



**ORDINARY MEETING OF THE COUNCIL**  
**GEWONE VERGADERING VAN DIE RAAD**  
**INTLANGANISO YESIQHELO YEBHUNGA**  
**MINUTES / NOTULE /**  
**IMIZUZU**

**DATE / DATUM / UMHLA : 28 SEPTEMBER / SEPTEMBER**  
**2022**

**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 SEPTEMBER 2022, AT 10:00**

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**PRESENT:** Councillors were present as per attached attendance register.

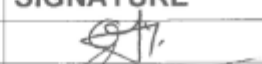




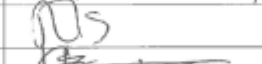




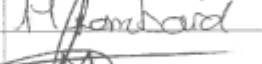

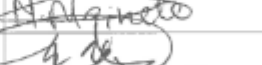

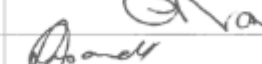












**OFFICIALS PRESENT:** Mr D O'Neill, Municipal Manager  
Ms D Arrison, Director : Management Services  
Ms S Reyneke-Naudé, Director : Finance  
Mr R Williams, Director : Community Services  
Mr N Michaels, Director : Protection Services  
Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Mr D van der Heever, Chief Audit Executive  
Mr E Essop, Internal Auditor  
Ms A Le Roux, Manager : Property Administration  
Ms H van Tonder, Manager : Council Support Services  
Ms S Swart, Administrative Officer : Council Support Services  
Ms R Steenekamp, Media & Social Media Liaison Officer  
Ms G Erasmus, Clerk : Auditorium  
Mr A Lekay, Senior Clerk

**ALSO PRESENT:** Members of the Public

**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

COUNCIL MEETING  
28 SEPTEMBER 2022

ALDERMAN/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 S Silo**

The Speaker will investigate the non-attendance of Cllr Silo.

**3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 27 July 2022** at **10:00**

**RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 27 July 2022** at **10:00** be confirmed.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 29 August 2022** at **15:00**

**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 29 August 2022** at **15:00** be confirmed.

- 3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 20 September 2022** at **10:00**

**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 20 September 2022** at **10:00** be confirmed.

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

- 4.1 Schulphoek Housing Project (Refer to Item 6.1 on the agenda)

The Speaker, Cllr G Cohen, wished all councillors a safe recess.

**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**

**OVERSTRAND MUNICIPALITY VEHICLE & EQUIPMENT MAINTENANCE AND REPLACEMENT POLICY FOR FIRE & EMERGENCY SERVICES, DISASTER MANAGEMENT AND SECURITY SERVICES**

**(ITEM 1 PAGE 1 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)**

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that the Overstrand Municipality Vehicle & Equipment Maintenance and Replacement Policy for Fire & Emergency Services, Disaster Management and Security Services, **be approved.**

**RESPONSIBLE OFFICIAL :**

**NJ MICHAELS  
L SMITH**

**TARGET DATE FOR IMPLEMENTATION :**

**1 OCTOBER 2022**

**5.2****POLICY FOR CREATING AND MAINTAINING FIRE WISE VACANT ERVEN IN URBAN AND SUBURBAN AREAS OF THE OVERSTRAND MUNICIPALITY****(ITEM 2 PAGE 55 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)****RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that the Policy for Creating and Maintaining Fire-Wise vacant erven in urban and suburban areas of the Overstrand Municipality, previously known as Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards, **be adopted.**

**RESPONSIBLE OFFICIAL :****L SMITH****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2022**

**5.3**

**A PORTION OF ERF 533 FRANSKRAALSTRAND (SITUATED IN ROUSSOUW STREET, FRANSKRAAL): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH VODACOM (PTY) LTD**

**(ITEM 5 PAGE 115 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)**

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Vodacom (Pty) Ltd, **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R OCTOBER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>26 OCTOBER 2022</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>15 OCTOBER 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.4****APPROVAL FOR THE ALIENATION AND TRANSFER OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN STANFORD AND GANSBAAI****(ITEM 12 PAGE 269 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)****RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that the direct alienation (sale) and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes **be approved**:
  - (a) a portion of Remainder Farm No. 645 Stanford,  $\pm 2788\text{m}^2$  in extent, at an amount of R14.00/m<sup>2</sup> (FOURTEEN RAND PER SQUARE METRE) (VAT excluded);
  - (b) a portion of Remainder Erf 423 Stanford,  $\pm 668\text{m}^2$  in extent, at an amount of R450.00/m<sup>2</sup> (FOUR HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded);
  - (c) a portion of Erf 1174 Stanford,  $\pm 97\text{m}^2$  in extent, at an amount of R450.00/m<sup>2</sup> (FOUR HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded);
  - (d) a portion of Remainder Erf 294 Stanford,  $\pm 4019\text{m}^2$  in extent, at an amount of R14.00/m<sup>2</sup> (FOURTEEN RAND PER SQUARE METRE) (VAT excluded);
  - (e) a portion of Portion 18 of Farm No. 644 Stanford,  $\pm 164\text{m}^2$  in extent, at an amount of R15.00/m<sup>2</sup> (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);
  - (f) a portion of Remainder Erf 1071 De Kelders,  $\pm 3901\text{m}^2$  in extent, at an amount of R18.00/m<sup>2</sup> (EIGHTEEN RAND PER SQUARE METRE) (VAT excluded); and
  - (g) portions of Remainder Erf 210 Gansbaai,  $\pm 1201\text{m}^2$  in extent, at an amount of R14.00/m<sup>2</sup> (FOURTEEN RAND PER SQUARE METRE) (VAT excluded).

2. that a condition be registered in the title deeds of the said portions of properties to be alienated and transferred that no structures of any kind may be erected thereon;
3. that the alienation and transfer of the said portions of properties be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;
4. that the costs of the valuation, subdivision and possible consolidation, rezoning and transfer costs be paid by the Western Cape Government (Department of Transport and Public Works);
5. that, where necessary, servitudes be registered in favour of and to the satisfaction of the Overstrand Municipality in relation to any existing services on the properties, at the cost of the Western Cape Government (Department of Transport and Public Works);
6. that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested; and
7. that it be noted that the portions of municipal properties envisaged to be alienated is not required for the provision of the minimum level of basic 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:****28 OCTOBER 2022****TARGET DATE TO INFORM APPLICANT:****21 OCTOBER 2022****TARGET DATE TO INFORM OBJECTOR:****N/A**

**5.5**

**TELEPHONE POLICY AMENDMENT**

**(ITEM 1 PAGE 1 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)**

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that the amendments to the Telephone Policy **be approved.**

**RESPONSIBLE OFFICIAL :**

**J VAN ASPEREN**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2022**

**5.6****MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR AUGUST 2022****(ITEM 1 PAGE 1 : FINANCE & TOURISM PORTFOLIO - MAYORAL  
COMMITTEE MEETING : 26 SEPTEMBER 2022)****RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 2022, **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 August 2022, **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 August 2022, **be noted**.

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

**5.7**

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

**(ITEM 1 PAGE 1 : MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2022)**

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that Council appoint Mr P Strauss as chairperson of the Joint Audit and Performance Audit Committee (JAPAC) of Overstrand Municipality.

**RESPONSIBLE OFFICIAL :**

**DC VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**28 SEPTEMBER 2022**

**6. CONSIDERATION OF REPORTS****6.1****SCHULPHOEK DEVELOPMENT: CANCELLATION OF THE LAND AVAILABILITY AGREEMENT (LAA)**

15/1/3/2/3/4

D O'Neill

16 September 2022

Municipal Manager

(028) 313 8003

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**EXECUTIVE SUMMARY**

The Executive Mayor directed that a land availability agreement (LAA) be concluded between the municipality and the Provincial Department of Human Settlements (DoHS) for the development and formalisation of the area known as Schulphoek in Hermanus for housing purposes. The LAA was signed by both parties on 28 February 2022. The project failed to get traction due to several reasons that will be discussed later and currently there is agreement between the DoHS and the municipality that a turn-key implementing agent be appointed to drive and deliver thereon.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that Council supports the mutual cancellation of the LAA;
2. that Council supports the prompt appointment of a turn-key implementing agent for the development of the Schulphoek human settlements project; and
3. that Council note that the funding of the project is subject to DOHS allocation for the project.

**RESPONSIBLE OFFICIAL :****D HENDRIKS****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2022**

The Executive Mayor, Ald A Rabie, informed the meeting that she has received a Whatsapp message from Mr Hugo Potgieter from the Schulphoek Action Group, requesting that this item not serve at this meeting. She further reported that she can not get involved in any development proposal which could potentially end up in an appeal as any mayor is the final appeal authority of a municipality, but that she has to engage with the Schulphoek Action Group as there exists a misunderstanding of what this council wants to achieve. She also made it clear that, ever since the inception of this council, they have been very vocal about the fact that this project must move, although it seems the project always gets stalled for whatever reason.

**6.2****INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
NON-COMPLIANCE WITH CLAUSE 19 OF THE OVERSTRAND MUNICIPALITY  
SCM POLICY: PLACEMENT OF RECRUITMENT ADVERTISEMENTS****3/2/3/8****L Bucchianeri****Senior Manager: Human Resources****22 June 2022****(028) 313 - 8120**

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide the necessary information and to request Council to write off expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered regarding the overspending on formal quotation threshold of R200 000,00.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that, in view of the fact that the municipality have received value for money, the irregular expenditure in the amount of R33 750,75 (Incl. VAT) for human resources services, 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**

**6.3****INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
SCIE 2021.22.23: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT  
POLICY WITH REGARDS TO: SUPPLY AND INSTALLATION OF GLUE DOWN  
VINYL CARPETING****3/2/3/8****S Muller****Director : Infrastructure & Planning****5 July 2022****(028) 313 8019**

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide the necessary information and to request Council to write off expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered for the supply and installation of vinyl glue down carpeting without an official order.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

that, in view of the fact that the municipality received value for money, irregular expenditure to the amount of R6 380.00 (VAT Incl.) rendered for supply and installation of vinyl glue down carpeting without an official order, 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**

**6.4****INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
NON-COMPLIANCE WITH CLAUSE 17 OF THE OVERSTRAND MUNICIPALITY  
SCM POLICY: HIRING OF MACHINERY****3/2/3/8****J Solomons  
11 July 2022****Senior Manager: Operational Services, Gansbaai/Stanford  
(028) 384-8312**

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to write off the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003). This report contains the following in relation to SCIE 2021.22.21, for last-mentioned purposes:

- a) Detailed background and reasons for the incurrence of the expenditure,
- b) Corrective steps to be implemented to mitigate the risk of such an occurrence in the future.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that, in view of the fact that the Municipality received value for money, the irregular expenditure in the amount of R26 105.92 (VAT incl.) for hiring a digger loader without following the official procurement process, 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; and
2. that a disciplinary investigation be lodged against the relevant officials as part of consequences management.

**RESPONSIBLE OFFICIAL:****C LE ROUX  
B KING  
J SOLOMONS**

**6.5****RECESS: SEPTEMBER / OCTOBER 2022****3/2/1/4****H van Tonder****Manager : Council Support Services****20 September 2022****(028) 313 8037**

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**EXECUTIVE SUMMARY**

The purpose of the report is to obtain confirmation of Council's recess from 28 September 2022 **(immediately after conclusion of the Council meeting)** to 9 October 2022 and related matters.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that Council consider a period of recess, ie **28 September 2022, immediately after the Council meeting, to 9 October 2022 (the latter included)**; and
2. that, during the period of recess, all urgent matters / emergency situations be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved by law for full Council.

**RESPONSIBLE OFFICIAL :****H VAN TONDER****IMPLEMENTATION DATE :****28 SEPTEMBER 2022**

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

None

**8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

One (1) motion was submitted by the Freedom Front Plus in terms of Section 26 of the Standard By-Law on Rules of Order for Internal Arrangements for consideration:

Motion : Composition of Schulphoek (Housing 'Social Compact') Committee

**THE FREEDOM FRONT PLUS REQUESTED A CAUCUS AT 10:40**

**THE MEETING RESUMED AT 10:45**

The Freedom Front Plus requested that the motion **be withdrawn**.

**9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)**

None

**Cllr R Nutt closed the meeting with prayer.**

**The meeting adjourned at 10:48**

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**DATE**

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**THE SPEAKER – G COHEN**