



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 24 AUGUST / AUGUST/ AGASTI
2021**

VENUE / PLEK / INDAWO : VIRTUAL

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE HELD BY MEANS OF A VIRTUAL PLATFORM ON 24 AUGUST 2021, AT 10:00

PRESENT: Councillors were present as per attached attendance register.

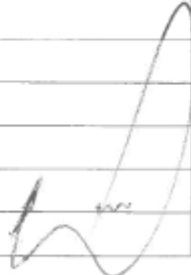
OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : Economic Development & Tourism
Mr S Müller, Director : Infrastructure & Planning
Mr C Mitchell, Manager : Solid Waste Planning
Mr D Lakey, Senior Manager : Kleinmond Administration
Ms B Plaatjies, Manager : Hermanus Administration
Mr L Smith, Chief: Fire & Rescue & Disaster Management
Ms R Louw, Senior Manager : Strategic Services
Mr A Wyngaard, Senior Manager : Hermanus Administration
Mr R Marinus, Acting Manager : Property Administration
Mr X Kosi, Manager : LED
Mr R Fraser, Chief : Traffic/Licences
Ms N Zweni, Manager : Communication
Mr R Kuchar, Senior Manager : Town & Spatial Planning
Mr F Frans, Manager : Housing Administration
Mr G Smit, Manager : Social Development
Ms H van Tonder, Manager : Council Support Services
Ms S Swart: Administrative Officer : Council Support Services

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
24 AUGUST 2021

| 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 | |
| MAY, C | |
| MHANA, M | |
| MOLEFE, B | |
| MORGAN, H | |
| MSWELI, X | |
| NTSABO, L | |
| NUTT, R | |
| ORBAN, J | |
| PUNGUPUNGU, V | |
| RESANDT, C | |
| SAPEPA, NM | |
| TAFU-NWONKWO, CC | |
| TEBELE, S | |


A. Coetzee

24/8/21

1. OPENING

Cllr A Komani opened with prayer. The Municipal Manager, Mr D O'Neill, 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 May 2021 at 10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 May 2021 at 10:00, be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Wednesday, 28 July 2021 at 10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Wednesday, 28 July 2021 at 10:00, be confirmed.**

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

The Executive Mayor wished the Speaker, Ald A Coetsee, a happy birthday for 25 August 2021.

**5.
IMPLEMENTATION OF MFMA CIRCULAR NO 88, ADDENDUM 2 OF
17 DECEMBER 2020**

5/15/1/1

R Louw

14 July 2021

Senior Manager: Strategic Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to notify Council on the implementation of MFMA Circular No. 88, Addendum 2, Rationalisation of Planning, Budgeting and Reporting Requirements of 17 December 2020.

RECOMMENDATION TO THE COUNCIL:

that the implementation of MFMA Circular No 88, Addendum 2 of 17 December 2020 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

25 AUGUST 2021

**6.
MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F)
OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JULY 2021**

8/2/2

C Le Roux

Deputy Director: Finance & SCM

06 August 2021

(028) 313 8107

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, approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for July 2021. To inform Council of all procurement undertaken during the national state of disaster as per paragraph 6.7.4(f) Amendment of the Directions issued, in terms of section 27(2) of the Disaster Management Act, 2002, dated 02 July 2020.

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2021, **be noted**;
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 2021, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for July 2021, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

**7.
WRITING OFF OF 2020/21 NON-TECHNICAL WATER AND ELECTRICITY LOSSES**

5/17/1

S Müller**Director : Infrastructure & Planning****10 August 2021****(028) 313 8019**

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 2020/21.

RECOMMENDATION TO THE COUNCIL:

1. that the non-technical electricity losses to the value of R 5 480 026.74 for the 2020/21 financial year be written off; and
2. that the non-technical water losses to the value of R 2 438 768.70 for the 2020/21 financial year be written off.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

**8.
SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE
FINANCIAL YEAR 2020/21**

5/15/1/1

RG Louw

Senior Manager: Strategic Services

12 August 2021

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to present the draft unaudited Annual Report, for the 2020/21 financial year to Council.

RECOMMENDATION TO THE COUNCIL:

that tabling of the 2020/21 **DRAFT** unaudited Annual Report, **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NONE

**9.
FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2020/21
FINANCIAL YEAR**

6/1/3

J Vorster

Senior Manager : Expenditure & Assets

12 August 2021

(028) 313 8046

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 2020 to 30 June 2021, to be reflected in the annual financial statements for the year ended 30 June 2021.

RECOMMENDATION TO THE COUNCIL:

1. that it **be noted** that the assets disposed of during the period 01 July 2020 to 30 June 2021 are not needed to provide the minimum level of basic municipal services; and
2. that the derecognition of the Infrastructure Assets replaced / abandoned / disposed of during the period 01 July 2020 to 30 June 2021, **be approved**.

RESPONSIBLE OFFICIAL :

J VORSTER

TARGET DATE FOR IMPLEMENTATION :

31 AUGUST 2021

**10.
TIME SCHEDULE FOR THE 2022/23 IDP/ BUDGET PROCESS AND GUIDANCE
ON THE NEW 5-YEAR IDP COMPILATION**

2/12/1

RG Louw

Senior Manager: Strategic Services

13 August 2021

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report to Council is to present the time schedule for the 2022/23 integrated development planning (IDP)/ Budget process and provide guidance on the new 5-year IDP compilation.

RECOMMENDATION TO THE COUNCIL:

1. that the time schedule for the 2022/23 IDP/Budget process **be approved** in terms of section 21 (1) (b) of the Municipal Finance Management Act No 56 of 2003;
2. that the guidance on the new 5-year IDP compilation **be noted**;
3. that the guidance on the new 5-year IDP compilation be presented to the new incoming Council **for approval**; and
4. that the time schedule for the 2022/23 IDP/Budget process **be made public**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

2 SEPTEMBER 2021

11.

AMENDMENT TO THE 2021/2022 CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY

5/B

S Reyneke-Naude**Director : Finance****16 August 2021****(028) 313 8040**

EXECUTIVE SUMMARY

The purpose of this report is to present Council with amendments to the Customer Care, Credit Control & Debt Collection Policy.

RECOMMENDATION TO THE COUNCIL:

that the amended Customer Care, Credit Control & Debt Collection Policy be approved and implemented with effect from 1 October 2021.

RESPONSIBLE OFFICIAL :**S REYNEKE-NAUDE
E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2021**

**12.
NON COLLECTABLE TRAFFIC FINES**

5/17/2

R Fraser

11 August 2021

Chief : Traffic & Licences

(028) 313 8165

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of impaired traffic fines, which have since become non-collectable traffic fines as cases have been withdrawn.

RECOMMENDATION TO THE COUNCIL:

1. that it be noted that, according to the Director of Public Prosecutions, if a summons cannot be served on the registered owner or driver of the vehicle within 18 months, the case cannot be prosecuted;
2. that it be noted that, according to the Director of Public Prosecutions, warrants must also be carried out within 2 years after the date of authorisation or it must be returned to the magistrate for cancellation;
3. that it be noted that due to "housekeeping" of the back office the cases in 1 and 2 above were withdrawn as the fines are non-collectable;
4. that an amount of R769,720-87, relating to the impairment of these traffic fines, be written back; and
5. that the amount of R5,528,650-00, relating to non-collectable traffic fines, be written off as irrecoverable debt.

RESPONSIBLE OFFICIAL :

**N MICHAELS
R FRASER**

TARGET DATE FOR IMPLEMENTATION :

31 AUGUST 2021

13.
**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2021**

2/12/1/1

RG Louw

Senior Manager: Strategic Services

11 August 2021

(028) 313 8071

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 2021 to 30 June 2021.

RECOMMENDATION TO THE COUNCIL:

1. that the content of the revised report for the fourth quarter of the 2020/21 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 2020/21 financial year **be approved**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

14.
REPORT ON THE PROPOSED ADJUSTMENTS BUDGET (ROLL-OVERS) FOR 2021/2022

5/1/1/23 – 2021/2022

BA King

Senior Manager: Financial Services

18 August 2021

(028) 313 8154

EXECUTIVE SUMMARY

Report prepared in terms of section 28(1) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for an Adjustments Budget to appropriate revenue and expenditure for roll-overs, grant funding received from an organ of state and a reduction in budget in terms of an application granted in terms of section 31 of the MFMA for 2020/2021.

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the Adjustments Budget (Roll-overs) for 2021/2022 **be approved** as set out in the following schedules:
 - Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
 - Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
 - Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
 - Schedule 4:** Budgeted financial position
 - Schedule 5:** Budgeted cash flow
 - Schedule 6:** Cash backed reserves and acc. surplus reconciliation
 - Schedule 7:** Asset management
 - Schedule 8:** Basic service delivery measurement;
2. that the following schedules **be noted**:
 - Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
 - Schedule 10:** Budgeted capital appropriations by municipal vote; and
3. that the letter from the Department of Human Settlements regarding the reduction in the DOHS Grant **be noted**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2021

15.
**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2021/22**

9/1/2/5

RG Louw

12 August 2021

Senior Manager: Strategic Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to submit a revised Service Delivery and Budget Implementation Plan (SDBIP) for 2021/22 to Council for approval.

RECOMMENDATION TO THE COUNCIL:

1. that the revised SDBIP for 2021/22 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2021/22 **be approved**; and
3. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2021

PORTFOLIO COMMITTEE :

FINANCE

Chairperson :

Ald R de Coning

Committee Members :

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

PORTEFEULJEKOMITEE :

FINANSIES

Voorsitter :

Rdh 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,
H Morgan & N Nqinata**

**PORTEFEULJEKOMITEE :
BESTUURSDIENSTE**

Voorsitter :

Rdl A Komani

Komiteelede :

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

1.
DRAFT PROCESS PLAN FOR INTEGRATED DEVELOPMENT PLANNING AND BUDGET PREPARATION FOR 2022/2027

2/12/1

RG Louw

Senior Manager: Strategic Services

26 July 2021

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the draft Process Plan for integrated development planning (IDP) and Budget preparation for 2022/2027.

RESOLVED:

that the item **be withdrawn**, because of the following reason:

- The current item does not make provision for a Council recommendation to approve the IDP/Budget time schedule for the 2022/23 financial year, which is a legal requirement in terms of section 21 (1) of the MFMA.

(A revised item that includes the recommendation for the IDP/Budget time schedule approval by Council will be submitted to the Mayoral Committee for Council approval on 24 August 2021. The revised item will also address 2 scenarios on the upcoming local government elections and how it could impact the compilation of the next 5-year IDP.)

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

2 SEPTEMBER 2021

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Cllr F Africa

Committee Members :

**Cllrs C Resandt, F Krige,
M Mhana & C Tafo-Nwonkwo**

PORTEFEULJEKOMITEE :

BESKERMINGSDIENSTE

Voorsitter :

Rdl F Africa

Komiteelede :

**Rdle C Resandt, F Krige,
M Mhana & C Tafo-Nwonkwo**

1.
**QUARTERLY MONITORING REPORT FOR THE PERIOD APRIL TO JUNE 2021:
DIRECTORATE: PROTECTION SERVICES**

5/20

NJ Micheals
26 July 2021

Director: Protection Services

(028) 313 8054

EXECUTIVE SUMMARY

To report on the functioning and activities of the Directorate: Protection Services for the period April to June 2021.

RESOLVED:

that the Quarterly Monitoring Report of the functioning and activities of the Directorate: Protection Services for the period April to June 2021, **be noted**.

RESPONSIBLE OFFICIAL :

NJ MICHAELS

TARGET DATE FOR IMPLEMENTATION :

01 SEPTEMBER 2021

**PORTFOLIO COMMITTEE :
ECONOMIC DEVELOPMENT & TOURISM**

Chairperson :

Ald K Brice

Committee Members :

**Cllrs C Resandt, C May,
X Msweli & S Kalolo**

**PORTEFEULJEKOMITEE :
EKONOMIESE ONTWIKKELING & TOERISME**

Voorsitter :

Rdh K Brice

Komiteelede :

**Rdle C Resandt, C May,
X Msweli & S Kalolo**

1.
**ECONOMIC & SOCIAL DEVELOPMENT AND TOURISM QUARTERLY REPORT:
APRIL – JUNE 2021**

9/1/2/2

S Madikane
28 July 2021

Director : Economic Development & Tourism

(028) 313 8066

EXECUTIVE SUMMARY

The purpose of this report is to provide, and outline activities and initiatives of the Directorate to address socio economic challenges and promote economic and social development. The report covers the activities done during January -March in line with the Economic Recovery Strategy as approved by the Executive Mayor.

RESOLVED:

that the 4th quarter report (April – June 2021) of the Directorate: Economic, Social Development and Tourism **be noted**.

RESPONSIBLE OFFICIALS :

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.
ONRUS CARAVAN PARK: RENEWAL OF LEASE AGREEMENTS SUBJECT TO CONDITIONS

7/2/1/3

A Wyngaard
05 July 2021

Senior Manager: Hermanus Administration

(028) 313 8112

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 lessees at the Onrus Caravan Park, after expiry of their initial three year leases;

To obtain approval from Council for:

- (a) the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into a initial 3 (three) year lease agreements with lessees of historical semi-permanent and new short term leased stands of the Onrus Caravan Park without following a competitive process; and
- (b) 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 lessees at the Onrus Caravan Park, after the initial three years, without following a public participation process

RESOLVED:

that the following **be approved**, subject to Council approving the requested deviation from paragraphs 18 and 20.1(b) of the Administration of Immovable Property Policy:

- (a) the subsequent renewal of the all lease agreements for the identified stands in the Onrus Caravan Park as indicated 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 conditions of the lease agreement, their accounts are paid up to date on date of request of a further lease period and the Municipal Manager has approved the renewal in principle;
- (b) that the annual rental amount for the leasing of the stands escalates every year in accordance with the tariffs stipulated in the Annual Budget as approved by Council, next escalation to be on 1 July 2021.

RECOMMENDATION TO THE COUNCIL:

- 1. the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into an initial 3 (three) year lease agreements with holiday makers to the Onrus Caravan Park without following a competitive process; and

2. the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy of 2015 in relation to all the stands allocated as discussed in this report whether the current leases or any future leases **be approved**.

RESPONSIBLE OFFICIAL :

A WYNGAARD

TARGET DATE FOR IMPLEMENTATION :

7 SEPTEMBER 2021

2.

BENEFICIARIES: UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME (UISP) : 1184 ERVEN : MASAKHANE, GANSBAAI

17/5/4/1

FW Frans

23 July 2021

Manager : Housing Administration

(028) 313 8144

EXECUTIVE SUMMARY

This report is to inform and obtain approval from the Executive Mayor of potential beneficiaries for the UISP project in Masakhane, Gansbaai.

RESOLVED:

1. that the lists (including possible replacements) of potential beneficiaries for the UISP : 900 serviced sites, Masakhane, Gansbaai, **be approved**; and
2. that the conclusion of rental agreements with beneficiaries of the UISP : 900 serviced sites, Masakhane, Gansbaai **be approved**.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****01 SEPTEMBER 2021**

**3.
WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES**

3/B

R Williams

Director: Community Services

3 August 2021

(028) 313 8029

EXECUTIVE SUMMARY

The purpose of this report is for the Council to consider the revised Ward Committee Rules for the Ward Committee System within the Overstrand Municipal area.

RECOMMENDATION TO THE COUNCIL:

that the revised Ward Committee Rules for Overstrand Municipality **be adopted**.

RESPONSIBLE OFFICIAL :

**R WILLIAMS
F MYBURGH
D LAKEY
A WYNGAARD
B PLAATJIES**

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2021

**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**

Items carried over from Portfolio Committee Meeting of 22 June 2021

1.
**TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
 CONSIDERED IN TERMS OF DELEGATED AUTHORITY: APRIL 2021 – MAY 2021**

15/3/11

R Kuchar

Senior Manager : Town & Spatial Planning

21 May 2021

(028) 313 8900

EXECUTIVE SUMMARY

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 24 April 2021 – 21 May 2021.

RESOLVED:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 24 April 2021 – 21 May 2021:

- | | | |
|----|---|-------------|
| 1. | Erf 4844, 59 Eleventh Avenue, Kleinmond | 3 May 2021 |
| 2. | Portion 32 (a portion of Portion 18) of the farm Klipfonteyn No 711 | 10 May 2021 |
| 3. | Erf 4687, 5 Strand Street, Kleinmond | 17 May 2021 |
| 4. | Portion 64 of the farm Wolvengat No 297 | 17 May 2021 |
| 5. | Erf 32, 3 Vyfer Street, De Kelders | 20 May 2021 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 29 April 2021:

- | | | |
|----|--|---------------|
| 1. | Portion 1 of the farm Kleinrivier NO 646, Division Caledon | 29 April 2021 |
| 2. | Portion 228 of the farm No 575, Benguela Cove | 29 April 2021 |
| 3. | Erf 4413, 4 Lachenalia Road, Betty's Bay | 29 April 2021 |

RESPONSIBLE OFFICIAL :**R VAN ANTWERP****TARGET DATE FOR IMPLEMENTATION :****11 SEPTEMBER 2021**

2.

HERMANUS, A PORTION OF REMAINDER ERF 4771 KNOWN AS “DUTCHIES RESTAURANT”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO RENEW THE LEASE OF MUNICIPAL PROPERTY TO TASOCLOX (PTY) LTD

7/2/3/1

A Le Roux

Manager: Property Administration

10 May 2021

(028) 316-5623

EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into a further lease agreement with Tasoclox (Pty) Ltd in respect of a portion of Remainder Erf 4771 Hermanus, ±895m² in extent, for the purpose of managing the restaurant known as “Dutchies” at Grotto Beach, Hermanus; and

To obtain approval from Council for the deviation from paragraph 18 of the Administration of Immovable Property Policy (as approved by Council on 25 November 2015) allowing the Municipality to enter into a further lease agreement with Tasoclox (Pty) Ltd in respect of a portion of Remainder Erf 4771 Hermanus for the purpose of managing the restaurant known as “Dutchies” at Grotto Beach, Hermanus, without following a competitive bidding process.

RESOLVED:

1. that the renewal of the lease of a portion of Erf 4771 Hermanus, ±895m² in extent, to Tasoclox (Pty) Ltd for a period of 3 (THREE) years from 1 October 2020 to 30 September 2023 for the purpose of managing a kiosk/restaurant at Grotto Beach, Hermanus, at a rental amount of R19,825.50 (NINETEEN THOUSAND EIGHT HUNDRED AND TWENTY-FIVE RAND AND FIFTY CENTS) (VAT excluded) per month, escalating annually on 1 July by a percentage equal to the Consumer Price Index (all items), **be approved**; and
2. that the abovementioned approval be subject to Council approving a deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015.

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Tasoclox (Pty) Ltd for a further period of 3 (THREE) years without following a competitive process, **be approved**.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

27 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

11 SEPTEMBER 2021

3.
**APPLICATION TO PURCHASE: A PORTION OF ERF 1253 HERMANUS
ADJACENT TO ERF 6249 HERMANUS (343 MAIN ROAD, EASTCLIFF,
HERMANUS) – P LOTZ**

7/2/3/2

A Le Roux

Manager: Property Administration

13 MAY 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To consider the application received from Mr P Lotz (the owner of Erf 6249 Hermanus) for the direct alienation of a portion of Erf 1253 Hermanus ($\pm 600\text{m}^2$ in extent) adjacent to Erf 6249 Hermanus, situated at 343 Main Road, Eastcliff, Hermanus.

RECOMMENDATION TO THE COUNCIL:

that the direct alienation of a portion of Erf 1253 Hermanus ($\pm 600\text{m}^2$ in extent), adjacent to Erf 6249 Hermanus, to the owner of Erf 6249 Hermanus, being P Lotz, **not be approved** as the property is needed for the provision of basic municipal services.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

27 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

4.
**TRANSFER OF A PORTION OF ERF 6804 HERMANUS (ROAD RESERVE)
ADJACENT TO ERF 6516 HERMANUS SITUATED AT 2 HEIDE STREET, MOUNT
PLEASANT, TO AG & PAM APLON**

7/2/3/2

A Le Roux

Manager: Property Administration

14 May 2021

(028) 316 - 3724

EXECUTIVE SUMMARY

To obtain final approval for the transfer of a portion of Erf 6804 Hermanus adjacent to Erf 6516 Hermanus, situated at 2 Heide Street, Mount Pleasant, $\pm 120\text{m}^2$ in extent, to the owners of Erf 6516 Hermanus, being AG & PAM Aplon.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of Erf 6804 Hermanus (adjacent to Erf 6516 Hermanus) situated at 2 Heide Street, Mount Pleasant, $\pm 120\text{m}^2$ in extent, to the owners of the adjoining Erf 6516 Hermanus, AG & PAM Aplon, at an amount of R172.00/m² (ONE HUNDRED AND SEVENTY-TWO RAND) (PER SQUARE METRE) (VAT excluded) for the purpose of gardening, parking and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 6804 Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that the said portion of Erf 6804 Hermanus must be consolidated with the adjoining property of AG & PAM Aplon, being Erf 6516 Hermanus;
4. 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 and parking purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 6804 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the public road, subdivision, consolidation and rezoning and all related town planning approvals applicable; and
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, AG & PAM Aplon.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

PROCESS

TARGET DATE TO INFORM APPLICANT:

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.

PARTIAL AMENDMENT OF MAYORAL COMMITTEE RESOLUTION DATED 28 FEBRUARY 2018 FOR THE LEASE OF A PORTION OF PORTION 18 OF FARM NR 644 CALEDON REGIONAL DISTRICT SITUATED AT "DIE KOP" NEAR STANFORD TO FOOD FOUR THOUGHT COMMUNITY PROJECTS NPO

7/2/3/1

A Le Roux

Manager: Property Administration

6 May 2021

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval for the amendment of the size of the lease area of Food Four Thought Community Projects NPO, hereinafter referred to as "the Applicant", stipulated in the Mayoral Committee's Resolution dated 28 February 2018 from $\pm 1,000\text{m}^2$ in extent to $\pm 1,120\text{m}^2$ in extent.

RESOLVED:

that the amendment of paragraph 1 of the Executive Mayor's Resolution dated 28 February 2018 to reflect the lease area as $\pm 1,120\text{m}^2$ in extent in order to include the additional room, **be approved**.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****27 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****27 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.

TRANSFER OF ERF 1153 HAWSTON (SITUATED ON THE CORNER OF CHURCH STREET AND WOODLANDS ROAD, HAWSTON), 1980M² IN EXTENT, FOR CHURCH PURPOSES

7/2/3/2

A Le Roux

10 May 2021

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To obtain final approval for the transfer of Erf 1153 Hawston, 1980m² (one thousand nine hundred and eighty square meters) in extent, (the "Property") to David Solomon Fisher and Camee Lesley Liezel Fisher for church purposes.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erf 1153 Hawston, 1980m² (one thousand nine hundred and eighty square meters) in extent, for church purposes to David Solomon Fisher and Camee Lesley Liezel Fisher at an amount of R150,000.00 (ONE HUNDRED AND FIFTY THOUSAND RAND) (VAT included), **be approved**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water, sewer and electricity connections, the section 14 advertisement, etc., but excluding the valuation costs, be paid by David Solomon Fisher and Camee Lesley Liezel Fisher;
3. that a condition be registered in the title deed of the Property that the Property may only be used for church purposes (place of worship) and no other usage will be allowed on the Property and/or in any structure erected thereon;
4. that a condition be registered in the title deed of the Property that the Purchaser shall complete the development of the Property, in the form of a building or other acceptable structure, within a period of 2 (TWO) years, starting from the date of the registration of transfer of the Property in the Deeds Office;
5. that a condition be registered in the title deed of the Property that should the Purchaser fail to complete building the church or obtain an extension within the required 2 (TWO) year time period or any extended period, ownership of the Property thereof shall revert back to the Municipality at the cost of the Purchaser; and
6. that it is confirmed that Council has taken cognisance of the fact that the Municipal property 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, No 56 of 2003.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

PROCESS

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

**7.
ENCROACHMENT ON A PORTION OF MUNICIPAL PROPERTY, A PORTION OF
ERF 1199 ZWELIHLE (PUBLIC PLACE, BEACH CLUB): MR HRA LUBBE**

7/2/5

**A Le Roux
17 May 2021**

Manager: Property Administration

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval to enter into an encroachment agreement with Mr HRA Lubbe, hereinafter referred to as “the Applicant”, who applied to encroachment on municipal property being a portion of Erf 1199 Zwelihle ($\pm 38\text{m}^2$ in extent), adjoining Erf 1248 Zwelihle, situated in Beach Club, hereinafter referred to as “the Property”, for a period of 5 (FIVE) years for the purpose of building a retaining wall.

RESOLVED:

1. that the encroachment on municipal property, being a portion of Erf 1199 Zwelihle ($\pm 38\text{m}^2$ in extent), adjacent to Erf 1248 Zwelihle, to Mr Henry Richard Adriaan Lubbe at an amount of R528.58 (FIVE HUNDRED AND TWENTY EIGHT RAND AND FIFTY EIGHT CENTS) (VAT excluded) per month for a period of 5 (FIVE) years in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that the prescribed tariff mentioned in 1 above escalate every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2021; and
3. that the approval in 1 above be subject thereto that, should any objections be received against the proposed encroachment, the matter be referred back to the Executive Mayor for consideration.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

27 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

**8.
DRAFT INTEGRATED WASTE MANAGEMENT BY-LAW FOR REVIEW AND
APPROVAL FOR ADOPTION**

1/3/13

C Mitchell

31 May 2021

Manager : Solid Waste Planning

(028) 313 5045

EXECUTIVE SUMMARY

The purpose of this report is to submit to Council the Final draft By-law for Solid Waste Management which was published for comments and has been amended to include relevant comments received during the public commenting phase, for approval.

RECOMMENDATION TO THE COUNCIL:

1. that the Draft Integrated Waste Management By-law **be approved**;
2. that the new approved Integrated Waste Management By-law **be gazetted**; and
3. that the By-law **be workshopped**.

RESPONSIBLE OFFICIAL :

C MITCHELL

TARGET DATE FOR IMPLEMENTATION :

ONCE GAZETTED

9.

A PORTION OF ERF 4831 AND ERF 5327 HERMANUS (DE MOND): WRITE BACK AND WRITE OFF OF AMOUNTS RAISED AND WAIVER OF RENTAL – “POHL BUSINESS TRUST (T/A POHL PROPERTY DEVELOPMENT GROUP) TRADING AS THE CROWN GRANT (PTY) LTD”

7/2/3/2

| | | |
|----------------------|---|-----------------------|
| A Le Roux | Manager: Property Administration | (028) 316-5623 |
| E Hooneberg | Senior Manager: Revenue | (028) 313-8149 |
| L Wallace | Senior Manager: Legal Services | (028) 313-5031 |
| 17 March 2021 | | |

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the:

- (a) waiver of the Municipality’s claim against the Pohl Group for payment of the amount of R1,056,032.98 (ONE MILLION AND FIFTY-SIX THOUSAND AND THIRTY-TWO RAND AND NINETY-EIGHT CENTS) representing determinable rental received by them from sub-tenants on the property;
- (b) writing back of the amount of R85,854.03 (EIGHTY-FIVE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR RAND AND THREE CENTS) representing basic and infrastructure charges (electricity, water, sewerage and refuse) on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
- (c) writing off of the amount of R49,074.45 (FORTY-NINE THOUSAND AND SEVENTY-FOUR RAND AND FORTY-FIVE CENTS) representing consumption charges (electricity, water and sewerage) levied on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
- (d) writing off of the amount of R1,779.54 (ONE THOUSAND SEVEN HUNDRED AND SEVENTY NINE RAND AND FIFTY FOUR CENTS) representing the balance of the services charges due on municipal account number 900000522815 for the period 1 October 2019 to 31 May 2021, representing the time period the Klein River Lagoon Park Association and De Vette Mossel made payments of services charges directly to the Municipality;
- (e) writing off of a total amount of R15,245.99 (FIFTEEN THOUSAND TWO HUNDRED AND FORTY-FIVE RAND AND NINETY-NINE CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 900000522815 for the period 1 July 2018 to 30 April 2021;

- (f) re-allocation of an amount of R146,872.68 (ONE HUNDRED AND FORTY SIX THOUSAND EIGHT HUNDRED AND SEVENTY TWO RAND AND SIXTY EIGHT CENTS) representing payments (including services deposits) made by the Pohl Group on account number 900000522815 for the period 1 July 2018 to 31 October 2019 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account);
- (g) writing back of the amount of R107,731.45 (ONE HUNDRED AND SEVEN THOUSAND SEVEN HUNDRED AND THIRTY-ONE RAND AND FORTY-FIVE CENTS) representing the balance basic and infrastructure charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
- (h) writing off of the amount of R110,822.94 (ONE HUNDRED AND TEN THOUSAND EIGHT HUNDRED AND TWENTY-TWO RAND AND NINETY-FOUR CENTS) representing the balance consumption charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
- (i) writing off of a total amount of R8,487.02 (EIGHT THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN RAND AND TWO CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021; and
- (j) re-allocation of an amount of R155,232.57 (ONE HUNDRED AND FIFTY-FIVE THOUSAND TWO HUNDRED AND THIRTY TWO RAND AND FIFTY SEVEN CENTS) representing the balance payments (including services deposits) made by the Pohl Group on account number 770004831004 for the period 1 July 2018 to 31 July 2020 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account);

in relation to a portion of Erf 4831 Hermanus and Erf 5327 Hermanus (herein referred to as "the property"), which property belongs to the Overstrand Municipality, but was leased to the Pohl Business Trust (t/a Pohl Property Development Group) t/a The Crown Grant (Pty) Ltd (herein referred to as "the Pohl Group).

RECOMMENDATION TO THE COUNCIL:

that Council **approves** the:

1. waiver of the Municipality's claim against the Pohl Group for payment of the amount of R1,056,032.98 (ONE MILLION AND FIFTY-SIX THOUSAND AND THIRTY-TWO RAND AND NINETY-EIGHT CENTS) representing determinable rental received by them from sub-tenants on the property;
2. writing back of the amount of R85,854.03 (EIGHTY-FIVE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR RAND AND THREE CENTS) representing basic and infrastructure charges (electricity, water, sewerage and refuse) on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
3. writing off of the amount of R49,074.45 (FORTY-NINE THOUSAND AND SEVENTY-FOUR RAND AND FORTY-FIVE CENTS) representing consumption charges (electricity, water and sewerage) levied on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
4. writing off of the amount of R1,779.54 (ONE THOUSAND SEVEN HUNDRED AND SEVENTY NINE RAND AND FIFTY FOUR CENTS) representing the balance of the services charges due on municipal account number 900000522815 for the period 1 October 2019 to 31 May 2021, representing the time period the Klein River Lagoon Park Association and De Vette Mossel made payments of services charges directly to the Municipality;
5. writing off of a total amount of R15,245.99 (FIFTEEN THOUSAND TWO HUNDRED AND FORTY FIVE RAND AND NINETY-NINE CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 900000522815 for the period 1 July 2018 to 30 April 2021;
6. re-allocation of an amount of R146,872.68 (ONE HUNDRED AND FORTY SIX THOUSAND EIGHT HUNDRED AND SEVENTY TWO RAND AND SIXTY EIGHT CENTS) representing payments (including services deposits) made by the Pohl Group on account number 900000522815 for the period 1 July 2018 to 31 October 2019 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account);

7. writing back of the amount of R107,731.45 (ONE HUNDRED AND SEVEN THOUSAND SEVEN HUNDRED AND THIRTY-ONE RAND AND FORTY-FIVE CENTS) representing the balance basic and infrastructure charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
8. writing off of the amount of R110,822.94 (ONE HUNDRED AND TEN THOUSAND EIGHT HUNDRED AND TWENTY-TWO RAND AND NINETY-FOUR CENTS) representing the balance consumption charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
9. writing off of a total amount of R8,487.02 (EIGHT THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN RAND AND TWO CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021; and
10. re-allocation of an amount of R155,232.57 (ONE HUNDRED AND FIFTY-FIVE THOUSAND TWO HUNDRED AND THIRTY TWO RAND AND FIFTY SEVEN CENTS) representing the balance payments (including services deposits) made by the Pohl Group on account number 770004831004 for the period 1 July 2018 to 31 July 2020 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account).

RESPONSIBLE OFFICIALS :

**A LE ROUX
E HOONENBERG
L WALLACE**

TARGET DATE FOR IMPLEMENTATION :

IF AND WHEN APPROVED

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

10.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 11869 (A PORTION OF REMAINDER ERF 243), HERMANUS (SITUATED ON THE CORNER OF SCHULPHOEK BOULEVARD AND THE R43), OVERSTRAND MUNICIPAL AREA, BY MEANS OF A COMPETITIVE PROCESS

7/2/3/2

R Kuchar

Senior Manager : Town & Spatial Planning

31 May 2021

(028) 3138900

EXECUTIVE SUMMARY

To obtain in principle approval for the alienation of unregistered Erf 11869 (a portion of Remainder Erf 243), Hermanus (1,09 ha in extent) situated on the corner of Schulphoek Boulevard and the R43 opposite CTM, Hermanus for the purpose of establishing, managing and maintaining commercial units and predominantly rental residential units (Social Housing units) by means of a competitive process.

RECOMMENDATION TO THE COUNCIL:

1. that the alienation of unregistered Erf 11869 (a portion of Remainder Erf 243), Hermanus (1,09 ha in extent), for commercial and predominantly residential purposes by means of a competitive process, **be approved in principle**;
2. that all costs pertaining to the transaction, e.g. the transfer costs, water-, sewer- and electricity connections, the Section 14 advertisement, the cost for the feasibility study, etc., but excluding the valuation costs and application fee, be paid by the successful bidder/purchaser;
3. that a reversion condition will be included in the Deed of Sale as well as the Title Deed that the Property be predominantly utilised for development and management of Social Housing in terms of the Western Cape Department of Human Settlements and the Social Housing Regulatory Authority Social Housing Programs and should the successful Bidder fails to erect such buildings and obtain an Occupancy Certificate for the proposed use within ten (10) years from date of registration and not use the Property as specified, the Property will revert back to the Municipality for the same amount as the original purchase price;
4. that the alienation of the Property be subject to the approval of land use rights in terms of the Overstrand Municipality's Amendment By-Law on municipal Land Use Planning, if applicable;
5. that the alienation of the Property be subject to the successful bidder/purchaser conducting a feasibility study in order to lay a solid foundation for the project;

6. that the successful bidder/purchaser appoints a botanist who will ground truth the area for any endangered plant species. Based on the findings, a “search and rescue” operation to relocate species can be done;
7. that the alienation of the Property be subject to a viability study by the successful bidder/purchaser which must be approved by the Social Housing Regulatory Authority for funding purposes;
8. that the Social Housing Units or Property be managed as affordable rental stock and not sold under Sectional Title without permission of the Overstrand Municipality and the Social Housing Regulatory Authority and this condition must also be included in the Title Deed; and
9. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:

R KUCHAR

TARGET DATE FOR IMPLEMENTATION:

13 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A

Items from Portfolio Committee Meeting of 17 August 2021

1.
**TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
 CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2021 – JULY 2021**

15/3/11

R Kuchar

Senior Manager : Town & Spatial Planning

23 July 2021

(028) 313 8900

EXECUTIVE SUMMARY

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 22 May 2021 – 21 July 2021.

RESOLVED:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 22 May 2021 – 21 July 2021:

1. Erven 6804 and 6515, 72 Katjeepering Street, Mount Pleasant 7 June 2021
2. Erf 4008, 120 Second Avenue, Kleinmond 7 June 2021
3. Erven 4729 NS 4730, 67 & 69 Oxalis Road, Betty's Bay 7 June 2021
4. Erf 5539, Second Street, Voëlklip, Hermanus 8 June 2021
5. Erf 1409, 20 Gull Close, Vermont 11 June 2021
6. Erf 7586, 11 Swartdam Road, Hermanus 11 June 2021
7. Erven 475 and 476, 28 & 28 Flower Street, Westcliff, Hermanus 14 June 2021
8. Erf 178, 25 Dirkie Uys Street, Gansbaai 14 June 2021
9. Erf 5676, 320 Fifth Street, Voëlklip, Hermanus 14 June 2021
10. Erven 221 and 222, 3 Longmarket Street, Stanford 14 June 2021
11. Erf 194, 57 Barnard Street, Gansbaai 14 June 2021
12. Erf 11033, 21 Marine Drive, Westcliff, Hermanus 21 June 2021
13. Erf 2140, Oxford Close, Hawston 12 July 2021
14. Erf 552, 7 Strandloper Avenue, Vermont 12 July 2021
15. Erf 2602, 17 Viljoen Street, Onrustrivier 12 July 2021
16. Erf 6594, 21 Esseboom Street, Kleinmond 12 July 2021
17. Remainder Farm 892, Division Caledon 15 July 2021
18. Erf 4081 (an unregistered portion off Erf 611) cnr of R43 and Riet Street, Gansbaai 20 July 2021
19. Erf 456, 1 Land Street, Pearly Beach 20 July 2021

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 1 July 2021:

- | | | |
|----|--|-------------|
| 1. | Erf 3383, 11 Bob Laubser Street, Kleinmond | 1 July 2021 |
| 2. | Erf 6165, 32 Hardepeer Avenue, Kleinmond | 1 July 2021 |
| 3. | Erf 939, Vermont | 1 July 2021 |
| 4. | Erf 80, 9 Gnida Road, Rooiels | 1 July 2021 |

RESPONSIBLE OFFICIAL :**R VAN ANTWERP****TARGET DATE FOR IMPLEMENTATION :****8 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

**2.
PORTIONS OF REMAINDER ERVEN 243 AND 1253 AS WELL AS ERF 4935
HERMANUS: RENEWAL OF LEASE OF MUNICIPAL PROPERTIES TO JOSHGRO
INVESTMENTS 9 (PTY) LTD**

7/2/3/1

A Le Roux

Manager: Property Administration

21 June 2021

(028) 316 3724

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with Joshgro Investments 9 (Pty) Ltd, in respect of municipal properties, being portions of Remainder Erven 243 and 1253 as well as Erf 4935 Hermanus (jointly $\pm 160\text{m}^2$ in extent) situated in Main Road opposite the Marine Drive entrance for a period of 4 (FOUR) years for placing tables and chairs (and/or benches) for outdoor seating for restaurant purposes.

RESOLVED:

1. that the lease of municipal properties, being portions of Remainder Erven 243 and 1253 as well as Erf 4935 Hermanus (jointly $\pm 160\text{m}^2$ in extent), to Joshgro Investments 9 (Pty) Ltd for placing tables and chairs (and/or benches) for outdoor seating for restaurant purposes at the rental amount of R32.61/m² (THIRTY TWO RAND AND SIXTY ONE CENTS PER SQUARE METRE) (VAT Excluded) per month for a period of 4 (FOUR) years from 1 October 2021 in terms of the Administration of Immoveable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate every year on the 1st of July as stipulated in the Overstrand Municipality's Tariffs for the specific financial year, as approved by Council in the Annual Budget, the next escalation to be on 1 July 2022.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

13 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

31 SEPTEMBER 2021

**3.
A PORTION OF ERF 1660 PRINGLE BAY (BUFFELS ROAD): LEASE OF
MUNICIPAL PROPERTY TO THE PRINGLE HOUSE ECO SCHOOL NPC**

7/2/3/1

A Le Roux

Manager: Property Administration

24 June 2021

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with The Pringle House Eco School NPC, hereinafter referred to as "The Applicant", in respect of a portion of Erf 1660 Pringle Bay ($\pm 3,185\text{m}^2$ in extent), situated in Buffels Road, Pringle Bay, hereinafter referred to as "the Property", for the purpose of erecting and managing a school.

RESOLVED:

1. that the lease of municipal property, being a portion of Erf 1660 Pringle Bay ($\pm 3,185\text{m}^2$ in extent) to the Pringle House Eco School NPC for the purposes of erecting and managing a school and related purposes at the monthly rental amount as will be approved in the annual budget for the financial year after the 2 (TWO) year rental free period has lapsed, for a period of 22 (TWENTY-TWO) years in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that the first 2 (TWO) years of the lease agreement be rental free to provide the Pringle House Eco School NPC with sufficient time to complete the necessary Town Planning and other processes;
3. that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council; and
4. that the Pringle House Eco School NPC be responsible for all cost involved in the lease agreement and specifically the survey cost and the cost of the notarial registration of the lease agreement against the Title Deed.

RESPONSIBLE OFFICIAL:

M ERASMUS

TARGET DATE FOR IMPLEMENTATION:

30 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT:

15 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

4.

APPLICATION TO PURCHASE: A PORTION OF ERF 7238 KLEINMOND, A PORTION OF ERF 7442 KLEINMOND, AS WELL AS A PORTION OF REMAINDER ERF 5462 KLEINMOND – WC JANUARY & SC ONCHER

7/2/3/2

A Le Roux

Manager: Property Administration

14 June 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To consider the application received from WC January and SC Oncher (the owners of Erf 7441 Kleinmond) for the direct alienation of a portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent), a portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent), as well as a portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent), adjacent to Erf 7441 Kleinmond, situated at 9 GM Siyoni Street, Kleinmond in Overhills.

RECOMMENDATION TO THE COUNCIL:

that the direct alienation of a portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent), a portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent), as well as a portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent), adjacent to Erf 7441 Kleinmond, to the owners, WC January and SC Oncher, **not be approved** on the following reasons:

- (a) A portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road;
- (b) A portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road. The property should further remain municipal property for community purposes and should the existing Early Childhood Development Centre (ECD) on Erf 4772 Kleinmond need to expand; and
- (c) A portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent) contains a gravity sewer line and also a pressure sewer rising main from the pump station running in that location and the portion is further intended for a future fibre-optic services and future planning of the road.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

17 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT:

30 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.

GANSBAAI: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 1886 FRANSKRAALSTRAND (SITUATED AT FOUCHE STREET, FRANSKRAALSTRAND) BY MEANS OF A COMPETITIVE PROCESS

7/2/3/2

A Le Roux
7 July 2021

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To obtain in principle approval for the alienation of Erf 1886 Gansbaai, 1,5447 Hectare in extent, for the purpose of a group housing development by means of a competitive process.

RECOMMENDATION TO THE COUNCIL:

1. that the alienation of Erf 1886 Franskraalstrand, 1,5447 Hectares in extent, for the purpose of a group housing development by means of a competitive process at a market related price **be approved in principle**;
2. that the successful bidder/purchaser will be required to obtain all the necessary Town Planning and axillary approvals, at its own cost, to be able to develop the Property for group housing purposes;
3. that the water service pipeline located on the Property be relocated at the cost of the successful bidder/purchaser;
4. that the successful bidder/purchaser register a services servitude for the main electrical service lines on the outer boundary of the Property against the title deed of the Property, at its own cost, simultaneous with the registration of the transfer;
5. that all costs pertaining to the transaction, including, but not limited to, the transfer costs, water, sewer and electricity connections, the section 14 advertisement, services relocation costs and servitude registration costs, but excluding the valuation costs, be paid by the successful bidder/purchaser;
6. that a condition be registered against the title deed of the Property that it may only be used and developed for group housing purposes;
7. that the relevant conditions stipulated and imposed by the Senior Manager: Operational Services and the Manager: Engineering Services be included in the deed of sale; and

8. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

25 OCTOBER 2021

TARGET DATE TO INFORM APPLICANT :

3 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

6.

TRANSFER OF UNREGISTERED ERF 9828 HERMANUS (A PORTION OF ERF 572 HERMANUS) (ROAD RESERVE) ADJACENT TO ERF 624 HERMANUS SITUATED AT 63 MARINE DRIVE, HERMANUS, TO HERMANUS ESPLANADE 1970 (PTY) LTD

7/2/3/2

A Le Roux

Manager: Property Administration

7 July 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain final approval for the transfer of unregistered Erf 9828 (a portion of erf 572) Hermanus, 25m² in extent, adjacent to Erf 624 Hermanus, situated at 63 Marine Drive, Hermanus to the owners of Erf 624 Hermanus, being Hermanus Esplanade 1970 (Pty) Ltd.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of unregistered Erf 9828 (a portion of erf 572) Hermanus, 25m² in extent, (adjacent to Erf 624 Hermanus) situated at 63 Marine Drive, Hermanus, to the owners of the adjoining Erf 624 Hermanus, Hermanus Esplanade 1970 (Pty) Ltd, at an amount of R100.00 (ONE HUNDRED RAND) (VAT Incl.) **be approved;**
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is approved as the unregistered Erf 9828 (a portion of erf 572) Hermanus can be classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that unregistered Erf 9828 (a portion of erf 572) Hermanus must be consolidated with the adjoining properties of Hermanus Esplanade 1970 (Pty) Ltd, being Erven 624 and 642 Hermanus;
4. that all the costs pertaining to the transaction, including, but not limited to, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, Hermanus Esplanade 1970 (Pty) Ltd; and
5. that it be noted that the municipal property herewith envisaged to be transferred is not required for the provision 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:

M ERASMUS

TARGET DATE FOR IMPLEMENTATION:

PROCESS

TARGET DATE TO INFORM APPLICANT:

16 SEPTMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

7.
**ERF 425, MFUNDO STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA:
 APPLICATION FOR DEPARTURE: MESSRS WRAP ON BEHALF OF MC BHALA**

425 HZW (3506/2019)

R Kuchar

Senior Manager : Town & Spatial Planning

14 October 2020

(028) 3138900

EXECUTIVE SUMMARY

An application was received on 30 October 2019 from Messrs Wrap Project Office on behalf of MC Bhala on Erf 425, Zwelihle for a departure in terms of Section 16.(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to allow for the operation of a bottle store for a temporary period of three (3) years.

RECOMMENDATION TO THE COUNCIL:

that the application in terms of Spatial Planning and Land Use Management Act No. 16 of 2013 read with Section 12 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the temporary approval to deviate from the Business Corridors, Zwelihle in order to allow for the operation of a bottle store on Erf 425, Zwelihle for a period of three (3) years, **be approved.**

RESPONSIBLE OFFICIAL :

R KUCHAR

TARGET DATE FOR IMPLEMENTATION :

8 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

8 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

**8.
COVID-19 FINANCIAL RELIEF ARRANGEMENTS
EXEMPTION FROM PAYMENT OF RENTAL FOR THE MONTH OF JULY 2021
(ADJUSTED LOCKDOWN LEVEL 4) – SPECIFIC TENANTS**

7/2/3/1

A Le Roux

Manager: Property Administration

13 July 2021

(028) 316-5623

EXECUTIVE SUMMARY

The purpose of the report is to present Council with a recommendation to exempt specific tenants who are leasing the municipal property for restaurant purposes from the payment of rental for the month of July 2021, as they could not use their municipal leased premises effectively during the Adjusted Alert Level 4 disaster level 4 which was declared on 27 June 2021 to commence on 28 June 2021 and as extended on 11 July 2021 (hereinafter referred to as, “adjusted lockdown level 4”).

RECOMMENDATION TO THE COUNCIL:

that the exemption from the payment of rental for the month of July 2021 in relation to the following tenants of the Municipality **be approved:**

- (a) Bientang’s Cave CC;
- (b) CJ & JC Partnership;
- (c) De Vette Mossel;
- (d) Tasoclox (Pty) Ltd (Dutchies);
- (e) Tasoclox (Pty) Ltd (Fick’s Pool);
- (f) Ingwesec (Pty) Ltd;
- (g) Kee Properties Investments (Pty) Ltd (Oskar’s);
- (h) Kee Properties Investments (Pty) Ltd (Marine Drive Cafes);
- (i) Route 44 Reservations (Pty) Ltd;
- (j) Shoprite Checkers (Pty) Ltd;
- (k) Joshgro Investments 9 (Pty) Ltd;
- (l) Stonewater Holdings (Pty) Ltd;

(m) Van Niekerk, Shawn; and

(n) Vincenzo Romano.

RESPONSIBLE OFFICIAL :

**R MARINUS
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

1 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

The meeting adjourned at 10:49

DATE

D COETZEE – EXECUTIVE MAYOR