



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2018-04-19

MINUTES

URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-04-19 AT 13:00

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
URGENT MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-04-19
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MINUTES OF AN URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-04-19 AT 13:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms)	
ALDERWOMEN	JP Serdyn (Ms)	
COUNCILLORS	F Adams DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) JG Hamilton AJ Hanekom	DA Hendrickse LK Horsband (Ms) MC Johnson NS Louw C Manuel NE Mcombring (Ms) XL Mdemka (Ms) RS Nalumango (Ms) MD Oliphant SA Peters WC Petersen (Ms) WF Pietersen SR Schäfer N Sinkinya (Ms) Q Smit E Vermeulen (Ms)

Officials:	Municipal Manager (D Louw) Senior Manager: Governance (Ms S De Visser) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Interpreter (J Tyatyeka)
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1.	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr MB De Wet	– 19 April 2018
Cllr N Jindela	– 19 April 2018
Cllr JK Hendriks	– 19 April 2018
Cllr N Mananga-Gugushe (Ms)	– 19 April 2018
Cllr LM Maseba	– 19 April 2018
Cllr N Olayi	– 19 April 2018
Cllr MM Pietersen	– 19 April 2018
Cllr P Sitshoti (Ms)	– 19 April 2018

2.	DISCLOSURE OF INTERESTS (3/6/2/2)
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NONE

3.	DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998
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Collaborator No:

KPA Ref No:

Meeting Date: Urgent Council: 19 April 2018

1. SUBJECT: DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998

2. PURPOSE

To inform Council on the implications of the determination and redetermination of municipal boundaries to the Stellenbosch Municipality as contained in Circular 1/2018 and to consider the proposed response to this circular.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The item is to inform Council about the amendments to the boundaries of Stellenbosch Municipality proposed by the Municipal Demarcation Board and the commencement of legal process, in particular the publication of notices to make known the intentions of the Municipal Demarcation Board to consider municipal boundary redeterminations and to invite all stakeholders affected by the proposed changes to submit their views and representations. It also provides proposed recommendations in response to the circular.

URGENT COUNCIL MEETING: 2018-04-19: ITEM 3

The Speaker **RULED** that the Environmental Planner, Mr Schalk van der Merwe, may continue to do a presentation to Council on the amendments to the boundaries of Stellenbosch Municipality, proposed by the Municipal Demarcation Board.

After the presentation, it was

RESOLVED (majority vote with abstentions)

(a) that Council approves the recommendations on the municipal boundary alignment proposals, as follows:

- 6.2.1 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm Bank Jonker 155 from the municipal area of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please see Annexure 2.1; DEM No: 6309)

RECOMMENDATION

The area is mountainous and not suitable for any development or agricultural activities. It is therefore recommended that the area remains within the City of Cape Municipality area.

- 6.2.2 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm 1386 and a portion of Farm 1565 from the municipal area of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality and excluding a portion of Farm Fairview 245 from the municipal area of Stellenbosch Local Municipality, Cape Winelands District Municipality and including it into the municipal boundary of the City of Cape Town Metropolitan Municipality. (Please See Annexure 2.2; DEM No: 6324)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.3 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of the remainder of the Eerste Rivier Town Allotment from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of Cape Town Metropolitan Municipality. (Please See Annexure 2.3; DEM No: 6329)

RECOMMENDATION

The city already encroached over the indicated demarcated municipal boundary of Stellenbosch.

Recommended to refuse. There is no desirability motivation given why the subject portion should be included within the City of Cape Town.

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- 6.2.4 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by aligning the municipal boundary of City of Cape Town Metropolitan municipality and Stellenbosch Local Municipality to the southern boundary of Erf 222 of Raithby of Stellenbosch Allotment area. (Please See Annexure 2.4; DEM No: 6331)

RECOMMENDATION

Recommended for approval, considering that only the access road to the property which is part of the city and will be included into the City of Cape Town.

- 6.2.5 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of the Farm Koopmanskloof Noord 216 from the municipal area of the City of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality and excluding a portion of the Farm Koopmans Kloof 221 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of the City of Cape Town Metropolitan Municipality. (Please See Annexure 2.5; DEM No: 6333)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.6 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Portion 29 of the Farm Klein Bottelary 17 from the municipal area of the City of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please See Annexure 2.6; DEM No: 6335)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.7 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of the Farm Klein Bottelary 17 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of City of Cape Town Metropolitan Municipality. (Please See Annexure 2.7; DEM No: 6336)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.8 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of the remainder of Farm Haasendal 222 from the municipal area of the City of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please See Annexure 2.8; DEM No: 6337)

RECOMMENDATION

That Council refuses the proposed boundary amendment, for the following reasons:

- the relevant portion of property is surrounded by built up areas and will be under pressure for development in the near future;
- future proposals for urban development on the relevant property will not be in line with the Stellenbosch Municipal Spatial Development Framework and be located well outside of any of the demarcated urban edges of Stellenbosch Municipality; and
- Stellenbosch Municipality will not be able to provide any municipal services on the relevant portion of property.

and that the relevant portion of property should therefor remain within the boundary of the City of Cape Town Metropolitan Municipality.

- 6.2.9 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding portions 99, 106, 109 and 112 of the remainder of Farm Haasendal 222 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of the City of Cape Town Metropolitan Municipality. (Please see Annexure 2.9; DEM No: 6338)

RECOMMENDATION

Not supported. The proposal was already previously refused for incorporation into the City of Cape Town Municipal area.

- 6.2.10 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding Farm 1528 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of the City of Cape Town Metropolitan Municipality. (Please See Annexure 2.10; DEM No: 6340)

RECOMMENDATION

Not supported. It is an industrial area which contributes to the Stellenbosch economy.

- 6.2.11 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm Vredenburg 696 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of the City of Cape Town Metropolitan Municipality. (2) Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm Vredenburg 696 from the municipal area of the City of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please See Annexure 2.11; DEM No: 6341)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.12 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm 1531 and the Farm Driksberg 717 and the Farm Drie Wagte 1325 from the municipal area of the City of Cape Town Metropolitan Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please See Annexure 2.12; DEM No: 6342)

RECOMMENDATION

Supported. Access to property is already obtained from Stellenbosch Municipality area.

- 6.2.13 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality, Cape Winelands District Municipality and City of Cape Town Metropolitan Municipality by excluding a portion of Farm Helfor 721 from the municipal area of Stellenbosch Local Municipality and including it into the municipal area of the City of Cape Town Metropolitan Municipality. (Please See Annexure 2.13; DEM No: 6343)

RECOMMENDATION

Not supported.

- 6.2.14 Proposed redetermination of municipal boundaries of Drakenstein Local Municipality and Stellenbosch Local Municipality by excluding a portion of the Farm Boschendal 1674 from the municipal area of Drakenstein Local Municipality and including it into the municipal area of Stellenbosch Local Municipality. (Please See Annexure 2.14; DEM No: 6350)

RECOMMENDATION

Supported. It is already an actively formed property of which the greater portion of the property is situated within the Stellenbosch Municipal area.

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- 6.2.15 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT) by excluding a portion of farm 1386 and a portion of farm 1565 from the municipal area of the City of Cape Town Metropolitan Municipality (CPT) and including them into the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and excluding a portion of the farm Fairview 245 from the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT). (Please See Annexure 2.15; DM No: 6325)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.16 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT) by excluding a portion of the farm Koopmans Kloof 221 from the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT). (Please See Annexure 2.16; DM No: 6334)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

- 6.2.17 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT) by excluding a portion of farm 1386 and a portion of farm 1565 from the municipal area of the City of Cape Town Metropolitan Municipality (CPT) and including them into the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and excluding a portion of the farm Fairview 245 from the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT). (Please See Annexure 2.17; DM No: 6324)

RECOMMENDATION

Recommended for approval. The proposal only entails the realignment of the municipal boundaries to follow the actual erf boundaries or to incorporate small portions of land which forms part of a bigger actively farm or cultivated land within the municipal area it's to be incorporated into.

6.2.18 Proposed redetermination of municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT) by excluding a portion of farm Fairview 245 from the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT) and by excluding a portion of the farm 250 from the municipal area of the City of Cape Town Metropolitan Municipality (CPT) and including it into the municipal area of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02). (Please See Annexure 2.18; DM No: 6339)

RECOMMENDATION

Not supported. The portion of land is an actively farmed land portion situated within Stellenbosch Municipality.

- (b) that Council delegates the Municipal Manager to act on its behalf in communicating its decision on the above as input, in terms of Section 26 of the Local Government: Municipal Demarcation Act, 1998, as requested by the Municipal Demarcation Board in its Circular (1/2018), dated 2018-03-26, before the applicable closing date to submit comment.

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

Cllr F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms).

The meeting adjourned at 14:00.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**