

# DRAKENSTEIN MUNICIPALITY

## MINUTES: EXECUTIVE MAYOR AND MAYORAL COMMITTEE

ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 7 MAY 2008 AT 10:00

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**PRESENT:** The Executive Mayor, Clr CM Manuel (Chairperson)  
The Executive Deputy Mayor, Clr MW Nothnagel (Deputy Chairperson)

**Councillors** : A Bekeer  
JT Basson  
S Davids  
MJ Le Hoe  
TM Kompela  
AM Petersen; and  
AB Sishuba

**Officials** : Dr S Kabanyane (Municipal Manager)  
L Coetzee  
T Matthee  
K Mrali  
Dr P Naidoo  
C Petersen  
D Delaney  
S Carstens  
T Traut; and  
A Marais

**ABSENT:** **Councillors** : H Douman (apology)  
CR Julies



**MINUTES: EXECUTIVE MAYOR & MAYORAL COMMITTEE**  
**7 MAY 2008**

**1. CONFIRMATION OF MINUTES**

The Minutes of the Executive Mayor and Mayoral Committee meeting held on 23 April 2008 was confirmed as correct, subject to the following amendment:

Clause 11.2 to read as follows:-

“that the Travel and Subsistence Policy of Council be reviewed, with specific reference to overseas trips and local conferences, and the standard of facilities to apply.”

**2. ANNOUNCEMENTS BY THE EXECUTIVE MAYOR**

2.1 Cape Winelands District Municipality IDP/Budget Review 2008/09

The Executive Mayor reported that an invitation to a District wide IDP/Budget Review 2008/09 to be held on 14 May 2008 has been received from the Cape Winelands District Municipality. All councillors were invited to attend.

**Noted.**

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008	Submitted by (Dept): Author/s: Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

2.2 Welcoming Directors

The Executive Mayor extended a warm word of welcome to the newly appointed Executive Directors, particularly to Dr P Naidoo, who joined Drakenstein from Grahamstown. The Executive Mayor reflected on the need to improve implementation of policies and decisions and ensured Executive Directors of the support of the Mayoral Committee and Council in the execution of their duties.

**Noted.**

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<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**3. SALE OF ERF 16001, PAARL TO THANDA ABANTU NURSERY SCHOOL**

It was reported at the meeting that the current market value of Erf 16001, Paarl, amounts to R720 000 and therefore 20% of market value amounts to R144 000.

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**RESOLVED**

that it be recommended to Council that Erf 16001, Paarl be sold to Thanda Abantu Nursery School at the reduced selling price of R144 000 (20% of market value), subject to the following conditions:-

1. that a reversionary clause be registered against the title of the property;
2. that the purchaser be responsible for all costs related to the transaction;
3. that all legal requirements be adhered to; and
4. that the sale of the land be advertised for possible objections or counter offers.

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 1541 (16001)P 3695/08	Submitted by (Dept): Author/s: Referred from:	Corporate Services
<b>CLAUSe:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
3	Take necessary steps.	Admin (Properties)	

**4. ALIENATION OF ERF 19546, PAARL TO G & A EIENDOMME TRUST**

**RESOLVED**

that this matter be held over for a next meeting of the Committee.

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 1541 (19546)P 3672/08	Submitted by (Dept): Author/s: Referred from:	Corporate Services
<b>CLAUSe:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
	Discuss with portfolio holder	Admin (Properties)	

**5. ROLES AND RESPONSIBILITIES OF COUNCIL, POLITICAL STRUCTURES, OFFICE BEARERS AND MUNICIPAL MANAGER**

**RESOLVED**

1. that the report be noted and considered at the next meeting of the Committee; and
2. that the Speaker be requested to arrange a workshop for all councillors where this matter can be considered.

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 3B x 3/8 3697/08	Submitted by (Dept): Author/s: Referred from:	Corporate Services
<b>CLAUSe:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
5.2	Arrange Workshop	Speaker Office	

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**6. GRANTS: 2007/2008 FINANCIAL YEAR**

**RESOLVED**

that an ad-hoc Committee consisting of the following councillors assess the applications and submit a recommendation for the allocation of grants to the next Mayoral Committee, and also submit proposed amendments to the grants policy:-

1. Clr C Manuel (Executive Mayor)
2. Clr A Bekeer
3. Clr JT Basson
4. Clr T Du Plessis
5. Clr J Thomas

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Corporate Services	
Ref No: 5/13/1/1		Author/s: I Erasmus	
Doc No:		Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
6	Convene Ad hoc Committee	Admin (I Erasmus)	

**7. MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REVIEW 31 DECEMBER 2007**

The Executive Mayor expressed dissatisfaction with the late submission of the Adjustment budget and also the huge amount of R18,5m in respect of savings. The Executive Mayor requested that the reason for these savings as well as the additional income, be tabled at the Council meeting.

**RESOLVED**

that it be recommended to Council:-

1. that the Mid-year Assessment and Financial Health indicators be noted; and
2. that the Operational and Capital Adjustment Budget be approved.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Corporate Services	
Ref No: 5/2/8		Author/s: I Erasmus	
Doc No: 3698/08		Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**8. WARD PROJECTS 2008**

**RESOLVED**

that the report be noted.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Community Services	
Ref No: 17/19/5/1		Author/s: Mr J Rhoda	
Doc No: 3673/08		Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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**9. AMENDMENTS TO THE CONSTITUTION OF THE DRAKENSTEIN LIBRARY COMMITTEE**

**RESOLVED**

that the amendment to the Constitution of the Library Committee to allow for six councillors to serve on the Committee be approved and that the following councillors be delegated to serve on the Committee:-

1. Clr Vd B Pienaar
2. Clr M Syfers
3. Clr M Nothnagel
4. Clr H Douman
5. Clr C Philander
6. Clr WA Petersen

Meeting:	EM&MC – 07/05/2008	Submitted by (Dept):	Community Services
Ref No:	17/4/3 x 3/4	Author/s:	T Mathee
Doc No:	1126/08	Referred from:	EM&MC – 20/02/2008
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

**10. TRANSFER OF PROPERTIES: 600 SARON RDP HOUSING PROJECT**

**RESOLVED**

1. that the Corporate Services Department be tasked to drive this matter in order to finalize the transfer of the above properties; and
2. that a report on progress made with the above transfers as well as other projects where transfers are still outstanding, be submitted to the Executive Mayor and Mayoral Committee.

Meeting:	EM&MC – 7 May 2008	Submitted by (Dept):	Planning & Econ Development
Ref No:	17/5/5/5/2	Author/s:	VN Konjwayo
Doc No:	3633/08	Referred from:	
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
10.1	Convene task group	Admin (C Louw)	
10.2	Progress report	Admin (Properties)	

**11. POLICY ON RESETTLEMENT OF NEWLY APPOINTED DRAKENSTEIN MUNICIPALITY EMPLOYEES**

**RESOLVED**

1. that the transportation and storage costs of newly appointed employee's personal effects for resettlement, be borne by Council;
2. that an allowance for interim accommodation at actual rental up to R6000 per month for a period of three (3) months, for such employees be approved;

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3. that the Head: Corporate Services submit a comprehensive resettlement policy within three (3) months; and
4. that a policy audit and review be conducted of all policies of Drakenstein Municipality.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Municipal Manager	
Ref No: 4/B		Author/s:	
Doc No: 3709/08		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b>	<b><u>RESPONSIBLE DEPT:</u></b>	<b><u>DUE DATE:</u></b>
11.2	Submit resettlement Policy	H: Corporate Services	
11.3	Policy Audit & Review	H: PR+C	

**12. OUTSTANDING MATTERS**

**Noted.**

Meeting: EM&MC – 07/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b>	<b><u>RESPONSIBLE DEPT:</u></b>	<b><u>DUE DATE:</u></b>

**13. URGENT MATTERS**

**13.1 Application for Consent Use and Temporary Departure: Farm 372, Paarl Division**

The Committee expressed its concern regarding the eviction of farm workers when new developments are undertaken and requested that a condition be included in the approvals of such developments which protected the tenure rights of farm workers.

**RESOLVED**

1. that approval be granted in terms of Regulation 4.6.1 of the Scheme Regulations promulgated at PN 1048/1988 for Council's consent for a tourist facility for the conversion of the cellar of the existing Manor House ( $\pm 50\text{m}^2$ ) into a wine tasting and sales room, as indicated on the Site Development Plan (Annexure B to the departmental report);
2. that approval be granted in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a temporary land use departure to permit a 16 suite guesthouse with eight (8) suites within the 2 simulated train coaches each (measuring  $\pm 105\text{m}^2$  each) and a station building ( $\pm 260\text{m}^2$ ) to accommodate a kitchen, dining room and ablution facilities as part of the guest facility on Farm 372, Paarl Division;
3. that the following conditions laid down in terms of Section 42(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) be applicable to the approvals granted in terms of paragraphs 1 and 2 above:-

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- 3.1 The Site Development Plan (Annexure B to the departmental report), be adhered to;
- 3.2 The temporary departure will be valid for a period of five (5) years from the date of approval after which application can be made for extension thereof (limited to a maximum of another five-year period), before the expiry of the initial five (5) year period;
- 3.3 In the event of the draft Zoning Scheme Regulations being accepted and implemented within the validity period of the said temporary departure, and such regulations allow for a guesthouse as a consent use on agriculture units, the approved temporary departure will automatically be converted to an approved consent use;
- 3.4 Adherence to the conditions laid down by the District Roads Engineer as contained in its letter PR 22/29/87/0143(07) dated 27 February 2007 (Annexure F to the departmental report);
- 3.5 Adherence to the conditions laid down by the Chief: Health Services of the Cape Winelands District Municipality as set out in its letter under reference Plaas No 372 dated 5 March 2004 (Annexure H to the departmental report);
- 3.6 The following conditions laid down by the Civil Engineering and Electrical Services Departments (Drakenstein Municipality) be adhered to:-

3.6.1 Water

- All potable water supplied to all consumers on the farm shall comply with SANS 24 as amended;
- Proof of compliance to be submitted to Civil Engineering Services Department.
- No municipal connection is available.

3.6.2 Sewer

- No new septic tanks will be allowed, all old/existing tank and soak away systems must comply with the Water Research Commissions Report TT 144/99;
- No conservancy tank will be allowed within 100m of the 1:50 year flood line;
- Proof of compliance must be submitted to the Civil Engineering Services Department;
- A 1200L (min) fat grease trap must be provided to the satisfaction of the Head: Civil Engineering Services at the developer's cost, the design and type must be submitted;
- Municipal tanker service cannot be guaranteed at all times;
- When the municipal service is not available, the owner has to arrange for service by private contractor, at owner's cost;
- All costs are for the applicant/developer's account.

3.6.3 Refuse

- All solid waste disposal shall comply with Section 20 of the Environmental Conservation Act 73 of 1989; and

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- Proof of compliance to be submitted to the Civil Engineering Services Department.

3.6.4 Environment

- Note for any remaining remnants of natural vegetation, including but not limited to
  - The Biodiversity corridor formed by any river (a minimum of 32m on both sides of a river - measured from the 1:20 year flood line), all wetlands areas (including a 15m buffer around them);
  - A buffer/transition area/zone of at least 60m adjacent to any large natural area whether declared as a nature reserve or not; and
  - Any special habitat areas (such as silcrete patches) and the 15m buffer zone around them.
- All wetlands or sponge areas shall be considered as "no-go" areas.
- No development will be allowed on these areas and a buffer will be applied around these measured from the wetland boundary;
- The determination of the boundary of the wetland must be based on soil, vegetation or hydrological indicators;
- The Department of Water Affairs and Forestry may be consulted;
- The requirements of the National Water Act, 1998, the Water Services Act, 1997, the Environmental Conservation Act, 1989, and the National Environmental Management Act, 1998 must be adhered to at all times;
- The disposal of any contaminated run-off (washing water, stormwater, ect) must be disposed of in such a manner so as not to cause any pollution to surface, ground water or create a nuisance;
- No wastewater may be used as irrigation water onto fields within 20 metres of any river course or stream;
- Any organic waste (manure, compost, etc) must be stored in such a way so that between removals there shall be no chance of polluted stormwater run-off taking place, especially during the rainy season;
- No development shall be allowed below the 1:50 year flood line; and
- Legal obligations to eradicate alien invasive species, particularly adjacent to the Berg River must be complied with Cape Nature, Department of Water Affairs and Forestry or working for water may be consulted in this regard.

3.6.5 General

- Plans for any proposed construction or changes to services are to be submitted to the Civil Engineering Services Department for approval prior to construction;

3.7 The following conditions from a planning point of view must be adhered to:

- 3.7.1 No structures are to be erected without the approval of building plans by Council;

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3.7.2 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescription or requirements;

4. that the applicant be informed that farm workers' rights of tenure should not be affected by the proposed development;
5. that the objector being, Faure and Faure Attorneys on behalf of the adjoining owners, being Portion 2 of Farm 376, Breezy Hill (Passerini Investments (Pty) Ltd) and Farm 1342, Wide Horizon (Pascon Investments (Pty) Ltd) be informed of their right to appeal in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985); and
6. that the comments contained in Paragraph 7 (**TOWN PLANNING ASSESSMENT/COMMENTS**) of this report be regarded as the reasons for Council's decision.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Planning & Econ Development	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

**13.2 Wesgro: Visit by Indian Delegation: 21 May 2008**

The Municipal Manager reported that Wesgro are to host a delegation of Indian investors during May 2008 and that the Indian delegation had requested to address Mayco on 21 May 2008 on possible investments opportunities and partnerships in Drakenstein.

**RESOLVED**

that arrangement be made with Wesgro for the visiting Indian delegation to address the Committee on 21 May 2008.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Planning & Econ Development	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

**13.3 Chinese Delegation: 23 May 2008**

The Municipal Manager reported that a Chinese delegation, guests of the Department of Local Government and Housing, will be visiting Drakenstein on 23 May 2008 and requested that Mayco host them on that day.

**Noted.**

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Planning & Econ Development	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

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**13.4 Capetainer**

The Executive Mayor requested that a meeting be arranged with Capetainer to discuss the outstanding issues pertaining to the sale of Farm 736, Klamputs.

**ACCORDINGLY RESOLVED**

Meeting: EM&MC – 07/05/2008		Submitted by (Dept): Planning & Econ Development	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b> Arrange meeting	<b><u>RESPONSIBLE DEPT:</u></b> Admin (Properties)	<b><u>DUE DATE:</u></b>

**13.5 Travel and Subsistence Policy**

A draft revised Travel and Subsistence Policy was tabled at the meeting.

**RESOLVED**

that the draft policy be noted and referred to the Finance Committee.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b> Arrange Portfolio Committee	<b><u>RESPONSIBLE DEPT:</u></b> Admin (I Erasmus)	<b><u>DUE DATE:</u></b>

**13.6 Rates Policy**

A draft Rates policy was tabled at the meeting.

**RESOLVED**

that the draft policy be noted and referred to the Finance Committee.

Meeting: EM&MC – 07/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b> Arrange Portfolio Committee	<b><u>RESPONSIBLE DEPT:</u></b> Admin (I Erasmus)	<b><u>DUE DATE:</u></b>

**13.7 Invitation to the First Ordinary Congress of the United Cities and Local Governments of Africa (UCLGA), Accra, Ghana, 7 – 11 July 2008**

The Executive Mayor indicated that Clrs Le Hoe and JW Appollis should also be included in the delegation to attend the UCLGA Congress in Ghana.

**Accordingly Resolved.**

Meeting: EM&MC – 07/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
<b><u>CLAUSE:</u></b>	<b><u>ACTION:</u></b> Make arrangements	<b><u>RESPONSIBLE DEPT:</u></b> Speaker's Office	<b><u>DUE DATE:</u></b>

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**14. REPORT: DEPARTMENT PLANNING AND ECONOMIC DEVELOPMENT - MARCH 2008**

**Noted.**

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 9/1/1/1	Submitted by (Dept): Author/s: Referred from:	Planning & Econ Development D Delaney
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**15. QUARTERLY REPORT: PARKS SECTION: 1 JANUARY 2008 – 31 MARCH 2008**

**Noted.**

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 17/6/3	Submitted by (Dept): Author/s: Referred from:	Community Services T Matthee
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**16. MONTHLY REPORT: CIVIL ENGINEERING SERVICES: MARCH 2008**

**Noted.**

Meeting: Ref No: Doc No:	EM&MC – 07/05/2008 9/1/1/2	Submitted by (Dept): Author/s: Referred from:	Civil Engineering Services LP Coetzee
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

The meeting ended at 11h00.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on ..... with/without amendments.**

***PJ/ts***