



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-11-29

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MINUTES

18TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2023-11-29 AT 10:00

MINUTES
18TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-11-29

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

COUNCILLORS:

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

OFFICIALS

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

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit, extended a warm welcome to all present in the 18th Council meeting.

2.

MAYORAL ADDRESS

- Last Council meeting for 2023, and everyone will acknowledge it was a very trying year. The flood and storm damage were the most severe, but we must also acknowledge great events like the winning the Rugby World Cup.
- Festive Market:
I hope all Councillors are supporting the Festive Market, that is open from 10h00 until 19h00 daily up to 1 December 2023. It is the first municipal festive market, and it is a great platform to provide local vendors the opportunity to sell their goods. If you have not been, there are some amazing items and food for sale, and it is ideal for Christmas presents.
- Festival of Lights:
All Councillors are also invited to the Festival of Lights on Saturday, 2 December 2023 and Sunday, 3 December 2023. The invitation to both the Festive Market and the Festival of Lights were circulated to your inbox and posted on the WhatsApp group for Councillors.
The Festival of Lights will be an amazing event:
Dates: 2 – 3 December 2023
Time: 18h00 – 22h00
Venue: Die Braak
Line up for Saturday evening: Emo Adams, Alistair Izobel, NV Funk, Don Vino, Vuvo Khumalo, Just Friends (stage band) and Nielo.
They will be supported by our local talent performers, who all auditioned at the various auditions held in respective areas to ensure we showcase the best of our local talent.
Sondagaand is dit die Gospelaand, met die gewilde Carols by Candlelight. Pamflette sal uitgedeel word met die lirieke van bekende Kersliedere op. Plaaslike kore en talent sal ook aan die verrigtinge deelneem, tesame met die orkes.
- Stellenbosch Municipality has partnered with The StartUp Tribe to bring all residents of the Greater Stellenbosch Municipal Area the Stellenbosch Entrepreneurship Academy! The online academy provides FREE practical courses to individuals wanting to start or grow their businesses. Please check out the information on the municipal website.
- We are currently within the 16 days of activism campaign to stop violence against women and children. Reach out, Respect and Report. Make sure you have all the important numbers close by and share these with friends and family. The important numbers are listed on our municipal website:
24-hour Rape Crisis helpline: 021 447 9762
GBV hotline: 0800 428 428
SAPS Crime Stop: 08600 10111
SAPS Domestic violence helpline: 0800 150 150
SAPS Childline: 116
- Anton Bredell, Western Cape Minister for Local Government, Environmental Affairs and Development Planning has launched the Provincial Fire Readiness initiative in Stellenbosch yesterday. The aim is to showcase the province's readiness to fight fires over the festive season. I urge everyone to please be careful when making open fires, especially over the summer and festive season. Our Fire Services teams are constantly on high alert.
- The Western Cape Province continues to record impressive growth in the number of tourists coming into the province. Stellenbosch is also heavily reliant on tourism, and I ask every resident of Stellenbosch to be a tourism ambassador. Be friendly, be helpful and help us to roll out the red carpet to both foreign and domestic tourists. Tourism boosts the economy and create jobs, and sustainable jobs. More tourists mean more jobs.
- With all the good news, we must be aware still of ESKOM and loadshedding. As recently as this past week, Eskom's stage 6 load shedding places severe pressure on our ability to ensure that we meet the regular water demand in our municipal area.

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

Reservoirs do not always have enough time to refill to appropriate levels and this may lead to low water pressure or an interruption in supply. An appeal is herewith made to reduce water usage to mitigate the effects of load shedding.

This can be done by:

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

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

- Neem asseblief kennis dat daar geen normale herwinning / vullisverwyderingsdiens op Maandag, 25 Desember 2023 en Maandag, 1 Januarie 2024 gelewer sal word nie. Die geaffekteerde areas sal 'n diens op Saterdag, 23 Desember 2023 en Saterdag, 30 Desember 2023 ontvang. U word vriendelik versoek om geen herwinning / vullis op die betrokke datums uit te plaas nie, maar wel op die alternatiewe datums.
- Kabeldiefstal is besig om al hoe meer 'n groot probleem in gemeenskappe te word, en dit beïnvloed dienslewering en veiligheid. Help asseblief om kabeldiefstal te beperk deur dit onmiddelik aan te meld of inligting te deel wat kan lei tot arrestasies.
- Minister Bredell informed that the IDP of Stellenbosch Municipality conforms and is compliant. IDP already well underway.
- Stellenbosch Municipality received another clean audit.
- All Councillors: please travel safely and enjoy an amazing Festive Season.

3.	COMMUNICATION BY THE SPEAKER
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Opening and Welcome:

Executive Mayor
Deputy Mayor
Council whip
Members of the Mayoral Committee
MPAC Chair
All Councillors
Municipal Manager
Directors
Members of the administration
Members of the public

Birthdays – November 2023

Councillor Johanna Serdyn – 1 November
Councillor Ayanda Tomose – 3 November
Councillor Ralphton Adams – 4 November
Councillor Nomonde Mkhontwana – 9 November
Councillor Xoliswa Mdemka – 26 November
Councillor Xolile Kalipa - 28 November

Birthdays – December 2023

Councillor JC Anthony – 12 December
Councillor Elliot Masimini – 19 December

Councillor Charles Manuel – 25 December
 Councillor Wilfred Pietersen – 27 December
 Councillor Maynard Slabbert – 28 December
 Councillor Rozette Du Toit – 31 December

Municipal Manager – 22 November

RECESS

08 December 2023 – 5 January 2023

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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- 16 Days of Activism kicked off on 25 November until 10 December. Appealed to everyone to reach out if they see that something is not right.
- Safety, especially road safety is important! Two kids were killed in an accident in Klappmuts recently. Condolences to the families of these children. Please be safe.
- Condolences to the family of Mr Ronaldo Hartogh, who recently passed away. Mr Hartogh was an official of Stellenbosch Municipality and worked in the Maintenance Department.
- Congratulations to Stellenbosch Football Club on their win.
- The matric exams are drawing to an end. Suicide attempts may be on the rise. Please be vigilant in this regards.

Thank you.”

5.	DISCLOSURE OF INTERESTS
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The following Councillors disclosed their interest in items on the Agenda:

Cllr WF Pietersen	-	Item 11.3.2
Cllr M Van Stade	-	Item 11.3.2
Cllr S Schafer	-	Item 11.4.1

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

Cllr C Manuel	-	29 November 2023
Cllr O Jooste	-	29 November 2023
Cllr Z Ndalasi	-	29 November 2023

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
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7.1	17TH COUNCIL MEETING: 2023-10-25
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The minutes of the 17th Council meeting: 2023-10-25 **were confirmed as correct without any changes.**”

8.	STATUTORY MATTERS
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8.1	INTEGRATED DEVELOPMENT PLAN (IDP) COMMUNITY INPUTS AND COMMENTS SUBMITTED WITHIN THE PUBLIC PARTICIPATION PERIOD IN SEPTEMBER AND OCTOBER 2023
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Collaborator No: 758994
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2023 & 29 November 2023

1. SUBJECT: INTEGRATED DEVELOPMENT PLAN (IDP) COMMUNITY INPUTS AND COMMENTS SUBMITTED WITHIN THE PUBLIC PARTICIPATION PERIOD IN SEPTEMBER AND OCTOBER 2023

2. PURPOSE

To submit the following to the Council for notification:

The IDP community inputs and comments submitted within the public participation period in September and October 2023 for the 2nd Review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027, attached as **ANNEXURE A**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of legislation, a municipality is required to conduct a public participation process to solicit community input and comments in preparation for the review of the IDP and budget for the new financial year. In preparation for the drafting of the 2nd Review of the 5th Generation IDP 2022 – 2027, open days and stakeholder engagement were held.

The public participation period commenced on Monday, 04 September 2023 and the closing date for inputs and comments was on Wednesday, 04 October 2023 at 16:30. The public participation open days were held in specified venues from Tuesday, 12 September – Monday, 02 October 2023. A stakeholder engagement was facilitated on Wednesday, 04 September 2023.

The community inputs and comments were submitted to the relevant ward councillors to discuss with their respective ward committees and to review (if so required) their ward priorities for the 2024/25 financial year and / or outer financial years in line with the inputs received.

In addition, the community inputs and comments were also submitted to the various directorates to consider in their respective strategies, projects, programmes, and master plans.

18TH COUNCIL MEETING: 2023-11-29: ITEM 8.1**NOTED**

- (a) the community inputs and comments received during the September and October 2023 public participation process, attached as **ANNEXURE A**;
- (b) that the ward councillor will, in consultation with the ward committee, review the ward priorities of the respective ward; and
- (c) that the re-prioritised ward priorities and community inputs will be considered by the municipality for implementation in the 2024/25 and / or outer financial years.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	Geraldine.Mettler@stellenbosch.gov.za
REPORT DATE	25 October 2023

8.2	ADJUSTMENTS BUDGET 2023/2024
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 16 November 2023 & 29 November 2023

1. SUBJECT: ADJUSTMENTS BUDGET 2023/2024

2. PURPOSE

To present the 2023/2024 adjustments budget to Council for approval. The adjustments budget emanates from Unforeseen Expenditure incurred due to the Disaster in September 2023; the Grant rollover approvals received from Western Cape Provincial Government; and the reduction in Grants by National Treasury.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

18TH COUNCIL MEETING: 2023-11-29: ITEM 8.2

RESOLVED (nem con)

- (a) that the Adjustments Budget for 2023/2024 as set out in **APPENDIX 1-5**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR ANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	09 November 2023

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2023
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 16 November 2023 & 29 November 2023

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

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during October 2023.

18TH COUNCIL MEETING: 2023-11-29: ITEM 8.3

NOTED

the deviations as listed for the month of October 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	<i>Senior Manager: Supply Chain Management</i>
DIRECTORATE	<i>Financial Services</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@stellenbosch.gov.za</i>
REPORT DATE	09 November 2023

9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS
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No report submitted as outstanding resolutions serves at Section 80 Committees.

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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10.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 07 SEPTEMBER 2023
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 29 November 2023

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 07 SEPTEMBER 2023

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 07 September 2023.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 07 September 2023. The minutes is attached as **Annexure A**.

18TH COUNCIL MEETING: 2023-11-29: ITEM 10.1.1

NOTED

the report from the Executive Mayor on the Mayor – Rector Forum Meeting: 07 September 2023.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@stellenbosch.gov.za</u>
REPORT DATE	13 November 2023

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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10.3.1	REPORT/S BY THE MUNICIPAL MANAGER
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 29 November 2023

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 JULY 2023 UNTIL 30 SEPTEMBER 2023

2. PURPOSE

To report to Council on the decisions taken by the Municipal Manager and the Directors in terms of Council's System of Delegations for the period 1 July 2023 until 30 September 2023, in compliance with Section 63 of the Local Government: Municipal Systems Act, read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Furthermore, these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

18TH COUNCIL MEETING: 2023-11-29: ITEM 10.1.1

NOTED

the decisions taken for the period 1 July 2023 until 30 September 2023, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 July 2023 – 30 September 2023)
- Chief Financial Officer – Mr K Carolus (1 July 2023 – 30 September 2023)
- Director Infrastructure Services – Mr S Chandaka (1 July 2023 – 30 September 2023)
- Director Planning and Economic Development – Mr A Barnes (1 July 2023 – 30 September 2023)
- Director Corporate Services – Ms A de Beer (1 July 2023 – 30 September 2023)
- Director Community and Protection Services – Mr G Boshoff (1 July 2023 – 30 September 2023).

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

11.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]
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11.2.1	STANDARDIZATION OF LIBRARY HOURS AT THE MUNICIPAL PUBLIC LIBRARIES OF STELLENBOSCH WCO24
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Collaborator No: 753464
IDP KPA Ref No: Good Governance
Meeting Date: 16 November 2023 & 29 November 2023

1. SUBJECT: STANDARDIZATION OF LIBRARY HOURS AT THE MUNICIPAL PUBLIC LIBRARIES OF STELLENBOSCH WCO24

2. PURPOSE

2.1 To request Council to retract Council resolution of the 31st Council meeting: 2015-06-24: ITEM 7.8 which stated:

- (a) That council approve the amendment of library hours i.e. services be closed Good Friday, 24 and 31 December;
- (b) that library services be closed on the day before Good Friday at 12h00 and
- (c) that the library services at Cloeteville, Plein Street, Kayamandi and Groendal operate from 09h30 until 18h00 daily.

2.2 To gain council approval to standardize library operational hours at all of the Municipal Public Libraries within the Stellenbosch WCO24.

To schedule hours of opening for the maximum convenience of the residents, thereby ensuring the best possible access to library services and applying the principle of cost effectiveness.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

At the Council meeting of 24 June 2015, a decision was taken that the libraries at Cloeteville, Plein Street, Kayamandi, Idas Valley and Groendal operate daily between 09h00 and 18h00. The detail of this decision is under the heading 6.6 Previous / Relevant Council Resolutions.

Secondly the resolution taken was that the staff at Cloetesville, Plein Street, Kayamandi, Idas valley and Groendal libraries are permitted to leave the workplace at 12h00 on the day before Good Friday, 24 and 31 December of each year.

The decision does not include the following libraries: Jamestown, Pniel, Franschhoek, Klappmuts and Koelenhof. Although the information cannot be verified, the reason why only certain libraries were permitted to close earlier is only because the staff at those libraries requested it.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.2.1

RESOLVED (majority vote)

- (a) that the Council resolution of the 31st Council meeting: 2015-06-24: ITEM 7.8 be rescinded;
- (b) that Council approves that opening and closing hours be standardized for all Municipal Public Libraries; and
- (c) that all municipal libraries are subject to the municipality policy regarding early closure of libraries and reduced hours of operation as recommended on “**ANNEXURE 1**”.

FOR FURTHER DETAILS CONTACT:

NAME	Sarala Majudith
POSITION	Manager: Library Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8393
E-MAIL ADDRESS	Sarala.majudith@stellenbosch.gov.za
REPORT DATE	20 June 2023

11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
11.3.1	AMENDMENT TO LONG-TERM LEASE AGREEMENT FOR FARM 377B, STELLENBOSCH: KIRSTEN EIENDOMTRUST

Collaborator No: 759297
 IDP KPA Ref No: Good Governance
 Meeting Date: 16 November 2023 & 29 November 2023

1. SUBJECT: AMENDMENT TO LONG-TERM LEASE AGREEMENT FOR FARM 377B, STELLENBOSCH: KIRSTEN EIENDOMTRUST

2. PURPOSE

To obtain Council-approval for the amendment to the long-term lease agreement for Farm 377B, Stellenbosch currently being rented by Kirsten Eiendomstrust as the municipality needs the land for a sewerage pipeline.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 27 March 1986 the municipality and Goedvertrouw Boerdery (Pty) Ltd entered into a lease agreement in respect of Farm 377B, Stellenbosch. The initial lease period was from 1 April 1982 to 31 March 2007. On 15 November 2000 an extension to the lease agreement was entered into between the municipality and Kirsten Eiendomstrust whereby it was agreed that the lease agreement will extend for a further 25 years from 01 April 2007 to 31 March 2032. There is an agreement in place and entered into prior to the asset transfer regulations coming into place in 2008. He is currently paying R41 948.46 per annum to lease the 16.27 hectare. This decision was taken before the current municipality (Stellenbosch Municipality WC024) was proclaimed. The election was held on 1 December 2000 and writer could not find a resolution of Council in that respect. It is likely that the decision was taken by the previous Manager Property Management.

The municipality entered into negotiations with various farm owners in respect of the registration of a servitude and access to a sewerage pipeline that runs through numerous farms, including Farm 377B. The majority of the farm owners have agreed to the registration of a servitude over their property and the servitude registrations have been registered at the deeds office. The lessee of Farm 377B did not provide his co-operation and an item served before Mayco in September 2023 to cancel the lease agreement in terms of the provisions of the agreement.

In terms of Clause 18.1.5 of the lease agreement the municipality has the right to terminate the agreement should the property be needed for any *bona fide* municipal purposes. As the municipality needs access to the pipeline and it is an essential service and we the Lessee is not prepared to co-operate to release the area where the pipeline is situated from the current lease agreement without the payment of money in relation to alleged loss of income plus interest thereon. The municipality does not pay interest unless a court compels us to. The municipality is further of the view that the lessee has no right to claim any loss of income. The municipality was always prepared and still is to reimburse the lessee for the fence that was damaged when the pipeline was installed. The item was referred back to have discussions again with the lessee to obtain his co-operation. He has now agreed to amend the current lease agreement to exclude the .71 hectare from the agreement and to allow access to the pipeline as and when needed by the municipality. The amended draft agreement is attached for approval.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.3.1**RESOLVED** (majority vote)

- (a) that Council takes note of the report; and
- (b) that Council notes and approves the amendment to the current agreement as per appendix 2.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>Annalene de Beer</i>
<i>POSITION</i>	<i>Director: Corporate Services</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088073</i>
<i>E-MAIL ADDRESS</i>	<i><u>annalene.debeer@stellenbosch.gov.za</u></i>
<i>REPORT DATE</i>	<i>2023-11-09</i>

11.3.2	POSSIBLE DISPOSAL OF A PORTION 7 OF ERF 3363 STELLENBOSCH (23 SIMONSBERG STREET)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2023

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION 7 OF ERF 3363 STELLENBOSCH (23 SIMONSBERG STREET)

2. PURPOSE

To obtain Council's in principle approval for the disposal of Erf Portion 7 of Erf 3363 Stellenbosch situated at 23 Simonsberg Street.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality is the registered owner Erf 3363 Stellenbosch. This is a large property which includes several residential properties, offices, the Beltana Depot and large portions of the Botmaskop Nature Area.

Portion 7 of Erf 3363 is better known as No. 23 Simonsberg Street, Stellenbosch. This property was used for staff housing and later as offices however the property has been vacant for some time now. The property has been vandalised and it is not intended to be used for municipal employee housing any further.

The vacant property is causing issues for the broader community due to the vandalization and the fact that the property is not maintained as it is vacant. Corporate Services Directorate therefore recommends that the property be alienated by way of public auction although it still falls under the housing rental properties portfolio. The property must still be subdivided from the bigger erf.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.3.2

the Speaker **RULED**

that this item be withdrawn.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	annalene.debeer@stellenbosch.gov.za
REPORT DATE	15/11/2023

11.3.3

RETURN ITEM: REPORT ON FRANSCHHOEK JEUGONTWIKKELINGSTRUST

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 16 November 2023 & 29 November 2023

1. SUBJECT: RETURN ITEM: REPORT ON FRANSCHHOEK JEUGONTWIKKELINGSTRUST**2. PURPOSE**

For Council to consider further action in the matter.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Erf 580 was donated to the “Voortrekkerbeweging van Suid Afrika, Franschhoek Kommando”, however, the fall-back clause was activated during 2001. The “Voortrekkerbeweging” agreed to give the erf back on conditions. One of the conditions was that a Youth Trust be establishment. Subsequently, the Franschhoek Jeugontwikkelingstrust was established on 19 June 2002. The then Councillor, Andricus van der Westhuizen, was appointed as trustee to act on behalf of the Municipality when the Trust was registered.

The Trust Deed provided in clause 12 that in the event that the trustees unanimously, and in their discretion decide that the objective of the Trust is not fully fulfilled, they have the right to immediately end the trust, liquidate it and transfer the balance of its assets to the Stellenbosch Municipality. This provision was however amended to replace the Municipality as “beneficiary” of the assets of the Trust should the Trust be dissolved with a non-governmental charity organisation. The municipality has never received any feedback from the Trust regarding their actions to fulfil the objectives of the trust. Erf 2886, Franschhoek is registered in the name of the trust and belonged to the Municipality before donated to the trust. The land is currently littered with debris from the adjacent La Lude wine Estate and recently it has come to our attention that there are illegal occupants on the land. When this was brought to the attention of the trust the trust wrote an email to request the Municipality’s help with the illegal occupiers (**ANNEXURE 8**). Legally the municipality may not spend money on another landowner’s property and where the municipality has in past done so the owner undertook to pay the money back to the municipality. There is no such offer from the trust contained in the email. The current situation with illegal occupation and the trust’s inability to deal with it put that asset at risk of being invaded beyond control.

Despite the indication by email that there is information available none such information was forwarded to the municipality. The Municipality was removed as a “beneficiary” of the assets of the trust (after dissolution of the trust). Further, and as is detailed hereinbelow, Mr Andricus van der Westhuizen is no longer a Councillor at the Municipality which has the ultimate effect that the Municipality, as founder of the Trust, no longer has a representative as trustee and accordingly has no input into the activities of the trust or its assets.

The matter served before Council in August 2023 and was referred back to have discussions with the trust. The Municipality's attorneys had "without prejudice" meetings with two of the trustees and reports that the proposals made by the trust includes that they are willing to again amend the Trust Deed to provide that the municipality "beneficiary" of the assets of the trust (after dissolution) provided that it does not affect their status as an NGO. They also claim that they are operational. In terms of the trust Deed can decide if they are fulfilling the objectives of the trust. They have not been able to provide concrete evidence of any of the benefits for the greater community. No facility has been developed and all the plans brought forward is only on paper. There have been no clear developments that benefits the youth from what was presented. No information was forwarded to the municipality despite the request to send information.

Mr van der Westhuizen wrote a letter to the municipality dated 29 September 2023 and the copy of the letter is attached as **ANNEXURE 9**.

Our attorney's had an informal and without prejudice discussion with Mr van der Westhuizen and 1 of the other trustees on 3 October 2023. We are advised inter alia that council should take the following into consideration in making a decision on a way forward:

- a) The trust informed the attorney that they have plans with the property – allegedly for an international sport centre, but there are no official plans or agreements in place.
- b) It has been two decades since the trust was established and no concrete development has taken place and no information has been provided that the trust is achieving its objectives. The trust however leaves that decision in the hands of the trustees.
- c) The present illegal occupation is a big red flag.
- d) There is no way to know if the municipality's reinstatement as a will affect the Trust's status as an NGO and the municipality is advised not to agree to such a condition unless they are certain that the condition can be fulfilled.
- e) Even if the municipality is again added as "beneficiary" to the trust the municipality still has no representation on the trust and no guarantee that we will receive feedback or will not be removed as "beneficiary again.
- f) The municipality is not a "beneficiary" of the trust anymore as they have been removed unilaterally by the trustees and can therefore not be bound by any provision in the trust document about mediation and arbitration.
- g) The fact that the Municipality does not have a representative as trustee affects the Municipality's involvement in the trust decisions etc.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.3.3

RESOLVED (majority vote)

- (a) that Council takes note of the report;
- (b) that Council takes note of advice received; and
- (c) that council mandates the Municipal Manager to institute legal proceedings to obtain an order to:

-
- (i) set aside the amendment to the Trust Deed where the municipality was removed as a "beneficiary" of the trust irrespective of whether that affects the NGO status of the trust; and
 - (ii) to allow the Municipality as one of the founding parties to appoint a trustee to replace Mr van der Westhuizen as the representative of the Municipality. This would again allow the three founding parties each to have a representative representing the founding parties in the pursuit of the objectives of the Trust.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene de Beer
<i>POSITION</i>	Director
<i>DIRECTORATE</i>	Corporate Services
<i>CONTACT NUMBERS</i>	021 808 8018
<i>E-MAIL ADDRESS</i>	Annalene.deBeer@stellenbosch.gov.za
<i>REPORT DATE</i>	1 November 2023

11.3.4	REPORT ON POSSIBLE MANAGEMENT MODEL FOR RHENISH COMPLEX ERF 9672, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2023

1. SUBJECT: REPORT ON POSSIBLE MANAGEMENT MODEL FOR RHENISH COMPLEX ERF 9672, STELLENBOSCH

2. PURPOSE

To inform Council about a possible option for the management of the Rhenish complex that forms part of the heritage portfolio which Council requested the municipal manager to investigate solutions for the management and maintenance of the heritage buildings.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Rhenish Complex as its colloquially known is located on Erf 9672 Stellenbosch the subject complex is currently developed with a number of buildings – see **APPENDIX 1**. Council resolved as part of the resolution dealing with the property framework that it is recognised as one of the historic portfolio properties and that as such it would remain the property of the municipality whilst finding ways to manage and maintain the properties for the community.

The Historiese Huise van Suid-Afrika Limited submitted a written proposal which is attached as **APPENDIX 2** to the Municipality to get involved in the much-needed restoration, maintenance, management and sustainable use of the Rhenish complex. This includes what is commonly known as the PMU building where the ward offices are situated as well as the old information centre in Market street. The exact details of how this project is envisaged to work is not yet clear and they propose as a next step for the municipality to indicate its willingness to support and participate in the project and to enter into a non-binding memorandum of understanding that will allow the appointment of a project manager and the implementation of further steps to develop a model for the maintenance and management of the complex.

Historiese Huise van Suid Afrika has a long history of involvement with the preserving and management of historical assets all over the country and has the expertise of how to maintain and sustainably manage such historical buildings and properties. They have several of these properties as part of their own portfolio.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.3.4

RESOLVED (majority vote)

- (a) that Council takes note of the proposal from Historiese Huise van Suid Afrika;
- (b) that Council supports the Municipalities participation in the project;

- (c) that the Municipal Manager be authorised to enter into a non-binding memorandum of understanding to investigate how the project may be rolled out; and
- (d) that once the investigation is concluded the matter be resubmitted for Council consideration.

7.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
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NONE

7.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
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7.5.1	STELLENBOSCH MUNICIPALITY: DRAFT INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) FOR THE PERIOD 2022 - 2027
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Collaborator No: 758926
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2023

1. SUBJECT: STELLENBOSCH MUNICIPALITY: DRAFT INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) FOR THE PERIOD 2022 – 2027

2. PURPOSE

To approve the draft Integrated Human Settlement Plan (IHSP), 2022 – 2027, compiled in accordance with the Provincial Department of Infrastructure (previously known as Provincial Department of Human Settlements) guidelines and aligned with the Integrated Development Plan (IDP) and Municipal Spatial Development Framework (MSDF), for public participation.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The National Housing Act 107 of 1997 requires that all municipalities must plan to facilitate the delivery of housing opportunities as part of their overall plan for their municipality.

The aim of the draft Integrated Human Settlements Plan (IHSP) is therefore:

- To outline the Municipality’s implementation plan in providing for the housing needs of its steadily growing and increasing population.
- to enable the Municipality to prepare funding applications for submission to the Provincial Department of Infrastructure, that are consistent with funding conditions and included in the municipal IDP and Housing Pipeline, as per Provincial Department of Infrastructure guidelines is a requirement; and
- To inform the municipal Housing Pipeline spanning over ten years reflected in five-year periods the funding required in the Provincial Department of Infrastructure’s Business Plan.

The development of the IHSP will therefore not only comply with the requirements of the National Housing Act whereby the municipality are obliged to facilitate the delivery of housing opportunities as part of their municipal but will also develop credible Housing Pipeline and operational models for human settlements development within the WC024.

The draft Integrated Human Settlements Plan is a component of the Integrated Development Plan (IDP) and therefore outlines the Human Settlements contribution to the Municipality's five-year Integrated Development Plan (2022 – 2027).

It should be further mentioned that the need for shelter within the Stellenbosch Municipal area is outlined in the Spatial Development Framework (SDF). By 2036, the need for subsidised housing was projected as 40 953 opportunities consisting of and separated between 17 847 indigent and 23 106 others (excluding privately funded).

The draft IHSP also commits to the following principle aligned with the IDP and SDF focus areas:

IDP & SDF Focus Areas	IHSP Principles	IHSP Implication
Valley of Possibility	Equal access	Require well located land
Safe Valley	Place Identify	Provide for amenities & safe communal spaces
Dignified Living	Well-being & individual capability.	Secured tenure (title or rental)
Good Governance and compliance	Corporate capabilities	Secured funds & services
Green & sustainable valley	Resource frugal	Healthy ecological infrastructure

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that Council takes note that the process of public participation has been concluded;
- (b) that gentrification be investigated and that the necessary instruments (including policy) be developed to address the occurrence thereof which could be included in the Municipality's Spatial Development Framework; and
- (c) that the Integrated Human Settlements Plan be adopted by the Council.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Lester van Stavel</i>
POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	<i>Planning & Economic Development, Integrated Human Settlements</i>
CONTACT NUMBERS	<i>021 808 8462</i>
E-MAIL ADDRESS	<i>Lester.vanstavel@stellenbosch.gov.za</i>
REPORT DATE	

11.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
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11.6.1	STELLENBOSCH STATION PARKING AREA
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Collaborator No:	758593
IDP KPA Ref No:	Good Governance & Compliance
Meeting Date:	16 November 2023

1. SUBJECT: STELLENBOSCH STATION PARKING AREA

2. PURPOSE

That Council takes note of this report and approves the proposals contained herein.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Taxi operators are currently using the Stellenbosch Station parking area as a holding and loading facility, which is problematic since adequate provision is not made for such a facility at this location. The lack of public parking spaces, increasing activities in taxi operators, lack of ablution facilities, increase in noise, litter etc are some of the complaints from the community that the municipality receives on a regular basis.

Following an internal assessment of the matter, it was confirmed that the Stellenbosch Station parking area must be re-established as a parking area, as it would address a parking need in the area and function as a park and ride when train services resume. Utilizing the area as a tour bus facility is not feasible since the Municipality has tour bus facilities earmarked for implementation in the medium term.

The Bergzicht Taxi Rank is proposed as the alternative ranking location for those with valid permits. The provision of an adequate relocation facility must be complete and operational before the Stellenbosch Station Parking area can be re-established as a parking area.

When taxi operators are relocated to the new facility, the Municipality should undertake assessments to determine the most appropriate parking management model. The most appropriate parking management model should be implemented ensuring that the parking area operates efficiently and ensuring that the concerns raised by the community are addressed.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.6.1

RESOLVED (majority vote)

- (a) that Council approves that provision for assessments is made to determine the most appropriate parking management model for the Stellenbosch Station parking area; and
- (b) that the outcome of the assessments be reported to Council for consideration.

11.6.2	DENNESIG NEIGHBOURHOOD PEDESTRIANISATION
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Collaborator No: 758590
 IDP KPA Ref No: Good Governance & Compliance
 Meeting Date: 16 November 2023

1. SUBJECT: DENNESIG NEIGHBOURHOOD PEDESTRIANISATION**2. PURPOSE**

That Council takes note of this report and approves the proposals contained herein.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Municipality aims is to promote and prioritize Non-Motorised Transport (NMT), as these were outcomes from IDP consultative processes and forms part of the Municipality's and National Government's Strategic Planning. The Municipality's Comprehensive Integrated Transport Plan also list the partial or full pedestrianization of streets in CBD (Central Business District) as a strategic transport intervention.

Urban Design Guidelines and a Transport Master Plan for the Dennesig Neighborhood was approved in 2019 after receiving multiple development proposals within the area. The objective is to change the character of the neighborhood and the behavior of motorists to create "living streets" that would prioritize pedestrians and cyclists.

Pedestrianization is therefore proposed along Dennesig Road (between Bird and Hofman Streets), along Hofman Street (between Paul Kruger and Dennesig Roads) and Paul Kruger Street in front of the church.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.6.2**RESOLVED** (majority vote)

- (a) that the content of this report be noted;
- (b) that the Dennesig neighborhood pedestrianization be accepted as the copy to be used in a Public Participation process;
- (c) that the Dennesig neighborhood pedestrianization be duly advertised for the purpose of a public participation process; and
- (d) that upon the completion of the public participation process, together with any comments/objections be resubmitted to Council for final approval and adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	12 October 2023

11.6.3	REQUEST FOR APPROVAL OF THE 2023-2028 COMPREHENSIVE INTEGRATED TRANSPORT PLAN 2023-2028
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

16 November 2023

1. SUBJECT: REQUEST FOR APPROVAL OF THE 2023-2028 COMPREHENSIVE INTEGRATED TRANSPORT PLAN 2023-2028

2. PURPOSE

For Council to approve the 2023-2028 Comprehensive Integrated Transport Plan.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Provincial Minister of Infrastructure (previously Minister of Transport and Public Works) had designated Stellenbosch Municipality as a Type 1 Planning Authority, in terms of the National Land Transport Act 2009. Stellenbosch Municipality is therefore required by legislation to compile a Comprehensive Integrated Transport Plan (CITP). CITP's are valid for a five-year period, are overhauled / reviewed every 5 years and are updated annually.

The Comprehensive Integrated Transport Plan (CITP) presents the municipality's long-term transport vision and objectives, as well as providing the strategy that would enable the municipality to realize its transport vision.

The Draft CITP was tabled at Council on the 29 March 2023, where Council accepted the Draft CITP and approved it to proceed for public comment. The Draft CITP was advertised for public comment on the 6 April 2023, and the comment period closed on the 12 May 2023.

A considerable number of comments were received from the public when the Draft CITP was advertised for public comments.

Most notable among the comments were the following: The "Dualling of Dorp Street Project" and the proposed implementation of portions of the "Eastern Link Road".

Dorp Street Dualling: This project involves the dualling of a relatively short section (300m) of Dorp Street, between Adam Tas Road and Strand Street only. Some approval processes and consultants had been undertaken up to the Preliminary Design Phase.

During the CITP public participation process however, numerous comments and enquiries have been received with respect to the Dorp Street project. The Municipality has taken note of these comments and commissioned the project team to undertake more focussed public engagements and to review the design of the Dorp Street project. To address community concerns, the following will now be included into the design of the project:

- Insertion of a median break to improve access and mobility for local residents. To prohibit any possible any rat running across the median break, the Municipality will consider signage and enforcement.

- To offset the loss of some on-street parking bays along Dorp Street and Aan de Wagen Road, the Municipality has started processes to re-establish the public parking facility opposite Stellenbosch Station, providing alternative taxi ranking facilities at Bergsig Taxi rank for the taxis currently using this parking area.
- A further analysis of the traffic flows will be undertaken, to improve access for the local residents, and to ensure that households within the block are minimally affected by the project.

Ultimately the project will improve access to residents and businesses and alleviate the congestion of all vehicles wanting to enter and exit the CBD area. Municipal Officials will also be engaging with the public during, and up to the conclusion of the Design Phase.

Eastern Link Road: The matter was also raised during the CITP Public Participation phase of the now approved Roads Master Plan which was formally approved by Council. The road formally known as the Eastern Link Road cannot be constructed as initially envisaged. In summary the Municipality proposes, within the next 10 years, to implement the Wildebosch Extension north to Trumali (Phase 1), and thereafter the possible Wildebosch Extension south to Technopark Avenue as a Phase 2. To provide more clarity on the Municipality's position on the above portions of the Eastern Link Road, amendments to various paragraphs in the Plan were made, these amended paragraphs have been highlighted in yellow.

The Directorate has the view that the final document incorporates all relevant inputs from the engagements held and duly addresses comments received when the Draft CITP was advertised for public comment.

Favourable comments were also received on the Draft Transport Vision namely:

Stellenbosch Municipality has an integrated, effective and sustainable transport system, which unlocks economic opportunities and is accessible, safe, reliable and affordable to all communities serviced by the Municipality.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.6.3

RESOLVED (nem con)

- that Council takes note that, following extensive consultation sessions, the Draft Comprehensive Integrated Transport Plan (CITP) was published for public comment;
- that Council adopts the Transport Vision;
- that Council notes the comments received, and the Directorates view; and
- that Council approves the 2023-2028 Comprehensive Integrated Transport Plan.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Shane.chandaka@stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2023</i>

11.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
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NONE

11.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)
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11.8.1	PRECINCT PLAN: FUTURE DEVELOPMENT AND UTILIZATION OF THE RHENISH COMPLEX AND SURROUNDS
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Collaborator No: 758683
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 16 November 2023

1. SUBJECT:PRECINCT PLAN: FUTURE DEVELOPMENT AND UTILIZATION OF THE RHENISH COMPLEX AND SURROUNDS

2. PURPOSE OF REPORT

To obtain approval from Council for the precinct plan for the Rhenish Complex and Surrounding area.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Directorate: Planning and Economic Development commissioned a study to evaluate and analyse all the existing planning and planning related documentation as it relates to the future utilization of the Rhenish Complex and surrounds and to prepare a consolidated precinct plan for the area for council's consideration and approval.

The report provides an urban design framework which serves as a precinct plan that guides the future utilization, preservation and development of the study area with a view to unlock the potential of this area to play an important role to activate the Rhenish complex as a key site of cultural and heritage significance.

Council approved the advertisement of the draft report for public comment on 29 March 2023. The report was advertised on 1 June 2023 for comment after which two comments were received. The final report is now submitted to Council for consideration and approval.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.1

RESOLVED (majority vote)

- (a) that Council approves the final precinct plan for the Future Development and Utilization of the Rhenish Complex and Surrounds attached hereto as **APPENDIX 1**;
- (b) that the approved precinct plan for the Future Development and Utilization of the Rhenish Complex and Surrounds serves as a guideline when Council considers further development on the land, consider applications for the lease of buildings or land and when considering applications on privately owned land adjacent to or that might have an impact on the Rhenish Complex and Surrounds; and

- (c) that the Municipal Manager be mandated to investigate and submit a proposal for an appropriate institutional mechanism for an overarching management structure for the role-out and implementation of the Rhenish complex and surrounds precinct plan which includes *inter alia* the management, security arrangements, restoration of buildings, development and maintenance and utilization of the properties, and that a report in this regard be submitted to the next Council meeting.

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

Councillors R Hendrikse; C Noble and M Van Stade.

11.8.2	REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023
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Collaborator No: 758941
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2023

1. SUBJECT: REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023

2. PURPOSE

To provide Council with the pertinent facts in order to approve that the draft Stellenbosch Municipality Events By-Law, 2023 be advertised for a period of thirty (30) days to obtain public comment in respect of the subject draft bylaw.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft Events By-Law aims to replace the Stellenbosch Municipality Events By-Law and is aimed at updating the current bylaw, which was adopted during 2016.

A number of concerns were raised by Local Tourism Organisations and stakeholders within the tourism fraternity regarding the outdated bylaw, as well as the tedious land use application processes which deemed it necessary for the bylaw to be updated.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.2

RESOLVED (majority vote)

- (a) that Council take note of the draft Stellenbosch Municipality Events By-Law, 2023, attached as **APPENDIX 1** to this report, and
- (b) that Council approve that the draft Stellenbosch Municipality Events By-Law, 2023, be advertised for public comment for a period of thirty (30) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No.32 of 2000.

11.8.3	APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICER
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Collaborator No: 759197
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 16 November 2023

1. SUBJECT: APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICER

2. PURPOSE

Is to request to Council to appoint additional official, currently in the employ of the Municipality, as Building Control Officers (BCO's) to complement the existing appointed BCO to enhance service delivery.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

A Local Authority is required to appoint a Building Control Officer (BCO) to perform the prescribed duties in terms of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), hereafter referred to as "the Act". The designation and appointment of a BCO in accordance with the Act is a requirement of the Act, which qualified person is permitted to make recommendation to the authorized decision maker to decide on a building plan application. The purpose of this Item is to request the Council to appoint an additional official in the employ of the Municipality as BCO in terms of the Act to consider the existing appointed BCO to enhance service delivery.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.3**RESOLVED** (nem con)

that the appointment as Building Control Officer in terms of such designation in Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), of the following suitably qualified official, Mr Monray Lourens, in the employment of Stellenbosch Municipality), **BE APPROVED**.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.Carstens@stellenbosch.gov.za
REPORT DATE	06 November 2023

11.8.4	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION
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Collaborator No: 759199
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2023

1. SUBJECT: APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION

2. PURPOSE

To seek approval for arrangements for the processing and associated public participation pertaining to land use planning and building plan applications over the festive period.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Land use and building development applications are subject to prescribed legislative timeframes and associated public participation processes. During the festive season most families undertake extended holiday breaks away from home, which presents a challenge when most staff is also on holiday breaks and during which notices are not received by potential interested and affected parties on land use applications. For this purpose, it has become a practice to determine a core festive period during which public participation is not permitted or, alternatively, that such periods are disregarded with the extension of notice periods, and that such core festive period is also not taken into account in the prescribed timeframes for the processing for such applications. It is consequently proposed to adopt these arrangements to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.4

RESOLVED (majority vote)

that the core festive period determined as 14 December 2023 to 12 January 2024 **BE APPROVED** for the purpose:

- (a) That no serving or publishing of land use and land development application notices be undertaken during the determined core festive period.
- (b) That the determined core festive period is not taken into account for purposes of calculating the number of days for public participation and/ or the processing of land use and building development applications, and that any such periods affected be accordingly extended.
- (c) That any new land use and building plan applications submitted during the determined core festive period will not be administratively processed and that this period will also

not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications.

- (d) That no appeal period can commence which will be affected by the core festive period and that no notifications of decisions on land use applications will be communicated after 1 December 2023, and only be communicated from 12 January 2024.

FOR FURTHER DETAILS CONTACT:

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

11.8.5	TO REQUEST COUNCIL'S APPROVAL TO PILOT THE BICYCLE PARK AND WALK FACILITIES INITIATIVE WITHIN THE WC024 AREA FOR A PERIOD OF 12 MONTHS
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Collaborator No: 759241
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2023

1. SUBJECT: TO REQUEST COUNCIL'S APPROVAL TO PILOT THE BICYCLE PARK AND WALK FACILITIES INITIATIVE WITHIN THE WC024 AREA FOR A PERIOD OF 12 MONTHS

2. PURPOSE

To request Council's approval to pilot the Bicycle Park and Walk Facilities concept within the WC024 for a period of twelve (12) months.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Municipality aims is to promote and prioritize Non-Motorised Transport (NMT), as these were outcomes from IDP consultative processes and forms part of the Municipality's and National Government's Strategic Planning.

Stellenbosch Trail Fund (STF) approached Stellenbosch Municipality with the concept idea of having Bicycle Park and Walk Facilities within the Central Business District, with each facility being no larger than 40m².

Three sites have been identified by Stellenbosch Trail Fund as possible Park and Walk facilities, being a portion of the Bloemhof parking, a portion of the Eikestad Mall Parking and a portion next to Town Hall. Comment from internal Departments have found these proposed sites to not all be suitable and have requested that the initiative be supported but that further discussion be had with the Stellenbosch Trail Fund around the identification of more suitable sites to accommodate such an initiative.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.5

RESOLVED (nem con)

- (a) that Council approve the request to pilot the initiative of Bicycle Park and Walk Facilities concept; and
- (b) that further consultation and engagement with Stellenbosch Trail Fund take place to identify more suitable Bicycle Park and Ride sites.

FOR FURTHER DETAILS CONTACT:

Name	Lesley van Gensen
Position	Manager: Economic Development and Tourism
Directorate	Planning and Economic Development
Contact Numbers	021 808 8179
E-mail Address	Lesley.vangensen@stellenbosch.gov.za
Report Date	01.11.2023

11.8.6	PERMISSION TO ALLOW FOR AN EXTENSION OF MOBILE UNITS TO TRADE AT PRE-DETERMINED SITES WITHIN THE WC024 AREA
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Collaborator No: 759296
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2023

1. SUBJECT: PERMISSION TO ALLOW FOR AN EXTENSION OF MOBILE UNITS TO TRADE AT PRE-DETERMINED SITES WITHIN THE WC024 AREA

2. PURPOSE

Is to request approval for the extension of the pilot for mobile trucks / kiosks on predetermined sites for a period of one (1) year.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Mobile traders, often referred to as street vendors or food trucks, offer several benefits in cities. These mobile businesses have become increasingly popular and have a significant impact on urban areas. Some of the benefits are accessibility to the community, promotion of entrepreneurship. It acts as a stimulus for local economic development and growth and through this alleviating joblessness.

On the 9th Council Meeting dated 2022-11-23: ITEM 11.9.1 Council resolved as follows:

- a) that Council approves the request of the Directorate: Planning & Economic Development for the pilot period of one (1) year in order to issue permits to informal traders using mobile units to trade within pre-determined areas in accordance with the terms and conditions as set out under 6.2 of this report;
- b) that Council approve that such mobile informal trading also be allowed on the premises of the Stellenbosch Municipality's Traffic Department (Stellenbosch), Jan Marais Park, or any other identified municipal property, with approval from the user Department of such property; and
- c) that the Section: Economic Development & Tourism in consultation with the Director: Community & Safety Services and Directorate: Infrastructure Services allocate such trading bays and areas within the premises of the Traffic Department (Stellenbosch) or on any other pre-determined areas.

To date, four (4) mobile trading licences have been issued, however interest increased towards the end of this pilot. We anticipate ten mobile trading permits, inclusive of the current four, for the next year, which indicates a growth of 60%.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.6

RESOLVED (nem con)

that Council approves the extension of the Mobile Trading Pilot as approved in Council on 23 November 2022 for another year.

11.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)
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NONE

11.10	RURAL MANAGEMENT: (PC: CLLR J JOON)
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11.10.1	RETURN ITEM: REQUEST FOR THE ALLOCATION OF FARM No(s): 502BH PORTIONS 9 AND 10, AND 502BH PORTIONS 23 AND 24 TO EMERGING FARMERS IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, 2016
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Collaborator No: 758951
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 16 November 2023

1. SUBJECT: RETURN ITEM: REQUEST FOR THE ALLOCATION OF FARM No(s): 502BH PORTIONS 9 AND 10, AND 502BH PORTIONS 23 AND 24 TO EMERGING FARMERS IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, 2016

2. PURPOSE

To provide Council with the pertinent facts in order to approve the request to allocate the subject two (2) agricultural land portions to emerging farmers as prescribed in the said Policy.

3. DELEGATED AUTHORITY

Executive Mayor in consultation with the Executive Mayoral Committee has the delegated powers, in terms of Stellenbosch Municipality: System of Delegations as amended on 22 June 2022 to approve lease agreements of Council properties for a period shorter than 10 years and a contract value of less than R5 million.

4. EXECUTIVE SUMMARY

Stellenbosch Council adopted "The Policy for the Management of Municipal Agricultural Land (2016)" with the purpose of availing agricultural land for emerging farmers. The item deals with the allocation of vacant municipal land to successful land applicants after Council resolved to advertise portions of vacant municipal agricultural land for leasing purposes to current and potential emerging farmers.

Portions 502BH 17 and 18; and Portion 502AU was allocated in terms of council resolution on 25 October 2023 and the Portion 502BH 9 and 10, and Portion BH 23 and 24 was referred back by the Mayoral Committee on 11 October 2023 for re-consideration.

18TH COUNCIL MEETING: 2023-11-29: ITEM 11.10.1**RESOLVED** (nem con)

- (a) that Council takes note of the process undertaken in allocating the two (2) municipal agricultural land units to emerging farmers. This process encompasses the minutes of a clarification meeting and the conclusions reached by the Operational Committee. The minutes are provided as **APPENDIX 1** for reference
- (b) that Council approves that Farm No.: 502BH, Portions 9 and 10, Stellenbosch Division, in extent of 5ha with 2ha of allocated water rights, be awarded to Veldt Boerdery, copy of application is attached as **APPENDIX 2**;
- (c) that Council approves that Farm No.: 502BH, Portions 23 and 24, Stellenbosch Division, in the extent of 5ha with 2ha of allocated water rights, be awarded to Herbal View Hydroponics, copy of application is attached as **APPENDIX 3**;
- (d) that Council approve that the land units awarded in (b) and (c) be leased for a period of less than 10 years, with the option of renewal; and
- (e) that Council take note that the monthly rental amount for emerging farmers is determined as per the calculation for the previously allocated tariff for emerging farmers

FOR FURTHER DETAILS CONTACT:

NAME	Mark Harris
POSITION	Senior Economic Development Officer
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8159
E-MAIL ADDRESS	<u>Mark.Harris@stellenbosch.gov.za</u>
REPORT DATE	29 September 2023

13.1	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2023 CALENDAR YEAR
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 29 November 2023

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2024 CALENDAR YEAR

2. PURPOSE

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2024 calendar year.

3. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

4. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

“The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible.”

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

18TH COUNCIL MEETING: 2023-11-29: ITEM 13.1

RESOLVED (nem con)

- (a) that the schedule with the proposed dates for Council meetings, Mayoral Committee meetings, Standing Committees and other committees of Council for the 2024 calendar year (attached as **APPENDIX 1**), be noted;

-
- (b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in the WC024; and
- (c) that it be noted that the Speaker, as provided for in the Standing Rules of Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>14 November 2023</i>

13.2	STATUS REPORT ON ALTERNATIVE ENERGY GENERATION INITIATIVES
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Collaborator No:
IDP KPA Ref No: Green & Sustainable Valley
Meeting Date: 29 November 2023

1. SUBJECT: STATUS REPORT ON ALTERNATIVE ENERGY GENERATION INITIATIVES

2. PURPOSE

To inform Council about the progress with the development of alternative energy generation initiatives including a load shedding mitigation strategy and initiatives underway, in order to ultimately reduce the impact of electricity loadshedding on the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Municipality appointed a service provider to investigate load shedding mitigation strategies to reduce the impact of load shedding.

The service provider has completed the initial investigations and presented the findings to the Municipal Manager and Chief Financial Officer.

This report is a summary of the main findings and proposals.

18TH COUNCIL MEETING: 2023-11-29: ITEM 13.2

NOTED

the progress in developing a load shedding mitigation strategy and the main findings and proposals presented to date.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	<i>Director Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8815</i>
E-MAIL ADDRESS	<i>shane.chandaka@stellenbosch.gov.za</i>
REPORT DATE	<i>08 November 2023</i>

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

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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17.1	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED SANCTIONS BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220422/01
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED SANCTIONS BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220422/01

2. PURPOSE

For Council to consider the sanctions proposed by the disciplinary Committee in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For consideration by Municipal Council.

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- a) Authorise and investigation of the facts and circumstances of the alleged breach
- b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with

Councillor Ayanda Tomose contravened the Code of Conduct for Councillors by refusing the appointed ward administrator for ward 12 to commence duty. The ward administrator was refused access to the office and was thus not able to perform her prescribed duties for which she was appointed. **Annexure A** contains the details of the complaint received.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.1

Cllr Tomose recused himself from the meeting for the duration of this matter.

RESOLVED (majority vote)

The recommendations of sanction to Council is in accordance with Schedule 7, Section 16 (2)(d) of the Municipal Structures Act No.117 of 1998.

Thus, Council accepts the recommendation that Councillor Ayanda Tomose, be fined 75 % of the total cost to company of a ward administrator, for a period of three (3) months to Stellenbosch Municipality. Cllr Tomose must pay back these costs to the Municipality between January 2024 – October 2026, before this term of offices comes to an end.

17.2	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED SANCTIONS BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220422/02/01
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED SANCTIONS BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220422/02/01

2. PURPOSE

For Council to consider the sanctions proposed by the disciplinary Committee in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For consideration by Municipal Council

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- (a) Authorise and investigation of the facts and circumstances of the alleged breach
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

Councillor Elliot Masimini contravened the Code of Conduct for Councillors by refusing the appointed ward administrator for ward 15 to commence duty. The ward administrator was refused access to the office and was thus not able to perform her prescribed duties for which she was appointed. **Annexure A** contains the details of the complaint received.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.2

Cllr Masimini recused himself from the meeting for the duration of this matter.

RESOLVED (majority vote)

The recommendations of sanction to Council is in accordance with schedule 7, Section 16 (2)(d) of the Municipal Structures Act No.117 of 1998.

Thus, Council accepts the recommendation that Councillor Elliot Masimini, be fined 50 % of the total cost to company of a Ward Administrator, for a period of four (4) months to Stellenbosch Municipality. Cllr Masimini must pay back these costs to the Municipality between January 2024 – October 2026, before this term of offices comes to an end.

17.3	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220711/01
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220711/01

2. PURPOSE

For Council to take note of the finding from the disciplinary Committee in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For noting by Municipal Council

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- (a) Authorise and investigation of the facts and circumstances of the alleged breach
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

Councillor Johannie Serdyn allegedly contravened the Code of Conduct for Councillors by interfering in an administrative process requesting documentation from the Property Management department by not following the Council Protocol. **Annexure A** contains the details of the complaint received. **Annexures B – E** is the communication between the initiator and Municipal officials.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.3

Ald Serdyn recused herself from the meeting for the duration of this matter.

NOTED

the finding by the Disciplinary Committee.

FOR FURTHER DETAILS CONTACT:

NAME	Office of the Speaker
POSITION	PA SPEAKER'S OFFICE
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8941
E-MAIL ADDRESS	
REPORT DATE	23 NOVEMBER 2023

17.4	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220723/01
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220723/01

2. PURPOSE

For Council to take note of the finding from the disciplinary Committee in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For noting by Municipal Council.

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- (a) Authorise and investigation of the facts and circumstances of the alleged breach
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

Councillor Elsabe Vermeulen allegedly contravened the Code of Conduct for Councillors by interfering in an administrative process. **Annexure A** contains the details of the complaint received. **Annexure B** is a written statement from an official and **Annexure C** communication from the initiator.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.4

Cllr Vermeulen recused herself from the meeting for the duration of this matter.

NOTED

the finding by the Disciplinary Committee.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Office of the Speaker
<i>POSITION</i>	PA SPEAKERS OFFICE
<i>DIRECTORATE</i>	CORPORATE SERVICES
<i>CONTACT NUMBERS</i>	021 808 8941
<i>E-MAIL ADDRESS</i>	
<i>REPORT DATE</i>	23 NOVEMBER 2023

17.5	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220723/01
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED SANCTIONS BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220719/02

2. PURPOSE

For Council to consider the sanctions proposed by the disciplinary Committee in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For consideration by Municipal Council

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- (a) Authorise and investigation of the facts and circumstances of the alleged breach
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

Councillor Elsabe Vermeulen allegedly contravened the Code of Conduct for Councillors by not acting in the best interest of the Municipality and in such a way that the integrity of the Municipality was compromised, bringing Council into disrepute.

Annexure A contains details of the complaint received. **Annexures B** and C affidavits from members of the public and **Annexure D** is the finding and sanction from the Disciplinary Committee.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.5

Cllr Vermeulen recused herself from the meeting for the duration of this matter.

RESOLVED (majority vote)

The recommendations of sanction to Council is in accordance with schedule 7, section 2(b) of the Municipal Structures Act No.117 of 1998.

Thus, Council accepts the recommendations of the Disciplinary Committee that Councillor Elsabe Vermeulen be reprimanded to conduct her behaviour according to the code of conduct for Councillors.

FOR FURTHER DETAILS CONTACT:

NAME	Office of the Speaker
POSITION	PA SPEAKERS OFFICE
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8941
E-MAIL ADDRESS	
REPORT DATE	23 NOVEMBER 2023

17.6	REPORT TO COUNCIL BY THE SPEAKER ON PROPOSED FINDING BY THE DISCIPLINARY COMMITTEE: CASE NUMBER 220723/01
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 November 2023

1. SUBJECT: REPORT TO COUNCIL BY SPEAKER ON THE PROGRESS OF DISCIPLINARY CASES TO BE INVESTIGATED

2. PURPOSE

For Council to take note of the disciplinary cases that the Speaker has authorised the Municipal Manager to appoint a service provider to investigate the facts and circumstances in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For Notification by Municipal Council.

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- (a) Authorise and investigation of the facts and circumstances of the alleged breach
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

18TH COUNCIL MEETING: 2023-11-29: ITEM 17.6

NOTED

the Disciplinary progress report.

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	<i>Manager: Councillor Support</i>
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	<i>Donovan.Muller@stellenbosch.gov.za</i>
REPORT DATE	<i>23 November 2023</i>

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 14:20.

CHAIRPERSON:

DATE:

Confirmed onwith/without amendments.