



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2022-06-14

**NOTICE OF A  
PLANNING COMMITTEE MEETING  
TUESDAY: 2022-06-14 AT 10:00**

**TO** C Van Wyk (Ms) [Chairperson]  
**COUNCILLORS** JC Anthony (Ms)  
M Danana  
A Hanekom  
R Hendrickse (Ms)

**Ex officio** Executive Mayor, Ald G Van Deventer (Ms)

Notice is hereby given that a Planning Committee Services meeting will be held via MS Teams on **Tuesday, 2022-06-14 at 15:00** to consider the attached Agenda.

CLLR C VAN WYK (MS)  
**CHAIRPERSON**

**A G E N D A**  
**PLANNING COMMITTEE MEETING**  
**2022-06-14**

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## AGENDA

## PLANNING COMMITTEE

2022-06-14

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1.	OPENING AND WELCOME	(3/4/3/3)
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2.	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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3.	DISCLOSURE OF INTEREST	(3/6/2/2)
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4.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/3/3)
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5.	CONFIRMATION OF MINUTES	
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NONE

6.	<b>REPORT/S BY THE DIRECTOR: ECONOMIC DEVELOPMENT AND PLANNING SERVICES RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MEETINGS</b>
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6.1	<b>REPORT ON THE OUTSTANDING COUNCIL RESOLUTIONS AS AT APRIL 2022 – PLANNING COMMITTEE</b> <b>(3/4/3/5/2/2)</b>
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<b>Collaborator No:</b>	731160
<b>IDP KPA Ref No:</b>	Valley of
<b>Meeting Date:</b>	Opportunity 14 June 2022

**1. SUBJECT: REPORT ON THE OUTSTANDING COUNCIL RESOLUTIONS AS AT APRIL 2022 – PLANNING COMMITTEE**

**2. PURPOSE**

To submit the Outstanding Council Resolutions for April 2022 to the Planning Committee, in order for the said Committee to establish progress of such resolution in respect of its oversight responsibility.

**3. DELEGATED AUTHORITY**

Section 80 Committee: Planning Portfolio Committee

**4. EXECUTIVE SUMMARY**

The outstanding Council resolutions, that is applicable to both the Departments of Development Planning and Development Management, that is within the Directorate: Planning & Economic Development have been updated and duly submitted to the Office of the Municipal Manager. The latest updated version is submitted to the Portfolio Committee for noting and oversight purposes.

**5. RECOMMENDATIONS**

That the Planning Committee take note of the latest updated Outstanding Council Resolutions that is applicable to the Committee. The outstanding Resolutions is attached as **APPENDIX 1** of this report.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The Executive Mayor instructed the Mayoral Committee Members of Stellenbosch Municipality to perform an oversight role to ensure that the outstanding Council Resolutions are being finalised by the administration and to monitor progress. Therefore, this will become a standard item on the agenda of the Section 80 Portfolio Committee Meetings.

**6.3 Financial Implications**

There are no financial applications.

**6.4 Legal Implications**

There are no legal implications.

**6.5 Previous / Relevant Council Resolutions**

Not applicable

**6.6 Risk Implications**

There are no risk implications in respect of this report.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Craig Alexander Pr Pln</i>
<b>POSITION</b>	<i>Senior Manager: Development Planning</i>
<b>DIRECTORATE</b>	<i>Planning and Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8196</i>
<b>E-MAIL ADDRESS</b>	<i>Craig.alexander@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>01 June 2022</i>

# **APPENDIX 1**

## OUTSTANDING RESOLUTIONS - PLANNING

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
621772	PROPOSED SERVICE DELIVERY IN JONKERSHOEK	<p>7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p><b>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</b></p> <p><b>RESOLVED (majority vote with abstentions)</b></p> <p>(a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;</p> <p>(b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;</p> <p>(c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;</p> <p>(d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);</p> <p>(e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;</p> <p>(f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;</p> <p>(g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;</p> <p>(h) that the Director: Planning &amp; Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;</p> <p>(i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;</p> <p>(j) that a progress report be tabled to Council within 6 months, including an</p>	2018-11-28	ALL DIRECTORS	70.00	Plans are being drawn up to increase the clean water capacity to the Jonkershoek area.

## OUTSTANDING RESOLUTIONS - PLANNING

		<p>environmental impact report and indicating progress that has been made regarding the provision of services; and</p> <p>(k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.</p> <p>The following Councillors requested that it be minuted that they abstained from voting on the matter:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>				
691675	<p>INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES</p>	<p>11.7.3 INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES</p> <p><b>38<sup>TH</sup> COUNCIL MEETING: 2020-10-28: ITEM 11.7.3</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish Complex without any noticeable implementation of the approved recommendations;</p> <p>(b) that Council approves the request of the Directorate: Planning &amp; Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas as depicted within the boundaries of Dorp-, Herte-, Alexander-, Market-, Bird- and Mill Street for potential economic opportunities to kick start the development of the entire Rhenish Complex;</p> <p>(c) that the investigation into the development of the Council owned landholdings considers the context of the surrounding spaces in the town centre; and</p> <p>(d) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals.</p> <p><i>Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.</i></p>	2020-10-28	BERNABEDLB	75.00	Final Draft Proposal has been compiled and workshopped. The matter regarding the land claim is being research by the Department.
	<p>TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE</p>	<p>11.7.1 TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE</p> <p><b>44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.7.1</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council approves and adopts the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in <b>APPENDIX 1</b> of this report;</p>	2021-07-28	KATHERINER	70.00	Department finalising the advertisement for the call for nominations to serve on the Conservation Advisory Committee which will be placed during the local newspapers during June 2022



## OUTSTANDING RESOLUTIONS - PLANNING

		<p>(b) that Council approves that the Directorate: Planning and Economic Development commences with a process to place an advertisement that will invite suitably qualified and experienced persons to apply to serve as Members of the Conservation Advisory Committee;</p> <p>(c) that Council notes that the Directorate: Planning &amp; Economic Development will submit the list of preferred candidates to serve as members of the Conservation Advisory Committee to the next Council Meeting for approval; and</p> <p>(d) that Council notes that the Directorate: Planning &amp; Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to the next Council meeting.</p>				
	<p>PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 ("MSDF") AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM</p>	<p>9.7.1 PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 ("MSDF") AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM</p> <p><b>SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.7.1</b></p> <p><b>RESOLVED (nem con)</b></p> <p>(a) that Council approves the preparation of the amendment of the MSDF which is a core component of the IDP, as part of the Stellenbosch Municipality's IDP process. That the amendment process takes place in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, Spatial Planning and Land Use Management Act, Act No. 16 of 2013, Western Cape Land Use Planning Act, Act No. 3 of 2014, and the Stellenbosch Municipal Land Use Planning By-Law;</p> <p>(b) that Council approves to undertake the process as stipulated in terms of Section 11(b) of LUPA and Section 3(1)(b) of the MPBL for amending the MSDF, which means that Council will not establish an Intergovernmental Steering Committee; and</p> <p>(c) that Council approves the process of notification of the proposed Amendment of the MSDF, 2019 as prescribed within the relevant legislation.</p>	2021-09-29	CHANTELH/B ERNABEDLB	100.00	<p>Council Resolution of 23 November updated with the SDF amendment process and adopted. Notice of intent to be published January 2022.</p> <p>This matter has been resolved and the process plan indicate that the amended MSDF will be adopted by November 2022.</p>
	<p>DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR</p>	<p>11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019</p> <p><b>31<sup>ST</sup> COUNCIL MEETING: 2019-09-25: ITEM 11.7.2</b></p>	2019-09-25	STIAANC	80.00	<p>The Administration will take up the required amendments and finalisation in consultation with the newly appointed Portfolio Councillor.</p>

## OUTSTANDING RESOLUTIONS - PLANNING

	STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	<p><b>RESOLVED (nem con)</b></p> <p>(a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days;</p> <p>(b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and</p> <p>that the final approved Policy be translated into all 3 official languages.</p>				
	DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY	<p>13.2 DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.2</b></p> <p><b>RESOLVED (nem con)</b></p> <p>(a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as <b>ANNEXURE 1</b> be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;</p> <p>(b) the administration proceed with the publication of the by-law</p>	2020-07-29	STIAANC	95.00	The bylaw was submitted to legal Services for promulgation. Promulgation to occur during June 2022.

NB: RESPONSES OBTAINED FROM RELEVANT DEPARTMENTS

7.	<b>REPORTS FROM OFFICIALS: PLANNING</b>
7.1	<b>NON-DELEGATED MATTERS</b>
7.1.1	<b>APPROVAL OF THE TERMS OF REFERENCE FOR THE PLANNING SECTION 80 COMMITTEE</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

**1. SUBJECT: APPROVAL OF THE TERMS OF REFERENCE FOR THE PLANNING SECTION 80 COMMITTEE**

**2. PURPOSE**

For Council to approve the Draft Terms of Reference for the Planning Section 80 Committee in terms of the Municipal Structures Act No 117 of 1998.

**3. DELEGATED AUTHORITY**

Council establishes the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons. The Section 80 committees has no decision making authority and make recommendations to the Executive Mayor on items that advices–was required by the Executive Mayor.

**4. EXECUTIVE SUMMARY**

The Planning Committee must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in Section 80.

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

The Terms of reference for the Planning Section 80 Committee is attached as **APPENDIX 1**.

The following members of the Committee was appointed at the Special Council meeting on 16 February 2022, item 8.11.1 to assist the Executive Mayor in accordance with the directions of the Executive Mayor

C Van Wyk (DA) – Chairperson

A Hanekom (DA)

JC Anthony (DA)

M Danana (ANC)

R Hendrickse (GOOD)

**5. RECOMMENDATION**

that the Committee note and support the Terms of References for the Planning Section 80 Committee attached as **APPENDIX 1**.

**6. DISCUSSION / CONTENTS****6.1 Background**

Council approved the establishment of the new Section 80 Committees during the 1<sup>st</sup> Council Meeting held on 23 November 2021, Item 6.7.

The committee was established to consist of 5 members:

DA – 3  
Opposition – 2

The purpose of the Committee is to assist the Executive Mayor in accordance with the directions of the Executive Mayor as indicated in the Section 80 of the Municipal Structures Act No 117.

**6.2 Discussion****Composition of Committee**

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) *allows parties and interests reflected within the Council to be fairly represented; and*
- (b) *is consistent with democracy.*

The chairpersons of the section 80 Committees are appointed by the Executive Mayor and makes up the Mayoral Committee.

**6.3. Financial Implications**

As per the approved budget.

**6.4 Legal Implications**

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

**6.5 Staff Implications**

This report has no additional staff implications to the Municipality.

**6.6 Previous / Relevant Council Resolutions****SPECIAL COUNCIL: 2022-02-16: ITEM 8.11.1****RESOLVED** (nem con)

- (a) that it be noted that Council approved the following Section 80 portfolio committees on 23 November 2021:

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

(b) that the following members be appointed to the Section 80 Committees

**Corporate Services**, total 4 members:

DA – 3  
Opposition – 1

L Nkamisa (DA) - Chairperson  
J C Anthony (DA)  
J Serdyn (DA)  
M Rataza (ANC)

**Planning** total 5 members:

DA – 3  
Opposition – 2

C van Wyk (DA) – Chairperson  
A Hanekom (DA)  
J C Anthony (DA)  
M Danana (ANC)  
R Hendrickse (GOOD)

**Financial Services**, total 5 members:

DA – 3  
Opposition – 2

P Johnson (DA) – Chairperson  
W Petersen (DA)  
E Groenewald (DA)  
A Tomose (ANC)  
R Hendrickse (GOOD)

**Human Settlements**, total 5 members:

DA – 3  
Opposition – 2

J Fasser (DA) – Deputy Executive Mayor – Chairperson  
E Vermeulen (DA)  
J Serdyn (DA)  
N Ntsunguzi (ANC)  
M van Stade (GOOD)

**Infrastructure Services**, total 5 members:

DA – 3  
Opposition – 2

Z Dalling (DA) – Chairperson  
R van Rooyen (DA)  
N Mcombring (DA)  
R Nalumangu (ANC)  
Z Ndalasi (EFF)

**Protection Services**, total 5 members:

DA – 3  
Opposition – 2

R Badenhorst (DA) – chairperson  
C Manuel (DA)  
A Hanekom (DA)  
M Nkopane (ANC)  
N Mkhontwana (EFF)

**Local Economic Development and Tourism**, total 4 members:

DA - 3 members  
Opposition – 1 member

R Du Toit (DA) – Chairperson  
N Mcombring (DA)  
R Pheiffer (DA)  
I De Taillerfer (VF)

**Rural Management**, total 4 members:

DA - 3  
Opposition - 1

J Williams (DA) – Chairperson  
X Mdemka (DA)  
C Manuel (DA)  
E Masimini (ANC)

**Youth, Sport and Culture**, total 5 members of which:

DA – 3  
Opposition – 2

R Adams (DA) – Chairperson  
R Pheiffer (DA)  
R van Rooyen (DA)  
C Noble (Good)  
J Andrews (PA)

**Parks, Open Spaces and Environment** total 4 members –  
 DA –3  
 Opposition –1

J Joon (DA) – Chairperson  
 E VermeuIn (DA)  
 A Hanekom (DA)  
 M Nkopane (ANC)

- (c) that it be noted that the Executive Mayor have appointed the chairpersons to the committees on 23 November 2021;
- (d) that the current terms of reference for all section 80 committees be adopted; and
- (e) that the various terms of references be referred to the relevant section 80 committees for revision after which said items must be re-submitted to Mayco and subsequent to Council for final adoption.

#### **6.7 Risk Implications**

This report has no risk implications for the Municipality.

#### **6.8 Comments from Senior Management**

##### **6.8.1 Director: Infrastructure Services**

Not applicable

##### **6.8.2 Director: Planning and Economic Development**

Author of the report

##### **6.8.3 Director: Protection and Community Services**

Not applicable

##### **6.8.4 Director: Corporate Services**

Supports the recommendations

##### **6.8.5 Chief Financial Officer**

Not applicable

##### **6.8.6 Municipal Manager**

#### **ANNEXURES**

Annexure 1: Terms of Reference for Planning S80 Committee

#### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Anthony Barnes
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Planning and Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8491</i>
<b>E-MAIL ADDRESS</b>	<i>Anthony.Barnes@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>01 June 2022</i>

# **APPENDIX 1**



**TERMS OF REFERENCE SECTION 80 COMMITTEE: PLANNING****PLANNING COMMITTEE**

***The terms of reference and functions of this committee is to advise the Executive Mayor on the formulation and implementation and monitoring of policies when requested to by the Executive Mayor, in the following functional areas:***

The Spatial Planning function which includes –

- Stellenbosch Municipality Spatial Development Framework
- Local Spatial Development Framework & Urban Design
- Catalytic Planning Project Implementation

The Heritage Resource Management function which includes –

- Maintaining and Updating Stellenbosch Municipality Heritage Inventory
- Dealing with Signage Applications

The Development Information (GIS) function which includes-

- Development of Planning Management Systems (TPAMS & BPAMS)
- Maintaining and updating the Spatial Geographic Information Systems ("GIS") of the Municipality

The Land Use Management Function which includes-

- Upholding the Municipal Land Use Planning Bylaw
- Upholding the Zoning Scheme Bylaw
- Upholding Land Use Planning related policies and guidelines

The Building Development Management Function which includes-

- Upholding the National Building Regulations
- Upholding Building Development related policies and guidelines
- Problem Properties

<b>7.2</b>	<b>DELEGATED MATTERS</b>
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NONE

<b>8.</b>	<b>REPORTS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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NONE

<b>9.</b>	<b>NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER</b>
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NONE

<b>10.</b>	<b>URGENT MATTERS</b>
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<b>11.</b>	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>
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NONE