



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

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 28 OCTOBER / OKTOBER /
OKTOBHA 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

23 October 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, 28 OCTOBER 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, 28 OKTOBER 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 ngoLWESITHATHU, 28 OKTOBHA 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, 30 September 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 28 October 2015 had formally sat.**

5.1

DRAFT BY-LAW ON MUNICIPAL LAND USE PLANNING

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)

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, 2000 (Act 32 of 2000), the By-law on Municipal Land Use Planning **be adopted.**
2. that, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the By-law on Municipal Land Use Planning be published when the Western Cape Land Use Planning Act, Act 3 of 2014, comes into effect in the Overstrand Municipality.

RESPONSIBLE OFFICIAL :

LIONEL WALLACE

TARGET DATE FOR IMPLEMENTATION :

**DEPENDING ON LUPA
IMPLEMENTATION**

5.2

STANDARD PROCEDURES FOR THE MANAGEMENT OF ALLEGATIONS OF MISCONDUCT AGAINST SENIOR MANAGERS OR THE MUNICIPAL MANAGER IN TERMS OF DISCIPLINARY REGULATIONS

(ITEM 2, PAGE 52 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)

RECOMMENDATION TO THE COUNCIL:

that the item **be referred back** for further consideration and be resubmitted at the forthcoming Mayoral Committee meeting.

RESPONSIBLE OFFICIAL:**C GROENEWALD****TARGET DATE FOR IMPLEMENTATION:****FOR IMMEDIATE
IMPLEMENTATION**

5.3

**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FIRST QUARTERLY REPORT: JULY-SEPTEMBER 2015****(ITEM 3, PAGE 63 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that the content of the report for the 1st quarter of the 2015/2016 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 1st quarter of the 2015/2016 financial year **be approved**.

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

5.4

HOUSING: BENEFICIARIES : MILITARY VETERANS IN THE OVERSTRAND AREA

(ITEM 3, PAGE 24 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)

RECOMMENDATION TO THE COUNCIL:

that the report in respect of military veterans as potential beneficiaries of affordable housing opportunities, **be noted**.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

01 NOVEMBER 2015

5.5**APPOINTMENT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL****(ITEM 2, PAGE 29 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that Ms H Jansen be appointed as the external member to the Municipal Planning Tribunal (MPT) and Mr J Benjamin and Ms Y Mabantsela as secundi alternatively;
2. that the members of the MPT be appointed for a five (5) year period from the date that the legislation is enacted; and
3. that the Municipal Manager be appointed as Chairperson and the Director: Infrastructure and Planning as Deputy Chairperson of the MPT.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****11 NOVEMBER 2015**

5.6

CATEGORISATION OF APPLICATIONS TO BE DECIDED BY THE MUNICIPAL PLANNING TRIBUNAL AND AUTHORISED OFFICIAL IN PREPARATION FOR THE IMPLEMENTATION OF THE MUNICIPAL PLANNING BY-LAW**(ITEM 3, PAGE 55 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

1. that the categorisation of planning applications as contained in Annexure A, **be approved;**
2. that Category 1 applications be decided by the Municipal Planning Tribunal;
3. that Category 2 applications be decided by the Authorised Official; and
4. that the Senior Manager: Town- and Spatial Planning be designated as the authorised official, for the purposes of Section 35(2) of SPLUMA, to decide on Category 2 applications.

RESPONSIBLE OFFICIAL :**RIAAN KUCHAR****TARGET DATE FOR IMPLEMENTATION :****11 NOVEMBER 2015**

5.7**APPLICATION FOR PERMISSION FOR THE USE OF BOREHOLE WATER FOR IRRIGATION PURPOSES BY THE HERMANUS GOLF CLUB****(ITEM 9, PAGE 176 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

that Clause 12.5 of the Deed of Sale between Overstrand Municipality and the Hermanus Golf Club, as amended on 27 April 2007, be replaced by the following:

The Hermanus Golf Club may use borehole water for irrigation purposes only if all the following conditions are being complied with:

- (a) The Hermanus Golf Club to successfully apply for a water use license to the Breede Overberg Catchment Management Agency (BGCMA) for using borehole water for irrigation purposes;
- (b) The specific boreholes to be re-opened be identified by the Hermanus Golf Club and indicated to the municipality and the BGCMA;
- (c) The condition of the proposed boreholes be assessed by the Hermanus Golf Club (casing, depth, water level, water quality), and reported to the BGCMA and the municipality for final approval to ensure that abstraction will take place only from the shallow Skurweberg aquifer;
- (d) The Hermanus Golf Club to provide evidence of the implementation of a Water Conservation and Water Demand Management program for irrigation;
- (e) The Hermanus Golf Club to establish a monitoring borehole and install monitoring equipment as per specification of the BGCMA and the municipality;
- (f) The Hermanus Golf Club to make all monitoring data available monthly for routine processing and analysis to the BGCMA and the municipality;
- (g) The Hermanus Golf Club to become a member of the Hermanus Groundwater Monitoring Committee; and
- (h) Groundwater abstraction by the Hermanus Golf Club to stop immediately in the event of any negative impact on any existing legal groundwater users.

RESPONSIBLE OFFICIAL :

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

1 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

29 OCTOBER 2015

5.8**DANGER POINT PRECINCT PLAN : CNDV AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY****(ITEM 16, PAGE 334 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

that the content of Annexure D to the report (inputs received from the public and comments thereof from the consultants firm), **be noted** and Councils' decision to adopt the Danger Point Precinct Plan dated 3 December 2014 be reaffirmed.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
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) FOR SEPTEMBER 2015**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 28 OCTOBER
2015)**

RECOMMENDATION TO THE COUNCIL:

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

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

5.10**QUARTERLY BUDGET REPORT FOR SEPTEMBER 2015****(ITEM 6, PAGE 7 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

that the budget report for the quarter ended September 2015, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.11

QUARTERLY BANK ACCOUNT WITHDRAWALS NOT IN TERMS OF AN APPROVED BUDGET**(ITEM 7, PAGE 44 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)****RECOMMENDATION TO THE COUNCIL:**

that the consolidated quarterly report in respect of Bank Account Withdrawals not in terms of an Approved Budget for the quarter ended September 2015, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.12

SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT : 2015/2016 : 1ST QUARTER : 01 JULY TO 30 SEPTEMBER 2015

(ITEM 8, PAGE 47 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2015)

RECOMMENDATION TO THE COUNCIL:

that **cognisance be taken** of the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality Supply Chain Management Policy for the 1st Quarter of 2015/2016.

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

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) : ERVEN 7619, 7620 AND 7153, ELEVENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSENT USE AND DEPARTURE : PENCHANT INVESTMENTS (PTY) LTD & THE SEA TRUST (BIRKENHEAD HOUSE)

3/2/3/6

S Swart

(028) 313 8006

Corporate Head Office

23 October 2015

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 certain conditions of the Executive Mayor's decision dated 3 December 2014 that the application for a consent use and departure on Erven 7619, 7620 & 7153, Voëlklip, 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 21 July 2015

RECOMMENDATION TO THE COUNCIL:

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

1. that condition 4(b) of the Executive Mayor's decision dated 3 December 2014 be amended as follows:
 - 4(b) that, should the business change hands at a future date and road safety is materially compromised as a result of the new owner deviating from the current parking arrangements or changed circumstances, the Council reserves the right to impose additional conditions relating to parking aimed at maintaining road safety.
2. that condition 4(i) be deleted since this aspect can be dealt with in legislation available to the municipality; and
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
21 JULY 2015

RE:
APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERVEN 7619, 7620 & 7153,
ELEVENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING, CONSENT USE AND DEPARTURE : PENCHANT
INVESTMENTS (PTY) LTD & THE SEA TRUST (BIRKENHEAD HOUSE)

PRESENT :

COUNCILLORS

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

CAPACITY

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

OFFICIALS

Mr R Kuchar
Ms H van der Stoep
Ms H Potgieter
Mr P Roux
Ms S Swart

Senior Manager : Town Planning
Senior Town Planner
Legal Advisor
Town Planner
Administrative Officer, Secretariat

APPELLANT

Messrs Peter G Mons Professional Town Planning and Development Consultant

APOLOGIES

None

APPELLANT:

Messrs Peter G Mons Professional Town Planning and Development Consultant

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 certain conditions of the Executive Mayor's decision dated 3 December 2014 that the application for a consent use and departure on Erven 7619, 7620 & 7153, Voëlklip, 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 appeal was submitted with regard to Condition 4(b) of the approval dated 3 December 2014. The Chairperson ruled that the meeting stand down for 10 minutes in order for the Respondent and Appellant to discuss condition 4(b).

THE MEETING STOOD DOWN AT 14:10

THE MEETING RECONVENED AT 14:20

SESSION OF APPEAL COMMITTEE**21 JULY 2015**

Both parties agreed to the reformulation of condition 4(b). Condition 4(b) was then rewritten and now reads as follows:

4(b) that, should the business change hands at a future date and road safety is materially compromised as a result of the new owner deviating from the current parking arrangements or changed circumstances, the Council reserves the right to impose additional conditions relating to parking aimed at maintaining road safety.

The amended condition was endorsed by the Section 62 Committee.

The parties have reached a settlement and

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that condition 4(b) of the Executive Mayor's decision dated 3 December 2014 be amended as follows:
 - 4(b) that, should the business change hands at a future date and road safety is materially compromised as a result of the new owner deviating from the current parking arrangements or changed circumstances, the Council reserves the right to impose additional conditions relating to parking aimed at maintaining road safety.
2. that condition 4(i) be deleted since this aspect can be dealt with in legislation available to the municipality.
3. that the full deposit be refunded to the Appellant.

The session of the Appeal Committee closed at 14:25

SIGNED ON THIS 12TH DAY OF APRIL 2015 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Coetsee **Chairman:** Appeal Committee

Cllr D Coetzee **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 6131, 21 MIDDELRIVIER ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CF & HHL MEYER

3/2/3/6

S Swart

30 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 6131, 21 Middelrivier Road, Kleinmond, be approved.

The Appeal Committee resolved as indicated in the recommendation hereunder.

7. Financial Implications

None

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 28 September 2015

RECOMMENDATION TO THE COUNCIL:

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

1. that the appeal **be dismissed**; and
2. that the appellant forfeits the deposit paid.

RESPONSIBLE OFFICIAL :

H OLIVIER/S SWART

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED



RECORD OF DECISION
28 SEPTEMBER 2015

RE:
APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 6131, 21 MIDDELRIVIER
ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE
: CF & HHL MEYER

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 R Kuchar
Ms H Potgieter
Ms H van der Stoep
Ms T Brewell
Ms S Swart

Senior Manager : Town Planning
Legal Advisor
Senior Town Planner
Building Control
Administrative Officer, Secretariat

APPELLANT

Ms C G Ungerer
Mr J Malherbe

APPLICANT

Mr P Pienaar

WRAP Consultancy

APOLOGIES

None

ABSENT:

Cllr V Macoatha

Member : Appeal Committee

APPELLANT:

Ms CG Ungerer.

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 29 April 2015 that the application for a departure on Erf 6131, 21 Middelrivier Road, Kleinmond, 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 her reasons for appeal and the panel and respondent were also afforded time to raise questions and concerns. It seemed from the reasons given by the Appellant that she submitted an appeal based on certain differences between her and her neighbour, the owner of Erf 6131, Kleinmond. It is a concern that building work was done without proper building plans and new building plans will have to be submitted. The Chairperson explained to the Appellant that, if there were to be further applications, a public participation process will be followed of which

she will be part. The panel was of the opinion that the Executive Mayor's decision for the approval of the departure was within her rights.

THE MEETING STOOD DOWN AT 15:42

THE MEETING RECONVENED AT 16:00

The Committee then –

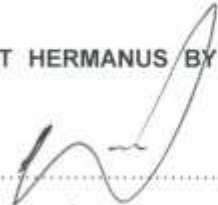
RESOLVED (UNANIMOUSLY):

- 1. that the appeal **be dismissed**;
- 2. that the appellant forfeits the deposit paid.

The session of the Appeal Committee closed at 16:05

SIGNED ON THIS 30th DAY OF SEPT 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



6.3**RECESS: DECEMBER 2015 / JANUARY 2016**

3/2/1/4

H van Tonder

(028) 313 8037

Corporate Head Office

14 September 2015

1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 25 November 2015 to 17 January 2016 and related matters.

2. Service Delivery and Budget Implementation Plan Reference - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Constitution of the Republic of South Africa, 1996 (Constitution)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act)
- Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)

6. Discussion

Section 18(2) of the Structures Act provides that a Municipal Council must meet at least quarterly.

Item 3 of the Code of Conduct for Councillors (Schedule 1 to the Systems Act) provides that a Councillor must attend each meeting of the Municipal Council and of a committee of which that Councillor is a member. Apart from the aforesaid, Overstrand Municipality's By-Law on Rules of Order for Internal Arrangements also addresses this matter. Should Council resolve to go into

recess **on 25 November 2015 to 17 January 2016**, such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters can be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved in terms of the provisions of Section 160(2) of the Constitution and Section 59 (1) (a) of the Systems Act for full Council.

It is furthermore proposed that all the municipal offices, **excluding essential services, be closed as from 13:00 for the general public on Thursday, 24 December 2015 and Thursday, 31 December 2015.**

Whilst the first cycle for Council business will commence during February 2016, it is important to note that a **Special Council Meeting** will take place on **Friday, 22 January 2016** in order for the Municipality's 2014/2015 Annual Report and other matters to be tabled in Council as provided for in inter alia section 127(2) of the MFMA.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

1. that the proposed period of recess, i.e. **25 November 2015 immediately after the meeting of Council to 17 January 2016 (the latter included) be approved;**
2. that, during the period of recess, all urgent matters / emergency situations be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved by law for full Council;

3. that the municipal offices in the Overstrand area including libraries, but excluding other essential services, **be closed as from 13:00 on Thursday, 24 December 2015 and Thursday, 31 December 2015** and respectively re-open at 07:45 on Monday, 28 December 2015, and Monday, 4 January 2016;
4. that the public and personnel be informed timeously and in an appropriate way, of the arrangement in 3 above; and
5. that **cognisance be taken** that a **Special Council Meeting** will take place on **Friday, 22 January 2016** and that in 2016 the first meeting of the **Joint Portfolio Committee** will be held on **16 February 2016** at **10:00**, the **Mayoral Committee** on **24 February 2016** at **10:00** and the **Council Meeting** on **24 February 2016** at **11:00** in the Banqueting Hall, Civic Centre, Hermanus.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

25 NOVEMBER 2015

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).