



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 30 SEPTEMBER / SEPTEMBER
2020**

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 30 SEPTEMBER 2020, AT 10:00


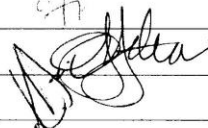

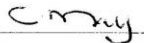

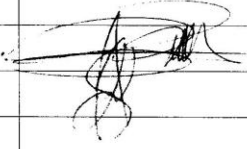
PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Madikane, Director : Economic Development & Tourism
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Mr R Kuchar, Senior Manager : Town Planning
Mr B King, Senior Manager : Financial Services
Ms A Le Roux, Manager : Property Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support Services
Mr C Johnson, Systems Development Manager
Ms S Swart: Administrative Officer : Council Support Services
ICT Support Staff
Ms D Laing, Relief Clerk : Grade 2

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
30 SEPTEMBER 2020

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

Cllr R Nutt opened with prayer. The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr E Gillion

RESOLVED

that the above-mentioned application for leave of absence, **be granted.**

3. CONFIRMATION OF MINUTES

3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 August 2020** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 August 2020** at **10:00**, **be confirmed.**

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

None

5.
REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE
(JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

3/2/3/12

DC Van Der Heever

(028) 313 5035

Internal Audit Services

10 September 2020

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the Reports of the Joint Audit and Performance Audit Committee (JAPAC) in terms of the reporting requirements as per paragraph 3 of the JAPAC Charter, approved by Council on 21 May 2017.

RECOMMENDATION TO THE COUNCIL:

that the report from the JAPAC to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2020

6.
ICT SYSTEMS SECURITY POLICY

2/B

C Johnson Systems Development Manager

16 September 2020

(028) 313 8190

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council the approval of the Information and Communication Technology (ICT) Systems Security Policy.

RECOMMENDATION TO THE COUNCIL:

that the ICT Systems Security Policy **be approved**.

RESPONSIBLE OFFICIAL :

C JOHNSON

TARGET DATE FOR IMPLEMENTATION :

SEPTEMBER 2020

7.
AMENDMENT TO THE 2020/2021 CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY

5/B

S Reyneke-Naude

Director : Finance

01 September 2020

(028) 313 8040

EXECUTIVE SUMMARY

The purpose of this report is to recommend an amendment to the Customer Care, Credit Control and Debt Collection Policy.

RECOMMENDATION TO THE COUNCIL:

1. that the Customer Care, Credit Control and Debt Collection Policy be amended retrospectively from 1 July 2020 by adding the following to paragraph 6.8.1. (c)(iii) of the Customer Care, Credit Control and Debt Collection Policy, to read as follows:
 - (iii) the customer applied only once in a cycle of 30 months for a discount and, in the instance were a customer experiences a second leak within the 30 months period, the customer may apply on the same conditions as for a first leak in 30 months on the prescribed form within 60 days after the leak has been repaired, which application will only be regarded as a valid application on condition that the customer installs a flow restrictor meter at cost of the customer. In the instance were a customer experience a second leak within the 30 months period as mentioned in above, the customer may apply on the prescribed form within 60 days after the leak has been repaired, which application will only be regarded as a valid application if the customer is prepared to convert to a flow restrictor meter at cost of the customer.
2. that the implementation also be applicable to applications still in dispute after 30 June 2020.

RESPONSIBLE OFFICIAL :

E HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2020

**8.
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, AUGUST 2020**

8/2/2

C Le Roux

Deputy Director: Finance & SCM

04 September 2020

(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 August 2020. 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 August 2020, **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 August 2020, **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 August 2020, **be noted**

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

9.

A PORTION OF UNREGISTERED ERF 12212 HERMANUS (SITUATED IN MUSSEL ROAD, HERMANUS): DEVIATION FROM PARAGRAPHS 4, 26 AND 41 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 TO WAIVE THE APPLICATION FEE, THE COSTS PERTAINING TO THE APPLICATION PROCESS, ANY RENTAL PAYABLE AND GENERAL CONDITIONS

7/2/3/1

N Michaels

Director : Protection Services

1 September 2020

(028) 316 3724

EXECUTIVE SUMMARY

To obtain approval for the deviation from conditions contained in paragraphs 4, 24, 36, 40 and 41 of the Administration of Immovable Property Policy of 2015 in order to:

- (a) waive the payment of the required application fee payable by the applicant upon submission of an application to use municipal property (paragraph 4);
- (b) waive any rental/compensation payable in lieu of services that will be rendered (paragraph 26); and
- (c) waive the Municipality's claim for the payment of rates and taxes and services charges (paragraph 41);

in order for the Municipality to enter into a memorandum of agreement Hermanus Public Protection (NPC) (hereinafter referred to as "HPP") for the use of floor space in a designated room in the Fire Brigade Service Building, Mussel Road, Hermanus (hereinafter referred to as the "room"), for a period of 3 (three) years for the purposes of establishing and operating its control room only.

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraphs 4, 26, and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with Hermanus Public Protection NPC for the use of a portion of a room in the Fire Brigade Service Building situated on unregistered Erf 12212 Hermanus, for the establishment and operating of a control room in order to render the Hermanus Special Rating Area supplementary services to the community, **be approved.**

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

16 OCTOBER 2020

TARGET DATE TO INFORM APPLICANT :

16 OCTOBER 2020

**10.
REPORT ON THE PROPOSED SPECIAL ADJUSTMENTS BUDGET (COVID-19)
FOR 2020/2021**

5/1/1/22 – 2020/2021

BA King

Senior Manager: Financial Services

23 September 2020

(028) 313 8154

EXECUTIVE SUMMARY

Report prepared in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for a Special Adjustments Budget in terms of National and Provincial Government's reprioritising of allocations to local government and Local Government priorities as a result of COVID-19.

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the Special Adjustments Budget (COVID-19) for 2020/2021 **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 :

5 OCTOBER 2020

11.
**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2020/21**

9/1/2/5

RG Louw

Senior Manager: Strategic Services

15 September 2020

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to submit a revised Service Delivery and Budget Implementation Plan (SDBIP) for 2020/21 to Council for approval.

RECOMMENDATION TO THE COUNCIL:

1. that the revised SDBIP for 2020/21 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2020/21 **be approved**; and
3. that the revised SDBIP for 2020/21 **be made public**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

5 OCTOBER 2020

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,
H Morgan & N Nqinata**

**PORTEFEULJEKOMITEE :
BESTUURSDIENSTE**

Voorsitter :

Rdl A Komani

Komiteelede :

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

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

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 & SOCIAL DEVELOPMENT AND TOURISM QUARTERLY REPORT:
SERVICE DELIVERY REPORT : JANUARY – JULY 2020**

9/1/2/2

S Madikane Director : Economic & Social Development & Tourism

31 August 2020

(028) 313 8066

EXECUTIVE SUMMARY

The purpose of this report is to provide and outline activities and initiatives conducted by the Directorate to address socio economic challenges and promote economic and social development. The report covers the debilitating Covid-19 pandemic and its lockdown regulations, which exposed inequality and poverty including job losses.

RESOLVED:

that the service delivery report (January – July 2020) of the Directorate: Economic & 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.
**PERFORMANCE REPORT: BASIC SERVICE DELIVERY WITHIN THE
DIRECTORATE COMMUNITY SERVICES FOR THE PERIOD 1 JULY 2019 TO
30 JUNE 2020**

17/9/1/1

T Steenberg
23 July 2020

Deputy Director : Community Services

028-313 8982

EXECUTIVE SUMMARY

To inform Council of the basic service delivery within the Directorate: Community Services performed during the period 1 July 2019 to 30 June 2020.

RESOLVED:

that the Performance Report in respect of basic service delivery, within the Directorate Community Services, for the period 1 July 2019 to 30 June 2020, **be noted**.

RESPONSIBLE OFFICIALS:

**T STEENBERG
T MARX
J SOLOMONS
D VAN RHODIE
D NEL**

TARGET DATE FOR IMPLEMENTATION :

ONGOING

2.

COVID-19: EXEMPTION FROM PAYING PARKING FEES OF EIGHT LARGE VESSELS PARKED AT THE KLEINBAAI PUBLIC LAUNCHING SITE (PLS)

5/5/1/5

F Myburgh

Senior Manager : Gansbaai Administration

28 August 2020

(028) 313-8029

EXECUTIVE SUMMARY

The purpose of this report is for the Council to consider the application for the exemption from paying parking fees by owners of eight large vessels parked at the Kleinbaai Public Launching Site (PLS) for the months of April 2020, May 2020, June 2020, July 2020 and August 2020.

RECOMMENDATION TO THE COUNCIL:

that the exemption from the payment of rental for the months of April 2020, May 2020, June 2020, July 2020 and August 2020 for the tenants of the eight parking bays for large vessels at Kleinbaai PLS, **be approved.**

RESPONSIBLE OFFICIAL :**F MYBURGH****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2020**

**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: JULY 2020 - AUGUST
 2020**

15/3/11

R Kuchar

Senior Manager : Town & Spatial Planning

25 August 2020

(028) 313 8900

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 21 July 2020 – 25 August 2020.

RESOLVED:

that cognisance be taken of the town planning applications disposed of by the Senior Manager : Town and Spatial Planning in terms of delegated authority on 23 July 2020:

1. Remainder Portion 29 (portion of Portion 7) of the farm 23 July 2020
 Uylen Kraal No 695

Spatial Land Use Management Act (SPLUMA) Approvals

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 21 July 2020 – 25 August 2020:

- | | | |
|-----|--|----------------|
| 1. | Mosaic Farm 1012, Caledon Division | 4 August 2020 |
| 2. | Erf 1041, Marais Street, Franskraal | 4 August 2020 |
| 3. | Portion 27 of the farm Klein Hagel Kraal No 321 | 4 August 2020 |
| 4. | Erf 2033, 33 Bergsig Street, Protea Park, Sandbaai | 4 August 2020 |
| 5. | Erf 4804, 15 Mossel River Drive, Eastcliff, Hermanus | 12 August 2020 |
| 6. | Portion 2 (Romansbaai) of the farm Klip Fonteyn No 711 | 12 August 2020 |
| 7. | Erf 1168, 245 Main Road, Eastcliff, Hermanus | 12 August 2020 |
| 8. | Erf 2563, 133 Eleventh Street, Voëlklip, Hermanus | 17 August 2020 |
| 9. | Erf 11871, 50 Jakopregop Street, Mount Pleasant | 24 August 2020 |
| 10. | Erf 1998, Wembley Street, Hawston | 24 August 2020 |
| 11. | Portion 14 of farm 587 Hemel & Aarde Valley | 24 August 2020 |

Municipal Planning Tribunal

- | | | |
|----|--|---------------|
| 1. | Erf 1494, Lynx Road, Vermont | 3 August 2020 |
| 2. | Portion 3 of farm 585, Hemel-en-Aarde Valley | 3 August 2020 |
| 3. | Erven 942 and 943, 69 & 71 Dreyer Street, Stanford | 3 August 2020 |

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

14 OCTOBER 2020

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

2.

ERF 185 ZWELIHLE (43 NAMA STREET, ZWELIHLE): RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO THE PARISH OF ST. PETER THE FISHERMAN

7/2/3/1

A Le Roux

Manager: Property Administration

6 August 2020

(028) 316 - 3724

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with The Parish of St. Peter the Fisherman for a period of 9 (NINE) years and 11 (ELEVEN) months in respect of municipal property, being Erf 185 Zwelihle (742m² in extent), situated at 43 Nama Street, Zwelihle, for the purpose of managing the Anglican Church of Southern Africa.

RESOLVED:

1. that the lease of municipal property, being Erf 185 Zwelihle (742m² in extent), to The Parish of St Peter the Fisherman for the purpose of managing the Anglican Church of Southern Africa at the rental amount of R154.78 (ONE HUNDRED AND FIFTY FOUR RAND AND SEVENTY EIGHT CENT) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) as from 1 October 2020 in terms of the Administration of Immovable 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 in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2021.

RESPONSIBLE OFFICIAL:**N LIEBENBERG****TARGET DATE FOR IMPLEMENTATION:****11 OCTOBER 2020****TARGET DATE TO INFORM APPLICANT:****7 OCTOBER 2020****TARGET DATE TO INFORM OBJECTOR:****N/A**

**3.
ERF 9851 AND A PORTION OF ERF 832 HERMANUS (MARINE DRIVE,
HERMANUS): LEASE OF MUNICIPAL PROPERTY TO INGWESEC (PTY) LTD**

7/2/3/1

A Le Roux

Manager: Property Administration

28 July 2020

(028) 316 - 3724

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with Ingwesec (Pty) Ltd for a period of 9 (NINE) years and 11 (ELEVEN) months in respect of municipal properties, being Erf 9851 and a portion of Erf 832 Hermanus (jointly ±44m² in extent) situated in Marine Drive, Hermanus in front of the Bistro Burgundy restaurant for the purpose of outdoor restaurant seating.

RESOLVED:

1. that the lease of municipal property, being Erf 9851 and a portion of Erf 832 Hermanus (jointly ±44m² in extent), to Ingwesec (Pty) Ltd for the purpose of outdoor restaurant seating at the rental amount of R1,377.20 (ONE THOUSAND THREE HUNDRED AND SEVENTY SEVEN RAND AND TWENTY CENTS) (VAT excluded) per month (R31.30 (THIRTY ONE RAND AND THIRTY CENTS) (VAT excluded) per square metre per month) for a period of 9 (NINE) years and 11 (ELEVEN) months 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 in accordance with the tariffs stipulated in the Annual Budget as approved by Council.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

18 SEPTEMBER 2020

TARGET DATE TO INFORM APPLICANT:

30 SEPTEMBER 2020

TARGET DATE TO INFORM OBJECTOR:

N/A

4.

A PORTION OF ERF 249 AND A PORTION OF ERF 832 HERMANUS (KNOWN AS THE HERMANUS MARKET SQUARE SITUATED IN MARKET SQUARE STREET): LEASE OF MUNICIPAL PROPERTY TO COTTON4U4EVER (PTY) LTD

7/2/3/1

A Le Roux

Manager: Property Administration

13 August 2020

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with COTTON4U4EVER (Pty) Ltd (hereinafter referred to as the "Applicant") for a period of 9 (NINE) years and 11 (ELEVEN) months in respect of municipal property, being a portion of Erf 249 and a portion of Erf 832 Hermanus (34 stalls) (hereinafter referred to as the "Property") and known as the Hermanus Market Square situated in Market Square Street, Hermanus for the purpose of managing, sub-leasing and maintaining the stalls as well as maintaining the on-site ablution facilities and passages between the stalls.

RESOLVED:

1. that the lease of municipal property, being a portion of Erf 249 and a portion of Erf 832 Hermanus, to COTTON4U4EVER (Pty) Ltd, for the purpose of managing, sub-leasing and maintaining the stalls as well as maintaining the on-site ablution facilities and passages between the stalls for a period of 9 (NINE) years and 11 (ELEVEN) months from 1 October 2020 at the rental amount of R76,840.00 (SEVENTY SIX THOUSAND EIGHT HUNDRED AND FORTY RAND ALONE) (VAT Included) per month, **be approved**; and
2. that the rental amount mentioned in 1 above escalates every year on the 1st of July in accordance with paragraph 40 of the Administration of Immovable Property Policy of 2015 with the first escalation to be on 1 July 2021.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

15 OCTOBER 2020

TARGET DATE TO INFORM APPLICANT :

15 OCTOBER 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

5.

A PORTION OF THE REMAINDER OF ERF 1253 HERMANUS LEASED TO THE HERMANUS SPORTS CLUB: APPROVAL OF AMENDMENTS TO THE CLUB'S CONSTITUTION

7/2/3/1

A Le Roux

20 August 2020

Manager: Property Administration

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval for the proposed amendments to the Hermanus Sports Club's constitution.

RESOLVED:

that approval be given for the amendment of the Hermanus Sports Club's constitution.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****15 OCTOBER 2020****TARGET DATE TO INFORM APPLICANT :****15 OCTOBER 2020****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.

TWO PORTIONS OF ERF 212 VAN DYKSBAAI (SITUATED NEXT TO BIRKENHEAD ROAD, VAN DYKSBAAI): RENEWAL OF EXISTING LEASE AND THE LEASE OF AN ADDITIONAL PORTION OF MUNICIPAL PROPERTY TO OVERBERG BOAT CLUB

7/2/3/1

A Le Roux

Manager: Property Administration

6 August 2020

(028) 316 - 3724

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with Overberg Boat Club for a period of 9 (NINE) years and 11 (ELEVEN) months in respect of municipal property, being a portion of Erf 212 Van Dyksbaai ($\pm 2,736\text{m}^2$ in extent) situated next to Birkenhead Road, Van Dyksbaai, for the purpose of managing a boat club and related purposes.

To obtain approval to lease an additional portion of Erf 212 Van Dyksbaai ($\pm 10,306\text{m}^2$ in extent) situated next to Birkenhead Road, Van Dyksbaai to Overberg Boat Club for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of managing a boat club and related purposes.

RESOLVED:

1. that the further lease of municipal property, being a portion of Erf 212 Van Dyksbaai, ($\pm 2,736\text{m}^2$ in extent), to Overberg Boat Club for the purpose of managing a boat club and related activities for a period of 9 (NINE) years and 11 (ELEVEN) months as from 2 December 2019 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that the lease of an additional portion of municipal property, being a portion of Erf 212 Van Dyksbaai, ($\pm 10,306\text{m}^2$ in extent), to Overberg Boat Club for the purpose of managing a boat club and related activities for a period of 9 (NINE) years and 11 (ELEVEN) months as from 2 December 2019 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
3. that the approval mentioned in 2 above be subject to the approval of a Site Development Plan and that no new development be commenced with prior to the approval of the Site Development Plan;
4. that the rental be determined at R147.83 (ONE HUNDRED AND FORTY SEVEN RAND AND EIGHTY THREE CENT)(VAT excluded) per month for the 2019/2020 financial year and R154.78 (ONE HUNDRED AND FIFTY FOUR RAND AND SEVENTY EIGHT CENTS) (VAT excluded) per month for the 2020/2021 financial year, as determined in the tariffs stipulated in the Annual Budget as approved by Council; and

5. that the rental amount mentioned in 4 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.

RESPONSIBLE OFFICIAL:

N LIEBENBERG

TARGET DATE FOR IMPLEMENTATION:

11 OCTOBER 2020

TARGET DATE TO INFORM APPLICANT:

7 OCTOBER 2020

TARGET DATE TO INFORM OBJECTOR:

N/A

7.
**COVID-19 FINANCIAL RELIEF ARRANGEMENTS
 EXEMPTION FROM PAYMENT OF RENTAL FOR THE MONTHS OF JULY 2020,
 AUGUST 2020 AND SEPTEMBER 2020 – SPECIFIC TENANTS**

7/2/3/1

A Le Roux

Manager: Property Administration

17 August 2020

(028) 316-3724

EXECUTIVE SUMMARY

The purpose of the report is to present Council with a recommendation to exempt the following tenants from the payment of rental for the months of July 2020, August 2020 and September 2020:

- 1) tenants of the Overstrand Municipality who are leasing the municipal property for restaurant purposes;
- 2) the tenant of the Hermanus Market Square Stalls as the tenant cannot make substantial use of the Hermanus Market Square Stalls;
- 3) the tenant of Erf 9515 Zwelihle (also known as the “Zwelihle Mall”);
- 4) the tenant of the kiosk at the Onrus Caravan Park; and
- 5) tenants of the Overstrand Municipality who are leasing the municipal property for the purpose of operating an early childhood development centre.

RECOMMENDATION TO THE COUNCIL:

that the exemption from the payment of rental for the months July 2020, August 2020 and September 2020 in relation to the tenants of the Municipality as indicated on Annexure A to the item, **be approved**.

RESPONSIBLE OFFICIAL :

**R MARINUS
 E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

31 OCTOBER 2020

TARGET DATE TO INFORM APPLICANT :

9 OCTOBER 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

8.

A PORTION OF PORTION 9 OF THE FARM FRANSCH KRAAL NO 708 (ROAD RESERVE), ADJACENT TO ERF 387 FRANSKRAALSTAND (77 CILLIERS STREET, FRANSKRAALSTRAND): RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO MR SHAWN VAN NIEKERK

7/2/3/1

A Le Roux

Manager : Property Administration

14 July 2020

(028) 316 - 3724

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with Mr Shawn van Niekerk for a period of 3 (THREE) years in respect of municipal property, being a portion of portion 9 of the Farm Fransche Kraal No 708, ($\pm 10.2\text{m}^2$ in extent) (hereinafter referred to as "the Property"), adjacent to Erf 387 Franskraalstand, situated at 77 Cilliers Street, Franskraalstrand, for the purpose of a temporary shading structure and the placement of tables and chairs for restaurant purposes.

RESOLVED:

1. that the lease of municipal property, being a portion of portion 9 of the Farm Fransche Kraal No 708, adjacent to Erf 387 Franskraalstand ($\pm 10.2\text{m}^2$ in extent) situated at 77 Cilliers Street, Franskraalstrand, to Mr Shawn van Niekerk for the purpose of a temporary shading structure and the placement of tables and chairs for restaurant purposes at the rental amount of R319.26 (THREE HUNDRED AND NINETEEN RAND AND TWENTY SIX CENT) (VAT excluded) per month for a period of 3 (THREE) years from 1 August 2020 in terms of the Administration of Immovable 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 in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2021.

RESPONSIBLE OFFICIAL:**N LIEBENBERG****TARGET DATE FOR IMPLEMENTATION:****11 OCTOBER 2020****TARGET DATE TO INFORM APPLICANT:****7 OCTOBER 2020****TARGET DATE TO INFORM OBJECTOR:****N/A**

9.
ERF 3160, 97 LEEUBEKKIE STREET, BLOMPARK, GANSBAAI: REZONING AND CONSENT USE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF F ABRAHAMS

3160 GBP (2810)

R Kuchar

Senior Manager: Town & Spatial Planning

6 July 2020

(028) 313 8900

EXECUTIVE SUMMARY

An application has been received from Messrs InterActive Town and Regional Planning on behalf of F Abrahams for the following:

- rezoning in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) of a portion of Erf 3160, Gansbaai to accommodate the existing liquor store on the property; and
- consent use (business premises) for the sale of alcoholic beverages (liquor store) on a 37m² portion of Erf 3160, Blompark, in terms of Section 2.2 of the Overstrand Municipality Integrated Zoning Scheme Regulations, 2013 promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

RESOLVED:

1. that the application for rezoning of a 37m² portion of Erf 3160, Blompark, Gansbaai from Less Formal Development Zone to Business Zone 3: Local Business Purposes in terms of the provisions of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
2. that the application for consent use (business premises) for the sale of alcoholic beverages (liquor store) on a 37m² portion of Erf 3160, Blompark, in terms of Section 2.2. of the Overstrand Municipality Zoning Scheme Regulations promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that the consent use for business premises in order to operate a liquor store be personal to the property owner and may not be transferred;
 - (b) that a Site Development Plan be submitted for approval by the Senior Manager: Town and Spatial Planning indicating the extent of the split zoning (Business Zone 3 *versus* Residential Zone 1) within **thirty (30) days** of the decision date;

- (c) that the liquor store be restricted to the area indicated on the Site Development Plan and the operation thereof be subject to a valid liquor license;
- (d) that the liquor store may only be operated from a structure approved in terms of the National Building Regulations;
- (e) that a building plan be submitted to the Building Control Department for approval within a period of **thirty (30) days** from the decision date and that all requirements of the Building Control and Fire Department be adhered to at that stage;
- (f) that no advertising sign shall be displayed without the written approval of the Municipality, and such sign must be in line with the Overstrand Signage By-Law;
- (g) that the operation of a liquor store be subject to a valid Certificate of Acceptability (COA) to be issued by the Municipal Health Services, Overberg District Municipality;
- (h) that the conditions of the Engineering Services be complied with;
- (i) that the hours of operation and trading shall be restricted between 08:00 to 17:00 from Mondays to Fridays, 08:00 to 13:00 on Saturdays and do not include Sundays or public holidays;
- (j) that, should the liquor store in future cease to exist, the exercise of the applicable primary rights is subject to the submission and approval of a Site Development Plan, demonstrating compliance with the applicable Zoning Scheme;
- (k) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
- (l) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (m) that the written consent of the adjoining property owners, namely the owners of Erven 3156 – 3159 and 3161 – 3164, be obtained;
- (n) that the proprietor of the liquor store shall permanently reside on the premises;
- (o) that no more than three persons, including the proprietor, shall be involved in the operation of the liquor store;

- (p) that the proprietor of the liquor store shall ensure that the liquor store be operated in such a manner not to create a nuisance for adjoining property owners/occupants; and
 - (q) that the approval does not permit the creation of a place of entertainment, a tavern or the consumption of liquor on the premises.
4. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regard to the conditions of approval.

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 as well as the Growth Management Strategy, 2010 in order to permit a commercial land use in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2020
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2020
TARGET DATE TO INFORM OBJECTORS :	N/A

10.

APPOINTMENT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

15/3/3/1

R Kuchar

Senior Manager : Town & Spatial Planning

1 September 2020

(028) 313 8087

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the re-appointment of the members of the Overstrand Municipal Planning Tribunal (MPT).

Council at its meeting held on 28 October 2015 resolved to appoint members of the MPT for a period of five (5) years from date of commencement of the legislation.

The date of commencement was gazetted as 1 February 2016.

The current appointment of the MPT members' five year period will thus lapse on 31 January 2021. This item serves to submit to Council to consider the re-appointment of the current members of the MPT for a further five (5) years as allowed for in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2015) Section 37.(1) that reads as follows:

“37.(1) The term of office of members of a Municipal Planning Tribunal is five years or such shorter period as the Municipal Council may determine, provided that a member may not serve as a member for a continuous period of ten years.”

It is however in line with Section 73(1) of the Municipal By-Law.

RESOLVED:

that the item **be referred back** in order for the Administration to gather information regarding:

- (a) the desirability to appoint a new Tribunal for a period of 18 months in terms of Section 37 of the SPLUMA Act; and
- (b) the composition of the new Tribunal in terms of the SPLUMA Act of 2013 legislation, Section 36.

and **be resubmitted** during the next cycle of Council.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2020**

The meeting adjourned at 10:26

DATE

D COETZEE – EXECUTIVE MAYOR