



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 28 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2024**

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

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

TIME / TYD / IXESHA: 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN ORDINARY COUNCIL MEETING HELD IN THE **BANQUETING HALL**, CIVIC CENTRE, HERMANUS, ON **28 FEBRUARY 2024 AT 10:00**

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : LED
Ms R Louw, Senior Manager : Strategic Services
Mr L Smith, Senior Manager : Fire & Emergency Services & Disaster Management
Ms A Le Roux, Manager : Property Administration
Ms N Zweni, Manager : Communications
Mr J Solomons, Senior Manager : Operational Services
Mr R Fraser, Senior Manager : Traffic, Law Enforcement & Task Team
Mr T Louw, Technical Support : Auditorium
Ms H van Tonder, Manager : Council Support Services
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 FEBRUARY 2024

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

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

**Cllr V Bandeza
Ald R de Coning
Cllr S Fourie
Cllr K Ngqandana**

RESOLVED:

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

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 November 2023** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 November 2023** at **10:00** be confirmed.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held virtually on **Friday, 5 January 2024** at **10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held virtually on **Friday, 5 January 2024** at **10:00** be confirmed.

- 3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held virtually on **Friday, 26 January 2024** at **10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held virtually on **Friday, 26 January 2024** at **10:00** be confirmed.

- 3.4 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 31 January 2024 at 10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 31 January 2024 at 10:00** be confirmed.

4. MATTERS ARISING FROM THE MINUTES

- 4.1 Meeting between Council, SCM and budget holders
4.2 Writing Off of Irrecoverable Debt

The CFO, Ms S Reyneke-Naudé, gave a presentation after the council meeting on the above-mentioned matters.

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

The Executive Mayor, Ald A Rabie, informed the meeting that Cllr H Lombard is Overstrand Municipality's representative for the District Health Council.

The Executive Mayor, Ald A Rabie, informed the meeting that an update on the Housing SIU was received but that no progress has been made.

THE SPEAKER, CLLR G COHEN, IN TERMS OF RULE 4(2) OF THE MUNICIPALITY'S BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS, CHANGED THE ORDER OF BUSINESS IN ORDER FOR THE CONFIDENTIAL ITEMS 7.4 AND 7.5 TO BE DEALT WITH FIRST

THE MEETING STOOD DOWN AT 10:08 TO ALLOW OFFICIALS AND THE PUBLIC TO LEAVE THE BANQUETING HALL

THE MEETING RESUMED AT 10:10 AND CONFIDENTIAL ITEMS 7.4 AND 7.5 WERE DEALT WITH

THE MEETING THEN STOOD DOWN AT 10:57 TO ALLOW OFFICIALS AND THE PUBLIC TO RETURN TO THE BANQUETING HALL

THE MEETING RESUMED AT 11:00

6. 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)

6.1

CLEARING OF PROPERTY POSING FIRE HAZARD

(ITEM 5 PAGE 55 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that Council adopt the new change as proposed in this item and that the proposed change to policy be adopted until the review of the policy has been concluded.

RESPONSIBLE OFFICIAL :

**NJ MICHAELS
L SMITH**

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2024

THE EXECUTIVE MAYOR, ALD A RABIE, REQUESTED THAT A WORKSHOP BE HELD FOR ALL COUNCILLORS ON THIS POLICY

THE EXECUTIVE MAYOR, ALD A RABIE, AND THE DEPUTY EXECUTIVE MAYOR, CLLR L NTSABO, LEFT THE MEETING AT 11:05 WITH PERMISSION FROM THE SPEAKER

6.2**IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 2788 HERMANUS (SITUATED AT 147 FIFTH STREET, HERMANUS) BY MEANS OF A COMPETITIVE PROCESS****(ITEM 1 PAGE 1 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)****RESOLVED (SUPPORTED BY 21 COUNCILLORS):**

1. that the alienation of Erf 2788 Hermanus (496m² in extent), for residential purposes by means of a competitive process at a market related purchase price, **be approved in principle**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water-, sewer and electricity connections, the section 14 advertisements, etc., but excluding the valuation costs, be paid by the successful bidder/purchaser;
3. that the encroachment be disclosed in the competitive process as well as addressed before the transfer of the Property;
4. that a condition be included in the Title Deed of the Property that it may only be used for residential purposes and that development should not take place in the proposed buffer area; and
5. that it is confirmed that Council has taken cognisance of the fact 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 (2015) and section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****15 MARCH 2024****TARGET DATE TO INFORM APPLICANT :****29 MARCH 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.3.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 6847 KLEINMOND (SITUATED AT 3 BERGROOS CRESCENT, UITBREIDING 6, KLEINMOND) BY MEANS OF A COMPETITIVE PROCESS

(ITEM 2 PAGE 15 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the alienation of Erf 6847 Kleinmond (359m² in extent), for residential purposes by means of a competitive process at a market related purchase price, **be approved in principle**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water-, sewer and electricity connections, the section 14 advertisements, etc., but excluding the valuation costs, be paid by the successful bidder/purchaser;
3. that a condition be included in the Title Deed of the Property that it may only be used for residential purposes; and
4. that it is confirmed that Council has taken cognisance of the fact 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 (2015) and section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****15 MARCH 2024****TARGET DATE TO INFORM APPLICANT :****29 MARCH 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.4.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 6834 KLEINMOND (33 ALUSIA CRESCENT, KLEINMOND,) 417M² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 3 PAGE 24 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the alienation of Erf 6834 Kleinmond (417m² in extent) by means of a competitive process at a market related price for residential purposes, **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**M BEKKER****TARGET DATE FOR IMPLEMENTATION :****13 MARCH 2024****TARGET DATE TO INFORM APPLICANT:****13 MARCH 2024****TARGET DATE TO INFORM OBJECTOR:****N/A**

6.5.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERVEN 3538 - 3541 (PORTIONS OF ERF 1) HAWSTON (SITUATED IN CHESTER ROAD, HAWSTON), EACH 549M² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 4 PAGE 32 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the alienation of the following properties for business purposes by means of a competitive process **be approved in principle**:
 - a) Erf 3538 (a portion of Erf 1) Hawston, 549m² (FIVE HUNDRED AND FORTY-NINE SQUARE METRES) in extent;
 - b) Erf 3539 (a portion of Erf 1) Hawston, 549m² (FIVE HUNDRED AND FORTY-NINE SQUARE METRES) in extent;
 - c) Erf 3540 (a portion of Erf 1) Hawston, 549m² (FIVE HUNDRED AND FORTY-NINE SQUARE METRES) in extent; and
 - d) Erf 3541 (a portion of Erf 1) Hawston, 549m² (FIVE HUNDRED AND FORTY-NINE SQUARE METRES) in extent.
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections, bulk contributions and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidders/purchasers; and
3. that it is hereby confirmed by Council that the municipal properties herewith envisaged to be alienated are not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2024****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.6.

**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 TEMPORARILY
RENEW THE LEASE OF MUNICIPAL PROPERTY TO TASOCLOX (PTY) LTD**

**(ITEM 5 PAGE 41 : INVESTMENT, INFRASTRUCTURE & TOURISM
PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY
2024)**

RESOLVED (SUPPORTED BY 21 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 9 (NINE) months without following a competitive process, **be approved.**

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| RESPONSIBLE OFFICIAL : | M ERASMUS |
| TARGET DATE FOR IMPLEMENTATION : | 31 MARCH 2024 |
| TARGET DATE TO INFORM APPLICANT : | 31 MARCH 2024 |
| TARGET DATE TO INFORM OBJECTOR : | N/A |

6.7

TRANSFER OF ERF 1886 FRANSKRAALSTRAND (SITUATED IN FOUCHE STREET, FRANSKRAALSTRAND), TO STARCROW 111 CC

(ITEM 6 PAGE 49 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the transfer of Erf 1886 Franskraalstrand (1,5447 Hectare in extent), for the purpose of a town housing development to Starcrow 111 CC at an amount of R2,600,000.00 (TWO MILLION SIX HUNDRED THOUSAND RAND) (VAT included), **be approved**;
2. that the Purchaser be required to obtain the necessary Town Planning and associated approvals, at its own cost, to be able to develop the Property for town housing purposes;
3. that the water service pipeline located on the Property be relocated at the cost of the Purchaser;
4. that the Purchaser register a 5 (FIVE) metre service servitude, on both sides of the electrical service lines on the outer boundary of the Property in favour of the Municipality, against the title deed of the Property, at its own cost, simultaneously with the registration of the transfer. If not possible the Purchaser undertakes not to build anything within 5 (FIVE) metres from the centre of the electrical cable;
5. that all costs pertaining to the transaction, including but not limited to, the transfer cost, water, sewer and electricity connections, the section 14 advertisement, service relocation costs and servitude registration cost, but excluding the valuation cost, be paid by the Purchaser;
6. that a condition be registered in the title deed of the Property that it may only be used for the purpose of a town housing development;
7. 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 registration of transfer of the Property in the Deeds Office. Should it become apparent that the Purchaser shall not be able to complete the development within the aforementioned 2 (TWO) year period, the Purchaser shall be entitled to request an extension of the time period within which to complete the development; and

8. that it is confirmed that Council has taken cognisance of the fact 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 (2015) and section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

15 MARCH 2024

TARGET DATE TO INFORM APPLICANT :

29 MARCH 2024

TARGET DATE TO INFORM OBJECTOR :

N/A

6.8.

PARTIAL RESCISSION OF COUNCIL'S IN PRINCIPLE DECISION FOR THE DIRECT ALIENATION OF A PORTION OF THE REMAINDER ERF 1178 DE KELDERS (ROAD RESERVE), ADJACENT TO ERF 43 DE KELDERS SITUATED AT 1 DE VILLIERS STREET, DE KELDERS TO CFP JORDAAN

(ITEM 7 PAGE 58 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

that conditions 1 to 6 and 8 as contained in the Council resolution of 28 October 2021 in respect of the in-principle approval for the direct sale of a portion of Remainder Erf 1178 De Kelders, ($\pm 165\text{m}^2$ in extent), to CFP Jordaan, **be rescinded**.

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| RESPONSIBLE OFFICIAL : | W MURTZ |
| TARGET DATE FOR IMPLEMENTATION : | 15 MARCH 2024 |
| TARGET DATE TO INFORM APPLICANT : | 29 MARCH 2024 |
| TARGET DATE TO INFORM OBJECTOR : | N/A |

6.9.

APPLICATION TO PURCHASE: A PORTION OF ERF 4721 KLEINMOND SITUATED IN THIRTEENTH AVENUE, KLEINMOND (ROAD RESERVE) – I KOEN

(ITEM 8 PAGE 63 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

that the application to purchase a portion of Erf 4721 Kleinmond, ($\pm 90\text{m}^2$ in extent) adjacent to Erf 6032 Kleinmond, by the owner of the adjoining Erf 6032 Kleinmond, Mr I Koen, **not be approved** as the Property is used and further needed for municipal services.

RESPONSIBLE OFFICIAL:**W MURTZ****TARGET DATE FOR IMPLEMENTATION:****29 MARCH 2024****TARGET DATE TO INFORM APPLICANT:****15 MARCH 2024****TARGET DATE TO INFORM OBJECTOR:****N/A**

6.10.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 243 HERMANUS, ADJACENT TO ERF 283 HERMANUS AND PORTION 338 (A PORTION OF PORTION 4) OF THE FARM NO 581 ONRUSTRIVIER, CALEDON REGIONAL DISTRICT, TO REDBUILD TRUST

(ITEM 9 PAGE 71 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the direct alienation of a portion of Remainder Erf 243 Hermanus (±1,52 ha in extent), to the owner of the adjoining properties, being Erf 283 Hermanus and Portion 338 (a portion of Portion 4) of the Farm No 581 Onrustrivier, Caledon Regional District, Redbuild Trust, at an amount of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded), to clear and destump the area and for the erection of a fence / boundary wall, be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Remainder Erf 243 Hermanus, can be classified as a non-viable property;
3. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 243 Hermanus must be consolidated with the adjoining properties of Redbuild Trust, being Erf 283 Hermanus and Portion 338 (a portion of Portion 4) of the Farm No 581 Onrustrivier, Caledon Regional District;
4. that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 243 Hermanus, which condition must be registered against the title deed of the consolidated property;
5. that the alienation of said portion of Remainder Erf 243 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which include, the closure of public place, rezoning, subdivision, and consolidation;
6. that all the costs pertaining to the transaction, e.g., application costs, valuation cost, closure of public open space, rezoning, subdivision and consolidation, advertisement, and the related costs, etc. be paid by Redbuild Trust; and

7. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:

M BEKKER

TARGET DATE FOR IMPLEMENTATION:

13 MARCH 2024

TARGET DATE TO INFORM APPLICANT:

13 MARCH 2024

TARGET DATE TO INFORM OBJECTOR:

N/A

6.11.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 3226 BETTY'S BAY (31 ALBERTYN DRIVE, BETTY'S BAY) 1,456M² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 10 PAGE 80 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the alienation of Erf 3226 Betty's Bay (1,456m² in extent) by means of a competitive process at a market related price for residential purposes, **be approved in principle**;
2. that it be noted that the Property is situated within a declared wetland and authorization from the water use authority (BGCMA) will be required prior to approval of any building plans by the Environmental Management Services;
3. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
4. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**M BEKKER****TARGET DATE FOR IMPLEMENTATION :****13 MARCH 2024****TARGET DATE TO INFORM APPLICANT :****13 MARCH 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.12.

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 751 HAWSTON (EBENEZER ROAD, HAWSTON) 310M² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 11 PAGE 89 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the alienation of Erf 751 Hawston (310m² in extent) by means of a competitive process at a market related price for residential purposes, **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**M BEKKER****TARGET DATE FOR IMPLEMENTATION :****13 MARCH 2024****TARGET DATE TO INFORM APPLICANT :****13 MARCH 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.13.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 323 ROOI ELS, ($\pm 357\text{m}^2$ IN EXTENT), ADJACENT TO ERF 101 ROOI ELS, SITUATED IN HOTEL CRESCENT, ROOI ELS, TO MS JA BAIGRIE

(ITEM 12 PAGE 97 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the direct alienation of a portion of Remainder Erf 323 Rooi Els (adjacent to Erf 101 Rooi Els) situated in Hotel Crescent, Rooi Els ($\pm 357\text{m}^2$ in extent), to the owner of the adjoining Erf 101 Rooi Els, Ms Jennifer Anne Baigrie, at an amount of R800.00/m² (EIGHT HUNDRED RAND PER SQUARE METRE) (VAT excluded), to retain the existing partial enclosure, **be approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Remainder Erf 323 Rooi Els can be classified as a non-viable property;
3. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 323 Rooi Els must be consolidated with the adjoining property of Ms Jennifer Anne Baigrie, being Erf 101 Rooi Els;
4. that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 323 Rooi Els, which condition must be registered against the title deed of the consolidated property;
5. that the alienation of said portion of Remainder Erf 323 Rooi Els be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which include, the closure of public place (road), rezoning, subdivision and consolidation;
6. that all the costs pertaining to the transaction, e.g., application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, advertisement, and the related costs, etc. be paid by the Applicant/purchaser, Ms Jennifer Anne Baigrie; and
7. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

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| RESPONSIBLE OFFICIAL: | M BEKKER |
| TARGET DATE FOR IMPLEMENTATION: | 13 MARCH 2024 |
| TARGET DATE TO INFORM APPLICANT: | 13 MARCH 2024 |
| TARGET DATE TO INFORM OBJECTOR: | N/A |

6.14.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 241 HERMANUS (ROAD RESERVE), ADJACENT TO ERF 100 HERMANUS, SITUATED AT 54 ROCKLANDS DRIVE, HERMANUS TO MJ & K SMUTS

(ITEM 13 PAGE 107 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the direct alienation of a portion of Remainder Erf 241 Hermanus ($\pm 170\text{m}^2$ in extent) adjacent to Erf 100, situated at 54 Rocklands Street, Hermanus, to MJ & K Smuts, the owners of the adjoining property, for gardening purposes and the erection of a boundary fence or wall, at an amount of R650.00/m² (SIX HUNDRED AND FIFTY RAND) per square metre (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Remainder Erf 241 Hermanus can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicants/purchasers;
4. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 241 Hermanus must be consolidated with the adjoining property of Applicants/purchasers, being Erf 100 Hermanus, simultaneous with the registration of the transfer;
5. 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 purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
6. that the alienation of said portion of Remainder Erf 241 Hermanus be subject to a suspensive condition that the Applicant/purchasers obtains approval for all the required land use rights, which may include, the partial closure of a road, rezoning, subdivision and consolidation;
7. that all the costs pertaining to the transaction, e.g. application costs, valuation costs, closure, rezoning, subdivision and consolidation, advertisement and the related costs, etc. be paid by the Applicants/purchasers; and

8. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

15 MARCH 2024

TARGET DATE TO INFORM APPLICANT:

29 MARCH 2024

TARGET DATE TO INFORM OBJECTOR:

N/A

6.15.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 379 HERMANUS, ADJACENT TO ERF 6137 HERMANUS, SITUATED ON THE CORNER OF DE GOEDE STREET AND WESTCLIFF ROAD (ROAD RESERVE), HERMANUS, TO MS MAGDALENA OTTO

(ITEM 15 PAGE 127 : INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the direct alienation of a portion of Erf 379 Hermanus (adjacent to Erf 6137 Hermanus) situated on the corner of De Goede Street and Westcliff Road, Hermanus ($\pm 88\text{m}^2$ in extent), to the owner of the adjoining Erf 6137 Hermanus, Ms Magdalena Otto, at an amount of R750.00/m² (SEVEN HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded), for the purpose of a boundary wall/fence, **be approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Erf 379 Hermanus can be classified as a non-viable property;
3. that it be noted that a condition for the alienation will be that the said portion of Erf 379 Hermanus must be consolidated with the adjoining property of Ms Magdalena Otto, being Erf 6137 Hermanus;
4. that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Erf 379 Hermanus, which condition must be registered against the title deed of the consolidated property;
5. that the alienation of said portion of Erf 379 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which include, the closure of public place (road), rezoning, subdivision, and consolidation;
6. that all the costs pertaining to the transaction, e.g., application costs, valuation cost, closure of public open space, rezoning, subdivision and consolidation, advertisement, and the related costs, etc. be paid by the Applicant/purchaser, Ms Magdalena Otto;
7. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and

8. that it be noted that a different decision is taken than the Council decision of 28 October 2021 due to the following reasons:
- (a) the area applied for was amended to form a more desirable property boundary outline;
 - (b) the relevant internal department responsible for the planning for road widening did not have an objection to the proposed sale as the area applied for was amended;
 - (c) the applicant provided further information as to the need to purchase the property for safety and security purposes as the garage on her property is too small to park in and offload items which forces her to park in front of the garage on an area which is not enclosed, which is a safety risk; and
 - (d) the applicant confirmed that she has had several attempted break-ins at her property which can only be mitigated if the property is enclosed.

RESPONSIBLE OFFICIAL:

M BEKKER

TARGET DATE FOR IMPLEMENTATION:

13 MARCH 2024

TARGET DATE TO INFORM APPLICANT:

13 MARCH 2024

TARGET DATE TO INFORM OBJECTOR:

N/A

6.16**OVERSTRAND MUNICIPALITY: BY-LAW RELATING TO THE KEEPING OF DOGS AND CATS****(ITEM 1 PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)****THE DEMOCRATIC ALLIANCE REQUESTED A CAUCUS AT 11:34****THE MEETING RESUMED AT 11:40****RESOLVED (SUPPORTED BY 21 COUNCILLORS):**

1. that the By-Law Relating to the Keeping of Dogs and Cats **be adopted**; and
2. that the Overstrand Municipal Keeping of Dogs and Cats By-Law **be published** in the Provincial Gazette.

RESPONSIBLE OFFICIALS :**AREA MANAGERS:
KLEINMOND
GANSBAAI, HERMANUS
SENIOR MANAGER: LAW
ENFORCEMENT & TASK
TEAM****IMPLEMENTATION DATE:****ON PUBLICATION IN THE
GOVERNMENT GAZETTE**

6.17

POLICY: USE OF OVERSTRAND MUNICIPAL LETTERHEAD

**(ITEM 1 PAGE 1 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 13 FEBRUARY 2024)**

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

that the Policy on Use of Overstrand Municipal Letterhead **be adopted**.

RESPONSIBLE OFFICIAL :

D ARRISON

TARGET DATE FOR IMPLEMENTATION :

6 MARCH 2024

6.18**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JANUARY 2024****(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 13 FEBRUARY
2024)****RESOLVED (SUPPORTED BY 21 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2024, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for January 2024, **be noted**; and
3. that the awards made through the Bid Committee system, formal written price quotations in excess of R30 000 and price quotations below R30 000 for January 2024, **be noted**.

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

7. CONSIDERATION OF REPORTS**7.1****AMENDMENT TO THE SUPPLY CHAIN MANAGEMENT POLICY AND THE PREFERENTIAL PROCUREMENT POLICY****C Le Roux
14 February 2024****Deputy Director: Finance & SCM****(028) 313 8107**

EXECUTIVE SUMMARY

The purpose of this item is to approve the amendments to the Supply Chain Management (SCM) Policy and the Preferential procurement Policy to give effect to the practical application of the SCM Policy.

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the amended Supply Chain Management policy for 2023/2024 **be approved**;
2. that the amended Preferential Procurement policy for 2023/2024 **be approved**;
and
3. that the policy be implemented with effect from 01 March 2024.

RESPONSIBLE OFFICIAL :**C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****01 MARCH 2024**

7.2

AMENDMENT TO THE PETTY CASH POLICY

J Vorster

Senior Manager: Expenditure & Assets

19 February 2024

(028) 313 8046

EXECUTIVE SUMMARY

The purpose of this item is to approve the amendments to the Petty Cash Policy to align to, and to give effect to the practical application of the SCM Policy following the amendments to the Supply Chain Management Regulations.

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that the amended Petty Cash Policy for 2023/2024 **be approved**; and
2. that the policy **be implemented** with effect from 01 March 2024.

RESPONSIBLE OFFICIAL :**J VORSTER****TARGET DATE FOR IMPLEMENTATION :****01 MARCH 2024**

7.3**REPORT ON THE PROPOSED 3RD ADJUSTMENTS BUDGET FOR 2023/2024****BA King****Senior Manager: Financial Services****20 February 2024****(028) 313 8154**

EXECUTIVE SUMMARY

Report prepared in terms of section 28(2)(c)&(g) and section 29 of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for the 3rd Adjustments Budget proposals emanating from additional grant allocations received and proposals emanating from unforeseen and unavoidable expenditure, which must be approved by Council in terms of legislation.

RESOLVED (SUPPORTED BY 21 COUNCILLORS):

1. that, in terms of section 28 and 29 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 3rd Adjustments Budget for 2023/2024 **be approved** as set out in the following schedules:
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 2023/2024 **be approved**; and
4. that the revised SDBIP for 2023/2024 **be made public**.

RESPONSIBLE OFFICIAL :**BA KING
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****1 MARCH 2024**

7.4**ORGANISATIONAL REVIEW**

This item was distributed under separate cover.

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

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

7.5**PLACEMENT POLICY**

This item was distributed under separate cover.

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

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

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

None

9. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

10. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 11:49

DATE

THE SPEAKER – G COHEN