



**ORDINARY MEETING OF THE MAYORAL  
COMMITTEE**

**GEWONE VERGADERING VAN DIE  
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI  
KASODOLOPHU**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 26 SEPTEMBER / SEPTEMBER  
2018**

**VENUE / PLEK / INDAWO : BANQUETING HALL /  
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU  
HERMANUS**

**TIME / TYD / IXESHA : 10:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

## MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE HELD IN THE BANQUETING HALL, CIVIC CENTRE, HERMANUS, ON 26 SEPTEMBER 2018, AT 10:00

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**PRESENT:** Councillors were present as per attached attendance register.

**OFFICIALS PRESENT:** 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  
Ms R Louw, Senior Manager : Strategic Services  
Mr B King, Senior Manager : Financial Services  
Mr A Olivier : Legal Advisor  
Ms H van Tonder, Manager : Council Support Services  
Mr D van der Heever, Internal Audit Executive  
Mr R Fraser, Chief : Traffic/Licences  
Mr L Smith, Chief: Fire & Rescue & Disaster Management  
Ms G Erasmus, Clerk : Auditorium  
Ms R Steenekamp, Media & Social Media Liaison Officer  
Ms S Swart: Administrative Officer : Council Support Services  
ICT  
Mr W Louw, Risk Officer (Intern)  
Ms M de Villiers : Mayoral Committee Secretary  
Ms D Laing, Relief Clerk : Grade 2

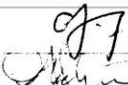
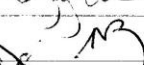
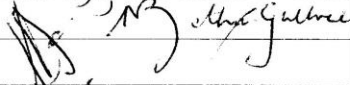

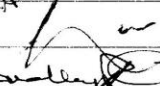
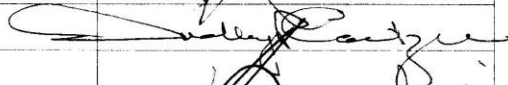

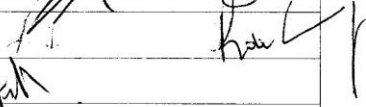
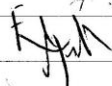

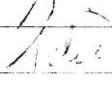
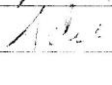




**ALSO PRESENT:** Members of the Public

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**MINUTES/.....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING  
26 SEPTEMBER 2018

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

**1. OPENING**

The Executive Mayor, Ald D Coetzee, opened with prayer.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 29 August 2018 at 14:30**

**RESOLVED**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 29 August 2018 at 14:30, be confirmed.**

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

None

5.  
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR AUGUST 2018**

8/2/2

C Le Roux

(028) 313 8107

Corporate Head Office

03 September 2018

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**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, as well as approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for August 2018.

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 2018, **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 2018, **be noted**.

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

6.  
REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE  
(JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

3/2/3/12

DC Van Der Heever

(028) 313 5035

Internal Audit Services

13 September 2018

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the Report of the Joint Audit and Performance Audit Committee (JAPAC) in terms of the reporting requirements as per paragraph 3 of the JAPAC Charter, approved by Council on 21 May 2017.

**RECOMMENDATION TO THE COUNCIL:**

that the report from the Joint Audit and Performance Audit Committee to the Overstrand Municipal Council **be noted**.

**RESPONSIBLE OFFICIAL :**

**DC VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**26 SEPTEMBER 2018**

7.  
**2<sup>ND</sup> REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN  
(SDBIP)  
FOURTH QUARTERLY REPORT: APRIL - JUNE 2018**

2/12/1/1

R Louw

19 September 2018

(028) 313 8071

Corporate Head Office

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### **EXECUTIVE SUMMARY**

The purpose of this report is to provide an executive summary of service delivery performance in terms of the 2<sup>nd</sup> revised top level SDBIP for the fourth quarter, 1 April 2018 to 30 June 2018.

### **RECOMMENDATION TO THE COUNCIL:**

1. that the content of the 2<sup>nd</sup> revised report for the fourth quarter of the 2017/2018 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top layer SDBIP for the fourth quarter of the 2017/2018 financial year **be approved**.

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

8.

**LATE SUBMISSION OF ANNUAL FINANCIAL STATEMENTS: 2017/2018**

3/2/3/15

S Reyneke-Naude

(028) 313 8040

Corporate Head Office

18 September 2018

**EXECUTIVE SUMMARY**

The purpose of this report to Council is to:

- 1) Inform Council of the submission of the Annual Financial Statements on 1 September 2018 at 03:44, subsequently noted as a late submission by the Office of the Auditor-General in terms of section 126(1)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) which states as follows:

*“The accounting officer of a municipality must prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing;”*

- 2) Comply with Section 133 of the MFMA, in tabling in Council a written explanation setting out the reasons for the failure in submitting the Annual Financial Statements before 24:00 on 31 August 2018, but only a few hours later at 03:44, on Saturday, 1 September 2018.

The detailed reasons, however not exhausted, are also substantiated in a condensed version of the municipality’s official response to COMAF 1 submitted to the Auditor-General.

**RECOMMENDATION TO THE COUNCIL:**

1. that the report in terms of section 133(a) of the Local Government: Municipal Finance Management Act, No 56 of 2003 for the late submission of the 2017/18 financial statements to the Auditor-General **be noted**; and
2. that the Speaker or the Chairperson of the Municipal Public Accounts Committee (MPAC), assisted by the councillors serving as members of MPAC, investigate the reasons for the non-compliance referred to in 1 above and that the outcome of such investigation **be reported** to Council.

**RESPONSIBLE OFFICIALS:****S REYNEKE-NAUDE****TARGET DATE FOR IMPLEMENTATION :****1 NOVEMBER 2018**



**PORTFOLIO COMMITTEE :**

**FINANCE**

**Chairperson :**

**Cllr R de Coning**

**Committee Members :**

**Cllrs L Ntsabo, G Cohen,  
S Tebele, X Msweli and B Molefe**

**PORTEFEULJEKOMITEE :**

**FINANSIES**

**Voorsitter :**

**Rdl R de Coning**

**Komiteelede :**

**Rdle L Ntsabo, G Cohen,  
S Tebele, X Msweli and B Molefe**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT  
FOR INCLUSION IN THIS PORTFOLIO**

**PORTFOLIO COMMITTEE :**

**MANAGEMENT SERVICES**

**Chairperson :**

**Cllr A Komani**

**Committee Members :**

**Ald M Sapepa, Ald N Botha-Guthrie,  
Cllrs M Opperman & N Nqinata**

**PORTEFEULJEKOMITEE :**

**BESTUURSDIENSTE**

**Voorsitter :**

**Rdl A Komani**

**Komiteelede :**

**Rdh M Sapepa, Rdh N Botha-Guthrie,  
Rdle M Opperman & N Nqinata**

**1.  
RISK MANAGEMENT IMPLEMENTATION PLAN 2018/2019**

**2/B**

**A Riddles  
27 Augustus 2018**

**(028) 313 5044**

**Corporate Head Office**

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**EXECUTIVE SUMMARY**

To obtain Council's approval for the Risk Management Implementation Plan for 2018/2019.

**RECOMMENDATION TO THE COUNCIL:**

that the Overberg District Risk Management Implementation Plan for 2018/2019 **be approved.**

**RESPONSIBLE OFFICIAL :**

**A RIDDLES**

**TARGET DATE FOR IMPLEMENTATION :**

**27 SEPTEMBER 2018**

2.

**DRAFT AMENDMENTS TO THE STANDARD OVERSTRAND MUNICIPALITY RULES OF ORDER FOR INTERNAL ARRANGEMENTS BY-LAW**

3/2/1/6

L Wallace

(028) 313 5031

Corporate Head Office

17 August 2018

**EXECUTIVE SUMMARY**

The purpose of this item is for Council to adopt the proposed **Amendments to the Standard By-law relating to the Rules of Order for Internal Arrangements** in terms of Section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), hereafter referred to as "*the MSA*".

The proposed By-law was introduced as is provided for in terms of Section 12(1) of the MSA and Council's By-law on Rules of Order for Internal Arrangements, P.N. 7188 of 2013.

The necessary consent was obtained to publish the proposed by-law in the press in order to give the public an opportunity to make representations.

**RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa 1996, read with section 11(3)(m) of the Local Government Municipal Systems Act, No 32 of 2000, the draft Amendment By-law Relating to Rules of Order for Internal Arrangements **be adopted**; and
2. that, in terms of section 13(a) of the Local Government Municipal Systems Act No 32 of 2000, the Amendment By-law Relating to Rules of Order for Internal Arrangements **be published** as soon as possible subsequent to it having been adopted by Council.

**RESPONSIBLE OFFICIAL :****L WALLACE****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY SUBSEQUENT  
TO PUBLICATION IN THE  
PROVINCIAL GAZETTE**

**PORTFOLIO COMMITTEE :**

**PROTECTION SERVICES,  
ECONOMIC DEVELOPMENT & TOURISM**

**Chairperson :**

**Cllr E Gillion**

**Committee Members :**

**Cllrs C Resandt, G Cohen,  
V Macotha & C Tafu-Nwonko**

**PORTEFEULJEKOMITEE :**

**BESKERMINGSDIENSTE,  
EKONOMIESE ONTWIKKELING & TOERISME**

**Voorsitter :**

**Rdl E Gillion**

**Komiteelede :**

**Rdle C Resandt, G Cohen,  
V Macotha & C Tafu-Nwonko**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT  
FOR INCLUSION IN THIS PORTFOLIO**

**PORTFOLIO COMMITTEE :**

**COMMUNITY SERVICES**

**Chairperson :**

**Cllr F Africa**

**Committee Members :**

**Cllrs J Orban, C May,  
V Pungupungu & S Kalolo**

**PORTEFEULJEKOMITEE :**

**GEMEENSKAPSDIENSTE**

**Voorsitter :**

**Rdl F Africa**

**Komiteelede :**

**Rdle J Orban, C May,  
V Pungupungu & S Kalolo**



1.  
**PERFORMANCE REPORT: BASIC SERVICE DELIVERY WITHIN THE  
DIRECTORATE: COMMUNITY SERVICES FOR THE PERIOD 1 JULY 2017 TO  
30 JUNE 2018**

17/9/1/1

M Bartman

(028) 3138982

Corporate Head Office

29 August 2018

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**EXECUTIVE SUMMARY**

To inform Council of the basic service delivery activities performed during the period 1 July 2017 to 30 June 2018.

**RESOLVED:**

that the Performance Report in respect of basic service delivery within the Directorate: Community Services for the period 1 July 2017 to 30 June 2018, **be noted**.

**RESPONSIBLE OFFICIALS :**

**M BARTMAN  
T STEENBERG  
J DE VILLIERS  
D VAN ROHDIE**

**TARGET DATE FOR IMPLEMENTATION :**

**ONGOING**

**2.  
OVERSTRAND MUNICIPALITY DRAFT EVENTS BY-LAW**

**11/1/B**

**L Wallace**

**(028) 313 5031**

**Hermanus Administration**

**27 August 2018**

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**EXECUTIVE SUMMARY**

The purpose of this report is for Council to approve the proposed Overstrand Municipality: Events By-law terms of sections 11(3)(e); 12 and 14 of the Local Government: Municipal Systems Act No 32 of 2000 (as amended) – (the “MSA”).

The proposed By-law is hereby introduced as made provision for in terms of sections 11(3)(e) and 12(3) of the MSA as well as Council’s By-law on Rules of Order for Internal Arrangements PN 7188 of 2013.

The necessary consent was obtained to publish the proposed By-law in the media in order afford the public an opportunity to make representations.

**RECOMMENDATION TO THE COUNCIL:**

that the item **be referred back**.

**RESPONSIBLE OFFICIAL :**

**L WALLACE**

**TARGET DATE FOR IMPLEMENTATION :**

**DATE OF PROMULGATION IN  
GOVERNMENT GAZETTE**

**3.  
DRAFT POLICY FOR THE STAGING OF EVENTS**

**11/1/B**

**L Wallace**

**(028) 313 5031**

**Hermanus Administration**

**27 August 2018**

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**EXECUTIVE SUMMARY**

The purpose of this report is for Council to adopt the proposed Policy for the Staging of Events in terms of section 11(3)(a) of the Local Government: Municipal Systems Act No 32 of 2000 (as amended) – (the “MSA”).

The proposed Policy was introduced as is provided for in terms of section 11(3)(a) of the MSA as well as Council’s By-law on Rules of Order for Internal Arrangements PN 7188 of 2013.

The necessary consent was obtained to publish the proposed Policy in the media in order afford the public an opportunity to make representations.

**RECOMMENDATION TO THE COUNCIL:**

that the item **be referred back**.

**RESPONSIBLE OFFICIAL :**

**L WALLACE  
D LAKEY  
D KEARNEY  
F MYBURGH**

**TARGET DATE FOR IMPLEMENTATION :**

**18 OCTOBER 2018**

**PORTFOLIO COMMITTEE :  
INFRASTRUCTURE & PLANNING**

**Chairperson :**

**Cllr K Brice**

**Committee Members :**

**Cllrs D Botha, F Krige,  
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :  
INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Rdl K Brice**

**Komiteelede :**

**Rdle D Botha, F Krige,  
S Tebele & V Pungupungu**

1.  
**TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
 CONSIDERED IN TERMS OF DELEGATED AUTHORITY: JULY 2018 – AUGUST  
 2018**

15/3/11

R van Antwerp  
 20 August 2018

(028) 313 8039

Hermanus Administration

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**EXECUTIVE SUMMARY**

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 24 July 2018 – 20 August 2018.

**RESOLVED:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 24 July 2018 – 20 August 2018:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 2423 Onrustrivier	27 July 2018
2.	Portion 27 of the farm Wolvengat No. 297	28 July 2018
3.	Erf 362, De Kelders	28 July 2018
4.	Erf 430, Franskraal	28 July 2018
5.	Erven 1066 & 1067, Vermont	16 August 2018
6.	Erf 4580, Kleinmond	17 August 2018
7.	Erf 7910, Kleinmond	17 August 2018
8.	Erf 2382, Vermont	17 August 2018
9.	Erf 4231, Hermanus	17 August 2018
10.	Erven 266 & 277, Pearly Beach	17 August 2018
11.	Erf 2708, Gansbaai	17 August 2018
12.	Remainder Portion 20 Wolvengat No. 297 and Portion 30 (portion of Portion 20) Wolven Gat No. 297	17 August 2018
13.	Erf 2877, Onrustrivier	17 August 2018
14.	Erf 4500, Onrustrivier	17 August 2018
15.	Erf 2228, Hermanus	17 August 2018
16.	Erf 4135, Kleinmond	20 August 2018

Municipal Planning Tribunal

1.	Erf 3506, Onrustrivier	26 July 2018
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<b>RESPONSIBLE OFFICIAL :</b>	<b>R VAN ANTWERP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>10 OCTOBER 2018</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>N/A</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

2.

**ERF 2044 GANSBAAI, MASAKHANE: LEASE OF MUNICIPAL PROPERTY TO THE MASAKHANE PRE-SCHOOL**

7/2/3/1

C Simson

(028) 316 3724

Hermanus Administration

14 August 2018

**EXECUTIVE SUMMARY**

To obtain approval to enter into a further lease agreement for a period of 9 (NINE) years and 11 (ELEVEN) months with the Masakhane Pre-School in respect of municipal property being Erf 2044 Gansbaai situated in Masakhane ( $\pm 2,281\text{m}^2$  in extent), for the purpose of operating an early childhood development centre.

**RESOLVED:**

1. that the lease of municipal property, being Erf 2044 Gansbaai situated in Masakhane ( $\pm 2,281\text{m}^2$  in extent) to the Masakhane Pre-School for the purpose of managing an early childhood development centre at a rental amount of R127.53 (ONE HUNDRED AND TWENTY SEVEN RAND AND FIFTY THREE CENTS) (VAT excluded) per month from December 2016 to June 2017, a rental amount of R134.43 (ONE HUNDRED AND THIRTY FOUR RAND AND FORTY THREE CENTS) (VAT excluded) per month for the 2017/2018 financial year and a rental amount of R140.00 (ONE HUNDRED AND FORTY RAND) (VAT excluded) for the 2018/2019 financial year for a period of 9 (NINE) years and 11 (ELEVEN) months commencing from 1 December 2016 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality **be approved**; and
2. that the rental amount mentioned in 1 above escalate annually on the 1<sup>st</sup> of July in accordance with the tariffs as determined and approved in the Annual Budget with the next escalation on 1 July 2019.

**RESPONSIBLE OFFICIAL:****C SIMSON****TARGET DATE FOR IMPLEMENTATION:****21 DECEMBER 2018****TARGET DATE TO INFORM APPLICANT:****9 OCTOBER 2018****TARGET DATE TO INFORM OBJECTOR:****N/A**

3.

**HERMANUS, A PORTION OF ERF 775 FISHERHAVEN: DEVIATION FROM PARAGRAPHS 18 AND 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FUTURE TEMPORARY LEASE AGREEMENT WITH LAKE MARINA YACHT AND BOAT CLUB**

7/2/3/1

M Erasmus

(028) 316-3724

Hermanus Administration

13 August 2018

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**EXECUTIVE SUMMARY**

To obtain approval from the Executive Mayor to enter into a further lease agreement with Lake Marina Yacht and Boat Club, hereinafter referred to as "LMYCB" in respect of a portion of Erf 775 Fisherhaven for the purpose of managing the Lake Marina Yacht and Boat club as well as operating 39 caravan sites for members and related activities; and

To obtain approval from Council for the deviation from paragraph 18 and 24 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into a further lease agreement with LMYCB in respect of a portion of Erf 775 Fisherhaven for the purpose of managing the Lake Marina Yacht and Boat club as well as operating 39 caravan sites for members and related activities without following a competitive bidding process.

**RESOLVED:**

1. that the renewal of the lease of municipal property, being a portion of Erf 775 Fisherhaven, to Lake Marina Yacht and Boat Club for the purpose of managing the Lake Marina Yacht and Boat club as well as operating 39 caravan sites for members and related activities for a period of 18 (EIGHTEEN) months from 1 January 2019 at the monthly rental amount of R12,192.80 (TWELVE THOUSAND ONE HUNDRED AND NINETY TWO RAND AND EIGHTY CENTS) (VAT excluded) for the period January 2019 to June 2019 and a rental amount of R26,824.16 (TWENTY SIX THOUSAND EIGHT HUNDRED AND TWENTY FOUR RAND AND SIXTEEN CENTS) (VAT excluded) for the period from July 2019 to June 2020, **be approved**; and
2. that the abovementioned approval be subject to:
  - (a) Council approving a deviation from paragraphs 18 and 24 of the Administration of Immovable Property Policy of 2015;
  - (b) a public participation process being followed; and



- (c) if any objections to the renewal of the lease agreement or any counter offers are received, the matter be referred back to the Executive Mayor for consideration.

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club for a further period of 18 (EIGHTEEN) months without following a competitive process, **be approved**; and
2. that the deviation from paragraph 24 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club without having a new market related valuation being done, **be approved**.

**RESPONSIBLE OFFICIAL :****M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 DECEMBER 2018****TARGET DATE TO INFORM APPLICANT :****22 OCTOBER 2018****TARGET DATE TO INFORM OBJECTOR :****N/A****The meeting adjourned at 10:10**\_\_\_\_\_  
**DATE**\_\_\_\_\_  
**D COETZEE – EXECUTIVE MAYOR**