



**MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 9 FEBRUARY 2011 AT 11:00**

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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

Clr A J Atkins

Ald N J A Rust

Clr A C Sedeman

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: Civil Engineering Services, mr A J Botha

Director: Electrical Engineering Services, mr R du Toit

Manager: Secretarial and Records, ms N Brand

**1. OPENING**

Clr W Wilskut opened the meeting with a prayer at the request of the chairman.

**2. APOLOGIES**

None

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

None

**4. MINUTES FOR APPROVAL**

**4.1 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 25 JANUARY 2011**

**RESOLUTION**

That the minutes of a Special Executive Mayor's Committee Meeting held on 25 January 2011 are approved and signed by the Mayor.

4.2/...

**4.2 MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 2 FEBRUARY 2011**  
*[Corrections held over as the prerogative of the various committees.]*

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

**5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 2 FEBRUARY 2011**

**5.1.1 ADMINISTRATION AND FINANCES**

**RESOLUTION**

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

**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.

**6. MATTERS ARISING FROM THE MINUTES**

**6.1 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 25 JANUARY 2011**

**(1) ITEM 6.16: PROPOSED LIFTING OF RESTRICTIONS: ERWEN 501, 502, 503 AND 504, YZERFONTEIN (15/3/3-14, 15/3/5-14, 15/3/10-14) (WARD 5)**

The Executive Mayor's Committee decided on 15 September 2010 not to recommend lifting restrictions to the Department of Environmental Affairs and Development Planning.

Swartland Municipality is in the process of revising the Spatial Development Plan (SDP) for all the towns in the municipal area and as a result of new information received from the applicants, which is compatible with the new SDP, the matter has again been tabled for consideration.

The item was referred back by the Executive Mayor's Committee on 25 January 2011 in order to give the ward committee of Ward 5 the opportunity to consider the new application and the committee has agreed with the recommendation, namely -

**RESOLUTION**

(a) That the application for the lifting of restrictive conditions C.3, C.6(a), C.6(b)(i), C.6(b)(ii) and C.6(c) contained in the title deeds T29649/2008, T29650/2008, T000029651/2008 and T29652/2008 is recommended to the Department of Environmental Affairs and Development Planning for approval.

(b) That all the objectors are notified accordingly.

**7. NEW MATTERS**

**7.1 ANNUAL GENERAL MEETING: CAPE COMMUNITY PENSION FUND (11/1/2/5)**

The twenty-seventh /...

7.1/...

The twenty-seventh Annual General Meeting of the Cape Community Pension Fund will be held on 20 May 2011.

In terms of the rules of the Fund the Swartland Municipality is entitled to send one member and one councillor to attend the meeting.

#### **RESOLUTION**

- (a) That note is taken that mr A Zaayman is nominated to represent the members at the Annual General Meeting of the Cape Community Pension Fund on 20 May 2011;
- (b) That ald A Johnson (alternate, clr W Wilskut) is nominated to represent the Council at the meeting.

#### **7.2 MUNICIPAL MANAGER: APPLICATION FOR LEAVE (4/83, P/)**

An application for leave from the Municipal Manager must be approved by the Executive Mayor in consultation with the Executive Mayor's Committee.

#### **RESOLUTION**

- (a) That the application for leave from the Municipal Manager from 17 March to 22 March 2011 (3 working days) is approved.
- (b) That the appointment of an acting Municipal Manager, in accordance with the delegated authority, will be made according to the availability of the directors.

#### **7.3 APPROVAL OF THE DRAFT 2011/2012 IDP (2/1/4/4/1)**

The final (4<sup>th</sup>) revision of the Integrated Development Plan (IDP) was presented in accordance with the Municipal Systems Act (Act 32 of 2000).

The Strategic Manager, mr L Fourie explained that the 2011/2012 IDP has been drawn up in accordance with the new 5 year IDP and already contains the twelve national outcomes adopted during the National Lekgotla held on 20 to 22 January 2010; the eleven provincial strategic goals of the Western Cape Provincial Government and the eight municipal outcomes determined during a strategic workshop held on 9 November 2010.

#### **RESOLUTION**

- (a) That the 2011/2012 draft IDP, including the ward plans for the various wards, is referred to the municipal council for approval after which further consultation and fine tuning will take place during March and April 2011;
- (b) That, at the request of the Municipal Manager, the 2011/2012 IDP refers to the updated copy of the growth potential study 2010, in order to include it in the new 3<sup>rd</sup> Generation IDP.

#### **7.4 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS: REPLACEMENT OF CONTRACT BETWEEN SWARTLAND MUNICIPALITY AND COPY TYPE (6/1/2/3)**

A contract with *Copy Type* was signed on 25 August 2005 for the lease of a photostat machine for a period of 60 months. The contract conditions stipulated a 90-day cancellation clause.

The notice period was not complied with and the contract was automatically renewed for a further 12 months. After discussions with *Copy Type* with respect to renewing the contract, a lease period of 36 months was agreed upon, which is financially much more beneficial to the Council.

7.4/...

**RESOLUTION**

- (a) That the departure from the prescribed procurement process to cancel the existing contact with *Copy Type*, and instead enter into a new agreement for provision of a photostat machine for 36 months at R598,70 per month, is approved as explained, and for the reasons indicated in the attachment to the report;
- (b) That the Manager, Financial Statements and Management, mr C Gerber is instructed, in terms of clause 36(2) of the Supply Chain Management Policy, to note the reasons mentioned in the financial statements when they are drawn up.

**7.5 SALE OF OBSOLETE ASSETS PER PUBLIC AUCTION (6/1/3)**

The obsolete assets, as presented with the agenda, will be offered for sale by public auction on 25 February 2011 in accordance with the Supply Chain Management Policy.

**RESOLUTION**

- (a) That the sale by public auction on 25 February 2011 of obsolete assets in the list circulated with the agenda, is approved;
- (b) That note is taken that the assets comply with at least one of the criteria stated in the Asset Management Policy, namely -
  - (i) the useful life of the asset has expired;
  - (ii) the asset is destroyed or too old;
  - (iii) it is uneconomical to repair the asset;
  - (iv) the asset is irreparable.

**7.6 OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

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

**RESOLUTION**

That the position with respect to outstanding insurance, claims circulated with agenda, are noted.

**7.7 SWAPPING OF SEWERAGE CAPACITY WITH RESPECT TO CLEARANCE FOR ERF 2407 (PORTION OF ERF 489) AND PORTION OF SUBDIVIDED ERF 1451, RIEBEEK KASTEEL (15/3/6-11, 15/3/3-11) (WARD 3)**

With respect to the swapping of sewerage capacity in order to get clearance from the Swartland Municipality there are two developments involved, namely

- (1) portion of erf 489 (erf 2047), Riebeek Kasteel in order to create 10 residential portions which vary between  $\pm 800\text{m}^2$  and  $1236\text{m}^2$  and a restant of  $\pm 9,6405\text{ha}$ . At the time of approval of this development on 11 November 2009 there was sufficient reserve sewerage capacity available at the Riebeek Kasteel sewerage works;
- (2) portion of erf 1451 in order to erect a house and horse stables and the subdivision into a restant ( $\pm 24,6\text{ha}$ ) and a portion A ( $\pm 1\text{ha}$ ). With the approval of this development on 8 December 2010 it was indicated that there was not sufficient sewerage capacity to accommodate the development and it was anticipated that the new sewerage works would only be operational in 2013.

RESOLUTION/...

7.7/...

**RESOLUTION**

That the swapping of the availability of sewerage services from erf 2074 (portion of erf 489) and portion A of the subdivided 1451, Riebeek Kasteel in order to allow the Swartland Municipality to give clearance on portion A of erf 1451 is approved.

**7.8 PROPOSED REZONING AND CONSENT USE ON PORTIONS 1, 2 AND 3 OF THE FARM BUFFELSFONTEIN, NO 453, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15) (WARD 5)**

At present Buffelsfontein Private Nature Reserve on portions 1, 2, and 3 of the Farm Buffelsfontein No. 453, Division Malmesbury is being operated without the necessary land usage approval.

A Record of Decision (ROD) was received from the Department of Environmental Affairs and Development Planning with the necessary environmental approval for upgrading the nature reserve and the development of 15 accommodation units on 18 June 2004.

The proposed rezoning was approved by the Executive Mayor's Committee on 15 September 2010, subject to the completion of the pre-arranged conditions. Now that all the conditions have been met, but with reference to comment from the Department of Agriculture, portion 3 of the farm Buffelsfontein has been excluded from the application and the coverage of the proposed rezoning reduced to ±4,1ha and therefore approval is again sought.

**RESOLUTION**

A That the rezoning of portions 1 and 2 of the farm Buffelsfontein No. 453, Division Malmesbury from agricultural zone I to resort zone I in order to formalise the existing and proposed accommodation facilities as well as related facilities, 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 for all related structures (new and altered structures) are submitted to the Director: Development Services for consideration within 60 days of the approval letter;
- (b) that the proposed building work compliments the character of the West Coast area;
- (c) that the resort zone is limited to 4,1 ha as presented in this application;
- (d) that all the conditions laid down in the ROD dated 18 June 2004 by the Department of Environmental Affairs and Development Planning are complied with;

**A2 WATER**

- (a) that no municipal water will be available;
- (b) that the water usage is registered with the Department of Water Affairs and Forestry;

**A3 SEWERAGE**

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

**A4 ESKOM**

- (a) that, if as a result the proposed development any Eskom services need to be moved, the costs thereof will be to the account of the owner/developer;

7.8/...

- (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 electrical reticulation to the property;

**A5 REFUSE REMOVAL**

- (a) that an application is made in writing if any of the Swartland Municipal dumping sites will be utilised;

**A6 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 Main Road 77/1;
- (b) that in accordance with article 17 of Ordinance 19 of 1976 a statutory 5m building line is applicable along Main Road 77/1;
- (c) that no new entrances may be built or existing entrances changed without the approval of the Department of Transport and Public Works;
- (d) that the entrance gates, walls and gate guard's hut are erected within the building line restrictions and building line. The owner must immediately apply to the Department of Transport and Public Works for approval of structures, which encroach on the building restriction and building lines.
- (e) that approval for changing the wire fencing to game fencing must also be obtained from the Department of Transport and Public Works;

**A7 DEPARTMENT AGRICULTURE**

- (a) that the proposed units and facilities do not lead to the fragmentation of ownership of agricultural land and must not be in conflict with the objectives of the subdivision of agricultural land, Act 70 of 1970;
- (b) that the proposed units and facilities must be compact, inconspicuous and respect the rural architectural style and must be placed and managed in such a way that they do not impact negatively on agricultural and agri-tourism activities on the farm as well as on surrounding farms (eg. noise pollution, dust generation, product security);

**A8 DEPARTMENT OF WATER AFFAIRS AND FORESTRY**

- (a) that no surface or ground water resources are polluted by activities on the property. All the requirements of the National Water Act, 1998 (Act 36 of 1998) must be complied with at all times;
- (b) that all household waste is removed from the property and taken to a legal dump site in accordance with article 20 of the Environmental Protection Act (Act 73 of 1989);
- (c) that no new septic tanks or seepage drains are built in order to dispose of household sewerage. Conservation tanks are recommended which are not situated within the 100 year flood line or less than 100m from any water courses;

B That the application for consent use for a tourist facility, which includes the following, namely: restaurant, bar, office, conference hall, storerooms, and a swimming pool is approved in accordance with paragraph 4.7 of article 8 of the Zoning Scheme Regulations of Ordinance 15 of 1985, subject to the following conditions:

- (a) that application is made to the West Coast District Municipality for a competency certificate;
- (b) that application is made to the Swartland Municipality for a trading license.

**7.9 PROPOSED AMENDMENT TO APPROVAL CONDITIONS WITH RESPECT TO REZONING OF ERF 7424, MALMESBURY (15/3/3-8) (WARD 8)**

The rezoning of the relevant property from single residential zone to business zone, limited to professional office purposes, was approved on 22 August 2010.

The outbuildings on the property are at present used as a take-away restaurant and this is in conflict with the conditions of the rezoning process. An application has been received to amend the conditions in order to allow for the present business activity.

**RESOLUTION**

That the application for amending the rezoning condition (a) which limits the use of the property to professional offices as contained in the Council decision of 22 August 2010 with respect to the rezoning of erf 7424, situated in Rainier Street, Malmesbury, is approved in accordance with article 42(3)(a) of Ordinance 15 of 1985, and is amended as follows:

- (a) that the use of the property is limited to professional offices, excluding the existing outbuilding of  $\pm 30\text{m}^2$ .

**7.10 DEPARTURE: ERF 3815, MALMESBURY (15/4/2-8) (WARD 9)**

A building plan application has been received for renovations on erf 3815, Malmesbury which have already been completed and encroach on the street building line to 4m and the side building line to 0.9m.

**RESOLUTION**

That the application for departure from the 5m street building line to 4m and the side building line to 0.9m on erf 3815, Malmesbury, in order to accommodate a lounge on the ground floor and a bedroom on the first floor, is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

**7.11 OFFER FROM DEPARTMENT OF RURAL DEVELOPMENT AND LAND RESTITUTION FOR USE OF FARM LELIEBLOEM FOR COMMONAGE (17/2/B)**

A letter has been received from the Department of Rural Development and Land Restitution containing an offer to transfer portion 2 of the farm Leliebloem No. 536 (483.9969 ha) to the Swartland Municipality for use as commonage.

**RESOLUTION**

- (a) That the Executive Mayor's Committee accepts the offer from the Department of Rural Development and Land Restitution (DRDLR) for the free transfer of the farm Leliebloem to the Swartland Municipality, without any restrictions such as per lease contract or occupation thereof;
- (b) That the existing Darling Small Farmers who farm at present on camp H are re-established on the farm Leliebloem and that this matter will be negotiated with the Darling small farmers;
- (c) That the business plan with which Agri-Expert are at present busy is extended/modified to establish an economic farming unit on the farm Leliebloem and that the relevant costs are considered by the Municipal Manager;
- (d) That the Department of Agriculture is requested to reallocate the R2,4 Million granted as well as the promised R1,6 million to the farm Leliebloem;

7.11/...

- (e) That, arising here from, discussions with DRDLR's Clanwilliam Office will be arranged to make the farm Highlands available for the Malmesbury small farmers and the farm Klipdrift for the Riebeek Valley small farmers;
- (f) That note is taken that a Development and Management Plan should be submitted to DRDLR before transfer can take place and that negotiations will take place with the above mentioned department with respect to the appointment of Agri-Expert for the work and the relevant costs.

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