



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 28 MARCH / MAART / MATSHI
2018**

**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 **28 MARCH 2018**, AT **11:00**

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT:



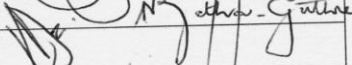
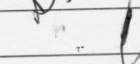

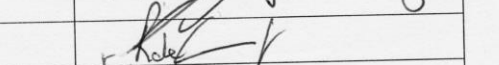
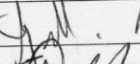
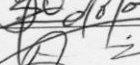
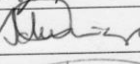
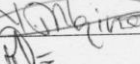
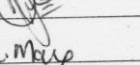
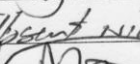
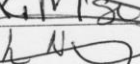
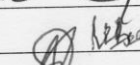
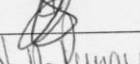
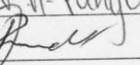
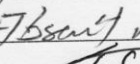


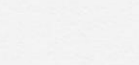

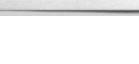



- Mr C Groenewald, Municipal Manager
- Ms S Reyneke-Naudé, Director : Finance
- Mr R Williams, Director : Community Services
- Ms R Louw, Acting Director : Management Services
- Mr S Madikane, Director : LED
- Mr R Fraser, Acting Director : Protection Services
- Mr S Müller, Director : Infrastructure & Planning
- Mr C le Roux, Deputy Director : Finance
- Mr H Blignaut, Deputy Director : Engineering Services
- Mr F Myburgh, Senior Manager : Gansbaai Administration
- Mr D Lakey, Senior Manager : Kleinmond Administration
- Mr B King, Senior Manager : Financial Services
- Mr R Kuchar, Senior Manager : Town Planning
- Mr X Kosi, Manager : LED
- Mr W Louw, Risk Officer (Intern)
- Ms A le Roux, Manager : Property Administration
- Ms E van Zyl, PA : Director, Management Services
- Ms H van Tonder, Manager : Council Support Services
- Ms S Block, Administrator : Strategic Services
- Mr L Tait, Accountant : Capital Budget
- Mr D van der Heever, Internal Audit Executive
- Ms K Jephtha, Accountant : Budget Office
- Ms S Swart, Administrative Officer : Council Support Services
- Ms G Bucchianeri, Manager : Budget Office
- ICT
- Ms N Zweni, Manager : Communication
- Ms M de Villiers, Mayoral Committee Secretary
- Ms G Erasmus, Clerk : Auditorium
- Ms D Laing, Relief Clerk Grade 2

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 MARCH 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	

Absent without permission

Absent with permission




1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald M Sapepa

RESOLVED

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

Cllr B Molefe

RESOLVED

that the above-mentioned application for leave of absence, **not be granted.**

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Overstrand Municipal Council held on Wednesday, 28 February 2018 at 11:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 28 February 2018 at 11:00, be confirmed.**

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

The Executive Mayor, Ald D Coetzee, expressed his sympathy on behalf of the Council with the residents and people of Zwelihle who suffered due to the unrest. He also expressed his gratefulness that calmness has returned to the area and requested all Councillors to convey this message to the community.

The Speaker, Ald A Coetsee, requested Councillors to attend the photo session directly after the Council Meeting.

The Speaker, Ald A Coetsee, informed Councillors that the Workshop on the Standard By-Law on Rules of Order for Internal Arrangements which was scheduled for this afternoon, has been cancelled.

The Speaker, Ald A Coetsee, requested that it be minuted that he afforded Cllr S Tebele a turn to speak and Cllr Tebele thanked the Executive Mayor on behalf of the African National Congress for taking leadership during the time of unrest and for involving all Councillors. He also thanked the Director: Finance and the Municipal Manager for their contribution.

The Speaker, Ald A Coetsee, requested that it be minuted that he afforded Cllr D Botha a turn to speak and Cllr Botha expressed his sincere gratitude towards all the communities and councillors who assisted during the time of unrest.

The Speaker, Ald A Coetsee, requested that it be minuted that he afforded Cllr E Gillion a turn to speak and Cllr Gillion, on behalf of the Municipality, thanked the Law Enforcement, Traffic and Fire Departments, SAPS and some of the neighbourhoods for their contribution during the time of unrest.

The Speaker, Ald A Coetsee, expressed his sincere gratitude towards everyone who took hands and worked together during the time of unrest.

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

FRAUD PREVENTION AND ANTI-CORRUPTION STRATEGY, POLICY AND PLAN 2017/2018

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 MARCH 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the Fraud Prevention and Anti-Corruption Strategy **be adopted**;
2. that the Fraud Prevention and Anti-Corruption Policy **be adopted**; and
3. that the Fraud Prevention and Anti-Corruption Plan **be adopted** and the Anti-Corruption and Fraud Prevention Plan approved by Council on 26 November 2008, as amended from time to time, **be revoked** simultaneously.

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

29 MARCH 2018

5.2

ICT DATA BACKUP AND RECOVERY POLICY

**(ITEM 2, PAGE 60 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 MARCH 2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the ICT Data Backup and Recovery Policy **be approved.**

RESPONSIBLE OFFICIAL :

C JOHNSON

TARGET DATE FOR IMPLEMENTATION :

MARCH 2018

5.3

DRAFT REVIEWED PERFORMANCE MANAGEMENT FRAMEWORK (PMF)**(ITEM 3, PAGE 93 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 MARCH 2018)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the draft reviewed Performance Management Framework **be noted**; and
2. that the local community **be invited** to submit representations in connection with the draft reviewed performance management framework.

RESPONSIBLE OFFICIAL :**R LOUW
L BUCCHIANERI
D VAN DER HEEVER
C ROETS****TARGET DATE FOR IMPLEMENTATION :****NONE**

5.4

TRANSFER OF A PORTION OF ERF 1 HAWSTON ($\pm 370\text{M}^2$ IN EXTENT) TO HAWSTON SERVICE STATION (PTY) LTD FOR ADDITIONAL PARKING AND DRIVEWAY PURPOSES**(ITEM 2, PAGE 45 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 MARCH 2018)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the transfer of a portion of Erf 1 Hawston ($\pm 370\text{m}^2$ in extent) to Hawston Service Station (Pty) Ltd (registration number 2015/422580/07) for the amount of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT included) for additional parking and driveway purposes, **be approved**;
2. that it be noted that a condition for transfer will be that a portion of Erf 1 Hawston must be consolidated with the adjoining property of Hawston Service Station (Pty) Ltd, being Erf 412 Hawston;
3. that the transfer of a portion of Erf 1 Hawston be subject to obtaining the necessary subdivision, closure, rezoning and consolidation approvals;
4. that the costs pertaining to the transaction, e.g. application fee, valuation costs, advertisement, subdivision, consolidation, road closure, rezoning, registration of transfer in the Deed Office and related costs, etc. be paid by the Applicant; and
5. that it be noted that the municipal property envisaged to be transferred is not required for the provision of the minimum level 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 :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****31 MAY 2018****TARGET DATE TO INFORM APPLICANT :****19 APRIL 2018**

5.5

ERF 210 GANSBAAI (MASAKHANE), OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF STREET NAMES : MASAKHANE AFFORDABLE HOUSING PROJECT : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY

(ITEM 3, PAGE 52 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 MARCH 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the application for the deviation of the Growth Management Strategy, 2010 in order to provide a residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, 2013, **be approved.**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	11 APRIL 2018
TARGET DATE TO INFORM APPLICANT :	11 APRIL 2018
TARGET DATE TO INFORM OBJECTOR :	N/A

5.6

PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON, ERVEN 1909 – 1914, 2275 AND 1198, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF STREET NAMES : STANFORD AFFORDABLE HOUSING PROJECT : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY

(ITEM 4, PAGE 147 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 MARCH 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the application for the deviation of the Growth Management Strategy, 2010 in order to provide a residential density of 30 units in lieu of the 10 - 20 units per hectare in terms of the provisions of the Spatial Planning Land Use Management Act, 2013, **be approved.**

RESPONSIBLE OFFICIAL :	P ROUX
TARGET DATE FOR IMPLEMENTATION :	11 APRIL 2018
TARGET DATE TO INFORM APPLICANT :	11 APRIL 2018
TARGET DATE TO INFORM OBJECTOR :	N/A

5.7

**HERMANUS: MOUNT PLEASANT INTEGRATED RESIDENTIAL DEVELOPMENT:
TECHNICAL CLOSE OUT REPORT**

**(ITEM 5, PAGE 323 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 MARCH 2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that it **be noted** that the Mount Pleasant Integrated Residential Development project in Mount Pleasant, Hermanus, consisting of 172 subsidised houses and 22 serviced sites, has been completed and that the houses have been handed over to the beneficiaries.

RESPONSIBLE OFFICIAL :	A JACOBS
TARGET DATE FOR IMPLEMENTATION :	28 MARCH 2018
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A

5.8

**HERMANUS: MSHENXISWA VILLAGE (PREVIOUSLY GARDEN SITE), ZWELIHLE
LOW-INCOME HOUSING DEVELOPMENT: TECHNICAL CLOSE OUT REPORT**

**(ITEM 6, PAGE 493 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 MARCH 2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that it **be noted** that the Mshenxiswa Village (previously Garden Site) low-income housing project in Zwelihle, Hermanus, consisting of 58 subsidised houses, has been completed and that the houses have been handed over to the beneficiaries.

RESPONSIBLE OFFICIAL :	A JACOBS
TARGET DATE FOR IMPLEMENTATION :	MARCH 2018
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A

5.9**HERMANUS: SWARTDAM ROAD SITE A & B, MOUNT PLEASANT & ZWELIHLE
LOW-INCOME HOUSING DEVELOPMENT: TECHNICAL CLOSE OUT REPORT****(ITEM 7, PAGE 702 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 MARCH 2018)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

that it **be noted** that the Site A & B Swartdam Road low-income housing project in Mount Pleasant and Zwelihle, Hermanus, consisting of 179 subsidised houses, has been completed and that the houses have been handed over to the beneficiaries.

RESPONSIBLE OFFICIAL :	A JACOBS
TARGET DATE FOR IMPLEMENTATION :	MARCH 2018
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A

5.10

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

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 28 MARCH
2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

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

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.11

CONSIDERATION OF THE 2016/17 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT**(ITEM 6, PAGE 6 : MAYORAL COMMITTEE MEETING : 28 MARCH 2018)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

that in terms of Section 129 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and having duly considered the 2016/17 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**

5.12

DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2018/19**(ITEM 7, PAGE 29 : MAYORAL COMMITTEE MEETING : 28 MARCH 2018)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the draft reviewed IDP for 2018/19 **be noted**; and
2. that the draft IDP review **be advertised** for public comment in order for Council to consider the final document during the May 2018 Council meeting.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.13

DRAFT BUDGET FOR 2018/2019, INDICATIVE BUDGET FORECASTS FOR 2019/2020 TO 2020/2021 AND DRAFT BUDGET RELATED POLICIES

(ITEM 8, PAGE 32 : MAYORAL COMMITTEE MEETING : 28 MARCH 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the tabling of the Draft Budget for 2018/2019, indicative budget forecasts for 2019/2020 to 2020/2021 and the draft budget related policies **be noted**.

RESPONSIBLE OFFICIAL :

S REYNEKE-NAUDE

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.14

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

**(ITEM 9, PAGE 34 : MAYORAL COMMITTEE MEETING : 28 MARCH
2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the draft Service delivery and Budget Implementation plan (SDBIP) for 2018/19
be noted.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

6. CONSIDERATION OF REPORTS**6.1****SUBSTITUTION OF A MEMBER OF THE PORTFOLIO COMMITTEE FOR PROTECTION SERVICES, ECONOMIC DEVELOPMENT AND TOURISM****3/2/3/5****H van Tonder****(028) 313 8037****Council Support Services****15 March 2018**

EXECUTIVE SUMMARY

The purpose of the report is to grant Council an opportunity to amend the composition of the Portfolio Committee for Protection Services, Economic Development & Tourism.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that Cllr L Ntsabo be substituted by Cllr C Resandt on the Portfolio Committee for Protection Services, Economic Development & Tourism.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****28 MARCH 2018**

6.2

ALLEGED MISCONDUCT: CLLRS SS TEBELE AND VC MACOTHA

3/2/3/1

H van Tonder

(028) 313 8037

Corporate Head Office

15 March 2018

EXECUTIVE SUMMARY

The purpose of this report is to afford Council the opportunity to consider a report in respect of the above matter.

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:30**THE MEETING RESUMED AT 11:40**

THE AFRICAN NATIONAL CONGRESS REQUESTED THAT THE SPEAKER, ALD A COETSEE, VACATE HIS SEAT DURING THE CONSIDERATION OF THIS ITEM. THE SPEAKER RECUSED HIMSELF AT 11:42.

THE MUNICIPAL MANAGER DRAW COUNCIL'S ATTENTION TO SECTION 41 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, NO 117 OF 1998 AND REQUESTED COUNCILLORS TO NOMINATE A COUNCILLOR TO ACT AS SPEAKER FOR PURPOSES OF CONSIDERATION OF THIS ITEM.

THE EXECUTIVE MAYOR, ALD D COETZEE, PROPOSED THAT ALD N BOTHA-GUTHRIE ACT AS SPEAKER DURING THE CONSIDERATION OF THIS ITEM. AS NO OTHER COUNCILLORS WERE PROPOSED, THE MUNICIPAL MANAGER REQUESTED ALD N BOTHA-GUTHRIE TO TAKE THE CHAIR.

FOLLOWING A POINT OF ORDER RAISED BY THE EXECUTIVE MAYOR, ALD D COETZEE, CLLRS SS TEBELE AND VC MACOTHA RECUSED THEMSELVES AT 12:05.

CLLR S KALOLO, SECONDED BY CLLR X MSWELI, PROPOSED THAT THE SPEAKER CARRY THE COSTS INCURRED FOR THIS INVESTIGATION.

ALD D COETZEE PROPOSED, SECONDED BY CLLR R DE CONING, THAT NO DISCIPLINARY ACTION BE INSTITUTED AGAINST CLLRS SS TEBELE AND VC MACOTHA AND THAT THE LEGAL OPINION OF FAIRBRIDGES WERTHEIM BECKER BE TAKEN INTO CONSIDERATION WHEN THE STANDARD BY-LAW ON THE RULES OF ORDER FOR INTERNAL ARRANGEMENTS IS WORKSHOPPED.

WHEN PUT TO VOTE 5 MEMBERS VOTED IN FAVOUR OF THE PROPOSAL BY CLLR S KALOLO AND 14 MEMBERS VOTED IN FAVOUR OF THE PROPOSAL BY ALD D COETZEE.

RESOLVED:

1. that no disciplinary action be instituted against Cllrs SS Tebele and VC Macotha; and
2. that the legal opinion received from Attorneys Fairbridges Wertheim Becker regarding the alleged misconduct of Cllrs SS Tebele and VC Macotha **be taken into consideration** when the Standard By-Law on Rules of Order for Internal Arrangements is workshopped.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

18 APRIL 2018

THE SPEAKER, ALD A COETSEE, TOOK THE CHAIR AT 12:15

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

None

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 12:20

DATE

THE SPEAKER – A COETSEE