



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 30 SEPTEMBER / SEPTEMBER 2015

**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 30 SEPTEMBER 2015, AT 11:00**

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 S Müller, Director : Infrastructure & Planning
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr C le Roux, Deputy Director : Finance
Mr M Bartman, Deputy Director : Community Services
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Kearney, Senior Manager : Hermanus Administration
Ms H van der Stoep, Senior Town Planner
Mr H Blignaut, Deputy Director : Engineering Services
Mr B King, Senior Manager : Financial Services
Mr R Fraser, Chief : Traffic/Licences
Mr G le Roux, Principal Technician
Ms R Louw, Senior Manager : Strategic Services
Mr F Frans, Manager : Housing Administration
Ms H van Tonder, Manager: Council Support Services
Ms N Zweni, Manager : Communication
Ms S Swart, Administrative Officer : Council Support Services
Ms E Sales, PA : Director : Infrastructure & Planning
ICT
Ms D Laing, Relief Clerk : Auditorium

ALSO PRESENT:

Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
30 SEPTEMBER 2015

ALDERMAN/COUNCILLORS	SIGNATURE
ANDREWS, M	<i>M. Andrews</i>
APPELGREIN, P	<i>P. Appelgrein</i>
BEYERS-CRONJE, L	<i>L. Beyers-Cronje</i>
BOTHA, D	<i>D. Botha</i>
BOTHA-GUTHRIE, N	<i>N. Botha-Guthrie</i>
BRICE, K	<i>K. Brice</i>
COETSEE, A	<i>A. Coetsee</i>
COETZEE, DP	<i>DP Coetzee</i>
DE CONING, R	<i>R. De Coning</i>
DYANI, M	<i>M. Dyani</i>
GXAMESI, S	<i>S. Gxamesi</i>
JANUARIE, JJS	<i>JJS Januarie</i>
KLOPPERS-LOURENS J	<i>J. Kloppers-Lourens</i>
NQINATA, NNT	<i>NNT Nqinata</i>
KRIGE, L	<i>L. Krige</i>
MACOTHA, VC	Apology
MANDINDI, CQ	<i>CQ Mandindi</i>
MAY, P	<i>P. May</i>
NDEVU, L	<i>L. Ndevu</i>
OPPERMAN, M	<i>M. Opperman</i>
PIE, MT	Apology
PONOANE, MV	<i>MV Ponoane</i>
PRINS, A	<i>A. Prins</i>
SAPEPA, NM	<i>NM Sapepa</i>
SMITH, RJ	<i>RJ Smith</i>

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr V Macotha

RESOLVED

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

Cllr M Pie

RESOLVED

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

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**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 26 August 2015 at 11:00, be confirmed.**

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

The Executive Mayor, Ald N Botha-Guthrie, welcomed Cllr J Kloppers-Lourens at her first council meeting as unopposed councillor for ward 13 and wished her well for the future.

The Speaker requested that it be minuted that he afforded Cllr K Brice time to report on the passing away of one of her ward committee members. Cllr K Brice informed the meeting that Mr Jeff Tanner, member of Ward 3, sadly passed away.

The Executive Mayor, Ald N Botha-Guthrie, conveyed her condolences to Ms Rentia Pretorius, PA of the Municipal Manager, with the passing away of her father.

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

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

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

RESOLVED (UNANIMOUSLY):

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)**

RESOLVED (UNANIMOUSLY):

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)

RESOLVED (UNANIMOUSLY):

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)****RESOLVED (UNANIMOUSLY):**

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)****RESOLVED (UNANIMOUSLY):**

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)****RESOLVED (UNANIMOUSLY):**

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)**

ALL MEMBERS OF THE ANC NOTED THEIR VOTE AGAINST THE RECOMMENDATION AND STOOD BY THEIR PREVIOUS COUNTER PROPOSAL MADE DURING THE SPECIAL COUNCIL MEETING OF 29 JULY 2015 TO THE EFFECT THAT THE MATTER STAND OVER UNTIL PROPER CONSULTATION WAS DONE

RESOLVED:

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

(028) 313 8006

Corporate Head Office

17 August 2015

EXECUTIVE SUMMARY

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

RESOLVED (UNANIMOUSLY):

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

1. that the appeal **be upheld**;
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

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**

EXECUTIVE SUMMARY

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

RESOLVED (UNANIMOUSLY):

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

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

RESPONSIBLE OFFICIAL :**H OLIVIER/S SWART****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

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

17/5/9/1

R Williams

(028) 3138029

Corporate Head Office

21 September 2015

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.

RESOLVED (UNANIMOUSLY):

that the report **be noted**.

RESPONSIBLE OFFICIAL :**P BURGER****TARGET DATE FOR IMPLEMENTATION :****ONGOING**

6.4

PROCEDURE FOLLOWED IN THE INVESTIGATION INTO ALLEGED MISCONDUCT

6.5

MINIMUM COMPETENCY LEVELS (HIGHER QUALIFICATIONS) FOR SENIOR MANAGERS

THE MEETING STOOD DOWN AT 11:25 IN ORDER TO GIVE OFFICIALS AND MEMBERS OF THE PUBLIC THE OPPORTUNITY TO LEAVE THE BANQUETING HALL

THE MEETING RECONVENED AT 11:30

The recommendation under these items shall be minuted in a separate minute book 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.

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

9. CONSIDERATION OF MOTIONS OF EXIGENCY

None

The meeting adjourned at 12:46

DATE

THE SPEAKER – A COETSEE