



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-08-28

MINUTES

30TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-08-28 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

MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-08-28

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MINUTES OF THE 30TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-08-28 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr WC Petersen (Ms) [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
COUNCILLORS	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) Z Dalling (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) AJ Hanekom DA Hendrickse	JK Hendriks LK Horsband (Ms) MC Johnson C Manuel NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) N Olayi (Ms) SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) Q Smit LL Stander E Vermeulen

Officials:	Municipal Manager (Ms G Mettler) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (T Mfeya) Director: Community and Protection Services (G Boshoff) Senior Manager: Governance (Ms S De Visser) Manager: Communications (S Grobbelaar) Chief Audit Executive (F Hoosain) Manager: Secretariat (EJ Potts) Senior Administration Officer (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, Cllr WC Petersen (Ms) welcomed all present at the 30th Council meeting. A moment of silence was observed.

2.	MAYORAL ADDRESS
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“Good Morning, Goeiemore, Molweni, As-salaam Alaikum

- On Monday it was my great privilege to launch our new housing app for smart phones.
 - Housing has been one of the top priorities ever since I took office
 - In 2018, council gave permission to embark on a process to update the information on the housing waiting list, and to import all this information into the Municipal Housing Demand Database.
 - Part of this is to simplify the housing application process by making it accessible to smart phone users.
 - We therefore decided to create a mobile phone application that residents can download and then they can apply to the housing demand database with their smart phones.
 - Our new housing app is one of the first in South Africa that is designed specifically to allow residents to apply to the housing demand database.
 - It will help the municipality to more effectively plan and execute housing projects because it will give us a clear idea of what our community needs are.
 - The application is set up in such a way that it provides us with precise information on the needs of our residents and what type of projects we need to plan for and in what regions.
 - The app lets our residents save time and money because they do not have to travel to the housing offices.
 - The app is currently only available to Android devices but an iPhone version will soon be made available
 - The app is also only available in English, but we are looking to expanding its language capabilities to Xhosa and Afrikaans
 - The link to download the App can be found on the municipal website.
- Namens myself en die Raad, asook die breër gemeenskap van Stellenbosch wil ek baie dankie sê vir ons Brandweerdienste se vinnige optrede op 12 Augustus 2019 met die brand wat ontstaan het by Huis ten Bosch Dameskoshuis.
 - Ons brandweerdienste se vinnige optrede het die skade tot die gebou beperk en het bygedra dat daar geen lewensverlies was nie.
 - Die universiteit het die nodige reëlings getref om vir al die inwoners van die koshuis van alternatiewe blyplek te voorsien.
 - Die koshuis sal vir die res van die semester gesluit wees en die Universiteit het die dames gehelp met alternatiewe reëlings.
 - Ons het ook 'n kommunikasie van die Rektor, Prof Wim De Villiers ontvang wat ons nooddienste hartlik bedank vir hulle vinnige en effektiewe optrede.
 - Mnr Boshoff, ek vra dat u ook die dank aan die personeel oordra.
- Septembermaand herdenk ons Toerismaand asook Erfenismaand.
 - In ons streek is die twee veldtogte baie nou aan mekaar verbind. Ons erfenis is deel van wat ons 'n gesogte toerismebestemming maak, beide plaaslik en internasionaal. Ek wil u graag aanmoedig om betrokke te raak by erfenis en toerisme geleenthede in ons streek.

- Onlangs 'n geleentheid gehad om die kabinet van die Wes-kaap te ontmoet
 - Geleentheid om met die nuwe kabinetslede asook administratiewe personeel te ontmoet.
 - Dit is mense saam met wie ons op 'n daaglikse basis saam werk om dienste aan ons gemeenskap te lewer.
 - As munisipaliteit het ons 'n goeie werkende verhouding met al die provinsiale departemente en kan ons met vrymoedigheid die provinsie nader om ons te help met uitdagings en kwessies.

Thank you.”

3.	COMMUNICATION BY THE SPEAKER
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“Good Morning Executive Mayor Gesie van Deventer, Municipal Manager, Aldermen’s and fellow Councillors.

Also welcome to the staff and other members of the public for their attendance to the meeting as scheduled.

Welcome to the 30th Meeting of Council and the End of Women’s Month 2019 – Hoop die Stellenbosch Vroue was goed bederf

Madame Mayor – Allow me to report to you on the following as my Communications: Let us have a

Moment of silence for:

- The unfortunate and brutal killing of Sergeant Hoffman of Franschhoek and the circumstances surrounding it.
- The tragic **loss of life** of two family members whose shack burnt down completely in Langrug, Franschhoek
- Any other loss of life within the area of WC024.

Birthdays:

Happy Birthday Single Whip Alderman Paul Biscombe – Happy 70

Councillor’s Safety – As Speaker my office have taken note of the risk situation the Women Councillors of Kayamandi have to fulfil their daily task after the brutal shooting of Mr Wanana.

Councillors are being urged to take precautionary measures to safeguard their lives and their belonging as the current policy do not make provision for other easier matters to address their current situation.

Other matters

- Printing cost – self explanatory letter sent to all Councillors.

I thank you.”

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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The Municipal Manager, Ms G Mettler's communication can be summarized as follows:

- Regarding the safety of Councillors, arranged for daily combined patrols by Law Enforcement and SAPS.
- Expressed a word of thanks and gratitude towards all women- Councillors and officials on Women's Month.
- From a cost containment point of view, a combined event will be held during October to celebrate both Women's Month and Breast Cancer Awareness Month. A date in this regard will be communicated in due course.
- Commended the Parks Department for the beautification of the town.
- Congratulated the Finance Department for their dedication and hard work to ensure that the Annual Financial Statements are submitted timeously in order to be compliant.

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATIONS 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 A Crombie (Ms)	– 28 August 2019
Cllr DD Joubert	– 28 August 2019
Cllr Mananga-Gugushe (Ms)	– 28 August 2019
Cllr RS Nalumango (Ms)	– 28 August 2019
Cllr MD Oliphant	– 28 August 2019
Cllr N Sinkinya (Ms)	– 28 August 2019
Cllr P Sitshoti (Ms)	– 28 August 2019
Mr K Carolus (CFO)	– 28 August 2019

6.2 Absent

Cllr JG Hamilton	– 28 August 2019
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7.	APPROVAL OF MINUTES OF PREVIOUS COUNCIL
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7.1	CONFIRMATION OF MINUTES OF THE 29TH COUNCIL MEETING: 2019-07-24
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The minutes of the 29th Council Meeting: 2019-07-24 were **confirmed**.

7.2	CONFIRMATION OF MINUTES OF AN URGENT COUNCIL MEETING: 2019-08-02
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The minutes of an Urgent Council Meeting: 2019-08-02 were **confirmed as correct**.

7.3	CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING: 2019-08-14
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The minutes of a Special Council Meeting: 2019-08-14 were distributed in the meeting and the Speaker allowed a break to allow the Councillors to peruse the minutes.

During deliberations on the correctness of the minutes, Cllr DA Hendrickse stated that the minutes are not correct. The Speaker requested that a legal opinion be obtained. Director: Corporate Services submitted the following legal opinion:

“Dear Speaker

I was requested to provide a legal opinion on the process for the approval of minutes of a previous meeting.

The minutes of a previous meeting before council is dealt with in rule 22 of the Rules of Order.

It states that the Municipal Manager is responsible to record the proceedings and to reduce to writing minutes of the proceedings and the accuracy thereof that is put before council for approval. It further states what must be contained in the minutes not prescribing to the Municipal Manager how much of discussions must be contained in the minutes – it must just reflect the proceedings.

Rule 23 clearly states that the discussion on approval of minutes is limited to the accuracy of the minutes. Councillors therefore need to indicate if the minutes placed before them reflects the correct resolution and when any other proceedings that are minuted, apart from the resolution, has been correctly minuted. The councillor indicating that the minutes are incorrect must state what the correct version should be. If there is a question by the majority of the councillors that the minutes are not correct the speaker should listen to the recording and then rule on whether it was correctly minuted or not and if not what the minutes should reflect.”

The Speaker requested Cllr DA Hendrickse to state what the correct version should be. Thereafter the Speaker requested Council to vote whether or not the minutes placed before them reflects the correct resolution, has been correctly minuted. The vote yielded a result of 28 votes for the correctness of the minutes and 1 vote against.

The minutes of an Urgent Council Meeting: 2019-08-02 were **confirmed as correct**.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

8.	STATUTORY MATTERS
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8.1	APPROVAL OF THE DRAFT FIRST AMENDMENT OF THE FOURTH GENERATION IDP 2017-2022
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1. SUBJECT: APPROVAL OF THE FINAL FIRST AMENDMENT OF THE FOURTH GENERATION IDP 2017 – 2022

2. PURPOSE

To submit the final First Amendment of the Fourth Generation IDP 2017 – 2022 to Council for adoption.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Municipality concluded an extensive process to update the municipal Spatial Development Framework (*mSDF*), which was finalised in 2019. The *mSDF* is regarded as a core component to the IDP, as noted in Section 26(e) of the MSA and as a critical developmental tool as an enabler for development, hence the *mSDF* must be incorporated into the IDP to give expression to its developmental importance.

30TH COUNCIL MEETING: 2019-08-28: ITEM 8.1

During deliberations on the matter, the Municipal Manager requested that it be placed on record that she takes serious exception to Cllr DA Hendrickse's constant accusations that she is misleading Council, and she requested the Speaker to deal with the matter as she also needs protection in Council. The Speaker responded that she had given the Councillor an official warning, and that the matter will be dealt with after the meeting.

Councillor F Adams requested that it be minuted that this new electronic system is not user friendly and is time consuming.

RESOLVED (majority vote)

- (a) that the final First Amendment of the Fourth Generation IDP (2017 –2022) of the Stellenbosch Municipality be **adopted** by Council (Annexure A);
- (b) that the comments received from stakeholders be noted (Annexure B);
- (c) that an advertisement be placed on the official website of the Municipality, municipal notice boards and in the local newspapers notifying the public that the final First Amendment of the Fourth Generation IDP 2017 – 2022 has been adopted by Council; and

- (d) that the final First Amendment of the Fourth Generation IDP 2017 – 2022 be submitted to the Department of Local Government, Provincial Treasury, National Treasury and the Cape Winelands District Municipality.

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

Councillors F Adams; FT Bangani-Menziwa (Ms); G Cele (Ms); DA Hendrickse; C Moses (Ms); LK Horsband (Ms); and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	26 August 2019

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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ITEM	Pg.	INPUT	MM'S RESPONSE
<p><u>Cllr DA Hendrickse</u></p> <p>Outstanding resolutions: 2019-07-24</p> <p>Other outstanding resolutions</p>		<p>Expressed his dissatisfaction for not receiving written responses in the meeting on questions raised under outstanding resolutions of 2019-07-24, because the minutes states that the MM will provide feedback in writing.</p> <p>The following resolutions are also outstanding and not listed. What is the status of these matters?</p> <p>Jamestown Housing Project (tender submitted) Longlands Housing Project (people waiting more than 10years) Idas Valley (89 houses that were sold) Arbitration – Stellenbosch Golf Course</p>	<p>The Speaker requested Cllr DA Hendrickse to submit his concerns and dissatisfaction in this regard to the Office of the Municipal Manager.</p>
<p><u>Cllr F ADAMS</u></p> <p>7.3.1 APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.3.1</p>	80	<p>The Advisory Committee meeting held on 15 August 2019. Will the minutes of this meeting be distributed to all Councillors or only the Committee?</p>	<p>The Municipal Manager will respond in writing.</p>
<p><u>Cllr F ADAMS</u></p> <p>8.2.3 NORTHERN EXTENSION / LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI: PROGRESS / STATUS REPORT</p> <p>20 TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.3</p>	83	<p>Did they move away from the original vision for the Northern extension as was decided, or is it just going to be houses within the Northern extension area? Or is there a replacement in terms of the focus between the two developments?</p>	<p>MM responded that Adam Tas Corridor is not replacing any project, Northern extension is part of Adam Tas Corridor and it was explained so in the SDF document extensively.</p>
<p><u>Cllr F ADAMS</u></p> <p>7.10.2 PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY</p> <p>27TH COUNCIL MEETING: 2019-05-29: ITEM 7.10.2</p>	92	<p>What is the current status around Vaaldraai?</p>	<p>It is on page 92. The Municipal Manager read it out in meeting.</p>
<p><u>Cllr G Cele (Ms)</u></p> <p>7.5.5 MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.5.5</p>	83	<p>Requested that a presentation be done to Council.</p>	<p>Municipal Manager responded that it can be arranged.</p>

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

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

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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10.3.1	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2019 TILL 31 MARCH 2019
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Collaborator No: 656768
 File No:
 IDP KPA Ref No: Good Governance
 Meeting Date: 28 August 2019

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2019 TILL 31 MAY 2019**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 January 2019 till 31 March 2019 (3rd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

4. **EXECUTIVE SUMMARY**

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

30TH COUNCIL MEETING: 2019-08-28: ITEM 10.3.1**NOTED**

the concerns and the report of the Audit Committee for the period 01 January 2019 till 31 May 2019.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	Faiz.Hoosain@Stellenbosch.gov.za
REPORT DATE	<i>09 April 2019</i>

10.3.2	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2019 TILL 30 JUNE 2019
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

28 August 2019

1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2019 TILL 30 JUNE 2019

2. PURPOSE

To inform Council of the activities of the Audit Committee for the period 01 April 2019 till 30 June 2019 (4th Quarter). The Minutes of the meetings held for this period mentioned is herewith attached as **APPENDIX 1 AND APPENDIX 2** respectively which outlines the activities of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council periodically.

4. EXECUTIVE SUMMARY

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

30TH COUNCIL MEETING: 2019-08-28: ITEM 10.3.2

NOTED

- (a) the reports of the Audit Committee for the period 01 April 2019 till 30 June 2019; and
- (b) that Dr NL Mortimer has been elected as the newly appointed Chairperson of the Audit and Performance Audit Committee for the balance of his term.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@ Stellenbosch.gov.za</i>
REPORT DATE	<i>24 July 2019</i>

10.3.3	SIGNED PERFORMANCE AGREEMENTS 2019/20 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER
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Collaborator No: 656150
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 14 August 2019

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2019/20 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

2. PURPOSE

To submit to Council, for notification, the following:

(a) Signed Performance Agreements 2019/20 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

3. DELEGATED AUTHORITY

In terms of Section 53(3)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) the Executive Mayor must ensure that the performance agreements "...be submitted to the council and the MEC for local government in the province."

4. EXECUTIVE SUMMARY

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) the performance agreement must be concluded annually:

"(a) ...within one month after the beginning of each financial year of the municipality."

30TH COUNCIL MEETING: 2019-08-14: ITEM 10.3.3

NOTED

the signed Performance Agreements 2019/20 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>Shireen De Visser</i>
<i>POSITION</i>	<i>Senior Manager: Governance</i>
<i>DIRECTORATE</i>	<i>Municipal Manager</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8035</i>
<i>E-MAIL ADDRESS</i>	<i>shireen.devisser@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>06 August 2019</i>

10.3.4	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2019
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Collaborator No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 28 August 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2019

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 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 (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2019.

30TH COUNCIL MEETING: 2019-08-14: ITEM 10.3.4

NOTED

the deviations as listed for the month of July 2019.

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 01/20	11 July 2019	The Vissershok Waste Management Facility (Pty) Ltd	Provision of licenced waste disposal facilities from 1 July - 30 June 2020	Emergency.	A formal tender process was followed for the provision of licenced waste disposal facilities. The tender was cancelled due to no acceptable offers. After the cancellation of the tender, the municipality had to approve a deviation to take waste to a	Rates R 421.44 (excluding Vat) per ton

					suitable, licensed waste disposal facility. Other than the City of Cape Town's disposal sites, this is the only other facility. This facility is much more cost-effective than the CoCT facilities. It is a legislated required that all waste disposed of at a landfill be transferred to a licensed facility, and these are the only facilities available within a 40km radius (as the crow flies). The CoCT is also reluctant to accept outside waste, as this will impact on the lifespan of their own facilities.	
D/SM 02/20	15 July 2019	Tyanco SA Pty Ltd	Repair work of Wendy houses damaged by strong winds and heavy rainfall at Mountain View, Jamestown	Emergency	On Friday night the 21st of June 2019 strong winds and heavy rains damaged 4 Wendy houses in Mountain View. Approximately 18 people were left destitute until Monday the 24th of June 2019. Tyanco SA (Pty) (Ltd) who are registered on the Central Supplier Database (CSD) was approached to submit an urgent quotation to undertake the repair work for the damaged Wendy Houses by latest Monday 24 June 2019 , due to the fact that the families had to vacate from the temporary accommodation by 24 June 2019.	R15 370 (excluding Vat)

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	06 August 2019

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
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11.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR Q SMIT)
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NONE

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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11.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION
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Collaborator No: 656131
IDP KPA Ref No: *Good Governance*
Meeting Date: 14 August 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION

2. PURPOSE

To obtain the necessary approval from Council to renew the Lease Agreement between Stellenbosch Municipality and the National Department of Public Works in relation to a portion of erf 62, Kayamandi (Police Station).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and the National Department concluded a Lease Agreement in relation to a portion of erf 62, Kayamandi during the 1990's. The agreement has subsequently been renewed a number of times. The last renewal was concluded in February 2015. This agreement, however, has lapsed on 31 August 2017. SAPS are still using the property as a police station. Council must now consider their request for the renewal of the Lease Agreement for a period of 9 years and 11 months.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.1

RESOLVED (nem con)

- (a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period;
- (b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months;
- (c) that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process;

-
- (d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and
- (e) that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Piet Smit
<i>POSITION</i>	<i>Manager: Property Management</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088189</i>
<i>E-MAIL ADDRESS</i>	<i>Piet.smit@ Stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>2019-07-05</i>

11.2.2	APPLICATION BY PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO ACQUIRE ERF 718, KAYAMANDI FOR THE UPGRADE AND EXPANSION OF THE EXISTING KAYAMANDI CLINIC
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Collaborator No: 656125
IDP KPA Ref No: *Good Governance*
Meeting Date: 14 August 2019

1. SUBJECT: APPLICATION BY PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO ACQUIRE ERF 718, KAYAMANDI FOR THE UPGRADE AND EXPANSION OF THE EXISTING KAYAMANDI CLINIC

2. PURPOSE

To consider the application from the Provincial Government of the Western Cape to acquire erf 718, Kayamandi, to enable them to upgrade and extend the existing clinic in Kayamandi.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

With the transfer of the clinic function to the Provincial Government of the Western Cape it became evident that the clinic in Kayamandi, which is situated on erven 719 and 720, was encroaching onto erf 718. Erf 718 was allocated to the Seventh Day Adventist Church during 1996, but the property was not yet transferred to them. (Following a recent Council resolution to allocate an alternative site for the church, Erf 1523, Kayamandi was offered to the church, in exchange for erf 718). A formal application to acquire erf 718, Kayamandi, has been received from the Provincial Government of the Western Cape to enable them to extend the clinic in Kayamandi.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.2

RESOLVED (nem con)

- (a) that Erf 718 Kayamandi be identified as land not needed to provide the minimum level of basic municipal services;
- (a) that Council, approves the disposal of Erf 718 Kayamandi to the Provincial Government of the Western Cape, free of charge, on condition:
 - i) that they be responsible for the rezoning and consolidation of Erf 718;
 - ii) that all costs associated with the transfer; including the cost of obtaining vacant occupation, be for the account of the Provincial Government.
- (c) that Council considers whether the Erf is donated or sold at a price below market value as it will be used for the benefit of the community;

-
- (d) that Council's intention to donate/sell Erf 718 to the Provincial Government be advertised for public inputs/objections; and
- (e) that, following the public notice, the item be brought back to Council to consider any inputs/objections before making a final decision.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2019-08-02

11.2.3	ADOPTION OF REVISED SYSTEM OF DELEGATIONS
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 14 and 20 and 28 August 2019

1. SUBJECT: ADOPTION OF REVISED SYSTEM OF DELEGATIONS

2. PURPOSE

To re-submit the proposed amended System of Delegations for adoption by Council and which will then be replace the existing System of Delegations that was effective from 1 May 2015.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

Section 59(2)(f) provides, inter alia, that the system of delegations developed in terms of section 59(1) by Council must be reviewed when a new council is elected.

The current system of delegations was approved by the previously elected Council. The current Council did not adopt the System of delegations – the Speaker ruled on 15 August 2016 to “*Note the existing System of Delegations*”. Council has not fulfilled its obligation in terms of section 59(2)(f) to review the system of delegations after its election in 2016. A revised system of delegations has been tabled after the election but was not considered.

The administration and the then portfolio chairperson, Cllr Groenewald, met with representatives from Province to discuss the reservations they had on the set of delegations provided to them by individual councillors. They highlighted the delegations from the Executive Mayor to officials. They advised that delegations from the administration should not take place via the Executive Mayor. That has been in

the current proposal and Council delegates directly to officials and not via the Executive Mayor.

We also informed them that the legislation does not require the Executive Mayor to designate powers to Mayco, however in practise in Stellenbosch items are discussed in a formal Mayco and or in a Mayco caucus before decisions are made unless Council is in recess and some designations were made in the document.

The Delegations have been revised in its totality and a new format was used in an attempt to link legislation and the different authorities to whom delegations are made. The changes as discussed at the workshop on 13 February 2018 are included in the attached document.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.3

The Speaker **RULED**

that, after consultation with the Executive Mayor, this matter be referred to all the Section 80 Portfolio Committee meetings in September 2019, whereafter same be resubmitted to the September 2019 Council meeting.

FOR FURTHER DETAILS CONTACT:

NAME	A M C de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 807 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	6 August 2019

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

11.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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NONE

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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NONE

11.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
11.7.1	ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 14 August 2019

1. SUBJECT: ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION

2. PURPOSE

To request Council to approve the Draft Local Economic Development Strategy attached as **ANNEXURE 1**.

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administer".

Section 152- Objects of local Government- (1) The objects of local government are (c) to promote social and economic development;

and section 153-Developmental duties of municipalities. - A municipality must- (a) structure and manage its administrative and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; (b) participate in national and provincial development programmes.

It is clear that this pertains to the Local Economic Development Strategy with its objectives of a growing, inclusive and accessible economy that delivers opportunity to all its citizens.

4. EXECUTIVE SUMMARY

The Local Economic Development Strategy adopts a "whole organisation approach" towards economic development and provides a series of catalytic initiatives and programmes which have been identified by stakeholders over a number of years, and which now needs Council's approval for further public participation.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.1**RESOLVED** (nem con)

that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8179</i>
E-MAIL ADDRESS	<i>widmark.moses@ Stellenbosch.gov.za</i>
REPORT DATE	<i>24-05-2019</i>

11.7.2	ADOPTION OF THE DRAFT EXPANDED PUBLIC WORKS PROGRAMME POLICY
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Collaborator No:

File no:

9/2/2

IDP KPA Ref No:

046

Meeting Date:

14 August 2019

1. SUBJECT: ADOPTION OF THE DRAFT EXPANDED PUBLIC WORKS PROGRAMME POLICY

2. PURPOSE

To request Council to approve the Expanded Public Works Programme Policy attached as **ANNEXURE 1**.

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Draft Expanded Public Works Programme Policy which seeks to set out the strategic objectives, management and implementation management guidelines for the Expanded Public Works Programme in the Stellenbosch Municipal Area.

4. EXECUTIVE SUMMARY

The policy seeks to regulate the functioning of the Expanded Public Works Programme to continue with expanded public works projects within the municipal boundaries, the management thereof, smooth functioning of the programme in compliance with relevant legislation.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.2

RESOLVED (nem con)

that the Draft Expanded Public Works Programme Policy be adopted.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	widmark.moses@stellenbosch.gov.za
REPORT DATE	06-06-2018

11.7.3	REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL
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Collaborator No:

File no: 9/2/2

IDP KPA Ref No: 046

Meeting Date: 14 August 2019

1. SUBJECT: REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL

2. PURPOSE

To submit the Reviewed Stellenbosch Liquor Trading By-law (**ANNEXURE 1**) to Council for consideration, where after it could be published for public participation as envisaged in section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa, "a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Reviewed Liquor Trading By-law which seeks to regulate liquor trading hours in the Stellenbosch Municipal area.

4. EXECUTIVE SUMMARY

The Reviewed Stellenbosch Liquor Trading By-law sets to rectify various short comings in the current Liquor Trading Hours By-law. The shortcomings (indicated in *italic* and an asterisk amongst other things, relate to the jurisdiction of power and delegated powers to enforce the aforementioned by-law.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.3

RESOLVED (nem con)

- (a) that Council approves the Reviewed Stellenbosch Liquor Trading By-law for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Reviewed Stellenbosch Liquor Trading By-law for public comments (60 days), after which it will be submitted to Council for final consideration.

FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	widmark.moses@stellenbosch.gov.za

REPORT DATE	07-08-2019
11.7.4	DRAFT STELLENBOSCH INFORMAL TRADING POLICY FOR COUNCIL APPROVAL

Collaborator No: 656249
File no: 9/2/2
IDP KPA Ref No: 046
Meeting Date: 14 August 2019

1. SUBJECT: DRAFT STELLENBOSCH INFORMAL TRADING POLICY FOR COUNCIL APPROVAL

2. PURPOSE

To submit the Draft Stellenbosch Informal Trading Policy to Council for consideration, where after it could be published for public participation as envisaged in section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Draft Stellenbosch Informal Trading Policy which seeks to set out the strategic objectives, planning and management guidelines for informal trading in the Stellenbosch Municipal Area.

4. EXECUTIVE SUMMARY

The Draft Stellenbosch Informal Trading Policy (**ANNEXURE 1**) is one of two related documents; the Policy sets the strategic direction for the municipality's developmental response to the informal trading sector. The reasons for having an Informal Trading policy can be summarized as follow:

- It clarifies Council's policy to all relevant stakeholders;
- It forms the basis for the by-laws that regulates Informal trading in the Stellenbosch Municipal area;
- It provides a basis for resource allocation decisions;
- It establishes the basis for a monitoring and evaluation process, which clearly defined key objectives.

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.3

RESOLVED (nem con)

- (a) that Council approves the Draft Stellenbosch Informal Trading Policy for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Draft Stellenbosch Informal Trading Policy for public comments after which it will be submitted to Council for final consideration.

11.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
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NONE

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)
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NONE

11.10	MUNICIPAL MANAGER
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11.10.1	SDF/IDP/BUDGET PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE THIRD REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022
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Collaborator No: 656152
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 14 August 2019

1. SUBJECT: SDF/IDP/BUDGET PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE THIRD REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022

2. PURPOSE

To table to Council for consideration:

- (a) The Time Schedule of key deadlines for the Third Review of the Fourth Generation Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF).

3. DELEGATED AUTHORITY

In accordance with Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;

- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

4. EXECUTIVE SUMMARY

The SDF/IDP/Budget Process Plan (Time Schedule) is compiled in terms of Sections 28 and 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 28 specifies that:

- “(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.10.1

RESOLVED (majority vote with abstentions)

- (a) that Council adopts the annexed SDF/IDP/Budget Process Plan (Time Schedule) to guide the Third Review of the Fourth Generation IDP 2017 – 2022, SDF and Budget; and
- (b) that the SDF/IDP/Budget Process Plan (Time Schedule) be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public of the planned process.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their abstentions be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	06 August 2019

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

13.	REPORTS BY THE MUNICIPAL MANAGER
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13.1	THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Valley of Opportunities

Special Council: 14 August 2019

1. SUBJECT: THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS

2. PURPOSE

To request Council to take note of the recommendations to allocate vacant municipal land to the successful applicants and to give consideration for the allocation of land to one candidate that fall sort of one criteria.

3. DELEGATED AUTHORITY

In terms of Section 14 of the Municipal Financial Management Act (MFMA), Regulation 34(1) of the of the Asset Transfer Regulation and the Systems of Delegations adopted by Council on 2015-06-01, the **Municipal Manager** has the powers to grant rights to use, control or manage a fixed capital asset up to an annual contract value not exceeding R 1 000 000.

4. EXECUTIVE SUMMARY

The item deals with the allocation of vacant municipal land to successful land applicants after Council resolved on 28-03-2018 to advertise 12 pieces of vacant municipal agricultural land for leasing purposes. A full report on the process of allocation and recommendations is attached as **APPENDIX A**.

30TH COUNCIL MEETING: 2019-08-28: ITEM 13.1**RESOLVED** (nem con)

- (a) that Council notes the process undertaken and the final recommended outcomes as listed below.

No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended
5	502 V	21.6	8	Hylton P Arendse	That Hylton P. Arendse be the preferred applicant for 502 V.
13	502 AP	7	2	Chris Jacobs	That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit
12	502 AM	8.56	3	Chris Jacobs	
4	502 AW	6	0	Bradley Cortereal	That Bradley Cortereal be the preferred applicant for 502 AW.
	502 AU	8.9		Re advertise for beekeeping	Portion 502AU is regarded as a nature conservation area by Cape Nature, the only farming purpose this land could be utilized for is beekeeping as the property is overgrown by fynbos.
	502 M	5.1	3	Re advertise 502 M & 502 W as one unit	The portion is located next to 502W, and should be utilised as a water resource for 502M as it is a wetland area, which will not be suitable for farming on its own.
	502 W	9	3		
5	502 BFN	15.5	6	Elsenburg Khoisan Farmers	That Elsenburg Khoisan Farmers be the preferred applicant for 502BFN. More than 10ha of land have been already allocated to both Hilton Arendse and Chris Jacobs.
18	619/1	26	0	Jeremy van Niekerk	That Jeremy van Niekerk be the preferred applicant for 619/1. More than 10ha of land have been already allocated to both Chris Jacobs and Elsenburg Khoisan Farmers.
27	279 BN	25.3	0	Re-advertised	Recommended to be re-advertised.
	165/1	10.5	0	Re-advertised	No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised

- (b) that the Policy be reviewed to address the unintended consequences; and
- (c) that the Administration continue with the implementation of the Policy in regard to vacant land.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	Manager: Local Economic Development
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	widmark.moses@Stellenbosch.gov.za
REPORT DATE	23-07-2019

13.2	APPROVAL TO APPLY FOR AN URBAN DEVELOPMENT ZONE (UDZ) WITHIN THE STELLENBOSCH AREA
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Collaborator No:

IDP KPA Ref No:

Date:

Good of Opportunity

Council- 28 August 2019

1. SUBJECT: APPROVAL TO APPLY FOR AN URBAN DEVELOPMENT ZONE WITHIN THE STELLENBOSCH AREA

2. PURPOSE

To obtain approval from Council to submit an application for an Urban Development Zone to National Treasury to consider the Adam Tas Corridor within the Stellenbosch area to attract investment in the Adam Tas Corridor.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

South Africa has a number of urban areas that are impoverished and are suffering from extensive urban decay. In order to address these concerns, tax measures are utilised to support efforts to spatially target investment to attract private sector businesses to areas where interest would otherwise be lacking.

In 2003, the Minister of Finance introduced the Urban Development Zone (UDZ) tax incentive for investment in 16 designated inner cities. The UDZ tax incentive was designed to encourage property investment in central business districts and to address dereliction and dilapidation, and to promote investment in urban renewal. The incentive is in the form of an accelerated depreciation allowance applicable on the value of new buildings and improvements to existing buildings in the qualifying municipalities demarcated as UDZs. In 2013 the window period for the UDZ incentive was extended from 31 March 2014 to 31 March 2020.

Whereas the demarcation of urban development zones were previously only granted to municipalities with a population of more 2 million people (reduced to 1 million people in 2016) the scope has been extended to included municipalities like Stellenbosch. Municipalities outside of the 16 currently designated areas approached the Minister of Finance to broaden the scope of UDZ incentive to cover additional municipalities. This resulted in proposals that the UDZ tax incentive be amended to provide a framework for the Minister of Finance to consider applications from municipalities currently not allowed to designate a UDZ area.

Stellenbosch has a large proportion of the Adam Tas area that was formerly utilised for light industrial purposes that has fallen into dereliction. For Stellenbosch Municipality to attract investors to redevelop parts of that areas, classification as an urban development zone will contribute to attracting investors to rebuild these spaces into vibrant urban structures more suited to the future growth and development of the Stellenbosch urban centre.

30TH COUNCIL MEETING: 2019-08-28: ITEM 13.2**RESOLVED** (nem con)

that the Urban Development Zone application to National Treasury be submitted for the Adam Tas Corridor to attract investment for the regeneration of this area.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	20 August 2019

13.3	APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL
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Collaborator No: 656130
IDP KPA Ref No: Good Governance
Meeting Date: 14 August 2019

1. SUBJECT: APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL

2. PURPOSE

To obtain the necessary authorisation to conclude a new lease agreement with Eikestad Mall Joint Venture for office space in the CBD for a period ending 30 June 2022.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The existing lease agreement with Eikestad Mall Joint Venture will terminate at the end of September 2019 (656.91m²). The space is currently used by the Planning Department and building control. Should Council not approve the lease the departments currently accommodated there will have no suitable space to work from.

When the municipality requested bidders to indicate the availability of office space in the CBD, the Eikestad Mall also indicated the availability of additional office space (±332m²). The Planning and Local Economic Development Department has indicated that additional space is needed by them, and that the available municipality-owned space is not suitable.

Eikestad Mall has indicated that 28.3m² of the current space is no longer available to us for renting. The rest of the current rented space is however available.

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RESOLVED (majority vote)

- (a) that Council approves the conclusion of a 2-year Lease Agreement with an option of a further renewal with Eikestad Mall Joint Venture, based on a tariff of R210/m², for 961.01m², escalating at 8% per annum for the current and additional office space available;
- (b) that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture; and
- (c) that it be noted that the Municipal Manager will allocate the office space in view of the needs identified.

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

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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14.1	MOTION BY COUNCILLOR F ADAMS: NAME CHANGES WITHIN WCO24
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A Notice of a Motion, dated 2019-08-13, was received from Councillor F Adams regarding name changes within WCO24.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

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The Speaker allowed Councillor F Adams to put his 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 4 in favour and 30 against.

RESOLVED (majority vote)

that this Motion not be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	<i>2019-08-28</i>

14.2	QUESTION 1 BY CLLR F ADAMS: 10 YEAR CONTRACT
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A Notice of Question, dated 2019-08-14, was received from Councillor F Adams.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

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It is noted that Cllr F Adams was not satisfied with the written response from the Municipal Manager and had no follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	2019-08-28

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 14:30.

CHAIRPERSON:**DATE:****Confirmed on** **with/without amendments.**