



**ORDINARY MEETING OF THE COUNCIL**

**GEWONE VERGADERING VAN DIE RAAD**

**INTLANGANISO YESIQHELO YEBHUNGA**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 28 FEBRUARY / FEBRUARIE /  
FEBHRUWARI 2023**

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

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

**TIME / TYD / IXESHA: 10:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY COUNCIL MEETING  
HELD IN THE BANQUETING HALL, CIVIC CENTRE,  
HERMANUS, ON 28 FEBRUARY 2023 AT 10:00**

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**PRESENT:** Councillors were present as per attached attendance register.

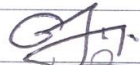


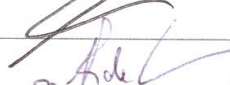
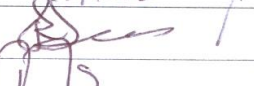
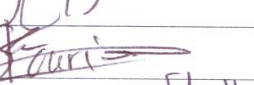



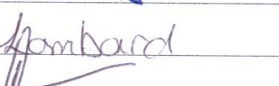

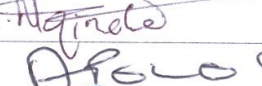
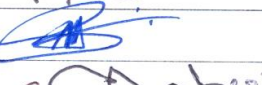
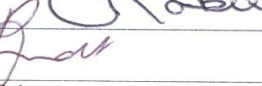

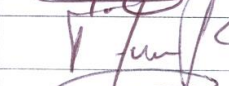




**OFFICIALS PRESENT:** Mr D O'Neill, Municipal Manager  
Ms D Arrison, Director : Management Services  
Ms S Reyneke-Naudé, Director : Finance  
Mr J Solomons, Acting Director : Community Services  
Mr N Michaels, Director : Protection Services  
Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Ms A Le Roux, Manager : Property Administration  
Ms H van Tonder, Manager : Council Support Services  
Ms S Swart, Administrative Officer : Council Support Services  
Mr T Louw, Technical Support : Auditorium

**ALSO PRESENT:** Members of the Public

**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

COUNCIL MEETING  
28 FEBRUARY 2023

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
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	
TAFU-NWONKWO, CC	
VAN STADEN, JA	
WILLIAMS, SH	

**1. OPENING**

The Speaker, Cllr G Cohen, opened the meeting and welcomed those present. The Municipal Manager, Mr D O'Neill, read the convening notice. The Executive Mayor, Ald A Rabie, and Cllr C Tafu-Nwonkwo lit a candle in memory of Cllr S Silo who passed on on 6 February 2023 and the Speaker allowed a moment of silence in his memory. He then allowed all political parties to convey condolences to Cllr Silo's family.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Cllr L Ntsabo**

**RESOLVED:**

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

**Cllr T Gwele**

**RESOLVED:**

that it be noted that Cllr T Gwele is absent without leave and that the Speaker, Cllr G Cohen, will take the necessary steps to start disciplinary action against the councillor.

**3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 30 November 2022** at **10:00**

**RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 30 November 2022** at **10:00** **be confirmed**.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 14 December 2022** at **10:00**

**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 14 December 2022** at **10:00** **be confirmed**.

- 3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 31 January 2023** at **10:00**

**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 31 January 2023** at **10:00** be confirmed.

- 3.4 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 20 February 2023** at **08:30**

**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 20 February 2023** at **08:30** be confirmed.

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

- The Speaker, Cllr G Cohen, reported that the racism allegation made by the Land Party against the Executive Mayor, Ald A Rabie, will be submitted to the Human Rights Commission.
- The Speaker, Cllr G Cohen, wished Mr F Myburgh, Area Manager of the Gansbaai Administration, all the best for the future as he will be retiring today.
- Schulphoek Housing Project:  
The Executive Mayor, Ald A Rabie, reported that the tender process to appoint a turnkey agent for the Schulphoek Housing Project closed and four (4) tenders were received. The Bid Adjudication Committee will further deal with the process.
- The Executive Mayor, Ald A Rabie, informed Council that she will hold a meeting today with the Marikana community on the installation of electricity in the township.
- The Executive Mayor, Ald A Rabie, informed the meeting that Council was opposed against the bypass road for Hermanus since the beginning. She requested councillors to support the Municipal Manager, Mr D O'Neill, to write a letter to the relevant Department stating that this Council does not support the bypass road and that the letter from the previous Municipal Manager, Mr C Groenewald, be withdrawn. **Supported by 24 councillors**
- The Executive Mayor, Ald A Rabie, requested the support from councillors for Ald K Brice, Ward 3 Councillor, to act on behalf of Council on the Old Harbour Museum Committee as well as the Cliff Path Management Committee. **Supported by 24 councillors**
- The Executive Mayor, Ald A Rabie, informed Council that the Valuation

Roll is currently displayed on the Overstrand Website, but it is not an indication of what owners will pay for taxes, as the cent/Rand value has not yet been determined. She further explained the process of OMAF and the 2023/2024 Draft Budget. The Municipal Manager, Mr D O'Neill, informed Council that every owner/ratepayer has a right to appeal against his/her valuation and appeal boards will consider all appeals.

**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)**

**5.1**

**A PORTION OF ERF 280 DE KELDERS (SITUATED IN EILAND STREET, DE KELDERS): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH VODACOM (PTY) LTD**

**(ITEM 2 PAGE 321 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Vodacom (Pty) Ltd, **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R OCTOBER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>15 MARCH 2023</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>30 MARCH 2023</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.2**

**ERF 2037 GANSBAAI SITUATED AT 22 CHRIS HANI CRESCENT, MASAKHANE, GANSBAAI: DEVIATION FROM PARAGRAPH 20.1(b) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH TAKALANE BABY CARE**

**(ITEM 4 PAGE 340 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Takalane Baby Care for a period of 12 (TWELVE) months without following a public participation process, **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R OCTOBER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>15 MARCH 2023</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>30 MARCH 2023</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.3**

**APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 1253 HERMANUS, ADJACENT TO ERF 1300 HERMANUS (262 MAIN ROAD, EASTCLIFF) (COMMONAGE) – DM & L KIRSCH**

**(ITEM 6 PAGE 366 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the application to purchase a portion of Remainder Erf 1253 Hermanus ( $\pm 114\text{m}^2$  in extent), adjacent to Erf 1300 Hermanus, by the owners of the adjoining Erf 1300 Hermanus, DM & L Kirsch, **not be approved** on the following reasons:

- (a) Parking for guest houses must be situated on the property owner's own property as per the requirements of the land use scheme;
- (b) The Property is a commonage/public area and the subdivision (cutting) of the portion of the Property into smaller pieces for private use is considered undesirable;
- (c) Parking on the proposed area must remain for public use as this parking area is a direct access to the cliff path; and
- (d) The alienation cannot be considered since the buying out of parking will reserve these parking bays for private use.

**RESPONSIBLE OFFICIAL:****W MURTZ****TARGET DATE FOR IMPLEMENTATION:****31 MARCH 2023****TARGET DATE TO INFORM APPLICANT:****17 MARCH 2023****TARGET DATE TO INFORM OBJECTOR:****N/A**

## 5.4

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 243 HERMANUS, ADJACENT TO ERF 6667 HERMANUS, SITUATED ON THE CORNER OF BALFOUR STREET AND HOSPITAL ROAD, WESTCLIFF, HERMANUS, TO VON ZEUNER PROPERTIES (PROPRIETARY) LIMITED**

**(ITEM 7 PAGE 374 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the direct alienation of a portion of Remainder Erf 243 Hermanus ( $\pm 380\text{m}^2$  in extent) adjacent to Erf 6667 Hermanus, situated on the corner of Balfour Street and Hospital Road, Westcliff, Hermanus, to the owner of the adjoining 6667 Hermanus, Von Zeuner Properties (Proprietary) Limited, for parking purposes, at an amount of R145.53/m<sup>2</sup> (one hundred forty-five rand and fifty-three cents per square metre) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Remainder Erf 243 Hermanus can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the applicant/purchaser;
4. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 243 Hermanus must be consolidated with the adjoining property of Von Zeuner Properties (Proprietary) Limited, being Erf 6667 Hermanus, simultaneous with the registration of the transfer;
5. that the purchaser registers a servitude in favour of the Municipality for the sewer lines on the Property against the title deed of the Property, at its own cost, simultaneous with the registration of the transfer;
6. 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 parking purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
7. that the alienation of said portion of Remainder Erf 6667 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which may include, the closure of public open space, rezoning, subdivision and consolidation;

8. that all the costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, advertisement and the related costs, etc. be paid by the Applicant/purchaser, Von Zeuner Properties (Proprietary) Limited; and
9. that it be noted that the municipal property herewith envisaged to be alienated 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:****R MARINUS****TARGET DATE FOR IMPLEMENTATION:****14 MARCH 2023****TARGET DATE TO INFORM APPLICANT:****7 MARCH 2023****TARGET DATE TO INFORM OBJECTOR:****N/A**

**5.5**

**A PORTION OF REMAINDER ERF 1253 HERMANUS (OPEN SPACE SITUATED IN EASTCLIFF): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH VODACOM (PTY) LTD**

**(ITEM 9 PAGE 394 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Vodacom (Pty) Ltd, **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R OCTOBER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>15 MARCH 2023</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>30 MARCH 2023</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.6**

**A PORTION OF ERF 10572, A CLOSED PORTION OF GOLF STREET, HERMANUS: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNERS OF ERF 1272 HERMANUS, THE EDC HOUSE TRUST**

**(ITEM 10 PAGE 403 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the item **be withdrawn**.

<b>RESPONSIBLE OFFICIAL :</b>	<b>M ERASMUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>31 MARCH 2022</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>31 MARCH 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.7

APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 243 HERMANUS (A SERVICES AREA BETWEEN PRILLEWITZ STREET AND SWARTDAM ROAD, HERMANUS)

(ITEM 13 PAGE 426 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the sale of a portion of Remainder Erf 243 Hermanus ( $\pm 5,000\text{m}^2$  in extent), a services area between Prillewitz Street and Swartdam Road, **not be approved** as the Property is used and needed for municipal services and earmarked for future municipal services.

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**31 MARCH 2023**

**TARGET DATE TO INFORM APPLICANT:**

**17 MARCH 2023**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.8

**ZWELIHLE: EXCHANGE TRANSFERS: ERVEN 584 AND 244 ZWELIHLE, ERVEN 794 AND 798 ZWELIHLE AND REQUEST FOR THE DEBT ON THE ACCOUNTS OF THE ERVEN TO BE WRITTEN OFF**

**(ITEM 14 PAGE 432 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that it **be approved** that the Municipality attends to and bears all the cost relating to the exchange/rectification transfer of Erven 794 and 798 Zwelihle;
2. that it **be approved** that the Municipality attends to and bears all the cost relating to the exchange/rectification transfer of Erven 244 and 584 Zwelihle; and
3. that the writing off of the levies, administrative charges, penalties, etc. on the accounts and handed over accounts up to 19 January 2023 amounting to, plus any subsequent charges up to the date of registration in the Deeds Office, for the following erven, **be approved**:

<b>Erf nr.</b>	<b>Account nr.</b>	<b>Amount</b>
• 794	201007940009 (current account)	R 1,809.83
• 798	201007980005 (current account)	R 27,880.64
• 798	900000284054 (handed over)	R 9,616.22
• 798	900000346954 (handed over)	R 6,726.11
• 798	900000433289 (handed over)	R 8,320.02
• 798	900000465886 (handed over)	R 3,487.37
• 798	900000487680 (handed over)	R 2,070.34
• 798	900000509924 (handed over)	R 4,553.32
• 798	900000639564 (handed over)	R 20,626.83
• 798	900000672099 (handed over)	R 8,069.69
• 798	900000697968 (handed over)	R 3,926.51
• 798	900000709708 (handed over)	R 3,508.23
• 798	900000722046 (handed over)	R 3,749.04
• 798	900000734315 (handed over)	R 3,243.64
• 584	201005840006 (current account)	R 6,202.56
• 244	201002440009 (current account)	R 10,472.18
• 244	900000280531 (handed over)	R 57,884.38
• 244	900000440979 (handed over)	R 6,754.72
• 244	900000465855 (handed over)	R 2,636.42
• 244	900000487570 (handed over)	R 3,892.70
• 244	900000514337 (handed over)	R 3,483.27

•	244	900000538597 (handed over)	R	7,694.40
•	244	900000576663 (handed over)	R	4,884.50
•	244	900000603884 (handed over)	R	6,763.75
•	244	900000615720 (handed over)	R	7,025.48
•	244	900000637153 (handed over)	R	8,861.25
•	244	900000645394 (handed over)	R	4,575.76
•	244	900000680955 (handed over)	R	5,473.61
•	244	900000704552 (handed over)	R	4,955.61
•	244	900000730469 (handed over)	R	4,889.58
		<b>Total (subsequent charges to be added)</b>	<b>R</b>	<b>254,037.96</b>

**RESPONSIBLE OFFICIALS :**

**A GCOTYELWA  
E HOONEBERG  
A LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :****IN PROGRESS****TARGET DATE TO INFORM APPLICANT :****31 MARCH 2023****TARGET DATE TO INFORM OBJECTOR :****N/A**

**5.9**

**APPLICATION TO PURCHASE: A PORTION OF PORTION 3 OF THE FARM NO 566 CALEDON REGIONAL DISTRICT, ADJACENT TO ERF 191 HAWSTON (191 MARINE DRIVE, HAWSTON) – B & AC GARDINER**

**(ITEM 16 PAGE 458 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the item **be withdrawn**.

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**31 MARCH 2023**

**TARGET DATE TO INFORM APPLICANT:**

**17 MARCH 2023**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

**5.10**

**HAWSTON: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 230 HAWSTON (SITUATED IN LINCOLN CLOSE, HAWSTON), 634m<sup>2</sup> IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS**

**(ITEM 17 PAGE 466 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the alienation of Erf 230 Hawston (634m<sup>2</sup> in extent) by means of a competitive process for residential purposes at a market related price **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. 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 :****14 MARCH 2023****TARGET DATE TO INFORM APPLICANT :****7 MARCH 2023****TARGET DATE TO INFORM OBJECTOR :****N/A**

**5.11**

**IN PRINCIPLE APPROVAL FOR THE ALIENATION OF REMAINDER ERF 4324 KLEINMOND (SITUATED AT 59 FOURTH AVENUE, KLEINMOND), 564M<sup>2</sup> IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS**

**(ITEM 18 PAGE 474 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the alienation of Remainder Erf 4324 Kleinmond (564m<sup>2</sup> in extent) for residential purposes by means of a competitive process at a market related price **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. 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 :****M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2023****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

**5.12**

**KLEINMOND: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 6559 KLEINMOND (SITUATED ON THE CORNER OF HEIDE STREET AND PROTEA AVENUE, PROTEADORP), 575M<sup>2</sup> IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS**

**(ITEM 19 PAGE 481 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the alienation of Erf 6559 Kleinmond, 575m<sup>2</sup> (five hundred and seventy-five square metres) in extent for residential purposes by means of a competitive process at a market related price **be approved in principle**;
2. that the successful bidder registers a 3m servitude along the Eastern boundary of the property as well as a servitude on the Western side of the property in favour of the Municipality for the sewer and water lines against the title deed of the Property, at its own cost, simultaneous with the registration of the transfer;
3. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
4. 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 :****14 MARCH 2023****TARGET DATE TO INFORM APPLICANT :****7 MARCH 2023****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.13

**KLEINMOND: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 3300 KLEINMOND (SITUATED AT 45 JS MARAIS STREET, KLEINMOND), 595m<sup>2</sup> IN EXTENT, AND ERF 3724 KLEINMOND (SITUATED AT 52 PALMIET ROAD, KLEINMOND), 595m<sup>2</sup> IN EXTENT BY MEANS OF A COMPETITIVE PROCESS**

**(ITEM 20 PAGE 492 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the alienation of Erf 3300 Kleinmond (595m<sup>2</sup> in extent) and Erf 3724 Kleinmond (595m<sup>2</sup> in extent) for residential purposes by means of a competitive process at a market related price **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. 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 :****14 MARCH 2023****TARGET DATE TO INFORM APPLICANT :****7 MARCH 2023**

**5.14**

**ERF 2649 BETTY'S BAY: DEVIATION FROM PARAGRAPH 26 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A LEASE AGREEMENT WITH THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS AT A FIXED ESCALATION RATE**

**(ITEM 21 PAGE 500 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the deviation from paragraph 26 of the Administration of Immovable Property Policy of 2015 in order for the lease amount to escalate every year on 1 July with a fixed percentage of 5%; **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R MARINUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>14 MARCH 2023</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>7 MARCH 2023</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.15**

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JANUARY 2023**

**(ITEM 1 PAGE 1 : FINANCE & TOURISM PORTFOLIO - MAYORAL  
COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2023, **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 January 2023, **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 January 2023, **be noted**.

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

**5.16**

**AMENDMENT TO THE INDIGENT POLICY**

**(ITEM 2 PAGE 13 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the amended Indigent policy be approved and implemented from 1 March 2023.

**RESPONSIBLE OFFICIAL :**

**EM HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MARCH 2023**

The Executive Mayor, Ald A Rabe, requested that this item be included in all agendas for the next Ward Committee meetings.

**5.17****MEMORANDUM OF UNDERSTANDING: INTERGOVERNMENTAL  
CO-ORDINATION – MANAGEMENT OF DANGER POINT LIGHTHOUSE****(ITEM 5 PAGE 50 : FINANCE & TOURISM PORTFOLIO - MAYORAL  
COMMITTEE MEETING : 14 FEBRUARY 2023)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that a Joint Management Committee for the management of the Danger Point Lighthouse **be established** as follows:

**Ald Riana de Coning as Chairperson;**

**Ms Frieda Lloyd as Supporter;**

**Ms Glenda Kitley as Supporter**

**Mr Barney Germishuys to also be included as he used to work for the relevant Department; and**

**Ald A Rabie as ex officio member**

2. that the comments on the Memorandum of Understanding be pursued.

**RESPONSIBLE OFFICIAL :**

**F LLOYD**

**TARGET DATE FOR IMPLEMENTATION :**

**1 MARCH 2023**

**5.18**

**REGISTRATION OF GANSBAAI SPACES FOR SPORT AS A THUSONG SATELLITE CENTRE**

**(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 14 FEBRUARY 2023)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the proposal to register Spaces for Sport as a satellite Thusong **be approved.**

**RESPONSIBLE OFFICIAL :**

**G SMIT**

**TARGET DATE FOR IMPLEMENTATION :**

**1 MARCH 2023**

**6. CONSIDERATION OF REPORTS****6.1****RECOMMENDATION OF THE SELECTION PANEL FOR THE RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF A DIRECTOR: COMMUNITY SERVICES****D Arrison  
13 February 2023****Director: Management Services****(028) 313 8001**

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**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the progress with regard to the recruitment and selection process in the appointment of a Director: Community Services.

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that Council note that no suitable candidates were identified to be shortlisted;
2. that Council approve that the filling of the current vacancy be held in abeyance until the organisational redesign process with specific reference to the macro structure is completed; and
3. that Council confirm that Mr J Solomons will act as Director: Community Services for a period of three (3) months from 1 March 2023 and the relevant Minister be informed accordingly.

**RESPONSIBLE OFFICIAL:****DS ARRISON****TARGET DATE FOR IMPLEMENTATION:****IMMEDIATELY**

**6.2****REVIEW: STANDARD PROCEDURES FOR THE MANAGEMENT OF ALLEGATIONS OF MISCONDUCT AGAINST SENIOR MANAGERS OR THE MUNICIPAL MANAGER IN TERMS OF DISCIPLINARY REGULATIONS****DGI O'Neill**  
**13 February 2023****Municipal Manager****(028) 313 8003**

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**EXECUTIVE SUMMARY**

The purpose of this report is for Council to review the previously adopted protocol on Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations as well as the Local Government: Municipal Systems Act, Act 32 of 2000.

[ ] words in bold type in square brackets indicate omissions from existing enactments

\_\_\_\_\_ words underlined with a solid line indicate insertion in existing has been added

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the reviewed Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations, **be adopted**.

**RESPONSIBLE OFFICIAL:****DGI O'NEILL****TARGET DATE FOR IMPLEMENTATION:****IMMEDIATELY**

## 6.3

**REPORT ON THE PROPOSED 3<sup>RD</sup> ADJUSTMENTS BUDGET & REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2022/2023**

BA King  
19 February 2023

Senior Manager: Financial Services

(028) 313 8154

**EXECUTIVE SUMMARY**

Report prepared in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for the 3<sup>rd</sup> Adjustments Budget proposals emanating from additional grant allocations received, re-allocation of grant funding and savings adjustments to vehicle fuel and maintenance budgets, which must be approved by Council in terms of legislation.

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that, in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 3<sup>rd</sup> 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 :**

**1 MARCH 2023**

**THE MEETING STOOD DOWN AT 11:03 TO ALLOW THE PUBLIC AND OFFICIALS TO LEAVE THE BANQUETING HALL**

**THE MEETING RESUMED AT 11:11**

**6.4  
WRITING OFF OF IRRECOVERABLE DEBT**

This item was distributed under separate cover at the meeting.

In terms of Section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's By-law on Rules of Order for Internal Arrangements, this item was considered "in committee".

The resolutions under this item shall be minuted in a separate minute book in terms of section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000 read with Rule 17 of the Overstrand Municipality's By-law on Rules of Order for Internal Arrangements.

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

None

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

None

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

None

**The meeting adjourned at 11:32**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**THE SPEAKER – G COHEN**