



SPECIAL MEETING OF THE COUNCIL

SPEZIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 20 SEPTEMBER / SEPTEMBER 2022
BANQUETING HALL,
CIVIC CENTRE, HERMANUS

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE BANQUETING HALL ON 20 SEPTEMBER 2022, AT 10:00






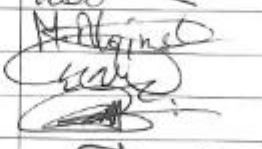
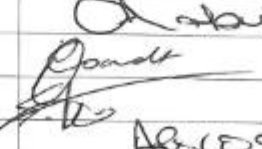





PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
Mr S Müller, Director : Infrastructure & Planning
Ms A Le Roux, Manager : Property Administration
Ms R Steenekamp, Media Liaison Officer
Ms G Erasmus, Clerk : Auditorium
Ms S Swart, Administrative Officer : Council Support Services

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING : 20 SEPTEMBER 2022

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
GWELE, T	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
NOMATITI, M	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	
SILO, S	
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 notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr H Lombard
Cllr S Silo

RESOLVED:

that the above-mentioned applications for leave of absence, **be granted**, however the Speaker undertook to investigate the non-attendance of Cllr S Silo.

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

The Executive Mayor, Ald A Rabie, reported that, in view of her commitment made at meetings of wards 5, 6 and 12 during the week of 12 – 16 September 2022, an indication is awaited in which areas intervention should start with electrical issues in Zwelihle. Director S Müller gave a background on the matter.

The Speaker, Cllr G Cohen, informed the meeting that Council will go into recess immediately after the Council meeting of 28 September 2022 until 9 October 2022. An item in this regard will serve before Council on 28 September 2022.

4. 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)

4.1

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF ERF 4833 HERMANUS (SITUATED AT 17TH AVENUE VOËLKLIP), ±11,59HA IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS TO BE DEVELOPED FOR RESIDENTIAL PURPOSES

7/2/3/2

**A Le Roux
20 July 2022**

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To obtain in principle approval for the alienation of a portion of Erf 4833 Hermanus, ±11,59ha (approximately eleven comma five nine hectares) in extent, situated at 17th Avenue, Voëlklip, Hermanus (the "Property"), for by means of a competitive process to be developed for residential purposes

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the alienation of a portion of Erf 4833 Hermanus (±11,59 ha in extent) for the purposes of a residential development, by means of a competitive process at a market related price **be approved in principle**;
2. that the alienation of the portion of Erf 4833 Hermanus be subject to a suspensive condition that the successful bidder obtains at own cost all the approvals, e.g., Town Planning/Land Use Planning, etc. necessary for the transfer and subsequent development of the said portion of Erf 4833 Hermanus;
3. that a condition be included in the deed of sale for forfeiture stating that such development must be commence with within 2 (two) years from date of registration unless prior written approval is obtained from Overstrand Municipality, under the hand of the delegated authority, for an extension of time;
4. that a condition be included in the deed of sale that interest on the purchase price will be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder;
5. that a condition be registered against the title deed of the Property that it may only be used for the purpose of a residential development, and in line with the development parameters as depicted in the Overstrand Municipality Land Use Scheme, 2020;

6. that all the costs pertaining to the transaction and subsequent development, for example, but not limited to, the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder;
7. that the successful bidder registers a servitude in favour of the Municipality for the telecommunications mast on the property against the title deed of the Property, at its own cost, simultaneous with the registration of the transfer;
8. that the successful bidder, at its own cost, constructs the internal municipal and electrical services for the development as well as any link or bulk municipal services that needs to be approved;
9. that the successful bidder enters into a Services Agreement with the Municipality for the provision of internal-, link- and bulk services in terms of the tender, applicable legislation and Council policies; and
10. 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 :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

15 OCTOBER 2022

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

4.2

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF ERF 4771 HERMANUS (SITUATED IN SEVENTH STREET BETWEEN FOURTH AND SIXTH AVENUE, VOËLKLIP), ±30 000m² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS FOR THE PURPOSE OF A RESIDENTIAL DEVELOPMENT

7/2/3/2**A Le Roux****6 July 2022****Manager: Property Administration****(028) 316-5623**

EXECUTIVE SUMMARY

To obtain in principle approval for the alienation of a portion of Remainder Erf 4771 Hermanus, ±30 000m² (approximately thirty thousand square metres) in extent (the "Property"), for by means of a competitive process for the purpose of a residential development.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the alienation of a portion of Remainder Erf 4771 Hermanus (±30 000m² in extent) for the purpose of a residential development by means of a competitive process at a market related price **be approved in principle**;
2. that the alienation of the portion of Remainder Erf 4771 Hermanus be subject to a suspensive condition that the successful bidder obtains at own cost all the approvals, e.g., Town Planning/Land Use Planning, etc.) necessary for the transfer and subsequent development of the said portion of Remainder Erf 4771 Hermanus;
3. that a condition be included in the deed of sale for forfeiture stating that such development must be commenced with within 2 (two) years from date of registration, unless prior written approval is obtained from Overstrand Municipality, under the hand of the delegated authority, for an extension of time;
4. that a condition be included in the deed of sale that interest on the purchase price will be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder;
5. that a condition be registered against the title deed of the Property that it may only be used for the purpose of a residential development and in line with the development parameters as depicted in the Overstrand Municipality Land Use Scheme, 2020;
6. that all the costs pertaining to the transaction and subsequent development, for example, but not limited to, the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder;

7. that the successful bidder, at its own cost, constructs the internal municipal and electrical services for the development as well as any link or bulk municipal services that needs to be approved;
8. that the successful bidder enters into a Services Agreement with the Municipality for the provision of internal-, link- and bulk services in terms of the tender, applicable legislation and Council policies;
9. that a services servitude for the water pipeline be registered against the title deed of the Property in favour of the Municipality, at the successful bidder's cost, simultaneous with the registration of the transfer; and
10. 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 :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

15 OCTOBER 2022

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

4.3

HERMANUS, A PORTION OF PORTION 3 OF FARM 585 (BEESEMHOOT KLOOF): DEVIATION FROM SEVERAL PARAGRAPHS OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 TO ACCOMMODATE SUBSISTENCE AND EMERGING FARMERS (PIG FARMING) ON MUNICIPAL OWNED LAND BY MEANS OF LONG-TERM LEASE AGREEMENT: CAMPHILL AGRICULTURAL PRIMARY COOPERATIVE PRIMARY COOPERATIVE LIMITED (2022/604653/24)

7/2/1/3

X. Kosi

Manager: Local Economic Development

14 September 2022

(028) 313 8195

EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into a lease agreement for a period of 9 (NINE) years and 11 (ELEVEN) months with Camphill Agricultural Primary Cooperative Primary Cooperative Limited (2022/604653/24) in respect of a portion of Portion 3 of Farm 585 (total extent of approximately 5,000 m²), hereinafter referred to as "the Property", for the pig farming; and

To obtain approval for the deviation from several paragraphs of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into a lease agreement with Camphill Agricultural Primary Cooperative Primary Cooperative Limited (2022/604653/24) (hereinafter referred to as "the Co-operative") for the purpose of pig farming on a portion of Portion 3 of Farm 585 (total extent of approximately 5,000 m²).

THE DEMOCRATIC ALLIANCE REQUESTED A CAUCUS AT 10:10**THE MEETING RESUMED AT 10:15****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the item **be withdrawn.**

RESPONSIBLE OFFICIAL :**X KOSI****TARGET DATE FOR IMPLEMENTATION :****28 OCTOBER 2022****TARGET DATE TO INFORM APPLICANT :****21 OCTOBER 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

4.4**REGIONAL CHAPTER OF THE WOMAN'S COMMISSION****12/2/17****D O'Neill****15 September 2022****Municipal Manager****(028) 313 8003**

EXECUTIVE SUMMARY

The SALGA Provincial Chapter of the Woman's Commission (SWC) was launched and established at the 2010 Women in Local Government Summit. A need was identified among the female councillors in the Overberg District to establish regional chapter that can inform, influence, and mandate the councillors from local municipalities currently represented on the SWC. The view is held that this will enhance the purpose of the SWC by strengthening the inputs to their agenda.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that Council supports the establishment of an Overstrand Regional Woman's Commission Chapter to support the SWC; and
2. that the regional chapter will form part of the Overberg District SALGA Woman's Commission.

RESPONSIBLE OFFICIAL :**D ARRISON****TARGET DATE FOR IMPLEMENTATION :****20 SEPTEMBER 2022**

THE MUNICIPAL MANAGER, MR D O'NEILL, RECUSED HIMSELF FROM THE MEETING AT 10:20 AND WAS NOT PRESENT DURING THE CONSIDERATION OF THE FOLLOWING ITEM

**4.5
APPOINTMENT OF MUNICIPAL MANAGER**

4/3/R

DS Arrison

Director : Management Services

14 September 2022

(028) 313 8001

EXECUTIVE SUMMARY

The purpose of this report is to consider the appointment of a Municipal Manager with effect 1 November 2022.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that Mr D O'Neill be appointed as Municipal Manager for the Overstrand Municipality on a performance based five (5) year fixed term contract from 1 November 2022, not exceeding a period ending one (1) year after the next local government elections;
2. that, in terms of sub-section 60(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Executive Mayor **be authorised** to negotiate the terms and conditions of the appointment, as is provided for in Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, (GN 21 dated 17 January 2014) and the Local Government Regulations: Upper Limits Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers as from time to time promulgated by the Minister Cooperative Governance and Traditional Affairs, with the successful candidate and to conclude the necessary contract of employment; and
3. that, as is provided for in sub-regulation 17(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, (GN 21 dated 17 January 2014), the Minister for Local Government of the Western Cape **be advised** within 14 days of the resolution in 1 above.

RESPONSIBLE OFFICIAL:

DS ARRISON

TARGET DATE FOR IMPLEMENTATION:

1 NOVEMBER 2022

The meeting adjourned at 10:22

DATE

THE SPEAKER – G COHEN