

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON THURSDAY, 30 MAY 2019 AT 10:00

PRESENT

Councillors

Alderman TT Godden (Speaker)
Councillor BC Klaasen (Executive Mayor)
Alderman K Adams (Deputy Executive Mayor)
Councillor TE Abrahams
Councillor P Daniels
Councillor MD Jacobs
Councillor D Kinnear
Councillor GG Laban
Councillor C Lottering
Councillor M Mdala
Councillor TP Mgoboza
Councillor ZS Mzauziwa
Councillor N Phatsoane
Alderman JW Schuurman
Councillor EM Sidego
Councillor D Swart
Councillor H Visagie
Alderman JJ Visagie

Officials

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

1. OPENING AND WELCOME

The Speaker welcomed everyone at the meeting and requested Councillor G Laban (Witzenberg Aksie) to open the meeting with a prayer.

NOTED

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

Applications for leave of absence from the meeting were received from Alderman HJ Smit (DA), Alderlady JT Phungula (ANC) and Councillor P Heradien (ICOSA).

UNANIMOUSLY RESOLVED

that the applications for leave of absence from the meeting, received from Alderman HJ Smit (DA), Alderlady JT Phungula (ANC) and Councillor P Heradien (ICOSA), be approved and accepted.

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

The Deputy Executive Mayor, Alderman K Adams, conveyed on behalf of Council congratulations to the following Councillors and spouses on their birthdays:

❖	Mr S Phungula	3 April
❖	Councillor P Daniels	8 April
❖	Alderman J Schuurman	13 April
❖	Councillor C Lottering	21 April
❖	Ms R Schuurman	12 May
❖	Ms N Simpson	24 May

NOTED.

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

- (a) The Speaker expressed his gratitude for the blessings bestowed on Council. Although Alderman HJ Smit and Alderlady JT Phungula are sick, God is still good for Council.
- (b) Speaker mentioned that the National and Provincial elections held on 8 May 2019 were successful.
- (c) Speaker announced that the ward allocations will increase in the new financial year. Alderman JW Schuurman requested that the applicable policy be workshopped in respect of the spending of the ward allocations.

NOTED

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

- (a) The Executive Mayor congratulated Mr Cyril Ramaphosa (ANC) on his election as State President of South Africa.
- (b) The Executive Mayor congratulated Mr Allan Winde (DA) on his election as Premier of the Western Cape.
- (c) The Executive Mayor expressed his gratitude for the spirit in which the various political parties campaigned the National and Provincial elections.
- (d) The Executive Mayor congratulated the Deputy Executive Mayor, Alderman K Adams, and the Muslim community on Ramadan and mentioned that the municipality does not discriminate against any religion, culture or race.

NOTED

4. MINUTES

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

The minutes of the Council meeting, held on 26 March 2019, are attached as **annexure 4.1**.

UNANIMOUSLY RESOLVED

That the minutes of the Council meeting, held on 26 March 2019, be approved and signed by the Speaker.

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

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.2.1	7/1/4/2	Item 8.4.2 of 5 December 2017 Request to purchase erf 3605, Ceres or a portion thereof	Municipal Manager	That the matter be held in abeyance until the next meeting.	To be workshopped on 29 May 2019.	Next council meeting.
4.2.2	17/19/1	Item 8.3.4 of 27 February 2019 Application: Relocation of established Nduli Carwash to erf 5145, Nduli, Ceres	Community Services	That the matter be held in abeyance until the next meeting in order to ensure a fair supply chain process.	Policy to be approved by Council.	Next council meeting.

4.2.3	15/4/1/1/5	Item 11.1 of 26 March 2019 Ceres golf estate development	Municipal Manager	That the matter be held in abeyance to obtain further clarification and after that be submitted again.		
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UNANIMOUSLY RESOLVED

- (a) *that the matter in respect of the request to purchase erf 3605, Ceres be held in abeyance until the next meeting and be workshopped by Council.*
- (b) *that the matter in respect of the relocation of the Nduli Carwash to erf 5145, Nduli, Ceres be held in abeyance until the next meeting and that the applicable policy be submitted to Council.*
- (c) *that the Municipal Manager and Alderman JW Schuurman will discuss the matter in respect of the Ceres Golf Estate Development informally.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

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

Die aangeleentheid is in-komitee hanteer onder item 12.2.2.

AANGETEKEN

6. INTERVIEWS WITH DELEGATIONS

None

NOTED

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The minutes of the following meetings are attached:

- (a) Executive Mayoral Committee, held on 21 January 2019: **Annexure 7.1(a)**.
- (b) Committee for Housing Matters, held on 7 February 2019: **Annexure 7.1(b)**.
- (c) Performance, Risk and Audit Committee meeting, held on 8 February 2019: **Annexure 7.1(c)**.
- (d) Committee for Technical Services, held on 19 February 2019: **Annexure 7.1(d)**.

- (e) Executive Mayoral Committee, held on 26 February 2019: **Annexure 7.1(e)**.

Councillor BC Klaasen announced that for the time that Alderman HJ Smit is on sick leave, he will chair the Portfolio Committee for Corporate and Financial Services.

UNANIMOUSLY RESOLVED

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

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direkoraat Finansies / Directorate Finance

8.1.1 Section 71 Monthly Budget Statement Report of Directorate Finance: March 2019 (9/1/2/2)

The following items refer:

- (a) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 17 May 2019.
- (b) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.

The Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2019 is attached as **annexure 8.1.1**.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 17 May 2019:

“The Acting Chief Financial Officer tabled the Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2019. The following matters were highlighted:

- That the revenue in total is in par with the planning and above 94 % .
- The decrease in electricity sales is due to the late fruit season. Electricity sales will pick up until May 2019.
- RBIG grant of R9.5 million paid over for the construction of the Tulbagh Dam.
- The total deviations are very low, about 1 % of total expenditure.”

The Performance, Risk and Audit Committee resolved on 17 May 2019:

That the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

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

The Municipal Manager reported that the report was tabled to the Performance, Risk and Audit Committee. The following matters were highlighted:

- That the outstanding amount of the RBIG funding for the construction of the Tulbagh dam will be added in the new financial year.
- That the decrease in electricity sales are due to the late fruit season. A pick-up in sales is expected during May 2019.
- That the revenue in total is in par with the planning and above 94 % .
- That Witzenberg Municipality is a pilot for alternative energy. Only 15 % is allowed in accordance with the NERSA guideline.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2019 and same be accepted.

UNANIMOUSLY RESOLVED

that Council, after consideration, takes notice of the Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2019 and same be accepted.

8.1.2 Quarterly Budget Statement [Section 52(d)] Report: Third Quarter of 2018/2019 (1 January until 31 March 2019) (9/1/2/2)

The following items refer:

- (a) Item 8.2 of the meeting of the Performance, Risk and Audit Committee, held on 17 May 2019.
- (b) Item 7.1.2 of the Executive Mayoral Committee meeting, held on 27 May 2019.

The Quarterly Budget Statement [Section 52(d)] Report for the third quarter of 2018/2019 is attached as **annexure 8.1.2**.

The Performance, Risk and Audit Committee resolved on 17 May 2019:

That the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the Third Quarter of 2018/2019 (1 January until 31 March 2019) and, after consideration, same be approved and accepted.

The Executive Mayoral Committee resolved on 27 May 2019

That the Executive Mayoral Committee recommends to Council:

- (a) that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 January until 31 March 2019.
- (b) that the report be referred to Council's Municipal Public Accounts Committee for their recommendations to Council.

UNANIMOUSLY RESOLVED

(a) *that Council, after consideration, takes notice of the Quarterly Budget Statement Report in terms of Section 52(d) for the Third Quarter of 2018/2019 (1 January until 31 March 2019) and same be approved and accepted.*

(b) *that the report be referred to Council's Municipal Public Accounts Committee for their recommendations to Council.*

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

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

“Purpose

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

Background

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

Currently KBR is still paying off on their loan and Witzenberg Municipality is part of this repayment agreement in terms of our allocation for Vredebes farm. See **annexure 8.1.3(a)**.

The KBR management has met with RAB in order to negotiate a new financing model in order to settle the loan and minimize cost. The new financing model agreed to between the parties, and approved by KBR, is attached as **annexure 8.1.3(b)**.

This new option entails the settling of the loan once-off in order to cut out huge interest on the loan. As can be seen on the attached spreadsheet if we stay with the old financing model, KBR will make a total repayment of R348 628 396 on the initial loan. Currently the outstanding amount is R54 687.04, but this amount will escalate to R78 944 608.00 before it starts to decrease and eventually be settled in 2044. With the new financing model total repayment will be R83 152 706.00 resulting in a total saving of R265 475 690.00.

Legal framework

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

Financial impact

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

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

UNANIMOUSLY RESOLVED

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

8.1.4 Supply Chain Management: Paragraph 7(3) Quarterly Report ending 31 December 2018: Implementation of Supply Chain Management Policy (9/1/2/2)

Item 7.1.4 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

A memorandum from the Manager: Supply Chain, dated 3 January 2019, is attached as **annexure 8.1.4**.

The Municipal Manager informed the meeting that the matter of preferential treatment to local economic development in the guidelines of Provincial Treasury is taken up in the LED Policy.

The municipality will adhere to the circular of the Treasury Department.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that the Chief Financial Officer submits the report to the Accounting Officer by 7 January 2019.
- (b) that the Accounting Officer submits the report to the Executive Mayor by 10 January 2019.
- (c) that the report serves before the relevant portfolio committee, the Executive Mayoral Committee and Council for information.
- (d) that the report be made available to the public in terms of Section 21A of the Municipal Systems Act (Act no. 32 of 2000) after it has served before Council.

UNANIMOUSLY RESOLVED

- (a) *that the Chief Financial Officer submits the report to the Accounting Officer by 7 January 2019.*
- (b) *that the Accounting Officer submits the report to the Executive Mayor by 10 January 2019.*
- (c) *that the report be made available to the public in terms of Section 21A of the Municipal Systems Act (Act no. 32 of 2000) after it has served before Council.*

8.1.5 Quarterly inventory count: Municipal Stores, Drommedaris Street, Ceres (6/1/1)

Item 7.1.5 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

A memorandum from the Manager: Supply Chain, dated 2 April 2019, is attached as **annexure 8.1.5**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

**8.1.6 Finance: Budget 2019/2020 and 2nd Reviewed IDP 2019/2020 to 2021/2022
(5/1/18 & 2/2/1)**

The following documents are attached:

- (a) Memorandum from the Acting Director: Finance, dated 22 May 2019: **Annexure 8.1.6(a)**.
- (b) Budget for 2019/2020 – 2021/2022: **Annexure 8.1.6(b)**.
- (c) Rates and tariffs 2019/2020: **Annexure 8.1.6(c)**.
- (d) 2nd Reviewed IDP for 2019/2020 – 2021/2022: **Annexure 8.1.6(d)**.
- (e) Budget related policies 2019/2020: **Annexure 8.1.6(e)**.
- (f) Capital budget 2019/2020: **Annexure 8.1.6(f)**.
- (g) MFMA Budget Circular: **Annexure 8.1.6(g)**.
- (h) Provincial Treasury Circular: **Annexure 8.1.6(h)**.
- (i) LG MTEC Integrated Planning and Budgeting Assessment: **Annexure 8.1.6(i)**.
- (j) LG MTEC responses 2019/2020: **Annexure 8.1.6(j)**.

The Executive Mayor submitted the budget for 2019/2020 and delivered the budget speech, as contained in annexure 8.1.6(b).

UNANIMOUSLY RESOLVED

- (a) *That the annual budget of Witzenberg Municipality for the financial year 2019/2020 and indicative for the two projected years 2020/2021 and 2021/2022, 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 2019/2020.*
- (c) *Tariffs and charges reflected in Annexure 8.1.6(c) are approved for the budget year 2019/2020.*
- (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 2019/2020.*

- (e) *The measurable performance objectives for each vote reflected in SA8 are approved for the budget year 2019/2020.*
- (f) *That the new amended budget related policies be approved with implementation as from 1 July 2019:*
 - (i) *Tariff Policy*
 - (ii) *Property Rates Policy*
 - (iii) *Cash Management and Investment Policy*
 - (iv) *Consumer Payment Incentive Policy*
 - (v) *Municipal Supply Chain Management Policy*
 - (vi) *Petty Cash Policy*
 - (vii) *Indigent Policy*
 - (viii) *Budget Policy*
 - (ix) *Budget Virement Policy*
 - (x) *Asset Management Policy*
 - (xi) *Funding and Reserves Policy*
 - (xii) *Cellular Telephone and Data Card Policy*
 - (xiii) *Borrowing Policy*
 - (xiv) *Long Term Financial Plan Policy*
 - (xv) *Transport, Travel and Subsistence Allowance*
 - (xvi) *Post-Employment Medical Aid Contributions*
- (g) *That the Credit Control and Debt Collection Policy be referred to the Committee for Housing Matters and that the criteria be amended.*
- (h) *That the 2nd Review of the five year Integrated Development Plan (IDP) for the 2019/2020 financial year be approved.*
- (i) *That Council takes cognisance of the budget circulars issued by National Treasury and Provincial Treasury.*
- (j) *That Council takes cognisance of the LGMTEC Integrated Planning and Budgeting Assessment and the responses by the municipality.*

8.2 Direkoraat Tegniese Dienste / Directorate Technical Services

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

Item 7.2.1 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

Purpose

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

Background

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

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

Municipal services

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

Financial implication

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

Legal implication

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

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

Item 7.2.2 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

“Purpose

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

Background

Council purchased Vredebes farm for housing purposes. It also acquired 15 hectare summer water rights from the Koekedouw Irrigation Board in respect of the farm. Council must annually contribute and pay to the Koekedouw Irrigation Board for the operational cost and redemption of the loan at the Rand Merchant Bank. An item is also tabled to Council in terms whereof Council is requested to make payment to the amount of R889 891-98 to the Irrigation Board to redeem Council's portion of the loan as per the agreement reached between Rand Merchant Bank and the Irrigation Board. The Witzenberg Deelnemingstrust has addressed a letter to the Executive Mayor as well as Municipal Manager, requesting Council to consider transferring the rights in the 15 ha agricultural water to the trust. A copy of the letter is attached as **annexure 8.2.2.**”

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

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

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Technical Services, held on 22 May 2019.
- (b) Item 7.2.3 of the Executive Mayoral Committee meeting, held on 27 May 2019.

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

"Background

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

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

Legislation

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

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

Work programme

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

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

The Committee for Technical Services resolved on 22 May 2019:

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

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

The following items refer:

- (a) Item 7.2 of the meeting of the Committee for Technical Services, held on 22 May 2019.
- (b) Item 7.2.4 of the Executive Mayoral Committee meeting, held on 27 May 2019.

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

“Purpose

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

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

Background

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

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

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

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

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

Overview of proposed process

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

Finalise draft IZS for Council submission – current to May 2019

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

Public Participation Process for IZS – June 2019 to December 2019

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

Approval and Implementation of IZS – January 2020 to March 2020

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

The Committee for Technical Services resolved on 22 May 2019:

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) That Council takes cognisance of the fact that in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) a single land use scheme needs to be implemented no later than 30 June 2020.
- (b) That the draft Witzenberg Zoning Scheme By-Law be approved in principle and the process be followed for adoption of same.

- (c) That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft Witzenberg Zoning Scheme By-Law be published for public comment.
- (d) That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation be submitted to Council for consideration and final adoption.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

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

The following items refer:

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

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

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

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

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

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

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

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

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Local Economic Development and Tourism, held on 20 February 2019.
- (b) Item 7.3.3 of the Executive Mayoral Committee meeting held on 26 February 2019.
- (c) Item 8.3.5 of the Council meeting, held on 27 February 2019.
- (d) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 25 March 2019.
- (e) Item 8.3.1 of the Council meeting, held on 26 March 2019.
- (f) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.

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

Purpose

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

Background

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

Request

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

Recommendation

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

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

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

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

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

- (iii) that the Municipal Manager be mandated to sign the Service Level Agreement with Tulbagh Tourism.

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

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

Council unanimously resolved on 26 March 2019 that the matter in respect of the proposal for utilisation of the Busy Bee building, situated on erf 1567, Piet Retief Street, Tulbagh be held in abeyance to obtain clarity and for further deliberations regarding the matter.

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

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the proposal for utilisation of the Busy Bee building, situated on erf 1567, Piet Retief Street, Tulbagh be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter in respect of the proposal for utilisation of the Busy Bee building, situated on erf 1567, Piet Retief Street, Tulbagh be held in abeyance until the next meeting.

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

Item 7.3.3 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

Purpose

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

Background

In terms of the Disaster Management Act the district municipality must establish an implement framework for disaster management, aimed at ensuring an integrated and uniform approach to disaster management in its area. Section 53 of the said act places a responsibility on the municipality to prepare a Disaster Management Plan for its area according to the circumstances prevailing in the area. The said disaster management plan must form an integral part of the municipality's Integrated Disaster Management Plan. The district municipality is in the process of updating its Disaster Management Framework and requires its B-municipalities to update their Disaster Management Plans. The Ward Based Risk Assessment basically highlights the potential disaster risks for which the municipality must plan. The Ward Based Risk Assessment as performed by the service provider of the district municipality is attached as follows:

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

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

Legal implication

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

Financial implication

None."

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that the Ward Based Risk Assessment be noted and adopted.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

8.3.4 Progress report: Taxi conflict between illegal and legal operators (17/14/1)

Item 7.3.4 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

A memorandum from the Manager: Traffic Services, dated 20 May 2019, is attached as **annexure 8.3.4**.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the progress report in respect of the taxi conflict between illegal and legal operators and same be approved.

UNANIMOUSLY RESOLVED

that notice be taken of the progress report in respect of the taxi conflict between illegal and legal operators and same be approved.

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

Item 7.3.5 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

The following documents are attached:

- (a) Memorandum from Municipal Manager, dated 22 May 2019: **Annexure 8.3.5(a)**.
- (b) Map of route identified: **Annexure 8.3.5(b)**.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

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

UNANIMOUSLY RESOLVED

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

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

Item 7.3.6 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

Council resolved per item 8.3.4 of 27 February 2019 that Senior Management develop a criteria guiding Council and its committees to deal with matters of local economic development where the previously disadvantaged are concerned in a just, equitable and transparent manner as prescribed by the Constitution and Municipal Finance Management Act. The draft policy is attached as **annexure 8.3.6**.

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

8.4 Direktoraat Korporatiewe Dienste / Directorate Corporate Services

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

The following items refer:

- (a) Item 7.4.1 of the Executive Mayoral Committee meeting, held on 25 March 2019.
- (b) Item 8.4.1 of the Council meeting, held on 26 March 2019.
- (c) Item 7.4.1 of the Executive Mayoral Committee meeting, held on 27 May 2019.

The following documents are attached:

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

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 25 March 2019:

That the Executive Mayoral Committee recommends to Council:

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

Council unanimously resolved on 26 March 2019 that the matter in respect of the request for a lease agreement with regard to erf 8069, Carson Street alley, Ceres be held in abeyance until the next meeting for further inspections in loco.

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

That the Executive Mayoral Committee recommends to Council:

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the request for a lease agreement for erf 8069, Carson Street alley, Ceres be held in abeyance and that an offer to purchase be made to the owner.

UNANIMOUSLY RESOLVED

- (a) *that the matter in respect of the request for a lease agreement for erf 8069, Carson Street alley, Ceres be held in abeyance and that an offer to purchase be made to the owner.*
- (b) *that in future Council will handle similar matters according to the same principle as supra (a).*

8.4.2 International relations: Approval of twinning agreement between Witzenberg Municipality and Beelitz Municipality, Germany (10/2/3 & 17/1/4/1)

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

The following memorandum, dated 14 May 2019, was received from the Manager: Amenities and Environment:

"Purpose

To recommend to Council to consider and approve the request from Stadt Beelitz, Germany on the possibility of a potential partnership/twinning agreement between the two municipalities.

Background and reasoning

Stadt Beelitz Municipality (Germany) has sent a formal letter to Council requesting that Council considers the potential of a partnership agreement between the municipalities

Peter Kirsten was delegated by the said Beelitz Municipality (as per **annexure 8.4.2**) to pursue the possibility of the joint partnership between the respective communities. Mr Kirsten met with the Municipal Manager and the Environmental Management section at the main office in Ceres to discuss the potential agreement.

In terms of the discussions the focus will be on environmental projects that will support and contribute to the sustainable development goals (SDG) of the Agenda 2030, namely to:

- protect, restore and promote sustainable use of terrestrial ecosystems,
- sustainably manage forests,
- combat desertification
- reverse land degradation and
- halt biodiversity loss

The goals of development partnership will further be to strengthen the mutual cooperation between the administration, economy and civil society of both Municipalities.

The first phase of the project will focus on site visits to investigate the possibility of future projects. If there is consensus after the visits that any future projects will benefit both communities, a formal agreement will be concluded by the two municipalities and funding will be made available for such projects.

At this stage no dates for the visits are proposed as it will depend on Council's resolution.

Financial implications

- (a) Council will be responsible for its delegation's travel and related costs to Germany. (This will be covered by the future formal agreement after consensus has been reached).
- (b) Council may also be required to contribute financially to the agreed projects.
- (c) Beelitz Municipality will bear their own costs when traveling to Witzenberg.

Legal implications

Council must approve all overseas visits and costs incurred.”

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

that Council in principle approves the twinning agreement, depending on the outcomes of the bilateral discussions and working visits between Witzenberg Municipality and Beelitz Municipality in Germany.

UNANIMOUSLY RESOLVED

- (a) *that Council in principle approves the twinning agreement, depending on the outcomes of the bilateral discussions and working visits between Witzenberg Municipality and Beelitz Municipality in Germany.*
- (b) *that the Municipal Manager be authorised to hold discussions with the Beelitz Municipality, Germany in respect of a twinning agreement with Witzenberg Municipality.*

8.4.3 International relations: Twinning agreement between Essen, Belgium and Witzenberg Municipality (10/2/3)

Item 7.4.3 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

“Purpose

To recommend to Council to consider the possible participation of a Witzenberg choir during the World Choir Games, scheduled for July 2020 in Flanders, Belgium.

Background

Council has a twinning agreement with Essen Gemeente, Belgium which is in existence for more than ten years. In terms of the said agreement the current focus is on environmental management and youth capacitation.

On 27 March 2019 a Witzenberg delegation, led by the Executive Mayor, held a video conference with the Executive Mayor of Essen and his delegation. The purpose of the video conference was to introduce the newly elected Mayor of Essen and to assess the progress of the Federal programme (Environmental management). During the engagement Essen raised the World Choir Games and enquired whether the municipality will be interested in sending a choir to Belgium to participate in the World Choir Games. Essen also wants to schedule a choir event on 4 and 5 July 2020 in Essen. The World Choir Games will officially start on 6 July 2020 in Gent and Antwerp. In terms of the earlier discussion the expenses will be partially subsidised by Essen and one of the funding programmes. The municipality will, however, be responsible for a large portion of the travelling expenses of the choir members. Details of the World Choir Games are attached as **annexure 8.4.3**. In terms of the program attached, the municipal choir will qualify to enter the open competition. The choir will perform four compositions.

Each composition at least eight minutes long and not more than fifteen minutes. Three compositions may be performed with original instruments and at least one in terms of a *capella*.”

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council grants approval that the Executive Mayor and Municipal Manager discuss the matter to establish a Witzenberg Choir for the invitation to Essen, Belgium with Mr Fabian Fredericks, music teacher at Ceres Primary School.
- (b) that the Municipal Manager commences to determine the cost implications for the choir supra (a) to Essen, Belgium.

UNANIMOUSLY RESOLVED

- (a) *that Council grants approval that the Executive Mayor and Municipal Manager discuss the matter to establish a Witzenberg Choir for the invitation to Essen, Belgium with Mr Fabian Fredericks, music teacher at Ceres Primary School.*
- (b) *that the Municipal Manager commences to determine the cost implications for the choir supra (a) to Essen, Belgium.*

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

Item 7.4.4 of the Executive Mayoral Committee meeting, held on 27 May 2019, refers.

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

Purpose

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

Background

Council resolved per item 8.1.3 on 28 August 2008:

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

A Section 78 investigation as per the Municipal Systems Act of 2000 was then followed to look at the Council resolution with the view of entering into a private public partnership agreement. A report was compiled, which is attached as **annexure 8.4.4(a)**. The report recommended that Council should either alienate the said land or follow a PPP process. During discussions with various stakeholders and National Treasury the option of a PPP was eliminated because of the possible turnover of the project (was being regarded as too small). The item was referred back to Council and it was resolved to follow a Supply Chain process in terms whereof Klip River Park would be leased on a long term period of 30 years. The Supply Chain process was advertised on two occasions in both the National and Provincial newspapers without any success. An extract from the tender document which was then advertised, is attached as **annexure 8.4.4(b)**. Site meetings during the advertisement process were compulsory and at all the meetings there were community members claiming that Council's process was flawed and that they would create problems for any successful bidder. At the last site meeting there were two company representatives who flew from Johannesburg and whom had shown genuine interest in as a potential lessee. They have, however, not submitted any bids after the said site meetings. Some of the inputs received during the clarification meetings and also from potential interested parties were that the lease period was not long enough and that the capital investment required at the park would not make the park a viable option for the 15 year period. The area for rental in terms of the said Council resolution is approximately 14.5 ha. A copy of a Google aerial photo is attached as **annexure 8.4.4(c)**.

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

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

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

Legal implication

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

Financial implication

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

The Executive Mayoral Committee resolved on 27 May 2019:

That the Executive Mayoral Committee recommends to Council:

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

UNANIMOUSLY RESOLVED

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

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

**9.1 Finance: Adjustment budget 2018/2019
(5/1/17)**

The following memorandum, dated 27 May 2019, was received from the Acting: Director: Finance:

“1. Purpose

The purpose of this report is to:

- Document the 2018/2019 adjustment budget for consideration to the Municipal Manager and Executive Mayor.
- Provide the background information regarding the consideration and approval of the budget.

2. Legal framework

Chapter 4 of the MFMA provides the legal framework for municipal budgets. Section 28 deals with adjustment budgets and is quoted below:

‘28. Municipal adjustments budgets -

- (1) A municipality may revise an approved annual budget through an adjustments budget.
- (2) An adjustments budget —
 - (a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
 - (b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;

- (c) may, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;
 - (d) may authorise the utilisation of projected savings in one vote towards spending under another vote;
 - (e) may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
 - (f) may correct any errors in the annual budget; and
 - (g) may provide for any other expenditure within a prescribed framework.
- (3) An adjustments budget must be in a prescribed form.
- (4) Only the mayor may table an adjustments budget in the municipal council, but an adjustments budget in terms of subsection (2)(b) to (g) may only be tabled within any prescribed limitations as to timing or frequency.
- (5) When an adjustments budget is tabled, it must be accompanied by —
- (a) an explanation how the adjustments budget affects the annual budget;
 - (b) a motivation of any material changes to the annual budget;
 - (c) an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and
 - (d) any other supporting documentation that may be prescribed.
- (6) Municipal tax and tariffs may not be increased during a financial year.
- (7) Sections 22 (b), 23 (3) and 24 (3) apply in respect of an adjustments budget, and in such application a reference in those sections to an annual budget must be read as a reference to an adjustments budget.'

Section 23 of the Local Government: Municipal Finance Management Act: Municipal Budget and Reporting Regulations, regulates municipal adjustment budgets and is quoted below:

'Timeframes for tabling of adjustments budgets:

23. (1) An adjustment budget referred to in Section 28(2)(b),(d) and (f) of the act may be tabled in the municipal council at any time after the mid-year budget and performance assessment has been tabled in the council, **but not later than 28 February of the current year.**
- (2) Only one adjustment budget referred to in sub-regulation (1) may be tabled in the municipal council during a financial year, except when the additional revenues contemplated in section 28(2)(b) of the Act are allocations to a municipality in a national or provincial adjustments budget, in which case sub regulation (3) applies.
- (3) If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of the municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the municipal council to appropriate these additional revenues.

- (4) An adjustments budget referred to in Section 28(2)(c) of the Act must be tabled in the municipal council at the first available opportunity after the unforeseeable and unavoidable expenditure contemplated in that section was incurred and within the time period set in Section 29(3) of the Act.
- (5) An adjustment budget referred to in Section 28(2)(e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate.
- (6) An adjustment budget contemplated in Section 28(2)(g) of the Act may only authorise unauthorised expenditure as anticipated by section 32(2)(a)(i) of the Act, and must be –
 - (a) dealt with as part of the adjustment budget contemplated in sub-regulation (1); and
 - (b) a special adjustment budget tabled in the municipal council when the mayor tables the annual report in terms of Section 127(2) of the Act, which may only deal with unauthorised expenditure from the previous financial year which the council is being requested to authorise in terms of Section 32(2)(a)(i) of the Act.'

3. Progress to date

The Budget for 2018/2019 was approved by Council on 29 May 2018.

4. Discussion

Councils approval for the adjustments to the budget as per the attached report (**annexure 9.1**) is requested."

UNANIMOUSLY RESOLVED

That the adjustment budget of Witzenberg Municipality for the financial year 2018/2019 as set out in the budget documents be approved:

- (i) *Table B1 - Budget summary.*
- (ii) *Table B2 Adjustments Budget Financial Performance (by standard classification).*
- (iii) *Table B3 – Budgeted Financial performance (Revenue and Expenditure) by Vote.*
- (iv) *Table B4 Adjustments Budget Financial Performance (revenue by source).*
- (v) *Table B5 – Budgeted Capital Expenditure by Vote, standard classification and funding.*

**9.2 Logistical arrangements: Council recess June/July 2019
(3/1/2/3)**

The following report, dated 30 May 2019, was received from the Speaker.

Purpose

To request Council to consider whether Council will go in recess and the period thereof.

Deliberation

It has been practice that the Speaker of Council decides on the recess period taken by the Council. In terms of the Structures Act, the Speaker determines the date, time and place of council meetings unless the majority of councillors request otherwise. I hereby propose that Council takes recess from 15 June 2019 until 15 July 2019."

UNANIMOUSLY RESOLVED

- (a) *that Council goes in recess from 15 June 2019 until 15 July 2019.*
- (b) *that the Speaker be authorised to call a special council meeting in case of emergency.*

10. FORMAL AND STATUTORY MATTERS

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

None

NOTED

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

- (a) The Speaker requested Aldermen, Alderlady and Councillors to urgently submit all outstanding Declaration of Interests and SASRIA forms.
- (b) Councillor MD Jacobs informed Council that a Municipal Public Accounts Committee training course will be held at Stellenbosch Municipality on Friday, 7 June 2019.
- (c) That the Municipal Manager submits an item with regard to penalties for absence by Councillors at the next meeting.

NOTED

12. COUNCIL-IN-COMMITTEE