



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-07-30

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MINUTES

23RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-07-30 AT 10:00

MINUTES
24TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-07-30

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	(SEE PINK DOCUMENTATION)	

TO

The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer
 The Deputy Executive Mayor, Cllr JS Fasser
 The Council Whip, Cllr P Crawley

COUNCILLORS

RA Adams	NM Mkhontwana
J Andrews	L Nkamisa
Ald JC Anthony	M Nkopane
ZJ Dalling	N Olayi
MM Danana	GA Petersen
JA Davids	WC Petersen
I De Taillerfer	RO Pheiffer
R Du Toit	MG Rataza
A Ferns	MJ Slabbert
E Groenewald	SR Schäfer
AJ Hanekom	A Tomose
J Joon	RB Van Rooyen
X Kalipa	M Van Stade
EP Masimini	CA Van Wyk
NE Mcombring	J Williams
XL Mdemka	

OFFICIALS

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

1.

OPENING AND WELCOME

The Speaker, Cllr Q Smit welcomed all present at the 24th Council meeting which was held in the Council Chamber.

2.	MAYORAL ADDRESS
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- “Ons kan nie genoeg ons spanne by Infrastruktuur, Gemeenskapsdienste, Wetstoepassing en Rampbestuur bedank vir die ure wat hulle insit en die werk wat hulle verrig in die gure omstandighede nie. Namens al die inwoners van die Stellenbosch munisipaliteit sê ons weereens dankie vir julle onbaatsugtige diens en toewyding.
- Neem asseblief kennis dat die Direkoraat: Infrastruktuurdienste beplan om 'n nuwe brug oor die Dwarsrivier naby Lanquedoc te bou en die Lanquedoc-toegangspad op te gradeer. Die werk sal na verwagting omstreeks 29 Julie 2024 begin en die konstruksietydperk sal na verwagting 12 maande wees. Verkeer sal op die bestaande pad en brug geakkommodeer word.
- Stellenbosch se jaarlikse Wyndorp-viering loop uit op die ikoniese Stellenbosch Wynfees op 2-3 Augustus, 'n gekoesterde tradisie sedert 1973. Die geleentheid, wat in die historiese stadsaal gehou word, bevat ongeveer 60 van die land se topprodusente wat meer as 200 wyne aanbied om te proe, vergesel van 'n eindelose oestafel vol seisoenale en plaaslike lekkernye.
- On a wet and rainy Mandela Day, the municipality, in collaboration with the Stellenbosch Academy of Sports, seized the opportunity to honour and celebrate some of the unsung heroes in our communities. Councillors were invited to nominate individuals within their wards who are making extraordinary efforts to improve the lives of those around them. Recipients from various areas including Jamestown, Pniel, Raithby, Kayamandi, Cloetesville, Ida's Valley, and Franschhoek gathered at the Town Hall. Congratulations to the recipients.
- Over the years the unauthorised and unattended excavations on the properties in Bird Street (Erven 7575 and 7576) have been in the news constantly due to its unsightly nature and the risks associated with environmental health and safety conditions, and which claimed the lives of two young adults in 2022.

Over the years the Municipality has continuously attempted to engage with the owner to pursue the development of the subject property, and consequently the excavations were never rehabilitated in anticipation that the property would eventually be developed. As no formal commitment could be obtained to develop the property, the Municipality proceeded to serve notices and demand that the property be rehabilitated to its former state. The owner did not comply with these notices and all avenues were exhausted to address the matter amicably.

With no apparent progress to facilitate the development of the property, and no conceivable probability that the owner will address the unauthorised excavations and/or proceed with plans to develop the property, the Municipality instituted formal legal proceedings to address and resolve the unauthorised excavations.

The matter was placed on the court roll and was set down to be heard on 9 July 2024. The property owners elected to oppose the application of the Municipality at the very last minute, after which the court postponed the hearing to 17 October 2024 to permit all parties to submit responding papers to the court.

Thank you.”

3.	COMMUNICATIONS BY THE SPEAKER
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- "The following Items were referred back to the Administration for additional information that is required:

Item 10.3.4 (POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL)

Item 12.4 (50-MEGAWATT ALTERNATIVE ENERGY SOLUTION)

- The Speaker extended a warm welcome to the newly elected Councillor, Cllr JA Davids of the ANC who replaces Cllr RS Nalumango who is no longer a Councillor of this municipality. Cllr JA Davids served as a Councillor previously and is not new to this municipality or the Administration.

- Ward Projects

The cut-off date for the Ward Allocation Plan (R120 000) was 19 June 2024 and not all wards submitted their plans.

The cut-off date for the Ward Committee Operational Plan was 29 June 2024 and not all wards submitted their plans.

- Birthdays

Congratulations to Cllr R Hendrikse who celebrated her birthday on 20 July.

Thank you."

4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER
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- "Good morning Councillors, Mayor, Speaker, Colleagues and members of the public.

The adverse weather conditions led to disruptions in service delivery within WCO24.

- The municipality had a spurt of vandalism, specifically at the pumpstations and electricity kiosks and the Municipal Manager requested the community to be vigilant and alert the municipality when they note any unsavory activities.

- The Municipal Manager, on behalf of Management, expressed her appreciation to the Infrastructure Team who worked tirelessly, sometimes in the middle of the night, to ensure that service delivery is up and running within the community of WCO24.

- The Municipal Manager requested all Councillors, in particular all Ward Councillors, to communicate to their communities regarding the switch over of prepaid electricity meters before 24 November 2024. Pre-paid meters must be reset and software updated, or consumers will not be able to recharge meters with new tokens. This is a national directive and not only applicable to Stellenbosch Municipality.

Thank you."

5.	DISCLOSURE OF INTERESTS
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NONE

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

Cllr O Jooste	- 30 July 2024
Cllr Mananga-Gugushe	- 30 July 2024
Cllr C Manuel	- 30 July 2024
Cllr N Ntsunguzi	- 30 July 2024
Cllr WF Pietersen	- 30 July 2024
Ald JP Serdyn	- 30 July 2024
Cllr E Vermeulen	- 30 July 2024

6.2 ABSENT

Cllr RB Hendrikse	- 30 July 2024
Cllr NR Ndalasi	- 30 July 2024

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
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7.1	23RD COUNCIL MEETING: 2024-06-14
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The minutes of the 23rd Council meeting: 2024-06-14 **were confirmed as correct without any changes.**

8.	STATUTORY MATTERS
8.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2024/25

Collaborator No: 770190
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2024/25

2. PURPOSE

The purpose of this submission is to inform the Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2024/25.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) requires the mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2024/25 was approved by the Executive Mayor on 25 June 2024, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2024/25 is herewith submitted to the Council for notification.

24TH COUNCIL MEETING: 2024-07-30: ITEM 8.1

NOTED

- (a) the approved TL SDBIP 2024/25 attached hereto as **ANNEXURE A**;
- (b) the approved TL SDBIP 2024/25 has been made public within 10 working days after the approval of the TL SDBIP 2024/25 and duly submitted to the MEC for Local Government in the Province;
- (c) the approved TL SDBIP 2024/25 must be read together with the second review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027; and
- (d) the performance indicators and targets contained in the approved TL SDBIP 2024/25 be considered to have been made in the IDP to ensure accurate technical alignment between the second review of the IDP 2022 – 2027 and the TL SDBIP 2024/25.

FOR FURTHER DETAILS CONTACT:

NAME	Gary Boshoff
POSITION	Acting Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@ Stellenbosch.gov.za
REPORT DATE	12 July 2024

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2024
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & 30 July 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 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 (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.2

NOTED

the deviations as listed for the month of June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>03 July 2024</i>

8.3	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2023 - 30 JUNE 2024)
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & July 2024

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2023 - 30 JUNE 2024)

2. PURPOSE

To submit to Management a report for the period 01 July 2023 - 30 June 2024 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (2) (i) & 4 of the SCM Policy 2022/2023 determines that the Accounting Officer must, within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

Within 30 days of the end of each financial year the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.3

RESOLVED (majority vote with 6 abstentions)

- (a) that Council approves report and **ANNEXURE A** attached to the report, and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 July 2024

8.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2024 – 30 JUNE 2024)
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & 30 July 2024

- SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2024 – 30 JUNE 2024)**

- PURPOSE**

To submit to Management a report for the period 01 April 2024 – 30 June 2024 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

- FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (3) & 4 of the SCM Policy 2023/2024, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

- EXECUTIVE SUMMARY**

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to aid in the provision of municipal services.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.4**RESOLVED** (majority vote with 1 abstention)

- that Council approves this report and **ANNEXURE A** attached to the report, and
- that the report be made public in accordance with section 21A of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 July 2024

8.5	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2024 – 30 JUNE 2024 MFMA S116(2)(d) REPORT
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & 30 July 2024

1. **SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2024 – 30 JUNE 2024 MFMA S116(2)(d) REPORT**

2. **PURPOSE**

To report in accordance with MFMA, Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. **DELEGATED AUTHORITY**

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

None.

4. **EXECUTIVE SUMMARY**

The report indicates the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 January 2024 to 30 June 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.5

NOTED

the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 January 2024 to 30 June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	<i>Snr manager Supply Chain</i>
DIRECTORATE	<i>Financial services</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Dalleel.jacobs@ Stellenbosch .gov.za</i>
REPORT DATE	<i>2024</i>

8.6	MFMA SECTION 52 REPORT UP TO JUNE 2024
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & 30 July 2024

1. SUBJECT: MFMA SECTION 52 REPORT UP TO JUNE 2024**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget; and service delivery budget plan of the Municipality for the 4th quarter of the 2023/24 financial year.

3. DELEGATED AUTHORITY**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

In terms of section 52 (d) of the Municipal Finance Management Act:

"The mayor of a municipality—

(d) must, within 30 days of the end of each quarter; submit a report to the council on the implementation of the budget and the financial affairs of the municipality:"

4. EXECUTIVE SUMMARY

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality, to the Council within 30 days after end of each quarter.

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP) and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 April 2024 to 30 June 2024.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the Annual Financial Statements for the financial period ended 30 June 2024. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 8.6**NOTED**

the Section 52 Report for the fourth quarter of the 2023/2024 financial year.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBER	021 – 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	11 July 2024

9.	ITEMS FOR NOTING
9.1	REPORT/S BY THE EXECUTIVE MAYOR
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL - JUNE 2024

Collaborator No: 770232
 IDP KPA Ref No: Good Governance
 Meeting Date: 24 July 2024

1. **SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL - JUNE 2024**
2. **PURPOSE**
 To inform Council of the decisions taken by the Executive Mayor from April 2024 to June 2024 (see **APPENDIX 1**).
3. **DELEGATED AUTHORITY**
 As per the delegations from Council and powers vested in the Executive Mayor by legislation.
 For Notification
4. **EXECUTIVE SUMMARY**
 In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:
"An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor."

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.1.1

NOTED

the report on the decisions taken by the Executive Mayor for the Quarter: April - June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@Stellenbosch.gov.za
REPORT DATE	02 July 2024

9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL – JUNE 2024]
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

24 July 2024

- SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL - JUNE 2024]**

- PURPOSE**

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from April to June 2024 (see **APPENDIX 1**).

- DELEGATED AUTHORITY**

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

- EXECUTIVE SUMMARY**

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.1.2

NOTED

the decisions by the Executive Mayor taken in consultation with the Mayoral committee meeting from April until June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@ Stellenbosch.gov.za</u>
REPORT DATE	21 June 2024

9.2	REPORT/S BY THE SPEAKER
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9.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 4 th QUARTER OF 2023/2024 FINANCIAL YEAR
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1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 4TH QUARTER OF 2023/2024 FINANCIAL YEAR

2. PURPOSE

For Council to take note of the Functioning of Ward Committees within the Stellenbosch municipal areas.

3. DELEGATED AUTHORITY

For Notification by Municipal Council

4. EXECUTIVE SUMMARY

In terms of section 73 of the Local Government: Municipal Structures Act, no 117 of 1998 and Regulations, Ward Committees must be established for each ward within the municipal area within 120 days after the election.

The system of delegations of the Stellenbosch Municipality (S6 and S7) designates the Speaker of Stellenbosch Municipality to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees.

At the Council meeting of 30 March 2022, Council noted the establishment of Ward Committees for all 23 wards within the Stellenbosch Municipality.

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as ANNEXURE A is a table outlining the functioning of all Ward Committees for the period April to June 2024, including dates and number of Ward Committee meetings held to date.

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.2.1

NOTED

- (a) the functioning of Ward Committees in all 23 wards; and
- (b) of the number of Ward Committee and Sector meetings held to date in all 23 wards from April to June 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Jacqueline Beerwinkel
POSITION	EXECUTIVE SUPPORT OFFICER
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021808 8618
E-MAIL ADDRESS	Jacqueline.Beerwinkel@ Stellenbosch.gov.za
REPORT DATE	24 July 2024

9.3	REPORT/S BY THE MUNICIPAL MANAGER
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9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 APRIL 2024 UNTIL 30 JUNE 2024
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

24 July 2024

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 APRIL 2024 UNTIL 30 JUNE 2024

2. PURPOSE

To report to Council on the decisions taken by the Municipal Manager and the Directors in terms of Council's System of Delegations for the period 1 April 2024 until 30 June 2024, in compliance with Section 63 of the Local Government: Municipal Systems Act, read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Furthermore, these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

24THCOUNCIL MEETING: 2024-07-30: ITEM 9.3.1

NOTED

that Council takes note of the decisions taken for the period 1 April 2024 until 30 June 2024, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 April 2024 – 30 June 2024)
- Chief Financial Officer – Mr Kevin Carolus (1 April 2024 – 30 June 2024)
- Director Corporate Services – Ms A de Beer (1 April 2024 – 30 June 2024)
- Director Infrastructure Services – Mr S Chandaka (1 April 2024 – 30 June 2024)
- Director Planning and Economic Development – Mr A Barnes (1 April 2024 – 30 June 2024)
- Director Community and Protection Services – Mr G Boshoff (1 April 2024 – 30 June 2024)

FOR FURTHER DETAILS CONTACT:

NAME	G Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	10 June 2024

10.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
10.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)
10.1.1	INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA

Collaborator No: 770291
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: INVITATION FROM THE STRONG CITIES NETWORK TO FACILITATE THE IMPLEMENTATION OF NEIGHBOURHOOD WATCH AND COMMUNITY SAFETY PROGRAMS IN UGANDA

2. PURPOSE

To provide feedback to Council on the training provided to the Nansana Municipality, Uganda, which forms part of the global Strong Cities Network, of which Stellenbosch Municipality is also a member.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was accepted as a Strong Cities Network member on 25 July 2023. Since then, two knowledge-sharing engagements took place whereby information was shared with partnering cities on various crime prevention initiatives. An engagement was held in Cape Town in December 2023 where much interest was shown in Stellenbosch's Neighbourhood Watch support programs and safety initiatives, particularly the safety monitors (eyes and ears) project.

An invitation was received from the Mayor of Nansana Municipality, Ms Regina Bakitte, via the Strong Cities Network platform. Mr Gary Boshoff, Mr Charl Kitching and Ms Joan Felix were invited to provide input, training, sharing of policies, implementation plans, support plans etc. of safety initiatives, especially those related to the establishment of Neighbourhood Watches and similar safety projects. Stellenbosch Municipality was identified as a leader in the design, development and implementation of local safety projects with Neighbourhood Watches as the main pillar of such programs and projects. The municipality was therefore invited to share its knowledge and expertise with the other partner cities of the Strong Cities Network.

Training was conducted in Uganda from 13 – 15 May 2024.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.1.1**RESOLVED** (majority vote with 1 abstention)

- (a) that Council notes the feedback report;
- (b) that Council supports the continued engagement between Nansana Municipality and Stellenbosch Municipality to advance community safety initiatives in both municipalities; and
- (c) that Council supports the possible signing of a twinning agreement between Nansana Municipality and Stellenbosch Municipality in relation to Community Safety.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Charl Kitching</i>
POSITION	<i>Senior Manager</i>
DIRECTORATE	<i>Protection Services</i>
CONTACT NUMBERS	<i>021- 808 8815</i>
E-MAIL ADDRESS	<i>Charl.kitching@stellenbosch.gov.za</i>
REPORT DATE	<i>28 June 2024</i>

10.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]
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NONE

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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10.3.1	RETURN ITEM: FUTURE PLANS FOR FARM 502AS STELLENBOSCH
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Collaborator No: 770288

IDP KPA Ref No: Good Governance

Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: RETURN ITEM: FUTURE PLANS FOR FARM 502AS STELLENBOSCH

2. PURPOSE

To inform Council of the cancellation of the long-term agreement with Mr. HW Gebers and to obtain Council's approval for the future use of Farm 502AS, Stellenbosch. This item served before Mayco in April 2024 and was referred back for refinement. It is resubmitted after additional information was obtained from Directorates.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Farm 502AS is owned by the Stellenbosch Municipality and is situated next to several other portions of agricultural land that is currently being rented out to different farmers. Some of these farms are under long term lease agreements and dealt with by the Property Management department whilst others are currently being rented out to small scale farmers through the Local Economic Development Department.

Farm 502AS was initially leased to Mr. HW Gebers. The lease agreement was entered into in November 2000 effective from December 1999 until 31 March 2032. The lessee however failed to make payment for rent as well as expenses on several occasions and the agreement was formally terminated on 30 April 2021. The property has been vacated by the previous tenant and is currently not being used. There has been consultation with the Local Economic Department (LED) around possible use for small scale farmers. Although it appears from the map attached that the property is landlocked it has been established that there is a road to grant access to the premises and the property can be rented out as is.

The item served before the Mayoral Committee in April 2024 and was referred back for further investigations into the possible uses of the property.

It has come to light that this portion of land has been classified as a Critical Biodiversity Area (Renosterveld/Fynbos") in terms of Cape Nature's Biodiversity Spatial Plan. The management goal of this type of area is as described as "to maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low impact, biodiversity-sensitive land uses are appropriate. From an environmental perspective it would therefore be best that no farming activities be allowed on the property and the Community and Protection Services Department has indicated that they are currently looking after this portion of land.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.1**RESOLVED** (majority vote with 2 abstentions)

- (a) that the access to area be confirmed;
- (b) that the allocation to upcoming farmers for farming that is not invasive and harmful to the biodiversity be approved in principle and the item be brought back after allocation process was followed; and
- (c) that the CFO confirms the financial situation regarding the recouping of the outstanding money.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	<u>Annalene.deBeer@ Stellenbosch.gov.za</u>
REPORT DATE	15/05/2024

10.3.2	APPLICATION FOR LEASE OF ERF 748 FRANSCHHOEK BY GH BUILDING SUPPLIES (PTY) LTD FOR STORAGE PURPOSES PARKING TRUCKS AND TRACTOR LOADER BACKHO AND STORAGE OF BUILDING MATERIALS
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Collaborator No: 770292
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT: APPLICATION FOR LEASE OF ERF 748 FRANSCHHOEK BY GH BUILDING SUPPLIES (PTY) LTD FOR STORAGE PURPOSES PARKING TRUCKS AND TRACTOR LOADER BACKHO AND STORAGE OF BUILDING MATERIALS

2. PURPOSE

To consider the request from GH Building Supplies (Pty) Ltd to lease Erf 748 Franschhoek for the purposes of parking trucks and Tractor Loader Backho (TLB's) as well as storage of building material. There is a second item on the agenda regarding this erf for the lease of an existing cellphone base station on the erf.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated authority to consider applications for Lease agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years.

The Municipal Manager has the delegated authority to sign lease agreements on behalf of the Municipality.

4. EXECUTIVE SUMMARY

An application has been received from GH Building Supplies (Pty) Ltd for the lease of Erf 748 Franschhoek. The application is for the lease of the entire erf excluding the portion where there is an existing Telecommunications Tower. The application indicates that no permanent structures will be erected on the property and it is only needed for wholesale and retail of building materials and the parking of trucks and TLB's. They do not specify a period that they are interested in in leasing the premises.

The applicant further states that they have been supplying building materials such as sand, stone and bricks and providing services for plant hire, earthmoving and demolition in the Franschhoek area for over 30 years. They require a yard to continue delivering these services. They currently employ nine Franschhoek locals. The erf is zoned Industrial zone and is situated close to the Pick and Pay shopping centre as one enters Franschhoek. The applicants are already using the area for this purpose and our Land Use Inspectorate has given them notice to stop the use after receiving several complaints.

The item served before Mayo on 24 July 2024 and it is recommended that the application not be approved to lease the land to GH Building supplies, but rather sell it on auction.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.2**RESOLVED** (majority vote with 1 abstention)

- (a) that the land be identified as not required for the provision of basic Municipal Services;
- (b) that the erf be sold on auction and that the market related price to be determined as the base price for the auction;
- (c) that application to lease the property by GH Building Supplies is not approved.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088073</i>
E-MAIL ADDRESS	<i><u>annalene.debeer@ Stellenbosch.gov.za</u></i>
REPORT DATE	<i>2024-06-10</i>

10.3.3	RETURN ITEM: BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWAP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH
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Collaborator No: 770304
 IDP KPA Ref No: Good Governance
 Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: RETURN ITEM: BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWAP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH

2. PURPOSE

To provide Council with feedback after the public participation process was followed and finalised on the request of a possible land swap between the Stellenbosch Municipality and Botmaskop Estate Development.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

The Botmaskop Development was approved by the Municipality several years ago. On 16 April 2018 an encroachment agreement was entered into between the municipality and Reset Properties on the land they are now requesting to swap.

The developers of the Botmaskop Development have requested that council consider a possible land swap for this encroached area (adjacent to the Botmaskop Estate Development), portions of erf 3363 and Remainder of Farm 333 Stellenbosch for a similar size portion of land higher up against the mountain being portion of portion 2 of farm 490 Stellenbosch. The two portions of land from the Municipality are 4.69 hectares in total. The proposed land to be swapped is also 4,69 hectares.

The matter served before the Mayoral Committee in November 2023 and was referred back to obtain a valuation report on the properties and for further refinement. A valuation report was obtained and the matter served before Council in February 2024 where Council resolved to request comments/inputs on the and swop before it is considered by Council. A notice was published in due Burger, which is the only newspaper circulating in the whole of the WC024 with a closing date of 17 May 2024 (**APPENDIX 4**).

The Public Participation process has been finalised and several comments and objections have been received from the public. These comments and objections are attached to the item and will be briefly discussed in the item. There were comments received in June long after the closure for inputs and is included for completeness' sake despite it been received late.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.3**RESOLVED** (majority vote with 1 abstention)

that the land swop be approved in the following conditions:

- (i) that a restrictive condition be registered against the title deed prohibiting any future developments on the swapped land;
- (ii) that the area's natural fauna and flora be restored by the developer at their cost;
- (iii) that a servitude be registered in favour of the municipality for access to services at the cost of the developer;
- (iv) any cost incurred for the above actions to be for the account of the developer.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de beer
POSITION	Director
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088073
E-MAIL ADDRESS	<u>Annalene.debeer@ Stellenbosch.gov.za</u>
REPORT DATE	2024-07-11

10.3.4	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL
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Collaborator No: 770306
IDP KPA Ref No: Good Governance
Meeting Date: 24 July 2024

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL

2. PURPOSE

To obtain Council's approval for the disposal of a portion of erf 9190, Technopark, to Protea Hotel.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Protea Hotel constructed a building on their property, encroaching onto erf 9190 (municipal property). Plans were approved and occupation certificates were provided.

They have tried to rectify the situation by proposing a land swap. This application, however was turned down by the Planning Tribunal, based on planning principles. **(APPENDIX 1).**

The Planning Tribunal suggested that Protea Hotel request the adjustment of the common boundary and purchase the land from the Municipality that they are currently encroaching on. The extent of the municipal land currently encroaching on is indicated below and they would need to purchase is 3505m² as discussed under 6.2.2 below – fig 3.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.3.4

The Speaker **RULED** that this matter be referred back to the Administration for additional information.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	<u>Annalene.debeer@ Stellenbosch.gov.za</u>
REPORT DATE	2024-07-15

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
10.4.1	FEEDBACK REPORT ON THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 7 TO 15 JUNE 2024

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

24 July 2024 & 30 July 2024

1. SUBJECT: FEEDBACK REPORT ON THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 7 TO 15 JUNE 2024

2. PURPOSE OF REPORT

To provide feedback on the INCA Capacity Building Fund Study Tour to Switzerland that took place from 07 June to 15 June 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Subsequent to the INCA Capacity Building Fund's Summer School held in 2022 and the Summer School held in 5 – 7 February 2024, INCA Capacity Building Fund (ICBF), an invitation was extended to undertake a study tour to Switzerland from 7 to 15 June 2024.

The ICBF Summer School has become one of the flagship projects of the ICBF, along with the Study Tour of which a number have taken place over the past twenty-six years.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.4.1

NOTED

the INCA Capacity Building Study Tour Report 2024 attached hereto as **ANNEXURE "A"**.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	18 July 2024

10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
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NONE

10.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
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10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – JUNE/JULY 2024
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Collaborator No: 770262
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 24 July 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – JUNE/JULY 2024

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation which is underway to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 Eskom in 2022-23, advised the Municipality to prepare an application to serve at their Loadshedding Committee, for the Municipality to be considered as a curtailment customer. Upon receipt of the said application, Eskom then rejected the application. A follow up meeting was held with Eskom and the outcome was that a revised application had to be resubmitted for representation to the Eskom Loadshedding Committee. The draft application was submitted to Eskom on 07 March 2024 and is due to serve at the Eskom Loadshedding Committee. Though the indication from Eskom was that this application would serve at the April 2024 Loadshedding Committee, meeting confirmation has been received from Eskom that the application has not yet served. The Municipality is constantly following up with Eskom in the regard.

4.2 The Municipality has advertised a tender on 03 February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), tender closed 28 March 2024. The service provider Lyners Consulting Engineers and the user department completed their technical evaluations and submitted these to Supply Chain Management after which the BEC was held on 9 July 2024 but has been rescheduled due to information of clarity that is required by the Committee.

24THCOUNCIL MEETING: 2024-07-30: ITEM 10.6.1**NOTED**

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	Nombulelo Zwane
POSITION	<i>Senior Manager: Electrical Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8770/ 021 808 8333
E-MAIL ADDRESS	<u>nombulelo.zwane@ Stellenbosch.gov.za</u>
REPORT DATE	12 July 2024

10.6.2	ANNUAL WATER SERVICES DEVELOPMENT PLAN PERFORMANCE- AND WATER SERVICES AUDIT REPORT: FINANCIAL YEAR 2022/2023
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Collaborator No: 770262
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: ANNUAL WATER SERVICES DEVELOPMENT PLAN PERFORMANCE- AND WATER SERVICES AUDIT REPORT: FINANCIAL YEAR 2022/2023

2. PURPOSE

For Council to note the Annual Water Services Development Plan Performance and Water Services Audit report for the Financial Year 2022/2023.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality is required in terms of Section 18 of the Water Services Act, 1997 (Act No.108 of 1997), as well as the "Regulations relating to compulsory national standards and measures to conserve water", as issued in terms of sections 9(1) and 73(1)(j) of the Water Services Act, to report on the implementation of its Water Services Development Plan (WSDP) during each financial year and to include a water services audit in such an annual report.

The WSDP Performance- and Water Services Audit is designed to monitor the compliance of Stellenbosch Municipality with these regulations. It also assists the communities within Stellenbosch Municipality's Management Area and the DWS to assess how well the Municipality is performing relative to their stated intentions and their capacity. The Water Services Audit Report can be seen as an annexure to the Municipality's Annual Report. The Annual Report is compiled as required by the Local Government Municipal Systems Act, Act no 32 of 2000 (Section 46) and the Local Government: Municipal Finance Management Act, Act no 56 of 2003 (Section 121).

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.6.2

NOTED

the Water Services Development Plan Performance- and Water Services Audit Report.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Shane Chandaka</i>
POSITION	<i>Director Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8815</i>
E-MAIL ADDRESS	<i>shane.chandaka@ Stellenbosch.gov.za</i>
REPORT DATE	<i>11 July 2024</i>

10.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
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NONE

10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)
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10.8.1	APPROVAL TO RECTIFY THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW
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Collaborator No: 770265
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: APPROVAL TO RECTIFY THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW

2. PURPOSE OF REPORT

To obtain approval from the Council to rectify the Adam Tas Corridor Overlay Zone (ATC OZ) by inserting a table containing the basket of land use rights applicable under this zone, into the overlay zone. The table was omitted from the final draft overlay zone that was considered and approved by the Council at their meeting on 24 May 2023. The draft overlay zone advertised for public comment included said table but the final draft submitted to the Council for consideration, did not contain the table due to an administrative oversight.

Rectifying the Adam Tas Overlay Zone will require the re-proclamation of the Stellenbosch Municipality: Zoning Scheme By-law in the Government Gazette that was proclaimed in the Government Gazette on 17 November 2023.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Council resolved at their meeting of 24 May 2023 to approve the Adam Tas Overlay Zone as an instrument to implement the Adam Tas Local Spatial Development Framework. The purpose of the overlay zone is to award and allocate land use rights to land-owners/ developers aligned with the Adam Tas Local Spatial Development Framework. Without the table that defines the various land uses allowed within this zone, it creates unnecessary confusion with respect to the development rights allowed in terms of the overlay zone. The overlay zone is the primary instrument that will allocate the land use rights up-front as an incentive to develop.

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.8.1**RESOLVED** (majority vote)

- (a) that Council gives approval that the Adam Tas Corridor Overlay Zone be corrected by including the table of permissible land use rights to the promulgated overlay zone (paragraph 10) to the overlay zone; and
- (b) that the Stellenbosch Municipality: Zoning Scheme By-law be re-proclaimed to reflect the corrected overlay zone.

FOR FURTHER DETAILS, CONTACT:

NAME	<i>BJG de la Bat Pr Pln</i>
POSITION	<i>Manager: Spatial Planning</i>
DIRECTORATE	<i>PLANNING AND ECONOMIC DEVELOPMENT</i>
CONTACT NUMBERS	<i>021 808 8653</i>
E-MAIL ADDRESS	<i>Bernabe.delabat@ Stellenbosch.gov.za</i>
REPORT DATE	<i>10 June 2024</i>

10.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)
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NONE

10.10	RURAL MANAGEMENT: (PC: CLLR J JOON)
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NONE

10.11	MUNICIPAL MANAGER
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10.11.1	SIGNED PERFORMANCE AGREEMENTS 2024/25 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)
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Collaborator No: 770191
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 24 July 2024 & 30 July 2024

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2024/25 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)

2. PURPOSE

To submit to the Council, for notification, the following:

- (a) The signed Performance Agreements 2024/25 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager (the Chief Financial Officer (CFO) and Directors).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), the performance agreement(s) must be concluded annually:

- “(a) ...within one month after the beginning of each financial year of the municipality.”

The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) additionally mandates the prompt submission of the signed performance agreements to the Council.

The Performance Agreements 2024/25 were developed in consultation with the Municipal Manager, CFO, and Directors and signed on 25 June 2024.

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.11.1**NOTED**

the signed Performance Agreements 2024/25 of the Municipal Manager, the CFO, and the Directors.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Gary Boshoff</i>
POSITION	<i>Acting Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8025</i>
E-MAIL ADDRESS	<i>mm@ Stellenbosch.gov.za</i>
REPORT DATE	<i>12 July 2024</i>

10.11.2	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2024/25: (LOCAL TOURISM ORGANISATIONS 'LTO')
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Collaborator No: 767883
 IDP KPA Ref No: Good Governance
 Meeting Date: 24 July 2024 & 30 July 2024

- SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2024/25: (LOCAL TOURISM ORGANISATIONS 'LTO')**

- PURPOSE**

To discuss and consider the funding applications for the 2024/2025 financial year received from External Bodies performing a municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

- DELEGATED AUTHORITY**

Council

- EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relation to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council.

The notices of the applications for the funding of bodies performing a municipal function were advertised in the Eikestadnuus and the Paarl Post-dated 15 February 2024, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 18 March 2024.

The following bodies submitted applications by the closing date for funding to perform the Tourism function for Council for the 2024 / 2025 financial year.

Applicant	2024 / 2025
Franschhoek Wine Valley Tourism Association NPC	R9 495 000
Visit Stellenbosch NPC	R7 064 000
Total funding requested	R16 559 000

24TH COUNCIL MEETING: 2024-07-30: ITEM 10.11.2**RESOLVED** (majority vote with 1 abstention)

With due regard for the importance of Tourism to the South African economy it is necessary to give thought to municipal funding against the desired outcomes, the capabilities and capacity of the funded entities to deliver quantifiable outcomes and practice safe stewardship of the funds granted.

In light of the above and the reasons submitted in this report the following is recommended to the Grants Committee for endorsement to Council for decision:

- (a) that the amount of R 2 525 330.00 be allocated to Franschhoek Wine Valley Tourism Association NPC for the 2024 / 2025 financial year; and
- (b) that the amount of R 4 652 000.00, that includes an allocation for Dwarsrivier Tourism, be allocated to Visit Stellenbosch NPC for the 2024 / 2025 financial year.

FOR FURTHER DETAILS CONTACT:

NAME	Lesley van Gensen
POSITION	<i>Manager: Economic Development and Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8179</i>
E-MAIL ADDRESS	<i><u>Lesley.vanGensen@ Stellenbosch.gov.za</u></i>
REPORT DATE	<i>31 May 2024</i>

11.	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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NONE

12.	REPORTS BY THE MUNICIPAL MANAGER
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12.1	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2024 TILL 31 MARCH 2024
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 July 2024

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2024 TILL 31 MARCH 2024**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 January 2024 till 31 March 2024 (3rd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

That Council notes the Report of the Audit and Performance Audit Committee included in the Annual Report of Municipality for the year ending 30 June 2023 attached as **APPENDIX 2**.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

4. **EXECUTIVE SUMMARY**

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.1**NOTED**

- (a) the report of the Audit and Performance Audit Committee for the period 01 January 2024 till 31 March 2024; and
- (b) the report of the Audit and Performance Audit Committee on the Annual Report of the Municipality ending 30 June 2023.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@ Stellenbosch.gov.za</i>
REPORT DATE	<i>30 July 2024</i>

12.2	AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2024-25
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

Council: 30 July 2024

1. AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2024-25**2. PURPOSE**

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**,

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Audit and Performance Audit Committee reviews its Charter annually to incorporate any legislative changes or to implement new best practice principles in line with the IIA Standards. Council approves this Charter Annually.

The Audit and Performance Audit Committee members at their meeting held on 25 June 2024 and reviewed its Charter.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.2**RESOLVED** (majority vote)

that Council approves the Audit and Performance Audit Committee Charter 2024-25.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive (CAE)</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>0218088555</i>
E-MAIL ADDRESS	<i><u>Faiz.Hoosain@ Stellenbosch.gov.za</u></i>
REPORT DATE	<i>30 July 2024</i>

12.3	COMBINED ASSURANCE FRAMEWORK 2024-25
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 30 July 2024

1. COMBINED ASSURANCE FRAMEWORK**2. PURPOSE**

To adopt the Combined Assurance Framework as recommended by the Audit and Performance Audit Committee

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council.

4. EXECUTIVE SUMMARY

The Audit and Performance Audit Committee are the custodians of Combined Assurance in terms of the approved Audit and Performance Audit Committee Charter.

The Audit and Performance Audit Committee at its meeting dated 25 June 2024 considered and approved the Draft Combined Assurance Framework 2024-25 attached herewith as **Appendix 1** and recommended it to Council for adoption.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.3**RESOLVED** (majority vote)

that Council adopts the Combined Assurance Framework 2024-25 of Stellenbosch Municipality.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@ Stellenbosch.gov.za</i>
REPORT DATE	<i>30 July 024</i>

12.4	50-MEGAWATT ALTERNATIVE ENERGY SOLUTION
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24TH COUNCIL MEETING: 2024-07-30: ITEM 12.3

KINDLY NOTE: THIS ITEM WAS WITHDRAWN AS PER INSTRUCTION OF THE SPEAKER

12.5	ESTABLISHMENT OF THE MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL
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Collaborator No:

IDP KPA Ref No: *Good Governance and Compliance*

Meeting Date: 30 July 2024

1. SUBJECT: ESTABLISHMENT OF THE MUNICIPAL HONOURS AND MEDALS ADVISORY PANEL

2. PURPOSE

To establish the Municipal Honours and Medals Advisory Panel in terms of clause 5 of the Stellenbosch Municipal Honours By-Law of 2002.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipal Council in 2002 promulgated The Municipal Honours By-Law (**Annexure A**) in terms of which Council can recognise and consider persons for exceptional achievements or for rendering of exceptional, meritorious service in the interest of the municipality. The By-law requires that a Municipal Honours Advisory Panel should advise Council on the conferral of Municipal Honours. The municipality has recently received such an application; the candidate is over 85 years of age and is in frail health. However, since no advisory panel is currently approved by Council, the administration is unable to process the application.

A process to amend the Honours Bylaw started in 2023, the section 80 committee made recommendations regarding changes and those recommendations served before Mayco in September 2023. It was referred back for further consultation, which process has not been finalised. Any application received must be dealt with in terms of the existing approved Bylaw until the amended Bylaw is approved and promulgated, hence this application is dealt with in terms of the bylaw promulgated in April 2002.

24TH COUNCIL MEETING: 2024-07-30: ITEM 12.5

RESOLVED (majority vote)

- (a) that Council establishes the Municipal Honours and Medals Advisory Panel;
- (b) that Council appoints five (5) Councillors, broadly representative of the Council, to serve on the Municipal Honours and Medals Advisory Panel;

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- (i) Cllr J Fasser;
- (ii) Cllr N Mcombring;
- (iii) Cllr W Pietersen;
- (iv) Cllr M Nkopane;
- (v) Cllr I De Taillerfer
- (c) that Council appoints five (5) people, broadly representative of the people of Stellenbosch Municipality, to serve on the Municipal Honours and Medals Advisory Panel:
- (i) Dr L van Rooi;
- (ii) Ms M Heese;
- (iii) Mr M Cyster;
- (iv) Ms Schaafsma;
- (v) Mr H van Zyl; and
- (d) that the process regarding the amendments to the Municipal Honours By-law be finalised and brought back to Council for approval.

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	Municipal.manager@ Stellenbosch.gov.za
REPORT DATE	23 July 2024

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

14.	CONSIDERATION OF URGENT MOTIONS
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NONE

15.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

16.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

17.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

18.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 13:50.

CHAIRPERSON:

DATE:

Confirmed on**without amendments.**