



MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE COMMITTEE ROOM, CORPORATE SERVICES ON WEDNESDAY, 11 MAY 2011 AT 11:00

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

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

Director: Civil Engineering Services, mr A J Botha

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. A special word of welcome was extended to the Chairman of the External Audit Committee, mr J M Becker.

2. APOLOGIES

The committee was complete.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None.

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE HELD ON 13 APRIL 2011

RESOLUTION

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 13 April 2011 are approved and signed by the Mayor.

4.2 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 19 APRIL 2011

That the minutes of a Special Executive Mayor's Committee Meeting held on 19 April 2011 are approved and signed by the Mayor.

4.3 MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 29 APRIL 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 29 APRIL 2011

5.1.1 ADMINISTRATION AND FINANCES

RESOLUTION

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

5.1.3 DEVELOPMENT AND SAFETY AND SECURITY SERVICES

RESOLUTION

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

6. MATTERS ARISING FROM THE MINUTES

None

7. QUARTERLY REPORT WITH RESPECT TO JANUARY TO MARCH 2011, INCLUDING THE MONTHLY REPORT FOR MARCH 2011 FOR THE VARIOUS DIRECTORATES

7.1 MUNICIPAL MANAGER (7/1/2/2-7)

RESOLUTION

That note is taken of the quarterly report (including the March 2011 monthly report) from the Municipal Manager for January to March 2011.

7.2 FINANCIAL SERVICES (7/1/2/2-2)

RESOLUTION

That note is taken of the quarterly report (including the March 2011 monthly report) from the Directorate Financial Services for January to March 2011.

7.3 CORPORATE SERVICES (7/1/2/2-1)

RESOLUTION

That note is taken of the quarterly report (including the March 2011 monthly report) from the Directorate Corporate Services for January to March 2011.

7.4 CIVIL ENGINEERING SERVICES (7/1/2/2-4)**RESOLUTION**

That note is taken of the quarterly report (including the March 2011 monthly report) of the Directorate Civil Engineering Services for January to March 2011, and the following points were emphasised by the Director: Civil Engineering Services –

- (a) that the number of incidents reported from Darling show that the infrastructure in the town is ageing and the upgrade thereof must be addressed in future budgets;
- (b) that the water storage capacity for Darling must be increased;
- (c) that the information obtained from the incident programme with respect to the service delivered by the sewerage suction truck can be used to indicate which persons make use of the service, although they can be coupled to a formal sewerage system and that a mechanism must be developed to force these persons to connect to the formal system.

7.5 ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)**RESOLUTION**

That note is taken of the quarterly report (including the March 2011 monthly report) from the Directorate Electrical Engineering Services for January to March 2011.

7.6 SAFETY AND SECURITY SERVICES (7/1/2/2-3)**7.6.1 MUNICIPAL POLICE SERVICES (7/1/2/2-3)****7.6.2 FIRE SERVICES (7/1/2/2-3)****RESOLUTION**

That note is taken of the quarterly report (including the March 2011 monthly report) from the Directorate Safety and Security Services for January to March 2011, including the monthly reports from the Municipal police Services and Fire Services for March 2011.

7.7 DEVELOPMENT SERVICES (7/1/2/2-5)**RESOLUTION**

That note is taken of the quarterly report (including the March 2011 monthly report) from the Directorate Development Services for January to March 2011.

8. NEW MATTERS**8.1 SUBMISSION OF THE 2011/2012 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) AND PERFORMANCE AGREEMENTS (2/1/4/4/1)**

The purpose of the SDBIP is to support the municipal management in service delivery goals, as well as spending of the capital budget within the specified time frame.

The performance agreements of the Municipal Manager and the senior managers directly responsible to the Municipal Manager must be drawn up annually and linked to the SDBIP.

The Municipal Manager dealt with the various documents.

RESOLUTION

- (a) That the 2011/2012 service delivery and budget implementation plan (SDBIP) is approved in terms of article 53 of the Municipal Financial Management Act (Act 56 of 2003);

8.1/...

- (b) That note is taken of the performance agreements of the Municipal Manger and directors for the 2011/2012 financial year, and are approved accordingly;
- (c) That note is taken that within 10 working days of this approval the above mentioned SDBIP and performance agreements are made public in accordance with article 53(3) of the MFMA and Regulations 19 and 20(2)(b) of the *Budget and Reporting Regulations 2009* and submitted to the National Treasury and the relevant Provincial Treasury.

8.2 MANDATE TO THE MUNICIPAL AUDIT COMMITTEE (5/15/1/3)

Maintaining an audit committee is a requirement laid down by the Municipal Management Financial Act (MFMA) and acts as an independent advisory body to the municipality;

Guidelines for members of the audit committee were drawn up to make members aware of their duties and responsibilities.

RESOLUTION

That the Guidelines for the Audit Committee are approved for acceptance by the members of the Audit Committee in order to make them aware of their duties and responsibilities.

8.3 WRITE-OFF OF BAD DEBT: DESTITUTE HOUSEHOLDS, MARCH 2011 (5/7/1/1)

A list of users receiving Equitable Share from the Council, but who still owe money which could not be collected despite steps taken by the Credit Management Division, was workshopped with members of the Executive Mayor's Committee and was presented for write-off.

RESOLUTION

- (a) That the Executive Mayor's Committee approves the write-off of an amount of R125 665,15 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 alienated in any way, 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 actual amount written off after this presentation is again presented to the Executive Mayor's Committee at their next meeting;
- (f) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner
- (g) That the/...

8.3/...

- (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.

8.4 WRITE-OFF OF BAD DEBT: ORDINARY DEBT, MARCH 2011 (5/7/1/1)

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

RESOLUTION

- (a) That the Executive Mayor’s Committee approves the write off of the amount of R50 962,00 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 alienated in any way, 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 any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.

8.5 OUTSTANDING DEBTS: APRIL 2011 (5/7/1/1)

A complete list of outstanding debtors was circulated with the agenda.

RESOLUTION

That the report, with respect to outstanding debts for the month of April 2011, is noted.

8.6 OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with the Council’s Asset Management Policy outstanding insurance claims must be reported every month.

RESOLUTION

That note is taken of the outstanding insurance claims circulated with the agenda.

8.7 SAMWU: PLANNED NATIONAL STRIKE (4/9/2/R)

A circular was received from SALGA with respect to the planned SAMWU strike.

There is uncertainty as to whether the strike will take place, but the Municipal Manager emphasised that it would be an unprotected strike and that therefore steps would be taken against employees who took part.

RESOLUTION

That the contents of the SALGA Circular 18/2011 with respect to the planned SAMWU strike are noted, and that the instructions in the above mentioned circular will be carried out.

8.8 PROPOSED AMENDMENT TO SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)

As of 1 January 2006 the Council implemented a Supply Chain Management Policy to regulate the purchase of goods and services.

The proposed amendments recommended at management level were presented by the Municipal Manager.

RESOLUTION

- (a) That the proposed amendment to paragraphs 2, 13 and 26 of the Supply Chain Management Policy, as well as the amended delegations, are approved with immediate effect;
- (b) That emerging contractors find it difficult to fulfil the requirement for a tax clearance certificate for tenders above R30 000,00 and that this condition will be taken up with the National Treasury.

8.9 POLICY CONDITIONS WITH RESPECT TO HIRING HALLS (17/9/B)

The policy with respect to the hiring halls must be reviewed annually, but at present there is no need to introduce any amendments.

RESOLUTION

That the Council's policy with respect to the hiring of halls, circulated with the agenda, remains unchanged and will again be reviewed in 12 months time.

8.10 PROPOSALS WITH RESPECT TO THE ALIENATION OF ERF 106, RIEBEEK WEST (13/4/3/4)

Erf 106, situated on c/r Church and Riebeek Streets, Riebeek West housed a school 18 years ago, but has since been empty and unused. Erf 106 has a municipal valuation of R912 000,00 and is the property of the Department of Public Works.

The buildings are badly damaged and in 2010 an attempt was made to institute legal proceedings, in accordance with the relevant regulations, to force the Department to upgrade the property because the condition of the buildings is an anathema to the residential area in which the property is situated.

The *Nexus Academy of Music (United Kingdom)* recently made a presentation to Province to buy the property to operate a Music Academy.

Discussions took place on 18 April between representatives of *Nexus Academy* and the Department of Public Works, during which the Swartland Municipality acted as a mediator. Various options with respect to alienation or leasing of the property were discussed.

8.10/...

RESOLUTION

- (a) That the Executive Mayor's Committee, on behalf of the Council, expresses its support for the direct alienation of erf 106, Riebeek West by the Department of Public Works to the *Nexus Academy of Music*;
- (b) That the Municipality supports the *Nexus Academy* and submits a supporting application to the Department recommending that erf 106, Riebeek West is alienated to *Nexus Academy of Music* at not more than the municipal valuation or at a nominal valuation to *Nexus Academy of Music*;
- (c) That in the submission to Province it will be emphasised that the Municipality holds the Department, as the owner, responsible for the condition of the premises and all the risks thereof, and – that if the property is not alienated or upgraded, the Council retains the right to take legal action in accordance with the relevant regulations pertaining to the demolition of existing buildings.

8.11 LEASE OF CAMP 6, DARLING (12/2/4-3/1)

A tender for the leasing of Camp 6, Darling for agricultural purposes was awarded to *Ebsa von Goldfus* from 1 July 2009.

The lessee requested the termination of the lease in writing on 26 October 2009 because he experienced extreme vandalism, theft and injury to the horses.

RESOLUTION

- (a) That the lease agreement with *Ebsa von Goldfus* for the hiring of Camp 6, Darling is terminated, backdated to 1 November 2009;
- (b) That the outstanding rental to date is written back;
- (c) That, pending discussions with respect to the planning of the development of GAP housing on the relevant portion of land, the hiring of Camp 6 is not put out for tender;
- (d) That the Management Team is requested to present recommendations for leasing/developing Camp 6, Darling to the Executive Mayor's Committee after the above mentioned discussions have taken place.

8.12 LEASE AGREEMENT: SWARTLAND MUNICIPALITY/MALMESBURY INFORMAL TRADERS ASSOCIATION (17/12/B)

The informal trading area in Bokomo Road has been leased to the Malmesbury Informal Traders Association since 2003. Initially the lease was for five years but the association requested that the contract be renewed on the same basis from 1 August 2008 for an amount of R912.00 per month.

It has since come to light that the lessee has not honoured the payment of rental and as of 22 April 2011 owes the Council an accumulated amount of R24 573,85.

From discussion with mr Allie from the Traders Association it is clear that the latter's involvement in the area is vital and plays a positive role in the orderly management of the traders. If the Council cancels the contract it will place a heavy burden on the Municipal Police to manage the area.

RESOLUTION/...

8.12/...

RESOLUTION

That the representation on and the functioning of the Informal Traders Association is investigated, before any new lease agreement with the association is considered.

8.13 MINUTES OF A LABOUR RELATIONS FORUM MEETING HELD ON 14 APRIL 2011 (11/1/3/1/1/3)

The minutes of the above mentioned Labour Relations Forum Meeting were circulated with the agenda.

RESOLUTION

That note is taken of the contents of the minutes of the Labour Relations Forum Meeting held on 14 April 2011.

8.14 (A) EXCHANGE STUDENT FOR GERMANY; (B) SONDEZA CAMP; (C) FINANCING THE PROJECT (17/2/2/1)

A full report was presented with respect to selecting a South African exchange student to undergo practical training in 2011 at the Kiev Campus in Germany as part of the co-operation agreement with Sachsen-Anhalt. Mr T I Basson was appointed on 11 January 2011 by the appointment committee attended by mr C Hunzinger of the Sondesa Initiative.

The report also contained feedback from ms T Beck with respect to her experience in Germany as the 2010 exchange student to the Kiev Campus.

The report attached to the agenda also contained an evaluation report on the 2010 Sondesa Afri-Youth Camp, progress with respect to the award of the Sondesa/Absa bursary and the proposed dates for the 2011 camp.

RESOLUTION**(A) EXCHANGE STUDENT, GERMANY:****(1) Practical training on the Kiev Campus, Germany 2011**

- (a) That note is taken that T Basson is being sent as an exchange student to Germany and that his air ticket cost R6 723,48;
- (b) That he was employed at the Tourism Office at R75,00 per day before his departure for Germany.

(2) Completion of 1 year service in Germany by a SA student in 2010, T Beck

That T Beck will work in the International Exchange Office from 1 January to 31 December 2011 on post level 14, namely a remuneration of R53 592,00 per annum.

(B) SONDEZA CAMP:**(1) 2010 Evaluation Report**

That the report is noted.

(2) Sondeza/Absa study bursary

That it is noted that the bursary may be awarded after June 2011.

(3) Approval of dates 2 to 11 December 2011

- (a) That the camp will take place from 2 to 11 December 2011 and that the proposed date will be confirmed with the Department of Education;

8.14/...

- (b) That the Ganzekraal camping ground has already been booked and the necessary application made to the West Coast District Municipality.

(C) FINANCING

- (a) That the anticipated expense as detailed in paragraph 2 of the report, namely R22 548,00 is allocated to budget item no. 05-08-52-00-1532 (External Affairs), (the shortfall of R18 936,44 will be financed by contra from the Corporate Services' operating budget);
- (b) That, with respect to Eurocamp which takes place in Germany in July 2011, as in the past, the provision of municipal overalls to the 12 Swartland learners attending the camp is approved and debited to budget item no. 05-30-52-00-3740 (Afri-Youth Camp).

8.15 DEVELOPMENT OF "CITY TO WEST COAST CULTURE AND TOURISM HERITAGE" ROUTE (9/1/3/2)

The three landmarks which will be part of this, and for which permission has been obtained from the Department of Economic Development and Tourism, are -

- (1) !Kwa ttu Culture on the West Coast Road;
- (2) West Coast Fossil Park in Langebaan; and
- (3) Living Landscape (San-culture and rock art) in Clanwilliam.

The Department will provide funds and personnel to develop and market the routes, as well as present workshops for producers to assist them in getting their products to a marketable standard.

RESOLUTION

That note is taken of the "City to West Coast Culture and Tourism Heritage" routes, which will be developed by the Department of Economic Development and Tourism.

8.16 DEPARTURE WITH RESPECT TO THE PRESCRIBED PROCEDURE REGARDING THE APPOINTMENT OF JAN PALM CONSULTING ENGINEERS FOR THE MONITORING OF THE SWARTLAND SOLID WASTE FACILITY (16/4/2/1)

The requirements for the monitoring of solid waste facilities stipulated in the licenses issued by the Department of Environmental Affairs and Development Planning, which amongst other things stipulates that external monitoring must be used for the planning, evaluation and testing of runoff and ground water, etc.

Jan Palm Consulting Engineers have carried out this monitoring for the Swartland Municipality for the past 16 years and are valued as service providers.

RESOLUTION

- (a) That Jan Palm Consulting Engineers are appointed for monitoring the Swartland Municipality's solid waste dump for a period of 3 years from 1 July 2011 to 31 June 2014;
- (b) That there is departure from the prescribed policy for the appointment of *Jan Palm Consulting Engineers* for the following reason:
- (i) *Jan Palm Consulting Engineers* have been of service to the Swartland Municipality for the past 16 years with respect to planning and monitoring of solid waste disposal matters and in view of practicality and implementation reasons, continuation with the relevant firm is recommended.

8.16/...

- (c) That the quotation of ECSA tariffs minus 15% for time and price is approved and that budget item no. 65-74-52-00-0892 (Audit: Dumping Sites) is used and as budgeted.
- (d) That the Manager: Financial Statements and Management notes the above mentioned reason, in accordance with the conditions of the Supply Chain Management Policy, in the relevant financial statements when they are drawn up.

8.17 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS FOR RENOVATIONS TO THE MOORREESBURG SEWERAGE WORKS BIOFILTER (16/3/1/5)

A Biofilter is an important component in the purifying process in sewerage plants and the purification process is severely limited when the biofilter is not functioning properly. Sewerage is therefore not treated properly and a sub-standard effluent, which does not comply with the law, is produced.

The biofilter at the Moorreesburg Sewerage Works broke down on 25 November 2010 when the arms, which spray the sewerage over the stone media, broke off. A service provider was immediately instructed to go ahead with repair work. During repairs it was discovered that the rotation mechanism was also broken and had to be completely rebuilt.

RESOLUTION

- (a) That the prescribed procurement process was deviated from for the repair of the pump for an amount of R122 250,00 (VAT excluded) and for the following reason:
 - (i) That the repair work was carried out as a matter of urgency because the biofilter is an important component in the Moorreesburg Sewerage Works and that the sewerage works cannot treat sewerage effectively without the biofilter;
- (b) That note is taken that for the above mentioned reasons the Municipal Manager approved the repair work;
- (c) That the Manager: Financial Statements and Management notes the above mentioned reason, in accordance with the conditions of the Supply Chain Management Policy, in the relevant financial statements when they are drawn up.

8.18 DEVIATION OF HEAVY VEHICLES DURING THE UPGRADING OF MAIN ROAD 25, PIET RETIEF STREET, MALMESBURY (16/5/5/1)

The Department of Transport and Public Works has undertaken to upgrade a portion of Main Road 25 during the 2011/2012 financial year, which includes about 800m of Piet Retief Street.

During construction portions of the road within the urban edge will be closed to traffic, with the portion between Rainier and Amandelrug Streets being closed completely for 6 to 8 weeks.

The Director: Civil Engineering Services has therefore submitted proposals for the separation of the movement of both light and heavy vehicles between Voortrekker and Piet Retief Streets.

RESOLUTION

- (a) That the proposed temporary routes indicated on the sketch plan are approved in principle by the Executive Mayor's Committee;
- (b) That the/...

8.18/...

- (c) That the Executive Mayor, the ward committee member from Ward 8 and the responsible Executive Mayor's Committee member are appointed to facilitate the project together with the relevant municipal officials;
- (d) That the temporary routes are communicated to the public through the press and other notices.

8.19 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS FOR THE PURCHASE OF ELECTRICAL SWITCH GEAR (15/3/B)

The high tension ring main unit from the Prospect Street mini-substation in Dalsig failed when one of the cable terminations blew up. The electricity provision could be temporarily restored via an alternative supply.

The relevant circuit could not be switched on again and suppliers were requested, on an urgent basis, to replace the damaged equipment.

RESOLUTION

- (a) That the departure from the prescribed procurement process is condoned for the purchase of a high tension unit from *Power Transformers* for an amount of R35 450,00 (VAT excluded) in order to cope with the emergency;
- (b) That, in terms of the Supply Chain Management Policy, the matter together with reasons will be noted in the relevant financial statements.

8.20 SWARTLAND MUNICIPAL POLICE SERVICES: QUARTERLY REPORT FOR JANUARY TO MARCH 2011 (7/1/2/2-3)

The quarterly report from the municipal police services was drawn up in terms of the legal requirements and must be submitted to the Provincial Minister of Community Safety and Security as well as to the Provincial Commissioner of the SAPS, Western Cape.

RESOLUTION

That the quarterly report for the period January to March 2011 of the Swartland Municipal Police is approved.

8.21 AMENDMENTS TO THE HOUSING PLAN (17/4/2/B)

The housing plan was approved by the Executive Mayor's Committee on 18 August 2010.

The plan was brought into line with the Spatial Development Framework, as well as the IDP and certain amendments made.

The purpose of the plan is to share with the role players the municipality's long term strategy for the provision of housing.

RESOLUTION

- (a) That the amended Housing Plan (*Human Settlement Plan*) with specific reference to planned future low cost housing projects is approved;
- (b) That the execution of the projects proposed in the plan are subject to the availability of funds and bulk services in the relevant towns.

8.22 TENDER: IMPLEMENTATION OF GENERAL VALUATIONS FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2012, M3 AND ASSOCIATES (8/2/2/1)

In the report circulated with the agenda the inability of *M3 and Associates* to deliver up to date records of valuations already carried out was covered in detail. The company was appointed on 12 September 2006 do the general and supplementary valuations for the period 1 July 2008 to 30 June 2012. The tender contract specified clearly that all the data collected and/or used during the drawing up of valuations and maintenance of the valuation rolls and the supplementary valuation rolls is the property of the Municipality.

Tenders were called during February/March for the appointment of a valuator for the next round of valuations, namely from 1 July 2012 to 30 June 2016. The successful tenderer was *South Cape Valuators (SKW)* and the latter need the records to start the process.

RESOLUTION

- (a) That note is taken of the incomplete records received from *M3 and Associates*;
- (b) That note is taken that legal proceedings have been instigated against *M3 and Associates*, in order to claim the additional costs which SKW incurred to make the target date of 1 July 2012;
- (c) That note is taken of the additional costs for the re-measuring of property as follows :-
 - (i) RDP houses – R30.00/property
 - (ii) RDP with additions – R30.00/property
 - (iii) Residences (E/Res) – R100.00/property
 - (iv) Businesses/local – R200.00/property
 - (v) Other (cellars/schools etc) – R500.00/property
- (d) That the Municipal Manager (or his deputy) is authorised, in conjunction with the Council's legal advisors, to make a decision with respect to terminating the contract with *M3 and Associates*, whether in accordance with the previous agreement or not, as well as the recovery of costs from *M3 and Associates* for damages;
- (e) That, based on the information in this report, the supporting documents and the possible termination of the contract with *M3 and Associates* due to the above mentioned inadequate information and legal proceedings, notice is to be taken that the TAC and the Municipal Manager must consider the following:
 - (i) that the tender from SKW is extended to include the additional work;
 - (ii) that SCV handle the remaining supplementary valuations from *M3 and Associates's* contract up to 30 June 1012;
 - (iii) that any payments already made to SKW for the additional work carried out are approved;

That note is taken that, if the extension of the contract with SKW – in accordance with the decision of the TAC and the Municipal Manager (and the damages which may not be resolved immediately) – results in over-expenditure on the relevant budget item, the shortfall must be corrected by means of an budget adjustment.

8.23 PROPOSED REZONING, CONSENT USE AND DEPARTURE ON ERF 1481, RIEBEEK KASTEEL (15/3/3-11, 15/3/4-11, 5/3/10-11)

This application was referred back by the Executive Mayor's Committee on 9 February 2011 in order to allow the Department of Civil Engineering the opportunity to clarify the availability of services for the development, but the latter's comment on the original application remains unchanged.

8.23/...

An application is therefore presented for the rezoning of erf 481 (1159m² in extent) situated on c/r Church and Booyesen Street, Riebeeek Kasteel from residential zone I to business zone II in order to erect 8 offices/shops at ground level and 4 flats on the first floor.

The application includes a request for consent use to establish 4 flats on the first floor, as well as offices.

Application has also been made for departure from the 8m street building line (Church Street) to 5m, the 8m street building line (Booyesen Street) to 6m, as well as the 4m side building line (northern boundary) to 2m.

RESOLUTION

A That the application for the rezoning of erf 481 (1159m² in extent) situated on c/r Church and Booyesen Street, Riebeeek Kasteel from residential zone I to business zone II in order to erect 8 offices/shops and 4 flats 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 the Director: Development Services for consideration;
- (b) that the proposed building compliments the character of Riebeeek Kasteel;
- (c) that 19 on-site parking bays are provided in accordance with paragraph A4(a);
- (d) that any application for advertising signs is submitted to the Director: Development Services for consideration;

A2 WATER

- (a) that the proposed flats are provided with only one water connection of no more than 40mm;

A3 SEWERAGE

- (a) that the proposed development makes use of the existing sewerage connection;
- (b) that at present there is not sufficient capacity available at the Riebeeek Kasteel sewerage works to provide the development with sewerage services. Short term solutions will be investigated in an attempt to provide the capacity. The long term solution is to extend the sewerage works. This process is already underway and it is envisaged that the upgraded sewerage works will be in operation by 2013. In event that short term solutions are not possible, and the proposed development can only be provided with sewerage services once the purification capacity is increased;

A4 ROADS AND STORM WATER

- (a) that the parking area, together with the pathways leading to the development must be built to standard with a permanent dust free surface of either tar, concrete or paving or any other material approved by the Swartland Municipality and that the parking bays are clearly marked;
- (b) that the storm water drain traversing the plot must be formalised;
- (c) that the owner/developer appoints a professional person registered in terms of Act 46 of 2000 for the design of the storm water system and the parking area;

8.23/...

- (d) that the design is submitted to the Director: Civil Engineering Services for approval and that construction work is carried out under his supervision;

A5 REFUSE REMOVAL

- (a) that the basic refuse removal is levied on each residential unit;
- (b) that the refuse removal tariff for businesses is levied according to the amount of refuse to be removed;
- (c) that a built refuse area with clean running water and drainage for dirty water to the sewerage system is provided and that the area is accessible to a refuse removal truck, but not accessible to animals and undesirable elements;

A6 ESKOM

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

A7 CAPITAL CONTRIBUTIONS

- (a) that the owner/developer takes note of the capital contribution with respect to bulk water supply which is calculated by the West Coast District Municipality at R7 716,66 (VAT inclusive) per kiloliter annual average daily demand (R7 716,66/kl AADD) per newly created unit (a total of R23 149,98). This capital contribution is payable to the Swartland Municipality at building plan stage. The amount is valid for the 2010/2011 financial year and may be revised there after and is payable to budget item no. 50-80-75-72-7710;
- (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 R 21 831,00) is payable to this municipality at building plan stage. This amount is payable to budget item no. 77-92-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;
- (c) that the fixed capital contribution with respect to bulk sewerage services to the amount of R3 600,00 per newly created unit (a total of R10 800,00) is payable to this municipality at building plan stage. This amount is payable to budget item no. 59-76-86-00-6200 and is valid for the 2010/2011 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 is payable to this municipality at building plan stage. This amount is payable to budget item no. 71-82-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;

A8 GENERAL

- (a) that, if extensions to the existing distribution networks are necessary to supply the proposed development with service connections, the relevant costs will be to the account of the owner/developer;

A9 DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

- (a) that in accordance with article 17 of Ordinance 15 of 1975 there is a statutory 5m building line applicable along Main Road 227;

8.23/...

- (b) that curb stones are provided along the common boundary of Main Road 227 and erf 1481 in order to prevent direct access from the erf to Main Road 227;
 - (c) that 2 parking bays are provided per flat and 4 parking bays per 100m² coverage for shops according to the *Road Access Guidelines* from the Department of Transport and Public Works;
 - (d) that access to erf 1481 is from Booyesen Street at a distance of no less than 20m from the Booyesen Street/Main Road 227 intersection;
 - (e) that no new entrances may be built or existing entrances changed without the prior consent of the Department of Transport and Public Works;
- B That the application for consent use in order to erect 4 flats, as well as the option to use the shops as offices is approved in accordance with article 4.7 of the zoning scheme regulations applicable to Riebeek Kasteel.
- C That the application for departure to relax the 8m street building line (Church Street) to 5m, the 8m street building line (Booyesen Street) to 6m as well as the 4m side building line (northern boundary) to 2m is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

8.24 PROPOSED REZONING OF A PORTION OF FARM LANGEKLOOF NO. 701, DIVISION MALMESBURY (15/3/3-15)

An application has been received for the rezoning of a portion of the farm Langekloof No. 701, ±42 ha in extent from agricultural zone I to industrial zone III in order to operate a granite mine.

The Executive Mayor inquired if the applicant, namely Hugo Louw Family Trust and the appellants in the “Elsana” Appeal Court are one and the same, after which the Municipal Manager named the six appellants in the appeal case.

The Executive Mayor’s Committee acknowledged that they are obliged, in accordance with the workings of the WC015 (Swartland Municipality) and in accordance with delegated authority, to handle a rezoning application tabled by the administration, but is unsure if the case – rezoning – which is also presently to be heard in the Appeal Court is sub-judice or not.

The Municipal Manager confirmed that he was uncertain. The Executive Mayor (including the members of the Executive Mayor’s committee and the Management Team) was unsure as to whether the consideration and decision making with respect to the rezoning application would compromise the appeal case, or not, because on the one hand a decision must be made on the rezoning which was administratively and procedurally pursued, whilst on the other hand the Swartland Municipality’s competence to make a decision, is questioned by the Appeal Court.

IT WAS THEREFORE DECIDED

- (a) That, looking at the matter conservatively and in terms of the above mentioned context the audi altarem partem rule is applied and the rezoning applicant (who according to the Swartland Municipality are one and the same as the appellants in the appeal case) is asked what their position is with respect to the matter;
- (b) That the administration is also requested, in consultation with the applicant, to make public the permit conditions laid down by the Department of Mineral Resources, in accordance with the “Social & Labour” plan, including compliance and time frames so that the onus on the permit holder is transparent, and compliance can be monitored;

8.24/...

- (c) That the sixth appellant, namely the Minister of Mineral Resources is notified accordingly and that feedback from appellants one to five, as well as appellant six is awaited before a decision with respect to the rezoning is made.

8.25 DEPARTURE: ERF 2056, DARLING (15/4/2-3)

A building plan application has been received for the erection of a carport on erf 2056 situated in Tuin Street Darling which encroaches on the 4m street building line to $\pm 1,5m$, as well as the 2m side building line (eastern boundary) to $\pm 1m$.

RESOLUTION

That the departure on erf 2056, Darling to relax the 4m street building line to $\pm 1,5m$, as well as the 2m side building line (eastern boundary) to $\pm 1m$ is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

8.26 PROPOSED REZONING AND DEPARTURE ON ERF 810, MALMESBURY (15/3/3-8, 15/3/4-8)

An application has been received for the rezoning of erf 810 (463m² in extent) situated in Duthie Street, Malmesbury from single residential zone to business zone in order to operate professional offices.

Application has also been made for departure from the 5m side building line (northern boundary) to 1m, the 1,5m side building line to 0m, as well as the non-provision of 3 on-site parking bays.

RESOLUTION

- A That the application for rezoning of erf 810 (463m² in extent) situated in Duthie Street, Malmesbury from single residential zone to business zone 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 building plans are submitted to the Director: Development Services for consideration if any additions or structures are to be erected;
- (b) that the business zoning is restricted to professional offices;
- (c) that the owner/developer notifies the Swartland Municipality in writing when all the conditions have been met;

A2 WATER

- (a) that no additional water connections will be provided;

A3 SEWERAGE

- (a) that no additional sewerage connections will be provided;

A4 ROADS AND STORM WATER

- (a) that the parking area is provided with a permanent dust free surface of either tar, concrete or paving or other material approved by the municipality, and that the parking bays are clearly marked;

A5 REFUSE REMOVAL

- (a) that the basic refuse removal tariff is levied for each individual business and that the tariff will be adjusted according to the amount of refuse to be removed;
- (b) that the refuse is placed in black plastic bags on the nearest municipal pavement on the morning of refuse removal;

A6 ELECTRICITY

(a) that the electricity tariff changes from residential to business;

B That the application for departure from the 5m side building line (northern boundary) to 1m, the 1,5m side building line to 0m, as well as the non-provision of 3 on-site parking bays is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985, subject to the following conditions:

- (a) that standard measures are taken for the capture and draining of rain water from the roofs to prevent the water from landing on adjacent properties;
- (b) that the owner/developer makes a financial contribution of R9 390,00 for the non-provision of 3 on-site parking bays.

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