes provision for sustainable environmental management as follows:

- a. Section 152 (1) (d) states that objects of local government are to promote a safe and healthy environment; and
- b. The Bill of Rights which includes an environmental clause which states in section 24 that everyone has the right - (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures.

To give effect to environmental rights as contained in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998) was developed, which is overarching framework legislation with the aim of providing a general approach to environmental protection and management that must be followed throughout the country.

Section 2 of NEMA outlines environmental principles which apply throughout the Republic to the actions of all organs of state that may significantly affect the environment, as follows:

- Principle 2(3): Development must be socially, environmentally, and economically sustainable.
- Principle 4(a)(ii): Pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimized, and remedied.

- Principle 4(a)(iii): The disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimized, and remedied.
- Principle 4(a)(iv): Waste must be avoided, or where it cannot be altogether avoided, minimized, and re-used or recycled where possible and otherwise disposed of in a responsible manner.
- Principle (4)(p): The costs of remedying pollution, environmental degradation, and consequent adverse health effects and of preventing, controlling, or minimizing further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

Also, sector specific legislation was passed after NEMA, the so-called Specific Environmental Management Acts (SEMA's). These Acts provide a more detailed approach that is required to manage waste, air, biodiversity, protected areas and coastal management. At present there are seven (07) SEMA's, namely:

The Environment Conservation Act (ECA), 1989 (mostly repealed except for Section 20 dealing with existing Waste Permits and matters related to Environmental Noise).

The National Water Act (NWA), 1998.

The National Environmental Management: Air Quality Act (NEM: AQA), 2004.

The National Environmental Management: Waste Act (NEM: WA), 2008.

The National Environmental Management: Protected Areas Act (NEM: PA), 2003.

The National Environmental Management: Biodiversity Act (NEM: BA), 2004.

The National Environmental Management: Integrated Coastal Management Act (NEM: ICA), 2008 (not applicable).

Compliance to the aforementioned environmental legislative provisions is critical for all CoT projects, as contraventions of, or failure to comply with environmental legislation is subject to administrative action, a fine, or imprisonment, or both. Fines may be up to R10 000 000, and imprisonment up to a period of 10 years.

More critical is the fact that section 48 of NEMA preventing criminal actions against government institutions have been repealed, which implies that criminal action can be instituted between different tiers of government. The same applies for individual government officials contravening environmental legislation in their official capacity.

4. DISCUSSION

Currently, there is no formal and approved guideline to assist CoT project managers towards environmental legislative compliance when projects are planned and implemented. On numerous occasions, this has resulted in NEMA Administrative Action against the City for NEMA and SEMA non-compliances.

The following table represents 22/23 NEMA administrative action against the City for undertaking of activities without an Environmental Authorizations, and non-

compliances to site Environmental Authorizations, with potential financial implications for the City totalling R30 million rand, which is wasteful expenditure. Additional expenditure to the City related to table 1 are costs in terms of NEMA S24G rectification fines, costs to appoint environmental specialists to undertake environmental studies, as well as associated site rehabilitation costs where applicable.

Administrative action	Site	Non-compliance	Implications for the City
NEMA S24G Directive (Non-compliance since 12/06/2019) GDARDE re-confirmed the falidity of the Directive on 15/02/2023)	Kudube pump station (Farm Leeuwkraal 92)	Undertaking of listed activities without an Environmental Authorization (EIA)	Failure to comply with at Directive or Compliance Notice is an offence, conviction implies R10 million fine, 10 years imprisonment or both
NEMA S31L Compliance Notice (8 November 2022)	Township development at Farm Strydfontein 307 JR (Orchards x110)	Non-compliances to site Environmental Authorization (EIA)	
NEMA S31L Compliance Notice (27 June 2022)	Township development Mahube Valley x15	Undertaking a listed activity without an Environmental Authorization (EIA)	
Total			Potentially R30 million

Table 1: Recent NEMA administrative action taken against the CoT for environmental non-compliance.

The aim of the proposed Environmental Compliance Guideline for Tshwane Projects is to prevent costly NEMA and SEMA litigation against the City as portrayed in table 1 by guiding projects towards compliance to environmental legislative provisions and execution of environmental best practice for all City of Tshwane (CoT) projects during full project lifecycles.

The proposed Environmental Compliance Guideline for Tshwane Projects is aligned to the Stage Gate Standard and Workflow Process Guideline developed by CoT Enterprise Project Management Unit (e-PMU).

Stage Gate control is a technique where a project is divided over several stages which are separated by so-called 'gates' that provide decision points for whether to proceed to the next stage. At each gate, a decision is made whether to continue the process for a project or not. Only when one gate has successfully been "closed", can a project proceed by "opening" the next gate. The following table summarizes the proposed Environmental Compliance Guideline for Tshwane Projects and its link to the CoT Stage Gate Standard and Workflow Process Guideline:

Stage Gate	Stage Gate requirement	Environmental requirement to open next gate
Gate 0 Project identification	Gross list of potential projects with no fatal flaws	Broadly identify environmental fatal flaws
Gate 1 Pre-feasibility	Projects with pre-feasibility assessments and inter-departmental coordination	Project pre-feasibility environmental scanning by Environment and Agriculture Management Department Re-assessment of Environmental fatal flaw analysis based on scan outcomes Estimate project high level cost and timeframes based on scan outcomes
Gate 2 Draft IDP Projects	Draft list of feasible projects	Undertake feasibility study with draft project concept designs Procure Environmental Assessment Practitioner (EAP) to undertake Environmental Authorizations process EAP undertakes studies and obtain required Environmental Assessments Screened project list in terms of feasibility studies and Environmental Authorization readiness
Gate 3 Draft project list and budget	Draft project list for approval in the IDP and SDBIP	Capital works plan with environmental requirements therein (detailed project plans with Environmental Authorization requirements therein) Capital works plan with environmental sign-off by Environment and Agriculture Management Department
Gate 4 Approved Capital Works Plan	Approved IDP and SDBIP/Capital Works Plan	No environmental requirement
Gate 5 PSP scope of services	Approved scope of services specifications for the procurement of Professional Service Providers (PSP)	Environmental Specialist (as part of PSP team) specification signed off by Environment and Agriculture Management Department
Gate 6 PSP Appointment	Appointed PSP	Appointment letter for Environmental Specialist with environmental specifications
Gate 7 Tender Package	Technically reviewed Scope of Work and Design Specifications (Tender Package)	Tender package with Environmental Authorization/s requirements and general environmental roles and responsibilities therein
Gate 8 Contractor Appointment	Appointed Contractor	Contractor appointment letter with environmental specifications
Gate 9 Practical Completion of Scope of Works	Physical completion of Scope of Works	Manage site environmental compliance In line with appointment letter Monthly environmental audit report (PSP Environmental Specialist and ECO) Environmental compliance inspection report (E&AM Department)
Gate 10 Final Completion, closure & handover	Fit for purpose completion of the works	Environmental close out report Environmental file signed off by PSP Environmental Specialist Environmental file handover to future operational manager of the works

Table 2: Summary of proposed Environmental Guideline for Tshwane projects with its link to project stage gates.

The proposed Environmental Guideline for Tshwane Projects will:

1. Reduce the risk of NEMA/SEMA litigation against the City with associated high fines;
2. Prevent advancement of environmental non-compliant projects along the project stage gates;
3. Enable, already at project pre-feasibility stage (Stage Gate One (01)), professional environmental compliance scanning of all envisaged projects to identify environmental risks, environmental authorisations required, and broad estimation of environmental cost and timeframes linked to the project;
4. Require departments to strategically and pro-actively plan all projects to enable undertaking of feasibility studies and obtaining of Environmental Authorizations at State Gate Two (02);
5. Ensure environmental compliance cost and timeframe integration into the Capital Works Plan (Stage Gate Three (03));
6. Ensure that no project commences without required Environmental Authorization/s required to undertake listed activities;
7. Prevent funding and implementation of projects which are not feasible, nor ready for implementation as environmental authorizations are not in place;
8. Ensure compliance to project Environmental Authorizations through appointment of an Environmental Specialist as part of the project Professional Services Provider (PSP), as well as an onsite Environmental Control Officer (ECO); and
9. Enable technical environmental compliance support to all project managers throughout project life cycles by the Environment and Agriculture Management Department, as well as internal environmental compliance auditing to identify and address environmental non-compliances.

5. COMMENTS OF THE STAKEHOLDER DEPARTMENTS

5.1 COMMENTS OF THE CHIEF AUDIT EXECUTIVE

Group Audit and Risk takes cognisance and support the approval of the city's environmental compliance guidelines for Tshwane projects.

The guideline clarifies the stage gates requirements to ensure that the city's implementation of projects compliance with the entire environmental management legislative framework.

In addition, the guidelines promote the working relations between the projects implementing departments, project management unit, and agriculture and environmental management.

The guidelines will benefit the city as follows:

- Assist in reducing cost of penalties due to noncompliance with environmental laws
- Early awareness of risk conditions and early mitigation to avoid further impacts;
- Improve basis information and understanding of project planning processes; and
- Provide information for better accurate budgeting requirements.

5.2 COMMENTS OF THE CHIEF FINANCIAL OFFICER

Cognisance is taken of the contents of the report.

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

It is recommended in the report that the Environmental Guideline for Tshwane Projects be approved.

Group Financial Services support the proposed Environmental Compliance Guideline as alluded in the report that its objective amongst others is to prevent costly NEMA and SEMA litigation against the City as portrayed in table 1 by guiding projects towards compliance to environmental legislative provisions and execution of environmental best practice for all City of Tshwane (CoT) projects during full project lifecycles. Furthermore, it will minimise the risk of NEMA/SEMA litigation against the City which may result in, upon successful conviction, a fine of up to R10 million, and imprisonment up to a period of 10 years or both.

It is recommended in the report all City of Tshwane project managers undergo compulsory formal training in terms of the Environmental Guideline for Tshwane Projects upon approval thereof.

It is imperative that the comments should be obtained from the Tshwane Leadership Management Academy for the proposed training intervention to enhance the implementation of the Environmental Guideline for Tshwane Projects.

On 12 October 2022, the Office of the City Manager issued Circular 35 of 2022: Cost Containment wherein all departments are requested to put measures in place to manage expenditure downwards. Only critical or essential expenditure aimed at enhancing service delivery should take place. Therefore, training (except grant funding) and other GL accounts mentioned in the circular have been blocked for spending.

It should further be reiterated that the City's cash position remains severely constrained, hence the need for all departments to strictly adhere to the cost containment measures.

Group Financial Services will render further financial comments on future reports in this regard.

5.3 COMMENTS OF THE CHIEF OF EMERGENCY SERVICES

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval. The Emergency Services Department takes note of the contents of the report and its recommendations.

5.4 COMMENTS OF THE CHIEF OF POLICE

Cognisance is taken of the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval. The Department takes cognisance of the guideline and supports the initiative as well as the proposed training interventions.

5.5 COMMENTS OF THE CHIEF OF STAFF

The Office of the Executive Mayor notes the contents of the report. Adopting the guidelines is a critical tool for the city however, the successful implementation of the Environmental Guideline for Tshwane Projects has the potential to significantly elevate project management in the City towards environmental compliance. This must be tracked over time in order to assess their effectiveness and ensure that city does not face unnecessary litigation.

5.6 COMMENTS OF THE GROUP HEAD: GROUP LEGAL AND SECRETARIAT SERVICES

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

In terms of Section 11 (3) (a) (b) & (n) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (hereafter referred to as the “MSA”), a municipality exercises its legislative or executive authority by developing and adopting policies, plans, strategies and programs, including setting of targets for delivery, promoting and undertaking development and also by doing anything else within its legislative and executive competence.

This initiative should comply with the provisions of the Current Policy Management Processes of the City and Proposed Approach towards the Adoption of a New Policy, By-law and Strategy Development and Management System approved by Mayoral Committee on the 16 May 2018, which serves as the guideline for the development of policies, strategies, and By-laws for the City of Tshwane. It further provides the details and processes that should be considered in the development of sound policy instruments.

The Policy stipulates that Policy/by-law development can be led internally within departments in the city or upon request by the political leadership. and this includes reviews of existing policies or by-laws.

When initiating a policy, the first step is to engage with the Policy Advisor within the Office of the Executive Mayor who will place the matter on the agenda at the Policy Development Support Committee. The PDSC will check that the policy/by-law is in line with the IDP and the strategic direction of the City, and whether there are any current initiatives that may overlap.

The report envisions that to give effect to environmental rights as contained in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998) was developed, which is overarching framework legislation with the aim of providing a general approach to environmental protection and management that must be followed throughout the country.

Taking regard to the aforesaid and with specific reference to the contents of the report, the Group Legal and Secretariat Services Department supports the approval of the report and the recommendations.

5.7 COMMENTS OF THE GROUP HEAD: CITY STRATEGY AND ORGANISATIONAL PERFORMANCE

City Strategy and Organisational Performance take cognisance of the report to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

Non-compliance to legislation is a concern, especially when the City implements its own projects. The proposed guideline and steps proposed in the report should assist in ensuring that the City do not contravene environmental legislation. The recommendations are supported.

5.8 COMMENTS OF THE GROUP HEAD: COMMUNICATIONS, MARKETING AND EVENTS

Comments requested on 19 July 2023 1:43:58 PM and not received by 05 October 2023 12:42:20 PM.

5.9 COMMENTS OF THE GROUP HEAD: COMMUNITY AND SOCIAL DEVELOPMENT SERVICES

The purpose of the report is to provide the City of Tshwane (CoT) with an Environmental Compliance Guideline for Tshwane Projects.

Successful implementation of the Environmental Guideline for Tshwane Projects has the potential to significantly elevate project management in the City towards environmental compliance. This will reduce environmental legislative litigation against the CoT, and hence will reduce wasteful expenditure in terms of fines to be paid upon conviction for environmental non compliances. The implementation of the guidelines is well mapped and the necessary training for all Tshwane Project Managers is welcomed.

The content of the report is noted and supported.

5.10 COMMENTS OF THE GROUP HEAD: CUSTOMER RELATIONS MANAGEMENT

The Customer Relations Management Department (CRM) takes note of the report from the Environment and Agriculture Management Department (Environment and Parks Division) seeking approval for the draft Environmental Compliance Guideline for Tshwane projects.

While CRM has no funding for capital projects, it acknowledges the advantages of the proposed guideline namely to protect our environment, to prevent litigation against the City and to guide departments with capex projects towards compliance to environmental legislative provisions. The Department thus supports the content of the report, as well as its recommendations.

5.11 COMMENTS OF THE GROUP HEAD: ECONOMIC DEVELOPMENT AND SPATIAL PLANNING

The Economic Development and Spatial Planning Department (City Planning and Development Division) notes the content of the report.

It is important that all projects obtain relevant Environmental Authorisation at the correct stage of implementation to avoid costly fines and delays.

The proposals made in this report must be formally implemented in the CaPS Process (project planning and implementation) as managed by the CaPS Technical Task Team. The details of the implementation of this process must be resolved with the ePMU to ensure compliance, timeous application and consent to be able to proceed to the next stage gate.

5.12 COMMENTS OF THE GROUP HEAD: ENERGY AND ELECTRICITY

The purpose of the report is noted as to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval. The report indicates that, currently, there is no formal and approved guideline to assist CoT project managers towards environmental legislative compliance when projects are planned and implemented. And as such, the aim of the proposed Environmental Compliance Guideline for Tshwane Projects is to prevent costly NEMA and SEMA litigation against the City as portrayed in Table 1 by guiding projects towards compliance to environmental legislative provisions and execution of environmental best practice for all City of Tshwane (CoT) projects during full project lifecycles. It will be advisable for the Environment and Agriculture Management Department to support and assist projects implementing departments with the services of the Environmental Assessment Practitioner, in order curtail unnecessary delays in the process. Furthermore, the sign-off of capital works plan by Environment and Agriculture Management Department must be done in a streamlined manner and thus not be a barrier of project execution. This means that Environment and Agriculture Management Department must allocate sufficient resources that will ensure a smooth progress consisting of positive efficiencies to prevent costly NEMA and SEMA litigation against the City and thus ensuring compliance. Energy and Electricity Department takes note of the report and comments herein are duly submitted.

5.13 COMMENTS OF THE GROUP HEAD: ENVIRONMENT AND AGRICULTURE MANAGEMENT

Not applicable.

5.14 COMMENTS OF THE GROUP HEAD: GROUP HUMAN CAPITAL MANAGEMENT

To present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

Group Human Capital Management takes cognisance of the contents and supports the recommendations of the report.

5.15 COMMENTS OF THE GROUP HEAD: GROUP PROPERTY

This department takes note of the content of the report and what is contained in the Draft Environmental Guideline for Tshwane Projects. Environment or nature and development must co-exist and it is the responsibility of the City to ensure there's compliance. The Environmental Management Department has a responsibility to ensure that all projects are in line with the Environmental Principles and adhere to the Sustainable Development Goals which seeks to ensure there's sustainable development.

5.16 COMMENTS OF THE GROUP HEAD: HEALTH

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval. The health department takes cognisance of the contents of the report. The guidelines will facilitate the city's compliance with environmental legislation and assist the city in curbing the number of possible litigations due to non-compliance. Once approved, the guidelines will ensure that officials involved in projects are aware of project requirements to adhere to environmental compliance and will be obliged to comply with the environmental process flow outlined in the guidelines. The content of the report is noted, and the recommendations supported.

5.17 COMMENTS OF THE GROUP HEAD: HUMAN SETTLEMENT

Comments requested on 19 July 2023 1:44:04 PM and not received by 05 October 2023 12:42:20 PM.

5.18 COMMENTS OF THE GROUP HEAD: REGIONAL OPERATIONS AND COORDINATION

To present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

ROC takes cognisance of the contents of the report.

The nature of complaints against the City are noted.

In particular, the compliance issues raised against Centurion Lake are further recognised.

The Environmental Compliance Guideline is welcomed considering the environmental transgression indicated in the report.

5.19 COMMENTS OF THE GROUP HEAD: ROADS AND TRANSPORT

The report requires the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

The Roads and Transport Department acknowledges the content of the report and more specifically the Environmental Compliance Guidelines. It should be noted that there are different types of projects, with greater or lesser extent of environmental sensitivity. The Department's watercourse related projects, for example, require a detailed feasibility and environmental authorization for before a conceptual design

and detail costing/budget for the proposed work, can be done. The Guideline must be coupled with the compliance for Water Use Licence Authorization and its process regulations from Department of Water Affairs for projects that do require WULA.

This Department supports the report and the recommendations.

5.20 COMMENTS OF THE GROUP HEAD: SHARED SERVICES

The purpose of the report is to present the City of Tshwane (CoT) Environmental Compliance Guideline for Tshwane Projects for approval.

The Department takes note of the Guidelines as linked to project stage gates which will assist in compliance to environmental legislative provisions to prevent costly litigations against the City. The report is supported.

5.21 COMMENTS OF THE GROUP HEAD: WATER AND SANITATION

"Water and Sanitation Department takes cognisance of the report and supports the recommendations thereof."

5.22 COMMENTS OF THE OFFICE OF THE CHIEF OPERATIONS OFFICER

Comments requested on 19 July 2023 1:43:55 PM and not received by 05 October 2023 12:42:20 PM.

6. IMPLICATIONS

6.1 HUMAN RESOURCES

The proposed Environmental Guideline for Tshwane Projects integrates environmental compliance considerations for Tshwane projects. It will therefore not require additional HR for departments as departments will only be required to work smarter through integration of environmental considerations into project planning and higher consultation and collaboration with the Environment and Agriculture Management department.

6.2 FINANCES

Compliance to the proposed Environmental Guideline for Tshwane Projects will enhance environmental compliance related to Tshwane projects, hence minimizing the risk of NEMA/SEMA litigation against the City which may result in, upon successful conviction, a fine of up to R10 million, and imprisonment up to a period of 10 years or both.

More critical is the fact that section 48 of NEMA preventing criminal actions against government institutions have been repealed, which implies that criminal action can be instituted between different tiers of government. The same applies for individual government officials contravening environmental legislation in their official capacity.

6.3 CONSTITUTIONAL AND LEGAL FACTORS

Successful implementation of the proposed Environmental Guideline for Tshwane Projects will elevate the City's compliance to the Bill of Rights in the Constitution of the Republic of South Africa, NEMA, as well as its SEMA's.

6.4 COMMUNICATION

Formal training for all applicable CoT Departments and their Project Managers will be undertaken by the Environment and Agriculture Management Department.

6.5 PREVIOUS COUNCIL OR MAYORAL COMMITTEE RESOLUTIONS

None.

7. CONCLUSION

Successful implementation of the Environmental Guideline for Tshwane Projects has the potential to significantly elevate project management in the City towards environmental compliance. This will reduce environmental legislative litigation against the CoT, and hence will reduce wasteful expenditure in terms of fines to be paid upon conviction for environmental non compliances.

RESOLVED:

1. That cognisance be taken of the contents of the report;
2. That the Environmental Guideline for Tshwane Projects, be approved;
3. That all City of Tshwane project managers undergo compulsory formal training in terms of the Environmental Guideline for Tshwane Projects upon approval thereof; and
4. That all City of Tshwane departments ensure compliance with the Environmental Guideline for Tshwane projects.

Reference no. 89459/1
 Yolande Faro (4954)
 MAYORAL COMMITTEE: 1 November 2023

5. TSHWANE METRO POLICE DEPARTMENT
 TECHNICAL ASSISTANCE FROM THE URBAN SAFETY REFERENCE GROUP
 LINKED TO THE HAMMANSKRAAL URBAN PRECINCT DEVELOPMENT PLAN
 AND STRATEGY
(From the Executive Committee: 23 October 2023)

1. PURPOSE

The purpose of the report is to obtain approval for the Urban Safety Reference Group (USRG) to provide funded technical assistance to the City of Tshwane as regards an inclusive, participatory safety project in the Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development Plan and Strategy.

2. STRATEGIC PRIORITIES

- Prioritisation of the electrical grid and water infrastructure;
- Provide stringent financial management and oversight;
- A business-friendly City that promotes employment and economic growth.
- Enhancing City safety, security, and emergency services;
- Maintaining a clean and protected natural environment;
- Maintenance and expansion of road infrastructure and public transportation;
- A caring City that supports the vulnerable and provides social relief;
- Modernisation and digitisation of city processes; and
- A professional public service that drives accountability and transparency.

3. BACKGROUND

Representatives from the Tshwane Metro Police Department (TMPD) regularly participate in the Urban Safety Reference Group (USRG) sessions which are convened by the South African Cities Network (SACN) with the support of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – German Development Cooperation) Inclusive Crime and Violence Prevention Programme (IVCP). Some of the work undertaken by the USRG members has been to capacitate municipal officials in the development of City Safety Strategies and Plans, the mainstreaming of safety in the Integrated Development Plan as well as the annual development of the State of Urban Safety in SA Report.

In alignment with the 2016 White Paper on Safety and Security, the 2022 Integrated Crime and Violence Prevention Strategy and the 2020 National Strategic Plan on Gender-Based Violence and Femicide, local government is expected to involve local communities in identifying safety concerns through inclusive safety audits which include women and other vulnerable groups. These findings should inform various participatory social, economic and infrastructure programmes in the City.

The implementation of participatory local level safety interventions ensures that proposed solutions are fit for purpose and do not follow a one-size-fits-all approach.

A key success factor for the implementation of Crime Prevention through Environmental Design is the inclusion of communities in the planning and implementation of built environment interventions.

Further, it should be noted that the Cities Support Programme of National Treasury has partnered with the City of Tshwane to develop, institutionalise, and implement a township economic development (TED) strategy in the Hammanskraal precinct site. It has been indicated by National Treasury that one of the pre-requisites for infrastructure funding to the city, is the development of a comprehensive precinct management strategy.

4. DISCUSSION

Within the following, an outline is provided of the safety planning concept as well as the proposed site for the technical assistance to be provided by the USRG.

4.1 Safety planning

Safety planning is a cyclic planning process requiring active participation from communities. In a local government context safety planning requires intergovernmental, interdepartmental, community collaboration with a strong emphasis on addressing the causes of crime and violence rather than a responsive (reactive) criminal justice system approach. Addressing high crime levels requires various integrated economic, social, infrastructural measures.

Through engagements with the USRG and GIZ-VCP, officials from the City of Tshwane have received training on safety planning processes. In order to promote a participatory approach, the TMPD registered a safety project under the Public Employment Programme (PEP) which ran from December 2022 to May 2023. PEP candidates underwent a security clearance process and thereafter were contracted to conduct safety audits in all regions of the City. Various safety audit templates were developed by the TMPD to collect information relating to general safety, gender-based violence, transport, and school safety. Data capturing of the safety audit documents is currently underway. One key indication emanating from preliminary information indicates that communities want to see implementation after safety audits are conducted. It is thus critical that safety audits and safety planning be interlinked to funded City programmes to facilitate transversal planning, implementation, monitoring, and evaluation.

In accordance with the Integrated Crime and Violence Prevention Strategy, safety planning should be coordinated by a safety directorate located within the Office of the City Manager to ensure coordinated approaches. In the absence of such a directorate, the TMPD is assisting.

4.2 Proposed intervention

On 24 July 2023, a meeting was held with the USRG during which the City was offered technical assistance for a safety audit intervention in a specific precinct. Thereafter, an interdepartmental meeting was convened on 3 August 2023 to obtain inputs from other role-player departments on a specific site for the intervention. Following interdepartmental engagements, the Hammanskraal CBD was selected as it is a gateway to the rest of the urban core.

Drawing on the theory and practice of urban acupuncture as a means of addressing social, economic, and spatial disparities in cities, it is essential that transformative interventions are focused and involve meaningful participatory processes to identify the needs of a community while reflecting on how neglected spaces can be reclaimed, reimagined, and reshaped by the people themselves. Given the potential impact of the Hammanskraal CBD and its interlinkages with various social facilities, it would be an ideal site for the technical assistance from the USRG. As noted in the Hammanskraal Urban Hub Precinct Development Plan and Strategy:

- “The Hammanskraal CBD is very active economically but is a harsh and unforgiving space (undermining business and consumer activities). There is little respite from urban chaos and seems to have a solitary function of trade and transport. Left unchecked and unmanaged the space runs the risk of intensifying this pattern and becoming increasingly uncomfortable and congested”.

An overview of the Hammanskraal CBD area as per the current project charter is provided.:

- A targeted, integrated intervention could contribute towards safety, economic and spatial objectives and be a catalyst to the revitalisation of the precinct.

As stated earlier in the report, National Treasury has indicated that grant funding will be dependent on a comprehensive precinct management strategy outlining the commitments of various sectors to maintain infrastructure. Various community, external and municipal participants attended a workshop arranged by National Treasury held on 8 September 2023 in Hammanskraal. During the workshop it was noted that precinct management is “about creating an environment that provides access to jobs, services, transport and a desirable public environment for surrounding residents, lowers the risk of investors, and ensures that that new strategic investment is managed to optimise its value / reach its full potential” and also requires a partnership approach.

In terms of the safety sector, the USRG and GIZ-VCP will provide technical assistance to develop a safety plan which will feed into the envisaged precinct management plan. The technical assistance will include, inter alia, facilitated stakeholder and community engagement, participatory planning processes and a safety plan as an output. The TMPD will assist in coordinating with various participants such as the South African Police Service, Community Policing Forum and other interest groups. Due to the GIZ-ICVP funding cycle and the conclusion of the 10-year VCP programme, the technical assistance will be offered until March 2024.

Cognisance is taken of the comments from Group Legal Services, it should be noted that on 21 April 2021, the Mayoral Committee approved the Report on assistance from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the development of the City of Tshwane Community Safety Plan.

5. COMMENTS OF THE STAKEHOLDER DEPARTMENTS

5.1 COMMENTS OF THE CHIEF FINANCIAL OFFICER

Cognisance is taken of the contents of the report.

The purpose of this report is to obtain approval for the Urban Safety Reference Group (USRG) to provide funded technical assistance to the City of Tshwane as regards an inclusive, participatory safety project in the Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development Plan and Strategy.

Note has been taken that the City has been identified as a pilot project to incorporate safety planning into its strategic development nodes of the city. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – German Development Cooperation) Inclusive Crime and Violence Prevention Programme (IVCP) has in principle committed to allocate funding towards this initiative. National Treasury, through its City Support Programme, has funded the Hammanskraal Township Economic Development Programme and a list of projects were approved to be initiated in this node. City departments have been engaged to identify the area of intervention, and the Hammanskraal Central Business District has been selected as one of the nodes that needed safety intervention.

It should be noted that contributions are measured at the fair values of the assets given. Therefore, the above-mentioned contribution must be fully disclosed in the corporate financial statements for the purpose of transparency and to comply with the requirements of GRAP. The Chief of Police must submit full particulars of this contribution to the Divisional Head: Financial Reporting and Assets.

5.2 COMMENTS OF THE CHIEF OF EMERGENCY SERVICES

The purpose of this report is to obtain approval for the Urban Safety Reference Group (USRG) to provide funded technical assistance to the City of Tshwane as regards an inclusive, participatory safety project in the Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development Plan and Strategy.

The Emergency Services Department takes note of the contents of the report and the recommendations as contained in the report.

5.3 COMMENTS OF THE GROUP HEAD: GROUP LEGAL AND SECRETARIAT SERVICES

The purpose of the report is for Council to approve the Hammanskraal Township Economic Development Strategy and endorse the Project Charters so that implementation of the projects can commence.

The report shows that in alignment with the 2016 White Paper on Safety and Security, the 2022 Integrated Crime and Violence Prevention Strategy and the 2020 National Strategic Plan on Gender-Based Violence and Femicide, local government is expected to involve local communities in identifying safety concerns through inclusive safety audits which include women and other vulnerable groups. These findings

should inform various participatory social, economic and infrastructure programmes in the City.

Section 41(1)(h) of the Constitution of the Republic, hereinafter referred to as the 'Constitution', prescribes that all spheres of government and all organs of state within each sphere must co-operate with one another in mutual trust and good faith by fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; coordinating their actions and legislation with one another; and adhering to agreed procedures.

In respect of powers and functions of municipalities, section 156(5) of the Constitution stipulates that a municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

Similarly, section 8(1) & (2) of the Municipal Systems Act 32 Of 2000(1) provides that a municipality has all the functions and powers conferred by or assigned to it in terms of the Constitution and must exercise them subject to Chapter 5 of the Municipal Structures Act. A municipality has the right to do anything reasonably necessary for, or incidental to, the effective performance of its functions and the exercise of its powers.

Section 4 of the Intergovernmental Relations Framework Act 13 of 2005, outlines the object of this Act as to provide within the principle of co-operative government set out in Chapter 3 of the Constitution a framework for the national government, provincial governments and local governments, and all organs of state within those governments, to facilitate co-ordination in the implementation of policy and legislation, including coherent government; effective provision of services; monitoring implementation of policy and legislation; and realisation of national priorities.

In pursuance of the aforesaid objects, on 19 January 2021 the Department of Cooperative Governance issued Circular 1 of 2021 titled 'Guidance on the Implementation of the District Development Model' (DDM). Among others, it seeks to provide a method by which all three spheres of government and state entities work in unison in an impact-oriented way, where there is higher performance and accountability for coherent and effective service delivery and development outcomes.

The Council is empowered by the aforesaid legal framework to deliberate on the matter and take a decision in the best interest of its community.

It must be noted that such partnership must be regulated through a Memorandum of Understanding (MOU) as agreed to by the parties. The City Manager sign the MOU in terms of powers conferred by the Reviewed Corporate System of Delegations as approved on 11 September 2020.

Having regard to the above-mentioned legislation and with specific reference to the context of the report, Group Legal and Secretariat Services Department take cognisance of the report and its recommendations.

5.4 COMMENTS OF THE GROUP HEAD: CITY STRATEGY AND ORGANISATIONAL PERFORMANCE

Section 152 of the Constitution of South Africa (Act 108 of 1996) places an obligation on local government to promote social and economic development and to promote a

safe and healthy environment, and the Municipality must strive within its financial and administrative constraints to achieve these objectives.

Safety planning is a cyclic planning process requiring active participation from communities. In a local government context safety planning requires inter-governmental, inter-departmental, community collaboration with a strong emphasis on addressing the causes of crime and violence rather than a responsive (reactive) criminal justice system approach. Addressing high crime levels requires various integrated economic, social, infrastructural measures.

The report indicates that through engagement with the Cities Network -Urban Safety Reference Group, the city has been identified as a pilot project to incorporate safety planning into its strategic development nodes of the City. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – German Development Cooperation) Inclusive Crime and Violence Prevention Programme (IVCP) has in principle committed to allocate funding towards this initiative. National Treasury through its City Support Programme has funded the Hammanskraal Township Economic Development Programme and a list of projects were approved to be initiated in this node. One of the key focus areas is to include community safety issues to be incorporated into the plans of the City. City departments have been engaged to identify the area of intervention, and the Hammanskraal Central Business District has been selected as one of the nodes that needed safety intervention.

City Strategy and Organisational Performance Department has looked at the contents of this report and supports the initiative to pilot safety planning interventions as this is in line with the City's strategic priority 4 of the IDP: to enhance City safety, security, and emergency services. This is in line with the City of Tshwane IDP and the node selected is within the Township nodes where the Hammanskraal Urban Hub Precinct Development Plan and Strategy has already been approved by MayCo. The department welcomes the funding from GIZ to support such a strategic initiative to the City and stands ready to provide relevant support to TMPD in the implementation of this programme.

5.5 COMMENTS OF THE GROUP HEAD: COMMUNITY AND SOCIAL DEVELOPMENT SERVICES

The purpose of the report is to obtain approval for the Urban Safety Reference Group (USRG) to provide funded technical assistance to the City of Tshwane as regards an inclusive, participatory safety project in the Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development Plan and Strategy.

The Community and Social Development Services Department takes note of the purpose, contents, and recommendations of the report. The CSDS Department supports the recommendations of the report.

5.6 COMMENTS OF THE GROUP HEAD: ECONOMIC DEVELOPMENT AND SPATIAL PLANNING

Revised comments

The department take cognisance of the report to obtain approval for the Urban Safety Reference Group (USRG) to provide funded assistance to the City of Tshwane

participatory safety project in Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development and Strategy. The proposal contained in the report is supported, it is in line with Council Policies and Frameworks.

5.7 COMMENTS OF THE GROUP HEAD: GROUP HUMAN CAPITAL MANAGEMENT

The purpose of this report is to obtain approval for the Urban Safety Reference Group (USRG) to provide funded technical assistance to the City of Tshwane as regards an inclusive, participatory safety project in the Hammanskraal Central Business District (CBD) as aligned to the approved Hammanskraal Urban Precinct Development Plan and Strategy.

This report has no Human Resource implication, Group Human Capital Management department takes cognisance of the contents and support the recommendations of the report.

5.8 COMMENTS OF THE GROUP HEAD: ROADS AND TRANSPORT

Comments requested on 14 September 2023 10:35:26 AM and not received by 12 October 2023 8:34:09 AM.

6. IMPLICATIONS

6.1 HUMAN RESOURCES

None.

6.2 FINANCES

None for the City of Tshwane, the technical assistance will be funded by the South African Cities Network and GIZ-IVCP.

6.3 CONSTITUTIONAL AND LEGAL FACTORS

None.

6.4 COMMUNICATION

None.

6.5 PREVIOUS COUNCIL OR MAYORAL COMMITTEE RESOLUTIONS

Mayoral Committee. 21 April 2021. Report on assistance from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the development of the City of Tshwane Community Safety Plan.

Mayoral Committee. 8 June 2022. Approval of the Hammanskraal Urban Hub Precinct Development Plan and Strategy.

7. CONCLUSION

The offer for technical assistance from the Urban Safety Reference Group will assist in ensuring inclusive safety planning for the Hammanskraal CBD and the mainstreaming of safety within municipal plans.

IT WAS RECOMMENDED (TO THE MAYORAL COMMITTEE: 1 NOVEMBER 2023):

1. That cognisance be taken of the contents and importance of the report;
2. That approval be granted to accept the offer of technical assistance from the Urban Safety Reference Group; and
3. That following approval by the Mayoral Committee, the Chief of Police to submit the particulars of the contribution to the Divisional Head: Financial Reporting and Assets.

During the consideration of the report, it was agreed:

That recommendation 2 be amended to read as follows:

- “2. That approval be granted to accept the offer of technical assistance from the Urban Safety Reference Group subject to a Memorandum of Understanding being entered into with the City of Tshwane.”**

In view of the above, it was:

RESOLVED:

1. That cognisance be taken of the contents and importance of the report;
2. That approval be granted to accept the offer of technical assistance from the Urban Safety Reference Group subject to a Memorandum of Understanding being entered between the two parties; and
3. That following approval by the Mayoral Committee, the Chief of Police to submit the particulars of the contribution to the Divisional Head: Financial Reporting and Assets.