



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-07-26

NOTICE OF THE 15TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2023-07-26 AT 10:00

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

COUNCILLORS	RA Adams	RS Nalumango
	J Andrews	NR Ndalasi
	Ald JC Anthony	CD Noble
	ZJ Dalling	L Nkamisa
	MM Danana	M Nkopane
	I De Taillfer	N Ntsunguzi
	R Du Toit	N Olayi
	A Ferns	WC Petersen
	E Groenewald	RO Pheiffer
	AJ Hanekom	WF Pietersen
	RB Hendrikse	MG Rataza
	P Johnson	Ald JP Serdyn
	J Joon	MJ Slabbert
	O Jooste	SR Schäfer
	X Kalipa	A Tomose
	N Mananga-Gugushe	RB Van Rooyen
	C Manuel	M Van Stade
	EP Masimini	CA Van Wyk
NE Mcombring	E Vermeulen	
XL Mdemka	J Williams	
NM Mkhontwana		

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **15TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in via **MS TEAMS** on **WEDNESDAY, 26 JULY 2023** at **10:00** to consider the items on the Agenda.

SPEAKER
CLLR Q SMIT

A G E N D A
15TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-07-26

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1.	OPENING AND WELCOME
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5.	DISCLOSURE OF INTERESTS
6.	APPLICATION FOR LEAVE OF ABSENCE
7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
7.1	14 TH COUNCIL MEETING: 2023-05-24

The minutes of the 14th Council Meeting: 2023-05-24 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH
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Ref no.3/4/2/5

2023-05-24

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MINUTES

**14TH MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2023-05-24 AT 10:00

MINUTES
14TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2023-05-24

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MINUTES OF THE 14TH COUNCIL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2023-05-24 AT 10:00 IN THE TOWN HALL, PLEIN STREET, STELLENBOSCH

TO	The Speaker, Cllr Q Smit [Chairperson] The Executive Mayor, Ald GMM Van Deventer The Deputy Executive Mayor, Cllr JS Fasser The Council Whip, Cllr P Crawley	
COUNCILLORS	RA Adams J Andrews Ald JC Anthony ZJ Dalling MM Danana I De Taillerfer R Du Toit A Ferns E Groenewald AJ Hanekom P Johnson J Joon O Jooste X Kalipa N Mananga-Gugushe C Manuel EP Masimini XL Mdemka RS Nalumango	NR Ndalasi (until 11:20) CD Noble L Nkamisa M Nkopane N Ntsunguzi N Olayi WC Petersen RO Pheiffer WF Pietersen MG Rataza Ald JP Serdyn MJ Slabbert SR Schäfer A Tomose RB Van Rooyen M Van Stade CA Van Wyk E Vermeulen J Williams

OFFICIALS

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

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit, extended a warm welcome to all present in the 13th Council meeting.

2.	MAYORAL ADDRESS
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- Congratulations to Stellenbosch FC, who have qualified for the final of the Premier League Next Generation Cup for the second season in a row after being held to a 3-3 draw by West Ham United. The team also consolidated their status as a top eight outfit in the DStv Premiership, and with it a spot in Next season's MTN8, by recording a 2-1 win over TS Galaxy at the Danie Craven Stadium last Saturday afternoon.
- This week, we welcome Global United F.C. to our Valley as part of their ongoing global initiatives of spreading hope through football and taking care of the environment. The week's activities will end with a match against the Cape Legends! We look forward to hosting this team of global football legends and environmental ambassadors in Stellenbosch. Thank you to Visit Stellenbosch, the Stellenbosch Academy of Sport, Stellenbosch University and Stellenbosch FC for your continued support.
- Want to thank the residents of Stellenbosch, but especially residents affected by the power outage in block 8. Thank you for your patience and understanding. As explained, the infrastructure is the property of ESKOM, and the municipality is not allowed to work on the infrastructure, but we can offer all our assistance and support to address the problem.
- Congratulations to Lanzerac Wine Estate and Babylonstoren, who have been nominated as SA's Best Day Spa & Lanzerac and Delaire Graff Estate were nominated as SA's Best Hotel Spa in the 2023. We are proud to have these estates in our municipality.

3.	COMMUNICATION BY THE SPEAKER
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BIRTHDAYS

- The Speaker congratulated the following Councillors who celebrated their birthdays during May and June:

Cllr J Williams	– 7 May
Cllr E Vermeulen	– 20 May
Cllr Q Smit	– 1 June
Cllr NR Ndalasi	– 12 June

ITEM 11.3.1 ON THE AGENDA

- The Speaker informed Council that Item 11.3.1 on the Agenda is withdrawn and referred back to the Administration for additional information.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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- "Youth Day will be celebrated on 16 June and I would like to leave you with the following:

"Youth is the energy and hope and they are the ones who define the future of any country"
- On 16 June - let us motivate and encourage our youth to be positive and happy in life, because that is ultimately the generation that will take over from us.
- I would like to thank the community for their understanding and patience during the recent breakdowns to the electricity infrastructure.
- I am so proud to be part of a town and a community with one of the best soccer teams in the country, namely Stellenbosch Football Club who moved from nr 8 to nr 6 on the PSL log and that is quite an achievement. Even the Junior Team is doing exceptionally well overseas currently and they've won both their matches and is undefeated. Well done to the club and for the tremendous work they do within the youth in our communities.
- A vote of thanks to the officials who worked tirelessly during the night to restore the electricity in the affected areas of Cloetesville and some parts of Kayamandi and Koelenhof. We see and appreciate what you do.

Thank you".

5.	DISCLOSURE OF INTERESTS
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Councillors WC Petersen and WF Pietersen (Item 8.2, page 1177)

Cllrs WC Petersen and WF Pietersen declared that they are members of organisations mentioned on page 1177 of the budget document. Speaker RULED that Cllrs WC Petersen and WF Pietersen do not need to recuse themselves when this item is dealt with.

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

Cllr R Hendrikse	–	24 May 2023
Cllr NM Mkhontwana	–	24 May 2023
Cllr N Mcombring	–	24 May 2023

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S
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7.1	13TH COUNCIL MEETING: 2023-04-26
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The minutes of the 13th Council Meeting: 2023-04-26 was **confirmed as correct without any changes.**

8.	STATUTORY MATTERS
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8.1	ADOPTION OF THE 1ST REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027
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Collaborator No: 749389
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: ADOPTION OF THE 1ST REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027

2. PURPOSE

To submit the following to the Council for adoption:

- (a) The 1st Review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2017, attached as **ANNEXURE A**; and
- (b) The public participation input and comments, written submissions and the Provincial Government SIME Assessment Report on the Draft 1st Review of the 5th Generation IDP 2022 - 2027, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 34(a)(i)(ii) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each municipal council must review its Integrated Development Plan annually in accordance with an assessment of its performance measurements in terms of Section 41 of MSA and to the extent the changing circumstances so demand. Therefore, taking into account the changing circumstances in the municipal environment, including the community's needs and priorities.

The 1st Review of the 5th Generation IDP 2022 – 2027 informs the municipality's budget and details the municipality's actions to address the vision, mission, strategic objectives, and needs of the community.

The municipal IDP must be reviewed annually to ensure that:

- municipalities and communities keep track of progress in implementing development projects and spending the municipal budget; and
- communities are provided with an opportunity to review their needs and make possible revisions to the priorities listed in the municipal IDP.

The IDP and Budget public participation period was open from Monday, 03 – 25 April 2023 (23 days), to allow members of the community and stakeholders sufficient time to provide written inputs and or comments on the Draft 1st Review of the 5th Generation IDP 2022 – 2027. Eight (8) area-based public participation meetings were held from Wednesday, 12 April to Tuesday, 18 April 2023 in the respective areas / wards. This was to allow community members to submit verbal inputs. A virtual stakeholder engagement was held on Thursday, 20 April 2023, attended by councillors, senior management, stakeholders, and role-players in the Stellenbosch Municipal area.

14TH COUNCIL MEETING: 2023-05-24: ITEM 8.1**RESOLVED** (majority vote with 3 abstentions)

- (a) that the Stellenbosch Municipality's 1st Review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**, be adopted;
- (b) that the public participation inputs and written submissions on the Draft 1st Review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE B**, be noted; and
- (c) that an advertisement be placed on the official website of the municipality and in the local newspaper notifying the public that the 1st Review of the 5th Generation IDP 2022 – 2027 has been adopted by the Council.

8.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2023/2024-2025/2026
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

17 May 2023 & 24 May 2023

**1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK
2023/2024-2025/2026**

2. PURPOSE

The purpose of this report is as follows:

- a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).
- b) To approve the Medium-Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).
- c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R560 million of which over the MTREF R200 million will be required in year one, R200 million in year two and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

BUDGET

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

14TH COUNCIL MEETING: 2023-05-24: ITEM 8.2

The Speaker afforded the Executive Mayor the opportunity to deliver her Budget Speech (attached as an **APPENDIX**).

During the Mayor's Budget Speech, Cllr Ndalasi continuously interrupted the Speaker and after three (3) warnings the Speaker **RULED** that Cllr Ndalasi be removed from the Town Hall in terms of Rule 32 of Council's Rules of Order By-Law.

RESOLVED (majority vote)

- (a) that the Draft High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;
- (b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
- (d) that the three-year Capital Budget for 2023/2024, 2024/2025 and 2025/2026, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;
- (e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;
- (f) that Council specifically take note of the amendments made to the Development charges policy as set out in **APPENDIX 10** and development charges tariffs **APPENDIX 36** based on the public comments and submissions received and approval of same for public release and comment;
- (g) that the proposed amendments to existing budget related policies and other policies as set out in **APPENDICES 5 - 34**, be approved;
- (h) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R560 millions of which R200 million will be required in year one, R200 million in year two and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (i) that Council specifically take note of the amendments made to the proposed electricity charges based on the NERSA guidelines and approval of same for public release and comment **APPENDIX 36**;
- (j) that Council takes note of MFMA circulars 122 and 123 that was published to guide the MTREF for 2023/2024 to 2025/2026 as set out in **APPENDICES 34 – 35**; and
- (k) that Council takes note that the public comments and submissions were considered with the compilation of the final budget.

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR MANAGER: FINANCIAL MANAGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8516
E-MAIL ADDRESS	Monique.steyl@ Stellenbosch.gov.za
REPORT DATE	11 May 2023

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 May 2023 & 24 May 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2023

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during April 2023.

14TH COUNCIL MEETING: 2023-05-24: ITEM 8.3

NOTED

the deviations as listed for the month of April 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager: Supply Chain Management
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
REPORT DATE	11 May 2023

9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS
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No report submitted as outstanding resolutions serves at Section 80 Committees.

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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NONE

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
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11.1	PROTECTION SERVICES: (PC:)
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11.1.1	PERMISSION TO VISIT GERMANY ON INVITATION OF LANDESVERBAND KINDER -UND JUNGERHOLUNGSZENTREN (KIEZ) – FIREFIGHTING EXCHANGE PROGRAM 20 AUGUST 2023 - 31 AUGUST 2023
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Collaborator No: 749544
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: PERMISSION TO VISIT GERMANY ON INVITATION OF LANDESVERBAND KINDER -UND JUNGERHOLUNGSZENTREN (KIEZ) – FIREFIGHTING EXCHANGE PROGRAM 20 AUGUST 2023 - 31 AUGUST 2023

2. PURPOSE OF REPORT

To obtain Council approval to visit Germany on invitation of KIEZ, an NGO, on a firefighting exchange program from 20 August 2023 to 31 August 2023.

3. DELEGATED AUTHORITY

In terms of 9.2 of the Cost Containment Policy 2019, only the municipal council in a council meeting can approve the international travel for any official or political bearer.

4. EXECUTIVE SUMMARY

Assistant Chief Fire Officer Mr Craig van Reenen was nominated to participate in the firefighting exchange program to represent Stellenbosch Municipality in Germany from 20 August 2023 to 31 August 2023.

The invitation by the Landesverband Kinder-und Jungerholungszentren (KIEZ), sponsor one official from a municipality to attend the German peer learning program.

The costs for accommodation and transport in Germany will be covered by the host, KIEZ. The municipality is requested to cover the travel costs to and from Germany as well as other associated costs such as daily allowances. See attached as Appendix 1. This is an excellent opportunity for firefighters to share their expertise with a first world country.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.1.1**RESOLVED** (nem con)

- (a) that Council approves the request for attendance of the firefighting exchange program that will be hosted in Germany from 20 to 31 August 2023; and
- (b) that Council approves the daily allowance and travel costs to and from Germany for the duration of the program.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	9 May 2023

11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]
NONE	
11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
11.3.1	APPLICATION FOR SEPERATION OF NOTARIALLY TIED PROPERTIES, PORTION 17 OF FARM 369 AND PORTION 3 OF FARM 527 FROM THE MOTHER ERF, PORTION 837 OF THE FARM BLAAUW KLIP NUMBER 510

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 May 2023 & 24 May 2023

1. **SUBJECT: APPLICATION FOR SEPERATION OF NOTARIALLY TIED PROPERTIES, PORTION 17 OF FARM 369 AND PORTION 3 OF FARM 527 FROM THE MOTHER ERF, PORTION 837 OF THE FARM BLAAUW KLIP NUMBER 510**

2. **PURPOSE**

To obtain Council-approval for the separation of Notarial tied properties, portion 17 of Farm 369 and portion 3 of Farm 527 from the Mother Erf, Portion 837 of the farm Blaauw Klip number 510.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

During October 2004 a Deed of Sale was entered into between the Stellenbosch Municipality, the Cape Dutch Estate Stellenbosch (Pty) Ltd and Blaauwklippen Agricultural Estates (Pty) Ltd. A copy of the Deed of Sale is attached hereto as **APPENDIX 1**. In terms of the Deed of Sale various portions of Council-owned land were sold to the purchasers (now the applicants).

In terms of Clause 2.2.3 it was recorded that:

“The seller shall be entitled to impose a notarial tie condition between the property hereby sold and the existing property of the purchaser, so that the purchaser or its successor in title shall not be entitled to sell or otherwise alienate or transfer any portion of the property hereby sold without the simultaneous sale or alienation or transfer of the property collectively referred to as Blaauwklippen Estate, being the existing property of the Purchaser, or its successor in title, to the same transferee.”

The reason for inserting the clause was to ensure that the Purchaser would not be able to sell or otherwise dispose of the property that was sold to them. For this reason, the municipal properties were first consolidated into one portion, and then notarially tied to the property collectively referred to as Blaauwklippen. The Notarial Deed, registering the notarial tie (condition of sale), was registered with the Registrar of Deeds on 25 July 2006, a copy of which is attached hereto as **APPENDIX 2**.

An application is now brought to un-tie Portion 17 of the Farm 369 (Paradyskloof Erf) and Portion 3 of the Farm 527 (Skilpadrug Erf) from the Mother Erf (**APPENDIX 4**).

The application is brought on the basis that the fact that Blaauwklippen cannot sell these properties is placing a financial strain on the business and they are not able to raise the necessary funds they require for operational purposes. COVID had, and continues to have, a devastating effect on Blaauwklippen's wine and hospitality businesses. They say it is not an application for change in land use for development purposes, but merely to enable the current owners to utilise the properties individually to raise funds. They say it will not necessarily lead to the urban development of the properties as the farm will remain zoned for agricultural purposes and be protected by the MSDF.

The properties are situated outside the urban edge (**APPENDIX 5**). Council however in March 2023 approved the inclusion of "portion of remainder, portion 3 and a broader portion of portion 7 of farm 527 portion 7 of Farm 527" to form part of the housing pipeline (**APPENDIX 6**).

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.3.1

The Speaker **INFORMED** Council that this item is withdrawn and referred back to the Administration for additional information.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088073</i>
E-MAIL ADDRESS	<i>annalene.debeer@stellenbosch.gov.za</i>
REPORT DATE	<i>2023-05-09</i>

11.3.2	APPLICATION HORIZON HOUSE TO EXTEND LEASE: ERF 3722 AND PORTIONS OF ROAD RESERVE
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

17 May 2023 & 24 May 2023

1. SUBJECT: APPLICATION HORIZON HOUSE TO EXTEND LEASE: ERF 3722 AND PORTIONS OF ROAD RESERVE

2. PURPOSE

To inform Council of the request from Horizon House to extend the lease agreement entered into in 2020.

3. DELEGATED AUTHORITY

Council where an agreement exceeds 9 years and 11-months or the value is above R5 million.

4. EXECUTIVE SUMMARY

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people living with disabilities. They indicated in 2020 that they have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They wanted to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis. Council considered the matter and approved the lease of an area of approximately 2500 m² for a period of 9 years and 11 months after a public participation process and considering the comments received.

Due to the nature of an encroachment this legal vehicle are no longer used for applications to use council land for whatever reason is proposed. An agreement was entered into with Huis Horizon, attached as **APPENDIX 1**. We have received a further request from them for a longer lease period – **APPENDIX 2** attached. It seems from the information provided that none of the improvements envisaged in 2020 has materialised. They are requesting a longer lease period over the current leased land, but it is was not clear how long. The item served before Mayco in February 2023 and was referred back for clarification and refinement.

We have contacted Huis Horizon and attached as **APPENDIX 3** is the latest information received from them indicating a request for a 30-year lease agreement. Any agreement longer than 10 years should be registered with the deeds office and the information statement process where council advertise an intention to enter into the long term lease must be advertised for public comment. Only after comment has been received and considered can an in principal decision be taken (which must again be advertised given that it is not an open market lease) about any extension of the current lease agreement. Council must approve the information statement (**APPENDIX 4**) should the request be entertained, and the item will then be returned to council after comments has been received. A new lease agreement will be entered into if the application is approved eventually.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.3.2**RESOLVED** (majority vote)

- (a) that Council confirm that erf 3722 and portions of the road reserve situated next to Huis Horizon is not needed for municipal services;
- (b) that Council put out an information statement indicating that a 30-year lease will be considered pending on the response from the community;
- (c) that Council approve the draft information statement attached as **APPENDIX 4**;
- (d) that the Applicant must allow reasonable access to the public during the day and that the rules for access be submitted to the Municipal Manager for approval before implementation;
- (e) that the Applicant restore the watercourse to its natural status and maintain it as such for the full period of the lease;
- (f) that the Administration map the area to be leased precisely and attach it to the return item after the public participation process;
- (g) that the current lease agreement remains in place until a final decision is made.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>2023 -05 - 12</i>

11.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
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NONE

11.5	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
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NONE

11.6	INFRASTRUCTURE SERVICES : (PC : CLLR)
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11.6.1	REQUEST FOR APPROVAL OF THE DRAFT POLICY ON SIDEWALK ACCESSIBILITY
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Collaborator No:	745030
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	17 May 2023 & 24 May 2023

1. SUBJECT: REQUEST FOR APPROVAL OF THE DRAFT POLICY ON SIDEWALK ACCESSIBILITY

2. PURPOSE

That council notes and approves the draft policy on Sidewalk Management.

3. DELEGATED AUTHORITY

Reserved for decision by Council.

4. EXECUTIVE SUMMARY

The Municipality aims is to promote and prioritize Non-Motorised Transport (NMT), as these were outcomes from IDP consultative processes and forms part of the Municipality's and National Government's Strategic Planning.

Landscaping, outdoor dining and other activities carried out on sidewalks may obstruct drivers' sight distances and pedestrian movements, creating potentially unsafe conditions.

The Municipality endeavours to improve sidewalk management and strive for a safe environment for all sidewalk and roadway users. In order to achieve this, the municipality intends to introduce a policy and processes that would improve safety and make sidewalks more accessible and user friendly to pedestrians.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.6.1**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft Sidewalk Accessibility Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;
- (c) that the Draft Sidewalk Accessibility Policy be duly advertised for the purpose of a public participation process; and
- (d) that upon the completion of the public participation process, the Draft Sidewalk Accessibility Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Shane.Chandaka@ Stellenbosch.gov.za</i>
REPORT DATE	<i>07 February 2023</i>

11.6.2	PARKING MANAGEMENT ALONG THE MAIN ROAD IN THE CENTRAL BUSINESS DISTRICT AREA OF FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 May 2023 & 24 May 2023

1. SUBJECT: PARKING MANAGEMENT ALONG THE MAIN ROAD IN THE CENTRAL BUSINESS DISTRICT AREA OF FRANSCHHOEK

2. PURPOSE

That Council takes note of this report and approves the proposals contained herein.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Council had previously approved a notice to obtain public inputs on the Council's intention to implement parking management along the main road in Franschhoek.

89 comments and a signed petition was received when the comment period closed, it should however be noted that most of the comments received were similar in nature. Comments relate mostly to the loss of free parking opportunities, safety and security, and possible effects on Franschhoek's old village charm.

The provision of alternative parking area addresses concerns relating to additional financial burdens to tourists, visitors and locals as well as concerns relating to an increase in parking on side and back roads. The Municipality had commenced with the planning of the upgrading of the Parking Area at the intersection of Dirkie Uys Road and La Rochelle Street.

An appropriate parking management model will address safety and security concerns and ensure that Franschhoek's village charm is retained. The Municipality will also ensure that appropriate notices are in place to inform tourist where paid parking is applicable.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.6.2

RESOLVED (majority vote)

- (a) that Council takes note that a public participation process was followed;
- (b) that Council considered the comments received;
- (c) that Council takes note the extent to which comments are addressed; and
- (d) that Council approves the implementation of parking management on the Main Road, once the upgrade of the parking area at the intersection of Dirkie Uys Road and La Rochelle Street, and other internal processes are completed.

FOR FURTHER DETAILS CONTACT:

Name	Johan Fullard
Position	Acting Director
Directorate	Infrastructure Services
Contact Numbers	021 808 8213
E-mail Address	johan.fullard@ Stellenbosch.gov.za
Report Date	10 May 2023

11.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
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NONE

11.8	PLANNING :(PC: CLLR C VAN WYK)
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11.8.1	ADOPTION OF THE FINAL DRAFT STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 AND ASSOCIATED SYSTEM OF DELEGATIONS AND CATEGORISATION MODEL
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Collaborator No: 749408
IDP KPA Ref No: Good Governance
Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: ADOPTION OF THE FINAL DRAFT STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 AND ASSOCIATED SYSTEM OF DELEGATIONS AND CATEGORISATION MODEL

2. PURPOSE

Is for the Portfolio Councillor of Planning to present to Council for consideration the adoption of the proposed final Draft By-law on Municipal Land Use Planning, as well as the updated system of delegations and the categorisation model on decision making on land use and land development applications for the associated statutory operations of the land use planning functionality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipal Land Use Planning By-law (hereafter referred to as the "By-law"), which was adopted in 2015, has been reviewed and accordingly amended during the course of 2022. The resulting proposed draft amended By-law was adopted by Council for the purpose of public participation, which process was concluded by February 2023. The proposed Draft By-law was updated in terms of the comments received, and the final Draft By-law is now being submitted to Council for adoption.

For the purpose of adopting the final Draft By-law, the system of delegations and the categorisation model on decision making for land use and land development applications was also reviewed and updated.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.1

RESOLVED (majority vote)

- (a) that the final Draft Stellenbosch By-law on Municipal Land Use Planning, 2023, duly introduced in terms of Section 12(1) of the Local government: Municipal Systems Act, 2000 (Act 32 of 2000) by the Portfolio Councillor for Planning, and attached as **ANNEXURE "A", BE APPROVED** in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

- (b) that the updated system of delegations in terms of the Stellenbosch By-law on Municipal Land Use Planning, 2023, attached as **ANNEXURE “D”, BE APPROVED** in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and
- (c) that the amended categorisation model of decision making on land use and land development applications in terms of Section 69(1) of the Stellenbosch Municipal Land Use Planning By-law, 2015, attached as **ANNEXURE “E”**, and which includes the qualification and appointment of the identified Authorised Employees in terms of Section 68(a) of the Stellenbosch Municipal Land Use Planning By-law, 2015, **BE APPROVED** and to come into effect simultaneously with the Stellenbosch Municipal Land Use Planning By-law, 2023.

Councillors M van Stade and C Noble requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Stiaan Carstens</i>
POSITION	<i>Senior Manager: Development Management</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8674</i>
E-MAIL ADDRESS	<i><u>Stiaan.carstens@stellenbosch.gov.za</u></i>
REPORT DATE	<i>5 May 2023</i>

11.8.2	APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BY-LAW
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Collaborator No: 749467
 IDP KPA Ref No: Good Governance
 Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY OUTDOOR ADVERTISING & SIGNAGE BY-LAW

2. PURPOSE

To provide Council with the pertinent facts in order to approve and adopt the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage By-law.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of the subject by-law is to control, manage and regulate outdoor advertising and signage, and to provide mechanisms and guidelines for the control, regulating and management thereof, including matters connected therewith.

The subject by-law was undergoing two (2) rounds of public participation, with the first round soliciting numerous comments, which was subsequently addressed and the second round only solicited comments from the Stellenbosch Interest Group ("SIG").

The comment submitted by SIG was further debated in several workshop in order to finalise the draft by-law, which is serving before Council for adoption and promulgation. The request also involves the approval of the relevant delegations in respect of the by-law, as well as the approval of the fine structure to be submitted to the court for final approval.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.2

RESOLVED (nem con)

- (a) that Council approve the Final Draft Stellenbosch Municipality Outdoor Advertising and Signage, attached as **APPENDIX 1**, in terms of Section 13 of the Municipal Systems Act, Act 32 of 2000;
- (b) that Council **approves** the submission of the Admission of Guilt Fines, attached as **APPENDIX 2** for submission to the relevant court for endorsement;
- (c) that Council **approves** the amendment of the System of Delegations in respect of the said by-law, attached as **APPENDIX 3** to this report; and
- (d) that Council **authorise** the Department: Development Planning in consultation with the Legal Services to promulgate the said by-law in the Provincial Gazette.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Craig Alexander Pr Pln
<i>POSITION</i>	<i>Senior Manager: Development Planning</i>
<i>DIRECTORATE</i>	<i>Planning and Economic Development</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8196</i>
<i>E-MAIL ADDRESS</i>	<i>Craig.alexander@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>05 May 2023</i>

11.8.3	APPROVAL OF THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2019
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Collaborator No: 749468
 IDP KPA Ref No: Good Governance
 Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: APPROVAL OF THE ADAM TAS CORRIDOR OVERLAY ZONE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2019

2. PURPOSE OF REPORT

To obtain Council's approval for the draft Adam Tas Corridor Overlay Zone to be included in the Stellenbosch Municipality: Zoning Scheme By-law, 2019.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

- 1) Council resolved *inter alia* at their meeting of 11 October 2022 (Item 11.8.1) that the public participation process and advertisement of the draft Adam Tas Overlay Zone can commence subject to the following conditions:
 - a. The public participation phase of the project will take place over 60 days (2 months).
 - b. The draft Overlay Zone will be advertised in the local newspaper, municipal web page and notice boards within two weeks after the decision by Council; and that.
- 2) After the process of public participation was concluded, the draft Adam Tas Corridor report must be resubmitted to Council together with all comments received for consideration within 2 months.

The Adam Tas Corridor Local Spatial Development Framework and Development Guidelines were approved by Council in October 2022 as official spatial policy for the development of the area. Following the approval of the Framework, Council also approved the process to obtain input from the public on the draft overlay zone in October 2022. The overlay zone is the mechanism through which the framework can be implemented.

The purpose of the overlay zone in terms of Section 239 (1) of the Stellenbosch Municipality: Zoning Scheme By-law is to designate land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved.

The draft overlay zone was advertised for 60 days in line with the approval of Council. No comment was received during this period.

This item thus serves to obtain Council's approval of the draft Adam Tas Corridor Overlay Zone to be included in the Stellenbosch Municipality: Zoning Scheme By-law, 2019.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.3**RESOLVED** (majority vote)

that Council approves the draft Adam Tas Corridor Overlay Zone attached as **APPENDIX 1** to the agenda for incorporation in the Stellenbosch Municipality: Zoning Scheme By-law, 2019.

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

Cllrs J Andrews; M van Stade and C Noble.

11.8.4	REQUEST FOR THE APPROVAL OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023
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Collaborator No: 749595
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 May 2023 & 24 May 2023

1. SUBJECT: REQUEST FOR THE APPROVAL OF THE DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023

2. PURPOSE

To provide Council with the pertinent facts that include the responses from the extended legislative Public Participation Process (“PPP”) in order to approve that the draft Stellenbosch Municipality Inclusionary Zoning Policy.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft policy document which aims to support Stellenbosch Municipality and other key role players in delivering more high-quality affordable housing (also referred to as inclusionary housing) in well-located and priority development areas, creating a mix of income groups across new and infill developments in Stellenbosch Municipality promoting social and economic integration.

To deliver affordable housing within the Stellenbosch Municipality, available municipal spatial planning; and land use planning systems and land-based financing mechanisms were investigated and identified. This will be used in leveraging and incentivizing land value gains in spatially targeted areas for the creation public good (i.e. affordable housing) and to enable well performing settlements (i.e. integrated, inclusive, resilient, efficient) in order to address current development challenges and historical spatial imbalances/inequalities.

The spatial compact as envisaged and approved in the Stellenbosch Municipal Spatial Development Framework, 2019 and the Adam Tas Corridor Local Spatial Development Framework and Development Guidelines, 2022 of enabling inclusive, efficient, and an effective municipality by providing a wide choice of quality affordable housing to meet the needs of the community, widening the opportunities for homeownership, and creating flexibility and choice of tenures and price ranges for those who rent and seek the security of tenures. In addition to facilitate and grow a strong partnership with the private sector in terms of delivering more quality affordable housing.

The report also provides the feedback received during the Public Participation Process and provides responses from the comments, where applicable.

It is noted that there was large scale support, even from the bodies providing comments, and suggest comments related to suggestions which will be discussed below.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.4**RESOLVED** (majority vote)

- (a) that Council takes note of the feedback from the Public Participation Process ("PPP"), which commenting period closed on 08 May 2023; copies attached as **APPENDIX 4** to this report; and
- (b) that inclusionary zoning policy be amended as per comments received and readvertised for public comment for 21 Days.

Councillors M van Stade and C Noble requested that their votes of dissent be minuted.

11.8.5	APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)
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Collaborator No: 747869
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 April 2023 & 26 April 2023 & 24 May 2023

1. SUBJECT: APPOINTMENT OF NEW TERM OF OFFICE AND MEMBERS OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (SMPT)

2. PURPOSE

To present for consideration the approval of a new term of office of the Stellenbosch Municipal Planning Tribunal (SMPT) with the associated appointment of new municipal planning tribunal members and associated matters.

3. DELEGATED AUTHORITY

The appointment of municipal planning tribunal members and associated matters, Council by virtue of Delegation LUP57.

4. EXECUTIVE SUMMARY

A Municipality is compelled to establish a Municipal Planning Tribunal (MPT) to decide on a category of land use and land development applications. The current term of office, as extended by Council, will end on 31 May 2023.

A recruitment process was duly authorised by Council and undertaken by the Administration to identify persons that are suitably qualified and experienced in land use planning or the law related thereto.

It is proposed to appoint the SMPT for a term of office of 5 years, with a total of 5 external and 5 internal MPT members.

Suitable external MPT members were identified for appointment, and it is proposed to retain the current internal MPT members, with the addition of the Director: Planning and Economic Development. The proposed external MPT members constitute a healthy mix of existing as well as new members in order to secure long term continuity of experience amongst the membership.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.8.5

RESOLVED (majority vote)

(a) that the following members **BE APPOINTED** in terms of Section 73(1)(a) of the Stellenbosch Municipal Planning By-law (2015) for a period of 5 Years commencing 1 June 2023 and, on the terms, and conditions as contained in the relevant provisions of the said By-law, namely:

(i) External Members in terms of Section 71(1)(a) of the Stellenbosch Municipal Planning By-law (2015):

- (a) Mr. S. Boshoff
- (b) Mrs. H. Crooijmans-Lemmer
- (c) Mrs. C. Havenga
- (d) Mr. D. Leo
- (e) Mr. P. van Zyl

- (ii) Internal Members in terms of Section 71(1)(b) of the Stellenbosch Municipal Planning By-law (2015):
- (a) Mr. C. Alexander (Snr. Manager Development Planning)
 - (b) Mr. A. Barnes (Director Planning and Economic Development.
 - (c) Mrs. M. Francis (Snr. Manager Infrastructure Planning, Development and Implementation)
 - (d) Mr. M. Williams (Snr. Manager Legal Services)
 - (e) Mr. A. van der Merwe (Snr. Manager Community Services)
- (b) that the appointment of Mrs. H. Crooijmans-Lemmer as the Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**;
- (c) that the appointment of Mr. P. van Zyl as the Deputy Chairperson of the Stellenbosch Municipal Planning Tribunal **BE APPROVED**.
- (d) that the remuneration and allowances and reimbursement for expenses for the services of the members of the Stellenbosch Municipal Planning Tribunal **be approved** as follows, as contemplated in terms of Section 73(6) of the Stellenbosch Municipal Planning By-law (2015):
1. For remuneration an hourly fee for meetings, to a maximum of 5 hours per meeting and which will include the time needed for the preparation for the tribunal meeting, in accordance with the annual Guideline Professional Fees of the South African Council of Planners, as follows:
 - a) Chairperson – 100% of Category A Staff (Currently at a rate of R 2879.00/h)
 - b) Deputy Chairperson – 100% of Category B Staff (Currently at a rate of R 2460.00/h)
 - c) External Members – 100% Category B Staff (Currently at a rate of R 2460.00/h);
 2. For allowances

None
 3. For Reimbursements

Travel allowance payable at annual standard AA tariffs and calculated by using the shortest route from the place of normal residence to the meeting venue.
- (e) that a request to the Head of Department of the Western Cape Department of Environmental Affairs and Development Planning to nominate a suitable Professional Planner in the employ of the Department to serve as a Technical Advisor to the Stellenbosch Municipal Planning Tribunal, **BE AUTHORISED**; and

- (f) that, upon the successful fulfilment of the appointment of the members of the Stellenbosch Municipal Planning Tribunal in terms of Council's decision, the Council's satisfaction that the Stellenbosch Municipal Planning Tribunal is in a position to commence its operations **BE CONFIRMED** in terms of Section 72(11)(b) of the Stellenbosch Municipal Planning By-law (2015) for the purpose of the required notice to be published in the Provincial Gazette in terms of Section 72(11)(c) of said By-law.

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

Cllrs J Andrews; M van Stade and C Noble.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Stiaan Carstens</i>
POSITION	<i>Senior Manager: Development Management</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8674</i>
E-MAIL ADDRESS	<i>Stiaan.carstens@stellenbosch.gov.za</i>
REPORT DATE	<i>4 April 2023</i>

11.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT)
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11.9.1	REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS PERMITTING BY-LAW, 2023
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Collaborator No: 749791
IDP KPA Ref No: Good Governance
Meeting Date: 17 May 2023

1. **SUBJECT: REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS PERMITTING BY-LAW, 2023**

2. **PURPOSE**

To provide Council with the pertinent facts in order to approve that the draft Stellenbosch Municipality Events Permitting By-law be advertised for a period of thirty (30) days to obtain public comment in respect of the subject draft by-law.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The draft policy document aims to replace the Stellenbosch Municipality events By-law and is aimed at updating the current by-law, which has been adopted during 2016.

A number of concerns were raised by Local tourism organisations and stakeholders within the tourism fraternity regarding the outdated by-law, as well as the tedious land use application processes, and an update of the by-law was requested.

14TH COUNCIL MEETING: 2023-05-24: ITEM 11.9.1

RESOLVED (nem con)

- (a) that Council take note of the draft Stellenbosch Municipality Events Permitting By-law, 2023, attached as **APPENDIX 1** to this report, and
- (b) that Council approve that the draft Stellenbosch Municipality Events Permitting By-law, 2023, be advertised for public comment for a period of thirty (30) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No. 32 of 2000.

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	Senior Manager: Development Planning
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Craig.alexander@stellenbosch.gov.za
REPORT DATE	12 May 2023

11.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

11.11	MUNICIPAL MANAGER
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NONE

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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NONE

13.	REPORTS BY THE MUNICIPAL MANAGER [MS G METTLER]
13.1	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2022 TILL 31 DECEMBER 2022

Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

24 May 2023

1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2022 TILL 31 DECEMBER 2022

2. PURPOSE

To inform Council of the activities of the Audit Committee for the period 01 October 2022 till 31 December 2022 (2nd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council periodically.

4. EXECUTIVE SUMMARY

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

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

Council established its Disciplinary Board in line with the Financial Misconduct Regulations on the 23 November 2021 and inter alia resolved that a member of the Audit and Performance Audit Committee be elected by the Audit Committee to serve on the board.

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.1

RESOLVED (nem con)

that Council take note of the concerns and the reports of the Audit Committee for the period 01 October 2022 till 31 December 2022

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@stellenbosch.gov.za</i>
REPORT DATE	<i>17 May 2023</i>

13.2	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2023 TILL 31 MARCH 2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

24 May 2023

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2023 TILL 31 MARCH 2023**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 January 2023 till 31 March 2023 (3rd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

That Council notes the Report of the Audit and Performance Audit Committee included in the Annual Report of Municipality for the year ending 30 June 2022 attached as **APPENDIX 2**.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

4. **EXECUTIVE SUMMARY**

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

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

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.2

RESOLVED (nem con)

- a) that Council take note of the report of the Audit and Performance Audit Committee for the period 01 January 2023 till 31 March 2023
- b) that Council notes the report of the Audit and Performance Audit Committee on the Annual Report of the Municipality ending 30 June 2022.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager's Office</i>
CONTACT NUMBERS	<i>021-808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@stellenbosch.gov.za</i>
REPORT DATE	<i>17 May 2023</i>

13.3	AUDIT AND PERFORMANCE AUDIT COMMITTEE EFFECTIVENESS ASSESSMENT REPORT 2022-23
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 24 May 2023

1. SUBJECT: AUDIT AND PERFORMANCE AUDIT COMMITTEE EFFECTIVENESS ASSESSMENT REPORT 2022-23

2. PURPOSE OF REPORT

For Council to note the Effectiveness Assessment of the Audit and Performance Audit Committee

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The effectiveness of the Audit and Performance Audit Committee is assessed annually on behalf of Council via a performance assessment conducted by the Executive Mayor, the Municipal Manager (MM), and the Chief Audit Executive (CAE) annually (attached as **Appendices 1, 2 and 3** respectively.)

The Audit and Performance Audit Committee also conducts a self-assessment on their effectiveness annually. The outcome of this self-assessment is reported to Council annually (attached as **APPENDIX 4.**)

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.3

RESOLVED (nem con)

- (a) that Council notes the Effectiveness Assessment of the Audit and Performance Audit Committee conducted on behalf of Council.
- (b) that Council notes the outcome of the Audit and Performance Audit Committee's self-assessment.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Faiz Hoosain</i>
POSITION	<i>Chief Audit Executive</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8555</i>
E-MAIL ADDRESS	<i>Faiz.Hoosain@ Stellenbosch.gov.za</i>
REPORT DATE	<i>31 May 2023</i>

13.4	SECTION 116(3); B/SM 13/21: ESH.3, TO UNDERTAKE: PROFESSIONAL ELECTRICAL ENGINEERING SERVICES FOR THE PROCUREMENT AND INSTALLATION OF TWO NEW 20MVA 66/11kV TRANSFORMERS AND ASSOCIATED: AMENDED SCOPE OF WORKS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

24 May 2023

1. SUBJECT: SECTION 116(3); B/SM 13/21: ESH.3, TO UNDERTAKE: PROFESSIONAL ELECTRICAL ENGINEERING SERVICES FOR THE PROCUREMENT AND INSTALLATION OF TWO NEW 20MVA 66/11kV TRANSFORMERS AND ASSOCIATED: AMENDED SCOPE OF WORKS

2. PURPOSE

To extend the current scope of works to include the following, Review of scope of works for the contractor, tender documents and drawings that was compiled by RHDHV to procure Leafy Space (Pty) Ltd by doing a due diligence and amending the scope, tender documentation and drawings if required. Zutari (Pty) Ltd will then have to go out on tender and test the market again to procure a suitably qualified service provider to execute the construction works on site

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In 2018/19 a service provider was appointed to provide electrical professional services for the ongoing electrical network upgrades and system improvements for the replacement of two existing 10MVA 66/11kV transformers at Jan Marais 66/11kV substation with two 20MVA units. Due to poor performance the services of that service provider (RHDHV) have been terminated; Zutari (Pty) Ltd was procured to take the project to its completion.

Package A: Manufacture and delivery to site of the two 20MVA transformers are underway and ACTOM has been appointed to manufacture the units. The specifications for the units were compiled by a service provider that's services were terminated. The newly appointed service provider must manage and facilitate the manufacturing process and report the progress to Stellenbosch monthly. They will also be responsible to verify that the specifications are followed and ensuring that the manufacturer (ACTOM) does not deviate from the specifications or budgets.

Package B: Deals with the installation of the two 20MVA transformers on site at Jan Marius substation. This tender document has been compiled and is currently being finalized to be advertised. The tender evaluation and appointment of the contractor will be dealt with by RHDHV.

Once a contractor has been appointed, the newly appointed Zutari (Pty) Ltd will be responsible for the remaining portion of the project which will include but not be limited to the project management, construction management and contract management of the contractor up until closeout and handover.

The Section 116 notice was placed in the newspaper (Die Burger) on Friday, 21 April 2023 to invite comments from the community. The commenting period was from 21 April – 12 May 2023. No comments or objections were received.

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.4

RESOLVED (nem con)

- (a) that Council note in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council note the public participation process that was followed and that no comments were received (Annexure B & C); and
- (c) that the extension of the scope of services for tender BSM 13/21 ESH.3 in favour of Zutari (Pty) Ltd be approved.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Johan Fullard
<i>POSITION</i>	<i>Acting Director</i>
<i>DIRECTORATE</i>	<i>Infrastructure Services</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8213</i>
<i>E-MAIL ADDRESS</i>	<i>Johan.fullard@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>12 May 2023</i>

13.5	ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

24 May 2023

1. SUBJECT: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

2. PURPOSE

Council must approve the established the section 80 committee and must appoint the members on these committees.

3. DELEGATED AUTHORITY

Council establishes the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

4. EXECUTIVE SUMMARY

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80.

The members are appointed by council in accordance with the principle of representation amongst the amount of members allocated to each committee.

Council established the following section 80 Committee on 23 February 2022:

- Corporate Services;
- Planning
- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Protection Services
- Local Economic Development and Tourism
- Rural Management
- Youth, Sport and Culture
- Parks. Open Spaces and Environment

The administration received an indication from the Speaker that amendments should be made to the Section 80 committees as well as the members of the committees to be appointed by Council.

The changes include the merging of the Planning Committee and the Local Economic Development and Tourism Committees and the creation of a Community Services Committee.

The latter will be dealing with Community development aspects such as:

Community Centres
Library Services
ECD's
The Elderly
Interaction with clinics and hospitals (where applicable);
Mayoral Skills Development program
Mayoral Community Programs

Any other matter in relation to community services that may be referred to the committee by the Executive Mayor

Some of these functions previously resided under Youth Sport and Culture Committee. The terms of reference will have to be amended by the committees for Planning, Local Economic Development and Tourism, Sport Youth and Culture and the newly established Community Services Committee.

Changes are also made to the numbers serving on the committees.

Protection Services (5 members) – unchanged (3 x DA, 2 x Opposition)

Youth, Sports and Culture Committee (5 members) – (3 x DA, 2 x Opposition)

Corporate Services (5 members) – **additional member** (3 x DA, 2 x Opposition)

Financial Services (5 members) – (3 x DA, 2 x Opposition)

Human Settlements (5 members) – (3 x DA, 2 x Opposition)

Infrastructure Services (5 members) - (3 x DA, 2 x Opposition)

Parks, Open Spaces and Environment (4 members) - (3 x DA, 1 x Opposition)

Planning, Local Economic Development and Planning (5 members) – (3 x DA, 2 x Opposition)

Rural Management (4 members) – (3 x DA, 1 x Opposition)

Community Services (5 members) – new (3 x DA, 2 x Opposition)

Council must now appoint the members to the committees and the Executive Mayor may appoint the Chairperson.

We have received a communication from the Municipal Manager indicating the appointment of the new portfolio holders of the Section 80 committees from 1 June 2023 (**APPENDIX 1**).

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.5**RESOLVED** (nem con)

- (a) that it be noted that Council approved the following Section 80 portfolio committees on 23 November 2021:
- Corporate Services;
 - Planning
 - Financial Services;
 - Human Settlements;
 - Infrastructure Services;
 - Protection Services
 - Local Economic Development and Tourism
 - Rural Management
 - Youth, Sport and Culture
 - Parks, Open Spaces and Environment
- (b) that Council approves the amendment of the establishment of the Section 80 Committees as follows:
1. **Corporate Services**, total 5 members:

DA	- 3
Opposition	- 2
 2. **Planning**, Local Economic Development and Tourism, total 5 members:

DA	- 3
Opposition	- 2
 3. **Financial Services**, total 5 members:

DA	- 3
Opposition	- 2
 4. **Human Settlements**, total 5 members:

DA	- 3
Opposition	- 2
 5. **Infrastructure Services**, total 5 members:

DA	- 3
Opposition	- 2
 6. **Protection Services**, total 5 members:

DA	- 3
Opposition	- 2
 7. **Rural Management**, total 4 members:

DA	- 3
Opposition	- 1
 8. **Youth, Sport and Culture**, total 5 members:

DA	- 3
Opposition	- 2

-
9. **Parks, Open Spaces and Environment** total 4 members
DA -3
Opposition -1
10. **Community Services Committee** total 5 members:
DA - 3
Opposition - 2
- (c) that it be noted that the Executive Mayor has amended the appointment of the chairpersons of committees as from 1 June 2023 as per appendix 1;
- (d) that the terms of reference for the following Section 80 committees must be amended to reflect the changes in the committees:

Planning Local Economic Development and Tourism;
Community Services;
Youth Sports and Culture
- (e) that the amended terms of references be referred to the relevant section 80 committees for revision and adoption.
- (f) that Council appoints the members of the Section 80 Committees as set out in the **APPENDIX** below:

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>18.5.23</i>

FINANCIAL SERVICES	INFRASTRUCTURE	PLANNING, LED AND TOURISM	PROTECTION SERVICES
1) J. Fasser (DA) (Chairperson) 2) W. Petersen (DA) 3) E. Groenewald (DA) 4) A. Tomose (ANC) 5) R. Hendrickse (GOOD)	1) P. Johnson (DA) (Chairperson) 2) R. Van Rooyen (DA) 3) N. Mcombring (DA) 4) R. Nalumango (ANC) 5) Z. Ndalasi (EFF)	1) C. Van Wyk (DA) (Chairperson) 2) A. Hanekom (DA) 3) M. Slabbert (DA) 4) M. Danana (ANC) 5) R. Hendrickse (GOOD)	1) R. Pheiffer (DA) (Chairperson) 2) C. Manuel (DA) 3) M. Slabbert (DA) 4) M. Nkopane (ANC) 5) N. Mkhontwana (EFF)
SPORT, YOUTH AND CULTURE	RURAL MANAGEMENT	CORPORATE SERVICES	HUMAN SETTLEMENT
1) JC. Anthony (DA) (Chairperson) 2) R. Van Rooyen (DA) 3) N. Mcombring (DA) 4) C. Noble (GOOD) 5) J. Andrews (PA)	1) J. Joon (DA) (Chairperson) 2) J. Serdyn (DA) 3) C. Manuel (DA) 4) E. Masimini (ANC)	1) L. Nkamisa (DA) (Chairperson) 2) Z. Dalling (DA) 3) J. Serdyn (DA) 4) M. Rataza (ANC) 5) I. De Taillerfer (VF)	1) R. Du Toit (DA) (Chairperson) 2) E. Vermeulen (DA) 3) X. Mdemka (DA) 4) N. Ntsunguzi (ANC) 5) M. Van Stade (GOOD)
PARKS, OPEN SPACES AND ENVIRONMENT	COMMUNITY SERVICES		MPAC
1) J. Williams (DA) (Chairperson) 2) E. Vermeulen (DA) 3) Z. Dalling (DA) 4) M. Nkopane (ANC)	1) X. Kalipa (DA) (Chairperson) 2) N. Mcombring (DA) 3) R. van Rooyen (DA) 4) M. Nkopane (ANC) 5) N. Mkhontwana (EFF)		1) S. Schafer (DA) (Chairperson) 2) A. Ferns (DA) 3) R. Adams (DA) 4) N. Olayi (DA) 5) N. Gugushe (ANC) 6) W. Pietersen (PDM) 7) O. Jooste (ACDP)

13.6	FILLING OF VACANCY ON MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

24 May 2023

1. SUBJECT: FILLING OF VACANCY ON MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

2. PURPOSE OF REPORT

To inform Council of a vacancy on the Municipal Public Accounts Committee (MPAC) and Oversight Committee and to request that the vacancy be filled.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 10 December 2021, a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and as per the "Guideline for Establishment of Municipal Public Accounts Committees" issued by the Department of Cooperative Governance (CoGTA) and National Treasury was established.

Council resolved to appoint 7 councillors to the Municipal Public Accounts Committee (MPAC): 4 DA (Cllr Crombie, Cllr Ferns, Cllr Kalipa and Cllr Olayi), 1 ANC (Cllr Mananga-Gugushe), 1 PDM (Cllr Pietersen, who was also appointed as Chairperson) and 1 ACDP (Cllr Jooste). Council also resolved to determine their secondi to serve on the Municipal Public Accounts Committee (MPAC). 4 DA, 1 ANC, 1 PDM and 1 ACPD. With the passing of Councillor Crombie, Council on 24 April 2023 resolved to fill the vacancy with Councillor Schäffer.

On 17 May 2023 the Executive mayor announced changes to the Mayoral committee and Councillor Kalipa has been appointed as Chairperson of the Community Services section 80 committee and therefore now a member of the Executive Mayoral Committee. A councillor who serves as a member of MPAC may not hold other positions on any other committee. A vacancy has therefore occurred due to the appointment of Councillor Kalipa as a member of the Executive Committee, who served as a member of the Municipal Public Accounts Committee. This vacancy must now be filled by Council. In terms of the 10 December 2021 resolution the DA should nominate the person that should fill the vacancy.

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.6

RESOLVED (nem con)

that the vacancy on the Municipal Public Accounts Committee [MPAC] and Oversight Committee to be filled by DA Councillor Ralpton Adams.

The Committee therefor comprises of the following Councillors:

1. R Adams (DA)
2. A Ferns (DA)
3. N Olayi (DA)
4. S Schafer (DA)
5. N. Mananga-Gugushe (ANC)
6. W. Pietersen (PDM) (Chairperson)
7. O Jooste (ACDP)

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	17 May 2023

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

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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17.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 3rd QUARTER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

Council: 24 May 2023

1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING 3rd QUARTER

2. PURPOSE

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

3. DELEGATED AUTHORITY

For Notification by Municipal Council

4. EXECUTIVE SUMMARY

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

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

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

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. Ward 3 co-opted 4 new members in September 2022. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as **ANNEXURE A** is a table outlining the functioning of all Ward Committees for the period January – March 2023, including dates and number of Ward Committee meetings held to date.

14TH COUNCIL MEETING: 2023-05-24: ITEM 17.1

NOTED

- (a) that Council notes the functioning of Ward Committees in all 23 wards
- (b) that Council takes note of the number of Ward Committee and Sector meetings held to date in all 23 wards from January – March 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Jacqueline Beerwinkel
POSITION	EXECUTIVE SUPPORT OFFICER
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021808 8618
E-MAIL ADDRESS	Jacqueline.Beerwinkel@stellenbosch.gov.za
REPORT DATE	24 May 2023

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(MINUTES OF THE 13TH COUNCIL [IN-COMMITTEE] MEETING: 2023-05-26)

The meeting adjourned at 13:10.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**

7.2	SPECIAL COUNCIL MEETING: 2023-06-27
-----	--

The minutes of a Special Council Meeting: 2023-06-27 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-06-27

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MINUTES

**SPECIAL MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2023-06-27 AT 10:00

MINUTES
SPECIAL MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2023-06-27

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3.	COMMUNICATIONS BY THE SPEAKER	
4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
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8.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]	
8.1	PROTECTION SERVICES: [PC: R PHEIFFER]	
	NONE	
8.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR JC ANTHONY]	
	NONE	
8.3	CORPORATE SERVICES: [PC: CLLR L NKAMISA]	
	NONE	
8.4	FINANCIAL SERVICES: [PC: CLLR J FASSER]	
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8.5	HUMAN SETTLEMENTS: [PC: CLLR R DU TOIT]	
8.5.1	STELLENBOSCH MUNICIPALITY: DRAFT INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) FOR THE PERIOD 2022 - 2027	6
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8.7	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR J WILLIAMS]	
	NONE	

ITEM	SUBJECT	PAGE
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	NONE	
8.9	COMMUNITY SERVICE: [PC: CLLR X KALIPA]	
	NONE	
8.10	RURAL MANAGEMENT: [PC: CLLR J JOON]	
	NONE	
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8.11.1	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2023 / 2024: (Local Tourism Organisations "LTO")	9
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MINUTES

**SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2023-06-27

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

COUNCILLORS	RA Adams	NR Ndalasi
	J Andrews	CD Noble (until 12:25)
	Ald JC Anthony	L Nkamisa
	ZJ Dalling	M Nkopane
	A Ferns	N Ntsunguzi
	E Groenewald	N Olayi
	AJ Hanekom	WC Petersen
	RB Hendrikse	RO Pheiffer
	P Johnson	WF Pietersen
	J Joon	MG Rataza
	O Jooste	Ald JP Serdyn
	X Kalipa	MJ Slabbert
	C Manuel	SR Schäfer
	EP Masimini	A Tomose
	NE Mcombring	RB Van Rooyen
	XL Mdemka	CA Van Wyk
	NM Mkhontwana	E Vermeulen
	RS Nalumango	J Williams

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

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit, extended a warm welcome to all present in the Special Council meeting.

2.	MAYORAL ADDRESS
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NONE

3.	COMMUNICATION BY THE SPEAKER
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The Speaker, Cllr Q Smit informed Councillors that updates were made to the current Code of Conduct for Councillors and it was promulgated in the Government Gazette, **Vol. 696 14 June 2023 No. 48786**. The Office of the Speaker distributed an email to all Councillors to ensure they were aware of and familiarize themselves with the changes to the Code of Conduct for Councillors.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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NONE

5.	DISCLOSURE OF INTERESTS
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NONE

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

Cllr I De Taillerfer	–	27 June 2023
Cllr R Du Toit	–	27 June 2023
Cllr M Van Stade	–	27 June 2023
Cllr C Noble	–	Removed from Council meeting on request of the Speaker

6.2 Absent:

Cllr MM Danana	–	27 June 2023
Cllr Mananga-Gugushe	–	27 June 2023

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

7.	STATUTORY MATTERS
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7.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 June 2023 & 27 June 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2023**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during May 2023.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 7.1**NOTED**

the deviations as listed for the month of May 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	<i>Senior Manager Supply Chain Management</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Dalleel.jacobs@ Stellenbosch.gov.za</i>
REPORT DATE	05 June 2023

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

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

8.2	SPORT, YOUTH AND CULTURE [PC: CLLR JC ANTHONY]
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NONE

8.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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NONE

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

8.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
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8.4.1	APPROVAL OF DEBT AGREEMENT
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 June 2023 & 27 June 2023

1. SUBJECT: APPROVAL OF DEBT AGREEMENT**2. PURPOSE**

To obtain Council's approval for the raising of an external loan in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During May 2023 an advertisement was placed inviting interested parties to make submissions regarding the financing of the proposed loan of R69 244 294 million. Submissions were received from 5 authorised financial institutions:

- (a) Development Bank of Southern Africa (DBSA);
- (b) ABSA Bank;
- (c) Nedbank;
- (d) Standard Bank; and
- (e) First National Bank (FNB)

After due process, in terms of the municipality's approved Supply Chain Policy, the offer of *Nedbank for the term of 10 years*, was adjudicated by the Bid Adjudication Committee and approved by the Municipal Manager as being the most favorable for Council.

Council noted and considered the comments from National and Provincial Treasure (**APPENDIX 3**)

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 8.4.1**RESOLVED** (majority vote)

- (a) that Council approves the debt agreement as stipulated in **APPENDIX 1**, and
- (b) that the Municipal Manager be mandated to enter into a loan agreement with Nedbank.

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

Cllrs RB Hendrikse; E Masimini; Mkhontwana; RS Nalumango; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager: Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	08 June 2023

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

8.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
8.5.1	STELLENBOSCH MUNICIPALITY: DRAFT INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) FOR THE PERIOD 2022 - 2027

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

14 June 2023 & 27 June 2023

1. SUBJECT: STELLENBOSCH MUNICIPALITY: DRAFT INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) FOR THE PERIOD 2022 - 2027**2. PURPOSE**

To approve the draft Integrated Human Settlement Plan (IHSP), 2022 – 2027, compiled in accordance with the Provincial Department of Infrastructure (previously known as Provincial Department of Human Settlements) guidelines and aligned with the Integrated Development Plan (IDP) and Municipal Spatial Development Framework (MSDF), for public participation.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The National Housing Act 107 of 1997 requires that all municipalities must plan to facilitate the delivery of housing opportunities as part of their overall plan for their municipality.

The aim of the draft Integrated Human Settlements Plan (IHSP) is therefore:

- To outline the Municipality's implementation plan in providing for the housing needs of its steadily growing and increasing population.
- to enable the Municipality to prepare funding applications for submission to the Provincial Department of Infrastructure, that are consistent with funding conditions and included in the municipal IDP and Housing Pipeline, as per Provincial Department of Infrastructure guidelines is a requirement; and
- To inform the municipal Housing Pipeline spanning over ten years reflected in five-year periods the funding required in the Provincial Department of Infrastructure's Business Plan.

The development of the IHSP will therefore not only comply with the requirements of the National Housing Act whereby the municipality are obliged to facilitate the delivery of housing opportunities as part of their municipal but will also develop credible Housing Pipeline and operational models for human settlements development within the WC024.

The draft Integrated Human Settlements Plan is a component of the Integrated Development Plan (IDP) and therefore outlines the Human Settlements contribution to the Municipality's five-year Integrated Development Plan (2022 – 2027).

It should be further mentioned that the need for shelter within the Stellenbosch Municipal area is outlined in the Spatial Development Framework (SDF). By 2036, the need for subsidised housing was projected as 40 953 opportunities consisting of and separated between 17 847 indigent and 23 106 others (excluding privately funded).

The draft IHSP also commits to the following principle aligned with the IDP and SDF focus areas:

IDP & SDF Focus Areas	IHSP Principles	IHSP Implication
Valley of Possibility	Equal access	Require well located land
Safe Valley	Place Identify	Provide for amenities & safe communal spaces
Dignified Living	Well-being & individual capability.	Secured tenure (title or rental)
Good Governance and compliance	Corporate capabilities	Secured funds & services
Green & sustainable valley	Resource frugal	Healthy ecological infrastructure

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 8.5.1

RESOLVED (majority vote with 7 abstentions)

- (a) that the draft Integrated Human Settlements Plan (IHSP) be approved for public participation; and
- (a) that after the comments from external and internal stakeholders are received, the draft Integrated Human Settlements Plan be submitted to Council for approval.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Lester van Stavel</i>
POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	<i>Planning & Economic Development, Integrated Human Settlements</i>
CONTACT NUMBERS	<i>021 808 8462</i>
E-MAIL ADDRESS	<i>Lester.vanstavel@stellenbosch.gov.za</i>
REPORT DATE	<i>8 June 2023</i>

8.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
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NONE

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

8.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)
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NONE

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

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

8.11	MUNICIPAL MANAGER
8.11.1	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2023 / 2024: (Local Tourism Organisations "LTO")

Collaborator No:

IDP KPA Ref No:

Meeting Date: 22 June 2023 & 27 June 2023

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2023 / 2024: (Local Tourism Organisations "LTO")**

2. **PURPOSE OF MEETING**

To discuss and consider the funding applications for the the 2023 / 2024 financial year received from external bodies performing a municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **EXECUTIVE SUMMARY**

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

The notices of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post, dated 24 March 2023, attached as **Appendix 1** of which the closing date to submit such applications was at 12:00 midday on 21 April 2023.

The following bodies submitted applications by the closing date for funding to perform the Tourism function for Council for the 2023 / 2024 financial year:

Applicant	2023 / 2024 Funding Requested in Rand Value
Franschhoek Wine Valley Tourism Association NPC	R3 998 200
Visit Stellenbosch NPC	R6 055 000
Total Funding Requested	R10 053 200

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 8.11.1

During deliberations on this matter, the Speaker adjourned the meeting from 10:45 – 11:15 to allow the Municipal Manager to coordinate with Law Enforcement to address the situation where certain Councillors unlawfully occupied Councillor WF Pietersen's boardroom without his consent.

After the meeting resumed at 11:15, the Speaker requested that it be placed on record that his office did not receive any requests from Councillors to occupy the Council Chamber for the duration of the Special Council meeting.

It was

RESOLVED (majority vote)

- a) that the amount of R2 018 555 be allocated to Franschhoek Wine Valley Tourism Association NPC for the 2023 / 2024 financial year; and
- b) that the amount of R4 341 300, that include an allocation for Dwarsrivier Tourism, be allocated to Visit Stellenbosch NPC for the 2023 / 2024 financial year.

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Lesley van Gensen</i>
POSITION	<i>Manager: Economic Development and Tourism</i>
DIRECTORATE	<i>PLANNING AND ECONOMIC DEVELOPMENT</i>
CONTACT NUMBERS	<i>021 808 8179</i>
E-MAIL ADDRESS	<i>Lesley.vanGensen@stellenbosch.gov.za</i>
REPORT DATE	<i>09 May 2023</i>

9.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATINS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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9.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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9.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY NIEL LYNERS AND ASSOCIATES (PTY) LTD
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Collaborator No: 750580
IDP KPA Ref No: Good Governance
Meeting Date: 14 June 2023 & 27 June 2023

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY NIEL LYNERS AND ASSOCIATES (PTY) LTD

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to certify the expenditure as irrecoverable and that it be written off in terms of the MFMA Section 32 (2). The expenditure with regards to the procurement of services the provision of professional services by means of B/SM 13/21: ESLM.1: Rapid Installation of Photovoltaic (PV) panels, supporting structures and injection equipment to generate electricity at LV at one or two points, required demand input maximum 600kW, which is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Bid (B/SM 13/21ESLM.1) was awarded to Niel Lyners and Associates (Pty) Ltd on 21 October 2021 for the ESLM.1: Rapid Installation of Photovoltaic (PV) panels, supporting structures and injection equipment to generate electricity at LV at one or two points, required demand input maximum 600kW. An order Number: 367 308 which was generated for a total amount of R 1 466 250 (incl. VAT) was raised in this regard for their professional fees. In May 2022 during the implementation of B/SM 13/21: ESLM.1 it was then decided by senior management that additional work of similar nature was to be included at the Fire Station at Stellenbosch which is one of the sites covered by B/SM 13/21: ESLM.1 appointment. The service provider Neil Lyners and Associates (Pty) Ltd was called in by the then Director: Infrastructure Services, Mr Deon Louw and instructed to continue with the compilation of specifications and tender documentation for the procurement of a service provider for B/SM 63/22 Engineering Procurement and Construction of Containerized Battery Storage and Grid Interactive Inverter System at Stellenbosch Fire station.

Whilst the Department was finalizing the administrative process the service continued without an official order number. This was because the instruction was given by Director Louw that the works must continue in order to be completed before the financial year end June 2022.

As a result of this irregular expenditure the Department will introduce various corrective measures such as consequence management, training of staff and Standard Operating Procedures (SOPs).

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 9.1.1

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 370 530,00 (Including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	shane.chandaka@stellenboch.gov.za
REPORT DATE	25 October 2022

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

9.1.2	CONSIDERATION OF EXPENDITURE INCURRED THAT WAS PREVIOUSLY CERTIFIED AS IRREGULAR BY MPAC
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

14 June 2023 & 27 June 2023

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED THAT WAS PREVIOUSLY CERTIFIED AS IRREGULAR BY MPAC**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure that was identified subsequent to the tenders serving at MPAC as the tender contracts are still valid and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2021/2022 financial year which was noncompliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 9.1.2**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 30 510 938.91 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager: Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	1 June 2023

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

9.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY MARTIN AND EAST (PTY) LTD CIVIL ENGINEERING CONTRACTORS
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Collaborator No:

File No:

750730

IDP KPA Ref No:

Good Governance

Meeting Date:

14 June 2023 & 27 June 2023

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY MARTIN AND EAST (PTY) LTD CIVIL ENGINEERING CONTRACTORS

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure that was identified on the value of contract increase and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written-off by Council in terms of Section 32 of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Contract Price Adjustment, linked to inflation was paid to Martin & East (Pty) Ltd of which provision was not made for under contingencies within BSM 10/17.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 9.1.3

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 55 555,53 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Garth Abrahams
POSITION	Manager: Sport, Recreation and Halls
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8162
E-MAIL ADDRESS	Garth.abrahams@stellenbosch.gov.za
REPORT DATE	01 June 2023

9.1.4	CONSIDERATION OF POSSIBLE IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED THROUGH TENDER NO BSM 10/17 AND BSM 45/19
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 14 June 2023 & 27 June 2023

1. SUBJECT: CONSIDERATION OF POSSIBLE IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED THROUGH TENDER NO BSM 10/17 AND BSM 45/19

2. PURPOSE OF REPORT

To provide information regarding the possible irregular expenditure that was identified, and that the expenditure be regarded as irrecoverable and that it be written-off in terms of the MFMA Section 32 (2).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The applicable tenders, BSM 10/17 and 45/19 are rates-based tenders, which requires technical and administrative verification processes to be followed by Infrastructure Services and Supply Chain Officials to generate and issue orders to contractors, or to increase orders.

Supply Chain Management's contract review of the 2018/19 financial year (carried out in 2022) reflects a possible irregular expenditure of R666 659.70. However, the amount for possible irregular expenditure is R284 402.00 (R436 038.00 – R151 636.00 already paid) and R230 973.19 (still to be paid), see **ANNEXURE A**. Retention monies are payable 12 months after completion of the project and is normally 5% of the contract value. At the time (2018/19) the Roads Section had a severe staff shortage with more than 80% staff vacancy rate for technical staff. In certain instances, the necessary technical and administrative processes could not be concluded timeously to make adequate provision for retention.

The Supply Chain 2022 contract review of the 2019/20 financial year reflects a possible irregular expenditure of R2.2m. This review interpreted the closure of the financial system at the end of the financial year as an order cancellation process where orders to the value of R2.6m was cancelled, see **ANNEXURE B**.

The cancellation of orders by the financial system at financial year end is an administrative process to allow for new budgets to be loaded for the new financial year and should therefore not be viewed as official cancellations or irregular expenditure.

As it relates to retention monies payable and the cancellation of orders, the department has the view that a "material" irregular expenditure had not been incurred and, where the necessary technical and administrative processes could not be timeously concluded due to staff shortages, the resultant outcomes would have been similar should the administrative process been concluded.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 9.1.4**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R230 973,19 (Including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Johan Fullard
POSITION	Senior Manager: Road, Transport and Stormwater
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8207
E-MAIL ADDRESS	Johan.fullard@ Stellenbosch.gov.za
REPORT DATE	31 May 2023

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

9.1.5	ANNUAL WORK PLAN 2023/24 OF THE MUNICIPAL PUBLIC ACCOUNT COMMITTEE
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 14 June 2023 & 27 June 2023

1. SUBJECT: ANNUAL WORK PLAN 2023/24 OF THE MUNICIPAL PUBLIC ACCOUNT COMMITTEE**2. PURPOSE OF REPORT**

To request Council to approve the Annual Work Plan for the Municipal Public Account Committee (MPAC) for the 2023/24 financial year.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The MPAC is a committee of council and is established in terms of Section 79 of the Local Government: Municipal Structures Act, 1998, (Act No 117 of 1998), and as per the "Guideline for Establishment of Municipal Public Accounts Committees" issued by the Department of Cooperative Governance (CoGTA) and National Treasury. Its primary responsibility and mandate are to exercise oversight over the executive functionaries of council and to ensure good governance within the Municipality.

In order to ensure the effective functioning of the committee and to achieve the set objectives, an annual work plan has been developed for the consideration and approval of Council.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 9.1.5**RESOLVED** (nem con)

- (a) that Council notes the report; and
- (b) that Council approves MPAC annual work plan for 2023/24 financial year.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Wilfred Pietersen</i>
POSITION	<i>Chairperson: Municipal Public Account Committee (MPAC)</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8095</i>
E-MAIL ADDRESS	<i>wilfred.pietersen@stellenbosch.gov.za</i>
REPORT DATE	<i>08 June 2023</i>

MINUTES

SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2023-06-27

10.	REPORTS BY THE MUNICIPAL MANAGER
10.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2023/24

Collaborator No: 751447
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: Special Council: 27 June 2023

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2023/24

2. PURPOSE

To inform the Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2023/24.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

The TL SDBIP 2023/24 was approved by the Executive Mayor on 20 June 2023, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2023/24 is herewith submitted to the Council for notification.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.1

NOTED

- (a) the approved TL SDBIP 2023/24 attached hereto as **ANNEXURE A**;
- (b) that the approved TL SDBIP 2023/24 has been made public within 10 working days after the approval of the TL SDBIP 2023/24 and duly submitted to the MEC for Local Government in the Province; and
- (c) that the approved TL SDBIP 2023/24 must be read together with the first review of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027 and that the performance indicators and targets contained in the approved TL SDBIP 2023/24 be considered to have been made in the IDP to ensure accurate technical alignment between the first review of the IDP 2022 – 2027 and the TL SDBIP 2023/24.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	20 June 2023

10.2	SIGNED PERFORMANCE AGREEMENTS 2023/24 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: Special Council: 27 June 2023

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2023/24 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (THE CFO AND DIRECTORS)

2. PURPOSE

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

- (a) The signed Performance Agreements 2023/24 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager (the Chief Financial Officer (CFO) and Directors).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

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

The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) further requires that the signed performance agreements be promptly submitted to the Council.

The Performance Agreements 2023/24 was developed in consultation with the Municipal Manager, CFO and Directors and signed on 20 June 2023.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.2

NOTED

the signed Performance Agreements 2023/24 of the Municipal Manager, the CFO and Directors.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	20 June 2023

10.3	RETURN ITEM: REQUEST FOR THE APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 27 June 2023

1. SUBJECT: REQUEST FOR THE APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY INCLUSIONARY ZONING POLICY, 2023

2. PURPOSE

To provide Council with the pertinent facts that include the responses from the extended legislative Public Participation Process (“PPP”) in order to approve the final draft Stellenbosch Municipality Inclusionary Zoning Policy.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft policy document aims to support Stellenbosch Municipality and other key role players in delivering more high-quality affordable housing (also referred to as inclusionary housing) in well-located and priority development areas, creating a mix of income groups across new and infill developments in Stellenbosch Municipality thereby promoting social and economic integration.

To deliver affordable housing within the Stellenbosch Municipality, available municipal spatial planning, land use planning systems, and land-based financing mechanisms were identified and investigated. This will be used in leveraging and incentivising land value gains in spatially targeted areas for the creation of public good (i.e. affordable housing) and to enable better performing settlements (i.e. integrated, inclusive, resilient, efficient settlements) in order to address current development challenges and historical spatial imbalances/inequalities.

The spatial compact as envisaged and approved in the Stellenbosch Municipal Spatial Development Framework, 2019 (MSDF) and the Adam Tas Corridor Local Spatial Development Framework (ATC: LASDF) and Development Guidelines, 2022 of enabling an inclusive, efficient, and an effective municipality by providing a wide choice of quality affordable housing to meet the needs of the community, broadening the opportunities for homeownership, and creating flexibility and choice of tenures and price ranges for those who rent and seek the security of tenures. In addition, to facilitate and grow a stronger partnership with the private sector in terms of delivering more quality affordable housing.

The draft Inclusionary Zoning policy was public participated for 60 days and based on the submissions received changes were made to the draft policy. The amended draft policy was accordingly re-advertised for a further 21-days and this report provides the feedback received subsequent to the second round of public participation, and the municipal responses to the comments, where applicable.

It is noted that there has been large scale support from the bodies providing comments during both rounds of public participation.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.3**RESOLVED** (majority vote)

- (a) that Council takes note of the feedback from the Public Participation Process , which commenting period closed on 22 June 2023; copies attached as **APPENDIX 2** to this report; and
- (b) that Council **approves and adopt** the draft Stellenbosch Municipality Inclusionary Zoning Policy, 2023 in terms of the Local Government Municipal Systems Act No. 32 of 2000, copy attached as **APPENDIX 1** to this report.

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

Cllrs J Andrews; RB Hendrikse; E Masimini; NM Mkhontwana; RS Nalumango; NR Ndalasi; M Nkopane; C Noble; N Ntsunguzi; M Rataza and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Chantel Hauptfleisch
POSITION	Senior Spatial Planner
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8607
E-MAIL ADDRESS	Chantel.Hauptfleisch@stellenbosch.gov.za
REPORT DATE	23 June 2023

10.4	SUBJECT: REQUEST FOR THE APPROVAL, ADOPTION AND PROMULGATION OF THE AMENDED STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2023 (“MSDF”), AND THE STELLENBOSCH MUNICIPALITY CAPITAL EXPENDITURE FRAMEWORK (“CEF”), 2023
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Collaborator No:

KPA Ref No: GOOD GOVERNANCE

Meeting Date: 27 June 2023

1. **SUBJECT: REQUEST FOR THE APPROVAL, ADOPTION AND PROMULGATION OF THE AMENDED STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2023 (“MSDF”), AND THE STELLENBOSCH MUNICIPALITY CAPITAL EXPENDITURE FRAMEWORK (“CEF”), 2023**

2. **PURPOSE**

To provide Council with the pertinent facts that include the responses from the legislative Public Participation Process (“PPP”) in order to approve, adopt, and the promulgate the Amended Stellenbosch Municipality Spatial Development Framework, 2023 (“MSDF”), and the Stellenbosch Municipality Capital Expenditure Framework, 2023 (“CEF”).

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Council approved the commencement and public participation of the proposed amended Municipal Spatial Development Framework, 2023 (MSDF), including the Capital Expenditure Framework (CEF) to achieve strategic, spatial, and financial alignment and to enable the coordination of policies within the municipality.

The report provides feedback received during the public participation process and the responses on the comments, where applicable.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.4

RESOLVED (majority vote with 5 abstentions)

- (a) that Council takes note of the feedback from the public participation process, which commenting period closed on 30 May 2023; copies attached as **Appendix 2, 3 and 4** to this report;
- (b) that Council supports and approves the recommendations contained in the comments and responses tables, copies attached as **Appendix 3 and 4** to this report;
- (c) that Council **approves and adopt** the Amended Municipal Spatial Development Framework, 2023 (MSDF), including the Capital Expenditure Framework (CEF), copy attached as **Appendix 1** for the subsequent promulgation in terms of the relevant legislation; and

-
- (d) that Council **approves** that the Amended Municipal Spatial Development Framework, 2023 (MSDF), including the Capital Expenditure Framework (CEF), form part of the updating and amending of the Integrated Development Plan (IDP).

FOR FURTHER DETAILS CONTACT:

NAME	Chantel Hauptfleisch
POSITION	Senior Spatial Planner
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8607
E-MAIL ADDRESS	Chantel.Hauptfleisch@ Stellenbosch.gov.za
REPORT DATE	23 June 2023

10.5	AMENDED DEVELOPMENT CHARGES, ELECTRICITY AND SEWERAGE EFFLUENT TARIFFS FOR 2023/24 FINANCIAL YEAR
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

27 June 2023

1. **SUBJECT: AMENDED DEVELOPMENT CHARGES, ELECTRICITY AND SEWERAGE EFFLUENT TARIFFS FOR 2023/24 FINANCIAL YEAR**
2. **PURPOSE OF REPORT**
 - a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).
 - b) To approve the amended Development Charges, Electricity and Sewerage Effluent Tariffs for 2023/24 in terms of S16 (2) of the Municipal Finance Management Act, (Act 56 of 2003).
3. **DELEGATED AUTHORITY**
Council.
4. **EXECUTIVE SUMMARY**
The Development charges, Electricity and Sewerage Effluent tariffs were released for public comment that closed on 24 June 2023.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.5

After several points of order and 3 warnings, the Speaker requested that Cllr C Noble be removed from the meeting for bringing the Council in disrepute with his continuous comments and refusal to adhere to the Speaker's warnings in terms of the Rules of Order. Councillor Noble was removed from the teams meeting by Administration.

RESOLVED (majority vote)

- (a) that Council takes note no public comments and submissions, as per **ANNEXURE A**, were received;
- (b) that the proposed amendments made to the Electricity tariffs, Development Charges tariffs and Sewerage Effluent tariffs as set out in **ANNEXURE B**, be approved;
- (c) that the proposed amendments to the Development charges policy as set out in **ANNEXURE C**, be approved; and
- (d) that the 2023/2024 updated tariffs be published for notification purposes.

Councillor RB Hendrikse requested that her vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager: Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	monique.steyl@ Stellenbosch.gov.za
REPORT DATE	June 2023

10.6	THE FUTURE USE OF ERVEN RE/279, RE/119 AND FARM 181/0 FOR POSSIBLE ALTERNATIVE ENERGY GENERATION
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Collaborator No:

KPA Ref No: GOOD GOVERNANCE

Meeting Date: 27 June 2023

1. SUBJECT: THE FUTURE USE OF ERVEN RE/279, RE/119 AND FARM 181/0 FOR POSSIBLE ALTERNATIVE ENERGY GENERATION PROJECTS

2. PURPOSE

To request approval to commence with the public participation process for the propose future use of RE/279, RE/119 and Farm 181/0 for alternative energy generation projects through a long-term lease of the sites for a period of up to 50 years (as required in n Regulation 34(3)(b) is as well as the approval of the draft information statement for the same.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As part of Stellenbosch Municipality's loadshedding mitigation strategy, the Municipality is investigating possible sites on which alternative energy can be generated from.

Stellenbosch Municipality who is the owner of Erven RE/279 (SBP279/BN, SBP279/CN and SBP279/DN (Opposite Landfill site – Devonvalley) X Erven RE/119 (Idas Valley site) x Farm 181/0 (the sites) (Area below Kayamandi Reservoir) has been identified by administration as possible suitable sites from where alternative energy can be generated.

The size of each site is:

According to the standard norms, 1 hectare is required for the generation of 1 Megawatt (MW) energy from Solar Photovoltaic (PV). The estimated energy capacity from the identified sites can be estimated as follows:

- Erven RE/279 (SBP279/BN, SBP279/CN and SBP279/DN (Opposite Landfill site – Devonvalley) - (Solar PV – Size of Erf = 40.1 hectares = 40 MW
- Erven RE/119 (IdasValley/Botmaskop site) – (Biomass - Size of Erf = 419.4 hectares can be quantified once the process unfolds.
- Farm 181/0 (Area below Kayamandi Reservoir) – (Solar PV – Size of Farm = 50 Hectares = 50 MW

The municipality's propose intention with the identified sites is to procure Independent Power Producers who will through a long-term lease agreement with the Municipality generate alternative electricity for municipal consumption.

SPECIAL COUNCIL MEETING: 2023-06-27: ITEM 10.6**RESOLVED** (majority vote with 9 abstentions)

- (a) that Council confirms that erven RE/279, RE/119 and Farm 181/0, Stellenbosch as land not needed to provide the minimum level of basic municipal services;
- (b) that Council approves the public participation process for the propose future use of erven RE/279, RE/119 and Farm 181/0 for Alternative Energy Generation Projects;
- (c) that Council approves the information statement attached as Annexure "A"; and
- (d) that the item will return to Council for an in-principle decision on the future use after the public participation process closed.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	27 June 2023

11.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

The meeting adjourned at 12:45.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**

7.3	URGENT COUNCIL MEETING: 2023-06-30
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The minutes of an Urgent Council Meeting: 2023-06-30 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-06-30

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MINUTES

**URGENT MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2023-06-30 AT 15:45

6. DISCUSSION / CONTENTS**6.1. Background**

To comply with section 52 (d) of the Municipal Finance Management Act and report to Council on the budget, financial and service delivery budget implementation plan of the Municipality for the 4th quarter of the financial year. The report is indicated under **APPENDIX 1**.

6.2 Discussion

This report illustrates the implementation of the budget as well as the non-financial performance of the municipality for quarter 4.

In terms of the Municipal Finance Management Act (MFMA) Section 52(d) *“must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality;”*

6.3 Financial Implications

None.

6.4 Legal Implications

The recommendations in this report comply with Council’s policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.1

that Council notes Section 52 Report (including quarterly performance report) – Fourth Quarter.

ANNEXURES

Appendix 1 : Section 52 Report – 4th Quarter

MINUTES
URGENT MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2023-06-30

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	DISCLOSURE OF INTERESTS	
3.	APPLICATIONS FOR LEAVE OF ABSENCE	
4.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
4.1	APPROVAL OF PLANNING AND DEVELOPMENT SERVICES SUNDRY TARIFFS	2

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

COUNCILLORS

RA Adams	RS Nalumango
J Andrews	CD Noble
	L Nkamisa
ZJ Dalling	M Nkopane
I De Taillerfer	N Olayi
R Du Toit	WC Petersen
A Ferns	RO Pheiffer
E Groenewald	WF Pietersen
AJ Hanekom	MG Rataza
RB Hendrikse	MJ Slabbert
P Johnson	SR Schäfer
J Joon	A Tomose
X Kalipa	RB Van Rooyen
C Manuel	M Van Stade
NE Mcombring	CA Van Wyk
XL Mdemka	E Vermeulen
NM Mkhontwana	J Williams

OFFICIALS

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

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit, extended a warm welcome to all present in the Urgent Council meeting.

2.	DISCLOSURE OF INTERESTS
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NONE

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

Ald JC Anthony	–	30 June 2023
Cllr EP Masimini	–	30 June 2023
Cllr NR Ndalasi	–	30 June 2023
Cllr N Ntsunguzi	–	30 June 2023
Cllr O Jooste	–	30 June 2023
Ald JP Serdyn	–	30 June 2023

3.2 Absent

Cllr MM Danana	–	30 June 2023
Cllr N Mananga-Gugushe	–	30 June 2023

4.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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4.1	APPROVAL OF PLANNING AND DEVELOPMENT SERVICES SUNDRY TARIFFS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 June 2023

1. SUBJECT: APPROVAL OF PLANNING AND DEVELOPMENT SERVICES SUNDRY TARIFFS FOR 2023/24 FINANCIAL YEAR

2. PURPOSE OF REPORT

The purpose of this report is as follows:

- a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b).
- b) To approve the Planning and Development Services Sundry Tariffs for 2023/24 in terms of S16 (2) of the Municipal Finance Management Act, (Act 56 of 2003).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Planning and Development Services Sundry tariffs were released for public comment at the council meeting of 29 March 2023. These tariffs were however omitted from the tariff book that was approved by council at the meeting of 24 May 2023.

URGENT COUNCIL MEETING: 2023-06-30: ITEM 4.1

RESOLVED (majority vote)

- (a) that Council takes note that no public comments and submissions were received for the Planning and Development Sundry Tariffs;
- (b) that the proposed rates relating to the Sundry Tariffs of Planning and Development Services as set out in **ANNEXURE A**, be approved; and
- (c) that the 2023/2024 updated tariffs be published for notification purposes.

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

Councillors J Andrews; RB Hendrikse; C Noble and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager: Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	monique.steyl@ Stellenbosch.gov.za
REPORT DATE	29 June 2023

The meeting adjourned at 16:35.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**

8.	STATUTORY MATTERS
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8.1	MFMA SECTION 52 REPORTING UP TO JUNE 2023
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Collaborator No: 752650
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2023

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget; and service delivery budget plan of the Municipality for the 4th quarter of the 2022/23 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

“The mayor of a municipality—

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

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 April 2023 to 30 June 2023.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the Annual Financial Statements for the financial period ended 30 June 2023. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2023.

5. RECOMMENDATION

that Council notes Section 52 Report (including quarterly performance report) – Fourth Quarter.

6. DISCUSSION / CONTENTS**6.1. Background**

To comply with section 52 (d) of the Municipal Finance Management Act and report to Council on the budget, financial and service delivery budget implementation plan of the Municipality for the 4th quarter of the financial year. The report is indicated under **APPENDIX 1**.

6.2 Discussion

This report illustrates the implementation of the budget as well as the non-financial performance of the municipality for quarter 4.

In terms of the Municipal Finance Management Act (MFMA) Section 52(d) *“must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality;”*

6.3 Financial Implications

None.

6.4 Legal Implications

The recommendations in this report comply with Council’s policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

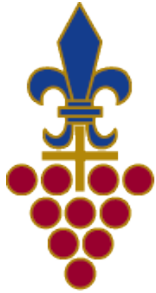
RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.1

that Council notes Section 52 Report (including quarterly performance report) – Fourth Quarter.

ANNEXURES

Appendix 1 : Section 52 Report – 4th Quarter

APPENDIX 1



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

QUARTERLY BUDGET MONITORING REPORT

4th Quarter 2022/23



QUALITY CERTIFICATE

I, Geraldine Mettler, the Municipal Manager of Stellenbosch Municipality, hereby certify that the quarterly report the period ending June 2023 has been prepared in accordance with Section 52 of the Municipal Finance Management Act and regulations made under the Act and accordingly submit the required quarterly statement on the state of Stellenbosch Municipality's budget reflecting the particulars up until the end of June 2023.

Name: Geraldine Mettler

Municipal Manager of Stellenbosch Municipality- WC024

Signature _____

Date: 26 July 2023

To Council

In accordance with Section 52(d) of the Municipal Finance Management Act, I submit the required report on the implementation of the budget and the financial situation of Stellenbosch Municipality reflecting the particulars of the second quarter of the financial year 2022/23.

The submission of this report forms part of my general responsibilities as the Mayor of Stellenbosch Municipality. The purpose of the report serves to inform Council on the financial affairs of Stellenbosch Municipality and to enable Council to fulfil its oversight responsibility in this regard.

.....
Advocate G M van Deventer
Executive Mayor
Date: 26 July 2023

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1. Recommendations

These recommendations are linked to the responsibilities of the Mayor under Section 52 of the MFMA.

- (a) That the content of the quarterly budget statement and supporting documentation be noted.

2. Executive Summary

2.1 Introduction

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

This report is a summary of the main budget issues arising from the monitoring process. It compares the implementation of the budget to the commitments/promises made and contained in the Service Delivery and Budget Implementation Plan (SDBIP) and is intended to inform and enable the Council with a view of giving effect to Council's oversight responsibility.

The Office of the CFO is currently, in terms of s126 (1) (a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2023. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as it will be materially influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2023.

2.2 Summary of 2022/23 budget progress / implementation

The following table summarises the overall position of the capital and operating budgets.

Detail	Capital Expenditure	Operating Expenditure	Operating Revenue (excluding capital transfers and contributions)
Original Budget	409 273 204	2 100 690 481	2 103 782 596
Adjustment Budget	378 709 141	2 119 664 507	2 089 953 735
Plan to Date (SDBIP)	378 709 141	2 119 664 507	2 089 953 735
Actual	290 794 140	1 757 224 477	2 094 755 591
Variance to SDBIP	(87 915 001)	(362 440 030)	4 801 856
Year to date % Variance to SDBIP	-23,21%	-17,10%	0,23%

The above figures are explained in more detail throughout this report.

3. Operating Revenue

The following table shows the actual operating revenue per National Treasury Reporting regulations against that planned in the SDBIP for the 4th Quarter of 2022/23.

Operating Revenue by Source

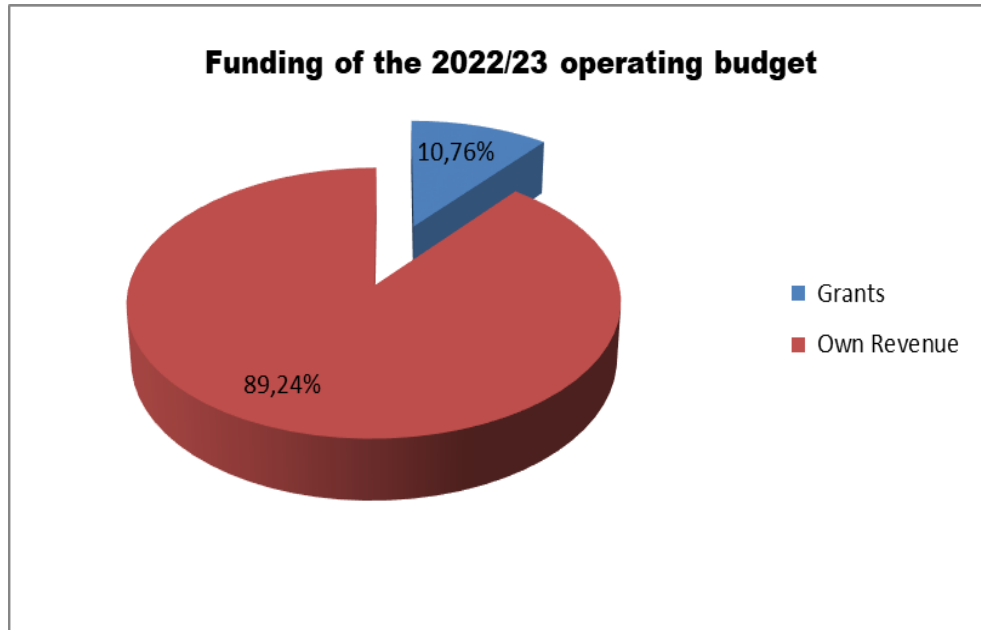
Description	ORIGINAL BUDGET	ADJUSTMENT BUDGET
Revenue by Source		
Property rates	438 941 448,00	438 941 447,00
Service charges - electricity revenue	846 763 143,00	812 307 977,00
Service charges - water revenue	176 782 707,00	176 782 708,00
Service charges - sanitation revenue	109 133 951,00	109 133 951,00
Service charges - refuse revenue	94 971 363,00	94 971 363,00
Service charges - other	-	-
Rental of facilities and equipment	15 537 893,98	10 098 683,00
Interest earned - external investments	20 397 326,00	35 417 421,00
Interest earned - outstanding debtors	11 391 237,40	18 338 651,00
Fines, Penalties and Forfeits	124 955 174,00	124 955 174,00
Licences and permits	5 934 010,00	7 482 512,00
Agency services	4 281 368,00	3 191 727,00
Transfers recognised - operational	213 380 350,00	224 854 074,00
Other revenue	41 312 625,00	33 478 047,00
Gains on disposal of PPE	-	-
Total Revenue (excluding capital transfers and contributions)	2 103 782 596	2 089 953 735

QUARTER 4 2022/23		
PLANNED	ACTUAL	VAR
85 695 355	94 338 369	10%
218 586 852	210 731 575	-4%
24 039 218	20 063 128	-17%
28 038 200	25 259 551	-10%
49 338 708	22 535 914	-54%
-	-	-
3 234 150	2 208 482	-32%
7 593 849	12 679 781	67%
5 313 225	5 739 270	8%
47 152 394	43 138 279	-9%
1 911 036	2 274 137	19%
754 608	1 161 938	54%
63 990 523	9 908 619	-85%
5 431 763	37 309 340	587%
-	160 133	0%
541 079 881	487 508 517	-10%

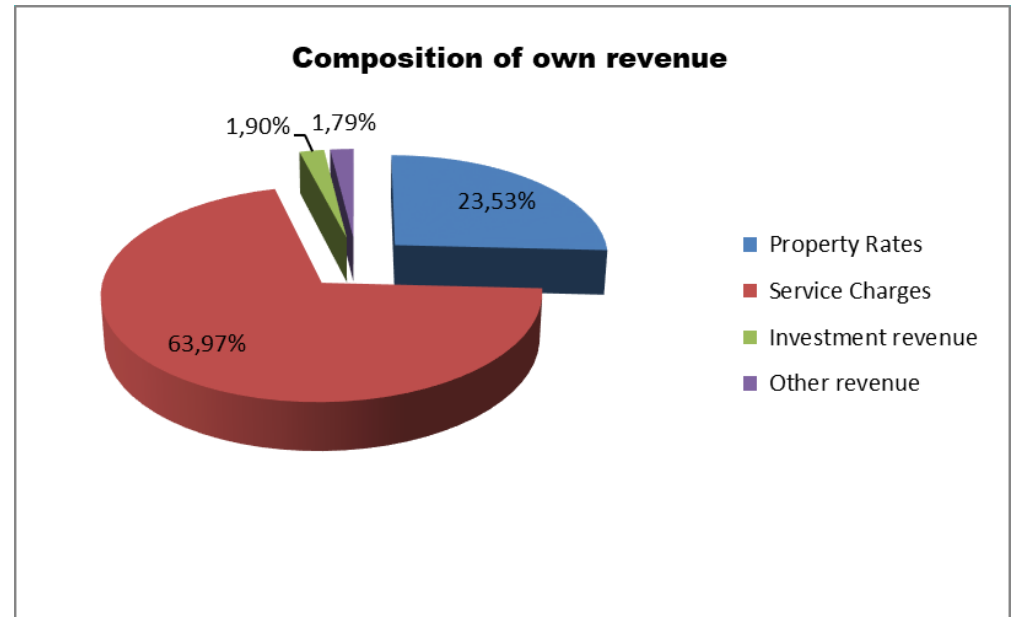
QUARTER 4 2021/22		
PLANNED	ACTUAL	VAR
98 491 102	87 658 558	100%
192 203 415	183 439 243	-5%
47 510 922	46 442 345	-2%
26 133 308	23 399 410	100%
22 030 697	19 207 004	100%
-	-	0%
3 199 867	2 622 160	-18%
3 547 525	6 296 242	77%
3 413 738	3 483 710	2%
52 371 953	48 085 721	-8%
1 867 907	2 255 615	100%
918 233	994 666	8%
35 978 092	12 728 814	-65%
22 622 119	20 873 696	-8%
351 081	351 081	0%
510 639 958	457 838 265	-10%

NB: - The “year to date actual for property rates income” refers to the total billed for the year and not actual receipts.

Stellenbosch municipality is not dependant on grant funding to fund the operating budget as is evident in the graph below.



Own revenue consists mainly of service charges at 63.97 per cent of the 1 865 099 661 billion own revenue budget.



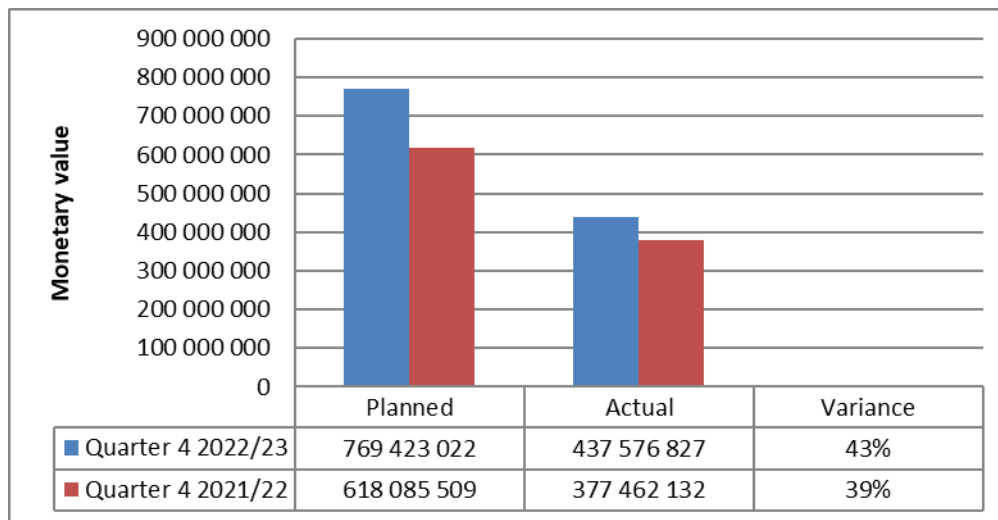
4. Operating Expenditure

The following table illustrates the actual operating expenditure for each Directorate against planned expenditure in the SDBIP for the 4th Quarter of 2022/23.

Operating Expenditure (Per Directorate):

DIRECTORATE	ORIGINAL BUDGET	AMENDED BUDGET	QUARTER 4 2022/23		QUARTER 4 2021/22	
			PLANNED	ACTUALS	PLANNED	ACTUALS
Municipal Manager	27 432 083	26 015 794	8 069 211	3 982 522	7 446 977	3 979 397
Planning & Development	74 667 884	85 666 334	29 217 600	18 947 271	21 572 599	14 463 534
Infrastructure Services	1 258 869 331	1 258 386 849	442 175 442	284 985 936	341 328 212	249 667 248
Community and Protection Services	430 825 516	435 402 172	164 558 458	71 304 023	122 046 749	65 598 210
Corporate Services	210 683 035	220 759 869	91 456 229	36 565 272	56 653 853	29 997 889
Financial Services	98 212 632	93 433 489	33 946 082	21 791 803	69 037 119	13 755 853
TOTALS	2 100 690 481	2 119 664 507	769 423 022	437 576 827	618 085 509	377 462 132

During the fourth quarter of the financial year the directorates spent R437 576 827, 43% less than the planned expenditure. At the same period last year, the directorate spent R377 462 132, 39% less than the planned expenditure.



The year on year comparison for the fourth quarter quarter is 57% actual spending rate of the planned operating budget for the financial year 2022/23, compared to a 61% actual spending rate for the same period in the previous financial year.

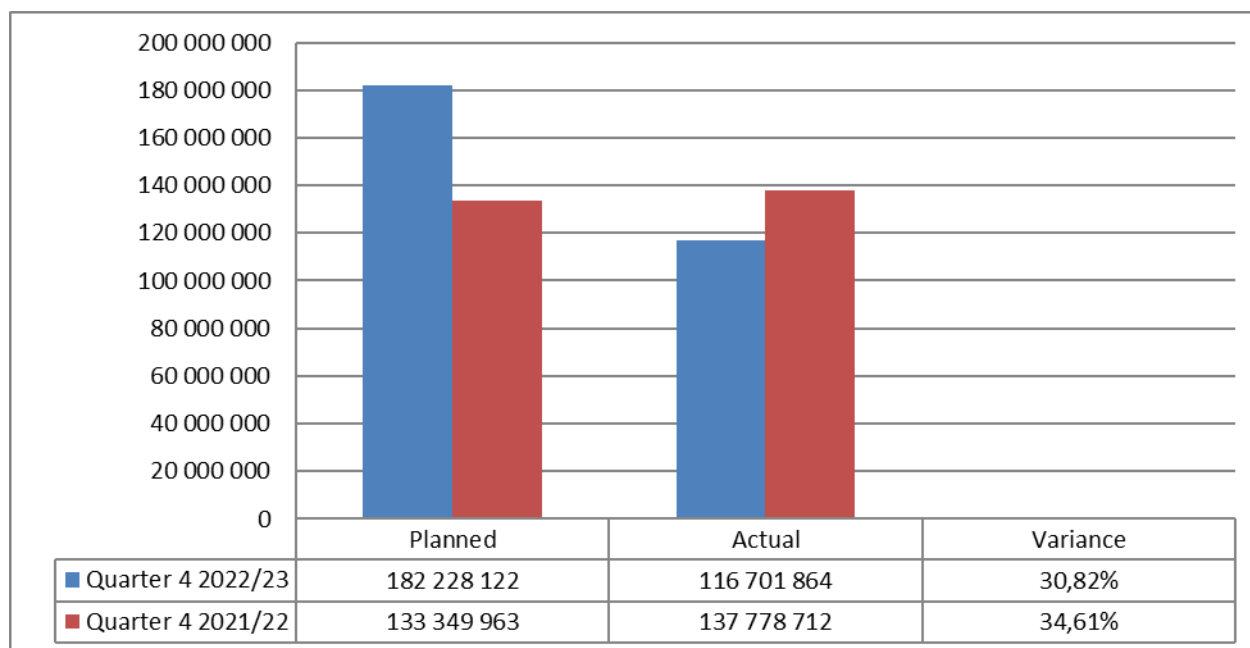
5. Capital Expenditure

The following table illustrates the actual capital expenditure per directorate against the planned in the SDBIP for the 4th Quarter of 2022/23.

DIRECTOR	ORIGINAL BUDGET	AMENDED BUDGET
Municipal Manager	40 000	40 000
Planning & Development	15 185 000	12 665 281
Infrastructure Services	325 047 246	296 643 878
Community and Protection Services	26 850 958	29 774 773
Corporate Services	41 900 000	37 708 209
Financial Services	250 000	1 877 000
TOTALS	409 273 204	378 709 141

QUARTER 4 2022/23		
PLANNED	ACTUAL EXPENDITURE	VAR %
6 000	-	-100%
5 830 842	4 019 859	-31%
139 742 632	95 987 034	-31%
21 281 499	7 983 122	-62%
13 601 792	8 422 711	-38%
1 765 357	289 138	-84%
182 228 122	116 701 864	-36%

QUARTER 4 2021/22		
PLANNED	ACTUAL EXPENDITURE	VAR %
16 000	1 297	100%
4 047 854	3 149 018	-22%
97 957 846	120 190 749	23%
20 962 277	9 509 362	-55%
10 235 986	4 889 177	-52%
130 000	39 108	-70%
133 349 963	137 778 712	3%



The year-on-year comparison for the end of the fourth quarter is [R116 701 864/ R378 709 141] 30.82% of the total capital budget of R378 709 141 for the 2022/23 financial year compared to a [R137 778 712/ R398 107 635] 34.61% spending rate for the same period in the previous financial year measured against a budget of R398 107 635.

6. Investments and Borrowings

6.1 Investments

ACC. NR	BANK	Type/ Period	INTEREST RATE	MATURITY DATE	OPENING BALANCE AS AT 1 JULY 2022	Quarter 4		TOTAL INVESTMENTS/ WITHDRAWALS	INTEREST CAPITALISED FOR THE QUARTER UNDER REVIEW	INTEREST ACCRUED YTD	CLOSING BALANCE YTD
						INVEST	WITHDRAWAL				
	ABSA BANK										
93-6748-9415	A#9415	CALL	8,900%		41 771 894,24	30 000 000,00	-	50 000 000,00	1 941 936,73	5 960 207,92	97 732 102,17
20-8031-5300	A#5300	FIXED / 5 MTHS	5,580%	19-Aug-22	40 611 506,85	-	-	(40 917 260,27)	-	305 753,42	0,00
20-8065-2148	A#2148	FIXED/6 MTHS	7,490%	14-Mar-23		-	-	(3 693 698,63)	-	3 693 698,63	0,00
20-8070-0884	A#0884	FIXED/6 MTHS	7,900%	17-Apr-23		-	(52 012 876,71)	(2 012 876,71)	151 506,85	2 012 876,71	0,00
20-8097-3316	A#3316	FIXED/4 MTHS	8,550%	14-Jul-23		-	-	50 000 000,00	1 065 821,92	1 253 219,18	51 253 219,18
20-8103-0741	A#0741	FIXED/3 MTHS	8,550%	19-Jul-23		70 000 000,00	-	70 000 000,00	1 246 000,00	1 246 000,00	71 246 000,00
					82 383 401,09	100 000 000,00	- 52 012 876,71	123 376 164,39	4 405 265,50	14 471 755,87	220 231 321,35
	NEDBANK										
03/7881123974/...024	N#024	FIXED / 12 MTHS	5,800%	12-Oct-22	83 330 630,14	-	-	(84 640 000,00)	-	1 309 369,86	-
03/7881123974/...025	N#025	FIXED / 6 MTHS	6,100%	22-Sep-22	81 350 356,16	-	-	(82 460 054,79)	-	1 109 698,63	(0,00)
03/7881123974/...026	N#026	FIXED / 12 MTHS	7,950%	21-Jun-23	19 102 999,59	-	(20 576 869,96)	(20 576 869,96)	336 291,55	1 473 870,35	(0,01)
03/7881123974/...028	N#028	FIXED / 12 MTHS	9,050%	13-Oct-23		-	-	100 000 000,00	2 256 301,37	6 471 369,86	106 471 369,86
03/7881123974/...030	N#030	FIXED / 12 MTHS	9,540%	15-Mar-24		-	-	100 000 000,00	2 378 465,75	2 796 657,53	102 796 657,53
					183 783 985,90	-	(20 576 869,96)	12 323 075,25	4 971 058,67	13 160 966,24	209 268 027,39
	STANDARD BANK										
258489367-035	S#035	FIXED 12 MNTHS	7,725%	21-Jun-23	81 126 949,40	-	(87 191 018,39)	(87 191 018,39)	1 387 541,21	6 064 068,98	(0,00)
258489367-036	S#036	FIXED 2 MNTHS	6,525%	23-Sep-22	-	-	-	(1 179 863,01)	-	1 179 863,01	(0,00)
258489367-037	S#037	FIXED 2 MNTHS	7,300%	11-Jan-23		-	-	(900 000,00)	-	900 000,00	-
258489367-038	S#038	FIXED 3 MNTHS	8,425%	17-Apr-23		-	(51 050 239,73)	(1 050 239,73)	184 657,53	1 050 239,73	(0,00)
					81 126 949,40	-	(51 050 239,73)	(90 321 121,13)	1 572 198,74	9 194 171,72	(0,01)
INVESTMENT TOTAL					347 294 336,39	100 000 000,00	(72 589 746,67)	45 378 118,50	10 948 522,91	36 826 893,84	429 499 348,73

6.2 Borrowings

Lending Institution	Balance 1/04/2023	Received Quarter 4 2023	Interest Capitalised Quarter 4 2023	Capital Repayments Quarter 4 2023	Balance 30/06/2023	Percentage	Sinking Funds
							(R'000)
DBSA@ 11.1%	9 057 770	-	-	1 624 118	7 433 651	11,10%	
DBSA@ 10.25%	30 265 938	-	-	3 712 271	26 553 667	10,25%	
DBSA @ 9.74%	64 466 373	-	-	3 296 476	61 169 896	9,74%	
NEBANK @ 9.70%	120 281 305	-	-	6 874 482	113 406 823	9,70%	
NEBANK @ 8.8%	92 415 342	-	-	3 779 248	88 636 094	6,73%	
STANDARD BANK @ 11.00%	139 887 257	-	-	4 381 722	135 505 535	11,00%	
NEDBANK @9.70%	-	69 244 294	-	-	69 244 294	9,70%	
TOTAL	456 373 983	69 244 294	-	23 668 317	501 949 960		

7. Allocations and grant receipts and expenditure for the 4th Quarter of 2022/23

OPERATING & CAPITAL GRANTS	TOTAL 2022/23	EXPECTED ALLOCATION	OPENING BALANCE 1 JULY 2022	CAPITAL DEBTORS	REPAYMENT OF GRANT	ACCUMULATED ACTUAL RECEIPTS	ACCUMULATED ACTUAL EXPENDITURE	QUARTER 4 RECEIPTS	QUARTER 4 ACTUAL EXPENDITURE	UNSPENT CONDITIONAL GRANTS - 30 JUNE 2023
Unconditional Grant:Equitable Share	179 634 000	179 634 000	-			179 634 000	179 634 000	-	141 674 761	-
Grand Total (Unconditional Grants)	179 634 000	179 634 000	-	-	-	179 634 000	51 339 778	-	141 674 761	-
EPWP Integrated Grant for Municipalities	4 928 000	4 928 000			-	4 928 000	3 747 841	-	1 294 847	1 180 159
Local Government Financial Management Grant	1 550 000	1 550 000			-	1 550 000	1 468 066	-	1 006 413	81 934
Integrated National Electrification Programme (Municipal) Grant	36 732 170	28 350 000	8 382 170		-	28 350 000	26 100 053	-	23 140 623	10 632 117
Integrated Urban Development Grant	65 747 000	65 747 000			-	65 747 000	64 403 805	-	15 487 146	1 343 195
Community Development Workers Operational Support Grant	38 000	38 000			-	38 000	33 703	-	10 474	4 297
Library Services: Conditional Grant	17 985 630	14 112 000	3 873 630			14 112 000	8 223 810	-	2 017 359	9 761 820
Municipal Library Support Grant					3 101 823			-	-	-
Financial Management Support Grant	550 000		550 000		-	-	550 000	-	-	-
Human Settlements Development Grant	20 013 534	18 248 000	1 765 534	10 147 043	-	13 981 467	11 894 668	3 220 985	3 796 019	-3 174 761
Informal Settlements Upgrading Partnership Grant: Provinces (B	6 018 379	4 500 000	1 518 379	2 334 804	-	4 500 000	4 785 714	-	1 007 707	-1 102 139
Title Deeds Restoration Grant	-				939 830	-	-	-	-	-
Municipal Accreditation and Capacity Building Grant	256 000	256 000			413 278	256 000	256 000	-	-	-
Financial Management Capability Building Grant	319 766	300 000	19 766			300 000	319 000	300 000	319 000	766
Maintenance and Construction of Transport Infrastructure	495 000	495 000		4 950 000	-	495 000	486 685	-	-	53 315
Regional Socio-Economic Project/violence through urban upgrading (RSEP/PUU)	1 000 000		1 000 000		771 499	-	1 000 000	-	587 442	-
Cape Winelands District Grant	984 000	500 000	484 000		-	500 000	484 000	500 000	-	500 000
Western Cape Municipal Energy Resilience Grant (WC MER Gr	1 690 000	1 690 000			-	1 184 063	236 880	244 063	236 880	947 183
EMERGENCY MUNICIPAL LOAD SHEDDING RELIEF GRANT	6 175 000	6 175 000			-	6 175 000	120 144	-	-	6 054 856
Cape Wineland District Community safety	115 000	115 000			-	115 000	20 435	-	20 435	94 565
Cape Winelands Disaster Grant	146 959		146 959		-	-	-	-	-	146 959
Development of Sport and Recreational Facilities	220 000	220 000			-	219 648	-	-	-	219 648
Blaauwklippen settlement	-				-	-	-	-	-	-
Housing consumer education	68 010		68 010		68 010	-	-	-	-	-
Khaya Lam Free Market Foundation	102 000		102 000		-	-	-	-	-	102 000
Grand total (Conditional Grants)	165 134 448	147 224 000	17 910 448	17 431 847	5 294 440	142 451 178	124 130 804	4 265 048	48 924 346	26 845 914

8. Personnel Expenditure

In terms of Section 66 of the MFMA, all expenditure incurred by the municipality on staff salaries, wages, allowances, and benefits must be reported to council.

Employee - Related Costs	Original Budget	Adjustments Budget	Quarter 4 Budget	Quarter 4 Actual	YTD Budget	YTD Actual	YTD %
Basic Salary and Wages	381 997 543	354 412 156	95 527 309	89 385 185	354 412 156	342 505 478	97%
Bonus	27 836 149	27 836 149	12 231 437	165 958	27 836 149	25 408 613	91%
Acting and Post Related Allowances	768 931	768 931	366 839	127 363	768 931	644 497	84%
Non Structured	47 382 530	35 382 530	9 960 444	11 254 810	35 382 530	38 942 456	110%
Standby Allowance	13 259 305	13 259 305	3 326 804	3 393 755	13 259 305	12 851 860	97%
Travel or Motor Vehicle	11 416 099	11 412 199	4 002 416	2 262 525	11 412 199	9 010 445	79%
Accommodation, Travel and Incidental	35 784	4 289 714	367 382	-1 543 811	4 289 714	2 883 692	67%
Bargaining Council	148 959	148 959	35 895	90 450	148 959	334 829	225%
Cellular and Telephone	2 610 657	2 625 693	859 250	533 491	2 625 693	2 171 527	83%
Current Service Cost	3 827 806	5 627 183	5 627 183	-	5 627 183	-	0%
Essential User	624 175	624 175	156 031	269 993	624 175	1 029 727	165%
Entertainment	-	-	-	-	-	-	0%
Fire Brigade	2 862 145	2 862 145	715 537	659 221	2 862 145	2 784 163	97%
Group Life Insurance	5 001 446	5 011 385	1 184 047	1 741 916	5 011 385	7 025 277	140%
Housing Benefits	2 918 350	2 918 350	754 343	670 498	2 918 350	2 716 446	93%
Interest Cost	14 894 153	18 380 013	18 380 013	-	18 380 013	-	0%
Leave Gratuity	6 984 886	6 984 886	1 746 223	-	6 984 886	-	0%
Leave Pay	-	-	-	-	-	-	0%
Long Term Service Awards	4 500 771	2 230 475	2 230 475	-	2 230 475	-	0%
Medical	27 138 195	27 138 195	7 401 491	6 980 445	27 138 195	27 094 570	100%
Non-pensionable	212 467	212 467	54 627	16 288	212 467	66 497	31%
Pension	58 888 632	56 788 632	15 345 376	14 056 904	56 788 632	56 186 755	99%
Scarcity Allowance	764 680	764 680	191 173	196 877	764 680	807 251	106%
Shift Additional Remuneration	5 398 676	4 098 676	1 041 122	1 101 011	4 098 676	4 323 743	105%
Structured	2 398 699	2 398 699	599 671	891 162	2 398 699	2 988 000	125%
Unemployment Insurance	2 592 725	2 592 582	400 584	678 434	2 592 582	2 646 331	102%
Totals	624 463 763	588 768 179	182 505 672	132 932 475	588 768 179	542 422 157	92%

During the fourth quarter of the financial year the directorates spent R132 932 475, 27.16% less than the planned expenditure of R182 505 672. This underspending mainly relates to the expenditure incurred in respect of leave Gratuity, Current service cost & interest cost.

9. Withdrawals

<i>Consolidated Quarterly Report for period 01/04/2023 to 30/06/2023</i>				
Date	Payee	Amount in R'000	Description and Purpose (including section reference e.g. sec 11(f))	Authorised by (name)
Monthly	Provincial Government Western Cape	5 122 362	The Municipality acts as an agent for PAWC for collection of licencing fees. S 11(e)(i)	Acting Director: Community and Protection Services
Monthly	VERSO Group Insurance and Sanlam Group Insurance	2 023 407	Group Insurance. S11(e) (ii)	Council
Ad Hoc	Investment Management	100 000 000	Investment in accordance with the Cash Management and Investment Policy. S11(h)	Accounting Officer (Municipal Manager)

10. Cost Containment Reporting

Measures	Cost Containment In - Year Report																
	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	Quarter 2		Saving/ (Overspending)	Quarter 3		Saving/ (Overspending)	Quarter 4		Saving/ (Overspending)	YTD		Saving/ (Over spending)
			Budget	Actual		Budget	Actual		Budget	Actual		Budget	Actual		Total YTD Budget	Total YTD Actual	
Use of consultants	39 147 232	42 175 993	4 791 544	7 745 613	- 2 954 069	6 310 458	1 505 843	4 804 615	9 176 890	4 743 996	4 432 894	21 897 101	8 224 189	13 672 912	42 175 993	22 219 641	19 956 352
Vehicles used for political office -bearers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Accommodation, Travel and Incidental costs	12 884 070	13 584 106	2 566 128	2 516 957	49 171	2 684 160	2 696 174	- 12 014	3 018 618	2 628 813	389 805	5 315 200	2 596 829	2 718 371	13 584 106	10 438 773	3 145 333
Sponsorships, events and catering	1 366 355	3 358 370	7 550	286 488	- 278 938	2 226 148	1 911 481	314 667	338 257	107 235	231 022	786 415	260 205	526 210	3 358 370	2 565 409	792 961
Communication	17 101 276	15 733 255	3 365 181	2 112 404	1 252 777	3 888 880	2 826 922	1 061 958	4 609 946	3 619 391	990 555	3 869 248	3 056 762	812 486	15 733 255	11 615 478	4 117 777
Other related expenditure items	55 573 505	41 987 005	13 960 011	10 096 040	3 863 971	13 912 667	11 001 397	2 911 270	10 437 734	11 915 893	- 1 478 159	3 676 593	13 248 250	- 9 571 657	41 987 005	46 261 579	- 4 274 574
Grand Total	126 072 438	116 838 729	24 690 414	22 757 501	1 932 913	29 022 313	19 941 816	9 080 497	27 581 445	23 015 329	4 566 116	35 544 557	27 386 234	8 158 323	116 838 729	93 100 880	23 737 849

The largest year to date overspending was noted for other related expenditure items of which the largest component relates to Business and Advisory: Project Management.

Item for report	Item longcode	Description	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	Quarter 2		Saving/ (Overspendi ng)	Quarter 3		Saving/ (Overspendi ng)	Quarter 4		Saving/ (Overspendi ng)	YTD		Saving/ (Overspendi ng)		
					Budget	Actual		Budget	Actual		Budget	Actual		Budget	Actual		Total YTD Budget	Total YTD Actual			
Accommodation, Travel and Incidental	IE0050010010010050050000000000000000	Allowance:Travel or Motor Vehicle	127 800	127 800	-	45 000	-	20 000	45 000	-	25 000	60 762	45 000	15 762	47 038	45 000	2 038	127 800	180 000	52 200	
	IE0050010020010050050000000000000000	Allowance:Travel or Motor Vehicle	255 600	255 600	-	-	-	40 000	-	40 000	128 900	283	128 617	86 700	-	86 700	255 600	283	255 317		
	IE0050010020010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010040010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010070010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010090010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010100010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010101001005005000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010140010050070000000000000000	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050010170010050050000000000000000	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0050020010050010000000000000000000	Allowances:Accommodation, Travel and Incidental	35 784	35 784	7 317	18 468	-	11 151	7 738	6 717	1 021	8 709	8 825	-	116	12 020	10 716	1 304	35 784	44 727	8 943
	IE0050020010050060000000000000000000	Allowances:Travel or Motor Vehicle	10 840 999	10 840 999	2 451 818	2 141 974	309 844	2 378 162	2 218 096	160 066	2 196 291	2 206 398	-	10 107	3 814 728	2 202 525	1 612 203	10 840 999	8 768 993	2 072 006	
	IE0080010010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	180 000	-	45 000	-	45 000	-	45 000	45 000	45 000	-	135 000	45 000	90 000	180 000	180 000	180 000	-	
	IE0080020010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	IE0080030010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	180 000	-	45 000	-	45 000	-	45 000	45 000	45 000	-	135 000	45 000	90 000	180 000	180 000	180 000	-	
	IE0080040010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	-	-	-	-	-	-	-	-	-	-	-	2 578	-	2 578	-	2 578	-	2 578
	IE0080050010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	179 743	-	53 775	-	53 775	-	41 989	-	41 989	41 988	-	1	137 755	41 989	95 766	179 743	179 743	0
	IE0080060010030000000000000000000000	Allowances and Service Related Benefits:Travelling	-	180 368	-	104 579	-	104 579	-	105 291	-	83 529	-	83 529	180 368	89 889	90 479	180 368	383 288	-	202 920
	IE0100390000000000000000000000000000	Travel Agency and Visa's	146 000	80 000	24 999	22 817	2 182	11 997	-	11 997	19 998	-	19 998	23 006	400	22 606	80 000	23 217	56 783		
	IE0100570010010000000000000000000000	Travel and Subsistence:Domestic:Accommodation	345 036	400 361	13 000	18 674	-	5 674	54 148	48 862	5 286	108 208	41 161	67 047	225 005	30 836	194 169	400 361	139 533	260 828	
	IE0100570010020000000000000000000000	Travel and Subsistence:Domestic:Daily Allowance	108 404	133 404	3 998	12 936	-	8 938	25 894	18 804	7 090	34 397	15 188	19 209	69 115	6 862	62 253	133 404	53 790	79 614	
	IE0100570010030000000000000000000000	Travel and Subsistence:Domestic:Food and Beverage (Served)	277 871	357 871	-	337	-	337	56 692	55 146	1 546	130 531	70 977	59 554	170 648	64 423	106 225	357 871	190 883	166 988	
	IE0100570010040000000000000000000000	Travel and Subsistence:Domestic:Incidental Cost	90 995	93 751	10 500	460	10 040	14 289	-	14 289	25 882	298	25 584	43 080	2 511	40 569	93 751	3 269	90 482		
IE0100570010050010000000000000000000	Travel and Subsistence:Domestic:Transport without Operator:Car Rental	33 951	42 195	750	-	750	4 000	551	3 449	11 390	4 025	7 365	26 055	0	26 055	42 195	4 576	37 619			
IE0100570010060010000000000000000000	Travel and Subsistence:Domestic:Transport with Operator:Other Transport Provider	304 450	44 450	2 750	-	2 750	7 000	-	7 000	44 488	684	43 804	-	9 788	-	9 788	44 450	684	43 766		
IE0100570010060020010000000000000000	Travel and Subsistence:Domestic:Transport with Operator:Public Transport:Air Transport	317 180	451 780	50 996	7 937	43 059	64 240	65 716	-	1 476	117 074	20 457	96 617	219 470	9 100	210 370	451 780	103 211	348 569		

Item for report	Item longcode	Description	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	Quarter 2		Saving/ (Overspendi ng)	Quarter 3		Saving/ (Overspendi ng)	Quarter 4		Saving/ (Overspendi ng)	YTD		Saving/ (Overspendi ng)
					Budget	Actual		Budget	Actual		Budget	Actual		Budget	Actual		Total YTD Budget	Total YTD Actual	
Sponsorships, events and catering	IE00300301000000000000000000000000	Contractors:Catering Services	1 202 678	1 294 693	2 550	286 488	- 283 938	321 148	261 880	59 268	294 257	106 800	187 457	676 738	256 282	420 456	1 294 693	911 451	383 242
	IE00300100600000000000000000000000	Outsourced Services:Catering Services	32 080	32 080	5 000	-	5 000	5 000	11 941	- 6 941	11 000	-	11 000	11 080	3 047	8 033	32 080	14 989	17 091
	IE01000200500000000000000000000000	Advertising, Publicity and Marketing:Gifts and Pro	31 597	31 597	-	-	-	-	-	-	8 000	-	8 000	23 597	875	22 722	31 597	875	30 722
	IE00300301400000000000000000000000	Contractors:Event Promoters	100 000	2 000 000	-	-	-	1 900 000	1 637 660	262 340	25 000	435	24 565	75 000	-	75 000	2 000 000	1 638 094	361 906
Communication	IE01001500100000000000000000000000	Communication:Cellular Contract (Subscription and	4 355 517	3 220 696	1 003 876	386 583	617 293	1 014 078	619 767	394 311	1 007 381	872 130	135 251	195 361	459 540	- 264 179	3 220 696	2 338 020	882 676
	IE01001500200000000000000000000000	Communication:Licences (Radio and Television)	100 000	100 000	-	-	-	20 000	-	20 000	20 000	-	20 000	60 000	-	60 000	100 000	-	100 000
	IE01001500400000000000000000000000	Communication:Radio and TV Transmissions	2 581 000	3 299 000	213 575	488 420	- 274 845	613 356	475 858	137 498	1 403 580	1 071 082	332 498	1 068 489	855 792	212 697	3 299 000	2 891 152	407 848
	IE01001500300000000000000000000000	Communication:Postage/Stamps/Franking Machines	2 646 000	1 675 000	405 801	176 018	229 783	456 014	346 762	109 252	479 096	274 420	204 676	334 089	454 394	- 120 305	1 675 000	1 251 594	423 406
	IE01001500700000000000000000000000	Communication:SMS Bulk Message Service	264 000	264 000	-	7 511	- 7 511	24 029	21 040	2 989	37 663	31 798	5 865	202 308	13 212	189 096	264 000	73 562	190 438
	IE01001500900000000000000000000000	Communication:Telemetric Systems	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE00500200100050030000000000000000	Allowances:Cellular and Telephone	2 464 965	2 464 965	603 201	498 909	104 292	590 608	508 155	82 453	477 341	610 572	- 133 231	793 815	533 491	260 324	2 464 965	2 151 127	313 838
	IE01001500800000000000000000000000	Communication:Telephone, Fax, Telegraph and Telex	4 689 794	4 709 594	1 138 728	554 962	583 766	1 170 795	855 340	315 455	1 184 885	759 388	425 497	1 215 186	740 334	474 853	4 709 594	2 910 024	1 799 570
Other related expenditure items	IE01002300300000000000000000000000	Entertainment:Senior Management	40 000	5 500	3 198	-	3 198	- 450	-	450	1 374	-	1 374	1 378	-	1 378	5 500	-	5 500
	IE01002300200000000000000000000000	Entertainment:Total for All Other Councillors	104 000	52 000	26 000	-	26 000	26 000	-	26 000	26 000	-	26 000	26 000	-	26 000	52 000	-	52 000
	IE01002300100000000000000000000000	Entertainment:Executive Mayor	249 600	49 600	62 400	2 749	59 651	62 400	2 525	59 875	62 400	840	61 560	137 600	1 266	138 866	49 600	7 380	42 220
	IE01002300400000000000000000000000	Entertainment:Deputy Executive Mayor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE01002300500000000000000000000000	Entertainment:Speaker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE01002300600000000000000000000000	Entertainment:Chief Whip	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE01002300700000000000000000000000	Entertainment:Executive Committee	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE01002300800000000000000000000000	Entertainment:Section 79 committee chairperson	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	IE0050020010005009012002000000000000	Overtime:Non Structured	47 382 530	35 382 530	11 919 067	8 382 951	3 536 116	11 875 371	9 312 481	2 562 890	8 713 144	9 992 214	- 1 279 070	2 874 948	11 254 810	- 8 379 862	35 382 530	38 942 456	- 3 559 926
	IE0050020010005009012004000000000000	Overtime:Shift Additional Remuneration	5 398 676	4 098 676	1 349 670	1 093 117	256 553	1 349 670	1 074 954	274 716	1 035 140	1 054 661	- 19 521	364 196	1 101 011	- 736 815	4 098 676	4 323 743	- 225 067
IE0050020010005009012003000000000000	Overtime:Structured	2 398 699	2 398 699	599 676	617 223	- 17 547	599 676	611 436	- 11 760	599 676	868 179	- 268 503	599 671	891 162	- 291 491	2 398 699	2 988 000	- 589 301	
Grand Total			126 072 438	116 838 729	24 690 414	22 757 501	1 932 913	29 022 313	19 941 816	9 080 497	27 581 445	23 015 329	4 566 116	35 544 557	27 386 234	8 158 323	116 838 729	93 100 880	23 737 849

Table C2: Monthly Budget Statement – Financial Performance (standard classification)

WC024 Stellenbosch - Table C2 Monthly Budget Statement - Financial Performance (functional classification) - Q4 Fourth Quarter

Description	Ref	Budget Year 2022/23								
		2021/22 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands	1									
Revenue - Functional										
<i>Governance and administration</i>		517 935	546 657	560 987	38 268	584 428	560 987	23 441	4%	560 987
Executive and council		306	771	841	69	624	841	(217)	-26%	841
Finance and administration		517 629	545 886	559 597	38 199	583 236	559 597	23 639	4%	559 597
Internal audit		-	-	550	-	569	550	19	3%	550
<i>Community and public safety</i>		186 577	180 572	171 810	18 755	198 031	171 810	26 221	15%	171 810
Community and social services		16 503	18 285	20 731	4 243	21 821	20 731	1 090	5%	20 731
Sport and recreation		3 923	1 564	1 293	82	852	1 293	(441)	-34%	1 293
Public safety		142 966	148 586	139 226	13 249	164 894	139 226	25 668	18%	139 226
Housing		23 185	12 136	10 561	1 180	10 464	10 561	(97)	-1%	10 561
Health		-	-	-	-	-	-	-	-	-
<i>Economic and environmental services</i>		106 498	145 034	107 854	15 750	102 595	107 854	(5 259)	-5%	107 854
Planning and development		45 354	142 206	100 578	14 238	90 642	100 578	(9 936)	-10%	100 578
Road transport		60 826	1 503	5 931	1 575	10 833	5 931	4 902	83%	5 931
Environmental protection		318	1 325	1 345	(64)	1 121	1 345	(224)	-17%	1 345
<i>Trading services</i>		1 231 552	1 384 432	1 369 047	88 899	1 303 426	1 369 047	(65 621)	-5%	1 369 047
Energy sources		808 428	920 200	896 524	77 537	846 758	896 524	(49 766)	-6%	896 524
Water management		159 914	181 107	186 866	(5 515)	176 517	186 866	(10 349)	-6%	186 866
Waste water management		143 732	149 836	151 401	9 165	149 217	151 401	(2 184)	-1%	151 401
Waste management		119 478	133 289	134 256	7 712	130 933	134 256	(3 323)	-2%	134 256
<i>Other</i>	4	103	118	-	-	-	-	-	-	-
Total Revenue - Functional	2	2 042 665	2 256 812	2 209 698	161 671	2 188 480	2 209 698	(21 218)	-1%	2 209 698
Expenditure - Functional										
<i>Governance and administration</i>		295 455	332 785	333 619	13 339	261 148	333 619	(72 471)	-22%	333 619
Executive and council		48 869	33 555	42 150	2 725	33 330	42 150	(8 821)	-21%	42 150
Finance and administration		237 147	285 492	277 447	9 923	214 211	277 447	(63 236)	-23%	277 447
Internal audit		9 439	13 738	14 022	692	13 608	14 022	(414)	-3%	14 022
<i>Community and public safety</i>		384 641	415 276	440 137	29 526	357 945	440 137	(82 192)	-19%	440 137
Community and social services		37 910	52 304	52 139	3 695	40 479	52 139	(11 660)	-22%	52 139
Sport and recreation		62 084	65 531	71 610	4 624	55 938	71 610	(15 672)	-22%	71 610
Public safety		261 566	264 286	280 112	19 592	226 885	280 112	(53 227)	-19%	280 112
Housing		23 082	33 155	36 277	1 615	34 643	36 277	(1 633)	-5%	36 277
Health		-	-	-	-	-	-	-	-	-
<i>Economic and environmental services</i>		187 788	212 066	212 892	15 130	153 492	212 892	(59 400)	-28%	212 892
Planning and development		75 647	80 010	83 579	5 465	73 303	83 579	(10 277)	-12%	83 579
Road transport		96 266	107 911	107 918	8 554	63 469	107 918	(44 450)	-41%	107 918
Environmental protection		15 875	24 146	21 395	1 110	16 721	21 395	(4 674)	-22%	21 395
<i>Trading services</i>		1 057 487	1 141 937	1 133 016	93 795	984 639	1 133 016	(148 377)	-13%	1 133 016
Energy sources		636 422	678 534	666 510	51 632	582 258	666 510	(84 253)	-13%	666 510
Water management		135 897	132 424	144 891	17 135	131 118	144 891	(13 772)	-10%	144 891
Waste water management		154 682	199 471	179 807	15 407	160 957	179 807	(18 849)	-10%	179 807
Waste management		130 487	131 508	141 808	9 622	110 306	141 808	(31 502)	-22%	141 808
<i>Other</i>		-	-	-	-	-	-	-	-	-
Total Expenditure - Functional	3	1 925 371	2 102 065	2 119 665	151 791	1 757 224	2 119 665	(362 440)	-17%	2 119 665
Surplus/ (Deficit) for the year		117 294	154 747	90 034	9 880	431 256	90 034	341 222	379%	90 034

Table C2: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure in the standard classifications which are the Government Finance Statistics Functions and Sub-functions. The main functions are Governance and Administration; Community and public safety; Economic and environmental services; and Trading services.

Table C3: Monthly Budget Statement – Financial Performance (revenue & expenditure by municipal vote)

WC024 Stellenbosch - Table C3 Monthly Budget Statement - Financial Performance (revenue and expenditure by municipal vote) - Q4 Fourth Quarter

Vote Description	Ref	Budget Year 2022/23								
		2021/22 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
Revenue by Vote	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	550	-	569	550	19	3,4%	550
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		21 461	22 399	20 612	2 873	20 648	20 612	36	0,2%	20 612
Vote 3 - INFRASTRUCTURE SERVICES		1 243 025	1 517 037	1 463 618	102 761	1 392 413	1 463 618	(71 205)	-4,9%	1 463 618
Vote 4 - COMMUNITY AND PROTECTION SERVICES		172 150	170 719	164 481	17 769	190 991	164 481	26 510	16,1%	164 481
Vote 5 - CORPORATE SERVICES		5 787	11 657	9 691	925	10 523	9 691	832	8,6%	9 691
Vote 6 - FINANCIAL SERVICES		508 718	535 000	550 746	37 343	573 337	550 746	22 590	4,1%	550 746
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-
Total Revenue by Vote	2	1 951 141	2 256 812	2 209 698	161 671	2 188 480	2 209 698	(21 218)	-1,0%	2 209 698
Expenditure by Vote	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		21 333	27 432	26 016	1 584	24 547	26 016	(1 469)	-5,6%	26 016
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		73 815	87 865	85 666	5 131	82 893	85 666	(2 773)	-3,2%	85 666
Vote 3 - INFRASTRUCTURE SERVICES		1 170 389	1 258 869	1 258 387	105 870	1 095 840	1 258 387	(162 547)	-12,9%	1 258 387
Vote 4 - COMMUNITY AND PROTECTION SERVICES		383 219	419 003	435 402	25 655	302 876	435 402	(132 527)	-30,4%	435 402
Vote 5 - CORPORATE SERVICES		183 423	210 683	220 760	5 782	159 855	220 760	(60 905)	-27,6%	220 760
Vote 6 - FINANCIAL SERVICES		93 193	98 213	93 433	7 769	91 214	93 433	(2 220)	-2,4%	93 433
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-
Total Expenditure by Vote	2	1 925 371	2 102 065	2 119 665	151 791	1 757 224	2 119 665	(362 440)	-17,1%	2 119 665
Surplus/ (Deficit) for the year	2	25 770	154 747	90 034	9 880	431 256	90 034	341 222	379,0%	90 034

Table C3: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure by municipal vote. The municipal directorates are Municipal Manager; Planning Development; Infrastructure Services; Community and Protection Services; Corporate Services; and Financial Services. The operating expenditure budget is approved by Council on the municipal vote level.

Table C4: Monthly Budget Statement – Financial Performance (revenue & expenditure)

WC024 Stellenbosch - Table C4 Monthly Budget Statement - Financial Performance (revenue and expenditure) - Q4 Fourth Quarter

Description	Ref	2021/22	Budget Year 2022/23							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
Revenue By Source										
Property rates		421 969	438 941	438 941	31 233	452 019	438 941	13 078	3%	438 941
Service charges - electricity revenue		756 431	846 763	812 308	60 131	776 866	812 308	(35 442)	-4%	812 308
Service charges - water revenue		146 830	176 783	176 783	(6 534)	163 890	176 783	(12 892)	-7%	176 783
Service charges - sanitation revenue		102 285	109 134	109 134	8 508	105 155	109 134	(3 979)	-4%	109 134
Service charges - refuse revenue		84 652	94 971	94 971	7 058	89 868	94 971	(5 103)	-5%	94 971
Rental of facilities and equipment		12 173	15 538	10 099	679	11 223	10 099	1 124	11%	10 099
Interest earned - external investments		18 770	20 397	35 417	4 049	42 250	35 417	6 833	19%	35 417
Interest earned - outstanding debtors		12 859	11 391	18 339	1 960	19 766	18 339	1 428	8%	18 339
Dividends received		-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		122 933	124 955	124 955	12 064	149 951	124 955	24 996	20%	124 955
Licences and permits		7 809	5 934	7 483	702	8 408	7 483	925	12%	7 483
Agency services		3 020	4 281	3 192	281	3 438	3 192	247	8%	3 192
Transfers and subsidies		196 208	213 380	224 854	6 267	203 745	224 854	(21 109)	-9%	224 854
Other revenue		33 089	41 313	33 478	11 254	67 956	33 478	34 478	103%	33 478
Gains		394	-	-	85	220	-	220	#DIV/0!	-
Total Revenue (excluding capital transfers and contributions)		1 919 424	2 103 783	2 089 954	137 738	2 094 756	2 089 954	4 802	0%	2 089 954
Expenditure By Type										
Employee related costs		549 798	624 464	588 768	44 446	542 422	588 768	(46 346)	-8%	588 768
Remuneration of councillors		19 815	21 062	20 846	1 753	21 758	20 846	912	4%	20 846
Debt impairment		84 985	97 842	101 342	(26)	8 966	101 342	(92 376)	-91%	101 342
Depreciation & asset impairment		213 746	213 118	214 993	17 575	245 802	214 993	30 809	14%	214 993
Finance charges		44 332	67 799	68 069	22 655	46 712	68 069	(21 357)	-31%	68 069
Bulk purchases - electricity		528 012	551 412	543 925	36 836	457 075	543 925	(86 850)	-16%	543 925
Inventory consumed		76 038	83 382	97 080	9 841	82 442	97 080	(14 638)	-15%	97 080
Contracted services		208 232	269 226	283 927	26 410	201 117	283 927	(82 810)	-29%	283 927
Transfers and subsidies		13 364	14 355	19 730	1 113	17 369	19 730	(2 361)	-12%	19 730
Other expenditure		186 462	159 403	180 984	(10 489)	131 365	180 984	(49 619)	-27%	180 984
Losses		587	-	-	1 678	2 195	-	2 195	#DIV/0!	-
Total Expenditure		1 925 371	2 102 065	2 119 665	151 791	1 757 224	2 119 665	(362 440)	-17%	2 119 665
Surplus/(Deficit)										
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		(5 948)	1 718	(29 711)	(14 053)	337 531	(29 711)	367 242	(0)	(29 711)
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educational Institutions)		92 495	120 030	119 744	23 933	93 724	119 744	(26 020)	(0)	119 744
Transfers and subsidies - capital (in-kind - all)		30 696	33 000	-	-	0	-	0	#DIV/0!	-
		50	-	-	-	-	-	-	-	-
Surplus/(Deficit) after capital transfers & contributions		117 294	154 747	90 034	9 880	431 256	90 034			90 034
Taxation		-	-	-	-	-	-	-	-	-
Surplus/(Deficit) after taxation		117 294	154 747	90 034	9 880	431 256	90 034			90 034
Attributable to minorities		-	-	-	-	-	-	-	-	-
Surplus/(Deficit) attributable to municipality		117 294	154 747	90 034	9 880	431 256	90 034			90 034
Share of surplus/ (deficit) of associate		-	-	-	-	-	-	-	-	-
Surplus/ (Deficit) for the year		117 294	154 747	90 034	9 880	431 256	90 034			90 034

Table C5: Monthly Budget Statement – Capital Expenditure

WC024 Stellenbosch - Table C5 Monthly Budget Statement - Capital Expenditure (municipal vote, functional classification and funding) - Q4 Fourth Quarter

Vote Description	Ref	2021/22	Budget Year 2022/23							Full Year Forecast
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	
R thousands										
Multi-Year expenditure appropriation										
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER	1	43	40	40	-	39	40	(1)	-1%	40
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		1 979	15 185	12 092	2 194	11 161	12 092	(931)	-8%	12 092
Vote 3 - INFRASTRUCTURE SERVICES		98 135	324 747	296 634	59 683	237 815	296 634	(58 819)	-20%	296 634
Vote 4 - COMMUNITY AND PROTECTION SERVICES		(4 638)	25 221	23 134	2 865	10 538	23 134	(12 596)	-54%	23 134
Vote 5 - CORPORATE SERVICES		10 572	36 700	36 152	2 181	28 113	36 152	(8 039)	-22%	36 152
Vote 6 - FINANCIAL SERVICES		-	250	1 877	197	406	1 877	(1 471)	-78%	1 877
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-
Total Capital Multi-year expenditure	4,7	106 089	402 143	369 928	67 120	288 072	369 928	(81 856)	-22%	369 928
Single Year expenditure appropriation										
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER	2	-	-	-	-	-	-	-	-	-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		(12 852)	-	574	265	524	574	(49)	-9%	574
Vote 3 - INFRASTRUCTURE SERVICES		183 936	300	10	2 190	429	10	419	4194%	10
Vote 4 - COMMUNITY AND PROTECTION SERVICES		49 677	1 630	6 641	410	1 200	6 641	(5 441)	-82%	6 641
Vote 5 - CORPORATE SERVICES		12 939	5 200	1 557	23	569	1 557	(988)	-63%	1 557
Vote 6 - FINANCIAL SERVICES		381	-	-	-	-	-	-	-	-
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-
Total Capital single-year expenditure	4	234 080	7 130	8 781	2 889	2 722	8 781	(6 059)	-69%	8 781
Total Capital Expenditure	3	340 170	409 273	378 709	70 009	290 794	378 709	(87 915)	-23%	378 709
Capital Expenditure - Functional Classification										
Governance and administration		23 934	42 190	39 625	2 402	29 127	39 625	(10 498)	-26%	39 625
Executive and council		43	40	40	-	39	40	(1)	-1%	40
Finance and administration		23 892	42 150	39 585	2 402	29 088	39 585	(10 498)	-27%	39 585
Internal audit		-	-	-	-	-	-	-	-	-
Community and public safety		45 072	34 292	28 553	4 157	13 668	28 553	(14 885)	-52%	28 553
Community and social services		2 259	8 880	8 193	695	2 104	8 193	(6 089)	-74%	8 193
Sport and recreation		39 350	6 677	8 068	1 693	3 258	8 068	(4 810)	-60%	8 068
Public safety		16 388	3 550	5 222	413	1 544	5 222	(3 678)	-70%	5 222
Housing		(12 925)	15 185	7 070	1 355	6 762	7 070	(308)	-4%	7 070
Health		-	-	-	-	-	-	-	-	-
Economic and environmental services		93 898	93 005	84 915	17 476	74 074	84 915	(10 841)	-13%	84 915
Planning and development		35 592	21 350	16 466	2 716	13 953	16 466	(2 513)	-15%	16 466
Road transport		71 783	64 135	60 356	14 342	55 433	60 356	(4 924)	-8%	60 356
Environmental protection		(13 478)	7 520	8 093	418	4 688	8 093	(3 404)	-42%	8 093
Trading services		177 266	239 786	225 616	45 975	173 925	225 616	(51 691)	-23%	225 616
Energy sources		65 135	77 471	88 513	25 133	57 267	88 513	(31 247)	-35%	88 513
Water management		38 226	46 669	82 858	15 149	72 067	82 858	(10 791)	-13%	82 858
Waste water management		67 777	57 300	43 409	2 809	38 443	43 409	(4 967)	-11%	43 409
Waste management		6 128	58 345	10 836	2 883	6 149	10 836	(4 687)	-43%	10 836
Other		-	-	-	-	-	-	-	-	-
Total Capital Expenditure - Functional Classification	3	340 170	409 273	378 709	70 009	290 794	378 709	(87 915)	-23%	378 709
Funded by:										
National Government		66 852	90 810	99 192	24 763	87 217	99 192	(11 975)	-12%	99 192
Provincial Government		25 643	29 220	20 553	1 105	8 443	20 553	(12 110)	-59%	20 553
District Municipality		-	-	-	-	-	-	-	-	-
Other transfers and grants		2 378	12 454	20 883	4 004	15 752	20 883	(5 130)	-25%	20 883
Transfers recognised - capital		94 873	132 483	140 627	29 872	111 411	140 627	(29 216)	-21%	140 627
Public contributions & donations	5	-	-	-	-	-	-	-	-	-
Borrowing	6	128 766	140 000	94 368	14 474	75 318	94 368	(19 051)	-20%	94 368
Internally generated funds		116 481	136 790	143 714	25 663	104 065	143 714	(39 649)	-28%	143 714
Total Capital Funding		340 120	409 273	378 709	70 009	290 794	378 709	(87 915)	-23%	378 709

Table C5: Monthly Budget Statement – Capital Expenditure consists of three sections:
Appropriations by vote; Standard classification and funding portion.

Table C6: Monthly Budget Statement – Financial Position

WC024 Stellenbosch - Table C6 Monthly Budget Statement - Financial Position - Q4 Fourth Quarter

Description	Ref	2021/22	Budget Year 2022/23			
		Audited Outcome	Original Budget	Adjusted Budget	YearTD actual	Full Year Forecast
R thousands	1					
ASSETS						
Current assets						
Cash		96 106	60 819	58 303	104 419	58 303
Call investment deposits		347 294	188 689	377 148	429 499	377 148
Consumer debtors		188 142	248 872	226 702	268 112	226 702
Other debtors		881 557	103 499	96 265	1 140 162	96 265
Current portion of long-term receivables		-	-	-	-	-
Inventory		29 030	42 467	26 906	39 135	26 906
Total current assets		1 542 129	644 346	785 325	1 981 327	785 325
Non current assets						
Long-term receivables		6 721	-	6 721	6 666	6 721
Investments		-	-	-	-	-
Investment property		411 892	415 362	416 722	416 487	416 722
Investments in Associate		-	-	-	-	-
Property, plant and equipment		5 562 988	5 835 067	5 721 220	5 577 783	5 721 220
Agricultural		-	-	-	-	-
Biological assets		5 143	6 571	5 431	5 143	5 431
Intangible assets		7 067	6 480	5 707	5 892	5 707
Other non-current assets		1 037	10 865	3 015	1 389	3 015
Total non current assets		5 994 848	6 274 346	6 158 816	6 013 359	6 158 816
TOTAL ASSETS		7 536 976	6 918 692	6 944 140	7 994 686	6 944 140
LIABILITIES						
Current liabilities						
Bank overdraft		-	-	-	-	-
Borrowing		51 902	50 847	55 632	5 871	55 632
Consumer deposits		22 155	22 961	22 755	23 713	22 755
Trade and other payables		1 090 054	137 777	283 637	1 111 345	283 637
Provisions		62 708	128 332	98 353	43 218	98 353
Total current liabilities		1 226 819	339 918	460 377	1 184 147	460 377
Non current liabilities						
Borrowing		428 952	524 045	518 105	498 197	518 105
Provisions		361 756	353 295	371 254	366 554	371 254
Total non current liabilities		790 708	877 341	889 359	864 751	889 359
TOTAL LIABILITIES		2 017 528	1 217 259	1 349 736	2 048 898	1 349 736
NET ASSETS	2	5 519 449	5 701 434	5 594 405	5 945 787	5 594 405
COMMUNITY WEALTH/EQUITY						
Accumulated Surplus/(Deficit)		5 347 562	5 676 719	5 555 308	5 347 562	5 555 308
Reserves		171 887	24 715	39 097	171 887	39 097
TOTAL COMMUNITY WEALTH/EQUITY	2	5 519 449	5 701 434	5 594 405	5 519 449	5 594 405

Table C7: Monthly Budget Statement – Cash Flow

WC024 Stellenbosch - Table C7 Monthly Budget Statement - Cash Flow - Q4 Fourth Quarter

Description	Ref	Budget Year 2022/23								
		2021/22 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands	1									
CASH FLOW FROM OPERATING ACTIVITIES										
Receipts										
Property rates		1 452 016	421 433	416 368	165 767	1 249 264	416 368	832 897	200%	416 368
Service charges		733 711	1 339 862	1 361 417	66 308	920 983	1 361 417	(440 434)	-32%	1 361 417
Other revenue		11 634	354 937	119 830	7 289	43 508	119 830	(76 322)	-64%	119 830
Transfers and Subsidies - Operational		4 199	241 730	256 503	0	1 235	256 503	(255 269)	-100%	256 503
Transfers and Subsidies - Capital		40 179	124 900	75 075	-	52	75 075	(75 023)	-100%	75 075
Interest		2 318	20 397	35 417	557	5 423	35 417	(29 994)	-85%	35 417
Dividends		-	-	-	-	-	-	-		-
Payments										
Suppliers and employees		(970 715)	(2 483 177)	(2 291 715)	(43 378)	(363 763)	(2 291 715)	(1 927 952)	84%	(2 291 715)
Finance charges		-	(66 796)	(54 839)	-	-	(54 839)	(54 839)	100%	(54 839)
Transfers and Grants		(1 950)	(14 355)	(14 675)	-	-	(14 675)	(14 675)	100%	(14 675)
NET CASH FROM/(USED) OPERATING ACTIVITIES		1 271 392	(61 070)	(96 619)	196 543	1 856 702	(96 619)	(1 953 321)	2022%	(96 619)
CASH FLOWS FROM INVESTING ACTIVITIES										
Receipts										
Proceeds on disposal of PPE		-	-	-	-	-	-	-		-
Decrease (increase) in non-current receivables		(1 160)	-	-	-	(55)	-	(55)	0%	-
Decrease (increase) in non-current investments		-	-	-	-	-	-	-		-
Payments										
Capital assets		38 626	-	-	4 047	9 089	814 225	805 136	99%	814 225
NET CASH FROM/(USED) INVESTING ACTIVITIES		37 466	-	-	4 047	9 034	814 225	805 190	99%	814 225
CASH FLOWS FROM FINANCING ACTIVITIES										
Receipts										
Short term loans		-	-	-	-	-	-	-		-
Borrowing long term/refinancing		(144 000)	140 000	140 000	-	-	140 000	(140 000)	-100%	140 000
Increase (decrease) in consumer deposits		1 147	-	-	551	1 558	-	1 558	0%	-
Payments										
Repayment of borrowing		(34 221)	(47 117)	(47 117)	(23 668)	(46 031)	(47 117)	(1 086)	2%	(47 117)
NET CASH FROM/(USED) FINANCING ACTIVITIES		(177 074)	92 883	92 883	(23 117)	(44 472)	92 883	137 355	148%	92 883
NET INCREASE/ (DECREASE) IN CASH HELD		1 131 785	31 813	(3 736)	177 473	1 821 264	810 488			810 488
Cash/cash equivalents at beginning:		334 083	217 695	443 400		886 800	443 400			886 800
Cash/cash equivalents at month/year end:		1 465 868	249 508	439 664		2 708 065	1 253 889			1 697 289

Investments and Borrowings

Supporting Table SC5: Monthly Budget Statement – Investment Portfolio

WC024 Stellenbosch - Supporting Table SC5 Monthly Budget Statement - investment portfolio - Q4 Fourth Quarter

Investments by maturity Name of institution & investment ID	Ref	Period of Investment	Type of Investment	Expiry date of investment	Accrued interest for the month	Yield for the month 1 (%)	Market value at beginning of the month	Change in market value	Market value at end of the month
		Yrs/Months							
R thousands									
Municipality									
A#9415		CALL ACCOUN	Deposits - Bank (03)	12/10/2022	710	8,40%	97 022	-	97 732
N#024		1Y	Deposits - Bank (03)	12/10/2022	-	5,80%	-	-	-
A#5300		5M	Deposits - Bank (03)	19/08/2022	-	5,58%	-	-	-
N#025		6M	Deposits - Bank (03)	22/09/2022	-	6,10%	-	-	-
N#026		1Y	Deposits - Bank (03)	21/06/2023	83	7,95%	20 494	(20 577)	(0)
S#035		1Y	Deposits - Bank (03)	21/06/2023	307	7,73%	86 884	(87 191)	(0)
S#036		1Y	Deposits - Bank (03)	23/08/2023	-	6,53%	-	-	-
A#2148		6M	Deposits - Bank (03)	15/02/2023	-	7,49%	-	-	-
A#0884		6M	Deposits - Bank (03)	14/04/2023	-	7,90%	-	-	-
N#028		1Y	Deposits - Bank (03)	13/10/2023	744	9,05%	105 728	-	106 471
S#037		2M	Deposits - Bank (03)	11/01/2023	-	7,30%	-	-	-
S#038		3M	Deposits - Bank (03)	17/04/2023	-	8,43%	-	-	-
N#030		1Y	Deposits - Bank (03)	15/03/2024	784	9,54%	102 013	-	102 797
A#3316		4M	Deposits - Bank (03)	16/07/2023	351	8,55%	50 902	-	51 253
A#0741		3M	Deposits - Bank (03)	19/07/2023	512	8,55%	70 734	-	71 246
					-		-	-	-
Municipality sub-total					3 491		533 776	(107 768)	429 499
TOTAL INVESTMENTS AND INTEREST	2				3 491		533 776	(107 768)	429 499

Supporting Table SC6: Monthly Budget Statement – Transfers and grant receipts

WC024 Stellenbosch - Supporting Table SC6 Monthly Budget Statement - transfers and grant receipts - Q4 Fourth Quarter

Description	Ref	2021/22		Budget Year 2022/23						
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
RECEIPTS:	1,2									
Operating Transfers and Grants										
National Government:		164 684	186 112	186 112	-	186 112	6 478	179 634	2773,0%	6 478
Operational Revenue:General Revenue:Equitable Share		157 136	179 634	179 634	-	179 634	-	179 634	#DIV/0!	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		5 998	4 928	4 928	-	4 928	4 928	-	-	4 928
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	1 550	-	1 550	1 550	-	-	1 550
Integrated Urban Development Grant		3 847	3 287	3 287	-	-	3 287	(3 287)	-100,0%	3 287
Provincial Government:		26 899	23 481	33 639	-	23 339	33 639	(10 300)	-30,6%	33 339
Library Services: Conditional Grant		11 144	14 112	14 112	-	14 112	14 112	-	-	14 112
Municipal Accreditation and Capacity Building Grant		252	256	256	-	256	256	-	-	256
HUMAN SETTLEMENTS DEVELOPMENT GRANT		9 613	6 890	16 748	-	6 954	16 748	(9 794)	-58,5%	-
Local Government Public Employment Support Grant		1 800	-	-	-	-	-	-	-	-
WC Financial Management Support Grant		550	-	-	-	-	-	-	-	-
Maintenance and Construction of Transport Infrastructure		-	495	495	-	495	495	-	-	495
Financial Management Capacity Building Grant		250	-	-	-	-	-	-	-	-
Financial Management Capability Building Grant		-	-	300	-	300	300	-	-	-
Community Development Workers Operational Support Grant		38	38	38	-	38	38	-	-	38
Specify (Add grant description)		-	-	-	-	-	-	-	-	-
Municipal Library Support Grant		3 252	-	-	-	-	-	-	-	-
Western Cape Municipal Energy Resilience Grant (WC MER Grant)		-	1 690	1 690	-	1 184	1 690	(506)	-29,9%	1 690
District Municipality:		984	500	615	-	615	915	(300)	-32,8%	915
Cape Winelands District Grant 2		984	500	500	-	500	500	-	-	500
Cape Winelands District Grant Community safety		-	-	115	-	115	415	(300)	-72,3%	415
Other grant providers:		675	-	-	16	2 292	-	2 292	#DIV/0!	-
Private Enterprises		656	-	-	16	2 292	-	2 292	#DIV/0!	-
Public Corporations		18	-	-	-	-	-	-	-	-
Total Operating Transfers and Grants	5	193 242	210 093	220 366	16	212 358	41 032	171 326	417,5%	40 732
Capital Transfers and Grants										
National Government:		76 494	90 810	90 810	-	94 097	90 810	3 287	3,6%	90 810
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		23 400	28 350	28 350	-	28 350	28 350	-	-	28 350
Integrated Urban Development Grant		53 094	62 460	62 460	-	65 747	62 460	3 287	5,3%	62 460
Provincial Government:		17 162	29 440	12 615	-	10 675	12 615	(1 940)	-15,4%	12 615
Library Services: Conditional Grant		100	-	-	-	-	-	-	-	-
EMERGENCY MUNICIPAL LOAD SHEDDING RELIEF GRANT		-	-	6 175	-	6 175	6 175	-	-	6 175
RSEPI/ VPUU		1 000	-	-	-	-	-	-	-	-
Development of Sport and Recreational Facilities		-	-	-	-	-	-	-	-	-
Human Settlements Development Grant		7 078	8 150	1 500	-	-	1 500	(1 500)	-100,0%	1 500
Western Cape Municipal Energy Resilience Grant (WC MER Grant)		1 310	440	440	-	-	440	(440)	-100,0%	440
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		-	20 850	4 500	-	4 500	4 500	-	-	4 500
Specify (Add grant description)		7 674	-	-	-	-	-	-	-	-
District Municipality:		-	-	-	-	-	-	-	-	-
Specify (Add grant description)		-	-	-	-	-	-	-	-	-
Other grant providers:		-	-	-	-	1	-	1	#DIV/0!	-
Departmental Agencies and Accounts		-	-	-	-	1	-	1	#DIV/0!	-
Total Capital Transfers and Grants	5	93 656	120 250	103 425	-	104 773	103 425	1 348	1,3%	103 425
TOTAL RECEIPTS OF TRANSFERS & GRANTS	5	286 898	330 343	323 791	16	317 131	144 457	172 674	119,5%	144 157

Supporting Table SC7 (1) Monthly Budget Statement – transfers and grant expenditure

WC024 Stellenbosch - Supporting Table SC7(1) Monthly Budget Statement - transfers and grant expenditure - Q4 Fourth Quarter

Description	Ref	2021/22	Budget Year 2022/23							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
EXPENDITURE										
Operating expenditure of Transfers and Grants										
National Government:		168 531	189 399	189 399	8 380	59 843	-	59 843	#DIV/0!	-
Operational Revenue:General Revenue:Equitable Share		157 136	179 634	179 634	4 366	51 340	-	51 340	#DIV/0!	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		5 998	4 928	4 928	976	3 748	-	3 748	#DIV/0!	-
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	1 550	1 006	1 468	-	1 468	#DIV/0!	-
Integrated Urban Development Grant		3 847	3 287	3 287	2 031	3 287	-	3 287	#DIV/0!	-
Provincial Government:		20 200	23 481	33 639	1 821	18 286	-	18 286	#DIV/0!	-
Library Services: Conditional Grant		9 336	14 112	14 112	648	8 155	-	8 155	#DIV/0!	-
Municipal Accreditation and Capacity Building Grant		77	256	256	4	256	-	256	#DIV/0!	-
HUMAN SETTLEMENTS DEVELOPMENT GRANT		7 973	6 890	16 748	670	8 819	-	8 819	#DIV/0!	-
Local Government Public Employment Support Grant		1 800	-	-	-	-	-	-	#DIV/0!	-
Financial Management Capacity Building Grant		-	-	-	-	-	-	-	#DIV/0!	-
Maintenance and Construction of Transport Infrastructure		-	495	495	-	487	-	487	#DIV/0!	-
Title deeds Restoration Grant		395	-	-	-	-	-	-	#DIV/0!	-
Financial Management Capability Building Grant		-	-	300	299	299	-	299	#DIV/0!	-
Title deeds Restoration Grant		432	-	-	-	-	-	-	#DIV/0!	-
Community Development Workers Operational Support Grant		38	38	38	-	34	-	34	#DIV/0!	-
Municipal Library Support Grant		150	-	-	-	-	-	-	#DIV/0!	-
Western Cape Municipal Energy Resilience Grant (WC MER Grant)		-	1 690	1 690	200	237	-	237	#DIV/0!	-
District Municipality:		500	115	-	20	20	-	20	#DIV/0!	-
Cape Winelands District Grant 2		500	-	-	-	-	-	-	#DIV/0!	-
Cape Winelands District Grant Community safety		-	115	-	20	20	-	20	#DIV/0!	-
Other grant providers:		41	-	-	33	95	-	95	#DIV/0!	-
Private Enterprises		41	-	-	33	95	-	95	#DIV/0!	-
Total operating expenditure of Transfers and Grants:		189 272	212 995	223 038	10 254	78 244	-	78 244	#DIV/0!	-
Capital expenditure of Transfers and Grants										
National Government:		66 852	90 810	90 810	23 161	84 864	-	84 864	#DIV/0!	-
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		13 758	28 350	28 350	14 871	23 748	-	23 748	#DIV/0!	-
Integrated Urban Development Grant		53 094	62 460	62 460	8 289	61 116	-	61 116	#DIV/0!	-
Provincial Government:		17 552	35 395	12 395	935	4 887	-	4 887	#DIV/0!	-
Western Cape Municipal Energy Resilience Grant (WC MER Grant)		710	-	-	-	-	-	-	#DIV/0!	-
Integrated Transport Planning Grant		600	-	-	-	-	-	-	#DIV/0!	-
Library Services: Conditional Grant		337	-	-	-	-	-	-	#DIV/0!	-
RSEP/ VPUU		2 148	-	-	-	-	-	-	#DIV/0!	-
Development of Sport and Recreational Facilities		600	220	220	-	-	-	-	#DIV/0!	-
Human Settlements Development Grant		7 229	8 150	1 500	202	1 500	-	1 500	#DIV/0!	-
EMERGENCY MUNICIPAL LOAD SHEDDING RELIEF GRANT		-	6 175	6 175	120	120	-	120	#DIV/0!	-
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		5 928	20 850	4 500	613	3 267	-	3 267	#DIV/0!	-
District Municipality:		-	-	-	-	-	-	-	#DIV/0!	-
Specify (Add grant description)		-	-	-	-	-	-	-	#DIV/0!	-
Other grant providers:		307	-	-	-	(4)	-	(4)	#DIV/0!	-
Departmental Agencies and Accounts		307	-	-	-	(4)	-	(4)	#DIV/0!	-
Total capital expenditure of Transfers and Grants		84 711	126 205	103 205	24 095	89 748	-	89 748	#DIV/0!	-
TOTAL EXPENDITURE OF TRANSFERS AND GRANTS		273 983	339 200	326 243	34 349	167 993	-	167 993	#DIV/0!	-

Supporting Table SC7 (2) Monthly Budget Statement – expenditure against approved roll-overs

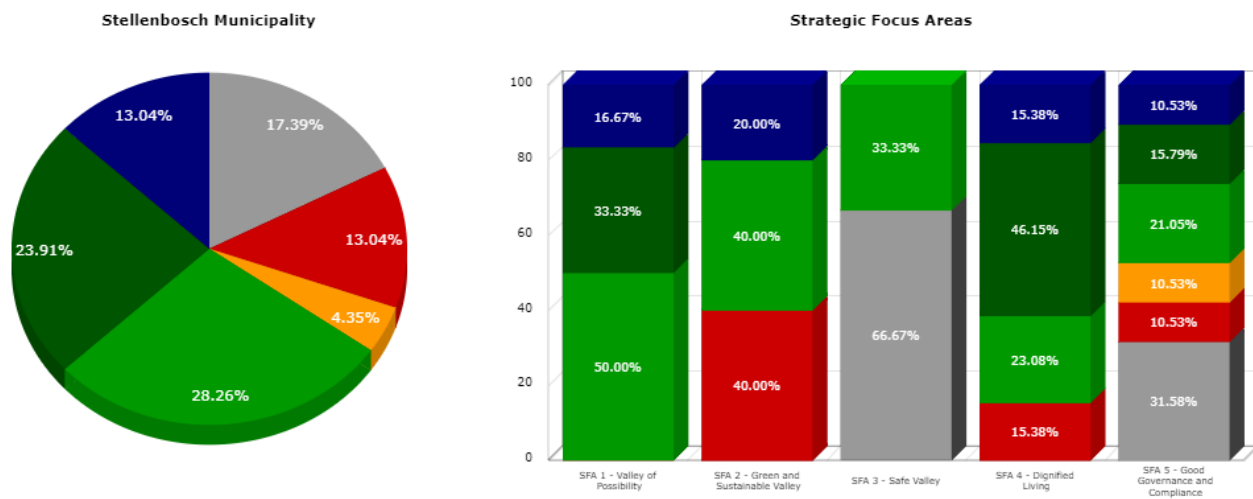
WC024 Stellenbosch - Supporting Table SC7(2) Monthly Budget Statement - Expenditure against approved rollovers - Q4 Fourth Quarter

Description	Ref	Budget Year 2022/23				
		Approved Rollover 2021/22	Monthly actual	YearTD actual	YTD variance	YTD variance %
R thousands						
EXPENDITURE						
Operating expenditure of Approved Roll-overs						
National Government:		-	-	-	-	
Operational Revenue:General Revenue:Equitable Share						
Provincial Government:		570	20	570	-	
Financial Management Capacity Building Grant		20	20	20	-	
WC Financial Management Support Grant		550	-	550	-	
District Municipality:		631	-	484	(147)	-23,3%
Cape Winelands District Grant 2		484	-	484	-	
Cape Winelands District Grant		147	-	-	(147)	-100,0%
Other grant providers:		-	-	-	-	
Departmental Agencies and Accounts		-	-	-	-	
Foreign Government and International Organisations		-	-	-	-	
Households		-	-	-	-	
Non-profit Institutions		-	-	-	-	
Private Enterprises		-	-	-	-	
Public Corporations		-	-	-	-	
Higher Educational Institutions		-	-	-	-	
Parent Municipality / Entity		-	-	-	-	
Total operating expenditure of Approved Roll-overs		1 201	20	1 054	(147)	-12,2%
Capital expenditure of Approved Roll-overs						
National Government:		8 382	1 603	2 352	(6 030)	-71,9%
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		8 382	1 603	2 352	(6 030)	-71,9%
Provincial Government:		8 158	797	4 163	(3 994)	-49,0%
HUMAN SETTLEMENTS DEVELOPMENT GRANT		1 766	304	1 576	(190)	-10,8%
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)		1 518	200	1 518	-	
Regional Socio-Economic Project/violence through urban upgrading (RSEP/VPUU)		1 000	292	1 000	-	
Library Services: Conditional Grant		3 874	-	69	(3 804)	
District Municipality:		-	-	-	-	
Specify (Add grant description)		-	-	-	-	
Other grant providers:		-	-	-	-	
Departmental Agencies and Accounts		-	-	-	-	
Total capital expenditure of Approved Roll-overs		16 540	2 400	6 515	(10 024)	-60,6%
TOTAL EXPENDITURE OF APPROVED ROLL-OVERS		17 740	2 420	7 569	(10 171)	-57,3%

13. QUARTERLY PERFORMANCE ASSESSMENT REPORT 2022/23, Q4 (01 April – 30 June 2023)

12.1 OVERALL PERFORMANCE OF THE MUNICIPALITY

(a) Dashboard summary per Municipal Strategic Focus Area (SFA) for the 4th Quarter (01 April – 30 June 2023) of the 2022/23 financial year.



Stellenbosch Municipality		Municipal Strategic Focus Areas (SFAs)				
		SFA 1 - Valley of Possibility	SFA 2 - Green and Sustainable Valley	SFA 3 - Safe Valley	SFA 4 - Dignified Living	SFA 5 - Good Governance and Compliance
KPI Not Yet Measured	8 (17.39%)	-	-	2 (66.67%)	-	6 (31.58%)
KPI Not Met	6 (13.04%)	-	2 (40%)	-	2 (15.38%)	2 (10.53%)
KPI Almost Met	2 (4.35%)	-	-	-	-	2 (10.53%)
KPI Met	13 (28.26%)	3 (50%)	2 (40%)	1 (33.33%)	3 (23.08%)	4 (21.05%)
KPI Well Met	11 (23.91%)	2 (33.33%)	-	-	6 (46.15%)	3 (15.79%)
KPI Extremely Well Met	6 (13.04%)	1 (16.67%)	1 (20%)	-	2 (15.38%)	2 (10.53%)
Total:	46	6	5	3	13	19
	100%	13.04%	10.87%	6.52%	28.26%	41.30%

Table: 1 Overall performance for Quarter 4 per SFA- 01 April – 30 June 2023

13. ACTUAL PERFORMANCE AND CORRECTIVE MEASURES TO BE IMPLEMENTED

KPI Not Yet Measured

0

13.1 SFA 1 - Valley of Possibility

SFA 1 - Valley of Possibility										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL6	KPI001	Submission of the Economic Development Strategy to the MayCo	Number of Economic Development Strategies submitted to the MayCo by 31 May	1	1	1	1	G		
TL7	KPI003	The number of jobs created through the municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created through the municipality's local economic development initiatives including capital projects by 30 June	1 400	1 400	1 400	1 449	G2		
TL8	KPI004	Submission of Land-use applications to the Municipal Planning Tribunal (MPT) within 120 days from the conclusion of the administrative processing of the application	Percentage of Land-use applications submitted to the MPT within 120 days from the conclusion of the administrative processing of the application	80%	75%	75%	100%	G2	4 / 4 x 100 = 100%	
TL9	KPI005	Provide training opportunities to entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided to entrepreneurs and SMMEs	4	4	1	10	B		
TL10	KPI006	Submission of the revised Spatial Development Framework (SDF) submitted to the Council	Number of revised SDFs submitted to the Council by 30 June	1	1	1	1	G		
TL11	KPI007	Submission of the revised Housing Pipeline (document) to the MayCo	Number of revised Housing Pipelines (document) submitted to the MayCo by 31 May	1	1	1	1	G		

KPI Not Met	0
KPI Almost Met	0
KPI Met	3
KPI Well Met	2
KPI Extremely Well Met	1
Total KPIs	6

Summary of Results: SFA 1 - Valley of Possibility

13.2 SFA 2 - Green and Sustainable Valley

SFA 2 - Green and Sustainable Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL14	KPI020	Conduct an External Audit of the Stellenbosch Municipal Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipal Waste Disposal Facilities conducted by 30 June	1	1	1	1	G		
TL15	KPI021	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	2	2	1	1	G		
TL16	KPI014	Process building plan applications of <500sqm within 30 days after the date of receipt	Percentage of building plan applications of <500sqm processed within 30 days after the date of receipt	75%	70%	70%	51.70%	R	<p>242 / 468 x 100 = 51.70%</p> <p>A Building Plan Process Investigation was completed and submitted to the Municipal Manager in March 2023. A BDM Action Plan to address the outcomes of the independent building plan process investigation was completed and submitted in June 2023 for implementation as of 01 July 2023.</p> <p>A new BDM Policy, operational guidelines, and procedures were developed. A new draft BDM Bylaw has been developed and is to be submitted to the Council for approval before the public can participate.</p>	BDM staff capacity constraints have been addressed with the appointment of an additional plans examiner, who will assume duty on 01 August 2023. A request for additional BDM capacity will be submitted to the Municipal Manager and CFO. Micro-organogram changes to the BDM organogram are being completed and will be submitted to the MM for consideration. Staff capacity constraints within internal commenting Directorates (specifically Infrastructure Services) need to be addressed. Funding has been secured from the WCG for the upgrade of the Building Plan Application Management System (BPAM), which is to be initiated in July 2023.
TL17	KP022	Wastewater quality measured to the Department of Water and Sanitation's License Conditions for physical and micro parameters	Percentage of wastewater quality compliance as per the analysis certificate, measured quarterly	70%	70%	70%	36.83%	R	Stage 6 loadshedding had an impact on the Stellenbosch Waste Water Treatment Plant, necessitating ongoing	A number of upgrades and repairs have been instituted at the various plants, such as the renewal of pumps and

SFA 2 - Green and Sustainable Valley

Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023					
						Target	Actual	R	Performance Comment	Corrective Measures	
TL19	KPI016	Reduce organic waste	Percentage of organic waste reduced by 30 June	20%	20%	20%	51.30%	B	Total Waste = 962 m3 / Total Waste Entering landfill = 1 875 m3 x 100 = 51.30%		inlet screens, the ordering of a standby generator for the dewatering facility, etc.

Summary of Results: SFA 2 - Green and Sustainable Valley

KPI Not Yet Measured	0
KPI Not Met	2
KPI Almost Met	0
KPI Met	2
KPI Well Met	0
KPI Extremely Well Met	1
Total KPIs	5

13.3 SFA 3 - Safe Valley

SFA 3 - Safe Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL20	KPI024	Submission of the revised Disaster Management Plan to the Municipal Manager	Number of revised Disaster Management Plans submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		
TL21	KPI025	Submission of the revised Safety and Security Strategy to the Municipal Manager	Number of revised Safety and Security Strategies submitted to the Municipal Manager by 30 April	1	1	1	1	G		
TL22	KPI026	Submission of the revised Traffic Management Plan to the Municipal Manager	Number of revised Traffic Management Plans submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		

Summary of Results: SFA 3 - Safe Valley

KPI Not Yet Measured	2
KPI Not Met	0
KPI Almost Met	0
KPI Met	1
KPI Well Met	0
KPI Extremely Well Met	0
Total KPIs	3

13.4 SFA 4 - Dignified Living

SFA 4 - Dignified Living										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL23	KPI027	Installation of new standpipes	Number of new standpipes installed by 30 June	50	50	50	26	R	Funding for standpipes is to be secured by the Informal Settlements Department via the Informal Settlements Upgrade Partnership Grant. Some instances require development rights, and some instances require facilitation with communities.	A new SOP is being developed so that the Informal Settlements Department can apply for funding promptly. The final SOP will be submitted to the Municipal Manager by 31 July 2023.
TL24	KPI028	Provision of waterborne toilet facilities in informal settlements as identified by the Department: Integrated Human Settlements	Number of waterborne toilet facilities provided in Informal settlements as identified by the Department: Integrated Human Settlements by 30 June	50	50	50	56	G2		
TL25	KPI032	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	G	5 741 / 5 741 x 100 = 100%	
TL26	KPI029	Limit unaccounted electricity to less than 9% annually {(Number of Electricity Units Purchased and / or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated} x 100}	Percentage of average electricity losses, measured by 30 June	<9%	<9%	<9%	8.87%	B	[(Total Energy Purchased – Total Energy Sold) / Total Energy Purchased] x 100 = [(341 801 577kWh – 311 487 296kWh) / 341 801 577kWh] x 100 = 8.87% (Period: 01 June 2022 – 31 May 2023)	The final electricity losses calculation for the period 01 July 2022 – 30 June 2023 will be finalised for the Annual Performance Report 2022/23 to be submitted to the Auditor General of South Africa by 31 August 2023.
TL27	KPI030	Water quality measured quarterly to the SANS 241 physical and micro parameters	Percentage of water quality level as per the analysis certificate, measured quarterly	90%	90%	90%	94.80%	G2		
TL28	KPI031	Limit unaccounted water to less than 25%	Percentage of average unaccounted water, measured by 30 June	<25%	<25%	<25%	26.31%	R	2 842 597kl / 10 805 404kl x 100 = 26.31% During the most recent flooding, the bulk water main	The municipality is implementing the pipe replacement programme. Additional funding was also made available in the 2023/24 financial year to

SFA 4 - Dignified Living

Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
									supply to the Dwarsriver area was damaged. This resulted in significant water losses.	replace fittings, valves, etc. The performance indicator was also revised for the 2023/24 financial year to measure non-revenue water losses as opposed to water losses.
TL29	KPI033	Registered indigent formal households with access to free basic electricity provided by the municipality (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	65%	65%	65%	100%	B	$5\,741 / 5\,741 \times 100 = 100\%$	
TL30	KPI034	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	G	$5\,741 / 5\,741 \times 100 = 100\%$	
TL31	KPI035	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	G	$5\,741 / 5\,741 \times 100 = 100\%$	
TL32	KPI036	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	26 000	26 000	26 000	26 895	G2		
TL33	KPI037	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	26 000	26 000	26 000	26 895	G2		
TL34	KPI038	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	26 000	26 000	26 000	26 895	G2		
TL35	KPI039	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	26 000	26 000	26 000	26 895	G2		

Summary of Results: SFA 4 - Dignified Living

KPI Not Yet Measured	0
KPI Not Met	2
KPI Almost Met	0
KPI Met	3
KPI Well Met	6
KPI Extremely Well Met	2
Total KPIs	13

13.5 SFA 5 - Good Governance and Compliance

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL1	KPI059	Submission of the revised Communication Policy to the MayCo	Number of revised Communication Policies submitted to the MayCo by 30 June	1	1	1	1	G		
TL2	KPI044	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	50%	50%	50%	37.50%	O	3 / 8 x 100 = 37.50% At each shortlisting panel meeting, the statistics and underrepresented target groups are indicated to the panel. In some instances, there are no qualifying candidates from the underrepresented groups. It also happens in some instances that candidates on the shortlist from underrepresented groups do not perform well enough in the interview to be appointed.	Critical vacancies had to be filled thereby appointing qualifying candidates. Measures are in place on the criteria to be followed when shortlisting is done on candidates within the EE target groups.
TL3	KPI049	Submission of the Auditor General of South Africa (AGSA) Audit Action Plan (AAP) to the APAC	Number of AGSA Audit Action Plans submitted to the APAC by 28 February	1	1	0	0	N/A		
TL4	KPI053	Submission of the draft Integrated Development Plan (IDP) to the Council	Number of draft IDPs submitted to the Council by 31 March	1	1	0	0	N/A		
TL5	KPI041	Submission of the revised Integrated Zoning Scheme to the MayCo	Number of revised Integrated Zoning Schemes submitted to the MayCo by 30 June	1	1	1	2	B	The ATC Overlay Zone as an amendment to the IZS was submitted and approved by the Council on 24 May 2023. Furthermore, the request to undertake the PPP for the Draft Outdoor Dining and Events Overlay Zone served at the Special Council Meeting in June 2023.	

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
TL12	KPI055	Submission of the revised Wastewater Master Plan to the Municipal Manager	Number of revised Wastewater Master Plans submitted to the Municipal Manager by 30 June	1	1	1	0	R	The Manager: Planning post has been vacant for the whole financial year. The Wastewater Master Plan is nearly complete but not ready for submission to the Municipal Manager.	A consultant was appointed. It is projected that the Wastewater Master Plan will be completed and submitted to the Municipal Manager by 31 August 2023.
TL13	KPI060	Submission of the revised Comprehensive Integrated Transport Plan (CITP) to the Municipal Manager	Number of revised CITPs submitted to the Municipal Manager by 30 June	1	1	1	1	G		
TL18	KPI058	Submission of an Integrated Property Maintenance Plan to the Municipal Manager	Number of Integrated Property Maintenance Plans submitted to the Municipal Manager by 30 June	1	1	1	1	G		
TL36	KPI042	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment) / Monthly Fixed Operational Expenditure excluding (Depreciation)	4	4	4	4.21	G2	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The actual performance, as at 30 June 2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The actual performance, as at 30 June 2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.
TL37	KPI043	Achieve an average payment percentage of 96% by 30 June (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	96%	96%	96%	99.89%	G2	Debtors Opening Balance - R394 866 379,00 Billed Revenue - R 1 587 798 604,04 Gross Debtors Closing Balance- R 387 673 389,00 Bad debts written off - R 8 966 198,53 Billed revenue - R 1 587 798 604,04	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The actual performance, as at 30 June 2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.
TL38	KPI040	Actual expenditure on the approved Capital Budget for the municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of the approved Capital Budget for the municipality actually spent by 30 June	90%	90%	90%	76.79%	O	R290 794 140,10 / R378 709 141 x 100 = 79.79%	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The final ratio, as at 30 June

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
										2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.
TL39	KPI045	The percentage of the actual payroll budget spent on implementing the Municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of the municipality's payroll budget actually spent on implementing its Workplace Skills Plan ((Total Actual Training Expenditure / Total Annual payroll Budget) x100), measured by 30 June	0.20%	0.20%	0.20%	0.86%	B	R5 283 998 / R611 731 735 x 100 = 0.86% (as at 29 June 2023)	
TL40	KPI046	Financial viability measured in terms of the municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured by 30 June	15%	15%	15%	4.54%	R	Total operating revenue - R2 094 755 590,9 operating grants received - R203 836 711 Debt service payments due within the year - R416 424 551	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The actual performance, as at 30 June 2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.
TL41	KPI047	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio - (Total outstanding service debtors / revenue received for services) measured by 30 June	27%	27%	27%	29%	G2	Total outstanding service debtors – R328 819 256 revenue received for services - R1 135 779 581,9	The municipality is preparing the Annual Financial Statements 2022/23 in terms of S126(1)(a) of the MFMA. The actual performance, as at 30 June 2023, will be provided in the Annual Performance Report 2022/23 to be submitted to the AGSA by 31 August 2023.
TL42	KPI054	Submission of the IDP / Budget / SDF time schedule (process plan) to the Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to the Council by 31 August	1	1	0	0	N/A		
TL43	KPI051	Submission of the revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan to the ICT	Number of revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 April – 30 June 2023				
						Target	Actual	R	Performance Comment	Corrective Measures
		Steering Committee								
TL44	KPI052	Submission of the revised Strategic ICT Plan to the ICT Steering Committee	Number of revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		
TL45	KPI048	Submission of the revised Risk-Based Audit Plan (RBAP) to the Audit and Performance Audit Committee (APAC)	Number of revised RBAPs submitted to the APAC by 30 June	1	1	0	0	N/A		
TL46	KPI050	Submission of the revised Strategic Risk Register (SRR) to the Risk Management Committee	Number of revised SRRs submitted to the Risk Management Committee by 30 June	1	1	1	1	G		

Summary of Results: SFA 5 - Good Governance and Compliance

	KPI Not Yet Measured	6
	KPI Not Met	2
	KPI Almost Met	2
	KPI Met	4
	KPI Well Met	3
	KPI Extremely Well Met	2
	Total KPIs	19

14. STRATEGIC PERFORMANCE CONCLUSION

- (a) Out of the 46 Key Performance Indicators (KPIs) listed on the Top layer SDBIP 2022/23 (quarter 4), 08 were not measured, 06 KPIs were not met, 13 were met and 11 were well met.

	KPI Not Yet Measured	8
	KPI Not Met	6
	KPI Almost Met	2
	KPI Met	13
	KPI Well Met	11
	KPI extremely well met	6
Total KPIs		46

Summary of Results: Strategic Focus Areas 1 - 5

8.2	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: <u>QUARTER 4 (01 APRIL 2023 – 30 JUNE 2023)</u>
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Collaborator No: 752647
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2023 – 30 JUNE 2023)

2. PURPOSE

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

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2022/2023, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

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

6 DISCUSSION/CONTENTS

6.1 Background

SCM must report within 10 days before the end of each quarter on the implementation of the SCM System.

6.2 Constitutional and Policy Implications

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6(3) of the above stated Policy determines that the Accounting Officer must within 10 days of the end of each quarter; submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

6.3 Environmental implications

None.

6.4 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 April 2023 – 30 June 2023 on the implementation of Council's Supply Chain Management Policy. The report and the payments that will derive from these commitments.

6.5 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive, and cost-effective. Reporting back in terms of paragraph 6(3) of the SCM Policy 2022/2023 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

6.6 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions

None.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.2

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

APPENDICES

ANNEXURE A: Report for the period 01 April 2023 – 30 June 2023 on the implementation of Council's Supply Chain Management Policy. The report on the Implementation of Council's Supply Chain Management Policy

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>10 July 2023</i>

ANNEXURE A

STELLENBOSCH MUNICIPALITY

IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT

SECTION 6 (3) OF SCM REGULATIONS:
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY

PERIOD: 01 APRIL 2023 – 30 JUNE 2023

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE- MENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy was sent for amendment in December 2022 to accommodate changes brought forth from the new PPR 2022.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f) ((iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the fourth quarter, there were seven (7) final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the fourth quarter, there were thirty (30) final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer Senior Manager SCM	YES	The awards made were submitted on the following dates within this quarter: 03 May 2023 03 June 2023 03 July 2023
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial year as part of the Budget Related policies. Also sent for Amendment in December 2022.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	<p><u>Direct that:</u></p> <p>a) cash purchases up to transaction value as defined I Council's Petty Cash policy</p> <p>b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included);</p> <p>c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included)</p> <p>d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00</p> <p>e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.</p>	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior : Manager SCM	YES	Done
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section	YES	Done
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	Reports were submitted on the following dates within this quarter: 03 May 2023 03 June 2023 03 July 2023
16(e)	Record the name of potential providers requested to	Accounting Officer	Chief Financial Officer	YES	Reports were submitted on the

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	provide written quotation with their quoted prices.				following dates within this quarter: 03 May 2023 03 June 2023 03 July 2023
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer: below R200,000	YES	
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager: Supply Chain Management	YES	
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website and only opened on the closing date and time and mitigate the risks during the calling for quotations.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Reports were submitted on the following dates within this quarter: 03 May 2023 03 June 2023 03 July 2023
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee	YES	For quarter four, thirty (30) tenders specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Accounting Officer		YES	None
23(a) (i)(ii)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation –	Accounting Officer	Relevant user department Head of Department or Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>(a) does not allow any preferred bidder a second or unfair opportunity;</p> <p>(b) is not to the detriment of any other bidder; and</p> <p>(c) does not lead to a higher price than the bid submitted.</p> <p>Minutes of such negotiations must be kept.</p>				the tender documents
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	Not Applicable
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department must complete. Meetings are held according to pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f)	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	and a prescribed in terms of the Preferential Procurement Policy Framework Act.				
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In the fourth quarter there were fifteen (15) BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In the four quarter there were seven (7) final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid – (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Bid Adjudication Committee		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
29(5)(b)	<p>(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Accounting Officer		YES	None
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	No items were referred back to the BEC in the fourth quarter
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer		YES	Not Applicable
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if –</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or</p> <p>(b) the transaction value of a contract to be procured by the municipality whether for one</p>	Accounting Officer		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	or more years exceeds R50 million.				
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if – (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and that other organ of state and the provider have consented to such procurement in writing.	Accounting Officer	Bid Adjudication Committee	YES	None
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	New tender has been advertised
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(1)(a)	<p>Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –</p> <ul style="list-style-type: none"> (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote 	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	Delegations are in place for BAC to recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	technical nature.				
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	Done
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid –	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(i) any comments submitted by the public; and any written comments and recommendations of the National Treasury or the relevant provincial treasury.				
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified – (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>more than three months.</p> <p>(ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.</p>				
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	<p>Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or</p> <p>(i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.</p>	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(g)	<p>Reject the bid of any bidder if that bidder or any of its directors –</p> <p>(i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;</p> <p>(ii) has been convicted for fraud or corruption during the last five years;</p> <p>(iii) has willfully neglected or reneged on or failed to comply with any government, municipal or</p>	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>other public sector contract during the past five years; or</p> <p>(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).</p>				
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations are in place
40(2) a	<p>A Supply Chain management policy must specify the ways in which assets may be disposed of, including by –</p> <p>(i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets</p> <p>(ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge</p> <p>(iii) Selling the asset</p> <p>(iv) Destroying the asset</p>	Municipal Council	Chief Financial Officer	YES	As per delegations
40(2) (b)	Stipulate that –	Municipal Council		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise				
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer	YES	As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer	N/A	Not Applicable
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer		N/A	Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Not Applicable
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council		N/A	None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.			N/A	Not Applicable
41(1)	A Supply chain management policy must provide for	Accounting Officer	Internal Audit	YES	Busy implementing a system for risk

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system				management
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer	YES	Implemented a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked before any awards are made.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information gets disclosed within financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Senior Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.	Accounting Officer		YES	Have an administrative process in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	of Regulation 50(1) to perform his or her functions effectively.				
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

8.3	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2022 - 30 JUNE 2023)
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Collaborator No: 752647
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2022 - 30 JUNE 2023)

2. PURPOSE

To submit to Management a report for the period 01 July 2022 - 30 June 2023 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

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

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

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

6. DISCUSSION/CONTENTS

6.1 Background

SCM must report within 30 days of the end of each financial year on the implementation of the SCM System.

6.2 Constitutional and Policy Implications

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with

national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6 (2) (i) of the above stated Policy determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor.

6.3 Environmental implications

None.

6.4 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 July 2022 - 30 June 2023 and the payments that will derive from these commitments.

6.5 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive and cost-effective. Reporting back in terms of paragraph 6 (2) (i) of the SCM Policy 2022/2023 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

6.6 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions

None.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.3

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

APPENDICES

ANNEXURE A: Report for the period 01 July 2022 - 30 June 2023 on the Implementation of Council's Supply Chain Management Policy

FOR FURTHER DETAILS CONTACT:

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

ANNEXURE A

STELLENBOSCH MUNICIPALITY

IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT

**SECTION 6 (2)(a)(i) OF SCM REGULATIONS:
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY**

PERIOD: 01 JULY 2022 – 30 JUNE 2023

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy was sent for amendment in December 2022 to accommodate changes brought forth from the new PPR 2022.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f) ((iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In financial year 2022/20203, there were sixteen (16) final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In financial year 2022/20203, there were thirty (30) final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer Senior Manager SCM	YES	The awards made were submitted on the following dates within this financial year: 03 August 2022 03 September 2022 03 October 2022 03 November 2022 02 December 2022 03 January 2023 03 February 2023 03 March 2023 03 April 2023 03 May 2023 03 June 2023 03 July 2023
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
					year as part of the Budget Related policies. Also sent for Amendment in December 2022.
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	<u>Direct that:</u> a) cash purchases up to transaction value as defined I Council's Petty Cash policy b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included); c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included) d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.				
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior : Manager SCM	YES	Done
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section	YES	Done
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	Reports were submitted on the following dates within this financial year: 03 August 2022 03 September 2022 03 October 2022 03 November 2022 02 December 2022

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
					03 January 2023 03 February 2023 03 March 2023 03 April 2023 03 May 2023 03 June 2023 03 July 2023
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer	YES	Reports were submitted on the following dates within this financial year: 03 August 2022 03 September 2022 03 October 2022 03 November 2022 02 December 2022 03 January 2023 03 February 2023 03 March 2023 03 April 2023 03 May 2023 03 June 2023 03 July 2023
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer: below R200,000	YES	
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager: Supply Chain Management	YES	
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website and only opened on the closing date and time and mitigate the risks during the calling for quotations.
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Reports were submitted on the following dates within this financial year: 03 August 2022 03 September 2022 03 October 2022 03 November 2022 02 December 2022 03 January 2023 03 February 2023 03 March 2023 03 April 2023 03 May 2023 03 June 2023 03 July 2023
22 (b) (i)	The publication notice must contain the closure date	Accounting Officer	Bid Specifications Committee	YES	For financial year 2022/2023, one-

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.				hundred-and-fifty-one (151) tenders specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Accounting Officer		YES	None
23(a) (i)(ii)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation – (a) does not allow any preferred bidder a second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid	Accounting Officer	Relevant user department Head of Department or Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in the tender documents

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	submitted. Minutes of such negotiations must be kept.				
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	Not Applicable
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department must complete. Meetings are held according to pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and a prescribed in terms of the Preferential Procurement Policy Framework Act.	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In financial year 2022/2023 there were forty-six (46) BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In financial year 2022/2023 there were sixteen (16) final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes
29(5)(a)	<p>If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid –</p> <p>(i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and</p> <p>(ii) notify the accounting officer.</p>	Bid Adjudication Committee		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
29(5)(b)	<p>(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Accounting Officer		YES	None
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	One (1) tender was referred back to the BEC in this financial year
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer		YES	Not Applicable
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if –</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or</p> <p>(b) the transaction value of a contract to be procured by the municipality whether for one</p>	Accounting Officer		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	or more years exceeds R50 million.				
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if – (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and that other organ of state and the provider have consented to such procurement in writing.	Accounting Officer	Bid Adjudication Committee	YES	None
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	New tender has been advertised
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE- MENTED	COMMENTS
36(1)(a)	<p>Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –</p> <ul style="list-style-type: none"> (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote 	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	Delegations are in place for BAC to recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	technical nature.				
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	Done
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid –	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(i) any comments submitted by the public; and any written comments and recommendations of the National Treasury or the relevant provincial treasury.				
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified – (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>more than three months.</p> <p>(ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.</p>				
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	<p>Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or</p> <p>(i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.</p>	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(g)	<p>Reject the bid of any bidder if that bidder or any of its directors –</p> <p>(i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;</p> <p>(ii) has been convicted for fraud or corruption during the last five years;</p> <p>(iii) has willfully neglected or reneged on or failed to comply with any government, municipal or</p>	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>other public sector contract during the past five years; or</p> <p>(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).</p>				
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations are in place
40(2) a	<p>A Supply Chain management policy must specify the ways in which assets may be disposed of, including by –</p> <p>(i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets</p> <p>(ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge</p> <p>(iii) Selling the asset</p> <p>(iv) Destroying the asset</p>	Municipal Council	Chief Financial Officer	YES	As per delegations
40(2) (b)	Stipulate that –	Municipal Council		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise				
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer	YES	As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer	N/A	Not Applicable
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer		N/A	Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Not Applicable
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council		N/A	None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.			N/A	Not Applicable
41(1)	A Supply chain management policy must provide for	Accounting Officer	Internal Audit	YES	Busy implementing a system for risk

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system				management
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer	YES	Implemented a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked before awards are made.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information gets disclosed within financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Senior Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.	Accounting Officer		YES	Have an administrative process in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	of Regulation 50(1) to perform his or her functions effectively.				
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

8.4	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2022
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Collaborator No: 752649
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2022

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during November 2022.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of November 2022.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may **allow the accounting officer—**

(a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—

(i) in an emergency;

(ii) if such goods or services are produced or available from a single provider only;

(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;

(iv) acquisition of animals for zoos; or

(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity and include as a note to the annual financial statements.

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for November 2022:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 06/23	01 November 2022	Gibb Environmental (Pty) Ltd	To procure the services of an environmental assessment practitioner to obtain a waste management licence for the expansion for the Stellenbosch landfill	Exceptional case and it is impractical or impossible to follow the official procurement processes	The Stellenbosch Municipality is mandated by law to provide waste disposal of all collected waste. Waste disposal must be at a legally compliant facility. Stellenbosch Municipality operates the Stellenbosch Landfill in accordance with Permit (16/2/7/G203/D16/Z1/P331) issued by then Department of Water Affairs and Forestry (DWAFF) requirements and the National Environmental Management: Waste Act (Act 59 of 2008), and various amendments issued by the Provincial Department of Environment and Development Planning (DEADP). This facility is now almost full and there is nowhere legally acceptable for the waste from the Stellenbosch Municipal area to be disposed of within Stellenbosch. The only viable alternative at present is to send Stellenbosch Municipality waste to a private facility, Vissershok Waste Management Facility (VHWMF) situated in Cape Town. The Municipality has embarked on a process to further expand its landfill. The Municipality must obtain environmental authorisation before construction can commence. Gibb (Pty) Ltd was appointed in June 2019 to do a Basic Assessment process to	R113 <u>338.00 (Incl. Vat)</u>

				<p>obtain a WML. In April 2021, the DEADP advised the Municipality to follow a shorten process of a WML variation process. The scope of works for Gibb (Pty) Ltd was changed based on the advice received from the DEADP. Gibb (Pty) Ltd submitted a WML variation application in October 2021 and anticipated a varied WML in August 2022. The DEADP sent a letter in August 2022 informing the Municipality that its WML variation application has been rejected and closed. The DEADP required the Municipality to follow a Basic Assessment and this decision contradicts the advice received from the DEADP in April 2021. The DEADP requires the Municipality to restart the WML application process. Gibb (Pty) Ltd has started with the WML application process in 2019 and has all the necessary information and background knowledge to restart the process. A new service provider will require time to gather all the information that was compiled by Gibb (Pty) Ltd which will result in time delays and possible additional cost. Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" is familiar with the project and will require less time to compile this new information. The Municipality require this process to be completed timeously so that the Municipality can commence with construction of its new landfill cell. The new cell will intern save the Municipality with cost of hauling and disposing of its waste at VHWMF and makes this deviation urgent. For this reason, it is impractical to follow the</p>	
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					official procurement process to procure the services of Gibb Environmental (Pty) Ltd.	
D/SM 07/23	17 November 2022	SADRA	Appointment of Southern African Development and Reconstruction agency (SADRA)	Exceptional case and it is impractical or impossible to follow the official procurement processes	An eviction order was granted to the then owner of Watergang Farm on 13 Dember 2018 against illegal occupiers on Farm 182 and Portions 1 and 5 of Farm 183, Stellenbosch (Watergang Farm) for the illegal occupiers to be evicted on 3 January 2023. The eviction order was not implemented. The illegal occupiers requested the court for leave to appeal. The Municipality obtained the eviction order when the land was purchased from Mr Smit in October 2019. During July 2022 the municipality brought a section 18 Application to request the court to decide on the request for leave to appeal as the Applicants did not take the matter forward. The court in September 2022 made a final determination not to grant leave to appeal. The Municipality can now unhindered give effect to this eviction order as soon as possible as the property is under constant threat of further invasion. Given the urgency of this matter, the Municipality wishes to commence with putting measures place from 25 November 2022 to mitigate amongst others the risk of possible new occupiers settling on Watergang Farm. It is envisaged that skilled and experienced mediator/s must be appointed to mediate the process between the Municipality and the Watergang community at large. In order to achieve the commencement date of the 25 November 2022, the normal procurement process of approval of specifications (BSC),	<u>R312,000.00 (Incl. Vat)</u>

				<p>advertising, evaluation of bids received (department and BEC) and approval by the BAC will take too long and an abbreviated and swift procurement process must be undertaken. The normal procurement timelines to appoint a service provider on a competitive bidding process is 77 days of which will only be concluded in the 2023 calendar year.</p> <p>This period will also span the festive season which is a prime period for illegal occupation of land in the Stellenbosch area. It is therefore imperative that a deviation from the normal procurement process is undertaken.</p> <p>Complexity of this matter is on a similar level as to the incidents that happened in May 2013 with the farmworkers in the De Doorns, Hexriver Valley area. This incident has shown that there is a particular knowledge, skills and experience required to mediate these complex situations peacefully. South African Development and Reconstruction Agency (SADRA) as specialist mediators and negotiators in have the requisite knowledge, skills and experience to mediate a complex situation such as the situation that is playing out in Watergang Informal Settlements (WIS). It would therefore be impractical or impossible to follow the official procurement processes and not ensure the skills, knowledge and experience is obtained.</p>	
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6.3 Legal Implications

The regulation applicable is:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations: Deviations from and ratification of minor breaches of, procurement processes.

6.4 Staff Implications:

No staff implications

6.5 Previous / Relevant Council Resolutions:

None

6.6 Risk Implications

That the market may not be tested.

The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit.

6.7 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.7.1 Municipal Manager

Supports the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.4

that Council notes the deviations as listed for the month of November 2022.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	05 December 2022

8.5	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2023
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Collaborator No: 752648
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2023

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2023.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of June 2023.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The regulation applicable is as follows:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations
Deviation from and ratification of minor breaches of, procurement processes**

36. (1) A supply chain management policy may **allow the accounting officer—**
 (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 (i) in an emergency;
 (ii) if such goods or services are produced or available from a single provider only;
 (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 (iv) acquisition of animals for zoos; or
 (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity and include as a note to the annual financial statements.

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for June 2023:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 13/23	2023/06/06	Adapt IT Holding limited	CaseWare Financial Reporting System	Exceptional case and it is impractical or impossible to follow the official procurement processes	Adapt IT holdings Ltd is the sole distributor of CaseWare software products in Africa. The municipality has used CaseWare as its financial reporting system since April 2010.	<u>R335 942,60</u> (Inc. VAT)
D/SM 14/23	2023/06/21	Resource Innovation Africa	Recyclable waste collection and processing of recyclable material at a licenced material recovery facility	Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender BSM 12/21 for recyclable waste collection and processing of recyclable material at a licenced Materials Recovery Facility (MRF), was awarded to Resource Innovations until 30 June 2023. The tender entails the daily recycling collection and operation of the MRF where the collected recyclables are processed. A new tender to replace tender BSM 12/21, was prepared (BSM 64/23) but could not be advertised until such time the 3-year budget was finalized and budget availability could be confirmed. The budget has now been finalized and the tender was advertised with the closing date being the 10 July 2023. This has resulted that no service provider will be in place by 1 July 2023 when tender BSM 12/21 ends on 30 June 2023. This is an exceptional case, and it is impractical or impossible to follow the	<u>R 395 682,84</u> Monthly Rate

					official procurement processes to have a service provider on site by 1 July 2023.	
D/SM15 /23	2023/06/30	Evolution Technology Group	Appointment of Evolution Technology Group (ETG) for printing services on a month-to-month basis	Exceptional case and it is impractical or impossible to follow the official procurement processes	This is a critical service to the Municipality and as such the Municipality cannot be without the printing service for any space of time. This deviation will ensure that there is no interruption in this critical service that supports the service delivery services within the Municipality. The Municipality appointed Evolution Technology Group (ETG) for printing services on a deviation on 1 December 2022 for a maximum period of 6 months whilst the municipality ensures it's participation on the RT3-2022 Transversal tender for printing services. The municipality decided to participate for a period longer than 3 years in the tender. Before than can be done the section 33 process in the MFMA must be followed including a contract that must be published with the information statement. The municipality went through the process of selecting a tenderer on the transversal tender and requested from the preferred bidder on the transversal tender a contract for the section 33 process. They have not been able to provide a acceptable contract and the period for the deviation that was entered into on 1 December 2022 has now lapsed. The municipality has now resolved not to proceed with a contract not exceeding three financial years. The service provider needs about 4 months to implement the printers we require (136 printers across the WC024). It will be	<u>R1 080 012.2</u> <u>2 (Incl. VAT)</u>

					impractical to go out on another tender process given that the transversal tender is in place, and we have followed all the processes to form part of the transversal tender.	
D/SM 16/23	2023/06/30	Fidelity ADT Security	Appointment of armed security	Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender 14/21 Appointment of Private Armed Security Service for The Greater WC024, will lapse on 30 June 2023. Tender 85/23 is still in process and was by the BSC for approval on 15 June 2023. The reason for the deviation is to provide a critical and specialized service that the municipality does not have capacity to render therefore all municipal site, property and asset needs to be protected by using armed security service as from the 01 July 2023 until 31 October 2023.	R4 178 708,64
D/SM 17/23	2023/06/30	Red Ant Security	Appointment of the prevention and illegal occupation on municipal land and the demolition of illegal structures	Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender BSM 94/20 The Prevention of Illegal Occupation on Municipal Land and The Demolition of Illegal Structures, will lapse on 30 June 2023. Tender 84/23 has been advertised, clarification meeting held, bids were received, and the technical report have been submitted for evaluation. The reason for the deviation is to provide services for the protection of municipal open land. The municipality does not have capacity to render this service therefore all municipal open land, needs to be protected by using service provider as from the 01 July 2023 until 31 August 2023.	R2 904 613,70

6.3 Legal Implications

The regulation applicable is:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations: Deviations from and ratification of minor breaches of, procurement processes.

6.4 Staff Implications:

No staff implications.

6.5 Previous / Relevant Council Resolutions:

None

6.6 Risk Implications

That the market may not be tested. The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit.

6.7 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.7.1 Municipal Manager

Supports the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 6.5

that Council notes the deviations as listed for the month of June 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	05 June 2023

9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS
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No report submitted as outstanding resolutions serves at Section 80 Committees.

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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10.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 14 JUNE 2023
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Collaborator No: 753165
IDP KPA Ref No: Good Governance
Meeting Date: 26 July 2023

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 14 JUNE 2023

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 14 June 2023.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 14 June 2023. The minutes is attached as **ANNEXURE A**.

5. RECOMMENDATION

that Council takes note of the report from the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

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

6.2 Discussion

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The minutes is attached as **ANNEXURE A**.

The following concerns were discussed: 14 June 2023:

- Matters arising from previous meeting
 - o Future upgrade of the Die Braak
 - o Recent events and engagements on campus
 - o Update on Adam Tas Corridor
 - o Coetzenburg and School Sports
 - o Student perceptions and Stellenbosch town
- Feedback from standing committees
 - o Stellenbosch Municipality Mobility Forum
 - o Infrastructure Forum
 - o Stellenbosch Municipal Water Management
 - o Monitoring & Advisory Committee on Crime (MACC)
- New Matters
 - o Merriman Avenue Safety
 - o Environmental Sustainability Plan
 - o Solar Project at Stellenbosch Schools

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 10.1.1 – Council meeting: 2023-04-26

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure A: Minutes of the Mayor – Rector Forum meeting: 14 June 2023

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
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E-MAIL ADDRESS	<u>Donovan.Muller@stellenbosch.gov.za</u>
REPORT DATE	17 July 2023

ANNEXURE A



STELLENBOSCH RECTOR / EXECUTIVE MAYOR FORUM

Minutes of the Rector / Executive Mayor Forum

Date: Monday, 14 June 2023
Time: 14h00 – 16h00
Venue: Microsoft TEAMS platform / In person (Boardroom, Admin A, Victoria Street, US)
Chair: Prof W de Villiers

Members present:

Stellenbosch Municipality (SM)	
Adv GMM van Deventer (GvD)	Executive Mayor
Ms G Mettler (GM)	Municipal Manager
Mr G Boshoff (GB)	Director: Community and Protection Services
Mr C Kitching (CK)	Deputy Director: Protection Services
Mr D Muller (DM)	Manager: Councillor Support
Mr Anthony Barnes (AB)	Director: Planning and Human Settlements
Mr S Chandaka (SC)	Director: Infrastructure Services
Mr C Alexander (CA)	Senior Manager: Development Planning
Stellenbosch University (SU)	
Prof W de Villiers (WdV)	Rector and Vice-Chancellor
Prof S du Plessis (SdP)	Chief Operating Officer
Prof S Moyo (SM)	Vice-Rector: Research, Innovation & Post Graduate Studies
Ms N van den Eijkel (NvdE)	Chief Director: Facilities Management
Dr L van Rooi	Senior Director: Social Impact and Transformation
Prof N Koopman	Vice-Rector: Social Impact, Transformation and Personnel
Mr N van der Merwe	Corporate Communication and Marketing
Mr M Nyakatya	Social Impact Co-Ordinator
Ms M C Douman	Manager: Executive Communication

Members absent with apology:

Stellenbosch Municipality (the Municipality)	
Adv GMM van Deventer	Executive Mayor
Mr Anthony Barnes	Director: Planning and Human Settlements
Stellenbosch University (the SU)	
Prof H Klopper (HK)	Deputy Vice-Chancellor: Strategy and Internationalisation
Dr L van Rooi	Senior Director: Social Impact and Transformation

ITEM	DISCUSSION	RESPONSIBLE PERSON
1.	Opening and welcome	
	WdV welcomed all members present.	WdV
2.	Finalisation of agenda	
	No additional items added to agenda.	WdV
3.	Approval of previous minutes	
3.1	The minutes was approved. Proposer – Prof N Koopman and seconder – G Mettler.	WdV
4.	Matters from previous meeting	
4.1	Future upgrade of Die Braak GM indicated this is a longstanding item on the agenda and will probably remain due	GM

4.2	<p>to the land claim on the property delays the progress on this item. Stellenbosch Municipality corresponded with the Land Claims Commissioner of the Western Cape regarding the position of the municipality on the land claim, but no feedback has been received from the Land Claims Commissioner of the Western Cape. SM will also engage with the Rhenish church leadership on this matter.</p> <p>WdV indicated that this matter be removed from the agenda until further notice.</p> <p>Recent events and engagements on campus</p> <p>WdV indicated that US is that the first semes went well, and students have now finished the first round of exams. WdV raised two challenges, namely NSFAS and the establishment of a contingency committee on energy.</p> <p>SdP discussed the 2 challenges in more detail. SM and US working closely together in the contingency committee to address the energy / electricity crises. SdP also had discussions with GvD about the biomass project and the feasibility study as it relates to the project in Idas Valley. If there is viability in the pilot study, then Provincial Local Government will have to be engaged in terms of interest in the project and to support the fact that this project can carry the baseload potential for 10 Mw.</p> <p>SdP also discussed the issues surrounding the NSFAS scheme, which is deemed unsustainable and very costly. The problems with NSFAS comes because of sub-problems related to the scheme. R 50 billion is budgeted in government funding, and this will increase over the next few years, and the problem is that this takes funding away from universities. It affects universities adversely and has a definite impact on students. US has about 5 000 NSFAS registered students, and the first issue is that the cap for housing allowance is R45 000, when on average the cost for residential service at US is about R58 000 per year. Apart from the need to cover about R15 000 per student for accommodation, many students are living in private accommodation. US can only assist with between 800 – 900 beds, and thus there is a gap in the funding. This also leads to more students incurring debt, and students are not allowed to register with outstanding debt. This might be the source of potential disruption at the start of 2024. Law Enforcement needs to be aware of this matter.</p> <p>NSFAS also impacts on the allowance for food. Student budget capped at R13 000 for food but would not be able to get 3 meals per day. Need to economise but because the funds can be redeemed at other places outside the residences, there are already cases where students have used their entire food allowance by May 2023. Food security becoming a problem and the US cannot provide food security on open-ended basis. Support with sustenance does exist but only in extreme cases and then for about 3 days.</p> <p>NSFAS system also deregistered 400 students, now requiring assistance while the problem is addressed.</p> <p>NK was invited to provide feedback on the Khampepe report: NK responded that structures were established to deal with the recommendation in the Khampepe report. A workshop was held on 13 May 2023, and an external advisor was appointed. NK also raised concerns expressed in the report that students felt alienated, excluded, and discriminated against when in town. NK seeks to have contact with reps from SM to address the challenges expressed by students.</p> <p>LBvR that there is still figuring out to happen between SM and US to address these matters.</p> <p>GM wants US to express exactly what they expect from SM regarding these matters.</p> <p>NvE was invited to provide inputs on Ring of Peace: NvE briefed forum on the Ring for Peace initiative, an initiative of Medi-clinic to be housed at the Botmashoogte residence. The residence will be refurbished into a Thutuzela centre for victims of GBV. Us signed lease and will be doing PR once the go-ahead is given for opening. NPA also on-board and excited about initiative. GM expressed concerns regarding the safety and confidentiality of victims and looks forward to the co-operation between Us and SM regarding Ring of Peace.</p>	<p>WdV</p> <p>SdP</p> <p>NK</p> <p>LBvR</p> <p>GM</p> <p>NvE</p> <p>GM</p>
4.3	<p>Update on Adam Tas Corridor (ATC)</p> <p>GM provided an update on the ATC. Council approved the zoning for the ATC in May</p>	<p>GM</p>

<p>4.4</p> <p>4.5</p>	<p>2023, and a project unit was established to deal with applications. Council also approved the budget that will be available from 1 July 2023. Busy with talks with EDP to finalise agreements. The Newinbosch phase was approved and building and site development started.</p> <p>NvE enquired about the availability of accommodation for young professionals and academics, as the US can offer limited accommodation options.</p> <p>GM responded that ATC could assist with this enquiry, as the agreement with developers include capped prices for dwellings, as well as to provide for young professionals to enter the housing market. Criteria were set down as well as prices for units, and the agreement is that 55 units must be available for sale based on these criteria. This will help with the GAP market for housing. At Newinbosch, the mixed housing development is happening.</p> <p>LBvR enquired about Droëdyke. GM responded that SM are in talks with HDA (Housing Development Agency) to get the property / land transferred from DoPW to SM. This is not the only piece of land in question, as SM has been trying for years now, and through the political leadership of various ministers at national level, to get the land pockets transferred to be able to start the development of housing. Issue also raised at recent presidential imbizo.</p> <p>GM also indicated that developers in ATC must do mixed use development. Create integrated communities.</p> <p>Coetzenburg and School Sports Nothing new to report, except that these concerns have been addressed and engagements with school leadership happened around the use and costing of facilities.</p> <p>WdV recommends this be removed from agenda.</p> <p>Student perceptions and Stellenbosch town Most of the issues were addressed under 4.2 and the suggestion is to remove this point from the agenda.</p>	<p>LBvR (NK)</p> <p>LBvR (NK)</p>
<p>5. Feedback from standing committees</p>		
<p>5.1</p>	<p>Stellenbosch Municipality Mobility Forum Internal discussions at SM that the Mobility Forum be re-established as agenda item under Infrastructure Forum. SC to share the ToR (terms of reference) of the Mobility forum with this forum and the membership criteria for the Mobility Forum should have a strong emphasis on technical, engineering and research expertise. The transport engagements will form part of the quarterly Infrastructure forum engagement. Sc indicated that the first meeting with Prof Anderson from US regarding transport matters will be in the first week of July 2023.</p> <p>GM explained the issue around animosity within the Mobility Forum. There were many allegations against senior staff of the SM, and the critical concern was that members of the mobility forum did not understand the ToR for the forum. Example such as the Road Masterplan that was not updated. Council approves updated plans annually and the updates must occur according to legislative prescript. Due to the unpleasantness, it was decided to de-establish the forum for some time while dealing with the allegations. It was decided to re-establish the forum as part of the Infrastructure forum, as many of the issues are inter-related. It was also felt certain groupings within the forum were pushing a particular agenda.</p>	<p>SC</p>
<p>5.2</p>	<p>Infrastructure Forum: SC provided feedback on the items listed below:</p> <p>Landfill and construction of the new cell The site handed over and the contractor is on site. Construction will continue over the next 133 months and will be monitored.</p> <p>Electricity Regeneration Project Telemetry tender was awarded and is now in appeal period, which ends on 16 June 2023. Also appointed a lead consulting (Lyners) firm to assist with studies about</p>	<p>SC</p>

	<p>loadshedding switching and liaison with stakeholders. This will assist with the mitigation of loadshedding issues.</p> <p>The US is also assisting with research into the battery storage facility. The consulting firm will conduct research and survey with US to understand processes and on the big user element.</p> <p><u>New Projects:</u></p> <p>Impact of veld fires on flooding Research highlights when veldfires occur, there is increase in run-off. Has minimum impact and the vegetation regrowth normally very rapid. This helps to lessen the run-off.</p> <p>Ryneveld Street SC indicated Mr Fullard engaged US on the request for laybays. This means US will lose some parking space. Plans and cost estimates are finalised and complete. Laybays will be in front of the Education building and will not affect traffic flow. US offered to help pay, and this discussion will be taken off-line.</p> <p>Update on Trains between Muldersvlei/Stellenbosch and Muldersvlei/Klapmuts PRASA indicated that by end June 2023 they will give feedback but no change on this matter. It is difficult to engage PRASA on matters like this.</p>	<p>SC</p> <p>SC</p>
5.3	<p>Stellenbosch Municipal Water Management SC indicated the status quo remains - No formal restrictions from National Government. No SM restrictions in place as there is not yet a capacity problem. However, SM always asking residents to be water wise and save water.</p> <p>Council approved <i>The Berg River Voëlvlei Augmentation Scheme 'bravas'</i> – raising the Berg River Dam wall. The signed submission sent to Dept of Water and Sanitation. Awaiting the response from department.</p> <p>Currently, the Jamestown reservoir project and Vlottenburg scheme 1 will start construction in November 2023, while Kayamandi 10 megalitre and Onder-Papegaaiberg will commence middle of 2024. Dam levels increased and higher than same time last year.</p> <p>Additional generators put in place to assist with pumping of water from reservoirs. This is a major side-effect of loadshedding.</p> <p>Stormwater SC indicated the status still the same. US requested for practical inputs into the study. Roads and Stormwater departments remain committed to work with US on this. This project is to investigate and develop different methods for clean stormwater run-off.</p> <p>Grey Water Management SC indicated SM working together with US on this and awaiting feedback from US on this study.</p> <p>SdP mentioned this is the highest cumulative rainfall in 45 years on record. GM provided update from SM side – more rain expected later the day and had to open Wemmershoekdam for slow release to avoid damages. Flooding of the Eerste River occurred, and adjacent areas and infrastructure were flooded and damaged. Bridges at Markotter and Lanquedoc also washed away and need urgent attention as these bridges are needed for access. At Robertsvlei and Oude Molen homes were washed away, and people had to be evacuated (115 ppl evacuated: no injuries). JOCC in place and many roads outside the CBD flooded. Also, many areas of localised flooding, eg Die Boord.</p> <p>NvE mentioned some localised flooding on campus but nothing unmanageable. Operations not really affected.</p>	<p>SC</p> <p>SC</p>
5.4	<p>Monitoring and Advisory Committee on Crime (MACC) Meeting held last week but the minutes of the meeting not yet available. Discussing the issues that must be discussed. There were some concerns raised by SAPS and SM about the number of events, and some thought must be given to events planning in</p>	NvdE

	order not to overburden SAPS and Law Enforcement. CK indicated theft from motor vehicles still a concern. Theft of vehicles also a concern. No incidents at the Vensters event of 2023. Stats about crimes released on a quarterly basis. Concerns expressed about the annual increase in crimes, especially theft. Latest stats always reported by SdP to US management.	
6.	New matters (incorrect numbering of this section on the agenda)	
6.1	Merriman Avenue Safety This is in response to the tragic event that occurred earlier this year during loadshedding. However, this is not the only incident involving a pedestrian. Merriman is deemed a dangerous road, with high-speed traffic located centrally on campus. There are ways to mitigate, eg the traffic light but the behaviour of drivers the concern. They speed to get through the traffic light. The bridge over Merriman is under-utilised and needs to establish why this is so. Immediate need to provide more light across the bridge, especially during loadshedding, and have the ways onto / off the bridge properly lit. Suggestions to improve safety would be placing of speed cameras or even flashing speed sign that not only warns but indicates the speed of the traveller / driver approaching. The request is that these proposals must be loadshed proof. The fact that this road is a provincial road complicates matters. Any mitigation matters require provincial approval. Placing barriers to prevent pedestrians from crossing will lead to drivers assuming they can travel faster on the road. SM will work with US to mitigate the problems. Funds were donated to improve the area, as the US will decide how to apply the funds. CK indicates that SM has done research on speeding on road. Waiting for date to launch road safety discussion and awareness. About driver and pedestrian behaviour. Will request feedback from provincial department about the mitigation. The matter of slightly raised intersection also introduced but preferred the flashing light at crossing.	SdP
6.2	Environmental Sustainability Plan (presentation) US approved this plan in 2022, and the team provides feedback to the rectorate regularly. And was requested to provide feedback to forum. The reasons for the commitment to sustainability were outlined, and the most important were the Paris Agreement and C40 agreement. Over the past 20 years the utility cost increased by 1000%, and that is why sustainability is important. Presenter indicated Stellenbosch contributed 85 136 tons of CO2 emissions for 2019, and it dropped slightly in 2020 due to COVID. Fossil fuels usage adds to this. The fleet of transport at the US makes up about 43% of the carbon emissions.	
6.3	Solar Project at Stellenbosch Schools LBvR requested that this stand over for presentation to be made to forum. In the meantime, US is assisting with funding to help under-privileged schools to install solar and battery invertors. WCED is co-funding the project, as well as some public donors. SM is assisting with approval and US with funding, resourcing, and education. The next school will be Ikhaya Primary and it is hoped that the project can be rolled out to all schools in WC024.	LBvR
8	Closing	
	The meeting adjourned at 15h37. The next meeting is scheduled for Thursday, 7 September 2023 (Chair and Secretariat: Stellenbosch Municipality)	WdV

10.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2023 – JUNE 2023
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Collaborator No: 753186
IDP KPA Ref No: Good Governance
Meeting Date: 26 July 2023

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2023 – JUNE 2023

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from April 2023 to June 2023 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council takes note of the decisions by the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

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

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

6.2 Discussion

Council approved delegations to the Executive Mayor and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

The Executive Mayor also takes decisions in consultation with the Mayoral committee. The decisions of the 2022/23 financial year will be reported in a separate item.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 10.1.3 – Council meeting: 2023-04-26

6.7 Risk Implications

Risk implications are mitigated when decisions taken are in line with approved powers and functions.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure 1: Decisions taken by the Executive Mayor in the period April 2023 to June 2023.

Appendix 1: Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law (2025): application for rezoning, subdivision, consent use, departure, approval of development name, approval of site development plan and allocation of street names and numbers: Erf 14601, Stellenbosch.

Appendix 2: Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law (2015): application for the amendment of the Two Rivers Property Association constitution: Farm 1646/1 – 20, Paarl division

Appendix 3: Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law (2015): application for the removal of restrictive title deed conditions on Erf 1036, Stellenbosch

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
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E-MAIL ADDRESS	<u>Donovan.Muller@stellenbosch.gov.za</u>
REPORT DATE	14 July 2023

ANNEXURE 1

DELEGATIONS EXERCISED FOR PERIOD [APRIL – JUNE 2023]

EXECUTIVE MAYOR

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
110	FINANCE	S 71 monthly budget monitoring report for March 2023	18/04/2023	18/04/2023	Approved
110	FINANCE	S 71 monthly budget monitoring report for April 2023	15/05/2023	15/05/2023	Approved
110	FINANCE	S 71 monthly budget monitoring report for May	14/06/2023	14/06/2023	Approved
110	FINANCE	S 52 Quarterly budget monitoring report 3 rd quarter 2022/23	26/04/2023	26/04/2023	Approved
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2025): APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURE, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601, STELLENBOSCH.	20/10/2022	23/06/2023	Dismissed, Confirm and Vary [see attached document – APPENDIX 1]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2025): APPLICATION FOR THE AMENDMENT OF THE TWO RIVERS PROPERTY ASSOCIATION CONSTITUTION: FARM 1646/1 – 20, PAARL DIVISION	16/01/2023	12/04/2023	Dismissed and Confirm [see attached document – APPENDIX 2]
LUP 63	PLANNING	APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2025): APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 1036, STELLENBOSCH	30/03/2023	23/06/2023	Vary [see attached document – APPENDIX 3]

APPENDIX 1



STELLENBOSCH
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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURE, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601 STELLENBOSCH

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

DISMISSED	X	CONFIRM	X	VARY	X	REVOKE	
<p>THE DECISION OF THE AUTHORISED DECISION MAKER ON THE 12th OF MAY 2022 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW DATED 20 OCTOBER 2015, APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURE, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601 STELLENBOSCH</p>							

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 12 May 2022, **Approved**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for application for Rezoning, Subdivision, Consent Use, Departure, approval of Development name, approval of Site Development Plan and allocation of Street Names and Numbers: Erf 14601 Stellenbosch
3. The Municipality received an appeal relating to the abovementioned application on the 02nd of June 2022 from Mr Johan Du Plessis from DHM Land



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Law Specialists, on behalf of Catwalk Investments 385(Pty)Ltd, in terms of Section 79(2) of the Stellenbosch Municipality By-Law (2015.)

4. The appeal is not against the full decision of the Authorised Decision Maker; it is against the following conditions of the decision: condition 3.5 and condition 3.7 which was the conditions imposed by the Director: Engineering Services, and finally condition 3.20 relating to the provision of inclusionary housing.
5. The appellant informed all objectors of the appeal submission and requested comments on the grounds of appeal. No comments were received.
6. Due to the complexity of the appeal, comments were requested and received from the Provincial Minister, the Spatial Planning Section as well as the Directorate for Engineering Services.
7. The appeal assessment report was drafted and finalised with receipt of all inputs.
8. To comply with Section 81 (6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), the appeal assessment report and all related documents were served to the Appellant on the 04th of October 2022. Responding comments was received by the Appellant.
9. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the appeal assessment report, as well as various written submissions, I have taken the following decision.



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B. APPEAL RESOLUTION

- 1(a) That the appeal submitted against Condition 3.7 associated with the approval of the Authorised Decision Maker dated 12 May 2022, in respect of the application for Rezoning, Subdivision, Consent Use, Departure, approval of Development name, approval of Site Development Plan and allocation of Street Names and Numbers: Erf 14601 Stellenbosch, **BE UPHELD** and that the subject decision relating to Condition 3.7 **BE VARIED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
- 1(b) That the appeal submitted against Condition 3.5 and Condition 3.20, associated with the approval of the Authorised Decision Maker dated 12 May 2022, in respect of the application for Rezoning, Subdivision, Consent Use, Departure, approval of Development name, approval of Site Development Plan and allocation of Street Names and Numbers: Erf 14601 Stellenbosch, **BE DISMISSED** and that the subject conditions 3.5 and 3.20 **BE CONFIRMED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
2. That the approval of the Authorised Decision Maker dated 12 May 2022, in respect of the application for Rezoning, Subdivision, Consent Use, Departure, approval of Development name, approval of Site Development Plan and allocation of Street Names and Numbers: Erf 14601 Stellenbosch in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 14601, Stellenbosch, accordingly, **BE VARIED** in terms of section 81(7)(b) of the said By-law as follows:
- 2.1.1 **Rezoning** in terms Section 15(2)(a) of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for;



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2.1.1.1 Three (3) Mixed-Use Zone properties for business and flats, inclusive of roads:

1. Portion 1 ($\pm 20291\text{m}^2$)
2. Portion 2 ($\pm 1320\text{m}^2$)
3. Portion 4 ($\pm 2090\text{m}^2$)

2.1.1.2 One (1) Public Road and Parking Zone property for public road purposes (Portion 3 = $\pm 3200\text{m}^2$).

2.1.2 **Subdivision** in terms of Section 15(2)(d) of Erf 14601, Stellenbosch into 4 portions, as depicted in subdivisions plan dated 14 February 2022, File Number FP/0220/977, drawn by First Plan Town Planners, namely;

2.1.2.1 Portion 1 ($\pm 20291\text{m}^2$ - Mixed-Use Zone),

2.1.2.2 Portion 2 ($\pm 1320\text{m}^2$ - Mixed-Use Zone),

2.1.2.3 Portion 3 ($\pm 3200\text{m}^2$ - for a 16m road reserve zoned Public Road and Parking Zone) and

2.1.2.4 Portion 4 ($\pm 2090\text{m}^2$ - Mixed-Use Zone).

2.1.2.5 The registration of a 3m wide pedestrian servitude on the southern boundary of Portion 1, in favor of the general public and the municipality.

2.1.2.6 The registration of a pedestrian access servitude which average from 2.8m to 6m on the western boundary of Portion 1, in favor of the general public and the municipality.

2.1.3 **Departures** in terms of Section 15(2)(b) on Portion 1 (Mixed-Use Zone erf), as indicated on the plans described as "SDP_OVERALL", "SDP_RESIDENTIAL", "SDP_BUSINESS PREMISES" and "SDP_PARKING" dated



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15/02/2022 and drawn by Boogerman Partners attached as part of **APPENDIX 13**, to relax on;

Portion 1 (Mixed Use Development – flats and commercial land uses)

- 2.1.3.1 To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3, 4 and 6.
- 2.1.3.2 To relax the street building line (adjacent to the newly created Portion 3) from 4.5m to 1.5m to allow for the Mill House.
- 2.1.3.3 To provide 405 parking bays in lieu of 454 parking bays for the residential (flats) components of the Mixed-Use development on Portion 1.

Portion 2 (Manor House)

- 2.1.3.4 To provide only 22 parking bays in lieu of 24 parking bays.

Portion 4 (The Shed)

- 2.1.3.5 To provide 22 parking bays in lieu of 27 parking bays.

- 2.2 **Consent Use** in terms of Section 15(2)(o) of Land Use Planning By-law to allow a Place of Entertainment (pub) in the existing storage facility located on Portion 4.
- 2.3 A **permission** required in terms of the zoning scheme, in terms of Section 15(g); to allow for flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 and partially for blocks 5 and 6 on Portion 1.



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BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval in terms of Section 66 of the said By-law.

3 That such approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

- 3.1 The approval applies only to the rezoning, subdivision, departures and consent use in question (See **APPENDIX 13 and 14**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 3.2 The development be undertaken in accordance with the Subdivisional Plan dated 14 February 2022, File Number FP/0220/977 and attached as **APPENDIX 13**.
- 3.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 3.4 A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.
- 3.5 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the



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surveying and transfer of such public land will be for the account of the applicant/developer.

- 3.6 The servitude rights for pedestrian right of way in favor of the general public and the municipality be registered in the title deeds of the applicable property/ies on registration.
- 3.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter attached as **APPENDIX 9**, with the amendment of Condition 11 of said APPENDIX to read as follows:
- "11. that the Development Charges levy, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy."
- 3.7 Development charges be payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.8 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer



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of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

- 3.9 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 which is substantially in accordance with the plans described as "SDP Overall, SDP Residential, SDP Business Premises and SDP Parking" dated 15 02 22 by Boogertman Partners, be submitted for approval to the Municipality prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and the following specific matters to illustrate the conformity of the development to any prevailing principles of the Adam Tas Corridor development:
- 3.10.1 Development parameters conforming to the zoning scheme provisions and taking the principles of the Adam Tas Corridor into account,
 - 3.10.2 provide and promote strong internal and external public and NMT connections with the surrounding area,
 - 3.10.3 provide adequate social facilities for the daily retail needs of residents,
 - 3.10.4 a 16m road reserve to provide sufficient space for a dedicated NMT to ensure that public transport and NMT routes are addressed pro-actively,
 - 3.10.5 provide a public open space system next to the Plankenberg River with public access points between the public road and open space system.



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- 3.11 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 3.12 The revised Traffic Impact Assessment be submitted to the Western Cape Government: Transport and Public Works for their consideration, their recommendations be considered with the finalization of the service-level agreement with the municipality, if need to, and all conditions be adhered to.
- 3.13 Building plans for any future proposed alterations to the "Manor" House and the warehouse building be submitted to Heritage Western Cape for approval, prior to the submission of final building plans to the Municipality for approval.
- 3.14 Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.
- 3.15 The retention and display of the mill workings within the Mill House to the satisfaction of Heritage Western Cape.
- 3.16 A landscaping plan (as part of the site development plan), which is substantially in accordance with Drawing no LAN/sdp13 Rev 13 dated 12/02/2022 by JDV Landscape Studio be submitted for approval by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.
- 3.17 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever



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occurs first. Such landscaping plan to illustrate the use of suitable indigenous vegetation.

- 3.18 The developer contacts the Municipal Department: Community Services whilst the site is being prepared for construction and access to the river is imposed, to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.
- 3.19 Blocks 5, 6 and the Manor House may not be fenced in to impede the access of the business interface with Distillery Road.
- 3.20 The developer and the municipality, represented by the Director: Planning and Economic Development or his delegated official, enter into an agreement on the satisfactorily provision of inclusionary housing within 12 months from final notification of the approval and prior to the submission of building plans, which agreement must inter alia, but not necessarily limit thereto, address the following matters:
- 3.20.1 The proposed development to contain a fair and reasonable number of dwelling units, of no less than 31%, falling within the affordability thresholds for rental or ownership within the new mixed-use development (i.e. 87 units out of the 285 dwelling units proposed).
- 3.20.2 The inclusionary housing units be provided on-site as part of the market-related development i.e. in the same building or on the same land parcel and should be spread throughout the development as indicated on the subject Site Development Plan.
- 3.20.3 Building plans submitted in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 shall indicate the location of the units.



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- 3.20.4 The type of housing typologies of the inclusionary housing units to be bachelor/ studio units with a minimum floor area of 28m², and each unit to include at least one bedroom, a kitchen, and a bathroom.
- 3.20.5 Units to be spread throughout the development and its architectural style of the units be similar to the rest of the development, with differences in the interior allowed.
- 3.20.6 Residents of the inclusionary housing units to have indiscriminate access to all entrances and amenities of the development.
- 3.20.7 The inclusionary housing units are not intended for community residential buildings, communes, employee housing, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e. home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)
- 3.20.8 The inclusionary housing units will be reserved for qualifying recipients with a total combined monthly household income with a maximum of R15 000 (social housing) for rental, and R3 501 to R22 000 (FLISP subsidy measure) or to a maximum of the Financial Services Charter Measure as defined and updated yearly for ownership (e.g. R26 100 2020 rates);
- a) Monthly rent or repayments may not be more than 30% of the total monthly household income; and
 - b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by StatsSA.



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3.20.9 The inclusionary housing units be retained as such in perpetuity using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development.

- a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition (insert condition nr.), as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.
- b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or
- c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.
- d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.

3.20.10 The developer or managing agent (HOA or Body Corporate) to provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually.

3.20.11 If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the



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option (but no obligation) to adopt and adhere to the policy requirements instead.

4. Matters on the application TO BE NOTED:

- 4.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.3 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.4 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.5 Development proposal plans, landscaping plans and development names does not represent application requiring an approval in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) and could all be finalized with the submission of the Site Development Plans for considering an approval, prior to the building plan submission.



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4.6 Application for the Approval of the development's name: The Mill and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.

4.7 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

4.8 The selling or supply of liquor to non-guests of the place of entertainment is prohibited and the operation of video games or pinball tables is not permitted on the premises.

5. The reasons for the above decision are as follows:

5.1 Condition 3.5 - Requirement for land that is related to the normal need that arises from the land use approval.

The subject property and proposed development are integral to the Adam Tas Corridor, which, on the strength of the Stellenbosch Municipal Spatial Development Framework, is based on the rationale of an integrated, mix use development that is reliant on a high degree of accessibility and mobility. The public roads are consequently regarded as an inherent and normal need that arises from the approval given for a high density, mixed used development, and that will provide the required access, integration, and mobility for the successful re-development of the Adam Tas Corridor.



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5.2 Condition 3.7 – Requirement for development charges

The development charges should be calculated when the development rights are exercised and in accordance with the extent that the development rights are being exercised, with due consideration of any justifiable credit on development charges that the appellant may present. The development charges are therefore deemed accurate, and the condition is being amended in order to allow that the development charges be recalculated in accordance with the prevailing tariffs of the applicable financial year, when payment is due.

The relevant policy prescripts and applicable development rights serves as the basis for calculating the Development Charges. Any credit on development charges needs to be justified and the onus will vest with the appellant to submit proof of any development charges that was paid in the past, and which will be limited to the extent to which the previous land uses were exercised and not on the total extent of the potential development rights.

5.3 Condition 3.20 - Requirement for the provision of Inclusionary Housing

The Adam Tas Corridor (ATC) development is a special project that specifically envisage the spatial transformation and restructuring of Stellenbosch for a sustainable future with a quality living environment. The project was conceptualised and developed in close cooperation with all the key landowners in the ATC. Inclusionary housing is a key element of the ATC in support of the objective to create affordable housing and foster social and economic inclusion. Without the targeted approach for inclusionary housing this objective of the ATC project will be undermined.



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The mandate for inclusionary housing derives from the development principles in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), which are laws of general application and both laws specifically refer to spatial transformation, inclusionary housing, or restoring spatially distorted spatial patterns through settlement restructuring.

The MPT may impose reasonable conditions that arise from deciding on a land use and land development application, and which should uphold and be consistent with the municipal spatial development framework. The requirement for inclusionary housing must consequently arise from the approval of a land use and land development application in the ATC, and which should be appropriate to the circumstances of the particular case.

The Stellenbosch Municipal Spatial Development Framework (MSDF) has earmarked the Adam Tas Corridor (ATC) for the provision of inclusionary housing due to its purpose in the spatial transformation and restructuring of the Stellenbosch urban fabric.

The decision to impose the condition relating to the provision of inclusionary housing to create affordable housing and foster social and economic inclusion, can therefore not be regarded as to be arbitrary or inconsistent.

SIGNATURE: *G. van Deventer* DATE: 23/6/2023

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

APPENDIX 2



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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE AMENDMENT OF THE TWO RIVERS PROPERTY ASSOCIATION CONSTITUTION: FARM NO. 1646/1-20 PAARL DIVISION

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

DISMISSED	X	CONFIRM	X	VARY		REVOKE	
<p>THE DECISION OF THE AUTHORISED DECISION MAKER ON THE 22ND OF MARCH 2022 TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW DATED 20 OCTOBER 2015, APPLICATION FOR THE AMENDMENT OF THE TWO RIVERS PROPERTY ASSOCIATION CONSTITUTION: FARM NO. 1646/1-20 PAARL DIVISION (LU/13593)</p>							

A. BACKGROUND

1. The abovementioned appeal refers.
2. The Authorised Decision Maker on 22 March 2022, **Approved**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the amendment of the Two Rivers Property Association Constitution.
3. Mr Bruce Elliot submitted an appeal to the Municipality on the 12th of April 2022, in respect of the abovementioned application, in terms of Section 79(2) of the Stellenbosch Municipality By-Law (2015) **(See Annexure A)**.



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4. The Administration informed the applicant of the appeal and requested the comments of the applicant on the grounds of appeal. Mr Coen Swart acting on behalf of the Two Rivers Homeowners Association, submitted comments in respect of the grounds of appeal on the 03rd of May 2022.
5. The appeal assessment report was drafted and completed hereafter, based on all documentation provided.
6. In order to comply with Section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), all parties must be given the opportunity to inspect and comment on any documents that the Appeal Authority will have regard to in consideration and deciding on the subject appeal. The Appeal Assessment report was duly submitted to Messrs. Swart and Elliot on the 19th of December 2022.
7. Mr Swart Submitted comments relating to the appeal assessment report on the 19th of December 2022 (**See Annexure B**). Further comments were received from Mr Elliot on the 28th of December 2022 (**See Annexure C**). It should be noted that Mr Swart discovered that, during his scrutiny of the appeal assessment report, several pages were missing from the Constitution on file of the Administration. A complete Constitution was therefore provided and submitted to the to the office of the Appeal Authority (**See Annexure D**).
8. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which was made by the interested parties, I have taken the following decision.



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B. APPEAL RESOLUTION

1. The appeal submitted against the approval by the Authorised Decision Maker, dated 22 March 2022, on the application for the amendment of the Two Rivers Property Association constitution: Farm no. 1646 Paarl Division, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015, as follows:
 - 1.1 That approval be granted in order to amend the Two Rivers Property Owners Association on Farm 1646, Paarl Division in terms of Section 29 of the Stellenbosch Municipality Land Use Planning By-Law, 2015 attached as Annexure D(Amended Constitution 2021), **BE APPROVED**.
2. That such approval be subject to the following conditions imposed in terms of Section 66 of the said By-law:
 - 2.1 That the approval applies only to the amendment of the constitution, as indicated on Annexure D and shall not be construed as authority to depart from any other legal prescriptions or requirements nor further amendments to the attached constitution prior to Council's approval.
 - 2.2 Any future changes made to the constitution must be approved by Council.
3. The above decision on the appeal was made for the following reason(s) in terms of Section 81(7)(c) of the said By-law:
 - 3.1 The proposed amendments to the Property Owners Association (POA) Constitution does not relate to any matters concerning the Stellenbosch Zoning Scheme Bylaw or the relevant provisions in Section 29 of the Municipal Land Use Planning Bylaw.



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- 3.2 The proposed amendments to the Property Owners Association (POA) Constitution consequently relates to internal matters of the Owners Association and as these matters have no bearing on municipal affairs, the Municipality has no authority to dictate on these internal matters.

SIGNATURE: 

DATE: 12.04.2023

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

APPENDIX 3

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 1036, STELLENBOSCH (LU/12953)

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

DISMISSED		CONFIRM		VARY	X	REVOKE	
THE DECISION OF THE AUTHORISED DECISION MAKER ON 03 NOVEMBER 2022 TO PARTIALLY APPROVE AND PARTIALLY REFUSE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW DATED 20 OCTOBER 2015, THE APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 1036, STELLENBOSCH							

A. BACKGROUND

1. The abovementioned appeal refers.

2. The Authorised Decision Maker on 03 November 2022, **Partially Approved and Partially Refused**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application to construct a dwelling house (and to allow for future development in accordance with the development rules and parameters as per the applicable zoning scheme).

3. The Municipality received an appeal relating to the abovementioned application on the on the 18th of November 2022 from Cluver Markotter Attorneys on behalf of Mr Andrew Harris in terms of Section 79(2) of the Stellenbosch Municipality By-Law (2015.)

4. The appellant informed all objectors of the appeal submission and requested comments on the grounds of appeal, however no comments were received.
5. The appeal assessment report was drafted hereafter, based on all documentation provided.
6. In order to comply with Section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making and the appeal assessment report was forwarded electronically to the appellant and the objectors on the 17th of March 2023.
7. Mr Harris submitted comments relating to the appeal assessment report on the 17th of March 2023. It should be noted that the objectors did not submit any comments relating to the appeal assessment report.
8. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the documentation submitted in the land use application, the written appeal, the report of the relevant Authorised Employee, as well as various written submissions which was made by the interested parties, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the approval of the Authorised Decision Maker dated 03 November 2022, in respect of the application for the Removal of Restrictive Title Deed Conditions on Erf 1036 Stellenbosch, **BE UPHELD** and that the subject decision **BE VARIED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015, as follows:

1.1 The application the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 1036, Stellenbosch, namely:

1.1.1 **Suspension of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause C(iii)(d) as contained in Title Deed Nr 35376/2018 to:

- (a) relax the title deed street building line from 6,096m to 4,0m to accommodate the dwelling house; and
- (b) relax the title deed common building line adjacent to Erf 507, Stellenbosch from 3,048m to 1,5m to permit a stoep and braai area.

1.1.2 **Removal of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause D(d) as contained in Title Deed Nr 35376/2018, i.e.:

- (a) *Paragraph D(d): "Geen dak van enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde material en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie".*

1.1.3 **Permanent departure** in terms of Section 15(2)(b) of the said Bylaw to relax the common building line (adjacent to Erf 507, Stellenbosch) from **2,5m** to **1,5m** for purposes of a stoep and patio/braai area.

BE APPROVED in terms of Section 60 of the said By-law, subject to conditions in terms of Section 66 of the said By-law.

2. **That such approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:**

2.1 The approval only applies to the proposal under consideration, as indicated on the referenced (025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect) Site Plan, attached as **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The development must be undertaken generally in accordance with the Site Plan as referenced 025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect and attached as **ANNEXURE C**.

2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.4 Building plans must be generally in accordance with the site plan as referenced (025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect) and attached as **ANNEXURE C**.

2.5 The condition imposed by the **Manager: Electrical Services** as contained in their memo dated 04 October 2021, be complied with (see **ANNEXURE H**);

2.5.1 Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages

2.6 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.

3. The reasons for the above decision are as follows:

3.1 The proposal is of limited scale and will not have a detrimental impact on the prevailing character of the subject area and it is in keeping with the current land use of the subject property and the area.

3.2 The proposed removal of the subject restrictive title condition applicable to the abovementioned property is supported as it relates to the prevailing context and will not have a negative impact on the residential character of the area.

3.3 The suspension of the title deed restrictions will permit the extent of the proposed development in accordance with the consultation undertaken. The removal of the subject title deed restriction(s) that would permit development beyond the scope of this proposal and consultation cannot be justified.

4. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 1036, Stellenbosch, namely,

4.1 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said Bylaw of Clause C(iii)(a)(b)(c)(d) and Clause D(e) as contained in Title Deed Nr 35376/2018. The restrictions to be removed read as follows:

- a) *Paragraph C(iii)(d) "geen gebou of struktuur of enige gedeelte daarvan behalw grensmure en heinings mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, en mits gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidasie van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf".*
- b) *Paragraph D(e): "Die omheining van die erf mag alleen opgerig word nadat volle besonderhede i.v.m die beplanning daarvan aan die eienaars van die dorpsaanleg voorgelê is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gebou word nie".*
- c) *Paragraph C(iii)(a) "Dit mag nie onderverdeel word nie";*
- d) *Paragraph C(iii)(b) "dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmm gebruik word daarop op te rig";*

e) Paragraph C(iii)(c) "op nie meer as een derde van die oppervlakte daarvan mag gebou word nie."

NOT BE APPROVED in terms of Section 60 of the said By-law.

5. **The reasons for the refusal are as follows:**

- 5.1 The subject application contains no grounds or motivation for the proposed removal of the subject title restrictions which also impedes effective public participation, and consequently the application cannot be properly considered in the absence of a proposal associated with the required removal of title restriction and such effective public participation.
- 5.2 The removal of the title deed restrictions without any firm proposals will undermine proper public consultation and permit development which has not been properly considered by any affected parties.

6. **Matters to be noted:**

- 6.1 Building plans be approved by the Municipality.

SIGNATURE: 

Adv. Gesie van Deventer
EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

DATE: 23 June 2023

10.1.3	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL 2023 – JUNE 2023]
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Collaborator No: 753188
IDP KPA Ref No: Good Governance
Meeting Date: 26 July 2023

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [APRIL 2023 – JUNE 2023]

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from April 2023 to June 2023 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

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

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

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council takes note of the decisions by the Executive Mayor taken in consultation with the Mayoral committee meeting from April 2023 until June 2023.

6. DISCUSSION / CONTENTS

6.1 Background and discussion.

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

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

Council approved delegations to the Executive Mayor as per EM 12 of the Stellenbosch Municipality Systems of Delegations, and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 10.1.2 – Council meeting: 2023-04-26

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Appendix 1: Decisions taken by the Executive Mayor in the period April 2023 to June 2023 at Mayoral Committee meetings.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	<u>Donovan.Muller@stellenbosch.gov.za</u>
REPORT DATE	14 July 2023

APPENDIX 1

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
2023-04-19				No matters resolved
2023-05-17				No matters resolved
2023-06-14				No matters resolved

10.2	REPORT/S BY THE SPEAKER
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10.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING: 4TH QUARTER
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Collaborator No: 753164
IDP KPA Ref No: Good Governance
Meeting Date: 26 July 2023

1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING: 4TH QUARTER

2. PURPOSE

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

3. DELEGATED AUTHORITY

For Notification by Municipal Council.

4. EXECUTIVE SUMMARY

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

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

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

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. Wards 9 and 17 co-opted 2 new members in the 4th quarter. Ward 21 currently has 1 vacancy which need to be filled. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as ANNEXURE A is a table outlining the functioning of all Ward Committees for the period April - June 2023, including dates and number of Ward Committee meetings held to date.

5. RECOMMENDATIONS

- (a) that Council notes the functioning of Ward Committees in all 23 wards;
- (b) that Council takes note of the number of Ward Committee and Sector meetings held to date in all 23 wards from April - June 2023.

6. DISCUSSION / CONTENTS**6.1 Background**

In terms of the Policy and Procedures for Ward Committees amended and adopted by Council on 23 November 2021, the Speaker of Council is the custodian of Ward Committees. The Speaker must, in collaboration with Ward Councillors, regulate and monitor the frequency of ward committee and community report back meetings and must through his/her office ensure functionality of ward committees, as outlined in paragraphs 15(1) and 15(3 and 4) of Council's Policy and Procedures for Ward Committees.

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

6.2 Discussion

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

Wards who did not have the full complement of Ward Committees members were allowed to co-opt members in line with Council Policy and Procedures for Ward Committees. Wards 9 and 17 co-opted 2 new members in the 4th quarter. Ward 21 currently has 1 vacancy which need to be filled. All ward committees are fully functional and are performing all duties as set out in the Policy and Procedures for Ward Committees.

Attached herewith as **ANNEXURE A** is a table outlining the functioning of all Ward Committees, including dates and number of Ward Committee meetings for the period April - June 2023.

6.3 Financial Implications

As per the approved budget.

6.4 Legal Implications

The recommendations in this report comply with approved delegations, legislation and Council policies.

6.5 Staff Implications

Ward Administrators have been appointed to assist with the functioning of Ward Committees. Where vacancies exist, there are processes in place to fill the vacancies.

6.6 Previous / Relevant Council Resolutions

6TH COUNCIL MEETING: 2022-07-27: ITEM 13.2

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

The report was not circulated for comment.

ANNEXURES

Annexure A: Summary of Ward Committee and Public Meetings held: April to June 2023

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Jacqueline Beerwinkel
<i>POSITION</i>	<i>EXECUTIVE SUPPORT OFFICER</i>
<i>DIRECTORATE</i>	<i>CORPORATE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021808 8618</i>
<i>E-MAIL ADDRESS</i>	<i>Jacqueline.Beerwinkel@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>26 July 2023</i>

ANNEXURE A

ANNEXURE A: SUMMARY OF WARD COMMITTEE AND PUBLIC MEETINGS HELD: APRIL - JUNE 2023

WARD COMMITTEE MEETINGS: APRIL - JUNE 2023					
Wards	No of WC Members	No of WC Meetings	Meeting dates (wc)	Public / Report back meetings	IDP attendance of w comm
1	10	2	26/04/2023; 21/06/2023		12/04/2023
2	10	3	16/04/2023; 25/05/2023; 22/06/2023		12/04/2023
3	8	3	26/04/2023; 18/05/2023; 22/06/2023		17/04/2023
4	7	2	22/05/2023; 21/06/2023		17/04/2023
5	10	2	02/05/2023; 06/06/2023		13/04/2023
6	8	3	05/04/2023; 03/05/2023; 31/05/2023	15/05/2023	13/04/2023
7	10	3	19/04/2023; 10/05/2023/ 14/06/2023	14/06/2023	18/04/2023
8	5	1	25/05/2023		18/04/2023
9	10	1	02/05/2023		18/04/2023
10	10	3	04/04/2023; 02/05/2023; 22/06/2023		18/04/2023
11	10	3	11/04/2023; 23/05/2023; 13/06/2023		18/04/2023
12	10	3	03/04/2023; 08/05/2023; 12/06/2023		12/04/2023

Wards	No of WC Members	No of WC Meetings	Meeting dates (wc)	Public / Report back meetings	IDP attendance of w comm
13	10	3	24/04/2023; 16/05/2023; 06/06/2023	28/04/2023	12/04/2023
14	10	2	11/04/2023; 31/05/2023		12/04/2023
15	10	2	04/04/2023; 06/06/2023	15/05/2023	12/04/2023
16	10	3	11/04/2023; 29/05/2023; 13/06/2023		17/04/2023
17	6	3	25/04/2023; 16/05/2023; 06/06/2023		17/04/2023
18	10	2	24/04/2023; 08/05/2023		13/04/2023
19	8	3	25/04/2023; 18/05/2023; 05/06/2023	08/06/2023	13/04/2023; 17/04/2023
20	9	2	13/04/2023; 09/05/2023	13/06/2023	18/04/2023
21	8	3	04/04/2023; 02/05/2023; 06/06/2023		18/04/2023
22	10	3	19/04/2023; 03/05/2023; 14/06/2023	30/05/2023	18/04/2023
23	9	2	09/05/2023; 06/06/2023		18/04/2023

10.2.2	REPORT TO COUNCIL BY SPEAKER ON THE DISCIPLINARY CASES TO BE INVESTIGATED
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Collaborator No: 753164
IDP KPA Ref No: Good Governance
Meeting Date: 26 July 2023

1. SUBJECT: REPORT TO COUNCIL BY SPEAKER ON THE DISCIPLINARY CASES TO BE INVESTIGATED

2. PURPOSE

For Council to take note of the disciplinary cases that the Speaker has authorised the Municipal Manager to appoint a service provider to investigate the facts and circumstances in terms of the Municipal Structures Act 117 of 1998 and Regulations.

3. DELEGATED AUTHORITY

For Notification by Municipal Council.

4. EXECUTIVE SUMMARY

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- a) Authorise and investigation of the facts and circumstances of the alleged breach
- b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with.

5. RECOMMENDATIONS

For noting.

6. DISCUSSION / CONTENTS

6.1 Background

According to the Municipal Structures Act, 117 of 1998 and delegations S9 and S10 of the Stellenbosch System of Delegations, the Speaker has the

- responsibility to investigate and alleged breach of the Code of Conduct by a councillor and to report on same to council (S9);
- appoint a person to assist Speaker with the investigation into the facts and circumstances of an alleged breach of the Code of Conduct (as delegated from the Municipal Manager (S10).

6.2 Discussion

In terms of item 15 of Schedule 7 of the Municipal Structures Act, no 117 of 1998 and Regulations, Code of Conduct for Councillors.

Breached of Code – 1) IF the speaker of a municipal Council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-

- a) Authorise and investigation of the facts and circumstances of the alleged breach
- b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c) report the matter to a meeting of the municipal council after paragraph (a) and (b) have been compiled with .

Attached herewith as ANNEXURE A is a table outlining the cases authorized for further investigation.

6.5. Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Speaker.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

No previous Council resolutions.

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management:

The report was not circulated for comment.

ANNEXURES

Annexure A: Attached herewith as ANNEXURE A is a table outlining the cases authorized for further investigation.

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Manager: Councillor Support
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	18 July 2023

ANNEXURE A

CASES UNDER INVESTIGATION		
DATE: OFFICE OF THE SPEAKER RECEIVED COMPLAINT	CASE NUMBER	AUTHORISATION GRANTED BY OFFICE OF THE SPEAKER
22 April 2022	220422/01	2022/09/05 - Authorisation letter send to the Municipal Manger
22 April 2022	220422/02/01	2022/09/05 - Authorisation letter send to the Municipal Manger
11 July 2022	220711/01	2022/10/05 - Authorisation letter send to the Municipal Manger
23 July 2022	220723/01	2022/10/05 - Authorisation letter send to the Municipal Manger
19 July 2022	220719/02	2022/10/05 - Authorisation letter send to the Municipal Manger
13 April 2023	230413/01	2023/05/11 - Authorisation letter send to the Municipal Manger
18 April 2023	230418/01	2023/05/23 - Authorisation letter send to the Municipal Manger

NON – PURSUANCE CASES		
DATE: OFFICE OF THE SPEAKER RECEIVED COMPLAINT	CASE NUMBER	NOTIFICATION OF NON - PURSUANCE
18 February 2022	220218/01	2022/03/16
18 February 2022	220218/02	2022/08/29
22 April 2022	220422/03/01	2022/09/05
22 April 2022	220422/04/01	2022/09/05
04 November 2022	221104/01	2022/11/25
18 April 2023	230418/02	2023/06/12

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

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

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

11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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11.3.1	WORK FROM HOME POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 July 2023 & 26 July 2023

1. SUBJECT: WORK FROM HOME POLICY

2. PURPOSE

To request approval of the Work from Home Policy after consultation with the Labour Unions.

3. DELEGATED AUTHORITY

The delegated authority for approval of policies is Council.

4. EXECUTIVE SUMMARY

The Work from Home Policy was initially at the Local Labour Forum who in turn referred the policy to the Human Resources Development Sub-Committee for consultation. The policy was devised during 2020/2021 as a method of minimising COVID-19 exposure within the workplace by allowing staff to work from home. However, with the latest developments in terms of COVID-19 the need for the policy decreased and the Employer did not want to proceed with the implementation of the policy based on Covid requirements.

Management however believes that although Covid does not require the policy anymore it can be used as an alternative manner to do business. The policy is now being submitted with the inputs from the respective parties after consultation in the LLF and sub-committee.

5. RECOMMENDATIONS

- (a) that the consultations with the unions be noted; and
- (b) that the Policy be approved by council.

6. DISCUSSION / CONTENTS**6.1 Background and discussions**

The draft Work from Home Policy was discussed at the Human Resources Development Sub-Committee meeting held on the 15th of May 2023. Overall there was consensus with most of the policy. Due to some concerns on the practical implementation the policy will be implemented as a pilot for 6 months for a start.

6.2 Financial Implications

As per the approved budget. Employees and the employer may benefit due to employees not having to travel and attend the office on a daily basis. The employees will be responsible to ensure their workplace at home is conducive to productive work at home where they qualify and choose to apply to work from home.

6.3 Legal Implications

The Legal implications have been addressed in the policy.

6.4 Staff Implications

Staff will be required to ensure that their office space are fully equipped and safe to perform optimally.

6.5 Previous / Relevant Council Approval

Not applicable.

6.6 Risk Implications

There are potential risks for Council in terms of monitoring sick and annual leave of staff working from home as well as reaching the outputs required. These risks have been identified and measures put into the policy to monitor the matters identified.

6.7 Comments from Senior Management

The item was submitted to Management and the inputs are incorporated in the policy.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 7.3.1

- (a) that the consultations with the unions be noted; and
- (b) that the Policy be approved by council.

APPENDICES

Appendix 1 - Work from Home Policy as amended and consulted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>10 July 2023</i>

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

**REMOTE WORK/WORKING FROM
HOME POLICY
FOR THE STELLENBOSCH
MUNICIPALITY**

1. Introduction

The content of this policy shall constitute the Policy on Work Arrangements for the Stellenbosch Municipality shall be effective from the 1st of the month following the approval by Council.

2. Purpose

Remote working or working from home will only be permitted if 100 % of the functions can be performed remotely or from home and being at the office will just be for moderation, supervision reasons or because there is a need to meeting in person with a colleague or member of the public or senior management. The policy will enable the employer to utilize office space more effectively where possible.

3. Scope of Application

3.1 The Policy shall apply to all permanent employees of the Stellenbosch Municipality excluding:

- a) Employees in the following services
 - Law Enforcement services
 - Traffic services
 - Fire and Disaster Management Services
 - Water and Wastewater
 - Solid Waste
 - Electrical Services
 - Municipal Court
 - Community Development
- b) General Workers in all directorates
- c) Cleaning Staff/Office Assistants in all directorates
- d) Clerical Staff in all directorates that service the public
- e) Administrative staff that service the public/manage and office
- f) EPWP employees;
- g) Clerical and admin staff in all directorates who are involved in records management/filing/answering of phones (customer care)
- h) Ward administrators

NOTE: All employees that are not able to perform 100% of the functions from home.

3.2 An application for remote/working from home must be submitted to the Director of the Directorate who can approve the application subject to the following;

- 1.1 Application form (attached Annexure A) is completed with detailed motivation and supporting documentation
- 1.2 The relevant line manager supports the application.
- 1.3 The relevant line manager specifies what monitoring and evaluation methods (in addition to/except those mention in 6 hereunder) will be implemented with regards to the job functions and requirements to ensure effective performance appraisal.
- 1.4 The employee confirms that the workstation complies with the checklist attached including OHS requirements.
- 1.5 The Director/Municipal Manager/ Executive Mayor (depending on the level of the application) must address the question of what office space is available

for an employee who works from home as well as what is required regarding equipment – what is the minimum that we require and how to monitor that.

1.6 If a Director or the Municipal manager applies the Municipal Manager or the Executive Mayor will have to make the decision.

3.3 Where an application for remote / working from home has been approved the employer (Directorate) must ensure that there is space available for an employee to periodically work at the employer workplace should the need arise.

4. Definitions

Remote Working	<p>Refers to the utilisation of an employee's home/residence as a workstation for the employee rather than having the employee reporting at the workplace.</p> <p>Working remotely from home is not a right or a benefit and may be discontinued by the Municipality for any operational reason, at any time. Employees who does not meet the goals set per week/month or does not perform on standards set will be given 5 (five) days' notice to stop working from home and return to the office. Employees will be permitted to work remotely at the discretion of the relevant Senior Manager/Director.</p>
Remote-Work-Criteria	<p>Refers to the eligibility to work remotely. Such eligibility will be met if the employee meets the following criteria:</p> <ul style="list-style-type: none"> a) Have portable job duties. b) Have a work site and equipment (i.e. telephone, internet, supplies, etc) suitable for working remotely from home; and c) Is able to work independently and productively d) 100% of the employee's functions can be performed remotely or from home.
EPWP	<p>Refers to employees/workers employed in elementary occupations on an Expanded Public Works Programme (EPWP) as explained in the EPWP Ministerial Determination</p>
Section 56 and 57 employees	<p>Refers to the Municipal Manager and Directors</p>
Senior Manager	<p>Refers to the managers reporting directly to the section 56 managers, and the managers in the Municipal Managers</p>

	office as per the approved on the approved 2017/2019 micro-organisational structure.
Management	Refers to all employees appointed in a supervisory capacity

5. WORKING HOURS

Term	Definition
Core business hours are from 08h00 until 16h30	The operating hours of the Stellenbosch Municipality in terms of customer contact

No flexi hours will apply whilst working from home. Directors / Senior Managers must ensure that employees are available during core hours, providing staff overlaps (shift work) and presence in a fair process and subject to staff consultation, so that service delivery is not disrupted to the customer and that services are adequately staffed during business hours.

6. WORK SCHEDULES

- 6.1 Directors / Senior Managers must compile and review individual work schedules where applicable to ensure alignment and compliance with this policy.
- 6.2 No employees may deviate from an approved work schedule without prior approval from his/her Director/Senior Manager.
- 6.3 Employees must be available during core working hours whether working remotely from home or on-site at a Stellenbosch Municipal facility.
- 6.4 Appropriate supervision and performance management must be available to monitor service delivery, productivity and customer satisfaction.

7. PLACE OF WORK

- 7.1 A municipal facility means the place of work as per the employment contract or otherwise approved by the relevant Director / Senior Manager.
- 7.2 Employee residence means the place where the employee is domiciled (last official home address on PayDay System or an arranged address as accepted by the Municipal Manager or Director) or lived while working for the Stellenbosch Municipality and where he/she worked from whilst on approved remote working in terms of this policy.

8. REMOTE WORK / WORK FROM HOME

- 8.1 Directors / Senior Managers may grant approval in terms of the remote-work criteria (as set out under paragraph 4) for employees to work from home. The approval of remote work is not at the employee's discretion/decision or preference but that of the relevant Director who will consult the applicable Senior Manager.
- 8.2 Employees are reminded that working from home is not a right and that such arrangements shall be determined solely by operational and functional requirements of a particular service.
- 8.3 Working from home can only be applied if the conditions are conducive to operational business continuity, without long delays, disruptions or circumstances that impede service delivery and job function.
- 8.4 While on remote work, the responsibilities of the employee(s) shall be as follows:
- a) Ensure that the workspace provided for working from home is available for inspection by the employer representative to ensure that the employee's workspace is compliant when necessary.
 - b) To be available, contactable (via Cellphone/Home phone and Microsoft TEAMS/, Skype/ Zoom and e-mail). The employee must be engaged with work activities during core business hours (eight working hours).
 - c) To keep their Microsoft OUTLOOK calendar up to date, including indicating approved leave and other times when they will not be available on the calendar.
 - d) To ensure, prior to commencement of remote work/working from home that they are able to access the Municipality's network and necessary applications (Microsoft TEAMS/Skype/Zoom and e-mail) by means of a Wi-Fi device (3G) or alternative internet access. The municipality will not be providing this device additionally.
 - e) To carry out all duties and responsibilities as their positions require. All employees must be engaged in work-related activities during working hours
 - f) Personal activities are not regarded as work-related and appropriate time management is to be applied, i.e. leave.
 - g) To comply with the necessary time and attendance systems and procedures existing at the Municipality. Daily clock in via cell phone Senior Manager/Manager or on ESS or by any other means that the Municipality may require. Employees are reminded to ensure that their contact details are correctly updated and displayed on the Municipality's Payday system, address book and e-mail signature in order to facilitate their accessibility when required.
 - h) Employees on who work remote or from home are further required to be contactable after working hours in urgent or emergency situations.
- 8.5 The responsibilities of Management in the instance of having employees in his/her Department/Directorate performing remote work shall be:
- a) To ensure employees work optimally with resources provided and to monitor performance and service delivery.

- b) To monitor attendance and work from home leave applications.
 - c) To document task and outcome objectives for performance management purposes, related to service delivery and job functions.
 - d) To utilise various reports to confirm off-site attendance, i.e.:
 - I. Log onto the Municipality's computer
 - II. Accessing of secure applications
 - III. IT related reports for work productivity
 - IV. Measurable outcomes/deliverables should be put in place
 - e) To strengthen communication channels to ensure accessibility and continued service delivery.
 - f) Management must ensure that a hot desk is available for those employees come into the office.
- 8.6 Overtime (including time off in lieu of overtime) will be allowed only in cases of emergency and where approved and accompanied by a written memorandum from the Municipal Manager and the Director.
- 8.7 When an employee is required to work, but due to personal reasons or health reasons are unable to, the usual leave provisions will apply such as sick leave, maternity leave, family responsibility leave, annual leave etc must be applied for on the system including the necessary proof.
- 8.8 Employees may at any time be called upon to travel to the Municipality's premises as operationally or functionally required.
- 8.9 Management must ensure that employees, whose applications have been approved, must come into the office at least once a week.
- 8.10 Line managers and employees are accountable to ensure ethical behaviour is enforced especially for employees working remotely/from home.
- 9. DISPUTE RESOLUTION**
- 9.1 Should an employee not be satisfied with a decision taken in terms of this policy the matter must first be addressed internally, through the line manager and Director.
- 9.2 Should the dispute not be resolved within the directorate a grievance process must be launched in terms of the normal grievance procedure.

10. POLICY REVIEW

This policy shall be reviewed depending on the Municipality's operational and functional requirements in terms its operations needs at the appropriate time. The date of implementation is the 1st of the month following approval of the policy.

DATE APPROVED BY COUNCIL:

ANNEXURE A

REMOTE / WORKING FROM HOME
APPLICATION FORM

EMPLOYEE SURNAME: _____

EMPLOYEE NAME: _____

EMPLOYEE STAFF No.: _____

DEPARTMENT / SECTION: _____

ADDRESS (Where remote/working from home will be performed):

I, the above mentioned employee, hereby apply for permission and approval to be allowed to work remotely or from home for the period _____ (from date) to _____ (to date).

My request is further based on the following motivation.

1. I have read the contents of the policy, understand it and agree to abide by it.
2. I submit that I have provided all the necessary motivation and supporting documentation for Management to make an informed decision on my application submitted.
3. I agree and provide permission for the Municipality to make an in loco inspection of the abovementioned address for compliance.
4. I further confirm that all information provide are true and correct.

5. I undertake to inform the employer if I, for any reason, wants to change the address provided above and will not work from any other address except the one provided above without prior approval.
6. I undertake to inform my employer if I am ill and unable to work and abide by the rules regarding sick leave.
7. I undertake to inform my employer if I need family responsibility leave per the collective agreement.
8. I undertake to take my 16/18 days compulsory leave in consultation with my line manager and not to have the leave run over the 12 months within which it must be taken.
9. I indemnify the municipality against any claims that may follow from an injury during working hours at home.

SIGNED THIS _____ day of _____ 202__ at _____ (place).

EMPLOYEE SIGNATURE: _____

FOR OFFICE USE HR:

LINE MANAGER NAME: _____

SUPPORT

NOT SUPPORT

REASON(S) FOR SUPPORT / NOT SUPPORTING

CHECKLIST RECEIVED AND ATTACHED YES

NO

APPROVED BY: _____

DATE: _____

DIRECTOR / ACTING DIRECTOR
/MUNICIPAL MANAGER/EXECUTIVE MAYOR

REASONS:

DRAFT

APPENDIX 2

ANNEXURE B

REMOTE / WORKING FROM HOME
EQUIPMENT REQUIREMENTS:

EQUIPMENT	YES/NO	COMMENT
Computer/Laptop		
Internet connectivity including during loadshedding		
Desk/working station conducive to productivity		
Safe environment to work from		
Ensure no misuse of computer/laptop by other residents in home		
Secure environment when on teams meetings		
Telephone/Cellphone on which can be contacted at all times		
Necessary working program to engage in meetings (Microsoft Teams/Skype/Zoom)		
Ensure on line during working hours unless on approved leave or sick leave actively engaging in work activities.		

11.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
11.4.1	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2023 – 30 JUNE 2023 MFMA S116(2)(d) REPORT

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 July 2023 & 26 July 2023

1. **SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JANUARY 2023 – 30 JUNE 2023 MFMA S116(2)(d) REPORT**

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

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

None

4. **EXECUTIVE SUMMARY**

The report indicates the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 January 2023 to 30 June 2023.

5. **RECOMMENDATION**

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 January 2023 to 30 June 2023 be noted.

6. **DISCUSSION / CONTENTS**

6.1 **Background**

6.1.1 **Oversight role of council**

The Council must maintain oversight over the implementation of the SCM Policy and Chapter 11 of the MFMA. For the purpose of such oversight the accounting officer must regularly submit a report on the management of contracts or agreements and the performance of contractors to the Council of the municipality in terms of MFMA S116(2)(d).

6.1.2 **Legislative Requirement**

MFMA S116(2)(d):

“The accounting officer of a municipality or municipal entity must-

- (d) *regularly report to the council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contract."*

6.2 Discussion

Contract Management Performance Monitoring has been institutionalized within the Supply Chain Management unit for active contracts as per the contract register. Monitoring of contracts includes the monitoring of contracts awarded in previous financial years which are still active. The total active contracts amount to 303.

Active contracts - does not include service providers appointed on a panel tender not used yet. Additionally, it does not include service providers appointed for if and when the preferred service provider cannot deliver.

Based on the contract monitoring tool the table below depicts the details of a satisfactory, average and poor performance rating:

#	Description of Performance Rating	Total
3	Satisfactory: The quality of service or goods delivery is in compliance with the agreement. Where needed, corrective or preventative action has been taken or agreed upon.	287
2	Average: The quality of the service is fair but needs monitoring and improvement to move to satisfactory standard	12
1	Unsatisfactory: Quality of service or goods delivery is unacceptable. Council either has or must consider termination of the agreement and all services if not improved urgently.	4

All contracts in the contract register (available upon request) up to 30 June 2023 were monitored in terms of the contractor's performance.

When user departments fail to find amicable solutions for contract management issues, it will be referred to our legal services department for assistance and resolution. Comments of Contract Management underneath relating to the unsatisfactory contracts:

#	Contract description	Actions being taken
BSM 080 21 . 2	PROVISION OF ROADS AND STORMWATER CIVIL ENGINEERING INFRASTRUCTURE UP TO 30 JUNE 2024	BUSY WITH TERMINATION
BSM 073 21. 1	APPOINTMENT OF SECURITY SERVICES FOR THE GREATER WCO24: PERIOD ENDING 30 JUNE 2024	BUSY PLACING THE CONTRACTOR ON TERMS
BSM 019 22	SUPPLY AND DELIVERY OF A MULTI-PURPOSE ARMOURED PERSONNEL CARRIER VEHICLE (NYALA)	SERVICE PROVIDER LIQUIDATED, COURT CASE IN PROGRESS
BSM 027 22	UPGRADE / MAINTENANCE: DORP STREET FLATS	IN PROCESS WITH THE LEGAL DEPARTMENT

6.3 Financial Implications

There are no financial implications should the recommendation as set out in the report be accepted.

6.4 Legal Implications

There are no financial implications should the recommendations as set out in the report be accepted.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:**6.8.1 Director: Infrastructure Services**

No comments requested.

6.8.2 Director: Planning and Economic Development

No comments requested.

6.8.3 Director: Community and Protection Services:

No comments requested.

6.8.4 Director: Strategic and Corporate Services:

No comments requested.

6.8.5 Director Human Settlements and Property Management

No comments requested.

6.8.6 Chief Financial Officer:

Agree with the recommendations.

6.8.7 Municipal Manager:

Agree with the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 7.4.1

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 January 2023 to 30 June 2023 be noted.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.carolus@ Stellenbosch .gov.za
REPORT DATE	07 July 2023

11.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
NONE	
11.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
NONE	
11.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
NONE	
11.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: CLLR C VAN WYK)
11.8.1	REQUEST FOR THE APPROVAL TO UNDERTAKE A PUBLIC PARTICIPATION PROCESS (“PPP”) IN ORDER TO AMEND THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BYLAW, 2019 TO INCLUDE THE DRAFT EVENTS AND OUTDOOR DINING OVERLAY ZONE

Collaborator No: 751448
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 July 2023 & 26 July 2023

1. **SUBJECT: REQUEST FOR THE APPROVAL TO UNDERTAKE A PUBLIC PARTICIPATION PROCESS (“PPP”) IN ORDER TO AMEND THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019 TO INCLUDE THE DRAFT EVENTS AND OUTDOOR DINING OVERLAY ZONE**
2. **PURPOSE**

 To provide Council with the pertinent facts in order to obtain approval to commence with the legislative Public Participation Process (“PPP”) of the Draft Events and Outdoor Dining Overlay Zone that would be included as part of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.
3. **DELEGATED AUTHORITY**

 Council
4. **EXECUTIVE SUMMARY**

 The Directorate: Planning & Economic Development compiled a Draft Events and Outdoor Dining Overlay Zone, with the assistance of Planning Partners.

The purpose of the abovementioned overlay zone, is specifically to deal with land use rights associated with events and outdoor dining within the Stellenbosch Municipality, whereas the current zoning scheme bylaw only permitted the land use activity of occasional use to one event per year on properties zoned Mixed Use and Agricultural. The problem arose where event organisers and coordinators spent months preparing for an event, and then get by tripped by land use issues at the late stage of planning an event.

Events has become an ever-increasing activity within the Stellenbosch Municipal Area, specifically within the Central Business District Areas and on farms, and the demand has increased significant post the COVID-19 pandemic. It must be noted that the zoning scheme was promulgated during 2019, and at the time the events activities were not as prevalent, and therefore only one event was permitted per annum on a property. Events has however become a frequent activity and therefore the municipality as noticed through request from the industry and the various tourism organisations that we must amend the land use management process, as well as the permitting process as set out in terms of the Stellenbosch Municipality Events By-law, 2016. In essence, currently there are two (2) statutory processes, which must be concluded. The proposed overlay zone will remove to a large extent one of the processes, and therefore only the process as required in terms of the Safety at Sports and Recreational Events, Act 2 of 2010 must be obtained.

The Directorate in compilation of this draft overlay zone has consulted all the municipal departments, as well as events promoters and the tourism organisations prevalent in Stellenbosch Municipal Area, who have all in principle supported the draft format tabled before Council.

5. RECOMMENDATIONS

- (a) that Council takes note of the Draft Stellenbosch Municipality Events and Outdoor Dining Overlay Zone. Copy attached as **APPENDIX 1** to this report; and
- (b) that Council **approves** that the draft Stellenbosch Municipality Events and Outdoor Dining Overlay Zone, be subjected to the legislative Public Participation Process in terms of the Local Government Municipal Systems Act No. 32 of 2000 for a period of thirty (30) days, whereafter such comments, if any, will be evaluated and resubmitted to Council for approval, adoption and promulgation of the overlay zone and included in the Stellenbosch Municipality Zoning Scheme By-law.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality submitted a proposal to Western Cape Government's Department of Economic Development & Tourism ("DEDAT") as part of the Ease of Doing Business Programme to assist the municipality in developing an Events and Outdoor Dining Overlay Zone.

DEDAT approved the Municipality's proposal and committed funding for the Compilation of the said bylaw with the intension of improving the economic growth within the Municipal Area by reducing red tape. DEDAT as part of the Ease of Doing Business Fund appointed Planning Partners, a town planning consultancy to assist the municipality with the Compilation of the said overlay zone.

The Project Inception Meeting was held on 21 November 2022, and at this meeting the problem statement was formulated and the programme to engage with the relevant stakeholder were developed. The Consultant Team with the core municipal officials held a number of stakeholder engagements with the statutory approval organisations and departments (include SAPS, Municipal permitting office, relevant internal and external commenting bodies to such applications) and also representatives involved in the events and tourism industries within the municipal area.

On 02 January 2023, Planning Partners drafted an analysis report, copy attached as **APPENDIX 2** to this report. This analysis report was the basis for the compilation of the draft overlay zone.

6.2 Discussion

The draft overlay zone aims to provide additional land use rights to the zoning categories as contained within the Zoning Scheme Bylaw, 2019. These additional rights are specifically as a result of the land use activity of events and outdoor dining, being characteristic to the Stellenbosch Municipal Area and provides the much-needed economic incentives for businesses.

The proposed overlay zone was drafted through obtaining the inputs from a number of stakeholders, which included the statutory approval bodies, and the relevant internal and external departments.

The proposed overlay zone therefore aims to reduce red-tape, by dealing with the applications through a single process, which would be the events permitting process, in the case of events and through the application to lease municipal land, in the case of outdoor dining. This overlay zone only deals with the land use rights as stipulated within the applicable zoning scheme bylaw and does not exempt any applicant from applying to any other legislation applicable to said land use activities.

6.3 Financial Implications

There are no financial implications in respect of the drafting of this report and the compilation of the draft overlay zone was funded by DEDAT as part of the Ease of Doing Business Fund.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

The risks are addressed through the content of the report.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 7.8.1

- (a) that Council take note of the Draft Stellenbosch Municipality Events and Outdoor Dining Overlay Zone. Copy attached as **APPENDIX 1** to this report; and
- (b) that Council **approve** that the draft Stellenbosch Municipality Events and Outdoor Dining Overlay Zone, be subjected to the legislative Public Participation Process in terms of the Local Government Municipal Systems Act No. 32 of 2000 for a period of thirty (30) days, whereafter such comments, if any, will be evaluated and resubmitted to Council for approval, adoption and promulgation of the overlay zone and included in the Stellenbosch Municipality Zoning Scheme Bylaw.

APPENDICES

Appendix 1: Final Draft Events and Outdoor Dining Overlay Zone

Appendix 2: Stellenbosch Municipality Economic Overlay Zone (Occasional Uses and Events) Analysis Report, December 2022

APPENDIX 1

CHAPTER 30: EVENTS AND OUTDOOR DINING OVERLAY ZONE

275. Zone name and designation on map

- (1) The Events and Outdoor Dining Overlay zone may be referred to by the code (EODO) and shall cover the entire area of the Stellenbosch Municipality's zoning map.

276. Purpose of the zone

- (1) The purpose of the Events and Outdoor Dining Overlay zone is to facilitate the hosting of events and outdoor dining on public streets in certain circumstances, with the aim of promoting the tourism and leisure sector as a key driver of local economic development, as well as to enhance the cultural and social cohesion of communities, while protecting the amenity on which these activities rely.
- (2) A person may only organise an event with a valid permit issued by the Municipality as regulated in the Stellenbosch Municipality Events Permitting By-Law. "Event" has the same meaning as contemplated in subject By-Law.
- (3) Provide for a clear distinction between "events" and "occasional use" events, as contemplated in section 30.
- (4) Notwithstanding the intention for the overlay zone to be less restrictive with regards to the hosting of events and promoting outdoor dining on public streets, the overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed which can assist to avoid potential adverse impact of events and outdoor dining on the receiving environment and mitigate such impacts where they cannot be avoided.

277. Definitions in this chapter

In this Chapter, unless the context indicates otherwise, the following words shall have the meaning assigned to them below:

"calendar year" (*kalenderjaar*) means a period of twelve months from January 1 to December 31;

"event" (*gebeurtenis*) means sporting, entertainment, recreational, educational, religious, cultural, exhibitional or similar activity, that is accessible to the general public and is hosted either at a specific place (i.e. on a single property) or along a specified route, and which is of a temporary nature, and which can occur on a specific day or on consecutive days for a limited period, and excludes functions such as weddings;

"event organizer" (*gebeurtenisorganiseerder*) has the same meaning contemplated in the Stellenbosch Municipality Events By-law;

"linear event" (*linêre gebeurtenis*) means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles;

"outdoor dining" (*buitelug ete*) means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside the confines of a property with land use rights for a business premises (or equivalent);

“place-bound event” (*plekgebonde gebeurtenis*) means an event that takes place at a specific venue, or on a specific property;

“temporary structure” (*tydelike struktuur*) means a non-permanent structure constructed purely on a temporary basis for a specific period, which shall require building plan approval (if applicable) and which shall be demolished on completion of the event for which it was erected.

277. General provisions

- (1) The primary, additional and consent uses, and development parameters set out in the applicable base zone remain applicable to any land unit subject to this overlay zone, unless varied in the provisions provided in this chapter.
- (2) Purpose-built tracks, buildings, and infrastructure to be used for events requires land use approval for the facility or amenity as contemplated in subsection (1).
- (3) Events contemplated in this chapter are exempt from the provisions of section 30(1).
- (4) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event as contemplated in this chapter, unless otherwise stipulated in this chapter. A calendar year means a period of twelve months from January 1 to December 31.
- (5) Any event occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality.
- (6) Any event contemplated in this chapter may involve the construction of temporary structures to facilitate the hosting of such event. Temporary structures or non-permanent structures constructed purely on a temporary basis for a specific period, shall require building plan approval and shall be demolished on completion of the event for which it was erected.
- (7) Commercial services at the same venue that are not directly associated with the event, and which is not an event-related activity shall require prior land use approval for such activity.
- (8) No event can be both a “linear event” and a “place-bound event”, and the Municipality’s Development Management Department has the sole discretion to determine the specific type of an event as contemplated in this chapter.

278. Linear events

- (1) A linear event means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles.
- (2) An unlimited number of linear events shall be permitted in the following zones:
 - (a) Community zone;
 - (b) Transport Facilities zone;
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:
 - (a) Education zone;
 - (b) Private Open Space zone;
 - (c) Agriculture and Rural zone; and

- (d) Natural Environment zone.
- (4) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (2).
- (5) A linear event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
 - (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (6) A linear event occurring on a property with a zoning stipulated in subsections (2)(c) and 2(d):
 - (a) must make use of existing routes, farm tracks and infrastructure;
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and
 - (c) may not involve any motorized vehicles.
- (7) A linear event occurring on a property with a zoning stipulated in subsection 2(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

279. Place-bound events

- (1) A Place-bound event means an event that takes place at a specific venue, or on a specific property.
- (2) An unlimited number of place-bound events shall be permitted in the following zones:
 - (a) Community zone;
 - (b) Transport Facilities zone;
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:
 - (a) Education zone;
 - (b) Private Open Space zone; and
 - (c) Agriculture and Rural zone.
- (4) A place-bound event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
 - (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (5) Notwithstanding subsection (2), a place-bound event occurring on a property with a zoning stipulated in subsection (2)(c) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.
- (6) A place-bound event occurring on a property with a zoning stipulated in subsections (2)(b) and 2(c):
 - (a) must make use of existing facilities, amenities, and infrastructure; and
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.
- (7) A place-bound event occurring on a property with a zoning stipulated in subsection (2)(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.
- (8) All place bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the

event permit.

280. Specific provisions: outdoor dining

- (1) Outdoor dining means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside the confines of a property with land use rights for a business premises (or equivalent)
- (2) Outdoor dining shall be permitted as a primary use right on a property zoned Public Road and Parking zone, subject to the following conditions:
 - (a) The location of the outdoor dining area must be directly abutting the confines of a property with land use rights in place for a business premises or equivalent.
 - (b) The outdoor dining area must be compliant with the technical specifications and guidelines provided in the Policy on Outdoor Dining, Trading and the use of Public Places for Commercial Ventures and Display, or any such subsequent policy or directive as the Municipality may adopt.
 - (c) The owner of a property incorporating an outdoor dining area as contemplated in this chapter must enter into a written agreement with the Municipality.
 - (d) Only temporary structures specified in the written agreement contemplated in paragraph (c) shall be permitted and shall be subject to building plan approval where applicable.
 - (e) Should a written agreement as contemplated in paragraph (c) not be concluded between the relevant parties, the Municipality may institute enforcement proceedings, either –
 - (i) as contemplated in section 273 of this By-law; or
 - (ii) in accordance with the Municipality's Roads and Streets By-law.

APPENDIX 2

**STELLENBOSCH MUNICIPALITY
ECONOMIC OVERLAY ZONE
(OCCASIONAL USES & EVENTS)**

ANALYSIS REPORT

DRAFT FOR COMMENT

**Prepared by
Planning Partners (Pty) Ltd**



**Prepared for
Western Cape Government and Stellenbosch Municipality**



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1. INTRODUCTION

1.1 Introduction

Planning Partners has been appointed by the Western Cape Government's Department of Economic Development and Tourism (DEDT) to develop an Economic Overlay Zone for the Stellenbosch Municipality (the Municipality) which will permit occasional uses / events in certain areas as an inherent right, subject to specific development parameters and/or conditions. The Municipality intends to include the Economic Overlay Zone as an annexure to the Stellenbosch Municipality Zoning Scheme By-law.

1.2 Background

The Municipality recognizes that the hosting of events is a significant part of its competitive strategy, and that events have an important role to play in enhancing the cultural and social cohesion of communities, as well as to support urban rejuvenation and economic growth. The Stellenbosch Municipality Events By-law has been enacted to ensure that events are properly managed, which requires an application for an events permit to be issued to host an event.

The Covid-19 pandemic had a huge impact on the local economy and highlighted the vulnerability of the Stellenbosch Municipality community. With the municipality's economy slowly starting to gain momentum following the debilitating impacts of the pandemic, combined with the public's desire to socialize once again in an unrestricted and unfettered manner, the Municipality has experienced a substantial upsurge in permitting applications for events in terms of the Safety at Sports and Recreational Events Act, specifically within the rural- and central business areas of the municipal area.

Events are currently encompassed under the definition of "occasional use" in the Stellenbosch Municipality Zoning Scheme By-law:

"Occasional use" is the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property, either as a once-off, or on an intermittent basis or at regular intervals.

The Stellenbosch Municipality Zoning Scheme By-law currently limits the land use activity of an "occasional use" to one event per year as a primary land use right within the majority of zones, with the dominant zone within central business areas of urban settlements being the "Mixed Use Zone" and the "Agricultural and Rural Zone" being the dominant zone in the rural areas. Therefore, should more than one event per year be hosted on any land unit with these zonings, an application for special consent from Council must be submitted. Typically, a consent use application currently takes a minimum of 6 - 8 months to process. However, given that certain

events are often arranged at short notice, such timeframes for the processing of an application can result in significant delays for hosting events (and in many cases would lead to the termination of an event at its infancy).

The consequence is that the Stellenbosch Municipality currently has an issue of incompatibility: on the one hand, there is a desperate need for economic stimulation through the hosting of events; but on the other hand, the Stellenbosch Municipality Zoning Scheme By-law does not provide the appropriate mechanisms to lawfully facilitate the approval of many events in an efficient and timeous manner.

1.3 Purpose of the Analysis Report

The purpose of the Analysis Report is to:

- Provide a high-level planning and policy context *vis-a-vis* the role the hosting of events in the municipality;
- Set out the legislative framework within which events are managed and regulated in the Stellenbosch Municipality; and
- To explore approaches with respect to the creation of a new Economic Overlay Zone as part of the Stellenbosch Municipality Zoning Scheme By-law in order to facilitate the hosting of events in a less restrictive way than is currently permitted, but in a manner that is still regulated.

2. OVERVIEW OF RELEVANT POLICY

2.1 Stellenbosch Municipality Integrated Development Plan (2022 – 2027)

The Integrated Development Plan (IDP) is the municipality's principal five-year strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organisation (internal focus). The IDP *inter alia* guides and informs all planning and development, and all decisions concerning planning, management and development in the Stellenbosch Municipality. Further, the IDP seeks to promote integration by balancing the economic, ecological and social pillars of sustainability without compromising the institutional capacity required in the implementation, and by coordinating actions across sectors and spheres of government

The most relevant aspect of the IDP in the context of the proposed Economic Overlay Zone is that of Local Economic Development (LED). LED is identified in the IDP as the "*systematic identification, development and utilisation of economic opportunity, to benefit local businesses and create opportunities for local communities to improve the lives of residents*".

The following factors are especially pertinent to the notion of LED in the post-Covid economy, and all point towards the importance of creating an Economic Overlay Zone that will facilitate occasional uses / events in certain areas as an inherent right:

- A core function of local government, particularly in its support for economic development, is to enable job opportunities in both the formal and informal economy, while ensuring health and safety, orderly planning and management.
- The growth of the informal economy is considered to be essential to economic sustainability, as it not only reduces the demand for jobs but it also increases the number of entrepreneurs and potential contributors to the private sector.
- The numbers of people relying on the informal economy for work can and will increase if the formal economy continues to struggle to grow.
- LED is a multi-stakeholder effort in support of creating economic opportunities for both the private sector and the local community.

Although the local economy is now slowly beginning to recover after the seismic shock as a result of the Covid-19 pandemic, the IDP does emphasize the need for the municipality to adapt to the “new normal” in post-Covid society¹. The IDP therefore stresses that the municipality will need to think and approach LED differently in respect to the “new normal”, with the following extracts being particularly relevant in relation to the proposed Economic Overlay Zone (emphasis added):

- *“To maximise prospects of sustained economic growth, stakeholders must be permitted to strengthen their competitiveness and collaboration within the local business environment. Networking, local government responsiveness to business needs, effective service delivery and business-oriented organisational structuring will be used to address this aspect”*
- *“New business development or investment and expansion of existing businesses will be actively promoted, as the consequence of increased investment more often than not resulting in new jobs and local economic growth. Spatial development framework planning, the Integrated Zoning Scheme, aligned municipal infrastructure services provision and municipal financial management tools will be used to address this aspect.”*
- *“It appears that the formal economy is rapidly becoming more informal, as seen in the increase in the number of occupational practices and businesses run from residential premises. The informal economy offers diverse opportunities for absorbing those who have lost their jobs, and for new entrants into the economy. The integrated zoning scheme, aligned municipal infrastructure services provision and municipal financial management tools will be used to address this aspect.”*
- *“Create an enabling environment. An enabling environment refers to “a set of policies, institutions, support services and other conditions that collectively improve or create a*

¹ Relevant “new normal” trends in relation to this project include: a new hybrid working model; more emphasis on work-life balance; a shift towards consumers buying more locally-sourced products; and a shift sociopolitical systems that are more attuned to diversity, equity and inclusion.

general business setting where enterprises and business activities can start, develop and thrive.” Spatial Development Framework planning, the integrated zoning scheme, aligned municipal infrastructure services provision and municipal financial management tools will be used to address this aspect.”

To this end, the IDP contains an implementation plan pertaining to LED interventions (refer to Table 37 on pg. 159 of the IDP). **Table 1** provides a summary of the relevant strategies contained in LED implementation plan that speak directly to the objectives of the proposed Economic Overlay Zone.

Table 1: Abridged extract of the LED Implementation Plan contained in the IDP

Strategy	Description
Strategy 3: Proactively identify opportunities for new investment and expansion	Align economic development strategies with the SDF and ensure service standards are maintained to fast track land development approvals and authorisations to reduce turnaround time for investors.
Strategy 4: Manage and develop tourism as one of the key economic sectors	Facilitate the development of tourism attractions, as contained in the Local Economic Development Strategy, in all sectors and at all levels of the local economy.

2.2 Stellenbosch Municipality Spatial Development Framework (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) is the approved structure plan for the Stellenbosch Municipality in terms of Section 34 of the Municipal Systems Act (MSA) and is the 'spatial development framework' adopted for the municipality in terms of Section 12(1) of the Spatial Planning and Land Use Management Act (SPLUMA).

The MSDF is a public policy document that seeks to influence the overall spatial distribution of current and future land use within the municipality to give effect to the vision, goals and objectives of the IDP. In more detail, the MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes and land allocations, together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The overall spatial plan contained in the MSDF (refer to **Annexure B**) indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land, with settlements (large and small) linked through a system of routes set in this landscape. The areas of nature and agriculture are critical in delivering various ecological and economic services and opportunities in the municipality. As a principle, significant change in land use and land development is not envisaged in the core natural areas, with only non-consumptive activities being permitted (e.g. passive outdoor recreation, tourism and environmental education). In agricultural areas, building structures associated with agriculture are permitted together with dwelling units to support rural tourism. In addition, ancillary rural activities that serves to diversify farm incomes are permitted in terms of the MSDF².

The municipality's extensive agricultural areas, particularly those under vineyards and orchards, are especially valuable owing to the scenic value and character that they attribute to the region, which is treasured by both the local inhabitants and visitors alike. This is a significant contributor to the value of the area as one of South Africa's premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch. Indeed, tourism and the wine industry are the two cornerstones of the municipality's economy and therefore efforts should be made to promote them. However, the promotion of these sectors should not be to their detriment, and caution must therefore be taken to avoid a situation where negative externalities (e.g. undesirable development or activity on wine farms; intolerable traffic; overcrowding; noise and air pollution; etc.) begin to erode the value and character that makes the Stellenbosch Municipality so special.

2.3 Stellenbosch Municipality Policy on Outdoor Dining, Trade and use of Public Places for Commercial Ventures and Display (2013)

Outdoor cafes and restaurants as a form of activity on the street make a significant contribution to the quality of public places and urban life in the towns of the Stellenbosch Municipality. The Policy on Outdoor Dining, Trade and use of Public Places for Commercial Ventures and Display stipulates how and under what circumstances sidewalks and road reserves can be used by cafes, restaurants and traders. In addition, it regulates the temporary use of public places for commercial ventures and displays.

Outdoor dining and trade on sidewalks and road reserves

The policy encourages outdoor cafes, restaurants and traders to encroach into public land (e.g. road reserves, sidewalks, public open spaces) where "local conditions are favorable" to do so. An application for encroachment must be submitted to the Municipality, and the policy stipulates that the most assessment criteria when considering an application will be *"those issues pertaining to pedestrian (including pedestrians who are using wheel chairs, baby prams or are visually*

² While these activities are, in principle, permitted in terms of the MSDF, it must be emphasized that the MSDF does not convey land use rights. Land use rights are conveyed and regulated by the Stellenbosch Municipality Zoning Scheme By-law.

impaired) and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and residential amenity”.

Should an encroachment application be approved, businesses must enter into written lease agreements with the Municipality to use a specific area on any sidewalks or road reserves.

It is noted that the policy contains the following technical specifications in relation to circulation, safety and convenience in respect to encroachments into sidewalks and road reserves:

- *In all locations in the municipal area a clear distance of a minimum of 1.5 metres of hard standing sidewalk must be maintained for pedestrian circulation. The location of this pedestrian clear area zone will vary according to the sidewalk width.*
- *Any outdoor and trading cafes or restaurants situated in an area with more than 1.5 metres of sidewalk available (such as an extended sidewalk or deck dining area provided) must leave at least 1.5 metres and if possible 1.5 metre of pedestrian zone directly along the kerb line in front of the business or to the discretion of the Department Civil Engineering Services.*
- *Only in situations where the sidewalk width is 1.5 metres or less, and existing dining has existed for some years, will Council consider the following:*
 - *The encroachment area will be 3.4 metres from all moving traffic and a minimum of 90 centimetres from the kerb or to the discretion of the Department Civil Engineering Services.*
 - *The sidewalk encroachment area may be located immediately adjacent to, and along the shopfront of the business, however where adjoining businesses wish to utilise the sidewalk area adjacent to their premises for outdoor dining purposes, the minimum 1.3- to- 1.5- metre- wide clear sidewalk areas must link together to provide unrestricted passage to pedestrian traffic.*
- *No outdoor dining will be permitted within 4 metre of moving traffic. Note: Parking lanes will be included within this 4 metre buffer zone. This also provides clear sight lines for vehicles entering from a service lane etc.*
- *At street intersections, a setback of at least 10 metres from the building corner applies.*
- *In otherwise favourable locations minor deviations of the above-mentioned clearances may be appropriate. Each application will be considered on its merits by Council.*

Use of Public Places for Commercial Ventures and Display

The policy stipulates that the temporary closure, leasing and use of the relevant areas for the purposes of commercial ventures and display must be “*undertaken in accordance with the provisions of Local Government Municipal Systems Act, 2000, the Stellenbosch Municipality Land Use Planning Bylaw, the applicable Town Planning Zoning Scheme and any other applicable legislation or by-law*”.

3. ANALYSIS OF RELEVANT LEGISLATION

The following sets out the key legislative instruments that must be taken into consideration by the Municipality in the management and regulation of events within the Stellenbosch Municipality's area of jurisdiction. The focus is on the roles and responsibilities of the Municipality.

3.1 Safety at Sports and Recreational Events Act (Act 2 of 2010)

3.1.1 Overview

The purpose of the Safety at Sports and Recreational Events Act is to *inter alia*:

- Safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibitional, organizational or similar events held at stadiums, venues or along a route;
- Provide for the accountability of event role-players;
- Provide for the establishment of measures to deal with safety and security at events;
- Provide for the control of access of spectators and vehicles at events; and
- Provide for the issuing of safety certificates for planned or existing stadiums or venues.

3.1.2 Analysis

a. Relevant definitions

The following definitions extracted from the Act are relevant to this analysis (emphasis added):
“event” means sporting, entertainment, recreational, religious, cultural, exhibitional, organisational or similar activities hosted at a stadium, venue or along a route or within their respective precincts.

“stadium” means an enclosed or semi-enclosed structure which consists of seating for spectators and a field of play or a permanent or temporary podium or other area within the structure reserved for the purposes of hosting events, which has a safe seated or standing spectator capacity of at least 2 000 persons as certified by a local authority.

“venue” means any area or place, other than a stadium where an event is hosted, that has a seating or standing spectator capacity of at least 2 000 persons as certified by a local authority, within which other permanent or temporary structures may be erected and which may be demarcated by an enclosed or semi-enclosed permanent or temporary structure.

“route” means the way or course taken in getting from a starting point to a destination during an event which takes the form of a race or procession.

“local authority” means a municipality established under section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), within whose jurisdiction a stadium, venue or route is located.

“safety certificate” means a certificate referred to in section 7 regarding the safety of a stadium or venue for holding an event or determining the safe spectator capacity of a stadium or venue and the level of risk of the event that may be hosted at a stadium or venue or issued in respect of a high-risk event.

“safety and security plan” means the safety and security plan referred to in section 16(1)(b) providing for the coordination of the functions of the role-players involved in the provision of safety and security at an event

b. Relevant provisions

The following provisions extracted from the Act are relevant to this analysis:

- Section 7 speaks to the issuing of safety certificates, with the below being pertinent:
 - 7(1) A local authority may issue a safety certificate in respect of—
 - (a) an existing stadium or venue as contemplated in section 8;
 - (b) the design of a new stadium or venue, as contemplated in section 9;
 - ...
 - (2) A local authority may issue a grading certificate as contemplated in section 8(4).
- Section 8 speaks to a safety certificate issued in respect to an existing stadium or venue, with the below being particularly pertinent:
 - 8(1)(a) A stadium or venue owner, as the case may be, must annually and at least 30 days before the expiry of an existing safety certificate in respect of a stadium or venue apply in the prescribed manner to a local authority for a safety certificate in respect of that stadium or venue.
 - ...
 - (4)(a) The certificate contemplated in subsection (1) must be accompanied by a grading certificate issued by a local authority.
 - (b) The grading certificate must state the determined safe spectator capacity of the stadium or venue and the level of risk of the event that may be hosted at a stadium or venue.
 - (c) A local authority may issue a high-risk event grading certificate only after consultation with the relevant authorised member.
- Section 9 speaks to a safety certificate issued in respect to a new stadium or venue, with the below being particularly pertinent:

- 9(1) *A stadium or venue owner, as the case may be, must at least three months before the projected commencement date of construction of a new stadium or venue apply in the prescribed manner to a local authority for a certificate in respect of the safety of the design of the new stadium or venue.*
- (2) *A stadium or venue owner involved in planning and designing a new stadium or venue, must comply with:*
- (a) *prescribed safety and security requirements and any conditions stated in the certificate contemplated in subsection (1);*
 - (b) *applicable building legislation and local authority by-laws and guidelines;*
 - ...
- Section 12 speaks to the contents of safety certificates, with the below being pertinent:

12(1) *A safety certificate may contain such conditions as—*

 - (a) *the local authority, in the case of a safety certificate contemplated in section 8, 9 or 10;*
 - ...
 - considers necessary to ensure safety and security at a stadium or venue when it is used to host the event.*

(2) *A safety certificate must—*

 - (a) *reflect the terms and conditions upon which the decision to issue it is based;*
 - and*
 - (b) *comply with the terms and conditions as may be prescribed.*
 - Section 15 speaks to an event safety and security planning committee, with the below being pertinent:

15(2) *An authorised member must establish the event safety and security planning committee for each event categorised as medium or high-risk.*

(3)(a) *The event safety and security planning committee consists of—*

 - ...
 - a. *a local authority disaster management department or centre;*
 - ...
 - Section 16 outlines the functions of event safety and security planning committee, with the below being pertinent:

16(1) *The event safety and security planning committee must—*

 - ...
 - (1)(b) *Prepare the event-specific written safety and security plan providing for the coordination of the functions of the following persons involved in the provision of safety and security at the event:*
 - ...

(i) *a member of a local authority disaster management department or centre*

...

- Section 23 speaks to event safety and security measures, with the below being pertinent:

23 The event safety and security planning committee, taking into consideration the categorisation of the event, must ensure that prescribed measures relating to—

- (a) safety;*
- (b) health and medical services or facilities as contemplated in the National Health Act;*
- (c) security;*
- (d) the deployment of private security service providers;*
- (e) emergency and essential services; and*
- (f) access and safety for persons with disabilities,*

are in place for that event.

c. Assessment

The focus of the Act is on ensuring that the appropriate safety and security measures are in place for events held at a stadium, venue or along a route, or respective precinct, which may encompass *“an enclosed or clearly defined surrounding area or environs or a specifically designated or sign-posted area immediately adjacent to or on close proximity to a stadium, venue or route which is demarcated in terms of the safety and security plan”*.

From a land use management perspective the following relevant provisions of the Act noted:

- A minimum threshold defined for stadiums and venues is seating or standing capacity of at least 2 000 persons.
- No minimum threshold is prescribed for numbers of persons in the case of a race, tour or procession along a route and the Act applies to all races, tours or processions along routes throughout the municipal area.
- Large stadiums and venues that fall within the ambit of regulation of the Act (i.e. capacities of 2 000 persons or more) are anticipated to be purpose designed and are anticipated to have the correct land use rights in place (e.g. places of assembly, places of worship, place of entertainment, tourist facilities etc.) and should therefore have use rights in place to host events.
- Where an event spills over into a broader defined precinct, for the purposes of the Act, land use rights may not be in place. From a land use management perspective, only one such event may occur per year on any one property where the broader precinct does not have the appropriate land use rights.
- Where a race, tour or procession occurs (e.g. Cape Epic mountain bike race), only one such event may occur per year on any one property as of right

- Where an event is planned to be hosted at a venue that is not purpose designed and is therefore likely not to have the requisite land use rights in place, only one such sporting, entertainment, recreational, religious, cultural, exhibitional, organizational or similar activity can be hosted per year on any one property as of right.

The main objective of the Act is to ensure safety at large sporting and recreational events and to maintain the status of South Africa as a desired destination of choice. However, the provisions of the current Stellenbosch Municipality Zoning Scheme By-law inadvertently impacts on the Stellenbosch Municipality's ability to be competitive and to position itself as a preferred destination in the events space in South Africa.

3.2 Stellenbosch Municipality Events By-law, 2016

3.2.1 Overview

The purpose of the Stellenbosch Municipality Events By-law 2016, is to provide provisions for the management and regulation of events within the municipality's area of jurisdiction, whereas the municipality:

- recognises that the hosting of events is a significant part of its competitiveness;
- acknowledges that events have an important role to play in enhancing cultural and social cohesion in communities, as well as support urban rejuvenation and economic growth;
- aims to regulate the holding of events in a manner that ensures the proper management thereof; and
- aims to ensure that events happen safely and securely in a coordinated manner, within the municipal area.

The scope of events covered by the By-law is much broader than the Safety at Sports and Recreational Events Act in terms of the types of events that it applies to. It also provides for a scaled approach to events in terms of numbers of persons from 50 persons, and events are categorized in terms of small (between 50 to 500 persons), medium (500 to 2 000 persons) and large (2 000 and above). The latter also falls within the ambit of Safety at Sports and Recreational Events Act.

3.2.2 Analysis

a. Relevant definitions

The following definitions extracted from the by-law are relevant to this analysis (emphasis added):

“event” means—

- any sporting, recreational, entertainment, including live entertainment or event acts;*
- any educational, cultural or religious event;*

- (c) *any business event including marketing, public relations and promotional events, or exhibitions, or*
- (d) *any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct.*

The By-law is aligned with Act 2 of 2010, and notwithstanding the requirements of the Act, an events permit in terms of the By-law is also required. Notably the minimum time to submit an application the Municipality for a large, also 6 months prior to events accommodating 2000 persons or more.

“venue” means any enclosed or semi-enclosed temporary or permanent structure, whether a private dwelling or not—

- (a) *within which a temporary or permanent structure may be erected, where an event is to be hosted; and*
- (b) *which, for the purposes of any categorization, designation and certification of an event may consist of;*
 - (i) *seating for spectators, attendees or an audience; or*
 - (ii) *a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event; or*
 - (iii) *purpose- built venue correctly zoned, built and suitable for the holding of specific events.*

“public place” means—

- (a) *any public land, square, public swimming recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;*
- (b) *any public building, structure, hall, room or office including any part thereof and any facility apparatus therein, which is the property of, or possessed, controlled or leased by Stellenbosch Municipality and to which the general public has access, whether on payment of admission fees or not; and*
- (c) *any nature conservation area including – nature reserves; protected natural areas; nature conservation worthy areas and natural open spaces.*

b. Relevant provisions

The following provisions extracted from the by-law are relevant to this analysis:

- Section 2 speaks to matters of application in respect to the by-law, with the following being relevant:
 - 2(1) *This By-law applies to any event held within the area of jurisdiction of Stellenbosch, including held on both private land and public places, provided that where an event*

is held on private land, subject to any other applicable legislation, it has an impact on resources of the Municipality and the surrounding community.

- (2) *This By-Law does not apply to events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used.*
- (3) *In the event of a conflict between this By-law and any other by-law or policy of the Local Authority this By-law shall prevail regarding the management and holding of events.*

- Sections 3 and 4 speak to the submission of applications, with the following being relevant:

3(1) *A formal application to stage an event must be made by the event organiser and submitted—*

...

- (2) *The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.*

4(1) *The Events Permit Officer must, in terms of the Events Policy depending on the nature of the event, ensure that consultation with relevant stakeholders is undertaken.*

- Section 6 speaks to decision making criteria in respect of applications, with the following being relevant:

6(1) *The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria—*

- (a) *the type and size of an event;*
- (b) *impact of the event in terms of the strategic fit to the Council's Events Policy;*
- (c) *impact of the event in respect of media, economic, social, traffic, logistical and environmental objectives;*
- (d) *the safety and security risk management of the event in respect of logistic site design and other threats of the event;*
- (e) *return on investment of the event.*

(2) *The criteria referred to in subsection (1) must be considered in respect of—*

- (a) *the review and assessment of events;*
- (b) *the decision process for event applications;*
- (c) *prioritisation of events;*
- (d) *the type and level of support to be provided by the Municipality for events; and*
- (e) *the menu of services to be provided by the Municipality to events.*

c. Assessment

The Events By-law applies to any event held within the area of jurisdiction of the Municipality, including held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on resources of the Municipality and the surrounding community.

The area of application of the By-law therefore does not apply to private events, provided that the hosting of the event does not impact on the resources of the Municipality and the surrounding community.

The key purpose of the Events By-law is to ensure public safety and security controls, appropriate health and safety measures are in place, emergency and contingency plans are adequate, technical requirements are met, indemnity insurance is in place, as well as impact mitigation (e.g. noise nuisance etc.). The community participation plan, as required in terms of item (j) of the Schedule of Events Requirements Listing contained in the By-law, ensures that key stakeholders are informed.

The By-law covers a very broad range of events that can be accommodated in both purpose built (permanent or temporary) structures of both an indoor and outdoor nature, including public places, streets, squares park, hiking trails etc.

The By-law includes a schedule in which events are graded in terms of size (i.e. in accordance with numbers of people expected to attend), viz.:

- small event – between 50 and 500³;
- medium event – between 500 and 2 000; and
- large event – above 2 000.

A range of application assessment timeframes are provided for the difference categories of events, viz.:

- small event – 2 weeks (3 weeks may be required);
- medium event – 4 weeks; and
- large event – 6 months.

From a land use management perspective, notwithstanding the requirements for an events permit, the Events By-law requires that when obtaining an events permit that land use rights for such event must be in place. The “Events Requirements Listing” included as part of the By-law specifically requires the submission of a land-use planning departure application and approval, where necessary.

³ In terms of section 2(2), the By-law does not apply to events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used.

Written authorization from the Venue Owner/Venue Manager to the applicant authorizing the use of the facility/venue to host the event.

The By-law makes provision for an appeals process. Most notably the only parties to an appeal in terms of the Events Permit By-Law are the Appeals Authority (i.e. the Municipality) and the event organizer. Therefore, although stakeholder engagement is ensured through a community participation plan, there is no recourse as far as the broader public is concerned.

3.3 Stellenbosch Municipality Land Use Planning By-law, 2015

3.3.1 Overview

The Stellenbosch Municipality Land Use Planning By-law came into operation on 1 December 2015. The by-law replaced the Land Use Planning Ordinance (LUPO) and laws such as the Removal of Restrictions Act.

The by-law gives effect to the municipal planning function allocated to municipalities in terms of Part B of Schedule 4 of the Constitution. It also gives effect to certain requirements set in the Spatial Planning and Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA).

In keeping with their Constitutional mandate the Stellenbosch Municipality: Land Use Planning By-law regulates the use and development of land within the area of jurisdiction of the Municipality.

3.3.2 Analysis

a. Relevant definitions and provisions

Compliance with the relevant provisions of the Land Use Planning By-law is required with respect to the use of land and the following provisions are noted:

In terms of Section 15(1) of the Land Use Planning By-law: *“No person may commence, continue, or cause the commencement or continuation of, land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of subsection (2)”*;

In terms of Section 86(1) *“A person is guilty of an offence ... (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality”*, and

In terms of Section 85 of the By-law *“(1) The Municipality must comply and enforce compliance with—*

- (a) the provisions of this By-law;*
- (b) the provisions of a zoning scheme;*

- (c) conditions imposed in terms of this By-law or previous planning legislation; and
- (d) title deed conditions.

(2) *The Municipality may not do anything that is in conflict with subsection (1)."*

In order therefore to give expression to and provide for events, as a land use, the Land Use Planning By-Law makes provision for events as an "occasional use", and defines it as follows:

"Occasional use", in relation to departure, means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.

While the zoning scheme assigns occasional use rights to the different zones in the municipality, the use is limited to an annual event in those zones only where an occasional use is permitted as of right. The Land Use Planning By-law, however, makes provision for obtaining enhanced use rights over and above the occasional use permitted as of right in the primary zone.

The Land Use Planning By-law makes provision to obtain use rights to host a specific occasion or event or multiple events (occasional uses) in terms of the following types of applications to Council.

(i) Application for a departure in terms of Section 15(2)(c)

The definition is specifically linked to a departure which is granted on a temporary basis, which requires application in terms of Section 15(2)(c). In terms of Section 18(1)(b), application may be made to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning of the land and for a period of not more than 5 years. In terms of Section 18(3), where a departure has been granted for a period shorter than 5 years it may be extended on application but, the period together with any extension – approved in accordance with Section 67 – may not exceed 5 years.

Of importance is that a temporary land use departure is only relevant with respect to primary use rights in a particular zone. Moreover, terms of Section 15(4), a land use departure may only be granted once for a particular land use.

Application for a departure in terms of Section 15(2)(c), is only available to an applicant in those zones where the "occasional-use" is not permitted as primary use right, being:

- Conventional Residential Zoning;
- Multi-Unit Residential;
- Natural Environment Zone; and
- Limited Use Zone

With respect to the hosting of events, therefore, where the primary use rights of a particular zone do not provide for events, application may be made to the Municipality, who may approve the

application for an “*occasional use*” for a period not exceeding 5 years. Thereafter, Section 15(4) precludes the municipality from granting permission for an occasional use on that particular land unit again.

The scope of the departure application is therefore far narrower than would otherwise be understood in relation to the Events By-law. It appears that the intention of the Land Use Planning By-law in so far as it relates to a departure, is that once 5 years has elapsed, the land owner is required to make an application for either rezoning (to a zone that permits the land use as of right) or for a consent use.

(ii) Application for a consent use in terms of Section 15(2)(o)

The Land Use Planning By-Law makes provision for application for a consent use contemplated in the Zoning Scheme. In terms of Section 19(3) a consent use may be approved permanently or for a period specified in the conditions of approval imposed in terms of Section 66, being:

66(1) *The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.*

66(2) *Conditions imposed in accordance with subsection (1) may include conditions relating to—*

...

(y) *requirements for an occasional use, which must include—*

- (i) *parking and the number of ablution facilities required;*
- (ii) *the maximum duration or occurrence of the occasional use; and*
- (iii) *parameters relating to a consent use in terms of the zoning scheme.*

Where land use rights are required to host more than one occasional use, application for consent is required in the following zones:

- Conventional Residential Zoning;
- Less Formal Residential Zone;
- Multi-Unit Residential Zone;
- Local Business Zone;
- Mixed Use Zone;
- Industrial Zone;
- Education Zone;
- Community Zone;
- Utility Services Zone;
- Transport Facilities Zone;
- Public Roads and Parking;
- Public Open Space;
- Private Open Space;

- Agriculture and Rural Zone; and
- Natural Environment Zone⁴.

It would therefore appear to be the case that, in most cases, more than one event per year requires a consent use application and not a departure application, as specified in the Events By-law.

(iii) Application for an occasional use as a technical approval in terms of Section 15(2)(p)

The Stellenbosch Municipality Zoning Scheme By-law makes provision for “Additional Uses”, which are dealt with in terms of a “technical approval” provided for by the zoning scheme under Section 13 of the Zoning Scheme By-law. Applications for technical approvals are submitted in terms of Section 15(2)(p) of the Land Use Planning By-law. This application applies to obtaining approval for an occasional use as an “additional use” in the following zones:

- Conventional Residential Zoning;
- Less Formal Residential Zone (more than 100 persons at an annual event); and
- Multi-Unit Residential.

b. Conditions of land use approval

The only other specific reference to the “occasional use” of land in the by-law is found under Section 66(2)(y) pertaining to “conditions of approval” relating to an application:

66(1) *The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.*

66(2) *Conditions imposed in accordance with subsection (1) may include conditions relating to—*

...

(y) *requirements for an occasional use, which must include—*

- parking and the number of ablution facilities required;*
- the maximum duration or occurrence of the occasional use; and*
- parameters relating to a consent use in terms of the zoning scheme.*

For the purposes of items (a)(ii) and (a)(iii) above, an occasional use is defined in the Stellenbosch Zoning Scheme as follows:

“occasional use” *is the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the*

⁴ It is noted that the definition would indicate occasional use at intermittent or at regular intervals.

extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property, either as a once-off, or on an intermittent basis or at regular intervals.

f. Assessment

The following observations are made:

- The Land Use Planning By-Law makes provision for Council's for application for an occasional use either as: (a) a temporary departure from the primary rights of the zoning; (b) a consent use in a particular zoning; and (c) a technical approval where an occasional use is as an additional use in the zoning scheme.
- Which application is the most appropriate is dependent on a technical understanding of the Land Use Planning By-Law.
- Application for an occasional use as a temporary use departure to the primary use category in the zoning scheme has a very limited scope of application. It also a clear indication of the intent of the Land Use Planning By-Law, that where a consent use is available in the particular zone, that the appropriate application is for the Municipality's consent in terms of Section 15(2)(o). Where the consent option does not exist in the zone the appropriate application is rezoning in terms of Section 15(2)(a). Only where provision is made for a technical approval can Section 15(2)(p) be relied on.
- Reference in the Events By-law to submitting and obtaining approval of a departure is potentially confusing to events co-ordinator's and any other party wanting to host an event, as the departure application is in most cases not the appropriate mechanism to obtain the required land use rights.
- While application for a temporary departure and a consent use follow the normal procedure for processing applications, the technical approval is envisaged to be a fast-tracked process where public participation may not be required.
- In practice, however, the procedural requirements of an application submitted in terms of the Land Use Planning By-Law requires long lead times to obtaining the required approval of Council. This is proving to be problematic for the Municipality, as the relatively short timeframes for submitting and obtaining an event permit does not take into account a planning application that can take several months to conclude.
- This is hampering the hosting of events in the Stellenbosch Municipality, with the consequence of hindering the Municipality's competitive strategy to promote Stellenbosch as a preferred events destination, as well as stifling the contribution they make to urban rejuvenation and economic growth.

It is noted that the Stellenbosch Municipality is currently conducting a review of the Land Use Planning By-Law, and the Draft Proposed Stellenbosch Municipal Land Use Planning By-law 2022 will be advertised for public comment between 9 January – 8 February 2023.

The following proposed amendments are noteworthy within the context of this report:

- The “occasional use” definition will be deleted.
- The application type “occasional use” will be deleted from Section 15(2), with the rationale being that an “occasional use” is in essence a temporary departure for a specific occasion or event on a specific site.
- “Occasional use” is distinguished from the normal temporary departure in Section 18(4) so that it can be granted more than once on a specific land unit.

3.4 Stellenbosch Municipality Zoning Scheme By-law, 2019

3.4.1 Overview

In terms of Section 24 of SPLUMA, all municipalities in South Africa must adopt a single zoning scheme for its area of jurisdiction within five years of the commencement of the Act. The Stellenbosch Municipality Zoning Scheme By-law was promulgated in September 2019 and is a single zoning scheme which applies to the entire Stellenbosch municipal area.

The Stellenbosch Municipality Zoning Scheme By-law provides for different zones which determine how land may be used (e.g. residential, mixed use, industrial, open space, etc.) and it contains development parameters which determine how land may be developed (e.g. building lines, height, coverage, parking etc.). Zoning schemes may also introduce special areas (such as heritage areas or local areas) commonly referred to as “Overlay Zones” within which alternative development rules apply. Moreover, it sets out which land uses may possibly be allowed once the municipality has evaluated an application for a consent use or a temporary departure, and it allows the municipality to impose conditions to manage the conduct of that particular land use.

The following are important considerations in respect to the Stellenbosch Municipality Zoning Scheme By-law within the context of the proposed Economic Overlay Zone:

- It aims to give certainty to developers, landowners and other stakeholders as to what development and/or activities may take place, and what may not.
- Together with the MSDF, it aims to strategically protect valuable land resources (e.g. agriculture, heritage and natural environment areas) whilst allowing development and/or activities to take place more freely in areas where development / activities will have less impact.

3.4.2 Analysis

a. Relevant definitions

An “occasional use” is defined as follows in terms of the Stellenbosch Municipality Zoning Scheme By-law:

“occasional use” is the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property, either as a once-off, or on an intermittent basis or at regular intervals. The below land uses, as defined the Stellenbosch Municipality Zoning Scheme By-law, are all encompassed under the definition of “occasional use”⁵:

“market” is a place where a variety of goods and/or food such as fresh produce, prepared food, beverages, arts, crafts, clothing, plants, household goods and/or second hand goods are offered for sale to people who gather at the venue during the appointed market hours to purchase said goods, and can take place daily, or more typically take place at regular weekly intervals, but may also be less frequent. The trading area consist of booths, tables and/or stands in an outdoors and/or indoors setting, and may include the use of temporary structures or permanent structures, in the case where shops are permitted in the zone. Outdoor trading of shops and restaurants are also included in this activity. Food and beverages, including alcoholic beverages if the necessary license is obtained, may also be served for on-site consumption. Other leisure and recreational activities such as live performances may accompany the market.

“place of assembly” means any place or activity where large number of people congregate to hold meetings, participate in and spectate or observe performances and may include, for example a community hall, indoor sports arena, public swimming pool, sport events spaces, general purpose halls, sports stadiums or any other similar large congregation spaces and includes ancillary uses.

“place of worship” means a place where religious ceremonies are attended by a congregation on a regular basis, such as a chapel, church, mosque, synagogue, temple or other place utilised primarily for practicing religion, and includes any ancillary uses including a dwelling house for a religious leader on the same land unit and a wall of remembrance.

“place of entertainment” is an indoor and/or outdoor place which is used predominantly for commercial entertainment, performances, music and/or revelry where patrons may participate in the activities or observe performances or gather for entertainment purposes, including the erection of temporary structures such as tents or marquees. The use may be approved as a

⁵ “sport facility”, “business”, “conference”, “community”, “medical” and “welfare” are not directly defined in the Zoning Scheme By-law.

*permanent use on the premises or as a once off or repeating occasional use. The venue may be licensed for on-site consumption of alcohol. Examples of a permanent place of entertainment include night clubs, pubs, cinemas, theatres, function venues and examples of **occasional use** as a place of entertainment include music festivals, circuses, food and wine shows.*

***“place of worship”** means a place where religious ceremonies are attended by a congregation on a regular basis, such as a chapel, church, mosque, synagogue, temple or other place utilised primarily for practicing religion, and includes any ancillary uses including a dwelling house for a religious leader on the same land unit and a wall of remembrance.*

***“place of education”** means a school, college or technical school, whether private or public, attended by learners between grades R and 12 which is registered with the Department of Education in terms of the South African Schools Act, 1996 (Act 84 of 1996) and/or the Further Education and Training Colleges Act, 2006 (Act 16 of 2006), as a basic education institution or a further education institution and may include ancillary uses such as day care centre or early childhood development centre, administration buildings, sports facilities, hostels and/or teacher accommodation associated with the school and also any school related functions, sport days and/or fundraisers, but excludes unregistered training centres or business training centres for financial gain.*

***“restaurant”** is a place where food and refreshments are prepared and served to seated patrons.*

b. Relevant provisions

- Section 30 lists the provisions in relation to occasional use events in respect to all zones:

30(1) *One occasional use event within a 12-month period is permitted on a land unit in any use zone, on condition that:*

- the activity will not involve amplified sound;*
- all vehicles associated with the event shall park on the property;*
- the number of people who attend such an event may not exceed the number of on-site parking bays times four or 500 people, whichever is the lesser;*
- adequate portable ablution facilities are provided on the property;*
- the event will not commence during peak traffic hour, as determined by the Municipality, and the event will not commence before 09:00 or continue past 22:00.*

(2) *Occasional use events which do not comply with the conditions in subsection (1), or which occur intermittently or is recurring, shall require a consent use application in any use zone.*

(3) *When considering an application for a consent use in terms of subsection (2) the Municipality may:*

- grant its approval for a series of occasional use events on specified dates or days, or for a specified period or duration, and shall impose conditions which will manage the impact and frequency of occasional uses, including imposing a maximum limit*

- on the number of people who may attend or be involved in such an occasional use;*
or
- (b) may approve a maximum number of events over a specified period which can be held at an owner's later decision; or*
 - (c) approve only one event at a time.*
- (4) The Municipality may grant a consent use for an occasional use without serving notice if it is satisfied that the impacts of such use especially, but not limited to traffic, parking and noise, will not extend beyond the boundary of the land unit.*
 - (5) Where the Municipality believes the occasional use is likely to have an impact beyond the boundaries of the land unit, and in all instances where it involves outdoor amplified sound, an application for a consent use shall be made and will be subject to notification in terms of Planning Law.*
 - (6) All occasional uses require events permits as set out in the Municipality's Events By-law and said events permits shall only be issued in terms of that by-law if the event is a permitted land use in terms of this Zoning Scheme By-law or if the required land use application has been approved.*
 - (7) An application for occasional use shall be accompanied by the necessary information, including a site development plan, as prescribed in the Municipality's application form for occasional use, and the Municipality may request any relevant information, studies and management plans to enable them to decide on the matter.*
 - (8) Recurring occasional uses may not take place for more than 5 days per month. Should this threshold be exceeded the activity is considered a full-time activity and a rezoning to the appropriate base zone should be considered to allow the said use on a permanent basis.*
 - (9) The Municipality may impose any conditions it deems necessary to mitigate the impact of the activity including (but not limited to) conditions relating to the duration and frequency of the occasional use, erection and removal of temporary structures, cleansing, hours of operation, traffic management, and any other matter which may be necessary.*
 - (10) The operator of an event and the owner of the land unit, shall be jointly responsible for adherence to all conditions of approval including also making adequate arrangement for all electrical, ablution, water, safety, health and other facilities which may be required by the activity, as well as to obtain all other permits and permissions which may be required in this regard.*
 - (11) When approving a recurring occasional use, the Municipality shall ensure that such use does not adversely impact on the primary use rights of the property or the owners' ability to continue to exercise the primary uses for which the property shall be used.*

(12) *A land unit, when not used for an occasional use, shall be used for at least one of the primary or consent uses on a permanent basis, and an additional use can never be the only land use on a land unit*

(13) *Making an application in terms of this Scheme does not exempt any owner or event organiser from compliance with any other law.*

- Each land use zone in the Stellenbosch Municipality Zoning Scheme contains a provision which lists the permitted land uses in that specific zone. **Table 2** below summaries the provision for an occasional use in the respective zones, and illustrates where the occasional use is permitted as of right, requires a technical approval and where approval for a consent use is required to host an event.

Table 2: Provision for “occasional use” in the respective zones

Zoning	Primary Use	Additional Use & Technical Approval	Consent Use Application	Scale Limitations
Conventional Residential Zone	-	1 event/year	more than one event/year	100 persons
Less Formal Residential Zone	1 event / year	more than 100 persons	more than one event/year	100 persons
Multi-Unit Residential	-	1 event/year	more than one event/year	100 persons
Local Business Zone	1 event / year	-	more than one event/year	None specified
Mixed Use Zone	1 event / year	-	more than one event/year	None specified
Industrial Zone	1 event / year	-	more than one event/year	None specified
Education Zone	1 event / year	-	more than one event/year	None specified
Community Zone	1 event / year	-	more than one event/year	None specified
Utility Services Zone	1 event / year	Market	more than one event/year	None specified
Transport Facilities Zone	1 event / year	Market	more than one event/year	None specified
Public Roads and Parking Zone	1 event / year	Market	more than one event/year	None specified
Public Open Space	1 event / year	-	more than one event/year	None specified
Private Open Space	1 event / year	-	more than one event/year	None specified

Zoning	Primary Use	Additional Use & Technical Approval	Consent Use Application	Scale Limitations
Agriculture & Rural Zone	1 event / year	Tourist Facility	more than one event/year	None specified
Natural Environment Zone	-	-	Occasional Use	None specified
Limited Use Zone	-	-	-	-

Note: In all instances an events permit is required where more than 50 persons are hosted at an event.

c. Stop-gap consent use process to permitted occasional uses

Given that Section 30(7) of the Zoning Scheme By-law requires that land use rights for events are in place prior to event permits being granted in terms of the Events By-law, and given that the timeframes associated with the processing of numerous consent use applications for occasional uses (and the need to process these in an expedient manner in order to stimulate economic growth), the Municipality has introduced a stop-gap land use management (LUM) application process for events (more specifically, application for a consent use contemplated in the zoning scheme for an occasional use exceeding one event per year – refer to the application form attached as **Annexure A**).

While this stop-gap measure does mean that more events can be accommodated in the municipal area, there are fundamental issues with the LUM application process that mean it is not sustainable, *viz.*:

- Applications are being submitted by event planners rather than town planners, and are therefore invariably do not contain the correct information and are not motivated correctly;
- Application forms are typically signed by event planners and are not accompanied by a power of attorney from the landowner(s);
- Advertising to surrounding owners and other interested and affected parties is at the discretion of the municipal land use planning officials. Notwithstanding, due to the urgency to process the applications timeously in order to satisfy the need for economic growth, advertising is typically waived. Further, circulation to internal departments is rushed. The result that potential impacts pertaining to a proposed event are currently not thoroughly considered.
- Due to the fast-track nature of this process it is prone to potential procedural irregularity, which possess a risk to both the municipality and the land owner and/or the events co-ordinator.

- Considering the type of information required in terms of the specially formulated stop-gap application form for these consent use applications (refer to **Annexure A**), the application process is essentially a duplication of the events permitting application process. However, these applications are being processed by officials in the LUM department. This duplication of process is inefficient for the municipality, and is especially burdensome on the LUM officials because they are being drawn away from their primary tasks (e.g. land development applications).

3.4.3 Assessment

The following observations are made:

- The definition of “occasional use” in the Zoning Scheme By-law is too broad, especially with respect to direct references to other land uses already defined in the by-law.
- Although the definition of occasional use makes provision for a wide range of land uses and activities, these uses are highly restricted in terms of the development rules contained in Section 30 of the Zoning Scheme By-law, which invariably will result in the requirement for departure applications. For example:
 - Section 30(1)(b) stipulates that all vehicles associated with the event shall park on the property. Further, parking requirements in terms of Section 30(1)(c) are extremely onerous.
 - Section 30(5) requires an consent use application to Council in all instances involving outdoor amplified sound (or other anticipated nuisances), irrespective of the size of the event, its location and/or whether the event is a once off event.
 - Section 30(7) requires inter alia a site development plan to accompany an application for occasional use, irrespective of the size of the event, its location and/or whether the event is a once off event.
 - Section 30(8) limits a recurring occasional uses 5 days per month. Should this threshold be exceeded it is considered a full time activity and a rezoning to the appropriate base zone should be considered to allow the use on a permanent basis.
- Further, Section 30 contains conflicts with certain other provisions in the by-law, for example Section 30(1), which limits an occasional use to one event a year (as aligned with certain land use in the primary zones where it is permitted as of right), is conflict with certain provisions of the zoning scheme, since the occasional use requires a consent use application in the Natural Environment Zone, and a technical approval in the Conventional Residential, Less Formal Residential and Multi-Unit Residential Zones.
- Linkages to other legislation is also problematic in certain instances, which likely to causes confusion to stakeholders (e.g. event organizers). For example, in terms of the event permitting system (i.e. Events By-law), all medium and large events require departure applications. However, the dominant mechanism in the Zoning Scheme By-law is a consent use application process. This confusion is further compounded by the Draft Proposed

Stellenbosch Municipal Land Use Planning By-law 2022, which makes provision for "occasional uses" to be dealt with by way of a temporary departure application.

- There are fundamental issues with the current stop-gap LUM application process in relation to consent uses for occasional uses.

3.5 Stellenbosch Municipality Roads and Streets By-law, 2021

3.5.1 Overview

The intention of the Stellenbosch Municipality Roads and Streets By-law is to:

- promote the realisation of a safe environment for the benefit of residents within the area of jurisdiction of the Municipality;
- promote universal accessibility to streets; and
- provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the Stellenbosch Municipality.

3.5.2 Analysis

a. Relevant provisions

- Section 12 lists the provisions regulating specific acts regarding games, sports and events:

12(3) *No person may erect a tent or place chairs or any article in, onto or across a street, sidewalk, walkway or public place for the purpose of a funeral, party or any other event, except in accordance with prior written permission of the Municipality/Council.*

- Section 18 lists the provisions regulating races and sports events:

18(1) *No person may, except in accordance with prior written permission of the Municipality, hold a race or sporting event in a street, on a sidewalk or walkway, or a public place.*

- Section 25 lists the provisions regulating processions:

25(1) *Subject to the provisions of subsection (7), no person may, except in accordance with prior written permission of the Municipality, –*

- hold, organise, initiate, control or actively participate in a procession or gathering;*
- dance or sing or play a musical instrument;*
- do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic; or*
- use any loudspeaker or other device for the reproduction or amplification of sound, in any street, on any sidewalk or walkway, or in any public place.*

(2) *Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street, on any sidewalk or walkway, or in any public place must*

submit a written application for permission thereto, to reach the Municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out.

- (3) *An application contemplated in subsection (2) must contain the following –*
- (a) *full details of the name, address and occupation of the applicant;*
 - (b) *full details of the –*
 - (i) *street or public place where or route along which any one or more of the actions is or are intended to be performed or carried out; and*
 - (ii) *proposed starting and finishing times or any one or more of the aforesaid actions;*
 - (c) *in the case of processions and gatherings, the number of persons expected to attend;*
 - (d) *request for assistance by traffic officers, if required; and*
 - (e) *general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.*
- (4) *Any application submitted in accordance with subsection (3) must be considered by the Municipality, and if, in the opinion of the Municipality any one or more of the actions to be performed or carried out as proposed in such application –*
- (a) *is, or are not likely to be, in conflict with the interests of public peace, good order or safety, the Municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one, or more, of such actions: Provided that the Municipality may determine such conditions as it deem necessary to uphold public peace, good order or safety;*
 - (b) *will, or is likely to, be in conflict with the interests of public peace, good order or safety may be refused by the Municipality.*

- Section 33 lists the provisions regulating amusement shows and devices:

- 33(1) *No person may, except in accordance with prior written permission of the Municipality, set up or use in any street, sidewalk, walkway or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –hold, organise, initiate, control or actively participate in a procession or gathering;*
- (a) *unless suitable sanitary conveniences for both sexes of the staff have been provided; and;*
 - (b) *if it is in any way dangerous or unsafe for public use.*

- (2) *Assistance by traffic officers will be provided by the municipality on application.*

3.5.3 Assessment

The following observations are made:

- The Stellenbosch Municipality Roads and Streets By-law makes provision for events (including sporting events / races, processions and amusement shows) to be held in public streets and/or public places.
- The By-law makes references to the requirement for a “written application for permission” as well as “written permission of the Municipality/Council” in respect to the holding of such events. Although it does not mention the mechanisms for obtaining such permission, permission is ostensibly obtained in terms of the Stellenbosch Municipality Events By-law and the Stellenbosch Municipality Land Use Planning By-law.

4. PROCEDURE FOR ESTABLISHING A NEW OVERLAY ZONE

Section 234 of the Zoning Scheme By-law outlines the procedure to be followed in order to establish a new overlay zone, viz.:

- 234(1) The Municipality may adopt, amend or withdraw an overlay zone for a particular area, land unit or the municipal area as a whole.*
- (2) Where a new type of overlay zone is envisaged, the provisions for such overlay zone shall be adopted by Council [in accordance with] the procedures set out in sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) and the Planning By-law to establish such overlay zone.*
- (3) Where the type of overlay zone has already been created by inclusion in the Scheme one of two processes can be followed to incorporate new areas or properties into the overlay zone, depending on the provisions of the specific overlay zone:*
- (a) the Municipality may demarcate new overlay zone areas or amend the map of existing areas by means of amending the Scheme in accordance with the provisions of Planning Law; or*
- (b) a land unit can be rezoned to include it into a specific overlay zone, following the procedures for rezoning as set out in Planning Law.*
- (4) When establishing a new type of overlay zone, the provisions of the overlay zone shall indicate which of these two methods must be followed for future amendments of the overlay zone area.*

5. CONCLUSION

This report serves as the basis for the compilation for the provisions to be included in the forthcoming Economic Overlay Zone for occasional uses in the Stellenbosch Municipality. It demonstrates that there are certain fundamental issues with how occasional uses are currently dealt with in terms of the Stellenbosch Municipality Zoning Scheme By-law, and provides insight into the aspects that must serve as the focus in respect to the provisions to be included in the Economic Overlay Zone, specifically:

- Types of events to be accommodated (and the differentiation thereof in terms of characteristics);
- Duration and frequency of events;
- Location of events (e.g. events to be accommodated in urban areas vs. events to be accommodated in rural areas); and
- Development parameters associated with events (including provisions associated with potential nuisance aspects such as traffic and noise).

DRAFT

ANNEXURE A
LUM Application Form: Consent Use for Occasional Use

DRAFT

11.8.2	REQUEST FOR THE APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY ECONOMIC DEVELOPMENT STRATEGY
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Collaborator No: 751447
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: REQUEST FOR THE APPROVAL OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY ECONOMIC DEVELOPMENT STRATEGY

2. PURPOSE

To provide the Council with the pertinent facts to consider the approval and adoption of the Final Draft Stellenbosch Municipality Economic Development Strategy.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

“The purpose of local economic development (LED) is to build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and non-governmental sector partners work collectively to create better conditions for economic growth and employment generation.” (The World Bank, 2006)¹

The final draft Stellenbosch Municipality Economic Development Strategy starts by highlighting key factors of how the municipality should approach economic development. The strategy further focusses on population growth over the past years and evaluates the extent service delivery has managed to keep up. It further considers trends in regional output and employment to identify which economic sectors contribute most to the municipal area’s economy.

The strategy also delves deeper into the role of tourism in the economy of the municipality, and finally focusses on the implementation plan and various specific strategies (**APPENDIX 1**).

5. RECOMMENDATIONS

- (a) that Council takes note that no comments and / objections were received during the Public Participation Process which concluded on 06 June 2023, and
- (b) that Council in terms of Section 26(c) of the Municipal Systems Act, Act 32 of 2000, **approves and adopts** that Final Draft Stellenbosch Municipality Economic Development Strategy, 2023 as core component of the Municipal IDP.

6. DISCUSSION /CONTENTS

6.1 Background and Discussion

The Final Draft Strategy was advertised on the 6 April 2023 in the local newspapers (Paarl Post and Eikestadnuus) and on the municipal website for a period of sixty (60) days in accordance with the Council resolution (12th Council Meeting: Item 11.9.1) dated 29 March 2023. The closing date for comments was 06 June 2023 (**APPENDIX 2**).

No comments were received during this period and the typing errors noted at the above Council meeting was duly rectified, prior to the strategy being advertised. The strategy was also circulated to the internal and external departments during this period and no comments and / or responses were received.

The National Development Plan (“NDP”) highlights the critical capabilities that are needed to transform South Africa’s economy and society to eliminate income poverty and reduce inequality by 2030. The Constitution (section 152) requires local government to contribute to these objectives by providing democratic and accountable governance for local communities; ensuring the provision of services in a sustainable manner; promoting social and economic development as well as a safe and healthy environment; and encouraging the involvement of communities in the matters of local government. It further mandates a municipality to “(a) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and (b) Participate in national and provincial development programmes.” When municipalities focus on these activities, they help to achieve the objectives of the NDP, as well as the Economic Reconstruction and Recovery Plan (“ERRP”) launched in October 2020 to combat the social and economic impacts of the COVID-19 pandemic.

In promoting social and economic development through LED, municipalities play an important role in South Africa’s national economic performance and trajectory. The spatial differences and imbalances that are brought on by increased global competition, population mobility and technological advances make LED even more critical. An effective approach to LED can address income disparities between areas, grow the number of locally generated jobs and firms, increase private sector investment, boost information flows between investors and developers, and improve the coherence and confidence with which a local economic strategy is pursued.

The emphasis should be on creating an enabling environment within which businesses and citizens can flourish.

Infrastructure and delivery of basic services are among the most important components of creating an enabling environment. Basic service delivery in Stellenbosch is on par with the provincial standards and more than six thousand households benefit from free basic services. Other important factors such as road infrastructure also help the city appear appealing to entrepreneurs and investors. The town has, moreover, seen potential being realized in areas such as the finance and communication sectors. The agriculture and agro-processing sectors were under pressure during the late 2010s but has seen an uptick in activity in more recent years.

Weaknesses remain, and the COVID-19 pandemic has certainly exposed some thereof. The most pressing is a reliance on the tourism sector. Output from this sector has been in decline, which has placed strain on small businesses and especially the individuals who depend on the sector for employment. Given Stellenbosch’s unique natural and cultural resources is important that the municipality continues to create an enabling environment for this sector to thrive.

Finally, the growth of other tertiary sectors, like finance and insurance, has been substantial and creates positive multiplier effects for many of the other sectors, like communication, construction, and trade. At the simplest level, the key imperative of the municipality’s LED strategy should be to create an enabling environment for these subsectors to continue to thrive. It can do this through providing the necessary physical infrastructure and basic services and creating a favourable business environment through efficient municipal processes.

6.2 Financial Implications

There are no financial implications in respect of the drafting of this report, and the outcomes of this strategy requires monitoring the impact such strategies would have on the local economy.

6.3 Legal Implications

The recommendations in this report comply with Council's policies and applicable legislation.

6.4 Staff Implications

This report has no additional staff implications to the Municipality, at this stage and requires that monitoring and evaluation structures be put in place through coordination of the strategies.

6.5 Previous / relevant Council Resolutions:**6.6 Risk Implications**

None

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 7.8.2

- (a) that Council takes note that no comments and / objections were received during the Public Participation Process which concluded on 06 June 2023, and
- (b) that Council in terms of Section 26(c) of the Municipal Systems Act, Act 32 of 2000, **approves and adopts** that Final Draft Stellenbosch Municipality Economic Development Strategy, 2023 as core component of the Municipal IDP.

APPENDICES

Appendix 1: Final Draft Stellenbosch Municipality Economic Development Strategy

Appendix 2: Copies of the placement of adverts in the local newspapers

FOR FURTHER DETAILS, CONTACT:

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APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**FINAL DRAFT STELLENBOSCH
MUNICIPALITY ECONOMIC
DEVELOPMENT STRATEGY AND
IMPLEMENTATION PLAN**

2022

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Introduction

“The purpose of local economic development (LED) is to build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and non-governmental sector partners work collectively to create better conditions for economic growth and employment generation.” (The World Bank, 2006)¹

Stellenbosch Municipality has asked the BER to provide an overview of local economic development within the municipal boundaries. It draws from existing publications by Stellenbosch Municipality and the Province, to highlight aspects that are relevant to economic development.

Stellenbosch² is one of 39 Intermediate City Municipalities (ICMs) in South Africa. Smaller cities can have distinct advantages over larger metros. They can benefit from a high level of local connectivity and identity, efficiencies that result from operating at a manageable scale, and often have a defined economic heritage. Some municipalities also have unique cultural, recreational, and tertiary education assets, that can help to stabilise the local economic base, make social capital available and support innovation.³

Stellenbosch is fortunate to be characterised by all of the above and has access to a unique set of social, economic, political and natural resources that it can use to shape its development path.⁴ These conditions determine the region's ability to attract and retain investment. The municipality's role is to create an environment that enables business and citizens to make use of the opportunities that these resources offer. The broad aim of local economic development (LED) is therefore to build the capacity of a municipality in a way that improves its economic future and better the quality of life for its citizens.

This Economic Development Strategy starts by highlighting key factors of how the municipality should approach economic development. It then looks at how the population in Stellenbosch has grown over the past years and evaluates to what extent service delivery has managed to keep up. Next, it considers trends in regional output and employment to identify which sectors contribute most to the area's economy. The next

¹ The World Bank (2006). **Local Economic Development: A Primer Developing and Implementing Local Economic Strategies and Action Plans.**

² The municipal area includes the towns of Stellenbosch and Franschhoek, as well as several rural hamlets: Wemmershoek, La Motte, De Novo, Kylemore, Pniël, Johannesdal, Languedoc, Groot Drakenstein, Muldersvlei, Klappmuts, Elsenburg, Raithby, Jamestown, Koelenhof and Vlottenburg.

³ <https://www.sacities.net/wp-content/uploads/2020/03/Rethinking-LED-Local-Economic-Development-in-Intermediate-Cities.-Released-2019.-pdf.pdf>

⁴ <https://www.sacities.net/wp-content/uploads/2020/03/Rethinking-LED-Local-Economic-Development-in-Intermediate-Cities.-Released-2019.-pdf.pdf>

section delves deeper into the role of tourism in the economy of Stellenbosch. Finally, last section focuses on the implementation plan and various sector specific strategies.

*Note: Throughout the strategy, any references to Stellenbosch refer to the **Stellenbosch Municipal area** and, unless otherwise stated, do not mean the town of Stellenbosch.*

What role should local government play in economic development?

Why should municipalities contribute to LED?

The National Development Plan highlights the critical capabilities that are needed to transform South Africa's economy and society to eliminate income poverty and reduce inequality by 2030. The Constitution (section 152) requires local government to contribute to these objectives by providing democratic and accountable governance for local communities; ensuring the provision of services in a sustainable manner; promoting social and economic development as well as a safe and healthy environment; and encouraging the involvement of communities in the matters of local government.⁵ It further mandates a municipality to "(a) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and (b) Participate in national and provincial development programmes." When municipalities focus on these activities, they help to achieve the objectives of the NDP, as well as the Economic Reconstruction and Recovery Plan (ERRP) launched in October 2020 to combat the social and economic impacts of the COVID-19 pandemic.

In promoting social and economic development through LED, municipalities play an important role in South Africa's national economic performance and trajectory. The spatial differences and imbalances that are brought on by increased global competition, population mobility and technological advances make LED even more critical.⁶ An effective approach to LED can address income disparities between areas, grow the number of locally generated jobs and firms, increase private sector investment, boost information flows between investors and developers, and improve the coherence and confidence with which a local economic strategy is pursued.⁷

⁵ Constitution of the Republic of South Africa, 1996 - Chapter 7: Local Government

⁶ OECD, Smarter Local Economic Development. Available online: <https://www.oecd.org/cfe/leed/local-development.htm>

⁷ OECD, Smarter Local Economic Development. Available online: <https://www.oecd.org/cfe/leed/local-development.htm>

How should municipalities contribute to LED?

The Draft National Framework for Local Economic Development highlights six core pillars that municipalities should focus on in pursuing economic development:



It is worth highlighting two important themes that run through these six pillars: (1) involvement of the local community, and (2) the responsibility of a municipality to create an enabling environment.

The local community should be involved

COGTA summarises LED as "an approach towards economic development which allows and encourages local people to work together to achieve sustainable economic growth and development thereby bringing economic benefits and improved quality of life for all residents in a local municipal area" (own emphasis). In this context, a municipality is responsible to create an environment that enables local people to work together. LED therefore speaks to how local government and the community manage their resources, sometimes through forming partnerships with the private sector and with each other, to create jobs and stimulate economic activity.

The involvement of local stakeholders in the developmental process, through e.g., participatory decision-making, is an important component of sustainable growth. It builds trust and creates social networks – all of which encourages innovation and decreases the potential for conflict. When communities understand and are involved in the LED process, they are in a better position to improve their quality of life, make use of new economic

opportunities, fight poverty, and adapt to changing market conditions⁸ like those described in the previous section.

Successful LED also requires close involvement of the local business community. Municipalities should create an enabling regulatory and institutional environment for these activities. In many ways this lies at the core of LED. To achieve this aim, different departments of a municipality need to work together and not operate in silos.

The focus should be on creating an enabling environment

An effective LED Strategy creates an environment that is conducive to entrepreneurship and makes it as easy as possible for businesses to be established. This is especially important for micro, small and medium enterprises that operate at a local level. To that end, processes that are managed by the municipality need to be efficient, fast, and free from unnecessary 'red tape'.

Municipalities also have a vital role to play in the provision of infrastructure for basic services like sewerage, water and sanitation, refuse removal and electricity. These services are at the core of creating an enabling environment for economic development. Economic development can be severely curtailed without the basic services and infrastructure that a municipality should provide. As the examples in the Box show, municipal failure not only affects large businesses; it also impacts on households, small, medium and micro-enterprises (SMME), and other investors in local economies.

Box: Two examples of how municipal failure can have a direct impact on LED⁹

The first example is Clover, who in June 2021 announced that it would close its cheese processing facility in Lichtenburg in the North West province and move this to an existing plant outside of Durban.¹⁰ It attributed the decision to ongoing problems with service delivery by the Ditsobotla Local Municipality – specifically water and electricity outages as well as

⁸ The World Bank (2006). **Local Economic Development: A Primer Developing and Implementing Local Economic Strategies and Action Plans.**

⁹ BER Research Note 2021, Number 6. *SA's municipal challenges and their impact on local economic development.*

¹⁰ https://theconversation.com/small-towns-are-collapsing-across-south-africa-how-its-starting-to-affect-farming-162697?utm_medium=Social&utm_source=Facebook#Echobox=1632471973

the poor quality of roads. The move is estimated to lead to 330 job losses within the Lichtenburg economy.¹¹

Another example is Astral foods – one of South Africa's largest poultry producers – who own a processing plant in Standerton in the Lekwa municipality. In 2018, Astral took legal action against the municipality due to severe supply disruptions caused by disintegrating infrastructure. Load-shedding and water shortages reportedly cost the company around R62 million in its latest financial year. Following a court order, the municipality had to submit a long-term plan about how they were going to repair and improve the infrastructure. This did not lead to improved outcomes. A new court order was issued in 2021, requiring national government and Treasury to intervene and prepare a financial recovery plan for the municipality.¹²

Is service delivery keeping up with population growth?

Population and household growth

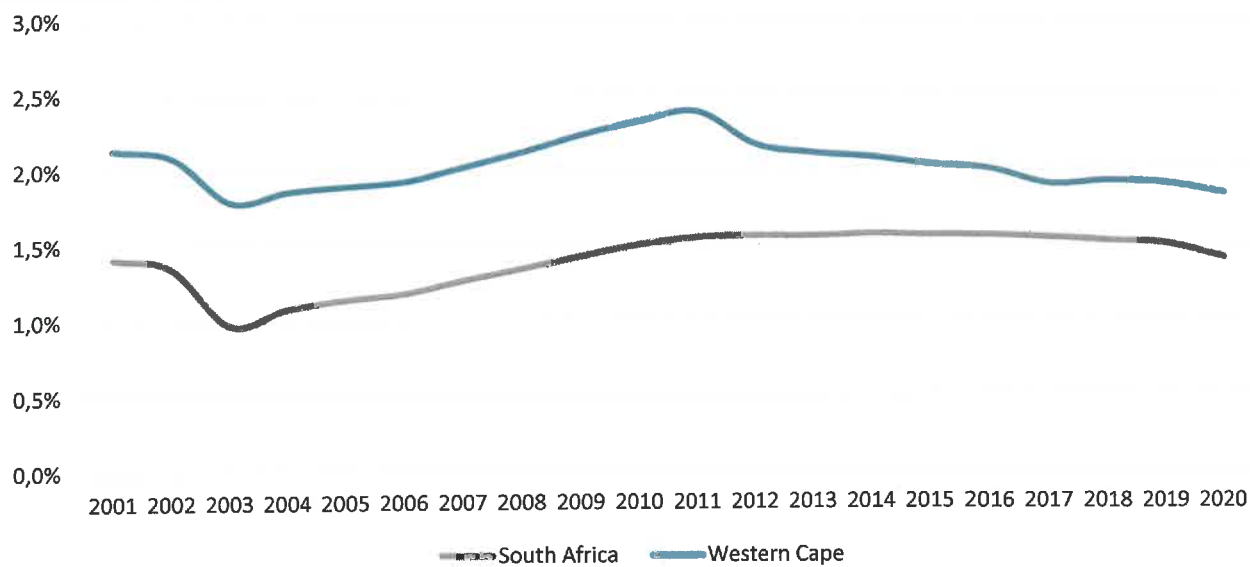
The population of the Western Cape is growing at a higher rate than in the rest of South Africa (see figure below). Over the 2016 to 2020 period, there were a total of 292,521 net-migrations to the Western Cape. This might increase further as remote work becomes even more common¹³. Already, there is anecdotal evidence that more people are trading the busy city hubs of Gauteng for the airy Western Cape. Net migration has implications for the economic landscape of the Western Cape and its towns, placing additional pressure not only on physical infrastructure but also on the composition of the jobs market. The MERO identifies that one of the salient risks to economic development over the next few years will be an uptick in service delivery demands due to net in-migration to the province.

¹¹ <https://www.news24.com/fin24/companies/clover-closes-sas-biggest-cheese-factory-due-to-municipal-woes-in-the-north-west-20210608>

¹² <https://www.businesslive.co.za/bd/companies/industrials/2021-04-13-astral-foods-wins-court-order-over-lack-of-service-delivery/>

¹³ What's next for remote work: An analysis of 2,000 tasks, 800 jobs, and nine countries, 2020, Link: <https://www.mckinsey.com/featured-insights/future-of-work/whats-next-for-remote-work-an-analysis-of-2000-tasks-800-jobs-and-nine-countries>

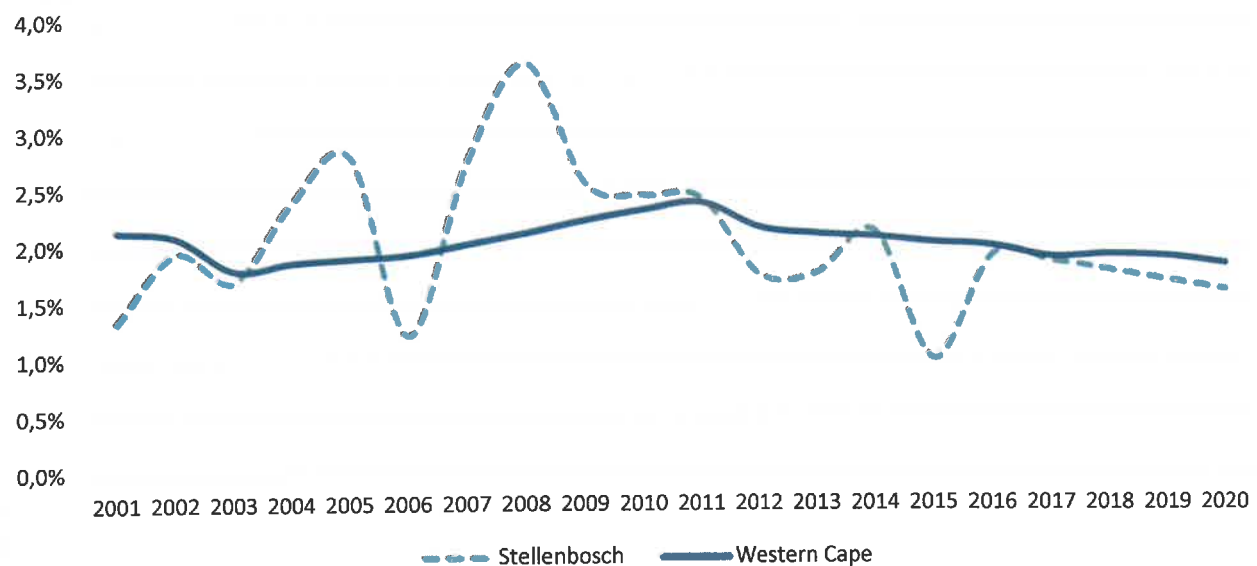
Figure 1: Annual population growth in the Western Cape compared to SA



Source: Quantec

Population growth in Stellenbosch exceeded the national average for most of the past two decades, but has slowed in recent years. Stellenbosch's population has, on average, been growing at a slower rate than the rest of the Western Cape since 2011 (Figure 2).¹⁴

Figure 2: Annual population growth in Stellenbosch Municipality

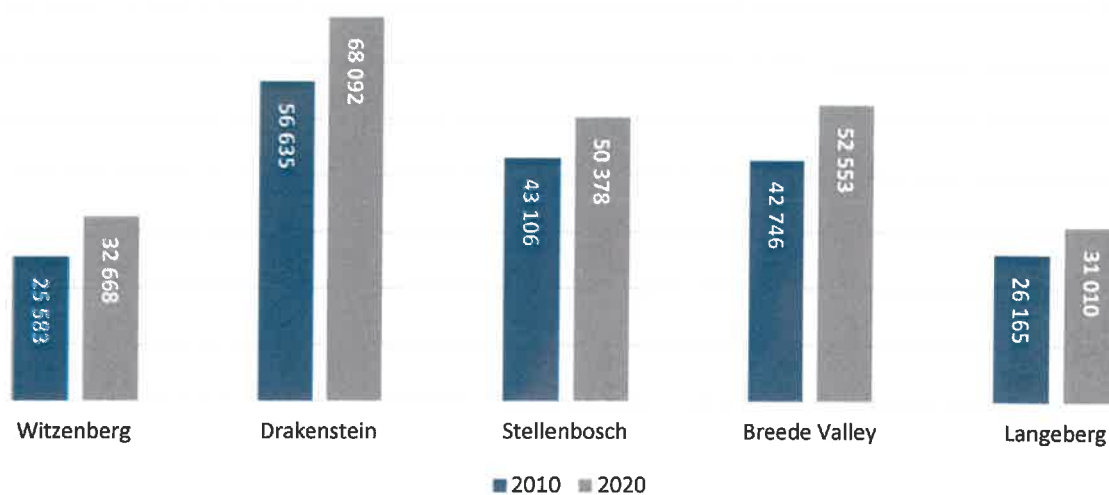


Source: Quantec

¹⁴ Over the past five years, the municipalities of Witzenberg (2.3%) and Drakenstein (2.0%) have, on average, experienced faster annual population growth than Stellenbosch (1.8%).

In line with comparatively slower population growth, the growth in the number of households living in Stellenbosch has also tapered over the past decade. A greater number of households were added to Stellenbosch Municipality between 2000 and 2010 than over the past decade. Breede Valley, Drakenstein and Witzenberg municipalities saw a opposite trend, with the number of households increasing faster since 2010. A factor that might have influenced this trend is the relatively higher cost of owning or renting property in Stellenbosch, compared to other regions in the Cape Winelands Municipality.

Figure 3: Number of households at the start of each decade per Cape Wineland Municipality



Source: Quantec

In 2020 (most recent data available), 183 773 people lived within the boundaries of Stellenbosch Municipality. Based on average population growth over the last decade, we estimate that the population reached 185 698 in 2021.¹⁵ Despite Stellenbosch's slower rate of population and household growth, it remains the most densely populated Local Municipality in the Cape Winelands. It has an estimated 232 people per square kilometre (compared to Drakenstein municipality with 189 people per square kilometre).¹⁶

Population density has implications for per capita spending on infrastructure and services. Holcombe and Williams (2008) find that for cities smaller than 500 000 (like Stellenbosch),

¹⁵ Estimated by applying the previous year's annual population growth rate. This estimate does not account for the effect of the COVID-19 pandemic.

¹⁶ Stellenbosch Socio-Economic Profile 2020.

infrastructure expenditure *per capita* declines as population density increases, whereas *per capita* expenditure on services increase.¹⁷ Mattson (2021) similarly finds that *per capita* expenditure on the operational and construction costs associated with streets and highways, parks and recreation, sewerage and water declines with higher population density.¹⁸ These studies suggest that, given the current size of the municipality, Stellenbosch can achieve greater economies of scale than less densely populated municipalities by investing in important components of economic infrastructure.

Service delivery performance

The majority of households in Stellenbosch (73%; 36.6 thousand) live in formal dwellings (2020) and one of the municipality's main functions is providing basic services¹⁹ to these homes. Over the 2010-2020 period there has been a steady increase in the proportion of households with access to basic service delivery in Stellenbosch, consistent with the trends in the Cape Winelands region and the rest of the Western Cape (see Table 1).

Overall, the proportion of households with access to the four key categories of basic services are on par, if not better, than the Cape Winelands' and Western Cape averages. Table 1 shows service delivery across the municipalities in the Cape Winelands. Stellenbosch and Drakenstein Municipalities outperform the other three municipalities in terms of electricity provision, refuse removal, and sanitation. Stellenbosch Municipality however underperforms in the provision of water to households at least 200m from a dwelling.

¹⁷ Holcombe RG, Williams DW. The Impact of Population Density on Municipal Government Expenditures. *Public Finance Review*. 2008;36(3):359-373. doi:10.1177/1091142107308302

¹⁸ Mattson, J. Relationships between density and per capita municipal spending in the United States. *Urban Science*. 2021, 5, 69. <https://doi.org/10.3390/urbansci5030069>

¹⁹ These include electricity (as the main source for lights), refuse removal (at least once a week), the provision of a flush or chemical toilet and access to water at least 200m from the house.

Table 1 Basic Service Delivery across Cape Wineland Municipalities (% of households)

		Breede Valley	Drakenstein	Langeberg	Stellenbosch	Witzenberg
Electricity as Main Light Source	2010	88.0	90.5	91.1	91.5	88.3
	2015	87.9	93.9	93.5	92.3	92.2
	2020	87.5	94.7	94.1	92.2	93.2
Refuse removal at Least Once a Week	2010	70.8	82.1	67.9	83.8	62.6
	2015	73.9	85.2	70.7	86.1	68.2
	2020	74.5	85.9	71.6	86.7	69.8
Access to Flush or Chemical Toilet	2010	87.1	91.1	86.2	89.5	87.1
	2015	88.3	93.0	88.6	90.9	90.8
	2020	88.4	93.5	89.0	91.1	91.7
Piped Water at Least 200m From Dwelling	2010	94.4	94.8	95.2	91.1	96.5
	2015	95.9	97.7	97.2	93.8	98.0
	2020	96.2	98.5	97.8	94.4	98.4

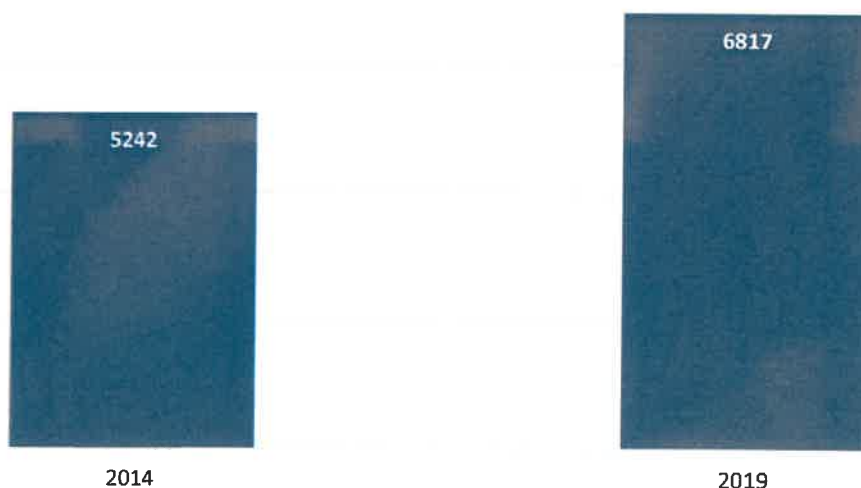
Source: General Household Survey

The data show that the proportion of households with access to electricity as its main source of lighting is 92.2% in 2020, the proportion of households with access to refuse removal at least once a week is 86.7%, the proportion of households with access to a flush or chemical toilet is 91.1% (and finally, the proportion of households with running water at least 200m from their dwelling is 94.4%.

Another important indicator of the extent of service delivery of the municipality is the provision of free basic services to indigent households. For the 2022/23 municipal financial year, the criteria for a household to qualify as 'indigent' is for the main breadwinner(s) to earn less than R6 500 per month.²⁰ A total of 6 817 households within the municipal boundaries benefited from free electricity, free water, free sanitation and free refuse removal services in 2019 (latest available), compared to 5 242 in 2014. Although the data is not yet available, employment losses caused by the COVID-19 pandemic likely increased the demand for free basic services since March 2020.

²⁰ <https://stellenbosch.gov.za/2022/05/25/creating-sustainable-infrastructure-to-enable-economic-growth-and-job-opportunities-post-covid-19-pandemic/>

Figure 4: Number of households in Stellenbosch benefiting from free basic services for water, electricity, sewerage and sanitation, and solid waste management.



Source: Statistics South Africa - P9115

Based on its Top Layer Service Delivery Budget and Implementation Plan 2022/23, Stellenbosch Municipality is achieving and, in many cases, exceeding its service delivery targets (Table 2). This is a vital component of creating an enabling environment for citizens and businesses alike.

Table 2: Summary of Stellenbosch Municipality service delivery targets

	Baseline	5-year target
Limit unaccounted electricity to less than 9% annually	8.86%	<9%
Limit unaccounted water to less than 25%	14.9%	<25%
Registered indigent formal households with access to free basic water	100%	100%
Registered indigent formal households with access to free basic electricity provided by the municipality	71%	65%
Registered indigent formal households with access to free basic refuse removal	100%	100%
Registered indigent formal households with access to free basic sanitation	100%	100%
Formal households with access to water, electricity, refuse removal, and sanitation	26 588	26 000

Source: Top Layer Service Delivery Budget and Implementation Plan 2022/23

Which sectors are the main contributors to economic output and employment?

Aside from creating an enabling environment through infrastructure and service delivery, other important components of LED are enterprise development and support, strengthening local innovation systems, developing learning and skilful economies, building diverse and innovation-driven local economies and developing inclusive economies. To this end, it is necessary to understand the key drivers of economic output within the municipality and how these are affected by global and national dynamics.

The global economic outlook has come under severe pressure in the last four months. Most recently, in the IMF's April forecast the global economic outlook was lowered by 0.8pp to 3.6% in 2022, and with no reacceleration expected for 2023. The slightly more depressed growth rate comes on the back of Russia's invasion of Ukraine, the expectation of slower Chinese growth due to its zero-Covid policy stance, and further policy rate hikes in the Eurozone and the USA. Slower growth abroad may lower demand for South African exports (including tourism).

Domestically, economic growth prospects are also muted, with the BER expecting national GDP growth around 2.4% this year²¹ (of which much of the gain was already realised in quarter 1) and slightly lower growth of 2.0% over the medium-term. In the Municipal Economic Review and Outlook (MERO) Stellenbosch Municipality is forecast to reach 2.5% economic growth in 2022, with the finance and trade sectors as predominant drivers.

The impact of the university on economic development in Stellenbosch should also not be underestimated. The presence of a university or higher education institution can be a catalyst for economic growth in a region (PriceWaterhouseCoopers, 2009). The role as a growth catalyst is not limited to the direct expenditure-based benefits, but also impacts the economy through human capital development. For example, one study²² found that in the

²¹ BER April 2022 forecast

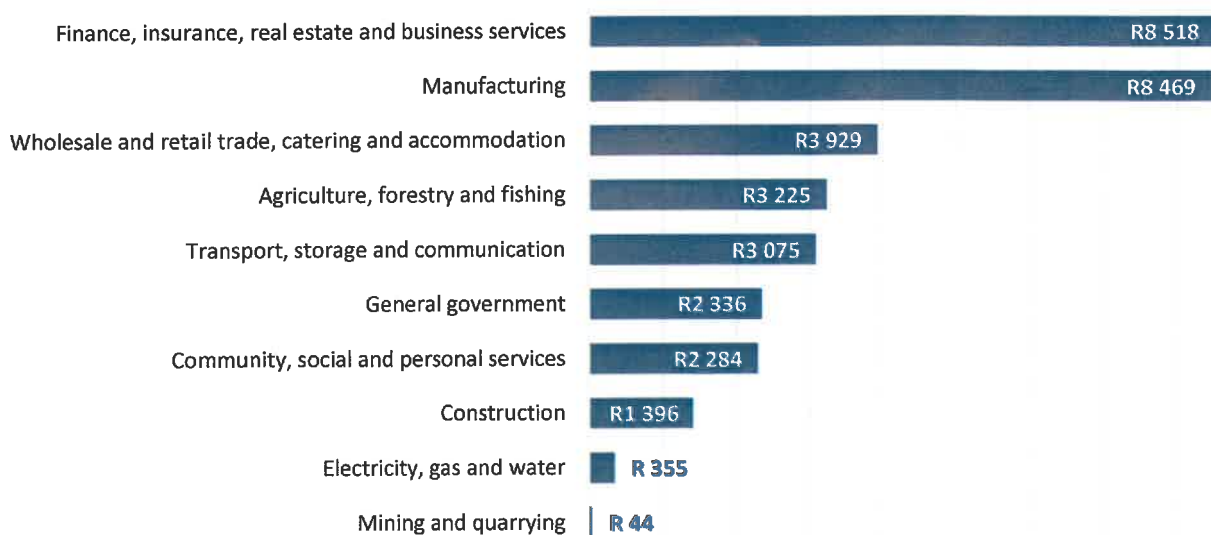
²² Abel & Gabe, Cited in Applesseed (2012). Building Rhode Island's Knowledge Economy. The Economic Impact of Brown University. Available online: <https://www.brown.edu/web/documents/brown-economic-impact-2012.pdf>

USA, a one percentage point increase in the proportion of residents with college degrees can be associated with a 2.3% increase in metropolitan GDP per capita. Similarly, another study²³ was able to show that a 1% increase in the percentage of workers who have degrees can be associated with a 1.6% increase in the earnings of workers that only have high school diplomas.

Contribution of different sectors to GDP

Stellenbosch Municipality has the highest Regional Gross Domestic Product (GDP) per capita within the Cape Winelands district. This indicates that the area generates a lot of value-adding economic activity per person, mostly driven by finance, insurance, real estate and business activity, followed by manufacturing (Figure 5). Together, these two sectors account for half of economic output generated within Stellenbosch Municipality.

Figure 5: Output by sector in 2020 (Rand million, 2015-constant prices)



Source: Quantec

Besides the size of different sectors, it is necessary to know which sectors are growing and which are in decline. For example, while manufacturing accounts for a large share of output, it has not been growing as rapidly as e.g. communication, or finance and insurance. In fact, food, beverages and tobacco (which accounts for a large share of manufacturing) has

²³ Moretti, Cited in Appleseed (2012). Building Rhode Island's Knowledge Economy. The Economic Impact of Brown University. Available online: <https://www.brown.edu/web/documents/brown-economic-impact-2012.pdf>

been in decline. Between 2010 and 2019²⁴, *communication* experienced the most rapid average annual growth among the different subsectors of the economy. This was followed by *finance and insurance*, and then *wholesale and retail trade*. Economic activity in the municipality seems to be pivoting from a manufacturing economy to one which is becoming more service oriented.

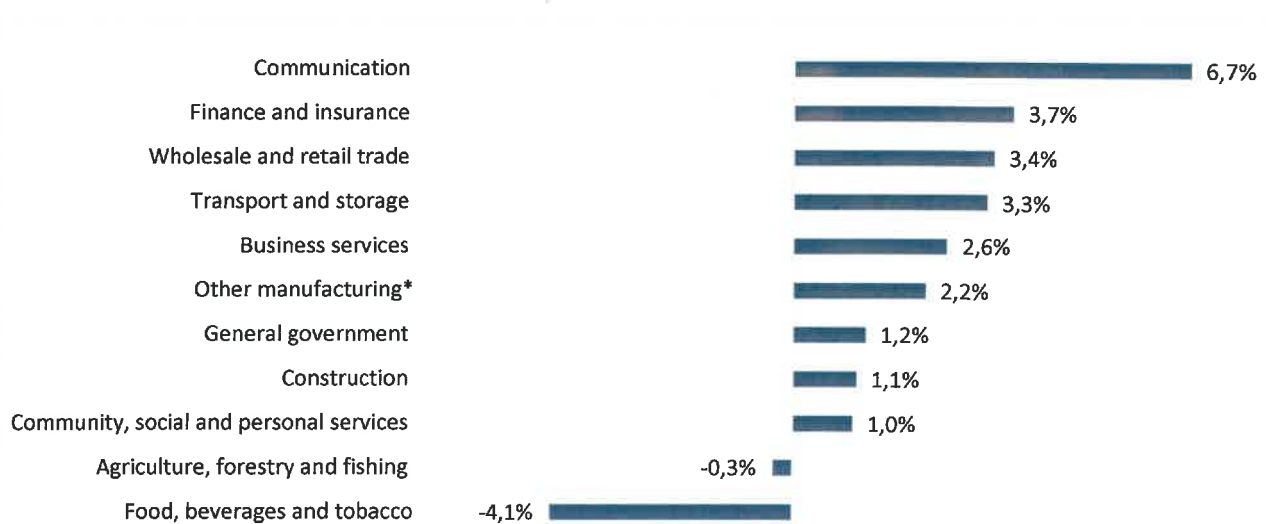


Figure 6: Annual growth rate between 2010 and 2019 of the largest subsectors in Stellenbosch (2015-constant prices)

Source: Quantec (*Total manufacturing excluding Food, beverages and tobacco)

The MERO identifies the business services subsector, as well as finance and insurance as strengths of Stellenbosch Municipality. This is partly because Stellenbosch is already home to the headquarters of large firms like Capitec, Mediclinic International, CompuScan and Reutech Radar Systems.²⁵ The associated commercial activity also has a positive impact on other subsectors, like communication and even construction (see Figure 6).

The *business services* sector may benefit further from the trend towards more business process outsourcing (BPO). In 2021, South Africa was voted “most favoured offshore Business Process Outsourcing destination”²⁶ with Cape Town currently at the forefront with regards to employment creation in this sector. Technopark in Stellenbosch is an already-existing hub that could be used for BPO services.

²⁴ We end the analysis in 2019 to observe the longer-term trends that prevailed prior to the COVID-19 pandemic, and which we expect to continue going forward.

²⁵ MERO p. 366

²⁶ PERO p. 73

A slightly different tendency of consequence to national and local economic development is the number of individuals working-from-home, a trend that escalated since the onset of the Covid-19 pandemic and is likely to stay, at least in part. Globally, 1 in 4 people are working from home, up from 1 in 12 before 2020.²⁷ Work-from-home jobs tend to be concentrated in the *finance, insurance, real estate & business services* sector, which may be of importance to Stellenbosch given the size of the sector in the region.

Food, beverages and tobacco accounts for the largest share (31%) of manufacturing in Stellenbosch Municipality, but as mentioned earlier has also been responsible for most of the decline in the sector. The decline can likely be attributed to drought conditions which negatively impacted agricultural output and hence agro-processing input, as well as the already battling wine industry.²⁸ The agricultural sector weighs strongly on the *manufacturing* sector since a large share of activity in this sector derives from agro-processing.²⁹ The alcohol bans on sales and international trade during the hardest lockdown of the Covid-19 pandemic gave another blow to development in manufacturing, and especially the wine industry of Stellenbosch. There is now a trend towards consolidation of wine makers and wine grape producers in the region, since it has become far less feasible to operate on small scale in the industry.³⁰ Nevertheless, since 2014, agro-processing has been a priority sector in the Western Cape. Stellenbosch is well positioned to develop this subsector given its proximity to agricultural land and ports.

The *agricultural* sector within the boundaries of Stellenbosch Municipality performed well in 2020 (Figure 5) on the back of good weather conditions and favourable commodity prices. And although this is a relatively small sector, the good performance in 2020 boosted fixed investment in the sector in 2021. This puts the sector in a relatively good position going forward, especially as the decline in the global demand for South African exports may have negative implications for the agricultural sector in the country.

The provision of housing is a top priority for the municipality. The construction of new housing has the added benefit of boosting the construction sector. Initiatives like the envisioned

²⁷ PERO p. 12

²⁸ MERO p. 287

²⁹ MERO p. 317

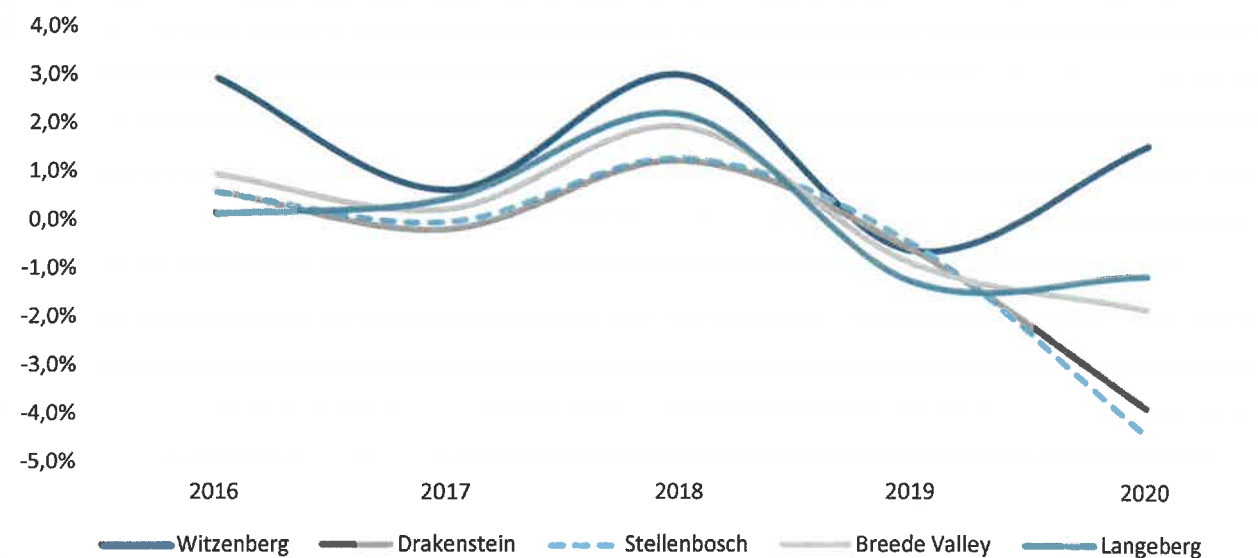
³⁰ MERO p. 319

Adam Tas Corridor and other housing projects in the municipality's housing pipeline will provide a necessary boost to the sector.

Box: What was the impact of the COVID-19 pandemic on economic output?

Of the five local municipalities in the Cape Winelands District Municipality, Stellenbosch Municipality experienced the most severe dip in output in 2020. This can likely be attributed to the area's reliance on tourism and the decline in visitors during the COVID-19 pandemic.

Figure 7: Annual GDP growth rate within the Cape Winelands District Municipality (2015-constant prices)



Source: Quantec (own calculations)

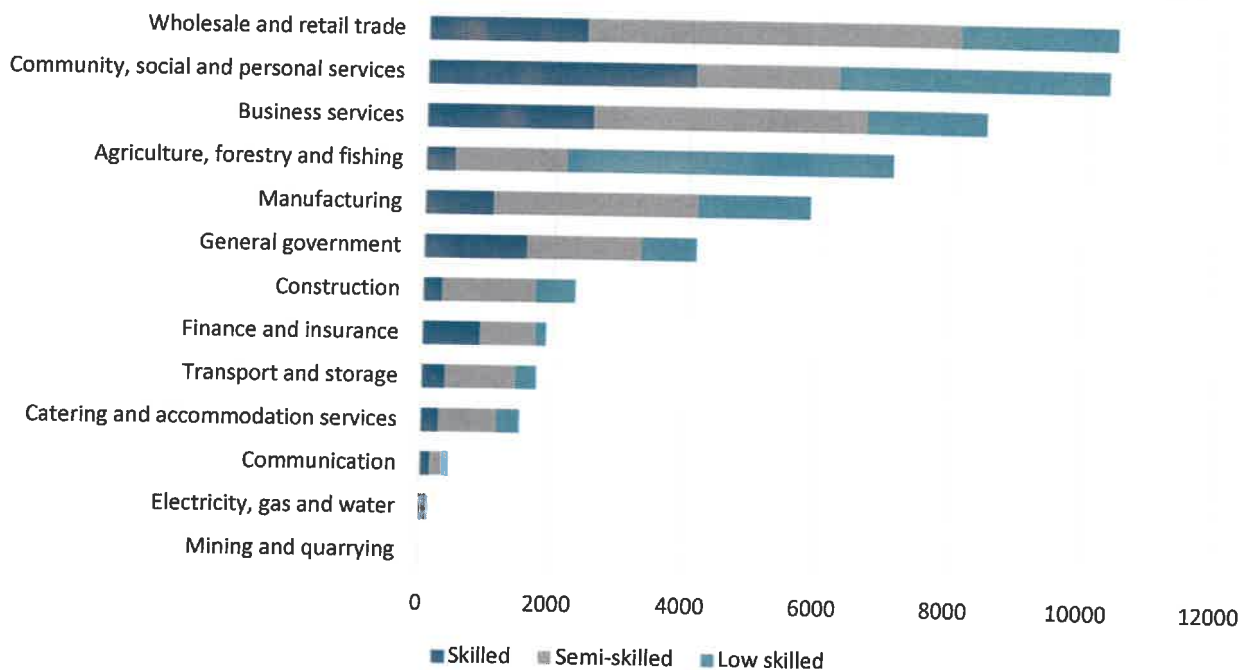
When comparing 2020 output to 2019 to illustrate the impact of the pandemic on different sectors, we find that the finance, insurance, real estate and business services sector proved relatively resilient. Agriculture also had a good year, despite the pandemic. For this reason the Witzenberg Municipality, predominantly driven by its agricultural sector, had a positive growth rate in 2020 compared to negative growth rates in all the other Cape Winelands municipalities (shown in Figure 7).

Employment trends and inequality

Not all sectors contribute equally to employment. As shown below, most low-skilled employment in Stellenbosch is generated by agriculture, forestry and fishing, followed by community, social and personal services, and wholesale and retail trade. The growth or contraction of these sectors could therefore have a substantial impact on unemployment within the region as it may be more difficult for low-skilled individuals to find alternative jobs. Another

trend is an increase in mechanisation, which can reduce the rate at which jobs are created/replaced in the manufacturing sector³¹ as well as in agriculture.

Figure 8: Number of people in formal employment by skills level (2020)

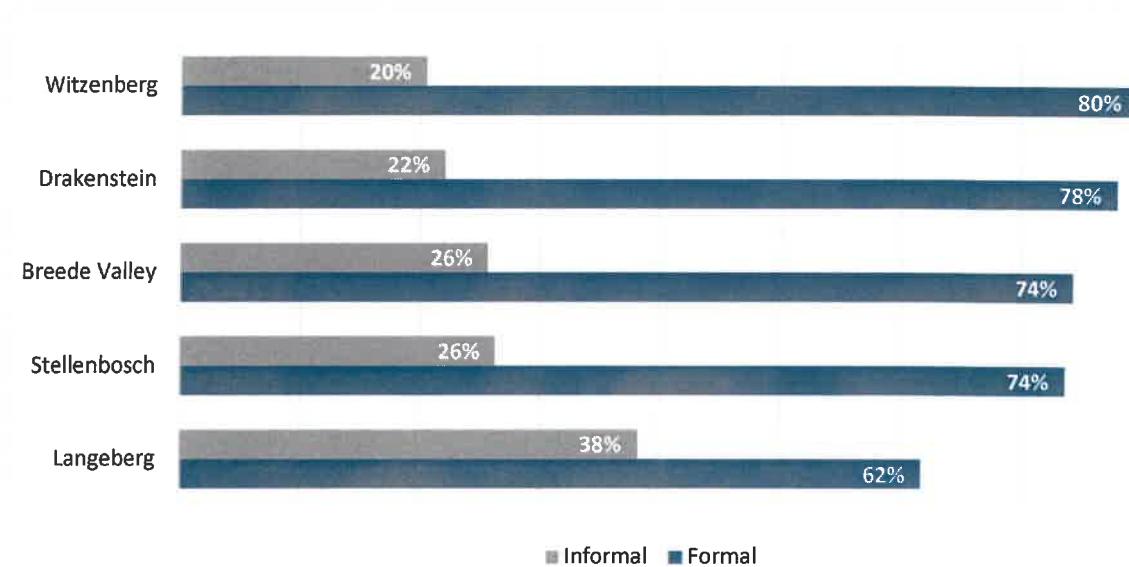


Source: Quantec

Close to three quarters of those employed in Stellenbosch (of ±74 000) work in the formal sector. Stellenbosch however has a smaller workforce and a smaller share of people working in the formal economy compared to the Drakenstein Municipality, for example. This is likely to place additional strain on the municipality's budget through less taxable income. One factor that the municipality might consider as part of its LED strategy is how a greater share of the informal workforce might be incorporated into formal employment.

³¹ MERO p. 293

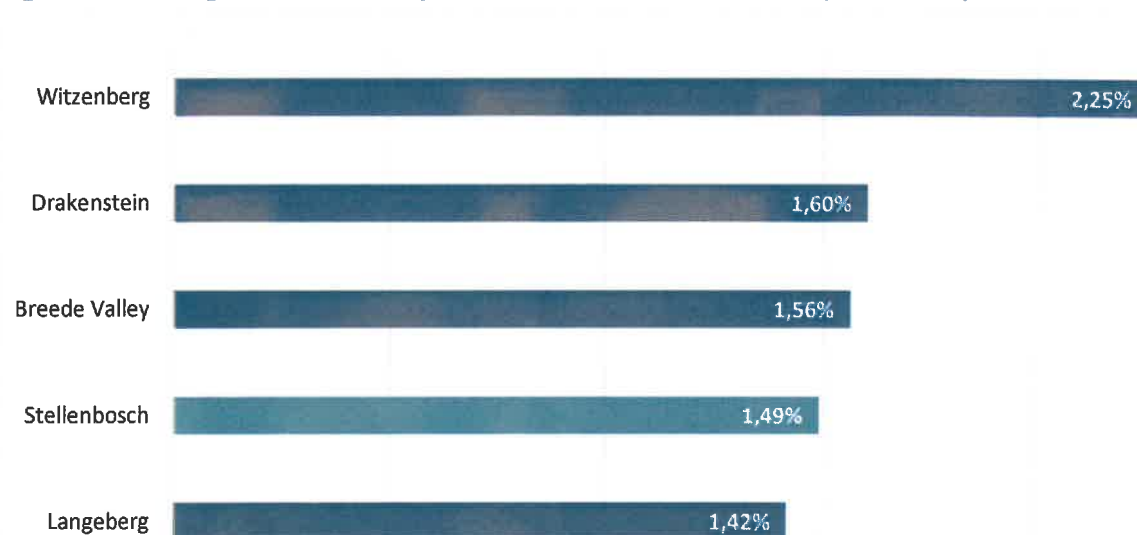
Figure 9: Share of formal and informal employment, 2020



Source: Quantec

The average annual growth rate in the number of formal jobs between 2015 and 2019 in Stellenbosch was 1.5%. While this is above the rate of job creation in South Africa, it is slightly below the Western Cape's average, and also lower than the Cape Winelands' average. While it is not the role of the municipality to create jobs, it does have a responsibility to create an environment that is conducive to entrepreneurship and doing business, and in doing so is an important enabler of job creation.

Figure 10: Average annual rate of job creation in the formal sector (2015-2019)

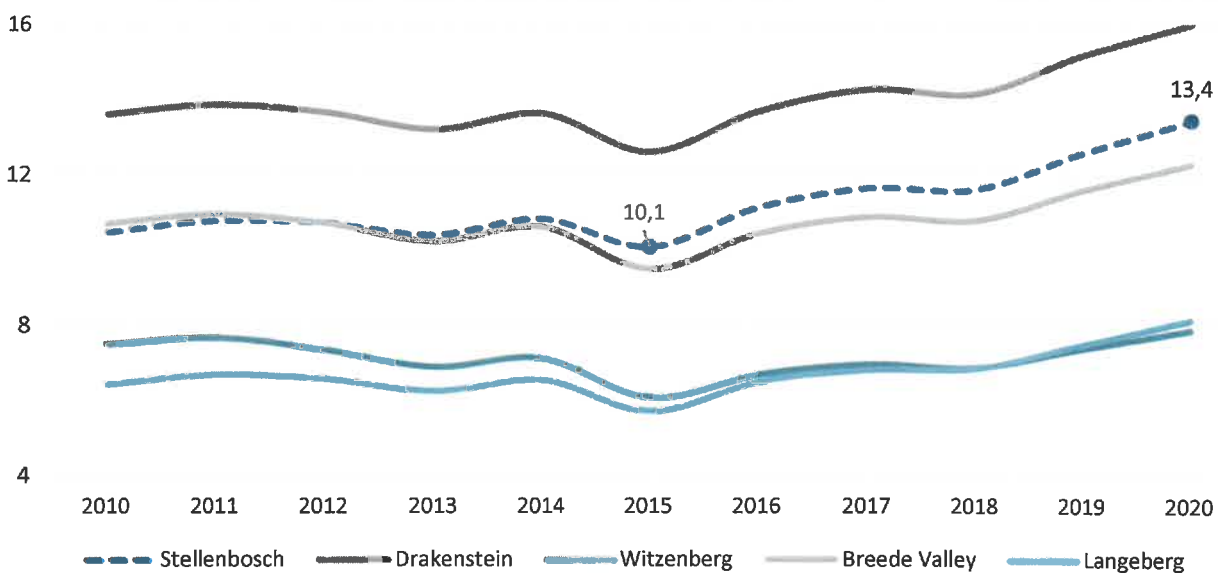


Source: Quantec

The unemployment rate in Stellenbosch remains far below the national average (29.2% in 2020; 34.5% in 2022) as well as that of the Western Cape (20.8% in 2020). One of the reasons why Stellenbosch has a lower unemployment rate may be due to higher levels of educational attainment. Stellenbosch residents have, on average, a higher level of educational attainment compared to the provincial and national level. This is particularly true for tertiary education. According to the 2011 Census data from Stats SA, 3.9% of Stellenbosch residents have a degree, compared to 2% at a national level. Furthermore, 1.2% of residents has a post-graduate degree, compared to a national average of 0.4%.³²

Despite these dynamics, unemployment in Stellenbosch it has been trending upwards with the rest of South Africa since 2015. Stellenbosch has the second highest unemployment rate within the Cape Winelands District Municipality (Figure 11). Witzenberg is the only municipality within the District where the unemployment rate was not considerably higher in 2020 than it was in 2010. In Stellenbosch, unemployment was 13.4% 2020, compared to 10.1% six years prior. In 2020 there were ±11 500 unemployed people living in Stellenbosch, up from ±8 500 in 2015.

Figure 11: Unemployment rates in the Cape Winelands (%)



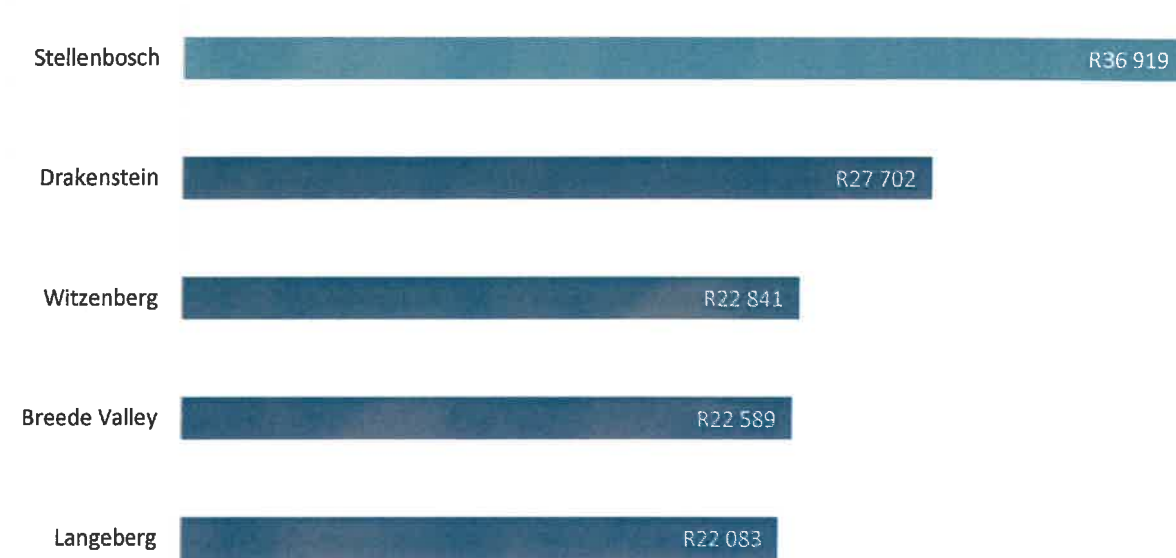
Source: Quantec

The higher level of educational attainment is also reflected in taxable income. Stellenbosch has comparatively high monthly taxable income compared to the other municipalities in the

³² BER (2018). Stellenbosch University Economic Impact Assessment.

Cape Winelands. In addition, Stellenbosch experienced an average annual growth rate of 2.5% in taxpayers, compared to a rate of 1.1% in the Western Cape in general, suggesting that the region continues to attract high net-worth individuals.

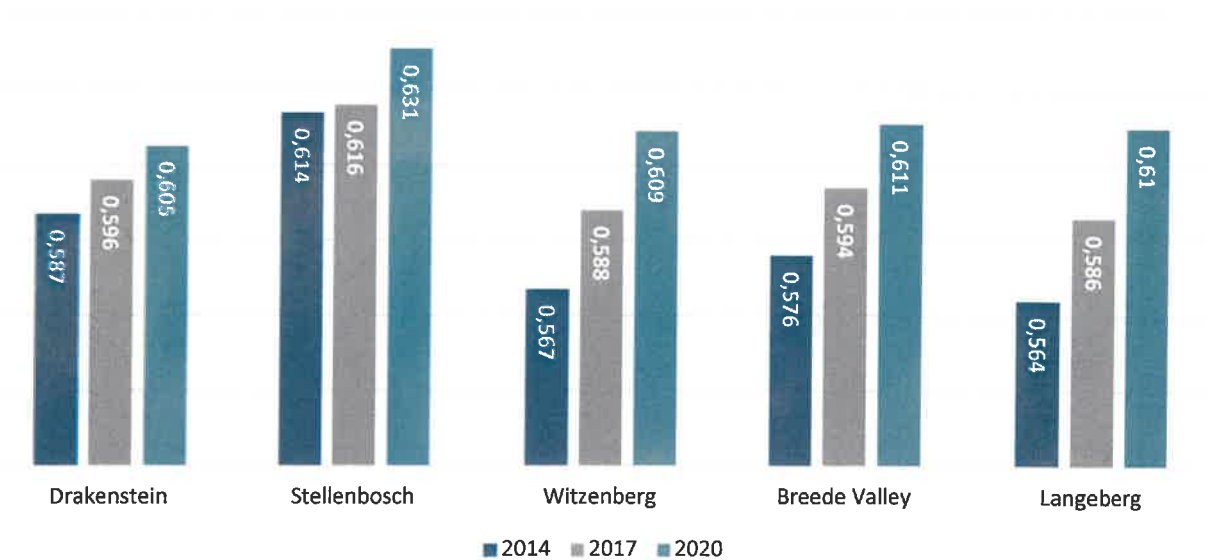
Figure 12: Average monthly taxable income per taxpayer (2020, current prices)



Source: Quantec (own calculations)

The growth of the finance, insurance, real estate and business services sector likely contributes to this trend. By creating an enabling environment for this sector to flourish, the municipality can be expected to continue to attract comparatively high net worth individuals, which will further strengthen its financial position.

The comparatively high monthly taxable income in the Stellenbosch municipal area, combined with a relatively large share of people working in the informal economy and a comparatively high unemployment rate, results in high income inequality. This number became even larger between 2017 and 2020 (presumably aggravated by employment losses during the COVID-19 pandemic). As a result, Stellenbosch has the highest level of income inequality in the Cape Winelands region.

Figure 13: Income inequality as measured by the Gini-coefficient³³

Source: IHS Markit, 2020 (MERO)

The rise in income inequality combined with the increase in the unemployment rate in Stellenbosch may put additional pressure on the municipality to provide support for local households. It also highlights the need for more job creation in the region.

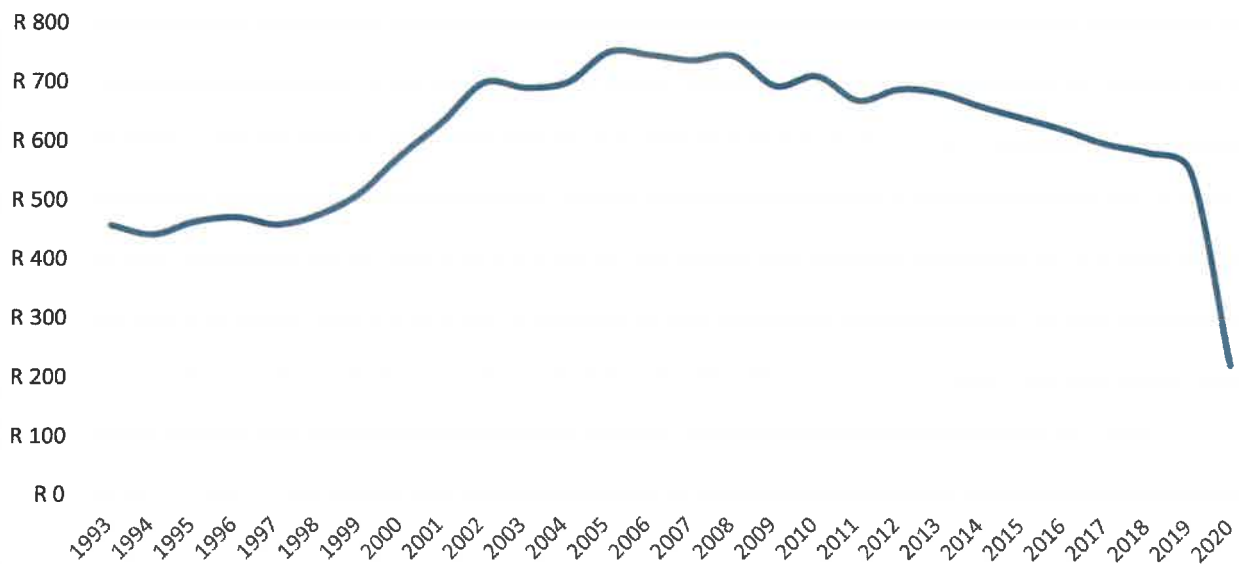
Prospects for the tourism sector

Historical perspective on Stellenbosch tourism

A downward trend in output generated by catering and accommodation services (which captures the tourism sector) within Stellenbosch Municipality seemed to emerge long before the pandemic. Between 1997 up until around 2005, Stellenbosch experienced a rapid increase in economic activity generated by catering and accommodation services (Figure 14). This plateaued until the Global Financial Crisis, after which the sector has been in decline. The COVID-19 pandemic caused economic activity in this subsector to contract by 59% in Stellenbosch.

³³ The Gini coefficient is an indicator of income inequality and ranges between 0 and 1, with 0 representing complete equality and 1 representing complete inequality.

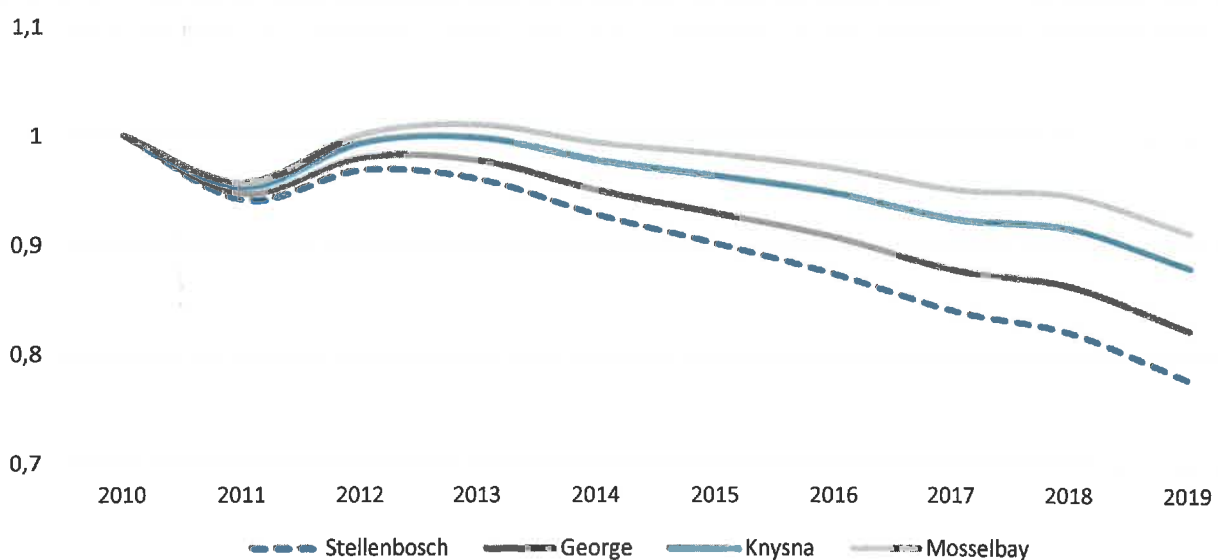
Figure 14: Output in catering and accommodation services (2015-constant prices, rand million)



Source: Quantec

The downward trend in output generated by catering and accommodation services is not unique to Stellenbosch: the figure below shows that Mosselbay, George and Knysna have also been experiencing a decline. Relative to the level at which it was in 2010, however, the drop in activity in Stellenbosch was more pronounced.

Figure 15: Output in catering and accommodation services, indexed to 2010 (2015-constant prices)

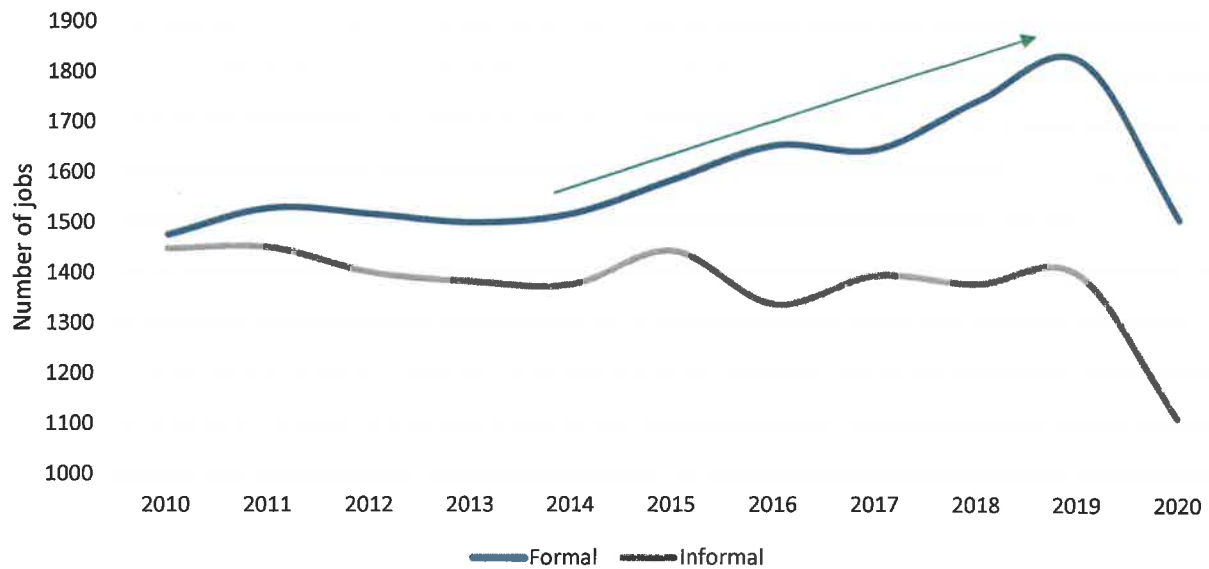


Source: Quantec (own calculations)

Despite the decline, the sector remains an important source of job creation within the municipal area – especially through providing formal employment opportunities. The COVID-

19 pandemic notwithstanding had a severe downward impact on employment in the sector, as can be seen in the figure below.

Figure 16: Employment in catering and accommodation services in Stellenbosch Municipality

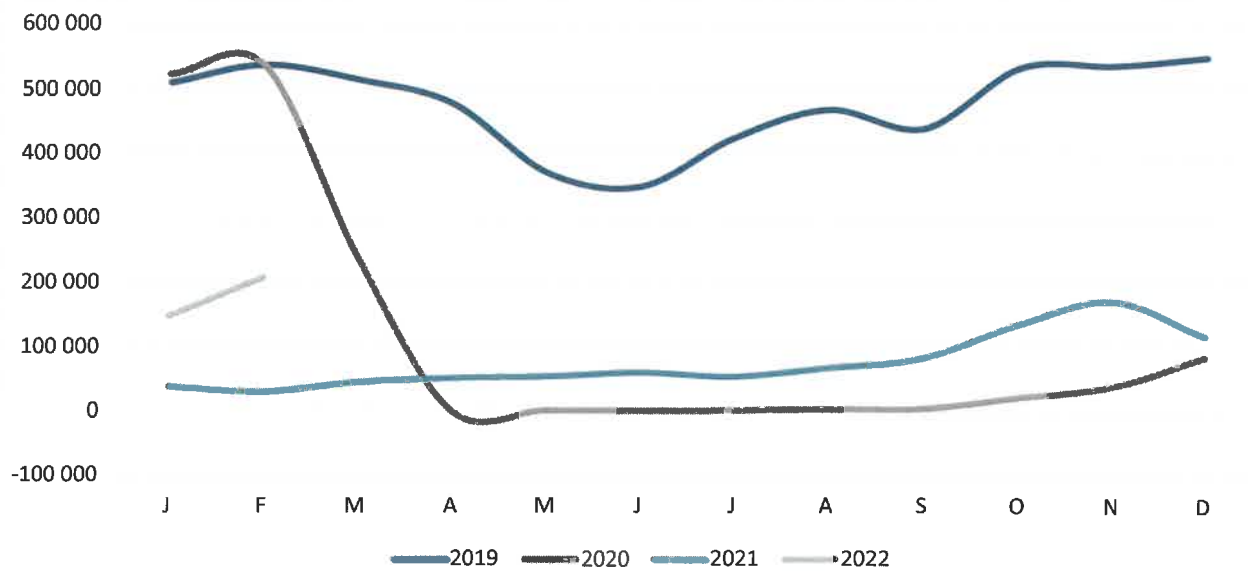


Source: Quantec

Impact of COVID-19 on tourism

While there is no doubt that the global economy is being hit by severe shocks, the impact could have been worse if not for the strong countervailing force of reopening in many countries as mobility restrictions were eased. The reopening of international travel has begun to bounce back in South Africa, albeit still far below pre-Covid levels. Overall, the total number of international arrivals over the January to February 2022 period (excl. SADC) were around 354 thousand persons, far below the 1.06 million that visited over the January to February (pre-pandemic) period in 2020.

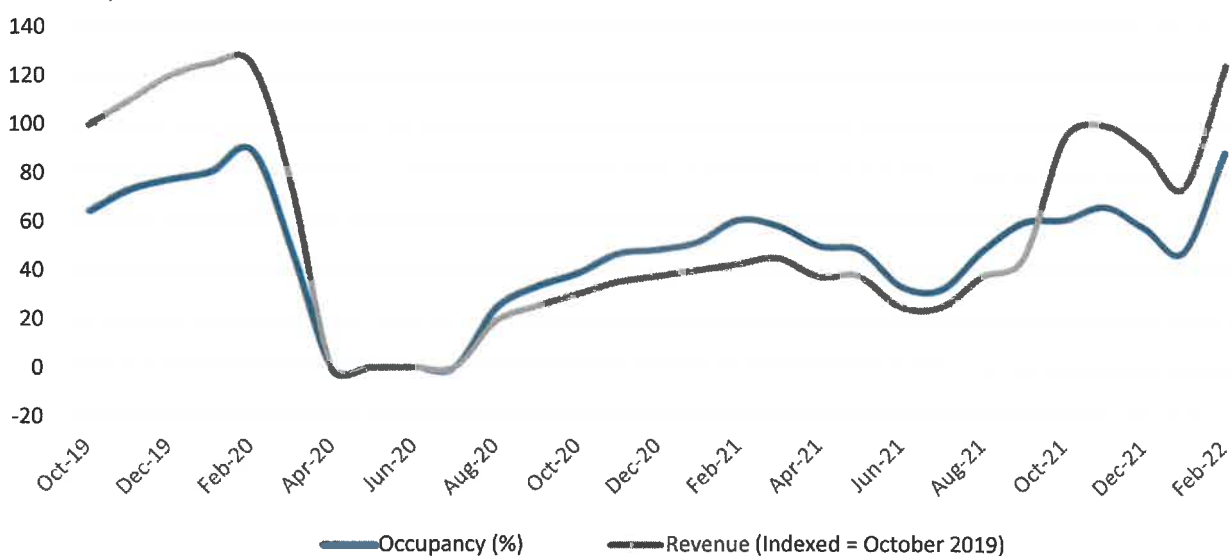
Figure 17: Inbound trips (number of foreign visitors (excl. SADC))



Source: Stats SA

Visit Stellenbosch started collecting information about tourist accommodation and restaurants in October 2019. Although the data in Figure 18 are self-reported by the members of Visit Stellenbosch, it still gives an idea of the business cycle of the sector over the past two-and-a-half years. The data shows an encouraging bounce-back in both revenue and occupancy during the most recent tourist season. Compared to the low number of *foreign* visitors that still prevailed at the start of 2022 (Figure 17), it suggests that the recovery in Stellenbosch's tourism sector – at this stage – seems to be driven by domestic tourists.

Figure 18: Stellenbosch Accommodation Data (self-reported)



Source: Visit Stellenbosch

Despite the positive momentum, the recovery in tourism is likely to be counterweighed by slower global growth, especially growth in European and North American countries. Together, these regions accounted for close to a fifth of international arrivals to South Africa in 2019.³⁴ Of consequence also is the global trend for shorter ("closer to home") trips. Several initiatives to create a better enabling environment for tourism, including medical tourism, sport tourism and eco-tourism are specified in the Stellenbosch Municipality's Draft Tourism Plan of 2020.

³⁴ Stats SA

Conclusion

Municipalities play an important role in South Africa's economic performance and development trajectory, and so also in Stellenbosch. The spatial differences and imbalances that are brought on by increased global competition, population mobility and technological advances make LED even more critical. The emphasis should be on creating an enabling environment within which businesses and citizens can flourish.

Infrastructure and delivery of basic services are among the most important components of creating an enabling environment. Basic service delivery in Stellenbosch is on par with the provincial standards and more than six thousand households benefit from free basic services. Other important factors such as road infrastructure also help the city appear appealing to entrepreneurs and investors. The town has, moreover, seen potential being realized in areas such as the finance and communication sectors. The agriculture and agro-processing sectors were under pressure during the late 2010s but has seen an uptick in activity in more recent years.

Weaknesses remain, and the COVID-19 pandemic has certainly exposed some thereof. The most pressing is a reliance on the tourism sector. Output from this sector has been in decline, which has placed strain on small businesses and especially the individuals who depend on the sector for employment. Given Stellenbosch's unique natural and cultural resources, it is important that the municipality continues to create an enabling environment for this sector to thrive.

Finally, the growth of other tertiary sectors, like finance and insurance, has been substantial and creates positive multiplier effects for many of the other sectors, like communication, construction, and trade. At the simplest level, the key imperative of the municipality's LED strategy should be to create an enabling environment for these subsectors to continue to thrive. It can do this through providing the necessary physical infrastructure and basic services, and creating a favourable business environment through efficient municipal processes.

Implementation plan

Competitive Strategies

Strategy 1: Develop and Implement a consolidated Business Investment Desk

Strategy 2: Develop and Implement a Business Incentives Programme

Strategy 3: Prioritise and Implement an "Ease of Doing Business" Programme

Strategy 4: Institutionalise Economic Intelligence

Strategy 1: Develop and Implement a consolidated Business Investment Desk

- Develop and implement a consolidated Business Investment Desk.
- Economic development ministries and agencies are seeking to reduce the barriers faced by small business owners by reducing the procedures, time and costs associated with starting a business.
- One of the key strategies used is the establishment of Business Investment Desk, where entrepreneurs can receive business and financing advice, and receive regulatory compliance advice such as completing building, land use planning and permitting applications, and pay the necessary fees.
- Stellenbosch currently supports several small business and entrepreneurship programmes, notably entrepreneur training through Ranyaka and Stellenbosch Network.

- These will be consolidated into a standardised Business Investment Desk model – Monitored and evaluated according to strict performance targets and up-to-date business intelligence.

Strategy 2: Develop and Implement a Business Incentives Programme

Roll-out a business incentives programme. Incentives are special interventions designed to influence the location decisions of businesses. Standard incentives packages range from financial rewards (such as tax holidays) to non-financial inducements (such as regulatory exemptions or information provision).

In order to leverage the full range of incentive tools available to the Stellenbosch to attract investment, the administration will formulate comprehensive incentives programme incorporating:

- An appropriate approach to ad hoc financial incentives such as rates rebates and tariff discounts, incorporating a fair and transparent application and assessment system.
- Regulatory inducements (such as special zoning and fast-track processes)
- Information provision

Strategy 3: Prioritise and Implement an “Ease of Doing Business” Programme

- Prioritise Municipal competitiveness in ‘Ease of Doing Business’ initiatives.
- This will span the administration's governance and oversight programmes, reporting standards, financial planning, and human resources management programmes.

- Review, Revise and simplify Stellenbosch's regulatory regime.
- Accelerate decision-making processes for planning and building approvals, notably by moving more functions online and by improving capacity.
- Achieving better coordination between economic development, transport, and land-use priorities.
- Significant progress has been made toward making the organisation more responsive to citizens' needs, for example, through the Municipality's Let's Fix It notification system.
- The next step is to gear the Municipal business improvement initiatives towards recognising their consequences for the broader economy of Stellenbosch and amending them appropriately. This will be achieved via the following interventions: Implementing an online customer interface tool as part of the Municipality's recently launched planning portal.

Strategy 4: Institutionalise Economic Intelligence

- Economic intelligence is a tool used to gain knowledge, which can be used to influence the following:
 - our environment
 - optimize decision-making
 - improve the municipality's positioning strategies to ensure economic and tourism growth, prosperity and public safety and security.
- Hence, economic development, if informed and done effectively, should retain and grow jobs and investment within a community.

SUMMARY OF COMPETITIVENESS STRATEGIES

STRATEGY	STRATEGY	DETAILS	LEAD ACTORS
STRATEGY 1	Attract Investment into the broader Stellenbosch Economy	Develop and operationalise a Business Investment Desk <ul style="list-style-type: none"> • Provide a business advisory service. • Provide a central location where applications can be accessed and submitted, and fees paid. • Provide financing information (DTI, Seda, IDC Support) • Training and development of SMME's. • Youth skills development programme / partnerships. 	Planning and Economic Development Financial Management
STRATEGY 2	Business Incentives Program	Non-financial incentives programme, incorporating <ul style="list-style-type: none"> • Special zoning. • Targeted marketing. • Fast track approvals. • Urban upgrading / site preparation. • Release strategic land parcels. 	Planning and Economic Development Infrastructure Department
STRATEGY 3	Red Tape Reduction Program / Ease of doing business programme	<ul style="list-style-type: none"> • Red tape reduction • Accelerate decision making processes • Ensure strategic alignment and prevent regulatory build – up. • Roll out electronic customer interface tool (Informal Trading) • Roll out development application (GIS / Planning) 	Planning and Economic Development Corporate Services

<p>STRATEGY 4</p>	<p>Institutionalise Economic Intelligence</p>	<ul style="list-style-type: none"> • As the saying goes, 'you cannot manage what you don't measure'. Collecting and analysing economic and tourism data at the municipal level requires a collective effort among stakeholders. • Devise a half-yearly barometer of economic and tourism performance based on indicators like: <ul style="list-style-type: none"> - airport passenger arrivals - visitor figures at key attractions - hotel occupancy and revenue figures - conducting regular visitor profiling and satisfaction surveys - monitoring the spatial dispersion of visitors - conduct event impact studies, feasibility studies and other research studies to inform the development of various sectors. 	<p>Planning and Economic Development</p> <p>LTO's</p> <p>Wesgro</p> <p>DEDAT</p> <p>Cape Winelands District Municipality</p>
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Infrastructure Strategies

Strategy 1: Leverage underutilised Municipal assets to maximise economic benefits

Strategy 2: Maintain and upgrade basic service infrastructure

Strategy 1: Leverage underutilised Municipal assets to maximise economic benefits

- Leverage underutilised Municipal assets to maximise economic benefits. Investigating all the Municipality's existing and potential strategic assets and articulating how they may be leveraged to encourage economic activity and generate revenue, therefore presents a significant, and hitherto largely unrealised opportunity.
- In order to realise the economic potential of underutilised Municipal-owned assets, the administration will: -
- Accelerate the investigation of strategic assets as mandated by IDP objective

Strategy 2: Maintain and upgrade basic service infrastructure

- Maintain and upgrade basic service infrastructure to ensure sustainability.
- Basic service or 'bulk' infrastructure is fundamental to the Municipality's role as the primary provider of essential services such as electricity, water and waste removal. Without these, achieving other strategic goals, notably economic growth and job creation, would be impossible. 'Getting the basics right' is therefore central to the Municipality's strategy. However, there are numerous challenges when it comes to maintaining and upgrading basic infrastructure. Rapid urbanisation is putting pressure on the Municipality's existing stock, while at the same time financial, capacity and environmental considerations place limits its options going forward. In order to maximise the strategic benefits of basic infrastructure, the Municipality will:
 - Develop a public infrastructure plan that will coordinate future infrastructure development with its broader long-term social and economic planning priorities to ensure fiscal sustainability while maximising positive economic impact.

SUMMARY OF INFRASTRUCTURE STRATEGIES

STRATEGY	STRATEGY	DETAILS	LEAD ACTORS
STRATEGY 1	Leverage underutilised municipal assets	<ul style="list-style-type: none"> Investigate underutilised assets such as our informal trading hubs (Kayamandi Corridor, Idas Valley Informal Trading Hub and Cloeteville Informal Trading Hub) 	Property Management Planning and Economic Development
STRATEGY 2	Maintain and upgrade basic services infrastructure to ensure sustainability	<ul style="list-style-type: none"> Annual review of all infrastructure plans Implement and annually review the Capital Investment Program to ensure investments are made in the needed infrastructure that enables growth. 	Planning and Economic Development Corporate Services - Property Management Infrastructure Services

Inclusion Strategies

Strategy 1: Coordinate Local Development Programmes to Enhance the Informal Economy.

Strategy 2: Broaden Job Opportunities and Alleviate Poverty via the Expanded Public Works Programme.

Strategy 1: Coordinate Local Development Programmes to Enhance the Informal Economy.

- Entrepreneurial activity in the greater Stellenbosch area is not limited to the formal business activities of small and medium enterprises or new ventures undertaken by established firms. Increasingly, the informal sector is playing a crucial role as a generator of income and jobs - indicators suggest that the informal sector could make a more substantial contribution to employment in the future, particularly for low and semi-skilled people.
- However, past efforts to facilitate the development of informal enterprises were hampered by a lack of business intelligence and poor inter and intra - departmental coordination. In order to address this, the Municipality will:
 - Integrate the functions of Economic Development and Tourism, Community and Protection Services and Infrastructure

Strategy 2: Broaden Job Opportunities and Alleviate Poverty via the Expanded Public Works Programme.

- The Stellenbosch economy displays trends that it will continue to shift toward higher - value skills in line with regional and national trends, the socioeconomic situation in Stellenbosch remains one in which a large proportion of the population has limited access, skills training and little or no formal work experience.
- This group risks further marginalisation unless initiatives are extended to help people access low - skill and semi-skilled employment. Through the Expanded Public Works Programme (EPWP), the Municipality creates short - term work opportunities for unemployed low - skill and semi - skilled people. This enhances to future employability of EPWP beneficiaries by helping people gain practical skills and work experience.
- It also forms a critical part of the Municipality's broader poverty alleviation efforts by providing direct cash injections into poor households and communities.

- In order to further enhance the utility of the EPWP as a tool for facilitating inclusive economic growth, the Municipality will:
 - Develop / review the policy that will further facilitate the inclusion of EPWP into the operations of the organisation's line directorates
 - Align the EPWP programme with the Municipality's broader skills development and infrastructure development goals
 - Meet the full-time equivalent targets set by the national Department of Public Works (DPW)

SUMMARY OF POVERTY ALLEVIATING STRATEGIES

STRATEGY	STRATEGY	DETAILS	LEAD ACTORS
STRATEGY 1	Coordinate local development programmes to enhance the informal sector	<ul style="list-style-type: none"> • Simplify the informal trading application process (online application) 	Planning and Economic Development
STRATEGY 2	Broaden Job Opportunities via the Expanded Public Works Programme	<ul style="list-style-type: none"> • Review EPWP policy • Align EPWP with the Municipality's skills and infrastructure goals. • Open Jobseekers (EPWP) database to private sector to enhance beneficiary's future employability. 	Planning and Economic Development Finance Department Corporate Services

Trade Promotion and Sector Development Strategies

Strategy 1: Utilise external relations to attract investment and promote growth sectors

- Utilise external relations to attract investment and promote catalytic growth sectors. External relations are gaining momentum in strategic significance as municipal governments begin to play increasingly proactive roles as regulators and facilitators of economic development.
- The Municipality needs to articulate a new approach to managing inter - governmental relations in a manner that promotes Stellenbosch as a competitive global hub for economic, social and cultural activity that builds on its strategic location.
- Attracting investment in Stellenbosch's catalytic growth sectors, namely, agro - processing, financial services, corporate head offices, green industries, tourism and events and business process outsourcing.
- Future external relationship agreements and memberships of forums will be evaluated on the basis of the strategic value they bring to the Municipal area.

SUMMARY OF TRADE AND SECTOR STRATEGIES

	STRATEGY	DETAILS	LEAD ACTORS
STRATEGY 1	Utilise external relations to attract investment and promote catalytic growth sectors	<ul style="list-style-type: none"> • Develop a Strategic External Relations Policy. • Utilise external relations to promote Stellenbosch economic interests by prioritising: <ul style="list-style-type: none"> - Investment attraction in catalytic growth sectors 	Planning and Economic Development Wesgro DEDAT CoCT



- Promote Stellenbosch based Cape Winelands District businesses
- Attract visitors
- Attract large strategic events

Sustainable Growth Strategies

Strategy 1: Develop and Implement a Comprehensive Green Economy Programme

Strategy 2: Promote and Implement Water Resilience (manage water conservation, supply, and demand)

Strategy 3: Promote and Implement Energy Resilience

Strategy 1: Develop and Implement a Comprehensive Green Economy Programme

- Develop and implement a comprehensive green economy work programme.
- Given the currently open-ended nature of the term 'green economy', one of the first tasks of the municipality will be to develop a working definition that is tailored to the local government context, and specifically, the socioeconomic and environmental conditions and priorities of Stellenbosch.
- Work with municipal departments to ensure compatibility between the terms 'green economy' and 'sustainable development' to ensure consistency in policy development and reporting.
- Develop a core position paper that can further refine related concepts and outline the municipality's key deliverables together with realistic targets.

Strategy 2: Promote and Implement Water Resilience

- Manage water conservation, supply and demand to ensure sustainability. Ensuring sustainable water utilisation that at the same time meets current needs in an equitable manner requires a multi-pronged approach that includes protecting and conserving existing freshwater supplies; expanding, upgrading and maintaining water distribution infrastructure; reducing loss by retrofitting and repairing existing facilities and replacing meters and water management devices.
- In addition, significant opportunities exist to augment supply via alternatives sources and reuse. In this regard, the municipality:
 - Promote rainwater harvesting using collection tanks –
 - Promote borehole extraction by small consumers for domestic gardening (only in non-sensitive groundwater areas)
 - Promote grey water re-use
- Ensuring sustainability of supply is one side of the coin. The other is managing demand to reduce wasteful consumption and encourage efficient use.
- The Municipality has paid attention to its own infrastructure and has successfully taken steps to decrease water demand within the organisation.
- Initiatives to manage water demand by citizens and consolidate conservation involve:
 - Rolling-out a consumer education programme focussing on the importance of conservation and the options available for end-use savings.

Strategy 3: Promote and Implement Energy Resilience

- Investigate options for an:
 - energy diversification program
 - promote energy efficiency program
- Electricity supply is dominated by the national grid, which relies predominantly on coal - fired electricity to provide for the country's needs.
- Opportunities also exist to explore alternative energy sources such as solar, wind and expanded gas power capacity. In a context of rising electricity prices. It is thus imperative that the municipality facilitates a shift towards greater energy efficiency in the Stellenbosch economy while also investigating options for diversifying the municipality's power sources to ensure the energy security needed to fuel economic growth in the future.
- To this end, the Municipality continue to implement the Energy and Climate Change Action Plan through a range of initiatives such as retrofitting with more efficient technologies (for example, energy-efficient public lighting) and continue to develop practical proposals to pursue alternative energy sources at scale. This may include engaging private project developers for large - scale electricity generation projects.

SUMMARY OF SUSTAINABLE GROWTH STRATEGIES

	STRATEGY	DETAILS	LEAD ACTORS
STRATEGY 1	Develop and Implement a Comprehensive Green Economy Programme	<ul style="list-style-type: none"> • Lay groundwork for programme by completing the following tasks: <ul style="list-style-type: none"> - Finalise working definition - Develop a position paper - Develop financing plan 	Infrastructure Department

		<ul style="list-style-type: none"> • Develop a programme of work, focusing on: <ul style="list-style-type: none"> - Green manufacturing - Other green industries 	
<p>STRATEGY 2</p>	<p>Promote and Implement Water Resilience (manage water conservation, supply and demand)</p>	<ul style="list-style-type: none"> • Develop two sub – program within this segment, with specific focus on: <ul style="list-style-type: none"> - <u>Water conservation program</u> where the focus here will be, promotion of rainwater harvesting, promotion of responsible borehole extraction, promotion of grey water re – use and lastly, expansion of treated effluent operations. - <u>Water supply and demand management program</u> where the focus will be on expanding, upgrading and maintenance of water distribution infrastructure as well as retrofitting, repairing and / or replacing of meters • Manage water demand and consolidate conservation: <ul style="list-style-type: none"> - Consumer education programme 	<p>Infrastructure Department</p>
<p>STRATEGY 3</p>	<p>Promote and Implement Energy Resilience</p>	<ul style="list-style-type: none"> • Develop two sub – program within this segment, with specific focus on: <ul style="list-style-type: none"> - Energy diversification program, where our focus is on large scale alternative energy sources. - Energy efficiency program, where the focus will be on energy efficiency within Stellenbosch. • Develop and implement an Energy and Climate Change Action Plan • Roll – out energy savings communications campaign 	<p>Infrastructure</p>

Tourism Development and Resilience Strategies

Stellenbosch Municipality will develop its tourism sector anchored in the following key principles:

- a) Responsible Tourism Development
- b) Maximising Partnerships
- c) Whole Government Approach

Through these development principles our aim will be focused on the following:

- Renew focus on domestic markets
- Improve the ease of doing business for tourism businesses
- Raise the global profile of Stellenbosch as a preferred destination
- Identify and develop tourism infrastructure
- Drive geographic spread of tourism benefits throughout the municipal area
- Grow visitor number and yield
- Prioritise tourism development growth within the various towns in Stellenbosch

- Improve customer experiences (quality and service excellence)
- Develop industry partnership programmes through action platforms

Drawing from the NTSS of 2017, the Western Cape Government through its Tourism Blueprint 2030 have the following five components on which the Tourism Strategy is built on:

Strategy 1: Visitor Experience:

The business of providing services to visitors, for example, hotels, and restaurants, safety and security, banking, visitor information centres, etc.

Strategy 2: Tourism Infrastructure:

Infrastructure comprises of essential services, buildings and service institutions.

Strategy 3: Destination Marketing:

This is a form of marketing in which the destination is promoted to a potential visitor to increase the number of trips taken and revenue per trip.

Strategy 4: Tourism Product Development:

Product development focuses on the development and provision of experiences, services and infrastructure that exceeds customer expectations.

Strategy 5: Institutional Arrangement and Regulation:

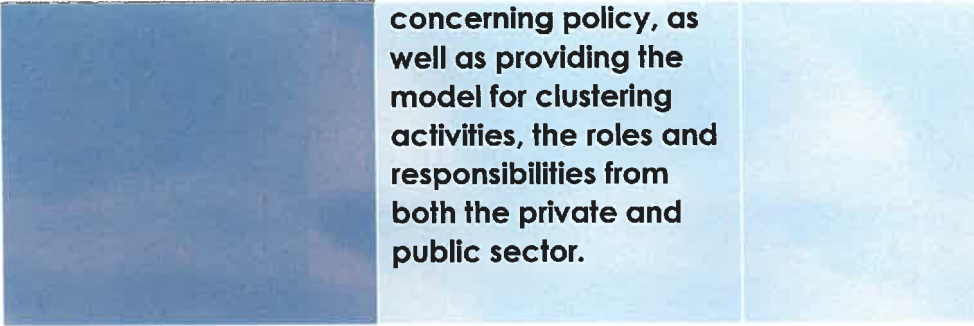
This component governs the ecosystem concerning policy, as well as providing the model for clustering activities, and roles and responsibilities from both the private and public sector role players.

Below is a Top Layer summary of the Tourism Strategy

NTSS STRATEGY	PROVINCIAL STRATEGIC OBJECTIVE (BLUEPRINT 2030)	GOAL	PROGRAMME	ACTIONS / PROJECTS
1. VISITOR COMFORT, EXPERIENCE AND SERVICES	VISITOR SERVICES: The business of providing services to visitors, for example, hotels and restaurants, safety and security, banking, visitor information centres.	ENSURING VISITOR COMFORT	Tourist Safety Program	<ul style="list-style-type: none"> • Develop secure tourism activity zones in higher – risk areas • Launch a rent a cop initiative • Establish tourist victim support initiative • Establish community tourism safety forums in local tourism areas (this could be an EPWP linked initiative).
			Tourist Information Mobility Program	<ul style="list-style-type: none"> • Provide free Wi- Fi access at key tourist sites and congregation points. • Expanding special photographic points. Leverage on unique selling points i.e. history, culture, cuisine and diversity of the municipality. • Launch a Mobile Visitor Information Centre (VIC). • Expand and maintain road signage.

				<ul style="list-style-type: none"> Continuously improving functionality and content of LTO websites.
<p>2. FACILITATE EASE OF ACCESS</p>	<p>TOURISM INFRASTRUCTURE:</p> <p>Infrastructure comprises of essential services, buildings and services institutions.</p>	<p>IMPROVING AND DIVERSIFYING ATTRACTIONS AND EXPERIENCES</p>	<p>Iconic Sites Improvement Programme</p> <p>Make Stellenbosch Sustainable - Program</p> <p>Spatial Planning Program</p>	<ul style="list-style-type: none"> Assessing tourism conditions at and around existing iconic and historical sites and sites with iconic potential, e.g. Kylemore trails and waterfalls, Ida's Valley trails and the Priel Tea Garden. Devising improvement plans for each site. Continuous monitoring of conditions at iconic and historic sites. Strengthen the Universal Access in tourism initiatives, for example ensuring that the disabled and aged are accommodated in destination planning approaches such as ablution facilities, walkways, parking etc. Ensure that Universal Access requirements are included in Municipal by – laws for tourism nodes. Integrating spatial tourism concepts with the Municipal SDF.
<p>3. DESTINATION MANAGEMENT PRACTICES –</p>	<p>DESTINATION MARKETING</p>	<p>DESTINATION MARKETING</p>	<p>Joint Leisure Marketing Expansion Program</p>	<ul style="list-style-type: none"> Formulating a collective Marketing Strategy.

<p>ORGANISING EFFECTIVELY FOR GROWTH</p>	<p>This is a form of marketing in which the destination is promoted to a potential visitor to increase the number of trips taken and revenue per trip.</p>		<p>Expanded MICE and Events Marketing Program</p>	<ul style="list-style-type: none"> • Expanding MICE (Meetings, Incentives, Conventions and Exhibitions) marketing focus and resources. • Build a strong partnership arrangement with Cape Town International Convention Centre (CTICC) and the University of Stellenbosch to promote pre – and – post business packages. • Leveraging maximum tourism value from sport and cultural events.
<p>4. EFFECTIVE MARKETING – GENERATING COMMUNITY INVOLVEMENT AND SUPPORT</p>	<p>TOURISM PRODUCT DEVELOPMENT</p> <p>Product development focuses on development and provision of experiences, services and infrastructure that exceeds customer expectations.</p>	<p>GENERATING COMMUNITY INVOLVEMENT, BENEFITS AND SUPPORT</p>	<p>Cultures of Stellenbosch Development Program</p>	<ul style="list-style-type: none"> • Launching local areas cultural initiative • Setting up local Tourism Forums • Implementing various capacity development programs in selected local areas. • Packaging and marketing cultural experiences.
<p>5. BROAD BASED BENEFIT - ENSURING INCLUSIVITY IN ALL TOURISM ENDEAVOURS</p>	<p>INSTITUTIONAL ARRANGEMENT AND REGULATIONS</p> <p>This component governs the ecosystem</p>	<p>ORGANISING FOR GROWTH</p>	<p>Tourism Partnerships Program</p> <p>Stellenbosch Tourism Capacity</p>	<ul style="list-style-type: none"> • Engaging partners in a collective marketing initiative. • Forming a Stellenbosch Tourism Coordinating Cluster • Strengthening the tourism function in Stellenbosch



concerning policy, as well as providing the model for clustering activities, the roles and responsibilities from both the private and public sector.

Enhancement Program

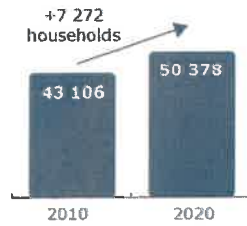
- Collecting and analysing tourism performance statistics and research
- Increasing funding for tourism development and marketing.
- Continuously monitoring progress achieved with implementing the Tourism Strategy.

Appendix 1

Local economic development in Stellenbosch municipality

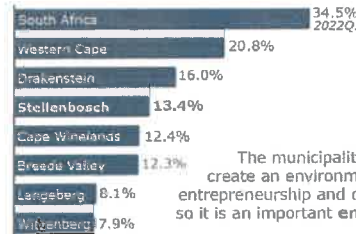


Number of households



Source: Quarterly QSA Standardised Regional

Regional unemployment rates 2020 (%)



Unemployed persons ±11 500
(2020 est.)

The municipality has a responsibility to create an environment that is conducive to entrepreneurship and doing business. In doing so it is an important **enabler of job creation**.

Source: Quarterly QSA Standardised Regional Employment and Compensation

Service delivery in Cape Wineland Municipalities

Share of households

	Breede Valley	Drakenstein	Langeberg	Stellenbosch	Witzenberg	
Electricity as main light source	2010	88,0	90,5	91,1	91,5	88,3
	2020	87,5	94,7	94,1	92,2	93,2
Refuse removal (at least once week)	2010	70,8	91,1	67,9	83,8	62,6
	2020	74,5	85,9	71,6	86,7	69,8
Access to flush/chemical toilet	2010	87,1	91,1	86,2	89,5	87,1
	2020	88,4	93,5	89,0	91,1	91,7
Piped water (at least 200m from dwelling)	2010	94,4	94,8	95,2	91,1	96,5
	2020	96,2	98,5	97,8	94,4	96,4

Source: Stats SA, General Household Survey

Number of households benefitting from free basic services ±6 817
(2019 est.)

Source: Statistics South Africa - PM115

Five largest sectors

Share of economic output (2020)

Business services	19%
Wholesale and retail trade	11%
Agriculture, forestry and fishing	10%
Manufacturing: food, beverages and tobacco	8%
General government	7%

Source: Quarterly QSA Standardised Regional Output of Businesses

Fastest growing sectors 2015 - 2019¹



Source: Quarterly QSA Standardised Regional Output of basic goods - to exclude the impact of COVID-19

Which sectors employ the most people?

Share of total formal employment (2020)



Source: Quarterly QSA Standardised Regional Employment and Compensation

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APPENDIX 2

STELLENBOSCH

STELLENBOSCH - PNIÉL - FRANSCHHOEK

MUNICIPALITEIT - UMCAZIMULU - MUNICIPALITY

PUBLIC NOTICE: INTERESTED AND AFFECTED PARTIES CALL FOR PUBLIC COMMENT ON THE DRAFT ECONOMIC DEVELOPMENT STRATEGY

Notice is hereby given that Council intends to adopt the draft Economic Development Strategy for Stellenbosch Municipality. Interested and affected parties are hereby invited to submit written comments during the sixty (60) days advertising period.

You are hereby invited to submit written comments in connection with the first draft Economic Development Strategy by electronic mail to the Manager: Economic Development and Tourism at Sharon.pedro@stellenbosch.gov.za on or before 6 June 2023.

The first draft of the Economic Development Strategy will be available on the Stellenbosch Municipality's website (www.stellenbosch.gov.za/) and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

AREA	PLACE
Stellenbosch CBD	Library, Plein Street, Stellenbosch Ward 7: Jan Marais Eco Centre Ward 10: Lapland (Municipal Building)
Franschhoek	Ward Office: Ward 1 (Mooiwater Building) Ward Office: Ward 2 (Groendal Community Hall)
Kylemore	Kylemore Ward Office
Pniél	Library, Main Road, Pniél Pniél Ward Office
Wemmershoek	Ward 3: Wemmershoek Ward Office (Community Hall)
Jamestown	Jamestown Library Jamestown Ward Office
Cloeteville	Cloeteville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Road) Library, Sonnebloem Street, Ida's Valley, Stellenbosch
Kayamandi	Kayamandi Ward Offices (Kayamandi Corridor) Library, Masithandane Street, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Ward Office (Vlottenburg Primary School)
Klapmuts	Klapmuts Ward Office (Klapmuts Multi-Purpose Centre)
Ward 19	De Novo Ward Office (Primary School in De Novo)

Enquiries or requests for more information on the process may be directed to Section: Economic Development and Tourism, Sharon Pedro Tel: 021 808 8974 or Email: Sharon.Pedro@stellenbosch.gov.za during normal office hours.

Geraldine Mettler
Municipal Manager
Notice number: 47/2023

6/4/2023

11.8.3	CIRCULAR 2/2023: OUTCOMES OF SECTION 26 PROCESS FOLLOWING THE CONSIDERATION OF VIEWS AND REPRESENTATIONS FOR CLASS 2 – 4 MAJOR BOUNDARY REDETERMINATION MUNICIPAL BOUNDARY REDETERMINATION PROPOSALS
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Collaborator No: 752987
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 July 2023 & 26 July 2023

1. SUBJECT: CIRCULAR 2/2023: OUTCOMES OF SECTION 26 PROCESS FOLLOWING THE CONSIDERATION OF VIEWS AND REPRESENTATIONS FOR CLASS 2 – 4 MAJOR BOUNDARY REDETERMINATION MUNICIPAL BOUNDARY REDETERMINATION PROPOSALS

2. PURPOSE

To provide Council with an update regarding the major municipal boundary redetermination proposals which has an impact of Stellenbosch Municipality, following the considerations of views and representations received from the public in terms of Section 26 of the Local Government: Municipal Demarcation Act 27 of 1998, and to provide information about the forthcoming processes regarding the finalisation of major municipal boundary redetermination proposals.

This report also aims to request Council as an affected municipality to assist with making available suitable venues for public meetings and also to share the contents of Circular 2/2023, attached as **APPENDIX 1** to this report and encourage members of the public to provide comments and to participate in the forthcoming public meetings and / or formal investigations.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Municipal Demarcation Board (MDB) initiated the process of municipal boundary redetermination and three (3) proposals were submitted from the public – including the municipality – for consideration during May 2023 and the municipality supported the two proposals contained in DEM8250 (Stellenbosch Municipality submission) and DEM 8252 (City of Cape Town submission); and objects to DEM8251 (private submission).

5. RECOMMENDATIONS

- (a) that Council takes note of Circular 2/2023 related to the outcomes of the process following Class 2 – 4 Major Municipal Boundary Redetermination Proposals, attached as **APPENDIX 1**;
- (b) that Council take note of the resolution of the Municipal Demarcation Board (“MDB”) to proceed with to Public Meeting and Formal Investigation in respect of DEM8251, which proposal that Council objected to;
- (c) that Council take note of the resolution of the Municipal Demarcation Board (“MDB”) to proceed to Formal Investigation in respect of DEM8252, which proposal Council supported;

- (d) that Council take note that the proposal DEM8250, related to the inclusion of Klappmuts North into the Stellenbosch Municipal Area does not form part of Circular 2/2023 as the proposal is receiving further consideration by the Board and the outcomes thereof will be communicated in due course,
- (e) that Council approves that the notice be placed in the local newspapers and also on the municipal website to inform the public of Circular 2/2023 and encourage the members of the public to provide their inputs in respect of the municipal boundary re-determination proposals DEM8251 and DEM8252, and also to participate in the forthcoming public meetings and / or formal investigations; and
- (f) that Council supports the recommendation that the public meetings and / or formal investigations be conducted as part of the Draft Integrated Development Planning (“IDP”) Public Participation Meetings scheduled for September 2023.

6. DISCUSSION / CONTENTS

6.1.1 Background

The Municipal Demarcation Board (MDB) determines municipal boundaries in terms of the Municipal Demarcation Act (No. 27 of 1998), and the process was opened for the municipal boundary redetermination process in November 2021. The period for submission of proposals closed on 31 March 2022 during which various proposals relating to the Stellenbosch municipal boundary were received from the public and the municipality itself.

The MDB analysed and categorized the proposals submitted and determined that three (3) proposals - including the municipal submission - will be considered in terms of Section 26 of the MDA for the Stellenbosch municipal boundary redetermination. The proposals are attached as **APPENDIX 2** to this report.

The section 26 notice was published on 30 March 2023 in the newspapers with a closing date for providing inputs on or before 30 April 2023. These representations was considered by the MDB during April and May 2023 after which the Board have resolved the following:

PROVINCE	DEM NUMBER	DESCRIPTION	BOARD RESOLUTION
Western Cape	DEM8251	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02), and City of Cape Town Metropolitan Municipality (CPT) by excluding the farm HASSENDAL 222 ST Stellenbosch from the City of Cape Town Metropolitan Municipality (CPT), and by including it into the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02); by excluding Kruis Road and Bottlary Road Reserves from the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02), and by including it into the municipal area of City of Cape Town Metropolitan Municipality (CPT).	<i>Proceed to Public Meeting and Formal Investigation.</i>

Western Cape	DEM8252	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02), and City of Cape Town Metropolitan Municipality (CPT) by excluding Farm 115 ST from the municipal area of Stellenbosch Local Municipality and Cape Winelands District Municipality (DC02), and by including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT).	Proceed to Formal Investigation.
--------------	---------	--	---

The third proposal which is described as “*DEM8250: Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality and Drakenstein Local Municipality by excluding Klapmuts North community from Drakenstein Local Municipality and including it into the municipal area of Stellenbosch Local Municipality” was not part of the resolutions as this proposal did not form part of listed proposals in **ANNEXURE A** of Circular 2/2023 and as noted in said circular this proposal is “receiving further consideration by the Board and the outcome thereof will be communicated in due course.”*

6.2 Discussion

Based on Circular 2/2023 received from the MDB the proposals listed in the table above have been considered and the decision has the following implications:

- **Proceed to conduct both public meetings and formal investigations**, the MDB will not only conduct public meetings, but will also conduct section 29 in terms of MDA formal investigations to obtain further information from identified stakeholders.
- **Proceed to conduct formal investigations**, the MDB will arrange and conduct formal hearings as espoused in section 29 of the MDA to obtain further information regarding the proposed boundary change.

Circular 2/2023 clearly notes the requirements for the public meetings and the formal investigations and have requested that the municipality provide suitable venues for such meetings, and it is recommended that the IDP Public Participation Meetings be utilized as a platform to host the public meetings as prescribed in Section 28, as the logistics in respect of venues and transport is already in the planning process and this process can therefore be added to the agenda.

6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted. The Demarcation board determine boundaries and Council may provide input.

6.4 Legal Implications

The recommendations in this report comply with Council’s policies and all applicable legislation.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

The following Council approvals are applicable:

3rd COUNCIL MEETING: 2022-03-30: ITEM 16.1**RESOLVED (nem con)**

- (a) that Council take note and support the submission of the proposal to request the inclusion of Klappmuts North within the municipal boundaries of Stellenbosch Municipality (WC024), ...and
- (b) that Council does not support the request of Terraplan Associates to include the properties located within the 450ha area into the municipal boundaries of the City of Cape Town at this stage, and further discussion must be held between the City of Cape Town in respect of the detail of this proposal.

13TH COUNCIL MEETING: 2023-04-26: ITEM 11.8.3

During deliberations on the matter, Speaker RULED that this item stands down to obtain the correct amendments. When the meeting returned to this item, bullet points (a) and (c) in the resolution was amended as follows:

RESOLVED (majority vote with 3 abstentions)

- (a) that Council supports and approves the representations provided on the proposed Stellenbosch municipal boundary redetermination (DEM8250) as detailed motivation provided in annexure E;
- (b) that Council supports the representations provided on the proposed Stellenbosch municipal boundary redetermination (DEM8251) and objects to this proposal;
- (c) that Council supports and approves the representations provided on the proposed Stellenbosch municipal boundary redetermination (DEM 8252); and
- (d) that Council approves these submissions for submission to the Municipal Demarcation Board.

6.7 Risk Implications

This report has no risk implications for the Municipality.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-07-19: ITEM 7.8.3

- (a) that Council takes note of Circular 2/2023 related to the outcomes of the process following Class 2 – 4 Major Municipal Boundary Redetermination Proposals, attached as **APPENDIX 1**;
- (b) that Council take note of the resolution of the Municipal Demarcation Board (“MDB”) to proceed with to Public Meeting and Formal Investigation in respect of DEM8251, which proposal that Council objected to;

-
- (c) that Council take note of the resolution of the Municipal Demarcation Board (“MDB”) to proceed to Formal Investigation in respect of DEM8252, which proposal Council supported;
- (d) that Council take note that the proposal DEM8250, related to the inclusion of Klapmuts North into the Stellenbosch Municipal Area does not form part of Circular 2/2023 as the proposal is receiving further consideration by the Board and the outcomes thereof will be communicated in due course,
- (e) that Council approves that the notice be placed in the local newspapers and also on the municipal website to inform the public of Circular 2/2023 and encourage the members of the public to provide their inputs in respect of the municipal boundary re-determination proposals DEM8251 and DEM8252, and also to participate in the forthcoming public meetings and / or formal investigations; and
- (f) that Council supports the recommendation that the public meetings and / or formal investigations be conducted as part of the Draft Integrated Development Planning (“IDP”) Public Participation Meetings scheduled for September 2023.

APPENDICES

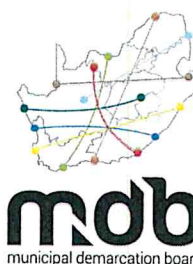
Appendix 1: Circular 2/2023 with Extracts of Annexure 1 applicable to Stellenbosch Municipality

Appendix 2: MDB Proposals for Municipal Boundary redetermination impacting Stellenbosch Municipality

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	Senior Manager: Development Planning
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Craig.alexander@stellenbosch.gov.za
REPORT DATE	18 July 2023

APPENDIX 1



CIRCULAR 2 OF 2023

**To: Minister of Cooperative Governance and Traditional Affairs
 Minister of Finance
 MECs of Provincial Department responsible for Local Government
 Chairperson of National House of Traditional & Khoi-San Leaders
 President of South African Local Government Association
 Chairperson of Independent Electoral Commission
 Chairpersons of Provincial House of Traditional & Khoi-San Leaders
 Chairpersons of South African Local Government Association
 Mayors of affected Metropolitan, District and Local Municipalities
 Director General of Department of Cooperative Governance
 HODs of Provincial Departments responsible for Local Government
 CEO of National House of Traditional & Khoi-San Leaders
 CEO of South African Local Government Association
 Chief Electoral Officer of Independent Electoral Commission
 PEOs of Provincial Houses of Traditional & Khoi-San Leaders
 PEOs of South African Local Government Association
 PEOs of Independent Electoral Commission
 Speakers of all Metropolitan, District and Local Municipalities
 Municipal Managers Metropolitan, District and Local Municipalities
 Chief Surveyor General – Office of the Chief Surveyor General
 Statistician General – Statistics South Africa
 Members of extended Ward Delimitation and Boundary Determination
 Committee
 Members of Local Elections Technical Committee**

Dear Sir/Madam,

CIRCULAR 2/2023: OUTCOMES OF SECTION 26 PROCESS FOLLOWING THE CONSIDERATION OF VIEWS AND REPRESENTATIONS FOR CLASS 2 – 4 MAJOR MUNICIPAL BOUNDARY REDETERMINATION PROPOSALS

PURPOSE

1. To provide an update regarding the class 2 - 4 major municipal boundary redetermination proposals following the consideration of views and representations received from members of the public in terms of section 26 process of the Local Government: Municipal Demarcation Act 27 of 1998 (MDA).
2. To provide information about the forthcoming processes regarding the finalisation of major municipal boundary redetermination proposals.

3. To request municipalities affected by municipal boundary re-determination proposals which are proceeding to either public meetings and or formal investigations to assist in availing suitable venues for public meetings.
4. To request municipalities and our key stakeholders to share the contents of this circular and encourage members of the public to make inputs and participate in the forthcoming public meetings and or formal investigations.

INTRODUCTION AND BACKGROUND

5. The Municipal Demarcation Board (MDB) determines municipal boundaries in accordance with the MDA and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.
6. During the months of March and April 2023, the MDB published section 26 notices in terms of the MDA to make known its intention to consider proposals for municipal boundary changes (Batch 1 cases).
7. In May 2023, the MDB published additional section 26 notices for Batch 2 cases which were not covered under Batch 1.
8. Members of the public were invited to submit their views and representations to the MDB within 30 calendar days from the date of publication of notices in newspapers.

CONSIDERATION OF SECTION 26 VIEWS AND REPRESENTATIONS FOR BATCH 1

9. After the closing date, the MDB had received approximately 51000 views and representations.
10. All those were analysed against the demarcation criteria as espoused in section 24 and 25 of the MDA.
11. In terms of section 27 of the MDA, when the period for written representations and views expires, the Board-
 - a. Must consider all representations and views submitted to it; and
 - b. May take a decision on the determination (i.e., it may decide whether to proceed and change the boundary or close the matter) or before it takes such a decision-
 - i. Hold a public meeting;
 - ii. Conduct a formal investigation; or
 - iii. Do both.
 - c. On 27 June 2023, the Board considered representations and views received and these were considered for a decision in terms of paragraph 11(b). The

resolutions of the Board were enriched with findings and lessons learnt from, amongst others, research conducted by itself and from other stakeholders.

- d. Details on the resolutions of the Board are provided in **Annexure A** below which includes all proposals for which the Board has decided to:
 - i. **Proceed to conduct public meetings**, the MDB will arrange and conduct public meetings to solicit further inputs from the affected communities.
 - ii. **Proceed to conduct formal investigations**, the MDB will arrange and conduct formal hearings as espoused in section 29 of the MDA to obtain further information regarding the proposed boundary change.
 - iii. **Proceed to conduct both public meetings and formal investigations**, the MDB will not only conduct public meetings but will also conduct section 29 (in terms of **MDA**) formal investigations to obtain further information from identified stakeholders.
 - iv. **Proceed to section 21 publication (MDA)**, in this instance the Board has resolved that the boundaries should be changed, and a notice be published to invite anyone aggrieved by the change to submit written objections.
12. **The remaining proposals not listed as part of Annexure A are receiving further consideration by the Board and outcomes thereof will be communicated in due course.**

PUBLIC MEETINGS (SECTION 28)

13. The MDB will request affected municipalities to provide suitable venues for the public meetings on the proposals earmarked for public meetings. The schedule of public meetings will be posted on the MDB website.
14. Section 28 notices with the details regarding the time, date and place of each public meeting will be published in newspapers circulating in the areas concerned, and the contents thereof will be conveyed through other appropriate means.
15. At the public meetings, a representative of the MDB will explain the issues the Board has to consider, including any options open to the MDB; allow members of the public attending the meeting to air their views on these issues; and answer relevant questions.
16. During the meeting, members of the public will be allowed to submit written submissions to the MDB representative to support their views. To assist the MDB in considering the submissions they should be based on sections 24 and 25 of the MDA.

17. After the public meetings, the MDB will decide as to whether it will proceed with the section 21 process, or not.

FORMAL INVESTIGATIONS

18. Formal investigations are an inquisitorial format of public investigation or inquiry aimed at obtaining information regarding the proposed municipal boundary re-determination by questioning of respondents or participants by an investigation committee.
19. This inquiry will involve hearings or engagements with specific respondents/participants identified to assist the MDB with specific information about the proposed re-determination, this will involve either those identified parties appearing before the investigation committee of the Board or requested to provide certain information in writing. Where applicable details this inquiry will be directly communicated to affected stakeholders or parties.

PUBLICATION OF SECTION 21 NOTICES FOR OBJECTIONS

20. In terms of section 21 of the MDA, the MDB must publish its decision about the change of a municipal boundary in a relevant provincial gazette and anyone aggrieved by such a municipal boundary determination may, within 30 days of publication of such a determination, submit written objections. In this regard, Provincial Gazettes will be published in due course.

BATCH 2: FEEDBACK ON SECTION 26 PROCESS AFFECTING ONLY FREE STATE AND WESTERN CAPE PROVINCES

21. As outlined earlier, the MDB published a few outstanding proposals (13) in May 2023 in terms of section 26 of the MDA.
22. The MDB is currently finalising the analysis of section 26 representations and views received. As soon as that is completed, the Board will take decisions in terms of section 27 of the MDA as outlined in paragraph 11(b).
23. Stakeholders and members of the public will be informed about the decisions of the Board immediately thereafter. These will follow the same process as outlined earlier for Batch 1 proposals. For details on these proposals please visit the MDB website or contact Mr Fazel Hoosen at fazel@demarcation.org.za.

OVERALL PROGRAMME FOR THE MUNICIPAL BOUNDARY RE-DETERMINATION PROCESS

24. Table 1 below provides an overall municipal boundary redetermination programme. The MDB envisages to formally conclude the process between December 2023 and January 2024.

TABLE 1: PROGRAMME FOR CLASS 2- 4 RE-DETERMINATION PROPOSALS

ACTIVITIES	START DATE	END DATE
Intention to consider the re-determination of municipal boundaries in terms of Section 26 of the MDA (Publication of Notice in Newspaper allowing 30 days for submissions)	March 2023	April 2023
The Board must consider all views and representations and resolve to determine or re-determine municipal boundaries, decide to hold public meetings, conduct investigation committee hearings, or do both (<i>Batch 2 outstanding</i>)	May 2023	June 2023
Hold Public Meetings	July 2023	September 2023
Conduct Investigation committee hearings in terms of Section 29 and 30 of MDA	July 2023	September 2023
The Board considers all inputs from research studies, public meetings and investigation hearings and determine or re-determine municipal boundaries in terms of Section 21 of the MDA (Publication in Provincial Gazettes allowing 30 days to lodge objections)	October 2023	November 2023

The Board must consider all objections received and resolve to confirm, vary or withdraw the determination or re-determination. The final decision must be published in the provincial gazette in terms of Section 21(5) of the MDA	December 2023	January 2024
The IEC, Minister of Finance and MECs for local government and all other stakeholders must be notified of the final decision	December 2023	January 2024
NATIONAL & PROVINCIAL ELECTIONS	May 2024	August 2024
WARD DELIMITATION FOR 2026 LOCAL ELECTIONS	September 2024	October 2025

25. For any further queries please contact the MDB at info@demarcation.org.za or Mr Fazel Hoosen at 012 342 2481.

Regards,



MR TM MANYONI

CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

DATE: 12 July 2023

IMPORTANT INFORMATION

The Municipal Demarcation Board

Private Bag X123

Centurion

0046

South Africa

Telephone: +2712 342 2481

Fax: +2712342 2480

Website: www.demarcation.org.zaFollow us on:   

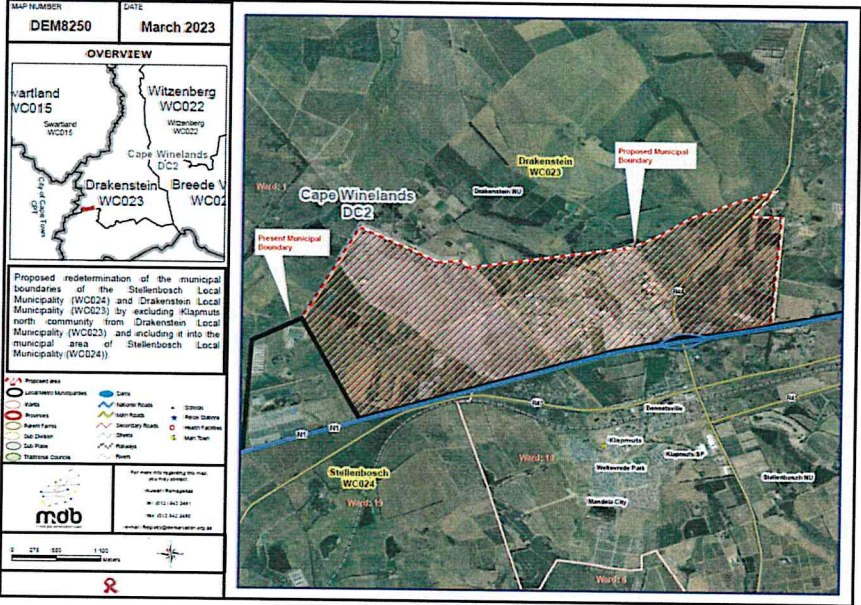
Province	Contact Person	Email	Phone
Eastern Cape	Ms Ayanda Ntamo	ayanda@demarcation.org.za	012 342 2481
Free State	Mr Fazel Hoosen	fazel@demarcation.org.za	012 342 2481
Gauteng	Mr Daniel Sebake	daniel@demarcation.org.za	012 342 2481
KwaZulu Natal	Mr Mthobisi Mahzini	mthobisi@demarcation.org.za	012 342 2481
Limpopo	Mr Tshifhiwa Nethanani	tshifhiwa@demarcation.org.za	012 342 2481
Mpumalanga	Ms Hester Marais	hester@demarcation.org.za	012 342 2481
Northwest	Ms Liz Mazibuko	liz@demarcation.org.za	012 342 2481
Northern Cape	Mr Smiso Dlamini	smiso@demarcation.org.za	012 342 2481
Western Cape	Ms Naomi Ramokgopa	naomi@demarcation.org.za	012 342 2481

ANNEXURE A**PROPOSALS PROCEEDING TO PUBLIC MEETINGS, FORMAL INVESTIGATIONS, PUBLIC MEETINGS AND FORMAL INVESTIGATIONS, AND SECTION 21 OF MDA.**

PROVINCE	DEM_NUMBER	DESCRIPTION	BOARD RESOLUTION
Eastern Cape	DEM6500	Proposed redetermination of the municipal boundaries of Intsika Yethu Local Municipality (EC135) and Sakhisizwe Local Municipality (EC138) by excluding Lower Seplan and Emaqwathini villages from the municipal area of Intsika Yethu Local Municipality (EC135), and by including them into the municipal area of Sakhisizwe Local Municipality (EC138).	Proceed to Public Meeting
Eastern Cape	DEM6501	Proposed redetermination of the municipal boundaries of Ngqushwa Local Municipality (EC126), Amathole District Municipality (DC12) and Buffalo City Metropolitan Municipality (BUF) by excluding Nxwashu/Tyip-Tyip village from the municipal areas of Ngqushwa Local Municipality (EC126) and Amathole District Municipality (DC12), and by including them into the municipal area of Buffalo City Metropolitan Municipality (BUF).	Proceed to Public Meeting
Eastern Cape	DEM6506	Proposed redetermination of the municipal boundaries of Mbhashe Local Municipality (EC121), Amathole District Municipality (DC12), Engcobo Local Municipality (EC137) and Chris Hani District Municipality (DC13) by excluding Mbanga administrative area from the municipal area of Mbhashe Local Municipality (EC121), and by including it into the municipal area of Dr A.B. Xuma Local Municipality (EC137) and Chris Hani District Municipality (DC13).	Proceed to Public Meeting
Eastern Cape	DEM6507	Proposed redetermination of the municipal boundaries of Winnie Madikizela-Mandela Local Municipality (EC443), Ntabankulu Local Municipality (EC444), Alfred Nzo District Municipality (DC44), Port St Johns Local Municipality (EC154) and O.R Tambo District Municipality (DC15) by excluding Wards 8, 9, 10 and Ward 11 from the municipal areas of Winnie Madikizela-Mandela Local Municipality (EC443) and Alfred Nzo District Municipality (DC44); by excluding Wards 18 and Ward 19 from the municipal areas of Ntabankulu Local Municipality (EC444) and Alfred Nzo District Municipality (DC44); by excluding Wards 14, 15, 17, 18, 19 and Ward 20 from the municipal area of Port St Johns Local Municipality (EC154), and by including them into the municipal area of Ingquza Hill Local Municipality (EC153) and O.R Tambo District Municipality (DC15).	Proceed to Public Meeting

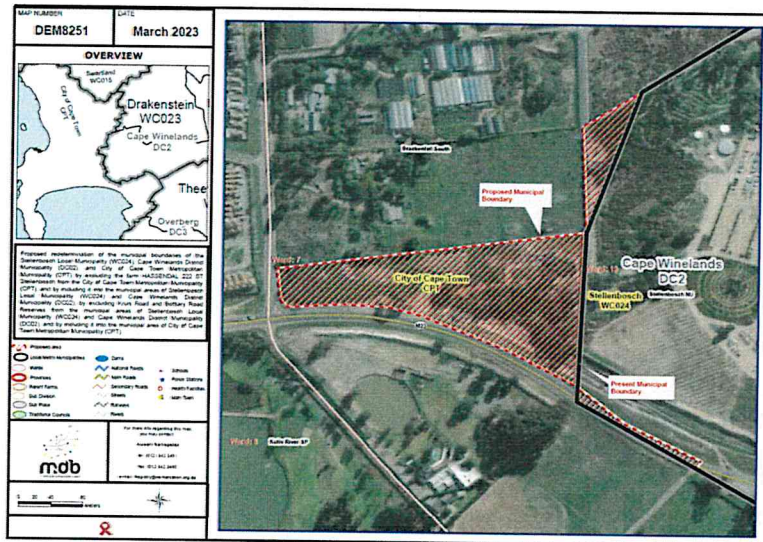
PROVINCE	DEM_NUMBER	DESCRIPTION	BOARD RESOLUTION
Western Cape	DEM8251	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02), and City of Cape Town Metropolitan Municipality (CPT) by excluding the farm HASSENDAL 222 ST Stellenbosch from the City of Cape Town Metropolitan Municipality (CPT), and by including it into the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02); by excluding Kruis Road and Bottlary Road Reserves from the municipal areas of Stellenbosch Local Municipality (WC024) and Cape Winelands District Municipality (DC02), and by including it into the municipal area of City of Cape Town Metropolitan Municipality (CPT).	Proceed to Public Meeting and Formal Investigation
Western Cape	DEM8252	Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02), and City of Cape Town Metropolitan Municipality (CPT) by excluding Farm 115 ST from the municipal area of Stellenbosch Local Municipality and Cape Winelands District Municipality (DC02), and by including it into the municipal area of the City of Cape Town Metropolitan Municipality (CPT).	Proceed to Formal Investigation
Western Cape	DEM8254	Proposed redetermination of the municipal boundaries of the Theewaterkloof Local Municipality (WC031), Overberg District Municipality (DC03), and City of Cape Town Metropolitan Municipality (CPT) by excluding the remainder of farms CN301, CN300, CN 94, portion 6 of farm CN287, portion 2 of farm CN829 and farm CN95 from the municipal areas of Theewaterkloof Local Municipality (WC031) and Overberg District Municipality (DC03), and by including them into the municipal area of City of Cape Town Metropolitan Municipality (CPT).	Proceed to Formal Investigation
Western Cape	DEM8262	Proposed redetermination of the municipal boundaries of the Swellendam Local Municipality (WC034), Overberg District Municipality (DC03), and Hessequa Local Municipality (WC042), Garden Route District Municipality (DC04), by excluding portion 9 of Farm 457 from the municipal areas of Swellendam Local Municipality (WC034) and Overberg District Municipality (DC03), and by including it into the municipal area of Hessequa Local Municipality (WC042), Garden Route District Municipality (DC04).	Proceed to Section 21 of MDA

APPENDIX 2

MDB_map reference	Description	Stellenbosch Municipal inputs
DEM8250	<p>Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality and Drakenstein Local Municipality by <u>excluding Klapmuts North community from Drakenstein Local Municipality and including it into the municipal area of Stellenbosch Local Municipality.</u></p> <p>[extract refer to Annexure D]</p> 	<p>Council takes note and fully supports the municipal proposal currently under review.</p> <p>In addition, Council requests the MDB to amend the description included in Annexure A to be in alignment with the Map Number DEM8250 as it currently incorrectly captures the proposal submitted by the municipality.</p>
DEM8251	<p>Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality, Cape Winelands District Municipality, and the City of Cape Town Metropolitan Municipality, by:</p> <p>c) <u>Excluding the farm Haasendal 222 ST Stellenbosch from the City of Cape Town, and by including it into the municipal areas of Stellenbosch Local Municipality and Cape Winelands District;</u> and –</p>	<p>Council objects to the proposed inclusion of Farm Haasendal 222 ST within the municipal area of Stellenbosch, based on the following reasons:</p> <p>10) The municipal planning for this areas based on the City of Cape Town: Northern District Spatial Development Framework (2022/23) earmarks this area for incremental growth and specifically this portion of the farm for new urban development. The area is also under investigation for inclusion into</p>

- d) Excluding Kruis Road and Bottelary Road Reserves (M23) from the municipal areas of Stellenbosch Local Municipality and Cape Winelands District, and by including it into the municipal area of City of Cape Town.

[extract refer to Annexure D]



NEMA's: urban areas which in essence means that the nature of the area is planned to be transformed and restructured into an urban area.

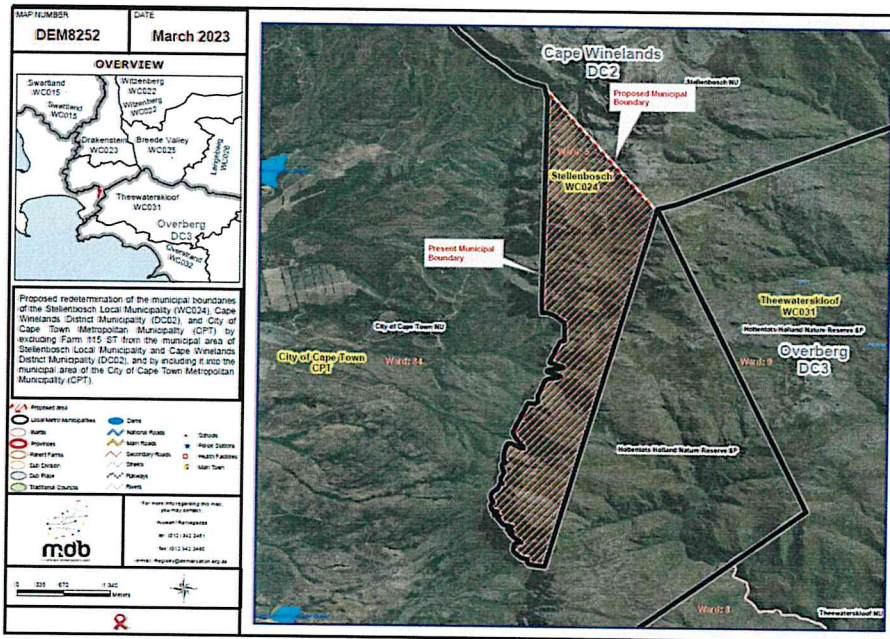
- 11) The City of Cape Town also proposes various road infrastructure investments for Bottelary Road and Kruis Road over the City's SDF implementation period.
- 12) The intention and expectation for urban development in this area is clearly determined in City of Cape Town policy, infrastructure investments and budget allocations over the short to medium term.
- 13) From the Stellenbosch municipal planning perspective the area adjacent to this farm falls within the rural area of the municipality and the adjoining farms are still utilized for agriculture and agriculture (including tourism) related activities and falls outside of the urban settlements of the municipality. The focus from the municipality is to provide services and functions to the residents agglomerated within its urban and rural nodes, and accordingly services and functions are targeted to where the greatest needs and opportunities exist for Stellenbosch Municipality.
- 14) Based on the aforementioned, the municipality does not have the necessary services and infrastructure in this rural/agricultural area to carry out its mandated functions (planning services, technical services and community services) and accordingly various rationalisations and agreements will have to be entered into between the municipality and the City of Cape Town to fulfill these functions on behalf of Stellenbosch Municipality. The increase in expenditures foreseen will be less than the revenues received from the inclusion of this portion into the rural area of the municipality.
- 15) If this portion is included it can negatively impact on the municipality's good financial management (and performance), and its ability to improve capacity to plan, deliver, operate and maintain infrastructure within its current settlements for Stellenbosch's benefit.
- 16) Accordingly the recommendation to the MDB is to not approve the proposal.
- 17) Based on the investment proposals earmarked for Bottelary and Kruis Road, Council only approves the exclusion described in part b in the adjacent column.
- 18) In addition, Council notes that the description should change to "*Remainder of Farm Haasendal 222 ST*" as per the City of Cape Town's and Chief

DEM8252

Proposed redetermination of the municipal boundaries of the Stellenbosch Local Municipality, Cape Winelands District Municipality, and the City of Cape Town Metropolitan Municipality by excluding Farm 115 ST from the municipal area of Stellenbosch Local Municipality and Cape Winelands, and by including it into the municipal area of the City of Cape Town.

Surveyor General data/map portals. Council does not support the inclusion of the entire farm Haasendal 222 ST.

Council takes note of the municipal proposal currently under review. The exclusion will have a limited impact on the municipality and accordingly supports the redetermination proposed.



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

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

11.11	MUNICIPAL MANAGER
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NONE

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

13.	REPORTS BY THE MUNICIPAL MANAGER
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NONE

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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14.1	MOTION BY COUNCILLOR R HENDRIKSE OF THE GOOD PARTY: COUNCIL TO INVESTIGATE THE ROLE OF THE EXECUTIVE MAYOR AS APPEAL AUTHORITY IN DECISION OF MPT
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A Notice of a Motion, dated 2023-06-13, was received from Councillor R Hendrikse of the GOOD Party: Council to investigate the role of the Executive Mayor as appeal authority in decision of MPT.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

13 June 2023

Our Ref: GOOD-WC024_Notice of Motion – In a matter between the Franschhoek Claimants Trust and Stellenbosch Municipality.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600



Dear Municipal Manager

NOTICE OF MOTION

This notice of motion is hereby submitted in terms of rule 24.4 in terms of the Standing Rules and Order for the Meetings of Council and its Committees.

In the light of the High Court judgment in a matter between the Franschhoek Claimant Trust and Stellenbosch Municipality, Judge J Mangcu-Lockwood found that the Executive Mayor of Stellenbosch Municipality was not authorised to delve into the issues of the mandate of the trustees of the Franschhoek Claimants Trust.

Therefore, that this Council should consider the following:

1. That the Council should investigate the role of the Executive Mayor, Ald. Gesie van Deventer of Stellenbosch Local Municipality whereby Judge J Mangcu-Lockwood found that the Executive Mayor was not empowered to engage in a general review of a decision made by the Municipal Tribunal.

PROPOSED BY: CLLR. ROBIN HENDRIKSE

R Hendrikse



SECONDED BY: CLLR. MARIUS VAN STADE

Marius van Stade

THIS NOTICE OF MOTION TO BE SERVED AT THE SPECIAL COUNCIL MEETING SCHEDULED 27 JUNE 2023.

THE END.

14.2	MOTION BY COUNCILLOR C NOBLE OF THE GOOD PARTY: HIGH COURT JUDGEMENT: CASE NO 5057/2022
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A Notice of a Motion, dated 2023-06-13, was received from Councillor C Noble regarding the High Court Judgement: Case No 5057/2022.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

13 June 2023

Our Ref: GOOD-WC024_Notice of Motion – In a matter between the Franschoek Claimants Trust and Stellenbosch Municipality.

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600



Dear Municipal Manager

NOTICE OF MOTION

This notice of motion is hereby submitted in terms of rule 24.4 in terms of the Standing Rules and Order for the Meetings of Council and its Committees.

In the light of the High Court judgment in a matter between the Franschoek Claimant Trust and Stellenbosch Municipality, Judge J Mangcu-Lockwood found that the Executive Mayor of Stellenbosch Municipality was not authorised to delve into the issues of the mandate of the trustees of the Franschoek Claimants Trust.

Therefore, that this Council should consider the following:

1. That the Municipal Manager submit a report to Council on the High Court Judgment with Case No: 5057/2022, its findings, the financial cost of the application and the respondents responsible for paying the cost of the application.

PROPOSED BY: CLLR. CHRISTIE NOBLE



SECONDED BY: CLLR. MARIUS VAN STADE

THIS NOTICE OF MOTION TO BE SERVED AT THE SPECIAL COUNCIL MEETING SCHEDULED 27 JUNE 2023.

THE END.

14.3	QUESTION BY COUNCILLOR C NOBLE OF THE GOOD PARTY: APPOINTMENT OF LEGAL FIRM
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A Notice of a Question, dated 2023-06-13, was received from Councillor C Noble.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

13 June 2023

Our Ref: GOOD-WC024_Notice of Question: Pending court cases against Stellenbosch Municipality: Court Case 5057/2022

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Municipal Manager



NOTICE OF QUESTIONS

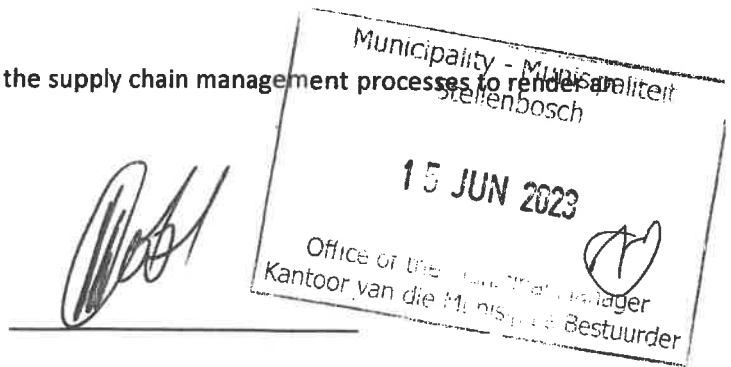
This notice of question is hereby submitted in terms of Rule 35.1 in terms of the Standing Rules and Order for the Meetings of Council and its Committees approved by Council on 27 July 2022.

In the light of the High Court judgment in a matter between the Franschoek Claimant Trust and Stellenbosch Municipality, Judge J Mangcu-Lockwood found that the Executive Mayor of Stellenbosch Municipality was not authorised to delve into the issues of the mandate of the trustees of the Franschoek Claimants Trust.

The following questions have reference to this matter:

1. How was the legal firm appointed in terms of the supply chain management processes to render an ongoing legal service?

PROPOSED BY: CLLR. CHRISTIE NOBLE



SECONDED BY: CLLR. MARIUS VAN STADE

THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT SPECIAL COUNCIL MEETING DATED 27 JUNE 2023.

THE END.

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

TO : SPEAKER
FROM : MUNICIPAL MANAGER
DATE : 21 JULY 2023
RE : NOTICE OF QUESTION: COUNCILLOR NOBLE DATED 13 JUNE 2023

Dear Speaker

With reference to the question received from the Good Councillor C Noble, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 15 June 2023.

QUESTION 1:

- i. "How was the legal firm appointed in terms of the supply chain management processes to render ongoing legal service?"

RESPONSE

The legal firm was appointed in line with the Municipal Finance Management Act and the Stellenbosch Supply Chain Management Policy and is in full compliance with the provisions of the tender. A legal panel tender was approved under B/SM 52/22 in terms of which various legal firms were appointed under different categories of legal work, required by the municipality on a rotational basis. Exceptions to rotation is only allowed where a firm start with a case and the original appointment was not broad enough to deal with the subsequent appeals and or reviews.

Kind regards

GERALDINE METTLER
MUNICIPAL MANAGER

14.4	QUESTION BY COUNCILLOR M VAN STADE OF THE GOOD PARTY: AMOUNT OF COURT CASES: STELLENBOSCH MUNICIPALITY
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A Notice of a Question, dated 2023-06-13, was received from Councillor M Van Stade.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

APPENDIX 1



Stellenbosch

Stellenbosch.forgood@gmail.com

13 June 2023

Our Ref: GOOD-WC024_Note of Question: Pending court cases against Stellenbosch Municipality: Court Case 5057/2022

Ms Geraldine Mettler
The Municipal Manager
Office of the Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600



Dear Municipal Manager

NOTICE OF QUESTIONS

This notice of question is hereby submitted in terms of Rule 35.1 in terms of the Standing Rules and Order for the Meetings of Council and its Committees approved by Council on 27 July 2022.

In the light of the High Court judgment in a matter between the Franschhoek Claimant Trust and Stellenbosch Municipality, Judge J Mangcu-Lockwood found that the Executive Mayor of Stellenbosch Municipality was not authorised to delve into the issues of the mandate of the trustees of the Franschhoek Claimants Trust.

The following questions have reference to this matter:

1. How many pending court cases and or law suits is currently instituted or defended by Stellenbosch Municipality?
2. How may court cases are pending including all cases with reference to CCMA cases, labour court cases, civil cases and criminal cases?

PROPOSED BY: CLLR. MARIUS VAN STADE

SECONDED BY: CLLR. CHRISTIE NOBLE



THIS NOTICE OF QUESTION TO BE SERVED AT THE NEXT SPECIAL COUNCIL MEETING DATED 27 JUNE 2023.

THE END.

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MEMORANDUM

From : MUNICIPAL MANAGER

To : SPEAKER

Date : 20 JULY 2023

Subject : NOTICE OF QUESTIONS: COUNCILLOR MARIUS VAN STADE DATED 13 JUNE 2023

Dear Speaker

The following two questions has been posed by Councillor van Stade:

1. *How many pending court cases and law suits are currently instituted or defended by Stellenbosch Municipality.*

51 Cases as on 30 June 2023

2. *How many court cases are pending including all cases with reference to CCMA, Labour Court cases, Civil Cases and Criminal cases.*

51 Cases as on 30 June 2023– the cases referred to under question one includes the matters in the CCMA and Labour court as they are either defended by the municipality or instituted by the municipality. All civil cases instituted or defended by the municipality is included under question 1.

The municipality does not institute criminal cases – we only lay charges at the police station, does not have any control over the investigation, does not appoint attorneys in those cases and attend court as and when subpoenaed to do so as witnesses. For that reason no record is kept of criminal matters.



GARALDINE METTLER
MUNICIPAL MANAGER

15.	CONSIDERATION OF URGENT MOTIONS
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16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER,
CLLR Q SMIT AND HE AGREES WITH THE CONTENT.***
