

**MINUTES OF THE ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, PLETTENBERG BAY, ON THURSDAY, 16 OCTOBER 2014 AT 12H07**

**1. OPENING**

The Speaker, Councillor AR Olivier declared the meeting open at 11h04 and welcomed everyone present.

She then requested Councillor EE Paulse to open the meeting with a prayer.

**1.1 INTRODUCTION OF NEW COUNCILLOR TO BITOU LOCAL MUNICIPALITY**

The Speaker congratulated and welcomed Councillor SB Farrow as the new DA appointed Councillor to the Municipal Council of Bitou Local Municipality. She then introduced the newly elected Councillor to the Municipal Council.

**1.2 OATH OR SOLEMN AFFIRMATION BY MEMBER OF THE COUNCIL**

**OATH BY MEMBER OF THE MUNICIPAL COUNCIL: COUNCILLOR SB FARROW**

**Department: Corporate Services      Demarcation: All Wards**

**File Ref: 3/2/1/6**

**Resolved**

That it be noted that Councillor SB Farrow of the Municipal Council, took an Oath to be faithful to the Republic of South Africa and to obey, respect and uphold the Constitution and all other laws of the Republic of South Africa; and solemnly promised to perform his functions as a member of the Bitou Local Municipal Council to the best of his ability and signed the applicable Oath Certificate in the presence of the Commissioner of Oaths and Practising Attorney-Notary, Perino Pama.

**To be Actioned by: Head Corporate Services**

**2. ATTENDANCE**

As per the attached attendance register

**3. APPLICATION FOR LEAVE OF ABSENCE**

None

**4. CONFIRMATION OF MINUTES:**

**4.1 Ordinary Council Meeting: 31 March 2014**

That the Minutes of the Ordinary Council Meeting held on 31 March 2014, be, and are hereby, **CONFIRMED & SIGNED.**

**Proposed: Councillor EE Paulse**

**Seconded: Councillor N Ndayi**

**4.2 Special Council Meeting: 28 May 2014**

That the Minutes of the Ordinary Council Meeting held on 28 May 2014, be, and are hereby, **CONFIRMED & SIGNED,** subject to the following correction;

“That the word cognizance in the minutes be corrected to read cognisance.”

**Proposed: Councillor NM De Waal**

**Seconded: Councillor N Ndayi**

**4.3 Special Council Meeting: 25 August 2014**

That the Minutes of the Ordinary Council Meeting held on 25 August 2014, be, and are hereby, **CONFIRMED & SIGNED.**

**5. STATEMENTS AND COMMUNICATIONS BY:**

**5.1 The Executive Mayor**

The Executive Mayor congratulated the Speaker on her election as Ward Councillor for Ward 7 and the opportunity thereby created for the DA to appoint a PR Councillor. He further welcomed Councillor SB Farrow to Bitou Municipal Council.

The Executive Mayor congratulated Ms Phumla Ngqumshe, Mr Pikkie Lombard on once again obtaining green and blue drop water and the Wilson Award.

He further mentioned that Blue Flag Status has been reconfirmed once again for Robberg 5, Nature's Valley, Keurbooms, the Waves and Lookout Beach.

The Executive Mayor then congratulated the Municipal Manager on the following achievements by officials;

- Mr M Memani on his election as the Western Cape Info Chairperson
- Mr M Stratu on his election as the Deputy Secretary of IGLM
- Messrs Reginald Smit, M Stratu and T Dazela on their election on the Board of South Cape College



5.2 The Speaker

None

6. **ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR, IN TERMS OF DELEGATED AUTHORITY**

**Resolved**

That all the resolutions of the Executive Mayor to the Items as listed on the Agenda, be, and are hereby, **NOTED.**

**For information**

7. **CONSIDERATION OF REPORTS (NON-DELEGATED MATTERS)**

**Section 1: Office of the Municipal Manager**

No items for consideration

**Section 2: Finance**

Resolution C/2/175/10/14

**MUNICIPAL REGULATIONS ON A STANDARD CHART OF ACCOUNTS (SCOA), NOTICE 312 of 2014 GOVERNMENT GAZETTE No. 37577**

**Department: Finance Demarcation: All Wards**

**File Ref: 12/2/1/4/24**

**Resolved**

1. That the Municipal Council adopts the Municipal Regulations on a Standard Chart of Accounts (SCOA) in terms of Notice 312 of 2014, Government Gazette No. 37577.
2. That the Municipal Council further resolve to support the implementation of the Municipal Regulations on a Standard Chart of Accounts (SCOA) in terms of Notice 312 of 2014, Government Gazette No. 37577.

3. That the Municipal Council resolve to finalise the structure before the start of the new budget year in November 2014.

**Proposed:** Councillor EE Paule  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Chief Financial Officer

Resolution C/2/176/10/14

**PENALTIES / INTEREST NOT CHARGED ON INDIGENT ACCOUNTS AND  
ACCOUNTS WITH PAYMENT ARRANGEMENTS**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 5/14/1/5

**Resolved**

1. That the Municipal Council condone the exemption of penalties/interest applied in previous financial years to date on indigent accounts and accounts with payment arrangements.
2. That the Municipal Council approve the exemption of penalties/interest on indigent accounts and accounts with payment arrangements with effect 1 July 2014.
3. That the credit control policy be amended to reflect the exemptions of penalties/interest to indigent customers and arrangements for the settlement of debt.

**Proposed:** Councillor EE Paule  
**Seconded:** Councillor ST Besana

**To be Actioned by:** Chief Financial Officer

**Resolution C/2/177/10/14**

**REQUEST TO DELEGATE POWER TO THE MUNICIPAL MANAGER TO WRITE OFF INTEREST AND PENALTIES**

**Department: Finance Demarcation: All Wards**

**File Ref: 2/2/1/2**

**Resolved**

That the Municipal Council delegate power to the Municipal Manager to write off interest and penalties levied on individual accounts on the recommendation of the Chief Financial Officer, provided that such interest and penalties does not exceed R100,000.00 (One Hundred Thousand Rand).

**Proposed: Councillor WR Craig**  
**Seconded: Councillor NM de Waal**

**To be Actioned by: Chief Financial Officer**

**Resolution C/2/178/10/14**

**REQUEST TO RETROSPECTIVELY ADJUST PROPERTY RATES ON PROPERTIES INCORRECTLY VALUED IN THE GENERAL VALUATION ROLL OF 2013/17, FROM 01 JULY 2013**

**Department: Finance Demarcation: All Wards:**

**File Ref: 5/3/6**

**Resolved**

That the Municipal Council approves that the accounts of the respective owners in the attachment of Properties that was incorrectly valued in the General Valuation Roll be corrected from the effective date of the valuation roll, 01 July 2013, and be credited for the difference in rates between the incorrect valuation and the revised calculation.

**Proposed: Councillor N Ndayi**  
**Seconded: Councillor NM de Waal**

**To be Actioned by: Chief Financial Officer**

Resolution C/2/179/10/14

**REQUEST TO APPROVE THE WITHDRAWAL OF THE DESCRIPTION OF THE VALIDITY OF RATES CLEARANCES CONTAINED UNDER SECTION 2.4.6 PROPERTY RATES POLICY IN THE 2014/15 ANNUAL BUDGET**

**Department:** Finance                      **Demarcation:** All Wards

**File Ref:** 5/6/1/2/5 & 5/4/1/1/P

**Resolved**

1. That the Municipal Council approves the deletion under the heading Rates Clearances as contained under Section 11(8) of Bitou Municipality Property Rates Policy as follows: *“Rates Clearance Certificates will be valid for 120 days after date of issue; monies must be paid in full until such date. However should attorneys request to extend the certificate for 120 days beyond this date, and this extension of time surpasses the date of 30 June the full New Year’s rates or estimated rates become payable in full.”*
2. That the Municipal Council approves the new revised description under the heading of Rates Clearances contained under Section 11 (8) of Bitou Municipality’s Rates Policy as follows: *“Rates clearance certificates will be valid for 120 days after date of issue; monies must be paid in full for the financial year in which application is made. However, should applicants wish to extend the certificate, beyond 30 June of a financial year, the following financial years rates become payable in full”.*

**Proposed:** Councillor WR Craig  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Chief Financial Officer

**Resolution C/2/180/10/14**

**REQUEST TO REINSTATE THE CREDIT GIVEN IN RESPECT OF THE DIFFERENCE IN RATES BASED ON THE VALUATION IN THE GENERAL VALUATION ROLL OF 2013/17 AND SUPPLEMENTARY VALUATION ROLL**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 5/5/2/4

**Resolved**

That the Municipal Council approves to reinstate the credit for difference in rates based on the valuation in the General valuation Roll 2013/17 and the revised valuation in the First Supplementary Valuation Roll, for the period 01 July 2013 – 30 April 2014 with effect from the date of the General valuation roll being 1 July 2013.

**Proposed:** Councillor NM de Waal

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Chief Financial Officer

**Resolution C/2/181/10/14**

**DRAFT SUBSISTENCE ALLOWANCE POLICY**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 4/5/2/1/P

**Resolved**

1. That the Municipal Council take note of the content of the report on the Draft Subsistence Allowance Policy report.
2. That the Draft Subsistence Allowance Policy be approved for immediate implementation.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor WR Craig

**To be Actioned by:** Chief Financial Officer

Resolution C/2/182/10/14

**ROLL- OVERS FROM 2013/14: ADJUSTMENTS BUDGET 2014/15 - AUGUST 2014**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 5/1/1/10

**Resolved**

That the Municipal Council resolves that the budget of the Bitou Municipality for the Financial Year 2014/15 be adjusted and approved as set-out in the following, which was circulated with the agenda;

- (a) Municipal Budget tables B1 – B10
- (b) Municipal Budget Supporting Documentation SB1 – SB19

**Proposed:** Councillor H Plaatjies

**Seconded:** Councillor EE Paulse

**To be Actioned by:** Chief Financial Officer

Resolution C/2/183/10/14

**REQUEST TO GRANT PERMISSION TO EXEMPT PORTION 10 OF THE FARM 428, STROMBOLI'S RETIREMENT VILLAGE, FROM PAYING PROPERTY RATES**

**Department:** Finance **Demarcation:** Ward 7

**File Ref:** 5/6/1/2/5

**Resolved**

1. That the contents of the report on the request to grant permission to exempt Portion 10 of the Farm 428, Stromboli's Retirement Village, from paying property rates, be noted.
2. That approval be granted to exempt Stromboli's Retirement Village from property rates for the 2014/2015 Financial Year with effect from the date of registration as a NPO as and when it is confirmed by SARS.

**Proposed:** Councillor WR Craig

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Chief Financial Officer



**Resolution C/2/184/10/14**

**PTN 58 OF 305; PLETTENBERG BAY ANGLING CLUB- APPLICATION FOR A REDUCTION IN PROPERTY RATES**

**Department:** Finance **Demarcation:** Ward 2

**File Ref:** 18/58/305 & 5/5/2/4

**Resolved**

1. That the contents of the report on the application for a reduction in the property rates levied for Portion 58 of 305, be noted.
2. That the Angling Club be rated against a rates tariff equivalent to the residential improved tariff for the 2013/2014 Financial Year equal to an amount of R14,842.10.
3. That the account of the Angling Club be credited with an amount of R 10,053.90 in respect of rates already paid for the 2013/2014 Financial Year.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor WR Craig

**To be Actioned by:** Chief Financial Officer

**Resolution C/2/185/10/14**

**WRITING -OFF OF PROPERTY PLANT AND EQUIPMENT**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 9/1/3/4

**Resolved**

1. That all assets that were not verified during the 2013/2014 annual asset verification process, with a total book value of R156,120.38 as at 01 July 2013, be written off.
2. That all assets classed as "Scrap" during the 2013/2014 annual asset verification process, with a total book value of R139,067.20 as at 30 June 2014, be written off.
3. That prior to the disposal of the assets classed as "Scrap", Section 14 of the MFMA and all other requirements be complied with as stipulated within the Municipal Asset Transfer Regulations, Government Gazette 31346.

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4. That the additional asset management procedures and controls be put in place to enhance co-operation and communication between all stakeholders and role players, to mitigate the loss of assets.

**Proposed:** Councillor H Platjies

**Seconded:** Councillor EE Paulse

**To be Actioned by:** Chief Financial Officer

**Resolution C/2/186/10/14**

**UNAUTHORISED EXPENDITURE AS AT 30 JUNE 2014**

**Department:** Finance                      **Demarcation:** All Wards

**File Ref:** 9/1/3/4

**Resolved**

1. That the Municipal Council take note of the circumstances and reasons of the unauthorised expenditure to the amount of R 30,686,908.00 due to provisional amount recognised in terms of GRAP implementation as reported in note 43.01 of the (2013/14) Financial Statements and the total amount be authorized.
2. That the Municipal Council take note of the circumstances and reasons of the unauthorised expenditure to the amount of R 8,673,417.00 due to mainly overspending on other expenditure as reported in note 43.01 of the (2013/14) Financial Statements and the total amount be authorized.
3. That the Municipal Council take note of the circumstances and reasons of the unauthorised expenditure to the amount of R 6,738,821.00 due to mainly overspending on housing as reported in note 43.01 of the (2013/14) Financial Statements and the total amount be authorized.
4. That the Municipal Council resolves to recover an amount of R 6,738,821.00 from the department of human settlement.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Chief Financial Officer

Resolution C/2/189/10/14

**FINANCIAL REPORT FOR THE QUARTER ENDING 30 JUNE 2014**

**Department: Finance                      Demarcation: All Wards**

**File Ref: 9/1/3/4**

**Resolved**

That cognisance be taken of the Quarter Financial Report as at 30 June 2014.

**Proposed: Councillor EE Paulse**

**Seconded: Councillor N Ndayi**

**To be Actioned by: Chief Financial Officer**

Resolution C/2/192/10/14

**OUTSTANDING DEBT: APRIL 2014**

**Department: Finance                      Demarcation: All Wards**

**File ref: 9/1/3/4**

**Resolved**

That the Credit Control & Debt Collection statistics for April 2014 be noted.

**Proposed: Councillor NM de Waal**

**Seconded: Councillor N Ndayi**

**To be Actioned by: Chief Financial Officer**

Resolution C/2/193/10/14

**OUTSTANDING DEBT: MAY 2014**

**Department:** Finance                      **Demarcation:** All Wards

**File ref:** 9/1/3/4

**Resolved**

That the Credit Control & Debt Collection statistics for May 2014 be noted.

**Proposed:** Councillor NM de Waal

**Seconded:** Councillor EE Paulse

**To be Actioned by:** Chief Financial Officer

Resolution C/2/194/10/14

**OUTSTANDING DEBT: JUNE 2014**

**Department:** Finance                      **Demarcation:** All Wards

**File ref:** 9/1/3/4

**Resolved**

That the Credit Control & Debt Collection statistics for June 2014 be noted.

**Proposed:** Councillor N Ndayi

**Seconded:** Councillor NM de Waal

**To be Actioned by:** Chief Financial Officer



Resolution C/2/195/10/14

**OUTSTANDING DEBT: JULY 2014**

**Department:** Finance                      **Demarcation:** All Wards

**File ref:** 9/1/3/4

**Resolved**

That the Credit Control & Debt Collection statistics for July 2014 be noted.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Chief Financial Officer

Resolution C/2/196/10/12

**OUTSTANDING DEBT: AUGUST 2014**

**Department:** Finance                      **Demarcation:** All Wards

**File ref:** 9/1/3/4

**Resolved**

That the Credit Control & Debt Collection statistics for August 2014 be noted.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor WR Craig

**To be Actioned by:** Chief Financial Officer



Resolution C/2/197/10/14

**VIREMENT REPORT FOR THE QUARTER ENDING 30 JUNE 2014**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 9/1/3/4

**Resolved**

That cognisance be taken of the Virement Report as at 30 June 2014.

**Proposed:** Councillor N Ndayi  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Chief Financial Officer

Resolution C/2/198/10/14

**LIST OF WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT: APRIL TO JUNE 2014**

**Department:** Finance **Demarcation:** All Wards

**File Ref:** 9/1/3/4

**Resolved**

1. That the Municipal Council confirms the withdrawals that were made in terms of Section 1(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003 for the quarter ended 30 June 2014.
2. That the report accordingly be presented to the Provincial Treasury: Western Cape and Auditor – General, as determined by Section 11(4)(b) of the Local Government: Municipal Finance Management Act, 2003.

**Proposed:** Councillor EE Paulse  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Chief Financial Officer

**Section 3: Corporate Services**

**Resolution C/3/94/10/14**

**EMPLOYMENT EQUITY STATUS: JUNE 2014**

**Department: Corporate Services                      Demarcation: Ward All**

**File Ref: 4/10/3**

**Resolved**

That cognizance be taken of the Employment Equity Status as at June 2014.

**Proposed: Councillor EE Paulse**  
**Seconded: Councillor NM de Waal**

**To be Actioned by: Manager: Human Resources**

**Resolution C/3/95/10/14**

**FINAL APPROVAL OF POLICIES WHICH WERE APPROVED IN PRINCIPLE AND WORKSHOPPED WITH COUNCILLORS AND INTERNAL STAKEHOLDERS**

**Department: Corporate Services                      Demarcation: All Wards**

**File Ref: 4/2/P**

**Resolved**

That the Municipal Council approves the following policies in line with Section 11(3)(a) of the Municipal Systems Act 32 of 2000.

- (a) Expanded Public Works Programme (EPWP) Policy and Implementation Guidelines
- (b) Investment and Cash Management Policy
- (c) Computer and Information Technology Policy
- (d) Disaster Recovery and Backup Plan
- (e) Change Management and Control Policy
- (f) Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy

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- (g) Creditors, Councillors and Personnel Payment Policy
- (h) Communication Strategy 2014 - 2017
- (i) Customer Care Strategic Plan
- (j) Sport Policy and Procedure Document
- (k) Bitou Municipal Water Services Development Plan
- (l) Policy for the Management of Immovable Property Assets of the Bitou Municipality
- (m) Bitou Municipality Encroachment Policy
- (n) Outdoor Advertising Policy

**Proposed: Councillor WR Craig**

**Seconded: Councillor EE Paulse**

**To be Actioned by: Manager: Administration**

**Resolution C/3/96/10/14**

**QUARTERLY REPORT: CORPORATE SERVICES - HUMAN RESOURCES  
SECTION FOR THE PERIOD MARCH 2014 TO MAY 2014**

**Department: Corporate Services**

**Demarcation: All Wards**

**File Ref: 9/1/33**

**Resolved**

That the Municipal Council takes note of the quarterly report from the Human Resources Section for the period March 2014 to May 2014.

**Proposed: Councillor EE Paulse**

**Seconded: Councillor SB Farrow**

**To be Actioned by: Manager: Human Resources**





Resolution C/3/97/10/14

**QUARTERLY REPORT: CORPORATE SERVICES - HUMAN RESOURCES  
SECTION FOR THE PERIOD JUNE 2014 TO AUGUST 2014**

**Department:** Corporate Services      **Demarcation:** All Wards

**File Ref:** 9/1/33

**Resolved**

That cognizance be taken of the content of the quarterly report from the Human Resources Section on the various human resources related matters for the period June 2014 to August 2014.

**Proposed:** Councillor EE Paulse  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Manager: Human Resources

Resolution C/3/98/10/14

**WARD DELIMITATIONS PLAN AND AWARENESS CAMPAIGN**

**Department:** Corporate Services      **Demarcation:** All Wards

**File Ref:** 12/2/1/1/2

**Resolved**

That the Municipal Council take note of the Ward Delimitation 2013 – 2015 Plan and Awareness Campaign of the Municipal Demarcation Board.

**Proposed:** Councillor NM de Waal  
**Seconded:** Councillor SB Farrow

**To be Actioned by:** Head Corporate Services

**Resolution C/3/99/10/14**

**TRANSPORTATION OF MUNICIPAL STAFF TO AND FROM WORK WITH MUNICIPAL VEHICLES**

**Department:** Corporate Services **Demarcation:** All Wards

**File Ref:** 6/2/1/12

**Resolved**

1. That the Municipal Council takes note of the status quo regarding transportation of staff and the inherent risks and financial implications.
2. That all transportation of municipal staff to and from work with municipal vehicles be stopped as from 1 December 2014, after consultation with unions and workers.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Head Corporate Services

**Resolution C/3/100/10/14**

**CLOSURE OF MUNICIPAL OFFICES BETWEEN CHRISTMAS AND NEW YEAR 2014 / 2015**

**Department:** Corporate Services **Demarcation:** All Wards

**File Ref:** 2/6/R

**Resolved**

WITHDRAWN

Resolution C/3/101/10/14

**APPROVAL OF THE DELEGATION REGISTER FOR BITOU**

**Department:** Corporate Services **Demarcation:** All Wards

**File Ref:** 4/10/3

**Resolved**

That this Item be referred back.

**To be Actioned by:** Head Corporate Services

Resolution C/3/102/10/14

**DETERMINATION OF THE NUMBER OF COUNCILLORS FOR CATEGORY A, B AND C MUNICIPALITIES**

**Department:** Corporate Services **Demarcation:** All Wards

**File Ref:** 3/1/10

**Resolved**

That the Municipal Council take note that Mr Anton Bredell, Provincial Minister of Local Government, Environmental Affairs and Development Planning in the Western Cape has determined the total number of Councillors for Bitou Municipality (WC 047) at 13 and published it in the Province of the Western Cape: Provincial Gazette Extraordinary No 7314 dated 6 October 2014.

**Proposed:** Councillor SB Farrow  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Head Corporate Services

Resolution C/3/103/10/14

**OFFICE BEARERS DUTIES**

**Department:** Corporate Services **Demarcation:** All Wards

**File Ref:** 12/2/1/2/12

**Resolved**

1. That the Municipal Council take note of the content of the report on Office Bearers duties.
2. That the Special leave be granted in term of the Collective Agreement to the officials to attend meetings of the institution upon submission of a notice from same above.
3. That the Municipal Manager considers the leave application in line with the leave policy of Council.
4. That the Municipal Manager also considers the approval of S&T for attendance of meetings by officials who serve on the Boards of the Institutions identified.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor WR Craig

**To be Actioned by:** Head Corporate Services

**Section 4: Community Services**

Resolution C/4/65/10/14

**REGULATION OF CAR GUARDS**

**Department:** Community Services **Demarcation:** Ward 1

**File Ref:** 17/4/3

**Resolved**

1. That the Municipal Council approves that in principle to take over the service of providing Car Guards to the Bitou Community as a project.

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2. That a public participation process be undertaken to receive views of the public in terms of Section 78 of the Municipal Systems Act and that the said process be concluded by end of February 2015.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor EE Paulse

**To be Actioned by:** Head Community Services

**Resolution C/4/66/10/14**

**VALUATION OF ERF 4367 PLETTENBERG BAY: SOCIAL HOUSING – ULTRA CITY**

**Department:** Community Services

**Demarcation:** All Wards

**File Ref:** 18/4367/PB

**Resolved**

1. That the valuation received from WM de Kock Associated in respect of Erf 4367 (Ultra City) for Social Housing purposes be noted and that the final value be determined by Council in terms of Regulation 13 of the Asset Transfer Regulations, once the bids have been received from accredited Housing Institutions.
2. That the invitation to partner with Bitou Local Municipality in the delivery and management of Social Housing Rental Stock be advertised in line with the Supply Chain Management Policy and Provincial Newspaper and Bitou database.
3. That a final report be submitted to the Municipal Council in respect of the bids received, in order to determine all matters such as annual rental, lease or sale, bulk services and final value of the land.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor NM De Waal

**To be Actioned by:** Manager: Human Settlement & Housing, Parks and Recreation, Sport and Public Facilities Management

**Resolution C/4/67/10/14**

**VALUATION OF PORTION OF PORTION 40 OF THE FARM 437 HILLVIEW**

**Department: Community Services      Demarcation: Wards 5 & 6**

**File Ref: 18/40/437**

**Resolved**

1. That the application from the South Cape College to acquire a portion of Portion 40 of the Farm Hillview 437, Kwanokuthula be approved in accordance with the Site Development Plan and the registered Survey Diagram.
2. That a Deed of Alienation / Donation be entered into between the municipality and the South Cape College in accordance with the selling price / donation as determined by the Municipal Council.
3. That the Department Strategic Services make application in terms of Section 16 and 24 of the Land Use Planning Ordinance No. 15 of 1985 for the rezoning and sub-division of the property.
4. That all costs in terms of rezoning, sub-division legal and survey costs be borne by South Cape College.
5. That the Municipal Manager be authorised to enter and sign all the necessary agreements and documentation to conclude the transaction.

**Proposed: Councillor EE Paulse**

**Seconded: Councillor N Ndayi**

**To be Actioned by: Manager: Human Settlement & Housing, Parks and Recreation, Sport and Public Facilities Management**

Resolution C/4/68/10/14

**APPROVAL OF HOUSING SELECTION POLICY FOR BITOU**

**Department:** Community Services      **Demarcation:** All Ward

**File Ref:** 17/6/P

**Resolved**

That the Municipal Council approves the Selection Framework Policy for Bitou Local Municipality in accordance with the Western Cape Provincial Framework Policy for the selection of housing beneficiaries.

**Proposed:** Councillor NM de Waal

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Manager: Human Settlement & Housing, Parks and Recreation, Sport and Public Facilities Management

**Section 5: Municipal Services & Infrastructure Development**

Resolution C/5/47/10/14

**IMPLEMENTATION OF COUNCIL RESOLUTION ON OUTSTANDING DEBT  
REPORT OF APRIL 2014**

**Department:** Municipal Services & Infrastructure  
Development      **Demarcation:** All Wards

**File Ref:** 16/2/6 & 16/1/1/5

**Resolved**

1. That the Municipal Council takes note of report regarding assistance with the outstanding debt item
2. That the Municipal Council takes note of action plans already implemented regarding repairs and replacement of meters within the Bitou municipal area.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor NM de Waal

**To be Actioned by:** Head Municipal Services & Infrastructure Development

Resolution C/5/48/10/14

**NAME CHANGE OF THE DEPARTMENT MUNICIPAL SERVICES AND INFRASTRUCTURE DEVELOPMENT**

**Department:** Municipal Services & Infrastructure Development **Demarcation:** All Wards

**File Ref:** 2/8/2

**Resolved**

That name of the Department: Municipal Services and Infrastructure Development be changed to the Department: Engineering Services.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Head Municipal Services & Infrastructure Development

Resolution C/5/49/10/14

**WILSON AWARD 2014 FOR THE BITOU LOCAL MUNICIPALITY BY THE WATER INSTITUTE OF SOUTH AFRICA**

**Department:** Municipal Services & Infrastructure Development **Demarcation:** All Wards

**File Ref:** 11/3/4

**Resolved**

1. That the Municipal Council takes note of the achievement and WISA Wilson Award received for the Plettenberg Bay and the Kurland Waste Water Treatment Works.
2. That the Waterworks Section be congratulated on the operations of the Plettenberg Bay and Kurland Waste Water Treatment Works and on the achievement of the award as mentioned in 1 above.

**Proposed:** Councillor WR Craig

**Seconded:** Councillor NM de Waal

**To be Actioned by:** Head Municipal Services & Infrastructure Development



**Resolution C/5/50/10/14**

**GREEN DROP STATUS FOR THE BITOU LOCAL MUNICIPALITY FOR THE 2013 FINANCIAL YEAR**

**Department: Municipal Services & Infrastructure Development**                      **Demarcation: All Wards**

**File Ref: 16/1/1/4**

**Resolved**

1. That the Municipal Council takes note of the achievement and results of the Green Drop Status received for the Plettenberg Bay (Gansevallei) and the Kurland Waste Water Treatment Works.
2. That the Waterworks Section be congratulated on the operations of the Plettenberg Bay (Gansevallei) and Kurland Waste Water Treatment Works and on the achievement of the award as mentioned in 1 above.

**Proposed: Councillor EE Paulse**  
**Seconded: Councillor NM de Waal**

**To be Actioned by: Head Municipal Services & Infrastructure Development**

**Section 6: Strategic Services**

**Resolution C/6/241/10/14**

**PROCESSING OF DRAFT BITOU LAND DEVELOPMENT BY-LAW AND CALL FOR PROPOSAL FOR MEMBERS OF PLANNING TRIBUNAL**

**Department: Strategic Services**                      **Demarcation: All Wards**

**File Ref: 1/2/1/1 & 15/1/P**

**Resolved**

1. That the Municipal Council hereby, in terms of Section 12(1) of the Local Government Municipal Systems Act, approved the Draft By-law, in principle.
2. That the Draft Bitou Land Development Management By-law marked as Annexure "A", circulated separately to the agenda, be re-advertised for public comment.

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3. That the Municipality publish a call for nominations for members of the Planning Tribunal in the local press, in anticipation of the implementation of SPLUMA, LUPA and the Land Development Management By-law and that nominations to serve on the Planning Tribunal be closed on 21 July 2014.
4. That the remuneration of non-municipal members of the Tribunal be determined as being equal or similar to the remuneration of members of the Audit Committee.

**Proposed:** Councillor SB Farrow

**Seconded:** Councillor WR Craig

**To be Actioned by:** Manager: Town Planning

Resolution C/6/243/10/14

**AMNESTY FOR REGULARISING UNLAWFUL LAND USES AND BUILDINGS**

**Department:**

Strategic Services

**Demarcation:** All Wards

**File Ref:**

1/2/1/1 & 15/1/P

**Resolved**

1. That the Municipal Council confirm approval of the amnesty for regularising land use and illegal buildings as per Item C/6/205/12/13 of 04 December 2013.
2. That amnesty applications will be considered in respect of all transgressions up to and including 4 December 2013.
3. That the conditions applicable to the amnesty be amended as follows:
  - a) It is available to all residents of the Bitou Municipality until 30 June 2015.
  - b) Building plans submitted in terms of the amnesty need not be approved within the statutorily prescribed periods of 30 or 60 days.
  - c) Land use planning applications need not be approved within the periods prescribed in the relevant regulations.
  - d) Land owners must submit the relevant land use planning applications to the Municipality together with the building plans and simultaneously apply for the payment of contravention levies in terms of Section 40 (1) (a) (ii) of LUPO.

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- e) All applications and submissions to the Municipality must be accompanied by proof of ownership and transfer details of the property and a sworn statement made in front of a Commissioner of Oaths to state whether the property was acquired with the unauthorised structures and/or uses.
  - f) Occupation and zoning certificates or receipts for payment of contravention levies issued to applicants in compliance with the relevant statutory provisions will indicate conclusion of an application.
  - g) Approvals and authorisations can only be granted within the limits of the relevant statutory provisions.
  - h) The Municipality may approve, conditionally approve or refuse any application.
  - i) The standard town planning application fees will apply to applicants and land owners who knowingly and/or wilfully disregarded the relevant statutes, commenced unlawful uses and erected unauthorised buildings. As such, these owners will not be eligible for amnesty.
4. That there will be three categories of applications which qualify for amnesty:
- (a) Owners who bought a property with structures and/or land use irregularities -
    - (i) Land use applications to be applied for correction of land use issues to the amount of R6000-00 plus VAT.
    - (ii) Building irregularities will attract a flat application fee of R 467-40 with no additional penalty fees. This will increase with normal prices in July 2014.
  - (b) Owners who themselves erected structures and/or caused land use irregularities unknowingly of relevant Planning and or NBR.
    - (i) Land use applications to be applied for correction of land use issues as per approved tariffs with a 40% reduction on normal application fees.
    - (ii) Building irregularities will attract a 40% reduction on normal rates for building applications and no penalty fees.
  - (c) Owners who have a combination of categories a. and b. above.
    - (i) Land use applications to be applied for correction of land use issues as per fees under a. and b. respectively
    - (ii) Building irregularities payments as per a. and b. above

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5. That the amnesty be communicated to all residents of the Municipality, by inserting an amnesty notice to the November 2014 monthly invoices or similar of the Municipality and to request all Ward Committees to distribute the information in the wards.
6. That the Items listed in the preliminary report above under the heading "C. Additional" are further acknowledged and recommended as statutory requirements to be complied with.
  - (a) Irregularities or contraventions for a structure will be measured against the regulations applicable at date of construction of that structure i.e.: no retrospective application of current regulations will be made.
    - (i) Past building regulations include, amongst others, Standards Act (33 of 1962), National Building Regulations and Standards Act (103 of 1977) (NBR), Land Use Planning Ordinance (15 of 1985) (LUPO), various amendments & additions to NBR and more recently Energy Efficiency Legislation in 2011. The latest revision/ amendment of the NBR as per the full Regulations was in 2011.
    - (ii) The NBR do allow for "Deemed to Satisfy", Performance Regulations and or Functional Regulations for buildings which by test of years or use of materials can be deemed to satisfy in terms of strength and structure, this practice for "functional or performance regulations" requires and rational assessment of the building by a "competent person," normally an Engineer, to undertake and to certify the building to be compliant.
  - (b) Buildings older than 60 yrs. fall under National Heritage and Resources Act (25 of 1999). Applications must be submitted to Heritage Western Cape for assessment by them before Bitou can make any comment or recommendation. Compliance with heritage matters falls outside of the amnesty as Local Authorities have no jurisdiction over heritage matters.
  - (c) Structures which fall under Minor Building Works as defined by NBR will be dealt with on individual basis as these may be exempt from the formalities of the NBR and may only require sketch plans for the municipality to issue a "minor building works" permit.
  - (d) Land use issues must be regularised first before building plans can be submitted as plans for structures which are not consistent with the zoning cannot be approved.
  - (e) The amnesty does not bind the municipality to approve any rezoning and the risk of unlawful land use remains with the owner.
  - (f) Approvals and authorisations in terms of the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 (LUPO) and the National Building Regulations and Building Standards Act, 1977, Act 103 of 1977 (NBR) are covered in this amnesty proposal. It does not apply to any other legislation.

- (g) The amnesty conditions remain as recommended before.

**Proposed:** Councillor WR Craig  
**Seconded:** Councillor SB Farrow

**To be Actioned by:** Head Strategic Services

**Resolution C/6/244/10/14**

**PROPOSED BITOU MUNICIPAL OFFICE DEVELOPMENT FEEDBACK**

**Department:** Strategic Services **Demarcation:** Ward 4

**File Ref:** 18/12624/PB & 18/2096/PB

**Resolved**

1. That the Municipal Council rescinds Resolution C/6/210/12/2013 and approves of the development of Erf 12624, Plettenberg Bay as an integrated commercial and office complex to generate the maximum social and financial benefit for the Municipality through a call for proposals and tender process.
2. That it be confirmed that the Head: Strategic Services be tasked with the management of the Ladywood New Town Centre project.
3. That a Committee consisting of all line functions and management staff from all Departments, with specific reference to engineering services, project management, finance, planning, building control, emergency services, law enforcement, administration, IT and human resources, be established under leadership of the Head Strategic Services.
4. That a progress report on the office complex development be reported to the Municipal Council on a quarterly basis.

**Proposed:** Councillor EE Paulse  
**Seconded:** Councillor WR Craig

**To be Actioned by:** Head Strategic Services

**Resolution C/6/246/10/14**

**LEASING MANAGEMENT OF THE VON PLETTENBERG BEACON MONUMENT, SIGNAL HILL AND A PORTION OF PARKS AND RECREATION VIEWING POINTS**

**Department:** Strategic Services **Demarcation:** Ward 2

**File Ref:** 18/246/PB 18/255/PB, 18/2096/PB & 18/2864/PB

**Resolved**

That this Item be WITHDRAWN, as it was referred back at MayCo.

**To be Actioned by:** LED Officer: L Jonas

**Resolution C/6/247/08/14**

**APPROVAL OF 2014/2015 IDP AND BUDGET TIME SCHEDULE**

**Department:** Strategic Services **Demarcation:** All Wards

**File Ref:** 2/8/5

**Resolved**

1. That Section 27 of the Municipal Systems Act, 32 of 2000 compels the District Municipality to draft a District Framework which should guide the drafting of the IDP in the district; therefore it is recommended that the Municipal Council note the District Framework which was circulated with the agenda.
2. That the Municipal Council adopts the IDP Review and Budget Time Schedule (2014/2015); circulated with the agenda, as in terms of Section 21 of the Municipal Finance Management Act and Section 34 (b) of the Municipal Systems Act) for the drafting, tabling and adoption of both the revised IDP, Annual Budget and Budget Related Policies.
3. That the recommendations made by the MEC/Provincial Government as oversight body during the process will be implemented where necessary, to ensure favourable comment on the IDP and towards a clean audit in 2015.
4. That notices be placed in the local newspaper and Municipal website in terms of Section 28(3) of the Municipal Systems Act, Act 32 of 2000 and Section 21 of the Municipal Finance Management Act, Act 53 of 2003.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor SB Farrow

**To be Actioned by:** Manager IDP

**Resolution C/6/248/10/14**

**IDENTIFICATION OF SUITABLE LAND FOR THE DEVELOPMENT OF PLACES OF WORSHIP**

**Department:** Strategic Services      **Demarcation:** Wards 1, 3, 4, 5 & 6

**File Ref:** 17/9/1/2

**Resolved**

1. That cognisance be taken of the potential church sites as identified for Kwanokuthula, Kranshoek, Kurland and Green Valley as reflected in the table to the report.
2. That all legal prescripts relevant to the alienation of the municipal properties be followed as well as the change in all land use. In this regard reference is made to the Municipal Finance Management Act (MFMA-Act 56 of 2003) and Municipal Asset Transfer Regulations, the Land Use Planning Ordinance and the National Environmental Management Act including the required public participation process.
3. That all costs involved in the acquisition of property for purposes of establishing places of worship are for the account of the applicant and not the Municipal Council.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Town Planner – Mongezi Mdena

**Resolution C/6/249/10/14**

**BUILDING CONTROL SECTION: QUARTERLY REPORT: APRIL – JUNE 2014**

**Department:** Strategic Services      **Demarcation:** All Wards

**File Ref:** 9/1/3/7

**Resolved**

That cognisance be taken of the quarterly report for the period April 2014 to June 2014 from the Building Control Section.

**Proposed:** Councillor EE Paulse

**Seconded:** Councillor N Ndayi

**For information**

Resolution C/6/250/10/14

**TRANSFORMATION OF CERTAIN RURAL AREAS ACT, 1998, ACT 94 OF 1998:  
CONFIRMATION OF LAND TRANSFER BENEFICIARIES IN KRANSHOEK**

**Department:** Strategic Services                      **Demarcation:** Ward 7

**File Ref:** 16/6/6 & 12/2/1/4/60

**Resolved**

WITHDRAWN

Resolution C/6/252/10/14

**PROPOSED ALIENATION OF A PORTION OF HILL STREET (ERF 416) AND  
SUBDIVISION OF ERVEN 3162 AND 2957 SYDNEY STREET: PLETTENBERG  
BAY: BITOU MUNICIPALITY LAND SWOP**

**Department:** Strategic Services                      **Demarcation:** Ward 2

**File Ref:** 7/2/2/2

**Resolved**

1. That the Municipal Council confirm in terms of Section 14 of the MFMA that the portion of Erf 416 at Hill and Erf 3162 providing additional parking off Sydney Streets is not required for the provision of a minimum level of municipal services.
2. That the Head Strategic Services be authorised to conduct the required public participation and other processes for the closure, subdivision, and rezoning that the Municipal Manager be delegated in terms of Section 14 of the MFMA to determine the value of the land; the subject portion of Erf 416 (Hill) and 3162 (Sydney) Streets to be disposed/swop, subject to all costs relating thereto being borne by the applicant.
3. That the Municipal Manager be delegated 1 to 5.14 of the MFMA to determine the value of the land based on formal valuations, subject to all costs relating thereto be borne by the applicant.

**Proposed:** Councillor WR Craig

**Seconded:** Councillor N Ndayi

**To be Actioned by:** Manager Property



Resolution C/6/253/10/14

**SPATIAL DEVELOPMENT FRAMEWORK IMPLEMENTATION PROGRESS**

**Department:** Strategic Services                      **Demarcation:** All Wards

**File Ref:** 15/1/4

**Resolved**

1. That the Municipal Council approves the amended 2014/2015 Draft Spatial Development Framework Implementation Strategy as presented.
2. That more government departments be approached for assistance re execution of all proposed projects.

**Proposed:** Councillor SB Farrow  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Acting Head Strategic Services

Resolution C/6/254/10/14

**APPEAL IN TERMS OF SECTION 44 OF LUPO AND SECTION 62 OF THE MSA:  
PROPOSED SUBDIVISION OF PORTION 86 OF THE FARM BRAKKLOOF  
NR.443**

**Department:** Strategic Services                      **Demarcation:** Ward 2

**File Ref:** 18/86/443

**Resolved**

That this Item be WITHDRAWN, as it was referred back at MayCo.

**To be Actioned by:** Acting Head Strategic Services

Resolution C/6/255/10/14

**AMENDMENT OF THE OUTDOOR ADVERTISING AND SIGNAGE BY-LAW**

**Department:** Strategic Services                      **Demarcation:** All Wards

**File Ref:** 16/3/7

**Resolved**

1. That the Executive Mayor hereby, in terms of Section 12(1) of the Municipal Systems Act, Act 32 of 2000 (MSA), submits the Draft Outdoor Advertising and Signage By-Law for public participation.
2. That the By-law be resubmitted to the Municipal Council for consideration and approval after the comments have been received from the community.

**Proposed:** Councillor WR Craig  
**Seconded:** Councillor NM de Waal

**To be Actioned by:** Spatial Planner

8. **URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received

9. **CONSIDERATION OF NOTICES OF MOTION**

None received

10. **CONSIDERATION OF MOTIONS OF QUESTION**

None received

11. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None received

12. **IN – COMMITTEE ITEMS**

No In-Committee Items for consideration. Please refer to the In-Committee Minutes for confirmation of previous minutes.

13. **RECORDING OF COUNCILLORS PRESENT**

All Councillors present.

14. **CLOSURE**

The meeting was declared terminated by the Chairman at 13h04.

**CONFIRMED AND SIGNED**

**DATE:** **28 NOVEMBER 2014**

**SIGNATURE:**



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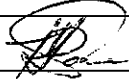
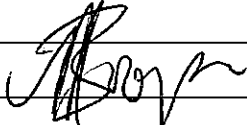

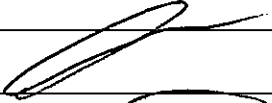

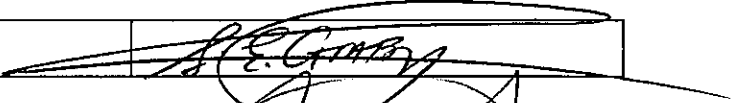


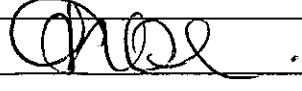
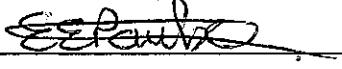
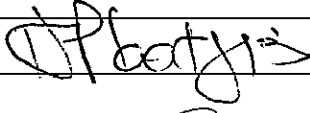
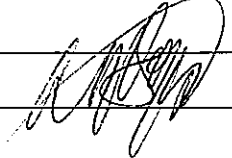
The Speaker, Councillor AR Olivier



**ATTENDANCE REGISTER**

**BITOU LOCAL MUNICIPALITY**

**SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,  
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON  
THURSDAY 16 OCTOBER 2014 AT 12H00**

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR S BESANA	
COUNCILLOR M BOOYSEN	
COUNCILLOR WR CRAIG	
COUNCILLOR N M DE WAAL	
COUNCILLOR S FARROW	
COUNCILLOR S E GCABAYI	
COUNCILLOR M M MBALI	
COUNCILLOR N NDAYI	
COUNCILLOR A R OLIVIER	
COUNCILLOR E E PAULSE	
COUNCILLOR H PLAATJIES	
COUNCILLOR L M SEYISI	

ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

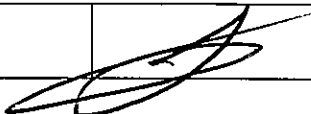








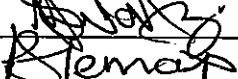


SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,  
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON  
THURSDAY, 16 OCTOBER 2014 AT 12H00

OFFICIALS

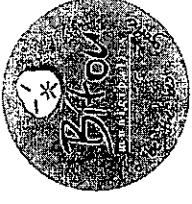
NAME

DESIGNATION

SIGNATURE

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
<b>Municipal Manager</b>		
Mr. A A Paulse	Municipal Manager	
<b>Heads of Department</b>		
Mr F Lötter	Chief Financial Officer	
Mr. R Smit	Head Corporate Services	
Mr. C Schliemann	Acting Head: Strategic Services	
Me P Ngqumshe	Head: Municipal Services & Infrastructure Development	
Mr. M Stratu	Head: Community Services	
<b>Managers</b>		
Mr. T Loliwe	Chief Internal Auditor	
Ms A A Greyling	Manager: Administration	Leave.
Mrs JJ Jansen	Acting Senior Committee Clerk	
Ms M Nel	Clerk/Administrator	
Siphwe Dladle	Mayor's Office	
HANDEL SWARTZ	Communications	
Patricia Solemans	Internal Auditor	
Thandeka Mpenbe	Intern (Administration)	





# Bywoningsregister / Attendance Register

## Interested members of the Public

Thank you for attending.

Dankie vir u belangstelling.

Naam Name	Contact No Kontak Nr	Email address or fax Epos adres of faks	Representing	Signature
Christo Lemock	082 788 4953	christofer@groups.co.za	RPHorobal	<i>[Signature]</i>
Frank Janicke	082 826 1989	frank.janicke@telkomsa.net	Private	<i>[Signature]</i>
STANLEY JONES	082 6933766	stanleyjones@gmail.com	WARD -ONE	<i>[Signature]</i>
CHRISTO YLOK	573-5155	chrno.11b@telkomsa.net	PLUETT RATEPAYERS	<i>[Signature]</i>
Achim Ecker	-0094	campuspost@telkomsa.co.za	Ratepayers	<i>[Signature]</i>
TRAM BOSSMAN	083 390 1034	trambossman@telkomsa.net	Audid Committee	<i>[Signature]</i>

*[Handwritten mark]*