



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-08-23

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MINUTES

25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-08-23 AT 09:00

MINUTES
25TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-08-23

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PRESENT: 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	L Nkamisa
	Ald JC Anthony	M Nkopane
	ZJ Dalling	N Ntsunguzi
	MM Danana	N Olayi
	JA Davids	GA Petersen
	R Du Toit	WC Petersen
	A Ferns	RO Pheiffer
	E Groenewald	WF Pietersen
	J Joon	MJ Slabbert
	X Kalipa	SR Schäfer
	N Mananga-Gugushe	Ald JP Serdyn
	C Manuel	A Tomose
	EP Masimini	RB Van Rooyen
	NE Mcombring	M Van Stade
	XL Mdemka	E Vermeulen
	NM Mkhontwana	J Williams
	NR Ndalasi	

ALSO PRESENT J Snyman
N Dingle

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)

2.	MAYORAL ADDRESS
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- "As the Executive Mayor of Stellenbosch, I have taken it upon myself and has officially written to the Chairperson of the National Energy Regulator of South Africa (NERSA) to express strong opposition to Eskom's proposed 40% tariff increase. In the letter I highlighted that this drastic increase would impose unjustifiable constraints on both residents and businesses within our municipal area. Moreover, it would have a devastating impact on the poorest and most vulnerable members of our community, exacerbating existing challenges. This proposal threatens the economic stability and well-being of our citizens, and we must stand together in voicing our concerns.
- We are nearing the end of August, also known as Women's Month, and I extend my heartfelt wishes to all the incredible women in our beautiful Valley. This day is a powerful reminder of the resilience, strength, and contributions of South African women throughout our history. We honour the heroines of our past who fought tirelessly for the freedoms and rights we enjoy today.
- Was bevoorreg om vroeër hierdie maand die Provinsiale Department van Landbou, se funksie, Vroue Entrepreneurs in Landbou by te woon. Die was 'n prestige funksie om vroue te vereer wie 'n bydrae tot landbou in die Provinsie maak as deel van Vrouemaand.
- Last weekend was a real sporting weekend in Stellenbosch, with all the derby's between many of the high schools of Stellenbosch taking place. I want to congratulate all the schools who participated, and congratulations to the winning schools. I also had the opportunity to meet the captains of Lückhoff and Cloeteville High schools and wished them well with their competition.
- Die Stellenbosch-munisipaliteit waarsku weer inwoners oor individue wat hulle as munisipale amptenare voordoen om toegang tot huise te kry. Veral senior inwoners word geteiken. Hierdie bedrieërs poog om huise onder valse voorwendsels in die naam van die munisipaliteit binne te gaan en gebruik die geleentheid om van inwoners te steel. Dit is belangrik om daarop te let dat die munisipaliteit nooit sal probeer om toegang tot inwoners se huise te kry om items soos muurproppe of krane te tel nie. Water- en elektrisiteitsmeters wat gelees moet word, is hoofsaaklik buite huise geleë, en munisipale werkers het nie toegang tot die binnekant van 'n huis nodig om daardie meters te lees nie. Slegs in sekere seldsame gevalle sal amptenare toegang tot persele benodig, en hulle moet in besit wees van hul amptelike munisipale identiteitskaarte. Dit sluit ad hoc-besoeke in om die werking van voorafbetaalde elektrisiteitsmeters na te gaan. Alle inwoners word aangemoedig om eers die munisipaliteit te kontak om die identiteit van die persoon te verifieer indien hulle onseker of onveilig voel voordat hulle toegang tot hul perseel verleen. Werkers moet bewys van identiteit dra. Skakel gerus 021 808 8215 of stuur 'n boodskap na ons WhatsApp-lyn by 076 951 0768 om die identiteit van 'n munisipale werknemer te verifieer.
- On Wednesday, 28 August 2024, the Swop Shop will be at the Ida's Valley Community market site from 10h00 until 16h00. This is a brilliant initiative, where residents are encouraged to bring their recyclables and swop their bags for awesome items at the pop-up shop. It is the objective of the municipality to take the Swop Shop to many more areas across the municipality.
- Graag wil ek alle raadslede en lede van die publiek inlig van die komende Burgemeestersgolfdag, wat op 1 November 2024 sal plaasvind. Ek versoek alle besighede in Stellenbosch om te oorweeg om 'n span in te skryf, want die fondse word aangewend om te help waar die MFMA riglyne ons nie toelaat om hulp te verleen nie. Meer inligting sal op die munisipale webblad ook volg.

Thank you."

3.	COMMUNICATIONS BY THE SPEAKER
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“Executive Mayor
 Deputy Mayor
 Council whip
 Members of the Mayoral Committee
 MPAC Chair
 All Councillors
 Municipal Manager
 Directors
 Members of the administration
 Members of the public

BIRTHDAYS – AUGUST

The following Councillors celebrated their birthdays in August 2024:

Cllr Ntsunguzi – 08 August
 Cllr O Jooste – 11 August
 Cllr M Nkopane – 11 August
 Cllr J Fasser - 13 August

COMMUNICATIONS

Not all Councillors submitted their Disclosure of interest forms and Councillors are urged to do so as soon as possible. For any queries in this regard the Office of the Speaker or the Chief Whip can be contacted in this regard.

Ward Councillor who requested posters and pamphlets for the IDP meetings – can collect these items at the IDP offices.

No Council meeting scheduled for September, but a Special Council will be held during the month. More details will be provided soon.

Awareness programme: Re the Ward Delimitation process – 30 August 2024
09:30AM – 14:00PM.

Thank you.”

4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER
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- In recognition of Women's Month, the Municipal Manager extended heartfelt appreciation to all women, each playing a crucial role in shaping the community. The journey towards equal rights has been long and challenging, but the commitment to this cause remains unwavering. The Municipal Manager emphasized the ongoing effort to create a society where all women are safe, protected from gender-based violence and femicide, and receive equal treatment in the workplace. Together, the goal is to build a world where every woman can thrive. She quoted Maya Angelou: " *Each time a woman stands up for herself, without knowing it possibly, without claiming it, she stands up for all women.*" We honour the past pioneers who fought tirelessly for the rights women enjoy today, we also acknowledge the ongoing challenges. The municipality is actively collaborating with community organisations and international partners to address gender-based violence and create a safer environment. Despite these efforts, gender-based violence remains a significant issue in South African society. The Municipal Manager called for continued collective effort toward progress and equality, ensuring that every woman's voice is heard and valued.

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 AJ Hanekom - 23 August 2024
Cllr RB Hendrikse - 23 August 2024
Cllr MG Rataza - 23 August 2024

- 6.2 ABSENT

Cllr J Andrews - 23 August 2024
Cllr I De Taillerfer - 23 August 2024
Cllr O Jooste - 23 August 2024

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
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7.1	24TH COUNCIL MEETING: 2024-07-30
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The minutes of the 24th Council meeting: 2024-07-30 **were confirmed as correct without any changes.**

7.2	SPECIAL COUNCIL MEETING: 2024-08-14
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The minutes of a Special Council meeting: 2024-08-14 **were confirmed as correct without any changes.**

8.	STATUTORY MATTERS
8.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

Collaborator No: 771524

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2025/26

2. PURPOSE

To table to the Council for consideration and approval:

- (a) The SDF / IDP / Budget Time Schedule / Process Plan 2025/26, attached as **ANNEXURE A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Each municipality is legally required to adopt a time schedule stipulating the key strategic activities and deadlines 10 months before the start of the new financial year.

The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2025/26 outlines the key strategic activities and public participation processes that will guide the planning, drafting, and adoption of the **3rd review of the 5th Generation IDP 2022 – 2027** and the Medium – Term Revenue Expenditure Framework (Budget) for the period 2025/26 – 2027/28.

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is, therefore, compiled in terms of Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality **must** –

at least **10 months** before the start of the budget year table in the municipal council a time schedule outlining key deadlines for –

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
- (iii) the tabling and adoption of any amendments to the integrated development plan and budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

The SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 is also compiled in terms of Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 29(1) of the MSA specifies that:

The process followed by a municipality to draft its integrated plan, including its consideration and adoption of the draft plan, must-

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for:
 - (i) the local community to be consulted on its development needs and priorities;
 - (ii) the local community to participate in the drafting of the integrated development plan; and
 - (iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
- (c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and
- (d) be consistent with any other matters that may be prescribed by regulation.

In preparation for the drafting of the 3rd review of the 5th Generation IDP 2022 – 2027, the public participation period will be from 09 – 30 September 2024, to allow members of the community and stakeholders sufficient time to submit written input and to make oral representations for consideration during the review process of the IDP.

The IDP public participation open days are provisionally scheduled to be held from 10 – 16 September 2024. The IDP public participation open days schedule will be published in the local newspaper, on the municipal website, on the notice boards of libraries, and on social media platforms (Facebook, X, Stellenbosch Citizens App, WhatsApp, and Email).

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.1

RESOLVED (majority vote)

- (a) that the Council adopts the SDF / IDP / Budget Time Schedule / Process Plan for 2025/26 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA to guide the planning, drafting, and adoption of the 3rd review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and
- (b) that an advertisement is placed on the official website of the municipality and in the local newspaper notifying the public of the adopted SDF / IDP / Budget Time Schedule / Process Plan for 2025/26.

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	1 August 2024

8.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 & 23 August 2024

1. SUBJECT: ADJUSTMENTS BUDGET (ROLL-OVER) 2024/2025

2. PURPOSE

To present the adjustments budget roll-over for the 2024/2025 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

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

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.2

RESOLVED (majority vote)

- (a) that the Adjustments Budget for 2024/2025 as set out in **APPENDIX 1-5**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	06 August 2024

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2024
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 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 2024/2025 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 (2024/2025) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2024.

25TH COUNCIL MEETING: 2024-08-23: ITEM 8.3

NOTED

the deviations as listed for the month of July 2024.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
POSITION	<i>Senior Manager SCM</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@ Stellenbosch.gov.za</i>
REPORT DATE	<i>05 August 2024</i>

9.	ITEMS FOR NOTING
9.1	REPORT/S BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 23 August 2024

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 5 JUNE 2024**
2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 5 June 2024.
3. **DELEGATED AUTHORITY**

For information.
4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 5 June 2024. The minutes is attached as **Annexure A**. The University of Stellenbosch caused the delay with the circulation of the minutes.

25TH COUNCIL MEETING: 2024-08-23: ITEM 9.1.1

NOTED

the report from the Executive Mayor on the Mayor – Rector Forum Meeting: 5 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	19 July 2024

9.2	REPORT/S BY THE SPEAKER
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NONE

9.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
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10.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)
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NONE

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

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
10.3.1	REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

Collaborator No: 771436

IDP KPA Ref No: Good Governance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: REQUEST TO SUPPORT APPLICATION TO WESTERN CAPE HERITAGE TO DECLARE AAN DE WAGEN WEG AS A HERITAGE SITE

2. PURPOSE

To inform Council of the request received from REMGRO and for council to resolve if they will support the application. The item served before the Section 80 Committee in June 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Remgro send an application they want to submit to Heritage Western Cape (**APPENDIX 1**) and requested the Municipal Manager to provide a letter to support the application. The land where the road is Municipal Land. The surrounding owners have all send letter to indicate that they support the application. The Municipal Manager first want Council to indicate if they support the application before she submits any response. This matter served before Mayco in 2023 and the Executive Mayor referred it to a combined section 80 meeting for advice.

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.3.1

RESOLVED (majority vote with 11 abstentions)

- (a) that Council support the application; and
- (b) that signs be put up and maintained to explain the heritage of the site.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de beer
POSITION	Director
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	2024 – 1 August 2024

10.3.2	POSSIBLE DISPOSAL OF A PORTION OF ERF 9190 PROTEA HOTEL
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Collaborator No: 771590

IDP KPA Ref No: Good Governance

Meeting Date: 14 August 2024 and 23 August 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.

An application was received from Protea Hotel – **APPENDIX 2 and 3.**

The item served before Mayco in December 2023. The item was referred back for a valuation and further refinement. The refinement requested was to provide information on the encroachments and the land adjacent. Photos to that effect is included in the item. Planning also needed to provide comment on the approval of the plans. The land use rights also had to be provided. Planning has now submitted a report on the history of the matter which is attached to the item **(APPENDIX 7).**

The department has appointed a valuer to determine the fair market value and a valuation report has been received which is attached hereto as **APPENDIX 5.** The valuation is based on the price of properties sold in the area.

Given that they have already build on the “encroached” areas an encroachment agreement is not the correct vehicle if the applicants decide not to proceed with the purchase. The Land Use Rights of Erf 9190 are already in place, and it will not be necessary to apply for further Land Use Rights in the event that a portion of Erf 9190 had to be considered for selling. The zoning is currently “business”. The area where the hotel currently encroached has a play area and could be considered for further development however the area of encroachment on the other side of the hotel is currently a dam.

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.3.2**RESOLVED** (majority vote)

- (a) that the land 2659 square meters is identified as land not required for basic municipal services;
- (b) that Council approves option three (3) in principle;
- (c) that a public participation process be followed in which council's intent to sell the land to the adjacent landowner, Protea Hotel, Technopark without any competitive process having been followed on the basis that no purpose would be served by a competitive process as only the adjacent owner can use the land;
- (d) that the fair market value of R12 069 021.00 excluding VAT, as determined by a valuator, in principle be approved as the sales price; and
- (e) that the item be brought back to Council after the public participation process for a final decision.

Cllrs GA Petersen and M van Stade requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.debeer@ Stellenbosch.gov.za
REPORT DATE	2024-08-01

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
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NONE

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

10.6	INFRASTRUCTURE SERVICES
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10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 2024
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Collaborator No: 771499

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – AUGUST 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 The draft application for load curtailment 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. At the meeting held on 31 July 2024, further proposals were provided by Eskom for the Municipality to amend the current application so they Eskom's Loadshedding Committee can take it into consideration. The revised application is planned for submission to Eskom by 8 August 2024

4.2 A tender for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), that was advertised closed on 28 March 2024 and is currently at evaluation and adjudication phase.

25TH COUNCIL MEETING: 2024-08-23: 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 8213
E-MAIL ADDRESS	shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	05 August 2024

10.6.2	REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 14 August 2024 and 23 August 2024

1. SUBJECT: REQUEST FOR APPROVAL OF THE EIKESTAD PARKING PUBLIC PRIVATE PARTNERSHIP FEASIBILITY STUDY

2. PURPOSE

For Council to approve the Eikestad Parking Public Private Partnership Feasibility Study

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Council had previously resolved to address parking shortages, extensive studies were commissioned and the statutory requirements, such as the Section 78 of the Systems Act and Section 120 of the MFMA process were undertaken and concluded.

The Project Feasibility Study found that the best available option is a build-operate-transfer (BOT) arrangement with a private sector operator which will be a Public Private Partnership (PPP) as defined in the Municipal PPP Regulations made under the Municipal Finance Management Act (MFMA). Refer to the Feasibility Report, **attached as Annexure 1.**

It is proposed that the private party will raise the necessary funds and erect the facility at its own cost. The private party will operate the facility for an estimated period of approximately 25 years after which the PPP agreement will terminate and the facility will be transferred to the Municipality. The Municipality will then have a number of options including to enter into a new PPP agreement with a private party, entering into a management contract including maintenance, management and maintenance contracts, manage and maintain the property itself, etc., following due process, for possibly another 25 years.

Extensive consultation sessions with interested and affected parties were carried out. Initial views and recommendations from Provincial and National Treasury have been incorporated into the updated report however the Municipality is still awaiting final views and recommendations from National Treasury.

Comments received from the public have been largely addressed, some have indicated support for the initiative while others have raised concerns that relate to aspects such as alignment with municipal strategies, need for possible additional transport studies, impacts of the proposed development on culture, heritage and the fairness of PPP planning and implementation process. Refer to the Public Consultations as contained in **Appendix F of Annexure 1.**

Alignment with strategies have been clarified, the community's request for further traffic studies were considered and is currently underway, and cultural and heritage concerns are addressed, for details refer to the Environmental Scoping Report as contained in **Appendix B of Annexure 1.** National Treasury's robust PPP process ensures fairness and transparency throughout the planning and implementation process.

25TH COUNCIL MEETING: 2024-08-23: ITEM 10.6.2**RESOLVED** (majority vote with 1 abstention)

- (a) that Council notes that the Municipal Systems Act processes in terms of Section 78 was rigorously followed since September 2017 to date;
- (b) that Council notes that both COGTA and National Treasury was informed throughout the Section 78 process as required;
- (c) that Council takes note of the consultation sessions that have occurred during the feasibility phase as contained in **Appendix F of Annexure 1**;
- (d) that Council takes note of the required value for money analysis as contained in **Chapter 8 of Annexure 1**;
- (e) that Council notes the comments received from the Stakeholders as well as the Directorate's responses;
- (f) that Council as required in terms of Section 120(6) of the MFMA; in principle approve the Feasibility Study Report attached as **Annexure 1**;
- (g) that Council notes that the approval of the Feasibility Report, is not an approval for the development of a parking garage but merely the feasibility study;
- (h) that Council notes the above approval has to be submitted to National Treasury in terms of Section 120 (6) of the MFMA in order to proceed to the next phase;
- (i) that Council notes that should National Treasury grant its approval; a Request for Proposals need to be prepared and submitted to Council for approval;
- (j) that Council notes that a Traffic Impact Assessment (TIA) was previously carried out, and that the Request for Proposal will include the new, updated and more detailed TIA;
- (k) that Council notes that a Notice of Intent to Develop (NID) has been submitted to Heritage Western Cape, but a final heritage approval will be a requirement at detailed design stage, refer to **Appendix B of Annexure 1**;
- (l) that Council notes that Environmental Impact Assessment (EIA) have been undertaken and that no environmental triggers have been found, refer to **Appendix B of Annexure 1**;
- (m) that Council notes that once all the above processes have been followed, another public participation process will be required; and
- (n) that Council notes that the outcomes of the above public participation process will be submitted to Council for final consideration.

Councillors GA Petersen and M van Stade requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	8 August 2024

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

10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM:
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NONE

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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NONE

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

12.	REPORTS BY THE MUNICIPAL MANAGER
12.1	PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

Collaborator No: 769990

IDP KPA Ref No: Good Governance and Public Participation

Meeting Date: 06 August 2024 and 23 August 2024

1. SUBJECT: PUBLIC PARTICIPATION PROCESS FOR STELLENBOSCH MUNICIPALITY: PROPOSED DRAFT ZONING SCHEME BY-LAW 2024

2. PURPOSE

To present to Council the Stellenbosch Municipality: Proposed Draft Zoning Scheme By-Law (2024) (ZSB) for consideration to adopt the same for the purpose of a public participation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following the internal review of the Stellenbosch Municipality: Zoning Scheme By-Law (2019) and a report submitted on same, Council decided as follows vide **Item 11.8.1 on 26 April 2023**:

- (a) *That the contents in the report on the internal review of the current Stellenbosch Zoning Scheme By-Law (2019) **BE NOTED**.*
- (b) *That the proposed development of a revised and updated Stellenbosch Zoning Scheme By-Law **BE AUTHORISED**.*
- (c) *That the provincial standard draft Zoning Scheme By-Law be used as the foundation for the development of the revised and updated Stellenbosch Zoning Scheme **BE ADOPTED**."*

The Department of Development Management proceeded to develop an updated zoning scheme By-Law based on the provincial standard draft zoning scheme By-Law further enhancing it with the unique and relevant provisions of the current zoning scheme By-Law.

The proposed draft Stellenbosch Municipality Zoning Scheme By-Law (2024) is now being presented to Council for consideration and to be adopted for the purpose of a public participation process. This public participation process will firstly include a round of consultations with key stakeholder groups, inclusive of the Portfolio Committee for Planning, after which any amendments will be undertaken before it is released and published for the public participation process.

Following such public participation process and any required amendments that may result from such process, the final draft zoning scheme By-Law will be submitted to Council for consideration of approval and implementation.

25TH COUNCIL MEETING: 2024-08-23: ITEM 12.1**RESOLVED** (majority vote with 10 abstentions)

- (a) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE NOTED**;
- (b) that the proposed draft Stellenbosch Municipality Zoning Scheme By-Law 2024 **BE ADOPTED** for the purpose of a public participation process which will include:
 - (i) a first round of workshops with stakeholder groups and engagements with resource persons which will include any required amendments that may result from such inputs; and
 - (ii) thereafter a general public participation process during which the updated subject Draft By-Law will be advertised for general public comment / inputs.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Stiaan Carstens</i>
POSITION	<i>Senior Manager: Development Management</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8674</i>
E-MAIL ADDRESS	<i>Stiaan.carstens@ Stellenbosch.gov.za</i>
REPORT DATE	<i>27 June 2024</i>

12.2	EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA
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Collaborator No: 8/1

BUDGET KPA Ref No: Good Governance and Compliance

Meeting Date: 23 August 2024

1. SUBJECT: EXTENSION OF THE PERIOD FOR THE APPLICATION OF A SPECIAL RATING AREA

2. PURPOSE

To ask permission from the council to extend the submission date for the application of a Special Rating Area beyond 30 September 2024.

3. DELEGATED AUTHORITY

COUNCIL

FOR DECISION BY MUNICIPAL COUNCIL

In terms of Section 9.2 of the approved Special Rating Area Policy, an application for a special rating area, must be submitted by the end of September of the financial year preceding the establishment of the special rating area.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality has an approved Special Rating Area Bylaw and Policy which give any owner within the jurisdiction of the municipality and who owns property within the proposed special rating area, the right to lodge an application to council for the establishment of a special rating area.

Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period from 1 July of a specific year and ending on 30 June of the fifth year or covering such lesser period as may be determined by the CFO.

In terms of the Special Rating Bylaw and Policy of Council, any application for the establishment of a special rating area, must be submitted before 30 September of the financial year preceding the financial in which the special rating area is established.

A notice of intention to establish a special rating area was received from the steering committee of the new proposed Stellenbosch Central SRA(SITI).

The Steering Committee of the Stellenbosch Central SRA indicated that they will not be able to submit their formal application before the due date of 30 September 2024 and they asked for an extension to submit their application by 30 November 2024. This is because they do not have the required number of votes from the property owners in the area, as required by the policy.

Due to time constraints and for budget purposes, the Finance Department can only recommend an extension until the 31st of October 2023. This will give the department sufficient time to evaluate their application and to submit the complete application timeously to council for approval.

25TH COUNCIL MEETING: 2024-08-23: ITEM 12.2**RESOLVED** (majority vote with 2 abstentions)

that Council gives approval to extend the submission date to 31 October 2024 for the application of the Stellenbosch Central Special Rating Area.

FOR FURTHER DETAILS CONTACT:

NAME	Henry Mitchell
POSITION	<i>Snr Manager Revenue & Expenditure</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8016</i>
E-MAIL ADDRESS	<i>Henry.Mitchell@ Stellenbosch.gov.za</i>
REPORT DATE	19 August 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 onwithout amendments.