

**MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY, 20 DECEMBER 2023 AT 09:00**

**PRESENT**

**Councillors**

Councillor EM Sidego (DA) (Speaker)  
Councillor TE Abrahams (DA) (Executive Mayor)  
Councillor GG Laban (Witzenberg Aksie) (Executive Deputy Mayor)  
Alderman K Adams (DA)  
Councillor WJ Alexander (Patriotic Alliance)  
Councillor P Daniels (DA)  
Councillor S de Bruin (DA)  
Councillor GJ Franse (DA)  
Councillor JP Fredericks (FF Plus)  
Councillor P Hardnek (Witzenberg Party)  
Councillor JF Nel (ICOSA)  
Alderman HJ Smit (DA)  
Councillor D Swart (DA)  
Alderman JJ Visagie (DA)

**Officials**

Mr D Nasson (Municipal Manager)  
Mr HJ Kritzing (Director: Finance)  
Mr E Lintnaar (Acting Director: Technical Services)  
Mr M Mpeluza (Director: Corporate Services)  
Ms L Nieuwenhuis (Manager: Legal Services)  
Mr G Louw (Head: Internal Audit)  
Ms R Hendricks (Manager: Communication and Marketing)  
Mr CG Wessels (Manager: Administration)  
Ms M Arendse-Smith (Chief Administrative Officer)  
Mr C Titus (Committee Clerk)  
Mr J Pieterse (Senior ICT Officer)  
Mr M Njokweni (Interpreter)

**1. OPENING AND WELCOME / OPENING EN VERWELKOMING**

The Speaker welcomed everyone present and requested Councillor JP Fredericks to open the meeting with a prayer.

The Speaker welcomed in particular Councillor JF Nel, the newly appointed Council member for ICOSA. The Speaker also thanked the former Councillor P Heradien for his services rendered as a Councillor.

**NOTED**

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

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

An application for leave of absence from the meeting was received from Councillor K Yisa.

**UNANIMOUSLY RESOLVED**

*that the application for leave of absence from the meeting, received from Councillor K Yisa, be approved and accepted.*

**2.2 Confidentiality and Conflict of Interest Declaration  
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration was duly signed by all Councillors. No conflict of interest was declared.

**NOTED**

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

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

- (a) The Speaker congratulated the Municipal Manager on his birthday and expressed God's blessings upon his life and best wishes for him and his family during the festive season.
- (b) The Speaker thanked Mr G Louw, the Head of Internal Audit, on his retirement for services rendered during his time at Witzenberg Municipality. She wished him well. The Municipal Manager gave a background of the history of Mr Louw at Witzenberg Municipality and his excellent performance since his appointment in 2012. The Municipal Manager expressed his gratitude for services rendered to the municipality with excellence.
- (c) The Speaker welcomed Councillor JF Nel as a member of Council for ICOSA.

**NOTED**

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

- (a) The Executive Mayor expressed his gratitude towards the Municipal Manager, the Administration, the coalition partners of the DA, the DA Councillors and members of the public for rendering support and assistance to the municipality.
- (b) The Executive Mayor wished everybody a blessed festive season.

**NOTED**

**3.3 Matters raised by the Municipal Manager**

- (a) The Municipal Manager thanked the Speaker and Council for their kind words on his birthday and the expression of God's blessing on him and his family for the festive season.
- (b) The Municipal Manager mentioned that he will distribute all emergency numbers to all Councillors for use during the recess period, if necessary.
- (c) The Municipal Manager mentioned that he will be available until 3 January 2024 and after that will be on leave for a few days.
- (d) The Municipal Manager expressed his best wishes to Council for the festive season. He mentioned with concern that since 2021 the Council did not really take hands. He wished Council well in this regard and that 2024 will be a year of great achievements and working together.

**NOTED**

**4. RESERVED POWERS**

**4.1 Draft Annual Report 2022/2023  
(9/1/1)**

Memorandum from Director: Finance, dated 28 November 2023:

**"1. Purpose**

The purpose of this report is to table the draft unaudited Annual Report for 2022/2023 to Council.

**2. Legal framework**

In terms of Section 127(2) of the Municipal Finance Management Act (Act 56 of 2003), the mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control. In terms of the Municipal Finance Management Act Council must adopt the final Audit Report within two months after the tabling of the Annual Report. The Annual Report will now be advertised for public comments.

In terms of Council's delegations, the Municipal Public Accounts Committee is the oversight committee which must compile an oversight report for consideration by Council before the Annual Report is adopted. The Annual Report includes the audited Financial Statements as well as the Audit Report of the Auditor-general of South Africa.

**3. Discussion**

The draft annual report for 2022/2023 is attached as **annexure 4.1.**"

**UNANIMOUSLY RESOLVED**

- (a) that notice be taken of the Draft Witzenberg Municipality Annual Report for 2022/2023.*
- (b) that a Public Participation Process be followed as prescribed by law.*
- (c) that the Municipal Public Accounts Committee (MPAC) compiles an oversight report on the Draft Annual Report as per its delegated powers.*
- (d) that the following schedule for consideration of the report be adopted:*
  - (i) Advertisement in local newspaper on or before 15 December 2023.*
  - (ii) The Municipal Public Accounts Committee compiles an oversight report on the Draft Annual Report on or before 17 January 2024.*

- (iii) *Council considers approval of the Annual Report and oversight report on or before 25 January 2024.*

**4.2 Announcement of appointment of members of Executive Mayoral Committee by the Executive Mayor  
(03/1/1/4)**

The members of the Executive Mayoral Committee were announced by the Executive Mayor.

**UNANIMOUSLY RESOLVED**

*That notice be taken of the appointment of the Executive Mayoral Committee as follows:*

- (a) *Councillor GG Laban: Portfolio for Community Development*
- (b) *Councillor JP Fredericks: Portfolio for Corporate and Financial Services*
- (c) *Councillor P Daniels: Portfolio for Local Economic Development and Tourism*
- (d) *Alderman HJ Smit: Portfolio for Technical Services*
- (e) *Alderman K Adams: Portfolio for Housing Matters*
- (f) *Ex officio members:*
  - (i) *Councillor EM Sidego (Speaker)*
  - (ii) *Councillor LA Hardnek (Chairperson of the Municipal Public Accounts Committee)*

**4.3 Council matters: Council recess for festive season 2023/2024  
(3/1/2/3)**

The Executive Mayoral Committee resolved on 18 December 2023 to recommend to Council:

- (a) that the recess period of Council for the 2023/2024 festive season will be from 21 December 2023 until 12 January 2024.
- (b) that if the Speaker needs to call a Council meeting all Councillors must be available for a virtual Council meeting at all times.
- (c) that the Executive Mayor and Executive Deputy Mayor will be on standby during the recess period.

**UNANIMOUSLY RESOLVED**

- (a) that the recess period of Council for the 2023/2024 festive season will be from 21 December 2023 until 12 January 2024.*
- (b) that if the Speaker needs to call a Council meeting all Councillors must be available for a virtual Council meeting at all times.*
- (c) that the Executive Mayor and Executive Deputy Mayor will be on standby during the recess period.*

**4.4 Reconnection of electricity over the festive season  
(5/12/1/R)**

A memorandum from the Director: Finance, dated 28 November 2023, is attached as **annexure 4.4**.

The Executive Mayoral Committee resolved on 18 December 2023 to recommend to Council:

- (a) that all residents have access to electricity and that no credit control measures be implemented for the period 21 December 2023 until 3 January 2024.*
- (b) Consumers whose electricity are disconnected because of tampering with their meters are excluded from this resolution.*
- (c) that the 30 % auxiliary be implemented for all consumers with prepayment electricity meters whose accounts are in arrears.*
- (d) that conventional consumers pay a deposit of R1 000-00 as their electricity is supplied in advance.*

**UNANIMOUSLY RESOLVED**

- (a) that all residents have access to electricity and that no credit control measures be implemented for the period 21 December 2023 until 3 January 2024.*
- (b) Consumers whose electricity are disconnected because of tampering with their meters are excluded from this resolution.*
- (c) that the 30 % auxiliary be implemented for all consumers with prepayment electricity meters whose accounts are in arrears.*
- (d) that conventional consumers pay a deposit of R1 000-00 as their electricity is supplied in advance.*

**4.5 Proposed Council meeting program: January until June 2024  
(3/1/2/3)**

Memorandum from Manager: Administration, dated 5 December 2023:

**"1. Purpose**

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for January until June 2024.

**2. For decision**

Council.

**3. Executive summary**

The Council meeting program and meeting schedule for January until June 2024 is attached as **annexure 4.5**. It is recommended that the attached program for the period January until June 2024 be approved. SALGA and the Western Cape Government have requested that municipalities finalise their own Council calendar dates in order for them to synchronise dates with everybody. SALGA indicated that due to the National and Provincial elections during the first semester of 2024, they are unable to plan any SALGA Working Group meetings during this period. Dates will be made available after the elections. The Council meeting program takes the position of SALGA into consideration and includes meeting dates from January until June 2024. The meeting dates for July until December 2024 will be tabled after the elections.

Council is requested to approve the meeting program for January until June 2024. The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and is now submitted to Council for approval.

**4. Discussion**

**4.1 Background and discussion**

In terms of Section 19 of the Local Government Municipal Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, dates and venues of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

The proposed Council meeting program for January until December 2023 provides the list of scheduled meetings of Council, the Executive Mayoral Committee, the various Section 80 Committees, Municipal Public Accounts Committee (MPAC), Performance, Risk and Audit Committee (PRAC), the Local Labour Forum (LLF) and the Senior Management with the applicable time, date, venue or modus of the meetings.

Senior Management meetings are once again proposed to be held every Monday, Section 80 Committee meetings on the third Tuesday and Thursday of every month, but meetings of the Committee for Housing Matters on the last Thursday of the month, Council workshops on the day prior to the Council meeting and Council meetings on the last Tuesday of the month, depending on specific circumstances. Council meetings are also synchronised with the Council meetings of the Cape Winelands District Municipality. Meetings of the Executive Mayoral Committee are scheduled twice a month. All meetings can be held virtually or in contact depending on circumstances at the time.

#### **4.2 Constitutional and policy implications**

Compliance with any health regulation in case of contact meetings and compliance with municipal IT Policy in case of virtual meetings.

#### **4.3 Environmental implications**

This program has no environmental implications.

#### **4.4 Financial implications**

The monthly Council meetings are published in the local community newspaper, the cost of which is duly budgeted for.

#### **4.5 Legal implications**

In terms of Section 19 of the Local Government Municipal Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, date and venue or modus of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

Council meetings are planned for every month except for June 2024. This exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with."

The Executive Mayoral Committee resolved on 18 December 2023 to recommend to Council that the proposed Council meeting program for January until June 2024 be approved.



**UNANIMOUSLY RESOLVED**

*that the proposed Council meeting program for January until June 2024 be approved.*

**5. URGENT MATTERS**

**5.1 Alienation, subdivision and consolidation of a portion of erf 2622, Schoonvlei industrial area, Ceres (LED project) (7/1/4/2)**

Council unanimously resolved per item 8.3.1 of 29 November 2022 that the matter in respect of the proposed erf 2622 for Schoonvlei Small Medium Micro Business HUB, corner of Bank and Forel Street, Bella Vista, Ceres be held in abeyance and further information be obtained.

Report from Municipal Manager, dated 14 December 2023:

**"Background**

The subdivision of erf 2622, Schoonvlei, Ceres was approved subject to certain conditions. In terms of Council's policy on the contribution of bulk levies (development charge per service) any potential buyer will have to pay the bulk contribution cost as set out in **annexure 5.1(a)**. The minimum cost in terms of the industrial zoning of the erf will be R681 578-07 per unit. This excludes the market related cost of the erf. The market related cost of the subdivided erven is attached as **annexure 5.1(b)**. When Council deliberated on the matter the idea was to empower the previously disadvantaged sector of our community who has not benefited from any land acquisition in the past. Council also wanted to cater for the small business people within the Schoonvlei industrial park. The payment of the development cost makes it economically unviable and unaffordable for any small business person to purchase the property from Council. Council is requested to consider to waive the development charges for upcoming and small business entrepreneurs from the previously disadvantaged communities.

**LED project**

Two local business men, Messrs Michael van Schalkwyk and Jerome Adrian Januarie, from the previously disadvantaged community are leasing buildings from one of the owners of property in the Schoonvlei industrial area for purposes of packing shed facilities. Both are trading with fruit and vegetables under their own name and style with a gross profit of between R2.5 million to R7.00 million per annum. Messrs Van Schalkwyk and Januarie are in the process of registering their legal entities (private company). In total the two businesses are employing approximately 50 people in off-season and close to 150 during peak season time. The two business men came to the municipality and advised that they are about to be evicted and were in fear of having to close their businesses.

The municipality has earmarked Schoonvlei as an area where Council wants to see local business people thriving and emancipated from the previous apartheid regime. The high development cost is making it extremely difficult to sell property in Schoonvlei that has been set aside for the previously disadvantaged community. The Local Economic Development Policy of Council has as its object the creation of job opportunities and the empowerment of our communities. If the two businesses are not assisted they might lose their income and also the job opportunities that they are creating.

There are no other industrial land available where they can be accommodated. During an interview both business men indicated that their requirements in terms of land are more or less the same. The gentlemen want to erect a small store, with a steel structure, with the option of extending same in future. The land must be enough to cater for the loading of fruit cartons with a truck and trailer. The potential land identified is marked X on the registered subdivision plan of Riding & Watt. The portions G, I and J will have to be consolidated, but will bring it in line with the size of portion H of the said plan.

### **Municipal services**

All the municipal service delivery sections have provided their inputs as per the email from the Senior Manager: Properties and Legal Services, attached as **annexure 5.1(c)**.

### **Legal implications**

These subdivided erven is not required for basic service delivery as envisaged by Section 40 of the Municipal Finance Management Act. Council's intention to sell the property to Messrs Van Schalkwyk and Januarie will be advertised in the local newspaper to make the process open and transparent and to meet the requirements of the Constitution.

### **Financial implications**

Council will not receive any development charges income in terms of Council's policy if the cost is waived. If the property is sold it will be sold at market related price and Council's income will be from the services delivered at the erven as well as future rates."

The Municipal Manager tabled the matter *Alienation, subdivision and consolidation of a portion of erf 2622, Schoonvlei industrial area, Ceres (LED project)* at the Executive Mayoral Committee meeting of 18 December 2023.

The following were highlighted:

- That land is made available to the disadvantaged community, because no one has ownership of land in the Schoonvlei industrial area.
- That the land is subdivided in portions and registered by the Land Surveyor.
- The property is adjacent to the municipal HUB and approximately 8 000 hectares in size.

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- Two disadvantaged business entrepreneurs are interested and lease property, but due to huge costs are not in a position to pay and have received notice to vacate the property.
- A process of deviation will be followed to ensure that the land is sold to them directly.
- The Executive Mayor and Executive Deputy Mayor will consult with the MEC for Rural Development to assist with capital and/or infrastructure.
- The property is not required for minimum basic municipal services.
- None of the relevant departments have any objections except the Department Electricity, but they have indicated to request the minimum capacity.
- With regard to water and sanitation, only connection fees are needed.
- The matter is regarded as urgent, because the entrepreneurs can be left stranded during January 2024 if they receive notice to vacate. However, if Council approves the development, the interested business men can consult with financial institutions to ensure that funding is available.

The Executive Mayoral Committee resolved on 18 December 2023 to recommend to Council:

- (a) that portions G, I, J and H of erf 2622, Schoonvlei industrial area, Ceres, as set out in the registered subdivision plan, as prepared by Land Surveyor Riding and Watt, are not required for basic municipal services as per the Municipal Finance Management Act.
- (b) that portions G, I and J be consolidated and that the process of the consolidation be for the account of the purchaser.
- (c) that the to be registered new erf (consolidation of G, I and J) and H be alienated to Messrs Januarie and Van Schalkwyk at market related price.
- (d) that the new erf be offered to Mr Januarie and the portion H be offered to Mr Van Schalkwyk.
- (e) that the Executive Mayor and Executive Deputy Mayor be mandated to engage with the provincial MEC for provincial infrastructure and public services with the view of seeking financial assistance to subsidise the development cost of the area.
- (f) that the Municipal Manager be mandated to sign all the relevant documentation necessary to effect the transfer of the properties.
- (g) that all cost incidental to the sale and transfer of the property will be for the purchasers.
- (h) that the alienated land not be sold for a market related price, but at a selling price of R100-00 per square metre and that portions G, I, J and H be consolidated.

- (i) that Council's intention of selling the property be advertised in the local newspaper to obtain objections, if any.

**UNANIMOUSLY RESOLVED**

- (a) *that portions G, I, J and H of erf 2622, Schoonvlei industrial area, Ceres, as set out in the registered subdivision plan, as prepared by Land Surveyor Riding and Watt, are not required for basic municipal services as per the Municipal Finance Management Act.*
- (b) *that portions G, I and J be consolidated and that the process of the consolidation be for the account of the purchaser.*
- (c) *that the to be registered new erf (consolidation of G, I and J) and H be alienated to Messrs Januarie and Van Schalkwyk at market related price.*
- (d) *that the new erf be offered to Mr Januarie and the portion H be offered to Mr Van Schalkwyk.*
- (e) *that the Executive Mayor and Executive Deputy Mayor be mandated to engage with the provincial MEC for provincial infrastructure and public services with the view of seeking financial assistance to subsidise the development cost of the area.*
- (f) *that the Municipal Manager be mandated to sign all the relevant documentation necessary to effect the transfer of the properties.*
- (g) *that all cost incidental to the sale and transfer of the property will be for the purchasers.*
- (h) *that the alienated land not be sold for a market related price, but at a selling price of R100-00 per square metre and that portions G, I, J and H be consolidated.*
- (i) *that Council's intention of selling the property be advertised in the local newspaper to obtain objections, if any.*

**5.2 Section 79 Committee: Composition of Municipal Public Accounts Committee  
(3/3/1/1)**

Council unanimously resolved on 24 October 2023 that the Municipal Public Accounts Committee will consist of:

- (i) Councillor LA Hardnek (Witzenberg Party) (Chairperson)
- (ii) Councillor N Nogcinisa (ANC)
- (iii) Councillor AL Gili (ANC)
- (iv) Councillor EM Sidego (DA)

(v) Councillor GJ Franse (DA)

A Municipal Public Accounts Committee is scheduled for 15 January 2024 to consider the Annual Report and to make recommendations to Council in terms of Council's Policy, the MPAC Charter and Section 79(a) of the Municipal Structures Act.

Councillor Sidego has since the meeting of 24 October 2023 been elected as the Speaker of Council, which makes the Councillor ineligible as a member of the Municipal Public Accounts Committee. Councillor G Franse has also indicated that she does not want to be a member of the MPAC anymore. The Municipal Public Accounts Committee consists of five members and Council is requested to appoint two further members to the Committee.

**UNANIMOUSLY RESOLVED**

*That the composition of the Municipal Public Accounts Committee be amended and established as follows:*

- (i) Councillor LA Hardnek (Witzenberg Party): Chairperson
- (ii) Councillor N Nogcinisa (ANC)
- (iii) Councillor AL Gili (ANC)
- (iv) Councillor JF Nel (ICOSA)
- (v) Alderman JJ Visagie (DA)

**6. ADJOURNMENT**

The meeting adjourned at 09:48.

Approved on 26 July 2024 without amendments.

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**COUNCILLOR EM SIDEGO**  
**SPEAKER**

*/MJ Prins*