



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 APRIL / APRELI 2022
VENUE / PLEK / INDAWO : AUDITORIUM / OUDITORIUM
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS
TIME / TYD / IXESHA : 10:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

20 April / Apreli 2022

NOTICE TO ALL ALDERMEN & COUNCILLORS

ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Auditorium, Civic Centre, Hermanus**, on **TUESDAY, 26 APRIL 2022** at **10:00** to consider the business set forth in the subjoined agenda.

The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998).

D O'NEILL
MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS WORD HIERMEE GEGEE dat 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Ouditorium, Burgersentrum, Hermanus**, op **DINSDAG, 26 APRIL 2022** om **10:00** om die sake op meegaande sakelys te bespreek.

Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die Wet op Plaaslike Regering : Munisipale Strukture, 1998 (Wet 117 van 1998).

D O'NEILL
MUNISIPALE BESTUURDER

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND

OKU KUKWAZISA ukuba intlanganiso **YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iza kuba se **I-Auditorium, kwiZiko LoLUNTU, eHermanus, uLWESIBINI, Umhla we 26 APRELI 2022**, ngeye-**10:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

OCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba, iShedyuli 7 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, uMthetho -1998 (uMthetho we-117 ka-1998).

D O'NEILL
UMPHATHI KAMASIPALA

AGENDA/...

1. OPENING**2. APPLICATIONS FOR LEAVE OF ABSENCE****3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of a **Special Meeting** of the **Overstrand Council** (*In Committee*) held on **Wednesday, 13 April 2022** at **14:00**

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

- Schulphoek Housing Project (See Addendum A to this agenda)
- SALGA Representatives on the Western Cape Division of the SALGBC
- Investment Conference

COUNCIL

26 April 2022

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	At the time of the closing of the agenda, no notices of motions/questions were received.	
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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 25 April 2022 had formally sat.

5.1

DEVIATION FROM PARAGRAPH 64.3 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY (2015) AND APPROVAL THAT THE APPLICATION MAY BE DEALT WITH IN TERMS OF PARAGRAPH 64.1 OF SAID POLICY ALLOWING THE MUNICIPALITY TO PROVIDE A CONSENT LETTER FOR THE BEAUTIFICATION OF MUNICIPAL PROPERTY, A PORTION OF ERF 1289 SANDBAAI (PUBLIC PLACE): MS KARELIEN KRIEL

(ITEM 2 PAGE 141 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 64.3 of the Administration of Immovable Property Policy and that the application may be dealt with in terms of paragraph 64.1 allowing the Municipality to provide Ms Kriel with a consent letter for the beautification of a portion of Erf 1289 Sandbaai as the type of application is the same as others dealt with in terms of paragraph 64.1 and further as Ms Kriel will be enhancing the enjoyment and appearance of a municipal asset at no cost to the Municipality, **be approved.**

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	30 MARCH 2021
TARGET DATE TO INFORM APPLICANT :	15 MARCH 2021
TARGET DATE TO INFORM OBJECTOR :	N/A

5.2**TRANSFER OF ELECTRICAL INFRASTRUCTURE TO THE OWNER OF ERF 7568 HERMANUS (“GATE WAY SHOPPING CENTRE”), APEX LAND (PTY) LTD****(ITEM 5 PAGE 160 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of the following electrical infrastructure assets to Apex Land (Pty) Ltd **be approved:**
 - (a) Asset no: 1427309
Description: 500 kVA Transformer No 1
 - (b) Asset no: 1427310
Description: 800 kVA Transformer No 2
 - (c) Asset no: 1427597
Description: Ring Main Unit No 2 (RMU)
 - (d) Asset no: 1427598
Description: Ring Main Unit No 1 (RMU)

2. that in exchange for the transfer of the above electrical infrastructure assets, Apex Land (Pty) Ltd will at its own costs, in consultation with and on the specifications of the Overstrand Municipality (Electrical Department) attend to:
 - (a) the installation of a new Metering Ring Main Unit (where their usage will be obtained from) and fuse switch in Mimosa Street, Hermanus;
 - (b) the installation of a new medium voltage (MV) feeder cable from the new Metering Ring Main Unit to close off the Municipality’s ring feed;
 - (c) the connection of the new medium voltage (MV) feeder cable mentioned above to the current cable between erven 2337 and 2338 Hermanus;
 - (d) the disconnecting of the outgoing feed from Ring Main Unit No 2 and marking the spare switch as safe; and
 - (e) the removal all municipal owned meters on Erf 7568 Hermanus and replacement thereof with their own electrical meters in order for them to administer and maintain the internal electrical infrastructure;

3. that Apex Land (Pty) Ltd opens a new consumer account and sign a consumer agreement with the Municipality for the metering of the bulk electrical supply to Erf 7568 Hermanus; and

4. that the electrical infrastructure assets mentioned in 1. above be derecognised from the Fixed asset register of the Municipality once the transfer is completed.

RESPONSIBLE OFFICIAL :	JH DU PLESSIS
TARGET DATE FOR IMPLEMENTATION :	PROCESS
TARGET DATE TO INFORM APPLICANT :	13 MAY 2022
TARGET DATE TO INFORM OBJECTOR :	N/A

5.3**DRAFT WATER SUPPLY AND SANITATION SERVICES BY-LAW, 2022****(ITEM 6 PAGE 172 : INVESTMENT & INFRASTRUCTURE PORTFOLIO
- MAYORAL COMMITTEE MEETING : 25 APRIL 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that the Draft Water Supply and Sanitation Services By-law, 2022, **be approved;**
and
2. that the approved Water Supply and Sanitation Services By-law, 2022, **be gazetted.**

RESPONSIBLE OFFICIAL :**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****ONCE GAZETTED**

5.4

OPERATION OF ILLUMINATED STREET SIGNS ON VARIOUS PROPERTIES IN THE OVERSTRAND: DEVIATION FROM PARAGRAPH 18 AND 20.1(B) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO TEMPORARY RENEW THE LEASE OF PORTIONS OF MUNICIPAL PROPERTIES TO DIRECTOSIGN (NORTH) (PTY) LTD FOR A SHORT-TERM PERIOD - FINALISATION OF THE TENDER PROCESS

(ITEM 7 PAGE 275 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Directosign (North) (Pty) Ltd for a period of 6 (SIX) months without following a competitive process, **be approved**; and
2. 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 Directosign (North) (Pty) Ltd for a period of 6 (SIX) months without following a public participation process, **be approved**.

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	31 MAY 2022
TARGET DATE TO INFORM APPLICANT :	15 MAY 2022
TARGET DATE TO INFORM OBJECTOR :	N/A

5.5

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, MARCH 2022

(ITEM 2 PAGE 14 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)

RECOMMENDATION TO THE COUNCIL:

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

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

5.6**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2021/2022:****3rd QUARTER: 01 JANUARY 2022 TO 31 MARCH 2022****(ITEM 3 PAGE 32 : FINANCE & TOURISM PORTFOLIO - MAYORAL
COMMITTEE MEETING : 25 APRIL 2022)****RECOMMENDATION TO THE COUNCIL:**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 3rd Quarter of 2021/2022 **be noted**.

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

5.7

QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED MARCH 2022

(ITEM 4 PAGE 62 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)

RECOMMENDATION TO THE COUNCIL:

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended March 2022, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.8**BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED MARCH 2022****(ITEM 5 PAGE 65 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)****RECOMMENDATION TO THE COUNCIL:**

that the budget report and service delivery and budget implementation plan for the quarter ended March 2022, prepared as part of the reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

RESPONSIBLE OFFICIALS :**BA KING
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.9

REPORT ON THE PROPOSED 5TH ADJUSTMENTS BUDGET & REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2021/2022

(ITEM 6 PAGE 145 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 APRIL 2022)

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 5th Adjustments Budget for 2021/2022 **be approved** as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement;

2. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

3. that the changes (adjusted financial figures) to the Service Delivery and Budget Implementation Plan (SDBIP) for 2021/22 **be approved**; and

4. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :

**BA KING
RG LOUW**

TARGET DATE FOR IMPLEMENTATION :

28 APRIL 2022

6. CONSIDERATION OF REPORTS**6.1**

A PORTION OF REMAINDER ERF 5464 KLEINMOND (SITUATED IN MAIN ROAD, KLEINMOND): APPEAL AGAINST DECISION TO RENEW LEASE TO MEERENVLEI LEASE HOLDERS ASSOCIATION FOR A PERIOD OF 5 (FIVE) YEARS AND NOT A PERIOD OF 9 (NINE) YEARS AND 11 (ELEVEN) MONTHS

7/2/3/1

A Le Roux

Manager: Property Administration

01 February 2022

(028) 316-5623

1. Executive Summary

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Not applicable. The matter is submitted **for information** only.

5. Legal Requirements

Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

6. Discussion

The nature of the appeal is as follows:

On 3 December 2021, Meerenvlei submitted a written motivation of appeal together with supporting documentation, against a decision of the Executive Mayor to renew the lease to Meerenvlei Lease Holders' Association for a period of five years and not a period of nine years and eleven months.

The Appeal Committee resolved as indicated in the recommendation hereunder.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Not applicable

10. Annexures

Annexure A: Record of Decision of Appeal held on 17 March 2022

RECOMMENDATION TO THE COUNCIL:

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

1. that the appeal **be dismissed**; and
2. that the appellant **forfeits** his deposit.

RESPONSIBLE OFFICIAL:**R OCTOBER****IMPLEMENTATION DATE :****10 MAY 2022**

Annexure A
1/3

RECORD OF DECISION
17 MARCH 2022
10:00

RE:

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : A PORTION OF REMAINDER ERF 5464 KLEINMOND (SITUATED IN MAIN ROAD, KLEINMOND): APPEAL AGAINST DECISION TO RENEW LEASE TO MEERENVLEI LEASE HOLDERS' ASSOCIATION FOR A PERIOD OF 5 (FIVE) YEARS AND NOT A PERIOD OF 9 (NINE) YEARS AND 11 (ELEVEN) MONTHS

PRESENT :**COUNCILLORS**

Clr A Komani
Clr R Dees
Clr M Sihlahla

CAPACITY

Acting Chairperson: Appeal Committee
Member : Appeal Committee
Member : Appeal Committee

OFFICIALS

Mr S Müller
Ms M Erasmus
Ms S Swart

Director : Infrastructure & Planning
Acting Manager : Property Administration
Admin Officer : Council Support Services

APPELLANT

Mr P Barnard

For Meerenvlei Lease Holders' Association

APOLOGIES

Ald D Coetzee (Recused)
Clr S Williams

ABSENT

None

SESSION OF APPEAL COMMITTEE

17 MARCH 2022

APPELLANT:

Meerenvlei Lease Holders' Association

RESPONDENT:

Overstrand Municipality herein represented by Mr S Müller (Director : Infrastructure & Planning), Ms M Erasmus (Acting Manager : Property Administration).

NOTICE OF APPEAL HEARING:

Notices were sent to all parties concerned.

NATURE OF APPEAL:

The appellant appeals against the Executive Mayor's decision dated 28 October 2021 to renew the lease agreement with Meerenvlei Lease Holders' Association for only five years and not 9 years and 11 months.

CONSTITUTION:

With the presence of a quorum, the Appeal Committee was regarded as duly constituted.

VALIDITY OF APPEAL:

It was determined by the Appeal Committee that the appeal was lodged within the prescribed time frame viz. within 21 days of written notification of the decision taken by the Executive Mayor, and therefore the appeal was regarded as valid and could proceed.

It was noted that the deposit was paid in terms of the approved tariffs.

SITE VISIT:

None

CONSIDERATION OF APPEAL:

The documents were duly considered and the Respondent argued that the reason for the shorter lease period is because the Property is earmarked for future development. The Appellant argued that the reason given for the shorter lease period carries no weight as such development plans do not appear on any platform. The Respondent further explained that the planning for the proposed future development of the Kleinmond area commenced a few years ago and at that stage there was a few years left of the lease agreement with the Appellant. Therefore, no definite development could be planned although it was always the intention that the lease area be included in the development.

SESSION OF APPEAL COMMITTEE

17 MARCH 2022

When there is a definite end date for the agreement, the specific future development for the property can be commenced with.

THE MEETING STOOD DOWN AT 10:32 IN ORDER FOR THE PANEL TO DELIBERATE

THE MEETING RESUMED AT 10:45

In conclusion and after due consideration of the documents and arguments by both parties, it was established that the period of lease of five years be confirmed.

The Committee then –

RESOLVED (UNANIMOUSLY):

1. that the appeal **be dismissed**;
2. that the appellant **forfeits** his deposit.

The session of the Appeal Committee closed at 11:02

SIGNED ON THIS 30TH DAY OF MARCH 2022 AT HERMANUS BY THE APPEAL COMMITTEE:

Cllr A Komani **Acting Chairperson** : Appeal Committee 

Cllr M Sihlahla **Member**: Appeal Committee 

Cllr R Dees **Member**: Appeal Committee 

6.2**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE 2021.22.14: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO REPAIR OF BATTERY TRICKLE CHARGING UNIT**

3/2/3/8

S Muller

Director : Infrastructure & Planning

11 March 2022

(028) 313 8000

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered for the Repair of Battery trickle charging unit without a sufficient official order.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure and Planning
Department: Electrical Services

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

After an investigation at the Franskraal Switching station, it was found that the battery trickle charging unit was faulty. This had the effect that there was no protection on the breakers and the breakers did not switch on after a power outage or loadshedding, which left the whole Franskraal community without electricity.

Adenco Construction PTY LTD was appointed by the municipality (**order 254444 for R1 581.25**) to conduct a strip and quote on the Battery trickle charging unit to ascertain if it could be repaired or needed to be replaced. Upon opening and inspecting the unit, a quote for the repair was issued.

As the Regulation 2.1 responsible person for the safety of operations with regards to all electrical operations within the entire Overstrand Municipal electricity supply area, the Senior Manager had to consider the following:

- The threat of losing the whole Switching station in an explosion.
- The threat posed to the lives of all electrical personnel operating equipment within the switching.
- The threat posed to the public in the vicinity of the switching station.
- The potential damage to other equipment within the switching station.
- The financial implications of losing an entire switching station (current value of assets estimated at R2.5 million.) Replacement estimated at R7 million.
- A total of approximately 1227 consumers left without electricity supply for the duration replacing the switching station – with additional consideration of the lengthy procurement process.
- The loss of revenue due to these consumers being unable to utilise electricity.
- No replacement units were available.

The factors mentioned above were evaluated thoroughly and all possible solutions considered. In order to avoid any of the factors from becoming a reality and in lieu of the emergency situation, the Senior Manager gave Adenco permission to continue with the repair of the unit.

Adenco subsequently submitted an invoice for the repair of the unit. A deviation was submitted to Supply Chain to increase the order to include the cost of repair of the unit.

The Municipality did not suffer a financial loss as the repair work was done timeously and a catastrophe avoided.

Corrective Steps/Conclusion

The Municipality did not issue an additional official order for the repair of the Battery Trickle Charging Unit and thus it is agreed that the expenditure was irregular. However, definite value for money was received as the services were indeed rendered.

On 29 March 2022 the Municipal Public Accounts Committee (MPAC) consisting of Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs S Williams and

K Ngqandana considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular expenditure in the amount of R3 060.36 (Including VAT), be certified as irrecoverable and be written off.

7. Financial Implications

R3 060.36 (VAT Incl.)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the municipality received value for money, irregular expenditure to the amount of R3 060.36 (VAT Incl.) rendered for repair of Franskraal Switching Station battery trickle charging unit without an official order, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL:**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****10 MAY 2022**

6.3**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE 2021.22.12: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO SUPPLY OF WEB BASED QUALITY MONITORING SYSTEM AND MAINTENANCE OF RELATED INSTRUMENTS**

3/2/3/8

S Muller

Director : Infrastructure & Planning

21 January 2022

(028) 313 8000

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered for the supply of web-based quality monitoring system and maintenance of related instruments without an official order.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure and Planning
Department: Electrical Services

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

CT LAB was appointed by the municipality to render monitoring services for the period ending on 30 June 2021.

Although no order was issued the company proceeded with their monitoring and collection of data for July to October 2021.

After the contract was renewed and order issued for continuation of the services it was brought to the official's attention that the service was indeed continued for the interim period. CTLAB did this without any instruction or request from the municipality.

The data that was collected for the months of July – October 2021 is valuable to the municipality to ensure accurate reporting, and it was thus considered to procure the data.

CTLAB subsequently issued invoices which would enable the Municipality access to the data.

The Municipality did not suffer a financial loss as the data that was collected is of value to the municipality.

Corrective Steps/Conclusion

The Municipality did not issue an official order for the data and thus it is agreed that the expenditure was irregular. However, definite value for money was received as the services were indeed rendered.

On 29 March 2022 the Municipal Public Accounts Committee (MPAC) consisting of Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs S Williams and K Ngqandana considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular expenditure in the amount of R21 735.00 (Including VAT), be certified as irrecoverable and be written off.

7. Financial Implications

R21 735.00 (Vat Incl)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the municipality received value for money, irregular expenditure to the amount of R21 735 (Vat Incl) rendered for the supply of web-based quality monitoring system and maintenance of related instruments without an official order, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL:**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****10 MAY 2022**

6.4**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2021.22.08: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT
POLICY WITH REGARDS TO: HIRING OF CONTAINERS**

3/2/3/8

Director : Infrastructure & Planning

S Muller / N Michaels

Director : Protection Services

15 December 2021

(028) 313 8000

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered for the hiring of containers without an official order.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure and Planning
Department: Environmental Services

Directorate: Protection Services
Department: Traffic Department

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

A tender for the hiring of containers was advertised on 21/06/2021 and awarded on 09/09/2021.

The user departments were unaware that the new tender had not yet been awarded and both the budget holders unfortunately forgot to follow up with the SCM department regarding the bids received and to submit their evaluation report and continued to use the containers from the end of the previous tender period (June 2021) until the award of the new tender (Sept 2021).

Invoices were subsequently generated and this resulted in irregular expenditure for the transition period.

Traffic department Environmental Service were reminded of their contract and on 17 June 2021, and that the contract was expiring.

The specifications were subsequently finalised and submitted, and the tender was advertised on 21/06/2021.

After due processes were followed, the tender was awarded on 09/09/2021.

No orders could thus be issued for the months of July and August 2021 but the containers were already in use and it would have been impractical and creation of a risk in not continuing with the utilisation of the containers.

The Municipality did not suffer a financial loss as the containers were utilised during July and August 2021.

Corrective Steps/Conclusion

The Municipality utilised the containers without an official order issued therefore and thus it is agreed that the expenditure was irregular. The user departments commit to diarise their contracts and ensure pro-active scheduling of procurement for services/goods required. However, definite value for money was received as the services were indeed rendered.

On 29 March 2022 the Municipal Public Accounts Committee (MPAC) consisting of Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs S Williams and K Ngqandana considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular expenditure in the amount of R18 623 (Including VAT), be certified as irrecoverable and be written off.

7. Financial Implications

R18 623 (Vat Incl)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the municipality received value for money, irregular expenditure to the amount of R18 623 (Vat Incl) rendered for the hiring of containers without an official order, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL:**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****10 MAY 2022**

6.5**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2021.22.13: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT
POLICY WITH REGARDS TO: BABOON MANAGEMENT PROGRAMME****3/2/3/8****S Muller****Director : Infrastructure & Planning****22 December 2021****(028) 313 8019**

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off the expenditure in terms of section 32(2)(b). This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered in relation to baboons for six incidents during the period July 2021 -September 2021.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure and Planning

Department: Environmental Services

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

In July 2019 Human Wildlife Solution (HWS) was successfully awarded the three-year Baboon Management Program Deviation.

During the months of July to October 2021 six incidents occurred where emergency procedures had to be activated (see table below).

Case Nr	Date of incident	Description of incident	Amount (Incl VAT)
Welfare 001	21 July 2021	Veterinary services requested for sick baboon. Humane Euthanasia recommended (old age / cancer)	R 12 897.51
Welfare 002	17 July 2021	Juvenile baboon attacked by dogs, veterinary costs for assessment and medication	R 8 343.57
Welfare 003	23 August 2021	Injured baboon reported on R43 (dead on arrival of HWS). Removal and autopsy	R 3 573.28
Welfare 004	17/18 Sept 2021	Euthanasia of BBM1 (Scarface) Capture, euthanasia, autopsy and cremation	R 50 003.25
Welfare 005	29 Sept 2021	GPS signal stagnant. Search activated and collection of deceased baboon.	R 9 896.33
Welfare 006	19 October 2021	Deceased Baboon in Rooiels. Immediate removal requested to avoid health risk and autopsy to determine cause of death	R 6 762.17
TOTAL			R 91 476.11

Tacit approval for these procedures was given but the circumstances were not reported to the Accounting Officer within three days.

After the tacit approval was given, it was neglected to initiate the necessary SCM processes, and this oversight was only realised when the invoices were received from HWS on 11 November 2021, consequently the deviation process was activated.

We would therefore like to request permission/ approval to proceed with payment of the outstanding invoices.

The Municipality did not suffer a financial loss as the service was rendered.

Corrective Steps/Conclusion

The service was rendered without an official order issued therefore and thus it is agreed that the expenditure was irregular. However, the value for money was received as the services were indeed rendered.

On 29 March 2022 the Municipal Public Accounts Committee (MPAC) consisting of Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs S Williams and K Ngqandana considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular

expenditure in the amount of R91 476.11 (Including VAT), be certified as irrecoverable and be written off.

7. Financial Implications

R91 476.11 (Vat Incl)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the municipality have received value for money, the irregular expenditure to the amount of R91 476.11 (Vat Incl) rendered for the treatment of baboons without an official order, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL:**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****10 MAY 2022**

6.6**NON-COMPLIANCE WITH CLAUSE 15 OF THE OVERSTRAND MUNICIPALITY SUPPLY CHAIN MANAGEMENT (SCM) POLICY: COURIER SERVICES**

3/2/3/8

EH Hooneberg

Senior Manager : Income

13 January 2022

(028) 313-8149

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off the expenditure in terms of section 32(2)(b). This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered regarding the delivery of accounts with courier services.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Finance
Department: Revenue

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

On 08 November 2021, the Supply Chain Management Unit detected that courier services were utilised without an official order. The expenditure incurred equates to R287.50 (Including VAT), to be paid to RJ Couriers. The circumstances leading to before-mentioned can be explained as follows:

The SAMRAS financial system was not available on 1st and 2nd July 2021, the two days directly after the end of the financial year for the municipality on 30 June 2021.

On Monday July 5, 2021, the next working day, the Manager: Client services, Mrs Elsabe Stadler, became ill and went home shortly after arriving at the office. Mrs Stadler was diagnosed with Covid on 8 July 2021 and only returned to work on July 26, 2021 after her recovery from severe COVID symptoms.

Only at the time when the Courier's bill arrived, she recalled that the system was still not available on 2 July 2021 and that no order could be requested. She then requested the Controller: Client Services to follow up with regard to the services, as a matter of urgency.

Due to the hundreds of emails written to address client services enquiries, the approval of the order has been delayed, and the system does not provide for repetitive notifications, to warn that there is an outstanding approval due for finalisation.

Corrective Steps/Conclusion

As it can be stated that the Municipality did not suffer any financial loss, it is true that the municipality received value for money.

On 29 March 2022 the Municipal Public Accounts Committee (MPAC) consisting of Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs S Williams and K Ngqandana considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular expenditure in the amount of R287.50 (Including VAT), be certified as irrecoverable and be written off.

7. Financial Implications

R287.50 (Including VAT)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the Municipality has received value for money, the irregular expenditure in the amount of R287.50 (Vat Included) for courier services, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :**C LE ROUX
B KING****TARGET DATE FOR IMPLEMENTATION :****10 MAY 2022**

6.7

LOCAL GOVERNMENT CAPACITY BUILDING INITIATIVES: ROLL OUT OF COUNCILLOR SEASONAL SCHOOL ACROSS THE WESTERN CAPE

12/2/17

DS Arrison

Director: Management Services

13 April 2022

(028) 313 8001

1. Executive Summary

The SALGA Constitution provides for the convening of Provincial Conferences to be held within 90 days after the general local government election. This effectively means that to meet this requirement all Provincial Conferences must be convened by 01 February 2022. The Western Cape Conference was held on 18 – 19 January 2022.

2. Service Delivery and Budget Implementation Plan - IGNITE

Council
Council General

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance.

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

6. Background/Discussion/Evaluation/Conclusion**Background**

The Department of Local Government has over the years been rolling out the Capacity Building initiatives for Councillors, with the objective of the Seasonal Schools to address governance challenges faced by municipalities, whilst ensuring the capacitation of councillors, enhancing ethical leadership, stimulating responsible citizenship among councillors and contributing to the improvement of the pool of skilled leadership in the local government sphere in the Western Cape.

Discussion

In view of the success of the Seasonal Schools and following Local Government Elections and appointment of new Councillors, the Department is preparing to roll out two (2) seasonal schools for year 2022, one in May and a second in September 2022.

The 2022 Seasonal Schools are scheduled to be rolled out in various Districts during the first and the second semester of the calendar year, with the proposed date for the Overberg on 26 May 2022. The draft programme for the Seasonal School is attached (Annexure A).

The second semester of the Seasonal School is scheduled to take place during the last week of September and the first week of October 2022. Overstrand Municipality are allowed to nominate ten (10) Councillors to attend the training.

7. Financial Implications

Adequate budget provision (2021/2022/ draft 2022/2023) exists under the respective unique key

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Seasonal School program

Annexure B: Nomination form

RECOMMENDATION TO THE COUNCIL:

that ten (10) delegates avail themselves for the Seasonal School training.

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

ANNEXURE A p1/1



WCLG/HSF SEASONAL SCHOOL FOR COUNCILLORS MAY 2022

“Principles and Values – what hinders public representatives from fulfilling it through Ethical Leadership?”

Date: May 2022

08:00 - 15:00

Venue: TBC

Item	Time Period	TOPIC	Presenter
1	08:00 - 08:30	Arrival and Registration	SPL, Stellenbosch University
2	08:30 - 08:45	Opening & Welcoming Remarks	Executive Mayor of District Municipality
3	08:45 - 09:15	Expectations	Programme Director
	09:15 - 10:00	Purpose of Engagement and service Delivery Landscape in District	MEC Anton Bredell, WCLG & Environmental Affairs
4	10:00 - 10:45	Ethics: A Local Government Perspective	Mr. Graham Paulse – HOD WCLG
5	10:45 - 11:00	Refreshment Break	
6	11:00 - 11:45	Unpacking the Contributing values to servant (democratic) public leadership and governance to ensure ethical decision-making in Council.	Prof Zweli Ndevu -Director SPL, Stellenbosch University
8	11:45 - 12:30	Ethical Leadership in the SCM Environment and how to identify and evaluate critical SCM processes and principles in fulfilling oversight roles.	Prof Geo Quinot – Director- Department of Public Law & Director: African Procurement Law Unit,
9	12:30 - 13:15	Understanding my own value set and its influence on an effective and productive Environment – A Councillor's Perspective	Councillor nominated by DCF
10	13:15 - 13:30	Closing Remarks and Way Forward	Dr. Sandra Greyling-WCLG
11	13:30 - 14:30	Lunch & Departure	
<i>Programme Director: Mr Johnny Douglas</i>			

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)



Project Report
for the
SCHULPHOEK PROJECT, HERMANUS

Document No: VZA-PM-PC
Revision: 0
Date: 19 APRIL 2022

Prepared by:



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SCHULPHOEK PROJECT PROJECT PROGRESS REPORT

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1.0 SCOPE OF DOCUMENT

1.1 Purpose of Document

The Project Report is the document that formally provides an update on the progress of the project.

1.2 Document Change Control

This Project Report is a controlled document applicable to all phases of the project and will be subject to update as the Project develops. All future updates will be reviewed by members of the Project Team as listed here below prior to the release of an updated revision:

Role	Company	Contact
Client	Department of Human Settlements, Western Cape Government	Ilani Nel
Project Manager	VAN ZYL & ASSOCIATES	Theunis Van Zyl

1.3 Definitions / Terminology

Client:	Department of Human Settlements
Project:	Schulphoek Mixed Use Development
Project Manager:	Professional Service Provider that leads in the planning and development of the project.
Shall:	Indicates a requirement
Should:	Indicates a recommendation
Communication:	The effective sending and receiving of information. Ideally, the information received should match the information sent. It is the responsibility of the sender to ensure this takes place.
Communication Management Plan:	Portion of the overall Project Management Plan which details how project communications will be conducted, who will participate in communications, frequency of communications, and methods of communications.
Construction Monitoring:	Means the process of administering the construction contract and over-seeing and/or inspecting the works, for the purpose of verification that the works are being completed in accordance with the requirements of the contract, that the designs are being correctly interpreted and that appropriate construction techniques are being utilized.
Contractor:	Means any person or a juristic person under contract to a client to perform the works or part of it on a project, including a sub-contractor under contract to such contractor.



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1.4 Acronyms and Abbreviations

DoHS	Department of Human Settlements
CEMP	Construction Environmental Management Plan
DEA&DP	Western Cape Department of Environmental Affairs & Development Planning
EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EPWP	Expanded Public Works Programme
HAZID	Hazard Identification
HAZOB	Hazard Observation
KPI	Key Performance Indicator
LUPO	Land Use Planning Ordinance
NEMA	National Environmental Management Act
NDT	Non Destructive Testing
OHS	Occupational Health and Safety
PIP	Project Implementation Plan
PT	Project Team
PSP	Professional Service Provider
RFQ's	Request for Quotations
SLA	Service Level Agreement
TBC	To Be Confirmed
VZA	VAN ZYL & ASSOCIATES
WBS	Work Breakdown Structure
WULA	Water Use Licence Application

2.0 PROJECT OVERVIEW

2.1 Project Summary

The Department of Human Settlements has committed itself to facilitate the development of a mixed-use development project at the Schulphoek site in Hermanus, Overstrand, Western Cape. The Schulphoek Project forms part of the Greater Hermanus Development Project. The Schulphoek is envisaged as mixed use residential development. The development is to consist of government subsidy housing units, Flisp, Gap and Market related units, as well as all necessary supporting land uses, including social and commercial land uses.

Within a local context the Schulphoek Project is situated in the Greater Hermanus area which is characterized by land uses ranging from industrial developments, residential areas, informal residential areas and commercial activities.

The proposed development has to be fully integrated and incorporate other non-residential uses such as social and businesses facilities applying principles as contained in the Overstrand Municipality's SDF and the Western Cape Government (WCG)'s Strategic Objectives.

Due to the strategic location of the land, this project has the opportunity to be truly catalytic and to facilitate future development and investment in the area.

2.2 Spatial Context

Schulphoek is located along the coastline between the Zwelihle residential suburb in the north, Sandbaai in the west and a middle income residential development situated directly south-east. It is also in proximity to a diverse range of land uses such as sports facilities, retail/industrial areas, commercial and aquaculture farming related areas (see below insert).



2.3 Project Scope

The aim of the Schulphoek Project is to obtain statutory approval for a fully integrated mixed-used development that incorporates other non-residential uses such as social and businesses facilities as contained in the Overstrand Municipality's SDF and the Western Cape Government (WCG)'s Strategic Objectives. The end objective is to provide a development which cater to the needs of beneficiaries in terms of different income brackets and to reduce the current housing backlog on the housing beneficiary waiting list.

Although the Schulphoek Project is being identified as a subsidized housing project, every effort must be made to ensure an integrated (land use, biophysical, infrastructure) and sustainable (urban amenities, economic opportunities, transport) human settlement is delivered. Provision must be made for a variety of land uses with the main emphasis on high density residential opportunities.

It is estimated that approximately 2000 residential opportunities could be created. In this regard, the layout need to be flexible to accommodate a variety of typologies which may include:

- Site and services erven
- Double storey row units
- Double and single storey semi-detached units
- Double and single storey free standing units
- 3 or 4 storey walk-ups

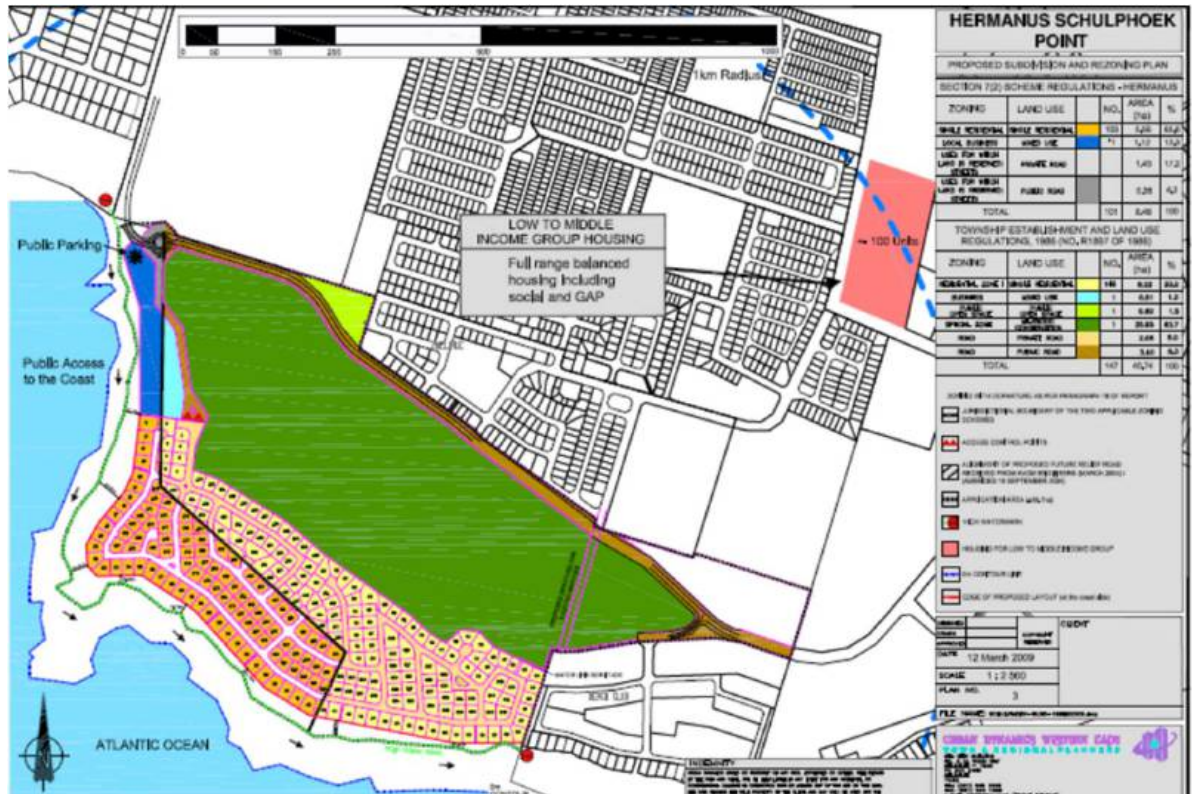
Other designated land uses to possibly include community facilities, public open spaces, and commercial / retail/service industry to provide for future employment opportunities. The provision of FLISP, GAP and Market units will have to be considered. All land uses must comply with the minimum standards of the Western Cape Provincial Government as well as the Department of Human Settlements, while also creating developments, which will promote cohesion between different income and social groups. Thus this project is expected to be a mix of single and multi-storey buildings with varying densities. Limiting factors such as finances (subsidy allowances), site topography, number of beneficiaries, the current occupation of the site, etc. will all be taken into account as well.

The Department of Education has identified the need for a second primary and secondary school site to alleviate some of the pressure on the existing school, a youth centre, as well as a sports complex catering to a mix of sporting codes, including the 38 soccer clubs that exist in the area. The Department of Education indicated that a site of 5,5 Ha will be sufficient for the school site provided that the use of the sports fields for the schools will be combined.

Although the milkwood forest that occupied a significant portion of the site has been destroyed since the land invasion, the Municipality expressed a desire to retain a piece of land, between 1 and 2 hectares in extent, to function as a public open space and to potentially accommodate any future efforts to restore a portion of the milkwood forest.

2.4 Current development rights

The Project Site currently has Development Rights in place for the following layout:



According to the Record of Decision of 2 September 2008 the mixed development includes a residential, commercial and conservation precinct and the residential precinct covers approximately 13ha and comprises of 244 single residential opportunities. The average erf size is 500m² and the density is 15 units/ha. The commercial precinct covers about 1,1ha.

The total extent of approximately 55ha includes the conservation of the Milkwood forest having archaeological; and heritage value, for which a setback line has been determined. It is further stated that the conservation precinct must be buffered by a 25m strip on all sides and isolated Milkwood trees must be incorporated into the public open space, or protected in situ.

The ROD further required that the applicant must commence construction activities within 5 years from the date of issue of the ROD, to establish approximately 100 social and GAP housing units within approximately 1km from the Schulphoek development.

The Site Extent is 54.2484ha and in terms of encumbrances, servitudes and interdicts the Town Planner reported that there are none aware at this point but is subject to further verification.

The property was originally owned by the Overstrand Municipality and was sold to a developer in 2010 for a residential development. The sale of the land made provision for a community



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related commercial strip along the coast to ensure continued access to the coastline, a site for a desalination plant, and the preservation of the indigenous milkwood forest that covered approximately half of the site.

Following the sale, the Municipality attempted to negotiate with the land owner at the time to transfer some of the land back to the Municipality to allow for the construction of a few hundred dwellings to address the local housing demand. The land owner at the time agreed, on the condition that the Municipality secured all the necessary approvals required for the development. All approvals were secured with the exception of DAFF approval in relation to the milkwood forest. The milkwood forest was required to be retained in its entirety, resulting in the current subdivision of the site which precluded the Municipality's attempt to secure a portion of the land for housing development.

Planning and environmental applications were prepared at various points, dating back to 2004, in support of the approvals that were subsequently issued.

Erf 11155 (a portion of Erf 11153) as per property diagram S.G. No. 1169/2010 annexed to title deed T31972/2010. The diagram of the property with a land extent of 46,0260 ha was approved in May 2010 in terms of section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO). This property forms the bulk land extent of the settlement area, i.e. about 90% of the area with the remaining 10% as the northern stretch of land known as Remainder of Erf 11153.

Erf 11155 was subdivided into 250 erven including 244 residential erven. The average size of the residential erven is about 564 m². This subdivision was approved in terms of LUPO in March 2010 and provisionally approved as diagram S.G. No. 4163/2010. Development of the settlement area will require that diagram S.G. No. 4163/2010 be withdrawn (if not yet registered) and the consolidation of Erf 11155 and Remainder of Erf 11153.

Erf 11155 was also managed in terms of the two schemes at the time when an application for change of land use was considered by the relevant authorities. This application for rezoning, departure and subdivision was recommended for approval by the Overstrand Municipality in December 2008. Subsequently, the WCG granted conditional approval for the following (see Map 6):

- In terms of the Zwelihle Zoning Scheme, rezoning from Residential Zone 1 and Undetermined Use Zone to: Residential Zone 1, Business Zone, Special Zone (nature area for the conservation of the identified Milkwood Conservation Area) and Roads.
- In terms of the Section 7(2) Hermanus Zoning Scheme, rezoning to: Subdivisional Area in order to permit rezoning to Residential, Local Business Zone and Roads. The approved development extent consisted of 250 erven (including 244 residential erven) on the southern (lower) half of the property.

In May 2014, the provincial government also granted a 5-year extension to the validity period of the permitted land-use rights. These rights have been exercised through the commencement with the installation of (certain) services in 2016.

A revised Site Development Plan was approved by the Overstrand Municipality to accommodate a gated residential estate with access from the Hermanus side. Approval by the WCG is still outstanding. Note that the development perimeter along the southern and western boundaries is the coastal management line

Remainder of Erf 11153 as per property diagram S.G. No. 1168/2010 has a land extent of 8,2084 ha. This diagram was approved in May 2010 in terms of LUPO. The property forms the entire northern boundary of the settlement area.

Remainder of Erf 11153 is zoned as Undetermined Zone and was managed in terms of the Zwelihle Zoning Scheme and the Section 7(2) Hermanus Zoning Scheme until the Municipality adopted a wall-to-wall zoning scheme.

The site is currently zoned in terms of the Overstrand Municipality Zoning Scheme and includes the following zones: Open Space Zone 2 (Public Open Space), Residential Zone 1 (Single Residential), Transport Zone 2 (Road and Parking), and Business Zone 3 (Local Business).

2.5 Current land occupation

Portions of the land have been invaded and it is both the DoHS's and Overstrand Municipality's intention to look at optimising the developable land by restructuring and densifying the existing informal settlement on that land through a re-blocking exercise which will locate the structures in a logical area within the development footprint.

There are currently in the order of 2000 illegal dwellings on the site that were constructed since the housing protests and unrest in Hermanus towards the end of 2018. This number is continuing to grow. The illegal structures are currently concentrated in the north-eastern portion of the site, but are spreading further westwards and southwards, constrained in places by the steep topography of the site.

2.6 Environmental considerations and process

Based on the environmental scan done for the site and understanding of the scope of the project, an Environmental Impact Assessment (The Scoping and EIR Phases) will have to be undertaken in accordance with the EIA Regulations published on Government Notice 38282 of 8 December 2014 (and amended 17 April 2017), in terms of Section 24(5) of the National Environmental Management Act (NEMA; Act No. 107 of 1998).

The EIA is aimed at detailing the nature and extent of the project, identifying potential issues associated with the proposed, involving project proponent, specialist consultants, and a consultation process with key stakeholders (including relevant government authorities) and I&APs. In accordance with the requirements of EIA Regulations, feasible project-specific alternatives (including the "no-go" option) will have to be identified for consideration within the EIA process.

In terms of the project implementation strategy the intention is to take a two-stage process in securing the development rights for the project, as follows:

- i) Phase 1: Amendment of EIA for Phase 1 of the Site (i.e. the portion of the Site that already obtained an ROD in May 2014);
- ii) Phase 2: Complete EIA process for the balance of the Site

2.7 Conceptual Development Plan (Urban Design Vision)

The first draft of the Conceptual Development Plan was presented to the Stakeholders on 18 March 2019 at the Auditorium at the Overstrand Municipality in Hermanus. The “BLM” approach aimed to develop a desirable, integrated, secure, affordable and sustainable (“DISAS”) neighbourhood where people can live, work, play and learn.



The outcome of the Stakeholder Meeting of 18 March 2019 was that those Stakeholders that wanted to make comment or wanted to make a counter-presentation, were invited to do so. The only counter-presentations initially received were that provided by the ANC and by New Harbour Precinct. It was then agreed on 8 April 2019 that the 3 options of the CDP on the table will be workshopped by way of Stakeholder meetings until such time agreement is reached on the most appropriate CDF.

The current yield that is envisaged to be achieved is in the order of 1040 housing opportunities based on the current CDP, on the premise that a large portion of the conservation area will now be part of the development of the severe destruction of the milkwood forest and vegetation. It is however accepted that these densities may have to be increased when taking the location of the Site and the cost of engineering services into account.

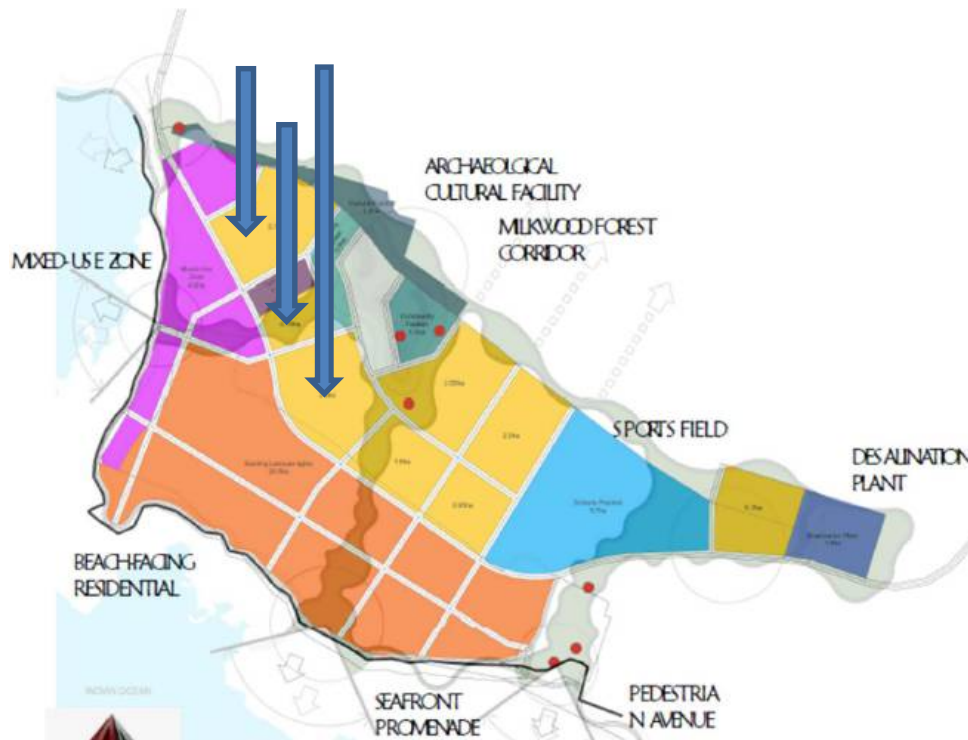
It has been accepted that to aim for a single residential erf size of 150m² – 200m² is ambitious for BNG housing and that following a duplex system will substantially increase the yield to be achieved on the Site. The inputs received at the Work Group meetings were considered by the Professional Team and the summary of the inputs received were presented to the Work Group on 3 June 2019.

At Work Group Meeting No.5 it was resolved that “*The Concept Plan was adopted subject to further processes*” which in essence gave the approval by the Work Group that the project may now proceed to the design of the Development Framework.

A series of three workshops were then conducted with the Social Compact on 9 & 10 June 2021, 8 July 2021 and 30 July 2021.

The following Resolutions were then taken at the third workshop:

- The updated Urban Design Vision is approved by the Social Compact subject to environmental specialists and engineering studies and inputs.
- The 3 yellow blocks on the left hand side of the site, current earmarked for lower density, must be amended in order for a higher density basket of rights to be applied for during the statutory application process, as indicated per the arrows below:



2.8 Project Implementation Strategy

Whilst it is appreciated that there is tremendous pressure to deliver on the Schulphoek project with a community that has become intolerant due to a lack of housing opportunities, certain activities and processes can only be fast-tracked within the constraints of complying with legislative requirements and the timelines associated with legislative requirements.

The processes to be followed in order to achieve development rights for the project Site is nothing out of the ordinary and in order to achieve some form of acceleration on the programme, it is proposed that the project Site be divided in two phases.



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Phase 1 will be the portion of the Site where development rights were already obtained for 244 residential erven where Phase 2 is currently the milkwood forest portion of the Site.

Although the development framework of the Site must be approached as an integrated development, the opportunity exists in the fact that most of the specialists studies of the Phase 1 portion of the Site has already been attended to.

DEADP provided the following guidance at a meeting on Friday, 13 September 2019:

- Firstly, an application must be submitted to request for the change of ownership / transfer of the environmental authorisation to the new developer;
- Secondly, only one amendment application is envisaged for the entire project as the development proposals have already been activated. In other words, an application for a substantive amendment must be submitted based on the updated Development Framework to request for the change in land use and scope of works;
- The timeframes for such applications is approximately 140 days to a maximum of 194 days. Although DEADP did not commit to any specific timelines, they acknowledged the importance of accelerating this project and will where possible assist in this regard; and
- As far as the on-site sensitivities is concerned – the specialist will have to as part of the amendment process, verify the conservation and heritage status of the milk wood forests, in relation to the previous specialist inputs and provide updated recommendations where necessary, to motivate for the change of land use .

The above guidance suggested that the project Site does not have to undergo the full EIA process afresh and that the amendment route will have to be followed.

2.9 Project Milestones

The project milestones overall objective is to facilitate the Schulphoek township establishment process shall be completed in the shortest possible time.

The following key Project Milestones have been identified to develop the Project Implementation Plan schedule for the Project:

Task Name
STAGE 1: INCEPTION
Project Team Formation
Civil, Geotechnical and Electrical Engineer
Research and advise on rights, constraints, consents and approvals
Advise on necessary surveys, tests, analysis or other investigations required
Determine the availability of data, drawings and plans relating to the project
Research and advise Client on availability and location of existing services
Bulk Earthworks concept design - after receipt of topo survey from Land Surveyor
Assess Stormwater Management requirements
Revised brief in terms of implementation strategy
Engineering Services report
Geotechnical Investigation and Report
Town Planning and Urban Design Consultant
Research and advise on rights, title deeds, constraints, consents, approvals and regulatory authorities' requirements
Advise on necessary surveys, tests, analysis or other investigations required



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Determine the availability of data, drawings and plans relating to the project
Revised brief in terms of implementation strategy
Confirmation of application area
Identify and map existing servitudes
Land use survey
Confirm concept design criteria and undertake contextual analysis
Environmental and Heritage Consultant
Revised brief in terms of implementation strategy
Research and advise on rights, constraints, consents and approvals
Advise on necessary surveys, tests, analysis or other investigations required
Determine the availability of data, drawings and plans relating to the project
Advise on specialist consultants required
Approval and appointment of specialist subconsultants
Land Surveyor
SG & Deeds & Servitudes research and advise on rights, constraints, consents and approvals
Advise on necessary surveys, tests, analysis or other investigations required
Determine the availability of data, drawings and plans relating to the project
Field survey pick up engineering services on the site and topographical features
Provide survey information to Consultants
Beneficiary, Stakeholder and Development Facilitation Consultant
Determine the availability of data
PSC Establishment
Receive list of potential stakeholders & roleplayers
Identify & prepare shortlist of key stakeholders for briefing meeting
Finalise Preparations for community stakeholder briefing meeting
Convene first briefing meeting with community stakeholder organisations
Election of PSC
Workshop with PSC and signing of Terms of Reference by PSC members
Reconstitution of PSC and revised Terms of Reference by PSC members
Workshop with PSC and signing of Terms of Reference by PSC members
Facilitate PSC meetings on the following project aspects
Finalise & approval of the Beneficiary Housing Allocation for the project
Facilitate PSC input on the Development Framework
Identification of Potential Beneficiaries & HSS Set Up
Receipt of Project Housing Beneficiary Allocation Approval Form
Communication of Housing Beneficiary Approval form with PSC
Request list of potential beneficiaries from the Overstrand data base i.t.o the allocation policy
Registration of project on Company HSS profile
Occupation Survey by Overstrand
Beneficiary, Stakeholder and Development Facilitator Activities
Secure venues for conducting Beneficiary marketing sessions
Invite potential beneficiaries from Overstrand list provided
Conduct screening sessions for beneficiaries and complete Subsidy applications for prequalified applicants
STAGE 1 - CLOSE OUT
Evaluation of Stage 1 Documentation
Approval by Client to proceed to Stage 2
STAGE 2: CONCEPT AND VIABILITY (PRELIMINARY DESIGN)
Civil, Traffic, Geotechnical and Electrical Engineer
Civil Engineer
Preliminary Design Feasibility (Internal Services and Bulk Services)
Provide preliminary design report, cost estimates and life cycle costs as required
Electrical Engineer
Preliminary Design Feasibility (Internal Services and Bulk Services)
Provide preliminary design report, cost estimates and life cycle costs as required
Transport/Traffic Engineer
Meeting with local road agencies
Documentation Review / Desktop Study / Site Inspection
Identify and confirm critical intersections in the study area
Vehicle and Pedestrian Surveys (AM and PM 12 Hour counts)
Investigate current and future road capacity and conditions
Investigate current and future pedestrian and public transport facilities in the study area



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Conventional modelling process for the newly generated trips i.e. trips generation and distribution, modal split and trip assign
Traffic impact analysis on the above mentioned scenarios
Determine required intersection upgrades on Local and Provincial Roads
Analyse the proposed access to the development in terms of traffic and geometric requirements
Proposed mitigation measures and road upgrades
Final Traffic Impact Assessment Report and submission
Transport and Traffic Engineering inputs to development framework and sub-divisional town planning layouts
Transport and Traffic Engineering inputs to Environmental Scoping Report
Town Planning, Urban Design and Environmental
Baseline investigations
Receive botanical assessment
Receive freshwater assessment
Receive baseline heritage assessment
Receive Archaeological assessment
Receive Ecological assessment
Receive Wetland assessment
Receive Marine biologist assessment
Baseline transport informants
Baseline services informants
Formulate Development Framework Plan
Refine the Draft Development Framework - regulatory requirements and consents
Workshop for DF with Social Compact
Adjust planning and urban design concepts based on outcome of workshop
Prepare for 2nd workshop
Workshop for DF with Social Compact
Adjust planning and urban design concepts based on outcome of specialist studies
Prepare for Workshop
Workshop for DF with Social Compact
Approval of Adjusted Development Framework by Social Compact
Development Framework Approval
Draft report, motivation & plans for the development framework
Present final development framework plan and report for acceptance
Acceptance of Development Framework for Phase 1 and 2
Application for revision of SDF - Overstrand
Prepare application for revision of SDF
Submit application for SDF
Process application
Receive approval for revised SDF
Environmental and Heritage Consultant
EIA Process - Phase 1 - Amendment of EIA
Compile and submit pre-application meeting request
Engagement with Client, Stakeholders and Specialists
Draft Scoping Report (DSR)
Scoping PPP Documents
Revise DSR
Client Review of DSR
Incorporate Client Review Comments, print & courier
Submit draft scoping report for PPP
Public Comment Period - DSR
Public Meeting -DSR (if required)
Final Scoping Report (FSR) & CRR
Client Review of FSR & CRR
Incorporate Client Comments, print & courier
Submit FSR to DEADP
Authority Review Period
Acceptance of FSR
Notify I&Aps of decision
Appeal period
EIA Approval / Record of Decision
EIA Process - Phase 2 - Complete EIA
Compile and submit pre-application meeting request



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Engagement with Client, Stakeholders and Specialists
Draft Scoping Report (DSR)
Scoping PPP Documents
Revise DSR
Client Review of DSR
Incorporate Client Review Comments, print & courier
Submit draft scoping report for PPP
Public Comment Period - DSR
Public Meeting -DSR (if required)
Final Scoping Report (FSR) & CRR
Client Review of FSR & CRR
Incorporate Client Comments, print & courier
Submit FSR to DEADP
Authority Review Period
Acceptance of FSR
Notify I&As of decision
Appeal period
EIA Approval / Record of Decision
WULA Application
Wula application - Phase 1
Wula application - Phase 2
Rezoning and Subdivision
Phase 1
Pre-submission meeting
Submit rezoning and consolidation application to the Municipality
Process and accept application
Department circulation
Public notification
Collate and assess public & department comments
Amend application and layout (if required)
Decision by Municipal Planning Tribunal
Appeal period for rezoning
Rezoning approved
Phase 2
Pre-submission meeting
Submit rezoning and consolidation application to the Municipality
Process and accept application
Department circulation
Public notification
Collate and assess public & department comments
Amend application and layout (if required)
Decision by Municipal Planning Tribunal
Appeal period for rezoning
Rezoning approved
STAGE 2 - CLOSE OUT

2.10 Project Deliverables

The Project Implementation Plan schedule for the Project will measure and report against the following Project Deliverable Stages:

Stage 1 – Inception

Major deliverables will include:

- Project Implementation Plan (programme schedule)
- Project Execution Plan (including Risk Register)
- Review of Existing Studies, Initiatives and Source Documents (all disciplines)
- Report on project, site and functional requirements
- Schedule of required surveys, tests, analyses, site and other investigations
- Schedule of consents and approvals and related lead times

- Land use survey (Town Planner)
- Topographical survey (Land Surveyor)
- Establishment of Project Steering Committee
- Environmental pre-feasibility scanning report
- Project Inception Report and completion of pre-planning studies
- Stage 1 Close out (approval from client to proceed to Stage 2)

Stage 2 – Concept and Viability (Preliminary Design)

Major deliverables will include:

- Assessment of Engineering services capacities and development options
- Phase 1 Geotechnical Investigation
- Transport/Traffic Impact Assessment
- Town Planning Contextual Analysis
- Baseline Analysis – development informants
- Formulation of Development Alternatives
- Formulate Development Framework Plan
- Finalising the Development Framework
- Rezoning and Subdivision
- SG Plans
- EIA – Pre-Application Phase
- EIA – Scoping Phase
- EIA – Specialist studies
- Heritage Impact Assessment (HIA)
- EIA – Public Participation Process
- EIR – Environmental Impact Report
- Engineering Preliminary Design.
- Schedule of required surveys, tests and other investigations and related reports.
- Environmental Authorisation (Record of Decision)
- Project Conceptual Report
- Stage 2 Close out (approval from client to proceed to Stage 3)
- Completion certificates
- Project close-out report

3.0 Project Progress and Forward activities

3.1 Project Progress (up to 18 April 2022)

Since the Urban Design Vision was adopted by the Social Compact on 30 July 2021, the following key activities took place:

- (a) The elections of 1 November 2021 placed further Social Compact meetings in abeyance from August 2021.
- (b) On 31 January 2022 the Honourable Mayor and the Municipal Manager issued the Schulphoek Action Plan for the purpose of setting out the way forward in respect of the Social Compact, the Land Availability Agreement, dealing with security and further invasions and to resolve from Wards beneficiaries will benefit from the Project.

- (c) On 21 February 2022 it was resolved at an Ordinary Council Meeting that:
- The current Social Compact be reconstituted to include interested and effected parties from Wards 4,5,6,7 and 12, commencing 1 March 2022;
 - 10% of the Beneficiaries will be from the greater Overstrand; and
 - Councillor L Ntsabo is the chairperson of the current Social Compact.
- (d) On 28 February 2022 the Land Availability Agreement was concluded.
- (e) On 5 April 2022 a meeting was held between the Department of Human Settlements, the Executive Mayor, the Deputy Mayor, the Municipal Manager, the Director of Housing (Overstrand) and VAN ZYL & ASSOCIATES. At this meeting the commitment towards the project was reaffirmed by all parties and that a Social Compact meeting had to be held on 13 April 2022 for the purpose of reconstitution.
- (f) The Social Compact meeting of 13 April 2022 was held at 18h00 at the Overstrand Municipality Banquet Hall wherein the way forward in terms of reconstitution and representation was confirmed to all attendees. Mr. R Williams was requested to finalize the reconstitution process by 26 May 2022. Councillor L Ntsabo resigned as chairperson where the election of a new chairperson will follow at the first meeting of the reconstituted Social Compact.
- (g) A meeting was held with all Professional Services Providers on 13 April 2022 to determine the way forward in terms of planning and implementation timelines and the deliverables to be achieved in the upcoming two months.

3.2 Forward activities (for April, May and June 2022)

The following activities have been identified as the key forward looking activities:

- (a) Professional Services Providers meeting with Overstrand Engineering and Planning on 20 April 2022.
- (b) Investigation of the alignment and procurement of the construction fence to be erected between Phase 1 and Phase 2 of the Project Site.
- (c) Reconstitution of the Social Compact by 26 May 2022 and further engagement to resolve occupancy survey information and the impact on the project scope.
- (d) Specialist consultants conducting environmental studies and submitting reports by 31 May 2022.
- (e) Engineering reports for preliminary investigations studies by 31 May 2022.
- (f) Consideration and reporting on the current Urban Design Vision, considering it in the context of phasing as well as informal settlement upgrading, by 31 May 2022.
- (g) Workshop on 20 June 2022 to consider the impact of the above reports on the Urban Design Vision and further refinement of the Urban Design Vision.