



**ORDINARY MEETING OF THE COUNCIL**

**GEWONE VERGADERING VAN DIE RAAD**

**INTLANGANISO YESIQHELO YEBHUNGA**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 28 JUNE / JUNIE / JUNI 2017**

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

**TIME / TYD / IXESHA: 11:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING**  
HELD IN THE **BANQUETING HALL**, CIVIC CENTRE,  
HERMANUS, ON **28 JUNE 2017**, AT **11:00**

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**PRESENT/ TEENWOORDIG**

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT/  
AMPTENARE TEENWOORDIG**

Mr C Groenewald, Municipal Manager  
Ms S Reyneke-Naudé, Director : Finance  
Mr R Williams, Director : Community Services  
Ms D Arrison, Director : Management Services  
Mr N Michaels, Director : Protection Services  
Mr S Müller, Director : Infrastructure & Planning  
Mr F Myburgh, Senior Manager : Gansbaai  
Administration  
Mr D Lakey, Senior Manager : Kleinmond  
Administration  
Mr R Fraser, Chief : Traffic/Licences  
Mr W Louw, Risk Officer (Intern)  
Ms H van Tonder, Manager : Council Support  
Services  
Ms S Swart, Administrative Officer : Council  
Support Services  
ICT  
Ms N Zweni, Manager : Communication  
Ms R Steenekamp, Media & Social Media  
Co-ordinator  
Mr A Gcotyelwa, Housing Officer Acting as  
Interpreter  
Ms M de Villiers, Mayoral Committee Secretary  
Ms S Carelse, PRO : Executive Mayor

**ALSO PRESENT:**


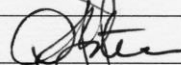
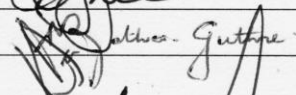
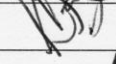

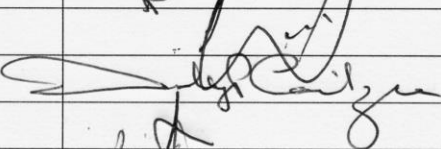
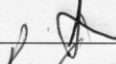

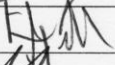
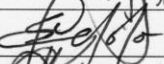
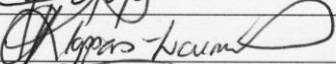
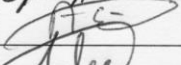
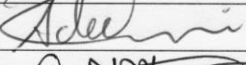
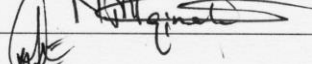

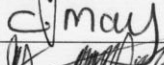

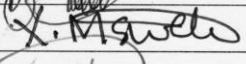
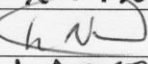
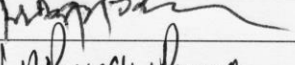
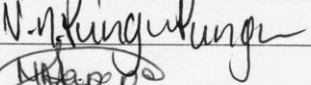
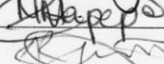



Members of the Public

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**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

COUNCIL MEETING  
28 JUNE 2017

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, A	
BOTHA, D	
BOTHA-GUTHRIE, N	
BRICE, KD	
COETSEE, A	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
GILLION, E	
KALOLO, SV	
KLOPPERS-LOURENS J	
KOMANI, AS	
KRIGE, F	
NQINATA, NNT	
MACOTHA, VC	
MAY, C	
MOLEFE, B	
MSWELI, X	
NTSABO, L	
OPPERMAN, M	
PUNGUPUNGU, V	
SAPEPA, NM	
SMITH, RJ	
TAFU-NWONKWO, CC	
TEBELE, S	

**1. OPENING**

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

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 31 May 2017 at 11:00**

**RESOLVED**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 31 May 2017 at 11:00, be confirmed.**

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

None

**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  
BUSINESS CONTINUITY FRAMEWORK**

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 JUNE 2017)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the Business Continuity Framework **be approved**; and
2. that the Relationship between Business Continuity and Disaster Management **be noted**.

**RESPONSIBLE OFFICIAL : A RIDDLES**

**TARGET DATE FOR IMPLEMENTATION : 1 JULY 2017**

**5.2**

**HERMANUS: RECTIFICATION OF THE PROPERTY SIZE IN COUNCIL RESOLUTION DATED 31 MAY 2017 FOR THE TRANSFER OF UNREGISTERED ERF 12199 HERMANUS FOR INDUSTRIAL PURPOSES**

**(ITEM 3, PAGE 41 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 JUNE 2017)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that condition 1 of Council resolution dated 31 May 2017 be rectified to reflect the correct size of the unregistered Erf 12199 Hermanus to be 2,4818 ha in extent.

<b>RESPONSIBLE OFFICIAL :</b>	<b>A LE ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>31 JULY 2017</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>N/A</b>

## 5.3

**ERF 8168, 104 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :  
SUBDIVISION, REZONING AND AMENDMENT OF SPATIAL DEVELOPMENT  
FRAMEWORK: MESSRS PLAN ACTIVE ON BEHALF OF THE GRAIL CENTRE  
TRUST**

**(ITEM 4, PAGE 47 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 28 JUNE 2017)**

**THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:10**

**THE MEETING RESUMED AT 11:32**

**RESOLVED (SUPPORTED BY A MAJORITY OF 17 COUNCILLORS):**

that, in terms of Sections 4(7) and 34 of the Local Government: Municipal Systems Act (Act 32 of 2000) for the Amendment of the Overstrand Municipal Spatial Development Framework in order to accommodate the business premises as proposed (Portion A), **be approved.**

**CLLR S TEBELE, ALD M SAPEPA, CLLRS X MSWELI, N NQINATA, S KALOLO,  
V PUNGUPUNGU, V MACOTHA AND C TAFU-NWONKWO REQUESTED THAT  
THEIR OPPOSITION AGAINST THE DECISION BE MINUTED**

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 JULY 2017</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 JULY 2017</b>
<b>TARGET DATE TO INFORM OBJECTORS :</b>	<b>12 JULY 2017</b>

**5.4****OVERSTRAND SOCIO-ECONOMIC STUDY CLOSE-OUT REPORT****(ITEM 5, PAGE 81 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 28 JUNE 2017)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the findings and recommendations made in the final report of the Overstrand Socio-economic Study, **be noted**.

**RESPONSIBLE OFFICIAL :****A JACOBS****TARGET DATE FOR IMPLEMENTATION :****28 JUNE 2017****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**



**5.5****MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR MAY 2017****(ITEM 5, PAGE 1: MAYORAL COMMITTEE MEETING : 28 JUNE 2017)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2017, **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 2017, **be noted**.

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

**5.6**

**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998 (ACT 20 OF 1998):  
DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND  
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS –  
CHAIRPERSON OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

**(ITEM 6, PAGE 8: MAYORAL COMMITTEE MEETING : 28 JUNE 2017)**

**THE DEMOCRATIC ALLIANCE REQUESTED A CAUCUS AT 11:45**

**THE MEETING RESUMED AT 12:02**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the salary and allowances in respect of the Chairperson of the MPAC, as a section 79 Committee, as provided for in Government Notice 313, dated 03 April 2017, **be approved** and be made applicable **with effect from 12 August 2016**, subject to the concurrence of same by the Provincial Minister of Local Government, Environmental Affairs and Development Planning.

**RESPONSIBLE OFFICIAL :**

**J VORSTER /  
RETHA RUST**

**TARGET DATE OF IMPLEMENTATION:**

**31 JULY 2017**

**5.7****CONTRACT NO. SC1792/2017:****PROPOSED AMENDMENT: LEASE AGREEMENT FOR THE HAWSTON / ONRUS RADIO MAST SITE FOR HOSTING 7 ANTENNAE WITH RFG ELECTRONICS CC FOR A CONTRACT PERIOD ENDING 30 JUNE 2020****(ITEM 7, PAGE 29 : MAYORAL COMMITTEE MEETING : 28 JUNE 2017)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that **cognisance be taken** of the reasons for the proposed amendment of **Contract SC1792/2017** for lease agreement for the Hawston / Onrus radio mast site for hosting 7 antennae with RFG Electronics cc for a contract period ending 30 June 2020, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 4 May 2017.

**RESPONSIBLE OFFICIAL :****C JOHNSON  
M POTGIETER****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

**5.8**

**AMENDMENTS TO THE 2017/2018 INDIGENT POLICY**

**(ITEM 8, PAGE 44 : MAYORAL COMMITTEE MEETING : 28 JUNE 2017)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that Clause 3(m) in the revised Indigent Policy for 2017/2018 **be deleted.**

**RESPONSIBLE OFFICIAL :**

**S REYNEKE-NAUDE**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**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 3451, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION : COR VAN ROOYEN LAND SURVEYOR ON BEHALF OF MESSRS CE LIEBENBERG, FJ & SM PIENAAR AND AH LUCKHOFF**

**3/2/3/6****S Swart****12 June 2017****(028) 313 8006****Corporate Head Office**

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**EXECUTIVE SUMMARY**

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

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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

that the panel reserved its finding on the basis that, if the parties could not reach settlement within a reasonable period, the Panel will reconvene the hearing in order to deliver its finding.

***SUBSEQUENT TO THE HEARING:***

1. The Panel received a written deed of settlement duly signed by the parties; and
2. The Panel considered the deed of settlement and decided to accept the terms thereof and to raise it to become the decision of the Panel. The terms of the deed of settlement therefore become the decision of the Appeal Committee.

**RESPONSIBLE OFFICIAL :****H VAN DER STOEP/S SWART****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

## 6.2

**APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 661, 17 PELICAN CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND REMOVAL OF RESTRICTIVE CONDITIONS : R AND R VAN DEN BERG**

3/2/3/6

S Swart

12 June 2017

(028) 313 8006

Corporate Head Office

**EXECUTIVE SUMMARY**

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

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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

1. that the appeal **be upheld**;
2. that, should the Appellant wish to build a second storey at any future time, the normal 2 m lateral building lines must be observed and the roof of any area herewith legalised may not become or be incorporated in a patio to such second storey; and
3. that the full deposit **be refunded** to the Appellant.

**RESPONSIBLE OFFICIAL :****H VAN DER STOEP/S SWART****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**6.3****FRUITLESS AND WASTEFUL EXPENDITURE: SOUND EQUIPMENT MISSING FROM THE THUSONG CENTRE****3/2/3/8****D Kearney / H van Tonder  
19 June 2017****(028) 313 8112****Hermanus Administration**

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**EXECUTIVE SUMMARY**

The purpose of the report is to provide Council with the necessary information to take an informed decision when considering the facts and circumstances regarding the loss and replacement costs of sound equipment from the Thusong Community Centre.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the fruitless and wasteful expenditure in respect of the book value of the stolen equipment, to wit R2 424,88, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESPONSIBLE OFFICIAL :****E HOONEBERG  
B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****14 JULY 2017**

**6.4****FRUITLESS AND WASTEFUL EXPENDITURE INCURRED DUE TO OVERSIGHT ON PLOT CLEARING PROCESSES IN RESPECT OF ERF NO 882, SANDBAAI****3/2/3/8****N Michaels / H van Tonder  
19 June 2017****(028) 313 8054****Corporate Head Office**

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to write off the amount levied of R6 085.00, which includes collection fee, administration fee and legal fees and other fees that may have incurred in an attempt to recover plot clearing costs from Mr Jordaan, the owner of Erf 882 Sandbaai.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the fruitless and wasteful expenditure in the amount of R6 085.00 for plot clearing charges, legal, collection and administration fees in respect of erf 882, Sandbaai be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESPONSIBLE OFFICIAL :****E HOONEBERG  
B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****14 JULY 2017**



**6.5****FRUITLESS AND WASTEFUL EXPENDITURE: WRITING OFF OF DAMAGES AND COST INCURRED THROUGH THE BEHAVIOUR OF A FORMER EMPLOYEE****3/2/3/8****D van Rhodie / H van Tonder (028) 271 8431****Kleinmond Administration****19 June 2017**

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with the relevant information on the damages suffered and costs incurred as a result of the actions or omissions of a former employee of the Overstrand Municipality in order to enable Council to take an informed decision when writing off the damages and cost incurred.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the Fruitless and Wasteful Expenditure to the amount of **R21 889.93**, being fruitless and wasteful expenditure for damages suffered and costs incurred as a result of the actions or omissions of a former employee, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESPONSIBLE OFFICIAL :****E HOONEBERG  
B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****14 JULY 2017**

**6.6****FRUITLESS AND WASTEFUL EXPENDITURE INCURRED DUE TO OVERSIGHT ON PLOT CLEARING PROCESSES IN RESPECT OF ERF NO 227, SANDBAAI****3/2/3/8****N Michaels / H van Tonder  
19 June 2017****(028) 313 8054****Corporate Head Office**

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to write off the amounts of R1 546.74, which was paid to the Plot Clearing Contractor for clearing erf 227 Sandbaai, as well as the Administration Levy of R1 000.00 which was to be levied to the owner of the erf. The total amount to be written off is **R2 546.74**.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the Fruitless and Wasteful Expenditure to the amount of **R2 546.74** being fruitless and wasteful expenditure for the plot clearing charges, administration and collection fees on erf 227, Sandbaai be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESPONSIBLE OFFICIAL:****E HOONEBERG  
B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****12 JULY 2017**

**7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)**

None

**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)**

None

**The meeting adjourned at 12:15**

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**DATE**

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**THE SPEAKER – A COETSEE**