



ORDINARY MEETING OF THE COUNCIL
GEWONE VERGADERING VAN DIE RAAD
INTLANGANISO YESIQHELO YEBHUNGA

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 26 AUGUST / AUGUSTUS / AGASTI
2015

VENUE / PLEK / INDAWO : BANQUETING HALL / BANKETSAAL
CIVIC CENTRE / BURGERSENTRUM /
IZIKO LOLUNTU
HERMANUS

TIME / TYD / IXESHA : 11:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

21 August/Augustus/Agasti 2015

NOTICE TO ALL ALDERMEN & COUNCILLORS

ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Banqueting Hall, Civic Centre, Hermanus**, on **WEDNESDAY, 26 AUGUST 2015** at **11:00** to consider the business set forth in the subjoined agenda.

The attention of Councillors is directed to the Code of Conduct for Councillors and Municipal Officials, Schedules 1 & 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

C GROENEWALD
MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS WORD HIERMEE GEGEE dat 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Banketsaal, Burgersentrum, Hermanus**, op **WOENSDAG, 26 AUGUSTUS 2015** om **11:00** om die sake op meegaande sakelys te bespreek.

Raadslede se aandag word gevestig op die Gedragskode vir Raadslede en Munisipale Beampptes, Bylae 1 & 2 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000).

C GROENEWALD
MUNISIPALE BESTUURDER

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND

OKU KUKWAZISA ukuba intlanganiso **YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iza kuba se **Banqueting Hall, kwiZiko LoLUNTU, eHermanus ngoLWESITHATHU, 26 AGASTI 2015 ngeye-11:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

OoCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba namaGosa kamasipala, amaXwebhu 1 & 2 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, 2000 (UMthetho 32 wowama-2000).

C GROENEWALD
UMPHATHI KAMASIPALA

AGENDA/...

1. **OPENING**

2. **APPLICATIONS FOR LEAVE OF ABSENCE**

3. **CONFIRMATION OF MINUTES**
 - 3.1 Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 24 June 2015 at 11:00**
 - 3.2 Minutes of a **Special Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 29 July 2015 at 11:00**
 - 3.3 Minutes of a **Special Meeting** of the Overstrand Municipal **Council** held on **Tuesday, 18 August 2015 at 09:45**

4. **STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR**

5. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)

REMARK

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Mayoral Committee in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 26 August 2015 had formally sat.

5.1

TIME SCHEDULE FOR THE 2016/17 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW/ BUDGET PROCESS

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)

RECOMMENDATION TO THE COUNCIL:

that the schedule of key dates for the 2016/17 compilation of an IDP review/ Budget process **be noted**.

RESPONSIBLE OFFICIAL:

R LOUW

TARGET DATE FOR IMPLEMENTATION:

1 SEPTEMBER 2015

5.2

AMENDMENTS TO THE STANDARD BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS P.N. 7188, 18 OCTOBER 2013**(ITEM 2, PAGE 11 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)****RECOMMENDATION TO THE COUNCIL:**

that the Municipality's Standard By-law on Rules of Order for Internal Arrangements **be amended as follows:**

1. By the addition of the following definitions in rule 1:

“ **Attire (Female)**” means clothing made up out of a jacket / blazer, skirt or pants, blouse, dress shoes or traditional wear, and which do not reflect any political affiliation or electioneering.”

“ **Attire (Male)**” means clothing made up out of a blazer, pants, long sleeve shirt, dress shoes and a neck tie or traditional wear, and which do not reflect any political affiliation or electioneering.”

“ **Smart Casual**” means for men a collared shirt with pants or jean pants without tie, the patterns and colour of the jacket do not have to match the pants and a jacket is optional”; and

means for women a wide range of options of which skirts or pants or jean pants are acceptable and a jacket is optional.”;

2. By the substitution for the words “signing a leave form and delivering the completed leave form to the Municipal Manager at least 72 hours before the meeting” in Section 9(1) of the words “submitting a written application for leave by means of e-mail, facsimile or hard copy to the Speaker at least 72 hours before the meeting”;
3. By the deletion of sub rule 9(2) and the renumbering of sub rule 9(3), 9(4), 9(5), 9(6), 9(7) and 9(8) to read 9(2), 9(3), 9(4), 9(5), 9(6) and 9(7) where it appears in rule 9;

4. By the addition at the end of rule 19 of the following rule 19A:

“Dress Code for Attendance of Meetings

19.A (1) Councillors -

(a) must dress in business or traditional attire when attending council meetings;

(b) may wear smart casual clothing when attending committee meetings of council;

and

(c) must not wear any clothing affiliated to any political party during council and committee meetings.”

5. By the substitution for the words “provided that such councillor has been invited in writing by the chairperson to attend such meeting for a specific item on the agenda” in rule 21(2) of the words “after being recognised by the chairperson of such committee”; and
6. By the deletion of sub rule 21(3) and the renumbering of sub rule 21(4), 21(5), 21(6), 21(7) and 21(8) to read 21(3), 21(4), 21(5), 21(6) and 21(7).

RESPONSIBLE OFFICIAL :

LIONEL WALLACE

TARGET DATE FOR IMPLEMENTATION :

1 OCTOBER 2015

5.3

OVERSTRAND MUNICIPALITY: SELECTION OF HOUSING BENEFICIARIES IN OWNERSHIP-BASED SUBSIDY PROJECTS POLICY**(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)****RECOMMENDATION TO THE COUNCIL:**

that the revised Overstrand Municipality Policy on Selection of Housing Beneficiaries in Ownership-based Subsidy Projects, to make provision for the age-based prioritisation of housing subsidy applicants with regard to green fields projects for households with head(s) (applicant/ and or spouse/cohabiting partner) that are 40 years or older, **be adopted** and **be implemented** with immediate effect.

RESPONSIBLE OFFICIAL :**R WILLIAMS / F FRANS****TARGET DATE FOR IMPLEMENTATION :****WITH IMMEDIATE EFFECT**

5.4

HERMANUS: TRANSFER OF ERVEN 2694, 2695, 2702, 2703, 2704, 2705, 2709, 2713, 2786, 2789, 2790, 2794, 2911, 2914, 2915, 2916, 2920, 2929, 2933, 2936, 2938, 2939, 2940, HAWSTON FOR RESIDENTIAL PURPOSES AND ERF 2925 (A PORTIONS OF ERF 2672), HAWSTON FOR BUSINESS PURPOSE

(ITEM 9, PAGE 432 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erven 2694, 2695, 2702, 2703, 2704, 2705, 2709, 2713, 2786, 2789, 2790, 2794, 2911, 2914, 2915, 2916, 2920, 2929, 2933, 2936, 2938, 2939 and 2940, Hawston for residential purposes to Suppliers to All (PTY) LTD for the amount of R1 610 000.00 (VAT excluded), **be approved**;
2. that the transfer of Erf 2925 (a Portion of Erf 2672), Hawston for business purpose to OZRAN 57 (PTY) LTD for the amount of R715 000.00 (VAT excluded), **be approved**;
3. that the Municipal Manager be authorised to sign all documents relating to the transfer of the properties mentioned in 1. and 2. above;
4. that cognisance be taken to the fact that the subject Municipal erven are **not required** for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No. 56 of 2003;
5. that an amount to R21 386.00 (excl VAT) for subsidised housing be retained by the Municipality in lieu of land cost of R2.00 per/m²;
6. that an amount of R34 848.45 (excl VAT) be retained by the Municipality in lieu of bulk services levies of 23 residential erven; and
7. that the remainder income derived from the sale be paid to Izigi V3 as per Agreement and its Addendum.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****9 SEPTEMBER 2015**

5.5

FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2014/15 FINANCIAL YEAR**(ITEM 5, PAGE 1 : - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that it **be noted** that the assets detailed in Annexure A to the Mayoral Committee agenda are not needed to provide the minimum level of basic municipal services;
2. that the Minor Assets and Control Items written off and sold on Public Auction as detailed in Annexure A and Annexure B to the Mayoral Committee agenda **be noted**; and
3. that the derecognition of the Infrastructure Assets as detailed in Annexure A to the Mayoral Committee agenda, **be approved**.

RESPONSIBLE OFFICIAL :**J VORSTER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2015**

5.6

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(B) AND 17(1)(C), FOR JULY 2015**

**(ITEM 6, PAGE 15 : - MAYORAL COMMITTEE MEETING : 26 AUGUST
2015)**

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2015, **be noted**; and
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for July 2015, **be noted**.

RESPONSIBLE OFFICIAL :**R LA COCK****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.7**SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2014/15****(ITEM 7, PAGE 20 : - MAYORAL COMMITTEE MEETING : 26 AUGUST 2015)****RECOMMENDATION TO THE COUNCIL:**that tabling of the 2014/15 **DRAFT** unaudited Annual Report, **be noted**.**RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****NONE**

6. CONSIDERATION OF REPORTS

6.1

APPOINTMENT OF A NEW MEMBER : SECTION 62 COMMITTEE

3/2/3/1

S Swart

14 July 2015

(028) 313 8006

Corporate Head Office

1. Executive Summary

The purpose of the report is to afford Council the opportunity to appoint a new member to serve on the Municipality's Section 62 Committee due to the resignation of Cllr E Nell at the end of June 2015.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
 Local Government: Municipal Systems Act, No 32 of 2000 (Systems Act)
 Section 160(8) of the Constitution of the Republic of South Africa, 1996

6. Background/Discussion

Council, on 1 June 2011, resolved as follows:

"1. that a section 62 appeals committee be established as follows :

Members : Cllrs E Nell, D Coetzee, M Gillion and M Mshenxiswa

2. that the Speaker **be appointed** as chairperson of the section 62 appeals committee;

3. that a **secundus** for the Speaker as chairperson of the section 62 appeals committee be dealt with at a later stage;
4. that the function of the section 62 appeals committee be as provided for in section 62(3) of the Local Government: Municipal Systems Act, No 32 of 2000; and
5. that the **quorum** of the section 62 appeals committee be a simple majority of the members present.”

The late Mr Mshenxiswa was replaced by Cllr M Dyani.

Council, on 28 June 2011, further resolved as follows:

- “1. that Councillor E Nell **be appointed** as **secundus** for Ald A Coetsee to serve on the Section 62 Appeals Committee, and
2. that ...”

The remaining members of the Section 62 Appeals Committee are:

Ald A Coetsee (Chairperson), Cllr M Machota (Member), Cllr M Dyani (Member) and Cllr D Coetsee (Member).

Council is thus requested to appoint a new member to serve on the Section 62 Committee due to the resignation of Cllr E Nell at the end of June 2015.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that a councillor **be appointed** in the vacancy on the Section 62 Appeals Committee.

RESPONSIBLE OFFICIAL :**S SWART****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY**

6.2

APPOINTMENT OF A SECUNDUS : SECTION 62 APPEALS COMMITTEE AND ACTING SPEAKER

3/2/3/6

H van Tonder
21 July 2015

(028) 313 8037

Corporate Head Office

1. Executive Summary

The purpose of the report is to appoint a councillor as secundus for Ald A Coetsee to serve on the Section 62 Appeals Committee and to act as Acting Speaker in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998).

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

6. Background

Council on 28 June 2011 resolved as follows:

“RESOLVED:

1. that Councillor E Nell **be appointed** as **secundus** for Ald A Coetsee to serve on the Section 62 Appeals Committee; and

2. that Councillor E Nell **be appointed** as Acting Speaker in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998) to act in this capacity when the Speaker is absent or not available to perform the functions of Speaker.”

Cllr E Nell resigned with effect from 30 June 2015 and Council is thus requested to appoint a councillor as secundus for Ald A Coetsee to serve on the Section 62 Appeals Committee, as well as Acting Speaker to act in this capacity when the Speaker is absent or not available to perform the functions of Speaker.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

1. that a councillor **be appointed as secundus** for Ald A Coetsee to serve on the Section 62 Appeals Committee; and
2. that a councillor **be appointed as Acting Speaker** in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998) when the Speaker is absent or not available to perform the functions of Speaker.

RESPONSIBLE OFFICIAL:

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION:

IMMEDIATELY

6.3

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 793, 12 SUSAN ROAD, PRINGLE BAY : PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION AND DEPARTURE OF STREET BUILDING LINE : I.C.@PLAN ON BEHALF OF MS E ERASMUS

3/2/3/6**S Swart****29 July 2015****(028) 313 8006****Corporate Head Office**

1. Executive Summary

To submit a resolution of the proceedings of the Appeal Committee to Council for information.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Not applicable. The matter is submitted **for information** only.

5. Legal Requirements

Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

6. Discussion

The nature of the appeal is as follows:

The appellant appeals against the Executive Mayor's decision dated 11 July 2014 that the application for a departure on Erf 793, 12 Susan Road, Pringle Bay, be approved.

The Appeal Committee resolved as indicated in the recommendation hereunder.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Not applicable

10. Annexures

Annexure A: Record of Decision of Appeal held on 21 July 2015

RECOMMENDATION TO THE COUNCIL:

that the decision of the Section 62 Committee **be noted**, namely:

1. that the appeal **be dismissed**: and
2. that the appellant forfeits the deposit paid.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP/S SWART

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED



RECORD OF DECISION

RE:
APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 793, 12 SUSAN ROAD,
PRINGLE BAY : PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION AND
DEPARTURE OF STREET BUILDING LINE : I.C.@PLAN ON BEHALF OF MS E
ERASMUS

PRESENT :

COUNCILLORS

Ald A Coetsee
Cllr D Coetzee
Cllr V Macotha
Cllr M Dyani
Cllr L Krige

CAPACITY

Chairperson: Appeal Committee
Member : Appeal Committee
Member : Appeal Committee
Member : Appeal Committee
Observer

OFFICIALS

Mr R Kuchar
Ms H van der Stoep
Ms H Potgieter
Ms S Swart

Senior Manager : Town Planning
Senior Town Planner
Legal Advisor
Administrative Officer, Secretariat

APPELLANT

Pringle Bay Ratepayers' Ass Not present

APPLICANT

Ms I Germishuys I.C. @ Plan
Ms C van Zyl I.C. @ Plan

APOLOGIES

None

SESSION OF APPEAL COMMITTEE**21 JULY 2015****APPELLANT:**

Pringle Bay Ratepayers' Association. Nobody from the said Ratepayers' Association appeared before the meeting and the chairperson ruled that the meeting stand down for 10 minutes in order for the members of the Appeal Committee to discuss the appeal.

THE MEETING STOOD DOWN AT 10:10**THE MEETING RECONVENED AT 10:20****RESPONDENT:**

Overstrand Municipality herein represented by Mr R Kuchar, Senior Manager : Town Planning.

NOTICE OF APPEAL HEARING:

Notices were sent to all parties concerned.

NATURE OF APPEAL:

The appellant appeals against the Executive Mayor's decision dated 11 July 2014 that the application for a departure on Erf 793, 12 Susan Road, Pringle Bay, be approved.

CONSTITUTION:

With the presence of a quorum, the Appeal Committee was regarded as duly constituted.

The Chairperson, Ald Coetsee, declared that no members of the Appeal Committee have a conflict of interest in the application barring their presence to this meeting.

VALIDITY OF APPEAL:

It was determined by the Appeal Committee that the appeal was lodged within the prescribed time frame viz. within 21 days of written notification of the decision taken by the Executive Mayor, and therefore the appeal was regarded as valid and could proceed.

It is noted that the deposit was paid in terms of the approved tariffs.

SITE VISIT:

None

CONSIDERATION OF APPEAL:

As the Appellant did not appear before the Panel, no arguments were entertained and the appeal was decided on the documents. The Panel was not swayed by the

SESSION OF APPEAL COMMITTEE**21 JULY 2015**

arguments of the Appellant as stated in the bundle, page 2, specifically that the grounds for appeal indicate that the approval affect existing rights of the objector. The Town Planner's comment on page 3 of the bundle was supported by the Panel.

The parties have reached a settlement and

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that the appeal **be dismissed**; and
2. that the appellant forfeits the deposit paid.

The session of the Appeal Committee closed at 10:23

SESSION OF APPEAL COMMITTEE

21 JULY 2015

SIGNED ON THIS 29TH DAY OF July 2015 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Coetsee **Chairman:** Appeal Committee

Cllr D Coetzee **Member:** Appeal Committee

Cllr V Macotha **Member:** Appeal Committee

Cllr M Dyani **Member:** Appeal Committee

Handwritten signatures of the committee members are written over the dotted lines. The signature for the Chairman is the most prominent, followed by the other members. The signatures are in black ink and appear to be cursive or semi-cursive.

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)**8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

At the time of the closing of the agenda, no notices of motions/questions were received.

9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY).