

NOTICE

Ref no. 2/1/4/4/2

Date distributed: 15/01/2025.

**NOTICE OF THE 5th COUNCIL MEETING OF 2024/2025
FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY
TUESDAY, 2025-01-21 AT 10:00**

TO The Speaker, Alderman J.F. Van Zyl [Chairperson]
The Executive Mayor, Alderman A. Steyn (Ms)
The Deputy Executive Mayor, Cllr J.J. von Willingh

COUNCILLORS

V.A. Bedworth
W.M. Blom
E. Botha
M.N. Bushwana
G.L. Daames
Alderman R. Farao
M.A. Goedeman
E.N. Isaacs
Alderman C. Ismail
J.R. Jack
M. Jacobs
R.T. Johnson
I.J. Joseph
D. Judge
J.P. Kritzinger
S.K. Madlolo
Z.M. Mangali
T. S. Manuel
P.H. Marais

S.J. Mei
Alderman W.R. Meiring
J. M Mokgosi
P.C. Moso
N. Nel
C.T. Nyithana
J. Pieters
A. Pietersen
O. Ralehoko
Alderman M. Sampson
T. P. Sibozo
S. S. T. Steenberg
M. Swartz
H.C Titus
F. Vaughan
M.T. Williams
C.F. Wilskut
N.J. Wullschleger
L.R. Yayi

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **5th COUNCIL MEETING** of the **2024/2025 FINANCIAL YEAR of the COUNCIL of BREEDE VALLEY MUNICIPALITY** will be held at **CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPE STREET WORCESTER** on **TUESDAY, 2025-01-21** at **10:00** to consider the items on the agenda.



SPEAKER: ALDERMAN J.F. VAN ZYL



BREED VALLEY
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended) the chairperson must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting.

2. OFFICIAL NOTICES

2.1 Disclosure of Interests

Item 6 of Schedule 7 of the Municipal Structures Amendment Act 3 of 2021 states:

A councillor must –

- (a) disclose to the council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee unless the council or committee decides that the councillors' direct or indirect interest in the matter is trivial or irrelevant.

2.2 APPLICATIONS FOR LEAVE OF ABSENCE

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

2.2.1 Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.

2.2.2 A Councillor must attend each meeting except when –

- (a) Leave of absence is granted in terms of Clause 10; or
- (b) The Councillor is required to withdraw in terms of law.

2.2.3 The Attendance Registers will be available at the meeting.

2.2.4 A blank Application for Leave of Absence form is enclosed.

3. COMMUNICATION

3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

*"A deputation seeking an interview with Council must give the Municipal Manager **6 (six) days** written notice of its intention and furnish details of the representations to be made and the source of the deputation. The Municipal Manager must submit a request by a deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions*

3.2 BIRTHDAYS OF COUNCILLORS

Cllr. M.A. Goedeman 17 January 2025

Cllr. I. J. Joseph 17 January 2025

Cllr. E. N. Isaacs 23 January 2025

3.3 STATEMENTS BY THE SPEAKER**3.4 STATEMENTS BY THE EXECUTIVE MAYOR**

4. CONFIRMATION OF MINUTES**4.1** In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

- (a) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (b) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty-eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (c) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (d) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

4.2 Minutes of Council Meeting held on 04 December 2024. (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 21 January 2025:

1. As the Minutes of the Council Meeting held on 04 December 2024 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 04 December 2024 be taken as read and confirmed.

**4.3 Minutes of a Special Council Meeting held on 12 December 2024.
(Copy enclosed)****RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING

discussed by Council at the Council Meeting held on 21 January 2025:

1. As the Minutes of the Council Meeting held on 12 December 2024 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 12 December 2024 be taken as read and confirmed.

**5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE
EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE
DEPUTY EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE**

5.1 THE DEPUTY EXECUTIVE MAYOR: CLLR J.J. Von Willingh

5.2 MMC1: Alderman W. R. Meiring

5.3 MMC 2: Cllr. P.C. Moso

5.4 MMC 3: Cllr. N. Nel

5.5 MMC 4: Cllr. E. Botha

5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

5.9 MMC 8: Cllr F. Vaughan

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

COMMUNITY SERVICES

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
172625	<p>SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY</p> <p>RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:</p> <p>1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality;</p> <p>2. That the administration advertises said draft By-Law for public comments;</p> <p>3. That all comments be collated submitted to Council for final approval and promulgation in the</p>	2015-06-25	GMAYEKI	96	The draft by-law has been circulated to the Directorates for comments/review. The final document will be submitted to the Council for approval. It is anticipated that the entire process will be completed by 30 March 2025.

		<p>Provincial Gazette.</p> <p>4. That the draft By-Law be workshopped with all the Councillors.</p>				
1591078	<p>LAND FOR HUMAN SETTLEMENTS RAWSONVILLE: CONSIDERATION TO PURCHASE PRIVATELY OWNED LAND</p>	<p>RESOLVED That in respect of –</p> <p>LAND FOR HUMAN SETTLEMENTS RAWSONVILLE: CONSIDERATION TO PURCHASE PRIVATELY OWNED LAND</p> <p>as discussed by Council at the Council meeting held on 20 August 2024, resolution number C68/2024 council decide:</p> <p>1. The Council should note the content of the report as an update of progress</p> <p>2. That the administration be mandated to follow a public participation process to invite expressions of interest from additional private landowners in Rawsonville to potentially sell land for human settlement purposes to the Breede Valley Municipality;</p> <p>3. that following the public participation process, an internal stakeholder's engagement be undertaken to consider the submissions received;</p> <p>4. that after the implementation of item 2, an item be resubmitted to Council to resolve on the most suitable offer received during the expression of interest process; and</p> <p>5. that upon council resolving on the most suitable offer, the administration be authorised to submit a project application to the Western Cape Department of Infrastructure as part of the Land Acquisition Process.</p>	2024-08-23	GMAYEKI	30	<p>The invitation to express interest will be published in October 2024. The advertisement will be published for a period not exceeding 21 days..</p> <p>The expression of interest was advertised and closed in November 2024. Two parties submitted interest/ proposals and comments are being sought from internal departments. The final report will be submitted at the next ordinary Council meeting.</p>
1648534	<p>7.12 SPORT AND RECREATION POLICY</p>	<p>RESOLVED</p> <p>That in respect of,</p> <p>SPORT AND RECREATION POLICY</p> <p>Discussed by Council at the Council meeting held on 4 December 2024 with resolution number C98/2024 :</p> <p>1. Council notes the contents of the Sport and Recreation Policy. 2. The draft Sport and</p>	2024-12-04	MPLANGA	50	<p>the Directorate placed a public notice on local media as well as on our website for public comments on our Draft Sport and Recreation Policy with the following wording that accompanied the draft policy:</p> <p>“ The Breede Valley Municipality hereby invites public comment on the draft Sport and Recreation Policy of the Breede Valley Municipality. Public</p>

		Recreation Policy will be advertised for public comment. 3. That the draft policy be workshopped with councillors.				Comments should be submitted to Mr. Tessel Crotz - email address tcrotz@bvm.gov.za of per hand at the reception of the Main Building of the Breede Valley Municipality in Baring Street Worcester. The closing date to submit is the 15th of January 2025."
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STRATEGIC SUPPORT SERVICES

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1352782	2023 CUSTOMER SERVICE CHARTER RESOLVED: That in respect of - The 2023 Customer Service Charter tabled before Council at the Council meeting held on 30 May 2023 with resolution number C37/2023: 1. That Council, having noted the content of the 2023 Customer Service Charter, provides in principle approval thereof subject to the following conditions: a. The Customer Service Charter be referred to a Council Workshop to be held on 8 June 2023; b. The Customer Service Charter be made public in terms of section 21 of the MSA; c. That such public comments (if any) be tabled at Council for consideration; and d. The Customer Service Charter be resubmitted to Council for final consideration and approval.	2023-05-30	CMALGAS	95	The revised CSC was submitted for consideration and inclusion on the Council agenda dated 4 December 2024. However, the item was withdrawn, citing a need for further refinement of identified service standards. The department is currently engaging internal stakeholders to identify a suitable date for tabling within the current financial period (i.e. on or before 30 June 2025).
1352783	2022/2023 COMMUNICATION STRATEGY RESOLVED: That in respect of - The 2022/2023 Communication Strategy tabled before Council at the Council meeting held on 30 May 2023 with resolution number C38/2023: 1. That Council, having noted the content of the 2022/23 Communications Strategy, provides in principle approval thereof subject to the following conditions: a. The strategy be referred to a Council Workshop to be held on 8 June 2023 ; b. The strategy be made public in terms of section 21 of the MSA and submitted to the relevant stakeholders (i.e. relevant National & Provincial Government Departments as well as the Cape Winelands District Municipality) for input; c. That such public comments (if	2023-05-30	CMALGAS	90	The revision of the Municipal Communications Strategy remains work in progress. On 8 November 2024, the Communications Department facilitated an engagement with local media stakeholders to (amongst others) allow for stakeholder input on the policy. The recommendations and key points emanating from the engagement, are being reviewed and considered by the unit to determine the veracity for inclusion and/or influencing of the final policy. Resultantly, the timeline for submission to Council must be revised. The Communications Strategy will thus be dealt with as part of the sectoral planning review, which runs concurrently with the IDP-

		any) be tabled at Council for consideration; and d. The strategy be resubmitted to Council for final consideration and approval.				review process. The final Communications Strategy will thus be tabled to Council by no later than 31 May 2025
1648201	7.9 IN PRINCIPLE APPROVAL FOR THE PROPOSED DISPOSAL OF ERVEN 8645 AND 194, WORCESTER, COMMONLY KNOWN AS "KLEINPLASIE"	RESOLVED That in respect of – IN PRINCIPLE APPROVAL FOR THE PROPOSED DISPOSAL OF ERVEN 8645 AND 194, WORCESTER, COMMONLY KNOWN AS "KLEINPLASIE" as discussed by Council at the Council meeting held on 4 December 2024 Council decide with resolution number C95/2024 : 1. That the disposal and or rights to use of Erven 8645 and 194, Worcester, commonly known as "Kleinplasia" by means of a competitive process in the open market be approved in principle; 2. that the following of a public participation process, be approved; 3. that an item will be resubmitted at the next Council meeting to table the representation / comments received inclusive of a market-related valuation report; 4. that Council note the envisaged intention is to ultimately call for development proposals in order to identify the most suitable future utilisation of the subject property; 5. that all the costs pertaining to the proposed disposal e.g. rezoning, transfer costs and installation of municipal services, will be borne by the Purchaser; 6. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property; 7. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments; 8. that the purchaser inter alia be responsible at its cost for the registration of any relevant servitudes over the subject property to accommodate and protect all applicable municipal services thereon; and 9. that Council has taken cognisance of the fact that the	2024-12-04	HPOTGIETER	25	12/12/2024: Notice placed in the local newspaper inviting comments by 17 January 2025.

		Municipal is not required for the provision of basic municipal services in terms of the provisions Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).				
1648536	7.14 PROPOSED APPROVAL OF STAFF ESTABLISHMENT IMPLEMENTATION ON 1 JANUARY 2025	<p>RESOLVED</p> <p>That in respect of –</p> <p>PROPOSED APPROVAL OF STAFF ESTABLISHMENT IMPLEMENTATION ON 1 JANUARY 2025</p> <p>as discussed by the Council at the Council Meeting held on 4 December 2024 with resolution number C100/2024 :</p> <ol style="list-style-type: none"> 1. That the Council notes the response from the National Minister on the draft staff establishment. 2. That the Council notes that the draft staff establishment does not comply with organisational metrics as prescribed by the MSR. 3. That the administration compiles an Implementation Plan of how the municipality will achieve compliance with the MSR, Structural layers and Span of control and submit the Implementation Plan at the Council meeting in February 2025. 4. That the Council approves the Staff Establishment for Breede Valley Municipality in terms of the MSR for implementation on 1 January 2025. 5. That the Municipal Manager initiates the review of the approved staff establishment in preparation for the next financial year, 2025/2026. 	2024-12-04	NM MONYELA	10	Executive Management to finalise the transitional arrangement to implement the staff establishment and council arrangement.

MUNICIPAL MANAGER

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1625636	<p>7.10 EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE DISCIPLINARY BOARD: MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND</p> <p>RESOLVED</p> <p>That in respect of</p> <p>EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE DISCIPLINARY BOARD: MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS</p> <p>as discussed by Council at the Council meeting held on 22</p>	2024-10-22	ECLOETE	75	Still awaiting on feedback from Provincial Treasury.

	<p>CRIMINAL PROCEEDINGS</p>	<p>October 2024, resolution number C79/2024:</p> <ul style="list-style-type: none"> • That Council takes note that the establishment of the current Disciplinary Board was done for a three-year period. This was in accordance with Council Resolution C102/2021, dated 17/11/2021. • That Council notes that the Audit Committee Chairperson appointed in the previous year has been replaced by a new Chairperson, and thus the appointment follows the position rather than the individual. • That extension of three years be considered and approved for the Disciplinary Board, in accordance with the revised MFMA Circular No. 76 Municipal Finance Management Act No. 56 of 2003 "Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings", which would expire on 17 November 2024. • That the only remuneration payable to the Disciplinary Board will be in respect of the Chairperson of the Audit Committee in accordance with Council's approved Audit Committee Charter. • That the Disciplinary Board execute their duties in accordance with the prescripts of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings. • That the appointed Disciplinary Board members receive appointment letters of extension under the hand of the Municipal Manager and the appointments be accepted in writing. 				
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7. CONSIDERATION OF AGENDA ITEMS**7.1 SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2024.
MFMA SECTION 71, 52 (d) & 72 Report****File No. /s:** 3/15/1**Responsible Officials:** R. Esau/R. Ontong**Directorate:** Strategic Support
Services/ Financial
Services**Portfolio:** Performance Management/
Financial Services

Purpose

To submit to council the mid-year performance assessment and in-year financial management report to council for adoption.

Background:**In terms of the Municipal Finance Management Act, 56 of 2003, section 71.**

(1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

(2) The statement must include-

- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and

-
- (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

In terms of the Municipal Finance Management Act, 56 of 2003, section 52(d).
The mayor of a municipality—

- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

In terms of the Municipal Finance Management Act, 56 of 2003, section 72.

- (1) The accounting officer of a municipality must by 25 January of each year—
- (a) assess the performance of the municipality during the first half of the financial year, taking into account—
- (i) the monthly statements referred to in section 71 for the first half of the financial year;
 - (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets, and performance indicators set in the service delivery and budget implementation plan;
 - (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and
 - (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and
- (b) submit a report on such assessment to—
- (i) the mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant provincial treasury.
- (2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.

- (3) The accounting officer must, as part of the review—
- (a) make recommendations as to whether an adjustments budget is necessary; and
 - (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

In terms of the Municipal Finance Management Act, 56 of 2003, section 54.

- (1) The mayor must, on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 and 72—
- (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following of and adjustment budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure—
 - (i) that the budget is implemented in accordance with service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget.

Annexure A and B attached

Financial Implications:

None

Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 52(d), 54, 71, 72 & 168);
Municipal Budget and Reporting Regulations, 2009

Comment of Directorates/ Departments concerned:

Municipal Manager:	Recommendation supported.
Director: Strategic Support Services:	The item and recommendation is noted.
Director: Financial Services:	Recommendation supported
Director: Community Services:	Recommendation supported
Director: Engineering Services:	Recommendation supported
Director: Planning Development and Integrated Services:	Recommendation supported

RECOMMENDATION:

That in respect of

SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT 2024/2025

discussed by council at the council meeting held on the 21 January 2025:

1. That council takes note of the mid-year performance assessment and in-year financial management report for the 2024/2025 financial year.

**7.2 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORTS FOR
THE PERIOD ENDED 30 NOVEMBER 2024
MFMA SECTION 71 Report****File No. /s:** 3/15/1**Responsible Officials:** R. Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

1. PURPOSE

To submit the in-year financial management report for adoption.

2. BACKGROUND**In terms of the Municipal Finance Management Act, 56 of 2003, section 71.**

(1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

(2) The statement must include-

- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
- (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).

(3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.

(4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.

(5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the

statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.

- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION/ COUNCIL POLICY

Municipal Finance Management Act, 56 of 2003 (Section 71)

Municipal Budget and Reporting Regulations, 2009

5. COMMENT OF DIRECTORATES/ DEPARTMENTS CONCERNED:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services: Recommendation supported

Acting Director: Community Services: Recommendation supported

Director: Engineering Services: Recommendation supported

Director: Planning Development and Integrated Services: Recommendation supported

RECOMMENDATION

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2024: MFMA SECTION 71 Report.

discussed by Council at the Council meeting held on the 21 January 2025:

1. That Council take note of the in-year financial management report for the periods ended 30 November 2024.

**7.3 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF
NOVEMBER and DECEMBER 2024****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

PURPOSE

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the months of November and December 2024.

BACKGROUND

The purpose of this report is to ensure that Council maintains oversight over the implementation of the Supply Chain Management Policy. In terms of paragraph 36(2) of the said policy, the Accounting Officer must record the reasons for any deviations in terms of paragraph 36(1)(a) of the policy and report them to Council. However, it must be noted that these deviations also serve on the **monthly Section 71** (MFMA) report/s to Mayco and **quarterly Section 52** (MFMA) report/s to Council.

Deviations approved in terms of paragraph 36(1)(a) for the months of November and December 2024, are attached as **Annexures A and B**.

FINANCIAL IMPLICATIONS

Reference can be made to the total approved amount as reflected in annexure "A" and "B"

APPLICABLE LEGISLATION / COUNCIL POLICY

Municipal Finance Management Act. 2003, (Act 56 of 2003)
Breede Valley Supply Chain Management Policy, as amended.
Supply Chain Management Regulations

COMMENT OF DIRECTORATES / DEPARTMENTS

Municipal Manager	Noted
Director: Strategic Support Services	Noted
Director: Planning, Development and Integrated Services	Noted
Director: Financial Services	Noted
Director: Engineering Services	Noted
Director: Community Services	Noted
Senior Manager: Legal Services	Noted

RECOMMENDATION

That in respect of

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTHS OF NOVEMBER and
DECEMBER 2024**

Discussed by Council at the Council meeting of 21 January 2025:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the months of November and December 2024, **be noted.**

**7.4 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION
REPORT FOR THE 2nd QUARTER OF THE 2024/25 FINANCIAL YEAR****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

1. PURPOSE

The Local Government: Municipal Finance Management Act, no 56 of 2003 (MFMA), requires the municipality to have and implement a Supply Chain Management (SCM) Policy which gives effect to the provisions of Part 1 of Chapter 11 of the Act that deals with 'Supply Chain Management'.

2. BACKGROUND

Although the MFMA prohibits a Councillor from being a member of a bid committee or any other committee evaluating or approving quotations or tenders, as per SCM Regulation 117 of the MFMA of 2003. Council has an oversight role to ensure that the Accounting Officer implements all supply chain management activities in accordance with this policy. For the purposes of such oversight, Council's Supply Chain Management Policy, **paragraph 6.3** requires that the Accounting Officer must "**within 10 working days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality.**" In addition, **paragraph 6.4** requires that the report referred to in paragraph 6.3 above **also to be tabled to council on a quarterly basis**. The report may be included as part of any other report to serve before council.

The SCM quarterly implementation report approved in terms of paragraph 6.3 for the 2nd quarter of the 2024/25 financial year, is attached as **Annexure A**.

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION / COUNCIL POLICY

Municipal Finance Management Act. 2003, (Act 56 of 2003)
Breede Valley Supply Chain Management Policy, as amended.
Supply Chain Management Regulations
Preferential Procurement Policy Framework Act (Act No. 5 of 2000).

ANNEXURE

Annexures A: SCM quarterly implementation report (2nd quarter ending 31 December 2024) approved in terms of paragraph 6.3.

RECOMMENDATION

That in respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION
REPORT FOR THE 2nd QUARTER OF THE 2024/25 FINANCIAL YEAR**

Discussed by Council at the Council meeting held on 21 January 2025,

That the approved SCM quarterly implementation report for the 2nd quarter of the 2024/25 financial year, **be noted**.

7.5 CONSIDERATION TO REVIEW AND RESCIND COUNCIL RESOLUTION C33/2024: IN PRINCIPLE APPROVAL FOR A LONG-TERM LEASE OF MUNICIPAL PROPERTY: A PORTION OF ERF 17411 SITUATED AT PELIKAAN STREET, WORCESTER

and

PROPOSED IN PRINCIPLE APPROVAL FOR A LONG-TERM LEASE OF MUNICIPAL PROPERTY: ALTERNATIVE PORTION OF ERF 17411 SITUATED AT PELIKAAN STREET, WORCESTER

File no.: W45

Responsible Official: H Potgieter

Directorate: SSS

Portfolio: Legal Services

1. PURPOSE

The purpose of this item is for Council to consider to review and rescind its resolution C33/2024 to lease a portion of Erf 17411, Pelikaan Street, Worcester and to consider granting in principle approval for a period of nine (9) years and eleven (11) months for an alternative portion of the municipal property. The Applicant intend to utilise the subject property for sports and recreations and other related purposes.

2. BACKGROUND / DISCUSSION

The total extent of Erf 17411, Worcester, situated at Pelikaan Street is ±22 794.60m², indicated on the locality map attached hereto marked "**Annexure A**".

The erf is currently zoned as General Residential Zone V which is not the correct zoning the erf is being utilised for, thus the Applicant must apply for rezoning and/or consent use of the property should Council approve this application.

Council previously resolved on 26 March 2024 to avail a portion of Erf 17411, Worcester, indicated on **Annexure B** to the applicant as follows:

"RESOLVED

That in respect of –

IN PRINCIPLE APPROVAL FOR A LONG-TERM LEASE OF MUNICIPAL PROPERTY: A PORTION OF ERF 17411 SITUATED AT PELIKAAN STREET, WORCESTER

as discussed by Council at the Council meeting held on 26 March 2024, resolution number C33/2024, Council decided:

1. that a direct lease at a market related rental as determined by HCB Property Valuations as set out in the valuation report attached hereto and marked "Annexure B", of Municipal Property, being a portion of erf 17411, situated at Pelikaan Street, Worcester in, for a period of nine (9) years and eleven (11) months, be approved in principle in favor of The Grace Trust (NPO 930-050-826), for the purposes of utilizing the subject property for sports and recreations and other relating purposes as permitted under a non-conforming use as directed by Town Planning;
2. the Applicant to submit an application for rezoning should the applicant wish to implement its future plans of establishing an ECD facility on the subject property;
3. that structures may only be erected with the permission of the municipality which structures will revert to the municipality upon termination of the lease;
4. the Applicant is a registered social care organization/institution; thus, the monthly lease amount be fixed at a minimum of 50% of the fair market value;
5. That the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);
6. that the following of a public participation process, be approved;
7. that an item will only be resubmitted to Council should any representations / objections be received during the public participation process;
8. that all the associated costs in respect of the lease, including but not limited to Town Planning procedures, e.g. rezoning and installation of municipal services be paid by the Applicant;
9. that the Applicant be responsible for the payment of all municipal services including rates and taxes in respect of the property;
10. that the Applicant comply with all internal departmental requirements to be incorporated in the subsequent Lease Agreement and the right be reserved to supplement such comments; and

11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith leased is not required for the municipality's own use in terms of Regulation 36 of the Asset Transfer Regulations".

Legal Services was subsequently informed by the Applicant that they wish to amend the approved leased area. The reasons provided by the Applicant was that they will experience flooding during the winter season as there is no proper provision for the drainage of the stormwater on the approved portion of the subject property.

A site inspection was conducted by Legal Services: Property Administration in conjunction with the municipal Roads and Stormwater Department whereafter it was concluded that the costs to install a drainage system on the approved lease area will be enormous and the Applicant will not be able to proceed with the envisaged projects. Hence the Applicant opted to apply for an alternative portion of Erf 17411, Worcester, ±11 000m² in extent, as indicated on **Annexure C**.

It is confirmed that the purpose the Applicant wish to utilise the subject property for remains the same and the envisaged projects will be of great benefit to the community. Furthermore, it can be confirmed that the subject property is not needed for the provision of minimum level of basic municipal services and is also not required for operational reasons. This is confirmed through comments obtained from the internal departments.

A. LAND MANAGEMENT AND DISPOSAL POLICY

The conditions of said policy will be complied with *inter alia* that a fair market related rental will be applicable. Paragraph 4.4.12.1 determines that the Municipality, as a rule, shall not let immovable property at a lower rental than the rental determined except for cases referred to under paragraph 4.4.9, relating to community value. In terms of paragraph 4.4.9 registered social care organisations/institutions shall be fixed at a minimum of 50% of the fair market value.

In accordance with paragraph 4.4.18 the immovable property let by the Municipality shall be inspected at least once a year by Legal Services: Properties section to ensure compliance with the terms and conditions of the agreement of lease. In addition, as stipulated in paragraph 4.4.29, all costs pertaining to the transaction, e.g. survey and relocation of services where necessary as well as any Town Planning procedures, shall be borne by the Lessee. The rental shall escalate annually by a percentage fixed in accordance with the prevailing consumer price

index (all items) as per paragraph 4.4.34 of the policy. As per paragraph 4.4.35, the Lessee shall be liable for the payment of rates and service charges in respect of the property.

B. ADVERTISEMENT

It is recommended that approval be granted to follow a public participation process. Subsequently an advertisement is to be placed for the lease of a portion of erf 17411, situated at Pelikaan Street, Worcester in the local newspaper for a thirty (30) day objection / representation period. An item will only be resubmitted to Council should representations / objections be received.

3. CONCLUSION

It is recommended that Council resolution C33/2024 be reviewed and rescinded and that in principle approval for a long-term lease be granted for a period of nine (9) years and eleven (11) months in respect of an alternative portion of the municipal property.

4. FINANCIAL IMPLICATIONS

The Municipality stands to gain the market related rental as determined by HCB Property Valuations as set out in the valuation report attached hereto as “**Annexure D**”. The monthly rental amount will increase annually on the 1st of July by a percentage equal to the prevailing consumer price index (all items). It is confirmed that irrespective of the lease area being amended, the valuation report remains applicable as the valuation was concluded on a per square meter basis. The Municipality will furthermore also gain rates and taxes in relation to the leased property.

5. ANNEXURES

1. Annexure A: Locality map of Erf 17411, Worcester
2. Annexure B: Locality map indicating initial lease area
3. Annexure C: Locality map indicating alternative lease area
4. Annexure D: Valuation report

6. COMMENTS OF DIRECTORATES / DEPARTMENTS

It is confirmed that internal comments on the amended lease area were obtained as summarised below under the relevant directorate.

MUNICIPAL MANAGER: Item supported.

DIRECTOR ENGINEERING SERVICES: No objection towards this application.
Terms and conditions apply.

CIVIL ENGINEERING SERVICES: No objection

ELECTRICAL SERVICES:

Electrical Services has no objection against the proposed municipal land use application, the application is conditionally approved subject to the following:

- i. There is no electricity supply to the Erf.
- ii. The consolidated erfs must have a single service connection point. Should it happen that there are two, they must be consolidated to form one supply point. All costs will be for the Applicant's account.
- iii. Should there be a need for a new service connection, a separate application must be filled out and approval will depend on the availability of the capacity. All costs will be for the Applicant's account.
- iv. Should any municipal electrical service or infrastructure require relocation, it will be for the Applicant's account where possible.
- v. Any damage to Council property will be for the Applicant's account.
- vi. Applicant to ensure the electrical cable positions have been identified before construction commences where construction / excavation work will be performed.
- vii. No guaranteed approval for any new electrical connection / capacity increase.

DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES

Item Supported.

MANAGER: TOWN PLANNING:

The erf is currently zoned as General Residential Zone. The Town Planning Department has no objection to the proposed lease, subject thereto that:

- i. the lessee must apply for the correct land use in terms of the Breede Valley Land Use Planning By-Law, 2015, if the lease is approved; and
- ii. the lease of a portion of erf 17411 has no negative impact on municipal infrastructure or the maintenance of municipal services.

ROADS AND STORMWATER:

No objection given that stormwater common law applies, and other requirements in terms town planning and buildings plans were applicable must be adhered to.

WATER SERVICES AND NETWORKS:

There are no objections to the application from the water and sewage networks department. Both water and sewer services are accessible. Applications for water and wastewater connections are the applicant's responsibility.

CHIEF FINANCIAL OFFICER: Supported.

DIRECTOR COMMUNITY SERVICES: Recommendation Supported.

FIRE AND RESCUE SERVICES:

- i. This is to highlight the responsibility of the owner in satisfying the intent of the Fire Protection Regulations as contemplated in Part T of the SABS 0400 Code of Practice, promulgated under the National Building Regulations and Standards Act, 103 of 1977.
- ii. Then also communicate the Fire Services statutory role in ensuring that the property complies with the Fire Protection Regulations and any other concomitant regulations.

-
- iii. Any future structures/buildings being erected on the above-mentioned premises as well as existing structures/buildings, must conform with the provisions of the National Building Regulations, SANS 10400-A:2010, Part T.
 - iv. Access for fire-fighting and rescue purposes, must be provided in accordance with Regulation T1(1)(e) of the National Building Regulations, read with the Deemed to Satisfy rules, Rule T4.54 of SANS 10400 - 1990, Part T, and in accordance to the Fire Brigade By-Laws of the Breede Valley Municipality. A width of 3.5 meter and a height of 4.2 meter must be maintained for emergency vehicles to enter premises.
 - v. Provision must be made for fire-fighting equipment (fire extinguishers), in accordance to SANS 10400 -2010 Part T 4.37 Table 10.
 - vi. Escape routes must also be not be blocked so people can escape in case of emergency.

TRAFFIC DEPARTMENT:

The Traffic Department has no objection to the application of The Grace Trust.

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-author of the item

SENIOR MANAGER LEGAL SERVICES: Author of the item

RECOMMENDATION

That in respect of –

**CONSIDERATION TO REVIEW AND RESCIND COUNCIL RESOLUTION
C33/2024: IN PRINCIPLE APPROVAL FOR A LONG-TERM LEASE OF
MUNICIPAL PROPERTY: A PORTION OF ERF 17411 SITUATED AT PELIKAAN
STREET, WORCESTER**

and

PROPOSED IN PRINCIPLE APPROVAL FOR A LONG-TERM LEASE OF MUNICIPAL PROPERTY: ALTERNATIVE PORTION OF ERF 17411 SITUATED AT PELIKAAN STREET, WORCESTER

as discussed by Council at the Council meeting held on 21 January 2025 Council decide:

1. That Council resolution C33/2024 be reviewed and rescinded;
2. that a direct lease at a market related rental as determined by HCB Property Valuations as set out in the valuation report attached hereto and marked "**Annexure D**", of Municipal Property, being a portion of erf 17411, situated at Pelikaan Street, Worcester, for a period of nine (9) years and eleven (11) months, **be approved in principle** in favor of The Grace Trust (NPO 930-050-826), for the purposes of utilizing the subject property for sports and recreations and other related purposes;
3. that the Applicant must apply for the correct consent / land use in terms of the Breede Valley Land Use Planning By-Law, 2015;
4. that structures may only be erected with the permission of the municipality which structures will revert to the municipality upon termination of the lease;
5. that cognizance be had that the Applicant is a registered social care organization/institution; thus, **the monthly lease amount be fixed at a minimum of 50% of the fair market value;**
6. that the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);
7. that the following of a public participation process, **be approved;**
8. that an item will only be resubmitted to Council should any representations / objections be received during the public participation process;
9. that all the associated costs in respect of the lease, including but not limited to Town Planning procedures, e.g. rezoning and installation of municipal services be paid by the Applicant;

10. that the Applicant be responsible for the payment of all municipal services including rates and taxes in respect of the municipal property;
11. that the Applicant comply with all internal departmental requirements to be incorporated in the subsequent Lease Agreement and the right be reserved to supplement such comments; and
12. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith leased is not required for the municipality's own use in terms of Regulation 36 of the Asset Transfer Regulations.

7.6 THE NAMING OF THE STAND AT ESSELEN PARK STADIUM AFTER MR. THOMAS VAN NOIE**File No. /s:** 3/9/1C1**Responsible Official:** M. Planga**Directorate:** Community Services**Portfolio:** Sport and Culture

1. PURPOSE

To seek Council approval to name the stand at the Esselen Park Stadium after Mr. Thomas van Noie.

2. BACKGROUND

At the Council of 22 October 2024, a proposal to name the stand at the Esselen Park was discussed. It was resolved that the public be invited to submit comments on the proposal. Subsequently, an advert was placed in the local newspaper and on Facebook. The proposal received overwhelming support. Annexure A attached

Oom Tom, as he was affectionately known, was a renowned and most revered sportsman in Worcester. He was a teacher by profession and involved in different sports codes during his active life. These codes included rugby, athletics, cricket, cycling and gymnastics. He coached many sport persons who went on to become provincial and national champions. Some of the people he mentored include, not limited to, Devon Davies who is the assistant coach of the Springbok, Pat Marran, Dewey Swartbooi, Josie Ontong, Christie Noble and Henie Adams who later represented emerging Springboks and Springboks. He passed on in February 2024 at the age of 80.

3. FINANCIAL IMPLICATIONS

There will be financial implications relating to signage.

4. APPLICABLE LEGISLATION / COUNCIL POLICY

The Constitution of the RSA

5. Comment of Directorates / Departments concerned:**Municipal Manager:** Noted**Director: Strategic Support Services:** Noted

Director: Financial Services: Noted
Director: Engineering Services: Noted
Director: Planning Development and Integrated Services: noted

RECOMMENDATION

That in respect of

THE NAMING OF THE STAND AT ESSELEN PARK STADIUM AFTER MR. THOMAS VAN NOIE

Discussed by Council at the Council meeting held on 21 January 2025:

1. Council approves the naming of the stand at Esselen Park stadium after Mr Thomas Van Noie.

8. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER

9. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL

10. CONSIDERATION OF NOTICES OF MOTION AND NOTICES OF QUESTIONS WHICH SHALL APPEAR ON THE AGENDA IN THE ORDER IN WHICH THEY HAVE BEEN RECEIVED BY THE MUNICIPAL MANAGER

11. CONSIDERATION OF MOTIONS OF EXIGENCY

12. CLOSURE
