

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 31 JULY 2019 AT 09:00

PRESENT

Councillors

Alderman TT Godden (Speaker)
Councillor BC Klaasen (Executive Mayor)
Alderman K Adams (Deputy Executive Mayor)
Councillor TE Abrahams
Councillor P Daniels
Councillor P Heradien (from 10:20)
Councillor MD Jacobs
Councillor D Kinnear
Councillor C Lottering
Councillor TP Mgoboza
Councillor ZS Mzauziwa-Mdishwa
Councillor MJ Ndaba
Councillor N Phatsoane
Alderman JW Schuurman
Councillor EM Sidego
Councillor RJ Simpson
Alderman HJ Smit
Councillor D Swart

Officials

Mr D Nasson (Municipal Manager)
Mr A Raubenheimer (Acting Director: Finance)
Mr J Barnard (Director: Technical Services)
Mr M Mpeluza (Director: Corporate Services)
Mr G Louw (Head: Internal Audit)
Ms L Nieuwenhuis (Legal Advisor)
Mr CG Wessels (Manager: Administration)
Ms MJ Prins (Acting Principal Administrative Officer)
Mr CJ Titus (Committee Clerk)
Ms A Klazen (Intern: Administration)

Other attendees

Mr Etienne Eygenberger (Dorpstraat Property Development)
Mr Jaco Fourie (Dorpstraat Property Development)

1. OPENING AND WELCOME

The Speaker welcomed everyone at the meeting and requested the Director: Corporate Services, Mr M Mpeluza, to open the meeting with a prayer.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence, if any
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Alderlady JT Phungula, Councillor HF Visagie (ANC), Alderman JJ Visagie (DA) and Councillor GG Laban (Witzenberg Aksie).

UNANIMOUSLY RESOLVED

that the applications for leave of absence from the meeting, received from Alderlady JT Phungula, Councillor HF Visagie (ANC), Alderman JJ Visagie (DA) and Councillor GG Laban (Witzenberg Aksie), be approved and accepted.

2.2 Confidentiality and Conflict of Interest Declaration

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2**.

The Confidentiality and Conflict of Interest Declaration was signed by all Councillors. Councillor TE Abrahams declared his interest in respect of item 6.1 regarding the proposed development at the entrance of Ceres Town.

UNANIMOUSLY RESOLVED

that Council takes notice of the interest declared by Councillor TE Abrahams regarding item 6.1 in respect of the proposed development at the entrance of Ceres Town, but that the Councillor has permission to listen to the presentation.

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

The Speaker conveyed, on behalf of Council, congratulations to the following Councillors and spouses on their birthdays:

- Councillor N Phatsoane 2 June
- Ms J Lottering 3 June
- Alderman K Adams 5 June
- Councillor D Kinnear 24 June
- Ms E Smit 29 June
- Ms M Abrahams 30 June
- Councillor ZS Mzauziwa-Mdishwa 18 July

NOTED.

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

None

NOTED

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

None

NOTED

4. MINUTES

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

The minutes of the Council meeting, held on 30 May 2019, are attached as **annexure 4.1**.

UNANIMOUSLY RESOLVED

That the minutes of the Council meeting, held on 30 May 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.	To be workshopped on 29 May 2019.	Next council meeting.
4.2.2	15/4/1/1/5	Item 11.1 of 26 March 2019 Ceres Golf Estate development	Municipal Manager	That the matter be held in abeyance to obtain further clarification and after that be submitted again.		

UNANIMOUSLY RESOLVED

(a) *that the matter regarding the purchasing of erf 3605, Ceres or a portion thereof be removed from the agenda.*

(b) *that notice be taken of the outstanding matter in respect of the Ceres Golf Estate development and same be held in abeyance until the next meeting.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

5.1 Mosie: Raadsheer TT Godden
(15/4/1/1/145)

Die aangeleentheid word in-komitee hanteer.

BESLUIT

Dat die aangeleentheid van die agenda verwyder word.

6. INTERVIEWS WITH DELEGATIONS

6.1 Waiver of pre-emptive right on erf 3775, Ceres
(15/4/1/1/196)

Messrs Dorpstraat Property Developers made a presentation in respect of the proposed development at the entrance of Ceres Town. The presentation is attached as **annexure 6.1**.

The following questions/remarks/answers were highlighted:

Question: How will Dorp Street Property Developers (DPD) obtain the land from the Ceres Landbougenootskap (CLG)?

Answer: DPD did not yet engage with the CLG. The first priority is to get the buy-in from the municipality due to the relationship between the municipality and the CLG. Messrs Johan Bezuidenhout was consulted in respect of the identity of the owners of the land.

Questions:

- (a) What will happen with the current cricket field on the erf?
- (b) How much is the capital outlay approximately?
- (c) How will the pre-disadvantaged people benefit from the proposed development?

Answers:

- (a) Measurements were done next to the rugby field and it was found that there is sufficient space to move the cricket field to that space.
- (b) The layout capital will approximately be between R120 to R150 million. A convenience shop will anchor the development and the presentation makes provision for all the smaller shops. The lease composition makes provision that the development caters for all groups.
- (c) The previously disadvantaged people will benefit in terms of employment in the construction phase of the development. Local people will enjoy preference if possible. After construction the development will also provide employment opportunities for the previously disadvantaged people as well as opportunities to open sustainable shops within the criteria determined for the development.

Question: Did you have any other options in other towns for the development?

Answer: Yes, we investigated other options in other towns. In Robertson was an option in the industrial area of the town. That kind of area is not convenient for a shopping centre. This space in Ceres is by utmost the most convenient place in respect of the criteria. It is also a big decision for DPD in terms of the capital layout and will benefit rich and poor in this town.

Remark: I want to compliment the presenters with a very good presentation. You covered every aspect of concern. Even the surrounding cricket, rugby and tennis clubs will benefit after the development.

Question: I disagree about *it is a centre for the rich and poor*. The development is for the rich. People cannot come from Prince Alfred's Hamlet to the centre.

Remark: Speaker, we from Nduli travel by taxi's to Mountain Mill Mall in Worcester, because we benefit. There are more shops available. At the Mountain Mill Mall you will see many cars with CT, CFA and CCM registration numbers – all from Witzenberg.

UNANIMOUSLY RESOLVED

that Council takes notice of the presentation by Messrs Dorp Street Property Development in respect of the proposed development at the entrance of Ceres Town and accepts same.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The reports/minutes of the following meetings are attached:

- (a) Executive Mayoral Committee meeting, held on 25 March 2019: **Annexure 7.1(a)**.
- (b) Committee for Housing Matters, held on 16 May 2019: **Annexure 7.1(b)**.
- (c) Committee for Technical Services, held on 22 May 2019: **Annexure 7.1(c)**.
- (d) Committee for Housing Matters (Special meeting), held on 5 June 2019: **Annexure 7.1(d)**.
- (e) Committee for Housing Matters (Special meeting), held on 13 June 2019: **Annexure 7.1(e)**.

UNANIMOUSLY RESOLVED

that notice be taken of the minutes of the Committee meetings and same be accepted.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direkoraat Finansies / Directorate Finance

8.1.1 Section 71 Monthly Budget Statement Report of Directorate Finance: April, May and June 2019 (9/1/2/2)

The Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May and June 2019 will be tabled to the Committee for Corporate and Financial Services on 25 July 2019 and the Performance, Risk and Audit Committee on 2 August 2019.

The reports and recommendations of the committees will be tabled to the Executive Mayoral Committee and Council at the next meeting.

NOTED

8.1.2 Settling of Rand Merchant Bank (RMB) loan for Koekedouw Dam (16/2/1/1/1 & 5/4/R)

The following items refer:

- (a) Item 7.1.3 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.1.3 of the council meeting, held on 30 May 2019.
- (c) Item 7.1.2 of the Executive Mayoral Committee meeting, held on 29 July 2019.

The following memorandum, dated 20 May 2019, was received from the Manager: Water and Sewerage:

"Purpose

The purpose of this report is to inform Council regarding the settling option of the Rand Merchant Bank loan which was taken up by KBR (Koekedouw Irrigation Board) for the construction of the Koekedouw Dam.

Background

The Koekedouw Dam was constructed in 1999 as a joint venture between Witzenberg Municipality and the Koekedouw Irrigation Board. Both parties to this venture incurred loans to pay for their share of the construction cost. The loan taken up by Witzenberg Municipality has been settled in 2017.

Currently KBR is still paying off on their loan and Witzenberg Municipality is part of this repayment agreement in terms of our allocation for Vredebes farm. See **annexure 8.1.2(a)**.

The KBR management has met with RMB in order to negotiate a new financing model in order to settle the loan and minimize cost. The new financing model agreed to between the parties, and approved by KBR, is attached as **annexure 8.1.2(b)**.

This new option entails the settling of the loan once-off in order to cut out huge interest on the loan. As can be seen on the attached spreadsheet if we stay with the old financing model, KBR will make a total repayment of R348 628 396 on the initial loan. Currently the outstanding amount is R54 687 042.00, but this amount will escalate to R78 944 608.00 before it starts to decrease and eventually be settled in 2044. With the new financing model total repayment will be R83 152 706.00 resulting in a total saving of R265 475 690.00.

Legal framework

Because Witzenberg Municipality is part of KBR in terms of our allocation for Vredebes, we are also liable for the repayment of our portion of the loan from Rand Merchant Bank.

Financial impact

With the new financing model we will have a huge saving on the repayment of the loan. In terms of the old financing model we will be responsible for repayment of R4 052 646.00 whereas with the new financing model we will make a once-off payment of R889 891.98 to settle the loan, resulting in a saving of R3 162 754.02."

The Municipal Manager gave a background with regard to the matter of settling the Rand Merchant Bank (RMB) loan for the Koekedouw Dam. Further investigation in terms of the agreement will be done. This matter only recently arose and the loan was done before the purchase of Vredebes. The water rights were part of the agreement.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council approves the new financing model option.
- (b) That Witzenberg Municipality settles their portion of the loan with a once-off payment.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the settling of the Rand Merchant Bank loan for the Koekedouw Dam be held in abeyance until the matter has been properly investigated.

Councillor BC Klaasen mentioned that the outstanding arrear amount is based on calculations made by the Koekedouw Irrigation Board and that further investigations are necessary.

Council unanimously resolved on 30 May 2019 that the matter in respect of the settling of the Rand Merchant Bank loan for the Koekedouw Dam be held in abeyance until the matter has been properly investigated.

Further report from Municipal Manager, dated 24 July 2019:

"Since the last Executive Mayoral Committee and council meetings Administration has attempted to obtain written agreements of Council's financial commitment towards the Koekedouw Irrigation Board. The Deed of Sale does not make mention of any such financial commitment towards the Board nor the Title Deed. The Title Deed reflects the water right that is registered and which is inherent to the farm. A meeting was requested with the Chairperson of the Irrigation Board, Mr Danie Goosen, which took place on 2 July 2019.

A summary of the meeting is contained in the email sent by Mr Goosen to the Municipal Manager's office, dated 2 July 2019 and is attached as **annexure 8.1.2(c)**. In terms of the discussion the Koekedouw Irrigation Board took up a loan with the Rand Merchant Bank on behalf of its members. The accountability of the members was pro rata with the water rights of their respective farms. All the members at that time agreed to the conditions which was later on also accepted by the municipality when Vredebes was purchased. The Irrigation Board used to send an invoice to its members on a yearly basis, which included the municipality and in terms of which they then were obliged to settle. The municipality has been paying regularly on an annual basis since they acquired the farm. The invoice was normally divided into an operational and capital contribution. In terms of the Irrigation Board's members meeting resolution taken, the members accepted the settlement as previously outlined. On the date of the discussion all the members have paid their contribution of the settlement towards the Rand Merchant Bank loan except for the municipality. The Koekedouw Irrigation Board went ahead to pay on the municipality's behalf, because of their commitment and legal obligation and has requested that the municipality repays the amount to them. The crux of the discussion is that the liability of the municipality is coupled to the water rights inherent to the property.

The Municipal Manager informed the meeting that he had consulted with the Chairperson of the Koekedouw Irrigation Board, Mr Danie Goosen, regarding the matter. The explanation from the Chairperson sounds acceptable, but he is awaiting documentation about the matter to submit to Council for consideration.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council approves the new financing model option.
- (b) that Witzenberg Municipality settles their portion of the loan with a once-off payment.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Rand Merchant Bank (RMB) loan for the Koekedouw Irrigation Board be held in abeyance for further discussion by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the Rand Merchant Bank (RMB) loan for the Koekedouw Irrigation Board be held in abeyance for further discussion by Council and to obtain more information.

8.1.3 Quarterly inventory count: Municipal Stores, Drommedaris Street, Ceres: 20 March 2019 (6/1/1)

The following items refer:

- (a) Item 7.1.5 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.1.5 of the council meeting, held on 30 May 2019.
- (c) Item 7.1.3 of the Executive Mayoral Committee meeting, held on 29 July 2019.

A memorandum from the Manager: Supply Chain, dated 2 April 2019, is attached as **annexure 8.1.3**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that cognisance be taken of the stock count of 20 March 2019.
- (b) that Council authorises the up-taking of surpluses as per table 3.1(a) of the annexure.
- (c) that Council authorises the writing off of stock shortages as per table 3.1(b) to the value of R2 240-62.
- (d) that Council authorises the writing off of damaged stock as per table 3.1(c) to the value of R2-98.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the quarterly inventory count be held in abeyance for further clarification.

Council unanimously resolved on 30 May 2019 that the matter in respect of the quarterly inventory count be held in abeyance for further clarification.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that cognisance be taken of the stock count of 20 March 2019.
- (b) that Council authorises the up-taking of surpluses as per table 3.1(a) of the annexure.
- (c) that Council authorises the writing off of stock shortages as per table 3.1(b) to the value of R2 240-62.
- (d) that Council authorises the writing off of damaged stock as per table 3.1(c) to the value of R2-98.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the quarterly inventory count, held at the municipal stores, Drommedaris Street, Ceres on 20 March 2019, be provisionally accepted and that the Acting Chief Financial Officer ensures the correctness of the figures.

UNANIMOUSLY RESOLVED

that the matter in respect of the quarterly inventory count, held at the municipal stores, Drommedaris Street, Ceres on 20 March 2019, be accepted.

**8.1.4 Quarterly Budget Statement [Section 52(d)] Report: 4th Quarter of 2018/2019 (1 April 2019 until 30 June 2019)
(9/1/2/2)**

Item 7.1.4 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

The Quarterly Budget Statement [Section 52(d)] Report for the fourth quarter of 2018/2019 is attached as **annexure 8.1.4**.

The Executive Mayoral Committee resolved on 29 July 2019

- (a) That the Executive Mayoral Committee recommends to Council:

that notice be taken of the tabling of the Quarterly Budget Statement Report in terms of Section 52(d) for the fourth quarter of 2018/2019 (period 1 April 2019 to 30 June 2019) and that the report, after consideration, be approved and accepted.
- (b) That the report be referred to Council's Municipal Public Accounts Committee and Performance, Risk and Audit Committee for their recommendations to Council.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the tabling of the Quarterly Budget Statement Report in terms of Section 52(d) for the fourth quarter of 2018/2019 (period 1 April 2019 to 30 June 2019) and that the report, after consideration, be approved and accepted.*
- (b) *that the report be referred to Council's Municipal Public Accounts Committee and Performance, Risk and Audit Committee for their recommendations to Council.*

**8.1.5 PRAC 1st Bi-Annual Performance Management System Report: 2018/2019
(5/14/4)**

Item 7.1.5 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

The PRAC First Bi-Annual Performance Management System Report to Council for 2018/2019, dated May 2019, is attached as **annexure 8.1.5**.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the PRAC First Bi-Annual Performance Management System Report for 2018/2019, after consideration, be approved and accepted.

UNANIMOUSLY RESOLVED

that the PRAC First Bi-Annual Performance Management System Report for 2018/2019, after consideration, be approved and accepted.

8.1.6 MFMA Circular no. 95: Interventions and debt relief (5/10/R)

Item 7.1.6 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

MFMA Circular no. 95 from National Treasury, dated 1 June 2019, is attached as **annexure 8.1.6**.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the contents of MFMA Circular no. 95 from National Treasury, dated 1 June 2019.

UNANIMOUSLY RESOLVED

that notice be taken of the contents of MFMA Circular no. 95 from National Treasury, dated 1 June 2019.

8.1.7 Submission of Final 2019/2020 Top Layer SDBIP (5/1/5/12)

Item 8.1.2 of the council meeting, held on 26 March 2019, refers.

Council resolved on 26 March 2019:

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 2020/2021 and 2021/2022 that have been tabled by the Executive Mayor in Council.

The Municipal Finance Management Act No. 56 of 2003 (MFMA) and National Treasury MFMA Circular No. 13 require that municipalities must prepare a Service Delivery Budget Implementation Plan (SDBIP) indicating how the budget and the strategic objectives of Council will be implemented. The SDBIP is prepared in terms of Section 53(1)(c)(ii) of the Municipal Finance Management (MFMA), National Treasury MFMA Circular No. 13 and the Budgeting and Reporting Regulation.

The Top Layer of the SDBIP must be submitted for approval to the Mayor within 14 days after the approval of the budget. The Top Layer SDBIP must be approved by the Mayor within 28 days after the budget has been approved to ensure compliance with the abovementioned legislation and published on the municipal website. The Mayor approved the 2019/20 Top Layer SDBIP on 5 June 2019.

The Final 2019/20 Top Layer SDBIP is attached as **annexure 8.1.7**.

UNANIMOUSLY RESOLVED

that notice be taken of the Final 2019/2020 Top Layer SDBIP and same be accepted.

8.1.8 Draft Review IDP and Budget Process Plan for 2020 - 2021 (02/02/1)

In terms of Section 28 of the Municipal Systems Act (Act 32 of 2000), Council must adopt an IDP and Budget Process Plan. The Municipal Finance Management Act (Act 56 of 2003) further stipulates that at least ten months before the start of the budget year, the Executive Mayor should table a time schedule outlining key deadlines in respect of the IDP/Budgetary process.

Section 29 of the Municipal Systems Act (Act 32 of 2000), specifies that such a Process Plan must include:

- Programs that set out timeframes for the different planning steps;
- Appropriate mechanisms, processes and procedures for consultation with:
 - Local communities, both in terms of needs and priorities as well as consultation during development;
 - Organs of state, traditional authorities, and other role-players in the drafting process; and
- Binding plans and planning requirements, i.e. policy and legislation.

National Treasury has provided further guidance by the issuing of MFMA Circular 10. That circular provides specific guidance with regard to six distinct steps in compilation of the IDP and the annual Budget. The table below highlights these steps, with a brief description of each step:

Steps	Process
1 Planning	Schedule dates, establish consultation forums, review previous processes
2 Strategizing	Review IDP, set service delivery objectives for next 3 years, consult on tariffs, indigents, credit control, free basic services etc., and consider local-, provincial- and national issues, the previous year's performance and current economic and demographic trends etc.
3 Preparing	Prepare Budget, revenue and expenditure projections; draft Budget policies; consult and consider local-, provincial and national priorities
4 Tabling	Table draft Budget, draft IDP and Budget-related policies before council; consult and consider local-, provincial and national inputs or responses
5 Approving	Council approves the IDP, the Budget and related policies
6 Finalising	Publish the IDP, Budget and approve the SDBIP and performance targets

In capturing the above steps, this IDP and Budget Process Plan seeks to address, *inter alia*, the:

- Identification of areas requiring additional attention in terms of legislative requirements, proper planning processes and sound financial management;
- Inclusion of the most current Census and own statistical data;
- Consideration and review of any other relevant and new information;
- Addressing comments received from the various role-players;
- Factor-in the shortcomings and weaknesses identified through self-assessment;
- Preparation and review of sector plans and its alignment with the IDP;
- Preparation and review of the Performance Management System (PMS);
- Updating of the 5-year Financial Plan; and
- Finalisation of the annual Budget and IDP in terms of the relevant legislation.

Pursuant to the above statutory requirements, a Draft Process Plan for the 2020 – 2021 Review IDP and Budget cycle is attached as **annexure 8.1.8**.

UNANIMOUSLY RESOLVED

that notice be taken of the Draft Review IDP and Budget Process Plan for 2020 – 2021 and same be accepted.

8.1.9 Terms of Reference: Disciplinary Board for Financial Misconduct (5/P)

Item 7.1.7 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

Council resolved on 27 August 2014:

- (a) That a Board be established in terms of Government Gazette 37699 of 30 May 2014 to address any financial misconduct, as described in the Municipal Finance Management Act, in the municipality.
- (b) That any investigation regarding financial irregularities applicable to councillors be conducted in terms of the Code of Conduct for Councillors as regulated by the Municipal Systems Act.
- (c) That the Board does not consist of more than five members, as stated in the Regulations.
- (d) That the Executive Mayoral Committee will have delegated powers to co-opt any person to the Board.

The Terms of Reference for the Disciplinary Board for Financial Misconduct, dated July 2019, is attached as **annexure 8.1.9**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

That the Terms of Reference for the Disciplinary Board for Financial Misconduct, after consideration, be approved and accepted.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Terms of Reference of the Disciplinary Board for Financial Misconduct be held in abeyance and be workshopped by the Executive Mayoral Committee and after that be submitted to Council with a recommendation.

UNANIMOUSLY RESOLVED

that the matter in respect of the Terms of Reference of the Disciplinary Board for Financial Misconduct be held in abeyance and be workshopped by the Executive Mayoral Committee and after that be submitted to Council with a recommendation.

8.1.10 Appointment of Performance, Risk and Audit Committee members for a second 3-year term (5/14/4)

Item 7.1.8 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

The following memorandum, dated 22 July 2019, was received from the Municipal Manager:

Purpose

The purpose of this communication is for the Executive Mayoral Committee and Council to consider the appointment of two PRAC members for a second 3-year term.

Deliberation

The first 3-year term of the PRAC Chairperson, Mr J. George, and member, Mr S Redelinghuys, will expire on 31 October 2019. To ensure continuity it is important to consider the following as stated in the PRAC Charter:

Term of office

- (1) The Chairperson and members of the Performance, Risk and Audit Committee are appointed for a period of three years subject to annual reappointment during the three-year term.
- (2) Council may consider to extend the term of a member who is a permanent resident of the Witzenberg area should local residents not be represented on the committee.
- (3) A member of the Performance, Risk and Audit Committee shall not serve for longer than two consecutive terms of three years each.

- (4) After serving two consecutive terms of three year, a cooling off period of two years is instituted, before appointing the same member to the Performance, Risk and Audit Committee.'

Council resolved on 26 October 2016:

- (a) that Mr Jonathan George be appointed as the Chairperson of the Performance, Risk and Audit Committee.
- (b) that Mr Fanus Redelinghuys be appointed as a member of the Performance, Risk and Audit Committee.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

- (i) that the appointment of the Chairperson of the Performance, Risk and Audit Committee, Mr J George, and member, Mr S Redelinghuys, for a second 3-year term for the period 1 November 2019 until 31 October 2021 be approved.
- (ii) that the appointment letters be signed by the Municipal Manager.

UNANIMOUSLY RESOLVED

- (a) *that the appointment of the Chairperson of the Performance, Risk and Audit Committee, Mr J George, and member, Mr S Redelinghuys, for a second 3-year term for the period 1 November 2019 until 31 October 2021 be approved.*
- (b) *that the appointment letters be signed by the Municipal Manager.*

8.1.11 Local Government Municipal Finance Management Act, 2003: Municipal Cost Containment Regulations 2019 (5/P)

Item 7.1.9 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

The Minister of Finance promulgated the Municipal Cost Containment Regulations in Government Gazette number 42514 on 7 June 2019, which became effective as from 1 July 2019.

In terms of the regulations the municipality must develop or revise and implement a Cost Containment Policy which must be adopted by the municipal Council. The said regulations is attached as **annexure 8.1.11**. The regulations have a major impact on the operations of Council and require an in-depth review of existing policies before the Cost Containment Policy can be adopted. The Council members will be taken through a workshop to discuss the regulations after which a policy will be formulated once the other policies of Council have also been reviewed to bring it in line with the current regulations.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Local Government Municipal Finance Management Act (2003): Municipal Cost Containment Regulations, 2019 be workshopped by Council.

RESOLVED

that notice be taken of the Draft Municipal Cost Containment Regulations, 2019 and that Administration will revisit all municipal policies to accommodate the Cost Containment Regulations, 2019.

8.1.12 Quarterly inventory count: Municipal Stores, Drommedaris Street, Ceres: 27 June 2019 (6/1/1)

Item 7.1.10 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

A memorandum from the Manager: Supply Chain, dated 2 July 2019, is attached as **annexure 8.1.12**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that cognisance be taken of the stock count of 27 June 2019.
- (b) that Council authorises the up-taking of surpluses as per table 3.1(a).
- (c) that Council authorises the writing off of stock shortages as per table 3.1(b) to the value of R2 240-62.
- (d) that Council authorises the writing off of damaged stock as per table 3.1(c) to the value of R2-98.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the quarterly inventory count, held at the municipal stores, Drommedaris Street, Ceres on 27 June 2019, be provisionally accepted and that the Acting Chief Financial Officer ensures the correctness of the figures.

UNANIMOUSLY RESOLVED

that the matter in respect of the quarterly inventory count, held at the municipal stores, Drommedaris Street, Ceres on 27 June 2019, be accepted.

8.1.13 Amendment of contract for digital speed cameras: Section 116(3) of Municipal Finance Management Act (8/2/15/78)

Item 7.1.11 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

A memorandum from the Acting Director: Finance, dated 18 July 2019, is attached as **annexure 8.1.13**.

The following recommendation is tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

In promotion of Section 217 Constitution of the Republic Of South Africa, 1996, which enunciates: "When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost effective" we table for consideration in terms of Section 116(3)(a) of the Municipal Finance Management Act No.56 of 2003 for an amendment in terms of the contract with TMT Services & Supplies (Pty) Ltd t/a Traffic Management Technologies to be 36 months in total. Hereby indicating that the contract will terminate on 18 December 2021. That Section 116 (3)(b) also done before amendment. If Section 33 is applicable, that authorisation be provided to commence the process as well.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the amendment of the contract for digital speed cameras be held in abeyance to obtain clarity with regard to the exact process.

UNANIMOUSLY RESOLVED

that the matter in respect of the amendment of the contract for digital speed cameras be held in abeyance to obtain clarity with regard to the exact process.

8.1.14 Supply Chain Management: Paragraph 7(4) quarterly report ending 30 June 2019: Implementation of Supply Chain Management Policy (9/1/2/2)

Item 7.1.12 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

A memorandum from the Manager: Supply Chain, dated 3 July 2019, is attached as **annexure 8.1.14**.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Acting Chief Financial Officer submits the report to the Accounting Officer by 7 July 2019.
- (b) that the Accounting Officer submits the report to the Executive Mayor by 10 July 2019.
- (c) that notice be taken of the Paragraph 7(4) quarterly report ending 30 June 2019.
- (d) that the report be made available to the public in terms of Section 21 A of the Municipal Systems Act (Act no 32 of 2000) after it has been tabled to Council.

UNANIMOUSLY RESOLVED

- (a) *that the Acting Chief Financial Officer submits the report to the Accounting Officer by 7 July 2019.*
- (b) *that the Accounting Officer submits the report to the Executive Mayor by 10 July 2019.*
- (c) *that notice be taken of the Paragraph 7(4) quarterly report ending 30 June 2019.*
- (d) *that the report be made available to the public in terms of Section 21 A of the Municipal Systems Act (Act no 32 of 2000) after it has been tabled to Council.*

8.2 Direkoraat Tegniese Dienste / Directorate Technical Services

8.2.1 Waiver of pre-emptive right on erf 3775, Ceres (15/4/1/1/196)

The following items refer:

- (a) Item 7.2.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.2.1 of the council meeting, held on 30 May 2019.
- (c) Item 7.2.1 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following memorandum, dated 21 May 2019, was received from the Municipal Manager:

Purpose

To recommend to Council to consider the waiver of Council's pre-emptive right on a portion of erf 3775, Ceres, more commonly known as the Ceres cricket ground in favour of a property development.

Background

Erf 3775, Ceres is registered in the name of *Ceres Landbougenootskap*. A property developer, Dorpstraat, Stellenbosch, approached the *Landbougenootskap* to acquire the property for purposes of developing a convenience shopping centre. No lay-out or building plans have been drafted, because the developer first wants an in-principle approval from Council before major expenses are being incurred. In terms of the letter from Dorpstraat the size of the development will be between 6 000 and 7 500 m². The total capital investment will be between R120 million and R130 million. In terms of the presentation done by Dorp Street there will be an anchor tenant and the whole purpose is to attract new traders to Ceres instead of recycling existing shops in town. The existing cricket facility will be moved to Victoria Park where both the rugby and cricket facilities will be upgraded by the developer. Some of the proceeds of the sale agreement will be used to renovate and build new conference facilities at Victoria Park. If the development is approved it will create opportunities for local business people. Permanent job opportunities will be through the small businesses in the centre as well as security, cleansing and maintenance opportunities.

A profile of Dorpstraat Developers is attached as **annexure 8.2.1**. The developers have been involved in several successful centres and malls as listed in their profile. They are currently busy with three centres that are under construction which inter alia includes Robertson.

Municipal services

No detailed plans were submitted to the Directorate Technical Services. The directorate, however, indicated that municipal services will be available within the area. The most challenging service will be that of electricity in terms of the provisional requirement, but coupled with alternative energy the municipality should be in a position to provide electricity to the development. The development will be responsible for all costs related to the upgrade of bulk services to the specific development, which cost will be in terms of Council's approved policy.

Financial implication

There are no financial implications for Council. If the development is approved, it will create additional income for Council.

Legal implication

If Council waives the requirement in terms of the Title Deed that the property must first be offered to Council and that the land may only be used for sports activities, then such decision must be made known to the public through an advertisement in the local newspaper.”

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the pre-emptive right on erf 3775, Ceres be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the pre-emptive right on erf 3775, Ceres be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the waiver of the pre-emptive right on erf 3775, Ceres be held in abeyance pending a presentation in this regard to Council.

UNANIMOUSLY RESOLVED

that Council takes notice of the presentation by Messrs Dorpstraat Property Development in respect of the proposed development at the entrance of Ceres Town and accepts same.

8.2.2 Request to obtain Council's 15 hectare water rights in respect of Vredebes farm (16/2/R)

The following items refer:

- (a) Item 7.2.2 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.2.2 of the council meeting, held on 30 May 2019.
- (c) Item 7.2.2 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following memorandum, dated 21 May 2019, was received from the Municipal Manager:

“Purpose

To recommend and consider a request from Witzenberg Deelnemingstrust to transfer Council's water rights of 15 hectare summer water in respect of Vredebes to the trust.

Background

Council purchased Vredebes farm for housing purposes. It also acquired 15 hectare summer water rights from the Koekedouw Irrigation Board in respect of the farm. Council must annually contribute and pay to the Koekedouw Irrigation Board for the operational cost and redemption of the loan at the Rand Merchant Bank.

An item is also tabled to Council in terms whereof Council is requested to make payment to the amount of R889 891-98 to the Irrigation Board to redeem Council's portion of the loan as per the agreement reached between Rand Merchant Bank and the Irrigation Board. The Witzenberg Deelnemingstrust has addressed a letter to the Executive Mayor as well as Municipal Manager, requesting Council to consider transferring the rights in the 15 ha agricultural water to the trust. A copy of the letter is attached as **annexure 8.2.2.**"

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter regarding the request to obtain Council's 15 hectare water rights in respect of Vredebes farm be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter regarding the request to obtain Council's 15 hectare water rights in respect of Vredebes farm be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter regarding the request to obtain Council's 15 hectare water rights in respect of Vredebes farm be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter regarding the request to obtain Council's 15 hectare water rights in respect of Vredebes farm be held in abeyance until the next meeting.

8.2.3 Witzenberg Spatial Development Framework: Proposed programme and Inception Report (15/4/P)

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Technical Services, held on 22 May 2019.
- (b) Item 7.2.3 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (c) Item 8.2.3 of the council meeting, held on 30 May 2019.
- (d) Item 7.2.3 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following report, dated 23 April 2019, was received from the Manager: Town Planning and Building Control:

"Background

On 12 February 2019 the municipality appointed consultant Built Environment Partnership (BEP) as the service provider to execute the review of the Witzenberg Spatial Development Framework.

Attached as **annexure 8.2.3** is the Inception Report produced by the consultant which among other things propose a work programme and consultation plan.

Legislation

The Witzenberg Land Use Planning By-Law requires that the municipality approve a consultation plan and programme for the adoption of its Spatial Development Framework as follows:

- (1) When drafting or amending the municipal spatial development framework in terms of the Municipal Systems Act, the Municipal Council must, in accordance with the process adopted in terms of section 28 of the Municipal Systems Act:
- (a) approve a consultation plan which meets the requirements of:
 - (i) section 29(1) of the Municipal Systems Act;
 - (ii) section 20(3) of SPLUMA;
 - (iii) section 13 of the Land Use Planning Act; and
 - (b) approve a programme which includes the stages at which a designated political structure, political office bearer or official must comment upon the draft municipal spatial development framework or draft amendment.'

Work programme

The Witzenberg Spatial Development Framework Project's Scope of Work has been split into eight separate project phases and forms the core focus areas of the work phase methodology. With an additional last phase included for administrative purposes. The phases classify how the project team will go about completing the SDF. These work phases are shown in the table below:

WBS	TASK NAME	DURATION	START	FINISH
0	Witzenberg SDF Draft Programme	352 days	Thu 10/25/18	Tue 4/21/20
1	Tender Submission and Award	66 days	Thu 10/25/18	Tue 2/12/19
2	PHASE 1: PROJECT INCEPTION	37 days	Wed 2/13/19	Thu 4/4/19
3	PHASE 2: LEGISLATIVE AND POLICY REVIEW	32 days	Tue 2/26/19	Wed 4/10/19
4	PHASE 3: PRINCIPLES AND DRAFT VISION	31 days	Thu 4/4/19	Wed 5/22/19
5	PHASE 4: STATUS QUO SYNTHESIS	49 days	Wed 3/27/19	Fri 6/7/19
6	PHASE 5: SPATIAL CONCEPT AND STRATEGY	45 days	Mon 6/3/19	Mon 8/5/19
7	PHASE 6: DRAFT SDF WITH CAPITALEXPENDITURE FRAMEWORK AND IMPLEMENTATION FRAMEWORK	110 days	Thu 8/8/19	Fri 1/31/20
8	PHASE 7: FINAL SDF	45 days	Mon 2/3/20	Fri 4/3/20
9	PHASE 8: RECONCILIATION AND CLOSE OUT	10 days	Mon 4/6/20	Tue 4/21/20

The Committee for Technical Services resolved on 22 May 2019:

That the Committee for Technical Services recommends to the Executive Mayoral Committee and Council:

that, in terms of Section 4(1) of the Witzenberg Land Use Planning By-Law, the project programme and consultation plan contained in the Inception Report prepared by Built Environment Partnership, be approved.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that, in terms of Section 4(1) of the Witzenberg Land Use Planning By-Law, the project programme and consultation plan contained in the Inception Report prepared by Built Environment Partnership, be approved.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the proposed programme and inception report of the Witzenberg Spatial Development Framework be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the proposed programme and inception report of the Witzenberg Spatial Development Framework be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that, in terms of Section 4(1) of the Witzenberg Land Use Planning By-Law, the project programme and consultation plan contained in the Inception Report prepared by Built Environment Partnership, be approved.

UNANIMOUSLY RESOLVED

that, in terms of Section 4(1) of the Witzenberg Land Use Planning By-Law, the project programme and consultation plan contained in the Inception Report prepared by Built Environment Partnership, be approved.

8.2.4 Proposed Integrated Zoning Scheme By-Law for Witzenberg (15/4/P)

The following items refer:

- (a) Item 7.2 of the meeting of the Committee for Technical Services, held on 22 May 2019.
- (b) Item 7.2.4 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (c) Item 8.2.4 of the council meeting, held on 30 May 2019.
- (d) Item 7.2.4 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following memorandum, dated 16 April 2019, was received from the Manager: Town Planning and Building Control:

“Purpose

The purpose of this report is to introduce to Council an Integrated Zoning Scheme (IZS) By-Law for the Municipality and to adopt a process to commence with the implementation thereof.

The draft Integrated Zoning Scheme (IZS) is attached as **annexure 8.2.4**.

Background

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014), stipulates in Section 24(1) that a municipality must adopt a single land use scheme for its entire municipal area within five years from the commencement of said Act. Municipalities thus have until **30 June 2020** to implement an integrated zoning scheme.

Currently the Witzenberg Municipal area is covered by three different zoning schemes comprising of:

- Ceres Scheme (1994)
- Nduli (1989)
- Section 8 (1988) applying to Wolseley, Tulbagh, Prince Alfred's Hamlet, the town Op-die-Berg and farming areas

Notwithstanding the requirement of SPLUMA, these different zoning schemes are also outdated and did not kept track with the changing development context of the area. As a consequence, these zoning schemes complicate land use management.

Consequently it is necessary to consolidate the different zoning schemes into a single integrated zoning scheme, as well as to modernise the zoning scheme into an innovative tool which is more suited for managing the challenges of development.

Overview of proposed process

The following process and associated timeframes to finalise and implement the IZS will be followed in three phases:

Finalise draft IZS for Council submission – current to May 2019

- Technical examination of the content of the IZS to consider and make sure that it covers any specific needs or challenges that the municipality faces. Completed.
- Develop zoning transition tables to allocate the new zonings. Completed.
- Submit draft IZS to Council for mandate to release same for purpose of public participation, including the proposed Public Participation Process. **Presented with this report.**
- Prepare a land use register and determine a new zoning in terms of the IZS for every property with the finalisation of a new associated zoning map.

Public Participation Process for IZS – June 2019 to December 2019

- Undertake Public Participation and advertisement campaign, including Council workshops.
- Evaluate any inputs on IZS and finalise draft IZS.
- Communicate responses to parties who provided inputs.

Approval and Implementation of IZS – January 2020 to March 2020

- Finalise IZS and submit report to Council for final adoption.
- Publish adoption of IZS [Municipal Systems Act Section 13(a) promulgation].
- Continue to address any bona fide zoning disputes.”

The Committee for Technical Services resolved on 22 May 2019:

That the Committee for Technical Services recommends to the Executive Mayoral Committee and Council:

- (a) That Council takes cognisance of the fact that in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) a single land use scheme needs to be implemented no later than 30 June 2020.
- (b) That the draft Witzenberg Zoning Scheme By-Law be approved in principle and the process be followed for adoption of same.
- (c) That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft Witzenberg Zoning Scheme By-Law be published for public comment.
- (d) That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation be submitted to Council for consideration and final adoption.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) That Council takes cognisance of the fact that in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) a single land use scheme needs to be implemented no later than 30 June 2020.
- (b) That the draft Witzenberg Zoning Scheme By-Law be approved in principle and the process be followed for adoption of same.
- (c) That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft Witzenberg Zoning Scheme By-Law be published for public comment.
- (d) That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation be submitted to Council for consideration and final adoption.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Proposed Integrated Zoning Scheme By-Law for Witzenberg be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the Proposed Integrated Zoning Scheme By-Law for Witzenberg be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) That Council takes cognisance of the fact that in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) a single land use scheme needs to be implemented no later than 30 June 2020.
- (b) That the draft Witzenberg Zoning Scheme By-Law be approved in principle and the process be followed for adoption of same.
- (c) That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft Witzenberg Zoning Scheme By-Law be published for public comment.
- (d) That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation be submitted to Council for consideration and final adoption.

UNANIMOUSLY RESOLVED

- (a) *That Council takes cognisance of the fact that in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) a single land use scheme needs to be implemented no later than 30 June 2020.*
- (b) *That the draft Witzenberg Zoning Scheme By-Law be approved in principle and the process be followed for adoption of same.*
- (c) *That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft Witzenberg Zoning Scheme By-Law be published for public comment.*
- (d) *That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation be submitted to Council for consideration and final adoption.*

8.2.5 Appèl teen afkeuring van aansoek om afwyking vir verkoop en verspreiding van vleisprodukte: Erf 6170, Sultanasingel 18, Ceres (15/4/1/1/201)

Item 7.2.5 van die Uitvoerende Burgemeesterskomitee vergadering, gehou op 29 Julie 2019, verwys.

Die volgende verslag, gedateer 1 Julie 2019, is vanaf die Bestuurder: Stadsbeplanning en Boubeheer ontvang:

“Die gedelegeerde bevoegdheid het op 11 Maart 2019 die aansoek om afwyking vir die verkoop en verspreiding van vleisprodukte vanaf erf 6170, Sultanasingel 18, Ceres afgekeur.

Die aansoeker het teen die besluit geappelleer en die appèl word oorweeg en bespreek as volg:

Redes vir besluit	Aansoeker se appèl	Stadsbeplanner kommentaar
Die voorstel wat die opsnysaag van karkasse insluit, kan nie in woonbuurte ondersteun word nie en moet in die sentrale sakekern vestig waar wonings nie aanwesig is nie.	Aansoeker vra in die appèl dat die Raad die besluit sal heroorweeg indien hy slegs verpakking en verspreiding van vleisprodukte, polonies, vis en kospakkies vanaf die perseel doen.	Die verpakking en verspreiding van bederfbare voedsel/vleisprodukte kan nie in woonbuurte ondersteun word nie.

Die volgende bylaes word aangeheg:

- (a) Besluit gedateer 11 Maart 2019: **Bylae 8.2.5(a)**.
- (b) Appèl gedateer 1 April 2019: **Bylae 8.2.5(b)**.
- (c) Kaart wat die ligging van die perseel aandui: **Bylae 8.2.5(c)**.”

Die Uitvoerende Burgemeesterskomitee het op 29 Julie 2019 besluit:

dat die appèl van mnr. C Japhets teen die Raad se afkeuring van sy aansoek om afwyking op erf 6170, Ceres van die hand gewys word.

EENPARIG BESLUIT

dat die appèl van mnr. C Japhets teen die Raad se afkeuring van sy aansoek om afwyking op erf 6170, Ceres van die hand gewys word.

8.2.6 Essential Services: Witzenberg Electrical Master Plan (16/3/1)

The following items refer:

- (a) Item 7.3 of the meeting of the Committee for Technical Services, held on 19 September 2018.
- (b) Item 7.2.8 of the Executive Mayoral Committee meeting, held on 30 October 2018.

- (c) Item 8.2.9 of the council meeting, held on 31 October 2018.
- (d) Item 7.2.2 of the Executive Mayoral Committee meeting, held on 21 January 2019.
- (e) Item 8.2.2 of the Council meeting, held on 23 January 2019.
- (f) Item 7.2.6 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following documents are attached:

- (a) Memorandum from the Senior Manager: Electro-Technical Services, dated 27 June 2018: **Annexure 8.2.6(a)**.
- (b) Master Planning and Status Report on 11 kV structure in Ceres: Period 2018 – 2028: Document 1: **Annexure 8.2.6(b)**.
- (c) Master Planning and Status Report on 11 kV structure in Tulbagh: Period 2018 – 2028: Document 2: **Annexure 8.2.6(c)**.
- (d) Master Planning and Status Report on 11 kV structure in Wolseley: Period 2018 – 2028: Document 3: **Annexure 8.2.6(d)**.

The Committee for Technical Services resolved on 19 September 2018 that the Committee for Technical Services recommends to the Executive Mayoral Committee and Council:

- (a) that Council approves the “Master Planning and Status Report on the 11 kV infrastructure in Ceres, Tulbagh and Wolseley: Period 2018 - 2028” as developed by Neil Lyners and Associates in conjunction with the personnel of the Electrical Department.
- (b) that Council adopts the Electrical Master Plan as the primary source document for budgeting and forward planning.
- (c) that the matter pertaining to Essential Services: Witzenberg Electrical Master Plan be workshopped with Council.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council approves the “Master Planning and Status Report on the 11 kV infrastructure in Ceres, Tulbagh and Wolseley: Period 2018 - 2028” as developed by Neil Lyners and Associates in conjunction with the personnel of the Electrical Department.
- (b) that Council adopts the Electrical Master Plan as the primary source document for budgeting and forward planning.
- (c) that the matter pertaining to Essential Services: Witzenberg Electrical Master Plan be workshopped with Council.

The Executive Mayoral Committee resolved on 30 October 2018 that the matter in respect of the Witzenberg Electrical Master Plan be held in abeyance until the next meeting.

Council unanimously resolved on 31 October 2018 that the matter in respect of the Witzenberg Electrical Master Plan be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 21 January 2019 that the Executive Mayoral Committee recommends to Council:

- (a) that Council approves the “Master Planning and Status Report on the 11 kV infrastructure in Ceres, Tulbagh and Wolseley: Period 2018 - 2028” as developed by Neil Lyners and Associates in conjunction with the personnel of the Electrical Department.
- (b) that Council adopts the Electrical Master Plan as the primary source document for budgeting and forward planning.
- (c) that the matter pertaining to Essential Services: Witzenberg Electrical Master Plan be workshopped with Council.

Council resolved on 23 January 2019 that the matter in respect of the Witzenberg Electrical Master Plan be held in abeyance and be discussed in more detail at the next Council workshop.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council approves the “Master Planning and Status Report on the 11 kV infrastructure in Ceres, Tulbagh and Wolseley: Period 2018 - 2028” as developed by Neil Lyners and Associates in conjunction with the personnel of the Electrical Department.
- (b) that Council adopts the Electrical Master Plan as the primary source document for budgeting and forward planning.
- (c) that the matter pertaining to Essential Services: Witzenberg Electrical Master Plan be workshopped with Council.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Witzenberg Electrical Master Plan be workshopped by Council.

UNANIMOUSLY RESOLVED

that Council approves the Master Planning and Status Report on the 11 kV infrastructure in Ceres, Tulbagh and Wolseley for the period 2018 until 2028 in terms of Council's previous resolution on the new Spatial Development Framework Plan to be accepted in 2020.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 Housing: Witzenberg Municipal Housing Pipeline for 2018/2019
(05/06/1)**

The following items refer:

- (a) Item 9.1.4 of the meeting of the Committee for Housing Matters, held on 6 September 2018.
- (b) Item 7.3.5 of the Executive Mayoral Committee meeting held on 30 October 2018.
- (c) Item 8.3.7 of the Council meeting, held on 31 October 2018.
- (d) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (e) Item 8.3.1 of the Council meeting, held on 30 May 2019.
- (f) Item 7.3.1 of the Executive Mayoral Committee meeting held on 29 July 2019.

A memorandum from the Manager: Housing, dated 6 August 2018, is attached as **annexure 8.3.1**.

The Committee for Housing Matters resolved on 6 September 2018 to recommend to the Executive Mayoral Committee and Council:

that the Witzenberg Municipal Housing Pipeline for 2018/2019 be endorsed by Council.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that the Witzenberg Municipal Housing Pipeline for 2018/2019 be endorsed by Council.

The Executive Mayoral Committee resolved on 30 October 2018 that the matter regarding the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

Council unanimously resolved on 31 October 2019 that the matter regarding the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

The following recommendation was tabled to the Executive Mayoral Committee on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the Witzenberg Municipal Housing Pipeline for 2018/2019 be endorsed by Council.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that the Witzenberg Municipal Housing Pipeline for 2018/2019 be endorsed by Council.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter regarding the Witzenberg Municipal Housing Pipeline for 2018/2019 be held in abeyance until the next meeting.

8.3.2 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.
- (e) Item 8.3.1 of the Council meeting, held on 26 March 2019.
- (f) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (g) Item 8.3.2 of the Council meeting, held on 30 May 2019.
- (h) Item 7.3.2 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following memorandum, dated 27 September 2018, was received from the Acting Manager: Socio-Economic Development:

"Purpose

The purpose of the report is to determine the utilisation of the old Busy Bee building on erf 1567, Piet Retief Street, Tulbagh.

Background

The building on erf 1567, Piet Retief Street, Tulbagh (known as the Busy Bee building) has been vacant since 1st March 2018. DPSA Tulbagh was the previous lessee from 1 October 2013, with the lease not being renewed by the Witzenberg Council. The current lessee was obligated to evacuate the building by the end of February 2018.

Request

It is requested that the Witzenberg Council provides suggestions for the utilisation of the building.

Recommendation

A current proposal is on the table for the building to be provided to Tulbagh Tourism in order to utilise the building to expose local tourism entrepreneurs from Witzenville and Chris Hani to tourists visiting the area. The recommendation is also that the building must contribute towards economic transformation through tourism and skills impartation.”

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.

Council unanimously resolved on 26 March 2019 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.

The following recommendation was tabled to the Executive Mayoral Committee on 27 May 2019:

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 27 May 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 until the next meeting.

Council unanimously resolved on 30 May 2019 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 until the next meeting.

The following recommendation is tabled to the Executive Mayoral Committee on 29 July 2019:

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 29 July 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 until the next meeting.

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 until the next meeting.

8.3.3 Disaster Management: Approval of Ward Based Risk Assessment (17/7/3/2)

The following items refer:

- (a) Item 7.3.3 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.3.3 of the council meeting, held on 30 May 2019.
- (c) Item 7.3.3 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following memorandum, dated 21 May 2019, was received from the Municipal Manager:

"Purpose

To recommend to Council to consider the approval of the Ward Based Risk Assessment conducted by Cape Winelands District Municipality for the benefit of Witzenberg.

Background

In terms of the Disaster Management Act the district municipality must establish an implement framework for disaster management, aimed at ensuring an integrated and uniform approach to disaster management in its area. Section 53 of the said act places a responsibility on the municipality to prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area. The said disaster management plan must form an integral part of the municipality's Integrated Disaster Management Plan.

The district municipality is in the process of updating its Disaster Management Framework and requires its B-municipalities to update their Disaster Management Plans. The Ward Based Risk Assessment basically highlights the potential disaster risks for which the municipality must plan. The Ward Based Risk Assessment as performed by the service provider of the district municipality is attached as follows:

- (a) Summary: Ward Based Risk Assessment: **Annexure 8.3.3(a)**.
- (b) WBRA: Ward 1: **Annexure 8.3.3(b)**.
- (c) WBRA: Ward 2: **Annexure 8.3.3(c)**.
- (d) WBRA: Ward 3: **Annexure 8.3.3(d)**.
- (e) WBRA: Ward 4: **Annexure 8.3.3(e)**.
- (f) WBRA: Ward 5: **Annexure 8.3.3(f)**.
- (g) WBRA: Ward 6: **Annexure 8.3.3(g)**.
- (h) WBRA: Ward 7: **Annexure 8.3.3(h)**.
- (i) WBRA: Ward 8: **Annexure 8.3.3(i)**.
- (j) WBRA: Ward 9: **Annexure 8.3.3(j)**.
- (k) WBRA: Ward 10: **Annexure 8.3.3(k)**.
- (l) WBRA: Ward 11: **Annexure 8.3.3(l)**.
- (m) WBRA: Ward 12: **Annexure 8.3.3(m)**.

The document will be workshopped by the district municipality for all councillors on 29 May 2019."

Legal implication

- The assessment followed a Public Participation Process, which is one of the enquiries in terms of the Disaster Management Act.
- The Ward Based Risk Assessment must be included in the Disaster Management Plan.

Financial implication

None."

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that the Ward Based Risk Assessment be noted and adopted.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Ward Based Risk Assessment be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the Ward Based Risk Assessment be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019

That the Executive Mayoral Committee recommends to Council:

that the Ward Based Risk Assessment be noted and adopted.

UNANIMOUSLY RESOLVED

that the Ward Based Risk Assessment, after consideration, be noted and adopted.

8.3.4 Project: Installation of CCTV cameras along Voortrekker Road, Vos Street, the R46 (Ceres to Nduli), Ceres as well as Voortrekker and Olienhout Streets in Prince Alfred's Hamlet (17/7/5)

The following items refer:

- (a) Item 7.3.5 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.3.5 of the council meeting, held on 30 May 2019.
- (c) Item 7.3.4 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following documents are attached:

- (a) Memorandum from Municipal Manager, dated 22 May 2019: **Annexure 8.3.4(a)**.
- (b) Map of route identified: **Annexure 8.3.4(b)**.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that Tulbagh and Wolseley be included in the project in respect of the installation of CCTV cameras in Ceres, Nduli and Prince Alfred's Hamlet.
- (b) that the matter in respect of the installation of CCTV cameras be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019:

- (a) that Tulbagh and Wolseley be included in the project in respect of the installation of CCTV cameras in Ceres, Nduli and Prince Alfred's Hamlet.

- (b) that the matter in respect of the installation of CCTV cameras be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the installation of CCTV cameras along Voortrekker Road, Vos Street, the R46 (Ceres to Nduli), Ceres as well as Voortrekker and Olienhout Streets in Prince Alfred's Hamlet be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

- (a) *that the safety plans of the Cape Winelands District Municipality be incorporated in the Witzenberg Municipality plans.*
- (b) *that the matter in respect of the installation of CCTV cameras along Voortrekker Road, Vos Street, the R46 (Ceres to Nduli), Ceres as well as Voortrekker and Olienhout Streets in Prince Alfred's Hamlet be held in abeyance until the next meeting.*

8.3.5 Policy: Management of business properties for local economic development with the aim of empowering the previously disadvantaged communities (17/19/P)

The following items refer:

- (a) Item 7.3.6 of the Executive Mayoral Committee meeting, held on 27 May 2019.
(b) Item 8.3.6 of the council meeting, held on 30 May 2019.
(c) Item 7.3.5 of the Executive Mayoral Committee meeting held on 29 July 2019.

Council resolved per item 8.3.4 of 27 February 2019 that Senior Management develop a criteria guiding Council and its committees to deal with matters of local economic development where the previously disadvantaged are concerned in a just, equitable and transparent manner as prescribed by the Constitution and Municipal Finance Management Act. The draft policy is attached as **annexure 8.3.5**.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the management of business properties for local economic development with the aim of empowering the previously disadvantaged communities be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the management of business properties for local economic development with the aim of empowering the previously disadvantaged communities be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the policy for the management of business properties for local economic development with the aim of empowering the previously disadvantaged communities be workshopped by Council.

UNANIMOUSLY RESOLVED

that the Policy: Management of business properties for local economic development with the aim of empowering the previously disadvantaged communities be approved and accepted.

8.3.6 Application: Relocation of established Nduli Carwash to erf 5145, Nduli, Ceres (17/19/1)

The following items refer:

- (a) Item 7.2 of the meeting of the Committee for Local Economic Development and Tourism, held on 20 February 2019.
- (b) Item 7.3.4 of the Executive Mayoral Committee meeting held on 26 February 2019.
- (c) Item 8.3.4 of the Council meeting, held on 27 February 2019.
- (d) Item 7.3.7 of the Executive Mayoral Committee meeting held on 29 July 2019.

A memorandum from the Acting Manager: Socio-Economic Development, dated 5 September 2018, is attached as **annexure 8.3.6**.

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

- (a) that the Executive Mayoral Committee and Council consider approval of the application to relocate the established Ngcani Carwash business to erf 5145 on corner of Chris Hani Drive and R46 adjacent Mooi Blom Prison.
- (b) that should the Executive Mayoral Committee and Council approve supra (a), a lease agreement be entered with Ngcani Carwash.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Executive Mayoral Committee and Council consider approval of the application to relocate the established Ngcani Carwash business to erf 5145 on the corner of Chris Hani Drive and the R46 adjacent to Warm Bokkeveld Prison.
- (b) that should the Executive Mayoral Committee and Council approve supra (a), a lease agreement be entered with Ngcani Carwash.

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

that the matter in respect of the relocation of the established Nduli Carwash on erf 5145, Nduli, Ceres be held in abeyance until the next meeting in order to ensure a fair supply chain process.

Council resolved on 27 February 2019 that the matter in respect of the relocation of the established Nduli Carwash on erf 5145, Nduli, Ceres be held in abeyance until the next meeting in order to ensure a fair supply chain process.

The following recommendation was tabled to the Executive Mayoral Committee on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Executive Mayoral Committee and Council consider approval of the application to relocate the established Ngcani Carwash business to erf 5145 on the corner of Chris Hani Drive and the R46 adjacent to Warm Bokkeveld Prison.
- (b) that should the Executive Mayoral Committee and Council approve supra (a), a lease agreement be entered with Ngcani Carwash.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the relocation of the established Nduli Carwash to erf 5145, Nduli, Ceres be workshopped by Council.

UNANIMOUSLY RESOLVED

that the item be removed from the agenda in the light of the adoption of the applicable policy and be resubmitted.

8.3.7 Housing: Vacant land investigation: Bella Vista, Ceres (17/4/R)

The following items refer:

- (a) Item 7.3.4 of the Executive Mayoral Committee meeting, held on 30 October 2018.
- (b) Item 8.3.6 of the Council meeting, held on 31 October 2018.
- (c) Item 7.3.8 of the Executive Mayoral Committee meeting held on 29 July 2019.

A memorandum from the Manager: Housing, dated 18 September 2018, is attached as **annexure 8.3.7**.

The Executive Mayoral Committee resolved on 30 October 2018 that the matter in respect of the vacant land investigation at Bella Vista, Ceres be held in abeyance until the next meeting.

Council unanimously resolved on 31 October 2018 that the matter in respect of the vacant land investigation at Bella Vista, Ceres be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the vacant land investigation at Bella Vista, Ceres be workshopped by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the vacant land investigation at Bella Vista, Ceres not be approved, because the land is not suitable.

8.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Council's immovable property: Long lease or alienation of Klip River Park Resort, Tulbagh (7/1/4/1)

The following items refer:

- (a) Item 7.4.4 of the Executive Mayoral Committee meeting, held on 27 May 2019.
- (b) Item 8.4.4 of the council meeting, held on 30 May 2019.
- (c) Item 7.4.1 of the Executive Mayoral Committee meeting held on 29 July 2019.

The following report, dated 22 May 2019, was received from the Municipal Manager:

Purpose

To recommend to Council to consider extending the lease period of Klip River Park from 15 years to 30 years or alienating the property known as Klip River Park together with adjacent land in terms of Council's Supply Chain process.

Background

Council resolved per item 8.1.3 on 28 August 2008:

- (i) That Klip River Park and surrounding land be retained as a holiday resort and a recreational area.
- (ii) That possible developments to be requested from interested parties for consideration by Council in future.
- (iii) That the report of the developers and interested parties be tabled to Council.

A Section 78 investigation as per the Municipal Systems Act of 2000 was then followed to look at the Council resolution with the view of entering into a private public partnership agreement. A report was compiled, which is attached as **annexure 8.4.1(a)**. The report recommended that Council should either alienate the said land or follow a PPP process. During discussions with various stakeholders and National Treasury the option of a PPP was eliminated because of the possible turnover of the project (was being regarded as too small). The item was referred back to Council and it was resolved to follow a Supply Chain process in terms whereof Klip River Park would be leased on a long term period of 30 years. The Supply Chain process was advertised on two occasions in both the National and Provincial newspapers without any success. An extract from the tender document which was then advertised, is attached as **annexure 8.4.1(b)**. Site meetings during the advertisement process were compulsory and at all the meetings there were community members claiming that Council's process was flawed and that they would create problems for any successful bidder. At the last site meeting there were two company representatives who flew from Johannesburg and whom had shown genuine interest in as a potential lessee. They have, however, not submitted any bids after the said site meetings. Some of the inputs received during the clarification meetings and also from potential interested parties were that the lease period was not long enough and that the capital investment required at the park would not make the park a viable option for the 15 year period. The area for rental in terms of the said Council resolution is approximately 14.5 ha. A copy of a Google aerial photo is attached as **annexure 8.4.1(c)**.

The green section of Klip River Park is part of Galgeheuwel local Nature Reserve and cannot be developed whether the land is alienated or being part of a rental agreement. When the lease option was initially considered Council took into account the capital required to upgrade the park. At the time the park had to be re-electrified at a major cost. The swimming pool also required repairs which included a total replacement of the pump system. When the resort was operational it provided the following facilities:

- (i) 18 Chalets
- (ii) 69 Camping Sites
- (iii) 4 Ablution blocks
- (iv) Small office
- (v) Swimming pool

Although the resort is not in operation there are two security guards guarding the property on a 24-hour basis. The cost of the security is approximately R35 000,00 per month. All the previous staff members were transferred and/or placed to other departments within the municipality. The previous report of 2010 has placed an evaluation of R5.2 million on the resort as well as the adjacent land. The resort forms part of commonage of Tulbagh. The municipal valuer has been requested for an updated valuation of the property in question.

Legal implication

If Council considers approving the long term lease agreement the process must be advertised in the local newspaper and submitted to Provincial and National Treasury for their comments as well. Council already took a decision that the land in question is not required for basic services as per the requirements of Section 14 of the Municipal Finance Management Act of 2003. The value of the land might be such that it will fall within the threshold of a special process that needs to be followed when such asset is alienated. In the latter instance it must also be advertised and Treasury must also be notified for inputs.

Financial implication

Council is not deriving any financial benefit from the property. Council in fact is losing money on the security spent as well as loss of potential income. Resorts are not a core function of Council.”

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the long lease or alienation of Klip River Park Resort, Tulbagh be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2019 that the matter in respect of the long lease or alienation of Klip River Park Resort, Tulbagh be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the long lease or alienation of Klip River Park Resort, Tulbagh be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter in respect of the long lease or alienation of Klip River Park Resort, Tulbagh be held in abeyance until the next meeting and be workshopped by Council.

**8.4.2 Records Management Policy
(2/6/3)**

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 29 July 2019, refers.

The Records Management Policy is attached as **annexure 8.4.2**.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Records Management Policy be workshopped by Council.

UNANIMOUSLY RESOLVED

that the Records Management Policy be approved and accepted.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None

NOTED

10. FORMAL AND STATUTORY MATTERS

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

None

NOTED

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

None

NOTED

12. COUNCIL-IN-COMMITTEE