

DRAKENSTEIN MUNICIPALITY

MINUTES: EXECUTIVE MAYOR AND MAYORAL COMMITTEE

ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL, ON WEDNESDAY, 15 FEBRUARY 2017 AT 10:00.

PRESENT: The Deputy Executive Mayor, Cllr G C Combrink (Acting Executive Mayor) (In the chair)

Councillors:

- M A Andreas
- F Jacobs
- C Kearns
- J F Le Roux
- J Miller
- L P Mokoena
- R Smuts
- L T van Niekerk
- R H van Nieuwenhuyzen
- L Willemse

Also Present:

- A C Stowman (Speaker)
- R A Koegelenberg (Chief Whip)
- Cllr J Mathee (MPAC Chairperson)

Officials:

- Ms L Waring (Acting Municipal Manager)
- Ms A de Beer (Executive Manager: Corporate Services)
- Mr G Boshoff (Executive Manager: Community Services)
- Mr D Louw (Executive Manager: Infrastructure Services)
- Ms C Lategan (Acting Chief Financial Officer)
- Mr H Strijdom (Acting Executive Manager: Planning and Economic Development)
- Ms R Jaftha (Chief Audit Executive)
- Mr A V Marais (Senior Manager: Legal and Administration)
- Mr F Goosen (Manager: Administrative Support Services)

ABSENT: The Executive Mayor, Cllr CJ Poole (In-Council duty: Premier's Forum)
Mr J Carstens (Chief Financial Officer) (Sick Leave)

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

Clr C J Poole (Executive Mayor) (Attending Premier's Forum)
Mr J Carstens (CFO) (Sick leave)

2. ANNOUNCEMENTS BY THE EXECUTIVE MAYOR

No announcements were made.

3. DISCLOSURE OF INTERESTS BY COUNCILLORS/OFFICIALS

None.

4. CONFIRMATION OF MINUTES

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

- (i) Ordinary meeting held on 18 January 2017; and
- (ii) Special meeting held on 24 January 2017.

5. SCHEDULE OF DECISIONS

RESOLVED

that the Schedule of Decisions, **be noted**.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher. It appears to be a signature of an official, possibly the Executive Mayor or a member of the committee.

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6. EXECUTIVE MAYOR

6.1	REPORT AND RECOMMENDATIONS TO COUNCIL FROM THE AUDIT COMMITTEE MEETING HELD ON 08 DECEMBER 2016
	VERSLAG EN AANBEVELINGS AAN DIE RAAD VAN DIE OUDITKOMITEE VERGADERING GEHOU OP 08 DESEMBER 2016
	INGXELO KUNYE NENGCEBISO KWIBHUNGA EVELA KWINTLANGANISO YEKOMITI YOPHICOTHO EBIBANJWE NGOMHLA WAMA 08 DISEMBA 2016

RESOLVED

that it be recommended to Council:-

that the following recommendations and findings of the Audit Committee be accepted/noted:-

1. ANNUAL FINANCIAL STATEMENTS (2015/16)
 - 1.1 that the Annual Financial Statements for the financial year ended 30 June 2016 be approved as read with the Auditor General's report;

2. INTERNAL AUDIT
 - 2.1 that the Audit Committee confirms that the organisational structure of Internal Audit remains adequate and independent;
 - 2.2 that Internal Audit reports submitted to the Audit Committee were noted and that the Internal Audit reports for the year under review will be completed as scheduled;
 - 2.3 that Management be advised to act timeously on the recommendations made by Internal Audit in their reports;
 - 2.4 that the Audit Committee notes that the Internal Audit Methodology has been implemented at the commencement of the 2016/17 audits; and
 - 2.5 that the definitions of National KPI's need to be clarified in terms of appropriateness and applicability to this municipality.

3. RISK MANAGEMENT
 - 3.1 that the Audit Committee note that risk management continues to be the focus of the Executive Management Team;



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- 3.2 that corrective steps as agreed to by the Management team are being implemented; and
- 3.3 that the Audit Committee continue to follow up on the corrective steps taken by Management.

4. ETHICS MANAGEMENT

- 4.1 that once the formal appointment of the permanent Municipal Manager has been confirmed, the Management team should then consider consolidating their ethics issues in a formal policy that reflects their behaviour and code of conduct.

5. ADMINISTRATIVE MATTERS

- 5.1 that the Chairman of the Audit Committee meet with the Executive Mayor and Acting Municipal Manager before this report is submitted to Council, to raise concern that the permanent appointment of the Municipal Manager has created delays with the filling of key funded vacancies in the Municipality and that this may lead to an increase in the risk of meeting the outcomes as set out in the Service Delivery and Budget Implementation Plan.

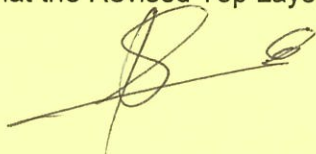
Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Office of the Municipal Manager
Ref No: 3/3/1/3/9/1	Author/s: R Jaftha
Coll Nr: 1192589	Referred from:
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

6.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2016/2017
	HERSIENE TOPVLAK DIENSLEWERING EN BEGROTINGS IMPLEMENTERINGSPLAN (DLBIP) 2016/2017
	UHLOLO LOMGANGATHO OPHEZULU UKUBONELELWA NGENKONZO KUNYE NOKUMILISELA UYILO LOHLAHLA LWABIWO MALI (SDBIP) 2016/2017

RESOLVED

that it be recommended to Council:-

1. that the Revised Top Layer SDBIP 2016/2017, be approved;
2. that the Revised Top Layer SDBIP 2016/2017 be published on the Municipal Website; and
3. that the Revised Top Layer SDBIP 2016/2017 be submitted to -



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- 3.1 Internal Audit Unit (for notification);
- 3.2 Department of Local Government: Western Cape;
- 3.3 Provincial Treasury: Western Cape;
- 3.4 Auditor General (AG) of South Africa; and
- 3.5 National Treasury.

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Office of the Municipal Manager	
Ref No: 2/2/8		Author/s: F Qebenya	
Coll Nr: 1197305		Referred from:	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

6.3	QUARTERLY REPORT: OFFICE OF THE OMBUDSMAN: OCTOBER TO DECEMBER 2016 (2ND QUARTER OF 2016/2017)
	KWARTAALLIKSE VERSLAG: KANTOOR VAN DIE OMBUDSMAN: OKTOBER TOT DESEMBER 2016 (2DE KWARTAAL VAN 2016/2017)
	INGXELO YEKOTA: OKTOBA UKUYA KUDISEMBA 2016 (IKOTA YESIBINI KA 2016/2017)

RESOLVED

that the report, **be noted.**

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Office of the Municipal Manager	
Ref No: 17/1/4/1		Author/s: L Nojozi	
Coll Nr: 1197462		Referred from:	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

7. FINANCIAL SERVICES

7.1	FINANCE: IN-KIND SANLAM SHARES: PROPOSAL FOR DISPOSAL
	FINANSIES: IN-NATURA SANLAM AANDELE: VOORSTEL VIR VERKOOP
	EZEMALI: IZABELO ZIKA SANLAM: ISINDULULO SOKUBA ZITHENGISWE

RESOLVED

that it be recommended to Council:-

1. that the sale of Sanlam shares at market value, be approved;
2. that the Accounting Officer and Chief Financial Officer of Drakenstein Municipality be authorised to sign the sale of shares documentation as referred to in paragraph 1; and



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3. that it be noted that the proceeds from the disposal will be re-invested along with the other municipal investments.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Financial Services		
Ref No: 9/1/3	Author/s: K Carse		
Coll Nr: 1139447	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

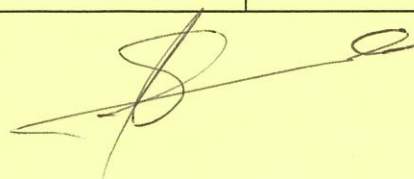
7.2 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS
MUNISIPALE REGULASIES OOR FINANSIËLE WANGEDRAG PROSEDURE EN STRAFREGTELIKE VERRIGTINGE
UMTHETHO KAMASIPALA NGOKUKOPHULA INKQUBO ZEZIMALI KUNYE NOKUGQUTYEKEKWA KOKWAPHULA UMTHETHO

RESOLVED

that it be recommended to Council:-

1. that the contents of the report, **be noted**;
2. that the Municipal Manager be appointed as the designated official as stated/required in the regulations for dealing with financial offences by Councillors which do not amount to breaches of the Code of Conduct for Councillors;
3. that the Disciplinary Board be established to consist of the following members:
 - 3.1 Chief Financial Officer;
 - 3.2 Executive Manager: Corporate Services;
 - 3.3 Chief Audit Executive;
 - 3.4 An independent member of the Fraud and Risk Management Committee (FARMCO); and
 - 3.5 Any other person as may be determined by Council.
4. that the current rates applicable to the Fraud and Risk Management Committee (FARMCO) meetings be applied for the external member/s of the Board to compensate for time spent and travel costs.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Financial Services		
Ref No: 1/4	Author/s: C Lategan		
Coll Nr: 1196726	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>



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ADDITIONAL ITEM

7.3 APPROVAL OF THE 2016/2017 OPERATING AND CAPITAL ADJUSTMENTS BUDGET
GOEDKEURING VAN DIE 2016/2017 OPERASIONELE EN KAPITALE AANSUIWERINGSBEGROTING
UKWAMKELWA KOLUNGISO LOHLAHLLO LWABIWO MALI LOKUSEBENZA KUNYE NELENKUNZI LIKA 2016/2017

RESOLVED

that this matter be referred to a Special meeting of the Committee to be held on 16 February 2017.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Financial Services		
Ref No: 5/2/2 (2016/2017)	Author/s: C Lategan		
Coll Nr: 1198011	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

8. PLANNING SERVICES

8.1 APPLICATION FOR CONSENT USE IN ORDER TO ERECT FIVE ADDITIONAL DWELLING UNITS ON FARM 1581 PAARL DIVISION
AANSOEK OM VERGUNNINGSGEBRUIK TEN EINDE VYF ADDISIONELE WOONEENHEDE OP PLAAS 1581 PAARL AFDELING OP TE RIG
UMCIMBI: ISICELO SEMVUME YOKUSEBENZISA KUKWAZI KWAKHIWE IZINDLU EZONGEZELEKILEYO EZINTLANU KWI FAMA 1581 KWICANDELO LASE PAARL

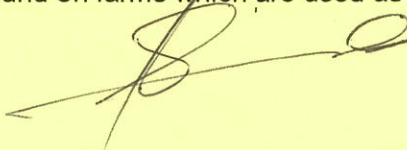
RESOLVED

1. 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 PN 1048/1988 for a consent use in order to erect five additional dwelling units measuring $\pm 250\text{m}^2$ each on Farm 1581 Paarl Division, as indicated on the Site Development Plan (Annexure B to the departmental report);
2. that the approval granted in paragraph 1 above be subject to the following conditions in terms of Section 42(1) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985):
 - 2.1 adherence to the conditions laid down by the Western Cape Department of Agriculture in its letter referenced 20/9/2/5/4/695 dated 24 March 2015 (Annexure F to the departmental report);



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- 2.2 adherence to the conditions laid down by the Department of Transport and Public Works in its letter referenced 13/3/5/1-10/125 (Job 17269) dated 22 June 2015 (Annexure G to the departmental report);
- 2.3 adherence to the conditions laid down by Drakenstein Municipality: Civil Engineering Services Department in its memorandum 15/4/1 (F1581) P (0520) dated 09 September 2015 (Annexure H to the departmental report);
- 2.4 adherence to the conditions laid down by Drakenstein Municipality: Electro Technical Engineering Services Department in its memorandum Farm 1581 dated 04 March 2015 (Annexure I to the departmental report);
- 2.5 the following conditions from a town planning point of view be applicable:
- 2.5.1 the approval applies only to the consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 2.5.2 the development must take place largely in accordance with the Site Development Plan (Annexure B to the departmental report);
- 2.5.3 any amendments to the application is subject to the relevant approval;
- 2.5.4 no new structures are to be erected or existing buildings converted without the prior approval of building plans by Council;
- 2.5.5 as the development is situated within an agricultural setting, measures must be put in place in all habitable buildings to ensure the indoor air quality is not affected by emissions from normal agricultural activities;
- 2.5.6 buildings should be constructed with fire-resistant materials;
- 2.5.7 implementation of the following water conservation measures: Rainwater harvesting, greywater recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;
- 2.5.8 all conditions of approval imposed in respect of previous land use applications on the property remain applicable and must be adhered to;
- 2.5.9 the proposed dwelling units be restricted to one storey;
- 2.5.10 the proposed dwellings be screened off by similar trees traditionally found on farms which are used as "windbreaks";



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2.5.11 the dwellings should only be used for long term leasing and not for temporary guest accommodation;

3. that the applicant and the objector, Bosman Adama, be awarded a right to appeal to Council's Appeal Committee in terms of the Municipal Systems Act;
4. that the following be regarded as the reasons for the decision:
 - 4.1 The proposed application will have no detrimental visual or other environmental impact to the surrounding area;
 - 4.2 The proposed application can be regarded as value adding to the agricultural land unit;
 - 4.3 The Provincial Department of Agriculture consented to the application;
 - 4.4 No new access points will be developed;
 - 4.5 No change in zoning and no land use foreign to agricultural areas are proposed;
 - 4.6 No viable agricultural land will be lost; and
 - 4.7 The proposed land use will strengthen the viability of the farm.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Planning Services		
Ref No: 15/4/1 (F1581) P	Author/s: R Mowzer		
Coll Nr: 1193223	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1-4	Inform parties	Admin (HB)	

8.2 APPLICATION FOR CONSENT USE: ERF 26047 PAARL (HERITAGE HOUSE INDEPENDENT SCHOOL)
AANSOEK OM VERGUNNINGSGEBRUIK: ERF 26047 PAARL (HERITAGE HOUSE INDEPENDENT SCHOOL)
ISICELO SEMVUME YOKUSEBENZA: KWISIZA 26047 E PAARL (HERITAGE HOUSE INDEPENDENT SCHOOL)

RESOLVED

that this matter be referred back to the department for further investigation to determine the impact of KVV wine process on the school.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Planning Services		
Ref No: 15/4/1 (26047) P	Author/s: W Hendricks		
Coll Nr: 1194935	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Re-submit Item	EM: Planning and Economic Development	



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8.3	PROVISION OF IN-KIND SUPPORT AND A CASH CONTRIBUTION TOWARDS THE 18TH BOLAND SUMMER FESTIVAL 2017
	VOORSIENING VAN IN-NATURA ONDERSTEUNING EN KONTANT SKENKING VIR DIE 18DE BOLAND SOMERFEES 2017
	UKUFUMANA ISIQINISEKISO KWI MAYCO SENXASO MALI KWI 18TH BOLAND SUMMER FESTIVAL 2017

RESOLVED

that this matter be referred back and resubmitted after the financial report of the 2016 festival has been received.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Planning Services		
Ref No: 5/13/1/1	Author/s: C Phillips		
Coll Nr: 1195669	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Re-submit item	EM: Planning and Economic Development	

8.4	APPEAL IN TERMS OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015: APPLICATION FOR DEPARTURES: ERF 34743 PAARL
	APPËL INGEVOLGE DRAKENSTEIN VERORDENING OP MUNISIPALE GRONDGEBRUIKBEPLANNING, 2015: AANSOEK OM AFWYKINGS: ERF 34743 PAARL
	ISIBHENO NJENGOKO SIBEKIWE KUMGAQO NKQUBO WASE DRAKENSTEIN KUYILO LOKUSEBENZISA UMHLABA KAMASIPALA KA, 2015: ISICELO SOKUPHEPHELA: KWISIZA 34743 EPAARL

RESOLVED

that this matter be referred back for an advisory committee to be established to advise the Executive Mayor in terms of Section 79 of the By-law.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Planning Services		
Ref No: 15/4/1 (34743) P	Author/s: J Daniels		
Coll Nr: 1196093	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Implement decision	EM: Planning and Economic Development	



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8.5 ANNUAL AMENDMENT OF THE APPROVED DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK (2016/2017): SECOND COMMENTING PERIOD (60 DAYS)
JAARLIKSE WYSIGING VAN DIE GOEDGEKEURDE DRAKENSTEIN RUIMTELIKE ONTWIKKELINGSRAAMWERK (2016/2017): TWEDE TYDPERK VIR KOMMENTAAR (60 DAE)
ULUNGISO LONYAKA LOKWAMKELWA KWE SPATIAL DEVELOPMENT FRAMEWORK (2016/2017: IXESHA LEZIMVO ZESIBINI (IINTSUKU EZI 60)

RESOLVED

1. that the Comments and Response Report (Annexure A to the departmental report), **be noted;**
2. that the amended Drakenstein Spatial Development Framework (SDF) be supported in-principle;
3. that the amended SDF be advertised for a 60-day commenting period;
4. that the amended SDF be submitted to the Provincial Minister responsible for local government and land use planning (i.e. Department of Local Government, Environmental Affairs and Development Planning, hereafter referred to as DEADP) in order to provide written comment within 60 days;
5. that the amended SDF be submitted to the Cape Winelands District Municipality, Provincial and National Ministers of Rural Development and Land Reform, Provincial and National Ministers of Agriculture and Provincial Minister of Transport and Public Works for written comment within 60 days; and
6. that a presentation on the draft amended SDF be made to the Executive Mayor and Mayoral Committee before the SDF is submitted for final approval

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Planning Services	
Ref No: 15/1/4		Author/s: B Bosman	
Coll Nr: 1197035		Referred from:	
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
1 - 6	Implement decision	EM: Planning and Economic Development	



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9. CORPORATE SERVICES

9.1	RENEWAL OF LEASE AGREEMENT - MTN, PORTION OF ERF 4399 ALBATROS AND SILVERDALE STREET, WELLINGTON (BERG-EN-DAL WATER TOWER)
	HERNUWING VAN HUURKONTRAK- MTN, GEDEELTE VAN ERF 4399 ALBATROS- EN SILVERDALESTRAAT WELLINGTON (BERG-EN-DAL WATERTORING)
	UKUHLAZIWA KWESIVUMELWANO SOKUQHESHISA - MTN ICEBA LESIZA 4399 ALBATROS NE SILVERDALE STREET E WELLINGTON (BERG-EN-DAL WATER TOWER)

RESOLVED

that it be recommended to Council:-

1. that in terms of Regulation 34 of the Asset Transfer Regulations, ***in principle*** approval be granted for the renewal of the lease of a portion of Erf 4399, Wellington, ±134m² in extent, for the purpose of a cellular communication base station subject to the following conditions:-
 - 1.1 that the lease will be for a period of 3 (three) years after which renewal thereof will be considered by Council;
 - 1.2 that the property be leased at the rental of R 5424.06 per month (VAT excluded, 8% per annum escalation included);
 - 1.3 that all administrative and legal requirements be adhered to;
 - 1.4 that the lessee be responsible for payment of all municipal services;
 - 1.5 that the proposal be advertised for possible objections or counter offers;
 - 1.6 that approval be granted to MTN to share the existing antenna support structure with Vodacom and Cell C;
 - 1.7 that the generator on site adhere to the requirements in regard to noise pollution;

2. that tenders not be called for the leasing of the said space due to the following reason:



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- 2.1 public competition will not serve a useful purpose since a telecommunications service provider requires a space for a base station (antenna) to service a particular area within the jurisdiction of this Municipality, which will also benefit the affected community. Other service providers may also be accommodated on the site.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Corporate Services
Ref No: 15/4/1	Author/s: NC Marais
Coll Nr: 1161727	Referred from:
<u>PAR:</u>	<u>Action:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

9.2 CONSENT TO SUBDIVISION AND WAIVER OF PRE-EMPTIVE RIGHT AS STIPULATED IN TITLE DEED IN RESPECT OF ERF 2758 BLIGNAUT STREET, WELLINGTON

TOESTEMMING TOT ONDERVERDELING EN AFSTANDDOENING VAN VOORKOOPSREG SOOS VERVAT IN TITELAKTE VAN ERF 2758 BLIGNAUTSTRAAT, WELLINGTON

IMVUME YOKWAHLULA KUBINI NOKURHOXISWA KWEMVUME YOKUQALA NJENGOKO IBEKIWE KWIXWEBHU LOBUNINI KWISIZA 2758 BLIGNAUT STREET, E WELLINGTON

RESOLVED

1. that the proposed subdivision of Erf 2758 Wellington into 2 separate portions for purposes of enabling the development of the current undeveloped portion of the erf into 13 new erven to be leased or sold be approved subject to the following conditions:-
 - 1.1 that this approval not be interpreted as approval of the subdivision itself as the proper procedures for the application for the subdivision will have to be complied with;
 - 1.2 that the newly created erven be developed to a minimum value of R1 million each, within 18 months from date of registration, failing which rates will be levied based on a deemed development of R1 million which value will escalate annually by 10% until an actual top structure is valued in terms of the Property Rates Act. This condition must be contained in the deed of sale of each of the individual erven and registered against the title of each of the newly created individual erven; and



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2. that the pre-emptive right in favour of the municipality in terms of Condition B5 of Title Deed T44632/2014, be waived to enable the development of the undeveloped portion.

Meeting: EM&MC – 15/2/2017 Ref No: 15/4/1 (2758) W Coll Nr: 1155918		Submitted by Directorate: Corporate Services Author/s: N October Referred from:	
<u>PAR:</u> 1 - 2	<u>Action:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> EM: Corporate Services (Properties)	<u>DUE DATE:</u>

9.3 RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 1 PAARL MOUNTAIN NATURE RESERVE, SENTECH
HERNUWING VAN HUURKONTRAK: GEDEELTE VAN ERF 1 PAARLBERG NATUURRESERVAAT, SENTECH
UKUHLAZIWA KWESIVUMELWANO SOKUQHESHISA: INXALENYE WESIZA 1 PAARLBERG NATURE RESERVE, SENTECH

RESOLVED

that it be recommended to Council:-

1. that in terms of Regulation 34 of the Asset Transfer Regulations, *in principle* approval be granted for the renewal of the lease of a portion of Erf 1, Paarl, ±23 225m² in extent, for the purpose of a transmitting station, subject to the following conditions:-
 - 1.1 that the lease endure for a period of 5 (five) years after which renewal thereof will be considered by Council;
 - 1.2 that the property be leased at the rental of R 4260.50 per month (VAT excluded, 8% per annum escalation included);
 - 1.3 that all administrative and legal requirements be adhered to;
 - 1.4 that the lessee be responsible for payment of all municipal services;
 - 1.5 that the proposal be advertised for possible objections or counter offers; and
2. that tenders not be called for due to the fact the current infrastructure is being used for the purpose of a transmitting station which is a unique service.

Meeting: EM&MC – 15/2/2017 Ref No: 15/4/1 (1) P Coll Nr: 1160698		Submitted by Directorate: Corporate Services Author/s: N Marais Referred from:	
<u>PAR:</u>	<u>Action:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>



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9.4	PROPOSED AMENDMENTS TO SCHEDULES 11 AND 12 OF THE BY-LAW ON OUTDOOR ADVERTISING AND SIGNAGE NO 1/2008
	VOORGESTELDE WYSIGINGS AAN SKEDULES 11 EN 12 VAN DIE VERORDENING INSAKE BUITEREKLAME ADVERTENSIE TEKENS NR 1/2008
	ISINDULULO SOLUNGISO LOLUDWE 11 NO 12 LOMGAQO NKQUBO WOKWAZISA NGAPHANDLE NOMBHOLO 1/2008

RESOLVED

that it be recommended to Council:-

1. that the proposed amendments to Schedules 11 and 12 of the Outdoor Advertising By-Law as attached to the departmental report, be approved *in principle*;
2. that the proposed amendments be submitted to the Corporate Services Portfolio Committee for its comment, as per the procedure for the adoption of by-laws; and
3. that the proposed amendments be advertised for public comment and thereafter be re-submitted for final adoption by Council.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Corporate Services
Ref No: 15/4/1 (29137) P	Author/s: AV Marais
Coll Nr: 1160698	Referred from:
PAR:	Action:
2	Portfolio Committee
3	Advertise amendments
	RESPONSIBLE DEPT:
	EM: Corporate Services (Admin)
	EM: Corporate Services (Admin)
	DUE DATE:

9.5	PROPOSED ALIENATION OF ERVEN 29136 AND 29137, DONKERVLIET STREET, PAARL, FOR INDUSTRIAL DEVELOPMENT
	VOORGESTELDE VERVREEMDING VAN ERWE 29136 EN 29137, DONKERVLIETSTRAAT, PAARL, VIR INDUSTRIËLE ONTWIKKELING
	ISINDULULO SOKUPHEPHELA KWEZIZA 29136 NO 29137 E DONKEVLIET STREET E PAARL KUSENZELWA UPHUHLISO

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 Portions 5 and 6 of Erf 29137 Paarl and the remaining portion of Erf 29136 Paarl as one land unit to be consolidated as well as the four smaller portions of Erf 29137 Paarl as separate land units, via a competitive bidding process including development proposals, at a market related reserve selling price for industrial purposes, subject to the following conditions:-



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- 1.1 that all costs related to the transactions, and the proposed developments, will be for the successful bidders' account;
 - 1.2. that a market related reserve selling price be determined by independent valuation;
 - 1.3 that the appropriate development conditions and time frames, specifications and reversal clauses be incorporated into the bidding documents;
 - 1.4 that no offensive industry be allowed;
 - 1.5 that the proposed sale of the land be advertised for public comment; and
2. that the applicants be informed accordingly.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Corporate Services
Ref No: 15/2/4	Author/s: N October
Coll Nr: 1175315	Referred from:
<u>PAR:</u>	<u>Action:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

9.6 RENEWAL OF LEASE AGREEMENT IN RESPECT OF A PORTION OF ERF 34 INTERPACE STREET, WELLINGTON, TO WELLINGTON SPCA
HERNUWING VAN HUUROOREENKOMS VIR DIE VERHURING VAN 'N GEDEELTE VAN ERF 34 INTERPACESTRAAT, WELLINGTON, AAN DIE WELLINGTON DBV
UKUHLAZIWA KWESIVUMELWANO SOKUQHESHA KWICEBA LESIZA 34, INTERPACE STREET E WELLINGTON KWI WELLINGTON SPCA

RESOLVED

that it be recommended to Council:-

1. that in terms of regulation 34 of the Municipal Asset Transfer Regulations, ***in principle*** approval be granted for the renewal of the lease of a portion of Erf 34 Wellington, measuring ± 1486 m² in extent, to the SPCA Wellington, subject to the normal conditions of lease, as well as the following further conditions:-
 - 1.1 that the property be leased free of charge due to the fact that the lessee provides the service of control of small animals on behalf of the Municipality and renders a service to the whole community;
 - 1.2 that the lease endures for a period of two (2) years, whereafter further extension may be considered;
 - 1.3 that the lessee be responsible for the payment of all municipal services;



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- 1.4 that the lease be subject to a notice period of 3 months should the property be required by the Municipality for municipal purposes;
 - 1.5 that the applicant be informed that the land may in future be required for municipal purposes;
 - 1.6 that all administrative and legal requirements be adhered to;
 - 1.7 that a new Electricity Certificate of Compliance be obtained in terms of Section 7(5) of the Electricity Installation Regulations of the OHSA, Act 85 of 1993, as amended; and
 - 1.8 that the proposed lease be advertised for objections or counter offers; and
2. that the subject property not be put out on tender as the SPCA renders a supporting service to the municipality in respect of the control and impounding of animals in terms of a SLA that was signed with them.

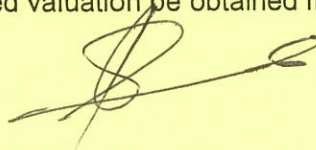
Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Corporate Services		
Ref No: 15/4/1 (34)	Author/s: NC Marais		
Coll Nr: 1157729	Referred from:		
<u>PAR:</u>	<u>Action:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

9.7 PROPOSED ALIENATION OF ERVEN 7968 AND 7969 AND PORTIONS OF ERF 6577 BLIGNAUT STREET, WELLINGTON, FOR EXPANSION OF EXISTING BUSINESS
VOORGESTELDE VERVREEMDING VAN ERWE 7968 EN 7969 EN GEDEELTES VAN ERF 6577 BLIGNAUTSTRAAT, WELLINGTON, VIR UITBREIDING VAN BESTAANDE BESIGHEID
ISINDULULO SOKUPHEPHELA KWEZIZA 7968 KUNYE 7969 KUNYE NECEBA LESIZA 6577 BLIGNAUT STREET E WELLINGTON KUSENZELWA UKWANDISWA KWESHISHINI ELIKHOYO

RESOLVED

that it be recommended to Council:-

1. that in terms of Section 14 of the MFMA, *in principle* approval be granted for the alienation of Erven 7968 and 7969 Wellington and portions of Erf 6577 Wellington, Blignaut Street, to Hossain Shah, owner of the adjacent property, Erven 6573 and 7985 Wellington, subject to the normal conditions of sale and the following further conditions:-
 - 1.1 that the property be used for the expansion of the existing business;
 - 1.2 that the property be sold at a market related selling price, and that a market related valuation be obtained from an independent valuer;



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- 1.3 that the applicant be required to attend to the closure, rezoning and subdivision of the subject property at its own cost and consolidate the relevant properties with either Erf 6573 or Erf 7985 Wellington, simultaneously with the transfer of the subject property. The exact extent of the portions of Erf 6577 Wellington must be surveyed and agreed upon as part of the land use application process;
 - 1.4 that all cost related to the transfer of the property will be for the account of the applicant;
 - 1.5 that should it be required, the relocation and/or protection of any municipal services be done in consultation with the Directorate Infrastructure Services. All costs relating to the connection and possible relocation of services, will be for the applicant's cost;
 - 1.6 that any damage caused to municipal services will be repaired at the cost of the applicant;
 - 1.7 that the transaction be subject to all requirements as indicated by the Civil Engineering and Electrical Departments and as stipulated in the Memorandum received from the Electro Technical Engineering Services (Annexure C to the departmental report);
 - 1.8 that the proposed transaction be advertised for objections or counter offers; and
2. that the subject property not be sold via public tender process due to the fact that the subject properties can only be utilised by the adjacent landowner and cannot be sold as separate land units.

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Corporate Services	
Ref No: 15/4/1 (6577) W		Author/s: N October	
Coll Nr: 1194906		Referred from:	
<u>PAR:</u>	<u>Action:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>



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10. ENVIRONMENT, PARKS AND OPEN SPACES

10.1 DEVELOPMENT OF DAM AREA AT THE END OF BO-BERG STREET
ONTWIKKELING VAN DAM AREA BY BO-BERGSTRAAT
UKUPHUHLISWA KOMMANDLA WECIBI LAMAZI EKUPHELENI KWE BO-BERG STREET

RESOLVED

that this matter be referred back for further investigation.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Community Services		
Ref No: 15/4/2	Author/s: A van der Merwe		
Coll Nr: 1145613	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Re-submit	EM: Community Services	

11. PUBLIC SAFETY

11.1 BY-LAW ON LIQUOR TRADING DAYS AND HOURS: APPROVAL OF COMMENTS TO BE FORWARDED TO THE WESTERN CAPE LIQUOR AUTHORITY
VERORDENING INSAKE DRANKHANDELSDAE EN URE: GOEDKEURING VAN KOMMENTARE VIR INDIENING BY DIE WESKAAPSE DRANKRAAD
NGOKOMTHETHO WENTENGISO YO TUWALA NGENTSTUKU NEYURE: ZIVUNYIWE NGOKWEZICELO INGATHUNYELWE KWI WESTERN CAPE LIQUOR AUTHORITY

RESOLVED

1. that the following applications for liquor licenses be supported and the comments forwarded to the Western Cape Liquor Authority:-
 - 1.1 Belair, Paarl. The necessary land use rights for tourist facilities have been approved in the form of a wedding and function venue;
 - 1.2 Mark's Brewery, Paarl. The necessary land use rights for a micro manufacturer of craft beer are in place;
 - 1.3 Berg River Brewery, Paarl. The application for the requested liquor license can be supported from a land use planning point of view, subject to the conditions contained in the approval letter;
 - 1.4 Provence Reception Centre, Wellington. Erf 13811 Wellington has a non-conforming existing land use right for a function venue. Application supported;
 - 1.5 Abels Liquor Store, Paarl. The necessary land use rights of Erf 8563 Paarl are in place.



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2. that the comments forwarded to the Western Cape Liquor Authority in respect of the following temporary liquor licenses for special events received, be noted:-
- 2.1 Vacation Club, outdoor musical festival, Wemmershoek, which took place on 21 January 2017 from 10:00 am until 12:00 am; and
- 2.2 Club Neavou, Wellington. Temporary liquor licenses for consumption that will take place on the following dates: 20-21 January 2017, 27-28 January 2017, 03-04 February 2017, 10-11 February 2017, 17-18 February 2017, 24-25 February 2017, 03-04 March 2017, 10-11 March 2017, 17-18 March 2017, 24-25 March and 31 March 2017 – 1 April 2017 from 11:00 until 02:00 the following day.

EM&MC – 15/2/2017 Ref No: 1/5/2/17 Coll Nr: 1194913	Submitted by Directorate: Community Services Author/s: U Johanneson Referred from:
<u>PAR:</u>	<u>ACTION:</u> Implement decision
	<u>RESPONSIBLE DEPT:</u> EM: Community Services
	<u>DUE DATE:</u>

12. RURAL MANAGEMENT

12.1 REQUESTING SUPPORT FROM THE MUNICIPALITY FOR RURAL DEVELOPMENT PROGRAMMES
VERSOEK OM ONDERSTEUNING VANAF DIE MUNISIPALITEIT VIR LANDELIKE ONTWIKKELINGSPROGRAMME
ISICELO SENKXASO KAMASIPALA KWIIPROGRAMI ZOPHUHLISO LWASEMAPHANDLENI

RESOLVED

that this matter be referred back in order to investigate the possible use of this program to address the Mbekweni Small Farmer's needs.

Meeting: EM&MC – 15/2/2017 Ref No: 17/5/5/1/30 Coll Nr: 1194991	Submitted by Directorate: Community Services Author/s: T Cloete Referred from:
<u>PAR:</u>	<u>ACTION:</u> Re-submit
	<u>RESPONSIBLE DEPT:</u> EM: Community Services
	<u>DUE DATE:</u>



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13. ENGINEERING SERVICES

13.1 FEEDBACK ON DEVELOPMENT OF PROVINCIAL R301 ROAD, SOUTH OF THE N1
TERUGVOERING OOR DIE ONTWIKKELING VAN DIE R301 PAD, SUID VAN DIE N1
INGXELO KOKUPHULISA KWENDLELA R301 EZANTSI KUKA N1

RESOLVED

1. that the report, **be noted**;
2. that all possibilities be pursued to enable quick and amicable ways to support the effective development of the R301, south of the N1 and up to the last development at the Drakenstein Prison;
3. that the creation of a Steering Committee consisting of members from the Western Cape Province, Developers and the Municipality be supported and that the Municipal Manager be appointed as the Project Leader; and
4. that the Municipal Manager investigates a method to ascertain legislative requirements and constraints around the process of collecting contributions from developers and the payment thereof to Province.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Infrastructure Services		
Ref No: 16/3/5/2	Author/s: D Louw		
Coll Nr: 1197102	Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Implement decision	EM: Infrastructure Services	

ADDITIONAL ITEM

13.2 APPROVAL OF THE PAYMENT OF UNPLANNED OVERTIME
GOEDKEURING VIR DIE BETALING VAN ONBEPLANDE OORTYD
ISIGQINISEKISO SOKUHLAWULWA KOKUSEBENZA EMVENI KWEXESHA
ELINGAYILWANGA

RESOLVED

that it be recommended to Council:-

1. that this report, **be noted**;
2. that it **be noted** that the policy meaning of overtime is understood to be that any working of planned overtime has a legal limit of 40 hours per month, but that any unplanned or emergency overtime has no legislative limit and that Council has requested that the exceeding of the emergency/unplanned



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overtime component only of 60 hours of real time must be reported to Council in terms of a previous policy;

3. that it **be noted** that the current policy has no limit of 60 hours on emergency/unplanned overtime;
4. that it be approved that all emergency unpaid overtime worked in excess of 60 real time hours, from 1 July 2014 until the acceptance of this report, be paid to staff who has performed such work; and
5. that a regular monthly report be submitted to Council in future, where Executive Managers, report on the exceeding of 60 hours of unplanned overtime.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Infrastructure Services
Ref No: 4/10/4	Author/s: D Louw
Coll Nr: 1195234	Referred from:
<u>PAR:</u>	<u>Action:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

14. COMMUNICATION AND INTERGOVERNMENTAL RELATIONS (IGR)

None.

15. MONTHLY REPORT/MAANDVERSLAG/ INGXELO YENYANGA

**15.1 MONTHLY REPORT/MAANDVERSLAG/INGXELO YENYANGA:
INFRASTRUCTURE SERVICES: ELECTRO-TECHNICAL ENGINEERING:
OCTOBER 2016**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Infrastructure Services
Ref No: 9/1/1/3	Author/s: W Albertyn
Coll no: 1195659	Referred from:
<u>PARAGRAPH:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

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**15.2 MONTHLY REPORT/MAANDVERSLAG/INGXELO YENYANGA:
INFRASTRUCTURE SERVICES: ELECTRO-TECHNICAL ENGINEERING:
NOVEMBER 2016**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Infrastructure Services
Ref No: 9/1/1/3	Author/s: W Albertyn
Coll no: 1195662	Referred from:
<u>PARAGRAPH:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

**15.3 MONTHLY REPORT/MAANDVERSLAG/INGXELO YENYANGA: PLANNING
AND ECONOMIC DEVELOPMENT: JANUARY 2017**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Planning and Economic Development
Ref No: 2/2/8/1	Author/s: H Strijdom
Coll no:	Referred from:
<u>PARAGRAPH:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>

**15.4 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
YEKOTA: COMMUNITY SERVICES: HUMAN SETTLEMENTS REPORT: 1
OCTOBER 2016 - 31 DECEMBER 2016 (FINANCIAL YEAR 2016/2017)**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Community Services
Ref No: 17/5/10	Author/s: F Rhoda
Coll no: 1194740	Referred from:
<u>PARAGRAPH:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPT:</u>
	<u>DUE DATE:</u>



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**15.5 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
YEKOTA: COMMUNITY SERVICES: PROTECTION SERVICES: OCTOBER
2016 - DECEMBER 2016**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Community Services	
Ref No: 9/1/1/1		Author/s: V Petersen	
Coll no: 1194840		Referred from:	
<u>PARAGRAPH:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**15.6 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
YEKOTA: COMMUNITY SERVICES: 1 OCTOBER 2016 - 31 DECEMBER 2016**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Community Services	
Ref No: 17/19/5		Author/s: J Rhoda	
Coll no: 1194960		Referred from:	
<u>PARAGRAPH:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

**15.7 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
YEKOTA: COMMUNITY SERVICES: SOLID WASTE MANAGEMENT
ACTIVITIES**

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017		Submitted by Directorate: Community Services	
Ref No: 17/4/6		Author/s: S Frans	
Coll no: 1194961		Referred from:	
<u>PARAGRAPH:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>



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15.8 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
 YEKOTA: COMMUNITY SERVICES: PARKS SECTION: 1 OCTOBER 2016 - 31
 DECEMBER 2016

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Community Services		
Ref No: 17/6/10	Author/s: A van der Merwe		
Coll no: 1195137	Referred from:		
<u>PARAGRAPH:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

15.9 QUARTERLY PROGRESS REPORT/KWARTAALLIKSE VERSLAG/INGXELO
 YEKOTA: COMMUNITY SERVICES: LIBRARY SECTION: 1 OCTOBER 2016 -
 31 DECEMBER 2016

RESOLVED

Noted.

Meeting: EM&MC – 15/2/2017	Submitted by Directorate: Community Services		
Ref No: 17/4/6	Author/s: L Thomas		
Coll no: 1195184	Referred from:		
<u>PARAGRAPH:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

16. CONFIDENTIAL MATTERS

16.1 CONFIRMATION OF MINUTES: 18 JANUARY 2017

See Confidential Minutes.

17. URGENT MATTERS

None.

The meeting ended at 10:43.

CHAIRPERSON: 

DATE: 22/3/2017

Confirmed on with/without amendments.
 PJ/rs