



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 28 AUGUST / AUGUSTUS /
AGASTI 2019**

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE MAYORAL
COMMITTEE HELD IN THE BANQUETING HALL, CIVIC CENTRE,
HERMANUS, ON 28 AUGUST 2019, AT 10:00**

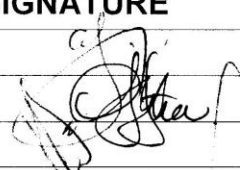
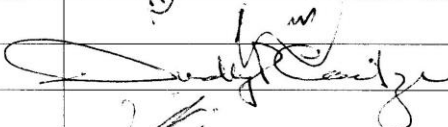
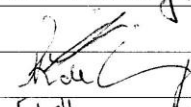

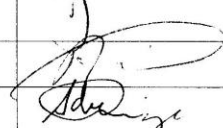
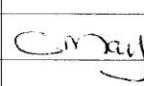

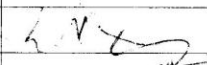

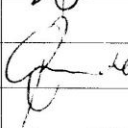
PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Madikane, Director : Economic Development
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr H Blignaut, Acting Director : Infrastructure & Planning
Ms A le Roux, Manager : Property Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Ms H van Tonder, Manager : Council Support Services
Mr E Solomons, Assistant Chief : Fire Safety & Health & Safety
Ms Y Scholtz, Assistant Chief : Disaster & Risk Management
Mr B King, Senior Manager : Financial Services
Mr R Fraser, Chief : Traffic/Licences
Mr L Smith, Chief: Fire & Rescue & Disaster Management
Ms N Zweni, Manager : Communication
Ms R Louw, Senior Manager : Strategic Services
Ms S Swart: Administrative Officer : Council Support Services
ICT
Ms M de Villiers : Mayoral Committee Secretary
Ms D Laing, Relief Clerk : Grade 2

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
28 AUGUST 2019

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BOTHA, D	
BRICE, KD	
COETSEE, A	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
GILLION, E	
KALOLO, SV	
KOMANI, AS	
KRIGE, F	
NQINATA, NNT	
MACOTHA, VC	
MAY, C	
MOLEFE, B	
MORGAN, H	
MSWELI, X	
NTSABO, L	
NUTT, R	
ORBAN, J	
PUNGUPUNGU, V	
RESANDT, C	
SAPEPA, NM	
TAFU-NWONKWO, CC	
TEBELE, S	

1. OPENING

The Executive Mayor allowed a minute for silent prayer. The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 June 2019 at 10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 June 2019 at 10:00, be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Wednesday, 31 July 2019 at 10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Wednesday, 31 July 2019 at 10:00, be confirmed.**

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

None

5.
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JULY 2019**

8/2/2

C Le Roux

(028) 313 8107

Corporate Head Office

6 August 2019

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, as well as approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for July 2019.

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2019, **be noted**; and
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for July 2019, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

**6.
SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE
FINANCIAL YEAR 2018/19**

5/15/1/1

RG Louw

(028) 313 8071

Corporate Head Office

14 August 2019

EXECUTIVE SUMMARY

The purpose of this report is to present the draft unaudited Annual Report, for the 2018/19 financial year to Council.

RECOMMENDATION TO THE COUNCIL:

that tabling of the 2018/19 **DRAFT** unaudited Annual Report, **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NONE

7.
WRITING OFF OF 2018/19 NON-TECHNICAL WATER AND ELECTRICITY LOSSES

5/17/2

S Müller

(028) 313 8019

Corporate Head Office

14 August 2019

EXECUTIVE SUMMARY

National Treasury issued guidelines (MFMA Circular No. 70, December 2013) on how to deal with non-revenue water and electricity. Annexure B of Circular No. 70 provides guidance on the accounting treatment of non-technical losses and mentions that a council resolution is required to write off the losses. The purpose with this report is to obtain Council's approval for writing off the water and electricity losses for 2018/19.

RECOMMENDATION TO THE COUNCIL:

1. that the non-technical electricity losses to the value of R2 741 393.82 for the 2018/19 financial year **be written off**; and
2. that the non-technical water losses to the value of R2 126 487.53 for the 2018/19 financial year **be written off**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2019

8.
**FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2018/19
FINANCIAL YEAR**

6/1/3

J Vorster

(028) 313 8046

Corporate Head Office

13 August 2019

EXECUTIVE SUMMARY

The purpose of the report is to allow Council to consider the implications for Fixed Assets that were disposed of during the period 01 July 2018 to 30 June 2019, to be reflected in the annual financial statements for the year ended 30 June 2019.

RECOMMENDATION TO THE COUNCIL

1. that it **be noted** that the assets detailed in Annexure A to the report are not needed to provide the minimum level of basic municipal services; and
2. that the derecognition of the Infrastructure Assets as detailed in Annexure A to the report, **be approved**.

RESPONSIBLE OFFICIAL :

J VORSTER

TARGET DATE FOR IMPLEMENTATION :

31 AUGUST 2018

9.

PROPOSED AMENDMENT OF CONTRACT SC 1892/2018: OPERATION OF THE GANSBAAI LANDFILL SITE, STANFORD PUBLIC DROP-OFF FACILITY AND PEARLY BEACH DROP-OFF FACILITY FOR A CONTRACT PERIOD ENDING 30 NOVEMBER 2032

8/2/1

C Mitchell

(028) 313 5045

Corporate Head Office

14 August 2019

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information and motivation for the proposed amendment of Contract Number SC1892/2018: Operation of the Gansbaai Landfill Site, Stanford Public Drop-off Facility and Gansbaai Drop-off Facility for a contract period ending 30 November 2032, in terms of the enabling provisions of Section 116(3) and 33 of the Local Government: Municipal Finance Management Act 2003 (Act No. 56 of 2003) (MFMA), to enable Council to make an informed decision whether to consent to the amendment of the contract.

RESOLVED:

that the item **be withdrawn**.

RESPONSIBLE OFFICIAL :**C MITCHELL****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2019****TARGET DATE TO INFORM APPLICANT :****2 SEPTEMBER 2019****TARGET DATE TO INFORM OBJECTOR :****N/A**

10.
**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2019**

2/12/1/1

RG Louw

(028) 313 8071

Corporate Head Office

20 August 2019

EXECUTIVE SUMMARY

The purpose of this report is to provide an executive summary of service delivery performance in terms of the revised top level SDBIP for the fourth quarter, 1 April 2019 to 30 June 2019.

RECOMMENDATION TO THE COUNCIL:

1. that the content of the revised report for the fourth quarter of the 2018/2019 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top Layer SDBIP for the revised fourth quarter of the 2018/2019 financial year **be approved**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

PORTFOLIO COMMITTEE :

FINANCE

Chairperson :

Cllr R de Coning

Committee Members :

**Cllrs L Ntsabo, R Nutt,
S Tebele, X Msweli and B Molefe**

PORTEFEULJEKOMITEE :

FINANSIES

Voorsitter :

Rdl R de Coning

Komiteelede :

**Rdle L Ntsabo, R Nutt,
S Tebele, X Msweli and B Molefe**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

**PORTFOLIO COMMITTEE :
MANAGEMENT SERVICES**

Chairperson :

Cllr A Komani

Committee Members :

**Ald M Sapepa, Cllrs R Nutt
& N Nqinata**

**PORTEFEULJEKOMITEE :
BESTUURSDIENSTE**

Voorsitter :

Rdl A Komani

Komiteelede :

**Rdh M Sapepa, Rdle R Nutt
& N Nqinata**

1.
**TIME SCHEDULE FOR THE 2020/21 INTEGRATED DEVELOPMENT PLAN (IDP)
REVIEW AND AMENDMENT / BUDGET PROCESS**

5/1

RG Louw

(028) 313 8071

Corporate Head Office

29 July 2019

EXECUTIVE SUMMARY

To inform Council of the time schedule for the Integrated Development Plan (IDP) review and amendment process as well as the compilation of the Budget for the 2020/21 financial year. This time schedule will be for the review and amendment of the current 5 year IDP (2017/2022) approved on 31 May 2017.

RECOMMENDATION TO THE COUNCIL:

that the schedule of key dates for the 2020/21 compilation of an IDP review and amendment/ Budget process **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

28 AUGUST 2019

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Cllr F Africa

Committee Members :

**Cllrs C Resandt, F Krige,
V Macotha & C Tafo-Nwonkwo**

PORTEFEULJEKOMITEE :

BESKERMINGSDIENSTE

Voorsitter :

Rdl F Africa

Komiteelede :

**Rdle C Resandt, F Krige,
V Macotha & C Tafo-Nwonkwo**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

PORTFOLIO COMMITTEE :
ECONOMIC DEVELOPMENT & TOURISM

Chairperson :

Cllr K Brice

Committee Members :

**Cllrs C Resandt, C May,
V Macotha & S Kalolo**

PORTEFEULJEKOMITEE :
EKONOMIESE ONTWIKKELING & TOERISME

Voorsitter :

Rdl K Brice

Komiteelede :

**Rdle C Resandt, C May,
V Macotha & S Kalolo**

**1.
ECONOMIC AND SOCIAL DEVELOPMENT AND TOURISM QUARTERLY
REPORT: APRIL – JUNE 2019**

9/1/2/2

S Madikane

(028) 313 8066

Corporate Head Office

30 July 2019

EXECUTIVE SUMMARY

The purpose of this report is to submit the Local Economic Development, Social Development and Tourism activities in the months April – June 2019 to be noted.

RESOLVED:

that the 4th quarterly report (April – June 2019) of the Directorate: Economic and Social Development and Tourism be noted.

RESPONSIBLE OFFICIAL :

**X KOSI
F LLOYD
G SMIT**

TARGET DATE FOR IMPLEMENTATION :

IMMEDIATELY

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr G Cohen

Committee Members :

**Cllrs J Orban, C May,
V Pungupungu & S Kalolo**

PORTEFEULJEKOMITEE :

GEMEENSKAPSDIENSTE

Voorsitter :

Rdl G Cohen

Komiteelede :

**Rdle J Orban, C May,
V Pungupungu & S Kalolo**

1.
AFFORDABLE HOUSING: 107 SERVICED SITES, HAWSTON

17/5/4/1

FW Frans

25 July 2019

(028) 313 8144

Hermanus Administration

EXECUTIVE SUMMARY

The purpose of the report is to recommend to Council the names of potential beneficiaries for 107 affordable serviced sites, Hawston in terms of the Finance Linked Individual Subsidy Programme (FLISP) for purpose of the submission of aforementioned names to the Department of Human Settlements for consideration and subsidy approvals.

RECOMMENDATION TO THE COUNCIL:

1. that, given the support by the Minister of Human Settlements: Western Cape and the letter of support by the Department of Human Settlement (DOHS), potential beneficiaries exceeding the threshold for Finance Linked Individual Subsidy Programme (FLISP) to the amount of R22,000 monthly gross house hold income be approved to participate in the project under FLISP, subject to the qualifying criteria for FLISP (excluding income threshold) and Western Cape Provincial Circular 10/2015;
2. that approval be granted to potential beneficiaries exceeding the threshold for FLISP to the amount of R22,000 monthly gross house hold income, to purchase serviced sites from the Municipality subject to:
 - (a) the site being sold at a market-related price in accordance with the municipal statutory requirements, and
 - (b) the candidate being informed that he/she will therefore not be receiving any FLISP subsidy assistance from the Department.
3. that the applicants on the Western Cape Housing Demand Database for Hawston, who physically reside in Hawston be given preference to participate in the FLISP project before opportunity is given to applicants on the Western Cape Housing Demand Database for the broader Overstrand Municipal area.
4. that the list of 107 potential beneficiaries with the list of 46 potential replacements be noted;

5. that, after pre-approval letters for potential beneficiaries referred to in recommendation 4 above with regard to mortgage/non-mortgage funding (income category R7,001 - R22,000) and non-approval letters (income category R3,501 - R7,000) were provided, the respective subsidy applications for the final list of potential beneficiaries be processed;
6. that the following procedure for potential beneficiaries to finalise subsidy applications, be approved:
 - (a) that potential beneficiaries be given 30 days written notice to obtain letters for approval of mortgage/non-mortgage bonds/non approval letters as set out in recommendation 5 above;
 - (b) that potential beneficiaries be given 30 days written notice to complete their subsidy application documentation; and
 - (c) that potential beneficiaries that do not respond to the first notice (30 days) be given a final written notice of 7 days.
7. that, in the event of any applicants not responding within the mentioned period of 7 days, the available housing opportunities be given to identified additional beneficiaries (replacements).

RESPONSIBLE OFFICIAL:**FW FRANS****TARGET DATE FOR IMPLEMENTATION:****IN PROGRESS**

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr E Gillion

Committee Members :

**Cllrs D Botha, J Orban,
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl E Gillion

Komiteelede :

**Rdle D Botha, J Orban,
S Tebele & V Pungupungu**

**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2019 – JULY 2019**

15/3/11

R van Antwerp
17 July 2019

(028) 313 8039

Hermanus Administration

EXECUTIVE SUMMARY

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 16 May 2019 – 17 July 2019.

RESOLVED:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 16 May 2019 – 17 July 2019:

Spatial Land Use Management Act (SPLUMA) Approvals

- | | | |
|-----|--|--------------|
| 1. | Erven 193 and 12254, 77 & 79 Church Street, Westcliff,
Hermanus | 3 April 2019 |
| 2. | Remainder Erf 5423 and Erf 7666, 23 & 21 Fifth Street, Voëlklip,
Hermanus | 23 May 2019 |
| 3. | Erf 5139, 110 Porter Drive, Betty's Bay | 23 May 2019 |
| 4. | Erf 4894, 29 Seventh Street, Kleinmond | 23 May 2019 |
| 5. | Erf 2752, 152 Seventh Street, Voëlklip, Hermanus | 3 June 2019 |
| 6. | Erf 277, 65 Cliff Street, De Kelders | 5 June 2019 |
| 7. | Erf 2860, cnr Bergsig Street and Schulphoek Road, Sandbaai | 5 June 2019 |
| 8. | Erf 43, 6 Onse Baai, Van Dyksbaai, Gansbaai | 5 June 2019 |
| 9. | Erf 2643, 19 Dageraad Street, Pearly Beach | 5 June 2019 |
| 10. | Erf 4589, 3 Kingsway Crescent, Onrustrivier | 10 June 2019 |
| 11. | Erf 2353, 44 Krige Street, Onrustrivier | 10 June 2019 |
| 12. | Erven 12199 and 10963, cnr Main Road & Mussel Street,
Hermanus | 10 June 2019 |
| 13. | Erven 5543 and 5456, Negester Retirement Village, Onrustrivier | 10 June 2019 |
| 14. | Erf 1779, 8 Hilton Circle, Pringle Bay | 10 June 2019 |
| 15. | Erven 8650 and 8651, Harbour Road, Kleinmond | 11 June 2019 |
| 16. | Erf 3003, 81 Atlantic Drive, Onrustrivier | 21 June 2019 |
| 17. | Erven 1192 – 1196, Klipfonteyn, Gansbaai | 24 June 2019 |
| 18. | Erf 2045, Slovo Street, Masakhane, Gansbaai | 24 June 2019 |
| 19. | Erf 2123, 57 Fifth Street, Voëlklip, Hermanus | 24 June 2019 |
| 20. | Erf 4126, 300 Ninth Street, Voëlklip, Hermanus | 28 June 2019 |
| 21. | Erf 1951, Stanhaven, Stanford | 28 June 2019 |
| 22. | Portions 26 and 27 of the farm Modder Rivier No. 654 | 28 June 2019 |
| 23. | Erf 3779, 143 Frist Avenue, Kleinmond | 28 June 2019 |

MINUTES OF THE MAYORAL COMMITTEE MEETING**28 AUGUST 2019**

24.	Erf 1906, Mamsukwini Street, Zwelihle	28 June 2019
25.	Erven 647, 649, 651 and 5677, c/o Lon and Paterson Street, Northcliff, Hermanus	28 June 2019
26.	Erven 1476 and 1477, 28 James Avenue and 4 Lawrence Road, Pringle Bay	28 June 2019
27.	Erf 1690, 14 Bergzicht Complex, Bergsig Street, Sandbaai	28 June 2019
28.	Erf 3391, 13 Fifteenth Avenue, Kleinmond	28 June 2019
29.	Erf 1824, Schulphoek Guesthouse, 181 Piet Retief Crescent, Sandbaai	28 June 2019
30.	Erf 598, 16 Duiker Street, Vermont	28 June 2019
31.	Erf 2741, Lipkin Road, Betty's Bay	8 July 2019
32.	Erf 3506, 45 Viljoen Street, Onrustrivier	11 July 2019
33.	Erf 2977, 25 Protea Street, Onrustrivier	11 July 2019
34.	Erf 7342, 306 Tenth Street, Voëklip, Hermanus	11 July 2019
35.	Erf 7582, 43 Rocklands Street, Westcliff, Hermanus	12 July 2019

Municipal Planning Tribunal

1.	Erf 857, 24 Loop Street, Franskraal	30 May 2019
2.	Portion 63 of the farm Rocklands No. 633	30 May 2019
3.	Erf 6879, 29 Cross Street, Eastcliff, Hermanus	30 May 2019
4.	Erf 572, 13 Duiker Street, Vermont	30 May 2019
5.	Farm No 357, Division Bredasdorp	1 July 2019

RESPONSIBLE OFFICIAL :**R VAN ANTWERP****TARGET DATE FOR IMPLEMENTATION :****18 SEPTEMBER 2019**

2.

STANFORD: APPROVAL FOR THE ALIENATION AND TRANSFER OF ERF 2047 STANFORD TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD

7/2/3/2/

A le Roux

(028) 316 - 3724

Hermanus Administration

24 July 2019

EXECUTIVE SUMMARY

To obtain approval for the alienation and transfer of Erf 2047 Stanford (which vests in the Overstrand Municipality) to the Western Cape Government (Department of Transport and Public Works) ("DTPW") for the upgrading of Trunk Road 28/2 between Hermanus and Stanford.

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation (sale) and transfer of a portion of Erf 2047 Stanford to the Western Cape Government (Department of Transport and Public Works) for road widening purposes at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE)(VAT excluded) **be approved**;
2. that a condition be registered in the title deed of the said portion of Erf 2047 Stanford to be alienated and transferred that no structures of any kind may be erected thereon;
3. that the alienation and transfer of the portion of Erf 2047 Stanford be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;
4. that the costs of the valuation, subdivision and possible consolidation, rezoning, transfer of and cancellation of any endorsements against the property and the and related costs be paid by the Western Cape Government (Department of Transport and Public Works);
5. that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested; and
6. that it be noted that the portion of Erf 2047 Stanford envisaged to be alienated is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**A LE ROUX****TARGET DATE FOR IMPLEMENTATION:****N/A****TARGET DATE TO INFORM APPLICANT:****11 SEPTEMBER 2019****TARGET DATE TO INFORM OBJECTOR:****N/A**

3.

HERMANUS, STANFORD: RECTIFICATION CONDITIONS 2(a), (b) AND (c) OF COUNCIL RESOLUTION DATED 27 MARCH 2019 FOR THE ALIENATION AND TRANSFER OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD

7/2/3/2/

A le Roux

(028) 316 - 3724

Hermanus Administration

25 July 2019

EXECUTIVE SUMMARY

To obtain approval for the rectification of Council approval dated 27 March 2019 for the alienation and transfer of several portions of land to the Department of Transport and Public Works (Western Cape) for the upgrade of Trunk Road 28/2 between Hermanus and Stanford.

RECOMMENDATION TO THE COUNCIL:

that recommendations 2(a), (b) and (c) as contained in the Council resolution of 27 March 2019 be rectified to stipulate as follows:

2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):
 - (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (THREE RAND AND SEVENTY FIVE CENTS PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION:

N/A

TARGET DATE TO INFORM APPLICANT:

14 SEPTEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

4.

INFORMAL TRADING STALLS IN THE OVERSTRAND REGION: DEVIATION FROM PARAGRAPH 20.1(b) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO FURTHER LEASE AGREEMENTS WITH VARIOUS INFORMAL TRADERS; RENEWAL OF LEASE AGREEMENTS SUBJECT TO CONDITIONS

7/2/3/1

W Murtz & A le Roux
13 May 2019

(028) 316-3724

Hermanus Administration

EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into further lease agreements up to 9 (NINE) years and 11 (ELEVEN) months (in intervals of three year leases) with various Informal Traders in respect of stalls in the Hawston, Zwelihle and Gansbaai (Masakhane) areas for the purposes of informal trading, after expiry of the third year lease;

To obtain approval from Council for the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into further lease agreements with the Informal Traders in respect of stalls in the Hawston, Zwelihle and Gansbaai (Masakhane) areas for the purpose of informal trading without following a public participation process; and

To obtain approval from Council to not levy the rental for five of the informal traders at the Zwelihle Taxi Rank stalls for the period 1 November 2018 to 30 June 2019 who are currently trading.

RESOLVED:

that the following **be approved**, subject to Council approving the requested deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy:

- (a) the renewal of the lease agreements for the various stalls to the Lessees listed below on a portion of Erf 1 Hawston for a further period of 3 (THREE) years for the purpose of informal trading, at a rental amount of R222.64 (TWO HUNDRED AND TWENTY TWO RAND AND SIXTY FOUR CENTS) (VAT excluded) per month per stall for the 2018/2019 financial year and a rental amount of R232.44 (TWO HUNDRED AND THIRTY TWO RAND AND FORTY FOUR CENTS) (VAT excluded) per month per stall for the 2019/2020 financial year., subject thereto that the Lessees respective municipal accounts are not in arrears or the necessary arrangements are made for the payment of the arrears in instalments:

- Amanda Vanessa Goliath from 1 June 2019
- Lucinda Marais from 1 November 2018
- Sharline Sharon October from 1 November 2018

- Celesté Mara Neethling from 1 November 2018
 - Collin Henry Ford from 1 February 2019
 - Christie Seegels from 1 November 2018;
- (b) the renewal of the lease agreements for the various stalls to the Lessees listed below on a portion of Erf 375 Zwelihle for a further period of 3 (THREE) years from 1 November 2018 for the purpose of informal trading, at a rental amount of R168.56 (ONE HUNDRED AND SIXTY EIGHT RAND AND FIFTY SIX CENTS) (VAT excluded) per month per stall and for half a stall a rental amount of R84.29 (EIGHTY FOUR RAND AND TWENTY NINE CENTS) (VAT excluded) for the 2018/2019 financial year and a rental amount of R175.98 (ONE HUNDRED AND SEVENTY FIVE RAND AND NINETY EIGHT CENTS) (VAT excluded) (VAT excluded) per month per stall and for half a stall a rental amount of R88.00 (EIGHTY EIGHT RAND) (VAT excluded) for the 2019/2020 financial year, subject thereto that the Lessees respective municipal accounts are not in arrears or the necessary arrangements are made for the payment of the arrears in instalments:
- Nosipho Monica Esau
 - Abraham Mabhengeza
 - South African National Tuberculosis Association (SANTA)
 - Nokwanda Miranda Mbombo;
- (c) that the monthly rental amount for the leasing of the stalls in Hawston and Zwelihle escalate every year on the 1st of July by a percentage fixed in accordance with the prevailing consumer price index in accordance with paragraph 40 of the Administration of Immovable Property Policy (2015), the next escalation to be on 1 July 2020;
- (d) the renewal of the lease agreement for the stall to the Lessee listed below on a portion of Erf 1 Hawston for a further period of 3 (THREE) years for the purpose of informal trading, at a rental amount of R232.44 (TWO HUNDRED AND THIRTY TWO RAND AND FORTY FOUR CENTS) (VAT excluded) per month per stall plus the annual consumer price index escalations on the 1st of July, subject thereto that the Lessees respective municipal accounts are not in arrears or the necessary arrangements are made for the payment of the arrears in instalments and subject thereto that they still adhere to the criteria listed in the Administration of Immovable Property Policy:
- Esmerelda Esau from 1 April 2021;

- (e) the renewal of the lease agreements for the various stalls to the Lessees listed below on a portion of Erf 3284 Gansbaai, on a portion of Erf 1933 Gansbaai and on a portion of Erf 3266 Gansbaai for a period of 3 (THREE) years for the purpose of informal trading, at the rental amount of R232.44 (TWO HUNDRED AND THIRTY TWO RAND AND FORTY FOUR CENTS) (VAT excluded) per stall per month and for stalls that is half a size at the rental amount of R116.22 (ONE HUNDRED AND SIXTEEN RAND AND TWENTY TWO CENTS) (VAT excluded) per month per stall plus the annual consumer price index escalations on the 1st of July, subject thereto that the Lessees respective municipal accounts are not in arrears or the necessary arrangements are made for the payment of the arrears in instalments and subject thereto that they still adhere to the criteria listed in the Administration of Immovable Property Policy:
- Phumla Tamia Mkolo from 1 December 2020
 - Mzihiekhaya Mqhwayi from 1 August 2020
 - Nomalanga Joyce Ngwenya from 1 April 2021
 - Elias Zihlalele Msopi from 1 April 2020
 - Nancy Nokwakha Msopi from 1 February 2020;
- (f) that the monthly rental amount for the leasing of the stalls in Gansbaai (Masakhane) escalate every year on the 1st of July by a percentage fixed in accordance with the prevailing consumer price index in accordance with paragraph 40 of the Administration of Immovable Property Policy (2015); and
- (g) the subsequent renewal of the all lease agreements for the stalls allocated for informal trading as listed in this report in periods of 3 (THREE) years up to a total of 9 (NINE) years and 11 (ELEVEN) months subject thereto that they still adhere to the criteria listed in the Administration of Immovable Property Policy, their accounts are paid up to date on date of request of a further lease period and the Municipal Manager has approved the renewal.

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy of 2015 in relation to all the stalls allocated for informal trading as listed in this report as the informal traders will not be able to afford a public participation process on all leases involving the stalls, whether the current leases or any future leases **be approved**; and
2. that the write off of rental in the total amount of R6,917.79 (VAT included) for the period 1 November 2018 to 30 June 2019 in relation to the five stalls in Zwelihle on the reasons stated in the report **be approved**.

RESPONSIBLE OFFICIAL :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****9 SEPTEMBER 2019****TARGET DATE TO INFORM APPLICANT :****30 SEPTEMBER 2019****TARGET DATE TO INFORM OBJECTOR:****N/A**

**5.
APPLICATION FROM BENGUELA COVE FOR THE USE OF TREATED EFFLUENT
FROM THE HAWSTON WASTE WATER TREATMENT WORKS FOR IRRIGATION
PURPOSES**

16/4/1/1/2

H Blignaut

26 July 2019

(028) 313 5047

Hermanus Administration

EXECUTIVE SUMMARY

The purpose of this report is to table before Council an application received from the Benguela Cove Lagoon Wine Estate for the use of treated effluent from the Hawston Waste Water Treatment Works (WWTW) for irrigation purposes, for approval in principle.

RECOMMENDATION TO THE COUNCIL:

1. that the application by Benguela Cove for the use of treated effluent from the Hawston WWTW for irrigation purposes be approved in principle, subject to the following conditions:
 - (a) that the cost of the design, construction, operation and maintenance of any additionally required treatment facilities, as well as the new pump station and pipeline from Hawston WWTW to Benguela Cove will be for the account of Benguela Cove;
 - (b) that the design, maintenance and operation of all additional infrastructure will be in compliance with the standards of Overstrand Municipality and any other legislative requirements.
2. that the Director: Infrastructure and Planning be delegated to negotiate the terms of an agreement to be concluded to this effect with Benguela Cove, including a possible discounted rate for treated effluent based on potential future uses of this water source.

RESPONSIBLE OFFICIAL :

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2019

TARGET DATE TO INFORM APPLICANT :

1 SEPTEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

6.
**TRANSFER OF UNREGISTERED ERF 9901 (A PORTION OF ERF 9894)
HERMANUS TO THE BERGRANT TRUST FOR GARDENING PURPOSES**

7/2/3/2

W Murtz

(028) 316 - 3724

Hermanus Administration

11 July 2019

EXECUTIVE SUMMARY

To obtain final approval for the transfer of unregistered Erf 9901 (a portion of Erf 9894) Hermanus (244m² in extent) to the owners of the adjoining Erf 3517 Hermanus, being The Bergrant Trust, located at 233 Eleventh Street, Hermanus, for gardening purposes.

RECOMMENDATION TO THE COUNCIL:

1. that the objections submitted by the Hermanus Ratepayers Association on 12 and 26 June 2019 respectively be dismissed for the reasons as discussed in this report;
2. that the transfer of unregistered Erf 9901 (a portion of Erf 9894), Hermanus (244m² in extent) to The Bergrant Trust for the amount of R527,500.00 (FIVE HUNDRED AND TWENTY SEVEN THOUSAND FIVE HUNDRED RAND) (VAT excluded) for gardening purposes, **be approved**;
3. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as unregistered Erf 9901 (a portion of Erf 9894) Hermanus is classified as a non-viable property;
4. that it be noted that a condition of transfer will be that unregistered Erf 9901 (a portion of Erf 9894) Hermanus must consolidated with the adjoining property of The Bergrant Trust, being Erf 3517 Hermanus;
5. that the transfer of unregistered Erf 9901 (a portion of Erf 9894) Hermanus be subject to the suspensive condition that the Applicant/purchaser obtains approval at own cost for the consolidation and rezoning of the property as well as the approval for the relaxation of the southern (rear) building line of the to be consolidated property;
6. that any restriction on the building line imposed by the Town Planning Department be registered against the title deed of the to be consolidated property;

7. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening purposes and no structures, excluding a boundary wall, may be erected thereon;
8. that all the costs pertaining to the transaction, e.g. application fee, valuation costs, consolidation, rezoning, application for relaxation of the building rear building line, transfer and related costs, advertisements, etc, be paid by the applicant/purchaser; and
9. that it be noted that the municipal property envisaged to be transferred is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

9 SEPTEMBER 2019

TARGET DATE TO INFORM APPLICANT:

30 SEPTEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

7.

PORTION 29 OF THE FARM NO. 708, FRANSCHEKRAAL, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, SUBDIVISION AND CONSENT USE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF EQUISALE 2 CC

Ptn 29 of 708, GRCAL (3176)

SW van der Merwe

(028) 313 8039

Hermanus Administration

21 July 2019

EXECUTIVE SUMMARY

An application has been received on 13 February 2018 from Messrs Interactive Town and Regional Planning on behalf of Equisale 2 CC on Portion 29 of the Farm Franschekraal No. 708, Division Bredasdorp in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the following:

- ❖ rezoning and subdivision in terms of Sections 17 & 24 from Special Zone (SZ) to Subdivisional Area (SA) and the subsequent subdivision of the property to create:
 - 205 Residential Zone I: Single Residential (SR1) erven;
 - 4 Open Space Zone III: Private Open Space (OS3) erven;
 - 1 Business Zone III: Local Business (B3) erf, and
 - 6 Transport Zone II: Road and Parking (TR2) erven.

- ❖ consent use in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations to allow a clinic on the proposed Erf 206.

RESOLVED:

1. that the application in terms of Sections 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Portion 29 of the Farm Franschekraal No. 708, Division Bredasdorp from Special Zone (SZ) to Subdivisional Area (SA) and the subsequent subdivision of the property to create - 205 Residential Zone I: Single Residential (SR1) erven, 4 Open Space Zone III: Private Open Space (OS3) erven, 1 Business Zone III: Local Business (B3) erf and 6 Transport Zone II: Road and Parking (TR2) erven, **be approved;**

2. that, in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for consent use to permit a clinic on the proposed Erf 206, **be approved;**
3. that the approvals in paragraphs 1. and 2. be subject to the following conditions:
 - (a) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (b) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (c) that all conditions as set out by the Department of Environmental Affairs and Development Planning (Environmental Authorisation be adhered to;
 - (d) that all conditions imposed by the Western Cape Department of Transport and Public Works be complied with;
 - (e) that all conditions imposed in the Services Report be complied with;
 - (f) that all conditions imposed by Telkom be complied with;
 - (g) that all conditions imposed by the Overberg District Municipality (Health) be complied with;
 - (h) that all conditions imposed by the Fire Department be complied with;
 - (i) that a Home Owners Association be established with compulsory membership for all property owners and written into the Title Deeds of the erven;
 - (j) that the Home Owners Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including Private Open Space and Private Road;
 - (k) that the constitution of the Home Owner Association be submitted for approval by the Senior Manager: Town Planning, prior to the issue of a transfer certificate, which constitution shall also provide for the establishment of a master property owners association should it be required in future;
 - (l) that the Architectural Guidelines be submitted for prior approval by the Senior Manager: Town Planning prior to the submission of building plans; and

- (m) that a right of way servitude be registered in favour of the general public along the internal private roads that shall facilitate future public access to adjoining properties at the cost of the developer.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL:

S VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION:

18 SEPTEMBER 2019

TARGET DATE TO INFORM APPLICANT:

18 SEPTEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

**8.
PROPOSED BUSINESS CORRIDORS & NODES FOR EXISTING SETTLEMENTS
IN THE OVERSTRAND MUNICIPAL AREA**

15/1/3/10/4

P Roux

(028) 313 8039

Hermanus Administration

28 May 2019

EXECUTIVE SUMMARY

To acquire Council's approval for the adoption of business corridors and nodes in previously disadvantaged settlements.

RECOMMENDATION TO THE COUNCIL :

that the proposed delineation of area specific Business Corridors and Nodes in settlements, namely: Mooiuitsig; selected areas in Kleinmond; Hawston; Mount Pleasant; Zwelihle; Stanford; Masakhane; Blompark and Eluxoweni **be approved**.

RESPONSIBLE OFFICIAL:

P ROUX

TARGET DATE FOR IMPLEMENTATION:

18 SEPTEMBER 2019

TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A

The meeting adjourned at 10:19

DATE

D COETZEE – EXECUTIVE MAYOR