



**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 25 MAY 2017 AT 11:00**

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**PRESENT:**

Speaker, Cllr M Rangasamy  
Executive Mayor, Ald T van Essen  
Deputy Executive Mayor, Alw M S I Goliath

Bess, D G (DA)	Philander, D B (ANC)
Bekebu, Z (ANC)	Smit, N (DA)
Daniels, C (DA)	Sneewe, A M (ANC)
De Beer, J M (DA)	Solomons, P E (DA)
Fortuin, C B (DA)	Stanley, B J (DA)
Humphreys, F S (ANC)	Stemele, O M (DA)
Maart, E S M (DA)	Van der Westhuizen, R F (DA)
McQuire, V D (DA)	Van Zyl, M (DA)
Papers, C H (DA)	Zatu, N S (ANC)
Penxa, B J (ANC)	

Officials:

Municipal Manager, Mr J J Scholtz  
Director: Development Services, Mr J T Steenkamp  
Director: Financial Services, Mr M A C Bolton  
Director: Protection Services, Mr P A C Humphreys  
Director: Electrical Engineering Services, Mr R du Toit  
Director: Corporate Services, Ms M S Terblanche  
Director: Civil Engineering Services, Mr A J Botha  
Manager: Secretariat and Record Services, Ms N Brand

**1. OPENING**

The Speaker welcomed Pastor Arnold Alexander of the 7<sup>th</sup> Day Adventist Congregation, Malmesbury, and also the Executive Mayor, the Executive Deputy Mayor, councillors, officials and members of the public.

Pastor Alexander opened the meeting with scripture reading and prayer on request of the Speaker.

Cllr D B Philander requested the Speaker to allow for a minute of silence in condolences with the death of Cllr Boeta Josefus from Bergrivier Municipality.

*[Note: At the inquiry of Cllr D B Philander regarding the new camera, the Speaker mentioned that the camera was installed in the banqueting hall to ensure the safety of all persons attending the council meeting.]*

The Speaker congratulated all councillors and officials who had celebrated birthdays during May.

**2. APOLOGIES**

Apologies received from Cllr L E Mfutwana.

**3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/PRESENTATIONS**

None

#### 4. MINUTES FOR APPROVAL

##### 4.1 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 30 MARCH 2017

###### RESOLUTION

(proposed by Cllr M van Zyl, seconded by Cllr C B Fortuin)

That the minutes of a Special Council meeting held on 30 March 2017 be approved and signed by the Speaker.

##### 4.2 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 26 APRIL 2017

###### RESOLUTION

(proposed by Cllr M van Zyl, seconded by Cllr D B Fortuin)

That the minutes of an Ordinary Council meeting held on 26 April 2017 be approved and signed by the Speaker.

#### 5. REPORT WITH RESPECT TO DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR

###### RESOLUTION

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated power in the following minutes:

##### 5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 12 APRIL 2017

#### 6. REPORT WITH RESPECT TO DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER

###### RESOLUTION

That note is taken of the decisions made by the Municipal Manager in accordance with his delegated power in the following minutes:

##### 6.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 5 APRIL 2017

#### 7. MATTERS FOR DISCUSSION

##### 7.1 2017-2022 INTEGRATED DEVELOPMENT PLAN AND AREA PLANS (2/1/4/4/1)

The Speaker afforded the Executive Mayor the opportunity to present an overview of the activities of Swartland Municipality over the past few years. Ald van Essen provided information on the water crisis in the Western Cape, with specific reference to dam levels of the schemes supplying water to the Swartland, as well as City of Cape Town – which is at 10% lower than last year. Ald van Essen mentioned that the barrier at the inlet works to the Swartland Pumping Station will soon be removed to obtain access to additional 10% of useful water. Cognisance is taken of the information on the water losses and the Mayor's appeal that water pressure be reduced during peak times, especially during night, to reduce water losses in the cases of pipe leakage and pipe bursts.

The Executive Mayor also provided information on the upgrading of the N7 and access roads to Malmesbury West.

Ald van Essen also discussed best practices in the various departments, the average capital spending, income levels, statistics on the procurement of tenders and job opportunities created. The mayor concluded the review with the worrying fact that the cost of service backlogs is up to R906 050 000.

7.1/...

The Executive Mayor tabled the new 2017-2022 Integrated Development Plan (IDP) and emphasised the five strategic goals, as well as the new vision, mission and slogan.

The Speaker afforded the opportunity for councillors to comment on the presentation by the Executive Mayor. Cllr D B Philander thanked the Executive Mayor for the information provided and the earnestly – also referring to the inputs by the ANC, and further discussions to take place – that was exercised with the compiling of the new IDP.

Cllr Philander mentioned that the ANC do not opposed the implementation of the new IDP, but it is desirable that certain aspects on the transformation of communities (as mentioned in the inputs by the ANC) should be contained in the IDP, and therefore the ANC will not vote against the IDP and budget, but would rather abstain from voting.

*[Note: The Speaker urged councillors not to use their cell phones during council meetings, otherwise the Speaker will request the councillor concerned to leave the chambers.]*

The Speaker brought the matter to the vote, and it was decided (in the absence of one councillor) with sixteen councillors in favour and six councillors abstaining from voting.

## **RESOLUTION**

(proposed by Ald T van Essen, seconded by Alw M S I Goliath)

- (a) That the 2017-2022 Integrated Development Plan (IDP) for the Swartland municipal area, as well as the five Area Plans, be approved in terms of section 25(1) of the Municipal Systems Act No 32 of 2000;
- (b) That the legal process as prescribed in the Municipal Systems Act No 32 of 2000, Municipal Finance Management Act No 56 of 2003 and the Municipal Budget and Reporting Regulations, 2009, be completed after approval of the IDP by Council;
- (c) That discussions be held at an appropriate time with the Chief Whip of the ANC to agree on how their input can be accommodated in the most meaningful way in the first revision of the IDP (that already starts in September 2017).

## **7.2 APPROVAL OF THE MULTI-YEAR CAPITAL AND OPERATIONAL BUDGETS, AMENDED BUDGET RELATED POLICIES, PROPERTY TAX, TARIFFS AND OTHER CHARGES FOR THE 2017/2018, 2018/2019 AND 2019/2020 FINANCIAL YEARS (5/1/1/1-2017/2018, 5/1/1/2-2017/2018 and 5/1/4)**

The Executive Mayor, on request of the Speaker, tabled the amendments – due to unforeseen circumstances – to the budgets since March 2017.

Ald T van Essen, mentioned amongst others that due to the water crisis that is experienced at the moment – the phasing out of 4kl of free water to households will be discontinued, and no free water will be made available (excluding equitable share households that will still receive 6kl free water).

The Executive Mayor dealt with the levying of property taxes and tariffs on trade services and stated that an average increase of 4% to 10% in the service bill of an average household can be expected.

The Speaker allowed for councillors to respond to the Mayor's budget speech, and Cllr D B Philander mentioned that the water bill of poor households accommodating more than one household on a property – that do not qualify for equitable share – is becoming unaffordable, also keeping in mind that Level 3-water tariffs are levied due to the drought.

7.2/...

Cllr D B Philander urges Council to consider means to accommodate these households.

The approval of the multi-year capital- and operational budgets, amended budget related policies, levying of property tax, tariffs and other charges for 2017/2018, 2018/2019 and 2019/2020 were put to the vote and decided (in the absence of one councillor) with sixteen votes in favour, and six councillors abstaining from voting.

### RESOLUTION

(proposed by Ald T van Essen, seconded by Cllr P E Solomons)

- (a) That the input received from the Yzerfontein Residence Association (YRA) in respect of the Draft Budget be noted and that SM's appreciation for the input be conveyed to the YRA (**refer to Annexure F**);
- (b) That similarly management's comments to the inputs received from the YRA be noted and that Council maintain this as the formal view and response of Council insofar Section 23 of the MFMA is concerned, with the understanding that certain issues will be deliberated at a later stage;
- (c) That the comments from the Provincial Treasury and engagement that took place in this regard via the formalised LGMTEC process insofar that it relates to the Draft 2017-2018 to 2019-2020 MTREF be noted (**refer to Annexure G**);
- (d) That the multi-year capital and operating budgets in respect of the 2017/2018 - 2019/2020 financial years be approved as final;

	<b>Original Budget 2016/2017</b>	<b>Second Adj Budget 2016/2017</b>	<b>Original Budget 2017/2018</b>	<b>Original Budget 2018/2019</b>	<b>Original Budget 2019/2020</b>
Capital budget	R 74 689 669	R 81 428 433	R 81 242 586	R 79 995 064	R 84 275 813
Operating Expenditure	R 654 711 941	R 636 140 909	R 664 697 875	R 678 167 732	R 711 965 595
Operating Revenue	R 641 914 085	R 647 894 024	R 695 180 693	R 706 619 497	R 746 940 706
Budgeted Surplus/ (Deficit)	(R 12 797 856)	R 11 753 115	R 30 482 818	R 28 451 765	R 34 975 111
Capital Grants	- R 34 048 649	- R 35 348 649	- R 35 075 916	- R 30 037 000	-R 23 724 000
Surplus/ (Deficit)	-R 46 846 505	-R 23 595 534	- R 4 593 098	-R 1 585 235	R 11 251 111

- (e) That the proposed electricity tariffs as per the tariff file for the 2017/2018 financial year, be approved by Council, bearing in mind that it is still subject to NERSA's final approval;
- (f) That council approve the property rates tariffs, tariff structures and revised charges for water, electricity, refuse removal, sewerage and other sundry charges as set out in **Annexure A**, be approved by Council as final;
- (g) That, with reference to the proposed amendments to the Property Rates By-law and Property Rates Policy as dealt with elsewhere on the agenda, it be noted and approval be granted by Council that the phasing out of the differential rates applicable to the so-called 'geographical areas' of Jakkalsfontein, Grotto Bay and Riebeeck Valley in terms of the present By-law and Policy are to be terminated, and that the full rate applicable to residential properties as per the tariff listings, shall also be payable in respect of properties within these areas with effect from 1 July 2017, in order to comply with section 19(1)(a) of the Local Government: Municipal Property Rates Act, 2004 (as amended), which section prohibits the levying of differential rates on residential properties, except under specified circumstances;

7.2/...

- (h) That cognisance is taken and that the salary increases in respect of the Municipal Manager and Section 56-Managers ranging between 9.36% - 9.76% of which the latter is more or less in line with the increases of all other staff be approved by Council;
- (i) That the annual budget tables as required by the Budget and Reporting Regulations set out in **Annexure B**; be approved as final;
- (j) That cognisance is taken that the review of the budget policies and more specifically the material changes to the Virement Policy were in the main influenced by the implementation of mSCOA from 1 July 2017;
- (k) That the amendments to the Budget and Related Policies including the 7kl free water that changes to 6kl in the Indigent Policy as set out in Annexure C; be approved;
- (l) That the efforts made over and above the initiatives already implemented with regards to the MFMA Circular No. 82: Cost Containment Measures be noted in **Annexure D**;
- (m) That appropriate oversight mechanisms be implemented to monitor cost containment measures in order to comply with section 62 and 167 of the MFMA to ensure that reasonable steps are taken for public resources to be used effectively, efficiently, economically and in the best interests of the local community;
- (n) That cognisance is taken of the budgeted operating surpluses, the efforts to limit total expenditure growth to only 4,5% from the current to the new financial year, growth in revenue of only 5,2% in these hard economic times for the same period as well as the cash flow statement for the current as well as the next three financial years and more specifically the progress made in this regard;
  - the risk factor for cash coverage for operating expenses is **5.4 months** for 2017/2018, **5.5 months** for 2018/2019 and **5.8 months** for 2019/2020;
  - over the next three financial years the planning is such that the following operating surpluses are envisaged, 2017/2018 and amount of **R 30 482 818**, 2018/2019 an amount of **R 28 451 765** and 2019/2020 an amount of **R 34 975 111**;
- (o) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury.
- (p) That Council take note that the budget was also prepared in the mSCOA format as required by National Treasury.

### 7.3 SWARTLAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (15/1/4/1)

The purpose of the Swartland Municipal Spatial Development Framework (SDF) is to create a document that set out the necessary policy directives to guide spatial development – future growth, land development and land use planning – in the municipal area in a desirable and sustainable manner. Thereby, the creation and support of integrated, sustainable and liveable environments through the creation and support of socio-economic opportunities is ensured.

An intensive public participation process was followed since January to end of March 2017, which include the invitation to various provincial and national departments, as well as state owned companies and surrounding municipalities to comment on the SDF. The comments received, as well as the feedback thereon, were circulated with the agenda.

Ald T van Essen urged councillors to familiarised themselves with the content of both the IDP and SDF, with the invitation to councillors to submit any inputs/suggestions in improving the documents.

7.3/...

The Speaker – on inquiry by Cllr D B Philander regarding the tender process followed to appoint the consultants for the compilation of the SDF – requested that a workshop be held with councillors to explain the procurement processes.

The Speaker brought the matter to the vote, and it was decided (in the absence of one councillor) with sixteen councillors in favour and six councillors abstaining from voting.

#### **RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr O M Stemele)

That Council adopt the final concept of the Municipal Spatial Development Framework for the entire Swartland area of jurisdiction in terms of section 7(3) of the Land Use Planning By-Law (PN 7741 of 3 March 2017) subject to the following:

- (a) The Council resolution must within 14 days of decision making give notice of its decision in the media and Provincial Gazette;
- (b) Any stakeholder competing in the public participation process be informed of Council's decision and reaction;
- (c) All future development proposals be evaluated in accordance with the principles as set in the Municipal Spatial Development Framework;
- (d) Action plans within Municipal Spatial Development Framework annually be submitted via the IDP process for budgeting;
- (e) Special attempts be made annually to address action plans within the Municipal Spatial Development Framework.

*[Note: The Speaker adjourned the meeting for a five-minute break.]*

#### **7.4 APPROVAL OF THE INTEGRATED WASTE MANAGEMENT PLAN (IWMP) (16/4/B)**

*[Note: Cllr A M Sneewe is absent after the Speaker continued with the meeting.]*

The National Environmental Management Waste Act (Act 59 of 2008) determines that each local authority must have an Integrated Waste Management Plan (IWMP) that must be reviewed every five years.

The recommendations from the revision of the programme was contained in the report to the agenda and will be included in the IDP.

The Speaker brought the matter to the vote, and it was decided (in the absence of two councillors) with sixteen councillors in favour and five councillors abstaining from voting.

#### **RESOLUTION**

(proposed by Cllr C B Fortuin, seconded by Cllr D Bess)

That the Third Generation Integrated Waste Management Plan for Swartland Municipality be approved and made part of the new IDP, Strategic Outcome 4.

#### **7.5 KEY PERFORMANCE INDICATORS (KPI's) AND TARGETS FOR 2017/2018 (2/4/2)**

*[Note: Cllr A M Sneewe re-joined the meeting.]*

The Municipal Planning and Performance Management Regulations determine that a municipality must revise its key performance indicators (KPI's) annually, and the new IDP necessitated a thorough review thereof.

The draft KPI's and targets were tabled to Council on 30 March 2017 for in principle approval, after which a public participation process was followed.

7.5/...

The KPI's and targets for 2017/2018 was put to the vote and decided (in the absence of one councillor) with sixteen councillors in favour, and six councillors abstaining from voting.

#### **RESOLUTION**

(proposed by Cllr M van Zyl, seconded by Cllr R F van der Westhuizen)

That the attached key performance indicators (KPI's) and targets be approved.

#### **7.6 ADOPTION OF BY-LAWS RELATING TO (1) PROPERTY RATES, AS WELL AS PROPERTY RATES POLICY AND (2) CREDIT CONTROL AND DEBT COLLECTION (1/1)**

The draft by-laws were advertised for public comment after the in principal approval by Council on 30 March 2017. Comments were received from the Yzerfontein Resident's Association on the rebate on rates, but the comments are dealt with as part of the budget documentation.

The documents were therefore not amended since the drafts were tabled in March 2017.

The Speaker brought the matter to a vote and (in the absence of one councillor) it was –

#### **RESOLVED UNANIMOUSLY**

(proposed by Cllr C Daniels, seconded by Cllr C H Papers)

- (a) That the following by-laws be adopted by the Council, to take effect on date of promulgation in the Provincial Gazette:
  - Property Rates By-law;
  - Credit Control and Debt Collection By-law, including the Credit control and Debt Collection Policy as a schedule to same;
- (b) That the Property Rates Policy also be approved by Council, to take effect on the date on which the By-law takes effect.

#### **7.7 REVISION OF SYSTEM OF DELEGATIONS (2/5/1, 2/5/2)**

Section 59 of the Municipal Systems Act, 2000 determines that a municipal council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances.

The attached delegations serve as the 1st revision of the System of Delegations, since its adoption by the new Council in August 2016.

#### **RESOLUTION**

(proposed by Alw M S I Goliath, seconded by Cllr N Smit)

- (a) That the amendments to the System of Delegations as per Annexure A to the report be approved;
- (b) That cognizance be taken that no amendments were effected to the Section 53 Role Definition of political structures, political office bearers and the municipal manager, which document forms part of the System of Delegations.

#### **7.8 RECOMMENDATION OF FULL ORGANISATIONAL STRUCTURE FOR APPROVAL WITH EFFECT FROM 1 JULY 2017 TAKING INTO ACCOUNT AMENDMENTS TO PROTECTION SERVICES AND CORPORATE SERVICES (2/3)**

Section 66 of the Municipal Systems Amendment Act, 2011 determines that the organisational structure must be developed by the municipal manager but that it must be approved by the municipal council.

The amendments to the organisation structure are fully explained in the report to the agenda.

7.8/...

**RESOLUTION**

(proposed by Cllr M van Zyl, seconded by Cllr E S M Maart)

That Council, taking into consideration the recommendations of the Local Labour Forum and the Executive Mayoral Committee, approve the full organisational structure taking into account the amendments to the organisational structure with regard to Protection Services and Corporate Services for implementation with effect from 1 July 2017.

**7.9 ALLEGED BREACHES OF THE CODE OF CONDUCT FOR COUNCILLORS AND/OR BY-LAW RELATING TO THE RULES FOR THE CONDUCT OF MEETINGS (3/1/6)**

[Note: The involved councillors left the room, i.e. Cllrs F S Humphreys, B J Penxa, D B Philander and N S Zatu for the discussion of the item.]

The alleged breaches of the Code of Conduct for Councillors and/or the breaches of the By-law relating to the Rules for the Conduct of Meetings by Cllrs F S Humphreys, B J Penxa, D B Philander and N S Zatu were reported to Council on 26 January 2017.

The matter was referred to the Disciplinary Committee for further investigation. The Disciplinary Committee convened on 24 and 25 April in order to consider the allegations and to formulate findings – see attached to the report.

The matter is decided on by means of voting and (in the absence of five councillors) and concluded with sixteen councillors in favour thereof, and two councillors abstaining from voting.

**RESOLUTION**

(proposed by Cllr O M Stemele, seconded by Cllr M van Zyl)

- (a) That the disciplinary committee's findings and recommendations in respect of the hearings of Cllrs D B Philander (on two accounts), N S Zatu, B J Penxa and F S Humphreys held on 24 and 25 April 2017 be noted;
- (b) That the recommendations be confirmed / not confirmed;
- (c) That (*should the recommendations be confirmed*) the respective councillors be notified of the decision of council, and their right to appeal within 14 days of having been notified to the MEC for local government in writing;
- (d) That the MEC be notified of the findings;
- (e) That the disciplinary committee be mandated to set a date by when written apologies are to be tendered by Cllrs Philander, Zatu and Penxa, and to decide whether or not an apology, if tendered, is acceptable.

**7.10 STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST COUNCIL MEMBERS (3/B)**

At a meeting held 24 November 2016 Council approved the Standing Rules and Procedures with regard to Disciplinary Matters against Councillors. This policy document envisaged to established uniform rules and procedures for investigations and actions in terms of the Code of Conduct for Councillors, as well as the Swartland Municipality: By-law relating to the Rules for the Conduct of Meetings.

Following the recent disciplinary hearings against some councillors (as dealt with elsewhere in the agenda), advocate Jan Koekemoer whose services was obtained to provide legal assistance to the disciplinary committee, tendered his expertise to amend the standing rules and procedures with regard to disciplinary matters against Council members.

The recommendation before Councillors was put to the vote by the Speaker and decided (in the absence of one councillor) with sixteen councillors in favour and six councillors abstaining from voting.



7.10/...

**RESOLUTION**

(proposed by Alw M S I Goliath, seconded by Cllr E S M Maart)

That the Standing Rules and Procedures with regard to Disciplinary Matters against Council Members, as contained in Annexure A to the report, be adopted for implementation to replace the rules as approved on 26 November 2016.

**7.11 PROPOSED OUT-OF-HAND ALIENATION OF A PORTION OF ERF 327 MALMESBURY (12/2/5/2-8/5)**

[Note: Ald T van Essen and Cllr J M de Beer left the chambers for the discussion of the item due to their involvement with the ACVV.]

An application was brought by the ACVV Malmesbury to purchase a portion of erf 327 Malmesbury, ± 6823 m<sup>2</sup> in extent, for future extensions to the crèche facilities on erf 3756, but also – and more urgently – to erect an English Medium school on a portion of same (ages 3 to grade 7)

Cllr F S Humphreys required regarding the relevant policy applicable, as well as how the discount is calculated, and by whom, in other words who the decision making authority is in this regard.

The Director: Corporate Services explained that the discount is regulated by the By-law and accompanying Policy (Municipal Capital Transfer Asset Regulation, PG 7394 of 22 May 2015) and the Municipal Asset Transfer Regulations as promulgated in terms of the Municipal Finance Management Act, 2003 (GG 31346 of 22 August 2008).

Mentioned legislative frameworks stipulate that a discount of up to 20% of the municipal valuation may be granted, but it is the prerogative of the Council to determine the percentage discount. The percentage contained in the report is therefore only a recommendation for consideration by the Council.

Cllr D B Philander emphasised the importance of Cllr Humphreys' question as some of the NGO's supported by the Municipality by means of a discount or further financial contribution is corrupted, and it is important for Council to counter any corruption that may occurred.

**RESOLUTION**

(proposed by Cllr R F van der Westhuizen, seconded by Cllr N Smit)

- (a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for Portion A (6 823 m<sup>2</sup> in extent) of erf 327, Malmesbury to be alienated out-of-hand to the ACVV Malmesbury (the owner of erf 3756, Malmesbury) for consolidation with erf 3756, at R88 700,00, VAT exclusive;
- (b) That cognizance be taken that the aforementioned land, which at present still forms part of the municipal commonage, has at no stage been or is required for the provision of a minimum or any other level of basic municipal services;
- (c) That the following reasons be recorded for the out-of-hand alienation of the land concerned, and for not undergoing a competitive process:
  - (i) The ACVV as non-profitable institution – through its successful operation of the childcare facilities on erf 3756 – has historically and adequately proven that the institution has the ability and capacity to successfully develop and sustainably operate the property which stands to be sold;
  - (ii) A priority need (for childcare and education) in the community will be satisfied by making available land in this manner, and Council as such gives effect to its constitutional object to promote social development;
- (d) That the/...

7.11/...

- (d) That the purchaser shall be responsible for all costs ancillary and incidental to this transaction, including
- advertisement costs;
  - transfer costs;
  - costs i.r.o. the rezoning of the property (from undetermined zone to community zone 1), subdivision of same (from erf 327), possible closure, as well as survey costs and acquisition of the approved surveyor plans;
- (e) That the proposed transaction be advertised for public comments and/or objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections;
- (f) That before the intention is advertised, written confirmation being obtained from the applicant that the conditions as provided for in this report are agreed to.

## 7.12 PROPOSED ALIENATION OF PORTION ERF 499, RIEBEEK WEST TO DEPARTMENT PUBLIC WORKS FOR EXTENSIONS TO EXISTING CLINIC (12/2/B)

The Western Cape Government (Department Transport and Public Works) applied for the acquisition of a portion ( $\pm 550$  m<sup>2</sup> in extent) of erf 499, Riebeeck West for consolidation with their property, i.e. erf 1843, which accommodates the existing clinic in Riebeeck West. The land is required for future extensions to the clinic.

The Department indicated that the Western Cape Government is currently facing budget cuts and it would thus be appreciated if the Swartland will give consideration to transfer a portion of the property free of charge. However, the latter was notified that the Municipality is required in terms of the Municipal Finance Management Act, Act 56 of 2003, to dispose of immovable assets at not less than fair market value, which in this instance will be determined in terms of the present municipal valuation.

### RESOLUTION

(proposed by Cllr N Smit, seconded by Cllr D B Philander)

- (a) That cognizance be taken that erf 499, Riebeeck West is at no stage required for the provision of a minimum or any other level of basic municipal services;
- (b) That approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 for a portion ( $\pm 550$  m<sup>2</sup> in extent) of erf 499, Riebeeck West to be alienated and transferred out-of-hand to the Western Cape Department of Transport and Public Works for consolidation with erf 1843, in order to accommodate future extensions to the existing clinic;
- (c) That the selling-price be determined at R24 750,00, VAT excluded;
- (d) That the following conditions shall apply:
- (i) The purchaser shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the closing of the portion public open space, the rezoning and subdivision of same as well as consolidation with erf 1843;
  - (ii) Should it be necessary to reroute, replace and/or protect any above ground or sub-surface service or services, the full costs involved shall be for the purchaser's account;
  - (iii) The services of council attorneys be used to draft the deed of sale and to effect transfer to the purchaser;
  - (iv) The proposed development shall have to comply with the applicable land use parameters, and building plans are to be submitted to the Municipality in terms of the By-law relating to the Submission of Building Plans (PN 56818 dated 22 May 2015);

7.12/...

- (e) That the out-of-hand alienation of the property be advertised for public comment and – should any objections be received – the Executive Mayoral committee be authorized to deal with same and to finalise the transaction;
- (f) That before the intention is advertised, written confirmation be obtained from the applicant that the conditions as provided for in this report are agreed to;
- (g) That the Director: Corporate Services be authorized to finalise and sign the deed of sale.

**SIGNED:  
SPEAKER**