



KANTOOR VAN DIE MUNISIPALE BESTUURDER
BERGRIVIER MUNISIPALITEIT
POSBUS 60
PIKETBERG
7320

**NOTULE VAN DIE GEWONE RAADSVERGADERING GEHOU OP DINSDAG
24 JANUARIE 2017 OM 14:00 IN DIE RAADSAAL, MUNISIPALE KANTORE,
KERKSTRAAT, PIKETBERG**

TEENWOORDIG

LEDE VAN DIE VIERDE MUNISIPALE RAAD

Rdh. A de Vries	[DA]	-	Speaker
Rdh. EB Manuel	[DA]	-	Uitvoerende Burgemeester
Rdd. SM Crafford	[DA]	-	Uitvoerende Onderburgemeester
Rdh. RM van Rooy	[DA]		
Rdl. MA Wessels	[DA]		
Rdh. JJ Josephus	[DA]		
Rdl. J Daniels	[DA]		
Rdl. AJ du Plooy	[DA]		
Rdl. A Small	[DA]		
Rdh. J Swart	[ANC]		
Rdl. SR Claassen	[ANC]		
Rdl. SS Lesch	[ANC]		
Rdd. SIJ Smit	[ANC]		

AMPTENARE

Adv. H Linde	-	Munisipale Bestuurder
Mnr. JWA Kotzee	-	Direkteur Korporatiewe Dienste
Mnr. JA van Niekerk	-	Direkteur Finansiële Dienste
Mnr. H Kröhn	-	Direkteur Tegnieuse Dienste
Mev. JS Erasmus	-	Interne Ouditeur
Mev. A van Sittert	-	Bestuurder: Strategiese Dienste
Mnr. W Wagener	-	Bestuurder: Beplanning en Ontwikkeling
Mnr. NJ Scheepers	-	Hoof: Komitee en Sekretariële Dienste
Mev. CC Cloete	-	Senior Tikster
Mev. RR Fillis	-	Klerk: Komitee Dienste

AKSIE

RVN001/01/2017

OPENING EN VERWELKOMING

Raadsheer Josephus open die vergadering met gebed, waarna die Voorsitter almal verwelkom en voorspoed toewens vir die nuwe jaar.

RVN002/01/2017

AANSOEKE OM VERLOF TOT AFWESIGHEID

3/3/1/4

Geen



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RVN003/01/2017

VERKLARING VAN BELANGE INGEVOLGE SKEDULES 1 & 2 (GEDRAGSKODE VIR RAADSLEDE EN AMPTENARE)

3/3/1/6

Alle Raadslede verklaar dat hulle wel 'n kollektiewe belang het met betrekking tot item 015 in die agenda.

Die Amptenare verklaar individueel dat hulle geen persoonlike belange, met betrekking tot enige item in die agenda, het nie.

RVN004/01/2017

BEKRAGTIGING VAN NOTULE VAN GEWONE RAADSVERGADERING GEHOU OP DINSDAG 29 NOVEMBER 2016

3/3/2/2

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die notule van die Raadsvergadering gehou op Dinsdag 29 November 2016 bekragtig word onderhewig aan die onderstaande regstellings, naamlik:

Dat die paragraaf by item 012 soos volg lees:

Voorts versoek die Speaker die Munisipale Bestuurder om ondersoek in te stel rakende die tegniese feite rondom die aanstelling en indien daar enige regstellings moet wees, die Raad sodanig te adviseer.

RVN005/01/2017

IMPLEMENTERINGSVERSLAG VIR RAADSBESLUIE: TERUGVOER VANAF MUNISIPALE BESTUURDER EN DIREKSIE RAKENDE RAADSBESLUIE GENEEM TYDENS RAADSVERGADERING SOOS GEHOU OP DINSDAG 29 NOVEMBER 2016

3/3/2/2

Die Munisipale Bestuurder doen mondelings verslag met betrekking tot die Raadsbesluite geneem tydens die Raadsvergadering gehou op Dinsdag 29 November 2016. Ten slotte meld sy dat die verslag per e-pos aan die Raad versprei sal word.

KENNIS GENEEM

RVN006/01/2017

SAKE VOORTSPRUITEND UIT VORIGE NOTULE

3/3/2/2

Geen



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RVN007/01/2017

VERKLARINGS / MEDEDELINGS DEUR DIE SPEAKER EN MUNISIPALE BESTUURDER

3/3/1/6

Die Speaker doen die volgende mededelings, naamlik:

LIEF EN LEED

- 11 Januarie 2017 het Mev. Erasmus verjaar;
- 05 Februarie 2017 verjaar Rdh. van Rooy;
- 25 Februarie 2017 verjaar Rdh. de Vries;
- Mnr. Rheeder het 'n operasie ondergaan en is tans in die hospitaal;
- Kollega Coenrad Nero is oorlede op 18 Januarie 2017; en
- Kollega Phiwokuhle Mahaye se broer is oorlede op 16 Januarie 2017.

Dat daar 'n werkswinkel plaasvind op Donderdag 26 Januarie 2017 om 09:00 in die Raadsaal, Piketberg rakende wykskomiteebeleide.

RVN008/01/2017

ONDERHOUDE MET AFVAARDIGINGS

3/3/1/5

Geen

RVN009/01/2017

MOSIES / VRAE

3/3/1/1, 3/3/1/2

Geen

RVN010/01/2017

EERSTE DRINGENDE SAAK VANAF DIE MUNISIPALE BESTUURDER: 2016/17 QUARTERLY BUDGET AND PERFORMANCE ASSESSMENT REPORT FOR QUARTER 2: 1 OCTOBER – 31 DECEMBER 2016 SUBMITTED IN TERMS OF SECTION 52(d) OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003)

9/1/2

(The report was tabled at the meeting as previously distributed electronically).

The Municipal Manager gave a brief summary of the item under discussion.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION:

1. That the quarterly performance report for Quarter 2 (1 October – 31 December 2016) be noted, and
2. That this report be read in conjunction with the Mid-Year Budget and Performance Assessment Report which is submitted to Council in terms of Section 72 of the Municipal Finance Management Act, Act 56 of 2003.

**MANAGER:
STRATEGIC
SERVICES**



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RVN011/01/2017

TWEEDE DRINGENDE SAAK VANAF DIE MUNISIPALE BESTUURDER: 2016/17 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT COMPILED IN TERMS OF SECTION 72 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003

(The report was tabled at the meeting as previously distributed electronically).

The Municipal Manager gave a brief summary of the item under discussion.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION:

1. That the Council note the 2016/17 Mid-year Budget and Performance Assessment Report submitted in terms of Sections 72(1) and 54(1)(f) of the Municipal Finance Management Act;
2. That following the consideration of the Mid-year Budget and Performance Assessment Report, a municipal adjustment budget be prepared in terms of section 72(3) (a) read together with Section 28 of the MFMA by 29 February 2017 as required by Regulation 23 of the Municipal Budget and reporting regulations 2009; and
3. That 2016/17 Midyear Budget and Performance Assessment Report be made public by placing it on the municipal website in terms of Regulation 34 of the Municipal Budget and Reporting Regulations GG 32141 of April 2009.

RVN012/01/2017

OORSKRYDING OOREENKOMS: GEDEELTE VAN PADRESERWE BUITEKANTSTRAAT; GRESEND AAN ERF 1703, PIKETBERG

15/3/8

Rdh. Van Rooy lei die item in en gee kortliks agtergrond.

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die aansoek om oorskryding van 'n gedeelte van Buitekantstraat se padreserwe deur die eienaar van Erf 1703 Piketberg, **goedgekeur word**, onderhewig aan die volgende voorwaardes:

1. Die gedeelte padreserwe bly die eiendom van Bergrivier Munisipaliteit;
2. Die gedeelte padreserwe mag slegs deur die bestaande palisade omhein word (geen permanente struktuur / grensmuur mag opgerig word nie);
3. Die eienaar van Erf 1703 Piketberg aanspreeklik gehou word vir die herstelkoste van enige dienste wat op die gedeelte voorkom, sou dit deur sy/haar gebruik van die gedeelte padreserwe beskadig word;
4. Die Munisipaliteit nie verantwoordelik sal wees vir die betaling van vergoeding aan die eienaar van Erf 1703 Piketberg, wat weens herstelwerk aan dienste aan enige omheining, plante, ens. aangerig word nie; en

**MANAGER:
STRATEGIC
SERVICES**

**BESTUURDER:
BEPLANNING EN
ONTWIKKELING**



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5. Die eienaar van Erf 1703 Piketberg verantwoordelik is om dit aan enige opvolger in titel skriftelik in die koopkontrak te bevestig dat die betrokke gedeelte nie deel van die eiendom is wat verkoop word nie.

RVN013/01/2017
VERVREEMDING VAN MUNISIPALE GROND: GEDEELTE VAN ERF 1658,
PORTERVILLE
15/3/8

Raadsheer Van Rooy lei die item in en gee kortliks agtergrond.

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die voorgestelde kompromie in die skrywe van Miltons Matsemele Prokureurs nie aanvaar word nie, aangesien:

- (a) Die gedeelte grond wat verlang word, vir munisipale dienslewering benodig word en gevolglik nie wetlik vervreem mag word nie; en
- (b) Omskakeling van 'n struktuur wat aanvanklik op bouplanne vir Erf 2468, Porterville as dubbelmotorhuis aangedui was, in twee slaapkamers, bygedra het tot die probleem wat tans deur die eienaar ervaar word.

RVN014/01/2017
MONTHLY BUDGET STATEMENT: OCTOBER 2016
5/1/B, 5/1/1
(The report was tabled at the meeting as previously distributed electronically).

The Municipal Manager gave a brief summary of the item under discussion.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION

That the Council notes the monthly budget statement and supporting documentation for October 2016.

**BESTUURDER:
BEPLANNING EN
ONTWIKKELING**

**DIRECTOR
FINANCIAL
SERVICES**



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RVN015/11/2016

APPLICATION FOR AMENDMENT OF THE BERGRIVIER MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK BY EXPANDING THE VELDDRIF/LAAIPEK URBAN EDGE AND REZONING OF A PORTION OF PORTION 1 OF THE FARM VLAMINKE VLEI NO. 54, DIVISION MALMESBURY FROM AGRICULTURAL ZONE 1 TO SUBDIVISIONAL AREA

15/3/8

(The report was tabled at the meeting as previously distributed electronically).

RESOLUTION:

The following is a replacement of the second and third sections of the recommendation contained in the report by the Department Planning and Development. This replacement does not change the recommendation made by the Department Planning and Development contained in the first section of the recommendation.

FOR CONSIDERATION BY COUNCIL (before consideration of the application)

*A letter referenced 15/4/P/BB2 dated 16 September 2016 was received from Mr Piet van Zyl, Head of Provincial Department Environmental Affairs and Development Planning, regarding this application. According to this letter, subsequent to the original submission of the application, the legal framework regarding Spatial Development Frameworks has changed dramatically. Legislation now makes the Municipal Spatial Development Framework (MSDF) part of the IDP, most importantly, that the legislation does not allow for the MSDF to be drafted, adopted or amended in isolation or separate from the IDP. A MSDF must therefore be drafted, adopted or amended (including an urban edge amendment) as part of the municipal IDP drafting, adoption and amendment process, as set out in the Local Government Municipal Systems Act, 2000. While following the MSA procedure for the adoption or amendment of the IDP, there must also be complied with the three new planning laws applicable. The Provincial Department compiled a guideline setting out the process to amend an MSDF in terms of the aforementioned legislation. Against this background, the following needs to take place and therefore requires **Council's approval**:*

1. Approval in order to proceed with review of the current Municipal Spatial Development Framework (MSDF) in accordance with the process set out in Annexure C of the letter received from Mr Piet van Zyl, Head of Provincial Department Environmental Affairs and Development Planning, referenced 15/4/P/BB2 date 16 September 2016, in order to consider incorporation of the portion of Portion 1 of the Farm Vlaminke Vlei No. 54, Division Malmesbury, intended for the proposed development, into the urban edge;
2. Approval in order to proceed with review of the current 2016/2017 IDP_in order to accommodate possible amendment of the current Municipal Spatial Development Framework (MSDF);
3. The applicant must accept responsibility to bear all the costs directly related to the above two processes, in writing, prior to commencement of the review processes. Consultants for the review process will be appointed at the sole discretion of the Municipality and the applicant will transfer the required funds to the Municipality prior to commencement of

**MANAGER:
PLANNING
AND
DEVELOPMENT**



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the review processes. Any additional costs will be payable to the Municipality at the stage required. These costs will be determined through the legal MFMA supply chain processes, the outcome of which will be communicated to the applicant; and

4. Review of the current Municipal Spatial Development Framework (MSDF) as well as review of the current 2016/2017 IDP to possibly incorporate the portion of Portion 1 of the Farm Vlaminke Vlei No. 54, Division Malmesbury intended for the proposed development into the urban edge is not an indication of support for the application and the applicant is not to view these processes as an in principle support of the application. The merits of the application will only be considered by the Mayoral Committee after the outcome of the Municipal Spatial Development Framework (MSDF) / 2016/2017 IDP review has been finalised.

Alderman van Rooy gave a brief summary of the item under discussion.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION:

1. Approval in order to proceed with review of the current Municipal Spatial Development Framework (MSDF) in accordance with the process set out in Annexure C of the letter received from Mr Piet van Zyl, Head of Provincial Department Environmental Affairs and Development Planning, referenced 15/4/P/BB2 date 16 September 2016, in order to consider incorporation of the portion of Portion 1 of the Farm Vlaminke Vlei No. 54, Division Malmesbury, intended for the proposed development, into the urban edge;
2. Approval in order to proceed with review of the current 2016/2017 IDP in order to accommodate possible amendment of the current Municipal Spatial Development Framework (MSDF);
3. The applicant must accept responsibility to bear all the costs directly related to the above two processes, in writing, prior to commencement of the review processes. Consultants for the review process will be appointed at the sole discretion of the Municipality and the applicant will transfer the required funds to the Municipality prior to commencement of the review processes. Any additional costs will be payable to the Municipality at the stage required. These costs will be determined through the legal MFMA supply chain processes, the outcome of which will be communicated to the applicant; and
4. Review of the current Municipal Spatial Development Framework (MSDF) as well as review of the current 2016/2017 IDP to possibly incorporate the portion of Portion 1 of the Farm Vlaminke Vlei No. 54, Division Malmesbury intended for the proposed development into the urban edge is not an indication of support for the application and the applicant is not to view these processes as an in principle support of the application. The merits of the application will only be considered by the Mayoral Committee after the outcome of the Municipal Spatial Development Framework (MSDF) / 2016/2017 IDP review has been finalised.

Councillor Claassen highlighted the importance of public opinion and input to this processes.

**MANAGER:
PLANNING
AND
DEVELOPMENT**



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RVN016/01/2017

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF MEMBERS OF MUNICIPAL COUNCILS

5/11/1

Die Staatskoerant gedateer 21 Desember 2016, word ter tafel gelê en in diepte bespreek.

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

1. Dat die Raad elke intensie het om die afkondiging soos vervat in die Staatskoerant te implementeer, maar dat daar heelwat aspekte in die afkondiging is waarvoor implementering prakties onmoontlik is;
2. Die Munisipale Bestuurder word versoek om klarigheid hieroor te verkry by SALGA en COGTA en die item voor te lê by die Raadsvergadering einde Februarie 2017;
3. Dat die Direkteur Korporatiewe Dienste die huidige stand van elke raadslid se pensioen afsonderlik aanstuur aan elkeen; en
4. Dat die Departement Menslike Hulpbronbestuur toesien dat die Werkloosheidsversekeringsfonds aangeleentheid individueel met raadslide afgehandel word.

**MUNISIPALE
BESTUURDER**

EN

**DIREKTEUR
KORPORATIEWE
DIENSTE
(10/02/2017)**

RVN017/01/2017

SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT: 2ND QUARTER (01 OCTOBER TO 31 DECEMBER 2016)

5/1/1

NOTED



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RVN018/01/2017

2015/16 DRAFT ANNUAL REPORT SUBMITTED IN TERMS OF SECTION 127 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003)

4/7/16

(The report was tabled at the meeting as previously distributed electronically).

The Municipal Manager gave a brief summary of the item under discussion.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION:

1. That the Council adopts the 2015/16 Draft Annual Report as tabled by the Executive Mayor in terms of Section 127(2) of the MFMA;
2. That the 2015/16 Draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA; and
3. That the 2015/16 Draft Annual Report be referred to the Oversight Committee to perform the oversight process and compile the Oversight Report.

**MANAGER:
STRATEGIC
SERVICES**

RVN019/01/2017

AMENDMENTS TO TIME SCHEDULE OF KEY DEADLINES: 2016/17 BUDGET AND INTEGRATED DEVELOPMENT PLAN (IDP)

4/7/16

(The report was tabled at the meeting as previously distributed electronically).

The Municipal Manager gave a brief summary of the item under discussion and also mentioned the Oversight Committee meetings will be on 01 and 15 February 2017 and 01 March 2017.

The undermentioned resolution was taken unanimously by the Council

RESOLUTION:

1. That the Time Schedule of Key Deadlines for 2016/17 Integrated Development Plan (IDP) and Budget be amended; and
2. That the amended Time Schedule of Key Deadlines be made public on the municipal website.

**MANAGER:
STRATEGIC
SERVICES**

RVN020/01/2017

BESLUITE VIR KENNISNAME INGEVOLGE GEDELEGEERDE BEVOEGDHEID VAN UITVOERENDE BURGEMEESTERSKOMITEE SE VERGADERING GEHOU OP DINSDAG 15 NOVEMBER 2016

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die Raad kennis neem van die besluite van die Burgemeesterskomitee se vergadering gehou op Dinsdag 15 November 2016.



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RVN021/01/2017

BESLUIE VIR KENNISNAME INGEVOLGE GEDELEGEERDE BEVOEGDHEID VAN UITVOERENDE BURGEMEESTERSKOMITEE SE VERGADERING GEHOU OP DINSDAG 29 NOVEMBER 2016

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die Raad kennis neem van die besluite van die Burgemeesterskomitee se vergadering gehou op Dinsdag 29 November 2016.

RVN22/01/2017

BESLUIE VIR KENNISNAME INGEVOLGE GEDELEGEERDE BEVOEGDHEID VAN UITVOERENDE BURGEMEESTERSKOMITEE SE VERGADERING GEHOU OP DONDERDAG 08 DESEMBER 2016

Die onderstaande besluit is eenparig deur die Raad geneem

BESLUIT:

Dat die Raad kennis neem van die besluite van die Burgemeesterskomitee se vergadering gehou op Dinsdag 08 Desember 2016.

RVN023/01/2017

**NOTULES VAN DIE WYKSKOMITEES VIR KENNISNAME
3/2/1/3**

Geen

RVN024/01/2017

AANBEVELINGS EN VERSLAE VOORGELÈ VIR OORWEGING DEUR DIE RAAD

Geen

RVN025/01/2017

**BESLUIE INGEVOLGE GEDELEGEERDE BEVOEGDHEID EN ITEMS WAARVAN KENNIS GENEEM IS,
TER INLIGTING VAN DIE RAAD**

Geen



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RVN026/01/2017

UITDIENSTREDE: MNR JACOBUS ALWYN VAN NIEKERK-DIREKTEUR: FINANSIËLE DIENSTE (PERS)
9/1/2

Die Uitvoerende Burgemeester gee terugvoering aan die Raad aangaande die besluit van die Burgemeesterskomitee met verwysing na die vervroegde uitdienstrede van die Finansiële Direkteur op Vrydag 31 Maart 2017.

Die Raad neem met spyt kennis van die Direkteur Finansiële Dienste se vervroegde aftrede.

KENNIS GENEEM

RVN027/01/2017

AANSUIWERINGSBEGROTING - VERGADERING

Die Munisipale Bestuurder herinner alle raadslede aan die Raadsvergadering wat plaasvind op 09 Februarie 2017 om 15:00 vir oorweging van die aansuiweringsbegroting 2016/17.

Sy versoek ook dat die Bestuurder: Strategiese Dienste die gewysigde jaarprogram aan alle raadslede elektronies aanstuur.

KENNIS GENEEM

**BESTUURDER:
STRATEGIESE
DIENSTE
(03/02/2017)**

***DIE VERGADERING VERDAAG OM 15:20
BEKRAGTIG AS 'N WARE WEERGAWE VAN DIE VERRIGTINGE.***

**VOORSITTER
(SPEAKER)**

DATUM
