

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 26 MARCH 2019 AT 10:00**

**PRESENT**

Councillors

Alderman TT Godden (Speaker)  
Councillor BC Klaasen (Executive Mayor)  
Alderman K Adams (Deputy Executive Mayor)  
Councillor TE Abrahams  
Councillor P Daniels  
Councillor MD Jacobs  
Councillor D Kinnear  
Councillor GG Laban  
Councillor C Lottering  
Councillor M Mdala  
Councillor ZS Mzauziwa  
Councillor MJ Ndaba  
Alderlady JT Phungula  
Alderman JW Schuurman  
Councillor EM Sidego  
Councillor RJ Simpson  
Alderman HJ Smit  
Councillor D Swart  
Alderman JJ Visagie

Officials

Mr D Nasson (Municipal Manager)  
Mr J Barnard (Director: Technical Services)  
Mr M Mpeluza (Director: Corporate Services)  
Mr A Raubenheimer (Acting Director: Finance)  
Mr G Louw (Head: Internal Audit)  
Mr A Hofmeester (Manager: IDP)  
Mr CG Wessels (Manager: Administration)  
Ms MJ Prins (Acting Principal Administrative Officer)  
Mr CJ Titus (Committee Clerk)  
Ms M Badela (Interpreter)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone present after which he requested Councillor C Lottering (DA) to open the meeting with a prayer.

**NOTED**

**2. CONSIDERATION OF APPLICATION FOR LEAVE OF ABSENCE, IF ANY  
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Councillors HF Visagie, N Phatsoane and TP Mgoboza (ANC).

**UNANIMOUSLY RESOLVED**

*that the applications for leave of absence from the meeting, received from Councillors HF Visagie, N Phatsoane and TP Mgoboza (ANC), be approved and accepted.*

**3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED**

**3.1 Gratitude, Congratulations and Commiseration  
(11/4/3)**

Councillor TE Abrahams conveyed on behalf of Council congratulations to the following Councillors on their birthdays:

- Councillor MJ Ndaba 3 March
- Councillor GG Laban 19 March 2019

**NOTED**

**3.2 Matters raised by the Speaker  
(09/1/1)**

The Speaker raised concern with the distribution of hard copy agendas to various councillors and requested that the electronic tablets be utilised as Council had decided.

**NOTED**

**3.3 Matters raised by the Executive Mayor  
(09/1/1)**

This matter was handled under item 8.1.2.

**NOTED**

**4. MINUTES**

**4.1 Approval of minutes  
(3/1/2/3)**

The minutes of the Council meeting, held on 27 February 2019, are attached as **annexure 4.1**.

**UNANIMOUSLY RESOLVED**

*that the minutes of the Council meeting, held on 27 February 2019, be approved and signed by the Speaker.*

**4.2 Outstanding matters  
(3/3/2)**

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.2.1	7/1/4/2	Item 8.4.2 of 5 December 2017 Request to purchase erf 3605, Ceres or a portion thereof	Municipal Manager	That the matter be held in abeyance until the next meeting.	Awaiting outcome of meeting between MEC for Housing and Bella Vista community	30 April 2019.
4.2.2	17/19/1	Item 8.3.4 of 27 February 2019 Application: Relocation of established Nduli Carwash to erf 5145, Nduli, Ceres	Community Services	That the matter be held in abeyance until the next meeting in order to ensure a fair supply chain process.	Policy being developed.	30 April 2019.

Alderman JW Schuurman requested that attention be given to the development of businesses along the main roads in the various townships of the municipal area.

**RESOLVED**

- (a) *that notice be taken of the outstanding matter regarding erf 3605, Ceres and the matter be held in abeyance until the next meeting.*
- (b) *that notice be taken of the outstanding matter regarding the Nduli Carwash, erf 5145, Nduli, Ceres and the matter be held in abeyance until the next meeting.*

**5. MOTIONS AND NOTICE OF SUGGESTIONS**

This matter was handled under item 12.2.2.

**NOTED**

**6. INTERVIEWS WITH DELEGATIONS**

None

**NOTED**

**7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS**

**7.1 Minutes: Committee meetings  
(03/3/2)**

None

**NOTED**

**8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

**8.1 Direkoraat Finansies / Directorate Finance**

**8.1.1 Section 71 Monthly Budget Statement Reports of Directorate Finance: January and February 2019 (9/1/2/2)**

Note: These reports are tabled directly to the Executive Mayoral Committee and Council, because the committee meetings for March 2019 have been cancelled.

Item 7.1.1 of the Executive Mayoral Committee meeting, held on 25 March 2019, refers.

The following Section 71 Monthly Budget Statement Reports of the Directorate Finance are attached:

- (a) January 2019 **Annexure 8.1.1(a).**
- (b) February 2019 **Annexure 8.1.1(b).**

The following remarks/questions were highlighted:

- That the delay with regard to the DORA pay-outs has been settled and pay-out done.
- That in respect of outstanding debt discussions were held with the Departments of Education and Rural Development. Schools receive their pay-out during April 2019 and the matter will be addressed.
- That the Acting Director: Finance submits a report in respect of the budget and expenditure of the TASK process at the next meeting.
- That the amount of R531 000-00 was received as operational MIG funding.

The Executive Mayoral Committee resolved on 25 March 2019:

- (a) that the Acting Director: Finance submits a report in respect of the budget and expenditure of the TASK process at the next meeting.
- (b) That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for January and February 2019 and same be accepted.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for January and February 2019 and same be accepted.*

**8.1.2 Finance: Draft Budget, Draft Review IDP and Draft Top Layer SDBIP: 2019/2020  
(5/1/1/18; 2/2/1 & 5/1/5/12)**

The following memorandum, dated 19 March 2019, was received from the Acting Director:  
Finance:

“1. Purpose

The purpose of this report is to table the 2019/2020 Draft Budget, Draft IDP Review and Draft Top Layer SDBIP for consideration to Council.

2. Legal framework

Section 16 - 18 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates as follows:

**‘Annual budgets**

16. (1) The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year.
- (2) **In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.**
- (3) Subsection (1) does not preclude the appropriation of money for capital expenditure for a period not exceeding three financial years, provided a separate appropriation is made for each of those financial years.’

**‘Contents of annual budgets and supporting documents**

17. (1) An annual budget of a municipality must be a schedule in the prescribed format –
- (a) setting out realistically anticipated revenue for the budget year from each revenue source;
  - (b) appropriating expenditure for the budget year under the different votes of the municipality;
  - (c) setting out indicative revenue per revenue source and projected expenditure by vote for the two financial years following the budget year;
  - (d) setting out –
    - (i) estimated revenue and expenditure by vote for the current year; and
    - (ii) actual revenue and expenditure by vote for the financial year preceding the current year; and
  - (e) a statement containing any other information required by section 215(3) of the Constitution or as may be prescribed.
- (2) An annual budget must generally be divided into a capital and an operating budget in accordance with international best practice, as may be prescribed.

- (3) When an annual budget is tabled in terms of Section 16 (2), it must be accompanied by the following documents:
- (a) draft resolutions –
    - (i) approving the budget of the municipality;
    - (ii) imposing any municipal tax and setting any municipal tariffs as may be required for the budget year;
    - (iii) approving the budgets for the relevant financial year of each municipal entity under the sole or shared control of the municipality; and
    - (iv) approving any other matter that may be prescribed;
  - (b) measurable performance objectives for each vote in the budget, taking into account the municipality's integrated development plan;
  - (c) a projection of cash flow for the budget year by revenue source, broken down per month;
  - (d) any proposed amendments to the municipality's integrated development plan following the annual review of the integrated development plan in terms of section 34 of the Municipal Systems Act;
  - (e) any proposed amendments to the budget-related policies of the municipality;
  - (f) particulars of the municipality's investments;
  - (g) any prescribed budget information on municipal entities under the sole or shared control of the municipality;
  - (h) particulars of all proposed new municipal entities which the municipality intends to establish or in which the municipality intends to participate;
  - (i) particulars of any proposed service delivery agreements, including material amendments to existing service delivery agreements;
  - (j) particulars of any proposed allocations or grants by the municipality to –
    - (i) other municipalities;
    - (ii) any municipal entities and other external mechanisms assisting the municipality in the exercise of its functions or powers;
    - (iii) any other organs of state;
    - (iv) any organisations or bodies referred to in section 67(1);
  - (k) the proposed cost to the municipality for the budget year of the salary, allowances and benefits of –
    - (i) each political office-bearer of the municipality;
    - (ii) councillors of the municipality; and
    - (iii) the municipal manager, the chief financial officer, each senior manager of the municipality and any other official of the municipality at a remuneration package at least equal to that of a senior manager;
  - (l) the proposed cost for the budget year to a municipal entity under the sole or shared control of the municipality of the salary, allowances and benefits of –
    - (i) each member of the entity's board of directors; and
    - (ii) the chief executive officer and each senior manager of the entity; and
  - (m) any other supporting documentation as may be prescribed.'

**'Funding of expenditures**

18. (1) An annual budget may only be funded from –
- (a) realistically anticipated revenues to be collected;
  - (b) cash-backed accumulated funds from previous years' surpluses not committed for other purposes; and
  - (c) borrowed funds, but only for the capital budget referred to in section 17 (2).
- (2) Revenue projections in the budget must be realistic, taking into account –
- (a) projected revenue for the current year based on collection levels to date; and
  - (b) actual revenue collected in previous financial years.'

The following documents are attached:

- (a) Draft Review Integrated Development Plan: 2019/2020: **Annexure 8.1.2(a)**.
- (b) Draft Top Layer SDBIP: 2019/2020: **Annexure 8.1.2(b)**.
- (c) Draft Budget: 2019/2020 – 2021/2022: **Annexure 8.1.2(c)**.
- (d) Draft Budget Related Policies: 2019/2020: **Annexure 8.1.2(d)**.
- (e) Draft Budget Schedules: 2019/2020 – 2021/2022: **Annexure 8.1.2(e)**.
- (f) Procurement Plan: 2019/2020: **Annexure 8.1.2(f)**.

The Acting Director: Finance submitted the Draft Budget, Draft Review IDP and Draft Top Layer SDIP for 2019/2020.

The following matters were highlighted:

- that the expected increase in tariffs from NERSA is still awaited.
- that increases in municipal tariffs are in consideration until after the IDP process.
- Concern was expressed with regard to the dates of the IDP public participation process and the upcoming provincial and national elections.
- that notice be taken that pensioners will receive a 4,2 % increase in comparison with the possible 13 % increase of tariffs by NERSA.

**UNANIMOUSLY RESOLVED**

- (a) *that Council takes notice of the Draft Budget, the Draft Review IDP and the Draft Top Layer SDBIP of the Witzenberg Municipality for the financial year 2019/2020 and the indicative budget for the two years 2019/2020 and 2020/2021 that have been tabled by the Executive Mayor in Council.*
- (b) *that the public participation process as per the IDP and Budget Process Plan be followed.*

**8.2      Direktoraat Tegniese Dienste / Directorate Technical Services**

**8.2.1    Proposed street fencing: Pick & Pay: De Keur Shopping Centre, Ceres  
(15/04/R)**

Item 7.2.1 of the Executive Mayoral Committee meeting, held on 25 March 2019, refers.

The following memorandum, dated 26 February 2019, was received from the Manager: Town Planning and Building Control:

“Purpose

To make a recommendation with regard to a preliminary building plan application for the erection of a street boundary fence.

Deliberation

The owners of the Pick & Pay at De Keur shopping centre propose to erect a street boundary fence as per the attached drawing. It will be a *clearvu* fence at 1.8 m height with gates at the two entrances enclosing the entire street front of the centre.

The applicant motivates that there has been an increase in criminal related activities at the centre and that the fence is needed as a security measure.

It should be noted that in a recent Constitutional Court judgement (Trustees of the Simcha Trust v Da Cruz and Others; City of Cape Town v Da Cruz and Others) the court held that when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

In terms of Section 7(1)(b)(ii)(aa) of the National Building Regulations and Building Standards Act, a local authority must refuse to approve an application if the local authority —

‘ is satisfied that the building to which the application in question relates —

(aa) is to be erected in such manner or will be of such nature or appearance that —

(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;

(bbb) it will probably or in fact be unsightly or objectionable;

(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties. ‘

It is considered that the fence is not desirable for the following reasons:

- The proposal is contrary to the character of the main street. Properties along Voortrekker Street are not fenced and the street has an *open* character.
- The fence will have an industrial appearance that is out of character with the area.
- It will discourage free movement after hours when the gates are closed, thereby disturbing the convenience of the area.
- It raises the perception that Ceres is not a safe place.

The following documents are attached:

- (a) Front boundary fencing plan: **Annexure 8.2.1(a)**.
- (b) Examples of new street boundary fencing: **Annexure 8.2.1(b)**."

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that the application for a proposed street boundary fence on erf 7696 Ceres, illustrated by AXION drawing no 100-10, be refused having regard to Section 7(1)(b)(ii)(aa) of the National Building Regulations and Building Standards Act 103 of 1977.
- (b) that the application is refused on the basis of having due regard to the proposal in its wider context considering that:
  - the fence will be unsightly, objectionable; causing the area in which it is to be erected to be disfigured thereby.

**UNANIMOUSLY RESOLVED**

- (a) *that the application for a proposed street boundary fence on erf 7696 Ceres, illustrated by AXION drawing no 100-10, be refused having regard to Section 7(1)(b)(ii)(aa) of the National Building Regulations and Building Standards Act 103 of 1977.*
- (b) *that the application is refused on the basis of having due regard to the proposal in its wider context considering that:*
  - *the fence will be unsightly, objectionable; causing the area in which it is to be erected to be disfigured thereby.*

**8.2.2 Policy: Development Charges  
(15/4/P)**

The following items refer:

- (a) Item 7.2.2 of the Executive Mayoral Committee meeting, held on 3 December 2018.
- (b) Item 8.2.2 of the Council meeting, held on 6 December 2018.
- (c) Item 7.2.5 of the Executive Mayoral Committee meeting held on 26 February 2019.
- (d) Item 8.2.2 of the Council meeting, held on 27 February 2019.
- (e) Item 7.2.2 of the Executive Mayoral Committee meeting, held on 25 March 2019.

The following documents are attached:

- (a) Memorandum from Director: Technical Services, dated 21 November 2018: **Annexure 8.2.2(a)**.
- (b) Witzenberg Municipality Development Charges Policy: **Annexure 8.2.2(b)**.

- (c) Services Agreement for Private Residential Township Development:  
**Annexure 8.2.2(c).**

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Development Charges Policy (revision 00) be adopted as a policy document.
- (b) that the Services Agreement for Private Residential Township Development be adopted as a policy document.

The Executive Mayoral Committee resolved on 3 December 2018:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Development Charges Policy (revision 00) be workshopped by Council.
- (b) that the matter in respect of supra (a) be held in abeyance until after the workshop.

Council unanimously resolved on 6 December 2018:

- (a) that the Development Charges Policy (revision 00) be workshopped by Council.
- (b) that the matter in respect of supra (a) be held in abeyance until after the workshop.

The matter was workshopped on 22 January 2019 and Council took notice of a presentation made regarding the Development Charges Policy revision.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Policy: Development Charges and same be approved and accepted.

The Executive Mayoral Committee resolved on 26 February 2019 that the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Policy: Development Charges be held in abeyance until the next meeting.

Council unanimously resolved on 27 February 2019 that the matter in respect of the Policy: Development Charges be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Policy: Development Charges and same be approved and accepted.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Policy: Development Charges and same be approved and accepted.*

**8.3      Direktoraat Gemeenskapsdienste / Directorate Community Services**

**8.3.1    Proposal for utilisation of Busy Bee Building: Erf 1567, Piet Retief Street, Tulbagh (7/1/4/1)**

The following items refer:

- (a)      Item 7.1 of the meeting of the Committee for Local Economic Development and Tourism, held on 20 February 2019.
- (b)      Item 7.3.3 of the Executive Mayoral Committee meeting held on 26 February 2019.
- (c)      Item 8.3.5 of the Council meeting, held on 27 February 2019.
- (d)      Item 7.3.1 of the Executive Mayoral Committee meeting, held on 25 March 2019.

A memorandum from the Acting Manager: Socio Economic Development, dated 27 September 2018, is attached as **annexure 8.3.1**.

The Committee for Local Economic Development resolved on 20 February 2019 to recommend to the Executive Mayoral Committee and Council:

- (a)      that the Acting Manager: Socio-Economic Development investigates and takes control of the municipal assets at the Busy Bee Building, erf 1567, Piet Retief Street, Tulbagh.
- (b)      To recommend to the Executive Mayoral Committee and Council:
  - (i)      that the building located on erf 1567, Piet Retief Street, Tulbagh be leased to Tulbagh Tourism in order to utilise the premises for local tourism, entrepreneurs from Witzenville and Chris Hani to get exposure to tourists visiting the area.
  - (ii)     that the building supra (a) must contribute towards economic transformation through tourism and skills impartation.
  - (iii)    that the Municipal Manager be mandated to sign the Service Level Agreement with Tulbagh Tourism.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (i)      that the building located on erf 1567, Piet Retief Street, Tulbagh be leased to Tulbagh Tourism in order to utilise the premises for local tourism, entrepreneurs from Witzenville and Chris Hani to get exposure to tourists visiting the area.
- (ii)     that the building supra (a) must contribute towards economic transformation through tourism and skills impartation.
- (iii)    that the Municipal Manager be mandated to sign the Service Level Agreement with Tulbagh Tourism.

The Executive Mayoral Committee resolved on 26 February 2019 that the Executive Mayoral Committee recommends to Council:

that the matter in respect of the utilisation of the Busy Bee building on erf 1567, Piet Retief Street, Tulbagh be held in abeyance until the next meeting and the cost for repairs be determined and done.

Council resolved on 27 February 2019 that the matter in respect of the utilisation of the Busy Bee building on erf 1567, Piet Retief Street, Tulbagh be held in abeyance until the next meeting and the cost for repairs be determined and done.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (i) that the building located on erf 1567, Piet Retief Street, Tulbagh be leased to Tulbagh Tourism in order to utilise the premises for local tourism, entrepreneurs from Witzenville and Chris Hani to get exposure to tourists visiting the area.
- (ii) that the building supra (a) must contribute towards economic transformation through tourism and skills impartation.
- (iii) that the Municipal Manager be mandated to sign the Service Level Agreement with Tulbagh Tourism.

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the proposal for utilisation of the Busy Bee building, situated on erf 1567, Piet Retief Street, Tulbagh be held in abeyance to obtain clarity and for further deliberations regarding the matter.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the proposal for utilisation of the Busy Bee building, situated on erf 1567, Piet Retief Street, Tulbagh be held in abeyance to obtain clarity and for further deliberations regarding the matter.*

**8.4      Direktoraat Korporatiewe Dienste / Directorate Corporate Services**

**8.4.1    Request for lease agreement: Erf 8069, Carson Street alley, Ceres  
(15/4/R & 7/1/4/1)**

Item 7.4.1 of the Executive Mayoral Committee meeting, held on 25 March 2019, refers.

The following documents are attached:

- (a)      E-mail from Mr Wynand du Plessis, dated 14 January 2019: **Annexure 8.4.1(a)**.
- (b)      Memorandum from Manager: Town Planning and Building Control, dated 7 March 2019: **Annexure 8.4.1(b)**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (i)      that a portion of erf 8069 Ceres be leased to the owner of erf 5042, Mr Wynand du Plessis, as it is not required for provision of the minimum level of basic services [MFMA Section 14.2(a)].
- (ii)     that Council enters into a lease agreement for a ten-year period for the purposes of enclosing the land for the benefit of erf 5042.
- (iii)    that an option be given for renewal of the new lease agreement on the discretion of the municipality.
- (iv)     that the fair market value not be applicable due to the economic and community value that are received in exchange for the lease of the asset [MFMA Section 14.2(a)].
- (v)      that Council determines the rental amount.
- (vi)     that the owner of erf 5042 be responsible for maintaining the strip of land.
- (vii)    that the owner of erf 5042 be responsible for removing the existing lamp post at his own cost.
- (viii)   that the portion of erf 8069, Ceres will stay the property of the municipality after the expiry or cancellation of the lease agreement.
- (ix)     that the Municipal Manager be authorised to sign the lease agreement on behalf of Council.

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the request for a lease agreement with regard to erf 8069, Carson Street alley, Ceres be held in abeyance until the next meeting.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the request for a lease agreement with regard to erf 8069, Carson Street alley, Ceres be held in abeyance until the next meeting for further inspections in loco.*

**8.4.2 Proposed Council meeting program: April until December 2019  
(3/1/2/3)**

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 25 March 2019, refers.

The following memorandum, dated 18 March 2019, was received from the Manager: Administration:

**“1. Purpose**

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for April until December 2019.

**2. For decision**

Council.

**3. Executive summary**

The Council meeting program and meeting schedule for April until December 2019 is attached as **annexure 8.4.2**. The program is essentially similar to the program as scheduled in 2018. It is recommended that the attached program for the period April until December 2019 be approved. Numerous requests were lodged to SALGA to provide their 2019 meeting and workshop dates and it was only received during March 2019. Council approved the meeting program for the period Januarie until March 2019 and made a resolution that the program be finalised when the SALGA dates have been received. The complete Council meeting program of Witzenberg Municipality has been synchronised with SALGA meeting and workshop dates and is now submitted to Council for approval.

**4. Discussion**

**4.1 Background and discussion**

In terms of Section 19 of the Local Government Municipals Systems Act, (No 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, date and venue of every ordinary meeting of the Council and special or urgent meeting of the Council except when time constraints make this impossible.

The proposed Council meeting program for April until December 2019 provides the list of scheduled Council, Executive Mayoral Committee, the various Section 80 Committees, Municipal Public Accounts Committee (MPAC), Performance Risk and Audit Committee (PRAC) and Local Labour Forum (LLF) meetings with the applicable time, venue and dates of the meetings.

- Senior Management meetings are once again proposed to be held every Monday.
- Section 80 Committee meetings are proposed for the third Tuesday, Wednesday and Thursday of every month.
- Council workshop meetings are proposed for the day prior to the Council meeting.
- Council meetings are proposed for the last Wednesday of the month, depending on specific circumstances. Council meetings are also synchronised with the Council meetings of the Cape Winelands District Municipality.

#### **4.2 Constitutional and policy implications**

This program has no constitutional and policy implications for the municipality.

#### **4.3 Environmental implications**

This program has no environmental implications.

#### **4.4 Financial implications**

The proposed Council meeting program is published in the local community newspaper, the cost of which is duly budgeted for.

#### **4.5 Legal implications**

In terms of Section 19 of the Local Government Municipal Systems Act (No. 32 of 200) the Municipal Manager must give notice to the public in a manner determined by the municipal Council of the time, date and venue of every ordinary meeting and special or urgent meetings of the Council except when time constraints make this impossible.

Council meetings are planned for every month except for April, June, September and November. This exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with.”

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

that the Council meeting program for the period April until December 2019 be approved.

#### **UNANIMOUSLY RESOLVED**

*that the Council meeting program for the period April until December 2019 be approved on condition that amendments can be made as needed after the provincial and national elections.*

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None / Geen

**NOTED / AANGETEKEN**

10. FORMAL AND STATUTORY MATTERS

10.1 Feedback on matters of outside bodies  
(3/R)

None / Geen

**NOTED / AANGETEKEN**

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

11.1 Ceres golf estate development  
(15/4/1/1/5)

Alderman JW Schuurman posed the following questions in his e-mail to the Municipal Manager, dated 6 November 2017 and as per council item 11.1 of 28 March 2018:

“One evening as I was travelling on a plane from Johannesburg to Cape Town, I sat next to a certain Mr Bill de Swardt who was the then golf landscape architect for Mr Sol Kerzner. I asked him about his profession and he explained that he is designing golf course developments. I invited him to do on own risk a feasibility study for the Ceres golf development and to look at increasing the then 9 holes to 18 holes. The land belonged to the municipality and the 99 year lease of the golf club has also reached the expiry date. Mr de Swardt could not get an interested developer and had to abandon the project. Some years later I was then invited to a golf course development in Robertson and met a developer who was interested in the Ceres golf development project. I introduced the item to Council only to find out that two other parties, McGregor Estates and Par Chance, also claimed an interest in the development. We then placed the item on tender for a proposal call. Group 5, together with Par Chance, after a serious round of negotiations as a joint venture got the tender. I left Council in May 2005 only to find out that Par Chance, a black economic development group, settled to do a separate development with the assistance of the proceeds from the golf course development. I paid a visit to the development yesterday and was clearly shocked to see that none of our previously disadvantaged local people are benefitting out of the project. Our local and very competent builders from the previously disadvantaged community is nowhere on the scene. The land was sold for a merely R1,2 million to the developer. How did this happen, did Council forget about the conditions of the tender and that our local people must participate and benefit out of the project?”

The following response was received from the Municipal Manager:

“The Witzenberg Municipality advertised as per public tender inviting interested parties to submit a feasibility study and proposals for the development of erven 1010, 1011 and a portion of erf 1001, Ceres. A copy of the said bid document is **attached 11.1(a)**.

Mr Dupré Lombard from Macroplan compiled a report on behalf of the Municipal Manager, Mr Dana du Plessis, summarising and presenting the bids received from three interested parties, namely:

- Par Chance BK
- Group Five Development
- Mark Brummer Property Developments

which was tabled at the Executive Mayoral Committee on 19 October 2002 and 24 October 2002 respectively. The matter was discussed at various Council platforms. Copies of the reports are attached as annexures **11.1(b)(i)** and **11.1(b)(ii)**.

It appears from the municipal records that the matter was discussed at a special council meeting on 6 November 2002 where the interested parties were recommended in order of preference, namely:

- McGregor Estates (Group Five)
- Mark Brummer
- Par Chance

No specific resolution was taken at the aforesaid meeting and at the council meeting of 30 April 2003, as per item 8.9, the political parties were given a period of fourteen days to resolve the matters for a decision. The minutes of the various council meetings are attached as **annexure 11.1(c)**.

Council resolved at a special council meeting of 20 May 2003 as per the ANC resolution that the development be awarded to a joint venture between Messrs McGregor Estates (Group Five) and Par Chance. It was further conditional that the development proposals of both groups be accepted on condition that the parties be given thirty days to conclude an agreement failing which new proposals for the development of the golf estate be called for. On 4 May 2004 the then Executive Mayor, Alderman Schuurman, requested the Municipal Manager, Mr Dana du Plessis, to arrange a meeting with the two parties for purposes of drafting a report on the progress of the project. See copy attached as **annexure 11.1(d)**.

On 30 October 2003 Orange Tree Development, in a letter to the Municipal Manager, confirmed that an agreement as per the council resolution was concluded, the terms of conditions accepted and signed by both parties. Copies attached as **annexure 11.1(e)(i)** and **11.1(e)(ii)**.

A report by Mr Dupré Lombaard, dated 14 November 2003, was also compiled on the valuation of the property, attached as **annexure 11.1(f)**. On 18 November 2003 the then Executive Mayoral Committee under item 7.11 resolved to give the Municipal Manager a mandate to negotiate with the developers on the sale of the municipal land of nominal value on condition that Council will not be responsible for any cost which the taxpayer might be liable for and further that all bulk levies be paid by the developer. A copy of the resolution is attached as **annexure 11.1(g)**.

On 17 August 2005 the then Executive Mayor, Mr Nigrini, resolved to inter alia sell erven 1001, 1010, 1011, 1889, 2035, 3659 and 4542 for a market related price of R1 million. There were no conditions as to local development and black empowerment. See resolution attached as **annexure 11.1(h)**. The Municipal Manager referred to the resolution to the Council's attorney who drafted the sale agreement for the land, attached as **annexure 11.1(i)**.

In a letter to the then Executive Mayor Schuurman from Messrs Orange Tree the issue of black empowerment was dealt with, attached as **annexure 11.1(j)**.”

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Ceres Golf Estate development be held in abeyance to obtain further clarification and after that be submitted again.*

Councillor BC Klaasen requested on behalf of the DA a caucus break from 11:10 until 11:30.

**12. COUNCIL-IN-COMMITTEE**