



**ORDINARY MEETING OF THE COUNCIL**  
**GEWONE VERGADERING VAN DIE RAAD**  
**INTLANGANISO YESIQHELO YEBHUNGA**

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA : 26 MAY / MEI / MEYI 2021**  
**VENUE / PLEK / INDAWO : VIRTUAL**  
**TIME / TYD / IXESHA : 11:00**

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

21 May / Mei / Meyi 2021

## **NOTICE TO ALL ALDERMEN & COUNCILLORS**

### **ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL**

**NOTICE IS HEREBY GIVEN** that, due to the Covid-19 Lockdown, an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held by means of a virtual platform on **WEDNESDAY, 26 MAY 2021** at **11:00**, of which the agenda will be available on the Overstrand Website ([www.overstrand.gov.za](http://www.overstrand.gov.za)).

*The attention of Councillors is directed to the Code of Conduct for Councillors and Municipal Officials, Schedules 1 & 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).*

**D O'NEILL**  
**MUNICIPAL MANAGER**

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## **KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE**

### **GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD**

**KENNIS GESKIED HIERMEE** dat, weens die Covid-19 grendeltydperk, 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word by wyse van 'n virtuele platform op **WOENSDAG, 26 MEI 2021** om **11:00**, welke agenda op die Overstrand Webtuiste ([www.overstrand.gov.za](http://www.overstrand.gov.za)) beskikbaar sal wees.

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede en Munisipale Beampptes, Bylae 1 & 2 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000).*

**D O'NEILL**  
**MUNISIPALE BESTUURDER**

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## **ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA**

### **INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND**

**OKU KUKWAZISA** ukuba, ngenxa yokuvakwa okubangelwe yintsolongwana i-COVID-19, **INTLANGANISO YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iyakubanjwa ngeqonga elibonakalisayo ngo**LWESITHATHU, Umhla we 26 MEYI 2021 ngeye-11:00**. I-ajenda iya kufumaneka yona kwiwebhusayithi ye-Overstrand ([www.overstrand.gov.za](http://www.overstrand.gov.za)).

*OoCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba namaGosa kamasipala, amaXwebhu 1 & 2 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, 2000 (UMthetho 32 wowama-2000).*

**D O'NEILL**  
**UMPHATHI KAMASIPALA**

**AGENDA/...**

- 1. OPENING**
  
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 3. CONFIRMATION OF MINUTES**
  - 3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 28 April 2021 at 11:00**
  
- 4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR**

**5. 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)**

**REMARK**

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Executive Mayor in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 26 May 2021 had formally sat.

**5.1  
WRITING OFF OF IRRECOVERABLE DEBT**

**(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 MAY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

that the irrecoverable debt to the value of R515 785.32 as listed below, be written off as bad debt:

A	First time write off – Indigent Households	R 57 864.40
B	Indigent water leakages irrecoverable	R 430 456.20
C	Final accounts equal or less than R1 500.00	R 3 070.24
D	Other Write offs	R 24 394.48
	<b>TOTAL</b>	<b><u>R 515 785.32</u></b>

**RESPONSIBLE OFFICIAL :**

**EM HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**31 MAY 2021**

**5.2**

**TRANSFER OF MUNICIPAL OWNED ERVEN 3661 AND 3662 BETTY'S BAY (SITUATED IN MYRICA ROAD, BETTY'S BAY) TO JC KANNEMEYER IN EXCHANGE FOR ERF 4013 BETTY'S BAY (SITUATED IN DISA CIRCLE, BETTY'S BAY)**

**(ITEM 6, PAGE 182 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 MAY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of Erven 3661 and 3662, Betty's Bay (respectively 840m<sup>2</sup> and 1044m<sup>2</sup> in extent), situated in Myrica Road, Betty's Bay, to Mr James Charles Kannemeyer in exchange for the transfer of Erf 4013 Betty's Bay (17772m<sup>2</sup> in extent), situated in Disa Circle, Betty's Bay from Mr James Charles Kannemeyer to Overstrand Municipality, **be approved**;
2. that the estimated costs related to the transaction in the amount of R78 292.50 (SEVENTY EIGHT THOUSAND TWO HUNDRED AND NINETY TWO RAND FIFTY CENTS) be borne by the Municipality;
3. that it be noted that the requested deviation and direct alienation are only considered as the proposal is to exchange properties of similar value in order not to affect the cash flow of the Municipality in budgeting for the purchase price for Erf 4013 Betty's Bay, which amount is higher than the combined value for Erven 3661 and 3662 Betty's Bay;
4. that Erven 3661 and 3662 Betty's Bay may only be used for Single Residential purposes as defined by the relevant legislation, which condition must be registered against the title deed of these two properties;
5. that Council be informed should the comments of National and Provincial Treasury not be in support of the transaction; and
6. that it be noted that the municipal properties herewith envisaged to be transferred are 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:****R KUCHAR****TARGET DATE FOR IMPLEMENTATION:****9 JUNE 2021****TARGET DATE TO INFORM APPLICANT:****9 JUNE 2021**

**5.3**

**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”**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)**

**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 HOONEBERG  
L WALLACE**

**TARGET DATE FOR IMPLEMENTATION :****18 JUNE 2021****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

**5.4****APPOINTMENT OF VALUATION APPEAL BOARD****(ITEM 6, PAGE 23 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)****RECOMMENDATION TO THE COUNCIL:**

that Council accept and approve the recommendation of the Directorate Municipal Support and Capacity Building, Department of Local Government, Western Cape to enter into a joint venture where the Valuation Appeal Board of Theewaterskloof Municipality will also serve as the Valuation Appeal Board of Overstrand Municipality for a term of four years.

**RESPONSIBLE OFFICIAL :****EM HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****10 JUNE 2021**

**5.5****PROPOSED REALIGNMENT OF THE HERMANUS REGIONAL ROUTE CONNECTOR (R43)****(ITEM 7, PAGE 33 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that dealing with traffic passing through Hermanus should only be considered once the traffic congestion into and out of Hermanus has been resolved;
2. that, once the external traffic congestion has been resolved, all possibilities for dealing with traffic through Hermanus should have been considered, including the possibility of introducing public transport; and
3. that, should the preferred option require a biodiversity offset, the maintenance of this offset will also need to be addressed.

**RESPONSIBLE OFFICIAL :****S MULLER****TARGET DATE FOR IMPLEMENTATION :****1 JUNE 2021**

## 5.6

**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, APRIL 2021**

**(ITEM 8, PAGE 35 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for April 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 April 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 April 2021, **be noted**.

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

**5.7**

**FINAL INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW FOR 2021/22**

**(ITEM 9, PAGE 58 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

that the final IDP review for 2021/22 **be approved.**

**RESPONSIBLE OFFICIAL :**

**RG LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2021**

**5.8****WATER SERVICES DEVELOPMENT PLAN FOR 2021/22****(ITEM 10, PAGE 83 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)****RECOMMENDATION TO THE COUNCIL:**that the Water Services Development Plan for 2021/22 **be approved.****RESPONSIBLE OFFICIAL :****H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2021****TARGET DATE TO INFORM APPLICANT :****NOT APPLICABLE****TARGET DATE TO INFORM OBJECTOR :****NOT APPLICABLE**

**5.9****REVISION OF ALL BUDGET RELATED POLICIES OF THE OVERSTRAND MUNICIPALITY****(ITEM 11, PAGE 88 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)****RECOMMENDATION TO THE COUNCIL:**

that the budget related policies amended as indicated in the report, **be approved** and implemented with effect from 1 July 2021.

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2021**

## 5.10

## FINAL BUDGET FOR OVERSTRAND MUNICIPALITY : 2021/2022 MTREF

## (ITEM 12, PAGE 261 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)

## RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 24 of the Municipal Finance Management Act, (Act 56 of 2003), the annual budget of the Municipality for the 2021/2022 to 2023/2024 MTREF (Medium Term Revenue and Expenditure Framework) period **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- and single year capital appropriations by standard classification (vote) and 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 property rates reflected in **Annexure A** to the agenda item, **be imposed** for the budget year 2021/2022;
3. that tariffs and charges reflected in **Annexure A** to the agenda item, **be approved** for the budget year 2021/2022;
4. that the Municipal Manager be authorised to sign all the necessary agreements and documents to give effect to the 1<sup>st</sup> draw down of the proposed three year borrowing programme for external loans amounting to R50 million per year;
5. that the following schedules be noted:
  - Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
  - Schedule 10:** Budgeted capital appropriations by municipal vote
6. that **cognisance be taken** of the letters of comment received from the community and the SIME: LG MTEC Assessment Report by Provincial Treasury and the Provincial Department of Local Government, included in Annexures K and L respectively of the budget report; and

7. that **cognisance be taken** of the 2021/2022 Budget Report.

**RESPONSIBLE OFFICIALS:**

**S REYNEKE-NAUDE  
BA KING**

**TARGET DATE FOR IMPLEMENTATION:**

**1 JULY 2021**

## 5.11

REPORT ON THE PROPOSED 4<sup>TH</sup> ADJUSTMENTS BUDGET FOR 2020/2021

(ITEM 13, PAGE 329 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)

## RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 29 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 4<sup>th</sup> Adjustments Budget 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

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 JUNE 2021

**5.12**

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

**(ITEM 14, PAGE 415 : MAYORAL COMMITTEE MEETING : 26 MAY  
2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the revised SDBIP for 2020/21 **be approved**;
2. that the revised SDBIP for 2020/21 **be made public**.

**RESPONSIBLE OFFICIAL :**

**RG LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**5.13****CONSIDERATION OF THE 2019/20 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT****(ITEM 15, PAGE 466 : MAYORAL COMMITTEE MEETING : 26 MAY 2021)****RECOMMENDATION TO THE COUNCIL:**

that, in terms of Section 129 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) and having duly considered the 2019/20 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

**RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

## 6. CONSIDERATION OF REPORTS

### 6.1

#### RECESS : JULY 2021

3/2/1/4

H van Tonder

Manager : Council Support Services

20 May 2021

(028) 313 8037

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#### 1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 30 June 2021 (**immediately after conclusion of the Council Meeting**) to 18 July 2021 and related matters.

#### 2. Service Delivery and Budget Implementation Plan Reference - IGNITE

Not applicable

#### 3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance.

#### 4. Delegated Authority

None

#### 5. Legal Requirements

- Constitution of the Republic of South Africa, 1996 (Constitution)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act)

#### 6. Background/Discussion

Section 18(2) of the Structures Act provides that a municipal council must meet at least quarterly.

Item 3 of the Code of Conduct for Councillors (Schedule 1 to the Systems Act) provides that a Councillor must attend each meeting of the municipal council and of a committee of which that Councillor is a member. Apart from the aforesaid, Council's By-law on Rules of Order for Internal Arrangements also addresses this matter. Should Council resolve to go into recess **immediately after conclusion of the Council Meeting on 30 June 2021**

to **18 July 2021**, such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters can be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved in terms of the provisions of Section 160(2) of the Constitution and Section 59 (1) (a) of the Systems Act for full Council.

It is important to note that a **Special Council Meeting** will take place on **Wednesday, 28 July 2021**.

#### **7. Financial Implications**

None

#### **8. Staff Implications**

None

#### **9. Comments from other Departments, Divisions and Administrations**

None

#### **10. Annexures**

None

#### **RECOMMENDATION TO THE COUNCIL:**

1. **that the proposed period of recess, i.e. 30 June 2021** (immediately after conclusion of the Council Meeting) **to 18 July 2021** (the latter included) **be approved;**
2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved by law for full Council; and
3. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 28 July 2021**.

**RESPONSIBLE OFFICIAL :**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION :**

**NOT APPLICABLE**

**7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)**

**8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

At the time of the closing of the agenda, no notices of motions/questions were received.

**9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)**