



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 24 AUGUST / AUGUSTUS /
AGASTI 2021**

VENUE / PLEK / INDAWO : VIRTUAL

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF THE COUNCIL MEETING HELD BY MEANS OF A VIRTUAL PLATFORM ON 24 AUGUST 2021, AT 11:00

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 R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : Economic Development & Tourism
Mr S Müller, Director : Infrastructure & Planning
Mr C Mitchell, Manager : Solid Waste Planning
Mr A Wyngaard, Senior Manager : Hermanus Administration
Ms B Plaatjies, Manager : Hermanus Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr L Smith, Chief: Fire & Rescue & Disaster Management
Mr R Marinus, Acting Manager : Property Administration
Mr X Kosi, Manager : LED
Mr R Kuchar, Senior Manager : Town & Spatial Planning
Ms H van Tonder, Manager : Council Support Services
Ms R Louw, Senior Manager : Strategic Planning
Ms N Zweni, Manager : Communication
Mr G Smit, Manager : Social Development
Mr R Fraser, Chief : Traffic/Licences
Ms S Swart, Administrative Officer : Council Support Services

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
24 AUGUST 2021

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	✓
BOTHA, D	✓
BRICE, KD	✓
COETSEE, A	✓
COETZEE, DP	✓
COHEN, G	✓
DE CONING, CA	✓
GILLION, E	✓
KALOLO, SV	✓
KOMANI, AS	✓
KRIGE, F	✓
NQINATA, NNT	✓
MAY, C	✓
MHANA, M	✓
MOLEFE, B	✓
MORGAN, H	✓
MSWELI, X	✓
NTSABO, L	✓
NUTT, R	✓
ORBAN, J	✓
PUNGUPUNGU, V	✓
RESANDT, C	✓
SAPEPA, NM	✓
TAFU-NWONKWO, CC	✓
TEBELE, S	✓



1. OPENING

The Municipal Manager, Mr D O'Neill, read the notice convening the meeting. The Speaker, Ald A Coetsee, allowed 30 seconds of silence.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 26 May 2021 at 11:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 26 May 2021 at 11:00, be confirmed.**

3.2 Minutes of a Special Meeting of the Council held on Wednesday, 28 July 2021 at 11:00**RESOLVED:**

that the Minutes of a **Special Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 28 July 2021 at 11:00, be confirmed.**

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

The Executive Mayor, Ald D Coetzee, reported that, should the election take place, a Special Council meeting will have to be held to approve a Council recess.

The Speaker, Ald A Coetsee, extended the agenda and added Item 5.25 : A Portion of Erf 4831 and Erf 5327 Hermanus (De Mond): Write Back and Write Off of Amounts Raised and Waiver of Rental – “Pohl Business Trust (T/A Pohl Property Development Group) Trading as The Crown Grant (Pty) Ltd”

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

HERMANUS, A PORTION OF REMAINDER ERF 4771 KNOWN AS “DUTCHIES RESTAURANT”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO RENEW THE LEASE OF MUNICIPAL PROPERTY TO TASOCLOX (PTY) LTD

(ITEM 2, PAGE 66 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Tasoclox (Pty) Ltd for a further period of 3 (THREE) years without following a competitive process, **be approved.**

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

27 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

11 SEPTEMBER 2021

5.2

APPLICATION TO PURCHASE: A PORTION OF ERF 1253 HERMANUS ADJACENT TO ERF 6249 HERMANUS (343 MAIN ROAD, EASTCLIFF, HERMANUS) – P LOTZ

(ITEM 3, PAGE 80 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the direct alienation of a portion of Erf 1253 Hermanus ($\pm 600\text{m}^2$ in extent), adjacent to Erf 6249 Hermanus, to the owner of Erf 6249 Hermanus, being P Lotz, **not be approved** as the property is needed for the provision of basic municipal services.

RESPONSIBLE OFFICIAL :**R MARINUS****TARGET DATE FOR IMPLEMENTATION :****27 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****11 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.3

TRANSFER OF A PORTION OF ERF 6804 HERMANUS (ROAD RESERVE) ADJACENT TO ERF 6516 HERMANUS SITUATED AT 2 HEIDE STREET, MOUNT PLEASANT, TO AG & PAM APLON

(ITEM 4, PAGE 87 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the transfer of a portion of Erf 6804 Hermanus (adjacent to Erf 6516 Hermanus) situated at 2 Heide Street, Mount Pleasant, $\pm 120\text{m}^2$ in extent, to the owners of the adjoining Erf 6516 Hermanus, AG & PAM Aplon, at an amount of R172.00/m² (ONE HUNDRED AND SEVENTY-TWO RAND) (PER SQUARE METRE) (VAT excluded) for the purpose of gardening, parking and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 6804 Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that the said portion of Erf 6804 Hermanus must be consolidated with the adjoining property of AG & PAM Aplon, being Erf 6516 Hermanus;
4. 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 gardening and parking purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 6804 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the public road, subdivision, consolidation and rezoning and all related town planning approvals applicable; and
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, AG & PAM Aplon.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

PROCESS

TARGET DATE TO INFORM APPLICANT:

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.4

TRANSFER OF ERF 1153 HAWSTON (SITUATED ON THE CORNER OF CHURCH STREET AND WOODLANDS ROAD, HAWSTON), 1980M² IN EXTENT, FOR CHURCH PURPOSES

(ITEM 6, PAGE 101 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the transfer of Erf 1153 Hawston, 1980m² (one thousand nine hundred and eighty square meters) in extent, for church purposes to David Solomon Fisher and Camee Lesley Liezel Fisher at an amount of R150,000.00 (ONE HUNDRED AND FIFTY THOUSAND RAND) (VAT included), **be approved**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water, sewer and electricity connections, the section 14 advertisement, etc., but excluding the valuation costs, be paid by David Solomon Fisher and Camee Lesley Liezel Fisher;
3. that a condition be registered in the title deed of the Property that the Property may only be used for church purposes (place of worship) and no other usage will be allowed on the Property and/or in any structure erected thereon;
4. that a condition be registered in the title deed of the Property that the Purchaser shall complete the development of the Property, in the form of a building or other acceptable structure, within a period of 2 (TWO) years, starting from the date of the registration of transfer of the Property in the Deeds Office;
5. that a condition be registered in the title deed of the Property that should the Purchaser fail to complete building the church or obtain an extension within the required 2 (TWO) year time period or any extended period, ownership of the Property thereof shall revert back to the Municipality at the cost of the Purchaser; and
6. that it is confirmed that Council has taken cognisance of the fact that the Municipal property is not required for the provision of the minimum level 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, No 56 of 2003.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

PROCESS

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.5**DRAFT INTEGRATED WASTE MANAGEMENT BY-LAW FOR REVIEW AND APPROVAL FOR ADOPTION****(ITEM 8, PAGE 116 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the Draft Integrated Waste Management By-law **be approved**;
2. that the new approved Integrated Waste Management By-law **be gazetted**; and
3. that the By-law **be workshopped**.

RESPONSIBLE OFFICIAL :**C MITCHELL****TARGET DATE FOR IMPLEMENTATION :****ONCE GAZETTED**

5.6

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 11869 (A PORTION OF REMAINDER ERF 243), HERMANUS (SITUATED ON THE CORNER OF SCHULPHOEK BOULEVARD AND THE R43), OVERSTRAND MUNICIPAL AREA, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 10, PAGE 222 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the alienation of unregistered Erf 11869 (a portion of Remainder Erf 243), Hermanus (1,09 ha in extent), for commercial and predominantly residential purposes by means of a competitive process and subject to public participation, **be approved in principle;**
2. that all costs pertaining to the transaction, e.g. the transfer costs, water-, sewer- and electricity connections, the Section 14 advertisement, the cost for the feasibility study, etc., but excluding the valuation costs and application fee, be paid by the successful bidder/purchaser;
3. that a reversion condition will be included in the Deed of Sale as well as the Title Deed that the Property be predominantly utilised for development and management of Social Housing in terms of the Western Cape Department of Human Settlements and the Social Housing Regulatory Authority Social Housing Programs and should the successful Bidder fails to erect such buildings and obtain an Occupancy Certificate for the proposed use within ten (10) years from date of registration and not use the Property as specified, the Property will revert back to the Municipality for the same amount as the original purchase price;
4. that the alienation of the Property be subject to the approval of land use rights in terms of the Overstrand Municipality's Amendment By-Law on municipal Land Use Planning, if applicable;
5. that the alienation of the Property be subject to the successful bidder/purchaser conducting a feasibility study in order to lay a solid foundation for the project;
6. that the successful bidder/purchaser appoint a botanist who will ground-truth the area for any endangered plant species. Based on the findings, a "search and rescue" operation to relocate species can be done;
7. that the alienation of the Property be subject to a viability study by the successful bidder/purchaser which must be approved by the Social Housing Regulatory Authority for funding purposes;

8. that the Social Housing Units or Property be managed as affordable rental stock and not sold under Sectional Title without permission of the Overstrand Municipality and the Social Housing Regulatory Authority and this condition must also be included in the Title Deed; and
9. 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 KUCHAR****TARGET DATE FOR IMPLEMENTATION:****13 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.7

ONRUS CARAVAN PARK: RENEWAL OF LEASE AGREEMENTS SUBJECT TO CONDITIONS

(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into an initial 3 (three) year lease agreements with holiday makers to the Onrus Caravan Park without following a competitive process; and
2. the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy of 2015 in relation to all the stands allocated as discussed in this report whether the current leases or any future leases **be approved**.

RESPONSIBLE OFFICIAL :**A WYNGAARD****TARGET DATE FOR IMPLEMENTATION :****7 SEPTEMBER 2021**

5.8

WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES

**(ITEM 3, PAGE 31 : COMMUNITY SERVICES PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)**

THE MEETING STOOD DOWN AT 11:25

THE MEETING RESUMED AT 11:30

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the revised Ward Committee Rules for Overstrand Municipality **be adopted**, subject to Paragraph 7.4.4 to be amended to read as follows: “[A minimum of not less than 2 (two) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.]”

RESPONSIBLE OFFICIAL :

**R WILLIAMS
F MYBURGH
D LAKEY
A WYNGAARD
B PLAATJIES**

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2021

5.9

APPLICATION TO PURCHASE: A PORTION OF ERF 7238 KLEINMOND, A PORTION OF ERF 7442 KLEINMOND, AS WELL AS A PORTION OF REMAINDER ERF 5462 KLEINMOND – WC JANUARY & SC ONCHER

(ITEM 4, PAGE 182 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the direct alienation of a portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent), a portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent), as well as a portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent), adjacent to Erf 7441 Kleinmond, to the owners, WC January and SC Oncher, **not be approved** on the following reasons:

- (a) A portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road;
- (b) A portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road. The property should further remain municipal property for community purposes and should the existing Early Childhood Development Centre (ECD) on Erf 4772 Kleinmond need to expand; and
- (c) A portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent) contains a gravity sewer line and also a pressure sewer rising main from the pump station running in that location and the portion is further intended for a future fibre-optic services and future planning of the road.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

17 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT:

30 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.10

GANSBAAI: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 1886 FRANSKRAALSTRAND (SITUATED AT FOUCHE STREET, FRANSKRAALSTRAND) BY MEANS OF A COMPETITIVE PROCESS

(ITEM 5, PAGE 191 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:40

THE MEETING RESUMED AT 11:50

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the alienation of Erf 1886 Franskraalstrand, 1,5447 Hectares in extent, for the purpose of a group housing development by means of a competitive process at a market related price **be approved in principle**;
2. that the successful bidder/purchaser will be required to obtain all the necessary Town Planning and axillary approvals, at its own cost, to be able to develop the Property for group housing purposes;
3. that the water service pipeline located on the Property be relocated at the cost of the successful bidder/purchaser;
4. that the successful bidder/purchaser register a services servitude for the main electrical service lines on the outer boundary of the Property against the title deed of the Property, at its own cost, simultaneous with the registration of the transfer;
5. that all costs pertaining to the transaction, including, but not limited to, the transfer costs, water, sewer and electricity connections, the section 14 advertisement, services relocation costs and servitude registration costs, but excluding the valuation costs, be paid by the successful bidder/purchaser;
6. that a condition be registered against the title deed of the Property that it may only be used and developed for group housing purposes;
7. that the relevant conditions stipulated and imposed by the Senior Manager: Operational Services and the Manager: Engineering Services be included in the deed of sale; and

8. 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 :	25 OCTOBER 2021
TARGET DATE TO INFORM APPLICANT :	3 SEPTEMBER 2021
TARGET DATE TO INFORM OBJECTOR :	N/A

5.11

TRANSFER OF UNREGISTERED ERF 9828 HERMANUS (A PORTION OF ERF 572 HERMANUS) (ROAD RESERVE) ADJACENT TO ERF 624 HERMANUS SITUATED AT 63 MARINE DRIVE, HERMANUS, TO HERMANUS ESPLANADE 1970 (PTY) LTD

(ITEM 6, PAGE 208 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the transfer of unregistered Erf 9828 (a portion of erf 572) Hermanus, 25m² in extent, (adjacent to Erf 624 Hermanus) situated at 63 Marine Drive, Hermanus, to the owners of the adjoining Erf 624 Hermanus, Hermanus Esplanade 1970 (Pty) Ltd, at an amount of R100.00 (ONE HUNDRED RAND) (VAT Incl.) **be approved;**
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is approved as the unregistered Erf 9828 (a portion of erf 572) Hermanus can be classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that unregistered Erf 9828 (a portion of erf 572) Hermanus must be consolidated with the adjoining properties of Hermanus Esplanade 1970 (Pty) Ltd, being Erven 624 and 642 Hermanus;
4. that all the costs pertaining to the transaction, including, but not limited to, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, Hermanus Esplanade 1970 (Pty) Ltd; and
5. that it be noted that the municipal property herewith envisaged to be transferred 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:**M ERASMUS****TARGET DATE FOR IMPLEMENTATION:****PROCESS****TARGET DATE TO INFORM APPLICANT:****16 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.12

**ERF 425, MFUNDO STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: MESSRS WRAP ON BEHALF OF MC BHALA**

**(ITEM 7, PAGE 217 : INFRASTRUCTURE & PLANNING PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the application in terms of Spatial Planning and Land Use Management Act No. 16 of 2013 read with Section 12 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the temporary approval to deviate from the Business Corridors, Zwelihle in order to allow for the operation of a bottle store on Erf 425, Zwelihle for a period of three (3) years, **be approved.**

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****8 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****8 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.13

**COVID-19 FINANCIAL RELIEF ARRANGEMENTS
EXEMPTION FROM PAYMENT OF RENTAL FOR THE MONTH OF JULY 2021
(ADJUSTED LOCKDOWN LEVEL 4) – SPECIFIC TENANTS****(ITEM 8, PAGE 250 : INFRASTRUCTURE & PLANNING PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the exemption from the payment of rental for the month of July 2021 in relation to the following tenants of the Municipality **be approved**:

- (a) Bientang's Cave CC;
- (b) CJ & JC Partnership;
- (c) De Vette Mossel;
- (d) Tasoclox (Pty) Ltd (Dutchies);
- (e) Tasoclox (Pty) Ltd (Fick's Pool);
- (f) Ingwesec (Pty) Ltd;
- (g) Kee Properties Investments (Pty) Ltd (Oskar's);
- (h) Kee Properties Investments (Pty) Ltd (Marine Drive Cafes);
- (i) Route 44 Reservations (Pty) Ltd;
- (j) Shoprite Checkers (Pty) Ltd;
- (k) Joshgro Investments 9 (Pty) Ltd;
- (l) Stonewater Holdings (Pty) Ltd;
- (m) Van Niekerk, Shawn; and
- (n) Vincenzo Romano.

RESPONSIBLE OFFICIAL :

**R MARINUS
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

1 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.14

IMPLEMENTATION OF MFMA CIRCULAR NO 88, ADDENDUM 2 OF 17 DECEMBER 2020

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the implementation of MFMA Circular No 88, Addendum 2 of 17 December 2020 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

25 AUGUST 2021

5.15

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, JULY 2021

(ITEM 6, PAGE 23 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2021, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for July 2021, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for July 2021, **be noted**.

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

5.16**WRITING OFF OF 2020/21 NON-TECHNICAL WATER AND ELECTRICITY LOSSES****(ITEM 7, PAGE 40 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the non-technical electricity losses to the value of R 5 480 026.74 for the 2020/21 financial year be written off; and
2. that the non-technical water losses to the value of R 2 438 768.70 for the 2020/21 financial year be written off.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

5.17

SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2020/21

(ITEM 8, PAGE 49 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that tabling of the 2020/21 **DRAFT** unaudited Annual Report, **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NONE

5.18

FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2020/21 FINANCIAL YEAR**(ITEM 9, PAGE 55 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that it **be noted** that the assets disposed of during the period 01 July 2020 to 30 June 2021 are not needed to provide the minimum level of basic municipal services; and
2. that the derecognition of the Infrastructure Assets replaced / abandoned / disposed of during the period 01 July 2020 to 30 June 2021, **be approved**.

RESPONSIBLE OFFICIAL :**J VORSTER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2021**

5.19

TIME SCHEDULE FOR THE 2022/23 IDP/ BUDGET PROCESS AND GUIDANCE ON THE NEW 5-YEAR IDP COMPILATION**(ITEM 10, PAGE 64 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the time schedule for the 2022/23 IDP/Budget process **be approved** in terms of section 21 (1) (b) of the Municipal Finance Management Act No 56 of 2003;
2. that the guidance on the new 5-year IDP compilation **be noted**;
3. that the guidance on the new 5-year IDP compilation be presented to the new incoming Council **for approval**; and
4. that the time schedule for the 2022/23 IDP/Budget process **be made public**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****2 SEPTEMBER 2021**

5.20**AMENDMENT TO THE 2021/2022 CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY****(ITEM 11, PAGE 80 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the amended Customer Care, Credit Control & Debt Collection Policy be approved and implemented with effect from 1 October 2021.

RESPONSIBLE OFFICIAL :**S REYNEKE-NAUDE
E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2021**

5.21**NON-COLLECTABLE TRAFFIC FINES****(ITEM 12, PAGE 94 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that it be noted that, according to the Director of Public Prosecutions, if a summons cannot be served on the registered owner or driver of the vehicle within 18 months, the case cannot be prosecuted;
2. that it be noted that, according to the Director of Public Prosecutions, warrants must also be carried out within 2 years after the date of authorisation or it must be returned to the magistrate for cancellation;
3. that it be noted that due to “housekeeping” of the back office the cases in 1 and 2 above were withdrawn as the fines are non-collectable;
4. that an amount of R769,720-87, relating to the impairment of these traffic fines, be written back; and
5. that the amount of R5,528,650-00, relating to non-collectable traffic fines, be written off as irrecoverable debt.

RESPONSIBLE OFFICIAL :**N MICHAELS
R FRASER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2021**

5.22

**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2021****(ITEM 13, PAGE 101 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the content of the revised report for the fourth quarter of the 2020/21 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top layer SDBIP for the revised fourth quarter of the 2020/21 financial year **be approved**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.23

REPORT ON THE PROPOSED ADJUSTMENTS BUDGET (ROLL-OVERS) FOR 2021/2022**(ITEM 14, PAGE 126 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that, in terms of section 28(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the Adjustments Budget (Roll-overs) 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; and

3. that the letter from the Department of Human Settlements regarding the reduction in the DOHS Grant **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

5.24

**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2021/22****(ITEM 15, PAGE 218 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the revised SDBIP for 2021/22 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2021/22 **be approved**; and
3. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

5.25

A PORTION OF ERF 4831 AND ERF 5327 HERMANUS (DE MOND): WRITE BACK AND WRITE OFF OF AMOUNTS RAISED AND WAIVER OF RENTAL – “POHL BUSINESS TRUST (T/A POHL PROPERTY DEVELOPMENT GROUP) TRADING AS THE CROWN GRANT (PTY) LTD”

(ITEM 9, PAGE 200 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that Council **approves** the:

1. waiver of the Municipality's claim against the Pohl Group for payment of the amount of R1,056,032.98 (ONE MILLION AND FIFTY-SIX THOUSAND AND THIRTY-TWO RAND AND NINETY-EIGHT CENTS) representing determinable rental received by them from sub-tenants on the property;
2. writing back of the amount of R85,854.03 (EIGHTY-FIVE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR RAND AND THREE CENTS) representing basic and infrastructure charges (electricity, water, sewerage and refuse) on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
3. writing off of the amount of R49,074.45 (FORTY-NINE THOUSAND AND SEVENTY-FOUR RAND AND FORTY-FIVE CENTS) representing consumption charges (electricity, water and sewerage) levied on municipal account number 900000522815 for the period 1 July 2018 to 30 September 2019;
4. writing off of the amount of R1,779.54 (ONE THOUSAND SEVEN HUNDRED AND SEVENTY NINE RAND AND FIFTY FOUR CENTS) representing the balance of the services charges due on municipal account number 900000522815 for the period 1 October 2019 to 31 May 2021, representing the time period the Klein River Lagoon Park Association and De Vette Mossel made payments of services charges directly to the Municipality;
5. writing off of a total amount of R15,245.99 (FIFTEEN THOUSAND TWO HUNDRED AND FORTY FIVE RAND AND NINETY-NINE CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 900000522815 for the period 1 July 2018 to 30 April 2021;

6. re-allocation of an amount of R146,872.68 (ONE HUNDRED AND FORTY SIX THOUSAND EIGHT HUNDRED AND SEVENTY TWO RAND AND SIXTY EIGHT CENTS) representing payments (including services deposits) made by the Pohl Group on account number 90000522815 for the period 1 July 2018 to 31 October 2019 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account);
7. writing back of the amount of R107,731.45 (ONE HUNDRED AND SEVEN THOUSAND SEVEN HUNDRED AND THIRTY-ONE RAND AND FORTY-FIVE CENTS) representing the balance basic and infrastructure charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
8. writing off of the amount of R110,822.94 (ONE HUNDRED AND TEN THOUSAND EIGHT HUNDRED AND TWENTY-TWO RAND AND NINETY-FOUR CENTS) representing the balance consumption charges for electricity on municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021;
9. writing off of a total amount of R8,487.02 (EIGHT THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN RAND AND TWO CENTS) representing sundry charges (collection costs, etc.) and interest levied on the municipal account number 770004831004 for the period 1 July 2018 to 30 April 2021; and
10. re-allocation of an amount of R155,232.57 (ONE HUNDRED AND FIFTY-FIVE THOUSAND TWO HUNDRED AND THIRTY TWO RAND AND FIFTY SEVEN CENTS) representing the balance payments (including services deposits) made by the Pohl Group on account number 770004831004 for the period 1 July 2018 to 31 July 2020 to partially settle the legal services costs in the amount of R302,105.25 (THREE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FIVE RAND AND TWENTY FIVE CENTS) incurred in the arbitration for which payment the Pohl Group is liable for (levied on the account).

RESPONSIBLE OFFICIALS :

**A LE ROUX
E HOONENBERG
L WALLACE**

TARGET DATE FOR IMPLEMENTATION :**30 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

6. CONSIDERATION OF REPORTS**6.1****DEED OF SETTLEMENT: CLLR M MHANA****3/2/3/1****H van Tonder****Manager : Council Support Services****31 May 2021****(028) 313 8037**

EXECUTIVE SUMMARY

The purpose of this report is to afford Council the opportunity to take note and confirm a Deed of Settlement in respect of Cllr M Mhana's failure to be present at the start of the Portfolio Committee meeting of 23 March 2021.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the Deed of Settlement between the Disciplinary Committee of Council and Cllr M Mhana **be accepted**; and
2. that, in terms of Item 13(3) of the Code of Conduct for Councillors, a copy of Council's decision be forwarded to the Minister of Local Government, Environmental Affairs and Development Planning.

RESPONSIBLE OFFICIAL :**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****15 SEPTEMBER 2021**

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 12:21

DATE

THE SPEAKER – A COETSEE