



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2017-11-15

MINUTES

MAYORAL COMMITTEE MEETING:

2017-11-15 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2017-11-15

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MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 2017-11-15 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) **(Chairperson)**
Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: PW Biscombe
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Also Present: Councillor FJ Badenhorst
Councillor PR Crawley (Ms)
Councillor N Olayi
Councillor WC Petersen (Ms)
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Director: Strategic and Corporate Services (A de Beer (Ms))
Director: Community and Protection Services (G Esau)
Chief Financial Officer (M Wüst)
Director: Human Settlements (T Mfeya)
B de la Bat deputizing for Director: Economic Development and Planning
Chief Audit Executive (F Hoosain)
Manager: Land Use Management (H Dednam (Ms))
Manager: Property Management (P Smit)
Head: Committee Services (EJ Potts)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present.

1.1	COMMUNICATION BY THE CHAIRPERSON
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The Executive Mayor attended a Workshop on Revenue where provincial Ministry urged municipalities to spend at least 40% of their capital budget by end December 2017. The Executive Mayor expressed her concern over Stellenbosch Municipality's current spending pattern.

The Executive Mayor congratulated the Director: Human Settlements (T Mfeya) and his directorate for receiving the National Govan Mbeki Award for the Jamestown Project.

1.2	DISCLOSURE OF INTERESTS
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NONE

2.	APPLICATIONS FOR LEAVE OF ABSENCE
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The following applications for leave were approved in terms of the Rules of Order of Council:-

Councillor J De Villiers – 15 November 2017

Director: Economic Dev. and Planning (D Lombaard) – 15 November 2017

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meetings held on 2017-10-11 were confirmed as correct, subject to the amendment that the resolution on item 5.3.8 be changed to read the same as the resolution on item 5.3.6.

4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

5.	STATUTORY MATTERS
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5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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5.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 9993, 14 GIHOND ROAD, PARADYSKLOOF, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for refusal**.

2. BACKGROUND

There is no relevant background information that has a bearing on the current application.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.1

RESOLVED

That it be recommended to Council:

that the application for deviation from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high boundary wall on a portion of the street and common boundary on Erf 9993, Stellenbosch, as indicated on the attached Drawing No. STB9993, dated May 2017, drawn by Fineline (See **APPENDIX 2**), be **refused**.

<i>Meeting:</i>	Mayco: 2017-11-15	<i>Submitted by Directorate:</i>	Planning & Economic Development
<i>Ref no:</i>	1/2/1/2	<i>Author</i>	D Lombaard
<i>Collab:</i>	543005	<i>Referred from:</i>	

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

To enable a decision on the application for a special development on erf 7586, Stellenbosch. The application is **recommended for approval**.

2. BACKGROUND

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

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.2

RESOLVED

That it be recommended to Council:

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

1. That the approval applies only to the Special Development as applied for and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the development shall be limited to shops and offices only;
3. That the development shall be limited to a 2-storey building as defined in the Urban Design Framework (attached as **APPENDIX 5**) with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number 2970-A-102, Dated 03 April 2014, attached as **APPENDIX 2**;
4. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
5. That the building plans must adhere to the stipulations of Heritage Western Cape as per the letter dated 17/8/2016;
6. That the conditions imposed by the Directorate Engineering Services in their memo dated: 15 July 2017 attached as **APPENDIX 4**, be adhered to;
7. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
8. That the relevant business licence be obtained, if required; and

9. That this Council reserves the right to impose further conditions if deemed necessary.

REASON FOR RECOMMENDATION

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

Meeting:	Mayco:2017-11-15	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	15/3/12/1 & 7/2/2/1/15	Author:	Director: Planning & Economic Development
Collab:		Referred from:	

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

To enable a decision on the application for a special development on erf 7588, Stellenbosch. The application is **recommended for approval**.

2. BACKGROUND

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

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.3

RESOLVED

That it be recommended to Council:

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

1. That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the development shall be limited to a 3-storey building (basement, ground floor and 1st floor) with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number J3083-A-101-2, Dated October 2013;
3. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite; That the building plans submitted to Council for approval is substantially the same as the approved Site Development;
4. That the building plans must comply with the conditions imposed by Heritage Western Cape and must be endorsed by the relevant Heritage body;
5. That the conditions imposed by the Directorate: Engineering Services in their memo dated 15 July 2017 attached as **APPENDIX 4**, be adhered to prior to building plans being submitted to Council for approval;
6. That a detailed landscaping plan is submitted for approval with the building plans and that the landscaping plan be to the satisfaction of the Directorate: Community Services;

7. That the landscaping shall be implemented prior to an occupational certificate being issued for the building;
8. That the refuse room be placed in such a position on the property to have minimal impact on the streetscape and to form part of architecture of the building;
9. That any vehicle servicing the refuse room should at all times have minimal impact on the existing traffic flow within the street;
10. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
11. That the relevant business licence be obtained if required; and
12. That this Council reserves the right to impose further conditions if deemed necessary.

REASON FOR RECOMMENDATION

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

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>1/2/1/2</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.3.4	APPLICATION FOR THE DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 1202, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

2. BACKGROUND

*This item served before the Mayoral Committee meeting held on 11 October 2017 and was referred back for the **Manager: Spatial Planning, Heritage and Environment** to provide additional comment. See **APPENDIX 9** for the additional comment.*

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.4

RESOLVED

That it be recommended to Council:

that approval be granted for the application to deviate from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch, as indicated on the attached Drawing No. CD101, dated April 2016, drawn by Innovative Designs Architectural Designers (See **APPENDIX 3**), subject to the conditions contained in **APPENDIX 1**.

CONDITIONS IMPOSED:

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements from council;
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. The proposed wall must have the same finishes as the existing wall on the neighbouring property which is Erf 1205, Stellenbosch; and
4. This Municipality reserves the right to impose further conditions if deemed necessary.

Meeting:	Mayco: 2017-11-15	Submitted by Directorate:	Planning & Economic Development
Ref no:	1/2/1/2	Author	D Lombaard
Collab:	543005	Referred from:	

5.3.5	STELLENBOSCH MUNICIPALITY MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) STATUS QUO REPORTS
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1. PURPOSE OF REPORT

To submit a status quo report in terms of Section 6(2) of the Stellenbosch Land Use Planning Bylaw (2015) to Council.

After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the *status quo* report and submit it to the Council for adoption.

2. BACKGROUND

Council resolved at their meeting of 2016-10-05 (Item 7.4.4) to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
- (e) use the MSDF as a platform to consider and align the following:
 - (i) Strategic Environmental Management Framework (SEMF)
 - (ii) Rural Area Plan (RAP)
 - (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF
 - (iv) Heritage Resources Inventory
 - (v) Integrated Human Settlement Plan
 - (vi) Klapmuts Local Spatial Development Framework (LSDF)
 - (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA
 - (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA
- (f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and
- (g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

Since the above resolution was taken, the Intergovernmental Steering Committee was firmly established and met successfully on 4 occasions to discuss the progress of the various projects. The status quo reports were distributed amongst all members of the ISC for input. Only 4 comments were received and are attached as **Annexure 1**.

The following comments were received:

- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Urban Development Study (Status Quo Report);*
- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Klipmuts Special Development Area Economic Feasibility Study Draft Report;*
- Western Cape Government: Human Settlements – *Comment on the Klipmuts Special Development Area EFS Draft Report*
- Western Cape Government: Transport & Public Works – *General comment on the Klipmuts Special Development Area EFS Status Quo Report*

The municipality appointed different consultants to assist with the drafting of various high level strategic plans as well as a number of local area plans.

These studies became necessary in implementing strategies contained in the approved 2013 MSDF and through various council decisions i.e. Innovative Projects. All the above projects were commissioned as independent studies each with its own project schedule, completion date and budget.

However, the various studies all relate to one another and shed further light on the spatial strategy for the municipality with varying levels of detail.

The projects are as follows:

NO	PROJECT	CONSULTANT
1	Urban Development Strategy	Rode & Associates
2	Rural Area Plan	CNdV Africa
3	Heritage Inventory and Management Plan	Cape Winelands Professional Practice
4	Transit Orientated Development Study	Royal Haskoningdhv
5	Investigation into the Western By-pass	ICE
6	Klipmuts Economic Feasibility Study	BEAL

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.5**RESOLVED****That it be recommended to Council:**

- (a) that Council adopts the status quo reports; and
- (b) that the reports be subjected to 4 public open days in November 2017 as reflected in the process plan approved by Council (30 August 2017) as part of the IDP process.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>15/2/1/1</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>551454</i>	<i>Referred from:</i>	

5.3.6	REQUEST FOR DELEGATION TO THE EXECUTIVE MAYOR TO DECIDE ON APPLICATIONS TO DEVIATE IN TERMS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES, 2009
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1. PURPOSE OF REPORT

To request Council's approval to delegate the decision to the Executive Mayor to consider applications to deviate from the By-Law relating to the Control of Boundary Walls and Fences.

2. BACKGROUND

The purpose of the By-Law relating to Boundary Walls and Fences, 2009 (**APPENDIX 1**) is to regulate the erection of boundary walls and fences on the different zoned properties. Development parameters such as construction materials, height, piers and columns are prescribed.

3. DISCUSSION

Section 13 of the By-Law relating to Boundary Walls and Fences, 2009, makes provision to relax from the requirements of the said by-law, if there are site specific conditions to motivate it. Section 13 reads as follows: *"Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular)."*

When an application to deviate from the By-law is received, the Department Land Use Management compiles an assessment report which is submitted to the Council for consideration and decision. This process is very time consuming. It is therefore recommended that the delegation be granted to the Executive Mayor to consider these waiver applications.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.6**RESOLVED****That it be recommended to Council:**

that the delegation be granted to the Executive Mayor to consider in terms of Section 13 of the By-Law relating to the Control of Boundary Walls and Fences, 2009, all applications to deviate from the said By-Law.

Meeting:	Mayco: 2017-11-15	Submitted by Directorate:	Planning & Economic Development
Ref no:		Author	D Lombaard
Collab:		Referred from:	

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2017
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1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2016/2017 to report the deviations and ratifications to Council.

2. DISCUSSION

This item reports the deviations as approved by the Accounting Officer during October 2017. The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR(S)	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE (R)
D/SM 10/18	02/10/2017	1. Wendy Cape cc 2. Trendy Wendy's 3. JR Wendy's 4. PHK Trading and Maintenance CC 5. Asemna Logistics CC 6. Iquebela Cleaning Services and Projects 7. Amabamba Fencing (Pty) Ltd 8. Betafence	Relocation of Slabtown residents to Jamestown and Kayamandi	Emergency	R 839 894.00
D/SM 11/18	02/10/2017	Interwaste (PTY) LTD	Operation and Management of landfill site - Interwaste 01 October 2017 - 31 December 2017	Exceptional case and it is impractical to follow the official procurement processes	R1 774 584.00
D/SM 12/18	02/10/2017	ABSA	Limited Banking Services	Exceptional case and it is impractical to follow the official procurement processes	R 120 000.00
D/SM 13/18	22/06/2017	AON	Short term Insurance Portfolio	Impractical to follow the official procurement processes	R3 416 274.00

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR(S)	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE (R)
D/SM 14/18	09/10/2017	JR Wendy's	Relocation of Slabtown residents to Jamestown and Kayamandi	Exceptional case; it is impractical or impossible to follow official procurement	R 795 800.00
D/SM 15/18	19/10/2017	Master Drilling	Preparation and implementation of drought disaster action plan for Stellenbosch. Appointment of specialized drillers to do exploration and production boreholes for drought relieve in the WC 024	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	RATES
D/SM 16/18	20/10/2017	1. VEOLIA (Veolia Water Solutions & Technologies SA (Pty) Ltd / Carecure (Pty) Ltd) 2. Aquamat S.A. (Pty) Ltd 3. Sustainable Engineering Consultants (Pty) Ltd (Alveo) 4. WSSA (PTY) LTD (Proxa Water)	Preparation and implementation of drought disaster action plan for Stellenbosch. Appointment of specialized service providers for the design, manufacture, installation and commissioning of containerised water treatment plants at various locations within Stellenbosch municipal area at boreholes for drought relieve in the WC024	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	RATES
D/SM 17/18	20/10/2017	CBI electric	Medium voltage cable feeders to Watergabaf/ Kayamandi areas due to an incident of attempted theft and vandalism of two cable feeders.	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	R 480 922.44

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR(S)	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE (R)
D/SM 18/18	27/10/2017	1. CSV Civil Engineering Construction 2. Exeo Khokela Civil Engineering Construction	Preparation and implementation of drought disaster action plan for Stellenbosch (rates based quotation). Appointment of specialized service providers for civil works, pipe-laying and water conservation and demand management work within the Stellenbosch municipal area for drought relieve in the WC 024	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	RATES

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.4.1

RESOLVED

That it be recommended to Council:

that Council notes the deviations as listed above.

Meeting: Ref no:	Mayco:2017-11-15 8/1/Financial	Submitted by Directorate: Author Referred from:	Finance A. Treurnich
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5.4.2	PROPOSED WRITE-OFF OF IRRECOVERABLE DEBT
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1. PURPOSE OF REPORT

To request Council to approve the writing off of irrecoverable debt to the amount of R16 221 832 .93 (at the time of writing this report).

2. BACKGROUND

Clause 1 of the Irrecoverable Debt Policy reads as follows:

“Before any debt, owed to the municipality for any reason whatsoever will be considered for writing off, all applicable actions as contained in the approved Credit Control and Debt Collection Policy of Stellenbosch Municipality must have been executed/implemented. However, in special cases where the requirements in terms of the municipality’s Credit Control and Debt Collection Policy were impossible/impractical to implement, the administration must motivate such write-off.”

Due to this particular stipulation having been complied with by the Administration, the various amounts listed in Appendices 1 and 2 are deemed to be irrecoverable and are consequently being submitted to Council for consideration and approval of being written off.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.4.2

RESOLVED

That it be recommended to Council:

that Council regard the outstanding debt listed in Appendices 1 and 2 of this report as irrecoverable and approve of the writing off of the total amount of R16 221 832.93, plus any further amounts that may be accrued against the listed accounts from date of report to the actual date of write-off.

Meeting: Ref no:	Mayco:2017-11-15 8/1/Financial	Submitted by Directorate: Author Referred from:	Finance Chief Financial Officer: A. Treurnich
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5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOUBE)
5.5.1	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO FACILITATE THE DELIVERY OF STATE SUBSIDIZED HOUSING UNITS, SERVICED SITES FOR AFFORDABLE HOUSING UNITS, GAP HOUSING UNITS AND HIGH INCOME HOUSING UNITS

1. PURPOSE OF REPORT

The purpose of this report is for Council to consider:

- (i) the disposal of municipal land, being a portion of Portion 4 of Farm No 527 and a portion of the Remainder of Farm No 527, located at Jamestown, Stellenbosch through a Land Availability Agreement (LAA); and
- (ii) to allow the Municipal Manager to commence the process of appointing a Turnkey Developer through a Call for Proposals in order to facilitate the delivery of a range of housing options on the land parcels identified in (i) above and indicated in Figure 2 below.

2. BACKGROUND / STATUS QUO

2.1 Development Rights: Portion 4 of Farm No 527

2.1.1 Existing Approval

At a meeting of the Council of the Stellenbosch Municipality held on 30 May 2013, Council resolved, amongst others, as follows:

“(a) that Council’s resolution dated 28-02-2012 be rescinded and replaced as follows:

- (i) that the application for the subdivision of the property in terms of Section 25 of the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 (LUPO) be approved ...”*
- (ii) that the application for the rezoning of Portion 4 of the property in terms of Section 16 of the LUPO, be approved, to create a subdivisional area ...”*

In terms of the above resolution, the Subdivisional Area must allow for the following development:

- (i) Approximately 395 single residential erven with sizes varying between 100m² and 450m², Zoned Single Residential, with special development for additional dwelling units and occupational uses, and departures from building line and coverage parameters, to allow semi-detached and row housing.

- (ii) Approximately 176 dwellings on more or less 9 erven, zoned General Residential.
- (iii) Educational Institution / Place of Worship erf for use as a day care facility and religious purposes.
- (iv) Public Open Space of no less than 5,2 hectares.
- (v) Local Authority for taxi rank.
- (vi) Local Authority for street purposes.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.5.1**RESOLVED****That it be recommended to Council:**

- (a) that the land parcels listed in paragraph 1(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and
- (b) that the Municipal Manager be authorized to initiate a Call for Proposals process with minimum requirements as determined through preliminary investigations to be completed by the administration.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/3/3/8</i>	<i>Author</i>	<i>Governance Project Manager</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.5.2	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI
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Collaborator No: 551695

IDP KPA Ref No:

Meeting Date: Mayoral Committee Meeting: 15 November 2017

1. SUBJECT:

DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI

2 PURPOSE

To obtain Council's approval for the methodology to develop Zone O and the housing allocation criteria for the temporary housing unit on Phase 2B and 2C, Watergang.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL)

In terms of system of delegations which reads as follows:

- Item 500 – To allocate housing scheme dwellings on the terms and conditions determined by Council; and
- Item 516 (S9 of the Housing Act) – Take all reasonable and necessary steps, within the framework of national and provincial housing legislation and policy to ensure:
 - (a) that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;
 - (b) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economical/efficient; and
 - (c) that appropriate housing development is initiated, planned and co-ordinated.

4. EXECUTIVE SUMMARY

The families staying in Zone O, Kayamandi were unfortunately affected by a devastating fire in March 2013. In conjunction with the Provincial Minister: Human Settlements (MEC Bonginkosi Madikizela) and the then Executive Mayor of Stellenbosch Municipality (Alderman Conrad Sidiego) it was agreed that a special intervention programme is needed to prevent such a recurrence taking place. It was clear that an incremental housing approach must be followed and provision must be made for high density development to accommodate as many as possible families residing in Zone O. After consultation with various stakeholders different development options were considered.

The most important relocation strategy the community agreed upon was that a "block approach" must be followed to effectively address the challenges facing Zone O, Kayamandi.

The aim of this item would be to unpack the developmental opportunities of Zone O, Kayamandi and recommend a relocation and allocation strategy for the families moving to the temporary units (332) that will be erected on 193 sites (Phase B, Watergang).

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.5.2

RESOLVED

That it be recommended to Council:

- (a) that the block approach/method be implemented in Zone O (upper part next to Thubelisha) to effectively address the provision of new housing opportunities i.e. servicing of sites and construction of high density residential units;
- (b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units once (a) has been achieved and if there is any space available;
- (c) that, within the block approach non-qualifiers that earn R3 501 to R7 000 per month be allocated serviced sites in accordance with the Finance Linked Individual Subsidy Programme (FLISP);
- (d) that, within the block approach non-qualifiers (as prescribed by housing policy guidelines) that earn between R7 001 to R15 000 per month be allocated a serviced site at a cost equal to the amount as approved by Provincial Department of Human Settlement (PDoHS) for a serviced site in the project (Watergang Phase 2, Kayamandi);
- (e) that ± 40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units to enable the Municipality to implement the erf 2175 pilot project (i.e. electrification, sanitation, water);
- (f) that Temporary Relocation Area 1 residents who were not allocated units in 2005, that does not qualify for a housing subsidy also be allocated sites (± 20 beneficiaries);
- (g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing opportunities;
- (h) that 10% of the Temporary Relocation Areas be reserved for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP); and
- (i) that once the above process has been completed and should plots still be available in the Temporary Relocation Areas (TRA), beneficiaries are identified from Zone N that can be allocated sites in the TRA (only from the group that was placed there by the Municipality).

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Human Settlements & Property Management
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	Tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	

5.5.3	VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD
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Collaborator No: 551717

IDP KPA Ref No:

Meeting Date : Mayoral Committee Meeting: 15 November 2017

1. SUBJECT: VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD

2 PURPOSE

The purpose of this item is twofold, i.e.:-

- a) To provide Council with a report on the progress (or the lack thereof) on the various housing projects in Vlottenburg; and
- b) To authorise the Municipal Manager to:-
 - i) conclude the necessary agreement (s) with the (new) owner of Longlands; and
 - ii) to negotiate the acquisition of a portion of Remainder Farm 387 and/or registration of an access servitude over a portion of Remainder Farm 387 and Portion 2 of Farm 1307.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL)

Although the Municipal Manager and/or the Executive Mayor have the delegated authority to:-

- a) conclude agreement(s) on behalf of Stellenbosch Municipality; and
- b) acquire land or rights in land (see delegations 526 and 527, respectively),

agreement was reached between the Executive Mayor and the Municipal Manager to obtain a fresh mandate from the municipal council on a way forward.

4. EXECUTIVE SUMMARY

Although three (3) low-income housing projects were approved in the Vlottenburg Area, none of the developments have an approved access. For this (and other) reason (s) very little or no progress were made with the development of the Longlands project.

In an effort to take this matter forward, Council is requested to authorise the Municipal Manager to:-

- a) conclude the necessary contract(s) with the new owner of Longlands, and
- b) to negotiate a deal with the owner(s) of Remainder Farm 387 and Portion 2 of Farm 1307 regarding the acquisition of land and / or the registration of a servitude that will allow access to the various developments.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.5.3**RESOLVED****That it be recommended to Council:**

- (a) that the Municipal Manager be mandated to conclude an agreement(s) with the new owner of Longlands regarding the development of the envisaged low-income housing project, either by way of a new Deed of Donation or by way of a Ceding Agreement(s); and
- (b) that the Municipal Manager be mandated to conclude agreements with the owner(s) of Remainder Farm 387 (Vredenheim) and Portion 2 of Farm 1307 (Ash Farmers) with the view of securing an access servitude(s) or the purchase/exchange of land for this purpose and/or land for additional housing.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2017-11-06

DIRECTOR: HUMAN SETTLEMENTS & PROPERTY MANAGEMENT

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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5.6.1	AMENDMENT OF DEVELOPMENT CHARGE TARIFF STRUCTURE
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Collaborator No: 552298
IDP KPA Ref No: Preferred Investment Destination
Meeting Date: Mayoral Committee: 15 November 2017

1. SUBJECT:

AMENDMENT OF DEVELOPMENT CHARGE TARIFF STRUCTURE

2. PURPOSE

To obtain Council's approval for the amendment of the Development Charge tariff structure.

3. DELEGATED AUTHORITY

For decision by the Municipal Council, in terms of 83 (2) of the Stellenbosch Municipality Land use Planning By-law.

4. EXECUTIVE SUMMARY

Development Charges (DCs) for new developments are subject to annual escalation up to the date of payment and as per Council's policy. In terms of the 2017/18 DC policy this leads to an excessive escalation for developments that have business-retail zonings. This is mainly due to the new trip generation factor for this zoning.

Similarly, the new policy includes a new DC category, namely "Community Facilities", which was not part of the previous DC policy and DC tariff structure.

These increases do not seem fair and reasonable, since a Developer would not have reasonably foreseen them when the development was approved. Such escalations could render a previously feasible development non-feasible.

For this reason the retail trip generation and DC cost above should be re-visited and the "Community Facilities" DC category should not be applicable when escalating DCs from previous years.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.6.1**RESOLVED****That it be recommended to Council:**

- (a) that the trip generation demand for business - retail categories be changed as follows:

Area	Trips per day	Cost (ex VAT)
Stellenbosch	9	R 57 403
Dwars River	9	R 32 357
Franschhoek	9	R 58 747
Klapmuts	9	R 67 782

- (b) that the "Community Facilities" Development Charges not be applicable to developments approved before 2017/18.

FOR FURTHER DETAILS CONTACT:

NAME	Tyrone King
POSITION	Acting Manager: Development Services and Project Management
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	201 808 8241
E-MAIL ADDRESS	Tyrone.king@stellenbosch.gov.za
REPORT DATE	12 September 2017

DIRECTOR: ENGINEERING SERVICES

5.6.2	APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES
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Collaborator No: **552297**
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date : **Mayoral Committee: 15 November 2017**

1. SUBJECT:

APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES

2. PURPOSE

To request approval from Council to finally approve the Electrical Services By-law (2017) and the appropriate Admission of Guilt Fines.

3. DELEGATED AUTHORITY

The Electrical Services By-Law is a document that must in terms of the Municipal Systems Act (Act 32 of 2000), Section 12 be adopted by Municipal Council.

4. EXECUTIVE SUMMARY

The current Electricity Supply By-Law (2013) was promulgated on 13 December 2013, but it has become necessary to review this By-Law mainly due to the municipal policy to allow the self-generation of electricity through photo voltaic or wind means.

A public participation process was followed and a workshop was held with Councillors.

The proposed Draft Electrical Supply Services By-Law will in comparison with the existing By-law address a wider spectrum of Electrical Services management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution and NERSA Regulations ensuring safe and quality electrical services for its citizens.

It includes:

- a. Co-Generation
- b. Supplies to Backyard Dwellers
- c. Smart Meters
- d. Retail Wheeling
- e. Energy Efficient use
- f. Development Charges policy

A set of proposed Admission of Guilt Fines (AGF) is attached as **Annexure B**.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.6.2**RESOLVED****That it be recommended to Council:**

- (a) that the content of this report be noted;
- (b) that the attached Draft Electrical Services By-law (2017) be approved and adopted by Council as the final Electrical Services By-Law;
- (c) that the Draft Electrical Services By-Law (2017), attached as Annexure A, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;
- (d) that the By-Law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and
- (e) that the proposed set of Admission of Guilt Fines (Attached as Annexure B) be accepted as the fines to be sought from the Chief Magistrate for this By-Law.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBER	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>02 November 2017</i>

5.6.3	FUNDING FOR THE CONSTRUCTION OF THE UPGRADE OF TECHNO AVENUE, TECHNO PARK
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Collaborator No: 552365
IDP KPA Ref No: Preferred Investment Destination
Meeting Date: 15 November 2017

1. SUBJECT

FUNDING FOR THE CONSTRUCTION OF THE UPGRADE OF TECHNO AVENUE, TECHNO PARK

2. PURPOSE

To obtain Council's approval to provide partial funding for the upgrade of Techno Avenue in Techno Park.

3. DELEGATED AUTHORITY

Council to decide to allow own funds to be provided for the balance of bulk services to Techno Park.

4. EXECUTIVE SUMMARY

This report covers the intended development of the Capitec Head Office in Techno Park which will generate an amount of Development Contributions (DCs), amongst other that of Roads and Stormwater. In this case the DCs funds are to be used to upgrade the entrance to the Techno Park area.

The funds generated by this development is not sufficient to pay for this upgrade in full and the municipality is therefore required to provide the shortfall in funding in order for the development to proceed. The Developer is able and willing to construct the new entrance starting within the 2017/18 financial year.

Since the Municipality has not budgeted for this project or for such class of funding, it is proposed that the Municipalities budgets for this funding in the next financial year 2018/19 and refund the developer for the part that the Municipality must pay.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.6.3

RESOLVED

That it be recommended to Council:

- (a) that the content of this report be noted;
- (b) that Council decides, in principle, that the development and construction of the Techno Park Entrance capacity enlargement be done by the Capitec Head Office Developer and that associated funding be supplied by the Developer;
- (c) that the refunding conditions be negotiated with the Developer and that the final Agreement be brought back to Council for debate and a final resolution upon which the commitment of Council will become firm; and
- (d) that the Municipal Manager be delegated to employ a legal service provider to negotiate such funding and repayment conditions, if necessary.

5.6.4	PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM
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Collaborator No: **552336**
 IDP KPA Ref No: ***Preferred Investment Destination***
 Meeting Date: **Mayoral Committee: 15 November 2017**

1. SUBJECT

PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM

2. PURPOSE

To inform Council of the Public Transport Service Network operational and business plan and to report on the progress with the Provincial Sustainable Transport Program (PSTP).

3. DELEGATED AUTHORITY FOR DECISION BY MUNICIPAL COUNCIL

The Comprehensive Integrated Transport Plan (CITP) is a document that must in terms of the National Land Transport Act (Act No 5 of 2009) be approved by Council. The development of an Integrated Public Transport Network is as recommended in the approved CITP. It is therefore necessary that Council consider matters regarding the Integrated Public Transport Plan.

4. EXECUTIVE SUMMARY

The submission aims to inform Council of the Integrated Public Transport Network (IPTN) operational and Business Plan and to report on the progress made with the Provincial Sustainable Program. The two studies are closely interrelated and are therefore reported on simultaneously.

The Business Plan for the development of an Integrated Public Transport Network was completed and recommends the development of further detailed institutional, business and operational plans to affirm cost and revenue estimates and the sources and availability of funding. The Business Plan is attached as **APPENDIX 1**.

The Municipality has in the meantime signed a Memorandum of Agreement with the Western Cape Department of Transport and Public Works whereby the Department will assist the Municipality in terms of the Provincial Sustainable Transport Program with the development of improved sustainable transport solutions for Stellenbosch. In the light of this new developments, the development of the IPTN must be slowed down to wait for the outcome of the PSTP investigations and recommendations, to ensure the most sustainable and economic solutions for the transport challenges facing Stellenbosch.

The development of the Provincial Sustainable Transport Program (PSTP) has started and a status quo report on transport in Stellenbosch has been prepared. A process plan for the development of the PSTP is attached as **APPENDIX 2**.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.6.4**RESOLVED****That it be recommended to Council:**

- (a) that Council takes note of the Operational Business Plan for the proposed Integrated Public Transport Service Network (IPTN) as recommended in the Comprehensive Integrated Transport Program;
- (b) that the recommendations of the Integrated Public Transport Service Network (IPTN) not be adopted at this stage, but that Council wait for the findings of the Provincial Sustainable Transport Program before any public transport system is implemented; and
- (c) that Council takes note of the progress made with the Provincial Sustainable Transport Program (PSTP).

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	John Muller
<i>POSITION</i>	Manager: Transport, Roads and Stormwater
<i>DIRECTORATE</i>	Infrastructure Services
<i>CONTACT NUMBERS</i>	021 80 8204
<i>E-MAIL ADDRESS</i>	John.muller@ Stellenbosch.gov.za
<i>REPORT DATE</i>	25 October 2017

DIRECTOR: INFRASTRUCTURE SERVICES

5.6.5	PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT
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Collaborator No: *552303*
IDP KPA Ref No: *Dignified Living*
Meeting Date: *Mayoral Committee: 15 November 2017*

1. SUBJECT:

PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT

2. PURPOSE

To request approval from Council to approve In-Principle the Memorandum of Agreement with Drakenstein Municipality to take over the Pniel and surrounds Electricity Network from Drakenstein Municipality.

3. DELEGATED AUTHORITY

Council to decide on the conclusion of a Memorandum of Agreement.

4. EXECUTIVE SUMMARY

During 2017 Stellenbosch and Drakenstein Municipalities negotiated a common stance on the take-over of the Pniel and associated Electricity Networks from Drakenstein. The take-over amount was provisionally calculated as R10 300 000 and this amount was placed on the 2017/18 Capital Budget. An agreement was reached to jointly appoint a consultant to calculate the actual depreciated replacement value of the assets to be taken over as well as any other details such as the purchase tariffs. The Consultant was employed and a proposed Memorandum of Understanding, attached as Annexure A, has been drawn up, which now indicates an increase in capital cost to R16 000 000 as well as conditions to be achieved for such take-over to occur.

It is proposed that Council accepts the proposed MOA in principle and that the Municipal Manager be mandated a final MOA to be approved by Council at a later date.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.6.5

RESOLVED

That it be recommended to Council:

- (a) that the content of this report be noted;
- (b) that the Memorandum of Agreement (MOA) be noted;
- (c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and
- (d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting.

5.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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5.8.1	ADDITION OF SMOKE ALARM TO FIRE KIT
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1. PURPOSE OF REPORT

To obtain approval from Council to include a photoelectric smoke detector as an addition to the current fire kit. This innovative technology is an added fire mitigation strategy. **(See APPENDIX 1).**

2. BACKGROUND

Stellenbosch has one of the oldest fastest growing informal settlements in the Western Cape with devastating and severe fires annually. In the Greater Stellenbosch Municipal Area we have approximately 26 informal areas and backyard dwellers with the biggest informal areas in Kayamandi, Langrug and Mandela City.

Many of these structures within the informal settlements were constructed without proper planning or any consideration of safety precaution. Due to the absence of proper infrastructure and safety measures, such as adequate spacing around the shacks and access roads, the communities have suffered unnecessary losses and damages to their belongings and in some cases fatalities were registered.

During the past 12 months approximately 259 informal structures were lost due to fires. The replacement costs incurred by Council, excluding the calculation of the expenses for manpower, food and the usage of council property, calculated to approximately well over R1,1 million.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.8.1

RESOLVED

That it be recommended to Council:

- (a) that Council approves the joint implementation proposal of Disaster Management and Informal Human Settlements; and
- (b) that the pledge of 1000 smoke detectors from Provincial government be noted, of which only 500 was received thus far.

Meeting:	Mayco: 2017-11-15	Submitted by Directorate:	Community & Protection Services
Ref no:	17/8/3/6	Author	Manager: Fire & Disaster
Collab:		Referred from:	Protection Services: 2017-11-01

5.8.2	FESTIVE SEASON READINESS
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1. PURPOSE OF REPORT

To provide an overview of the organisational readiness for the upcoming festive season starting from November 2017 until February 2018. The plans focus on the deployment of staff and resources in the WC024. (See attached plans: **Annexures 1-3**).

2. BACKGROUND.

The Festive Season period, commencing in November 2017 and running well into the New Year, bring increased risk of incidents that could adversely affect public safety as well as the delivery of services by the Stellenbosch Municipality. This is mainly brought about by an influx of visitors and increased leisure activities such as events and festivities during this period.

3. DISCUSSION

The purpose of the Festive Readiness Plan is to identify possible public safety and service delivery risks, and to mitigate against such risks through appropriate operational and resource planning. Various risks such as road traffic accidents, safety and security at municipal facilities, fires and medical emergencies, amongst others, have been identified and flagged in the respective operational plans. In the unfortunate event of an unforeseen incident happening, that warrants multiple discipline coordination, a Joint Operations Committee (JOC) meeting will be activated. Our strategy is based on a twenty-four hour operational vigilance with the aim of creating a safe environment, preserve life and to protect property.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.8.2**RESOLVED****That it be recommended to Council:**

that the organizational readiness plans for the 2017/18 Festive Season, be noted.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Community & Protection Services</i>
<i>Ref no:</i>		<i>Author</i>	<i>G Esau</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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5.9.1	SPORTS GROUNDS: WRITING OFF OUTSTANDING DEBT
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1. PURPOSE OF THE REPORT

The purpose of the report is two-fold:

- (a) To obtain approval from Council to write-off the balance of the long outstanding accumulated debts of all sport councils in the Greater Stellenbosch practicing sport on municipal land.
- (b) That the request of Stellenbosch Golf Club to write off their property rates be dealt with in terms of their lease agreement under stipulation (23) and be referred for arbitration.

2. BACKGROUND

Currently all the sports clubs are in arrears regarding their financial responsibilities towards Stellenbosch Municipality. All the existing contracts lapsed and the department is in the process of signing new lease agreements with all the sports councils.

This item is to inform the Council of the current situation and to obtain approval to write off the outstanding debts.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.9.1

RESOLVED

That this item be withdrawn.

<i>Meeting:</i>	<i>Mayco: 2017-11-15</i>	<i>Submitted by Directorate:</i>	<i>Community & Protection Services</i>
<i>Ref no:</i>		<i>Author</i>	<i>G Esau</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.9.2	REPORT ON THE PROGRESS OF THE IMPLEMENTATION OF THE SPORT FACILITIES MANAGEMENT PLAN: DRAFT LEASE AGREEMENTS
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1. PURPOSE OF REPORT

To obtain Council approval to commence with signing the draft lease agreements for the various Sport Council categories in the Greater Stellenbosch.

2. BACKGROUND**2.1 Adoption of the Sport Facilities Management Plan**

The adopted Sport Facilities Management Plan as accepted by Council in 2016 was the culmination of a process that started in 2011:

- (i) In 2011 the proposed sport plan was created by the Department and circulated internally and externally for review. A draft was then tabled to Council. Various concerns were raised relating to the Sport Plan and it was requested to create a new draft.
- (ii) The second draft was submitted to Council in 2012 and it was recommended that a process of consultation with all stakeholders must be done.
- (iii) A workshop with the Stellenbosch Sport and Recreation Association (SSRA) was held in 2013 and the proposed plan was discussed with the Stellenbosch Sport and Recreation Association (SSRA) and its member Sport Councils. There was no consensus from the SSRA and the member Sport Councils to the stipulations in the plan especially relating to the conditions of the rental agreements.
- (iv) The categories in the sport plan were clarified and in June 2014 a special workshop was held with all the member Sport Councils of the SSRA. Various presentations were given on the different elements of the Sport Plan and how it links up with the National Sport and Recreation Plan. A special report was created and distributed to all stakeholders.
- (v) The draft plan was then presented to Council again but concerns were raised relating to the stipulations within the categories of different sport grounds. A draft lease agreement was created but this lease agreement could not be used for all the categories. Various stakeholders expressed concerns relating the current draft and more clarity were required.
- (vi) A discussion document was created and distributed to all Sport Councils and the SSRA relating to the sport plan in December 2015.
- (vii) A workshop was held 9 December 2015 with the Stellenbosch Sport and Recreation Association (SSRA) and Sport Councils that discussed the key elements of the sport plan and the broader understanding of the National Sport and Recreation Plan (=NSRP)
- (viii) A strategic meeting in January 2016 was held by the department with Director Esau and the Municipal Councillor Retief relating to the progress and processes to be followed
- (ix) Two special meetings were held in February 2016 with the Stellenbosch Sport and Recreation Association (SSRA) executive to

clarify concerns and uncertainties relating to the rollout and implementation of the Sport Plan.

- (x) A follow up session with the Stellenbosch Sport and Recreation Association (SSRA) and Sport Councils were held 18 February 2016 to explain the process relating to the rollout of the Sport Plan and the briefing sessions that will explain clearly to each individual Sport Council the Sport Plan and the lease agreement
- (xi) A roadshow was done in which the Sport Plan was explained and the basic stipulations of the lease agreements were highlighted. This roadshow was completed in May 2016.
- (xii) The Sport Plan was adopted in June 2016.

MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.9.2

RESOLVED

That it be recommended to Council:

- (a) that Council approves the terms and conditions of the rental agreements for each category;
- (b) that Council approves the proposed rental tariffs for each Sport Council category and that these tariffs be reviewed annually;
- (c) that the Lease Agreements be approved for a one year period with an annual review; should the lessee not fulfil the obligations in terms of the lease agreement, the sporting facility will fall back to Council; and
- (d) that once the lease agreements have been signed with the entities, the outstanding debts will be submitted to Council for consideration of writing off those debts.

Meeting: Ref no: Collab:	Mayco: 2017-11-15	Submitted by Directorate: Author Referred from:	Community & Protection Services G Esau
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6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

7.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

8.	MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 13:45.

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.