

DRAKENSTEIN MUNICIPALITY**MINUTES: MAYORAL COMMITTEE**

**ORDINARY MEETING HELD IN THE BIG COMMITTEE, FIRST FLOOR, CIVIC CENTRE,
BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 27 SEPTEMBER 2017 AT 12:30.**

<u>PRESENT:</u>	The Executive Mayor, Cllr C J Poole (Chairman)	
	The Deputy Executive Mayor, Cllr G C Combrink	
Councillors:	M A Andreas	
	C Kearns	
	F Jacobs	
	J F Le Roux	
	J Miller	
	R Smuts	
	L T van Niekerk	
	R H van Nieuwenhuyzen	
Also Present:	Cllr R A Koegelenberg	(Chief Whip)
	Cllr A C Stowman	(Speaker)
	Cllr J Mathee	(MPAC Chairperson)
Officials:	Dr J H Leibbrandt	(City Manager)
	Mr J Carstens	(Chief Financial Officer)
	Mr S Johaar	(Executive Director: Corporate Services)
	Mr G Boshoff	(Executive Director: Community Services)
	Mr D Hattingh	(Executive Director: Engineering Services)
	Ms L Waring	(Executive Director: Planning and Development)
	Ms R Jaftha	(Chief Audit Executive)
	Mr A V Marais	(Senior Manager: Legal and Administration Services)
	Ms R Geldenhuys	(Manager: Communications and Marketing)
	Mr F P Goosen	(Manager: Administrative Support Services)
<u>ABSENT:</u>	L P Mokoena	(Sick leave)
	L Willemse	(Attending to a ward matter)

**MINUTES: MAYORAL COMMITTEE
27 SEPTEMBER 2017**

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

Cllr L P Mokoena: (Sick leave)
Cllr L Willemse: (Attending to a ward matter)

2. ANNOUNCEMENTS BY THE EXECUTIVE MAYOR/CITY MANAGER

None.

3. DISCLOSURE OF INTERESTS BY COUNCILLORS/OFFICIALS

None.

4. CORPORATE SERVICES

4.1 PROPOSED ALIENATION OF A PORTION OF ERF 22010, DISTILLERY ROAD, PAARL (DALJOSAPHAT INDUSTRIAL AREA) TO DALJOSAPHAT COLD ROOMS (PTY) LTD FOR THE DEVELOPMENT OF A NEW COLD STORAGE FACILITY

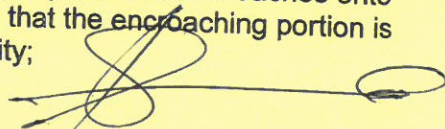
VOORGESTELDE VERVREEMDING VAN 'N GEDEELTE VAN ERF 22010, DISTILLERYWEG, PAARL (DALJOSAFAT INDUSTRIËLE AREA) AAN DAL JOSAFAT COLD ROOMS (EDMS) BPK VIR DIE ONTWIKKELING VAN 'N NUWE KOELPAKHUIS FASILITEIT

ISINDULULO SOKUPHEPHELA KWECEBA LESIZA 22010, DISTILLERY ROOD EPAARL (UMMANDLA WOSHISHINO E DALJOSAPHAT) KWI DALJOSAPHAT COOLD ROOMS (PTY) LTD EKUPHUHLISENI KWENDAWO ENTSHA YOKUGCINA IZINTO ZIBANDA

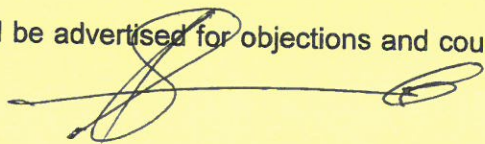
RESOLVED

that it be recommended to Council:-

1. that in terms of Section 14 of the Municipal Finance Management Act approval in principle be granted for the alienation of a portion of Erf 22010, Paarl, measuring ±1,9 hectares in extent, situated in Distillery Street, Daljosaphat Industrial Area to Daljoaphat Cold Rooms (Pty) Ltd, subject to the normal conditions of sale as well as the following further conditions:-
 - 1.1 that the property be sold at a market related selling price, as determined by an independent valuer;
 - 1.2 that the applicant, at own cost, be responsible for the following:-
 - 1.2.1 the subdivision of the property where it encroaches onto Distillery Road, to ensure that the encroaching portion is retained by the municipality;



MINUTES: MAYORAL COMMITTEE
27 SEPTEMBER 2017

- 1.2.2 the submission of a Site Development Plan together with the application for subdivision as referred to in 1.2.1 above;
- 1.2.3 the obtaining of the required land use rights, together with all the required supporting studies, in respect of the portion of the property not currently zoned "Industrial";
- 1.2.4 the obtaining of a Water Use License due to the fact that the subject property is situated below the 1:50 and 1:100 year flood lines;
- 1.2.5 the notarial registration of servitudes in favour of the municipality in respect of the 1 x 500mmØ line, the 1 x 450mmØ line; 1 x 1200mmØ services pipelines which traverse the subject property. The registration of the notarial deeds of servitudes in respect of the three servitudes referred to above must take place simultaneously with the registration of transfer of the subject property, namely a portion of Erf 22010 Paarl;
- 1.3 that the planning of the proposed building provide for the raising of the floor levels above the 1:100 year flood line;
- 1.4 no structures will be permissible over or within 3 metres of any municipal services;
- 1.5 the municipality must have access to all municipal services situated on the subject property at all times for required maintenance work and/or upgradings;
- 1.6 the projected traffic to be created by the development of the subject property must be discussed with the Engineering Services Division, which finding will determine whether a Traffic Impact Statement or Traffic Impact Study will be required;
- 1.7 all technical conditions as will be required by the technical departments, must be complied with;
- 1.8 that a reversion clause be registered against the title of the property in favour of the Municipality should the property not be used for industrial purposes any more or should the applicant intend to sell the undeveloped property or a portion thereof on payment of an amount equal to the purchase price of the property or a pro-rata purchase price in case of the intended sale of a portion of the undeveloped property or fail to complete the development of the property as proposed within 24 months from date of registration;
- 1.9 all costs relating to the transaction will be for the applicant's account;
- 1.10 the proposed transaction will be advertised for objections and counter offers;
2. that the applicant be required to:-


**MINUTES: MAYORAL COMMITTEE
27 SEPTEMBER 2017**

- 2.1 submit all land use applications for the subdivision and rezoning of the relevant portions of Erf 22010 Paarl within 3 months of signing the deed of sale, or such extended period as agreed upon between applicant and the Municipality;
 - 2.2 obtain approval of all the required land use approvals within 18 months of signing the deed of sale or such extended period as agreed upon between applicant and the Municipality. This will be a suspensive condition to the proposed sale;
 - 2.3 obtain building plan approval within 6 months from obtaining all the required land use rights approvals;
 - 2.4 registration of transfer must take place within 3 months from obtaining all the required land use rights approvals;
 - 2.5 complete the development within 24 months from date of transfer, or such extended period as agreed upon between applicant and the Municipality; and
3. that the subject property not be sold via public tender process due to the fact that the property will be developed for the purpose of providing employment to seasonal workers of a well-established business within the municipal jurisdiction, throughout the entire year as well as affording the said employees to have a certain degree of ownership in the proposed new cold storage plant through the applicant's empowerment initiative.

Meeting: MC - 27/9/2017	Submitted by Directorate: Corporate Services		
Ref No: 15/4/1 (22010) P	Author/s: N October		
Coll Nr: 1247310	Referred from:		
PAR:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

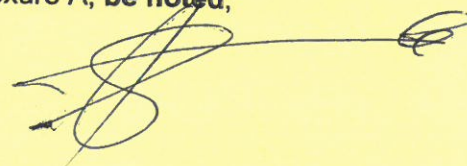
5. PLANNING AND DEVELOPMENT

5.1 LEASE OF PARKING AREAS JAN PHILLIPS SQUARE, WAMAKERS SQUARE AND PATRIOT SQUARE
HUR VAN PARKEERAREAS: JAN PHILLIPSPLEIN, WAMAKERSPLEIN EN PATRIOTPLEIN
IKUQESHISWA KWENDAWO YOKUMISA IMOTO JAN PHILLIPS SQUARE, WAMAKERS SQUARE KUNYE NE PATRIOT SQUARE

RESOLVED

that it be recommended to Council:-

1. that the report and legal opinion marked as Annexure A, be noted;



**MINUTES: MAYORAL COMMITTEE
27 SEPTEMBER 2017**

2. that Council notes that the Lessee, Paarl Property Partnership (Pty) Ltd, has exercised their option to renew in terms of Clause 2 of Agreement 3 of 4 (lease of Patriot Square, Wamakers Square and Jan Phillips Square) as well as Agreement 4 of 4 (Use Agreement in respect of certain public streets in Paarl CBD) and therefore these contracts have been validly extended and are subject to review by Council of the lease conditions; and
3. that the Executive Director: Planning and Development and Executive Director: Corporate Services together with other affected parties be afforded an opportunity to engage the Paarl Property Partnership (Pty) Ltd with a view of recommending a review of certain clauses in the contracts and to submit a further report to Council in this regard.

Meeting: MC - 27/9/2017	Submitted by Directorate: Planning and Development
Ref No: 1/P	Author/s: C Phillips
Coll Nr: 1248726	Referred from:
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

5.2 RENEWAL OF LEASE FOR ERVEN 10841, 11164 AND PORTION OF ERF 8574, PAARL (IN EXTENT APPROXIMATELY 9900M²)
HERNUWING VAN VERHURING VAN ERWE 10841, 11164 EN 'N GEDEELTE VAN ERF 8574, PAARL (ONGEVEER 9900M²)
UKUHLAZIWA KOKUQESHA IZIZA 10841, 11164 KUNYE NECEBA LESIZA 8574 E PAARL(NGOBUKHULU OBULINGANA NE 9900M²)

RESOLVED

that it be recommended to Council:-

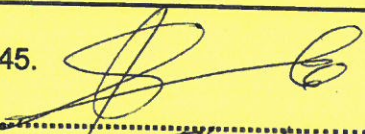
1. that the report, **be noted**;
2. that Council notes that the Lessee, Paarl Property Partnership (Pty) Ltd, has exercised their option to renew the existing Lease Agreement and therefore this contract has been validly extended and is subject to review by Council of the lease conditions;
3. that Council notes that the legal opinion points out that no option period was set out in the Lease Agreement or the resolution and therefore it is recommended that the Lease Agreement be extended for a further 9 years and 11 months; and
4. that the Executive Director: Planning and Development and Executive Director: Corporate Services together with other affected parties be afforded an opportunity to engage the Paarl Property Partnership (Pty) Ltd with a view of recommending a review of certain clauses in the contract and to submit a further report to Council in this regard.

Meeting: MC - 27/9/2017	Submitted by Directorate: Planning and Development
Ref No: 15/2/2	Author/s: C Phillips
Coll Nr: 1243402	Referred from:
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

MINUTES: MAYORAL COMMITTEE
27 SEPTEMBER 2017

The meeting ended at 12:45.

CHAIRPERSON:



DATE:

27/11/2017

Confirmed on with/without amendments.

PJ/rs