



**MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 16 MARCH 2011 AT 08:00**

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**PRESENT:**

Executive Mayor, ald T van Essen (chairman)

Members of the Mayor's Committee:

Clr J H Cleophas

Clr R J du Plooy

Clr M S I Goliath

Other councillors:

Speaker, ald A Johnson

Ald N J A Rust

Clr W Wilskut

Officials:

The Municipal Manager, mr J J Scholtz

Director: Corporate Services, ms M S Terblanche

Director: Safety and Security Services, mr P A C Humphreys

Director: Financial Services, mr K C Cooper

Director: Development Services, mr J T Steenkamp

Director: Electrical Engineering Services, mr R du Toit

Manager: Secretarial and Records, ms N Brand

**1. OPENING**

Clr R J du Plooy opened the meeting with a prayer at the request of the chairman.

**2. APOLOGIES**

Apologies received from the Director: Civil Engineering Services, mr A J Botha.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

**3.1 SUBMISSION BY GOEDGEDACHT TRUST: "THE WONDERFUL WONDERBAG" – REDUCING CARBON EMISSIONS, SAVING ELECTRICITY AND CREATING JOBS" (17/2/R)**

Ms Anne Templeton and ms Ingrid Lestrade gave a presentation with respect to the activities of the Goedgedacht Trust.

Ms I Lestrade explained the background with respect to the *Path out of Poverty* (POP)-programme, which is being offered at present in Riebeek Kasteel, and later in Riebeek West with the co-operation of PPC. The programme involves projects, which include, amongst others, projects such as aftercare for 185 children where they each receive food and are helped with schoolwork, a sewing group, an exercise class for pregnant women etc.

Ms Anne Templeton explained that Goedgedacht Trust focuses on two aspects in all its projects, namely children and climate change. She then went on to present the "Wonderful Wonderbag" to the committee. With this project the Goedgedacht Trust 's aims are: -

- job creation (with the first order 11 jobs were created);
- to relieve poverty (by saving on electricity, paraffin and wood);

3.1/...

- facilitate a  $\pm 500$ g/year reduction in carbon dioxide emissions.

In a *Facebook* campaign in December 2010, Ms Lestrade got donors who gave 630 Wonderbags to the Riebeek Kasteel community. This project still has to be rolled out.

The challenge is to distribute the Wonderbag to as many needy families as possible and the support of the Municipality is required for this.

#### **RESOLUTION**

- That note is taken of the advantages associated with the use of the "Wonderful Wonderbag", namely that poverty can be alleviated by saving other energy sources (eg. electricity, paraffin and wood), that a decrease in the emission of carbon dioxide of  $\pm 500$ g/per year per household is achieved and that local job opportunities are created in the manufacture of the product;
- That note is taken of the request from Goedgedacht Trust that Swartland Municipality considers giving 600 wonderbags to the Riebeek West community in order to be able to monitor two projects/communities;
- That, if the project comes to fruition, it is rolled out to Equitable Households in both Riebeek Kasteel and Riebeek West and that the total number of available wonderbags is distributed accordingly;
- That Goedgedacht Trust will be responsible for rolling out and monitoring the project.

#### **4. MINUTES FOR APPROVAL**

##### **4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 9 FEBRUARY 2011**

#### **RESOLUTION**

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 9 February 2011 are approved and signed by the Mayor, subject to the following correction -

- ITEM 7.9: PROPOSED AMENDMENT TO THE APPROVAL CONDITIONS WITH RESPECT TO THE REZONING OF ERF 7242, MALMESBURY**

#### **RESOLUTION**

[amendment to date]

... as contained in the Council decision taken on 22 August 2001 with reference to the rezoning of erf 7424...

##### **4.2 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 16 FEBRUARY 2011**

That the minutes of a Special Executive Mayor's Committee Meeting held on 16 February 2011 are approved and signed by the Mayor.

##### **4.3 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 9 MARCH 2011**

*[Corrections held over at the prerogative of the various committees.]*

#### **5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

##### **5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 9 MARCH 2011**

###### **5.1.1 ADMINISTRATION AND FINANCES**

**RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes, subject to the following addition -

**(1) ITEM 1: CHATSWORTH HOUSING PROJECT (17/4/2/3-2/1)**

Over and above the unique problems in Chatsworth, with reference to the foundation of the town before 1933, the fact that Swartland Municipality had no land in Chatsworth before 2003, and the edict situation-process which was gone through and the successful land swap with Korjan, Eskom is the distributor of electricity and insists that 80% (294 houses of 368) of the houses must be developed (built) before the houses are electrified.

This nation wide policy of Eskom means that houses, which are already finished are at risk of vandalism, and therefore allottees are requested to voluntarily occupy the houses before electrification is completed.

**NOTED****5.1.2 CIVIL AND ELECTRICAL SERVICES****RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes.

**5.1.3 DEVELOPMENT AND SAFETY AND SECURITY SERVICES****RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes, subject to the following amendment –

**(1) ITEM 6.8: FEASIBILITY OF APPROVAL CONDITIONS WITH RESPECT TO THE REZONING OF ERF 330 (NOW ERF 2023) YZERFONTEIN (15/3/3-14) (WARD 5)**

- ...(a) That the amount of R360 000,00 as a contribution to the traffic circle is not immediately payable by the owner/developer, but that the amount is payable in equal payments over a period of 24 months, which will commence after the occupation certificate has been issued. This condition must be ratified by means of a formal agreement between Swartland Municipality and the owner/developer and that the latter will be responsible for the costs involved in drawing up the agreement.

**6. MATTERS ARISING FROM THE MINUTES**

None

**7. NEW MATTERS****7.1 REQUEST FROM SALGA: ACQUIRING A MANDATE WITH RESPECT TO A JOB EVALUATION COLLECTIVE AGREEMENT (4/1/1/3/1)**

A letter dated 21 February 2011 to SALGA Western Cape was circulated with the agenda, in which the opposition to the job evaluation collective agreement was made clear.

The mandate was also presented to SALGA during a Human Resources Practitioners workshop held on 23 February 2011.

7.1/...

**RESOLUTION**

- (a) That note is taken of the mandate to oppose the job evaluation collective agreement formulated by the Municipal Manager and that the position is approved;
- (b) That it is also noted that the Municipal Manager referred the matter to the DFC to ascertain if there is support for this initiative on the West Coast.

**7.2 (1) DISSOLUTION OF EXISTING WARD COMMITTEES; (2) APPROVAL OF THE WARD COMMITTEE CONSTITUTION; (3) PROVISIONAL PROCESS PLAN FOR ELECTING NEW WARD COMMITTEES (3/4/4/B)**

The election of new ward committees after the local elections creates the opportunity to revise the existing Ward Committee constitution.

The attendance at ward committees is a very important aspect, which must be addressed in the revision, because it is now evident which sectors in the wards/communities are structured and active.

**RESOLUTION**

- A: **With respect to the dissolution of ward committees**
- (a) That note is taken of the procedures which need to be followed with respect to the dissolution of the existing ward committees in accordance with the Constitution for Ward Committees;
- B: **With respect to the approval in principle of the revised Constitution for Ward Committees**
- (a) That the amendments to the Ward Committees Constitution is approved in principle for final submission to the new municipal council at the first council meeting after the local elections;
  - (b) That note is taken of the amendments to the constitution circulated to the ward committees in January 2011 and that no comments were received (except Appendix B to the constitution);
  - (c) That the geographical and/or sectoral representation on the various ward committees (Appendix B of the constitution), the stipulations, in some cases with respect to four ordinary members and the proposals received from the ward committees, are approved;
  - (d) That the Director: Corporate Services (or her deputy) is tasked with drawing up a draft policy with respect to the criteria for remuneration of ward committee members based on the decision made by the Executive Mayor's Committee on 11 November 2009, so that it is ready when the final guidelines are received from Province;
- C: **With respect to the preliminary process plan for electing new ward committee members**
- That note is taken of the preliminary time framework for the election of new ward committee members and that it will be adapted and implemented when the relevant dates are finalised.

7.3/...

### **7.3 DEPARTURE FROM PRESCRIBED PROCUREMENT PROCEDURE: GROWTH POTENTIAL OF TOWNS: VERIFICATION (15/3/B)**

A request has been received from the Department of Environmental Affairs and Development Planning to comment on the 2010 Growth Potential Study.

In the above mentioned study Malmesbury has been identified as having a low growth potential, in contrast to the 2004 Growth Potential Study which classified Malmesbury as a town with a high growth potential.

Prof Izak van der Merwe was therefore approached to verify the 2010 Growth Potential Study and to comment on it, because the document is important for strategic purposes, amongst others, with respect to future planning in terms of infrastructure expansion.

#### **RESOLUTION**

- (a) That departure from the prescribed procurement process by appointing Prof Izak van der Merwe, for an amount of R21 765,52, to comment on the 2010 Growth Potential Study for the reasons stated in paragraph 1 of the report, is approved;
- (b) That the Manager: Financial Statements and Management, mr C F Gerber, is instructed to note the above mentioned reasons in terms of clause 36(2) of the Supply Chain Management Policy, when the relevant statements are compiled.

### **7.4 MINUTES OF TENDER AWARD COMMITTEE MEETINGS (11/1/3/1/6)**

The minutes of the recent Tender Committee Meetings were circulated with the agenda.

#### **RESOLUTION**

That note is taken of the contents of the minutes of the recent Tender Award Committee Meetings which took place on 1 and 15 February 2011 respectively.

### **7.5 PROPOSED LEASE OF STORE AT RIEBEEK WEST SHOW GROUNDS (12/1/3/1-12/1)**

Oude Tol Mills (Pty) Ltd lease a portion of the empty store behind the old show grounds in Riebeek West from the Council for storing equipment. An application has been received to extend the lease for a further 12 months.

#### **RESOLUTION**

- (a) That the empty store behind the old show grounds in Riebeek West is leased out of hand to Oude Tol Mills (Pty) Ltd for storing equipment for a further period not exceeding 12 months;
- (b) That the rental is fixed at R1 192,00 plus VAT per month which includes 6% escalation
- (c) That the lease conditions remain the same.

### **7.6 BUILDING OF KACHELHOFFER STREET, RIEBEEK WEST AND RECTIFYING ERF BOUNDARIES OF PRIVATE PROPERTIES (16/5/5/2)**

In order to proceed with building a portion of road in Riebeek West, which has been budgeted for, it is necessary to widen the road reserves. Three private owners are affected by the rectification of the erf boundaries.

#### **RESOLUTION**

- (a) That the proposed rectification of erf boundaries in Kachelhoffer and Waterkant Streets, Riebeek West is approved;

7.6/...

- (b) That transfer without remuneration or alternatively with fair remuneration will be negotiated with the relevant owners;
- (c) That the Council will take care of all the costs involved in this transaction including transfer costs.

#### **7.7 LEASE AGREEMENT: DARLING CLUB (17/9/2/R)**

A letter has been received from the Darling Club requesting a 25 year lease extension, as well as the revision of the lease agreement to bring it into line with the other agreements which the Council has with sports clubs.

##### **RESOLUTION**

That the item is referred back to the Management Team to consider, amongst other things, the rental period as well as the revision of the lease agreement.

#### **7.8 AVAILABILITY OF LAND FOR DARLING FLORA PROJECT (15/3/R, 15/3/1)**

The Constitution of the Darling Wild Flower Association, as well as the NEMA approval for the Darling Flora Project together with a description of the envisaged activities were circulated with the agenda.

The Executive Mayor's Committee already gave its support in May 2008 for the establishment of a so-called Flora Centre on one of the two wild flower reserves in Darling.

##### **RESOLUTION**

- (a) That an agreement with respect to the use of a portion of erf 551, Darling, at a nominal tariff of R100,00 per annum between Swartland Municipality and the Darling Wild Flower Society for an indefinite period, is approved;
- (b) That a condition is included in the agreement that states that the contract automatically terminates if the property is no longer used for the above mentioned purpose or if at any stage the stipulated conditions are not adhered to, and that any improvements on the property revert to the Council;
- (c) That the applicant's technical team is requested to meet with the various disciplines within the municipality with respect to the conditions to be set down by the municipality for purposes of the proposed memorandum of agreement;
- (d) That the costs related to the compilation of the above mentioned agreement will be to the account of the applicants.

#### **7.9 BUILDING OF SHOP STREET, ABBOTSDALE AND RECTIFYING ERF BOUNDARIES ADJOINING PRIVATE PROPERTIES (16/5/5/2, 12/2/1-1/1)**

The building of Shop Street, Abbotsdale has been included as a capital project for the 2010/2011 financial year. In order to accommodate the building of the road it is necessary to widen the road reserves. In order to do this the erf boundaries of certain private properties need to be rectified.

##### **RESOLUTION**

- (a) That the Executive Mayor's Committee approves the agreement with the affected owners in terms of which they are paid an amount of R80,00 per m<sup>2</sup> for the portions of land needed for the widening of the road reserve as part of the building of Shop Street, Abbotsdale;
- (b) That the Council will pay all the associated costs, including the transfer costs, out of the Capital Replacement Reserve Funds;

7.9/...

- (c) That the town planning department will follow the change in land usage process.

**7.10 OFFER TO REPURCHASE ERF 10334, MALMESBURY (12/2/5/4-8/16)**

The relevant erf was offered together with 65 other residential plots to first time homeowners on a pre-launch basis on Saturday 24 March 2007.

The transfer of erf 10334 was registered to M F Lourens on 6 June 2008 in the deeds office, but the purchaser now wishes to sell the property back to the municipality, in terms of the purchase conditions.

**RESOLUTION**

That M F Lourens' offer to sell back erf 10334, Malmesbury is rejected in the light of the continuing, unfavourable economic climate, the unfavourable property market and the fact that the Council still has a number of plots available in the relevant extension.

**7.11 EQUIPMENT ON KLIPKOPPIE, MALMESBURY: CORNERGATE TECHNOLOGIES (6/2/1/3/2)**

Cornergate Technologies are a local company, which provides internet access to the public by operating wireless network equipment from the Klipkoppie.

**RESOLUTION**

- (a) That the operation of a wireless network from Klipkoppie by Cornergate Technologies for a further period of three (3) years is approved;
- (b) That the proposed lease is advertised in the local press in terms of the Council's Regulation with respect to the Management and Administration of Immovable Property;
- (c) That the lessee is responsible for payment of the relevant advertising costs;
- (d) That the rental is increased to R212,00 plus VAT per month which represents an escalation of 6%;
- (e) That the existing lease conditions remain unchanged.

**7.12 PROPOSED ALIENATION OF A PORTION OF COMMONAGE FOR DEVELOPMENT OF WEST COAST COLLEGE CAMPUS (12/2/R)**

An application has been received from the West Coast College to buy a portion of commonage (±3 ha in extent) situated near Swartland High School, from the Council, for the establishment of a new college. This is the piece of ground known as "the old Bloekomboss".

**RESOLUTION**

That the item is referred back for further discussions with the West Coast College, as well as Swartland High School, amongst other things with respect to the siting of the facility on the available land, taking into account the extensions to the road network around Malmesbury.

**7.13 PURCHASE OF ERF 2986, MALMESBURY (12/2/R)**

A letter has been received from mr M Foot, owner of erf 2986, Malmesbury with an offer to the Council to buy the relevant erf from him or swap for an alternate piece of ground.

Erf 2986 is largely situated in the Diep River and is of no use to mr Foot. The municipal valuation on the land is at present R165 500,00.

7.13/...

**RESOLUTION**

- (a) That, because erf 2986 (2265m<sup>2</sup> in extent) may be needed by the Council when the realignment of the river road is considered, the Municipal Manager's offer to buy the relevant erf from mr Foot for R1,00 is approved by the committee, as well as write-off of municipal rates and taxes, and levies, if any, equal to 50% of the total amount charged since 2004 up to and including end March 2011;
- (b) That the transfer costs will be to the account of the Swartland Municipality;
- (c) That the rest of the erwen adjoining erf 2986 which go down into the Diep River are investigated, should they also be needed for the realignment of the river road.

**7.14 PROPOSED DEMOLITION AND REMOVAL OF BOLAND STORE (12/2/6)**

The former Boland aircraft hangar in Ilinge Lethu has stood empty for the past few years and is no longer needed as a storage area. At present about R17 000,00 per month is spent on security to protect the building from vandalism.

The tendered period for the above mentioned security services expires on 30 June 2011.

**RESOLUTION**

- (a) That security services for the Boland store will not be put out for tender again;
- (b) That tenders are called for the demolition and removal of the structure, from private persons/firms and that specifications for this purpose are drawn up by the civil directorate, which will also include the safety aspects with respect to the asbestos construction;
- (c) That the process will be co-ordinated at management level to ensure that the structure is demolished by the end of June when the security tender expires;
- (d) That those occupying a portion of the store are notified of the proposed demolition and that they must vacate the structure by 31 May 2011;
- (e) That a lease agreement is concluded with the inhabitants of the freestanding residence on the property.

**7.15 LEASE: THE HAVEN NIGHT SHELTER (12/1/3/1-8/1)**

The organisation, which operates the night shelter for homeless persons, namely *The Haven Night Shelter Utility Company* has received funding from Lotto to carry out improvements and extensions to the building situated in Varing Street, Malmesbury. The building is leased from the Council.

The proposed alterations were presented in the report circulated with the agenda.

**RESOLUTION**

- (a) That approval is given to the tenant to make improvements to the building on erf 2730, Malmesbury subject to the approval of the building plans;
- (b) That the lessee is exempt from paying building plan fees on council property;
- (c) That the improvements, revert to the council on termination of the lease agreement, whenever that may be, without compensation to the lessee.

7.16/...

**7.16 WRITE-OFF OF BAD DEBT: ORDINARY DEBTS, DECEMBER 2010 (5/7/1/1)**

A schedule of non-recoverable debt was workshopped with the Executive Mayor's Committee and submitted for write-off.

**RESOLUTION**

- (a) That the Executive Mayor's Committee approves the write-off of the amount of R206 039,77 as per the attached schedule, as non-recoverable;
- (b) That if, after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayor's Committee at the time of write-off which would have led to the Committee not considering the amount for write-off, the Executive Mayor's Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (c) That, if the property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (d) That approval is also given that current levies, which do not appear in the list, but which have accumulated due to the administrative delays with respect to the above list, from the start of the list and for the period thereafter, form part of the write-off, providing that the Credit Division is convinced that the new debt is also non-recoverable under the same circumstances;
- (e) That the real amount for write-off after this submission, is submitted during the next Executive Mayor's Committee meeting;
- (f) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.

**7.17 WRITE-OFF OF BAD DEBT: DESTITUTE HOUSEHOLDS, DECEMBER 2010 (5/7/1/1)**

A schedule of users who receive Equitable Share from the Council, but who still owe money, which could not be recovered after measures taken by the Credit Control Division was workshopped with the Executive Mayor's Committee and is submitted for write-off.

**RESOLUTION**

- (a) That Executive Mayor's Committee approves the write-off the non-recoverable amount of R145 086,58, as per the attached schedule;
- (b) That if, after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayor's Committee at the time of write-off which would have led to the Committee not considering the amount for write-off, the Executive Mayor's Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if the property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;

7.17/...

- (e) That approval is also given that current levies, which do not appear in the list, but which have accumulated due to the administrative delays with respect to the above list, from the start of the list and for the period thereafter, form part of the write-off, providing that the Credit Division is convinced that the new debt is also non-recoverable under the same circumstances;
- (f) That the real amount for write-off after this submission, is submitted during the next Executive Mayor's Committee meeting;
- (g) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.
- (h) That the Credit Management Division pays a personal visit to each Equitable Share household in order to explain the write-off and the future obligations of "responsible users" , especially with respect to the excess use of water.

#### **7.18 OUTSTANDING DEBTS: FEBRUARY 2011 (5/7/1/1)**

A complete list with respect to outstanding debts was circulated with the agenda.

#### **RESOLUTION**

That note is taken of the report with respect to outstanding debts for the month of February 2011.

#### **7.19 OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

In accordance with the Council's Asset Management Policy outstanding insurance claims must be reported monthly.

#### **RESOLUTION**

That note is taken of the list of outstanding insurance claims circulated with the agenda and the reasons for the incident/accident are stated where possible, in order to manage all possible risks.

#### **7.20 PROPOSED REZONING AND SUBDIVISION OF ERF 2001, MOORREESBURG (15/3/3-9, 15/3/6-9)**

On 21 November 2001 the Council approved the rezoning of two portions of erf 2001 ( $\pm 4160\text{m}^2$  in extent), Moorreesburg, from religious institution zone to single residential zone for the creation of 8 single residential erven and a road.

The land usage rights of this development were never taken up because the newly created plots were never registered.

Accordingly a new application has been received for the rezoning of 2 portions of erf 2001, situated in First Avenue, Moorreesburg, from religious institution zone to single residential zone, as well as for the subdivision of erf 2001 into 8 residential erven, a church property and a restant for the road.

#### **RESOLUTION**

- A That the application for the rezoning a portion of erf 2001 ( $\pm 4160\text{m}^2$ ), situated in First Avenue, Moorreesburg from religious institution zone to single residential for the creation of 8 single residential zone erven and a road is approved in accordance with article 16(1) of Ordinance 15 of 1985;
- B That the application for the subdivision of erf 2001, Moorreesburg in order to create 8 residential erven ( $\pm 403\text{m}^2$  to  $\pm 674\text{m}^2$  in extent), a church property ( $\pm 1939\text{m}^2$ ) and a restant for the road is approved in accordance with article 25(1) of Ordinance 15 of 1985, subject to the following conditions:

7.20/...

- (a) that each subdivided portion is provided with a separate water connection and meter;
- (b) that each subdivided portion is provided with a separate sewerage connection;
- (c) that the existing main sewerage line runs across a portion of the subdivided portions, which means that the connections also run across the plots;
- (d) that each subdivided portion is provided with a separate electricity connection and meter;
- (e) that electricity is obtained from the existing network.

**7.21 REPEAL OF APPROVAL CONDITIONS WITH RESPECT TO THE PROPOSED REZONING AND SUBDIVISION OF ERF 486, MOORREESBURG (15/3/3-9, 15/3/6-9)**

On 18 July 2007 Council approved the proposed rezoning and subdivision of erf 486, Moorreesburg, subject to certain conditions, amongst others the payment of capital contributions with respect to water, sewerage, roads and storm water and electricity.

The West Coast District Municipality has applied for exemption from the payment of capital contributions, because the relevant buildings have had their own separate service connections for many years. The capital contribution was however made on 25 January 2011.

**RESOLUTION**

That the West Coast District Municipality is exempt from paying capital contributions in terms of the approval conditions as specified in conditions A(b),(d),(e),(f) and (g) of Council decision of 18 July 2007 with respect to the rezoning and subdivision of erf 486, Moorreesburg, and the conditions are repealed in accordance with article 42(3)(a) of Ordinance 15 of 1985 and the monies paid back to the West Coast District Municipality.

**7.22 DEPARTURE: ERF 1301, RIEBEEK KASTEEL (15/4/2-11)**

A building plan application has been received for a wendy house on erf 1301 in Fontein Street, Riebeek Kasteel which encroaches on the 2m side building line (southern boundary) to 0m.

The item was considered by the Executive Mayor's Committee on 25 January 2011 and referred back to discuss with the applicant the imposition of conditions for approval of the departure.

**RESOLUTION**

- (a) That the departure from the building line on erf 1301, Riebeek Kasteel from the 2m side building line (southern boundary) to 0m as indicated on plan "B" is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985 subject to the following conditions:
  - (i) that the roof overhang of the wendy house is cut back in order to ensure that the erf boundary is not encroached on, and that no rainwater from the roof runs off onto erf 2096 – this condition must be met within 6 weeks.
  - (ii) that the building plan will be considered, as soon as all the conditions are met;
  - (iii) that an additional building plan fee of R1000,00 is payable within 6 weeks because the wendy house was erected without the necessary building plan approval;
- (b) That if the above mentioned conditions are not met by the prescribed deadline, the approval for departure will be retracted, after which the wendy house must be removed immediately;

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- (c) That this approval is only valid for 5 years because the lifetime of the wendy house (structure) is estimated as not more than this, after which the wendy house must be removed to comply with the relevant building line.

**7.23 DEPARTURE: ERF 1754, MALMESBURY (15/4/2-8)**

A building plan application has been received from the Elkana Childcare Centre situated on erf 1754 in Jasmin Street, Malmesbury proposing the erection of a lean-to, toilets and 4 classrooms. Erf 1754 belongs to the Swartland Municipality.

The proposed improvements encroach on the 8m building line (Jasmin Street) to  $\pm 5$ m.

**RESOLUTION**

That the departure on erf 1754, Malmesbury from the 8m street building line (Jasmin Street) to  $\pm 5$ m is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

**(SGD) T VAN ESSEN  
EXECUTIVE MAYOR**