

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 24 NOVEMBER 2010 AT 14:00.

PRESENT: Councillors (see attached schedule)

Senior Officials:	Dr S T Kabanyane	(Municipal Manager)
	Mr K Mrali	(Executive Director: Corporate Governance)
	Mr C Mapeyi	(Acting Executive Director: Financial Services)
	Mr T Matthee	(Executive Director: Social Services)
	Dr P Naidoo	(Executive Director: Strategic Services)
	Mr L Coetzee	(Executive Director: Infrastructure & Planning)
	Mr A Marais	(Head: Corporate Services)
	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
ORWEGING VAN AANSOEKE DEUR RAADSLEDE VIR VERLOF VAN AFWESIGHEID VAN RAAD/KOMITTEEVERGADERINGS

The following applications for leave of absence were approved:

Clr P J von Wielligh - 24 November 2010
Clr W A Petersen - 24 November 2010

Clr J A Louw requested and was allowed to be excused at 14:30 and Clr C S Jochims at 15:00.

2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE

The minutes of the Ordinary meeting of the Municipal Council held on 24 September 2010 was **confirmed as correct**.

3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITTEEVERGADERINGS

Noted.

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

The Executive Mayor and Executive Deputy Mayor extended Festive Season greetings to Councillors and officials.

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

1. The Speaker congratulated Councillors who celebrated their birthdays during October and November 2010.
2. The Speaker announced that Council would be in recess from 10 November 2010 to 10 January 2011.

6. STATUTORY MATTERS / STATUT1ÈRE SAKE

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 PROPOSED COUNCIL MEETING PROGRAM 2011
VOORGESTELDE RAADSVERGADERING PROGRAM 2011
ISINDULULO SENKQUBO YENTLANGANISO ZEBHUNGA KA-2011

RESOLVED

that the enclosed meeting program be accepted.

Meeting:	Council – 24/11/2010	Submitted by Directorate:	Corporate Governance
Ref No:	3/3/1/2	Author/s:	A V Marais
CoI No:	67001	Referred from:	EM&MC - 20/10/2010
CLAUSE:	ACTION: Implement decision	RESPONSIBLE DEPT: Head: Corporate Services	DUE DATE:

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7.2	REPORT AND RECOMMENDATIONS TO COUNCIL FROM THE PERFORMANCE AUDIT COMMITTEE CHAIRPERSON: MEETING HELD ON 29 JULY 2010
	VERSLAG EN AANBEVELINGS AAN DIE RAAD VAN DIE PRESTASIE OUDITKOMITEE VOORSITTER: VERGADERING GEHOU OP 29 JULIE 2010
	INGXELO KUNYE NEZINDULULO EZIYA KWIBHUNGA EVELA KUSIHLALO WEKOMITI YOPHICOTHWA KWENCWADI ZOKUSEBENZA YENTLANGANISO EYAYIBANJWE NGOMHLA WE 29 JULAYI 2010

The Executive Mayor reported that the meeting with the Chairperson of the Performance Audit Committee could not take place due to him not being available as he was out of the Western Cape. A meeting would however be arranged soon and a report will be submitted at the next meeting.

UNANIMOUSLY RESOLVED

that this matter be held over for the Executive Mayor and Mayoral Committee to engage with the Chairperson of the Performance Audit Committee and the report be submitted at the next meeting of Council.

Meeting: Council – 24/11/2010		Submitted by Directorate: Municipal Manager	
Ref No: 5/12/2/1		Author/s: Dr S T Kabanyane	
CoI No: 94293		Referred from: EM&MC - 17/11/2010	
CLAUSE:	ACTION: Arrange meeting	RESPONSIBLE DEPT: Chief Audit Executive	DUE DATE:

7.3	ENTERPRISE RISK MANAGEMENT POLICY
	ONDERNEMING RISIKOBESTUURSBELEID
	INKQUBO YE - ENTERPRISE RISK MANAGEMENT

UNANIMOUSLY RESOLVED

that the Enterprise Risk Management Policy be adopted.

(The Policy is included in the official minutes of Council.)

Meeting: Council – 24/11/2010		Submitted by Directorate: Municipal Manager	
Ref No: 5/12/B		Author/s: G Dippenaar	
CoI No: 66835		Referred from: EM&MC - 20/10/2010	
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

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7.4 PROP 1/2010: LEASE OF MUNICIPAL BUILDINGS ON ERF 6136 CORNER OF KLEIN DRAKENSTEIN ROAD AND SOLOMONS STREET PAARL
PROP 1/2010: HUUR VAN MUNISIPALE GEBOUE OP ERF 6136 HOEK VAN KLEIN DRAKENSTEINWEG EN SOLOMONSTRAAT, PAARL
UKUQHESHIWA KWEZAKHIWO ZAKAMASIPALA KU ERF 136 KWIKONA YE DRAKENSTEIN ROAD NE SOLOMONS STREET EPAARL

UNANIMOUSLY RESOLVED

1. that the decision of the Bid Adjudication Committee (Annexure B to the departmental report) **be noted**; and
2. that final approval be granted to proceed with the leasing of the facilities.

Meeting:	Council – 24/11/2010	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (6136)P	Author/s:	N C Marais
Col No:	65202	Referred from:	EM&MC - 6/10/2010
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision	Corporate Governance (Prop)	

7.5 SALE OF PORTION OF FARM 736 KLAPMUTS: ERECTION OF NEW ELECTRICAL SUBSTATION: NETGROUP SOUTH AFRICA
VERKOOP VAN GEDEELTE VAN PLAAS 736 KLAPMUTS: OPRIGTING VAN NUWE ELEKTRIESE SUBSTASIE: NETGROUP SUID-AFRIKA
INTENGISO YECEBA LIKA FAMA 736 E KLAPMUTS: ULWAKHIWO LWESIKHULULWANA SOMBANE ESITSHA: YI NETGROUP SOUTH AFRICA

UNANIMOUSLY RESOLVED

1. that a portion of Farm 736 Klapmuts (±1,7928ha in extent) for the purpose of a substation site be alienated to Eskom at R350 000/ha (R627 482,00) (VAT excluded) and that the decision taken in terms of paragraph 1 of Item 7.2 of the Council Minutes of 26 May 2010, be amended accordingly; and
2. that conditions 2 to 6 of the previous Council decision remain in force.

Meeting:	Council – 24/11/2010	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (F736)K	Author/s:	N Marais
Col No:	67655	Referred from:	EM&MC - 3/11/2010
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision	Corporate Governance (Prop)	

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7.6 PROPOSED SALE OF ERF 11295 PAARL TO THE OWNER OF THE ADJACENT ERF 11296 PAARL
VOORGESTELDE VERKOOP VAN ERF 11295 PAARL AAN DIE EIENAAR VAN AANLIGGENDE ERF 11296 PAARL
ISINDULULO SENTENGISO YE ERF 11295 EPAARL ITHENGISELWA UMNINI OYAMANE NO ERF 11296

UNANIMOUSLY RESOLVED

that Erf 11295 Paarl be sold to the owner of the adjacent Erf 11296 Paarl at a market related price subject to the following conditions:-

1. that the owner of Erf 11296 Paarl be responsible for all costs relating to the sale of the property;
2. that the selling price be confirmed by a valuation report from council's valuer;
3. that all administrative and legal requirements be adhered to;
4. that the sale be advertised for possible objections or counter offers; and
5. that Erf 11295 Paarl be rezoned from "Municipal Purposes" to "Single Residential" and consolidated with Erf 11296 Paarl by the owner of Erf 11296 Paarl.

Meeting:	Council – 24/11/2010	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (11295)P	Author/s:	N Marais
CoI No:	94372	Referred from:	EM&MC - 17/11/2010
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision	Corporate Governance (Prop)	

7.7 SALE OF MUNICIPAL PROPERTY: ERF 1592 WELLINGTON
VERKOOP VAN MUNISIPALE EIENDOM: ERF 1592 WELLINGTON
INTENGISO YEPROPATI KAMASIPALA

UNANIMOUSLY RESOLVED

that the sale of Erven 1583, 1593, 1594 and a portion of Erf 1592 Wellington ($\pm 9358\text{m}^2$ in extent) and Remainder of Erf 1592 Wellington ($\pm 3900\text{m}^2$ in extent) to the owner of Grootte Schuur Motors (Pty) Ltd and Boland Canvass and Rope Co (Pty) Ltd respectively, at R40/m² (VAT excluded), be approved, subject to the normal conditions of sale, as well as the following further conditions:-

1. that the applicants, at own cost, be responsible for acquiring the necessary land use rights, the rezoning and subdivision, park closure and environmental authorization which would entail an Environmental Impact Assessment;
2. that the original water pipe be moved to the edge of the acquired area at the applicant's cost;

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3. that a 160mm diameter pipe and airvent be installed and that the relocation be done by the municipality at the applicant's cost; and
4. that enough space be left on the side of the Erf for the abovementioned water pipe.

Meeting: Ref No: CoI No:	Council – 24/11/2010 15/4/1 (1592)W 94424	Submitted by Directorate: Author/s: Referred from:	Corporate Governance N Marais EM&MC - 17/11/2010
CLAUSE:	ACTION: Implement decision	RESPONSIBLE DEPT: Corporate Governance (Prop)	DUE DATE:

7.8	LAND SWOP: PORTIONS OF FARM NO 1254 PAARL, ERF 8383, ERF 8384 AND ERF 8385 PAARL WITH REMAINDER FARM NEWTON NO 361 PAARL
	GROND OMRUILING: GEDEELTES VAN PLAAS NO 1254 PAARL, ERF 8383, ERF 8384 EN ERF 8385 MET RESTANT VAN PLAAS NEWTON NO 361 PAARL

UNANIMOUSLY RESOLVED

1. that the land swop between Tresso Trading and the municipality as indicated on the plan (Annexure C to the departmental report) be approved, subject to the following amended conditions as indicated in bold:-
 - 1.1 since Erven 8383, 8384 and 8385 are situated within a critical biodiversity area and heritage landscape, only a high density residential development will be considered. **The development proposal as indicated on Plan 16 dated October 2010 must therefore be adhered to;**
 - 1.2 the developer must also accommodate prospective property buyers from the Municipal Gap Housing waiting list on the swapped municipal properties, **being a portion of Farm No 1254 Paarl, a portion of Erven 8383, 8384 and 8385 Paarl as well as the balance of the Aurora development being Erven 10132 – 10159, 10186 – 10190, 10222 – 10228,** under the Finance linked Individual Subsidy Programme (FLISP);
 - 1.3 the selling price for the most expensive housing units should not exceed R350 000.00 (based on the current costs **at December 2008;** **or**
 - 1.4 the serviced sites must be sold;
 - 1.5 the developer must submit further information on the development proposal for the **general residential zoned** erf;
 - 1.6 the overflow canal that is to be filled and developed, must be directed/ replaced on a route around the proposed development;
 - 1.7 the applicant takes note that the Aurora erven cannot be developed as yet because of water and sewerage capacity problems;

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- 1.8 the applicant takes note that the erven can only be developed after the completion of the bulk water main between Wellington and the new Newton reservoir and including the new reservoir;
 - 1.9 before the land swop of Erf 1254 Paarl can be finalized, a water use license must be obtained from the Department of Water Affairs for the portion below the 1:100 year flood line that is to be in-filled and developed;
 - 1.10 the proposed overflow diversion around the development must be included in the amended EIA and water use licence application;
 - 1.11 once the land swop application has been approved and if there are any changes to the density, amended reports must be submitted (bulk services, TIA, EIA, etc);
 - 1.12 a plan for the services must be submitted for approval and only with permission of the council can it be installed;
2. that Tresso Trading pay to Council the amount of R566 000 (VAT excluded) for the land swop;
 3. that the land use application only be considered after the land swop has been formally approved;
 4. that transfer of the relevant portions of land be considered as a package and only be registered once conditions 1.1 – 1.12 have been complied with to the satisfaction of the Municipality and the necessary land use rights have been granted; and
 5. **that the transaction be subject to a suspensive condition that all development rights be granted within three years from the date of sale or such extended period as agreed between Council and the applicant. A services agreement be entered into within two years of acquiring development rights.**

Meeting: Council – 24/11/2010		Submitted by Directorate: Corporate Governance	
Ref No: 15/4/1 (1254) P		Author/s: N C Marais	
CoI No: 94484		Referred from: EM&MC - 17/11/2010	
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Corporate Governance (Prop)	<u>DUE DATE:</u>

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7.9	PROPOSED INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) POLICY
	VOORGESTELDE INLIGTING EN KOMMUNIKASIE-TEGNOLOGIE (IKT) BELEID
	ISINDULULO SENKQUBO YOBUGCISA BOTHUNGELWANO

UNANIMOUSLY RESOLVED

that the Information and Communication Technology (ICT) Policy be approved.

(The policy is included in the official minutes of Council.)

Meeting: Ref No: CoI No:	Council – 24/11/2010 6/B x 6/3/2/B 67000	Submitted by Directorate: Author/s: Referred from:	Corporate Governance N Marais/F Theron EM&MC - 17/11/2010
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

7.10	ELECTRONIC RECORDS MANAGEMENT POLICY
	ELEKTRONIESE REKORDBESTUURSBELEID
	INKQUBO YOLAWULO IIREKHODI ZENZULULWAZI

UNANIMOUSLY RESOLVED

that the Electronic Records Management Policy be approved.

(The policy is included in the official minutes of Council.)

Meeting: Ref No: CoI No:	Council – 24/11/2010 2/5/B x 6/B 66999	Submitted by Directorate: Author/s: Referred from:	Corporate Governance K Gordon/A V Marais EM&MC - 17/11/2010
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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7.11	HOSTELS – B & C WHITE CITY: UNITS TO BE SOLD AND TRANSFER TO THE BENEFICIARIES
	HOSTELLE – B & C WHITE CITY: EENHEDE TE VERKOOP EN OORDRAG AAN DIE BEGUNSTIGDES
	AMAHOLO U-B & C KUNYE NEWHITE CITY:IZINDLU ZIYAKUTHENGISWA ABANTU ABAZIFUMENEYO BAYAKUNIKWA IZIQINISEKISO ZOBUNINI

The DA expressed concern as to the future financial implications of paragraph 6 below.

UNANIMOUSLY RESOLVED

1. that the sale of B and C Block as well as White City hostels at a price of R1.00 each be approved;
2. that note be taken that only the completed housing units will be transferred as set out in the beneficiaries list attached as Annexure to the departmental report;
3. that the remainder of the housing units be transferred once outstanding upgrading issues have been addressed accordingly;
4. that note be taken that the Indigent policy will apply;
5. that note be taken of the steps and procedures that need to be followed in case of disposal of assets as required by the MFMA;
6. that note be taken that there is a possibility that Hostels B and C self-upgraded beneficiaries has planned to join Hostels A and D demanding reimbursement from the Municipality; and
7. that a meeting be set up with the beneficiaries to inform them accordingly.

Meeting: Council – 24/11/2010		Submitted by Directorate: Social Services	
Ref No: 17/5/4/4/1 x 17/5/4/4/2		Author/s: K Sethoabane	
CoI No: 66404		Referred from: EM&MC - 6/10/2010	
CLAUSE:	ACTION: Implement decision	RESPONSIBLE DEPT: Social Services (Housing)	DUE DATE:

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7.12 PROPOSED ADOPTION: SPORT AND RECREATION POLICY AND TREE MANAGEMENT POLICY
VOORGESTELDE AANVAARDING: SPORT- EN ONTSPANNINGSBELEID EN BOOMBESTUURSBELEID
ISINDULULO SOKUMISELA: KWENKQUBO YEZEMIDLALO NOZOLONWABO KUNYE NEKQUBO YOKULAWULA IMITHI

UNANIMOUSLY RESOLVED

that the following policies be adopted:

1. Sport and Recreation Policy; and
2. Tree Management Policy .

(The policies are included in the official minutes of Council.)

Meeting: Council – 24/11/2010		Submitted by Directorate: Social Services	
Ref No: 17/6/B		Author/s: A B vd Merwe	
CoI No: 65514		Referred from: EM&MC - 6/10/2010	
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

7.13 ADOPTION OF THE AMENDED SPATIAL DEVELOPMENT FRAMEWORK FOR DRAKENSTEIN MUNICIPALITY
AANVAARDING VAN DIE GEWYSIGDE RUIMTELIKE ONTWIKKELINGSRAAMWERK VIR DRAKENSTEIN MUNISIPALITEIT
UKUMILISELWA KWE SPATIAL DEVELOPMENT FRAMEWORK ELUNGISIWEYO

The DA proposed an amendment that this matter be held over and that the issues raised by the Provincial Department of Environmental Affairs and Development Planning in their letter dated 15 October 2010 first be addressed.

The amendment was put to vote and was defeated by 28 to 26 votes.

RESOLVED

that the Amended Spatial Development Framework (SDF) for Drakenstein Municipality be approved and forwarded to the Department of Environmental Affairs and Development Planning for information.

(One member abstained from voting)

Meeting: Council – 24/11/2010		Submitted by Directorate: Infrastructure & Planning	
Ref No: 15/1/4		Author/s: A Shortles	
CoI No: 94316		Referred from: EM&MC - 17/11/2010	
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision	Infrastructure & Planning (Planning)	

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7.14 APPROVAL OF WATER SERVICES AUDIT REPORT (2009/2010) FOR DRAKENSTEIN MUNICIPALITY
GOEDKEURING VAN WATERDIENSTE OUDITVERSLAG (2009/2010) VIR MUNISIPALITEIT DRAKENSTEIN

UNANIMOUSLY RESOLVED

that the Water Services Audit Report (2009/2010) for Drakenstein Municipality be approved.

Noted.

Meeting:	Council – 24/11/2010	Submitted by Directorate:	Infrastructure & Planning
Ref No:	2/2/5 x 1/2/16 (2097)	Author/s:	A Kowalewski
CoI No:	94639	Referred from:	EM&MC - 17/11/2010
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

8. MATTERS FOR CONSIDERATION/INFORMATION
SAKE VIR OORWEGING/INLIGTING

None.

9. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY BY THE MUNICIPAL MANAGER
OORWEGING VAN VERSLAE, MEDELINGS, VERSOEKSKRIFTE EN AANSOEKE IN VERBAND MET DRINGENDE SAKE VOORGELÊ DEUR DIE MUNISIPALE BESTUURDER

The Municipal Manager reported that an End of Year Function was being arranged for Councillors and was provisionally set for 14 December 2010. Councillors would be kept informed.

Noted.

10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS
OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE

None.

11. SUPPLEMENTARY AGENDA (IF ANY)
AANVULLENDE AGENDA (INDIEN ENIGE)

No supplementary agenda was considered.

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IN-COMMITTEE

12. CONSIDERATION OF CONFIDENTIAL MATTERS OORWEGING VAN VERTROULIKE SAKE

12.1 PERFORMANCE EVALUATION OF THE EXECUTIVE MANAGEMENT TEAM OF DRAKENSTEIN MUNICIPALITY

(See Confidential Minutes.)

The meeting ended at 15:11.

CHAIRPERSON:

DATE:

Confirmed on with / without amendments.