



**ORDINARY MEETING OF THE MAYORAL  
COMMITTEE**

**GEWONE VERGADERING VAN DIE  
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI  
KASODOLOPHU**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 26 SEPTEMBER / SEPTEMBER  
2022**

**VENUE / PLEK / INDAWO : BANQUETING HALL,  
CIVIC CENTRE, HERMANUS**

**TIME / TYD / IXESHA : 10:12**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE  
MAYORAL COMMITTEE  
HELD IN THE BANQUETING HALL  
ON 26 SEPTEMBER 2022, AT 10:12**

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**PRESENT:**

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT:**

Mr D O'Neill, Municipal Manager  
Ms S Reyneke-Naudé, Director : Finance  
Mr N Michaels, Director : Protection Services  
Mr S Madikane, Director : Economic Development & Tourism  
Mr S Müller, Director : Infrastructure & Planning  
Mr F Myburgh, Senior Manager : Gansbaai Administration  
Mr R Kuchar, Senior Manager : Town & Spatial Planning  
Ms F Lloyd, Manager : Tourism  
Ms A Le Roux, Manager : Property Administration  
Ms V October, Senior Admin Officer : Property Administration  
Ms H van Tonder, Manager : Council Support Services  
Ms G Erasmus, Clerk : Auditorium  
Ms S Swart: Administrative Officer : Council Support Services




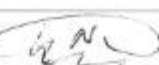


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**MINUTES/.....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING

26 SEPTEMBER 2022

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

**1. OPENING**

The Executive Mayor, Ald A Rabie, allowed a moment of silence and read the notice convening the meeting. She welcomed those present and thanked everyone for allowing the meeting to start later, due to other obligations.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. CONFIRMATION OF MINUTES****3.1 Minutes of an Ordinary Meeting of the Mayoral Committee held on Monday, 25 July 2022 at 10:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** on **Monday, 25 July 2022 at 10:00**, be confirmed.

**3.2 Minutes of a Special Meeting of the Mayoral Committee held on Monday, 29 August 2022 at 10:00****RESOLVED:**

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Monday, 29 August 2022 at 10:00**, be confirmed.

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

- Digital Archiving: the matter will stand over.
- The Executive Mayor, Ald A Rabie, reported on the situation in Kleinmond where people are marching to show their unhappiness with service delivery and she informed the meeting that she will have a meeting with them today, 26 September 2022.
- The Executive Mayor, Ald A Rabie, informed the committee that she will have a meeting with a delegation from the ladies of Kwasa Kwasa in connection with electricity supply.

- The Executive Mayor, Ald A Rabie, informed the meeting that tourists were attacked at Fernkloof over the weekend. Director N Michaels gave feedback on the matter and Cllr C Lerm explained that there are only three (3) rangers available and that the environmental staff are not doing law enforcement. The Executive Mayor requested the Municipal Manager, Mr D O'Neill, to issue a press release about the concerns around the attacks.
- The Executive Mayor, Ald A Rabie, requested Ald E Gillion to arrange a meeting with harbour users after the recess.
- The Executive Mayor, Ald A Rabie, referred to the upcoming Whale Festival and requested Ald E Gillion and Ms F Lloyd to be available at all times during the festival and wished organisers well and thank Directors Williams and Michaels and Area Managers for their involvement.

**5.  
APPOINTMENT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE  
(JAPAC) CHAIRPERSON**

**3/2/3/12**

**DC Van Der Heever  
12 September 2022**

**Chief Audit Executive**

**(028) 313 5035**

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**EXECUTIVE SUMMARY**

The purpose of this report is to obtain approval for the appointment of Mr P Strauss as the chairperson of Joint Audit and Performance Audit Committee (JAPAC). During the special council meeting held on 29 August 2022, Council unanimously resolved to appoint the current Audit Committee members of the Overberg District Municipality as the members of Overstrand Municipality's JAPAC.

**RECOMMENDATION TO THE COUNCIL:**

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**

**PORTFOLIO COMMITTEE :**

**PROTECTION SERVICES**

**Chairperson :**

**Cllr L Ntsabo**

**Committee Members :**

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

1.  
**OVERSTRAND MUNICIPALITY VEHICLE & EQUIPMENT MAINTENANCE AND REPLACEMENT POLICY FOR FIRE & EMERGENCY SERVICES, DISASTER MANAGEMENT AND SECURITY SERVICES**

17/8/B

NJ Michaels

Director: Protection Services

18 August 2022

(028) 313 8054

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**EXECUTIVE SUMMARY**

This policy is intended for the effective and efficient management of all Fire & Emergency Services, Disaster Management and Security Services vehicles and equipment to improve service delivery in the Overstrand jurisdiction. The Policy is guided by the SANS 10090: Community Protection Against Fires in providing advice on the measures that should be taken to ensure that fire services (and other) are efficient. Overstrand Municipality is considered an area where all five fire-risk categories are present within its jurisdiction, ranging from Category A (Central business districts and extensive commercial and industrial areas) to Category E (Special risk areas).

**RECOMMENDATION TO THE COUNCIL:**

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**



2.

**POLICY FOR CREATING AND MAINTAINING FIRE WISE VACANT ERVEN IN URBAN AND SUBURBAN AREAS OF THE OVERSTRAND MUNICIPALITY**

17/8/B

NJ Michaels

Director: Protection Services

8 August 2022

(028) 313 8054

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**EXECUTIVE SUMMARY**

The purpose of this report is to present to Council a policy specific to the prevention of the outbreak and spread of fire by the elimination or minimising of fire hazards created by vegetation of any species on erven and other open land within the area of municipal jurisdiction. The policy aims to promote a safe and healthy environment in line with the requirements of Section 152 of the Constitution of the Republic of South Africa, 1996, the requirements of the Fire Brigade Services Act 99 of 1987 and Section 34 (20) of the Community Fire Safety By-law P.N. 6454 of 2007

**RECOMMENDATION TO THE COUNCIL :**

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**

**The Executive Mayor, Ald A Rabie, requested the Municipal Manager, Mr D O'Neill, to carry this matter over to the DCF Tech agenda.**

**3.  
MONTHLY MONITORING REPORT FOR THE PERIOD 01 – 30 JUNE 2022:  
DIRECTORATE: PROTECTION SERVICES**

**5/20**

**NJ Michaels**

**Director: Protection Services**

**17 August 2022**

**(028) 313 8054**

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**EXECUTIVE SUMMARY**

To report on the functioning and activities of the Directorate: Protection Services for the period 01 – 30 June 2022.

**RESOLVED:**

that the Monthly Monitoring Report of the functioning and activities of the Directorate: Protection Services for the period 01 – 30 June 2022, **be noted**.

**RESPONSIBLE OFFICIAL :**

**NJ MICHAELS**

**TARGET DATE FOR IMPLEMENTATION :**

**30 SEPTEMBER 2022**

**4.  
MONTHLY MONITORING REPORT FOR THE PERIOD 01 – 31 JULY 2022:  
DIRECTORATE: PROTECTION SERVICES**

**5/20**

**NJ Michaels**

**Director: Protection Services**

**17 August 2022**

**(028) 313 8054**

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**EXECUTIVE SUMMARY**

To report on the functioning and activities of the Directorate: Protection Services for the period 01 – 31 July 2022.

**RESOLVED:**

that the Monthly Monitoring Report of the functioning and activities of the Directorate: Protection Services for the period 01 – 31 July 2022, **be noted**.

**RESPONSIBLE OFFICIAL :**

**NJ MICHAELS**

**TARGET DATE FOR IMPLEMENTATION :**

**30 SEPTEMBER 2022**

**PORTFOLIO COMMITTEE :**

**LOCAL ECONOMIC DEVELOPMENT**

**Chairperson :**

**Ald E Gillion**

**Committee Members :**

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

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

The Executive Mayor, Ald A Rabie, requested that the compilation of the Informal Trading Policy be completed at the end of October 2022. This is to be done by the Infrastructure Department.

**THE MEETING STOOD DOWN AT 11:18**

**THE MEETING RESUMED AT 11:27**

**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: MAY 2022 – JUNE 2022**

**15/3/11**

**R Kuchar**

**Senior Manager: Town & Spatial Planning**

**15 JUNE 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 15 May 2022 - 15 June 2022.

**RESOLVED:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 15 May 2022 – 15 June 2022:

1.	Erf 1527, 9 Cape Robin Cres, Vermont	11 May 2022
2.	Erf 2359, 40 Krige Street, Vermont	11 May 2022
3.	Erf 1127, 6 Albatros Street, Vermont	11 May 2022
4.	Erf 1785, 2 Newey Street, Pearly Beach	11 May 2022
5.	Erf 1000, 60 Du Toit Street, Franskraal	11 May 2022
6.	Erf 1886, 12 Puren Way, Pearly Beach	11 May 2022
7.	Erf 2386, 99 10 <sup>th</sup> Street, Voëlklip	16 May 2022
8.	Erf 122, 14 Mark Street, Gansbaai	19 May 2022
9.	Erf 5230, 40 Camdebo Avenue, Kleinmond	19 May 2022
10.	Erf 4836, 52 9 <sup>th</sup> Avenue, Voëlklip	19 May 2022
11.	Erf 3783, 27 Nerine Cres, Betty's Bay	30 May 2022
12.	Farm 563, Ptn8 De Draay Farm, Kleinmond	30 May 2022
13.	Erf 1872, 111 Charlie van Breda Drive, Pearly Beach	1 June 2022
14.	Erf 647, 124 Meyer Street, Franskraal	3 June 2022

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 3 June 2022:

1.	Farm 663 (ptn 7) Paardenberggrivier	10 May 2022
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**RESPONSIBLE OFFICIAL:**

**L SMUTS**

**TARGET DATE FOR IMPLEMENTATION:**

**10 OCTOBER 2022**

2.

**NOTICE OF INTENTION TO EXEMPT ALL WESTERN CAPE MUNICIPALITIES FROM CERTAIN PROVISIONS OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014) IN TERMS OF SECTION 60(1) THEREOF**

15/1/3/10/4

R Kuchar

13 June 2022

Senior Manager: Town &amp; Spatial Planning

(028) 313 8087

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**EXECUTIVE SUMMARY**

To inform Council of Ministry of Local Government, Department of Environmental Affairs and Development Planning's intent to exempt all Western Cape Municipalities from certain provisions of the Western Cape Land Use Planning Act, 2014 (act 3 of 2014) in terms of Section 60(1) thereof.

**RESOLVED:**

that Council gives its support towards the notice of intent to exempt Municipalities in the Western Cape in terms of Section 60(1) of LUPA exempt Local Authorities from Section 43 and 44 of LUPA as well as from Section 35(2), 39(2) and 41(1) and LUPA, it will mean that the Minister also acted in terms of Section 65(1)(2) of Overstrand By-law on Development Plan.

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



**3.  
TOWN PLANNING: CONCERNS IN RESPECT OF SPECIFIC RESORTS IN THE  
OVERSTRAND MUNICIPALITY**

15/1/3/10/4

R Kuchar

Senior Manager : Town & Spatial Planning

8 June 2022

(028) 313 - 8900

**EXECUTIVE SUMMARY**

To submit and item to Council providing information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality.

**RESOLVED:**

1. that the information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality **be noted**;
2. that the necessary actions to address the discrepancies identified in the survey, **be stated**; and
3. that a realistic timeframe **be determined** for the finalisation of this exercise.

**RESPONSIBLE OFFICIAL:**

**N GERBER**

**TARGET DATE FOR IMPLEMENTATION:**

**N/A**

**TARGET DATE TO INFORM APPLICANT:**

**N/A**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

The Executive Mayor, Ald A Rabie, requested the following:

- Report on town planning deviations and the following-up thereof;
- Report on the Gansbaai Caravan Park at the next portfolio committee meeting;
- An explanation why Uilenkraalsmond electricity accounts are with the Overstrand Municipality whilst the property belongs to the Overberg District Municipality;
- A meeting to be arranged by the Municipal Manager between farmers and the municipality;
- Mr F Myburgh to revisit Gansbaai and Franskraal Caravan Parks as well as Pierre Jeanne Gerber Private Reserve
- The Municipal Manager, Mr D O'Neill, to engage with the Municipal Manager of the Overberg District Municipality at the DCF Tech with reference to Uilenkraalsmond.

4.

**A PORTION OF REMAINDER ERF 243 HERMANUS SITUATED IN SWARTDAM ROAD (ROAD RESERVE): RENEWAL OF LEASE TO BLUEBIRD TRIO (PTY) LTD T/A NISSAN HERMANUS**

7/2/3/1

A Le Roux

Manager: Property Administration

2 August 2022

(028) 316 5623

### EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with Bluebird Trio (Pty) Ltd t/a Nissan Hermanus, hereafter referred to as "Nissan", in respect of municipal property, being a portion of Remainder Erf 243 Hermanus ( $\pm 105\text{m}^2$  in extent), situated in Swartdam Road (road remainder), hereafter referred to as "the Property", for a period of 3 (THREE) years for the purpose of displaying and parking of vehicles for sale.

### RESOLVED:

1. that the lease of municipal property, being a portion of Remainder Erf 243 Hermanus ( $\pm 105\text{m}^2$  in extent), to Bluebird Trio (Pty) Ltd t/a Nissan Hermanus, for the purpose of displaying and parking of vehicles for sale for a period of 3 (THREE) years at a rental amount of R639.45 (SIX HUNDRED AND THIRTY-NINE RAND AND FORTY-FIVE CENTS) (VAT excluded) per month from 1 June 2022 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, the first escalation to be on 1 July 2022.

RESPONSIBLE OFFICIAL :

R OCTOBER

TARGET DATE FOR IMPLEMENTATION :

15 OCTOBER 2022

TARGET DATE TO INFORM APPLICANT :

25 OCTOBER 2022

**THE EXECUTIVE MAYOR, ALD A RABIE, REQUESTED THAT IT BE MINUTED THAT NO OFFICIAL OR A MEMBER OF THE MAYORAL COMMITTEE IS AT THIS STAGE IN NEGOTIATIONS WITH NISSAN FOR THE PURCHASING OF A VEHICLE**

5.

**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**

7/2/3/1

A Le Roux

Manager: Property Administration

3 Augustus 2022

(028) 316-5623

### EXECUTIVE SUMMARY

To obtain approval from the Executive Mayor to enter into a further lease agreement for a period of 9 (NINE) years and 11 (ELEVEN) months with Vodacom (Pty) Ltd ("Vodacom") in respect of a portion of Erf 533 Franskraalstrand,  $\pm 4\text{m}^2$  (APPROXIMATELY FOUR SQUARE METRES) in extent, situated in Rossouw Street, Franskraalstrand, hereinafter referred to as "the Property", for the purpose of a temporary mast for telecommunication purposes; 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 Vodacom in respect of the Property for a temporary mast for telecommunication purposes, without following a competitive process.

### RESOLVED:

1. that the lease of municipal property, being a portion of Erf 533 Franskraalstrand ( $\pm 4\text{m}^2$  in extent), to Vodacom (Pty) Ltd for a temporary mast for telecommunication purposes at the rental amount of R73.91/m<sup>2</sup> (SEVENTY-THREE RAND AND NINETY-ONE CENTS PER SQUARE METRE) (VAT excluded) which amounts to R295.64 (TWO HUNDRED AND NINETY-FIVE RAND AND SIXTY-FOUR CENTS) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months from 1 May 2022 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 2022.

### RECOMMENDATION TO THE COUNCIL:

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>

**6.  
PARTIAL AMENDMENT OF MAYORAL COMMITTEE RESOLUTION DATED  
28 OCTOBER 2021 FOR THE LEASE OF A PORTION OF ERF 1969 PEARLY  
BEACH (SITUATED AT 1969 CHURCH STREET, ELOXULWENI, PEARLY BEACH)  
TO FLOWER VALLEY CONSERVATION TRUST**

**7/2/3/12**

**A Le Roux**

**31 May 2022**

**Manager: Property Administration**

**(028) 316 5623**

**EXECUTIVE SUMMARY**

To obtain approval for the amendment of the name of the Lessee who is the managing agent of Dolfyntjies Educare Centre, hereinafter referred to as “Dolfyntjies”, stipulated in the Mayoral Committee’s Resolution dated 28 October 2021 from Flower Valley Conservation Trust, hereinafter referred to as “FVCT”, to Pearly Beach Health and Welfare Organisation.

**RESOLVED:**

that the amendment of paragraph 1 of the Executive Mayor’s Resolution dated 28 October 2021 to reflect the Lessee, as the managing agent for Dolfyntjies Early Childhood Development Centre, as Pearly Beach Health and Welfare Organisation, **be approved.**

**RESPONSIBLE OFFICIAL :**

**R OCTOBER**

**TARGET DATE FOR IMPLEMENTATION :**

**15 OCTOBER 2022**

**TARGET DATE TO INFORM APPLICANT :**

**25 OCTOBER 2022**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

7.

**UNREGISTERED ERF 4459 GANSBAAI (SITUATED IN BOEGOE STREET IN BEVERLY HILLS): RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO S.H.A.R.E**

7/2/3/1

A Le Roux

Manager: Property Administration

3 August 2022

(028) 316 5623

### EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with S.H.A.R.E (hereinafter referred to as "the Applicant") for a period of 5 (FIVE) years in respect of municipal property, being unregistered Erf 4459 Gansbaai, (371m<sup>2</sup> in extent) (hereinafter referred to as "the Property"), situated in Beverly Hills, Gansbaai, for the purpose of operating an Early Childhood Development Centre, providing skills development and a feeding scheme.

### RESOLVED:

1. that the lease of municipal property, being unregistered Erf 4459 Gansbaai (371m<sup>2</sup> in extent) situated in Beverly to S.H.A.R.E for the purpose of operating an Early Childhood Development Centre, providing skills development and a feeding scheme at the rental amount of R147.83 (ONE HUNDRED AND FORTY SEVEN RAND AND EIGHTY THREE CENTS) (VAT excluded) per month for the 2019/2020 financial year, R154.78 (ONE HUNDRED AND FIFTY FOUR RAND AND SEVENTY EIGHT CENTS) (VAT excluded) for the 2020/2021 financial year, R160.87 (ONE HUNDRED AND SIXTY RAND AND EIGHTY SEVEN CENTS) (VAT excluded) for the 2021/2022 financial year, and R167.83 (ONE HUNDRED AND SIXTY SEVEN RAND AND EIGHTY THREE CENTS) (VAT excluded) for the 2022/2023 financial year, for a period of 5 (FIVE) years from 1 April 2020 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
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 2023; and
3. that the Senior Manager: Gansbaai/Stanford Administration ensures that the necessary works are done in order for the Property to comply with all Health and Safety requirements.

RESPONSIBLE OFFICIAL :

R OCTOBER

TARGET DATE FOR IMPLEMENTATION :

15 OCTOBER 2022

TARGET DATE TO INFORM APPLICANT :

26 OCTOBER 2022

8.

**A PORTION OF REMAINDER ERF 1237 HERMANUS (ROAD RESERVE), ADJACENT TO ERF 6215 HERMANUS (214 MAIN ROAD): LEASE OF MUNICIPAL PROPERTY TO GIOIA, RE & Y**

7/2/3/1

A Le Roux

Manager: Property Administration

2 August 2022

(028) 316 5623

### EXECUTIVE SUMMARY

To obtain approval to enter into a further lease agreement with RE & Y Gioia, (hereinafter referred to as "the Applicant") for a period of 3 (THREE) years in respect of municipal property, being a portion of Remainder Erf 1237 Hermanus (Road Reserve) adjacent to Erf 6215 Hermanus, ( $\pm 144,5\text{m}^2$  in extent) (hereinafter referred to as "the Property"), situated at 214 Main Road, Hermanus, for the purpose of a boundary wall for security purposes.

### RESOLVED:

1. that the lease of municipal property, being a portion of Remainder Erf 1237 Hermanus ( $\pm 144,5\text{m}^2$  in extent), to RE & Y Gioia for the purpose of a boundary wall for security purposes at the rental amount of R849.25 (EIGHT HUNDRED FORTY NINE RAND AND TWENTY FIVE CENTS) (VAT excluded) per month for a period of 3 (THREE) years from 1 May 2022 in terms of the Administration of Immoveable Property Policy of the Overstrand Municipality, **be approved**;
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; and
3. that the approval in 1 above be subject to the suspensive condition that the Applicant submit the building plan for the boundary wall and the subsequent approval thereof within a period of 9 (NINE) months from 1 September 2022.

**RESPONSIBLE OFFICIAL :**

**R OCTOBER**

**TARGET DATE FOR IMPLEMENTATION :**

**15 OCTOBER 2022**

**TARGET DATE TO INFORM APPLICANT :**

**26 OCTOBER 2022**

9.

**PARTIAL AMENDMENT OF MAYORAL COMMITTEE RESOLUTION DATED 25 MARCH 2020 FOR THE LEASE OF A PORTION OF ERF 5514 BETTY'S BAY (SITUATED IN MOOIUITSIG, BETTY'S BAY) TO CHILD WELFARE SOUTH AFRICA (KLEINMOND)**

7/2/3/1

A Le Roux

25 July 2022

Manager: Property Administration

(028) 316 5623

**EXECUTIVE SUMMARY**

To obtain approval for the amendment of the size of the lease area of Child Welfare South Arica (Kleinmond), hereinafter referred to as "the Applicant", stipulated in the Mayoral Committee's Resolution dated 25 March 2020 from  $\pm 370\text{m}^2$  in extent to  $\pm 563\text{m}^2$  in extent.

**RESOLVED:**

That the amendment of paragraph 1 of the Executive Mayor's Resolution dated 25 March 2020 to reflect the lease area as  $\pm 563\text{m}^2$  in extent in order to include the community hall as well as the inclusion of the purpose of the lease for an aftercare facility, **be approved**.

**RESPONSIBLE OFFICIAL :****W MURTZ****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2022****TARGET DATE TO INFORM APPLICANT :****28 OCTOBER 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**



**10.****TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: JUNE 2022 – JULY 2022**

15/3/11

R Kuchar

Senior Manager: Town &amp; Spatial Planning

13 July 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 13 June 2022 – 13 July 2022.

**RESOLVED:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 13 June 2022 – 13 July 2022:

- |     |   |              |
|-----|---|--------------|
| 1.  | Erf 1603, c/o Cove & Bergsig Street, Sandbaai   | 13 June 2022 |
| 2.  | Farm 987, Platbos farm, Gansbaai  | 4 July 2022  |
| 3.  | Erf 589, 3 Bokmakierie Crescent, Kleinbaai  | 4 July 2022  |
| 4.  | Erf 2581, 35 Viljoen Street, Onrustrivier   | 5 July 2022  |
| 5.  | Erf 1828, 6 Hemel-en-See Avenue, Vermont  | 6 July 2022  |
| 6.  | Erf 4860, Tuscan Street, Onrustrivier   | 6 July 2022  |
| 7.  | Erf 3900, 26 Dempers Street, Onrustrivier   | 6 July 2022  |
| 8.  | Erf 1495, Lynx Road, Vermont  | 6 July 2022  |
| 9.  | Erf 4011, Tubby Swinger, Onrustrivier   | 6 July 2022  |
| 10. | Erf 419, 3 Fourie Street, Hermanus  | 11 July 2022 |
| 11. | Erf 9808, 18 Kiewiet Avenue, Eastcliff, Hermanus  | 13 July 2022 |
| 12. | Erven 599, unregistered erf 1929 (ptn of 599) & 1930, c/o Broadway & 1 Commercial, Pearly Beach | 13 July 2022 |
| 13. | Erf 939, 24 Roeland Street, Franskraal  | 13 July 2022 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 June 2022:

- |    |   |              |
|----|---|--------------|
| 1. | Erf 5548, 31 16 <sup>th</sup> Avenue, Voëklip               | 30 June 2022 |
| 2. | Ptn 141 (Ptn of Ptn 133) of the farm Hangklip 599, Gansbaai | 30 June 2022 |
| 3. | Ptn 25 (Ptn of Ptn 2) of the farm Riverside 644, Hermanus   | 30 June 2022 |

**RESPONSIBLE OFFICIAL :**

**L SMUTS**

**TARGET DATE FOR IMPLEMENTATION:**

**10 OCTOBER 2022**

11.

**ERF 5768 KLEINMOND SITUATED AT 119 TENTH AVENUE: RENEWAL OF LEASE TO KIDSCAN! AFTER SCHOOL CARE AND LEARNING CENTRE**

7/2/3/1

A Le Roux

Manager: Property Administration

2 August 2022

(028) 316 5623

**EXECUTIVE SUMMARY**

To obtain approval to enter into a further lease agreement with Kidscan! After school care and learning centre, hereafter referred to as "Kidscan", in respect of municipal property, Erf 5768 Kleinmond (737m<sup>2</sup> in extent), situated at 119 Tenth Avenue, hereafter referred to as "the Property", for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of the management of a nursery school and aftercare facility.

**RESOLVED:**

1. that the renewal of the lease of municipal property, being Erf 5768 Kleinmond (737m<sup>2</sup> in extent), to Kidscan! After school care and learning centre, for the purpose the management of a nursery school and aftercare facility for a period of 9 (NINE) years and 11 (ELEVEN) months at a rental amount of R160.87 (ONE HUNDRED AND SIXTY RAND AND EIGHTY SEVEN CENTS) (VAT excluded) per month from 1 May 2022 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, the first escalation to be on 1 July 2022.

**RESPONSIBLE OFFICIAL :****R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****15 OCTOBER 2022****TARGET DATE TO INFORM APPLICANT :****25 OCTOBER 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

12.

**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**

7/2/3/2

A Le Roux

Manager: Property Administration

10 May 2022

(028) 316 - 5623

**EXECUTIVE SUMMARY**

To obtain approval for the alienation and transfer of several portions of municipal owned land as well as land vesting in the Overstrand Municipality to the Western Cape Government (Department of Transport and Public Works) ("DTPW") for the upgrading of Trunk Road 28/2 between Stanford and Gansbaai.

The relevant portions of the properties are as follows:

	<u>Erf number</u>	<u>Size</u>	<u>Sketch</u>	<u>Annexure To the Item</u>
1	Remainder Farm No. 645 Stanford	±2788m <sup>2</sup>	72	<b>A1-3</b>
2	Remainder Erf 423 Stanford	±668m <sup>2</sup>	73	<b>B1-3</b>
3	Erf 1174 Stanford	±97m <sup>2</sup>	74	<b>C1-3</b>
4	Remainder Erf 294 Stanford	±4019m <sup>2</sup>	75	<b>D1-3</b>
5	Portion 18 of the Farm No. 644 Stanford	±164m <sup>2</sup>	78	<b>E1-3</b>
6	Remainder Erf 1071 De Kelders	±390m <sup>2</sup>	97	<b>F1-4</b>
7	Remainder Erf 210 Gansbaai	±1201m <sup>2</sup>	98	<b>G1-3</b>

**RECOMMENDATION TO THE COUNCIL:**

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, ±2788m<sup>2</sup> 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, ±668m<sup>2</sup> 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, ±97m<sup>2</sup> 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, ±4019m<sup>2</sup> 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, ±164m<sup>2</sup> 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, ±3901m<sup>2</sup> 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, ±1201m<sup>2</sup> 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**

13.

**OVERSTRAND MUNICIPALITY: HEMEL & AARDE VALLEY RURAL DEVELOPMENT AREA (RDA)**

15/1/3/4

R Kuchar

Senior Manager: Town &amp; Spatial Planning

25 July 2022

(028) 313 8087

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**EXECUTIVE SUMMARY**

The purpose of this report is to table the Overstrand Municipality: Hemel & Aarde Valley Rural Development Area Guidelines (RDA) for approval by Council as a guiding document with regard to the development potential of the Hemel & Aarde Valley (HAV).

**RESOLVED:**

that the item **be withdrawn**.

**RESPONSIBLE OFFICIAL:****H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION:****13 OCTOBER 2022****TARGET DATE TO INFORM APPLICANT:****13 OCTOBER 2022****TARGET DATE TO INFORM OBJECTOR:****13 OCTOBER 2022**

**PORTFOLIO COMMITTEE :**

**COMMUNITY SERVICES**

**Chairperson :**

**Cllr R Nutt**

**Committee Members :**

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



1.

**BENEFICIARIES: INTEGRATED RESIDENTIAL DEVELOPMENT PROGRAMME  
IRDP: 150 ERVEN, SITE C1, SWARTDAM ROAD, ZWELIHLE**

17/5/4/1

TA Gcotyelwa            Acting Senior Manager: Corporate Services

16 Augustus 2022

(028) 313 8144

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**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 IRDP: 150 Erven, Site C1, Swartdam Road, Zwelihle, **be noted**.

**RESPONSIBLE OFFICIAL :****TA GCOTYELWA****TARGET DATE FOR IMPLEMENTATION :****N/A**

2.

**BENEFICIARIES: INTEGRATED RESIDENTIAL DEVELOPMENT PROGRAMME  
IRDP: 544 ERVEN, BLOMPARK, GANSBAAI**

17/5/4/1

TA Gcotyelwa

Acting Senior Manager: Corporate Services

16 August 2022

(028) 313 8144

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**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 IRDP: 544 erven, Blompark, Gansbaai, **be noted**.

**RESPONSIBLE OFFICIAL :****TA GCOTYELWA****TARGET DATE FOR IMPLEMENTATION :****N/A**

**3.  
STATUS OF THE PUBLIC LAUNCHING SITES (PLS): OVERSTRAND MUNICIPAL  
AREA**

17/16/3

T Steenberg

Deputy Director: Operational Services

26 August 2022

(028) 313 8982

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**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:**

that the item **be withdrawn**.

**RESPONSIBLE OFFICIAL :**

**TP STEENBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**1 OCTOBER 2022**

**PORTFOLIO COMMITTEE :  
MANAGEMENT SERVICES**

**Chairperson :**

**Cllr F Africa**

**Committee Members :**

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

1.  
**TELEPHONE POLICY AMENDMENT**

4/2/B

J van Asperen

Senior Business Analyst

26 July 2022

(028) 313 8959

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**EXECUTIVE SUMMARY**

The purpose of this report is to recommend to Council the approval of the Amendment to the Telephone Policy.

**RECOMMENDATION TO THE COUNCIL:**

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

**RESPONSIBLE OFFICIAL :**

**J VAN ASPEREN**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2022**

**PORTFOLIO COMMITTEE :**

**FINANCE & TOURISM**

**Chairperson :**

**Ald 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) FOR AUGUST 2022**

8/2/2

C Le Roux

Deputy Director: Finance & SCM

05 September 2022

(028) 313 8107

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**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 August 2022.

**RECOMMENDATION TO THE COUNCIL:**

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**

2.  
**TOURISM REPORTS: JULY & AUGUST 2022**

9/1/2/2

F Lloyd

19 September 2022

Tourism Manager

(028) 313 5022

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide and outline activities and initiatives of Tourism to promote the Overstrand. The reports cover the activities for July and August 2022.

**RESOLVED:**

that the monthly tourism reports for July and August 2022 **be noted**.

**RESPONSIBLE OFFICIAL :**

**F LLOYD**

**TARGET DATE FOR IMPLEMENTATION :**

**26 SEPTEMBER 2022**

The Executive Mayor, Ald A Rabie, requested the Municipal Manager, Mr D O'Neill, to attend a meeting of the Mayoral Committee towards the end of October 2022 discussing strategic objectives/interventions.

The Executive Mayor, Ald A Rabie, requested officials to engage the Municipal Manager when receiving invitations for engagements outside Overstrand.

The Executive Mayor, Ald A Rabie, requested Ms F Lloyd to get involved in organising more stalls and public engagements at the amphitheatre over the coming Festive Season. Ms Lloyd to engage with Mr Henry Grove of Fusion on this.

The meeting adjourned at 12:32

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DATE

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DR. A RABIE - EXECUTIVE MAYOR