



SPECIAL MEETING OF THE COUNCIL

SPESIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 29 AUGUST / AUGUSTUS / AGASTI
2022**

**BANQUETING HALL,
CIVIC CENTRE, HERMANUS**

TIME / TYD / IXESHA : 15:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE BANQUETING HALL ON 29 AUGUST 2022, AT 15:00



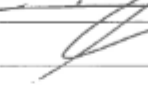

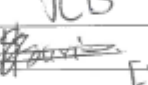

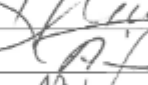
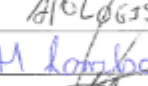

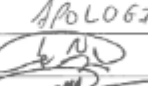

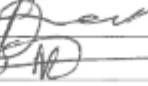









PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
Mr S Müller, Director : Infrastructure & Planning
Ms R Louw, Senior Manager : Strategic Planning
Mr R Kuchar, Senior Manager : Town & Spatial Planning
Mr D van der Heever, Chief Audit Executive
Mr E Essop, Internal Auditor
Ms H van Tonder, Manager : Council Support Services
Ms D Laing, Senior Resport Manager
Ms S Swart, Administrative Officer : Council Support Services

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING : 29 AUGUST 2022

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	 Sick
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
GWELE, T	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
NOMATITI, M	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	
SILO, S	Sick
TAFU-NWONKWO, CC	
VAN STADEN, JA	
WILLIAMS, SH	

1. OPENING

The Speaker, Cllr G Cohen, opened the meeting and welcomed those present and Cllr S Fourie opened with prayer. The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald N Nqinata

Cllr C Lerm

RESOLVED:

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

Cllr V Bandeze

Cllr S Silo

The Speaker undertook to investigate the absence of the above-mentioned councillors.

3. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR

- Cllr T Els reported on a SALGA Women's Commission Conference which she attended in Johannesburg earlier, representing the Overstrand Municipality and the Overberg District Municipality. She informed the meeting that Overstrand Municipality received an award for a clean audit. A certificate of excellence was also awarded in recognition of outstanding achievement for the Overstrand Municipal's Executive Mayor's contribution to financial governance and accomplishments as a female mayor. In addition to this, special recognition was made to the top three municipalities in the country for consistent clean audits for more than five consecutive years, of which the Overstrand Municipality was one.
- The Speaker, Cllr G Cohen, reminded councillors of the Ward Committee Summit taking place on 30 August 2022 at 18:00 in the Auditorium.
- The Speaker, Cllr G Cohen, informed the meeting that Mr Hannes Visser from the Hermanus Administration is retiring after 22 years' service and Ms S Antoni from Kleinmond Administration after 35 years' service.
- The Executive Mayor, Ald A Rabie, congratulated Zandr  Fraser (daughter of Mr Rudi Fraser) who became a champion in Africa Kickboxing as well as those eight (8) ladies from Overstrand who received golden medals. She also congratulated Zeena Swart who was included in the under 21 Springbok Women's rugby team as well as two (2) ladies from Overstrand who were included in the Springbok Women's rugby

team. She requested that any achievements in the Overstrand be submitted to the Speaker.

- The Executive Mayor, Ald A Rabie, reminded councillors of the First Thursday event which will be held on 1 September 2022 at 17:00 in Gansbaai.
- The Executive Mayor, Ald A Rabie, invited all councillors to a meeting in Zwelihle on Wednesday, 31 August 2022 regarding the electricity situation in wards 5, 6 and 12.
- The Executive Mayor, Ald A Rabie, informed Council that two (2) Baboon Liaison Group (BLG) meetings will be held over two consecutive days after 25 September 2022.
- Schulphoek Housing Project:
The Executive Mayor, Ald A Rabie, referred to an enquiry which was received from the VFF+ regarding the social compact for the Schulphoek Housing Project and she advised Cllr M Grimbeek to engage directly with Cllr L Ngqandana who is the chairperson of the said social compact or bring a motion to Council.
- Sand Mine, Gansbaai:
The Executive Mayor, Ald A Rabie, referred to an enquiry which was received from the VFF+ regarding the Gansbaai Sand Mine and she reported that a new application will serve before the Municipal Planning Tribunal in due course. She advised Cllr M Grimbeek that he can either await the outcome of the application or bring a motion to Council.

4. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)

4.1

PRIORITISED OVERBERG JDMA PROJECT LIST FOR 2022/23

(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the prioritised Overberg JDMA Long List of Projects for 2022/23, as amended **be noted.**

RESPONSIBLE OFFICIAL/S :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NOTED

4.2**FINAL PROCESS PLAN FOR INTEGRATED DEVELOPMENT PLANNING AND BUDGET PREPARATION FOR 2022/2027****(ITEM 5, PAGE 14 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

that the final Process Plan for Integrated Development Planning and Budget preparation for 2022/2027, with amended dates, **be approved.**

RESPONSIBLE OFFICIALS :**RG LOUW
BA KING
R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****5 SEPTEMBER 2022**

4.3**FINAL REVIEWED PERFORMANCE MANAGEMENT FRAMEWORK (PMF)****(ITEM 6, PAGE 52 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**that the final reviewed Performance Management Framework **be approved.****RESPONSIBLE OFFICIAL :****R LOUW
L BUCCHIANERI
D VAN DER HEEVER
C ROETS****TARGET DATE FOR IMPLEMENTATION :****5 SEPTEMBER 2022**

4.4**FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2021/22 FINANCIAL YEAR****(ITEM 7, PAGE 100 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that it **be noted** that the assets disposed of during the period 01 July 2021 to 30 June 2022 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 2021 to 30 June 2022, **be approved**.

RESPONSIBLE OFFICIAL :**J VORSTER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2022**

4.5**WRITING OFF OF 2021/22 NON-TECHNICAL WATER AND ELECTRICITY LOSSES****(ITEM 8, PAGE 108 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the non-technical electricity losses to the value of R6 057 458.01 for the 2021/22 financial year be written off;
2. that the non-technical water losses to the value of R2 871 712.64 for the 2021/22 financial year be written off; and
3. that the non-technical losses for the 2022/2023 financial year be reduced with 30%.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2022**

4.6

THIS ITEM WAS WITHDRAWN

4.7

THIS ITEM WAS WITHDRAWN

4.8

ESTABLISHMENT OF LOCAL DRUG ACTION COMMITTEE

**(ITEM 11, PAGE 144 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the establishment of a Overstrand Local Drug Action Committee **be noted**;
and
2. that the Executive Mayor considers the role, functions and recommendations for the LDAC and duly **nominate and appoint representatives for a period of 5 years**, not exceeding the term of office of Council.

RESPONSIBLE OFFICIAL :**G SMIT****TARGET DATE FOR IMPLEMENTATION :****30 SEPTEMBER 2022**

4.9**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2022****(ITEM 12, PAGE 149 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the adjusted service delivery performance for the fourth quarter of the 2021/22 financial year on the top-level Service Delivery and Budget Implementation Plan **be approved**;
2. that the adjusted service delivery performance for the fourth quarter of the 2021/22 financial year be updated on the electronic performance management system; and
3. that, should there be further adjustments to the service delivery performance for the fourth quarter of the 2021/22 financial year on submission of the draft AFS to the Auditor-General (AG) at the end of August 2022, the revisions may be updated on the electronic performance management system.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2022**

4.10

SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2021/22

(ITEM 13, PAGE 152 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that tabling of the 2021/22 **DRAFT** unaudited Annual Report, **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NONE

4.11**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JULY 2022****(ITEM 14, PAGE 158 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2022, **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 2022, **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 2022, **be noted**.

RESPONSIBLE OFFICIAL :**C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

4.12

PROPOSED OVERSTRAND MUNICIPALITY TINY HOUSE POLICY

**(ITEM 15, PAGE 172 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the Tiny House Policy **be approved.**

RESPONSIBLE OFFICIAL :

S MULLER

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2022

4.13

PROPOSED OVERSTRAND MUNICIPALITY INVESTMENT INCENTIVE POLICY

**(ITEM 16, PAGE 191 : SPECIAL MAYORAL COMMITTEE MEETING :
29 AUGUST 2022)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the Draft Investment Incentive Policy, as amended, **be approved.**

RESPONSIBLE OFFICIAL :

S MULLER

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2022

4.14

THIS ITEM WAS WITHDRAWN

4.15

APPOINTMENT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) MEMBERS

(ITEM 18, PAGE 245 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that Council grants permission and appoints the current Audit Committee members of the Overberg District Municipality as the members of the Joint Audit and Performance Audit Committee (JAPAC) of Overstrand Municipality; and
2. that a Chairperson be appointed by Council.

RESPONSIBLE OFFICIAL :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

29 AUGUST 2022

4.16**REPORT ON THE PROPOSED ADJUSTMENTS BUDGET FOR 2022/2023****(ITEM 19, PAGE 249 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that, in terms of section 28(1) and section 29 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the Adjustments Budget for 2022/2023 **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

3. that the changes (adjusted financial figures) to the Service Delivery and Budget Implementation Plan (SDBIP) for 2022/23 **be approved**; and
4. that the revised SDBIP for 2022/23 **be made public**.

RESPONSIBLE OFFICIAL :**BA KING
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2022**

The reason for the Adjustment Budget was explained by the CFO, Ms S Reyneke-Naudé (refer to Annexure A to the minutes).

4.17

OVERSTRAND MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY ON MUNICIPAL AND PRIVATELY OWNED PROPERTY MONITORING PUBLIC SPACES

(ITEM 20, PAGE 338 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the Overstrand Municipality Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces, **be adopted**.

RESPONSIBLE OFFICIAL :

**NJ MICHAELS
L SMITH**

TARGET DATE FOR IMPLEMENTATION :

1 OCTOBER 2022

4.18

THIS ITEM WAS WITHDRAWN

4.19**TRIBUNAL: PROPOSAL TO CALL FOR NOMINATIONS FOR EXTERNAL MEMBERS FOR PLANNING TRIBUNAL****(ITEM 22, PAGE 407 : SPECIAL MAYORAL COMMITTEE MEETING : 29 AUGUST 2022)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that council rescinds its previous criteria as contained in Council Resolution 24 February 2021;
2. that the Council rescinds its previous decision taken on 26 January 2022;
3. that the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, specifically Section 72(1)(a) and (b) remain the same:
 - 72(1)(a) A minimum of four (4) employees in full time service of the Municipality be appointed.
 - 72(1)(b) that a minimum of one (1) person who is not a Municipal employee or Councillor and who have the knowledge and experience of Spatial Planning, Land Use Management or the Law related thereto, be appointed by the Municipality.”
4. that Council call for nominations for external members for the Municipal Planning Tribunal from the public as well as Provincial Administration;
5. that the following additional criteria be made applicable when calling for nominees for external members of the public:
 - a) person must have a Town Planning / Law degree;
 - b) person must have been registered with the Planning Council for at least three (3) years;
 - c) person with Law degree should be an admitted attorney with at least three (3) years’ practising experience in Town Planning related matters.
6. that the call for nominations be advertised in local and provincial paper(s);
7. that the Code of Conduct and the Terms and Conditions as contained in Annexures B and C to the item, be applicable; and

8. that remuneration is according to tariff as contained in Annexure A to the item, subject to the following:
 - a) three (3) hours preparation time be allowed per sitting;
 - b) tariff per sitting as prescribed, and
 - c) travel allowance for people who reside or have a property be determined from that property to place of sitting.

9. that the Municipal Manager and Authorised Official be appointed as members of the panel to evaluate the nominees received in 1 above and to submit a report to Council requesting the appointment of the external member of the Municipal Planning Tribunal.

RESPONSIBLE OFFICIAL:

R KUCHAR

TARGET DATE FOR IMPLEMENTATION:

10 OCTOBER 2022

5. CONSIDERATION OF REPORTS**5.1**

APPEAL IN TERMS OF SECTION 62(1) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT: DECISION OF THE MUNICIPAL MANAGER AND EXECUTIVE MAYOR ON 2 JUNE 2022: ERF 2488, RIVIERGANS CRESCENT, PERLEMOENBAAI, GANSBAAI

15/3/10/R**L Coetzee****20 July 2022****Manager: Building Control****028 313 9091**

EXECUTIVE SUMMARY

To submit a resolution of the proceedings of the Appeal Committee to Council for information.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that the decision of the Section 62 Committee **be noted**, namely:

1. that this appeal **be dismissed** as the consent for the owner to occupy the temporary structure on Erf 2488, Perlemoenbaai was given in terms of the National Building Regulations SANS 10400-F:2010 sF10(6) and that the owner may remain in the builder's shed for a period ending 30 June 2023, subject to the following conditions:
 - (a) the sanitary facilities must comply with F11 of SANS10400-F 2010 Edition 3;
 - (b) the electrical connection on the property must comply with the safety and all other applicable legislation; and
 - (c) that progress is made on the building and checked every three (3) months by the building inspector to ensure acceptable progress is being made.
2. that, if any of the above is not complied with, the structure that is subject of this appeal, shall be demolished and material removed off the premises; and
3. that, because this Committee was provided with additional information by the Appellant and is adding limiting conditions to the approval of twelve (12) months as given by the Municipal Manager and concurred by the Executive Mayor, the deposit **be refunded** to the Appellant.

RESPONSIBLE OFFICIAL:**L COETZEE**

The meeting adjourned at 15:56

DATE

THE SPEAKER – G COHEN

EXECUTIVE MAYOR ANNOUNCEMENT**APPROVAL OF UNFORESEEN AND UNAVOIDABLE EXPENDITURE
DUE TO FUNDING FOR THE PROVISION OF A NUMBER OF
28 EMERGENCY HOUSING UNITS AT STANFORD.****29 AUGUST 2022, SPECIAL COUNCIL MEETING****Mr Speaker,**

The Executive Mayor was requested to consider approval of funding for the development of a number of 28 emergency housing units at Stanford.

1. HIGH COURT CASE, NO16347/16

The following are an extract from the affidavit signed by the Municipal Manager on 20 July 2022:

- “1. The 1st to 285th Respondents, as well as the occupiers who has obtained occupation on the property without either the Applicant’s consent and or by gaining access to the property themselves, or are holding title under one or more of the 1st to 285th Respondent are herewith ordered to vacate the property known as Paradise Park Holiday Resort, Vermont, described as Erf 927, Division of Caledon (“the property”) within 3 months of granting of this order, failing which the Sheriff, assisted by such law enforcement agencies as may be necessary, is hereby authorised and directed to evict such Respondents from the property.*
- 2. The occupiers who are unable to source alternative accommodation from their own resources, must within a period of 1 month of date of this order, approach the Overstrand Municipality to apply for emergency accommodation by giving all necessary details of their personal circumstances as required by the Municipality, including whether they have special needs*
- 3. The Overstrand Municipality must report back to this court within three months by way of an affidavit, advise who will be helped, how they will be helped, how long it will take for those the Municipality will be helping to erect their structures, and what assistance the Municipality will be giving with the construction of those structures.”*

Preparation is therefore made to accommodate the 28 households although the Municipality was informed by the external legal representative (Ms D Olivier) that 25 of the applicants for emergency housing filed on application for leave to appeal the Judgement and Order.

Budget provision was approved for 2022/2023 for services in various functions for emergency housing. The nature of the expenditure has changed to the provision of top structures and therefore project provision has to be approved with the related change in function. The funding from the already approved budgets will therefore be consolidated to a new project.

As part of this adjustment budget, included also a transfer Payment received, based on an agreement which was concluded between Overberg District Municipality and Overstrand Municipality for **grant funding amounting to R35 000 for the Overberg District Safety Forum (ODSF) for safety projects.** It is also required to appropriate these funds in an approved budget within 60 days of the receipt of the funds.

To summarise, the Operational Budget Amendments are as follows:

- Operational Budget Amendments
The current approved total revenue and expenditure budgets will increase by R35 000 respectively.
- Capital Budget Amendments
The current approved capital budget has not increased, the only result of the changes the reprioritisation to mitigate the unforeseen and unavoidable expenditure as follows.

Apart from having to make the following announcement now at this meeting of Council in terms of section 29 of the Local Government: Municipal Finance Management, Act 56 of 2003 (MFMA), I will also provide the information to the Provincial Ministers of Finance and of Local Government, Environmental Affairs and Development Planning.

Mr Speaker,

In terms of the provisions of section 29 of the MFMA I need to inform you that I have on request from the Municipal Manager, authorised unforeseen and unavoidable expenditure, for which project provision has to be approved with the related change in function in the 2022/2023 Budget of the Municipality.

This item is included on the agenda of this Special Council meeting.

Executive Mayor

Dr. Annalie Rabie