<u>ITEMS</u>

6. STATUTORY MATTERS

6.3 MFMA SECTION 52 REPORTING UP TO MARCH 2023

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 April 2023

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO MARCH 2023

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 3 of the 2022/23 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

"The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;"

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 January 2023 to 31 March 2023.

5. RECOMMENDATION

that Council notes the Section 52 Report (including quarterly performance report) – Third Quarter

6. DISCUSSION / CONTENTS

6.1 Background

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

6.2 <u>Discussion</u>

This report illustrates the implementation of the budget as well as the non-financial performance of the municipality for quarter 3.

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

6.3 <u>Financial Implications</u>

None.

6.4 <u>Legal Implications</u>

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

ANNEXURES

Appendix 1 : Section 52 Report – 3rd Quarter (APPENDIX 1 WILL BE DISTRIBUTED IN DUE COURSE)

7.9 LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT)

7.9.1 ERF 2235, MOOIWATER, GROENDAL: POSSIBLE LEASE TO RANYAKA (ACTIVATING COMMUNITIES)

Collaborator No:

IDP KPA Ref No: Valley of Opportunity

Meeting Date: 19 April 2023

1. SUBJECT: ERF 2235, MOOIWATER, GROENDAL: POSSIBLE LEASE TO RANYAKA (ACTIVATING COMMUNITIES)

2. PURPOSE

To provide Council with the pertinent facts in order to approve the use of the subject property for the establishment of Economic Development Hub, specifically for youth development.

3. DELEGATED AUTHORITY

The Executive Mayor in Consultation with the Mayoral Committee.

4. EXECUTIVE SUMMARY

Ranyaka, a Non-Profit Organisation ("NPO") has applied for a medium-term lease agreement (for a period of 9 years and 11 months) of Erf 2235, Mooiwater Groendal in order to develop a Youth Hub Concept for youth development for the broader Groendal Community in Franschhoek.

The Policy on the Management of Council-owned properties allows for direct negotiations (private treaty) in specific circumstances, inter alia, for social and youth development purposes. The Asset Transfer Regulations provides that rights may be provided to any third party, unless there is a public participation process indicating the municipality's intention and requesting any objections to the proposal. All land worth more than R10 million must first go through another public participation process publishing an information statement as provided for in the Asset Management Regulations.

The subject property is current worth less than R10 million and therefore does not require the publishing of an information statement. The municipality will determine a market related rent taking onto account the investment (if any) the lessee makes in the property.

5. RECOMMENDATIONS

- (a) that Erf No.: 2235, Mooiwater, Groendal, be identified as land not needed for Municipal Services;
- (b) that Council take note that the Remainder portion of Erf 2235, Mooiwater, Groendal, see locality plan attached as **APPENDIX 1**, was earmarked as Business Support Services Incubator;
- (c) that Council in-principle agree to make the property available to Ranyaka as the proposal is to development a Youth Hub Concept which will be for the benefit of the broader Groendal and surrounding areas;
- (d) that the intention of Council to lease the Remainder Erf 2235, Mooiwater, Groendal for a period of nine (9) years and eleven (11) months to Ranyaka be advertised for public comment and / or objections; and
- (e) that the item be returned to the Executive Mayor in consultation with the Mayoral Committee for a final decision, once the public participation process has been concluded.

6. DISCUSSION / CONTENTS

6.1 Background & Discussion

At the 7th Council Meeting dated 29 March 2017, Council approved the Establishment of a number of Local Economic Development Hubs / Incubators. These LED Hubs included the Remainder of Erf 2235, Mooiwater, Groendal; Old Agricultural Hall in Stellenbosch; the Victoria Street Clinic in Stellenbosch; The Triangle Site in Franschhoek, and other properties.

Three (3) of the LED Hubs properties were allocated to Ranyaka (Victoria Street Hub); Old Agricultural Hall (Stellenbosch Trial Fund and Stellenbosch Crafts Alive) and the Franschhoek Triangle Site (Huguenot Chocolates). LED Hubs including the subject property was not allocated in this process.

Ranyaka in an email communication indicated their interest to develop a Youth Hub Concept for the subject property, which would include co-designing the Youth Hub and its activities with the affected community(ies). This will also involve sourcing the required funding to perform the required structural changes and improvements to establish such a youth hub.

It must be noted that Ranyaka with their funders transformed the Old Victoria Clinic into a Co-Create Hub which also resulted in the building being upgraded and refurbished to the benefit of Council, and the ultimate intention would be similar for the subject property. The Co-Create Hubs provides trading spaces for Small Medium and Micro Enterprises ("SMME").

Therefore, the similar approach to establish a Youth Hub Concept will be followed for the development of the subject property.

6.2 <u>Financial Implications</u>

There are no financial implications other than the funds related to advertising the intention to lease, which budget is available.

6.3 Legal Implications

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

6.4 Staff Implications

The proposal will not have an impact on staffing within the municipality or the Directorate.

6.5 <u>Previous / Relevant Council Resolutions</u>:

Not applicable

6.6 Risk Implications

There are no risks associated with the approval of this item.

APPENDICES

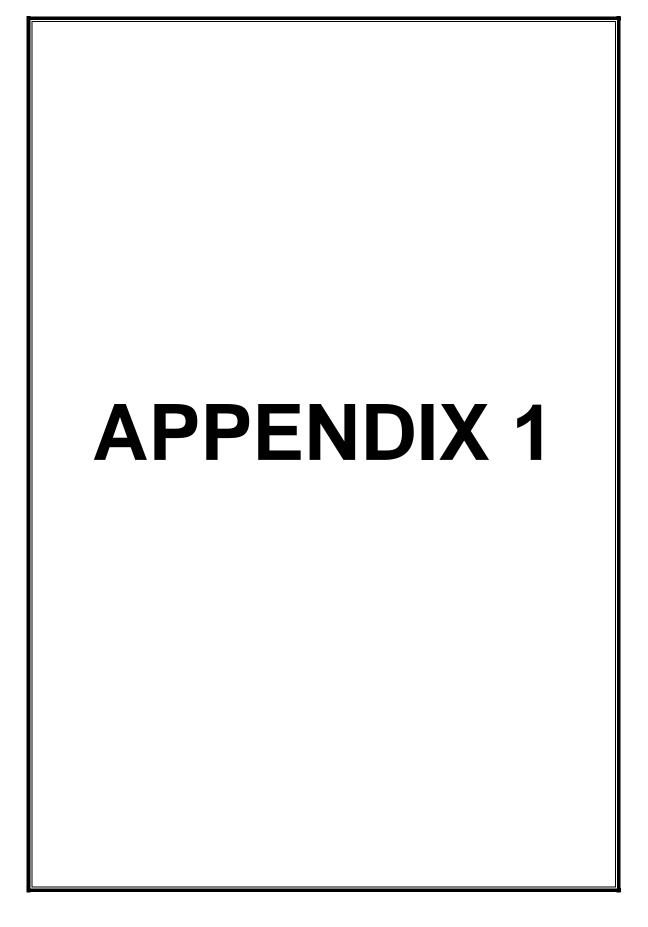
Appendix 1: Locality Map of Remainder Erf 2235, Groendal, Mooiwater

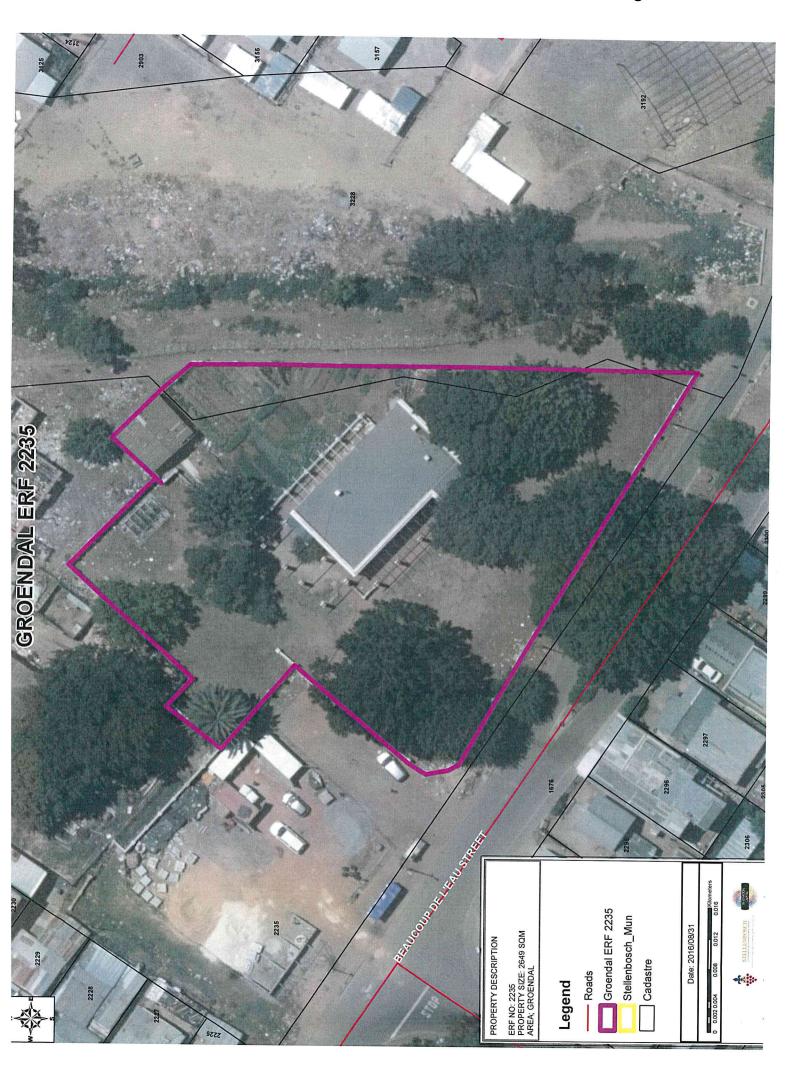
Appendix 2: Email confirmation from the Executive Director of Ranyaka to indicate their

interest in developing the subject property

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln		
POSITION	Senior Manager: Development Planning		
DIRECTORATE	Planning and Economic Development		
CONTACT NUMBERS	021 808 8196		
E-MAIL ADDRESS	Craig.alexander@stellenbosch.gov.za		
REPORT DATE	13 April 2023		





WinDeed Database Property Report

Printed: 2016/09/22 08:53 information is our business

FRANSCHHOEK, 2235, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested Deeds Office

2016/09/22 08:53 CAPE TOWN

Information Source

WINDEED DATABASE

Reference



BROBERT VAINEORMATTON

Property Type Erf Number

ERF 2235

Portion Number

0

Township

Local Authority

FRANSCHHOEK

Registration Division Province

NOT AVAILABLE WESTERN CAPE

Diagram Deed

DU 1000/800

Extent

6228.0000SQM

Previous Description

LPI Code

C05500030000223500000

Owner 1 of 1

Type

LOCAL AUTHORITY

Name ID / Reg. Number MUN STELLENBOSCH

Title Deed

T39839/2001

Registration Date

2001/05/29

Purchase Price (R)

G/P

Purchase Date

Share

0.00

Microfilm

2003 0842 0433

Multiple Properties Multiple Owners

NO NO

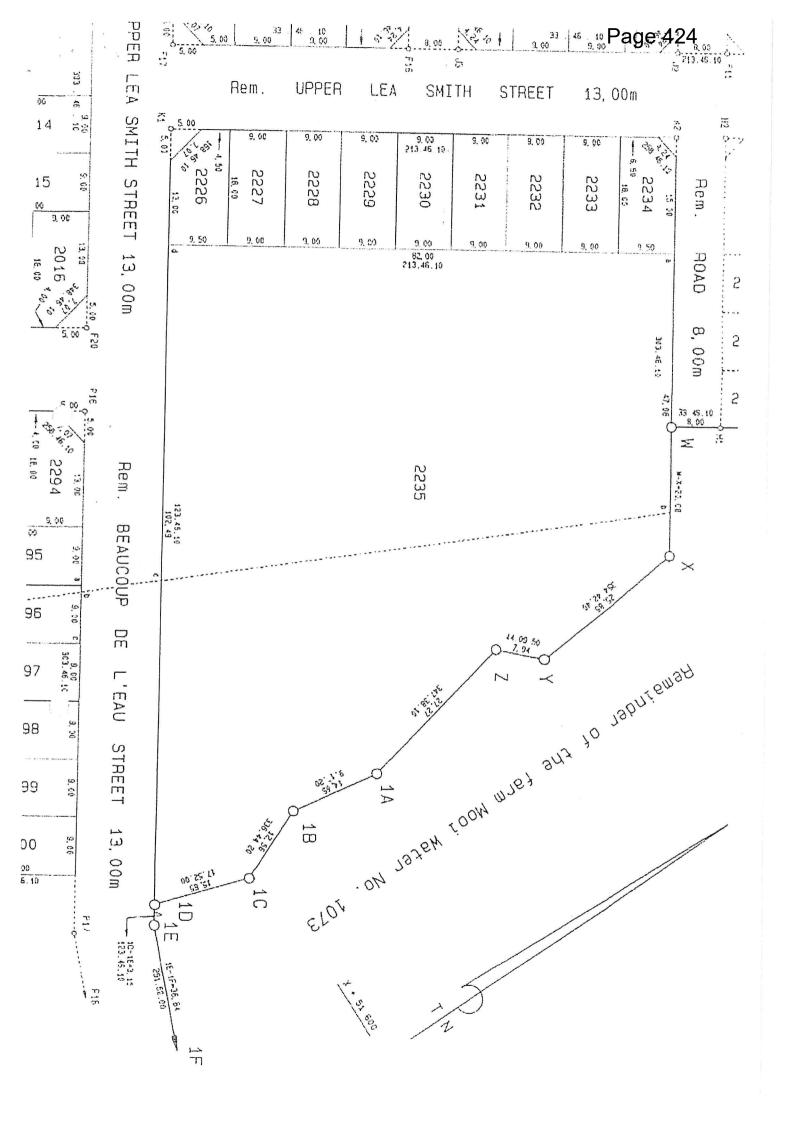
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1-9982/2004-1	MUN STELLENBOSCH	Amount (R)	
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This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).





67

VIR FNLOSSEMENTE KYK BLADSY

ABRAHAMS & GROSS INC.

Attorneys Notaries & Conveyancers

16th Floor

2 Long Street

CA:'E TOWN

Prepared by me

CONVEYANCER RAWRAWAY P. A.

CERTIFICATE OF CONSOLIDATED TITLE

Issued under the Provisions of Section 40 of the Deer's Registries Act, 1937 (Act No. 47 of 1937)

WHEREAS:

T 039839 · 2001

THE STELLENBOSCH MUNICIPALITY

has applied for the issue to itself of a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act 1937.

3//3/1

AND WHEREAS it is the registered owner of :-

1. ERF 1674 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

HELD by Certificate of Registered Title No. T

039838 + 2001

2. ERF 1675 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

HELD by Deed of Transfer No. T87746/2000

which have been consolidated into the land hereinafter described.

NOW THEREFORE in pursuance of the provisions of the said Act. I, the Registrar of Deeds of Cape Town, do hereby certify that the said

THE STELLENBOSCH MUNICIPALITY

or its Assigns, is the registered owner of :-

ERF 1676 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

MEASURING 22,3806 (TWENTY TWO COMMA THREE EIGHT NOUGHT SIX)
HECTARES

AS WILL APPEAR from Consolidated Diagram S.G. No. 3058/2000

- AS REGARDS the figure A e f C D E F G H J K L M N P Q R S T U V W g h S1 T1 U1 V1 W1 X1 Y1 on diagram S.G. No. 3058/2000 annexed hereto.
 - A. SUBJECT to such conditions referred to in Deeds of Transfer No 4597 and 4598 both dated 9 June 1898, as well as to the stipulations of the servitude referred to in various endorsements thereon dated 5 March 1901, 25 July 1901, 16 December 1901 and 1 March 1907 which said endorsements respectively read as follows, namely -

"By Deeds of Transfer 1374 to 1402, 25th February 1901, the owners of the properties thereby conveyed have been granted certain water and grazing rights and the right to make bricks on farm La Provence subject to conditions as will more fully appear on reference to the said Transfers."

"By Deed of Transfer No. 5064 dd 12 July 1901, the owner of the property thereby conveyed has been granted certain water rights over the farm La Provence as will more fully appear on reference to said Transfer."

"By Deed of Transfer No. 9243 dd 9.XII.1901 the distribution of the water to which certain sixty erven forming part of this property are entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to said transfer."

"Certain sixty erven sold subject to conditions similar to those referred to in above endorsements."

AS REGARDS the figures e B F and g X Y Z A1 B1 C1 D1 E1 F1 G1 H1

J1 K1 LM1 N1 P1 Q1 R1 c b a d h on diagram S.G. No. 3058/2000 annexed hereto.

B. SUBJECT FURTHER to such conditions as are referred to in Deed of Transfer No. T272/1927.

AS REGARDS the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 c b a d S1 T1 U1 V1 W1 X1 Y1 on diagram No. 3058/2000 annexed hereto.

C. SUBJECT FURTHER with regard to the whole of the property to the stipulations of an endorsement dated 11 January 1935 endorsed on Deed of Transfer No. T272/1927 and which reads as follows -

"By Deed of Transfer 99/35, the owner and future proprietors of the land thereby conveyed shall be entitled for themselves and their servants to use the 3,78 metres road indicated on the diagram annæxed thereto and on original diagram for the purpose of access to and from the 11,33 metres road shown on Diagram thereof, over the remainder held hereunder as will more fully appear on reference to said Transfer."

- 4. AS REGARDS the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 c b a d S1 T1 U1 V1 W1 X1 Y1 on diagram No. 3058/2000 annexed hereto.
 - D. SUBJECT FURTHER to the endorsement dated 9 March 1977 endorsed on Deed of Transfer No. T27088/1974 and which reads as follows -

"Kragtens Not. Akte No. KO183/1977S gedateer 9/6/76 is die eiendom hierander gehou onderhewig aan die volgende regte naamlik -

- (i) Die reg op die gesamentlike gebruik van 'n afloopwal aangedui deur die lyn w.b.x.y. met uitspoelkraag z en wateruitlaatpyp z2 op die serwituutkaart Nr. 1004/75.
- (ii) Die reg op die gesamentlike gebruik van 'n huishoudelike dam aangedui deur die figure a,b,d, met inlaatpyp e, en uitlaatpyp e2 op die serwituutkaart Nr. 1004/75.
- (iii) Die reg op die gesamentlike gebruik van 'n afloopwal aangedui deur die lyn f,g, met inlaat pyp h, op die serwituutkaart Nr. 1004/75.
- (iv) Die reg op die gesamentlike gebruik van 'n serwituutgebied twee (2) metre wyd die middellyne waarvan aangedui word deur die lyne gemerk A.a.b. en a.c.d.e.f.g.h.j.k.l.m.n.p.q.r.s.t.u.v. op die serwituutkaart Nr. 1004/75 ten gunste van die volgende eiendomme
 - a) Ged (2) van die plaas La Provence Nr 1064, Afd. Paarl, groot 20,0366 Ha gehou onder T2521/1963 en
 - b) Ged 1 van die plaas La Provence Nr 1064, Afd.
 Paarl, groot 27,9124 Ha gehou onder
 T19126/1968

met bykomende regte en voorwaardes soos meer ten volle beskryf in die gesegde Not.Akte.

5. AS REGARDS the figure a b c S1 d on diagram S.G. No. 3058/2000 annexed hereto.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T272/1927.
- B. ENTITLED to certain rights over the remainder of the land held by Deed of Transfer No. T272/1927 and imposed in Deed of Transfer No. T99/1935 which reads as follows -

"that the said Andries Petrus de Villiers and the future proprietors of Lot T of Mooi Water shall be entitled to use for themselves and their servants and any person lawfully entitled to visit the said Lot T the 12 foot road marked h k I m A G on the diagram thereof as means of access to and from the road 36 ft. wide shown on the diagrams of Lot T and Mooi Water."

That portion of the abovementioned land which forms portion of that portion of the farm La Provence which is included in the land described in Deed of Transfer T272/1927 is also subject to the servitudes, references to which are made in the various endorsements on Deeds of Transfer T4597/1898 and T4598/1898 which endorsements read as follows -

"By Deeds of Transfer 1374 to 1402 25th Feb. 1901 the owners of the properties hereby conveyed have been granted certain water and grazing rights and the right to make bricks on farm La Provence subject to conditions as will more fully appear on reference to the said transfers."

"By Deed of Transfer 5064 d.d. 12 July 1901, the owner of the property thereby conveyed has been granted certain water and other rights over the farm La Provence as will more fully appear on reference to the said Transfer."

"By Deed of Transfer No. 9243 d.d. 9.XII. 1901 the distribution of the water to which certain sixty erven forming part of this

property are entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to the said transfer."

"Certain sixty erven sold subject to conditions similar to those referred to in above endorsements."

AND THAT by virtue of these presents, the said

THE STELLENBOSCH MUNICIPALITY

or its assigns now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF, I, the said Registrar, have subscribed to these presents and have caused the seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds at CAPE

TOWN on this day of the Registrar of Deeds at CAPE

in the year of cycle Lord Two Thousand and One (2004)

REGISTRAR CHOEEDS

VA 900003704/2016

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68(1)

Deeds Registry Cape Town

2 6 MAY 2016 Asst (Registrar of Deeds

ENDORSSEMENT KRAGTENS ARTIKEL 46 WET 47/1937
The Land herein described has been subdivided :
Die Grond hierin beskryf is onderverdeel
in accordance with General Plan No. S.G. No. 3059 2000.
in coreenstemming mat Algemene Plan Nr.
approved by the Surveyor-General on . 17. 1.2/. 2000 (17.0v. off. over).
goédgekeur deur die Landmeter-Generaal op 1. 4. 0. Section 4. Act. 113. [91. [JM]]
· · · · · · · · · · · · · · · · · · ·
into erven numbers 1863 - 1873, 1875 - 1937; 1939 - 2007,
in erwe genommer 2009 - 2253, 2155 - 2372, 2374-2612, 2614-2650 2652
Public Places number 1274, 1938, 2008, 2254, 2373., 26/3
Openbare Plekke genommer
And Thoroughfares.
en Strate. 000027214 * 2001
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For few tables see G. Plan REGISTALIOF DEEDS REGISTALIOF VAN ARTES
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CAPE TOWN/ KAAPSTAD 2001-05-29 ON 11 5 2001
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Certified a true copy or the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry Cape Town

.. 0 5. SEP 2017 .. Asst. Registrar of Deeds

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T39839 2001

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APPENDIX 2

Cabernet House West Brandwacht Office Park Trumali Street Stellenbosch 7600 Email: admin@ranyaka.co.za



Stellenbosch Municipality

Plein Street Srellenbosch 7600

Date: 17 April 2023

To whom it may concern

GROENKLOOF YOUTH CENTRE

It is confirmed that Ranyaka Community Transformation (NPC Registration 2013/029973/08) visited the site and is interested in working with the municipality to find the best solution for developing a viable facility that can serve the community.

I hope you find the above in order.

Regards

Johan Olivier

Executive Director (duly authorized)

Craig Alexander

From:

Johan Olivier < johan@ranyaka.co.za>

Sent:

Monday, 06 March 2023 10:43

To:

Craig Alexander

Subject:

[EX] General

Hi Craig,

Ek hoop dit gaan goed by jou.

Ek gaan net vanmiddag weer na die Groendal site toe maar op die stadium stel ons belang om te help om 'n Youth Hub concept te ontwikkel. Ek sal more bevestig.

Ons het more vergadering met Remgro rakende hulle betrokkenheid in Kayamandi en dit sal die gesprek oor die Corridor beinvloed. Ek behoort teen einde van die week vir jou 'n antwoord te kan stuur.

Groete

Johan Olivier Executive Director 082 787 7713

https://ranyaka.co.za/

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With the upcoming regulation of the Protection of Personal Information Act (POPIA) as of 1 July 2021, Ranyaka Community Transformation is taking the necessary steps to comply with new legislation. With this in mind, please take note of the following:

Protection of Personal Information

Ranyaka undertakes to comply with the provisions of all applicable data protection legislation, including in particular the Protection of Personal Information Act 4 of 2013, to the extent that such legislation relates to the provisions and obligations of this Agreement. Should the third party not respond by close of business on 5 July 2021 to the contrary, then it shall be deemed that the third party agrees that this communication is a written and signed addendum to their Agreement as contemplated in the Electronic Communications and Transactions Act 25/2002 and hereby consents to Ranyaka Community Transformation processing their respective Personal Information as may be necessary for the implementation of the Agreement and continuation of the relationship.

You are welcome to contact us on info@ranyaka.co.za for more information.

Please find the link below containing further details and where your response can be recorded.

POPI Compliance

Craig Alexander

From: Johan Olivier <johan@ranyaka.co.za>
Sent: Friday, 17 February 2023 08:17
To: Craig Alexander
Subject: [EX] Re: Groendal Safehouse

Hi Craig,

Ek hoop dit gaan goed daar.

Ek sal die inligting met die span bespreek en volgende week terug kom na jou toe.

Groete

Johan Olivier
Executive Director
082 787 7713
https://ranyaka.co.za/

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Protection of Personal Information

Ranyaka undertakes to comply with the provisions of all applicable data protection legislation, including in particular the Protection of Personal Information Act 4 of 2013, to the extent that such legislation relates to the provisions and obligations of this Agreement. Should the third party not respond by close of business on 5 July 2021 to the contrary, then it shall be deemed that the third party agrees that this communication is a written and signed addendum to their Agreement as contemplated in the Electronic Communications and Transactions Act 25/2002 and hereby consents to Ranyaka Community Transformation processing their respective Personal Information as may be necessary for the implementation of the Agreement and continuation of the relationship.

You are welcome to contact us on info@ranyaka.co.za for more information.

Please find the link below containing further details and where your response can be recorded.

POPI Compliance

On Thu, Feb 16, 2023 at 4:28 PM Craig Alexander < Craig. Alexander@stellenbosch.gov.za> wrote:

ADDITIONAL ITEMS

7.8 PLANNING :(PC: CLLR C VAN WYK)

7.8.3 APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)

Collaborator No: 747869

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 April 2023

1. SUBJECT: APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)

2. PURPOSE

To present for consideration the approval of a new term of office of the Stellenbosch Municipal Planning Tribunal (SMPT) with the associated appointment of new municipal planning tribunal members and associated matters.

3. DELEGATED AUTHORITY

The appointment of municipal planning tribunal members and associated matters, Council by virtue of Delegation LUP57.

4. EXECUTIVE SUMMARY

A Municipality is compelled to establish a Municipal Planning Tribunal (MPT) to decide on a category of land use and land development applications. The current term of office, as extended by Council, will end on 31 May 2023.

A recruitment process was duly authorised by Council and undertaken by the Administration to identify persons that are suitably qualified and experienced in land use planning or the law related thereto.

It is proposed to appoint the SMPT for a term of office of 5 years, with a total of 5 external and 5 internal MPT members.

Suitable external MPT members were identified for appointment, and it is proposed to retain the current internal MPT members, with the addition of the Director: Planning and Economic Development. The proposed external MPT members constitute a healthy mix of existing as well as new members in order to secure long term continuity of experience amongst the membership.

5. RECOMMENDATIONS

- that the following members **BE APPOINTED** in terms of Section 73(1)(a) of the Stellenbosch Municipal Planning Bylaw (2015) for a period of 5 Years commencing 1 June 2023 and, on the terms, and conditions as contained in the relevant provisions of the said Bylaw, namely:
 - (i) External Members in terms of Section 71(1)(a) of the Stellenbosch Municipal Planning Bylaw (2015):
 - (a) Mr. S. Boshoff
 - (b) Mrs. H. Crooijmans-Lemmer
 - (c) Mrs. C. Havenga
 - (d) Mr. D. Leo
 - (e) Mr. P. van Zyl
 - (iii) Internal Members in terms of Section 71(1)(b) of the Stellenbosch Municipal Planning Bylaw (2015):
 - (a) Mr. C. Alexander (Snr. Manager Development Planning)
 - (b) Mr. A. Barnes (Director Planning and Economic Development.
 - (c) Mrs. M. Francis (Snr. Manager Infrastructure Planning, Development and Implementation)
 - (d) Mr. M. Williams (Snr. Manager Legal Services)
 - (e) Mr. A. van der Merwe (Snr. Manager Community Services
- (b) that the appointment of Mrs. H. Crooijmans-Lemmer as the Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**;
- (c) that the appointment of Mr. P. van Zyl as the Deputy Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**.
- (d) that the renumeration and allowances and reimbursement for expences for the services of the members of the Stellenbosch Municipal Planning Tribunal be approved as follows, as contemplated in terms of Section 73(6) of the Stellenbosch Municipal Planning Bylaw (2015):
 - For renumeration an hourly fee for meetings, to a maximum of 5 hours per meeting and which will include the time needed for the preparation for the tribunal meeting, in accordance with the annual Guideline Professional Fees of the South African Council of Planners, as follows:
 - a) Chairperson 100% of Category A Staff (Currently at a rate of R 2879.00/ h)
 - b) Deputy Chairperson 100% of Category B Staff (Currently at a rate of R 2460.00/h)
 - c) External Members 100% Category B Staff (Currently at a rate of R 2460.00/h);
 - 2. For allowances

None

3. For Reimbursements

Travel allowance payable at annual standard AA tariffs and calculated by using the shortest route from the place of normal residence to the meeting venue.

- (e) that a request to the Head of Department of the Western Cape Department of Environmental Affairs and Development Planning to nominate a suitable Professional Planner in the employ of the Department to serve as a Technical Advisor to the Stellenbosch Municipal Planning Tribunal, BE AUTHORISED; and
- (f) that, upon the successful fulfilment of the appointment of the members of the Stellenbosch Municipal Planning Tribunal in terms of Council's decision, the Council's satisfaction that the Stellenbosch Municipal Planning Tribunal is in a position to commence its operations BE CONFIRMED in terms of Section 72(11)(b) of the Stellenbosch Municipal Planning Bylaw (2015) for the purpose of the required notice to be published in the Provincial Gazette in terms of Section 72(11)(c) of said Bylaw.

6. DISCUSSION / CONTENTS

6.1 Background

An overview of the need and associated process to institute a new term of office for the Stellenbosch MPT was provided in the previous report to Council as per Item 11.8.1 dated 27 July 2022.

The following matters of relevance are reiterated for ease of reference:

The Spatial Planning and Land Use Management Act (2015), hereafter referred to as "SPLUMA", stipulates in Section 35(1) that "A municipality must, in order to determine land use and development applications within its municipal area, establish a Municipal Planning Tribunal."

Stellenbosch Municipality decided to establish a Municipal Planning Tribunal for its municipal area in terms of Section 70(1)(a) of the Stellenbosch Municipal Planning Bylaw (2015), hereafter referred to as "the Bylaw".

In terms of Section 36 (1) "A Municipal Planning Tribunal (MPT) must consist of both officials in the full-time service of the municipality" (internal members), as well as "persons appointed by the Municipal Council who are not officials and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto" (external members).

The MPT must consist of at least five members or more as the Municipal Council deems necessary (Section 36(3) of SPLUMA), and the term of office of a MPT is five years or such shorter period as the Council may determine, provided that a member may not serve as a member for a continuous period of ten years. (Section 37(1) of SPLUMA). The Bylaw stipulates in Section 73(1)(b) that a member of a Tribunal may be appointed for further terms, subject to Section 37(1) of SPLUMA as stated above.

The term of office of the current MPT will lapse on 31 May 2023 and a recruitment process was undertaken to appoint a new SMPT. The Terms of Reference of the current SMPT was also reviewed to ensure the ongoing effective and efficient

operation of the MPT.

6.2 Discussion

To allow for a process to recruit and appoint new members for a new term of office of the MPT, the term of office of the current MPT members was extended up to the end of February 2023.

An advertisement for the recruitment process of new MPT members commenced on 15 September 2022. As the response to the advertisement for the recruitment process was not satisfactory, the Municipal Manager sanctioned a re-advertisement in terms of Section 72(4) of the Bylaw. This re-advertisement was launched on 9 December 2022, and due to the December holiday period, the closing date for applications had to be extended up to 16 January 2023.

As the interviews and selection process still needed to be concluded, a second extension of the term of office was approved by Council to ensure the uninterrupted operation of the MPT. The term of office will lapse on 31 May 2023.

The recruitment process included the technical evaluation of applications received, and a shortlist was compiled of applicants that complied with the minimum requirements and presented to the Municipal Manager for approval. It was also directed by the Municipal Manager that the current appointed internal MPT members be retained for the next term of office of the SMPT, with the addition of the Director Planning and Economic Development.

During the current term of office, the Western Cape Department of Environmental Affairs and Development Planning, nominated a suitable planning official to serve as the Technical Advisor to the Stellenbosch Municipal Planning Tribunal. In light of cost containment and the good service received during the previous term, it is proposed to again approach the Department to nominate a suitable planning official to serve as the Technical Advisor for the upcoming term of office of the SMPT.

The Municipal Manager then approved the shortlisting and appointed the following interview panel to conduct the interviews:

- Director Planning and Economic Development
- Senior Manager Development Management
- Manager Land Use Management

The interviews were conducted on 23 March 2023 and 28 March 2023. The interview process took on the format of an open discussion that was based on standardised questions of relevance to a member of an MPT.

The suitable candidates were identified through this interview process and are being recommended for appointment. The list of all applicants, their qualifications and experience, the technical evaluation with outcome and recommendation of the interview is provided in the table, attached as **ANNEXURE "A"**.

In terms of Section 71(10) of the Bylaw, Council must also designate from amongst the appointed members of the SMPT a Chairperson and Deputy Chairperson. In light of their previous membership serving on the SMPT, and their experience and suitability for such roles, it is proposed to appoint Mrs. H. Crooijmans-Lemmer as the

Chairperson and Mrs. C. Havenga as the Deputy-Chairperson.

This report is submitted now to Council to consider the appointment of the members of the SMPT. In doing so, Council must take due regard to the following matters in Section 72(8) of the Bylaw:

- 71(8) "The Council must appoint the members of the Tribunal after having regard to—
 - (a) the recommendations of the evaluation panel;
 - (b) the knowledge and experience of candidates in respect of land use planning or the law related thereto;
 - (c) the requirement that the members of the Tribunal must be representative of a broad range of appropriate experience and expertise;
 - (d) the powers and duties of the Tribunal; and 20 October 2015 Province of the Western Cape: Provincial Gazette Extraordinary 7512 59 Stellenbosch Municipality Land Use Planning By-law August 2015
 - (e) the policy of the Municipality in respect of the promotion of persons previously disadvantaged by unfair discrimination."

6.3 Financial Implications

Other than the cost associated with the required publishing of the appointment of the new MPT members, there will be no additional financial implications should the recommendations as set out in the report be accepted. The renumeration o the MPT members is regulated and budgeted for.

6.4 Legal Implications

The recommendations in this report will ensure that the Stellenbosch Municipality comply with the legal requirement to appoint an MPT.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

- 6.6.1 Council Resolution Item 7.7.2 dated 29 May 2019: Appointment of the term of office and members of the current MPT.
- 6.6.2 Council Resolution Item 11.7.1 dated 28 January 2022: Removing all internal MPT members not on the level of Senior Manager and the appointment of new internal MPT members on Senior Management level.
- 6.6.3 Council Resolution Item 11.8.1 dated 27 July 2022: To extend the term of office of the serving MPT members to 28 February 2023 to allow for a process to recruit and appoint new members for a new term of office of the MPT.

6.6.4 Council Resolution Item 11.8.3 dated 22 February 2023: To permit the further extension of the term of office of the serving MPT members to 31 May 2023 in order to undertake a second round of advertisement for the recruitment of MPT members and to conclude the process.

6.7 Risk Implications

This report has no risk implications for the Municipality and serves to ensure that that the Stellenbosch Municipality comply with the legal requirement to appoint an MPT.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

No comments solicited

6.8.2 Director: Planning and Economic Development

In support of the recommendations

6.8.3 Director: Community and Protection Services

No comments solicited

6.8.4 Director: Strategic and Corporate Services

No comments solicited

6.8.5 Director Human Settlements and Property Management

No comments solicited

6.8.6 Chief Financial Officer

In support of the recommendations

6.8.7 Municipal Manager

In Support of recommendations

ANNEXURES

ANNEXURE "A" - MPT MEMBERSHIP APPLICATIONS 2023

FOR FURTHER DETAILS CONTACT:

Name	Stiaan Carstens
Position Senior Manager: Development Management	
DIRECTORATE	Planning and Economic Development
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REPORT DATE	4 April 2023

ANNEXURE A	



ANNEXURE 'A' - MPT MEMBERSHIP APPLICATIONS 2023							
NR.	NAME	AGE	QUALIFICATIONS	SERVING ON BOARDS /TRIBUNALS/ PROFESSIONAL BODIES	STIPULATED TERM IF CURRENTLY SERVING ON THE STELLENBOSCH MPT	RECOMMENDATION	RECOMMENDATION
1.	Berchtwald Rode	58	-Master's Degree in Town and Regional Planning- University of Free State - BA at Stellenbosch University -Certificate in Various Planning Legislation	-Previously served on the Breede Valley Municipal Planning Tribunal for a six-year period which ended June 2022.	Applicant did not serve as a member of the Stellenbosch MPT.	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interviewed and not recommended for appointment.
2.	Christiaan Rabie	71	-BA Degree- Stellenbosch University -Masters in Town and Regional Planning- Stellenbosch University -Honors Degree in Public Administration- University of Stellenbosch	-Currently Serving on the Stellenbosch Municipal Planning Tribunal for a second termAlso serving on the Swartland Municipal Planning TribunalChairperson of the Theewaterskloof Municipal Planning TribunalRegistered with SACPLAN	Applicant served 2 terms of 3 years each which bring it to a 6- year term with the Stellenbosch MPT. With the extensions granted, the member has already served 6 years and 9 months.	With intention to appoint a new MPT with a term of office of 5 years, the candidate is not eligible to serve in the new term. Not to be invited for interview.	Not Interviewed



3.	Christine Coetsee Havenga	62	-BA Degree- Stellenbosch University -Masters in Town and Regional Planning- Stellenbosch University Master's degree in philosophy - Conservation of the Built Environment	-Currently Serving on the Stellenbos ch Municipal Planning Tribunal -Registered with SACPLAN - Current Member of the Swartland Planning Tribunal Current Member of the Heritage Western Cape Tribunal	Applicant served 1 term of 3 years with the Stellenbosch MPT. With the extensions granted, the member has served 3 years and 9 months and is eligible for a new term of 5 years.	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interview was satisfactorily and recommended for appointment.
4	Hedwig Crooijmans- Lemmer	57	-BA degree in Town and Regional Planning-NHTV University of Applied Sciences-The Netherlands - Master's Degree in Urban Design-Rotterdam Academy of Architecture and Urban Design, The Netherlands	-Currently Serving on the Stellenbosch Municipal Planning Tribunal -Member of UNESCO (United Nations Educational, Scientific and Cultural Organization - Member of the Urban Design Institute of South Africa (UDISA)	Applicant served 1 term of 3 years with the Stellenbosch MPT. With the extensions granted, the member has served 3 years and 9 months and is eligible for a new term of 5 years.	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interview was satisfactorily and recommended for appointment.
5	Ruida Pool- Stanvliet	63	-Degree in Zoolog y-University of Stellenbosch	-Currently Serving on the Stellenbosch Municipal Planning Tribunal for a second	Applicant served 2 terms of 3 years each which bring it to a 6- year term with the Stellenbosch MPT.	With intention to appoint a new MPT with a term of office of 5 years, the candidate	Not Interviewed



			-Master's Degree in Botany-University of Stellenbosch - PhD in Natural Sciences- Ernst- Moritz- Arndt- University	term Registered as a Natural Scientist with the South African Council for Natural Scientific Professions -Member of the IUCN (International Union for Conservation of Nature -Member of UNESCO (United Nations Educational, Scientific and Cultural Organization	With the extensions granted, the member has already served 6 years and 9 months.	is not eligible to serve in the new term. Not to be invited for interview.	
6	Dan Leo 3	34	-Degree in Town and Region Planning- CPUT -National Certificate in Architectural Technology- Academic Institute of Excellence -Currently busy completing Master's Degree in Property Studies	-Serving on the South African Council of Planners Appeal Board - Registered with SACPLAN	Applicant did not serve as a member of the Stellenbosch MPT.	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interview was satisfactorily and recommended for appointment.
7	Samantha 3 Lee	33	-Master's Degree in Town and Regional Planning-UCT	-Serving on the South African Council of Planners Appeal Board	Applicant did not serve as a member of the Stellenbosch MPT.	Candidate meets basic criteria of knowledge and experience in land use planning, or the law	Not Interviewed

				- Registered with SACPLAN		related thereto, and which is representative of a wide range of experience and expertise. Due to candidates' current status as a Government Employee, she could not obtain permission to serve as an MPT member and withdrew from the process.	
8	Stephen Boshoff	63	- BA Degree- Stellenbosch University - Masters in Town and Regional Planning- Stellenbosch University - Postgraduate Certificate in Urban Management & New Design	-Served as a Technical Advisor for the Municipal Planning Tribunal of George Municipality - Registered as a Professional Planner with SACPLAN	-Did not serve as a member of the Stellenbosch MPT	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interview was satisfactorily and recommended for appointment.
9	Pieter Sybrand van Zyl	67	- BA Degree in Town and Regional Planning-University of Pretoria - Master's Degree in Town and Regional	- Registered as a Professional Planner with SACPLAN	Did not serve as a member of the Stellenbosch MPT	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of	Interview was satisfactorily and recommended for appointment.



			Planning-University of Pretoria			experience and expertise. Invited for interview.	
10	Riana Delport	61	- BA Degree in Landscape Architecture-University of Pretoria - Various Short Courses including a short course in Urban Design at the University of Pretoria	-Registered with SACLAP	Did not serve as a member of the Stellenbosch MPT	The candidate, as a trained Landscape Engineer, and in terms of professional career, do not meet the basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Not Interviewed
11	Isalde Du Toit	53	- BA Degree in Town Planning -University of North West	-Registered as a Professional Planner with SACPLAN	Did not serve as a member of the Stellenbosch MPT	Candidate meets basic criteria of knowledge and experience in land use planning, or the law related thereto, and which is representative of a wide range of experience and expertise. Invited for interview.	Interviewed and not recommended for appointment.
12	Jacobus Edward Delport	70	-B.Sc. Eng. in Civil Engineering- University of Pretoria	Registered with the Engineering Council of South Africa	Applicant served 1 term of 3 years with the Stellenbosch MPT. With the extensions granted, the	Notwithstanding the members previous membership on the Stellenbosch Municipal	Not Interviewed

	- Honors Degree in	member has served 3	Planning Tribunal, the	
	Civil Engineering-	years and 9 months and is	candidate, as a trained	
	University of Pretoria	eligible for a new term of 5	Engineer and in terms	
	-MBA- University of	years.	of professional career,	
	Stellenbosch		do not meet the basic	
			criteria of knowledge	
			and experience in land	
			use planning, or the law	
			related thereto, and	
			which is representative	
			of a wide range of	
			experience and	
			expertise. Invited for	
			interview.	

7.8.4

CONSIDERATION AND APPROVAL OF REPRESENTATIONS ON CLASS 2 – 4 STELLENBOSCH MUNICIPAL BOUNDARY PROPOSALS IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA) FOR SUBMISSION TO THE MUNICIPAL DEMARCATION BOARD

Collaborator No: 747908

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 April 2023

1. SUBJECT: CONSIDERATION AND APPROVAL OF REPRESENTATIONS ON CLASS 2 – 4 STELLENBOSCH MUNICIPAL BOUNDARY PROPOSALS IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA) FOR SUBMISSION TO THE MUNICIPAL DEMARCATION BOARD

2. PURPOSE

For Council to:

- (a) Note the information contained in Circular 1 of 2023 regarding the class 2 4 Stellenbosch municipal boundary redetermination proposals which the Municipal Demarcation Board intends to consider.
- (b) Support and approve the representations on the proposed Stellenbosch municipal boundary redeterminations for submission to the Municipal Demarcation Board.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Municipal Demarcation Board (MDB) has initiated the process of municipal boundary redetermination and three (3) proposals were submitted from the public – including the municipality – for consideration. Comments and representations on these redetermination proposals are currently open for comment and based on the proposals, the municipality supports the two proposals contained in DEM8250 (Stellenbosch Municipality submission) and DEM 8252 (City of Cape Town submission); and objects to DEM8251 (private submission).

5. **RECOMMENDATIONS**

- (a) that Council supports and approve the representations provided on the proposed Stellenbosch municipal boundary redeterminations (DEM8250 & DEM8252);
- (b) that Council supports the representations provided on the proposed Stellenbosch municipal boundary redetermination (DEM8251) and objects to this proposal; and
- (c) that Council approve these submissions for submission to the Municipal Demarcation Board.

6 DISCUSSION / CONTENTS

6.1 Background

The Municipal Demarcation Board (MDB) determines municipal boundaries in terms of the Municipal Demarcation Act (No. 27 of 1998), and the process was opened for the municipal boundary redetermination process in November 2021. The period for submission of proposals closed on 31 March 2022 during which various proposals relating to the Stellenbosch municipal boundary was received from the public and the municipality itself (as per Council approval dated 30 March 2022 – Item 16.1, **ANNEXURE A**).

The MDB analysed and categorized the proposals submitted and determined that three (3) proposals - including the municipal submission - will be considered in terms of Section 26 of the MDA for the Stellenbosch municipal boundary redetermination.

The section 26 notice was published on 30 March 2023 in the newspapers with a closing date for providing inputs on or before 30 April 2023. These representations will be considered by the MDB during April and May 2023 after which the Board will resolve to confirm, vary or withdraw the determination or redetermination of the municipal boundaries (refer to **ANNEXURE B**).

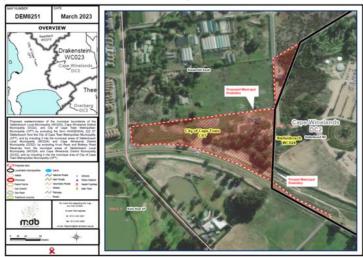
6.2 <u>Discussion</u>

Based on Circular 1 of 2023 received from the MDB the proposals listed in the table below, will be considered by the board (also refer to **ANNEXURE C** and **ANNEXURE D**). The table below provides the description of the following redetermination proposals and municipal comments.

MDB_map	Description	Stellenbosch
reference		Municipal inputs
DEM8250	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality and Drakenstein Local Municipality by <u>excluding Klapmuts North</u> community from Drakenstein Local Municipality and <u>including it into</u> the municipal area of <u>Stellenbosch Local Municipality</u> .	Council takes note and fully supports the municipal proposal currently under review. In addition, Council
	[extract refer to Annexure D] Communication Communication	requests the MDB to amend the description included in Annexure A to be in alignment with the Map Number DEM8250 as it currently incorrectly captures the proposal submitted by the municipality.
DEMO254	Dranged redetermination of the municipal boundaries of the	Coupeil chicate to
DEM8251	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality, Cape Winelands District	Council objects to the proposed
	Municipality, and the City of Cape Town Metropolitan	inclusion of Farm
	Municipality, by:	Haasendal 222 ST
		within the municipal

- a) Excluding the farm Haasendal 222 ST Stellenbosch from the City of Cape Town, and by including it into the municipal areas of Stellenbosch Local Municipality and Cape Winelands District; and –
- b) Excluding Kruis Road and Bottelary Road Reserves (M23) from the municipal areas of Stellenbosch Local Municipality and Cape Winelands District, and by including it into the municipal area of City of Cape Town.

[extract refer to Annexure D]



area of Stellenbosch, based on the following reasons:

- 1) The municipal planning for this areas based on the City of Cape Town: Northern District Spatial Development Framework (2022/23)earmarks this for area incremental growth and specifically this portion of the farm for new urban development. The area is also under investigation for inclusion into NEMA's: urban areas which in essence means that the nature of the area is planned to be transformed and restructured into an urban area.
- 2) The City of Cape
 Town also
 proposes
 various road
 infrastructure
 investments for
 Bottelary Road

and Kruis Road over the City's SDF implementation period. 3) The intention and expectation for urban development in this area clearly determined in City of Cape Town policy, infrastructure investments and budget allocations over the short to medium term. 4) From the Stellenbosch municipal planning perspective the area adjacent to this farm falls within the rural the area of municipality and adjoining the farms are still utilized for and agriculture agriculture (including tourism) related activities and falls outside of the urban settlements of the municipality.

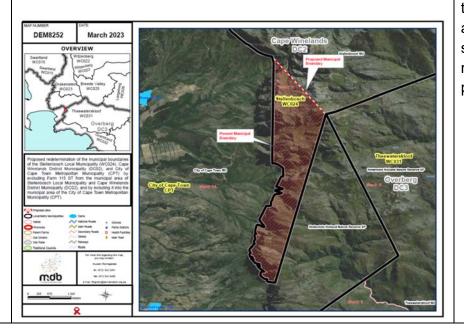
The focus from the municipality provide is to and services functions to the residents agglomerated within its urban and rural nodes, and accordingly services and functions are targeted to where the greatest needs and opportunities exist for Stellenbosch Municipality. 5) Based on the aforementioned, the municipality does not have the necessary services and infrastructure in this rural/agricultural area to carry out its mandated functions (planning services, technical services and community services) and accordingly various rationalisations and agreements

will have to be entered into between the municipality and the City of Cape Town to fulfill these functions behalf on Stellenbosch Municipality. The increase in expenditures foreseen will be less than the revenues received from the inclusion of this portion into the rural area of the municipality. 6) If this portion is included it can negatively impact on the municipality's financial good management (and performance), and its ability to improve capacity to plan, deliver, operate and maintain infrastructure within its current settlements for Stellenbosch's benefit. 7) Accordingly the recommendation to the MDB is to

not approve the proposal. 8) Based on the investment proposals earmarked for Bottelary and Kruis Road, Council only the approves exclusion described in part b in the adjacent column. 9) In addition, Council notes that the description should change to "Remainder of Farm Haasendal 222 ST" as per the City of Cape Town's and Chief Surveyor General data/map portals. Council does not support the inclusion of the entire farm Haasendal 222 ST.

DEM8252

Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality, Cape Winelands District Municipality, and the City of Cape Town Metropolitan Municipality by excluding Farm 115 ST from the municipal area of Stellenbosch Local Municipality and Cape Winelands, and by including it into the municipal area of the City of Cape Town.



Council takes note of the municipal proposal currently under review. The exclusion will have a limited impact on the municipality and accordingly supports the redetermination proposed.

6.3 <u>Financial Implications</u>

There are no financial implications should the recommendations as set out in the report be accepted. The Demarcation board determine boundaries and Council may provide input.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

The following Council approvals are applicable:

COUNCIL MEETING: 2022-03-30: ITEM 16.1 RESOLVED

- a) "That Council take note and support the submission of the proposal to request the inclusion of Klapmuts North within the municipal boundaries of Stellenbosch (WC024), copy of submission attached as Appendix 1; and
- b) That Council does not support the request of Terraplan Associates to include the properties located withint the 450ha area into the municipal boundaries of the City of Cape Town at this stage, and further discussion must be held between the City of Cape Town in this repsect of the detail of this proposal. Copy of proposal attached as Appendix 2 to this report".

6.7 Risk Implications

This report has no risk implications for the Municipality.

ANNEXURES

Annexure A: Council resolution

Annexure B: MDB - Circular 1 of 2023

Annexure C: Extract of Annexure A of MDB Circular

Annexure D: Maps of the proposed redeterminations

FOR FURTHER DETAILS CONTACT:

NAME	Chantel Hauptfleisch
Position	Senior Spatial Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8607
E-MAIL ADDRESS	Chantel.hauptfleisch@stellenbosch.gov.za
REPORT DATE	13 April 2023

ANNEXURE A	

MINUTES

3RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-03-30

14. CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER

NONE

15. CONSIDERATION OF URGENT MOTIONS

NONE

16. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

16.1 SUBMISSION OF THE PROPOSAL FOR THE RE-DETERMINATION OF THE MUNICIPAL BOUNDARY BETWEEN STELLENBOSCH MUNICIPALITY (WC024) AND DRAKENSTEIN MUNICIPALITY (WC023)

Collaborator No:

IDP KPA Ref No:

Valley of Opportunity

Meeting Date:

30 March 2022

1. SUBJECT: SUBMISSION OF THE PROPOSAL FOR THE RE-DETERMINATION OF THE MUNICIPAL BOUNDARY BETWEEN STELLENBOSCH MUNICIPALITY (WC024) AND DRAKENSTEIN MUNICIPALITY (WC023)

2. PURPOSE

To provide Council with the pertinent factors to consider the submission of the proposal to the Municipal Demarcation Board ("MDB") for the inclusion of the entire Klapmuts Township, specifically Klapmuts North into the Stellenbosch Municipal Area, and to provide the recommendations on a proposal by a private developer to amend the municipal boundary in order to adjust the municipal boundary at Wallacedene to include the developer's entire development within the municipal boundaries of City of Cape Town.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipal Demarcation Board ("MDB") released Circular 1/2021, indicating that the MDB will be opening the municipal boundary redeterminations process after the Local Government Elections in 2021.

During November 2021, the MDB released Circular 2/2021 indicating that the municipal boundary redetermination process will be opening from November 2021, and that all stakeholders and members of the public who wish to submit proposals to determine or re-determine municipal boundaries may do so from November 2021 to 31 March 2022.

The MDB clearly noted that all proposals must be motivated in terms of Section 24 and 25 of the Municipal Demarcation Act, 1998 and the Section of the Municipal Structures Act for the re-categorisation of municipalities.

MINUTES

3RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-03-30

Therefore, Council has prepared the attached submission to include the Klapmuts Area, north of the N1 within the municipal boundary of Stellenbosch Municipality.

An email request was also submitted by Terraplan Associates (Cape) to include an area of ±450ha adjacent to Wallacedene / Bloekombos, which falls within the municipal boundaries of Stellenbosch Municipality into the City of Cape Town, which proposal is not recommended by the Directorate: Planning & Economic Development.

5. RECOMMENDATIONS

- that Council take note and support the submission of the proposal to request the inclusion of Klapmuts North within the municipal boundaries of Stellenbosch Municipality (WC024), copy of submission attached as Appendix 1; and
- (b) that Council does not support the request of Terraplan Associates to include the properties located within the 450ha area into the municipal boundaries of the City of Cape Town at this stage, and further discussion must be held between the City of Cape Town in respect of the detail of this proposal. Copy of proposal attached as APPENDIX 2 to this report.

6. DISCUSSION / CONTENTS

6.1. Background

On 15 June 2021, the Executive Mayoral Committee endorsed the following recommendations in respect of the Report on the Preparation of a Klapmuts Development Concept Plan:

- (a) that Council takes note that the Figure 30: Klapmuts Plan as contained within the Stellenbosch Municipality Spatial Development Framework, 2019, copy attached as **APPENDIX 1** of the report, is the adopted Concept Plan for Klapmuts;
- (b) that Council further supports the proposal to establish an Inter-governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts node, copy of draft proposal attached as **APPENDIX 2**; and
- (c) that Council supports that the Department: Development Planning (Directorate: Planning & Economic Development) be the lead and coordinating department for Council as part of the Inter-Governmental Working Group.

MAYCO further during the discussion highlighted that the Municipality take part in the upcoming municipal boundary redetermination process in order to include Klapmuts North within the Municipal Are of Stellenbosch Municipality.

Council during the Determination and Redetermination Process (Technical Alignment) of Municipal Boundaries during 2018 indicated its attention to submit the proposal to include Klapmuts North within its municipal area, as soon MDB allowed for the amendment of the municipal boundaries.

A proposal was further submitted by Terraplan on behalf of their client Unyuko Properties, a private property developer to include a number of properties within the municipal boundaries of the City of Cape Town as part of the MDB Process. The properties in question falls outside of the current urban edges of the nodes as stipulated within the Council adopted MSDF, 2019. The current information provided by Terraplan does not also provide the required detail to favorably consider such an application.

MINUTES

3RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-03-30

The MSDF, 2019 is clear that urban development must be contained within the existing nodes and that the municipal boundaries of Stellenbosch Municipality must be protected and strengthen due to the pressure for development on the side of the City of Cape Town, therefore the MSDF does not support the haphazard and adhoc requests to re-align the municipal boundaries.

It must however be noted that the proposal, although not supported due to the lack of detail, should not be discarded in its totality, specifically in relation to its proximity to De Novo, and that further discussion may be held with both City of Cape Town, Stellenbosch, Western Cape Government Department of Human Settlements and the developer in this regard.

6.7 Legal Implications

Currently, there are no legal implications in respect of the submission of the proposal, as the following municipalities were consulted and comments received:

- Drakenstein Municipality
- · Cape Winelands District Municipality
- MEC of Local Government, Environmental Affairs & Development Planning
- South African Local Government Association ("SALGA")

6.9 Previous / Relevant Council Resolutions:

Not applicable

6.5 Risk Implications

There is currently no risk in respect of the recommendations made to Council.

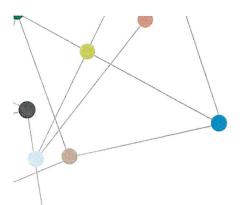
3RD COUNCIL MEETING: 2022-03-30: ITEM 16.1

RESOLVED (nem con)

- (a) that Council take note and support the submission of the proposal to request the inclusion of Klapmuts North within the municipal boundaries of Stellenbosch Municipality (WC024), copy of submission attached as **APPENDIX 1**; and
- (b) that Council does not support the request of Terraplan Associates to include the properties located within the 450ha area into the municipal boundaries of the City of Cape Town at this stage, and further discussion must be held between the City of Cape Town in respect of the detail of this proposal. copy of proposal attached as APPENDIX 2 to this report.

FOR FURTHER DETAILS, CONTACT:

NAME	Craig Alexander Pr Pln	
POSITION	Senior Manager: Development Planning	
DIRECTORATE	Planning and Economic Development	
CONTACT NUMBERS	021 808 8196	
E-MAIL ADDRESS	Craig.alexander@stellenbosch.gov.za	
REPORT DATE	29 March 2022	





CIRCULAR 1 OF 2023

Minister of Cooperative Governance and Traditional Affairs To: MECs of Provincial Departments responsible for Local Government Chairpersons of National & Provincial Houses of Traditional Leaders President of South African Local Government Association Chairperson of Independent Electoral Commission Mayors of affected Metropolitan, District and Local Municipalities **National House of Traditional Leaders Provincial House of Traditional Leaders** Speakers of all Metropolitan, District and Local Municipalities HOD's of Provincial Departments responsible for Local Government PEO's of Independent Electoral Commission Municipal Managers Metropolitan, District and Local Municipalities **Chief Surveyor General Chief Electoral Officer** Chief Executive Officer of SALGA Statistician - General Members of extended Ward Delimitation and Boundary Determination Committee **Members of Local Elections Technical Committee**

Dear Sir/Madam,

CIRCULAR 1/2023: INTENTION TO CONSIDER REDETERMINATION OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA): INVITATION TO SUBMIT VIEWS AND REPRESENTATIONS FOR CLASS 2 - 4 MUNICIPAL BOUNDARY PROPOSALS

PURPOSE

- 1. To provide information regarding the class 2 4 municipal boundary redetermination proposals which the Board intends to consider in terms of Section 26 of the MDA;
- 2. To provide an update on the progress regarding municipal boundary redetermination process for class 2-4 proposals;
- To request MDB stakeholders to make inputs on the proposed municipal boundary re-determination proposals; and

To request municipalities to assist in not only sharing information provided in this
circular with the affected local stakeholders but participate in the process as and
when required.

INTRODUCTION AND BACKGROUND

- 5. The Municipal Demarcation Board (MDB) determines municipal boundaries in accordance with the MDA and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.
- As communicated in Circular 2 of 2022, the MDB opened the municipal boundary redetermination process in November 2021 and invited members of the public to submit proposals for municipal boundary re-determination. The period for submission of proposals closed on 31 March 2022.
- 7. Following this, the MDB analysed all proposals received and grouped them into their respective classes of redetermination (Class 1 to 4).
- 8. The proposals were categorised in terms their spatial extent in terms of the following classes:
 - a. Class 1 Technical and minor boundary re-determinations This re-determination entails a small-scale boundary adjustment and/or alignment with a minor impact on the geographic area, a negligible or no impact on the number of voters and no impact on the capacity of the affected municipalities.
 - b. Class 2 Consolidation and Annexations This is a medium scale boundary re-determination that may impact on a sizable geographic area, and number of voters in one or all the municipalities affected. This type of determination may impact on ward arrangements but will not materially, impact on the capacities of the affected municipalities to deliver services.
 - c. Class 3 Amalgamations This type of re-determination entails a major and large-scale municipal boundary re-determination which will have a significant impact on the geographic areas, the number of voters, and the capacities of the affected municipalities. The re-determination includes the merging of adjacent municipalities or the splitting of municipal areas to create other municipal areas. It will result in the MEC needing to disestablish an existing municipality or municipalities and establish a new municipality or municipalities.

- d. Class 4 Categorization This is a type of re-determination that involves the categorisation of any new Category A Metropolitan, Category C District and Category B Local municipalities with or without boundary changes. Category A must satisfy Section 2 of the MSA and Section 24 and 25 of the MDA and after consultation with National Minister responsible for local government, the MEC for local government in the provinces concerned, and SALGA.
- 9. In 2022, the MDB considered all Class 1 municipal boundary re-determinations and final determinations were published in February 2022.
- 10. All received proposals for Class 2 4 redeterminations have undergone research studies and now the Board intends to consider these proposals in terms of Section 26 of the MDA.
- 11. **Annexure B** is the list of proposals which are not proceeding in terms of Section 26 of the MDA.

INTENTION TO CONSIDER CLASS 2-4 REDETERMINATION PROPOSALS IN TERMS OF SECTION 26 OF THE MDA

- 12. The MDB intends to publish a notice in terms of Section 26 of the MDA, to invite the public to submit views and representations to the MDB on the proposed redeterminations categorised as Class 2-4 and listed in Annexure A.
- 13. The section 26 notice will be published in the newspapers circulating in the affected areas anytime now. Everyone will be invited to submit their views and representations to the MDB on or before the date that will be specified in the newspaper notice (before the MDB considers them for boundary changes).
- 14. Everyone is invited to submit their views and representations to the MDB within 30 calendar days from the date of publication of notices in newspapers.
- 15. After publication in newspapers as indicated above, those notices and maps will be available on the MDB's website www.demarcation.org.za.
- 16. The MDB has also introduced an online submission form which can also be found on the website (Note: As much as it is preferrable that the form is utilised for making submissions it is not compulsory).
- Your views and representations must strictly be emailed to <u>registry@demarcation.org.za</u>, or faxed to 012 3422480, or posted to Private Bag X123, Centurion, 0046 or hand delivered to Eco Origins Office Park, Block C1,

- 349 Witch-Hazel Avenue, Highveld, 0157. The views and representations must be addressed for the attention of the Chairperson of the MDB.
- 18. All views and representations will be considered by the Board during April and May 2023.

PUBLIC NOTIFICATION OF DETERMINATION OF MUNICIPAL BOUNDARIES

- 19. Section 26 of the MDA states that:
 - "(1) Before the Board considers any determination of a municipal boundary in terms of section 21, it must publish a notice in a newspaper circulating in the area concerned-
 - (a) stating the Board's intention to consider the matter; and
 - (b) inviting written representations and views from the public within a specified period (which may not be shorter than 21 days).
 - (2) When the Board publishes a notice, it must convey by radio or other appropriate means of communication the contents of the notice in the area concerned.
 - (3) The Board must send by registered post, electronic means or by hand a copy of the notice to-
 - (a) the MEC for local government in the province concerned;
 - (b) each municipality that will be affected by the Board's consideration of the matter;
 - (c) the magistrate concerned if any magisterial district is affected; and
 - (d) the provincial House of Traditional Leaders concerned established by provincial legislation in terms of section 212 (2) (a) of the Constitution if the boundary of a traditional authority is affected and invite them to submit written representations or their views on the matter to the Board within the period determined in terms of subsection (1)".

PROGRAMME FOR CLASS 2- 4 RE-DETERMINATION PROPOSALS

20. The programme for Classes 2- 4 is outlined below:

TABLE 2: PROGRAMME FOR CLASS 2 - 4 RE-DETERMINATION PROPOSALS

NO	TASKS	START DATE	END DATE
1	Intention to consider the redetermination of municipal boundaries in terms of Section 26 of the MDA (Publication of Notice in Newspaper allowing everyone to submit views and representations within 30 days from date of publication)	Mar-23	Apr-23
2	The Board must consider all views and representations and resolve to determine or re-determine municipal boundaries, decide to hold public meetings, conduct formal	Apr-23	May-23

NO	TASKS	START DATE	END DATE
	investigations/investigation committee hearings, or do both.		
3	Hold Public Meetings	Jun-23	Aug-23
4	Conduct Formal Investigations / Investigation committee hearings in terms of Section 29 and 30 of MDA	Jun-23	Aug-23
5	The Board must consider all inputs from public meetings and formal investigations/investigation hearings and resolve to determine or re-determine municipal boundaries in terms of Section 21 of the MDA (Publication in Provincial Gazettes allowing everyone to submit objections within 30 days from date of publication)	Sep-23	Oct-23
6	The Board must consider all objections received and resolve to confirm, vary or withdraw the determination or redetermination. The final decision must be published in the provincial gazette in terms of Section 21(5) of the MDA.	Nov-23	Jan-24
7	The IEC, Minister of Finance and MECs for local government and all other stakeholders must be notified of the final decision	Nov-23	Jan-24

- 21. Stakeholders are requested to make copies of the section 26 notices available to the public in their respective premises.
- 22. For any further queries please contact the MDB at info@demarcation.org.za or Mr Fazel Hoosen at 012 342 2481.

Regards,

MR TM MANYONI

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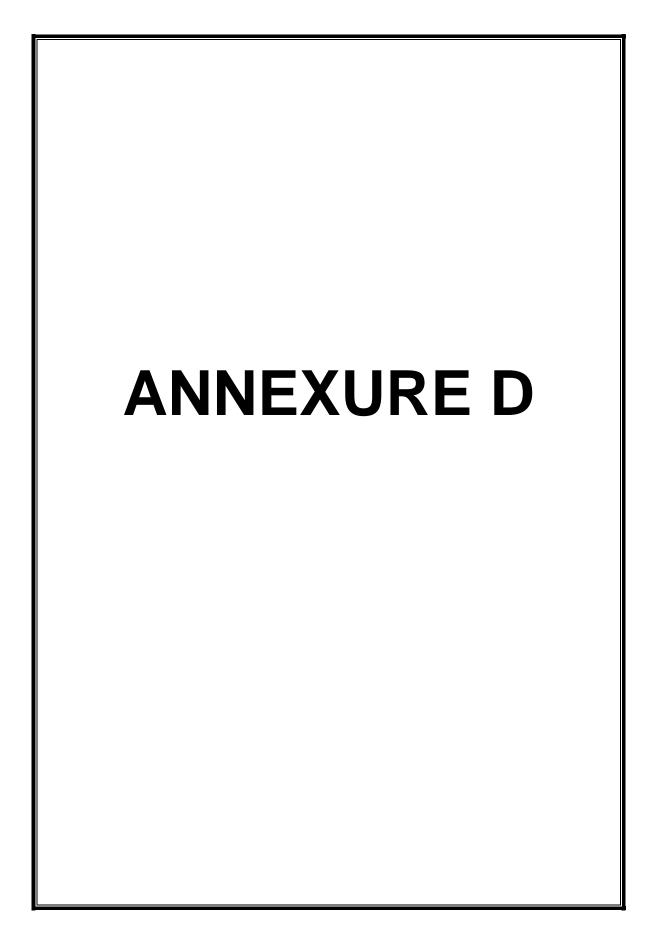
CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

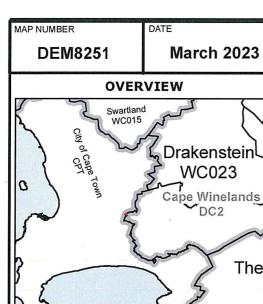
DATE: 24-03-2023

ANNEXURE C

PROVINCE	DEM_NUMBER	DESCRIPTION	BOARD RESOLUTION
		Proposed redetermination of the municipal boundaries of Sol	
		Plaatje Local Municipality (NC091), Frances Baard District	
		Municipality (DC09), Siyancuma Local Municipality (NC078) and	
		Pixley Ka Seme District Municipality (DC07), by excluding	
		Rietfontein Navorsingstasie voting district from the municipal	
		areas of Siyancuma Local Municipality (NC078) and Pixley Ka	
		Seme District Municipality (DC07), and by including it into the	
		municipal areas of Sol Plaatje Local Municipality (NC091) and	Proceed to Section 26 of MDA to solicit views and
Northern Cape	DEM8505		representations.
- *		Proposed redetermination of the municipal boundaries of	
-	-	Tsantsabane Local Municipality (NC085), ZF Mgcawu District	
		Municipality (DC08) and John Taolo Gaetsewe District	
		Municipalities (DC45) by excluding Tsantsabane Local	~
	,	Municipality (NC085) from the municipal area of ZF Mgcawu	
		District Municipality (DC08), and by including it into the	
_	,	municipal area of John Taolo Gaetsewe District Municipality	Proceed to Section 26 of MDA to solicit views and
Northern Cape	DEM8506		representations.
		Proposed redetermination of the municipal boundaries of the	
	:	Stellenbosch Local Municipality (WC024) and Drakenstein Local	*
		Municipality (WC023) by excluding Klapmuts north community	
		from Stellenbosch Local Municipality (WC024), and including it	
		into the municipal area of Drakenstein Local Municipality	Proceed to Section 26 of MDA to solicit views and
Western Cape	DEM8250	(14,0000)	representations.

PROVINCE	DEM_NUMBER	DESCRIPTION	BOARD RESOLUTION
		Proposed redetermination of the municipal boundaries of the	
		Stellenbosch Local Municipality (WC024), Cape Winelands	
		District Municipality (DC02), and City of Cape Town	
		Metropolitan Municipality (CPT) by excluding the farm	
		HASSENDAL 222 ST Stellenbosch from the City of Cape Town	
		Metropolitan Municipality (CPT), and by including it into the	
e e		municipal areas of Stellenbosch Local Municipality (WC024)	
		and Cape Winelands District Municipality (DC02); by excluding	
-	9.	Kruis Road and Bottlary Road Reserves from the municipal	
		areas of Stellenbosch Local Municipality (WC024) and Cape	
	, a	Winelands District Municipality (DC02), and by including it into	
-		the municipal area of City of Cape Town Metropolitan	Proceed to Section 26 of MDA to solicit views and
Western Cape	DEM8251	Municipality (CPT).	representations.
		Proposed redetermination of the municipal boundaries of the	
,		Stellenbosch Local Municipality (WC024), Cape Winelands	
	p	District Municipality (DC02), and City of Cape Town	
	-	Metropolitan Municipality (CPT) by excluding Farm 115 ST	
		from the municipal area of Stellenbosch Local Municipality and	
		Cape Winelands District Municipality (DC02), and by including	,
		it into the municipal area of the City of Cape Town	Proceed to Section 26 of MDA to solicit views and
Western Cape	DEM8252	Metropolitan Municipality (CPT).	representations.
		Proposed redetermination of the municipal boundaries of the	
:		Beaufort West Local Municipality (WC053) and Prince Albert	
		Local Municipality (WC052), by excluding Leeu-Gamka town	
		from the municipal area of Prince Albert Local Municipality	
		(WC052), and by including it into the municipal area of	Proceed to Section 26 of MDA to solicit views and
Western Cape	DEM8253	Beaufort West Local Municipality (WC053).	representations.





Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02), and City of Cape Town Metropolitan Municipality (CPT) by excluding the farm HASSENDAL 222 ST Stellenbosch from the City of Cape Town Metropolitan Municipality Stellenbosch from the cuty of Cape lown Metropolitan Municipality (CPT), and by including it into the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02); by excluding Kruis Road and Bottlary Road Reserves from the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02), and by including it into the municipal area of City of Cape Town Metropolitan Municipality (CPT).

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