

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL, ON TUESDAY, 31 OCTOBER 2017 AT 14:00.

PRESENT: Councillors (see attendance register)

Senior Officials:	Dr J H Leibbrandt	(City Manager)
	Mr S Johaar	(Executive Director: Corporate Services)
	Mr G Boshoff	(Executive Director: Community Services)
	Mr J Carstens	(Chief Financial Officer)
	Ms L Waring	(Executive Director: Planning and Development)
	Ms R Jaftha	(Chief Audit Executive)
	Mr W Pretorius	(Acting Executive Director: Engineering Services)
	Mr A V Marais	(Senior Manager: Legal and Administration)
	Mr F P Goosen	(Manager: Administrative Support Services)

ABSENT: Councillors (see attendance register)

Senior Official: Mr D Hattingh (sick leave)



**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

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
UKUQWALASELWA KWEZICELO ZOCEBA ZOKUNGABIKO KWIBHUNGA/ KWINTLANGANISO ZEBHUNGA

The following applications for leave of absence were approved in terms of the Rules of Order of Council:

1. Cllr TZ Nqoro - 31 October 2017
2. Cllr SC Rens - 31 October 2017

2. CONFIRMATION OF MINUTES
BEKRAGTIGING VAN NOTULE
UKUQINISEKISWA KWEMIZUZU

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

- i) Ordinary meeting held on 27 September 2017;
- ii) Special meeting held on 4 October 2017; and
- iii) Special meeting held on 5 October 2017.

With regard to item 4 of the minutes of the special meeting held on 5 October 2017, the Speaker ruled that the point of order be dismissed.

2.1 IMPLEMENTATION OF COUNCIL DECISIONS
IMPLEMENTERING VAN RAADSBSLUITTE
UKUMISELWA KWEZIQIBO ZEBHUNGA

Noted.

3. SUBMISSION OF MINUTES
VOORLEGGING VAN NOTULE
UKUNGENISWA KWEMIZUZU

Noted.

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

4. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR / DEPUTY EXECUTIVE MAYOR
VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER / UITVOERENDE ONDERBURGEMEESTER
INGXELO KUNYE NOQHAKAMSHELWANO NGU SODOLOPHU WESIGQEBA / ISEKELA LIKASODOLOPHU WESIGQEBA

The Executive Mayor made the following announcements:-

- 1) The unveiling of the new corporate identity and municipal logo. A photo session was held in the foyer.
- 2) Level five (5) water restrictions are being applied in the Municipality and the Executive Mayor is regularly briefed on the situation. The first boreholes would be drilled in the first week of November 2017.
- 3) Instructions were given that the designated area for the setting-off of fireworks be moved from the Boy Louw Sport fields to the Parys Cricket fields after requests received from Paarl Hospital and Boland College.

5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER
VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER
INGXELO KUNYE NOQHAKAMSHELWANO NGU SOMLOMO

The Speaker made the following announcements:-

- 1) Ward Councillors to provide dates for the finalisation of operational ward projects.
- 2) Ward Committee minutes to be submitted each month.
- 3) All outstanding memory sticks to be returned to the administration.
- 4) The taking up of external loans will be considered at the Council meeting of 29 November 2017. The documents have been forwarded to all councillors.
- 5) Congratulated councillors who celebrated their birthdays in October.
- 6) The Chief Whip announced that all councillors have been furnished with their record of attendance of Council and Committee meetings and any enquiries should be directed to the Office of the Chief Whip.

5.1 DISCLOSURE OF INTERESTS BY COUNCILLORS / OFFICIALS
VERKLARING VAN BELANGE DEUR RAADSLEDE / AMPTENARE
UKUBHENGEZA KOMDLA NGOCEBA/ AMAGOSA

Councillor M A Andreas declared her interest in respect of item 7.14 of the Agenda.



**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

6. STATUTORY MATTERS
STATUTÊRE SAKE
IMIBA YOMTHETO

None.

7. CONSIDERATION OF REPORTS BY THE MAYORAL COMMITTEE
OORWEGING VAN VERSLAE DEUR DIE BURGEMEESTERSKOMITEE
UKUQWALASELWA KWEENGXELO YIKOMITI KASODOLOPHU WESIGQEBA

7.1 REPORT AND RECOMMENDATIONS TO COUNCIL FROM THE AUDIT COMMITTEE MEETING HELD ON 24 AUGUST 2017
VERSLAG EN AANBEVELINGS AAN DIE RAAD VAN DIE OUDITKOMITEE VERGADERING GEHOU OP 24 AUGUSTUS 2017
INGXELO KUNYE NESINDULULO KWIBHUNGA EZIVELA KWIKOMITI YOPHICHOTO ZINCWADI YENTLANGANISO YEKOTA EYAYIBANJWE NGOMHLA WE 24 AGASTI 2017

The Chairperson of the Audit Committee, Mr R Kingwell attended the meeting for this item.

UNANIMOUSLY RESOLVED

1. Internal Audit
 - 1.1 that the organisational structure of Internal Audit remains adequate and independent;
 - 1.2 that the internal audit reports submitted to the Audit Committee were noted and that Internal Audit reports for the year under review were completed as planned;
 - 1.3 that the quarterly Performance Assessment was carried out by Internal Audit. The completeness and accuracy of the portfolios of evidence continues to improve, towards consistent achievement of clearly defined organisational and individual performance outcomes; and
 - 1.4 that Management be advised to act timeously on the recommendations made by Internal Audit in their reports.
2. Risk Management
 - 2.1 that Council note that risk management continues to be the focus of the Strategic Management Team (SMT);
 - 2.2 that Council note that there has been further progress to identify and articulate the key strategic risks facing the Municipality and that the SMT will be preparing appropriate response strategies to mitigate these risks; and

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

2.3 that the combined Risk and Fraud Prevention policies have been presented to the Fraud and Risk Management Committee and will be tabled for Council approval by the Management team.

3. Annual Financial Statements

3.1 that Council note that the draft annual financial statements were presented to the Audit Committee prior to submission for audit as requested;

3.2 that Council note that there were changes recommended to the Finance team which needed to be amended prior to submission to the Auditor General for audit;

3.3 that Council note that the impact of MSCOA was taken into account in the submission of the annual financial statements; and

3.4 that consideration be given to having a separate Audit Committee meeting to discuss the draft financial statements in future.

4. Audit Committee and Internal Audit Charters

4.1 that Council note that the Internal Audit Charter has been reviewed and has been presented to the Audit Committee for approval; and

4.2 that Council note that the Audit Committee Charter has been accepted by the Audit Committee and will be submitted to Council for approval.

Meeting: Ref No: Coll Nr:	Council – 31/10/2017 3/3/1/3/9/1 1247511	Submitted by Directorate:	City Manager (Internal Audit)
		Author/s:	Rozan Jaftha
		Referred from:	MC - 25/10/2017
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
1-4	Implement decision	IA	

7.2	QUARTERLY PERFORMANCE ASSESSMENT REPORT 2017/2018 (QUARTER 1: 01 JULY- 30 SEPTEMBER 2017)
	KWARTAALLIKSE PRESTASIE ASSESSERINGSVERSLAG 2017/2018 (KWARTAAL 1: 01 JULIE TOT 30 SEPTEMBER 2017)
	INGXELO YEKOTA YENDLELA YOKUSEBENZA KA 2017/2018 (IKOTA 1: 04 JULAYI – 30 SEPTEMBER 2017)

The Executive Mayor conveyed the reasons why certain projects, failed to achieve the targets as per the SDBIP. The Executive Mayor indicated that these reasons will be incorporated into the report before submission to the relevant oversight authorities and a copy thereof will be provided to parties.

664

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

UNANIMOUSLY RESOLVED

1. that the Quarterly Performance Assessment Report 2017/2018 (Quarter 1: 01 July - 30 September 2017) be adopted;
2. that the Quarterly Performance Assessment Report be placed on the Municipal Website after Council adoption; and
3. that the approved Quarterly Performance Assessment Report be submitted to the Auditor General of South Africa, the Provincial Treasury: Western Cape, National Treasury, and the Department of Local Government: Western Cape.

Meeting: Council - 31/10/2017 Ref No: 2/2/8 Coll Nr: 1257393		Submitted by Directorate: IDP & PM Author/s: Faith Qebanya Referred from:	
PAR: 2-3	ACTION: Implement decision	RESPONSIBLE DEPT: IDP and PM	DUE DATE:

7.3	DRAKENSTEIN MUNICIPALITY SERVICES CHARTER
	DRAKENSTEIN MUNISIPALITEIT DIENSHANDVES
	IPHEPHA LENKONZO LOMASIPALA WASE DRAKENSTEIN

UNANIMOUSLY RESOLVED

that the Service Charter be approved.

Meeting: Council-31/10/2017 Ref No: 2/2/8 Coll Nr: 1257727		Submitted by Directorate: IDP & PM Author/s: Faith Qebanya Referred from:	
PAR:	ACTION: Implement decision	RESPONSIBLE DEPT: IDP & PM	DUE DATE:

7.4	TENDERS, QUOTATIONS AND CONTRACTS: SUPPLY CHAIN MANAGEMENT: NOTIFICATION OF MONTHLY TENDER AWARDS: SEPTEMBER 2017
	TENDERS, KWOTASIES EN KONTRAKTE: VOORSIENINGS-KANAALBESTUUR: TENDERTOEkENNINGS VIR SEPTEMBER 2017
	ITHENDA, ISINIKI MAXABISO KUNYE NEZIVUMELWANO: ULAWULO LOTHUNGELWANO LWEZIBONELELO: ISAZISO SONIKEZELO LWETHENDA: SEPTEMBER 2017

UNANIMOUSLY RESOLVED

1. that the tenders and contracts that were adjudicated by the Bid Adjudication Committee for the month of September 2017, **be noted**; and

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

2. that the tenders and contracts and the reasons for the awards as recorded by the Accounting Officer as attached to the report, **be noted**.

Meeting: Council – 31/10/2017 Ref No: 8/1/2/1 Coll Nr: 1255156		Submitted by Directorate: Financial Services Author/s: Heinrich Vergotine Referred from: MC- 25/10/2017	
<u>PAR:</u> 1-2	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Chief Financial Officer	<u>DUE DATE:</u>

7.5 TENDERS, QUOTATIONS AND CONTRACTS: REPORT ON DEVIATIONS AND RATIFICATION OF MINOR BREACHES FROM PROCUREMENT PROCESSES: SEPTEMBER 2017
TENDERS, KWOTASIES EN KONTRAKTE: VERSLAG VAN AFWYKINGS EN RATIFIKASIE VAN GERINGE OORTREDINGE VAN VERKRYGINGSPROSESSE: SEPTEMBER 2017
ITHENDA, IZINIKI MAXABISO KUNYE NEZIVUMELWANO: INGXELO YOKUPHAMBUKELA KUNYE NOLUNGISO OLUNCINCI LOKUPHEPHELA KWINKQUBO ZOKUFUMANA : SEPTEMBER 2017

The ANC raised questions with regard to the deviation for the construction and remedial work to houses in the Kolbe/Lantana Street project. After discussion, it was agreed that a report would be submitted to the next Council meeting dealing with the reasons why a deviation was necessary.

UNANIMOUSLY RESOLVED

- that Council, in terms of paragraph 36(2) of the SCM Policy, take note of the deviations and the reasons for the deviations for the amount of R 4,804,113 for September 2017 as recorded by the Accounting Officer under the annexures attached to the departmental report; and
- that the Chief Financial Officer record the accumulated deviation amount of R 13,733,916 for the financial year in the notes to the 2017/2018 annual financial statements as required by legislation.

Meeting: Council – 31/10/2017 Ref No: 9/1/1/5 Coll Nr: 1255169		Submitted by Directorate: Financial Services Author/s: Heinrich Vergotine Referred from: MC- 25/10/2017	
<u>PAR:</u> 1-3	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Chief Financial Officer	<u>DUE DATE:</u>

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

7.6	FINANCE: LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT: SECTION 71 MONTHLY BUDGET MONITORING REPORT FOR AUGUST 2017
	FINANSIES: WET OP PLAASLIKE REGERING: MUNISIPALE FINANSIËLE BESTUUR: SEKSIE 71 MAANDELIKSE BEGROTING VERSLAGDOENING VIR AUGUSTUS 2017
	EZEZIMALI: UMTHETHO WOKULAWULWA KWEMALI ZIKAMASIPALA: ICANDELO 71 NGENYANGA INGXELO YOKONGAMELA KOHLAHO LWABIWO MALI YENYANGA KA AUGUST 2017

The ANC posed questions regarding the practice around cash resources. The CFO indicated that the Municipality maintain a reserve of 3 times the required funding, the norm being 2,5 times.

UNANIMOUSLY RESOLVED

1. that it be noted that the variance between the actual operating revenue (R 698,433,922) and the pro rata budgeted operating revenue (R 669,578,305) has a positive variance of R 28,855,616 or 4.31%;
2. that it be noted that the variance between the actual operating expenditure (R 245,885,834) and the pro rata budgeted operating expenditure (R 282,831,657) has a positive variance of R 36,945,821 or 13.06%;
3. that it be noted that the actual and committed capital expenditure of R 114,494,342 and the pro rata budgeted capital expenditure of R 69,287,001 realised under spending of R 45,207,342 or 65.25%;
4. that it be noted that the actual and committed capital expenditure of R 114,494,342 compared with the capital expenditure budget of R 815,135,300 represent a spending percentage of 14.05% after two months of the financial year;
5. that it be noted that external borrowings amounted to R 1,190,488,686 as at 31 August 2017 and that it represents 59.27% of Drakenstein's total budgeted operating revenue of R 2,008,665,813 for the 2017/2018 financial year;
6. that it be noted that of the R 68,706,668 grants received during the current financial year an amount of R 25,254,976 or 36.37% have been utilised as at 31 August 2017. The amount of R 25,254,976 is made up of operating expenditure of R 16,873,678 and capital expenditure of R 8,381,298 utilised on operating and capital projects/programmes;
7. that it be noted that the actual employee related cost expenditure of R 75,186,310 compared with the pro rata budgeted expenditure of R 74,916,478 relates to a negative variance of R269, 832 or 0.36%;
8. that it be noted that total outstanding debtors as at 31 August 2017 amounted to R 337,292,172 and that 30 days and older debt constitutes 46.4% of total outstanding debtors;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

9. that it be noted that domestic consumers owe the municipality R 192,316,538 or 57.0% of the municipality's total debtor's book;
10. that it be noted that outstanding creditors amounted to R 4,028,030 as at 31 August 2017;
11. that it be noted that the primary bank account had a positive bank balance at 31 August 2017 which amounted to R 223,354,988; and
12. that it be noted that total investments in cash and shares amounted to R 278,570,665 as at 31 August 2017 at the five local banks and Eskom.

Meeting: Council – 31/10/2017 Ref No: 9/1/1/4 Coll Nr: 1256878	Submitted by Directorate: Financial Services Author/s: Alrico Viola Referred from: MC- 25/10/2017		
PAR: 1-12	ACTION: Implement decision	RESPONSIBLE DEPT: Chief Financial Officer	DUE DATE:

7.7 FINANCE: LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT: SECTION 52 QUARTERLY AND SECTION 71 MONTHLY BUDGET MONITORING REPORT FOR SEPTEMBER 2017
FINANSIES: WET OP PLAASLIKE REGERING: MUNISIPALE FINANSIËLE BESTUUR: SEKSIE 52 KWARTAALLIKSE EN SEKSIE 71 MAANDELIKSE BEGROTING VERSLAGDOENING VIR SEPTEMBER 2017
EZEZIMALI: UMTHETHO WOKULAWULWA KWEMALI ZIKAMASIPALA: ICANDELO 52 NGOKWEKOTA KUNYE NECANDELO 71 NGENYANGA INGXELO YOKONGAMELA KOHLAHLA LWABIWO MALI YENYANGA KA SEPTEMBER 2017

UNANIMOUSLY RESOLVED

1. that it be noted that the variance between the actual operating revenue (R 852,128,661) and the pro rata budgeted operating revenue (R 836,446,030) has a positive variance of R 15,682,631 or 1.87%;
2. that it be noted that the variance between the actual operating expenditure (R 406,208,625) and the pro rata budgeted operating expenditure (R 467,630,036) has a positive variance of R 61,421,411 or 13.13%;
3. that it be noted that the actual and committed capital expenditure of R 465,965,055 and the pro rata budgeted capital expenditure of R 129,500,918 realised over spending of R 336,464,136 or 259.82%;
4. that it be noted that the actual and committed capital expenditure of R 465,965,055 compared with the capital expenditure budget represent a spending percentage of 57.16% after three months of the financial year;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

5. that it be noted that external borrowings amounted to R 1,188,847,355 as at 30 September 2017 and that it represents 59.19% of Drakenstein's total budgeted operating revenue of R 2,008,665,813 for the 2017/2018 financial year;
6. that it be noted that unspent conditional and unconditional grants amounted to R 76,963,473 at the end of September 2017;
7. that it be noted that the actual employee related cost expenditure of R 113,384,449 compared with the pro rata budgeted expenditure of R 112,792,980 relates to a negative variance of R 591,469 or 0.52%;
8. that it be noted that total outstanding debtors as at 30 September 2017 amounted to R 322,072,652 and that 30 days and older debt constitutes 51.9% of total outstanding debtors;
9. that it be noted that domestic consumers owe the municipality R 192,693,265 or 59.8% of the municipality's total debtor's book;
10. that it be noted that outstanding creditors amounted to R 23,161 as at 30 September 2017;
11. that it be noted that the primary bank account had a positive bank balance at 30 September 2017 which amounted to R 92,043,658;
12. that it be noted that the total amount withdrawn from the municipality's bank account amounts to R 373,599,513 for the three month period ending 30 September 2017; and
13. that it be noted that total investments in cash and shares amounted to R 372,156,258 as at 30 September 2017 at the five local banks and Eskom.

Meeting: Council - 31/10/2017	Submitted by Directorate: Financial Services		
Ref No: 9/1/1/4	Author/s: Alrico Viola		
Coll Nr: 1257287	Referred from: MC- 25/10/2017		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1-13	Implement decision	Chief Financial Officer	

669

12

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

7.8	REVISING THE INDICATOR OF KPI016 (TL45) OF THE APPROVED REVISED 2016/2017 TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN
	HERSIENING VAN DIE INDIKATOR VAN KPI016 (TL45) VAN DIE GOEDGEKEURDE HERSIENE 2016/2017 HOËVLAK DIENSLEWERING EN BEGROTING IMPLEMENTERINGSPLAN
	UKUVUSA KWEZALATHISO ZE KP1016(TL45)YEBONELELO LWENKONZO EZIPHEZULU EZIVUSELELWEYO EZAVUNYIWEYO KA 2016/2017 KUNYENOHLEHLA LWABIWO MALI / NOYILO LOKUMILISELA

UNANIMOUSLY RESOLVED

1. that the indicator of KPI016 (TL45) in the approved revised 2016/2017 Service Delivery and Budget Implementation Plan (Appendix A to the departmental report) be adjusted to read as follows: "Limit the electricity losses to less than 10% annually (Total kWh purchased from Eskom - Total kWh billed by municipality) x 100 / Total kWh purchased from Eskom"; and
2. that the 2016/2017 Annual Performance Report be adjusted accordingly.

Meeting: Council – 31/10/2017	Submitted by Directorate: Financial Services		
Ref No: 2/2/B	Author/s: Jacques Carstens		
Coll Nr: 1259204	Referred from:		
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
2	Implement decision	IDP/PM	

7.9	TELECOMMUNICATION BASE STATION (TBS) POLICY FOR DRAKENSTEIN MUNICIPALITY
	TELEKOMMUNIKASIE BASISSTASIE (TBS) BELEID VIR DRAKENSTEIN MUNISIPALITEIT
	UMGAQO NKQUBO WESISEKO SESIKHULULO SOKUQAKAMSHELANA (TBS) KUMASUIPALA WASE DRAKENSTEIN

UNANIMOUSLY RESOLVED

that the Telecommunication Base Station Policy be approved and adopted.

Meeting: Council – 31/10/2017	Submitted by Directorate: Planning and Development		
Ref No: 15/1/P	Author/s: Riyaz Mowzer		
Coll Nr: 1257153	Referred from: MC- 25/10/2017		
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement decision; Update policy register Intranet and Website	ED: Planning and Development Corporate Services (Admin)	

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

7.10 APPLICATION FOR CONSENT USE ON ERF 4198 WELLINGTON
AANSOEK OM VERGUNNINGSGEBRUIK OP ERF 4198 WELLINGTON
ISICELO SEMVUME YOKUSEBENZISA ISIZA 4198 E WELLINGTON

UNANIMOUSLY RESOLVED

1. that the application in terms of Clause 2.4.4 of the Wellington Town Planning Scheme Regulations for a consent use on Erf 4198 Wellington, in order to establish a 25m high tree like cellular communications base station with associated infrastructure ($\pm 80m^2$), **be refused**;
2. that the applicant and the objector, Frank Badenhorst, be informed of the decision taken by Council;
3. that the following comments be regarded as Councils reasons for its decision:-
 - 3.1 The proposed location of the application property is identified, in terms of the Drakenstein Municipality Telecommunication Base Station Policy, as an area in which TBS's are prohibited;
 - 3.2 The application is therefore not in line with the approved Drakenstein Municipality Telecommunication Base Station Policy;
 - 3.3 The proposed use will have a significant impact on the character of the area; and
 - 3.4 The TBS will be visually obtrusive to the surrounding residents and motorist.

Meeting: Council – 31/10/2017	Submitted by Directorate: Planning and Development		
Ref No: 15/4/1 (4198) W	Author/s: Riyaz Mowzer		
Coll Nr: 1257158	Referred from: MC- 25/10/2017		
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
1-3	Inform parties	Admin (HB)	

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

7.11	APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USES AND SUBDIVISION: FARMS 844/10, 844/11, 844/12, 844/14 AND 845/2 PAARL DIVISION (FRAAIGELEGEN)
	AANSOEK OM KONSOLIDASIE, HERSONERING, VERGUNNINGSGEBRUIKE EN ONDERVERDELINGS: PLASE 844/10, 844/11, 844/12, 844/14 EN 845/2 PAARL AFDELING (FRAAIGELEGEN)
	ISICELO SOKUDIBANISA SOKUCANDA NEMVUME YOKUSEBENZISA: FAMA 844/10, 844/11, 844/12, 844/14 KUNYE 845/2 KWICANDELO LASE PAARL (FRAAIGELEGEN)

Several questions were raised with regard to the future accommodation of the families currently residing on the farm. It was indicated by the Portfolio holders for Planning and Development as well as Human Settlement that all relevant parties were duly engaged and that a solution had been agreed to by the affected parties. The solution entails the resettlement of the 25 families at the development on Erf 16161 Paarl (formal housing).

The ANC, ICOSA and PDM requested that the proposed solution be incorporated in the resolution as a condition of approval. The Executive Mayor indicated that it was not permissible to include such a condition since the matter is not dealing with evictions.

After extensive debate the proposal of the Mayoral Committee was put to the vote and carried by 44 votes to 14 votes with 2 abstentions.

RESOLVED

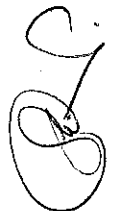
1. that the consolidation of Farms 844/10, 844/11, 844/12, 844/14 and 845/2 Paarl Division into one new land unit, measuring ± 108 ha in extent, be supported;
2. that approval be granted in terms of Section 16(1) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) for the rezoning of the newly consolidated property from "Agricultural Zone I" to "Subdivisional Area" in order to establish a mixed use development, as indicated on Plan of Future Land Uses with Job: 14.71 dated July 2016 (Annexure C to the departmental report);
3. that 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 newly consolidated property into 22 portions/pockets, as indicated on the Plan of Subdivision with reference Job: 14.71 Apr: AV6_proposals dated July 2016 (Annexure B to the departmental report);

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

4. that approval be granted in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated under P.N. 1048/1988, for a consent use in order to develop a retirement village on the "Residential Zone II" portion, as indicated on Plan of Future Land Uses with reference Job: 14.71 dated July 2016 (Annexure C to the departmental report);
5. that approval be granted in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated under P.N. 1048/1988, for a consent use in order to establish group housing and town house developments on the "Residential Zone IV" portion, as indicated on Plan of Future Land Uses with reference Job: 14.71 dated July 2016 (Annexure C to the departmental report);
6. that approval be granted in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated under P.N. 1048/1988, for a consent use in order to develop flats, residential buildings, places of assembly, places of instruction, institutions, bottle stores, supermarkets and service trade facilities on the "Business Zone I" portion, as indicated on Plan of Future Land Uses with reference Job: 14.71 dated July 2016 (Annexure C to the departmental report);
7. that the following conditions, laid down in terms of Section 42(1) of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and Regulation 4.8 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and promulgated under P.N. 1048/1988, be applicable to the approvals granted in paragraphs 1 - 6 above:-
 - 7.1 Adherence to the conditions laid down by the Western Department of Environmental Affairs and Development Planning in its Environmental Authorisation with reference 6/3/1/2/B3/28/1010/14 dated 7 March 2017 (Annexure M to the departmental report);
 - 7.2 Submission of revised comment from the Western Cape Department of Transport and Public Works to the Manager: Land Use Planning and Surveying, and adherence to any further conditions laid down by them;
 - 7.3 Adherence to the conditions laid down by Drakenstein Municipality: Civil Engineering Services Division in its memorandum with reference 15/4/1 (844/10, 844/11, 844/12, 844/14, 845/2) P (2818) dated 11 September 2017 (Annexure N to the departmental report) which includes the payment of an additional 10% levy on the Bulk Infrastructure Development Contribution to contribute towards the upgrading of the R301 and that an agreement be concluded between the applicant and the municipality in respect of the additional levy;

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

- 7.4 Adherence to the conditions laid down by Drakenstein Municipality: Electro Technical Engineering Services Division in its memorandum with reference 844/10, 844/11 & 844/12 dated 8 August 2017 (Annexure O to the departmental report);
- 7.5 The submission of the Heritage Western Cape comment on the initial application (pre-2009) to the Drakenstein Heritage Officer;
- 7.6 The following conditions from a town planning point of view, be applicable:-
- 7.6.1 This approval applies only to the rezoning, subdivision, consent uses and subdivisions in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements, with specific reference to the applicable land reform legislation;
 - 7.6.2 Any amendments to the application are subject to the relevant approval;
 - 7.6.3 No new structures are to be erected or existing buildings converted without the prior approval of building plans by the Council;
 - 7.6.4 Subdivisions into development portions/pockets must take place largely in accordance with the Plan of Subdivision with reference Job: 14.71 Apr: AV6_proposals dated July 2016 (Annexure B to the departmental report);
 - 7.6.5 The landscaping throughout the entire development must be implemented substantially in accordance with the Fraaigelegen Landscape Master Plan – Rev 02 (Annexure D to the departmental report);
 - 7.6.6 Detailed subdivisions applications for each development pocket must be submitted for consideration;
 - 7.6.7 Detailed landscaping and management plans must be submitted with the subdivision applications for each development pocket, for consideration;
 - 7.6.8 Detailed site development plans, together with architectural guidelines, must be submitted with the subdivision applications for each development pocket, for consideration;
 - 7.6.9 An updated master plan for the entire development must be submitted with each site development plan;
 - 7.6.10 Street names for the proposed development must be submitted to the Drakenstein Municipality: Department of Planning and Development for approval prior to the submission of building plans;



MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

- 7.6.11 The public streets and open spaces must be transferred to Drakenstein Municipality at the account of the applicant / developer;
- 7.6.12 All dwelling units on the Residential Zone portions must be limited to 2 storey;
- 7.6.13 A 15m building line setback must be implemented along the common property boundary with Farms 844/6 and 841/1 Paarl Division;
- 7.6.14 A 15m building line setback must be implemented along the common property boundary with Boschenmeer Golf and Country Estate;
- 7.6.15 The developer must extend the existing boundary wall of Boschenmeer Golf and Country Estate for the whole common boundary between the Boschenmeer Golf and Country Estate and the development property, prior to undertaking any construction work being undertaken on proposed Portion 1;
- 7.6.16 A 10m building line setback must be implemented along the common property boundary with Erf 26158 Paarl;
- 7.6.17 The recommendations included in the Visual Impact Assessment dated 7 March 2016, compiled by Bridget O'Donoghue must be adhered;
- 7.6.18 The following water conservation measures must be implemented: Rainwater harvesting, greywater recycling and similar technical enhancements such as low flow showerheads, dual flush toilets and water-wise gardens;
8. that the following be regarded as the reasons for the decision:-
- 8.1 The proposed application is consistent with the DSDf;
- 8.2 No detrimental environmental implications are foreseen;
- 8.3 The proposed development will have limited to no detrimental effect on the existing surrounding land uses;
- 8.4 All the concerns of the objectors were addressed by the applicant;
- 8.5 No problems with regards to the provision of services are expected;
- 8.6 The impact of the proposed development on the aesthetic significance of the area will be appropriately mitigated;
- 8.7 The proposed development will create much needed socio-economic opportunities in Drakenstein Municipality in the form of employment opportunities; and



**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

8.8 No insurmountable problems with regards to traffic movement are foreseen.

Meeting: Council – 31/10/2017		Submitted by Directorate: Planning and Development	
Ref No: 15/4		Author/s: Wayne Hendricks	
Coll Nr: 1257364		Referred from: MC- 25/10/2017	
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
1-8	Inform applicant	Admin (HB)	

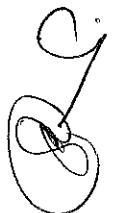
7.12 PROPOSED SALE OF A PORTION OF ERF 10855, OUDEPONT STREET, WELLINGTON TO DIRK LOCHNER TRANSPORT CC
VOORGESTELDE VERKOOP VAN 'N GEDEELTE VAN ERF 10855, OUDEPONTSTRAAT, WELLINGTON AAN DIRK LOCHNER TRANSPORT CC
ISINDULULO SOKUTHENGISWA KWECEBA LIKA ERF 10855 E WELLINGTON KU DIRK LOCHNER TRANSPORT CC

UNANIMOUSLY RESOLVED

1. that in terms of Section 14 of the MFMA Council resolves:-
 - 1.1 the subject properties are 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. that in terms of Section 14 of the Municipal Finance Management Act, **final approval** be granted for the direct alienation of a portion of Erf 10855, Wellington, measuring ±7000m², to Dirk Lochner Transport CC ,subject to the normal conditions of sale as well as the following conditions:-
 - 2.1 The property will be sold at a market related selling price of R1 980 000, 00 (VAT excluded);
 - 2.2 Transfer of the property must take place within 12 months from signing the deed of sale failing which the transaction will lapse;
 - 2.3 The standard pre-emptive rights be registered against the title of the property in favour of Drakenstein Municipality in order to prevent the sale of the erf before compliance with 2.4 below;

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

- 2.4 The portion of the Erf 10855 Wellington to be sold, be subdivided from Erf 10855, rezoned from Local Authority to Industrial and be consolidated with the applicant's property, Erf 13188, Wellington. The applicant must lodge the necessary application in this regard;
 - 2.5 The proposed development of the property must be completed within 24 months from transfer, failing which the Municipality will have the right to insist on the reversal of the transaction at the same purchase price and at the cost of the purchaser;
 - 2.6 Development of the property is subject to the Town Planning Requirements of the Wellington Industrial Park. Membership of the Owners Association of the Industrial Park is compulsory;
 - 2.7 All costs related to the transfer of the property as well as services and development related costs will be for the applicant's account;
 - 2.8 All administrative and legal requirements be adhered to;
 - 2.9 Note must be taken of the guidelines contained in the Drakenstein Municipality's Green Building Manual as well as the objectives for development set out in the Statutory Report of the Provincial Spatial Development Framework, which must be incorporated in the design and layout of any development on the property;
 - 2.10 The purchaser takes note of the fact that the sale of this site does not automatically allow Dirk Lochner Transport Company increase in the use of water, electricity, sanitation and traffic volumes. These must be negotiated and, should these be required at volumes in excess to any previous agreements, such services will be provided at the Bulk Infrastructure Contribution Levy (BICL) rates as per the approved tariff listing;
 - 2.11 The technical requirements by Infrastructure Services regarding electricity and engineering services, be adhered to;
3. The direct sale of a portion of Erf 10855, Wellington be approved to allow for the expansion of Dirk Lochner Transport CC, a major employer in the Wellington Industrial Park and the subsequent creation of additional employment opportunities as well as employment security for the existing employees; and



677

20

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

4. The objector be informed accordingly.

Meeting: Ref No: Coll Nr:	Council – 31/10/2017 15/4/1 (34)W 1292066	Submitted by Directorate: Author/s: Referred from:	Corporate Services NC Marais MC - 31/10/2017
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1-4	Implement decision	ED: Corporate Services	

7.13	LEASE OF MUNICIPAL PROPERTY TO PAARL TRAILER HIRE - PORTION OF ERF 4916, OOSBOSCH STREET, PAARL
	HUUR VAN MUNISIPALE EIENDOM AAN PAARL TRAILER HIRE - GEDEELTE VAN ERF 4916, OOSBOSCHSTRAAT, PAARL
	UKUQESHISWA KWEPROPATI KAMASIPALA KWI PAARL TRAILER HIRE - ICEBA LESIZA 4916, OOSBOSCH STREET E PAARL

UNANIMOUSLY RESOLVED

1. that in terms of Regulation 34 of the Municipal Asset Transfer Regulations, *in principle* approval be granted for the lease of a portion of Erf 4916, Paarl approximately 1640 m² in extent to Paarl Trailer Hire, subject to the standard lease conditions as well as the following further conditions:-
 - 1.1 the property will be leased at a market related rental R3 856.72 per month (VAT excluded and 8% annual escalation included) as determined by independent valuation;
 - 1.2 the lease will endure for a period of 2 years, after which the renewal thereof might be considered by Council;
 - 1.3 the lease will be subject to all requirements as indicated by the Civil Engineering and Electrical Departments;
 - 1.4 no permanent structures will be allowed, with the exclusion of a boundary fence;
 - 1.5 the property may only be used for business purposes;
 - 1.6 that the applicant be responsible for the payment of all municipal services and connection fees (if available);
 - 1.7 that all administrative and legal requirements be adhered to;
 - 1.8 no construction or structures will be allowed over the municipal sewer on the northern boundary of Erf 4916, Paarl;
 - 1.9 that the installation of water and sewerage connections be subject to building plan submission and approval;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

- 1.10 access will only be provided from the northwest corner of the property;
- 1.11 that the applicant takes note of the fact that the southern portion of the land is subject to road widening of Oosbosch Street and will in future be required for such purposes in which case no compensation will be payable for improvements on the land;
2. that the property not be put out to tender at this stage since a portion thereof is required for future road widening and the lease thereof is therefore of a temporary nature. Once the road widening has been concluded, the possible calling for tenders in respect of the remainder of the land can be considered at that stage; and
3. that the application by Wheel Spot be noted and be considered together with public input from the public participation process.

Meeting: Council – 31/10/2017		Submitted by Directorate: Corporate Services	
Ref No: 15/4/1 (4916)P		Author/s: N Williams	
Coll Nr: 1233885		Referred from: MC - 25/10/2017	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1-3	Implement decision	ED: Corporate Services	

7.14 RENEWAL OF LEASE AGREEMENT- WAMAKERSVALLEI TRAINING CENTRE: ERVEN 2014 AND 12682, BREEDT STREET, WELLINGTON
HERNUWING VAN HUUROOREENKOMS - WAMAKERSVALLEI OPLEIDINGSENTRUM: ERWE 2014 EN 12682, BREEDTSTRAAT, WELLINGTON
UKUHLAZIWA KWESIVUMELWANO SOKUQESHA-WAMAKERSVALLEI TRAINING CENTRE: IZIZA 2014 KUNYE 12682, BREEDT STREET, E WELLINGTON

Councillor M A Andreas was not present when the item was discussed.

UNANIMOUSLY RESOLVED

1. that in terms of Section 34 of the Municipal Asset Transfer Regulations, in principle approval be granted for the renewal of the lease of Erven 2014 and 12682 Wellington, measuring $\pm 1014\text{m}^2$ and 344m^2 respectively, to the Wamakersvallei Training Centre, subject to the standard lease conditions as well as the following further conditions:-
- 1.1 the property will be leased at a subsidized rental of R876.48 per month (VAT excluded and 8 % escalation included);
- 1.2 the lease will endure for a period of 3 years, after which the renewal thereof will be reviewed by Council;
- 1.3 the property may only be used as a training facility;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

- 1.4 that the applicant be responsible for the payment of all municipal services;
 - 1.5 that all administrative and legal requirements be adhered to;
 - 1.6 that the proposed lease be advertised in the local press for objections and that all adjacent landowners be notified of the proposed lease; and
2. that the property not be put out on tender since the Wamakersvallei Training Centre provides an important and affordable training opportunities for the community of Drakenstein, and therefore it would not be in the interest of the community to terminate such service.

Meeting: Council – 31/10/2017 Ref No: 15/4/1 (2014)W Coll Nr: 1245906		Submitted by Directorate: Corporate Services Author/s: N Williams Referred from: MC- 25/10/2017	
<u>PAR:</u> 1-2	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> ED: Corporate Services	<u>DUE DATE:</u>

7.15 LEASE OF MUNICIPAL PROPERTY (OLD RENT OFFICE BUILDING) ON ERF 6136, SOLOMON STREET, PAARL TO KINGDOM MINISTRIES IN CHRIST
HUR VAN MUNISIPALE EIENDOM (OU HUURKANTOOR) OP ERF 6136, SOLOMONSTRAAT, PAARL AAN KINGDOM MINISTRIES IN CHRIST
UQESHISO LWE PROPATI KAMASIPALA (ISAKHIWO ESIDALA SE OFISI YOKURENTA) KWISIZA 6136, SOLOMON STREET E PAARL KWI KINGDOM MINISTRIES IN CHRIST

UNANIMOUSLY RESOLVED

- 1. that in terms of Regulation 34 of the Asset Transfer Regulations **final approval** be granted for the former rent office building on Erf 6136 Paarl to be leased to Kingdom Ministries in Christ on a month to month basis until the property is required for development purposes by the approved developer Abaphumeleli Trading 1180 CC;
- 2. that a monthly rental of R 260.00 (VAT and 8% per annum excluded) will be payable;
- 3. that the property only be used for church and youth counselling purposes and other church related activities; and
- 4. that the applicant pays for services consumption.

Meeting: Council – 31/10/2017 Ref No: 15/4/1 (6136)P Coll Nr: 1234594		Submitted by Directorate: Corporate Services Author/s: F Williams Referred from: MC- 25/10/2017	
<u>PAR:</u> 1-4	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> ED: Corporate Services	<u>DUE DATE:</u>

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

7.16	LEASE OF A PORTION OF MUNICIPAL PROPERTY, ERF 8058, FREDERICK STREET, WELLINGTON TO ADJOINING LANDOWNER, MR R ALEXANDER
	HUUR VAN 'N GEDEELTE VAN MUNISIPALE EIENDOM, ERF 8058, FREDERICKSTRAAT, WELLINGTON AAN AANGRENSENDE GRONDEIENAAR, MNR R ALEXANDER
	UKUQESHISA KWECEBA LEPROPATI KAMASIPALA, ISIZA 8058, FREDERICK STREET E WELLINGTON KUFUTSHANE NOMNINI UMNU R ALEXANDER

UNANIMOUSLY RESOLVED

1. that in terms of Regulation 34 of the Asset Transfer Regulations **final approval** be granted for the lease of a portion of Erf 8058, Wellington, ±920m² in extent to the owner of Erf 8057, Mr R Alexander, subject to the following conditions:-
 - 1.1 the property will be leased at a subsidized rental of R41.60 per month (VAT excluded and calculated at 20% of the market value with an annual escalation of 8% included) as determined by an independent valuer;
 - 1.2 the lease will endure for a period of two (2) years, subject to cancellation by way of 3 months written notice by the municipality, should the property be required for municipal or development purposes;
 - 1.3 no compensation will be payable to the tenant for improvements made, upon cancellation of the lease;
 - 1.4 the lease area may only be utilized for the purpose of securing the applicant's existing property and no structures, planting of trees or any improvements will be allowed on the site which may endanger any municipal services, save for a boundary wall of which the height may be restricted by the Municipality. A building plan for a boundary wall must be submitted and approved prior to construction thereof;
 - 1.5 all administrative and legal requirements be adhered to; and
2. that tenders not be called for the lease of the said land due to the fact that the subject property is currently redundant land which may not be used for any particular purpose by any other party.

Meeting: Council – 31/10/2017		Submitted by Directorate: Corporate Services	
Ref No: 15/4/1 (8058)W		Author/s: F Williams	
Coll Nr: 1234631		Referred from: MC – 25/10/2017	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1-2	Implement decision	ED: Corporate Services	

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

7.17	PROPOSED SALE OF A PORTION OF ERF 34, WELLINGTON (WELLINGTON INDUSTRIAL PARK) TO RHODES FOOD GROUP (PTY) LTD
	VOORGESTELDE VERKOOP VAN 'N GEDEELTE VAN ERF 34, WELLINGTON (WELLINGTON NYWERHEIDSPARK) AAN RHODES FOOD GROUP (EDMS) BPK
	ISINDULULO SOKUTHENGISA ICEBA LESIZA 34 E WELLINGTON (KWIPAKI YOSHISHINO E WELLINGTON)

UNANIMOUSLY RESOLVED

1. that in terms of Section 14 of the MFMA Council resolves:-
 - 1.1 that the subject property is not needed to provide the minimum level of basic municipal services; and
 - 1.2 that 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. that in terms of Section 14 of the Municipal Finance Management Act, **final approval** be granted for the alienation of a portion of Erf 34, Wellington, measuring ±2.56 ha, to Rhodes Food Group (Pty) Ltd, subject to the normal conditions of sale as well as the following conditions:-
 - 2.1 The property will be sold at a market related selling price for Industrial land of R4 800 000,00 (VAT excl.) as determined by an independent valuer;
 - 2.2 The proposed development of the property must be completed within 24 months from registration of transfer, failing which the Municipality will have the right to insist on the reversal of the transaction at the same purchase price and at the cost of the purchaser;
 - 2.3 Development of the property is subject to the Town Planning Requirements of the Wellington Industrial Park Membership of the appropriate Owners Association and is compulsory. No offensive industry will be allowed;
 - 2.4 The portion of Erf 34 Wellington to be sold, must be subdivided and rezoned from Commonage to Industrial by the municipality and be consolidated with the applicant's property, Erf 12912, Wellington. The applicant must lodge the necessary application for consolidation with his existing property and bear the cost thereof. Consolidation and transfer to be registered simultaneously;
 - 2.5 That the standard pre-emptive rights be registered against the title of the property in favour of the Municipality;
 - 2.6 All costs related to the transfer of the property as well as services and development related costs will be for the applicant's account;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

- 2.7 All administrative and legal requirements be adhered to;
- 2.8 Note must be taken of the guidelines contained in the Drakenstein Municipality's Green Building Manual as well as the objectives for development set out in the Statutory Report of the Provincial Spatial Development Framework, which must be incorporated in the design and layout of any development on the property;
- 2.9 That the purchaser takes note of the fact that the sale of these erven do not automatically allow Rhodes Food Group (Pty) Ltd any increases in the use of water, electricity, sanitation and traffic volumes. These must be negotiated and, should these be required at volumes in excess to any previous agreements, such services will be provided at the Bulk Infrastructure Contribution Levy (BICL) rates as per the approved tariff listing;
3. that the direct sale of a portion of Erf 34, Wellington be approved being an expansion of Rhodes Food Group (Pty) Ltd, a major employer in the Wellington Industrial Park and the subsequent creation of additional employment opportunities as well as employment security for the existing employees; and
4. that the objector be informed accordingly.

Meeting: Council – 31/10/2017	Submitted by Directorate: Corporate Services
Ref No: 15/4/1 (34) W	Author/s: NC Marais
Coll Nr: 1234373	Referred from: MC - 25/10/2017
PAR:	ACTION:
1-4	Implement decision
	RESPONSIBLE DEPT:
	ED: Corporate Services
	DUE DATE:

7.18 LEASE OF MUNICIPAL PROPERTY - PORTION 2 OF THE FARM NO 936, PAARL SITUATED ALONGSIDE THE R45 SIMONDIUM TO THE SIMONDIUM RURAL DEVELOPMENT FORUM
VERHURING VAN MUNISIPALE EIENDOM - GEDEELTE 2 VAN DIE PLAAS NR 936, PAARL GELEË LANGS DIE R45 SIMONDIUM AAN DIE SIMONDIUM LANDELIKE ONTWIKKELINGSFORUM
UKUQESHISWA KWEPROPATI KAMASIPALA – ICEBA 2 LEFAMA 936, EPAARL ESECALENI KWE R45 SIMONDIUM KWI SIMONDIUM RURAL DEVELOPMENT FORUM

UNANIMOUSLY RESOLVED

1. that in terms of Section 34 of the Municipal Asset Transfer Regulations, *in principle* approval be granted for the lease of the municipal building on Portion 2 of the Farm No 936 Paarl, to the Simondium Rural Development Forum, subject to the standard lease conditions as well as the following further conditions:-
- 1.1 the property will be leased at a subsidized rental to be determine by an independent valuer;
- 1.2 the lease will endure for a period of 1 year, after which the renewal thereof will be reviewed by Council;
- 1.3 the property may only be used as a community facility;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

- 1.4 the applicant be responsible for the payment of services consumption;
 - 1.5 all administrative and legal requirements be adhered to;
 - 1.6 the proposed lease be advertised in the local press for objections and counter offers by other interested parties, and that all adjacent landowners be notified of the proposed lease; and
2. that the property not be put out on tender since the Simondium Rural Development Forum provides an essential community support service within the Simondium area and therefore it would not be in the interest of the community to terminate such service.

Meeting: Council – 31/10/2017	Submitted by Directorate: Corporate Services
Ref No: 15/4/1	Author/s: Nicolette Williams
Coll Nr: 1247562	Referred from: MC - 31/10/2017
PAR: 1-2	ACTION: Implement decision
	RESPONSIBLE DEPT: ED: Corporate Services
	DUE DATE:

7.19 PROPOSED ALIENATION AND DEVELOPMENT OF THE REMAINDER OF FARM 736/0, PAARL, SITUATED AT KLAPMUTS
VOORGESTELDE VERVREEMDING EN ONTWIKKELING VAN DIE RESTANT VAN PLAAS 736/0, PAARL, GELEË TE KLAPMUTS
ISINDULULO SOKUPHEPHELA KUNYE NOPHUHLISO LWENTSALELA YE FAMA 736/0 EPAARL ESE KLAPMUTS

A number of questions relating to the Land Claim of the Sakkieskamp Community were raised. The Executive Mayor indicated that the matter was already dealt with and captured in a previous resolution of Council. Council's proposal for alternative land was already conveyed to the Commission on Land Restitution therefore no further resolution was required.

The ANC indicated that it was of the view that at least 30% of the construction work be reserved for local businesses.

The Speaker granted Councillor T Mpulanyana permission to listen to the tapes of the previous Council meeting relating to this matter.

UNANIMOUSLY RESOLVED

1. that in terms of Section 14 of the Municipal Finance Management Act 2003 i (MFMA) Council resolves-
 - 1.1 that the subject property is not needed to provide the minimum level of basic municipal services;
 - 1.2 that the fair market value of the asset and the economic and community value to be received in exchange for the asset has been considered;

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

2. that in terms of Section 14 of the MFMA, **final approval** be granted for the direct alienation of the Remainder of Farm 736/0, Paarl north of the N1 measuring approximately 194ha, to Distell Ltd (Registration number: 1963/001333/06);
3. that the sale be subject to the standard conditions of sale as well as the following conditions:-
 - 3.1 The property be sold at a market related selling price of R9 200 000.00 (VAT excl.);
 - 3.2 The purchaser be responsible for all costs pertaining to the development of the property including bulk and internal services, subject to the applicable tariffs and policy relating to installation of services, where applicable;
 - 3.3 All land use applications, studies and assessments as required in terms of applicable legislation be lodged and undertaken by the purchaser. The property is to be rezoned to "Special" providing for "Mixed Use", "Industrial" and "Public Open Space" and in respect of Portion A, "Authority" for municipal purposes. Should the purchaser fail to obtain these land use approvals the property will revert back to the Municipality at the original purchase price at the cost of the purchaser;
 - 3.4 The purchaser commissions at own cost a Development Framework / Master Plan for Focus Area 8/Larger Klappmuts North area to the specifications of the Executive Director: Planning and Development;
 - 3.5 A full Traffic Impact Assessment and a GLS Services Report be submitted by the purchaser;
 - 3.6 Development time lines as agreed with the purchaser be incorporated into the sale agreement as well as the usual pre-emptive rights in favour of the Municipality, to be registered against the title of the property;
 - 3.7 In respect of phases 2 and 3 of the development, such development be undertaken in close co-operation with the Municipality and that for this purposes a development committee comprising representatives from the purchaser and the Municipality be established;
 - 3.8 Should the environmental authorization for the proposed Waste To Energy Project be issued in favour of Portion A, Portion A be transferred back by the purchaser to the municipality at a price per hectare equal to the price paid for the property, with immediate effect;
 - 3.9 All costs related to the transfer and development of the property will be for the purchaser's account;
 - 3.10 All technical requirements laid down by the technical departments as part of the rezoning process must be complied with;



**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

- 3.11 The purchaser undertakes the processes for the removal of the restrictive conditions registered against the title of the property;
 - 3.12 All administrative and legal requirements be adhered to;
 - 3.13 The purchaser be requested to ensure that Drakenstein residents benefit from the development of the land. Inter alia, at least 90% of all unskilled labour for bulk civil works must be sourced locally;
 - 3.14 The purchaser takes note that the transaction be subject to the approval of a subdivision of the property by Stellenbosch Municipality in order to give effect to 9 below and should such subdivision not be approved, the transaction will lapse;
4. that the objection lodged by WAAI be dismissed for the reasons as set out in the report;
 5. that Council notes the fact that the Western Cape Department of Environmental Affairs and Development Planning has consented to the alienation of the property in terms of Section 45(1)(d) of the Western Cape Land Use Planning Act 2014 (Act 3 of 2014);
 6. that the municipality in terms of Section 45(6) of the Spatial Planning and Land Use Management Act, consents to the sale of the land as required by Condition ii of Crown Deed No 89/41;
 7. that The B-BBEE verification certificate furnished by the purchaser, be noted;
 8. That tenders not be called for the sale of the property since the direct alienation of the property presents unique development opportunities and economic benefits to the whole of Drakenstein in view of the extent of the project and expected economic impact such as job creation, economic activity, proposed infrastructure upgradings as well as additional income for the municipality through taxes and service charges. In addition hereto, the proposed transaction was advertised for counter offers and none were received;
 9. that approval be granted for the gratis transfer of the portion of Farm 736/0, Paarl to the south of the N1 (Portion B on the locality plan) in extent 27,3 ha to Stellenbosch Municipality, subject thereto that should the Demarcation Board resolve to demarcate this portion to Drakenstein Municipality, this portion be transferred back to Drakenstein Municipality at no cost, save for transfer costs to be borne by Drakenstein; and
 10. that enquiry be made from the Land Claims Commission as to progress made with the alternative land for Sakkieskamp Community.

Meeting: Council – 31/10/2017		Submitted by Directorate: Corporate Services	
Ref No: 15/4/1 (736)K		Author/s: NC Marais	
Coil Nr: 1255471		Referred from: MC - 31/10/2017	
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
1-10	Implement decision	ED: Corporate Services	

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

7.20	REPORT ON WARD COMMITTEE MEETINGS: PERIOD 1 JULY 2017 TO 27 SEPTEMBER 2017 (QUARTER 1)
	VERSLAG OOR WYKSKOMITEEVERGADERINGS: TYDPERK 1 JULIE 2017 TOT 27 SEPTEMBER 2017 (KWARTAAL 1)
	INGXELO YENTLANGANISO YEKOMITI ZEWADI: IXESHA 1 JULAYI UKUYA KWI 27 SEPTEMBER 2017 (IKOTA 1)

The ANC expressed the view that ward committees require tools of trade in order to perform their functions.

UNANIMOUSLY RESOLVED

1. that Council takes cognizance of ward committee meetings held during the period 1 July 2017 to 27 September 2017; and
2. that the appropriate actions be taken against ward councillors who do not provide the minutes of ward meetings or do not hold a ward committee meeting at least once a quarter.

Meeting: Council -31/10/2017 Ref No: 3/3/1/3/10 Coll Nr: 1226456	Submitted by Directorate: Author/s: Referred from:	Corporate Services F P Goosen MC 25/10/2017
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>
		<u>DUE DATE:</u>

7.21	UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS
	BOONSTE PERK VAN TOTALE VERGOEDINGSPAKKETTE BETAALBAAR AAN MUNISIPALE BESTUURDERS EN BESTUURDERS DIREK VERANTWOORDBAAR AAN MUNISIPALE BESTUURDERS
	UMISELO OPHEZULU WENTLAWULO IYONKE EHLAWULWA UMANEJALA KAMSIPALA KUNYE NOMANEJLA ABANIKA INGXEKO KUMANEJALA KAMSIPALA

UNANIMOUSLY RESOLVED

1. that Government Notice No 1092 on the Local Government: Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers Promulgated on 10 October 2017, **be noted**;
2. that it **be noted** that the change of the categorization of the Municipality from Grade 5 to 6 is affordable and financially sustainable; and

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

3. that the Executive Mayor be authorised to request approval for the change in categorization from Grade 5 to Grade 6, effective 1 July 2017 from the National Minister of Cooperative Government and Traditional Affairs in accordance with item 6 of Notice No. 1092 promulgated on 10 October 2017.

Meeting: Council -31/10/2017 Ref No: 4/8/8/1 x 4/6/3/1 Coll Nr: 12584146		Submitted by Directorate: Corporate Services Author/s: S Joaar Referred from: MC 25/10/2017	
PAR: 1-3	ACTION: Implement decision	RESPONSIBLE DEPT: ED: Corporate Services	DUE DATE:

7.22 REVIEW OF SYSTEM OF DELEGATIONS
HERSIENING VAN STELSEL VAN DELEGASIES
UKUHLOLWA KWENKQUBO ZOKUMELA

UNANIMOUSLY RESOLVED

- that the reviewed System of Delegations, applicable to political structures, political office bearers, City Manager, Executive Directors and other staff members, be adopted for implementation with immediate effect and be duly communicated to all concerned; and
- that the further revision (Annexure B of the departmental report), also be approved.

Meeting: Council -31/10/2017 Ref No: 2/4/1 Coll Nr: 1245809		Submitted by Directorate: Corporate Services Author/s: AV Marais Referred from: Special Council: 04/10/2017	
PAR: 1-2	ACTION: Implement decision	RESPONSIBLE DEPT: ED: Corporate Services	DUE DATE:

7.23 APPROVAL OF UPDATED DRAFT 2017/2018 WATER SERVICES DEVELOPMENT PLAN - IDP WATER SECTOR INPUT REPORT FOR DRAKENSTEIN MUNICIPALITY
GOEDKEURING VAN OPGEDATEERDE KONSEP VAN 2017/2018 WATERDIENSTE ONTWIKKELINGSPLAN- GEÏNTERGREERDE ONTWIKKELINGSPLAN WATERDIENSTE INSET VERSLAG VAN DRAKENSTEIN MUNISIPALITEIT
UKUQINISEKISWA KOYILO OLUHLOLIWEYO LWEPLANI YOKUPHULISA IINKONZO ZAMANZI- IZIMVO ZAMACANDELO AMANZI KWI IDP KUMASIPALA WASE DRAKENSTEIN

UNANIMOUSLY RESOLVED

- that the draft Water Services Development Plan - Integrated Development Plan (WSDP-IDP) Water Sector Input Report 2017/2018, be approved;
- that copies of the approved Draft WSDP-IDP Water Sector Input Report 2017/2018 be distributed by the Civil Engineering Services Department to the institutions as required by the Water Services Act;

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

3. that the Draft WSDP-IDP Water Sector Input Report 2017/2018 be advertised and made available at municipal offices for public comment; and
4. that the WSDP-IDP Water Sector Input Report 2017/2018 be finalized after consideration of comments received, and submitted to Council for final approval.

Meeting: Council -31/10/2017 Ref No: 16/1/1/8 Coll Nr: 1251871		Submitted by Directorate: Engineering Services Author/s: André Kowalewski Referred from: MC 25/10/2017	
<u>PAR:</u> 1-4	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> ED: Engineering Services	<u>DUE DATE:</u>

8. MATTERS FOR CONSIDERATION/INFORMATION
SAKE VIR OORWEGING/INLIGTING
IMIBA YOKUQWALASELWA/YOKWAZISA

8.1 TOOLS OF THE TRADE: COUNCILLORS

A memorandum with an option form was distributed and discussed at the meeting. Councillors were provided with the following options:

Option 1:

Councillors already have laptops / are able to get laptops on private deals.

Option 2:

The Municipality will enter into an agreement with Vodacom. The contract and assets will be in the name of the Municipality for the 24-month contract term. Thereafter the councillor will become the owner of the assets. Councillors will sign an agreement to the above effect.

9. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY BY THE CITY MANAGER
OORWEGING VAN VERSLAE, MEDEDELINGS, VERSOEKSKRIFTE EN AANSOEKE IN VERBAND MET DRINGENDE SAKE VOORGELÊ DEUR DIE STADSBESTUURDER
UKUQWALASELWA KWENGXELO, UQHAKAMSHELWANO, IZIBENGEZO KUNYE NEZICELO EZIHAMBISANA NEMIBA ENGXAMISEKILEYO NGU MANEJALA WESIXEKO

None.

10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS
OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE
UKUQWALASELWA KWEZAZISO ZEZIPHAKAMISO KUNYE NEZAZISO ZEMIBUZO

None.

**MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017**

11. SUPPLEMENTARY AGENDA
AANVULLENDE AGENDA
I AGENDA EYONGEZIWEYO

None.

IN-COMMITTEE/ IN-KOMITEE/ KWI-KOMITI

12. CONSIDERATION OF CONFIDENTIAL MATTERS
OORWEGING VAN VERTROULIKE SAKKE
UKUQWALASELWA KEMIBA EYIMFIHLO

12.1 CONFIRMATION OF CONFIDENTIAL MINUTES
BEKRAGTIGING VAN VERTROULIKE NOTULE
UKUQINISEKISWA KWEMIZUZU EYIMFIHLO

(See confidential minutes)
(Sien vertroulike notule)
(Jonga Imizuzu yemfihlo)

12.2 COUNCILLORS OUTSTANDING DEBT REPORT AS AT 30 SEPTEMBER 2017
RAADSLEDE SE UITSTAANDE SKULD VERSLAG SOOS OP 30 SEPTEMBER 2017
INGXELO YAMATYALA OCEBA NGOBUNJALO NGOMHLA WE 30 SEPTEMBER 2017

(See confidential minutes)
(Sien vertroulike notule)
(Jonga Imizuzu yemfihlo)

12.3 MONTHLY IMPLEMENTATION PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS FOR SENIOR MANAGERS: DRAKENSTEIN MUNICIPALITY 2017/2018
MAANDELIKSE IMPLEMENTERINGSVERSLAG OOR MUNISIPALE MINIMUM VAARDIGHEIDSVLAKKE VIR SENIOR BESTUURDERS: DRAKENSTEIN MUNISIPALITEIT 2017/2018
INGXELO YENYANGA YENKQUBO YOKUMILISELA UMGANGATHO OMNCICI WOBUCHULE WOMASIPALA KUSENZELWA OMANEJALA ABAKHULU: KUMASIPALA WASE DRAKENSTEIN 2017/2018

(See confidential minutes)
(Sien vertroulike notule)
(Jonga Imizuzu yemfihlo)

69/

33

MINUTES: COUNCIL/RAAD/IBHUNGA
31 OCTOBER 2017

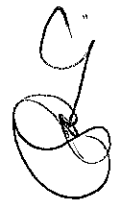
The meeting ended at 15:30.

CHAIRPERSON: *A.G. STONMAN*

DATE: *29 November 2017*

Confirmed on *29 November* ~~with~~/without amendments.

PJ/mg



**DRAKENSTEIN MUNICIPALITY
ATTENDANCE REGISTER: COUNCIL
31 OCTOBER 2017**








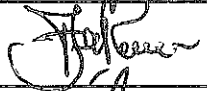




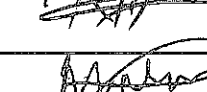
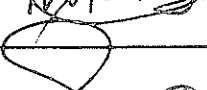




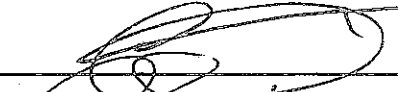



SURNAME	INITIALS	TITLE	CELL NO	SIGNATURE
ABRAHAMS	AW	MS	0737503484	<i>Abrahams</i>
ADRIAANSE	MM	MS	0795089815	<i>Adriaanse</i>
AFRIKA	AF	MS	0795021437	<i>Afrika</i>
ANDERSON	JV	MS	0766851088	<i>Anderson</i>
ANDREAS	MA	MS	0767901066	<i>Andreas</i>
ARNOLDS	RB	MS	0824450022	<i>R. Arnolds</i>
BEKEER	A	MR	0793726947	<i>Bekeer</i>
BESTER	TG	MR	0823767839	<i>Bester</i>
BLANCKENBERG	DS	MR	0833493366	<i>Blanckenberg</i>
BOOYSEN	VC	MS	0798342556	<i>V. Booysen</i>
BUCKLE	AML	MR	0834608060	<i>Buckle</i>
COMBRINK	GC	MR	0824553445	<i>Combrink</i>
CUPIDO	FP	MR	0724874744/ 0726975882	<i>Cupido</i>
CUPIDO	PBA	MS	0764467741	<i>Cupido</i>
DE GOEDE	HR	MR	0824369830	<i>De Goede</i>
DE WET	J	MS	0837385623 0609687359	<i>De Wet</i>
DUBA	BP	MS	0739679629	<i>Duba</i>
FORD	GH	MR	0726016418	<i>Ford</i>
GEORGE	NN	MS	0736722618	<i>George</i>
GOUWS	E	MS	0824479711	<i>Gouws</i>
JACOBS	F	MD	0837600466	<i>Jacobs</i>
JONAS	SX	MS	0726521981 0736214329	<i>Jonas</i>

[Signature]
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Drakenstein

11/11/2017

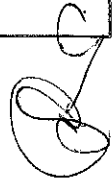
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**DRAKENSTEIN MUNICIPALITY
ATTENDANCE REGISTER: COUNCIL
31 OCTOBER 2017**

SURNAME	NAME	TITLE	CELL NO	SIGNATURE
KEARNS	C	MS	0765018441/ 0769406614	
KLAAS	MT	MR	076 843 4749	
KOEGELENBERG	RA	MR	0832693136	
KOTZÉ	HJ	MR	0794311560 0824477693	
KROUTZ	C	MR	0722522866	
LANDU	L	MS	0729187202	
LE HOE	MJ	MR	0845851690	
LE ROUX	JF	MR	0834595965	
LUGQOLA	A	MS	0730896903	
MANGENA	TC	MR	0725937804	
MASOKA	ZL	MR	0791202895	
MATTHEE	HJN	MR	0824795315	
MATTHEE	J	MR	0824486180	
MBENENE	NP	MS	0604141567	
MDUNUSIE	MN	MS	0604531733	
MEYER	WPD	MR	081 556 8224	
MILLER	J	ADV	0834400507	
MKABILE	ND	MR	0604223964	
MPULANYANA	TR	MR	0769042103	
MOKOENA	LP	MS	0734198671 0844216780	
NIEHAUS	LW	MR		
NOBULA	MD	MR	0825947333	

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694
36
DRAKENSTEIN MUNICIPALITY
ATTENDANCE REGISTER: COUNCIL
31 OCTOBER 2017

SURNAME	INITIALS	TITLE	CELL NO	SIGNATURE
NQORO	TZ	MS	0790639041	<i>Alonso Chief Whip</i>
NZELE	LV	MR	0731622287	<i>[Signature]</i>
PHILANDER	WF	MS	0765281211	<i>[Signature]</i>
POOLE	CJ	MR	0785304285 0824979046	<i>[Signature]</i>
RENS	SC	MR	0795580013	<i>Alonso Chief Whip</i>
RICHARDS	AM	MR	0827860053	<i>[Signature]</i>
ROSS	S	MS	0745499921	<i>[Signature]</i>
SAMBOKWE	LS	MS	0712664622	<i>[Signature]</i>
SAUERMAN	ND	MR	0828991005	<i>[Signature]</i>
SEPTEMBER	SE	MS	0849219770	<i>[Signature]</i>
SMIT	J	MR	0817354467	<i>[Signature]</i>
SMIT	WE	MS	0828251550	<i>[Signature]</i>
SMUTS	R	MR	0824948467	<i>Smuts</i>
SOLOMONS	EA	MS	0736503007	<i>Bojomas</i>
STOWMAN	AC	MR	0791895359	<i>[Signature]</i>
VAN NIEKERK	LT	MS	0818858365	<i>[Signature]</i>
VAN NIEWENHUYZEN	RH	MR	0826296239	<i>[Signature]</i>
VAN SANTEN	AJ	MS	0824226339	<i>Dr. J. van Santen</i>
VIKA	M	MS	0797044556/ 0732433996	<i>[Signature]</i>
WILLEMSE	L	MS	0820799421	<i>[Signature]</i>
ZIKHALI	N	MS	0784000130	<i>[Signature]</i>

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Drakenstein

20/11/17

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