

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 30 MARCH 2011 AT 14:00.

PRESENT: Councillors (see attached schedule)

Senior Officials:	Dr S T Kabanyane	(Municipal Manager)
	Mr C Petersen	(Executive Director: Financial Services)
	Dr P Naidoo	(Executive Director: Strategic Services)
	Mr V Petersen	(Acting Executive Director: Social Services)
	Mr D Delaney	(Acting Executive Director: Infrastructure & Planning)
	Mr A Marais	(Acting Executive Director : Corporate Governance)
	Mr K R Gordon	(Manager: Administrative Services)



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1. CONSIDERATION OF APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE FROM COUNCIL/COMMITTEE MEETINGS
OORWEGING VAN AANSOEKE DEUR RAADSLEDE VIR VERLOF VAN AFWESIGHEID VAN RAAD/KOMITEEVERGADERINGS

The following applications for leave of absence from the Council meeting of 30 March 2011 were approved:

Clr A Bekeer	-	30 March 2011
Clr J Croutz	-	30 March 2011
Clr H Douman	-	30 March 2011
Clr C S Joachims	-	30 March 2011
Clr M J Le Hoe	-	30 March 2011
Clr A B Sishuba	-	30 March 2011
Clr J N H Stoffels	-	30 March 2011
Dr H von Schlicht	-	30 March 2011
Clr P J von Wielligh	-	30 March 2011

2. CONFIRMATION OF MINUTES / BEKRAGTING VAN NOTULE

The minutes of the following meetings of the Municipal Council were **confirmed as correct;**

26 January 2011	(Ordinary)
28 February 2011	(Special)

3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITEEVERGADERINGS
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Noted.

4. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR
VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER/UITVOERENDE ONDERBURGEMEESTER

No statements were made.

5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER
VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER

1. The Speaker congratulated Councillors who celebrated their birthdays in February and March 2011.
2. The Speaker informed Council of the resignation of Clr J Thomas.

6. STATUTORY MATTERS / STATUTÊRE SAKE
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No matters were submitted.

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7.	CONSIDERATION OF REPORTS BY THE EXECUTIVE MAYOR AND MAYORAL COMMITTEE
	OORWEGING VAN VERSLAE DEUR DIE UITVOERENDE BURGEMEESTER EN BURGEMEESTERSKOMITEE

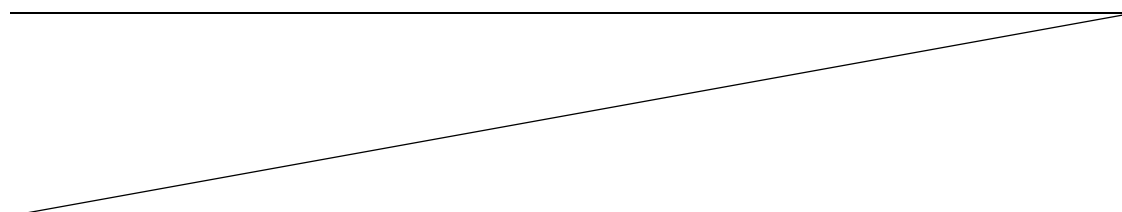
7.1	OVERSIGHT COMMITTEE REPORT IN RESPECT OF THE ANNUAL REPORT FOR THE 2009/2010 FINANCIAL YEAR
	OORSIGKOMITEE VERSLAG MET BETREKKING TOT DIE JAARVERSLAG VIR DIE 2009/2010 FINANSIËLE JAAR
	INGXELO YEKOMITI YOKONGAMELA KWI NGXELO YONYAKA KUNYAKA-MALI KA 2009/2010

The DA submitted the enclosed comments and indicated that they would abstain from voting on this matter.

RESOLVED

1. that the Oversight Report in respect of the Annual Report for the 2009/2010 financial year be adopted;
2. that the Annual Report for the 2009/2010 financial year (Annexure B to the departmental report) be adopted without reservations;
3. that the Oversight Report be made public in terms of section 129(3) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003); and
4. that the Oversight Report on the Annual Report for the 2009/2010 financial year be submitted to the Provincial Legislature in terms of section 132 (2) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

(The DA abstained from voting on this matter for the reasons as set out in the enclosed document.)



Meeting:	Council – 23/03/2011	Submitted by Directorate:	Strategic Services
Ref No:	9/1/2	Author/s:	N G Ndolela
Col No:	101782	Referred from:	EM&MC - 23/03/2011
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision	Executive Director: Strategic Services	

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7.2	DRAKENSTEIN ECONOMIC DEVELOPMENT AGENCY: FEASIBILITY STUDY
	DRAKENSTEIN EKONOMIESE ONTWIKKELINGSAGENTSskap: LEWENSVATBAARHEIDSTUDIE
	I-AGENTE YOPHULISO LOQOQOSHO LWASEDRAKENSTEIN. UPHANDO LOKUBA LINGENZEKA

UNANIMOUSLY RESOLVED

1. that the draft Feasibility Study on the establishment of the Drakenstein Economic Development Agency **be noted**;
2. that the Shift Impact Assessment and the Feasibility Study **be forwarded** to the relevant national and provincial departments for their views and recommendations; and
3. that the Executive Director: Strategic Services and the Executive Director: Financial Services **be authorised** to engage with the Development Bank of Southern Africa (DBSA) and the Industrial Development Corporation (IDC) with the view of securing funding for the establishment and operations of the Drakenstein Economic Development Agency.

Meeting: Council – 30/03/2011		Submitted by Directorate: Strategic Services	
Ref no: 15/7/3/3/3		Author/s: G Fouldien	
Coll no: 99742		Referred from: EM&MC – 09/02/2011	
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Executive Director: Strategic Services	<u>DUE DATE:</u>

7.3	EXPENDITURE ON STAFF BENEFITS – DECEMBER 2010
	UITGAWES TEN OPSIGTE VAN PERSONEELVOORDELE - DESEMBER 2010
	INDLEKO KWIZAPHULELO ZABASEBENZI – DISEMBHA 2010

UNANIMOUSLY RESOLVED

that the report **be noted**.

Meeting: Council – 30/03/2011		Submitted by Directorate: Financial Services	
Ref no: 4/8/1/1		Author/s: C L Mapeyi	
Coll no: 99834		Referred from: EM & MC - 09/02/2011	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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7.4 IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT (SCM) SYSTEM OF DRAKENSTEIN MUNICIPALITY: QUARTER 2: 1 OCTOBER – 31 DECEMBER 2010
IMPLEMENTERING VAN VOORSIENINGSKANAAL-BESTUURSTELSE (VKB) VAN DRAKENSTEIN MUNISIPALITEIT: KWARTAAL 2: 1 OKTOBER - 31 DESEMBER 2010
UKUMILISELWA KWENKQUBO YESCM YASEDRAKENSTEIN: KWIKOTA 2: 1 OKTOBHA- 31 DISEMBA 2010

UNANIMOUSLY RESOLVED

that the report **be noted**.

Meeting: Council – 30/03/2011	Submitted by Directorate: Financial Services		
Ref No: 8/1/1	Author/s:		
Col No: 100582	Referred from: EM&MC - 23/02/2011		
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

7.5 MONTHLY BUDGET STATEMENTS – DECEMBER 2010
MAANDELIKSE BEGROTINGSTATE - DESEMBER 2010
INGXELO ZOHLAHLLO LWABIWO MALI YONYAKA – DISEMBHA 2010

UNANIMOUSLY RESOLVED

that the report **be noted**.

Meeting: Council – 30/03/2011	Submitted by Directorate: Financial Services		
Ref No: 5/2/8	Author/s: C L Mapeyi		
Coll no: 99836	Referred from: EM&MC – 09/02/2011		
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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7.6	APPLICATION FOR REZONING, SUBDIVISION AND AMENDMENT OF THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK AND THE DRAKENSTEIN URBAN EDGE: ERF 11956 PAARL
	AANSOEK OM HERSONERING, ONDERVERDELING EN WYSIGING VAN DIE DRAKENSTEIN RUIMTELIKE ONTWIKKELINGSRAAMWERK EN DIE STEDELIKE RAND: ERF 11956 PAARL
	ISICELO SOKUCANDA KWAKHONA, ICANDOLWANO KUNYE NOKULUNGISWA KWE- DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK AND THE DRAKENSTEIN URBAN EDGE: ERF 11956 PAARL

UNANIMOUSLY RESOLVED

1. that the Provincial Decision Making Authority (Department of Environmental Affairs and Development Planning) be informed that Council is in support of the following:-
 - 1.1 The amendment of the Drakenstein Spatial Development Framework and the Drakenstein Urban Edge to incorporate the newly created 3 single dwelling erven into the delineated urban area of Paarl, as indicated on the Subdivisional Plan (Annexure B to the departmental report);
 - 1.2 The rezoning of a portion of Erf 11956 Paarl from "Agriculture Zone" and "Land Reserved for Future Road Purposes" to "Subdivisional Area", in terms of section 16(1) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) as indicated on the Subdivisional Plan (Annexure B to the departmental report);
2. that subject to the approval by the Provincial Decision Making Authority (Department of Environmental Affairs and Development Planning) mentioned in paragraphs 1.1 and 1.2 above, approval be granted in terms of section 25(1) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) for the subdivision of the rezoned portion of Erf 11956 Paarl into 3 portions, as indicated on the Subdivisional Plan (Annexure B to the departmental report), namely:-

PORTIONS	EXTENT	PROPOSED ZONING
Portion A	±2734m ²	Single Dwelling Residential
Portion B	±1986m ²	Single Dwelling Residential
Portion C	±4131m ²	Single Dwelling Residential
Remainder Erf 11956	±68535m ²	Agricultural Zone with a clause prohibiting subdivision

3. that the approvals granted in paragraphs 1.1 and 1.2 above be subject to the following conditions in terms of section 42(1) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985):-
 - 3.1 Adherence to the conditions laid down by the Department of Agriculture: Western Cape in its letter 20/9/2/5/4/837 dated 30 January 2009 (Annexure F to the departmental report);
 - 3.2 Adherence to the conditions laid down by the Civil Engineering Services Department (Drakenstein Municipality) in its memorandum 15/4/1 (11956) P (1661) dated 9 September 2010 (Annexure G to the departmental report);

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- 3.3 Adherence to the following condition laid down by the Electrical Services Department (Drakenstein Municipality):-
- 3.3.1 Electrical services must be provided by the applicant and to the satisfaction of Drakenstein Municipality's Electrical Services Department and be submitted for approval as proposed by the consulting engineer;
- 3.4 Adherence to the following conditions from a town planning point of view:-
- 3.4.1 This approval applies only to the rezoning, subdivision and the amendment of the Drakenstein Spatial Development Framework and Drakenstein Urban Edge in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 3.4.2 Upon the registration of the proposed subdivision, the existing right of way servitude across Erven 11349, 11350, 12417 and 12418 Paarl insofar as it applies to Erf 11956 Paarl must be cancelled;
- 3.4.3 Second dwelling units on all the portions (including the Remainder) will not be permitted;
- 3.4.4 In the event of the existing Bed and Breakfast facility within the existing dwelling on proposed Portion A being converted into a fully fledged guesthouse it should be rezoned and the construction of a dwelling additional thereto will not be permitted;
- 3.4.5 The placement of buildings on proposed Portion C should be within the area designated as indicated on the Subdivisional Plan (Annexure B to the departmental report);
- 3.4.6 Only extensions to the existing cottage on the Remainder will be permitted with such additions which should be lower than the existing height of the buildings;
- 3.4.7 Any further development on the Remainder (although permissible in terms of the existing "Agricultural" zoning thereof) will only be permitted upon approval of a Consent Use application;
- 3.4.8 The new houses may not be smaller than 300m²;
- 3.4.9 Roof pitches may not be higher than 7.5m above natural ground level;
- 3.4.10 Any amendments to the application are subject to the relevant approval;
- 3.4.11 Development must take place largely in accordance with the Subdivisional Plan (Annexure B to the departmental report);

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- 3.4.12 No new structures are to be erected or existing buildings converted without the prior approval of building plans by Council;
- 3.4.13 A site development plan be submitted to the Planning Services Department before the submission of building plans which applies “touching the ground lightly” construction principles to ensure that development is in harmony with the character of the surrounding landscape and to ensure the maintenance of its natural qualities;
- 3.4.14 A plan indicating how landscaping will be utilized to screen off the proposed dwelling units from a visual point of view be submitted to the Planning Services Department before the submission of building plans for approval;
- 3.4.15 Building and architectural design guidelines for the development to the satisfaction of ACTEAM be submitted for approval;
- 3.4.16 Consideration of the following water conservation measures: Rainwater harvesting, greywater recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;
- 3.4.17 Consideration of the following energy saving and efficiency measures: Solar thermal water heating (geysers) and photovoltaic energy generation;
4. that the objectors, M C Raymond, Werksmans (Jan S de Villiers) (on behalf of Monterey Trust, A Joubert and M H le Roux) and Faure and Faure (on behalf of J J Wiese and S L Hellig), be informed of Council’s decision; and
5. that the comments under paragraph 7 “**TOWN PLANNING ASSESSMENT/ COMMENTS**” in the departmental report, be regarded as Council’s reasons for its decision.

Meeting:	Council – 30/03/2011	Submitted by Directorate:	Infrastructure & Planning
Ref No:	15/4/1 (11956) P	Author/s:	W Hendricks
Col No:	101826	Referred from:	EM&MC – 23/03/2011
<u>CLAUSE:</u>	<u>ACTION:</u> Inform parties	<u>RESPONSIBLE DEPT:</u> Corp Gov (Admin) HB	<u>DUE DATE:</u>

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7.7 SALE OF MUNICIPAL PROPERTY: ERF 556 MAIN STREET, PAARL – MR H J MARAIS (DACHSTEIN INVESTMENTS)
VERKOOP VAN MUNISIPALE EIENDOM: ERF 556 HOOFSTRAAT, PAARL – MNR H J MARAIS (DACHSTEIN INVESTMENTS)
INTENGISO YEPROPATI KAMASIPAOLA: ERF 556 MAIN STREET, E PAARL – MNU. H J MARAIS(DACHSTEIN INVESTMENTS)

UNANIMOUSLY RESOLVED

1. that approval be granted in principle for the direct sale of Erf 556 Paarl, measuring ±600m² in extent, to the owner of the adjoining property, Mr H J Marais (Dachstein Investments), subject to the normal conditions of sale as well as the following conditions:
 - 1.1 the property must be consolidated with the applicant's property, Erf 557 Paarl; and
 - 1.2. the property must be rezoned to Special Business with a restriction limiting the use thereof to parking purposes only.
2. that the applicant be informed that multiple electrical cables run across this erf, the cost for the relocation of these, if necessary will be for the applicant's account;
3. that the property be sold at a market related price and for this purpose a valuation be obtained from Council's valuer;
4. that tenders not be called for the sale of this erf due to the following reasons:
 - 4.1 the erf does not have an access to the Paarl Main Road and access will have to be obtained from an adjoining erf with an existing access to the said road and can therefore only be sold to an adjoining landowner; and
 - 4.2 the other adjoining landowner of Erf 555 Paarl has indicated in writing that he is not interested in acquiring Erf 556 Paarl for parking purposes.
5. that the proposed alienation be advertised for objections and/ or counter offers; and
6. that all related costs will be for the applicant's account.

Meeting: Ref No: CoI No:	Council – 30/03/2011 15/4/1 (556)P 100539	Submitted by Directorate: Author/s: Referred from:	Corporate Governance N Marais EM&MC – 09/03/2011
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Executive Director: Corp Gov (Prop)	<u>DUE DATE:</u>

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8. MATTERS FOR CONSIDERATION/INFORMATION SAKE VIR OORWEGING/INLIGTING
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No matters were submitted.

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

OORWEGING VAN VERSLAE, MEDEDELINGS, VERSOEKSKRIFTE EN AANSOEKE IN VERBAND MET DRINGENDE SAKE VOORGELÉ DEUR DIE MUNISIPALE BESTUURDER

9.1 LEGAL COSTS, LEGAL CONSULTANCY FEES AND OTHER CONSULTANCY FEES

The Municipal Manager indicated that he was not aware that a further report on this matter was required as considered at the Council meeting of 26 January 2011. The report would be submitted at the next meeting.

Noted.

Meeting: Ref No: Col No:	Council – 30/03/2011	Submitted by Directorate: Author/s: Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u> Submit report to Council	<u>RESPONSIBLE DEPT:</u> Municipal Manager	<u>DUE DATE:</u>

10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE
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None.

11. SUPPLEMENTARY AGENDA (IF ANY) AANVULLENDE AGENDA (INDIEN ENIGE)
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11.1 APPOINTMENT OF CHAIRPERSON OF THE AMALGAMATED AUDIT COMMITTEE

The Executive Mayor proposed Mr W Sewell as Chairperson of the Audit Committee.

UNANIMOUSLY RESOLVED

1. that Mr W Sewell be appointed as Chairperson of the Audit Committee; and
2. that a charter for the Audit Committee be drafted and be submitted for approval.

Meeting: Ref No: Col No:	Council – 30/03/2011 5/12/1	Submitted by Directorate: Author/s: Referred from:	Municipal Manager Dr S T Kabanyane
<u>CLAUSE:</u>	<u>ACTION:</u> 1. Inform appointed Chairperson 2. Prepare charter	<u>RESPONSIBLE DEPT:</u> Internal Audit Internal Audit	<u>DUE DATE:</u>

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IN-COMMITTEE

12. CONSIDERATION OF CONFIDENTIAL MATTERS OORWEGING VAN VERTROULIKE SAKE

12.1 INVESTIGATION AND OPINION IN TERMS OF PAARL 2010 BRANDING AND RELATED TRANSACTIONS
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(See confidential minutes.)

The meeting ended at 15:23.

CHAIRPERSON:

DATE:

Confirmed on with / without amendments.