



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

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA :** 26 OCTOBER / OKTOBER /  
OKTOBHA 2016

**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

21 October 2016

## **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, 26 OCTOBER 2016** 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**

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## **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, 26 OKTOBER 2016** 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**

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## **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** ngo**LWESITHATHU, 26 OKTOBHA 2016** 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 **Monday, 26 September 2016** 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 26 October 2016 had formally sat.

**5.1**

**AMENDMENT OF CONTRACT SC 1323(iii)A/2013: LEASE AGREEMENT BETWEEN OVERSTRAND MUNICIPALITY AND MLC TRUST, 96 DIRKIE UYS STREET, HERMANUS FOR OFFICE ACCOMMODATION**

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)**

**RECOMMENDATION TO THE COUNCIL:**

1. that cognisance be taken that no recommendations or representations were received from the local community by closing date, 15 August 2016;
2. that the Municipal Manager be authorised to sign the necessary agreements and documents for the above contract; and
3. that **cognisance be taken** of the reasons for the proposed amendment of the contract SC1323(iii)A/2013: **LEASE AGREEMENT BETWEEN OVERSTRAND MUNICIPALITY AND MLC TRUST, 96 DIRKIE UYS STREET, HERMANUS FOR OFFICE ACCOMMODATION** ending **31 OCTOBER 2016**, be amended as Contract No. SC1323 (iii)B/2013 for the extension of the term of the contract for a further 20 months on the same terms and conditions of the existing contract, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003) and the amendment to be consented to.

<b>Service Provider / Supplier:</b>	MLC Trust	<b>SCM#</b>	1801
<b>Service / Goods Provided:</b>	Leasing of office space: MQ House; 96 Dirkie Uys Street, Hermanus		
SCOA Description	Operating: Lease Buildings	<b>Cost Code:</b>	1065020353000
<b>Unique Key</b>	20150212015725		

<b>Amount (Excl. VAT):</b>	R25 701.16 per month including municipal service accounts	<b>Contingency:</b>	n/a
<b>Amount in words:</b>	Twenty five thousand seven hundred and one rand and sixteen cent only.		
<b>Total estimated contract value excl. VAT</b>	R532528.03		
<b>Escalation Percentage:</b>	6%	<b>Escalation Date:</b>	1 July 2017
<b>Contract Owner:</b>	D S Arrison	<b>Contract Champion:</b>	L Bucchianeri
<b>CONTRACT PERIOD: 30 June 2018</b>			
<b>Implementation date:</b>	01 November 2016	<b>End date:</b>	Contract period 20 months (30 June 2018)

**RESPONSIBLE OFFICIAL :**

**L BUCCHIANERI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 NOVEMBER 2016**

## 5.2

**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
FIRST QUARTERLY REPORT: JULY-SEPTEMBER 2016**

**(ITEM 2, PAGE 26 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)**

**RECOMMENDATION TO THE COUNCIL:**

that the content of the report for the 1<sup>st</sup> quarter of the 2016/2017 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**.

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

## 5.3

**HERMANUS CENTRAL BUSINESS DISTRICT (CBD) REGENERATION  
FRAMEWORK : PHASE 2****(ITEM 2, PAGE 36 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)****RECOMMENDATION TO THE COUNCIL:**

1. that the Hermanus Central Business District (CBD) Regeneration Framework **be approved** and adopted as a sectoral plan of Overstrand Spatial Development Framework (SDF); and
2. that the project listed **be included** into the Integrated Development Plan (IDP) and budget process for prioritising and budgeting.

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****9 NOVEMBER 2016****TARGET DATE TO INFORM APPLICANT :****N/A****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 SEPTEMBER 2016**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 26 OCTOBER  
2016)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for September 2016, **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 2016, **be noted**.

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



## 5.5

**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2016/2017:  
1<sup>ST</sup> QUARTER: 01 JULY TO 30 SEPTEMBER 2016**

**(ITEM 6, PAGE 9 : MAYORAL COMMITTEE MEETING : 26 OCTOBER  
2016)**

**RECOMMENDATION TO THE COUNCIL:**

that **cognisance be taken** of the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 1<sup>st</sup> Quarter of 2016/2017.

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

## 5.6

## QUARTERLY BUDGET REPORT FOR SEPTEMBER 2016

**(ITEM 7, PAGE 27 : MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)**

**RECOMMENDATION TO THE COUNCIL:**

that the budget report for the quarter ended September 2016, 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**

## 5.7

QUARTERLY BANK ACCOUNT WITHDRAWALS NOT IN TERMS OF AN APPROVED BUDGET FOR THE QUARTER ENDED SEPTEMBER 2016

(ITEM 8, PAGE 76 : MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)

**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 2016, **be noted**.

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

**5.8  
PUBLIC PARTICIPATION POLICY**

**(ITEM 9, PAGE 79 : MAYORAL COMMITTEE MEETING : 26 OCTOBER 2016)**

**RECOMMENDATION TO THE COUNCIL:**

that the Public Participation Policy for the Overstrand Municipality **be approved.**

**RESPONSIBLE OFFICIAL :**

**DS ARRISON**

**TARGET DATE FOR IMPLEMENTATION :**

**1 NOVEMBER 2016**

## 5.9

**MUNICIPAL REGULATIONS ON A STANDARD CHART OF ACCOUNTS (mSCOA)  
: STATUS OF IMPLEMENTATION**

**(ITEM 10, PAGE 98 : MAYORAL COMMITTEE MEETING :  
26 OCTOBER 2016)**

**RECOMMENDATION TO THE COUNCIL:**

that the mSCOA Progress Report for the implementation of the mSCOA regulations, **be noted.**

**RESPONSIBLE OFFICIALS:**

**S REYNEKE-NAUDE  
C LE ROUX  
B KING  
E HOONEBERG  
H VORSTER**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**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 1889, 5 PASS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS ATLAS TOWN PLANNING ON BEHALF OF MANDWANA TRADING 2 (PTY) LIMITED**

**3/2/3/6****S Swart****(028) 313 8006****Corporate Head Office****29 September 2016**

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**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 24 February 2016 that the application for consent use not be approved.

**The Appeal Committee resolved as indicated in the recommendation hereunder.**

**7. Financial Implications**

None. The full deposit to be forfeited.

**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 29 August 2016

**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 forfeit his deposit.

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP/S SWART**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**



**RECORD OF DECISION**  
**29 AUGUST 2016**

**RE:**

**APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 1889, 5 PASS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS ATLAS TOWN PLANNING ON BEHALF OF MANDWANA TRADING 2 (PTY) LTD**

**PRESENT :**

**COUNCILLORS**

Ald A Coetsee  
Cllr D Botha  
Cllr V Macothena  
Cllr X Msweli

**CAPACITY**

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

**OFFICIALS**

Mr R Kuchar  
  
Ms H van der Stoep  
Mr L Wallace  
Ms S Swart

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

**APPELLANT**

Mandwana Trading 2 (Pty) Ltd

Represented by Mr K Olivier from Messrs Atlas Town Planning

**APOLOGIES**

Cllr M Opperman

Member : Appeal Committee

**ABSENT**

None



**APPELLANT:**

Messrs Mandwana Trading 2 (Pty) Ltd, represented in the appeal by Mr K Olivier from Messrs Atlas Town Planning.

**RESPONDENT:**

Overstrand Municipality herein represented by Ms H van der Stoep, Senior Town Planner and Mr R Kuchar, Senior Manager : Town Planning & Property Administration.

**NOTICE OF APPEAL HEARING:**

Notices were sent to all parties concerned.

**NATURE OF APPEAL:**

The appellant appeals against the Executive Mayor's decision dated 24 February 2016 that the application for consent use not 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 was noted that the deposit was paid in terms of the approved tariffs.

**SITE VISIT:**

None

**CONSIDERATION OF APPEAL:**

All documents were considered and arguments by both parties were listened to. The right that stands to be protected of the Appellant is the right to administrative action, which is lawful, reasonable and fair. The question is whether the reasons provided by the Executive Mayor in her decision not to approve the application for consent use, were reasonable. The question whether it was lawful and/or fair, did not arise. Both parties raised compelling arguments for and against the approval of the application. It was not



**6.2****APPOINTMENT OF A SECUNDUS FOR THE SPEAKER**

3/2/3/6

H van Tonder

(028) 313 8037

Corporate Head Office

27 September 2016

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**1. Executive Summary**

The purpose of the report is to appoint a Councillor as secundus for Ald A Coetsee to act in his capacity as Speaker in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998).

**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**

None

**5. Legal Requirements**

Section 41 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) [Structures Act]

**6. Background/Discussion**

Section 41 of the Structures Act provides that the Council must elect another councillor to act as Speaker if the Speaker is absent or not available to perform the functions of Speaker or during a vacancy.

Council is thus requested to elect a councillor as secundus for Ald A Coetsee to act in his capacity when he is absent or not available to perform the functions of the Speaker or during a vacancy.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that a councillor **be elected as Secundus for the Speaker** in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998) to act in his capacity when the Speaker is absent or not available to perform the functions of Speaker or during a vacancy.

**RESPONSIBLE OFFICIAL:****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****IMMEDIATELY**

**6.3****RECESS: DECEMBER 2016 / JANUARY 2017**

3/2/1/4

H van Tonder

(028) 313 8037

Corporate Head Office

27 September 2016

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**1. Executive Summary**

The purpose of the report is to obtain confirmation of Council's recess from 30 November 2016 to 22 January 2017 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 30 November 2016, directly after the meeting of Council, to**

**22 January 2017**, such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters shall 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 Friday, 23 December 2016 and Friday, 30 December 2016.**

Whilst the first cycle for Council business will commence during February 2017, it is important to note that a **Special Council Meeting** will take place on **Wednesday, 25 January 2017** in order for the Municipality's 2015/2016 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, ie **30 November 2016, immediately after the meeting of Council, to 22 January 2017 (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 Friday, 23 December 2016 and Friday, 30 December 2016** and respectively reopen at 07:45 on Wednesday, 28 December 2016, and Tuesday, 3 January 2017;
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 **Wednesday, 25 January 2017** and that in 2017 the first meeting of the **Joint Portfolio Committee** will be held on **14 February 2017 at 10:00**, the **Mayoral Committee** on **22 February 2017 at 10:00** and the **Council Meeting** on **22 February 2017 at 11:00** in the Banqueting Hall, Civic Centre, Hermanus.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

30 NOVEMBER 2016

## 6.4

**VARIOUS SAFETY ASPECTS: EARTH BANKS (BERMS) ALONG SCHULPHOEK ROAD**

16/3/R

R Williams

(028) 313 8029

Hermanus Administration

14 October 2016

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**1. Executive Summary**

This report is to inform Council with regard to the investigation requested by the Council as per a motion of exigency considered at the Council meeting of 31 August 2016.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Directorate: Community Services

**3. Compliance with Strategic Priorities**

Provision of democratic, acceptable and ethical governance  
Creation and maintenance of a safe and healthy environment

**4. Delegated Authority**

None

**5. Legal Requirements**

Constitution of the Republic of South Africa, 1996  
Overstrand Municipality Zoning Scheme, June 2013

**6. Background/Discussion/Evaluation/Conclusion****Background**

The following is the motion of exigency as recorded in the minutes of the Special Council meeting held on 31 August 2016, namely:

*A motion of exigency was received by the ANC and the Speaker, Ald A Coetsee, allowed the motion by expanding this agenda. Cllr S Tebele raised a concern about the high berms on the Schulphoek Road which were established by the developer of the Whale Coast Mall. He reported that a number of attempted robberies/assaults occurred because people are not safe while walking there and that the berms should be lowered.*



*The Speaker ruled that this is an urgent matter because people's lives are in danger. The Speaker requested that the Director: Community Services, be delegated to investigate this matter, together with important role-players."*

### **Discussion**

A meeting was held by relevant Councillors and officials on 5 September 2016. The following challenges related to pedestrian safety were identified:

- The height of the respective earth banks (Zwelihle and Sandbaai sides). Residents from Zwelihle are unable to see beyond the earth banks onto Schulphoek Road reserve.
- Safety at road crossings for pedestrians, namely:
  - Opposite Waldorf School and
  - Area opposite Schneider Street.
- Absence of street lights along Schulphoek Road and surveillance cameras.

The following recommendations related to safety aspects were also made:

- That the height of the respective berms be lowered and that work to commence on the Sandbaai-side by 8 September 2016 with a site inspection on 9 September 2016 to finalise height of berms.
- That visible patrol by Directorate: Protection Services be conducted from 17:00 – 20:00 and during morning peak hours.
- That the Director: Protection Services discuss with local SAPS measures to deal with safety challenges.

The site meeting could only take place on Monday 12 September 2016 due to unforeseen appointments by particular Councillors on 9 September 2016. It was confirmed that the earth banks be lowered.

The topsoil that recently became available from the earth works done at the Whale Coast Mall was stockpiled along Schulphoek road and led to the increased height of the earth banks. The administration saw the available topsoil as an opportunity to complete the envisaged earth banks and for other operational usage.

It was also determined that the following is prescribed in terms of Section 16.2.2 of the Overstrand Municipality Scheme Regulations with regard to earth banks, namely:

*"Without the prior written consent of the Council:*

*(c) No series of earth banks or retaining structures shall be constructed to a cumulative height of more than 1,5m above base level, unless an approximately level area of at least 3,0m wide is incorporated between successive embankments or retaining structures for every 1,5m of cumulative height."*

No prior approval was obtained in terms of the Scheme Regulations from Council for deviation from the Scheme Regulations and therefore the earth banks in question must be developed in line with the mentioned Regulations.

## 7. Financial Implications

### Source of Funding eg. Capital/Operating Budget Provisions

Unique Key	:	20150212019078
Cost Account	:	11410201430000
Funds Required *This report)	:	R303, 715,86.00

## 8. Staff Implications

None

## 9. Comments from other Departments, Divisions and Administrations

None

## 10. Annexures

Annexure A: Attendance register of meeting held on 05 September 2016

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

that the report in respect of the motion of exigency related to the height of the earth banks and safety of pedestrians along Schulphoek Road, **be noted**.

**RESPONSIBLE OFFICIAL :**

**D KEARNEY**

**TARGET DATE FOR IMPLEMENTATION :**

**10 OCTOBER 2016**

# ATTENDANCE REGISTER / PRESENSIELYS

Munisipaliteit • U-Munisipala • Municipality



DATE/DATUM:

5 SEPTEMBER 2016 @ 11h00

MEETING/VERGADERING:

SCHULPHOEK BERM

VENUE/PLEK

MAYORAL COMMITTEE ROOM HERMANUS (GLASKAS)

VOLLE NAAM FULL NAME	BESIGHEID / COMPANY KANTOOR / OFFICE	TELEFOON NO PHONE NUMBER	HANDTEKENING SIGNATURE
ANDRIEN KOMARI	CHAMPERSON (C.S.)	073 827 9972	
Nandi Mthobeni	Protektie Korum	028 313 8054	
Archie Klaas	bellr.	074 623 0153	
Don Kearney	Aren Management	028 -313 8112	
Veliani Micotha	Clr	028 313 8076	
Valerie Pungulungu	Clr	073 093 4288	
David Botha	Clr	079 4916218	
Simphwe Tsebe	Clr	072 886 0265	
Bulewa Platjies	Hermanus Administration	028 313 8921	
Robbeek Nkomo	Dir: Comm Sees	028 313 8029	

**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).**