



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 13 NOVEMBER / NOVEMBA 2024
**VENUE / PLEK / INDAWO : BANQUETING HALL,
CIVIC CENTRE,
HERMANUS**
TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE
MAYORAL COMMITTEE
HELD IN THE BANQUETING HALL
ON 13 NOVEMBER 2024, AT 10:00**

PRESENT:

Councillors were present as per attached attendance register.

OFFICIALS PRESENT:

Dr D O'Neill, Municipal Manager
Mr D Louw, Acting CFO
Mr S Swartz, Director : Community Services
Ms D Arrison, Director : Corporate Services
Mr N Michaels, Director : Municipal Public Safety
Mr S Müller, Chief Engineer : Infrastructure Services
Ms R Louw, Divisional Manager : Strategic Support Services
Mr R Kuchar, Divisional Manager : Town & Regional Planning
Ms A Le Roux, Divisional Manager : Property Management
Ms H van Tonder, Manager : Administrative Support Services
Ms G Erasmus, Facilities Administrator
Ms S Swart, Senior Committee Officer: Corporate Services

ALSO PRESENT :



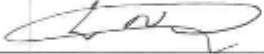

Ald G Cohen, Speaker

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING

13 NOVEMBER 2024

ALDERMEN/COUNCILLORS	SIGNATURE
RABIE, AL	
AFRICA, F	
LERM, CH	Apology Conference
NTSABO, L	
NUTT, R	
WILLIAMS, S	

1. OPENING

The Executive Mayor, Ald A Rabie, opened the meeting and allowed a moment of silence. The Municipal Manager, Dr D O'Neill, read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr C Lerm

RESOLVED:

that the above application for leave of absence **be approved**.

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Mayoral Committee held on Wednesday, 16 October 2024 at 08:30****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 16 October 2024 at 08:30, be confirmed**, subject thereto that Cllr S Williams be indicated as an apology and not absent without leave, as he tendered an apology to the Executive Mayor after the meeting.

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

The Executive Mayor, Ald A Rabie, reported on the following matters:

- Provincial Members Assembly (PMA) in Mossel Bay (the Municipal Manager, Dr D O'Neill, attended the PMA and reported back).
- The Executive Mayor requested the Speaker to allow time for the Councillors who are representatives on the SALGA working groups to report back at Council meetings .
- Workshop to be held on 22 November 2024 regarding support to municipalities in terms of MIG.
- Executive Mayor was invited to a media interview regarding the rejection of the potential 40% increase in electricity tariffs.
- How to improve on the option of renewable energy.
- An item to be submitted to the Infrastructure Services Portfolio Committee regarding the electrification of Vijo Vijo, above Protea Dorp.

- The Executive Mayor requested that an update be given at the next Mayoral Committee meeting regarding the progress on the electrification of Mandela Square.
- Illegal connections on new transformers in Mbeki Street, Zwelihle (the Deputy Executive Mayor, Ald L Ntsabo, explained that all illegal connections will be removed).
- Draft Memorandum of Understanding (MOU) between the Hermanus Business Chamber and the Municipality to be circulated to the Mayco members and the Municipal Manager for comments.
- Robot in Brug Street to be installed before the Festive Season.
- The Executive Mayor and Municipal Manager are to meet with Min A Bredell on 14 November 2024 regarding the baboons matter.
- Notice sent out by Overberg District Municipality (ODM) forbidding dogs in restaurants, without communication with Overstrand Municipality. A press release to be issued addressing the difference between the Overberg District Municipality and the Overstrand Municipality. ODM to be requested to put a moratorium on the notice.
- Conversations on the 2025/2026s budget commencing soon. R500 000 allocation to ward committees were taken away and the Executive Mayor requested that Ward Councillors engage with the Municipal Manager and the Acting CFO identifying one or two smaller needs.
- Costing to be done of the first five items in the IDP to inform the 2025/26 budget.

5.

**A PORTION OF ERF 646 PEARLY BEACH (1 NURSERY ROAD, PEARLY BEACH):
DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE
PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A
FURTHER LEASE AGREEMENT WITH THE COMPUTER HUT (PTY) LTD**

**A Le Roux
4 October 2024**

Divisional Manager: Property Management

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with The Computer Hut (Pty) Ltd, (hereinafter referred to as “the Lessee”), in respect of municipal property being a portion of Erf 646 Pearly Beach ($\pm 1\text{m}^2$ in extent) situated at 1 Nursery Way, Pearly Beach (hereinafter referred to as “the Property”), for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose to retain a communication tower on top of a water reservoir, 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 direct lease agreement with the Lessee in respect of the Property to retain a communication tower on top of a water reservoir, without following a competitive process.

RESOLVED:

1. that the lease of municipal property, being a portion of Erf 646 Pearly Beach ($\pm 1\text{m}^2$ in extent), to The Computer Hut (Pty) Ltd for the purpose to retain a communication tower on top of a water reservoir at the rental amount of R342.61 (THREE HUNDRED AND FORTY TWO RAND AND SIXTY ONE CENTS) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months from 1 December 2024 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved;**
2. that the approval in 1 above be subject to Council approving the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015; and
3. that the rental amount 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 2025.

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to The Computer Hut (Pty) Ltd of a portion of Erf 646 Pearly Beach ($\pm 1\text{m}^2$ in extent), for the purpose to retain a communication tower on top of a water reservoir, **be approved**.

RESPONSIBLE OFFICIAL :**R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****4 DECEMBER 2024****TARGET DATE TO INFORM APPLICANT:****11 DECEMBER 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

6.

TRANSFER ERF 279 FISHERHAVEN (SITUATED IN SCHOOL ROAD, FISHERHAVEN) TO THE WESTERN CAPE GOVERNMENT VIA ITS DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE EDUCATIONAL DEPARTMENT) TO RETAIN THE NEWLY BUILT JUNIOR HIGH SCHOOL AS PART OF THE RAPID SCHOOL BUILD PROGRAMME

A Le Roux

Divisional Manager: Property Management

26 September 2024

(028) 316 5623

EXECUTIVE SUMMARY

To obtain final approval for the transfer of Erf 279 Fisherhaven (3,9575 ha in extent), situated in School Street, Fisherhaven (hereinafter referred to as “the Property”), to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Western Cape Education Department), hereinafter referred to as “the Department”, to develop a new Junior High School as part of the Rapid School Build Programme.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erf 279 Fisherhaven (3,9575 ha in extent) situated in School Street, Fisherhaven, to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Western Cape Education Department), at a nominal purchase price of R100.00 (ONE HUNDRED RAND) (VAT included) to retain the new developed Junior High School a part of the Rapid School Build Programme, **be approved**;
2. that it be noted that it is not necessary to follow a competitive process for the alienation and transfer as this transaction is exempted in terms of Regulation 20 of the Municipal Asset Transfer Regulations (R. 878 of 2008);
3. that it be noted that there are economic and community value to be received in exchange for the municipal property as a new school will be established for the community;
4. 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);
5. that all the costs pertaining to the transaction, e.g. land use planning, environmental and related processes costs, the public participation cost, the registration of the transfer of the Property in the Deeds Office, and the costs of the public participation, be borne by the Department;

6. that a condition be registered against the title deed of the Property that the Property may only be used for Educational Purposes; and
7. that a servitude be registered in favour of the Municipality against the title deed of the Property to secure the municipal services situated thereon.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

18 DECEMBER 2024

TARGET DATE TO INFORM APPLICANT :

18 DECEMBER 2024

TARGET DATE TO INFORM OBJECTOR :

N/A

7.

PORTIONS OF ERVEN 249, 829 AND 832 HERMANUS: RENEWAL OF LEASE OF MUNICIPAL PROPERTIES TO KEE PROPERTY INVESTMENTS (PTY) LTD

A Le Roux

Divisional Manager: Property Management

3 October 2024

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with KEE Property Investments (Pty) Ltd, hereinafter referred to as “KEE”, in respect of portions of Erven 249, 829 & 832 Hermanus (jointly $\pm 722,5\text{m}^2$ in extent), hereinafter referred to as “the Property”, situated in Marine Drive, Northcliff, Hermanus for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of placing tables and chairs (and/or benches) for restaurant seating purposes.

RESOLVED:

1. that the lease of municipal properties, being portions of Erven 249, 829 & 832 Hermanus (jointly $\pm 722,5\text{m}^2$ in extent), to KEE Property Investments (Pty) Ltd, for the purpose of placing tables and chairs (and/or benches) for restaurant seating purposes at a rental amount of R38.26 (THIRTY EIGHT RAND AND TWENTY SIX CENTS) (VAT excluded) per square metre per month for a further period of 9 (NINE) years and 11 (ELEVEN) months from 1 October 2024 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate annually on 1 July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, next escalation to be on 1 July 2025.

RESPONSIBLE OFFICIAL :**R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****4 DECEMBER 2024****TARGET DATE TO INFORM APPLICANT :****11 DECEMBER 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

8.

A PORTION OF ERF 5467 KLEINMOND (AMANDELBOOM AVENUE, KLEINMOND): RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO KLEINMOND JUKSKEI CLUB

A Le Roux

Divisional Manager: Property Management

2 October 2024

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with Kleinmond Jukskei Club, (hereinafter referred to as “the Club”), in respect of municipal property, being a portion of Erf 5467 Kleinmond ($\pm 2,905\text{m}^2$ in extent) situated in Amandelboom Avenue, Kleinmond (hereinafter referred to as “the Property”), for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of sport and other sport related activities, specifically a jukskei club.

RESOLVED:

1. that the lease of municipal property, being a portion of Erf 5467 Kleinmond, situated in Amandelboom Avenue, Kleinmond, to the Kleinmond Jukskei Club for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of sport and other sport related activities, specifically a jukskei club, at the rental amount of R188.70 (ONE HUNDRED AND EIGHTY EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month from 1 November 2024 in terms of the Administration of Immovable 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 tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2025.

RESPONSIBLE OFFICIAL :

R OCTOBER

TARGET DATE FOR IMPLEMENTATION :

4 DECEMBER 2024

TARGET DATE TO INFORM APPLICANT:

11 DECEMBER 2024

TARGET DATE TO INFORM OBJECTOR :

N/A

9.

A PORTION OF ERF 830 HERMANUS, SITUATED IN MARINE DRIVE AND KNOWN AS “BIENTANG’S RESTAURANT”, APPROVAL FOR COMMENCEMENT OF A PUBLIC PARTICIPATION PROCESS

**A Le Roux
7 October 2024**

Divisional Manager: Property Management

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval to commence the public participation process for the lease of a portion of Erf 830 Hermanus, currently known as “Bientang’s Restaurant” ($\pm 1,740\text{m}^2$ in extent), hereinafter referred to as “the Property”, for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of a restaurant and kiosk by means of a competitive process as it is envisaged that the total rental income for the proposed lease period will be in excess of R10,000,000.00 (TEN MILLION RAND).

RECOMMENDATION TO THE COUNCIL:

that the Accounting Officer, via the Property Management Division, **be authorised** to commence with the public participation process required by paragraph 19.1(a) of Council’s Administration of Immovable Property Policy (2015), for the long term lease of a portion of Erf 830 Hermanus, currently known as “Bientang’s Restaurant” ($\pm 1,740\text{m}^2$ in extent), for restaurant purposes, and to report the outcome of the public participation process thereon to Council in order for it to make a reasoned, deliberate decision in principle to proceed with the proposed competitive process for the said long term lease.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

17 DECEMBER 2024

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

10.

A PORTION OF REMAINDER ERF 4771 HERMANUS: LEASE OF MUNICIPAL PROPERTY TO JUSTEA (PTY) LTD

A Le Roux

Divisional Manager: Property Management

30 September 2024

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with Justea (Pty) Ltd in respect of municipal property, being a portion of Remainder Erf 4771 Hermanus ($\pm 906\text{m}^2$ in extent) situated at Grotto Beach, Hermanus known as "Dutchies Restaurant" hereinafter referred to as "the Property", for a period of 9 (NINE) years and 11 (ELEVEN) months for the lease, management and maintenance of municipal property as a restaurant.

RECOMMENDATION TO THE COUNCIL:

1. that the lease of municipal property, being a portion of Remainder Erf 4771 Hermanus ($\pm 906\text{m}^2$ in extent), to Justea (Pty) Ltd for the lease, management and maintenance of municipal property as a restaurant at an initial rental amount of R71,500.00 (SEVENTY-ONE THOUSAND FIVE HUNDRED RAND) (VAT included) per month for a rental period of 9 (NINE) years and 11 (ELEVEN) months in terms of the Administration of Immovable 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 first escalation to be 1 July 2025.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****20 DECEMBER 2024****TARGET DATE TO INFORM APPLICANT :****20 DECEMBER 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

11.

A PORTION OF REMAINDER ERF 4771 HERMANUS: RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO BERG EN SEE BELEGGINGS (PTY) LTD**A Le Roux
3 October 2024****Divisional Manager: Property Management****(028) 316 5623****EXECUTIVE SUMMARY**

To obtain approval to enter into a further lease agreement with Berg en See Beleggings (Pty) Ltd, hereinafter referred to as “the Applicant”, in respect of a portion of Remainder Erf 4771 Hermanus ($\pm 101,3\text{m}^2$ in extent), hereinafter referred to as “the Property”, situated at 84 Eight Street, Voëlklip, Hermanus for a period of 5 (FIVE) years for security and gardening purposes.

RESOLVED:

1. that the lease of municipal property, being a portion of Remainder Erf 4771 Hermanus ($\pm 101,3\text{m}^2$ in extent), to Berg en See Beleggings (Pty) Ltd for safety and gardening purposes at a rental amount of R359.13 (THREE HUNDRED AND FIFTY NINE RAND AND THIRTEEN CENTS) (VAT excluded) per month for a further period of 5 (FIVE) years from 1 September 2024 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate annually on 1 July by a percentage equal to the prevailing consumer price index (all items), next escalation to be on 1 July 2025.

RESPONSIBLE OFFICIAL :**R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****4 DECEMBER 2024****TARGET DATE TO INFORM APPLICANT :****11 DECEMBER 2024****TARGET DATE TO INFORM OBJECTOR :****N/A**

12.

A PORTION OF REMAINDER ERF 4771 HERMANUS: RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO RAINHOF WEST PROPERTIES (PTY) LTD**A Le Roux
3 October 2024****Divisional Manager: Property Management****(028) 316 5623****EXECUTIVE SUMMARY**

To obtain approval to enter into a further lease agreement with Rainhof West Properties (Pty) Ltd, hereinafter referred to as “the Applicant”, in respect of a portion of Remainder Erf 4771 Hermanus ($\pm 81\text{m}^2$ in extent), hereinafter referred to as “the Property”, situated at 83 Seventh Street, Voëlklip, Hermanus for a period of 9 (NINE) years and 11 (ELEVEN) months for security and gardening purposes.

RESOLVED:

1. that the lease of municipal property, being a portion of Remainder Erf 4771 Hermanus ($\pm 81\text{m}^2$ in extent), to Rainhof West Properties (Pty) Ltd for safety and gardening purposes at a rental amount of R287.16 (TWO HUNDRED AND EIGHTY-SEVEN RAND AND SIXTEEN CENTS) (VAT excluded) per month for a further period of 9 (NINE) years and 11 (ELEVEN) months from 1 September 2024 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate annually on 1 July by a percentage equal to the prevailing consumer price index (all items), next escalation to be on 1 July 2025.

RESPONSIBLE OFFICIAL :**R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****4 DECEMBER 2024****TARGET DATE TO INFORM APPLICANT :****11 DECEMBER 2024**

13.**ESTABLISHMENT OF MUNICIPAL MODERATION COMMITTEE****L Bucchianeri Divisional Manager:Human Resources Management**
10 October 2024**(028) 313 8120**

EXECUTIVE SUMMARY

The purpose of this report is to request approval of Council the Establishment of Municipal Moderation Committee.

RECOMMENDATION TO THE COUNCIL:

that Council approve the Establishment of the Municipal Performance Moderation Committee constituted as follows:

- (a) The Municipal Manager or his or her delegate who will act as the chairperson;
- (b) All Directors of the Municipality;
- (c) Chief Audit Executive;
- (d) Divisional Manager: Strategic Support Services and Divisional Manager: Human Resources.

RESPONSIBLE OFFICIAL :**L BUCCIANERI****TARGET DATE FOR IMPLEMENTATION :****NOVEMBER 2024**

14.

STATUS OF THE PUBLIC LAUNCHING SITES (PLS): OVERSTRAND MUNICIPAL AREA

SJ Swartz
29 October 2024

Director: Community Services

(028) 313 8029

EXECUTIVE SUMMARY

The purpose of this report is to inform Council,

- of the status of Public Launching Sites (PLS) registered for management by Overstrand Municipality, and
- to consider the review of PLS to be de-registered by the Department of Environmental Affairs and Development Planning (DEA & DP).

RESOLVED:

1. that it be recommended to the Provincial Minister of Local Government, Environmental Affairs and Development Planning that the public launching sites at, Harderbaai Slipway, King Street Slipway (Stanford), Franskraal Coastal Slipway (Blousloep), Maanschynbaai Slipway (Hangklip), Maanschynbaai Slipway (Klein River), Blue Water Bay (Pearly Beach) and Die Damme, **be de-registered**;
2. that the public launching sites at Fisherhaven Slipway A (public), Rooi-Els Coastal Slipway, Prawn Flats Slipway, Du Toit Street Slipway (Stanford) and Buffeljachtsbaai **be managed** during peak times;
3. that the registration of Hawston Slipway as public launching site **be recommended** to the Provincial Minister of Local Government, Environmental Affairs and Development Planning;
4. that the public launching sites at Kleinmond Coastal Slipway, Kleinbaai Boat Launching Site, and Hawston (based on successful negotiations with affected provincial departments) **be managed** on a full-time basis; and
5. that the management of public launching sites by public- (other than the Overstrand Municipality) or private entities, **be investigated**.

RESPONSIBLE OFFICIAL :

SJ SWARTZ

TARGET DATE FOR IMPLEMENTATION :

1 DECEMBER 2024

15.
TOURISM MONTHLY REPORT: OCTOBER 2024

R Louw
4 November 2024

Divisional Manager : Strategic Support Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to provide and outline activities and initiatives of Tourism to promote the Overstrand. The report covers the activities for October 2024.

RESOLVED:

that the tourism report for October 2024 **be noted**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

29 NOVEMBER 2024

16.

2024/2025 FESTIVE SEASON PLAN FOR THE DIRECTORATE: MUNICIPAL PUBLIC SAFETY

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.

The meeting adjourned at 12:12

DATE

DR. A RABIE - EXECUTIVE MAYOR