



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-05-25

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MINUTES

**5TH MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2022-05-25 AT 10:00

MINUTES
5TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2022-05-25

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PRESENT	The Speaker, Cllr Q Smit [Chairperson] The Executive Mayor, Ald GMM Van Deventer (Ms) The Deputy Executive Mayor, Cllr JS Fasser	
COUNCILLORS	RA Adams J Andrews Ald JC Anthony FJ Badenhorst PR Crawley (Ms) A Crombie (Ms) ZJ Dalling (Ms) MM Danana I De Taillerfer (Ms) R Du Toit (Ms) A Ferns (Ms) E Groenewald (Ms) AJ Hanekom RB Hendrikse (Ms) P Johnson J Joon O Jooste X Kalipa C Manuel EP Masimini NE Mcombring [Ms]	XL Mdemka (Ms) NM Mkhontwana (Ms) RS Nalumango [Ms] ZR Ndalasi CD Noble L Nkamisa M Nkopane [Ms] N Ntsunguzi (Ms) N Olayi WC Petersen [Ms] RO Pheiffer WF Pietersen MG Rataza JP Serdyn [Ms] A Tomose [Ms] RB Van Rooyen M Van Stade CA Van Wyk E Vermeulen J Williams

OFFICIALS

Municipal Manager (Ms G Mettler)
Chief Financial Officer (K Carolus)
Director: Community and Protection Services (G Boshoff)
Director: Corporate Services (Ms A De Beer)
Director: Infrastructure (D Louw)
Director: Planning and Economic Development (A Barnes)
Chief Audit Executive (F Hoosain)
Senior Administration Officer (Ms T Samuels)

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit requested that a moment of silence be observed for self reflection and meditation.

2.	MAYORAL ADDRESS
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*Speaker;
Deputy Mayor;
Chief Whip of the Ruling Party;
Members of the Mayoral Committee;
Councillors;
Municipal Manager and Senior Management;
Ward Committee Members;
Members of the public;
Members of the media present;
All protocol observed*

Good morning, Goeiemore, Molweni, Assalamu alaikum;

- Speaker, it has indeed been a very busy time with a lot that has happened at the municipality and in our towns since we last met as a council;
- **I want to start this morning with a quote from late President Madiba who said “There can be no greater gift than that of giving one’s time and energy to help others without expecting something in return”**
- As public representatives, elected to serve the various communities of our beautiful Municipality, I thought that I would like to share this with all our councilors as a reminder of our mandate to serve.

Adam Tas

- I’m very excited to announce that the The Draft Adam Tas Corridor Local Spatial Development Framework is available for public comment;
- I encourage all residents and stakeholders to thoroughly investigate this document and to provide inputs to the municipality before 6 July 2022;
- The ATC precinct is Stellenbosch’s emerging urban transformation district and was identified as a catalytic project in the approved Stellenbosch Municipality MSDF in November 2019;
- The vision for the precinct is to create an integrated urban development corridor that is liveable, safe, resource-efficient, socially integrated, economically inclusive, and globally competitive, in which all citizens can actively participate;
- 3 Open days will be held where residents can view the draft documents, provide inputs and discuss findings with consultants and municipal officials;
- In fact, the first of these three open days takes place today from **11h00 at 131 Dorp Street**. The other two open days will take place on 1 June and 8 June respectively;

Load Shedding

- Soos ons almal weet, is beurtkrag steeds hier en lyk dit asof daar werklik geen lig aan die einde van die tonnel is nie;
- Beurtkrag is nou al deel van ons alledaagse lewe sedert 2007 – dis al 15 jaar!
- In Stellenbosch gaan ons steeds voort met ons planne om alternatiewe bronne van krag te identifiseer;
- Volgende week skakel ek die eerste stel sonpanele wat op munisipale eiendom opgerig is aan en hoewel hierdie slegs een klein stap is, is dit beslis ‘n groot stap in die regte rigting;

Africa Day

- Speaker, today is an important day for our country, our continent and for the world as we commemorate Africa Day;
- Africa Day is commemorated annually on **25 May**.
- On this day we celebrate Africa’s strong cultural identity, diversity and common heritage;
- Africa Day is observed annually to commemorate the founding of the Organisation of African Unity which was created on 25 May 1963. This was the precursor of the African Union (AU) we know today;

Hemelvaart Dag

- More is net so belangrike dag vir Christene regoor die wêreld;
- Hemelvaartdag is 'n baie spesiale en belangrike dag en word vanjaar op 26 Mei waargeneem;
- Hemelvaartsdag val op die veertigste dag gereken vanaf Eerste Paasdag, wat veroorsaak dat die datum elke jaar anders is, en soms in sommige kringe vergete verby gaan;
- Ek hoop dat u en u gesin 'n geseende dag sal beleef, waar u God se alomteenwoordige liefde ervaar;

Budget

- Today in Council we will deliberate on and pass the 2022/23 budget;
- The past two years have had a significant impact on our budget, and this impact cannot be understated;
- It has taught us very valuable lessons on how to work smarter with less money, work with our available funds more carefully and structure our available funds to ensure that we still deliver world-class services to our communities;
- Some projects had to be paused to accommodate for the drastic impact that COVID-19 had on our revenue streams (income).
- Ultimately, we had to take up lesser loans to minimise future interests in payments in order to take stress off our available income and cash reserves;
- We have considered all inputs and comments received from the greater Stellenbosch community, from the public participation process and other stakeholder engagements held in April 2022;
- This budget is a budget for creating opportunities and providing service delivery through our sustainable infrastructure for the greater Stellenbosch.
- Thank you to all resident's who actively participated in this process and provided inputs.

Sport

- A heartfelt congratulations to our pride and joy, the Stellenbosch Football Club, for a magnificent season;
- Ek het my stem behoorlik weggeskree toe julle onlangs so mooi met Mamelodi Sundowns afgereken het!
- En toe boonop die seisoen kort daarna afgeëindig het met 'n tuissege oor Cape Town City;
- Ek kon nie glo met hoeveel passie julle gespeel het nie!
- Baie geluk met 'n puik seisoen en dankie dat julle altyd Stellenbosch se naam so hoog hou;
- Ons adjunkburgemeester Raadslid Jeremy Fasser was geerd om die Stellenbosch Sokkerspan se toekenningsaand by te woon.
- Dit was 'n pragtige glansgeleentheid en ek wil weereens geluk sê aan elke wenner;
- You are role models to so many youngsters in our region and we are tremendously proud of you!

CLOSING

- Speaker, in closing I want to remind everyone of the importance of being counted for Census before the end of the Month;
- I cannot stress the importance of this more;
- If all our residents are not counted, it can have devastating effects on our available funds;
- If we don't receive enough funding, our town and residents will not be able to enjoy the development, service delivery and more that we have come accustomed to;
- This will also directly affect clinics, schools, doctors, educators and police sectors;
- **Ashley Smith once said – “Life is full of beauty, notice it. Notice the bumble bee, the small child and the smiling faces. Smell the rain, and feel the wind. Live your life to the fullest potential and fight for your dreams”**
- Baie dankie, Thank you very much, Enkosi kakhulu.

3.	COMMUNICATION BY THE SPEAKER
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MUNICIPAL ACCOUNT OF COUNCILLORS

A Report regarding the status of all Councillors' municipal accounts was sent to the MEC for Local Government and the Speaker is glad to announce that all Councillors' Municipal Accounts are paid in full. This report must be sent on a Quarterly Basis.

LOCAL GOVERNMENT LIBRARY SETS

There was a delay in the delivery of the Local Government Library sets but it is expected that these library sets will be distributed to all Councillors by end of June 2022.

ADVERTISEMENT – RULES OF ORDER BY-LAW

The Rules of Order By-Law will be advertised on Saturday, 28 May 2022 in various newspapers. Councillors and members of the public are urged to peruse the document and give their comments and input.

CENSUS 2022

The closing date for Census 2022 is 31 May 2022. Thank you to all the Councillors who have assisted the Census personnel in their various areas.

SECTION 80

Section 80 Committee meetings will start from 1 June 2022 and focus will be on the Terms of References for Section 80 Committee meetings as well as Outstanding Resolutions.

ADDITIONAL ITEM

Permission for an Urgent Item under 16.1 was granted regarding the Progress on the Recruitment and Selection Process for the appointment of the Director: Infrastructure.

IN-COMMITTEE

Permission was also granted for an additional item under 22.2 to serve In-Committee regarding the SALGA Collective Agreement. Speaker will elaborate more in-depth when this item is dealt with later in the In-Committee Agenda.

BIRTHDAYS

The Speaker congratulated all Councillors who celebrated their birthdays during May.

SPECIAL COUNCIL MEETING: 2022-06-22

The Speaker granted permission for a Special Council meeting to be held on 22 June 2022 via MS Teams. Councillors who cannot attend this meeting must submit valid reasons to the Office of the Chief Whip as soon as possible.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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"Today is Africa Day where we celebrate the establishment of the African Union in 1963. Like the Executive Mayor said it is about celebrating our heritage and diversities that we experience across the African continent. Our strength lies in our diversities.

Congratulations and well done to Stellenbosch Football Club, the Team and Management of the Team for their achievement, they are currently laying 3rd on the lot the PLC and in itself is an achievement.

A blessed Ascension Day to all Christians celebrating. This is a day and time for reflection.

There are only 6 days left for census to be counted. Please stand up and be counted, it is so important in terms of budget and equitable shares so please ensure that you get counted if you want to invest in additional services and infrastructure. This can be done by registering online on the website or use our library facilities if you don't have access to a computer.

Youth Day will be celebrated on 16 June and I would like the youth to reflect around tolerance and cohesiveness because they are the future of this country and of this municipality and its important that we take that responsibility very seriously in terms of accountability and living and striving for a place that we want to live in and the changes we want to see.

There is a new virus going around called "monkey pock". The virus is not in South Africa yet, but please be careful when you do travel, be vigilant and make sure that you take all the necessary precautions in terms of not getting this virus.

I thank you."

5.	DISCLOSURE OF INTERESTS
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NONE

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

Cllr N Mananga-Gugushe (Ms) – 25 May 2022

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING
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7.1	4TH COUNCIL MEETING: 2022-04-26
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The minutes of the 4th Council Meeting: 2022-04-26 was **confirmed as correct.**

8.	STATUTORY MATTERS
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8.1	ADOPTION OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN FOR 2022 – 2027
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Collaborator No: 729652
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 May 2022 & 25 May 2022

1. SUBJECT: ADOPTION OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN FOR 2022 – 2027

2. PURPOSE

To submit the following to Council for adoption the IDP and Budget Process Plan for 2022 – 2027, attached as **ANNEXURE A**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to Section 28(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP after the start of its elected term within a prescribed period. With the local government election being concluded and the inauguration of the Council in November 2021, an IDP and Budget Process Plan 2022 – 2027 had to be drafted for the development of the new 5-year plan, the Fifth Generation IDP 2022 – 2027.

A Revised SDF / IDP / Budget Time Schedule for 2022/23 was approved by Council on 30 March 2022 to guide the planning, drafting and adoption of the Fifth Generation IDP 2022 – 2027. This in effect moved the adoption of the IDP and Budget Process Plan to May 2022. The approval and adoption of the IDP and Budget Process Plan are subjected to the adoption of the Cape Winelands District Municipality's (CWDM's) Integrated Development Planning District Framework (MSA S27 Framework) by the CWDM. The MSA Section 27 Framework was adopted by the CWDM Council on 28 April 2022. This was to ensure compliance and alignment between the MSA Section 27 Framework of the CWDM and the IDP and Budget Process Plan for 2022 – 2027 of the Stellenbosch Municipality.

The draft IDP and Budget Process Plan for 2022 – 2027 of the Stellenbosch Municipality has been published for public input and comments for a period of 21 days from 04 – 28 April 2022, however, no input or comments have been received on the draft Process Plan by the due date of 28 April 2022.

5TH COUNCIL MEETING: 2022-05-25: ITEM 8.1**RESOLVED** (majority vote with abstentions)

- (a) that the IDP and Budget Process Plan 2022 – 2027 of the Stellenbosch Municipality to guide the planning, drafting, adoption and review of the Fifth Generation IDP 2022 – 2027 be adopted in terms of Section 28(1) of the MSA, attached as **ANNEXURE A**; and
- (b) that an advertisement be placed on the official website of the municipality and in the local newspapers notifying the public that the IDP and Budget Process Plan 2022 – 2027 has been adopted by the Council.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Geraldine Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 – 808 8025</i>
E-MAIL ADDRESS	<i>geraldine.mettler@stellenbosch.gov.za</i>
REPORT DATE	<i>10 May 2022</i>

8.2	ADOPTION OF THE FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027
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Collaborator No: 729727
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 18 May 2022 & 25 May 2022

1. SUBJECT: ADOPTION OF THE FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027

2. PURPOSE

To submit the following to Council for consideration and adoption:

- (a) The Fifth Generation IDP 2022 – 2027, attached as **ANNEXURE A** (will be distributed under separate cover); and
- (b) The IDP and Budget public participation inputs, written submissions and Provincial Government SIME Assessment Report on the Draft Fifth Generation IDP 2022 – 2027 and Draft MTREF 2022 – 2025, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 25(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each municipal council must after the start of its elected term, within a prescribed period adopt a single, inclusive strategic plan. In this instance, this strategic plan refers to the Fifth Generation IDP 2022 – 2027. The IDP informs the budget of the municipality and also details the municipality's actions to address the vision, mission, strategic objectives and needs of the community.

The municipal IDP must:

- link, integrate and co-ordinate plans and consider proposals for the development of the municipality;
- align the resources and capacity of the municipality with the implementation of the plan;
- forms the policy framework and general basis on which annual budgets must be based; and
- is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

5TH COUNCIL MEETING: 2022-05-25: ITEM 8.2**RESOLVED** (majority vote with abstentions)

- (a) that the Fifth Generation IDP 2022 – 2027 for Stellenbosch Municipality, attached as **ANNEXURE A**, be adopted in terms of Section 25(1) of the MSA;
- (b) that the IDP and Budget public participation inputs, written submissions and Provincial Government SIME Assessment Report on the Draft Fifth Generation IDP 2022 – 2027 and Draft MTREF 2022 – 2025, attached as **ANNEXURE B**, be noted; and
- (c) that an advertisement be placed on the official website of the municipality and in the local newspapers notifying the public that the final Fifth Generation IDP 2022 – 2027 has been adopted by Council.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Geraldine Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 – 808 8025</i>
E-MAIL ADDRESS	<i>geraldine.mettler@stellenbosch.gov.za</i>
REPORT DATE	<i>10 May 2022</i>

8.3	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2022/2023-2024/2025
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Collaborator No: 729655
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 18 May 2022 & 25 May 2022

**1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK
2022/2023-2024/2025**

2. PURPOSE

The purpose of this report is as follows:

- a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).
- b) To approve the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies, by-laws and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).

That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R441 million of which over the MTREF R140 million will be required in year one, R160 million in year two and R141 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

BUDGET

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

5TH COUNCIL MEETING: 2022-05-25: ITEM 8.3

RESOLVED (nem con)

- (a) that the High-Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;
- (b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;

- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
- (d) that the three-year Capital Budget for 2022/2023, 2023/2024 and 2024/2025, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved for public release;
- (e) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;
- (f) that the new policy and the proposed amendments to the existing budget related policies, by-laws and other policies as set out in **APPENDICES 4 - 31**, be approved;
- (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R441 millions of which R140 million will be required in year one, R160 million in year two and R141 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (h) that Council specifically take note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;
- (i) that Council takes note of MFMA circulars 112 and 115 that was published to guide the MTREF for 2022/2023 to 2024/2025 as set out in **APPENDICES 32 – 33**; and
- (j) that Council takes note that the public comments and submissions were considered with the compilation of the final budget.

FOR FURTHER DETAILS CONTACT:

NAME	KEVIN CAROLUS
POSITION	DIRECTOR: FINANCIAL SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	kevin.carolus@ Stellenbosch.gov.za
REPORT DATE	25 May 2022

8.4	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2022
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

18 May 2022

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2022

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2021/2022 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2021/2022) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during April 2022.

5th COUNCIL MEETING: 2022-05-25: ITEM 8.4

NOTED

the following deviations as listed for the month of April 2022.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 10/22	08 April 2022	STBB	To appoint an attorney's firm to oppose, on behalf of the municipality, the review application instituted by Securitem (Pty) Ltd ("Securitem") against Stellenbosch Municipality and others.	Exceptional case and it is impractical or impossible to follow the official procurement processes.	Securitem served a Notice of Motion on the Municipality on or about 10 March 2022 to review the decision taken by the BAC to regard its bid in Tender B/SM73/21 as non-responsive and to exclude its bid. Securitem applies for an order that its tender be re-evaluated by the BAC and be found responsive/tax compliant. It also applies that it be placed on the list of approved security service providers and be	R300 000.00 excl Vat

			<p>The review is in relation to the decision of the Bid Adjudication Committee (BAC) taken on or about 28 January 2022 to regard their tender as non-responsive and to exclude Securitem's bid.</p>		<p>awarded at least Area A. This is in contrast with the resolution taken by the BAC.</p> <p>The Municipality has 5 days to oppose the application instituted by Securitem and 15 court days to provide the Rule 53 record to the Registrar of the High Court. The municipality must further file its opposing papers within 30 days after Securitem has filed its supplementary affidavit or Notice to Stand by its original papers.</p> <p>Although the Municipality has a legal panel in place, STBB Attorneys represented the Municipality in three other Supply Chain matters involving Securitem:</p> <ul style="list-style-type: none"> - the dispute of Metro City Protection Services when the tender was awarded to Securitem previously, - a claim regarding VAT on the tender awarded to them, - the interdict application instituted by Securitem when the tender was not awarded to them in the last round. <p>The latter matter was withdrawn by their legal team after the municipality opposed the interdict. STBB therefore has extensive knowledge and background about the security services tenders and the Securitem matters.</p> <p>It is impractical to now appoint one of the panel members to deal with this review as STBB Attorneys has the relevant background, institutional experience, and expertise to attend to this matter and</p>	
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					in terms of the current legal tender, the Municipality reserved the right to make appointments outside the legal panel, this ensures that the best interest of the Municipality is served especially where a firm was previously involved in a similar or the same matter.	
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FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager: Supply Chain Management
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8588
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
REPORT DATE	09 May 2022

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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The Municipal Manager reported that the Outstanding Resolutions will serve at the Section 80 Portfolio meetings in June 2022.

10.	ITEMS FOR NOTING
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NONE

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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11.1	PROTECTION SERVICES: (PC: CLLR R BADENHORST)
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11.1.1	SAPS SAFER CITY INITIATIVE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 May 2022 & 25 May 2022

1. SUBJECT: SAPS SAFER CITY INITIATIVE

2. PURPOSE OF THE REPORT

To notify Council of the Safer City Initiative introduced by the South African Police Services and the involvement of Stellenbosch Municipality therein.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Safer City Initiative aims to create an environment that enhances social and economic transformation in South Africa, through the building of partnerships between communities and government in policing. The concept follows a dedicated integrated and multi-stakeholder approach aimed at achieving safety through technology and other relevant platforms in order to achieve a smart and safer city. Municipalities are to play a key role in delivering this initiative. Registered private security companies, community safety structures and community policing forums will also form an integral part of the project.

Stellenbosch Municipality has a Council approved Community Safety Forum which includes all the role players as per the Safer City Initiative from SAPS. The SAPS is invited and requested to have their Safer City initiative form part of the Stellenbosch Community Safety Forum.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.1.1

RESOLVED (majority vote)

- (a) that the report on the implementation of the Safer City Initiative be noted and supported;
- (b) that the Community and Protection Services Directorate's commitment and participation in the Safer City Initiative, insofar as resources permit, be noted;
- (c) that it be noted that the Mayoral Committee Member for Protection Services, Councillor R Badenhorst will represent Stellenbosch Municipality in engagements with SAPS and other stakeholders;

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- (d) that it be noted that the Senior Manager for Protection Services, Mr Charl Kitching will represent Stellenbosch Municipality's Administration in engagements with SAPS and other stakeholders;
- (e) that where the engagements with SAPS and others impact on the services of other directorates the Mayoral Committee Member and Director for those directorates shall be invited to participate; and
- (f) that the Safer City Initiative of the SAPS form part of Stellenbosch Community Safety Forum and not as another separate Project with the same intention.

FOR FURTHER DETAILS CONTACT:

NAME	Charl Kitching
POSITION	Snr Manager: Protection Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8815
E-MAIL ADDRESS	Charl.Kitching@stellenbosch.gov.za
REPORT DATE	2022-05-09

11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]
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11.2.1	SECOND AMENDMENT TO CHILDREN'S ACT – IMPLICATIONS FOR LOCAL GOVERNMENT
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Collaborator No: 728523
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 May 2022

1. SUBJECT: SECOND AMENDMENT TO CHILDREN'S ACT – IMPLICATIONS FOR LOCAL GOVERNMENT

2. PURPOSE

To inform Council of the proposed Second Amendment Bill to the Children's Act and the resulting financial implications for Local Government.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

SALGA requested inputs from municipalities on the proposed Second Amendments to the Children's Act. The proposed amendments have severe financial and staffing implications for municipalities which Council must be made aware of.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.2.1

RESOLVED (nem con)

- (a) that Council considered the legal and financial impact of the amendments on municipalities; and
- (b) that Council endorses the inputs provided by the CFO and Municipal Manager as a response to SALGA on the matter.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	2022-03-22

11.2.2	REVIEW OF THE EARLY CHILDHOOD DEVELOPMENT POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 May 2022 and 25 May 2022

1. SUBJECT: REVIEW OF THE EARLY CHILDHOOD DEVELOPMENT POLICY**2. PURPOSE:**

To obtain Council approval for the Early Childhood Development (ECD) Policy Review

3. DELEGATED AUTHORITY**FOR DECISION BY MUNICIPAL COUNCIL****4. EXECUTIVE SUMMARY**

Council approved the Early Childhood Development Policy in March 2018. **(ANNEXURE A)** The review of the policy is due every five years or when new legislative changes require a review. Currently the Children's Bill/Children's Act 38 of 2005 is being reviewed and the mandated function on ECD services is migrating from the Department Social Development to the Department of Education. Both changes will impact the current Stellenbosch ECD Policy.

Although the above changes are in process, it has not been enacted. Changing the Stellenbosch ECD Policy prior to the approval of the Children's Second Amendment Bill and the National Framework for ECD's, under the Department of Education, will be a futile exercise. The expected legislative changes are discussed in this item and no changes are recommended for the Stellenbosch ECD Policy. The policy must however be reviewed again once the above legislative changes has been enacted.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.2.2**RESOLVED** (nem con)

- (a) that Council notes the impending legislative changes and the resulting impact on local government capital and operational budgets;
- (b) that Council approves this review of the Stellenbosch Municipality ECD Policy without changes; and
- (c) that the Policy be reviewed and submitted back to Council once the above-mentioned legislation has been enacted, whereafter the public participation process will ensue.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	23-03-2022

11.2.3	PROGRESS REPORT ON THE IMPLEMENTATION OF THE ADOPTED HYBRID SPORT FACILITIES MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 and 26 May 2022

1. SUBJECT: PROGRESS REPORT ON THE IMPLEMENTATION OF THE ADOPTED HYBRID SPORT FACILITIES MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)

2. PURPOSE

- 2.1** To inform Council on the progress that has been made on the implementation of the adopted Hybrid Sport Facilities Management Model (Plan) for Stellenbosch Municipality (WC024).
- 2.2** To inform Council of the presentation that was used to illustrate to Sport Councils the key and fundamental focal points of the new adopted Hybrid Sport Facilities Management Model (Plan) for Stellenbosch Municipality (WC024).
- 2.3** To inform Council of the first draft Use Agreement that will be workshopped with individual Sport Councils.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Since the approval of the Hybrid Model (SFMP) for implementation by Council, the Department: Community Services engaged with all 15 area sport councils individually to explain and retrieve input and comments on the new facilities management plan.

During these engagements the replacement of the formal Lease Agreement with a revised "Use Agreement" was explained in detail to the various sport council representatives.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.2.3

NOTED

the Progress Report on the implementation of the Adopted hybrid Sport Facilities management model (plan) for Stellenbosch MUNICIPALITY (WC024)

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8165
E-MAIL ADDRESS	<u>Albert.vandermerwe@stellenbosch.gov.za</u>
REPORT DATE	May 2022

11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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NONE

11.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
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NONE

11.5	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
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11.5.1	THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2022 – 2025
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Collaborator No: 729804

IDP KPA Ref No:

MEETING DATE: 19 May 2022 (Mayco) and 25 May 2022 (Council)

1. SUBJECT: THE ANNUAL REVIEW OF STELLENBOSCH MUNICIPALITY HOUSING PIPELINE FOR THE MTREF PERIOD OF 2022 – 2025

2. PURPOSE

To seek Council's approval of the Stellenbosch Municipality's Housing Pipeline (Projects) for the Medium-Term Revenue and Expenditure Framework (MTREF) period 2022 to 2025 attached herein as **ANNEXURE A**;

To inform Council of the Human Settlement Development Grant (HSDG) and Informal Settlements Upgrading Partnership Grant (ISUPG) allocation for human settlements development projects received from the Provincial Department of Human Settlements (PDoHS) for the (MTREF) 2022 to 2025;

To request that the Housing Pipeline be submitted to the Provincial Department of Human Settlements (PDoHS) upon attainment of Council's approval;

To inform Council of the new strategic shifts pertaining the provision of human settlements development from the National Department of Human Settlements (NDoHS) and Provincial Departments of Human Settlements (PDoHS); and

To provide a status report to Council on the progress of existing human settlement development projects that were previously on the approved Housing Pipeline.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This Council item relates to the annual review of the Stellenbosch Municipality's Housing Pipeline for the MTREF period 2022 – 2025.

The PDoHS requires that every Municipality must have a Housing Pipeline. The Housing Pipeline is premised on a ten-year horizon and serves as the planning and

budgeting tool for the implementation of Human Settlements initiatives. Each Municipality's Housing Pipeline is an integral component of the Department of Human Settlements' Business Plan. It is required that the Housing Pipeline must be annually reviewed.

According to the PDoHS housing demand database, Stellenbosch Municipality's current housing demand waiting list comprises of 17 965 applicants. The Municipality currently has numerous housing development projects under consideration to ensure a healthy delivery pipeline towards fulfilling the housing demand and its legislative mandate. The overall housing pipeline of the Municipality articulates active housing development projects that are at various stages of planning and implementation.

To give effect to the Stellenbosch Municipality Housing Pipeline, the PDoHS through the Human Settlements Business Plan, has allocated R35 890 000 in grant funding for the 2022/23 financial year. Furthermore, Council has made an allocation of R15 040 000 for human settlements development projects for the same financial year.

In 2020, the Minister of Human Settlements Gazetted the declaration of the Priority Human Settlements and Housing Development Areas (PHSHDA's). The PHSHDAs intends to advance Human Settlements Spatial Transformation and Consolidation by ensuring that the delivery of housing is used to restructure and revitalise towns and cities, strengthen the livelihood prospects of households and overcome apartheid spatial patterns by fostering integrated urban forms.

In 2020, the Provincial Department of Human Settlements (PDoHS) presented new strategic shifts in human settlements development projects to enable the residents of the Western Cape to have access to liveable, accessible, safe, and multi-opportunity settlements. The specific strategic objectives are radical acceleration of housing opportunities, radical integration approach to human settlements, radical implementation of innovative solutions and radical economic growth and job creation.

The Department: Spatial Planning has collaborated with the Department of Environmental Affairs and Development Planning (DEA&DP) to undertake a Housing Market Study for the Stellenbosch CBD to determine the needs and demand for affordable housing within the government housing subsidy programmes and private sector housing developments.

The PDoHS will undertake a study to develop the New Housing Delivery Model for the Western Cape Province in line with the directives and strategic objectives of the National Department of Human Settlements.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the reviewed annual Housing Pipeline (Projects) for the MTREF period 2022 to 2025 for Stellenbosch Municipality **be noted**;
- (b) that the reviewed annual Housing Pipeline (Projects) for the MTREF period 2022 to 2025 for Stellenbosch Municipality **be approved**;

- (c) that the HSDG and ISUPG allocations for human settlements development projects received from the Provincial Department of Human Settlements (PDoHS) for the (MTREF) 2022 to 2025 **be noted**;
- (d) that the new strategic shifts pertaining the provision of human settlements development from the National Department of Human Settlements (NDoHS) and Provincial Departments of Human Settlements (PDoHS) **be noted**;
- (e) that the submission of the revised Stellenbosch Municipality's Housing Pipeline to the Provincial Department of Human Settlements **be approved**;
- (f) that the progress of the human settlements development projects that are at pre-planning, and/or planning phase as reflected in table 1 below, **be noted**:

TABLE 1: PRE-PLANNING AND/OR PLANNING PHASE				
Name of Project / Settlement		Estimated Number of Opportunities	Project Phase	Project Progress Update
1	Northern Extension, Kayamandi	± 4000 – 6000 service sites (top structures TBD)	Detailed planning	Service provider has been appointed to obtain development rights for a mixed-use development on the properties known as the Northern Extension.
2	Jamestown Development: Phase 2 & 3	+400 service sites (top structures TBD)	Detailed planning	A service provider will be appointed to undertake planning studies and obtain development rights for a mixed-used housing development.
3	Jamestown Development: Phase 4	+1500 - 2000 service sites and top structures	Feasibility study	A service provider will be appointed to undertake planning studies and obtain development rights for a mixed-used housing development.
4	Erf 7001 Stellenbosch, Cloetesville ("Soekmekaar")	400 service sites / top structures	Feasibility study	A service provider has been appointed to undertake planning studies and obtain development rights for middle to higher GAP housing development.
5	Erf 64 Kylemore	± 600 sites (top structures TBD)	Detailed planning	Feasibility study report has been concluded. Power of Attorney has been obtained by the HDA and will appoint a service provider to obtain development rights. Land has been transferred to the Municipality. HDA to appoint a service provider
6	Erven 412, 217 and 284 Groendal, Franschhoek	90 sites	Pre - planning	The consultant has submitted various concept layout options for the consideration by Council. Council Item was submitted to Mayco.
7	Botmaskop	TBD	Feasibility study	Service provider is currently in process to submit a feasibility study report with proposals of various development options.
8	Portion of Erf 7271 Stellenbosch, Cloetesville	170 sites / top structures	Feasibility study	Council has approved the project to proceed with detailed planning studies. Funding application to PDoHS was submitted, await outcome of the application.
9	Erven 6300, 6847, 6886 Stellenbosch, Cloetesville	279 service sites /top structures)	Feasibility study	Council has approved the project to proceed with detailed planning studies. Funding application to PDoHS was submitted, await outcome of the application.
10	Erf 8776 Stellenbosch, Cloetesville	37 service sites / top structures	Feasibility study	Council has approved the project to proceed with detailed planning studies. Funding application to PDoHS was submitted, await outcome of the application.

11	Erf 6705 Stellenbosch, Cloetesville	12 service sites	Feasibility planning	Council has approved the project to proceed with detailed planning studies. Funding application to PDoHS was submitted, await outcome of the application.
12	La Motte Old Forest Station	442 serviced sites; possible temporary relocation units	Feasibility study	Feasibility study report have been concluded. HDA has been appointed to facilitate the transfer of land to finalise planning studies for township establishment. HDA to submit PFR to PDoHS.
13	Adam Tas Corridor	TBD	LSDF	The Department: Spatial Planning is currently undertaking the development of a Local Spatial Development Framework (LSDF) for the ATC development.
14	Droë Dyke	1000 sites (type TBD)	Pre - Planning	Forms part of the Adam Tas Corridor initiative. The property is under investigating for future housing development.
*SOCIAL HOUSING PROJECTS				
Name of project / settlement		Estimated Number of opportunities	Project Phase	Project Progress Update
1	Teen-die-bult Precinct	180 top structures (units)	Feasibility study	The terms of reference to be prepared to appoint an accredited Social Housing Institute (SHI) to develop social housing project.
2	La Colline Precinct	TBD	Feasibility study	Terms of reference to be prepared to appoint an accredited Social Housing Institute (SHI) to develop social housing project.
3	Farms 81/2 and 81/9 Stellenbosch	± 250 – 350 rental units	Detailed planning	Terms of reference to be prepared to appoint an accredited Social Housing Institute (SHI) to develop social housing project.
4	Lapland Precinct	368 top structures	Feasibility study	Terms of reference to be prepared to appoint an accredited Social Housing Institute (SHI) to develop social housing project.
*FORMALISING AND UPGRADING OF EXISTING SETTLEMENTS				
1	Kayamandi Town Centre	1854 serviced sites and top structures	Detailed planning	Service provider is in the process to submit land use applications to obtain development rights for township establishment for subsidised housing (BNG).
2	Enkanini Informal Settlement	1300 sites (top structures TBD)	Detailed planning	The in-situ upgrade of Enkanini to commence in 2025.
3	Langrug, Franschhoek	1900 sites	Detailed planning	A service provide will be appointed to finalise detailed plans for the rehabilitation of the freshwater dam and implementation of an in-situ upgrade project.
4	Erf 2183 Klapmuts, La Rochelle	100 serviced sites, possible temporary relocation units	Detailed planning	Service provider is in the process to submit land use applications to obtain development rights for enhanced serviced sites.
5	Maasdorp Village, Franschhoek	+ 16 - 32 top structures	Detailed planning	The service provider is in the process to submit a land use application to obtain development rights.
6	De Novo	77 rectifications of existing structures, 300 top structures,	-	The project is being managed and implemented by PDoHS,

7	Five housing projects in Kayamandi	396 erven	Detailed planning	Rezone and subdivide the property and register at the Surveyor General (SG)'s office.
8	3460 Meerlust, Franschhoek (200)	200 units	Feasibility study	Feasibility study report has been concluded. HDA has been appointed to facilitate the transfer of land to finalise planning studies for township establishment.
9	Jonkershoek	Units and sites TBD, together with 40 existing units	Feasibility study	A feasibility study report has been concluded. HDA has been appointed to facilitate the transfer of land to finalise planning studies for township establishment.
10	Farm 34 Vaaldraai Elsenburg	283 sites	Feasibility study	The property is owned by the Department of Public Works and Infrastructure (DPW&I). There are on-going discussions between the Municipality and DPW&I to transfer land to finalise township establishment.

(g) that the projects under construction (within the implementation phase which is dealt by the Department: PMU) as reflected in table 2 below, **be noted**:

TABLE 2: HOUSING PROJECTS AT IMPLEMENTATION PHASE				
Name of project / settlement		Estimated Number of opportunities	Project Phase	Project Progress Update
1	Vlottenburg Longlands	144 sites and 106 top structures	Implementation	The construction of 106 top structures to commence in May 2022.
2	Erf 3229 Mooiwater	253 sites	Implementation	Development rights have been obtained. A contractor will be appointed in July 2022 to implement the project. The project will be implemented in two phases as follows: - Phase 1 entails the bulk earth works and site rehabilitation. - Phase 2 entails the installation of infrastructure services.
3	Idas Valley	166 sites and 166 FLISP Units	Implementation	The housing development project will be implemented over a period of two years. The construction of 166 top structures to commence in July 2022 until December 2023.
4	The Steps and Orlean Lounge, Cloetesville	161 existing houses	Implementation	Phase two of the project to commence in May 2022.
5	ISSP Kayamandi Zone O (711) UISP	178 sites	Implementation	In the process of appointing a contractor to implement the project. Approximately 55 families must be relocated to a decanting site for the project to commence.

FOR FURTHER DETAILS CONTACT:

NAME	Lester van Stavel
POSITION	Manager: Housing Development
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8462
E-MAIL ADDRESS	<u>Lester.vanstavel@ Stellenbosch.gov.za</u>
REPORT DATE	7 May 2022

11.6	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
11.6.1	EXTENSION OF THE EXISTING APPOINTMENT OF WASTE CARRIERS FOR THE AWARDED TENDER 66/20 FOR THE PROVISION OF WASTE CONTAINERS AND WASTE TRANSPORTATION SERVICES BETWEEN WASTE DISPOSAL FACILITIES FOR THE STELLENBOSCH MUNICIPALITY (S116)

Collaborator No: 729645
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 18 May 2022

1. **SUBJECT: EXTENSION OF THE EXISTING APPOINTMENT OF WASTE CARRIERS FOR THE AWARDED TENDER 66/20 FOR THE PROVISION OF WASTE CONTAINERS AND WASTE TRANSPORTATION SERVICES BETWEEN WASTE DISPOSAL FACILITIES FOR THE STELLENBOSCH MUNICIPALITY (S116)**
2. **PURPOSE**
 To obtain the necessary approval for the extension of the contract for waste transportation services between waste disposal facilities for the Stellenbosch Municipality.
3. **DELEGATED AUTHORITY**
 Council.
4. **EXECUTIVE SUMMARY**
 BSM 66/20 was awarded in the 2019/20 financial year as a rates tender for a three (3) year contract period. The Directorate has drafted a new tender specification which has been approved (B/SM 39/22) and was advertised on 30 April 2022. There will not be sufficient time to conclude the Supply Chain process that entails evaluation, award and appeal period of 21 days thereafter, to enable the new contractor to commence services on 01 July 2022. The Directorate wishes to extend the current period of the tender by two (2) months or until the new service provider is appointed, whichever comes first. This will ensure for continued service delivery until such time a new service provider is in place.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.6.1

RESOLVED (majority vote)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the increase of the tender term;
- (b) that the tender amount (B/SM 66/20) will increase due to the 3 year tender period going beyond 30 June 2022;
- (c) that Council give reasonable notice of the intention to amend the contract or agreement i.t.o. Section 116(3) (b)(i);
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii).

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

11.8	PLANNING :(PC: CLLR C VAN WYK (MS)
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NONE

11.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT (MS)
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11.9.1	REQUEST TO PERMIT THE ROLLOVER OF THE PROVISION OF TRAINING TO SMALL, MICRO AND MEDIUM ENTERPRISES (“SMME”) TO THE 2022/ 2023 FINANCIAL YEAR IN LIEU OF 30 JUNE 2022
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Collaborator No: 729629
 IDP KPA Ref No: Valley of Opportunity
 Meeting Date: 18 May 2022

1. **SUBJECT:REQUEST TO PERMIT THE ROLLOVER OF THE PROVISION OF TRAINING TO SMALL, MICRO AND MEDIUM ENTERPRISES (“SMME”) TO THE 2022/ 2023 FINANCIAL YEAR IN LIEU OF 30 JUNE 2022**

2. **PURPOSE OF REPORT**

To provide Council with the pertinent facts to consider the rollover of the funding allocated to the Non-Profit Companies (“NPC”) specifically related to SMME Traing for the 2021 / 2022 financial year, to the 1st Quarter of the 2022 / 2023 fincnail year.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Stellenbosch Network and Ranyaka are the approved Non-Profit Organisations to perform the SMME Training function on behalf of Council for the 4th quarter of the 2021 / 2022 financial year. The breakdown of funding is as follows:

Non-Profit Organistions	2021 / 2022
Stellenbosch Network	235 000.00
Ranyaka	228 600.00
Total Funding Paid	463 600.00

The funding was only received early May 2022 and as a result they will not be able to complete all their training as envisaged by 30 June 2022.

5TH COUNCIL MEETING: 2022-05-25: ITEM 11.9.1**RESOLVED** (nem con)

- (a) that Council approved the rollover of the SMME Training Programmes envisaged by Ranyaka up to end September 2022 in lieu of 30 June 2022; and
- (b) that Council approve the rollover of the SMME Training Programmes envisaged by Stellenbosch Network up to end August 2022 in lieu of 30 June 2022.

11.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

11.11.1	REPORT BACK ON THE REMOVAL OF RESTRICTIVE CONDITIONS AND FALL-BACK CLAUSE: ERF 6128, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 and 26 May 2022

1. SUBJECT: REPORT BACK ON THE REMOVAL OF RESTRICTIVE CONDITIONS AND FALLBACK CLAUSE: ERF 6128, STELLENBOSCH

2. PURPOSE

To report back on the mandate given by Council to enter into discussions with the Owners of Erf 6128 as well to request Council to consider a request for the removal of restrictive conditions from the Title Deed of erf 6128, Stellenbosch, to allow the owner to apply for the rezoning of the erf from Light Industrial to General Business Zone, in order to accommodate the planned retail shops and offices, as per their application.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

The current owners of erf 6128, Stellenbosch bought the property in 2013 for an amount of R12 000 000. The property was registered in their name on 3 March 2014.

They have subsequently demolished the existing buildings, with the view of redeveloping the site for retail shops and offices which will service the community and upgrade the visual impact of the entrance to Stellenbosch.

With the submission of their building plans, they were, however informed that the property must first be rezoned from Light Industrial to General Business Zone to accommodate the proposed development. They have subsequently submitted a rezoning application to this effect, together with an application for the relaxation of the restrictive title deed conditions B.1 and 2, i.e. that the property may only be used for industrial purposes, failing which the property shall revert to the Municipality, subject to certain conditions. It should also be noted that the restriction on the title deed condition in terms of the fall-back clause is only applicable on a portion of the property. The proposed development also is in line with the Municipalities SDF.

The Planning and Development Department has requested that Council consider the matter, i.e. whether they are going to enforce the title deed conditions (buy back the property) or whether the conditions can be removed from the title deed of the erf.

Council at a Special In-Committee meeting of 2021-09-29 item 12.4.2 mandated the Municipal Manager to enter into discussions with landowners to facilitate an amicable solution given by the buy-back clause. The Municipal Manager subsequently met with the owner on 10 March 2022. An agreement, subject to council approval, was reached

that an item will be re-submitted to Council to request Council to approve that the restrictive conditions contained in paragraph 2.B.1 and 2.B.2 of the title Deed T10083/2014, as set out in paragraph 6.2.1, be removed, subject thereto that the necessary processes set out in Section 33(4) of the Stellenbosch Land-use Planning By-law be followed.

The re-development of the property is in line with Council's approved SDF as well as the broader objectives of the IDP. It will service the Community of Stellenbosch, upgrade the visual impact of the entrance to Stellenbosch and help with the prevention of crime and security in the area. It should also be noted that the property is currently on the market to be sold.

The matter served before Council on 26 April 2022 and was referred back for further discussion.

Following further discussions, it was established and confirmed by both Infrastructure Services (**APPENDIX 5**) as well as die Developer's Consultant in its Site Development Plan (**APPENDIX 6**) that the planned dualling of Bird Street were taken into consideration. See **APPENDIX 6**, page 5/11 **Diagram 1: Bird Street dualling with Tennant Road link – extract of Conceptual Design.**

5th COUNCIL MEETING: 2022-05-25: ITEM 11.11.1

RESOLVED (majority vote)

- (a) that Council notes the feedback from the Municipal Manager;
- (b) that council agrees not to invoke the fallback condition provided that a written agreement is reached that: the development applied for (**APPENDIX 2**) is completed within a period of 24 months and in accordance with the prevailing planning provisions; and
- (c) that should the property be sold prior to the development as per (b) above the fallback clause will be invoked and the property will fall back to the municipality as per the existing restrictive condition in the title deed.

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

Cllrs MM Danana; EP Masimini; RS Nalumango (Ms); M Nkopane (Ms); N Ntsunguzi (Ms); MG Rataza; and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	MUNICIPAL MANANGER
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	2022 -05 -12

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

13.	REPORTS BY THE MUNICIPAL MANAGER
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13.1	CORRECTION OF TABLES 20 AND 28 WITHIN THE APPROVED STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”)
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Collaborator No: 730113
IDP KPA Ref No: Valley of Opportunity
Meeting Date:

1. SUBJECT: CORRECTION OF TABLES 20 AND 28 WITHIN THE APPROVED STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”)

2. PURPOSE

The report aims to provide the Council with the context and purpose, and accordingly to note the correction of the following tables within the approved MSDF:

- Table 20: “Plan Elements and Proposals for Stellenbosch Town” (p.69); and –
- Table 28: “Proposed Settlement Hierarchy” (p.102)

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The request to notify the Council of the correction of tables 20 and 28 of the approved MSDF to align to the context and purpose as stated and gazetted in Section 5.3 (p.67) and Appendix B (p.151, 157, 163, 169 & 180) of the Stellenbosch MSDF. In addition, the request to obtain approval from the Council to communicate the corrected tables on the municipal website.

5TH COUNCIL MEETING: 2022-05-25: ITEM 13.1**RESOLVED** (nem con)

- a) that Council notes the correction of tables 20 (p.69) and 28 (p.102) of the approved Stellenbosch MSDF, as per the attached Appendix 1 to this report; and
- b) that Council approves the placement of the corrected tables on the municipal website as part of the approved Stellenbosch MSDF, as per the attached **APPENDIX 2** to this report.

NAME	Chantel Hauptfleisch
POSITION	Snr Spatial Planner: Development Planning
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8607
E-MAIL ADDRESS	Chantel.hauptfleisch@stellenbosch.gov.za
REPORT DATE	17 May 2022

13.2	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE
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Collaborator No: 15/10

IDP KPA Ref No:

Meeting Date: 25 May 2022

1. SUBJECT: INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE

2. PURPOSE

The purpose of this item is to put forward a recommendation as to the conclusion of the investigation with regards to the various residential properties in Mont Rochelle Nature Reserve.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality (Council).

4. EXECUTIVE SUMMARY

Council decided to investigate all possible options in dealing with the residential properties located in the Mont Rochelle Nature Reserve (the reserve) in an effort to achieve the most effective environmental outcome, address potential negative impact associated with possible development of the various properties whilst at the same time maintaining and preserving the use of the reserve for recreation by the broader public.

The above options investigated included maintaining the *status quo* (trust that no further development within the reserve take place), expropriation or buying-back of the 14 sold (but undeveloped) erven, exchange of land (swop of erven within the reserve from sensitive to less-sensitive locations) or a redesign of the current layout of erven clustered around the current access roads, within the existing layout footprint. Experience gained from the above investigation has now led to a proposed development of a set of architectural design guidelines to guide the development of any of the privately-owned erven in a manner that will ensure minimum impact of potential development on the reserve (visually and ecologically), the surrounding environment and the experience of visitors to the area. These architectural design guidelines will, among other, address aspects such as erf coverage, building style, building orientation, building height, finishes (material and color) and lighting.

The proposals of this Directorate are:

- (a) the following architectural design guidelines for any future development on privately-owned erven located within Mont Rochelle Nature Reserve be applied;
 - (i) Building footprint per erf to be limited to a maximum of 150m².
 - (ii) Buildings to be single storey only.
 - (iii) Building design must be sensitive to receiving environment in terms of finishes, material and colours.
 - (iv) New structures or any related infrastructure must be sensitively placed in terms of environmental features and existing structures / residence.
 - (v) Pollution of any nature must be kept to a minimum and must be considered as part of the any building design.

- (vi) Each property must provide its own services which must be environmentally sustainable.
- (b) that the unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve;
- (c) that the Municipal Manager be duly authorised to apply for the amendment of conditions of approval of the relevant erven located within Mont Rochelle Nature Reserve; and
- (d) that Municipal Manager be duly authorised to apply for the de-proclamation and consolidation of the remaining unsold erven into Mont Rochelle Nature Reserve.

5TH COUNCIL MEETING: 2022-05-25: ITEM 13.2**RESOLVED** (nem con)

- a) the following architectural design guidelines for any future development on privately-owned erven located within Mont Rochelle Nature Reserve be applied.
 - (i) Building footprint per erf to be limited to a maximum of 150m².
 - (ii) Buildings to be single storey only.
 - (iii) Building design must be sensitive to receiving environment in terms of finishes, material, and colours.
 - (iv) New structures or any related infrastructure must be sensitively placed in terms of environmental features and existing structures / residence.
 - (v) Pollution of any nature must be kept to a minimum and must be considered as part of the any building design.
 - (vi) Each property must provide its own services which must be environmentally sustainable.
- (b) that the unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve.
- (c) that the Municipal Manager be duly authorised to apply for the amendment of conditions of approval of the relevant erven located within Mont Rochelle Nature Reserve and
- (d) that Municipal Manager be duly authorised to apply for the de-proclamation and consolidation of the remaining unsold erven into Mont Rochelle Nature Reserve.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	20 May 2022

13.3	APPROVAL OF INFORMATION STATEMENT: MOUNTAIN BREEZE CARAVAN PARK
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Collaborator No: *(To be filled in by administration)*
 IDP KPA Ref No: Good Governance
 Meeting Date: 25 May 2022

1. SUBJECT: APPROVAL OF INFORMATION STATEMENT: MOUNTAIN BREEZE CARAVAN PARK

2. PURPOSE

For Council to approve the information statement that must be published in terms of the Asset Transfer Regulations.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward. The public notice requested inputs on/before

3 September 2021. Due to the Elections the return item is only servicing now. Various written submissions were received. In council's deliberation the inputs can be considered.

Council resolved on 30 March 2022 to:

RESOLVED (nem con)

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

This decision is subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA. It entails a further public participation process indicating the specific intent for the land. The combined municipal valuation for the land is R16.77 Million and the current Zoning is business taking into account that it is situated in an area surrounded by agricultural use and the airfield. Council must approve the Information statement that will be published to adhere to this legislative provisions.

The draft Information statement is attached as **APPENDIX 1**.

5TH COUNCIL MEETING: 2022-05-25: ITEM 13.3

RESOLVED (nem con)

that Council approves the Information Statement for publication.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2022-05-23

13.4	PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

25 May 2022

1. SUBJECT: PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the proposed renewal of the Memorandum of Understanding for the Municipal Court (as *Additional Court*) in the jurisdictional area of Stellenbosch. (The Renewal of the Memorandum of Agreement with the Department of Justice).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The priority setting for Local Government is to strive and achieve an acceptable quality of life for all the residents and visitors in its jurisdictional area. Local Government must monitor the role of law and sound order. In pursuing this primary goal, Local Government is also attempting to ensure safety, security and well-being of its residents. At the same time a climate for sustainable development and prosperity is created.

In terms of Section 152 of the Constitution, a Municipality has an obligation to promote a safe and healthy environment, and a Municipality must strive within its financial and administrative capacity to achieve this objective.

Based on this premise and the fact that the Stellenbosch courts could not deal with the case load Council, at its meeting on 2014-06-25 (Item 7.11), resolved that a Municipal Court for the Stellenbosch District be established, in order that through effective and efficient prosecuting of transgressors Municipal related offences like Traffic offences, By-Laws, national building regulations and others.

A 3-year contract was entered into with the Department of Justice. This agreement was renewed in 2019 and comes to an end on 30 June 2022.

The Department of Justice has not raised any issues with the performance of the additional court and we believe they will be willing to extending the memorandum of agreement (**attached as APPENDIX 1**) to continue the *Additional* (Municipal) Court dedicated to municipal transgressions in Stellenbosch area.

5TH COUNCIL MEETING: 2022-05-25: ITEM 13.4**RESOLVED** (nem con)

- (a) that the Memorandum of Agreement with the Department of Justice for the Municipal Court for the Stellenbosch District, be renewed for a 3-year term from 1 July 2022; and
- (b) that the Municipal Manager be delegated to sign all relevant documentation for the extension of the afore-said agreement.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 – 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	23 May 2022

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

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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16.1	PROGRESS ON THE RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE DIRECTOR INFRASTRUCTURE
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1. **SUBJECT: PROGRESS ON THE RECRUITMENT PROCESS FOR THE DIRECTOR INFRASTRUCTURE**

2. **PURPOSE OF REPORT**

To provide Council with progress on the recruitment and selection process of the Director Infrastructure.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

Third round of advertisement commenced and closed on the 16th of May 2022. Shortlisting to be scheduled within the allocated timeframe depended on availability of the panel members.

5TH COUNCIL MEETING: 2022-05-25: ITEM 16.1

RESOLVED (nem con)

- (a) that Council notes the progress on the recruitment and selection process; and
- (b) that Council mandates the Municipal Manager to embark on a head-hunting process should this round (3rd round) not yield a successful candidate.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	25 May 2022

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 12:50.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**