



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-05-23

MINUTES

17TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-05-23 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
17TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-05-23
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MINUTES OF THE 17TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-05-23 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
ALDERWOMAN	JP Serdyn (Ms)	
COUNCILLORS	F Adams (until DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) (until 15:00) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers MB De Wet A Florence AR Frazenburg E Fredericks (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks	LK Horsband (Ms) NS Louw N Mananga-Gugushe (Ms) C Manuel NE McOmbring (Ms) (from 12:30) XL Mdemka (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen SR Schäfer N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Human Settlements (T Mfeya) Director: Strategic and Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Chief Audit Executive (F Hoosain) Senior Manager: Governance (Ms S De Visser) Manager: Communications (S Grobbelaar) Manager: Property Management (P Smit) Acting Manager: Spatial, Heritage & Environment (S Van der Merwe) Senior Town Planner (L Ramakuwela) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert, welcomed all present. A moment of silent reflection was observed.

Cllr F Adams raised a Point of Order that according to the approved Schedule of meetings dated 2017-11-29 (item 8.2.2), the 23 May 2018 Council meeting is for the approval of the Budget and IDP related documents, but these items were not included in the Council Agenda of 2018-05-23 and no formal explanation was given why this resolution was not adhered to.

The Executive Mayor, Ald G Van Deventer (Ms), responded that the Speaker granted permission for a Special Council meeting on 2018-05-28 for the tabling of the Budget and IDP related documents and that the Municipal Manager will do the necessary advertisement and notification in this regard. The Municipal Manager, Ms G Mettler added that when the item that was approved at the November 2017 Council meeting it stated proposed dates.

Cllr DA Hendrickse raised his concern with the Executive Mayor and the Municipal Manager's responses, and stated that when Council approved the recommendation, i.e. the proposed dates on the schedule of meeting, those dates became the approved dates and not the proposed dates. He also added that, if the Administration needed more time to prepare the Budget and IDP related items, they should have requested the Speaker to consult with the Party Whips for the possible postponement of the meeting. He expressed his dissatisfaction that no official notice was distributed to Councillors informing them that the Budget and IDP won't serve at the 23 May 2018 Council meeting as per the approved schedule of meetings.

The ANC requested a caucus, which the Speaker allowed. When the meeting resumed, the ANC reported that they were of the view that this Council meeting should not take place, because the Budget and IDP related items are not on the Agenda. An item to rescind the previous Council decision (Item 8.2.2 of the November 2017 Council) should have served before Council.

The Municipal Manager referred to Section 29 of the Municipal Structures Act which gives the Speaker the power to decide when and where a Council meeting should be called and stated that this is also in line with Rule 5 and 6 of Council's Rules of Order By-Law and was done in terms of Legislation.

The Speaker RULED that Council will proceed with the meeting and a Special Council meeting is scheduled for 2018-05-28 to consider the Budget and IDP related documents and stated that this is in line with Rule 6.2 of Council's Rules of Order By-Law.

Cllr F Adams requested that it be minuted that he is not satisfied with the ruling of the Speaker, nor with the remarks of the Executive Mayor and Municipal Manager.

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

- Begin deur ons Moslem gemeenskap, raadslede en personeel ‘n geseënde Ramadaan toe te wens.
- Ramadaan het verlede week begin, heiligste maand vir ons Moslem gemeenskap.
- Lekker reën gehad afgelope tyd, waterbeperkings bly egter in plek.
- Inwoners werk baie goed saam, ernstige beroep om nie nou te begin slap lê nie
- Weet dis moeiliker in die winter, maar doen asseblief moeite, waar moontlik om reënwater ook op te vang en te gebruik waar moontlik.
- Ons bly egter op vlak 6 B beperkings
- Recently had the privilege to conclude the Mill Wheel project – project started by my predecessor and was my honour to conclude
- Mill Wheel was returned to the Mill Square, close to its original location Next to the Rhenish Church.
- Wheel dates from the 19th century, and was removed in 1963, where it was kept safe at Wilgenhof Men’s Residence
- Was designed by Landscape Artist Strijdom van der Merwe
- Amazing project because it conserves heritage, art and culture
- Will become an icon and landmark for Stellenbosch!
- R44 – Bewus daarvan dat daar baie in die plaaslike media hieroor verskyn het.
- R44 is ‘n provinsiale pad, beheer en bestuur daarvan lê by Provinsiale Departement van Openbare Werke en Vervoer.
- As Munisipaliteit is ons in konstante kontak met die Departement oor die pad vorentoe.
- Soos ons inwoners, is die munisipaliteit ook ‘n belanghebbende wat sy insette sal lewer wanneer die geleentheid gegun word.
- Recently, backyarders from Kayamandi handed over a petition to the Municipality
- We understand the needs and plight of backyard dwellers.
- It is currently unknown exactly how many backyard dwellers reside within the borders of the Municipality, due to many home owners taking in backyarders on a continuous basis.
- It is for this reason that we commissioned an audit process to establish the exact number of backyard dwellers within the municipal borders as well as what their needs are.
- Also met with representatives to discuss their petition
- Binnekort herdenk ons Jeugdag en Jeugmaand in Junie
- Belangrik om die oorsprong van die dag te onthou – sodat dit ons kan motiveer om te werk vir ons jong mense.
- Dit wat ons vandag doen, beïnvloed more, dit beïnvloed die nalatenskap aan ons kinders.

Thank You.”

2.2	COMMUNICATION BY THE SPEAKER
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- The Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during April and May.
- A Special Council meeting will be held on Monday, 2018-05-28, to consider the SDF, IDP and Budget.
- The Speaker read a notice distributed by SASSA with regard to the SASSA payment arrangements and requested Councillors to communicate this information with their community and assist SASSA beneficiaries, where possible.
- The Speaker emphasized the following clauses in the Rules of Order By-law:
 - 16. Debate Management:
 - 16.2 Based on the list drawn up in terms of Rule 16.1, each party must deliver to the Chief Whip, before the close of business on the day preceding the Council meeting, a list of the members who will speak on an item, and the time allocated to each member, provided that the total time allocated to all such members of a party shall not exceed the time allocated to that party in terms of Rule 16.1.2.
 - 16.8 Right to speak and limitation:
 - 16.8.1 A Councillor may speak or proceed to speak at a meeting after being recognized by the Speaker.
 - 24. Precedent of Speaker:
 - 24.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.
 - 25. Councillor to speak only once:
 - 25.1 Subject to a provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor MMC or member of the relevant committee may reply in conclusion of the debate, but shall confine himself / herself to answering to previous speakers and shall not introduce any new matter into the debate.
- The Municipal Manager and the Executive Mayor requested to be excused to attend to urgent matters, which the Speaker approved. [Ms A De Beer acted as Municipal Manager and Cllr N Jindela as Executive Mayor, in the absence of Ms Mettler and Ald Van Deventer for the duration of items 7.5.1; 7.10.1; 7.10.2 and 9.1.1.]

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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NONE

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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NONE

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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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:-

Cllr R Du Toit (Ms)	– 23 May 2018
Cllr E Groenewald (Ms)	– 23 May 2018
Cllr MC Johnson	– 23 May 2018
Cllr L Maseba	– 23 May 2018
Cllr WF Pietersen	– 23 May 2018

- (2) that permission be granted to Councillor NE Mcombring (Ms) to join the meeting later (at 12:30) and Councillor FT Bangani-Menziwa (Ms) to leave the meeting earlier (at 15:00).

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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- 4.1 The minutes of the 16th Council meeting dated 2018-03-28 were **confirmed as correct, subject to the the following:**

Verify the correctness of the date of the letter (1 March 2017) mentioned in 4. Executive Summary on page 48 of the minutes.

- 4.2 The minutes of an Urgent Council meeting were dated 2018-04-19 were **confirmed as correct.**

- 4.3 The minutes of an Urgent Council meeting dated 2018-04-26 were **confirmed as correct.**

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	RESPONSE
Cllr DA Hendrickse: <u>2017-04-26: Item 7.3.1: The Future use and maintenance of Council heritage buildings.</u>	5	Item is still on 20% after a year, why are the officials not implement resolutions?	MM will respond in writing.
Cllr DA Hendrickse: <u>Missing Council Resolution: 2017-11-29: Item 7.6.3 Funding for the construction of The upgrade of Techno Avenue, Techno Park</u>	13	This Council resolution is missing on outstanding resolutions?	MM will respond in writing.
(a) that the content of this report be noted;			
(b) that Council approves, in principle, that the development and construction of the Techno Park Entrance capacity enlargement be done by the Capitec Head Office Developer and that associated funding be supplied by the Developer;			
(c) that the refunding conditions be negotiated with the Developer and that the final Agreement be brought back to Council for debate and a final resolution upon which the commitment of Council will become firm; and			
(d) that the Municipal Manager be delegated to employ a legal service provider to negotiate such funding and repayment conditions, if necessary.			
Cllr DA Hendrickse: <u>2018-03-28: Item 7.4.2: Proposed Write-Off of irrecoverable debt of the Stellenbosch Golf Club</u>	16	Still on 20% after 2 months. The contract in the Lease Agreement with the Golf Club states that the arbitration process should be concluded within 3 months. How long does it take to appoint an arbitrator?	Requested quotations, must follow Supply Chain Policy. Admin is in the process.
Cllr DA Hendrickse: <u>Missing Council resolution taken on 2018-03-28: Item 7.6.4 Update Report on the drought situation as well as the costing thereof</u>		This report is not on the Agenda? Cllr request a response.	MM will respond in writing.
(f) that an updated report be brought to Council in May 2018.			
Cllr F Adams: <u>2017-04-26: Item 7.3.2: Extension of Burial Space</u>	6	Why the delay? What is the current status, were there any successful applicants?	MM will respond in writing.
Cllr F Adams: <u>2017-07-26: Item 7.6.3: IWMP (Integrated Waste Management Plan</u>	7	What is the status of this process? Is it on schedule?	MM will respond in writing.
Cllr F Adams: <u>2018-08-30: Item 7.1.2: Street People Policy</u>	8	Challenges w.r.t. process in terms of the workshop. What is the status?	MM will respond in writing.
Cllr F Adams: <u>2017-09-27: Item 7.6.2 Solid Waste upgrade</u>	8	No timeframes?	MM will respond in writing.
Cllr F Adams: <u>2017-11-29: Item 7.5.3 Various Issues: Vlotenburg Housing Projects: Way Forward</u>	11	"A signed offer to purchase/exchange of land will be submitted to Council during May 2018 to authorize the proposed transaction". Where is the report?	MM will respond in writing.
Cllr F Adams: <u>2017-11-29: Item 7.6.5 Pniel electricity take-over: In principle approval of the MOA</u>	12	No timeframes?	MM will respond in writing.
Cllr F Adams: <u>2018-01-24: Item 12.1 Quo Vadis: Millstream Corridor</u>	14	Looked at report, there was an instruction to do an investigation. Do not see anything in the report?	MM will respond in writing.

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

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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7.2.1	MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021
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Collaborator No: 589233
IDP KPA Ref No: Good Governance
Meeting Date: 16 May 2018

1. SUBJECT: MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021

2. PURPOSE

To obtain Council's approval on the proposed amendment of all the ICT contracts terminating on the 30 June 2018 for a period of 3 years effective 1 July 2018 to 30 June 2021, Council may terminate any of the contracts on a 6 months' notice period during this period. The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA).

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The matter to amend the ICT contracts by extending them for a period of 3 years served before Council in March 2018. Council inter alia resolved on 28 March 2018 (item 7.2.2.) that the intention of Council to extend the contracts for 3 years from 1 July 2018 must be published for public comment. The notice was placed in the Eikestad News and closed on 12 May 2018. A copy of the notice is attached as Annexure A. No comments were received.

All the current ICT contracts were previously amended in 2016 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The

Finance department is in constant contact with the owners of the Financial System (SAMRAS) to ensure that the system developments are of such a nature that it can deal with mSCOA in full before a final decision is made on the continuation with SAMRAS as the financial system or not.

When an information system is bought the long term impact is that the Municipality will be using that system for a period longer than the normal 3 of 5 years that is set for new tender processes. An information system is the intellectual property of a company and no other company can provide the support or licencing for that information system. The dynamic nature of Information and Communications Technology, as well as investments made in business systems warrant a continuous re-assessment of investments and system functionalities to ensure that value for money is achieved at all times. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes. A final decision on whether the Municipality will replace the current financial system needs to be made first to enable the Municipality to determine the starting point for the ERP assessment.

If there is a decision that the financial system should be changed a comprehensive process will have to follow to tender and adjudicate the acquisition of a new system and Treasury plays a watchdog role in this process to ensure that the system that is procured is of the standard required. Should the Municipality decide to buy a new financial system it would make sense to assess the costs of one comprehensive system to replace the current systems listed in paragraph 6. Should the Municipality decide not to acquire a new financial system the assessment would be how we ensure integration of existing systems with SAMRAS where integration is an issue or what new systems should be acquired to integrate with SAMRAS.

Various improvements have been made to ensure that systems integrate and where new support contracts are negotiated that the interests of the Municipality is protected. No new systems may be acquired by directorates unless it was debated at the ICT steering committee to ensure integration with current systems. Specifications are written to ensure that systems can integrate and that functionality is not duplicated.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.2.1

RESOLVED (majority vote)

- (a) that Council takes note of the reasons tabled for the proposed amendments of all the current ICT contracts for ICT related systems and services for a period of 36 months, effective from 1 July 2018 to 30 June 2021 with the provision that the Municipality can cancel any of the systems with a six month notice period during this time;
- (b) that Council takes note that Council had advertised its intention to amend all ICT systems related contracts for a period of 36 months on the 12 April 2018 on the local newspaper Eikestad News, Municipal Notice Boards and Municipal Website, and that no comments were received from the public; and

- (c) that Council approves that sufficient funding on the operational budget vote for the Software Licensing UKey: 20170608982691 is approved, to finance the extension and renewal of all the current ICT systems and services for the financial year of 2018/2019. Budget provisions will be made on a yearly basis depending on the process forward.

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

Cllr F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Brain Mkaza
POSITION	Manager: ICT
DIRECTORATE	Corporate and Strategic Services
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.org.za
REPORT DATE	14 May 2018

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
7.3.1	STELLENBOSCH MUNICIPALITY: DRAFT TELECOMMUNICATION MAST INFRASTRUCTURE POLICY

Collaborator No: 581849
 IDP KPA Ref No: Valley of possibility/Good governance
 Meeting Date: 23 May 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY: DRAFT TELECOMMUNICATION MAST INFRASTRUCTURE POLICY

2. PURPOSE

To obtain Council's approval to adopt the Telecommunication Mast Infrastructure (TMI) Policy attached as **ANNEXURE 1**.

3. AUTHORITY TO MAKE A DECISION

In terms of the MSA and the Constitution, Council must satisfy itself that it is addressing its responsibly, inter alia, its duties towards its community placed upon it by such legislation in this case its obligation to provide a safe and healthy environment and to promote the economic wellbeing of the municipal area. Seen in this context, Council has a responsibility to its community to develop and apply policy around TMI Municipal Council.

4. EXECUTIVE SUMMARY

Cell phones have become a part of many people's lives. It is increasingly used for daily social media, the internet, media and communication. However, with the increase in TMI in towns across the country concerns are raised regarding the safety of this technology and people are asking how safe these cellular masts are. Stellenbosch is recognised as a town of cultural and historic significance and heritage and is highly regarded for its environmental and scenic quality. Concerns raised by the public regarding the location and design of telecommunication mast infrastructure are therefore relevant.

This concern was acknowledged and included in the IDP and SDF which recommended that a policy be drafted to address the issues.

A cell phone policy was drafted with the input of the Industry and based on the approved policy of the City of Cape Town. The policy was advertised for public comment and referred to the University of Stellenbosch through the Mayoral Rectors forum for input. The Director: Planning and Economic Development further requested comment and advice from the Department of Environmental Affairs and Development Planning regarding applications received for the establishment of cellular and telecommunications masts and antennae.

PUBLIC PARTICIPATION PROCESS:

At a Special Mayoral Committee meeting on 24 May 2017 and the 9th Council Meeting on 31 May 2017 the following were resolved:

- That the proposed Draft Telecommunication Mast Infrastructure Policy be noted;
- That the Municipal Manager be requested to advertise the draft Telecommunication Mast Infrastructure Policy for public input and comments; and
- That, after receiving and considering the input received, the policy be resubmitted to Council for consideration.

The Draft Telecommunication Mast Infrastructure Policy was placed on the municipal website and at local libraries for comment from the public. A notice inviting all interested and affected parties to comment on the draft policy was also placed in the Eikestadnuus and Paarl Post on 15 June 2017. The closing date for comments was on 17 July 2017. In addition hereto, the Department sent e-mail notification to a large number of stakeholders in the municipal area to ensure proper consultation.

The policy was also referred to the Stellenbosch University on two occasions and they were satisfied and made no additional inputs.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.3.1

RESOLVED (majority vote)

that the Telecommunication Mast Infrastructure (TMI) Policy attached as **APPENDIX 1** be approved and henceforth implemented when considering new applications for the erection of Telecommunication Mast Infrastructure.

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

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

Cllr GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	B de la Bat
POSITION	Manager: Spatial Planning, Heritage and Environment
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8652
E-MAIL ADDRESS	Bernabe.DelaBat@ Stellenbosch.gov.za
REPORT DATE	28 March 2018

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2018
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Collaborator No: **8/1**
 BUDGET KPA Ref No: **Good Governance and Compliance**
 Meeting Date: **23 May 2018**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

Noted by Municipal Council.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.4.1

During deliberations on the matter, Cllr DA Hendrickse requested that it be minuted that he is of the view that the Administration is abusing legislation to circumvent the supply chain process.

A document containing additional information regarding the tender was circulated to all Councillors in the meeting, and Cllr DA Hendrickse requested that this document be included in the minutes (see **APPENDIX**).

RESOLVED (majority vote)

that Council notes the deviations and ratifications as listed below.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATE WHY SCM PROCESS COULD NOT BE FOLLOWED (TO BE SUBMITTED TO COUNCIL)	TOTAL CONTRACT PRICE R
D/SM 35/18	12/03/2018	BVI Consulting Engineers	Appointment of BVI Consulting to project manage the construction of the new ICT data centre	Exceptional case and it is impractical or impossible to follow the official procurement process	BVI Consulting assisted the ICT Department with the drafting of the tender specification for the construction of a New ICT Data Centre as this is a specialised environment. This was rather an extension to acquire assistance from BVI Consulting to manage the tender process, evaluate the tender and recommend the preferred bidder	R 81 183,69

D/SM 36/18	10/04/2018	Panel	B/SM 11/17 Threshold Increase	Exceptional case and it is impractical or impossible to follow the official procurement process	B/SM 11/17: The items procured and hired from BSM 11/17 are essential to achieving services delivery objectives. The unexpected increase in expenditure was not foreseen. The original budget estimates did not include subsequently added service delivery projects. Therefore the tender amount awarded will be exceeded. More than one directorate and numerous departments make use of this tender.	Rates
D/SM 37/18	11/04/2018	Panel	B/SM 4/17: Threshold increase	Exceptional case and it is impractical or impossible to follow the official procurement process	B/SM 4/17: Traffic signals regularly incur damage by motor vehicles colliding with the signals. The need is now higher than the awarded amount.	Rates
D/SM 38/18	13/04/2018	Flotron	Repair & verification of flow meters (Flotron) at Raithby and Pniel Wastewater Treatment Works	Emergency	As per letter provided by Flotron Remote Monitoring Systems the flow meters at Pniel and Raithby was manufactured and installed by them. These meters need to be calibrated annually. Since the calibration involved required setting the installed meter against computerised reference of which Flotron Remote Monitoring Systems is the owner. Therefore only Flotron can perform the required calibration.	R 7 848.90
D/SM 40/18	25/04/2018	WEC Projects	Wemmershoek WWTW - Faulty bear shaft blower	Emergency	Wemmershoek Wastewater Treatment Works have four blower units that provide oxygen to the treatment process. One of the blowers malfunctioned and we had to replace it with the spare blower. The blowers installed were manufactured by Sowerby Engineering in Johannesburg. They do installations themselves or have a local (Cape Town based and not registered supplier to Stellenbosch Municipality) agent that do installations. At the time of the blower malfunctioning WEC Projects was still busy with the remedial work at Wemmershoek Wastewater Treatment Works. They are an authorised installer for Sowerby Engineering in Johannesburg area. Due to the critical nature of the equipment and the warranty Stellenbosch Municipality's, Water Services Department deemed it fit to request WEC Project to install the blowers as soon as possible in order to minimise the impact on the treatment process. They are authorised installer which would not have jeopardised the warranty. The NEREDA treatment process are a very delicate process and any	R 21 563.10

					delays in equipment repairs results in process shocks which takes at time weeks or months to stabilise and therefor the urgency to get equipment installed.	
D/SM 41/18	13/04/2018	Bytes System Integration (PTY) LTD	Appointment of Bytes Systems Integration for the procurement of additional biometric devices	Exceptional case and it is impractical or impossible to follow the official procurement process	The current service provider had succeeded into synchronizing the Biometric T&A System with our existing HR Payday employee management system to enable real-time integration and report on employee clocking. The above business process and its cost would be futile if a new service provider would have been appointed in an open market. The latter will require new negotiations rates with Pay-Day as well as news costs for reprogramming the communication software between the two systems. The recommended price from the current service provider was proven to be market related and value for money. This includes an SLA for the financial year to ensure proper maintenance and support as well installation of additional clocks without impacting the process.	R 924 588.00

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

Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOUBE)
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7.5.1	PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP
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1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP

2. PURPOSE

To consider a request from Supergroup Dealership (Mercedes Benz, Stellenbosch) to renew the current Lease Agreement in relation to erf 52 for a further period of 5 years.

3. DELEGATED AUTHORITY

In terms of Delegation 530 of the approved System of Delegations, the Executive Mayor has the delegated authority to grant a right to use, control or manage a fixed asset of Stellenbosch Municipality, up to a contract value of R5M, subject to compliance with Regulation 34(1) of the Asset Transfer Regulation.

*In terms of the new Policy on the Management of Council-owned Property, however, the decision to deviate from the normal, prescribed public competitive route is reserved for the Municipal Council. For this reason the Municipal Council first need to decide whether they support the renewal of the Lease Agreement without following the prescribed public competitive process.

4. EXECUTIVE SUMMARY

Supergroup Dealership (Mercedes Benz, Stellenbosch) is leasing erf 52 from Stellenbosch Municipality in terms of a 5 year Lease Agreement.

The current lease expires at the end of June 2018 they have requested that their lease be renewed for a further period of 5 years.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.5.1

Ms A De Beer acted as Municipal Manager for the duration of this matter in the absence of the Municipal Manager, Ms G Mettler.

RESOLVED (majority vote)

- (a) that Erf 52 be identified as a property that is not required for the municipality's own use during the period of the extended lease period;
- (b) that Council in principle approves the extension of the lease for a period of 5 years;
- (c) that the matter does not go out on tender, but be published for objections or alternative proposals; and

-
- (d) that the fair market value be determined before it is brought back to Council for final resolution after the public participation process.

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

Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

7.5.2	AUTHORISATION: PUBLIC TENDER PROCESS: ERVEN 2498 AND 2499
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1. PURPOSE OF REPORT

To obtain the necessary authorization to go out on tender for the lease of erven 2498 and 2499.

2. BACKGROUND

2.1 Initial Lease Agreements

On 1 October 1981 a 5 year Lease Agreement was concluded between Stellenbosch Municipality and the Stellenbosch Animal Hospital in relation to the building on erven 2498 and 2499.

2.2 Renewal of Lease Agreement

Subsequently, in 1986, 1996 and 2006 respectively, the Agreement was renewed for periods of 9 years and 11 months.

2.3 Extension of last Lease Agreement

The last Lease Agreement has terminated on 31 July 2016. There was no renewal clause in the in the agreement. A copy of the Agreement is attached as **APPENDIX 1**. For this reason a notice was send to the Stellenbosch Animal Hospital on 22 June 2016, informing them that the Lease Agreement would come to an end on 31 July 2016, a copy of which is attached as **APPENDIX 2**.

On 30 June 2016 a self-explanatory letter was received from Dr Gilliomee, requesting a further renewal of the Lease Agreement for a period of 9 years and 11 months. A copy of the letter setting out the motivation is attached as **APPENDIX 3**.

Having considered the request the then Acting Municipal Manager (July 2016) extended the contract for a period of twelve months to afford the Lessee to consider alternative arrangements. A copy of the approval is attached as **APPENDIX 4**. The above approval was subject to Stellenbosch Municipality's intention so to act being advertised for public input.

A notice was compiled and sent to the Supply Chain Department to be published in the Eikestad News. A copy of the notice is attached as **APPENDIX 5**.

*We were recently informed by the SCM Department that, due to unknown reasons, the notice was never published. As the 12 months period has almost run out, there is no need/rationale for publishing the notice at this stage.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.5.2

During debate on the matter, the Speaker requested that the word “**unless**” be rectified, as put by the Administration at the end of the sentence in (b) on top of page 126 on Vol 1, and that it should read as follows:

- (a); and
- (b) that, following the in principle decision in terms of (a), **a competitive process** in terms of the SCM Policy must then be followed,
- (c) unless the Executive Mayor is of the opinion that a **public competition would not serve a useful purpose**.

After two warnings during deliberations on the matter, the Speaker ordered Councillor F Adams to leave the Chamber (at 12:45) for violating Rule 28 of the Rules of Order By-Law.

RESOLVED (majority vote)

- (a) that Council, in principle, dispense with the prescribed competitive process;
- (b) that Council approve, in principle, to enter into an agreement for a period of 5 years at a minimum rental of R 19 720/month, with an annual escalation of 6%;
- (c) that Council’s intention be advertised, calling for public comments/counter proposals;
- (d) that the matter be re-submitted to Council for a final decision after the public participation process; and
- (e) that Council do not need property for its own use in line with Section 14 of the MFMA.

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

Councillors GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

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

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
7.10.1	ADOPTION OF THE NEW ANTI-FRAUD AND CORRUPTION PREVENTION POLICY

Collaborator No: 588670
 BUDGET KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 May 2018

1. SUBJECT: ADOPTION OF THE NEW ANTI-FRAUD AND CORRUPTION PREVENTION POLICY

2. PURPOSE

To table the new Anti-Fraud and Corruption policy for consideration by the Executive Mayoral Committee and Council. Recommendations to be made to Council.

3. DELEGATED AUTHORITY

Council approve Municipal Policies.

4. EXECUTIVE SUMMARY

The attached policy aims to replace the Anti-Fraud and Corruption Policy of 2015. Key changes proposed through the New Anti-Fraud and Corruption Prevention Policy is to re-align mechanism of fraud and corruption management within Stellenbosch Municipality with legal frameworks, around fraud and corruption and re-establish internal processes and management. The intention to strengthen fraud and corruption prevention at all levels within the municipality.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.10.1

Before the item was put to the vote, the Speaker read a note which Cllr F Adams wrote in terms of Rule 28.1 of Council's Rules of Order By-law where he requested to be allowed back into the meeting. The Speaker requested Cllr F Adams to apologise which he did. He (The Speaker) then RULED that Cllr F Adams was allowed back into the meeting (at 13:50).

The Deputy Executive Mayor, Cllr N Jindela acted as Executive Mayor in the absence of Ald G Van Deventer, and Ms A De Beer acted as Municipal Manager in the absence of Ms G Mettler, for the duration of this matter.

RESOLVED (majority vote with abstentions)

- (a) that Council adopts the New Anti-Fraud and Corruption Prevention Policy 2018/19; and
- (b) that the Fraud and Corruption Policy approved by Council on 25 June 2015 be replaced with this new policy.

FOR FURTHER DETAILS CONTACT:

Name	SHIREEN DE VISSER
Position	SENIOR MANAGER: GOVERNANCE
Directorate	OFFICE OF THE MUNICIPAL MANAGER
Contact Numbers	X8035
E-mail Address	shireen.devisser@stellenbosch.gov.za
Report Date	16 May 2018

7.10.2	REVIEW OF THE PERFORMANCE MANAGEMENT POLICY
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Collaborator No: 589155
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 May 2018

1. SUBJECT: REVIEW OF THE PERFORMANCE MANAGEMENT POLICY

2. PURPOSE

To table the Reviewed Performance Management Policy for consideration by MAYCO and for recommendation to Council.

3. DELEGATED AUTHORITY

Sections 16 (1) (iii) and 40 of the Local Government Municipal Systems Act, 32 of 2000, provides for the development of a performance management system that must be submitted to Council for adoption. Any reviews of the system of Policy must likewise serve before Council.

4. EXECUTIVE SUMMARY

Council approved the Performance Management Policy on 30 April 2015. The policy is reviewed yearly and the last review was with the Budget related Policies in May 2017.

We herewith table the latest Reviewed Performance Management Policy for consideration by MAYCO and for recommendation to Council.

This policy has been reviewed to include the following:

Review	Page numbers
Inclusion of the performance management process plan	13 - 17
Formulised measures to address the assessment of Organisational; Individual and External Service provider performance.	33 - 36
Governance Framework	37 - 41
Monthly, Quarterly, Mid-year and Annual performance reporting	43 - 45

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.10.2

Cllr N Jindela acted as Executive Mayor in the absence of the Executive Mayor, Ald G Van Deventer (Ms) and Ms A De Beer acted as Municipal Manager for the duration of the matter in the absence of the Municipal Manager, Ms G Mettler.

RESOLVED (majority vote with abstentions)

that Council approves the Reviewed Performance Management Policy.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Gakeema Salie</i>
POSITION	<i>Manager: IDP/PMS/PP</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021808 8171</i>
E-MAIL ADDRESS	Gakeema.salie@Stellenbosch.gov.za
REPORT DATE	<i>16 May 2018</i>

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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8.1.1	RATIFICATION OF THE PAYMENT FOR EMERGENCY SERVICES REFRESHMENTS IN EXCESS OF APPROVED MEAL VALUE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 May 2018

1. SUBJECT: RATIFICATION OF THE PAYMENT FOR EMERGENCY SERVICES REFRESHMENTS IN EXCESS OF APPROVED MEAL VALUE

2. PURPOSE

To provide the necessary information and background with regard to the procurement of emergency meals in terms of Supply Chain Management Policy, 4.36.1(b) to ratify minor breaches of the procurement processes for the payment of emergency services refreshments exceeding the allowed meal value per person and to request the Committee to recommend to Council for approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality has an Emergency Services Refreshment Directive which applies to all employees who in their official duties are compelled to render an emergency service. The policy's General Guidelines stipulate when food can be bought and to which value per person per meal may be spent.

Authorised Water Services personnel order the food at National Fisheries after confirmation with the Senior Standby Foreman who will verify the emergency meal. The subsequent claim form reflects the date, time, and nature of emergency services rendered, time when meals were purchased, time/jobsheet and number of employees. These claim forms are authorised by the Superintendent, Manager, Senior Manager and the Director.

Staff always buy a typical meal, a roll and a soft drink. The quantity of these items and the staff on duty are meticulously monitored not to exceed the amount of meals.

During authorisation of the claim forms in November 2017, it was noticed that the amount per person was exceeding the R60 per person due to the increase in price of all items. This resulted in an "unauthorised" amount of R1 346.00 (Vat Inclusive) being spent for the month of November 2017. It must be noted that a minimum of five Water Services teams perform standby duties on a daily basis.

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.1.1**RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report, approves the ratification of the expenditure to the amount of R1346.00 (including VAT); and
- (b) that Council certifies the expenditure as irrecoverable and that it be written off in terms of the MFMA Section 32 (2)(a)(ii).

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	2018/03/13

8.1.2	RATIFICATION OF THE APPOINTMENT OF JUBELIE PROJECTS FOR MULTI-DISCIPLINARY CONSULTANCY SERVICES RELATED TO THE NORTHERN EXTENSION PROJECT
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 May 2018

1. SUBJECT: RATIFICATION OF THE APPOINTMENT OF JUBELIE PROJECTS FOR MULTI-DISCIPLINARY CONSULTANCY SERVICES RELATED TO THE NORTHERN EXTENSION PROJECT

2. PURPOSE

To provide information regarding the history and current situation pertaining to the appointment of a service provider in terms of Supply Chain Management Policy, 4.36.1(b) to ratify a minor breach of the procurement processes for the appointment of Jubelie Projects to render consultancy services for the Northern Extension Project and to request the Committee to recommend to Council for approval.

3. DELEGATED AUTHORITY

Council to decide on the ratification of the the expenditure to the amount of R547 808 excluding VAT relating to the extension of the appointment of Jubelie Projects as a suitable service provider for multi-disciplinary consultancy services for the Northern Extension Project.

4. EXECUTIVE SUMMARY

This report covers the process followed to extend the appointment of Jubelie Projects as a suitable service provider for the multi-disciplinary consultancy services for the Northern Extension Project.

On 28 June 2016, Jubelie Projects was appointed to conduct a pre-feasibility study for the Northern Extension Project, to the north of Kayamandi. A first investigative phase (Phase1) was completed in February 2017. During this study, the designated area was assessed from a socio-economic, current land-use, topography/soils/drainage, heritage, traffic, access, proximity to and capacity of infrastructure services' perspective. This resulted in a feasibility report: *Northern Extension Project Stellenbosch: A Feasibility Report (Annexure 1)*.

Emanating from and impacting on this study, was the need to have more details regarding the so-called Western Bypass. During March 2017 it was decided to use members of the same professional team to further investigate and assess aspects such as first order horizontal and vertical alignments, alternative alignment corridors, land availability/access, bio-physical and socio-economic sensitivities of the study area, possible intersections/interchanges and high order costs. Specific professionals (from the Jubelie team) involved in this exercise were the Geometric Engineer (ICE Engineers) and the Environmental Assessment Practitioner (Aubrey Withers Environmentalists).

The cost of this first investigative phase (for the Western Bypass) has now been confirmed to be R547 808 (VAT excluded.) Deliverables which were produced included high order horizontal and vertical alignments, conceptual intersections / interchanges, results from engagements with affected private land owners, initial environmental assessments and identification of bio-physical constraints.

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.1.2

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in this report, and approves the ratification of the expenditure to the amount of R547 808 (excluding VAT); and
- (b) that the approval, from Unique Key number 20180221005306 / cost account number 1378300790000, be granted in terms of the Municipality Supply Chain Management Policy 4.36.1(b) to ratify any minor breaches of the procurement processes, in respect of payment to the appointed consultant on the Northern Extension Project, Jubelie Projects, amounting to R547 808 (VAT exclusive).

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

Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	Acting Director
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	Widmark.moses@stellenbosch.gov.za
REPORT DATE	2018/04/05

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	APPLICATION FOR SUBDIVISION ON ERF 3623, STELLENBOSCH
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Collaborator No: 586719
File No: LU/4234
IDP KPA Ref No: D488
Meeting Date: 23 May 2018

1. SUBJECT:

APPLICATION FOR SUBDIVISION ON ERF 3623, STELLENBOSCH

2 PURPOSE

To obtain the Planning and Economic Development Committee's approval for the application below.

Application is made in terms of Section 24(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Erf 3623, 4 Van Coppenhagen Street, Stellenbosch into two portions namely Portion A ($\pm 495\text{m}^2$) and Remainder ($\pm 755\text{m}^2$), as indicated on the plan attached as **ANNEXURE 2**.

3. DELEGATED AUTHORITY

For decision by the Planning and Economic Development Committee

4. EXECUTIVE SUMMARY

Erf 3623, 4 van Coppenhagen Street, Stellenbosch is zoned Single Residential and the application under consideration is to subdivide the subject property into two portions and the adjoining property owner has objected to the proposal.

FILE REFERENCE	3623
AUTHOR	Robert Fooy
SENIOR PLANNER	Robert Fooy
MANAGER: LAND USE MANAGEMENT	Hedre Dednam
WARD	7
WARD COUNCILLOR	Cllr A. Hanekom
REPORT DATE	13 November 2017
COMPETENT AUTHORITY	Planning and Economic Development Committee

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.2.1

RESOLVED (majority vote with abstentions)

that **approval is granted** in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Erf 3623, 4 Van Coppenhagen Street, Stellenbosch into two portions namely Portion A ($\pm 495\text{m}^2$) and Remainder ($\pm 755\text{m}^2$), as indicated on the plan attached as **ANNEXURE 3**, subject to the following approval conditions:

-
1. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 2. The conditions as imposed by the Director: Engineering Services in there memo dated 06/07/2017, attached as **ANNEXURE 4**, be complied with;
 3. The conditions as imposed by the Director: Electrical Services in there memo dated 15/02/2016, attached as **ANNEXURE 4**, be complied with;
 4. That a 2.5m wide servitude be registered over the relocated sewer line on registration of the subdivision in the deeds office;
 5. No additional dwelling unit may be constructed on the Remainder of erf 3623 or the newly created portion , Portion 1 and that this restrictive condition be registered against both properties title deeds on transfer of the subdivided portion, Portion 1;
 6. The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
 - b. Newly allocated Erf Numbers
 - c. Co-ordinates
 - d. Survey Dimensions
 7. No building plans will be approved prior to the submission of an approved SG diagram (electronic or hard copy, containing a SG number and signed by the Office of the SG);
 8. Building plans will only be approved on Portion 1 of the subdivision when all conditions of subdivision have been complied with;
 9. That this Municipality reserves the right to impose further conditions if deemed necessary.

REASONS FOR RECOMMENDATION

- a) The proposed subdivision is considered desirable as the proposal is seen as a form of infill development and will ensure that the existing services within the urban edge are optimally used.
- b) The proposal is also in line with the principles of the Stellenbosch SDF and complies with the subdivision policy of Council as adopted in 2003.

8.2.2	APPLICATION FOR REZONING: ERF 2, LA MOTTE
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Collaborator No: 570374
 File nr: 15/3/2
 IDP KPA Ref No:
 Meeting Date: 23 May 2018

1. SUBJECT: APPLICATION FOR REZONING: ERF 2, LA MOTTE

2. PURPOSE

To enable the delegated decision-maker to make an informed decision on the application for rezoning. The application is **recommended for refusal**.

3. BACKGROUND

The La Motte innovative village is an initiative by the then Executive Mayor aimed at promoting innovative residential development in Stellenbosch. During the 2014/2015 financial year, a feasibility study was conducted on Erf 2, La Motte to determine the suitability of this site as a proposed innovative village. On 17 August 2015, the Municipal New Housing Department presented the findings of the feasibility study at the Informal Mayoral Committee meeting. After the presentation, a formal quotation was advertised on the Municipal website for the supply of a refurbished container for show casing one residential container.

The proposed innovative village may only be accommodated on a residential zoned property. Erf 2 La Motte is zoned Authority Zone in terms of the Section 8 Zoning Scheme. The application under consideration is for rezoning from Authority Zone to Residential Zone III in order to permit the proposed innovative village on Erf 2, La Motte.

4. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 18(1) of the Land Use Planning Ordinance, Ordinance 15 of 1985, for the rezoning of Erf 2, La Motte from Authority Zone to Residential Zone III in order to use the site as an emergency housing site.

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.2.2

RESOLVED (majority vote)

that this matter be referred back to allow the Administration to amend the item.

8.2.3	APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7588, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

Erf 7588, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop basement parking with offices and flats above ground floor level on the subject property. The proposed development will consist of a three-storey building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor level. A locality plan attached as **APPENDIX 1**.

4. PROPERTY INFORMATION

Erf number	7588
Location	Stellentia Road, Stellenbosch (see APPENDIX 1)
Zoning/Zoning Scheme	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Vacant
Unauthorized land use/building work / date when notice served	No
Property size	18391m ²
Applicant	TV3 Architects & Town Planners
NHRA Applicable	No
Title deed conditions	No

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.2.3

RESOLVED (majority vote)

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7588, Stellenbosch to permit the construction of a mixed use building consisting of basement parking, offices and flats above ground level, subject to the following conditions:

1. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

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2. That the development shall be limited to a 3 storey building with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number J3083-A-101-2, dated October 2013;
 3. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite; That the building plans submitted to Council for approval is substantially the same as the approved Site Development;
 4. That the building plans must comply with the conditions imposed by Heritage Western Cape and must be endorsed by the relevant Heritage body;
 5. That the conditions imposed by the Directorate: Engineering Services in their memo dated 15 July 2017 attached as **APPENDIX 4** be adhered to prior to building plans being submitted to Council for approval;
 6. That a detailed landscaping plan is submitted for approval with the building plans and that the landscaping plan be to the satisfaction of the Directorate Community Services;
 7. That the landscaping shall be implemented prior to an occupational certificate being issued for the building;
 8. That the refuse room be placed in such a position on the property to have minimal impact on the streetscape and to form part of architecture of the building;
 9. That any vehicle servicing the refuse room should at all times have minimal impact on the existing traffic flow within the street;
 10. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
 11. That the relevant business licence be obtained if required;
 12. That the developments proposed on erven 7587, 7588 and 7592 be considered as one application and that the bulk infrastructure cost applicable to each property be paid simultaneously;
 13. That the developer submits a motivation and implementation plan to the Municipality for consideration. That the implementation plan should include items like programmes for the construction of the internal services and the building construction;
 14. That all the conditions of approval listed above need to be complied with prior to any building plans being submitted or considered by the Municipality;
 15. That this Council reserves the right to impose further conditions if deemed necessary.

REASONS FOR RECOMMENDATION

The proposed development of the subject property is considered desirable as it is in line with the municipal planning policies and principles and constitutes infill development of underutilised land. The proposal is compatible with the surrounding land uses. The proposal will have a positive impact on the local economy and will broaden the municipal tax base. The proposal will also facilitate the efficient use of existing services and facilities.

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

Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

8.2.4	APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7586, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

Erf 7586, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop a two storey building comprising basement parking with shops and offices on the ground and first floor of the building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. A locality plan is attached as **APPENDIX 1**.

4. PROPERTY INFORMATION

Erf number	7586
Location	Stellentia Road, Stellenbosch (see APPENDIX 2)
Zoning/Zoning Scheme	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Vacant
Unauthorized land use/ building work / date when notice served	No
Property size	20869m ²
Applicant	TV3 Architects & Town Planners (Power of Attorney attached as Appendix 6)
NHRA Applicable	No
Title deed conditions	No

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.2.4

RESOLVED (majority vote)

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7586, Stellenbosch to permit the construction of a commercial building consisting of shops and offices, subject to the following conditions:

1. The approval applies only to the Special Development as applied for and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the development shall be limited to shops and offices only;

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3. That the development shall be limited to a 2 storey building, with flat roof only, with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number 2970-A-102, Dated 03 April 2014, attached as **APPENDIX 2**;
 4. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
 5. That the conditions imposed by the Directorate Engineering Service in their memo dated 15 July 2017 attached as **APPENDIX 4** be adhered to;
 6. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
 7. That the relevant business licence be obtained if required;
 8. That the developments proposed on erven 7587, 7588 and 7592 be considered as one application and that the bulk infrastructure cost applicable to each property be paid simultaneously;
 9. That the developer submits a motivation and implementation plan to the Municipality for consideration. That the implementation plan should include items like programmes for the construction of the internal services and the building construction;
 10. That all the conditions of approval listed above need to be complied with prior to any building plans being submitted or considered by the Municipality;
 11. That this Council reserves the right to impose further conditions if deemed necessary.

REASONS FOR RECOMMENDATION

The land use is considered desirable as it is in line with the municipal planning policies and principles; constitutes infill development of underutilised land; will lead to the optimal use and appropriate densification; is compatible with and will complement the surrounding land uses; will have a positive impact on the local economy; will broaden the municipal tax base; and will lead to efficient use of existing services and facilities.

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

8.2.5	RECRUITMENT AND SELECTION PROCESS : CHIEF FINANCIAL OFFICER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

May 2018

1. RECRUITMENT AND SELECTION PROCESS : CHIEF FINANCIAL OFFICER**2. PURPOSE OF REPORT**

To obtain Council approval for the commencement of the recruitment and selection process of the Chief Financial Officer.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The contract period of Mr Marius Wüst, Chief Financial Officer, comes to an end 30 September 2018. It is therefore critical to commence with the recruitment and selection process of the Chief Financial Officer.

17TH COUNCIL MEETING: 2018-05-23: ITEM 8.2.5

Before deliberations on the matter, Mr M Wüst excused himself for the duration of the matter. Due to the late distribution of this additional item, Cllr F Adams requested time to peruse the document. The Speaker allowed a 10-minute break to allow Councillors to peruse the document.

RESOLVED (majority vote)

- (a) that Council approve the recruitment and selection processes of the Chief Financial Officer;
- (b) that the advertisement indicate a term of up to 10 years; and
- (c) that an independent external consultant be appointed to assist with the recruitment and selection process in line with abovementioned Regulations.

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

Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	May 2018

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2018 TO APRIL 2018

File No: 8/1/3/3/8
 Collaborator No: 563503
 IDP KPA Ref No: N/A
 Meeting Date: 2018-05-23

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from January 2018 to April 2018 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

17TH COUNCIL MEETING: 2018-05-23: ITEM 9.1.1

Deputy Executive Mayor, Cllr N Jindela acted as Executive Mayor in the absence of Ald G Van Deventer and Ms A De Beer acted as Municipal Manager in the absence of Ms G Mettler.

During deliberations on the matter the following questions were posed which the Executive Mayor, Ald G Van Deventer will respond to in writing:

COUNCILLOR	QUESTION
Cllr RS Nalumango (Ms)	Why did the Planning item regarding Erf 5343 (as per the delegations exercised by the Executive Mayor at the bottom of page 575 of the Agenda) serve before the Executive Mayor and not the Appeals Committee?
Cllr DA Hendrickse	When will Council receive reports on the workings of the Planning Tribunal Committee, since Council approved the appointment of the members of the Planning Tribunal Committee?

NOTED

the decisions taken by the Executive Mayor for the period January to April 2018.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	DONOVAN MULLER
<i>POSITION</i>	OFFICE MANAGER: EXECUTIVE MAYOR
<i>DIRECTORATE</i>	CORPORATE AND STRATEGIC SERVICES
<i>CONTACT NUMBERS</i>	021 8088314
<i>E-MAIL ADDRESS</i>	<u>Donovan.Muller@stellenbosch.gov.za</u>
<i>REPORT DATE</i>	03 May 2018

9.1.2	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES
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1. PURPOSE OF REPORT

For Council to consider the appointment of a Representative of Council to Primary Health Care Facilities Communities.

2. BACKGROUND

The request for the nomination of councilors for appointment to Primary Health Care facility Communities was received on 28 February 2018 [see **APPENDIX 1**].

Delegation 12 read as follows:

“To appoint or nominate Councillors and/or officials to represent Council on outside bodies/public bodies -EM - Insofar as it relates to Councillors.

MM - Insofar as it relates to officials”

17TH COUNCIL MEETING: 2018-05-23: ITEM 9.1.2

RESOLVED (majority vote with abstentions)

that Council approves the nomination of Councillor Stephan Louw to serve on the Primary Health Care Facilities Communities.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	17 May 2018

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	MOTION 1 BY COUNCILLOR LK HORSBAND (MS): INCREASE OF THE EXISTING FIRE KIT MATERIAL LIST
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17TH COUNCIL MEETING: 2018-05-23: ITEM 10.1

The Speaker allowed Councillor LK Horsband (Ms) to 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 7 for and 25 against the Motion.

RESOLVED (majority vote)

that this Motion not be accepted.

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.2	MOTION 2 BY COUNCILLOR LK HORSBAND (MS): TRAUMA COUNSELLING TO VICTIMS OF DISASTERS
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17TH COUNCIL MEETING: 2018-05-23: ITEM 10.2

The Speaker allowed Councillor LK Horsband (Ms) to 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 5 for and 24 against the Motion.

RESOLVED (majority vote)

that this Motion not be accepted.

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.3	QUESTION 1 BY COUNCILLOR DA HENDRICKSE: NEW ORGANISATIONAL STRUCTURE AND PLACEMENT AGREEMENT
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It was noted that Councillor DA Hendrickse expressed his dissatisfaction that all the attachments on his question was not included in the Agenda. He was not satisfied with the response and posed a follow-up question, namely:

“What was done up to date?”

The Municipal Manager will respond in writing.

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.4	QUESTION 2 BY COUNCILLOR DA HENDRICKSE: LEASE OF FARM 369
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It was noted that Councillor DA Hendrickse expressed his dissatisfaction that the attachments on his question was not included in the Agenda. He was not satisfied with the response and will deal with the matter.

NOTED

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.5	QUESTION 1 BY COUNCILLOR F ADAMS: TEN YEAR CONTRACT
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It was noted that Councillor F Adams was not satisfied with the response and posed a follow-up question, namely:

“What is the reason why the request by Ms AMC De Beer (in a letter dated 2 November 2016, requesting a 10 year contract) never served before Council?”

The Municipal Manager will respond in writing.

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.6	QUESTION 2 BY COUNCILLOR F ADAMS: TENDERS
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It was noted that Councillor F Adams was not satisfied with the response and posed a follow-up question, namely:

“What was the financial benefits for BEE companies in terms of rand and cent in the overall spending in terms of the Capital Budget for 2017/18?”

The Municipal Manager will respond in writing.

Meeting:	17 th Council meeting: 2018-05-23	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

11.	CONSIDERATION OF URGENT MOTIONS
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12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 16:10.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**