

DRAKENSTEIN MUNICIPALITY

MINUTES: MAYORAL COMMITTEE

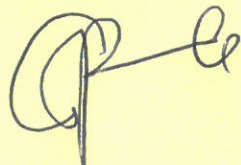
ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL, ON WEDNESDAY, 23 MARCH 2022 AT 10:00.

PRESENT: The Executive Mayor, Ald C J Poole (Chairperson)

Councillors: M A Andreas
A M B Appollis
L C Arendse
E Baron
T G Bester
J Miller
L T van Niekerk
R H van Nieuwenhuyzen

ALSO PRESENT: Ald J F le Roux (Speaker)
Cllr C Kearns (Chief Whip)
Cllr A Fourie (FF Plus)
Cllr P de Villiers (GOOD)

Officials: Dr J H Leibbrandt (City Manager)
Mr B Brown (Chief Financial Officer)
Mr S Johaar (Executive Director: Corporate Services)
Mr M Wüst (Executive Director: Engineering Services)
Mr G Esau (Executive Director: Community Services)
Ms J Samson (Executive Director: Planning, Development and Human Settlements)
Ms R Jaftha (Chief Audit Executive)
Ms N October (Senior Manager: Legal and Administrative Services)
Ms C September (Manager: IDP/PM)
Ms R Geldenhuys (Manager: Communication and Marketing)
Mr G Dippenaar (Chief Risk Officer)
Mr F P Goosen (Manager: Administrative Support Services)
Mr P January (Senior Administrative Officer)
Mr A Koopman (Communication)



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1. LEAVE ARRANGEMENT AND NON-AVAILABILITY OF COUNCILLORS AND SENIOR MANAGEMENT

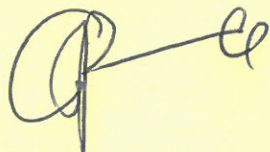
1. Ald G C Combrink, Deputy Executive Mayor - Apology (On council duty);
2. Cllr E Gouws - Apology; and
3. Cllr L Cyster - Apology.

2. ANNOUNCEMENTS BY THE EXECUTIVE MAYOR

1. Welcomed everybody at the meeting;
2. Announced the following changes regarding attendance of council committee meetings by members of the public as from 1 April 2022. These changes are the consequence of a question raised at the resent MPAC meeting and the response from the City Manager that a legal opinion be obtained:
 - Mayoral Committee meeting is a closed meeting and members of the public may not attend, as the Mayor need to debate matters before a recommendation is submitted to Council;
 - Portfolio Committee meetings are closed meetings and members of the public may not attend;
 - Council meeting is an open meeting and members of the public may attend;
 - MPAC meeting is an open meeting and members of the public may attend;
 - Disciplinary Committee meeting (S79) is a closed meeting and members of the public may not attend;
 - Audit Committee meeting is a closed meeting and members of the public may not attend;
 - Ward Committee meetings are open for the members of the public to attend; and
 - FARMCO meeting is a closed meeting and members of the public may not attend.

3. DECLARATION OF INTEREST BY COUNCILLORS/OFFICIALS

None.



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23 MARCH 20224. CONSIDERATION OF URGENT MATTERS, REPORTS, COMMUNICATIONS AND PETITIONS

None.

5. CONFIRMATION OF MINUTES

The minutes of the following meetings of the Mayoral Committee were confirmed as correct:

- i. Ordinary meeting held on 16 February 2022;
- ii. Ordinary meeting held on 24 February 2022; and
- iii. Confidential meeting held on 24 February 2022.

6. PUBLIC SAFETY

6.1 LIQUOR LICENSE APPLICATIONS (WARDS 1, 4, 18, 28 AND 31)
DRANKLISENSIE AANSOEKE (WYKE 1, 4, 18, 28 EN 31)
IZICELO ZEPHEPHA MVUME ZOTYWALA (IWADI 1, 4, 18, 28 KUNYE 31)

The City Manager requested that the item be referred back so that additional information can be incorporated, whereafter it will serve at the Portfolio Committee.

RESOLVED that

The matter be referred back to the department.

Meeting: Mayco 23/03/2022		Submitted by Department: Community Services	
Ref No: 14/4/1		Author/s: L Riffel	
Coll No: 1822766		Referred from: Comm Serv Port – 08/03/2022	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>
	Re-submit item	ED Community Services	

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23 MARCH 20227. ENGINEERING SERVICES

7.1 APPROVAL OF THE ANNUAL WATER SERVICES DEVELOPMENT PLAN PERFORMANCE AND WATER SERVICES AUDIT REPORT (2020/2021) FOR DRAKENSTEIN MUNICIPALITY
GOEDKEURING VAN DIE JAARLIKSE WATERDIENSTE ONTWIKKELINGSPLAN VERRIGTINGE- EN WATERDIENSTE OUDITVERSLAG (2020/2021) VIR DRAKENSTEIN MUNISIPALITEIT
UKUVUNYELWA KWENKQUBO YONYAKA YOPHUHLISO WEENKONZO ZAMANZI-KUNYE NENGXELO YOPHICOTH-ZINCWADI YEENKONZO ZAMANZI (2020/2021) KUMASIPALA WASEDRAKENSTEIN

The City Manager requested that the item be referred back so that additional information can be incorporated, whereafter it will serve at the Portfolio Committee.

RESOLVED that

The matter be referred back to the department.

Meeting: Mayco 23/03/2022	Submitted by Department: Engineering Services
Ref No: 1/4/3	Author/s: A Kowalewski
Coll No: 1812264	Referred from: Eng Serv Port – 09/03/2022
PAR:	ACTION:
	Re-submit item
	RESPONSIBLE DEPARTMENT:
	ED Engineering Services
	DUE DATE:

8. CORPORATE SERVICES

8.1 FINAL APPROVAL: LEASE OF A PORTION OF ERF 29318 PAARL TO GRATEFULNESS COMMUNITY SOUP KITCHEN NPO 236-662 (WARD 16)
FINALE GOEDKEURING: VERHURING VAN 'N GEDEELTE VAN ERF 29318 PAARL AAN GRATEFULNESS COMMUNITY SOUP KITCHEN NPO 236-662 (WYK 16)
IMVUME YOKUGQIBELA: UKUQESHWA KWENTSALELA YESIZA 29318 PAARL KWI GRATEFULNESS COMMUNITY SOUP KITCHEN NPO 236-662 (WADI 16)

RECOMMENDED that

- In terms of Regulation 34 of the Municipal Asset Transfer Regulations read together with Paragraph 13 of the Asset Transfer Policy (2021) **final approval** be granted for the lease of a portion of Erf 29318 Paarl, measuring $\pm 100\text{m}^2$ in extent, to Gratefulness Community Soup Kitchen (NPO 236-662) for the purpose of a soup



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kitchen, subject to the standard lease conditions as well as the following further conditions:

- 1.1 The property will be leased at a subsidised market rental of R176.52 (VAT excluded and 4% annual escalation included) as determined by an independent valuer;
 - 1.2 The lease endures for a period of 2 (two) years;
 - 1.3 The subject property only be used as a soup kitchen and the demarcated area must be cordoned off. No other activities will be allowed;
 - 1.4 The Gratefulness Community Soup Kitchen will be responsible for all municipal services, connection fees and services consumption, etc. if applicable;
 - 1.5 The placement of the container and any construction work to be done may not be commenced with prior to the obtaining of approved building plans;
 - 1.6 Any damage caused to municipal services will be repaired at the cost of Gratefulness Community Soup Kitchen;
 - 1.7 Sewer and water connection is available at standard cost or actual cost dependent on the specific placement of the container;
 - 1.8 Fire safety requirements must be adhered to and any fire equipment, as approved by the Fire, Safety & Disaster Management Division, must be installed by and at the cost of Gratefulness Community Soup Kitchen as well as the maintenance thereof;
 - 1.9 Gratefulness Community Soup Kitchen need to obtain all the necessary operating licenses and/or certificates in terms of all applicable legislation, e.g. food license at own costs; and
 - 1.10 All administrative, legal and technical requirements be adhered to.
2. It be noted that the proposed lease was advertised in the local press for objections, comments, representations or counter proposals/offers from other interested parties, and that none was received; and



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3. In terms of paragraph 13 of the Asset Transfer Policy, the lease of the property be granted by way of direct negotiations as the Gratefulness Community Soup Kitchen will deliver a service beneficial to the needs of the community.

Meeting: Mayco 23/03/2022	Submitted by Department: Corporate Services		
Ref No: 15/4/1 (29318) P	Author/s: N Williams		
Coll No: 1810611	Referred from: Corp Serv Port – 08/03/2022		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

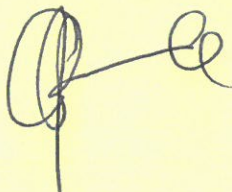
8.2 PROPOSED ALIENATION OF REMAINDER ERF 4403 WELLINGTON SITUATED IN STOKERY ROAD/CARSTENS STREET, WELLINGTON TO ADJACENT LANDOWNER OF ERF 15496 WELLINGTON (WARD 18)

VOORGESTELDE VERVREEMDING VAN RESTANT VAN ERF 4403 WELLINGTON GELEË TE STOKERY WEG/CARSTENSSTRAAT, WELLINGTON AAN AANGRENSENDE GRONDEIENAAR VAN ERF 15496 WELLINGTON (WYK 18)

UKUPHEPHELA OKUCETYWAYO KWENTSALELA YESIZA 4403 WELLINGTON IME KWISTOKERY ROAD/CARSTENS STREET, WELLINGTON KUYA OKUFUMANA UMNINI-MHLABA WESIZA 15496 WELLINGTON (WADI 18)

RECOMMENDED that

1. In terms of Section 14 of the Municipal Finance Management Act (No. 56 of 2003) Council resolves that:
 - 1.1 The subject property is not needed to provide the minimum level of basic municipal services; and
 - 1.2 The fair market value of the asset and the economic and community value to be received in exchange for the asset has been considered.
2. In terms of Section 14 of the Municipal Finance Management Act (No. 56 of 2003) **final approval** be granted for the alienation of Remainder Erf 4403 Wellington, measuring approximately 3 776m² in extent, situated in Carstens Street/Stokery Road, to adjacent landowner of Erf 15496 Wellington [Beveratech Properties (Pty) Ltd] for expansion of their existing property 5 metres south of their existing property and parking purposes, subject to the standard conditions of sale as well as the following conditions:

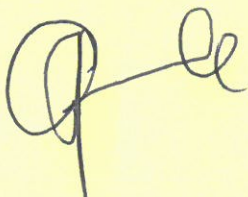


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- 2.1 The subject property be sold at a selling price of R450,000.00 (VAT excluded);
- 2.2 The rezoning, subdivision and consolidation of the subject property be undertaken by and at the cost of the purchaser. All other costs relating to this transaction be borne by the purchaser;
- 2.3 A portion of Erf 4403 Wellington will be alienated for the extension of the applicant's existing premises. The remaining portion to be alienated may only be used for parking purposes for light vehicles. No heavy vehicles shall be permitted to drive over or park on the underground services pipeline;
- 2.4 A service servitude will be registered in favour of the Municipality, the cost of which will be for the applicant's account; and
- 2.5 All technical conditions imposed by the technical departments be adhered to.
3. The subject property is non-viable property and in terms of Paragraph 13 of the Asset Transfer Policy it can be alienated directly to an adjacent landowner. The subject property cannot be transacted with independently and must be consolidated with an abutting property due to the applicable restrictions in respect of the permitted uses of the subject property as a result of the existing municipal underground services pipelines traversing the property.

Meeting: Mayco 23/03/2022		Submitted by Department: Corporate Services	
Ref No: 15/4/1 (4403) W		Author/s: F Williams	
Coll No: 1827111		Referred from:	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>



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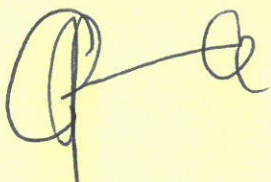
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8.3 PROPOSED ALIENATION OF A PORTION OF ERF 13259 PAARL FOR THE DEVELOPMENT THEREOF TO QWELI DEVELOPERS (PTY) LTD (WARD 16)
VOORGESTELDE VERVREEMDING VAN 'N GEDEELTE VAN ERF 13259 PAARL VIR ONTWIKKELING DAARVAN AAN QWELI DEVELOPERS (EDMS) BPK (WYK 16)
ISINDULULO SOKUPHEPHELA ICEBA LESIZA 13259 PAARL UPHUHLISO KWI QWELI DEVELOPERS (PTY) LTD (WADI 16)

RECOMMENDED that

1. In terms of Section 14 of the MFMA Council resolves that:
 - 1.1 The subject property is not needed to provide the minimum level of basic municipal services; and
 - 1.2 The fair market value of the asset and the economic and community value to be received in exchange for the asset has been considered.

2. In terms of Section 14 of the MFMA **final approval** be granted for the alienation of a portion of Erf 13259 Paarl, situated in Edison Street and Jan Van Riebeeck Drive, measuring ± 1.6 ha in extent, to Qweli Developers (Pty) Ltd, at a market related selling price of R200/m² (VAT excluded), for commercial and/or industrial development purposes, subject to the normal conditions of sale as well as the following conditions:
 - 2.1 All land use rights required for the proposed development submitted, must be undertaken by and at the cost of the successful applicant;
 - 2.2 The successful developer be required to obtain all the required statutory approvals from the relevant statutory authorities, which include but is not limited to an Environmental Authorisation and Heritage approval, if applicable;
 - 2.3 The successful developer must undertake all the required studies, which includes but is not limited to Traffic Impact Assessment and Engineering Services Reports;
 - 2.4 The development design and proposed use of the subject property must provide a suitable transitional zone between the existing Dal Josaphat Industrial area and the Drommedaris Housing Project, which must be



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depicted on the Site Development Plan forming part of the land use rights application;

- 2.5 All costs related to the registration of transfer process will be for the account of the successful applicant; and
- 2.6 No offensive industries will be permitted on the subject property.
3. The proposed transaction will be subject to pre-emptive and reversionary rights in favour of the Municipality which will be registered against the title of the subject property.

Meeting: Mayco 23/03/2022	Submitted by Department: Corporate Services		
Ref No: 15/4/1 (13259) P	Author/s: N October		
Coll No: 1935235	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

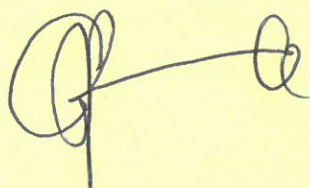
8.4 PROPOSED ALIENATION OF PORTIONS OF ERF 14030 PAARL, SITUATED IN KLEIN PARYS TO ADJACENT LANDOWNERS OF ERVEN 14033, 14032, 14031 AND 14029 PAARL (WARD 23)

VOORGESTELDE VERVREEMDING VAN GEDEELTES VAN ERF 14030 PAARL, GELEË IN KLEIN PARYS AAN DIE AANGRENSENDE GRONDEIENAARS VAN ERWE 14033, 14032, 14031 EN 14029 PAARL (WYK 23)

SINDULULO SOKUPHEPHELA KWESIZA 14030 PAARL, EZISEKLEIN PARYS UKUYA KUBANINI-MIHLABA EMFUNeko KWIZIZA 14033, 14032, 14031 NE-14029 PAARL (WADI 23)

RECOMMENDED that

1. In terms of Section 14 of the Municipal Finance Management Act *in principle approval* be granted for the alienation of portions of Erf 14030 Paarl to the adjacent landowners of Erven 14029, 14031, 14032 and 14033 Paarl for the extension of existing properties, at a market related selling price, subject to the standard conditions of sale as well as technical conditions as imposed by the technical departments:
- 1.1 The subject property be sold at a market related selling price, to be determined by an independent valuer;



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- 1.2 The proposed transaction be advertised in the local press for objections and comments; and
- 1.3 If the costs for the obtaining of the land use rights and other approvals or studies are deemed too expensive for the potential purchasers an application for the leasing of the subject property will be proceeded with.
- 2. All land use rights including closure, subdivision, rezoning and consolidation with their existing properties be undertaken by and at the cost of the respective purchasers. All costs related to the transaction will be for the purchasers' account;
- 3. A portion of the subject property must be retained in order for the Kleine Parys Estate to have access for the maintenance of their fencing and CCTV cameras situated on the subject property;
- 4. Environmental, Heritage and Water Use Licence approvals must be obtained by and at the cost of the purchasers, should the Land Use rights application trigger the provisions of the applicable legislation governing these processes; and
- 5. In terms of paragraph 13 of the Asset Transfer Policy the subject property cannot be used as an individual property and transacted with independently.

Meeting: Mayco 23/03/2022		Submitted by Department: Corporate Services	
Ref No: 15/4/1 (14030) P		Author/s: F Williams	
Coll No: 1788679		Referred from:	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

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8.5 PROPOSED ALIENATION OF ERF 26491 PAARL SITUATED IN MONICA STREET FOR EARLY CHILDHOOD DEVELOPMENT PURPOSES - EXCHANGE OF ERF 26440 PAARL (WARDS 14 AND 32)

VOORGESTELDE VERVREEMDING VAN ERF 26491 PAARL GELEË IN MONICASTRAAT VIR VROEË KINDERONTWIKKELINGSDOELEINDES - RUILING VAN ERF 26440 PAARL (WYKE 14 EN 32)

OKUCETYWAYO UKUPHEPHELA KWESIZA 26491 PAARL MONICA STREET NGEENJONGO ZOPHUHLISO LWABANTWANA ABASEBANCINCI- UKUTSHINTSHWA KWESIZA 26440 PAARL (WADI 14 NO 32)

RECOMMENDED that

1. The following condition contained in Council resolution dated 27 January 2021 which reads as follows:

"2. *In terms of Section 14 of the MFMA final approval be granted for the alienation of Erf 26440 Paarl, measuring $\pm 785m^2$ in extent, to Elitha Lethu Crèche, for the development thereof for early childhood development purposes at a subsidised selling price of R14,200.00 (VAT excl.) (calculated at a rate of 20% of the market value of R71,000.00), subject to the standard conditions of sale as well as the following conditions: "*

To be amended to read as follows:

2. In terms of Section 14 of the MFMA **final approval** be granted for the alienation of Erf 26491 Paarl, measuring $\pm 970m^2$ in extent, to Elitha Lethu Crèche, for the development thereof for early childhood development purposes, at a subsidised selling price of R19,400.00 (VAT excl.) (calculated at a rate of 20% of the market value of R97,000.00) ($970m^2 \times R100/m^2$), subject to the standard conditions of sale.
2. The proposed transaction is subject to the same conditions as stipulated in council resolution dated 27 January 2020.



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3. All adjacent landowners be notified in writing of the proposed sale.

Meeting: Mayco 23/03/2022	Submitted by Department: Corporate Services		
Ref No: 15/4/1 (26491) P	Author/s: F Williams		
Coll No: 1814021	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

8.6 LLF MINUTES: NOVEMBER 2021/JANUARY 2022

LLF NOTULES: NOVEMBER 2021/JANUARIE 2022

LLF IMIZUZU: NOVEMBA 2021/JANUWARI 2022

RESOLVED that

The minutes of the following meetings of the Local Labour Forum be noted:

1. Meeting held on 30 November 2021; and
2. Meeting held on 27 January 2022.

Meeting: Mayco 23/3/2022	Submitted by Department: Corporate Services		
Ref No:	Author/s:		
Coll No:	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

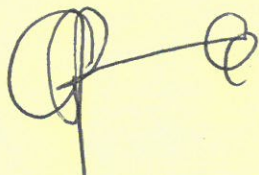
9. SPORT, RECREATION, ARTS AND CULTURE**9.1 VANDALISM OF WELTEVREDE SPORTS FIELD**

VANDALISME BY WELTERVREDE SPORTVELD

UKONAKALISWA KWEBALA LEZEMIDLALO E WELTEVREDE

RESOLVED that

1. The detrimental state of the facility because of vandalism and gang violence at Weltevrede sports field as well as the constant recurrence thereof, even after maintenance had been done, be noted; and



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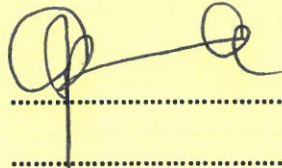
2. A feasibility study be conducted on Weltevrede for the best alternative use of the Weltevrede sports field.

Meeting: Mayco 23/03/2022	Submitted by Department: Community Services
Ref No: 17/7/3	Author/s: Y Tsolo
Coll No: 1792123	Referred from: Comm Serv Port – 08/03/2022
<u>PAR:</u>	<u>ACTION:</u>
	Implement decision
<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>
ED Community Services	

10. URGENT MATTERS**DRINGENDE SAKE****IMIBA ENGXAMISEKILEYO**

None.

The meeting ended at 10:17.

CHAIRPERSON:

DATE:

Confirmed with/without amendments.

PJ/rs



Mayoral Committee Attendance Register

Date: 23 March 2022

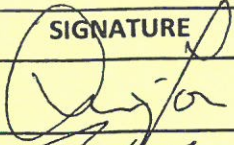
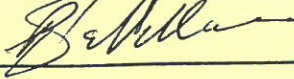
Time: 10:00

Venue: Council Chambers


SURNAME	INITIALS	TITLE	SIGNATURE
POOLE Executive Mayor	CJ	ALD	
COMBRINK Deputy Executive Mayor (Financial Services)	GC	ALD	Apologize
BESTER (Engineering Services)	TG	CLLR	
ANDREAS (Human Settlements)	MA	CLLR	
ARENDSE (Sport, Recreation, Arts and Culture)	LC	CLLR	
GOUWS (Social Development)	E	CLLR	Apologize
MILLER (Governance and Compliance)	J	CLLR	
BARON (Corporate Services)	E	CLLR	
APPOLLIS (Public Safety)	AMB	CLLR	
VAN NIEKERK (Planning and Development)	LT	CLLR	
VAN NIEUWENHUYZEN [Communication and Inter-Governmental Relations (IGR)]	RH	CLLR	
CYSTER (Parks, Waste and Cemeteries)	L	CLLR	Apologia
LE ROUX SPEAKER	JF	ALD	
KEARNS CHIEF WHIP	C	CLLR	
RICHARDS LEADER OF OPPOSITION	AM	CLLR	

OFFICE OF THE/ KANTOOR VAN DIE
CHIEF WHIP/HOOFSWEEP
CLLR/ RDL CHRISTEPHINE KEARNS
DRAKENSTEIN MUNICIPALITY/ MUNISIPALITEIT

23/03/22

SURNAME	INITIALS	TITLE	SIGNATURE
Andre Fourie		CLLr.	
PETER DE VILLIERS			

OFFICE OF THE/ KANTOOR VAN DIE
 CHIEF WHIP/HOOFSWEEP
 CLLR/ RDL CHRISTEPHINE KEARNS
 DRAKENSTEIN MUNICIPALITY/ MUNISIPALITEIT


 23/03/22

