



MINUTES OF A MEETING OF THE PORTFOLIO COMMITTEES OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 12 MAY 2010 AT 10:00

- CIVIL AND ELECTRICAL SERVICES -

PRESENT:

COUNCILLORS:

Chairman, clr J Loxton
Vice-chairman, clr J H Cleophas

Atkins, A J	Nqokoto, N E
Fortuin, C	Rust, N J A
Geel, B W	Sedeman, A C
Goliath, M S I	Stanley, B J
Johnson, A	

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Safety and Security Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Electrical Services, mr R du Toit
Director: Financial Services, mr K C Cooper
Director: Development Services, mr J T Steenkamp
Head: Technical Services, mr L D Zikmann
Administrative Official: Secretarial and Records, ms N Brand

1. OPENING/APOLOGIES

Clr B W Geel opened the meeting with a prayer.

The committee was complete.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (CIVIL AND ELECTRICAL SERVICES) HELD ON 14 APRIL 2010

RESOLUTION

(proposed by ald N J A Rust, seconded by clr M S I Goliath)

That the minutes of a Portfolio Committee Meeting (Civil and Electrical Services) held on 14 April 2010 are approved as correct.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1/...

5.1 MONTHLY REPORTS (INCLUDING QUARTERLY REPORTS)

5.1.1 CIVIL ENGINEERING SERVICES: MARCH 2010

5.1.2 ELECTRICAL ENGINEERING SERVICES: MARCH 2010

RESOLUTION

(proposed by clr M S I Goliath, seconded by ald N J A Rust)

- (a) That note is taken of the monthly reports (including the quarterly reports for January to March 2010) from the Directorates Civil Engineering and Electrical Engineering Services respectively for March 2010;
- (b) That the problems with respect to sewerage blockages (as reported by clrs C Fortuin and A C Sedeman) in Mooressburg and Valk Streets, Malmesbury respectively, are noted and that this will be taken up directly with the Head: Technical Services.

FURTHER RESOLUTION

- (c) That (at the request of clr C Fortuin) an investigation is made into the efficiency and effectiveness of "one-man contracts" for street cleaning, because problems have been encountered especially with respect to Moorreesburg, Koringberg, Malmesbury and the Riebeeks;
- (d) That, as a result of the problems experienced in Moorreesburg during the recent rains, the storm water systems must be cleaned (at the request of clr C Fortuin) before the start of the rainy season;
- (e) That note is taken of the complaints received from Ward 4 (as reported by ald A Johnson) with respect to the transport of waste from the *Darling Fresh Chicken* factory which spills in the street and that the Municipal Manager undertakes to liaise with *Darling Fresh Chickens* in order to ascertain if all the guidelines concerning the removal of waste are being adhered to;
- (f) That, with reference to paragraph (e) the Municipal Manager again requests that all cases are reported to the Municipality – whilst the proof still exists – for follow-up action.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

**(SGN) J LOXTON
CHAIRMAN**

- DEVELOPMENT AND SAFETY AND SECURITY SERVICES -

PRESENT:

COUNCILLORS:

Chairman, clr W Wilskut
Vice-chairman, clr M S I Goliath

Atkins, A J	Sedeman, A C
Du Plooy, R J	Sneewe, A M
Geel, B W	Stemele, O M
Johnson, A	Van der Westhuizen, R F
Loxton, J	Van Wyk, J D

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Safety and Security Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Electrical Services, mr R du Toit
Director: Financial Services, mr K C Cooper
Director: Development Services, mr J T Steenkamp
Head: Technical Services, mr L D Zikmann
Administrative Official: Secretarial and Records, ms N Brand

1. OPENING/APOLOGIES

The meeting commenced at 10:45.

The committee was complete.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (DEVELOPMENT AND SAFETY AND SECURITY SERVICES) HELD ON 14 APRIL 2010

RESOLUTION

(proposed by clr R F van der Westhuizen, seconded by clr J Loxton)

That the minutes of a Portfolio Committee Meeting (Development and Safety and Security Services) held on 14 April 2010 are approved as correct.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 PRESENTATION TO THE NATIONAL PORTFOLIO COMMITTEE WITH RESPECT TO METRO AND MUNICIPAL POLICE SERVICES

Clr R J du Plooy explained that a presentation was made to the above mentioned committee with respect to the activities of the Swartland Municipal Police Services. The meeting focused on training, vacancies, corruption and inefficient procedures. Clr R J du Plooy expressed his thanks to messrs Humphreys and Green for the professional manner in which the presentation was given.

RESOLUTION

- (a) That note is taken of the presentation by the Swartland Municipal Police Services to the National Portfolio Committee with respect to Metro and Municipal Police Services;
- (b) That, furthermore, note is taken that the Swartland Municipal Police Services compare outstandingly with the rest, especially with respect to crime prevention.

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1 MONTHLY REPORTS (INCLUDING QUARTERLY REPORTS)

- 5.1.1 DEVELOPMENT SERVICES: MARCH 2010
- 5.1.2 SAFETY AND SECURITY SERVICES: MARCH 2010
- 5.1.3 MUNICIPAL POLICE SERVICES: MARCH 2010
- 5.1.4 FIRE FIGHTING: MARCH 2010

RESOLUTION

(proposed by clr R J du Plooy, seconded by clr J Loxton)

- (a) That note is taken of the monthly reports (including quarterly reports for January to March 2010) of the Directorates Development and Safety and Security Services respectively for March 2010;

FURTHER RESOLUTION

- (b) That note is taken of the need among some of the residents of Phola Park to contribute to the establishment of formal housing and that the matter will be discussed at the next Technical Housing Committee Meeting;
- (c) That, at the request of clr O M Stemele, it is noted that at the Ad-hoc Development Services Committee Meeting, feed back will be given with respect to aspects concerning small farmers and sport facilities because these will only be dealt with in the monthly report as 4th quarter targets;
- (d) That note is taken of the concern expressed by clr O M Stemele that the SAPS (now South African Police Force) relies too heavily on the Swartland Municipal Police Services and that an attempt is made to get the SAPS to take over some of the workload from the Swartland Municipal Police Services.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

6.1 PROPOSED REZONING OF FARM 329/18, KORINGBERG (15/3/3-15) (WARD 1)

An application has been received for the rezoning of a portion of Portion 18 of the Farm 329 (±74m²) situated in Main Street, Koringberg from residential zone I to business zone I in order to legitimise the existing shop selling groceries and takeaways.

No objections/comments were received from neighbouring owners.

RECOMMENDATION

(proposed by clr J Loxton, seconded by clr R J du Plooy)

That the application for rezoning of a portion of Portion 18 of the Farm 329 (±74m²) situated in Main Street, Koringberg from residential zone I to business zone I in order to legitimise the existing shop selling groceries and takeaways is approved in accordance with article 16(1) of Ordinance 15 of 1985, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that at least three dust free parking bays are provided on the property in accordance with paragraph A3(a);

- (b) that the building plans are submitted to the Director: Development Services for consideration;
- (c) that the necessary application for advertising signs is submitted to the Director: Development Services for consideration;
- (d) that the owner applies to the Swartland Municipality for a trading licence and to the West Coast District Municipality for a competency certificate;

A2 WATER

- (a) that the existing water connection is utilised and that no additional water connections will be provided;

A3 ROADS AND STORM WATER

- (a) that the parking area is built to standard with a permanent dust free surface of either tar, concrete, paving or any other material approved by the Swartland Municipality and that the parking bays are clearly marked;
- (b) that storm water is channelled to the nearest available collection point;

A4 ESKOM

- (a) that if, as a result of the proposed development, any Eskom services need to be moved, the relevant costs will be to the account of the owner/developer;
- (b) that the erection of any structure within 9m of an Eskom power line is prohibited;
- (c) that the owner/developer is responsible for electricity reticulation to the property;

A5 REFUSE REMOVAL

- (a) that a basic refuse removal tariff applicable to a business, is levied in accordance with the amount of refuse to be removed;
- (b) that refuse is stored in such a way that it is not offensive to the neighbours;
- (c) that refuse is placed in black plastic bags on the nearest municipal pavement on the morning of refuse removal;

A6 DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

- (a) that, in accordance with article 17 of Ordinance 19 of 1976 a statutory 5m building line is applicable along Main Street 226;
- (b) that the plans for the development are approved by the Swartland Municipality;
- (c) that parking on the property is provided in terms of table 8.8.2 of the "Road Access Guidelines" of the Department of Transport and Public Works and must be built at a minimum distance of 11m from the edge of the road surface of Main Road 226, that is adjoining the main building;
- (d) that only one entrance on the eastern side of the property may be built to provided access to the premises (see letter marked "E").

6.2 PROPOSED SUBDIVISION, CONSOLIDATION, REZONING AND REGISTRATION OF SERVITUDE ON ERWEN 968, 974, 3894 AND 2896, MOORREESBURG (15/3/3-9, 15/3/6-9) (WARD 2)

The previous Moorreesburg Municipality initiated the process of alienation of portions of erwen 968 and 974 in 1999 to the *Penna Odendaal Trust and, Horn Carstens and Thiersen Makelaars* for the purchase price of R2,00/m², as well as consolidation of them with erwen 3896 and 3894.

The subdivision of erwen 968 and 974 was also approved by the previous Moorreesburg Municipality and the applicant paid all the relevant costs, but because no further action was taken, the subdivision consequently fell through.

An application has therefore been received for –

- (1) the subdivision of erf 974 ($\pm 769\text{m}^2$ in extent) situated in Long Street, Moorreesburg into two portions;
- (2) the subdivision of erf 968 (9,83 ha in extent) situated in Long Street, Moorreesburg into three portions;
- (3) the consolidation of erf 3896 with portion A ($\pm 589\text{m}^2$) of erf 974, as well as portion B ($\pm 101\text{m}^2$) of erf 968;
- (4) the consolidation of erf 3894 with portion C ($\pm 171\text{m}^2$) of erf 974, as well as portion D ($\pm 122\text{m}^2$) of erf 968;
- (5) rezoning and consolidation of erf 3896 with portion A of erf 974 and portion B of erf 968 (total size $\pm 2548\text{m}^2$) from business zone, private open space and public open space zone respectively, to light industrial zone in order to formalise the existing light industry land usage.

Permission has been received from *Consolidated Limeworks* for transferring erf 974 (unregistered portions of erwen 4095 and 4096) to the Swartland Municipality to facilitate the application.

RECOMMENDATION

(proposed by clr A J Atkins, seconded by clr J Loxton)

- A That the subdivision of erf 974 ($\pm 769\text{m}^2$ in extent) situated in Long Street, Moorreesburg into two portions, namely portion A ($\pm 598\text{m}^2$) and portion C ($\pm 171\text{m}^2$) as well as the subdivision of erf 968 (9,83ha in extent) situated in Long Street, Moorreesburg into three portions, namely restant ($\pm 9,81\text{ha}$ in extent), portion B ($\pm 101\text{m}^2$) and portion D ($\pm 122\text{m}^2$) is approved in accordance with article 25(1) of Ordinance 15 of 1985 subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that erf 3896 is consolidated with portion A ($\pm 589\text{m}^2$) of erf 974 as well as portion B ($\pm 101\text{m}^2$) of erf 968;
- (b) that erf 3894 is consolidated with portion C ($\pm 171\text{m}^2$) of erf 974 as well as portion D ($\pm 122\text{m}^2$) of erf 968;
- (c) that a 7m right of way servitude is registered as indicated on plan marked "D" and "E" over consolidated erf 4099 (consolidation of erf 3894 with portion C ($\pm 171\text{m}^2$) of erf 974 as well as portion D ($\pm 122\text{m}^2$) of erf 968) in order to give access to the parking area of the consolidated erf 4100 (consolidation of erf 3896 with portion A ($\pm 589\text{m}^2$) of erf 974 as well as portion B ($\pm 101\text{m}^2$) of erf 968);
- (d) that the owner of consolidated erf 4099 (consolidation of erf 3894 with portion C ($\pm 171\text{m}^2$) of erf 974 as well as portion D ($\pm 122\text{m}^2$) of erf 968) changes the consolidated portions to business zone by means of a rezoning process;
- (e) that both owners, ie. *Penna Odentaal Trust* and *Horn Carsten and Thiersen Makelaars* will pay the purchase price to the Swartland Municipality, which price will be determined by the Municipal Council and will also be responsible for the transfer costs;

A2 WATER

- (a) that each consolidated newly created portion is provided with a single, separate water connection. This condition is applicable at proclamation stage;

A3 SEWERAGE

- (a) that each consolidated newly created portion is provided with a single, separate sewerage connection;

6.2/...

A4 ROADS AND STORM WATER

- (a) that provision is made that storm water runoff from the newly created properties does not overload the existing systems;

A5 ELECTRICITY

- (a) that any moving of electrical cables on the relevant subdivided portion will be to the cost of the owner/developer;
- (b) that any electrical inter-connection is isolated and completely removed;
- (c) that if any electricity reticulation to the property is changed in any way the owner must notify the Electrical Engineers Department of the Swartland Municipality immediately;

A6 REFUSE REMOVAL

- (a) that a basic refuse removal tariff is levied for each newly created, built-on property and in the case of a business, each business will be levied according to the amount of refuse to be removed;
- (b) that refuse is placed in black plastic bags on the nearest municipal pavement on the morning of refuse removal;
- (c) that no dangerous substances or containers contaminated there with, will be removed;

A7 GENERAL

- (a) that, if it is necessary to upgrade any existing services in order to supply the development with service connections, the relevant costs will be to the account of the developer;
- (b) that the legal certificate necessary for the transfer of any of the subdivided portions will not be issued until all the above mentioned conditions are met;

- B that the application for rezoning of consolidated erf 3896 with portion A of erf 974 and portion B of erf 968 (total size ±2548m²) from business zone, private open space and public open space zone respectively to light industrial zone is approved in accordance with article 16(1) of Ordinance 15 of 1985.

6.3 PROPOSED DEPARTURE ON ERF 585, DARLING (15/3/4-3) (WARD 4)

An application has been received for departure on erf 585 (919m² in extent) situated on c/r Main and van der Stel Streets, Darling in order to erect a wind turbine.

RECOMMENDATION

(proposed by ald A Johnson, seconded by clr R J du Plooy)

That the application for departure on erf 585 (919m² in extent) situated on c/r Main and van der Stel streets, Darling in order to erect a wind turbine is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985, subject to the following conditions:

A1 ELECTRICITY

- (a) that the electricity connection from the wind turbine comply with the SANS code;

A2 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that the building plans are submitted to the Director: Development Services for consideration;
- (b) that the proposed wind turbine complies with the parameters of the Zoning Scheme Regulations applicable to Darling, as well as the conditions of title deed T26481/09;

6.3/...

- (c) that the potential noise made by the proposed wind turbine complies with the Noise Management Regulations (PG35 of 24 April 1998);
- (d) that, if complaints are received with respect to the noise generated by the proposed wind turbine, the owner will have the necessary testing done by a professional expert;
- (e) that the total permissible height is 10m;
- (f) that this approval is valid for one year and that the applicant will be given the opportunity, before the expiry date, to apply for an extension up to a maximum of five years;
- (g) that the Council retains the right to revise this approval;
- (h) that the objectors are notified of their right to appeal.

6.4 PROPOSED REZONING AND CONSENT USE ON THE RESTANT OF FARM LAMMERSHOEK NO. 842, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15)

An application has been received for the rezoning of a portion of the restant of the farm Lammershoek, No. 842 ($\pm 847\text{m}^2$), Division Malmesbury situated south east of Malmesbury from agriculture zone I to agriculture zone II in order to legitimise the existing wine cellar.

An application has also been received for the operation of a tourist facility ($\pm 69\text{m}^2$) in order to establish a wine tasting facility.

RECOMMENDATION

(proposed by clr R J du Plooy, seconded by clr M S I Goliath)

- A That the rezoning of a portion of the restant of the farm Lammershoek, No. 842 ($\pm 847\text{m}^2$), Division Malmesbury situated south east of Malmesbury, from agriculture zone I to agriculture zone II in order to legitimise the existing wine cellar, is approved in accordance with article 16(1) of Ordinance 15 of 1985, subject to the following conditions:

A1 TOWN PLANNING/BUILDING MANAGEMENT

- (a) that the necessary building plans are submitted to the Director: Development Services for consideration;
- (b) that the wine cellar is limited to the building plan ($\pm 847\text{m}^2$) of the existing and proposed buildings presented in this application;
- (c) that the wine tasting facility is limited to $\pm 69\text{m}^2$ as presented in this application;
- (d) that an adequate parking area is created to accommodate visitors to the wine tasting facility;
- (e) that the parking areas are practically designed;

A2 WATER

- (a) that no municipal drinking water is available;
- (b) that any water usage is registered and/or licensed in accordance with the conditions of the Water Act, Act 36 of 1998;

A3 SEWERAGE

- (a) that approval is obtained from the Department: Water Affairs and Forestry for the management and disposal of solid waste and waste water;

6.4/...

- (b) that sewerage service is only provided by means of a suction tank truck;

A4 ESKOM

- (a) that if, as a result of the proposed development, any Eskom services need to be moved the relevant costs will be to the account of the owner/developer;
- (b) that the erection of any structure within 9m of an Eskom power line is prohibited;
- (c) that the owner/developer is responsible for the electricity reticulation to the property;

A5 REFUSE REMOVAL

- (a) that an application in writing must be made to the Swartland Municipality for the use of any of the refuse dumps within the municipal area;

A6 DEPARTMENT AGRICULTURE WESTERN CAPE

- (a) that the proposed activity does not impact on the surrounding farms (eg. noise disturbance, creation of dust, product security);
- (b) that it does not give rise to excessive expansion and development on agricultural land;
- (c) that the proposed development is situated in areas where it does not interfere with daily agricultural activities (routes use by ploughing and harvesting farm implements);
- (d) that the buildings are placed in such a way that they do not impact on critical bio-diversity areas, critical ecological support areas, or buffer zones;
- (e) that the activities do not cause any soil erosion;
- (f) that no contamination of the surface or underground water results from the activities within the buildings and from the development;
- (g) that acceptable and sustainable methods for sewerage handling are used in this building;
- (h) that all the relevant articles and regulations of the National Water Act, 1998 (Act 36 of 1998) are adhered to with respect to water usage in the cellar and during wine production. See letter marked "D";

A7 DEPARTMENT OF WATER AFFAIRS AND FORESTRY

- (a) that the requirements of parts 2 and 4 of the State notice referred to in the letter from Department of Water Affairs and Forestry dated 14 December 2009 are met (ref. 16/2/7/27/G202/B30). See letter marked "E";
- (b) that irrigation with waste water is not permitted during the winter rainy season;
- (c) that the area where the organic solid waste from the cellar is stored must be sealed or be placed on a cement surface and any leakage must be channelled back to the production system for processing to avoid any pollution. The area must also be fenced to avoid pollution;
- (d) that a monitoring system is put in place which monitors both the quantity and quality of the waste water of the irrigation/storage dam;

- (e) that the final effluent is analysed at least on a monthly basis, especially during production, in accordance with the listed parameters in the General Approval and that this is submitted to the Department of Water Affairs and Forestry;
- (f) that the water user applies for a licence in terms of the National Water Act (Act 36 of 1998);

A8 DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

- (a) that in accordance with article 9 of Act 21 of 1940 a 95m building line is applicable along Divisional Road 139;
 - (b) that in accordance with article 17 of Ordinance 19 of 1976 a statutory 5m building line is applicable along Divisional Road 1139 and secondary roads 284 and 285;
 - (c) that a right of way servitude over the restant of the newly consolidated unit (restant of farm 842 and restant of portion2 of Welgelegen Farm 842) is registered in favour of portion A;
 - (d) that no new entrances may be built or existing ones changed without approval from the Department of Transport and Public Works (see letter marked "F").
- B That the application for consent use in order to operate a wine tasting facility ($\pm 69\text{m}^2$) is approved in accordance with paragraph 4.6 of article 8 Zoning Scheme Regulations of Ordinance 15 of 1985.

6.5 PROPOSED REZONING AND CONSENT USE ON A PORTION OF FARM RHEEBOKSDAM 1167, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15) (WARD 8)

In order to establish the correct land usage rights for the existing cellar an application has been made for the rezoning of a portion ($\pm 412\text{m}^2$ in extent) of Farm Rheeboeksdam No. 1167, Division Malmesbury from agricultural zone I to agricultural zone II.

Application has also been made for consent use in accordance with the Zoning Scheme Regulations in order to operate a tourist facility consisting of a wine tasting and sales venue.

RECOMMENDATION

(proposed by clr R J Du Plooy)

- (A) That the application for the rezoning of a portion of Farm Rheeboeksdam No. 1167 (101,6884ha in extent), Division Malmesbury from agricultural zone I to agricultural zone II in order to establish the correct land usage rights for the existing cellar is approved in accordance with article 16(1) of Ordinance 15 of 1985 subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that the necessary building plans are submitted to Director: Development Services for consideration;
- (b) that at least 10 parking bays for visitors are provided on the premises;
- (c) that the parking area is practically designed;
- (d) that the necessary application for tourism signs is submitted to the Director: Development Services via the Tourism Bureau;
- (e) that the owner applies to the Swartland Municipality for a trading licence and to the West Coast District Municipality for a competency certificate;

6.5/...

A2 WATER

- (a) that no municipal drinking water will be provided for the facility;

A3 SEWERAGE

- (a) that municipal sewerage services can only be provided by means of a suction tank truck;

A4 REFUSE REMOVAL

- (a) that application is made in writing to the Swartland Municipality for use of any of the refuse dumps within the Swartland area;

A5 ESKOM

- (a) that if, as a result of the development, any Eskom services need to be moved the relevant costs will be to the account of the owner/developer;
- (b) that the erection of any structure within 9m of an Eskom power line is prohibited;
- (c) that the owner/developer is responsible for electricity reticulation to the development;

A6 DEPARTMENT WATER AFFAIRS AND FORESTRY

- (a) that the management report with respect to the quality of the cellar water is submitted to the Department of Water Affairs and Forestry;
- (b) that the water usage is registered;
- (c) that the conditions of the National Water Act (Act 36 of 1998) are complied with;
- (d) that no surface water, underground water or storm water is polluted by any activities on the premises;
- (e) that any solid waste is managed in terms of the prescriptions of article 20 of the Environmental Conservation Act (Act 79 of 1989). See letter marked "E1";
- (f) that the conditions of parts 2 and 4 of the Government Notice referred to in the letter from the Department of Water Affairs and Forestry of 6 March 2009 (ref. 16/2/7/G202/B40) are complied with. See letter marked "E2";
- (g) that the irrigation dam for storing the waste water is managed in such a way that a "freeboard" of 0.5m is maintained;
- (h) that irrigation with waste water is not permitted during the winter rainy season;
- (i) that no waste water facility or storage dam is permitted within the 1/100 year flood line or closer than 100 m from a water source or borehole;
- (j) that a monitoring programme is set up which monitors both the quality and quantity of the waste water from the cellar to the storage dam;
- (k) that an annual study is done with respect to the land being irrigated;
- (l) that the waste water effluent is analysed at least once a month according to the following parameters:
- conductivity (mS/M)
 - pH
 - chemical oxygen demand (COD) (mg/l)
 - sodium absorption balance;

6.5/...

- (m) that the applicant/owner provides a quarterly report to the Department of Water Affairs and Forestry with respect to compliance with these conditions;
- (n) that this General Approval does not imply exemption to ANNEXKLOOF WINERY from the requirements of the Health Act, 2003 (Act 61 of 2003), the Environmental Conservation Amendment Act, 2005 (Act 50 of 2005), the National Environmental Conservation Act, 1998 (Act 107 of 1998), the Occupational and Safety Act, 1993 (Act 85 of 1993) or any other applicable legislation, ordinance, regulation or by-law;
- (o) that any non-compliance with any of the provisions in this approval is an offence and punishable in terms of article 151(2) of the National Water Act, 1998 (Act 36 of 1998);

A7 DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

- (a) that, in accordance with article 9 of Act 21 of 1940, a 95m building restriction line is applicable along Divisional Road 1139 and Secondary Road 527;
- (b) that in accordance with article 17 of Ordinance 19 of 1976 a statutory 5m building line is applicable along Divisional Road 1139 and Secondary Road 527;
- (c) that no other entrances may be built or existing entrances changed without the approval of the Department of Transport and Public Works (see letter marked "D1");

That the application for consent use on a portion ($\pm 121\text{m}^2$ in extent) of the Farm Rheeboksdam No. 1167, Division Malmesbury in order to create a tourist facility for wine tasting and sales is approved in accordance with article 8 Zoning Scheme Regulations of Ordinance 15 of 1985.

6.6 AMENDMENT TO THE ARCHITECTURAL HANDBOOK FOR THE TYGERFONTEIN COASTAL ESTATE, TYGERFONTEIN NO. 564, DIVISION MALMESBURY (15/3/3-15) (WARD 5)

The farm Tygerfontein No. 564 was rezoned leisure zone II and open space zone II, as well as subdivided into 24 units.

The constitution and architectural design handbook for the Tygerfontein Coastal Estate was approved by the Council on 16 Julie 2008.

RECOMMENDATION

(proposed by ald A Johnson)

That the architectural design handbook for the Tygerfontein Coastal Estate, Tygerfontein No. 564, Division Malmesbury as approved by Heritage Western Cape is approved in accordance with article 29 of Ordinance 15 of 1985 and that it replaces the architectural design handbook approved by the Council on 16 July 2008.

6.7 PROPOSED SUBDIVISION WITH DEPARTURE ON ERF 3479, MALMESBURY (15/3/4-8, 15/3/6-8) (WARD 10)

An application has been received for the subdivision of erf 3479 (5603m^2 in extent), situated on c/r Palmboom Street and Viola Avenue, Malmesbury into 14 portions varying in size from $\pm 18\text{m}^2$ to $\pm 1196\text{m}^2$.

Application has also been made for departure from the 5m building line to 3m on all the proposed plots on the proposed internal road.

6.7/...

RECOMMENDATION¹

(proposed by clr rdl M S I Goliath, seconded by clr R J du Plooy)

- A That the application for the subdivision of erf 3479 (5603m² in extent), situated on c/r Palmboom Street and Viola Avenue, Malmesbury into 14 portions varying in size from ±18m² to ±1196m² is approved in accordance with article 25(1) of Ordinance 15 of 1985 subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that the necessary building plans for the proposed development are submitted to the Director: Development Services for consideration before any building work commences;
- (b) that any garages adhere to the 5m street building line in order that the traffic flow in the newly created road is not hindered;
- (c) that the owner/developer proposes a street name for the newly created road and submits it to the Council for consideration;
- (d) that a minimum plot size of 250m² is maintained on the newly created erwen;

A2 WATER

- (a) that each newly created portion will be provided with a single water connection;
- (b) that an internal distribution network is established to provide the units with water;
- (c) that the internal distribution network will be taken over by the municipality;
- (d) that the developer appoints a professional person, registered in terms of the conditions of Act 46 of 2000, for the design of the reticulation of the network. The design must be submitted to the Director: Civil Engineering Services for approval and the professional person must supervise the building of the distribution network;
- (e) that consulting engineers are appointed to determine the water needs, and model and analyse them in terms of the existing network;
- (f) that the consulting engineers make recommendations with respect to the capacity of the existing network to accommodate the proposed development and determine how it can be accommodated;
- (g) that the consulting engineers determine where the connection must be placed to make optimal use of the existing network;

A3 SEWERAGE

- (a) that each newly created portion is provided with a single sewerage connection;
- (b) that an internal distribution network is established in order to provide each unit with sewerage services;
- (c) that the internal distribution network will be taken over by the municipality;
- (d) that the owner/developer appoints a professional person, registered in accordance with the conditions of Act 46 of 2000, for the design of the distribution network. The design must be submitted to the Director: Civil Engineering Services for approval and the professional person must supervise the installation of the distribution network;

¹ Amended by paragraph 5.1.2(1) of Executive Mayoral Committee Minutes dated 19 May 2010

6.7/...

A4 ROADS AND STORM WATER

- (a) that all storm water from the development is channelled underground to the nearest available municipal connection point;
- (b) that provision is made that the run-off from the development does not overload the existing systems;
- (c) that the owner/developer provides the proposed development with an underground system which will accommodate a 1:5 year flood;
- (d) that the owner/development provides the proposed development with an above ground escape routes for flood water up to a 1:50 year flood
- (e) that the internal road in the development is provided with a permanent surface;
- (f) that the internal road and storm water system will be taken over by the municipality;
- (g) that the owner/developer appoints a professional person, registered in terms of Act 46 of 2000, to design the internal road and storm water system. The design must be submitted to the Director: Civil Engineering Services for approval and the professional person must supervise the building of the internal road, parking areas and storm water drainage system;

A5 ELECTRICITY

- (a) that each subdivided portion is provided with a separate electricity connection to the account of the owner/developer;
- (b) that any moving of electricity cables on the subdivided areas will be to the account of the owner/developer;
- (c) that any electrical inter connections are totally removed;
- (d) that in addition to the above mentioned the owner/developer must pay for the electricity connections to the subdivided portions;
- (e) that the design for a low voltage, medium voltage, street lighting and property connections network must be submitted by a registered electrical engineer to the Electrical Engineering Department of the Swartland Municipality for approval;
- (f) that the approved network design is installed under the supervision of the engineer. The above mentioned costs are all to the account of the owner/developer;

A6 REFUSE REMOVAL

- (a) that the basic refuse removal tariff is levied on each residential unit;
- (b) that refuse is placed in black plastic bags on the nearest municipal pavement on the morning of refuse removal;

A7 CAPITAL CONTRIBUTIONS

- (a) that the owner/developer takes note of the capital contribution for the provision of bulk water which is determined by the West Coast District Municipality at R7 716,66 VAT included per kiloliter annual average daily demand (R7 716,66/kl AADD) for each newly created unit (a total of 12 units). This capital contribution (total of R92 599,92) is payable to the Swartland Municipality at proclamation stage. This capital contribution is valid for the 2009/2010 financial year after which it may be revised and is payable to budget item no. 50-80-75-72-7990.

6.7/...

- (b) that the fixed capital contribution with respect to bulk water services to the amount of R7 277,00 per newly created unit (a total of R87 324,00) is payable to this municipality at proclamation stage. This amount is payable to budget item no. 77-92-86-00-6200 and is valid for the 2009/2010 financial year after which it may be revised;
- (c) that the fixed capital amount with respect to bulk sewerage services to the amount of R3 600,00 per newly created unit (a total of R43 200,00) is payable to this municipality at proclamation stage. This amount is payable to budget item no. 59-76-86-00-6200 and is valid for the 2009/2010 financial year after which it may be revised;
- (d) that the fixed capital contribution with respect to roads and storm water to the amount of R5 363,00 per newly created unit (a total of R64 356,00) is payable to this municipality at proclamation stage. This amount is payable to budget item no. 71-82-86-00-6200 and is valid for the 2009/2010 financial year after which it may be revised;
- (e) that the fixed capital contribution with respect to electricity to the amount of R4 321,00 per newly created unit (a total of R51 852,00) is payable to this municipality at proclamation stage. This amount is payable to budget item no. 83-34-86-00-6200 and is valid for the 2009/2010 financial year after which it may be revised. The above mentioned excludes real capital contributions for upgrading the network or the installation of the new internal network;

A8 GENERAL

- (a) that, if it is necessary to upgrade any of the existing services in order to provide the development with service connections, the relevant costs will be to the account of the owner/developer;
- (b) that the objectors are notified of their right to appeal by registered post and that the objections received by means of the petition will be handled separately;

B That the application for departure from the Zoning Scheme regulations applicable to Malmesbury of the 5m street building line to 3m for all the proposed plots on the proposed internal road is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

6.8 DECLARATION: PREVENTION OF AND FIGHT AGAINST CORRUPTION: MARCH 2010 (5/15/1/1)

The declaration, which is made monthly by the Director: Safety and Security Services in accordance with the Prevention of and Fight Against Corrupt Activities, Act 12 of 2004, was circulated with the agenda.

RECOMMENDATION

(proposed by R J du Plooy)

That note is taken that no circumstances, which could possibly be classified as corruption in terms of the conditions of the Act, and relevant to the activities of the municipality in which a member of the public or a municipal employee was involved, were brought to the attention of the Director: Safety and Security Services during the month of March 2010.

6.9 SWARTLAND MUNICIPAL POLICE SERVICES: QUARTERLY REPORT FOR JANUARY TO MARCH 2010 (7/1/2-3)

The quarterly report from the Swartland Municipal Police Services was circulated with the agenda for the information of the committee.

6.9/...

The report was drawn up in accordance with a statutory requirements and was also submitted to the Minister of Community Safety and Security as well as the Commissioner of the South Africa Police Services: Western Cape.

RECOMMENDATION

(proposed by clr R J du Plooy)

That note is taken of the relevant report.

**(SGN) W WILSKUT
CHAIRMAN**

- ADMINISTRATION AND FINANCE -

PRESENT:

COUNCILLORS:

Chairman, ald. N J A Rust
Vice-chairman, clr. R J du Plooy

Cleophas, J H	Solomons, C W
Geel, B W	Stanley, B J
Goliath, M S I	Van der Westhuizen, R F
Schoor, E	Van Wyk, J D
Sedeman, A C	Wilskut, W

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Safety Services, mr P A C Humphreys
Director: Corporative Services, ms M S Terblanche
Director: Electrical Engineering Services, mr R du Toit
Director: Financial Services, mr K C Cooper
Director: Development Services, mr J T Steenkamp
Head: Technical Services, mr L D Zikmann
Administrative Official: Secretarial and Records, ms N Brand

1. OPENING/APOLOGIES

The meeting commenced at 11:15.

The committee was complete.

2. NOTULES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (ADMINISTRATION AND FINANCE) HELD ON 14 APRIL 2010

BESLUIT

(proposed by clr. J H Cleophas, seconded by crl. R J du Plooy)

That the minutes of a Portfolio Committee Meeting (Administration and Finances) held on 14 April 2010 are approved as correct.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 LETTERS OF THANKS AND APPRECIATION TO SWARTLAND MUNICIPALITY (10/3/3)

RESOLUTION

That note is taken of the letters of thanks and appreciation received since April.

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATE MATTERS

5.1 MONTHLY REPORTS (QUARTERLY REPORTS INCLUDED)

- 5.1.1 MUNICIPAL MANAGER: MARCH 2010
- 5.1.2 FINANCIAL SERVICES: MARCH 2010
- 5.1.3 CORPORATIVE SERVICES: MARCH 2010

5.1/...

RESOLUTION

(proposed by clr. M S I Goliath, seconded by clr. W Wilskut)

That notice is taken of the respective monthly reports (including the quarterly reports from January to March 2010) from the Municipal Manager, Director Financial Services and Director Corporative Services for March 2010.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

**(SGN) N J A RUST
CHAIRMAN**