



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2017-09-27

## MINUTES

### 12<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2017-09-27 AT 10:00**

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

**MINUTES**  
**12<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2017-09-27**  
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	NONE	

**MINUTES OF THE 12<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2017-09-27 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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<b>PRESENT</b>	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
<b>COUNCILLORS</b>	F Adams DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers MB De Wet R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) AJ Hanekom (until 15:00) DA Hendrickse JK Hendriks (until 14:00) LK Horsband (Ms)	MC Johnson (until 14:00) NS Louw C Manuel LM Mqeqeba NE McOmbring (Ms) (from 12:15) XL Mdemka (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen (until 13:00) WF Pietersen SR Schäfer N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen (Ms)

\*\*\*\*\*

<b>Officials:</b>	Acting Municipal Manager (T Mfeya) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Engineering Services (D Louw) Director: Planning and Economic Development (D Lombaard) Director: Strategic and Corporate Services (Ms A De Beer) Chief Audit Executive (F Hoosain) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Councillor DD Joubert, welcomed all present, and requested that a moment of silent reflection be observed. Thereafter Cllr WF Pietersen opened the meeting with a prayer.

<b>2.</b>	<b>COMMUNICATIONS</b>
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<b>2.1</b>	<b>MAYORAL ADDRESS</b>
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“Goeie dag, good day, molweni, as-salaam alaikum.

“Hoop u het lekker Erfenisdag gevier – belangrik om te weet wat ons geskiedenis en kultuur is en dit ook met mekaar te deel sodat ons beter verstaan en respek vir kultuur kan skep.

- I like to start off with some good news – As you may have heard by now; we won the Arbour City of the year award for 2017!
  - Amazing achievement because the criteria of the award looks at what is being done to create green spaces in disadvantaged areas, the creation of green heritage
  - We have worked hard over the past year to create water friendly and sustainable green spaces,
  - This award gives recognition to our efforts in keeping our area green, and doing it in a sustainable manner
  - Congratulations to the Parks team.
  - We received a R 300 000 cheque!
  - This award came on the eve of Arbour week and it was so amazing to go to various locations, plant trees and see the joy it brings.
  
- Herwinningsweek was 11 tot 17 September
  - Veldtog gehou om gevaarlik huishoudelik en elektroniese afval in te samel by die braak.
  - Baie suksesvol gewees, inwoners het items soos spuitkannetjies, verf, ou elektronika, gloeilampies ens. gebring en ingehandig.
  - Ons raak nou veilig daarvan ontslae
  - Begin van ons veldtog om seker te maak dat hierdie items nie meer op die vullishoop eindig nie.
  - Het dromme aangekoop en dit gaan regoor ons munisipale gebied geïnstalleer word spesifiek vir inwoners om hul gevaarlike huishoudelike afval in weg te gooi,
  - Sodra die dromme geïnstalleer is sal ek u laat weet.
  
- Graag terugvoer gee oor paar kontroversiële sake wat in die media verskyn het afgelope tyd
  
- Meulslot
  - Saak is baie meer ingewikkeld as wat media aandui
  - Kwessie wat ontstaan het oor dekades
  - Ek het al die verslae rakende die saak tot my beskikking
  - Vergadering gehou met belanghebbendes en het besluit op prosesplan

- Elke belanghebbende in die saak het die reg om sy saak te stel, en elke saak sal individueel hanteer word
- Sodra ons al die inligting bestudeer het, en wanneer dit nodig sal wees, sal ons ook die insette van die breër gemeenskap vra.
- Brummer Park
  - Saak geniet wel aandag 'n item is tans op my tafel en sal in Oktober voor die MAYCO dien
  - We have now moved to level 5 Water Restrictions.
  - The restriction for individuals remains the same – every person must limit his or her water consumption to 87 litres per person per day.
- Single residential properties (domestic full tariff category) consuming more than 20 000 litres (20kl) per month, unless the total of 87l per person per day exceeds the 20kl total in which case the total calculated amount must not be exceeded, will be liable to an admission of guilt fine in accordance with the various sections of the Water Services By Law
- RESTRICTIONS APPLICABLE TO NON-RESIDENTIAL CUSTOMERS
- All commercial properties must ensure that their monthly consumption of municipal drinking water is reduced by 20% compared to consumption for the 2016 year.
- All agricultural users must ensure that their monthly consumption of municipal drinking water is reduced by 30% compared to consumption for the 2016 year.
- Failure to comply will constitute an offence in terms of the Municipality's Water Services By-law, 2017 (or as amended). The accused will be liable to admission of guilt fines, and/or, in accordance with section 84(c), an installation of a water management device(s) at premises where the non-compliance occurs. The cost thereof will be billed to the relevant account holder. This provision is effective from 22 September 2017.
- Was onlangs by die Jamestown en Stellenbosch Belastingbetalersverenigings.
  - Gevra om te praat oor ons toekoms en wat voorlê
  - Dienslewering vir almal bly die hoofokus
  - Opgradering van infrastruktuur om probleme aan te spreek asook toekomsgeleenthede te skep – paaie, rioolwerke
  - Opgradering van informele nedersettings
  - Veiligheid te bevorder in samewerking met al die rolspelers.
- Continuing to visit all the wards within the Municipality, recently visited ward 13 and ward 11
- Einde van die derde kwartaal breek Vrydag aan.
  - Vir inwoners wat die week gaan gebruik om weg te gaan, wees asseblief veilig.
  - Vir ons leerders en Studente, gebruik die tyd om te herlaai, met die aanbreek van die 4de kwartaal lê eksamens onmiddellik voor die deur.
- Baie dankie / Thank you / Enkosi kakhulu.”

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2.2	<b>COMMUNICATION BY THE SPEAKER</b>
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- The Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during September.
- The workshop on By-laws scheduled for Councillors for Friday, 2017-09-29, is postponed until further notice.
- An All Ward Councillors meeting will be held during October 2017. A date in this regard will be communicated in due course.
- Councillors are reminded to attend sessions when they have confirmed their attendance. Non-attendance of sessions may have financial implications for Departments in terms of the preparation of refreshments and other materials, etc.
- The attendance of Standing Committee and Council meetings by Councillors is a concern and Councillors are urged to, where possible, adjust their appointments according to the approved schedule of meetings.
- When a member is ordered by the Speaker to leave the Council Chamber due to a breach of Council's Rules of Order, such a member must promptly exit the Chamber in an orderly and disciplined manner, and must refrain from passing derogatory comments.
- In terms of Schedule 1 of the Systems Act, Ward Councillors have an obligation to have 2 feedback meetings per year in their wards. Councillors who do not comply are in violation of legislation. The Chief Whip must follow-up on Councillors that do not have feedback meetings in their wards. Councillors who experience difficulties in this regard are requested to consult the Office of the Speaker, in order to be assisted.
- Item 7.3.3 on the Agenda (Vlottenburg Village Development) requires additional information and item 8.1 on the Agenda (Report on the creation of new posts) is replaced with an amended item that will be distributed in the course of the meeting.
- The Speaker expressed his dissatisfaction with the distribution of additional items shortly before or during meetings – Councillors need ample time to prepare for the items to be considered at a meeting.
- It is noted that a written response on a previous question by Councillor DA Hendrickse was distributed in the meeting (i.e. response to question of 11<sup>th</sup> Council meeting dated 2017-08-30, Item 10.3 Municipal rental rates for various municipal flats and houses). [The response is attached as **APPENDIX 1.**]
- To maintain good order in meetings, political parties are requested to stick to their lists submitted to the Chief Whip on the amount of time needed to speak on an item. When Speaker asks a Councillor to conclude, such Councillor has 30 seconds to wrap up and should not abuse time by continue speaking on a matter.

# **APPENDIX 1**





# STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## **ADDITIONAL COMMENTS ON COUNCIL AGENDA ITEMS: COUNCIL MEETING SET FOR 27 SEPTEMBER 2017**

I have been requested by the Acting Municipal Manager to look at all the items on the Council agenda specifically in relation to the questions of Financial Implications, Legal Matters and Public Participation based on questions raised by the Speaker and to make further comments where necessary. Herewith my comments:

### **RE ITEM: 7.3.1:**

#### **FINANCIAL IMPLICATIONS:**

No further comment to paragraph 5 of the item.

#### **LEGAL MATTERS:**

No further comment to paragraph 4 of the item.

#### **PUBLIC PARTICIPATION:**

Process planned as indicated in paragraph 3.7 of the item

### **RE ITEM: 7.3.2:**

#### **FINANCIAL IMPLICATIONS:**

NO further comments on paragraph 4 of the item

#### **LEGAL MATTERS:**

The recommendations are within the parameters of the legislation. Should the land be used for small farmers the process on rezoning and disposal of the land will have to follow its

normal routes. The establishment of the unit as anticipated has no legal implications for Council as it is driven by National Government as is indicated in the report.

The recommendations indicate Councils support (or not) for the establishment of the unit in our district and identify possible land for use of small farmers.

**PUBLIC PARTICIPATION:**

Will be part of the processes for rezoning and disposal should the identified land be found to be suitable.

**RE ITEM: 7.3.3:**

**FINANCIAL IMPLICATIONS:**

No financial implications foreseen, CFO to confirm at the meeting should it be required.

**LEGAL MATTERS:**

Land use application must still be submitted to Council. Current recommendations are technical recommendations in terms of the NEMA Act and the recommendations are within the parameters of the legislation. The Municipality as the legal entity is a role player that are been consulted in the Authorisation Process (EAP). The EAP is necessary for an applicant to bring a land use change application under certain circumstances as indicated in NEMA.

**PUBLIC PARTICIPATION:**

Not dealt with by the municipality in terms of the Act. The Department considering the EAP is responsible for this. When the land use application is considered the Municipality will be required to invite views from the public through the normal processes.

**RE ITEM: 7.3.4:**

**FINANCIAL IMPLICATIONS:**

Not possible to determine Financial Implications accurately before the Demarcation board has made a final decision on where the WC024 new boundaries will be.

**LEGAL MATTERS:**

The Demarcation board (MDB) must consult all the Municipalities where they may be making changes to borders. The MDB has indicated that they have taken a strategic direction to consider only technical municipal boundary misalignments and not major redeterminations at this stage as is indicated in the report. The reports deal with the various aspects discussed at the meeting

as indicated in the report. The MDB must take the Stellenbosch Council's recommendations into account when deciding on the request of City of Cape Town to amend their borders where the borders impact on WC024.

Stellenbosch Council may also make other inputs (not reactive to proposals of the MDB), but this report does not deal with such inputs.

**PUBLIC PARTICIPATION:**

The Demarcation board are responsible to do the Public Participation process before they change any borders and where they require Council to assist with this it will be specifically requested, hence the meeting that is referred to in the report. The Councillors representing the residents are making the inputs on behalf of the residents they represent as Council as the legal entity is one of the role players that the Demarcation Board consults in their participation process.

Public meetings are normally scheduled by the Board.

**RE ITEM: 7.5.1:**

**FINANCIAL IMPLICATIONS:**

Dealt with in paragraph 4.1 of the report.

**LEGAL MATTERS:**

Dealt with in paragraph 3.2 and 4.2 of the report.

**PUBLIC PARTICIPATION:**

In terms of the Asset Transfer Regulations Council would normally invite the public's comments on the transfer of immovable property before it is done. Given that the Regulations does not apply to the transfer of assets to another sphere of government and in this case as the land will be used for the building of a clinic, which is a service the community already indicated, in the IDP public participation processes, are needed no further Public participation is needed in my opinion.

**RE ITEM: 7.5.2:**

**FINANCIAL IMPLICATIONS:**

Dealt with in paragraph 4.2 of the report.

LEGAL MATTERS:

Dealt with in the background part of the report as well as paragraph 4.5.

PUBLIC PARTICIPATION:

Dealt with in paragraph 3.2 of the report and in the recommendation.

**RE ITEM: 7.6.1:**

FINANCIAL IMPLICATIONS:

Will be determined through the investigation process – it is one of the aspects to consider before council decide to have the service delivered through an outside body.

There will be cost implications if a consultant is used for the investigation. Director Infrastructure to indicate during the meeting if required.

LEGAL MATTERS:

Dealt with in the report – paragraphs 3,4 and 5.

PUBLIC PARTICIPATION:

Will be dealt with during the section 78 process if recommendations to proceed with the investigation are approved.

**RE ITEM: 7.6.2:**

FINANCIAL IMPLICATIONS:

Will be determined through the investigation process – it is one of the aspects to consider before council decide to have the service delivered through an outside body. Estimated 50 Million Rand costs to move infrastructure on the site as opposed to an estimated 2 Billion rand if the waste has to be removed to a site outside the WC024.

There will also be cost implications for the investigation. Director Infrastructure to indicate during the meeting if required.

LEGAL MATTERS:

Discussed under the discussion part of the report – paragraph 3.

PUBLIC PARTICIPATION:

Will be dealt with during the section 78 process if recommendations to proceed with the investigation are approved.

**RE ITEM: 7.6.3:**

FINANCIAL IMPLICATIONS:

Discussed in paragraph 5 of the report.

LEGAL MATTERS:

Discussed in paragraph 4 of the report.

PUBLIC PARTICIPATION:

Public made aware of the drought situation on a continuous basis.

**RE ITEM: 7.6.4:**

FINANCIAL IMPLICATIONS:

No additional comments to paragraph 4 of the report.

LEGAL MATTERS:

Discussed in the report. No further comments.

PUBLIC PARTICIPATION:

The fines are determined by the Public Prosecuting authority and no public participation is done before determining the fines. Fines are there to act as a deterrent for perpetrators.

**RE ITEM: 8.1:**

FINANCIAL IMPLICATIONS:

No further comment to discussion in the report.

LEGAL MATTERS:

The recommendations have no legal implications.

PUBLIC PARTICIPATION:

The recommendations require no public participation.

A M C DE BEER

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**ME ANNALENE DE BEER**

DIRECTOR STRATEGIC AND CORPORATE SERVICES

<b>2.3</b>	<b>COMMUNICATION BY THE ACTING MUNICIPAL MANAGER: (T MFEYA)</b>
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NONE

<b>3.</b>	<b>OFFICIAL NOTICES</b>
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<b>3.1</b>	<b>DISCLOSURE OF INTERESTS</b>	<b>(3/6/2/2)</b>
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No Councillor or official present disclosed an interest in any of the items that will be discussed.

<b>3.2</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>(3/4/1/6)</b>
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(1) The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Ald JP Serdyn (Ms)	–	27 September 2017
Cllr M Mananga-Gugushe (Ms)	–	27 September 2017
Municipal Manager (Ms G Mettler)	–	27 September 2017

(2) Permission was granted to Councillor NE McOmbring (Ms) to join the meeting later (at 12:00) and Cllrs MM Pietersen; JK Hendriks; MC Johnson and AJ Hanekom were granted permission to leave earlier (at 13:00; 14:00 and 15:00 respectively).

(3) ABSENT

Cllr JG Hamilton

<b>4.</b>	<b>CONFIRMATION OF MINUTES</b>	<b>(3/4/1/5)</b>
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4.1 The minutes of an Urgent Council meeting dated 2017-08-22 were **confirmed as correct.**

4.2 The minutes of the 11<sup>th</sup> Council meeting dated 2017-08-30 were **confirmed as correct.**

<b>5.</b>	<b>STATUTORY MATTERS</b>	<b>(3/4/1/4)</b>
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NONE

<b>6.</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS</b>
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ITEM	Pg	INPUT	RESPONSE
<p><b><u>Cllr DA Hendrickse: Item on the Council resolutions in progress</u></b></p> <p>APPLICATION TO RELAX TITLE DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194 – BUDGETARY PROVISION</p>	9+10	<p>Cllr Hendrickse is not satisfied with the reply on what legislation was used to sell the land to Capitec. Reply was they executed a Council resolution. The Council resolution did not tell them to violate the law. The Administration must apply the Supply Chain Policies.</p>	<p>The MM will respond on the Councillor's input.</p>
<p><b><u>Cllr F Adams: Item 9.1: 2016-02-24</u></b></p> <p>MOTION BY CLLR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p>	3	<p>What happened to this decision?</p>	<p>The Speaker requested the MM to communicate with the Premier's Office in this regard.</p>
<p><b><u>Cllr N Sinkinya (Ms): Item 13.1.1: 2017-03-29</u></b></p> <p>REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES</p> <p>(b) that the current Policy and Procedures for Ward Committees be revised taking into consideration, amongst other, the geographical model implemented whereafter same be resubmitted to Council for consideration.</p>	6	<p>Need clarity regarding a ward committee member that is an employee of the municipality and does not want to resign as a ward committee member. How does one deal with this challenge?</p>	<p>The Speaker requested Cllr N Sinkinya (Ms) to forward the detail to his office, in order to deal with the matter in terms of the Policy.</p>
<p><b><u>CONCERNS RAISED:</u></b></p> <p>Cllr DA Hendrickse</p>		<p><u>Input</u></p> <p>The following resolutions are not reported on as outstanding:</p> <p><u>8<sup>th</sup> Council: 2017-04-26, item 7.5.1</u> Proposed changes in shareholding: Farm 502BL: Mediprop</p> <p>(no report received to confirm that lease was cancelled)</p> <p><u>8<sup>th</sup> Council: 2017-04-26, item 7.5.5</u> Application to relax deed of sale condition: Anti-speculation clause: Erf 9194: Technopark</p> <p>(no report back on what the Administration has done)</p> <p><u>10<sup>th</sup> Council: 2017-07-26, item 7.3.6</u> Contravention Levy</p> <p>(no report back on what the Administration has done)</p>	<p>The MM will respond on the Councillor's input.</p>

**NOTED**

the feedback on the Outstanding resolutions.

Meeting:	12 <sup>th</sup> Council: 2017-09-27	Submitted by Directorate:	Office of the Municipal Manager
Ref no:	3/4/2/5	Author	Office of the Municipal Manager
Collab:		Referred from:	



7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 4667, C/O DRAAI, KOCH AND WELGEVALLEN STREETS, DALSIG, STELLENBOSCH
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#### 1. PURPOSE OF REPORT

To enable the Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

#### 2. BACKGROUND

The property owner is applying to erect a retaining wall which forms part of the boundary wall on his property which will not comply with the By-Law relating to the control of boundary walls and fences as it will exceed the maximum allowable height of 2.1m. The proposed retaining / boundary wall on Koch Street will also be a solid boundary wall which is also does not comply with the prescriptions of the By-Law relating to boundary walls and fences.

#### 12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.3.1

**RESOLVED** (majority vote with abstentions)

that **approval be granted** for the application to deviate from the By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009) in order to construct a solid boundary wall which exceeds the prescribed height of 2.1m along Koch Street and the common boundary adjoining erf 4666 and along the total length of the common boundary adjoining Erf 4661, on Erf 4667, C/O Draai, Koch and Welgevallen Streets, Dalsig, Stellenbosch, as indicated on the attached Drawing No. A\_1001\_01, drawn by J H Botha Architects, attached as **APPENDIX 2**, subject to the following conditions:

- 
- (i) The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;
  - (ii) That the application for the waiver from the By-Law relating to the Control Of Boundary Walls and Fences will only come into effect once the application for the removal of the restrictive title deed conditions and building line departures as noted in this report have been approved by the Municipal Tribunal or Authorised Official in terms of section 60 of the Stellenbosch Land Use Planning By-Law;
  - (iii) That this Council reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>	<i>4667</i>	<i>Author</i>	<i>Town Planner (R Fooy)</i>
<i>Collab:</i>	<i>530690</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

<b>7.3.2</b>	<b>IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)</b>
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**1. PURPOSE OF REPORT**

To identify available municipal agricultural land for the possible development of only a Farmer Production Support Unit (FPSU) as requested by the National Department of Rural Development and Land Reform (**APPENDIX 1**), and not any of the other components.

**2. BACKGROUND**

With the establishment of small farmers throughout South Africa, certain needs have been addressed and opportunities have been identified to create a sustainable environment and increase local job creation within different local municipalities.

The National Department of Rural Development and Land Reform (NDRDLR) have invested in extensive research and the outcome of studies conducted within all municipal areas was the establishment of Farmer Production Support Units which will be funded and implemented by the National Department of Rural Development and Land Reform and monitored by the different District Joint Operations Centres administered by the NDRDLR.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.3.2**

**RESOLVED** (majority vote with abstentions)

- (a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;
- (b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:
  - Lease portion BH1 of Farm 502, Stellenbosch; and
  - Lease portion BH2 of Farm 502 Stellenbosch.
- (c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and
- (d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.

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*Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

*Councillor F Adams requested that it be minuted that he supports the item with reservations.*

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>	<i>9/2/1/1/1/3</i>	<i>Author</i>	<i>Manager: LED</i>
<i>Collab:</i>	<i>538116</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.3.3	<b>COMMENT ON THE FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAM FOR THE PROPOSED VLOTTENBURG VILLAGE DEVELOPMENT, STELLENBOSCH</b>
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## 1. PURPOSE OF REPORT

Stellenbosch Municipality has been requested to comment on the Final Environmental Impact Assessment Report (FEIR) and Environmental Management Programme (Volumes 1 & 2) submitted in terms of the National Environmental Management Act, 107 of 1998 (NEMA) for the Proposed Vloottenburg Village Development. As the previous round of comments submitted in this regard was submitted to Council, the comment below is also submitted to Council for approval.

The process of enquiring Environmental Authorisation in terms of NEMA pre-empts a land use application in terms of the applicable municipal planning legislation which will be submitted to Council for consideration.

The comment below represents this Department's input in the NEMA process as per invitation by the relevant Environmental Assessment Practitioner (EAP).

## 2. PROPOSED VLOTTENBURG VILLAGE DEVELOPMENT

The information under Sections 2, 3 and 4 below are drawn from the above FEIR.

The FEIR includes four (4) development alternatives, Alternative 1 (or Preferred Alternative), Alternative 2 and 3 as well as a No-go Option.

### Alternative 1 (Preferred Alternative)

The Preferred Alternative includes the following:

- Residential:
  - Single Residential (400-500m<sup>2</sup> ) with 2 storey Free Standing Houses [375 units];
  - Townhouses (250-300m<sup>2</sup> ) with 2 storey houses [90 units]
  - Flats/ Apartments with 2 to 3 story apartment/ walk up buildings (45-250m<sup>2</sup> ) [343 units]
  - Mixed Use Flats/ Apartments (45-250m<sup>2</sup> ) [97 units]
- Retail Centre;
- Hotel School (accommodation and skills centre);
- Medical Centre (community medical facility with clinic, consultation rooms, pharmacy and parking);
- Mixed Use Buildings (shops/ retail, restaurants, breweries, deli's, showrooms and galleries, live/work studios, offices and apartments, gymnasium);
- Hotels and conference facility (boutique hotel and 200 bed key hotel);
- Education Facilities (new private school and sports fields);
- Community Facilities (e.g. church, community centre and sports club house);

- Sportsfield;
- Private Open Space;
- Parking; and
- Associated Infrastructure i.e. internal potable water supply, sewage infrastructure, stormwater management infrastructure, public and private roads and electricity infrastructure.

The proposed development area (including roads, open space and landscaping) is approximately 77ha in size.

### Alternative 2

The proposed Alternative 2 includes the following components:

- Residential:
  - Single Residential (400-500m<sup>2</sup>) with 2 storey Free Standing Houses [177 units];
  - Townhouses (250-300m<sup>2</sup>) with 2 storey houses [90 units]
  - Flats/ Apartments with 2 to 3 story apartment/ walk up buildings (45-250m<sup>2</sup>) [451 units]
  - Mixed Use Flats/ Apartments (45-250m<sup>2</sup>) [97 units]
- Retail Centre;
- Hotel School (accommodation and skills centre);
- Medical Centre (community medical facility with clinic, consultation rooms, pharmacy and parking);
- Mixed Use Buildings (shops/ retail, restaurants, breweries, deli's, showrooms and galleries, live/work studios, offices and apartments, gymnasium);
- Hotels and conference facility (boutique hotel and 200 bed key hotel);
- Community Facilities (e.g. church, community centre);
- Private Open Space;
- Parking; and
- Associated Infrastructure i.e. internal potable water supply, sewage infrastructure, stormwater management infrastructure, public and private roads and electricity infrastructure.

Alternative 2 has a smaller development footprint than Alternative 1, and retains a large portion of agricultural land (±25ha).

### Alternative 3

Alternative 3 comprised three small development nodes for low- to medium-income single residential development and open space and urban agriculture. The approximate size of the proposed development areas was scaled off the Alternative 1 proposal. The three proposed residential nodes total about 12.2 ha, whilst the open space and urban agriculture totals about 2.2 ha.

In terms of the above report, however, the EAP is of the opinion that Alternative 3 should have been screened out during the Scoping Phase and offers the least opportunity for addressing inequalities, social transformation and environmental rehabilitation. The draft socio-economic assessment pointed to this proposal as having insufficient critical mass to be sustainable as an economic turnaround strategy for the area.

No-go Option

In terms of the No-go option, the land would remain undeveloped. The subject properties are zoned for Agricultural use and can therefore only be utilised for activities that comply with such zoning.

The key differences between Alternative 1 and Alternative 2 are as follows:

- The preferred layout makes provision for a community sports field and clubhouse. In the alternative layout, this area is earmarked for flats/ apartments.
- The preferred layout makes provision for a Private School with sports facilities. In the alternative layout, this area is retained as agriculture.
- The preferred layout includes more single residential erven than that alternative layout, which retains a 25ha area as agriculture;
- The preferred layout includes a 5000m<sup>2</sup> retail/ business premises, which is earmarked for flats/ apartments in the alternative layout.
- In terms of the residential component, the preferred layout (vs. alternative layout provided in brackets) makes provision for 375 (vs.177 in the alternative layout) single residential erven; 90 townhouses; 343 (vs.451 in the alternative layout) flats/ apartments and 97 mixed use apartment/ flats.

The table below indicates the densities of the two development layouts.

	<b>Alternative 1</b>	<b>Alternative 2</b>
<b>Total approximate area (northern and southern portion)</b>	±77ha (incl. roads, open space and landscaping) (Northern portion - ±70ha; southern Portion - ±6.5ha)	±52ha (incl. roads, open space and landscaping) (Northern portion - ±46ha; southern portion - ±6.5ha)
<b>Residential opportunities</b>	±1130 residential opportunities	±1040 residential opportunities
<b>Gross density (northern portion)</b>	±70ha @ 1075 residential opportunities = ±16u/ha	±46ha @ 987 residential opportunities = ±22units per hectare (excl. the agricultural area)
<b>Gross density (southern portion)</b>	±6.4ha @ 55 residential opportunities = ±10u/ha	±6.2ha @ 53 residential opportunities = ±9units per hectare
<b>Total development Gross density</b>	±16 units per hectare	±20 units per hectare

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.3.3**

During deliberations on the matter, the Executive Mayor requested that this matter be stepped down to seek clarity. There were no objections to this request, and the matter was stepped down for a while.

Upon reverting to the matter, it was

**RESOLVED** (nem con)

that this matter be withdrawn and that a new item with all the relevant information be submitted at the next Council meeting.

Meeting: Ref no: Collab:	12 <sup>th</sup> Council: 2017-09-27 P387 S	Submitted by Directorate: Author Referred from:	Planning & Economic Development Manager: Spatial Planning Mayco: 2017-09-13
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<b>7.3.4</b>	<b>REDETERMINATION OF MUNICIPAL OUTER BOUNDARIES: STELLENBOSCH MUNICIPALITY AND MUNICIPAL DEMARCATION BOARD CONSULTATIONS</b>
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**1. PURPOSE OF THIS REPORT**

To obtain delegations from Council to participate in the municipal boundary realignment process currently being undertaken by the Municipal Demarcation Board (MDB), to convey the particulars of such alignments and the current proposals affecting the boundaries of Stellenbosch Municipality, and for a decision on the proposals.

**2. BACKGROUND**

On the 24<sup>th</sup> of August 2017 the MDB outlined its strategic direction on demarcation for the period between 2017 to 2021 at a meeting held between the MDB, the City of Cape Town (CoCT) and Stellenbosch Municipality. The meeting was held at the City's Transport and Management Centre, Goodwood. The MDB requested the meeting with the purpose to:

- Share the timeframes and activities within the proposed demarcation process between the years 2017 to 2021.
- Share information on the cases of municipal boundary misalignments.
- Afford municipalities an opportunity to make inputs on any possible challenges they are experiencing regarding municipal boundary misalignments.
- Allow municipalities to provide guidance on spatial options for resolving technical municipal boundary misalignments.
- Request municipalities to assist the MDB in identifying communities affected by the misalignments cases affecting settlements.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.3.4**

**RESOLVED** (majority vote with abstentions)

- (a) that Council delegates the Municipal Manager to act on its behalf in the Municipal Demarcation Board activities for the current alignment process (2017-2019); and
- (b) that Council approves the boundary alignment proposals detailed:
- (i) Amend the Rozendal and Groenland boundaries to include the entire farm 1518 and Groenland farm 214 into the Stellenbosch Municipality;
  - (ii) Retain the Croyden / Firgrove boundary and to reject City of Cape Town proposal for the inclusion of farm 664 and the industrial area around Erf 1528 from Stellenbosch Municipality;



- 
- (iii) Amend the Heldervue boundary to retain the agricultural portion of Farm 696 in Stellenbosch Municipality, while the urban portion falls within the City of Cape Town;
  - (iv) Amend the Helderberg boundary to include the entire Farm 1325 in Stellenbosch Municipality;
  - (v) Amend the Heldervue boundary to align the boundary to the old Faure main road and to reject City of Cape Town proposal for the inclusion of portion of Farm 696, Farm 772 and Erf 6840 from Stellenbosch Municipality along the Bredell Road.

*Councillor F Adams requested that his vote of dissent be minuted.*

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Planning and Economic Development</i>
<i>Ref no:</i>	<i>1/3/1/14 + 1/3/1/25 + 1/3/1/26</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>53943</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.4	<b>FINANCIAL SERVICES: (PC: CLLR S PETERS)</b>
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7.4.1	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2017</b>
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### 1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2016/2017 to report the deviations and ratifications to Council.

### 2. BACKGROUND

Reporting the deviations as approved by the Accounting Officer for August 2017.

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
D/SM 02/18	11/5/2017	Landfill Consult (Pty) Ltd	Chipping of Garden Waste	Exceptional case and it is impractical to follow the official procurement processes	R2 282 280.00
D/SM 03/18	30/6/2017	The Sustainability Institute Innovations Lab	Off-Grid Electricity to Enkanini	Exceptional case and it is impractical to follow the official procurement processes	R109.83 Rates Deviation
D/SM 04/18	18/8/2017	CBI Electric African Cables	Repair and relocation of 6x11kv Electrical cable (over 100m) at the R44 Wan Reede Intersection to prevent further power outages and to ensure continuous power supply to the southern parts of Stellenbosch	Emergency	R1 481 824.44

The following ratifications were approved with the reasons as indicated below:

Number:	Date:	Service provider:	Description	Reason	Amount
R/SM 01/18	03/8/2017	IAN DICKIE (Pty) Ltd	rendering emergency services	4.36.1(b) to ratify any minor breaches of the procurement processes	R 496 672.00

**3. LEGAL IMPLICATION**

The regulation applicable is as follows:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations****Deviation from, and ratification of minor breaches of, procurement processes**

36. (1) A supply chain management policy may **allow the accounting officer**—
- (a) to **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
    - (i) in an emergency;
    - (ii) if such goods or services are produced or available from a single provider only;
    - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
    - (iv) acquisition of animals for zoos; or
    - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
  - (b) **to ratify any minor breaches of the procurement processes** by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- (2) The accounting officer must record the reasons for any deviations in terms of subregulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

**4. FINANCIAL IMPLICATION**

Not required

**5. COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

Not required

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.4.1**

**RESOLVED** (majority vote with abstentions)

that Council notes the Monthly Financial Statutory Reporting: Deviations for August 2017.

Meeting:	12 <sup>th</sup> Council:2017-09-27	Submitted by Directorate:	Finance
Ref no:	8/1/Financial	Author	Chief Financial Officer: A. Treurnich
Collab:	541218	Referred from:	

7.5	<b>HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)</b>
7.5.1	<b>APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS</b>

## 1. PURPOSE OF REPORT

The purpose of this report is to consider a request from the Western Cape Government (Department of Transport and Public Works) to acquire an additional portion of land for the purpose of extending the clinic in Klapmuts.

## 2. BACKGROUND

### 2.1 Transfer of health services to provincial government

The State Attorney is in the process of transferring the Klapmuts Clinic, situated on Erf 3630 (portion of erf 1331), Klapmuts, measuring 1115m<sup>2</sup> in extent, held under Deed of Transfer T42229/2000, as agreed to in term of a Memorandum of Agreement of Transfer, to the Western Cape Government.

### 2.2 Application for additional land

Hereto attached as **APPENDIX 1** a self-explanatory letter from the provincial Department of Transport and Public Works, requesting Stellenbosch Municipality to dispose of an additional portion of land, to enable them to extend the clinic on erf 3630, Klapmuts.

This would enable the Department of Health to provide better health care services to the existing and growing community of Klapmuts.

## 12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.5.1

### **RESOLVED** (majority vote with abstentions)

- (a) that the portion of erf 342, Klapmuts, measuring ±2272m<sup>2</sup> in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;
- (c) that approval be granted that the portion of erf 342, Klapmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:
  - i) the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;

- ii) the Provincial Government be responsible for the subdivision and rezoning cost;
- iii) the Provincial Government be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;
- iv) the Provincial Government be responsible for all service connections at the prevailing rates;
- (d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and
- (e) that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>529254</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.5.2	<b>FUTURE OF THE EX-KLEINE LIBERTAS THEATRE</b>
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**1. PURPOSE OF REPORT**

To obtain clarity on the future of the ex-Kleine Libertas Theatre site.

**2. BACKGROUND**

**2.1 Lease Agreements**

During 1962 a Lease Agreement was concluded between Stellenbosch Municipality and the Klein Libertas Theatre. This agreement was renewed at various occasions for further periods of 9 years and 11 months. The last agreement lapsed on 30 November 2015.

**2.2 Application to renew agreement**

On 11 September 2015 a motivation for the renewal of their lease agreement was received from Klein Libertas Theatre.

Before the application could be considered the building was destroyed in a fire. For this reason a second application was submitted, requesting a renewal for a three (3) year period to allow the parties to rebuild the facility.

When the request was considered by the Acting Municipal Manager, having taken into account the current legislative regime at the time, he decided not to approve the application for a temporary renewal. A copy of the memo is attached as **APPENDIX 1**. This means that there are no current, valid lease agreement in place.

**2.3 Destruction of building**

On 13 June 2015 the facility was destroyed in a fire. The only remaining part is the new building that was constructed some 10 years ago with Lotto funding.

**2.4 Settlement: Insurance Company**

Following various meetings with our Insurance company (Lion of Africa) a settlement agreement was eventually reached in terms whereof they paid out an amount of R3, 561 million as full and final settlement of the claim. In terms hereof Stellenbosch Municipality would rebuild the facility. See **APPENDIX 2**.

**2.5 Appointment of architect and other professionals**

During November 2015 a Tender Notice was published, calling for prospective architects to submit tenders for the redesign of the Kleine Libertas Theatre. A copy of the Tender Notice is attached as **APPENDIX 3**.

During February 2016, following the above tender process, SKEP Architects were appointed to attend to the redesign of the Kleine Libertas Theatre at a cost of R627 541.41 (Incl. of VAT). A copy of the tender evaluation report is attached as **APPENDIX 4**.

**2.6 Budgetary provision**

Provision was subsequently made on the 2016/17 Capital Budget for an additional contribution of R1M towards the funding of the project, thus resulting in a total budget of R4.56M.

**2.7 Approval/Authorisation: Heritage Western Cape**

Following the appointment of SKEP Architects, they first had to obtain approval/authorisation for the demolition of the remaining portion of the building, in an effort to make it safe to the public. This authorisation was obtained during July 2016. See **APPENDIX 5** attached.

Subsequently draft plans were compiled, with the view of obtaining approval/authorisation from the Western Cape Heritage Council. This application was submitted to WCHC during August 2016. See correspondence attached as **APPENDIX 6**.

On 11 October 2016 the proposed re-development of the site was approved by Heritage Western Cape. See letter attached as **APPENDIX 7**.

**2.8 Submission of Building plans**

Following the above approval final building plans and a Bill of Quantity were compiled. Hereto attached as **APPENDIX 8** are copies of the building plans that were submitted to the Planning Department during April 2011.

**2.9 Approval of MTREF: 2017/18-2019/20**

Based on a preliminary estimate, the cost of rebuilding the facility is ±6M. For this reason an additional budget of R2M was added (and approved by Council) to the 2018/19 financial year's budget. See copy of approved budget attached as **APPENDIX 9**.

**2.10 Project put on hold**

Following a recent discussion at an Informal Mayco, the project was put on hold, to allow Council to make a final decision whether to rebuild the theatre or not. The project team was informed accordingly.

**2.11 Further correspondence from Kleine Libertas**

On 07 June 2017 a letter was received from Klein Libertas Theatre, motivating why the theatre should be rebuilt. A copy of the letter of motivation is attached as **APPENDIX 10**.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.5.2****RESOLVED** (majority vote with abstentions)

that a notice be published, inviting public inputs on the matter, whereafter a final decision be made whether to proceed with the rebuilding or to plan/develop an alternative facility/usage.

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

*Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).*

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>539095</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>



7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
7.6.1	PARKING UPGRADE REPORT

## 1. PURPOSE OF REPORT

To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the most economical viable provision of parking within the Stellenbosch portion of the Stellenbosch Local Municipality

## 2. BACKGROUND

The availability of parking within the majority of the Stellenbosch Demarcated Urban Area has become a huge problem and it has become necessary to create additional parking through various methods. An example of this occurs in the Stellenbosch Town area where the University currently teaches about 32 000 students of which about 28% do not stay in Stellenbosch but commute from outside. These students would therefore need parking every day that they travel to Stellenbosch. The remaining 72% of students would also need parking but can also be accommodated at university residences or at private residences where students are been lodged.

The town of Stellenbosch has also grown considerably in the past 45 years and parking, which was already a problem in 1970, has become steadily worse as time has progressed. Various solutions has been put in place, all of which has now reached capacity and some of which are in need of upgrading namely, the Eikestad Mall/Town Hall Parking and the Bloemhof Parking.

The general direction of discussions between Stellenbosch Municipality and the University has also indicated a preference to curb vehicular traffic in the University Core and to promote None Motorised Traffic (NMT) in this core.

The proposed solution is to cater for all incoming traffic in parking facilities at the edges of this core and thereafter students could use public transport or NMT to travel to and back from classes

Various exercises have been conducted in the past with various solutions and now is the time to coordinate and consolidate all of these proposals into a final proposal upon which the Council can decide and act on an extended public parking provision.

Once Council has decided on the long term parking provision and the provision of a lighter traffic core, then a decision can be made whether parking at the Eikestad Mall/Town Hall and Bloemhof should merely be rebuilt and same amount of parking provided or whether the parking should upgraded to a larger amount of parking.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.6.1****RESOLVED** (majority vote with abstentions)

- (a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;
- (b) that parking service delivery increase be based on the towns of:
  - i) Stellenbosch
  - ii) Klapmuts, and
  - iii) Franschhoek; and
- (c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>17/2/3/6</i>	<i>Author</i>	<i>D Louw</i>
<i>Collab:</i>	<i>538693</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

<b>7.6.2</b>	<b>SOLID WASTE UPGRADE REPORT</b>
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**1. PURPOSE OF REPORT**

To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the significant expansion of the Landfill site of Stellenbosch Municipality.

**2. BACKGROUND**

As has been reported frequently in the past, the current Solid Waste Landfill Site is fast reaching its licenced capacity. The site is expected to run out of licenced air space by 2019. Various scenarios have been planned for the future of Solid Waste landfilling (final part of waste disposal), none of which has reached an amicable way forward to date. However another solution to expand the current landfill site is now proposed.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.6.2**

**RESOLVED** (majority vote with abstentions)

- (a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and
- (b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.

<i>Meeting:</i>	12 <sup>th</sup> Council: 2017-09-27	<i>Submitted by Directorate:</i>	Engineering Services
<i>Ref no:</i>	16/5/3	<i>Author</i>	D Louw
<i>Collab:</i>	538692	<i>Referred from:</i>	Mayco: 2017-09-13

<b>7.6.3</b>	<b>WATER SERVICES: DRAFT DROUGHT RESPONSE PLAN</b>
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**1. PURPOSE OF REPORT**

To request in principle approval from Council for the Draft Drought Response Plan for Stellenbosch Municipality.

**2. BACKGROUND**

The Karoo and West Coast municipalities were declared a disaster area in 2016, but the disaster area has now been extended to the entire province.

On Monday 22 May 2017, MEC Alan Winde announced in Cape Town that the Western Cape Government has declared the entire province a disaster area in order to deal with the ongoing drought. The declaration was made to speed up the reaction time for the deployment of resources to address the water scarcity.

It was planned that the deceleration would be formally be gazetted during the course of that week after it was already adopted by the provincial cabinet the previous week.

MEC Alan Winde stated that the disaster area declaration will help municipalities deal with issues of blockages in the procurement process to tackle the ongoing drought.

The Municipality and the Department: Water & Sanitation (DWS) can only reduce the risk of the consequences of a drought hence the protection of critical water resources and water supply upon which communities depend is imperative. Developing and maintaining a drought management capability within the Stellenbosch Municipal area will contribute to reduce the effects of drought by addressing the following areas:

- Public awareness
- Removal of alien vegetation species
- Optimise water storage
- Reduce water consumption
- Implement early warning and response mechanisms

A steering committee was formed by Stellenbosch Municipality and a Draft 90 Day Action Plan was drawn up. This Plan included comments and additions from various departments.

A formal draft Drought Response Plan was compiled to formalize the response of Stellenbosch Municipality to the Drought Disaster in the Western Cape.

**12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.6.3****RESOLVED** (majority vote with abstentions)

- (a) that the attached Draft Drought Response Plan be approved in principle; and
- (b) that the preliminary and potential cost implications, be noted.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>1/3/1/4</i>	<i>Author</i>	<i>Manager: Water Services</i>
<i>Collab:</i>	<i>521825</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.6.4	<b>APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE WATER SERVICES BY-LAW (2017) AND NON-COMPLIANCE</b>
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## 1. PURPOSE OF REPORT

This item serves to seek in-principle approval from Council to give legal effect to the Water Services By-law (2017), to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.

## 2. DISCUSSION

The Water Services By-law (2017) grant local municipalities the authority to manage and regulate water services related activities to meet a minimum set of criteria as set in the aforementioned legislation. In order to promote a safe environment and ensure the sustainability of our water sources, enforcement plays a key role in the regulation of unauthorised water use activities.

### 2.1 Illegal Water use activities in terms of Water Services By-law (2017):

Section 85 stipulates the process and procedures for enforcement which obligates the municipality to comply and enforce:

- the provisions of the Water Services By-law (2017);

It is the norm to request the Chief Magistrate for a list of Spot Fines for the transgression of relevant clauses within a By-Law.

At this point in time, Stellenbosch Municipality is not in the position to legally impose fines for illegal actions related to Water and Sanitation services. The proposed schedule of admission of guilt fines for illegal water and sanitation use activities in terms of the applicable Water Services By-law is included as **Appendix A**.

## 12<sup>TH</sup> COUNCIL: 2017-09-27: ITEM 7.6.4

### RESOLVED (majority vote)

- (a) that Council takes note of the set of proposed fines (Appendix A) sent to the Chief Magistrate to apply for admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal water use activities in contravention of the Water Services By-Law (2017);
- (b) that Council authorises the Director: Engineering Services to pursue a special vote number from the Department: Finance where the fines can be paid; and

- 
- (c) that Council authorises the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Water Services reporting to the Director: Engineering Services.

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

*Cllrs F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms); P Sitshoti (Ms).*

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1 Engineering x16/1/R</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

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7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE



<b>8.</b>	<b>CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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<b>8.1</b>	<b>REPORT ON CREATION OF NEW POSTS</b>
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**1. PURPOSE OF REPORT**

To inform Council of the recruitment and selection process and the financial implication of the post: Senior Manager: Governance (Office of the Municipal Manager).

**2. BACKGROUND**

Council at its 8<sup>th</sup> Council Meeting held on 26 April 2017 resolved that

“ a) that the following posts be created and approved:

- Senior Manager : Governance (Office of the Municipal Manager);
- Senior Manager : Waste Management (Infrastructure Services); and
- Deputy Director: Protection Services (Community and Protection Services)
- 3 x Area-Based Manager (Planning and Economic Development)

b) that the Municipal Manager complete job descriptions for the above-mentioned posts and submit it for evaluation to the Regional Job Evaluation Committee before the commencement of the recruitment and selection process.

c) that the Municipal Manager report back to Council on the Financial Implications of these posts, after the relevant job description processes have been finalized.

**3. DISCUSSION**

Due to service delivery challenges and the assurance of continued service delivery the following post on the Current Draft Macro Organogram is required to be created and filled:

**3.1 SENIOR MANAGER: GOVERNANCE (OFFICE OF THE MUNICIPAL MANAGER)**

**PURPOSE:** To evaluate and contribute to the improvement of governance management processes.

**FUNCTIONS:**

1. Establish and maintain enterprise risk management (ERM) and compliance within the organisation;
2. Manage and coordinate the Integrated Development Plan (IDP), institutional performance management (PM), and intergovernmental relations (IGR);

3. Render a public and media relations and comprehensive communication service to promote and build sound relationships between the municipality and all stakeholders and to promote and manage the corporate image; and
4. Render management and line function administrative support services.

#### **FURTHER COMMENTS BY THE MUNICIPAL MANAGER: 11 SEPTEMBER 2017**

Further to the Council resolution taken at the 8<sup>th</sup> meeting of Council, the Senior Manager: Governance (Office of the Municipal Manager) post was evaluated at the Provincial Job Evaluation committee and the audit outcome is awaited. The post was advertised on T19 as it would leave sufficient scope for a T18 – T20 outcome on appointment.

Please find attached advertisement that was placed (**APPENDIX 1**).

The other posts i.e. Senior Manager: Waste Management (Infrastructure Services); Deputy Director: Protection Services (Community and Protection Services) and the Area-Based Manager (Planning and Economic Development) have not been evaluated.

#### **Financial Implication**

T 19 of a Grade 4 Local Authority: R 671 111.65 – R 871 097.57 (basic salary) per annum.

#### **12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 8.1**

It should be noted that the above item represents the amended item that was distributed in the meeting.

During debate on the matter, Cllr DA Hendrickse requested that it be noted that this post: Senior Manager: Governance, was advertised without the audit outcome of the job evaluation.

#### **RESOLVED** (majority vote)

that Council notes the progress with the recruitment and selection process and the financial implication of the post: Senior Manager: Governance.

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

*Cllrs F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms); P Sitshoti (Ms).*

Meeting:	12 <sup>th</sup> Council: 2017-09-27	Submitted by Directorate:	Office of the Municipal Manager
Ref no:	4/3/2/1	Author	
Collab:	541287	Referred from:	8 <sup>th</sup> Council: 2017-04-26

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9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
10.1	<b>MOTION BY COUNCILLOR F ADAMS: DEBATE ON LAND REFORM AND ECONOMIC TRANSFORMATION</b>

**12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 10.1**

The Speaker allowed Cllr F Adams to put his Motion, duly seconded.

During the motivation of the Motion, points of order were raised by members, to the effect that , in terms of Rule 27.1 of the Rules of Order, the mover was using derogatory language and unbecoming insinuations. On account of the mover insistently ignoring the Speaker's call to order, the Speaker invoked Rule 28 and ordered that Cllr F Adams leave the Chamber (at 15:05).

The Speaker **RULED**

that in the absence of the mover, the motion has lapsed.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	<i>3/4/1/4</i>	<i>Author:</i>	<i>MM: (Ms G Mettler)</i>
<i>Collab:</i>	<i>535712</i>	<i>Referred from:</i>	<i>11<sup>th</sup> Council: 2017-08-30</i>

10.2	<b>MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</b>
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**12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 10.2**

The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of all in favour.

**RESOLVED** (nem con)

that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.

<i>Meeting:</i>	<i>12<sup>th</sup> Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	<i>3/4/1/4</i>	<i>Author:</i>	<i>MM: (Ms G Mettler)</i>
<i>Collab:</i>		<i>Referred from:</i>	

<b>10.3</b>	<b>QUESTION BY COUNCILLOR F ADAMS: RECTOR/MAYOR FORUM</b>
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**12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 10.3**

In view of the absence of the mover,

the Speaker **RULED**

that this matter has lapsed.

<b>Meeting:</b>	12 <sup>th</sup> Council meeting: 2017-08-30	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	

<b>10.4</b>	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: MUNICIPAL OWNED FARMS</b>
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**12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 10.4**

It was noted that Councillor DA Hendrickse was not satisfied with the response. He posed a follow-up question, namely:

*“What monitoring does the Administration do on the farms that are rented out?”*

It was **NOTED**

that the Municipal Manager will respond in writing.

<b>Meeting:</b>	12 <sup>th</sup> Council: 2017-09-27	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	

10.5	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: NEW FARM RENTAL RATES</b>
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**12<sup>TH</sup> COUNCIL MEETING: 2017-09-27: ITEM 10.4**

It was noted that Councillor DA Hendrickse was not satisfied with the response. He posed a follow-up question, namely:

“On what legal basis and on what council resolution does the Acting Municipal Manager rely on to say that Council resolved that the base date will be until 2018?”

It was **NOTED**

that the Municipal Manager will respond in writing.

<b>Meeting:</b>	12 <sup>th</sup> Council: 2017-09-27	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	



11.	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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NONE

12.	<b>CONSIDERATION OF URGENT MOTIONS</b>
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NONE

13.	<b>CONSIDERATION OF REPORTS</b>
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13.1	<b>CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER</b>
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NONE

13.2	<b>CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b>
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NONE

14.	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>
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NONE

The meeting adjourned at 15:15.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**