



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 28 NOVEMBER / NOVEMBA 2025

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 NOVEMBER 2025 AT 10:00**

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Dr D O'Neill, Municipal Manager
Ms D Arrison, Director : Corporate Services
Mr S Müller, Chief Engineer : Infrastructure Services
Mr H Vorster, Acting Director: Community Services
Mr R Kuchar, Divisional Manager : Town & Spatial Planning
Mr A Gcotyelwa, Manager : Integrated Human Settlements and Development
Ms R Louw, Divisional Manager : Strategic Support Services
Ms A Le Roux, Divisional Manager : Property Management
Mr D Hendriks, Principal Engineer: Project Management
Mr J du Toit, Chief: Law Enforcement
Ms H van Tonder, Manager : Administrative Support Services
Ms R Steenekamp, Assistant Media & Social Media Liaison Officer
Ms S Swart, Senior Committee Officer
Ms C Fisher, Chief Clerk: Committee Services
Mr A Lekay, Senior Clerk
Mr C Solomons, Technical Support : Auditorium

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 NOVEMBER 2025

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

1. OPENING

The Speaker, Ald G Cohen, opened the meeting and welcomed those present. The Municipal Manager, Dr D O'Neill, read the convening notice and Cllr M Grimbeek opened with prayer. The Speaker mentioned that the minutes of the Special Council meeting of 2 October 2025 as listed under paragraph 3.2, must be deleted as it was already approved at the Ordinary Council meeting of 29 October 2025. The Speaker extended the agenda to include Items 7.9 and 7.10, which matters will be considered in committee at the end of the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald T Nqinata
Cllr S Beyi

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 October 2025** at **10:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 October 2025** at **10:00** **be confirmed**.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Thursday, 6 November 2025** at **09:00**

RESOLVED

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Thursday, 6 November 2025** at **09:00** **be confirmed**.

4. MATTERS ARISING FROM THE MINUTES

None

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

- Salga Matters:
 - Ald L Ntsabo gave feedback on a meeting which he attended regarding disaster management and fire services, where all municipalities of the Western Cape were represented.
 - Cllr M Grimbeek gave feedback on councillor training which he attended.
 - The Speaker reported on the wildfires of the past week and conveyed his praise to all the fire-fighting teams for their continued and enduring efforts to contain the fires.
 - The Speaker honoured and praised rugby heroes of the Overstrand and awards were handed over to the following sport icons by the Executive Mayor, Speaker and Municipal Manager:
 - Conway Sauls, Captain of the Atlantic Rugby Football Club;
 - Michelle Bosch, Ropah Madyah and Delainey Engelbrecht from Walkerbabes Rugby Club; and
 - Aseza Hele, Springbok women's rugby player.
 - Cllr R Nutt was congratulated on achieving his Bachelor's Degree.

THE MEETING STOOD DOWN AT 10:27**THE MEETING RESUMED AT 10:35**

- The Executive Mayor, Ald A Klaas, addressed the meeting on the following matters:
 - Wellington Sport Weekend
 - Hawston Sport Stadium Development
 - Hermanus Business Chamber Awards
 - MFMA restrictions and Clean Audit
 - 16 Days of Activism Against Women & Children Abuse
 - Upcoming Festive Season
 - Development of Entrepreneurs' Businesses
 - IDP : proper identification of ward specific priorities
 - Land Invasion
 - Underground Infrastructure development
 - Fires
 - Upper Limits for Councillors and Senior Managers
- The Executive Mayor, Ald A Klaas, wished all a Blessed Festive Season.

6. CONSIDERATION OF REPORTS**6.1**

ARCHAIC ENCROACHMENT ON MUNICIPAL PROPERTY – LE & J THOMAS – A PORTION OF REMAINDER ERF 6257 HERMANUS (A PORTION OF ROAD RESERVE), ADJACENT TO ERF 5908 HERMANUS

(ITEM 3 PAGE 109 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2025)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the archaic encroachment on municipal property, being a portion of Remainder Erf 6257 Hermanus ($\pm 6\text{m}^2$ in extent), adjacent to the Western boundary of Erf 5908 Hermanus, to retain the existing boundary wall, at no fee payable, in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that as motivated in the report, the deviation from the process for an enclosed encroachment as contained in the Administration of Immovable Property Policy in order to issue the necessary consent, **be approved**; and
3. that the written consent to be issued, of which the conditions must be accepted in writing by the Applicants', not be linked to a time frame but to the period the encroachment exists subject to the following conditions:
 - 3.1 Should the wall be damaged to such a nature that it must be reconstructed, that the wall be reconstructed on the Applicants' own property.
 - 3.2 The encroacher shall not at any time, or under any circumstances have any claim against the Municipality for improvements effected to or on the encroachment area, as well as any damages caused to the boundary wall located in the encroachment area.
 - 3.3 The encroacher shall be responsible for the maintenance and upkeep of the encroachment area (wall) and to ensure that the encroachment area is safe at all times during the period of the consent.
 - 3.4 This approval shall under no circumstances be deemed to confer any real right or servitude of any kind in favour of the encroacher.

- 3.5 The encroacher will not obtain any vested and/or prescriptive rights on the encroachment area due to the Municipality's knowledge of the said encroachment nor any right or lawful claim to a grant of the encroachment area.
- 3.6 The encroacher will and must at all times well and sufficiently indemnify the Municipality and keep the Municipality indemnified against all liability howsoever caused or arising that may be direct or indirect result of the use of the encroachment area in question, and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Municipality or incurred or become payable by the Municipality at the suit of any person which may be direct or indirect result of the use of the encroachment area in question.
- 3.7 The encroacher may not make any alternations or additions to the boundary wall within the encroachment area without the prior written consent of the Municipality.

RESPONSIBLE OFFICIAL:

M BEKKER

TARGET DATE FOR IMPLEMENTATION:

9 DECEMBER 2025

TARGET DATE TO INFORM APPLICANT:

9 DECEMBER 2025

6.2

A PORTION OF ERF 214 ZWELIHLE AND ERF 225 ZWELIHLE: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO LEASE MUNICIPAL PROPERTIES DIRECTLY TO LUKHANYO PRIMARY SCHOOL

(ITEM 4 PAGE 120: PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2025)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to lease a portion of Erf 214 Zwelihle ($\pm 120\text{m}^2$ in extent) and Erf 225 Zwelihle (266m^2 in extent) to Lukhanyo Primary School for a period of 3 (THREE) years without following a competitive process, **be approved**.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

28 DECEMBER 2025

TARGET DATE TO INFORM LESSEE :

10 DECEMBER 2025

6.3

TRANSFER OF ERF 2350 VERMONT (CLOSED OPEN SPACE) AND UNREGISTERED ERF 2630 (A PORTION OF ERF 2352) VERMONT (PORTION OF CLOSED PUBLIC ROAD) TO THE AUVERGNE HOMEOWNERS ASSOCIATION

(ITEM 5 PAGE 128: PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2025)

CLLRS K NGQANDANA AND V BANDEZE FROM THE LAND PARTY REQUESTED THAT THEIR OBJECTION AGAINST THE RECOMMENDATION BE MINUTED

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the transfer of Erf 2350 Vermont (63m² in extent) and unregistered Erf 2630 (a portion of Erf 2352) Vermont (2,024m² in extent), to Auvergne Homeowners Association, at an amount of R255,139.04 (TWO HUNDRED AND FIFTY FIVE THOUSAND ONE HUNDRED AND THIRTY NINE RAND AND FOUR CENTS) (VAT excluded) for private road and private open space purposes, **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as Erf 2350 Vermont and unregistered Erf 2630 (a portion of Erf 2352) Vermont is classified as non-viable properties;
3. that a condition be registered against the title deed of the properties that no structures of any kind (excluding a boundary wall or fence and a refuse area (on unregistered Erf 2630 (a portion of Erf 2352) Vermont) may be erected on the properties;
4. that all costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision, transfer and related costs, advertisements, etc. be paid by Auvergne Homeowners Association; and
5. that it be noted that the municipal properties 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).

TARGET DATE FOR IMPLEMENTATION : 12 DECEMBER 2025

TARGET DATE TO INFORM APPLICANT: 26 DECEMBER 2025

6.4

THIS ITEM WAS REMOVED

6.5**A PORTION OF REMAINDER ERF 4565 HERMANUS – PROPOSED CONFERENCE FACILITY****(ITEM 1 PAGE 1 : INFRASTRUCTURE SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2025)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the lease of a portion of Erf 4565 Hermanus, situated in Magnolia Avenue, Hermanus ($\pm 5483\text{m}^2$ in extent), for a period of 30 (THIRTY) years for the development, maintenance and managing of a conference centre and related by means of a competitive process at a nominal monthly rental amount, **be supported**; and
2. that the competitive process takes place no later than March 2026.

RESPONSIBLE OFFICIAL :**D HENDRIKS****TARGET DATE FOR IMPLEMENTATION :****JANUARY 2026****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.6**MONTHLY REPORT TO COUNCIL ON THE SUPPLY CHAIN MANAGEMENT (SCM) POLICY FOR OCTOBER 2025****(ITEM 1 PAGE 1: FINANCIAL SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2025)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for October 2025, **be noted**;
2. that the awards made in terms of Paragraph 17(1)(c), approved in terms of the delegated authority for October 2025, **be noted**; and
3. that the awards made through the Bid Committee system and formal written price quotations for October 2025, **be noted**.

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

7. CONSIDERATION OF REPORTS**7.1****NON-COMPLIANCE WITH PARAGRAPH 17 OF THE OVERSTRAND MUNICIPALITY
SCM POLICY: SERVICES RENDERED BY SERVICE PROVIDER WITHOUT
FOLLOWING THE SCM PROCESS**

**N Floors
24 October 2025**

Employee Relations Manager

(028) 313 8123

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the report on non-compliance with Paragraph 17 of the Overstrand Municipality SCM Policy: Services Rendered by Service Provider without following the SCM Process.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that irregular expenditure in the amount of R1 450,00 for the services rendered by the service provider 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**

7.2**OVERSTRAND MUNICIPALITY: PARTICIPATION IN THE SIDAFF PROGRAMME – PHASE 3****SU Muller**
13 November 2025**Chief Engineer: Infrastructure Services****(028) 313 8019**

EXECUTIVE SUMMARY

The purpose of this item is to seek council consent to enter into a Memorandum of Agreement (MoA) with the Department of Local Government (DLG) for Overstrand Municipality to participate in Phase 3 of DLG's Sustainable Infrastructure Development and Financial Facility (SIDAFF) Programme.

The MoA sets out the mutual intentions and commitments of DLG and the municipality regarding Phase 3 of the SIDAFF programme.

The purpose of the MoA is to formalise the Municipality's commitment to:

- Undertake long-term borrowing that may extend beyond the current 5-year term of the Council, as per Council Resolution and in accordance with section 46 of the Municipal Finance Management Act (MFMA), Act 56 of 2003, as amended.
- Collaborate with other municipalities through a coordinated pooled-blended financing approach, where each municipality enters into its own loan agreement on a several basis, ensuring that it remains solely responsible for its borrowing obligations, repayments, and associated financial risks.
- Support the implementation of bankable sustainable infrastructure projects aligned with the One Plan/One Budget approach.
- Confirm the Municipality's intention to align its infrastructure development plans with the Western Cape Infrastructure Framework and other relevant sectoral strategies.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that Council endorses participation in Phase 3 of the SIDAFF Programme on a preparatory basis, subject to eligibility, due diligence, affordability, and regulatory compliance;
2. that Council authorises the Accounting Officer to undertake all prerequisite MFMA processes for any prospective long-term debt, including Section 46(3) public notice and treasury consultation, and to negotiate draft debt agreements for subsequent Council consideration; and

3. that Council takes note that any decision to incur long-term debt will be taken by Council through a separate Section 46(2) resolution approving the relevant debt agreement(s).

RESPONSIBLE OFFICIALS :

**CFO
CHIEF ENGINEER**

TARGET DATE FOR IMPLEMENTATION :

1 DECEMBER 2025

7.3**PROPOSED DRAFT MEMORANDUM OF AGREEMENT WITH VOLUNTEER WILDFIRE SERVICES (VWS)****L Smith****Chief: Fire, Rescue & Disaster Management****13 November 2025****(028) 313 5041**

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of a proposed Memorandum of Agreement with Volunteer Wildfire Services (VWS) which can potentially have financial implications for the Overstrand Municipality.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the proposed Memorandum of Agreement with Volunteer Wildfire Services (VWS) **be approved.**

RESPONSIBLE OFFICIAL :**L SMITH****TARGET DATE FOR IMPLEMENTATION :****1 DECEMBER 2025**

7.4**PROPOSED AMENDMENT OF CONTRACT SCD 3599/2024 FOR PROVISION OF ACCOMMODATION FOR IMPOUNDED CATS AND DOGS IN THE OVERSTRAND AREA****J Du Toit
11 November 2025****Chief: Law Enforcement****(028) 313 5096**

EXECUTIVE SUMMARY

Law Enforcement of the Overstrand Municipality: Municipal Public Safety requires the services of a service provider to accommodate dogs and cats impounded by Municipal Public Safety officials as empowered by the Overstrand Municipality By-law Relating to the Keeping of Dogs and Cats P.N 6540/2008.

Overstrand Municipality has an existing contract, SCD 3599/2024 with Stanford Animal Welfare Society. An item relating to the proposed amendment of the contract was submitted to Council on 27 June 2025, but due to non-compliance of their tax certificate, SAWS did not qualify. The rectification on the tax compliance was done and they are now compliant.

CLLR T TAFU-NWONKWO LEFT THE MEETING AT 11:33 WITH PERMISSION FROM THE SPEAKER**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that cognisance be taken of the reasons for the proposed amendment of the existing contract, SCD 3599/2024 for the next three financial years ending 30 June 2028 to ensure that service delivery continues in terms of Overstrand Municipality By-law Relating to the Keeping of Dogs and Cats P.N 6540/2008.

RESPONSIBLE OFFICIAL :**J DU TOIT****TARGET DATE FOR IMPLEMENTATION :****01 DECEMBER 2025**

7.6**PROPOSED REPLACEMENT OF THE EXTERNAL MEMBER OF THE MUNICIPAL PLANNING TRIBUNAL**

R Kuchar **Divisional Manager: Town & Spatial Planning**
10 November 2025

(028) 313 8087

EXECUTIVE SUMMARY

Council, at its meeting held on 25 September 2025, resolved the extension of the term of the current four internal and one external member of the Municipal Planning Tribunal from 8 February 2026 to 7 February 2028, and that the above period may be reconsidered if the review of LUPA, SPLUMA and the Municipal Planning By-Law is effected before 7 February 2028.

This item serves to motivate the replacement of the current external member of the Municipal Planning Tribunal.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that Council replaces the external member of the MPT being Ms H Janser with Ms T de Waal for the extension period of 2 years; and
2. that Council's resolution taken on 28 October 2020, point 5, be replaced by the following:
 - that the Chief Engineer: Infrastructure Services be appointed as chairperson of the MPT and Ms T de Waal be appointed as the Deputy Chairperson.

RESPONSIBLE OFFICIAL:

R KUCHAR

TARGET DATE FOR IMPLEMENTATION:

18 DECEMBER 2025

7.7**MUNICIPALITY TO FUND ICLEI MEMBERSHIP FEES WHICH ENABLES THE MUNICIPALITY TO TAKE AN ACTIVE ROLE IN BOTH SHAPING GLOBAL SUSTAINABILITY AGENDAS AND DELIVERING MEANINGFUL CHANGE LOCALLY****L De Villiers
06 November 2025****Divisional Manager: Environmental Management
and Conservation****(028) 316 5615**

EXECUTIVE SUMMARY

The purpose of this report is to obtain approval from Council to fund ICLEI membership fees.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

that approval **be granted** for the Municipality to fund ICLEI Membership fees. It is a cost-effective, high-impact investment in long-term resilience, innovation, and collaboration — positioning the Overstrand Municipality as a leader in sustainable urban development.

RESPONSIBLE OFFICIAL :**L DE VILLIERS****TARGET DATE FOR IMPLEMENTATION :****1 JANUARY 2026**

7.8 APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER

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 must be 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.

7.9**APPOINTMENT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) MEMBERS**

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 must be 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.

7.10**WRITING OFF OF IRRECOVERABLE DEBT**

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 must be 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 STOOD DOWN AT 11:47 IN ORDER TO ALLOW THE PUBLIC AND OFFICIALS TO LEAVE THE BANQUETING HALL FOR ITEMS 7.8, 7.9 AND 7.10 TO BE CONSIDERED *IN COMMITTEE*

CLLR M SIHLAHLA REJOINED THE MEETING AT 11:58

THE MEETING RESUMED AT 11:58

The meeting adjourned at 12:35

DATE

THE SPEAKER – G COHEN