



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 27 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2019**

**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

22 February/Februarie/Febhruwari 2019

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, 27 FEBRUARY 2019** 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, 27 FEBRUARIE 2019** 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 **I-Banqueting Hall, kwiZiko LoLUNTU, eHermanus** ngo**LWESITHATHU, Umhla we 27 FEBHRUWARI 2019** 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, 28 November 2018** at **11:00**

 - 3.2 Minutes of a **Special Meeting** of the **Council** held on **Tuesday, 22 January 2019** 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 Executive Mayor in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 27 February 2019 had formally sat.

5.1

AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND DUTIES: MUNICIPAL MANAGER: HUMAN RESOURCES

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Municipal Manager's delegations of powers and duties conferred on him, **be approved**.

RESPONSIBLE OFFICIAL :

**L BUCCHIANERI
H VAN TONDER**

TARGET DATE FOR IMPLEMENTATION :

12 MARCH 2019

5.2**TRANSFER: OVERSTRAND MUNICIPALITY TO NAZADINE J. LAKAY: ERF 5500, MOOIUITSIG BETTY'S BAY****(ITEM 2, PAGE 6 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that permission be granted to transfer Erf 5500, Betty's Bay to Ms Nazadine Jillion Lakay;
2. that the aforementioned consent to transfer be subject to Ms N.Lakay accepting full responsibility for the outstanding municipal services account in respect of Erf 5500, Betty's Bay; and
3. that the aforementioned consent to transfer be subject to a usufruct being granted in favour of the minor son, Rydall Reagan May, until the age of 18 years

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****1 MARCH 2019**

5.3

TRANSFER OF A PORTION OF THE REMAINDER OF ERF 241 HERMANUS, ADJACENT TO ERF 239 HERMANUS, ($\pm 248\text{m}^2$ IN EXTENT) TO DG JORDAAN

(ITEM 3, PAGE 380 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of the Remainder of Erf 241 Hermanus (adjacent to Erf 239 Hermanus), $\pm 248\text{m}^2$ in extent, to the owner of the adjoining Erf, DG Jordaan, at an amount of R327.40/m² (THREE HUNDRED AND TWENTY SEVEN RAND AND FORTY CENTS) (PER SQUARE METRE) (VAT excluded), **be approved;**
2. that it be noted that a condition of transfer will be that the said portion of the remainder of Erf 241 Hermanus must be consolidated with the adjoining property of DG Jordaan, being Erf 239 Hermanus;
3. that the transfer of the said portion of the remainder of Erf 241 Hermanus be subject to obtaining the necessary closure, subdivision, rezoning and consolidation approvals;
4. that a condition be registered in the title deed of the said portion of Remainder of Erf 241 Hermanus to be transferred that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder of Erf 241 Hermanus;
5. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, advertisement, subdivision, closure of portion of public road, consolidation, rezoning, registration of transfer in the Deeds Office and related costs, etc. be paid by the Purchaser, DG Jordaan;
6. that the Purchaser will be responsible for the cost for the relocation of the existing electrical cables situated on the said portion of Remainder of Erf 241 Hermanus to the satisfaction of the Municipality; and
7. that it be noted that the Municipal property herewith transferred 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 :	N LIEBENBERG
TARGET DATE FOR IMPLEMENTATION :	3 APRIL 2019
TARGET DATE TO INFORM APPLICANT:	13 MARCH 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

5.4

HERMANUS: IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 2350 AND A PORTION OF ERF 2352 VERMONT, TO THE AUVERGNE HOMEOWNERS ASSOCIATION**(ITEM 7, PAGE 413 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of Erf 2350 Vermont (63m² in extent) and a portion of Erf 2352 Vermont (\pm 2,100m² in extent) to the adjoining homeowners association, being Auvergne Homeowners Association, at an amount of R68,000 (SIXTY EIGHT THOUSAND RAND) (VAT excluded) for Erf 2350 Vermont and an amount of R92.46/m² (NINETY TWO RAND AND FORTY SIX CENTS) (PER SQUARE METRE) (VAT excluded) for a portion of Erf 2352 Vermont, be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said properties can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicant/Purchaser;
4. that the alienation of said properties be subject to a suspensive condition that the Applicant/Purchaser obtains approval for the closure of the public road and public open space, subdivision of Erf 2352 Vermont and rezoning of the properties;
5. that a condition be included in the Deed of Sale that should the Municipality need to install services beneath the properties in the future they will have the right to do so with prior written notice to the Applicant/Purchaser;
6. that the relevant conditions stipulated by the Senior Manager: Operational Services be included in the Deed of Sale;
7. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision, closure of portion of public road and public open space, rezoning, transfer and related costs, advertisements, etc., be paid by the Applicant/Purchaser; and
8. that it be noted that the Municipal property herewith envisaged to be 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 :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	20 MARCH 2019
TARGET DATE TO INFORM APPLICANT:	13 MARCH 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

5.5

HERMANUS, ALIENATION OF UNREGISTERED ERF 1936 (A PORTION OF REMAINDER OF ERF 314) ZWELIHLE: AMENDMENT OF IN PRINCIPLE APPROVAL FOR DIRECT ALIENATION AS WELL AS TRANSFER TO THE WESTERN CAPE GOVERNMENT (DEPARTMENT OF TRANSPORT AND PUBLIC WORKS)

(ITEM 11, PAGE 444 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that paragraph 1 of the Council Resolution dated 28 May 2014 be amended to read as follows:

that the alienation of a portion of Remainder of Erf 314 Zwelihle ($\pm 1,7683$ ha in extent) directly to the Western Cape Government (Department of Transport and Public Works) by means of a donation in order for the Western Cape Department of Education to utilise same as an extension to the grounds of Qhayiya Secondary School, **be approved in principle;**

2. that the transfer of unregistered Erf 1936 (a portion of Remainder of Erf 314) Zwelihle ($\pm 1,7683$ ha in extent) to the Western Cape Government (Department of Transport and Public Works) by means of a donation to the Western Cape Department of Education (Department of Transport and Public Works), **be approved;** and
3. that it be noted that the Municipal property herewith transferred 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 :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

3 APRIL 2019

TARGET DATE TO INFORM APPLICANT:

13 MARCH 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

5.6

HERMANUS: IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF THE REMAINDER OF ERF 313 ZWELIHLE, ADJACENT TO ERF 5 ZWELIHLE, TO LT MBOYIYA

(ITEM 12, PAGE 457 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of a portion of the Remainder of Erf 313 Zwelihle (adjacent to Erf 5 Zwelihle), $\pm 229\text{m}^2$ in extent, to the owner of the adjoining Erf, LT Mboyiya, at an amount of R74.00/m² (SEVENTY FOUR RAND) (PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of the Remainder of Erf 313 Zwelihle can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicant/purchaser;
4. that it be noted that a condition for the alienation will be that the said portion of the Remainder of Erf 313 Zwelihle must be consolidated with the adjoining property of LT Mboyiya, being Erf 5 Zwelihle;
5. that the alienation of said portion of the Remainder of Erf 313 Zwelihle be subject to a suspensive condition that the Applicant/purchaser obtains approval for the closure of the public road, subdivision, rezoning and consolidation;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision, closure of portion of public road, consolidation, rezoning, transfer and related costs, advertisements, etc., be paid by the Applicant/purchaser; and
7. that it be noted that the Municipal property herewith envisaged to be 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 :

N LIEBENBERG

TARGET DATE FOR IMPLEMENTATION :

20 MARCH 2019

TARGET DATE TO INFORM APPLICANT:

13 MARCH 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

5.7

PROPOSED URBAN EXTENSION OF BUFFELJAGSBAAI**(ITEM 14, PAGE 473 : INFRASTRUCTURE & PLANNING PORTFOLIO
- MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the Status Quo Report of Buffeljagsbaai as compiled by the Overberg Professional Resource Team be noted;
2. that the comments received from the Overstrand Municipality's Environmental Section and Department of Environmental Affairs and Development Planning be noted;
3. that the comments received from the property owners of Buffeljagsbaai be noted; and
4. that the amendment of the Buffeljagsbaai Urban Edge Extension Plan in a north-east direction unto selected portion of the Farm 340 to accommodate an urban extension area of approximately 1,7 ha subject to detailed planning, **be approved.**

RESPONSIBLE OFFICIAL:**P ROUX****TARGET DATE FOR IMPLEMENTATION:****13 MARCH 2018****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.8**REQUEST FOR DISCOUNT OR EXEMPTION TO PAY FEES FOR ZONING CERTIFICATES : CHILD WELFARE SOUTH AFRICA****(ITEM 15, PAGE 515 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)****RECOMMENDATION TO THE COUNCIL:**

that the application submitted by Child Welfare Hermanus for exemption to pay fees for five (5) zoning certificates, which amounts to R1 460-00, **be approved.**

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 MARCH 2019
TARGET DATE TO INFORM APPLICANT :	13 MARCH 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

5.9

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) : JANUARY 2019**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING :
27 FEBRUARY 2019)**

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2019, **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 January 2019, **be noted**.

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

5.10

APPLICATION FOR FUNDING: VARIOUS PROJECTS WITHIN THE OVERSTRAND MUNICIPAL AREA

(ITEM 6, PAGE 7 : MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the approved projects by the Department of Rural Development and Land Reform **be noted** and **supported** for implementation;
2. that the Municipal Manager signs the Memorandum of Understanding as an intent to enter into a funding agreement with the department; and
3. that the services of a service provider be procured to provide project management services to fast track implementation within the set timelines.

RESPONSIBLE OFFICIAL :**G SMIT****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY**

5.11

LONG TERM CONTRACT FOR THE OPERATION OF THE GANSBAAI LANDFILL SITE AND THE STANFORD AND PEARLY BEACH PUBLIC DROP OFF FACILITIES FOR A CONTRACT PERIOD ENDING 30 NOVEMBER 2032

(ITEM 7, PAGE 21 : MAYORAL COMMITTEE MEETING : 27 FEBRUARY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that Council **take cognisance** of the fact that no response was received from the public or any other stakeholder following the invitation for comments, representations, views and recommendations in respect of the proposed long term contract between Overstrand Municipality and Enviroserv Waste Management (Pty) Ltd for the operation of the Gansbaai Landfill Site, in terms of the enabling provisions of Section 33 of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003);
2. that the significant economic financial benefit from the long term contract for the municipality **be noted**;
3. that the long term contract for the Operation of the Gansbaai Landfill Site and Public Drop-Off Facilities at Stanford and Pearly Beach **be approved**; and
4. that the Municipal Manager be authorised to sign the long term contract on behalf of Overstrand Municipality.

RESPONSIBLE OFFICIALS :**H BLIGNAUT
J VAN TAAK****TARGET DATE FOR IMPLEMENTATION :****1 MARCH 2019**

5.12

REPORT ON THE PROPOSED 3RD ADJUSTMENTS BUDGET FOR 2018/2019

**(ITEM 8, PAGE 33 : MAYORAL COMMITTEE MEETING :
27 FEBRUARY 2019)**

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(2)(b) to (g) and section 29(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 3rd Adjustments Budget for 2018/2019 **be approved** as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement

2. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

28 FEBRUARY 2019

5.13

**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2018/19**

**(ITEM 9, PAGE 130 : MAYORAL COMMITTEE MEETING :
27 FEBRUARY 2019)**

RECOMMENDATION TO COUNCIL:

1. that the revised SDBIP for 2018/19 **be approved**; and
2. that the revised SDBIP for 2018/19 **be made public**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

4 MARCH 2019

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

7. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

At the time of the closing of the agenda, no notices of motions/questions were received.

8. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)