



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2017-07-26

MINUTES

10TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2017-07-26 AT 10:00

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

MINUTES
10TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2017-07-26
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MINUTES OF THE 10TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2017-07-26 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
ALDERWOMAN	JP Serdyn (Ms)	
COUNCILLORS	F Adams DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers MB De Wet R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse (until 13:00)	JK Hendriks LK Horsband (Ms) MC Johnson NS Louw C Manuel LM Mqeqba XL Mdemka (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen WF Pietersen SR Schäfer N Sinkinya (Ms) Q Smit E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Engineering Services (D Louw) Director: Human Settlements (T Mfeya) Director: Planning and Economic Development (D Lombaard) Director: Strategic and Corporate Services (Ms A De Beer) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert, welcomed all present and requested that a moment of silence be observed in honour of those who recently passed away. Councillor WF Pietersen offered a prayer.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeiedag/ Good day/ Molweni

- Welcome back from recess
 - Hope everyone had restful recess.
 - I know some councillors remained very busy with the obligations, despite the recess and I want to thank you for your commitment.
 - I took very little time off, and was busy through most of the recess
- Begin met positiewe nuus
 - Mandela Dag
 - Op 18 Julie het ons oud President Nelson Mandela se geboortedag herdenk deur 67 minute diens vir ons medemens te doen.
 - Self vroeër die maand kos uitgedeel saam met Stellenbosch Voedingsaksie in Cloetesville vir my 67 minute.
 - Weet verskeie raadslede insluitende die Onder Burgemeester het ook skenkings maak en besoek gebring aan instellings wat omsien na kwesbare inwoners in ons omgewing.
 - Die jaar se tema het gefokus op die verligting van armoede.
 - Beroep doen dan ons gemeenskapsdiens nie net stop by 67 minute een keer per jaar nie, maar dat ons elke dag ons deel doen om die moeilike omstandighede van minder gegoede inwoners te verlig.
- Met die 3de Augustus net om die draai, is die eerste jaar van ons vyf jaar termyn amper agter die rug
 - Die jaar was werklik vol uitdagings en harde werk, maar vol lekker en ook sukses
 - Alhoewel dit miskien vir 'n buitestaander kan lyk of daar nog min gebeur het, kan ek u verseker dat ons al ongelooflik baie vermag het.
 - Kritiese vakante poste is gevul
 - Nuwe Organogram (wat nog gefinaliseer moet word) wat aangepas het om nuwe prioriteite en fokusareas in die munisipaliteit aan aandag te gee
 - Agterstallige kwessies word nou aangespreek, toekoms beplanning word gedoen
 - Dienslewering versnel
- As of 1 July the new budget has kicked in
 - This is a budget drafted and approved by this Council, based on the priorities we identified
 - The activation of this budget will expedite service delivery plan sand make sure we begin addressing matters of concern.
 - To that effect we are upgrading 3 intersections. Starting on 28 August. R44/Merriman Ave R44/Bird street/Koelenhof road and Helshoogte Road/Lily street – traffic flow studies conducted by provincial government shows that these are some of the busiest intersections in the area.
- Following high level talks a technical committee has now been created to further assist SALGA and Stats SA in compiling a verified and reliable data set regarding specifically the amount of students in our municipality who have to date not been included in our residential statistics.

- This is extremely important because a verified data set will help with future planning for our towns as well as making sure that we receive the complete amount of equitable share we are entitled to from National Treasury.
- As you know, we have been in the process of reviewing our policies and by-laws, to make sure they are updated and in line with future plans as well.
- I am again requesting all our community members to take part in the public participation for our by-laws and policies
- Please check your local media for information and our website to see which policies and by-laws are currently open for public participation
- Today, several new by-laws & policies will serve before council for final approval.
 - Information and communication technology policies
 - Water services by-law
 - Impoundment of animals by-law
 - By-law on the prevention of public nuisances and the keeping of animals
- New draft Electricity by-law that will go out for public participation
 - Very important as it will allow residents to generate electricity and feed the excess back into our grid.
- Ten spyte van die reën wat geval het, bly vlak 4B nou ingestel en geld reeds vanaf 17 Julie.
 - Glad nie genoeg reën ontvang om die situasie enigszins te verbeter nie
 - Inwoners moet aanhou water spaar, die situasie is steeds kritiek.
 - Nuwe water tariewe het op 1 Julie 2017 ingeskoop
 - Inwoners word daarop gewys dat Vlak 4 tariewe ERNSTIGE impak sal hê op inwoners wat nie water spaar nie.
 - Voorbeeld: Inwoner wat 80 Kiloliter water in 'n maand gebruik sou op vlak 1 R1431.20 per maand betaal het. Op vlak 4 beperkings sal hy/sy in die nuwe finansiële jaar R 8241.52 betaal
 - Wees gewaarsku indien u nie water bespaar nie, sal u verantwoordelik gehou word vir die rekening.
 - Inwoners moet asseblief waterverbruik beperk tot onder 85 liter per persoon per dag.
 - Voorspellings wys tans dat die moontlikheid bestaan dat damme teen Mei 2018 kan opdroog.
- On Friday, 21 March 2016 Deputy Mayor and MM opened the new Mooirivier Park in Groendal.
 - Wonderful and beautiful park and green space for the community and also eco-friendly as we are facing severe droughts
 - Has play areas for children as well as outdoor gym facilities.
 - Strategic areas are covered with the artificial lawns.
 - Water wise gardens were planted
 - Beautiful park that will benefit all the residents and provide a new community space
 - Community must however take care of it as well and prevent and report vandals immediately.
- August is Woman's Month
 - 9 August celebrate woman's day
 - Day commemorates the march of approximately 20 000 woman to union buildings in 1956 to the union buildings against the then existing pass laws.
 - Today we not commemorate and celebrate their bravery but we use the day and month to shine the light on issues and challenges woman still face today.
 - In our very own community there are 100's of women who are vulnerable to poverty, abuse and neglect.
 - It is a fact that we need to look after the interests of women, if we do not the entire nation suffers.
 - We must do more to address the needs of women in poverty, if we care for these women, we care for their families and their children, creating opportunities along the way and strengthening our social dynamic and cohesion."

2.2	COMMUNICATION BY THE SPEAKER
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Due to protest actions by community members outside the Council Chamber during the Council meeting, the Speaker called for a 10 minute break and instructed the Municipal Manager to ensure that the area around Council Chamber is cleared. When the meeting reconvened, the Speaker made the following announcement:

“This protest action was an illegal action that took place by a certain community. Because I could not guarantee the safety and protection of anyone sitting in the Chambers, I called a break for the protection of Councillors. It took the police 15-20 minutes to disperse the crowd, who threatened that they are not afraid to go to jail. When it comes to the safety of Councillors, I take these threats very serious, that is why I called for a break. The police has intervened, hence we can now proceed with the meeting.”

When the meeting reconvened, the Speaker continued with his communications, which read as follows:-

- “No Councillor celebrated birthdays during July.
- A Workshop on By-laws as well as the IZS will be arranged soon after consultation with the Administration on an appropriate date. You will be informed in due course of the date of said workshop.
- Item 7.3.6 on the Agenda will be dealt with first, to allow the outside service provider to address Council and to have a presentation.
- Items 7.4.1, 7.4.2 and 7.4.4 on the Agenda is only to be NOTED and not for debate, Councillors may however pose questions.
- The Rules of Order By-law is a valid and binding document and Councillors must comply with it.
- A separate workshop to solicit input of Councillors on the reviewed Rules of Order By-law will also be held and detail in this regard will be communicated in due course.
- Councillors are reminded to ensure that they submit applications for leave of absence, in writing, as prescribed in the Rules of Order By-law, Rule 10.1 that read as follows:

“Application for leave of absence from meeting of the Council or a Committee thereof must be addressed to the Chief Whip in writing by the member who is applying for such leave, where after the Chief Whip will refer the application to the Speaker for approval.”

After Speaker’s approval, the Chief Whip will communicate back to the Councillor, informing him/her that his/her leave of absence were approved/not approved. Should you fail to adhere to this stipulation, there will be consequences.

- Rules 24 and 27 of the Rules of Order By-law should strictly be complied with. Failing to comply with Rule 27, see Rule 28.
- Councillors to refrain from interference in the Administration.
- Council’s sincere condolences with the passing of two officials of this municipality. A formal letter of sympathy will be sent to their families on behalf of Council.
- Two senior officials, Messrs A Van Rooyen, Manager: Human Resources Management and Vernon Bowers, Manager: Communication, left and/or will be leaving the services of Stellenbosch municipality at the end of June 2017 and July 2017 respectively. Good luck with their future endeavours.”

2.3	COMMUNICATION BY MUNICIPAL MANAGER
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- “As per legislation, Stellenbosch Municipality became mSCOA compliant with effect from 1 July 2017. All service providers have been paid.
- Due to a printing error in the Council Agenda, page 875 will be replaced with a new page.”

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTERESTS	(3/6/2/2)
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Councillor SR Schäfer disclosed an interest in item 7.3.6 on the Agenda and will recuse himself when this matter is dealt with.

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr N Mananga-Gugushe (Ms)	–	26 July 2017
Cllr P Sitshoti (Ms)	–	26 July 2017
Cllr NE McOmbring (Ms)	–	26 July 2017

The Speaker requested that it be minuted that the following Councillors were not present when the meeting resumed after a break:

Cllr FJ Badenhorst
Cllr Hanekom
Cllr MB De Wet
Cllr N Sinkinya (Ms)
Cllr FT Bangani-Menziwa (Ms)

When these Cllrs joined the meeting later (at 14:50), they apologized to the Speaker for being late. The Speaker accepted their apologies.

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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- (i) The minutes of the 9th Council meeting dated 2017-05-31 were **confirmed as correct, subject to the following amendments:**
 - (a) that the leave of absence for Councillor Mananga-Gugushe (Ms) was approved; and
 - (b) that Councillor JG Hamilton was absent.
- (ii) The minutes of a Special Council meeting dated 2017-06-21 were **confirmed as correct.**

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	RESPONSE
<u>Cllr F Adams: Item 7.5.1</u> IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	7	Question: Is Council still committed to all these properties and how will proper BEE be secured, particularly in the prime properties in the CBD?	The Municipal Manager will respond in writing.
<u>Cllr DA Hendrickse: Item 7.5.5</u> APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK	12	Question: What will the Administration do to enforce the Council resolution?	The Municipal Manager will respond in writing.
<u>Cllr DA Hendrickse: Item 7.5.4</u> POSSIBLE DISPOSAL PORTION OF LAND TO CAPITEC IKAYA, ERF 9190 – STATUS? <i>The tender process has been completed. Capitec was the only tenderer. The tender was subsequently awarded to them.</i>	17	Question: Council resolved that the MM must appoint people to do a valuation. Council never considered the value of the land i.t.o. legislation. How is it thus possible that in 2 months time this Council resolution was enforced, concluded and signed when Council never had the value in front of them?	The Municipal Manager will respond in writing.
<u>Cllr DA Hendrickse: Item 7.5.5</u> APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194 – BUDGETARY PROVISION? <i>The Finance Dept put an amount of R4m on the budget.</i>		Question: Where does this figure/amount of R4m come from?	The Municipal Manager will respond in writing.

NOTED

Meeting: Ref No: Collab	<i>10th Council: 2017-07-26</i> <i>3/4/1/5</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the MM</i> <i>R Pietersen</i>
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7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: CLLR AR FRAZENBURG
7.1.1	MUNICIPAL NIGHT SHELTER

1. PURPOSE OF REPORT

To consider the funding of the Stellenbosch Night Shelter through the Grants-in-Aid Policy.

2. BACKGROUND

Council approved capital funding (**APPENDIX 1**) for the building of a Municipal Night Shelter on a servitude (**APPENDIX 2**) registered in its favour on land donated to the Stellenbosch Night Shelter NPO on condition that an agreement is reached with this organization.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.1.1

RESOLVED (majority vote with 1 abstention)

- (a) that Council is prepared to cancel the existing servitude on Erf 8887 in favour of the owner of the property with the purpose to run it as a shelter for the homeless persons. Should the building no longer be used for this specific purpose, the land and the building and other immovable assets will revert back to the municipality;
- (b) that Council continues to fund the administration and operational cost related to this facility through the Grants-in-Aid-Policy which has been determined as the best mechanism to govern this relationship and that an amendment of the said Grants-in-Aid Policy shall be undertaken and that the Stellenbosch Night Shelter shall need to apply for and comply with said Policy where under funding shall be provided for a period of three years subject to review;
- (c) that the Department Community Development, together with Stellenbosch Night Shelter, investigate a new Admission Policy for the Municipal Shelter to contribute to the development of persons living on the street and that such Policy be implemented by the Night Shelter; and
- (d) that the Department Community Development investigates the possibility of financial support to maintain the Municipal Shelter from the Provincial Department Social Development.

Councillors DA Hendricse and LK Horsband requested that their votes of dissent be minuted.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Com Development & Com Services
Ref no:	7/1/1/2	Author	Manager: Community Development
Collab:	439588	Referred from:	Mayco: 2017-07-19

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	CENTRALISATION OF THE MANAGEMENT OF THE TOTAL ICT BUDGET FOR ALL ICT PROCUREMENT OF HARDWARE, SOFTWARE, TELECOMMUNICATION AND APPLICATION SYSTEMS
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1. PURPOSE OF THE REPORT

To recommend the consolidation of municipal-wide ICT Capital and Operational expenditure on all ICT hardware, software, telecommunication and application system procurement in order to curb irregular ICT expenditure, improve efficiency, reduce duplication and leverage economies of scale.

2. BACKGROUND

In the past, municipal directorates determined their own requirements and often procured expensive bespoke ICT systems and solutions to meet them. As a result, various directorates have been tied into inflexible and costly ICT solutions which together have created a fragmented ICT estate that impedes the efficiencies created by sharing and re-use. It also prevents the municipality from offering joined-up, modern, digitally-based public services that are suited to local requirements.

10th COUNCIL MEETING: 2017-07-26: ITEM 7.2.1

RESOLVED (nem con)

- (a) that the consolidation and centralised management of all ICT capital and operational expenditure votes/sub-functions of the municipality, for the procurement of all ICT hardware, software, telecommunication and application systems to curb irregular ICT expenditure from various departments, is approved;
- (b) that the system of delegations be amended so that the procurement of all ICT goods and services including, hardware, software, telecommunication and application systems resides with the Director: Strategic and Corporate Services for all votes/sub-functions in the municipality in order for the Director: Strategic and Corporate Services to have signing powers for all ICT related expenditure for all individual votes/sub-functions in the municipality; and
- (c) that all ICT procurement be considered and recommended by the ICT Steering Committee to ensure proper ICT governance.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Corp & Strategic Services
Ref no:	7/4/1/1/2	Author	Manager: ICT
Collab:		Referred from:	Mayco: 2017-07-19

7.2.2	INFORMATION AND COMMUNICATION TECHNOLOGY POLICIES
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1. PURPOSE OF THE REPORT

To seek Council approval for the proposed ICT Policies, attached as **APPENDIX 1**.

2. BACKGROUND

Municipalities are required to update and/or replace all ICT policies.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.2.2**RESOLVED** (nem con)

that the following proposed ICT Policies be approved with effect from 1 July 2017:

- (a) ICT User Access Management Policy;
- (b) ICT DR Plan:
 - (i) ICT Business Impact Assessment
 - (ii) ICT Back and Restore Policy
 - (iii) ICT DR Policy
 - (iv) ICT DR Strategy
 - (v) ICT DR Test Guide;
- (c) ICT Operating Security Policy;
- (d) ICT Security Controls Policy;
- (e) ICT Service Level Agreement Management Policy - External Service Provider;
- (f) ICT Service Level Agreement Management Policy - ICT and Municipality; and
- (g) ICT Strategy Review for 2016/2017.

<i>Meeting:</i>	10 th Council: 2017-07-26	<i>Submitted by Directorate:</i>	Corp & Strategic Services
<i>Ref no:</i>	7/4/1/1/2	<i>Author</i>	Manager: ICT
<i>Collab:</i>		<i>Referred from:</i>	Mayco: 2017-07-19

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
7.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 6074, PROVINSIE ROAD, STELLENBOSCH

1. PURPOSE OF REPORT

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

2. BACKGROUND

The property owner is applying to erect a boundary wall on the street front of his property which does not comply with the By-Law Relating to the Control of Boundary Walls and Fences. The subject property is located along a collector road for this area and due to the orientation of the property the entertainment area with swimming pool is located on the street side / northern side of the property. A portion of the street side of the property is already screened from the street by a portion of wall which is not located on the erf boundary.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.1

After two warnings and before voting on the matter, the Speaker ordered Cllr DA Hendrickse to leave the Council Chambers (at 13:00) for violating Rule 27 of the Rules of Order By-law.

RESOLVED (nem con)

that **approval be granted** for the application for deviation from the Bylaw Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 6074, Provinsie Avenue, Stellenbosch, as indicated on the attached Drawing No. MUN /01, dated August 13, drawn by Sam Pellissier Architect, subject to the conditions of approval contained underneath:

CONDITIONS IMPOSED:

1. That the approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;
2. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. That the boundary wall is to be plastered and painted to the satisfaction of the Building Control Officer;
4. That the existing trees and shrubs located between the erf boundary of the subject property and street are not to be damaged or removed;

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5. That the owner of the subject property is responsible for the upkeep of the plants located on the sidewalk;
 6. That this Council reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Planning and Economic Dev.</i>
<i>Ref no:</i>	<i>6074</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-07-19</i>

7.3.2	STELLENBOSCH MUNICIPALITY: INVASIVE ALIEN PLANT MANAGEMENT PLAN
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1. PURPOSE OF THE REPORT

To present to Council the Stellenbosch Municipality's Invasive Alien Plants Management Plan for consideration and approval.

2. BACKGROUND

The National Environmental Management Biodiversity Act, 10 of 2004 (NEMBA), Section 76, states that all organs of state are required to draw up an invasive alien monitoring, control and eradication plan for the land under their control. The Stellenbosch Municipality: Alien Invasive Plants Management Plan (the management plan) was prepared and brought before Council during February 2017 (Council Meeting: 2017-02-22: Item 7.3.1) and resolved as follows:

- (a) *that Council approves the Stellenbosch Municipality: Alien Invasive Plants Management Plan (dated September 2016), attached as **APPENDIX 1**, as Stellenbosch Municipality's invasive alien plants monitoring, control and eradication plan prepared in terms of the National Environmental Management Biodiversity Act (NEMBA), **the plan be advertised for public input and additional inputs be incorporated for final adoption of Council**; and*
- (b) *that the Stellenbosch Municipality: Alien Invasive Plants Management Plan be included as a project in the IDP 2016/17 as well as the 4th generation IDP.*

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.2**RESOLVED** (nem con)

that Council approves the Stellenbosch Municipality Invasive Alien Plants (AIPs) Management Plan (April 2017), attached as **ANNEXURE 3**, as Stellenbosch Municipality's invasive alien monitoring, control and eradication plan prepared in terms of NEMBA.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Planning and Economic Dev.
Ref no:	PL183	Author	D Lombaard
Collab:		Referred from:	Mayco: 2017-07-19

7.3.3	AMENDMENT OF THE EXISTING CATEGORISATION OF APPLICATIONS, AMOUNTS PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL AND APPOINTMENT OF AN ADDITIONAL INTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBER IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO 16 OF 2013 (SPLUMA)
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1. PURPOSE OF REPORT

To motivate and seek approval from Council to amend the existing decisions (approved in Item 8.6 dated 27 May 2015). Further to propose to Council to appoint an additional Internal Municipal Tribunal Members, to amend the existing categorisation of applications and adjust the remuneration of external Municipal Tribunal member's fees in line with market value.

2. BACKGROUND

During 2015 Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions during 2015 [*Resolution 8.6 dated 27 May 2015 as **APPENDIX 1***] and [*item 7.4 (36th Council Meeting dated 25 of November 2015 as **APPENDIX 2***] in line with the above mentioned land use planning legislation. Amongst others Council approved the appointment of external public Municipal Planning Tribunal Members, the remuneration for external MPT members, the categorisation of applications, and the appointment of an authorised employee (the Director for Planning and Economic Development) to consider and determine certain applications in line with Council's approved categorisation.

During 2016 not one Municipal Planning Tribunal meeting was conducted, amongst others as a result of the existing categorisation of applications approved by Council.

The purpose of this item is to amend the existing categorisation of applications in terms of SPLUMA, LUPA and the Land Use Planning By-law to amend the remuneration of External Municipal Planning Tribunal Members in line with the SACPLAN professional fees and appoint additional second Internal Municipal Planning Tribunal members.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.3

RESOLVED (nem con)

- (a) that Council rescind the approved categorisation of applications as per resolutions (g) and (h) of Council Item 8.6 dated 27 May 2015 and replace it with the table below in line with Section 35 of SPLUMA:

NO	APPLICATION TYPE	COUNCIL	Category 1 Municipal Planning Tribunal	Category 2 (AO/AE)
Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013				
1.	Approval / amendment of Spatial Development Framework	X		
2.	Approval / amendment of Zoning Scheme	X		
3.	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j) of the Land Use By-law read with section 12 &13 of MSA	X		
4.	Title Deed Relaxations to enable minor departure applications SPLUMA 47(2)			X
5.	Categorisation of applications	X		
Application types as per section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015)				
6.	15(2)(a) Rezoning of Land		X OBJECTIONS	X NO OBJECTIONS
7.	15(2)(b) a permanent departure from the development parameters of the zoning scheme		X OBJECTIONS	X NO OBJECTIONS
8.	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;		X OBJECTIONS	X NO OBJECTIONS
9.	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;		X OBJECTIONS	X NO OBJECTIONS
10.	15(2)(e) a consolidation of land that is not exempted in terms of section 24;			X
11.	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		X OBJECTIONS	X NO OBJECTIONS
12.	15(2) (g) a permission required in terms of the zoning scheme ;			X
13.	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval ;			X
14.	15(2) (i) an extension of the validity period of an approval			X
15.	15(2) (j) an approval of an overlay zone as contemplated in the zoning scheme ;	X		
16.	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;			X
17.	15(2)(l) a permission required in terms of a condition of approval ;			X
18.	15(2)(m) a determination of a zoning ;			X
19.	15(2)(n) a closure of a public place or part thereof;		X OBJECTIONS	X NO OBJECTIONS
20.	15(2)(o) a consent use contemplated in the zoning scheme;		X OBJECTIONS	X NO OBJECTIONS
21.	15(2)(p) an occasional use of land ;			X
22.	15(2)(q) to disestablish a home owner's association			X
23.	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;			X
24.	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.			X

25.	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity contemplated in subsection (2), the decision on the application must be made by the Tribunal in accordance with this Chapter and Chapter IV and no official may be authorised to make such a decision.		X	
26.	15(2)(l) Amendment of Site Development Plan			X
27.	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			X

Note: "OBJECTIONS" above refer only to submissions indicating objection to the proposed development / activity and not comment submitted with proposed conditions and mitigation measures.

- (b) that Council amend resolution e (ii) of Council Item 8.6 dated 27 May 2015 in line with SACPLAN professional fees (Category B) from R300. 00 per hour to R 1 000, 00 per hour to a maximum remuneration equal to five hours per meeting. The appointed External Municipal Planning Tribunal Members meets the criteria of SACPLAN Categories B as their expertise are of private consulting firm in practice standard whom have adequate expertise and relevant experience to perform the work of a planning nature and whom can carry the direct technical responsibility for one or more specific activities;
- (c) that Council amend resolution f of Council Item 8.6 dated 27 May 2015 to expand the internal members from 3 internal MPT members to 6 by appointing additional 3 secondi members whom include:
1. The Environmental Planner
 2. Head of Transport
 3. Manager: Integrated Development Planning; and
- (d) that Council authorise and delegate the Municipal Manager to appoint Internal Municipal Planning Tribunal Members fulfilling the designations in accordance with the requirements set in the Land Use Planning By-law (2015), the Land Use Planning Act (2014), and the Spatial Planning and Land Use Planning Act (2013).

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Planning & Economic Development
Ref no:	1/1/1/40	Author	SPLUMA Compliance Officer
Collab:		Referred from:	Mayco: 2017-07-19

7.3.4	STELLENBOSCH RIVER STEWARDSHIP ACTION: EXPANDED PUBLIC WORKS PROJECT
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1. PURPOSE OF THE REPORT

To request Council to approve the deployment of Expanded Public Works Project (EPWP) employees as required for work done in terms of the Stellenbosch River Stewardship Action.

2. BACKGROUND

Stellenbosch Municipality (the Municipality) recognizes the fundamental importance of addressing the key aspects of environmental enhancement and human development as key requirements for a sustainable future. Accordingly, the Municipality, by means of its IDP (Integrated Development Plan), SDF (Spatial Development Framework) and, in particular, the compilation of the SEMF (Stellenbosch Environmental Management Framework) strives to give effect to a vision of a sustainable society and a sustainable environment, and innovative strategies that serve this vision.

The above vision and concomitant actions are premised on the recognition that such actions cannot be carried out by the Municipality alone – it is a broad responsibility and task that calls for effective partnerships between all concerned. Accordingly, the Municipality, in collaboration with key economic sectors and the broad community have embarked on a public-private-community partnership aimed at restoring and protecting the health of the rivers in the municipal area. This initiative is referred to as the Stellenbosch River Stewardship Action. This was done after the 35th Council Meeting (2015-10-28: Item 7.5) resolved (**APPENDIX 1**):

that Council acknowledge the Stellenbosch River Stewardship Action initiative described above as well as the Position Paper attached (Annexure 2) and express support for the initiative before the private sector is formally approached to take up stewardship in terms of the initiative.

The River Stewardship Action is essentially a ‘social pact’ in terms of which local government, community, corporate and other private interests, share responsibility for coordinating and executing best-practice river rehabilitation and maintenance activities. The Stellenbosch River Stewardship Action was formulated and developed in a spirit of institutional integration, integrated planning, and cooperative governance. The Stellenbosch River Stewardship Action initiative responds to the objective of the Stellenbosch Municipality River Business Plan, 2011 namely...*to extend/transfer ‘ownership’ of the natural resource by forming sustainable partnerships with business, interested and affected groups and jointly taking care of river health.*

The key commitment of all involved in the Stellenbosch River Stewardship Action is to contribute to restoring and maintaining the **integrity of the environment**, which is defined as the ‘**wholeness**’ of the environment.

10th COUNCIL MEETING: 2017-07-26: ITEM 7.3.4**RESOLVED** (majority vote)

- (a) that Council support and approve the deployment of Expanded Public Works Project employees for work done in terms of the Stellenbosch River Stewardship Action;
- (b) that Council approve the application form for clearing assistance (**APPENDIX 3**) as the document through which clearing assistance is applied for and considered by the Directorate: Community and Protection Services;
- (c) that the above deployment of Expanded Public Works Project employees is subject to the completion and successful consideration of the application form for clearing assistance; and
- (d) that the Director: Community and Protection Services be authorised to provide final approval for municipal assistance, by way of signing the application form for clearing assistance.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>15/10</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-07-19</i>

7.3.5	APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE LAND USE PLANNING BY-LAW (2015) AND NON-COMPLIANCE WITH THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARD ACT 103 OF 1977
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1. PURPOSE OF REPORT

To seek in-principle approval from Council to give legal effect to the Land Use Planning By-law (2015) and National Building Regulations and Building Standards Act 103 of 1977 to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.

2. BACKGROUND

Both the Land Use Planning By-law (2015) and the National Building Regulations and Building Standards Act 103 of 1977 grant local municipalities the authority to manage and regulate land use and building work to meet a minimum set of criteria as set in the aforementioned legislation. In order to promote a safe and harmonious built environment enforcement plays a key role in the regulation of unauthorised land use or building work.

2.1 Illegal Land Use in terms of Section 87 of the Land Use Planning By-law (2015)

Section 85 stipulates the process and procedures for Enforcement which obligates the municipality to comply and enforce:

- the provisions of the Land Use Planning By-law (2015);
- the provisions of a zoning scheme (s);
- conditions imposed in terms of Land Use Planning By-law (2015) or previous planning legislation (Land Use Planning Ordinance of 1985); and
- title deed conditions.

Moreover, in section 86(4) the by-law states that the Municipality **must** adopt fines to be imposed in the enforcement of this By-law.

At this point in time, Stellenbosch Municipality is not in the position to legally impose fines for illegal land use to ensure good governance and to promote a safe harmonious built environment. The Proposed schedule of admission of guilt fines for illegal land uses in terms of the applicable zoning schemes etc. is included in the memorandum as **APPENDIX 1**.

2.2 Admission of Guilt Fines in terms of the National Building Regulations and Building Standards Act 103 of 1977:

As per attached **APPENDIX 2** the Magistrate Court of Paarl approved a schedule of fines in Column 2 on 11 November 2008. As per motivation mentioned in section 2 above, the same offence are proposed as contained in **APPENDIX 3**.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.5**RESOLVED** (nem con)

that Council authorise the Director: Planning and Economic Development to:

- (i) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal land use in contravention with the Land Use Planning By-Law (2015) with proposed fines as set out below:

Section Contravened	Description of Offence	First Time Offender admission of guilt penalty	Second Time offender	Non Compliance after two attempts Imprisonment not exceeding 5 years or / and Referral to the High Court
S15(1)	Commencing, continuing, or causing the commencement or continuation of land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of Subsection (2)	R 5000.00	Appearance in Court	✓
S15(5)	Not complying with the conditions of approval and applicable provisions of a zoning scheme while exercising a use right granted in terms of an approval.	R 5000.00	Appearance in Court	✓
S20(1)	Subdividing land without the approval of the Municipality in terms of section 15(2) on land which the subdivision is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S21(4)	Constructing a building or structure on a land unit forming part of a subdivision which is not confirmed as contemplated in subsection (1) or which construction was not approved by the Municipality before the confirmation of the subdivision.	R 5000.00	Appearance in Court	✓
S31(1)	Consolidating land without the approval of the Municipality in terms of section 15(2) which consolidation is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S59(3)	Interfering with a person referred to in subsection (1) who is conducting an inspection in terms of subsection (1).	R 5000.00	Appearance in Court	✓
S62(2)	Providing information or making a false statement by an agent in support of an application while knowing or believing the information or statement to be misleading, false or inaccurate.	R 10 000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓
S86(1)(c)	Failing to transfer all common property arising from a subdivision to the owner's association upon the registration of the first land unit arising from a subdivision.	R 5000.00	Appearance in Court	✓
S86(1)(d)	Supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal,	R 5000.00	Appearance in Court	✓

	knowing it to be false, incorrect or misleading or not believing them to be correct.			
S86 (e)	Falsely professing to be an authorised employee or interpreter or assistant of an authorised employee.	R 5000.00	Appearance in Court	✓
S86(f)	Hindering or interfering with an authorised employee in the exercise of any power or performance of any duty of that employee.	R 5000.00	Appearance in Court	✓
S86(2)	An owner who permits his or her land to be used in a manner set out in subsection (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to contravene the zoning scheme.	R 5000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓
S88(2)	Failing to comply with a compliance notice within the period stated in the notice.	R 10 000.00	Appearance in Court	✓

- (ii) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for contraventions against the National Building Regulations and Building Standards Act 103 of 1977 by replacing the previous approval dated 18/11/2008 (Appendix 2) with the schedule set out below:

National Building Regulations and Building Standards Act 103 of 1977				
Section	Description of Offence	First Time Offence admission of guilt Penalty	Second Time offender	Non Compliance after two attempts Imprisonment not exceeding 5 years or / and Referral to the High Court
4(4)	Building without approved building plan.	R 1 700.00	Appearance in Court	✓
10(2)	Building in contravention of a notice prohibiting any building work	R 10 000.00	Appearance in Court	✓
12(6)	Failure to demolish, alter or safeguard.	R 900.00	Appearance in Court	✓
14(3)	Submit false certificate or issuing thereof.	No Admission of guilt	No Admission of guilt	✓
14(4)(a)	Occupy or use of building without occupation certificate.	R 1 700.00	Appearance in Court	✓
15(2)	Preventing a building control officer in the execution of his/her duties.	R 2 600.00	Appearance in Court	✓
19(2)	Prohibition on the use of certain building methods and materials.	R 1 700.00	Appearance in Court	✓
A2(6)(f)	Submit false or misleading information.	No Admission of guilt	No Admission of guilt	✓
A15(5)	Failure to maintain, safeguard or service installation.	R 1 700.00	Appearance in Court	✓
A17(4)	Illegal or withdrawn certificate of identity	No Admission of guilt	No Admission of guilt	✓
A10(5)	Failure to Supervise and/or control plumbing work.	R 900.00	Appearance in Court	✓
A22(4)	Failure to give notice of intention to commence erection or demolition of a building.	R 1 700.00	Appearance in Court	✓
A25(2)	Use of a building for a purpose other than the purpose shown on approved plans.	R 3000.00	Appearance in Court	✓

A25(5)	Deviation from approved building plan.	R 1 700.00	Appearance in Court	✓
A25(11)	Failure to comply with any provision of or any notice issued in terms of Regulation A25 General Enforcement.	R 10 000.00	Appearance in Court	✓
D4(2)	Failure to safeguard a swimming pool.	R 1 700.00	Appearance in Court	✓
E1(1)	Failure to apply for written permission for demolition.	R 1 700.00	Appearance in Court	✓
E1(3)	Failure to safeguard demolition work.	R 2 600.00	Appearance in Court	✓
F1(6)	Failure to comply with any provisions of or any notice issued in terms of Regulation FI Protection of the public.	No Admission of guilt	No Admission of guilt	✓
F6(3)	Failure to control dust and noise.	R 1 700.00	Appearance in Court	✓
F7(5)	Failure to comply with any provision of or any notice issued in terms of Regulation F6 regarding the Cutting into laying open and demolishing certain work.	R 2 600.00	Appearance in Court	✓
F8(2)	Failure to comply with a notice to remove waste material on site.	R 900.00	Appearance in Court	✓
F9(2)	Failure to comply with any provision of or any notice issued in terms of Regulation F9 Cleaning of site.	R 900.00	Appearance in Court	✓
F10(7)	Failure to comply with any provision of or any notice issued in terms of Regulation FIO Builder's, sheds.	R 1700.00	Appearance in Court	✓
G1(3)	Failure to obtain the local authority's written authority to excavate where the safety and stability of any property is likely to be impaired by such excavation or where the excavation is likely to be more than 3m or where having obtained the local authority's written authority failure to comply with the conditions of the written authority.	R 10 000.00	Appearance in Court	✓
G1(4)	Failure to give the local authority 7 days' notice of any excavation that may impair the safety or stability of any property or service.	R 1700.00	Appearance in Court	✓
F11(2)	Failure to comply with any provision of or any notice issued terms of Regulation F11 Sanitary facilities.	R 900.00	Appearance in Court	✓
P1(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P1 Compulsory drainage of building.	R 900.00	Appearance in Court	✓
P3(4)	Prohibition on discharge from swimming pools, fountains or reservoirs.	R 900.00	Appearance in Court	✓
P3(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P3 Control of objectionable discharge.	R 3000.00	Appearance in Court	✓
P4(2)	Failure to comply with any provision of or any notice in terms of Regulation P4 Industrial effluent.	R 3000.00	Appearance in Court	✓
P5(4)	Failure to comply with any provision of or any notice in terms of Regulation P5 Disconnections.	R 900.00	Appearance in Court	✓
P6(2)	Failure to comply with any provision of or any notice issued in terms of Regulation P6 Unauthorized any drainage work.	R 1700.00	Appearance in Court	✓
P7(4)	Failure to comply with any provision of or any notice issued in terms of Regulations P7 Inspection and testing of drainage installations.	R 1700.00	Appearance in Court	✓

T2(2)	Obstructing or causing to be obstructed of an escape route.	R 1700.00	Appearance in Court	✓
T2(1)	Failure to make and maintain adequate provision in terms of the requirements of Regulation T1(1)(e) or failure to comply with relevant SANS 10105 specifications.	R 1700.00	Appearance in Court	✓

- (iii) To authorise the Director: Planning and Economic Development to pursue a special vote number from the Department: Finance where the fines can be paid, and;
- (iv) Authorise the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Land Use and Manager: Building Development reporting to the Director: Planning and Economic Development.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>12/8</i>	<i>Author</i>	<i>Manager: Land Use</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-07-19</i>

7.3.6	FIXING OF CONTRAVENTION LEVY IN TERMS OF SECTION 40(3) OF THE LAND USE PLANNING ORDINANCE 15 OF 1985 IN RESPECT OF THE FARM NO 1353/1, PAARL DIVISION AS WELL AS THE DETERMINATION OF A DEEMED ZONING IN TERMS OF SECTION 40(4)(C) OF THE LAND USE PLANNING ORDINANCE 15 OF 1985
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1. PURPOSE OF THE REPORT

This report was compiled by the Manager: Land Use Management (the Manager) to be considered by Council after re-consideration for the following matters:

- 1.1 The fixing of a Contravention Levy in terms of Section 40(3) of the Land Use Planning Ordinance No. 15 of 1985 (the "LUPO") payable by the owner (Brashville Properties 51 (Pty - "Brashville") Ltd) of Farm No. 1353/1, Paarl Division (the "Property"); and
- 1.2 The determination of a deemed zoning of a portion of the Property in terms of Section 40(4)(c) of the LUPO.

2. BACKGROUND

The factual background to this matter will be evident for the members of the COUNCIL from the **APPENDICES** available for perusal and the members are requested to have due and proper regard to all the appendices. It should be noted that although appendices 1 to 7 are not referred to in the body of this document under the section background, such appendices still form an integral part of this report.

Appendices 1-25 were distributed on a CD.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.6

Before this matter was debated, Cllr Schäfer recused himself.

The Speaker allowed the legal representative from Smith, Tabata, Buchanan and Boyes Attorneys (STBB), Mr Swarts, to do a presentation. The attorney was of the view that correct procedures were followed and there are no concerns in respect of procedural fairness. Council has the scope to fix the amount of the levy. After the matter was debated, the DA requested a caucus, which the Speaker allowed.

When the meeting resumed, it was

RESOLVED (majority vote with 1 abstention)

- (a) that approval be granted that in terms of Section 40(3)(a) and (b)(ii) of LUPO a contravention levy of R400 000,00 (four hundred thousand rand) be paid on Farm No. 1353/1, Paarl Division, quarterly in four equal portions over a period of one year from date of final notification of Council's resolution. That the amount of R51 910,08 (Fifty one thousand nine hundred and ten rand and eight cent) already paid by the property owner as a contravention levy to the Municipality's reinstatement of Brashville's building plans on 20 July 2011, be credited from the abovementioned amount of R400 000,00;

- (b) that, in terms of Section 40(4) of the LUPO the zoning of the property be split into a developed portion of 5854 m² zoned Residential Zone V and the remaining area that remains Agricultural Zone 1:
- (i) the use permitted in the Residential Zone V be limited to the land as shown on the attached aerial photograph, (Appendix 26.6 Stellenbosch Municipality, La Lavanda Guesthouse Portion 1 of Farm 1353) and the current development consisting of:
- parking for 16 vehicles and loading areas
 - access road;
 - recreation space; facilities and landscaping;
 - 10 guest cottages linked by covered walkways;
 - house and tourist facilities; and
 - related outbuildings, as shown on Munnik Visser Architects plan M-202 DWG001 Rev A dated 04/12/2009
- (c) that building plans be submitted in terms of the National Building Regulations and Building Standards Act, 103 of 1977 which will be considered in terms of the said requirements, inclusive of prior circulation for comment to the FAC; and
- (d) that this approval applies only to the application in question and shall not be construed as authority to depart from any legal prescriptions or requirements.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

Councillor F Adams requested that it be minuted that he abstained from voting on the matter.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Economic Development & Planning
Ref No:	PL1353/1P	Author:	Dir: Plan & Econ Dev: (D Lombaard)
Collab:		Referred from:	4 th Council: 2016-11-23

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FROM 01 MAY UNTIL 30 MAY 2017
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1. PURPOSE OF REPORT

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

2. BACKGROUND

Reporting the deviation as approved by the Accounting Officer for the period of 01 May 2017 until 30 May 2017. The following deviations were approved with the reasons as indicated below:

Deviation Number	Contract Date			Name of Contractor	Contract Description	Reason	Total Contract Price R
D/SM 44/17	03	5	2017	NOKHALA CLEANING SERVICES	Slabtown Fire 31 March 2017	Provision of food to individuals of Slabtown. 35 Individuals were left being destitute due to Slabtown fire.	R17600.00 vat incl.
D/SM 48/17	12	5	2017	PARONE TRADING	Slabtown Fire 31 March 2017 motivation for appointment of service provider for the immediate repair of the roof at Van der Stel sports facilities.	Van Der Stel Sport Facilities roofs were identified to be upgraded as a project that overlapped from financial year 2016/17.	R73712.40 vat incl.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.4.1

NOTED

the Monthly Financial Statutory Reporting: Deviations from 01 May until 30 May 2017.

Meeting: Ref no: Collab:	10 th Council: 2017-07-26 8/1Finance	Submitted by Directorate: Author Referred from:	Financial Services CFO Mayco: 2017-07-26
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7.4.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS AND RATIFICATIONS FROM 01 JUNE UNTIL 30 JUNE 2017
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1. PURPOSE OF REPORT

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

2. BACKGROUND

Reporting the deviation and ratifications as approved by the Accounting Officer for the period June 2017. The following deviations were approved with the reasons as indicated below:

Deviation Number	Contract Date			Name of Contractor	Contract Description	Reason	Total contract Price R
D/SM 49/17	15	6	2017	Exeo Khokela	Preparation and implementation of drought disaster action plan for Stellenbosch, wco24	Helping municipalities deal with issues of blockages in the procurement process to tackle the ongoing drought	R 2 564 405.63
D/SM 50/17	22	6	2017	AVALON TECHNOLOGY GROUP	Matopie highsite failure	ICT network failed at Matopie Highsite as a result of extreme weather conditions	R 101 728.00
D/SM 51/17	19	6	2017	POLORMAMA	Langrug storm disaster 07 june 2017	Damaged caused at Langrug , left 170 people distute	R 145 509.80
				NOKHALA CLEANING SERVICES			R 27 200.00
D/SM 52/17	30	6	2017	ABSA	Banking services	Banking services provided by ABSA to Stellenbosch municipality till end September 2017	R 186 157.82
D/SM 53/17	30	6	2017	LEELYN MANAGEMENT	Parking management	To obtain a suitable service provider to manage off-street parking	R 2 631 984.00
D/SM 54/17	30	6	2017	LIQUID TELECOMMUNICATION S SA	Telephone system limitations (voice services)	Telephonic systems limitations (voice services)	R 600 000.00

The following ratifications were approved with the reasons as indicated below

Number:	Date:			Service provider:	Description	Reason	Amount
R/SM 8/17	19	6	2017	CEM CONTRACTORS	CEM contractors:	Hiring of digger loader Franschoek Mooipark	R 9600,00

R/SM 9/17	15	6	2017	INKWEZI CATERING	Inkwezi catering services r5	Catering for the cancer awareness ward project	R 5850,00
R/SM 10/17	19	6	2017	FARMGAURD SECURITY SERVICE	Farmgaurd security service	Two officers for night shift from April	R 13 459,00
R/SM 11/17	30	6	2017	S.C POWERLINES PTY	S.C Powerlines Pty (ltd) for	Urgent pest control at Stellenbosch town hall.	R 15 100,00

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.4.2**NOTED**

the Monthly Financial Statutory Reporting: Deviations and ratifications from 01 June until 30 June 2017.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Financial Services</i>
<i>Ref no:</i>	<i>8/1Financial</i>	<i>Author</i>	<i>CFO</i>
<i>Collab:</i>		<i>Referred from:</i>	

7.4.3	QUARTERLY FINANCIAL AND NON-FINANCIAL REPORTING: APRIL 2017 – JUNE 2017
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1. PURPOSE OF REPORT

To comply with the requirements of Section 52 of the Municipal Finance Management Act, 56 of 2003, dealing with the general responsibilities of the mayor of a municipality by reporting to Council on the financial position and financial performance measured against the approved budget for the 4th quarter as at 30 June 2017.

2. BACKGROUND

This report illustrates the implementation of the budget for the relevant quarter and the financial state of the municipality.

The Operating expenditure reflects a 20.81% under spending for the year to date.

The 34.69% under spending of the year to date on the Capital budget is of great concern. It must be noted that numbers will change with the finalization of the financial statements.

The Financial Services Quarterly Report for April to June 2017 is attached as **Annexure A**.

The Service Delivery and Budget Implementation Plan (SDBIP) Report for April to June 2017 is attached as **Annexure B**.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.4.3

NOTED

the Quarterly Financial and Non-Financial Reporting: April 2017 – June 2017.

<i>Meeting:</i>	10 th Council: 2017-07-26	<i>Submitted by Directorate:</i>	Financial Services
<i>Ref no:</i>		<i>Author</i>	CFO
<i>Collab:</i>		<i>Referred from:</i>	

7.4.4	SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2016/2017 FINANCIAL YEAR
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1. PURPOSE OF REPORT

To comply with Regulation 6(3) of the Municipal Supply Chain Management Regulations by reporting on the state of the implementation of Supply Chain Management Policy of the Stellenbosch Municipality.

2. BACKGROUND

The Supply Chain Management Implementation report for the year ended June 2017 is attached as **Annexure A** which contains detailed discussion.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.4.4**NOTED**

the Supply Chain Management Implementation Report for the 2016/2017 Financial Year.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Financial Services</i>
<i>Ref no:</i>	<i>8/1Financial</i>	<i>Author</i>	<i>CFO</i>
<i>Collab:</i>		<i>Referred from:</i>	

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
7.5.1	PROPOSED TRANSFER OF PORTION 1 OF FARM NO 1006, STELLENBOSCH FROM CAPE WINELANDS DISTRICT MUNICIPALITY TO STELLENBOSCH MUNICIPALITY IN ORDER TO FACILITATE THE IMPLEMENTATION OF THE GROOT DRAKENSTEIN / MEERLUST RURAL HOUSING PROJECT

1. PURPOSE OF REPORT

For Council to consider the transfer of Portion 1 of Farm 1006, Stellenbosch, located within the Stellenbosch Municipality's area of jurisdiction from the Cape Winelands District Municipality (CWDM) to Stellenbosch Municipality (SM) for the purposes of completing the planning and implementation of the Groot Drakenstein / Meerlust Rural Housing Project.

2. BACKGROUND / STATUS QUO

2.1 Meerlust Settlement: CapeNature

According to a Heritage Impact Assessment prepared in September 2015 for Cape Saw Mills (currently Cape Pine), during the 1930's, 63% of state-owned forests were in the Western Cape, with 38% in the Boland Region. Forestry station communities were established near the major plantations, including Maasdorp, Meerlust Bosbou and Groot Drakenstein.

As a result of the decline of the forestry industry in the late 1900's and the deproclamation of state forests in 1994, forestry operations at Meerlust were discontinued. Immediately prior to the signing of an agreement between Stellenbosch Municipality and NDPW in 2007, Meerlust Forest Village was managed by CapeNature on behalf of NDPW and the houses and other related buildings on the property (Portion 1 of Farm 1006) was occupied by tenants in terms of Lease Agreements concluded with CapeNature. By the time of the signing of the agreement with Stellenbosch Municipality, however, CapeNature was no longer providing any services to the tenants.

2.2 Upgrading of services by Cape Winelands District Municipality (CWDM)

Cape Winelands District Municipality (then Boland District Municipality), who was at the time the responsible local authority, upgraded services in the 1990's in consultation with the National Department of Public Works. Only internal services were upgraded and the planning processes (EIA, etc) for a sewerage connection were initiated.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.5.1

RESOLVED (nem con)

- (a) that Council re-confirm its commitment to take over the management of Meerlust as per the April 2007 agreement between Stellenbosch Municipality and National Department of Public Works attached hereto as **Annexure B** until such time as the property, being Portion 1 of the Farm Meerlust No 1006, Stellenbosch, is transferred to Stellenbosch Municipality;

-
- (b) that Council take over the Groot Drakenstein / Meerlust Rural Housing Project from Cape Winelands District Municipality and by implication ownership of Portion 1 of Farm Meerlust No 1006, Stellenbosch;
- (c) that, in order for Stellenbosch Municipality to proceed with the planning and implementation of the Groot Drakenstein / Meerlust Rural Housing Project and subsequent township establishment process, the Municipal Manager be authorized to approach the National Department of Public Works with the view of obtaining a Power of Attorney, authorising Stellenbosch Municipality, *inter alia*, to proceed with the planning and implementation of the project;
- (d) that, following the issuing of such a Power of Attorney, the Municipal Manager be authorised to conclude a Memorandum of Agreement with the National Department of Public Works and/or the Cape Winelands District Municipality for the transfer of the property to Stellenbosch Municipality; and
- (e) that, following the issuing of such a Power Attorney, the Municipal Manager be authorised to call for development proposals from prospective developers and to conclude an agreement with the successful bidder for the planning and implementation of the project.

Meeting: Ref no: Collab:	10 th Council: 2017-07-26	Submitted by Directorate: Author Referred from:	Human Settlements Manager: Property Management Mayco: 2017-07-19
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7.5.2	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)
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1. PURPOSE OF THE REPORT

To obtain the necessary authorization to start a process of making a portion of the Wemmershoek Community Hall available (through a public competitive process) for the purpose of an ECD facility.

2. BACKGROUND

Hereto attached as **APPENDIX 1** a copy of a memo received from the Manager: Community Services, recommending that a portion of the Wemmershoek Community Hall be made available to be leased as an ECD facility. This memo followed an investigation into the need for such a facility in the specific community.

COUNCIL MEETING: 2017-07-26: ITEM 7.5.2

RESOLVED (nem con)

- (a) that the property in question be identified as property not needed/required for the municipality's own use;
- (b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;
- (c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and
- (d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Human Settlements
Ref no:	7/2/1/1	Author	Manager: Property Management
Collab:		Referred from:	Mayco: 2017-07-19

7.5.3	APPLICATION FOR THE AWARDING OF LONG TERM RIGHTS (LEASE AGREEMENT) TO THE WESTERN CAPE GOVERNMENT IN TERMS OF PORTION 17 OF FARM 1064, PAARL
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1. PURPOSE OF THE REPORT

The purpose of this report is two-fold, i.e.

- (a) To obtain approval for the conclusion of a long-term lease agreement with the Western Cape Government in relation to the use of a portion of Portion 17 of Farm 1064, Administrative District of Paarl (Franschhoek); and
- (b) To authorise the Municipal Manager to sign the necessary documents to effect such lease.

2. BACKGROUND

2.1 Berg River Implementation Plan (BRIP)

The Western Cape Government, through the Provincial Cabinet, endorsed and approved the BRIP in November 2012, a transversal framework which promotes collaboration for the enhanced protection and preservation of environmental resources. The Provincial Department of Environmental Affairs and Development Planning (DEA & DP) was given the role of leading with the implementation of the plan, given the mandate to work in collaboration with all stakeholders, to ensure that the environment is conserved for future generations.

The BRIP constitutes six prioritized tasks, assigned to the respective provincial departments to work with national departments, district and local municipalities for implementation and delivery on the required objectives. One of the six task identifies the action required to mitigate the impact of stormwater, specifically from areas in which informal settlements are present, on the water quality of the Berg River Catchment.

2.2 Identification of the Langrug site/project: Genius of Space

The Langrug Informal Settlement, outside Franschhoek, was one of the sites selected based on the advanced state of the community structure through work undertaken by community based NGOs and Stellenbosch Municipality. The aim of the project is to develop and showcase innovative, alternative and greening solutions to manage the disposal of grey water disposal and management options for small scale stormwater treatment. The project, Genius of Systems for People's Access to a Clean Environment (SPACE), is now within its second year to pilot and trial new options for managing these waste flows and provide opportunities for socio-economic upliftment.

2.3 Co-operative Agreement

On 15 January 2016 Stellenbosch Municipality and the Western Cape Government, via its Department of Environmental Affairs & Development Planning (DEA&DP), concluded a Co-operation agreement. In terms hereof the parties to the agreement undertook to collaborate with each other in good faith for the purpose of enabling the successful realization of the BRIP,

within the jurisdiction area of the Municipality, more specifically in the Franschhoek Valley. A copy of the Co-operation Agreement is attached as **APPENDIX 1**.

2.4 Further Developments/research

According to DEA&DP it soon became evident that the Genius of Space project, while novel and innovative in its approach, does not fully address and mitigate the impact of stormwater flows from Langrug, to immediately address this impact the opportunity presented through the decommissioning of the Franschhoek Waste Water Treatment Works (WWTW), was presented to investigate the potential of utilizing the site to implement a bioremediation (i.e. biological filtration) system for the management, storage and treatment of contaminated stormwater and the possibility of improving the quality of the Stiebeuel River, which flows through the site, into the Franschhoek River, a tributary of the Berg River. Through the completion of the initial phase of the Design and Development of a Bioremediation Technology at Franschhoek Wastewater Treatment Works (WWTW) in 2013/14, with input and support from the Stellenbosch Municipality, a proposal was conceptualized for the development of the proposed bioremediation technology. The technology aims to mimic the natural hydrological cycle, through a number of sequential interventions in the form of a "treatment train" for the effective management of stormwater run-off quantity and quality using biological based systems. This is different to conventional drainage systems, which primarily focus on reducing the risk of floods and largely ignoring the need for managing or improving water quality and the associated roles of amenity and biodiversity. Conventional systems also often have an adverse impact on flooding within the wider scope of the catchment, ignoring the potential for the management and re-use of stormwater as a resource.

2.5 The proposed water Hub

Following on from the initial investigation into the possible use of the Franschhoek WWTW, a tender was advertised by the DEA&DP requiring the services of a professional team to research, design and develop a plan for implementation to achieve an integrated approach for the development of the Water Hub on the site with continued support from Stellenbosch Municipality. The appointment of a service provider was undertaken toward the end of 2014, through a formal tender process.

The main aim of the project is to reduce water pollution load, while promoting research in alternative bioremediation methodologies for the treatment and management of stormwater systems to improve water quality and ecosystem functioning in the Berg River. The facility would also aim to link activities with the provision of opportunities for recreation and education, whilst promoting opportunities for replication, sustainable growth and economic development in the Province. The project is intended as a medium to long term intervention, in relation to long term sanitation and infrastructure interventions planned for the area in other projects currently undertaken by Stellenbosch Municipality and the Western Cape Government, to improve water quality in the Berg River.

Through integrating the bioremediation technology and the establishment of the Water Hub, an important opportunity is presented for the development of skills through research and development aligning with value of Stellenbosch Municipality being promoted as the Innovation Capital. Furthermore, there is

significant economic potential through the opportunities for job creation within the education, maintenance and operation of sustainable infrastructure for the management and treatment of stormwater and wastewater.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.5.3

RESOLVED (nem con)

- (a) that a portion of Portion 17 of Farm 1064, Paarl, measuring ±2.567ha in extent as indicated on Fig 3 (*supra*), be determined to be surplus to the municipality's requirements;
- (b) that the land under consideration be made available to the Western Cape Government, free of charge, for the purpose of developing a Water Hub, as more fully described in their application for a period of 30 years, with an option to renew, subject thereto that:-
 - (i) all permanent improvements become the property of Stellenbosch Municipality at the expiring of the agreement;
 - (ii) the Western Cape Government be responsible for rates and taxes and the use of services, as if they are the owners of the property;
 - (iii) should the property no longer be used for the purpose of a Water Hub, the Lease Agreement be terminated;
 - (iv) the Western Cape Government attend to the formal decommissioning of the old WWTP on behalf of Stellenbosch Municipality, but for their account;
 - (v) the Western Cape Government take full responsibility for securing the premises;
 - (vi) should it become necessary to upgrade any bulk infrastructure, it be for the account of the Western Cape Government;
 - (vii) that preference be given to residents of the Municipal area, when considering work opportunities and/or bursaries; and
- (c) that the Municipal Manager be authorized to sign the Lease Agreement on behalf of the municipality.

Meeting: Ref no: Collab:	10 th Council: 2017-07-26 7/2/1/1	Submitted by Directorate: Author Referred from:	Human Settlements Manager: Property Management Mayco: 2017-06-21
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7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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7.6.1	STELLENBOSCH TRANSIT ORIENTED DEVELOPMENT (TOD) PROJECT
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1. PURPOSE OF REPORT

To inform Council of the progress of the Transit Oriented Development (TOD) project.

2. BACKGROUND

The Directorate: Engineering Services and the Directorate: Planning and Economic Development jointly developed a proposal regarding a Transit Oriented Development (TOD) as a potential contributory solution to the towns transport problems, while also contributing to economic growth, local economic development, social inclusion, etc.

Stellenbosch is experiencing some of the worst traffic congestion compared to other towns of its size. Most intersections in Stellenbosch are functioning beyond their capacity and the continued and unsustainable creation of roadway capacity should not be the only solution to the problem. Stellenbosch is at the same time continuing to experience a demand for more development and more specifically middle income housing and student accommodation, which are major contributors to the traffic congestion being experienced.

Royal Haskoning DHV has been appointed to develop a TOD. The first draft of the TOD has been submitted in 2015.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.1

RESOLVED (nem con)

that Council takes note of the progress on the Transit Oriented Development (TOD) project.

<i>Meeting:</i>	10 th Council: 2017-07-26	<i>Submitted by Directorate:</i>	Engineering Services
<i>Ref no:</i>	8/1/Engineering Services	<i>Author</i>	Manager Transport
<i>Collab:</i>		<i>Referred from:</i>	Mayco: 2017-07-19

7.6.2	STELLENBOSCH TRANSPORT WORKING GROUP: STATUS REPORT
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1. PURPOSE OF REPORT

To inform Council of the status of the Transport Working Group (TWG).

2. BACKGROUND

The Transport Working Group was established to discuss and consult on transport related matters with the affected role-players. The Working Group reports to the Engineering Portfolio Committee. The last meeting was held in May 2016, when the previous Manager; Transport Roads and Stormwater resigned. No Transport Working Group meetings were held since May 2016.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.2

It was noted that the Administration will be relooking at the composition and membership of the Transport Working Group.

RESOLVED (nem con)

that the status of the Transport Working Group and minutes of the last Transport Working Group meeting held on 5 May 2016, be noted.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1/Engineering Services</i>	<i>Author</i>	<i>Manager: Transport</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-07-19</i>

7.6.3	3RD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) NOT SERVING AT COUNCIL BY JUNE 2017, AS PER PERFORMANCE AGREEMENT
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1. PURPOSE OF REPORT

To inform Council of the reason the 3rd Generation Integrated Waste Management Plan will not serve at the June 2017 Council Meeting for final approval.

2. BACKGROUND

The Solid Waste Management Department requested the services of GreenCape to draft the 3rd Generation Integrated Waste Management Plan (IWMP) in 2015 in order to have a final deliverable in place by June 2017. Although Provincial Government Western Cape's Department: Environmental Affairs & Development Planning did not call for the drafting of this document as at the time of writing this report, Stellenbosch Municipality decided to commence with this prior to the announcement due to its critical airspace shortage and needed to plan for immediate measures to protect and extend the existing airspace at the Devon Valley Landfill Site. The second reason for drafting the document prior to the call was in order to align it to the 4th Generation Integrated Development Plan (IDP) for 2017-2022, which is how it is intended to function in terms of budgetary alignment.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.3**RESOLVED** (nem con)

- (a) that Council notes that the 3rd Generation Integrated Waste Management Plan will not serve at Council until the potential additional airspace has been included in the plan;
- (b) that GreenCape make the necessary amendments and that the document serves for public participation before it is finalised; and
- (c) that the Final 3rd Generation Integrated Waste Management Plan (IWMP) serves at Council in October 2017 for approval.

<i>Meeting:</i>	10 th Council: 2017-07-26	<i>Submitted by Directorate:</i>	Engineering Services
<i>Ref no:</i>	8/1/Engineering Services	<i>Author</i>	Manager: Solid Waste
<i>Collab:</i>		<i>Referred from:</i>	Mayco: 2017-07-19

7.6.4	WATER SERVICES BY-LAW
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1. PURPOSE OF REPORT

To request approval from Council to finally approve the Water Services By-Law and to approve the introduction of Section 184 of Ordinance 20 of 1974 to enable the Municipality to control water restrictions until the new Water Services By-Law has been promulgated.

2. BACKGROUND

In June 2005 the By-laws in use by Stellenbosch Municipality were taken from the MODEL BY-LAWS PACK - Model Credit Control and Debt Collection By-laws and Model Water Services By-laws issued by the Department of Water and Sanitation. Although these By-laws were adopted by resolution of Council of Stellenbosch in 2008, they were never gazetted.

In 2015 some work was done to assess the existing By-laws that are in use by the Stellenbosch Municipality(SM). The report was submitted in June 2015.

In this 2015 report, the Project Team determined that the Draft By-laws that were accepted by Stellenbosch and approved of by Stellenbosch Council in 2008 were comprehensive, covering the full spectrum of regulation necessary for managing and protecting the sewerage reticulation system and the wastewater treatment works.

The current By-law, Water Supply, Sanitation Services and Industrial Effluent By-Law is not aligned with the Water Services Act 108 of 1997 and its associated regulations.

The proposed Water Supply, Sanitation Services and Industrial Effluent By-Law will in comparison with the existing By-law address a wider spectrum of Water and Sewerage (Sanitation) Management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution ensuring for clean and safe water services for its citizens.

A Specialist Consultant, GE McConkey (Pr.Sci.Nat) was appointed to do an assessment of the existing By-laws and to determine whether the By-laws are still applicable and valid for Stellenbosch Municipality. (Report is attached as **APPENDIX 1A**).

The draft Water Services By-Law was submitted to Council on the 4th Council Meeting on 23/11/2016 and Council resolved (nem con) that:

- a) *that the attached Draft Water Services By-law be supported by Council in principle;*
- b) *that the proposed Draft By-law be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments/ objections by the public, for final approval and adoption by the Council; and*

- c) *that the Draft By-Law, once approved and adopted by Council, be promulgated by the Directorate: Strategic and Corporate Services' legal team in the Provincial Gazette.*

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.4

A replacement page (page 875, Appendix 1A, Schedule C) was distributed during the meeting. It is noted that this page has no bearing on the recommendations.

RESOLVED (nem con)

- (a) that the attached Draft Water Services By-law be approved and adopted by Council as the final Water Services By-Law;
- (b) that the Water Services By-Law, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;
- (c) that the following stale Water Services By-laws be repealed:
PN 802/1960, PN 406/1962, PN 320/1963, PN 397/1964, PN 955/1964,
PN 1243/1966, PN 1300/1966, PN 601/197, PN 1027/1967, PN 889/1969,
PN 791/1970, PN 890/1972, PN 915/1972, PN 631/1973, PN 1125/1973,
PN 804/1974, PN 1258/1974, PN 1272/1975;
- (d) that, in terms of Section 184(1) of Ordinance 20 of 1974, Council accepts the conditions set by the full Section 184 of Ordinance 20 of 1974 for the restrictions and management of the use of water; and
- (e) that resolution (d) above remains in force until the date that the new Water Services By-Law has been Promulgated, after which only the conditions set out in the new Water Services By-Law will apply.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Engineering Services
Ref no:	8/1/Engineering Services	Author	Manager: Water Services
Collab:		Referred from:	Mayco: 2017-07-19

7.6.5	REVIEW OF THE ELECTRICITY SUPPLY BY-LAW
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1. PURPOSE OF REPORT

To request Council to initiate the process of reviewing the Electricity Supply By-Law in order to incorporate mainly the self-generation of electricity.

2. BACKGROUND

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

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.5

RESOLVED (nem con)

- (a) that this report be noted;
- (b) that Council accepts **APPENDIX 1** as the draft By-Law, in terms of Section 12(1) of the Municipal Systems Act (MSA), for the new Draft Stellenbosch Electricity Supply By-Law;
- (c) that the Draft By-Law be further processed in terms of the Council's Rules of Order, inclusive of public participation- and other processes as per Section 12(3) of the Municipal Systems Act; and
- (d) that the said By-law thereafter be workshopped prior to being submitted to Council for final approval.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Engineering Services
Ref no:	8/1/Engineering Services	Author	Manager: Electrical Services
Collab:		Referred from:	Mayco: 2017-07-19

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
7.7.1	REVIEWING OF THE BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION, FACILITIES, NATURE CONSERVATION AND PUBLIC OPEN SPACES

1. PURPOSE OF REPORT

The purpose of this report is five-fold, namely:

- (i) To provide a revised by-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces.
- (ii) To regulate the admission of person, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be permitted within public parks, and to provide for the matters incidental therefor.
- (iii) To ensure that the way in which the Greater Stellenbosch Municipality controls, manages and develops parks and public open spaces, is environmentally sustainable and is in the long term of the whole community of the WC024, including future generations; and
- (iv) To promote the achievement of a safe and peaceful environment; and
- (i) To provide for procedures, methods and practices to regulate the use and management of public amenities.

2. BACKGROUND

The Section 80 committee requests the Community Services Department to provide the updated revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces. See attached.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.7.1

RESOLVED (nem con)

- (a) that the attached revised Draft Parks By-law be approved by Council in principle; and
- (b) that said By-law be advertised for public comment whereafter same be workshopped and submitted to Council for final approval.

Meeting: Ref no: Collab:	10 th Council: 2017-07-26 1/3/1/27	Submitted by Directorate: Author Referred from:	Com Development & Com Services Head: Urban Greening Com Dev & Com Services: 2017-06-22
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7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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7.8.1	IMPOUNDMENT OF ANIMALS BY-LAW
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1. PURPOSE OF REPORT

To submit the amended Impoundment of Animals By-law to Council for approval.

2. BACKGROUND

Currently, a need exist for the proper control and management of stray animals within the WC024 area of Stellenbosch. Many of these animals are grazing without any supervision, and in some instances create a health risk due to the locality and conditions these animals are found.

The municipality is in the process of erecting a pound for the safekeeping of impounded animals and has purchased the necessary equipment to transport impounded animals.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.1

RESOLVED (nem con)

- (a) that Council considers the adoption and approval of the Draft Impoundment of Animals By- Law; and
- (b) that the proposed By-Law be duly advertised for public comment until the end of February 2017 and be re-submitted together with any comment/objections by the public, for final approval and adoption by Council.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.8.1

the Speaker **RULED**

- (a) that this matter stand over until the next Council meeting in August 2017; and
- (b) that the Impoundment of Animals By-law be workshopped prior to the Council meeting mentioned in (a) above.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Community & Protection Services
Ref no:	1/3/17	Author	Act Manager: Law Enforcement
Collab:	521205	Referred from:	Mayco: 2017-07-19

7.8.2	EVENTS POLICY
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1. PURPOSE OF REPORT

To request Council to approve and adopt the Events Policy for Stellenbosch Municipality.

2. BACKGROUND

The Events Policy, attached as **APPENDIX 1**, sets the strategic direction for Stellenbosch and its region, and aims to create mutually beneficial outcomes for the Greater Stellenbosch residents, businesses and visitors by using the platforms created by events to contribute to Stellenbosch's, growth, development and inclusivity.

Stellenbosch is known for hosting major local, national and international events. The Events Policy will assist and guide the municipality in managing event related activities in an efficient and effective manner thereby providing clarity to all role players and stakeholders. Stellenbosch Municipality would like to ensure that it becomes a town for great events for visitors to the town and the events industry, by creating stability in the town's events calendar and clearly defining processes and systems that support events. The Municipality plays an important role in: the regulations of events, partnerships with events organized in the WC024, events organization, facilitation and the provision of services at events. Currently events are regulated by the Events Act of 2010 and are applicable to events which accommodate more than 2000 people. The municipality has recently approved the Events By-law which was promulgated on 12 February 2016. The Events By-law gives the legal parameters under which the Events Policy will function in terms of processes to be followed and implemented.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.3

RESOLVED (nem con)

- (a) that Council considers the adoption and approval of the Draft Events Policy in principle; and
- (b) that the Draft Events Policy be advertised for public comment until the end of February 2017 and be re-submitted for final approval and adoption by Council.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.8.2

the Speaker **RULED**

- (a) that this matter stand over until the next Council meeting in August 2017; and
- (b) that the Events By-law be workshopped prior to the Council meeting mentioned in (a) above.

Meeting: Ref No: Collab:	10 th Council: 2017-07-26 1/3/1/16 520537	Submitted by Directorate: Author: Referred from:	Community & Protection Services Manager: Law Enforcement Mayco: 2017-07-19
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7.8.3	BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS
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1. PURPOSE OF REPORT

To submit the amended draft "By-Law on the Prevention of Public Nuisances and the Keeping of Animals" to Council for adoption.

2. BACKGROUND

Several complaints regarding various types of nuisances have been received. Methods to address said complaints were investigated by the Administration. It was proven that the previous By-laws were not adequate to address the problems experienced. Copies of said By-laws are attached hereto as **APPENDICES 1 – 6**. A new By-law has thus been drafted and is herewith submitted to Council for consideration, which is attached as **APPENDIX 7**.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.2

RESOLVED (nem con)

- (a) that Council approves the amended Draft By-Law on the Prevention of Public Nuisances and the Keeping of Animals, in principle; and
- (b) that the Administration be mandated to advertise said By-Law for public comment until the end of February 2017, where after same be re-submitted to Council for approval.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.8.3

the Speaker **RULED**

- (a) that this matter stand over until the next Council meeting in August 2017; and
- (b) that the By-law on the Prevention of Public Nuisances and the Keeping of Animals, be workshopped prior to the Council meeting mentioned in (a) above.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Community & Protection Services
Ref No:	1/3/1/8	Author:	Manager: Law Enforcement
Collab:	521125	Referred from:	Mayco: 2017-07-19

7.8.4	REVIEW OF THE DISASTER MANAGEMENT PLAN
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1. PURPOSE OF REPORT

To present a reviewed Disaster Management Plan (**APPENDIX 1**) to Council for in principle approval.

2. BACKGROUND

The revision of the disaster management plan is done in accordance with Section 53 (1) of the Disaster Amendment Act, 16 of 2015 to:

(g) regularly review and update its plan; and

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

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.8.4**RESOLVED** (nem con)

- (a) that the revised Disaster Management Plan be approved in principle; and
- (b) that the said plan be advertised for public comment where-after same be resubmitted to Council for final approval.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Community & Protection Services
Ref No:	17/8/4	Author:	Manager: Fire & Disaster
Collab:	521168	Referred from:	Mayco: 2017-07-19

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE

8.	CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER
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8.1	CONSIDERATION OF IRREGULAR EXPENDITURE DISCLOSED IN THE ANNUAL FINANCIAL STATEMENTS OF 2015/2016 FOR AYANDA MBANGA
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1. PURPOSE OF THE REPORT

To provide information regarding “irregular expenditure” for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council’s approved policies and the Municipal Finance Management Act, herein after referred to as the “Act” and “Policies”.

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.1

RESOLVED (nem con)

- (a) that note be taken of the expenses rendered under the circumstances as described by the Administration;
- (b) that note be taken of the comments by the Municipal Manager, in particular that the Supply Chain Management Unit puts processes and measures in place to prevent similar instances of irregular expenditure; and
- (c) that Council certifies the expenditure to the amount of R 2 194 629.00 for services rendered, and that the amount be written off.

Meeting: Ref No: Collab:	10 th Council: 2017-07-26 3/3/3/6/7	Submitted by Directorate: Author: Referred from:	Office of the Municipal Manager Municipal Manager: (Ms G Mettler) MPAC meeting: 2017-06-08
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8.2	CONSIDERATION OF IRREGULAR EXPENDITURE DISCLOSED IN THE ANNUAL FINANCIAL STATEMENTS OF 2015/2016 FOR FG UNIFORM
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1. PURPOSE OF THE REPORT

To provide information regarding “irregular expenditure” for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council’s approved policies and the Municipal Finance Management Act, herein after referred to as the “Act” and “Policies”.

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.2**RESOLVED** (nem con)

- (a) that note be taken of the expenses rendered under the circumstances as described by the administration;
- (b) that note be taken of the comments by the Municipal Manager; and
- (c) that Council certifies the expenditure to the amount of R 59 132.00 to be written off against goods and services received.

<i>Meeting:</i>	10 th Council: 2017-07-26	Submitted by Directorate:	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	3/3/3/6/7	Author:	<i>Municipal Manager: (Ms G Mettler)</i>
<i>Collab:</i>		Referred from:	<i>MPAC meeting: 2017-06-08</i>

8.3	CONSIDERATION OF IRREGULAR EXPENDITURE RELATING TO SERVICES RENDERED BY GENADENDAL JACKIES BAZAAR
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1. PURPOSE OF THE REPORT

To provide information regarding the irregular expenditure for investigation by MPAC and to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of the MFMA Section 32 (2)). The expenditure is regarded as irregular because it was incurred without an order.

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council's approved policies and the Municipal Finance Management Act, herein after referred to as the "Act" and "Policies".

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.3**RESOLVED** (nem con)

- (a) that note be taken of the expenses rendered under the circumstances as described by the administration;
- (b) that note be taken of the comments by the Municipal Manager, in particular that the Directorate: Engineering Services urgently commences with a long-term tender for the collection and removal of the waste, and that the Directorate: Engineering provides MPAC with a process plan in terms of their operations for the removal of the containerised waste for the period April 2013 – April 2017; and
- (c) that Council certifies the expenditure to the amount of R 147 464.02 for services rendered by Genadendal Jackie's Bazaar, and that this amount be written off.

<i>Meeting:</i>	10 th Council: 2017-07-26	Submitted by Directorate:	Office of the Municipal Manager
<i>Ref No:</i>	3/3/3/6/7	Author:	Municipal Manager: (Ms G Mettler)
<i>Collab:</i>		Referred from:	MPAC meeting: 2017-06-08

8.4	CONSIDERATION OF IRREGULAR EXPENDITURE RELATING TO SERVICES RENDERED BY YULSTON'S TRANSPORT t/a UBUNYE LOGISTICS
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1. PURPOSE OF THE REPORT

To provide information regarding the irregular expenditure for investigation by MPAC and to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for the collection and transport of municipal waste samples to Paradyskloof site and further transport to the landfill site. is regarded as irregular because it was incurred without an order.

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council's approved policies and the Municipal Finance Management Act, herein after referred to as the "Act" and "Policies".

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.4**RESOLVED** (nem con)

- (a) that note be taken of the expenses rendered under the circumstances as described by the administration;
- (b) that note be taken of the comments by the Municipal Manager, in particular that the relevant departments step up their management, monitoring and evaluation controls; and
- (c) that Council certifies the expenditure to the amount of R 40 755.46 for services rendered by Yulston's Transport t/a Ubunye Logistics, and that this amount be written off.

<i>Meeting:</i>	10 th Council: 2017-07-26	Submitted by Directorate:	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	3/3/3/6/7	Author:	<i>Municipal Manager: (Ms G Mettler)</i>
<i>Collab:</i>		Referred from:	<i>MPAC meeting: 2017-06-08</i>

8.5	CONSIDERATION OF IRREGULAR EXPENDITURE DISCLOSED IN THE ANNUAL FINANCIAL STATEMENTS OF 2015/2016 FOR JACKO'S CLEANING AND PROJECTS
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1. PURPOSE OF THE REPORT

To provide information regarding "irregular expenditure" for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council's approved policies and the Municipal Finance Management Act, herein after referred to as the "Act" and "Policies".

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.5**RESOLVED** (nem con)

- (a) that note be taken of the expenses rendered under the circumstances as described by the administration;
- (b) that note be taken of the comments by the Municipal Manager, in particular that Disclosure forms be circulated to all employees; and
- (c) that Council certifies the expenditure to the amount of R 15 999.00 for goods and services rendered and that this amount be written off.

<i>Meeting:</i>	10 th Council: 2017-07-26	Submitted by Directorate:	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	3/3/3/6/7	Author:	<i>Municipal Manager: (Ms G Mettler)</i>
<i>Collab:</i>		Referred from:	<i>MPAC meeting: 2017-06-08</i>

8.6	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FOR THE FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT: SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2017/18
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1. PURPOSE OF REPORT

To gain Council approval for the grant allocations as proposed by the Grants Committee for applications received from external bodies performing a municipal function, as provided by the Policy for the Funding of Bodies Performing a Municipal Function, read with section 80(2) of the local government: Systems act, 32 of 2000, financial year 2017/18, as advertised in the local newspapers.

2. BACKGROUND

Council approved a policy relating to the funding of external bodies performing a municipal function (Appendix A) at a meeting held on 2017-05-31, in terms whereof allocations may be made to external bodies performing a municipal function. In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to external bodies performing a municipal function. Notice of the applications for the funding of External Bodies Performing a Municipal Function, informing the broader public of the availability of funds, was advertised in the local newspapers on 22 & 24 November 2017 respectively in the Gazette and the Eikestad Nuus. The closing date for application was 20 December 2016 at 12:00.

On 13 July 2017 the Grant Committee evaluated the applications received in response to the local advertisement.

3.2 CRITERIA FOR ASSESSMENT

It is proposed that, within the budgeted provision for funding of external bodies performing a municipal function, the following criteria be incorporated into the policy:

- (a) that the successful applicants' salary budget be funded up to a maximum of 50%;
- (b) that the office- and administrative costs of a successful applicant be funded up to a maximum of 80%;
- (c) that a successful applicant's project-related-, marketing- and development expenditure be covered 100%; and
- (d) that the total grant proportionately distributed among the successful applicants does not exceed the Council-approved amount for the respective budget votes.

10TH COUNCIL MEETING: 2017-07-26: ITEM 8.6**RESOLVED** (nem con)

- (a) that the current separate Grants policies be reviewed and consolidated into one comprehensive policy;
- (b) that the proposed criteria for assessment of applications (referred to in par. 3.2 above) be incorporated in a single policy for all grants;
- (c) that the allocations to the tourism organisations be the same as the previous financial year, and that the CFO be mandated to provide the shortfall (R 64 185);
- (d) that the following allocations in terms of the Tourism budget vote be made:
- (i) Stellenbosch 360: **R 1 334 471**
 - (ii) Dwarsriver Tourism Office: **R 562 662**
 - (iii) Franschhoek Wine Valley: **R1 202 252**
 - (iii) Stellenbosch Wine Route: **R 614 800**
- (e) that the following allocations in terms of the Animal Welfare budget vote be made:
- (i) Stellenbosch Animal Welfare Society: **R880 000**
 - (ii) Franschhoek SPCA: **R120 000**

<i>Meeting:</i>	<i>10th Council:2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Municipal Manager</i>
<i>Ref no:</i>	<i>5/P/17</i>	<i>Author</i>	<i>Manager: LED</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Grants-in-Aid:2017-07-13</i>

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT: MAYOR-RECTOR FORUM

1. PURPOSE OF THE REPORT

To inform Council of the Mayor – Rector Forum meeting held on 22 June 2017.

2. BACKGROUND

The forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

The first introductory meeting was held on 31 January 2017, where the new Deputy Mayor and Municipal Manager were introduced to the new Rector.

It was then agreed that the next meeting be held to discuss specific matters, and this meeting was on 22 June 2017. At this meeting, the following concerns were discussed:

- Safety and security
- Water management
- Traffic concerns
- IT
- Private student accommodation and the effects on the town
- Co-operation with regard to sport

It was agreed that the next meeting will be on 2 August 2017.

10TH COUNCIL MEETING: 2017-07-26: ITEM 9.1.1

NOTED

the report on the Mayor-Rector Forum.

Meeting: Ref No: Collab:	10 TH Council: 2017-07-26	Submitted by Directorate: Author: Referred from:	Office of the Executive Mayor
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9.1.2	QUARTERLY REPORT: DECISIONS TAKEN BY THE EXECUTIVE MAYOR FROM APRIL 2017 UNTIL JUNE 2017
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1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from April 2017 to June 2017.

2. BACKGROUND

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.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

10TH COUNCIL MEETING: 2017-07-26: ITEM 9.1.2**NOTED**

the decisions taken by the Executive Mayor as attached as **APPENDIX 1**.

Meeting: Ref No: Collab:	10 th Council: 2017-07-26	Submitted by Directorate: Author: Referred from:	Office of the Executive Mayor
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9.2	REPORT BY THE SPEAKER
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9.2.1	REPORT ON THE ACTIVITIES PERFORMED BY THE OFFICES OF THE SPEAKER, SINGLE WHIP AND CHAIRPERSON OF MPAC
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1. PURPOSE OF REPORT

To report to Council on activities: The Speaker, Single Whip, MPAC, Office of the Speaker and reports by Portfolios submitted via Mayco for the period January to June 2017.

2. BACKGROUND

It is incumbent on the Office of the Speaker to report to Council on activities performed by -

- the Office of the Speaker which include the activities by staff coordinating the functioning of ward committees and related activities;
- the Office of the Single Whip;
- the Office of the Chairperson of MPAC; and
- reports of the various Portfolios submitted to Council via Mayco.

10TH COUNCIL MEETING: 2017-07-26: ITEM 9.2.1

NOTED

the report by the Speaker in respect of activities performed by the Offices of the Speaker, Single Whip, Chairperson of MPAC and reports submitted to Council by the different Portfolios.

Meeting:	10 th Council:2017-07-26	Submitted by Directorate:	Office of the Speaker
Ref No:	3/3/1/1	Author:	Senior Admin Officer: Office of the Speaker
Collab:		Referred from:	

9.3	REPORT BY THE MUNICIPAL MANAGER
9.3.1	REPORT ON THE LOCAL GOVERNMENT CAPACITY BUILDING STUDY TOUR TO FRANCE: 28 JUNE 2017 – 8 JULY 2017

1. PURPOSE OF REPORT

To inform Council of the study tour to France that the Municipal Manager attended.

2. BACKGROUND

Following a Summer School held in Johannesburg, an invitation was extended to participants to attend a Study Tour to France. (Invitation letter attached as **APPENDIX 1**).

The INCA Capacity Building Fund Study Tour to France took place from 28 June 2017 – 8 July 2017. The tour took place in four cities, namely Marseille, Lyon and Paris, with delegates also visiting Lille Metropole.

The focus of the Tour was on:

- A practical exposure to Long Term Planning and integrated development to ensure sustainability;
- Public transport as a catalyst for inclusive economic growth and urban densification;
- Public Private Partnerships and Public-Public Partnerships as an alternate service delivery mechanism; and
- Collaboration amongst municipalities and shared services to optimise resource utilisation.

Attached as **APPENDIX 2** is a report which includes a detailed summary of all the cities visited, discussions held, and importance for municipalities in South Africa as well as historical context.

The main initiatives the Municipal Manager would like to roll-out in the Stellenbosch Municipal area includes:

- Infill development and densification – the focus on Transit Oriented Development;
- How the Municipality can use municipal land as leverage for development;
- Underground parking areas through private-public partnerships; and
- Non-Motorised Transport initiatives – e.g. bicycle pilot project.

10TH COUNCIL MEETING: 2017-07-26: ITEM 9.3.1**RESOLVED** (nem con)

- (a) that the report on the Local Government Capacity Building Study Tour to France, 28 June 2017 – 8 July 2017, be noted; and
- (b) that the travelling expenses incurred from Johannesburg to Cape Town, be reimbursed to the Municipal Manager.

<i>Meeting:</i> <i>Ref No:</i> <i>Collab:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i> <i>Author:</i> <i>Referred from:</i>	<i>Office of the Municipal Manager</i>
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10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	QUESTION BY COUNCILLOR F ADAMS: AGRI-PARK
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10TH COUNCIL MEETING: 2017-07-26: ITEM 10.1

It was noted that Councillor F Adams was not satisfied with the response. He posed a follow-up question, namely:

“What is the financial implication and implementation timeframe for this?”

The Municipal Manager responded that she will provide a response in writing.

Meeting:	10 th Council meeting: 2017-07-26	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:	491834	Referred from:	

10.2	MOTION BY COUNCILLOR F ADAMS: MAYORAL ECONOMIC TRANSFORMATION AND DEVELOPMENT ADVISORY COUNCIL
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10TH COUNCIL MEETING: 2017-07-26: ITEM 10.2

The Speaker allowed Councillor F Adams to put his Motion, duly seconded.

After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of 3 for and 29 against the Motion.

RESOLVED (majority vote)

that this Motion not be accepted.

<i>Meeting:</i>	<i>10th Council: 2017-07-26</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	<i>3/4/1/4</i>	<i>Author:</i>	<i>MM: (Ms G Mettler)</i>
<i>Collab:</i>		<i>Referred from:</i>	

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

12.	CONSIDERATION OF URGENT MOTIONS
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NONE

13.	CONSIDERATION OF REPORTS
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13.1	CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 15:25.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**