

**ITEM 7.7 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE  
VERGADERING WAT GEHOU SAL WORD OP 13 JULIE 2022**

<b>ONDERWERP: RAAMWERK VIR DIE DE VLEI AMFITEATER DARLING SUBJECT: FRAMEWORK OF DE VLEI AMPHITHEATRE DARLING</b>
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## **1. BACKGROUND**

During the public participation meeting of the Darling RSEP programme needs was identified and a project list compiled. The first project that was identified by the Council of Stakeholders was an Amphitheatre with the purpose to create a space for social cohesion where communities can come together and enjoy art, culture, performances and experience a sense of place.

The Amphitheatre was constructed during 2020-2021 with the funding of Department of Environmental Affairs and Development planning and was officially opened on 19 October 2021. Since the opening, there was numerous request from the public to make use of the intercultural space.

In the absence of the framework it creates a risk to allow organisations to make use of the De Vlei Amphitheatre Darling without proper guidelines to ensure that the space is used for the intended use and the responsibilities of parties involved.

The Framework for the De Vlei Amphitheatre will ensure sustainability of the amphitheatre in terms of clear criteria for the usage of the space that will contribute to Darling's cultural diversity and social cohesion.

## **2. LEGASLATIVE INSTRUMENTS:**

- 2.1. Constitution of the Republic of South Africa, 1996
- 2.2. Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010)
- 2.3. Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
- 2.4. Integrated Development Framework
- 2.5. Swartland Spatial Development Framework 2017
- 2.6. Bylaw for the Prevention of Public Nuisances 2015

- 2.7. Western Cape Liquor Act 2010
- 2.8. Disaster Management Act 2016
- 2.9. Covid 19 Regulations

### **3. LINK WITH THE INTEGRATED DEVELOPMENT PLAN**

This project directly link with the Integrated Development Plan of 2017-2022

- Strategic Goal 1: Improved quality of life for citizens

### **4. FINANCIAL IMPLICATIONS**

No current expenses for the Municipality, but a notice board with instructions of what is permitted and not permitted actions will have to be erected to make the community aware. The Civil Department already indicated that the expense for the notice board is allocated to their budget.

### **5. RECOMMENDATION**

- 5.1 *That the attached framework for the De Vlei Amphitheatre criteria and application process be approved and reviewed annually to determine if the criteria is still applicable;*

### **BESLUIT**

- (a) Dat die aangehegte raamwerk goedgekeur word wat die kriteria en aansoekproses ten opsigte van die gebruik van die De Vlei Amfiteater bevat, en dat dit jaarliks hersien word om te bepaal of die kriteria steeds van toepassing is;
- (b) Dat gebruiksaansoeke ook telkens aan die Direktoraat Beskermingsdienste voorgelê sal word om potensiële risiko's te bepaal en te kan bestuur, waar nodig in samewerking met die SAPD;
- (c) Dat die inhoud van die raamwerk op 'n bondige, positiewe wyse (sonder verwysing na enige strafmaatreëls) aan die gemeenskap gekommunikeer sal word.

### **AFSKRIFTE:**

- 1. DO – vir aandag
- 2. DB – (b), vir aandag
- 3. Kommunikasiebeampte – (c), vir aandag



## **FRAMEWORK: AMPHITHEATRE DARLING**

### **1. INTRODUCTION & BACKGROUND:**

The Darling Amphitheatre called De Vlei originate from the Regional Socio Economic Project (RSEP) with the purpose to create a space for social cohesion where communities can come together and enjoy art, culture, performances and experience a sense of place.

The Darling Amphitheatre is the only project of its kind in the Swartland Municipal area and there is no clear framework that outlines how the space should be utilised. There is a dire need for the community to use the amphitheatre for outdoor performances or other events and therefore a framework guidance is necessary to ensure the safety and accessibility for the community.

### **2. WHY AN AMPHITHEATRE?**

- 2.1. Ensures that groups and organisations that focus on Art & Culture development not be denied access to the Municipality's facility.
- 2.2. Creates a consistent approach to decision making regarding usage of the amphitheatre.
- 2.3. Sets clear criteria for the usage of the Amphitheatre.
- 2.4. Celebrates Darling's cultural diversity, artistic excellence, creative capacity and rich history, for the benefit of inclusivity, social cohesion, quality of life and social and economic development.

### **3. STRATEGIC ALIGNMENT WITH THE IDP:**

- 3.1. Improved quality of life for citizens.
- 3.2. Contributes to safe and inspiring neighbourhood nodes
- 3.3. Promotes community structures that contributes to a sense of ownership/
- 3.4. Promotes social cohesion

### **4. LEGASLATIVE INSTRUMENTS:**

- 4.1. Constitution of the Republic of South Africa, 1996
- 4.2. Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010)
- 4.3. Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
- 4.4. Integrated Development Framework
- 4.5. Swartland Spatial Development Framework 2017
- 4.6. Bylaw for the Prevention of Public Nuisances 2015
- 4.7. Western Cape Liquor Act 2010
- 4.8. Disaster Management Act 2016
- 4.9. Covid 19 Regulations

## 5. POLICY DIRECTIVES:

- 5.1. NGO's, Community groups or voluntary associations and government departments are allowed to book the amphitheatre.
- 5.2. The organisation making use of the facility is liable for any damage to the facility.
- 5.3. Any misrepresentation or misuse of the framework will be referred to the relevant authority.
- 5.4. Examples of misuse and misrepresentation include but are not limited to booking the facility for a private function or booking a facility but not intending to use the facility.
- 5.5. The framework will be supported by standard operating procedures and standardised templates.

## 6. RESPONSIBILITIES AND DELEGATED AUTHORITY:

### A. PAYMENT OF FEES AND RESPONSIBILITIES OF THE LESSEE:

1. A refundable deposit of R500 (as determined by Council annually) is strictly payable in advance for the reservation of the Darling Amphitheatre. Deposit only to be refunded once it is determined whether any damage has been done to the facility while in care of Lessee. (After the organisation paid at the cashier the application form and proof of payment will be sent to Community Development. Community Development will notify the Director of Protective Service, Law Enforcement, Manager Public Affairs, Libraries & Tourism and Civil Engineering Department ( Refuse Removal) of the booking.
  - 1.1 Should a reservation be made in respect of a date for which tariffs have not yet been Determined by Council, the owing balance shall be recovered from the lessee once an increase of the applicable tariff is approved by Council for implementation.
2. The total seating includes a safety distance of 2,1m. (1.5m + person 0,6m = 2,1m) at the amphitheatre which was indicated by Building Control Manager according to m2
  - Amphitheatre: 50 persons
  - Flower surface: 50 persons
  - Amphitheatre & flower surface: 100 persons
  - Grass surface: 900 persons
  - Amphitheatre + flower surface + grass surface = 1 000 persons
3. The **organisation** will be responsible for the following in their own capacity:
  - a) Book the Amphitheatre 21 days in advance and pay the R500 refundable deposit at the cashier at Darling Municipal Offices
  - b) Complete the standard application form & wait for written approval from the Manager: Community Development
  - c) Sign receipt of the keys for the toilet facilities at the cashier
  - d) Purchase electricity for the event
  - e) Supply own toilet paper
  - f) Cleaning of toilets after the function

- g) Safekeeping of keys
- h) Keep premises in same condition it was received. (*Civil Department will provide bins when the venue is booked and they will also arrange pick up of trash*)
- i) Prohibited selling or using of substances (alcohol and drugs) on the premises
- j) Applying Covid 19 regulations according to Covid Alert Levels and risk adjusted approach as announced by Government
- k) Ensuring that no rest disturbances occur during the time of the function
- l) Ensuring that no foul language to be used at the function
- m) No fires are allowed on the premises.

## **B. PERIODS OF OCCUPATION AND PERMITTED FUNCTIONS:**

1. Reservations shall be on a first come, first serve basis, which means that preference shall be given to an applicant who books and pays the rental fee for the premises at the cashier of the Darling Municipal Offices.
2. The organisation may not request entrance fees, make any public announcement, or incur any expenses in respect of the purpose for which the amphitheatre is reserved.
3. Time of Events: Daytime activities are allowed and the ending time is 22h00 at night during weekdays and 23h00 during weekends. (*If the organisation do not adhere to stop the event at indicated time law enforcement will be called in for assistance.*)
4. The venue capacity to be restricted to the indicated capacity (1000 people, determined by Building Control Manager according to m2) of the venue.
5. Permitted functions and events: Theatre and Literature.
  - Poetry
  - Music
  - Creative Dance/ Talent Shows, ( during the talent shows DJ with equipment will be allowed)
  - Story telling
  - Choir
  - Christmas concerts (including Carols by Candle light) and any other cultural events
  - No Church Services are permitted
  - No political, sport activities and camping events will be allowed at the Amphitheatre.
6. The organisation shall be responsible for ensuring that his/her guests vacate the amphitheatre at the appropriate times as set out above.
7. An Ad Hoc committee consisting of the Manager Community Development , Executive Mayoral Council , Law Enforcement, Manager Public Affairs, Libraries & Tourism to review all applications to determine if a safety plan is necessary in the instance where its determined that a safety plan is required the application must be send to the Director Protection Service for further deliberation.

## **8. USE OF AMPHITHEATRE FACILITIES ON WEEKENDS AND PUBLIC HOLIDAYS**

- 8.1 The amphitheatre shall be leased only once on a weekend.
- 8.2 In respect of the amphitheatre no caretaker is on duty, the organisation shall carry out an inspection after the function to determine breakages, which damages and report it to the Municipality.

## **9. CANCELLATION OR AMENDMENT OF RESERVATION**

1. The organisation must give notice in writing of a cancellation of or amendment to a reservation at least seven days in advance.

## **10. INSPECTION AND LIABILITY**

- 10.1 The Director: Protection Services / his delegated authority those authorised by him shall have the right to enter and inspect the premises at any time.
- 10.2 Any person entering or using the amphitheatre premises does so at his/her own risk and Council shall accept no liability for any injury or damage suffered by such a person.
- 10.3 The organisation shall specifically indemnify Council against any detrimental effects or injuries that may be caused by the use of the facility.
- 10.4 The organisation shall see to the inspection beforehand of all amphitheatre and ablution facilities and, should same not meet with his/her approval, shall hire such equipment at own costs from an external supplier.
- 10.5 The organisation shall not use any objects or material that may damage or harm the amphitheatre surface.
- 10.6 Additional lights or other electricity-consuming appliances are allowed with permission of the Electrical Services, who may grant or refuse such a request and indeed on such conditions as may be deemed necessary in the circumstances.
- 10.7 If food are prepared or kept elsewhere on the premises the organisation must state it in the application form and indicate if the stall holder have a certificate for acceptability of food and also a trade licence.
- 10.8 Disco's and explicit scenes or any other form of public indecency
- 10.8.1 No disco's and explicit scenes or any other form of public indecency may be presented in the amphitheatre.
- 10.8.2 An organisation, who obtains and uses the amphitheatre under false pretences to present disco or explicit activities, shall be liable to the penalties set out below.
- 10.9 Usage and sell of alcohol is prohibited
- 10.10 No fires allowed on the premises ( a notice board will be erected which indicate which actions are permitted or not permitted)
- 10.11 A lessee shall take reasonable steps to ensure sufficient security during functions, in order to protect the organisations and the Council's property against potential damage and/or loss as well as unauthorised access.
- 10.12 For the purposes of liability in terms of these policy measures, the person who signs the application form shall be deemed the organisation.

## **11. PENALTIES**

11.1 If the organisation fails to comply with any of these policy conditions or uses the amphitheatre under false pretences, the Director Protection Services/ his delegated authority have to stop the event.

11.2 Council further reserves the right to deny the lessee in the capacity of lessee the use of the amphitheatre for at least three (3) months as penalty for providing false information, circumventing, or transgressing any of the conditions in terms of this policy.

## **12. APPLICATION**

The application/administration of this framework is delegated to the Director: Development Services (or his delegate), with the discretion to deviate from it within reason. An Ad Hoc committee consisting of the Manager Community Development, Executive Mayoral Council, Law Enforcement, Manager Public Affairs, Libraries & Tourism as well as the Chief Fire Officer/Disaster Management to review all applications to determine if a safety plan is necessary. If a safety plan is required the application must be send to the Director Protection Service for further deliberations and decisions.

## **13. COMMENCEMENT**

After approval of Council