



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 29 MARCH / MAART / MATSHI
2023**
**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**
**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 March / Maart / Matshi 2023

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 **Banqueting Hall, Civic Centre, Hermanus**, on **WEDNESDAY, 29 MARCH 2023 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 **Banketsaal, Burgersentrum, Hermanus**, op **WOENSDAG, 29 MAART 2023 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-Banqueting Hall, kwiZiko LoLUNTU, eHermanus, uLWESITHATHU, Umhla we 29 MATSHI2023, 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/...

COUNCIL

29 March 2023

INDEX

<u>ITEM</u>	<u>PAGE NUMBER</u>
1. OPENING	1
2. APPLICATIONS FOR LEAVE OF ABSENCE	1
3. CONFIRMATION OF MINUTES	1
4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR	1
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)	2
5.1 GANSBAAI: ALIENATION OF A PORTION OF REMAINDER ERF 210 GANSBAAI (SITUATED IN INDUSTRY CIRCLE, GANSBAAI), ±5HECTARES IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS	2
5.2 RECISSION OF COUNCIL RESOLUTION DATED 24 MAY 1995 FOR THE AUTOMATIC RENEWAL FOR PERIODS OF SIX MONTHS - LEASES FOR SEMI-PERMANENT STANDS ON A PORTION OF ERF 207 GANSBAAI (GANSBAAI CARAVAN PARK)	3
5.3 A PORTION OF ERF 10572, A CLOSED PORTION OF GOLF STREET, HERMANUS: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNERS OF ERF 1272 HERMANUS, THE EDC HOUSE TRUST	4
5.4 A PORTION OF REMAINDER ERF 4771 HERMANUS KNOWN AS THE "NAUTILUS PROPERTY": DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER TEMPORARY LEASE AGREEMENT WITH JACKALSVLEI (PTY) LTD FOR SHORT-TERM PERIOD PENDING THE FINALISATION OF THE TENDER PROCESS	5
5.5 MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR FEBRUARY 2023	6

<u>ITEM</u>		<u>PAGE NUMBER</u>
5.6	REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL	7
5.7	AMENDMENT TO THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) CHARTER PURSUANT TO ITS REVIEW BY THE JAPAC	8
5.8	FINAL AMENDMENT TO CHAPTER 13: PERFORMANCE MANAGEMENT IN THE APPROVED INTEGRATED DEVELOPMENT PLAN (IDP) FOR THE CURRENT FINANCIAL YEAR (2022/23)	9
5.9	CONSIDERATION OF THE 2021/22 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT	10
5.10	DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW FOR 2023/24	11
5.11	REVIEW OF THE DISASTER MANAGEMENT PLAN	12
5.12	DRAFT BUDGET FOR 2023/2024, INDICATIVE BUDGET FORECASTS FOR 2024/2025 TO 2025/2026 AND DRAFT BUDGET RELATED POLICIES	13
5.13	DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2023/24	14
6.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)	15
7.	CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS	15
8.	CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)	15

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 28 February 2023** at **10:00**

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

- 4.1 Schulphoek Housing Project

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 recommendation is 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 27 March 2023 had formally sat.

5.1

GANSBAAI: ALIENATION OF A PORTION OF REMAINDER ERF 210 GANSBAAI (SITUATED IN INDUSTRY CIRCLE, GANSBAAI), ±5HECTARES IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that Council's approval of 23 September 2009 for the alienation of a portion of Remainder Erf 210 Gansbaai ±5ha (FIVE HECTARES) in extent by means of a competitive process for industrial purposes at a market related price **be noted**; and
2. 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 :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

14 APRIL 2023

TARGET DATE TO INFORM APPLICANT :

28 APRIL 2023

TARGET DATE TO INFORM OBJECTOR :

N/A

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.2

RECISSION OF COUNCIL RESOLUTION DATED 24 MAY 1995 FOR THE AUTOMATIC RENEWAL FOR PERIODS OF SIX MONTHS - LEASES FOR SEMI-PERMANENT STANDS ON A PORTION OF ERF 207 GANSBAAI (GANSBAAI CARAVAN PARK)

(ITEM 7 PAGE 20 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that the whole of Council's resolution dated 24 May 1995 in respect of the automatic renewal for periods of six months of leases for semi-permanent stands on a portion of Erf 207 Gansbaai (Gansbaai Caravan Park), be rescinded, on the reasons discussed in this report; and
2. that the recommendations as contained in the legal opinion of Fairbridges Wertheim Becker Attorneys be implemented.

RESPONSIBLE OFFICIAL:**A LE ROUX****TARGET DATE FOR IMPLEMENTATION:****28 APRIL 2023****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.3

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

(ITEM 8 PAGE 36 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that, subject to the outcome of the Land Use Planning application, the registration of a servitude right of way over Municipal property, being a portion of Erf 10572 Hermanus, a closed portion of Golf Street, Hermanus in favour of the owners of Erf 1272 Hermanus at a market related price, **be approved.**

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	28 APRIL 2022
TARGET DATE TO INFORM APPLICANT :	28 APRIL 2022
TARGET DATE TO INFORM OBJECTOR :	N/A

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.4

A PORTION OF REMAINDER ERF 4771 HERMANUS KNOWN AS THE “NAUTILUS PROPERTY”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER TEMPORARY LEASE AGREEMENT WITH JACKALSVLEI (PTY) LTD FOR SHORT-TERM PERIOD PENDING THE FINALISATION OF THE TENDER PROCESS

(ITEM 9 PAGE 44 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy (2015) in order to enter into a lease agreement with Jackalsvlei (Pty) Ltd for another short-term period of 2 (TWO) months to lease a portion of Remainder Erf 4771 Hermanus, ±500m² in extent, for the purpose of operating a summer lounge at a total rental amount of R29,001.64 (TWENTY-NINE THOUSAND AND ONE RAND AND SIXTY-FOUR CENTS) (VAT included) for the period, without following a competitive process, **be approved**; and
2. that a condition be included in the lease agreement that the lessee must make use of local labour (as waiters/waitresses/cleaners/etc.) during the period of the lease.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

15 MARCH 2023

TARGET DATE TO INFORM APPLICANT :

15 MARCH 2023

TARGET DATE TO INFORM OBJECTOR :

N/A

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.5

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

(ITEM 10 PAGE 51 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for February 2023, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for February 2023, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for February 2023, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.6

REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

(ITEM 11 PAGE 66 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that the report from the JAPAC to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :**DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****29 MARCH 2023**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.7

AMENDMENT TO THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) CHARTER PURSUANT TO ITS REVIEW BY THE JAPAC

(ITEM 12 PAGE 104 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that the amendments be made to the current JAPAC Charter and **be adopted**.

RESPONSIBLE OFFICIAL :**DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****29 MARCH 2023**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.8

FINAL AMENDMENT TO CHAPTER 13: PERFORMANCE MANAGEMENT IN THE APPROVED INTEGRATED DEVELOPMENT PLAN (IDP) FOR THE CURRENT FINANCIAL YEAR (2022/23)

(ITEM 13 PAGE 119 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that the final amendment to Chapter 13: Performance Management in the approved Integrated Development Plan (IDP) of 31 May 2022 **be approved**.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****29 MARCH 2023**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.9

CONSIDERATION OF THE 2021/22 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT

(ITEM 14 PAGE 139 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) and having duly considered the 2021/22 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

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

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.10**DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW FOR 2023/24**

(ITEM 15 PAGE 161 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that the draft IDP review for 2023/24 **be noted**; and
2. that the draft IDP review for 2023/24 **be advertised** for public comment in order for Council to consider the final document during the May 2023 Council meeting.

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

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.11

REVIEW OF THE DISASTER MANAGEMENT PLAN

(ITEM 16 PAGE 174 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality Disaster Management Plan **be adopted**.

RESPONSIBLE OFFICIAL :**NJ MICHAELS
L SMITH****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2023**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.12

DRAFT BUDGET FOR 2023/2024, INDICATIVE BUDGET FORECASTS FOR 2024/2025 TO 2025/2026 AND DRAFT BUDGET RELATED POLICIES

(ITEM 17 PAGE 290 : MAYORAL COMMITTEE MEETING : 27 MARCH 2023)

RECOMMENDATION TO THE COUNCIL:

1. that the tabling of the Draft Budget for 2023/2024, indicative budget forecasts for 2024/2025 to 2025/2026 and the draft budget related policies **be noted**; and
2. that the Draft Budget for the 2023/2024 MTREF **be advertised** for public comment in order for Council to consider the final budget at a Council meeting to be held on 31 May 2023.

RESPONSIBLE OFFICIALS:**S REYNEKE-NAUDE
BA KING****TARGET DATE FOR IMPLEMENTATION:****TO BE NOTED**

REMARK

Please note that the following recommendation is 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 27 March 2023 had formally sat.

5.13

**DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2023/24**

**(ITEM 18 PAGE 292 : MAYORAL COMMITTEE MEETING : 27 MARCH
2023)**

RECOMMENDATION TO THE COUNCIL:

that the draft Top Layer Service Delivery and Budget Implementation plan (SDBIP) for 2023/24 **be noted**.

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

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

7. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

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

8. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)