

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN
THE TOWN HALL, VOORTREKKER STREET, CERES ON FRIDAY, 30 MAY 2025
AT 10:00**

PRESENT

Councillors

Alderlady EM Sidego (DA) (Speaker)
Councillor TE Abrahams (DA) (Executive Mayor)
Councillor JF Nel (ICOSA) (Executive Deputy Mayor)
Alderman K Adams (DA)
Councillor WJ Alexander (PA)
Councillor P Daniels (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor JP Fredericks (Freedom Front Plus)
Councillor AL Gili (ANC)
Councillor GG Laban (Witzenberg Aksie)
Councillor JS Mouton (ANC)
Councillor MJ Ndaba (ANC)
Councillor N Nogcinisa (ANC)
Councillor N Phatsoane (ANC)
Councillor KA Robyn (GOOD)
Councillor J Rooi (Witzenberg Party)
Alderman HJ Smit (DA)
Alderman D Swart (DA)
Councillor IL Swartz (EFF)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Finance)
Mr S Swartz (Director: Community Services)
Mr M Mpeluza (Director: Corporate Services)
Mr J Kolkota (Deputy Director: Finance)
Ms N Oerson (Chief Internal Audit Executive)
Ms L Nieuwenhuis (Senior Manager: Legal Services)
Ms R Hendricks (Manager: Communication and Marketing)
Ms G Baatjies (Media Liaison Officer)
Ms M Arendse-Smith (Acting Manager: Administration)
Ms MJ Prins (Word Processor Operator)
Mr J Pieterse (Senior ICT Officer)
Mr T McClune (Intern: Administration)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Speaker welcomed everyone present and requested Councillor M Ndaba to open the meeting with prayer.

NOTED.

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

**2.1 Consideration of application for leave of absence
Aansoeke om verlof tot afwesigheid
(3/1/2/1)**

None

NOTED

**2.2 Consideration of application for leave of absence (Council meeting
31 March 2025)
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Councillors N Phatsoane and GG Laban.

Council unanimously resolved on 31 March 2025:

- (a) that notice be taken of the applications for leave of absence from the meeting, received from Councillors N Phatsoane and GG Laban.
- (b) that in terms of compliance with the Rules of Order for meetings, the applications for leave of absence received, be dealt with at the next Council meeting.

A written application for leave of absence from Councillor GG Laban is attached as **annexure 2.2.**

UNANIMOUSLY RESOLVED

- (a) *that upon receipt of the written application for leave of absence from the meeting held on 31 March 2025, from Councillor GG Laban, the application be approved and accepted.*
- (b) *that the application for leave of absence from the meeting held on 31 March 2025, received from Councillor N Phatsoane, not be approved as no written submissions were made, as per the By-law on the Rules of Order for meetings of the Witzenberg Council and its Committees and that a fine be imposed.*

EENPARIG BESLUIT

- (a) *dat na ontvangs van die skriftelike aansoek om verlof tot afwesigheid van die vergadering gehou op 31 Maart 2025, vanaf raadslid GG Laban, die aansoek goedgekeur en aanvaar word.*
- (b) *dat die aansoek om verlof tot afwesigheid van die vergadering gehou op 31 Maart 2025, ontvang vanaf raadslid N Phatsoane, nie goedgekeur word nie, aangesien geen skriftelike verskoning ontvang is ingevolge die Verordening vir die Ordereëls vir vergaderings van die Witzenberg Raad en sy komitees en dat 'n boete geimplimenteer word.*

2.3 Confidentiality and Conflict of Interest Declaration Vertroulikheid en Botsing van Belange Verklaring (3/2/1)

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.3**.

No conflict of interest was declared.

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED MEDEDELINGS, AANKONDIGINGS OF SAKE GEOPPER

3.1 Gratitude, Congratulations and Commiseration Waardering, Gelukwensinge en Meelewing (11/4/3)

Alderman D Swart conveyed Council's congratulations to the following Councillors and spouses on their birthdays and noted that their commitment is deeply appreciated and does not go unnoticed:

- | | |
|--------------------------|----------|
| • Councillor N Nogcinisa | 6 April |
| • Councillor P Daniels | 8 April |
| • Councillor W Alexander | 12 April |
| • Ms S Rooi | 2 May |
| • Councillor N Phatsoane | 2 June |
| • Councillor J Rooi | 3 June |
| • Alderman K Adams | 5 June |
| • Mr J Robyn | 17 June |
| • Ms C Swartz | 17 June |
| • Ms E Smit | 29 June |
| • Ms M Abrahams | 30 June |

NOTED.

Councillor J Zalie joined the meeting at 10:21.

**3.2 Matters raised by the Speaker / Sake deur die Speaker geopper
(09/1/1)**

Speaker conveyed the following:

- Saddened by the loss of former Councillors Chrisjan Klaasen; Miriam Sifile and Lea Salmon and note that many residents of Witzenberg have lost loved ones during this time. For this reason, the meeting is requested to observe a moment of silence.
- Intergovernmental Relations Workshop will be providing Seasonal Training in October 2025 for which eight Councillors can be nominated to attend. Councillors are therefore urged to attend.
- International Nurses Day celebrated on 12 May annually to celebrate and thank nurses for their contributions made to society.
- In light of Child Protection Week, there are many concerns about the children in Witzenberg, this following the rape of a 12-year old child for the second time, but more concerning is that it was women who sex-trafficked the child.
- National Museum Week will be celebrated in June and it is noted that the Tulbagh Museum is involved in cleaning operation initiatives and feeding the community.
- Respect in the workplace is an important aspect for a conducive work environment as some workers and administrative staff are not respected and therefore it is requested that respect for each other be maintained.
- Applaud the Executive Mayor for the initiative of availing soup ingredients to the community during the off-season period, when many are not working.

NOTED.

**3.3 Matters raised by the Executive Mayor
Sake deur die Uitvoerende Burgemeester geopper
(09/1/1)**

The Executive Mayor, in addition to the names mentioned of those who have passed on, also noted condolences to Mr Kosie Kayer.

NOTED.

**3.4 Matters raised by the Municipal Manager
Sake deur die Munisipale Bestuurder geopper**

The Municipal Manager informed the meeting that another workshop will be scheduled to amend the Tools of Trade Policy to give effect to a life span of devices for a three year period due to high cost implications.

NOTED.

4. MINUTES / NOTULES

**4.1 Corrections to the minutes / Wysigings aan die notule
(3/1/2/3)**

None / Geen

NOTED / AANGETEKEN

**4.2 Matters arising from the minutes
(3/1/2/3)**

None / Geen

NOTED / AANGETEKEN

**4.3 Approval of minutes / Goedkeuring van notules
(3/1/2/3)**

The following minutes are attached:

- (a) Special Council meeting, held on 25 March 2025: **Annexure 4.3(a)**.
- (b) Council meeting, held on 31 March 2025: **Annexure 4.3(b)**.

UNANIMOUSLY RESOLVED

That the following minutes be approved and signed by the Speaker:

- (i) *Special Council meeting, held on 25 March 2025.*
- (ii) *Council meeting, held on 31 March 2025.*

EENPARIGE BESLUIT

Dat die volgende notules goedgekeur en deur die Speaker onderteken word:

- (i) *Spesiale Raadsvergadering, gehou op 25 Maart 2025.*
- (ii) *Raadsvergadering, gehou op 31 Maart 2025.*

4.4 Outstanding matters / Uitstaande sake (3/3/2)

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.4.1	16/P	8.2.3 of 24-01-2024 Witzenberg Municipality: Local Integrated Transport Plan: 2022 until 2027	Technical Services	Matter be held in abeyance in order for MM to obtain all details and proof of PPP from CWDM.	Work-in-progress	30 May 2025

The Municipal Manager informed the meeting that correspondence has not been received from Cape Winelands District Municipality in this regard, but in light of the current circumstances and the appointment of a new Acting Municipal Manager, the matter would be dealt with speedily.

UNANIMOUSLY RESOLVED

that notice be taken of the outstanding matter.

EENPARIG BESLUIT

dat kennis geneem word van die uitstaande saak.

5. MOTIONS AND NOTICE OF SUGGESTIONS MOSIES EN KENNISGEWING VAN VOORSTELLE

5.1 Motion of exigency: Erf 8127, Phillip Street, Ceres (15/4/1/1/237)

Councillor A Gili submitted a motion of exigency in terms of Rule 29 of the Rules of Order in relations to erf 8127, Ceres, based on the fact that there is no claim on the land and that Council has been misled.

The ANC requested a caucus break from 10:55 until 11:10.

The Speaker made a ruling that the motion of exigency will not be allowed as it is not a matter of urgency, which is harmful or detrimental in nature in order to be deemed as urgent. Furthermore, that Councillors must have all relevant information at hand in order to make an informed decision.

NOTED.

**6. INTERVIEWS WITH DELEGATIONS
ONDERHOUDE MET AFVAARDIGINGS**

None / Geen

NOTED / AANGETEKEN

7. DELEGATED POWERS / GEDELEGEERDE BEVOEGDHEDE

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

The minutes of the following meetings are attached:

- (a) Committee for Corporate and Financial Services, held on 27 November 2024: **Annexure 7.1(a).**
- (b) Municipal Public Accounts Committee, held on 16 January 2025: **Annexure 7.1(b).**
- (c) Committee for Housing Matters, held on 28 January 2025: **Annexure 7.1(c).**
- (d) Mayoral Committee, held on 24 February 2025: **Annexure 7.1(d).**
- (e) Committee for Technical Services, held on 13 March 2025: **Annexure 7.1(e).**
- (f) Special Municipal Public Accounts Committee, held on 20 March 2025: **Annexure 7.1(f).**
- (g) Committee for Housing Matters, held on 18 March 2025: **Annexure 7.1(g).**
- (h) Mayoral Committee, held on 26 March 2025: **Annexure 7.1(h).**
- (i) Committee for Corporate and Financial Services, held on 27 March 2025: **Annexure 7.1(i).**

UNANIMOUSLY RESOLVED

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

EENPARIG BESLUIT

dat kennis geneem word van die notules van die Komiteevergaderings en genoemde aanvaar word.

8. RESERVED POWERS GERESERVEERDE BEVOEGDHEDE

8.1 Directorate Finance / Direktoraat Finansies

8.1.1 Section 71 Monthly Budget Statement Reports of the Directorate Finance: March and April 2025 (9/1/2/2)

The following Section 71 Monthly Budget Statement Reports are attached:

- (a) March 2025: **Annexure 8.1.1(a)**
- (b) April 2025: **Annexure 8.1.1(b)**.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March and April 2025.
- (b) that the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March and April 2025 be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March and April 2025.*
- (b) *that the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March and April 2025 be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.*

8.1.2 Quarterly Budget Statement [Section 52(d)] report: 3rd Quarter of 2024/2025 (9/1/2/2)

Report from Director: Finance, dated 17 April 2025:

"1. Purpose

The purpose of this memorandum is to submit the Quarterly Budget Statement [Section 52(d)] report to Council for information.

2. Background

The required report in terms of Section 52(d) is attached as **annexure 8.1.2.**"

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] report for the 3rd Quarter of 2024/2025.
- (b) that the report supra (a) be referred to the Municipal Public Accounts Committee and Performance, Risk and Audit Committee to take notice or to advise Council if deemed necessary.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] report for the 3rd Quarter of 2024/2025.*
- (b) that the report supra (a) be referred to the Municipal Public Accounts Committee and Performance, Risk and Audit Committee to take notice or to advise Council if deemed necessary.*

8.1.3 Paragraph 7(4) Quarterly Report ending 31 March 2025: Implementation of Supply Chain Management Policy (9/1/2/2)

A memorandum from the Manager: Supply Chain, dated 4 April 2025, is attached as **annexure 8.1.3.**

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that notice be taken of the Paragraph 7(4) Quarterly Report ending 31 March 2025.
- (b) that the report supra (a) be made available to the public in terms of Section 21A of the Municipal Systems Act (Act no. 32 of 2000) after it has been tabled to Council.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Paragraph 7(4) Quarterly Report ending 31 March 2025.*
- (b) that the report supra (a) be made available to the public in terms of Section 21A of the Municipal Systems Act (Act no. 32 of 2000) after it has been tabled to Council.*

8.1.4 Finance: Rebates granted during 2023/2024 financial year (5/12/1/7)

Report from Director: Finance, dated 3 March 2025:

"1. Purpose

To table before Council all exemptions, rebates and reductions, as prescribed by the Local Government Municipal Property Rates Act Section 15(3)(a) of 2004: 'The Municipal Manager must annually table in the Council of the municipality a list of all exemption, rebates and reductions granted by the municipality during the previous financial year'.

2. Background

In terms of Subsection 15(1) of the Municipal Property Rates Act No.6 of 2004, a municipality may in terms of the criteria set out in its Rates Policy:

- (a) Exempt a specific category of owners of properties, or the owners of a specific category of properties, from payment of a rate levied on their property; or
- (b) Grant to a specific category of owners of properties, or to the owners of a specific category of properties, a rebate on or a reduction in the rates payable in respect of their properties.

Subsection 15(3) notes that, the Municipal Manager must annually table in the Council of the municipality a:

List of all exemptions, rebates and reductions granted by the municipality in terms of subsection 15(1) during the previous financial year.

The Council grants exemption on the first R120 000 property value of the following categories of property owners:

- Residential property
- Residential informal property

Additionally, Council also grants 50 % rebate to qualifying pensioners (persons older than 60 years old) on residential property rates.

A list of rebates granted during the 2023/2024 financial year is attached as **annexure 8.1.4.**

3. Legislature framework

- Municipal Rates Policy
- Municipal Property Rates Act No.6 of 2004

4. Financial implication

The total revenue foregone in respect of exemptions, reductions and rebates for the 2023/24 financial year in respect of property rates amounts to R11 189 382.00."

The Committee for Corporate and Financial Services resolved on 27 March 2025 to recommend to the Executive Mayoral Committee and Council that notice be taken of the list of exemptions, rebates and reductions granted by the municipality during the 2023/2024 financial year.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council that notice be taken of the list of exemptions, rebates and reductions granted by the municipality during the 2023/2024 financial year.

UNANIMOUSLY RESOLVED

that notice be taken of the list of exemptions, rebates and reductions granted by the municipality during the 2023/2024 financial year.

8.1.5 Amendment: Policy for the Allocation of Grants in Aid (5/15/1/P)

The following documents are attached

- (a) Memorandum from Director: Finance, dated 8 April 2025: **Annexure 8.1.5(a).**
- (b) Policy for the Allocation of Grants in Aid: **Annexure 8.1.5(b).**
- (c) MFMA Circular 131 from National Treasury: **Annexure 8.1.5(c).**

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council that the updated Policy for the Allocation of Grants in Aid be approved.

UNANIMOUSLY RESOLVED

that the updated Policy for the Allocation of Grants in Aid be approved.

8.1.6 Finance: Budget 2025/2026 and Reviewed IDP 2025/2026 (5/1/1/24 & 2/2/1)

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 22 May 2025: **Annexure 8.1.6(a).**

- (b) Reviewed IDP 2025/2026: **Annexure 8.1.6(b)**.
- (c) Budget: 2025/2026 – 2027/2028: **Annexure 8.1.6(c)**.
- (d) Budget Related Policies: 2025/2026: **Annexure 8.1.6(d)**.

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council:

- (a) that the annual budget of Witzenberg Municipality for the financial year 2025/2026; and indicative for the two projected years 2026/2027 and 2027/2028, as set out in the schedules contained in Section 4, be approved:
 - (i) Table A2: Budgeted Financial Performance (expenditure by standard classification).
 - (ii) Table A3: Budgeted Financial Performance (expenditure by municipal vote).
 - (iii) Table A4: Budgeted Financial Performance (revenue by source).
 - (iv) Table A5: Budgeted Capital Expenditure for both multi-year and single year by vote, standard classification and funding.
- (b) Property rates reflected in annexure 7.1.1(c) and any other municipal tax reflected in annexure 7.1.1(c) are imposed for the budget year 2025/2026.
- (c) Tariffs and charges reflected in annexure 7.1.1(c) are approved for the budget year 2025/2026.
- (d) The measurable performance objectives for revenue from each source reflected in Table A4 - Budgeted Financial Performance (revenue and expenditure) are approved for the budget year 2025/2026.
- (e) The measurable performance objectives for each vote reflected in SA8 are approved for the budget year 2025/2026.
- (f) that the new amended budget related policies be approved with implementation as from 1 July 2025:
 - (i) Tariff Policy
 - (ii) Property Rates Policy
 - (iii) Credit Control and Debt Collection Policy
 - (iv) Cash Management and Investment Policy
 - (v) Consumer Payment Incentive Policy
 - (vi) Municipal Supply Chain Management Policy
 - (vii) SCM Policy for infrastructure Procurement
 - (viii) Preferential Procurement Policy
 - (ix) Petty Cash Policy
 - (x) Indigent Policy

- (xi) Budget Policy
- (xii) Budget Virement Policy
- (xiii) Asset Management Policy
- (xiv) Funding and Reserves Policy
- (xv) Cellular telephone and data card policy
- (xvi) Borrowing Policy
- (xvii) Long Term Financial Plan Policy
- (xviii) Transport, Travel and Subsistence Allowance
- (xix) Post-Employment Medical Aid Contributions
- (xx) Infrastructure Investment Policy
- (xxi) Cost Containment Policy

- (g) that the reviewed Integrated Development Plan 2025/2026 be approved.
- (h) that Council takes cognisance of the budget circulars issued by National Treasury and Provincial Treasury. (Only for notice).

The Executive Mayor conveyed the following:

- That several inputs/comments were received amongst which were the following:
 - Ceres Koelkamers and Ceres Fruit Growers regarding the implementation of electricity tariffs in relation to the cost of supply study undertaken by the municipality. The municipality have considered the inputs, noted it as reasonable and proposals discussed.
 - Ceres Fruit Processors regarding the upgrades required at the Ceres waste water works dealing with the industrial effluent, which was considered by the municipality and tentative provision made for a capital project to address the client's request (short and long term).
- Other inputs were noted, but it was mostly about day to day matters which did not of significant impact on the budget, but lead to revisiting the needs as depicted in the IDP Needs Analysis such as that of Wards 1 and 12. Similarly the needs and aspirations of all other Wards were considered.
- It must, however, be noted that the Executive Mayor is not able to do much if there are no inputs from the community and furthermore, Council cannot budget for bad debt based on the poor revenue collection of Witzenberg, as it is not sustainable.

The following concerns or comments were raised by the Councillors:

- The important issue of sportsgrounds to accommodate soccer in Witzenberg, which was not addressed by the Executive Mayor.
- Digitization and engaging with the youth and how internet services and access will be brought into the community of Nduli.
- Awareness campaigns in the communities to address the importance of paying municipal accounts.

- Informal settlement fire campaigns which are not taking place as well as the lack of provision of water in informal settlements which is a basic right.
- The Executive Mayor was thanked for taking note of the school children and their needs, but that further consideration must be given to aftercare facilities and playgrounds, which are not utilised for their intended purpose.
- That immigration is also a matter of concern which must be addressed and that the indigent amount must be revisited.

The Witzenberg budget team was commended for presenting an all-inclusive budget plan which reflects responsible governance and fiscal responsibility.

UNANIMOUSLY RESOLVED

- (a) *that the annual budget of Witzenberg Municipality for the financial year 2025/2026; and indicative for the two projected years 2026/2027 and 2027/2028, as set out in the schedules contained in Section 4, be approved:*
 - (i) *Table A2: Budgeted Financial Performance (expenditure by standard classification).*
 - (ii) *Table A3: Budgeted Financial Performance (expenditure by municipal vote).*
 - (iii) *Table A4: Budgeted Financial Performance (revenue by source).*
 - (iv) *Table A5: Budgeted Capital Expenditure for both multi-year and single year by vote, standard classification and funding.*
- (b) *Property rates reflected in annexure 8.1.6(c) and any other municipal tax reflected in annexure 8.1.6(c) are imposed for the budget year 2025/2026.*
- (c) *Tariffs and charges reflected in annexure 8.1.6(c) are approved for the budget year 2025/2026.*
- (d) *The measurable performance objectives for revenue from each source reflected in Table A4 - Budgeted Financial Performance (revenue and expenditure) are approved for the budget year 2025/2026.*
- (e) *The measurable performance objectives for each vote reflected in SA8 are approved for the budget year 2025/2026.*
- (f) *that the new amended budget related policies be approved with implementation as from 1 July 2025:*
 - (i) *Budget Policy*
 - (ii) *Tariff Policy*
 - (iii) *Property Rates Policy*
 - (iv) *Credit Control and Debt Collection Policy*
 - (v) *Cash Management and Investment Policy*
 - (vi) *Consumer Payment Incentive Policy*

- (vii) Petty Cash Policy*
- (viii) Indigent Policy*
- (ix) Budget Virement Policy*
- (x) Asset Management Policy*
- (xi) Funding and Reserves Policy*
- (xii) Borrowing Policy*
- (xiii) Cellular Telephone and Data Card Policy*
- (xiv) SCM Policy for Infrastructure Procurement*
- (xv) Preferential Procurement Policy*
- (xvi) Long Term Financial Plan Policy*
- (xvii) Post-Employment Medical Aid Contributions*
- (xviii) Infrastructure Investment Policy*
- (xix) Cost Containment Policy*
- (xx) Transport, Travel and Subsistence Allowance*
- (xxi) Asset Loss Policy*
- (xxii) Allocation of Grant in Aid Policy*

- (g) that the reviewed Integrated Development Plan 2025/2026 be approved.*
- (h) that Council takes cognisance of the budget circulars issued by National Treasury and Provincial Treasury. (Only for notice).*

8.1.7 Finance: Consideration of approval of long-term loan (8/2/22/17)

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 22 May 2025:
Annexure 8.1.7(a).
- (b) Combined annexures regarding loan: **Annexure 8.1.7(b).**

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council that notice be taken of the long-term loan in terms of Section 46 of the Municipal Finance Management Act to finance the upgrading of the Ceres Power Station as stipulated in the respective tender documents and Public Participation Process.

UNANIMOUSLY RESOLVED

that notice be taken of the long-term loan in terms of Section 46 of the Municipal Finance Management Act to finance the upgrading of the Ceres Power Station as stipulated in the respective tender documents and Public Participation Process.

8.2 Directorate Technical Services / Direktooraat Tegniese Dienste

8.2.1 Draft House Shop By-law (1/3/1/33)

Report from Municipal Manager, dated 17 February 2025:

"Purpose

To consider the Draft House Shop By-law, which will amend Council's current House Shop By-law and to take into consideration the proposal from the National Minister of COGTA to manage spaza/house shop by-laws within the jurisdictional area of the municipality.

Background

A National Disaster has been declared on spaza shops selling contaminated food and items of which the selling date has expired. Council discussed the by-law of COGTA at its Council meeting of December 2024 where it was resolved that Council's current by-law will be amended to incorporate some of the proposals that have been made by COGTA.

The Draft House Shop By-law, which presents some of the amendments made, is attached as **annexure 8.2.1.**"

The Executive Mayoral Committee resolved on 24 February 2025 to recommend to Council that the item be workshopped and thereafter that Council considers the following recommendation:

- (a) That notice be taken of the tabled Draft House Shop By-law.
- (b) That a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.

Council unanimously resolved on 31 March 2025 that the item related to Draft House Shop By-law be held in abeyance and workshopped by Council.

The draft by-law was workshopped by Council on 16 April 2025.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that notice be taken of the tabled Draft House Shop By-law.
- (b) that a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.

Councillor A Gili noted that concerns regarding foreign nationals operating Spaza shops in the various wards which are registered by South Africans, thus noting various loopholes which exist. A workshop will be held by the Department regarding how to register and operate Spaza Shops as well as available funding for spaza shops.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the tabled Draft House Shop By-law.*
- (b) *that a Public Participation Process be followed to obtain inputs and to refer the draft by-law back to Council for approval.*

8.2.2 Permanently restricting access for purposes of one-way street: Prince Alfred's Hamlet: Reid Street (from Astrid Avenue to Herta Avenue) and Herta Avenue (from Reid Street to Abraham Street) (16/4/2)

The following documents are attached:

- (a) Letter from St Marks Primary School, dated 8 March 2024: **Annexure 8.2.2(a).**
- (b) Report from the Senior Manager: Streets and Storm Water, dated 11 November 2024: **Annexure 8.2.2(b).**

The Committee for Technical Services resolved on 15 April 2025 to recommend to the Executive Mayoral Committee and Council:

- (a) Change Reid Street (from Astrid Avenue to Herta Avenue) to a one-way street in a westerly direction.
- (b) Change Herta Avenue (from Reid Street to Abraham Street) to a one-way street in a northerly direction for continuation of the loop.
- (c) Provide formal parallel parking bays on the southern side of the road for parents and taxis doing drop-offs.
- (d) Place the required road signs and signage for one-way streets according to the South African Traffic Signs Manual.
- (e) In accordance with Provincial Gazette for Western Cape no. 6307 of 14 October 2005, Witzenberg Municipality: By-law relating to streets, Section 35(2), give notice of such intention in the local newspaper in at least two official languages.

- (f) In accordance with Provincial Gazette for Western Cape no. 6307 of 14 October 2005, Witzenberg Municipality: By-law relating to streets, Section 35(3), any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification for submission to Council to decide upon it.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) Change Reid Street (from Astrid Avenue to Herta Avenue) to a one-way street in a westerly direction.
- (b) Change Herta Avenue (from Reid Street to Abraham Street) to a one-way street in a northerly direction for continuation of the loop.
- (c) Provide formal parallel parking bays on the southern side of the road for parents and taxis doing drop-offs.
- (d) Place the required road signs and signage for one-way streets according to the South African Traffic Signs Manual.
- (e) In accordance with Provincial Gazette for Western Cape no. 6307 of 14 October 2005, Witzenberg Municipality: By-law relating to streets, Section 35(2), give notice of such intention in the local newspaper in at least two official languages.
- (f) In accordance with Provincial Gazette for Western Cape no. 6307 of 14 October 2005, Witzenberg Municipality: By-law relating to streets, Section 35(3), any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification for submission to Council to decide upon it.

Councillor GG Laban raised concerns regarding the implementation of a one-way street as well as the effect on the traffic flow and enquired why Law Enforcement could not regulate traffic to prevent such fruitless expenditure. Furthermore, that an extensive Public Participation Process take place to note concerns raised.

Caucus break requested by the Democratic Alliance and its coalition at 12:40 and the meeting resumed at 13:00.

RESOLVED

that the matter related to Permanently restricting access for purposes of one-way street: Prince Alfred's Hamlet: Reid Street (from Astrid Avenue to Herta Avenue) and Herta Avenue (from Reid Street to Abraham Street), be held in abeyance.

The meeting adjourned for lunch from 13:06 until 13:55.

Alderman K Adams was excused from the meeting at 14:00.

8.3 Directorate Community Services / Direktooraat Gemeenskapsdienste

8.3.1 Proposed By-law: Municipal parks and open spaces (1/3/R)

Council unanimously resolved on 12 November 2024 that the matter in respect of the Proposed By-law: Municipal parks and open spaces be advertised for public comments and after that be referred back to Council for further consideration.

The following documents are attached:

- (a) Memorandum from the Senior Manager: Legal Services, dated 17 March 2025: **Annexure 8.3.1(a)**.
- (b) By-law Public Parks: **Annexure 8.3.1(b)**.

The Executive Mayoral Committee resolved on 26 March 2025 to recommend to Council that the By-law for Municipal Parks and Open Spaces be adopted and published in the Government Gazette.

Council unanimously resolved on 31 March 2025 that the item regarding the By-law for Municipal Parks and Open Spaces be held in abeyance.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council that the By-law for Municipal Parks and Open Spaces be adopted and published in the Government Gazette.

UNANIMOUSLY RESOLVED

that the By-law for Municipal Parks and Open Spaces be adopted and published in the Government Gazette.

8.3.2 Prince Alfred's Hamlet: Hamlet Sports Club: Proposed Cooperation Agreement with municipality in respect of operation of sports facilities (5/5/1)

A memorandum from the Manager: Environment and Amenities, dated 25 April 2024, is attached as **annexure 8.3.2**.

The following enquiries were made and noted by the Committee for Community Development:

- that the sportsgrounds are communal property and after engaging with six (6) community organisations regarding the sports fields, various concerns were raised.
- whether the Witzenberg Sports Council and Forums are functioning and why Ward Councillors are not informed or invited.
- that the hiring costs of Op-die-Berg sports field have not been reduced after Council approved a reduction in costs.

The Manager: Environment and Amenities noted that 50 % reduction in hiring costs were approved by Council and that said resolution was distributed to all offices, but will follow up on the matter. Furthermore, that the Sports Council and Forums are not active and that the position of the Sports Development Officer is currently still vacant.

The Committee for Community Development resolved on 13 March 2025 to recommend to the Executive Mayoral Committee and Council:

- (a) that the Council concludes an agreement with Prince Alfred's Hamlet Sports Club for 12 months with the possibility of extending it for a further term.
- (b) that supra (a) serves as the basis for the agreement.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that the Council concludes an agreement with the Prince Alfred's Hamlet Sports Club for 12 months with the possibility of extending it for a further term.
- (b) that an agreement be drafted by the Manager: Legal Services to give effect to Council's resolution and that the Municipal Manager be mandated to sign the agreement.
- (c) that Council's intention to conclude an agreement with the Prince Alfred's Hamlet Sports Club be advertised for any objections.

UNANIMOUSLY RESOLVED

- (a) *that the Council concludes an agreement with the Prince Alfred's Hamlet Sports Club for 12 months with the possibility of extending it for a further term.*
- (b) *that an agreement be drafted by the Manager: Legal Services to give effect to Council's resolution and that the Municipal Manager be mandated to sign the agreement.*
- (c) *that Council's intention to conclude an agreement with the Prince Alfred's Hamlet Sports Club be advertised for any objections.*

**8.3.3 Disaster Risk Reduction Plan: Witzenberg Municipality
(17/7/3/2)**

The following documents are attached:

- (a) Letter from Department of Local Government, dated 25 February 2025: **Annexure 8.3.3(a).**

(b) Disaster Risk Reduction Plan: **Annexure 8.3.3(b)**.

The Committee for Community Development resolved on 13 March 2025 to recommend to the Executive Mayoral Committee and Council that notice be taken of the Disaster Risk Reduction Plan for Witzenberg Municipality.

The Executive Mayoral Committee resolved on 20 May 2025 that notice be taken of the Disaster Risk Reduction Plan for Witzenberg Municipality.

UNANIMOUSLY RESOLVED

that the Disaster Risk Reduction Plan for Witzenberg Municipality be workshopped by Council.

**8.3.4 Redevelopment of LED Strategy
(17/19/1)**

A report from the Manager: Local Economic Development, dated 9 May 2025, is attached as **annexure 8.3.4**.

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council that the Redevelopment of the LED Strategy be workshopped by Council.

UNANIMOUSLY RESOLVED

that the Redevelopment of the LED Strategy be workshopped by Council.

**8.3.5 Witzenberg Municipal Service Charter
(2/2/2)**

A report from the Manager: Local Economic Development, dated 9 May 2025, is attached as **annexure 8.3.5**.

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council that the Witzenberg Municipal Service Charter be workshopped by Council.

UNANIMOUSLY RESOLVED

that the Witzenberg Municipal Service Charter be workshopped by Council.

8.4 Directorate Corporate Services / Direktooraat Korporatiewe Dienste

8.4.1 Dunlop Business in a Box Initiative (7/1/4/1)

A memorandum from the Manager: Local Economic Development, dated 30 September 2024, is attached as **annexure 8.4.1(a)**.

The Committee for Local Economic Development and Tourism, resolved on 21 November 2024:

- (a) that the Committee for Local Economic Development and Tourism approves the three (3) identified erven for the development of the Dunlop Business in a Box Initiative.
- (b) that consideration be given to deviate from the bulk services and that the cost be for the municipality, despite the business initiative, to further promote it as an affordable economic project.
- (c) that the matter in respect of the three (3) identified erven for the development of the Dunlop Business in a Box Initiative be referred to the Committee for Corporate and Financial Services for further inputs and thereafter to Council for approval.

The Committee for Corporate and Financial Services resolved on 27 March 2025:

- (a) that a comprehensive report be tabled to the Committee for Corporate and Financial Services, clarifying the sites to be considered and rental details.
- (b) that a Special Committee for Corporate and Financial Services meeting be scheduled to deal with supra (a).

A memorandum from the Manager: Local Economic Development, dated 4 April 2025, is attached as **annexure 8.4.1(b)**.

The Committee for Corporate and Financial Services resolved on 15 April 2025 to recommend to the Executive Mayoral Committee and Council:

- (a) that notice be taken of all comments received from the departments as contained in the item.
- (b) that the lease period be determined.
- (c) that the rental amount to be paid, be determined.
- (d) that the cost of the kerbing for erf 389 be determined (see comment of Streets and Storm Water) and to determine who will be responsible for the cost.
- (e) that Council determines who will be responsible for the Bulk Service Cost (Bulk distribution costs of R124 863-78 per erf).

- (f) Municipal Services costs
 - (i) that all the identified erven be rezoned to Business and to determine who will be responsible for the rezoning costs.
 - (ii) that erf 389 Tulbagh; erf 1722 Wolseley and erf 5958 Nduli be subdivided and that Council considers the portion size of 500 square meters and who will be responsible for the costs.
 - (iii) that the lease agreement be subject to the successful subdivision and rezoning.
 - (iv) that a Public Participation Process be followed.

The Executive Mayoral Committee resolved on 20 May 2025 to recommend to Council:

- (a) that notice be taken of all comments received from the departments as contained in the item.
- (b) that a lease period of 5 years be signed with Dunlop and/or the nominated entrepreneur.
- (c) that the rental amount not be market related and that the rental amount be determined by the Municipal Manager.
- (d) that the cost of the kerbing for erf 389 be carried by the municipality.
- (e) that the Bulk Service Cost (bulk distribution costs of R124 863-78 per erf) be budgeted for by the municipality.
- (f) Municipal Services costs
 - (i) that all the identified erven be rezoned to Business and to determine who will be responsible for the rezoning costs.
 - (ii) that erf 389 Tulbagh; erf 1722 Wolseley and erf 5958 Nduli be subdivided and that Council considers the portion size of 500 square meters and all costs for the subdivision be carried by Council.
 - (iii) that the lease agreement be subject to the successful subdivision and rezoning.
 - (iv) that a Public Participation Process be followed.

The following concerns were raised by the meeting:

- that the approval be based on the fact that the school be a combined school to address the shortfalls experienced by scholars within the Witzenberg district as an integrated school is required to cater for primary and secondary learners.
- That the existing needs be met first, which relates to Prince Alfred's Hamlet.
- That the Department of Education provides clarity regarding the proposed location and criteria considered.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of all comments received from the departments as contained in the item.*
- (b) *that a lease period of 5 years be signed with Dunlop and/or the nominated entrepreneur with the option to extend for another 5 years.*
- (c) *that the rental amount not be market related and that the rental amount be determined by the Municipal Manager.*
- (d) *that the cost of the kerbing for erf 389 be carried by the municipality.*
- (e) *that the Bulk Service Cost (bulk distribution costs of R124 863-78 per erf) be budgeted for by the municipality.*
- (f) *Municipal Services costs*
 - (i) *that all the identified erven be rezoned to Business and to determine who will be responsible for the rezoning costs.*
 - (ii) *that erf 389 Tulbagh; erf 1722 Wolseley and erf 5958 Nduli be subdivided and that Council considers the portion size of 500 square meters and all costs for the subdivision be carried by Council.*
 - (iii) *that the lease agreement be subject to the successful subdivision and rezoning.*
 - (iv) *that a Public Participation Process be followed.*

**8.4.2 Ward Committee Policy: Review and amendments 2025
(3/3/P)**

The Ward Committee Policy is attached as **annexure 8.4.2.**

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council that the reviewed and amended Ward Committee Policy, as was workshopped, be approved and adopted.

UNANIMOUSLY RESOLVED

that the reviewed and amended Ward Committee Policy, as workshopped, be approved and adopted.

8.4.3 Erf 787, Tulbagh: Selling of erf for residential as well as kennel facility purposes: Objections and comments (7/1/4/2)

A report (with annexures) from the Senior Manager: Legal Services, dated 12 May 2025, is attached as **annexure 8.4.3**.

The Executive Mayoral Committee resolved on 27 May 2025:

- (a) that the Executive Mayoral Committee takes notice of all objections and comments received.
- (b) that the Executive Mayoral Committee recommends to Council:

that erf 787, Tulbagh be sold as a residential erf in terms of the Supply Chain process.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of all objections and comments received.*
- (b) *that erf 787, Tulbagh be sold as a residential erf in terms of the Supply Chain process.*

8.4.4 Request for transfer and immediate Power of Attorney of erf 9230, Ceres in Vredebos to the Western Cape Government for educational purposes (7/1/4/2)

Report from Municipal Manager, dated 22 May 2025:

"Purpose

For Council to consider a request from the Western Cape Education Department to provide the said department with a Power of Attorney to proceed with the development of a new primary school at Vredebos.

Deliberation

With the development of the Vredebos housing project provision was also made for the building of schools. Erf 9230 was earmarked for the construction of a primary school.

The Municipal Manager has now received communication from the Western Cape Education Department that they urgently want to proceed with the building of a school which will enable the department to enrol learners for the 2026 academic year. A copy of the letter from the department is attached as **annexure 8.4.4(a)**.

The purpose of the Power of Attorney is to apply for rights on erf 9230, Ceres and to submit all the necessary applications including, but not limited to, any land use management, planning, environmental, heritage and any other development rights application in terms of relevant legislation. The Power of Attorney will also enable the department to apply for all the necessary municipal service connection applications on erf 9230. A copy of the layout of Vredebes as well as a Google map is attached as **annexure 8.4.4(b)**.

Financial implications

The Department of Education will have to pay for all bulk levies as well as development cost of the particular erf.

Legal implication

Council must take a resolution that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services."

The Executive Mayoral Committee resolved on 27 May 2025 to recommend to Council:

- (a) that the Municipal Manager mandates the Western Cape Education Department with the Power of Attorney to proceed with all necessary applications in terms of relevant legislation for the development of erf 9230, Ceres and the construction of a primary school.
- (b) that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services.
- (c) that the Western Cape Education Department be responsible for the payment of all bulk levies applicable on erf 9230, Ceres as well as the development cost of the said erf.
- (d) that the Western Cape Education Department be responsible for all costs incidental to the transfer of the erf in the name of the department.
- (e) that the Municipal Manager be mandated to sign all the necessary documentation to effect the transfer.

The Executive Mayor proposed that the following be added to the recommendation:

- (f) that the Department of Education be invited to address Council with regards to education within the Witzenberg.

A counter proposal that the school be a combined school was tabled by Councillor A Gili.

The matter was taken to vote:

Votes in favour of the proposal by the Executive Mayor	17 votes
Votes in favour of the counter proposal by Councillor A Gili	3 votes
Councillors abstained from voting	2
Councillors not in attendance	<u>1</u>
Total	<u>23</u>

RESOLVED

- (a) that the Municipal Manager mandates the Western Cape Education Department with the Power of Attorney to proceed with all necessary applications in terms of relevant legislation for the development of erf 9230, Ceres and the construction of a primary school.*
- (b) that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services.*
- (c) that the Western Cape Education Department be responsible for the payment of all bulk levies applicable on erf 9230, Ceres as well as the development cost of the said erf.*
- (d) that the Western Cape Education Department be responsible for all costs incidental to the transfer of the erf in the name of the department.*
- (e) that the Municipal Manager be mandated to sign all the necessary documentation to effect the transfer.*
- (f) that the Department of Education be invited to address Council with regard to education within the Witzenberg area.*

**9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA
DRINGENDE SAKE NA AFSENDING VAN DIE AGENDA**

None / Geen

NOTED / AANGETEKEN

**10. FORMAL AND STATUTORY MATTERS
FORMELE EN STATUTÊRE SAKE**

**10.1 Feedback on matters of outside bodies
Terugvoering oor sake van buite-organisasies
(3/R)**

The Speaker urged Councillors who attended the SALGA Provincial Working Group meetings to submit their reports for inclusion at the next Council meeting.

NOTED.

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS
VRAE en/of SAKE DEUR RAADSLEDE GEOPPER
(3/1/2/2)**

The following matters were raised by Councillors:

- Disturbing matter and answers required as to why the sports field cannot be used as a football area.
- Removal of LLF Committee members without consultation.
- Spaza shops operated by foreign nationals from shacks which were supposed to be demolished.
- Several complaints received from residents that certain spaza shops are overcharging on electricity.
- When the Sport Committees of Council will be functional.
- Law Enforcement Officers to visit current house shops to determine who are all operating in the wards.
- Despite there being Law Enforcement in Witzenberg, certain schools do not have scholar patrols, especially in the Rooikamp area.

RESOLVED

- (a) *that the Executive Mayor will respond in terms of the Local Labour Forum.*
- (b) *that the Municipal Manager will revert on Monday regarding the matter of the foreign nationals operating from shacks which should have been demolished.*
- (c) *that all questions raised, must be submitted in writing to be addressed at the Council meeting.*

12. COUNCIL-in-COMMITTEE / RAAD-in-KOMITEE

These items are dealt with in the confidential minutes.

Approved on 30 July 2025.