



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-09-29

## MINUTES

### SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2021-09-29 AT 10:00**

**Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)**

**MINUTES**  
**SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**  
**2021-09-29**  
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**PRESENT**

The Speaker, Cllr WC Petersen (Ms) [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)

**COUNCILLORS**

FJ Badenhorst	MC Johnson
Ald PW Biscombe	DD Joubert
G Cele (Ms)	C Manuel
PR Crawley (Ms)	NE Mcombring (Ms)
A Crombie (Ms)	XL Mdemka (Ms)
Z Dalling (Ms)	C Moses (Ms)
C Davidse	RS Nalumango (Ms)
R Du Toit (Ms)	SA Peters
J Fasser	WF Pietersen
A Florence (until 11:00)	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	N Sinkinya (Ms)
T Gosa	P Sitshoti (Ms)
E Groenewald (Ms)	Q Smit
JG Hamilton	LL Stander
AJ Hanekom	R Van Rooyen
JK Hendriks	E Vermeulen

**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)  
Acting Director: Planning and Economic Development (S Carstens)  
Chief Audit Executive (F Hoosain)  
Senior Administration Officer (T Samuels (Ms))  
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<b>1.</b>	<b>OPENING AND WELCOME</b>
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“Good Morning to you all present at the Special Council Meeting.

Special welcoming to:

- The Executive Mayor, Alderman Gesie Van Deventer
- The Municipal Manager, Geraldine Mettler and Directors
- The Members of the Executive Committee
- All Councillors present
- And the broader Stellenbosch Public tuned in on the Virtual Platform

I welcome you all present and hope that you will have a fruitful and constructive meeting as we discuss the Agenda Items.

I now call on Cllr: Thumakele Goza to open the meeting with a prayer.”

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Good morning Honourable Speaker, Mayco members, Councillors, Whips of all political parties as well as all members from the public that is attending the meeting.

It is indeed a privilege to have you here. This is most probably our last Council meeting, or maybe the second last if there is an Urgent or Special Council meeting coming.

Having regard to the Code of Conduct, I have chosen this morning to not make the normal announcements, and with your indulgence and permission (Speaker, thank you very much for that) in terms of Section 29 of the Code, I deem it appropriate to rather, in terms of covid and the 5-years gone by, reflect on life and those people who joined us, who contributed and enriched our lives, the municipality and also mine. I’m really grateful for the opportunity to have been here.

I would like to ask the Administration to play the following short video clip which I have selected. It may be well-known, but I think it is appropriate to also mourn and say goodbye to staff, to those we lost to covid, to those people who has been in our lives for the past 5-years, and for those who will still be with us in the next term.



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I thank you.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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Madame Mayor and Councillors, - today is our last Council Meeting as we embark and prepare for the local elections on November 1<sup>st</sup>. This has been a very tough yet challenging year for all of us, personally and professionally. Never have we ever imagined or prepared ourselves for the most challenging period when covid 19 became a part of our lives, but by the grace and protection of God we remain dedicated and steadfast to our calling.

To those who will be re-elected or newly elected to serve in Council, continue to serve your communities with pride and dignity. Learn from the mistakes and lead!

To those who will not be returning to Council, we will certainly miss you. You are valuable to your communities, continue to serve them.

Our officials thank you for taking our hands in order to better the livelihoods of our communities, it wasn't always easy but we had one goal in common, to serve our communities to the best of our abilities. We salute your hard work and dedication to this organisation. Thank you!

Lastly, Executive Mayor, MM and Directors you are doing a great job. You have indeed a difficult job, but at the end of the day very satisfying when you see the results of uplifting communities. Keep on giving your best there's always room for improvement and I'm sure the next term will be more satisfying.

#### **Other Notices:**

#### **Birthdays:**

- The following Councillors celebrated their birthdays in September
- Cllr Jo- Anne Kleynhans 14 September
- Executive Mayor 24 September
- Cllr RONALDA NALUMANGO 27 September

Happy belated birthday Councillors and Executive Mayor, we wish you all that's beautiful on a new year added to your life. May God continue to protect and bless you. love, joy and good health.

Madame Mayor, Municipal Manager and fellow Councilors let us move to the Business of the Day in dealing with the Council Agenda.

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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"Thank you Speaker.

As this is the last council meeting of this council, I would like to take this opportunity to thank each and every councillor for their work over the past 5 years.

Thank you Madam Mayor for your unwavering support and guidance over the past 5 years.

Thank you Speaker for the hard work you have put in to steer this council.

Thank you to all party whips and caucus leaders for your commitment to working together.

Even though there may be differences, many heated debates and lots of disagreements – this council has managed to prioritise service delivery to our communities.

#### We have witnessed some incredible achievements over the past five years:

From unqualified and clean audits by the Auditor General of South Africa

To the opening of the new Stellenbosch Waste Water Treatment Works and the extensive upgrades of our other WWTW facilities

To the upgrade of our taxi ranks

To the opening of new libraries, parks and halls

To the launch of our new municipal website and apps to make communication and access easier

To the opening of our new waste material recovery facility

To the handover of more than 2000 title deeds to their rightful owners

To the electrification of areas that have never had electricity

To the building of new houses and the upgrading of existing facilities

To the extensive upgrading our safety and security infrastructure, fire station and traffic department.

We have indeed achieved a lot but a lot still needs to be done.

This term has also not been without its challenges – from the horrible drought experienced in our region to the COVID-19 pandemic and subsequent lockdowns.

But we are a resilient organisation and a resilient council – who were able to overcome these challenges and adapt to new ways of life.

I want to thank each and every councillor, from all parties represented in council, for the work they have done in supporting the administration and providing oversight over all activities.

The job of a councillor is often an ungrateful one and on behalf of my senior management team and the entire administration, I thank you for your commitment and support.

Good luck to all councillors who will again be contesting these Local Government Elections.

Please stay safe and take care of yourself until we meet again.”

<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
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NONE

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

Cllr LK Horsband (Ms)	– 29 September 2021
Cllr J Kleynhans (Ms)	– 29 September 2021
Cllr N Mananga-Gugushe (Ms)	– 29 September 2021
Cllr N Jindela	– 29 September 2021

6.2 Permission was granted to Cllr A Florence to leave the meeting earlier (until 11:00).

6.3 **ABSENT**

Cllr FT Bangani-Menziwa (Ms)	– 29 September 2021
Cllr N Olayi	– 29 September 2021
Cllr MD Oliphant	– 29 September 2021

<b>7.</b>	<b>CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING</b>
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<b>7.1</b>	<b>45<sup>TH</sup> COUNCIL MEETING: 2021-08-24</b>
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The minutes of the 45<sup>th</sup> Council Meeting: 2021-08-24 was **confirmed as correct.**

<b>8.</b>	<b>STATUTORY MATTERS</b>
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<b>8.1</b>	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) SUPPLEMENTARY OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20</b>
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Collaborator No: 713271  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 15 September 2021 and 29 September 2021

**1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) SUPPLEMENTARY OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20**

**2. PURPOSE**

To submit to Council, the supplementary Oversight Report on the Annual Report 2019/20 for consideration and adoption.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to the MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinised the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public were also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not yet available.

The Oversight Report on the Annual Report 2019/20 was adopted by Council on 26 May 2021 with the following reservation that, as soon as the AGSA's report for the 2019/20 becomes available, that it be submitted to the MPAC and Council for consideration.



The AGSA's report was signed on 13 July 2021. The Audit and Performance Audit Committee (APAC) then concluded its annual report and both reports (the AGSA and APAC reports 2019/20) were submitted to Council for consideration on 28 July 2021.

The remaining core components were advertised in the local media and on the municipality's website. Community members and interested and affected parties were invited to submit any input/s on or before 19 August 2021. No inputs were received from members of the community and or any other interested and affected party/s.

An MPAC meeting was held on 05 August 2021 to discuss the remaining core components of the Annual Report 2019/20.

#### SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 8.1

#### RESOLVED (nem con)

- (a) that Council, having fully considered the supplementary Oversight Report on the Annual Report 2019/20 of the Stellenbosch Municipality, **adopts the supplementary Oversight Report 2019/20 without any reservations;**
- (b) that Council, having fully considered the remaining core components of the Annual Report 2019/20, attached hereto as **ANNEXURE A** and B of the supplementary Oversight Report on the Annual Report 2019/20, **approves that the remaining core components of the Annual Report 2019/20 be inserted in the Annual Report 2019/20;**
- (c) that the supplementary Oversight Report 2019/20 be made public in accordance with Section 129(3) of the MFMA; and
- (d) that the supplementary Oversight Report on the Annual Report 2019/20 be submitted in accordance with Section 129(2)(b) and 132(2) of the MFMA to the Auditor General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>Gurswin Cain</b>
<b>POSITION</b>	<b>Manager: IDP/PMS/PP</b>
<b>DIRECTORATE</b>	<b>Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8174</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:gurswin.cain@stellenbosch.gov.za">gurswin.cain@stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>06 August 2021</b>

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8.2	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2021</b>
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Collaborator No: 713271  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 15 September 2021 and 29 September 2021

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**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2021**

**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 August 2021.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 8.2**

**NOTED**

that there were no deviations listed for the month of August 2021.

<b>9.</b>	<b>ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]</b>
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<b>9.1</b>	<b>COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)</b>
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(See Item 9.9.2 below)

<b>9.2</b>	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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<b>9.2.1</b>	<b>RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**15 September 2021 and 29 September 2021**

**1. SUBJECT: RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER**

**2. PURPOSE OF REPORT**

To inform Council that the contract of Me Mettler comes to an end on 31 December 2021. The post must be advertised as per the legislative provisions. Council must approve the advertising of the post and appoint a selection panel and a service provider to make recommendations for the appointment of a successful candidate for the Municipal Manager vacancy.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. It is therefore critical to commence with the recruitment and selection process for Municipal Manager to ensure the post can be filled timeously.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.1**

**RESOLVED** (majority vote)

- (a) that Council approves the advertising of the post of the Municipal Manager;
- (b) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
  - The Executive Mayor, Ald G Van Deventer, who will be the Chairperson;
  - The Deputy Executive Mayor, Cllr J Fasser; and
  - The Chairperson of the Municipal Audit Committee, Dr L Mortimer”.
- (c) that an independent external consultant be appointed to assist with the recruitment and selection process.

*Cllr G Cele (Ms) requested that her vote of dissent be minuted.*

9.2.2	APPLICATION TO LEASE: PORTION OF ERF 4261 (DALSIG), STELLENBOSCH: CELLPHONE TOWER(S): ATLAS TOWERS AND ILANGA TECHNOLOGIES, ON BEHALF OF INVICTA TOWERS
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 15 September 2021 and 29 September 2021

**1. SUBJECT: APPLICATION TO LEASE: PORTION OF ERF 4261 (DALSIG), STELLENBOSCH: CELLPHONE TOWER(S): ATLAS TOWERS AND ILANGA TECHNOLOGIES, ON BEHALF OF INVICTA TOWERS**

**2. PURPOSE**

To inform Council of the 2 applications received from 2 different companies namely Atlas Towers and Ilanga Technologies, on behalf of Invicta Towers allowing them to construct new base stations on a portion of erf 4261, Stellenbosch. Council to consider the applications to lease the land for this purpose.

**3. DELEGATED AUTHORITY**

In terms of Delegation EM85 the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated authority to "*Approve Lease Agreements on Council properties for a period shorter than 10 years and a contract value of less than R5M*". The item served before The Mayoral Committee in June and was then referred to the section 80 Committee for consideration and a recommendation to the Executive Mayor in consultation with the Mayoral committee.

**4. EXECUTIVE SUMMARY**

The item served before The Mayoral Committee in June and was then referred to the section 80 Committee for consideration and a recommendation to the Executive Mayor in consultation with the Mayoral committee. A further request was made that the members of the Planning and economic section 80 committee as well as the members of the Infrastructure Section 80 Committee be invited to take part in the discussions.

On 2018-06-18, following a written request to this effect, a Special Power of Attorney was issued to Atlas Towers to apply for the necessary authorisation to construct a new base station (communication tower) on a portion of erf 4261, Stellenbosch. The delegation to sign these requests was subsequently revoked from the Manager Properties and Maintenance.

This application (building plan) was subsequently approved and they now want to enter into a Lease Agreement with the Municipality. (**APPENDIX 3**). The application is dated 5 December 2018.

A further application to erect a base station tower on the same property was also received from Ilanga Technologies, on behalf of Invicta Towers (**APPENDIX 4**). The application is undated but was received in January 2021 according to Mr Smit from the property department.

In terms of the Property Management Policy Council may conclude lease agreements on a private treaty basis, i.e. without following a public tender process, subject thereto that Council's intention so to enter into such a contract is advertised for public inputs/comments/objections. It is however clear that there are competing interests on this land and Council must take that into account when considering the applications.

There is also a reservoir on the property and the Water Services department has indicated that further infrastructure may be built on the site in future (**APPENDIX 5**). On the reservoir there are telemetry towers and other signals may interfere with our network services from the site.

The Mayor in consultation with the Mayoral Committee can therefore consider the application.

#### **SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.2**

**RESOLVED** (majority vote with 1 abstention)

that given the fact that Council already have infrastructure on the land and may want to extend that infrastructure in future, Council do not approve the applications.

#### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Annalene de Beer</b>
<b>POSITION</b>	<b>Director: Corporate Services</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@stellenbosch.org.za</b>
<b>REPORT DATE</b>	<b>2021 -09 -06</b>

9.2.3	<b>PAYMENT OF WARD COMMITTEE MEMBERS FOR PERIOD AUGUST 2021 AND SEPTEMBER 2021</b>
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 15 September 2021 and 29 September 2021

**1. SUBJECT: PAYMENT OF WARD COMMITTEE MEMBERS FOR PERIOD AUGUST 2021 AND SEPTEMBER 2021**

**2. PURPOSE**

To submit to Council a report to request payment of ward committee members for meetings not convened during August 2021 and September 2021 due to lock down and covid infections.

**3. DELEGATED AUTHORITY**

Council is the decision-making authority.

**4. EXECUTIVE SUMMARY**

The country is still in a state of national disaster due to the Covid-19 pandemic. The declaration of a national disaster was done in terms of the Disaster Management Act, 2002. The scourge of this pandemic prompted President Cyril Ramaphosa to declare a national lockdown on 23 March 2020 and ever since extended the lockdown on a monthly basis.

A new variant of the Covid-19 (Delta variant) was detected in this country during June 2021. The prevalence of this variant intensified during July 2021 and August 2021 resulting in high volumes of positive cases and resultant deaths. The country was moved from level 2 to level 4 in mid-June 2021 due to the high infection rate in Gauteng and moved to level 3 on 26 July 2021.

The peak in the Western Cape came later and in August and September Stellenbosch municipal area was hit hard to the extent that some councillors and ward administrators tested positive for the Coronavirus and they consequently had to isolate. This prompted those offices affected to be closed for different periods ranging from 4 days to 10 or more days.

Council has adopted the revised Policy and Procedures for Ward Committees (hereinafter referred to as Policy) on 24 April 2019. In terms of the said Policy ward committee members will be paid an amount of R350.00 for out-of-pocket expenses incurred when attending a ward committee meeting.

The ward committee members continued working despite the ward office closures and the fact that the ward committees did not meet. It is recommended to Council to consider waiving Clause 25 to allow the Administration to make payment to ward committee members of those wards that did not meet during August and September but did continue with their work during these months. The wards that are affected is indicated in **APPENDIX 1**.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.3****RESOLVED** (majority vote)

- (a) that the following stipulations in Clause 25 (2) of the Policy outlining the payment of ward committee members be waived:

*“(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a)(i) below.*

*(2) The Municipality will annually budget for the reimbursement of:*

*(a) out-of-pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:*

*(i) that 14 ward committee meetings which will comprise one ward committee meeting every month and one open public meeting every semester (every six months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings be paid an out-of-pocket allowance of R350.00 per meeting (R350 x 14 = R4 900.00). Payment of out-of-pocket allowances will be made quarterly.*

*... (iii) that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements only be electronically transferred to the bank account of the relevant ward committee members ...”*

- (b) that this waiving of Clause 25 only be applicable during the period August 2021 and September 2021 to the wards reflected in **APPENDIX 1**; and
- (c) that the Administration be authorised to make payments of R350.00 to ward committee members for each of the months August 2021 and September 2021 where the ward committee members continued with the functions despite not having ward committee meetings.

*Councillor G Cele (Ms) requested her vote of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Nicky Ceasar</i>
<b>POSITION</b>	<i>Executive Support Officer</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8618</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:nicky.ceasar@ Stellenbosch.gov.za">nicky.ceasar@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>8 September 2021</i>

<b>9.2.4</b>	<b>CONSIDERATION OF LEASE AGREEMENT FOR REDUCED OFFICE SPACE: EIKESTAD MALL</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 September 2021 and 29 September 2021

**1. SUBJECT: CONSIDERATION OF LEASE AGREEMENT FOR REDUCED OFFICE SPACE: EIKESTAD MALL**

**2. PURPOSE**

For Council to consider the approval to conclude a lease agreement with Eikestad Mall Joint Venture for reduced office space in the Eikestad Mall for a period from 1 October 2021 to 30 June 2022, whilst the office space in the NPK building is renovated.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

The existing lease agreement with Eikestad Mall Joint Venture will terminate at the end of September 2020. The landlord is aware of the termination of the agreement. The intention was that all employees occupying office space in the Eikestad Mall will move over to one of the floors in the NPK building despite the renovation process continuing. It has now come to our attention that we will not be able to move employees to the building on a temporary basis due to the extent of the renovation involving compliance issues. We have been advised to replace the lifts in the building, close off the floors instead of it being open for fire safety reasons as well as rewiring the electricity. This means that the area may not be regarded as a health and safe environment to work in. We have moved some of the employees temporarily to Dorp Street and will be able to accommodate the employees awaiting their move to NPK building on the area currently being used by the Town Planning Department on the 3<sup>rd</sup> floor.

During a recent Director's meeting it was decided to request Council to enter into an agreement with the Eikestad Mall only for the area on the 3<sup>rd</sup> floor, Office 302, measuring 484.61m<sup>2</sup> in extent. The intended completion of work on the NPK building is 30 June 2022.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.4**

**RESOLVED** (nem con)

- (a) that Council approves the conclusion of a lease agreement with the Eikestad mall Joint Venture for the 3<sup>rd</sup> floor (484.61m<sup>2</sup>) for the period from 1 October 2021 to 30 June 2022, and
- (b) that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture (based on the current rates, as per the existing lease agreement).



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

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

9.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
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NONE

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

9.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))</b>
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9.7.1	<b>PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”) AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date: 15 September 2021**

**1. SUBJECT: PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”) AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM**

**2. PURPOSE**

To provide the Council with the pertinent factors to consider the following:

- (a) Prepare as part of the Municipality’s Integrated Development Plan (“IDP”) the amendment of the MSDF which is a core component of the IDP and in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000 (“MSA”), Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (“SPLUMA”), Western Cape Land Use Planning Act, Act No. 3 of 2014 (“LUPA”), and the Stellenbosch Municipal Land Use Planning By-law (“MPBL”);
- (b) Support and approve to follow the process as stipulated in terms of Section 11(b) of LUPA; Section 3(1)(b) of the MPBL for amending the MSDF. Therefore, Council will not establish an Intergovernmental Steering Committee, but will grant all organs of state and the public, sixty (60) days to comment on the Amended Draft MSDF; and
- (c) Support and approve the establish a municipal project committee to prepare the amendment of the MSDF, including the nominations of relevant municipal officials from key department to participate and assist in the process.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

An initial internal review of the MSDF highlighted the need for an amendment of the MSDF to incorporate certain Council resolutions to ensure the continued strategic support and guidance from a spatial planning perspective. These amendments have been initiated through Council decisions and actions as part of the implementation framework of the MSDF and other strategic planning documents, that include, but are not only limited to the housing pipeline projects (**APPENDIX 1**), Draft Inclusionary Zoning Policy Proposals and the matters relating to the Klapmuts Concept Plan, as well as private land which is required to leverage catalytic infrastructure priorities.

Due to the nature of the amendments, it is proposed that the Council undertake the process of establishing a Project Committee as stipulated in section 3(1)(b) of the MPBL, instead of an intergovernmental steering for the amendment of its MSDF. Accordingly, initiate the process of amendment of the MSDF as part of option 1 (5<sup>th</sup> review of the 4<sup>th</sup> generation IDP) or option 2 (5<sup>th</sup> generation IDP) of the IDP process plan, and in accordance with the provision of the Local Government: Municipal Systems Act, Act No. 32 of 2000 (MSA), Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (SPLUMA), Western Cape Land Use Planning Act, Act No. 3 of 2014 (LUPA), and the Stellenbosch Municipal Land Use Planning By-law (MPBL);

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.7.1**

**RESOLVED** (nem con)

- (a) that Council approves the preparation of the amendment of the MSDF which is a core component of the IDP, as part of the Stellenbosch Municipality's IDP process. That the amendment process takes place in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, Spatial Planning and Land Use Management Act, Act No. 16 of 2013, Western Cape Land Use Planning Act, Act No. 3 of 2014, and the Stellenbosch Municipal Land Use Planning By-Law;
- (b) that Council approves to undertake the process as stipulated in terms of Section 11(b) of LUPA and Section 3(1)(b) of the MPBL for amending the MSDF, which means that Council will not establish an Intergovernmental Steering Committee; and
- (c) that Council approves the process of notification of the proposed Amendment of the MSDF, 2019 as prescribed within the relevant legislation.

<b>NAME</b>	Chantel Hauptfleisch
<b>POSITION</b>	Senior Spatial Planner
<b>DIRECTORATE</b>	Planning & Economic Development
<b>CONTACT NUMBERS</b>	021 808 8607
<b>E-MAIL ADDRESS</b>	Chantel.hauptfleisch@stellenbosch.gov.za
<b>REPORT DATE</b>	17 August 2021

<b>9.8</b>	<b>RURAL MANAGEMENT: (PC: CLLR S PETERS)</b>
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NONE

<b>9.9</b>	<b>YOUTH, SPORTS AND CULTURE: (PC: CLLR J FASSER)</b>
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<b>9.9.1</b>	<b>IDA'S VALLEY TENNIS COURTS AND CLUBHOUSE – ESTABLISHMENT OF A TENNIS ACADEMY BY TENNIS WORLD FOUNDATION (TWF)</b>
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**Collaborator No:** 713248  
**IDP KPA Ref No:** Dignified Living: Municipal Focus Area 21  
**Meeting Date:** 15 September 2021 and 29 September 2021

**1. SUBJECT: IDA'S VALLEY TENNIS COURTS AND CLUBHOUSE – ESTABLISHMENT OF A TENNIS ACADEMY BY TENNIS WORLD FOUNDATION (TWF)**

**2. PURPOSE**

- 2.1 To inform Council about the proposal and request from the Tennis World Foundation to use the Ida's Valley Tennis Courts and Clubhouse to establishment a Tennis Academy.
- 2.2 To obtain permission from Council to enter into an agreement with Tennis World Foundation (TWF) for the use, upgrade and management of the tennis courts and clubhouse at Ida's Valley Sport Grounds.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

A request was received from Tennis World Foundation (TWF) to utilise the tennis courts and club house at Ida's Valley Sport Facility to establish a tennis academy.

In order for the Tennis World Foundation (TWF) to operate a tennis development centre (academy), it needs the assistance of Stellenbosch Municipality subject to an MOU that will be drafted in compliance with all relevant municipal legislation.

The aim of the aforementioned foundation is to bring together local tennis enthusiasts and aspiring tennis players from surrounding schools to learn the finer skills of the sport, to share life experiences and to learn valuable life skills.

The project has the full support of the Ida's Valley Sport Council.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.9.1****RESOLVED** (nem con)

- (a) that Council notes the Ida's Valley Sport Council's support for this project;
- (b) that Council approves the application from Tennis World Foundation (TWF) to utilise the Ida's Valley Tennis Courts and Clubhouse for the establishment of a Tennis Academy;  
and
- (c) that Council grants permission to the Community Services Department to conclude a formal agreement with Tennis World Foundation (**ANNEXURE C**: Draft MOU between Stellenbosch Municipality and Tennis World Foundation).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b><i>Albert van der Merwe</i></b>
<b>POSITION</b>	<b><i>Manager: Community Services</i></b>
<b>DIRECTORATE</b>	<b><i>Community and Protection Services</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808 8165</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><u>Albert.vandermerwe@stellenbosch.gov.za</u></i></b>
<b>REPORT DATE</b>	<b><i>12 May 2021</i></b>

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9.9.2	GRANT IN AID POLICY REVIEW
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Collaborator No:

IDP KPA Ref No: Dignified Living: Municipal Focus Area 21

Meeting Date: 15 and 29 September 2021

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**1. SUBJECT: GRANT IN AID POLICY REVIEW**

**2. PURPOSE**

To obtain Council approval for the Grant in Aid Policy Review.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council

**4. EXECUTIVE SUMMARY**

Council approved the Grant in Aid 2021-2022 Policy in May 2021 as part of the policies with financial implications. To ensure that every effort is made to provide each child access to good quality education during the early childhood development phase, the municipality needs to ensure that all policies are aligned to this desired outcome.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.9.2**

**RESOLVED** (nem con)

that the revised Draft Grant in Aid Policy be approved for public participation.

10.	<b>REPORTS BY THE MUNICIPAL MANAGER</b>
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10.1	<b>DISASTER MANAGEMENT PLAN</b>
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Collaborator No: 703668  
IDP KPA Ref No: Safest Valley  
Meeting Date: 29 September 2021

**1. SUBJECT: DISASTER MANAGEMENT PLAN**

**2. PURPOSE**

To present the revised disaster management plan of the Stellenbosch Municipality to Council for approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The revision of the disaster management plan (Appendix 1) is done in accordance with *Section 53 (1) of the Disaster Amendment Act, 16 of 2015, which reads that the municipality must:*

- (g) *regularly review and update its plan; and*
- (h) *through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan."*

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 10.1**

**RESOLVED** (nem con)

that Council approves and adopts the revised Disaster Management Plan.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Wayne Smith
<b>POSITION</b>	<b>Manager Fire Services &amp; Disaster Management</b>
<b>DIRECTORATE</b>	<b>Community and Protection Services</b>
<b>CONTACT NUMBERS</b>	<b>8771</b>
<b>E-MAIL ADDRESS</b>	<b>wayne.smith@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>10 March 2021</b>

<b>10.2</b>	<b>DELEGATION TO THE EXECUTIVE MAYOR IN REGARD TO ALL LEGISLATIVE COMPLIANCE / STATUTORY MATTERS</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good governance and compliance**

**29 September 2021**

**1. SUBJECT: DELEGATION TO THE EXECUTIVE MAYOR IN REGARD TO ALL LEGISLATIVE COMPLIANCE / STATUTORY MATTERS**

**2. PURPOSE OF REPORT**

To obtain approval from Council to delegate all the legislative compliance/statutory matters to the Executive Mayor for the period from 30 September to 1 November 2021.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Constitutional Court dismissed an application by the Commission to defer the upcoming general Local Government Elections which was scheduled for 27 October 2021. The Commission is now required to ensure that it prepares for an election to be held by 1 November 2021.

Due to the campaigning process and the short time frames between the Council meeting and the elections, council is now scheduled for 29 September 2021. There are compliance/statutory matters that must be considered by Council in October like the Section 52 report, the possible deviation report etcetera. Due to the council meeting that will now no longer take place in October 2021, and the possible upcoming election, is it recommended that the consideration of the compliance/statutory matters be delegated to the Executive Mayor.

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 10.2**

**RESOLVED** (majority vote)

- (a) that it be noted that Council must consider statutory matters as per legislation, which will not be able to take place in October 2021;
- (b) that the legislative compliance/statutory matters be delegated to the Executive Mayor for the period of 30 September to 1 November 2021; and
- (c) that the delegations be granted to the Executive Mayor to consider and approve the legislative compliance/statutory matters as per local government legislation, included but not limited to:-
  - MFMA Section 52 Reporting
  - Performance Management Reports
  - Monthly Financial Statutory Reporting: Deviations

*Councillor G Cele (Ms) requested that her vote of dissent be minuted.*



<b>10.3</b>	<b>AARTO: IMPLEMENTATION FROM 1 OCTOBER 2021</b>
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 2021-09-29

**1. SUBJECT AARTO: IMPLEMENTATION FROM 1 OCTOBER 2021**

**2. PURPOSE**

To submit a report to Council to consider submitting a formal objection to the RTMC and RTIA to implement Phase 2 of AARTO (Issuing Authority), at the Stellenbosch Municipality.

**3. DELEGATED AUTHORITY**

The authority to give consent to the introduction/implementation of AARTO is vested in Council.

**4. EXECUTIVE SUMMARY**

The AARTO Amendment Act 4 of 2019 with regulations is now incrementally being put in place and will culminate with the implementation of the Points Demerit System. The impact of the points demerit system embedded in the AARTO process is such that there will be an allocation of demerit points for specific transgressions committed by infringers on South African roads.

The AARTO Amendment Act 4 of 2019 is different. It “decriminalises” all but the most serious traffic offences and subjects it to administrative processes. It does this by categorising road traffic violations as “infringements” or “offences”. Infringements are dealt with administratively. Criminal offences are prosecuted in criminal courts.

The “new intended AARTO system” differs considerably from the current system. Currently, the way traffic fines are issued and processed by the Local and Provincial Authorities in almost every jurisdiction of the country, is through using the Criminal Procedure Act. As its name implies, it is a criminal process and regards all violations of traffic law to be criminal offences. These offences are prosecuted by the NPA, mainly in the magistrate courts.

The intention is that infringers can exercise their elective options accompanied by the introduction of the Independent Appeals Tribunal, where they can appeal against the rulings of the Road Traffic Infringement Agency (RTIA) to the tribunal where such representations were unsuccessful.

The amended AARTO process comprises three steps, which in turn involve several sub-processes, depending on how you, as a motorist react. Throughout its processes the duty is on the motorist to act and failure to do so will result in consequences of varying severity.

These steps are:

1. An infringement notice;
2. A courtesy letter; and
3. An enforcement order.

**Step 1 – Infringement Notice**

1. A Traffic offence is regarded as a very serious violation of the law which warrants a major sentence on conviction, such as imprisonment or a substantial monetary fine, or both.
2. Minor and major infringements are dealt with in accordance with the administrative procedures, as prescribed in the AARTO Act.

If a person is alleged to have committed an infringement, the traffic officer will issue an Infringement Notice.

Hand-written infringement notices are handed out by traffic officers and will eventually be replaced by electronic devices. Camera infringements are electronically generated by eNatis and sent by mail. At this point, the fine amount has a 50% discount attached if paid in 32 days.

**Step 2 – Courtesy Letter**

1. A courtesy letter is mailed if the fine is not paid in the first 32 days that the infringement notice is issued. At this point, the full amount must now be paid plus administration fees. Failure to comply with the requirements of the Courtesy Letter will result in the issuing of an Enforcement Order.

**Step 3 – Enforcement Order**

1. By failing to comply with the Courtesy Letter or appearing in court after electing to appear in court, an offender will be issued an Enforcement Order by mail. At this point, demerit points will be automatically allocated.

Failure to comply with the requirements of the Enforcement Order within 32 days will result in a Warrant being issued to recover the applicable penalty and fees.

Until such time that the penalty and the additional fees have been paid, no driving license, professional driving permit, or vehicle license disc will be issued which is registered in the perpetrator's name until the Enforcement Order has been complied with or revoked.

**Step 4 – Warrant of Execution**

1. If the Enforcement Order is not complied with within 32 days a Warrant will be issued and handed to a Sheriff for execution. This may include seizing your movable property, defacing your driving license and license disc, or reporting you to a credit bureau.

*With all the above not in place, we cannot proceed by introducing AARTO within the municipal area as we are not ready to perform all these functions as our systems is not align to AARTO.*

***(Refer to the Final Readiness Assessments of Offices of Identified Provincial and Municipal IA's for Phase One and Two: 2021/22 Financial Year document).***

**SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 10.3****RESOLVED** (majority vote)

- (a) that Council notes the report, specifically with regard to its functionality and constitutional challenges to implement AARTO;
- (b) that Council formally objects to the implementation of AARTO; and
- (c) that Council mandate the Municipal Manager to formally communicate council's decision.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	<b>GAVIN SOLOMONS</b>
<b>POSITION</b>	<b>CHIEF TRAFFIC SERVICES</b>
<b>DIRECTORATE</b>	<b>COMMUNITY &amp; PROTECTION SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 – 808 8811</b>
<b>E-MAIL ADDRESS</b>	<b><u>Gavin.Solomons@stellenbosch.gov.za</u></b>
<b>REPORT DATE</b>	<b>22 SEPTEMBER 2021</b>

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

12.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(SEE PINK DOCUMENTATION)

The meeting adjourned at 11:50.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments**