

MINUTES OF THE MAYORAL COMMITTEE MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON THURSDAY, 16 OCTOBER 2014 AT 9h07

1. OPENING

The Executive Mayor opened the meeting and welcomed everyone present.

He then requested Councillor AR Olivier to open the meeting with a prayer.

2. ATTENDANCE

As per the attached attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

None received

4. NOTING OF MINUTES

*** 4.1 Special Mayoral Committee Meeting: 25 August 2014**

That the Minutes of the Special Mayoral Committee Meeting of 25 August 2014, be approved.

5. CONSIDERATION OF REPORTS (OPEN)

Section 1: Office of the Municipal Manager

No items for consideration



Section 2: Finance

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation C/2/176/10/14

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

Department: Finance Demarcation: All Wards

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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).

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution



Recommendation 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

Recommended by the Executive Mayor

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”*

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation C/2/181/10/14

DRAFT SUBSISTENCE ALLOWANCE POLICY

Department: Finance **Demarcation:** All Wards

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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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:

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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution



Recommendation C/2/184/10/14

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

Department: Finance **Demarcation:** Ward:

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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation C/2/185/10/14

WRITING -OFF OF PROPERTY PLANT AND EQUIPMENT

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Recommended by the Executive Mayor

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.
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.

For Actioning refer to Council resolution

Recommendation C/2/186/10/14

UNAUTHORISED EXPENDITURE AS AT 30 JUNE 2014

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Recommended by the Executive Mayor

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 condoned.
2. 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 condoned.
3. That the Municipal Council resolves to recover an amount of R 6,737,941.00 (of the R 6,738,821.00) from the Department of Human Settlement.

For Actioning refer to Council resolution

Resolution M/2/187/10/14

FINANCIAL REPORT FOR THE MONTH ENDING 31 MAY 2014

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Resolution by the Executive Mayor

That cognisance be taken of the Monthly Financial Report as at 31 May 2014.

For information

Resolution M/2/188/10/14

FINANCIAL REPORT FOR THE MONTH ENDING 30 JUNE 2014

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Resolution by the Executive Mayor

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

For information

Recommendation 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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Resolution M/2/190/10/14

FINANCIAL REPORT FOR THE MONTH ENDING 30 JULY 2014

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Resolution by the Executive Mayor

That cognisance be taken of the Monthly Financial Report as at 31 July 2014.

For information



Resolution M/2/191/10/14

FINANCIAL REPORT FOR THE MONTH ENDING 31 AUGUST 2014

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Resolution by the Executive Mayor

That cognisance be taken of the Monthly Financial Report as at 31 August 2014.

For information

Recommendation C/2/192/10/14

OUTSTANDING DEBT: APRIL 2014

Department: Finance **Demarcation:** All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation C/2/193/10/14

OUTSTANDING DEBT: MAY 2014

Department: Finance **Demarcation:** All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution



Recommendation C/2/194/10/14

OUTSTANDING DEBT: JUNE 2014

Department: Finance Demarcation: All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation C/2/195/10/14

OUTSTANDING DEBT: JULY 2014

Department: Finance Demarcation: All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation C/2/196/10/12

OUTSTANDING DEBT: AUGUST 2014

Department: Finance Demarcation: All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution



Recommendation 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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution



Section 3: Corporate Services

Recommendation C/3/94/10/14

EMPLOYMENT EQUITY STATUS: JUNE 2014

Department: Corporate Services

Demarcation: Ward All

File Ref: 4/10/3

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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) Draft Investment and Cash Management Policy
- (c) Computer and Information Technology Policy
- (d) Disaster Recovery and Backup Plan
- (e) Change Management and Control Policy
- (f) Draft Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy
- (g) Draft Creditors, Councillors and Personnel Payment Policy



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- (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) Draft Outdoor Advertising Policy

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

That cognisance 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.

For Actioning refer to Council resolution

Recommendation C/3/98/10/14

WARD DELIMITATIONS PLAN AND AWARENESS CAMPAIGN

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

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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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 municipal transportation of workers be stopped as from 1 December 2014, after consultation with the unions and workers.

For Actioning refer to Council resolution



Resolution M/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

Resolution by the Executive Mayor

WITHDRAWN

Recommendation C/3/101/10/14

APPROVAL OF THE DELEGATION REGISTER FOR BITOU

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

File Ref: 4/10/3

Recommended by the Executive Mayor

That this Item be referred back.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

That 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.

For Actioning refer to Council resolution

Recommendation C/3/103/10/14

OFFICE BEARERS DUTIES

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

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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Section 4: Community Services

Recommendation C/4/65/10/14

REGULATION OF CAR GUARDS

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

File Ref: 17/4/3

Recommended by the Executive Mayor

1. That Council approves that in principle to take over the service of providing Car Guards to the Bitou Community as a project.
2. That a public participation process be undertaken to receive views of the public in terms of Section 78 of the Municipal Systems Act.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation C/4/68/10/14

APPROVAL OF HOUSING SELECTION POLICY FOR BITOU

Department: Community Services Demarcation: All Ward

File Ref: 17/6/P

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Section 5: Municipal Services & Infrastructure Development

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Section 6: Strategic Services

Recommendation 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

Recommended by the Executive Mayor

1. That in terms of Section 12(1) of the Local Government Municipal Systems Act, the Draft By-law be resubmitted to Council for approval, 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.
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.

For Actioning refer to Council resolution

Resolution M/6/242/10/14

PROPOSED SUBDIVISION – ERF 10702-10709, PLETTENBERG BAY

Department: Strategic Services **Demarcation:** Wards 2

File Ref: 18/10702-10709/PB

Resolution by the Executive Mayor

1. That in terms of Section 25 read with Section 42 of the Land Use Planning Ordinance, Ordinance 15/1985, approval be granted.
 - (a) for the consolidation and re-subdivision of Erven 10702 – 10709, Plettenberg Bay (8 erven); and
 - (b) the re-Subdivision of the consolidated site to create 12 new erven, as indicated on Plan No. 201/WRV/02, dated 18/06/2013, subject to the conditions as contained in clause 5 below.

2. The following zoning shall be applicable in the subdivided portions:

Proposed Zoning

Portion	No	Zoning	Usage	Extent	%
1 - 12	12	Group Housin g	Dwelling Unit	(1-11) 590m2 (12) 745m2	100
		TOTAL		7235M2	100

3. That in accordance with Condition (d) of the subdivision approval that was granted by the Mayoral Committee on 23/05/2006 approval **be granted** for the Constitution of the Home Owners Association of the Whale Rock Verde Development, subject to the conditions as contained in clause 5 below.

4. That in accordance with Condition (f) of the subdivision approval that was granted by the Mayoral Committee on 23/05/2006 approval **be granted** for the Architectural Design Manual of the Whale Rock Verde development, subject to the conditions as contained in clause 5 below.

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5. That the approvals are subject to the following conditions in terms of Section 42(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985), namely:

a) **Previous subdivision conditions**

(i) All conditions as contained in the approval granted by the Mayoral Committee on 2006/05/23, shall be applicable and be complied with.

b) **Engineering services**

(i) The augmentation Levies will be as follows:

Sewer: Financial Year 2013- 2014.

Existing Erven 8 each	R 8563.00	R 68504.00
New Erven 12 each	R 8563.00	R 102756.00

Water: Financial Year 2013-2014

Existing Erven up to 1000 m2 @ 8each	R 29792.00	R238336.00
New Erven up to 600m2 @ 11 each	R 20460.00	R225060.00
New Erf up to 800m2 @ 1 each	R 23570.00	R 23570.00

(ii) The Engineers report shall be amended to report on the correct amounts as above and this info be added as addendum to the Service Level Agreement for this development.

a) **Solid Waste**

(i) Solid waste must be removed from the site to a central collection point close to the entrance or service entry in accordance with the requirements of the relevant waste management legislation, to the satisfaction of the Bitou Municipality;

b) **Building Plans**

(i) Prior to submitting building plans to develop subdivided Portions, a Section 31 Clearance certificate shall be obtained.

(ii) Prior to submitting the building plans to Council for approval, the recommendation of the Whale Rock Verde Home Owners Association shall be obtained.

(iii) Any building shall require approval from Bitou Municipality in terms of the National Building Regulations (Act 103 of 1977, as amended).



c) General

- (i) All owners of the properties within Whale Rock Verde shall become members of and be subject to the Whale Rock Verde Home Owners Association and the Design Manual.
- (ii) This approval does not absolve the applicant/developer from compliance with any other relevant legislation.

To be Actioned by: Town Planner, Mongezi Mdena

Recommendation 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

Recommended by the Executive Mayor

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.
 - 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.



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- 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. 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
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 report under the heading "C. Additional" are further acknowledged and recommended as statutory requirements to be complied with;



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- (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.
- (d) The amnesty does not bind the municipality to approve any rezoning and the risk of unlawful land use remains with the owner.
- (e) 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.
- (f) The amnesty conditions remain as recommended before.

For Actioning refer to Council resolution



Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Resolution M/6/245/10/14

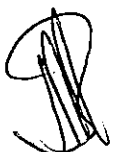
PROPOSED SUBDIVISION, CONSOLIDATION AND REZONING –ERF 2090 AND ERF 6503, PLETTENBERG BAY, BITOU MUNICIPALITY

Department: Strategic Services **Demarcation:** Ward 1

File Ref: 18/2090& 6503/PB

Resolution by the Executive Mayor

1. That the Mayoral Committee approve the following:
 - (a) The subdivision of Erf 6503 in terms of Section 25 of the Land Use Planning Ordinance (Ordinance 15 of 1985) into three portions; Portion A (4083m²), Portion B (1475m²), and a Remainder (191119m²).
 - (b) The consolidation of Portion A of Erf 6503 with Erf 2090 Plettenberg Bay.



Mayororal Committee Meeting: 16 October 2014

- (c) The subdivision of the newly created Erf 2090 into two portions Portion C (3189m²) and a Remainder (24805m²) in terms of Section 25 of the Land Use Planning Ordinance.
 - (d) The rezoning of the Remainder of Erf 2090 Plettenberg Bay from Agricultural Zone to Business Zone in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
 - (e) Extension of existing “public road servitude” along the northern boundary of Portion A and the transfer of the road, indicated as figure ABCDEPON on plan “Subdivision Plan – Plettenberg Bay Erf 2090 and Erf 6503” by Marike Vreken Urban and Environmental Planners to the Bitou Municipality as a public street at the cost of the applicant.
2. That the above approvals are subject to the following conditions of approval in terms of Section 42 of the Land Use Planning Ordinance (Ordinance 15 of 1985);
- (a) The owner, or his assignee, must confirm in writing that the following conditions are understood and will be adhered to, before the approval will come into effect and before any building plans will be approved and/or clearance will be given by the Municipality.
 - (b) These conditions of approval must be made known to all new owners and/or developers and are binding on any new owner and/or developer;
 - (c) The applicant shall be responsible for all costs necessary to comply with all the conditions, unless otherwise specified;
 - (d) That a Site Development Plan be submitted to the Head: Strategic Services for approval prior to registration or transfer of the subdivided or consolidated erven.
 - (e) That the current “public road servitude” and its extension be subdivided from Erf 6503 and transferred to the Municipality as a public road with intersection splays of 7 (seven) meters on Beacon Way by the owners thereof in consultation with the applicant and the Municipal Manager. The cost of the subdivision and transfer to be negotiated by the three parties and failing agreement, that the road vest in the Municipality after subdivision thereof.
 - (f) That the “public road servitude” is upgraded to the satisfaction of the Municipality to accommodate heavy delivery vehicles at the cost of the applicant.
 - (g) That a non-mountable, hard surfaced, pedestrian walkway is created on the northern boundary of the “public road servitude” to the satisfaction of the Head: Strategic Services for purposes of safe pedestrian movement.
 - (h) That all conditions imposed by the National and Provincial Authorities be adhered to.



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- (i) That Portion B (section of Beacon Way) as indicated on the subdivision plan be transferred to the Municipality at the cost of the applicant/developer.
- (j) That rain water harvesting occur on site and that the harvested rainwater be used for irrigation.
- (k) That the building lines of no less than 3m on the northern, eastern and southern boundaries and 5m along Beacon Way be applied.
- (l) The colour of walls, doors, windows, roofs, etc. need to be sympathetic to the character of the area and blend in with the surrounding landscape. All construction material used on the property should complement the character of the environment.
- (m) That refuse and storm water management be addressed to the satisfaction of the Head: Strategic Services and made a condition of the services agreement;
- (n) That municipal services be provided at the cost of the applicant to the satisfaction of the Municipality, and that a Services Agreement based on the provisional Services Report of EFG Engineers (as well as any other requirements of the Municipality) be concluded within a period of six months from date of this approval (or such extended period as may be agreed upon by the Municipal Manager), and that the payment of augmentation levies and capital contributions in accordance with the policy of the Municipality be stipulated in the Services Agreement (inclusive of performance of payment);
- (o) That parking at a ratio of 1 parking bay per 60m² GLA be provided on site.
- (p) A boundary wall must be constructed as per the written undertaking of Checkers dated 28 October 2013.
- (q) The applicant/developer must draw up an Environmental Management System (EMS), addressing, inter alia, all environmental issues like rehabilitation, erosion control, open space management, rain water harvesting, storm water management, and submit it for consideration by the Municipality (who reserves the right to approve, refuse or conditionally approve the EMS, subject to the imposition of conditions). The owner of the property must submit an annual compliance and monitoring audit to the Municipality.
- (r) Failure to maintain the aforementioned audits and conditions will lead to the Municipality acting to execute the conditions at the cost of the property owners.
- (s) The developer agrees to provide appropriate services infrastructure and guarantees for the use of reserved capacity and the maintenance of external services to the Municipality to prevent negative financial effects in the supply and maintenance of the services and services infrastructure in the Services Agreement.



- (t) This approval does not absolve the applicant/developer from compliance with any other relevant legislation (including the Act 70 of 1970, Subdivision of Agricultural Land Act).

To be Actioned by: Town Planner: Adele Stander

Resolution M/6/246/10/14

It should be noted that the Item changed from a Council (C) Item to a Mayoral Committee (M) Item

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

Resolution by the Executive Mayor

That this Item be referred back.

To be Actioned by: Acting Head Strategic Services; LED Officer

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation 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

Recommended by the Executive Mayor

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

For Actioning refer to Council resolution

Resolution M/6/250/10/14

It should be noted that the Item changed from a Council (C) Item to a Mayoral Committee (M) Item

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

Resolution by the Executive Mayor

That this Item be WITHDRAWN.

To be Actioned by: Acting Head Strategic Services

Resolution M/6/251/10/14

It should be noted that the Item changed from a Council (C) Item to a Mayoral Committee (M) Item

PROPOSED ALIENATION AND CLOSURE OF AN UNMADE STREET: ERF 121: PLETTENBERG BAY.

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

File Ref: 18/121/PB

Resolution by the Executive Mayor

That this Item be WITHDRAWN.

To be Actioned by: Property Manager

Recommendation 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

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Recommendation C/6/253/10/14

SPATIAL DEVELOPMENT FRAMEWORK IMPLEMENTATION PROGRESS

Department: Strategic Services

Demarcation: All Wards

File Ref: 15/1/4

Recommended by the Executive Mayor

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.

For Actioning refer to Council resolution

Resolution M/6/254/10/14

It should be noted that the Item changed from a Council (C) Item to a Mayoral Committee (M) Item

**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

Resolution by the Executive Mayor

That this Item be referred back for an inspection *in-loco* on Portion 86 of the Farm Brakkloof nr. 443.

To be Actioned by: Town Planner: Adele Stander

Recommendation 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

Recommended by the Municipal Manager

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.

For Actioning refer to Council resolution

6. IN – COMMITTEE ITEMS

No Items for consideration

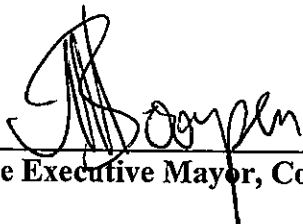
7. **CLOSURE**

The Executive Mayor declared the meeting terminated at 11h05.

CONFIRMED AND SIGNED

DATE: **28 NOVEMBER 2014**

SIGNATURE:

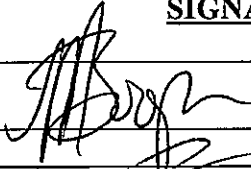
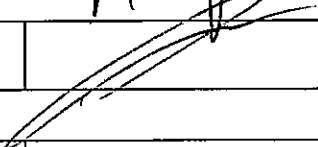
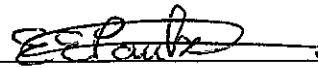

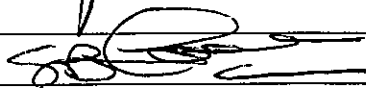
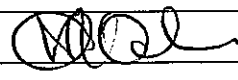
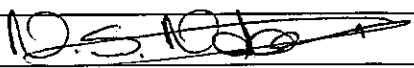


The Executive Mayor, Councillor M Booyen

ATTENDANCE REGISTER: MAYORAL COMMITTEE

BITOU LOCAL MUNICIPALITY

MAYORAL COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, THURSDAY, 16 OCTOBER 2014
AT 09H00

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M BOOYSEN (EXECUTIVE MAYOR)	
COUNCILLOR N M DE WAAL	
COUNCILLOR EE PAULSE	
NON - MEMBERS	SIGNATURE
COUNCILLOR S BESANA	
COUNCILLOR WR CRAIG	
COUNCILLOR S FARROW	
COUNCILLOR AR OLIVIER	
COUNCILLOR SE GCABAYI	
COUNCILLOR MM MBALI	
COUNCILLOR N NDAYI	
COUNCILLOR LM SEYISI	
COUNCILLOR H PLAATJIES	



ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

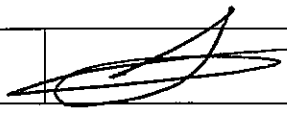
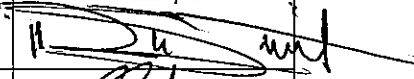


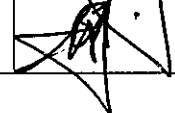
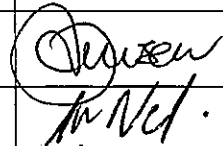



MAYORAL COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON
THURSDAY, 16 OCTOBER 2014 AT 09H00

OFFICIALS

NAME

DESIGNATION

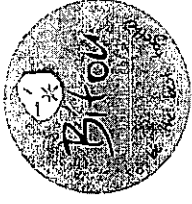
SIGNATURE

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
Municipal Manager		
Mr. A A Paulse	Municipal Manager	
Heads of Department		
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	
Managers		
Mr. T Loliwe	Chief Internal Auditor	
Ms A A Greyling	Manager: Administration	
Mrs JJ Jansen	Acting Senior Committee Clerk	
Ms M Nel	Clerk/ Administrator	
Siphiso Dladla	Manager	
Ms. P Solemans	Internal Auditor	

Ms. T Mpembe

Internl.





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
Paul Luker	075337217		Community	
Sehar Harsek	079489913		Community	
D Friedman	0834511456		NT	
A. Ecker	082 557 4493	caunpost@telkomsa.net	caunpost@telkomsa.net	
C. Vlok	533-8155	christa.vlok@telkomsa.net	PUSIT RANTAPORER	
J. Boppreman	0833901034	broardund@info.gov.za	Credit Committee	
Christo Vennard	082 788 4933	christof@republic.gov.za	Kuj. s. Platt Kloof	