



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2016-03-04

**MINUTES**

**38<sup>TH</sup> COUNCIL MEETING OF  
STELLENBOSCH MUNICIPALITY**

**2016-02-24**

**A G E N D A**  
**38<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2016-02-24**

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**MINUTES OF THE 38<sup>TH</sup> MEETING OF STELLENBOSCH COUNCIL HELD ON  
2016-02-24 AT 15:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET,  
STELLENBOSCH**

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<b>PRESENT</b>	The Speaker, Councillor CP Jooste [Chairperson] The Executive Mayor, Alderman CJ Sidego The Deputy Executive Mayor, Cllr MG Smuts	
<b>ALDERMAN</b>	DC Botha	
<b>COUNCILLORS</b>	F Adams DS Arends NM August HC Bergstedt (Ms) PW Biscombe A Crombie (Ms) JA Davids R du Toit (Ms) V Fernandez (Ms) JSA Fourie AR Frazenburg E Groenewald DA Hendrickse JK Hendriks N Jindela MC Johnson DD Joubert S Jooste (Ms) SJ Louw (Ms)	C Manuel EL Maree (Ms) NE McOmbring (Ms) (from 15:40) XL Mdemka (Ms) C Moses (Ms) P Mntumni (Ms) MM Ngcofe N Ntsunguzi (Ms) WC Petersen (Ms) PJ Retief L Ronoti JP Serdyn (Ms) P Sitshoti (Ms) LN Siwakamisa (Ms) Q Smit LL Stander AT van der Walt M Wanana

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<b>OFFICIALS</b>	Acting Municipal Manager (R Bosman) Chief Financial Officer Director: Community and Protection Services Director: Human Settlements and Property Management Director: Planning and Economic Development Director: Strategic and Corporate Services (R Esau) Acting Director: Engineering Services (W Pretorius) Chief Audit Executive Manager: Community Development Head Committee Services (EJ Potts) Committee Clerk (Ms T Samuels) Interpreter
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**1. APPLICATION FOR LEAVE OF ABSENCE (3/4/2/3)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 1**

**RESOLVED** (nem con)

- (a) that leave of absence be granted to Councillors N Mananga-Gugushe (Ms); RS Nalumango (Ms) and N Ntsunguzi (Ms); and
- (b) that permission be granted to Councillor NE McOmbring (Ms) to join the meeting later.

**(HEAD: COMMITTEE SERVICES TO ACTION)**

**2.1 DECLARATION OF INTEREST (3/6/2/2)**

NONE

**2.2 PRESENTATION (8/1/4/2/6)**

NONE

**2.3 COMMUNICATIONS (3/4/1/6)**

**2.3.1 COMMUNICATION BY THE SPEAKER (3/4/1/6)**

2.3.1.1 The Speaker, Councillor CP Jooste, congratulated all Councillors who celebrated their birthdays during the month of February.

2.3.1.2 Forms were received from the Pension Fund and will be distributed to the Councillors concerned. Speaker urged those Councillors to complete the forms and submit same at the HR Office or Office of the Speaker by not later than Monday, 2016-02-29.

2.3.1.3 A group photo will be taken of all Councillors at the start of the Council meeting on 2016-03-30. Speaker requested all Councillors to dress appropriately for this photo session.

2.3.1.4 The Speaker again informed the meeting that his Office receives numerous requests from Councillors regarding the use of halls. He explained that the Policy makes provision for all Councillors to use the halls twice, but he urged Councillors to distinguish between the use of halls for political activities (for which political parties have to pay) and the use of the hall for ward activities.

2.3.1.5 He informed the meeting that Ward Administrators are not allowed to make copies of party political related activities and cautioned Councillors against it.

**2.3.2 COMMUNICATION BY THE EXECUTIVE MAYOR****(3/4/1/6)**

2.3.2.1 The Executive Mayor's communications can be summarised as follows:-

"Death

It was with great sadness that we learnt about the death of Mr Theo van Wyk, one of the most loved employees at the Municipality. It was really impressive to see how we can stand together as colleagues. The family expressed great appreciation with what they experienced.

HIGHLIGHTSClean Audit

Along with other Western Cape Municipalities Stellenbosch Municipality was invited to Cape Town for the audit award ceremony. The trophy and certificates that we received for obtaining a clean audit are displayed here in the Council Chambers.

I have said before, a clean audit is about much more than just finances and good governance. Each of us who call ourselves leaders have to conduct ourselves in such a way that we can always and categorically state that we have a clean conscience about the way we execute our duties in effective service delivery.

I have also previously thanked our Mr Marius Wüst our CFO and his team, the Internal Auditor, Mr Faiz Hoosain and each and every person who played a part in helping this municipality to achieve something which evaded us for so many years.

Baie dankie, kollegas!

**BLACK ECONOMIC INDABA**

We had the introductory meeting of the black economic indaba. This was attended by about 20 entrepreneurs and facilitated by Mr Solly Fourie, head of the Western Cape Department of Economic Development.

I called for this meeting because I believe it was important to start a dialogue between black entrepreneurs in this town so that we can try to facilitate opportunities where people can start working together.

15 important issues were identified and will be analysed and addressed to create a more conducive environment for entrepreneurs.

It is still very early days but I'm very excited about the possibilities we are unlocking in this process of wealth creation. We must keep going!

**PLANNING TRIBUNAL**

Another highlight was the official launch meeting of Stellenbosch Municipality's planning tribunal. Mr Jacques Jansen van Rensburg, a young town planner in our municipality, gave a wonderful presentation.

Among other things he explained the concepts of SPLUMA and LUPA and functioning of the Tribunal.

**RIVER STEWARDSHIP**

This is an initiative we are very excited about. The initiating meeting of the river stewardship took place two weeks ago.

Eight businesses have committed themselves to take stewardship of parts of the different rivers in Stellenbosch.

These businesses will remove alien vegetation and rubbish from the river.

This innovative project was initiated by Mr Schalk van der Merwe an environmental planner and a real Mover & Shaker.

#### UNIVERSAL ACCESS

As Ms Michelle Aalbers, the manager of community development explains: universal access is about more than just giving access to people in wheelchairs.

It is also about giving easy access to people who have low levels of literacy, children, the aged, pregnant women etc.

To this extent the Acting Municipal Manager and myself signed a pledge to commit our organization to these universal principles.

#### ELECTIONS

This brings me to the coming elections. The political waters all around us are heating up. We can expect it to get even hotter.

I urge all politicians to keep calm and dignified at all times – no matter what you believe to be provocation from those who do not share your political beliefs.

It remains the right of every eligible citizen in this country to vote. Please encourage you constituents to ensure that they are registered on the relevant dates.

#### RASSISME

Om mee af te sluit 'n gedagte oor rassisme, 'n politieke virus wat Suid-Afrikaners nou reeds maande teister.

En dit, net toe ons gedink het rassisme is nou slegs 'n vae herinnering uit 'n nare politieke verlede.

Dis die toesnou van woorde soos bobbejane en ape en dan die immergroen K- en H- woorde. Die jongste woelinge is hier op ons eie dorp beleef, waar studentepret (geverfde gesigte) 'n geskarrel veroorsaak het wat ver buite ons Eikestad-grense weerklank gevind het.

Die erns en strafbaarheid van al die voorvalle van die afgelope ruk moet almal op meriete oorweeg word.

Ek het een probleem, 'n groot probleem, met die huidige ras-debat.

Dit gaan meesal oor houdings jeens velkleur. Ek onderskat nie die beledigende aard en vernedering ter sprake nie. Dit is deel van ons almal se emosionele belewenis.

Ek glo egter die rassedeбат is veel meer grondliggend a veldiepte. Ons politieke verlede het meer as net rassevooroordeel gevestig.

Onder die velkleur lê die ekonomiese bevoordeling aan die een kant en benadeling aan die ander kant. Dis die rasgebaseerde ekonomiese stelsel wat oor dekades gevestig is. Hierdie patrone duur vandag nog voort en word meestal met 'n soort gelatenheid aanvaar.

My boodskap is vandag veral aan die voorheen benadeeldes om met groter vasberadenheid hul ekonomiese staanplek op te eis. Moue op te rol en hulle uit hierdie gat van agtergeblewendheid te gawe.

Daar is nie reddingspanne van elders op pad nie. Ons moet onself verbind tot Projek Selfhelp!

Entrepreneurskap is die leer waarlangs die meeste van ons na die blou lug van ekonomiese vryheid moet klim.

As politieke leiers, bygestaan deur professionele amptenare kan en moet ons 'n baie meer aggressiewe rol speel in die verband.

Anton Rupert het gesê 'n mens kan nie rustig slaap as jou buurman honger is nie. Ons moet hierdie woorde ter harte neem en as politici ons buurman help om homself te voed.

Met gesprekvoering kan ons probeer om sosiale kohesie te bewerkstellig. Maar wanneer jou maag weens hongerpyne skree, kan jy nie enigiets anders hoor nie.

Organisasies soos Voedingsaksie voed tussen 5 000 en 10 000 mense op ons dorp. Ons moet daaraan werk om mense van hierdie voedingslyste af te kry.

Ons gee graag ruim erkenning aan politieke en administratiewe kollegas vir inisiatiewe wat reeds onderneem is om werkgeleenthede te identifiseer en werkskeppingsprojekte te fasiliteer.

Nog innoverende entrepreneurskapsprojekte is aan die ontwikkel. Ander ontwikkel vaardighede en skep werkgeleenthede.

Dankie daarvoor.

Dis die dieper vlak na waar die rasdebat moet skuif.

Oor vele dekades is geweldige agterstande geskep. Ons moet hierdie agterstand inhaal.

Nietemin, menseregte en die beste grondwet in die wêreld is slegs 'n bemagtigingsraamwerk. Moue oprol en eie verantwoordelikheid aanvaar – dit is die antwoord.

Projek Selfhelp sê daar is geen plaasvervanger vir harde werk nie.

Sonder hierdie begrip en ingesteldheid bly die huidige rasdebat eintlik maar relatief vlak.”

( - )

### 2.3.3 COMMUNICATION BY THE MUNICIPAL MANAGER (3/4/1/6)

NONE

## 3. CONFIRMATION OF THE MINUTES (3/4/1/5)

### 3.1 CONFIRMATION OF THE MINUTES OF THE 37<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2016-01-27 (3/4/1/5)

The minutes of the 37<sup>th</sup> Meeting of the Council of Stellenbosch Municipality held on 2016-01-27 were previously distributed.

#### FOR CONFIRMATION

### 38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 3.1

**RESOLVED** (nem con)

that the minutes of the 37<sup>th</sup> Meeting of the Council of Stellenbosch Municipality held on 2016-01-27, be confirmed.

**(HEAD: COMMITTEE SERVICES TO ACTION)**



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4. INTERVIEWS WITH DEPUTATIONS (3/4/1/7)

NONE

5. STATUTORY BUSINESS (3/4/1/7)

NONE

6. REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS  
TAKEN AT PREVIOUS MEETINGS OF COUNCIL (3/4/1/5)

The report by the Acting Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

**FOR INFORMATION**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 6**

**RESOLVED** (nem con)

- (a) that the report by the Acting Municipal Manager on outstanding resolutions, be noted; and
- (b) that the Acting Municipal Manager note the input by Councillors regarding the items as outlined below, and provide responses, where applicable.

Issue raised by	Item	Response by
<p><b>Cllr : JA Davids:</b></p> <p><u>Emergency Housing Policy</u> Why is this item only 50% concluded?</p> <p><u>Lease Agreement between the Municipality and Vliegveld</u> Cllr JA Davids were not happy with the answers submitted on this matter. He explained that he wanted clarity on the status of the resolution, but instead received a total different answer. If a resolution cannot be implemented the Administration should have come back to Council, informing them they have assessed the resolution but cannot implement, hence seeking a new resolution.</p> <p><u>Health facility in Kayamandi</u> When will the relocation strategy be submitted to Council? Ward councillor must be included in the discussion with regard to this relocation.</p>	<p>Pg. 6</p> <p>Pg 8</p> <p>Pg 12</p>	<p><b>The Director: Human Settlement responded as follows:</b></p> <p>This Policy will serve at the next Council meeting.</p> <p>Ward Councillors will be included in the discussions with regard to the relocation of people.</p>
<p><b>Cllr DA Hendrickse</b></p> <p>The Vliegveld item is not on the Council Agenda as per the comment on page 8 which states that a report will be submitted to Council via Mayco in February 2016.</p> <p>The feedback reads that meetings took place already, but Councillors were not included as per the resolution?</p> <p>There is a resolution that was not listed, i.e.: August 2014: Rules Committee must meet. No report submitted to Council yet.</p>	<p>Pg 8</p> <p>Pg 12</p>	<p>The Speaker urged the Acting MM to respond on outstanding issues raised.</p> <p>The Acting MM undertook to respond on outstanding issues at the next Council meeting.</p>

<p><b><u>Cllr F Adams</u></b></p> <p>Long outstanding Motion and resolutions with regard to the promises and commitments made by Developers ie De Zalze and Stellenbosch Square (4 years).</p> <p><b><u>Process for the renaming of streets</u></b> The Council resolution had specific name changes, but when advertised no name changes were specified. Why, what was the motive behind this?</p> <p><b><u>Motion by Cllr M Petersen: Investigation into health risk in Smartie Town</u></b> Part (b) under the feedback comment states as follows: <i>(b) All indications are from the Provincial Department of Human Settlements that the replacing of asbestos roofs is not deemed a priority.</i> Cllr F Adams raised his concern and asked what this Motion now means if it is not a priority?</p> <p><b><u>Motion by Cllr PW Biscombe: Erf 7001</u></b> Cllr F Adams raised his concern that an official can make a statement that read: <i>".....It is for that reason that this department can therefore not guarantee the allocation of 10% of the project to farm workers of the area.</i> The Councillor is of the opinion that it is unfair and prejudice to make this statement.</p> <p><b><u>Investigation into allegations of breach of the Code of Conduct for Councillors: Councillor F Adams</u></b> Cllr Adams asked what happened to the charges he laid against other?</p>	<p>Pg 11</p> <p>Pg 14</p> <p>Pg 15</p> <p>Pg 20</p>	<p>The Speaker urged the Acting MM to respond on outstanding issues raised.</p> <p>The Acting MM undertook to respond on outstanding issues at the next Council meeting.</p>
<p><b><u>Cllr S Jooste: Writing-off of irrecoverable debt: meritorious case</u></b></p> <p>What is the status of the item?</p>	<p>Pg 9</p>	<p>The Speaker urged the Acting MM to respond on outstanding issues raised.</p> <p>The Acting MM undertook to respond on outstanding issues at the next Council meeting.</p>
<p><b><u>Cllr M Johnson: Motion by Cllr N August: Implementation of card system for Franschoek and Pniel</u></b></p> <p>What is the status of the item?</p>	<p>Pg 13</p>	<p>The Speaker urged the Acting MM to respond on outstanding issues raised.</p> <p>The Acting MM undertook to respond on outstanding issues at the next Council meeting.</p>

**(ACTING MUNICIPAL MANAGER TO ACTION)**

**7. CONSIDERATION OF MATTERS REFERRED TO COUNCIL VIA THE MAYORAL COMMITTEE MEETING/S**

**7.1 2015/16 GRANT-IN-AID ALLOCATIONS**

*File number* : 5/15

*Compiled by* : Manager: Community Development

*Report by* : Director: Planning, Economic and Community Development

*Delegated Authority* : Council

***Strategic intent of item***

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To present Grant-in-Aid applications to Council for approval.

**2. BACKGROUND**

Council approved Grant-in-Aid budget of R 2 400 000,00 and Grant-in-Aid donations to the amount of R 1 223 132,00 donations (**APPENDIX 1**) at the 30th Council Meeting on 27 May 2015. This resulted in under spending and R 1 176 868,00 still available on vote 1/7802/3600 COUNCIL DONATIONS: GRANT-IN-AID SUNDRY.

All approved donations have been paid to the successful applicants after signing of the MOA's.

**3. DISCUSSION**

The reason for the under spending was due to the alignment of the budget to IDP priorities. This was explained to the organizations at the compulsory briefing workshop in February 2015 along with the change to the public comment period to align with the budget approval process. As this was the first year the Grant-in-Aid cycle was aligned to the budget approval cycle very few organizations realized that although they complied with the policy requirements for the donation, they would not receive funding as the need they address with their programmes was not identified as priority needs within the wards they deliver services in and they missed the period for public comment during April 2015.

The department concluded the process of 2015-16 Grant-in-Aid Donations with the signing of the Memorandum of Agreements with successful applicants after the approval of the budget. During this period, many organizations became aware of the signing of the agreements and the payments made to successful

applicants. It was only then that organizations started to complain about the fact that their application was deemed unsuccessful due to the fact that they do not address identified ward needs within the IDP. Complaints varied from the municipality being unfair and that they did not understand what was communicated to them during the briefing session. They also indicated that the new process created confusion.

Fifteen organizations (**APPENDIX 2**) complied with all requirements of the Grant-in-Aid policy, but were not successful due to the alignment with ward priorities. The total amount that these organizations are eligible for is R 592 751.15.

Ward priorities identified during the October 2015 IDP needs assessments is indicative of developmental support needed by communities. It ranges from social crime, substance abuse, and access to information on bursaries and many more. The realization that many ward needs often goes unaddressed due to the fact that it is not deemed a municipal function, confirms the need for the municipality to align all possible resources (including Grant-in-Aid) and community partners to address ward needs. The department will thus include all identified ward needs in the compulsory briefing session for future Grant-in-Aid cycles.

**4. LEGAL IMPLICATION**

Input requested with due date: 8/12. None received.

**5. FINANCIAL IMPLICATION**

Sufficient funds available on approved 2015-16 budget on vote 1/7802/3600  
COUNCIL DONATIONS: GRANT-IN-AID SUNDRY to allow for donations to the value of R 592 751.15.

**6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

Finance: Finance support the item – response emailed on 25/11/2015

Legal: Input requested with due date: 8/12. None received.

**RECOMMENDED**

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to affecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

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**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02: ITEM 6.1.1****RECOMMENDED**

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to effecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.1**

It is noted that the subsequent input received from Legal Services is that the item is supported.

**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to effecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.1**

The Speaker **RULED** that the Acting Municipal Manager provide clarity on the linkage and alignment of the grants to IDP priorities.

**RESOLVED** (nem con)

- (a) that Council approve donations as listed in **APPENDIX 2** for the 2015/2016 financial year; and
- (b) that the Department ensure compliance with the Policy by ensuring the signing of the MOA, confirmation of receipt of feedback reports and completion of the financial management workshop prior to effecting payments.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**7.2 GRANT-IN-AID POLICY***File number* : 5/P/5*Compiled by* : *Manager: Community Development**Report by* : *Director: Planning, Economic and Community Development**Delegated Authority* : *Council***Strategic intent of item**

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To obtain Council approval for Grant-in-Aid Policy with financial implications for 2016-2017.

**2. BACKGROUND**

The Grant-in-Aid Policy aims to provide a framework for Grants-In-Aid to non-governmental organisations (NGO's), community-based organisations (CBO's) or non-profit organisations (NPO's) and bodies that are used by government as an agency to serve the poor, marginalised or otherwise vulnerable as envisaged by Sections 12 and 67 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

The purpose of the Grants-in-Aid Policy is to complement the goals, objectives, programmes and actions of the Stellenbosch Municipality's IDP, in order to create a sustainable, credible and caring municipality by empowering and building communities and enhancing growth and sharing through partnerships.

**3. DISCUSSION**

Stellenbosch Municipality through the Public Participation unit of the IDP department has over the years been successful in obtaining ward needs and prioritization of those needs. It has also become apparent that many of the needs identified through this process are of a social nature and that the municipality struggles to address these needs to the satisfaction of the community.

Stellenbosch Municipality has a responsibility to be responsive to the needs of the different wards and to align all available resources to be in line with that of the IDP. The changes to the Grant-in-Aid policy has thus been made to ensure that the donations given to organizations is also aligned to the IDP thereby giving effect to the purpose of the policy and to ensure that partnerships with civil society is built to collectively address the needs as expressed by the communities.

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Summary of changes:

- (a) The current policy stipulates that a maximum amount per organization of R 40 000,00 can be donated per annum. This still reflects in the policy to ensure that we can also deliver on the constitutional mandate of childcare facilities. The right of council to donate more than this amount is however added to clause 3.3 under the restriction that the proposal address specific ward priorities identified and specified in the IDP and that the applicant organization must be able to provide audited financial statements.
- (b) The current policy indicates the need to align proposal to the IDP and more specifically to the strategic objective of the municipality. Alignment has been made more specific by adding the ward priorities as a measure to indicate alignment with the strategic objectives of the IDP.

With the above changes in the Grant-in-Aid Policy (**APPENDIX 1**), Council will be able to create and support partnership with local NGO's to address the needs identified by the community during the IDP process. It will also assist with better accountability and report back to communities on funding directed specifically to the needs they have identified.

#### 4. LEGAL IMPLICATION

Legal: Request for legal input with due date of 27 November 2015 submitted to legal services. None received.

#### 5. FINANCIAL IMPLICATION

The changes to the policy does not lead to an increase in the budget, but aims to ensure alignment of all the municipality's resources with the IDP needs.

#### 6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

6.1 IDP: Comments from the IDP department was incorporated into the policy, application and MOA documents.

Manager IDP: *"This is a very good initiative to align our efforts and confirming to our communities that 'we have heard them."*

6.2 Finance: Request submitted for comment with due date of 27 November 2015. None received.

#### RECOMMENDED

- (a) that Council adopt the Grant-In-Aid Policy as a draft, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-02-02: ITEM 6.1.2****RECOMMENDED**

- (a) that Council adopt the Grant-In-Aid Policy as a draft, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.2**

It is noted that this item refers to the amendments to the Draft Grant-In-Aid Policy; it is also noted that the subsequent input received from Legal Services is that the item is supported.

**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that Council adopt the amendments of the Draft Grant-In-Aid Policy, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.2****RESOLVED** (majority vote)

- (a) that Council adopt the amendments of the Draft Grant-In-Aid Policy, in principle; and
- (b) that the said Policy be advertised for public comment, whereafter same be resubmitted for final adoption.

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

*Councillors F Adams; JA Davids; S Jooste (Ms); C Moses (Ms); P Mntumni (Ms); MM Ngcofe; L Ronoti; P Sitshoti (Ms) and LN Siwakamisa (Ms).*

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**



**7.3 PROGRESS REPORT: ELECTRICAL SERVICES MASTER PLAN**

*File number* : 8/1/Engineering Services  
*Report by* : Acting Director: Engineering Services  
*Compiled by* : Acting Manager: Electrical Services  
*Delegated Authority* : Council

**Strategic intent of item**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To present the Electricity Master-plan to council for adoption.

**2. BACKGROUND**

Council at its 33<sup>rd</sup> meeting held on 25 August 2015 resolved that:

*“that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item”.*

Although the previous masterplan was done with a 20 year view, it has become outdated, because of unforeseen changes and as time goes on. The consultant therefore has to be reviewed every 6 years. The service provider, Royal Haskoning was therefore appointed for the update of Electricity Master-plan.

**3. DISCUSSION**

Information was sourced from the existing electrical network. The future development plans for the Municipality and future trends were also taken in consideration during the compilation of the plan.

The consultants made proposals for upgrades and future extension improvements that need to be done to ensure sufficient capacity, stability and quality of supply. Provisional cost estimates are included for each project.

A positive aspect is that there is no immediate crisis which means that the Electricity Department performed well looking after the system and the required planning and upgrades.

However there are challenges for the future to keep the Electrical network in a healthy state. The plan will guide the department for the next few years to plan and budget. Due to the projected inaccuracies that escalate over time, the Stellenbosch Electricity Masterplan will have to be reviewed within 6 years.

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Copies of the plan are available in electronic format from the Manager: Electrical Services' office.

**RECOMMENDED**

that Council adopts the Master-plan for the Electrical distribution system and that it be used and implemented by the Electricity Department.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING:  
2016-02-03: ITEM 5.1.2****RECOMMENDED**

that Council adopts the Master-plan for the Electrical distribution system and that it be used and implemented by the Electricity Department.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.4****RECOMMENDED BY THE EXECUTIVE MAYOR**

that Council adopts the Master-plan for the Electrical distribution system and that it be used and implemented by the Electricity Department.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.3****The Speaker RULED**

- (a) that this matter be referred back to allow the Administration to arrange a workshop for Councillors before the end of March to discuss the item; and
- (b) that the Administration provide the appendix in readable print whereafter same be resubmitted at the next meeting of Council scheduled for 2016-03-03.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**7.4 CLOSURE OF SCHOOL STREET, JAMESTOWN**

*File number* : 8/1/ Engineering Services  
*Compiled by* : Manager: Transport, Roads and Stormwater  
*Report by* : Acting Director: Engineering Services  
*Delegated Authority* : Council

**Strategic intent of item**

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

For Council to take note of the decision by the Provincial Roads Department to close the School Street access on the R44.

**2. BACKGROUND**

When the Department of Transport and Public Works commented on the rezoning of erf 510/61 & 510/62 Jamestown they have set a condition that the School Street access on the R44 be permanently closed. They have since in their letter dated 2 April 2012 confirmed that they will close the roads themselves.

**3. DISCUSSION**

Jamestown is serviced with two access routes namely Webers Valley Road and School Street. Webers Valley Road is the main access linking Stellenbosch CBD to Jamestown. The School Street access is used to get to the cemetery, school, sport fields and a part of the residential area.

It is of concern that a neighbourhood the size of Jamestown be serviced by a single access road. With time the area will develop further and densify. These developments will increase traffic and decrease the level of service on a single access. Stellenbosch Municipality will not be able to resolve this situation without a second access road.

A single access road also increases Council's risk should a disaster occur. An accident on the intersection will make access to the area impossible.

The developer of Portion 87 of Farm 510 Jamestown, Messrs Exact Trade144 (Pty) Ltd also wrote to the Director of Transport and Public Works of Province to request them not to close the road ( **APPENDIX 1** ) No response has been received from the Provincial Roads Department.

The Directorate: Engineering Services has compiled two proposals (**APPENDIX 2**) that can address the safety concern of the Roads Engineer.

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These proposals have now been submitted to the Roads Engineer to reconsider his decision.

**4. COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

**4.1 DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**

The closure of the access road off the R44 to the Jamestown Cemetery on Farm No 527, Stellenbosch is **not supported** from a Land Use Management perspective.

It is recommended that Council consider the alternative access arrangements as proposed by the engineering consultant and illustrated in the appendices to the report, in its comment to the Competent Roads Authority. The principle of an alternative access to Jamestown other than the Webbers Valley Street access is also supported.

**4.2 DIRECTORATE: PUBLIC SAFETY & COMMUNITY SERVICES –**

**(Disaster Management - Wayne Smith)**

No comment from my side.

**RECOMMENDED**

that Council note the proposed road closure.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING:  
2016-02-03: ITEM 5.1.3**

**RECOMMENDED**

- (a) that the closure of the access road off the R44 to the Jamestown Cemetery on Farm No 527, Stellenbosch, not be supported from a Land Use Management perspective;
- (b) that the principle of alternative access to Jamestown other than the Webbers Valley Street access be supported; and
- (c) that the Provincial Roads Department be requested to reconsider their decision to close School Street, Jamestown.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.5****RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the closure of the access road off the R44 to the Jamestown Cemetery on Farm No 527, Stellenbosch, not be supported from a Land Use Management perspective;
- (b) that the principle of alternative access to Jamestown other than the Webbers Valley Street access be supported; and
- (c) that the Provincial Roads Department be requested to reconsider their decision to close School Street, Jamestown.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.4****RESOLVED (nem con)**

- (a) that the closure of the access road off the R44 to the Jamestown Cemetery on Farm No 527, Stellenbosch, not be supported from a Land Use Management perspective;
- (b) that the principle of alternative access to Jamestown other than the Webbers Valley Street access be supported; and
- (c) that the Provincial Roads Department be requested to reconsider their decision to close School Street, Jamestown.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**7.5 PERMISSION TO DONATE RAMBRICKS AKA COMPRESSED EARTH BLOCKS (CEBs) TO (PROVINCIAL) WESTERN CAPE GOVERNMENT'S GENIUS OF SPACE PROJECT FOR THE CONSTRUCTION OF A LABORATORY IN LANGRUG**

*File number* : 8/1 Engineering Services  
*Report by* : Acting Director: Engineering Services  
*Compiled by* : Manager Solid Waste Management: Saliem Haider  
*Delegated Authority* : Council

**Strategic intent of item**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF THE REPORT**

To obtain Council approval for the donation of CEBs to Western Cape Government's Genius of Space project for the construction of a 40m<sup>2</sup> laboratory.

**2. BACKGROUND**

In 2013, Western Cape Government's Department: Environmental Affairs & Development Planning (D:EA&DP) contracted service providers to design a bioremediation technology, using bio mimicry and engineering principles in order to upgrade and improve informal settlements, which is also a task focus area of the Berg River Improvement Programme (BRIP).

As part of the 110% Green initiative, Western Cape Government's Department of Economic Development and Tourism (DEDAT) contracted service providers (much an overlap of above service providers) for the Genius of Place project, which required the project team to apply bio mimicry to explore nature-inspired solutions to the solid waste and grey water aspects of the polluted and deteriorating Berg River and its surrounding catchment. The Langrug informal settlement was identified through multi-stakeholder processes as a suitable focus site for the project.

Due to the similarities in the two projects, and the fact that the contracted service providers were same in both projects, it was decided in 2015 to merge both projects into the Genius of SPACE (Systems for People's Access to a Clean Environment) project.

The Genius of SPACE project has two distinct project aims, viz to decrease the Berg River water pollution loads and reduce the solid waste pollution in Langrug and the Berg River tributaries.

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Stellenbosch Municipality has been an active partner through the development of both initial projects, by supporting and assisting where necessary in the development of the prototypes.

A Memorandum of Cooperation between Western Cape Government, represented by D:EA&DP's Piet van Zyl and Stellenbosch Municipality' represented by the Acting Municipal Manager, Dupre Lombaard was signed on 15 January 2016 (**APPENDIX 1**). The memorandum relates to a general partnership between the two spheres of government, for all work in the Stellenbosch Municipal area relating to the implementation of the Berg River Improvement Plan being done by WCG.

One of the key infrastructures that need to be erected is the up cycle laboratory which will be a flagship building that showcases how wastes of all kinds can be up cycled into items of greater value. The building will demonstrate how Rambricks (CEBs) made from landfill rubble and excavated clay can be up cycled into approved building bricks, and how these can be used to create a visually pleasing, sustainable and comfortable building.

Inside the up cycle laboratory building, activities will be focused on processing of organic waste. A major component of these activities will be the development of microenterprises linked to the up cycled waste.

### 3. DISCUSSION

WCG's representative for the project, Mr Jason Mingo, has formally requested a donation of the Rambricks from Stellenbosch Municipality in order to commence with construction of the up cycle laboratory in the first quarter of 2016 (**APPENDIX 2**).

The Manager: Solid Waste Management, to whom the request was forwarded, sought assistance from Finance Department, as well as the Legal Department, and both the CFO and legal representative indicated that the delegation of donating municipal inventory (which is what the Rambricks are), rests with Council.

The size of the laboratory is approximately 40m<sup>2</sup>, and this would entail 2800 Rambricks (at a cost of R3.95 per block). It is further estimated that approximately 5 bags of slurry to a value of R360 per bag would be required, as well as the training of at least two builders and a minimum of two inspections (by the service provider manufacturing the blocks on the municipality's behalf) at a cost of R1500. The loading of the blocks would cost an additional R500. The total cost to the municipality by donating the blocks would thus be approximately R15 000.

Should Council agree to donate the blocks to WCG in order to fulfil its obligation in the Genius of SPACE project, it would also have the first constructed building from the material which this municipality has won an Innovation Award for. It will assist in the sales of the Rambricks whereby Stellenbosch Municipality would be able to recover a significant portion of the funds invested in the pilot project for the manufacturing of the Rambricks.

### RECOMMENDED

- (a) that Council approves the donation of 2800 Rambricks to WCG for the Genius of SPACE project for the construction of the up cycle laboratory; and

- (b) that Council approves the donation of 5 bags of slurry for the above project.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING:  
2016-02-03: ITEM 5.1.4**

**RECOMMENDED**

- (a) that Council approves the donation of 2800 Rambricks to WCG for the Genius of SPACE Project for the construction of the upcycle laboratory; and
- (b) that Council approves the donation of 5 bags of slurry for the above project.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.6**

**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that Council approves the donation of 2800 Rambricks to WCG for the Genius of SPACE Project for the construction of the upcycle laboratory; and
- (b) that Council approves the donation of 5 bags of slurry for the above project.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.5**

**RESOLVED (nem con)**

- (a) that Council approves the donation of 2800 Rambricks to WCG for the Genius of SPACE Project for the construction of the upcycle laboratory; and
- (b) that Council approves the donation of 5 bags of slurry for the above project.

**(ACTING DIRECTOR: ENGINEERING  
SERVICES TO ACTION)**



**7.6 MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS**

*File number* : 8/1/*Financial*

*Report by* : *Chief Financial Officer*

*Compiled by* : *Chief Financial Officer*

*Delegated authority* : *Council*

**Strategic intent of item:**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

- 1.1** To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2015/2016, by reporting the deviations for the month of January 2016.

**2. DISCUSSION**

- 2.1** To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2015/2016, by reporting deviations as approved by the Accounting Officer for the period of 01 January until 31 January 2016 (**APPENDIX 1**). Reporting hereof by the Accounting Officer to Council is done in a bid to give effect to Council's oversight role

**RECOMMENDED**

that the deviations as listed, be noted.

**(CHIEF FINANCIAL OFFICER TO ACTION)**

**FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE:  
2016-02-09: ITEM 5.1.1****RECOMMENDED**

that the deviations as listed in **APPENDIX 1**, be noted.

**(CHIEF FINANCIAL OFFICER TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.7**

**RECOMMENDED BY THE EXECUTIVE MAYOR**

that the deviations as listed in **APPENDIX 1**, be noted.

**(CHIEF FINANCIAL OFFICER TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.6**

**RESOLVED** (nem con)

that the deviations as listed in **APPENDIX 1**, be noted.

**(CHIEF FINANCIAL OFFICER TO ACTION)**

**7.7 TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
REPORT FOR THE FIRST QUARTER (1 JULY 2015 To 30 SEPTEMBER 2015)**

*File number* : 8/1/3/3/1/4  
*Report by* : Municipal Manager  
*Compiled by* : Director: Strategic & Corporate Services  
*Delegated authority* : Council

***Strategic intent of item***

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

That Council take cognisance of progress made with the achievement of key performance indicators, development priorities and objectives as determined in the Top Layer Service Delivery and Budget Implementation Plan (SDBIP) for the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015).

**2. BACKGROUND**

In terms of Section 1 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) the service delivery and budget implementation plan (SDBIP) is defined as a detailed plan approved by the mayor of a municipality within 28 days after the approval of the budget for implementing the municipality's delivery of municipal services and its annual budget.

The format of the Service Delivery and Budget Implementation Plan (SDBIP) is prescribed by MFMA Circular Number 13 issued by National Treasury. In terms of the said Circular Number 13 the Service Delivery and Budget Implementation Plan (SDBIP) must depict the service delivery areas, budget allocations and enable monitoring and evaluation. It specifically requires the Service Delivery and Budget Implementation Plan (SDBIP) to include, inter alia, the following:

- Monthly projections of revenue to be collected for each source;
- Monthly projections of expenditure (operating and capital) and revenue for each vote;
- Quarterly projections of service delivery targets and performance indicators for each vote;
- Information for expenditure and delivery; and
- Detailed capital works plan.

Section 41(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000 (MSA), stipulates that a process must be established of regular reporting to Council. This process is detailed in the Performance Management Framework of the Municipality.

### 3. DISCUSSION

Included under separate cover is:

- (a) A copy of the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015). Top Layer Service Delivery and Budget Implementation Plan (SDBIP) Report for the 2015/16 financial year as **APPENDIX 1**.

A Service Delivery and Budget Implementation Plan (SDBIP) seeks to promote municipal accountability and transparency and is an important instrument for service delivery, budgetary monitoring and evaluation. It can be seen as a partnership contract entered into between the Administration, Council and the community, in which the goals and objectives set by Council are expressed.

The Service Delivery and Budget Implementation Plan (SDBIP) provides an excellent basis for the Councillors of the Stellenbosch Municipality to monitor the implementation of service delivery programmes and initiatives across the municipal area. The scorecard in the Service Delivery and Budget Implementation Plan (SDBIP) presents a clear mandate to the Councillors in terms of playing their oversight function.

### 4. COMMENTS BY RELEVANT DEPARTMENTS

#### 4.1 Human Resource Management

The accountability of the Administration, inclusive of the Municipal Manager and Senior Managers as addressed under Legal Implications is noted.

#### 4.2 Financial

The SDBIP is viewed as an implementation and monitoring tool rather than a financial tool, however this plan is supported by the financial information reported to Council in terms of Section 52 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

#### 4.3 Legal

##### **MFMA Circular No. 13**

The SDBIP serves as a “contract” between the administration, council and community expressing the goals and objectives set by council as quantifiable outcomes that can be implemented by the administration over the next twelve months. The SDBIP provides the vital link between the mayor, council (executive) and the administration and facilitates the process for holding management accountable for its performance. The SDBIP is a management, implementation and monitoring tool that will assist the mayor, councillors, municipal manager, senior managers and community.

##### **MFMA**

A “*service delivery and budget implementation plan*” is defined as follows in Section 1 of the MFMA :

*“... means a detailed plan approved by the mayor of a municipality in terms of Section 53(1)(c)(ii) for implementing the municipality’s delivery of municipal services and its annual budget, and which must indicate –*

- (a) *Projections for each month of –*
  - (i) *Revenue to be collected, by source; and*
  - (ii) *Operational and capital expenditure, by vote;*
- (b) *Service delivery targets and performance indicators for each quarter; and*
- (c) *Any other matters that may be prescribed;*

*and includes any revisions of such plan by the mayor in terms of Section 54(1)(c).*

In accordance with Section 53 of the MFMA, the mayor of a municipality must-

*“(1)(c)(ii)take all reasonable steps to ensure that the municipality’s service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget.*

*(1)(c)(iii)(bb) that the annual performance agreements as required in terms of Section 57(1)(b) of the MSA for the municipal manager and all senior managers are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan.”*

Quarterly projections of service delivery targets and performance indicators for each vote, is one of the five components of the top-layer SDBIP that must be made public as detailed in MFMA Circular 13.

#### **RECOMMENDED**

that Council take cognisance of the 2015/16 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) Report for the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015) attached **under separate cover** as **APPENDIX 1**.

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE:  
2016-02-09: ITEM 6.1.1**

#### **RECOMMENDED**

that Council take cognisance of the 2015/16 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) Report for the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015) attached **under separate cover** as **APPENDIX 1**.

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2016-02-17: ITEM 5.1.8****RECOMMENDED BY THE EXECUTIVE MAYOR**

that Council take cognisance of the 2015/16 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) Report for the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015) attached **under separate cover** as **APPENDIX 1**.

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 7.7****RESOLVED** (nem con)

that Council take cognisance of the 2015/16 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) Report for the 1<sup>st</sup> Quarter (1 July 2015 to 30 September 2015) attached **under separate cover** as **APPENDIX 1**.

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**8. CONSIDERATIONS OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER**

**8.1 CONFERRAL OF ALDERMANSHIP ON COUNCILLOR CP JOOSTE**

*File number* : 11/2/4/1

*Report by* : Municipal Manager

*Compiled by* : Director: Strategic and Corporate Services

*Delegated Authority* : Council

***Strategic intent of item***

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To consider an application for conferral of Aldermanship on Councillor CP Jooste.

**2. BACKGROUND**

**2.1 Application**

On 2016-02-15 an application was received from Councillor CP Jooste, requesting that Aldermanship be conferred on him as he qualifies for such honours in terms of the Stellenbosch Municipal Honours By-Law (April 2002). The Application is attached as **APPENDIX 1**.

**2.2 Calculation of points**

Pursuant to the above application, the Head: Committee Services compiled a memorandum to the Municipal Manager, confirming that, according to Council's records, Councillor CP Jooste does indeed qualify for Aldermanship with a total of **27 points**. The memorandum is attached as **APPENDIX 2**.

**2.3 Confirmation by the Municipal Manager**

Hereto attached, as **APPENDIX 3**, is the verification of the Municipal Manager, confirming that the calculations were verified and that the awarding of points was in accordance with the prescribed criteria.

**3. DISCUSSION**

**3.1 Legal Framework**

Section 6(4)(c) of the Stellenbosch Municipal Honours By-Law (April, 2002) makes provision for Aldermanship to be conferred on a serving Councillor of the

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Stellenbosch Municipality who obtains a minimum of 20 points, as set out in the By-Law.

In terms of sub-section (5), any current serving Councillor who is of the view that he/she qualifies for Aldermanship, should notify the Municipal Manager in writing, together with the necessary detail to enable the Municipal Manager to verify the allocation of points, as per the By-Law. The By-Law is attached as **APPENDIX 4**.

**4. LEGAL IMPLICATION**

Legally compliant. The recommendation is in line with the Municipality's Honours By-Law of April 2002, GG 5859.

**5. FINANCIAL IMPLICATION**

Finance supports the item.

**6. CONCLUSION**

Councillor CP Jooste qualifies for Aldermanship in terms of Section 6 (4) (c) of the Stellenbosch Municipal Honours By-Law.

**RECOMMENDED**

- (a) that, in terms of Section 6(4)(c) of the Stellenbosch Municipal Honours By-Law promulgated in Provincial Gazette 5859 of 19 April 2002, Aldermanship be conferred upon Councillor CP Jooste; and
- (b) that, following the approval of Council, the Executive Mayor, as patron of the Stellenbosch Municipal Honours, confer the honour on Councillor CP Jooste in an appropriate manner.

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 8.1**

Although the Speaker was implicated in this matter, Council agreed that the Speaker remain as Chairperson for this item.

**RESOLVED** (majority vote)

- (a) that, in terms of Section 6(4)(c) of the Stellenbosch Municipal Honours By-Law promulgated in Provincial Gazette 5859 of 19 April 2002, Aldermanship be conferred upon Councillor CP Jooste; and
- (b) that, following the approval of Council, the Executive Mayor, as patron of the Stellenbosch Municipal Honours, confer the honour on Councillor CP Jooste in an appropriate manner.

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

*Councillors DA Hendrickse; AT van der Walt and MM Wanana.*

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**



**8.2 STELLENBOSCH MUNICIPAL DISABILITY POLICY***File number* : 4/P/16*Report by* : Director: Planning, Economic and Community  
Development Committee*Compiled by* : Manager: Community Development*Delegated Authority* : Council**Strategic intent of item**

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To ask Council to approve the attached draft Disability Policy (**APPENDIX 1**) in order to advertise said Policy for public comment.

**2. BACKGROUND**

In terms of the United Nations Convention on the Rights of Persons with Disabilities 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. The same document also speaks of disability being an evolving concept and that disability results from the interaction between people with impairments and the attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis.

**3. DISCUSSION**

In drafting the Policy the following process was followed:

Guidance was taken from the external disability policy from City of Cape Town. The concept document was discussed with a consultant in the field of disability employment and policy development from Altitude Supported Employment.

Introduction session with the Stellenbosch Disability Network on the meeting held on 4 March 2015. The policy was then send electronically to the network and was also made available to persons with sight impairments through the US to comment on the policy by 20 March 2015.

Internal discussions with a focus on the deliverables per directorate was concluded to finalize the first year's deliverables to be approved as part of the policy and to clarify the roles of the internal line departments.

**4. LEGAL DEPARTMENT**

The draft item is supported subject to confirmation of availability of budget by the Finance Department for the implementation of the policy. (Comment emailed 2015-08-12).

**5. FINANCIAL IMPLICATION**

Implementation will be subject to budget prioritization (Comment emailed 2015-07-30).

**RECOMMENDED**

- (a) that the draft Disability Policy, be approved, in principle; and
- (b) that the draft Disability Policy be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2015-10-06: ITEM 5.1.1****RECOMMENDED**

- (a) that the draft Disability Policy, be approved, in principle; and
- (b) that the draft Disability Policy be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**MAYORAL COMMITTEE MEETING: 2015-10-21: ITEM 5.1.1****RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the draft Disability Policy, be approved, in principle; and
- (b) that the draft Disability Policy be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

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**35<sup>TH</sup> COUNCIL MEETING: 2015-10-28: ITEM 7.2****RESOLVED** (nem con)

- (a) that the draft Disability Policy, be approved, in principle;
- (b) that the draft Disability Policy be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval; and
- (c) that Council agree that all Directors be held accountable through their KPI's to employ more people with disability in line with the Employee Equity Policy and Plan.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)****FURTHER COMMENTS BY THE DIRECTOR PLANNING AND ECONOMIC  
DEVELOPMENT**

The said "Disability Policy Framework" was advertised for public comment in the Kasi Vision Boland (13/11/2015) and Stellenbosch Gazette (17/11/2015) in three languages attached hereto as **APPENDIX 2**.

Comments were received from three sources, attached hereto as **APPENDIX 3**.

Comment 1: Stellenbosch Hospice - refers to **sidewalks** in Stellenbosch. Send to Engineering Services for comment. The following comment was received:

"The utilization of the sidewalks is covered in the By-law on Streets which states that no works can be done in the road reserve without the Municipalities approval. It further states that no tree or shrub may be planted in a street without the Municipalities written permission. It is therefore not necessary to include it in the Disability Policy. Gardening on sidewalks contribute to the beautification of the road reserve and should be encouraged where it does not interfere with services and where space allow for gardens and adequate sidewalk space for non-motorized transport users. The comment of Mrs. M Wilken is noted and sidewalk access space will be managed on an ad hoc basis."

Comment 2: Altitude Supported Employment – refers to Stellenbosch Municipality **employment target** of persons with disability and inclusion in all directors' performance agreements. Included in the Policy.

Comment 3: Universal Design Africa (UDA) – refers to acceptance of **Universal Design principles** and broadening of policy to include all persons with diverse needs which will include persons with disability, but also other vulnerable groups. The comments provided by UDA have far reaching consequences as it suggest a philosophical and name change to the policy. The proposed changes suggest a much wider reach for the policy as it will affect not only persons with disability, but also any person with diverse needs/requirements in doing business with the municipality, affected by the type of services the municipality delivers and how those services are delivered. Incorporating and accepting Universal Access and Universal Design will lead to Stellenbosch Municipality being one of the leading and most progressive municipalities regarding the approach we follow to deliver services. A consequence of the suggested changes is that the policy has changed in essence and in name and should therefore be re-advertised for public comment.

Incorporated comments can be found in said Policy with track changes (**APPENDIX 4**) for ease of reference and attention of Council.

**RECOMMENDED**

- (a) that Council approve the draft Universal Access Policy Framework as per **APPENDIX 4** with incorporation of the comments submitted by the public in principle; and
- (b) that the draft Universal Access Policy Framework be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 8.2****RESOLVED** (nem con)

- (a) that Council approve the draft Universal Access Policy Framework as per **APPENDIX 4** with incorporation of the comments submitted by the public in principle; and
- (b) that the draft Universal Access Policy Framework be advertised for public comment whereafter same be resubmitted to Council for final consideration and subsequent approval.

**(DIRECTOR: PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE TO ACTION)**

**9. CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER**

**9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS**

*File number* : 3/4/1/4  
*Report by* : Office of the Speaker  
*Compiled by* : Office of the Speaker  
*Delegated Authority* : Council

A Notice of a Motion, dated 2016-01-25 was received from Councillor JK Hendriks regarding support for indigent people in rural areas.

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

**FOR CONSIDERATION**

**38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 9.1**

The Speaker allowed Councillor JK Hendriks 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 all in favour.

**RESOLVED** (nem con)

- (a) that the Administration be tasked to investigate to what extent rural indigent residents, especially those residing on farms, can be assisted with electricity, health and social services by the local-, provincial- and national spheres of government;
- (b) that any further recommendations and findings that could improve the quality of life of indigent residents be considered for implementation and support to rural indigent residents;
- (c) that a report with recommendations for implementation pertaining to the above be tabled for consideration at the next Council meeting scheduled for 2016-03-30; and
- (d) that Council nominate a multi-party delegation to engage organised agriculture to investigate what the municipality can do to address the situation of the farm workers, in co-operation with the farmers;
- (e) that the multi-party delegation comprise of the following Councillors:

DA = Cllr JP Serdyn (Ms)  
 ANC = Cllr JA Davids  
 SCA = Cllr DA Hendrickse  
 SPA = Cllr F Adams  
 SCA = Cllr DA Hendrickse  
 ACDP = Cllr DS Arends  
 COPE = Cllr HC Bergstedt (Ms); and  
 NPP = Cllr LL Stander

**(CHIEF FINANCIAL OFFICER TO ACTION)**

**10. CONSIDERATION OF MOTIONS OF EXIGENCY****10.1 MOTION OF EXIGENCY BY COUNCILLOR DA HENDRICKSE: INVESTIGATION WHY THE ADMINISTRATION OBTAINED A COURT ORDER FOR THE SALE OF EXECUTION OF ERF 3291, 17 LUCKHOFF STREET, IDAS VALLEY, STELLENBOSCH**

Councillor DA Hendrickse provided a brief background on the urgency of the matter relating to request an investigation on why the Administration obtained a court order for the sale of execution of Erf 3291 situated at 17 Luckhoff Street, Idas Valley, Stellenbosch (see **APPENDIX 1**).

The required majority vote was obtained for the Motion to serve and it was duly seconded. The Speaker then allowed Councillor DA Hendrickse to motivate the Motion.

During deliberations on the matter, the DA requested a caucus which the Speaker allowed.

In discussion, some amendments were made to this Motion.

**RESOLVED** (majority vote)

that the Administration be tasked to investigate the case of the sale of Execution of the Respondent Roman JF Slade and to report back at the Council meeting scheduled for 2016-03-30.

**(DIRECTOR: STRATEGIC AND  
CORPORATE SERVICES TO ACTION)**

# **APPENDIX 1**

www.stelcivic.org.za

stelcivic@telkomsa.net

utilitas@lafrica.com



Posbus 6303, Uniedal 612

083 232 7382

082 462 6480

20 February 2016

The Municipal Council

Stellenbosch Municipality

Plein Street

Stellenbosch

**Dear Councillors**

**RE: MOTION OF EXIGENCY**

I herewith bring a motion of exigency before Council for Council to authorise an investigation as to why the administration has gone to the extreme action to obtain an court order for the sale of execution of the property Erf 3291 situated at 17 Luckhoff Street Idasvalley Stellenbosch. That such investigation include a report on the contract management of the work Geodebt has done over the past 3 years in recovering outstanding debt owned to the municipality. How many cases have been brought before the courts to obtain courts orders for the sale of execution of the assets of those debtors? The reports to indicate who on the top 20 debtors list has been brought before the courts.

Motivation:

1. Mrs M Slade the mother of Mr N Slade ha asked me to bring this matter to the attention of the municipality .
2. Her Son Mr N Slade has obtained this land from his grandmother Mr van Graan and now the municipality has obtained an court order to take away this family land.( See attached court order )
3. Not all debtors are treated the same . The Deputy Mayor Clr Martin Smuts has even brought a misleading item before Council to write off the debt of Daneel Diamonds on Erf 9194. This amounted to Millions of rand being written off and loss in income. Here Council werr mislead by the Deputy Mayor as he never disclosed to Council this Minister Allen Wiendy

G Reid (President ) Y Martinus (Secretary)



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Posbus 6303, Uniedal 612

083 232 7382

082 462 6480

has intervened to get the DA in Council to write off the debt of Daneel Diamonds ( attached see minutes of Council meeting dated 2013-10-24)

4. Likewise the DA lead administration took it upon themselves to write off more the R500 000 in debt owned by Shell case 203 (Pty)Ltd on the Erf 9211 in January 2016. And the debt written off when the DA lead administration knew that Shell case 203 ( Pty )Ltd can afford to pay this debt as the are making Millions of rand in profit in the sale in the speculation of the vacant Erf 9211 situated in Techno Park.
5. Then their is also the Millions owed by Van Der Stel Sports club , The Stellenbosch golf clud , De Zalze and others. We do not see sales in execution of these white owned and Run entities.
6. This discrimination must stop.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Hendrickse', written in a cursive style.

Clr DA Hendrickse

.....  
Seconded.

Whip – Clr P Biscombe



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## **PROPERTY MANAGEMENT**

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**TO / AAN** : The Municipal Manager  
**FROM / VAN** : Manager: Property Management  
**DATE / DATUM** : 2016-01-22  
**RE / INSAKE** : REQUEST FOR PARTIAL EXEMPTION: BUILDING CLAUSE: ERF  
9211, TECHNOPARK, STELLENBOSCH

---

1. **PURPOSE**

The purpose of this report is to advise on the request from Capitec for a partial exemption of the building clause applicable on erf 9211, Technopark, to allow them, as new owners, to get the necessary rights/approvals in place to develop the site.

2. **BACKGROUND**

When erf 9211 was initially sold a building clause was inserted, obliging the owners (and his/her successor(s) in title) to develop the erf within a period of 3 years from date of transfer, failing which they would have to pay rates and taxes as liquidated damages equal to 3 times the purchase price.

As the owner(s) did not meet the development obligation, the building clause became effective and they are paying the penalty ever since.

The current owners, Shell Case 203 (Pty) Ltd, is in the process of selling the property to Capitec, who intent to redevelop the property.

The Sales Agreement, however, is subject thereto that the Municipality partially exempt the new owner from this building clause, to allow them to get the necessary development rights in place.

For this purpose they have requested that the attached agreement be concluded. See APPENDIX 1.

**RECOMMENDATION:**

- a) that the request for partial exemption, as set out in the new building clause (see Appendix 1) be approved by the Municipal Manager, on condition that all outstanding monies (including building clause penalties) owed by Shell Case 203 (Pty) Ltd be paid before any clearance certificates is issued, i.e before transfer to Capitec takes place.

Yours faithfully



PIET SMIT  
MANAGER: PROPERTY MANAGEMENT

20/16-01-22  
Date

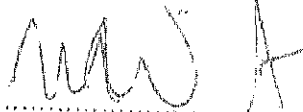
RECOMMENDATION SUPPORTED/NOT SUPPORTED



DIRECTOR: MS & PROPERTY MANAGEMENT

22/01/2016  
Date

RECOMMENDATION SUPPORTED/NOT SUPPORTED



CFO

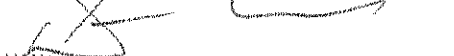
22/1/16  
Date

APPROVED	
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NOT APPROVED	
--------------	--

Conditions (if any): .....

.....



ACTING MUNICIPAL MANAGER

22/01/2016  
Date

## ACKNOWLEDGEMENT

I, the undersigned,

**ANDRE PIERRE DU PLESSIS**  
duly authorised hereto by a resolution of the Directors of

**CAPITEC PROPERTIES PROPRIETARY LIMITED**  
REGISTRATION NUMBER 1998/007658/07

("the Company / Purchaser")

hereby acknowledge and confirm in favour of Stellenbosch Municipality that the following building clause and conditions are applicable to the property described as

ERF 9211 STELLENBOSCH  
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH  
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 1,0000 hectare

("the Property")

Considering that the Purchaser has agreed to purchase said property confirmed in a written deed of sale, from:

**SHELL CASE 203 (PTY) LTD**  
REGISTRATION NUMBER: 2004/0235473/07

("the Seller")

### "TAXES LEVIED AS LIQUIDATION DAMAGES

(a) The PURCHASER undertakes to erect improvements in the form of a building or buildings with a Municipal valuation of at least 3 (THREE) times the purchase price of the PROPERTY within a period of 4 (FOUR) years, calculated from date of signature hereof. The requirements of 4 (FOUR) years shall be extended by the same period by which the date of registration of transfer of the PROPERTY may be delayed in terms of clause 4 of this agreement, if such delay should occur.

(b) Such building or buildings as is/are erected and if thereafter partially or completely destroyed, the PURCHASER undertakes to restore or re-erect the building or buildings, within a period of 2 (TWO) years calculated from the date of destruction, resulting in the building or buildings having a Municipal valuation of at least 3 (THREE) times the Municipal valuation of the PROPERTY at the time of the said partial or complete destruction.

(c) In the event of such building or buildings not being erected in accordance with clause 6.1, or is/are not built or re-erected in accordance with clause 6.2, the PURCHASER will be liable for the payment to the MUNICIPALITY of liquidated damages, equal to the annual rates and taxes which would have been payable to the MUNICIPALITY on a valuation equal to 3 (THREE) times the valuation of the PROPERTY bought herewith, and the rates and taxes which will be levied each year on the valuation of the PROPERTY until such building or buildings have been completed to the satisfaction of the MUNICIPALITY".

and the Company hereby accepts that rates and taxes shall be levied in accordance with said provisions.

SIGNED AT \_\_\_\_\_ ON \_\_\_\_\_ 2016.

AS WITNESSES:

1. \_\_\_\_\_  
For the Company

2. \_\_\_\_\_

SIGNED AT \_\_\_\_\_ ON \_\_\_\_\_ 2016.

AS WITNESSES:

1. \_\_\_\_\_  
For the Municipality of Stellenbosch  
(Signed by an Individual authorised  
hereto)

2. \_\_\_\_\_

## ACKNOWLEDGEMENT

I, the undersigned,

**ANDRE PIERRE DU PLESSIS**  
duly authorised hereto by a resolution of the Directors of

**CAPITEC PROPERTIES PROPRIETARY LIMITED**  
REGISTRATION NUMBER 1998/007658/07

("the Company / Purchaser")

hereby acknowledge and confirm in favour of Stellenbosch Municipality that the following building clause and conditions are applicable to the property described as

ERF 9211 STELLENBOSCH  
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH  
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 1,0000 hectare

("the Property")

Considering that the Purchaser has agreed to purchase said property confirmed in a written deed of sale from:

SHELL CASE 203 (PTY) LTD  
REGISTRATION NUMBER: 2004/0235473/07

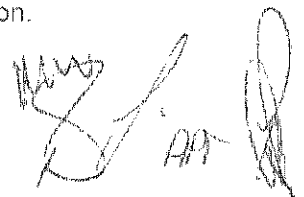
("the Seller")

And that the clause below shall be applicable on all relevant parties for all intents and purposes considering that the Purchaser is planning to do a major development on the property:

### "TAXES LEVIED AS LIQUIDATION DAMAGES

(a) The PURCHASER undertakes to erect improvements in the form of a building or buildings with a Municipal valuation of at least 3 (THREE) times the purchase price of the PROPERTY within a period of 4 (FOUR) years, calculated from date of signature hereof. The requirements of 4 (FOUR) years shall be extended by the same period by which the date of registration of transfer of the PROPERTY, if such delay should occur.

(b) Such building or buildings as is/are erected and if thereafter partially or completely destroyed, the PURCHASER undertakes to restore or re-erect the building or buildings, within a period of 2 (TWO) years calculated from the date of destruction, resulting in the building or buildings having a Municipal valuation of at least 3 (THREE) times the Municipal valuation of the PROPERTY at the time of the said partial or complete destruction.

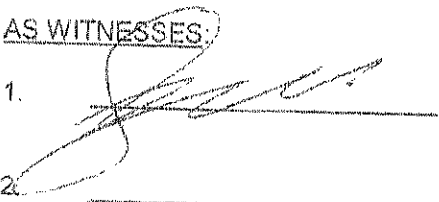



(c) In the event of such building or buildings not being erected in accordance with clause (a), or is/are not built or re-erected in accordance with clause (b), the PURCHASER will be liable for the payment to the MUNICIPALITY of liquidated damages, equal to the annual rates and taxes which would have been payable to the MUNICIPALITY on a valuation equal to 3 (THREE) times the valuation of the PROPERTY bought herewith, and the rates and taxes which will be levied each year on the valuation of the PROPERTY until such building or buildings have been completed to the satisfaction of the MUNICIPALITY".

and the Company hereby accepts that rates and taxes shall be levied in accordance with said provisions.

SIGNED AT STELLENBOSCH ON 21<sup>st</sup> of JANUARY 2016.

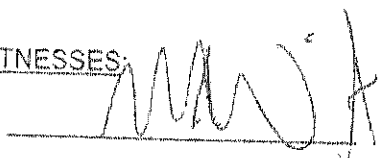

AS WITNESSES:


1.   
2. \_\_\_\_\_

  
For the Company

SIGNED AT Stellenbosch ON 22 January 2016.

AS WITNESSES:

1.   
2. 

  
For the Municipality of Stellenbosch  
(Signed by an Individual authorised hereto)

7.2 **PROPOSED RATIFICATION OF AMENDMENT TO SALES AGREEMENT:  
ERF 9194, TECHNO PARK**

<i>File number</i>	:	<i>7/2/2/1</i>
<i>Report by</i>	:	<i>Executive Mayor</i>
<i>Compiled by</i>	:	<i>Acting Director: Human Settlements</i>
<i>Delegated Authority</i>	:	<i>Council</i>

**1. PURPOSE OF REPORT**

To consider a request from Mr J Daneel to ratify the amendment of clause 10.1 of the Sales Agreement of erf 9194, Technopark, as previously approved by the then Municipal Manager, Mr DP Daniels.

**2. BACKGROUND****2.1 Tender 34: Erf 13420 Technopark**

During 2005 Council identified a number of council-owned properties for disposal, with the view of creating economic development opportunities. Erf 13420, Technopark, was one of the properties so identified.

Following a public tender process, tenders were awarded on 2006.02.19. Erf 13420 was awarded to AMC Daneel for the tender price of R4.2m.

On 2006-09-06, following a public participation process, Council considered the Section 124 (Municipal Ordinance) objections. Having considered the objections, Mayco indicated that they would support the disposal of 2 of the properties, including erf 13420, Technopark.

On 2007-06-27, however, following various legal actions, Council decided **not to proceed with any of the disposals**, but to authorise the institution of legal proceedings to have the tender process declared unlawful and the resultant awards and contracts be set aside.

**Pursuant to this decision an application was launched in the Cape High Court on 2008-01-31 to set aside the awarding of the tenders.**

At the same time counter applications were launched by some of the Developers, requesting the implementation of Sales Transactions.

On 2009-10-09 judgement was delivered. **The application by the municipality was dismissed, effectively ordering the Municipality to consider the Section 24 objections.**



On 2010-01-28 Council consider the judgement, and resolved, *inter alia*:

- "(a) **that Council (would) abide the judgement; and**
- (b) *that successful tenderers be requested to confirm in writing whether their initial offers are still valid"*

AMC Daneel confirmed in writing that their offer still stands.

On 2010-05-06, after having considered the various objections, Council decided, *inter alia*:

- "(a) *that, with regard to erf 13420, Technopark a condition of sale be inserted that the developer shall provide enough parking on-site for his own needs and that a portion ( $\pm$ 2 meter wide) along the Northern boundary of the property be made available and developed for public parking. (This would alleviate the need in the immediate vicinity);*
- (b) *that the Sales Agreement be approved by Council before signing of same"*

On 2011-12-05, when considering the final Sales Agreement of one of the successful Tenders (Wuperthal) they resolved, *inter alia*, as follows:

- "(a) *bearing in mind that the awards were made more than 5 years ago, that the Administration provide a report in which it assesses whether the original objectives of council are achieved, i.e. the twin objectives of increasing local economic development, and addressing high levels of social and economic inequality at local level, including as regards skewed ownership patterns (BEE), such report to also advise on the following:*
  - (i) *whether Wuperthal is the same entity that was awarded the tender, with the same composition as regards shareholding, management and all those components in respect of which it was scored during the evaluation and adjudication process including its ability, financially or otherwise, to execute and/or comply with the award; and*
  - (ii) *any other aspect which might have a bearing on or pose a risk to Council and compliance with its regulatory framework;*
- (b) *that the Administration obtain a legal opinion regarding:*

- 
- (i) *the legal soundness of the draft agreement which has been placed before this committee, and whether it requires any amendments to ensure compliance with the legal and regulatory framework;*
  - (ii) *whether Council may proceed with entering into the proposed draft agreement notwithstanding a pending criminal investigation by the SAPS and an investigation by the SIU as regards Tender 34;*
  - (iii) *any legal impediments to Council accepting the final proposal and entering into the proposed draft agreement;*
  - (iv) *any aspect arising from the report in (a) above which may have a bearing on the decision to be taken by Council; and*
- (c) *that comment on the Legal opinion of the Stellenbosch Ratepayers Association (SRA) be solicited from the preferred tenderers and Council's Legal Department, indicating any disagreement with necessary motivation. Also, to furthermore advise on the impact of the opinion on this tender, if any"*

\*This legal opinion is still outstanding.

From the above it is clear that it may still take some time for this process (disposal of properties) to be finalized. It is important to note that Mr John Daneel, at no stage, was responsible for any delays in the process.

## 2.2 Tender: Disposal of Erf 9194

Due to the delays referred to above, John Daneel applied to Council during 2007 to buy erf 9194, Technopark.

Following a public tender process, the tender for erf 9194 was awarded to AZARIN Properties 09 (Pty) Ltd (A company owned by John Daneel). On 2007-12-2011 Council considered the matter and approved the disposal of the property at R7.4M. The Sales Agreement was concluded in February 2008. A copy of the Sales Agreement is attached as **APPENDIX 1**.

## 3. DISCUSSION

### 3.1 Rates as liquidated damages

In terms of clause **10.1** of the Sales Agreement, *"if the development of the **PROPERTY** do not commence and are not duly proceeded with, within 24 (twenty four) months from date of transfer then, for the purposes of payment of rates, the **PROPERTY** shall be deemed*

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*to be improved by the value of R 22 200 000 (Twenty Two Million two hundred Rand) which shall be subject to the revaluation in terms of the Property Rates Act, until such time as the development of the property is completed'.*

Due to the delays referred to in par.2, above, the property was not developed within the 24 months period, and subsequently rates were levied as from 2010-03-14 as if the property was improved with a value of R22.2m. Hereto attached as **APPENDIX 2** a copy of the rates amount, showing the outstanding rates amount of R486873.30 (as at 30/6/2012).

### **3.2 Application to set aside condition 10.1**

During February 2012 an application has been received from AMC Daneel, requesting that the provisions of clause 10.1 be deferred until such time as a final decision has been made with regard to the disposal of erf 13420 (Tender 34 process). A copy of the request is attached as **APPENDIX 3**.

### **3.3 Consideration of application**

Due to the fact that clause 10.1 was not a tender condition, but was a condition imposed by the Municipal Manager (on advise of the Property Management department), the Municipal Manager was requested to consider the request for the amendment of the Sales Agreement. A copy of the memo is attached as **APPENDIX 4**. The application was subsequently approved by the Municipal Manager and the Addendum Agreement, hereto attached as **APPENDIX 5**, was concluded.

### **3.4 Further consideration**

On 27 August 2012 the then Acting Municipal Manager, Mr D.P Beretti, however informed Azarin Properties 19 (Pty) Ltd, that the Addendum Agreement, in terms whereof the rates in the amount of

R486 873.30 was written off, by the Municipal Manager, Mr David Daniels, is null and void and without any force and effect. It was further stated in the letter that Mr Daniels had no authority to write off the rates imposed in terms of the Sales Agreement. In light hereof, Mr Daneel was informed that the amount of R486 873.30 is still due and payable to the Municipality. Mr Daneel was requested to pay the outstanding amount by 14 September 2012. A copy of the letter is attached as **APPENDIX 6**.

On 29 October 2012 Mr John Daneel wrote to Mr Beretti requesting the Municipality to take whatever steps necessary to ratify the (Addendum) agreement entered into and between Stellenbosch Municipality and Azarin Properties dated 14 February 2012. A copy of the request is attached as **APPENDIX 7**.

**4. INPUTS BY OTHER DEPARTMENTS****4.1 CFO**

The item is supported.

**4.2 LEGAL SERVICES**

Attached as **APPENDIX 8.**

**5. CONCLUSION**

From the above it is clear that the lack of progress with regard to the development of erf 9194 is closely linked to the disposal of erf 13420, and that the delay in this disposal cannot be attributed to AMC Daneel.

**RECOMMENDED**

- (a) that the Addendum Agreement, approved by the Municipal Manager, be ratified by Council, retrospectively; and
- (b) that the monies levied in terms of clause 10.1, be written back.

**MAYORAL COMMITTEE MEETING: 2013-02-20: ITEM 6.1.2****RESOLVED BY THE EXECUTIVE MAYOR**

that this matter be referred to the relevant Standing Committee for discussion and subsequent recommendation to Mayco and Council.

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE  
MEETING: 2013-02-06: ITEM 5.2.1.1**

During debate on this matter, the DA requested a caucus which was allowed by the Chairperson. After the meeting resumed, it was:

**RECOMMENDED**

that this matter be referred to the Executive Mayor, in consultation with Mayco, for consideration and subsequent recommendation to Council.

(Act D:HS)

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**MAYORAL COMMITTEE MEETING: 2013-03-20: ITEM 5.1.3****RECOMMENDED BY THE EXECUTIVE MAYOR**

that this matter be referred to Council for consideration.

**(ACTING DIRECTOR: HUMAN SETTLEMENTS TO ACTION)****13<sup>TH</sup> COUNCIL MEETING: 2013-05-30: ITEM 7.7****RESOLVED** (nem con)

- (a) that the agreement entered into between the Municipality of Stellenbosch and AZARIN PROPERTIES 19, not be amended;
- (b) that a full rebate shall be granted to AZARIN PROPERTIES 19 if any one of the following conditions are fulfilled:
  - (i) if AZARIN PROPERTIES 19 is refused permission by the Municipality of Stellenbosch to develop Erf 9194 Techno Park for any reason whatsoever;
  - (ii) if the Municipality of Stellenbosch has failed to complete the tender process in respect of Erf 13420 by 30 June 2015;
  - (iii) if Erf 13420 or Erf 9194 Techno Park is developed by AMC Daneel by 30 June 2016, according to the original intentions of AMC Daneel in respect of Erf 13420;
- (b) that the aforesaid rebate will be not granted by the Municipality of Stellenbosch if the rates account relating to Erf 9194 Techno Park is in arrears at any time after 01 July 2013 for a period that exceeds 30 days; and
- (c) that the Acting Director: Human Settlements consult Mr Daneel and obtain his consent in writing, prior to the execution of Council resolution (a) – (c) above.

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

*Councillors DA Hendrickse, AT Van der Walt and M Wanana.*

**(ACTING DIRECTOR: HUMAN SETTLEMENTS TO ACTION)**

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**COMMENTS BY THE ACTING DIRECTOR: HS & PROPERTY  
MANAGEMENT**

Following the above resolution Mr John Daneel was informed accordingly, with the view of obtaining his written confirmation of the acceptance of the above conditions. Hereto attached as **APPENDIX 9** a copy of the letter send to him on 12 June 2013.

Please find hereto attached as **APPENDIX 10** self explanatory letter received from Mr John Daneel, indicating that his dissatisfaction.

**FOR CONSIDERATION**

**(ACTING DIRECTOR: HUMAN SETTLEMENTS AND  
PROPERTY MANAGEMENT TO ACTION)**

**ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE  
MEETING: 2013-10-07: ITEM 6.1.7****RESOLVED** (nem con)

that this matter be referred back to allow the Administration to formulate a recommendation with due consideration given to the 13<sup>th</sup> Council resolution dated 2013-05-30.

**(ACTING DIRECTOR: HUMAN SETTLEMENTS AND  
PROPERTY MANAGEMENT TO ACTION)**

**FURTHER COMMENTS**

After further communication it was stated that the matter must be referred to the Mayoral Committee for a decision.

**MAYORAL COMMITTEE MEETING: 2013-10-16: ITEM 7.1.1****RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the Council resolution of 2013-05-30 (item 7.7) be rescinded;
- (b) that the Sales Agreement in relation to Erf 9194, Technopark be amended to allow for the following:

- i) that no rates as liquidated damages be levied until 31 October 2018;
  - ii) that, as from 1 November 2018, rates and liquidated damages be levied on an amount equal to 3 times the municipal valuation of Erf 9194, as at that time;
  - iii) that, should Council in future approve a new basis of levying rates and liquidated damages for other, undeveloped erven in Technopark, that Erf 9194 be included in such exercise, should this new basis be more favourable for the owner of Erf 9194;
- (c) that any rates as liquidated damages already levied in terms of the sales agreement be written back;
  - (d) that it be noted that Mr Daneel has relinquished all of his rights/claims that he may have had in relation to Erf 13420, Technopark (Tender 34); and
  - (e) that the Municipal Manager be authorized to conclude the Amendment Agreement giving effect to (b) and (c), *supra*.

**(ACTING DIRECTOR: HUMAN SETTLEMENTS AND  
PROPERTY MANAGEMENT TO ACTION)**

**16<sup>TH</sup> COUNCIL MEETING : 2013-10-24 : ITEM 7.2**

**RESOLVED** (majority vote)

- (a) that Council take note of the proposal of Mr John Daneel in his letter dated 20 September 2013;
- (b) that it be noted that Mr John Daneel represents both Elsabe Daneel Property (Pty) Ltd, with whom the Municipality has concluded the Sales Agreement in respect of Erf 9194 Technopark as well as AMC-Daneel Diamond Ventures being the preferred bidder in respect of Erf 13420 Technopark in respect of Tender 34;
- (c) that the Council resolution of 2013/05/30 (Item 7.7) be rescinded;
- (d) that a Tri-party Agreement be entered into between the Municipality, Elsabe Daneel Property (Pty) Ltd and AMC-Daneel Diamond Ventures (Pty) Ltd in terms of which:

- 
1. the Sales Agreement between the Municipality and Elsabe Daneel Property (Pty) Ltd in respect of Erf 9194 Technopark be amended to allow for the following:
    - (i) that no rates as liquidated damages be levied until 31 October 2018;
    - (ii) that, as from 1 November 2018, rates and liquidated damages be levied on an amount equal to 3 times the Municipal valuation of Erf 9194, as at that time;
    - (iii) that, should Council in future approve a new basis of levying rates and liquidated damages for other, undeveloped erven in Technopark, that Erf 9194 be included in such exercise, should this new basis be more favourable for the owner of Erf 9194;
    - (iv) that any rates as liquidated damages already levied in terms of the Sales Agreement be written off/back.
  2. AMC-Daneel Diamond Ventures (Pty) Ltd abandons and/or waive the award of Erf 13420 Technopark pursuant to Tender 34.
  3. AMC Daneel Diamond Ventures (Pty) Ltd relinquishes and abandons all rights and/or claims it may have against the Municipality in relation to Erf 13420 Technopark and/or the award pursuant to Tender 34.
  4. such agreement constitute the full and final settlement of the dispute/s in relation to the above between the parties;
- (e) that the Municipal Manager be authorised to conclude the agreement giving effect to the above; and
- (f) that (c) only take effect once the agreement provided for above has been concluded and signed by all parties."

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

*Councillors F Adams, DS Arends, JA Davids, DA Hendrickse, C Moses (Ms), S Jooste (Ms), RS Nalumango (Ms), MM Ngcofe, LL Stander and AT van der Walt.*

**(ACTING DIRECTOR: HUMAN SETTLEMENTS AND  
PROPERTY MANAGEMENT TO ACTION)**



**NO. 32 - WARRANT OF EXECUTION AGAINST PROPERTY  
IN THE MAGISTRATES COURT FOR THE DISTRICT OF STELLENBOSCH HELD AT  
STELLENBOSCH**

**ORIGINAL**

In the matter between:-

Case No: 23/15

**STELLENBOSCH MUNICIPALITY**

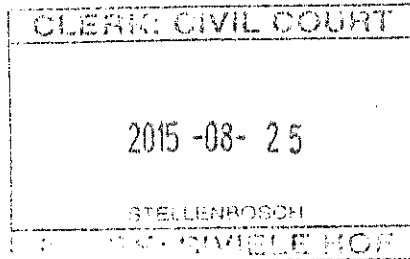
**Execution Creditor**

and

**ROMAN JOHN FREDERICK SLADE**

**7002195242085**

**1st Execution Debtor**



**TO: The Sheriff of the Court**

Amounts to be levied (with costs of execution) WHEREAS in this action the said STELLENBOSCH MUNICIPALITY of Plein Street, Stellenbosch on the            day of            obtained Judgment against the said ROMAN JOHN FREDERICK SLADE

(hereinafter referred to as the "Execution Debtor(s)") for the several sums set out in the margin hereof amounting to the sum of R 47 024,03 of which R 0,00 has since been paid.  
THIS is therefore to authorize and require you to raise on the property of the said Execution Debtor(s), registered Owner(s)/Tenant(s) of Erf Subdivision 00001 of Erf Number 3291, STELLENBOSCH  
(Site Location: 17 LUCKHOFF STREET, STELLENBOSCH) and with Address:  
**115D PINE STREET, CLOETESVILLE, STELLENBOSCH, 7600**

the sum of R 47 024,03 together with your costs of this execution and to pay the said STELLENBOSCH MUNICIPALITY aforesaid R 47 024,03 PLUS penalties at prime plus 1% per annum from 19 June 2015 to date of final payment, and return to this court what you have done by virtue hereof:

Summons Balance	R 45 534.25
PLUS Costs	R 78.00
PLUS interest	R 1 411.78
MINUS Payments	
Judgment Balance	R 47 024.03
PLUS Costs After Judgment	
PLUS Interest After Judgment	
MINUS Payments After Judgment	
<b>TOTAL DUE</b>	<b>R 47 024.03</b>

Plus interest at the rate of prime plus 1% p.a. from 19 June 2015 to date of final payment.

DATED at STELLENBOSCH on this day: 19 June 2015

By Order of the Court

.....  
Clerk of the Court

.....  
STELLENBOSCH MUNICIPALITY  
DIRECTOR: STRATEGIC AND CORPORATE SERVICES  
MUNICIPAL OFFICES  
PLEIN STREET, STELLENBOSCH, 7600

Reference No: 10719651

- Note -
- (1) If the execution debtor pays the amount specified in the margin hereof with the sheriff's charges of            within half an hour of entry of the sheriff he or she will not be required to pay any further costs of execution. The amount of any payment made by the execution debtor and the date thereof shall be endorsed on the original and copy hereof, which endorsement shall be signed by the sheriff and countersigned by the execution debtor or execution debtor's representative.
  - (2) This execution may be paid out before sale, subject to the payment of the sheriff's fees and charges of execution, which may be required to be taxed.
  - (3) The only immovable property on which this warrant may be executed is .....

- ..... (set out its situation and nature sufficiently to enable it to be identified)
- (4) In the case of a re-issue the fact and date of re-issue and any increase or reduction in the amounts to be levied shown on the face hereof, shall be set out in a note endorsed hereon and signed by the execution creditor or execution creditor's attorney and the registrar or clerk of the court.
- (5) Any alterations made herein shall be initialled by the registrar or clerk of the court before the warrant is issued or re-issued by him or her.

COPY  
COPY

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF STELLENBOSCH HELD AT  
STELLENBOSCH**

In the matter between:-

Case No: 23/15

**STELLENBOSCH MUNICIPALITY**

Plaintiff

and

Defendant(s)

**ROMAN JOHN FREDERICK SLADE**

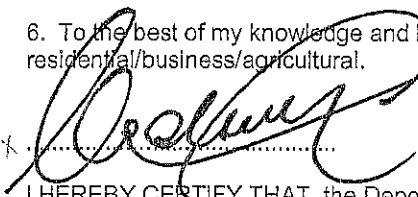
7002195242085

1st Defendant

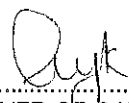
**AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**

I, the undersigned, LUZUKO MDUNYELWA, do hereby make oath and say :-

1. That I am the Director: Strategic and Corporate Services of the Stellenbosch Municipality, a body constituted in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and carrying on business as such at Plein Street, Stellenbosch.
2. That the facts herein deposed are within my own personal knowledge and as such am duly authorized to make this affidavit.
3. That the Defendant/(s) is/are registered owner(s) of the property described as  
Subdivision 00001 of Erf Number 3291, STELLENBOSCH
4. That summons was issued against the Defendant(s) for payment of rates/services due to the Plaintiff and not a debt which was incurred to acquire the property.
5. To date hereof there has been no response to the summons.
6. To the best of my knowledge and belief the property was not funded by State assistance and is zoned residential/business/agricultural.



I HEREBY CERTIFY THAT the Deponent has acknowledged that he knows and understand the contents of this affidavit which was signed and sworn to before me at STELLENBOSCH, on this.....<sup>20th</sup> day of.....June 2015.....

  
.....  
COMMISSIONER OF OATHS

**COMMISSIONER OF OATHS (RSA)**  
Melissa van Wyk / LLB (UWC)  
Geodebt Solutions  
Bethal Street 2A  
Swellendam

**11. MATTERS FOR INFORMATION****11.1 REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE MAYORAL COMMITTEE AND STANDING COMMITTEES FOR THE PERIOD FEBRUARY 2016 (3/5/2/5)**

*Report by the Executive Mayor*

In terms of Section 56(5) of the Municipal Structures Act, No 117 of 1998, the Executive Mayor must report to the Municipal Council on all decisions taken by the Mayoral Committee and Standing Committees.

The above-mentioned information is attached as **APPENDIX 1**.

**FOR INFORMATION****38<sup>TH</sup> COUNCIL MEETING: 2016-02-24: ITEM 11.1**

**RESOLVED** (nem con)

that the report by the Executive Mayor on decisions taken by the Mayoral Committee and Standing Committees for the period February 2016, be noted.

**(DIRECTOR: STRATEGIC AND  
CORPORATE SERVICES TO ACTION)**

**11.2 DECISIONS TAKEN IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR FOR THE PERIOD FEBRUARY 2016**

NONE

**12. OTHER URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

NONE

**13.1 CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER**

NONE

**13.2 CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR**

NONE

**14. MATTERS TO BE CONSIDERED IN-COMMITTEE**

(SEE PINK DOCUMENTATION)

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Meeting adjourned at 19:40.

**CONFIRMED**

**CHAIRPERSON** .....

(Signature & date)

