



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 27 MARCH / MAART / MATSHI
2019**
**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

22 March / Maart / Matshi 2019

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, 27 MARCH 2019** 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, 27 MAART 2019** 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 **I-Banqueting Hall, kwiZiko LoLUNTU, eHermanus ngoLWESITHATHU, Umhla we 27 MATSHI 2019 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 **Council** held on **Wednesday, 27 February 2019** at 11:00

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 Executive Mayor in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 27 March 2019 had formally sat.

5.1

DRAFT BY-LAW RELATING TO TREES

(ITEM 2, PAGE 8 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa 1996, read with section 11(3)(m) of the Local Government Municipal Systems Act, No 32 of 2000, the draft By-law relating to Trees **be adopted**; and
2. that, in terms of section 13(a) of the Local Government Municipal Systems Act No 32 of 2000, the By-law relating to Trees **be promulgated** in the Provincial Gazette.

RESPONSIBLE OFFICIAL:

L RAINBIRD

TARGET DATE FOR IMPLEMENTATION :

IMMEDIATELY SUBSEQUENT TO PUBLICATION IN THE PROVINCIAL GAZETTE

5.2

TRANSFER: OVERSTRAND MUNICIPALITY TO ZENDOLINE DOSMAY DE VILLIERS: ERF 1029, HAWSTON

(ITEM 3, PAGE 23 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

1. that permission **be granted** to transfer erf 1029, Hawston to Ms Zendoline Dosmay De Villiers;
2. that the aforementioned consent to transfer be subject to Ms Zendoline Dosmay De Villiers accepting responsibility for the outstanding municipal services account in respect of erf 1029, Hawston; and
3. that the aforementioned consent to transfer be subject to a usufruct being granted in favour of Ms Rachel Malan.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****01 APRIL 2019**

5.3

TRANSFER: OVERSTRAND MUNICIPALITY TO MKHUSELI AND QUEEN MNYAKA: ERF 477, ZWELIHLE

(ITEM 5, PAGE 33 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

1. that permission **be granted** to transfer erf 477, Zwelihle to Mr Mkhuseli Mnyaka (ID Number 7503095816084) and Ms Queen Mnyaka; and
2. that the aforementioned approval furthermore be subject to Mr Mkhuseli and Ms Queen Mnyaka (ID Number 8706131066080) accepting responsibility for the outstanding municipal services account in respect of erf 477 Zwelihle.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****01 APRIL 2019**

5.4

ERVEN 193 AND 12254, 77 & 79 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE L & R FAMILY TRUST

(ITEM 2, PAGE 176 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 193, Hermanus from single residential usage to commercial/medical consultation uses, as well as to deviate from the Growth Management Strategy, 2010 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	10 APRIL 2019
TARGET DATE TO INFORM APPLICANT :	10 APRIL 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

5.5

ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY

(ITEM 3, PAGE 234 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	10 APRIL 2019
TARGET DATE TO INFORM APPLICANT :	10 APRIL 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

5.6

HERMANUS, STANFORD: APPROVAL FOR THE ALIENATION AND TRANSFER OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD

(ITEM 4, PAGE 272 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation (sale) and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes **be approved**;
 - (a) a portion of Erf 5327 Hermanus, $\pm 555\text{m}^2$ in extent, at payment of a market related purchase price of R100.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 28475\text{m}^2$ in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 2892\text{m}^2$ in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (d) a portion of Erf 4833 Hermanus, $\pm 3074\text{m}^2$ in extent, at payment of a market related purchase price of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);
 - (e) a portion of Remainder Erf 294 Stanford, $\pm 1548\text{m}^2$ in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
 - (f) a portion of Erf 594 Stanford, $\pm 688\text{m}^2$ in extent, at payment of a market related purchase price of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT excluded);
 - (g) a portion of Erf 1177 Stanford, $\pm 662\text{m}^2$ in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):

- (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
3. that the amounts listed in 1(a) to (g) and 2(a) to (c) be paid to the Municipality in lieu of final settlement of the purchase price;
4. that a condition be registered in the title deeds of the said portions of properties to be alienated and transferred that no structures of any kind may be erected thereon;
5. that the alienation and transfer of the said portions of properties be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;
6. that the costs of the valuation, subdivision and possible consolidation, rezoning, transfer of and cancellation of endorsements against the properties and the and related costs be paid by the Western Cape Government (Department of Transport and Public Works);
7. that, where necessary, servitudes be registered in favour of and to the satisfaction of the Overstrand Municipality in relation to any existing services on the properties, at the cost of the Western Cape Government (Department of Transport and Public Works);
8. that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested;
9. that a condition be included in the Deed of Sale that the sale of the portions situated in the Fernkloof Nature Reserve be subject to the successful de-proclamation thereof OR be subject to the Western Cape Government: Department of Environmental Affairs and Development Planning providing written confirmation that it is not necessary to attend to a de-proclamation; and
10. that it be noted that the portions of municipal properties envisaged to be alienated is not required for the provision of the minimum level 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 (Act 56 of 2003).

RESPONSIBLE OFFICIAL :	A LE ROUX
TARGET DATE FOR IMPLEMENTATION:	N/A
TARGET DATE TO INFORM APPLICANT:	17 APRIL 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

5.7

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) : FEBRUARY 2019**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 27 MARCH
2019)**

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for February 2019, **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 February 2019, **be noted**.

RESPONSIBLE OFFICIAL :**C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.8

CONSIDERATION OF THE 2017/18 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT**(ITEM 6, PAGE 8 : MAYORAL COMMITTEE MEETING : 27 MARCH 2019)****RECOMMENDATION TO THE COUNCIL:**

that, in terms of Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and having duly considered the 2017/18 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

5.9

DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2019/20**(ITEM 7, PAGE 31 : MAYORAL COMMITTEE MEETING : 27 MARCH 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the draft reviewed IDP for 2019/20 **be noted**; and
2. that the draft IDP review **be advertised** for public comment in order for Council to consider the final document during the May 2019 Council meeting.

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

5.10

DRAFT WATER SERVICES DEVELOPMENT PLAN FOR 2019/20**(ITEM 8, PAGE 34 : MAYORAL COMMITTEE MEETING : 27 MARCH 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the Draft Water Services Development Plan (WSDP) for 2019/20 be **noted**; and
2. that it furthermore **be noted** that the Final Draft WSDP for 2019/20, with inputs from the public and other stakeholders taken into account, is to be considered for approval at the Council meeting in May 2019.

RESPONSIBLE OFFICIAL :**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2019****TARGET DATE TO INFORM APPLICANT :****NOT APPLICABLE****TARGET DATE TO INFORM OBJECTOR :****NOT APPLICABLE**

5.11

DRAFT BUDGET FOR 2019/2020, INDICATIVE BUDGET FORECASTS FOR 2020/2021 TO 2021/2022 AND DRAFT BUDGET RELATED POLICIES

(ITEM 9, PAGE 36 : MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

that the tabling of the Draft Budget for 2019/2020, indicative budget forecasts for 2020/2021 to 2021/2022 and the draft budget related policies **be noted**.

RESPONSIBLE OFFICIALS :**S REYNEKE-NAUDE
BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.12

**DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2019/20**

**(ITEM 10, PAGE 38 : MAYORAL COMMITTEE MEETING : 27 MARCH
2019)**

RECOMMENDATION TO THE COUNCIL:

that the draft Service delivery and Budget Implementation plan (SDBIP) for 2019/20 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

5.13

SIGNED REVISED PERFORMANCE PLANS OF THE SECTION 54A AND 56 APPOINTEES FOR 2018/19

(ITEM 11, PAGE 40 : MAYORAL COMMITTEE MEETING : 27 MARCH 2019)

RECOMMENDATION TO THE COUNCIL:

that the signed revised performance plans of the Section 54A and 56 appointees for 2018/19 **be noted**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

27 MARCH 2019

6. CONSIDERATION OF REPORTS

6.1

APPOINTMENT OF A NEW MEMBER AND CHAIRPERSON : DISCIPLINARY COMMITTEE

3/2/3/7

H van Tonder

(028) 313 8037

Corporate Head Office

1 March 2019

1. Executive Summary

The purpose of the report is to afford Council the opportunity to appoint a new member and chairperson for the Disciplinary Committee due to Ald N Johnson (Botha-Guthrie) who resigned as councillor.

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)

6. Background/Discussion

Council on 28 February 2018 resolved as follows:

“RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the following members **be appointed** on the Disciplinary Committee:

Ald N Botha-Guthrie, Cllrs A Komani, L Ntsabo, S Kalolo and V Macotha

2. that Ald N Botha-Guthrie **be appointed** as the Chairperson of the Disciplinary Committee and Cllr A Komani as the **secundus** for the Chairperson.”

Council is thus requested to appoint a new member and chairperson for the Disciplinary Committee due to Ald N Johnson’s (Botha-Guthrie) resignation as councillor.

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 new member for the Disciplinary Committee **be appointed**; and
2. that a new **chairperson** for the Disciplinary Committee **be appointed**.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

IMMEDIATELY

6.2**APPOINTMENT OF A NEW MEMBER AND SECUNDUS : MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

3/2/3/7

H van Tonder
1 March 2019

(028) 313 8037

Corporate Head Office

1. Executive Summary

The purpose of the report is to afford Council the opportunity to appoint a new member, as well as a secundus for the chairperson for the Municipal Public Accounts Committee (MPAC) due to Ald N Johnson (Botha-Guthrie) who resigned as councillor.

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

Constitution of the Republic of South Africa, 1996 (Constitution)

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

Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA)

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

6. Background/Discussion

Council on 28 February 2018 resolved as follows:

“RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the following members **be appointed** on the Municipal Public Accounts Committee:

Cllr D Botha, Ald N Botha-Guthrie, Cllrs G Cohen, S Tebele and B Molefe;

2. that Cllr S Tebele **be appointed** as Chairperson; and
3. that Ald N Botha-Guthrie **be appointed** as **secundus** for the Chairperson.”

Council is thus requested to appoint a new member and secundus for the chairperson of the MPAC due to Ald N Johnson’s (Botha-Guthrie) resignation as councillor.

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 non-executive member for the Municipal Public Accounts Committee **be appointed** as a new member; and
2. that a new **secundus be appointed** for the Chairperson.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

IMMEDIATELY

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)