

**MINUTES OF THE COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 28 MAY 2014 AT 10:00**

**PRESENT**

Councillors

TT Godden (Speaker)  
JNED Klazen (Executive Mayor)  
K Adams (Deputy Executive Mayor)  
R Badela  
JJ du Plessis  
MC du Toit  
WJ Hanekom  
P Heradien  
BC Klaasen  
S Louw  
JS Mouton  
SM Ndwanya  
JT Phungula  
L Salmon  
MI Saula  
E M Sidego  
R Simpson  
HJ Smit  
D Swart  
JA Veschini  
JJ Visagie  
P Waterboer

Officials

Mr D Nasson (Municipal Manager)  
Ms J Krieger (Director: Community Services)  
Mr HJ Kritzingen (Director: Finance)  
Mr M Mpeluza (Director: Corporate Services)  
Mr J Barnard (Director: Technical Services)  
Mr A Hofmeester (IDP Manager)  
Mr H Visser (Manager: Disaster Management and Fire Services)  
Mr A Raubenheimer (Manager: Financial Administration)  
Mr GP Bezuidenhout (Manager: Administration)  
Ms M Prins (Acting Principal Administrative Officer)  
Mr CJ Titus (Committee Clerk)

**1. OPENING AND WELCOME**

The Speaker welcomed everybody present and requested Councillor Hanekom to open the meeting with prayer.

**NOTED.**

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

Application for leave of absence from the meeting was received from Councillor B Chaaban.

**RESOLVED**

*That the application for leave of absence from the meeting, received from Councillor B Chaaban, be approved and accepted.*

Councillor J Phungula requested that men remove their hats when in council chambers.

Councillor J Visagie said that as a Rastafarian it is his culture to wear a hat and that he would not remove his hat.

The Speaker ruled that for this meeting that Councillor Visagie could keep his hat on and that if anybody would like to have a relook at the dress code for councillors, that an item be put to Council with the request.

**3. MINUTES**

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

The following minutes are attached:

- (a) Council meeting, held on 26 March 2014: **Annexure 3.1(a)**.
- (b) Special council meeting, held on 16 April 2014: **Annexure 3.1(b)**.

**RESOLVED**

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

- (i) Council meeting, held on 26 March 2014.
- (ii) Special council meeting, held on 16 April 2014.

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

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

Councillor E Sidego conveyed Council's congratulations to the following councillor and spouses on their birthdays:

- Mr S Phungula                      3 April
- Mrs N Klazen                        17 April
- Councillor S Ndwanya            27 May

Councillor J Mouton conveyed Council's condolences to the Director: Corporate Services with the passing away of his father and aunt and also conveyed Council's condolences to the Speaker with the passing away of his father-in-law.

Council Mouton also asked that a minute's silence be held for the passing away of Minister Cobus Dowrie.

**NOTED.**

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

The Speaker announced that he was at a SALGA Working Group meeting where a new subsistence and travelling allowance system for councillors was discussed.

**NOTED.**

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

The Executive Mayor thanked everybody that helped with the project on Child Protection that was held in the community.

**NOTED.**

**5. MOSIES EN KENNISGEWINGS VAN VOORSTELLE**

Geen.

**AANGETEKEN.**

**6. INTERVIEWS WITH DELEGATIONS**

None.

**NOTED.**

**7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS**

**7.1 Notules: Komiteevergaderings  
(03/3/2)**

Die verslae/notules van die volgende komiteevergaderings word ingebind:

- (a) Committee for Technical Services, held on 11 February 2014: **Annexure 7.1(a).**
- (b) Komitee vir Behuisingsaangeleenthede, gehou op 6 Maart 2014: **Bylae 7.1(b).**
- (c) Committee for Technical Services, held on 27 March 2014: **Annexure 7.1(c).**
- (d) Komitee vir Korporatiewe en Finansiële Dienste, gehou op 13 Maart 2014: **Bylae 7.1(d).**
- (e) Komitee vir Behuisingsaangeleenthede, gehou op 10 April 2014: **Bylae 7.1(e).**

**BESLUIT**

*Dat kennis geneem word van die notules van die komiteevergaderings en dit aanvaar word.*

**8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

**8.1 Direktooraat Finansies / Directorate Finance**

**8.1.1 Monthly reports of the Department Finance: February, March and April 2014  
(9/1/2/2)**

The following items refer:

- (a) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 20 March 2014.
- (b) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 20 May 2014.
- (b) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 23 May 2014.

The following monthly reports of the Depart Finance are attached:

- (a) February 2014 **Annexure 8.1.1(a)**
- (b) March 2014 **Annexure 8.1.1(b)**
- (c) April 2014 **Annexure 8.1.1(c)**

The Director: Finance tabled the monthly report of the Department Finance for February 2014.

The Executive Mayoral Committee resolved on 20 March 2014 to recommend to Council that cognisance be taken of the monthly report of the Department Finance for February 2014 and same be accepted.

Extract from the minutes of the meeting of the Committee for Corporate and Financial Services, held on 20 May 2014:

"Councillor J du Plessis raised concerns with regard to the recovery of outstanding debt and the slow spending of the capital budget.

Some of the problems with debt collection were highlighted by the Director: Finance. The Municipal Manager explained that the slow capital spending was mainly on housing projects due to projects not being approved in time by the Department of Human Settlements.

Resolved

To recommend to Council:

That cognisance be taken of the monthly reports of the Department Finance for February and March 2014 and same be accepted."

Extract from the minutes of the Executive Mayoral Committee meeting, held on 23 May 2014:

"Councillor J Veschini raised concerns on the following matters:

- (i) Meters not being read.
- (ii) Outstanding debt of government departments and municipal officials as well as outstanding debt in total.

Resolved

To recommend to Council:

That cognisance be taken of the monthly reports of the Department Finance for March and April 2014 and same be accepted."

**RESOLVED**

*That cognisance be taken of the monthly reports of the Department Finance for February, March and April 2014 and same be accepted.*

**8.1.2 Draft IDP and Budget Process Plan for 2015/2016  
(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:

<b>Steps</b>		<b>Process</b>
<b>1</b>	<b>Planning</b>	Schedule dates, establish consultation forums, review previous processes
<b>2</b>	<b>Strategizing</b>	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.
<b>3</b>	<b>Preparing</b>	Prepare Budget, revenue and expenditure projections; draft Budget policies; consult and consider local-, provincial- and national priorities
<b>4</b>	<b>Tabling</b>	Table draft Budget, draft IDP and Budget-related policies before council; consult and consider local-, provincial- and national inputs or responses
<b>5</b>	<b>Approving</b>	Council approves the IDP, the Budget and related policies
<b>6</b>	<b>Finalising</b>	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 2015/2016 IDP and Budget cycle is attached as **annexure 8.1.2**.

#### **RESOLVED**

- (a) *That the Draft IDP and Budget Process Plan for 2015/2016 be approved.*
- (b) *That in the event of any changes with regard to the dates of the Process Plan, the Municipal Manager be mandated to change same after consultation with the Executive Mayor.*

#### **8.1.3 Finance: Budget, Reviewed IDP and SDBIP for the financial year 2014/2015 (5/1/1/13, 2/2/1 & 5/1/5/7)**

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 27 May 2014: **Annexure 8.1.3(a)**.
- (b) Draft Budget for 2014/2015 – 2016/2017: **Annexure 8.1.3(b)**.
- (c) Reviewed IDP for 2014/2015: **Annexure 8.1.3(c)**.
- (d) Service Delivery and Budget Implementation Plan 2014/2015: **Annexure 8.1.3(d)**.
- (e) Budget related policies: **Annexure 8.1.3(e)**.

#### **RESOLVED**

- (a) *That the annual budget of Witzenberg Municipality for the financial year 2014/2015; and indicative for the two projected years 2015/2016 and 2016/2017, as set out in the schedules contained in Section 4, be approved:*
  - (i) *Table A2: WC048 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 1 and any other municipal tax reflected in Annexure 1 are imposed for the budget year 2014/2015.*
- (c) *Tariffs and charges reflected in Annexure 1 are approved for the budget year 2014/2015.*
- (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 2014/2015.*
- (e) *The measurable performance objectives for each vote reflected in SA8 are approved for the budget year 2014/2015.*
- (f) *That the new amended budget related policies be approved with implementation as from 1 July 2014:*
  - (i) *Tariff Policy*
  - (ii) *Property Rates Policy*
  - (iii) *Credit Control and Debt Collection Policy*
  - (iv) *Cash Management and Investment Policy*
  - (v) *Consumer Payment Incentive Policy*
  - (vi) *Municipal Supply Chain Management Policy*
  - (vii) *Petty Cash Policy*
  - (viii) *Indigent Policy*
  - (ix) *Budget Policy*
  - (x) *Budget Virement Policy*
  - (xi) *Asset Management Policy*
  - (xii) *Funding and Reserves Policy*
  - (xiii) *Cellular Telephone and Data Card Policy*
  - (xiv) *Borrowing Policy*
- (g) *That the reviewed Integrated Development Plan for 2014/2015 be approved.*
- (h) *That the Service Delivery and Budget Implementation Plan (SDBIP) for 2014/2015 be approved.*

#### **8.1.4 Finance: Adjustment Budget 2013/2014 (5/1/12)**

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 27 May 2014: **Annexure 8.1.4(a).**
- (b) Adjustment Budget 2013/2014 to 2015/2016: **Annexure 8.1.4(b).**

The Executive Mayor carried in the Adjustment Budget 2013/2014 and mentioned some salient points contained in the Adjustment Budget.

Councillor M du Toit requested that the Budget and Adjustment Budget be presented to councillors earlier as it does not give councillors enough time to scrutinise the budget for approval.



The Municipal Manager stated that the Ward Participation Process Plan will be adjusted to accommodate Council to receive the Adjustment Budget earlier.

Councillor H Smit congratulated the Director: Finance and his personnel with their submission of the Adjustment Budget.

**RESOLVED**

*That the Adjustment Budget for 2013/2014 to 2015/2016 be approved.*

**8.1.5 SDBIP Reports: Finance Department: February and March 2014  
(5/1/5/6)**

Item 7.2 of the meeting of the Committee for Corporate and Financial Services, held on 20 May 2014, refers.

The following SDBIP reports of the Department Finance are attached:

- |     |               |                          |
|-----|---------------|--------------------------|
| (a) | February 2014 | <b>Annexure 8.1.5(a)</b> |
| (b) | March 2014    | <b>Annexure 8.1.5(b)</b> |

The Committee for Corporate and Financial Services resolved on 20 May 2014 to recommend to Council that cognisance be taken of the SDBIP reports of the Department Finance for February and March 2014 and same be accepted.

**RESOLVED**

*That cognisance be taken of the SDBIP reports of the Department Finance for February and March 2014 and same be accepted.*

**8.1.6 Quarterly reports: Implementation of Supply Chain Management Policy: Ending June, September and December 2013  
(9/1/2/2)**

Item 7.3 of the meeting of the Committee for Corporate and Financial Services, held on 20 May 2014, refers.

The following quarterly reports from the Manager: Supply Chain on the implementation of the Supply Chain Management Policy are attached:

- |     |                        |                          |
|-----|------------------------|--------------------------|
| (a) | Ending June 2013:      | <b>Annexure 8.1.6(a)</b> |
| (b) | Ending September 2013: | <b>Annexure 8.1.6(b)</b> |
| (c) | Ending December 2013:  | <b>Annexure 8.1.6(c)</b> |

The Committee for Corporate and Financial Services resolved on 20 May 2014 to recommend to Council that cognisance be taken of the quarterly reports on the implementation of the Supply Chain Management Policy for the periods ending June, September and December 2013 and same be accepted.

**RESOLVED**

*That cognisance be taken of the quarterly reports on the implementation of the Supply Chain Management Policy for the periods ending June, September and December 2013 and same be accepted.*

**8.1.7 Monthly report: Service Delivery and Budget Implementation Plan: April 2014  
(05/1/5/6)**

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 23 May 2014, refers.

The monthly report of the Service Delivery and Budget Implementation Plan for April 2014 is attached as **annexure 8.1.7**.

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council that cognisance be taken of the Service Delivery and Budget Implementation Plan monthly report for April 2014 and same be accepted.

**RESOLVED**

*That cognisance be taken of the monthly report of the Service Delivery and Budget Implementation Plan for April 2014 and same be accepted.*

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**8.2 Direktooraat Tegniëse Dienste / Directorate Technical Services**

**8.2.1 Aansoek om vergunning vir die doeleindes van 'n plek van vermaaklikheid: Erf 1386, Lyellstraat 60, Ceres  
(15/04/1/1/23)**

Item 6.11 van die vergadering van die Komitee vir Tegniëse Dienste, gehou op 27 Maart 2014, verwys.

Die Komitee vir Tegniëse Dienste het op 27 Maart 2014 besluit:

Dat ingevolge Regulasie 4.5.1 van die Ceres Skemaregulasies afgekondig ingevolge Artikel 7 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, die aansoek om vergunning vir die doeleindes van 'n vermaaklikheidsplek vanaf Erf 1386, goedgekeur word, onderhewig aan die volgende voorwaardes:

- (i) Dat hierdie goedkeuring aanvanklik vir 12 maande geldig is en dat die Raad die verlenging van die tydperk sal oorweeg op aansoek en onderhewig daaraan dat die bedryf nie steurend was of 'n ergenis vir die omliggende grondeienaars veroorsaak het nie.
- (ii) Dat die ure vir handel in drank ingevolge die Raad se verordening vir 'n perseel in die liggingskategorie 2 van die skedule sal geld, welke dae en ure as volg is:

Maandag tot Saterdag:	11:00 tot 23:00
Sondag:	11:00 tot 21:00

- (iii) Dat geen nagklub, disko of soortgelyke aktiwiteite mag plaasvind nie.
- (iv) Dat musiek nie buite die plek hoorbaar mag wees nie.
- (v) Dat die Raad behou die reg om aan te dring op die skep van addisionele ablusiegeriewe op perseel of in die direkte omgewing op die koste van die aansoeker, indien daar bevind word dat die klante die omgewing bevuil.
- (vi) Dat die Raad behou die reg om aan te dring op die skep van addisionele parkeerplekke op perseel of in die direkte omgewing op die koste van die aansoeker, indien daar bevind word dat klante op aanliggende persele parkeer.
- (vii) Dat sou na die Raad se mening geldige klagtes rakende die gebruik ontvang word, die Raad die reg voorbehou om die toestemming te enige tyd terug te trek en/of verdere voorwaardes mag neerlê sonder dat die eienaar enige eise om vergoeding teen die Raad mag instel as gevolg van onkoste deur hom/haar aangegaan in hierdie verband.
- (viii) Dat die vergunning toegeken word aan Mnr M Mentor en nie oordraagbaar is ingeval die eiendom en/of besigheid verkoop word nie. In so 'n geval sal die Raad se goedkeuring verval; dat veiligheids- en gesondheidsvereistes van toepassing ten alle tye nagekom word. Daar moet verder ook om 'n Geskiktheidsertifikaat ingevolge Regulasie 918 van 1999, sowel as 'n handelslisensie (indien vereis) aansoek gedoen word.
- (ix) Dat veiligheids- en gesondheidsvereistes van toepassing ten alle tye nagekom word. Daar moet verder ook om 'n Geskiktheidsertifikaat ingevolge Regulasie 918 van 1999, sowel as 'n handelslisensie (indien vereis) aansoek gedoen word.
- (x) Dat alle bouaktiwiteite aan die SABS 0400.1990 en Nasionale Bouregulasies en Boustandaarde van 1977, soos gewysig, sal voldoen.
- (xi) Dat die goedkeuring nie die eienaar vrywaar om aan enige ander relevante statutêre vereistes te voldoen nie.

Die volgende verslag is nou vanaf die Bestuurder: Stadsbeplanning en Boubeheer ontvang:

“Agtergrond

Aansoek om vergunning was ontvang vir die bedryf van 'n plek van vermaaklikheid op Erf 1386, Lyellstraat 60, Ceres. Die Komitee vir Tegniiese Dienste het met sy vergadering gehou op 27 Maart 2014 die aansoek goedgekeur.

Nadat die beswaarmakers per brief insake die besluit en voorwaardes ingelig is, was 'n appèl ontvang vanaf mnr. DC van Huffel. Mnr. Van Huffel se brief word aangeheg as **bylae 8.2.1(a)**.

In kort verwys die appellant hoofsaaklik na die probleme wat ondervind word met vermaaklikheidsplekke. Die probleme soos volg word uitgewys:

- Onvoldoende parkering
- Onvoldoende ablusiegeriewe
- Geen klankdigtheid
- Geen beheer oor kliënte wat die klub verlaat nie
- Geen beheer oor die kliënte wat buite wil kuier nie

Die aansoeker noem in sy repliek, aangeheg as **bylae 8.2.1(b)**, dat die appellant hoofsaaklik verwys na die probleme wat met die vorige plek ondervind was. Die aansoeker het alreeds hierdie probleme in sy aansoek bespreek. Hy noem ook dat sy besigheid as 'n "jazz spot", wat met sagte musiek gepaardgaan, bedryf gaan word en nie as 'n diskoteek nie. Hy het ook sy plan voor indiening eers aan die appellant voorgelê en bespreek waar sy voorstel deur die appellant van die hand gewys was. Die applikant voel dat dit sy reg is om 'n besigheid te bedryf en hy 'n kans gegun moet word.

#### Gevolgtrekking

Die aansoek het 'n proses gevolg en was geëvalueer. Met die appèl is daar geen nuwe feite aan die lig gebring om 'n ander besluit te regverdig, dus word voorgestel dat die appèl van die hand gewys word."

Raadslid K Adams versoek dat sy teenstem genotuleer word.

#### **BESLUIT**

- (a) *Dat die besluit van die Komitee vir Tegniiese Dienste, gedateer 27 Maart 2014, om die aansoek om vergunning vir die doeleindes van 'n vermaaklikheidsplek vanaf erf 1386, Ceres goed te keur, bevestig word en die appèl van mnr. David van Huffel van die hand gewys word.*
- (b) *Dat die goedkeuring onderhewig is aan die volgende voorwaardes:*
  - (i) *Dat hierdie goedkeuring aanvanklik vir twaalf maande geldig is en dat die Raad die verlenging van die tydperk sal oorweeg op aansoek en onderhewig daaraan dat die bedryf nie steurend was of 'n ergernis vir die omliggende grondeienaars veroorsaak het nie.*
  - (ii) *Dat die ure vir handel in drank ingevolge die Raad se verordening vir 'n perseel in die liggingskategorie 2 van die skedule sal geld, welke dae en ure as volg is:*  
  

<i>Maandag tot Saterdag:</i>	<i>11:00 tot 24:00</i>
<i>Sondag:</i>	<i>11:00 tot 24:00</i>
  - (iii) *Dat geen nagklub, disko of soortgelyke aktiwiteite mag plaasvind nie.*
  - (iv) *Dat musiek nie buite die plek hoorbaar mag wees nie.*
  - (v) *Dat die Raad behou die reg om aan te dring op die skep van addisionele ablusiegeriewe op perseel of in die direkte omgewing op die koste van die aansoeker, indien daar bevind word dat die klante die omgewing bevuil.*
  - (vi) *Dat die Raad behou die reg om aan te dring op die skep van addisionele parkeerplekke op perseel of in die direkte omgewing op die koste van die aansoeker, indien daar bevind word dat klante op aanliggende persele parkeer.*

- (vii) *Dat sou na die Raad se mening geldige klagtes rakende die gebruik ontvang word, die Raad die reg voorbehou om die toestemming te enige tyd terug te trek en/of verdere voorwaardes mag neerlê sonder dat die eienaar enige eise om vergoeding teen die Raad mag instel as gevolg van onkoste deur hom/haar aangegaan in hierdie verband.*
- (viii) *Dat die vergunning toegeken word aan mnr M Mentor en nie oordraagbaar is ingeval die eiendom en/of besigheid verkoop word nie. In so 'n geval sal die Raad se goedkeuring verval; dat veiligheids- en gesondheidsvereistes van toepassing ten alle tye nagekom word. Daar moet verder ook om 'n Geskikheidsertifikaat ingevolge Regulasie 918 van 1999, sowel as 'n handelslisensie (indien vereis) aansoek gedoen word.*
- (ix) *Dat veiligheids- en gesondheidsvereistes van toepassing ten alle tye nagekom word. Daar moet verder ook om 'n Geskikheidsertifikaat ingevolge Regulasie 918 van 1999, sowel as 'n handelslisensie (indien vereis) aansoek gedoen word.*
- (x) *Dat alle bouaktiwiteite aan die SABS 0400.1990 en Nasionale Bouregulasies en Boustandaarde van 1977, soos gewysig, sal voldoen.*
- (xi) *Dat die goedkeuring nie die eienaar vrywaar om aan enige ander relevante statutêre vereistes te voldoen nie.*

Raadslid K Adams versoek dat sy teenstem genotuleer word.

## **8.2.2 Introduction of the Proposed Draft Witzenberg Land Use Planning By-Law (15/04/P)**

Item 7.1 of the meeting of the Committee for Technical Services, held on 20 May 2014, refers.

The following documents are attached:

- (a) Memorandum from the Manager: Town Planning and Building Control, dated 30 April 2014: **Annexure 8.2.2(a)**.
- (b) Introduction of the proposed Draft Witzenberg Land Use Planning By-Law: **Annexure 8.2.2(b)**.
- (c) Provincial Government Gazette dated 7 April 2014: **Annexure 8.2.2(c)**.

The Manager: Town Planning and Building Control reported on the matter and highlighted the following:

- That the Municipality must abide to the Spatial Planning and Land Use Management Act (SPLUMA) of 2013.
- That the By-Law was work shopped by Council, but stopped at Section 44. A follow-up workshop is scheduled for 26 May 2014 to deal with the matter.
- That there are a few options available to appoint members of the tribunal.
- That a clerk needs to be appointed for administrative logistical arrangements e.g. compiling minutes and agendas etc.

- That the Manager: Town Planning and Building Control looks up in the By-Law whether ward councillors may make inputs in the tribunal.
- That the tribunal will make all the decisions regarding applications in future.

The Committee for Technical Services resolved on 20 May 2014 to recommend to Council:

- (a) That the contents of the report be noted.
- (b) That in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a by-law on Municipal Land Use Planning be introduced.
- (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 Land Use Planning By-law be published for public representations.
- (d) That the proposed draft Witzenberg Land Use Planning By-law and any representations received, be submitted to Council for consideration after publication thereof.

**RESOLVED**

- (a) *That the contents of the report be noted.*
- (b) *That in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a by-law on Municipal Land Use Planning be introduced.*
- (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 Land Use Planning By-law be published for public representations.*
- (d) *That the proposed draft Witzenberg Land Use Planning By-law and any representations received, be submitted to Council for consideration after publication thereof.*

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**8.3      Direktoraat Gemeenskapsdienste / Directorate Community Services**

**8.3.1    Municipal Disaster Management Plan 2013/2014  
(17/7/3/P)**

The Municipal Disaster Management Plan 2013/2014 is attached as **annexure 8.3.1**.

**RESOLVED**

*That the Municipal Disaster Management Plan 2013/2014 be approved.*

**8.3.2 Housing: GAP Housing  
(17/4/R)**

Item 6.2 of the council meeting, held on 26 March 2014, refers.

Mr FG Mudima from Messrs Cape Town Community Housing Company made a PowerPoint presentation with regard to GAP housing. The presentation is attached as **annexure 8.3.2**.

Council indicated that the matter be referred back for further discussion and decisions.

**RESOLVED**

*That the Committees for Technical Services and Housing Matters draw up a specification for the GAP Housing at a meeting to be held within the first week of June 2014 so that the Supply Chain process can be started.*

Raadslid D Swart versoek namens die DA 'n 15 minute resessie en verdaag die vergadering om 11:41. Die vergadering hervat om 11:55.

**8.3.3 Support and nomination of trustee to the Ceres Uvukha Trust  
(12/1/1/26)**

The following items refer:

- (a) Item 7.3.2 of the Executive Mayoral Committee meeting, held on 3 December 2013.
- (b) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 10 March 2014.
- (c) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 23 May 2014.

The following memorandum, dated 3 December 2013, was received from the Municipal Manager:

"Purpose

To consider and to recommend to Council the nomination of a Trustee to the Ceres Uvukha Trust and also to support the concept and objective of the Trust.

Deliberation

The Victoria Park Sport complex at the entrance of Ceres is the property of the Ceres Agricultural Society (Ceres Landbougenootskap). There is a clause in the title deed that stipulates that the land and buildings must be used for sporting activities and in the event of the society not using it as such it be returned to the municipality. The Agricultural Society is eager to lease and/or alienate the land to the Ceres Uvukha Trust to inter alia develop the land into a high performance institute with facilities for swimming and/or gymnastics and/or cricket and/or rugby and/or astro hockey and/or athletics and/or any other similar facilities. The Ceres Uvukha Trust will be registered as a non-profit organisation with its own legal identity. The sole object of the trust is the development of sport and education facilities in the broader Ceres community as well as the objectives outlined in part I of the Ninth Schedule to the Income Tax Act 58 of 1962, as amended. A copy of the Trust document is attached as **annexure 8.3.3**. The full objects of the Trust is set out on pages 6, 7 and 8 of the Trust document.

In terms of the Trust document there will be at least 6 Trustees to be nominated from the following organisations or institutions:

- (a) Witzenberg Municipality
- (b) Ceres Business Initiative
- (c) Ceres Agricultural Society
- (d) Ceres Broederkring (being the interdenominational organization)
- (e) "Sandgat" Ward
- (f) Ceres School Principals Association"

The following recommendation was tabled to the Executive Mayoral Committee:

To recommend to Council:

- (i) That the concept of the Ceres Uvukha Trust be supported.
- (b) That a councillor be nominated as a trustee to the Trust.

The Executive Mayoral Committee resolved on 3 December 2013 that the matter regarding the support and nomination of a trustee to the Ceres Uvukha Trust be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 10 March 2014:

- (a) That the Executive Mayoral Committee takes cognisance of the matter in respect of the Ceres Uvukha Trust and accepts it.
- (b) That the matter be held in abeyance until the next meeting and that Mr Gerrit van Vuuren be invited to clear any uncertainties.

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

- (i) That the concept of the Ceres Uvukha Trust be supported.
- (ii) That a councillor be nominated as a trustee to the Trust.

#### **RESOLVED**

*That the matter with regard to the Ceres Uvukha Trust be held in abeyance until the next council meeting.*

#### **8.3.4 Environmental affairs: Draft Air Quality Management Plan (17/1/4/P)**

The Draft Air Quality Management Plan is attached as **annexure 8.3.4**.

#### **RESOLVED**

*That the Draft Air Quality Management Plan be approved.*



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

**8.4.1 Development: Wolwekloof  
(5/6/1)**

An extract from the minutes of a workshop meeting, held on 7 April 2014, is attached as **annexure 8.4.1**.

**RESOLVED**

*That Council supports the Wolwekloof Development Project to be initiated by the Department of Public Safety.*

**8.4.2 Sale of municipal land: Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld, Ceres  
(7/1/4/2)**

The following items refer:

- (a) Item 7.4.3 of the Executive Mayoral Committee meeting, held on 20 March 2014.
- (b) Item 8.4.5 of the council meeting, held on 26 March 2014.

The following memorandum, dated 19 March 2014, was received from the Municipal Manager:

"Purpose

To consider the sale of Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld, Ceres.

Deliberation

Council is the owner of municipal land in the Koue Bokkeveld are, more commonly known as Portion 1 of Farm 209, Kleinvlei (295.4589 hectares in size) and held in terms of Title Deed number T30024/1985. An aerial photo of the property is attached as **annexure 8.4.2**.

A small portion of the property is used by the municipality as a landfill site for garden waste. The property is leased to a Mr Theo van Rooyen, which was previously known as the campsite for the Provincial Roads Department. An offer has now been received for the purchase of the said farm by the adjacent owner, Mr NL van der Merwe. The farm will be used for a land reform project. There are no water rights registered on the farm. The said owner has enough water on the adjacent farm to make the municipal land an economical farming unit.

After the initial offer was received, a further offer with no purchase price was made to Council. From the above it is clear that there is interest in the municipal property from more than one person or concern. If Council considers selling the land it is recommended that it be done through the municipal supply chain processes to give any interested party a fair and reasonable opportunity to purchase the land.

Financial implications

There is no financial implication to the sale other than additional income for Council.

Legal requirements

In terms of Section 14 of the Municipal Finance Management Act Council must resolve that the land is not required for basic service delivery.

Further conditions

- (a) It is recommended that it be made a condition of the sale, if Council so resolves, that the portion where the landfill site activity is taking place, as well as the so-called erstwhile campsite of the Provincial Roads Department be excluded from the sale agreement.
- (b) That the subdivision be approved by the Department of Agriculture in terms of Section 70 of the Agriculture Act."

The Executive Mayoral Committee resolved on 20 March 2014 to recommend to Council:

- (a) That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld not be required for the minimum level of basic municipal services. (MFMA Section 14.2a).
- (b) That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld be sold at a fair market related value. (MFMA Section 14.2b).
- (c) That the property be sold through the municipal supply chain processes in terms of Section 14.5 of the Municipal Finance Management Act (No. 56 of 2003).
- (d) That the Municipal Manager be mandated to sign all necessary documents on behalf of Council to effect the sale.
- (e) Further conditions:
  - (i) That it be made a condition of the sale that the portion where the landfill site activity is taking place, as well as the so-called erstwhile campsite of the Provincial Roads Department be excluded from the sale agreement.
  - (ii) That the subdivision be approved by the Department of Agriculture in terms of Section 70 of the Agriculture Act.

Council resolved on 26 March 2014 that the matter pertaining to the sale of municipal land known as Portion 1 of the farm 209, Kleinvlei Koue Bokkeveld be held in abeyance until the next council meeting.

**RESOLVED**

*That the matter be held in abeyance until the next council meeting.*

**8.4.3 Revitalisation of the Wolseley/Ceres/Prince Alfred's Hamlet railway line  
(17/19/2/28)**

Item 4.1 of the special council meeting, held on 16 April 2014, refers.

The following memorandum, dated 11 April 2014, was received from the Municipal Manager:

"Background

A delegation comprising of the Speaker, Councillor W Hanekom, the Municipal Manager and the Manager: Projects and Performance engaged with Transnet during late 2012, requesting Transnet to consider the revitalisation of the railway line from Prince Alfred's Hamlet to Wolseley.

The motivation for the opening of the railway line was that it will contribute to the migration from road freight, stimulating economic activity, ensure road safety, job creation and stimulation of the tourism industry. At the meeting Transnet committed to a follow-up meeting in Ceres and did so on a number of sessions where it encouraged that relevant stakeholders be involved in order that a consolidated approach be followed in response to the objectives endorsed.

The presentation to be made by Mr Albert Links is a direct response to the above."

The following recommendation was tabled to Council:

- (a) That the proposed business case for the revitalisation of the rail transport network between Prince Alfred's Hamlet and Wolseley, be supported as presented and provided that there are no financial obligation from Witzenberg Municipality at this stage.
- (b) That the Witzenberg Municipality is fully on board as supported by Council in pursuing its spatial planning and broader objectives contemplated in its IDP's and other relevant Government Policy, Legislation and Directives that it is required to respond to from time to time.

Council resolved on 16 April 2014:

- (a) That Council will consider the revitalisation of the Wolseley/Ceres/Prince Alfred's Hamlet railway line project when supplied with the requested information from Mr Albert Links.
- (b) That the matter with regard to the revitalisation of the Wolseley/Ceres/Prince Alfred's Hamlet railway line be held in abeyance until the next meeting.

The response from Messrs Transnet Freight Rail, dated 5 May 2014, is attached as **annexure 8.4.3**.

**RESOLVED**

*That the revitalisation of the Wolseley/Ceres/Prince Alfred's Hamlet railway line be approved, subject to the following conditions:*

- (i) That the operation of the railway line by the Ceres Rail Company will ensure the empowerment of women and youth from the previously disadvantaged community.*
- (ii) That the beneficiaries in terms of paragraph (i) be nominated by Council and forwarded to both Ceres Rail Company and Transnet as part of the BEE group in the project.*
- (iii) That a further non-profit driven Community Trust be established for financial gain from the project. The objectives of the trust to be developed and dealt with by Council's Committee for Local Economic Development and Tourism, and that any financial benefits accruing to the said trust be used to the advantage of the broader Witzenberg community.*
- (iv) That Council's concern for the living conditions of the two indigent families occupying two Transnet houses at the Prince Alfred's Hamlet railway station be conveyed to Transnet and the latter be requested to consider the transfer of the houses and/or regulation of the situation.*
- (v) That an awareness campaign be embarked on to inform the Witzenberg community of the revitalisation of the railway line between Wolseley and Prince Alfred's Hamlet, with special emphasis on railway crossings in the area.*
- (vi) That Transnet be requested to maintain the station buildings and premises within the jurisdiction of the Witzenberg Municipality in terms of Council's by-laws and policies.*

**8.4.4 Donation and transfer of erf 732, Tulbagh  
(5/2/7)**

Item 7.4.1 of the Executive Mayoral Committee meeting, held on 23 May 2014, refers.

The following memorandum, dated 20 May 2014, was received from the Municipal Manager:

**"1. Purpose**

To confirm a donation of erf 732 by the then Tulbagh Municipality in and during 1988 and to approve the transfer of the said erf in favour of the Tulbagh Kinderversorgingsoord herein after referred to as the school.

**2. Background**

The Tulbagh Kinderversorgingsoord is an NPO and registered as a social school with the Department of Social Development and has in total a personnel of 15 and 164 infants (*kleuters*). The ages of the infants differ from 3 until 6. The school has two grade R classes of which one class is funded by the Department of Education. In and during 1988 the then Tulbagh Municipality under the political leadership of Mayor Graham Pienaar donated erf 1328 Tulbagh to the school.

In terms of an affidavit by the school headmaster, Anwin Orffer, there was a big store consisting of four walls and a roof on the premises. The school upgraded and renovated the building and invested more than R1 million into it. It appears that the school formally opened its doors in and during 1991. Although it was initially indicated that the premises will be donated, a monthly payment of R908.60 was levied by the Municipality for the account of the school. The school avers that they were later informed by the Municipality to stop payment because they have made over payment. There is no other documentation available to support the school's account of the donation other than an extract from the minutes of a school committee meeting dated 9 June 1988. A copy of the minutes is attached as **annexure 8.4.4(a)**.

It is also clear from the Municipal evaluation that upgrades have taken place because the current Municipal evaluation of the building is R1.573 million. A copy of the municipal evaluation is attached as **annexure 8.4.4(b)**.

3. Financial implication

The school is currently paying all the services rendered in terms of the property except for rates. If transfer is to take place the school will also be liable for rates in terms of Council's policy.

4. Legal implication

It is trite law that the sale or donation of land must be documented. It is however clear from the school minutes and verbal account of the Head Master that it was always the intention of the then Tulbagh Municipality to transfer the property either by way of donation or via the repayment of a loan in terms of scheme of the then Department of Social Development. If Council confirms that it was indeed all parties' intention in and during 1988 to donate the said premises to the school then Council must resolve that such agreement be reduced in writing effective as from June 1988. If Council resolves that the evidence is such that it could not reasonably be deduced that it was the parties' intentions, then Council must consider the donation/sale in terms of the Municipal Finance Management Act. In the latter instance Council will be entitled to deviate from Council's Supply Chain process in that Council can resolve that it is indeed of the benefit of the community that such sale/donation be concluded. In the last instance Council must also make a decision in terms of Section 14 of the Municipal Finance Act."

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

- (i) That the donation of erf 732, Tulbagh by the former Tulbagh Municipality in favour of the Tulbagh Kindersorgingsoord be approved.
- (ii) That the Tulbagh Kindersorgingsoord be responsible for all transfer costs to effect the transfer of erf 732, Tulbagh.
- (iii) That the Municipal Manager be mandated to sign all documents necessary for the transfer of the said erf.
- (iv) That erf 732, Tulbagh is not required for basic services in terms of Section 14 of the Municipal Finance Management Act.

The Municipal Manager informed Council that evidence was found that erf 732 was actually bought by the Tulbagh Kinderversorgingsoord and that transfer of the erf can take place.

**RESOLVED**

- (a) *That Council confirms that erf 732 was bought by the Tulbagh Kinderversorgingsoord and that approval be granted for the transfer of erf 732 in favour of Tulbagh Kinderversorgingsoord.*
- (b) *That the Tulbagh Kinderversorgingsoord be responsible for all transfer costs to effect the transfer of erf 732, Tulbagh.*
- (c) *That the Municipal Manager be mandated to sign all documents necessary for the transfer of the said erf.*

**8.4.5 Representatives: SALGA Western Cape Working Groups  
(3/1/1/5)**

Item 8.2.1 of the Executive Mayoral Committee meeting, held on 23 May 2014, refers.

Circular WC 1 of 2014/2015 from SALGA, dated 8 April 2014, is attached as **annexure 8.4.5**.

The following memorandum, dated 22 May 2014, was received from the Director: Finance:

“1. Purpose

The purpose of this report is to ensure that the Witzenberg's Municipal Council is adequately represented on outside bodies by identifying the Witzenberg's Municipal Council's representation on SALGA's working groups.

2. Background

The following representatives to SALGA were approved by Council at the council meeting of 13 February 2013:

Economic Development Planning Working Group	Councillor WJ Hanekom
Municipal Finance and Administration Working Group	Councillor H Smit
Community Development Working Group	Councillor JNED Klazen
Municipal Infrastructure and Services Working Group	Councillors JJ Visagie and K Adams
Human Resources Development Working Group	Councillor H Smit

3. Discussion

The representatives were the heads of the relevant portfolio committees of Council. The composition of some of the portfolio committees has changed since the approval of the representatives to SALGA.”

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

That the following councillors be delegated to represent Council on the different working groups of SALGA:

- (i) Community Development Working Group: Councillor J Visagie
- (ii) Municipal Finance Working Group: Councillor H Smit
- (iii) Human Resource and Development Group: Councillor H Smit
- (iv) Municipal Infrastructure and Service Group: Councillor K Adams
- (v) Economic Development and Planning Group: Councillor S Louw
- (vi) Governance and Intergovernmental Relations Working Group: Councillor T Godden

#### **RESOLVED**

*That the following councillors be delegated to represent Council on the different working groups of SALGA:*

- (i) Community Development Working Group: Councillor J Visagie*
- (ii) Municipal Finance Working Group: Councillor H Smit*
- (iii) Human Resource and Development Group: Councillor H Smit*
- (iv) Municipal Infrastructure and Service Group: Councillor K Adams and Councillor M Saula as alternative*
- (v) Economic Development and Planning Group: Councillor S Louw*
- (vi) Governance and Intergovernmental Relations Working Group: Councillor T Godden*
- (vii) That the travelling expenses of the alternate for the Municipal Infrastructure and Service Group be paid by Council when he attends meetings of the working group.*

#### **8.4.6 Amendment to Section 79 and 80 Committees of Council (03/3/1/1)**

Item 8.2.2 of the Executive Mayoral Committee meeting, held on 23 May 2014, refers.

A summary of Council's representation on its internal structures is attached as **annexure 8.4.6**.

The following report has been received from the Executive Mayor:

"The functioning of certain committees has become a concern and it is impacting on service delivery and integrity of Council. Some of the committees have failed to convene because of the absence of a quorum. It is imperative that the Section 79 and 80 Committees should function properly, because it is the cornerstone of good governance of Council. It is recommended that certain councillors be moved and further alternative members be nominated to committees to ensure their proper functioning."

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

- (i) That Councillor W Hanekom be moved to the Committee for Community Development.
- (ii) That Councillor P Heradien be moved to the Committee for Housing Matters.
- (iii) That Councillor D Swart also serves on the Committee for Local Economic Development and Tourism.
- (iv) That the Key Performance Area of Swimming Pools and Resorts be moved from the Committee for Community Development to the Committee for Local Economic Development and Tourism.

**RESOLVED**

*That the matter be held in abeyance until the next council meeting.*

**8.4.7 Council's representatives on outside bodies  
(03/1/1/5)**

Item 8.2.3 of the Executive Mayoral Committee meeting, held on 23 May 2014, refers.

A summary of Council's representation on outside bodies is attached as **annexure 8.4.7**.

The list is for Council's review and to confirm continued representation.

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council that the status quo of Council's representation on outside bodies be maintained except for the representation on SALGA Working Groups as resolved in item 8.2.1.

**RESOLVED**

*That the matter be held in abeyance until the next council meeting.*

The Speaker mentioned that Councillor RJ Simpson will be absent from meetings for the next two weeks because of personal reasons.



**9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA**

**9.1 Council matters: Purchase of tablets for councillors as alternate to laptops (3/R)**

The following report, dated 28 May 2014, was received from the Municipal Manager:

**"Purpose**

To consider the purchase of tablets for councillors from the mobile data card allowance as promulgated in terms of Government Notice 64 of 29 January 2014.

**Deliberation**

All councillors were issued with laptops as a tool of trade to perform their functions effectively. Over a period of time councillors have experienced problems in terms of access and/or faulty laptops making communication with the municipality totally ineffective. Councillors have complained that this is impacting on their ability to ensure service delivery. In terms of the determination of upper limits of salaries, allowances and benefits to councillors in terms of the Remuneration of Public Office Bearers Act of 1998 and as promulgated on 29 January 2014, all councillors are entitled to a mobile data card allowance to a maximum value of R300.

Councillors have all given an indication that tablets will not only be more effective, but will also save costs for the municipality in so far as photo copies etc. are concerned. The whole idea of Council is to go green in terms of its council agenda. Councillors are now proposing that the allowance be used as payment for a tablet to become their own property. A quotation was obtained from Telkom, attached as **annexure 9.1**.

**Financial implications**

Any agreement entered into will be between the councillor and the service provider. There will be no financial implication for Council. Council will, however, agree that the allowance for the mobile data card be deducted from the councillor's salary and be paid over to the service provider.

**Legal implications**

The Municipal Finance Management Act and Public Office Bearers Act specifically prohibits that a councillor receives any additional benefits other than prescribed in the said acts. The current proposal will not transgress any legislation in that a councillor is entitled to the allowance and the only involvement of Administration will be the payment of the allowance to a service provider in exchange for the tablet. If the tablet is purchased, then all councillors will have to return the laptops issued to them."

**RESOLVED**

- (a) *That the Director: Corporate Services be allowed to engage with a service provider to purchase the Samsung Galaxy Note 3 tablets.*
- (b) *That the purchase of the tablets will be for the account of councillors and that there be no obligation for Council.*
- (c) *That the Director: Finance be mandated to facilitate the deduction of any financial obligation with regard to the purchase of the tablets from the participating councillors.*

- (d) *That in the event of the financial obligation exceeding the mobile data card allowance, that the difference be deducted from the councillor's salary.*
- (e) *Where a councillor decides not to purchase a tablet, that Councillor be entitled to continue with the use of the laptop and data card as provided by Council or payment of an allowance as provided for in the Regulations for Public Office Bearers.*

**10. FORMAL AND STATUTORY MATTERS**

None.

**NOTED.**

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS**

None.

**NOTED.**

**12. ADJOURNMENT**

The council meeting adjourned at 14:05.

Approved on \_\_\_\_\_ .

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**COUNCILLOR TT GODDEN  
SPEAKER**

/MJ Prins