



SPECIAL MEETING OF THE COUNCIL

SPEZIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE

IMIZUZU

DATE / DATUM / UMHLA : 27 JULY/JULIE/JULAYI 2016

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE BANQUETING HALL, CIVIC CENTRE, HERMANUS, ON 27 JULY 2016, AT 11:00

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Mr S Müller, Director : Infrastructure & Planning
Mr N Michaels, Director : Protection Services
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Ms S Reyneke-Naude, Director : Finance
Mr D van der Heever : Chief Audit Executive
Mr R Kuchar, Senior Manager : Town Planning/
Property Management
Mr B King, Senior Manager : Financial Services
Mr I Witbooi, Manager : Demand Management &
Procurement
Ms V Allen, Manager : Financial Accounting
Mr G Bucchianeri, Manager : Budget Office
ITC
Mr M Potgieter, Manager : Contracts & Logistics
Mr J C van der Merwe, Storekeeper
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support
Services
Ms R Steenekamp, Media & Social Media
Co-ordinator
Ms S Swart, Administrative Officer : Council
Support Services
Ms D Laing, Relief Clerk: Grade 2

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING
27 JULY 2016

ALDERMAN/COUNCILLORS	SIGNATURE
ANDREWS, M	<i>Chris Andrews</i>
APPELGREIN, P	<i>[Signature]</i>
BEYERS-CRONJE, L	<i>[Signature]</i>
BOTHA, D	<i>[Signature]</i>
BOTHA-GUTHRIE, N	<i>[Signature]</i>
BRICE, K	<i>[Signature]</i>
COETSEE, A	<i>[Signature]</i>
COETZEE, DP	<i>[Signature]</i>
DE CONING, R	<i>[Signature]</i>
DYANI M	<i>[Signature]</i>
GXAMESI, S	<i>[Signature]</i>
JANUARIE, JJ S	<i>[Signature]</i>
KLOPPERS-LOURENS J	<i>[Signature]</i>
NQINATA, NNT	<i>[Signature]</i>
KRIGE, L	<i>[Signature]</i>
MACOTHA, VC	<i>[Signature]</i>
MANDINDI, CQ	<i>[Signature]</i>
MAY, CA	<i>[Signature]</i>
MAY, P	<i>[Signature]</i>
NDEVU, L	<i>[Signature]</i>
OPPERMAN, M	<i>[Signature]</i>
PIE, MT	<i>[Signature]</i>
PONOANE, MV	<i>[Signature]</i>
SAPEPA, NM	<i>[Signature]</i>
SMITH, RJ	<i>[Signature]</i>

[Handwritten mark]

[Handwritten mark]

1. OPENING

The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr N Nqinata

RESOLVED

that the above-mentioned application for leave of absence **be granted.**

Cllr JJ Januarie

RESOLVED

that the above-mentioned application for leave of absence **be granted.**

Cllr M Andrews

RESOLVED

that **cognisance be taken** that Cllr M Andrews was **absent without leave** but that the absence **be condoned.**

Ald M Ponoane

RESOLVED

that **cognisance be taken** that Ald M Ponoane was **absent without leave** but that the absence **be condoned.**

Cllr S Gxamesi was absent during the start of the meeting and joined the meeting 5 minutes late. The Speaker, Ald A Coetsee, condoned his absence.

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 25 May 2016** at **11:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 25 May 2016** at **11:00**, **be confirmed.**

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

The Speaker, Ald A Coetsee, in his discretion to expand this agenda, added Item 7 : Urgent Matters by Municipal Manager, as well as Item 8 : Final Address by Political Parties.

The Speaker, Ald A Coetsee, removed Items 6.2, 6.3 and 6.4 from this agenda since the Section 79 Committee meeting did not take place due to unforeseen circumstances, and subsequently no recommendations can be made.

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)

5.1

ANNUAL STOCK TAKING FOR 2015/2016: MUNICIPAL STORES

(ITEM 5, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)

RESOLVED (UNANIMOUSLY):

1. that the surplus and deficit stock be accounted against the appropriate vote numbers;
2. that the redundant stock at Hermanus Stores (General, Electrical & Cartridge), Gansbaai & Kleinmond stores be written off; and
3. that the stock as recorded on 30 June 2016 be taken as the opening balance of the 2016/2017 stock register.

RESPONSIBLE OFFICIAL :

DRM POTGIETER

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.2

QUARTERLY BANK ACCOUNT WITHDRAWALS NOT IN TERMS OF AN APPROVED BUDGET FOR THE QUARTER ENDING JUNE 2016

(ITEM 6, PAGE 163 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)

RESOLVED (UNANIMOUSLY):

that the consolidated quarterly report in respect of Bank Account Withdrawals not in terms of an Approved Budget for the quarter ended June 2016, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.3

QUARTERLY BUDGET REPORT FOR JUNE 2016

**(ITEM 7, PAGE 166 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)**

RESOLVED (UNANIMOUSLY):

that the budget report for the quarter ended June 2016, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.4

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR MAY 2016**

**(ITEM 8, PAGE 215 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)**

RESOLVED (UNANIMOUSLY):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2016, **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 May 2016, **be noted**.

RESPONSIBLE OFFICIAL :**DRM POTGIETER****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.5

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JUNE 2016**

**(ITEM 9, PAGE 222 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)**

RESOLVED (UNANIMOUSLY):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for June 2016, **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 June 2016, **be noted**.

RESPONSIBLE OFFICIAL :**DRM POTGIETER****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.6

**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2015/2016:
4TH QUARTER: 01 APRIL TO 30 JUNE 2016**

**(ITEM 10, PAGE 228 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)**

RESOLVED (UNANIMOUSLY):

that **cognisance be taken** of the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality Supply Chain Management Policy for the 4th Quarter of 2015/2016.

RESPONSIBLE OFFICIAL :

DRM POTGIETER

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.7

ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT IN TERMS OF PARAGRAPH 6(2)(a) OF THE POLICY: 2015/2016**(ITEM 11, PAGE 251 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)****RESOLVED (UNANIMOUSLY):**

1. that the Supply Chain Management Implementation Report for the 2015/2016 financial year submitted in terms of Paragraph 6 of the Supply Chain Management Policy, **be noted**;
2. that, following the provisions of paragraph 6 of the Supply Chain Management Policy, **the report be made public** in accordance with Section 21A of the Local Government: Municipal Systems Act, No. 32 of 2000; and
3. that **the schedules of Deviations, Irregular Expenditure and cases of Minor Breaches be disclosed as a note to the Annual Financial Statements** for the 2015/2016 financial year.

RESPONSIBLE OFFICIAL :**DRM POTGIETER
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****N/A**

5.8

**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2016****(ITEM 12, PAGE 295 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)****RESOLVED (UNANIMOUSLY):**

1. that the content of the report for the fourth quarter of the 2015/2016 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top Layer SDBIP for the fourth quarter of the 2015/2016 financial year **be approved**.

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

5.9**DRAFT PROCESS PLAN FOR INTEGRATED DEVELOPMENT PLANNING AND BUDGET PREPARATION FOR 2017/2022****(ITEM 13, PAGE 323 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)****RESOLVED (UNANIMOUSLY):**

1. that the draft Process Plan for Integrated Development Planning and Budget preparation for 2017/2022 **be noted**;
2. that the draft Process Plan be advertised for public comment; and
3. that the final Process Plan be tabled to the new incoming Council for approval by end August 2016.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****28 JULY 2016**

5.10

SIGNED PERFORMANCE AGREEMENTS OF THE SECTION 54A AND 56 APPOINTEES FOR 2016/17

(ITEM 14, PAGE 352 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)

RESOLVED (UNANIMOUSLY):

that the signed performance agreements of the Section 54A and 56 appointees for 2016/17 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

28 JULY 2016

5.11

RULES AND PROCEDURES FOR THE MUNICIPAL PLANNING TRIBUNAL AND THE APPEAL AUTHORITY**(ITEM 15, PAGE 610 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)****RESOLVED (UNANIMOUSLY):**

that the draft Rules and Procedures for the Municipal Planning Tribunal and Appeal Authority **be adopted**.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****10 AUGUST 2016**

5.12

HERMANUS, RESCISSION OF COUNCIL RESOLUTION FOR THE TRANSFER OF THE REMAINDER OF ERF 2834 (EXCLUDING ERF 2836 AND INCLUDING ERF 2837), SANDBAAI, ±39,5ha IN EXTENT, FOR MIXED RESIDENTIAL DEVELOPMENT AND A RETIREMENT VILLAGE

(ITEM 16, PAGE 623 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)

RESOLVED (UNANIMOUSLY):

that Council's resolution dated 3 December 2014 for the transfer of the Remainder of Erf 2834 (excluding Erf 2836 and including Erf 2837), Sandbaai, ±39,5ha in extent, for mixed residential development and a retirement village, to Edevco International (Pty) Ltd at an amount of R42,500,000.00 (VAT excluded), **be rescinded.**

RESPONSIBLE OFFICIAL :**A KOTZE****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2016****TARGET DATE TO INFORM APPLICANT :****29 JULY 2016****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.13

**PORTION OF ERF 210, GANSBAAI, OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING, SUBDIVISION, DEPARTURE AND AMENDMENT OF
THE OVERSTRAND GROWTH MANAGEMENT STRATEGY (2010) : MESSRS
URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

**(ITEM 17, PAGE 627 : SPECIAL MAYORAL COMMITTEE MEETING :
27 JULY 2016)**

RESOLVED (UNANIMOUSLY):

that the application for the amendment of the Overstrand Growth Management Strategy, 2010 to increase the gross residential density from 20-30 units per hectare to 39 dwelling units per hectare in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

RESPONSIBLE OFFICIAL :**S VAN DER MERWE****TARGET DATE FOR IMPLEMENTATION :****10 AUGUST 2016**

5.14

ERF 1, HAWSTON, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, DEPARTURE, REZONING TO SUBDIVISIONAL AREA AND AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010 : MESSRS URBAN DYNAMICS WESTERN CAPE ON BEHALF OF OVERSTRAND MUNICIPALITY

(ITEM 18, PAGE 710 : SPECIAL MAYORAL COMMITTEE MEETING : 27 JULY 2016)

RESOLVED (UNANIMOUSLY):

that the amendment of the Overstrand Municipality Growth Management Strategy, 2010 in terms of the Municipal Systems Act (Act 32 of 2000) to allow for a development with a density of 36,2 units per hectare, **be approved.**

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	10 AUGUST 2016
TARGET DATE TO INFORM APPLICANT :	10 AUGUST 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

6. CONSIDERATION OF REPORTS

6.1

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 481, 40 INGANG STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : APPEAL SUBMITTED BY SMITH TABATA BUCHANAN BOYES ON BEHALF OF LJ PENZHORN

3/2/3/6

S Swart

(028) 313 8006

Corporate Head Office

20 June 2016

EXECUTIVE SUMMARY

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

RESOLVED (UNANIMOUSLY):

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

1. that the appeal **be upheld** to the extent that the application for departure in order to enable the owner of Erf 481, De Kelders, Mr LJ Penzhorn, to relax the 8,5m height restriction with approximately 0,47m in terms of the provisions of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) **be approved**;
2. that the Applicant, within a period of 60 days, submit as built building plans for approval;
3. that the Municipality serve an instruction on the Appellant in accordance with Section 40(1) of LUPO to apply for the determination of a contravention levy;
4. that the Appellant be ordered to pay the contravention levy to the Municipality within 30 days after receipt of confirmation from the Overstrand Municipality as to the exact amount due and payable; and
5. that the Appellant **forfeits his deposit** paid in the appeal.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE/S SWART

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

6.2

INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: NON-DELIVERY OF THE 28 DAY CLEARING AND MAINTENANCE OF VEGETATION NOTICE ON OPEN LAND, PROPERTY 219, SANDBAAI

THIS ITEM WAS REMOVED FROM THE AGENDA

6.3

**INVESTIGATION INTO THE IRREGULAR EXPENDITURE REGARDING PAYMENT
MADE TO THE BEACH ROAD CAFÉ HAWSTON IN RESPECT OF THE SUPPLY
OF NEWSPAPERS TO THE HAWSTON LIBRARY**

THIS ITEM WAS REMOVED FROM THE AGENDA

6.4

INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: THE PAYMENT OF FUNDS TO AN INCORRECT CREDITOR, BEING CORPTRAIN TRADING (PTY) LTD

THIS ITEM WAS REMOVED FROM THE AGENDA

6.5

CONFERRING OF ALDERMANSHIP/ALDERLADYSHIP

3/3/2

S Swart

(028) 313 8006

Corporate Head Office

20 May 2016

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in terms of the approved criteria for conferring of Alderman- and Alderladyship, Councillors D Coetzee, R Smith and M Sapepa qualify for this title and to therefore request Council to consider the awarding of the title to aforementioned Councillors.

RESOLVED (UNANIMOUSLY):

that aldermanship/alderladyship **be conferred** upon Councillors D Coetzee, R Smith and M Sapepa in acknowledgement for services rendered by them to the community.

RESPONSIBLE OFFICIAL :**S SWART****TARGET DATE FOR IMPLEMENTATION :****27 JULY 2016**

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

The Municipal Manager, Mr C Groenewald, informed the meeting that, although he has no urgent matters to report on, it is his privilege to, on behalf of the Administration, thank the Speaker for the manner in which he conducted meetings. He also thanked Councillors for their support to make it possible to receive three (3) consecutive clean audits. He also wished all political parties the best for the coming Municipal Elections.

8. FINAL ADDRESS BY POLITICAL PARTIES

Cllr V Macotha spoke on behalf of the ANC and thanked the Executive Mayor, Ald N Botha-Guthrie, for her leadership as well as all Committees, the Administration, the Municipal Manager, Directors, Senior Management, Management and staff at large for their outstanding service. He also urged Councillors that are not coming back to hold on to the legacy of the Overstrand Municipality and thanked members of the public for constructive criticism.

The Executive Mayor, Cllr N Botha-Guthrie spoke on behalf of the DA (a copy of her speech is attached as Annexure A to the minutes)

The meeting adjourned at 11:46

DATE

THE SPEAKER – A COETSEE