



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-11-23

**THIS IS A PERMANENT DOCUMENT
PLEASE RETAIN AS IT WILL NOT BE REDISTRIBUTED**

MINUTES

9TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-11-23 AT 08:00

MINUTES
9TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2022-11-23

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATIONS BY THE SPEAKER	
4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING	
7.1	The minutes of the 8 th Council meeting: 2022-10-23 refers. FOR CONFIRMATION	5
8.	STATUTORY MATTERS	
8.1	ADJUSTMENTS BUDGET 2022/2023	6
8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2022	7
9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS	
	NO REPORT SUBMITTED AS OUTSTANDING RESOLUTIONS SERVES AT SECTION 80 COMMITTEES	
10.	ITEMS FOR NOTING	
10.1	REPORT/S BY THE EXECUTIVE MAYOR	
	NONE	
10.2	REPORT/S BY THE SPEAKER	
10.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING	8
10.3	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	
11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]	
11.1	PROTECTION SERVICES: [PC: CLLR R BADENHORST]	
	NONE	
11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]	
11.2.1	REPORT ON A PUBLIC FACILITY MANAGEMENT PLAN FOR THE DIRECTORATE: COMMUNITY AND PROTECTION SERVICES	10

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
11.3	CORPORATE SERVICES: [PC: CLLR L NKAMISA]	
11.3.1	APPROVAL OF THE DRAFT EMPLOYMENT EQUITY POLICY	11
11.3.2	PROGRESS REPORT ON THE EMPOWERMENT INITIATIVES OF LICIACEPT (PTY) LTD AND KLEINE ZALZE WINES (PTY) LTD	13
11.3.3	APPROVAL OF INFORMATION STATEMENT: TRANSVALIA COMPLEX	14
11.4	FINANCIAL SERVICES: [PC: CLLR P JOHNSON]	
11.4.1	PREFERENTIAL PROCUREMENT POLICY	16
11.5	HUMAN SETTLEMENTS: [PC: CLLR J FASSER]	
	NONE	
11.6	INFRASTRUCTURE : [PC : CLLR Z DALLING (MS)]	
11.6.1	SEPTEMBER 2022 QUARTERLY STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES	17
11.6.2	REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN	19
11.6.3	APPROVAL OF THE LONG-TERM BERG RIVER – VOELVLEI AUGMENTATION SCHEME (BRVAS) WATER SUPPLY AGREEMENT BETWEEN DEPARTMENT OF WATER AND SANITATION (DWS) / STELLENBOSCH LOCAL MUNICIPALITY	20
11.6.4	TRANSFER OF A PORTION OF FARM 502, OWNED BY STELLENBOSCH MUNICIPALITY TO WESTERN CAPE GOVERNMENT FOR ROAD PURPOSES	22
11.7	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR J JOON]	
11.7.1	STELLENBOSCH MUNICIPALITY INVASIVE ALIEN PLANT MANAGEMENT PLAN (5-YEAR REVIEW)	24
11.7.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)	25
11.8	PLANNING: [PC: CLLR C VAN WYK (MS)]	
11.8.1	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION	26
11.8.2	APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICERS	28
11.8.3	APPROVAL OF THE DELEGATIONS OF THE POLICY FOR THE NAMING AND RENAMING OF STREETS, PUBLIC PLACES, NATURAL AREAS, ARTEFACTS AND COUNCIL-OWNED BUILDINGS AND FACILITIES	29
11.8.4	REVIEW OF THE STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING	30
11.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR R DU TOIT (MS)]	
11.9.1	PERMISSION TO ALLOW FOR MOBILE UNITS TO TRADE AT PRE-DETERMINED SITES WITHIN THE WC024 AREA	31
11.10	RURAL MANAGEMENT: [PC: CLLR J WILLIAMS]	
	NONE	
11.11	MUNICIPAL MANAGER	
11.11.1	COMMUNITY INPUTS AND SUBMISSIONS RECEIVED DURING THE PUBLIC PARTICIPATION PROCESSES IN SEPTEMBER AND OCTOBER 2022	32

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
	NONE	
13.	REPORTS BY THE MUNICIPAL MANAGER	
13.1	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2023 CALENDAR YEAR	34
13.2	APPOINTMENT OF SECONDI FOR THE COUNCILLORS ON THE DISCIPLINARY COMMITTEE	36
13.3	FEEDBACK REPORTS RECEIVED FROM THREE 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S	37
14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
	NONE	
15.	CONSIDERATION OF URGENT MOTIONS	
16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
16.1	AMENDMENT OF DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS	38
16.2	NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS FOR THE 2021/2022 FINANCIAL YEAR	44
17.	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	
18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	
19.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	NONE	

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	XL Mdemka
	J Andrews	NM Mkhontwana
	Ald JC Anthony	RS Nalumango
	FJ Badenhorst	CD Noble
	A Crombie	L Nkamisa
	ZJ Dalling	M Nkopane
	MM Danana	N Olayi
	I De Taillerfer	WC Petersen
	R Du Toit	RO Pheiffer
	A Ferns	WF Pietersen
	E Groenewald	MG Rataza
	AJ Hanekom	JP Serdyn
	RB Hendrikse	A Tomose
	P Johnson	RB Van Rooyen
	J Joon	M Van Stade
	O Jooste	CA Van Wyk
	X Kalipa	E Vermeulen
	EP Masimini	J Williams
	NE Mcombring	

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

1.	OPENING AND WELCOME
----	----------------------------

The Speaker, Cllr Q Smit, welcomed all present at the 8th Council meeting.

2.	MAYORAL ADDRESS
----	------------------------

Speaker;

Deputy Mayor;

Chief Whip of the Ruling Party;

Members of the Mayoral Committee;

Municipal Manager and Senior Management;

Members of the public;

Members of the media present;

All protocol observed

Good morning, Goeiemore, Molweni, Assalamu alaikum;

WELCOME

- Thank you Speaker
- A warm welcome to all councillors present in our last council meeting for the year, as well as interested residents, stakeholders and members of the media who have logged in to follow the proceedings;
- **Hal Borland once said, “Year’s end is neither an end nor a beginning but a going on, with all the wisdom that experience can instill in us.”**
- While some councilors are seasoned councilors, for others this was their first full year in council;
- I trust that you have learned a lot from your new role and that you can use your newfound knowledge to further grow our various communities in the new year.

Eersterivier Voetgangerbrug

- Eersterivier Voetgangerbrug en Voetpaadjies is geopen tydens ‘n lint-knip seremonie saam met Jannie Durand
- Tydens die seremonie was die brug en voetpaadjies wat deur Remgro gebou is aan die Stellenbosch Munisipaliteit en dus die publiek oorgedra.
- Wat die projek uniek maak is die veilige voetganger en nie-gemotoriseerde vervoer oor die Eersterivier vanaf Stellentiaalaan en onder die R44 deur na Aan-de-Wagenweg. Die roete wat beligting en CCTV kameras insluit, sal deur die Munisipaliteit gemoniteer word.
- Die voetpaadjies skep alternatiewe roetes vir werkers, skoliere; voetgangers, drawwers, fietsryers en toeriste tussen die Stellenbosch-stasie, die Boord, Onder-Papegaaiberg en die Universiteit/Coetzenburg.

-
- Hierdie nuwe voetgangerbrug en voetpaadjies is reuse bates vir ons gemeenskap. As 'n munisipaliteit, vat ons graag hande met vennote soos Remgro wat bydra tot ons dorp se ontwikkeling en verbetering. Die voetpaadjies skep pragtige alternatiewe roetes vir inwoners en toeriste wat ons dorp besoek. Klim op u fiets of trek die stapskoene aan en kom verken die pragtige voetpaadjies! Ons wil graag ook vir Remgro bedank vir hulle bydra om ons dorp te verbeter en mooi te maak.

Kayamandi Corridor

- On 15 November, we reopened the Kayamandi Corridor as a venue of opportunity for the people of Kayamandi;
- This space offers new and improved opportunities for the community to share, grow and develop and reach their dreams;
- This opening follows just months after the opening of the new and much improved Kayamandi Taxi Rank right across the road from the Corridor;
- For many years, the Corridor has been seen by some residents as a white elephant – which is why the municipality went to a lot of trouble to have public participation sessions with the community to listen to their ideas, proposals and frustrations;
- So that we can create a facility that is not only safe and accessible but also meaningful;
- We spent a lot of money to ensure that the upgrades are done correctly, and I know that this newly opened space will offer a lot of new opportunities to the community.

16 days of activism and Title Deeds

- Tomorrow, 24 November will be the official launch of the 16 days of activism campaign for the Municipality;
- Gender Based Violence is a huge issue, not just in our country, but across the world;
- I would like to ask each councillor to get involved in this campaign in their respective wards;
- If you know of anyone who is a victim of GBV, please assist them in reporting this crime;
- Report all cases of rape, sexual assault or any form of violence to a local police station or call the toll-free Crime Stop number: 086 00 10111.
- This year we decided to combine this event with a title deed handover in Klappmuts;
- As Mayor there is no greater joy than being able to give ownership to our community members who have been waiting for years and years.

CLOSING

- In closing, I would like to thank each councillor for their hard work and dedication to the community during the first year of their term;
- We worked well together and never lost sight of our mandate to serve;
- If you are traveling over the recess period, please travel safe, enjoy the time spent with family;

- Happy festive season, enjoy time with family and loved ones, be safe on the roads, if you are traveling please take care, do not drink and drive, take regular breaks and return to us safely.
- Administrative municipal offices will be closing on 23 Dec and will reopen on 3 Jan, but all emergency and essential services will continue as normal;
- Normal municipal refuse and recycling collection services will be rendered during the 2022 festive season, including all public holidays.
- Thank you to those staff members who will be working throughout the festive season to ensure that service delivery continues and our communities are safe (fire, law enf, staff at WWTW, standby staff for electricity problems, control room staff, disaster management, municipal court staff, traffic officials)
- **Ability is what you are capable of doing, Motivation determines what you do, and Attitude determines how you do it.**
- **Baie dankie, Thank you very much, Enkosi kakhulu.**

3.	COMMUNICATION BY THE SPEAKER
-----------	-------------------------------------

1. Amendments

Item 13.2 – Secondi on Disciplinary Committee
Item 13.3 – Amendment from Good Party

2. Birthdays – November

Councillor Johanna Serdyn – 1 November
Councillor Ayanda Tomose – 3 November
Councillor Ralpton Adams – 4 November
Councillor Nomonde Mkhontwana – 9 November
Councillor Xoliswa Mdemka – 26 November
Councillor Xolile Kalipa – 28 November

3. Recess

Starts 12 December 2022 and ends 13 January 2023

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
-----------	---

- The Municipal Manager thanked everyone for the beautiful birthday wishes she received on her birthday.
- She asked parents to be vigilant and check on their kids in terms of depression as we move towards the end of the matric- and university exams. Depression is a reality, don't ignore your children, check on them regularly.
- The festive season is upon us, and she wished those who will be travelling a safe journey and urged them to be safe on the roads.
- As previously mentioned, we are entering the 16 Days of Activism for No Violence against Women and Children Campaign. Be vigilant of what is going on around you and assist where you can, in your own way, because as a municipality we cannot do everything. To all the victims that has suffered - and there are such a lot of victims whom we don't know, remember there is help out there.

5.	DISCLOSURE OF INTERESTS
-----------	--------------------------------

NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
-----------	--

6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr ZJ Dalling	– 23 November 2022
Cllr C Manuel	– 23 November 2022
Cllr ZR Ndalasi	– 23 November 2022
Cllr N Ntsunguzi (Ms)	– 23 November 2022
Cllr M Mananga-Gugushe	– 23 November 2022

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING
-----------	--

7.1	8TH COUNCIL MEETING: 2022-10-26
------------	---

The minutes of the 8th Council Meeting: 2022-10-26 was **confirmed as correct without any amendments.**

8.	STATUTORY MATTERS
----	-------------------

8.1	ADJUSTMENTS BUDGET 2022/2023
-----	------------------------------

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 November 2022 and 23 November 2022

1. SUBJECT: ADJUSTMENTS BUDGET 2022/2023

2. PURPOSE

Is to table the adjustments budget for the 2022/2023 financial year to Council for approval. The adjustments budget emanates from a roll-over allocation approval received from Western Cape Provincial Government, National Treasury and an additional allocation received from Cape Winelands District Municipality.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

9TH COUNCIL MEETING: 2022-11-23: ITEM 8.1**RESOLVED** (nem con)

- (a) that the Adjustments Budget for 2022/2023 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR ANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	04 November 2022

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2022
------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 November 2022

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 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 October 2022.

9TH COUNCIL MEETING: 2022-11-23: ITEM 8.2

NOTED

the deviations as listed for the month of October 2022.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager Supply Chain
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Dalleel.jacobs@ Stellenbosch.gov.za
REPORT DATE	04 November 2022

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
-----------	---

No report submitted as outstanding resolutions serves at Section 80 Committees.

10.	ITEMS FOR NOTING
------------	-------------------------

10.1	REPORT/S BY THE EXECUTIVE MAYOR
-------------	--

NONE

10.2	REPORT/S BY THE SPEAKER
-------------	--------------------------------

10.2.1	QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING
---------------	--

Collaborator No: **738974**
IDP KPA Ref No: **Good Governance**
Meeting Date: **23 November 2022**

1. SUBJECT: QUARTERLY REPORT – WARD COMMITTEE FUNCTIONING

2. PURPOSE

To submit the report to Council regarding the Functioning of Ward Committees for the period March 2022 – September 2022, within the Stellenbosch Municipal area.

3. DELEGATED AUTHORITY

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 March 2022 – September 2022, including dates and number of Ward Committee meetings held to date.

9TH COUNCIL MEETING: 2022-11-23: ITEM 10.2.1

NOTED

- (a) the functioning of Ward Committees in all 23 wards; and
- (b) the number of Ward Committee and Sector meetings held to date in all 23 wards from March 2022 – September 2022.

FOR FURTHER DETAILS CONTACT:

NAME	Jacqueline Beerwinkel
POSITION	EXECUTIVE SUPPORT OFFICER
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021808 8618
E-MAIL ADDRESS	<u>Jacqueline.Beerwinkel@stellenbosch.gov.za</u>
REPORT DATE	15 November 2022

10.3	REPORT/S BY THE MUNICIPAL MANAGER
	NONE
11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
11.1	PROTECTION SERVICES: (PC: CLLR R BADENHORST)
	NONE
11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]
11.2.1	REPORT ON A PUBLIC FACILITY MANAGEMENT PLAN FOR THE DIRECTORATE: COMMUNITY AND PROTECTION SERVICES

Collaborator No: 738430
IDP KPA Ref No: Good Governance
Meeting Date: 16 November 2022 and 23 November 2022

1. **SUBJECT: REPORT ON A PUBLIC FACILITY MANAGEMENT PLAN FOR THE DIRECTORATE: COMMUNITY AND PROTECTION SERVICES**
2. **PURPOSE**
To report on the finalisation of the Key Performance Indicator D2602, namely updating of a Public Facility Management Plan for the Directorate Community and Protection Services.
3. **DELEGATED AUTHORITY**
Council
4. **EXECUTIVE SUMMARY**
One of the Key Performance Indicators for the Directorate for the 2021/2022 financial year is that a Public Facility Management Plan for the Directorate Community and Protection Services must be compiled. The due date is 30 June 2022. The report has been finalised. The Plan will be attached as **ANNEXURE A**.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.2.1

NOTED

the Public Facility Management Plan for the Directorate Community and Protection Services.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Albert van der Merwe</i>
POSITION	<i>Senior Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>8161</i>
E-MAIL ADDRESS	<i>Albert.vandermerwe</i>
REPORT DATE	

11.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
------	---

11.3.1	APPROVAL OF THE DRAFT EMPLOYMENT EQUITY POLICY
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2022 and 23 November 2022

1. SUBJECT: APPROVAL OF THE DRAFT EMPLOYMENT EQUITY POLICY

2. PURPOSE

To obtain Council's approval for the draft Employment Equity Policy after consultation with the unions.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council does not have an approved Employment Equity policy but there was an Employment Equity Plan that was approved and effective for a five-year term from 2013 to 2018.

Normally in the last year (2018) a revision should have been undertaken and the plan and policy would be amended or revised or changed. Due to the re-organisation of the municipality during 2017 Council established and adopted a new structure which was then populated with current staff since early 2018. Since the new structure almost doubled the staff structure in size an annual plan was developed and reported on, this was done in consultation with the unions and the Department of Labour. The population of the organogram was only completed in early 2021. We identified the need for the development of an Employment Equity policy and the development of a new five-year plan is a legislative requirement.

Council approved the draft Employment Equity Policy on 22 June 2022 for consultation with the unions. The matter was tabled in July 2022 at the Local Labour Forum (LLF) for consultation. The consultation process was referred to a sub-committee and the consultation process was finalised on 2 November 2022. The unions had no additions to the draft policy.

The draft policy (**APPENDIX 1**) is therefore tabled at Council for approval. The plan will be consulted after the Employment Equity Committee is established after approval of the policy. The policy has been drafted with due consideration of the provisions of the Employment Equity Act and the plan will be aligned to reflect the current organogram figures and filled positions as well as setting targets to attain said targets within the 5-year period framework.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.3.1**RESOLVED** (majority vote with 2 abstentions)

that Council approves the draft Employment Equity Policy for implementation.

*Cllr J Andrews requested that his vote of dissent be minuted.***FOR FURTHER DETAILS CONTACT:**

NAME	Annalene de Beer
POSITION	Director Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	01 June 2022

11.3.2	PROGRESS REPORT ON THE EMPOWERMENT INITIATIVES OF LICIACEPT (PTY) LTD AND KLEINE ZALZE WINES (PTY) LTD
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2022

1. SUBJECT: PROGRESS REPORT ON THE EMPOWERMENT INITIATIVES OF LICIACEPT (PTY) LTD AND KLEINE ZALZE WINES (PTY) LTD

2. PURPOSE

Is to report to Council on the progress made by Liciaccept (Pty) Ltd and Kleine Zalze Wines (Pty) Ltd on the empowerment of BBBEE initiatives.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and Liciaccept (Pty) Ltd and Kleine Zalze Wines (Pty) Ltd concluded the Cession and Assignment of the Lease Agreement in terms of Leasing Area 1 over Erf 9190 and Area 1 over Farm 377F, subject thereto that the cession will be reviewed after June 2020, whereby the progress on the empowerment of BBBEE initiatives must be considered. On 26 May 2021, a further extension of the Cession and Assignment of Lease Agreement was granted to give effect to the conditions set by the Municipality.

Liciaccept (Pty) Ltd and Kleine Zalze Wines (Pty) Ltd submitted a summary in the form of a presentation on the progress made over the past year, specifically focussing on the development and registration of the brand "Visio Vintners" and the production and sale of the first Visio Vintners wines in the overseas market and South Africa. They further indicated that the presentation refers to "Liciaccept" and "Visio Vintners" interchangeably as the official registered name of the BEE company is Liciaccept while the brand that has been developed and registered in the name of the company is Visio Vintners. It is imperative to note that AdVini SA, who purchased Kleine Zalze Wines (Pty) Ltd with effect from 1 September 2022 in introduced.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.3.2

NOTED

the progress report of Liciaccept (Pty) Ltd and Kleine Zalze Wines (Pty) Ltd on the empowerment of BBBEE initiatives.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	10 November 2022

11.3.3	APPROVAL OF INFORMATION STATEMENT: TRANSVALIA COMPLEX
---------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2022

1. SUBJECT: APPROVAL OF INFORMATION STATEMENT: TRANSVALIA COMPLEX

2. PURPOSE

Is for Council to approve the draft information statement to indicate Council's intention to dispose of the erven or portions thereof for economic development. The disposal will take the form of a long-term lease and the information statement must be published in terms of the Asset Transfer Regulations.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

The Transvalia complex as it is commonly known consists of erven 825, 1123, 1125, 1130, 1133, 1128, 1129, 1124, 1134, 1142 and 1160. A copy of the map indicating the erven is attached as **(APPENDIX 1)**. Erven 1125 and 1130 is used as a street and provides access to the private erven situated adjacent to it. Erf 825 provides access to the Stelkor complex and is mainly used for parking for the middle of town as the Checkers centrum lies across the street.

The "Dorp Street flats" currently rented to the IEC (unit 1) and used as office space for the Informal Settlements Department and some of Infrastructure Directorate (PMU) staff, are situated along Dorp Street and is located on portions of erven 1123, 1133, 1128, 1134, 1142. These buildings are heritage buildings and to make any changes to them will require approval from Heritage Western Cape. All heritage approvals will have to be obtained.

Any development will have to take the need of parking into account and will have to not only supply parking for the development, but also the same amount of parking that is currently available to the residents and visitors that make use of the parking area will still have to be available to the public. The areas that are used as streets and to provide access should ideally be subdivided from any area that is put out for development, consolidated, and not form part of any development proposals.

The development requirements for the area within which the erven are situated must be considered as far as height and depth of any underground development is concerned. It must compliment the architectural character of Stellenbosch and be sensitive to the historic character of the existing buildings. The Municipality does not want to dispose of the erven in question by selling them, but rather providing a long-term lease to the developer that will be doing the development that will fit into the business district and will contribute to the economic upliftment of the area like for example restaurants, tourist accommodation.

As the development will mean additional traffic on that corner a traffic impact study will probably be required. How pedestrians can be incorporated, and the non-motorised transport plan must be indicated in any proposal. The development must maximise the economic development opportunities in the area and stimulate

economic activity within the town and therefore allow for business, tourism, and accommodation. The erven will likely need to be rezoned and any application in this regard will have to follow the normal process.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.3.3**RESOLVED** (majority vote)

- (a) that Council provisionally identifies the erven 825, 1123, 1125, 1130, 1133, 1128, 1129, 1124, 1134, 1142 and 1160 is not needed for Municipal Services; and
- (b) that the information statement be approved for public participation.

Cllrs RB Hendrikse; C Noble and M Van Stade requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2022 – 11 - 09

11.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
------	---

11.4.1	PREFERENTIAL PROCUREMENT POLICY
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 November 2022 and 23 November 2022

1. SUBJECT: PREFERENTIAL PROCUREMENT POLICY

2. PURPOSE

That Council approves the New Preferential Procurement Policy and revisions to the Supply Chain Management Policy

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

To give effect to the New Preferential Procurement Regulations (2022 Regulations) under the Preferential Procurement Policy Framework Act, 2000 (PPPFA) that were gazette by the Minister of Finance on 4 November 2022.

In light of this newly gazetted Preferential Procurement Regulations, The Stellenbosch Municipality are compelled like all other municipalities to table a New Preferential Procurement Policy that must comply with the newly gazette Preferential Procurement Regulations.

Further to the above Stellenbosch Municipality need to repeal its previously adopted and approved Preferential Procurement Policy.

Amendments to the current Supply Chain Management policy will also be drafted and included that will ensure the effective functioning of our Supply Chain Management system.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.4.1

RESOLVED (majority vote)

- (a) that the New Preferential Procurement Policy be advertised for public comment; and
- (b) that the revised Supply Chain Management Policy be advertised for public comment

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager Supply Chain
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Dalleel.jacobs@stellenbosch.gov.za
REPORT DATE	04 November 2022

11.5	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
------	---

NONE

11.6	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
------	---

11.6.1	SEPTEMBER 2022 QUARTERLY STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES
--------	--

Collaborator No: 737545
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2022

1. SUBJECT: SEPTEMBER 2022 QUARTERLY STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES

2. PURPOSE

To inform Council of the progress with the augmentation of the electricity energy supplies to Stellenbosch Municipality in order to drastically reduce the impact of electricity loadshedding on Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For notification by the Municipal Council.

4. EXECUTIVE SUMMARY

Previously Council made the following resolutions of Alternate Electricity Generation:

- 1) That Council notes the status of the Alternate Electricity Energy investigations and studies being performed and in particular:
 - a) Memorandums of Understanding entered into with:
 - i) University of Stellenbosch
 - ii) Council of Scientific & Industrial Research (CSIR)
 - iii) Western Cape Government (WCG)
 - b) Service Levels Agreements entered into with:
 - i) University of Stellenbosch
 - ii) Council of Scientific & Industrial Research (CSIR)
 - iii) Western Cape Government (WCG) That Council notes the commencement with the following projects:
 - Rooftop Solar Photo Voltaic Investigation
- 2) that Council notes the commencement with the following projects:
 - (i) Rooftop Solar Photo Voltaic Investigation
 - (ii) Energy Master Plan creation

This report indicates how the above has commenced and currently realised completion dates of various parts of the project and sub-projects to date.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.6.1**NOTED**

the status of the Alternate Electricity Energy investigations and studies being performed up to 30 September 2022 and the dates of proposed completions of sub project next steps.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Shane Chandaka
<i>POSITION</i>	<i>Director Infrastructure Services</i>
<i>DIRECTORATE</i>	<i>Infrastructure Services</i>
<i>CONTACT NUMBERS</i>	021 808 8213
<i>E-MAIL ADDRESS</i>	<u>shane.chandaka@ Stellenbosch.gov.za</u>
<i>REPORT DATE</i>	30 September 2022

11.6.2	REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN
--------	---

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 November 2022 and 23 November 2022

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN**2. PURPOSE**

That Council approves the 2022 Roads Master Plan (RMP).

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality undertook the development of its first Roads Master Plan (RMP) in 2012 and the new RMP is a full review of the previous edition.

The aim of the Roads Master Plan (RMP) is to analyse the capacity of the current road network and identify the current and future road infrastructure requirements. This is undertaken with the aid of a Roads Simulation Model, that simulates existing and future road traffic scenarios. Results of the simulations are analysed and recommendations are made for infrastructure that will ensure an effective road layout for the Municipality.

The Draft Roads Master Plan (RMP) has been tabled at Council in April 2021, where the Draft Roads Master Plan (RMP) was accepted by Council and advertised for public comment. Comments were received from Friends of Stellenbosch Mountain (FSM), Stellenbosch Ratepayers Association (SRA), Stellenbosch Interest Group (SIG) and the University of Stellenbosch (US).

Two interest groups in Stellenbosch expressed their concern for the Draft Roads Master Plan (RMP) in general, while others expressed concerns relating to listed projects. Amendments to the Draft Roads Master Plan (RMP) has been brought about to align with the public comments received.

The Directorate's view is that the analysis carried out through the compilation of the RMP ensures that it is suitable for its purpose, i.e. as an aid to planning processes, providing input in the Comprehensive Integrated Transport Plan (CITP).

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.6.2**RESOLVED** (majority vote with 1 abstention)

- (a) that Council notes that the Roads Master Plan that was published for public comment;
- (b) that Council notes the comments received, and the Directorate's views; and
- (c) that Council approves the 2022 Roads Master Plan.

FOR FURTHER DETAILS CONTACT:

Name	Shane Chandaka
Position	Director
Directorate	Infrastructure Services
Contact Numbers	021 808 8213
E-mail Address	Shane.Chandaka@ Stellenbosch.gov.za
Report Date	9 November 2022

11.6.3	APPROVAL OF THE LONG-TERM BERG RIVER – VOELVLEI AUGMENTATION SCHEME (BRVAS) WATER SUPPLY AGREEMENT BETWEEN DEPARTMENT OF WATER AND SANITATION (DWS) / STELLENBOSCH LOCAL MUNICIPALITY
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 November 2022 and 23 November 2022

1. SUBJECT: APPROVAL OF THE LONG-TERM BERG RIVER – VOELVLEI AUGMENTATION SCHEME (BRVAS) WATER SUPPLY AGREEMENT BETWEEN DEPARTMENT OF WATER AND SANITATION (DWS) / STELLENBOSCH LOCAL MUNICIPALITY

2. PURPOSE

To obtain Council's approval for the publication of the Information statement as part of the public participation process and the in-principle approval of the long-term agreement for Berg River – Voelvlei augmentation water supply scheme (BRVAS) between Department of Water and Sanitation and Stellenbosch Municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of this item is to obtain Council approval for the participation in the Berg River-Voelvlei Augmentation Scheme (BRVAS) and the proposed BRVAS water supply agreement.

The BRVAS will benefit the Municipality with increased water security over the long term at a favorable cost.

By entering into the agreement the Municipality agree to purchase its allocated water supply. For the first 20 years the rate payable is estimated at the initial BRVAS-Capital Unit Charge (CUC) commencing on 1 July 2023, based on the base financial, economic and Projected Costs information is R4.2690/m³ in June 2023 terms, excluding VAT. The water from the BRVAS still needs to be treated to potable standards. After this 20-year period, only the catchment charge, presently R 0.45/m³, will be payable which makes the scheme very feasible for the municipality in the long term.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.6.3

RESOLVED (majority vote with 2 abstentions)

- (a) that the Municipality's participation in the Berg River- Voelvlei Augmentation Scheme (BRVAS) be approved;
- (b) that the Municipal Manager be delegated to attend to all negotiations and sign the Berg River – Voelvlei Augmentation Scheme (BRVAS) Water Supply Agreement on behalf of the Municipality;

-
- (c) that according to Clause 33 of the Municipal Finance Management Act (MFMA), the required process for contracts with budgetary implications for more than 3 years be followed; and
- (d) that Council approves the section 33 notice containing the information statement (**ANNEXURE I**) to be published as part of the public participation process.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Shane Chandaka
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Infrastructure Services</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8213</i>
<i>E-MAIL ADDRESS</i>	<i><u>shane.chandaka@stellenbosch.gov.za</u></i>
<i>REPORT DATE</i>	<i>09 November 2022</i>

11.6.4	TRANSFER OF PORTIONS OF FARM 502 (PORTIONS OFF 502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF) OWNED BY STELLENBOSCH MUNICIPALITY, TO WESTERN CAPE GOVERNMENT FOR ROAD PURPOSES
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 November 2022 and 23 November 2022

1. **SUBJECT: TRANSFER OF PORTIONS OF FARM 502 (PORTIONS OFF 502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF) OWNED BY STELLENBOSCH MUNICIPALITY, TO WESTERN CAPE GOVERNMENT FOR ROAD PURPOSES**

2. **PURPOSE**

Is to consider a request from the Provincial Government of the Western Cape (PGWC) to acquire from Stellenbosch Municipality, portions of Farm 502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF, for road purposes.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

Farm No. 502 has been subdivided into various portions and is located just south of Stellenbosch and surrounded by agricultural areas. Annandale Road, also referred to as Divisional Road (DR) 1050, runs through a portion of the subdivided portions (502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF) of Farm 502. **(APPENDIX 4)**

The Provincial Government of the Western Cape (PGWC) proposed the acquisition of the above-mentioned portions of land along the road - to supplement the existing road reserve. The additional portions will have to be subdivided from the mentioned portions (502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF) and be incorporated into the new road reserve.

The Provincial Government of the Western Cape (PGWC) is prepared to compensate the Municipality, the market value of the properties that is required of Farms 502AA;502AB;502AC;502ADN; 502BH; 502BK; 502AE; 502AF. **(APPENDIX 2)**

In addition to the financial gain, community value will be gained from the transfer of the portions of land which will increase mobility for commuters within the Municipal area.

The wider road reserve is required for upgrades to Annandale Road, these upgrades have been completed and the fence-line have been relocated to the new road reserve boundary, the transfer of land will have minimum impact on surrounding agricultural operations.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.6.4**RESOLVED** (nem con)

- (a) that Council identifies that the subject portions of Farms **502AA**; 502AB; 502AC; 502ADN; 502BH; 502BK; 502AE; 502AF (**APPENDIX 4**) is not required for the provision of basic municipal services;
- (b) that new valuations be obtained for consideration when the item is returned after public participation (**APPENDIX 2**);
- (c) that Council considers the community value (increased mobility of commuters) that will be gained as a result of the transfer (**APPENDIX 4**);
- (d) that Council approves the transfer of the subdivided portions of Farms 502AA; 502AB; 502AC; 502ADN; 502BH; 502BK; 502AE; 502AF 502 (**APPENDIX 4**) in principle;
- (e) that the intention to transfer the subdivided portions of Farms 502AA; 502AB; 502AC; 502ADN; 502BH; 502BK; 502AE; 502AF, be advertised for public comment;
- (f) that, after the public participation process, the comments be considered by Council, before a final decision is made; and
- (g) that the Municipal Manager then be authorized to conclude the deed of sale. (**APPENDIX 3**).

FOR FURTHER DETAILS CONTACT:

Name	Shane Chandaka
Position	Director
Directorate	Infrastructure Services
Contact Numbers	021 808 8213
E-mail Address	<u>Shane.Chandaka@Stellenbosch.gov.za</u>
Report Date	9 November 2022

11.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
11.7.1	STELLENBOSCH MUNICIPALITY INVASIVE ALIEN PLANT MANAGEMENT PLAN (5-YEAR REVIEW)

Collaborator No: 738427
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: STELLENBOSCH MUNICIPALITY INVASIVE ALIEN PLANT MANAGEMENT PLAN (5-YEAR REVIEW)

2. PURPOSE

The Stellenbosch Municipality Invasive Alien Plant (IAP) Management Plan, adopted by Council in 2017, have been reviewed (5-year cycle) in consultation with the Department of Forestry, Fisheries and the Environment (**ANNEXURE 1**).

The latter document (September 2022) is herewith presented to Council for approval as Stellenbosch Municipality's 2nd generation IAP Management Plan prepared in terms of the National Environmental Management Biodiversity Act, 10 of 2004 (NEMBA).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As local authority and as landowner of various portions of nature areas throughout the WC024 area, Stellenbosch Municipality is required (in terms of NEMBA) to have an invasive alien monitoring, -control and -eradication plan in place. Stellenbosch Municipality responded to this requirement by adopting its first IAP Management Plan during June 2017 (Council decision included below). The latter plan required that it be reviewed and updated in accordance with the status of invasive alien plant investigation of the relevant municipal property included in the plan as well as alien clearing work undertaken.

The Stellenbosch Municipality IAP Management Plan, as contained in this item, has been finalized in collaboration with the Department of Forestry, Fisheries and the Environment.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.7.1

RESOLVED (nem con)

that Council approves and adopts the Stellenbosch Municipality Invasive Alien Plant Management Plan (September 2022) as its 2nd Generation invasive alien monitoring, -control and -eradication plan prepared in terms of NEMBA.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	19 October 2022

11.7.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)
--------	---

Collaborator No: 738428
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)

2. PURPOSE

The Stellenbosch Municipality: Air Quality Management Plan (October 2018) has been reviewed in terms Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004.

The Stellenbosch Municipality: Air Quality Management Plan (September 2022) (**ANNEXURE A**) has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer and the Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management. The latter document is herewith presented to Council for approval as Stellenbosch Municipality's 3rd Generation Air Quality Management Plan.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004, places an obligation on Municipalities to develop Air Quality Management Plans (AQMPs) to manage air quality in their regions. Stellenbosch Municipality's 1st Generation AQMP dates back to 2013. This document was reviewed and the updated document adopted by Council in 2018. The Stellenbosch Municipality: AQMP (September 2022) (Annexure A) serves as Stellenbosch Municipality's 3rd Generation AQMP, 5-year review and update of the latter. The Stellenbosch Municipality: AQMP (September 2022) is based on the above (2013 and 2018) plans and is informed by the updated Western Cape AQMP (2021) and the Cape Winelands District Municipality AQMP (2018).

The Stellenbosch Municipality: AQMP, as contained in this item, has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer and the Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.7.2

RESOLVED (nem con)

that Council approves and adopts the Stellenbosch Municipality: Air Quality Management Plan (September 2022) as its 3rd Generation Air Quality Management Plan.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	17 October 2022

11.8	PLANNING: (PC: CLLR C VAN WYK (MS))
11.8.1	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION

Collaborator No: 738311
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION

2. PURPOSE

Is to seek approval for arrangements for the processing and associated public participation pertaining to land use planning and building plan applications over the festive period.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Land use and building development applications are subject to prescribed legislative timeframes and associated public participation processes. During the festive season most families undertake extended holiday breaks away from home, which presents a challenge when most staff is also on holiday breaks and during which notices are not received by potential interested and affected parties on land use applications. For this purpose, it has become a practice to determine a core festive period during which public participation is not permitted or, alternatively, that such periods are disregarded with the extension of notice periods, and that such core festive period is also not taken into account in the prescribed timeframes for the processing for such applications. It is consequently proposed to adopt these arrangements to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.8.1

RESOLVED (nem con)

that the core festive period determined as 15 December 2022 to 9 January 2023 **BE APPROVED** for the purpose:

- (a) that no serving or publishing of land use and land development application notices be undertaken during the determined core festive period.
- (b) that the determined core festive period is not taken into account for purposes of calculating the number of days for public participation and/ or the processing of land use and building development applications, and that any such periods affected be accordingly extended.

-
- (c) that any new land use and building plan applications submitted during the determined core festive period will not be administratively processed and that this period will also not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications.
- (d) that no appeal period can commence which will be affected by the core festive period and that no notifications of decisions on land use applications will be communicated after 1 December 2022, and only be communicated from 9 January 2023.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@ Stellenbosch.gov.za
REPORT DATE	7 November 2022

11.8.2	APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICERS
--------	--

Collaborator No: 738321
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICERS

2. PURPOSE

To request to Council to appoint additional officials in the employ of the Municipality as Building Control Officers (BCO's) in order to complement the existing appointed BCO's to enhance service delivery.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

A Local Authority is required to appoint a Building Control Officer (BCO) to perform the prescribed duties in terms of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), hereafter referred to as "the Act". The designation and appointment of a BCO in accordance with the Act is a requirement of the Act, which qualified person is permitted to make recommendation to the authorised decision maker to decide on a building plan application. The purpose of this Item is to request to Council to appoint additional officials in the employ of the Municipality as BCO's in terms of the Act in order to complement the existing appointed BCO's to enhance service delivery.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.8.2

RESOLVED (nem con)

that the appointment of the following suitably qualified officials in the employment of the Stellenbosch Municipality as Building Control Officers in terms of such designation in Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977),

BE APPROVED:

- (a) Me. Liezel Poulten
- (b) Mr. Aubrey Langeveldt

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	7 November 2022

11.8.3	APPROVAL OF THE DELEGATIONS OF THE POLICY FOR THE NAMING AND RENAMING OF STREETS, PUBLIC PLACES, NATURAL AREAS, ARTEFACTS AND COUNCIL-OWNED BUILDINGS AND FACILITIES
--------	---

Collaborator No: 738334
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: APPROVAL OF THE DELEGATIONS OF THE POLICY FOR THE NAMING AND RENAMING OF STREETS, PUBLIC PLACES, NATURAL AREAS, ARTEFACTS AND COUNCIL-OWNED BUILDINGS AND FACILITIES

2. PURPOSE

To request Council to adopt the delegations of the Policy on Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts and Council-owned Buildings and Facilities for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The subject policy was approved by Council on 27 July 2022. The associated and required delegations to implement the subject policy did not accompany the item for approval, and the purpose of this item is to rectify the matter and obtain approval for the required delegations in order to effectively implement the subject policy.

The policy sets out the responsibilities of the relevant parties involved in the process of naming and renaming of streets, public places, natural areas, artefacts and council-owned buildings and facilities, as well as the numbering of streets. It provides criteria to guide how these names or numbers are allocated and approved and rules for effective administrative and decision-making procedures.

Under Section 59: Delegations of the Municipal Systems Act, Council is to approve the delegation of powers in terms of this policy to key officials and incorporate these into the System of Delegations. The proposed delegations are included in **ANNEXURE 1**.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.8.3

RESOLVED (nem con)

that the Delegations for the Policy on Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts and Council-owned Buildings and Facilities for Stellenbosch Municipality (WC024) attached as **ANNEXURE 1, BE APPROVED** and to be attached to the System of Delegations.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.Carstens@stellenbosch.gov.za
REPORT DATE	07 November 2022

11.8.4	REVIEW OF THE STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 November 2022 and 23 November 2022

1. SUBJECT: REVIEW OF THE STELLENBOSCH BY-LAW ON MUNICIPAL LAND USE PLANNING

2. PURPOSE

To present to Council a proposed revised draft By-law on municipal land use planning in terms of Section 12(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA), and to request Council's permission to release the same for the purpose of public participation and input as contemplated in terms of Section 12(3)(b) of the MSA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The current By-law on Municipal Land Use Planning was adopted in 2015. During the years of implementation many areas for improvement, shortcomings and omissions, as well as errors have been identified. This prompted the need for the review of the subject by-law, which will ensure that the Municipality applies the planning laws accurately and improve their ability to deliver land use planning services. The purpose of this report is to introduce to Council the resulting proposed draft revised By-law for the purpose of releasing same for the required public participation process.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.8.4

RESOLVED (nem con)

- (a) that the revised draft by-law on municipal land use planning, attached as **ANNEXURE "A"**, **BE NOTED**; and
- (b) that the publishing of the proposed draft by-law on municipal land use planning, attached as **ANNEXURE "A"**, for the purpose of public comments and representations in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), **BE APPROVED**.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	3 November 2022

11.9	LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR R DU TOIT (MS))
------	--

11.9.1	PERMISSION TO ALLOW FOR MOBILE UNITS TO TRADE AT PRE-DETERMINED SITES WITHIN THE WC024 AREA
--------	--

Collaborator No: 737594
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: PERMISSION TO ALLOW FOR MOBILE UNITS TO TRADE AT PRE-DETERMINED SITES WITHIN THE WC024 AREA

2. PURPOSE

To provide Council with the pertinent facts to approve the pilot project to permit mobile trading on predetermined sites for food trucks & coffee carts, etc. for a period of one (1) year, or until such time the draft Informal Trading Bylaw is adopted by Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council to approve the request to allow the Department: Development Planning to pilot informal trading in the form of mobile trading within pre-determined areas, as stipulated within the draft Informal Trading By-law.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.9.1

RESOLVED (nem con)

- (a) that Council approves the request of the Directorate: Planning & Economic Development for the pilot period of one (1) year in order to issue permits to informal traders using mobile units to trade within pre-determined areas in accordance with the terms and conditions as set out under 6.2 of this report;
- (b) that Council approve that such mobile informal trading also be allowed on the premises of the Stellenbosch Municipality's Traffic Department (Stellenbosch), Jan Marais Park, or any other identified municipal property, with approval from the user Department of such property; and
- (c) that the Section: Economic Development & Tourism in consultation with the Director: Community & Safety Services and Directorate: Infrastructure Services allocate such trading bays and areas within the premises of the Traffic Department (Stellenbosch) or on any other pre-determined areas.

FOR FURTHER DETAILS CONTACT:

NAME	Carmen Saville
POSITION	Economic Development Officer
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8151
E-MAIL ADDRESS	Carmen.Saville@stellenbosch.gov.za
REPORT DATE	29 August 2022

11.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
-------	--

NONE

11.11	MUNICIPAL MANAGER (MS G METTLER)
-------	---

11.11.1	COMMUNITY INPUTS AND SUBMISSIONS RECEIVED DURING THE PUBLIC PARTICIPATION PROCESSES IN SEPTEMBER AND OCTOBER 2022
---------	--

Collaborator No: 738035
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2022 and 23 November 2022

1. SUBJECT: COMMUNITY INPUTS AND SUBMISSIONS RECEIVED DURING THE PUBLIC PARTICIPATION PROCESSES IN SEPTEMBER AND OCTOBER 2022

2. PURPOSE

To table to Council for notification:

- (a) The community inputs and submissions made during the public participation period in September 2022 on the 1st Review on the 5th Generation IDP 2022 – 2027 and budget for the 2023/24 financial year, attached as **ANNEXURE A**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Each municipality is legally required to embark on a public participation process to solicit community inputs in preparation for the review of the IDP and budget for the next financial year.

The public participation process for the 1st Review of the 5th Generation IDP 2022 – 2027 was held during 07 – 28 September 2022. A sector engagement was also held on 06 October 2022.

All the inputs received were submitted to the relevant ward councillors to workshop the inputs with their respective ward committees and to review (if so required) their ward priorities for the 2023/24 financial year in line with the inputs received.

In addition, the inputs were also submitted to the various directorates to consider the same in their respective strategies, plans and master plans.

9TH COUNCIL MEETING: 2022-11-23: ITEM 11.11.1**RESOLVED** (nem con)

- (a) that Council **takes note** of the community inputs received during the September and October 2022 public participation process, attached as **ANNEXURE A**;
- (b) that Council **takes note** that the ward councillor will, in consultation with the ward committee, review the ward priorities of the respective ward; and
- (c) that Council **takes note** that the [re]prioritised ward priorities and community inputs will be considered by the municipality for implementation in the 2023/24 and or outer financial years.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	Geraldine.Mettler@ Stellenbosch.gov.za
REPORT DATE	03 November 2022

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
-----	--

12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
------	--

NONE

13.	REPORTS BY THE MUNICIPAL MANAGER
-----	---

13.1	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2023 CALENDAR YEAR
------	--

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 23 November 2022

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2023 CALENDAR YEAR

2. PURPOSE

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2023 calendar year.

3. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

4. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

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

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

(b) ordinary meeting of the council; and

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

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

9TH COUNCIL MEETING: 2022-11-23: ITEM 13.1

RESOLVED (nem con)

- (a) that the schedule with the proposed dates for Council meetings, Mayoral Committee meetings, Standing Committees and other committees of Council for the 2023 calendar year (attached as **APPENDIX 1**), be noted;
- (b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in the WC024; and
- (c) that it be noted that the Speaker, as provided for in the Standing Rules of Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

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><u>Annalene.DeBeer@stellenbosch.gov.za</u></i>
REPORT DATE	<i>15 November 2022</i>

13.2	APPOINTMENT OF SECONDI FOR THE COUNCILLORS ON THE DISCIPLINARY COMMITTEE
------	---

Collaborator No: 738977
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 23 November 2022

1. SUBJECT: APPOINTMENT OF SECONDI FOR THE COUNCILLORS ON THE DISCIPLINARY COMMITTEE

2. PURPOSE

For Council to appoint secondi for the councillors appointed on the Disciplinary Committee for the Stellenbosch Council.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council established a disciplinary committee for Stellenbosch Municipality during the February 2022 round of meetings and resolved on 23 February 2022 to appoint the councillors as indicated under 6.6 below. It is necessary to appoint secondi for the councillors as they may be implicated/needed to testify or not present due to illness or some other unforeseen reason and then the committee cannot properly function.

It is envisaged that 2 DA councillors, 1 ANC councillor and 1 councillor from the GOOD party be nominated as secondi should the councillors that is on the committee not be able to serve for some reason.

9TH COUNCIL MEETING: 2022-11-23: ITEM 13.2

RESOLVED (nem con)

that the following Councillors serve as secondi on the Disciplinary Committee:

- (i) Cllr P Johnson (DA)
- (ii) Cllr J Williams (DA)
- (iii) Cllr R Van Rooyen (DA)
- (iv) Cllr M Nkopane (ANC)
- (v) Cllr M Van Stade (GOOD)

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>14/11/2022</i>

13.3	FEEDBACK REPORTS RECEIVED FROM THREE 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S
------	---

Collaborator No: 738245
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 November 2022 and 23 November 2022

1. SUBJECT: FEEDBACK REPORTS RECEIVED FROM THREE 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S

2. PURPOSE

To consider and discuss the feedback reports received from Smart Mission Entertainment, Franschhoek Rugby Club and Ubuntu Hiking for funding received for the 2021-2022 financial year.

3. DELEGATED AUTHORITY

GiA donations are approved by Council as part of the budget documents.

4. EXECUTIVE SUMMARY

Three grant receiving organisations were found to be in contravention of the Grant in Aid policy and signed MOA as discovered from the feedback reports provided to the municipality. The discovery was documented and circulated to the Municipal Manager and Chief Financial Officer who both supported the recommendations of the investigation report and requested that the matter be brought under the attention of the Grant Committee (**ANNEXURE 1**).

The Grant Committee supported the item. The item appeared on the Council Agenda of 2022-10-26. (**ANNEXURE 2**) Communication was received from one of the GiA recipients (Franschhoek Rugby Club) referred to in the item on 2022-10-25 (after the decision of the Grant Committee) (**ANNEXURE 3**). The Department was informed that Council requested the item be referred to the Grants Committee to consider the communication received.

9TH COUNCIL MEETING: 2022-11-23: ITEM 13.3

RESOLVED (majority vote)

- (a) that the Grants Committee stands by the decision for Ubuntu Hiking and Smart Mission Entertainment; and
- (b) that in terms of the Franschhoek Rugby Club, the Committee requires additional information such as:
 - a full set of Financial Statements; and
 - all funding sources and expenditure,
 for consideration; and
- (c) that Council mandates the department to inform the three organisations of the decision.

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
-----	---

NONE

15.	CONSIDERATION OF URGENT MOTIONS
-----	--

NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
-----	--

16.1	AMENDMENT OF DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS
------	---

File ref:

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 NOVEMBER 2022

1. SUBJECT: AMENDMENT OF DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

2. PURPOSE OF REPORT

To inform Council of the amendments to the determination of upper limits of the salaries, allowances and benefits of different members of Municipal Councils published on 2 November 2022.

3. DELEGATED AUTHORITY

A notice is published annually in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice.

4. EXECUTIVE SUMMARY

The Minister of Local Government annually publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period 1 July 2021 to 30 June 2022 was published on 2 June 2022. Council resolved on 22 June 2022 to approve the provisions of the said notice, the MEC gave his concurrence and the increases was implemented from 1 July 2021.

The provisions indicated an upper limit increase of around 3% for full-time and part-time Councillors. The cell phone allowances in the provisions are R3 400.00 per month inclusive of mobile data. In the previous upper limits determination, the mobile data was a separate allowance of R300 per month. The amendments now published is bringing back the data package additional to the cellphone allowances.

The notice requires Council to consider the amended provisions and by resolution of a supporting vote of the majority of its members to accept the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (66.67) municipality as was indicated in the previous item of June 2022. In making the decision the Municipal Council must have regard to the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. The Municipality must get the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The notice also provides that where councillors are representing the Local Municipality on the District Municipality the District Municipality is responsible for the payment of up to 50% of the cellphone expenses of a part-time councillor for the execution of duties on behalf of the District Municipality as well as the reimbursement of travel expenses incurred by a councillor for the execution of duties on behalf of the district municipality.

5. RECOMMENDATIONS

- (a) that Council notes the provisions of Notice 2698 dated 2 November 2022;
- (b) that Council approves the implementation of the additional data allowance of R300.00 per month for all councillors from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council takes note of the responsibility towards Councillors representing Stellenbosch Municipality for functions on behalf of the district municipality;
- (e) that Council requests the Municipal Manager to put measures in place after consultation with her counterpart at the Cape Winelands District municipality to reimburse the Stellenbosch Municipality for the payments of the 50% of the cellphone allowances paid by the Stellenbosch Municipality to the representatives on the District Municipality;
- (f) That the accounting officers of the Stellenbosch Municipality and the Cape winelands municipality determine how the payment of the cellphone allowance will be dealt with from 1 December 2022 given the 50% that the district Municipality is responsible for. That the arrangement be communicated to the four councillors that represent Stellenbosch Municipality on the Cape Winelands District Municipality; and
- (g) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the R300 data allowance from 1 July 2021, before it be implemented.

6. DISCUSSION / CONTENTS**6.1 Background**

The National Minister for Cooperative Governance and Traditional Affairs gazetted the new upper limits of salaries, allowances and benefits which Council must consider and resolve upon before it may be implemented. Council also needs the written concurrence from the Minister of Local Government in the Western Cape who will only give his concurrence if the expenditure is funded through an approved budget.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limit Notice as it can only be implemented "with a supporting vote of the majority of Council members and after consultation with the MEC. Council resolved on 22 June 2022 to approve the provisions of the said notice, the MEC gave his concurrence and the increases was implemented from 1 July 2021.

6.2 Discussion

In terms of the Remuneration of Public Office Bearers Act, 1998 read together with Government Notice No 46470 dated 2 June 2022, Council has the authority to determine their remuneration packages, within the proclaimed upper limits, retrospectively as from 1 July 2021 with the *proviso* that the written concurrence of the Minister of Local Government in the Western Cape must be obtained before such packages may be implemented.

The grading of the municipality is determined by determining a point allocation for total municipal income, and total population. These points are then calculated together to determine the municipality grading. The grading is then used to determine the total remuneration packages for full-time and part-time councillors.

Total Municipal Income	Total Population	Points	Grade
1 541 043 264		41.67	
	173 197	25	
		Total: 66.67	
			4

The provisions indicated an upper limit increase of around 3% for full-time and part-time Councillors. The cell phone allowances in the provisions are R3 400.00 per month inclusive of mobile data. In the previous upper limits determination, the mobile data was a separate allowance of R300 per month. The amendments now published is bringing back the data package additional to the cellphone allowances.

The notice requires Council to consider the amended provisions and by resolution of a supporting vote of the majority of its members to accept the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (66.67) municipality as was indicated in the previous item of June 2022. In making the decision the Municipal Council must have regard to the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. The Municipality must get the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The notice also provides that where a councillors are representing the Local Municipality on the District Municipality the District Municipality is responsible for the payment of up to 50% of the cellphone expenses of a part-time councillor for the execution of duties on behalf of the District Municipality as well as the reimbursement of travel expenses incurred by a councillor for the execution of duties on behalf of the district municipality.

6.3 Financial Implications

The total cost, if the amended provisions indicated is implemented, will mean a backdated payment of R300 per month to the 43 councillors from 1 July 2021 as well as that amount being paid additional to the current cellphone allowance.

Sufficient budget provision was made in the 2021/2022 and 2022/23 financial years for the implementation of a data allowance for Councillors.

6.4 Legal Implications

The recommendations in this report comply with all applicable legislation.

6.5 Staff Implications

There are no additional staff implications

6.6 Previous / Relevant Council Resolutions:

SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.1

RESOLVED (nem con)

- (a) that Council notes the provisions of Notice 46470 dated 2 June 2022;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time Councillors as set out in paragraphs 5 to 8 of Government Notice 46470 dated 2 June 2022 from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400 per month to all councillors;
- (e) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R20 840 075 which expenditure is within the budgeted amount;
- (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b), (d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (g) that Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;

-
- (h) that Council considered the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
 - (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2021, before it be implemented.

6.7 Risk implications

Council must comply with the provisions of the Notice.

6.8 Comments from Management:

The item was not circulated for comments except to the Municipal Manager and CFO.

6.8.1 Comments from the Municipal Manager:

Agrees with the recommendations.

6.8.2 Comments from the CFO

Sufficient budget provision was made in the 2021/2022 and 2022/23 financial years for the implementation of a data allowance for Councillors.

9TH COUNCIL MEETING: 2022-11-23: ITEM 16.1

RESOLVED (nem con)

- (a) that Council notes the provisions of Notice 2698 dated 2 November 2022;
- (b) that Council approves the implementation of the additional data allowance of R300.00 per month for all councillors from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council takes note of the responsibility towards Councillors representing Stellenbosch Municipality for functions on behalf of the district municipality;
- (e) that Council requests the Municipal Manager to put measures in place after consultation with her counterpart at the Cape Winelands District municipality to reimburse the Stellenbosch Municipality for the payments of the 50% of the cellphone allowances paid by the Stellenbosch Municipality to the representatives on the District Municipality;
- (f) that the accounting officers of the Stellenbosch Municipality and the Cape winelands municipality determine how the payment of the cellphone allowance will be dealt with from 1 December 2022 given the 50% that the district Municipality is responsible for. That the arrangement be communicated to the four councillors that represent Stellenbosch Municipality on the Cape Winelands District Municipality; and

-
- (g) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the R300 data allowance from 1 July 2021, before it be implemented.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
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>22 November 2022</i>

16.2	NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS FOR THE 2021/2022 FINANCIAL YEAR
------	---

Collaborator No:
IDP SFA Ref No: Good Governance and Compliance
Meeting Date: 23 November 2022

1. **SUBJECT: NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS FOR THE 2021/2022 FINANCIAL YEAR**

2. **PURPOSE**

To inform Council of the notice providing for the Upper Limits of total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers (hereafter referred to as S56 Managers) from 1 July 2021.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Council, when it comes to the remuneration aspect of the contract, appoints a Municipal Manager or a Manager reporting to the Municipal Manager based on the Upper Limit notice applicable to that financial year. The packages only change when a new notice is published or when the National Minister provides exemption on application. The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in Regulation 35 that the Minister **must** annually determine the remuneration packages of the Municipal Manager and Senior Managers through the publication of a notice in the Government Gazette. Such notice is supposed to be published before 31 March every year to be applicable from 1 July of that year. The notice for the 2021/22 financial year was only published on 18 November 2022. A copy of the notice is attached as **APPENDIX A**.

The recent notice indicates that a 1,5% cost of living adjustment of the upper limits of the total remuneration packages payable to senior managers for the 2021/2022 municipal financial year which is applicable to Municipal Manager and S56 may be affected from 1 July 2021. The financial year under discussion here came into operation on 1 July 2021. The adjustment will therefore be paid retrospectively. A non-pensionable monthly gratuity of R1695.00 is payable to senior managers earning below R1 900 000 for the 2021/22 financial year. Stellenbosch Municipality remains a category 5 municipality in terms of the provisions of the regulations.

The 1.5 % increase will therefore continue after 1 July 2022, but not the non-pensionable gratuity. No notice was published in March 2022 addressing the financial year 2022/23 as is required in law of the Minister. This follows two years of 0% increases for senior managers (MM and Section 56 managers).

5. RECOMMENDATIONS

- (a) that Council takes note of the one-point five percent (1,5%) cost of living adjustment to the Upper Limits of the total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers for the 2021/22 financial year applicable from 1 July 2021;
- (b) that the payment of a monthly non-pensionable gratuity payable to senior manager for the 2021/22 financial year of R1 695.00; and
- (c) that the increase and non-pensionable allowance will be paid backdated.

6. DISCUSSION / CONTENTS

6.1 Discussion

Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in Regulation 35 that the Minister **must** annually determine the remuneration packages of the Municipal Manager and Senior Managers through the publication of a notice in the Government Gazette. Such notice is supposed to be published before 31 March every year to be applicable from 1 July of that year. The notice for the 2021/22 financial year was only published on 18 November 2022. A copy of the notice is attached as **APPENDIX A**.

Council, when it comes to the remuneration aspect of the contract, appoints a Municipal Manager or a Manager reporting to the Municipal Manager based on the Upper Limit notice applicable to that financial year.

The recent notice indicates that a 1,5% adjustment on the cost of living be applicable for the 2021/22 financial year. A non-pensionable monthly gratuity of R1695.00 is payable to senior managers earning below R1 900 000 for the 2021/22 financial year.

It must be noted that other employees received a 3,5% increase for 2021/22 plus increase on all benefits and notch increases and a 4.9 % increase for the 2022/23 financial year plus increases on benefits and notches increases. The latter means effectively 2,4 % per year to employees who are still eligible for a notch increase.

The gap between the salaries of the Municipal Manager, S56 Managers and Senior Managers are getting smaller and smaller, if you take into account the 6.25% increase in 2020/21, the 3.5% in 2021/22 and the increase of 4.9% to be implemented on 1 July 2022.

Further note, the Municipal Manager's waiver application was not approved by the Minister of Co-operative Governance and Traditional Affairs which also narrows the gap further.

6.2 Financial Implications

Stellenbosch Municipality remains a category 5 municipality for purposes of this notice and there is enough budget provision to pay the 1,5 % adjustment from 1 July 2021 and the 12 months non-pensionable allowance for the 221/22 financial year. It must be noted that the minister has failed to address the 2022/23 financial year that should have been done through a notice in March 2022 already.

Sufficient budget provision was made in the 2021/2022 and 2022/23 financial years for the implementation of the upper limits for the Municipal Manager and Managers directly accountable to the Municipal Manager.

6.3 Legal Implications

The Systems Act section 54A and 56 (Act 32/2000) read with The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 (Regulation 35) and the Notices published on an annual basis regulates the upper limits remuneration of Senior Managers since 17 January 2014. Contracts concluded before that date is not affected by the regulations. When the new notice is published it is automatically applicable to the Municipal Manager and S56 Managers provided that the spending will be accommodated by the approved budget. As this increase should actually have been paid in the previous financial year it must now be absorbed in the 2022/23 financial year.

6.4 Staff Implications

The Municipal Manager and S56 Managers will receive the cost-of-living adjustment of 1.5% from 1 July 2021 and the non-pensionable gratuity for the 2021/22 financial year retrospectively. From 1 July 2022 the gratuity will fall away as no provision was made for its continuation beyond the 2021/22 financial year. The gap between the salaries of the Municipal Manager, S56 Managers and Senior Managers in the organisation becomes smaller and smaller due to the very low increase given to senior management as appose to the increase by the SALGBC to other employees. It needs to be noted that inflation is regarded as above 5% for last year alone and the 1,5% does not cover inflation and the cost-of-living increases based on inflation.

6.5 Risk Implications

The potential risk to Council is that it becomes more and more difficult to fill S56 vacancies with suitably qualified and experienced professionals who are willing to work for the regulated remuneration.

6.6 Comments from Senior Management

S56 Managers was informed by the Municipal Manager of the publication of the Notice.

9TH COUNCIL MEETING: 2022-11-23: ITEM 16.1**RESOLVED** (nem con)

- (a) that Council takes note of the one-point five percent (1,5%) cost of living adjustment to the Upper Limits of the total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers for the 2021/22 financial year applicable from 1 July 2021;
- (b) that the payment of a monthly non-pensionable gratuity payable to senior manager for the 2021/22 financial year of R1 695.00; and
- (c) that the increase and non-pensionable allowance will be paid backdated.

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>22 November 2022</i>

17.	REPORTS SUBMITTED BY THE SPEAKER
-----	----------------------------------

NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
-----	--

NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
-----	---------------------------------------

NONE

The meeting adjourned at 10:55.

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.