



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 21 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2022**

VENUE / PLEK / INDAWO : AUDITORIUM

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE HELD IN THE AUDITORIUM ON 21 FEBRUARY 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
Ms S Reyneke-Naudé, Director : Finance
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Ms H van Tonder, Manager : Council Support Services
Ms G Erasmus, Clerk : Auditorium
Ms S Swart: Administrative Officer : Council Support Services

ALSO PRESENT : Members of the Public

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING

21 FEBRUARY 2022

ALDERMAN/COUNCILLORS	SIGNATURE
RABIE, AL	
AFRICA, F	
GILLION, E	
LERM, CH	
NTSABO, L	
NUTT, R	

1. OPENING

The Executive Mayor, Cllr A Rabie, welcomed those present. The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Mayoral Committee held on Wednesday, 24 November 2021 at 09:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 24 November 2021 at 09:00, be confirmed.**

3.2 Minutes of a Special Meeting of the Mayoral Committee held on Monday, 10 January 2022 at 10:00**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Monday, 10 January 2022 at 10:00, be confirmed.**

3.3 Minutes of a Special Meeting of the Mayoral Committee held on Monday, 24 January 2022 at 14:00**RESOLVED:**

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Monday, 24 January 2022 at 14:00, be confirmed.**

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

The Executive Mayor, Cllr A Rabie, will report on the Schulphoek matter at the Council meeting to be held at 14:00.

**5.
SCHULPHOEK HOUSING PROJECT: RECONSTITUTION OF A NEW SOCIAL
COMPACT**

12/2/3/4/7/1

FRJ Williams

Director: Community Services

10 February 2022

(028) 313 8156

EXECUTIVE SUMMARY

To request Council to consider the reconstitution of the existing Social Compact (Housing Committee) of the Schulphoek Housing Project with the purpose to establish a new Social Compact inclusive of potential beneficiaries from Wards 4, 5, 6, 7 and 12 (Mount Pleasant, West Cliff and Zwelihle).

RECOMMENDATION TO THE COUNCIL:

1. that the current Social Compact of the Schulphoek Housing Project be reconstituted to include interested and affected parties from Wards 4, 5, 6, 7 and 12, commencing on 1 March 2022; and
2. that it be confirmed that 10% of the beneficiaries for this project may be selected Overstrand wide as allowed for in the current Housing Selection Policy for Beneficiaries in Ownership-based Subsidy Project of Council.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2022

**6.
TRAVEL POLICY FOR COUNCILLORS: AMENDMENT**

5/12/1

D Arrison

17 February 2022

Director : Management Services

(028) 313 8001**EXECUTIVE SUMMARY**

The purpose of this report is to recommend an amendment to the Travel Policy for Councillors for approval.

RECOMMENDATION TO THE COUNCIL:

that the Travel Policy for Councillors be amended retrospectively from 9 November 2021.

RESPONSIBLE OFFICIAL :**DS ARRISON****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY**

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Cllr L Ntsabo

Committee Members :

**Cllrs H Lombard, S Fourie,
C Tafu-Nwonkwo & M Grimbeek**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

PORTFOLIO COMMITTEE :

LOCAL ECONOMIC DEVELOPMENT

Chairperson :

Ald E Gillion

Committee Members :

**Ald D Coetzee, Cllrs R Nutt,
S Silo, R Dees**

1.
**ECONOMIC AND SOCIAL DEVELOPMENT AND TOURISM FIRST AND SECOND
QUARTER REPORTS**

9/1/2/2

S Madikane Director: Economic & Social Development & Tourism

01 February 2022

(028) 313 8066

EXECUTIVE SUMMARY

The purpose of this report is to provide, and outline activities and initiatives of the Directorate to address socio-economic challenges and promote economic and social development. The report covers the activities done during the first and second quarters in line with the Economic Recovery Strategy as approved by the Executive Mayor.

RESOLVED:

that the 1st quarter report (July – September 2021) and the 2nd quarter report (October – December 2021) of the Directorate: Economic and Social Development and Tourism **be noted.**

RESPONSIBLE OFFICIAL:

**X KOSI
G SMIT
F LLOYD**

TARGET DATE FOR IMPLEMENTATION:

IMMEDIATELY

PORTFOLIO COMMITTEE :

INVESTMENT & INFRASTRUCTURE

Chairperson :

Cllr C Lerm

Committee Members :

**Cllr M Nomatiti, Ald R de Coning,
Cllrs M Sihlahla & V Bandeza**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: OCTOBER 2021 –
JANUARY 2022**

15/3/11

R Kuchar

Senior Manager : Town & Spatial Planning

13 January 2022

(028) 313 8900

EXECUTIVE SUMMARY

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 27 October 2021 – 13 January 2022.

RESOLVED:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 27 October 2021 – 13 January 2022:

- | | | |
|-----|---|------------------|
| 1. | Remainder Erf 496, 2 Gulley Road, Pringle Bay | 3 November 2021 |
| 2. | Erven 1-10, 12, 14-18, 20-58, 61-64, 67-69, 71, 72, 74, 76-82, 84-86, 88-93, 95-97, 99-103, 105-128, 130, 132-142, 188, Meerenbosch | 8 November 2021 |
| 3. | Portion 20 (Portion of Portion 12) Fransche Kraal No 708 | 11 November 2021 |
| 4. | Erf 436, 22 Caledon Street, Stanford | 11 November 2021 |
| 5. | Erf 4164, 316 Eighth Street, Voëlklip, Hermanus | 11 November 2021 |
| 6. | Erf 6078, 44 Moffat Street, Eastcliff, Hermanus | 11 November 2021 |
| 7. | Erf 1201, corner Van Dyk Street and Divisional Road 1214, Van Dyksbaai | 12 November 2021 |
| 8. | Erf 7967, 122 Fourth Avenue, Kleinmond | 12 November 2021 |
| 9. | Erf 2052, 19 Rotunda Way, Pearly Beach | 16 November 2021 |
| 10. | Erf 303, 59 Kus Road, Gansbaai | 16 November 2021 |
| 11. | Erf 2183, 14 King Street, Onrustrivier | 6 December 2021 |
| 12. | Erf 8066, 12 Blue Crane Street, Hemel & Aarde Estate, Hermanus | 6 December 2021 |
| 13. | Erf 5696, 152 Tenth Street, Voëlklip, Hermanus | 10 December 2021 |
| 14. | Erf 1094, 102, Vyfer Street, De Kelders | 10 December 2021 |
| 15. | Erf 2730, 11 Blougans Street, Perlemoenbaai | 20 December 2021 |
| 16. | Erven 3505 and 9899, 229 Eleventh Street, Voëlklip, Hermanus | 20 December 2021 |
| 17. | Erf 7748, 28 Blue Bell's Crescent, Mount Pleasant | 23 December 2021 |
| 18. | Erven 3505 and 4836, 15 & 13 Ted Wood Road, Onrustrivier | 23 December 2021 |
| 19. | Erf 2174, 3 Franklin Close, Franklin Heights, Vermont | 23 December 2021 |
| 20. | Erf 4958, 13 Black Eagle Street, Onrustrivier | 23 December 2021 |

MINUTES OF THE MAYORAL COMMITTEE MEETING**21 FEBRUARY 2022**

21.	This item was removed (duplicate of Item 3)	
22.	Erf 2062, 52 Sixth Street, Voëlklip, Hermanus	29 December 2021
23.	Erf 2265, 32 Kleine Street, Stanford	29 December 2021
24.	Erf 5, 9 Riverside Drive, Fisherhaven	30 December 2021
25.	Erf 1753, 22A Gannet Road, Vermont	30 December 2021
26.	Remainder of farm Glenfruin No 578 and Portion 1 (Jackals Dans) of the farm Belsvlei No 830, Caledon Division	30 December 2021
27.	Remainder Portion 102 of Farm 587 and Portion 105 of Farm No 587 Hemel en Aarde Valley, Caledon Division	30 December 2021
28.	Erf 3079, 70 DF Malherbe Street, Kleinmond	30 December 2021
29.	Portion 76 (portion of Portion 4) of the farm Hermanus River No 542, Arabella Country Estate, Caledon Division	30 December 2021

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 27 October 2021, 30 November 2021, 12 November 2021 and 15 December 2021:

1.	Erf 45, 8 Onse Baai, Van Dyksbaai	27 October 2021
2.	Erf 1132, Hawston Secondary School, Hawston	27 October 2021
3.	Portion 4 (portion of Portion 1) of farm Klein Rivier Kloof No. 660, Caledon Division	27 October 2021
4.	Erf 6180, 8 Harbour Road, Kleinmond	27 October 2021
5.	Erf 3456, 4 Straight Street, Betty's Bay	27 October 2021
6.	Portion 8 of the farm De Draay No 563	27 October 2021
7.	Portion 2 (a portion of Portion 1) (Old Oak) of the farm Oude Bosch No 637, Caledon Division	12 November 2021
8.	Remainder Farm No 700 (Blomeris), Caledon Division	30 November 2021
9.	Portion 13 of farm De Draay No 563	30 November 2021
10.	Portion 94 of Farm 587, Hemel-en-Aarde Valley	30 November 2021
11.	Portion 11 of Farm 587, Hemel-en-Aarde Valley	30 November 2021
12.	Erven 7286 and 7287, 2 Albertyn Street & 1 Marine Drive, Westcliff, Hermanus	15 December 2021
13.	Portion 164 of the farm Baardscheerders Bosch No 213, Bredasdorp Division	15 December 2021
14.	Erf 47, 36 Van Bloemenstein Street, Birkenhead	15 December 2021
15.	Erf 1619, 9 Caesar Road, Pringle Bay	15 December 2021

RESPONSIBLE OFFICIAL :**L SMUTS****TARGET DATE FOR IMPLEMENTATION :****7 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

2.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 226 PRINGLE BAY (PORTION OF RESIDENTENTIAL ERF) ADJACENT TO ERF 227 PRINGLE BAY SITUATED IN BELL ROAD NORTH, PRINGLE BAY, TO POPPY ICE TRADING 15 (PTY) LTD

7/2/3/2

A Le Roux

Manager: Property Administration

6 December 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval in principle for the direct alienation of a portion of Erf 226 Pringle Bay ($\pm 95\text{m}^2$ in extent) adjacent to Erf 227 Pringle Bay, situated in Bell Road North, Pringle Bay, to the owner of Erf 227 Pringle Bay, being Poppy Ice Trading 15 (Pty) Ltd.

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of a portion of Erf 226 Pringle Bay (adjacent to Erf 227 Pringle Bay) situated at Bell Road North, Pringle Bay, $\pm 95\text{m}^2$ in extent, to the owner of the adjoining Erf 227 Pringle Bay, Poppy Ice Trading 15 (Pty) Ltd, at an amount of R850.00/m² (EIGHT 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 Erf 226 Pringle Bay 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 Applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Erf 226 Pringle Bay must be consolidated with the adjoining property of Poppy Ice Trading 15 (Pty) Ltd, being Erf 227 Pringle Bay;
5. that no structures of any kind (excluding a boundary wall or fence and gate) may be erected on the said portion of Erf 226 Pringle Bay, which condition must be registered against the title deed of the consolidated property;
6. that the alienation of said portion of Erf 226 Pringle Bay be subject to a suspensive condition that the Applicant obtains approval for the removal of restrictive conditions (if any), subdivision, rezoning and consolidation;
7. that all the costs pertaining to the transaction, e.g. application costs, valuation costs, rezoning, removal of restrictive conditions (if any), subdivision and consolidation, transfer and related costs, advertisements, etc. be paid by the Applicant, Poppy Ice Trading 15 (Pty) Ltd; 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:

26 MARCH 2022

TARGET DATE TO INFORM APPLICANT:

12 MARCH 2022

TARGET DATE TO INFORM OBJECTOR:

N/A

**3.
ENCROACHMENT ON A PORTION OF MUNICIPAL PROPERTY, A PORTION OF
ERF 1619 HERMANUS (ROAD RESERVE IN FRONT OF 29 CROSS STREET): DJ
TRUST**

7/2/5

A Le Roux

Manager: Property Administration

28 October 2021

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval to enter into an encroachment agreement with DJ Trust, hereinafter referred to as “the Applicant”, who applied to retain two encroachments on municipal property, being a portion of Erf 1619 Hermanus (combinedly $\pm 40\text{m}^2$ in extent), adjoining Erf 6879 Hermanus, situated at 29 Cross Street Hermanus, hereinafter referred to as “the Property”, for a period of 5 (FIVE) years for the purpose of a fenced grass area as well as an access gate and support columns.

RESOLVED:

1. that the two encroachments on municipal property, being portions of Erf 1619 Hermanus (combinedly $\pm 40\text{m}^2$ in extent), adjacent to Erf 6879 Hermanus, to DJ Trust at an amount of R576.00 (FIVE HUNDRED AND SEVENTY-SIX RAND) (VAT excluded) per month for a period of 5 (FIVE) years in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the prescribed tariff mentioned in 1 above escalate every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2022.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

30 MARCH 2022

TARGET DATE TO INFORM APPLICANT :

15 MARCH 2022

TARGET DATE TO INFORM OBJECTOR :

N/A

4.

A PORTION OF PORTION 1 OF THE FARM NO. 562 SITUATED OUTSIDE KLEINMOND: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A DIRECT LEASE WITH NEON BLUE (PTY) LTD

7/2/3/1

A Le Roux

Manager: Property Administration

9 December 2021

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into a long-term lease agreement with Neon Blue (Pty) Ltd, hereinafter referred to as “the Applicant”, in respect of a portion of portion 1 of Farm No. 562 situated outside Kleinmond (±13,5ha in extent), hereinafter referred to as “the Property”, for the purposes of developing, constructing and managing a renewable energy generation plant and related/associated activities; and

To obtain approval from Council for the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into a direct lease agreement with the Applicant in respect the Property for the purposes of developing, constructing and managing a renewable energy generation plant and related/associated activities without following a competitive bidding process.

RESOLVED:

that the long-term lease of municipal property, being a portion of portion 1 of Farm No. 562 situated outside Kleinmond (±13,5ha in extent), to Neon Blue (Pty) Ltd for the purposes of developing, constructing and managing a renewable energy generation plant and related/associated activities for a period of 25 (TWENTY-FIVE) years at a rental amount of R8,500.00 (EIGHT THOUSAND FIVE HUNDRED RAND) per month, **not be approved.**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

30 MARCH 2022

TARGET DATE TO INFORM APPLICANT :

15 MARCH 2022

TARGET DATE TO INFORM OBJECTOR :

N/A

5.
**TRANSFER OF UNREGISTERED ERF 9899 (A PORTION OF ERF 9894)
HERMANUS (CLOSED ROAD), SITUATED IN ELEVENTH STREET, VOËLKLIP TO
WL GREEF**

7/2/3/2

A Le Roux

Manager: Property Administration

7 December 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain final approval for the transfer of unregistered Erf 9899 (a portion of Erf 9894) Hermanus (Closed Road), situated in Eleventh Street, Voëlklip, 198m² in extent, to the owner of Erf 3505 Hermanus, being WL Greef.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of unregistered Erf 9899 (a portion of Erf 9894) Hermanus (adjacent to Erf 3505 Hermanus) situated in Eleventh Street, Voëlklip, 198m² in extent, to the owner of the adjoining Erf 3505 Hermanus, WL Greef, at an amount of R650,000.00 (SIX HUNDRED AND FIFTY THOUSAND RAND) (VAT excluded) for gardening purposes and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject unregistered Erf 9899 (a portion of Erf 9894) Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer is that the said unregistered Erf 9899 (a portion of Erf 9894) Hermanus must be consolidated with the adjoining property of WL Greef, being Erf 3505 Hermanus;
4. 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 and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of unregistered Erf 9899 (a portion of Erf 9894) Hermanus be subject to a suspensive condition that the applicant obtains approval for the relaxation of the southern (rear) building line, consolidation and rezoning and all applicable town planning approvals applicable;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, rezoning, consolidation, application for relaxation of the southern (rear) building line, transfer and related costs, advertisements, etc. be paid by the applicant; and

7. that it be noted that the municipal property 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).

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

26 MARCH 2022

TARGET DATE TO INFORM APPLICANT:

12 MARCH 2022

TARGET DATE TO INFORM OBJECTOR:

N/A

6.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 1 HAWSTON (ROAD RESERVE) ADJACENT TO ERF 412 HAWSTON SITUATED IN GEORGE VILJOEN STREET, HAWSTON, TO HAWSTON SERVICE STATION (PTY) LTD

7/2/3/2

A Le Roux

Manager: Property Administration

7 December 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval in principle for the direct alienation of a portion of Remainder Erf 1 Hawston ($\pm 370\text{m}^2$ in extent) adjacent to Erf 412 Hawston, situated in George Viljoen Street, Hawston, to the owner of Erf 412 Hawston, being Hawston Service Station (Pty) Ltd.

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of a portion of Remainder Erf 1 Hawston (adjacent to Erf 412 Hawston) situated in George Viljoen Street, Hawston, $\pm 370\text{m}^2$ in extent, to the owner of the adjoining Erf 412 Hawston, Hawston Service Station (Pty) Ltd, at an amount of R170.00/m² (ONE HUNDRED AND SEVENTY 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 1 Hawston 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 Applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 1 Hawston must be consolidated with the adjoining property of Hawston Service Station (Pty) Ltd, being Erf 412 Hawston;
5. that no structures of any kind may be erected on the said portion of Remainder Erf 1 Hawston, which condition must be registered against the title deed of the consolidated property;
6. that the alienation of said portion of Remainder Erf 1 Hawston be subject to a suspensive condition that the Applicant obtains approval for the closure of portion of public road, subdivision, consolidation and rezoning;
7. that all the costs pertaining to the transaction, e.g. application fee, valuation costs subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the Applicant, Hawston Service Station (Pty) Ltd; 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:

26 MARCH 2022

TARGET DATE TO INFORM APPLICANT:

12 MARCH 2022

TARGET DATE TO INFORM OBJECTOR:

N/A

7.

ERF 9515 ZWELIHLE KNOWN AS “THE ZWELIHLE MALL”: DEVIATION FROM PARAGRAPH 18 AND 20.1(B) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO TEMPORARILY RENEW THE LEASE OF MUNICIPAL PROPERTY TO PEMZO CONSTRUCTION CC FOR A SHORT-TERM PERIOD - FINALISATION OF THE TENDER PROCESS

7/2/3/1

A Le Roux

14 December 2021

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into a further short-term lease agreement with Pemzo Construction CC in respect of Erf 9515 Zwelihle, ±1,280m² in extent, for the purpose to manage, sub-lease, supervise and maintain the property; and

To obtain approval from Council for the deviation from paragraph 18 of the Administration of Immovable Property Policy (as approved by Council on 25 November 2015) allowing the Municipality to enter into a further short-term lease agreement with Pemzo Construction CC in respect of Erf 9515 Zwelihle, ±1,280m² in extent, for the purpose to manage, sub-lease, supervise and maintain the property, without following a competitive bidding process, and

To obtain approval from Council for the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy (as approved by Council on 25 November 2015) allowing the Municipality to enter into a further short-term lease agreement with Pemzo Construction CC in respect of Erf 9515 Zwelihle, ±1,280m² in extent, for the purpose to manage, sub-lease, supervise and maintain the property, without following a public participation process.

RESOLVED:

1. that the short-term renewal of the lease of Erf 9515 Zwelihle, ±1,280m² in extent, to Pemzo Construction CC for a period of 8 (EIGHT) months or 1 (ONE) month after the award of the tender, whichever one comes first, from 1 October 2021 for business purposes to manage, sub-lease, supervise and maintain the property, at a rental amount of R23,959.70 (TWENTY THREE THOUSAND NINE HUNDRED AND FIFTY NINE RAND AND SEVENTY CENTS) (Excluding VAT) per month, **be approved**; and
2. that the abovementioned approval be subject to Council approving the deviation from paragraphs 18 and 20.1(b) of the Administration of Immovable Property Policy of 2015.

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Pemzo Construction CC for a period of 8 (EIGHT) months or 1 (ONE) month after the award of the tender, whichever one comes first, without following a competitive process, **be approved**; and
2. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Pemzo Construction CC for a period of 8 (EIGHT) months or 1 (ONE) month after the award of the tender, whichever one comes first, without following a public participation process, **be approved**.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****15 MARCH 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

8.

ENCROACHMENT ON A PORTION OF MUNICIPAL PROPERTY, A PORTION OF ERF 389 HAWSTON, ADJACENT TO ERF 226 HAWSTON, SITUATED AT 226 MARINE DRIVE, HAWSTON: DC HARTFORD

7/2/5

A Le Roux

Manager: Property Administration

14 December 2021

(028) 316-3724

EXECUTIVE SUMMARY

To obtain approval to enter into an encroachment agreement with DC Hartford, hereinafter referred to as “the Applicant”, who applied to retain an encroachment on municipal property being a portion of Erf 389 Hawston ($\pm 217\text{m}^2$ in extent), adjoining Erf 226 Hawston, situated at 226 Marine Drive, Hawston, hereinafter referred to as “the Property”, for a period of 5 (FIVE) years for gardening purposes.

RESOLVED:

1. that the encroachment on municipal property being a portion of Erf 389 Hawston ($\pm 217\text{m}^2$ in extent), adjacent to Erf 226 Hawston, to DC Hartford at an amount of R499.50 (FOUR HUNDRED AND NINETY NINE RAND AND FIFTY CENTS) (VAT excluded) per annum for a period of 5 (FIVE) years in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the encroachment fee mentioned in 1 above escalate every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2022.

RESPONSIBLE OFFICIAL :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****25 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****11 MARCH 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

9.

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 2672 HAWSTON (ROAD RESERVE) ADJACENT TO ERF 2823 HAWSTON SITUATED ON THE CORNER OF CATTLE AND STAFFORD STREET, HAWSTON, TO MN ANDREWS

7/2/3/2

A Le Roux

Manager: Property Administration

3 December 2021

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval in principle for the direct alienation of a portion of Erf 2672 ($\pm 71\text{m}^2$ in extent) Hawston (Road reserve) adjacent to Erf 2823 Hawston, situated on the corner of Cattle and Stafford Street, Hawston, to the owner of Erf 2823 Hawston, being MN Andrews.

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of a portion of Erf 2672 Hawston (adjacent to Erf 2823 Hawston) situated on the corner of Cattle and Stafford Street, Hawston, $\pm 71\text{m}^2$ in extent, to the owner of the adjoining Erf 2823 Hawston, MN Andrews, at an amount of R365.00/m² (THREE HUNDRED AND SIXTY FIVE 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 Erf 2672 Hawston 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 applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Erf 2672 Hawston must be consolidated with the adjoining property of MN Andrews, being Erf 2823 Hawston;
5. that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Erf 2672 Hawston, which condition must be registered against the title deed of the to be consolidated property;
6. that the alienation of said portion of Erf 2672 Hawston be subject to a suspensive condition that the applicant obtains approval for the closure of the public road, subdivision, rezoning and consolidation;
7. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant, MN Andrews; 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:

26 MARCH 2022

TARGET DATE TO INFORM APPLICANT:

12 MARCH 2022

TARGET DATE TO INFORM OBJECTOR:

N/A

10.

A PORTION OF REMAINDER ERF 249 HERMANUS (UNUSED PASSAGE), ADJACENT TO ERF 341 HERMANUS (5 ROCKLANDS ROAD): LEASE OF MUNICIPAL PROPERTY TO JC DAVIS

7/2/3/1

A Le Roux

Manager: Property Administration

29 November 2021

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with JC Davis, hereinafter referred to as "the Applicant", in respect of municipal property being a portion of Remainder Erf 249 Hermanus ($\pm 180\text{m}^2$ in extent) (unused passage) situated between Westcliff and Rocklands Road, hereinafter referred to as "the Property", for a period of 9 (NINE) years and 11 (ELEVEN) months for gardening and boundary wall purposes.

RESOLVED:

1. that the lease of municipal property, being a portion of Remainder Erf 249 Hermanus ($\pm 180\text{m}^2$ in extent), to JC Davis for gardening and boundary wall purposes at the rental amount of R2.19/m² (TWO RAND AND NINETEEN CENTS PER SQUARE METRE) (VAT Excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months in terms of the Administration of Immoveable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the consumer price index (all items), the next escalation to be on 1 July 2022.

RESPONSIBLE OFFICIAL :**W MURTZ****TARGET DATE FOR IMPLEMENTATION :****26 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****12 MARCH 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

11.

**HERMANUS SPORTS CENTRE: FUNDING FOR FURTHER DEVELOPMENT:
2021/2022 CAPITAL BUDGET**

15/1/3/3/2/9

R Kuchar

Senior Manager : Town & Spatial Planning

18 January 2022

(028) 313 - 8087

EXECUTIVE SUMMARY

The Municipal Council approved the long-term lease (45 years) of a portion of Erf 1253, Hermanus on 27 February 2013 to the Hermanus Sports Club (HSC). The purpose of the lease is to involve the community and private sector in the development, maintenance and management of the property as a general sports and recreational facility. The club accommodates various sporting codes and is for the benefit of the Greater Hermanus community. The facility will also make it possible for regional sporting tournaments and gatherings to be held in Hermanus.

An amount of R1,5 million has been provided on the 2021/22 budget for the further development of the HSC. A further amount of R100 000 has been made available from Ward 3 Committee towards the BMX Track and Skate Park.

This item serves to recommend to Council to make the funds available in terms of the Grant-in-Aid Policy to allow the HSC to make drawdowns from the Capital Budget as they develop the sports facilities.

RECOMMENDATION TO THE COUNCIL:

1. that Council **approves** the deviation of Clauses 5.2 and 5.3 of its Grants-in-Aid Policy;
2. that a **once off** Grant-in-Aid towards Hermanus Sports Club be made to the amount of R1,5 million and R100 000 on condition that they use the grant for further development of the Sports Club;
3. that the money be **spent as proposed** by the Sport Club on sport codes; and
4. that the HSC be fully **compliant** with the provisions of Section 67 of the Municipal Finance Management Act, 2003.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****10 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****N/A**

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr R Nutt

Committee Members :

**Ald K Brice, Cllrs S Williams,
S Silo, K Ngqandana**

1.

HOUSING: PROGRESS REPORT ON TRANSFER OF PROPERTIES TO VARIOUS BENEFICIARIES OF LOW-COST HOUSING IN THE OVERSTRAND AREA FOR THE PERIOD JUNE 2021 TO DECEMBER 2021

17/5/4/1

FW Frans

13 January 2022

Senior Manager: Corporate Services

(028) 313 8144

EXECUTIVE SUMMARY

The purpose of the report is to inform the Executive Mayor of progress made to date with the transfers of title deeds in the names of beneficiaries of low-cost housing projects.

RESOLVED:

that the report in respect of transfers to beneficiaries of low-cost housing properties **be noted.**

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****IN PROGRESS**

2.

BENEFICIARIES: INTEGRATED RESIDENTIAL DEVELOPMENT PROGRAMME (IRDP): SITE C1, SWARTDAM ROAD, ZWELIHLE

17/5/4/1

FW Frans

Senior Manager: Corporate Services

13 January 2022

(028) 313 8144

EXECUTIVE SUMMARY

This report is to inform the Executive Mayor of the progress to date with the procedure to finalise subsidy applications for potential beneficiaries.

RESOLVED:

that the progress report with regard to the beneficiary subsidy status in the Site C1, Swartdam Road, Zwelihle, **be noted**.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****N/A**

**PORTFOLIO COMMITTEE :
MANAGEMENT SERVICES**

Chairperson :

Cllr F Africa

Committee Members :

**Cllrs A Komani, C Resandt,
Ald T Nqinata & Cllr T Gwele**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

PORTFOLIO COMMITTEE :

FINANCE & TOURISM

Chairperson :

Cllr A Rabie

Committee Members :

**Cllrs T Els, C Lerm,
Ald T Nqinata and Cllr J van Staden**

1.
MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JANUARY 2022

8/2/2

C Le Roux

Deputy Director: Finance & SCM

07 February 2022

(028) 313 8107

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for January 2022. To inform Council of all procurement undertaken during the national state of disaster as per paragraph 6.7.4(f) Amendment of the Directions issued, in terms of section 27(2) of the Disaster Management Act, 2002, dated 02 July 2020.

RECOMMENDATION TO THE COUNCIL:

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

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

**2.
REPORT ON THE PROPOSED 4TH ADJUSTMENTS BUDGET & REVISED
SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR
2021/2022**

5/1/1/23 – 2021/2022 & 9/1/2/5

BA King Senior Manager: Financial Services

16 February 2022

(028) 313 8154

EXECUTIVE SUMMARY

Report prepared in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for the 4th Adjustments Budget and revised SDBIP to appropriate revenue and expenditure for additional grant funding received from the Western Cape Provincial Treasury and to amend mSCOA segmentation and Public Contributions.

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 4th Adjustments Budget for 2021/2022 **be approved** as set out in the following schedules:
 - Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
 - Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
 - Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
 - Schedule 4:** Budgeted financial position
 - Schedule 5:** Budgeted cash flow
 - Schedule 6:** Cash backed reserves and acc. surplus reconciliation
 - Schedule 7:** Asset management
 - Schedule 8:** Basic service delivery measurement;
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 2021/22 **be approved**;
4. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :

**BA KING
RG LOUW**

TARGET DATE FOR IMPLEMENTATION :

25 FEBRUARY 2022

The meeting adjourned at 10:45

DATE

DR. A RABIE - EXECUTIVE MAYOR