



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

**A G E N D A**

**I-AJENDA**

<b>DATE / DATUM / UMHLA :</b>	<b>29 MARCH / MAART / MATSHI 2017</b>
<b>VENUE / PLEK / INDAWO :</b>	<b>BANQUETING HALL / BANKETSAAL CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU HERMANUS</b>
<b>TIME / TYD / IXESHA :</b>	<b>11:00</b>

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

24 March/Maart/Matshi 2017

## **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, 29 MARCH 2017** 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**

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## **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, 29 MAART 2017** 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**

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## **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, Umhla we 29 MATSHI 2017 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, 22 February 2017** 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 Mayoral Committee in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 29 March 2017 had formally sat.

**5.1**

**AMENDMENTS TO THE 2016/2017 SUPPLY CHAIN MANAGEMENT POLICY (SCM)**

**(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the amended Supply Chain Management policy for 2016/2017 **be adopted from 1 April 2017.**

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**1 APRIL 2017**

**5.2**

**RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE**

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the Risk Management Committee Terms of Reference **be approved.**

**RESPONSIBLE OFFICIAL :**

**A RIDDLES**

**TARGET DATE FOR IMPLEMENTATION :**

**APRIL 2017**

**5.3**

**RISK MANAGEMENT STRATEGY AND POLICY 2016/2017**

**(ITEM 2, PAGE 11 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the Risk Management Strategy **be approved**; and
2. that the Risk Management Policy **be adopted**.

**RESPONSIBLE OFFICIAL :**

**A RIDDLES**

**TARGET DATE FOR IMPLEMENTATION :**

**APRIL 2017**

## 5.4

**REVISED CORPORATE IDENTITY AND BRANDING POLICY****(ITEM 3, PAGE 55 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the Corporate Identity and Branding Policy for the Overstrand Municipality, as amended, **be approved**; and
2. that implementation of the Communication Policy be attended to by the Manager: Communication.

**RESPONSIBLE OFFICIAL :****N ZWENI****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2017**

## 5.5

**DRAFT COMMUNICATION POLICY****(ITEM 4, PAGE 69 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the Draft Communication Policy for the Overstrand Municipality, as amended, **be adopted**; and
2. that implementation of the Communication Policy be attended to by the Manager: Communication.

**RESPONSIBLE OFFICIAL :****N ZWENI****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2017**



## 5.6

**DRAFT SOCIAL MEDIA POLICY****(ITEM 5, PAGE 93 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO THE COUNCIL:**that the Social Media Policy for the Overstrand, as amended, **be adopted.****RESPONSIBLE OFFICIAL :****R STEENEKAMP****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2017**

**5.7**

**OVERSTRAND MUNICIPALITY DISASTER MANAGEMENT POLICY**

**(ITEM 1, PAGE 1 : PROTECTION SERVICES PORTFOLIO - MAYORAL  
COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the Overstrand Municipality Disaster Management Policy **be adopted.**

**RESPONSIBLE OFFICIAL :**

**L SMITH**

**TARGET DATE:**

**1 APRIL 2017**

5.8

OVERSTRAND MUNICIPALITY DISASTER MANAGEMENT PLAN

**(ITEM 2, PAGE 30 : PROTECTION SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO THE COUNCIL:**that the Overstrand Municipality Disaster Management Plan **be adopted.****RESPONSIBLE OFFICIAL :****L SMITH  
N MICHAELS****TARGET DATE:****1 APRIL 2017**

## 5.9

**OVERSTRAND MUNICIPALITY POLICY FOR THE CLEARING AND MAINTENANCE OF VEGETATION CREATING FIRE HAZARDS**

**(ITEM 3, PAGE 98 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the Overstrand Municipality Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards, previously known as the Fire Hazards Management Policy, **be adopted.**

**RESPONSIBLE OFFICIAL :****L SMITH****TARGET DATE:****1 APRIL 2017**

**5.10**

**TREE POLICY: OVERSTRAND MUNICIPAL AREA**

**(ITEM 2, PAGE 7 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the Tree Policy, as amended, **be adopted.**

**RESPONSIBLE OFFICIAL :**

**L RAINBIRD**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

## 5.11

**ERVEN 8823 AND 8946, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CLOSURE OF AN OPEN SPACE, REZONING TO SUBDIVISIONAL AREA, SUBDIVISION, DEPARTURE AND AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY (2010) : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

**(ITEM 2, PAGE 42 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO COUNCIL:**

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 residential development with a density of more than thirty five (35) units per hectare, **be recommended for approval** on Erven 8223 and 8946, Zwelihle.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.12

**ERF 381, 2 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA:  
AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK  
AND THE GROWTH MANAGEMENT STRATEGY, 2010 : MESSRS TOWN- AND  
COUNTRY ON BEHALF OF DG AND AM VERMEULEN**

**(ITEM 3, PAGE 83 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO COUNCIL:**

that the application for the amendment of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilise Erf 381, Gansbaai for commercial development, in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.13

**HERMANUS: RESCISSION OF COUNCIL DECISION OF 23 SEPTEMBER 2014 AND IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 241 HERMANUS (ADJOINING ERF 7190 HERMANUS) TO MR JF & MRS LI CRONJÉ**

**(ITEM 5, PAGE 217 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that Council's resolution dated 23 September 2014 for the sale of a portion of road (Rocklands Road – Portion of Erf 241, Hermanus) by means of a competitive bidding process, **be rescinded**;
2. that the direct alienation of a portion of Erf 241 Hermanus,  $\pm 172\text{m}^2$  in extent, to the owners of Erf 7190 Hermanus (57 Rocklands Road), Mr JF & Mrs LI Cronjé, at a market related purchase price, **be approved in principle**, subject to the following conditions:
  - (a) that a public participation process be followed in terms of Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) at the cost of the purchasers due to the non-viability of the property;
  - (b) that the purchasers obtain the necessary closure, subdivision, rezoning and consolidation approvals for the subject property;
  - (c) that the costs pertaining to the transaction, e.g. valuation, subdivision, consolidation, rezoning, transfer and related costs, water- and sewer connections, bulk services contribution, advertisements, etc. be paid by the purchasers;
  - (d) that the subject portion of Erf 241 Hermanus must be consolidated with the adjoining property of the purchasers, to wit Erf 7190 Hermanus, at their cost; and
  - (e) that, should the purchasers be successful pertaining to conditions (a) to (d) above, applications for the departure to legalize the existing dwelling and closed stoep on the street building line be submitted;
2. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Erf 241 Hermanus is classified as a non-viable property;



3. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is 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 (Act 56 of 2003).

**RESPONSIBLE OFFICIAL :**

**A KOTZE**

**TARGET DATE FOR IMPLEMENTATION:**

**IN PROCESS**

**TARGET DATE TO INFORM APPLICANT:**

**5 APRIL 2017**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.14

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c), FOR FEBRUARY 2017**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

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

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

5.15

**CONSIDERATION OF THE 2015/16 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT**

**(ITEM 6, PAGE 6 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**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 2015/16 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**

5.16

**DRAFT 4<sup>th</sup> GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) FOR 2017/2021**

**(ITEM 7, PAGE 35 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the tabling of the draft 4<sup>th</sup> Generation Integrated Development Plan for the five year period of 2017/2021 **be noted**; and
2. that it furthermore be noted that the final document is to be considered by Council during the May 2017 Council meeting.

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**30 MARCH 2017**

## 5.17

**DRAFT WATER SERVICES DEVELOPMENT PLAN (IDP WATER SECTOR INPUT REPORT) FOR 2017/18**

**(ITEM 8, PAGE 37 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the tabling of the Draft Water Services Development Plan (WSDP) for 2017/18 be **noted**; and
2. that it furthermore **be noted** that the Final Draft WSDP for 2017/18, with inputs from the public and other stakeholders taken into account, is to be considered at the Council meeting in May 2017.

**RESPONSIBLE OFFICIAL :****H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

5.18

**DRAFT AIR QUALITY MANAGEMENT PLAN: OVERSTRAND MUNICIPALITY**

**(ITEM 9, PAGE 39 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO COUNCIL:**

1. that the Draft Air Quality Management Plan, **be noted**;
2. that it furthermore be noted that the final Air Quality Management Plan, with inputs from the public and other stakeholders taken into account, is to be considered for approval at the meeting of Council during May 2017; and
3. that the approved Air Quality Management Plan be included as a Sector Plan in the new 5 year Integrated Development Plan.

**RESPONSIBLE OFFICIAL:**

**P APLON**

**TARGET DATE FOR IMPLEMENTATION:**

**1 JULY 2017**

## 5.19

**OVERSTRAND: SPATIAL DEVELOPMENT FRAMEWORK AND SECTORAL PLANS: OVERSTRAND MUNICIPALITY****(ITEM 10, PAGE 41 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO COUNCIL:**

1. that the Spatial Development Framework, 2006 and the Sectoral Plans **be incorporated** as a Sectoral Plan to the Integrated Development Plan in terms of Section 34(a) of the Local Government: Municipal Systems Act No.32 of 2000, subject to;
  - the approval of the Spatial Development Framework, 2006 as the status quo document in terms of Section 5(1)(a) of the Overstrand Municipal By-Law on Municipal Planning, 2016; and
  - the approval is given to advertise the Spatial Development Framework, and Sectoral Plans in terms of the procedures stipulated in the Local Government: Municipal Systems Act, Act 32 of 2000;
2. that it be noted that the Spatial Development Framework, 2006 and the Sectoral Plans, with inputs from the public and other stakeholders are to be considered for approval at the meeting of Council during May 2017.
3. that it be noted that the Sectoral Plans include the following, as amended from time to time:
  - Overstrand Growth Management Framework, 2010
  - Integrated Development Framework, 2014
  - Hermanus CBD Regeneration Framework, 2016
  - Danger Point Precinct Development Plan, 2014
  - Baardskeerdersbos Precinct Plan, 2015
  - Kleinbaai Nodal Development Study, 2016

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

## 5.20

**DRAFT BUDGET FOR 2017/2018, INDICATIVE BUDGET FORECASTS FOR 2018/2019 TO 2019/2020 AND DRAFT BUDGET RELATED POLICIES**

**(ITEM 11, PAGE 44 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the tabling of the Draft Budget for 2017/2018, indicative budget forecasts for 2018/2019 to 2019/2020 and the draft budget related policies **be noted**.

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**



5.21

**DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
FOR 2017/18****(ITEM 12, PAGE 46 : MAYORAL COMMITTEE MEETING : 29 MARCH  
2017)****RECOMMENDATION TO COUNCIL:**

that the tabling of the draft Service Delivery and Budget Implementation Plan (SDBIP) for 2017/18 **be noted**.

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

## 5.22

CONTRACT SC 1560/2015: PROPOSED AMENDMENT: TRANSPORT OF CONTAINERISED MUNICIPAL WASTE AND CHIPPING OF GARDEN WASTE FOR OVERSTRAND MUNICIPALITY FOR A CONTRACT PERIOD ENDING 30 JUNE 2018

(ITEM 13, PAGE 48 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)

**RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of **Contract SC1560/2015** for the **Transport of Containerised Municipal Waste and Chipping of Garden Waste for Overstrand Municipality for a Contract Period ending 30 June 2018**, 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, 13 March 2017.

**RESPONSIBLE OFFICIAL :****H BLIGNAUT  
J VAN TAAK  
M POTGIETER****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2017**

## 5.23

**REAPPOINTMENT OF COUNCILLORS ON PORTFOLIO COMMITTEES****(ITEM 14, PAGE 58 : MAYORAL COMMITTEE MEETING : 29 MARCH 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that resolution 2 under Item 8 adopted on 26 September 2016, **be revoked**;
2. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed**; and
3. that a simple majority of members of any one of the Committees constitutes a **quorum**.

**RESPONSIBLE OFFICIAL:****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****29 MARCH 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 2550, 117 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION : PG MONS ON BEHALF OF PENCHANT INVESTMENTS PTY LTD**

3/2/3/6

S Swart

9 March 2017

(028) 313 8006

Corporate Head Office

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**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 3 December 2014 that the application for departure not be approved.

**The Appeal Committee resolved as indicated in the recommendation hereunder.**

**7. Financial Implications**

50% of the deposit to be refunded to the appellant.

**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 13 February 2017

**RECOMMENDATION TO THE COUNCIL:**

that the decision of the Section 62 Committee in terms of an agreement between the parties **be noted**, namely:

1. that the appeal **be upheld** and the application for departure **be approved**, subject to the following conditions:
  - (a) a site development plan must be submitted before 30 May 2017, indicating the following:
    - Fenced/walled 1,8 m to 2,1 m in height;
    - Electric gate;
    - Landscaping of the eastern and southern boundaries;
    - Smooth surface driveway;
    - Five (5) parking bays on the west boundary;
    - Three (3) parking bays situated underneath the dwelling; and
    - Parking bays must be clearly demarcated in the following manner: Six (6) parking bays for the guests of the Birkenhead House and two (2) for the residents of the dwelling house
  - (b) a building plan for the dwelling must be submitted before or on 31 August 2017; and
  - (c) all other conditions of approval will remain.
2. that 50% of the deposit be refunded to the appellant.

**RESPONSIBLE OFFICIAL :**

**P ROUX/S SWART**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**



**RECORD OF DECISION**  
13 FEBRUARY 2017

**RE:**

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 2550, 117 FIFTH  
STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED  
SUBDIVISION : PG MONS ON BEHALF OF PENCHANT INVESTMENTS PTY LTD

**PRESENT :**

**COUNCILLORS**

Ald A Coetsee  
Cllr V Macotha  
Cllr D Botha  
Cllr K Brice

**CAPACITY**

Chairperson: Appeal Committee  
Member : Appeal Committee  
Member : Appeal Committee  
Ex officio

**OFFICIALS**

Ms H van der Stoep  
Mr P Roux  
Mr L Wallace  
Ms S Swart

Senior Town Planner  
Town Planner  
Legal Advisor  
Administrative Officer, Secretariat

**APPELLANT**

Penchant Investments (Pty) Ltd

Mr P Biden  
Mr S Brümmer

Represented by Mr P Mons, Professional Town  
Planning Consultant  
Birkenhead House  
Birkenhead House

**APOLOGIES**

Cllr M Opperman  
Cllr X Msweli

Member : Appeal Committee  
Member : Appeal Committee

**ABSENT**

None

**SESSION OF APPEAL COMMITTEE****13 FEBRUARY 2017****APPELLANT:**

Messrs Penchant Investments (Pty) Ltd, represented in the appeal by Mr P Mons, Professional Town Planning Consultant.

**RESPONDENT:**

Overstrand Municipality herein represented by Mr P Roux, Town Planner.

**NOTICE OF APPEAL HEARING:**

Notices were sent to all parties concerned.

**NATURE OF APPEAL:**

The appellant appeals against the Executive Mayor's decision dated 3 December 2014 not to approve the application for a departure.

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

**SITE VISIT:**

None

**CONSIDERATION OF APPEAL:**

After due consideration of the documents and after hearing arguments by both parties, the Senior Town Planner mentioned that it is not ideal for the guests of Birkenhead House to use public parking in Voëlklip, especially during the summer season when parking is usually a problem. As far as the objections are concerned, it was the opinion of the panel that these concerns could occur in other residential areas as well, and the appellant suggested mitigation measures in order to address the concerns of the adjacent property owners. It was the opinion of the Committee that the matter should be

settled between the parties and gave them an opportunity to discuss the matter between themselves.

**THE MEETING STOOD DOWN AT 11:35 IN ORDER FOR THE PANEL TO DELIBERATE AND THE PARTIES TO REACH A SETTLEMENT**

**THE MEETING RESUMED AT 11:45**

The Committee then –

**RESOLVED (UNANIMOUSLY) IN TERMS OF AN AGREEMENT BETWEEN THE PARTIES:**

1. that the appeal **be upheld** and the application for departure **be approved**, subject to the following conditions:
  - (a) a site development plan must be submitted before 30 May 2017, indicating the following:
    - Fenced/walled 1,8 m to 2,1 m in height;
    - Electric gate;
    - Landscaping of the eastern and southern boundaries;
    - Smooth surface driveway;
    - Five (5) parking bays on the west boundary;
    - Three (3) parking bays situated underneath the dwelling; and
    - Parking bays must be clearly demarcated in the following manner: Six (6) parking bays for the guests of the Birkenhead House and two (2) for the residents of the dwelling house
  - (b) a building plan for the dwelling must be submitted before or on 31 August 2017; and
  - (c) all other conditions of approval will remain.
2. that 50% of the deposit be refunded to the appellant.

**The session of the Appeal Committee closed at 12:50**

**SIGNED ON THIS 14<sup>th</sup> DAY OF MARCH 2017 AT HERMANUS BY THE APPEAL COMMITTEE:**

Cllr A Coetsee	<b>Chairman:</b> Appeal Committee	.....
Cllr D Botha	<b>Member:</b> Appeal Committee	.....
Cllr V Macotha	<b>Member:</b> Appeal Committee	.....

Handwritten signatures of the Appeal Committee members, including the Chairman and two members, are written over the signature lines.



## 6.2

**APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 3458, RHEEZICHT CLOSE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON BEHALF OF JGJ DU TOIT**

3/2/3/6

S Swart

9 March 2017

(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 30 March 2016 that the application for departure not 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 13 February 2017

**RECOMMENDATION TO THE COUNCIL:**

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

1. that the appeal **be dismissed**;
2. that the appellant **forfeits** his deposit; and
3. that the Municipality formulates and approves a policy against which future applications to install rooftop base stations in residential areas can be evaluated.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER/S SWART**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**



**RECORD OF DECISION**  
13 FEBRUARY 2017

**RE:**  
APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 3458, RHEEZICHT  
CLOSE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED  
DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON BEHALF OF JGJ  
DU TOIT

**PRESENT :**

**COUNCILLORS**

Ald A Coetsee  
Cllr V Macotha  
Cllr D Botha  
Cllr K Brice

**CAPACITY**

Chairperson: Appeal Committee  
Member : Appeal Committee  
Member : Appeal Committee  
Ex officio

**OFFICIALS**

Ms H van der Stoep  
Mr H Olivier  
Mr L Wallace  
Ms S Swart

Senior Town Planner  
Town Planner  
Legal Advisor  
Administrative Officer, Secretariat

**APPELLANT**

Warren Petterson Planning

Represented by Mr D Franck

**APOLOGIES**

Cllr M Opperman  
Cllr X Msweli

Member : Appeal Committee  
Member : Appeal Committee

**ABSENT**

None

**APPELLANT:**

Messrs Warren Petterson Planning, represented in the appeal by Mr D Franck.

**RESPONDENT:**

Overstrand Municipality herein represented by Mr H Olivier, Town Planner.

**NOTICE OF APPEAL HEARING:**

Notices were sent to all parties concerned.

**NATURE OF APPEAL:**

The appellant appeals against the Executive Mayor's decision dated 30 March 2016 not to approve the application for a departure.

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

**SITE VISIT:**

None

**CONSIDERATION OF APPEAL:**

The documents were duly considered and after hearing the argument by the Appellant, it was stated by the Chairperson that 26 objections sent out a strong message. The Appellant agreed with that. The Respondent argued on the desirability of the application and was of the opinion that alternative sites were not properly investigated. He also mentioned that the cellular rooftop infrastructure (fake chimney) is over the 8m height restriction, although the Appellant stated that the height can be decreased.

THE MEETING STOOD DOWN AT 15:45 IN ORDER FOR THE PANEL TO DELIBERATE

THE MEETING RESUMED AT 15:50

The Committee was of the opinion that this is indeed an interesting appeal and that there is a need for this kind of application. However, if the objections are considered, it is not necessarily the most that is a problem, but the location. The decision of the Executive Mayor was thus not unreasonable. The Committee mentioned that other locations should be investigated for the installation of rooftop base stations as there is clearly a need therefor, and that a policy should be compiled for the Overstrand to accommodate such applications.

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that the appeal **be dismissed**;
2. that the appellant **forfeits** his deposit; and
3. that the Municipality formulates and approves a policy against which future applications can be evaluated.

The session of the Appeal Committee closed at 15:55

SIGNED ON THIS 7<sup>th</sup> DAY OF MARCH 2017 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Coetsee	<b>Chairman:</b> Appeal Committee	.....
Cllr D Botha	<b>Member:</b> Appeal Committee	.....
Cllr V Macotha	<b>Member:</b> Appeal Committee	.....

Handwritten signatures of the Appeal Committee members, including the Chairman and two members, written over the signature lines.

## 6.3

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

3/2/3/7

H van Tonder  
9 March 2017

(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 for the Municipal Public Accounts Committee (MPAC) due Cllr F Africa now being a member of the Mayoral Committee.

**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 12 August 2016 resolved as follows:

**“RESOLVED (UNANIMOUSLY):**

1. that the Overstrand Municipal Public Accounts Charter **be adopted**;

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

Ald N Botha-Guthrie, Cllrs F Africa, A Klaas, S Tebele and B Molefe;

3. that the Cllr S Tebele **be appointed** as Chairperson and  
 4. that Cllr B Molefe be appointed as **secundus** for the Chairperson.”

Council is thus requested to appoint a new member for the MPAC due to Cllr F Africa now being a member of the Mayoral Committee.

#### 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 non-executive councillor be appointed as a new member on the Municipal Public Accounts Committee to replace Cllr F Africa who has been appointed by the Executive Mayor as Chairperson of the Protection Services Portfolio Committee.

**RESPONSIBLE OFFICIAL :**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION :**

**IMMEDIATELY**

6.4

**BERMS : SCHULPHOEK ROAD, HERMANUS**

16/3/R

S Swart

23 March 2017

(028) 313 8006

Corporate Head Office

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**1. Executive Summary**

The purpose of this report is for Council to discuss the above-mentioned matter as per Council resolution dated 22 February 2017.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Directorate: Community Services

**3. Compliance with Strategic Priority**

Provision and maintenance of municipal services  
Creation and maintenance of a safe and healthy environment

**4. Delegated Authority**

None

**5. Legal Requirements**

Constitution of the Republic of South, 1996

**6. Background**

Council resolved at its meeting of 22 February 2017, *inter alia*, as follows:

- “1. that previous resolutions with regard to the construction of the berms between Wards 12 and 7 on both sides of Schulphoek Road **be upheld** and a new item be submitted in order for Council to debate the matter.”

**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, as envisaged by Council's resolution dated 22 February 2017, the berms in Schulphoek Road, Hermanus be discussed.

**RESPONSIBLE OFFICIAL :****C GROENEWALD****TARGET DATE FOR IMPLEMENTATION :****29 MARCH 2017**

**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)**