



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-02-22

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MINUTES

11th MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2023-02-22 AT 10:00

MINUTES
11TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2023-02-22

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PRESENT

The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer
 The Deputy Executive Mayor, Cllr JS Fasser
 The Council Whip, Cllr P Crawley

COUNCILLORS

J Andrews	NM Mkhontwana
Ald JC Anthony	RS Nalumango
A Crombie	NR Ndalasi
ZJ Dalling	CD Noble
MM Danana	L Nkamisa
I De Taillerfer	M Nkopane
R Du Toit	N Ntsunguzi
A Ferns	N Olayi
E Groenewald	WC Petersen
AJ Hanekom	RO Pheiffer
RB Hendrikse	WF Pietersen
P Johnson	MG Rataza
J Joon	Ald JP Serdyn
O Jooste	A Tomose
X Kalipa	RB Van Rooyen
N Mananga-Gugushe	M Van Stade
C Manuel	CA Van Wyk
EP Masimini	E Vermeulen
NE Mcombring	J Williams
XL Mdemka	

OFFICIALS

Municipal Manager (G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Community and Protection Services (G Boshoff)
 Director: Corporate Services (A De Beer)
 Director: Infrastructure (S Chandaka)
 Director: Planning and Economic Development (A Barnes)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels)

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit welcomed all at the 10th Council meeting.

2.	MAYORAL ADDRESS
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- **STAGE 6 LOADSHEDDING PUTS PRESSURE ON WATER SUPPLY OPERATIONS**

Eskom's stage 6 load shedding puts severe pressure on our ability to ensure that we meet the regular water demand in our municipal area.

An average of 9 – 11 hours of electricity downtime on a day, means that our water supply operations are being affected, despite contingency measures we have in place.

Reservoirs do not always have enough time to refill to appropriate levels and this may lead to low water pressure or an interruption in supply.

An appeal is herewith made to reduce water usage to mitigate the effects of load shedding.

This can be done by:

- adopting a general water-wise lifestyle
- taking shorter showers, instead of baths
- not irrigating gardens with municipal water
- using greywater or borehole water where possible
- limiting toilet flushes

We all can do our part to save water for the most essential purposes during load shedding time.

- **SCAM ALERT**

It has come to our attention that there are individuals posing as cashiers or security officers at some nature areas and reserves, demanding that visitors pay for access.

Please take note that access to the Jan Marais Nature Reserve, Papegaaiberg Nature Reserve and Paradyskloof, Botmaskop, and Ida's Valley Nature Areas are free and that no payment is required for general access.

General Access includes:

- Individual walkers
- Individual cyclists
- Individual park walks
- Utilisation of the outdoor gym

- **CONTROL ROOM**

Our control room is proving it's worth in the fight against crime and illegal activities. Our Control Room has live feeds to numerous CCTV cameras and 67 License Plate Recognition (LPR) cameras placed at various sites across the entire municipal area. These numbers will be increased in the months and years to come.

The facility also houses a specialised war room with state-of-the-art information and communication technology equipment in order to better facilitate our responses during times of crisis. There are currently 12 control room operators employed at the facility, working in shifts of 3 persons at a time to ensure 24-hour coverage, 7 days a week.

Members of the public can contact the control room when in need of any assistance. They are available 24/7 on 021 808 8999 or you can report any issue via the dedicated WhatsApp line on 079 622 4722.

- **DAVID HUGHES**

Dave Hughes passed away peacefully on 6 February 2023. He was a local wine master and icon and contributed towards teaching South Africans about wine and instilling the love of wine. He also did a lot of charity work.”

3.	COMMUNICATION BY THE SPEAKER
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Opening and Welcome:

Executive Mayor

Deputy Mayor

Members of the Mayoral Committee

MPAC Chair

All Councillors

Municipal Manager

Directors

Members of the administration

Members of the public

Know Your Ward Campaign:

Delivery of posters has commenced. The Posters for Ward 1 (Councillor Pheiffer), Ward 2 (Councillor W Petersen) and Ward 3 (Councillor C Manuel) is ready for collection at the Speakers office. We will notify the rest of the Wards as soon as their posters is available.

External bodies that Councillor serve on:

A report will be submitted to Council in April on all meetings attended. Please submit the requested information from the office of the Speaker (deadline was 17 February 2023)

Ward Functionality report:

This report will serve at the March 2023 Council meeting.

Templates:

Standard template for Public and Ward Committee meetings. Template for proof of addresses also distributed.

Birthdays – February

Wilhelmina Petersen – 8 February

Alwyn Hanekom – 21 February

Previous Speaker, Councillor Donovan Joubert who celebrated his birthday on 21 February.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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- Welcome back to all our students. It's important to note that our roads and town are full and economic activities are blooming. With that comes traffic problems and loadshedding is not helping too much. I therefor am appealing to all members of the public to have patience on the roads, we are working on the situation.
- There are a couple of robots on the R44 that are not working, but it falls under Province's control. The municipality would like to take over from Province to give quicker attention to those robots and the public's patience are requested while the municipality is in contact with our Provincial counterparts to deal with the situation.
- Lent: It is a very sacred time for most Christians in preparation for Easter.
- The Mayoral Committee meeting scheduled for 8 March 2023 will be moved to 15 March 2023 because of a By-election that will take place on 8 March 2023. A formal communication in this regard will be distributed in due course.

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATION FOR LEAVE OF ABSENCE
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6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

CLlr R Adams – 22 February 2023

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
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7.1	10TH COUNCIL MEETING: 2023-01-30
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The minutes of the 10th Council Meeting: 2023-01-30 was **confirmed as correct without any changes.**

8.	STATUTORY MATTERS
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8.1	FEBRUARY ADJUSTMENTS BUDGET FOR 2022/2023
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

15 February 2023 & 22 February 2023

1. SUBJECT: FEBRUARY ADJUSTMENTS BUDGET FOR 2022/2023

2. PURPOSE

To table the adjustments budget as envisaged by Section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2022/2023 financial year, for approval.

The adjustments budget emanates from an additional Emergency Municipal Loadshedding Relief Grant allocation to the amount of R6 175 000, received from Western Cape Provincial Government (Department of Local Government, Environmental Affairs and Development Planning).

3. DELEGATED AUTHORITY

Approval is required by the Municipal Council.

4. EXECUTIVE SUMMARY

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

11TH COUNCIL MEETING: 2023-02-22: ITEM 8.1

RESOLVED (majority vote)

- (a) that the Adjustments Budget for 2022/2023 as set out in **APPENDIX 1**, be approved;
- (b) that that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 2**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	10 February 2023

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2023
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

15 February 2023 & 22 February 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2023

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2023.

11TH COUNCIL MEETING: 2023-02-22: ITEM 8.2

NOTED

that there were no deviations listed for the month of January 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	02 February 2023

9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS
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The outstanding resolutions serves on the Section 80 Committee agendas per Council resolution.

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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NONE

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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11.1	PROTECTION SERVICES
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NONE

11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]
11.2.1	FUTURE USE OF ERF 235, VAN DER STEL SPORT COMPLEX, STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

15 February 2023 & 22 February 2023

1. **SUBJECT: FUTURE USE OF ERF 235, VAN DER STEL SPORT COMPLEX, STELLENBOSCH**
2. **PURPOSE**
To provide Council with a brief summarization of the comments/inputs received from the public regarding the future use of Van der Stel Sport Complex.
3. **DELEGATED AUTHORITY**
Council
4. **EXECUTIVE SUMMARY**
At the 29TH COUNCIL MEETING: 2019-07-24 a resolution was taken that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility.
During the 8TH COUNCIL MEETING: 2022-10-26 OF STELLENBOSCH MUNICIPALITY, Council approved the information statement for public inputs in respect of Erf 235, known as VAN DER STEL SPORT COMPLEX, Stellenbosch.

11TH COUNCIL MEETING: 2023-02-22: ITEM 11.2.1**RESOLVED** (majority vote with abstentions)

- (a) that Council notes the comments/ inputs received from the community;
- (b) that Council identifies erf 235, is not needed to provide minimum services as required in terms of the asset transfer regulations;
- (c) that Council in principle resolve to lease erf 235 to a Management Company on a long-term lease of 30 years to manage the facility as a sports facility;
- (d) that the management company to be appointed through open supply chain process;
- (e) that the information statement be approved to invite public comments/inputs regarding the intention of Council to lease the property on a long-term lease (30 years); and
- (f) that this matter comes back to Council after the public participation process.

The following Councillors requested that their votes of dissent be minuted:

CLlrs J Andrews; RB Hendrikse; N Mkhontwana; Z Ndalasi; C Noble and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Albert Van Der Merwe
POSITION	Senior Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8165
E-MAIL ADDRESS	Albert.vanderMerwe@stellenbosch.gov.za
REPORT DATE	26 January 2023

11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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11.3.1	POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN) STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 February 2023

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN) STELLENBOSCH

2. PURPOSE

To inform Council that the previous sale was not concluded and to request to consider the disposal of erf 4810, Stellenbosch again through an auction.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

In May 2021 three properties being erven 4810 and 4811 (3 and 3A Swawelaan) as well as 6 Tinktinkie Street) were sold on auction as per a decision made by the Municipal council. Before the auctions the properties were used as rental properties for council employees and were vacant for a long period. When the employment contracts of the previous lessees ended, it was resolved not to lease the properties again to employees before a new council policy on allocation of rental housing to employees has been approved.

Stellenbosch Municipality is currently the registered owner of the three erven. Erven 4811 and 4812 are currently in the process of being transferred to the purchasers from the auction. Before transfer can take place the subdivision of the other erf needs to be finalised. In terms of the Council resolution the buyers are responsible for the costs of subdivision and the transferring attorney of one of the buyers will be dealing with the subdivision registration with the assistance from the Municipality.

Erf 4810 was however not sold since the purchaser did not pay the deposit for the property.

The property not worth more than R10 million. The general valuation recorded in 2021 was R1, 926,000.00 (One million nine hundred and twenty-six thousand rand) and it was sold at the auction for R2, 150,000.00 (Two million one hundred and fifty thousand rand).

After the auction StellCare indicated that they are interested to purchase the property for an orphanage. They were contacted on more than one occasion to make an offer so that offer can be brought to council for consideration. After contacting them again in the beginning of February 2023, they indicated they do not have the funds available to purchase the property. The municipality must pay a security company to provide security and it no longer has any purchase for the Municipality.

The provisions of the Asset transfer regulations were followed before the first auction took place and there is no need to repeat the process. The municipality has in the meantime appointed a service provider on tender to do auctions for the municipality.

11TH COUNCIL MEETING: 2023-02-22: ITEM 11.3.1**RESOLVED** (majority vote with abstentions)

- (a) that Council confirms that the property erf 4810 is not needed to provide minimum services as required in terms of the asset transfer regulations;
- (b) that Council approves the disposal of the erf by public auction to the highest bidder at the auction at a market related price with a reserve set price determined not less than the price reached at the previous auction;
- (c) that the buyer be responsible for the payment of the costs for the transfer of the erf from the mother erf (3721);
- (d) that the municipality request a certificate of registered title as the property have not been registered as separate titles;
- (e) that the new buyer be requested to take occupation of the erven as soon as warranties have been provided, but not later than 30 days after the warranties was provided;
- (f) that the Municipal Manager be authorised to conclude the sale agreement after the auction provided that the sale price is not lower than the reserve price; and
- (g) that the risk be transferred to the buyer on taking occupation.

The following Councillors requested that their votes of dissent be minuted:

Cllrs J Andrews; RB Hendrikse; C Noble and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	06-02-2023

11.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
	NONE
11.5	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
	NONE
11.6	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
	NONE
11.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
11.7.1	IDAS VALLEY / BOTMASKOP NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN (FEBRUARY 2023)

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 February 2023 and 22 February 2023

1. SUBJECT: IDAS VALLEY / BOTMASKOP NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN (FEBRUARY 2023)

2. PURPOSE

The Idas Valley / Botmaskop Nature Area¹ Environmental Management Plan (EMP) (February 2023) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of the subject area in context off, and giving effect to, the relevant legislation and associated regulations.

Following the Council resolution of August 2022 (included under section 6.6 below) a draft version of this document was advertised for public comment for a period of 21 days (**ANNEXURE B**). Comment received during this period (**ANNEXURE C**) has been considered (**ANNEXURE D**) resulting in the above document herewith presented to Council for approval.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality (the Municipality).

¹ A **nature area** has no formal environmental protection status or proclamation as opposed to a **nature reserve** that has been declared as such in terms of, for example, the National Environmental Management: Protected Areas Act, 57 of 2003.

4. EXECUTIVE SUMMARY

The Idas Valley / Botmaskop Nature Area (NA) is located on the north-western boundary of Stellenbosch town, above Idas Valley. The Idas Valley portion of the NA is located north of the Helshoogte pass on the way to Pniel. Botmaskop is located south of the road, against the mountain side, as one exists Stellenbosch driving up the Helshoogte pass. The NA covers an area of ±425 ha of which the Idas Valley area consist of 335 ha. The area is mainly bordered by farmland, the urban area of Idas Valley to the south-west and the mountainous natural landscape towards the Jonkershoek Mountains in the south. The relevant property is municipal owned land zoned for agricultural use. Most of the area has been used for forestry purposes at some point. The Idas Valley Dam(s), which provides Stellenbosch town with potable water, is located within the NA.

Because of the area's location (close proximity relative to Stellenbosch- and other towns as well as the City of Cape Town), its topography, scenic quality and past use it is currently utilized for a number of purposes. These include:

Outdoor recreation: Having been a forestry area in the past the NA consists of a network of old service roads. The Old Helshoogte pass also cuts through the area. This infrastructure and the attributes of the area mentioned above makes the Idas Valley / Botmaskop NA a popular destination for cyclers, runners and hikers.

Wood making: The NA is invaded, partly due to its use as forest area in the past, by a number of alien vegetation species ranging from plants to mature trees. This provides a resource to local contractors collect firewood. Each year a number of permits (issued as per the Council approved tariff structure) that allows this activity within the Idas Valley area are issued by the Municipality. In terms of these permits the felling of trees are prohibited. Fallen- or trees felled by the Municipality is allowed to be processed.

Cultural / Agricultural use: The NA have, over the past 10 – 15 years, accommodated a number of uses associated with cultural rituals, tribal initiations and agriculture or plot farming.

Events: The Idas Valley / Botmaskop NA is the subject of numerous event applications, mainly associated with mountain-biking or trail-running.

Filming: The Municipality, from time-to-time, receives applications for filming or photoshoots within its nature areas, including the Idas Valley / Botmaskop NA.

Water provision: In the centre of the area are two catchment dams and associated Municipal infrastructure that plays an important role in providing Stellenbosch town with potable water. The use and maintenance of this infrastructure is important to make sure that water service delivery to the relevant dependant areas is provided.

To date the Idas Valley / Botmaskop NA has been managed without a formally approved EMP in place. Because of the area's ecological value, its value as public resource and its vulnerability to degradation due to past and present use it is important that an overarching management plan for the area be put in place to ensure that the Idas Valley / Botmaskop NA is managed in a sustainable manner.

11TH COUNCIL MEETING: 2023-02-22: ITEM 11.7.1**RESOLVED** (majority vote with 1 abstention)

- a) that Council approves the Idas Valley / Botmaskop Nature Area Environmental Management Plan (February 2023) as the document to guide the management of the Idas Valley / Botmaskop Nature Area; and
- b) that the department ensure that a board that can advise council exists for this area

The following Councillors requested that their vote of dissent be minuted:

Cllrs J Andrews; M Danana; RB Hendrikse; N Mananga-Gugushe; E Masimini; N Mkhontwana; R Nalumango; Z Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza; A Tomose and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@ Stellenbosch.gov.za
REPORT DATE	30 January 2023

11.8	PLANNING :(PC: CLLR C VAN WYK)
11.8.1	REQUEST FOR THE APPOINTMENT OF THE NOMINATIONS TO SERVE ON THE STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE (“CAC”)

Collaborator No: 743921
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 February 2023 and 22 February 2023

1. **SUBJECT: REQUEST FOR THE APPOINTMENT OF THE NOMINATIONS TO SERVE ON THE STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE (“CAC”)**

2. **PURPOSE**

To provide Council with the pertinent factors to consider the appointment of the members of the Conservation Advisory Committee as stipulated in Section 249 of the Stellenbosch Municipality Zoning Scheme By-law, 2019.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The Stellenbosch Municipality Zoning Scheme requires the appointment of members to serve on the Stellenbosch Municipality Conservation Advisory Committee (“CAC”) in terms of Section 249 of the said By-law.

Section 249(3) of the said bylaw required that the ordinary rules and procedures be prescribed, such rules were adopted by Council on 28 July 2021 at its 44th Council Meeting, copy attached as **APPENDIX 1**, where the Terms of Reference were duly adopted, which included the guidelines for appointment of the members of the CAC. The Terms of Reference required the appointment of seven (7) members to serve on the CAC.

The Department has per the resolution of Council, therefore undertook the process to appoint the members of the CAC for an initial period of 12-months from the date of appointment.

11TH COUNCIL MEETING: 2023-02-22: ITEM 11.8.1

RESOLVED (majority vote with abstentions)

(a) that Council approves the appointment of the following nominations to serve on the Stellenbosch Municipality Conservation Advisory Committee (“CAC”):

- Petrus Jakobus Kruger Dekker (Stellenbosch)
- Johann Clemens Slee (Stellenbosch)
- Jan Raymond Dirk Bouma (Stellenbosch)
- Brian Henry Howard (Franschhoek)
- Piet Eduard Claassen (Stellenbosch)
- Rudia Pool-Stanvliet (Stellenbosch)
- Cornelia Hendrika Smart (Stellenbosch)

The applications of the nominees are attached as **APPENDIX 2** of this report.

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- (b) that Council approves that the above listed nominees be appointed for an initial period of 12-months from the date of acceptance of the nomination;
- (c) that the nominees be remunerated at a rate of R1250.00 per nominee per hour for actual sitting with an estimated maximum 5 hours per sitting; and
- (d) that Council approves the Code of Conduct for the members of the Stellenbosch Municipality Conservation Advisory Committee ("CAC"), attached as **APPENDIX 3** of this report.

The following Councillors requested that their votes of dissent be minuted.

Cllrs J Andrews; M Danana; RB Hendrikse; N Mananga-Gugushe; E Masimini; N Mkhontwana; R Nalumango; Z Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza; A Tomose and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Katherine Robinson
POSITION	Senior Heritage Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8608
E-MAIL ADDRESS	Katherine.Robinson@stellenbosch.gov.za
REPORT DATE	30 January 2023

11.8.2	REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING (HOUSING) POLICY
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Collaborator No: 743926
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 February 2023 and 22 February 2023

1. SUBJECT: REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING (HOUSING) POLICY

2. PURPOSE

To provide Council with the pertinent facts in order to approve that the draft Stellenbosch Municipality Inclusionary Zoning Policy be advertised for a period of sixty (60) days to obtain public comment in respect of the subject draft policy.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft policy document aims to support Stellenbosch Municipality and other key role players in delivering more high-quality affordable housing (also referred to as inclusionary housing) in well-located and priority development areas, creating a mix of income groups across new and infill developments in Stellenbosch Municipality promoting social and economic integration.

To deliver affordable housing within the Stellenbosch Municipality, available municipal spatial planning; and land use planning systems and land-based financing mechanisms were investigated and identified. This will be used in leveraging and incentivizing land value gains in spatially targeted areas for the creation public good (i.e. affordable housing) and to enable well performing settlements (i.e. integrated, inclusive, resilient, efficient) in order to address current development challenges and historical spatial imbalances/inequalities.

The spatial compact as envisaged and approved in the Stellenbosch Municipal Spatial Development Framework, 2019 and the Adam Tas Corridor Local Spatial Development Framework and Development Guidelines, 2022 of enabling inclusive, efficient, and an effective municipality by providing a wide choice of quality affordable housing to meet the needs of the community, widening the opportunities for homeownership, and creating flexibility and choice of tenures and price ranges for those who rent and seek the security of tenures.

In addition to facilitate and grow a strong partnership with the private sector in terms of delivering more quality affordable housing.

11TH COUNCIL MEETING: 2023-02-22: ITEM 8.2**RESOLVED** (nem con)

- (a) that Council takes note of the draft Stellenbosch Municipality Inclusionary Zoning Policy, attached as **APPENDIX 1** to this report, and
- (b) that Council approves that the draft Stellenbosch Municipality Inclusionary Zoning Policy, be advertised for public comment for a period of sixty (60) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No. 32 of 2000.

FOR FURTHER DETAILS CONTACT:

NAME	Chantel Hauptfleisch
POSITION	Senior Spatial Planner
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8607
E-MAIL ADDRESS	Chantel.Hauptfleisch@stellenbosch.gov.za
REPORT DATE	02 February 2023

11.8.3	EXTENSION OF TERM OF OFFICE OF THE MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)
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Collaborator No: 743940
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 February 2023 and 22 February 2023

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

2. PURPOSE

To extend the term of office of the Stellenbosch Municipal Planning Tribunal (SMPT) to permit the conclusion of the current recruitment process for the identification and appointment of new members and term of office.

3. DELEGATED AUTHORITY

The extension of the term of office of the serving Municipal Planning Tribunal (MPT): **Council** by virtue of Delegation LUP57 for the appointment of the members of the MPT.

4. EXECUTIVE SUMMARY

In accordance with the decision of Council vide Item 11.8.1 dated 27 July 2022, the term of office of the current MPT members was extended to the end of February 2023 to allow for a process to recruit and appoint new members for a new term of office of the MPT.

As the response to the advertisement for the recruitment process was not satisfactory, the Municipal Manager sanctioned a re-advertisement. As the interviews and selection process still needs to be concluded, and the uninterrupted operation of the MPT needs to continue, it is the purpose of this report to present for consideration the further extension of the current term of office of the MPT.

11TH COUNCIL MEETING: 2023-02-22: ITEM 11.8.3

RESOLVED (nem con)

That the term of office of the current serving Stellenbosch Municipal Planning Tribunal with the following serving members BE **EXTENDED** in terms of Section 73(1)(b) of the Stellenbosch Municipal Planning Bylaw (2015) for a period of three months or up until such time as the new term of office of the MPT is published, whichever comes first:

External Members:

- (a) Dr. D.J. Du Plessis (Chairperson)
- (b) Mrs. C. Havenga (Deputy Chairperson)
- (c) Mr. C. Rabie
- (d) Dr. R. Pool-Sanvliet
- (e) Mr. E. Delport
- (f) Mr. J. Knight
- (g) Mrs. H. Crooijmans-Lemmer

Internal Members

- a) Mr. M. Williams (Snr. Manager Legal Services)
- b) Mr. A. van der Merwe (Snr. Manager Community Services)
- c) Mr. C. Alexander (Snr. Manager Development Planning)
- d) Mrs. M. Francis (Snr. Manager Infrastructure Planning, Development and Implementation)

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	6 February 2023

11.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DU TOIT)
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NONE

11.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

11.11	MUNICIPAL MANAGER
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NONE

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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NONE

13.	REPORTS BY THE MUNICIPAL MANAGER
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13.1	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance/Dignified living

22 February 2023

1. SUBJECT: PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS

2. PURPOSE

To inform Council about the developments after the Council resolution that the Municipality must take over the rental stock from the Department of Human Settlements and to determine the way forward.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council resolved in 2018 to approve the request by the Department of Human Settlements to take over the La Coline flats from Provincial Government. A Quantity Surveyor was appointed to determine the cost involved for the upgrade maintenance on the flats before the takeover by the Municipality. A report from the Quantity Surveyor is attached as **APPENDIX C**. The Municipality have not been able to reach an agreement with the department on the cost. The department has written a letter to the Municipality following a discussion with the Municipality in which they question the municipality's viewpoint **APPENDIX B**. The Quantity Surveyor's report in our view contains necessary maintenance, none of which is just cosmetic.

The department also submitted a Donation Agreement **APPENDIX D**.

11TH COUNCIL MEETING: 2023-02-22: ITEM 13.1

RESOLVED (majority vote with 1 abstention)

- (a) that Council does not accept the current offer from the department of human settlement of R3.2 million as stipulated in your communication dated July 2022.
- (b) that the Municipal Manager be mandated to renegotiate the above offer, for an amount no less than R6.4 million.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	20 February 2023

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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NONE

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

The meeting adjourned at 12:00.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**