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MINUTES

25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2014-11-26
# Minutes

25th Meeting of the Council of Stellenbosch Municipality

2014-11-26

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MINUTES OF THE 25TH MEETING OF STELLENBOSCH COUNCIL HELD ON 2014-11-26 AT 15:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT
The Speaker, Councillor CP Jooste [Chairperson]
The Executive Mayor, Alderman CJ Sidego
The Deputy Executive Mayor, Cllr MG Smuts

ALDERMAN
DC Botha

COUNCILLORS
F Adams
DS Arends
NM August
HC Bergstedt (Ms)
PW Biscombe
A Crombie (Ms)
JA Davids
R du Toit (Ms)
V Fernandez (Ms)
AR Frazenburg
N Gcaza (Ms)
E Groenewald (Ms)
DA Hendrickse
JK Hendriks
N Jindela
MC Johnson
DD Joubert
S Jooste (Ms)
SJ Louw (Ms)
N Mananga-Gugushe (Ms)
C Manuel
EL Maree (Ms) (until 17:30)
NE McOmbring (Ms)
LX Mdemka (Ms)
C Moses (Ms)
MM Ngcobo
N Ntsunguzi (Ms)
WC Petersen (Ms)
PJ Retief
L Ronoti
JP Serdyn (Ms)
P Sitshoti (Ms)
LN Siwakamisa (Ms)
Q Smit
LL Stander
AT van der Walt (until 20:00)
M Wanana

OFFICIALS
Municipal Manager
Chief Financial Officer
Director: Engineering Services
Director: Strategic and Corporate Services
Director: Community and Protection Services
Director: Planning and Economic Development
Acting Director: Human Settlements and Property Management (L van Stavel)
Chief Audit Executive
Senior Legal Advisor (M Williams)
Senior Legal Advisor (Ms E Williams)
Manager: Office of the Executive Mayor (D Muller)
Head: Committee Services
Committee Clerk (Ms T Samuels)
Interpreter
1. APPLICATION FOR LEAVE OF ABSENCE  

25TH COUNCIL MEETING: 2014-11-26: ITEM 1

RESOLVED (nem con)

(a) that leave of absence be granted to Councillors JSA Fourie and RS Nalumango (Ms); and

(b) that permission be granted to Councillor EL Maree (Ms) to leave the meeting at 17:30.

(HEAD: COMMITTEE SERVICES TO ACTION)

2.1 DECLARATION OF INTEREST

NONE

2.2 PRESENTATION

NONE

2.3 COMMUNICATIONS

2.3.1 COMMUNICATION BY THE SPEAKER

2.3.1.1 The Speaker informed the meeting that the SALGA Workshop with regard to the R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, which was scheduled to take place on 2 December 2014, has been postponed until further notice from SALGA. A notice in this regard will be communicated to all Councillors.

(-)

2.3.1.2 The Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during the months of November and December.

(-)
2.3.2 COMMUNICATION BY THE EXECUTIVE MAYOR

The communication by the Executive Mayor, Alderman CJ Sidego, can be summarised as follows:-

- Verwelkom gaste van Landbougenootskap.
- Lig Raadslede en gaste in dat beurtkrig toedoen van ESKOM is en nie munisipaliteit.

GELUKWENSINGE

Plaaswerker van Jaar-kompetisie

- Plaaswerker van die Jaar 2014 – Mnr Jerome Thomas (Kanonkop)
- Rose van Wyngaard (La Motte) – kategoriewenner: Sosiale Ontwikkeling
- Gladwin Nzima (Villiera Wyne) – kategoriewenner: Beste Tegniese Operateur
- Wayne van Rooyen (Kleine Zalze) – Kategoriewenner: Administratiewe personeel
- Ook die wenner van “Best Wine Route Event 2014” – Franschhoek Bastille Fees.

MEDELYE

- Wyle mnr Johnny Joubert, wat vir baie jare ’n getroue werker by Waterdienste van die munisipaliteit was.

ALGEMEEN

- 16 dae van Aktivisme vir die veldtog: Geen geweld teen vroue en kinders. [25 Nov tot 10 Des].
- Die Burgemeesterstee (vir ongeveer 550 bejaardes) word op 27 November 2014 in die Milleniumsaal, Pniel gehou.
- Wêreld Vigsdag word op 1 Desember gevier. Tema: “Focus, Partner, Achieve – an AIDS Free Generation”.
- Stellenbosch se Liggiefees - 6 / 7 Desember 2014.

ADMINISTRASIE

- Brand in sone A, Khayamandi op 12 November 2014 – 100 persone geaffekteer; almal suksesvol verskuif.
- Die vakansieseisoen breek aan, en ’n geseënde en veilige vakansietyd word almal toegewens. [vakansieboodskap]
• In addition to the above-mentioned the Executive Mayor mentioned about a homcraft exhibition for farm workers held on 22nd November at Doornbosch and he commended the officials of this municipality for their involvement in the event.

• The Executive Mayor also welcomed Ms Rutherford who received an entrepreneurial award earlier this year.

• He announced that the eldest resident of Jamestown, Ms Isaacs died a week ago.

• In referring to the fire in Zone A he expressed appreciation to the staff for the way in which they succeeded to relocate the destitute families.

• The Executive Mayor proudly mentioned about a tiny library that was opened in Devon Valley in the attic of a farm building. He expressed appreciation on behalf of Council for this initiative.

2.3.3 COMMUNICATION BY THE MUNICIPAL MANAGER (3/4/1/6)

The Municipal Manager, Ms Christa Liebenberg made the following announcements:

• Stellenbosch Municipality was nominated by SALGA as the 4th best B-Municipality in the country regarding water services authority work;

• The National Minister of Co-operative Governance and Traditional Affairs, Mr Pravin Gordhan, launched a programme called Back to Basics™ where all 278 municipalities were evaluated. 119 of the 278 municipalities were identified to be doing well with Stellenbosch included in this group. The remaining of the 278 were classified as municipalities which needed intervention from National Government.

( - )

3. CONFIRMATION OF THE MINUTES (3/4/1/5)


The minutes of the 24th Meeting of the Council of Stellenbosch Municipality held on 2014-10-29 were distributed previously.

FOR CONFIRMATION
RESOLVED (nem con)

that the minutes of the 24th Meeting of the Council of Stellenbosch Municipality held on 2014-10-29, be confirmed, subject to the following amendment on page 57, Item 8.5 of the said minutes:

Before RESOLVED (majority vote) (as per 24th Council minutes) insert the following paragraph:

“The Speaker RULED

that the attachment (APPENDIX 1) be withdrawn to allow the Administration to submit an updated, factually correct report at the next Council meeting scheduled for 26 November 2014.”

(HEAD: COMMITTEE SERVICES TO ACTION)

4. INTERVIEWS WITH DEPUTATIONS (3/4/1/7)

NONE

5. STATUTORY BUSINESS (3/4/1/7)

NONE

6. REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MEETINGS OF COUNCIL (3/4/1/5)

The report by the Municipal Manager re outstanding resolutions taken at the 24th Council meeting held on 2014-10-29 is attached as APPENDIX 1.

FOR INFORMATION


RESOLVED (nem con)

(a) that the report by the Municipal Manager re outstanding resolutions taken at the 24th Council meeting held on 2014-10-29, be noted; and
(b) that the Municipal Manager provide feedback to Councillors F Adams and JA Davids regarding the following:

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<th>Detail of issue</th>
<th>Question / input</th>
<th>Response by the Municipal Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor F Adams</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Beyers Alley in the CBD (Eikestad Mall)</td>
<td>What is the status of this matter? Was there any communication with the owners</td>
<td>Will report back</td>
</tr>
<tr>
<td>10</td>
<td>Proposed changes in Shareholding of the Joretha Boerdery</td>
<td>Still convinced that there was a need for public participation</td>
<td>Will report back</td>
</tr>
<tr>
<td>15</td>
<td>Proposal for Klapmuts Portions of land PACA process</td>
<td>A time frame to be indicated No time frame indicated</td>
<td>Note the request about time frames and will submit same at the next Council meeting</td>
</tr>
<tr>
<td>24</td>
<td>Item where Deputy Mayor proposed an amendment relating to indigents He made reference to a Motion submitted requesting an investigation to the provisioning of electricity to farm workers</td>
<td>Reason/s why report not submitted to this meeting – he was in agreement with the proposed amendment if farmworkers were to be included in the proposal</td>
<td>This a complicated matter not part of current legislation and policy – details on calculation of different scenarios are very challenging</td>
</tr>
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Councillor JA Davids

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<th>Question / input</th>
<th>Response by the Municipal Manager</th>
</tr>
</thead>
<tbody>
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<td>8</td>
<td>Beyerskloof Alley</td>
<td>Apparently this portion of land, being a public road, belonged to the municipality – when was the property sold?</td>
<td>Noted the input and assured the Councillor that it will be dealt with in the report</td>
</tr>
<tr>
<td>10</td>
<td>Joretha Boerdery</td>
<td>Concerned as there is a clause within contract whereby contract can be terminated when lessees are in arrears – it is not clear whether the outstanding amounts have been paid prior to contract being transferred</td>
<td>Will</td>
</tr>
<tr>
<td>Councillor DA Hendrickse</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>-------------------------</td>
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<td></td>
<td></td>
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<tr>
<td><strong>12</strong> Municipal Court</td>
<td>What is the hold-up on the municipal court not coming into operation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>17</strong> Vliegveld</td>
<td>The information provided is not what Council asked for. Why go out on tender which is contrary to Council resolution?</td>
<td></td>
<td></td>
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<td><strong>25</strong> SALGA issue</td>
<td>The request by Council entails a long legal process and as it is stated it is unlawful. The report to Council will indicate what could be the legal process of extending or not extending the lease agreement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>26</strong> Advertising of position Manager: Legal Services</td>
<td>Feedback is that the Speaker engaged SALGA on disciplinary hearings. Sought clarity in this regard.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>29</strong> 3 items on different headings dealing with the site in Kayamandi</td>
<td>The Legal Services Department in a letter requested SALGA to accede to the request of Council.</td>
<td></td>
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<td></td>
<td>Based on the feedback why was item submitted to Council if the issue of restructuring was not concluded with the affected staff?</td>
<td></td>
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<td>Management pointed out at the previous meeting that the issue of further consultations will be looked at.</td>
<td></td>
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<td></td>
<td>The housekeeping on reporting of matters needs attention.</td>
<td></td>
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<td>The duplication is noted and Management will work in pursuit of preventing duplication</td>
<td></td>
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<td><strong>(MUNICIPAL MANAGER TO ACTION)</strong></td>
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7.1 APPOINTMENT OF ALTERNATIVE BUILDING CONTROL OFFICERS

File number : 4/3/3/5 x 4/1/4/5

Report by : Director: Planning and Economic Development

Compiled by : Manager: Building Development

Delegated Authority : Council

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance X

1. PURPOSE OF REPORT

To recommend to Council the appointment of two alternative Building Control Officers in terms of Section 5 of the National Building Regulations and Building Standards Act 103 of 1977 (NBRBSA).

2. BACKGROUND

Section 5 (1) of NBRBSA reads as follows: “a local authority shall appoint a person as Building Control Officer in order to exercise and perform the powers, duties or activities granted or assigned to a Building Control Officer by or under this Act”. In terms of Section 28(4) of the NBRBSA, a local authority cannot delegate the appointment of a Building Control Officer; hence the matter is submitted to Council for a decision.

It is essential that the council appoint more persons as alternative or stand-in Building Control Officers who are qualified in terms of the National Building Regulations, to undertake the role and functions of the Building Control Officer in the absence of the appointed Building Control Officers. The Council appointed two Building Control Officers, Rodney Adams and Babalwa Nkonzo. Ms Nkonzo will be on maternity leave from January 2015 to April 2015. Should Mr Adams be sick during this period or if anything happens to him, it will leave council without a Building Control Officer and therefore no building plan application can be finalized.
3. DISCUSSION

A Building Control Officer shall

(a) make recommendations to the Local Authority in question, regarding any plans, specifications, documents and information submitted to such Local Authority in accordance with Section 4 (3);

(b) ensure that any instruction given in terms of this Act by the Local Authority in question, be carried out;

(c) inspect the erection of a building and any activities or matters connected therewith, in respect of which approval referred to in Section 4(1) was granted;

(d) report to the Local Authority in question, regarding non-compliance with any conditions on which approval referred to in Section 4(1) was granted; and

(e) the Building Control Officer shall include a report from the Chief Fire Officer in his/her recommendation.

4. LEGAL IMPLICATIONS

Neglect of an alternative will lead to non-compliance with NBRBSA.

5. FINANCIAL IMPLICATIONS

Alternate BCO’s will only be paid acting allowances in accordance with pre-determined policy.

RECOMMENDED

(a) that Messrs Marco Fouchè and Lincoln Africa be appointed as alternative Building Control Officers for Stellenbosch Municipality with effect from 01 December 2014;

(b) that these appointments are only to allow the above-mentioned officials to act in the absence of the permanent appointed BCO’s (Mr Rodney Adams and Ms Babalwa Nkonzo); and

(c) that acting allowances be paid to these officials in accordance with pre-determined policy.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)
PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:
2014-11-04: ITEM 5.1.1

RECOMMENDED

(a) that Messrs Marco Fouchè and Lincoln Africa be appointed as alternative Building Control Officers for Stellenbosch Municipality with effect from 01 December 2014;

(b) that these appointments are only to allow the above-mentioned officials to act in the absence of the permanent appointed BCO’s (Mr Rodney Adams and Ms Babalwa Nkonzo); and

(c) that acting allowances be paid to these officials in accordance with pre-determined policy.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.1

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that Messrs Marco Fouchè and Lincoln Africa be appointed as alternative Building Control Officers for Stellenbosch Municipality with effect from 01 December 2014;

(b) that these appointments are only to allow the above-mentioned officials to act in the absence of the permanent appointed BCO’s (Mr Rodney Adams and Ms Babalwa Nkonzo); and

(c) that acting allowances be paid to these officials in accordance with pre-determined policy.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 7.1

RESOLVED (nem con)

(a) that Messrs Marco Fouchè and Lincoln Africa be appointed as alternative Building Control Officers for Stellenbosch Municipality with effect from 01 December 2014;
(b) that these appointments are only to allow the above-mentioned officials to act in the absence of the permanent appointed BCO's (Mr Rodney Adams and Ms Babalwa Nkonzo); and

(c) that acting allowances be paid to these officials in accordance with pre-determined policy.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)
7.2 ALLOCATION OF STREET NAMES AND NUMBERS FOR UNNAMED STREETS IN MOOIWATER PHASE 2 HOUSING PROJECT, FRANSCHHOEK

File number : 16/3/6 STREETNAMES
Compiled by : Senior Town Planner (C Alexander)
Report by : Director: Planning & Economic Development
Delegated Authority : Council

Strategic intent of item

Preferred investment destination
Greenest municipality
Safest valley
Dignified Living
Good Governance

1. PURPOSE OF REPORT

To enable the Committee to make a recommendation to Council on the above-mentioned in order to allocate street names and numbers to the unnamed streets located within the Mooiwater Phase 2 housing project in Franschhoek. The matter is recommended for approval.

2. BACKGROUND

The subject properties form part of the extended Mooiwater subsidised housing project that was developed in Franschhoek. The dwelling units were constructed and roads tarred, but no street names were allocated to this phase of the development.

3. MATTER FOR CONSIDERATION

In terms of Stellenbosch Municipality (WC024)’s Policy on Place Naming, Street Naming & Renaming & Numbering, street names and numbers must be allocated to the public roads located within Mooiwater Phase 2, Franschhoek. The following street names were recommended at a Community Meeting held on 10 May 2012:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
4. DISCUSSION

4.1 Property Information

<table>
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<tr>
<th>File number</th>
<th>16/3/6, Streetnames, Franschhoek</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Located to the north of the existing Mooiwater Development. (See APPENDIX 2)</td>
</tr>
<tr>
<td>Zoning / Zoning Scheme</td>
<td>Transport Zone II / Section 8 Zoning Scheme Regulations</td>
</tr>
<tr>
<td>Property size</td>
<td>n/a</td>
</tr>
<tr>
<td>Owner</td>
<td>Stellenbosch Municipality</td>
</tr>
<tr>
<td>Applicant</td>
<td>Stellenbosch Municipality (New Housing)</td>
</tr>
</tbody>
</table>

4.2 Site Description and immediate environs

The subject properties are extension of the Mooiwater subsidized housing project. The development consists of dwelling houses and unnamed tarred roads.

4.3 Legal requirements

Applicable laws and ordinances

- Council’s Policy on Place Naming, Street Naming & Renaming & Numbering
- Section 8 Zoning Scheme Regulations

4.4 Public participation

The application was published in the local press (Paarl Post) and the Provincial Gazette, as well as on the notice boards of Council. No objections or comments were received within the prescribed 30-day period for comments and objections.

Comments by relevant departments

All the internal departments that were consulted supported the application.
5. PLANNING ASSESSMENT

The assessment of the street naming & numbering proposal is dealt with in terms of Council’s Policy on Place Naming, Street Naming & Renaming & Numbering.

The street names that were put forward by the Housing Department on behalf of the beneficiaries of the Mooiwater Phase 2 housing project are as set out in paragraph above.

It should be noted that the applicable policy, point 8.4 under the heading: Rules for Street Naming and Place Naming, stipulates that “Names, should be in keeping with the theme of the surrounding street names when falling within an established township”. The theme of the street names as put forward represents plants, flowers and herbs. Mooiwater Phase 1 has no significant theme. Same applies to Groendal / Le Roux. The proposed street names will add some character to any future street names allocated to the area. The proposal is thus in line with the requirements set in the applicable policy and the proposed street names are supported.

CONCLUSION

The proposed street names submitted by the Division: New Housing on behalf for Mooiwater Phase 2, Franschhoek are in line with Council’s Policy on Place Naming, Street Naming & Renaming & Numbering.

6. LEGAL IMPLICATIONS

The Legal Department commented that the Item and proposed street names are supported.

In terms of Delegation 27.3(1) of the System of Delegation, the Planning and Economic Development Committee has the delegation to consider and make recommendations to the Executive Mayor on the naming of streets. Legal Services could not find a similar delegation under the Executive Mayor’s delegation. In light of the aforementioned the Item should be referred to Council for a decision.

The report by the Director: Planning & Economic Development was thus amended in order to be referred to Council.

7. FINANCIAL IMPLICATIONS

The Chief Financial Officer in an email dated 23 September 2014 commented that the Finance Department had no comment on the proposal.
RECOMMENDED

that approval be granted for the street names as listed below, as well as the street numbering as depicted in APPENDIX 3, in terms of Stellenbosch Municipality’s (WC024) Policy on Place Naming, Street Naming & Renaming & Numbering for the Mooiwater Phase 2 Housing Project in Franschhoek:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
- Aloe Street
- Fennel Street
- Bellflower Street
- Cypress Street
- Fern Street
- Everlasting Street
- Barberry Street
- Acacia Street

This recommendation is accompanied by the Street naming & numbering plan for Mooiwater Phase 2, Franschhoek, attached as APPENDIX 3.

APPENDICES

Appendix 1 : Conditions
Appendix 2 : Locality Plan
Appendix 3 : Street Map with numbering
Appendix 4 : Minutes of Community Meeting held on 10 May 2012

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:
2014-11-04: ITEM 5.1.2

RECOMMENDED

that approval be granted for the street names as listed below, as well as the street numbering as depicted in APPENDIX 3, in terms of Stellenbosch Municipality’s (WC024) Policy on Place Naming, Street Naming & Renaming & Numbering for the Mooiwater Phase 2 Housing Project in Franschhoek:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
This recommendation is accompanied by the Street naming & numbering plan for Mooiwater Phase 2, Franschhoek, attached as **APPENDIX 3**.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)**

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.2

RECOMMENDED BY THE EXECUTIVE MAYOR

that **approval be granted** for the street names as listed below, as well as the street numbering as depicted in **APPENDIX 3**, in terms of Stellenbosch Municipality’s (WC024) Policy on Place Naming, Street Naming & Renaming & Numbering for the Mooiwater Phase 2 Housing Project in Franschhoek:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
- Aloe Street
- Fennel Street
- Bellflower Street
- Cypress Street
- Fern Street
- Everlasting Street
- Barberry Street
- Acacia Street

This recommendation is accompanied by the Street naming & numbering plan for Mooiwater Phase 2, Franschhoek, attached as **APPENDIX 3**.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)**
RESOLVED (nem con)

that approval be granted for the street names as listed below, as well as the street numbering as depicted in APPENDIX 3, in terms of Stellenbosch Municipality’s (WC024) Policy on Place Naming, Street Naming & Renaming & Numbering for the Mooiwater Phase 2 Housing Project in Franschhoek:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
- Aloe Street
- Fennel Street
- Bellflower Street
- Cypress Street
- Fern Street
- Everlasting Street
- Barberry Street
- Acacia Street

This recommendation is accompanied by the Street naming & numbering plan for Mooiwater Phase 2, Franschhoek, attached as APPENDIX 3.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)
APPENDIX 1

FILE NO: 16/3/6

In this approval document:

“Council” means the Stellenbosch Municipality

“the owner” means the registered owner of the property.

“the site” means ERF 2903 FRANSCHHOEK

“scheme regulation” in this instance means the Section 8 Zoning Scheme Regulations and has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: The allocation of street names and numbers to the public roads located within the Mooiwater Phase 2 Housing Project in Franschhoek:

- Lavender Street
- Sunflower Street
- Jacaranda Street
- Orchid Street
- Aloe Street
- Fennel Street
- Bellflower Street
- Cypress Street
- Fern Street
- Everlasting Street
- Barberry Street
- Acacia Street

This recommendation is accompanied by the Street naming numbering plan for Mooiwater Phase 2, Franschhoek, attached as APPENDIX 3.

CONDITIONS IMPOSED: Conditions

THAT THE FOLLOWING CONDITIONS ARE APPLICABLE:

a) The external departments such as the Surveyor-General, Telkom, Post Office, the South African Police Service, Emergency Services, National Place Names Committee and map producers be informed of street names and numbering;

b) The Council’s financial and geographic information systems be updated to reflect the street names and numbering;

c) Council’s Engineering Department be informed of the approval in order to erect street name boards and signs to the applicable public roads; and

Council reserve the right to impose any further conditions, if needed.
7.3 PROPOSED AMENDMENT TO LEASE AGREEMENTS: LA MOTTE HOUSING PROJECT: WRITING-OFF OF OUTSTANDING DEBT

File number : 7/P/5/Management of Stellenbosch Municipality’s Immovable Property

Compiled by : Manager: Property Management (P Smit)

Report by and : Acting Director: Human Settlements Property Management (P Smit)

Delegated Authority : Council

Strategic intent of item:

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living X

Good Governance

1. PURPOSE OF REPORT

To obtain the necessary approval to amend some of the lease agreements, allowing for the once off writing-off of outstanding debt (lease amounts).

2. BACKGROUND

2.1 Memorandum of Understanding (MOU)

During January 2006, Stellenbosch Municipality and the Trans Caledon Tunnel Authority (TCTA) concluded a M.O.U in terms whereof, inter alia:-

(a) TCTA would build 80 houses in La Motte, to be transferred to the Municipality, free of charge after the construction of the dam;

(b) The municipality would, in turn, utilise the proceeds for the benefit of the identified communities in the project area; and

(c) The parties would conclude a written agreement, setting out the terms and conditions of such a transfer."
2.2 Transfer Agreement

On 30 July 2008 a number of amendments to the (Draft) Agreement were approved by the Mayco.

On 29 August 2008 a Transfer Agreement was concluded and on 20 April 2010, following the approval of a General Plan, a Deed of Donation was concluded, paving the way for the actual transfer.

2.3 Lease Agreements

Following the signing of the Transfer Agreement in 2008, Stellenbosch Municipality entered into a number of Lease Agreements with identified beneficiaries. In terms hereof Lessees were to pay occupational rent, on a sliding scale (unapproved at the time).

2.4 Cash buyers

During this period (2009-2010) a number of people (9 in total), however, paid the full purchase price in cash. Because no Sales Agreements were concluded at the time, these people also concluded Lease Agreements, in terms whereof they agreed to pay occupational rent. The agreements, however, were silent on the interest earned on the sales price paid up front.

2.5 Final approval of sliding scale: lease amounts and sales price

On 07 June 2010 Council approved a sliding scale in terms whereof the sales price, as well as the occupational rent (equal to 80% of deemed monthly installation at 10% interest per annum) were approved. A copy of the agenda item is attached as APPENDIX 1.

2.6 Transfer of land

During December 2012 the property was transferred to Stellenbosch Municipality and during June 2013 the General Plan was registered (Township establishment), paving the way for individual transferrers (to buyers) to take place.

2.7 List of outstanding rentals

Hereto attached as APPENDIX 2 a list of people who paid their sales price in cash, setting out the interest earned to date.

Hereunder a list of outstanding rentals as at 31 August 2014:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Orien</td>
<td>R81 120.00</td>
</tr>
<tr>
<td>B. Williams</td>
<td>R108 031.00</td>
</tr>
<tr>
<td>P. Jones</td>
<td>R56 880.00</td>
</tr>
<tr>
<td>M.J. Leibrandt</td>
<td>R81 320.00</td>
</tr>
<tr>
<td>A.D.J. Boonzaaier</td>
<td>R91 591.47</td>
</tr>
<tr>
<td>L.D Johannes</td>
<td>R82 800.00</td>
</tr>
<tr>
<td>A. Jacobs</td>
<td>R98 340.00</td>
</tr>
</tbody>
</table>
From the above it is clear that none of the people, who have paid their sales price upfront, did in fact pay any rentals.

3. DISCUSSION

3.1 Responsibility to pay rentals

This department is of the view that people who have paid their sales price in cash, should not be liable to pay any rentals, on condition that the municipality receive the interest earned on the investment.

This is in fact in the line with the Council resolution, as there is no "deemed monthly instalment".

3.2 Delegated Authority: Writing off of outstanding debt

In terms of the approved System of Delegations (See part 3, paragraphs (7)), the Executive Mayor is authorised to write off individual bad debt, not exceeding R500 000, on the recommendation of the Accounting Officer, provided that an individual bad debt written off shall not exceed R1M.

4. INPUTS BY OTHER DEPARTMENTS

4.1 CFO

Finance supports the Item as the buyer cannot pay rent after purchasing the property.

4.2 LEGAL SERVICES

Mr Smit confirmed in a telephonic discussion on 21 October 2014 that the abovementioned cash buyer beneficiaries agreed that the interest earned on the amounts paid be regarded as the occupation rentals until such time that the properties have been transferred.

The item and recommendations are supported.

5. CONCLUSION

From the above it is clear that none of the cash buyers have paid any rent.

RECOMMENDED

(a) that the outstanding debt, as set out in par. 2.7 (supra), totalling R809 704.55 as at 30 August 2014, be written off; on condition that the interest earned on the amounts paid up-front be regarded as
the occupational rentals until such time as the properties have been transferred to the individuals; and

(b) that the Sales Agreements be amended to allow for the above.

(Acting Director: Human Settlements to Action)

ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING: 2014-11-05: ITEM 5.1.1

RECOMMENDED

(a) that the outstanding debt, as set out in par. 2.7 (supra), totalling R809 704.55 as at 30 August 2014, be written off; on condition that the interest earned on the amounts paid up-front be regarded as the occupational rentals until such time as the properties have been transferred to the individuals; and

(b) that the Sales Agreements be amended to allow for the above.

(Acting Director: Human Settlements to Action)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.3

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the outstanding debt, as set out in par. 2.7 (supra), totalling R809 704.55 as at 30 August 2014, be written off; on condition that the interest earned on the amounts paid up-front be regarded as the occupational rentals until such time as the properties have been transferred to the individuals; and

(b) that the Sales Agreements be amended to allow for the above.

(Acting Director: Human Settlements to Action)

RESOLVED (majority vote)

(a) that the outstanding debt, as set out in par. 2.7 (supra), totalling R809 704.55 as at 30 August 2014, be written off; on condition that the interest earned on the amounts paid up-front be regarded as the occupational rentals until such time as the properties have been transferred to the individuals; and

(b) that the Sales Agreements be amended to allow for the above.

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

Councillors F Adams; JA Davids; N Gcaza (Ms); DA Hendrickse; S Jooste (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); MM Ngcofe; N Ntsunguzi (Ms); L Ronoti; P Sitshoti (Ms); LN Siwakamisa (Ms); AT van der Walt and M Wanana.

(ACTING DIRECTOR: HUMAN SETTLEMENTS TO ACTION)
7.4 APPROVAL FOR THE PERMANENT STREET CLOSURE OF DENNESIG AND PAUL KRUGER STREETS WITH THE R44

File number : 8/1 Engineering Services & Integrated Human Settlements

Compiled by : Manager: Transport, Roads and Stormwater

Report by : Director Engineering Services

Delegated Authority : Council

Strategic intent of item

Preferred investment destination ✗

Greenest municipality ✗

Safest valley ✗

Dignified Living ✗

Good Governance

1. PURPOSE OF REPORT

To consider the application for the approval with regard to the permanent street closure of Dennesig and Paul Kruger Streets with the R44, Stellenbosch.

2. BACKGROUND

An application dated 12 March 2014 (see APPENDIX 1) for the permanent street closure of Dennesig and Paul Kruger Streets with the R44 was received from the Dennesig.com, which is a community organisation representing 90% of the property owners of Dennesig-, Paul Kruger-, Molteno- and Hofman Streets, Stellenbosch.

3. DISCUSSION

A meeting was held on the 5 March 2014, discussing the proposed application. The application is based on the rat-running of externally created vehicle and pedestrian movements through their neighbourhood, and due to the unpaved sidewalks pedestrians are forced to walk in the street which creates unsafe conditions for both motorists and pedestrians.
 Problem description

Pedestrian movement from outside the Dennesig.com area, cause excessive littering and although refuse bins have been provided by the municipality, the refuse never reaches the bin. The residents must take it upon themselves to clean-up the streets. The majority of the pedestrians utilizing these streets are illegally crossing the railway lines close to the Simonsberg cheese factory and by closing the R44 with Dennesig and Paul Kruger Street, these movements will be limited. Provision has been made in respect of a safe brickpaved walkway for pedestrians wanting to cross the railway lines at the R44 and George Blake signalized intersection.

During traffic peak periods; taxis and tow trucks are utilizing Hofman Street as a shortcut between Merriman- and Molteno Street. These vehicles have no respect for their fellow road users and are a great danger to the residents of Dennesig.com.

A Traffic Impact Statement (see APPENDIX 2) was done by ICE Boland Consulting Engineering dated 21 November 2013 reference number B035 for Erf 161, on the corner off R44 and Dennesig Street which encompassed the proposed road closures with the R44 (Dennesig and Paul Kruger). It states that “The closing of Dennesig Road and Paul Kruger Road at the R44 will have a low traffic impact on the surrounding road network” and that an “Analysis of the Molteno Road/Hofman Road, Merriman Avenue/Hofman Road, Merriman Avenue/Bird Street and Bird Street/Molteno Road intersection with the closing of Paul Kruger and Dennesig Roads and expected 2014 traffic volumes, including trips generated by the proposed development, indicates that all movements at all intersections will continue to operate at acceptable levels of service”.

An e-mail from the Department of Transport and Public Works (Schalk Carstens - see APPENDIX 3) in respect of abovementioned requested, recommends the proposed road closure of the R44 with Dennesig and Paul Kruger Streets on the fundamental elements of improved traffic flow and minimizing vehicle conflicting movements. A detail engineering plan with regard to the proposed road closures with the R44 will have to be submitted to the Department of Transport for approval.

Proposed solutions as per application letter

1. Closure of Dennesig Street and Paul Kruger Street;
2. Creating a one-way along Hofman Street between Paul Kruger- and Molteno Street;
3. Implementation of speed humps along Hofman Street;
4. Visible policing to observe speeding (taxis and tow trucks) and taxis operators who divert from their permit routes.
Evaluation of requests

1. Closure of Dennesig Street and Paul Kruger Street with the R44

- A Traffic Impact Statement (see APPENDIX 2) was done by ICE Boland Consulting Engineering dated 21 November 2013 reference number B035 for Erf 161, on the corner off R44 and Dennesig Street which encompassed the proposed road closures with the R44 (Dennesig and Paul Kruger). It states that “The closing of Dennesig Road and Paul Kruger Road at the R44 will have a low traffic impact on the surrounding road network” and that an “Analysis of the Molteno Road/Hofman Road, Merriman Avenue/ Hofman Road, Merriman Avenue/Bird Street and Bird Street/Molteno Road intersection with the closing of Paul Kruger and Dennesig Roads and expected 2014 traffic volumes, including trips generated by the proposed development, indicates that all movements at all intersections will continue to operate at acceptable levels of service”.

An e-mail from the Department of Transport and Public Works (Schalk Carstens - see APPENDIX 3) in respect of abovementioned requested, recommends the proposed road closure of the R44 with Dennesig and Paul Kruger Streets on the fundamental elements of improved traffic flow and minimizing vehicle conflicting movements. A detail engineering plan with regard to the proposed road closures with the R44 will have to be submitted to the Department of Transport for approval.

- The road closure application was dealt with in terms of Stellenbosch Municipality’s Bylaw on Streets; Article 30 (Closure of streets and public places), all street closure applications must be advertised for 30 days for any objection.

- The application for the permanent street closure of Dennesig and Paul Kruger Streets with the R44 is supported, as it will minimise the rat-running of vehicles, illegal railway pedestrian crossings and external pedestrian movements in the Dennesig.com area; including the improvement of traffic flow, vehicle queue lengths and minimising vehicle conflict movements on the R44 intersections.

2. Creating a one-way along Hofman Street between Paul Kruger- and Molteno Street

- Application not supported due to connectivity functionality of Hofman Street between Merriman- and Molteno Street,
and it also serves as an alternative road in case of emergency during a road closure on the R44 or Bird Street.

3. Implementation of speed humps along Hofman Street
   - Speed hump application was evaluated in terms of Stellenbosch Municipality’s Traffic Calming Policy, see attached APPENDIX 6. Application is not supported as further investigation is needed.

4. Visible policing to observe speeding (taxis and tow trucks) and taxis operators who divert from their permit routes.
   - Stellenbosch Traffic Department has conducted various ad-hoc traffic checkpoint operations, in respect of speeding vehicles and taxi movement operation, which has proven to be successful.

4. LEGAL IMPLICATION

Public Participation

Closure of Dennesig Street and Paul Kruger Street with the R44.

- The road closure application was dealt with in terms of Stellenbosch Municipality’s Bylaw on Streets; Article 30 (Closure of streets and public places) which states that all street closure applications must be advertised for 30 days for any objection.
- The notice was advertised in the local newspaper namely; the Gazette and Eikestadnuus on the 29 April 2014 and 1 May 2014 respectively (see APPENDIX 4)
- No comments were received at the Municipal Manager office, see attached e-mail for Hannelie Lategan (see Appendix 5)

Legal Opinion

In considering the permanent road closure the municipality needs to bear in mind the constitutional and legal framework created by the Constitution, which in brief requires that all conduct and action by both the State and non-State actors conform to the requirements set out in the Constitution.

The Bill of Rights

“The Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled”.

The Bill of Rights is the cornerstone of South African democracy and grants all people in the country fundamental
human rights. It underpins the democratic values of human dignity, equality and freedom and regulates relationships between the State and individuals and/or between individuals.

Legislation must be interpreted to promote the spirit and objectives of the Bill of Rights. Subject to very limited exceptions, the rights in the Bill or Rights are not absolute. Several sections in the Bill of Rights can be applied in this matter, including:

- The right to equality;
- The right to human dignity;
- The right to freedom and security of the person.
- The right to privacy
- Freedom and movement and residence
- Limitation of rights.

The effect and impact of the road closure materially affects issues of urban mobility and functionality, and militates against the original idea of an innovative capital where people ought to move freely, engaging in business, social activity and recreation as part of a collective.

There are various types of access restrictions that could be utilised, including monitoring measures such as guards and guardhouses, traffic calming measures, boom gates and closures etc. The more severe the measure, such as permanently closing of the road, the greater the likelihood of it resulting in the restriction or violation of other people’s rights.

5. FINANCIAL IMPLICATION

Funding needed for the actual closing of the R44 with Dennesig and Paul Kruger Street. Approximate costing = R300 000. The municipality’s small Capital Ward Project allocation for ward 11, will be utilized for the implementation costs and any shortfalls must be covered by Dennesig.com.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Public Safety & Community Services (Manager: Traffic Services – Ms Janine Waldis)

The Department supports recommendations made by Engineering Department with regard to the closure of mentioned streets. Public Transport operations will continue, but speed enforcement was not conducted due to the legal requirements pertaining distance of signage and length of road. The placement of speed bumps will address both problems by forcing taxi’s to use the prescribed route and it is a known fact that motorists would choose an alternative route to avoid delays such as speed bumps, therefore reducing thoroughfare in general.
6.2 Finance

Finance supports the Item. Engineering should budget for the Item.

6.3 Strategic and Corporate Services (Legal – Elizabeth Williams)

Given the history of exclusion and separation the municipality must be extremely careful in embarking on an urban design that works against the notion of a united society. The onus must be on the residents of these areas seeking the limitation to make a proper case for limitation. It would have to be shown that the limitation was “reasonable and justifiable in an open and democratic society”.

Litter, crime and violence remain an ongoing concern and visible threat to all the residents and the challenge is how the municipality and the community can work together in fighting this.

6.4 Planning & Local Economic Development

Refer to APPENDIX 7 for comments

6.5 Municipal Manager

A site visit occurred. The recommendation supports traffic flow on the R44 which is critical for the municipal area as all measures are necessary to alleviate traffic congestion must be taken

RECOMMENDED

(a) that the application for the permanent street closure of Dennesig- and Paul Kruger Street with the R44 be supported;

(b) that creating a one way along Hofman Street between Paul Kruger and Molteno Streets not be supported;

(c) that the applications for implementation of traffic calming measures in Hofman Street not be supported; and

(d) that visible Law Enforcement be performed in the areas concerned.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE
MEETING: 2014-11-05: ITEM 6.1.2

RECOMMENDED

(a) that the application for the permanent street closure of Dennesig and Paul Kruger Street with the R44 be supported;

(b) that creating a one way along Hofman Street between Paul Kruger and Molteno Streets not be supported;

(c) that the applications for implementation of traffic calming measures in Hofman Street not be supported; and

(d) that visible Law Enforcement be performed in the areas concerned.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.4

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the application for the permanent street closure of Dennesig and Paul Kruger Street with the R44 be supported;

(b) that creating a one way along Hofman Street between Paul Kruger and Molteno Streets not be supported; and

(c) that the applications for implementation of traffic calming measures in Hofman Street not be supported.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 7.4

RESOLVED (majority vote)

(a) that the application for the permanent street closure of Dennesig and Paul Kruger Street with the R44 be supported;
(b) that creating a one way along Hofman Street between Paul Kruger and Molteno Streets not be supported; and

(c) that the applications for implementation of traffic calming measures in Hofman Street not be supported.

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

Councillors F Adams; JA Davids; N Gcaza (Ms); DA Hendrickse; S Jooste (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); MM Ngcofe; N Ntsunguzi (Ms); L Ronoti; P Sitshozi (Ms); LN Siwakamisa (Ms); AT van der Walt and M Wanana.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
### 7.5 ELECTRICITY SUPPLY TO THE MUNICIPAL AREAS OF STELLENBOSCH

File number : 8/1 Engineering Services  
Compiled by : Manager: Electrical Services  
Report by : Director: Engineering Services  
Delegated Authority : Council

**Strategic intent of item**

- Preferred investment destination [X]
- Greenest municipality [ ]
- Safest valley [ ]
- Dignified Living [X]
- Good Governance [X]

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1. **PURPOSE OF THE REPORT**

To provide clarity and update on the supply of electricity in the municipal area of Stellenbosch.

2. **BACKGROUND**

Since the demarcation in 2000, municipalities are faced with the challenge that they only supply electricity to certain parts of the municipal area (urban areas) while Eskom supplies the rest (rural areas). In Stellenbosch’s case, there is even a third supplier namely Drakenstein Municipality, who is supplying Pniel and surrounding areas with electricity.

The most serious challenges that Stellenbosch Municipality encounters are:
- The standard of service delivery differs in the three areas of supply;
- The electricity tariffs differ substantially;
- Stellenbosch Municipality does not receive income from the sales of electricity as is the case in its own supply area; and
- The municipality cannot make use of electricity supply for debt control purposes.

Since the demarcation, the taking over of these areas by the Municipality has been under discussion.
3. DISCUSSION

The two areas supplied by Eskom and Drakenstein Municipality will be discussed separately:

3.1 The rural areas outside Stellenbosch town and Franschhoek are supplied with electricity by Eskom and include the smaller towns of Klapmuts, Jamestown, Raithby, Koelenhof, Wemmershoek, La Motte and Kylemore.

Just about every municipality in the country are encountering similar challenges with Eskom supplying electricity to a portion of the municipal area. SALGA was subsequently requested to investigate the matter. The outcome of the investigation was that it is not feasible for the municipality to take over the Eskom supply areas. It was therefore proposed that municipalities rather enter into an agreement with Eskom to supply electricity on behalf (under control) of the municipality in these areas. The municipality can then negotiate the following benefits amongst others:

- Influence the standard of service delivery;
- Impose a levy on the tariffs to create an income and at the same time equalising the tariffs; and
- Make use of supply of electricity to control debt.

The latest information is that SALGA is negotiating the matter with Eskom at high level. This leaves municipalities in a situation where they have to wait for the outcome of the negotiations.

It should be noted that such an agreement will have to be preceded by a Section 78 investigation.

3.2 The areas within Stellenbosch municipality where Drakenstein Municipality is supplying electricity are Pniel, Johannesdal and the rural area to the east of Pniel.

This situation arose as a result of Drakenstein Municipality’s supply area that developed into the rural area before Eskom’s existence.

Taking over the supply of electricity in Pniel and Johannesdal will need amongst others the following actions:
- Determine the feasibility;
- Negotiations with Drakenstein Municipality; and
- Involve NERSA who is controlling the electricity supply area licenses.

It should be noted that the whole area have to be considered and not only Pniel. This will increase cost and complicate the matter even more. It will however be difficult to motivate otherwise. There is no detail available about previous investigations regarding this matter although it is clear what the outcome was.
Stellenbosch Municipality will have to take a supply from the Eskom substation in Kylemore and distribute to the concerned area. There are about 4 or 5 lines from Drakenstein crossing over into the Stellenbosch area. These lines will have to be cut on the border and connected to the Stellenbosch supply. The cost can be in the region of R7-8 million. On top of this there will be operational and maintenance costs which will include extra personnel and equipment. The department is planning to conduct a study in order to provide more clarity on the matter. Such study can take up to six (6) months at approximately R200 000.

The possibility should also be considered of the impact if the Boschendal surrounding areas are developed in future. This brings a new dimension to the discussion. Such a development can have the effect that it will not be viable to take a supply from Eskom’s Kylemore substation, but that Stellenbosch will have to construct a new 66/11 kV substation near the development. The cost can be in excess of R50 million of which the developer will have to make a pro rata contribution. The possibility of such a development being allowed to proceed, and potential timeframes, can influence a possible way forward on the issue.

4. LEGAL IMPLICATION

The Constitution provide municipalities with the authority to administer and govern electricity reticulation as well as the right of National and Provincial Government to oversee and regulate effective performance by the municipalities.

Sections 156 (1) and (2) assign municipalities executive authority and right to administer local government functions laid out in Schedule 4 Part B which includes electricity reticulation

Section 151(3) vests municipalities with the right to govern those matters on their own initiative, subject to national and provincial legislation, as provided for in the Constitution

Section 139(1): When a municipality cannot or does not fulfil an executive obligation in terms of legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation …

Section 155(7) National government…. and provincial government have the legislative and executive authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5, by regulating the exercise by municipalities of their executive authority

The Municipal Systems Act (2000) defines how a municipality should provide municipal services to residents within its area of jurisdiction. In terms of the Act municipalities can engage or contract
external parties such as utilities, agencies and corporations to provide services on their behalf. Aforementioned can only be done through a Service Delivery Agreement between the municipality and a service provider.

Section 78 of the Municipal Systems Act outlines criteria and a process for deciding on institutional mechanisms to provide municipal services. In terms of the item, it appears as if this process has not been followed and most municipalities inherited Eskom as a distributor and that NERSA issues a distributor license to Eskom in a given area without a Municipal Council resolution.

Section 78 decision regarding Service Delivery Mechanisms in the municipal area or entering into a Service Delivery Agreement with the municipality. This implies that NERSA seizes the powers of municipal councils of taking Section 78 decisions and disregards the Systems Act criteria and process.

Electricity Regulation Act 28 of 2007 defines electricity reticulation as the “trading or distribution of electricity and includes services associate therewith”. Empowers the Minister or regulator to establish norms and standards, KPIs and for municipalities to ringfence their EDI financial statements

The Municipal Fiscal Powers and Functions Act12 of 2007 defines a "municipal surcharge" as a charge in excess of the municipal base tariff that a municipality may impose on fees for a municipal service provided by or on behalf of a municipality.

Section 76 of the Systems Act states that a municipality may provide a municipal service in its area or a part of its area through

An internal mechanism, which may be-
(i) A department or other administrative unit within its administration;
(ii) Any business unit devised by the municipality, provided it operates within the municipality's administration and under the control of the council in accordance with operational and performance criteria determined by the council; or

An external mechanism by entering into a Service Delivery Agreement with-
(i) A municipal entity;
(ii) Another municipality;
(iii) An organ of state, including
(bb) A licensed service provider registered or recognized in terms of national legislation; and
(iv) A community based organisation or other non-governmental organisation legally competent to enter into such an agreement, or
(v) Any other institution, entity or person legally competent to operate a business activity
In terms of the relevant Constitutional provisions and the subordinate legislation mentioned above, Service delivery agreement must be entered into between the parties. Aforementioned is however subject to the outcome of the negotiations between SALGA and ESKOM as mentioned in the item. Item is supported.

5. FINANCIAL IMPLICATION

Finance supports the item

6. CONCLUSION

It will be advisable to wait for the outcome of the negotiations between Eskom and SALGA, but a preliminary investigation should be conducted into the possibility of taking over the electricity supply from Drakenstein Municipality.

RECOMMENDED

(a) that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality; and

(b) that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING: 2014-11-05: ITEM 6.1.3

RECOMMENDED

(a) that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality;

(b) that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and

(c) that SALGA be requested to expedite this process through political intervention.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.5

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality;

(b) that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and

(c) that SALGA be requested to expedite this process through political intervention.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)


RESOLVED (nem con)

(a) that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality;

(b) that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and

(c) that SALGA be requested to expedite the Eskom process through political intervention.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
7.6  GREEN CAPE WASTE ECONOMY PROJECT, MUNICIPAL CASE STUDY: ACHIEVING SIZABLE LANDFILL DIVERSION IN STELLENBOSCH MUNICIPALITY USING ALTERNATIVE WASTE TREATMENT METHODS

File number : 8/1 Engineering Services
Compiled by : Manager: Solid Waste Management
Report by : Director: Engineering Services
Delegated Authority : Council

Strategic intent of item

| Good Governance | X |
| Preferred investment destination | X |
| Greenest municipality | X |
| Safest valley |
| Dignified Living |

1. PURPOSE OF REPORT

To inform Council of the Waste Economy Project by Green Cape, who aims to develop a decision support tool that will guide municipalities in developing a systems-based approach for planning and implementing alternative waste management. Stellenbosch Municipality has been identified as the first municipality to pilot the decision-support tool, on the basis of having developed one of the most comprehensive waste-related databases in the Western Cape, and the fact that it has very limited landfill airspace remaining for traditional waste management.

2. BACKGROUND

The Western Cape has a serious landfill airspace shortage, and this has prompted a response from the Provincial authorities to seriously consider alternative waste management technologies and at the same time seek opportunities in the waste economy sector. One of the problems encountered to date has been the bombardment of various technologies to municipalities by service providers, and for the same municipalities not to be in a position to respond effectively and with the necessary expertise to the proposals tabled by potential service providers. The capital and operational investment of alternative waste management technologies are huge, and the risk high.
One of the goals of the Waste Economy project is the development of a decision support tool to assist in the development and implementation of alternative solid waste management practices at municipalities. The tool will assist municipalities in the assessment of the different alternative waste management options at a systems level, taking the complete integrated waste management plans into consideration. As part of the deliverables, the project aims to assist three (case study) municipalities in the 2014-2015 financial year.

A Danish decision support model, EASETECH, is being used as the backbone of the tool, with tailoring to the South African context being an essential part of the process. Stellenbosch Municipality is a very good candidate for an initial case study municipality for development and tailoring of the tool as the municipality is currently under enormous pressure to increase waste diversion so as to extend the life of the only operational landfill in the municipality. Currently most of the waste generated in Stellenbosch Municipality is being landfilled at the Devon Valley Landfill. The landfill airspace is not expected to last more than four years at current disposal rates.

Stellenbosch Municipality holds one of the most comprehensive waste-related databases in the Western Cape Province, which will assist in both the tailoring of the tool as well as modelling of alternative waste management scenarios. Key information with regards to the Stellenbosch municipal solid waste is summarised below:

(a) Waste generation of ca. 9500-11500t/month;

(b) Separation at source has been implemented, with recyclables of ca. 60-70t/month being recovered;

(c) Current disposal charge for general mixed waste is approximately R430/tonne; however ‘clean’ builders’ rubble are accepted for free, and same will be for clean garden refuse once chipper tender has been finalized.

(d) Estimated airspace remaining is ca. 480,000m³.

In addition, liftloggers have been implemented on the 10 collection vehicles, and a weighbridge has been installed at the Devon Valley landfill site.

3. DISCUSSION

The purpose of the case study is two-fold. On the part of Stellenbosch Municipality it will assist in determining waste management strategies that will result in the extension of the life of the current landfill site, and secondly guide the planning process for the 3rd generation Integrated Waste Management Plan. From GreenCape's perspective it will provide local information for the
development and tailoring of the EASETECH decision support tool, and lead to a beta version of decision support tool by the end of the case study.

Stellenbosch Municipality has identified two main projects which will contribute to reducing the amount of waste currently disposed of to landfill. These projects will tackle builders’ rubble and green/garden waste since they contribute significantly to the current volumes of waste being disposed in Stellenbosch:

(a) Garden refuse – piggyback on the City of Cape Town’s tender for chipping and composting (approved by council). The municipality is also keen to explore further opportunities with the part of the waste that cannot be composted such as the production of compressed wood bricks that can replace wood and charcoal in heating and cooking applications (i.e. Bioflame logs);

(b) Builders’ rubble – going out on tender for the crushing of builders’ rubble. Furthermore a service provider appointed to run a pilot for the production of compressed earth bricks (CEBs) from the crushed builders’ rubble and excavated clay.

In addition, there is thought around the following ideas:

(c) A Mechanical Biological Treatment (MBT) for the domestic waste since it is still largely collected as mixed waste. Waste beneficiation options would include anaerobic digestion for the organic fraction and Refuse Derived Fuel (RDF) production from the non-organic fraction;

(d) Establishing a by-law for ‘event greening’. This will require measures such as separation at source for all events and recovering recyclables by the service provider appointed;

(e) The development of the 3rd generation of IWMP for Stellenbosch by March 2015.

Discussions between GreenCape staff and the Manager: Solid Waste Management of Stellenbosch Municipality to frame the case study led to the conclusion that the decision support tool must be used to model a number of scenarios around integrated waste management that will inform decision making, and ultimately be presented to the Stellenbosch Municipal Council. The case study will be broken down into the following key areas:

(a) Status quo assessment of current practice using EASETECH (to determine baseline/benchmark);

(b) Development of a scenario based on the current Stellenbosch Municipality plans and activities - garden refuse and builders’ rubble diversion as described above, and the key input will then be Municipal Solid Waste (MSW) diversion so as to
achieve an extended life of the landfill (including an MBT process) from 4 years to 12 years as illustrated in Figure 1 below.

(c) Development of other potential scenarios for the Stellenbosch Municipality for comparison.

The key criteria for the case study will be:

(a) Landfill airspace saved;

(b) Costs of implementation of the different scenarios;

(c) Implications over the short (e.g. 5 years), medium (10 years) and long term (20 years).

Considerations will be given to the role of scale, and opportunity for regional facilities where possible, and the outcome of the case study will be integrated into the 3rd generation of Stellenbosch’s IWMP. In this way, the tool will be used to assess the status quo, and direct the strategic planning of the municipality in the future.

The following table presents the work already completed to date:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Inception meeting between Stellenbosch Municipality and GreenCape 09 July 2014</td>
</tr>
<tr>
<td>2</td>
<td>Formalisation of case study scope, goals and vision 25 July 2014</td>
</tr>
<tr>
<td>3</td>
<td>Status quo assessment of Stellenbosch and identification of gaps in information 15 August 2014</td>
</tr>
</tbody>
</table>

Stemming from the information gathered thus far, the anticipated timeline for this case study is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>First pass at alternative waste management scenarios for Stellenbosch municipality 30 September 2014</td>
</tr>
<tr>
<td>5</td>
<td>Refinement of model scenarios for Stellenbosch Municipality 31 October 2014</td>
</tr>
<tr>
<td>6</td>
<td>Finalisation of case study 30 November 2014</td>
</tr>
<tr>
<td>7</td>
<td>Final report on case study 15 December 2014</td>
</tr>
</tbody>
</table>

A Memorandum of Understanding (MOU) was entered into between the Greencape Sector Development Agency (GreenCape) and Stellenbosch Municipality, in order to realise the objectives outlined above. From Stellenbosch Municipality's
side the project will be co-ordinated by the Manager: Solid Waste Management, and from GreenCape's side by Mr Tawanda Sango and Ms Sameera Kissoon, who are both researchers on the Waste Economy Project. GreenCape drafted the MOU, which was entered into by their CEO, and Director: Engineering Services for Stellenbosch Municipality.

4. LEGAL IMPLICATION

The South African Constitution, schedule 5B requires municipalities to provide cleaning, cleansing, waste collection, disposal services and related infrastructure.

The regulatory instruments that define an integrated waste management approach, focus on waste minimisation and service delivery. The report highlights the challenges and contain a number of intended projects and activities to give effect to the strategies to manage and minimise waste to ensure sustainable and affordable service. Cognisance must be taken of the fact that a financial commitment may be required from the municipality in terms of the recommendations from the case study.

It is imperative that the legislative required processes be followed in terms of section 78(3) of the Systems Act.

Item is supported

5. FINANCIAL IMPLICATION

Finance supports the Item. It is noted that no municipal finances are required. SCM regulations and policy should be adhered to.

RECOMMENDED

(a) that the contents of the Green Cape Waste Economy Project methods, be noted; and

(b) that this pilot project be supported in principle.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING: 2014-11-05: ITEM 6.1.4

RECOMMENDED

(a) that the contents of the Green Cape Waste Economy Project methods, be noted; and

(b) that this pilot project be supported, in principle.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.6

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the contents of the Green Cape Waste Economy Project methods, be noted; and

(b) that this pilot project be supported, in principle.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 7.6

The Speaker afforded the Manager: Transport, Roads and Stormwater, Mr EJ Wentzel an opportunity to make a short presentation to Council on the Green Cape Waste Economy Project methods.

RESOLVED (nem con)

(a) that the contents of the Green Cape Waste Economy Project methods, be noted; and

(b) that this pilot project be supported, in principle.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
7.7 BERG RIVER IMPROVEMENT PLAN: DESIGN AND TESTING OF A PILOT PROJECT FOR WASTE WATER AND SOLID WASTE

File number : 8/1 Engineering Services & Integrated Human Settlements

Compiled by : Manager: Transport, Roads and Stormwater

Report by : Director: Engineering Services

Delegated Authority : Council

**Strategic intent of item**

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

---

1. **PURPOSE OF REPORT**

To introduce the Berg River Improvement Plan to Council and to enter into an agreement with the Western Cape Government to roll out pilot projects in Langrug.

2. **BACKGROUND**

The Western Cape Government via its Department of Economic Development and Tourism has embarked on a project to improve the water quality of the Berg River. An improvement plan (**APPENDIX 4**) was compiled with various projects that fall within the Stellenbosch Municipal area.

These projects are:

- **110% Green: Genius of Place Project**
- **Franschhoek SuDS Centre**
- **Langrug System for People’s Access to a Clean Environment (SPACE)**

**110% Green: Genius of Place Project**

*Stormwater & Waste Water*

This project aim is to collect greywater and treat it with Biofilter pipes, storm water swales, micro wetlands and Arboreal Soil Makers.
Solid Waste

This project entails the collection and transport of waste to an upcycle laboratory. At the upcycle laboratory, community members will utilize the waste to generate income through recycling, vermi compost, black soldier flies, crafts etc.

A building will have to be built on Council property for the laboratory.

Franschhoek Sustainable Drainage System (SuDS) Centre

The proposal is to utilize the Franschhoek WWTW to build a facility where biomimicry principles can be tested. Biomimicry is a new science where solutions to engineering problems are sought in nature. There is a need to build a centre where South African plants and their ability to treat waste water can be tested.

The Franschhoek WWTW is currently being decommissioned and will be available for such a project in future.

Discussions are currently underway with a number of tertiary institutions to solicit their involvement in such a project. The next phase would be to secure funding for this project.

Langrug System for People’s Access to a Clean Environment (SPACE)

The site for the Bioremediation project lies on the property of the Groendal Secondary School. This installation will use biomimicry to treat storm water. This will improve environmental and river health.

3. DISCUSSION

Waste management is currently a problem in Langrug. Council is not successful in its endeavors to keep the area clean with the current resources allocated to the function. The result is a dirty and unhealthy neighbourhood reflecting negatively on the dignity of the people residing in the neighbourhood.

The proposed GOP pilot project seeks to address these problems in an innovative and community driven approach. This approach has not been tested and therefore the pilot project is to test it. The pilot will be monitored by a Joint Steering Committee. At the end of the first year the pilot will be assessed and the way forward will be determined. It is the intention to revisit the business plan at the end of the pilot period and it might be necessary to revisit the Memorandum of Agreement in terms of commitments and deliverables.
The SPACE and SUDS Centre projects are included in the MoA, but needs to be developed further in terms of responsibilities and costs and will be submitted to Council in future for approval.

4. LEGAL IMPLICATION

Refer to 6.7

5. FINANCIAL IMPLICATION

The proposal is that the Western Cape Government will stand in for the costs to construct the services and facilities. The municipality will however be responsible to manage the projects.

The estimated costs are as follows:

Year 1: R410 000
Year 2: To be determined

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

6.1 Manager: Transport, Roads and Stormwater

The bioremediation solution proposed is new and has not been tested in an informal housing environment. There is a substantial risk that the technology might fail due to mismanagement by the community. Ongoing training and awareness is vital to the success of the project.

Should the proposal work it will provide a low tech, cost effective, environmentally friendly solution that can be rolled out to other informal areas in the Western Cape.

The concept of community managed infrastructure is also new. It might be a challenge to manage the community and their expectations. Strong political leadership will be required.

There is risk in the fact that if the pilot fails the community will get upset and demand an alternative service. Council might not be in a position to render an alternative service at that time. At this stage it is unclear under which department this new function should fall. The following skills are needed:

- Community Management
- Horticulture – maintain plants and trees
- Pipe Repairs
- Cleaning of grids

6.2 Manager: Solid Waste

Item supported
6.3 Manager: Water Services

Project 1: Langrug SPACE (System for People to Access a Clean Environment) project.

The following comments were made on the project proposal and the Water Services Section was not privy to the detailed designs. The major concerns are the high volumes in rainy seasons are not addressed by the Communal Waste System, poor quality of the stormwater, the maintenance and upkeep of the project after the initial year and the health and safety of the community.

Stormwater in informal settlements comprises of grey water, foreign objects, sand, silt, faecal matter, solid waste, fats, oils, grease, blood, hazardous material etc. This can cause diseases (open trenches on a school property) and nuisance factors such as flies, mosquitoes and odours when collected and concentrated in one locality.

Other concerns include saturation of the soil and thus a low soil permeability and ponding around the trees (pathogen breeding ground). The selection of trees will determine the absorption rate of the water and the breakdown of organic matter (if any). The absorption of the soil and or roots will not necessarily lower the pathogen concentration. The possibility of a wetland forming is high, with pioneer vegetation establishing and hindering the stormwater pathway forming blockages and trapping solid waste, creating an even bigger nuisance.

The high volumes of stormwater have to be contained or it will cause erosion of the trenches if not formalised.

The 50 litre collection basin will be flooded by the high volumes of stormwater and have to be cleaned at least daily and during rainy season hourly. Large objects will clog screen and huge quantities of sand and silt will have to be removed. These ‘screenings’ will contain pathogens and need to be disposed of correctly. This is the first critical control point in the system.

The maintenance and upkeep of such a new communal waste systems is labour intensive, must be monitored very closely and the Water Services Section does not have the capacity to maintain it. The health and safety of the community and the school children must be first and foremost.

The bioremediation solution proposed is new and has not been tested in an informal housing environment. There is a substantial risk that the technology might fail due to mismanagement by the community. Ongoing training and awareness is vital to the success of the project.
Should the proposal work it will provide a low tech, cost effective, environmentally friendly solution that can be rolled out to other informal areas in the Western Cape.

The concept of community managed infrastructure is also new. It might be a challenge to manage the community and their expectations. Strong political leadership will be required.

There is risk in the fact that if the pilot fails the community will get upset and demand an alternative service. Council might not be in a position to render an alternative service at that time.

At this stage it is unclear under which department this new function should fall. The following skills are needed:

- Community Management
- Horticulture – maintain plants and trees
- Pipe Repairs
- Cleaning of grids

The Water Services Section does not have the necessary skills and capacity for the maintenance and upkeep of the project should it be implemented.

**Project 2: Franschhoek Sustainable Drainage Systems (SuDS) Centre.**

The new Wemmershoek Waste Water Treatment works is nearing its completion. On 18 August 2014 all waste water inflow was diverted from the Franschhoek WWTW to the Wemmershoek WWTW for the wet commissioning trial period. For the next three (3) months the old Franschhoek WWTW will be decommissioned, cleaned and rehabilitated but the existing two Prentec Tanks with SBR process will be kept as emergency backup should any problems occur during the defects liability period. Provision was made in the 2016/2017 Capital budget to relocate these tanks to either the Klapmuts WWTW or Pniel WWTW.

The treated effluent from the new Wemmershoek WWTW will be pumped to some of the existing ponds at Franschhoek WWTW. These ponds will (after being cleaned) serve as storage dams for irrigation purposes for registered end users and are not available for Biomimicry. The ponds being converted to storage ponds will be:

1. Effluent pond directly behind the office building; and
2. The two current sludge lagoons on the opposite side of the Stibeuel River adjacent the two Prentec tanks.

A detail plan indicating the spatial layout of the pilot Biomimicry must be submitted for approval.
6.4 Acting Director: Human Settlement & Property Management

This Department supports the recommendations contained in this report.

6.5 Directorate: Public Safety & Community Services (Manager: Community Services)

The Department Community Services supports the MOU and all the projects emanating from the US agreement.

6.6 Chief Financial Officer

No budget provision has been made for this project and will be considered during the adjustment budget process.

6.7 Directorate: Strategic & Corporate Services (Legal)

Legislative framework

South Africa’s status as a water-scarce country is reflected in the formulation of the legislative framework pertaining to water. This legislation has placed emphasis on water scarcity and the effective management of national resources coupled with the need to rectify historical inequities and promote justice and equality in the availability and use of water resources.


Constitutional rights

The founding provisions of the Constitution open with the values on which the state is founded and list the first of these as “human dignity, the achievement of equality and the advancement of human rights and freedoms”.

The founding provisions further establish the supremacy of the Constitution over all other South African legislation and require that “the state must respect, protect, promote and fulfil the rights in the Bill of Rights”.

Sections 24 and 27 of the Bill of Rights in the Constitution grant specific rights to access to sufficient water, an environment not
harmful to health and well-being and the protection of the 
environment from degradation. The right to basic sanitation is not 
an explicit constitutional right. However, the right to sanitation 
could be derived from the right to a clean environment read 
together with the right of access to clean water. Many other 
constitutional rights in the Bill of Rights overlap with and support 
rights to water and sanitation. These include the right to equality, 
the right to dignity and rights of access to information and just 
administrative action.

The Constitution provides for three spheres of government and 
sets out the functions of these three distinctive, interdependent 
and interrelated spheres. The principles of cooperative 
governance provide that all interactions between the three 
spheres of government must play out in a coordinated and 
cooperative manner.

The National Water Act

The National Water Act (NWA) reaffirms the role of the state by 
confirming in Section 3 that “as the public trustee of the nation’s 
water resources the National Government, acting through the 
Minister, must ensure that water is protected, used, developed, 
conserved, managed and controlled in a sustainable and 
equitable manner, for the benefit of all persons and in 
accordance with its constitutional mandate.” The NWA provides 
the legal framework for the management of water resources, 
which includes the allocation of water for beneficial use and the 
redistribution of water.

The Water Services Act

The NWA is required to be read with the Water Services Act 
(WSA), which is “the primary legal instrument relating to the 
accessibility and provision of water services (which include 
drinking water and sanitation services)”. In terms of the WSA, the 
responsibility for ensuring access to water services lies with 
water services authorities (municipalities). It is the responsibility 
of water services authorities (through water services providers) to 
ensure access to both water supply services and sanitation 
services.

The Local Government: Municipal Structures Act

The Local Government: Municipal Structures Act (Structures Act) 
provides for the establishment of municipalities and the divisions 
of functions and powers between categories of municipalities. 
Categorised into metropolitan, local or district, each municipality 
is required to review the needs of the community, its priorities to 
meet these needs, processes for involving the community, 
organisational and delivery mechanisms for meeting the needs 
and its overall performance in achieving the objectives.
The Local Government: Municipal Systems Act

The Local Government: Municipal Systems Act (Systems Act) provides for the core principles, framework and procedures to enable municipalities to uplift their communities socially and economically and guarantee affordable universal access to basic services. The Systems Act refers to the provision of basic municipal services, which mean municipal service that is necessary to ensure an acceptable and reasonable quality of life and without which public health or environmental safety would be at risk.

The National Environmental Management Act

The National Environmental Management Act (Nema) provides an overarching framework for the regulation and sustainable use of natural resources in South Africa. The Nema is crucial in terms of implementing the constitutional provisions on cooperative governance in environmental matters. It creates the institutional set-up for the development of norms and standards for the implementation of the environmental legislation and provides for generic monitoring and enforcement provisions. Among these are the duty of care provisions and obligations to control and remedy pollution generally. In conjunction with the NWA, the Nema provides an avenue to regulate and control water pollution and promote the fulfillment of the right to an environment not harmful to health or well-being. Importantly, it also creates a specialised enforcement unit of environmental management inspectors charged specifically with the enforcement of environmental management legislation.

Cognisance must be taken of Section 80(e) of the NWA which advises the promotion of community “participation in the protection, use, development, conservation, management and control of the water resources in its water management area”.

Though it is not an exhaustive list, it is important that due consideration be given to the abovementioned legislative framework.

The item is supported. There is a myriad of legislation which governs the intention behind the River improvement plan. The economic-social upliftment and job creation opportunities which may flow from this agreement is noteworthy. It is important that the agreement be monitored to ensure the success especially bearing in mind that the Provincial government will bear the costs thereof. The municipality act reasonably to ensure that water services are provided in a manner that is efficient, equitable and sustainable; and strive to provide such services for subsistence and sustainable economic activity.
RECOMMENDED

(a) that the Genius of Place pilot project in Langrug, be supported;
(b) that budget provision be made for the project;
(b) that provision be made on the Staff Establishment of Council for the staff and new function;
(c) that a report be submitted at the end of the pilot period to determine the long term commitment of Council; and
(d) that the Municipal Manager be authorised to conclude a Memorandum of Agreement in this regard.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING: 2014-11-05: ITEM 6.1.5

RECOMMENDED

(a) that the Genius of Place pilot project in Langrug, be supported;
(b) that budget provision be made for the project;
(c) that provision be made on the Staff Establishment of Council for the staff and new function;
(d) that a report be submitted at the end of the pilot period to determine the long term commitment of Council; and
(e) that the Municipal Manager be authorised to conclude a Memorandum of Agreement in this regard.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.7

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the Genius of Place pilot project in Langrug, be supported;
(b) that budget provision be made for the project;
(c) that provision be made on the Staff Establishment of Council for the staff and new function;

(d) that a report be submitted at the end of the pilot period to determine the long term commitment of Council; and

(e) that the Municipal Manager be authorised to conclude a Memorandum of Agreement in this regard.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)


RESOLVED (nem con)

(a) that the Genius of Place pilot project in Langrug, be supported;

(b) that budget provision be made for the project;

(c) that provision be made on the Staff Establishment of Council for the staff and new function;

(d) that a report be submitted at the end of the pilot period to determine the long term commitment of Council; and

(e) that the Municipal Manager be authorised to conclude a Memorandum of Agreement in this regard.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
7.8 APPROVAL TO REVISE THE POLICY FOR OUT OF POCKET ALLOWANCE: WARD COMMITTEES

File number : 3/P/11
Compiled by : Office of the Speaker
Report by : Speaker
Delegated Authority : Council

Strategic intent of item
Preferred investment destination
Greeneest municipality
Safest valley
Dignified Living
Good Governance

1. PURPOSE OF REPORT

To obtain Council’s approval to revise the policy for the reimbursement of out of pocket allowance to ward committee members for WC024.

2. BACKGROUND

Section 25 of the Policy and Procedures for Ward Committees adopted by Council on 29 November 2006 and amended on 20 June 2012 (hereto attached as APPENDIX 1) stipulates:

"Budget"

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

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

(a) Out of pocket expenses for member of ward committees in respect of their participation in ward committees subject to the following criteria as approved by Council on 20 June 2012;

(i) That six (6) ward committee meetings which will comprise of one (1) ward meeting every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved
by the ward committee as paid meetings and that each serving member present at this meetings, be paid an out of pocket allowance of R250.00 per meeting (R250 x 6 = R1500.00);

(ii) The reimbursement amount will be paid to the ward committee members in person and not to organisations that he/she represents;

(iii) That reimbursements only be paid on verification of attendance register of meetings attended and that reimbursements will only be electronically transferred to the bank account of the relevant ward committee member(s);

(iv) That ward committee members may elect not to be reimbursed;

(b) capacity building and training programmes for committee members

3. DISCUSSION

The All Ward Councillors meeting held on 18 February 2014 recommends that Section 25.2(a) and 25.2(a)(i) of the policy be amended as follows:

(a) Out of pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by Council on 20 June 2012;

(i) That ten (10) ward committee meetings which will comprise of two (2) ward committee meetings every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an out of pocket allowance of R350.00 per meeting (R350 x 10 = R3500.00).

4. LEGAL IMPLICATION

5. FINANCIAL IMPLICATION

Based on the current number of ward committee members the budget provision will be sufficient to fund the expenditure envisaged under 3 a (i) and accordingly the recommendations contained in this report are supported.

It’s advised that the Policy referred to (in future), be reviewed, in line with the budget compilation and tabling process as same affects the budget.
RECOMMENDED

(a) that the revised reimbursement of out of pocket expenses for ward committee members be approved from 1 July 2014;

(b) that ten (10) ward committee meetings which will comprise of two (2) ward committee meetings every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an allowance of R350.00 per meeting (R350 x 10 = R3500.00);

(c) that the reimbursement amount will be paid to the ward committee members and not to organisations that he or she represents;

(d) that reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that ward committee members may elect not to be reimbursed; and

(f) that the Policy and Procedures for Ward Committees as adopted by Council on 29 November 2006 and amended on 20 June 2012 be amended accordingly.

(g) that the proposed amendments be advertised for public comment whereafter the item be referred back to Council for final consideration.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)


After the matter was opened for debate a Procedural Motion in terms of Rule 31.1.3 was proposed.

RESOLVED (nem con)

that this matter be referred back to allow the Administration to incorporate financial comments, whereafter the matter be resubmitted via the Finance, Strategic and Corporate Services Committee to the next Council meeting for final decision.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
FURTHER COMMENTS BY DEPARTMENTS

Subsequent to the Resolution of this Committee as contemplated above. Finance supports the item.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE: 2014-11-11: ITEM 5.1.1

RESOLVED (nem con)

that the comments by Legal Services be included on the Agenda of Mayco prior to submission thereof

RECOMMENDED

(a) that the revised reimbursement of out of pocket expenses for ward committee members be approved from 1 July 2014;

(b) that ten (10) ward committee meetings which will comprise of two (2) ward committee meetings every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an allowance of R350.00 per meeting (R350 x 10 = R3500.00);

(c) that the reimbursement amount will be paid to the ward committee members and not to organisations that he or she represents;

(d) that reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that ward committee members may elect not to be reimbursed; and

(f) that the Policy and Procedures for Ward Committees as adopted by Council on 29 November 2006 and amended on 20 June 2012 be amended accordingly.

(g) that the proposed amendments be advertised for public comment whereafter the item be referred back to Council for final consideration.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
FURTHER COMMENTS BY DEPARTMENTS: LEGAL SERVICES

With reference to the provisions of Section 87 of the MFMA, and in light of the fact that the item deals with a budget policy matter, it will be advisable if the amendment is done with other financial policies, thus within the budget review process in January 2015.

FOR CONSIDERATION

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.8

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the revised reimbursement of out of pocket expenses for ward committee members be approved from 1 July 2014;

(b) that ten (10) ward committee meetings which will comprise of two (2) ward committee meetings every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an allowance of R350.00 per meeting (R350 x 10 = R3500.00);

(c) that the reimbursement amount will be paid to the ward committee members and not to organisations that he or she represents;

(d) that reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that ward committee members may elect not to be reimbursed;

(f) that the Policy and Procedures for Ward Committees as adopted by Council on 29 November 2006 and amended on 20 June 2012 be amended accordingly;

(g) that the proposed amendments be advertised for public comment whereafter the item be referred back to Council for final consideration; and

(h) that the current policy be amended as follows: paragraph 19(5) to read: A ward committee meeting should meet on a monthly basis at least 10 a year.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
RESOLVED (nem con)

(a) that the revised reimbursement of out of pocket expenses for ward committee members be approved from 1 July 2014;

(b) that ten (10) ward committee meetings which will comprise of two (2) ward committee meetings every quarter and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an allowance of R350.00 per meeting (R350 x 10 = R3500.00);

(c) that the reimbursement amount will be paid to the ward committee members and not to organisations that he or she represents;

(d) that reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that ward committee members may elect not to be reimbursed;

(f) that the Policy and Procedures for Ward Committees as adopted by Council on 29 November 2006 and amended on 20 June 2012 be amended accordingly;

(g) that the proposed amendments be advertised for public comment whereafter the item be referred back to Council for final consideration; and

(h) that the current policy be amended as follows: paragraph 19(5) to read A ward committee meeting should meet on a monthly basis at least 10 a year.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
7.9 IMPLEMENTATION OF ICT STEERING COMMITTEE CHARTER

File number : 7/4/1/1/2
Compiled by : Information Communication Technology
Report by : Director; Strategic and Corporate Services
Delegated Authority : Council

Strategic intent of item

Preferred investment destination [ ]
Greeneest municipality [ ]
Safest valley [ ]
Dignified Living [ ]
Good Governance [X]

1. PURPOSE OF REPORT

To obtain approval to institutionalise the Governance of ICT as an integral part of corporate governance within the Stellenbosch Municipality.

In December 2012 an ICT Municipal Corporate Governance Policy Framework (MCGICTPF) was promulgated by Parliament.

In June 2013 the Department of Public Service and Administration (DPSA) developed the MICTCGPF with a set of principles and practices that must be complied with, together with an implementation approach to be utilised for Corporate Governance of ICT within Municipalities.

To give effect to the compliance requirements of the MCGICTPF, an ICT Steering Committee Charter has been developed, based on best practice principles in the ICT Industry, for consideration and approval by the Portfolio Committee.

2. BACKGROUND

During 1998 a report was submitted to Parliament recommending that ICT need to be institutionalised as an integral part of the Corporate Governance in all spheres of government.

Since 2009, the AGSA continuously reported on lack of effective Governance and Management of ICT Services in Provincial and Local Government.
In 2012 an ICT Corporate Governance Policy Framework was introduced by the Department of Public Services and Administration (DPSA) for Provincial Government to ensure that the above recommendation will come into effect and that decisions and initiatives regarding **ICT investments are aligned with strategic goals and objectives** of Departments as well as **Statements of Direction** from other spheres of Government.

In June 2013, the same ICT Policy Framework was introduced for local Government:

1) SALGA was appointed to facilitate implementation process and

2) AGSA will monitor the execution of the ICT Policy Framework for compliance and also to ensure that municipalities will achieve a clean ICT Audit.

3. DISCUSSION

Once the MCGICTPF has been adopted by Council as a methodology to improve ICT service delivery and the ICT Steering Committee Charter is approved, service delivery by ICT will be transformed into best practice opportunities to ensure that:

1) ICT Initiatives are aligned with strategic objectives and goals of the Municipality and a structured approach is followed with the implementation of ICT initiatives;

2) Expectations from Council will be managed effectively, resulting in trusted relationships between ICT and executive management;

3) Effective Service delivery Agreements with external service providers will be enforced, resulting in value for money being achieved at all times;

4) ICT alignment with Strategic Statements of Direction from Provincial and National Government (i.e. SCOA, Broad band (2013) & Policy Frameworks (2013))

5) ICT related risks will be managed effectively and progress with corrective and mitigating measures will be reported at executive level;

6) The Municipality will be compliant with the MCGICTPF as required the DPSA, and

7) A clean ICT Audit will be achieved;

To ensure ongoing synergy and alignment between all the stakeholders the members of ICT Steering Committee need to convene at least once every three months.
MINUTES
25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2014-11-26

RECOMMENDED
(a) that the Municipal Corporate Governance for ICT Policy Framework as developed by the DPSA, be adopted, and
(b) that the ICT Steering Committee Charter, be approved with immediate effect.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE: 2014-11-11: ITEM 5.1.2

RECOMMENDED
(a) that the Municipal Corporate Governance for ICT Policy Framework as developed by the DPSA, be adopted, and
(b) that the ICT Steering Committee Charter, be approved with immediate effect.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.9

RECOMMENDED BY THE EXECUTIVE MAYOR
(a) that the Municipal Corporate Governance for ICT Policy Framework as developed by the DPSA, be adopted, and
(b) that the ICT Steering Committee Charter, be approved with immediate effect.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
RESOLVED (nem con)

(a) that the Municipal Corporate Governance for ICT Policy Framework as developed by the DPSA, be adopted, and

(b) that the ICT Steering Committee Charter, be approved with immediate effect.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
7.10 TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE 1st QUARTER (1 JULY TO 30 SEPTEMBER 2014)

File number: 9/1/4/3

Report by: Municipal Manager

Compiled by: Director: Strategic & Corporate Services

Delegated authority: Council

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance X

1. PURPOSE OF REPORT

That Council take cognisance of progress made with the achievement of key performance indicators, development priorities and objectives as determined in the Top Layer Service Delivery Budget Implementation Plan (SDBIP) for the 1st Quarter (1 July to 30 September 2014).

2. BACKGROUND

In terms of Section 1 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) the service delivery budget implementation plan (SDBIP) is defined as a detailed plan approved by the mayor of a municipality within 28 days after the approval of the budget for implementing the municipality’s delivery of municipal services and its annual budget.

The format of the Service Delivery Budget Implementation Plan (SDBIP) is prescribed by MFMA Circular Number 13 issued by National Treasury. In terms of the said Circular Number 13 the Service Delivery Budget Implementation Plan (SDBIP) must depict the service delivery areas, budget allocations and enable monitoring and evaluation. It specifically requires the Service Delivery Budget Implementation Plan (SDBIP) to include, inter alia, the following:

- Monthly projections of revenue to be collected for each source;
• Monthly projections of expenditure (operating and capital) and revenue for each vote;

• Quarterly projections of service delivery targets and performance indicators for each vote;

• Information for expenditure and delivery; and

• Detailed capital works plan.

Section 41(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000 (MSA), stipulates that a process must be established of regular reporting to Council. This process is detailed in the Performance Management Framework of the Municipality.

3. DISCUSSION

Included under separate cover is:

(a) A copy of the 2014/15 Top Layer Service Delivery Budget Implementation Plan (SDBIP) for the 1st Quarter (1 July to 30 September 2014) as APPENDIX 1.

A Service Delivery and Budget Implementation Plan (SDBIP) seeks to promote municipal accountability and transparency and is an important instrument for service delivery, budgetary monitoring and evaluation. It can be seen as a partnership contract entered into between the Administration, Council and the community, in which the goals and objectives set by Council are expressed.

The Service Delivery Budget Implementation Plan (SDBIP) provides an excellent basis for the Councillors of the Stellenbosch Municipality to monitor the implementation of service delivery programmes and initiatives across the municipal area. The scorecard in the Service Delivery Budget Implementation Plan (SDBIP) presents a clear mandate to the Councillors in terms of playing their oversight function.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 Human Resource Management

The accountability of the Administration, inclusive of the Municipal Manager and Senior Managers as addressed under Legal Implications is noted.

4.2 Financial

The SDBIP is viewed as an implementation and monitoring tool rather than a financial tool, however this plan is supported by the financial information reported to Council in terms of Section 52 of

4.3 Legal

MFMA Circular No. 13

The SDBIP serves as a “contract” between the administration, council and community expressing the goals and objectives set by council as quantifiable outcomes that can be implemented by the administration over the next twelve months. The SDBIP provides the vital link between the mayor, council (executive) and the administration and facilitates the process for holding management accountable for its performance. The SDBIP is a management, implementation and monitoring tool that will assist the mayor, councillors, municipal manager, senior managers and community.

MFMA

A “service delivery and budget implementation plan” is defined as follows in Section 1 of the MFMA:

“… means a detailed plan approved by the mayor of a municipality in terms of Section 53(1)(c)(ii) for implementing the municipality’s delivery of municipal services and its annual budget, and which must indicate –

(a) Projections for each month of –

(i) Revenue to be collected, by source; and

(ii) Operational and capital expenditure, by vote;

(b) Service delivery targets and performance indicators for each quarter; and

(c) Any other matters that may be prescribed;

and includes any revisions of such plan by the mayor in terms of Section 54(1)(c).

In accordance with Section 53 of the MFMA, the mayor of a municipality must-

“(1)(c)(ii) take all reasonable steps to ensure that the municipality’s service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget

(1)(c)(iii)(bb) that the annual performance agreements as required in terms of Section 57(1)(b) of the MSA for the municipal manager and all senior managers are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan.”
Quarterly projections of service delivery targets and performance indicators for each vote, is one of the five components of the top-layer SDBIP that must be made public as detailed in MFMA Circular 13.

RECOMMENDED

that Council take cognisance of the 2014/15 Top Layer Service Delivery Budget Implementation Plan (SDBIP) Report for the 1st Quarter (01 July to 30 September 2014).

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE: 2014-11-11: ITEM 5.1.3

RECOMMENDED

that Council take cognisance of the 2014/15 Top Layer Service Delivery Budget Implementation Plan (SDBIP) Report for the 1st Quarter (01 July to 30 September 2014).

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.10

RECOMMENDED BY THE EXECUTIVE MAYOR

that Council take cognisance of the 2014/15 Top Layer Service Delivery Budget Implementation Plan (SDBIP) Report for the 1st Quarter (01 July to 30 September 2014).

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
RESOLVED (nem con)

that Council take cognisance of the 2014/15 Top Layer Service Delivery Budget Implementation Plan (SDBIP) Report for the 1st Quarter (01 July to 30 September 2014).

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
7.11 LONG TERM FINANCIAL PLAN

File number : 8/1/Financial
Report by : Municipal Manager
Compiled by : Chief Financial Officer
Delegated Authority : Council

Strategic intent of item

Preferred investment destination  
Greenest municipality  
Safest valley  
Dignified Living  
Good Governance  

1. PURPOSE OF REPORT

To consider the Long Term Financial Plan for approval subsequent to the workshop held on 24 July 2014 as resolved at the Council meeting held on 25 June 2014.

2. BACKGROUND

At the Council meeting held on 25 June 2014 (item 7.14) it was resolved:

(a) that this matter be referred back to allow the Administration to arrange a workshop, involving all members of the Finance and Strategic and Corporate Services Committee and to invite all Councillors to discuss the long term Financial Plan; and

(b) that this matter be resubmitted at the next Council meeting for consideration and subsequent resolution.

This item gives effect to the Council Resolution.

3. DISCUSSION

Please find attached the Long Term Financial Plan (APPENDIX 1) for Stellenbosch Municipality.

Please also find attached the minutes of the workshop and Budget Steering (APPENDIX 2).
RECOMMENDED

(a) that the Long Term Financial Plan as set out in APPENDIX 1, be noted;

(b) that the Long Term Financial Plan be revised on an annual basis and be submitted to Council in conjunction with and in support of the Draft Budget.

(CHIEF FINANCIAL OFFICER TO ACTION)

FINANCE AND STRATEGIC AND CORPORATE SERVICES COMMITTEE: 2014-11-11: ITEM 6.1.1

RECOMMENDED

(a) that the Long Term Financial Plan as set out in APPENDIX 1, be noted;

(b) that the Long Term Financial Plan be revised on an annual basis and be submitted to Council in conjunction with and in support of the Draft Budget.

(CHIEF FINANCIAL OFFICER TO ACTION)

MAYORAL COMMITTEE MEETING: 2014-11-19: ITEM 5.1.11

RECOMMENDED BY THE EXECUTIVE MAYOR

(a) that the Long Term Financial Plan as set out in APPENDIX 1, be noted;

(b) that the Long Term Financial Plan be revised on an annual basis and be submitted to Council in conjunction with and in support of the Draft Budget.

(CHIEF FINANCIAL OFFICER TO ACTION)

RESOLVED (nem con)

(a) that the Long Term Financial Plan as set out in APPENDIX 1, be noted;

(b) that the Long Term Financial Plan be revised on an annual basis and be submitted to Council in conjunction with and in support of the Draft Budget.

(CHIEF FINANCIAL OFFICER TO ACTION)
7.12 MONTHLY FINANCIAL STATUTORY REPORTING

File number : 8/1/Financial
Report by : Chief Financial Officer
Compiled by : Chief Financial Officer
Delegated authority : Council

Strategic intent of item:

Preferred investment destination
X
Greenest municipality

Safest valley

Dignified Living

Good Governance
X

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 2014/2015, by reporting deviations and ratifications as approved by the Accounting Officer for the period of 01 October 2014 until 31 October 2014. Reporting hereof by the Accounting Officer to Council is done in a bid to give effect to Council’s oversight role.

2. DISCUSSION

The deviations and ratification for the period of 01 October 2014 until 31 October 2014 are attached as APPENDIX 1 & 2.

RECOMMENDED

that the monthly financial statutory reporting, be noted.

(CHIEF FINANCIAL OFFICER TO ACTION)

RECOMMENDED

that the monthly financial statutory reporting, be noted.

(CHIEF FINANCIAL OFFICER TO ACTION)


RECOMMENDED BY THE EXECUTIVE MAYOR

that the monthly financial statutory reporting, be noted.

(CHIEF FINANCIAL OFFICER TO ACTION)


RESOLVED (nem con)

(a) that the monthly financial statutory reporting, be noted; and

(b) that the Director: Community and Protection Services be commissioned to provide clarity to Councillor JA Davids on the issue of minor breach in terms of repairs to the Fire Truck as per APPENDIX 2.

(CHIEF FINANCIAL OFFICER TO ACTION)
7.13 ADS ABOUT TOWN OPERATING LICENCE APPLICATION

File number : 8/1 Engineering Services

Compiled by : Manager: Transport, Roads and Stormwater

Report by : Director: Engineering Services

Delegated Authority : Council

**Strategic intent of item**

<table>
<thead>
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1. **PURPOSE OF REPORT**

To consider two Operating License Applications for a bus service.

2. **BACKGROUND**

Two applications were received from Ads About Town to render a bus service from Somerset West to Stellenbosch and a circle route in Stellenbosch. See **APPENDIX 1** for the application.

These applications support the objectives of the CITP and were therefore recommended to the Provincial Regulating Entity (PRE) for approval. The Stellenbosch Taxi Association appealed the decision by the PRE to grant the licences. The Appeal Tribunal held a hearing and made the following order: (See **APPENDIX 2**)

“In terms of section 12(1) of the Transport Appeal Tribunal Act 38 of 1998, the following order is made:

1. *The matter is referred back to the PRE for reconsideration.*

2. *Municipalities must interact on issues of common interest in relation to the route Stellenbosch to Somerset West considering that it has been established that there is a need for the service.*

3. *Proper route description for Stellenbosch must be made and advertised.*
4. The Appellant’s appeal lodging fee in the sum of R4000.00 is to be accordingly refunded.”

Subsequent to the Appeal Tribunal order an Inter-Governmental meeting was held on 18 August 2014, between Mr Mark Skriker (Provincial Regulating Entity), Mr Lee van der Berg (City of Cape Town) and Messrs. Wentzel and Meyer (Stellenbosch Municipality). At the meeting the PRE and City of Cape Town advised Stellenbosch Municipality not to support the application because of the following reasons:

- The new role-player might upset the industry.
- The application will create destructive competition on the routes and may lead to violence.
- Stellenbosch Municipality does not have the resources to manage these potential risks which are in the public transport industry.
- There are already too many taxis in Stellenbosch and some routes are oversupplied.
- Fifteen operators have been killed in the Western Cape due to taxi violence.
- Supporting infrastructure must first be built before a bus service is approved.
- Commuters will be stranded if the business model does not work and the service is terminated.

It was recommended that Stellenbosch Municipality do the following:

- A moratorium is placed on all new public transport applications.
- Do surveys of all routes to document usage of permits.
- Based on surveys recommended to the PRE to cancel all unused permits.
- Roll out a contracted service through a procurement process that is open to all which will allow Ads About Town to tender.
- The rationalisation of public transport process is started.
- Golden Arrow bus service is approached to run a more regular service.

3. DISCUSSION

Benefits of AAT application

The Ads About Town application is in the line with the goals of the Municipality’s Comprehensive Integrated Transport Plan (CITP) and has the potential to address various transport problems the Municipalities currently have to deal with. From a purely needs point of view the application should be supported.

The AAT business plan uses advertisement space on and in the buses to generate income to reduce the cost of transport. The bus fare will thus be reduced and in some instances will the bus
operate free of charge to the commuter. For further motivation of the application see the motivation by AAT that was submitted as part of the application process (APPENDIX 1).

The proposed route for Stellenbosch is in the vicinity of a number of schools and could thus drastically reduce the home to school trips.

The CITP proposes the roll-out of NMT as part of the transport solution for Stellenbosch. In the application the applicant proposes a bus that is suitable for bicycles and wheelchairs. The proposed service would therefore enhance the NMT strategy.

Inter-Governmental meeting

Despite the apparent benefits as noted above, the recommendations of the Inter-Governmental meeting are supported. Due to the issues as raised at the meeting, the Municipality however does not have the resources in terms of staff, expertise, systems and funding to roll out the recommendations. The Provincial Department of Transport and Public Works has been approached for assistance with resources (staff and money) to assist the Stellenbosch Municipality with the process. The indication is that assistance could be provided from 2016 onwards.

Taxi Associations

The conflict with the Taxi Associations is of concern and might lead to an unsafe and uncontrollable situation. A meeting was held prior to the Appeal Hearing with the Cloetesville Taxi Association. At the meeting the Taxi Association requested the Municipality not to support the AAT applications in fear of taxi violence breaking out. The Municipality’s viewpoint was that, as a Transport Authority, we cannot oppose an application on the grounds of such a threat.

Permits have been allocated to various Taxi Operators to operate on the same or almost the same routes as the AAT applications. The taxis don’t operate on these routes outside peak hours because they prefer to operate on the more productive routes or wait till they have collected enough commuters to make the trip cost effective. The unscheduled and unreliable service therefore leaves commuters stranded and forces commuters to use cars. Until a scheduled and reliable service is available commuters will stick to car-based travel. The resolution of this problem will make a positive impact on traffic congestion on the roads. The AAT application will resolve this problem and make travel between the suburbs possible.

AAT argued in the appeal hearing that their proposed routes are not on current taxi routes and serves a new market and would thus not have an impact on the taxi operators. The proposed routes are through areas like Technopark, Paradyskloof, Onder-
Papegaaiberg, Simonswyk, Uniepark, Mostertsdrif and the CBD (For a detailed route description and map see APPENDIX 3).

Conclusion

Although the need exists for a bus service it is not advisable to recommend the application until a rationalisation has been done to eradicate the permits that are not being used and the supply and demand of the service has been confirmed. In order to do such an investigation an Integrated Public Transport Network (IPTN) needs to be compiled and the Operating License Strategy needs to be updated. In order to be fair and transparent all commuter transport applications will have to be referred back for consideration until the IPTN and OLS has been compiled and approved.

A funding application has been submitted to the Provincial Department of Transport for an IPTN. Verbal confirmation has been received that funding will be provided in the 2015/16 Provincial budget. Should the funding be approved then an IPTN will only be completed late in 2016. Internal funding is motivated for this matter. The study might cost R1.5m over two years. The Municipality is not optimally positioned in terms of systems, resources and knowledge to deal with the management of the transport function. The decision should be made to change the organisational structure to include dedicated staff that can grow the transport function to include all the responsibilities of the National Land Transport Act. An alternative should be to enter into an agreement with the City of Cape Town to render such a service for the Stellenbosch Municipal area. This matter will be discussed further in a separate submission.

4. RECOMMENDATIONS FROM THE DIRECTOR ENGINEERING SERVICES

1. that the application not be supported at this stage and reconsidered after an IPTN has been done;

2. that a moratorium be placed on the issuing of Operating Licences (excluding tourist, school and charter services) to and in Stellenbosch;

5. LEGAL IMPLICATION

The recommendations are supported, it is however critical that the legislative required public participation processes as well as the guiding principles and values as per Chapter 3 of the Constitution be adhered to (my emphasis).
6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

6.1 Directorate: Planning & Economic Development

There is a need for an extended public transport system, albeit through private initiative and along routes that are not traditionally viewed as high demand routes. If the transport is funded through advertising income, rather than state subsidies, then even better.

If the transport system needs intensive monitoring and administration, as explained above, then the municipal resources need to be extended or alternative solutions found. Implementation of services without appropriate resources allocated thereto is not supported.

6.2 Chief Financial Officer

Finance supports the Item.

RECOMMENDED

(a) that the application not be supported at this stage and reconsidered after an IPTN has been done;

(b) that a moratorium be placed on the issuing of Operating Licences (excluding tourist, school and charter services) to and in Stellenbosch.

(DIRECTOR: ENGINEERING SERVICES
TO ACTION


RECOMMENDED BY THE EXECUTIVE MAYOR

that the application be considered after an IPTN study has been done considering best practices from the City of Cape Town and George Municipality.

(DIRECTOR: ENGINEERING SERVICES
TO ACTION

RESOLVED (majority vote)

(a) that the application be considered after an IPTN study has been done considering best practices from the City of Cape Town and George Municipality; and

(b) that a representative delegation of Council visit George Municipality and that representatives of the Stellenbosch Taxi Associations be included in the delegation, which will investigate the George situation.

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

Councillors DA Hendrickse; AT van der Walt and M Wanana.

(DIRECTOR: ENGINEERING SERVICES TO ACTION)
8. CONSIDERATIONS OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER

8.1 SCHEDULE OF MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR 2015

File number : 3/4/1/1

Report by : Municipal Manager

Compiled by : Director: Strategic and Corporate Services

Delegated Authority : Council

Strategic intent of item:

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance X

1. PURPOSE OF REPORT

To communicate to members of Council, staff and members of the public the dates of meetings of Council and its Committees for the year 2015.

2. BACKGROUND

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000 stipulates as follows:

“The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every-

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible.”

The By-law on the Rules of Order of Stellenbosch Council stipulates in Rule 6 as follows:
6. Notice of Meetings

6.1 The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that such meetings take place at least quarterly.

6.2 A separate Special Meeting of Council shall be called to approve the Annual Budget.

3. DISCUSSION

The By-Law on the Rules of Order of Stellenbosch Council mandates the Speaker to inform all Councillors of the dates of Council meetings for the ensuing year. These Rules of Order also apply to Committees of Council. The dates of the Mayoral Committee, Standing Committees and other meetings for 2015 are also included on the draft schedule of meetings as per APPENDIX 1.

4. COMMENTS BY RELEVANT DEPARTMENTS

Relevant Departments, including the Office of the Municipal Manager, provided input into the schedule of meetings.

RECOMMENDED

(a) that the proposed list of meetings for 2014, be approved; and

(b) that the Municipal Manager be mandated to give notice to the wider public of the time, date and venue of the said meetings in compliance with Section 19 of the Local Government: Municipal Systems Act, 32 of 2000.

(DIRECTOR: CORPORATE SERVICES TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 8.1

RESOLVED (nem con)

(a) that the proposed list of meetings for 2015, be approved; and

(b) that the Municipal Manager be mandated to give notice to the wider public of the time, date and venue of the said meetings in compliance with Section 19 of the Local Government: Municipal Systems Act, 32 of 2000.

(DIRECTOR: CORPORATE SERVICES TO ACTION)
8.2 PROGRESS REPORT ON THE PROPOSED POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY’S IMMOVABLE PROPERTY

File number : 7/P/5/Management of Stellenbosch Municipality’s Immovable Property

Report by : Immovable Property Committee

Compiled by : Chairperson: Immovable Property Committee

Delegated Authority : Council

Strategic intent of item

<table>
<thead>
<tr>
<th>Preferred investment destination</th>
<th>X</th>
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<td>Greenest municipality</td>
<td></td>
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<td>Safest valley</td>
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<tr>
<td>Dignified Living</td>
<td>X</td>
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<tr>
<td>Good Governance</td>
<td>X</td>
</tr>
</tbody>
</table>

1. PURPOSE OF REPORT


2. BACKGROUND

Council at its 23rd meeting, dated 2014-09-23 resolved as follows:

(a) that an Ad Hoc Committee of Council be established;
(b) that the latter shall comprise of a member of each political party;
(c) that the Executive Mayor appoint the Chairperson;
(d) that the investigation shall include a Policy for immovable property as well as a Policy for agricultural land;
(e) that external experts be invited to advise the Committee; and
(f) that an investigation and recommendations be submitted to Council at the meeting to be held on 26 November 2014
3. DISCUSSION

The first meeting of the Ad Hoc Committee was duly constituted on 2014-10-13.

The Executive Mayor assigned Councillor N Jindela as Chairperson of the Committee. At its first meeting the Committee resolved that the Rules of Order By-law (2013), would apply except Rule 16 relating to Debate Management. Since its inception two further meetings were held on 2014-10-30 and 2014-11-04 respectively.

At the meeting, dated 2014-10-30 the Stellenbosch Agricultural Society was invited to partake in the discussions. It was an informative meeting in which the Agricultural Society pledged their support and assistance in providing relevant information to enable this Committee to dispose of this matter. The meeting concluded in a good spirit and mutual understanding.

Due to unavailability of external roleplayers approached it is envisaged that a meeting/s with these roleplayers will be scheduled soon.

In keeping with its mandate the Committee decided that two policies will submitted to Council for consideration and subsequent approval. The current Draft Policy on The Management of Stellenbosch Municipality’s Immovable Property will be resubmitted to Council with minor adjustments. A new policy on Agricultural and Vacant Immovable Properties for Stellenbosch will drafted and submitted together with the Draft Policy on The Management of Stellenbosch Municipality’s Immovable Property.

4. LEGAL IMPLICATION

No legal input was required at this stage.

5. FINANCIAL IMPLICATION

No financial input was required at this stage.

6. CONCLUSION

It is clear from the above that in order for this Committee to effectively fulfil its mandate more time will be needed to give effect to the mandate of Council.

RECOMMENDED

(a) that the progress report on a Proposed Policy on the Management of Stellenbosch Municipality’s Immovable Property, be noted;

(b) that a moratorium be placed on existing renewals and/or extensions of current leases;
(c) that the Municipal Manager be tasked to provide the Committee with the missing information as per the attached APPENDIX 1;

(d) that the Municipal Manager be tasked to provide a detailed report on leases expired in the last ten years and the current status of said leases; and

(e) that the mandate of this Committee be extended to 2015-03-31 and that a further report be submitted to Council in March 2015.

(DIRECTOR: HUMAN SETTLEMENTS AND PROPERTY MANAGEMENT TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 8.2

RESOLVED (nem con)

(a) that the progress report on a Proposed Policy on the Management of Stellenbosch Municipality's Immovable Property, be noted;

(b) that a moratorium be placed on existing renewals and/or extensions of current leases;

(c) that the Municipal Manager be tasked to provide the Committee with the missing information as per the attached APPENDIX 1;

(d) that the Municipal Manager be tasked to provide a detailed report on leases expired in the last ten years and the current status of said leases; and

(e) that the mandate of this Committee be extended to 2015-03-31 and that a further report be submitted to Council in March 2015.

(DIRECTOR: HUMAN SETTLEMENTS AND PROPERTY MANAGEMENT TO ACTION)
8.3 CIVIC HONOURS POLICY: PANEL

File number: 3/P/10

Compiled by: Strategic and Corporate Services

Report by: Municipal Manager

Delegated Authority: Council

Strategic intent of item

1. PURPOSE OF REPORT

To report back to Council the proposed members of the Civic Honours Panel that will look at nominations for honorary Citizenship, in line with the Civic Honours By-Law of Stellenbosch Municipality.

2. BACKGROUND

In the 24th Council meeting scheduled for 29 October 2014, Councillor Adams submitted a motion regarding the consideration of Civic Honours in the Stellenbosch Municipal Area. The matter was put to the vote yielding a result of 16 votes for and 19 votes against. However the Executive Mayor decided to establish the Civic Honours Policy Panel so that requests for civic honours can, nonetheless, be considered as and when received.

3. DISCUSSION

In terms of Clause five (5) of the Stellenbosch Council Civic Honours Bylaw (Gazette No 5859 approved on 19/04/2004 and attached as APPENDIX 1):

“5.(1) The Mayor must obtain advise on the conferral, annulment or restoration of Municipal honours from an advisory panel, consisting of: (a) a maximum of five (5) councillors, broadly representative of the council, appointed by council: and

(b) a maximum of five (5) people, highly respected by and who are broadly representative of the people of Stellenbosch Municipality, appointed by Council, if Council so wishes”
In the regard the Executive Mayor sent invitations, to specific Councillors to serve in the aforementioned panel of the Executive Mayor, as per clause of the Civic Honours Policy.

The following Councillors were invited to be part of this panel, APPENDIX 2:

i. Councillor F. Adams;
ii. Councillor J. Davids;
iii. Councillor S. Louw;
iv. Councillor L. Stander;
v. Councillor D. Arends
vi. Councillor A. van der Walt;
vii. Councillor H. Bergstedt

The following councillors accepted the invitation as indicated in the annexure:

i. Councillor F. Adams;
ii. Councillor J. Davids;
iii. Councillor S. Louw;
iv. Councillor L. Stander;
v. Councillor D. Arends

Councillors van der Walt and Bergstedt rejected the invitation.

The policy prescribes that the Executive Mayor reports back to Council on the confirmation.

4. LEGAL IMPLICATION

Legally compliant based on the content of the report. The Policy is compliant with the council’s bylaw and all legislation relating to the matter under consideration.

5. FINANCIAL IMPLICATION

No financial comments received at the time of this report.

RECOMMENDED

a) that Council approves the names of the Civic Honours Panel;

b) that this panel be authorised to start considering the process for awarding civic honours, which will include the nomination process, the evaluation, etc; and

c) that all approved recommendations be submitted to Council for ratification.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
RESOLVED (nem con)

(a) that Council approve the Civic Honours Panel consisting of:

   Councillor F Adams;
   Councillor JA Davids;
   Councillor SJ Louw;
   Councillor LL Stander;
   Councillor DS Arends

(b) that this panel be authorised to start considering the process for awarding civic honours, which will include the nomination process, the evaluation, etc; and

(c) that all approved recommendations be submitted to Council for ratification.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
8.4 FINAL HUMAN RESOURCES MANAGEMENT POLICIES

File number : 4/P/11 x 4/P/29 x 4/P/27 x 4/P/30 x 4/P/35 x 4/P/7 x 4/P/10 x 4/P/34 x 4/P/37 x 4/P/36 x 4/P/32

Report By : Director: Strategic and Corporate Services

Compiled By : Manager: Human Resources Management

Delegated Authority : Council

**Strategic intent of item**

**Good Governance** [x]

1. **PURPOSE OF REPORT**

To inform Council of the final proof read Human Resources Management Policies and to request approval.

2. **BACKGROUND**

In order to ensure transparency within the Stellenbosch Municipality regarding the implementation of rules, regulations and procedures and to ensure that same is in line with applicable legislation and Collective Agreements the following policy documents are submitted for approval:

- Employee Assistance Programme (See Appendix 1)
- Education Training Development Policy (See Appendix 2)
- Attendance and Punctuality Policy (See Appendix 3)
- Evaluation of Probationary Periods Policy (See Appendix 4)
- Whistle Blowing Policy (See Appendix 5)
- New Occupational Health and Safety Policy (See Appendix 6)
- Substance Abuse Policy (See Appendix 7)
- Succession Planning & Career Pathing Policy (See Appendix 8)
- Unpaid Leave Policy (See Appendix 9)
- Work Related Functions Policy (See Appendix 10)
- Nepotism Policy (See Appendix 11)
- External Bursary Aid Policy (See Appendix 12)
RECOMMENDED

that the final proof read Human Resources Management Policies be approved for implementation.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

25TH COUNCIL MEETING: 2014-11-26: ITEM 8.4

After the matter was opened for debate a Procedural Motion in terms of Rule 31.1.3 of Council's Rules of Order By-law was proposed by Councillor E Groenewald (Ms) whereupon it was

RESOLVED (nem con)

that this matter be referred back to the Finance and Strategic and Corporate Services Committee meeting for input and subsequent recommendation to Mayco and Council.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
8.5 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS

File number : Unfiled
Report by : Municipal Manager
Compiled by : Chief Audit Executive
Delegated authority : Council

Strategic intent of item

Preferred investment destination
Greenest municipality
Safest valley
Dignified Living
Good Governance X

1. PURPOSE OF REPORT

To inform Council of the progress with regard to Stellenbosch Municipality’s implementation of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings as per the Government Gazette dated 30 May 2014.

3. BACKGROUND

The above-mentioned regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings hereto attached as APPENDIX 1 for your information and attention and has been enforceable with effect from 1 July 2014. These regulations replace R425. In order to give effect to these regulations Stellenbosch municipality needs to:

(a) Establish a disciplinary board and its functioning in terms of regulation 4 of these regulations;
(b) Identify the designated official to whom reports on alleged financial offences against councillors should go to;
(c) Ensure that any allegation of financial misconduct be reported in terms of these regulations.

4. DISCUSSION

There has been much deliberation and discussion on different forums and with the SALGA HR Development and Collective Bargaining Work Group in the pursuit of good governance and to
ensure that these regulations do not override or contradict existing legislation and regulations.

The City of Cape Town made a presentation to the SALGA HR Development and Collective Bargaining Work Group and it was agreed to support the City’s concerns regarding the shortcomings in the Regulations. This presentation would have been sent to the other Municipalities in the WC and they would be given 7 days to add their comments/concerns, if any. Thereafter SALGA would address a letter to the Minister to (1) seek clarity on the issues as highlighted in the presentation, (2) acknowledge that the Municipalities are not yet compliant with the Regulations as a result of the clarity being sought/concerns expressed and (3) requesting the Minister to revoke the Regulations for the reasons as set out in the presentation.

Some of the concerns relate inter alia to the disciplinary processes and procedures applicable on officials and the collective agreements in this regard which may be in conflict with these regulations.

In view of this and other concerns, all municipalities in Western Cape including the City of Cape Town are currently grappling with the implementation of these regulations. Municipalities have requested SALGA to contact National Treasury in order to seek clarity and guidance regarding the concerns raised by MM’s and CFO’s throughout the province.

5. COMMENTS BY APPLICABLE DIRECTORATES

Legal Department

Section 55(1) of the Local Government Municipal Systems Act, 32 of 2000 (“the Systems Act”) provides that the Municipal Manager is the head of the municipality, subject to the policy directions of the municipal council, responsible and accountable for –

“(g) the maintenance of disciplinary staff.”

In terms of regulation 4(1) of the Regulations, the municipal council must establish a disciplinary board to investigate allegations of financial misconduct in the municipality and to monitor the institution of disciplinary proceedings against an alleged transgressor. Regulation 4(2) provides further that a disciplinary board is an independent advisory body that assists the council with the investigation of allegations of financial misconduct and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

Clause 5(1) provides that on receipt a report in terms of regulation 3(1), if the municipal council or accounting officer of the municipality is satisfied that there is reasonable cause to believe
that an act of financial misconduct has been committed, it must within seven days refer the matter to the disciplinary board to conduct a preliminary investigation into the allegation as envisaged in terms of section 171(4)(a) or 172(3)(a) of the Act. Regulation 4 provides that if the disciplinary board determines that the allegation is founded, a full investigation must be conducted by-

“(a) The disciplinary board
(b) …
(c) Where the cost, the seniority of the alleged transgressor and the seriousness or sensitivity of investigating the alleged financial misconduct, warrants such a step, by-

(i) A person appointed by the council who has appropriate specialist expertise and who is not an official of the municipality; or
(ii) An independent team of investigators appointed by the council

In accordance with the applicable supply chain management prescripts.”

In terms of regulation 6(1) a municipality must develop terms of reference for an investigation, in terms of regulation 5, within seven days of receipt of a referral from a disciplinary board for approval by the council. Regulation 3(b) submits its report to the mayor and the accounting officer together with its findings and recommendation, if applicable, regarding disciplinary steps that should be taken against the alleged transgressor. In terms of regulations 6(2)(c) the speaker of the council should be immediately inform of the submission of the report and submit a copy of the report to the provincial treasury and National Treasury. Regulation 6(4) provides that the mayor, speaker, accounting officer must table the report of the investigation referred to in sub regulation (3)(b) in the council at the first sitting after the report is finalized. Regulation 6(8) provides that if the investigator recommends that disciplinary proceedings be instituted against the alleged transgressor the council must by way of resolution institute the disciplinary proceedings-

(a) In the case of a senior manager, in accordance with the Local Government: Disciplinary Codes and Procedures for Senior Managers Regulations made in terms of the Municipal Systems Act; or
(b) In the case of an official who is not a senior manager, in accordance with the applicable collective bargaining agreement concluded in the bargaining council establish for municipalities.
In light of the above we are of the opinion that these Regulations are in direct contradiction of the Systems Act, which is national legislation applicable on all municipalities and supersedes these Regulations.

The above reflects to some of the discrepancies/contradictions as depicted in the Regulations with national legislation which needs to be further clarified. The Municipal Manager in terms of the Systems Act is as head of the administration responsible for *inter alia* the maintenance of discipline of officials. The aforementioned is not the responsibility of Council. In this regard SALGA should solicit input from all municipalities and obtain and provide legal advice in order to ensure that the Regulations are aligned with national legislation.

The item is supported.

Finance

The item is supported.

6. **APPLICABLE LEGISLATION**


7. **FINANCIAL IMPLICATION**

(a) Additional remuneration for a member of the Audit Committee if elected to serve on the disciplinary board;

(b) Budget for independent investigation by third parties if required.

RECOMMENDED

(a) that Council takes note of Municipal Regulation on Financial Misconduct Procedures and Criminal Proceedings (R430);

(b) that Council takes note of the progress made by Stellenbosch Municipality with regard to the implementation of the Municipal Regulation on Financial Misconduct Procedures and Criminal Proceedings;

(c) that Council establishes the Disciplinary Board pending the direction SALGA and/or National Treasury;

(d) that the Disciplinary Board has as its members the following:

   (i) The Chief Audit Executive
(ii) A member of the Audit Committee as elected by the Audit Committee

(iii) A senior manager from the legal division as determined by the Director Corporate and Strategic Services

(iv) A representative from Provincial Treasury as nominated by Province.

(e) that Council designates the Chief Audit Executive as the designated official to whom reports on alleged financial offences against councillors should go.

(MUNICIPAL MANAGER TO ACTION)


RESOLVED (nem con)

(a) that a Workshop be conducted with regard to the R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings which was enforced with effect from 1 July 2014; and

(b) that Councillor DA Hendrickse be appointed as the Chairperson of the Workshop and that the Administration assist him in this regard.

(MUNICIPAL MANAGER TO ACTION)

FURTHER COMMENTS BY THE MUNICIPAL MANAGER

Subsequent to the Council resolution above, a workshop has been scheduled for 2 December 2014 to give effect to the resolution. Council is however non-compliant with the Regulations and the Disciplinary Board, as required by the Regulations must be appointed in line with the requirements so as to give effect to the Regulations.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)
During debate on the matter, the DA requested a caucus which the Speaker allowed. After the meeting resumed, it was RESOLVED (nem con)

(a) that the Disciplinary Board has as its members the following:

(i) The Chief Audit Executive

(ii) A member of the Audit Committee.

(iii) A representative from Provincial Treasury as nominated by Province.

(iv) Two credible and knowledgable members of the public as determined by Council.

(b) that Council designate the Chief Audit Executive as the designated official to whom reports on alleged financial offences against councillors should go.

(MUNICIPAL MANAGER TO ACTION)
8.6 APPOINTMENT OF COUNCILLOR CP JOOSTE AS REPLACEMENT FOR EX-COUNCILLOR WJ PRETORIUS AS MEMBER OF THE UNIVERSITY OF STELLENBOSCH BOARD

File number : Unfiled
Report by : Municipal Manager
Compiled by : Director: Corporate Services
Delegated Authority : Council

1. PURPOSE OF REPORT

To obtain Council’s approval for the appointment of Councillor CP Jooste as Council representative on the University of Stellenbosch Board to replace Ex-Councillor WJ Pretorius.

2. BACKGROUND

In terms of University of Stellenbosch Statute this Municipality has representation on the University of Stellenbosch Board.

3. DISCUSSION

Councillor WJ Pretorius, previous representative of Council on the University Board recently resigned. Council must therefore appoint a Councillor from the current serving members as representative on the University of Stellenbosch Board.

4. COMMENTS FROM RELEVANT DEPARTMENTS

Not applicable

RECOMMENDED

(a) that Councillor CP Jooste be appointed to represent this Council on the University of Stellenbosch Board with immediate effect; and

(b) that the Director: Strategic and Corporate Services be commissioned to inform the University of Stellenbosch accordingly.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
RESOLVED (majority vote)

(a) that Councillor CP Jooste be appointed to represent this Council on the University of Stellenbosch Board with immediate effect; and

(b) that the Director: Strategic and Corporate Services be commissioned to inform the University of Stellenbosch accordingly.

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

Councillors DA Hendrickse; AT van der Walt and M Wanana.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
9. CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER

9.1 MOTION BY COUNCILLOR M MANANGA-GUGUSHE (MS): REZONING OF NKANINI INFORMAL SETTLEMENT

File number : 3/4/1/4
Report by : Office of the Speaker
Compiled by : Office of the Speaker
Delegated Authority : Council

A Notice of a Motion, dated 2014-11-10 was received from Councillor M Mananga-Gugushe (Ms) regarding the rezoning of Nkanini Informal Settlement.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(OFFICE OF THE SPEAKER TO ACTION)


The Speaker requested Councillor M Mananga-Gugushe to put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The Motion was put to the vote, yielding a result of 16 votes for and 23 votes against.

The Motion therefore did not carry.

RESOLVED (majority vote)

that this matter be stepped off.

(DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)
9.2 MOTION BY CLLR LN SIWAKAMISA (MS): IDENTIFICATION OF INITIATION SITES

File number : 3/4/1/4
Report by : Office of the Municipal Manager
Compiled by : Office of the Municipal Manager
Delegated Authority : Council

A Notice of a Motion, dated 2014-11-10 was received from Councillor LN Siwakamisa (Ms) regarding the identification of initiation sites.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)


The Speaker requested Councillor LN Siwakamisa (Ms) to put her 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 40 votes for and 0 votes against.

RESOLVED (nem con)

that an urgent engagement take place with the Stellenbosch Initiation Forum enabling them to make suggestions as to where such a site must be situated and the requirements for the site.

(MUNICIPAL MANAGER TO ACTION)
MOTION BY CLLR JA DAVIDS: GRADING OF STELLENBOSCH MUNICIPALITY

File number : 3/4/1/4
Report by : Office of the Municipal Manager
Compiled by : Office of the Municipal Manager
Delegated Authority : Council

A Notice of a Motion, dated 2014-11-10 was received from Councillor JA Davids regarding the grading of Stellenbosch Municipality.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)


The Speaker allowed Councillor JA Davids 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 16 votes for and 23 votes against.

The Motion therefore did not carry.

RESOLVED (majority vote)

that this matter be stepped off.

(MUNICIPAL MANAGER TO ACTION)
MINUTES 25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY 2014-11-26

9.4 MOTION BY CLLR RS NALUMANGO (MS): INCORPORATION OF FORESTRY TOWNS INTO WCO24

File number : 3/4/1/4
Report by : Office of the Municipal Manager
Compiled by : Office of the Municipal Manager
Delegated Authority : Council

A Notice of a Motion, dated 2014-11-10 was received from Councillor RS Nalumango (Ms) regarding the incorporation of forestry towns into WCO24.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)


Due to the fact that the Mover of the Motion is absent with an apology, the Speaker subsequently

RULED

that this Motion stand over until the next Council meeting.

(MUNICIPAL MANAGER TO ACTION)
A Notice of a Motion, dated 2014-11-10 was received from Councillor C Moses (Ms) regarding title deeds for all low cost housing in WCO24.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)


The Speaker allowed Councillor C Moses (Ms) to put her 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 15 votes for and 23 votes against.

The motion therefore did not carry.

RESOLVED (majority vote)

that this matter be stepped off.

(MUNICIPAL MANAGER TO ACTION)
9.6 MOTION BY CLLR HC BERGSTEDT (MS): APPOINTMENT OF MPAC CHAIRPERSON ON A FULL TIME BASIS

File number : 3/4/1/4
Report by : Office of the Municipal Manager
Compiled by : Office of the Municipal Manager
Delegated Authority : Council

A Notice of a Motion, dated 2014-11-10 was received from Councillor HC Bergstedt (Ms) regarding the appointment of the MPAC Chairperson on a full time basis.

The said Motion is attached as APPENDIX 1.

FOR CONSIDERATION

(MUNICIPAL MANAGER TO ACTION)


The Speaker allowed Councillor HC Bergstedt (Ms) to put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

During debate on the matter, the Speaker requested Councillor AT van der Walt to leave the Council Chamber after he allegedly made a remark towards the Speaker. Councillor AT van der Walt requested a point of explanation, but the Speaker was adamant that Councillor Van der Walt must leave the Chamber. On refusing to leave the Chamber, the Speaker requested Law Enforcement to remove Councillor AT van der Walt from the Chamber. The Speaker then adjourned the meeting for 5 minutes in order for Councillor AT van der Walt to be removed and for order to be restored in the Chamber. Law Enforcement then removed Councillor AT van der Walt from the Chamber.

The meeting resumed after 5 minutes and the matter was put to the vote yielding a result of 15 votes for and 24 votes against.

RESOLVED (majority vote)

that Council support the MPAC Chairperson and that a request be submitted to the MEC to approve the position of the MPAC Chair to a full-time position, as well as the approval of staff establishment in MPAC, as explained in (c) of the recommendation.

(DIRECTOR: STRATEGIC AND CORPORATE TO ACTION)
10. CONSIDERATION OF MOTIONS OF EXIGENCE

NONE

11. MATTERS FOR INFORMATION

11.1 REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE MAYORAL COMMITTEE AND STANDING COMMITTEES FOR THE PERIOD SEPTEMBER UNTIL NOVEMBER 2014 (3/5/2/5)

Report by the Executive Mayor

In terms of Section 56(5) of the Municipal Structures Act, No 117 of 1998, the Executive Mayor must report to the Municipal Council on all decisions taken by the Mayoral Committee and Standing Committees.

The above-mentioned information is attached as APPENDIX 1.

FOR INFORMATION


RESOLVED (nem con)

that the report by the Executive Mayor on decisions taken by the Mayoral Committee and Standing Committees for the period September until November, be noted.

(EXECUTIVE MAYOR TO ACTION)
12. OTHER URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

13. CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER

NONE

14. MATTERS TO BE CONSIDERED IN-COMMITTEE

(SEE PINK DOCUMENTATION)

Meeting adjourned at 21:45.

CONFIRMED

CHAIRPERSON  ........................................

(Signature & date)