

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 26 JULY 2017 AT 10:00

PRESENT

Councillors

TT Godden (Speaker)
BC Klaasen (Executive Mayor)
K Adams (Deputy Executive Mayor)
TE Abrahams
P Daniels
P Heradien
DM Jacobs
D Kinnear
GG Laban
C Lottering
M Mdala
TP Mgoboza
ZS Mzauziwa
N Phatsoane
JT Phungula
EM Sidego
RJ Simpson
D Swart
HF Visagie
JJ Visagie

Aldermen

JW Schuurman
HJ Smit

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzingen (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Ms L Nieuwenhuis (Legal Advisor)
Mr A Hofmeester (IDP Manager)
Mr CG Wessels (Manager: Administration)
Mr C Titus (Committee Clerk)

Other representatives

Mr N Bettesworth (Ceres Business Initiative)

1. OPENING AND WELCOME

The Speaker welcomed everyone present after which he requested Councillor P Heradien to open the meeting with a prayer.

NOTED

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

Councillor SJ Hugo (ANC) was absent again. This matter was discussed at item 12.2.1.

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

- Councillor D Swart (DA) conveyed, on behalf of Council, congratulations to the following councillors and spouses on their respective birthdays:
 - Councillor N Phatsoane 2 June
 - Ms Joan Lottering 3 June
 - Councillor K Adams 5 June
 - Councillor D Kinnear 24 June
 - Ms Elmarie Smit 29 June
 - Ms Maggie Abrahams 30 June
 - Councillor ZS Mzauziwa 18 July
- Councillor J Phungula (ANC) commemorated, on behalf of Council, the birthday of former President Nelson Mandela and referred to the meaning of the International Mandela Day.
- Councillor DM Jacobs (EFF) informed Council that the EFF had celebrated their fourth birthday.

NOTED

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

The Speaker, on behalf of Council, expressed condolences to Councillor EM Sidego (DA) on the passing away of her brother. Council held a moment of silence.

NOTED

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

- (a) The Executive Mayor, Councillor BC Klaasen, expressed condolences to the family of Zandisile Mr Freddy Mqungquthu, a business leader, on his passing away.
- (b) The Executive Mayor also expressed condolences to the families of Witzenberg inhabitants who had passed away:
 - (i) Mr Kholisile Gassi and
 - (ii) Ms Simmy van de Rhee due to a taxi accident in Michell's Pass.
 - (iii) To all the families who had lost loved ones during Council's recess.
- (c) The Executive Mayor referred to the challenges facing the municipality with regard to water shortages, cleaning of towns, electricity problems and taxi and housing matters.
- (d) The Executive Mayor mentioned that the performance of Council since the inauguration has been satisfactory and that the standard be raised further in the future.

NOTED

4. MINUTES

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

The following documents are attached:

- (a) Report of council workshop, held on 25 May 2017: **Annexure 4.1(a)**.
- (b) Minutes of council meeting, held on 30 May 2017: **Annexure 4.1(b)**.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the report of the council workshop, held on 25 May 2017.*
- (b) *that the minutes of the council meeting, held on 30 May 2017, be approved and signed by the Speaker.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

None

NOTED

6. INTERVIEWS WITH DELEGATIONS

None

NOTED

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The reports/minutes of the following meetings are attached:

- (a) Executive Mayor and Mayoral Committee, held on 22 March 2017: **Annexure 7.1(a)**.
- (b) Committee for Technical Services, held on 27 March 2017: **Annexure 7.1(b)**.
- (c) Committee for Housing Matters, held on 6 April 2017: **Annexure 7.1(c)**.
- (d) Performance, Risk and Audit Committee, held on 5 May 2017: **Annexure 7.1(d)**.
- (e) Special Executive Mayor and Mayoral Committee, held on 15 May 2017: **Annexure 7.1(e)**.
- (f) Committee for Community Development, held on 18 May 2017: **Annexure 7.1(f)**.
- (g) Committee for Corporate and Financial Services, held on 18 May 2017: **Annexure 7.1(g)**.
- (h) Committee for Housing Matters, held on 1 June 2017: **Annexure 7.1(h)**.

Councillor JT Phungula requested that Council discuss the Bella Vista Housing Project in terms of item 7.1(c).

Councillor P Heradien requested that Council discuss farm evictions in terms of item 7.1(c).

UNANIMOUSLY RESOLVED

- (a) *that the Municipal Manager submits an item in respect of the Bella Vista Housing Project at the next council meeting.*
- (b) *that the Municipal Manager submits an item in respect of farm evictions at the next council meeting.*
- (c) *that notice be taken of the minutes of the committee meetings and the same be accepted.*

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktoraat Finansies / Directorate Finance

8.1.1 Section 71 Reports: Monthly reports of the Department Finance: April and May 2017 (9/1/2/2)

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 29 June 2017.
- (b) Item 6.4.1 of the Performance, Risk and Audit Committee meeting, held on 30 June 2017.
- (c) Item 7.1.1 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017.

The following monthly reports of the Department Finance are attached:

- (a) April 2017 **Annexure 8.1.1(a)**
- (b) May 2017 **Annexure 8.1.1(b)**

The Committee for Corporate and Financial Services unanimously resolved on 29 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

that the content of the monthly reports of the Department Finance for April and May 2017 be noted and the same be accepted.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 30 June 2017:

"The Director: Finance tabled the Section 71 Reports of the Department Finance for April and May 2017.

The following matters were highlighted:

- The Performance, Risk and Audit Committee requested an update pertaining to the implementation process of mSCOA and that a report be tabled at the next meeting.
- Enquired by the Performance, Risk and Audit Committee it was resolved that the Director: Finance will investigate:
 - The reasons why the number of gates closed, increased.
 - Why the meter reader cannot find the meter.
- The Director: Finance provided clarity on the following matters to the satisfaction of the Performance, Risk and Audit Committee:
 - Traffic fines.
 - Government grants capital.
 - Reduce deviations by implementing tenders.
 - The amount of R1 094 360-78 for repairs and maintenance of the swimming pool at *Die Eiland* Resort.
 - The reason for an "impractical" for legal services rendered by Regan Brown Attorneys.

The Performance, Risk and Audit Committee resolved on 30 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

That notice be taken of the Section 71 monthly reports of the Department Finance for April and May 2017 and the same be accepted."

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Section 71 monthly reports of the Department Finance for April and May 2017 and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Section 71 monthly reports of the Department Finance for April and May 2017 and the same be accepted.

**8.1.2 Monthly report: Service Delivery and Budget Implementation Plan: May 2017
(5/1/5/9)**

Item 7.1.2 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017, refers.

The Service Delivery and Budget Implementation Plan monthly report for May 2017 is attached as **annexure 8.1.2**.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Service Delivery and Budget Implementation Plan monthly report for May 2017 and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Service Delivery and Budget Implementation Plan monthly report for May 2017 and the same be accepted.

**8.1.3 Risk Management report: 3rd Quarter 2016/2017
(5/14/2)**

The following items refer:

- (a) Item 6.3.1 of the Performance, Risk and Audit Committee meeting, held on 5 May 2017.
- (b) Item 7.1.3 of the Executive Mayor and Mayoral Committee's meeting held on 24 July 2017.

The Risk Management report for the third quarter of 2016/2017, dated March 2017, is attached as **annexure 8.1.3**.

The following matters/remarks were highlighted in respect of the Risk Management Report for the third quarter of 2016/2017:

- (a) The Performance, Risk and Audit Committee requested that the Head: Internal Audit compiles and submits a progress report in respect of Information and Communication Technology assessment at the next meeting.
- (b) The Performance, Risk and Audit Committee requested that the Head: Internal Audit regularly updates the report and that same serves as a guideline for future discussions.

The Performance, Risk and Audit Committee unanimously resolved on 5 May 2017:

- (a) that the Head: Internal Audit compiles and submits a progress report in respect of Information and Communication Technology assessment at the next meeting.
- (b) that the Head: Internal Audit keeps the Risk Management Report updated in order that the document serves as a guideline for future discussions.
- (c) To recommend to the Executive Mayor and Mayoral Committee and Council:

that the Performance, Risk and Audit Committee takes note of the Risk Management Report for the third quarter of 2016/2017 and same be accepted.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Risk Management Report for the third quarter of 2016/2017 and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Risk Management Report for the third quarter of 2016/2017 and the same be accepted.

**8.1.4 Submission of Final 2017/2018 Top Layer SDBIP
(5/1/5/10)**

The following items refer:

- (a) Item 7.1.2 of the Executive Mayor and Mayoral Committee meeting, held on 22 March 2017.
- (b) Item 8.1.2 of the council meeting, held on 29 March 2017.
- (c) Item 7.1.4 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017.

The following memorandum, dated 16 March 2017, was received from the Manager: Projects and Performance:

“The Municipal Finance Management Act No. 56 of 2003 (MFMA) and National Treasury MFMA Circular No. 13 requires 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 above-mentioned legislation and published on the municipal website.

The attached Final 2017/18 Top Layer SDBIP (**annexure 8.1.4**) only includes proposed non-financial targets at this stage as financial targets can only be included after the approval of the 2017/18 Budget.”

The Executive Mayor and Mayoral Committee resolved on 22 March 2017 to recommend to Council that the matter in respect of the submission of the Draft 2017/2018 Top Layer SDBIP be workshopped by Council.

Council unanimously resolved on 29 March 2017 that the matter in respect of the submission of the Draft 2017/2018 Top Layer SDBIP be workshopped by Council and thereafter be tabled for approval.

The matter was discussed at the council workshop held on 25 May 2017.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Final 2017/18 Top Layer SDBIP.

UNANIMOUSLY RESOLVED

that notice be taken of the Final 2017/18 Top Layer SDBIP.

8.1.5 Supply Chain Management: Disposal of movable capital assets in terms of Section 14(4) of the Municipal Finance Management Act (6/1/2)

The following items refer:

- (a) Item 7.1.5 of the Executive Mayor and Mayoral Committee meeting, held on 29 May 2017.
- (b) Item 8.1.7 of the council meeting, held on 30 May 2017.
- (c) Item 7.1.5 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 25 January 2017: **Annexure 8.1.5(a)**.
- (b) List of assets to be disposed of: 2016/2017: **Annexure 8.1.5(b)**.
- (c) List of assets to be sold: 2016/2017: **Annexure 8.1.5(c)**.

The following recommendation was tabled to the Executive Mayor and Mayoral Committee on 29 May 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (i) That Council approves the disposal of assets as attached as annexures 7.1.5(b) and 7.1.5(c).
- (ii) That the Supply Chain Management Unit proceeds with the disposal of assets in accordance with paragraph 49(4) of Council's Supply Chain Management Policy.

The Executive Mayor and Mayoral Committee resolved on 29 May 2017 that the matter in respect of the disposal of movable assets in terms of Section 14(4) of the Municipal Finance Management Act be held in abeyance until the next meeting.

Council unanimously resolved on 30 May 2017 that the matter in respect of the disposal of movable assets in terms of Section 14(4) of the Municipal Finance Management Act be held in abeyance until the next meeting.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (i) that Council approves the disposal of assets as attached as annexures 7.1.5(b) and 7.1.5(c).
- (ii) that the Supply Chain Management Unit proceeds with the disposal of assets in accordance with paragraph 49(4) of Council's Supply Chain Management Policy.

RESOLVED

- (a) *that Council approves the disposal of assets as attached as annexures 8.1.5(b) and 8.1.5(c).*
- (b) *that the Supply Chain Management Unit proceeds with the disposal of assets in accordance with paragraph 49(4) of Council's Supply Chain Management Policy.*
- (c) *that a report in respect of the disposal of the assets be tabled to Council at the first meeting after the auction, which must include all the assets disposed of, the benefit/profit made and the remaining assets not sold.*
- (d) *that the Policy: Disposal of movable capital assets in terms of Section 14(4) of the Municipal Finance Management Act be tabled to Council for amendments.*

**8.1.6 Performance, Risk and Audit Committee Charter: 2017/2018
(5/14/3)**

The following items refer:

- (a) Item 6.1.2 of the Performance, Risk and Audit Committee meeting, held on 30 June 2017.
- (b) Item 7.1.6 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

The Performance, Risk and Audit Committee Charter for 2017/2018, dated July 2017, is attached as **annexure 8.1.6**.

The document has been workshopped by the Performance, Risk and Audit Committee on 9 June 2017.

The Head: Internal Audit tabled the Performance, Risk and Audit Committee Charter.

The Performance, Risk and Audit Committee resolved on 30 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

that notice be taken of the Performance, Risk and Audit Committee Charter for 2017/2018 and the same be accepted.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Performance, Risk and Audit Committee Charter for 2017/2018 and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Performance, Risk and Audit Committee Charter for 2017/2018 and the same be accepted.

**8.1.7 Fraud and Corruption Prevention Policy and Response Plan
(5/14/P)**

The following items refer:

- (a) Item 6.3.1 of the Performance, Risk and Audit Committee meeting, held on 30 June 2017.
- (b) Item 7.1.7 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

The Draft Fraud and Corruption Prevention Policy and Response Plan, dated July 2017, is attached as **annexure 8.1.7**.

The document has been workshopped by the Performance, Risk and Audit Committee on 9 June 2017.

The Head: Internal Audit tabled the Fraud and Corruption Prevention Policy and Response Plan.

The Performance, Risk and Audit Committee resolved on 30 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

that notice be taken of the Fraud and Corruption Prevention Policy and Response Plan and the same be accepted.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Fraud and Corruption Prevention Policy and Response Plan and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Fraud and Corruption Prevention Policy and Response Plan and the same be accepted.

**8.1.8 Fraud and Corruption Prevention Strategy
(5/14/P)**

The following items refer:

- (a) Item 6.3.2 of the Performance, Risk and Audit Committee meeting, held on 30 June 2017.
- (b) Item 7.1.8 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

The Fraud and Corruption Prevention Strategy, dated July 2017, is attached as **annexure 8.1.8**.

The document has been workshopped by the Performance, Risk and Audit Committee on 9 June 2017.

The Head: Internal Audit tabled the Fraud and Corruption Prevention Strategy.

The Performance, Risk and Audit Committee resolved on 30 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

that notice be taken of the Fraud and Corruption Prevention Strategy and the same be accepted.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the Fraud and Corruption Prevention Strategy and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Fraud and Corruption Prevention Strategy and the same be accepted.

**8.1.9 Draft Review IDP and Budget Process Plan for 2018 - 2019
(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 & 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 2018 - 2019 IDP and Budget cycle is attached as **annexure 8.1.9**.

UNANIMOUSLY RESOLVED

that Council takes notice of the Draft Review IDP and Budget Process Plan for 2018 - 2019.

8.2 Direktoraat Tegniese Dienste / Directorate Technical Services

8.2.1 Interim adoption of the Section 8 Zoning Scheme and amendment of the “Agriculture” and “Agricultural Industry” definitions (15/4/P)

The following items refer:

- (a) Item 8.2.2 of the council meeting, held on 18 May 2016.
- (b) Item 7.2.1 of the Executive Mayor and Mayoral Committee meeting, held on 6 October 2016.
- (c) Item 8.2.2 of the council meeting, held on 26 October 2016.
- (d) Item 7.3 of the meeting of the Committee for Technical Services, held on 23 November 2016.
- (e) Item 7.2.4 of the Executive Mayor and Mayoral Committee meeting, held on 9 December 2016.
- (f) Item 8.2.4 of the council meeting, held on 13 December 2016.
- (g) Item 5.2 of the special council meeting, held on 16 January 2017.
- (h) Item 7.2.1 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017.

Council resolved on 18 May 2016:

- (a) that in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Scheme Regulations in terms of Section 8 of the Draft Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law;
- (b) that simultaneous with the adoption of the Draft By-Law that the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

Agricultural Industry means an enterprise or structure on a farm, of which the building footprint exceeds 2 000 m², constructed for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.
- (c) that in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposal under A. and B. will be published for public comment,
- (d) that any representations received be submitted to Council for consideration prior to publication of the Draft By-Law.

The Executive Mayor and Mayoral Committee unanimously resolved on 6 October 2016 to recommend to Council that, as no objections were received from the public and other interested parties, Council's resolution 8.2.2 of 18 May 2016 be published in the Provincial Gazette.

The following recommendation was tabled to Council:

that, as no objections were received from the public and other interested parties, Council's resolution 8.2.2 of 18 May 2016 be published in the Provincial Gazette.

Council re-discussed the matter and was initially of the opinion that the size of the facility is not more than 2 000 m². The meeting decided that the Committee for Technical Services must re-look at the matter to make the facility smaller in order to be considered as a bona fide agri facility.

Council resolved on 26 October 2016:

- (a) that the matter be referred to the Committee for Technical Services for further deliberation.
- (b) that the Committee for Technical Services re-look at the facility and consider to make it smaller in order to qualify as a bona fide agri-facility.

The following documents are attached:

- (a) A memorandum from the Manager: Town Planning and Building Control, dated 14 November 2016: **Annexure 8.2.1(a)**.
- (b) Circular 3/2016 from the Department Environmental Affairs and Development Planning, dated 24 February 2016: **Annexure 8.2.1(b)**.

The Committee for Technical Services unanimously resolved on 23 November 2016 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (i) that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.
- (ii) that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbouwywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik.

- (iii) that in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposal under (i) and (ii) will be published for public comment.
- (iv) that any representations received be submitted to Council for consideration prior to publication of the By-Law.

The Executive Mayor and Mayoral Committee resolved on 9 December 2016 to recommend to Council:

- (i) that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.
- (ii) that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbounywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik.

- (iii) that in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposal under (i) and (ii) will be published for public comment.
- (iv) that any representations received be submitted to Council for consideration prior to publication of the By-Law.

The following recommendation was tabled to Council:

- (a) that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.
- (b) that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbounywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik.

- (c) that in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposal under (i) and (ii) will be published for public comment.
- (d) that any representations received be submitted to Council for consideration prior to publication of the By-Law.

Council resolved on 13 December 2016 that the matter in respect of the Interim adoption of the Section 8 Zoning Scheme and amendment of the "Agriculture" and "Agricultural Industry" definitions be held in abeyance until the next meeting.

Council unanimously resolved on 16 January 2017:

- (a) that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.

- (b) that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbounywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik.

- (c) that in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposal under (i) and (ii) will be published for public comment.
- (d) that any representations received be submitted to Council for consideration prior to publication of the By-Law.

A report from the Manager: Town Planning and Building Control is attached as **annexure 8.2.1(c)**.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (i) that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.

- (ii) that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:

"Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1 000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbounywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1 000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik."

- (iii) that the objection from the Tulbagh Landbouvereniging, dated 30 March 2017, be dismissed.

UNANIMOUSLY RESOLVED

- (a) *that in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 promulgated under P.N. 1048/1988 be adopted as a By-Law.*

- (b) *that simultaneous with the adoption of the By-Law, the definition of Agricultural industry under P.N. 1048/1988 be substituted with the following:*

"Agricultural Industry means an activity or structure on a farm, of which the footprint exceeds 1 000 m², for the purpose of packing, packaging, cold storage, preparing or transforming agricultural produce, or goods for non-food use, for final or intermediate consumption.

Landbounywerheid beteken 'n aktiwiteit of struktuur op 'n plaas, waarvan die voetspoor 1 000 m² oorskry, vir die doel van pak, verpakking, koelstore, om landbouproduk voor te berei of te verwerk, wat nie-voedsel verwante goedere insluit, vir finale of intermediêre verbruik."

- (c) *that the objection from the Tulbagh Landbouvereniging, dated 30 March 2017, be dismissed.*

8.2.2 Bella Vista taxi rank: Alternative location (15/4/R)

The following items refer:

- (a) Item 7.2.1 of the Executive Mayor and Mayoral Committee meeting, held on 29 May 2017.
- (b) Item 8.2.1 of the council meeting, held on 30 May 2017.

A memorandum from the Director: Technical Services, dated 9 May 2017, is attached as **annexure 8.2.2(a)**.

The Executive Mayor and Mayoral Committee resolved on 29 May 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (i) that erf 1129 Ceres and erf 1127 Ceres be approved as the preferred site for the development of a new taxi rank for Bella Vista.

- (ii) that Mr Reid's offer to transfer approximately 1000 m² of erf 1127 Ceres to the municipality for the purposes of a taxi rank, as an off-set for the under-provision that would occur as a result of the new development of Mica Reid's, be approved,
- (iii) that the rezoning and subdivision and transfer of the remainder of erf 1127 Ceres shall be for the account of Mr Reid.
- (iv) that the municipality enters into a contract with Mr Reid regarding the transfer of the remainder of erf 1127 Ceres and that the Municipal Manager be mandated to sign all documentation in this regard.

Alderman JW Schuurman (ANC) expressed concerns with regard to:

- (i) the matter of less taxi parking at erven 1129 and 1127, Ceres.
- (ii) the matter of safety for taxi users/commuters who will have to cross two streets.
- (iii) the enlarged danger for consumers and pedestrians and
- (iv) the walking distance to the potential new taxi rank is much further.

The Executive Mayor mentioned that:

- (i) the old Nduli taxi rank cannot be expanded.
- (ii) the new potential taxi rank will make provision for taxi's from Wolseley, Tulbagh, Op-die-Berg and Prince Alfred's Hamlet as well.
- (iii) traffic will be channelled not to go through town.
- (iv) the taxi role players will consult directly with Mr Reid.
- (v) Council could not embark on a public participation process without a council resolution.

The following recommendation was tabled to Council:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (a) that erf 1129 Ceres and erf 1127 Ceres be approved as the preferred site for the development of a new taxi rank for Bella Vista.
- (b) that Mr Reid's offer to transfer approximately 1000 m² of erf 1127 Ceres to the municipality for the purposes of a taxi rank, as an off-set for the under-provision that would occur as a result of the new development of Mica Reid's, be approved,
- (c) that the rezoning and subdivision and transfer of the remainder of erf 1127 Ceres shall be for the account of Mr Reid.
- (d) that the municipality enters into a contract with Mr Reid regarding the transfer of the remainder of erf 1127 Ceres and that the Municipal Manager be mandated to sign all documentation in this regard.

Council resolved on 30 May 2017 that the matter in respect of the alternative location for the Bella Vista taxi rank be held in abeyance until the next meeting.

A further memorandum from the Director: Technical Services with an additional recommendation (e), dated 7 July 2017, is attached as **annexure 8.2.2(b)**.

The following recommendation was tabled to Council:

- (a) that erf 1129 Ceres and erf 1127 Ceres be approved as the preferred site for the development of a new taxi rank for Bella Vista.
- (b) that Mr Reid's offer to transfer approximately 1 000 m² of erf 1127 Ceres to the municipality for the purposes of a taxi rank, as an off-set for the under-provision that would occur as a result of the new development of Mica Reid's, be approved.
- (c) that the rezoning, subdivision and transfer of the remainder of erf 1127 Ceres shall be for the account of Mr Reid.
- (d) that the municipality enters into a contract with Mr Reid regarding the transfer of the remainder of erf 1127 Ceres and that the Municipal Manager be mandated to sign all documentation in this regard.
- (e) that a full public participation process will be followed as part of the rezoning process and consultation directly with the two taxi associations for their support of the proposed location.

Council had a lengthy discussion regarding the Bella Vista taxi rank.

Alderman JW Schuurman requested that the land adjacent to the Traffic Department be considered as an alternative for the Bella Vista taxi rank. The alderman expressed concern about passenger safety and the crossing of two roads.

The Director: Technical Services referred to the applicable annexure and ensured Council that adequate provision will be made for pedestrian safety and the crossing of the two roads.

Councillor BC Klaasen mentioned that a public participation process will be followed.

RESOLVED

- (a) *that erf 1129 Ceres and erf 1127 Ceres be approved as the preferred site for the development of a new taxi rank for Bella Vista.*
- (b) *that Mr Reid's offer to transfer approximately 1 000 m² of erf 1127 Ceres to the municipality for the purposes of a taxi rank, as an off-set for the under-provision that would occur as a result of the new development of Mica Reid's, be approved.*
- (c) *that the rezoning, subdivision and transfer of the remainder of erf 1127 Ceres shall be for the account of Mr Reid.*
- (d) *that the municipality enters into a contract with Mr Reid regarding the transfer of the remainder of erf 1127 Ceres and that the Municipal Manager be mandated to sign all documentation in this regard.*
- (e) *that a full public participation process will be followed as part of the rezoning process and consultation directly with the two taxi associations for their support of the proposed location.*

8.2.3 Adopting the Witzenberg Spatial Development Framework as a core component of the IDP: Proposed programme (15/4/P)

The following items refer:

- (a) Item 8.2.1 of the council meeting, held on 29 March 2017.
- (b) Item 7.2.2 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017.

Council unanimously resolved on 29 March 2017:

that the following programme be approved in terms of Section 4(1) of the Witzenberg Land Use Planning By-Law:

The following process will allow the municipality to adopt the SDF, as part of the IDP, in preparation for the new five year cycle, starting on 1 July 2017:

Step	Steps to be undertaken	Underpinning legislation	Timeframe
1	The Council must give notice of its intention to adopt the SDF and invite the public to submit written representations on the SDF to the Council within 60 days after the publication of the notice. In addition, any organs of state or other role players must be identified and consulted on the proposed SDF. All representations received must be considered.	SPLUMA – Section 20 (3) MSA, Section 29(1)(b)(iii)	60 days
2	At the same time the Provincial Minister must submit written comment to the Municipality within 60 days. The municipality may not adopt its SDF, until comment has been received from the Provincial Minister or 60 days have passed.	LUPA – Section 13 (2) LUPA – Section 13 (1) (b)	
3	Upon completion of the Consultation process (under steps 1 to 2) the Planning Department must provide a written report to the Council to recommend the adoption of the SDF.	By-Law – Section 4(4)	30 days
4	Once adopted by the Council, a notice of this adoption must appear in the media and the Provincial Gazette, within 14 days of the date of adoption.	SPLUMA Section 20(1) By-Law – Section 6(2)	14 days
5	The Municipal Manager must also within 10 days of the adoption of the SDF, submit to the Provincial Minister/MEC for Local Government the following: (a) a written notice of the decision to adopt the municipal spatial development framework,	LUPA Section 14 (a) – (c) By-Law – Section 6(1)	10 days

	(b) the adopted SDF (c) a report setting out the response of the municipality to the comments of the Provincial Minister.		
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A report from the Manager: Town Planning and Building Control is attached as **annexure 8.2.3**.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that the Witzenberg Spatial Development Framework (SDF) be adopted as a core component of the 2017 to 2022 Integrated Development Plan.

UNANIMOUSLY RESOLVED

that the Witzenberg Spatial Development Framework (SDF) be adopted as a core component of the 2017 to 2022 Integrated Development Plan.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 Agri Housing Settlements: Farmworker Housing
(17/4/1/1/1/)**

The following items refer:

- (a) Item 5.1 of the meeting of the Committee for Housing Matters, held on 6 October 2016.
- (b) Item 9.1.1 of the meeting of the Committee for Housing Matters, held on 9 March 2017.
- (c) Item 7.1 of the meeting of the Committee for Technical Services, held on 21 June 2017.
- (d) Item 7.3.1 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

Extract from the minutes of the meeting of the Committee for Housing Matters, held on 6 October 2016:

“A presentation was made by Mr S Loots from Messrs Agri Housing Settlements NPC pertaining to housing for farm workers. The applicable document is attached as **annexure 8.3.1(a)**.

The Committee enquired with regard to current projects by Messrs Agri Housing Settlements NPC.

Mr Loots reported that current projects were recently registered. The modus operandi of Agri Housing Settlements NPC and that the farmers are willing to contribute with regard to housing projects for farm workers.

The Committee for Housing Matters resolved on 6 October 2016:

- (a) that notice be taken of the presentation with regard to farm worker housing and be accepted.
- (b) that the matter with regard to farm worker housing be held in abeyance until the next meeting.
- (c) that an item be prepared by the Municipal Manager pertaining to farm worker housing development."

The Committee for Housing Matters resolved on 9 March 2017:

that the matter pertaining to farmworker housing for Agri-Witzenberg be referred to the Committee for Technical Services in order to draft a collective agreement.

The following documents are attached:

- (a) Minutes of a meeting between the Executive Mayor and Agri Witzenberg, held on 18 January 2017: **Annexure 8.3.1(b)**.
- (b) Minutes of a meeting between Witzenberg Municipality and Agri Witzenberg, held on 2 March 2017: **Annexure 8.3.1(c)**.

Extract from the minutes of the meeting of the Committee for Technical Services, held on 21 June 2017:

"The Director: Technical Services informed the committee that the supply chain management process needs to be followed in terms of legislation.

The Committee for Technical Services resolved on 21 June 2017:

- (a) that notice be taken of the Agri Housing Settlements: Farmworker Housing.
- (b) To recommend to the Executive Mayor and Executive Mayoral Committee and Council
that the Development of Farm Worker Housing be placed on tender for the appointment of a successful implementing agent."

The following recommendation was tabled to the Executive Mayor and Mayoral Committee:

That the Executive Mayor and Mayoral Committee recommend to Council:

that the Development of Farm Worker Housing be placed on tender for the appointment of a successful implementing agent.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017 that the matter in respect of the Agri Housing Settlements for farmworker housing be referred to the Committee for Housing Matters for consideration.

UNANIMOUSLY RESOLVED

that notice be taken that the matter in respect of the Agri Housing Settlements for farmworker housing was referred to the Committee for Housing Matters by the Executive Mayor and Mayoral Committee.

8.3.2 Lease agreement: Oppie Koppie Crèche: Prince Alfred's Hamlet (7/1/4/1)

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Community Development, held on 22 June 2017.
- (b) Item 7.4 of the meeting of the Committee for Corporate and Financial Services, held on 29 June 2017.
- (c) Item 7.3.2 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

A memorandum from the Director: Community Services, dated 12 June 2017, is attached as **annexure 8.3.2**.

The Committee for Community Development resolved on 22 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (a) that Council considers of entering into a lease agreement with Vuyo Foundation for 9 years and 11 months for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting Vuyo Foundation the option of renewal for a further 9 years and 11 months period on Council's discretion.
- (c) that Council considers waiving any rental services. Crèches usually pay a minimum rental equal to the insurance premium per annum, but in this case Vuyo Foundation erected the building on their own cost, insures it and pay ESKOM for the electricity consumption. Vuyo Foundation also contributes to the social and economic welfare of Prince Alfred's Hamlet.
- (d) that Council considers approval for the extension of the building by erecting a log cabin on the plot to be utilised as an extra classroom.
- (e) that Council gives approval for the erection of a log cabin, subject to the approval of building plans by our Town Planning Department.
- (f) that the log cabin buildings will become the property of Council after the lease period has expired, and/or have been cancelled for whatever reason.
- (g) that the erection of the log cabin buildings and any new connection and/or installation of services for these buildings are for the account of Vuyo Foundation.
- (h) that all maintenance related to the log cabin buildings, this includes the inside and outside of the property as well as the structure thereof, will be for Vuyo Foundation's account.

- (i) Recommendations from our Town Planning Department:
 - (i) that the construction of the structures need to comply with the National Building Regulations.
 - (ii) that no construction may commence prior to the approval of building plans.
- (j) That the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

The Committee for Corporate and Financial Services unanimously resolved on 29 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (a) that Council considers entering into a lease agreement with Vuyo Foundation for a 9 years and 11 months period for the purposes of operating an ECD Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers to give Vuyo Foundation an option to renew for a further 9 years and 11 months period on Council's Discretion.
- (c) that Council considers waiving of any rental and services. Crèches usually pay's a minimum rental equal to the insurance premium per annum, but in this case Vuyo Foundation erected the building on their own cost, insures it and pay Eskom for the electricity consumption. Vuyo Foundation also contributes to the social and economic welfare of Prince Alfred's Hamlet.
- (d) that Council considers approval for extension of the building by erecting a log cabin on the plot to be utilized as an extra classroom.
- (e) that Council gives approval for the erection of a log cabin, subject to the approval of building plans by our Town Planning Department.
- (f) that the log cabin buildings will become the property of Council after the lease period has expired, and or have been cancelled for whatever reason.
- (g) that the erection of the log cabin buildings and any new connection, and or installation of services for these buildings is for the account of Vuyo Foundation.
- (h) that all maintenance related to the log cabin buildings, this includes the inside, and outside of the property as well as the structure thereof, will be Vuyo Foundation's responsibility.
- (i) Comment from our Town Planning Department:
 - (i) that the construction of the structures need to comply with the national Building Regulations.
 - (ii) that no construction may commence prior to the approval of building plans.
- (j) that the Municipal Manager is authorised to sign the lease agreement on behalf of the Council.

The following recommendation was tabled to the Executive Mayor and Mayoral Committee:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (a) that Council considers of entering into a lease agreement with Vuyo Foundation for nine years and 11 months for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting Vuyo Foundation the option of renewal for a further nine years and 11 months period on Council's discretion.
- (c) that Council considers waiving any rental services. Crèches usually pays a minimum rental equal to the insurance premium per annum, but in this case Vuyo Foundation erected the building on their own cost, insures it and pay ESKOM for the electricity consumption. Vuyo Foundation also contributes to the social and economic welfare of Prince Alfred's Hamlet.
- (d) that Council considers approval for the extension of the building by erecting a log cabin on the plot to be utilised as an extra classroom.
- (e) that Council gives approval for the erection of a log cabin, subject to the approval of building plans by the municipality's Town Planning Department.
- (f) that the log cabin buildings will become the property of Council after the lease period has expired, and/or have been cancelled for whatever reason.
- (g) that the erection of the log cabin buildings and any new connection and/or installation of services for these buildings are for the account of Vuyo Foundation.
- (h) that all maintenance related to the log cabin buildings, this includes the inside and outside of the property as well as the structure thereof, will be for Vuyo Foundation's account.
- (i) That the following recommendations of the municipality's Town Planning Department be accepted:
 - (i) that the construction of the structures need to comply with the National Building Regulations.
 - (ii) that no construction may commence prior to the approval of building plans.
- (j) That the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (a) that Council considers of entering into a lease agreement with Vuyo Foundation for nine years and 11 months for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.

- (b) that Council considers granting Vuyo Foundation the option of renewal for a further nine years and 11 months period on Council's discretion.
- (c) that Council considers a minimum rental of R100-00 (one hundred rand) per annum and Vuyo Foundation also be responsible for the municipal services.
- (d) that Council considers approval for the extension of the building for the cost of the lessee, by erecting a log cabin on the plot to be utilised as an extra classroom.
- (e) that Council gives approval for the erection of a log cabin, subject to the approval of building plans by the municipality's Town Planning Department.
- (f) that the log cabin buildings will become the property of Council after the lease period has expired, and/or have been cancelled for whatever reason.
- (g) that the erection of the log cabin buildings and any new connection and/or installation of services for these buildings are for the account of Vuyo Foundation.
- (h) that all maintenance related to the log cabin buildings, this includes the inside and outside of the property as well as the structure thereof, will be for Vuyo Foundation's account.
- (i) That the following recommendations of the municipality's Town Planning Department be accepted:
 - (i) that the construction of the structures need to comply with the National Building Regulations.
 - (ii) that no construction may commence prior to the approval of building plans.
- (j) That the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

UNANIMOUSLY RESOLVED

- (a) *that Council enters into a lease agreement with Vuyo Foundation for nine years and 11 months for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.*
- (b) *that Council grants Vuyo Foundation the option of renewal for a further nine years and 11 months period on Council's discretion.*
- (c) *that a minimum rental of R100-00 (one hundred rand) per annum be payable by Vuyo Foundation and they also be responsible for the municipal services.*
- (d) *that Council grants approval for the extension of the building for the cost of the lessee, by erecting a log cabin on the plot to be utilised as an extra classroom.*
- (e) *that Council gives approval for the erection of a log cabin, subject to the approval of building plans by the municipality's Town Planning Department.*
- (f) *that the log cabin buildings will become the property of Council after the lease period has expired, and/or have been cancelled for whatever reason.*

- (g) *that the erection of the log cabin buildings and any new connection and/or installation of services for these buildings are for the account of Vuyo Foundation.*
- (h) *that all maintenance related to the log cabin buildings, this includes the inside and outside of the property as well as the structure thereof, will be for Vuyo Foundation's account.*
- (i) *That the following recommendations of the municipality's Town Planning Department be accepted:*
 - (i) *that the construction of the structures need to comply with the National Building Regulations.*
 - (ii) *that no construction may commence prior to the approval of building plans.*
- (j) *That the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.*

**8.3.3 New lease agreement: Malikhanye Crèche, Wolseley
(7/1/4/1)**

The following items refer:

- (a) Item 7.2 of the meeting of the Committee for Community Development, held on 22 June 2017.
- (b) Item 7.5 of the meeting of the Committee for Corporate and Financial Services, held on 29 June 2017.
- (c) Item 7.3.3 of the Executive Mayor and Mayoral Committee meeting held on 24 July 2017.

A memorandum from the Director: Community Services, dated 10 February 2017, is attached as **annexure 8.3.3**.

The Committee for Community Development resolved on 22 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (a) that Council considers renewing the current lease agreement with BADISA, Wolseley for another three year period for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting BADISA, Wolseley the option of renewal for a further three years on the discretion of the municipality.
- (c) that the rental keeps on escalation yearly with 10 % .
- (d) that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

The Committee for Corporate and Financial Services unanimously resolved on 29 June 2017 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (a) that Council considers renewing the current lease agreement with BADISA, Wolseley for another three year period for the purposes of operation an ECD Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting BADISA, Wolseley the option for renewal for a further three years on the discretion of the Municipality.
- (c) that rental keeps on escalation yearly with 10 %.
- (d) that the Municipal Manager is authorised to sign the lease agreement on behalf of the Council.

The following recommendation was tabled to the Executive Mayor and Mayoral Committee:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (a) that Council considers renewing the current lease agreement with BADISA, Wolseley for another three year period for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting BADISA, Wolseley the option of renewal for a further three years on the discretion of the municipality.
- (c) that the rental keeps on escalating yearly with 10 % .
- (d) that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

- (a) that Council considers to enter into a new lease agreement with BADISA, Wolseley for another three year period for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.
- (b) that Council considers granting BADISA, Wolseley the option of renewal for a further three years on the discretion of the municipality.
- (c) that the rental keeps on escalating yearly with 10 % .
- (d) that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

UNANIMOUSLY RESOLVED

- (a) *that Council enters into a new lease agreement with BADISA, Wolseley for another three year period for the purposes of operating an Early Child Development Centre in collaboration with Witzenberg Municipality and the Department of Social Development.*
- (b) *that Council grants BADISA, Wolseley the option of renewal for a further three years on the discretion of the municipality.*
- (c) *that the rental keeps on escalating yearly with 10 % .*
- (d) *that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.*

8.4 Direktoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Application for Extension of Liquor Trading Days (Sunday trading) in terms of Section 7 of Witzenberg Municipality Amended By-Law on Liquor Trading Days and Hours - 2016: Coburn Liquors, Bella Vista, Ceres (1/1/1)

The following items refer:

- (a) Item 7.3 of the meeting of the Committee for Corporate and Financial Services, held on 18 May 2017.
- (b) Item 7.4.2 of the Executive Mayor and Mayoral Committee meeting, held on 29 May 2017.

A memorandum from the Senior Legal Advisor, dated 19 April 2017, is attached as **annexure 8.4.1**.

The Committee for Corporate and Financial Services resolved on 18 May 2017 to recommend to the Executive Mayor and Mayoral Committee:

that the application for Extension of Liquor Trading Days (Sunday Trading) in Terms of Section 7 of Witzenberg Municipality Amended By-Law on Liquor Trading Days and Hours – 2016, received from Coburn Liquors, Bella Vista not be approved.

The Executive Mayor and Mayoral Committee resolved on 29 May 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that the application for Extension of Liquor Trading Days (Sunday Trading) in Terms of Section 7 of Witzenberg Municipality Amended By-Law on Liquor Trading Days and Hours – 2016, received from Coburn Liquors, Bella Vista, Ceres not be approved.

Council had a lengthy discussion with regard to the matter *Application for the extension of liquor trading days (Sunday trading) in terms of Section 7 of the Witzenberg Municipality Amended By-law on Liquor Trading Days and Hours: Coburn Liquors, Bella Vista, Ceres.*

Councillor BC Klaasen proposed and Councillor K Adams seconded that the recommendation in the agenda be accepted.

Alderman JW Schuurman proposed and Councillor TJ Simpson seconded that the matter be held in abeyance for further discussion.

The Speaker brought the matter to the vote and the outcomes were:

- 13 Votes in favour that the recommendation be accepted.
- 8 Votes in favour that the matter be held in abeyance.
- 1 Vote abstained (Councillor P Heradien).

Alderman JW Schuurman requested that the objection of the ANC against the decision be minuted.

RESOLVED

that the application for Extension of Liquor Trading Days (Sunday Trading) in Terms of Section 7 of Witzenberg Municipality Amended By-Law on Liquor Trading Days and Hours – 2016, received from Coburn Liquors, Bella Vista, Ceres not be approved.

8.4.2 Establishment of the Public Transport Liaison Committee (17/14/1)

The following items refer:

- (a) Item 3.2.2 of the meeting of the Committee for Technical Services, held on 27 March 2017.
- (b) Item 7.4.1 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017.

The Committee for Technical Services resolved on 27 March 2017 to recommend to the Executive Mayor and to Council that Councillor M Jacobs be appointed as the additional councillor for the Committee for Technical Services on the Public Transport Liaison Committee.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that Councillor M Jacobs be appointed as the additional councillor for the Committee for Technical Services on the Public Transport Liaison Committee.

UNANIMOUSLY RESOLVED

that Councillor M Jacobs be appointed as the additional councillor for the Committee for Technical Services on the Public Transport Liaison Committee.

**8.4.3 Determination and redetermination (Technical alignments) of municipal boundaries and MDB's revised program 2017 – 2021
(15/1/1/1)**

Item 7.4.2 of the Executive Mayor and Mayoral Committee meeting, held on 24 July 2017, refers.

Circular 2/2017 from the Municipal Demarcation Board, dated 6 July 2017, is attached as **annexure 8.4.3**.

The Executive Mayor and Mayoral Committee resolved on 24 July 2017:

That the Executive Mayor and Mayoral Committee recommend to Council:

that notice be taken of the contents of Circular 2/2017 from the Municipal Demarcation Board.

UNANIMOUSLY RESOLVED

that notice be taken of the contents of Circular 2/2017 from the Municipal Demarcation Board.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

**9.1 Cape Winelands District Rural Development Plan (Sector Plan)
(12/1/1/7)**

A letter from the Department Rural Development and Land Reform to the Cape Winelands District Municipality, dated 15 May 2017, is attached as **annexure 9.1**.

Alderman JW Schuurman requested that the following matters be placed on the agenda of Council for discussion:

- (a) Koekedouw Dam Irrigation Board: Approval of budget.
- (b) Bus shelters budget of Cape Winelands District Municipality.
- (c) That the Municipal Manager peruses the agenda of Cape Winelands District Municipality and places applicable items on the Witzenberg Municipality council agenda for discussion.

RESOLVED

- (a) *that Council takes notice of the letter from the Department Rural Development and Land Reform to the Cape Winelands District Municipality and the reference to matters in the Witzenberg area.*
- (b) *that the Municipal Manager peruses the agenda of Cape Winelands District Municipality and place applicable items on the council agenda of Witzenberg Municipality for discussion.*

10. FORMAL AND STATUTORY MATTERS

10.1 Feedback on matters of outside bodies

None

NOTED

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

Alderman JW Schuurman thanked the administration that the street lights between Bella Vista and Prince Alfred's Hamlet are working.

NOTED

12. COUNCIL-IN-COMMITTEE