



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

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA :	30 SEPTEMBER / SEPTEMBER 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

25 September 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, 30 SEPTEMBER 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, 30 SEPTEMBER 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** ngo**LWESITHATHU, 30 SEPTEMBER 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, 26 August 2015** 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 30 September 2015 had formally sat.

5.1

TRANSFER: OVERSTRAND MUNICIPALITY TO ATHENA PONTAC: ERF 994, HAWSTON

(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 SEPTEMBER 2015)

RECOMMENDATION TO THE COUNCIL:

1. that permission **be granted** for the transfer of Erf 994, Hawston to Ms Athena Pontac; and
2. that the aforementioned approval **be subject** to Ms Athena Pontac accepting responsibility for the outstanding municipal services account in respect of Erf 994, Hawston.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

01 OCTOBER 2015

5.2

PEARLY BEACH: ELUXOLWENI LOW COST HOUSING DEVELOPMENT:
TECHNICAL CLOSE OUT REPORT

(ITEM 7, PAGE 126 : INFRASTRUCTURE AND PLANNING
PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 SEPTEMBER
2015)

RECOMMENDATION TO THE COUNCIL:

that it **be noted** that the Eluxolweni Low Cost Housing Project has been completed and all top structures have been handed over to beneficiaries.

RESPONSIBLE OFFICIAL :**A CAIRNS****TARGET DATE FOR IMPLEMENTATION :****OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****OCTOBER 2015**

5.3

HERMANUS, ERF 640 (A PORTION OF ERF 560), ZWELIHLE: DEVIATION FROM PARAGRAPH 15.1 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY ALLOWING THE MUNICIPALITY TO APPROVE IN PRINCIPLE THE ALIENATION OF MUNICIPAL PROPERTY TO THE CHURCH OF CHRIST MISSION

(ITEM 14, PAGE 311 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 SEPTEMBER 2015)

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 15.1 of the Administration of Immovable Property Policy **be approved**;
2. that the alienation of Erf 640, (a portion of Erf 560) Zwelihle, Hermanus, ($\pm 852\text{m}^2$ in extent) to the Church of Christ Mission **be approved in principle** to rectify this archaic matter subject to a public participation process being followed;
3. that all costs pertaining to the transaction be paid by the purchaser;
4. that the application costs be waived on grounds that the transaction is an archaic matter; and
5. that it **be noted** 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, No. 56 of 2003.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****5 NOVEMBER 2015****TARGET DATE TO INFORM APPLICANT :****5 OCTOBER 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.4

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

**(ITEM 5, PAGE 1 : - MAYORAL COMMITTEE MEETING :
30 SEPTEMBER 2015)**

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 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 August 2015, **be noted**.

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

5.5

WRITING OFF OF NON-TECHNICAL WATER AND ELECTRICITY LOSSES**(ITEM 6, PAGE 6 : - MAYORAL COMMITTEE MEETING :
30 SEPTEMBER 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that the non-technical electricity losses to the value of R986 494.80 for the 2014/15 financial year, **be written off**; and
2. that the non-technical water losses to the value of R5 018 708.27 for the 2014/15 financial year, **be written off**.

RESPONSIBLE OFFICIAL :**B KING****TARGET DATE FOR IMPLEMENTATION :****30 SEPTEMBER 2015**

5.6**AMENDMENT OF PARKING TARIFFS****(ITEM 7, PAGE 16 : - MAYORAL COMMITTEE MEETING :
30 SEPTEMBER 2015)****RECOMMENDATION TO THE COUNCIL:**

that tariffs S32P, S32Q, S32R, S32S and S32T be adjusted downward to R300.00, R1.00, R2.00, R4.00 and R4.00 respectively.

RESPONSIBLE OFFICIAL :**E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****30 SEPTEMBER 2015**

5.7

**WATER AND WASTE WATER TREATMENT OPERATIONS MANAGEMENT
CONTRACT: SC1508/2014 – PROPOSED AMENDMENTS****(ITEM 8, PAGE 19 : - MAYORAL COMMITTEE MEETING :
30 SEPTEMBER 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that the proposed amendments to the approved contract, as contained in the report, for the management of the operation and maintenance of the water and waste water treatment works in the jurisdiction of Overstrand Municipality, **be approved**;
2. that the Municipal Manager be authorised to forthwith sign the contract, as amended herein, on behalf of the Overstrand Municipality.

RESPONSIBLE OFFICIALS :**STEPHEN MÜLLER
HANRÉ BLIGNAUT
MIKE BARTMAN****TARGET DATE FOR IMPLEMENTATION :****1 NOVEMBER 2015****TARGET DATE TO INFORM APPLICANT:****30 SEPTEMBER 2015**

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 25, 35 RIVERSIDE DRIVE, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : LB & M ROMER

3/2/3/6**S Swart****17 August 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 26 February 2015 that the application for a departure on Erf 25, 35 Riverside Drive, Fisherhaven, not be approved.

The Appeal Committee resolved as indicated in the recommendation hereunder.

7. Financial Implications

The full 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 17 August 2015

RECOMMENDATION TO THE COUNCIL:

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

1. that the appeal **be upheld**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for departure to accommodate a fine dining establishment on Erf 25, Fisherhaven, **be approved**, subject to the following conditions:
 - (a) that the facility not be operated in the evenings;
 - (b) that the facility may only be open for lunch and then only on three (3) days per week, namely Thursdays, Fridays and Saturdays until 17:30;
 - (c) that the dominant use of the dwelling house shall be for the living accommodation of a single family;
 - (d) that the owner must reside permanently on the property whilst it is used for the permitted purpose;
 - (e) that the total area to be used for the fine dining shall not exceed 25% of the total floor area of the building;
 - (f) that no advertising sign visible from a public street shall be displayed at the property, except with the consent of the Municipality;
 - (g) that the owners of the property take all reasonable steps to ensure that the activities on their property do not make produce or cause a disturbing noise as defined in the Provincial Noise Regulations (P.N 627 of 1988);

- (h) that, if the Municipality should successfully institute legal proceedings against the owners of the property for a contravention of these conditions of approval, the owners of the property shall be liable to pay the Municipality's legal costs on an attorney / own client scale;
 - (i) that no alcoholic beverages may be sold from the premises;
 - (j) that the maximum number of patrons at any time be restricted to eighteen (18);
 - (k) that only patrons who made prior bookings be accommodated;
 - (l) that parking be provided to the satisfaction of the Municipality; and
 - (m) that, notwithstanding the aforesaid conditions, the interpretation must comply with Paragraph 5.1.8 of the Zoning Scheme.
3. that the full deposit **be refunded** to the appellant.

RESPONSIBLE OFFICIAL :

H OLIVIER/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 25, 35 RIVERSIDE DRIVE, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : LB & M ROMER

PRESENT :

COUNCILLORS

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

CAPACITY

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

OFFICIALS

Mr R Kuchar
Ms H Potgieter
Ms S Swart

Senior Manager : Town Planning
Legal Advisor
Administrative Officer, Secretariat

APPELLANT

Mr J P du Plessis

Messrs Du Plessis, Hofmeyr & Malan

APPLICANT

Ms M Lerm

Plan Active Town- and Regional Planners

APOLOGIES

Cllr L Krige

Observer

APPELLANT:

Messrs Du Plessis, Hofmeyr & Malan.

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 26 February 2015 that the application for a departure on Erf 25, 35 Riverside Drive, Fisherhaven, not 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:

The appellant gave background on the applicant's profession, namely a chef, to operate the fine dining establishment on Erf 25, Fisherhaven and argued that "fine dining" is much more than conducting a restaurant; it should be seen to be exercising a profession based on the Appellant's qualifications in this field. The appellant further argued that the Zoning Scheme permits a home occupation as a primary use from a single residential property, subject to certain conditions, without any further consent from the municipality. The Respondent, Mr R Kuchar, argued that the Appellant will conduct

a restaurant on the premises, even though it is called "fine dining" and the fact remains that the practice will engage in restaurant activities which is a different zoning which will change the Single Residential character. The Appellant argued in reply that, if the conduct of "fine dining" or a restaurant was excluded from the definition of home occupation, it should have been specified as is the case with "adult entertainment". After hearing arguments from both parties, the chairperson, Ald A Coetsee, ruled that the meeting stand down in order for the panel to discuss the appeal further, as well as to afford the appellant and respondent the time to determine if consensus can be reached on some of the issues.

THE MEETING STOOD DOWN AT 12:14

THE MEETING RECONVENED AT 13:00

After the meeting resumed, the panel was informed that the parties have reached a settlement, which settlement was accepted by the Panel in the terms stated below.

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that the appeal **be upheld**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for departure to accommodate a fine dining establishment on Erf 25, Fisherhaven, **be approved**, subject to the following conditions:
 - (a) that the facility not be operated in the evenings;
 - (b) that the facility may only be open for lunch and then only on three (3) days per week, namely Thursdays, Fridays and Saturdays until 17:30;
 - (c) that the dominant use of the dwelling house shall be for the living accommodation of a single family;
 - (d) that the owner must reside permanently on the property whilst it is used for the permitted purpose;
 - (e) that the total area to be used for the fine dining shall not exceed 25% of the total floor area of the building;
 - (f) that no advertising sign visible from a public street shall be displayed at the property, except with the consent of the Municipality;
 - (g) that the owners of the property take all reasonable steps to ensure that the activities on their property do not make produce or cause a disturbing noise as defined in the Provincial Noise Regulations (P.N 627 of 1988);

- (h) that, if the Municipality should successfully institute legal proceedings against the owners of the property for a contravention of these conditions of approval, the owners of the property shall be liable to pay the Municipality's legal costs on an attorney / own client scale;
 - (i) that no alcoholic beverages may be sold from the premises;
 - (j) that the maximum number of patrons at any time be restricted to eighteen (18);
 - (k) that only patrons who made prior bookings be accommodated;
 - (l) that parking be provided to the satisfaction of the Municipality; and
 - (m) that, notwithstanding the aforesaid conditions, the interpretation must comply with Paragraph 5.1.8 of the Zoning Scheme.
3. that the full deposit **be refunded** to the appellant.

The session of the Appeal Committee closed at 13:20

SIGNED ON THIS 26TH DAY OF August 2015 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Coetsee **Chairman: Appeal Committee**

Cllr D Coetsee **Member: Appeal Committee**

Cllr V Macotha **Member: Appeal Committee**

Cllr M Dyani **Member: Appeal Committee**

6.2

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 436, 22 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : M RIDDELL

3/2/3/6

S Swart

3 September 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 29 April 2015 that the application for a departure on Erf 436, 22 Caledon Street, Stanford not be approved.

The Appeal Committee resolved as indicated in the recommendation hereunder.

7. Financial Implications

The full 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 3 September 2015

RECOMMENDATION TO THE COUNCIL:

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

1. that the appeal **be upheld**;
2. that the full deposit **be refunded** to the appellant.

RESPONSIBLE OFFICIAL :

H OLIVIER/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 436, 22 CALEDON
STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED
DEPARTURE : M RIDELL

PRESENT :

COUNCILLORS

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

CAPACITY

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

OFFICIALS

Mr P Roux
Mr H Olivier
Mr L Wallace
Ms S Swart

Town Planner
Town Planner
Legal Advisor
Administrative Officer, Secretariat

APPELLANT

Ms B Ridell
Mr T van Rooyen

Messrs Thys van Rooyen Consulting

APPLICANT

Ms B Ridell

APOLOGIES

Cllr V Macotha

Member : Appeal Committee

APPELLANT:

Ms B Ridell.

RESPONDENT:

Overstrand Municipality herein represented by Messrs P Roux and H Olivier, 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 29 April 2015 that the application for a departure on Erf 436, 22 Caledon Street, Stanford, not 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:

One of the Appeal Committee members, Cllr D Coetzee, visited the subject property to conduct an in loco inspection prior to the meeting.

CONSIDERATION OF APPEAL:

The Applicant/Appellant, Ms B Ridell, gave background and explained the reason for the application for a departure on Erf 438, Stanford in order to relax the lateral building from 2,0 m to 0 m in order to accommodate the "bakoond" and timber deck. She stated that the words "pizza oven" were wrongly indicated on the building plans.

THE MEETING STOOD DOWN AT 14:40 TO AFFORD THE PANEL THE OPPORTUNITY TO CONSIDER THE GROUNDS ON WHICH THE APPEAL WAS LODGED

THE MEETING RECONVENED AT 15:12

After the meeting resumed, the chairperson reported that it was difficult to consider the appeal because the grounds of the appeal are not clear. It is however incumbent on the Appeal Committee to take note that the Appellant is a lay person and therefore the strict rules that will apply to judicial consideration of an appeal must be relaxed within reason in order to afford the Appellant a fair opportunity to be heard.

The right that stands to be protected in terms of Section 62(1) is the right to administrative action that is lawful, reasonable and fair. It seems that, in considering the application, the appeal lies against the reasonableness of the previous decision, specifically that the Executive Mayor was misguided in exercising her discretion. It is apparent that, if the timber deck were to be removed, the rest of the stoep still remains in close proximity to the property boundaries and/or will give rise to the overlooking and loss of privacy as removing the portion of the wooden deck will not cure the problem. On this basis, the Committee found that the decision by the Executive Mayor was not reasonable.

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that the appeal **be upheld**; and
2. that the full deposit **be refunded** to the appellant.

The session of the Appeal Committee closed at 15:20

SIGNED ON THIS 22ND DAY OF SEPTEMBER 2015 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Coetsee **Chairman:** Appeal Committee

Cllr D Coetsee **Member:** Appeal Committee

Cllr V Macotha **Member:** Appeal Committee

Cllr M Dyani **Member:** Appeal Committee

Cllr L Krige **Member:** Appeal Committee

The block contains five handwritten signatures in blue ink, each written over a dotted line corresponding to a committee member's name. The signatures are: a large, stylized signature for the Chairman; a signature for Cllr D Coetsee; a signature for Cllr V Macotha; a signature for Cllr M Dyani; and a signature for Cllr L Krige.

6.3**REPORT ON ZWELIHLE INFORMAL SETTLEMENT TOILETS : 2014/2015**

17/5/9/1

R Williams

(028) 3138029

Corporate Head Office

21 September 2015

1. Executive Summary

To provide Council, following a discussion which took place in Council on 27 May 2015, with an overview of basic service delivery regarding the provision and maintenance of public toilets in the neighbourhood of Zwelihle during the 2014/2015 financial year.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Community Services

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
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 Africa, 1996
Local Government: Municipal Systems Act, 32 of 2000
Maintenance Management Policy, 2011

6. Background/Discussion/Evaluation/Conclusion**Background**

The report was compiled on request of the Executive Mayor after Councillor Sapepa lodged a complaint during the Council Meeting held on 27 May 2015 with regard to broken toilets. Said report was compiled with the assistance of Managers deployed in Hermanus Administration.

Discussion

A number of 250 toilets is provided in the following informal settlements:

Bekela (New camp), Tsepe-Tsepe, Transit Camp, Wag-'n-Bietjie, Ziphunzana, Mandela, Thambo and Asazani. A number of 190 toilets was provided under the ABS programme during 2013/2014.

Cleaning and maintenance

A cleaning contractor was appointed to ensure the cleanliness of 159 toilets in the informal settlements on a daily basis. The balance of work was done under the EPWP during 2014/2015. Part of the responsibilities of the contractor is to report all faults and maintenance work required on the ablution facilities.

The Municipality also supply 19 bales of toilet paper every 2nd week which is to be issued by the cleaning contractor. The number of toilet paper issued can be translated to 1824 rolls per month at a cost of R63 840,00 per annum.

Works orders

The report for Zwelihle from EMIS is attached per Annexure A. In total a number of 2355 jobs (excluding electricity) was recorded at Zwelihle. A total of 1020 job cards was generated for sewer related problems as indicated below, which include:

	<u>Generated</u>	<u>% completed</u>
- Blockages	630	100%
- General	231	98,27%
- Spillages	159	100%

Costing

- ✓ The total cost for material purchased and use of private contractors amounted to R3,027,000 for 2014/2015.
- ✓ The expenditure for the cleaning contractor for public toilets was R454,454,37 for 2014/2015.
- ✓ Additional cleaning workers for toilets in Mandela square were contracted via the EPWP

Community Education

A campaign to educate the community (including informal settlements) on the use of the sewer infrastructure, was rolled out during 2013/2014 and 2014/2015, with specific reference to information brochures distributed.

- ✓ Assemblies at two school were addressed
- ✓ Public ward committee meetings were addressed.

Vandalism of Toilets

Toilets in informal settlements are continuously being vandalised, by way of

- ✓ Removing of wooden doors for personal use,
- ✓ Removal of steel doors from precast concrete toilets,
- ✓ Vandalising of cisterns and toilet bowls

Vandalism also takes place because some ABS toilets were provided too close to informal housing units. This is also the case in Masakhane, Gansbaai. The Municipality is in the process of replacing vandalised toilet doors with new plastic doors. A number of 28 doors have already been replaced.

Cancellation of works orders

The Senior Manager : Hermanus Administration requested for cancellation of certain works orders in Mandela Square due to the continuous vandalism. The intention was to raise the problems with the Ward Councillors, Ward Committees and the local community in order to find a solution to the problem instead of simply continuously replacing stolen doors and vandalised toilets. The works orders have since been reactivated.

Way forward

- ✓ The reparation of 10 toilets (new and old cases) is in progress in Mandela Square.
- ✓ Tenders have been invited for 2015/2016 for the procurement of plastic doors.
- ✓ Other toilets in the informal settlements are to be maintained due to new breakages/vandalism.
- ✓ Continue with the services of the cleaning contractor. The value of the tender for 2015/2016 amounts to R 481 721.52.
- ✓ The appointment of additional temporary staff (EPWP) to clean toilets until the UISP project at Mandela Square is completed.
- ✓ To continue to educate the community with regard to the use of public toilets and to mobilise Ward Committees and communities to take ownership of the toilet facilities.
- ✓ The upgrading of informal settlements by way of UISP into serviced sites, also with houses, where approved.

7. Financial Implications

Expenditure restricted to 2015/2015 Budget

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Zwelihle activities : 1 July 2014 – 30 June 2015

RECOMMENDATION TO THE COUNCIL:

that the report **be noted**.

RESPONSIBLE OFFICIAL :

P BURGER

TARGET DATE FOR IMPLEMENTATION :

ONGOING

OVERSTRAND MUN

ZWELIHLE ACTIVITIES
(01 July 2014 to 30 June 2015)

Annexure A

03-August-2015

Page 1 of 2

DEPARTMENTS	ZWELIHLE		
	Received	Completed	% Comp
PARKS			
CUT GRASS/WEED/PAVEMENTS	6	6	100.00%
CUT TREES AND OR BRANCHES	4	4	100.00%
GENERAL	101	101	100.00%
MAINTENANCE - PARKS/GARDEN	9	9	100.00%
REMOVE BRANCHES/FALLEN TREES	1	1	100.00%
TOTAL - PARKS	121	121	100.00%
SEWER			
BLOCKAGES	630	630	100.00%
GENERAL	231	227	98.27%
SPILLAGE	159	159	100.00%
TOTAL - SEWER	1020	1016	99.61%
SOLID WASTE			
DOMESTIC REFUSE	208	208	100.00%
GENERAL	14	14	100.00%
ILLEGAL DUMPING - CLEAN UP	1	1	100.00%
TOTAL - SOLID WASTE	223	223	100.00%
STREETS			
GENERAL	50	50	100.00%
INVESTIGATE - STREETS	1	1	100.00%
REPAIR POTHOLES	12	12	100.00%
SIGNS & ROAD PAINT	13	13	100.00%
TOTAL - STREETS	76	76	100.00%
SWATER			
BLOCKAGES - SWATER	34	34	100.00%
CLEAN STORM WATER CHANNELS	6	5	83.33%
GENERAL	6	6	100.00%
TOTAL - SWATER	46	45	97.83%
TANKERS			
PUMP NO CHARGE	38	37	97.37%
PUMP TANKS	7	7	100.00%
TOTAL - TANKERS	45	44	97.78%
WATER			
BURST WATER PIPE	16	16	100.00%
GENERAL	329	328	99.70%
LEAK	224	224	100.00%
MAINTENANCE - RETICULATION - WATER	34	34	100.00%

26
ZWELIHLE ACTIVITIES
(01 July 2014 to 30 June 2015)

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03-August-2015

Page 2 of 2

DEPARTMENTS	ZWELIHLE		
	Received	Completed	% Comp
NEW WATER CONNECTION	1	1	100.00%
NO WATER	220	220	100.00%
TOTAL - WATER	824	823	99.88%
TOTAL: ZWELIHLE	2355	2348	99.70%

6.4**PROCEDURE FOLLOWED IN THE INVESTIGATION INTO ALLEGED MISCONDUCT**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

6.5**MINIMUM COMPETENCY LEVELS (HIGHER QUALIFICATIONS) FOR SENIOR MANAGERS**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

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).