4.3
ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND APPROVAL OF A MINING SITE DEVELOPMENT PLAN: MESSRS SETPLAN ON BEHALF OF DYNAVEST THIRTEEN PTY LTD

210 GGB (3848)
SW van der Merwe **(028) 313 8900** **Hermanus Administration**
19 February 2025

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received from Messrs Setplan on behalf of Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip applicable to a portion of Erf 210, Gansbaai for the following:

- **Subdivision** in terms of Section 16(2)(d) of the By-Law of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximaltey 20,7291ha and a Remainder.

- **Rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Undetermined Zone (U) and Rural Zone 1 to Agricultural Zone 1 (AGRI 1).

- **Consent use** in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining.

- **Departure** in terms of Section 16(2)(b) of the By-law applicable to Portion A along the northern bounary of the mining right area from 30m to 9m to accommodate excavations.

- **Approval of a post mining Site Devlepoment Plan** in terms of Section 16(2)(g) of the By-Law.

A Locality Plan of the property concerned is attached as Annexure A, the Motivation Report in support of the proposal is attached as Annexure B and the proposed Site Development Plan (SDP) is attached as Annexure C. The mine right is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 210, Gansbaai measures 728,2843ha and is in municipal ownership. There is an existing mine that is conducted by Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip. The mine is situated 1,8km east of Gansbaai, 2,5km from De Kelders and 1,5km from Masakhane.

The Municipal Planning Tribunal (MPT) granted approval on 13 October 2022 for subdivision, rezoning of the subdivided portion (7,3801ha) of Erf 210 to Agricultural Zone with consent use (mining) to legalise the existing sand mine (resolution attached as Annexure G).

Erf 335 is situated adjoining to the existing mine. Dynavest Thirteen (Pty) Ltd is the owner of the erf that contains a workshop, mine office, loading and dispatch area together with its access road providing logistical support to the mine. The company also owns Sizisa Ukhanyo Trading 410 CC.

The Department of Minerals and Energy granted approval for a mine right extension area of 26,6593ha (mine right attached as per Annexure D) that includes the existing mine permit area of 1,4600ha.

The application seeks to obtain municipal approval in accordance with the approved mine right extension area to permit mining of sand and gravel aggregate on a portion of the Remainder of Erf 210, Gansbaai. The application therefore entails the following:

- subdivision of a portion of Erf 210, Gansbaai
- rezoning of the subdivided portion from Undetermined Zone (U) and Rural Zone 1 to Agricultural Zone 1 (AGRI 1);
- consent use (mining) applicable to Portion A;
- departure to encroach the buidling line from 30m to 9m along the northern boundary of the mining right area to accommodate excavation, and
- approval of a post mining Site Devlepoment Plan.

The applicant submitted a Conveyancing Certificate, indicating a restrictive condition pertaining to emmergency aircraft landing that overlap with the approved mine right area. The planning application was subsequently amended to exclude the emmergency air craft landing area (see Annexure K). The application area therefore comprises a reduced area of 20,7291ha, since the application did not include an application for removal of restrictive title conditions.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ Mining right in terms of the Mineral and Petroleum Resource Development Act, 2002 is in place.
- ❖ There is a compensation agreement with Overstrand Municipality in place.
- ❖ Mining is conducted in accordance with an Environmental Management Plan (EMP) that contains guidelines, operating procedures, rehabilitation, and pollution control measurements.
- ❖ The title deed does not contain restrictive conditions that prevent the application with reference to the amended application area.
- ❖ The proposed subdivision will not affect the character of the area and promotes economic development in an area where no other uses may take place.
- ❖ The proposed subdivision serves to delineate the mining permit area.
- ❖ Access has already been established and additional accesses will not be required.
- ❖ Current zoning (Undetermined Zone) does not permit mining.
- ❖ Proposed rezoning and consent use will not adversely affect the surrounding area.

HERITAGE PROTECTION OVERLAY ZONE (HPOZ)

The property is situated within the HPOZ – Landscape of Very High Natural, Scenic and Heritage Significance. The purpose of the HPOZ is to protect the existing character and contextual significance.

ENVIRONMENTAL MANAGEMENT OVERLAY ZONE (EMOZ)

The property falls within the Urban Conservation Zone: Category C, Modified Ecosystems. The purpose of the EMOZ is to protect and manage undeveloped conservation-worthy public owned land within the urban edge and adjacent buffer areas, promoting the retention of viable ecological corridors in areas to be developed, thereby ensuring an integrated conservation and development approach that will enhance the living conditions for the communities of the Overstrand.

MINING AREA

- The mining area aligns with the SDF's sensitive development areas and reinforces the integration of mining operations and post mining rehabilitation with the built, socio economic and environmental setting of the coastal plain, inland pediment slopes with the SDP confirming the alignment and integration.
- Sand mining occurs in blocks (±0,78ha / block).
- Environmental attributes (two freshwater habitats, a milkwood grove, non-perennial streams and alluvial fan within one of the stream beds) is protected as a no-go area incorporating buffer zones where no development may occur.
- Mining area logistical support and access will be provided via the existing support facilities on Erf 335, Gansbaai.

GRAVEL MINING AREA

- Gravel mining area comprises current area (±1,46ha) and extension area (±0,81ha) occurs in 25m strips up to the 60m contour comprising 5m high and 10m wide benches on a 1:2 slope.
- Environmental attributes is location adjacent alluvial fan, situated within the channel of an up-slope non perennial stream protected by a no-go buffer area.

- ❖ Proposal does not require municipal services.
- ❖ Approval and implementation of proposal will allow for economic activities to prosper in the area opposed to non-approval that will affect the work force of the sand mine and building industry in the area, thus within the public interest.
- ❖ Proposal is consistent with the PSDF.
- ❖ Proposal is consistent with the SDF.
- ❖ Proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Press	**Yes**	25 March 2022	29 April 2022
Notices	**Yes**	28 March 2022	29 April 2022
Ward Councillor	**Yes**	25 March 2022	29 April 2022
Total letters of support	None		
Total letters of objection	**Two (2) letters of objection** **One (1) petition**		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			**Yes**
Was the application processed correctly (if no, elaborate below):			**Yes**
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			**Yes**

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Control	25/03/2022	No objection. Building plan applications must comply with all applicable law.
Overstrand Tourism	28/03/2022	No objection, as tourism potential and activities not impacted directly.
Fire Services	29/03/2022	No objection.
Department of Environmental Affairs and Development Planning: *Component Planning*	04/04/2022	No objection.
Department of Transport and Public Works	26/04/2022	No objection.
Waste Management	28/04/2022	No objection.
Health	04/05/2022	Attached as Annexure H.
Engineering Services	10/05/2022	Attached as Annexure I.
CapeNature	25/05/2022	No objection.
Overstrand Environmental Section	23/05/2022	Attached as Annexure J.

Overstrand Heritage Committee	18/07/2024	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) letters of objection as well as a petition with 45 signatories were received during the public participation process and the applicant was provided with an opportunity to respond to the objections. See Annexures E and F respectively.

Objections were received from the following parties:

- Jacobs and Associates on behalf of Messrs Sipho Sea Products (Pty) Ltd
- Frans Hulme
- Petition

The application at hand is to seek land use approval for a gravel and sand mining extension area, both located on a portion of Remainder Erf 210 Gansbaai, with such application also to include a Post-Mining Land Use Site Development Plan (SDP) commensurate with the existing protected areas and future post-mining commonage use.

The main grounds of objection are the following:

COMMENTS	APPLICANT'S RESPONSE	TOWN PLANNER RESPONSE
• **JACOBS AND ASSOCIATES stated the following:** **A1 <u>Applicant</u>** **A1.1** It is not clear – and in fact not ascertainable from the documentation submitted – who exactly the applicant (i.e. the alleged existing mining right and – permit holder) in this instance is. For example, reference is made to the description of the applicant in *inter alia* the following instances: **A1.1.2** The advertisement of the said Municipal Notice No 26/2022 as advertised on 25 March 2022 - SIZI**<u>KA</u>** UKANYO TRADING **<u>410 CC</u>**. **A1.1.3** Cover page of application in terms of the Motivation Report 1647/R1 – Sizika Uk**<u>h</u>**anyo Trading 410 CC. **A1.1.4** Clause 1.2 of the Motivation Report – Sizi**<u>ko</u>** Ukanyo Trading **<u>140</u>** CC. **A1.1.5** Clause 1.3 of the Motivation Report – Sizi**<u>ka</u>** Uk**<u>h</u>**anyo Trading **<u>140</u>** CC. **A1.1.6** Clause 2.6.2 (v) of the Motivation Report – Sizi**<u>ka</u>** Uk**<u>h</u>**anyo Trading cc.	**A1 <u>Applicant</u>** Insofar who the Applicant is, the following: **A1.1** <u>The Town and Spatial Planning Application form (2021-2022) of the Overstrand Municipality</u> (refer Annexure D in Appendices and Annexure Report 1647/R2 Dated October 2021) – <u>Section A: Applicant details</u>; includes Neville van der Westhuizen as the applicant; – <u>Section B: Owners details</u>: Registered owner includes Overstrand Municipality (Property Administration). – <u>Section G: Declaration</u>; Registered Owner: RIAAN MARINUS (Acting Manager – Property Administration. Consultant: Neville van der Westhuizen Accordingly, Neville van der Westhuizen of Settlement Planning Services CC (trading as Setplan), in this application is acting on behalf of the landowner, Overstrand Municipality and Sizisa Ukhanyo Trading 410 (Pty) Ltd, the Mining Right Holder. **A1.2** <u>Motivation Report 1647/R1 October 2021 and Appendices and Annexures Report 1647/R2 (2021)</u>	• **A1.1** The applicants' comment is noted and agreed with. Further, the objector did make enquiries at the planning department regarding the applicant. The response per email on 25 October 2022 stated as follows: "*…. The details of the applicant, Setplan is correct as stipulated below. The municipality in accordance with Section 39(1)(c) of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 issued a power of attorney to the applicant being the owner of Erf 210, Gansbaai. Setplan was appointed by Sisiza Ukhanyo Trading 410 (Pty) Ltd (conversion during 2019 from CC to (Pty) Ltd. The municipal letter to acknowledge the objection incorrectly refers to the application being submitted on behalf of the municipality.* " • **A1.2(i)** The applicant's comment is noted and agreed with.

A1.1.7 Item 5 of the Agenda for the Mayoral Committee Meeting dated 24 November 2021 as well as Item 5 of the Minutes of the Ordinary Meeting of the Council dated 25 November 2021 – SIZISA UKHANYO TRADING 410 (PTY) LTD, and Sizi**sa** Uk**h**anyo Trading **(Proprietary) Limited**, and Sizi**ka** Uk**h**anyo Trading **410 (Proprietary Limited**), and Sizi**sa** Uk**h**anyo **Trading (Proprietary Limited).** **A1.1.8** Annexure B: Power of Attorney: Overstrand Municipality dated 29 September 2021 and in terms whereof the costs of the applications and processes to be for the account of Sizisa Ukhanyo Trading 410 (Pty) Ltd. **A1.1.9** During 2017 the Overstrand Municipality as the applicant, brought an application cited as "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai, Overstrand Municipal Area: Proposed Amendment of the Site Development Plan". In terms thereof reference was made that Sizi**sa** Uk**h**anyo Trading **410 CC (trading as Gansbaai Sand en Klip**) is operating the sand mine on the	Insofar the reference to the applicant, the following: *(i)* Section 1.3 Application: "*The land use authorization application is lodged by Settlement Planning Services (Western Cape) trading as Setplan (Reg. No. CK2004/012906/23) on behalf of Dynavest Thirteen (Pty) Ltd (Reg. No 19990/692607), owner of Erf 335 Gansbaai, the mining company Sizisa Ukhanyo Trading 410 (Pty) Ltd, and Overstrand Municipality, owner of Rem Erf 210 Gansbaai. Refer to the Appendices and Annexures Report; Annexure A for a Company Resolution and Power of Attorney from Dynavest Thirteen (Pty) Ltd and Annexure B for a Power of Attorney from the Overstrand Municipality.*" (ii) Cover pages of the motivation and Appendices and Reports state that the application is prepared for Sizisa Ukhanyo Trading 410 (Pty) Ltd(the Mining Right Holder) and Overstrand Municipality by Setplan. **A1.3** Special Power of Attorney The following extract from the Special Power of Attorney issued by the Acting	• **A1.2(ii)** Motivation report incorrectly refers to – Sizika Ukhanyo Trading 410 CC which is an administrative error. • **A1.3** Noted and agreed with.

subject property in terms of a lease agreement with the applicant. **A1.1.10** During September 2019 Messrs Site Plan Consulting advertised the Draft Scoping Report for the extension of the existing mining right and in terms whereof the Applicant was sited as SIZI**SA** UK**H**ANYO TRADING **410 CC**. **A1.1.11** Clause 2.6.2 (v) of this application under the heading "Mining Co/CC" states that for the period 2016 – present: Transfer of mining authorisation to new owners, with continued trading of Sizi**ka** Uk**h**anyo Trading **410 cc**, and the **Director** being Stephen Du Mont. **A1.1.12** In an attempt to get clarification, a search was done at CIPC and in terms whereof the Enterprise Name is cited as **SIZI<u>S</u>A UK<u>H</u>ANYO TRADING 410 (PTY) LTD** with Registration No **2019 / 588041 / 07** – a copy of the Disclosure Certificate is attached hereto as Annexure "A". **A1.1.13** In clause 2.2.1 reference is made that "It is noted that Erf 335 is owned by Dynavest Thirteen Eiendoms Beperk and that Dynavest Thirteen (Pty) Ltd is an	Manager: Property Administration, Overstrand Municipality as included in Annexure B of the Appendices and Annexures Report 1647/R2 October 2021, the following: "… *do hereby nominate, constitute and appoint Mr. Neville van der Westhuizen (ID: 5205315081083) of Settlement Planning Services (Western Cape) trading as Setplan (registration number CK2004/012906/23) as consultant of Sizisa Ukhanyo Trading 410 (Pty) Ltd, with power of substitution to be my lawful representative in my name, place and stead, as may be required to:* *(i) Subdivide a portion from Remainder Erf 210 Gansbaai (28.1193ha) as indicated on figure QRSTUV2V1VWP on the diagram attached as Annexure A to accommodate an extension of an existing sand and gravel mine on Remainder Erf 210 Gansbaai, also to include the following in respect of the subdivided portion:* • *Rezone from Undetermined to Agricultural Zone 1;* • *Consent Use to permit mining in Agricultural Zone 1;* • *Permanent Departure from the 30,0m building line;*	

owned subsidiary of Sizi**ko** Uk**h**anyo Trading **140 CC**, the current mine owner and operator. (Refer Annexure J)". It is to be noted that Annexure J is only the Title deed of Erf 335, while it is unclear how it is possible that a Company could be an owned subsidiary of a Close Corporation? **A1.2** It naturally follows that the aforesaid contradictions and confusion needs to be fully addressed and clarified before any meaningful comments can be made in this regard, for e.g. with regard to the locus standi of the applicant. It is apparent that this application is based on the applicant being a Close Corporation (however, with different spelling, numbering, etc), but then again the records of the Overstrand Municipality as well as Annexure B (Power of Attorney by Overstrand Municipality) reflects the applicant being a Company, not a Close Corporation. It is herewith proposed that a full disclosure is made with regard to the correct citations, registration number, members of CC, or directors and shareholders of Company, whichever is applicable and substantiated by	*(ii) compile a SDP for the mining extension area on the subdivided portion; and* *(iii) make any other applications as may be required to achieve the aforementioned purposes, in respect of Remainder Erf 210, Gansbaai, Western Cape as indicated on figure QRSTUV2V1WP on the diagram attached as Annexure A of which the OVERSTRAND MUNICIPALITY is the registered owner.* *I confirm that the costs for the applications and processes set out above will be for Sizisa Ukhanyo Trading 410 (Pty) Ltd's account and not for the OVERSTRAND MUNICIPALITY."* Accordingly, such Special Power of Attorney: (i) Recognizes and appoints Neville van der Westhuizen of Setplan as to give effect to the application(s) as consultant of Sizisa Ukhanyo Trading 410 (Pty) Ltd. (ii) Setplan is acting on behalf of the Municipality (the landowner) and on behalf of Sizisa Ukhanyo Trading 410 (Pty) Ltd, Setplan's client (the mine	

the necessary documentation in support thereof. It is further proposed that such proof/documentation be made available to the public with a further reasonable time for any further comments to be made thereto, by default whereof the objection is hereby recorded that the advertisement as well as the application is fatally flawed and wilfully misleading, and that the said application must be formally withdrawn and resubmitted again. **A1.3** However, for purposes hereof further reference will simply be made as "the applicant".	operator and Holder of the Mining Right). (iii) Confirmation by Overstrand Municipality that the "*costs for the applications and processes set out above <u>will be for Sizisa Ukhanyo Trading 410 (Pty) Ltd's account</u> and not for the OVERSTRAND MUNICIPALITY*." **<u>A1.4 Spelling of Sizisa Ukhanyo and Trading 410 CC versus Trading (Pty) Ltd:</u>** <u>Spelling of Sizisa Ukhanyo</u> Reference to "Sizisa Ukhanyo", albeit it being misspelled by Setplan, only occurs in the two application documents, namely the Motivation Report and the Appendices and Annexures Report, not widespread as put forward by the objector, such being the responsibility of others (minutes and agendas, press notices, etc.). While Setplan notes that the incorrect spelling was used several times in the Application Motivation Report, such	• **A1.4** Noted and agreed with.

	represents and oversight and error and is apologized for, being corrected in all subsequent documentation and correspondence, including this response. Trading 410 CC versus Trading (Pty) Ltd: (i) Sizisa Ukhanyo Trading 410 CC Application to amend Close Corporation from 2005/035636/23 to Close Corporation Sizisa Ukhanyo Trading 410 with Enterprise Number 2005/035636/23 on 18/07/2005. As per Section 2.6.2 of the Motivation Report it is noted the following transfer of the "mining enterprise" and "mining authorisation" from Sizisa Ukhanyo Trading 410 CC (Managing Director: Dirk Jacobus Heyns) to Sizisa Ukhanyo Trading 410 CC (Director: Stephen du Mont) in 2016. (ii) The company, Sizisa Ukhanyo Trading 410 (Pty) Ltd (Reg No. 2019/588041/07) was incorporated on 19 November 2019 when converted from a Close Corporation, notably Sizisa Ukhanyo Trading 410. Directors in office for the year ending 28 February 2021 were SM du Mont, JGD Cloete and ER Burger. It is noted that the preparation and/or submission or relevant applications, that	

	being the Section 102 Application for an Extension of the Existing Mining Right to the DMRE and the current Land Use Authorisation for such extension of mining to the Overstrand Municipality, transcended the Close Corporation-Company incorporation period, noting that assessments and preparation undertaken for the mining application preceded such transition, with such application having been submitted to the DMRE on 30/10/2019 under the name of Sizisa Ukhanyo Trading 410 CC, and subsequent approval by DMRE on 23/02/2021 also being in the name of Sizisa Ukhanyo Trading 410 CC. While assessments conducted for the EIAr/EMPr of the mining application were incorporated in or informed the land use application, were prepared pre- or during the Close Corporation-Company incorporation, Setplan erroneously submitted the land use authorisation (6 October 2021) on behalf of Sizisa Ukhanyo Trading 410 CC instead of Sizisa Ukhanyo Trading 410 (Pty) Ltd, thereby also concurring with the objector that Dynavest Thirteen Eiendoms Beperk (owner of Erf 335 Gansbaai) cannot be an owner subsidiary of a Close Corporation, however it is an	

	owned subsidiary of Sizisa Ukhanyo Trading 410 (Pty) Ltd. **Concluding responses** (i) Settlement Planning Services (trading as Setplan), as consultant to Sizisa Ukhanyo Trading 410 (Pty) Ltd, has made application on behalf of Sizisa Ukhanyo Trading 410 (Pty) Ltd (The Mining Right Holder) and Overstand Municipality (the land owner), with all costs associated with the application being to the cost of Sizisa Ukhanyo Trading 410 (Pty) Ltd. Notably, Sizisa Ukhanyo Trading 410 (Pty) Ltd, as Holder to the Mining Right is the applicant. (ii) Setplan takes responsibility for spelling errors occurring within its Motivation Report, and Appendices and Annexures Report insofar the spelling of the business entity name Sizisa Ukhanyo, to be corrected in all future writings and correspondence, trusting that other parties will do similar in their correspondence and writings. However, it needs to be stated that such "errors" were never intended to be "wilfully misleading" and accordingly do not detract from the	

	technical merits and integrity of the Motivation Report and the Application which it supports, that is not being "fatally flawed" and that the "application be formally withdrawn and resubmitted" as suggested by the Objector. (iii) Insofar the time-line alignment of the application with the correct business entity at the time of submission, that being Sizisa Ukhanyo Trading 410 (Pty) Ltd instead of Sizisa Ukhanyo 410 CC, Setplan will forward an "Errata" to Overstrand Municipality, including a signed confirmation of registered company Sizisa Ukhanyo Trading 410 (Pty) Ltd by its Directors to Overstrand Municipality in support of all future correspondence, issuing of notices, minutes, etc.	
A2 Annexure M: Copy of Press Release dated February 2007 For purposes of full disclosure and easy reference in relation to the objections and comments made hereinafter, it is deemed of the utmost importance to herewith again reiterate *inter alia* the following statements made therein, and we quote:	**A2 Annexure M: Copy of Press Release dated February 2007** The Objector states that the content of "Copy of Press Release dated February 2007" serves the "purposes of full disclosure and easy reference in relation to the objectives and comments" made in the objections and comments. In summary the Press Release extracts by the objector	• **A2** The applicant's comment is noted and agreed with. The applicant is in possession of approved mine rights issued by the DMRE. The information in terms of the press release as the time is not a relevant planning consideration pertaining to the evaluation of the current municipal land use application.

A2.1 "……*Munisipalieit Overstrand op **31 Januarie 2007** kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee **hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaai summier te staak**.*"	focus mainly on the fact that in 2007 the following issues were raised: (i) That unauthorised mining of building sand on the Gansbaai commonage be halted (A2.1) (ii) At times no valid mining rights existed for the mining of sand on the commonage (A2.2.2) (iii) The Gansbaai community and the Municipality oppose the "free" mining of sand on the commonage, an asset that belongs to the community (A2.2.3) (iv) That the Municipality pursue discussion with the DMRE inorder that they, even as an interim measure, obtain the necessary rights to mine sand on a legal basis (A2.2.5) (v) "***Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.***" (A2.2.6)	
A2.2 Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op **14 Februarie 2007** lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak:		
A2.2.1 Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. **Kennis is wel gegee dat ongemagtigde mynaktiwiteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai** (privaat	Furthermore, the objector concludes this reference to the Press Release as follows: *"Comment* *As more fully referred to below, the views expressed in clause A2.2.6 above is*	

eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie. **A2.2.2** Dat die aansoek van Mnre **Sizisa Ukhanyo Trading 410 (Pty) Ltd** (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende **2006** aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik **geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie**. **A2.2.3** Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde **wat beskou word as 'n bate wat aan die gemeenskap behoort**. **A2.2.4** Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie. **A2.2.5** Dat die munisipaliteit daadwerklike	*wholeheartedly supported and should indeed be the legal status quo since 2007 (and before) to the present. "* The applicant purposely includes the Copy of Press Release dated February 2007 as Annexure M in its Appendices and Annexures Report 1647/R2 dated October 2021 to demonstrate the following: (i) "While 1986 aerial photography reflects several sand/gravel mines on Rem Erf 210, many of these could have been unauthorised as per the 2007 press copy." (ii) The period 1985 – current has witnessed several changes in both Mineral Resource management and Land Use management, with both the DMRE and the Municipality fostering and developing resource and land use management policy to facilitate and ensure authorisation, as will be expanded on in subsequent response (e.g. zoning, commonage use, mining land use management, etc.) (iii) Past mining applications on Portions of Erf 210 have raised public and 'other sand supplier" concerns re access to the sand/gravel resources on Rem Erf 210 (commonage) and "unfair" mining sector practice, as reflected in the	

pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreël, die nodige regte te bekom om die materiaal op 'n wettige wyse te ontgin. **A2.2.6** **<u>Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.</u>** **A2.2.7** Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beïnvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproeiing van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die	Press Release, with the Application Motivation Report 1647/R1 dated October 2021 noting the following principles underpinning existing and future mining, involving mining by individuals, companies, community groups or authorities (e.g. municipality): • **Access to minerals**; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "*natural person*" or "*legal persona*" has the right to make application to the DMR to mine these minerals, including the municipality, any community group, building supplier, etc. Subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, being awarded such Right. • **Trading in minerals**: sand and gravel are traded on the "open-market" in South Africa. Accordingly, any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market	

eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus beïnvloed wat opsigself tot gevolg het dat daar opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied." Comment: As more fully referred to below, the views expressed in clause A2.2.6 above is wholeheartedly supported and should indeed be the legal status quo since 2007 (and before) to the present.	advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act. • **Minerals are place-bound:** including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups.	
A3. <u>Demand for Construction Sand and Gravel: (Clause 1.2 of the Motivation Report)</u> It is stated that: "***Siziko Ukanyo Trading 140 CC*** *have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since* ***2005****, with the previous owner having licenced the mine in 2000, albeit* ***illegally****. Such continuous operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand, "*	**A3. <u>Demand for Construction Sand and Gravel (Clause 1.2 of Motivation Report)</u>** All references under points A3.2 – A3.6 of the objection insofar unauthorised illegal and unlawful mining by the current owners Sizisa Ukhanyo Trading 410 (Pty) Ltd and its previous owners should be removed given the purposeful/erroneous editing of the Motivation Report text as quoted in the introduction paragraph to the Objection: <u>Motivation Report Section 1.2 Demand for Construction Sand and Gravel:</u> *"Sizisa Ukhanyo Trading 410 (Pty) Ltd have*	• **A3.** The applicants' comment is noted and agreed with. Furthermore, the land use application relates to the mine right extension area granted in terms of the MPRDA for the proposed expansion of the approved mine in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020. • The application to accommodate unauthorised mining activity was approved by the MPT on 13 October 2022. Therefore, the history pertaining to unauthorised mining is not a relevant

and "*Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites ….*". It is indeed common cause that there is a great demand for construction sand and gravel in the Overstrand area, but the following comments thereto needs to be taken into account: **A3.1** The description of the applicant. **A3.2** The fact that any mining operations on Remainder Erf 210 Gansbaai was at all times **unauthorised and illegal since at least 2005**. **A.3.3** In terms of the press release referred to in clause A2.2.1 above, the Overstrand Municipality served a Compliance Notice on the applicant on 31 July 2007 and in terms whereof the applicant was ordered to immediately stop with its illegal mining activities on the Gansbaai Commonage (i.e. Remainder Erf 210, Gansbaai), the Municipality thereby being compliant to section 39 of the Land Use Planning Ordinance 15 of 1985. **A3.4** Whereas the existing mining activities are illegal and unlawfull, **any**	*operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since 2005, with the previous owner having licenced the mine in 2000,* ***noting that aerial photography of the area indicates mines operative in 1986, albeit illegally.*** *Such continuous operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand*" The selective edit in the objection clearly states that Sizisa Ukhanyo (Pty) Ltd have operated the sand and gravel mine on Erf 335 and Portion Remainder Erf 210 Gansbaai since 2005, **albeit illegally**, which is erroneous, the extract from the Motivation Report states that "*the previous owner having licenced the mine in 2000, noting that aerial photographs of the area indicate mines operating in 1986, albeit illegally*" It is also noted that the Objector fails to note the Application's motivation for the mining extension location, including reasons for not selecting certain sites elsewhere and the mining merits of the selected site. In contrast the Objector provides the following selective quotation	consideration in the evaluation of the application under consideration.

"<u>extention</u>" therof shall also be illegal and unlawfull – the same applies to any monetary income generated through such unlawfull activities. **A3.5** If the Overstrand Municipalty considers allowing any mining activities on Erf 210 or the Remainder thereof apart from the existing unlawfull mining, it must act in accordance with their press release referred to in A2.2.6 above, i.e. by means of an **open public tender process**.	which could imply to the reader that the "illegal/unauthorised" status of the new site favoured its selection: "*Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites ….",* such statement linked to the above mis-quote. Furthermore, insofar the reference to illegal, unauthorised and unlawful mining/mining activities, the Objector fails to qualify that the mining was infact legal/authorised/lawful under the MPRDA. Such statements should distinguish between mining and land use authorisation/approval, the former having been in place, with the land use authorisation now being put in place (refer Responses A2 and A3).	
A4. <u>Crown Grant No. G160/1938</u> The Remainder of Erf 210 is subject to the following title deed restrictions, currently registered servitudes and/or restrictions in general: **A4.1** "*(a)(4): Die hierby toegekende grond of enige gedeelte daarvan, of enige aandeel daarin, mag nie te eniger tyd onderverdeel, verkoop, oorgemaak, geskenk,*	**A4. <u>Crown Grant No. G160/1938</u>** **Condition 4:** Restricted use of "toegekende grond" *Insofar Condition 4: Endorsement Page 21:* ***A4.1*** *<u>Kragtens Artikel 1(2) Wet 43/1999</u>* *"Kragtens die bogenoemde artikel is voorwaarde 4 op bl. 3 nou afgeskaf in gevolge Artikel 1(2) Wet 43/1999* *Aansoek weggelê as BC 11806 2000-03-06*	• **A4** Applicants comment is noted and agreed with. • **A4.1** Applicant submitted a conveyancing certificate to confirm the condition was removed as per endorsement BC11806/2000.

	oorgedra of belemmer word, sonder dat die toestemming van die Minister van Lande eers daartoe verkry is nie" "*(b): Dat geen premanente strukture op hierby toegekende grond apgerig mag word tensy die toestemming van die Minister van Lande eers daartoe verkry is nie*"	*Akte kantoor Kaapstad*"	
A4.2	Condition 3: "*Die Goewerment behou die reg om te alle tye vry van betaling te gebruik, of om die gebruik aan ander toe te staan, van die grond gemerk c.d.e.f. en omskrywe as "Emergency Aircraft Landing Ground op die kaart (No 3890/1937). Geheg aan die voornoemde Sertifikaat van Gewysigde Titel by Vereninging No 13083 gedateer 15 Desember 1938 uitgereik ten gunste van die Goewerment van die Unie van Suid-Afrika, vir alle sodanige doeleindes as wat nodig blyk in verband met die oprigting en instandhouding van Landingsvelde vir lugvaartuie, tesame met die reg om die nodige beskuttings, vliegtuigloodse, afdakke, hutte en ander geboue te bou en instand te hou; om die nodige opruiming op die*	**A4.2** <u>Condition 3: Emergency Aircraft Landing Ground:</u> Condition 3 on both pages 2 and 3 of "Kroongrondbrief No. 160/1938 is deleted with a black (pen) cross. However, no endorsement is found. (i) It is noted that the Emergency Aircraft Landing Ground is not indicated on the Deduction Plan No 3890/1937 (ii) It is noted that the southern extent/portion of the Emergency Landing Ground denoted as cdef on Diagram SG No. S2326 annexed to Certificate of Title on Consolidation No. 13083 dated 15th December 1938 traverses the property boundary of Rem Erf 210 and boundary of Farm Strandfontein 712, which is also the northern boundary of the proposed sand mining area. Insofar Condition 3: Endorsements comprise penned deletion crosses of	• **A4.2** Applicants comment is noted and agreed with. The consent use application for mining has been amended to exclude the mining area and confirmed as such in the Conveyancing Certificate submitted by the applicant.

voornoemde landingsvelde aan te bring en instand te hou en om sodanige gedeeltes van die landingsvelde as wat nodig mag wees te omhein." **Comment** From the documentation submitted, it is not clear whether this condition 3 has been cancelled and if not, to confirm the exact location thereof. An attempt has been made to inspect the full application/proposal at the Gansbaai Library, but no such application/proposal was available at the Gansbaai Library for inspection. A clear and readable copy of such Title Deed is requested to be made available so as to inform the public whether this condition is still in force. It is also of importance to be able to identify the proposed location thereof in relation to the proposed mining activities.	both paragraphs on Page 2 and Page 3, without any written endorsement. Being included in the 1938 Crown Grant indicates that such Aircraft Landing Ground was most likely for military purposes pending the 2nd World War, given several defence installations (gun batteries and radio stations) being located on the Walker Bay – False Bay coastline, a similar airfield also located at Cape Agulhas at the time.	
A4.3 The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is fully supported and in particular with reference to the	**A4.3** Support of the views expressed in the Application re the Gansbaai Commonage by the Objector. A traditional municipal commonage as opposed to a newly acquired commonage, together with the application noting of the characteristics of Municipal Commonage expressed by	• **A4.3** Applicants comment is noted and agreed with

following: • "The "Program for Land and Agrarian Studies; PLAAS (Megan Anderson, Kobus Pienaar; 2003)" in its overview of Municipal Commonage highlights the following characteristics and requirements of municipal commonages, **several of which are also reflected in the title deed and conditions of the "Gansbaai Commonage", and also being applicable to the proposed sand and gravel mining**." and • "The Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, "*the former referring to land set aside by the state at the establishment of the town, usually granted to the municipality by the state in the 1800's, in ownership and free of charge*", **reflecting the Gansbaai Commonage's origin**." and • "*Traditional*" commonages	"*Megan Anderson and Kobus Pienaar, 2003*" in the applicant's opinion could be potentially misleading to the reader, as the noting of such characteristics by the applicant served the following purpose in the absence of a Gansbaai Municipality: Commonage Plan: (i) Providing a background to the "Gansbaai Commonage" and Erf 210. (ii) Demonstrating the land deductions (i.e. Commonage Deductions) from 1938 (commonage establishment) and 2020, such amounting to a total of 220.4986ha. (iii) Putting forward the characteristics and requirements of municipal commonage as put forward by "Megan Anderson and Kobus Pienaar" with the Applicant drawing informants therefrom for Gansbaai Commonage and the proposed sand and gravel mining. (iv) Putting forward the current performance of the "Gansbaai Commonage" as per the following extract from Section 2.3.3 of the Application Motivation Report: "*The **current performance of the "Gansbaai Commonage"** insofar the above-mentioned characteristics raised by the program for Land and Agrarian*	

"*being characterized by **stringent legislative and title conditions***", notably those in the Crown Grant No. G160 of 1938 governing the Gansbaai Commonage. **Anderson and Pienaar particularly noting that "*the land be for the use and benefit of the public and the municipality could not sell the land, commonages being "set aside" for public use***".**" and • **"Leasing portion of "Traditional" Commonage** to a tenant "*will require **approval of the Premier as such lease would allow the tenant to use land at the exclusion of other members of the public, in other words, privatizing such portion and making it available for commercial purposes rather than commonage or public purposes***"," and • "also noting "***that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary***	*Studies, as well as other commonage requirements, is summarized as follows:* *(i) A significant **deduction of the extent of the commonage** between 1938 and the current day, including transference of land portions to private owners for a multitude of uses, albeit such uses being in support of the local and regional economy.* *(ii) The "**commonage" not being reserved as "public place"** in the Municipal Land Use Scheme (2020) and having an "undetermined" zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937))* *(iii) **No tangible record of "public place" closure** when commonage land has been deducted, rezoned or subdivided.* *(iv) The lack of a **Municipal "Commonage Management Plan"** being in place, resulting in past commonage use practices in several instances negating the function and purpose of a*	

	expenditure of the municipality. Furthermore, Anderson and Pienaar note that "*in the past access to such land (i.e. commonage) was regulated either by way of* ***servitude*** *registered as a title deed condition against a residential site, or by way of a* ***municipal regulation***". The former "arrangement" is currently being employed in small-farmer establishment on commonages through a "**Notarial Deed of Perpetual Servitude**" for such farming being endorsed against the title deed to encumber the farming use.	*"municipal commonage"* Additionally, the Surveyor General's Office Western Cape correspondence of May 2021 included as Appendix 10 in the Application's Appendices and Annexures Report stated that the event of the proposed mining, "*a closure would be necessary if the land parcel is confirmed as public place",* such not being so in the case of the Gansbaai Commonage.	
A4.4	It is herewith submitted that the abovementioned principle that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality, **is also applicable to any income derived from the alleged existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made**	**A4.4** The "Alleged existing compensation agreements" and the objector's request that such be made available to the public together with reasonable time to comment thereon is not within the scope of the application at hand. (refer Response A7)	• **A4.4** The matter of compensation was dealt with by Council and has no relevance to the merit of the land use application to be considered by the MPT.

available to the public – again, with the condition that the public must be allowed a further reasonable perod of time to comment thereto, once available.		
A5 <u>Zoning</u> **A5.1** The statements regarding the status of the zoning of the subject property/portion – inclusive of "undetermined Zone and Non-Conforming Use" – is herewith strongly objected to and rejected as such. In support thereof, a copy of letter dated 18 August 2017 is attached hereto and marked Annexure "B", which addresses these issues in clauses 3 and 4 thereof.	**A5 <u>Zoning</u>** Insofar Objection A5.1 re the objection to and rejection of statements regarding the status of the zoning of the subject property/portion being inclusive of "Undetermined Zone and non-Conforming Use", the following: The Applicant takes cognizance of the opinion expressed in Annexure B of the Objection. However, the following is relevant to the application at hand: **A5.1** Undetermined Zone (i) The land portion of Remainder Erf 210 to which this application applies is as depicted in Figure 2: "Subject Property/Portion" in Motivation Report 1647/R1 and in Annexure A – Diagrams: Figure 1 of Special Power of Attorney (Property Management: Overstrand Municipality) in the Appendices and Annexures Report 1647/R2, such depicting the recently approved new Mining Right Extension Area, including the existing Permit	• **A5.1** The applicants comment is agreed with. Further, the objector, nor the public did raise objections to the zoning status/zoning map of the subject property during the public participation process of the Overstrand Land Use Scheme, 2020.

	Area. (ii) The rezoning status of the application portion is Undetermined Zone (U) as per Section 14.3 of Schedule 2 Overstrand Land use Scheme (2020), with such zoning confirmed through the Pre-Application Consultation Meeting held on 6 August 2020 and written notification from the Town and Spatial Planning Department: Overstrand Municipality (refer Appendix B in Appendices and Annexures Report 1647/R2). (iii) Undetermined Zone (U) includes the following conditions applicable to the application: • "*Primary uses are limited to only lawful uses existing at the operative date of this land use scheme*" (Section 14.3.1) • "*No rezoning of any property to this zone is permitted after the operative date of the land use scheme*" (Section 14.3.1) • "*No change of an existing use is permitted*" (Section 14.3.2) • "*If additional uses or development rights are required, a rezoning application to another, more appropriate zone must be processed*." (Section 14.3.4)	

	(iv) Permission for Mining: Section 5.1.1 of Schedule 2 Overstrand Land Use Scheme (2020) provides for mining as a consent use in Agricultural Zone 1 Accordingly, the Land Use Authorization of mining on the "subject land/portion" as per A5.1 (i) above requires the following: • "Due to the nature of the rights that will be created and the term, the opinion is held that the relevant portion of Rem Erf 210 be subdivided and rezoned from the various zones to Agriculture Zone 1, with consent use for mining" (refer Town and Spatial Planning Department: Overstrand Municipality email dated 1 October 2020 in Appendix B in the Appendices and Annexures Report 1647/R2)" Accordingly, this application at hand comprising the subdivision of the subject land/portion of Rem Erf 210, the re rezoning of such sub-divided portion of Rem Erf 210 from Undetermined Zone to Agricultural Zone 1: Agriculture (AGRI), and Consent Use to permit mining in	

	Agricultural Zone 1 of the sub-divided portion of Rem Erf 210. Such application being confirmed by the Special Power of Attorney issued by Property Management: Overstrand Municipality and via written notice of Application acceptance by the Town and Spatial Planning Department: Overstrand Municipality. The above demonstrates that the status of the zoning or subdivision, rezoning and consent use of the "subject land/portion" are not inclusive of "Undetermined Zone" and "Non-Conforming Use" in any negative manner.	
A5.2 The applicant acknowledges the status of Erf 210 Gansbaai as being **"traditional municipal commonage**" as per the Title Deed (also see A4.3 above). The intended land use thereof must therefor be indeed common cause and directly opposed to the interpretation of any undetermined land use.	**A5.2** Insofar objection A5.2 that the intended land use of the commonage be directly opposed to the interpretation of any undetermined land use, the following response: (i) As demonstrated and concluded in A5.1 above, the current application does not interpret, foster or include any undetermined land use, the application concluding that "*the mining, rehabilitation and future use of the mining area can be a* ***catalyst for integrated and sustainable commonage management and***	• **A5.2** The Crown Grant refers to Erf 210, Gansbaai as "*commonage geleë in die dorpsgebied van Gansbaai.*" The title deed does not impose any land use restrictions insofar as the use of Erf 210, nor has it been reserved as public open space.

	development, underpinned by safeguarded and improved environmental services" (ii) Furthermore, it should be noted that the "Undetermined Zone (U) was introduced into the Overstrand Development Management Scheme on inclusion of the Gansbaai Municipality Zoning Scheme, such Zone to serve as a management mechanism for the existing lawful non-conforming uses within the Rem Erf 210 (Commonage), thereby enhancing and benefitting commonage land use. Such was common municipal practice post-2000, with the City of Cape Town's Development Management Scheme including a Limited Use Zone (LU) as a transitional mechanism to deal with land that was zoned "undetermined" in previous zoning schemes (i.e. prior to municipal amalgamation). Zone conditions included that only existing lawful uses may continue, but any development that required additional use rights will have to rezone from LU to another appropriate zoning.	
A5.3 It is to be noted that the applicant adds random and unqualified	**A5.3** Insofar objection A5.3 that the applicant adds random and	• **A5.3** The current mining activity occur in accordance with a land use

qualifications to the zoning of the "subject property / portion" so as to be compliant with the proposal that such uses are legal and therefor a permitted non-conforming use within the parameters of an Undetermined Zone. In fact, the true position is that – with reference to Erf 210 as well as Erf 335 - the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, and therefore unauthorised and unlawful since at least 2005**.	unqualified qualifications to the "subject property/portion" so as to be compliant the proposal that such uses are legal and therefore permitted non-conforming use within the parameters of an Undetermined Zone, and that the applicant is not compliant, the following: (i) Non-conforming use Integral to the Undetermined Zone is the following definition of "Non-Conforming Use" as per the Land Use Scheme (2020): Non-conforming Use means "*an existing land use that was being utilized **lawfully** in terms of a previous zoning scheme for a purpose that does not comply with an existing land use zone*", with the application referring to existing sand and gravel mining on the commonage as being "legal" or permitted" non-conforming uses within the Undetermined Zone, such reference being to such uses having municipal approval, with any additional uses or development rights requiring rezoning to a more appropriate zone. Such is not applicable to the current application, as outlined in A5.1(iv).	approval as elaborated upon in the planning background and evaluation. The current application relates to the proposed expansion of mining activity in accordance with the mine right extension area granted in accordance with the MPRDA. The applicants comment regarding non-conforming use is not agreed with.

	(ii) <u>Non-compliance</u> While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per A5.1(iv) seeks to achieve land use authorized for the Extended Mining Right Area.	
A6 <u>"Clause 2.6.2: - "Mining" Land Use Management"</u>: **A6.1** Significant reliance is placed on the Maccsand Constitutional Court Ruling of **12 April 2012**, with special reference to the timelines before and after such judgment. Without addressing each and every detail, suffice to say that such reliance is indeed misplaced and must also be rejected as such. The said ruling only confirmed the law as at that stage – it did not implement or constitute any new laws. For purposes hereof it is deemed	**A6 <u>Clause 2.6.2 – "Mining" Land Use Management</u>** **A6.1** The reference to the Maccsand Constitutional Court Ruling of 2012 serves to demonstrate the land use authorization requirement for mining activities since the promulgation of the Land Use Planning Ordinance (LUPO) in 1985 which introduced such requirement in the Western Cape Province, and such Maccsand ruling also giving impetus to the Municipal Land Use Planning By-Laws introduced in 2015 to replace LUPO, with the MPB-L further defining and entrenching	• **A6** Applicants comment is noted and agreed with. In addition, the application relates to the proposed expansion of the existing approved mine in accordance with the mine right expansion area to which the objectors comment has no relevance.

appropriate to refer to only a few *dictum* as per the said judgment, and quote: • "LUPO **obliges municipalities to enforce compliance** with its provisions (section 39(1)). More importantly it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme** (section 39(2))." and • "Therefore, in terms of LUPO, **mining may only be undertaken on land if the zoning scheme permits it** (or a departure is granted). If not, **rezoning of the land must be obtained <u>before</u> the commencement of mining operations**. The zoning that permits that land to be used for mining does not, however, license mining nor does it determine mining rights. **The role played by LUPO is limited to the control and regulation of the use of land**." and • "It is true that mining is an exclusive competence of the national sphere of government. It is also true that the MPRDA is	mining as a land use requiring authorization. Accordingly, the applicant is fully in agreement with the objector insofar; "*The fact that in this case mining cannot take place until the land in question is appropriately rezoned is therefore permissible in our constitutional order*" given that this Application on which the Objector is objecting is precisely for the "appropriate rezoning" of the "land in question". Insofar the objection (A6.1) the following is noted: (i) In the Western Cape Province, the Land Use Planning Ordinance (LUPO, 1985) was replaced by the Land Use Planning Act (LUPA, 2014). However, despite the enactment of LUPA (2014), the legislation governing land use at Municipal level reverted under the national Spatial Land Use Management Act 16 (SPLUMA, 2013) in terms of the Local Government: Municipal Systems Act 32(2000) insofar the devolution of power to Municipalities. In terms of SPLUMA all Municipalities would adopt/formulate a Municipal Planning By-Law which would	

concerned with mining and that LUPO does not regulate mining nor does it purport to do so. LUPO governs the control and regulation of the use of all land in the Western Cape Province. This function constitutes municipal planning, a functional area which the Constitution allocates to the local sphere of government." and • "**The fact that in this case mining cannot take place until the land in question is appropriately rezoned is therefore permissible in our constitutional order**." It therefor follows that **this judgment also confirmed the unlawfulness and illegal mining activities of the applicant since 2005, as well as the period since delivery of the judgment (2012) to present**. It is to be noted that in that instance it was indeed the City of Cape Town who was the Applicant to interdict Maccsand to carry on with their illegal mining activities – notwithstanding the press release dated February 2007 (Annexure M to the application) referred to above, the Overstrand Municipality is in default to act	direct its land use considerations and approvals, its zoning scheme, etc. Such By-Laws came into effect at all municipalities nation-wide on 1 July 2015, prior to this date all Municipal Land Use matters, (approvals, etc.) were in terms of LUPO, specifically Section 8 of LUPO. After 1 July 2015, the By-Laws replaced LUPO, with LUPA having a more provincial scale focus, notably in terms of the "provincial competencies" as prescribed by the Constitution. Accordingly, LUPA also puts forward and requires the By-Laws, as well as requiring provincial "land development application" approval for its "competencies", in terms of Section 53 of the Act. (ii) Accordingly, insofar this application: ❖ Application for subdivision, rezoning and consent use for mining is made in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020, noting the following: • This application cost is for the account of Sizisa	

accordingly – since before the said judgment as well as after the said judgment, to this very day. In fact, as referred to above and below, the Municipality as owner of Erf 210 (Commonage) has initiated various applications in an attempt to legalise the illegal mining activities, **at the cost and expense of the Municipality**, i.e. the taxpayer and public in general.	Ukhanyo Trading 410 (Pty) Ltd. • This application is not directed at the legalizing existing mining activity on other portions of the commonage, such application being a separate application lodged by Messrs WRAP Project Office on behalf of the Overstrand Municipality under Municipal Notice 124/2021, such application including the determination of an Administrative Penalty in terms of Section 16(2)(q) of the Overstrand Municipality: Amendment By-Law on Land Use Planning (2020). ❖ A pre-application consultation was held with the Western Cape Province: Department of Environmental Affairs and Development Planning insofar as land development application in terms of Section 53 of LUPA (2014), such consultation deeming such application not being required	

	given the zoning of the subject land/portion of Erf 210 not being "Agricultural", a requirement in terms of the Act.	
A6.2 The applicant put forward a detailed timeline with reference to "**Mining Co/CC**" which includes *inter alia* the following: **1/9/2005**: Transfer of mining authorisation to Sizi**ka** Uk**h**anyo **Trading cc**. **2016 – present**: Transfer of mining authorisation to new owners, with continued trading Sizika Ukhanyo Trading **410** cc, and the **Director** being Stephen du Mont. And similarly with reference to "**Mining Authorization**" which includes *inter alia* the following: **19/9/2000**: DMR issuing Mining License ML27/2000 for **5 years for Erf 335** (i.e. "old order" mining authorization). **1/8/2010**: Application lodged with DMR for a **gravel**	**A6.2 and A6.3 <u>Mining Authorisation Timelines</u>** The timelines for the application of mining permits/rights, the issuing of such mining permits/rights and the commencement/termination of mining per permit/right initially by Sizisa Ukhanyo Trading 410 CC and later by Sizisa Ukhanyo Trading 410 (Pty) Ltd are included in the application merely to note the duration of mining activity by the two owners of the mining enterprise. Such timelines do not purport to be an audit of such events, as such would serve no purpose for this application, and not forming part of the application brief. Such audit, as required by the objector, forms an integral part of the current "determination of Administrative Penalty" application (refer Municipal Notice 124/2021), currently being processed by Overstrand Municipality. Furthermore, any request for such mining related information should be directed to the DMRE Western Cape and the mine operator Sizisa Ukhanyo Trading 410 (Pty) Ltd.	

mining permit (5-years) for 1.4600 ha (i.e. the "existing permit area" on **Erf 210**). **6/12/2011**: Application lodged with DMR for a Mining Right for **sand mining** measuring 7.3809ha on **Rem Erf 210** and 4.2827ha on **Erf 335** – current mining authorisation. **2021**: Recent DMR approval for **<u>extending</u> the Mining Right for sand and gravel mining**. **A6.3** However, during **2017** the Overstrand Municipality – at its own cost and expense - lodged an application for the "Amendment of the Site development Plan on Erf 210" (Annexure M to this application), which application was withdrawn at a later stage. From the Annexures attached thereto, the following timeline appeared: <u>With regard to the Mining Permit (**gravel and aggregate**)</u>:		

30/5/2011:	A Mining Permit No 09/2011 was issued by the DMR to Sizi**sa** Uk**h**anyo Trading **410 CC** to mine **gravel and aggregate** on Portion of Erf 210 Gansbaai – see attached Annexure C, page 4.		
29/05/2013:	The Mining Permit No 09/2011 referred to above, **lapsed on 29 May 2013** and the applicant declared to be in the process of re-applying for a new mining permit over the same area, i.e. for **gravel and aggregate** - see attached Annexure C, page 4.		
14/8/2014:	The applicant's re-application for a new mining permit was advertised in a local newspaper on 14 August 2014.		
27/1/2016:	The DMR issued the **new Permit No 01/2016 to Sizisa Ukhanyo Trading CC to mine for gravel and aggregate on Portion erf 210 Gansbaai, valid for a period (not more than two years) which shall extend from the date of**		

issuing to 26/01/2018 and may be renewed for three periods each which may not exceed one year - see attached Annexure C, page 3. With regard to the Mining Right (**sand**): **25/4/2012**: DMR issued a **Power of Attorney** to the regional Manager: Western Cape Region of the DMR to sign the mining right in favour of **Sizisa Ukhanyo Trading 410 CC (reg. No. 2005/035636/23)** to mine for **Sand (General) in respect of Portion 15 of Erf 210 and Erf 335** for a period of sixteen (16) years - see attached Annexure C, page 1. **21/08/2015**: The DMR amended the aforesaid Power of Attorney to read "**Portion of Erf 210** Gansbaai and erf 335" - see attached Annexure C, page 1. **A6.4** Clearly there are huge discrepancies in the different timelines referred to in 6.2 and 6.3 above and in the		

absence of any further documentation to the contrary and relying solely on the applicant's own version, the position is as follow: **A6.4.1** An application lodged with DMR for a **gravel mining permit** with regard to the 1.4600 ha on a Portion of **Erf 210** was lodged on 1 August 2010 and only approved on 30 May 2011 but lapsed on 2 May 2013. A new Permit for gravel and aggregate was issued only on 27 January 2016, but in the absence of any supporting documentation this new mining permit must also have lapsed due to the restrictions on the renewal period thereof – reason being that the permit was for a period up to 26 January 2018 and a further maximum renewal period of three years, thus at the most up to 26 January 2021. **A6.4.2** From the aforesaid it follows that, on the applicant's own version, the applicant conducted mining operations (gravel and aggregate) on a Portion of Erf 210 Gansbaai (traditional commonage) for the period since		

	2005 to 29 May 2011 and again from 30 May 2013 to 26 January 2016 without having the required approval and/or Permit from DMR. Furthermore, in the absence of supporting documentation, the same applies to the period since 27 January 2018 to the present. It therefor follows that – considering the legalities applicable to the said Portion of Erf 210 Gansbaai in terms of the zoning thereof - such conduct was at all times illegal and unlawful.		
A6.4.3	With regard to the alleged **mining right**, the initial Power of Attorney dated 25 April 2012 referred to **Portion 15 of Erf 210** Gansbaai – it is indeed common cause that no such Portion 15 exists. The said Power of Attorney was amended on 21 August 2015 to read "**Portion of Erf 210** Gansbaai". Again, it follows that for the period since 2005 to 20 August 2015 there was no such legal authorization from the DMR in existence and therefor illegal and unlawful. Furthermore, this is simply a Power of Attorney, not the right itself granted by the Regional Manager for the Western		

Cape Region of the DMR. **A6.4.4** It is herewith proposed that Messrs Setplan be directed to disclose all relevant documentation with regard to all applications lodged to the DMR, motivations thereto, decisions by DMR, certified copies of all mining permits and/or mining rights issued accordingly (inclusive of any and all renewals thereof) as well as the mining rights issued by the Regional Manager for the Western Cape Region of the DMR in terms of the aforesaid Power of Attorneys and upon receipt whereof same be disclosed to the general public with a reasonable time to submit further comments thereto.		
A7 **<u>Compensation Agreement</u>** **A7.1** A copy of item 5 of the Agenda for the Mayoral Committee dated 24 November 2021 is attached hereto as <u>Annexure D</u> – for purposes hereof, reference is made to the following few aspects, and quote: • *"Sizi**<u>ka</u>** Ukhanyo Trading 410 (**<u>Proprietary Limited</u>**) (hereinafter called the "Applicant") has an existing right to mine sand on a*	• **A7 <u>Compensation Agreement</u>** The issues requiring urgent clarification regarding the Compensation Agreement by the objector should be raised with the relevant departments of the Overstrand Municipality, as the compensation agreement or any tenure agreement fall outside of the brief of Messrs Setplan, the compiler of this application. The same applies to the proposed Mayoral investigation with regard to the illegal	• **A7** The comment / objection raised pertaining to compensation has no bearing on the merit / desirability of the land use application and had already been dealt with by Council on 10 January 2022. Should there be any further queries, it needs to be taken up with the responsible Director.

portion of Remainder Erf 210 Gansbaai and on Erf 335 Gansbaai ***(±1.5ha in extent****) as …..*" and • *"….a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for.* ***Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use****."* and • *"Whilst the agreement hereby proposed is not a lease agreement, servitude, encroachment agreement* ***but rather one to regulate the use on municipal property, the compensation payable shall still be market related****."* and • *"****The previous compensation agreement determined the amount payable to the Municipality by the Applicant was calculated with reference to***	mining activities.	

the amount that it would cost the Overstrand Municipality to mine the materials itself. Thereafter and from this initial amount the price payable to the Municipality has increased annually in accordance with the Consumer Price Index. Currently the amount is R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined." **A7.2** The above statements raise numerous issues that needs urgent clarification before further processing of the application under discussion can be attended to, for eg: **A7.2.1** In this instance the applicant is referred to as a Company, not a Close Corporation. **A7.2.2** The first compensation agreement was entered into as far back as 6 May 2015 in respect of the Existing Area – no mention is made of the period since 2005 to 6 May 2015 and the only reasonable inference therefor is that no such compensation agreement existed before 6 May 2015. **A7.2.3** As the land use is with regard to		

	Gansbaai Commonage (Erf 210), the Overstrand Municipality is obliged to disclose for what special purpose(s) the income derived from such agreement will be used for, i.e. other than the ordinary expenditure of the municipality. The approval of the further compensation agreement during January 2022 is therefor fatally flawed and void. A full disclosure is required with regard to all the income derived since 6 May 2015 and for what purpose(s) such income was used for.		
A7.2.4	A full written disclosure is also required to confirm the calculation of the initial market related price, who was the designated person(s) and inclusive of the allegation that R33.03 per cubic meter is still market related in 2022.		
A7.2.5	However, the statement that the previous compensation agreement was entered into on 6 May 2015, is contradicted in toto by the statement of the municipality in their application during 2017 "for the amendment of the site plan" (the said application being Annexure M to		

the current application). It needs to be pointed out that the initial part of the said application was not included in the said Annexure M as it only started from clause 4, page 4 – after a request lodged with the municipality, the full application was provided and hence the written notice by the municipality that the date for submitting comments/objections be extended until 29 April 2022. Clause 2 thereof states the following, and quote: "***2. BACKGROUND*** ***Erf 210 Gansbaai is owned by the Overstrand Municipality and is part of the commonage of Gansbaai. Sizisa Ukhanyo Trading 410 CC (trading as Gansbaai Sand en Klip) leases a portion of the commonage for purposes of a sand mine***." As per the attached Annexure B, a copy of the said **lease agreement** was requested, but never received to date hereof. It is however in direct contrast to the above statement regarding the previous compensation agreement. It is submitted that only a formal		

independent investigation will clarify these issues. **A7.3** The minutes of the Mayoral Committee Meeting dated 25 November 2021 reflects that it was resolved that the abovementioned Item 5 of the said Agenda be withdrawn and resubmitted by the relevant Portfolio. **A7.4** Simultaneously the Mayor, Dr A Rabie, declared that **an investigation** should be undertaken with regard to the illegal mining activities – this was confirmed in the local press as *inter alia* per pages 3, 4 and 5 of the attached Annexure E. To date hereof no further progress regarding the said investigation was made available. **A7.5** The Agenda to serve for the special Mayoral Committee Meeting on 10 January 2022 as well as 26 January 2022 disclosed the alleged income derived from the Gansbaai Commonage Sand Mine for the period 2019 – 2021 to be the total amount of R1,943,080.00 without disclosing the alleged income for the period 2015 – 2019, inclusive of what special purpose it was used for the whole period. Furthermore,		

objections were raised to the Mayor regarding the approval of the new compensation agreement by letter dated 25 January 2022 (see the attached Annexure G), but to no avail and the said compensation agreement was accordingly adopted.		
A8 General **A8.1** Specialist Studies: The following is supported in full and with the condition that same must be adhered to **before** commencement of any mining activities: **"CapeNature: Conservation Intelligence** in their letter dated 19 June 2020 requested that "***a full Geohydrological Study be compiled to determine the groundwater model / functioning in the area***". " **A8.1.2** "In a letter dated 9 June 2020 (refer Appendix 5), the **Overstrand Municipality: Property Administration Section** in response to the draft EIA/ EMP put forward the following: "***2.5.1 The applicant must submit an updated wetland specialist***	• **A8 General** **A8.1** Specialist Studies The applicant's full support of the Objector insofar the required specialist studies put forward by CapeNature, Overstrand Municipality: Property Administration Section and DEADP: Directorate Development Facilitation, together with the condition that such should be adhered to before commencement of any mining activities is noted.	• **A8.1 & 8.2** The integrated EA and mine right approval was based on specialist studies that following the scoping process had been accepted by the competent authority. The approved mine right and mine permit is appended to the item and the applicant will be required to adhere to the approval conditions.

study that shows water depth monitoring <u>during summer as well as winter</u> which study must be to the written satisfaction of the Senior Manager: Environmental Services." ". **A8.1.3** **"DEA&DP: Directorate Development Facilitation** letters dated 11 November 2019 and 20 April 2020 (Appendix 3) ***"It is therefore recommended that a stormwater management plan be compiled for the mining areas". "***		
A8.2 The applicant is simply making its own assumptions as to how to mitigate the aforesaid requirements – for e.g. it states that "the piezometers can however only be installed once Environmental and Land Use Authorizations or compensation agreements have been obtained. **The result is that depending on timing of excavation development, there is a possibility that initial mining may not have full information available**. Bearing in mind however that mining progress is very slow and any initial exceedance of water table levels (unlikely) can be rectified through	**A8.2** <u>Insofar the Specialist Studies, the following is relevant</u>: (i) The Specialist Studies as required are referenced as conditions to the <u>Application for Mining Right</u> on a portion of Rem Erf 210 Gansbaai letter from Property Administration (Overstrand Municipality) dated 9 June 2020 (refer Appendix 5 in Appendices and Annexure Report R1647/R1) subsequent to assessment of the <u>Mining Right Application's Draft Scoping Report</u> and were attended to by the mining consultants Site Plan Consulting CC responsible for such Mining Right Application, such Specialist Study reports being included	

	backfilling over that small area." The conditions clearly has to be met **before commencement** of any mining activities on the proposed extension area, but again, the applicant is simply ignoring it as it has done since 2005 to present in relation to Erf 335 and Erf 210 Gansbaai..	in the EIAr/EMPr Report, leading to the Environmental Authorisation (EA) (ii) As per the pre-application consultation meeting for this application on 6 August 2020 (refer Annexure C in Appendices and Annexure Report 1647/R1); "*Land use application to reference EMP specialist reports and include such in application as Annexures*" such inclusion, apart from informing the land use application, being to identify any mining related issues to be listed as conditions of approval to the land use application. Accordingly, such specialist studies will be scrutinized by the Senior Manager: Environmental Services, if not already having been done so subsequent to their submission as part of the EIAr/EMPr. *(iii)* The above-mentioned process negates the Objector's claim that "*the applicant is simply making its own assumptions as to how to mitigate the aforesaid requirements.*"	
A8.3	Soil and Geology In clauses 3.2.3 and 4.1.2 respectively, reference is made to *inter alia* the fact that "Prior to the 2010 application, detailed profiling	**A8.3** Soil and Geology As per the applicant's response A8.2(i), references to "detailed profiling" of the site and "Exploration results" vest with the Mining Consultants Site Plan	• **A8.3** The approved mine right extension area is appended to the application.

of the soil was conducted by Site Plan Consulting using an excavator with a 5m reach.", as well as "Exploration results" with regard to the proposed extention area. In the absence of any supporting documentation, it is hereby requested that Messrs Setplan be directed **to make available certified copies of the relevant exploration- and/or prospecting permits issued by the DMR**, again with the condition that same be made available to the public with a further reasonable time period for any further comments thereto.	Consulting CC, who have confirmed that such actions were soil profiling as opposed to prospecting, the use of the word "prospecting" by Setplan is erroneous.	
A9 <u>CONCLUSION</u> Following the above, it is herewith submitted that the said application is flawed and misleading in various aspects and should accordingly be withdrawn/dismissed untill certain very important aspects have been addressed. The application is formally objected to and in support whereof *inter alia* the following is raised:	**A9 <u>Conclusion</u>** The applicant's following comment on the following points raised by the objector in submitting that the Application is flawed and misleading in various aspects and should accordingly be formally withdrawn:	• **A9** Mining, in addition to a mine right or mine permit granted in terms of the MPRDA might also require approval in terms of Environmental Legislation and Municipal Land Use Planning. The latest NEMA amendments provides for an integrated approval in terms of the MPRDA that incorporates an Environmental Authorisation. The objector is however not clear in terms of the times stipulated between the various processes. What should be pointed out is that the scoping and public participation processes in terms

		of the MPRDA is a separate process. Municipal land use planning application with reference to the current application is processed in terms of the Overstrand Municipal Land Use Planning By-law read together with LUPA and SPLUMA. The objector did not put forward any substantiated case regarding flaws in the application and should therefore be dismissed.
A9.1 It is impossible to identify the correct applicant – it is clear that the applicant is cited as a Close Corporation, but with so many various name citations that contradict each other. Furthermore, the Power of Attorney lodged by the Overstrand Municipality (Annexure B) as well as the latest approved Compensation Agreement were in favour of a Company, not a Close Corporation. A full disclosure should therefor be made with regard to *inter alia* the correct citations, registration number, members of CC, or directors and shareholders of Company, whichever is applicable and substantiated by the necessary documentation in support thereof, same to be representative from 2005	**A9.1** A very "logical" explanation for the apparent difficulty in comprehending who the applicant is as put forward by the applicant in Response A1, together with an apology for errors made and commitment to correct such in future correspondence, noting that such errors have also been made by other parties and that such errors do not detract from the technical merits and integrity of the Motivation Report and the application it supports, that is not being "*fatally flawed*" and that "*the application be formally withdrawn*".	**A9.1** Despite typing errors in the motivation regarding the applicant the public notice and application form correctly identified the applicant.

to the present.		
A9.2 For purposes of land use, it is common cause that in terms of the said Title Deed, the said Erf 210 Gansbaai is **traditional commonage**. However, as stated in A4.2 above, it is not clear from the documentation submitted whether the said condition 3 in the Title Deed with regard to the Aircraft Landing Ground has been cancelled and if not, to confirm the exact location thereof. Full and readable particulars hereof is herewith requested to be made available so as to inform the public whether this condition is still in force.	**A9.2** In Response A2 the applicant notes principles underpinning existing and future mining of the commonage which should be considered responding whether such mining by individuals, companies, community group or authorities (e.g. municipality), it not being the Applicant's call to recommend who should be apportioned such Mining Rights or Permits.	• **A9.2** The applicant obtained a mine right in terms of the MPRDA, that was subject to a public participation process and right of appeal or legal review, which was not taken up by the objector(s). The title deed condition pertaining to "emergency aircraft landing" is not applicable to the amended scaled downing mining area and confirmed as such in terms of a Conveyancing Certificate.
A9.3 The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is being supported as per clause A4.3 above. It is therefor herewith submitted that the principle **that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the**	**A9.3** The applicant objects to the purposeful/erroneous editing by the Objector, which in the opinion of the applicant could allude that all mining by Sizisa Ukhanyo Trading 410 (Pty) Ltd could have been illegal, the objector not differentiating between mining, environmental and land use compliance, and possibly inferring that the current location of the mining is favoured over other sites due to its illegality.	• **A9.3** The point of objection relating to the commonage is noted. There is no legal prohibition upon the use of the land for mining purposes. The matter of compensation is not a relevant consideration in the determination of the planning application.

municipality, is also applicable to any income derived from the alleged existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made available to the public – again, with the condition that the public must be allowed a further reasonable period of time to comment thereto, once available.		
A9.4 It is stated that the applicant have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai **since 2005**, with the previous owner having licenced the mine in 2000. However, since the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, the said mining activities were therefor at all relevant times unauthorised and unlawful since at least 2005**.	**A9.4** Written endorsement of removal of Condition 3: Emergency Aircraft Landing Ground restrictive Title Deed Condition currently sought by applicant, given that only a penned crossed deletion of the condition paragraphs exists in Crown Grant No G160/1938.	• **A9.4** Mining is not unauthorised until the present day. Refer to the 2022 land use approval. Furthermore, no mining occurs on Erf 335, Gansbaai, whilst the current application relates to the proposed expansion of the approved mining area.
A9.5 Annexure M, press release:- This has been fully addressed in clause A2 above. During 2007 the Overstrand Municipality acted correctly by serving the applicant with a	**A9.5** <u>Municipal Role in Commonage Mining Operations and an Illegal Mining Investigation by an Independent Organisation</u> As stated in Response A2, such	**A9.5** The content of the press release is not a relevant consideration pertaining to the land use application under consideration. Further mining on Erf 210 had been legalized by the MPT as

compliance notice in terms of the relevant By-Law and in terms whereof the unauthorised mine activities on commonage were immediately stopped. The following very important declaration was then made to the public: **"Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word."** It then begs the question as to what had happened since 2007 to the present day to give effect to this undertaking? What steps did the municipality take to further the public's interest in this regard? It is apparent that since at least the date of this declaration the mining activities were unauthorised and unlawfull – by not acting on its declaration, the municipality has willfully allowed the applicant to carry on with its illegal mining activities to the exclusion of the general public. In fact – and in the absence of any disclosure to the	considerations are beyond the scope of the application at hand and vest with Overstrand Municipality, however Response A2 notes principles underpinning mining on the commonage and Response A5.3 (ii) refers to the current WRAP Project Office application to address the lack of land use authorisation and to penalise any offence thereto in terms of Section 90 of the MPB-L.	indicated in the background section of the item under paragraph 3.

contrary - it appears that the municipality assisted the applicant in its continued illegal mining activities by initiating and lodging the respective applications during 2017 and 2021 –at their cost and expense – in an attempt to legalise the illegal mining activities. It is submitted that the illegal mining activities existed since 2005 and due to the municipality's default to act in terms of the relevant By-Laws to stop such illegal acitvities, a full investigation by an **independent** organisation into these illegal mining activities is required so as to ascetain the true circumstances.		
A9.6 The Maccsand judgment in 2012 is very clear on the fact that: **A9.6.1** LUPO **obliges municipalities to enforce compliance with its provisions** and more importantly, it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme**, and **A9.6.2** In terms of LUPO, mining may only be undertaken on land if the zoning scheme permits it an if not, rezoning of the land must be	**A9.6** <u>Role of LUPO</u> While the Applicant is in agreement with the Objector's statement that mining is subject to land use rezoning (or consent), this is precisely what the Application which is being objected to is set on achieving (refer Response A6.1). Furthermore, it noted, as in Response A6.1(i) that as from 1 July 2015 LUPO was replaced by the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, in terms of which the current Application for subdivision, rezoning and consent use is	• **A9.6** The application is for the proposed expansion of the mining area in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-law, 2020.

obtained **before** the commencement of mining operations; and **A9.6.3** The role played by LUPO is limited to the control and regulation of the use of land.	lodged.	
A9.7 Notwithstanding the municipality's press release during 2007, it is to this very present day in default to act in accordance with LUPO to enforce compliance with its provisions, i.e. that the applicant should have obtained rezoning of Erf 210, any Portion thereof as well as Erf 335 **before the commencement of any mining opreations** by the applicant. It then follows that the sanctions referred to sections 84(1) and 84(2) are applicable.	**A9.7** Offences and penalties Section 85(1) and 85(2) Offences and Penalties as per the Overstrand Municipality: Amendment By-Law on Municipal Land use Planning, 2020 are not applicable to the current application, given that such application is for an extended mining area to be mined, thus the required land use authorisation (subdivision, zoning, consent use) before the commencement of any mining operations.	• **A9.7** Refer to comment under paragraph 9.5.
A9.8 With reference to the alleged compensation agreement in force since 6 May 2015, the following: **A9.8.1** Full written disclosure is required, i.e. copy of the said agreement, inclusive of full details regarding the amount of cubic meters sold during this period, the amounts derived by the municipality during this period as well as for what	**A9.8** Compensation As per Response A7, any compensation and/or lease matters, including the issues requiring clarity by the objector, fall outside the brief of Messrs Setplan, with such request by the Objector to be directed to the Overstrand Municipality.	• **A9.8** The compensation agreement is not a relevant consideration pertaining to the desirability of the land use application. Should the objector require further information it could be requested under the Promotion of Access to Information from the relevant municipal department.

special purpose such monies were used. **A9.8.2** It is stated that the Applicant declares on a monthly basis the volume of sand mined and the Municipality invoices them accordingly. It is submitted that certain definite checks and balances need to be added for any such suggestion to be effectively implemented. The municipality cannot simply rely on the information provided by the applicant under discussion and also declare the average price per cubic metre according to other providers. **A9.8.3** It needs to be considered that in the event that the mining activities were illegal for the period since 2005 to the present, the municipality was the beneficiary of the monies it derived from such illegal activities since 6 May 2016 to the present day. **A9.8.4** The statement that the applicant leases a portion of the commonage from the municipality as per clause A7 above, should also be investigated so as to obtain confirmation as to		

	whichever situation is applicable – certainly not both at the same time.		
A9.9	With regard to rehabilitation of Erf 335:- It is submitted that the rehabilitation of this Erf 335 was never compliant to applicable legislation and that also in this instance a full investigation should be initiated so as to ascertain the true factual position. Reason being that members of the general public have indicated that this site was indeed used as a dumping site for *inter alia* building rubble which naturally has a detrimental effect to the underground water. It is further submitted that the services of the department of Cape Nature be obtained to give effect hereto.	**A9.9** <u>Rehabilitation of Erf 335</u> It is noted that this question from the objector was not raised as an objection. Clarity regarding the rehabilitation should be sought from the DMRE given the Mining and Environmental Authorisation vesting in the MPRDA, Erf 335 forming part of the 2011 Mining Right Application. Sizisa Ukhanyo Trading 410 (Pty) Ltd confirmed (2022) that the building rubble in question is brought to Erf 335 in order to be crushed and mixed with the mine gravel also crushed on Erf 335, with the assurance that such building rubble is only stored on a temporary basis awaiting crushing.	• **A9.9** The competent authority is the Department of Mineral Resources.
	The formal objection to the said application is herewith submitted. It is further submitted that the municipality immediately and urgently take all necessary steps to ensure that all the illegal mining activities be stopped with immediate effect and also that the current and any and all pending	• **Concluding remarks by the applicant re objector's submission of the formal objection, include:** While it is not the applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending	**Concluding remarks by applicant** The applicant's comment is noted and agreed with. Illegal mining has been dealt with in terms of the 2022 mining approval referred to above. The current application relates to the expansion of the proposed mine area on

applications be immediately stayed/withdrawn pending the outcome of the investigation announced by the Mayor during November 2021. And lastly, that the municipality be directed to immediately proceed with the required steps to give effect to its press release during 2007, i.e. that the municipality is to obtain the necessary mining rights on Erf 210 Gansbaai and thereafter to appoint a contractor by means of public tender. • **B PETITION DATED 22 APRIL 2022 FROM FORTY-FIVE (45) MEMBERS OF THE GENERAL PUBLIC stated the following:**	applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	accordance with the approved mine right area. Due process was followed comprising service of registered noticed and advertisement in the local newspaper.

B *<u>Petition</u> dated 22 April 2022 from forty-five (45) Members of the General Public* *Kommentaar ten aansien van:* *Munisipale Kennisgewing Nr 26/2022:* *Erf 210, GANSBAAI: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN TOESTEMMING VIR MYNBOU TERREINONTWIKKELINGSPLAN: MNRE SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) NAMENS SIZIKA UKANYO TRADING 410 CC* *The Objectors (45), as members of the general public have the following interest in the Application as per Municipal Notice 26/2022: "Erf 210 is "MEENTGROND", raising the following Objections/Comment:*		
B1 Reg om op Meentgrond te myn *Dit word uitdruklik in die onderhawige aansoek gestel dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 bedryf sedert 2005. In hierdie verband, kortliks die volgende:* *B1.1 Klousule 2.6.2(vi) onder die opskrif "Mining Authorisation" maak die volgende stellings:* *"1/8/2010: Application lodged with DMR for a gravel mining permit (5- years) for 1.4600 ha"*	**B1 Right to Mine on the Commonage** The timelines for the application of mining permits/rights, the issuing of such mining permits/rights and the commencement/termination of mining per permit/right, initially by Sizisa Ukhanyo Trading 410 CC and later by Sizisa Ukhanyo Trading 410 (Pty) Ltd, are included in the application merely to note the duration of mining activity by the two owners of the mining enterprise. Such timelines do not purport to be an audit of such events, as	• **B1 Right to Mine on the Commonage** The applicant's comment is noted. In addition, there is a long history of mining activity on Erf 210, Gansbaai dating back to before 2000. Up until the Mcsands judgement (2012) it was believed that a permit in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 (hereafter MPRDA) negates the need to

En *"6/12/2011: Concurrent with the withdrawal of the conversion application, an application lodged with DMR for a Mining Right for sand mining measuring 7.3809 ha on Rem Erf 210 and "* *Uit bostaande is dit derhalwe duidelik dat die applikant sedert 2005 tot en met 2010 / 2011 mynbedrywighede op meentgrond beoefen het sander om eers aansoek te doen vir 'n mynreg/-permit - derhalwe te alle tye onwettig.* *B1.2 Die aansoek maak geen melding van die uitslag van die twee aansoeke in 1.1 hierbo nie. Volgens mededeling blyk dit dat DMR eers op 25 April 2012 'n Volmag uitgereik het in terme waarvan die Streeksbestuurder, Wes-Kaap gemagtig word om 'n mynreg te onderteken ten gunste van Sizisa Ukhanyo Trading 410 BK (Reg Nr: 2005/035636/23) om sand te myn op Gedeelte 15 van Erf 210 en Erf 335 vir 'n periode van 16 jaar. Dit is egter gemenesaak dat voormelde Gedeelte 15 van Erf 210 nerens reflekteer word nie en word die bestaan daarvan betwis. Dit is onbekend wat die uitslag was van die aansoek vir 'n permit om gruis te myn - beide hierdie aspekte moet egter opgeklaar word en word die Munisipaliteit hiermee versoek om afskrifte van al*	such would serve no purpose for this application, and not forming part of the application brief. Such audit, as required by the objector, forms an integral part of the current "determination of Administrative Penalty" application (refer Municipal Notice 124/2021), currently being processed by Overstrand Municipality. Furthermore, any request for such mining related information should be directed to the DMRE: Western Cape and the mine operator Sizisa Ukhanyo Trading 410 (Pty) Ltd.	obtain land use approval for mining. Mining therefore occurred for a number of years in terms of a permit only. Having had regard to the above, the MPT granted approval on 13 October 2022, thereby legalising mining activity on Erf 210 in terms of municipal land use, which approval aligns with the approved mine right and mine permit in terms of the MPRDA. More recently the applicant obtained approval for a mine right extension area. The current land use application is aligned with the mine right extension area, granted in terms of the MPRDA.

sodanige relevante dokumentasie te bekom en beskikbaar te stel vlr verdere kommentaar deur lede van die algemene publiek.		
B2 Aanhangsel M: Persverklarlng deur Overstrand Munispialiteit gedateer Februarie 2007: *Die aanvanklike onwettige optrede deur die applikant soos na verwys in 1 hierbo, het nie die Munisipaliteit ontgaan nie en het die Munisipalteit in 2007 die gepaste stappe geneem om hierdie onwettig.e optrede te staak. Vir doeleindes hiervan word die volgende enkele stallings aangehaal:* ***B2.1*** *"…Munisipalieit Overstrand op 31 Januarie 2007 kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaal summier te staak.* ***B2.2*** *Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel*	**B2 Annexure : Copy of Press Release dated February 2007** The objector introduces this objection by stating that the illegal undertaking by the Applicant, as put forward in Objection B1 above, did not escape the notice of the municipality, with the municipality taking appropriate steps in 2007 to halt such illegal undertakings. Extracts from the 2007 press release are then provided to demonstrate such municipal response in Sections B2.1, B2.2 and B2.2.1 – 2.2.6, concluding that the objector fully agrees with the municipal response given it being their responsibility in terms of the relevant legislation, noting that Section B2.2.6 of the objection reflects the current position, at that time as well as the present. Given that this objection and notably Section B2.2.6 thereof mirrors that of objection A2, Response A2 is also referenced in response to this Objection.	• **B2 Annexure : Copy of Press Release dated February 2007** As stated above mining currently occurs in accordance with a subdivision, rezoning and consent use approval dated 24 October 2022, thereby legalising the municipal land use and aligned to an approved mine right and mine permit granted in terms of the MPRA. The current application merely seeks to align the municipal land use (mining) with the approved mine right extension area in terms of the MPRDA. Thus, the history pertaining to mining on Erf 210 has no relevance to the current application.

van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op 14 Februarie 2007 lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak: ***B2.2.1*** *Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. Kennis is wel gegee dat ongemagtigde mynaktiwlteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie.* *B2.2.2 Dat die aansoek van Mnre Sizisa Ukhanyo Trading (Pty) Ltd (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende 2006 aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie.* ***B2.2.3*** *Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde wat beskou word as 1n bate wat aan die*		

gemeenskap behoort. ***B2.2.4*** *Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie.* ***B2.2.5*** *Dat die munisipaliteit daadw.rklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreel, die nodige regte te bekom om die materiaal op 'n wettige wyse te otgin.* ***B2.2.6*** *Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.*		
B2.2.7 *Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beinvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproejjng van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie.*	**B2.2.7** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats,	• **B2.2.7** The applicant's comment is noted and agreed with. The matters raised had been dealt with in the mine right approval.

Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus be"invloed wat opsigself tot gevolg het dat daar. opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied." *Met hierdie optrede van die Munisipaliteit word daar heelhartig saamgestem aangesien dit hul plig was in terme van al die relevante wetgewing. Klousule 2.2.6 hierbo gee inderdaad die korrekte posisie weer - op da die stadium sowel as huidiglik.*	non-perennial streams and two alluvial fans. Similarly, groundwater investigations undertaken by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissible mining was determined, with the mine plan and post-mining SDP excluding any Surface Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial waste "management protocol", as well as through stormwater management, especially insofar standing water.	
***B3** Posisie sedert 2007 tot hede* *Sedert die persverklaring hierbo na verwys, het die Munisipaliteit inderdaad versuim om in terme daarvan asook in belang van*	**B3** Position since 2007 to present The objector notes that since the 2007 press release, the Municipality has not reacted in terms thereof or in the interest	

die publiek op te tree. In hierdie verband word kortliksop die volgende gewys:	of the public, as summarised in Sections B3.1, B3.2, B3.3 and B3.4.	
***B3.1 2017** -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan".* ***B3.1.1** WRAP Consultancy het die aansoek namens die Munisipalteit behartig, dws op die koste van die Munlsipaliteit en nie Sizisa Ukhanyo Trading 410 BK nle.* ***B3.1.2** In die aansoek word uitdruklik gemeld dat Sizisa die sandmyn bedryf in terme van 'n Huurkontrak met die Munisipaliteit en nie 'n "Compensation Agreement" soos hierinlater na verwys nie. Die besonderhede van sodani9e Huurkontrak is tot hede onbekend veral wat betref die ekonomiese voordele wat dit vir die Munisipaliteit en die publiek inhou, asook die aanwending daarvan.* ***B3.1.3** Die Munisipaliteit doen op hul koste aansoek vir die wysiging van die "site plan" - die rede is dat Sizisa Ukhanyo Trading 410 BK die toe bestaande "siteplan" se grense op Erf 335 oorskry het. Dus volg dit dat enige oorskryding daarvan nie 'n "Wettige" gebruik van sodanige eiendom daarstel*	**B3.1 and B3.2** The objector includes a summary/extract and comment on the following two applications by WRAP Consultancy/Office Project on behalf of Overstrand Municipality: (i) 2017 -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan" (ii) 2021 - Munisipale Kennisgewing Nr 124/2021 Restant van Erf 210, Gansbaai, Aansoek om Onderverdeling, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete. The objector notes that the above applications confirm that the municipality has at all times been aware of the illegal mining, but to date has taken no steps to stop such unlawful activities. The Respondent notes that the above 2017 application was withdrawn, and that the above 2021 application is currently being processed by the Overstrand Municipality. Furthermore, the Respondent,	• **B3.1** The 2017 application that was withdrawn was not a municipal application. Being the owner of Ef 210, Gansbaai a power of attorney was granted to WRAP to submit the application. Wrap however was not appointed by the municipality.

nie.	as in Response A5.3 (ii), notes the following insofar the current 2021 application by WRAP Office Project: "While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current application as per Response A5.1(iv) seeks to achieve land use authorisation for the Extended Mining Right Area."	
B3.2 *2021 - Munisipale Kennisqewing Nr 124/2021 Restant van Erf 210, Gansbaai, Aansoek om Onderverdelinq, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete. Ook in hierdie geval het Mnre WRAP Office Project hierdie Aansoek behartig namens die Overstrand Munisipaliteit, dws op die koste van die Munisipaliteit en tot nadeel van die algemene publiek aangesien dit Meentgrond is. Ter motivering van die aansoek word dan die volgende stallings gemaak:*		• **B3.2** 2021 – Wrap was not appointed by the Municipality but by the mining company. The claim that it would be to the disadvantage of the general public is unfounded. This MPT granted approval on 13 October 2022, thereby legalising mining on Erf 210, having had regard to the relevant history of mining. The objectors did not appeal, nor was the decision taken on legal review. The current land use application deals with the proposed expansion of the mining area.

B3.2.1 *The rationale for the rezoning application is that the current zoning (Undetermined) does not allow for the current mining operation to operate legally" en* *"The proposed rezoning will rectify this, allowing the mining operation to continue with all the rights in place" en* *"The subdivision of the remainder of Erf 210 Gansbaai to isolate the mining area is an attempt to rectify the current illegal land use on the property" en* *"This rezoning and consent use application will allow the proposed land use and ensure Sizisa CC are not operating the sand mine illegally".* *Uit die voorafgaande is dit dus duidelik dat die Munisipaliteit te alle tye bewus was van die onwettige mynaktiwiteite en tot datum hoegenaamd geen stappe gedoen het om sodanige onwettige aktiwiteite te staak of te laat staak nie.*		
B3.3 *"Compensation Agreement":* ***B3.3.1*** *In die Agenda vir die Burgemeesterskomitee vergadering op 24 November 2021 word die volgende stalling gemaak:* *"...a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately*	**B3.3** Compensation Agreement As per Response A7, the issues concerning the Compensation Agreement by the Objector in Sections B3.3.1 – B3.3.6 should be raised with the relevant departments of the Overstrand Municipality, as the compensation agreement or any tenure agreement falls outside of the brief of	• **B3.3** Compensation Agreement Following internal investigation resulting in an opinion by the municipalities legal counsel, it became clear that a compensation agreement was the only solution. Mining currently occurs in accordance with a compensation agreement. The matter of compensation

it received a mining right for. Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use." *B3.3.2 Daar is reeds in klousule 1 hierbo daarna verwys dat dit uitdruklik in die onderhawige aansoek gestel wod dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 reeds sedert 2005 bedryf - dus volg dit dat die mynaktiwiteite bedryf word sedert 2005 tot 2016 sander om enige vergoeding aan die Mun te betaal.* ***B3.3.3** Dit is ook direk in stryd met die Munisipaliteit se stalling gedurende die 2017 Aansoek om die Siteplan te wysig dat daar 'n Huurkontrak met die applikant gesluit was ten opsigte van die Meentgrond.* ***B3.3.4** Dit is verder ook direk in stryd met die persverklaring van die Munisipaliteit hierbo na verwys.* ***B3.3.5** In die Agenda vir die spesiale Burgemeesterskomitee vergadering op 10 Januarie 2022 en wel op bl 149 daarvan word die beweerde inkomste ontvang vir die vorige 3 jaar, dws 2019, 2020 en 2021 verklaar. Soos hierbo na verwys, het die Munisipaliteit reeds op 6 Mei 2015 die*	Messrs Setplan, the compiler of this application.	is however a separate matter and does not have a bearing on the desirability of the land use application.

eerste compensation agreement aangegaan - dit is in die publiek se belang om die hele hale somtotaal vir die hele tydperk te openbaar. Aangesien dit Meentgrond is, is die Munisipaliteit verplig om sodanige inkomste vir 'n spesifieke doel aan te wend en nie vir die Munisipaliteit se normale lopende uitgawes nie, welke geverifieer kan word met die Munisipaliteit se finansiele state vir die ooreenstemmende tydperk. ***B3.3.6*** *Dit is ook uiters kommerwekkend dat die Munisipaliteit tot hede hoegenaamd geen kontrole uitgeoefen het .oor die hoeveelheid sand en gruis wat gemyn word nie - daar word bloat gesteun op die hoeveelhede soos deur die applikant voorsien.*		
B3.4 *Ondersoek* *Gedurende November 2021 het die Uitvoerende Burgemeester, Dr A Rabie, verklaar dat daar 'n formele ondersoek na die onwettige mynaktiwiteite gedoen meet word en soos bevestig in die pers. Tot datum is die vordering en/of uitslag daarvan nog nie bekend nie.*	**B3.4** Mayoral Investigation The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this Application.	• **B3.4** Mayoral Investigation The MPT granted approval on 13 October 2022, thereby legalising mining on Erf 210, Gansbaai. The objectors were notified of the outcome and shown on their right of appeal. None of the objectors submitted an appeal. The investigation has no relevance to the consideration of the current planning application, which is to be considered based on the merit of the application and having had regard to due process being followed.

B4 Slotsom ***B4.1*** *Uit die voorafgaande is dit derhalwe duidelik dat sedert 2005 tot hede hierdie mynaktiwiteite onwettig was, en steeds is - selfs op Erf 335.* ***B4.2*** *Die voorstel soos vervat in die destydse persverklaring, word hiermee ondersteun, n.l dat die Munisipaliteit as grondeienaar van die Meentgrond die ontginningsregte bekom en 'n kontrakteur by wyse van openbare tender bekom. Sedert die persverklaring hierbo na verwys, was die Munisipaliteit oor hierdie hele tydperk in versuim om byv die nodige Compliance Order op die applikant te dien en/of sodanige stappe te neem as wat nodig is om die applikant te verplig om hul onwettige mynaktiwiteite te staak. Wat hier van belang is, is die sanksies soos vervat in arts 84(1) en (2) van die Ordonnansie en in terme waarvan 'n boete of gevangenisstraf van nie meer as 20 jaar nie ingestel kan word. Hierdie sanksies is van toepassing nie net alleen op die applikant nie, maar ook beide grondeienaars van Erf 335 en Erf 210.*	**B4 Conclusion** **B4.1 and B4.2** Illegal Mining and Municipal Rectification of Contraventions: While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current application as per Response A5.1(iv) seeks to achieve land use authorisation for the Extended Mining Right Area.	• **B4.1** Current mining activity occurs in accordance with a land use approval as well as approval in terms of the MPRDA. • **B4.2** The unauthorised mining activity was addressed an resulted in the 2022 MPT decision to legalise mining activity.
B4.3 *Gevolglik word hiermee formeel beswaar aangeteken teen die onderhawige aansoek en terselfdertyd hiermee aangedring dat die Munisipaliteit*	**B4.3** While it is not the applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and	• **B4.3** Refer to comment under B4.1 above regarding the status of the current mining activity. Further, the current application is to be considered

die nodige stappe neem om toe te sien dat aile aansoeke, mynaktiwiteite, ens onmiddellik gestaak word tot tyd en wyl die ondersoek soos deur die Burgemeester in November 2021 aangekondig, afgehandel is.	that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."	upon merit.

• **F HULME stated the following:**		
C1. *Insake twee agtereenvolgende Aansoeke Erf 210 Gansbaai Meentgrond* *1. Munislpale Kennisgewing 124/2021* *2. Munisipa1e Kennlsgewing 28/2022* *As Vervoerkontrakteur Sakeman belastingbetaler en deel van die gemeenskap van Gansbaai vir die afgelope 40jaar lewer ek weereens my kommentaar belange en besware betrekking qp beide aansoeke soos hierbo verrneld soos volg:*	**C1**. It is noted that the objector addresses both Municipal Notice 124/2021 and Municipal Notice 26/2022. Given the comment/objection to Municipal Notice 124/2021 having been made in the Objector's letter dated 20 September 2021, this Response is restricted to the objection to Municipal Notice 26/2022 as put forward in the objector's letter of 19 April 2022.	• **C1**. The application being considered relates to Municipal Notice 26/2022, which application for the proposed extension of the mining area is aligned to the approved mine right extension area. Municipal Notice 124/2021 is not relevant to the current application as the application has already been finalised.
C2. *Kennisgewing 124/2021 is my voile belange en besware asook kommentaar aan die betrokke munisipale amptenare gestuur asook duidelik uiteengesit. Twee weke voor die verkiesing op 01 November 2021 was ek ook in 'n vergadering met die Burgermeester {toe) en die kwessie aangespreek dat die aansoek onwettig onwettig verklaar word en dat daar nie mee voortgegaan kan word nie. Vanaf 2007 sien koerantberig hierby aangeheg is ek besig met die Overstrand Munisipaliteit oor die voorsiening van sand en is in 'n spesifieke vergadering met die Area bestuurder asook twee Iede van Sizisa Ukhanyo 410 CC {Tans vanaf2019) besluit dat dit in die beste belang van almal in*	**C2.** Municipal Notice 124/2021 does not apply to the application at hand. Also refer to Response C5.	• **C2.** The applicant's comment is noted and agreed with. The application followed due process as legally prescribed. The objector did not appeal the outcome, nor was the decision taken on legal review.

die gemeenskap is om die grond op tender uit te sit wat die regte stap is en almal teenwoordig het ooreengestem. Intussen het Mynaktiwiteite op Erf 335 voortgegaan om gravel en sand te Myn met 'n permit op 1.5hektaar. Kaarte aangeheg by kennisgewing verwys erf 335 en gedeelte,van 210 duidelik reeds onwettig op die area gemyn word. Om te bepaal hoeveel sand oor jare onwettig daar uitgeruil is kan net met ·n grond oudit bepaal word. ·		
***C3**. Die oomblik wat daar 'n Media berig van twee bladsye in die Gansbaai Courant geplaas is het die nuutverkose Burgermeester vure begin doodslaan en aanbeveel dat daar 'n ondersoek ingestel sal word en alles gestaak word. In 'n baie kort tyd is 'n aangepaste kaart (Hierby aangeheg) 'n afmeting van 'n ekstra 28 hektaar aangrensend Strandfontyn 712 bygevoeg. Nog meer vrae het ontstaan toe die Kennisgewing 2 28/2022 vir Aansoek in die Gansberg Koerant verskyn. In hierdie Aansoek is my belange en besware duidelik nie in ag geneem nie en word net melding gemaak van Sipho Investments (Dallas Myn} waar Sizisa Ukhanyo 410CC onlangs self sand gelaai het toe daar nie op die Meent gelaai kon*	**C3.** The Objector notes that his interests and objections to Municipal Notice 124/2021 have clearly not been taken into account in the compilation of this Application as advertised in Municipal Notice 26/2022, such raising more questions regarding mining on the commonage.	• **C3.** The applicant confuses the various applications and public participation processes followed in terms of the MPRDA and municipal By-law. The application advertised under Municipal Notice 124/2021 dealt with the unauthorised mining on Erf 210, Gansbaai and was approved by the MPT on 13 October 2022. This approval aligns with the approved mine right / mine permit. Following the aforesaid municipal notice public participation occurred in terms of the MRPDA relating to an application for extension of the mine right in terms of the MPRDA. Following approval of the mine right extension area by the DMRE the

word nie .		application advertised under municipal notice 26/2022 had been submitted, which application deals with the municipal land use approval for the proposed extension of the approved mining area.
C4. *Dit gaan my verstand te bowe dat mense hulself wil verryk in Meentgrond wat as bate van die gemeenskap beskou word (Sien Die Witskrif en grondbeleid}*	**C4.** A traditional municipal commonage as opposed to a newly acquired commonage, together with the Application noting of the characteristics of Municipal Commonage expressed by "Megan Anderson and Kobus Pienaar, 2003" in the Applicant's opinion could be potentially misleading to the reader, as the noting of such characteristics by the Applicant served the following purpose in the absence of a Gansbaai Municipality: Commonage Plan: (i) Providing a background to the "Gansbaai Commonage" and Erf 210. (ii) Demonstrating the land deductions (i.e. Commonage Deductions) from 1938 (commonage establishment) and 2020, such amounting to a total of 220.4986ha. (iii) Putting forward the characteristics and requirements	• **C4.** The mine permit in terms of the MRPDA was issued by the National Department of Minerals and Energy who is the custodian of mineral rights. Thus the applicant if not satisfied should have appealed the decision or taken it upon legal review. In the 2021 application the Surveyor General also confirmed that the remainder of Erf 210, Gansbaai is not shown as public place in their records. Therefore, closure of a public place is not required.

	of municipal commonage as put forward by "Megan Anderson and Kobus Pienaar" with the Applicant drawing informants therefrom for Gansbaai Commonage and the proposed sand and gravel mining. Putting forward the current performance of the "Gansbaai Commonage" as per the following extract from Section 2.3.3 of the Application Motivation Report: "The current performance of the "Gansbaai Commonage" insofar the above-mentioned characteristics raised by the Programme for Land and Agrarian Studies, as well as other commonage requirements, is summarized as follows: (i) A significant deduction of the extent of the commonage between 1938 and the current day, including transference of land portions to private owners for a multitude of uses, albeit such uses being in support of the local and regional economy. (ii) The "commonage" not being reserved as "public place" in the Municipal Land Use Scheme	

	(2020) and having an "undetermined" zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937) (iii) No tangible record of "public place" closure when commonage land has been deducted, rezoned or subdivided. (iv) The lack of a Municipal "Commonage Management Plan" being in place, resulting in past commonage use practices in several instances negating the function and purpose of a "municipal commonage" Additionally, the Surveyor General's Office Western Cape correspondence of May 2021 included as Appendix 10 in the Application's Appendices and Annexures Report stated that the event of the proposed mining, "a closure would be necessary if the land parcel is confirmed	

	as public place", such not being so in the case of the Gansbaai Commonage.	
C5. *Die Munisipaliteit as eienaar kan self Ontginningsregte bekom en daarna die dienste van 'n kontrakteur op 'n basis van vrye·mededinging {Openbare Tender Proses) te plaas. Maar met die bestudering van die Nuwe aansoek blyk dit dat Hoof van Stadsbeplanning wel insae het en bewus is van die hele proses. Volgens 'n afskrif van 'n power of attorney vir Mynreg in my besit verwys na gedeelte 15 van Erf 335 en 210 met Registrasie nommer wat ek vreemd vind.*	**C5.** Past mining applications on Portions of Erf 210 have raised public and 'other sand supplier" concerns re access to the sand/gravel resources on Rem Erf 210 (commonage) and "unfair" mining sector practice, as reflected in the Press Release, with the application Motivation Report 1647/R1 dated October 2021 noting the following principles underpinning existing and future mining, involving mining by individuals, companies, community groups or authorities (e.g. municipality): • Access to minerals; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "natural person" or "legal persona" has the right to make application to the DMR to mine these minerals, including the municipality, any community group, building supplier, etc. Subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, being awarded such Right	• **C5.** Mining is not a municipal competency in terms of Schedule 4B and 5B of the constitution. The process to be followed is to submit an application for a mine right / mine permit in terms of the MRPDA, which the applicant did. The municipality being the landowner had to provide a power of attorney to the applicant to submit a planning application in terms of the Overstrand Municipal Land Use Planning By-law and is not involved in mining activity itself. It had also been clarified by legal counsel that mining cannot be put out on tender, hence the compensation agreement approved by council.

	• Trading in minerals: sand and gravel are traded on the "open-market" in South Africa. Accordingly, any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act. • Minerals are place-bound: including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups.	
C6. *Aangehegte fotos by die aansoek wat geneem is in die Somer geneem en vind ek misleidend aang sien dit in die wintermaande 'n reuse verskil maak. Water dam op in groot damme wat 'n gevaar inhou en met die huidige klimaatsverandering kan vererger. Bo-grond spoel weg wat gronderosie veroorsaak en die hele plantegroei vemietig. Cape Nature se verslag kan hierby aansluit want gedeelte van die grond is vleiland (Wet Land) wat groot rede tot kommer ook vir Cape Nature is. (Verwys Cape Nature se verslag).*	**C6.** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 Application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats, non-perennial streams and two alluvial fans. Similarly, groundwater investigations by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine	• **C6.** Applicants comment is noted and agreed with.

	groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissible mining was determined, with the mine plan and post-mining SDP excluding any Surface Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial waste "management protocol", as well as through stormwater management, especially insofar standing water.	
C7. *Ek weet nie hoe die Munisipaliteit hierdie proses kan ondersteun nie, die Burgermeester 'n ondersoek aangevra het op Kennisgewing 124/2021 wat deel is van Kennisgewing 28/2022 se aansoek nie.*	**C7.** The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this application.	• **C7.** Contrary to the objector's belief the applicant is in possession of the required land use approval as well as a mine right and permit. Furthermore, the application under consideration is aligned to a further mine right extension area being granted by the competent authority in terms of the MPRDA. It must also be pointed out

		that the Executive Mayor, being the Appeal Authority needs to remain impartial and cannot be involved in the planning application process. Objectors are afforded a right of appeal which has not been taken up, whilst the MPT (land use) and Council's decisions (compensation agreement) was not taken on legal review.
C8. *Hoop daar sal ernstig aan die proses aandag gegee word wat ek nie kan sien voortgaan nie en my teenstand in hierdie verband emstig opneem sal word nie net in my eie belang nie maar in die belang van ons hele gemeenskap in Gansbaai wat helfte indien nie meer werkloos is en sukkel om 'n bestaan te maak.*	**C8.** While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both	**C8.** The objectors' comment and the applicant's response is noted.

	applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."	

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See Paragraph 7 above.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice
The proposal will not further perpetuate apartheid spatial imbalances. Mining activity supports the construction industry in Gansbaai and Overstrand as a whole, thereby contributing to employment opportunities, job creation, the local economy etc.

Spatial Sustainability
Mining operations are considered spatially sustainable as it occurs in accordance with an integrate Mine Right / Environmental Authorisation in line with an approved Environmental Management Plan to ensure it is not to the detriment of the environment nor will it impact sensitive agricultural land.

Efficiency
The property is ideally situated being about 1,4km from Gansbaai allowing easy access for trucks to the surrounding road network, making transportation convenient with easy access to markets.

Spatial Resilience
The development is compliant with the SDF and PSDF that is underpinned by the principles of spatial resilience to accommodate economic and environmental shocks in a timely and efficient manner.

Good Administration

The application followed the required planning procedures, and a good public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

Consistent with the Spatial Development Framework.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

No municipal services required.

10.7 Outcomes of investigations/applications i.t.o other legislation

The planning application aligns with the mine right approved in terms of the Mineral and Petroleum Resources Development Act, 2022 (MPRDA), attached as per Annexure D.

The mine right granted followed an integrated process in terms of the MPRDA and NEMA, thus a separate Environmental Authorisation is not required.

Heritage Western Cape confirmed that the application does not impact upon heritage resources and no further action under Section 38 of the National Heritage Resources Act is required.

10.8 Existing and proposed zoning comparisons and considerations

The subject property is zoned Undetermined Zone and does not accommodate primary, or consent uses, save for lawful uses at the promulgation of the zoning scheme. The application seeks to obtain land use approval in terms of the Overstrand Municipal Land Use Planning By-Law, thereby aligning with the approved mine right extension area.

The property is situated within the HPOZ and the application was referred to OHAC for comment that required the applicant to submit a NID to Heritage Western Cape. Following receipt of the NID the department confirmed that there is no impact on heritage resources.

The property is also situated within the EMOZ. The application was circulated to Environmental Management Services who did not object based on the EMOZ.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The land use application seeks to obtain land use approval aligned to the approved mine right extension area.

PROPOSED SUBDIVISION, REZONING AND CONSENT USE (MINING)

The Gansbaai commonage has a history of mining activity dating back to the early 1970's according arial photography. The surrounding area is characterised by mining activities, natural vegetation, a mountain, and waste disposal site.

The proposed subdivision of the Gansbaai commonage will not adversely impact the character of the surrounding area or impact upon vested rights of properties in the vicinity as it will remain in municipal ownership. No municipal services are required whilst access to the property exist and is supported by the Department of Transport.

The proposed rezoning and consent use is aligned with the approved mine right extension area. The emergency aircraft landing area has been excluded from the application area resulting in a reduced mining footprint of 20.7291ha. Mining will take place in accordance with an approved EMP and is not considered to detract from the character of the area or vested rights of surrounding properties.

The property is situated within the HPOZ Landscape Significance, the purpose of which is to protect the character and sense of place and its economic base. Mining had been operational in the area since the 1970's, thus it is not believed to have an adverse impact upon the HPOZ. The application was circulated to Overstrand Local Heritage as well as Heritage Western Cape for comment. Local Heritage did not object. Heritage Western Cape confirmed they have no further requirements in terms of Section 38 of the NHRA. The development is therefore not considered to detract from the purposes of the HPOZ.

The property is also situated within the Urban Conservation Category C EMOZ. Mining rights were obtained prior to the promulgation of the EMOZ as part of the Overstrand Land Use Scheme in 2020. Environmental Management Services did not raise any objection based on the purpose of the EMOZ.

The opinion is held that the development is desirable since the expansion of the sand mine will ensure availability of building sand / gravel aggregate in support of the local building / construction industry in and around Gansbaai and the local economy of Overstrand. Various specialist studies (i.e. Botanical, Heritage, Ground Water, Geology etc.) as part of the Scoping Report that was subject to public participation prior to the approval of the mine right extension area. Mining to occur according to an approved EMP that provides for mitigation measures, monitoring and rehabilitation. The opinion is therefore held that the development subject to compliance with the mine right conditions and EMP is not to the detriment of the natural environment.

A Conveyancers Certificate was submitted together with an amended Site Development Plan, confirming that the title deed does not contain any restrictive conditions that prohibit the application on the basis of the amended SDP.

The objectors did not put forward substantiated objections demonstrating the undesirability of the proposed mining extension area in terms of municipal land use. The objections relate to the history of unauthorised mining on Erf 210, Gansbaai, the use of the commonage, the matter of compensation on the stance that a municipal tender for mining is required, which has no relevance to the desirability of the planning application. Furthermore, it should be borne in mind that the custodian of mineral rights is the state, whilst the MPRDA is the tool to acquire the necessary mining authorisation from the state. Public participation in terms of the aforesaid should not be confused with the public participation requirements in terms of the municipal land use application, which is legislated in terms of the Municipal By-Law, read together with the Municipal Systems Act, 2000.

The mining history and local newspaper articles referred to is also not relevant. A stop notice had been issued to the applicant in 2012 which resulted in an investigation regarding the way forward for mining on Erf 210 and an external legal opinion, which formed the basis of the compensation agreement between the municipality and the applicant. The objectors, if not satisfied should have taken the Council decision upon legal review.

The EMP is monitored by the Department of Mineral Resources (DMR). Thus, the opinion is held that the socio-economic benefits of mining currently taking place (i.e. provision of construction material to the building industry, associated employment opportunities (direct and indirect) supports the local economy of the Gansbaai area and beyond and is not detrimental to the safety and wellbeing of the public at large. Thus, from a planning point of view, the proposal is considered desirable subject to compliance with the conditions of approval, including but not limited to the mine right and EMP.

The PSDF amongst others highlights that mineral resources are non-renewable assets that are important underpinnings of the Western Cape economy. The applicant demonstrated that the property is situated providing easy access to markets, whilst the approved EMP ensures that the natural environment is not unacceptably impacted upon.

The application is consistent with the SDF as mining contributes to the local economy and not considered to detract from the natural environment subject to compliance with the EMP. DEA&DP confirmed that the application does not trigger listed activities in terms of NEMA, whilst the proposal is supported by CapeNature, as mining occurs in accordance with the mine right and approved EMP and subject to the conditions of the 2021 Environmental Authorisation.

No objections were received from government departments against the application.

Conclusion

The applicant is in possession of a valid mine right and an approved EMP. The mining area is strategically located, with convenient access to markets in support of the construction industry in Gansbaai and beyond, thereby supporting the local economy, employment (direct and indirect) that also have a positive socio-economic impact. The objector failed to demonstrate that the application is not in the public interest.

Strategic policies with regard to mining seek to minimise negative impacts on ecosystems, whilst also promoting efficient use of resources, whilst avoiding adverse impacts on the core urban area. The application is considered desirable.

13. RECOMMENDATION

1. that that the objections be noted;

2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **subdivision** of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximately 7.3801ha and Remainder approximately 714.3413ha, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(a) of the By-Law for **rezoning** of Portion A from Undetermined Zone to Agricultural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application in terms of Section 16(2)(o) of the By-Law for **consent use** (mining) applicable to Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law

5. that the application in terms of Section 16(2)(b) of the By-Law for **departure** applicable to Portion A along the northern bounary of the mining right area to accommodate excavations; **be approved** in terms of the provisions of Section 61 of the By-Law;

6. that the application in terms of Section 16(2)(g) of the By-Law for the approval of a post mining Site Development Plan, **be approved** in terms of the provisions of Section 61 of the By-Law;

7. that the recommendations in paragraphs 2. to 6. above be subject to the following conditions:

   (a) that mining on the subject property be subject to a valid mine right;

   (b) that the provisions of the Environmental Management Plan at all times be complied with;

   (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

   (d) that mining be restricted to the area of 20,7291ha and coordinates indicated on *Diagrams 1* and *2* as submitted with the application (attached as Annexure C);

   (e) that rehabilitation of the mining area be conducted in accordance wih the EMP to the satisfaction of the Overstrand Municpality;

   (f) that all the conditions in the Services Report, District Health and Environmental Services (attached as Annexure H-J), be complied with;

(g) that this approval does not absolve the applicant from compliance with any other applicable legislation

(h) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

8. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- The application followed due process.
- The proposal is consistent with the SDF.
- The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- The proposal is supported by relevant government departments.
- The applicant is in possession of the required mine right approval in terms of the MPRDA.
- The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Approved Mining Right
Annexure E:	Objections received
Annexure F:	Applicant's comment on objection
Annexure G:	MPT Resolution dated 13 October 2022
Annexure H:	Comment: Health
Annexure I:	Services Report
Annexure J:	Comment: Environmental Section
Annexure K:	Addendum to Motivation Report

SIGNATURE

REGISTERED PLANNER

Name: **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____

ANNEXURE A

GANSBAAI : LOCATION MAP

○ The Site

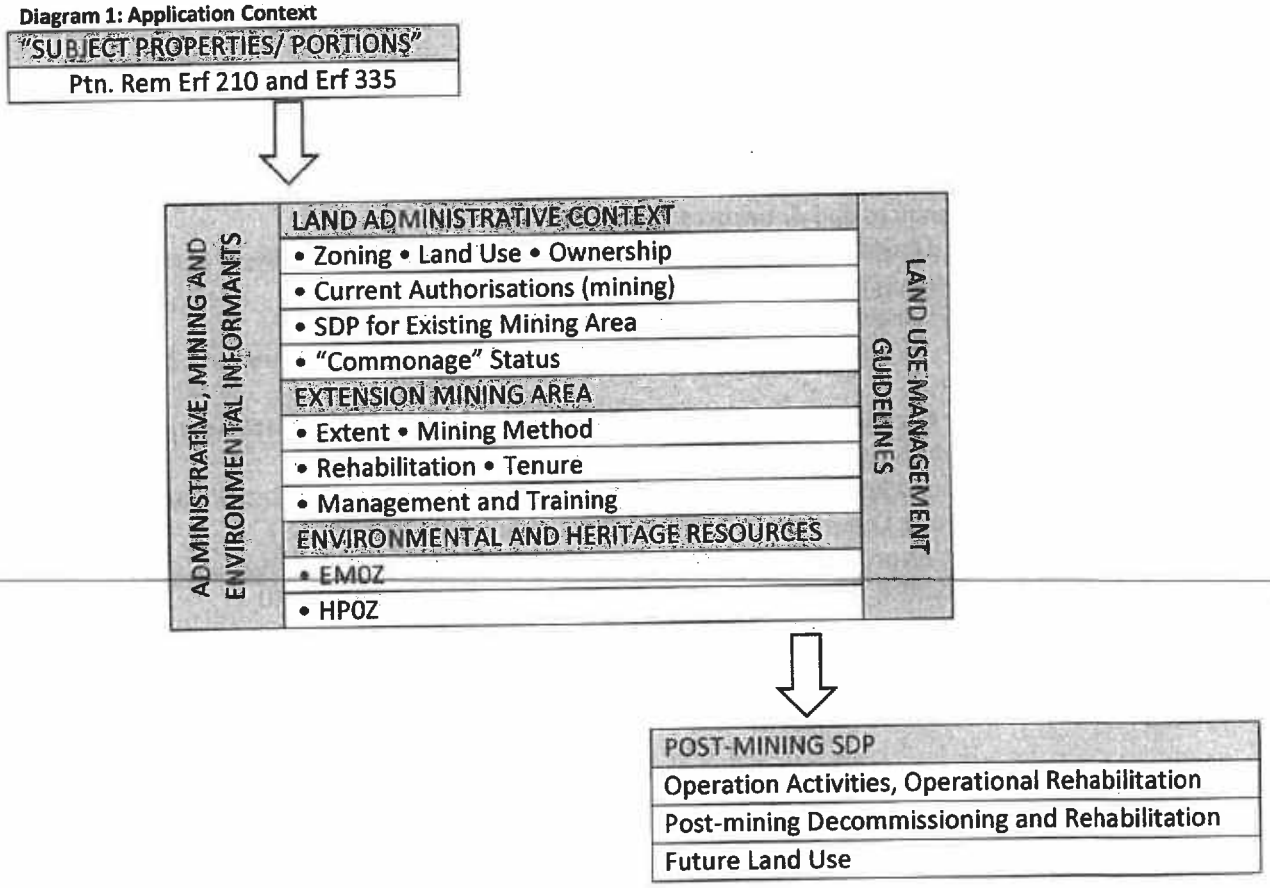
1. INTRODUCTION

1.1. Purpose of this Report

The purpose of this application has as its objective the putting in place of a Post-Mining Site Development Plan/ SDP to manage operational and post-mining rehabilitation of the recently approved Mining Right Extension on a portion of the Remaining Extent of Erf 210 Gansbaai. Figure 1 illustrates the Erf 210 boundary, Erf 335 and the existing approved Mining Right Area, as well as the existing approved Mining Permit Area incorporated into the Mining Right extension and the proposed Extension Area. The "subject portion", that is Rem Erf 210 located abutting the north-east boundary of Rem Erf 210, some 1.5km north-east of the Gansbaai and Masakhane urban areas, and accessed by a gravel road from the south.

Furthermore such mining objective will seek a rationalisation and restructuring of the current land use management (i.e. "undetermined" land use/ zoning) insofar mining within the aforementioned cadastral context through alignment with the current Land Administrative Context, the recent Mining Right Extension and EIA approval, the Municipal Spatial Development Framework and Environmental Management Framework (EMF), notably the Environmental Management Overlay Zones (i.e. HPOZ and EMOZ), together with other land use planning and management informants (e.g. LED) (refer Diagram 1).

Diagram 1: Application Context



1.2. Demand for Construction Sand and Gravel

Siziko Ukanyo Trading 140 CC have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since 2005, with the previous owner having licenced the mine in 2000, noting that aerial photography of the area indicates mines operative in 1986, albeit illegally. Such continuous operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand, the built product of which is reflected in the significant scale of urban development growth in the Overstrand during the same period. It is noted also that the sand and gravel mine required expansion to meet such materials demand, in 2000 including a

gravel mining permit for 1.4ha and the 7.38ha Mining Right for sand mining on Rem Erf 210, with the current application given that both the existing mining areas and reserves of sand and gravel have been depleted by over eighty (80) percent.

Overstrand, as recognised in and promoted through its forward vision and planning, needs to maintain, refurbish and continue to grow its development, with eco-and marine tourism and education, medical services and retirement underpinning it as a regional, national and international sought-after destination and investment. Critical to maintaining and growing its economy is "*construction sand and gravel availability*", fundamental inputs to any development, its maintenance and refurbishment, irrespective of building technology and material type, with accommodation, road, harbour and services infrastructure development essential to Overstrand's on-going development and investment attraction.

The depletion of material reserves at the current mining area and a growing demand for sand and gravel in the general construction industry and for road building and upgrading prompted the consideration of expanding the existing construction sand/ gravel mining venture on Rem Erf 210 Gansbaai or the securing of such material from other sites. While the most suitable source of material would be through an extension of the existing excavation, assumed restrictions (e.g. subsurface water flow) resulted in the following alternative sites being explored, including the north-west coastal belt, the southern coastal belt, inland sands and Danger Point. While presenting quality material in certain instances, such sites also comprised inherent environmental or nuisance constraints to surrounding communities and environs. Accordingly, the pursuance of extension of the existing sand excavation, including the gravel excavation extension, given that the existing mine is ideally placed to continue to support the Overstrand development initiative given the following:

- The mine being established, with an existing and mitigated footprint disturbance of its logistical facility (i.e. Erf 335) accommodating its workshop, mine office, loading and dispatch area, together with its access road;
- Having significant reserves of construction sand and gravel; and
- Being located relatively central and in close proximity to its Overstrand customers.

Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites, given the following:

- Uninterrupted and continued supply of sand and gravel to the wider Overstrand and Overberg construction industry (both having growing construction sectors) at a competitive price given the proximity of Gansbaai customers.
- Continued employment of existing staff and benefits to the labour sending community in terms of the mine's Social and Labour Plan which contributes financially to municipal IDP identified community-based properties.
- A shorter delivery route due to its location relative to consumers, offering a road maintenance cost saving and increased public road user safety insofar heavy truck movement.
- Reserves of construction sand (543648m^3; tight) and gravel (29724m^3; tight) supported by an existing logistical facility and access.

1.3. Application

The land use authorisation application is lodged by Settlement Planning Services (Western Cape) trading as Setplan (Reg. No. CK2004/012906/23) on behalf of Dynavest Thirteen (Pty) Ltd (Reg. No 19990/692607), owner of Erf 335 Gansbaai and the mining company Sizika Ukhanyo Trading 140 CC, and Overstrand Municipality, owner of Rem Erf 210 Gansbaai. Refer Annexure A for a Company Resolution and Power of Attorney from Dynavest Thirteen (Pty) Ltd and Annexure B for a Power of Attorney from the Overstrand Municipality.

The application, having its purpose the extension of the existing sand and gravel mine onto a portion of the remaining extent of Erf 210 Gansbaai situated in the Overstrand Municipal Area, Registration Division

Caledon, is submitted in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 and includes the following:

(i) Section 16 (2)(d):	Sub-division of a Portion of Rem Erf 210 Gansbaai
(ii) Section 16 (2)(a):	Rezoning of Sub-divided Portion of Rem Erf 210 Gansbaai from Undetermined Zone to Agricultural Zone 1: Agriculture (AGRI)
(iii) Section 16 (2)(o):	Consent Use to Permit Mining in Agricultural Zone 1: Agriculture (AGRI) of the Sub-divided and Rezoned Portion of Rem Erf 210 Gansbaai
(iv) Section 16 (2)(b):	Permanent Departure to Reduce the "Common Building Line" from 30.0m to 9.0m to Permit Mine Excavation along the Northern Boundary of the Mining Right Area (Rem Erf 210 – Farm Strandfontein 712 boundary)
(v) Section 16(2)(g):	A Post-Mining Site Development Plan for the Sub-divided and Rezoned Portion of Rem Erf 210 Gansbaai

A Pre-Application Consultation was scheduled and held on 6 August 2020 at the Overstrand Municipal Offices in Onrusrivier (refer Annexure C for Minutes and Attendance Register).
The Pre-Application Meeting highlighted and confirmed the following:

(i) Zoning of Erf 210 being Undetermined;
(ii) Setplan to clarify Erf 210 portion location relative to GIS mapping of HPOZ
(iii) Setplan to produce a post-mining SDP as a land use management tool
(iv) Setplan to confirm Provincial status of access road
(v) Commonage status to be confirmed as well as title deed restrictions and servitudes over the "subject property". Setplan to submit a Status Report to SG's Office re "closure of public open space".
(vi) Land use application to reference EMP specialist reports and include such in application as annexures
(vii) Parallel application in terms of LUPA (Section 53) to be clarified with DEADP Land Development

The content of this Report, prepared in motivation of the abovementioned applications, also augments the information required in the "*Land Use Management Application Form*". The completed and signed Application Form is attached to the application, with a copy thereof in Annexure D.

This report is supported by the Appendices and Annexures Report (Report 1647/R2 dated October 2021), inclusive of Appendices 1-10 and Annexures A -P.

While this application has as its primary purpose meeting the requirements of the Overstrand Municipality Land Use Scheme (OMLUS) 2020, it will draw heavily on the following:

(i) The Environmental Impact Assessment and Environmental Management Programme Report (Report 2461/MR/EMP dated July 2020) for Gansbaai Sand and Gravel Mine as submitted for Environmental Authorisation in terms of the National Environmental Management Act, 1988 and the National Environmental Management Waste Act, 2008 in respect of Listed Activities that have been triggered by applications in terms of the Mineral and Petroleum Resources Act, 2002 (MPRDA) (as amended). Such application was lodged with the Department of Mineral Resources (File Ref.no. WC30/5/1/2/2(397)MR) and approved, including an Environmental Authorisation approval on 23 February 2021 (refer Annexure E) and the Extension of Mining Right Area being valid for 28 years.
(ii) Authorisations and comment received to date as part of the abovementioned EIA/ EMP process include:
   - Approved Environmental Authorisation (EA) and Extended Mining Right Area letter dated 23 February 2021 (refer Appendix 1)
   - Heritage Western Cape (HWC) letter dated 20 November 2019 (refer Appendix 2)

- DEA&DP: Directorate Development Facilitation letters dated 11 November 2019 and 20 April 2020 (refer Appendix 3)
- Western Cape Department of Agriculture: Land Use Management letter dated 24 December 2019 (refer Appendix 4)
- Overstrand Municipality: Property Administration Section letter dated 9 June 2020 (refer Appendix 5)
- CapeNature: Conservation Intelligence letter dated 19 June 2020 (refer Appendix 6)
- Commission on Restitution of Land Rights letter dated 16 October 2019 (refer Appendix 7)
- Town Planning; Overstrand Municipality email dated 1 October 2020 (refer Appendix 8)
- District Roads Engineer: Paarl email dated 18 May 2021 (refer Appendix 9)
- Surveyor General's Office email dated 14 May 2021 (Refer Appendix 10)

(iii) Other compliances, including:

- SPLUMA Section 52 not being applicable as this land development does not materially impact on national matters, policy objectives or functional areas, neither will it be prejudicial to the economic, health or security interests of one or more provinces or the Republic as a whole, or impede the effective performance of the functions of one or more municipalities or provinces insofar matters within their functional area of legislative competence.
- LUPA Section 53 and the Western Cape Land Use Regulations (2015) Section 10 not being applicable to the proposed mining extension area on portion of Rem Erf 210 given that such portion is zoned for purposes other than agriculture and thus cannot be defined as "agricultural land as per the definition contained in the Regulations. Such having been confirmed at a Pre-Application Meeting held on 15 April 2021, with WCDoA concurring that a **Section 53 application is not required** (refer Annexure L).

The balance of this motivation report is structured as follows:

- Section 2 puts forward the administrative and land use context
- Section 3 identifies the environment affected by the extension mining area
- Section 4 puts forward the mine development and rehabilitation
- Section 5 focusses on impact management and mitigatory measures to address impacts
- Section 6 puts forward the Mine Site Development Plan (SDP)
- Section 7 assesses the desirability of the mining, with specific reference to the following:
  - Consistency with the Municipality's Spatial Development Framework and Zoning Regulations (Development Management Scheme)
  - Economic impact
  - Social impact
  - Capital investment
  - Compatibility with surrounding land uses
  - Impact on existing services
  - Impact on safety, health and well-being of the surrounding community
  - Impact on existing use rights
  - Impact on heritage
  - Impact on the biophysical environment
  - Traffic impacts and related considerations
- Section 8 draws conclusions and makes a recommendation on the application.

Specialist studies and supporting documentation are contained in Annexures to the motivation report, including:

- Annexure G: Botanical Assessment; Fynbos Ecoscapes (March 2020)
- Annexure H: Freshwater Habitat Impact Assessment, Sharples Environmental Services (October 2019)
- Annexure N: Updated Wetland Specialist Study
- Annexure O: Rehabilitation Plan

– Annexure P: Alien Clearing Programme

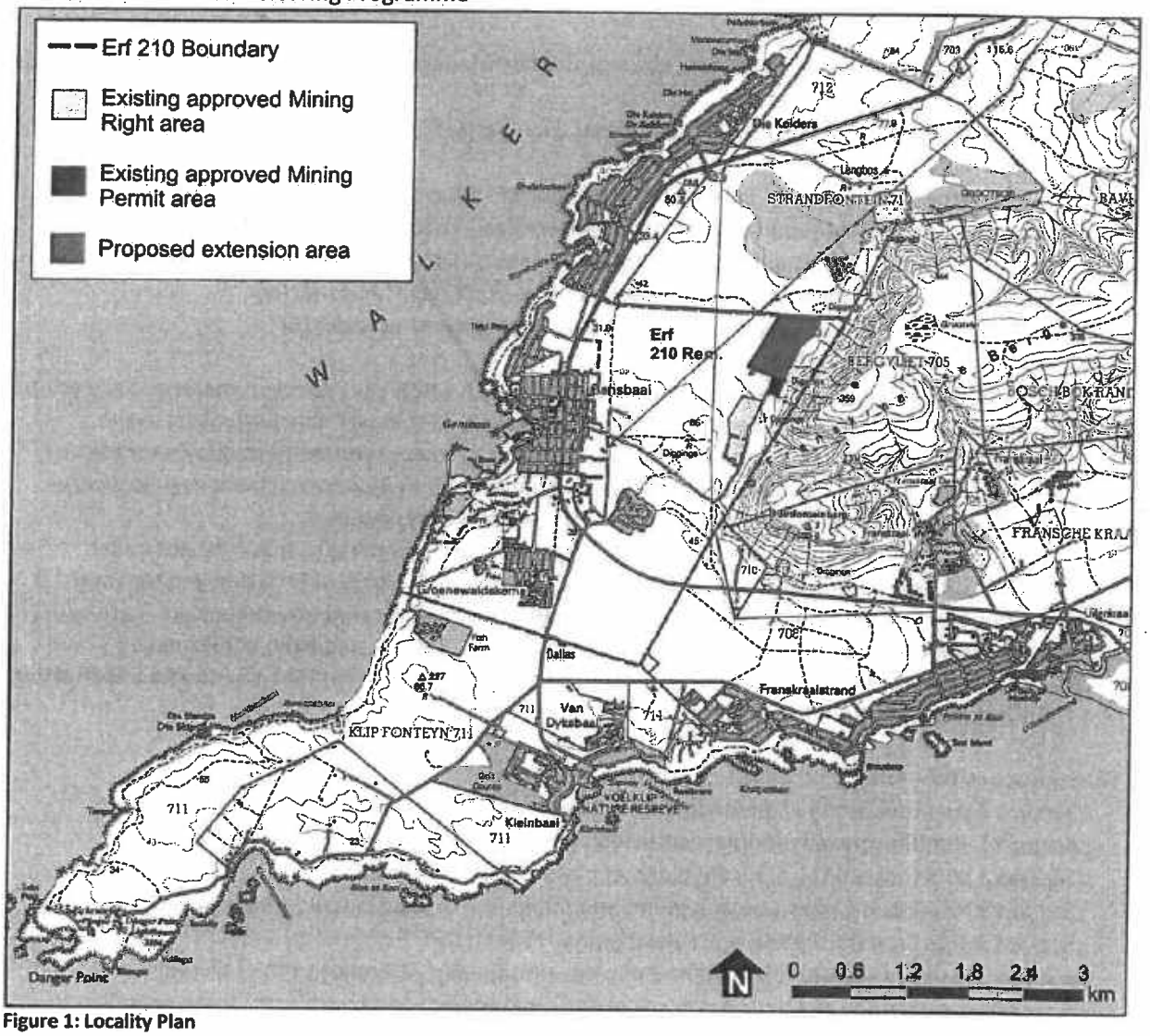


Figure 1: Locality Plan

2. ADMINISTRATIVE AND LAND USE CONTEXT

This section serves to outline the current land use management insofar mining within the "cadastral context" and seeks a rationalization and restructuring of such land use within the current "land administration context" (i.e. Municipal Land Use Scheme, 2020).

2.1. Property Description

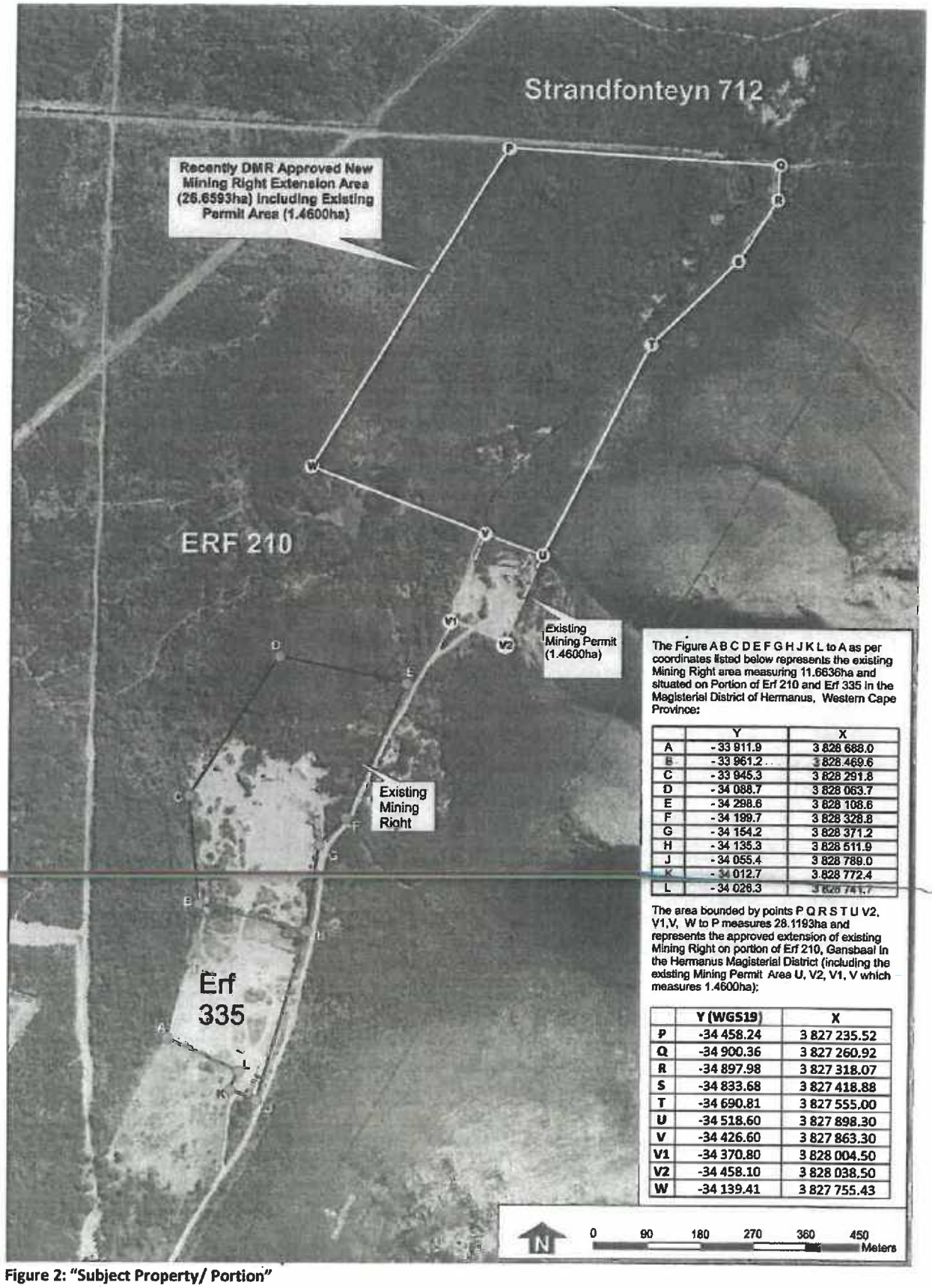
The "subject property/ portion" of this application as depicted in Figure 2 includes:

(i) Remaining Extent of Erf 210 measuring 721.7214ha in extent (refer Diagram 2), with the "subject portion" including:
  – Existing Mining Permit: U, V_2, V_1 and V measuring 1,4600ha
(ii) Proposed "mining extension" P, Q, R, S, T, U, V and W measuring 26,6593ha (excluding the Mining Permit Area) **or** measuring 28,1193ha (including the Mining Permit Area) (i.e. P,Q,R,S,T,U,V2,V1,V,W)

Note: while this application is for the extension of mining as depicted in Figure 2, Erf 335 is referenced given such property, which accommodates the logistical support (e.g. crusher, sand screen, workshop, etc.) for the existing mining, will continue to accommodate such support for the mining of the extension area, its use remaining unaltered.

Diagram 2: Remainder Erf 210 Gansbaai (source: Cape Farm Mapper)





	Y	X
A	- 33 911.9	3 828 688.0
B	- 33 961.2	3 828.469.6
C	- 33 945.3	3 828 291.8
D	- 34 088.7	3 828 063.7
E	- 34 298.6	3 828 108.6
F	- 34 199.7	3 828 328.8
G	- 34 154.2	3 828 371.2
H	- 34 135.3	3 828 511.9
J	- 34 055.4	3 828 789.0
K	- 34 012.7	3 828 772.4
L	- 34 026.3	3 828 741.7

	Y (WGS19)	X
P	-34 458.24	3 827 235.52
Q	-34 900.36	3 827 260.92
R	-34 897.98	3 827 318.07
S	-34 833.68	3 827 418.88
T	-34 690.81	3 827 555.00
U	-34 518.60	3 827 898.30
V	-34 426.60	3 827 863.30
V1	-34 370.80	3 828 004.50
V2	-34 458.10	3 828 038.50
W	-34 139.41	3 827 755.43

Figure 2: "Subject Property/ Portion"

2.2. Property Ownership

2.2.1. Remaining Extent of Erf 210 Gansbaai

Ownership of the "subject property/ portion" within Rem Erf 210 vests in the Overstrand Municipality in terms of Crown Grant No. G160/1938 (Registration date 1938/12/15) and Diagram Deed T13083/1938 (refer Annexure I). It is noted that Erf 335 is owned by Dynavest Thirteen Eiendoms Beperk and that Dynavest Thirteen (Pty) Ltd is an owned subsidiary of Siziko Ukhanyo Trading 140 CC, the current mine owner and operator. (Refer Annexure J)

Insofar Rem Erf 210, the following title deed restrictions and currently registered servitudes are noted.

(i) **Crown Grant No. G160/1938** includes the following restrictions:
"(a)(4): Die hierby toegekende grond of enige gedeelte daarvan, of enige aandeel daarin, mag nie te eniger tyd onderverdeel, verkoop, oorgemaak, geskenk, oorgedra of belemmer word, sonder dat die toestemming van die Minister van Lande eers daartoe verkry is nie"
"(b): Dat geen premanente strukture op hierby toegekende grond apgerig mag word tensy die toestemming van die Minister van Lande eers daartoe verkry is nie"

(ii) **Registered electrical power transmission servitude**, extending 11 meters on each side of the centerline as depicted on SG No. 1061/2010 and SG No. 7941/91 (refer Annexure K). Such servitude and overhead powerline is located well west to the proposed mine extension, with no interference to either the powerline or the proposed mining.

2.2.2. Abutting Cadastral Portions and Ownership

Abutting/ surrounding properties include the following cadastral portions, which together with their ownership, are depicted in Figure 3 and Table 1, also noting the proximity of the Gansbaai (1,5km), Masakhane (0.85km), and Blompark (2,0km), Kleinbaai (3,5km), Franskraal (3,0km) and De Kelders (1,7km) communities.

Table 1: Surrounding Property Ownership

Property Description	Owner
Strandfontein 712	Overstrand Municipality
Berg Vliet 705 Rem	Grootvlei Beleggings cc
Klipshuur 1007 (formerly Bergvliet 705/3 and Farm 709/15)	Klipshuur cc
Suikerbosrand 710	Hendriekus Kotze Familie Trust
Fransche Kraal 708/43	B and VG Chetty
Fransche Kraal 708/9	Overstrand Municipality
Erf 335 Gansbaai	Dynavest Thirteen (Pty) Ltd

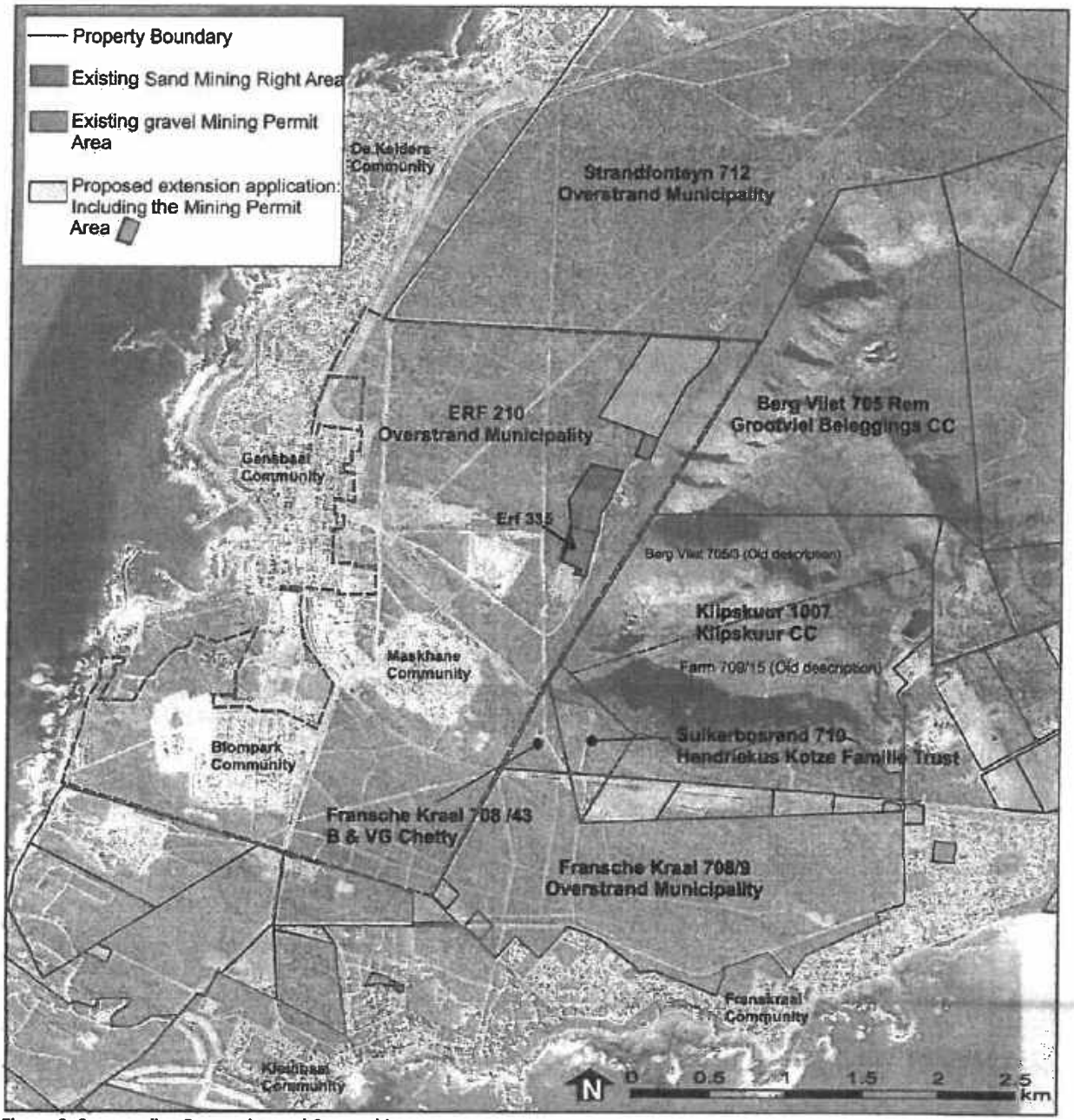


Figure 3: Surrounding Properties and Ownership

2.3. Municipal "Commonage": Rem Erf 210 Gansbaai

The following considerations and informants insofar the Municipal "Commonage" for the proposed mining extension on a portion of Rem Erf 210 Gansbaai.

2.3.1. Background: "Commonage" and Erf 210

As put forward in Crown Grant No. G160/1938, the following two portions of land held by the Government of the Union of South Africa were sold/ transferred at nominal value to the "Gansbaai Plaaslike Bestuur" as per Certificate of Amended Title on Consolidation No. 13083 dated 15 December 1938.

(i) "Gansbaai Commonage" measuring 1099.825 morgen or 942.220ha

(ii) Registered portion at land forming part of the Farm Strandfontein measuring 27.394 morgen or 23.648ha

The attached Diagram for Certificate of Amended Title on Consolidation No. 13083 (15 December 1938) (refer Annexure I) depicts the 1099.825 morgen or 942.2200ha "Gansbaai Commonage". It is noted that such Diagram Title is amended to reference "Gansbaai Commonage" as "Gans Baai 210", later becoming "Erf 210 Gansbaai" on Deduction Plan No. 3890/1937 in Annexure I.

2.3.2. "Commonage" Deductions

The Deduction Plan No. 3890/1937 (Annexure I), the diagram of which (Diagram No. 3890/1938) is annexed to the Certificate of Amended Title on Consolidation No. 13083 dated 15/12/1938, puts forward the extent of Erf 210 Gans Baai (1099.825 morgen) and serves as the record of deductions from such erf.

During the period 1938 to current date, land deductions have taken place to facilitate the urban development of Gansbaai and its municipal services support, required servitudes and leasehold areas as depicted in Crown Grant G160/1938, Diagram Deed 13083/1938 and Deduction Plan No. 3890/1937, with the last recorded deductions as at 2018 (refer Annexure I). The current Windeed (2020) records a total residual extent of 721.7214ha (refer Annexure K), that reflecting a 220.4986ha deduction during the period 1938-2020, noting that Erf 335 was subdivided and deducted in 1951.

On 22 February 2000 the dissolution of the Municipality for the Area of Gansbaai and the putting in place of the Municipality of Overstrand included the Remainder of Erf 210 Gansbaai, Municipality of Overstrand, Caledon Division, Province of the Western Cape, Rem Erf 210 being 785.7476ha. Diagram 2 illustrates the current extent of Rem Erf 210/ "Commonage" as per WCDoA Land Mapper, measuring 755,0709.1ha.

2.3.3. Municipal "Commonage" Informants

The "Programme for Land and Agrarian Studies; PLAAS (Megan Anderson, Kobus Pienaar; 2003)" in its overview of Municipal Commonage highlights the following characteristics and requirements of municipal commonages, several of which are also reflected in the title deed and conditions of the "Gansbaai Commonage", and also being applicable to the proposed sand and gravel mining.

(i) **Definition of commonage:**
"Commonage or common pasture lands are lands adjoining a town or village over which the inhabitants of such town or village either have a servitude of grazing for their stock, and, more rarely, the right to cultivate a certain portion of such lands, or in respect of which the inhabitants have conferred upon them by regulation certain grazing rights (Dönges & Van Winsen; 1953)"

(ii) The Gansbaai Commonage being a ***"traditional municipal commonage"***, as opposed to a new *"newly acquired"* commonage, *"the former referring to land set aside by the state at the establishment of the town, usually granted to the municipality by the state in the 1800's, in ownership and free of charge"*, reflecting the Gansbaai Commonage's origin.

(iii) *"Traditional"* commonages *"being characterized by **stringent legislative and title conditions***", notably those in the Crown Grant No. G160 of 1938 governing the Gansbaai Commonage. Anderson and Pienaar particularly noting that *"the land be for the use and benefit of the public and the municipality could not sell the land, commonages being "set aside" for public use"*.

(iv) **Leasing portion of "Traditional" Commonage** to a tenant *"will require approval of the Premier as such lease would allow the tenant to use land at the exclusion of other members of the public, in other words, privatizing such portion and making it available for commercial purposes rather than commonage or public purposes"*, also noting *"that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality.* Furthermore, Anderson and Pienaar note that *"in the past access to such land (i.e. commonage) was regulated either by way of servitude registered as a title deed condition against a residential site, or by way of a municipal regulation"*. The former "arrangement" is currently being

employed in small-farmer establishment on commonages through a "Notarial Deed of Perpetual Servitude" for such farming being endorsed against the title deed to encumber the farming use.

The **current performance of the "Gansbaai Commonage"** insofar the above mentioned characteristics raised by the Programme for Land and Agrarian Studies, as well as other commonage requirements, is summarized as follows:

(i) A significant **deduction of the extent of the commonage** between 1938 and the current day, including transference of land portions to private owners for a multitude of uses, albeit such uses being in support of the local and regional economy.

(ii) The **"commonage" not being reserved as *"public place"*** in the Municipal Land Use Scheme (2020) and having an *"undetermined"* zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937))

(iii) **No tangible record of *"public place"* closure** when commonage land has been deducted, rezoned or subdivided.

(iv) The lack of a **Municipal "Commonage Management Plan"** being in place, resulting in past commonage use practices in several instances negating the function and purpose of a "municipal commonage"

Correspondence with the Surveyor General's Office, Western Cape dated 14 May 2021 (refer Appendix 10) solicited the following response to questions posed:

(i) Insofar subdivision versus a Notarial Deed of Perpetual Servitude to facilitate the rezoning/ future use of the mining portion on the "commonage": *"This office cannot advise on the merits of subdivision versus leases/ servitudes"*

(ii) Insofar a requirement re *"closure of a public space"* given no land ownership change, an Undetermined zoning and the proposed mining use not being permanent (+-28 years): *"Yes a closure would be necessary if the land parcel is confirmed as public place"*

(iii) Current status of the "commonage" given deductions and multiple use: *"A request for a status report will incur a cost of R270.00 and must be accompanied by a plan indicating the portion to be closed."*

2.4. Zoning

Zoning of the "subject property/ portion" and abutting properties, as sourced from the Overstrand Municipality Land Use Scheme (2020): De Kelders-Gansbaai sheet and confirmed by the Overstrand Municipality: Town and Spatial Planning Department email dated 1 October 2020 (refer Appendix 8) is reflected in Figure 4: Zoning, with the following qualification:

(i) Rem Erf 210; **Undetermined Zone**, with the following partial combination of Undetermined Zone, Rural Zone 1: Agricultural Small Holdings (R1) and Industrial Zone 1: General Industry (IND1) within the existing Mining Right Area and existing gravel Mining Permit Area

(ii) Erf 335; **Rural Zone 1: Agricultural Small Holdings (R1)**

The following **development parameters** being applicable to mining on Rem Erf 210 are noted insofar **Agricultural Zone 1: Agriculture (AGRI)**:

(i) Common Building Line: 30.0m for a land unit >10.0ha
10.0m for a land unit 10ha≥1ha

(ii) Building Height: 8.0m, with Council permission to 12.0m

Insofar the current zoning of the "subject property/ portion" the following is noted:

- Apart from Industrial Zone 1: General Industry (IND1) area which designated a former mine for gravel mining purposes in terms of the then Gansbaai Zoning Scheme Regulations, 2003, the current sand and gravel mining activities are not permitted in terms of any appropriate zoning or consent use in terms of the current Land Use Scheme (2020), with such uses being "legal" or "permitted" non-conforming uses within the Undetermined Zone

- The Rural Zone 1: Agricultural Small Holdings (R1) designated areas (strips) reflect no reference to cadastral areas or existing small-holding development areas, except for within Erf 335 where a horticultural activity area (+-5000m^2) (i.e. vegetable cultivation) has been developed as part of the post-mining rehabilitation of the mined-out area on Erf 335, such activity also being part of the Mining Right Holder's "social and labour plan" to support food security of the mine staff and their families (refer Photos 1 and 10).

As illustrated in Figure 4: Zoning, a Utility Zone: Utility Services (UT) denotes the existing land-fill site and the electrical sub-station (Erf 1545), with the Authority Zone: Authority Usage (AU) zoning of the Municipal Yard/ Store and Open Space Zone 3: Private Open Space zoning of the cemetery (Erf 1179) along the western urban interface, with the majority of Rem Erf 210 being Undetermined Zone. Abutting properties to the east of Rem Erf 210 being Agricultural Zone 1: Agriculture, while Erf 1071 abutting the R43 is zoned Undetermined and Erf 712 to the north is zoned Subdivisional Area.

Insofar mining, the Minerals and Petroleum Resources Act, 2001 (MPRDA, 2002) and the Overstrand Municipality Land Use Scheme (OMLUS) 2020 development rules/ parameters, the following alignment of land unit (>10.0ha) common building line is required between the northern boundary of the proposed Mining Right area and the Farm Strandfontein 712 boundary, with the building line to be reduced from 30,0m (Municipal Land Use Scheme) to 9.0m (MPRDA)

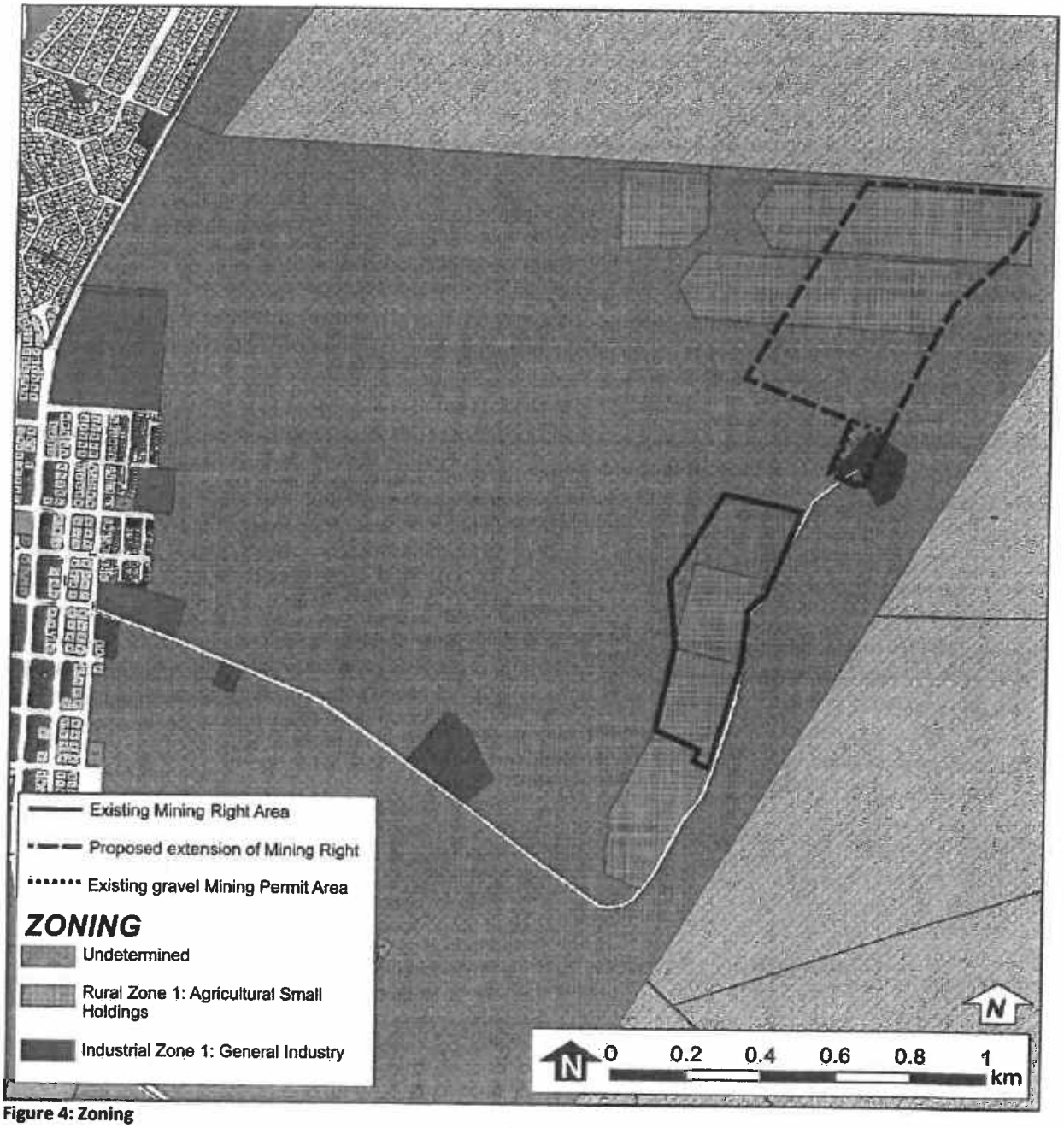


Figure 4: Zoning

2.5. Land Use and Engineering Services

As depicted in Figure 5: Land Use, the land use of the "subject property/ portion" and nearby/ abutting properties is clearly visible in the aerial photography, including:

(i) Erf 335; Existing mine office/ workshop/ dwelling, sand screening plant area and material stockpiling and dispatch area, given Erf 335 being a mined-out area (refer Photos 2, 3, 4 and 5). A single-stage crusher (mobile plant) is located at the site of the gravel excavation. The northern portion (+-5000m²) of Erf 335 includes the previously noted vegetable cultivation garden, which forms part of the mine's rehabilitation and "social and labour plan" (refer Photos 1 and 10).

(ii) The existing Mining Right Area accommodates the existing sand mining, with the mineable sand resource and area approaching its limit, 80% of both having been mined.

(iii) The Mining Permit Area depicts the current gravel mining, with the upslope excavation of a previous gravel mine clearly visible.

Erf 335 : Logistical Support to Mining Extension Area



Photo 1: Vegetable Cultivation Garden



Photo 2: Mine Workshop

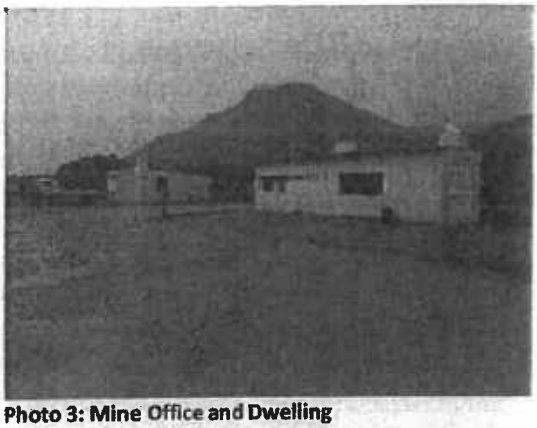


Photo 3: Mine Office and Dwelling



Photo 4: Sand Screening Plant Area



Photo 5: Material Stockpiling and Dispatch Area



Photo 6: Existing Gravel Access Road and Access to Mine Logistical Area

(iv) Other noteworthy land uses within and abutting Rem Erf 201:
- Municipal utilities, including the land-fill site, reservoir/ waterworks and electrical substation (Erf 1545), all abutting the gravel access road (0.35km-1.5km) which accesses the mine.
- The municipal yard/ store at the eastern end of Voortrekker Street (1.5km)
- Residential development and a cemetery (Erf 1179) abutting the western edge of Rem Erf 201 (1.5km)
- The Masakhane urban development south of the gravel access road (0.8km)
- Farmsteads on Fransche Kraal 708/43 and Suikerbosrand 710 (1.2km and 1.1km)
- Limited agricultural practices to the east and north of the R43

(v) Traffic movement (i.e. sand/ gravel delivery) from the existing mine along the existing gravel access road (refer Photo 6) via Voortrekker Street to Main Road (R43 or MR 28/2), averaging 55 truck return delivery trips per day, five-days per week.

District Roads Engineer: Paarl email dated 18 May 2021 (refer Appendix 9) confirms that ***"The relevant access road is not indicated as a proclaimed provincial road. Nevertheless any applications for/ proposals for amendment to, land use for land being accessed from a proclaimed road (R43/ MR28) will need to be routed via the CD: Planning at Head Office"***.

(vi) Existing engineering services utilized by the existing sand and gravel mine are all located on Erf 335 which accommodates the logistical activities for the mine operation (e.g. sand screening, workshop, office and dwelling). Such engineering services include the following
- Overhead electrical supply (Eskom-municipal) to the workshop, office and dwelling, as well as a power-point for operation of the sand screen, and for security lighting
- Water supply from an on-site borehole, with such non-potable water utilized for dust suppression and sanitary purposes, with potable water delivered to the site
- Sanitation comprises a septic tank, while a portable contract managed chemical toilet is employed in the mining area
- Stormwater, while limited due to highly permeable sands, requires ponding management in trafficked (hardened) areas through sand infilling and surface cut-off drains to disperse any water accumulation, which occurrence is restricted to the loading and dispatch area on Erf 335 and along the gravel road from the existing sand mining area to the existing gravel mining area.

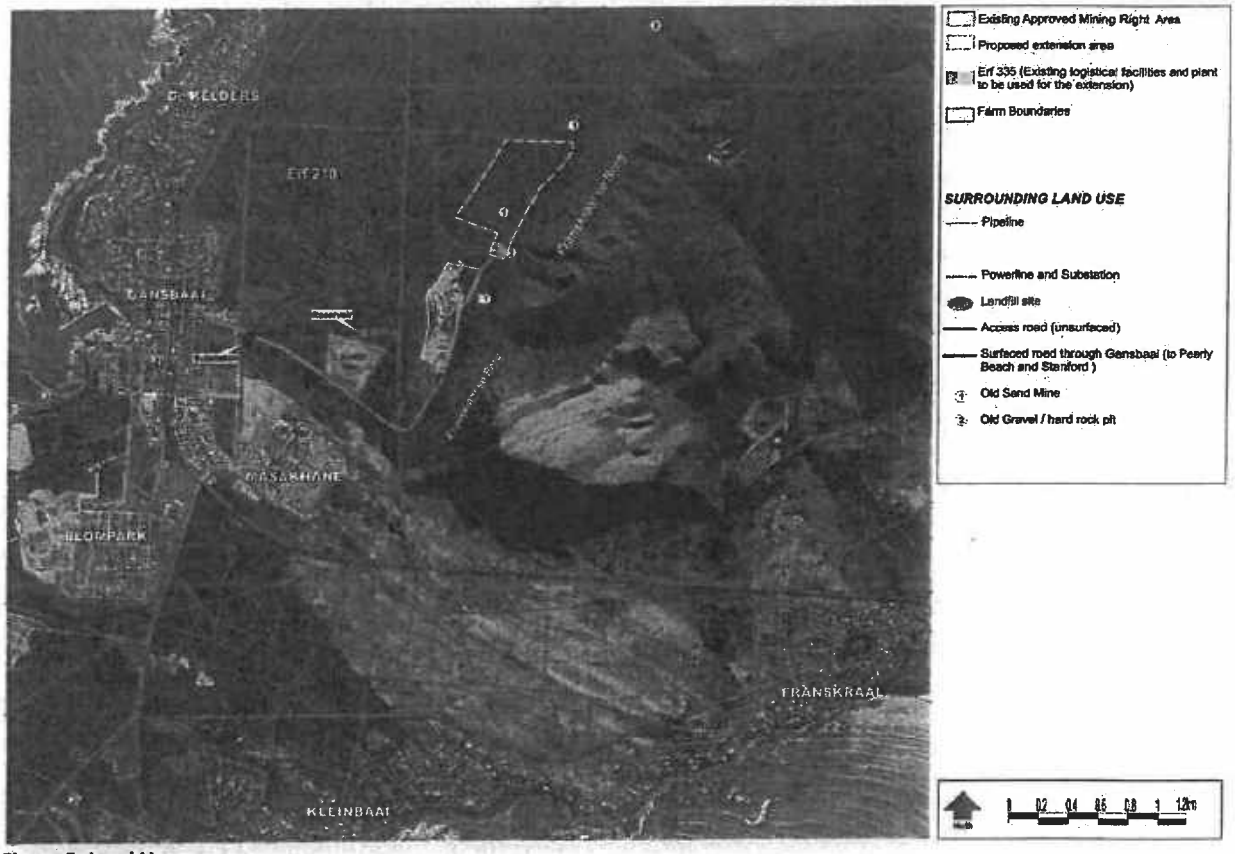


Figure 5: Land Use

2.6. Remainder Erf 210 Land Use Management

The following informs land use management of Rem Erf 210 and the "point of departure" for this land use authorisation application.

2.6.1. "Commonage" Land Deduction and Undetermined Zoning

As noted in Section 2.3.2 the period 1938 to present has witnessed land deductions from the commonage to facilitate the urban development of Gansbaai and its municipal services support, such deductions reflecting a total of 220.4986ha during the period 1938-2020 (refer Diagram 2).

While the majority of deductions and their subsequent development were managed through subdivision and rezoning, management of the residual portion of Rem Erf 210 has been in terms of the Undetermined Zone, with several current uses, including the current sand and gravel mining, being "legal" or "permitted" non-conforming uses within such Zone. The following is noted regarding "non-conforming use" and Undetermined Zone in terms of the Overstrand Municipal Land Use Scheme (2020):

(i) While the current sand and gravel mining qualifies as a "non-conforming use", **any alteration or extension of the use**, given that the use right is limited to the areas of the land on which the proven use right is in existence, **will require a land use application to a more appropriate zone in which mining is a primary or consent use.**

(ii) The Undetermined Zone, having no primary rights or consent uses, **will trigger a subdivision and rezoning** to accommodate any mining extension.

2.6.2. "Mining" Land Use Management

Insofar mine land use management, the following two dates have significance insofar land-use authorisation:

- Ordinance 15 of 1985: 1 June 1986 commencement date
- Maccsand Constitutional Court Ruling: 12 April 2012

Accordingly the following time-line captures sand/ gravel mining land use on portion of Rem Erf 210 and Erf 335, the latter noted due to such property including the logistical support of the existing mining operation:

(i) 15-12-1938: **Transfer of Erf 210 (Commonage) to Gansbaai Management Board**; TG610/ 1938

(ii) 1951: Cadastral subdivision/ **deduction of Erf 335 from Erf 210**

(iii) Aerial Photos clearly indicate mining (i.e. sand/ gravel) on Rem Erf 210 (commonage) **prior to 1986**, particularly along the pediment slope abutting the eastern boundary north-east of Erf 335.

(iv) **Recent ownership of Erf 335**

1982	T3501/1982;	Transfer to F.A. Snyman
1986	T4021/1986;	Transfer to M.H. Murray
1989	T6463/1987;	Transfer to Pretkor Beleggings cc
1990	T19212/1990;	Transfer to Wilfred Chivell
1999	T75870/1999;	Transfer to Frikkie Heyns
2008	T26548/2008;	Transfer to Esmé Heyns (on passing of Frikkie Heyns)
2016	T50111/2016;	Transfer to Dynavest Thirteen Eiendoms Beperk (current owner)

(v) **Mining Company/CC**

2000-2005:	Mining Authorisation in the name of Frikkie Heyns
1/9/2005:	Transfer of mining authorisation to Sizika Ukhanyo Trading cc of which the Heyns Family were the main members
2006/2007-2016:	On the passing of Frikkie Heyns, Dirk Jacobus Heyns replaced his father as Managing Director of Sizika Ukhanyo Trading 410 cc
2016-present:	Transfer of mining authorisation to new owners, with continued trading of Sizika Ukhanyo Trading 410 cc, and the Director being Stephen Du Mont

(vi) **Mining Authorisation**

16/8/1999;	Application lodged with DMR for sand "old order" Mining Authorisation for Erf 335 measuring 4.2877ha
19/9/2000;	DMR issuing Mining Licence ML 27/2000 for 5 years for Erf 335
1/9/2005;	Application lodged to DMR for conversion of "old order" Mining Authorisation as well as transfer of ownership to Sizika Ukhanyo Trading 410 cc
1/8/2010;	Application lodged with DMR for a gravel mining permit (5-years) for 1.4600ha (current mining authorisation given renewal applications)
6/12/2011;	Concurrent with a withdrawal of the conversion application, an application lodged with DMR for a Mining Right for sand mining measuring 7.3809ha on Rem Erf 210 and 4.2827ha on Erf 335 (logistics) (15 years) (current mining authorisation)
2021;	Recent DMR approval for extending the Mining Right for sand and gravel mining by 26.6593ha on Rem Erf 210, totalling 28.1193ha including the existing permit area of 1.4600ha. Such Mining Right extension also includes the existing Mining Right on Rem Erf 210 and Erf 335.

Accordingly, the following land use status:

(i) While 1986 aerial photography reflects several sand/ gravel mines on Rem Erf 210, many of these could have been unauthorised as per the 2007 press copy (refer attached in Annexure M). What is certain is that mining commenced on Erf 335 as per Mining Licence ML 27/2000 shortly after Frikkie

Heyns purchased Erf 335in 1999. Such land use commencement date is notably after June 1986 (LUPO).

(ii) Mining on Erf 335 (up to +- 2009) and commencement on Rem Erf 210 in 2011, that being in place prior to the Maccsand Constitutional Court ruling, with such Mining Right including Erf 335 on which the mining logistical support functions has been established (e.g. crusher, screen, office, workshop, etc.) on 12 April 2012 re mining requiring land use authorisation. While mining on Erf 335 ceased in+- 2009 due to the available reserve, mining on the portion of Rem Erf 210 has continued to this current day on the portion approved as per the Mining Right granted in 2012, with such Mining Right including Erf 335 on which the mine's logistical support functions had been established (e.g. crusher, office, etc.). The recent approval to extend such mining portion over Rem Erf 210, covering an additional 28.1193ha by DMR. Such mining commencement being subject to the Maccsand ruling and approval in terms of the Overstrand Municipality Land Use Scheme (2020).

As per the Overstrand Municiality Land Use Scheme (2020), the mining on Rem Erf 210 has been continuous on the DMR approved 7.3809ha Mining Right area and the 1.4600ha Mining Permit area within the Undetermined Zone put in place to manage land use on Rem Erf 210 (commonage).

During such 9-year period since the Maccsand ruling, such continuous mining has not exceeded the approved area of the Mining Right/ Permit Area, or any mining specifications (e.g. depth, etc.), therefore complying with the Undetermined Zone development parameter for a legal "non-conforming" or "permitted" use.

The recent Mining Right approval however, including a further extension onto Rem Erf 210 will, as per the Overstrand Municipality Land Use Scheme: Undetermined Zone, require a rezoning to another zone permitting mining as a consent use, thus this land use authorisation application for the necessary subdivision and rezoning from Undetermined Zone to Agricultural Zone I: Agriculture (AGRI), together with a Consent Use permitting mining, insofar the portion of Rem Erf 210 to accommodate the mining extension and be Land Use Scheme and Maccsand ruling compliant.

It is noted that a separate land use authorisation application is being lodged to afford the necessary similar compliance of the existing mining area on Rem Erf 210 and Erf 335.
Past mining applications on portion of Rem Erf 210 and Erf 335 raised public and "other sand supplier" concerns re access to the sand/ gravel resource on Rem Erf 210 (commonage) and unfair mining sector practice, these again (2020) being raised (refer Annexure M).
Accordingly, the following statements reflect the "legal" status of such issues:

(i) **Access to minerals**; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "*natural person*" or "*legal persona*" has the right to make application to the DMR to mine these minerals, including the municipality, any community group, building supplier, etc. Sizika Ukhanyo Trading 140 CC, subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, having been awarded such Right

(ii) **Trading in minerals**: sand and gravel are traded on the "open-market" in South Africa. Accordingly any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act.

(iii) **Minerals are place-bound:** including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups.

3. ENVIRONMENT AFFECTED BY THE EXTENSION MINING AREA

The section puts forward the recently approved extension of the existing sand and gravel mine on Rem Erf 210 in terms of Section 102 of the Mineral and Petroleum Resources Development Act (MPRDA, 2002). Given the recent issuing of the approved Environmental Authorisation (EA) on 23 February 2021 (refer Annexure E for EA), selective extracts from the approved Environmental Impact Assessment Report and Environmental Management Programme Report for Gansbaai Sand and Gravel Mine; Report 2461/MR/EMP dated July 2020 as well as the approved Environmental Authorisation of the EIA/ EMPr will be presented in this section, with an emphasis on the following:

- Natural resources; including topography and land capability, soils, fauna and flora, surface and groundwater
- Disturbance; including visual, noise and dust

It is noted that the preparation of the EIA/ EMP preceded the promulgation of the 2020 MSDF and the Environmental Management Overlay Zone Regulations 2020 (EMOZ) and the Heritage Protection Overlay Zone Regulations 2020 (HPOZ), accordingly the alignment of the proposed mining with such SDF and Regulations is demonstrated in Section 5.2.10.

3.1. Existing and Extension Mine Extent and Footprint

The existing sand mining (refer Figure 6) in terms of an existing Mining Right (area of 11.6636ha) is situated on portion of Rem Erf 210 and Erf 335 (i.e. ABCDEFGHJKL in Figure 6), and the existing gravel mining on a portion of Rem Erf 210 (i.e. U, V_2, V_1 and V in Figure 6) in terms of an existing Mining Permit. The expansion of the existing Mining Right Area (i.e. sand and gravel mining; refer Figure 6) approved on 23 February 2021 in terms of Section 102 of the Mineral and Petroleum Resources Development Act (MPRDA, 2002), includes the existing Mining Permit Area (U, V_2, V_1 and V) and the new mining area denoted by P, Q, R, S, T, U, V and W as depicted in Figure 6, with the extension of the Mining Right on Portion of Erf 210 totaling 28.1193ha. It is noted that Erf 335 (i.e. A, B, H, J, K and L) is utilized for mine support activities (e.g. gravel crusher and sand screen, dispatching area, office, staff amenities).

While the total Mining Right Area (existing and extension) equals 39.7829ha, this application will only focus on the extension area totaling 28.1193ha denoted by P, Q, R, S, T, U, V_2, V_1, V and W in Figure 6. Such area is inclusive of the existing gravel mining (Mining Permit Area) measuring 1.4600ha in extent.

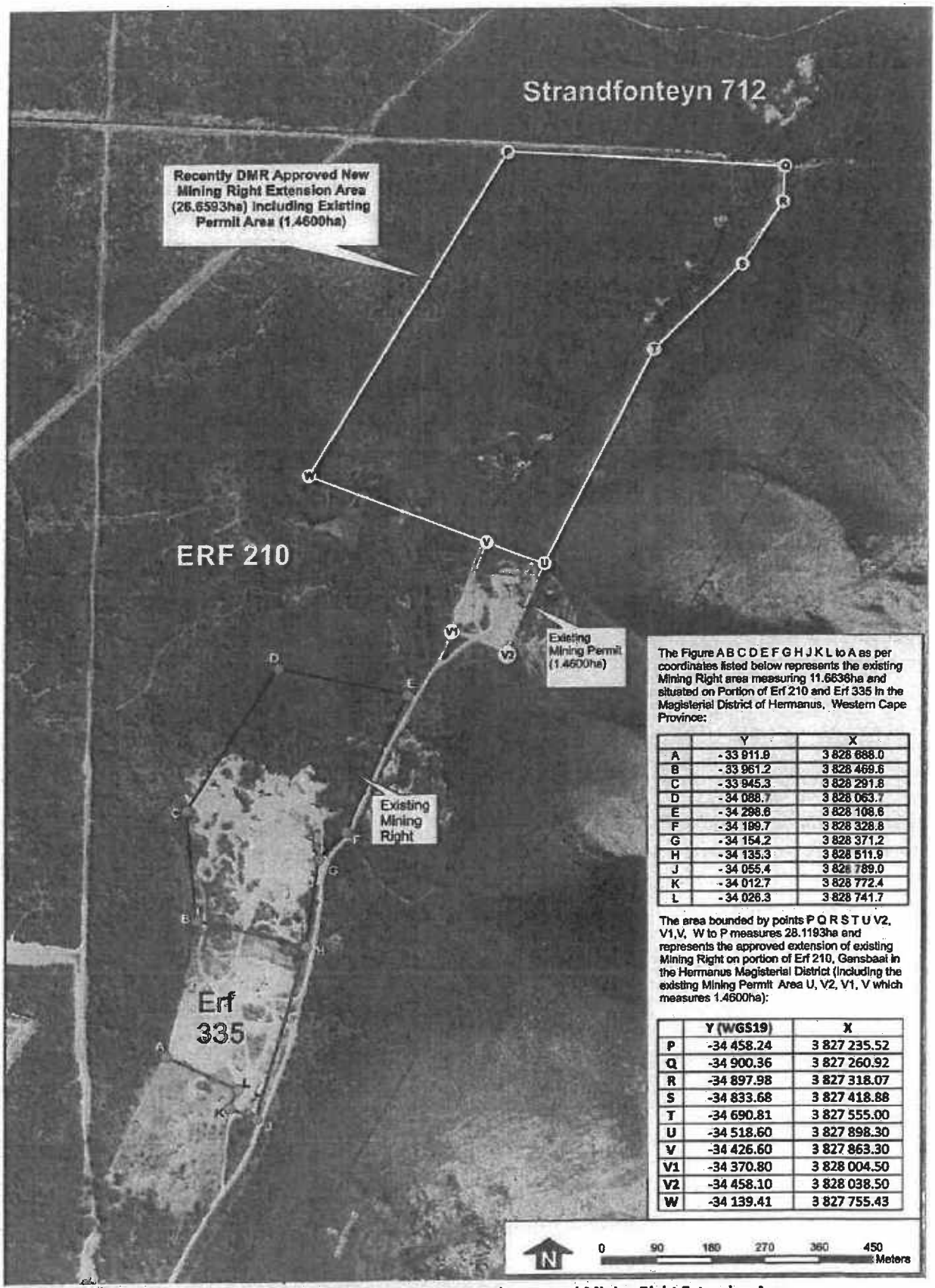


Figure 6: Existing Mining Right Area, Existing Mining Permit Area and Approved Mining Right Extension Area

3.2. Environment Affected by the Proposed Activity

3.2.1. Topography

The proposed sand mining site is located on a generally level portion of land (the coastal plain) sloping very gently to the west, with an average maximum altitude of about 40m amsl. The site lies 300m below the peak of Franskraal se Berge as shown in Figures 1 and 6, while Diagram 3 and Photo 7 illustrate the very flat topography of the coastal plain immediately west of the existing gravel borrow pit. As depicted in Diagram 3, the proposed mine extension is located at its highest point at 65m amsl (i.e. the gravel mine in southern portion), with the greater remainder (i.e. the sand mine) of the 28.1ha site being at 40m amsl. (refer Section 4.1.5 and Figure 19 for Sand Mine Plan).

The proposed gravel extension (refer Photos 7 and 8) is located on the very lower west-facing slopes of Franskraal se Berge, below the existing scar of a previous excavation by others. Such excavation will have a bench height of below 60.0m amsl and a mine face height of 65m amsl, that being lower than the visible scar at 80.0m amsl as shown in Photos 7 and 8. The slope is west-facing, with the current gravel mining upper contour being at level 63m amsl (refer Section 4.1.5 and Figure 20 for Gravel Mine Plan). The inset in Diagram 3 depicts the elevation cross-section of the existing gravel mine elevation (up to 65.0m amsl), together with the elevation of the previous partly rehabilitated gravel borrow pit which extended to 80.0m amsl.

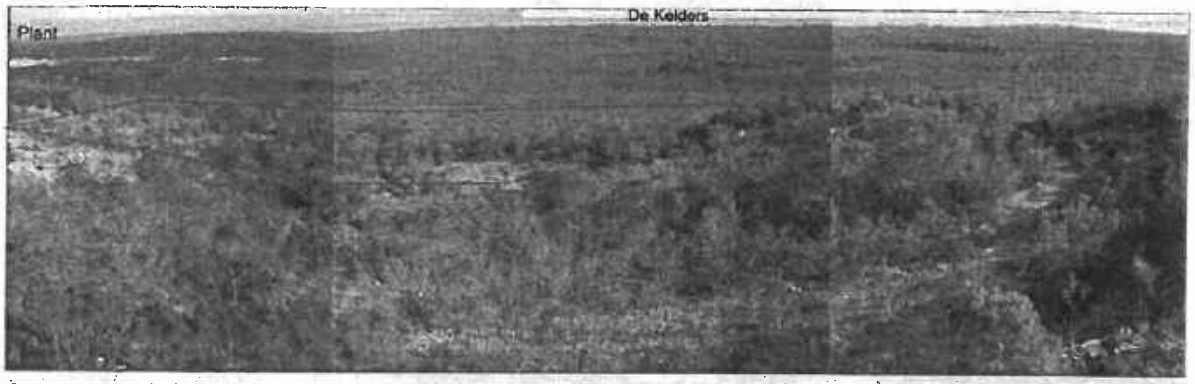


Photo 7: Coastal Plain west of previous gravel pit (by others) and the existing gravel mine, looking west towards De Kelders

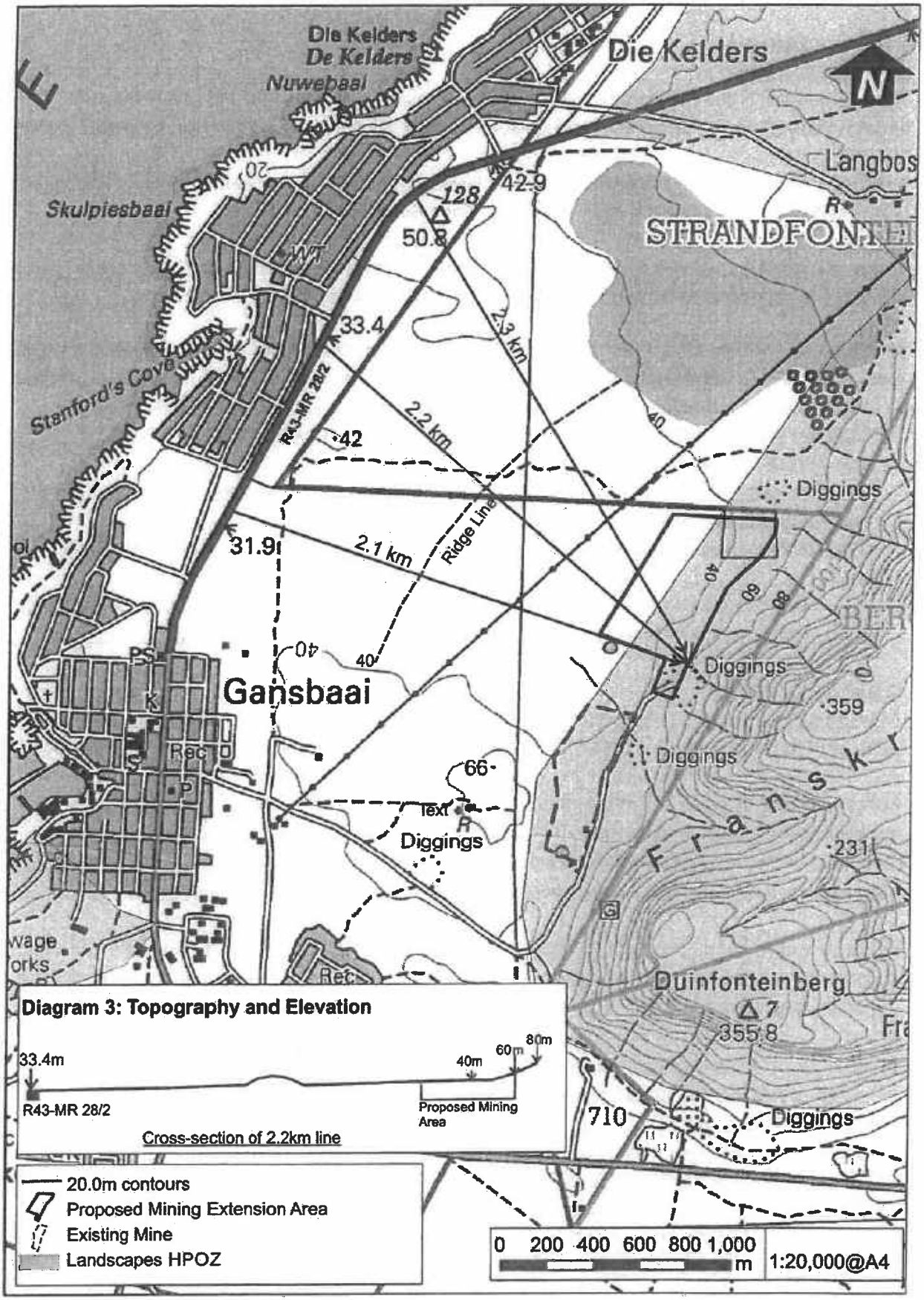


Diagram 3: Topography and Elevation

3.2.2. Visual Impact

Sand Mining Section:

The site (surface) is not visible from any of the surrounding land uses given the flat topography and almost total absence of surrounding roads or sensitive land uses which at eye-level do not expose the site.

As 90% of the activities are conducted at pit floor levels, with machinery and haul trucks in the pit and no elevated plant on site, the visual impact on surrounding land use will be low.

Current sand mining activities further south have no visual impact on surroundings given the above which is further eliminated by dense alien vegetation on the property and adjacent properties.

Furthermore, both the sand mining method and rehabilitation reduces visual impact insofar the following excavation shaping and topographical controls (refer Section 5.2.4)

- Sand excavation through "trench" or "windrow" mining limits the excavation exposure time, with topsoil/ vegetation material replacement following soon after excavation (refer Photo 13)
- Top-soil berm height restricted to 2,0m height
- Excavation edges sloped to a maximum of 1:3 with sharp top edges being rounded to mimic contours (refer Photo 14 and Section 5.2.4)
- At least 1,5m sandy fill material above the water table, thereby reducing the depth of rehabilitated areas
- Post-mining rehabilitation including pasture establishment for grazing, or horticultural development to reduce the exposed mined "white" sand's reflective surface.

Gravel Mining Section:

The existing upper partially unrehabilitated borrow pit mined by others in the past is visible from short sections of the main access road (R43-MR 28/2)to Gansbaai as well as portions of De Kelders residential area (although most of these houses are built with a seaward focus). Note that this is above the level of the existing gravel mining which is not visible from this point and also above the proposed extension which will not be visible form this point. Photo 8 illustrates the maximum exposure of the upper borrow pit (mined by others) from the R43 road adjacent to De Kelders, the current scar-line being at 80.0m amsl. Ridgelines to the south and north preclude any further visual impact of the existing borrow pit.

The proposed extension excavation is to be developed to 63.0m amsl and a level lower than the borrow pit shown in Photo 8, and as such will not be visible from any residence or section of R43 – MR 28/2 main road (even when the Rooikrantz in the foreground of the photo is removed).

Furthermore, both the gravel mining method and rehabilitation reduces visual impact through the following excavation sloping and topographical controls (refer Section 5.2.4):

- Excavation edge shaping including a maximum overall slope of 1:2, with either 5m faces on 10m-wide benches or a 1.0m bench every 5 vertical meters to eliminate a single high face
- Growing-medium (soft overburden and topsoil) placing on benches to provide and establish growth on the benches, with the spraying of an oxidising agent (e.g. "Permeon") on the limited height faces to break the dominant face/rock colour and blend it with the background landscape
- Rounding/ sloping the top edge to soften the excavation edge-line and mimic local contours.

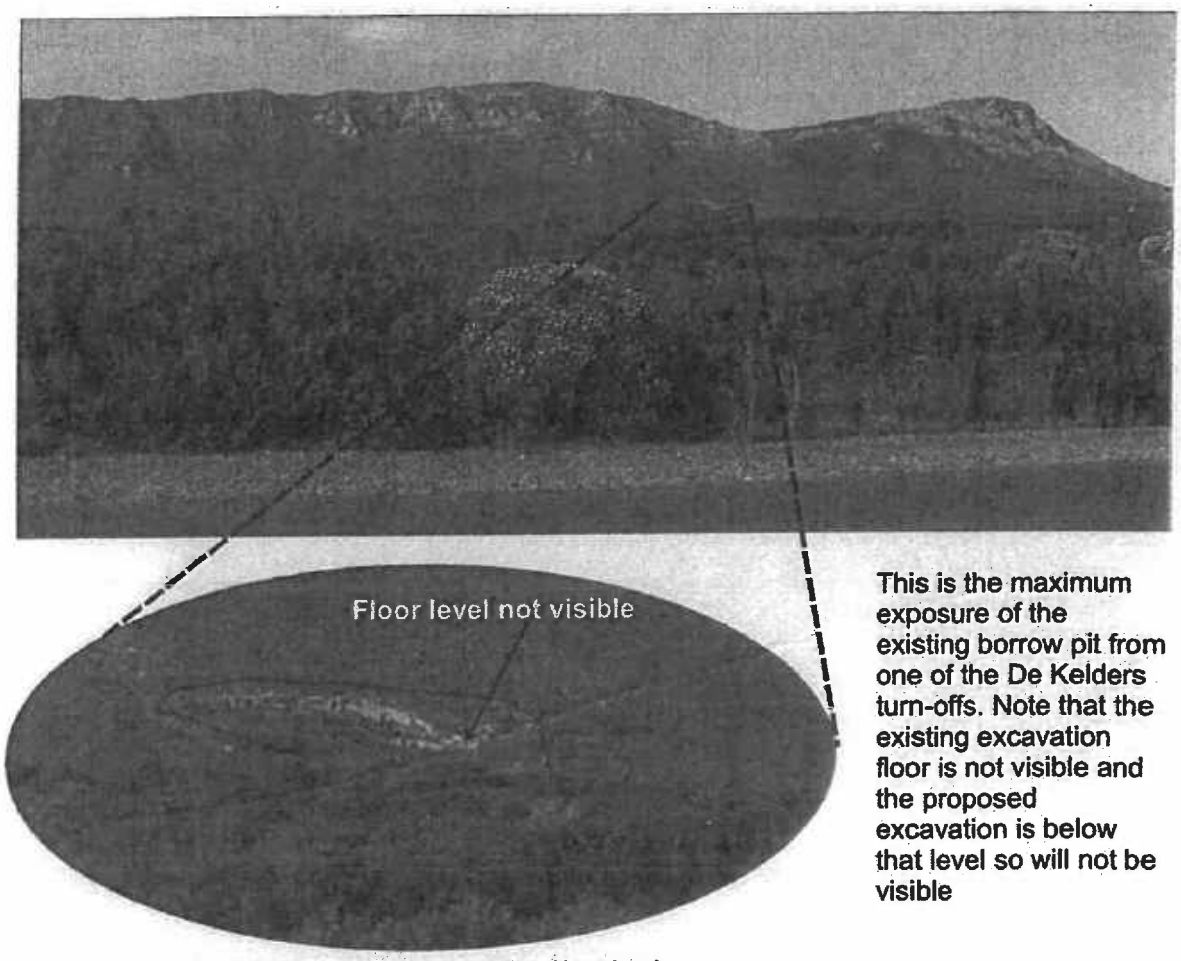


Photo 8: Visual Impact of Upper Gravel Excavation (mined by others)

3.2.3. Soil

Prior to the 2010 application, detailed profiling of the soil was conducted by Site Plan Consulting using an excavator with a 5m reach. The applicable logs (with photos) of such profiling are contained in Figure 18. The logs showed the following with regards to soil profile:

- The soils were much coarser and of better quality (in terms of mining / construction materials) closer to the mountain slopes (i.e. further east). This is to be expected as these sands consist of scree material mixed with the Aeolian sands.
- The sands varied greatly in colour and texture with colours varying from white through orange / brown to black (probably through oxide staining). Texture of the sand was always fairly coarse, with some holes including coarse angular gravel material, whilst others showed layers of rounded alluvial pebble. This is typical of a colluvial mixed Aeolian soil of this nature.
- Topsoil varied in depth from 0.2m to 0.45m in thickness. Topsoil thickness increased to the west (away from the mountain) as shown in Figure 7 topsoil colour however varied from north to south with the light grey (Aeolian sands) to the south and dark grey in the older sands to the north.

Photo 9 illustrates the typical soil profile in the south (as evident in the existing mine on Erf 335).

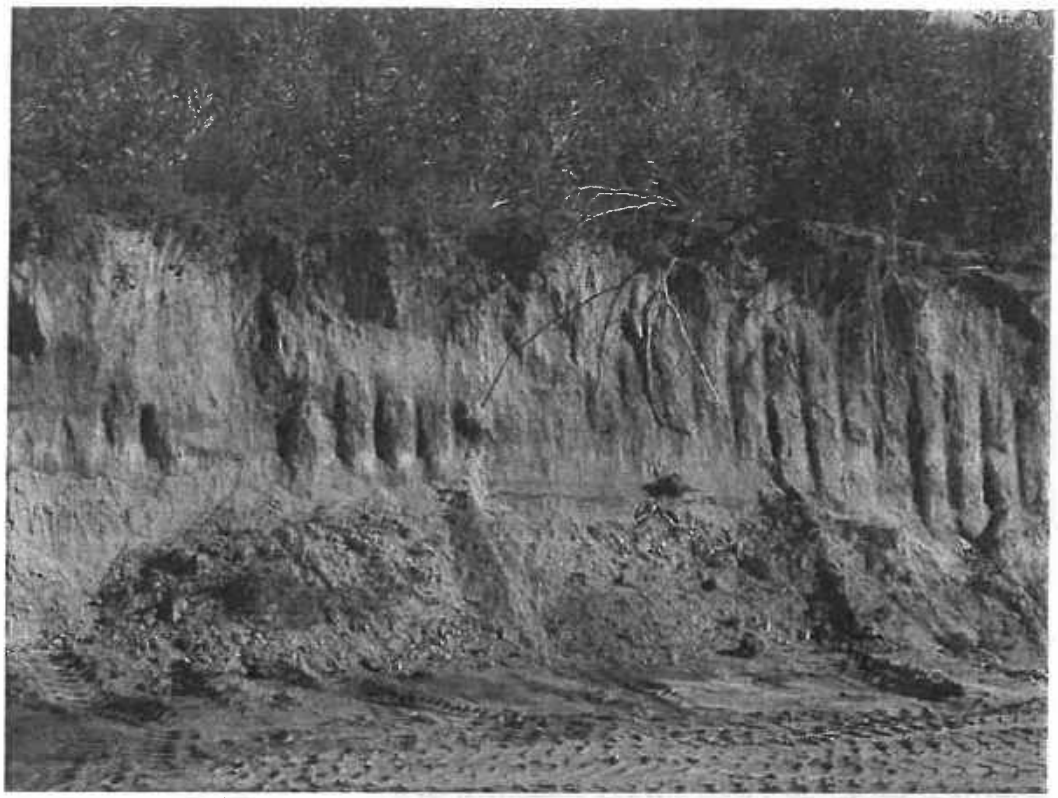


Photo 9: Typical Soil Profile

It is important to note at this stage that the topsoil is heavily seeded with alien vegetation (Port Jackson and Rooikrantz) seeds.

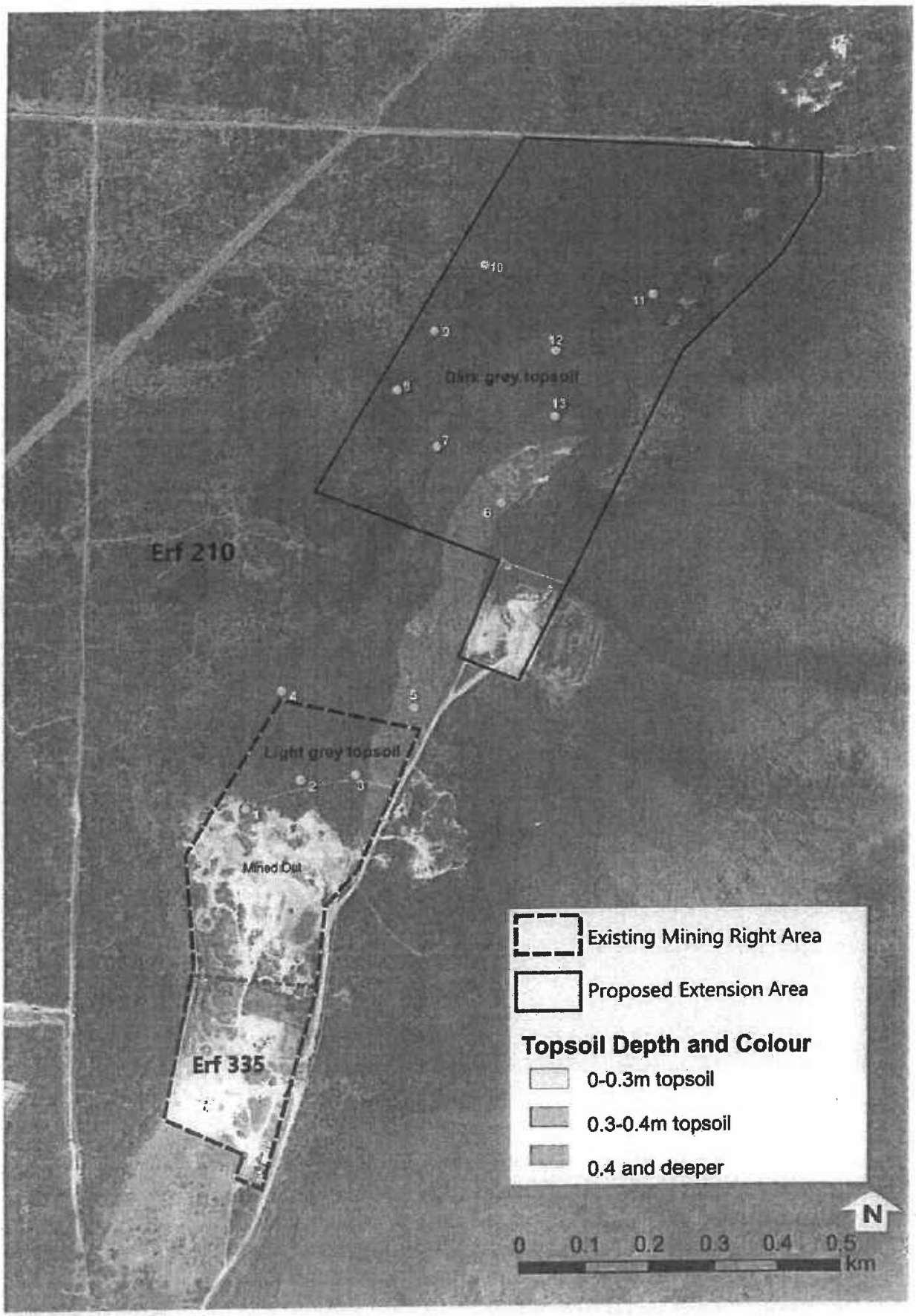


Figure 7: Topsoil Profile

3.2.4. Land Capability / Agriculture

The land capability of the entire Mining Right application area is generally being acknowledged as being wilderness area despite the Undetermined Zone and partial Rural Zone 1: Agricultural Small Holdings (R1). The smallholding areas in the north have never come to pass, but there is cultivation taking place on Erf 335 in the mined-out excavation area (refer Photo 1 and Photo 10). Such ascribed wilderness capability therefore relates largely to the limited dry-land agricultural potential due to low rainfall combined with deep extremely well drained sands with low water retention. Consequently as in the Cape Flats Philippi areas, the only agricultural potential of any significance would lie in the option of reducing the natural ground level (dune sand area) to approximately 1.5m above maximum winter perched water table level, with sprinkler irrigation from the underlying aquifer via a well-point as practiced on Erf 335.

Soil and water retention characteristics restrict dryland agriculture or grazing from being economically practiced.

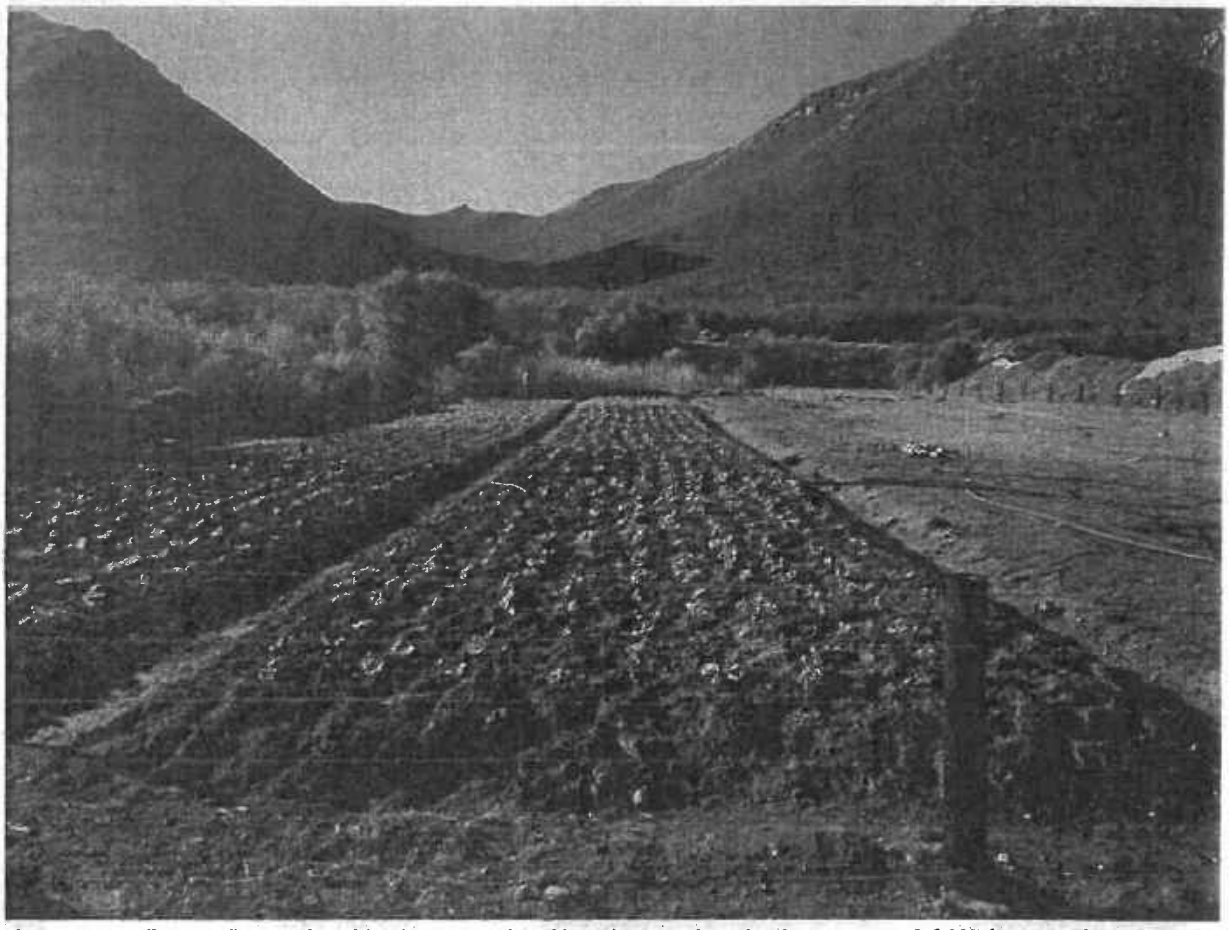


Photo 10: Small to medium scale cultivation currently taking place on the mined-out area on Erf 335 (as part of a Social and Labour Plan initiative by the Mining Right Holder).

Western Cape Department of Agriculture: Land Use Management letter dated 24 December 2019 (refer Appendix 4) states that the Department "***Has no objection against the proposed application, with the following requirements:***

- *Put all measures in place to ensure proper post-mining rehabilitation of affected areas to as close to the original condition as possible*
- *Limit the visual impact associated with mining*

- *Be careful not to damage agricultural infrastructure*
- *Allow day-to-day farming activities to continue unrestricted"*

3.2.5. Natural Vegetation

The main sources of information typically used at Scoping Stage included:

- Mucina and Rutherford mapping (2006): Vegetation of South Africa, Lesotho and Swaziland.
- CBA mapping from SANBI's mapping of the 2017 Western Cape Biodiversity Spatial Plan (WCBSP).
- The classification of the vegetation types according to Critically Endangered, Endangered, Vulnerable or Least Threatened classification in terms of NEM: BA.

The Mucina and Rutherford Mapping showed the proposed extension area to be located within Overberg Dune Strandveld with a very small sliver in the south east being within the Overberg Sandstone Fynbos. This area of Fynbos coincides with the proposed gravel pit's northward extension (refer Figure 8).

According to National Environmental Management Biodiversity Act's schedule in respect of the National List of Ecosystems that are Threatened and in Need of Protection published in GN1002 (9/12/12), the Overberg Dune Strandveld is classified as least threatened and the Overberg Sandstone is classified as Critically Endangered.

Conservation Targets:

Overberg Sandstone Fynbos (Gravel Mining Area) – Conservation target is 30%. Currently 6% conserved in Agulhas National Park, Fernkloof, Babilonstoring, Heuningberg, Maanschynkop, Salmonsdam and Caledon Nature Reserve as well as Private Nature Reserves such as Vogelgat, etc.

Overberg Dune Strandveld (in which sand mining is proposed) – Target 36%. Currently conserved 30% in De Hoop, Walker Bay and De Mond Nature reserves and Agulhas National Park. A further 11% in Private Nature Reserves (meaning the conservation target has been reached).

Of importance in this case is that the Dune Strandveld is heavily infested with alien species (mostly Port Jackson, but also Rooikrantz and Myrtle).

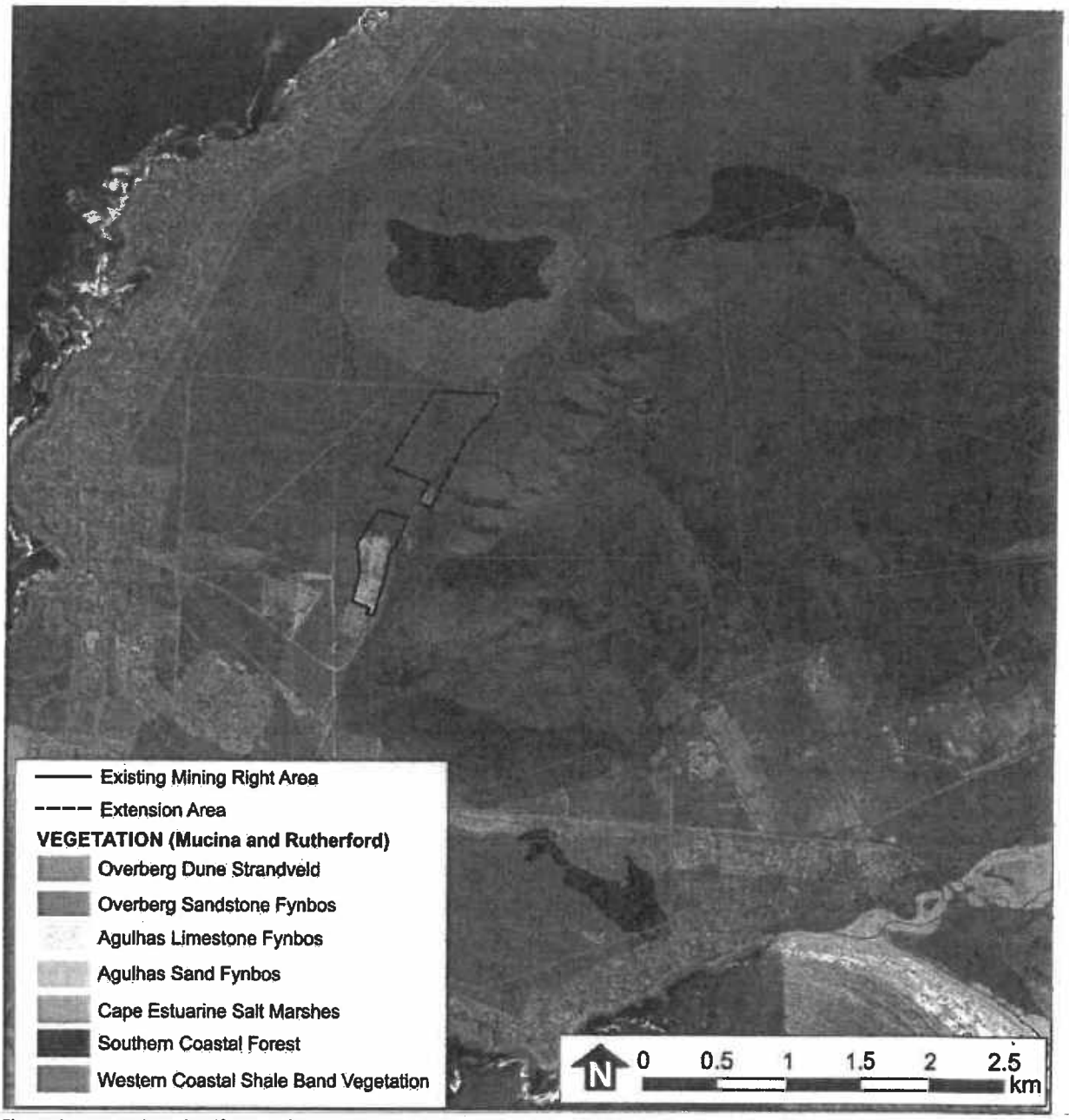


Figure 8: Vegetation Classification (Mucina and Rutherford)

Figure 9 illustrates the CBA mapping according to SANBI's 2017 WCBSP. It shows that the proposed extension is located within Ecological Support Area 1 and 2 and Other Natural Area. None of the proposed extension area is located in a Critical Biodiversity Area.

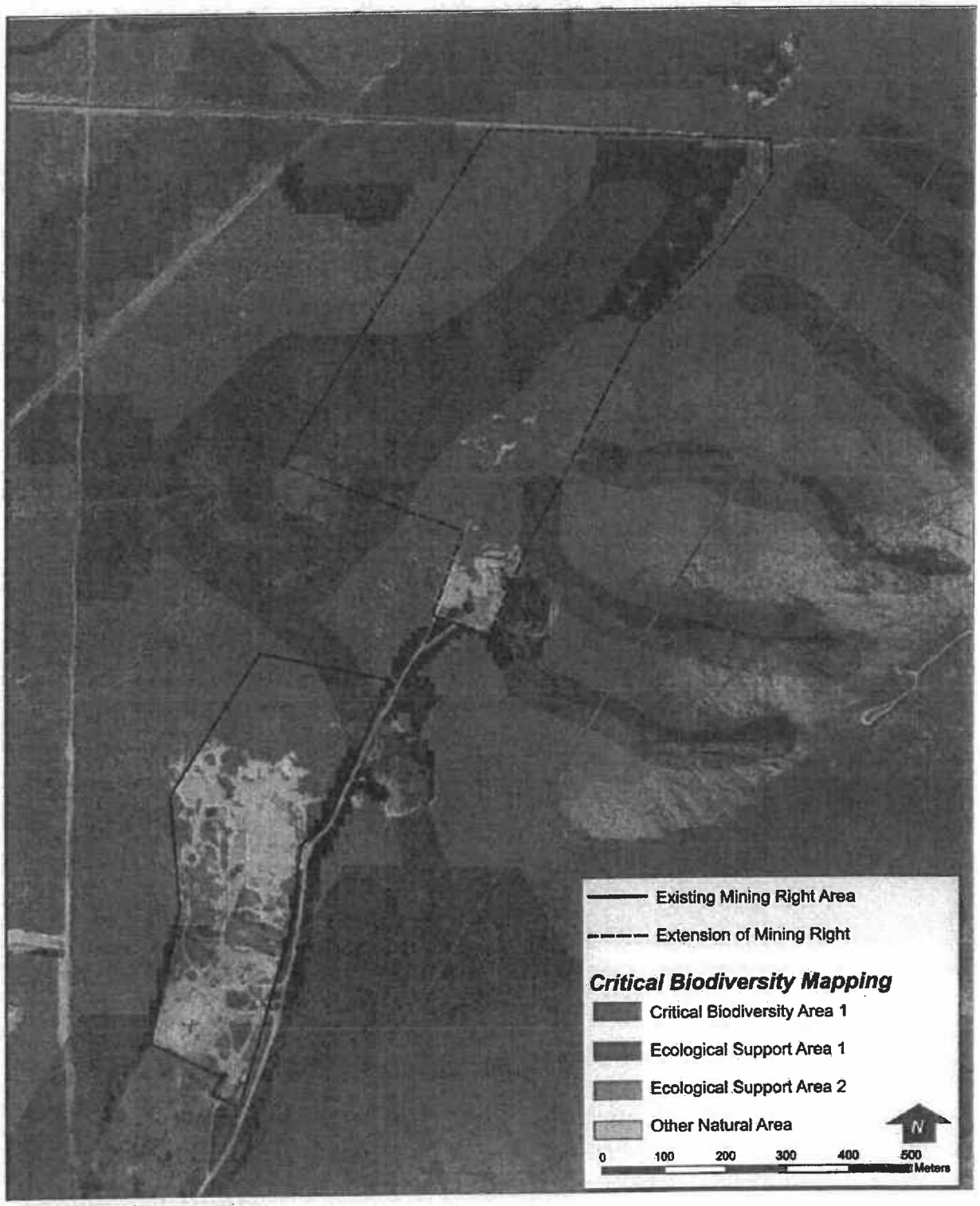


Figure 9: CBA Data (2017) WCBSP

Given the acknowledged sensitivities of the area, a specialist Botanist / Biodiversity Impact Assessor was employed post-scoping. The "*Botanical Assessment for the Extension of Mining Operations on Erf 210 Gansbaai; Fynbos Ecosystems, March 2020*" is contained in full in Annexure G.

That study, conducted in 2019, revealed the following existing situation as summarised in the Executive summary:

"The majority of the area proposed for the expansion is characterised by Overberg Dune Strandveld (least threatened), while there are smaller areas of Agulhas sand fynbos (endangered), Overberg sandstone fynbos (critically endangered), Western Cape milkwood forest (endangered) and wetland (Pool-Stanvliet, et al. 2017). The natural vegetation on site is generally in very poor condition as it is heavily invaded by alien invasive species, most notably Acacia saligna (port Jackson), Leptospermum laevigatum (Cape myrtle) and Acacia longifolia (long leaf wattle). With the exception of the Western Cape milkwood forest and wetland areas, the vegetation has Moderate-Low regional conservation value. There are areas included in the proposed mining extension that are designated Ecological Support Area: Aquatic CBA wetland and Ecological Support Area (restored). The major vegetation type (approx.. 80% of the proposed area) Overberg Dune Strandveld is regarded as least threatened in terms of the NSBA , and only one Red Data species was recorded within the area (there is a however a reasonable likelihood of more Red Data species being present) that will be impacted by the proposed layout".

The following paragraphs are copied directly from that report:

The original natural **Overberg dune strandveld** vegetation in the area of the proposed mining extension is in relatively poor condition as it has been impacted by past agricultural activities and subsequently become infested with alien invasive plant species (refer Plates 1, 2 and 3).



Plates 1 & 2. Dense stands of *Acacia saligna* (left) and evidence of old disturbed lands (right) characterise the expansion area.

Conservation value

Overberg Dune Strandveld has been classified as least threatened at a national scale (Pool-Stanvliet *et al.* 2017), with some 95% of its original extent remaining and some 30% statutorily conserved in De Hoop, nearby Walker Bay Nature Reserve, De Mond Nature Reserve and in the Agulhas National Park. A further 11% of this vegetation type is conserved in private conservation areas such as Grootbos, Andrewsfield, Brandfontein-Rietfontein, Groot Hagelkraal and Wolwefontein.



Plate 3. Drone footage of the proposed mining extension area showing a very high cover of alien vegetation across the site. The taller trees are Eucalyptus sp., while the lower canopy is dominated by Acacia saligna.

The vegetation vulnerability has been rated as medium vulnerability and protection level as well protected (Mucina and Rutherford 2006). The site could potentially contribute to meeting local conservation targets for both biodiversity pattern (species) and ecological process. However, the vegetation is in poor condition and will cost considerable resources to restore. Regional targets for the vegetation type have already been fully met by provincial, national and private nature reserves.

The conservation value of the vegetation in the study area is low in local (Gansbaai) and regional (Overstrand) terms, as it is heavily impacted by past human activities, most notably alien vegetation.

Overberg sandstone fynbos



Overberg sandstone fynbos is characterized by very high numbers of rare and endemic species and is spread irregularly from Bot River and Hawston in the northwest to the Soetanysberg and Bredasdorp in the southeast including amongst others the Kleinriviersberg range. The vegetation is restricted to low mountains, undulating hills and moderately undulating plains supporting moderately tall, dense restioid, ericoid-leaved and proteoid shrublands. The geology is acidic soils derived from Table Mountain Sandstone (Cape Supergroup). Overberg sandstone fynbos is characterized by a very high diversity and rapid species turnover, over short distances. As a result there is high endemism and high numbers of rare and endangered species.

Plate 4. Erica subdivaricata

Species composition

Dominant species in the Overberg sandstone fynbos community on site include *Leucadendron salignum, Leucadendron xanthoconus, Mimetes cucullatus, Protea longifolia* (vulnerable), *Protea repens, Aulax umbellata* (near threatened), *Erica plukenetii, Erica coccinea, Erica muscosa, Pelargonium cucullatum, Staavia radiata, Lobelia pinifolia, Lobelia sp., Pennaea mucronata, Aspalathus microphylla, Gerbera crocea*, the graminoids *Elegia filacea, Hypodiscus albo-aristatus, Thamnochortus lucens, Cymbopogon marginatus*, and the geophytes *Bobartia gladiata, Aristea glauca, Watsonia cf. barbonica*, and *Lanaria lanata*.

Current condition

The Overberg sandstone fynbos on the property is in reasonably good condition, although it is invaded by alien plants. Overall the proposed mining area has only moderate to light infestation levels with intact veld.

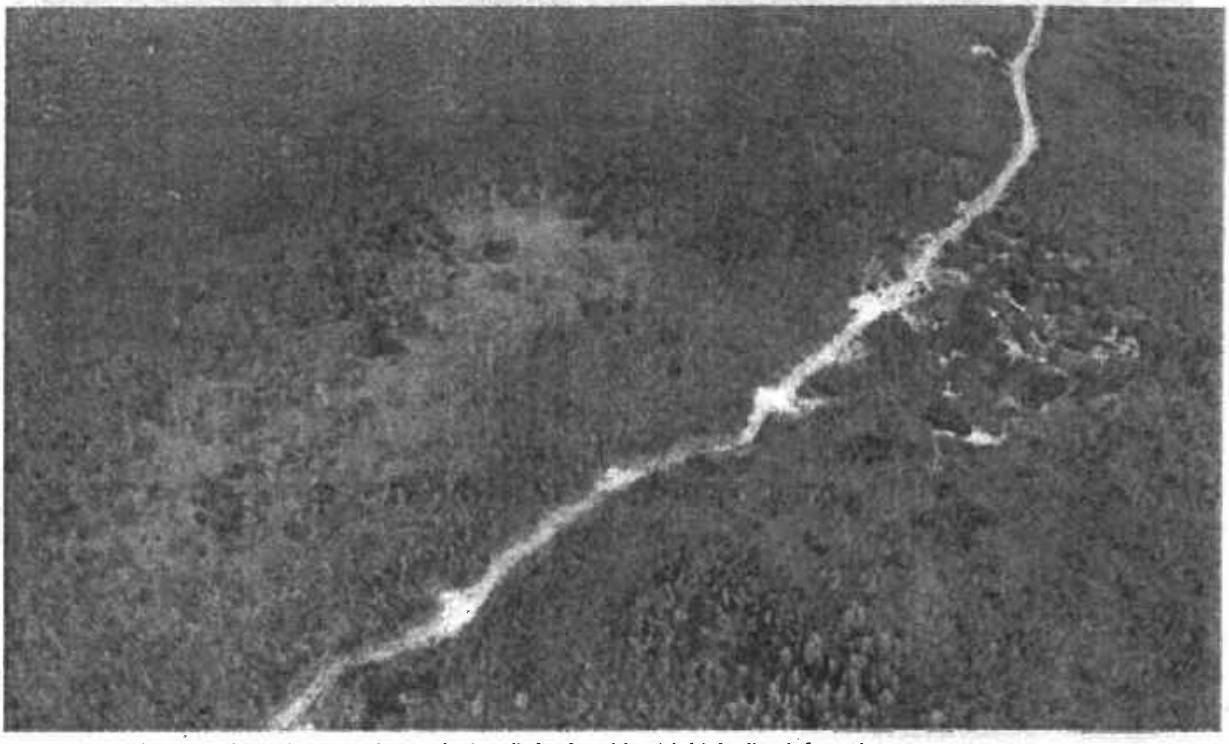


Plate 5. Drone footage of Overberg sandstone fynbos (left of path), with high alien infestation.

Conservation value

Overberg sandstone fynbos is characterized by high local and geographical diversity and has been classified as critically endangered on the basis of threatened plant species associations (very high numbers of rare and threatened species). The Overberg sandstone fynbos within the proposed expansion area has moderate alien infestation and has medium to high conservation value.

Agulhas sand fynbos

There is evidence that there may have been some Agulhas sand fynbos in the past along the interface between the Overberg sandstone fynbos and Overberg dune strandveld. Unfortunately, this area is now completely (100%) infested with alien vegetation with only a few clues as to the original nature of the natural vegetation. Agulhas sand fynbos is restricted to the Agulhas forelands from around Gansbaai and

Uilkraalsmond to west of Arniston. It is found on neutral to acidic tertiary sands and is classified as vulnerable (Pool-Stanvliet et al. 2017).

Species of Conservation Concern



Leucadendron coniferum (Proteaceae – vulnerable). This species has a limited distribution from the Cape Peninsula to the Soetanysberg. Its population is declining as a result of invasive alien species (direct effects), habitat degradation, habitat loss and over – harvesting.



Protea longifolia (Proteaceae – vulnerable). This species is restricted to the area from the Hottentots Holland Mountains to Agulhas.A population loss of at least 30% is estimated as a result of over-harvesting, habitat loss, changes in native species dynamics and invasive alien species.

There is a strong likelihood that the ground orchid *Satyrium carneum* (pienktrewwa; ewwa trewwa, near threatened, B1 (Raimondo et al 2009)) is present within the proposed extension area. This species is dormant during the summer months and only seasonally visible during winter and spring. It is restricted to stabilised coastal dune sands in the south-western Cape from the Cape Peninsula to Stilbaai and is thus vulnerable to destruction by coastal development and invasion by rooikrans (*Acacia cyclops*).

It can be successfully removed and transplanted to other areas on site as part of a search and rescue program. Ideally the search and rescue should be timed to take place in late October/early November.

There is a possibility that other species of conservation concern are present but could not be identified or were not observed due to the time of sampling. These include *Lampranthus fergusoniae* (vulnerable), *Agathosma geniculata (vulnerable), Lampranthus explanatus* (endangered), *Heliophila linearis var. reticulata* (vulnerable) and *Galdiolus variegatus* (vulnerable); all of which have been recorded in similar habitats. However, the likelihood of any of these species being present on site is low owing to the past disturbance over much of the site and high density of alien invasive tree species.

Site sensitivities:

There are wetland and Western Cape Milkwood forest areas included in the proposed mining extension area (refer Plates 6 and 7).



Plates 6 & 7. Western Cape Milkwood forest with very old *Sideroxylon inerme* and other thickets elements within the proposed mining extension area.

Western Cape Milkwood forests are classified as endangered according to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *etal*. 2017). These sensitive forests must be protected and will need to be excluded from the proposed mining extension area. In addition, it is proposed that a minimum of 50m buffer of natural vegetation be conserved around the milkwood thickets[1].

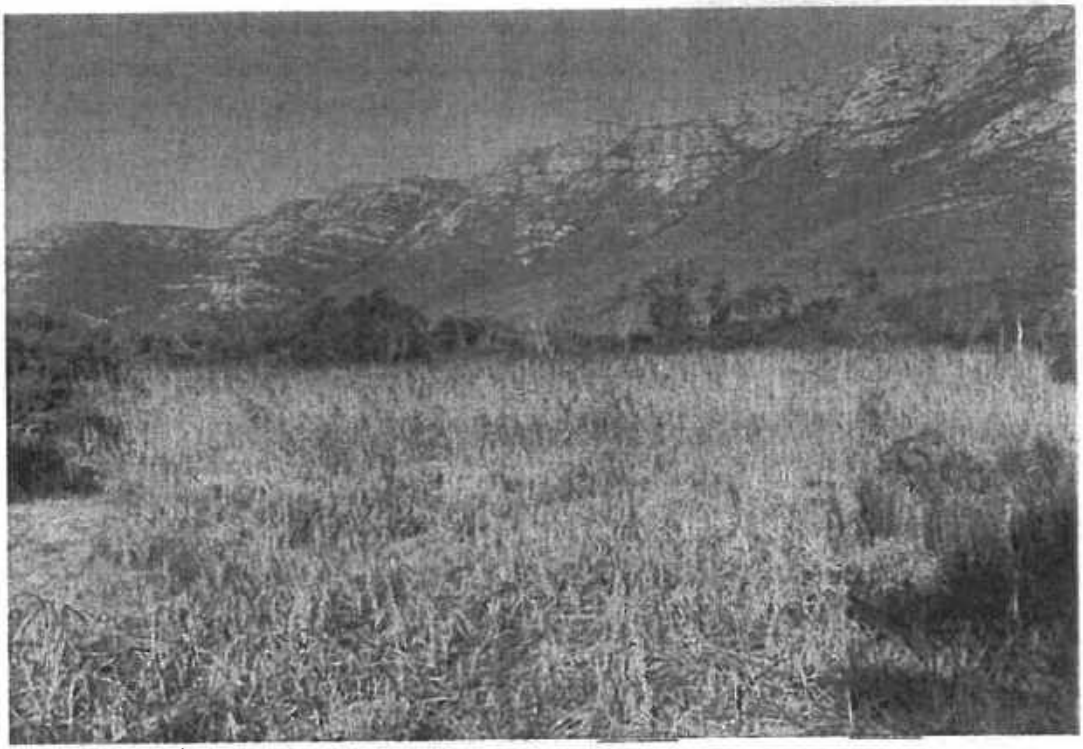


Plate 8. Wetland area within the proposed mining extension area.

The wetland area shown in Figure [14] and Plate 8 above is situated on the south western boundary of the proposed mining extension area. The scope of this study does include an analysis of the hydrology and how any proposed mining in the vicinity of this wetland will influence water flow. Purely from a botanical

[1] Note that the Freshwater Ecology Study recommended a 40m buffer. In the interests of the precautionary principle, the most conservative option (i.e. 50m) will be employed as the buffer from the wetland areas as delineated by the Freshwater ecologist as well as 50m from the Milkwood groves as delineated by the botanist.

perspective, a buffer of natural vegetation of at least 50m should be maintained around this wetland area.

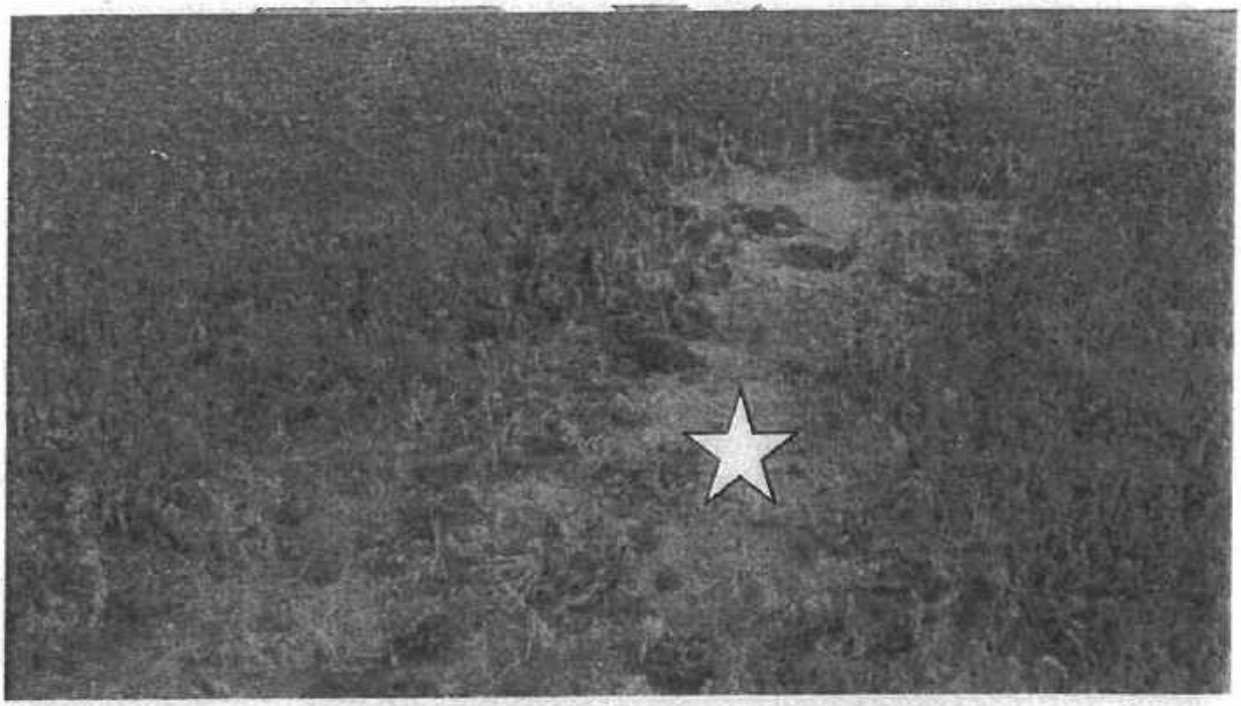


Plate 9. Drone footage of wetland/seep area (demarcated with star) on the eastern boundary of the proposed mining extension area at the interface of the Overberg sandstone fynbos and Overberg dune strandveld.

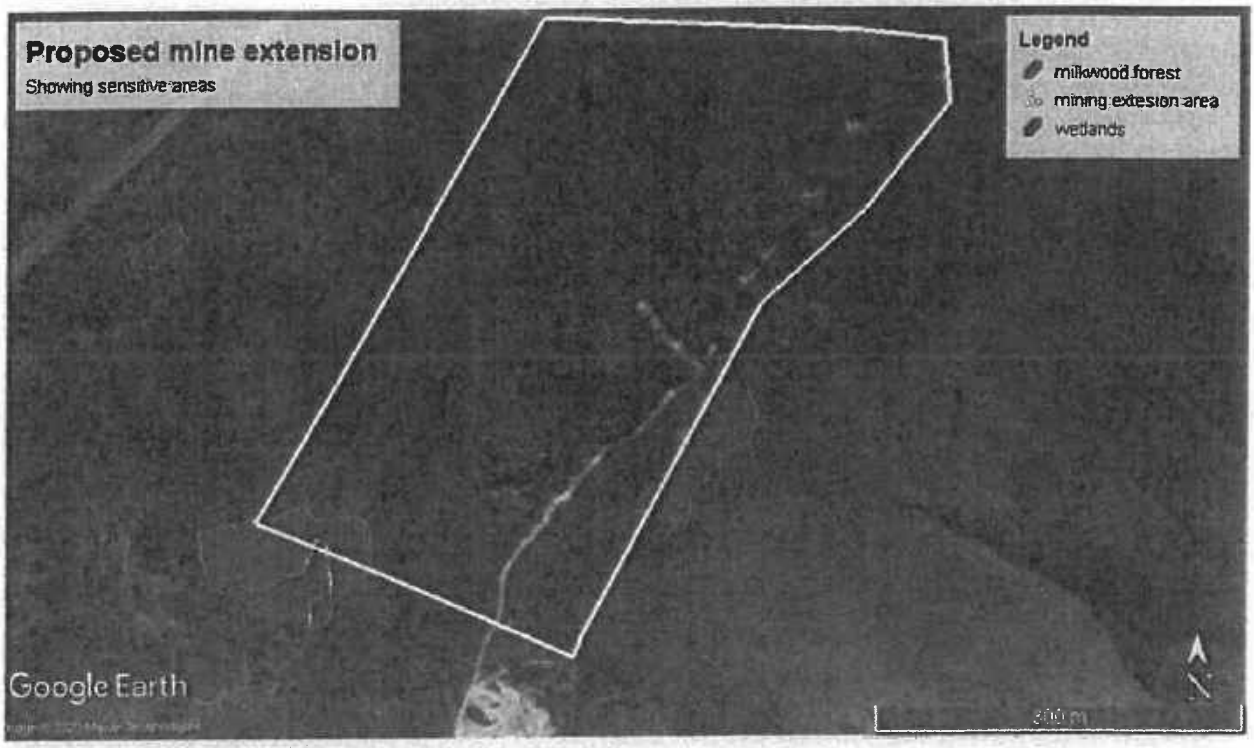


Figure 10: Site Sensitivities Identified in the Botanical Assessment

Alien Clearing Programme

In a letter dated 9 June 2020 (refer Appendix 5) the **Overstrand Municipality: Property Administration Section** in response to the draft EIA/ EMP put forward the following:

"2.5.2 The applicant must submit a detailed alien clearing programme that indicates alien plant management on the mining areas, which study must be to the written satisfaction of the Senior Manager: Environmental Services"

An Alien Vegetation Management Plan is a "living" document and is updated from time to time with the information represented further below. At this stage, a detailed alien vegetation management plan is possibly premature, given the acknowledgement that the site is very significantly invaded and all approvals have not yet been granted (refer Annexure P).

The specialist botanist was tasked to consider alien vegetation management method/ protocol and plan. Whilst chipping and composting of the alien vegetation is included in the Devegetation and Revegetation Protocol in Section 5.2.2, the following comment is pertinent from the specialist botanist:

(i) *"The issue is not so much with the concern of how to handle the alien vegetation canopy seed, but rather how to deal with the massive soil stored seed bank.*

(ii) *The percentage of alien seed that will be contributed by the current standing stock of aliens is minimal compared to the alien seed bank already in the ground, awaiting disturbance for a massive post-mining germination flush.*

(iii) *Therefore, while it will perhaps be beneficial to mulch and compost the alien material as it is cleared, it will make virtually no difference to the post mining alien flush. It will be much more important to focus on making financial resources available for follow-up clearing post spreading of topsoil after mining."*

The specialist agrees that an alien vegetation management plan should be drawn up by a suitably qualified expert to ensure the long term maintenance of the site, including appropriate methodology and annual follow-up clearing operations.

Such alien vegetation management plan has not yet been drawn up but must be made available for comment by landowner (Municipal Senior Environmental Manager), DMR and specialist botanist, as soon as all approvals are in place and prior to mining commencement.

Annexure P puts forward the necessary "steps" and information required in the compilation of an Alien Vegetation Management Plan.

3.2.6. Animal Life

Vast expanses of the same vegetation surrounding the site provide a habitat suitable for species typical of the area. These include rodents (rats, mice, shrews etc.), reptiles (snakes) birds and insects. The large scale of the habitat type when compared to the extent of the proposed activities negates any significance of any impact in this regard.

In this regard it is noted that as per the Mine Layout Plan, the mining will take place in strips and mine blocks with concurrent operational rehabilitation over a period of some 25-30 years thereby enabling internal migration of most species ahead of advancing operations, to remaining undisturbed areas and re-topsoiled operationally rehabilitated areas.

In order to further reduce the risk posed to animal life, a chase and rescue operation will be conducted prior to the topsoil removal in each new mine block. It is note that given the use of a bulldozer with high ground vibration and noise levels that most species will migrate away, ahead of this initial activity in each mine drive.

3.2.7. Surface Water

Findings of the 2010 Application process

In the 2010 application, it was noted that "*one drainage line shown on the 1:50 000 sheet extends into the proposed Mining Right area and localised depressions that more or less align with the channel were noted on site. These will become more discernible once the vegetation has been removed and survey has been undertaken*".

The alignment of that stream channel more or less aligns with the subsurface flow presented as a possible "recharge" to the vlei (identified by Privett 2010 and 2019 and by Bekker 2019)) and indicated in Figure 12.

The 1:50 000 (3419CB) shows that there are a few blind stream channels from Franskraal se Berg in the East that *do not extend* into the proposed sand mining extension area. This is further ratified by the 2010 Geotechnics Africa groundwater assessment:

"Indications are that concentrated water that flows onto the site disperses and infiltrates the loose surface horizons. The drainage channels are therefore unlikely to continue much further into the area as shown on the aerial photograph [refer Figure 5]" Geotechnics Africa, 2010.

Note that the present alteration of the area east of the road (east of the Mining Right Area) for use as a track combined with the "raised" roadway has prevented any possible surface flow which may have occurred. The site was visited during the heaviest rainfall month in years in order to determine whether there was any surface flow on site – *There is no surface water flow on site*. (Site Plan, 2006).

Findings of the 2019 Application Process:

Figure 11 shows a synthesis of the FEPA (Freshwater Ecosystem Priority Areas) wetland mapping as well as the indicated aquatic Ecological Support Area published in the Biodiversity Spatial Plan of 2017. It is important to remember that these polygons are based on remote sensing and computerised interpretation of contours and not in-field assessment of conditions. However, the location of the red FEPA wetland (in Figure 11) would represent a fatal flaw in the proposed sand mining. SES (Sharples Environmental Services) specialists in surface water related issues, were tasked with a rapid review (to be followed by full study) to determine whether such FEPA wetland actually existed on site.

The findings of the rapid review were as follows:

- The extensive area mapped by national and provincial databases as wetland habitat, on desktop investigations, was not identified on-site.
- There are some small depressions containing wetland habitat (*typha* vegetation, mottled soils etc.). These could be artificial in origin as the site has experienced past disturbance (potential excavated livestock watering areas) and present impacts from dense alien plant infestation.
- These areas are of low ecological value but should be avoided as far as possible (or maybe rehabilitated?). These will be mapped and discussed in full specialist report.
- It needs to be confirmed that water use authorisations will not be required for the artificial habitat.
- The two Aquatic CBA drainage lines north of the site are confirmed as natural drainage lines. They are likely to serve as important water source area (potentially replenishing groundwater). These will be studied further and it will likely be recommended that these areas are avoided.



Figure 11: Published Surface Water Features (map compiled by SES)

The rapid review described above was followed by a full study; Freshwater Habitat Impact Assessment for Gansbaai Sand Mine, Western Cape; Sharples Environmental Services, October 2019 (refer in Annexure H). The following paragraphs are copied directly from such full study.

The vegetation, soil, hydrological, and morphological characteristics of the proposed site were investigated using observation, soil augering, and GPS coordinates, amongst other methods detailed above. The desktop data had identified a substantial portion of the site as containing aquatic habitat and therefore such areas were especially focused upon and investigated in detail for the presence of aquatic habitat indicators. The groundtruthing exercise determined that there is a large discrepancy between the extent of aquatic habitat identified by the various spatial databases and that which was identified and delineated onsite. There is far less wetland habitat onsite than that identified by NFEPA and WCBSP data. This inaccuracy could be due to the disturbed nature of the landscape and cryptic features.

Three features of aquatic interest were identified during field assessment within the area, namely:

- A wetland partially within the south western portion of the site,
- Non perennial mountain streams flowing toward and slightly into the site from the east, and
- Small depressions seemingly scattered in the landscape.

The wetland and non-perennial streams are assessed in detail below. The small depressions found at the base of the mountain foothills on the coastal plain did not have sufficient wetland indicators to be classified as wetland habitat. These depressions are discussed below but were not assessed further. Figure 12 below shows the delineated extent of each feature in the landscape in relation to the site.

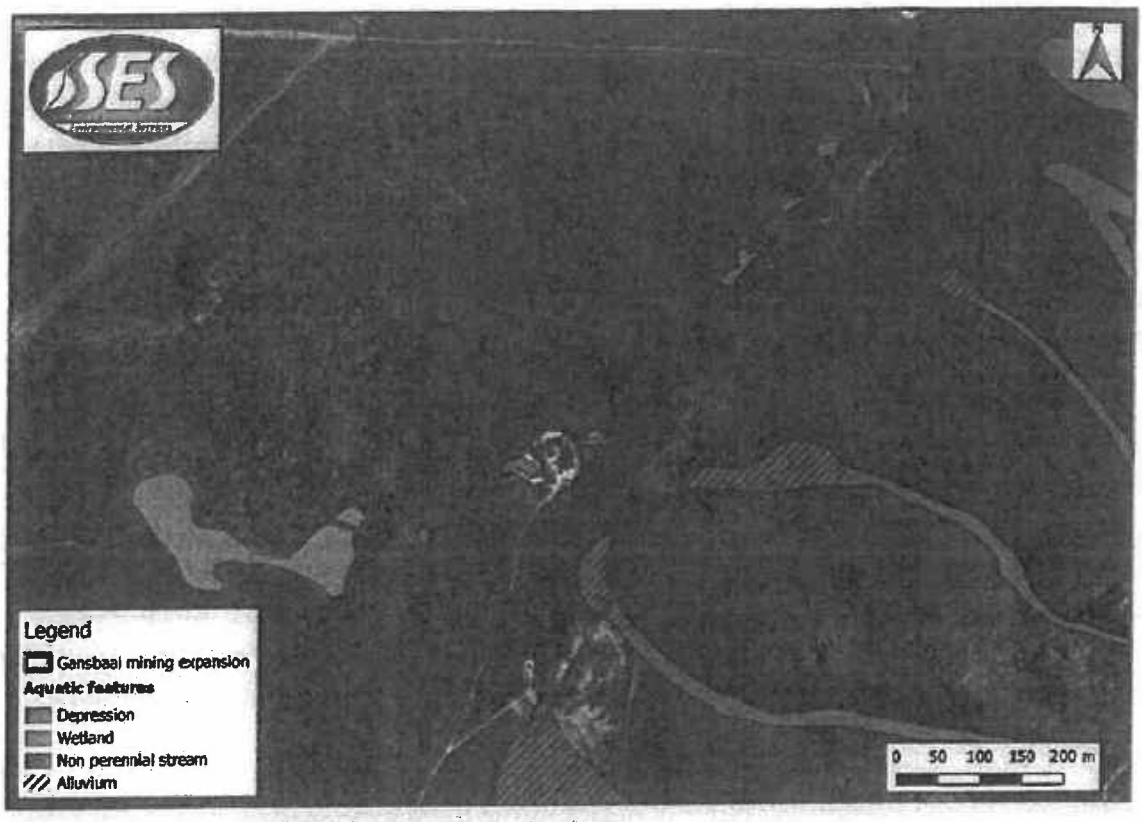


Figure 12: Delineated Surface Water Features (Source, SES, 2019)

Depression Features:

The depressional features identified (Figure 12) are situated upon the coastal plain, and although the surface relief of this area is relatively flat, there is local variability in the site topography. There are small and shallow low-lying features interspersed by sand mounds forming an undulating micro-topography. It is possible that this has resulted as a response to abiotic processes such as wind action. However photographic records provide evidence that these features may be formed by past human excavations and are therefore artificial in nature.

The soil profile was assessed (through augering to a depth of at least 50 cm) and no morphological indicators of prolonged saturation were found. The sediment is entirely composed of coarse sand that may interact with the groundwater table at a depth of approximately 100cm, but contained no mottles. The hollows are sparsely vegetated amongst dense alien trees. They consist of a few facultative individuals such as grass and restio species.

Apart from the likelihood of these depressions being created by human excavations they also lack the necessary indicators to be classified as wetland ecosystems. There is however one larger depression on site that does contain wetland habitat. The smaller features form part of the terrestrial habitat and were not included in further aquatic assessment. However, rehabilitation should attempt to restore the land surface as closely as possible to the pre-mining form.

The Wetland Habitat

The larger depression to the south west of the study area was identified and delineated as wetland habitat. The definition of a depression wetland is "a wetland or aquatic ecosystem with closed (or at least near-closed) elevation contours, which increases in depth from the perimeter to a central area of greatest depth and within which water typically accumulates". The wetland identified is not connected to the river network and the water source is likely to be sub-surface water dominated. The permanent zone is entirely vegetated by *Phragmites australis* reeds and the periphery contains Kikuyu grass (*Pennisetum clandestinum*) leading into the terrestrial Milkwood Thicket habitat. Soil augering within the depression showed evidence of prolonged and frequent soil saturation with the presence of gleying and mottling within 50cm of the surface.

It is unclear as to how this wetland habitat originated as it could be a result of natural processes or human disturbance. The shape and form suggest that the area was dammed in the past and has since formed wetland characteristics. There is evidence of a berm on the eastern edge of the wetland. Potentially humans made such alterations to the existing low-lying area rather than excavation. A detailed survey and groundwater investigation would be needed to determine this. If the wetland is a natural feature it has deviated from the reference condition and undergone significant habitat disturbance, mainly from soil disturbance for agriculture in the past and currently due to alien invasive plant encroachment. The system can be classified as moderately modified and obtained a 'C' Category from PES assessment indicating a good/ fair condition.

It has a moderate level of ecological importance and sensitivity as it is a source of freshwater and refuge for local biota on the coastal plain. However, it has limited habitat diversity and is no longer used for its water by society. It is in a disturbed ecological state and has little research potential. Although surrounded by a band of indigenous Milkwood Thicket the general area is densely invaded by Port Jackson (*Acacia saligna*) and Rooikrans (*Acacia cyclops*) trees. It is recommended that the wetland be avoided by the mining so as to cause no habitat loss and to maintain the system in its current state. Within the proposed sand mining area this avoidance would affect Block No. 2. (*EAP NOTE: Block 2 as contained in the draft Scoping Report has been removed from the area proposed for sand mining and the number of mining blocks has changed from 27 to 26 – refer Figure 19.*).

Non-perennial streams

Non-perennial mountain streams drain down the steep slope towards the proposed site. The drainage lines will only flow intermittently during rainfall events. The riparian area is vegetated by natural fynbos vegetation with few alien invasive plants present. The shallow channels become less defined at the mountain foothills and deposit alluvial material. Alluvial fans are created when the gradient decreases and the valley opens out towards the plain on the mountain foothills. This results in the deposition of the majority of the sediment load to form alluvial fans. The channel disappears and the systems become disconnected from the surface drainage network. However, their influence upon groundwater recharge is likely to be significant. These non-perennial mountain streams support important ecological processes and are in natural or near natural condition. The systems should be maintained in their current state.

Two of the alluvial fans are within the study site and a portion of these features is proposed to be mined for gravel. However, the alluvial material must be seen as part of the drainage line and avoided as far as

possible. It has a strong geomorphological relationship with the mountain streams and impacting it could cause degradation upslope into the channels.

Gravel Mine

Figure 13 depicts the 10,0m gravel pit buffer/ setback from the assumed sub-surface flow.

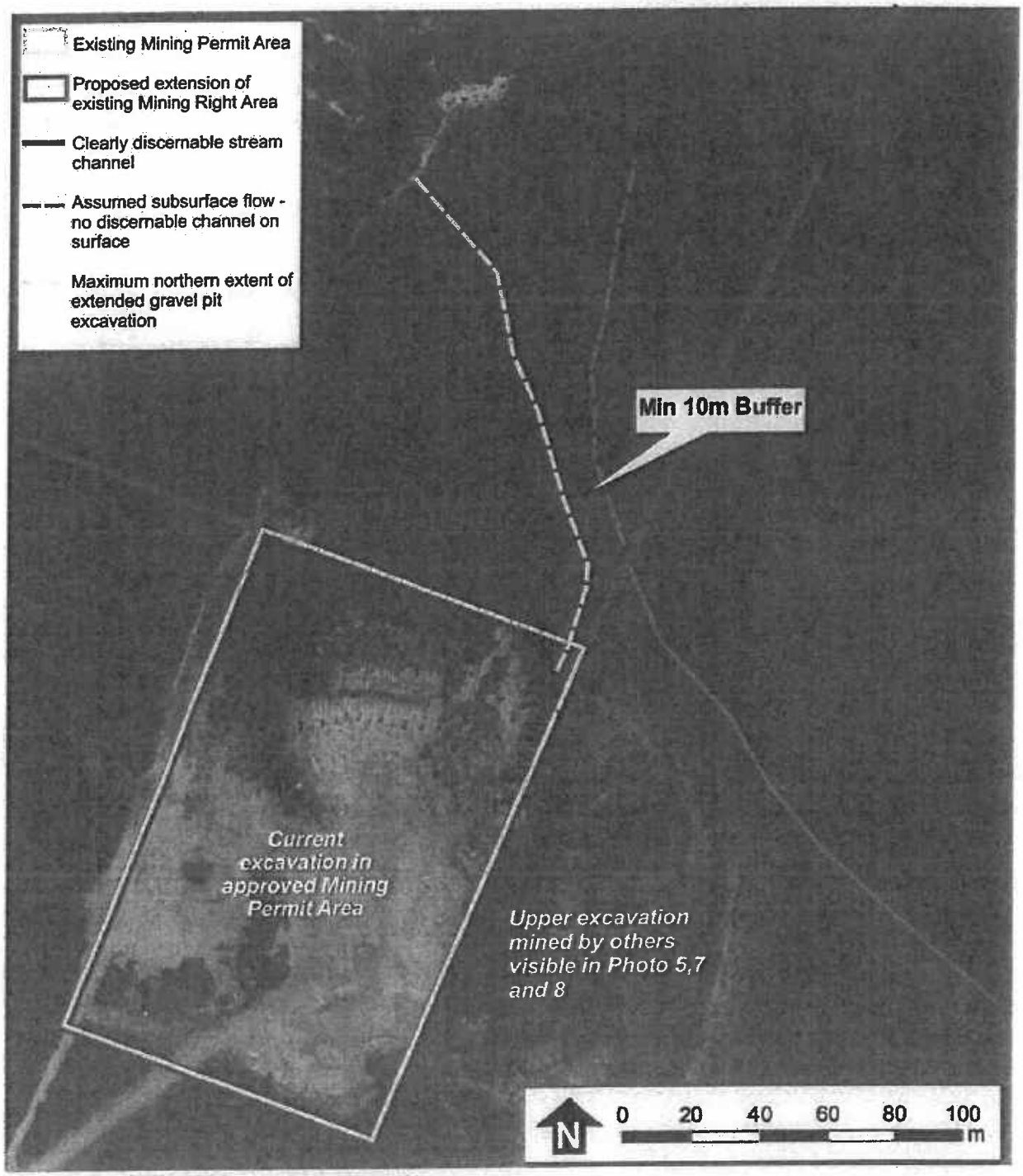


Figure 13: Gravel Mine: Surface Water Consideration

3.2.8. Groundwater

The results from the 2010 groundwater investigation by Geotechnics Africa are summarised in Figure 14 and table hereafter:

The table below shows the measured results from the piezometers placed in that study area. Be aware that the study area did not include the currently applied for extension of sand mining area and this study will need to be replicated for that area.

In the table below, the shaded rows are the piezometers that were placed in the floor of the then excavation area and showed depth to groundwater below excavated depth. It is noted that the reading obtained for GSM8 and GSM10 (in Feb 2011) were close to surface but would exceed 1m through eventual replacement of topsoil.

	Sep-10	Oct -10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
GSM1	Dry	Dry	2.1	Dry	Dry	Lost				
GSM2	2.77	2.58	2.4	2.6	2.65	Lost				
GSM3	Dry	2.6	2.6	2.5	Dry	Dry	Dry	Dry	Dry	
GSM4	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	
GSM5	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	
GSM6*	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Dry	
GSM7*	Dry	No Standpipe								
GSM8*	0.8	0.8	0.7	0.8	0.8	Dry	Dry	Dry	Dry	
GSM9*	1.26	1.15	1.5	Dry	Dry	Dry	Dry	Dry	Dry	
GSM10*	1.1	1.1	1.3	1.15	1.1	0.5	Dry	Dry	Dry	
GSM11*	1.85	1.9	1.7	1.3	1.2	1.8	2.0	2.2	2.5	
GSM12*	0.75	0.98	1.10	1.15	1.30	1.1	1.3	1.20	1.30	
GSM13	3.7	3.5	3.2	3.8	Dry	Dry	4.1	4.0	4.0	
GSM14	3.75	3.56	3.24	3.44	3.61	3.8	3.8	4.0	4.1	
GSM15	3.2	3.4	3.4	3.3	3.15				Dry	
GSM16	3.4	3.4	3.4	3.6	3.7				2.8	
GSM17	2.3	2.2	2.05	2.6	2.8				2.8	
GSM18	3.2	2.8	2.55	2.65	2.9	3.0	3.2	Lost in fire		
GSM19	Dry	Dry	Dry	Dry	Dry	Dry	Dry	Lost in fire		
GSM20	3.5	3.2	2.9	2.82	2.75	2.90	3.0	Lost in fire		

The important point is that during the trial pits dug by Site Plan Consulting in 2017 and later by the Mining Right holder, no groundwater was located to depths in excess of 4m in the proposed extension area.

A system of piezometers must in any event be installed to measure water table depth ahead of mining as described in Section 5.2.8 and Figure 22, as well as Annexure P: Updated Wetland Specialist Study.

Note that in terms of groundwater use, the site is located in Quaternary Basin G40L. In accordance with the 2016 Govt Gazette No 40243, within such basin it is permissible by General Authorisation to withdraw 275kl per hectare of land per annum (Erf 335 measures 4.2827ha allowing for total abstraction of 1 182m^3 per annum). Current water use is on average 2.5m^3 per working day resulting in a total approximate use of 660m^3 water per 264 working day year.

It is however required that the water use / borehole be registered and SES has been tasked with obtaining all registrations and General Authorisations in terms of surface and groundwater use.

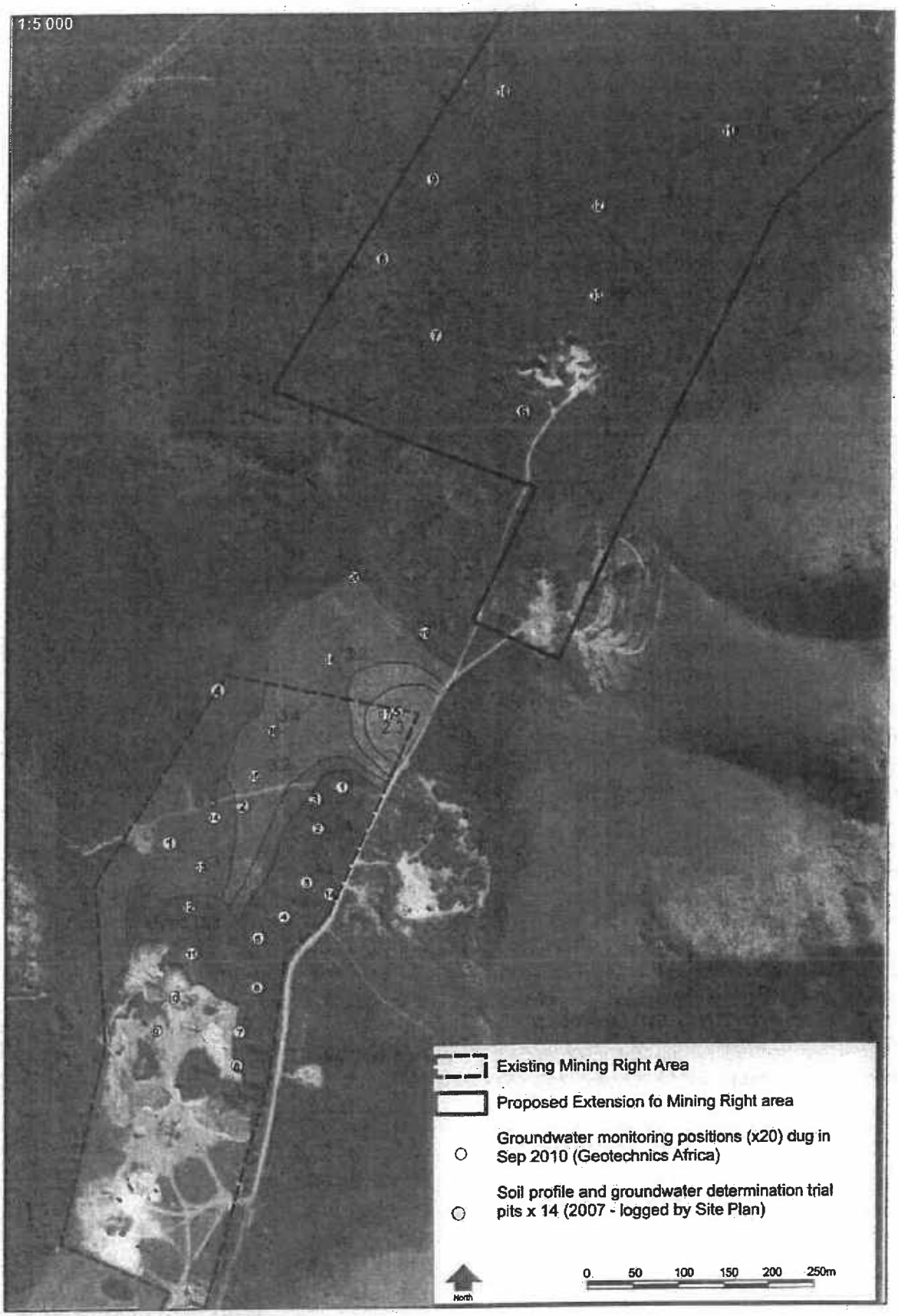


Figure 14: 2010 Groundwater Study

Please note that the water use application is being conducted as a General Authorisation by SES Consulting. They have had communication from DWS to continue as a GA:

From: Ewulaas_Do_Not_Reply@dws.gov.za <Ewulaas_Do_Not_Reply@dws.gov.za>
Sent: Wednesday, 12 February 2020 1:59 PM
To: debbie@sesgc.net
Subject: Application have been returned to you (WU15735)

Dear Ms Debbie Bekker

The following application have been returned to you:

Sizisa Ukhanyo Trading 410 CC Proposed expansion of Gansbaai sand mine in Gansbaai, Western Cape. (WU15735)

The reason for the return is as follows:

APPLICATION FOR REGISTRATION OF WATER USE(S) WITHIN THE AMBIT OF A GENERAL AUTHORISATION IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

The Department of Water and Sanitation has assessed your Pre Water Use Licence application enquiry. Please continue to apply for registration of water uses(s) authorized in terms of General Authorization

You received this email from:

Name : Ms Vhengani Liguda (Assessor)
e-Mail : vliguda@bgcma.co.za
Tel : 0233468047

Thank you,
The e-WULAAS Team

CapeNature: Conservation Intelligence in their letter dated 19 June 2020 requested that ***"a full Geohydrological Study be compiled to determine the groundwater model / functioning in the area"***.

In response it is noted that while this has been somewhat concurred with by the Freshwater Specialist but only in that it would help to ascertain the Groundwater Model in the area and is thus not necessary. The aim of the mining method, which entails regular monitoring of groundwater depths by Piezometers (refer Section 5.2.8 and Figure 22 for detail description), is precisely to eliminate any impact on the groundwater of the area by avoiding contact with such groundwater by at least 1.5m. The determination of the groundwater model would be academic and serve no purpose in respect of this project proposal.

In a letter dated 9 June 2020 (refer Appendix 5), the **Overstrand Municipality: Property Administration Section** in response to the draft EIA/ EMP put forward the following:
"2.5.1 The applicant must submit an updated wetland specialist study that shows water depth monitoring during summer as well as winter which study must be to the written satisfaction of the Senior Manager: Environmental Services."

In response, Annexure N: Updated Wetland Specialist Study puts forward the following:
Possible impact on groundwater is acknowledged as potentially significant and all efforts must be made to eliminate / avoid such impact. Therefore, the aim of the piezometer water level monitoring is to ensure no contact with groundwater, thus there is absolutely no impact on the groundwater regime.

The piezometers can however only be installed once Environmental and Land Use Authorisations or compensation agreements have been obtained. The result is that depending on timing of excavation development, there is a possibility that initial mining may not have full information available. Bearing in mind however that mining progress is very slow and any initial exceedance of water table levels (unlikely) can be rectified through backfilling over that small area.

Reporting of groundwater levels will be submitted to the project Environmental Control Officer and the Municipal Senior Manager: Environmental Services. In addition, the MPRDA requires that Environmental Audit be submitted at regular intervals by independent party. Furthermore, it required in terms of the EIA/EMP that an Environmental Monitoring Committee (EMC) be set up with representation by the Municipality (as landowners). The EMC will conduct site visit and discuss / recommend additional environmental mitigation required as well as monitor environmental issues on site.

Also refer Section 5.2.8 and Figure 22.

3.2.9. Air Quality (Dust)

(i) Dust standard applied.

NEM:AQA

The stipulations in the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) with revisions in Government Notice R.827, published in Government Gazette No. 36974 of 1 November 2013 were used in this dust fall monitoring programme and report.

A Standard for the acceptance dust fall rate is set out in Table 1 for residential and non-residential areas.

Restriction Area	Dust fall rate (D) (mg.m-2.day-1, 30-day average)	Permitted frequency of exceeding dust fall rate
Residential	D < 600	Two within a year, no sequential months
Non- Residential	600 < D < 1 200	Two within a year, no sequential months

SANS1929:2004

Attention is drawn to paragraph 4.8.4 of the extract from SANS regarding recognition that certain enterprises need to operate within "band 3" by virtue of "the practical operation of the enterprise..." provided that the best available control technology is applied for the duration".

"DUST FALL STANDARDS SANS 1929:2004

4.8 Dust Deposition

4.8.1 General

The four-band scale to be used in the evaluation of dust deposition is given in 4.8.2 and target, alert and action levels indicated in 4.8.3. Permissible margins of tolerance are outlines in 4.8.4 and exceptions noted in 4.8.5

4.8.2 Evaluation Criteria for Dust Deposition

Dust deposition rates shall be expressed in units of mg m² day-1 over a 30-day averaging period. Dust deposition shall be evaluated against a four-band scale as presented in Table 9.

Table 9 – Four-band scale evaluation criteria for dust deposition

Band number	Band description label	DUSTFALL RATE (D) (*mg* /m² /day [1] 30-day average)	Comment
1	Residential	D < 600	Permissible for residential and light commercial.
2	Industrial	600< D < 1 200	Permissible for heavy commercial and industrial.
3	Action	1 200 < D < 2 400	Requires investigation and remediation if two sequential months lie in this band, or more than three occur in a year.
4	Alert	2 400 < D	Immediate action and remediation required following the first exceedance. Incident report to be submitted to relevant authority.

4.8.3 Target, Action and Alert Thresholds are given in Table 10

Table 10 – Target, action and alert thresholds for dust deposition

Level	DUSTFALL RATE (D) (mg/ m² /day [1] 30-day average)	Averaging period	Permitted frequency of exceedances
Target	300	Annual	
Action residential	500	30 days	Three within any year, no two sequential months
Action industrial	1 200	30 days	Three within any year, no two sequential months.
Alert threshold	2 400	30 days	None. First exceedance requires remediation and compulsory report to authorities.

4.8.4 Margin of Tolerance

An enterprise may submit a request to the authorities to operate within Band 3 (ACTION Band), as specified in Table 9, for a limited period, providing that this is essential in terms of the practical operation of the enterprise (for example

the final removal of a tailings deposit) and provided that the best available control technology is applied for the duration.

No margin of tolerance will be granted for operations that result in dustfall rates which fall within Band 4 (ALERT Band) as specified in Table 9.

4.8.5 Exceptions

Dustfalls that exceed the specified rates but that can be shown to be the result of some extreme weather or geological event shall be discounted for the purpose of enforcement and control. Such event might typically result in excessive dustfall rates across an entire metropolitan region, and not be localised to a particular operation. Natural seasonal variations, such as dry windy period during the Highveld spring will not be considered extreme events for this definition"

(ii) Dust generation

Probably the most representative windrose is the windrose for Hermanus in Figure 15 for 2014 and 2015 (*Source: State of Air Quality: 2015- Department of Environmental Affairs and Development Planning Project Team*). The wind regime as reflected in the wind rose has the following implications for dust:

- A high incidence and high speed of south/south-easterly winds (in the dry months) indicating that dust generation could be high
- The other main sector is the north/northwest winter regime which is less threatening give its lower incidences and speeds and the fact that it occurs during the wetter winter months
- Absence of both easterly and westerly winds holds a positive implication that no dust will be carried towards the town of Gansbaai

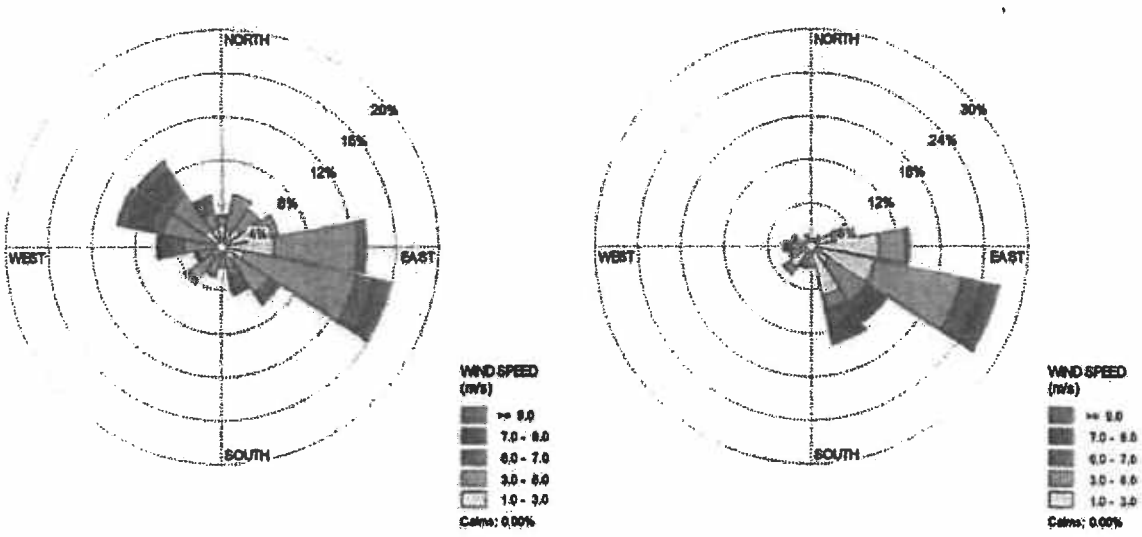


Figure 15: Windrose for Hermanus (2014 left and 2015 right)

Dust generation from this site is very low and no dust impact will occur on any surrounding land user or land use.

The current mining operation uses on average 2.5kl of non-potable water per day for dust suppression (as mist spray at plant and wetting of activity areas by water bowser when required).

DEA&DP: Directorate Development Facilitation letters dated 11 November 2019 and 20 April 2020 (refer Appendix 3) notes that ***"The use of potable water for dust suppression purposes is not supported and should be avoided"***.

3.2.10. Noise

(i) Standards to be applied

National standards / recommendations:

SANS 0103 titled "The Measurement and Rating of Environmental Noise with regard to Land Use, Health, Annoyance and Speech....." and its recommended levels shall apply.

Recommended limits: Assuming working hours of between 06h00 and 19h00 which classifies as daytime, a recommended maximum noise level of **45dBA** is set in terms of the table below, row b.

Type of district	Equivalent Continuous Rating Level for Noise ($L_{AEQ,T}$) - (dBA)					
	Outdoors			Indoors		
	Day-night ($L_{R,dn}$)	Daytime ($L_{Req,d}$)	Night-time ($L_{Req,N}$)	Day-night ($L_{R,dn}$)	Daytime ($L_{Req,d}$)	Night-time ($L_{Req,N}$)
RESIDENTIAL DISTRICTS						
Rural districts	**45**	**45**	**35**	**35**	**35**	**25**
Suburban districts (little road traffic)	**50**	**50**	**40**	**40**	**40**	**30**
Urban districts	55	55	45	45	45	35
ON-RESIDENTIAL DISTRICTS						
Urban districts (some workshops, business premises, main roads)	60	60	50	50	50	40
Central business districts	65	65	55	55	55	45
Industrial districts	70	70	60	60	60	50

Expected community response

In terms of community response to noise, SANS recommendations are to be used as follows:

Excess dB above ambient	Estimated Community / Group Response	
	Category	Description
0	None	No observed reaction
5	Little	Sporadic complaints
10	Medium	Wide spread complaints
15	Strong	Threats of community / group action
20	Very Strong	Vigorous community / group action

In addition, the general noise industry rule of "ambient +7 dB" shall serve as a good indicator above which levels are generally "not acceptable".

(ii) Noise sources on site

The following equipment/activities generate noise. Given the current on-going mining all of these activities currently take place and there have been no complaints in respect of noise (and none are anticipated):

Sand Mining

- Dozing of topsoil at ground level which will occur generally for two days per month.
- Excavator digging/loading material to temporary stockpile and loading stockpile material to haul truck, with excavator standing on the floor of the excavation and noise dispersion reduced by adjacent face and stockpiles
- Haul trucks and delivery vehicles
- Sand screening when contemplated

Gravel Mining

- Dozing of topsoil at ground level which will occur generally for two days every 6 months
- Excavator removal of material to mobile plant and operation of mobile plant (up to 2 weeks every 6 months)
- Loading of material from stockpile on floor to delivery vehicle

As the material being moved is soft sand and the modern equipment employed has electronic control of its hydraulic system to reduce engine power to a minimum, all these machines will operate in the lower range of their noise generation

Mining may only take place during daylight hours in order to limit impact on surrounding land users (highly unlikely as that may be).

4. MINE DEVELOPMENT AND REHABILITATION

4.1. Mine Layout Plan

4.1.1. Background to Material Sourcing and Demand

A growing demand for sand and gravel in the general construction industry and for road building and upgrading prompted the consideration of expanding the existing construction sand/ gravel mining venture on Rem Erf 210 Gansbaai or the securing of such material from other sites. While the most suitable source of material would be through an extension of the existing excavation, assumed restrictions (e.g. subsurface water flow) resulted in the following alternative sites being explored, including the north-west coastal belt, the southern coastal belt, inland sands and Danger Point. While presenting quality material in certain instances, such sites also comprised inherent environmental or nuisance constraints to surrounding communities and environs. Accordingly, the pursuance of extension of the existing sand excavation, including the gravel excavation extension, as put forward in the following sections.

4.1.2. Geology

Figure 16 is sourced from Council of GeoScience published data and shows the sand mine extension to be located in Quaternary aeolian sands whilst the proposed gravel extension is located in Peninsula Formation of the Table Mountain Group.

Exploration results

(i) Sand:

Sand underlies the entire mining right application area except where mining has taken place to date (Refer Figures 16 and 17). The sand deposit extends southwards, northwards and westwards outside of the mining application area, although further west there is evidence of calcrete nodules and soilcrete (duripan) horizon developing in the sand (best seen in the floor of the land fill site to the south west) and the gravel scree of Franskraal se Berg delineate the eastern extent of the surficial sands.

The depth of sand has been determined by two (2) previous rounds of prospecting by excavator (with ±4.0m reach). Figure 17 shows the trial pit positions while Figure 18 contains logs of the holes taken on site during the Site Plan Consulting round of prospecting in 2010 (Holes A-H). Figure 17 also shows the location of the trial pits dug later by the Mining Right Holder (1-9). Such excavator trial pits also revealed sand to depth of 4m and according to the mine manager, no water was located.
Although the sand cover is generally homogenous, the sand does show variations as described below:

- The main body of sand mined to-date is a medium grade sand formed by erosion / weathering of the mountain to the east. This is mixed with aeolian windblown sand from the west.

- To the west the sand becomes finer as the aeolian sand plays more of an impact in the origin. Calcrete nodules and surficial duripan (soil-crete) sheets also occur towards the west.

(ii) *Gravel:*

The proposed northern extension of the mining permit area is a logical and clear extension of the existing northern face of the mining permit excavation up to 3-4m deep as seen in Photo 11:

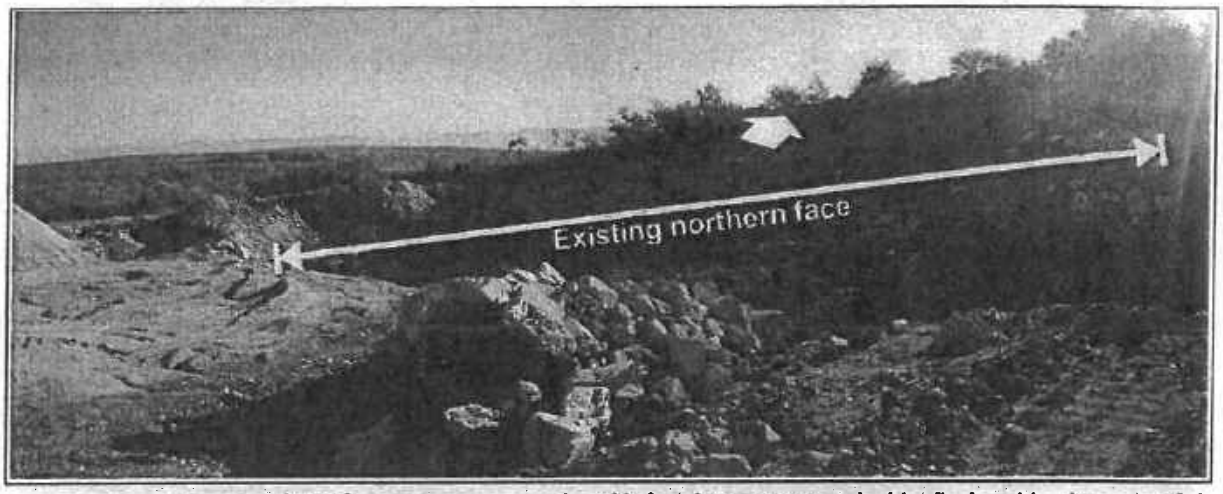


Photo 11: Existing northern face of gravel quarry. Note that this face has not yet reached its final position in terms of the existing mining permit, but the plan is to further advance it northwards as part of the Section 102 application.



Figure 16: Geology

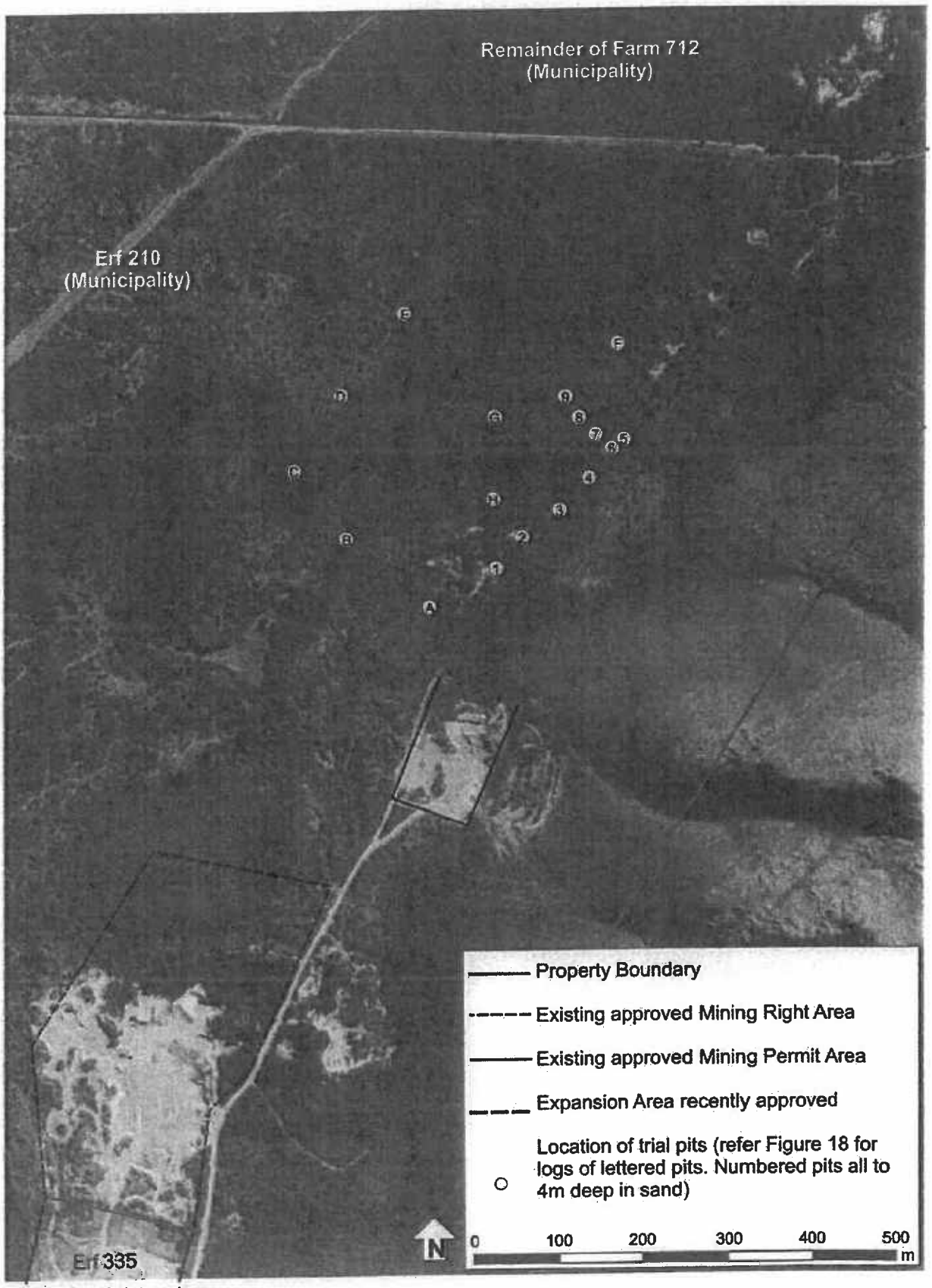
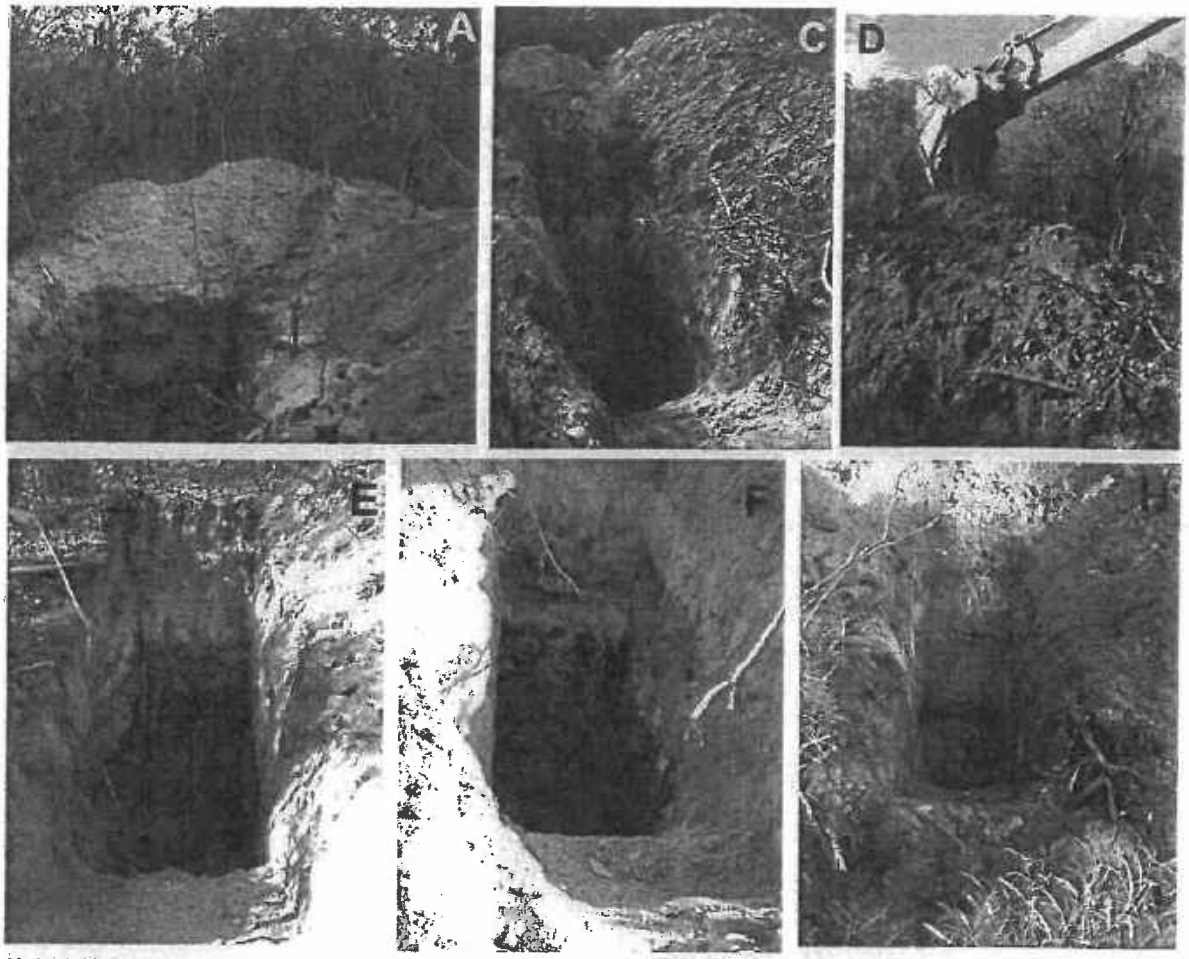


Figure 17: Trial Pit Locations



Hole A:Next to old pit
0-0.2: Dark grey topsoil
0.2-1.8: Grading dark grey to light grey (with subordinate semi angular boulders.
1.8-2.0: Dark brown
2.0-2.5: Gravel layer - angular
2.5-3.5: Light grey /white sands
3.5-4.6m: Light grey grading to Orange...No Water

Hole B: No photo
0-0.3m: Dark grey topsoil
0.3 - 4m: Dark grey homogenous colour and quality to 4m. Although sand is damp there is no water in the bottom of the pit. Pit wall slumps at level 3.0m
No water

Hole C:
0-0.4m: Dark grey topsoil
0.4-2.0m: Orange white mixed sandy material with semi angular pebble content.
2.0-4.0m: Brown coarse sand
Hole ends at 4.8m in light brown/orange sand
No water

Hole D:
0-0.4m: Dark grey topsoil
0.4-0.6: Hardened layer- possibly calcrete
0.6-1.6m: Orange and white mixed material ...very hard...with calcrete nodules. Excavator battles.
1.6-3.8m: Light orange / white material to bottom of hole. Excavator struggles to dig further. **No water.**
No water

Hole E:
0-0.4m: Dark grey topsoil
0.4-1.1m: Coarse white sand
1.1-2.5m: White to orange (graded)
2.5-2.7: Dark grey band of sand (still coarse)
2.7-3.6m: Light grey b/ white sands
All excellent quality material
No water.

Hole F:
0-0.4m: Light grey (lighter than all holes on this N portion)
0.4-4m: Consistent grey sands with orange and white discolouration in the upper 2m
No water

Hole G: NO Photo - Layered material
0-0.35: Dark grey topsoil
0.35-1.0: Light grey sand
1.0-1.5: Orange sand (coarse material)
1.5 - 2m: White sands (coarse)
2-4m: Dark grey sand
Hole ends at 4m in good sand...No water

Hole H:
0-0.3m Topsoil dark grey
0.3-1.5: Dark grey sand
1.5-1.8m: White band of coarse sand
1.8-4.0m: Dark grey sand
No water

Figure 18: 2010 Trial Pit Logs in the Extension Area

4.1.3. Reserves

Sand: The excavator used for trial pitting had a reach of between 4 and 4.5m. All trial pits found sand to a full depth of the excavator and no water was found in any of the pits. It is however at this stage deemed prudent to mine no deeper than 3m. The maximum sand excavation area west of the track is 201 351m^2. At a depth of 3m, that yields a total reserve of 604 053m^3 sand.
Gravel: Refer Figure 20 which shows the current surveyed contours and the proposed floor at adjacent level 45m yielding a total reserve of 35 670m^3 in the proposed extension area.

4.1.4. Lifespan

Sand Mine: The area available for mining is 201 351m^2. At a conservative mining recoverable depth of 2.7m, this yields a total reserve of 543 648m^3 tight. Tight to loose ratio in sand is 1.2, resulting in sales of 652 377m^3 loose. At a production rate of 24 000m^3 per annum, **this results in a lifespan of 27 years 2 months.**
Gravel: The gravel reserve has been calculated by polygon analysis in ArcGis and CorelDraw vector measurement to total 29 724m^3 tight. The tight to loose ratio of the material is 1:2 after single stage crushing yielding a total saleable volume of 35 670m^3 loose. At the current sales rate of 2000m^3 per annum, **this results in a lifespan of 18 years.**

The mining of the sand and gravel will run concurrently, therefore the **lifespan of the operation is 28 years.**

4.1.5. Mine Layout Informants, Site Layout Plans and Proposed Mining Method

(i) Informants:

The overriding informants to developing the mine plan include the following:

- Geology; the soil profiles were invaluable in determining the depths of sand available for mining and enabled the determination of the volumes available.
- Contours; the contours which have been provided in the mapping of the sand mine are from Surveyor General published data whilst the pre-mining contours in the proposed gravel mining area were surveyed by a land surveyor.
- Google Earth and Bing aerial photography are invaluable planning tools in mine design for sand mines.
- The surface water specialist has provided a delineation of freshwater habitats as well as recommended 40m buffers to each of the habitats (such buffer extended to 50m by specialist botanist).
- The vegetation specialist has also demarcated areas (wetland and milkwood grove), with a buffer of 50m from Wetland areas (refer Figure 19). Note that the more conservative 50m wetland buffer has been used.

(ii) Mine Site Layout Plans:

Figures 19 and 20 put forward the sand and gravel mine layout plans respectively:

Sand Mine Layout Plan

Figure 19 clearly indicates the informants to the layout and its response (e.g. buffers) to such informants, including:

- 50m buffer to the freshwater habitats
- 10m buffer to the alluvial fan
- 50m buffer to the Milkwood Grove/ Forest
- The on-site track delineating the eastern sand mining edge

Figure 19 sets out the twenty six (26) sand mining blocks within the mine extension area (20,1ha), as well as the final sand mining area in the existing Mining Right Area. It is noted that given a 30.0m "common boundary building line", the sand excavation along the northern boundary of the Mining Right Area abutting Farm Strandfonteyn 712 is setback 9.0m from the boundary in order to align with the 9.0m-wide "mining collar" requirement of the MPRDA (2002) to ensure stability along mining property boundaries and prevent destabilising of adjoining properties. Accordingly, a departure application to reduce the building line requirement from 30.m to 9.0m (refer Section 2.3). Also indicated is the logistical support area including the existing office/ despatch, staff amenities and sand screening plant on Erf 335, as well as the existing gravel access road.

Refer Section 6.2.2(i) and Figure 27(a) for the Sand Mine Operation Activity Areas and Operational Rehabilitation Site Development Plan (SDP).

Gravel Mine Layout Plan

Figure 19 indicates the existing Mining Permit Area which includes the current gravel mining, as well as its extension northwards. Figure 20 puts forward the detail mine layout plan for the extension of the gravel mining (0.81ha), including:

- Maximum north-easterly extent of gravel pit as determined by a 10,0 buffer to an assumed sub-surface channel, with maximum pit excavation height being 63.0m abmsl
- Proposed mining phasing in 25m-wide strips
- Resultant 5m faces on 10m-wide benches resulting in a 1:2 slope
- Contour drainage channels at 5m vertical intervals

Refer Section 6.2.2 (ii) and Figure 27(b) for Gravel Mine Operation Activity Areas and Operational Rehabilitation Site Development Plan (SDP).

(iii) Mining Method

- **Sand:** Photo 12 depicts the removal of topsoil to topsoil berms, with the cleared mining block ready for mining, while Photo 13 illustrates the mining (removal of sand). As the entire deposit consists of soft, unconsolidated (loose) sands, the material is suitable for direct loading by excavator into either delivery trucks for direct delivery of fill and selected horizon materials, or to stockpile (refer Photo 5). There is a provision for screening of the sand, with a small mobile screen within existing Mining Right area (i.e. on Erf 335) (refer Photo 4).
- **Gravel:** Based on past methods, the gravel is removed by excavator in trenches and processed through a single stage crusher (mobile plant) at the site of the gravel mine. The material is then sold from stockpile (refer Photo 5).

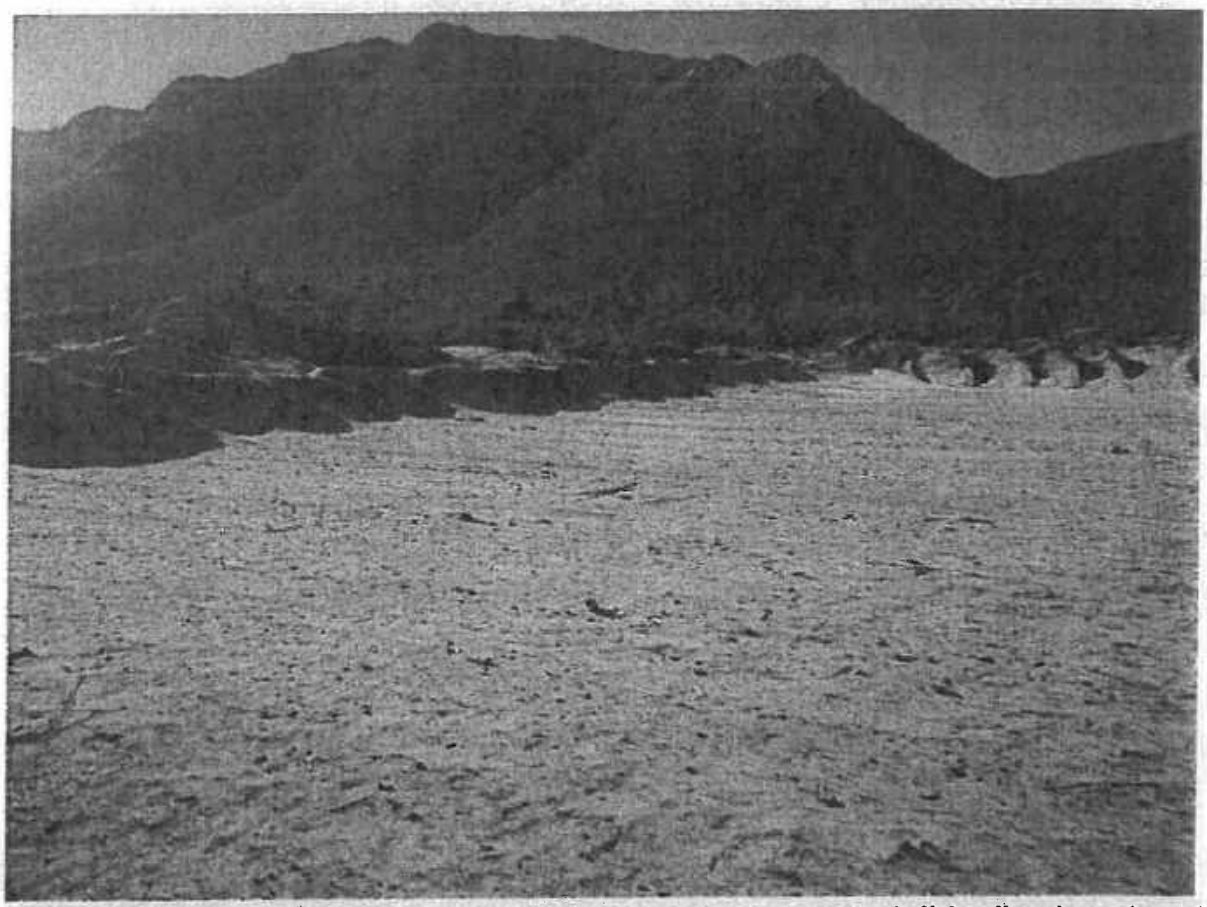


Photo 12: Currently cleared mining block ready for mining. Note the topsoil has been dozed off the affected area along with the vegetation content to perimeter topsoil berms



Photo 13: Sand Mining Method Indicating Sand Excavation and Topsoil Berms

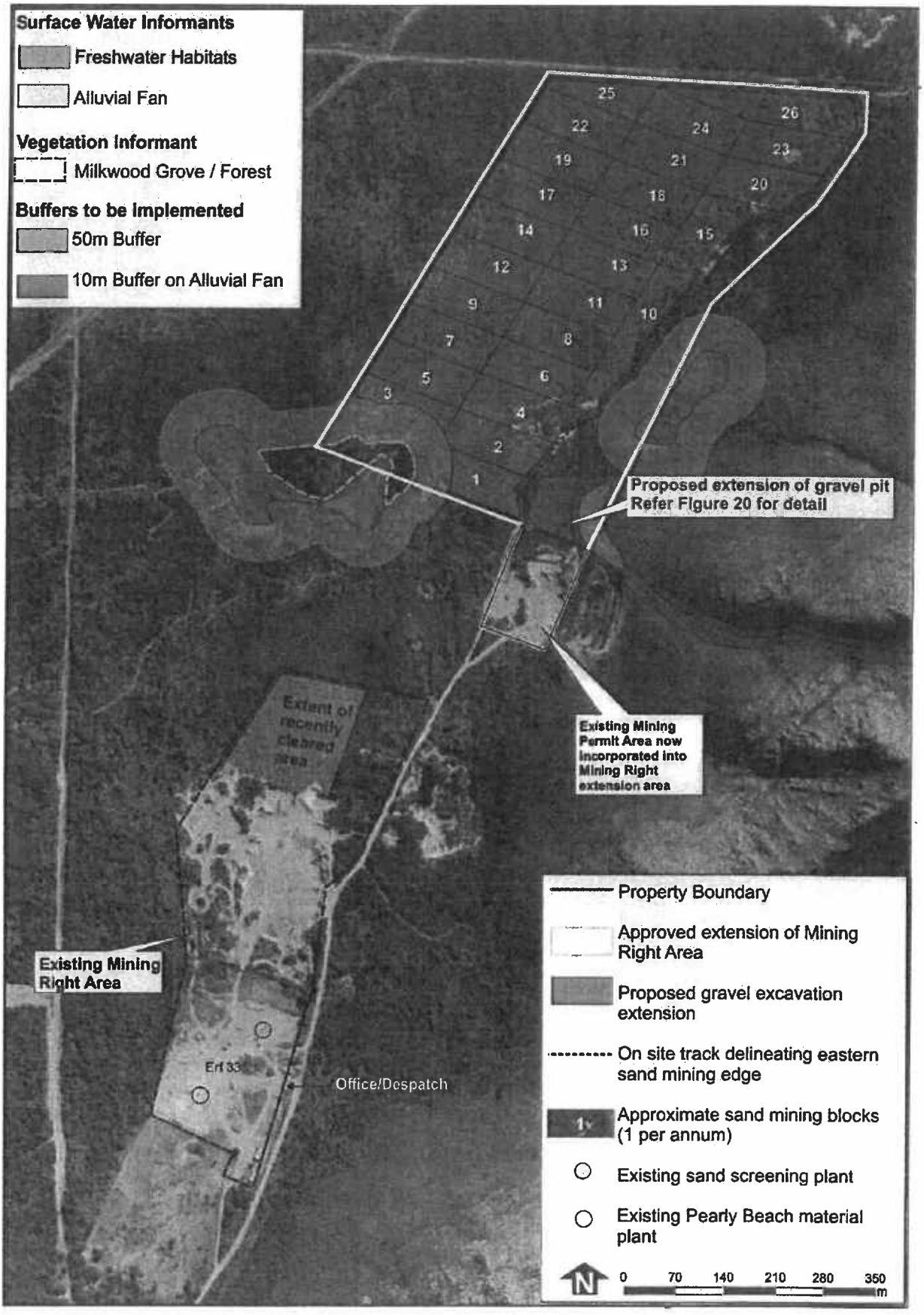


Figure 19: Site Layout Plan: Sand Mine, Measuring 20.1ha.

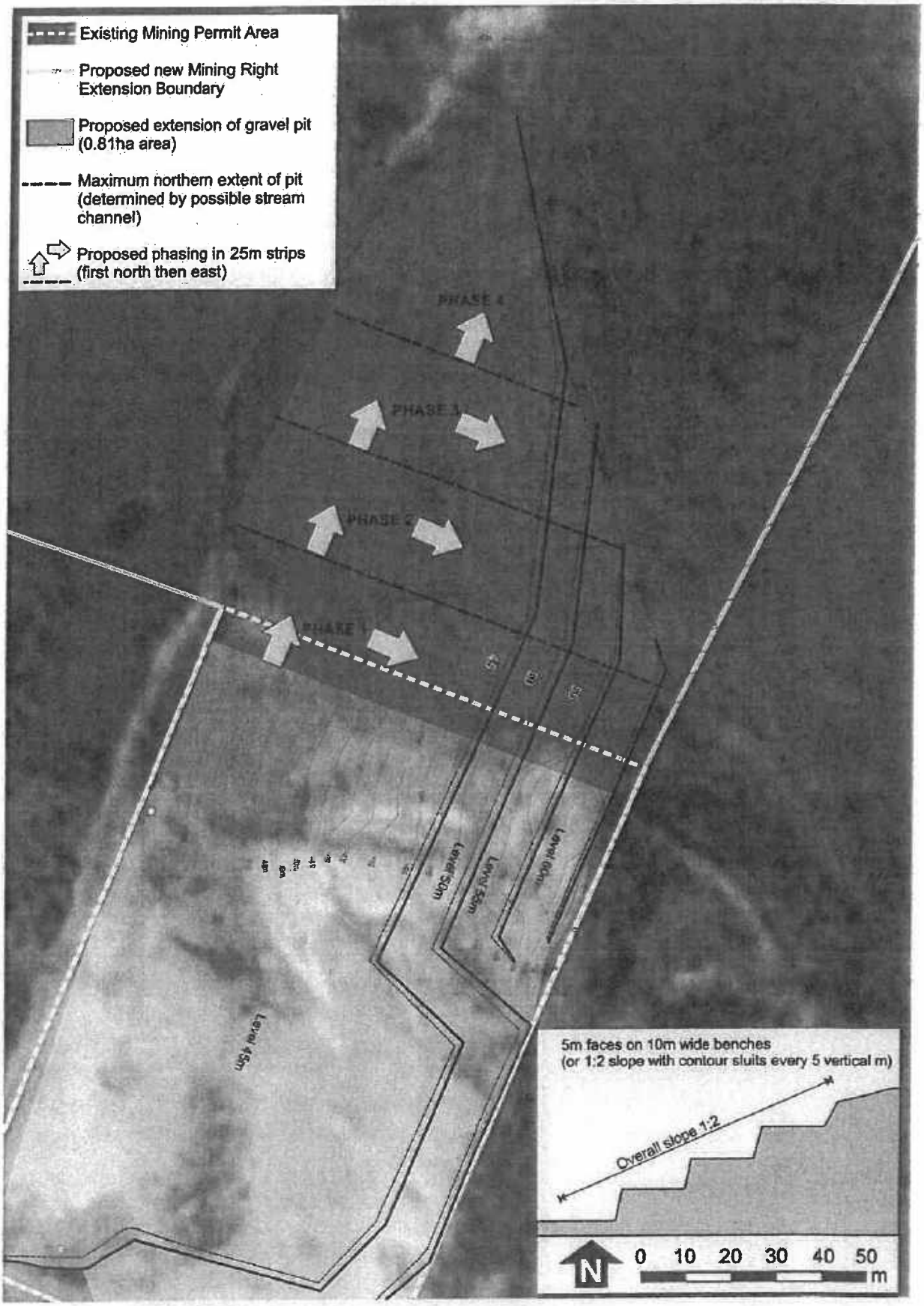


Figure 20: Site Layout Plan; Gravel Mining, Measuring 0.81ha

4.2. Rehabilitation and Proposed End-Use

(i) Closure Objectives:

- The overall objective is to leave portions of the site that can form part of the surrounding wilderness area, with an area reserved for possible agricultural development (refer Figure 21). The botanist has suggested that an implementable post-mining land use plan that incorporates agricultural and natural rehabilitation components be developed for the site. Owing to the past disturbance and heavy alien invasion on this site, it is suggested that fynbos rehabilitation and alien vegetation clearing be focused on the lower mountain slopes and seeps as well as around the Milkwood forest and wetland on the site. There also needs to be a natural conservation corridor maintained between the mountainous area and the wetland, Milkwood forest conservation node. All invasive species should be removed from the eastern edge of the mine and on the surrounding mountain slopes to the east as well as in an area of at least 50m around the Milkwood forest/wetland node and conservation corridor area. This will provide a functional buffer of manageable dimensions. Consideration should then be given to utilising the remainder of the mining rehabilitation area for agricultural purposes.
- The site must be shaped to mimic natural contours.
- There must be no impact on the local surface and groundwater regime (specifically the wetland, the scree recharge area and the buffer to the winter water table).
- There must be no impact on the Milkwood forest.

(ii) Rehabilitation Plan and Proposed End-Use

Figure 21 puts forward the rehabilitation and proposed end-use for the Mining Right Extension area, inclusive of the existing Mining Permit Area (existing gravel mine), noting that the existing sand mining area (i.e. existing Mining Right area) will be rehabilitated in terms of the existing approved EMP for such areas.

The rehabilitation responds directly to both the mined (disturbed) areas and the environmental features which informed the mine layout and mining areas, with the end-use to address the impacted footprint and reinforce the environmental features, including the following proposed end-uses:

- Buffer zones to be restored to Fynbos/ Strandveld habitat during mining operations
- Rehabilitation of mined-out gravel mine to Fynbos
- Development of a corridor linking the wetlands and their buffer zones, Milkwood Grove and the mountainous hinterland
- Retention of the access road

Photo 14 depicts a fully rehabilitated 1,5m depth sand-mined area, illustrating shaped pit sides and reinstated agricultural use.



Photo 14: Rehabilitation Post-Sand Mining

Refer Sections 6.2.2.3, 6.2.2.4 and Figures 28(a) and 28(b) for the Sand Mine Post-Mining Decommissioning and Rehabilitation Site Development Plan (SDP) and the Gravel Mine Post-Mining Decommissioning and Rehabilitation Site Development Plan (SDP) respectively, as well as Figure 29: Future Land Use Site Development Plan (SDP). Also refer Annexure O: Rehabilitation Plan.

In a letter dated 9 June 2020 (refer Appendix 5) the **Overstrand Municipality: Property Administration** in response to the draft EIA/ EMP put forward the following:
"2.5.3 The applicant must submit a detailed rehabilitation plan of the mining area, which plan must be to the written satisfaction of the Senior Manager: Environmental Services"

The implementation of the rehabilitation, both operational and post-mining, is to be conducted in terms of the Rehabilitation Plan as put forward in Annexure O, comprising the following main components:

- Mine closure objectives
- Future land use
- Operational rehabilitation
- Decommissioning rehabilitation (Closure Plan)
- Aftercare

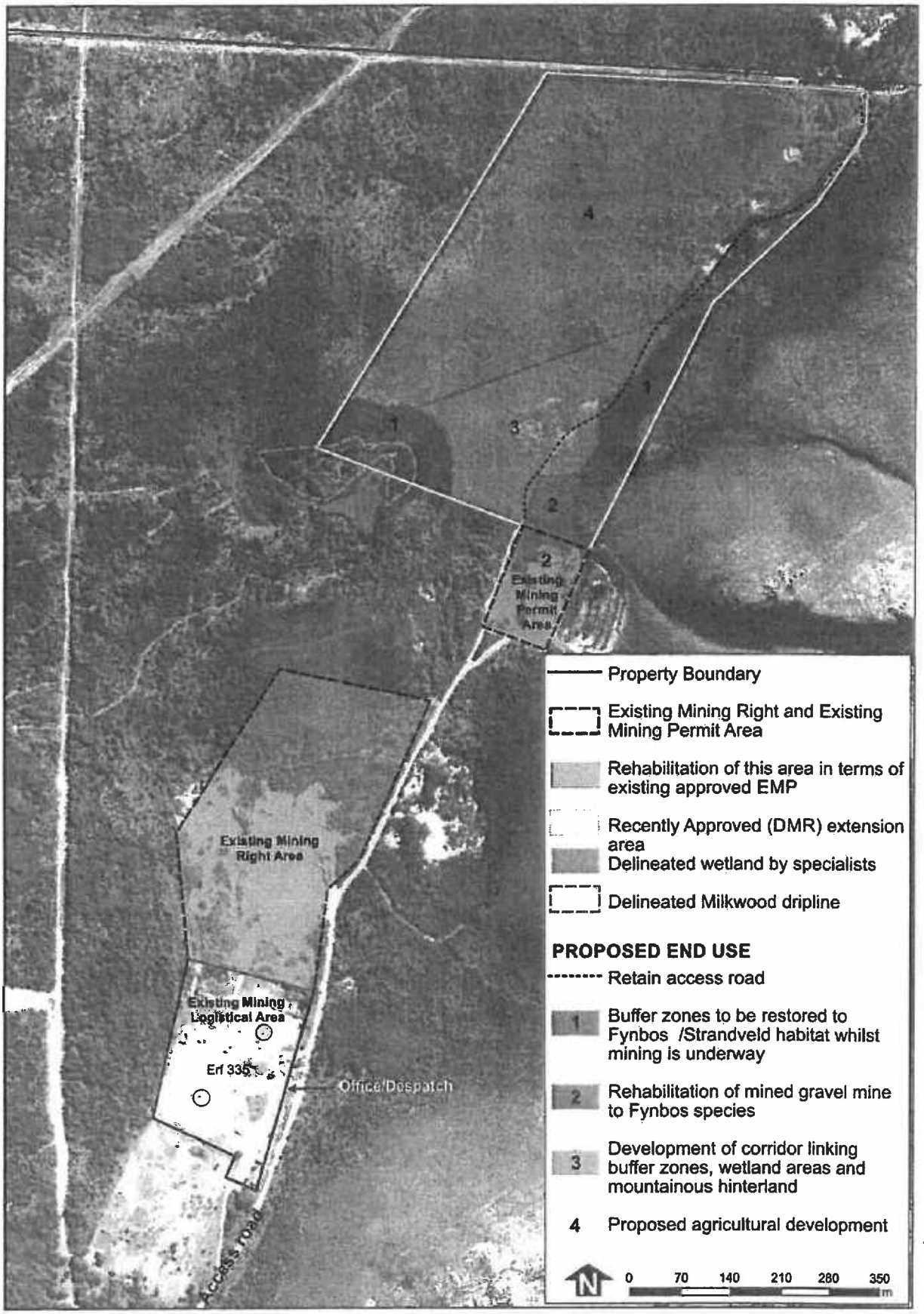


Figure 21: Rehabilitation Plan and End-use

5. IMPACT MANAGEMENT AND PROTOCOLS

5.1. Impact Management

Notwithstanding the measures prescribed in the following methodologies and protocols, the applicant is reminded of its "duty of care" prescribed in section 28 of the NEMA, 1998 which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

Accordingly, the EIA/ EMPr puts forward the following **Environmental Impact Statement:**

5.1.1. Impact Management Objectives

- To minimise impact on biodiversity operation at the site, bearing in mind the current poor state of the site (in terms of alien vegetation)
- To ensure that the proposed operation does not contravene policies of local / municipal SDF, IDF and other policy documentation
- Elimination of any possible impact on surface water and groundwater regime
- Limit any environmental nuisance factors resulting from sand removal at this site
- To have community representation in the Environmental Management System to ensure adherence the prescriptions of the EMP
- To have a high level of internal and independent monitoring (particularly in respect of groundwater levels, avoidance of buffer zones and topsoil/vegetation management)
- To eliminate / reduce alien vegetation infestation in the area especially as part of a holistic plan incorporating the surrounding areas.
- The specialist botanist has suggested that an implementable post-mining land use plan that incorporates agricultural and natural rehabilitation components be developed for the site. Owing to the past disturbance and heavy alien invasion on this site, it is suggested that fynbos rehabilitation and alien vegetation clearing be focused on the lower mountain slopes and seeps as well as around the Milkwood forest and wetland on the site. There also needs to be a natural conservation corridor maintained between the mountainous area and the wetland, Milkwood forest conservation node. All invasive species should be removed from the eastern edge of the mine and on the surrounding mountain slopes to the east as well as in an area of at least 50m around the Milkwood forest/wetland node and conservation corridor area. This will provide a functional buffer of manageable dimensions. Consideration should then be given to utilising the remainder of the mining rehabilitation area for agricultural purposes.

5.1.2. Impact Management Outcomes

- Ensure that mine plans and integrated concurrent rehabilitation takes place as per Mine plan phasing.
- Ensure that specialist specified buffers are in place to prevent impact on water regime and Milkwood grove
- To eliminate alien vegetation within the Mining Right extension area and possibly allow for the site to be suitable for agricultural and natural habitats post-mining, except for the buffers and eastern slopes as indicated in Section 5.2.2.
- General site husbandry must be of the highest order and management must be fully *au fait* with content and measures prescribed in the final EIA/EMP.
- A transparent Environmental Management System with community representation on a Monitoring Committee.

5.1.3. Summary Key Findings of Environmental Impact Assessment

Monitoring and buffer zones are critical to elimination of impacts in respect of this proposed operation.

It cannot be stressed enough how effective monitoring, particularly at this site is essential to eliminate impacts with the most important aspects requiring monitoring being:

- Piezometer monitoring of groundwater levels must be setup as soon as feasible and measurements of water tables must take place on at least monthly basis. This is critical to the determination of the maximum mining depth. There can be no exposure of groundwater permitted. Refer Section 5.2.8.
- Monitoring of topsoil removal / replacement is critical to effective rehabilitation of the site.

In terms of demarcation and buffer zones:

- It is critical that the 50m buffer from the wetland and milkwood grove be delineated and demarcated, as with the 10m buffer from the assumed sub-surface flow channel north-east of the gravel section. This should be done in conjunction with the specialist who compiled the specialist report.
- Formal monitoring and reporting must be undertaken to ensure that these buffers are never breached.

Should these overarching measures be implemented then the impact of the proposed mining will be minimal / acceptable.

5.1.4. Environmental Authorisation

Department of Mineral Resources letter dated 23 February 2021 (refer Appendix 1): "***The Department has decided to grant an environmental authorisation in terms of Section 24L of the National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reason for the decision are attached herewith***" (refer copy of EA in Annexure E).

The following summary of approved listed activities and EA site specific conditions of the approval, as relating to the following EA activities; clearance of vegetation, surface trench mining, development of roads and rehabilitation.

(i) Approval to undertake the following listed activities:
- The decommissioning of any activity requiring a closure certificate in terms of the MPRDA
- The clearance of an area of 20ha or more of indigenous vegetation
- An activity including the operation of that activity which requires a mining right in terms of the MPRDA, 2002
- The development of a road wider than 4,0 meters with a reserve less than 13,5m
- The clearance of an area of 300m² or more of indigenous vegetation
- The transformation of land bigger than 1000m²

(ii) EA site specific conditions, notably relating to land use and management and spatial reservation:
- Employees and contractor be informed through the environmental awareness programme of measures to prevent loss of biodiversity. Mining company to collaborate and co-operate with regulations and management authority during validity of EA
- Mining be conducted in a manner of conserve habitats/ species in Ecological Support Areas, where necessary being guided by Biodiversity Management Plans as per the Biodiversity Act (2004)
- Protected plan species must not be removed unless necessary permission is granted by the relevant competent authority

- Mining development footprint and impacted area to remain as small as possible and not encroach surrounding sensitive areas. Therefore a buffer zone of at least 50m should be maintained (e.g. Milkwood Forest)
- Existing borehole abstraction, if exceeding authorized use, must be authorized by DWS prior to mining commencement
- Groundwater depth to be determined by piezometer measuring prior to mining and to ensure groundwater is not affected by mining
- Groundwater seepage to be avoided and prevented, with levels monitored re TDS concentration and plumes are kept at acceptable DWS levels
- Wetland and riverine areas are to be considered "No-Go" zones unless authorized. A buffer area of at least 40m shall be monitored
- Alluvial fan to be protected, with the maintenance of a minimum 10m buffer
- Applicable requirements re legislation pertaining to occupational health and safety be adhered to
- A integrated waste management approach be employed, with any solid waste to be disposed of at an appropriately licensed landfill
- Harmful waste substances storage facility to comply with NEMA Waste Act (2009) insofar construction and safety regulations and instructions
- EA holder to ensure sufficient and competent staff to undertake hazardous waste management activities
- Dust generation at haul roads to meet requirements of NEMA Air Quality Act (2004)
- Recommendation and mitigatory measures emanating from the specialist studies to be implemented by the EA holder
- Any threatened or red listed species in the area to be reported by the EA holder to SANBI or the appropriate national and provincial department, with the implementation of recommendations made by SANBI to be implemented to avoid any further biodiversity depletion, unless approved by the EMPr or EA approval conditions
- Hunting, entering of dogs and cats prohibited in mining area, with encountered animals being removed/ relocated, but not killed or injured

5.2. Methodologies and Protocols

5.2.1. Topsoil Handling Methodology

The management of topsoil is of utmost importance. Without topsoil management, the disturbed area is subject to several other potential long term impacts such as lack of revegetation or extended revegetation time, dust generated off denuded areas and prolonged visual scarring.

"The storage of topsoil, however done, is problematic because soil fauna and michorrhiza in the topsoil decline with storage time (Haigh, 2000). The storage of the topsoil is, however, important in terms of the composition of the organic material, however old, which will be needed to "kick-start" the rehabilitation process with the addition of some kind of organic mulch. Topsoil must be stored in long, low berms, rather than in huge piles. Wetting (rainfall) and aeration of the stored topsoil must be maximised" – K Coetzee, 2015.

It is critical to the successful rehabilitation at this site that the prescribed sand profile above the water table is maintained. This is also critical to ensure no impact on the groundwater quality and quantity to users downstream as well as to maximise the potential agricultural land use mooted for portions of the rehabilitated areas. The minimum amount of sand to be retained above the water table level is

1.5m (consisting of 1.25m in situ sand and 0.25m topsoil). To ensure this post-mining profile, the following is required:

- Understand the depth to water table ahead of mining by a grid system of piezometers (refer Section 5.2.8).
- Remove at least 0.25m topsoil ahead of mining as per description below
- Only mine to 1.25m above the max water table level
- Replace topsoil to full depth
- Monitor the sand profile post-mining. Any shortcomings must be remedied through backfill.

Topsoil handling is integral to the mining layout and mining method as contained in Figures 19 and 20.

Topsoil stripping

Successful rehabilitation is dependent on careful management of topsoil. Generally some 70-80% of all plant species found on site can return if topsoil is conserved and replaced following mining, but in this case, the soil also contains a significant seedbank of alien vegetation (refer alien vegetation management; Section 5.2.2).

Topsoil stripping is to takes place ahead of mining by excavator/dozer. The process will entail:

- The selection of area where topsoil is to be removed; should be no more than 40-50m ahead of mining
- The initial removal of all alien vegetation, with no use of herbicide (only mechanical means).
- Conduct sweep of proposed topsoil removal area for plant species to be relocated (refer Section 5.2.2)
- Conduct sweep for any archaeological artefacts and slow-moving animals.
- Removal of topsoil to full depth along with all remaining vegetation content.

Topsoil will initially be stored either in berms ahead of final face advance per excavation for use in rehabilitation of the final mining block, or in immediate rehabilitation, subject to equipment availability, or for a previously mined-out and shaped mining block. This method of topsoil removal will unfortunately require double handling especially if the excavation is more than 50m from the final excavation edge, therefore all efforts must be geared to limiting the handling of topsoil by removing topsoil to final edge of mining as soon as practically possible.

The principle behind topsoil handling is that all topsoil removed subsequent to the initial block's topsoil removal is utilised immediately (or as soon as feasible given machinery requirements) in the rehabilitation of mined out, shaped and prepared areas.

Topsoil storage:

NO TOPSOIL MAY BE STORED OUTSIDE OF THE MINING RIGHT AREA (and especially not so as to disturb natural vegetation not for future mining adjacent to the pit)

As described above, some topsoil will be stockpiled in berms along excavation upper edge for use in rehabilitation of the final mining block. Such topsoil berms are to be restricted to 2m height and may be as wide as required. The reason for the 2m height restriction is to preserve as much of the natural seed bank as viable. Side slopes of the berms must be sloped to minimum 1:2 to prevent wind and water erosion of the slopes. Should wind erosion become an issue, it is imperative that brushwood packing take place on the topsoil heap or use of shade cloth netting be put in place.

The theory of topsoil management in this document is that topsoil removed ahead of mining be used simultaneously in the rehabilitation of subsequent mining blocks. However, in practice this cannot happen because of machinery constraints. In practice, the topsoil will be stockpiled ahead of mining within the proposed excavation area or on the excavation floor for replacement on mined-out and prepared areas as soon as feasible.

Returning topsoil

Topsoil to be replaced over prepared areas to a minimum of 25cm depth. The preparation of such areas entails the following:

- Excavation side slopes: When the face has reached its final position, the slope will be dozed to the required edge slope and all sharp edges will be rounded to mimic natural contours. The topsoil berm above the slope will merely be spread over the sloped and prepared slope and revegetation to take place as per para below.
- Excavation floor: As soon as excavation floor has reached its final configuration / level with minimum 1.25m in situ sand buffer from water table, then topsoil must be spread over affected areas from stockpile or directly from topsoil removal area.

It is critical that returned topsoil be subject to revegetation methodology below.

5.2.2. Devegetation and Revegetation Protocol

Introduction

In normal Fynbos or Strandveld revegetation:

Approximately 70% of fynbos plant species have soil stored seed banks (Esler et al, 2014). This means that if the topsoil is correctly stripped prior to mining and correctly stored, at least 70% of the original plant species required for the rehabilitation of the site will be available as seed when the topsoil is spread over the subsoil when the rehabilitation process is started.

The balance of the fynbos species can be introduced into the rehabilitation sites by applying a seed-bearing mulch of locally cut indigenous vegetation patchily over the rehabilitation site (Esler et al, 2014).

However, in this case the site is very significantly invaded by alien species and the seedbank in the soil will consist mostly of alien species. It is highly unlikely that the site can be restored to Strandveld vegetation type without significant cost, time and effort. The specialist botanist has stated the following:

"Owing to the past disturbance and heavy alien invasion on this site, it is suggested that fynbos rehabilitation and alien vegetation clearing be focused on the lower mountain slopes & seeps as well as around the Milkwood forest and wetland on the site. There also needs to be a natural conservation corridor maintained between the mountainous area and the wetland, Milkwood forest conservation node. All invasive species should be removed from the eastern edge of the mine and on the surrounding mountain slopes to the east as well as in an area of at least 50m around the Milkwood forest/wetland node and conservation corridor area. This will provide a functional buffer of manageable dimensions. Consideration should then be given to utilising the remainder of the mining rehabilitation area for agricultural purposes". Refer Figure 21 for proposed final rehabilitation and post-mining land use plan, as well as SDP: Rehabilitation Plans (Figures 28(a) and 28(b) and SDP: Future Land Use (Figure 29)), and Annexure O: Rehabilitation Plan.

Proposed Mitigation measures:

The following paragraph by the specialist botanist has a direct bearing on the mitigation measures required in terms of revegetation at this site:

"Mitigation must include exclusion of sensitive areas including a minimum of a 50 m buffer of natural vegetation, a full search and rescue operation prior to top-soil stripping (preferably in late spring),

careful stockpiling and spreading of topsoil after mining and an effective, long-term alien vegetation management (land use) plan and implementable program for the site".

This requires that the following measures be implemented in terms of devegetation and revegetation of the site.

(i) Exclusion of **sensitive areas** including a minimum of a 50m **buffer** of natural vegetation:
- The 50m buffers from wetland areas and Milkwood grove are delineated in Figure 19.
- There also needs to be a natural conservation corridor maintained between the mountainous area and the wetland, Milkwood forest conservation node.
- All invasive species should be removed from the eastern edge of the mine and on the surrounding mountain slopes to the east.

(ii) Full **search and rescue operation** prior to top-soil stripping (preferably in late spring):
Prior to topsoil removal, a search and rescue operation must be undertaken by an experienced botanist/horticulturalist to collect the succulent plants and bulbs that can be easily transplanted (De Villiers, 2005). These plants can be planted in a nearby safe site in one of the "sensitive areas" described in (i) above. All alien vegetation must be felled and removed from the area into which search and rescued plants will be transplanted.

Note that the timing of the search and rescue operation is important given the possible geophytes on site. The dates for search and rescue must be determined by specialist botanist and mining must be scheduled around this. It is therefore imperative that the Mining Right holder and specialist botanist liaise early in the mining process.

If any endangered or protected species, listed in Schedules 3 and 4 respectively of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) are found on site, a permit for the collection of such species must be obtained from CapeNature before any such species may be removed. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process

(iii) Careful stockpiling and spreading of **topsoil** after mining
The key to rehabilitation success in mining in fynbos areas is the proper management of topsoil. The majority of fynbos plants are reliant on soil-stored seed or underground organs within the top 300 mm of soil for regeneration following fires. As such, careful topsoil management is an essential component of any fynbos rehabilitation project.

(iv) Long-term **alien vegetation management** (land use) plan
This will require felling, stump treatment with herbicide where necessary and chipping/burning of piles to remove all material from the site. All alien clearing must be implemented by suitably qualified and experienced alien clearing team according to the norms as prescribed by the Working for Water Program. If piles of felled materials are to be burnt, they should be burnt in mined but unrehabilitated excavation areas. An alien vegetation management plan should be drawn up by a suitably qualified expert to ensure the long term maintenance of the site, including appropriate methodology and annual follow-up clearing operations.
Such alien vegetation management plan must be drawn up for comment by landowner, DMR and specialist botanist as soon as all approvals are in place and prior to mining commencement (refer Annexure P: Alien Clearing Programme).

(v) **Implementable program for the site:**

- **Vegetation re-establishment**
  In areas where the restoration of the fynbos is to be considered after mining, it will consist of the application of seed bearing topsoil, the natural colonization of plants from the adjacent undisturbed fynbos as well as the selective application of a seed-bearing mulch in patches throughout the area. The reintroduction of key species such as *Protea obtusifolia*, *Leucadendron coniferum* and *Protea repens* will require active seed sowing in autumn prior to winter rains. Annual alien clearing operations will be required to remove invasive tree species re-growth. It is expected that owing to the density and long time-frame of invasion on this site that at least ten years of annual clearing will be required to get the site to a maintenance phase.

  The aim of the rehabilitation process will be to attain 80-100% cover within three years with moderate species diversity (at least 50% of current diversity on site). A major threat to long term rehabilitation will be the potential for alien plant infestations, which are reasonably common in the vicinity.

- **Possible agricultural development**
  After topsoil replacement, prior to agricultural development, the site can be grassed according to the following methodology: A mixture of indigenous grasses can be seeded directly onto the soil surface or into the mulch, noting that the seed must not be buried. Sow seed immediately after the first rains of the peak rain season. This will probably be May in the study area. A quick crop of oats can also be used to help build up a topsoil mulch. It can be mixed into the grass seed mix. Grass species to use are:
  - *Chloris guyana*
  - *Cynodon dactylon*
  - *Digitaria eriantha*
  - *Ehrharta calcine*
  - *Eragrostis curvula.*

  Sow at a rate of about 6 kg/hectare.

  Subject to horticultural project identification and planning, a community-based pilot project be initiated on the rehabilitated mining area. Photo 10 Illustrates the successful introduction of horticulture (vegetable production) within the rehabilitated sand mining area on Erf 335 (existing mining area).

5.2.3. Hydrocarbon Management and Domestic and Industrial Waste Management Protocol

Section 16(1) of National Environmental Management: Waste Act reads:

1) *A holder of waste must, within the holder's power, take all reasonable measures to—*
   a) *avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;*
   b) *reduce, re-use, recycle and recover waste;*
   c) *where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;*
   d) *manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;*
   e) *prevent any employee or any person under his or her supervision from contravening this Act; and prevent the waste from being used for an unauthorised purpose.*

Taking cognisance of the framework of waste management as described above, the following waste management protocols must be put in place:

(i) Domestic Waste handling

There will be no buildings or facilities on site. The operators (probably not more than two (2)) must be trained to keep their domestic waste (in the form of lunch wrappers, cigarette boxes, etc.), in their cab for the day. When collected from the working place domestic waste to be transferred to a suitable receptacle off-site.

(ii) Sewage handling

There is to be a contract supplied and maintained chemical toilet on site near the place of work.

(iii) Fuel receipt, storage and dispensing:

In the management of fuel supply, receipt, storage and use, the following procedures will be followed, cautions taken and facilities built to properly manage this operational sector:

- The fuel delivery bowser driver will be cautioned to adhere to safe driving speeds and drive cautiously at the mine and along the access road.
- There will be no diesel tank installation at the site and fuel is brought in by diesel bowser.
- During dispensing of fuel to field vehicles via fuel trailer, the dispensing vehicle is to be fitted with suitable pumps and funnel extensions to reduce the risk of spillage in the transfer of fuels.

(iv) On-site repairs:

Routine servicing of vehicles as well as major overhauls will be conducted off site.

(v) Emergency repairs on site:

In the event of a breakdown with repair being required in the field, the staff should be trained in use of drip trays and suitable funnels (not to drain oil into the sand) for filling and draining of lubricants and the staff shall be provided with such equipment to prevent soil contamination.

In addition:

- Used/replaced filters, hoses, belts, cloths, etc. are to be placed in a bin for disposal at a regional industrial waste handling facility. Used filters are not to be buried at the site of repair (nor discarded in the excavation to be backfilled).
- In the event of soil contamination, the oil and contaminated soils are to be placed in black disposal bags and transported to a suitable facility.

All staff involved in mobile plant operation and maintenance are to be made aware of these oil and lubricant procedures. Staff will require instruction in the:

- Deleterious effects of oil / fuel on the environment
- Handling method and reporting procedure (also in terms of emergency plan readiness in case of large oil spill

(vi) General Provisions

- All operators are to check their equipment for leaks and report such leaks on a daily basis.
- No used oils are to be used as dust suppressants on maneuvering areas.
- All receptacles must be inaccessible to animals.

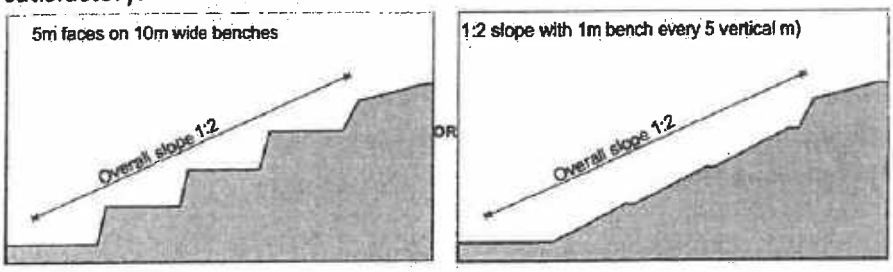
- In the event of a significant spill or leak of hazardous substances (e.g. petrol, diesel, etc.), such an incident(s) must be reported to all relevant authorities, in accordance with section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") pertaining to the control of incidents.

5.2.4. Excavation Shaping and Topographical Controls

The following factors will determine the eventual excavation shape in the case of the sand mine:

- No slopes must be steeper than 1:3
- All sharp edges are to be rounded
- There must be at least 1.5m sandy material above the water table

In the case of the gravel excavation, the following edge shaping options apply. Either one is satisfactory:



5.2.5. Demarcation of "No-Go Areas" and "No-Go Area Management"

The applicant is required to demarcate the following areas:

(i) Each mining block prior to mining
(ii) The 50m edge of buffer from the delineated wetland and/or 50m from the dripline of the Milkwood Grove
(iii) The edge of excavation of the proposed gravel extension
(iv) The 10m buffer from the "alluvial fan" beyond the gravel excavation area

The issue is that in respect of the items (i) and (ii) above, no pegs would be visible through the very dense alien vegetation and it is recommended that a 5m wide strip of vegetation be cleared along that boundary. The 5m wide strip must:

- In the case of the 50m buffer around the wetland/ Milkwood grove, the cleared 5m strip must not encroach on the 50m buffer but must be located within the mining block
- In the case of the mining block, the 5m wide strip must be within the mining block to be mined and must not encroach on the next mining block.

In the case of items (i) and (ii) demarcation, this can be achieved by semi-permanent brightly coloured posts or 220l drums visible from each other. Avoid danger-tape as a method of demarcation.
The "No-Go Areas" must form part of the Environmental Induction Training (which forms part of the Environmental Awareness Programme).

5.2.6. Dust Reduction Measures

The wetting of haul roads and activity areas by water cart will continue as required, noting the use of non-potable water for such purposes.

Although it is unlikely that dust would ever impact on any surrounding land use or user, dust can be continually monitored and analysed through the use of a *"DustWatch"* system at any location which is the source of a complaint in this regard. Such system consists of a series of directional dust monitoring units. The four-bucket units are used to monitor prevailing wind directions with opposing winds as controls. This allows for an assessment of import / export fall-out dust quantification (in other words, the dust generated by the sand mine can be quantified as well dust generated by other sources in the

area) and standard services include the regular sample collection, filtration and data analysis as well as data reporting of the findings (Monthly Fallout and Trends Analysis).

The required dust control, in the highly unlikely event that dust is determined to be arising from the site, will depend on the source of the dust but will generally be controlled by wetting or revegetation.

No mining activities are to be conducted during extreme windy days (weather conditions to be considered by management upon commencement of daily operations).

5.2.7. Stormwater Management Plan

DEA&DP: Directorate Development Facilitation letters dated 11 November 2019 and 20 April 2020 (Appendix 3) ***"It is therefore recommended that a stormwater management plan be compiled for the mining areas"***.

It is highly unlikely that stormwater control will be required at this site given the sand buffer to the existing groundwater resource and the high permeability of the sand. The 1.5m sand buffer above the water table also means that most rainfall will soak away.

However, the following stormwater management actions may be required:

(i) If erosion becomes apparent on the 1:3 sand mining excavation rehabilitation slopes, while highly unlikely, then the following must be undertaken:
   - Develop a 30cm x 30cm cut-off trench above the slope
   - Initiate stabilisation of slopes using geotextile and mulch.

(ii) Stormwater run-off on the side slopes of the gravel excavation be managed by excavation shaping, notably 10m-wide benches or a 1:2 slope with contour run-off sluits every 5 vertical meters.

(iii) Where ponding of stormwater occurs on hardened movement areas (i.e. loading and dispatch area, gravel access road surface) such ponding areas be sand/ gravel-filled to displace ponding and maintain a run-off slope (e.g. 1:100), with cut-off trenches installed to manage stormwater drainage from the road.

(iv) Groundwater pollution via ponded water also needs to be addressed through the Hydrocarbon Management Protocol (refer Section 5.2.3), through eliminating/ reducing any fuel/ oil spills on hardened vehicle manoeuvring and plant operating areas.

(v) The floor of the gravel excavation must be sloped (e.g. 1:100) to facilitate drainage of stormwater from the gravel excavation to prevent ponding.

5.2.8. Groundwater Depth Determination

The aim of the groundwater depth determination is to ensure that no mining progresses less than 1.5m above the winter water table. Noting that the soil profiles that were dug on this site showed no water to depths exceeding 4-5m and the proposed provisional expected mining depth in terms of this report is 3m, it is unlikely that groundwater will be encountered.

However, to ensure that no groundwater is exposed, the applicant must initiate a system of piezometers to measure groundwater depths at regular intervals. The methodology behind the monitoring of water depth is the use of piezometers to measure the water depth. The piezometer is simply a pipe (±15cm diameter) with fine mesh wrapped around the base and dug into the proposed mining advance area on a grid pattern to the maximum reach of the excavator (refer Figure 22) to a depth of 5m (minus 4.5m). The depth to water is measured in the pipe on monthly or quarterly basis and used to determine the depth of mining. Sand must be retained to minimum 1.5m above the highest winter water table.

Figure 22 includes coordinates for surveyor placement of these piezometers. Access to these will be particularly difficult and it will be required that paths be cut to the piezometer locations and that such paths be regularly cleared for the monthly reading of the groundwater depths.

No sand mining to take place closer than 1.5m to any groundwater encountered.

5.2.9. Components for Monitoring Compliance and Performance Assessment

In order to ensure that all aspects of the operation are monitored effectively, the following components will be put in place:

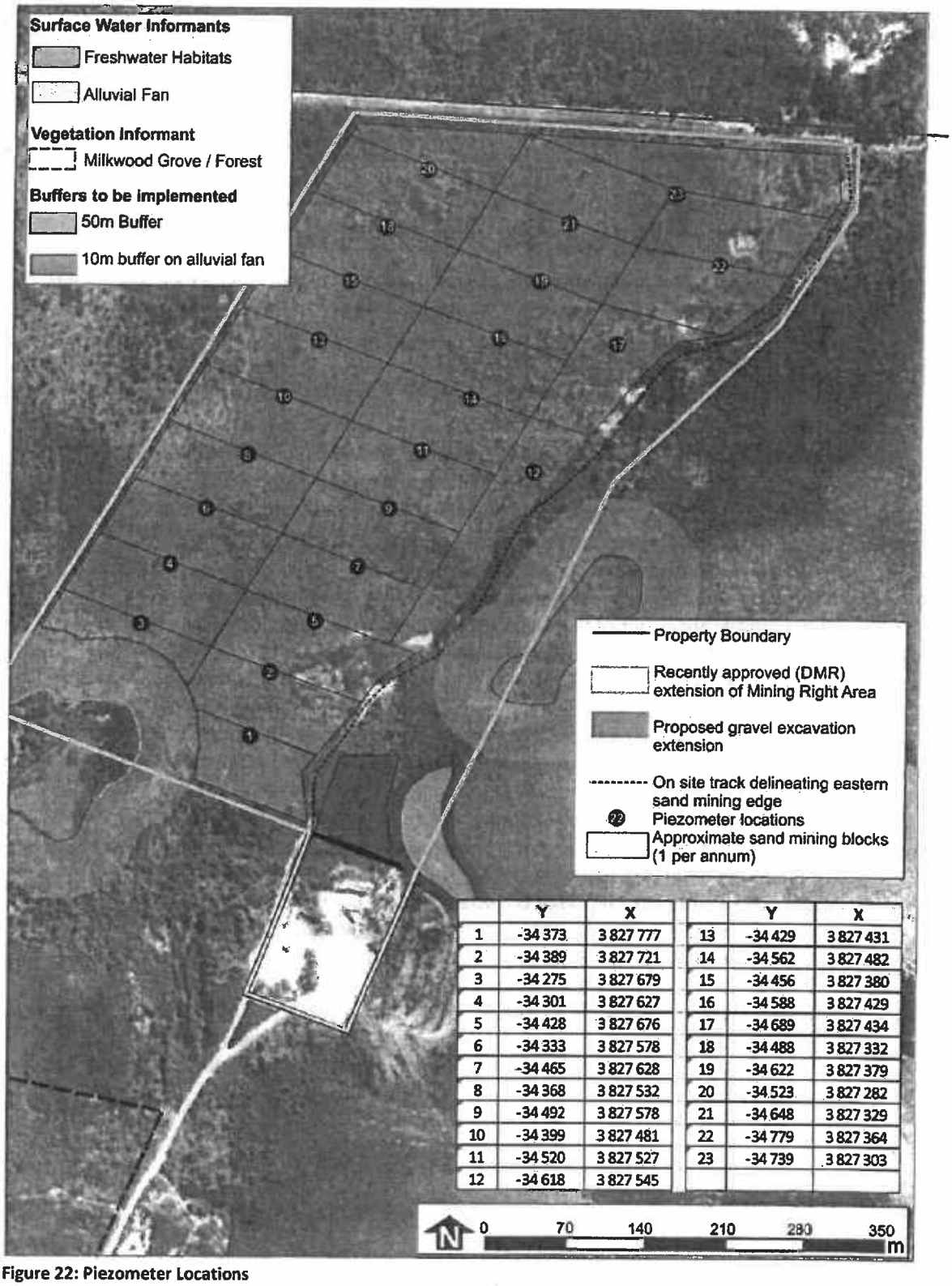
(i) **Legally required Environmental Audit:** All mines are required by law to conduct Environmental Audits every two (2) years or as per EMP prescribed interval. Such audits are compiled in terms of Reg. 34 and Appendix 7 of NEMA and must be compiled by independent party.

(ii) **Appointment of ECO:** It is required that an ECO be appointed for the site. Such ECO need not be in the permanent employ of the applicant but must visit the site at least once per months and monitor and record at least the following :
- Mining taking place within approved excavation area and no advance into buffer areas
- Ensure that piezometer readings are taken at least two monthly basis
- Retention of 1.5m sand above water table in mined out and rehabilitated areas
- Topsoil removal and management in accordance with prescriptions of EMP
- Vegetation handling and revegetation success

(iii) **Internal Monitoring and its formalisation:** Internal monitoring is required in terms of the EMP. The issue that typically arises out of the system is that no formal record of internal monitoring takes place. It is required that management design forms/ reports containing details of the monitoring as required. These must be made available to the DMR, the ECO, independent Environmental Auditor and the Monitoring Committee to be established in terms of (iv) below.

(iv) The final component is the **Environmental Monitoring Committee** to comprise a Mining Right representative, a community representative, surrounding landowners, a municipal representative and an independent environmental consultant (if required). This provision has been used very successfully at other sites (in Grabouw, George, Yzerfontein and Plettenberg Bay). The committee must meet at least once per year at the mine for physical visual inspection / tour of the site followed by a meeting to discuss issues noted. Minutes are taken and included in the Environmental Audits. Note that although the attempt must be made to establish such committee, it has often been found that such committee does not get established because of lack of interest, particularly if the perceived impacts of the operation are low.

Note further that the requirement for monitoring must be impressed upon all **staff members** during their **environmental training.** Specific staff members must be assigned areas of responsibility in terms of monitoring and their reporting must form part of the formal reporting by the mine manager.



	Y	X		Y	X
1	-34 373	3 827 777	13	-34 429	3 827 431
2	-34 389	3 827 721	14	-34 562	3 827 482
3	-34 275	3 827 679	15	-34 456	3 827 380
4	-34 301	3 827 627	16	-34 588	3 827 429
5	-34 428	3 827 676	17	-34 689	3 827 434
6	-34 333	3 827 578	18	-34 488	3 827 332
7	-34 465	3 827 628	19	-34 622	3 827 379
8	-34 368	3 827 532	20	-34 523	3 827 282
9	-34 492	3 827 578	21	-34 648	3 827 329
10	-34 399	3 827 481	22	-34 779	3 827 364
11	-34 520	3 827 527	23	-34 739	3 827 303
12	-34 618	3 827 545			

Figure 22: Piezometer Locations

5.2.10. Alignment with the 2020 Municipal Spatial Development Framework, Environmental Overlay Zone Regulations (2020) and Heritage Protection Overlay Zone Regulations (2020)
Insofar the proposed sand and gravel mining extension on Rem Erf 210 Gansbaai, the following spatial planning frameworks and policy informants are relevant.

5.2.10.1. 2020 Municipal Spatial Development Framework
The 2020 MSDF (refer Figure 26), and to a large extent the 2006 SDF, make note of three (3) land uses which are noteworthy in terms of the proposed mine extension namely:

(i) "**Mining activities** in the Municipal area include clay, **gravel**, kaolin, stone aggregate and **sand mining**, with the last being the most predominant. Sand mines are situated not only in isolated areas, but also in environmentally sensitive and visually prominent areas"
(ii) "A small number of **small-scale farming activities** exist in the Municipal Area, with an increasing need therefore based on the fact that it provides income to several groupings of previously disadvantaged communities. These communities lease **portions of commonage** from the local authority for this purpose"
(iii) **Tourism activity destinations** (e.g. Shark Alley, De Kelders fresh water caves), which while making Gansbaai an attractive region, require protection of the mountainous zones (e.g. Franskraal se Berge), their **view-sheds** and **the regional system of corridors** originating in the upper mountain areas and terminating at the coastline where they support coastal tourist nodes (e.g. Franskraal).

Such **land uses, operational mining and post-mine farming and conservation** resonate as follows in the Environmental Objective (EO) of an "***Environmentally Sustainable and Resilient Overstrand***" as put forward **in the MSDF (2020) and the EMF (2014)**:

(i) *"EO2: Protect Biodiversity and Agricultural Resources"* through:
  - **Preventing unsustainable change** in land use of biodiversity rich rural areas, agricultural activity and soil with agri-potential
  - The **desirability of designating mining areas** taking into account the worth of the material to be extracted against the long-term costs to the visual quality of the area, the potential loss in agri-potential, as well as impacts on existing rights of neighbouring property owners.

(ii) *"EO3: Overstrand's Rural Areas and Settlements are Integrated by Natural Environment or Green Corridors that Connect Ecosystems and Contribute to Biodiversity Conservation"*, through:
  - Encouraging and supporting the **development of networks of open space** that sustain and enhance eco-system functioning, connecting fragments of indigenous and/ or conservation-worthy vegetation, protecting waterways and regenerating the natural environment.

5.2.10.2. Environmental Management Overlay Zone Regulations, 2020
The Environmental Management Overlay Zone (EMOZ) Regulations 2020, which have as their objective providing a mechanism for land use management to give effect to specific guidelines or address a special management issue, noting that such regulations do not invalidate any land use rights or authorisation that existed when such regulations came into effect, but may place additional constraints on existing rights.

The area of the existing and proposed gravel and sand mine vests within the **Urban Conservation Environmental Management Overlay Zone** (*"Urban Conservation EMOZ"*) (refer Figure 23) which has as its **purpose**: To protect and manage undeveloped conservation-worthy public-owned land

within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated "*conservation and development*" approach that will enhance living conditions for the communities of the Overstrand. The Urban Conservation EMOZ within which the existing and proposed sand and gravel mine extension is located is a **Category C: Modified Ecosystem**, that is with a **limited biodiversity function** to be **managed as a recreation area** with **medium to high impact**, with the Regulations identifying the following uses/ developments within an operational management plan for such area:

- IAV Management
- Fire Management
- Vegetation Management
- Hiking trails/ Biking trails
- Bird watching/ Bird hides
- Public amenities
- Environmental facilities
- Day camps
- Braai facilities/ Picnic facilities
- Play parks

It is noted that the Schedule A "prohibited activities" and Schedule B "Council permitted activities" by consent, permit or authorisation, do not specifically list mining, but include activities or impacts which could result from mining, if not mitigated.

5.2.10.3. Heritage Protection Overlay Zone Regulations, 2020

The Heritage Protection Overlay Zone (HPOZ), Regulations 2020 have a similar objective as the EMOZ Regulations insofar providing specific guidelines, not invalidating any existing land use rights or authorizations and providing for additional constraints on existing rights, etc. Within the context of the HMOZ, the existing and proposed extension of the sand and gravel mine vests within the "*Landscapes of Very High Natural, Scenic and Heritage Significance, Heritage Protection Overlay Zone*" ("*Landscapes HPOZ*")(refer Figure 24).

Such Landscapes HPOZ has as its **purpose**: To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance, in order to:

- Protect and enhance landscapes identified as having high natural, scenic and heritage significance and which contribute to the character and sense of place in the Overstrand and its economic base; and
- To promote the cultural, tourism, environmental and amenity potential of significant Overstrand landscapes

It is noted re Figures 23 and 24 that the Urban Conservation EMOZ and Landscapes HPOZ overlay each other within the location of the proposed extension of the sand and gravel mine.

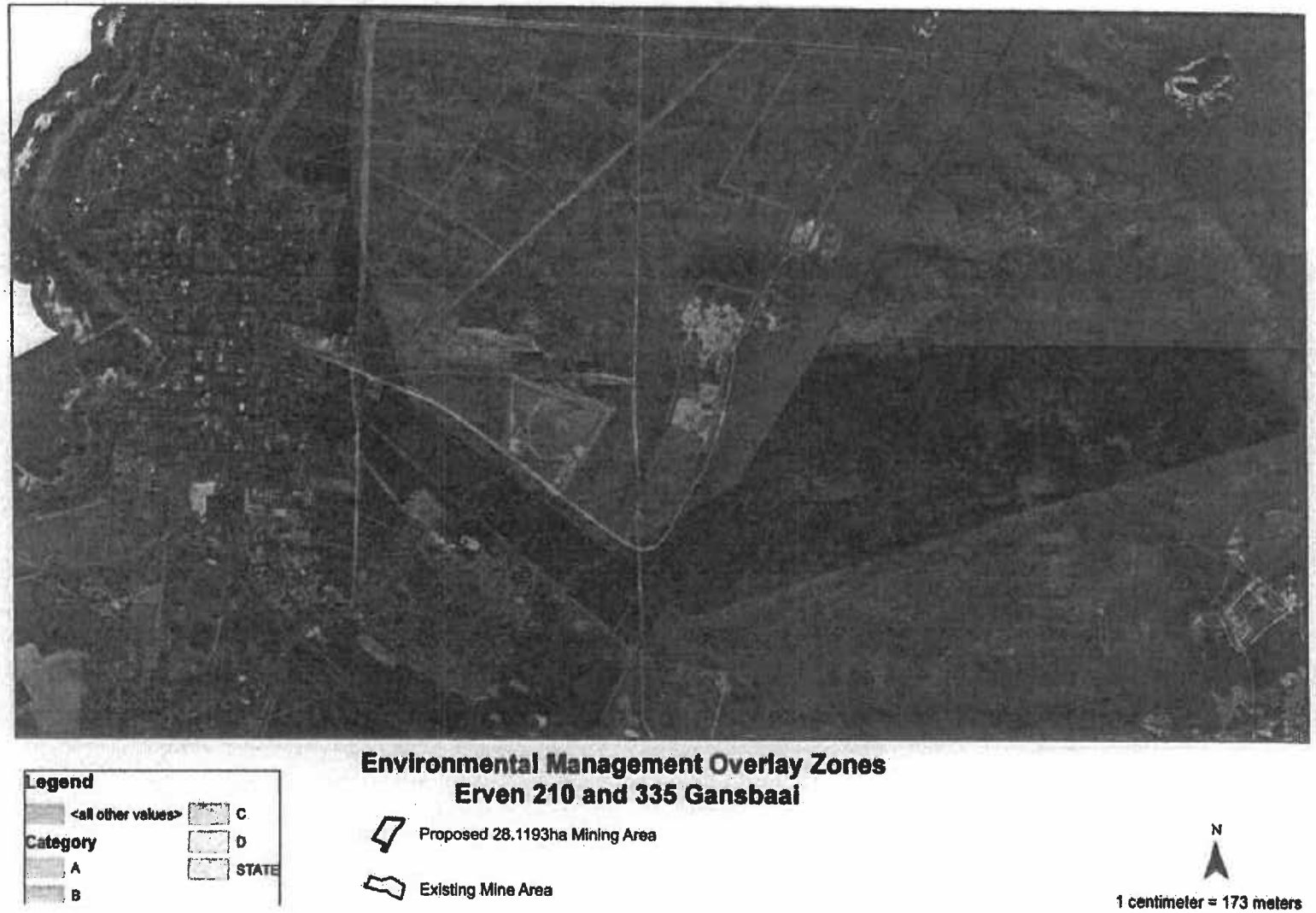


Figure 23: Urban Conservation EMOZ (2020)



Figure 24: Landscapes HPOZ (2020)

5.2.10.4. Alignment with MSDF 2020, EMOZ (2020) and HPOZ (2020)

Given that the mining EIA/ EMPr was compiled prior to the promulgation of the 2020 Municipal SDP and the Regulations of the Urban Conservation EMOZ (2020) and the Landscapes HPOZ (2020), the following brief demonstration of the alignment of the proposed sand and gravel mine extension on Rem Erf 210 insofar with the abovementioned framework and regulations. Such alignment also having as its purpose the informing a Site Development Plan (SDP) in Section 6 and Figures 26, 27 and 28 of this report for the proposed mine extension.

(i) **Alignment with the MSDF (2020)**

The current proposed mining extension end-use/ post-mining modeling (refer Figure 28) demonstrates the following:

- Representing a small-scale demonstration project for peri-urban agriculture to reinforce household food security in Gansbaai urban settlements (e.g. Masakhane), as well as to access development inputs from the Department of Agriculture, Land Reform and Rural Development (DALRRD) through its Integrated Food Security and Nutrition Programme (IFSNP) and give effect to an Overstrand Commonage Policy, in so doing underpinning EMOZ through protecting agri-resources.
- The mine's proposed mountain to wetland corridor, Milkwood grove protection, alien plant removal and protection of the alluvial fan being a catalyst for a commonage-wide conservation initiative (EMOZ "operational management plan") underpinned by reinstating ecosystem functioning and indigenous vegetation enhancement and reinstatement
- Realising an increasing positive balance between the benefits derived from mining (environmental protection/ enhancement, food security etc.) and its environmental cost, the latter also being reduced through appropriate mine location, managed mitigation and awareness, and a sustainable end-use.

(ii) **Alignment with the EMOZ**

The Urban Conservation EMOZ parallels with the 2006 SDF, the latter having put forward an equivalent "Conservation-Agriculture Buffer" for modified landscapes. The proposed mine extension, given its favourable location (not exceeding 60m geographic altitude), reservation of environmental elements (Milkwood grove), features (wetlands) and systems (mountain to wetland corridor), as well as its agricultural potential enhancement through creating a shallower cultivation level to counteract the highly permeable soils demonstrates a positive, supporting and enabling alignment to the Urban Conservation EMOZ and an integrated and sustainable "commonage", potentially including several additional uses and management (e.g. fire and alien vegetation management, environmental facility, hiking trail, bird hides, etc.).

(iii) **Alignment with the HPOZ** (refer Diagram 3)

The relevance of the "Landscapes HPOZ" as depicted in Diagram 3, in the opinion of the applicant, does not adequately align with the topography (i.e. geographic height) and land use (i.e. an existing mine) insofar the existing character and contextual significance of the landscape requiring protection and enhancement (i.e. Franskraal se Berge, particularly its pediment slopes). Diagram 3 (Section 3.2.1) clearly illustrates that the major portion of the proposed mining area is located on "flat" land, noting that no mining will occur above 60m amsl, with the major portion of the total excavation area being below 50m amsl and even 40m amsl. By comparison the Landscape HPOZ does not include the nearby land-fill and reservoir sites which are located up to 60m amsl within a prominent elevated area. As demonstrated in Section 3.2.1 and 3.2.2, the viewshed from surrounding areas and the R43 – MR 28/2 will not be eroded, with

the topography, mine site location and altitude, and mine rehabilitation protecting the visual envelope.

Despite the above concern, the mining extension proposal includes full operational and post-mining rehabilitation of the mining land use (excavation and support uses), the retention, enhancement and reinstatement of environmental elements (Milkwood grove), features (wetland) and systems (mountain to wetland and coastal corridor), as well as the removal of all alien vegetation on the abutting lower slopes of Franskraal se Berge and abutting the wetland and Milkwood grove, all building blocks to the environmental and amenity potential of *"significant Overstrand landscapes"*.

Conclusion:

Accordingly, this section concludes the following:

(i) That the land use (operational and post-mining) of the proposed extended mining aligns with the 2020 MSDF's "Sensitive Development Area" (Composite: HPOZ and EMOZ) as depicted on Figure 25.

(ii) That alignment with MSDF (2020), the HPOZ (2020) and the EMOZ (2020) reinforces the integration of the mine operation and its post-mining rehabilitation with the built, socio economic and environmental setting of the coastal plain and inland pediment slopes, with the Site Development Plan (SDP) confirming such alignment and integration (refer Section 6 and Figures 26, 27 and 28.

(iii) Alignment of the proposed mine extension with the 2006 SDF's "Conservation-Agriculture Buffer" for modified landscapes, an equivalent of the 2020 Urban Conservation EMOZ, given the mine's operational land use including conservation-worthy area reservation (e.g. Milkwood grove, wetlands, biodiversity corridor) and its post-mining use including enhanced agri-potential (lowered planting surface) and sustainable conservation areas, all underpinning the core principles of the 2006 "Conservation-Agricultural Buffer".

In a letter dated 9 June 2020 (refer Appendix 5) the **Overstrand Municipality: Property Administration** in response to the draft EIA/ EMP put forward the following:
"2.8: The applicant must demonstrate that the proposed mining activities are consistent with the Overstrand Municipality's 2006 Spatial Development Plan's core principles as the additional mining portion is situated within the "conservation/ agricultural buffer".

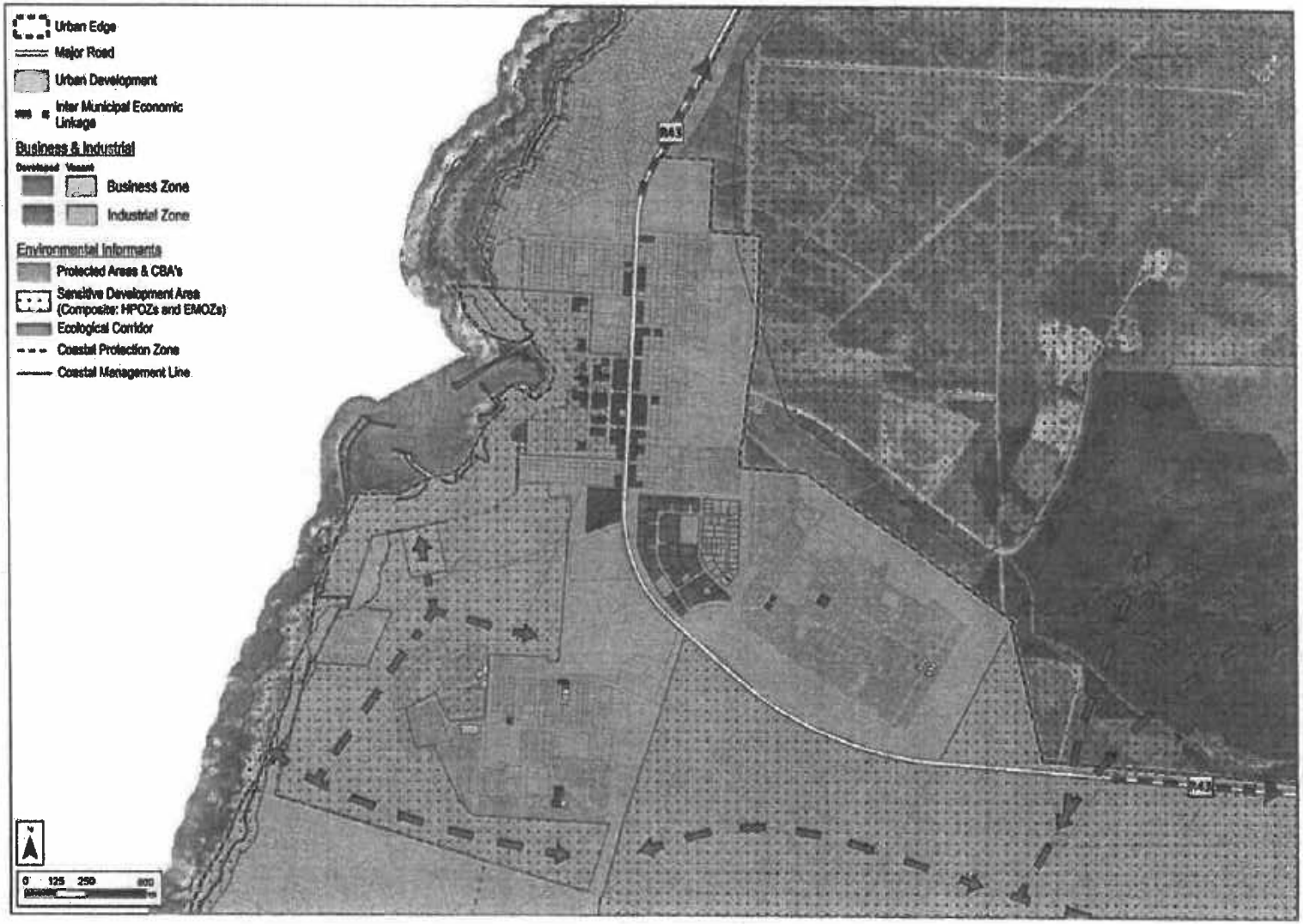


Figure 26: 2020 MSDF; Spatial Proposal Gansbaai

6. MINE SITE DEVELOPMENT PLAN (SDP)

Section 6 presents the Site Development Plan for the proposed extension of the sand and gravel mine on portion of Rem Erf 210 Gansbaai, commencing with the informants to such plan, followed by the mining and conservation land use and their supporting services during the mine's development, operation, decommissioning and post-mine rehabilitation, concluding with its future use.

6.1. Informants to the SDP

This section comprises the SDP informants emanating from existing ecosystem sensitivities (e.g. groundwater, Milkwood grove, etc.), physical features (e.g. wetlands), administrative restrictions (e.g. building lines), mining parameters and rehabilitation requirements as identified during current mining and put forward in the approved EIA/ EMPr and approved EA conditions, and as forthcoming from municipal regulations and policy (e.g. MSDF, Environmental Overlay Regulations, etc.) as documented in previous sections of this report.

Table 2 puts forward the spatial policy and environmental sensitivity restrictions and opportunities to the sand and gravel mine extension, notably its development, operation and rehabilitation.

Table 2: Spatial and Other Restrictions and Opportunities

Areas Presenting Restrictions and/ or Opportunities	Description/ Locality	Spatial and Other Restrictions and Opportunities
(i) Indigenous and Alien Vegetation	– Critically Endangered remnants of Overberg fynbos and Endangered remnants of Agulhas sand fynbos amongst invasive alien vegetation areas within the proposed mining area, as well as along its eastern periphery	– Retention of all indigenous vegetation in the 50m wetland and Milkwood buffers and in the 10m alluvial fan buffer, as well as eastward of the sand mining limit to allow for Fynbos/ Strandveld restoration during mining. Post-mining rehabilitation of the gravel mine area and the proposed ecological corridor with fynbos species
	– Western Cape Milkwood forest (Endangered) in the south-western corner of the sand mining area	– 50m-wide buffer around the Milkwood forest
	– Invasive alien vegetation within the proposed mining area and proposed buffer areas	– Alien vegetation management in buffer areas during the mining period, with such vegetation management also during the post-mining rehabilitation "after-care" period.
(ii) Freshwater Habitats/ Wetlands/ Ground Water and Streams	– Two (2) wetlands within the Ecological Support Area 2, with such wetlands located just outside the south-west	– Putting in place 50m-wide buffers around both of the wetlands, supported by alien vegetation removal from the

	corner and abutting the eastern boundary of the proposed mining area respectively, with such "wetlands" supporting wetland habitats	wetland habitats
	– Non-perennial mountain streams (Ecological Support Area 1) draining westward downslope on the Franskraal se Berge pediment slopes, one of which disperses into/ through an alluvial fan located in the south-eastern corner of the mining area. Within the mining area, surface flow of such streams/ watercourses is not discernable, with run-off feeding a perched groundwater table, notably within Ecological Support Area 1, within the mining area.	– Support reinstatement and maintenance of non-perennial streams and their ecological process in order to retain their natural or near natural condition, including a 10m-wide buffer where such streams occur within the proposed mining area
	– Water table depth and local perched water table flows parallel to gradient noted within Ecological Support Area 1 within the mining area	– Mining depth to be limited to 1.5m above water table depth, with such restriction being informed by on-going piezometer monitoring pre-mining and during mining.
	– An ecological corridor, albeit its functioning being above and/ or below ground surface as evidenced in the southern portion for the proposed mining area requires to be considered post-mining	– Post-mining, a mountain to wetland corridor be put in place, linking the mountain streams, the alluvial fan, wetlands and Milkwood grove, with such corridor traversing the southern portion of the mining area
	– View-sheds from the R43 and Gansbaai informing the Franskraal se Berge regional landscape need to be respected in terms of mitigating visual impacts emanating from the proposed mining	– Mining of the lower pediment slopes of the Franskraal se Berge be restricted by a setback delineating the sand mining area west of the eastern boundary. The gravel mining to be restricted to the 60m contour level in order to reduce mine excavation scarring of such lower slope. Additionally, ridgelines west of the mining area be

		retained to reduce visual impact of the mining area. Furthermore, given that the operation of equipment will be mainly in the mining pit (lower level), visual impact of activities will be reduced significantly
(iii) Administrative Restrictions	– Building lines and Setbacks • Building Line; "common building line" of 30.0m in terms of Overstrand Municipality Land Use Scheme (2020) • MPRDA 9.0m-wide "mining collar" requirement of MPRDA (2002) to ensure stability along mining property boundaries and prevent the destabilizing of adjoining properties	– An application for a "permanent departure" to reduce the "common building line" abutting the northern boundary of the mine extension area from 30.0m to 9.0m
	– Fire management on mine property	– Existing mine staff induction training in fire and HAZMAT incident management, possibly also including participation in a commonage-wide fire management plan (EMOZ Regulations)
	– Vegetation management on mine property	– Invasive alien management in buffer areas during mining, with post-rehabilitation alien vegetation management during the "after-care" period. Possible participation in a commonage-wide alien vegetation management programme/ plan in terms of the EMOZ Regulations (2020)
	– Pollution and nuisance	– Pollution and Nuisance being addressed by: • Hydrocarbon and grey water; as per existing mine "hydrocarbon protocol" requiring on-site domestic and industrial waste collection and off-site disposal, and no on-site disposal of untreated grey-water within 50m of

		any watercourse • Dust; as per current dust suppression programme, including mist spray at plant and wetting of activity/ movement areas by water bowser when required • Noise; mining restricted to daylight hours in order to limit impact on surrounding land uses, with existing mining not having raised any complaints to-date
	– Utility plant and services	– The mining extension area will be serviced by the existing mine management and logistics area on Erf 335 which accommodates a management office, workshop, staff accommodation and amenities, gravel crusher and sand screening plant. Existing services include water supply, electrical power and sanitation
(iv) Mining Parameters	<u>Sand Mining:</u> – Layout informants	– Buffer requirements: • 50m buffer to freshwater habitats • 50m buffer to Milkwood Grove • Eastern edge delineated by on-site track
	– Mining Method	– Mining block extent: 20.1ha (26 blocks)
	– Setback	– 9.0m "mining pillar" on "common" property boundary
	<u>Gravel Mining:</u> – Layout Informants	– Buffer requirements: • 10.0m buffer to assumed below-surface flow stream channel • 10m buffer to alluvial fan • Maximum excavation height: 60.0m contour • Contour drainage channel at 5m vertical contours • Mine extent: max

	– Mining Method	0.81ha: – Mine phasing in 25m-wide strips – 5m faces on 10m-wide benches and a 1:2 slope
(v) Rehabilitation Requirements	Rehabilitation: – Operational:	– Sand Mining Operational rehabilitation, including: • Programmed topsoil stripping of individual mining blocks, to peripheral topsoil berms • Programmed rehabilitation of mined-out blocks with topsoil replacement and levelling • Excavation edge slope be established, with a max 1:3 slope • Rounding of excavation edges, with all sharp edges to be rounded to mimic natural contours – Gravel Mining rehabilitation: • Topsoil stripping to peripheral berms • Edge shaping every 5m vertical • Topsoil replacement on mined-out benches and levelling – Buffer area rehabilitation including removal of alien vegetation
	– Decommissioning:	– Decommissioning, including: • Maintenance of rehabilitated mined-out area (i.e. sand and gravel extension areas) insofar invasive vegetation removal (e.g. 12-month period) • Decommissioning of the extension area will include parallel decommissioning of Erf 335 as part of the existing mine area rehabilitation programme including: o Removal of all fixed-plant and/ or

		concrete footings on Erf 335 o Retention of all structures in support of Erf 335 future land use (e.g. dwelling, office, etc.) as well as garden allotment and irrigation system o Scarifying of the compacted surface of Erf 335 to reinstate as a "small-holding"/ agricultural unit
	– Future Land Use:	– Alignment of rehabilitated portions on Rem Erf 210 with commonage-wide conservation, agri-allotment, alien vegetation and fire management plans/ programmes.

6.2. Mine SDP

This section puts forward the Mine Site Development Plan (SDP) to accommodate the proposed mine extension as per the Mine Layout Plans in Section 4.1.5 and Figures 19 and 20, and the post-mining rehabilitation of the mine extension area and its future use as per Section 4.2 and Figure 21.

6.2.1. SDP Area

Accordingly, the SDP will serve to define and align the following Mining Right and land use portions within the cadastral context of Rem Erf 210:

(i) The recently approved Environmental Authorisation in terms of Section 102 of the MPRDA as issued by the DMR on 23 February 2021 and valid for 28 years (refer Annexure E), comprising the following portions:
   - The new 26.6593ha portion of land for sand and gravel mining located north of the current gravel mining area, with such portion extending up to the Rem Erf 210 boundary with Farm Strandfontein 712
   - The existing 1.4600ha existing gravel mining area (Mining Permit), with such portion extending into the new extension area by 0.81ha

(ii) The total SDP (2021) mining area encompassing a total extent of 28.1193ha on portion of Rem Erf 210.

(iii) The individual SDP Plans denote the extent of each land use during each mining phase (i.e. operational, decommissioning and rehabilitation, and future land use)

6.2.2. SDP Plans

Accordingly, in terms of this application and the minutes of the Pre-Application Consultation Meeting held on 6 August 2020 (refer Annexure C), the Mine SDP comprises the following plans:

- Figure 27(a): SDP; Sand Mine Operation Activity Area
- Figure 27(b): SDP; Gravel Mine Operation Activity Area
- Figure 28(a): SDP; Sand Mine Post-Mining Decommissioning and Rehabilitation

- Figure 28(b): SDP; Gravel Mine Post-Mining Decommissioning and Rehabilitation
- Figure 29 : SDP; Future Land Use

6.2.2.1. SDP: Sand Mine Operation Activity Area

Figure 27(a): SDP; Sand Mine Operation Activity Area depicts the sand mining area, inclusive of the following mine operational and environmental components:

a) Sand Mining Area, including:
   - Sand mining extension area (+-26.6593ha) including 26 mining blocks (+-0.78ha/block), with indicated mining sequence.
   - Access road extension from the existing gravel access road.

b) Identified and Secured Environmental Features, including:
   - Two (2) freshwater habitats
   - A Milkwood grove
   - Non-perennial streams draining from the lower mountain slopes
   - An alluvial fan located within one of the stream-beds

c) Buffers and Cadastral Restrictions to Put Forward "No-Go" Areas to Protect Environmental Features and Manage the Extent of Mining, including:
   - 50m-wide buffers around freshwater habitats and the Milkwood grove
   - 10m-wide buffer around the alluvial fan and upstream water course
   - Delineation of the Milkwood dripline to secure domain of the grove
   - Fixing the eastern-most extent of the sand mining edge along an existing track
   - Putting in place a 9m-wide "mining pillar" to prevent the mine excavation undercutting/ destabilizing the adjacent property

   The demarcation of such buffers/ cadastral restrictions be demarcated as "No-Go" Areas in terms of Section 5.2.5: Demarcation of "No-Go" Areas and "No-Go" Management.

Note: Mine Logistical support and access will be via the existing logistical support on Erf 335 and the existing gravel access road, noting the following services to the new sand and gravel mining areas:

- In-vehicle storage of domestic waste material (e.g. lunch wrappers, drinks containers) for disposal at the refuse disposal container on Erf 335 at end-of-work shift.
- Dust attenuation along the sand and gravel access road through road wetting
- On-site provision of contractor managed and maintained portable chemical toilets at place of work

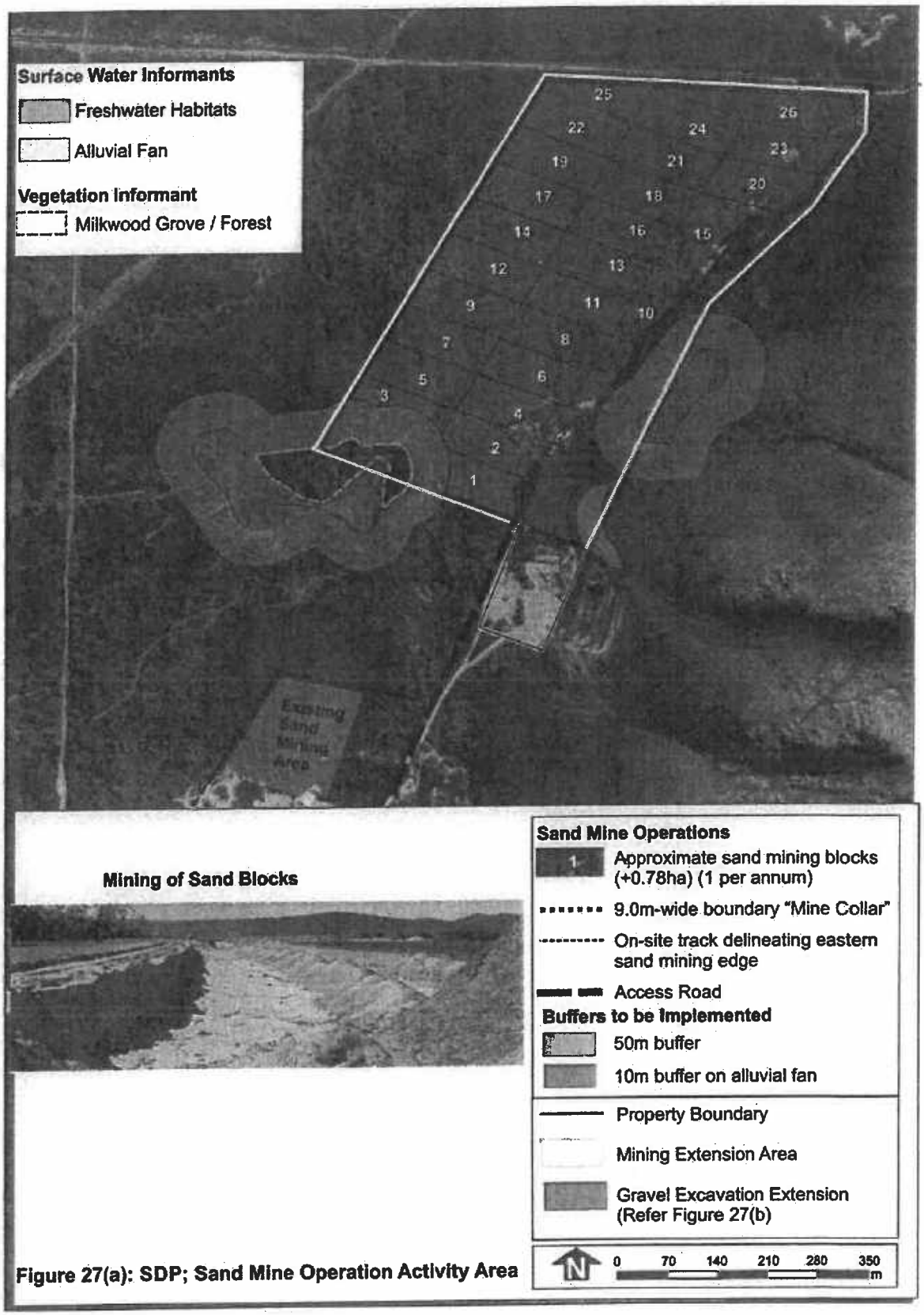


Figure 27(a): SDP; Sand Mine Operation Activity Area

6.2.2.2. SDP: Gravel Mine Operation Activity Area

Figure 27(b); SDP; Gravel Mine Operation Activity Area depicts the gravel mining activity areas, the securing of environmental features, and buffers and cadastral restrictions to protect such features.

a) Gravel Mining Areas, including:
   - Current gravel mining area (1.46ha)
   - Gravel mining extension area (0.81ha)
   - Mining method comprising benching of 5m-high faces on 10m-wide benches, or on a 1:2 slope with contour sluits every 5 vertical m.
   - Mine phasing in 25m strips up to the 60m contour, with a maximum northern extent of the mine pit.

b) Identified and Secured Environmental Features, including:
   - Adjacent alluvial fan (scree recharge area), located within the channel of an up-slope non-perennial stream
   - Non-perennial stream draining from the lower mountain slopes

c) Buffers and Mining Restrictions to put forward "No-Go" Areas to Protect Environmental Features and Manage the Extent of Mining, including:
   - 10m-wide buffer around alluvial fan
   - Maximum demarcation of such buffers/ mining restrictions as "No-Go" Areas and "No-Go" Management as per Section 5.2.5.

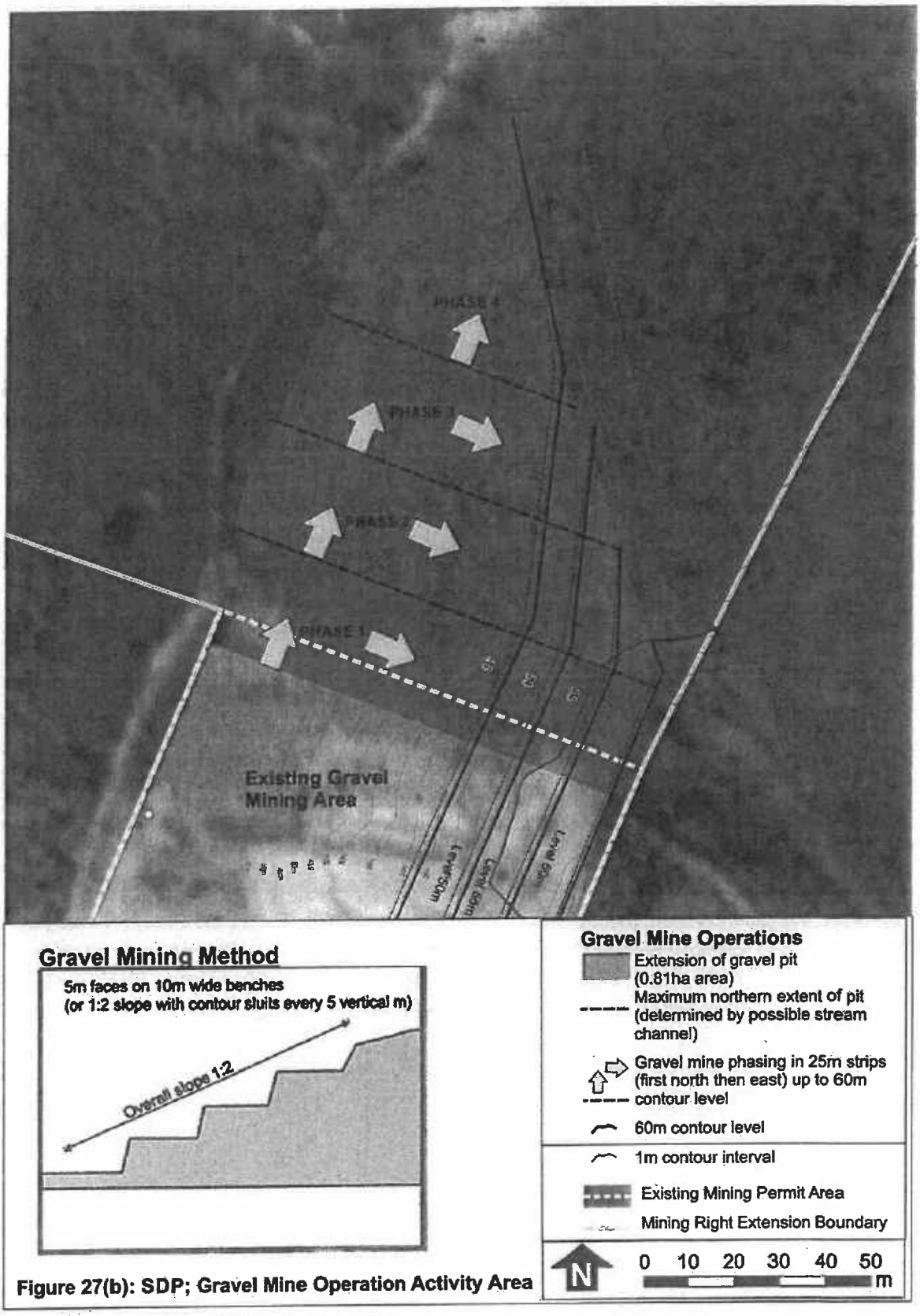


Figure 27(b): SDP; Gravel Mine Operation Activity Area

Figure 27(b): SDP; Gravel Mine Operation Activity Area

6.2.2.3. SDP; Sand Mine Post-Mining Decommissioning and Rehabilitation

Figure 28(a): SDP; Sand Mine Post-Mining Decommissioning and Rehabilitation puts forward the following required operational and post-mining decommissioning and rehabilitation of the sand mining area to achieve mine closure and to move towards a future land use, inclusive of the following:

(i) Operational rehabilitation and maintenance commensurate with production within the sand mining area
   - On-going rehabilitation of sand mining area to support agricultural development and/or Strandveld habitat reinstatement as per Sections 5.2.1, 5.2.2 and 5.2.4, as well as per Rehabilitation Plan in Annexure O and Figure 29: SDP; Future Land Use
   - Rehabilitation of the gravel mining area to support Fynbos habitat reinstatement as per Sections 5.2.1, 5.2.2 and 5.2.4, as well as per Rehabilitation Plan in Annexure O.
   - Restoration/maintenance of Buffer Zones to Fynbos/Strandveld habitat, commensurate with the final rehabilitation of the sand mining area, with such restoration/maintenance targeting the removal of invasive alien vegetation.
   - Invasive alien vegetation management of the sand mining area in accordance with a Post-Mining "after-care" programme (1-year)

(ii) Post-Mining Sand Mine Area decommissioning and closure
   - Restoration of buffer zone to Fynbos/ Strandveld habitat through alien vegetation management protocol
   - Rehabilitation of the sand mining extension blocks to support agricultural development/ Strandveld habitat as per Section 5.2.4; Excavation Shaping and Topographical Controls, Section 5.2.1; Topsoil Handling Methodology and Section 5.2.2; Devegetation and Revegetation Protocol
   - Invasive alien vegetation management throughout the Mining Right Extension Area, with the removal of all invasive species from the eastern edge of the sand mining area and on the directly abutting lower mountain slopes to the east to allow for Fynbos reinstatement
   - Maintenance of the gravel road from Erf 335 to the new gravel and sand mining areas, inclusive of sand/ gravel filling of the road wearing surface erosion to reduce ponding, together with road-side stormwater drainage management via cut-off drains

Figure 28(a) includes the respective buffer and cadastral delineations to effect final mine rehabilitation and closure.

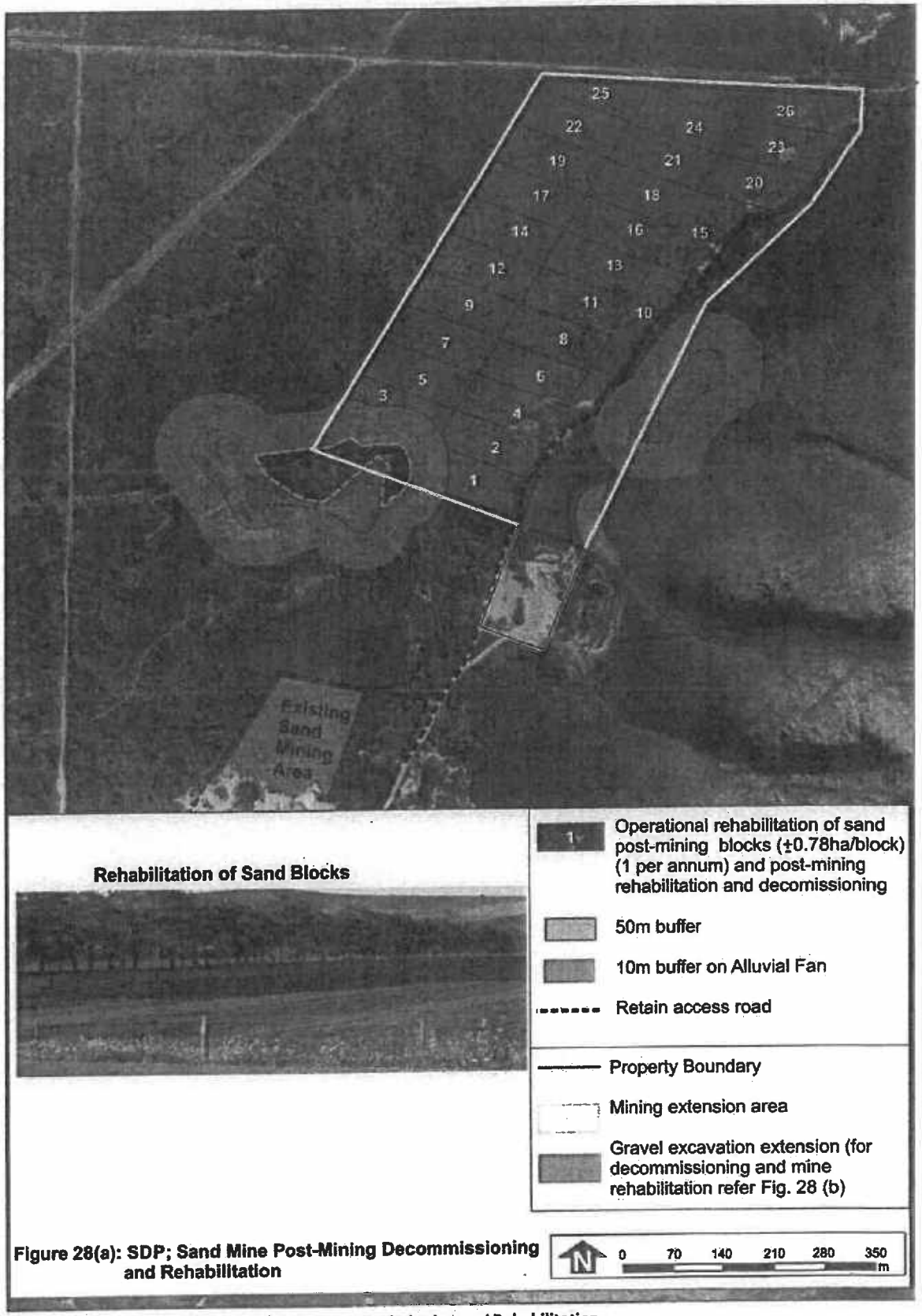


Figure 28(a): SDP; Sand Mine Post-Mining Decommissioning and Rehabilitation

6.2.2.4. SDP; Gravel Mine Post-Mining Decommissioning and Rehabilitation

Figure 28(b): SDP; Gravel Mine Post-Mining Decommissioning and Rehabilitation puts forward the following required post-mining decommissioning and rehabilitation of the gravel mine areas to achieve mine closure and move towards a future land use, inclusive of operational rehabilitation and maintenance, and decommissioning for closure:

- Rehabilitation of the existing gravel mining area (1.46ha) and the gravel mining extension area (0.81ha) to support Fynbos reinstatement as per Section 5.2.4; Excavation Shaping and Topographical Controls, Section 5.2.1; Topsoil Handling Methodology and Section 5.2.2; Devegetation and Revegetation
- Invasive alien vegetation management in areas abutting the gravel borrow pit, as well as abutting and within the alluvial fan, lower mountain slope and lower reaches of the non-perennial mountain stream channel to allow for Fynbos reinstatement
- Excavation floor mining slope of 1:100 to be maintained to ensure stormwater run-off and prevention of floor ponding
- Maintenance of gravel roads from Erf 335 to the new gravel and sand mining areas, inclusive of sand/ gravel filling of the road wearing surface erosion to reduce ponding, together with road-side stormwater drainage management via cut-off drains

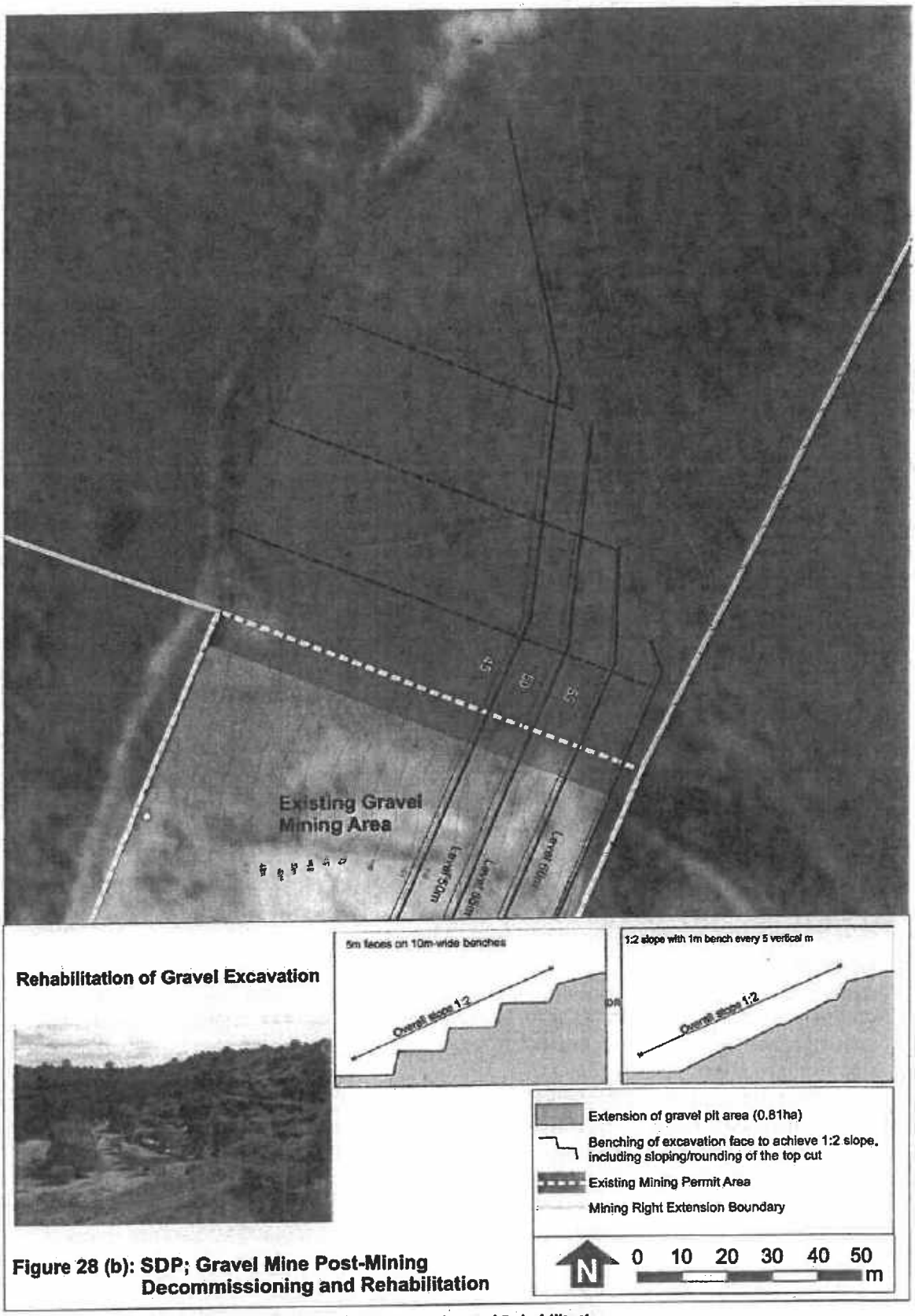


Figure 28(b): SDP; Gravel Mine Post-Mining Decommissioning and Rehabilitation

Final Closure

Subsequent to the completed rehabilitation of the sand mining area and the gravel mining areas, the following final decommissioning/ rehabilitation:

- Final maintenance of the gravel road from Erf 335 to the new gravel and sand mining areas, inclusive of sand/ gravel filling of the road wearing surface erosion to reduce ponding, together with road-side stormwater drainage management via cut-off drains.
- The decommissioning of the logistical support area (i.e. Erf 335), such decommissioning being in terms of the existing mining area EMP, with the retention of infrastructure being at the discretion of the land owner.
- Making application to the DMRE for mine "closure".

6.2.2.5. Future Land Use

Figure 29: SDP; Future Land Use spatially presents the proposed future post-mining land use within the Mining Right Extension Area, as per the overall objective in Section 4.2: Closure Objectives being to retain portions of the site that can form part of the surrounding wilderness area, with an area reserved for possible agricultural development. Furthermore, the need for a natural conservation corridor to be retained and maintained between the mountainous area and the wetland/ Milkwood grove conservation node is identified, with such corridor including the wetland and Milkwood buffer zones and noting the following insofar the corridor rehabilitation and agricultural development:

- The site must be sloped to mimic natural contours
- Be no impact on the local surface and groundwater regime (specifically the wetland, the scree recharge area i.e. alluvial fan, and the buffer to the winter water table – 1.5m soil retention)
- Be no impact on the Milkwood grove

Accordingly, **Figure 29** puts forward the following **"future land use"**:

a) **Conservation Corridor: Mountain to Wetland/ Milkwood Grove Node**, inclusive of:
   - Non-perennial mountain streams
   - Wetland habitats in the east and south-west (Milkwood grove)
   - Alluvial fan
   - Restored Fynbos habitat within the Buffer Zones
   - Milkwood grove
   - Reinstated Fynbos/ Strandveld through rehabilitation of the sand and gravel mining areas

   Such "conservation/ecological corridor" being +-4.03ha in extent

b) **Agriculture**

   As per Section 4.2, the use of portions of the commonage for intensive vegetable garden allotments to address both food insecurity amongst local communities through supporting the household food-basket and to provide income through surplus sales has been noted, together with the opportunity that the lowering the growing/ cultivation level relative to the ground-water level offers for vegetable growing within a traditional dry-condition given soil depth and its poor moisture retention. The current vegetable garden allotment (refer Photos 1 and 10) on Erf 335 demonstrates successful vegetable production on a rehabilitated mined-out area by staff members and their families as part of the mine's "social and labour plan", such development drawing a parallel with the Philippi Horticultural Area, also established on mined-out land (sand mining) appropriately rehabilitated to ensure adequate winter water table depth and topsoil replacement.

   Accordingly **Figure 29** identifies the following insofar **agricultural post-mining land use**:

   - Intensive irrigated vegetable garden allotments on rehabilitated sand mining areas not forming part of conservation/ corridor areas. Section 5.2.2: Devegetation and Revegetation

Protocol puts forward a proposal for grassing the future agricultural area to ensure sand stability

- The extent of such agricultural use (+-16.14ha) being informed by an "agricultural SDP" insofar detailed agri-potential, water availability, farmer demand and conservation requirements
- Access road retention to agricultural and conservation areas

Critical to the success of the post-mining land use sustainability is the need for their integration within a "commonage-wide" conservation plan and an Agricultural SDP, supported by management programmes (e.g. fire, invasive alien vegetation) and facilitated within the context of the Environmental Management Overlay Zone Regulations (2020) to address the Category C: Modified Ecosystem of the broader commonage and the need to manage and protect undeveloped conservation-worthy public-owned land.

c) **SDP Spatial Budget**

Subject to any required detailed feasibility assessments per land use, the SDP puts forward the following "spatial budget" for the future land use of the 28.12ha Mining Right Area as depicted in Figure 29.

Land Use/Activity/Objective	Extent (ha)
Restoration of Fynbos/Strandveld habitat in Buffer Zones	2.49
Rehabilitation of gravel mine to Fynbos	1.94
Development of "ecological corridor"	4.03
Retention of peripheral natural areas and alluvial fan	3.52
Agricultural development	16.14
TOTAL EXTENT:	**28.12**

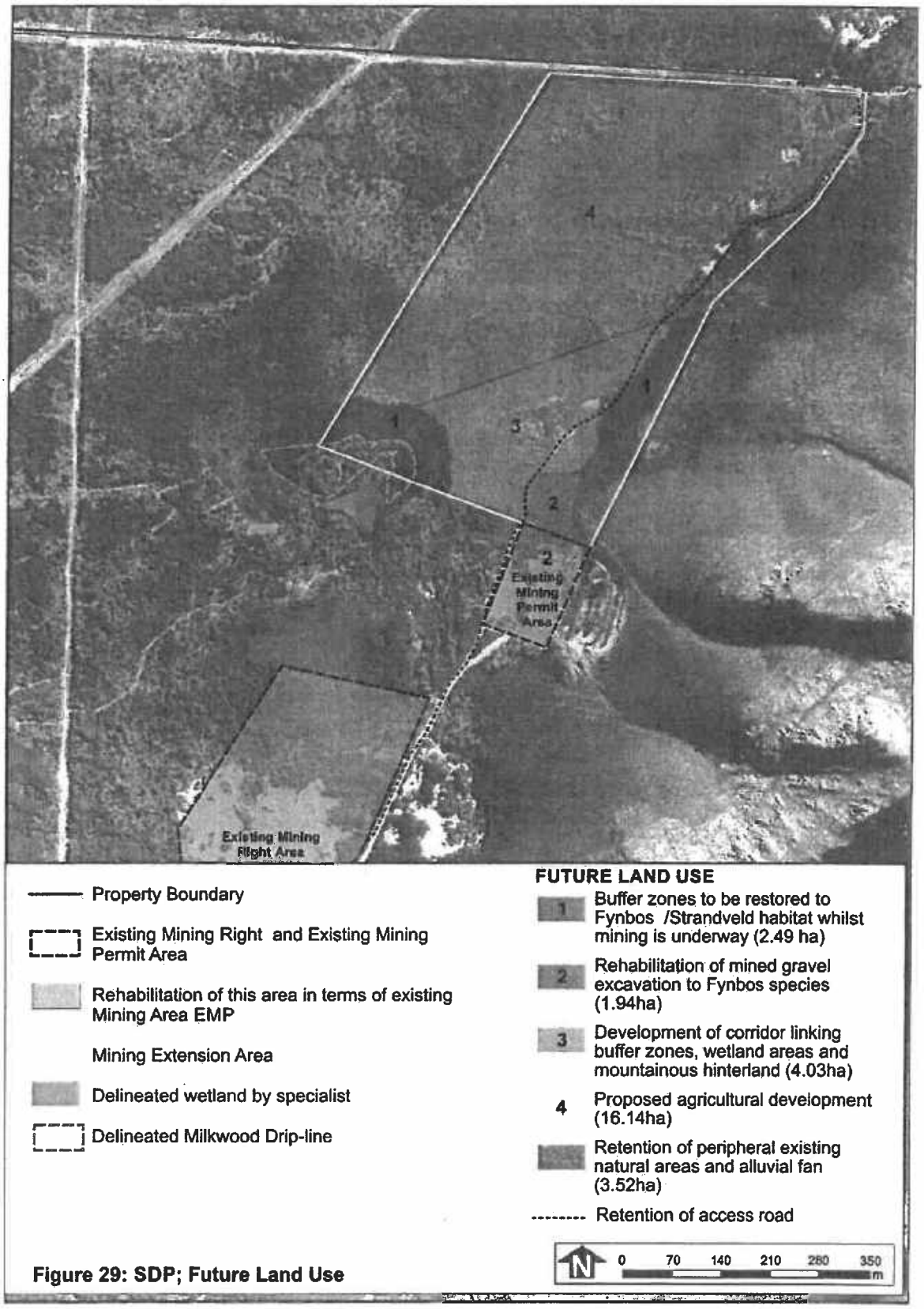


Figure 29: SDP; Future Land Use

Figure 29: SDP; Future Land Use

7. DESIRABILITY

This section puts forward the desirability of the proposed SDP depicting the proposed mining extension footprints of sand and gravel mining on portion of Rem Erf 210 Gansbaai to permit an extension of such footprints to address the local Overstrand demand for construction sand and gravel. Such desirability is informed by the consistency of the proposed land use with Overstrand's spatial policies, including the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning (2020) and criteria for deciding on applications (i.e. Section 68 of the By-Law).

7.1. Consistency with Overstrand Municipality Policy

(i) Consistency with the Overstrand Municipality Spatial Development Framework (MSDF, 2020), the Overstrand Integrated Development Framework (2014) (IDF, 2014), the Overstrand Environmental Management Framework (2014)(EMF, 2014), HPOZ (2020) and EMOZ (2020).

Section 5.2.10 sought the relevant informants for the proposed sand and gravel mine extension from Overstrand Municipal Spatial and Environmental Policy, notably the 2020 Municipal Spatial Development Framework, the Environmental Management Overlay Zone Regulations, 2020 and the Heritage Protection Overlay Zone Regulations, 2020, together with Municipality's Environmental Management Framework (2014), the recent Overstrand SDF (2016) and the Overstrand Integrated Development Framework (2016).

As put forward in Section 5.2.10.4, key land uses as noted in the MSDF 2020, including mining activities, small-scale farming activities on commonage land and the significance of view-sheds and regional corridors (mountain to sea) for coastal tourism activities, together with the proposed post-mine land uses of the mining extensions (i.e. small-scale farming, conservation and ecological corridor) resonate positively with several of the Municipality's Environmental Objectives (EOs), notably:

- *"Mining development not resulting in unsustainable change in land use of biodiversity rich rural areas, agricultural activity and soil with agri-potential;*
- *The desirability of designating mining areas where the benefit of mining does not outweigh the loss of environmental integrity or environmental services; and*
- *Mining encouraging and supporting the development of networks of open space that sustain and encourage eco-system functioning, connect fragments of indigenous and conservation-worthy vegetation, protect wetland habitats and reinstate the natural environment"*

Section 5.2.10.4 demonstrates the alignment of the mining extension with the MSDF (2020), the EMOZ and HPOZ, and such extension having the potential to serve as a catalyst for peri-urban farming on the commonage, exploring a commonage-wide conservation initiative including mountain to sea corridor, alien vegetation and fire management, and tipping the benefit of mining in the favour of environmental enhancement. Furthermore the mine extension demonstrates support for "modified landscapes" as addressed by the "Conservation-Agriculture Buffer" of the 2006 SDP, the "modified ecosystems" as addressed by the "Urban Conservation Zone" of the EMOZ and "Landscapes of Significance" addressed by "Landscapes HPOZ".

Accordingly, it is concluded that the land use (operational and post-mining) of the proposed extended mining:

a) Aligns with the 2020 MSDF's *"Sensitive Development Area"* (Composite: HPOZ and EMOZ); and
b) That such alignment with the MSDF (2020), the HPOZ (2020) and the EMOZ (2020) reinforces the integration of the mine operation and its post-mining rehabilitation with the built, socio economic and environmental setting of the commonage, with the Site Development Plan (SDP) put forward in Section 6 confirming such alignment and integration.

(ii) Consistency with the Overstrand Land Use Scheme (2020).
Both the nuisance/ environmental impact of sand/ gravel mines and given such resources being place-bound has resulted in such land use being allocated either a "use departure" or legal "permitted use" within the "Undetermined Zone" of zoning schemes to-date. Furthermore, state or municipal land (including commonages) has traditionally been allocated an "Undetermined" zoning. Both such "anomalies" are being rectified with the introduction of "integrated" zoning schemes, with rectification further being required re the Maccsand Constitutional Court ruling (2012) insofar mining requiring land use authorisation in addition to only a Mining Right or Permit.

Accordingly, in terms of the Overstrand Land Use Scheme (2020) the subject portion of Rem Erf 210 will be subdivided and rezoned to Agricultural Zone 1: Agriculture (AGRI), with a "consent" to allow mining for life-of-mine, hereby achieving consistency with the Land Use Scheme. Furthermore, such application will demonstrate and achieve a rationalisation and restructuring of the current land use management insofar mining re "undetermined" land use, as well as align the land administrative context of the "commonage" with the Land Use Scheme.

7.2. Consideration Criteria

There is compelling evidence as to the proposed sand and gravel mining extension meeting/ addressing the necessary criteria in consideration of the SDP, the required subdivision, rezoning, consent use and departure, as presented below and detailed in previous sections of this report:

(i) Economic Impact

The sand and gravel mine, since its commencement in 2000 to present, has had a **positive** economic impact given the following:

- Continued employment of two (2) permanent staff and a team of eighteen (18) staff who conduct the necessary excavation, crushing, and sieving, loading and stockpiling on a rotational basis between two of the operator's sand mines.
- Continued supply of sand and gravel to the wider Overstrand and Overberg construction industry (both having growing construction sectors) at a competitive price given the proximity of Gansbaai to customers.
- Support of local communities through the DMR's required Social and Labour Plan through which the mine's operator contributes financially to municipal IDP identified community projects.

Socio-Economic Impact

- Securing Employment
  While the mining operation will only result in the continued employment of existing employees (i.e. excavator operator(s), truck drivers, etc.), the purpose of the mine is to provide a continued locally sourced "strategic resource" in support of the Overstrand construction industry, a significant employer in the district

- Contributing to and Facilitating Socio-economic and Development Opportunities
  The Social and Labour Plan (SLP) for the period 2018-2022 puts forward the Socio-Economic and Development Opportunities available from Sizika Ukhanyo Trading 410 cc to its staff and labour-sending communities as required by the Mineral and Petroleum Resources Development Act (MPRDA, 2000). Through its registration with the relevant SETA, the Mining Qualification Authority, its in-house appointed Skills Development Facilitator and submission of its workplace Skills Development Plan, the following is offered to its employees:
  - 5000m² vegetable garden allotment on Erf 335 is made available to staff and their families to cultivate vegetables to augment their household food basket and for sale of surplus production. Irrigation water, together with implements and seed are provided by the employer, as well as transport of product to employee home or point of sale
  - Income Generating Project: Local Economic Development: Funding of Grootbos Foundation
  - Internship and Bursary Plan: Boland Collage (Caledon): Student Studying Management
  - Training and Formal Education: ABET: 2 Students Grade 11 and 12
  - Career Progress (path) Plan: Skills Development: Computer skills training for all employees, excavation equipment training for operators and drug and alcohol awareness training for all employees
- Resolution of Social Conflict
  Negative social impact of the proposed mine land use is negligible given the following:
  - Only essential staff currently overnight on the mine site
  - No agricultural labour will be displaced from the mining extension area, given it being commonage and that no additional staff will be employed due to the extension
  - The Environmental Management System (EMS) provides for an independent monitoring committee, the Environmental Monitoring Committee, which could (if there is sufficient interest) meet on site on a pre-determined basis to discuss issues relating to environmental management, with members comprising representatives of the mining company, the Town and Environmental Planning Sections of Overstrand Municipality, the landowner representative and other environmental/ community-based organisations.

(ii) Capital Investment

While the extension sand and gravel excavations will utilise existing logistical facilities on Erf 335, it will result in on-going replacement investment in machinery/ plant and maintenance thereof to undertake such operation. Furthermore, the extended mining will generate a land rental income for the lease holder (i.e. Overstrand Municipality) and royalty payments to the State.

(iii) Compatibility with Surrounding Land Uses

As illustrated in Figure 5, the impact on surrounding land uses is limited given the general isolation of the existing and extension mine areas from surrounding land uses, noting the following:

- Closest uses being utility installations at 0.25km (e.g. landfill site, reservoir, etc.)
- Residential development in Gansbaai and Masakhane being 1.5km and 0.85km distant respectively
- Closest farmsteads on Fransche Kraal 708/43 and Suikerbosrand 710 being 1.2km and 1.1km distant respectively

- Limited intensive agricultural practices to the north and east, given municipal land and mountainous terrain, the use being mainly wilderness and livestock grazing
- No complaints from surrounding land owners during the past 20-year period
- Mitigatory measures being in place to reduce any impact on surrounding properties (e.g. hydrocarbon management, dust and noise abatement, and restricting/ reducing visual impact, etc.).

(iv) Impact on Existing Services

- The on-going operation of the mine will not impact on services given that such services have been in place for the past 20 or more years, including:
  - Water obtained from an on-site borehole and tank storage, uses being potable, for road and plant area wetting and for sanitation
  - Electrical power; Gansbaai Municipality
  - Sewage treatment; on-site septic tank
  - Waste (domestic); removal to municipal disposal facility by mine management
  - Waste (industrial e.g. oil spill); removed by specialist contractor

(v) Impact on Safety, Health and Well-being of Surrounding Communities

The relative isolation and distance from surrounding homesteads (minimum of 0.85km), as well as the mine operation being restricted to week-days 07h00-17h00 Monday to Thursday and 07h30 – 14h30 on Friday, negates impacts emanating from mine operations (e.g. dust, noise, etc.), with mitigatory measures in place should impact occur, including:

- Road and plant area wetting to reduce the impact of dust from truck movement.
- Truck washing on departure to reduce dust/ soil deposition on Voortrekker Street and Main Road (R43)
- Vehicle mechanical compliance (e.g. silencers) to restrict noise impact
- Regulatory provision (e.g. safety/ warning signage at the mine access road/ Voortrekker Street intersection) to reduce delivery vehicle traffic speed, improve road safety and improve awareness to public road users of heavy truck movement
- Hydrocarbon Management Programme in place to avoid and manage any fuel/ oil spills by mine vehicles and plant, and thereby avoid groundwater pollution
- Furthermore, the on-going daily mine operations and presence of personnel on Erf 335 and Rem Erf 210 will continue to contribute to the security of the area.

(vi) Impact on Existing Use Rights

The extension mining area use, if approved, will not impact on existing surrounding land use rights given that such approval in terms of section 69 of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning (2020) will be subject to specific conditions ensuring appropriate operation of the mine extension as well as its closure, rehabilitation and post-mine use. Furthermore, the mine has a rehabilitation fund in place (i.e. security lodged with DMR) to ensure reinstatement of the land (mine) in the event of failure by the lessee (i.e. mine operator). Additionally, the land owner (Overstrand Municipality) and the mine's operator should be mutually protected by a lease agreement in respect of the right to mine, lease period and ancillary rights and responsibilities.

(vii) Impact on Heritage

Heritage Western Cape letter dated 20 November 2019 (refer Appendix 2) states that **"since there is no reason to believe that the proposed development will impact on heritage resources, and accordingly no further action under Section 38 of the NHRA (Act 25 of 1999) is required".**

(viii) Impact on the Biophysical Environment

Impact Management Protocols put forward in Section 5 purposely address impact on the biophysical environment as may be experienced in the proposed mine extension and highlighted in the environmental assessments undertaken. Mitigation as per such protocols will reduce any impact to acceptable levels, particularly when supported by strict monitoring, a highest order of site maintenance and a transparent environmental management system with community representation or a monitoring committee.

(ix) Traffic Impact and Access Related Considerations

The sand and gravel mine access over Rem Erf 210 (the commonage) for the past 20-years has been via a gravel municipal road extending from Voortrekker Street in Gansbaai to the access gate of Erf 335. Such gravel road extends further north over Rem Erf 210 giving access to the existing gravel pit and the proposed sand mining extension. It is noted that to the south of the sand and gravel mine, the gravel road also provides access to the sub-station, the reservoir and the land-fill site of the municipality.

Given the existing truck movement (55 per workday) via the gravel access road to Voortrekker and Main Road (R43) in Gansbaai, and the fact that such current truck movement will not increase with the proposed extension, traffic volume increase post-extension will be negligible on the gravel road, Voortrekker Street and Main Road (R43). However, mitigating measures are in place to reduce the impact of sand and gravel delivery trucks, including:

- Road wetting in the vicinity of the gravel road/ Voortrekker Street intersection during high dust periods
- Speed and road safety management (e.g. signage) and driver education/ awareness, including heavy vehicle movement warning signage in the vicinity of Voortrekker Street
- Vehicle compliance (e.g. silencer noise), removal of sand and debris prior to trucks leaving the mine and covering of loaded material to prevent windblown dust and material spillage

(x) Compliance with Overstrand Town and Spatial Planning Department's Application Requirements

This motivation report addresses all items raised during the Pre-Application Consultation Meeting held with the Town and Spatial Planning Department of Overstrand Municipality on 6 August 2020 (refer Annexure C for Minutes of such meeting).

8. CONCLUSIONS

8.1. Conclusions

As per Section 16(2)(h) of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020, and structured in terms of the criteria for deciding on an application (Section 68 of the By-Law), this application is motivated on the following grounds:

(i) Complies with the requirements of the **Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning (2020)**

(ii) Comprises a reasonable and permissible deviation from the **Overstrand MSDF** (2020), and aligns with the **Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020** and the **Heritage Protection Overlay Zone Regulations (2020)**

(iii) Constitutes a desirable amendment of Zoning approval as per Section 16(2) of the Overstrand Municipality: Amendment By-Law Municipal Land Use Planning (2020) and the **Overstrand Land Use Scheme (2020)**

(iv) **The Western Cape Provincial Spatial Development Framework**, 2014 (PSDF)

The PSDF recognises the importance of mineral resource assets, especially where such resources can contribute to, or support economic growth, often requiring trade-offs and coherent land use planning. The PSDF puts forward the safeguarding of strategic minerals through municipal SDFs and applying land use policy to reserve these resources for possible use.

(v) Complies with **Chapter 2 of the Western Cape Land Use Planning Act (2014)** insofar the proposed mine extension, operation and rehabilitation is guided by and promotes the following "**development principles**" put forward in the Act:

- ***Spatial sustainability***; through site selection in order to limit impact on agriculture, biodiversity and culturally significant land , with such development and reinstatement (rehabilitation) consistent with land use measures in accordance with environmental management instruments (e.g. EIA/ EMP process, appointment of an Environmental Control Officer, and conducting regular Environmental Performance Assessments (EPAs)). Furthermore, the rehabilitation will restore the mined land to wilderness and agriculture, thereby ensuring land use sustainability and limiting the impact on adjoining agriculture, resource conservation, and other uses.
- ***Sustained protection of the environment***; through the mine extension site selection having regard for natural habitats, systems (CBA's, water courses) and view-sheds, and re-establishing wilderness use, together with ensuring protection of water courses and wetlands through land use buffering, ecological corridors and environmental services maintenance.
- ***Realising the economic potential of the area***; through the supply of a strategic material (i.e. construction material) in support of the local construction industry, thereby unlocking the latent benefit and synergy vested in the non-renewable mineral resource to create a positive socio-economic benefit through capital earning, job creation and socio-economic development, including supporting and growing tourism.
- ***Employing the principle of efficiency,*** though optimising the strategic resource (i.e. construction material) by sourcing the mineral deposit in close proximity to its end-use (Overstrand and environs) and thereby reducing the carbon footprint (i.e. delivery/ distance) and reducing impact on roads (i.e. maintenance) and impact on road user safety, compared to if such mineral sourcing was from further afield deposit reserves.

(vi) The location, land development and rehabilitation of the proposed mine extension on Rem Erf 210 and Erf 355 Gansbaai promotes the following **SPLUMA "principles" put forward in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013):**

- The end-use of the mined material contributes to addressing ***past spatial injustice*** in improving socio-economic conditions in Gansbaai and environs, as well as being a catalyst to foster rural, peri-urban and urban development and community facility establishment and support.

- While no mineral resource use is sustainable, the unlocking of the latent benefit and synergy vested in the non-renewable mineral resource through employment creation and stability contributes to ***spatial sustainability***.
- The location of the mine and its extension relative to the proximity of its product use (Overstrand and environs) ensures ***efficiency*** through reduced transport cost, limiting the carbon footprint and reducing impact (i.e. road maintenance and public road safety).
- The mine's contribution to rural and urban development improves ***spatial resilience*** through ensuring improved sustainable community livelihoods and addressing the impact of economic and environmental shocks (e.g. climate change) on communities.
- The EIA/ EMP and Land Use Authorisation planning and management processes applied to the mine extension location, its operation and rehabilitation reflects ***good administration***, being inclusive of all spheres of government (National, Provincial and Municipal).

It is therefore concluded, as demonstrated in this application, that through the effective implementation of the mitigation measures provided, the extension, operation, rehabilitation and future use of the sand and gravel mining extension on Rem Erf 210 Gansbaai can deliver a **sustainable and efficient contribution to socio-economic development and transformation** without the **rehabilitation "legacy costs"** and **loss of land capability** (botanical and agricultural) historically and traditionally associated with sand and gravel mines. Furthermore, the mining, rehabilitation and future use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services.**

8.2. Recommendation

As motivated in this report, the approval of the following to permit the extension of existing sand and gravel mining on portion of the Remaining Extent of Erf 210 Gansbaai in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020.

(i) Section 16 (2)(d): Sub-division of a 28.1193ha Portion of Rem Erf 210 Gansbaai as depicted in Diagram 4

(ii) Section 16 (2)(a): Rezoning of Sub-divided 28.1193ha Portion of Rem Erf 210 Gansbaai from Undetermined Zone to Agricultural Zone 1: Agriculture (AGRI) as illustrated on Diagram 4

(iii) Section 16 (2)(o): Consent Use to Permit Mining in Agricultural Zone 1: Agriculture (AGRI) of the Sub-divided and Rezoned 28.1193ha Portion of Rem Erf 210 Gansbaai as per Diagram 4

(iv) Section 16 (2)(b): Permanent Departure to Reduce the "Common Building Line" from 30.0m to 9.0m to Permit Mine Excavation along the Northern Boundary of the Mining Right Area (Rem Erf 210 – Farm Strandfontein 712 boundary) as depicted by line P1 – Q1 on Diagram 4.

(v) Section 16(2)(g): A Post-Mining Site Development Plan for the Sub-divided and Rezoned 28.1193ha Portion of Rem Erf 210 Gansbaai as put forward on Figures 27(a), 27(b), 28(a),28(b) and 29, within the spatial extent of Diagram 4.

Diagram 4 depicts the spatial context (28.1193ha) of the above sub-division, rezoning, consent use, departure and the SDP as per diagram P, Q, R, S, T, U, V_2, V_1, V and W, which also defines the area of the Mine Site Development Plan (SDP).

Furthermore, such approval to be applicable to the period of the "life-of-mine".

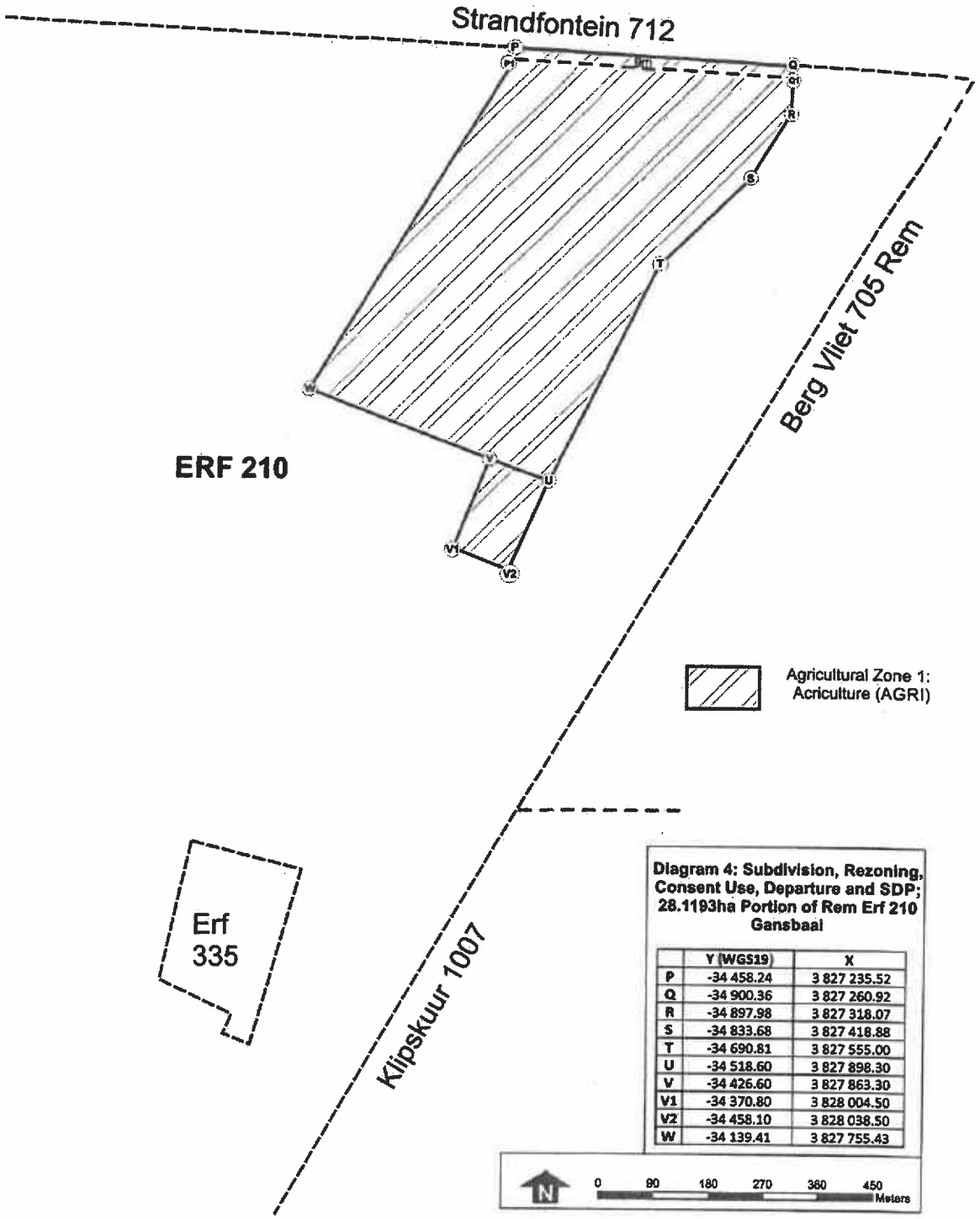
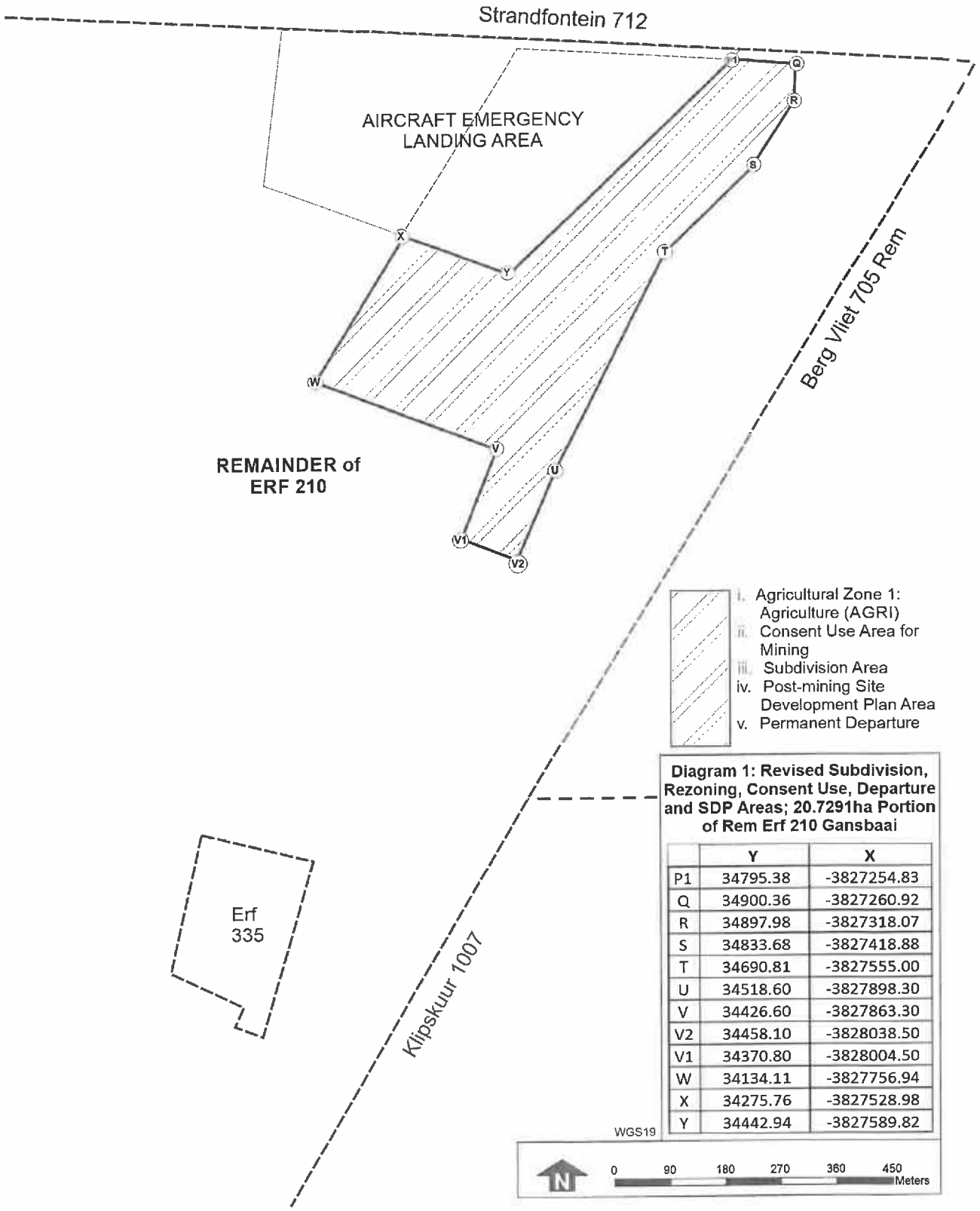


Diagram 4: Subdivision, Rezoning, Consent Use, Departure and SDP; 28.1193ha Portion of Rem Erf 210 Gansbaai

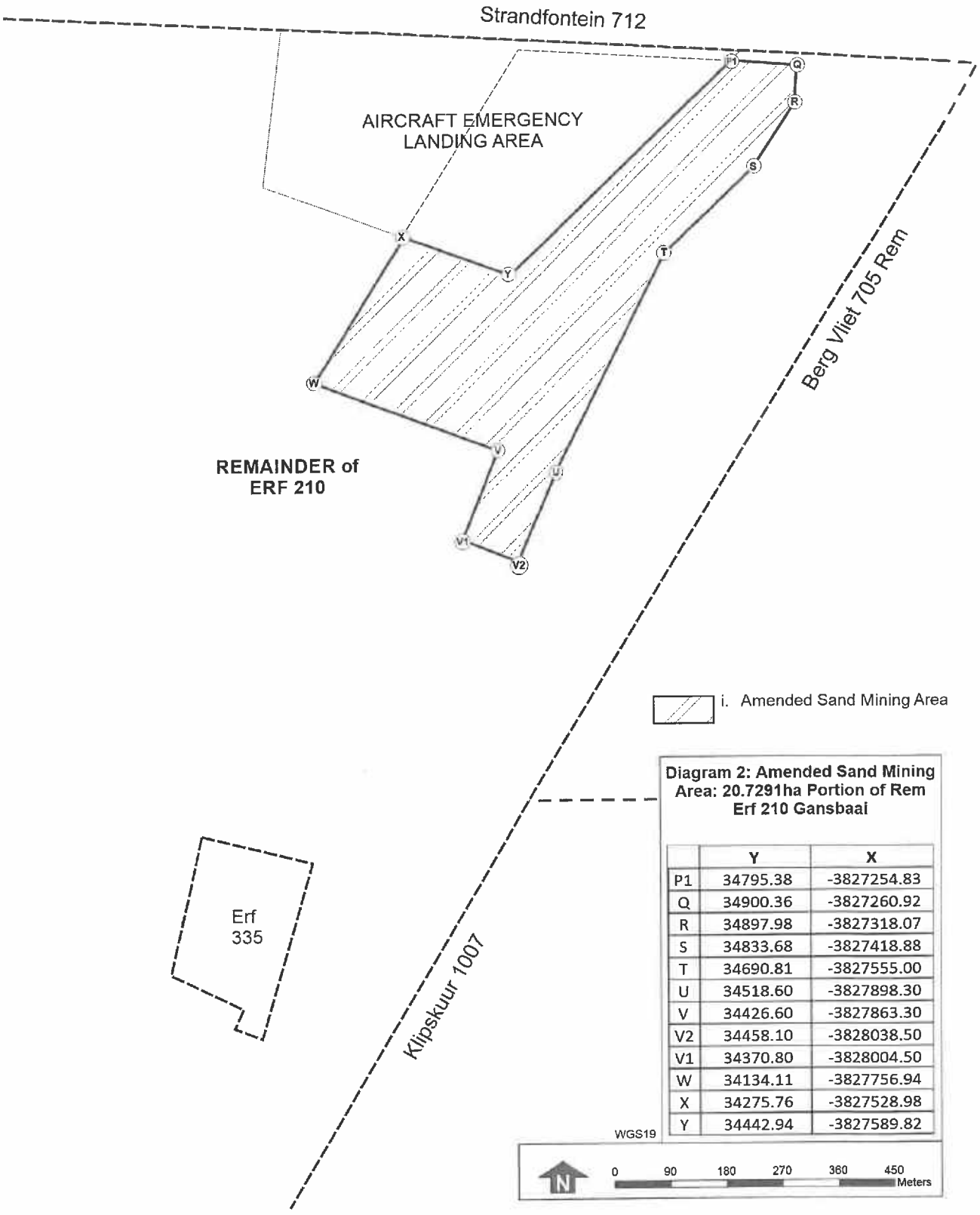
	Y (WGS19)	X
P	-34 458.24	3 827 235.52
Q	-34 900.36	3 827 260.92
R	-34 897.98	3 827 318.07
S	-34 833.68	3 827 418.88
T	-34 690.81	3 827 555.00
U	-34 518.60	3 827 898.30
V	-34 426.60	3 827 863.30
V1	-34 370.80	3 828 004.50
V2	-34 458.10	3 828 038.50
W	-34 139.41	3 827 755.43

Diagram 4: Subdivision, Rezoning, Consent Use, Departure and SDP: 28.1193ha Portion of Rem Erf 210 Gansbaai



	Y	X
P1	34795.38	-3827254.83
Q	34900.36	-3827260.92
R	34897.98	-3827318.07
S	34833.68	-3827418.88
T	34690.81	-3827555.00
U	34518.60	-3827898.30
V	34426.60	-3827863.30
V2	34458.10	-3828038.50
V1	34370.80	-3828004.50
W	34134.11	-3827756.94
X	34275.76	-3827528.98
Y	34442.94	-3827589.82

Diagram 1: Revised Subdivision, Rezoning, Consent Use, Departure and SDP: 20.7291ha Portion of Rem Erf 210 Gansbaai



	Y	X
P1	34795.38	-3827254.83
Q	34900.36	-3827260.92
R	34897.98	-3827318.07
S	34833.68	-3827418.88
T	34690.81	-3827555.00
U	34518.60	-3827898.30
V	34426.60	-3827863.30
V2	34458.10	-3828038.50
V1	34370.80	-3828004.50
W	34134.11	-3827756.94
X	34275.76	-3827528.98
Y	34442.94	-3827589.82

Diagram 2: Amended Sand Mining Area: 20.7291ha Portion of Rem Erf 210 Gansbaai

DMRE 468

DEPARTMENT: MINERAL RESOURCES AND ENERGY

REPUBLIC OF SOUTH AFRICA

AMENDMENT/VARIATION OF A MINING RIGHT

Granted in terms of section 102 of the Mineral and Petroleum Resources Development Act, 2002
(Act No. 28 of 2002)

Protocol No: 394/ /2023
File Ref No

WC30/5/1/2/2/397MR

Application No

NOTARIAL DEED OF AMENDMENT/VARIATION OF A MINING RIGHT

BE IT HEREBY MADE KNOWN:

That on this the **08** day of **NOVEMBER** in the year **2023** before me, **TASLEEMA RINQUEST**, Notary Public, duly sworn and admitted, residing and practising at **CAPE TOWN**, in the **WESTERN CAPE** Province of South Africa, and in the presence of the undersigned witnesses personally came and appeared;

PIETER SWART Regional Manager, **WESTERN CAPE** of the Department of Mineral Resources and Energy, and as such in his/her capacity as the duly representative of:

THE MINISTER OF MINERAL RESOURCES AND ENERGY

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the Director-General or Deputy Director-General: Mineral and Petroleum Regulation of the Department of Mineral Resources and Energy on the **03RD** day of the **OCTOBER** in the year **2023** in terms of the powers delegated by the Minister in terms of section 103 (1) of the Mineral and Petroleum Resources Development Act, No 28 of 2002 ("the Act"),

And

STEPHEN MARK DUMONT in his/her personal capacity or as the company's **REPRESENTATIVE** or a Close Corporation's member, and as such, the duly authorised representative of **SIZISA UKHANYO TRADING 410 (PTY) LTD** , Identification /Registration number:

2	0	1	9	/	5	8	8	0	4	1	/	0	7	

(hereinafter together with his/her/its successors in title and assigns referred to as "the Holder"), the said representative, being duly authorised thereto under and by virtue of a Power of Attorney/resolution of directors/members of the Holder, signed or passed at **GANSBAAI** on the **19TH** day of **OCTOBER** in the year **2023**, which power of attorney or certified copy of the resolution has this day been exhibited to me, the notary, and remain filed on record in my protocol with the minutes hereof.

THE MINISTER AND THE HOLDER DECLARED THAT:

WHEREAS The State is the custodian of the nation's mineral and petroleum resources in terms of section 3 of the Act,

AND WHEREAS In terms of clause 4 of the principal right, the terms of the right may not be amended/varied without the written consent of the Minister,

AND WHEREAS the Holder has applied for the **EXTENSION OF THE MINING RIGHT AREA FROM 11.6636HA TO 39.7829HA ON ERF 210 AND TO INCLUDE GRAVEL IN THE RELEVANT MINING RIGHT, SITUATED IN THE MAGISTERIAL DISTRICT OF HERMANUS ,**

AND WHEREAS The Minister has granted consent for the amendment/variation to the Holder, in terms of section 102 of the Act.

NOW THEREFORE THESE PRESENTS WITNESS:

The Minister hereby grants the variation/amendment of the mining right executed on the **03RD** day of **DECEMBER** in the year **2013**, under Protocol **136/2013**, registered at the Mineral and Petroleum Titles Registration Office under , in respect of;

Certain: **PORTION OF ERF 210 AND ERF 335**

Situated: **WESTERN CAPE** Magisterial/Administrative District of **HERMANUS**
Measuring: **11.6636** hectares

(In case of various farms involved, a list must be attached and referred to as **ANNEXURE** _____);

Is hereby amended/ varied by the **EXTENSION OF THE MINING RIGHT AREA WITH 28,1193HA TO 39.7829HA ON ERF 210 AND TO INCLUDE GRAVEL IN THE RELEVANT MINING RIGHT, SITUATED IN THE MAGISTERIAL DISTRICT OF HERMANUS AS INDICATED ON THE DIAGRAM ANNEXED HERETO AS ANNEXURE A.**

Now therefore the Minister grants the amendment/ variation of the principal right.

Thus done and signed at **CAPE TOWN**on the **08** day of **NOVEMBER** in the year **2023** in the presence of the undersigned witnesses:

AS WITNESS:

For and on behalf of the Minister

AS WITNESS:

For and on behalf of the Holder

NOTARY PUBLIC

TASLEEMA RINQUEST
PUBLIEKE NOTARIS
NOTARY PUBLIC
CAPE TOWN

Jacobs & Associates

KONSULTANTE / CONSULTANTS

14 Van Dyk Street
Gansbaai
7220
Cell: 060 3855 690
E-Mail: scottjacobs706@gmail.com

MESSRS OVERSTRAND MUNICIPALTY
HERMANUS

BY EMAIL: alida@overstrand.gov.za

U VERW:/YOUR REF: **Mr SW Van Der Merwe**
ONS VERW:/OUR REF: JSJ/mb
DATUM:/DATE: 29 April 2022

Dear Sirs

RE: Municipal Notice No 26/2022:
Erf 210, GANSBAAI: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND PERMISSION FOR MINING SITE DEVELOPMENT PLAN: MESSRS SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) ON BEHALF OF SIZIKA UKANYO TRADING 410 CC

With reference to the above, we have been instructed by our client, Messrs Sipho Sea Products (Pty) Ltd, to herewith submit their comments, objections and/or representations on their behalf. For your perusal we hereby attach hereto the following:

1 Document titled "Objections April 2022", dated 29 April 2022; and
2 Annexures A, B, C, D, E, F and G thereto.

Kindly acknowledge receipt and awaiting your advices.

Yours sincerely

Jacobs & Associates
Per: J S Jacobs

OBJECTIONS AND/OR COMMENTS

with regard to

Municipal Notice No. 26/2022:

ERF 210, GANSBAAI: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND PERMISSION FOR MINING SITE DEVELOPMENT PLAN: MESSRS SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) ON BEHALF OF SIZIKA UKANYO TRADING 410 CC

1 **Applicant:**

1.1 It is not clear – and in fact not ascertainable from the documentation submitted – who exactly the Applicant (i.e. the alleged existing mining right and –permit holder) in this instance is. For example, reference is made to the description of the Applicant in *inter alia* the following instances:

1.1.2 The advertisement of the said Municipal Notice No 26/2022 as advertised on 25 March 2022 - SIZI**KA** UKANYO TRADING **410 CC**.

1.1.3 Cover page of application in terms of the Motivation Report 1647/R1 – Sizika Ukhanyo Trading 410 CC.

1.1.4 Clause 1.2 of the Motivation Report – Sizi**ko** Ukanyo Trading **140** CC.

1.1.5 Clause 1.3 of the Motivation Report – Sizi**ka** Ukhanyo Trading **140** CC.

1.1.6 Clause 2.6.2 (v) of the Motivation Report – Sizi**ka** Ukhanyo Trading cc.

1.1.7 Item 5 of the Agenda for the Mayoral Committee Meeting dated 24 November 2021 as well as Item 5 of the Minutes of the Ordinary Meeting of the Council dated 25 November 2021 – SIZI**SA** UKHANYO TRADING **(PTY) LTD**, and Sizi**sa** Ukhanyo Trading **(Proprietary) Limited**, and Sizi**ka** Ukhanyo Trading **410 (Proprietary Limited)**, and Sizi**sa** Ukhanyo **Trading (Proprietary Limited).**

1.1.8 Annexure B: Power of Attorney: Overstrand Municipality dated 29 September 2021 and in terms whereof the costs of the applications and processes to be for the account of Sizi**sa** Ukhanyo **Trading (Pty) Ltd**.

1.1.9 During 2017 the Overstrand Municipality as the Applicant, brought an application cited as "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai, Overstrand Municipal Area: Proposed Amendment of the Site Development Plan". In terms thereof reference was made that

Sizisa Ukhanyo Trading **410 CC (trading as Gansbaai Sand en Klip)** is operating the sand mine on the subject property in terms of a lease agreement with the applicant.

1.1.10 During September 2019 Messrs Site Plan Consulting advertised the Draft Scoping Report for the extention of the existing mining right and in terms whereof the Applicant was sited as SIZI**SA** UK**H**ANYO TRADING **410 CC**.

1.1.11 Clause 2.6.2 (v) of this application under the heading "Mining Co/CC" states that for the period 2016 – present: Transfer of mining authorisation to new owners, with continued trading of Sizi**ka** Ukhanyo Trading **410 cc**, and the **Director** being Stephen Du Mont.

1.1.12 In an attempt to get clarification, a search was done at CIPC and in terms whereof the Enterprise Name is cited as **SIZISA UKHANYO TRADING 410 (PTY) LTD** with Registration No **2019 / 588041 / 07** – a copy of the Disclosure Certificate is attached hereto as Annexure "A".

1.1.13 In clause 2.2.1 reference is made that "It is noted that Erf 335 is owned by Dynavest Thirteen Eiendoms Beperk and that Dynavest Thirteen (Pty) Ltd is an owned subsidiary of Sizi**ko** Ukhanyo Trading **140 CC**, the current mine owner and operator. (Refer Annexure J)". It is to be noted that Annexure J is only the Title deed of Erf 335, while it is unclear how it is possible that a Company could be an owned subsidiary of a Close Corporation?

1.2 It naturally follows that the aforesaid contradictions and confusion needs to be fully addressed and clarified before any meaningfull comments can be made in this regard, for eg with regard to the locus standi of the applicant. It is apparent that this application is based on the applicant being a Close Corporation (however, with different spelling, numbering, etc), but then again the records of the Overstrand Municipality as well as Annexure B (Power of Attorney by Overstrand Municipality) reflects the applicant being a Company, not a Close Corporation. It is herewith proposed that a full disclosure is made with regard to the correct citations, registration number, members of CC, or directors and shareholders of Company, whichever is applicable and substantiated by the necessary documentation in support thereof. It is further proposed that such proof/documentation be made available to the public with a further reasonable time for any further comments to be made thereto, by default whereof the

objection is hereby recorded that the advertisement as well as the application is fatally flawed and willfully misleading, and that the said application must be formally withdrawn and resubmitted again.

1.3 However, for purposes hereof further reference will simply be made as "the applicant".

2 Annexure M: Copy of Press Release dated February 2007:

For purposes of full disclosure and easy reference in relation to the objections and comments made hereinafter, it is deemed of the utmost importance to herewith again reïterate *inter alia* the following statements made therein, and we quote:

2.1 "..... Munisipalieit Overstrand op **31 Januarie 2007** kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee **hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaai summier te staak**.

2.2 Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op **14 Februarie 2007** lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak:

2.2.1 Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. **Kennis is wel gegee dat ongemagtigde mynaktiwiteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai** (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie.

2.2.2 Dat die aansoek van Mnre **Sizisa Ukhanyo Trading (Pty) Ltd** (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende **2006** aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik **geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie**.

2.2.3 Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die

meentgronde **wat beskou word as 'n bate wat aan die gemeenskap behoort.**

2.2.4 Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie.

2.2.5 Dat die munisipaliteit daadwerklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreël, die nodige regte te bekom om die materiaal op 'n wettige wyse te otgin.

2.2.6 **Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.**

2.2.7 Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beïnvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproeiing van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus beïnvloed wat opsigself tot gevolg het dat daar opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied."

Comment: As more fully referred to below, the views expressed in clause 2.2.6 above is wholeheartedly supported and should indeed be the legal status quo since 2007 (and before) to the present.

3 Demand for Construction Sand and Gravel: (Clause 1.2 of the Motivation Report)

It is stated that:

"**Siziko Ukanyo Trading 140 CC** have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since **2005**, with the previous owner having licenced the mine in 2000, albeit **illegally**. Such continuous

operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand, "

and

"Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites ….".

It is indeed common cause that there is a great demand for construction sand and gravel in the Overstrand area, but the following comments thereto needs to to be taken into account:

3.1 The description of the applicant.

3.2 The fact that any mining operations on Remainder Erf 210 Gansbaai was at all times **unauthorised and illegal since at least 2005**.

3.3 In terms of the press release referred to in clause 2.2.1 above, the Overstrand Municipality served a Compliance Notice on the applicant on 31 July 2007 and in terms whereof the applicant was ordered to immediately stop with its illegal mining activities on the Gansbaai Commonage (i.e. Remainder Erf 210, Gansbaai), the Municipality thereby being compliant to section 39 of the Land Use Planning Ordinance 15 of 1985.

3.4 Whereas the existing mining activities are illegal and unlawfull, **any "extention" therof shall also be illegal and unlawfull** – the same applies to any monetary income generated through such unlawfull activities.

3.5 If the Overstrand Municipalty considers allowing any mining activities on Erf 210 or the Remainder thereof apart from the existing unlawfull mining, it must act in accordance with their press release referred to in 2.2.6 above, i.e. by means of an **open public tender process.**

4 Crown Grant No. G160/1938:

The Remainder of Erf 210 is subject to the following title deed restrictions, currently registered servitudes and/or restrictions in general:

4.1 "*(a)(4): Die hierby toegekende grond of enige gedeelte daarvan, of enige aandeel daarin, mag nie te eniger tyd onderverdeel, verkoop, oorgemaak, geskenk, oorgedra of belemmer word, sonder dat die toestemming van die Minister van Lande eers daartoe verkry is nie*"

"*(b): Dat geen premanente strukture op hierby toegekende grond apgerig mag word tensy die toestemming van die Minister van Lande eers daartoe verkry is nie*"

4.2 Condition 3: "*Die Goewerment behou die reg om te alle tye vry van betaling te gebruik, of om die gebruik aan ander toe te staan, van die grond gemerk c.d.e.f. en omskrywe as "Emergency Aircraft Landing Ground op die kaart (No 3890/1937). Geheg aan die voornoemde Sertifikaat van Gewysigde Titel by Vereninging No 13083 gedateer 15 Desember 1938 uitgereik ten gunste van die Goewerment van die Unie van Suid-Afrika, vir alle sodanige doeleindes as wat nodig blyk in verband met die oprigting en instandhouding van Landingsvelde vir lugvaartuie, tesame met die reg om die nodige beskuttings, vliegtuigloodse, afdakke, hutte en ander geboue te bou en instand te hou; om die nodige opruiming op die voornoemde landingsvelde aan te bring en instand te hou en om sodanige gedeeltes van die landingsvelde as wat nodig mag wees te omhein.*"

Comment: From the documentation submitted, it is not clear whether this condition 3 has been cancelled and if not, to confirm the exact location thereof. An attempt has been made to inspect the full application/proposal at the Gansbaai Library, but no such application/proposal was available at the Gansbaai Library for inspection. A clear and readable copy of such Title Deed is requested to be made available so as to inform the public whether this condition is still in force. It is also of importance to be able to identify the proposed location thereof in relation to the proposed mining activities.

4.3 The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is fully supported and in particular with reference to the following:

> "The "Programme for Land and Agrarian Studies; PLAAS (Megan Anderson, Kobus Pienaar; 2003)" in its overview of Municipal Commonage highlights the following characteristics and requirements of municipal commonages, **several of which are also reflected in the title deed and conditions of the "Gansbaai Commonage", and also being applicable to the proposed sand and gravel mining.**"
>
> and
>
> "The Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, "*the*

former referring to land set aside by the state at the establishment of the town, usually granted to the municipality by the state in the 1800's, in ownership and free of charge", **reflecting the Gansbaai Commonage's origin.**"

and

" "*Traditional*" commonages "*being characterized by* ***stringent legislative and title conditions***", notably those in the Crown Grant No. G160 of 1938 governing the Gansbaai Commonage. **Anderson and Pienaar particularly noting that "*the land be for the use and benefit of the public and the municipality could not sell the land, commonages being "set aside" for public use*".**"

and

"Leasing portion of "Traditional" Commonage to a tenant "*will require* ***approval of the Premier as such lease would allow the tenant to use land at the exclusion of other members of the public, in other words, privatizing such portion and making it available for commercial purposes rather than commonage or public purposes***","

and

"also noting "***that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality***. Furthermore, Anderson and Pienaar note that "*in the past access to such land (i.e. commonage) was regulated either by way of* ***servitude*** *registered as a title deed condition against a residential site, or by way of a* ***municipal regulation***". The former "arrangement" is currently being employed in small-farmer establishment on commonages through a "**Notarial Deed of Perpetual Servitude**" for such farming being endorsed against the title deed to encumber the farming use.

4.4 It is herewith submitted that the abovementioned principle that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality, **is also applicable to any income derived from the alleged existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made**

available to the public – again, with the condition that the public must be allowed a further reasonable perod of time to comment thereto, once available.

5 Zoning:

5.1 The statements regarding the status of the zoning of the subject property/portion – inclusive of "undetermined Zone and Non-Conforming Use" – is herewith strongly objected to and rejected as such. In support thereof, a copy of letter dated 18 August 2017 is attached hereto and marked Annexure "B", which addresses these issues in clauses 3 and 4 thereof.

5.2 The applicant acknowledges the status of Erf 210 Gansbaai as being **"traditional municipal commonage"** as per the Title Deed (also see 4.3 above). The intended land use thereof must therefor be indeed common cause and directly opposed to the interpretation of any undetermined land use.

5.3 It is to be noted that the applicant adds random and unqualified qualifications to the zoning of the "subject property / portion" so as to be compliant with the proposal that such uses are legal and therefor a permitted non-conforming use within the parameters of an Undetermined Zone. In fact, the true position is that – with reference to Erf 210 as well as Erf 335 - the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, and therefor unauthorised and unlawful since at least 2005.**

6 "Clause 2.6.2: - "Mining" Land Use Management":

6.1 Significant reliance is placed on the Maccsand Constitutional Court Ruling of **12 April 2012**, with special reference to the time-lines before and after such judgment. Without addressing each and every detail, suffice to say that such reliance is indeed misplaced and must also be rejected as such. The said ruling only confirmed the law as at that stage – it did not implement or constitute any new laws. For purposes hereof it is deemed appropriate to refer to only a few *dictum* as per the said judgment, and quote:

> "LUPO **obliges municipalities to enforce compliance** with its provisions (section 39(1)). More importantly it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme** (section 39(2))."
>
> and

"Therefore in terms of LUPO, **mining may only be undertaken on land if the zoning scheme permits it** (or a departure is granted). If not, **rezoning of the land must be obtained before the commencement of mining operations**. The zoning that permits that land to be used for mining does not, however, license mining nor does it determine mining rights. **The role played by LUPO is limited to the control and regulation of the use of land.**"

and

"It is true that mining is an exclusive competence of the national sphere of government. It is also true that the MPRDA is concerned with mining and that LUPO does not regulate mining nor does it purport to do so. LUPO governs the control and regulation of the use of all land in the Western Cape Province. This function constitutes municipal planning, a functional area which the Constitution allocates to the local sphere of government."

and

"The fact that in this case mining cannot take place until the land in question is appropriately rezoned is therefore permissible in our constitutional order."

It therefor follows that **this judgment also confirmed the unlawfullness and illegal mining activities of the applicant since 2005, as well as the period since delivery of the judgment (2012) to present**. It is to be noted that in that instance it was indeed the City of Cape Town who was the Applicant to interdict Maccsand to carry on with their illegal mining activities – notwithstanding the press release dated February 2007 (Annexure M to the application) referred to above, the Overstrand Municipality is in default to act accordingly – since before the said judgment as well as after the said judgment, to this very day. In fact, as referred to above and below, the Municipality as owner of Erf 210 (Commonage) has initiated various applications in an attempt to legalise the illegal mining activities, **at the cost and expense of the Municipality,** i.e. the taxpayer and public in general.

6.2 The applicant put forward a detailed timeline with reference to "**Mining Co/CC**" which includes *inter alia* the following:

1/9/2005: Transfer of mining authorisation to Sizika Ukhanyo **Trading cc.**

2016 – present: Transfer of mining authorisation to new owners, with continued trading Sizika Ukhanyo Trading **410** cc, and the **Director** being Stephen du Mont.

And similarly with reference to "**Mining Authorisation**" which includes *inter alia* the following:

19/9/2000: DMR issuing Mining Licence ML27/2000 for **5 years for Erf 335** (i.e. "old order" mining authorisation).

1/8/2010: Application lodged with DMR for a **gravel mining permit** (5-years) for 1.4600 ha (i.e. the "existing permit area" on **Erf 210**).

6/12/2011: Application lodged with DMR for a Mining Right for **sand mining** measuring 7.3809ha on **Rem Erf 210** and 4.2827ha on **Erf 335** – current mining authorisation.

2021: Recent DMR approval for **extending the Mining Right for sand and gravel mining**.

6.3 However, during **2017** the Overstrand Municipality – at its own cost and expense - lodged an application for the "Amendment of the Site development Plan On Erf 210" (Annexure M to this application), which application was withdrawn at a later stage. From the Annexures attached thereto, the following timeline appeared:

With regard to the Mining Permit (**gravel and aggregate**):

30/5/2011: A Mining Permit No 09/2011 was issued by the DMR to Sizisa Ukhanyo Trading **410 CC** to mine **gravel and aggregate** on Portion of Erf 210 Gansbaai – see attached Annexure C, page 4.

29/05/2013: The Mining Permit No 09/2011 referred to above, **lapsed on 29 May 2013** and the applicant declared to be in the process of re-applying for a new mining permit over the same area, i.e. for **gravel and aggregate** - see attached Annexure C, page 4.

14/8/2014: The applicant's re-application for a new mining permit was advertised in a local newspaper on 14 August 2014.

27/1/2016: The DMR issued the **new Permit No 01/2016 to Sizisa Ukhanyo Trading CC to mine for gravel and aggregate on Portion erf 210 Gansbaai, valid for a period (not more than two years)**

which shall extend from the date of issuing to 26/01/2018 and may be renewed for three periods each which may not exceed one year - see attached Annexure C, page 3.

With regard to the Mining Right (**sand**):

25/4/2012: DMR issued a **Power of Attorney** to the regional Manager: Western Cape Region of the DMR to sign the mining right in favour of **Sizisa Ukhanyo Trading 410 CC (reg. No. 2005/035636/23)** to mine for **Sand (General) in respect of Portion 15 of Erf 210 and Erf 335** for a period of sixteen (16) years - see attached Annexure C, page 1.

21/08/2015: The DMR amended the aforesaid Power of Attorney to read "**Portion of Erf 210** Gansbaai and erf 335" - see attached Annexure C, page 1.

6.4 Clearly there are huge discrepancies in the different timelines referred to in 6.2 and 6.3 above and in the absence of any further documentation to the contrary and relying solely on the applicant's own version, the position is as follow:

6.4.1 An application lodged with DMR for a **gravel mining permit** with regard to the 1.4600 ha on a Portion of **Erf 210** was lodged on 1 August 2010 and only approved on 30 May 2011, but lapsed on 29 May 2013. A new Permit for gravel and aggregate was issued only on 27 January 2016, but in the absence of any supporting documentation this new mining permit must also have lapsed due to the restrictions on the renewal period thereof – reason being that the permit was for a period up to 26 January 2018 and a further maximum renewal period of three years, thus at the most up to 26 January 2021.

6.4.2 From the aforesaid it follows that – on the applicant's own version - the applicant conducted mining operations (gravel and aggregate) on a Portion of Erf 210 Gansbaai (traditonal commonage) for the period since 2005 to 29 May 2011 and again from 30 May 2013 to 26 January 2016 without having the required approval and/or Permit from DMR. Furthermore, in the absence of supporting documentation, the same applies to the period since 27 January 2018 to the present. It therefor follows that – considering the legalities applicable to the said Portion of

Erf 210 Gansbaai in terms of the zoning thereof - such conduct was at all times illegal and unlawfull.

6.4.3 With regard to the alleged **mining right**, the initial Power of Attorney dated 25 April 2012 referred to **Portion 15 of Erf 210** Gansbaai – it is indeed common cause that no such Portion 15 exists. The said Power of Attorney was amended on 21 August 2015 to read "**Portion of Erf 210** Gansbaai". Again, it follows that for the period since 2005 to 20 August 2015 there was no such legal authorisation from the DMR in existence and therefor illegal and unlawfull. Furthermore, this is simply a Power of Attorney, not the right itself granted by the Regional Manager for the Western Cape Region of the DMR.

6.4.4 It is herewith proposed that Messrs Setplan be directed to disclose all relevant documentation with regard to all applications lodged to the DMR, motivations thereto, decisions by DMR, certified copies of all mining permits and/or mining rights issued accordingly (inclusive of any and all renewals thereof) as well as the mining rights issued by the Regional Manager for the Western Cape Region of the DMR in terms of the aforesaid Power of Attorneys and upon receipt whereof same be disclosed to the general public with a reasoble time to submit further comments thereto.

7 **Compensation Agreements:**

7.1 A copy of item 5 of the Agenda for the Mayoral Committee dated 24 November 2021 is attached hereto as Annexure D – for purposes hereof, reference is made to the following few aspects, and quote:

> *"Sizi**ka** Ukhanyo Trading 410 (**Proprietary Limited**) (hereinafter called the "Applicant") has an existing right to mine sand on a portion of Remainder Erf 210 Gansbaai and on Erf 335 Gansbaai **(±1.5ha in extent**) as ....."*
>
> and
>
> *"....a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. **Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use.**"*

and

"Whilst the agreement hereby proposed is not a lease agreement, servitude, encroachment agreement ***but rather one to regulate the use on municipal property, the compensation payable shall still be market related.***"

and

"The previous compensation agreement determined the amount payable to the Municipality by the Applicant was calculated with reference to the amount that it would cost the Overstrand Municipality to mine the materials itself. Thereafter and from this initial amount the price payable to the Municipality has increased annually in accordance with the Consumer Price Index. Currently the amount is R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined."

7.2 The above statements raise numerous issues that needs urgent clarification before further processing of the application under discussion can be attended to, for eg:

7.2.1 In this instance the applicant is referred to as a Company, not a Close Corporation.

7.2.2 The first compensation agreement was entered into as far back as 6 May 2015 in respect of the Existing Area – no mention is made of the period since 2005 to 6 May 2015 and the only reasonable inference therefor is that no such compensation agreement existed before 6 May 2015.

7.2.3 As the land use is with regard to Gansbaai Commonage (Erf 210), the Overstrand Municipality is obliged to disclose for what special purpose(s) the income derived from such agreement will be used for, i.e. other than the ordinary expenditure of the municipality. The approval of the further compensation agreement during January 2022 is therefor fatally flawed and void. A full disclosure is required with regard to all the income derived since 6 May 2015 and for what purpose(s) such income was used for.

7.2.4 A full written disclosure is also required to confirm the calculation of the initial market related price, who was the designated person(s) and inclusive of the allegation that R33.03 per cubic meter is still market related in 2022.

7.2.5 However, the statement that the previous compensation agreement was entered into on 6 May 2015, is contradicted in toto by the statement of the municipality in their application during 2017 "for the amendment of the siteplan" (the said application being Annexure M to the current application). It needs to be pointed out that the initial part of the said application was not included in the said Annexure M as it only started from clause 4, page 4 – after a request lodged with the municipality, the full application was provided and hence the written notice by the municipality that the date for submitting comments/objections be extended until 29 April 2022. Clause 2 thereof states the following, and quote:

> "**2. BACKGROUND**
>
> **Erf 210 Gansbaai is owned by the Overstrand Municipality and is part of the commonage of Gansbaai. Sizisa Ukhanyo Trading 410 CC (trading as Gansbaai Sand en Klip) leases a portion of the commonage for purposes of a sand mine.**"

As per the attached Annexure B, a copy of the said **lease agreement** was requested, but never received to date hereof. It is however in direct contrast to the above statement regarding the previous compensation agreement. It is submitted that only a formal independent investigation will clarify these issues.

7.3 The minutes of the Mayoral Committee Meeting dated 25 November 2021 reflects that it was resolved that the abovementioned Item 5 of the said Agenda be withdrawn and resubmitted by the relevant Portfolio.

7.4 Simultaneously the Mayor, Dr A Rabie, declared that **an investigation** should be undertaken with regard to the illegal mining activities – this was confirmed in the local press as *inter alia* per pages 3, 4 and 5 of the attached Annexure E. To date hereof no further progress regarding the said investigation was made available.

7.5 The Agenda to serve for the special Mayoral Committee Meeting on 10 January 2022 as well as 26 January 2022 disclosed the alleged income derived from the Gansbaai Commonage Sand Mine for the period 2019 – 2021 to be the total amount of R1,943,080.00 without disclosing the alleged income for the period 2015 – 2019, inclusive of what special purpose it was used for the whole period. Furthermore, objections were raised to the Mayor regarding the approval of the new compensation agreement by letter dated 25 January 2022 (see the attached

Annexure G), but to no avail and the said compensation agreement was accordingly adopted.

8 General:

8.1 Specialist Studies:

The following is supported in full and with the condition that same must be adhered to **before** commencement of any mining activities:

8.1.1 **"CapeNature: Conservation Intelligence** in their letter dated 19 June 2020 requested that "***a full Geohydrological Study be compiled to determine the groundwater model / functioning in the area***". "

8.1.2 "In a letter dated 9 June 2020 (refer Appendix 5), the **Overstrand Municipality: Property Administration Section** in response to the draft EIA/ EMP put forward the following:

"***2.5.1 The applicant must submit an updated wetland specialist study that shows water depth monitoring during summer as well as winter which study must be to the written satisfaction of the Senior Manager: Environmental Services.***" ".

8.1.3 **"DEA&DP: Directorate Development Facilitation** letters dated 11 November 2019 and 20 April 2020 (Appendix 3) ***"It is therefore recommended that a stormwater management plan be compiled for the mining areas"***. "

8.2 The applicant is simply making its own assumptions as to how to mitigate the aforesaid requirements – for eg it states that "the piezometers can however only be installed once Environmental and Land Use Authorisations or compensation agreements have been obtained. **The result is that depending on timing of excavation development, there is a possibility that initial mining may not have full information available**. Bearing in mind however that mining progress is very slow and any initial exceedance of water table levels (unlikely) can be rectified through backfilling over that small area." The conditions clearly has to be met **before commencement** of any mining activities on the proposed extentention area, but again, the applicant is simply ignoring it as it has done since 2005 to present in relation to Erf 335 and Erf 210 Gansbaai..

8.3 Soil and Geology:

In clauses 3.2.3 and 4.1.2 respectively, reference is made to *inter alia* the fact that "Prior to the 2010 application, detailed profiling of the soil was conducted by Site Plan Consulting using an excavator with a 5m reach.", as well as "Exploration results" with regard to the proposed extention area. In the absence of any supporting documentation, it is hereby requested that Messrs Setplan be directed **to make available certified copies of the relevant exploration- and/or prospecting permits issued by the DMR**, again with the condition that same be made available to the public with a further reasonable time period for any further comments thereto.

9 CONCLUSION:

Following the above, it is herewith submitted that the said application is flawed and misleading in various aspects and should accordingly be withdrawn/dismissed untill certain very important aspects have been addressed. The application is formally objected to and in support whereof *inter alia* the following is raised:

9.1 It is impossible to identify the correct applicant – it is clear that the applicant is cited as a Close Corporation, but with so many various name citations that contradict each other. Furthermore, the Power of Attorney lodged by the Overstrand Municipality (Annexure B) as well as the latest approved Compensation Agreement were in favour of a Company, not a Close Corporation. A full disclosure should therefor be made with regard to *inter alia* the correct citations, registration number, members of CC, or directors and shareholders of Company, whichever is applicable and substantiated by the necessary documentation in support thereof, same to be representative from 2005 to the present.

9.2 For purposes of land use, it is common cause that in terms of the said Title Deed, the said Erf 210 Gansbaai is **traditional commonage**. However, as stated in 4.2 above, it is not clear from the documentation submitted whether the said condition 3 in the Title Deed with regard to the Aircraft Landing Ground has been cancelled and if not, to confirm the exact location thereof. Full and readible particulars hereof is herewith requested to be made available so as to inform the public whether this condition is still in force.

9.3 The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is being supported as per clause 4.3 above. It is therefor herewith submitted that the principle **that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality, is also applicable to any income derived from the alleged existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made available to the public** – again, with the condition that the public must be allowed a further reasonable perod of time to comment thereto, once available.

9.4 It is stated that the applicant have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai **since 2005**, with the previous owner having licenced the mine in 2000. However, since the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, the said mining activities were therefor at all relevant times unauthorised and unlawful since at least 2005**.

9.5 Annexure M, press release:- This has been fully addressed in clause 2 above. During 2007 the Overstrand Municipality acted correctly by serving the applicant with a compliance notice in terms of the relevant By-Law and in terms whereof the unauthorised mine activities on commonage were immediately stopped. The following very important declaration was then made to the public:

> **"Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word."**

It then begs the question as to what had happened since 2007 to the present day to give effect to this undertaking? What steps did the municipality take to further the public's interest in this regard? It is apparent that since at least the date of this declaration the mining activities were unauthorised and unlawfull – by not acting on its declaration, the municipality has willfully allowed the applicant to carry on with its illegal mining activities to the exclusion of the general public. In

fact – and in the absence of any disclosure to the contrary - it appears that the municipality assisted the applicant in its continued illegal mining activities by initiating and lodging the respective applications during 2017 and 2021 –at their cost and expense – in an attempt to legalise the illegal mining activities. It is submitted that the illegal mining activities existed since 2005 and due to the municipality's default to act in terms of the relevant By-Laws to stop such illegal acitvities, a full investigation by an **independent** organisation into these illegal mining activities is required so as to ascetain the true circumstances.

9.6 The Maccsand judgment in 2012 is very clear on the fact that:

9.6.1 LUPO **obliges municipalities to enforce compliance with its provisions** and more importantly, it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme**, and

9.6.2 In terms of LUPO, mining may only be undertaken on land if the zoning scheme permits it an if not, rezoning of the land must be obtained **before** the commencement of mining operations; and

9.6.3 The role played by LUPO is limited to the control and regulation of the use of land.

9.7 Notwithstanding the municipality's press release during 2007, it is to this very present day in default to act in accordance with LUPO to enforce compliance with its provisions, i.e. that the applicant should have obtained rezoning of Erf 210, any Portion thereof as well as Erf 335 **before the commencement of any mining opreations** by the applicant. It then follows that the sanctions referred to sections 84(1) and 84(2) are applicable.

9.8 With reference to the alleged compensation agreement in force since 6 May 2015, the following:

9.8.1 Full written disclosure is required, i.e. copy of the said agreement, inclusive of full details regarding the amount of cubic meters sold during this period, the amounts derived by the municipality during this period as well as for what special purpose such monies were used.

9.8.2 It is stated that the Applicant declares on a monthly basis the volume of sand mined and the Municipality invoices them accordingly. It is submitted that certain

definite checks and balances need to be added for any such suggestion to be effectively implemented. The municipality cannot simply rely on the information provided by the applicant under discussion and also declare the average price per cubic metre according to other providers.

9.8.3 It needs to be considered that in the event that the mining activities were illegal for the period since 2005 to the present, the municipality was the beneficiary of the monies it derived from such illegal activities since 6 May 2016 to the present day.

9.8.4 The statement that the applicant leases a portion of the commonage from the municipality as per clause 7 above, should also be investigated so as to obtain confirmation as to whichever situation is applicable – certainly not both at the same time.

9.9 With regard to rehabilitation of Erf 335:- It is submitted that the rehabilitation of this Erf 335 was never compliant to apllicable legislation and that also in this instance a full investigation should be initiated so as to ascertain the true factual position. Reason being that members of the general public have indicated that this site was indeed used as a dumping site for *inter alia* building rubble which naturally has a detrimental effect to the underground water. It is further submitted that the services of the department of Cape Nature be obtained to give effect hereto.

The formal objection to the said application is herewith submitted. It is further submitted that the municipality immediately and urgently take all necessary steps to ensure that all the illegal mining activities be stopped with immediate effect and also that the current and any and all pending applications be immediately stayed/withdrawn pending the outcome of the investigation announced by the Mayor during November 2021. And lastly, that the municipality be directed to immediately proceed with the required steps to give effect to its press release during 2007, i.e. that the municipality is to obtain the necessary mining rights on Erf 210 Gansbaai and thereafter to appoint a contractor by means of public tender.

Date: 29 April 2022

Compiled by: Jacobs & Associates

on behalf of Messrs Sipho Sea Products (Pty) Ltd

Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Tuesday, April 12, 2022 at 11:34

Disclosure Certificate: Companies and Close Corporations

Companies and Intellectual Property Commission
a member of the dti group

Registration Number: **2019 / 588041 / 07**
Enterprise Name: **SIZISA UKHANYO TRADING 410**

ENTERPRISE INFORMATION

Registration Number	**2019 / 588041 / 07**
Enterprise Name	**SIZISA UKHANYO TRADING 410 (PTY) LTD**
Registration Date	**19/11/2019**
Business Start Date	**19/11/2019**
Enterprise Type	**Private Company**
Enterprise Status	**In Business**
Compliance Notice Status	**NONE**
Financial Year End	**February**
TAX Number	**9132988156**

Addresses

POSTAL ADDRESS

P O BOX 560
GANSBAAI
GANSBAAI
WESTERN CAPE
7220

ADDRESS OF REGISTERED OFFICE

12 INDUSTRIAL CIRCLE
GANSBAAI
GANSBAAI
WESTERN CAPE
7220

ACTIVE MEMBERS / DIRECTORS

Surname and First Names	Type	ID Number / Date of Birth	Contrib. (R)	Interest (%)	Appoint. Date	Address
BURGER, EDWARD ROELOF	Director	6604185096082	0.00	0.00	19/11/2019	Postal: P O BOX 560, GANSBAAI, WESTERN CAPE, 7220 Residential: LANDEN HILL FARM, 4/3 OF PLATBOS 701, UILENKRAALSMOND, GANSBAAI,
DUMONT, STEPHEN MARK	Director	6210135162088	0.00	0.00	19/11/2019	Postal: P O BOX 560, GANSBAAI, WESTERN CAPE, 7220 Residential: DOO LITTLE FARM, UILENKRAAL, GANSBAAI, WESTERN CAPE, 7220
CLOETE, JOHANNES CHRISTIAN DANIEL	Director	7204015008080	0.00	0.00	19/11/2019	Postal: P O BOX 560, GANSBAAI, WESTERN CAPE, 7220 Residential: 18 AKKER STREET, ELIM, WESTERN CAPE, 7284

AUDITOR DETAILS

Auditor Name	Type	Status	Appointment Date	Resignation Date	Email Address
VILLET & DE WET ING	Auditor	Current	2021-09-01	ACTIVE	info@villetdewet.co.za

Profession Number: 900359

Physical Address
the dti Campus - Block F
77 Meintjies Street
Sunnyside 0001

Postal Address: Companies
P O Box 429
Pretoria
0001

Docex: 256
Web: www.cipc.co.za
Contact Centre: 086 100 2472 (CIPC)
Contact Centre (International): +27 12 394 9573

Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Tuesday, April 12, 2022 at 11:34

Disclosure Certificate: Companies and Close Corporations

Companies and Intellectual Property Commission
a member of the dti group

Registration Number: **2019 / 588041 / 07**
Enterprise Name: **SIZISA UKHANYO TRADING 410**

DE WET PIETER ARNOLDUS JOHANNES	Designated Auditor	Current	2021-09-01	ACTIVE	arno@villetdewet.co.za

Profession Number: 580138

CHANGE SUMMARY

19/11/2019 Registration of CC/CO on 19/11/2019.

07/11/2020 Status changed to Unknown.
No Valid SMS or Email Address for enterprise K2019588041

16/07/2021 Annual Return completed on 16/07/2021.
Company / Close Corporation AR Filing - Web Services : Ref No. : 5349413538

01/10/2021 Accounting Officer Change on 01/10/2021.
Notice of change of auditors: DE WET PIETER ARNOLDUS JOHANNES appointed.
Status changed to Unknown.
DATA RESTORATION: MODIFIED THE DIRECTOR SURNAME ERROR. Ticket [T523030]

01/10/2021 Accounting Officer Change on 01/10/2021.
Notice of change of auditors: VILLET & DE WET ING appointed.

05/11/2021 Status changed to Unknown.
No Valid SMS or Email Address for enterprise K2019588041

Physical Address
the dti Campus - Block F
77 Meintjies Street
Sunnyside 0001

Postal Address: Companies
P O Box 429
Pretoria
0001

Docex: 256
Web: www.cipc.co.za
Contact Centre: 086 100 2472 (CIPC)
Contact Centre (International): +27 12 394 9573

Jacobs & Associates

KONSULTANTE / CONSULTANTS

17 Church Street, Gansbaai, 7220
P O Box 1534, Gansbaai, 7220
Fax: 086 768 7221
Cell: 083 747 2823
E-Mail: scottjacobs@webmail.co.za

MESSRS OVERSTRAND MUNICIPALITY
HERMANUS

BY E-MAIL: alida@overstrand.gov.za

U VERW:/YOUR REF: **Mr SW Van Der Merwe**
ONS VERW:/OUR REF: JSJ/sj
DATUM:/DATE: 18 August 2017

Dear Sirs

ERF 210, R43 (SANDMINE AND GRAVEL & AGGREGATE MINE) GANSBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN

With reference to the above, we have been instructed by our client, Messrs Sipho Sea Products (Pty) Ltd, to herewith submit the following comments, objections and/or representations on their behalf:

1 General:

Our said client is the lawful owner of a sand mining permit in terms of the Mineral and Petroleum Resources Development Act, 2002. The Environmental Authorization granted to client entitles client *inter alia* to the operation of any such activities which requires the aforesaid mining permit, the location of such activities situated at Portion 30 of the Farm Klipfonteyn 711, Gansbaai. It therefor follows that client has a vested interest in the application under discussion, supported by the fact that the applicant is an organ of state and any decision to be taken with regard to the property under discussion is in the public interest. Client herewith appoint our offices' contact details above for purposes of accepting notice or service of documents with regard to the above application. Client's reasons for their comments, objections and/or representations are more fully dealt with below, which shall indicate the relevant facts and circumstances, demonstrate the undesirable effect which the application will have on the area as well as such aspects which is considered not consistent with applicable policy. We proceed to - as far as possible – deal with the application in chronological order.

2 Locus standi of Applicant:

It is noted that the applicant is the Overstrand Municipality – an organ of state and the owner of the said Erf 210 – and as such the applicant indeed has locus standi to submit the application. However, reference is made to the fact that Sizisa Ukhanyo Trading 410 CC (trading as Gansbaai Sand en Klip) is operating the sand mine on the subject property in terms of a lease agreement with the applicant. It then begs the following questions:

2.1 It is not disclosed as to why the Overstrand Municipality is the applicant and not the mining permit holder with regard to the subject property, i.e. Gansbaai Sand en Klip? It is standard practice and indeed common cause that under similar circumstances any such permit holder would have been obliged – and indeed requested by the relevant Local Authority as well as the Department of Mineral Resources – to submit such application for approval, at **their cost** and **before** commencement of any such activities for which a sand mining permit is required. The application clearly states that Messrs WRAP Consultancy is acting on behalf of the applicant and therefor at the cost and expense of the Overstrand Municipality. It is indeed public knowledge that our client had to *inter alia* submit the required application for consent use in order to conduct sand mining on the property and accordingly to obtain approval thereto, at their cost and before commencement of any minig activities.

2.2 Similarly, the said lease agreement is not disclosed. In terms of the widely accepted practises of good corporate governance, transparency and good administration, it is in the public interest to fully disclose the terms and conditions of this lease agreement. One would have expected such lease agreement to at least make provision for the Lessee to be compliant with all relevant legislation in order to conduct sand mining on the property, again, at the cost and expense of the Lessee and before commencement of any such acivities. Disclosure therof shall further enlighten the public in general (inclusive of client) as to the date since when such irregular mining practice was to the knowledge of the Lessor (Overstrand Municipality), if applicable, as well as the economic benefits to the applicant.

In the absence of the above disclosures, our client has to object to the locus standi of the applicant and submit that Gansbaai Sand en Klip should be directed to submit a new application with regard to the subject matter, alternatively that the application be referred back to the applicant and ordered to make available the above omitted disclosures to all interested and affected parties for their further considerations.

3 Zoning:

The application clearly states that Erf 210 has the zoning of Undetermined Zone. It is our instructions that it is indeed common cause that mining activities have been conducted on the subject property for at least the past ten years and more. It therefor follows that notwithstanding the provisions of the Overstrand Municipality By-Law on Municipal Land use Planning, 2015, it is our respectfull submission that the principles laid down by the decision of Hangklip Environmental Action Group vs Minister for Agriculture, Environmental Affairs and Development Planning Western Cape & 3 Others (case number: 7139/03) is still trite law to be applied to the subject application, with special reference to the alleged zoning of "Undetermined Zone". During 2008 the applicant's own legal adviser (Mr J Du Plessis) provided them with

a legal opinion titled "Undetermined Zone". With consideration to all the relevant Ordinances, Regulations and inter alia the above Hangklip-decision, he came to the following conclusions, which we wholly endorse and we quote:

> "Section 14(1) of the Ordinance contemplates a two-stage process. It begins with an enquiery of a purely factual nature into the purpose for and the manner in which the land referred to was actually being used as at the 1st July 1986. The process does not require or permit the exercise of a discretion by a council or the expression of an opinion or an exercise in speculation. The council is required to factually determine the utilisation of the land as at the relevant date."
>
> and
>
> "Once the council has factually determined the utilisation of the land it must, based on such determination "grant" a zoning permitting of the utilisation of the land concerned which is the most restrictive zoning in terms of section 14(3). The granting of the zoning is a seperate and distinct process which may call for the exercise of the discretion by the local authority. But as pointed out in the Hangklip-judgment, the second decision cannot be validly arrived at unless the first step (the determination of the utilisation of the land as at the relevant date) has first been properly taken."
>
> and
>
> "..... The court is unlikely to favourably entertain an "Undetermined Zone" determination under section 14(1) of the Ordinance."
>
> and
>
> "..... if land was not used for any purpose or if it is impossible to determine for what purposes it was used at the Commencement Date, no particular zoning can logically said to be in accordance with its "utilisation" and the only avenue open to the council in those circumstances would be to decline to determine the "utilisation" of the property. **In my considered opinion the best approach in those circumstances would be also to require the land owner, before the property concerned may be utilised for any purpose, to "rezone" the property from a "no zoning" to a zone permitting of the proposed utilisation** ."

It therefor follows that the applicant has ignored its own legal advisor by erroneously alleging that the subject property has the zoning of "Undetermined Zone". As stated above, the "Undetermined Zone" – determination is a no-go option as the courts are unlikely to favourably entertain an "Undetermined Zone", as confirmed by the Hangklip-decision referred to above. Client is therefor of the opinion that applicant erred in his statement as to the zoning of the property and submits the true position to be that the applicant, or rather the Lessee authorised by the applicant (pending disclosure of the lease agreement), must apply for the determination of a zoning for the subject property in terms of section 13(1) of the aforesaid By-Law on Municipal Land Use Planning, 2015.

4 Non-Conforming Use:

"Non-Conforming Use" is defined to mean "an existing land use that was being utilised lawfully in terms of a previous zoning scheme for a purpose that does not comply with an existing zoning scheme".

Client is, with respect, of the opinion that the applicant erred in stating that the existing mining activity is regarded as a "non-conforming use", by simply relying on the statement that the subject mine commenced before the Overstrand Municipality Zoning Scheme was gazetted. It is client's submission that such use can only be legally constituted by the following:

4.1 Firstly, by means of a zoning determination as per 3 above and in which event the only possible determination could be a "no-zoning" determination, which negates the assumption of the mining activity to be a non-conforming use; and

4.2 A clear and uncontested proof that the existing mining activities were utilised lawfully in terms of a previous zoning scheme. No supporting documents were disclosed to decide upon the lawfullness or not of the said utilization.

Client therefor submits that, in the absence of the above requirements, there is no room for the assumption that such non-conforming use right exists.

Alternatively, and only in the event of a lawful finding that such non-conforming use right indeed exists, it is common cause that in terms of section 15(2)(c) of the aforesaid By-Law, 2015, the applicant bears the onus of proving that the non-conforming use right exists. It is client's respectfull submission that the applicant did not meet this onus as the the applicant's only statement in this regard is that " The owner, the Overstrand Municipality, is aware (sic) of the non-conforming use". We respectfully submit that a much higher standerd of proof is required, which can *inter alia* be met by the disclosure of all documents supporting the allegation that the existing use is lawfull in all aspects and approved by the relevant Authorities. In the absence of such disclosures (inclusive of all Environmental legislation, comments by the Department of Mineral Resources, etc), client objects to the assumption that such non-conforming use right in fact exists.

5 Various:

Client wish to draw attention to the following:

Section 16(1) of the said By-Law provides that no person may commence with, carry on or cause the commencement with or carrying on with land development without the approval of the Municipality in terms of section 16(2) of the By-Law. The subject application is only now being submitted, while it naturally followed that the applicant as well as the Lessee is already in contravention of the above section 16(1) of the By-Law. Section 84(1) sanctions such conduct by providing that such a person is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

Section 84(2) further stipulates that an owner who permits land to be utilised in a manner other than prescribed by a zoning scheme and who does not cease that use or take reasonable steps to ensure that the use ceases, or permits a person to breach the provisions of a zoning scheme, is also guilty of an oofence and sanctioned the same as above.

The applicant submitted his application based only on section 16(2)(l) of the said By-Law and which make provision for only "a permission required in terms of the conditions of approval". Client's comment in this regard is limited to mention that the application entails approval outside the ambit of this section 16(2)(l) and therefor not compliant in law.

6 Proposal in the interest of Good Administration:

It is common cause that in the interest of Good Administration, all spheres of government and other role players must ensure a joint planning approach is pursued. This view is supported by the consultants on behalf of the applicant, by stating that such joint planning approach is pursued to the benefit of the applicant as well as the community. To pursue this vision of joint planning approach, client herewith propose that a site meeting is arranged by notification to all interested and affected parties (inclusive of client) and in which instance all roleplayers such as the applicant, his appointed consultants, the Department of Mineral Resources, the Lessee and their employees, any other interested parties from the community, etc, can attend.

Kindly acknowledge receipt and awaiting your further advices.

Yours sincerely

Jacobs & Associates
Per: J S Jacobs

WC 30/5/1/2/2/397MR
A/2011/01/11/001

DEPARTMENT OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA

POWER OF ATTORNEY

I, **JOEL MALEATLANA RAPHELA**, in my capacity as Deputy Director-General of Mineral Resources, by virtue of the powers delegated to me in terms of section 103 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), hereby grant a Power of Attorney to the Regional Manager: Western Cape Region of the Department of Mineral Resources, to sign the mining right contemplated in section 23(1) of the said Act, in favour of **Sizisa Ukhanyo Trading 410 CC (Reg. No. 2005/035636/23)** to mine for **Sand (General)** in respect of **Portion 15 of Erf 210 and Erf 335** for a period of **sixteen (16) years,** situated in the Magisterial District of Hermanus, according to the approval signed by me today.

Signed at PRETORIA on this 25 day of 04 2012

DEPUTY DIRECTOR-GENERAL:
MINERAL REGULATION
DEPARTMENT OF MINERAL RESOURCES

AS WITNESSES:

1. .....

2. .....

mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

DMR 10

WC 30/5/1/2/2/397MR

WHEREAS The Holder applied for a Mining Right in terms of section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002),

AND WHEREAS The Deputy Director-General: Mineral Regulation has by virtue of the powers delegated to him granted to the holder a Mining Right in terms of section 23(1) of the of the Act,

AND WHEREAS The signed Power of Attorney included the following properties: Portion 15 of Erf 210 and Erf 335 which is situated in the Magisterial District of Hermanus.

NOW THEREFORE

The Deputy Director-General: Mineral Regulation herewith amends the Power of Attorney signed on the 25th of April in the year 2012, to read as follows: **Portion of Erf 210 Gansbaai and Erf 335 Gansbaai situated in the Magisterial District Hermanus.**

The original Power of Attorney amended herewith shall remain valid and of full force and effect.

Signed at PRETORIA on this 21 day of AUGUST 2015

DEPUTY DIRECTOR-GENERAL
MINERAL REGULATION

AS WITNESSES:

1. .....

2. .....

DMR 59

mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

MINING PERMIT

[issued in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)]

Official Office Stamp

Permit No.	01/2016	Region	WESTERN CAPE
Office reference	(WC)30/5/1/3/2/10075MP		

Permission is hereby granted under and subject to the provisions of the Mineral and Petroleum Resources Development Act, 2002 to [full name] SIZISA UKHANYO TRADING CC

Identity number in case of a natural person

In the case of a person other than a natural person please indicate:

Co	Cc	Partnership/Joint venture	Other *
	X		

* If other, specify

Registration number of Co. or Cc. 2005/035636/23

To mine for [name of mineral] GRAVEL AND AGGREGATE

On [full name of farm and subdivision, registration division and no.] PORTION ERF 210 GANSBAAI

as indicated on the attached plan No. 01/2016 signed by the Regional Manager on 27/01/2016

Unless this permit is suspended, cancelled, abandoned or lapses, it shall be valid for a period (not more than two years) which shall extend from the date of issuing to 26/01/2018 and may be renewed for three periods each which may not exceed one year.

This permit does not exempt the holder from the requirements of any provision of any other law or from any restrictive provisions or conditions contained in the title deed of the land concerned, nor does it encroach upon the rights of any person who may have an interest in the land concerned.

Signed at CAPE TOWN this 27 day of JANUARY 2016

MINISTER OF MINERAL RESOURCES

Sizisa Ukhanyo Trading 410 CC t/a

GANSBAAI SAND & KLIP

CK 2005/035636/23

8 September 2014

Overstrand Municipality
P.O. Box 26
Gansbaai
7220
Att: The Area Manager – Mr. F. Myburgh

DMR Reference: WC30/5/1/3/2/10075MP

Dear Sir

COMMENTS (AS LANDOWNER) ON MINING PERMIT APPLICATION ON PORTION ERF 210, GANSBAAI

As you know, Sizisa Ukhanyo Trading 410 CC was granted a mining permit (PERMIT NR: 09/2011) to mine gravel and aggregate on Portion of Erf 210, Gansbaai. This permit was issued by the DMR on 30 May 2011.

Due to the fact that we neglected to timeously renew the permit for a futher one-year period, the permit lapsed on 29 May 2013. We are currently in the process of re-applying for a new mining permit over the same area, to enable us to resume mining activities in this area.

A mining permit application for gravel and aggregate has therefore been lodged by Sizisa Ukhanyo Trading 410 CC on Portion of Erf 210, Gansbaai. You/your department has been identified as an Interested and Affected Party to this application by virtue of the fact that the application has been lodged on land which the Deeds Office records show to be in your ownership.

In terms of the provision of the Minerals and Petroleum Resources Development Act, you are hereby notified of such application and provided an opportunity to comment on such application. In order for you to assess the scale of the application, we have included a copy of the proposed extent of works as well as a locality plan.

Please bear in mind that you will have further opportunity to comment when the Environmental Management Plan is made available for comment.

If you are aware of any other parties that should be consulted in this regard, please let us know. We have advertised the application in the Gansbaai Courant of 14 August 2014 to obtain as broad a spectrum of comments as possible.

Please do not hesitate to contact me should you require any additional information.

Yours faithfully.

.....
D.J. HEYNS

P.O. Box 592, 1 Abalone Centre, 1 Main Road, Gansbaai, 7220, Tel: 028-384 1261, Fax: 086-559 1666, Email: admin@gskmail.co.za

Members: D.J. Heyns; A.C. Thomas & T.P. de Villiers

Results of Notice to and Consultation with Landowner as required in terms of the Mineral and Petroleum Resources Development Act 28 of 2002.

I, A. A. GROENEWALD, as duly appointed representative of the registered landowner, such landowner being Overstrand Municipality, of Erf 210 Gansbaai confirm that:

1. I have been informed that a Mining Permit application has been lodged to the Department of Mineral Resources by Sizisa Ukhanyo Trading 410 CC.
2. I have been informed that mining will take place for Gravel and Aggregate.
3. I have been informed that further consultation will take place between the applicant and myself to finalise agreements regarding compensation and control of mining activities.

As such,

In principle, I have no comment or objection to the proposed activities on the Erf, on condition that such activities take place within the framework of the future Environmental Management Plan as well as the future agreement between myself and the applicant company, such agreement aimed at protecting the erf integrity as well as meeting the mining requirements of the applicant.

OR

I have the following comments/objections to make

.....

.....

.....

.....

.....

Signed: .....

Date: 12.09.2014

5.
A PORTION OF REMAINDER ERF 210 GANSBAAI: SIZISA UKHANYO TRADING (PTY) LTD - COMPENSATION AGREEMENT

7/2/3/1
M Erasmus **Acting Manager: Property Administration**
11 October 2021 **(028) 316-5602**

1. **Executive Summary**

   To obtain approval to enter into a compensation agreement with Sizisa Ukhanyo Trading (Proprietary) Limited in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares in extent. The relevant subject portion of Remainder Erf 210 Gansbaai is identified by the figure P Q R S T U V2 V1 V W on the locality map attached as per "Annexure A".

2. **Service Delivery and Budget Implementation Plan - IGNITE**

   Infrastructure and Planning
   Property Administration

3. **Compliance with Strategic Priority/ies**

   Provision of democratic, accountable and ethical governance
   Promotion of tourism, economic and social development

4. **Delegated Authority**

   None

5. **Legal Requirements**

   - Administration of Immovable Property Policy of the Overstrand Municipality, as amended
   - Local Government: Municipal Finance Management Act, No 56 of 2003
   - Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)

6. **Background/Discussion/Evaluation/Conclusion**

   Background

   Sizika Ukhanyo Trading 410 (Proprietary Limited) (hereinafter called the "Applicant") has an existing right to mine sand on a portion of Remainder Erf 210 Gansbaai and on Erf 335 Gansbaai (±1.5ha in extent) as indicated by figure A B C D E F G H J K L on the locality map attached hereto as Annexure A (the "Existing Mining Area"). The right to mine is issued by the Minister of

Mineral Resources in terms of the Mineral and Petroleum Resources Act No. 28 of 2002 (the "Act").

The Act provides that the 'State' is the custodian of South Africa's Mineral Resources and that, as custodian acting through the Minister of Minerals and Energy it may, amongst others, grant a mining right / permit. The Act also provides that the holder of a mining right is granted a limited real right in respect of the mineral or petroleum and the land to which such right relates. Section 5(3) of the Act further specifically provide that:

> *"(3) Subject to this Act, any holder of a prospecting right, a mining right, exploration right or production right may—*
> *(a) enter the land to which such right relates together with his or her employees, and may bring onto that land any plant, machinery or equipment and build, construct or lay down any surface, underground or under sea infrastructure which may be required for the purposes of prospecting, mining, exploration or production, as the case may be;*
> *(b) prospect, mine, explore or produce, as the case may be, for his or her own account on or under that land for the mineral or petroleum for which such right has been granted;*
> *(c) remove and dispose of any such mineral found during the course of prospecting, mining, exploration or production, as the case may be;*
> *(d) subject to the National Water Act, 1998 (Act No. 36 of 1998), use water from any natural spring, lake, river or stream, situated on, or flowing through, such land or from any excavation previously made and used for prospecting, mining, exploration or production purposes, or sink a well or borehole required for use relating to prospecting, mining, exploration or production on such land; and*
> *(e) carry out any other activity incidental to prospecting, mining, exploration or production operations, which activity does not contravene the provisions of this Act."*

Pursuant to the above provisions of the Act, especially because the Act grants the holder access to the property, a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use.

The Applicant has applied to the Department of Mineral Resources in terms of the Act for the right to mine sand and gravel, on a further portion of the Remainder Erf 210 Gansbaai, as shown by the figure P Q R S T U V2 V1 V W on the attached locality map marked "Annexure A", 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares in extent, (the "New Area"). It is in respect of this New Area that permission from Council is sought for the entering into of a compensation agreement.

Discussion

Whilst the Administration of Immovable Property Policy of the Overstrand Municipality, as amended, finds minimal application to the current envisaged use of municipal property, the provisions of the Act does call for many procedures and conditions that are similar to those the Municipality would undergo for a lease application.

The application for a mining right goes through a public participation process whereby, in terms of section 10 of the Act, the delegated official must make known that an application for a prospecting right, mining right or mining permit has been received in respect of the land in question; and *(b)* call upon interested and affected persons to submit their comments regarding the application within 30 days from the date of the notice. The Municipality also follows a public participation process that allows parties to submit comments within a 30 day period.

The Applicant will have to complete Town Planning processes in order to make sure that its uses / activities on the municipal property is in line with applicable land use planning legislation.

The Act requires a substantial application to be made for the mining right and the Minister must consider the prescribed information before granting the mining right. Section 23 of the Act provide as follows:

"23. (1) Subject to subsection (4), the Minister must grant a mining right if—

(a) the mineral can be mined optimally in accordance with the mining work programme;
(b) the applicant has access to financial resources and has the technical ability to conduct the proposed mining operation optimally;
(c) the financing plan is compatible with the intended mining operation and the duration thereof;
(d) the mining will not result in unacceptable pollution, ecological degradation or damage to the environment;
(e) the applicant has provided financially and otherwise for the prescribed social and labour plan;
(f) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);
(g) the applicant is not in contravention of any provision of this Act; and
(h) the granting of such right will further the objects referred to in section 2(d) and
(f) and in accordance with the charter contemplated in section 100 and the prescribed social and labour plan."

It is clear that the Act does make provision for safeguards and checks for relevant considerations such as the Applicant's viability, environmental concerns and safety.

The Act adequately regulates all the conditions of use that a standard lease agreement would in respect of the municipal property.

For administrative purposes in order for the Applicant to proceed with Town Planning applications required by the Municipality, the Municipal Manager has approved that a written compensation agreement may be entered with the Applicant subject to and/or containing the following conditions, namely that the:

- agreement is subject to Council's final approval therefor;
- the Applicant shall pay to the Overstrand Municipality R33.03 (THIRTY THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of minerals mined, and this rate per cubic meter shall annually increase in accordance with the consumer price index on 1 July;
- agreement is subject to completion of the necessary town planning approvals, which must be completed at the Applicant's cost;
- agreement is subject to the Applicant obtaining final approval for the right to mine sand and/or gravel in terms of the Act from the relevant governmental department(s) / authorities and that no mining activities may commence until the rights are awarded; and
- agreement's term shall be linked to the duration for which the Applicant is in possession of a valid right and/or permit to mine sand and/or gravel. Should the right / permit expire or lapse the agreement shall also automatically lapse.

Furthermore, the written compensation agreement shall also require that the Applicant indemnifies the Municipality against any claims in respect of its operations on the New Area, that the Applicant must abide by the rehabilitation of the municipal property requirements as prescribed by the Act and that a breach of the conditions of the Act, shall be deemed a breach of the agreement, which would allow the Municipality to terminate the compensation agreement.

Evaluation

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following paragraphs of the Administration of Immovable Property Policy are applicable:

Paragraph 3: "*The Municipality may:*
(a) alienate or let or permit to be built upon, occupied, enclosed or cultivated any immovable property owned by the Municipality;
(b) grant a servitude, way leave, encroachment or other rights on any immovable property of which the Municipality is the owner
(i) subject to this policy document and the provisions of applicable legislation; or
(ii) unless it is precluded from so doing by law or the conditions under which such property was acquired by the Municipality."

The Municipality's Administration of Immovable Property Policy makes provision for the occupation / cultivation and the granting of other rights in respect of the New Area (of which the Municipality is the owner). In this instance the Applicant's use of the New Area would be subject to the provisions of the Act. Furthermore, the Applicant's use on the New Area would be subject to the completion of the necessary Town Planning procedures.

Paragraph 24: "*The fair market value for the alienation of, the rental amount for the leasing or compensation payable for a servitude over municipal immovable property shall be determined by an independent professional valuer or professional associated valuer registered in terms of the Property Valuers Profession Act, 2000 (Act 47 of 2000), or any ensuing act at the cost of the purchaser (in the case of a direct sale) or lessee (in the case of a direct lease)/servitude holder (in the case of a servitude).*"

Whilst the agreement hereby proposed is not a lease agreement, servitude, encroachment agreement but rather one to regulate the use on municipal property, the compensation payable shall still be market related.

The previous compensation agreement determined the amount payable to the Municipality by the Applicant was calculated with reference to the amount that it would cost the Overstrand Municipality to mine the materials itself. Thereafter and from this initial amount the price payable to the Municipality has increased annually in accordance with the Consumer Price Index. Currently the amount is R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined.

It is proposed that for this compensation agreement in respect of the New Area, the Applicant shall pay to the Municipality an amount of **R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included)** per cubic meter of materials mined and that this amount escalates annually in accordance with the Consumer Price Index of South Africa.

Conclusion

Taking the above into consideration, it is recommended that the entering into of a compensation agreement with Sizisa Ukhanyo Trading (Proprietary Limited) for an amount of an amount of R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined be approved.

7. Financial Implications

The Municipality stands to gain an income of R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Senior Manager: Expenditure and Assets: Mr J Vorster - (028) 313 8046

As this is a revenue generating proposal with no intention to dispose of the assest, there is no objection.

10. Annexures

Annexure A: Locality Map

RECOMMENDATION TO THE COUNCIL:

1. that the entering into of a compensation agreement with Sizisa Ukhanyo Trading (Proprietary Limited) for an amount of R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares, **be approved**;

2. that the compensation agreement be subject to the Applicant, at its cost, making application for and obtaining final approval for:

   (a) the necessary town planning applications for its activities on the municipal property; and

   (b) the right to mine sand and/or gravel in terms of the Mineral and Petroleum Resources Act No. 28 of 2002,

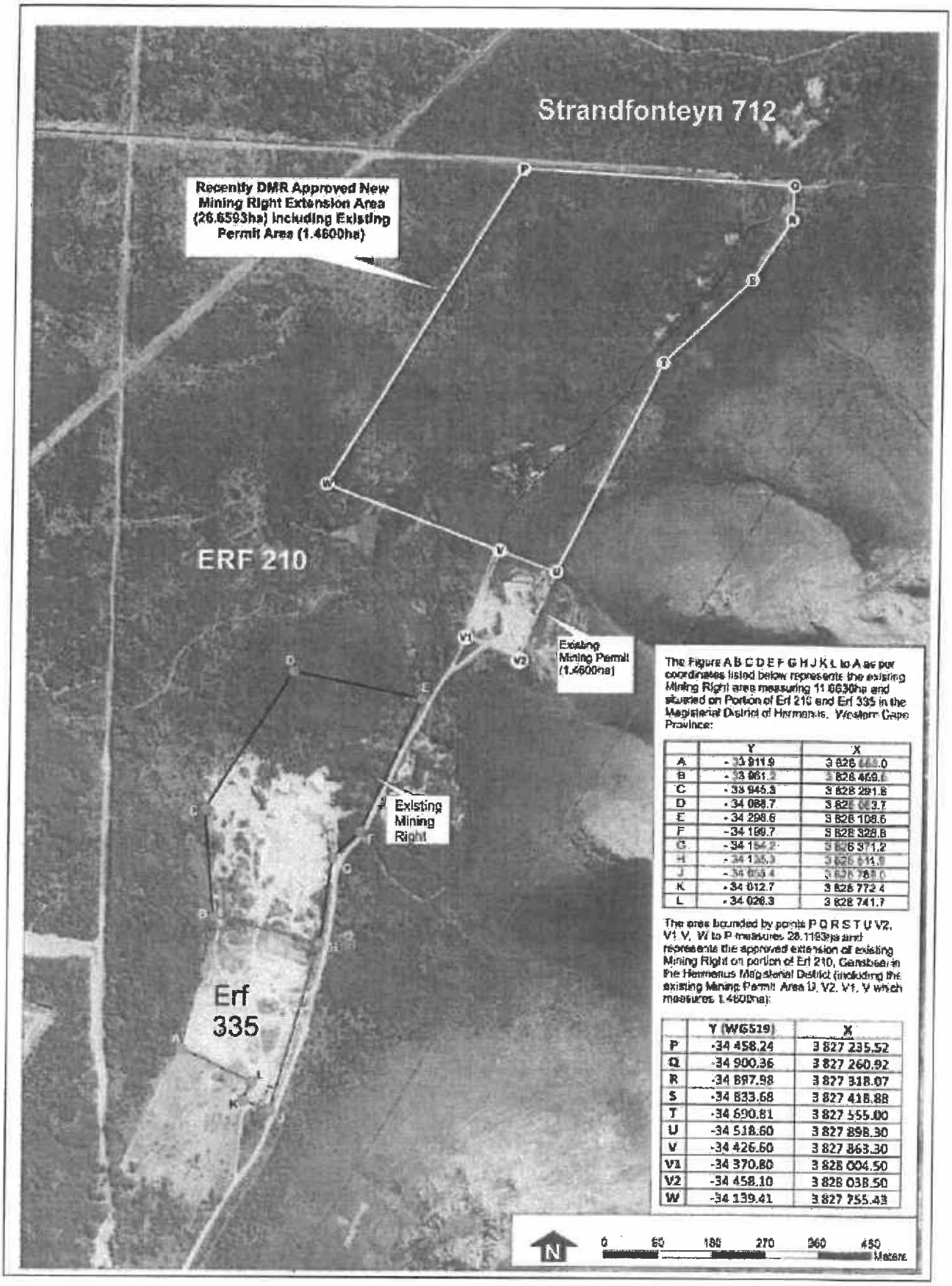
3. that the compensation agreement contains the following conditions:

(a) the rate of compensation payable per cubic meter of materials mined shall increase annually on 1 July in accordance with the consumer price index; and

(b) the agreement's term shall be linked to the duration for which the Applicant is in possession of a valid mining right and/or permit.

RESPONSIBLE OFFICIAL :	**R MARINUS**
TARGET DATE FOR IMPLEMENTATION :	**3 DECEMBER 2021**
TARGET DATE TO INFORM APPLICANT :	**3 DECEMBER 2021**
TARGET DATE TO INFORM OBJECTOR :	**N/A**

ANNEXURE A – LOCALITY MAP



The Figure A B C D E F G H J K L to A as per coordinates listed below represents the existing Mining Right area measuring 11.6630ha and situated on Portion of Erf 210 and Erf 335 in the Magisterial District of Hermanus, Western Cape Province:

	Y	X
A	- 33 911.9	3 828 660.0
B	- 33 961.2	3 828 469.6
C	- 33 945.3	3 828 281.8
D	- 34 088.7	3 828 [illegible]3.7
E	- 34 298.6	3 828 108.6
F	- 34 199.7	3 828 328.8
G	- 34 154.2	3 828 371.2
H	- 34 135.3	3 828 [illegible]14.9
J	- 34 [illegible]4	3 828 [illegible]81.0
K	- 34 012.7	3 828 772.4
L	- 34 026.3	3 828 741.7

The area bounded by points P Q R S T U V2, V1 V, W to P measures 28.1193ha and represents the approved extension of existing Mining Right on portion of Erf 210, Gansbaai in the Hermanus Magisterial District (including the existing Mining Permit Area U, V2, V1, V which measures 1.4600ha):

	Y (WGS19)	X
P	-34 458.24	3 827 235.52
Q	-34 900.36	3 827 260.92
R	-34 897.98	3 827 318.07
S	-34 833.68	3 827 418.88
T	-34 690.81	3 827 555.00
U	-34 518.60	3 827 898.30
V	-34 426.60	3 827 863.30
V1	-34 370.80	3 828 004.50
V2	-34 458.10	3 828 038.50
W	-34 139.41	3 827 755.43

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Maart 2022

Burgemeester slaan ou vure dood

'Ons wil terug hê wat ons s'n is'
- ons vissermanne

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GansbaaiCourant word maandeliks opgestel, versprei en uitgegee deur Marinda van der Walt vanuit Perlemoenbaai in Gansbaai, Suid-Afrika sedert November 2020 na die onvoorsiene sluiting van die weekblad Gansbaai Courant (sedert 1996), weens Covid-inperkings. Die A4-tydskrifstyl gedrukte weergawe word in die groter Gansbaai versprei. Die epos-weergawe word grensloos aan digitale lesers plaaslik, oor provinsies en kontinente heen gestuur. Teken gerus in as u dit per epos wil ontvang teen R120 per jaar of R10 per maand.

Navrae: ads@gansbaaicourant.co.za met die woord INTEKEN in die onderwerpveld.

Die volgende uitgawe verskyn op 25 Maart 2022. Advertensiemateriaal moet ons voorlop Vrydag 18 Maart om 10:00 bereik. Stuur u bydraes na: publisher@gansbaaicourant.co.za of skakel Marinda by 082 561 8655

Alle regte voorbehou. Geen gedeelte van hierdie publikasie mag sonder die geskrewe toestemming van die uitgewer gereproduseer word nie. Die uitgewer onderskryf nie noodwendig die standpunte gehuldig in artikels, rubrieke, briewe en advertensies nie. Hoewel redelike voorsorg getref is om te verseker dat inligting akkuraat is, kan die uitgewer geen verantwoordelikheid aanvaar vir enige verlies, skade of ongerief wat daaruit mag voortspruit nie. Die uitgewer behou die reg voor om veranderinge te maak aan enige materiaal wat aan die publikasie gestuur word.

Vanuit my Stoel

– Marinda van der Walt

Dit was 'n vreugdemaand, hierdie Februarie van 2022, waarin ek my 60ste verjaarsdag gevier het. Warrelwindmaand met 'n ontdekkingsreis noorde toe, Schoemanskloof toe, so 'n uur se ry van Nelspruit af. Hoog berg-op, omring deur suikerbos, kiepersol, wildevy, stamvrug, wildesalie, watervalle en 'n oggend-miskombers met spookasemvingers wat uitreik na 'n draakagtige rots, waarvan die rotsskubbe net onderkant die hemel in die oggendson blink. Die eerste van 'n reeks onverwagse verjaarsdaglekkertes.

Dit was 'n maand waarin ek besef het wat se kosbare vriende ek oor 'n leeftyd versamel het. 'n Maand waarin ek bederf is met verrassingspartytjies, ekstreme moeite, beplanning en reise, alles om hierdie besondere verjaarsdag in 'n herinneringskombers te omvou.

Dit was ook die maand waarin ek my hartsvriendin verloor het. Sommer so. So na alles.

Ons was een en dertig jaar lank vriende, so oud soos wat ons kinders is. Ons het saam ge-alles. Gejuig, gehuil, gewen, verloor, gehaat, vergewe... Haar kinders is my kinders en my kinders was haar kinders.

Verlede week nog was sy hier in my Gansbaai-huis vanuit die Noord-Kaap. Vir my 'n party kom reël, so saam met my Gansbaai-vriende, wat sy toe nog van g'n kant af geken het nie.

'n Mens loop 'n pad. Jy loop hom met en sonder beplanning. Soms loop jy mooi, soms struikel jy en ander kere word jou appelkar eensklaps omgekeer. Wanneer jy terugkyk, versag tyd die minder lekker dinge en die lekker dinge word hoogtepunte in jou bestaan.

'n Goue draad loop deur al hierdie belewenisse, 'n draad wat mense aan mekaar verbind. Wanneer jy op 'n dag terugkyk, is jy verwonderd oor die tydperk waarin julle saamgebind is. So sonder beplanning, sonder besef, loop jy 'n jarelange pad met dieselfde mense.

Van hulle bly kennisse, ander raak kosbaarhede in jou bestaan. So ses jaar terug met my verhuising Gansbaai toe, was my gemoed vol oor juis hierdie kosbare mense en in ag genome dat ek die wye Vrystaatse vlaktes vir die wynlande verruil, vloei hierdie toe uit my pen:

My kelderversameling

Julle loop voetspore deur my hart luier in die vensters van my siel
vir julle wil ek pluk en pars en bottel
.... stoor in my privaatversameling
tot die stof laag op laag oor jul rondinge kom lê
Vir julle
wil ek nooit nie afstof nie
Ek wil julle rol in my uitsoekglase
jul kleur aanskou in die lig
jul ruik
.... bessie, akkervat, vrugtig
elkeen afsonderlik wonderlik
proe...
Van julle wil ek kaste vol hê
Soms wil ek julle alleen geniet
en soms wil ek om my kuiertafel die hele oes deel
en God dank vir die groot voorreg van sielgenote
Julle is almal net genade
... groot, uitsonderlike genade!

(opgedra aan my hartsvriende en familie)

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Burgemeester slaan ou vure dood

Byna eenhonderd dae nadat die Overstrand Munisipaliteit se nuut gekose burgemeester haar stoel ingeneem het, moet sy vure doodslaan van raadsbesluite wat voor haar ampstermyn geneem is, wat nou blyk omstrede en aanvegbaar te wees.

Die kwessies wat nou vir die burgemeester en inkomende raad van die munisipaliteit 'n warm patat is, is die beweerde korrupsie in die behuisingsdepartement en die beweerde onwettige sandmynbedrywighede op munisipale meentgronde in Gansbaai.

Beide aangeleenthede is van openbare belang, omdat dit van die munisipaliteit verwag word om eerlik, deursigtig en konsekwent op te tree teenoor al sy belastingbetalers en inwoners. Indien die beweringe oor die onwettige sandmyn-bedrywighede waar sou wees, kan daar met reg gevra word waarom die dubbel standaarde? Inwoners kla reeds 'n geruime tyd oor die boubeheer-afdeling wat haastig is om bouwerk op persele te staak waar daar nie aan bouregulasies voldoen word nie. Dit geld ook net in sekere woonbuurte. Aansoeke om hersonerings, afwykings en boulynverslappings is 'n buitensporige duur proses vir individuele grondeienaars weens die drakoniese vereistes van die stadsbeplanningsregulasies en die magte aan die munisipaliteit toegeëien.

Die beweerde korrupsie in die behuisingsdepartement word onder-soek deur die Spesiale Ondersoekeenheid (SOE) nadat die staatspresident 'n magtigingspro-klamasie vir sodanige ondersoek onderteken het. Dit dien gemeld te word dat magtiging vir 'n korrupsie-ondersoek by 'n staatsinstelling nooit deur die president gemagtig word sonder dat daar prima facie bewyse van korrupsie bestaan nie.

Sandmynkwessie

Dit is bekend dat daar drie ondernemings is wat sandmyne in die Gansbaai-omgewing bedryf: Sizisa Ukhanyo Trading (Edms) Bpk (Erf 210 Gansbaai), Hulme Sandmyn (Erf 220/3 Gansbaai) en Sipho Sea Products (Edms) Bpk (Erf 711/30 ook bekend as Dallas). Hulme en Sipho bedryf hul sake op privaat eiendom in oorleg met vergoedingsooreenkomste met die eienaars. Sizasa bedryf sy sandmyn op munisipale meentgronde met 'n vergoedingsooreenkoms met die munisipaliteit.

(vervolg op bl. 4)

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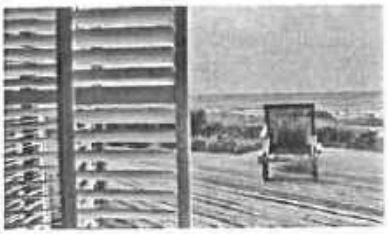
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Vanaf bl. 3

Met betrekking tot Sizisa se bedrywighede blyk dit dat die munisipaliteit sy eie stadsbeplanningregulasies verbreek deur die "goed-keuring" wat verleen was om kommersiële sandmyn-bedrywighede te magtig en vir 'n geruime tyd toe te laat.

Dit blyk ook nou dat die munisipaliteit sy "fout" agtergekom het en probeer om die beweerde ongeruimdhede reg te stel deur 'n proses wat op die oog af verdag vookom en verdere vrae oor die beweringe laat ontstaan. Ingevolge kennisgewing 124/2021 dui die munisipaliteit aan dat hy 'n aansoek vir die onderverdeling, hersonering en vergunningsgebruik vir 'n gedeelte A van munisipale meentgronde Erf 210 Gansbaai beoog om mynbedrywighede toe te laat en dat besware teen nie later nie as 8 Oktober 2021 by die senior stadsbeplanner ingedien moet word.

Die gemelde advertensie dui Wrap Project Office aan as die applikant en meld ook dat die munisipaliteit 'n administratiewe boete wil vasstel.

Indien dit waar is dat Wrap Project Office die konsultante vir Sisiza is, moet die munisipaliteit die publiek inlig waarom die advertensie oor die onderverdeling, hersonering en grondgebruik vergunning toegelaat het dat Wrap die gemelde aansoek op munisipale meentgronde gebring het. Indien Wrap die munisipaliteit se konsultant is, verval die vraag.

Hoekom die gemelde advertensie versuim het om te vermeld met betrekking tot watter maatskappy die administratiewe boete bepaal moes word en wat die aard en omvang van die oortreding was dat so 'n bepaling gemaak moet word, is ook vreemd. Belangstellende beswaarmakers en/of kommentators sou waarskynlik baie ywerig betrokke geraak het indien die advertensie die werklike rede daarvoor en implikasie daarvan uit die inhoud van die advertensie kon bepaal. Dit op sigself is rede tot kommer oor die deursigtigheid van die munisipaliteit in hierdie aangeleentheid.

Verdere Moontlike Onwettigheid

Die Minerale and Petroleum Hulpbronne Ontwikkelingswet 28 van 2002 bepaal dat geen mynbedrywighede mag plaasvind sonder dat die Departement Minerale Hulpbronne die nodige lisensie daarvoor uitgereik het nie.

Dit word verder beweer dat daar moontlik ook in hierdie opsig 'n oortreding begaan is.

GansbaaiCourant beoog om met aldrie die maatskappye op te volg of hul statutêre lisensies uitgereik is en indien wel, of dit nog geldig is. Indien die vereiste permitte nie in plek is nie, behoort die betrokke maatskappye ingevolge die Mineralewet aangespreek te word.

Munisipaliteit se Reaksie op Beweringe

GansbaaiCourant het reeds in die November/Desember 2021-uitgawe onder die opskrif 'Onwettige mynaktiwiteit onder soeklig' bladsy 4 en 5, hieroor berig toe die beweringe aan die lig gekom het.

Na 'n opvolgberig in die Desemberuitgawe 'Nuwe burgemeester eis ondersoek by myn' bladsy 3, het GansbaaiCourant 'n vraelys op 25 Januarie 2022, ná die Desemberreses, aan die burgemeester gestuur nadat daar geen reaksie ontvang is op 'n navraag wat vroeër aan die munisipaliteit se afdeling: Infrastruktuur en Beplanning gestuur is nie. Dié department is na die raadsvergadering op 23 November 2021, aangestel om die kwessie te ondersoek. Nogmaals kan gevra word of dit nie ter wille van deursigtigheid raadsaam sou gewees het om die aangeleentheid deur 'n onafhanklike eksterne kundige te laat ondersoek nie? Indien daar ongeruimdhede is of was, verdien die publiek dat dit bekend gemaak moet word.

Tydens 'n raadsvergadering, op 24 Januarie 2022, is daar volgens die raadsagenda 'n verdere ooreenkoms met Sizisa vir 'n addisionele gedeelte van die Erf 210 meentgronde van ongeveer 28 hektaar. Dit is toegestaan op voorwaarde dat die mynlisensie, die vergoedingsooreenkoms en die sonering in plek moet wees voordat daar met enige mynaktiwiteite begin kan word. Wat vreemd is, is dat Isiza nog beboet moet word vir beweerde onwettige bedrywighede op Erf 210 en voordat die kwessie afgehandel is, word daar 'n verdere grondtoekenning deur die munisipaliteit gemaak.

Met reg moet die vrae gevra word of die addisionele grondtoekenning per openbare tender gedoen is, vervat vergoedings-ooreenkoms die beste moontlik voordele vir die munisipaliteit en hoe beoog die munisipaliteit om die kwessie te hanteer indien die "noodsaaklie ondersoek" van die munisipaliteit deur die munisipaliteit op ongeruimdhede dui? Wat se dringendheid is daar om nuwe regte te skep te midde van beweringe wat op moontlike ongeruimdhede dui? Praat nou van die kar voor die perde span!

In antwoord op GansbaaiCourant se navrae aan die burgemeester, het sy gesê dat laasgenoemde aangeleentheid slegs oor die vergoedingsooreenkoms gehandel het – "niks meer nie en niks minder nie," Sy het voorts gesê dat die raadsbesluit slegs geneem is betreffende die nuwe aansoek. Sy het dit duidelik gestel dat daar

vervolg op bl. 5

vanaf op bl. 4

geen ooreenkoms aangegaan is oor grondgebruik, mynregte of lisensies nie. Dr. Rabie het GansbaaiCourant se navraag afgesluit met die versekering dat die betrokke department wat verantwoordelik is vir vertalings, besig was om 'n advertensie gereed te kry waarin publieke deelname rakende die grond-gebruikaansoek, binnekort gepubliseer sal word.

GansbaaiCourant sal die publiek op hoogte hou namate die uitslag van die interne ondersoek van die munisipaliteit bekend word. Die notule van die raadsvergadering waarop die kwessies bespreek is, word op die munisipaliteit se webwerf geplaas en die publiek word aangemoedig om dit aandagtig te bestudeer ten einde op hoogte te bly van tersaaklike verwikkelinge.

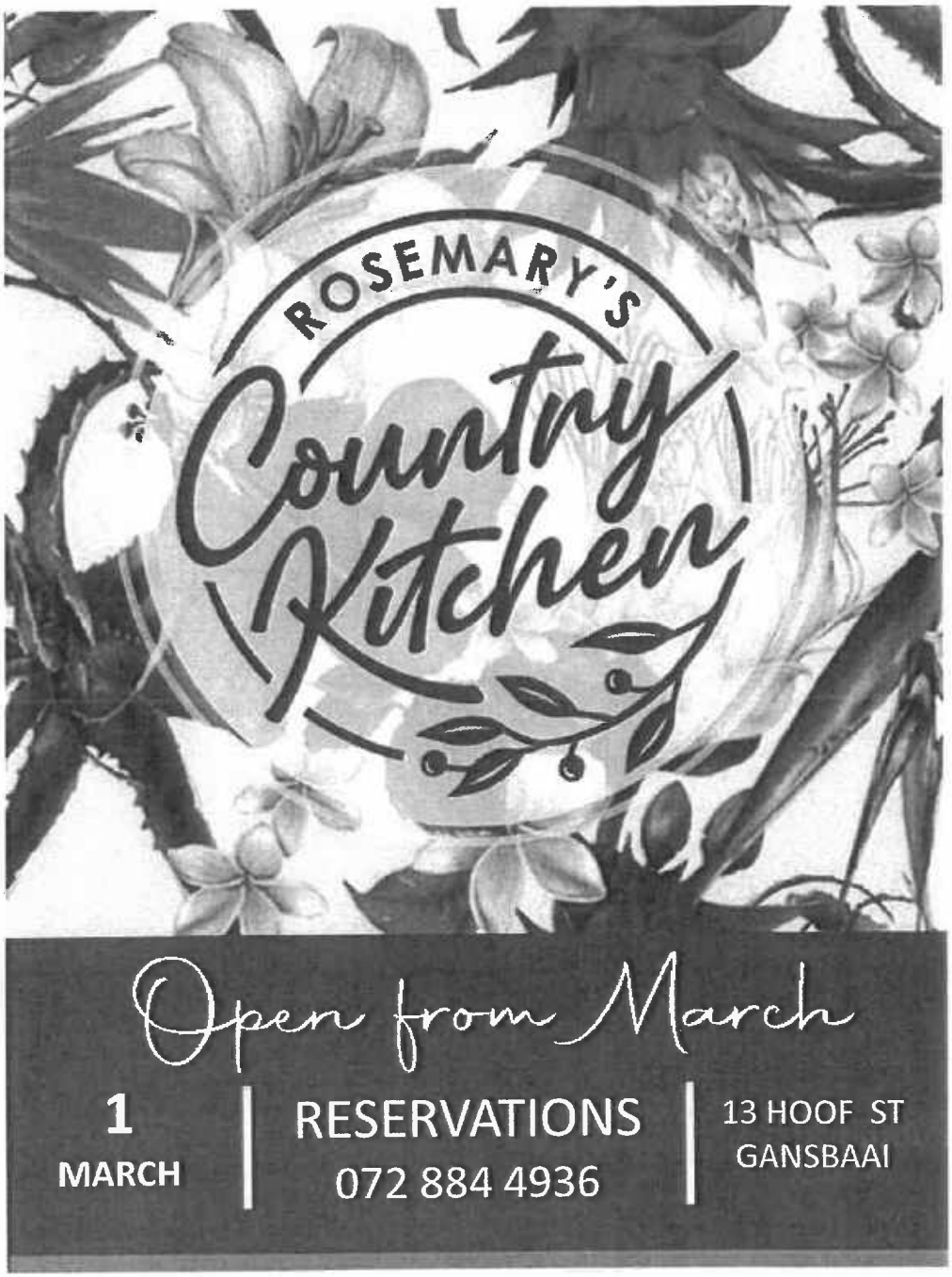
Korrupsie in Behuisingsdepartement

Die ondersoek na beweerde korrupsie in die behuisingsdepartement is skynbaar afgehandel. 'n Verslag is blykbaar aan die burgemeester oorhandig, wie dit aan die speaker oorhandig het vir verdere optrede. Die inhoud daarvan is blykbaar so vertroulik dat nie eers raadslede insae daarin kon kry nie, al is hulle gebonde aan die dissiplinêre kode vir raadslede en die munisipaliteit se Reglement van Orde se vertroulikheidsbepalings.

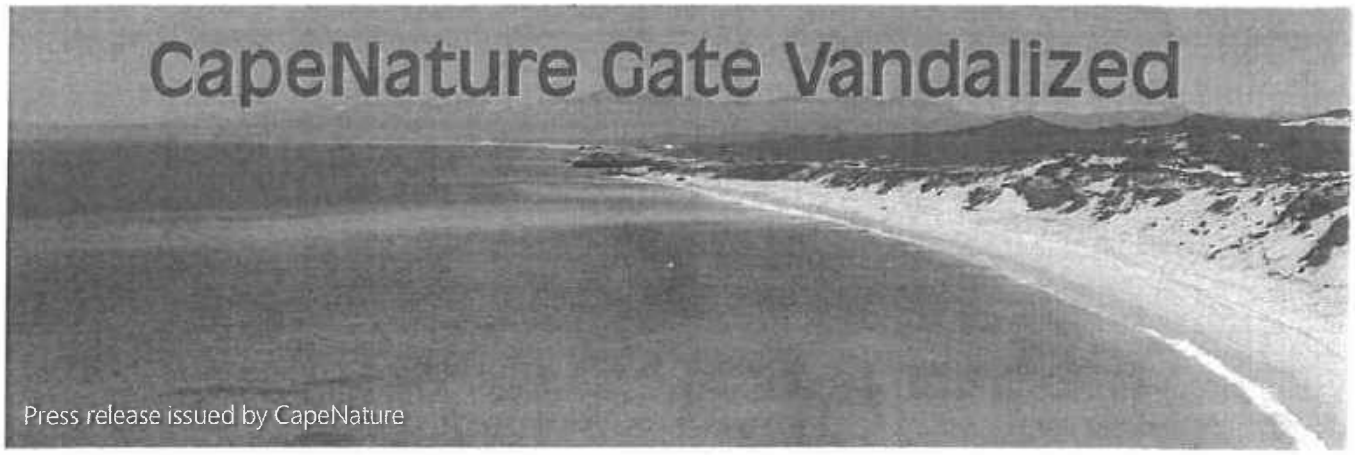
Weereens kan GansbaaiCourant maar net vra waarom die president die SOE verslag oor die beweerde korrupsie ten opsigte van die aankoop van persoonlike beskermde toerusting deur staatsinstellings onmiddellik bekend maak maar Overstrand Munisipaliteit versuim om die SOE verslag oor beweerde korrupsie in sy behuisingsdepartement bekend te maak. Die verskoning dat geïmpliseerdes dalk die munisipaliteit kan dagvaar, hou nie water nie, want die ondersoekparty was die SOE.

GansbaaiCourant moedig die munisipaliteit aan om die publiek in sy vertroue te neem en in breë terme aan te dui of daar korrupsie was en wat die aard daarvan was. Verdere versuim om dit te doen gaan net meer spekulasie tot gevolg hê.

Skoon en verantwoordbare regering is in die breër konteks van Suid-Afrika 'n uitsondering. Overstrand Munisipaliteit is verlede jaar voorgehou as die bes-bestuurde munisipaliteit in Suid-Afrika. Hierdie kenmerk sal slegs voortbestaan as die munisipaliteit die hoogs moontlike vlakke van etiek handhaaf. Met die nuwe burgemeester en haar nuutverkose raad aan die stuur van sake het ons volle vertroue dat hierdie twee warm patats op 'n eerbare wyse opgelos sal word.



CapeNature Gate Vandalized

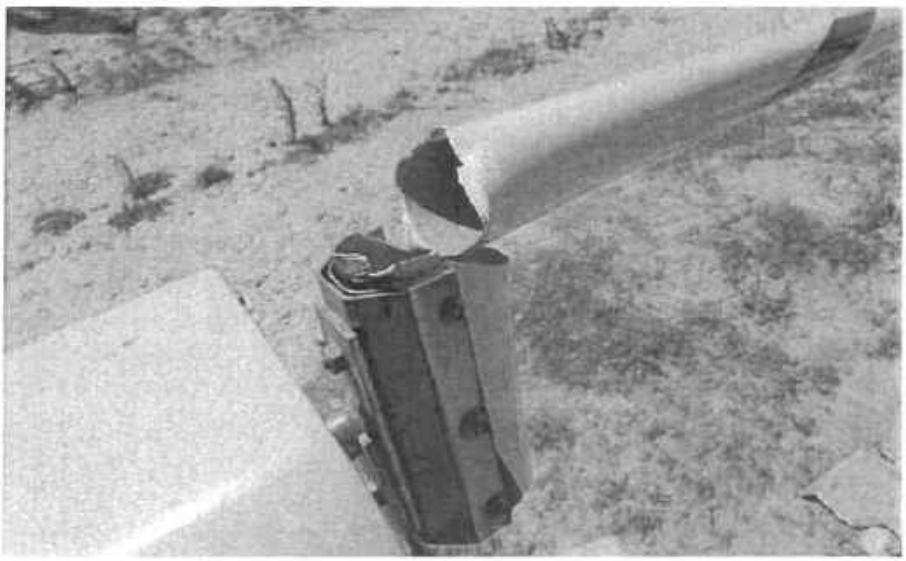


Press release issued by CapeNature

The Walker Bay Complex, managed by CapeNature, comprises of several nature reserves, the most popular being Walker Bay Nature Reserve and Uilkraalsmond Nature Reserve. These two reserves are popular fishing spots for avid fishermen. CapeNature welcomes fishermen to enjoy our reserves but requests that all visitors respect the reserve's rules and regulations. The reserves' opening hours are from 07H00 to 19H00, with an entrance fee of R60 per adult and R40 per child are charged (these fees are revised annually). The use of Wildcards is permitted for those who have purchased the CapeNature Cluster or All Parks Cluster options. We strongly advise Wildcard holders to ensure their Wildcards are valid for a hassle-free entry into the reserves, renewal of these cards can be done at our CapeNature offices in Voelklip, Hermanus.

Sadly, over the last few months CapeNature has experienced serious cases of vandalism within our reserves. The offender/s have repeatedly tried to gain illegal entry into the reserve after operating hours by digging up the boom gate stand, loosening nuts and bolts and finally have broken the actual boom. These acts of vandalism as well as the illegal entry into the reserves is a criminal offence. Should the offenders be caught, they will be charged according to the Criminal Procedures Act.

Another matter that is being addressed is the unlawful driving of vehicles within the coastal zone. More specifically, driving over the dunes and along the beach. This includes beach-based boat launching with a vehicle. Several signboards have been placed within the reserve, at the entrance to the reserves, along various roads leading off the jeep track and at the end of the jeep track to indicate to visitors that they may not drive in the coastal zone. These regulations are in place to protect the sensitive coastal ecosystem and dune systems and protect breeding seabirds that nest on the beach e.g., African Black Oystercatcher. These regulations emanate from the National Environmental Management Act: Integrated Coastal Management Act 24 of 2008.



This legislation has been in place since 2008. Thus, the regularly used excuse of "I didn't know, or I was allowed to drive on the beach" is not an excuse, especially when signboards indicate as such. Fines for such offences are R2500.00, should the offender be found to break the rules again, arrests can be made by the officials.

Special exemption permits can be issued by the Department of Environmental Affairs (DEA): Oceans and Coast, for driving in the coastal zone. These permits are not issued by CapeNature nor do the above-mentioned Wildcards give permission for driving in the coastal zone. Furthermore, the CapeNature entry permits are not giving permission to drive in the coastal zone.

Visitors are encouraged to enjoy themselves and have a pleasant experience in our reserves, but protection of the biodiversity that we are the custodians of, is of utmost importance. We therefore request our visitors from near and far to please adhere to the rules.

By: Danielle Bowen (On-Reserve Conservation Officer)

'Ons word van ons regte ontneem'

Vissermanne ontmoet CapeNature

"Ons wil net visvang en op die paaie ry waar ons die afgelope 50 en meer jare al ry", was die algemene gevoel van die ongeveer 170 vissermanne wat Maandagoggend, 21 Februarie 2022 by Birkenhead Bootklub met amptenare van CapeNature vergader het. Ongelukkigheid het ontstaan nadat hengelpaaie onlangs gesluit is, nuwe kennisgewingborde met reëls en regulasies aangebring is en heelwat hengelaars beboet is, omdat hulle volgens regeringsamptenary onwettig op sekere strandgebiede was. Die vissermanne voer aan dat van hierdie paaie al die afgelope 50 plus jare in gebruik is en wil weet wat is die beweegrede tot hierdie stap.

Hengeltoestande was Maandag ideaal, maar hengelaars het dié dag opsy geskuif om hul regte uit te klaar. Hulle wou ook nie die kans waag om op hul gebruiklike plekke te gaan hengel en 'n reuseboete in die gesig te staar nie. Dit nadat regeringsbeamptes na jare der jare onlangs, volgens CapeNature 'ou' wette en regulasies begin toepas het nie.

"Ons is 'n vissersgemeenskap. Moenie wegvat waaraan ons jare lank gewoond is nie," was van die kommentaar uit die vergadering. 'n Persoon wat homself 'n 'Inkommer' genoem het, het gesê dat hy hierheen verhuis het, omdat hy wil visvang en gemaan dat die toemaak van die kus net tot een ding sal lei en dit is dat Gansbaai 'n spookdorp gaan word. Die vergadering was goed verteenwoordig deur beide bestaans- en rekreasievissermanne.

Bewaring van die natuur was een van die punte wat opgehaal is en plaaslike hengelaars was dit eens dat dit vir hulle belangrik is om die natuur te beskerm. "Ons ry elke dag op dieselfde spoor; ons pak klippe rond-om tobieneste om sodoende ander hengelaars te waarsku om nie daar te ry nie" en "Is dit net vissers wat die natuur verniel?" was van die kommentaar en vrae.

Hengelaars het hulle ontsteltenis gedeel oor vrouens wat deur Spiltech aangestel word om plastiek om die kuslyn op te tel: "Spiltech doen goeie werk, maar die vrouens wat vir hulle werk baklei oor wie die tobie-eiers huis toe neem". Daar was ook 'n algemene gevoel dat vakansiegangers nie 'n idee het hoe broos die natuur is nie en groot skade aanrig met vierwielmotorfietse en voertuie en die duine plat ry. Die kwessie van dubbelstandaarde is aangespreek weens bamboes-ondernemers se trekkers en sleepwaens wat "tien keer meer skade aanrig as vissermanne.... dus wat word nou beskerm?" was 'n vraag aan CapeNature amptenare.

'n Man wou weet wat se skade hy aanrig wanneer hy oor die klippe by die Gruis ry, terwyl 'n beampte hom voorkeer en "met sy groot pote die plante langs die pad flenters trap."

(Vervolg op bladsy 8)



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Sowat 170 ontstelde bestaans- en rekreasiehengelaars het Maandag by die Birkenhead Bootklubsaal byeengekom om samesprekings met amptenare van CapeNature te voer, nadat grootskaalse boetes vroeër die maand uitgeskryf is en allerlei 'nuwe' regulasies oor hengelplekke, veral by die Plaat en die Gruis, toegepas word.

(Vanaf bladsy 7)

Die ewige kwessie, die kanker van ons land: perlemoenstropers; en die blinde oog wat deur regeringsamptenare gegooi word, is versigtig, dog met ernstige kommer en ontsteltenis uitgelig. Dit is 'n algemene feit dat beamptes wat die wette en regulasies aan die kuslyn moet toepas, bang is vir stropers, omdat hulle geen verweer teen die soms aggressiewe duikers en 'runners' het nie. 'n Visserman het in die vergadering genoem dat hy 'n beampte wat ooglopend 'n blinde oog vir stropers gegooi het, maar hom (die visserman) wou beboet, bevraagteken het. Die amptenaar het gesê hy is bang vir die stropers, want hulle sal hom 'bliksem'. Die visserman se antwoord: "Wel, dan beter jy vir my ook bang wees, want ek gaan jou ook bliksem." Die gevoel is dat wetgewing konsekwent toegepas moet word. Wat vir die een geld, moet ook vir die ander een geld, is die algemene gevoel.

Dit is duidelik dat dit juis die onwettige perlemoenstroperbedryf is wat die grootste probleme veroorsaak. Stropers steur hulle nie aan bewaring nie, ry nuwe paaie oop en ou paaie stukkend en ontsien niks en niemand wanneer hulle teen hoë spoed hul daaglikse onwettighede voortsit nie. Dit is ook lankal nie meer veilig om alleen te gaan hengel of lang ente langs die kuslyn te stap nie. Nie net vissermanne nie, maar ook die algemene publiek, wat 'n groot invloed op die omgewing se toerismebedryf het. Voertuie wat weens CapeNature-regulasies op afgeleë gebiede geparkeer moet word, word op gereelde basis oopgebreek en besteel.

Hengelaars wou weet wat die beweegrede was tot CapeNature se drastiese optrede ('n Persvrystelling, uitgereik deur CapeNature verskyn hiernaas op bladsy 6).

'n Gesoute bestaansvisserman, Goebels Geldenhuys, het 'n dag of twee voor die vergadering 'n Whatsapp-groep met die naam 'Hou ons visvang area oop' geskep, waarop inligting en griewe gedeel kon word. Kort voor lank moes 'n tweede groep geskep word, aangesien 'n whatsapp-groep slegs 250 lede kan hanteer. Goebels wat by Maandag se vergadering as woordvoerder namens die vissermanne opgetree het, het gesê dat "as daar 'n probleem is, moet daar 'n oplossing wees" en Cape Nature van die vissermanne se samewerking verseker. "Ek moet kos op my tafel kry en ek moet daardie paaie gebruik", het hy die dringendheid van 'n oplossing beklemtoon.

Hy het sy bekommernis uitgespreek dat kontrolepunte deur sekuriteitsbeamptes beman word, wat geen kennis van die wette het nie. "Kry iemand wat die plek kan beman wat weet wat die Wet sê," was sy voorstel. Hy het ook versoek dat die kuslyn daagliks gepatroleer moet word en dat hy moeg is om 5km na 'n hengelplek te loop, omdat hy wetsgehoorsaam is, maar dat daar 'n blinde oog vir die wat verkeerd doen, gegooi word. Stropers jaag net waar hulle wil.

'n Voorstel om van die hengelaars se kant af 'n groep mense te koöpteer om saam met CapeNature te werk, is aanvaar. Hy en ander vissermanne het versoek dat die uitreik van boetes tot tyd en wyl gestaak word. Weens die feit dat CapeNature slegs jurisdiksie oor 'n gedeelte van die gebiede ter sprake het, is 'n versoek gerig dat 'n volgende vergadering dringend belê word waar al die betrokke departemente verteenwoordig sal wees.

'n Versoek is ook gerig dat CapeNature 'n kaart met die nodige inligting oor hengelplekke, reëls en regulasies sal opstel en versprei. Die kaart sal in samewerking met vissermanne opgestel word, aldus Edith Henn, van CapeNature wat as fassiliteerder by die vergadering opgetree het. Die gemeenskapsleier, Sammy Brett, het Henn in haar taak

(vervolg op bl 9)



(vanaf bl 8)

bygestaan en die vergadering verseker dat hy genoegsame ondervinding met dieselfde kwessie in die Oos-Kaap opgedoen het, en van groot hulp kan wees. Hy het die vergadering ook ingelig betreffende sy goeie betrekkinge met die Wes-Kaapse regering en die Overstrandse burgemeester, dr. Annelie Rabie.

Henn het die vissermanne verseker dat sy hulle saak op die hart dra, presies weet wat hulle behoeftes is en dat sy saam met hulle 'n oplossing wil en sal bewerkstellig. "As ek 'n ma of pa is wat kos op die tafel moet sit, gaan ek doen wat ek moet doen, maar julle moet ook besef dat ons die wette moet implimenteer en die reëls moet toepas," het sy gewaarsku.

Ander CapeNature verteenwoordigers en sprekers was: André Marais (bewaringsbestuurder, Walkerbay natuurreservaat), Johan Burger (landskap eenheidsbestuurder, Overberg), Pierre de Villiers (senior marine kusbestuurder) en Phunyu Xhegwana (bewaringsoperasiesbeampte: Overberg Landskap.)

Die tien vissermanne wat gekoöpteer is as skakel tussen hengelaars en regeringsdepartemente is Goebels Geldenhuys, Eben Swanepoel, Johannes Lesch, Piet Viljoen, Pieter duToit, Ferdi Joubert, Slappies, Pieter Mannie, Sammy Brett en Chris Pikkedou.

Vier van die groeplede het Dinsdagmiddag met dr. Annelie Rabie vergader om te versoek dat die boetes wat uitgereik is teruggetrek word en verdere boetes te staak totdat die aangeleentheid opgelos is. Dit is toegestaan, maar dr. Rabie het gemaan dat die betrokkenes moet besef dat dit net toegestaan is vir diegene wat deur wetstoepassers (munisipale amptenare) uitgeskryf is. Ander departemente het ook boetes uitgereik en sy kan nie namens ander instansies besluite neem nie. Dr. Rabie sal egter van haar kant af met die departemente daaroor onderhandel.

Die groep het weer die volgende oggend met die burgemeester en Cape Nature byeengekom.

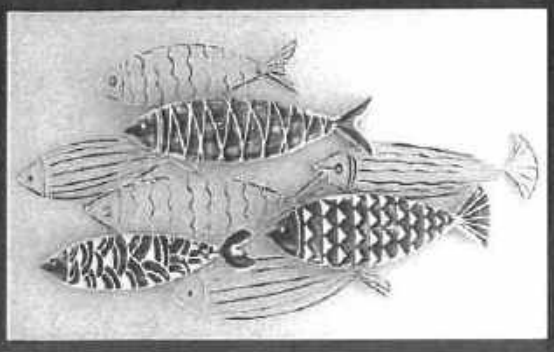
Roetes is uiteengesit, voorstelle is gemaak en die groepe sal weer oor twee weke byeenkom. CapeNature het daarna saam met vissermanne die spesifieke roetes gaan ry en albei partye is positief dat 'n oplossing gevind sal word.

In hierdie stadium word daar slegs aan die Plaat en die Gruis gebiede gewerk, maar aangesien Rietfontein, wat anderkant Pearly Beach in 'n ander jurisduksiegebied val, word hengelaars versoek om dié gedeelte vir die volgende twee weke te vermy.

Volgens 'n betroubare bron, was perlemoenstropers Woensdagaand baie bedrywig in daardie gebied.

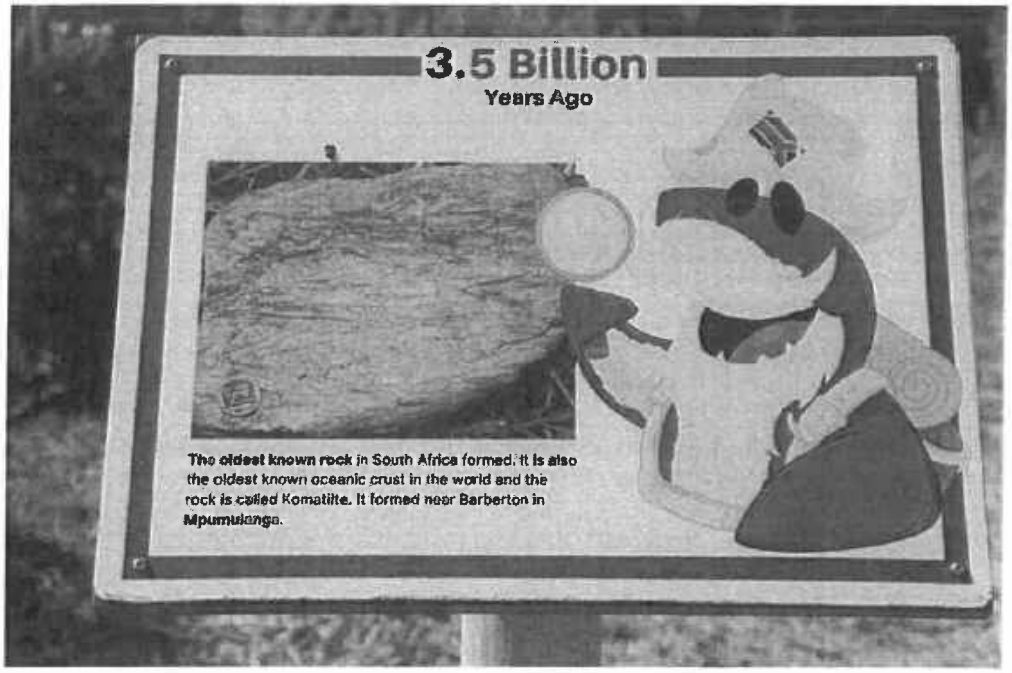


Edith Henn van CapeNature is hier aan die woord tydens Maandag se vergadering wat 'n vol saal hengelaars getrek het. Sy het as fassiliteerder opgetree en het gesê sy weet presies wat hengelaars se behoefte is en is oortuig daarvan dat 'n haalbare oplossing gevind sal word.



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Follow the rope and experience 4.6 billion years on our planet earth

A newly developed Geotrail based at the African Penguin and Seabird Sanctuary (APSS) in Gansbaai, is a learning adventure which takes the observer from the very beginning of our planet, right up to the present day. It is a wondrous 4.6-billion-year tale of fact, woven around the geology, the rocks of our home, the evolution of life, mass extinctions, and the wonders of the Earth.

You are taken from the fiery birth of our planet along the journey of creation by means of a 46-meter rope, representing 4.6 billion years, with signposts along the length. These boards share with you the major events in the life of the Earth and explain in easy-to-understand text what took place to shape our current globe.

The Geotrail was conceived and developed by Mike Dormer of the Overberg Geoscientists Group, executed and erected by the Dyer Island Conservation Trust with the support of Wilfred Chivell and Susan Visagie. "The aim of the display is to expose and educate our community in Gansbaai, our tourists, and especially children, to the wonders of geology, as a hobby, and perhaps even as a career." says Dormer "This also creates an additional reason to spend more time in Gansbaai and environs, and proves the Overstrand is not only about Whales and Wine" adds Chivell, founder of the Dyer Island Conservation Trust. "We want to educate people about our environment so that they will ultimately better protect it for future generations," he adds.

"Geology is a fascination, a lifelong interest, and answers questions like where to plant our food, where to mine for gold and critical 'green minerals', where to find diamonds, rubies and emeralds. Where would we be without the ever-broadening understanding of the vast resources beneath us? What if we didn't understand the structures and faults of the earth around us? I hope this Geotrail will encourage more curious minds," says Dormer.

The intellectual property has been researched from and given freely by renowned authors such as Geologists Bruce Rubidge and Terence McCarthy, among others. The artwork has been carefully researched and faithfully reproduced in the info graphics, with Gilbert the Shark Geologist guiding you along the journey.

More information on the geology and evolution of the fascinating Overberg region will soon be available on the under-construction Overberg Geoscientists Group (OGG) Website. Alongside the Geotrail, there is an evolving Rock-garden that focuses on the 600 million years of local geological history. Here visitors will find signposted samples of rocks commonly encountered around Gansbaai and environs.

As time progresses and samples are added, the Rock-Garden will expand. "This Rock-Garden will provide answers to some of those nagging questions you may have about 'What type of rock is that, what is the rock called, where is it from' and so forth. We are surrounded by a jewel box of rocks, every moment of our lives. There is provision for an extended garden to

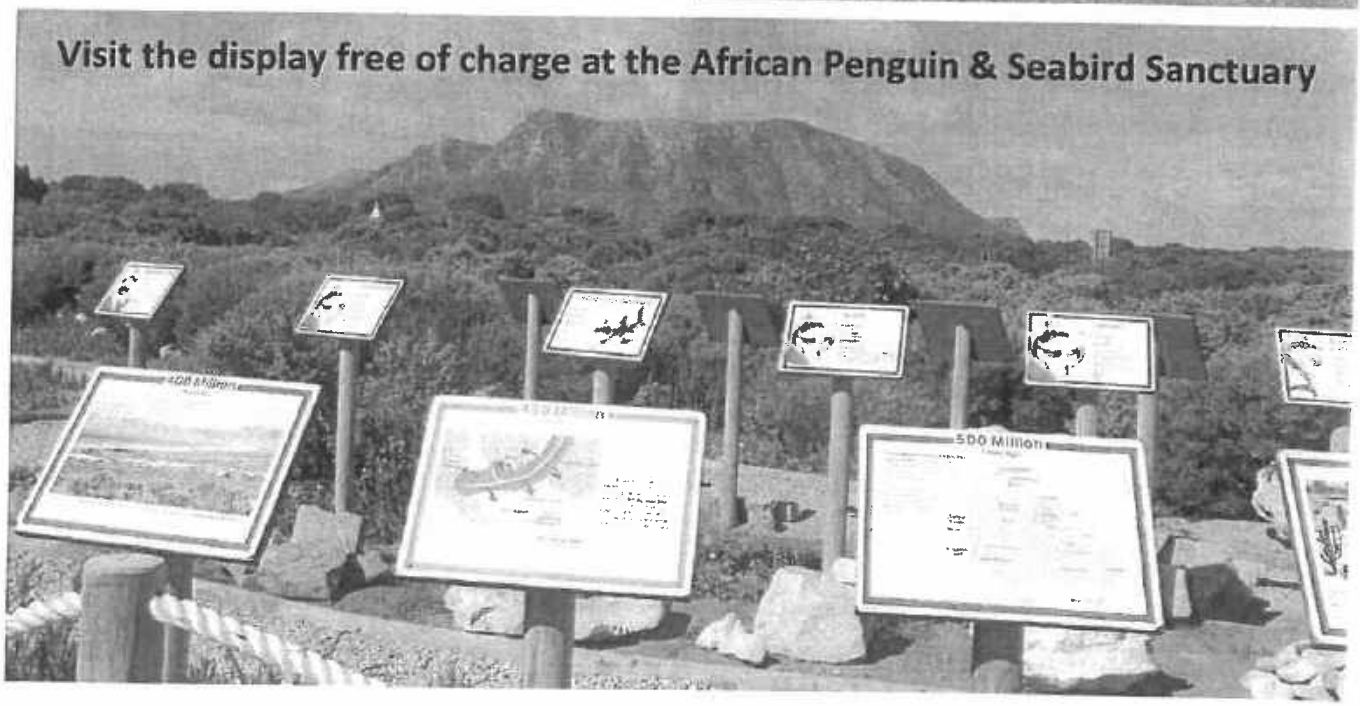


accommodate rocks from further afield, so if someone has a piece of gold bearing Witwatersrand conglomerate in the back garden, I would be happy to classify it, signpost it and install it in the garden!" says Dormer.

With over 100 active and retired geoscientists in the greater Overberg area, more Geoheritage and Geo-Tourism developments are planned, by the OGG, for the region. These will include similar Geo-Trails, some guided, on Clarence drive, the Hermanus Cliff Path, the Hemel and Aarde Valley, and at Klipgat Cave at De Kelders.

The display is open, free of charge, to all visitors, at the African Penguin and Seabird Sanctuary in Gansbaai and is well worth the visit. Afterwards enjoy cake and coffee at the APSS. Penguin feeding time can be observed at 3pm. APSS is open daily from 9am to 4pm.





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Mediese dienste dringend nodig

Gansbaai is vandag beslis nie meer die klein vissersdorpie 'daar anderkant Hermanus' nie. Dit is ook nie nét 'n gewilde vakansiebestemming nie. Die dorp bars uit sy nate weens uitbreiding en het veral die afgelope twee jaar, nie net afgetredenes gelok nie, maar ook 'n gewilde tuiste vir jong gesinne geraak. Die Covid-pandemie het mense se uitkyk op die lewe verander en al hoe meer gesinne werk en leer vanuit hul woonplekke. Die kwaliteit-lewe wat gesinne hier ondervind, is wat jong ouers, wat voorheen in die buiteland of in stede gewoon en gewerk het, hierheen lok en hier hou.

'n Kwessie wat die dorp kortwiek, dié van gebrekkige mediese dienste, veral buite kantoor-ure, is Dinsdagaand (22-02-2022) tydens 'n publieke vergadering bespreek. Die vergadering is deur dr. Annelie Rabie, Overstrandse burgemeester aanhangig gemaak en gelei. Die betrokke raadslede en administratiewe personeel was ook teenwoordig.

Alhoewel hier 'n ambulansdiens met goed opgeleide personeel is om noodgevalle te hanteer, bly die tydsame rit na Hermanus die probleem in kritiese mediese gevalle wanneer elke sekonde tel om 'n lewe te red.

Die dorpsmense het dit weereens, en dit is 'n kwessie wat oor jare kom, versoek dat plaaslike dokters beurte maak om na-ure beskikbaar te wees om noodgevalle te hanteer. Op 'n vraag van dr. Rabie of inwoners die dokters byeen wil bring vir 'n vergadering, was dit asof uit een mond 'n ja-asseblief-antwoord. Sy het die versekering gegee dat sy aan die werk sal spring om dit so gou moontlik te reël

In 'n gesprek met dr. Pierre Nel, wat deel uitmaak van die ontwikkelaarsgroep, Cape Ethical Organics (CEO), is hy steeds positief dat voorbereiding en konstruksie vir die beplande mediese fassiliteit, bekend as Gansbaai Hospitaal, nie later nie as 8 Julie vanjaar sal begin. Dit, ten spyte van die feit dat 'n privaat hospitaalgroep beswaar gemaak het teen die 24-uur noodeenheid waarvoor CEO by die Departement van Gesondheid aansoek gedoen het. Dié beswaar kom op 4 Maart ter tafel. Die onwikkelaars vertrou dat dokumente vir die finale toestemming om met bouwerk voort te gaan, teen 12 Maart uitgereik sal wees.

Die hospitaal sal langs die R43 oorkant die polisiestasie opgerig word.

Die ontwikkelaars het aanvanklik aansoek gedoen vir 'n 32-bed daghospitaal, 'n 24 uur noodeenheid met 4 akute beddens en twee teaters. Dit is egter nie toegestaan nie. Die Departement van Gesondheid het teen druktyd toestemming gegee dat 'n 20-bed daghospitaal met twee teaters gebou mag word.

Die onderskeie belangegroepe is tans nog in 'n onderhandelingsfase in verband met die noodeenheid..

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170ste herdenking van Birkenhead-ramp



Dit is vanjaar die 170ste gedenkjaar van die HMS Birkenhead stoomfregat/ troepedraer wat op 26 Februarie 1852 by Danger Point teen 'n rots geloop het. Ongeveer 450 bemanningslede het dié nag hul lewens verloor en dit word as een van die grootste seerampe in die geskiedenis beskryf. Die term 'women and children first' het met die ramp ontstaan.

Soos elke ander jaar sorg Gansbaai Toerisme dat die geleentheid met eerbied herdenk word. Lede van die publiek is welkom om Saterdagoggend, 26 Februarie om 11:00 die gedenkdiens en kranslegging-seremonie by die Birkenhead vuurtoring by te woon. Daar sal 'n beperkte aantal sitplekke beskikbaar wees, maar bring gerus jou eie stoel en deel in hierdie spesiale herdenkingsdag. Die vuurtoring is die afgelope twee jaar weens vele verskonings van die betrokke department, ontoeganklik vir die publiek en hierdie is dus die ideale geleentheid vir 'n gesinsuitstappie om die vuurtoring en pragtige terrein van naderby te beskou.

Die minlike Dr. James Gray van Hermanus sal die gedenkdiens lei en rdl Richard Nutt sal die Overstrand Munisipaliteit verteenwoordig. Johan le Roux tree as programdirekteur op en die talentvolle Deon Naude op trompet en Mark Robson met sy doedelsak, asook die Hawston Birkenhead Naval Cadets, sal luister aan die dag verleen. Wilfred Chivel van Marine Dynamics stel sy bote, die Dream Catcher en Slashfin, Sondag beskikbaar vir die gedenkrit na die rots by Danger Point waarteen die Birkenhead gebots het en so ook Jessica Smith van White Shark Projects. Die gemeenskap het groot waardering vir hierdie onbaatsugtige bydrae om die geskiedenis lewendig te hou. Gansbaai Toerisme het laat weet dat die bote reeds vol bespreek is, maar belangstellendes kan Sondagoggend om 07:00 gerus 'n draai by Kleinbaai hawe maak om die passasiers af te sien.



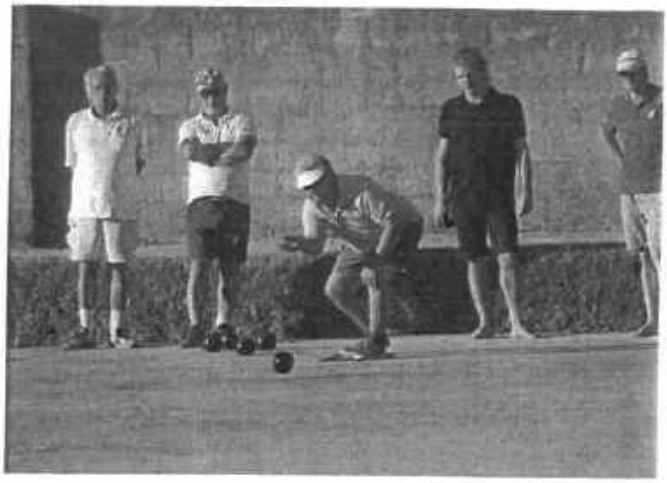
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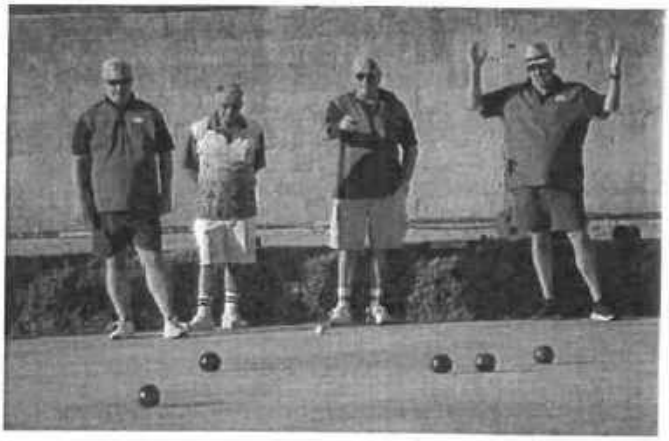
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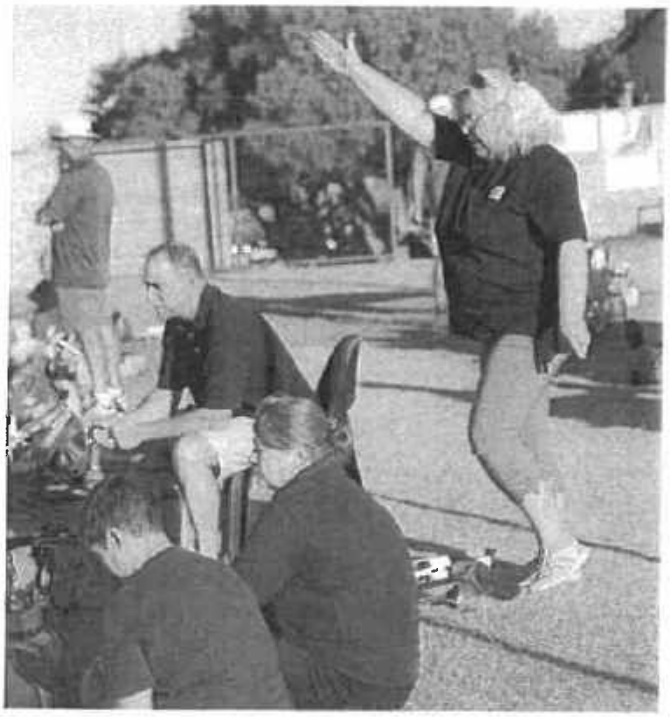
De Wet Giliomee het Dinsdag, 22-02-2022 die Beginnersafdeling van Franskraal Rolbalklub se kampioenreeks gewen. Agt spelers het Dinsdagmiddag aan die toernooi deelgeneem. Giliomee het met 'n goue medalje weggestap, Altus le Roux met silwer en Josef Unterpertinger het in die derde posisie geëindig. Dit was 'n skitterende kompetisie wat in 'n rondomtaliestryd oor vier dae uitgespeel is.

Die jaarlikse besigheidstoernooi is in volle swang en die ideale geleentheid vir ons dorp se bestuurs- en werkerskorps om mekaar beter te leer ken. Die besigheidstoernooi vind elke Dinsdagaand tot 8 Maart vanaf 18:00 plaas. Die publiek is welkom om die spelers te ondersteun en kan gerus die klub se kroeg gaan ondersteun.









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Children connect with nature



"I would like to join your group because it is inspiring and educating us about how to look after the animals of the sea. I think joining your group will make me see the world in a different way."

"I want to learn from you and the group about nature and learn to work with other people. I want to teach little children in my street about what I have learnt from you about pollution."

"I would like to join the DEEP group to learn more about the marine animals, marine environment, learn about how these animals live. I want to learn how and what we can do to make sure that these animals live in a clean and safe environment."

These are just some of the comments from the 2022 intake of the Dyer Island Conservation Trust's Environmental Education Programme, known as DEEP. To select learners, presentations are normally done at Masakhane School (Gansbaai) for the Grade 5 learners and then the learners are required to write a motivational letter stating why they should be selected to be in the programme. Of the 58 applicants this year, eleven learners were chosen and they have committed to the programme for three years until Grade 7. At this point



the Trust runs three different groups throughout each year. There are currently 70 learners participating in the programme including those learners that have since graduated and are in high school – they become part of the DEEP Marine Club and remain engaged in various activities; including welcoming the new learners to share what the DEEP is all about and what they have learnt in the past six years the programme has been going.

"Our first session of introduction was held at the African Penguin & Seabird Sanctuary, one of the key projects of the Dyer Island Conservation Trust. Xolani Lawo our Senior Bird Rehabilitator showed the learners how to care for injured birds. The learners enjoyed the experience as it was their first time seeing a penguin," said educator Pinkey Ngewu. "It is my absolute pleasure to start this journey with these learners and encourage personal awareness and responsibility towards the environment through the acquisition of skills which will relate directly to the natural, social, and marine environment in which we live; renewing the connection between children and nature."

OVERSTRAND

Overstrand Munisipaliteit is 'n dinamiese sentrum van uitnemendheid waar die gebied se besonderse potensiaal binne 'n pragtige omgewing ontsluit word. Ons taak is om ewewigtige groei en ontwikkeling binne ons natuurlike omgewing tot voordeel van al ons mense in hulle onderskeie gemeenskappe te bevorder. Die Munisipaliteit sluit die Hangklip/Kleinmond, Hermanus, Stanford en Gansbaai areas in.

Overstrand Munisipaliteit is 'n werkgewer met 'n beleid van gelyke geleenthede wat daarna streef om 'n dinamiese en effektiewe diens aan sy gemeenskap te lewer. Bevoegde en selfgemotiveerde mense wat uitdagings geniet, word genooi om deel van die topspan te word en vir die volgende pos aansoek te doen:

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Direktoraat: Finansies • Verw.:WC0320128
Salaris: R142 056 per jaar

Sluitingsdatum: 4 Maart 2022 om 15:00

Besoek asseblief ons webtuiste by www.overstrand.gov.za vir die volledige advertensies en inligting oor die aansoekproses. Die poste kan ook op die kennisgewingborde by die onderskeie biblioteke en munisipale kantore besigtig word.

OVERSTRAND

Overstrand Municipality is a dynamic centre of excellence combining great potential with a beautiful setting. Our task is to bring about growth and development to the benefit of all our people, in their different communities, whilst maintaining a balance with nature. The Municipality includes the areas of Hangklip/Kleinmond, Hermanus, Stanford and Gansbaai.

Overstrand Municipality, an equal opportunity employer, strives to render a dynamic and effective service to the community. Competent and self-motivated people who enjoy challenges are invited to join our leading team and to apply for the following vacancy:

SENIOR CLERK: CLIENT SERVICES
(GANSBAAI)

Directorate: Finance • Ref.:WC0320128
Salary: R142 056 per annum

Closing date: 4 March 2022 at 15:00

Please visit our website at www.overstrand.gov.za for the detailed advertisements and information about the application process. These positions may also be viewed on the noticeboards at the respective libraries and municipal offices.

144642

'Haai, dis my oupa!'

Oom Smittie, die klipkunstenaar

"Haai, dit is my oupa, Oupa Smittie," het Elizabeth Hendriks dit uitgejil toe sy onlangs vanuit Welgemoed kom kuier het en kort voor slapenstyd deur Jan en SD Fourie se boek: 'Gansbaai, 'n Besondere streek en sy mense' geblaai en op dié vonds afgekom het.

Op bladsy 87 in die boek, vertel Martie Heyl dat oom Smittie reeds van voor 1940 af bekend was vir onder andere sy klipbeeldwerk uit die omgewing se grys klip, skulpe en sement.

Die beelde was 'n aantrekkingskrag vir kinders wanneer hul mammas lap by tannie Enna de Lange se winkel, Barenda, oorkant die straat, gaan uitsoek het. Die gebou waar Barenda geleë was, behoort deesdae aan oorlede Enna se seun, Ben de Lange, wat dit tans aan die prokureur, Johan Paulsen verhuur.

Oom Smittie se huis was op die oorkantste hoek van Barnard- en Fabriekstraat waar Kenny van Rensburg van L&S Motors en sy vrou, Reneé vandag woon. Hoewel oom Smittie skynbaar sy beelde na sy dood behoue wou laat bly, sê Reneé dat daar nie 'n enkele beeld in sig was toe hulle daar gekoop het nie. Al wat sy weet is dat daar snags 'iemand' op die trap gehoor kan word.

Martie onthou oom Smittie as "'n groot oom met 'n groot, wye maag wat hom verplig het om sy vel-langbroek met kruisbande op te hou en dan het hy altyd 'n groot, breërandhoed op die kop gehad."

Sy kleindogter, Elizabeth, se onthou was haar oupa waar hy op die stoep gesit het, 'vanwaar hy sy koninkryk beheer het'. "Jy moet nou besef dit is my kleintydonthou", sê sy terwyl sy met die koffietafelboek op haar skoot sit. Haar oupa was 'n transportryer en nutsman van beroep en haar stiefouma, ouma Nella, was bekend vir die heerlike 'padda-eiertjie' nagereg wat sy in 'n groot skottel voorgesit het.



Elizabeth Hendriks, 'n onafhanklike maatskaplike werker van Welgemoed, was verras toe sy haar oupa Smittie se storie in die gedenkbundel 'Gansbaai, 'n Besondere streek en sy mense' aangetref het.

Sy onthou die lang werf, die melkhoutbome in die onderste hoek, waar die hoenderhok gebou was, die syf waarin vis en vleis gewinddroog is en die puttoilet – enige kind se nagmerrie, daardie diep donker gat waarop 'n klein lyfie moet sit kry.

Haar pa, Japie, was die oudste van Oom Smittie se drie seuns en waar sy pa 'n klipkunstenaar was, was hy 'n houtkunstenaar, wat besondere meubels uit edelhout vervaardig het. Hy was 'n polisieman van beroep wat later jare in Harrismith in die Vrystaat, gestasioneer was. Haar oom Lewies, oom Smittie se middelkind, was 'n rekenmeester en oom Hendrik, die jongste, was 'n ingenieur.

Elizabeth se onthou loop verder na die harders, galjoen, geelbek en kabeljou wat op 'n ronde ringbraaier gaargemaak is, haar ouma se tamatiebroodjies en die bitter, ineemse rooibostee.

Die boek 'Gansbaai, 'n Besondere streek en sy mense' is op 5 Mei 2016 luisterryk tydens 'n funksie in die Birkenhead Boothengelklubsaal bekendgestel. Die boek is uitgegee deur die Gansbaai Gedenkbundel Maatskappy, 'n groep wat sedert 2014 aan die projek begin werk het. Hulle het bestaan uit Ben Gericke, oud-bestuurder van Pearly Oord), Francois de Jongh (vorige eienaar van Gansbaai Courant), Kat Myburgh (Overstrand Munisipaliteit, Gansbaai area-bestuurder), Jan Fourie (skrywer, oud-onderwyser en ook bekend as Jap Pyp wat die Strandveld Museum hanteer het tot met sy dood), SD Fourie (skrywer en trustee-lid van die Strandveld Museum), Herman Fourie (oud-joernalis en redakteur), Glenda Kitley (bestuurder: Gansbaai Toerisme) en Pieter Scholtz (voorsitter van die gedenkboekkomitee). Pieter Scholtz, wat vroeër jare 'n Gansbaai-raadslid was, beskryf die boek in sy voorwoord as "n juweel in woorde'.

Die boek is tans in sy derde en laaste drukproses en sal binnekort in slapband by Gansbaai Toerisme se kantoor beskikbaar wees. Belangstellendes kan solank hul boeke bestel.



'n Dekade van netbal en Seastars groei steeds

Gansbaai se Seastars Netbalklub het in Februarie vanjaar tien goeie jare gevier. Oor 'n baie lang tydperk het hierdie dames 'n baie fondamentele basis gebou en is steeds sterk aan die groei.
Ten spyte van nuwe Covid-reëls en regulasies wat veroorsaak het dat hulle nie die volle liga kon deurdra nie, het die Unie hulle tegemoet gekom met Rondte 1 en hulle kon 6 van hul 12 wedstryde speel, met 'n uitstekende 4 uit 6 oorwinnings.

Hul spankaptein, Adél Klotz, sê: "Ons glo in die belangrikheid daarvan om elke speler genoeg geleenthede te bied, en ook daarna te beloon op die gebied waaron hulle spontaan uitblink" en daarom, ten spyte daarvan dat hulle slegs 'n 'halwe' seisoen gehad het, kon hulle die 2021-seisoen met die volgende toekennings afsluit:

Beste doel:
Natasha Julies
Beste verdediger:
Janika Kruger
Beste middelbaanspeler:
Elandré Hans
Mees veelsydige speler:
Leana Botbyl
Toegewyde speler:
Meghan Kruger
Mees dinamiese speler:
Janika Kruger
Sportvrou van die jaar:
Janika Kruger.

"Ons span is toegewyd, ons glo in mekaar en maak staat op mekaar. Ons bou bande as spanmaats wat later groei in sterk vriendskappe!" gesels hul gemotiveerde spankaptein en sê voorts: "Vertroue, lojaliteit en goeie spangees, is 'n pluspunt by ons groep! As spankaptein van 2021 wil ek van hierdie geleentheid gebruik maak en vir elke speler dankie sê. Dankie dat ek op elkeen kan staatmaak! Op nog baie jare saam!"



Daar is 'n slagspreuk wat lei 'Work hard in silence, let your success make the noise!' en dit is presies wat Gansbaai se Seastars Netbalklub die afgelope dekade toepas. Die klubleede is van links agter: Leana Botbyl, Sheri Potberg, Tanya Smit, Chantel Roos Fourie en Natasha Julies. Middel : Janika Kruger, Lisa Northmann en Linde Meyer. Voor : Adel Klotz, Bridgette Dickson, Elandre Hans, Melony Benson en Megan Kruger. Afwesig: Michelle Smuts, Nicola Hoon, Elzadia Booi en Janelee Oktober.

Die nuwe seisoen het pas begin en almal wat belangstel om by die Seastars aan te sluit word uitgenooi om Dinsdae en Donderdae by die ABSA-sportgronde vanaf 17:30 te gaan oefen. In afwagting op die ONF-program mag die tye wissel of verander.

Skakel Adel (spankaptein) 082 9089 356, Leana (onder- kaptein) 079 506 9132 of Natasha (korrespondent en spanbestuurder) 073 817 5505 vir meer besonderhede.

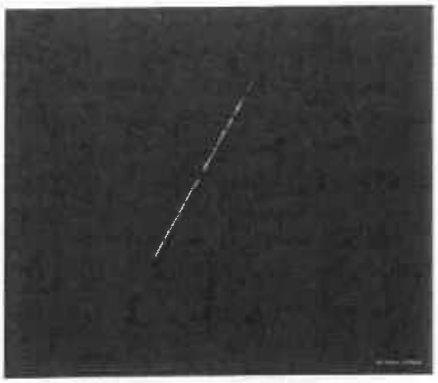
SANDF DEPLOYED IN OVERSTRAND

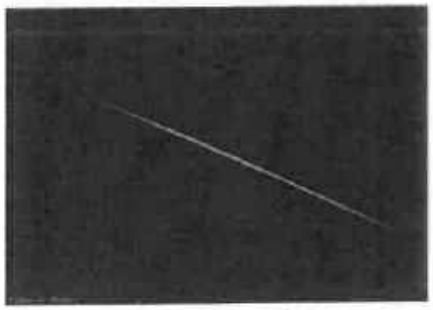
Dr. Annelie Rabie, Executive Mayor of Overstrand Municipality, Cllr. Lindile Ntsabo, Deputy Executive Mayor and Portfolio Head of Protection Services and Crime Prevention, and Neville Michaels, Director of Protection Services, wish to welcome the South African National Defence Force (SANDF) to the Overstrand.

Mayor Rabie welcomed Lt-Col Adriaan Lotriet, SANDF staff officer for operations, and expressed appreciation that an operation to ensure that illegal harvesting of the marine resource does not continue unabated, will be put into effect within the next few days.
For more than 20 years the illegal harvesting has been a serious breach of the safety of many people living along the coastline.
There is consistent pressure on the limited law enforcement capacity of the Overstrand Municipality to "do something" about the anti-social behaviour that accompanies the illegal harvesting.
"We trust that this stay of the SANDF will bear fruit," she said.

Sterstrepe fassineer fotograwe

'n Satellietstelsel om die hele wêreld van internet te voorsien, is die doel van vreemde sterstrepe wat ons so gereeld in ons hemelruim, veral hier oor Gansbaai, opmerk.





Sedert Mei 2019 lanseer SpaceX, die maatskappy van Elon Musk, gereeld die Starlink satelliete wat gewoonlik uit 60 satelliete per lansering bestaan. Kort na lansering is die satelliete baie na aan mekaar en uiters aanskoulik. Baie mense wonder nogal wat hulle gesien het en Facebook gons gewoonlik na so 'n verbyvlug oor die vreemde, vlieënde voorwerpe in die lug.

Gansbaai se naam is ook al op 'n keer tydens die Sondagaand-program, Sterre en Planete, wat op RSG uitgesaai word, genoem, nadat iemand hierdie vreemde verskynsel opgemerk het.

Lettie van Staden het hierdie trein van satelliete Dinsdagaand, 22 Februarie 2022 (22-02-2022) vanuit Franskraal vasgevang en Johan le Roux het die foto bo die volgende aand vanaf De Kelders geneem.

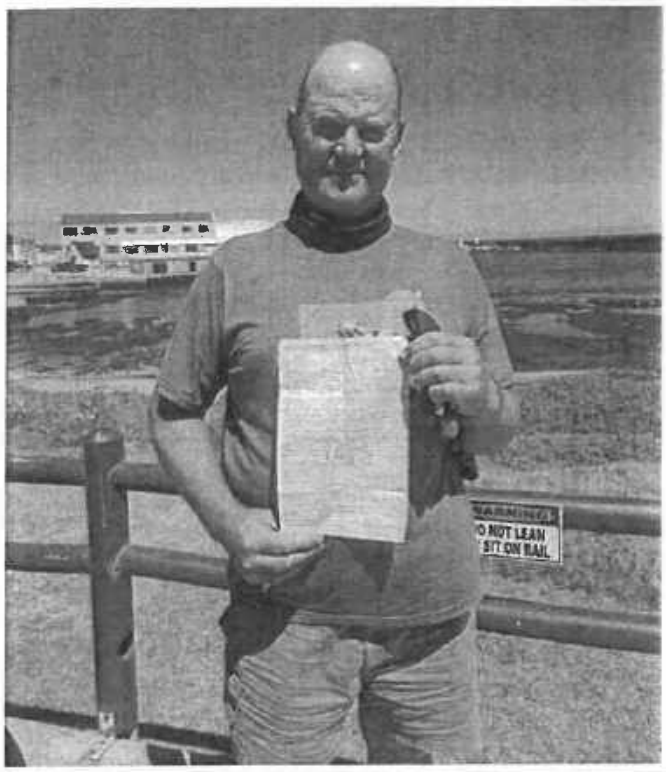
Tydens die onlangse publieke vergadering wat deur die Overstrandse burgemeester, dr. Annelie Rabie gelei is, was daar weereens 'n versoek dat straatligte in woonbuurtes aangebring moet word. Aan die anderkant poog natuur-liefhebbers en veral nagfotograwe om ligbesoedeling in Gansbaai te bekamp.

Wie is Elon Musk?

Elon Musk (50) is 'n Suid-Afrikaans gebore, Amerikaanse entrepreneneur wat betrokke was by die ontwikkeling van die elektroniese betaalstelsel, PayPal. Hy is die stigter van SpaceX wat betrokke is by ruimtetuig- en voertuig-ontwikkeling en was een van die eerste persone wat geld in navorsing gestort het om die elektriese motorvoertuig, Tesla, op die mark te bring.



OK Foods GANSBAAI
WINKELURE Maan - Sat 07h00 - 19h00
MYLAND BILTONG Tel: 028 384 0001
OK Liquor Tel: 028 384 0001
WINKELURE Maan - Don: 08h00 - 19h00
Son: 07h00 - 15h00



'Moet ek nou nog betaal?

André Viljoen, met 'n bewys van die boete van R2 500 wat hy op 5 Februarie 2022 ontvang het. Hy is een van vele vissermanne wat beboet is omdat hulle op paaie gery en op plekke gehengel het waar hulle al jare lank hengel.

CapeNature het byna oornag 'n groot aantal kennisgewingborde by al wat visvangpad in die Overberg-distrik opgerig en wette en regulasies begin toepas wat nooit voorheen toegepas is nie. Viljoen het R1 000 korting by die staatsaanklaer in Hermanus ontvang en wou by CapeNature beamptes weet of hy die boete steeds, na die vergadering, moes betaal.

André Marais van CapeNature het tydens die vergadering gesê die borde hou net 'n dag voordat iemand dit verwyder. Dit blyk dus dat dié department se kennisgewingborde nie die oplossing vir die probleem is nie. Marais het aan die vergadering gesê dat die hengelaars se samekoms "n bietjie vinnig op ons' was en dat hy in die proses is om dinge vir vissermanne beter te maak.

Die vissermanne is bereid om saam met al die betrokke staats- en munisipale departemente te werk om 'n oplossing te vind.

RE/MAX
WINE AND WHALES
GHOLFDAG
2 April 2022
Groot pryse op die spel!
Inskrywingsfooi per speler: R200
4 BBB
GANSBAAI GHOLFKLUB
Navrae:
Judi: 061 464 5912
Miems: 082 854 3263
Zoé: 082 646 1890
Gansbaai Gholfklub
Johan Phister:
082 651 2326

Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

SPECIAL MEETING OF THE COUNCIL

SPESIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 26 JANUARY / JANUARIE / JANYUWARI 2022

VENUE / PLEK / INDAWO : AUDITORIUM
CIVIC CENTRE, HERMANUS

TIME / TYD / IXESHA : 10:00

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Office of the Municipal
Manager
Municipal Offices
HERMANUS

21 January / Januarie / Janyuwari 2022

NOTICE TO ALL ALDERMEN & COUNCILLORS

SPECIAL MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL

NOTICE IS HEREBY GIVEN that a **SPECIAL MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Auditorium, Civic Centre, Hermanus,** on **Wednesday, 26 January 2022** at **10:00** to consider the business set forth in the subjoined agenda.

The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998).

D O'NEILL
MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

SPESIALE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS WORD HIERMEE GEGEE dat 'n **SPESIALE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Ouditorium, Burgersentrum, Hermanus,** op **Woensdag, 26 Januarie 2022** om **10:00** om die sake op meegaande sakelys te bespreek.

Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die Wet op Plaaslike Regering : Munisipale Strukture, 1998 (Wet 117 van 1998).

D O'NEILL
MUNISIPALE BESTUURDER

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO EKHETHEKILEYO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND

OKU KUKWAZISA ukuba **INTLANGANISO EKHETHEKILEYO YEBHUNGA,** eza kuba **se Auditorium, kwiZiko LoLUNTU, eHermanus ngoLwesithathu, Umhla we 26 Janyuwari 2022 ngeye-10:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

OCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba, iShedyuli 7 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, uMthetho -1998 (uMthetho we-117 ka-1998).

D O'NEILL
LOMPHATHI KAMASIPALA

AGENDA/...

AGENDA OF A SPECIAL COUNCIL MEETING 26 JANUARY 2022

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

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

4. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)

REMARK

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Executive Mayor in view of the fact that the compilation of the Special Council agenda was done before the Special Mayoral Committee of 24 January 2022 had formally sat.

4.1 FUTURE OF DE MOND CARAVAN PARK AND ADJACENT LAND : PORTIONS OF ERVEN 4831 & 5327, HERMANUS

(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 10 JANUARY 2022) (Agenda available on Overstrand Website)

EXECUTIVE SUMMARY

To submit an item to Council setting out the detailed information of De Mond properties. Further giving information and background of the process followed for outsourcing De Mond and to discuss the reasons and the terms for the outsourcing.

RECOMMENDATION TO THE COUNCIL:

1. that Council request for proposals for the development of the De Mond property; and

2. that a public participation process commence after the proposals have been received.

RESPONSIBLE OFFICIAL : **R KUCHAR**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.2
A PORTION OF REMAINDER ERF 210 GANSBAAI: SIZISA UKHANYO TRADING (PTY) LTD - COMPENSATION AGREEMENT

(ITEM 5, PAGE 147 : SPECIAL MAYORAL COMMITTEE MEETING : 10 JANUARY 2022) (Agenda available on Overstrand Website)

EXECUTIVE SUMMARY

To obtain approval to enter into a compensation agreement with Sizisa Ukhanyo Trading (Proprietary) Limited in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares in extent.

RECOMMENDATION TO THE COUNCIL:

1. that the entering into of a compensation agreement with Sizisa Ukhanyo Trading (Proprietary Limited) for an amount of R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares, **be approved**;

2. that the compensation agreement be subject to the Applicant, at its cost, making application for and obtaining final approval for:

   (a) the necessary town planning applications for its activities on the municipal property; and

   (b) the right to mine sand and/or gravel in terms of the Mineral and Petroleum Resources Act No. 28 of 2002;

3. that the compensation agreement contains the following conditions:

   (a) the rate of compensation payable per cubic meter of materials mined shall increase annually on 1 July in accordance with the consumer price index; and

   (b) the agreement's term shall be linked to the duration for which the Applicant is in possession of a valid mining right and/or permit.

RESPONSIBLE OFFICIAL : **R MARINUS**

TARGET DATE FOR IMPLEMENTATION : **20 JANUARY 2022**

TARGET DATE TO INFORM APPLICANT : **20 JANUARY 2022**

4.3
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, NOVEMBER 2021

(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for November 2021, **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 November 2021, **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 November 2021, **be noted**.

RESPONSIBLE OFFICIAL : **C LE ROUX**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.4
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, DECEMBER 2021

(ITEM 5, PAGE 17 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for December 2021, **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 December 2021, **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 December 2021, **be noted**.

RESPONSIBLE OFFICIAL : **C LE ROUX**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.5
SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2021/2022: 2nd QUARTER: 01 OCTOBER 2021 TO 31 DECEMBER 2021

(ITEM 6, PAGE 28 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 2nd Quarter of 2021/2022 **be noted**.

RESPONSIBLE OFFICIAL : **C LE ROUX**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.6
CURRENT COMPOSITION OF THE MUNICIPAL PLANNING TRIBUNAL

(ITEM 7, PAGE 57 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

1. that Council take note of the current members of the Municipal Planning Tribunal and their term of office being 5 years from 8 February 2021;

2. that Council decide to call for nominations for a second external member, subject to the Council resolution and conditions dated 24 February 2021; and

3. that, if Council resolve not to call for nominations for a second external member of public, point 4 of Council resolution taken on 28 October 2020 be rescinded.

RESPONSIBLE OFFICIAL : **R KUCHAR**

TARGET DATE FOR IMPLEMENTATION : **14 FEBRUARY 2022**

4.7
QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED DECEMBER 2021

(ITEM 8, PAGE 88 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended December 2021, **be noted**.

RESPONSIBLE OFFICIAL : **BA KING**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.8
BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED DECEMBER 2021

(ITEM 9, PAGE 91 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

that the budget report and service delivery and budget implementation plan for the quarter ended December 2021, prepared as part of the reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

RESPONSIBLE OFFICIALS : **BA KING**
RG LOUW

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.9
MIDYEAR BUDGET AND PERFORMANCE ASSESSMENT AS AT 31 DECEMBER 2021

(ITEM 10, PAGE 170 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

that the Midyear Budget and Performance Assessment Report **be noted**.

RESPONSIBLE OFFICIAL : **BA KING**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

4.10
REPORT ON THE PROPOSED 3RD ADJUSTMENTS BUDGET FOR 2021/2022

(ITEM 11, PAGE 243 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 3rd 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, and

RESPONSIBLE OFFICIAL : **BA KING**

TARGET DATE FOR IMPLEMENTATION : **1 FEBRUARY 2022**

4.11
REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2021/22

(ITEM 12, PAGE 325 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL:

1. that the changes (adjusted financial figures and revisions to the service delivery indicators – Annexure A to the item) to the Service Delivery and Budget Implementation Plan (SDBIP) for 2021/22 **be approved**; and

2. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL : **RG LOUW**

TARGET DATE FOR IMPLEMENTATION : **3 FEBRUARY 2022**

4.12
RAISING OF NEW EXTERNAL LOANS

(ITEM 13, PAGE 329 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)

RECOMMENDATION TO THE COUNCIL :

1. that the raising of total external loans amounting to R150 000 000 (R50 000 000 per year) for the 2021/2022, 2022/2023 & 2023/2024 financial years and the loan agreement **be approved**;

2. that the Municipal Manager be authorised to sign the necessary agreements and documents for the above-mentioned external loans; and

3. that the comments received from the Western Cape Provincial Treasury be noted.

RESPONSIBLE OFFICIAL: **B A KING**

TARGET DATE FOR IMPLEMENTATION : **31 MARCH 2022**

5. CONSIDERATION OF REPORTS

5.1
APPOINTMENT OF MEMBERS: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE AND ADOPTION OF CHARTER

3/2/3/7
H van Tonder **Manager : Council Support Services**
4 November 2021 **(028) 313 8037**

1. Executive Summary

The purpose of this report is to afford Council an opportunity to appoint members to serve on the Municipal Public Accounts Committee (MPAC).

2. Service Delivery and Budget Implementation Plan - IGNITE

None

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Constitution of the Republic of South Africa, 1996 (Constitution)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act)
- Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act)

6. Background/Introduction/Discussion/Motivation/Proposal/Evaluation

Council is vested with the responsibility to oversee the performance of the Municipality, as required by the Constitution, the MFMA and the Systems Act. This oversight responsibility of Council is particularly important for the process of considering, *inter alia*, annual reports.

The MFMA and Systems Act recognise that Council has a critical role to play to ensure better performance by Municipal directorates. There now

exists an explicit linkage between the strategic goals, set by Council through the Integrated Development Plan (IDP), which are translated into the budget, and the delivery of those goals, which is reported in the Annual Report. It is important for Council to ensure that the budget gives effect or expression to priorities contained in the IDP. A good budget will lay a basis for better oversight and cement the contracts between the executive/Council, the administration and the public.

The MFMA gives effect to financial management reforms that place greater service delivery responsibilities on Directors and Managers and makes them more accountable for performance. Whilst, in the first instance it is left to the Executive Mayor to resolve any performance failures, ultimately the Council is vested with the power and responsibility to oversee both the executive and administration. Oversight occurs at various levels in a Municipality and is explained in the following table:

Financial governance framework applicable to local government

	Responsible for	Oversight over	Accountable to
Council	Approving policy and budget	Executive Mayor	Community
Executive Mayor	Policy, budgets, outcomes, oversight over municipal manager	Municipal Manager	Council
Municipal Manager	Outputs and implementation	The Administration	Council via Executive Mayor
Chief Financial Officer and Senior Managers (Directors)	Outputs and implementation	Financial Management and Operational Functions	Municipal Manager

6.1 Separation of roles

The separation of roles between the Council and Administration is intended to strengthen the oversight function of Councillors. Good governance and effective oversight and accountability are predicted on there being this separation of functions. It is fundamental for the achievement of the objects for local government in the Constitution relating to a democratic and accountable system of local government. Council oversees the performance of the Administration through Council and Committee meetings. The Executive Mayor provides the

link between the Council and Administration and is responsible for regular monitoring and for tabling reports before the Council. Therefore, the Administration is responsible for the day-to-day operations. This separation avoids conflict of interest and a "referee/player" situation arising and is similar to the role played by Parliament.

The MFMA further assumes a separation between Councillors serving on the executive (i.e. Executive Mayor in conjunction with the Mayoral Committee) and non-executive Councillors. This separation is vital to ensure Council maintains oversight for the performance of specific responsibilities and delegated powers to the Executive Mayor.

The MFMA gives Council a number of financial management tasks to fulfil its oversight role. The adoption of an "Oversight Report" is one such task.

6.2 Annual report

Each Municipality and each municipal entity must prepare an annual report for each financial year in accordance with the MFMA and the Systems Act. The purpose of the annual report is:

- To provide a record of the activities of the Municipality or entity;
- To provide a report on performance in service delivery and against the budget;
- To provide information that supports the revenue and expenditure decisions made; and
- To promote accountability to the local community for decisions made.

Annual reports are the key reporting instruments for municipalities to report against the performance targets and budgets outlined in their strategic plans. Annual reports are therefore required to contain information on service delivery and outcomes, in addition to financial statements. It is meant to be a backward-looking document, focusing on performance in the financial year that has just ended. It must demonstrate how the budget was implemented and the results of service delivery operations for that financial year.

When tabled, the annual report should include four main components, each of which has an important function in promoting governance and accountability. The main components are:

- The annual performance report as required by section 46 of the Systems Act;

- Annual Financial Statements submitted to the Auditor-General;
- The Auditor-General's audit report on the financial statements in terms of section 126(3) of the MFMA; and
- The Auditor-General's audit report on performance in terms of section 45(b) of the Systems Act.

6.3 Oversight report

The oversight report is the final major step in the annual reporting process of a Municipality. Section 129 of the MFMA requires the Council to consider the annual reports of its municipality and municipal entities and to adopt an "oversight report" containing the Council's comments on each annual report.

The oversight report must include a statement whether the Council:

- Has approved the annual report, with or without reservations;
- Has rejected the annual report; or
- Has referred the annual report back for revision of those components that can be revised.

The oversight report is thus clearly distinguished from the annual report. The annual report is submitted to the Council by the Accounting Officer and the Executive Mayor and is part of the process for discharging accountability by the executive and Administration for their performance in achieving the goals set by Council. **The oversight report is a report of the Municipal Council** and follows consideration and consultation on the annual report by the council itself. Thus, the full accountability cycle is completed and the separation of powers is preserved to promote effective governance and accountability.

6.4 Managing the process and forming committees

Once the annual report is tabled, Council has effectively two months in which to consider the report, invite public submissions and to finalise its oversight report. Given there are a number of steps and many stakeholders, the review can be made more manageable if a committee process is established breaking it down into more easily managed parts.

The MPAC established under section 33, 79 and 79A of the Structures Act and, if needed, Sub-Committees could be responsible for the detailed analysis and review of the *annual report* and then drafting an *oversight report* that may be taken to full Council for discussion. Such a Committee may receive and review representations made by the

public and also seek inputs from other Councillors and Council Portfolio Committees.
The MPAC should be made up of only **non-executive** Councillors to deal with the annual report. Municipal officials cannot be members of an Oversight Committee as this would pose a conflict of interest. Assistance from the Municipality's Joint Audit and Performance Audit Committee in the review process is also recommended as a major source of independent specialist advice.

All meetings of Council and the MPAC at which an annual report is considered must be open to the public and a reasonable time must be allowed for discussion of any written submissions received and for members of the community and organs of state to address the meetings. Representatives of the Auditor-General are entitled to attend and to speak at any meetings held to discuss the annual report. Timely notice of meetings should be given to enable representations to be made. Making representations to the MPAC should not necessarily preclude representations by the same individuals to the full Council as this promotes transparency in the process.

It is suggested that the Chairperson of the Committee be a member of a non-ruling party.

6.5 Matters of Fruitless and Wasteful Expenditure

When regard is had to the nature of MPAC's work, it is recommended that MPAC also be tested with the responsibilities as is provided for in section 32(2)(b) of the MFMA.

It is recommended that the Chairperson of the Committee be a member of a non-ruling party.

7. Financial Implications

None – members of MPAC will receive no additional remuneration.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Overstrand Municipal Public Accounts Committee Charter

RECOMMENDATION TO THE COUNCIL:

1. that the Overstrand Municipal Public Accounts Charter, attached as Annexure A to the item, **be adopted**;

2. that five (5) non-executive members for the Municipal Public Accounts Committee **be appointed**;

3. that the Chairperson be appointed from a **non-ruling political party**; and

4. that a non-executive Councillor be appointed as **secundus** for the Chairperson.

RESPONSIBLE OFFICIAL: **H VAN TONDER**

TARGET DATE FOR IMPLEMENTATION: **26 JANUARY 2022**

Annexure A
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OVERSTRAND MUNICIPALITY

OVERSTRAND MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) CHARTER

Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

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1. INTRODUCTION

The roles and responsibilities of Council should always be carried out with a clear distinction between oversight and interference in administration, as defined in the Local Government: Municipal Finance Management Act, 2003, Act No 56 of 2003 (MFMA), section 52(b) and 103 respectively as well as in the Code of Conduct for Councillors, defined in Schedule 1 of the Local Government: Municipal Systems Act, No 32 of 2000.

Section 129(4) of the MFMA further provides for the issuance of guidance on the manner in which municipal councils should consider annual reports and conduct public hearings, and the functioning and composition of any public accounts or oversight committees established by the Council to assist it to consider an annual report

Section 32(2)(b) of the MFMA further *inter alia* provides for the Municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless, in the case of irregular or fruitless and wasteful expenditure, the expenditure is, after investigation by a Council Committee, certified by the Council as irrecoverable and written off by Council.

2. INSTITUTIONAL CONTEXT AND FUNCTIONS OF THE OVERSTRAND MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

2.1 *Institutional context*

The Municipal Public Accounts Committee (MPAC) is established in terms of sections 79 and 79A of the Local Government: Municipal Structures Act, No 117 of 1998 and performs an oversight function on behalf of Council and is not a duplication of other committees of Council, such as the Finance Committee or that of the Audit Committee.

MPAC may undertake and manage similar functions and responsibilities for the municipality, as undertaken by the Standing Committee on Public Accounts in the national and provincial legislature, except for certain powers regarding subpoena of individuals. In the case of irregular expenditure or any fruitless and wasteful expenditure incurred by the municipality, MPAC will have the right to call upon the accounting officer of the municipality or his/her delegatee to appear before it to provide information or clarity.

The MPAC may engage directly with the public and consider public comments when received and will be entitled to request for documents or evidence from the Accounting Officer.

MPAC can request the support of both the internal and external auditors (advisory) when necessary. The standard rules for the Council apply to MPAC. The Committee shall have permanent referral of documents as they become available relating to:

(i) In-year reports of the municipality;
(ii) financial statements of the municipality as part of the Committee's oversight process.
(iii) audit opinion, other reports and recommendation from the Audit Committee;
(iv) information relating to compliance in terms of sections 32, 128 and 133 of MFMA.

(v) information in respect of any disciplinary action taken in terms of the MFMA where it relates to an item that is currently serving or has served before the Committee;

(vi) any other audit report from the municipality; and

(vii) performance information of the municipality.

The MPAC is not responsible for policy formulation. The MPAC reports directly to Council through the Speaker and interfaces with the other committees of Council through the Speaker, where relevant.

It is emphasised that the Audit Committee is an independent advisory body that advises Council, political office-bearers, the accounting officer and the management of the municipality on matters related to internal control, internal audits, risk management accounting policies and adequacy reliability and accuracy of financial reporting and information, performance management, effective governance compliance with the MFMA and the Division of Revenue Act.

2.2 Functions of MPACs

The primary functions of the Municipal Public Accounts Committee are as follows.

(i) To consider and evaluate the content of the annual report and to make recommendations to Council when adopting an oversight report on the annual report;

(ii) In order to assist with the conclusion of matters that may not be finalised, information relating to past recommendations made on the Annual Report, must also be reviewed. This relates to current in-year reports, including the quarterly, mid-year and annual reports;

(iii) To examine the financial statements and audit reports of the municipality, and in doing so, the Committee must consider improvements from previous statements and reports and must evaluate the extent to which the Audit Committee's and the Auditor-General's recommendations have been implemented;

(iv) To promote good governance, transparency and accountability on the use of municipal resources;

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(v) To recommend or undertake any investigation in its area of responsibility, after reviewing any investigation report already undertaken by the municipality or the Audit Committee; and

(vi) To perform any other functions assigned to it through a resolution of Council within its area of responsibility.

2.3 Administrative Support by Council

In order for the MPAC to be effective in executing its functions, MPAC is supported by officials to co-ordinate and undertake research activities as required by the committee work programme and to render a secretarial service

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3. COMPOSITION AND MEMBERSHIP

3.1 The MPAC comprises of five (5) Councillors excluding any Councillor who is serving as Executive Mayor or Deputy Executive Mayor, Speaker or a member of the Mayoral Committee.

3.2 The Committee may invite representatives of the community and co-opt members of the public who have expertise in relevent specific fields to assist and advise in the deliberations when the need arises. These representatives will have no voting rights as they are not elected Councillors.

3.3 Members of MPAC must represent various political affiliations.

Councillors serving on MPAC shall be appointed for a term which corresponds to the term of sitting Council. When a Councillor resigns or is transferred from the Committee, the resignation must be in writing and Council must appoint a replacement by resolution at the next scheduled full Council meeting.

3.4 The names of Councillors serving on MPAC shall be published in the annual report.

4. CHAIRING OF MPAC

4.1 The Chairperson of the Committee is to be appointed by Council.

4.2 When appointing the Chairperson of the Committee, Council must take into consideration the requirements of transparency, ethical behaviour and general good governance prescripts

4.3 In deciding on the Chairperson, the Council may consider appointing Councillors from parties other than the majority parties in Council.

5. MPAC WORK PROGRAMME

5.1 MPAC must develop its work programme annually and link such programmes to the overall planning cycle of council.

6. ATTENDANCE OF MEETINGS

6.1 Meetings must be held as may be necessary in accordance with the approved work programme. The meetings of MPAC must be included in the annual calendar of Council and the notice requirements should be similar to those of other committees of Council taking into consideration the timeframes in the MFMA for preparation and adoption of the oversight report on the annual report.

6.2 If otherwise, the notice of meetings shall be given at least 7 days prior to the meeting and agendas and relevant documents shall be delivered at least 7 days prior to meeting for preparation purposes.

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7. REPORTING

7.1 The MPAC will report to Council on the activities of the committee; include a report detailing its activities of the preceding and current financial years, the number of meetings held, the membership of the Committee and key resolutions taken.

7.2 The Committee must discuss and adopt its report for Council in accordance with the procedures for tabling matters in Council defined in the standing rules of Council.

7.3 The MPAC should report to full Council at least bi-annually and may bring items before Council as and when necessary.

7.4 The full Council must deliberate on the recommendations from the MPAC, at a meeting open to the public, and must reach finality in the shortest possible time

7.5 Council must evaluate the performance of MPAC on an annual basis.

5.2
SUBMISSION OF THE DRAFT AUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2020/21

5/15/1/1
R Louw **Senior Manager: Strategic Services**
11 January 2022 **(028) 313 8071**

1. **Executive Summary**

   The purpose of this report is to present the draft audited Annual Report, for the 2020/21 financial year to Council.

2. **Service Delivery and Budget Implementation Plan - IGNITE**

   Directorate: Management Services
   Strategic Services

3. **Compliance with Strategic Priority**

   Provision of democratic, accountable and ethical governance

4. **Delegated Authority**

   None

5. **Legal Requirements**

   Section 46 of the Municipal Systems Act 2000 (Act 32 of 2000)
   Section 121 of the Municipal Finance Management Act (MFMA) (Act 56 of 2003)

6. **Background/Discussion/Evaluation/Conclusion**

   Background

   In terms of the above legislation a Municipality must prepare an annual report for each financial year. Some of the key purposes of the annual report are:

   - to provide a record of the activities of the municipality or entity
   - to provide a report on performance in service delivery and budget implementation
   - to provide information that supports the revenue and expenditure decisions made
   - to promote accountability to the local community for decisions made.

The annual report provides an authoritative record of the activities and performance of the municipality for each financial year. In time it will serve as a key historical record on the municipality, revealing its progress, growth and development of municipal services and performance.
The MFMA requires that the annual report of a municipality must inter alia include the following:

- the annual financial statements
- the Auditor-General's audit report on the financial statements
- any explanations that may be necessary to clarify issues in connection with the financial statements
- an assessment by the accounting officer on any arrears on municipal taxes and service charges
- particulars of any corrective action taken or to be taken in response to issues raised in the audit reports
- other information as determined by the municipality or as may be prescribed
- any recommendations of the audit committee.

The format of the consolidated report is as follows:

Chapter 1: Mayor's Foreword and Executive Summary
Chapter 2: Governance
Chapter 3: Service Delivery Performance
Chapter 4: Organisational Development Performance
Chapter 5: Financial Performance
Chapter 6: Auditor-General Findings

National Treasury in September 2012 issued MFMA Circular 63- Annual Report-update that amongst other aims to expedite the timelines for producing the Annual Report.

Circular 63 states:

"Timelines for producing the Annual Report

The Annual Report of a municipality and every municipal entity must be tabled in the municipal council on or before 31 January each year (MFMA S127). In order to enhance oversight functions of Councils, please note that this must be interpreted as an outer deadline; hence municipalities must submit the Annual Reports as soon as possible after year end, namely, August. The entire process is concluded in the first or second week of December for all municipalities, the same year in which the financial year ends and not a year later, as is currently the case. The activities,

implications, process/role-player and timeframes are described below for ease of reference and implementation. It is expected that effective management of performance will also result from this change.

Activity	***Legislation and Guidance***	***Process Owner Role Player***	***Timeframe***
Consideration of next financial year's Budget and IDP process plan. In-year reporting formats should ensure that reporting and monitoring feeds seamlessly into the Annual Report process at the beginning of the Budget / IDP implementation period	MSA S41(1)(e)	MM Assisted by other s56 managers & the CFO	July
Implementation and monitoring of approved Budget and IDP through the approved SDBIP commences (In-year financial reporting and quarterly performance reports).	MSA S41(1)(e)	MM Assisted by other s56 managers & The CFO	
Finalise 4th quarter report of previous financial year	MFMA S52(d)	MM Assisted by other s56 managers & CFO	
Submit draft previous financial year Annual Report and evidence to Internal and the Auditor General including annual financial statements and financial and non-financial information1.	Submission of annual financial statements as per section 126(1) of the MFMA. Additional step, a draft Annual Report is prepared.	MM & CFO	
Municipal entities submit draft Annual Reports to MM.	Annual Performance report needs to be included as per section 46 of the MSA.	Entity AO & CFO	
Submit Annual Report including annual financial statements and Annual Performance Report to the Combined Audit/Performance Committee.	Joint Committee assessing both financial and non-financial performance advances	MM & CFO	July/ August
Combined Audit/Performance committee considers unaudited	accountability and expedites corrective	Audit and Performance	

Activity	*Legislation and Guidance*	*Process Owner Role Player*	*Timeframe*
Annual Report of municipality and entities (where relevant).	measures	Audit Committee	
Mayor tables the unaudited Annual Report in Council	The Annual Report submitted complies with the requirements of Section 121(3)(a-k). Information on pre-determined objectives to be included. Note that it is unaudited and will not include any of the Auditor-Generals reports as the auditing thereof will still be in progress. (Municipalities with Municipal entities to submit a consolidated Unaudited Annual Report by September)	Mayor	August
Municipality submits Annual Report including final annual financial statements and annual performance report to Auditor-General for auditing purposes – due 31 August. Council to submit unaudited tabled annual report to MPAC for vetting and verification of councils' directive on service delivery & the committee to evaluate senior managers' performance against agreement entered into		CFO	
Commencement of IDP analysis of institutional, services and infrastructure provision, backlogs and priorities. Unaudited Annual Report as submitted to Auditor-General to be used as input into the IDP strategic phase process and community verification & input by MPAC on reported performance. Such information includes that of various entities incorporated into the information of the parent entity.	If the above process is followed, the unaudited Annual Report can add value to the IDP/Budget planning process for the next year as well as oversight by MPAC on the reported deliverables by communities and achievements targets reached.	Council	
Auditor-General audits the unaudited Annual Report and submit an audit report to the accounting officer for the municipality / municipal entity.	Section 126(3)(b) require the Auditor-General to submit an audit report within three months after	Auditor-General	November for municipalities without entities & December for

Activity	*Legislation and Guidance*	*Process Owner Role Player*	*Timeframe*
	receipt of statements from the municipality.		municipalities with entities
Annual Report and oversight report process for adoption to be used as input into public participating meetings for the IDP review process.	Section 127,128,129 and 130	Council	September November
The Auditor-General's reports are issued during the period of Oct/Nov. Once the AG audit reports have been issued no further changes are allowed as the audit process is completed	Section 129, 130 and 131. Tabling the audited Annual Report within 5 or 6 months after the end of the financial year. Section 75 for publication on website.	MM	November/ December
Mayor tables audited Annual Report and financial statements to Council		Mayor	
Audited Annual Report is made public, e.g. posted on municipality's website.		IT Director Accounting officer	
Oversight committee finalises assessment on Annual Report. This must be concluded within 7 days of receipt of AGs report. Council is expected to conclude on this matter before going on recess in December.			
Council adopts Oversight report.	The entire process, including oversight reporting and submission to provincial legislators is completed in December and not in March the following year.	Council	December
Oversight report is made public.		MM	
Oversight report is submitted to Legislators, Treasuries and DCoG		Mayor	

Extract, MFMA Circular 63, September 2012

Circular 63 addresses the need to streamline the Annual Report process by municipalities and municipal entities. In future, all municipalities and

municipal entities are required to prepare and submit their draft Annual Reports to the Auditor-General by 31 August each year. Municipalities are encouraged to implement or phase-in the requirements of the new Annual Report by 2013/14 financial year.

Discussion

The draft unaudited annual report for 2020/21 was submitted to the Auditor-General on 31 August 2021 with the financial statements. The document presented now is the draft audited annual report for 2020/21.

7. Financial Implications

Not applicable

8. Staff Implications

Report complied in-house.

9. Comments from other Departments, Divisions and Administrations

Information was requested from various officials for the compilation of this document.

10. Annexures

Draft audited Annual Report for 2020/21 to be distributed on a memory stick.

RECOMMENDATION TO THE COUNCIL:

1. that the tabling of the 2020/21 draft audited Annual Report by the Executive Mayor, **be noted**;

2. that the draft audited Annual Report **be made public** immediately after the tabling in Council; and

3. that the local community **be invited** to submit representations in connection with the draft annual report.

RESPONSIBLE OFFICIAL : **R LOUW**

TARGET DATE FOR IMPLEMENTATION : **3 FEBRUARY 2022**

5.3
REPORT ON THE PROPOSED 5TH ADJUSTMENTS BUDGET FOR 2020/2021 (SPECIAL ADJUSTMENTS BUDGET)

5/1/1/22 – 2020/21
BA King **Senior Manager: Financial Services**
19 January 2022 **(028) 313 8154**

1. **Executive Summary**

   Report prepared in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) to address unauthorised expenditure in an adjustments budget in respect of the 2020/2021 financial year.

2. **Service Delivery and Budget Implementation Plan - IGNITE**

   Directorate Finance
   Financial Services

3. **Compliance with Strategic Priority**

   Provision of democratic, accountable and ethical governance

4. **Delegated Authority**

   None

5. **Legal Requirements**

   Local Government: Municipal Finance Management Act, No. 56 of 2003

6. **Background/Discussion/Evaluation/Conclusion**

   Background

   The operating expenditure budget is approved by Council on the municipal vote level. The municipal votes reflect the organisational structure of the municipality which is made up of the following directorates: Council; Municipal Manager; Management Services; Finance; Community Services; Local Economic Development; Infrastructure & Planning and Protection Services.

   Unauthorised expenditure at year end would occur either for the municipality as a whole if the budget for 'Total Expenditure' or if any of the individual budgets for any specific vote/s 'Expenditure by Vote' were overspent.

Operational expenses of any nature, whether cash or non-cash, are regarded as expenditure and deemed as unauthorised expenditure if the total expenses budget or allocated expenses budget per vote is exceeded.

Discussion

Vote 1 – Council: Post-retirement benefit obligations

The budget for 2020/2021 was based on the projections from the previous years' actuarial trends before the impact of Covid-19 had been universally quantified in terms of longevity. With the year-end assessment of this provision for 30 June 2021 by professional actuaries, this impact was calculated, which gave rise to additional expenditure. An overspending of R8 335 090 (non-cash) for the contribution to the provision for post-retirement benefits thus occurred in Budget Vote 1: Council.

Vote 5 – Infrastructure and Planning: Provision for the rehabilitation of landfill sites

An overspending of R5 918 718 (non-cash) occurred in Budget Vote 5: Infrastructure and Planning resulting from increased cost calculations emanating from the increased cost of materials for the rehabilitation of landfill sites.

Evaluation

The inclusion of these transactions in the Annual Financial Statements ensured fair representation of the financial affairs of the municipality, notwithstanding the impact on the approved operational budget. The table in Annexure A indicates the position of the respective functional areas after the particular adjustments were passed for the Annual Financial Statements. Legislation provides for a special adjustments budget to approve the unauthorised expenditure.

Conclusion

Council may, in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA), read with section 23(6)(b) of the Municipal Budget and Reporting Regulations, approve the unauthorised expenditure after the Annual Report is tabled in Council.

7. Financial Implications

Operating Budget

VOTE	ORGINAL BUDGET	AMENDED BUDGET	ACTUAL	(UNDERSPENT) / OVERSPENT
Vote 1: Council's General	35 802 096	35 754 415	44 089 505	8 335 090
Vote 5: Infrastructure and Planning	551 359 369	571 808 321	577 727 039	5 918 718
				14 253 808

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Schedule 1: Budgeted financial performance (revenue and 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 surplus reconciliation
Schedule 7: Asset management
Schedule 8: Basic service delivery measurement
Schedule 9: Budgeted financial performance (revenue & expenditure by standard classification)
Schedule 10: Budgeted capital appropriations by municipal vote

Annexure A: Summary of adjustments budget items
Annexure B: B Schedule (Municipal adjustments budget and supporting tables)

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 5th Adjustments Budget for 2020/2021 **be approved**, in order to address unauthorised expenditure incurred, amounting to R14 253 808 in respect of operational expenditure, 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

RESPONSIBLE OFFICIAL : **BA KING**

TARGET DATE FOR IMPLEMENTATION : **TO BE NOTED**

SCHEDULE 1

WC032 Overstrand - Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) - 26/01/2022

Vote Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
[insert departmental structure etc]		3	4	5	6	7	8	9	10		
R thousands	A	A1	B	C	D	E	F	G	H		
Revenue by Vote											
Vote 1 - Council & Mayor's Office	17 732	38 689	–	–	–	–	–	–	38 689	17 986	13 377
Vote 2 - Municipal Manager & Internal Audit	–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services	1 416	3 157	–	–	–	–	–	–	3 157	1 416	1 416
Vote 4 - Finance	309 162	305 004	–	–	–	–	–	–	305 004	323 853	339 126
Vote 5 - Infrastructure & Planning	539 510	558 883	–	–	–	–	–	–	558 883	581 120	644 396
Vote 6 - Protection Services	39 830	48 375	–	–	–	–	–	–	48 375	41 151	42 656
Vote 7 - Economic and Social Development & T	4 663	7 930	–	–	–	–	–	–	7 930	2 168	2 324
Vote 8 - Community Services	375 179	385 270	–	–	–	–	–	–	385 270	395 964	419 552
Total Revenue by Vote	**1 287 492**	**1 347 308**	**–**	**–**	**–**	**–**	**–**	**–**	**1 347 308**	**1 363 658**	**1 462 847**
Expenditure by Vote											
Vote 1 - Council & Mayor's Office	35 802	35 754	–	–	–	–	8 335	8 335	44 090	37 038	38 812
Vote 2 - Municipal Manager & Internal Audit	7 587	6 832	–	–	–	–	–	–	6 832	8 013	8 450
Vote 3 - Management Services	57 115	62 480	–	–	–	–	–	–	62 480	59 903	62 533
Vote 4 - Finance	91 935	82 193	–	–	–	–	–	–	82 193	95 780	100 249
Vote 5 - Infrastructure & Planning	551 359	571 808	–	–	–	–	5 919	5 919	577 727	590 425	631 326
Vote 6 - Protection Services	118 272	117 474	–	–	–	–	–	–	117 474	118 386	124 302
Vote 7 - Economic and Social Development & T	19 065	18 369	–	–	–	–	–	–	18 369	18 726	20 154
Vote 8 - Community Services	460 876	465 647	–	–	–	–	–	–	465 647	473 928	485 959
Total Expenditure by Vote	**1 342 010**	**1 360 559**	**–**	**–**	**–**	**–**	**14 254**	**14 254**	**1 374 812**	**1 402 198**	**1 471 786**
Surplus/ (Deficit) for the year	**(54 518)**	**(13 251)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**

SCHEDULE 2

WC032 Overstrand - Table B4 Adjustments Budget Financial Performance (revenue and expenditure) - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
Revenue By Source											
Property rates	262 551	259 241	–	–	–	–	–	–	259 241	275 226	288 402
Service charges - electricity revenue	386 294	433 294	–	–	–	–	–	–	433 294	403 262	463 064
Service charges - water revenue	128 520	128 520	–	–	–	–	–	–	128 520	134 919	141 638
Service charges - sanitation revenue	78 913	78 913	–	–	–	–	–	–	78 913	82 858	87 000
Service charges - refuse revenue	69 482	69 482	–	–	–	–	–	–	69 482	72 955	76 602
Service charges - other	–	–	–	–	–	–	–	–	–	–	–
Rental of facilities and equipment	3 627	3 627	–	–	–	–	–	–	3 627	3 803	3 990
Interest earned - external investments	31 400	26 400	–	–	–	–	–	–	26 400	32 975	34 615
Interest earned - outstanding debtors	4 673	4 650	–	–	–	–	–	–	4 650	4 906	5 145
Dividends received	–	–	–	–	–	–	–	–	–	–	–
Fines, penalties and forfeits	29 564	29 564	–	–	–	–	–	–	29 564	31 039	32 587
Licences and permits	2 385	2 385	–	–	–	–	–	–	2 385	2 498	2 618
Agency services	4 938	6 438	–	–	–	–	–	–	6 438	5 184	5 442
Transfers and subsidies	131 840	150 774	–	–	–	–	–	–	150 774	141 735	154 275
Other revenue	113 998	96 604	–	–	–	–	–	–	96 604	121 115	121 204
Gains on disposal of PPE	7 000	10 500	–	–	–	–	–	–	10 500	7 000	7 000
Total Revenue (excluding capital transfers and contributions)	**1 255 185**	**1 300 392**	**–**	**–**	**–**	**–**	**–**	**–**	**1 300 392**	**1 319 476**	**1 423 583**
Expenditure By Type											
Employee related costs	435 325	429 242	–	–	–	–	8 335	8 335	437 577	456 328	482 727
Remuneration of councillors	11 896	11 896	–	–	–	–	–	–	11 896	12 436	13 002
Debt impairment	26 263	26 263	–	–	–	–	–	–	26 263	27 577	28 955
Depreciation & asset impairment	141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Finance charges	51 482	48 982	–	–	–	–		–	48 982	52 210	52 352
Bulk purchases	270 260	302 260	–	–	–	–	–	–	302 260	290 978	313 126
Other materials	47 567	48 523	–	–	–	–	–	–	48 523	43 347	45 265
Contracted services	222 414	229 192	–	–	–	–	–	–	229 192	235 538	247 162
Transfers and subsidies	11 610	8 680	–	–	–	–	–	–	8 680	11 610	11 610
Other expenditure	123 315	113 643	–	–	–	–	5 919	5 919	119 561	132 461	144 310
Loss on disposal of PPE	–	–	–	–	–	–	–	–	–	–	–
Total Expenditure	**1 342 010**	**1 360 559**	**–**	**–**	**–**	**–**	**14 254**	**14 254**	**1 374 812**	**1 402 198**	**1 471 786**
Surplus/(Deficit)	**(86 825)**	**(60 166)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(74 420)**	**(82 723)**	**(48 203)**
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)	30 619	37 228	–	–	–	–	–	–	37 228	28 470	31 628
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporatons, Higher Educational Institutions)	1 688	9 688	–	–	–	–	–	–	9 688	15 712	7 636
Transfers and subsidies - capital (in-kind - all)	–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) before taxation	**(54 518)**	**(13 251)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**
Taxation	–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) after taxation	**(54 518)**	**(13 251)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**
Attributable to minorities	–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) attributable to municipality	**(54 518)**	**(13 251)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**
Share of surplus/ (deficit) of associate	–	–	–	–	–	–	–	–	–	–	–
Surplus/ (Deficit) for the year	**(54 518)**	**(13 251)**	**–**	**–**	**–**	**–**	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**

SCHEDULE 3

WC032 Overstrand - Table B5 Adjustments Capital Expenditure Budget by vote and funding - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		5	6	7	8	9	10	11	12		
R thousands	A	A1	B	C	D	E	F	G	H		
Capital Expenditure - Functional											
Governance and administration	**3 075**	**3 536**	–	–	–	–	–	–	**3 536**	**30 000**	**20 000**
Executive and council	5	466	–	–	–	–	–	–	466	–	–
Finance and administration	3 070	3 070	–	–	–	–	–	–	3 070	30 000	20 000
Internal audit	–	–	–	–	–	–	–	–	–	–	–
Community and public safety	**93 694**	**82 780**	–	–	–	–	–	–	**82 780**	**55 375**	**37 850**
Community and social services	18 638	18 084	–	–	–	–	–	–	18 084	5 617	–
Sport and recreation	12 731	8 588	–	–	–	–	–	–	8 588	1 739	–
Public safety	14 181	13 168	–	–	–	–	–	–	13 168	1 352	–
Housing	48 144	42 940	–	–	–	–	–	–	42 940	46 667	37 850
Health	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services	**33 589**	**33 423**	–	–	–	–	–	–	**33 423**	**10 393**	**17 000**
Planning and development	13 594	10 372	–	–	–	–		–	10 372	6 822	–
Road transport	19 995	23 051	–	–	–	–		–	23 051	3 571	17 000
Environmental protection	–	–	–	–	–	–		–	–	–	–
Trading services	**173 381**	**160 348**	–	–	–	–	–	–	**160 348**	**108 849**	**70 528**
Energy sources	21 119	19 119	–	–	–	–		–	19 119	38 500	22 000
Water management	52 606	50 036	–	–	–	–		–	50 036	37 516	22 000
Waste water management	77 217	69 170	–	–	–	–		–	69 170	31 634	26 528
Waste management	22 439	22 024	–	–	–	–	–	–	22 024	1 200	–
Other	–	–	–	–	–	–	–	–	–	–	–
Total Capital Expenditure - Functional	**303 738**	**280 086**	–	–	–	–	–	–	**280 086**	**204 617**	**145 378**
Funded by:											
National Government	37 369	35 100	–	–	–	–	–	–	35 100	28 470	31 628
Provincial Government	2 840	2 127	–	–	–	–	–	–	2 127	–	–
District Municipality	–	–	–	–	–	–	–	–	–	–	–
Other transfers and grants	46 306	47 296	–	–	–	–	–	–	47 296	52 667	43 750
Transfers recognised - capital	**86 516**	**84 523**	–	–	–	–	–	–	**84 523**	**81 137**	**75 378**
Public contributions & donations	–	–	–	–	–	–	–	–	–	–	–
Borrowing	92 949	75 228	–	–	–	–	–	–	75 228	67 250	50 000
Internally generated funds	124 274	120 335	–	–	–	–	–	–	120 335	56 230	20 000
Total Capital Funding	**303 738**	**280 086**	–	–	–	–	–	–	**280 086**	**204 617**	**145 378**

SCHEDULE 4

WC032 Overstrand - Table B6 Adjustments Budget Financial Position - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
ASSETS											
Current assets											
Cash	85 812	150 129	–	–	–	–		–	150 129	791 270	850 493
Call investment deposits	400 000	400 000	–	–	–	–	–	–	400 000	306 900	305 745
Consumer debtors	83 889	84 491	–	–	–	–	–	–	84 491	(1 737 847)	(1 825 374)
Other debtors	34 983	34 987	–	–	–	–	–	–	34 987	178 561	179 858
Current portion of long-term receivables	3	–	–	–	–	–	–	–	–	1	3
Inventory	9 540	9 540	–	–	–	–	–	–	9 540	13 896	14 065
Total current assets	**614 227**	**679 147**	**–**	**–**	**–**	**–**	**–**	**–**	**679 147**	**(447 220)**	**(475 211)**
Non current assets											
Long-term receivables	1	–	–	–	–	–	–	–	–	–	1
Investments	65 460	54 460	–	–	–	–	–	–	54 460	71 294	71 580
Investment property	121 846	121 846	–	–	–	–	–	–	121 846	116 846	116 846
Investment in Associate	–	–	–	–	–	–	–	–	–	–	–
Property, plant and equipment	3 790 408	3 642 574	–	–	–	–	–	–	3 642 574	3 707 688	7 990 059
Agricultural	–	–	–	–	–	–	–	–	–	–	–
Biological	–	–	–	–	–	–	–	–	–	–	–
Intangible	4 753	4 753	–	–	–	–	–	–	4 753	6 046	6 046
Other non-current assets	–	130 928	–	–	–	–	–	–	130 928	130 928	130 928
Total non current assets	**3 982 468**	**3 954 561**	**–**	**–**	**–**	**–**	**–**	**–**	**3 954 561**	**4 032 803**	**8 315 460**
TOTAL ASSETS	**4 596 695**	**4 633 708**	**–**	**–**	**–**	**–**	**–**	**–**	**4 633 708**	**3 585 583**	**7 840 249**
LIABILITIES											
Current liabilities											
Bank overdraft	–	–	–	–	–	–	–	–	–	–	–
Borrowing	52 751	53 956	–	–	–	–	–	–	53 956	42 698	53 135
Consumer deposits	62 074	62 074	–	–	–	–	–	–	62 074	71 453	71 676
Trade and other payables	104 604	98 955	–	–	–	–	–	–	98 955	(1 083 938)	(1 116 866)
Provisions	35 286	35 286	–	–	–	–	–	–	35 286	34 017	33 988
Total current liabilities	**254 715**	**250 272**	**–**	**–**	**–**	**–**	**–**	**–**	**250 272**	**(935 771)**	**(958 067)**
Non current liabilities											
Borrowing	430 260	430 401	–	–	–	–	–	–	430 401	464 004	458 566
Provisions	256 985	256 985	–	–	–	–	–	–	256 985	235 196	235 224
Total non current liabilities	**687 245**	**687 386**	**–**	**–**	**–**	**–**	**–**	**–**	**687 386**	**699 200**	**693 790**
TOTAL LIABILITIES	**941 960**	**937 658**	**–**	**–**	**–**	**–**	**–**	**–**	**937 658**	**(236 572)**	**(264 277)**
NET ASSETS	**3 654 735**	**3 696 050**	**–**	**–**	**–**	**–**	**–**	**–**	**3 696 050**	**3 822 155**	**8 104 526**
COMMUNITY WEALTH/EQUITY											
Accumulated Surplus/(Deficit)	3 651 390	3 692 705	–	–	–	–		–	3 692 705	3 604 016	3 604 016
Reserves	3 345	3 345	–	–	–	–	–	–	3 345	12 973	12 973
Minorities' interests	–	–	–	–	–	–	–	–	–	–	–
TOTAL COMMUNITY WEALTH/EQUITY	**3 654 735**	**3 696 050**	**–**	**–**	**–**	**–**	**–**	**–**	**3 696 050**	**3 616 989**	**3 616 989**

SCHEDULE 5

WC032 Overstrand - Table B7 Adjustments Budget Cash Flows - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		3	4	5	6	7	8	9	10		
R thousands	A	A1	B	C	D	E	F	G	H		
CASH FLOW FROM OPERATING ACTIVITIES											
Receipts											
Property rates	259 513	255 713	–	–	–	–	–	–	255 713	273 131	286 265
Service charges	655 534	702 430	–	–	–	–		–	702 430	688 710	762 612
Other revenue	131 331	123 425	–	–	–	–	–	–	123 425	153 262	146 087
Government - operating	131 840	150 774	–	–	–	–	–	–	150 774	141 735	154 275
Government - capital	30 619	37 228	–	–	–	–	–	–	37 228	28 470	31 628
Interest	36 073	31 050	–	–	–	–	–	–	31 050	37 881	39 760
Dividends	–	–	–	–	–	–	–	–	–	–	–
Payments											
Suppliers and employees	(1 309 181)	(1 065 822)	–	–	–	–		–	(1 065 822)	(1 139 577)	(1 210 304)
Finance charges	(10 381)	(51 482)	–	–	–	–	–	–	(51 482)	(52 210)	(52 352)
Transfers and Grants	–	(8 680)	–	–	–	–	–	–	(8 680)	(11 610)	(11 610)
NET CASH FROM/(USED) OPERATING ACTIVITIES	**(74 653)**	**174 635**	**–**	**–**	**–**	**–**	**–**	**–**	**174 635**	**119 793**	**146 362**
CASH FLOWS FROM INVESTING ACTIVITIES											
Receipts											
Proceeds on disposal of PPE	7 000	–	–	–	–	–	–	–	–	–	–
Decrease (Increase) in non-current debtors	–	–	–	–	–	–	–	–	–	–	–
Decrease (increase) other non-current receivables	7	10	–	–	–	–	–	–	10	–	–
Decrease (increase) in non-current investments	(7 575)	(4 980)	–	–	–	–	–	–	(4 980)	(4 980)	(4 980)
Payments											
Capital assets	(303 738)	(280 086)	–	–	–	–	–	–	(280 086)	(204 617)	(145 378)
NET CASH FROM/(USED) INVESTING ACTIVITIES	**(304 307)**	**(285 056)**	**–**	**–**	**–**	**–**	**–**	**–**	**(285 056)**	**(209 597)**	**(150 358)**
CASH FLOWS FROM FINANCING ACTIVITIES											
Receipts											
Short term loans	–	–	–	–	–	–	–	–	–	–	–
Borrowing long term/refinancing	54 000	54 000	–	–	–	–	–	–	54 000	–	–
Increase (decrease) in consumer deposits	(1 000)	(1 000)	–	–	–	–	–	–	(1 000)	–	–
Payments											
Repayment of borrowing	(46 374)	(46 263)	–	–	–	–	–	–	(46 263)	–	–
NET CASH FROM/(USED) FINANCING ACTIVITIES	**6 626**	**6 737**	**–**	**–**	**–**	**–**	**–**	**–**	**6 737**	**–**	**–**
NET INCREASE/ (DECREASE) IN CASH HELD	**(372 333)**	**(103 684)**	**–**	**–**	**–**	**–**	**–**	**–**	**(103 684)**	**(89 804)**	**(3 996)**
Cash/cash equivalents at the year begin:	585 426	653 813	–	–	–	–	–	–	653 813	585 426	585 426
Cash/cash equivalents at the year end:	213 093	550 129	–	–	–	–	–	–	550 129	495 622	581 430

SCHEDULE 6

WC032 Overstrand - Table B8 Cash backed reserves/accumulated surplus reconciliation - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
Cash and Investments available											
Cash/cash equivalents at the year end	213 093	550 129	–	–	–	–	–	–	550 129	495 622	581 430
Other current investments > 90 days	272 716	–	–	–	–	–	–	–	–	602 548	574 807
Non current assets - Investments	65 460	54 460	–	–	–	–	–	–	54 460	71 294	71 580
Cash and investments available:	**551 272**	**604 589**	**–**	**–**	**–**	**–**	**–**	**–**	**604 589**	**1 169 464**	**1 227 817**
Applications of cash and investments											
Unspent conditional transfers	–	–	–	–	–	–	–	–	–	54 732	49 964
Unspent borrowing	25 193	25 193	–	–	–	–	–	–	25 193	(2 249)	3 190
Statutory requirements	–	–	–	–	–	–	–	–	–	–	–
Other working capital requirements	(10 043)	(17 178)					–	–	(17 178)	296 341	341 602
Other provisions	4 109	4 109	–	–	–	–	–	–	4 109	4 315	4 530
Long term investments committed	–	–					–	–	–	–	–
Reserves to be backed by cash/investments	3 661 425	3 702 740					–	–	3 702 740	3 642 935	3 642 935
Total Application of cash and investments:	**3 680 684**	**3 714 864**	**–**	**–**	**–**	**–**	**–**	**–**	**3 714 864**	**3 996 075**	**4 042 222**
Surplus(shortfall)	**(3 129 412)**	**(3 110 275)**	**–**	**–**	**–**	**–**	**–**	**–**	**(3 110 275)**	**(2 826 610)**	**(2 814 405)**

SCHEDULE 7

WC032 Overstrand - Table B9 Asset Management - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
CAPITAL EXPENDITURE											
Total New Assets to be adjusted	**215 433**	**200 722**	–	–	–	–	–	–	**200 722**	**154 574**	**99 850**
Roads Infrastructure	19 795	22 851	–	–	–	–	–	–	22 851	3 571	17 000
Storm water Infrastructure	16 384	14 655	–	–	–	–	–	–	14 655	7 854	–
Electrical Infrastructure	12 768	10 768	–	–	–	–	–	–	10 768	37 500	15 000
Water Supply Infrastructure	29 547	27 547	–	–	–	–	–	–	27 547	7 732	6 000
Sanitation Infrastructure	20 576	18 536	–	–	–	–	–	–	18 536	6 250	4 000
Solid Waste Infrastructure	18 479	18 064	–	–	–	–	–	–	18 064	1 200	–
Rail Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Infrastructure	117 549	112 421	–	–	–	–	–	–	112 421	64 116	42 000
Community Facilities	12 743	9 787	–	–	–	–	–	–	9 787	12 992	–
Sport and Recreation Facilities	50	50	–	–	–	–	–	–	50	–	–
Community Assets	12 793	9 837	–	–	–	–	–	–	9 837	12 992	–
Heritage Assets	–	–	–	–	–	–	–	–	–	–	–
Revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Investment properties	–	–	–	–	–	–	–	–	–	–	–
Operational Buildings	4 825	4 961	–	–	–	–	–	–	4 961	800	–
Housing	48 144	42 940	–	–	–	–	–	–	42 940	46 667	37 850
Other Assets	52 970	47 901	–	–	–	–	–	–	47 901	47 467	37 850
Biological or Cultivated Assets	–	–	–	–	–	–	–	–	–	–	–
Servitudes	–	–	–	–	–	–	–	–	–	–	–
Licences and Rights	–	–	–	–	–	–	–	–	–	–	–
Intangible Assets	–	–	–	–	–	–	–	–	–	–	–
Computer Equipment	7 896	6 907	–	–	–	–	–	–	6 907	–	–
Furniture and Office Equipment	1 025	1 064	–	–	–	–	–	–	1 064	–	–
Machinery and Equipment	760	860	–	–	–	–	–	–	860	–	–
Transport Assets	22 440	21 732	–	–	–	–	–	–	21 732	30 000	20 000
Libraries	–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals	–	–	–	–	–	–	–	–	–	–	–
Total Capital Expenditure to be adjusted											
Roads Infrastructure	19 995	23 051	–	–	–	–	–	–	23 051	3 571	17 000
Storm water Infrastructure	29 441	27 712	–	–	–	–	–	–	27 712	7 864	–
Electrical Infrastructure	21 119	19 119	–	–	–	–	–	–	19 119	38 500	22 000
Water Supply Infrastructure	52 606	50 036	–	–	–	–	–	–	50 036	37 516	22 000
Sanitation Infrastructure	47 776	41 458	–	–	–	–	–	–	41 458	23 770	26 528
Solid Waste Infrastructure	22 439	22 024	–	–	–	–	–	–	22 024	1 200	–
Rail Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Infrastructure	193 376	183 399	–	–	–	–	–	–	183 399	112 420	87 528
Community Facilities	13 719	10 693	–	–	–	–	–	–	10 693	12 992	–
Sport and Recreation Facilities	11 553	7 530	–	–	–	–	–	–	7 530	1 739	–
Community Assets	25 272	18 223	–	–	–	–	–	–	18 223	14 730	–
Heritage Assets	–	–	–	–	–	–	–	–	–	–	–
Revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Investment properties	–	–	–	–	–	–	–	–	–	–	–
Operational Buildings	4 825	4 961	–	–	–	–	–	–	4 961	800	–
Housing	48 144	42 940	–	–	–	–	–	–	42 940	46 667	37 850
Other Assets	52 970	47 901	–	–	–	–	–	–	47 901	47 467	37 850
Biological or Cultivated Assets	–	–	–	–	–	–	–	–	–	–	–
Servitudes	–	–	–	–	–	–	–	–	–	–	–
Licences and Rights	–	–	–	–	–	–	–	–	–	–	–
Intangible Assets	–	–	–	–	–	–	–	–	–	–	–
Computer Equipment	7 896	6 907	–	–	–	–	–	–	6 907	–	–
Furniture and Office Equipment	1 025	1 064	–	–	–	–	–	–	1 064	–	–
Machinery and Equipment	760	860	–	–	–	–	–	–	860	–	–
Transport Assets	22 440	21 732	–	–	–	–	–	–	21 732	30 000	20 000
Libraries	–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals	–	–	–	–	–	–	–	–	–	–	–
TOTAL CAPITAL EXPENDITURE to be adjusted	**303 738**	**280 086**	–	–	–	–	–	–	**280 086**	**204 617**	**145 378**

SCHEDULE 7

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		7	8	9	10	11	12	13	14		
R thousands	A	A1	B	C	D	E	F	G	H		
ASSET REGISTER SUMMARY - PPE (WDV)											
Roads Infrastructure	1 021 273	1 023 864	–	–	–	–		–	1 023 864	1 034 630	1 046 630
Storm water Infrastructure	212 348	212 785	–	–	–	–		–	212 785	200 170	200 170
Electrical Infrastructure	483 136	483 136	–	–	–	–		–	483 136	508 101	508 101
Water Supply Infrastructure	485 704	483 067	–	–	–	–		–	483 067	484 530	480 115
Sanitation Infrastructure	371 396	372 538	–	–	–	–		–	372 538	362 498	367 706
Solid Waste Infrastructure	51 294	50 879	–	–	–	–		–	50 879	32 625	31 425
Rail Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Infrastructure	2 625 151	2 626 270	–	–	–	–	–	–	2 626 270	2 622 554	2 634 147
Community Facilities											
Sport and Recreation Facilities											
Community Assets	19 936	12 887	–	–	–	–		–	12 887	14 730	–
Heritage Assets	124 182	130 928	–	–	–	–		–	130 928	130 928	130 928
Revenue Generating	–	–	–	–	–	–		–	–	–	–
Non-revenue Generating	–	–	–	–	–	–		–	–	–	–
Investment properties	121 846	121 846	–	–	–	–		–	121 846	116 846	116 846
Operational Buildings	–	–	–	–	–	–		–	–	–	–
Housing	–	–	–	–	–	–		–	–	–	–
Other Assets	629 466	612 302	–	–	–	–		–	612 302	693 173	637 072
Biological or Cultivated Assets	–	–	–	–	–	–		–	–	–	–
Servitudes	–	–	–	–	–	–		–	–	–	–
Licences and Rights	–	–	–	–	–	–		–	–	–	–
Intangible Assets	5 476	5 476	–	–	–	–		–	5 476	6 046	6 046
Computer Equipment	5 096	5 107	–	–	–	–		–	5 107	–	–
Furniture and Office Equipment	(892)	(853)	–	–	–	–		–	(853)	7 897	7 897
Machinery and Equipment	1 394	1 494	–	–	–	–		–	1 494	1 297	1 297
Transport Assets	70 149	69 441	–	–	–	–		–	69 441	52 833	52 833
Libraries	315 204	315 204	–	–	–	–		–	315 204	315 204	315 204
Zoo's, Marine and Non-biological Animals	–	–	–	–	–	–	–	–	–	–	–
TOTAL ASSET REGISTER SUMMARY - PPE (WDV)	**3 917 008**	**3 900 101**	**–**	**–**	**–**	**–**	**–**	**–**	**3 900 101**	**3 961 509**	**3 902 270**
EXPENDITURE OTHER ITEMS											
Depreciation & asset impairment	141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Repairs and Maintenance by asset class	**210 905**	**221 278**	**–**	**–**	**–**	**–**	**–**	**–**	**221 278**	**223 085**	**235 335**
Roads Infrastructure	67 578	69 625	–	–	–	–	–	–	69 625	71 378	75 348
Storm water Infrastructure	6 159	6 142	–	–	–	–	–	–	6 142	6 363	6 721
Electrical Infrastructure	31 243	31 656	–	–	–	–	–	–	31 656	32 852	34 749
Water Supply Infrastructure	19 710	20 721	–	–	–	–	–	–	20 721	20 801	21 956
Sanitation Infrastructure	13 262	13 663	–	–	–	–	–	–	13 663	13 878	14 535
Solid Waste Infrastructure	3 691	2 958	–	–	–	–	–	–	2 958	4 926	5 164
Rail Infrastructure	–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure	216	186	–	–	–	–	–	–	186	225	234
Information and Communication Infrastructure	42	42	–	–	–	–	–	–	42	44	46
Infrastructure	141 901	144 993	–	–	–	–	–	–	144 993	150 468	158 753
Community Facilities	37 242	40 899	–	–	–	–	–	–	40 899	39 286	41 591
Sport and Recreation Facilities	7 516	8 214	–	–	–	–	–	–	8 214	7 878	8 276
Community Assets	44 758	49 113	–	–	–	–	–	–	49 113	47 164	49 867
Heritage Assets	–	–	–	–	–	–	–	–	–	–	–
Revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating	–	–	–	–	–	–	–	–	–	–	–
Investment properties	–	–	–	–	–	–	–	–	–	–	–
Operational Buildings	3 373	2 939	–	–	–	–	–	–	2 939	3 510	3 652
Housing	37	237	–	–	–	–	–	–	237	39	41
Other Assets	3 410	3 176	–	–	–	–	–	–	3 176	3 549	3 693
Biological or Cultivated Assets	–	–	–	–	–	–	–	–	–	–	–
Servitudes	–	–	–	–	–	–	–	–	–	–	–
Licences and Rights	5 925	5 925	–	–	–	–	–	–	5 925	6 235	6 560
Intangible Assets	5 925	5 925	–	–	–	–	–	–	5 925	6 235	6 560
Computer Equipment	2 186	2 446	–	–	–	–	–	–	2 446	2 301	2 415
Furniture and Office Equipment	2 811	1 940	–	–	–	–	–	–	1 940	2 862	2 914
Machinery and Equipment	–	–	–	–	–	–	–	–	–	–	–
Transport Assets	9 914	13 685	–	–	–	–	–	–	13 685	10 506	11 133
Libraries	–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals	–	–	–	–	–	–	–	–	–	–	–
TOTAL EXPENDITURE OTHER ITEMS to be adjusted	**352 782**	**363 155**	**–**	**–**	**–**	**–**	**–**	**–**	**363 155**	**362 798**	**368 612**
Renewal and upgrading of Existing Assets as % of total	*29.1%*	*28.3%*							*28.3%*	*24.5%*	*31.3%*
Renewal and upgrading of Existing Assets as % of depr	*62.2%*	*55.9%*							*55.9%*	*35.8%*	*34.2%*
R&M as a % of PPE	*5.4%*	*5.7%*							*5.7%*	*5.6%*	*6.0%*
Renewal and upgrading and R&M as a % of PPE	*7.6%*	*7.7%*							*7.7%*	*6.9%*	*7.2%*

SCHEDULE 8

WC032 Overstrand - Table B10 Basic service delivery measurement - 26/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
	A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Household service targets											
Water:											
Piped water inside dwelling	30 694							–	–	31 614	32 563
Piped water inside yard (but not in dwelling)								–	–		
Using public tap (at least min.service level)	4 850							–	–	4 900	5 000
Other water supply (at least min.service level)								–	–		
Minimum Service Level and Above sub-total	35	–	–	–	–	–	–	–	–	37	38
Using public tap (< min.service level)								–	–		
Other water supply (< min.service level)								–	–		
No water supply								–	–		
Below Minimum Servic Level sub-total	–	–	–	–	–	–	–	–	–	–	–
Total number of households	35	–	–	–	–	–	–	–	–	37	38
Sanitation/sewerage:											
Flush toilet (connected to sewerage)	30 519							–	–	31 435	32 378
Flush toilet (with septic tank)								–	–		
Chemical toilet								–	–		
Pit toilet (ventilated)								–	–		
Other toilet provisions (> min.service level)								–	–		
Minimum Service Level and Above sub-total	30 519	–	–	–	–	–	–	–	–	31 435	32 378
Bucket toilet								–	–		
Other toilet provisions (< min.service level)								–	–		
No toilet provisions								–	–		
Below Minimum Servic Level sub-total	–	–	–	–	–	–	–	–	–	–	–
Total number of households	30 519	–	–	–	–	–	–	–	–	31 435	32 378
Energy:											
Electricity (at least min. service level)	5 343							–	–	5 099	4 855
Electricity - prepaid (> min.service level)	21 022							–	–	21 801	22 580
Minimum Service Level and Above sub-total	26 365	–	–	–	–	–	–	–	–	26 900	27 435
Electricity (< min.service level)								–	–		
Electricity - prepaid (< min. service level)								–	–		
Other energy sources								–	–		
Below Minimum Servic Level sub-total	–	–	–	–	–	–	–	–	–	–	–
Total number of households	26 365	–	–	–	–	–	–	–	–	26 900	27 435
Refuse:											
Removed at least once a week (min.service)	34 098							–	–	35 121	36 175
Minimum Service Level and Above sub-total	34 098	–	–	–	–	–	–	–	–	35 121	36 175
Removed less frequently than once a week								–	–		
Using communal refuse dump								–	–		
Using own refuse dump								–	–		
Other rubbish disposal								–	–		
No rubbish disposal								–	–		
Below Minimum Servic Level sub-total	–	–	–	–	–	–	–	–	–	–	–
Total number of households	34 098	–	–	–	–	–	–	–	–	35 121	36 175
Households receiving Free Basic Service											
Water (6 kilolitres per household per month)	7 750							–	–	8 000	8 240
Sanitation (free minimum level service)	7 750							–	–	8 000	8 240
Electricity/other energy (50kwh per household per month)	7 750							–	–	8 000	8 240
Refuse (removed at least once a week)	7 750							–	–	8 000	8 240
Cost of Free Basic Services provided (R'000)											
Water (6 kilolitres per household per month)	–	–	–	–	–	–	–	–	–	–	–
Sanitation (free sanitation service)	–	–	–	–	–	–	–	–	–	–	–
Electricity/other energy (50kwh per household per month)	–	–	–	–	–	–	–	–	–	–	–
Refuse (removed once a week)	–	–	–	–	–	–	–	–	–	–	–
Total cost of FBS provided (minimum social package)	–	–	–	–	–	–	–	–	–	–	–
Highest level of free service provided											
Property rates (R'000 value threshold)	220 000							–	–	220 000	220 000
Water (kilolitres per household per month)	6							–	–	6	6
Sanitation (kilolitres per household per month)	4							–	–	4	4
Sanitation (Rand per household per month)	85							–	–	90	96
Electricity (kw per household per month)	50							–	–	50	50
Refuse (average litres per week)	210							–	–	210	210
Revenue cost of free services provided (R'000)											
Property rates (tariff adjustment) (impermissable values per section 17 of MPRA	–	–	–	–	–	–	–	–	–	–	–
Property rates exemptions, reductions and rebates and impermissable values in	–	–	–	–	–	–	–	–	–	–	–
Water (in excess of 6 kilolitres per indigent household per month)	–	–	–	–	–	–	–	–	–	–	–
Sanitation (in excess of free sanitation service to indigent households)	–	–	–	–	–	–	–	–	–	–	–
Electricity/other energy (in excess of 50 kwh per indigent household per month)	–	–	–	–	–	–	–	–	–	–	–
Refuse (in excess of one removal a week for indigent households)	–	–	–	–	–	–	–	–	–	–	–
Municipal Housing - rental rebates	–	–	–	–	–	–	–	–	–	–	–
Housing - top structure subsidies	–	–	–	–	–	–	–	–	–	–	–
Other	–	–	–	–	–	–	–	–	–	–	–
Total revenue cost of subsidised services provided	–	–	–	–	–	–	–	–	–	–	–

SCHEDULE 9

WC032 Overstrand - Table B2 Adjustments Budget Financial Performance (functional classification) - 26/01/2022

Standard Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		5	6	7	8	9	10	11	12		
R thousands	A	A1	B	C	D	E	F	G	H		
Revenue - Functional											
Governance and administration	**336 136**	**358 170**	–	–	–	–	–	–	**358 170**	**351 115**	**361 816**
Executive and council	17 821	39 281	–	–	–	–	–	–	39 281	18 077	13 470
Finance and administration	318 315	318 889	–	–	–	–	–	–	318 889	333 039	348 346
Internal audit	–	–	–	–	–	–	–	–	–	–	–
Community and public safety	**148 846**	**144 111**	–	–	–	–	–	–	**144 111**	**155 347**	**157 184**
Community and social services	8 185	8 217	–	–	–	–	–	–	8 217	8 613	9 215
Sport and recreation	10 262	13 549	–	–	–	–	–	–	13 549	8 651	9 083
Public safety	39 830	48 262	–	–	–	–	–	–	48 262	41 151	42 656
Housing	90 568	74 083	–	–	–	–	–	–	74 083	96 932	96 230
Health	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services	**10 065**	**17 195**	–	–	–	–	–	–	**17 195**	**11 386**	**25 079**
Planning and development	9 788	13 182	–	–	–	–	–	–	13 182	7 537	7 798
Road transport	245	3 982	–	–	–	–	–	–	3 982	3 816	17 245
Environmental protection	32	32	–	–	–	–	–	–	32	33	35
Trading services	**792 445**	**827 832**	–	–	–	–	–	–	**827 832**	**845 809**	**918 767**
Energy sources	436 955	472 813	–	–	–	–	–	–	472 813	471 967	535 700
Water management	150 392	149 955	–	–	–	–	–	–	149 955	163 869	161 113
Waste water management	114 335	109 827	–	–	–	–	–	–	109 827	114 085	119 865
Waste management	90 764	95 237	–	–	–	–	–	–	95 237	95 887	102 089
Other	–	–	–	–	–	–	–	–	–	–	–
Total Revenue - Functional	**1 287 492**	**1 347 308**	–	–	–	–	–	–	**1 347 308**	**1 363 658**	**1 462 847**
Expenditure - Functional											
Governance and administration	**270 009**	**266 554**	–	–	–	–	**8 335**	**8 335**	**274 989**	**280 789**	**294 383**
Executive and council	62 707	61 370	–	–	–	–	8 335	8 335	69 705	65 381	68 808
Finance and administration	203 733	202 317	–	–	–	–	–	–	202 317	211 664	221 611
Internal audit	3 569	2 968	–	–	–	–	–	–	2 968	3 744	3 963
Community and public safety	**251 675**	**239 934**	–	–	–	–	–	–	**239 934**	**260 907**	**279 870**
Community and social services	23 502	25 691	–	–	–	–	–	–	25 691	24 133	25 304
Sport and recreation	56 586	56 031	–	–	–	–	–	–	56 031	58 955	62 240
Public safety	119 176	115 830	–	–	–	–	–	–	115 830	119 409	125 416
Housing	52 410	42 383	–	–	–	–	–	–	42 383	58 409	66 911
Health	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services	**176 095**	**178 453**	–	–	–	–	–	–	**178 453**	**182 774**	**189 619**
Planning and development	51 179	50 433	–	–	–	–	–	–	50 433	52 283	54 204
Road transport	108 617	111 862	–	–	–	–	–	–	111 862	112 050	115 957
Environmental protection	16 298	16 158	–	–	–	–	–	–	16 158	18 441	19 459
Trading services	**640 514**	**672 466**	–	–	–	–	**5 919**	**5 919**	**678 385**	**673 734**	**703 815**
Energy sources	354 355	384 715	–	–	–	–	–	–	384 715	377 408	401 594
Water management	124 167	121 471	–	–	–	–	–	–	121 471	127 865	127 219
Waste water management	88 633	94 012	–	–	–	–	–	–	94 012	92 020	94 636
Waste management	73 358	72 268	–	–	–	–	5 919	5 919	78 187	76 441	80 366
Other	**3 719**	**3 051**	–	–	–	–	–	–	**3 051**	**3 995**	**4 098**
Total Expenditure - Functional	**1 342 010**	**1 360 559**	–	–	–	–	**14 254**	**14 254**	**1 374 812**	**1 402 198**	**1 471 786**
Surplus/ (Deficit) for the year	**(54 518)**	**(13 251)**	–	–	–	–	**(14 254)**	**(14 254)**	**(27 504)**	**(38 541)**	**(8 939)**

SCHEDULE 10

WC032 Overstrand - Table B5 Adjustments Capital Expenditure Budget by vote and funding - 26/01/2022

Description	Budget Year 2019/20									Budget Year +1 2020/21	Budget Year +2 2021/22
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H		
Capital expenditure - Vote											
Multi-year expenditure to be adjusted											
Vote 1 - Council & Mayor's Office	–	–	–	–	–	–	–	–	–	–	–
Vote 2 - Municipal Manager & Internal Audit	–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services	3 015	3 018	–	–	–	–	–	–	3 018	–	–
Vote 4 - Finance	60	57	–	–	–	–	–	–	57	30 000	20 000
Vote 5 - Infrastructure & Planning	92 970	80 703	–	–	–	–	–	–	80 703	104 430	65 550
Vote 6 - Protection Services	485	485	–	–	–	–	–	–	485	–	–
Vote 7 - Economic and Social Development & Tourism	45	195	–	–	–	–	–	–	195	–	–
Vote 8 - Community Services	760	760	–	–	–	–	–	–	760	–	–
Capital multi-year expenditure sub-total	**97 335**	**85 218**	**–**	**–**	**–**	**–**	**–**	**–**	**85 218**	**134 430**	**85 550**
Single-year expenditure to be adjusted											
Vote 1 - Council & Mayor's Office	–	461	–	–	–	–	–	–	461	–	–
Vote 2 - Municipal Manager & Internal Audit	–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services	–	–	–	–	–	–	–	–	–	–	–
Vote 4 - Finance	–	–	–	–	–	–	–	–	–	–	–
Vote 5 - Infrastructure & Planning	128 795	118 507	–	–	–	–	–	–	118 507	62 017	59 828
Vote 6 - Protection Services	13 546	12 533	–	–	–	–	–	–	12 533	1 352	–
Vote 7 - Economic and Social Development & Tourism	797	647	–	–	–	–	–	–	647	–	–
Vote 8 - Community Services	63 266	62 721	–	–	–	–	–	–	62 721	6 817	–
Capital single-year expenditure sub-total	**206 404**	**194 869**	**–**	**–**	**–**	**–**	**–**	**–**	**194 869**	**70 187**	**59 828**
Total Capital Expenditure - Vote	**303 738**	**280 086**	**–**	**–**	**–**	**–**	**–**	**–**	**280 086**	**204 617**	**145 378**

ANNEXURE A

SUMMARY OF UNAUTHORISED EXPENDITURE 2020/2021

VOTE	ORGINAL BUDGET	AMENDED BUDGET	ACTUAL	(UNDERSPENT) / OVERSPENT
Vote 1: Council's General	35 802 096	35 754 415	44 089 505	8 335 090
Vote 5: Infrastructure and Planning	551 359 369	571 808 321	577 727 039	5 918 718
				14 253 808

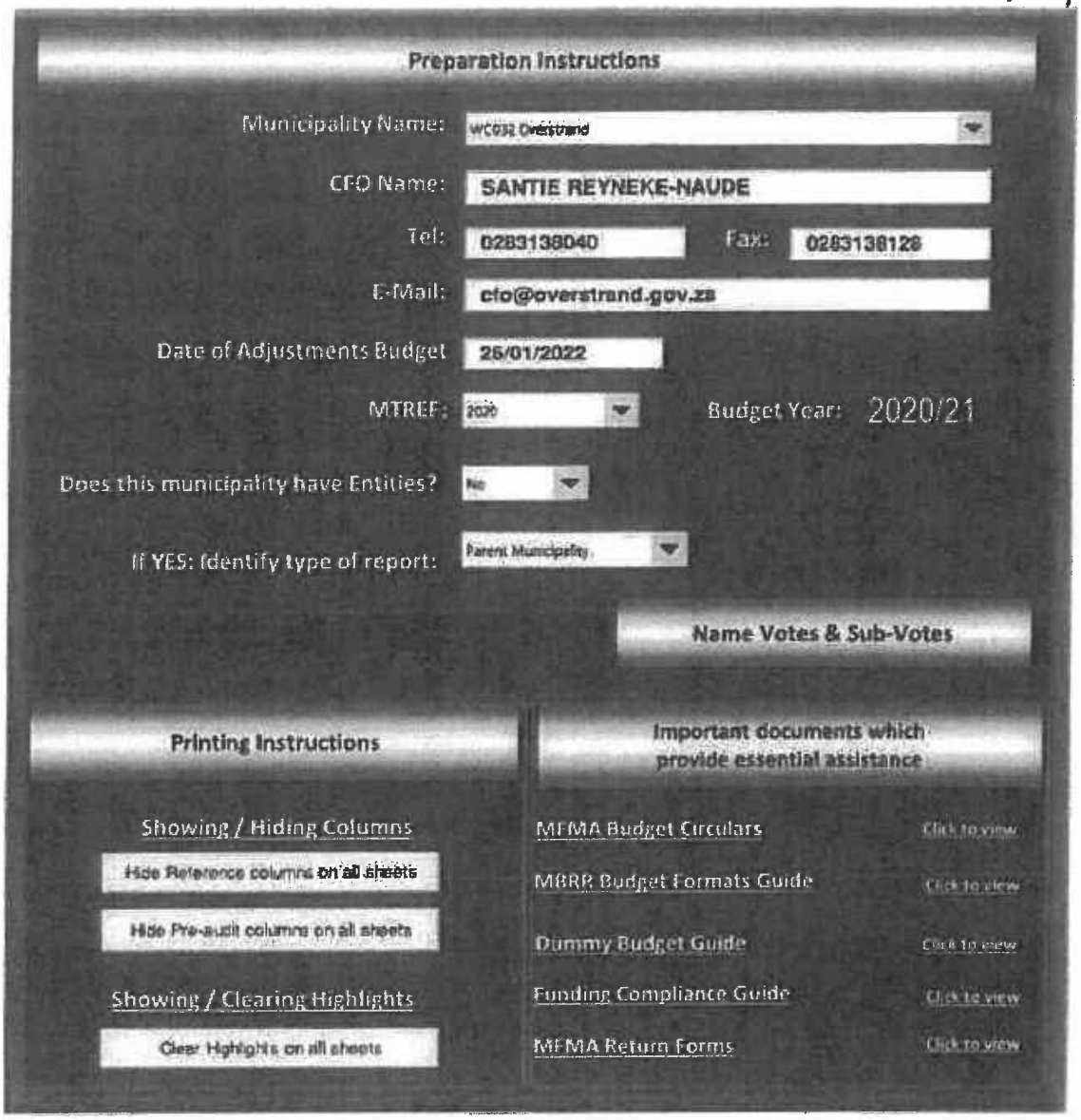
Directorate : 1 Council's General				
** Contracted Services	272 525	272 525	34 032	
** Depreciation and Amortisation	4 217	4 217	3 071	
** Employee Related Cost	15 833 280	15 501 600	25 898 291	
** Inventory Consumed	41 010	46 010	18 669	
** Remuneration of Councillors	11 896 435	11 896 435	11 218 780	
** Operational Cost	7 754 629	7 653 628	6 565 233	
** Transfers and Subsidies		380 000	351 210	
** Impairment Loss			219	
TOTAL EXPENDITURE	35 802 096	35 754 415	44 089 505	8 335 090

Directorate : 5 Infrastructure & Planning				
** Bulk Purchases	270 260 407	302 260 407	298 272 080	
** Contracted Services	102 086 847	104 088 885	101 396 921	
** Depreciation and Amortisation	27 019 581	27 019 581	26 591 218	
** Employee Related Cost	68 769 396	66 468 014	63 906 869	
** Interest, Dividends and Rent	16 815 959	16 140 064	16 025 085	
** Inventory Consumed	6 301 204	8 285 526	7 906 735	
** Operational Cost	59 926 782	47 366 651	61 032 257	
** Impairment Loss	179 193	179 193	832 978	
** Gains and losses			144 395	
** Impairment Loss			1 618 501	
TOTAL EXPENDITURE	551 359 369	571 808 321	577 727 039	5 918 718

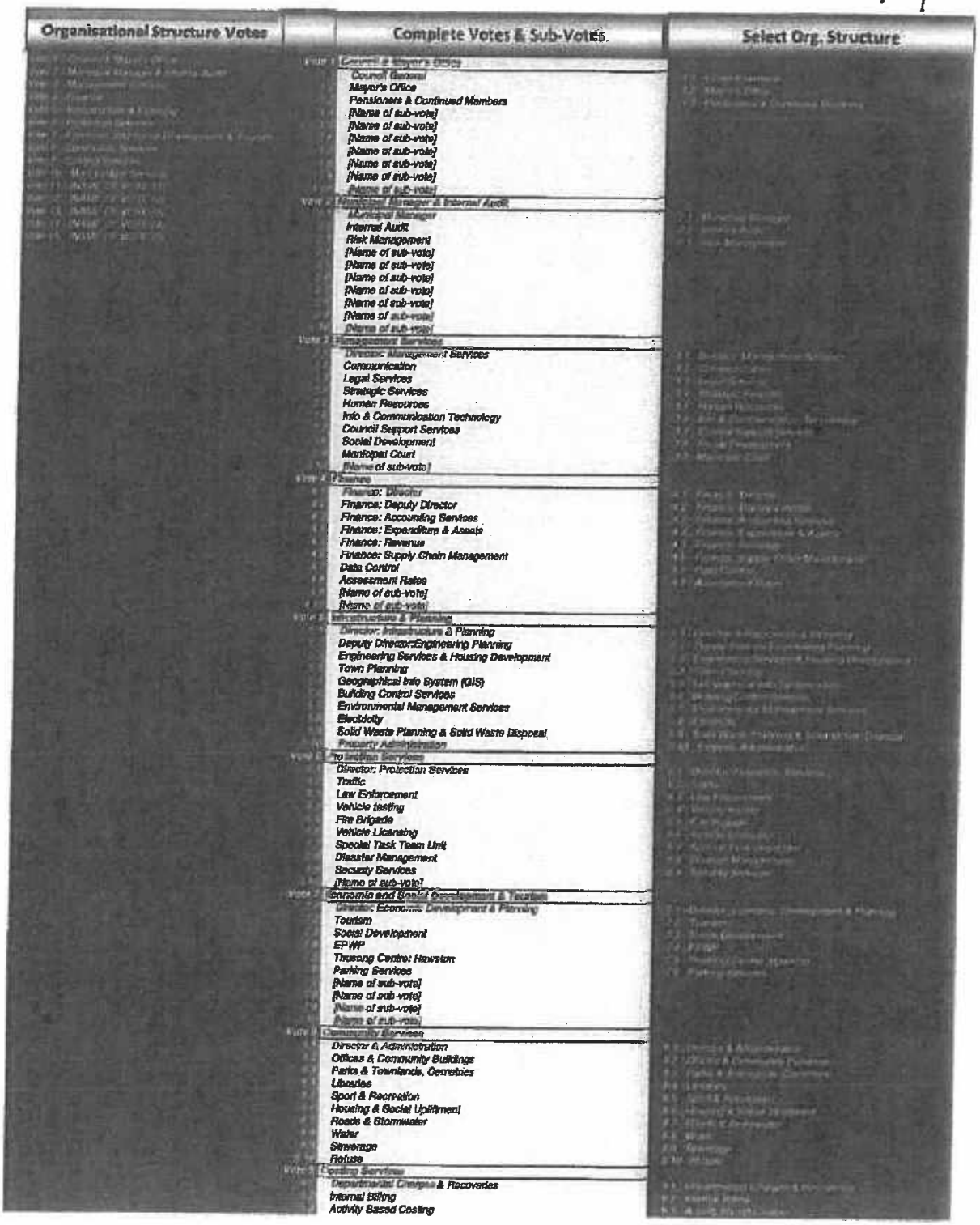
ANNEXURE B1/50



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Preparation Instructions
Municipality Name:
WC032 Overstrand
CFO Name:
SANTIE REYNEKE-NAUDE
Tel:
0283138040
Fax:
0283138128
E-Mail:
cfo@overstrand.gov.za
Date of Adjustments Budget
25/01/2022
MTREF:
2020
Budget Year:
2020/21
Does this municipality have Entities?
No
If YES: Identify type of report:
Parent Municipality
Name Votes & Sub-Votes
Printing Instructions
Showing / Hiding Columns
Hide Reference columns on all sheets
Hide Pre-audit columns on all sheets
Showing / Clearing Highlights
Clear Highlights on all sheets
Important documents which provide essential assistance
MFMA Budget Circulars
Click to view
MBRR Budget Formats Guide
Click to view
Dummy Budget Guide
Click to view
Funding Compliance Guide
Click to view
MFMA Return Forms
Click to view

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Organisational Structure Votes
Complete Votes & Sub-Votes
Select Org. Structure
Council & Mayor's Office
Council General
Mayor's Office
Pensioners & Continued Members
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
Municipal Manager & Internal Audit
Municipal Manager
Internal Audit
Risk Management
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
Management Services
Director: Management Services
Communication
Legal Services
Strategic Services
Human Resources
Info & Communication Technology
Council Support Services
Social Development
Municipal Court
[Name of sub-vote]
Finance
Finance: Director
Finance: Deputy Director
Finance: Accounting Services
Finance: Expenditure & Assets
Finance: Revenue
Finance: Supply Chain Management
Data Control
Assessment Rates
[Name of sub-vote]
[Name of sub-vote]
Infrastructure & Planning
Director: Infrastructure & Planning
Deputy Director:Engineering Planning
Engineering Services & Housing Development
Town Planning
Geographical Info System (GIS)
Building Control Services
Environmental Management Services
Electricity
Solid Waste Planning & Solid Waste Disposal
Property Administration
Protection Services
Director: Protection Services
Traffic
Law Enforcement
Vehicle testing
Fire Brigade
Vehicle Licensing
Special Task Team Unit
Disaster Management
Security Services
[Name of sub-vote]
Economic and Social Development & Tourism
Director: Economic Development & Planning
Tourism
Social Development
EPWP
Thusong Centre: Hawston
Parking Services
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
[Name of sub-vote]
Community Services
Director & Administration
Offices & Community Buildings
Parks & Townlands, Cemetries
Libraries
Sport & Recreation
Housing & Social Upliftment
Roads & Stormwater
Water
Sewerage
Refuse
Trading Services
Departmental Charges & Recoveries
Internal Billing
Activity Based Costing

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WC032 Overstrand - Contact Information

A. GENERAL INFORMATION

Municipality	WC032 Overstrand	Set name on 'Instructions' sheet
Grade	3	# Grade in terms of the Remuneration of Public Office Bearers Act.
Province	Western Cape	
Web Address	www.overstrand.gov.za	
E-mail Address	billing@overstrand.gov.za	

B. CONTACT INFORMATION

Postal address:	
P.O. Box	P.O.BOX 20
City / Town	HERMANUS
Postal Code	7200
Street address	
Building	MUNICIPAL OFFICE
Street No. & Name	MAGNOLIA STREET
City / Town	HERMANUS
Postal Code	7200
General Contacts	
Telephone number	028 313 8000
Fax number	028 313 8128

C. POLITICAL LEADERSHIP

Speaker:		Secretary/PA to the Speaker:	
ID Number		ID Number	
Title	MR	Title	
Name	GRANT MICHAEL COHEN	Name	
Telephone number	028 3138193	Telephone number	
Cell number	072 436 9068	Cell number	
Fax number		Fax number	
E-mail address	gcohen@overstrand.gov.za	E-mail address	
Mayor/Executive Mayor:		**Secretary/PA to the Mayor/Executive Mayor:**	
ID Number		ID Number	0
Title	MRS	Title	MS
Name	ANNA LOUISE RABIE	Name	ANNA KORVER
Telephone number	028 3138011	Telephone number	028 3138058
Cell number	063 457 4718	Cell number	076 823 13243
Fax number		Fax number	0
E-mail address	ar rabie@overstrand.gov.za	E-mail address	akorver@overstrand.gov.za
Deputy Mayor/Executive Mayor:		**Secretary/PA to the Deputy Mayor/Executive Mayor:**	
ID Number		ID Number	
Title	MR	Title	
Name	LINDILE NTABAZO	Name	
Telephone number	028 3138000	Telephone number	
Cell number	081 491 0940	Cell number	
Fax number		Fax number	
E-mail address	lntabazo@overstrand.gov.za	E-mail address	

D. MANAGEMENT LEADERSHIP

Municipal Manager:		Secretary/PA to the Municipal Manager:	
ID Number	8812315177081	ID Number	8804010048089
Title	MR	Title	Mrs
Name	DEAN GABRIEL IAN O'NEILL	Name	RENITA PRETORIUS
Telephone number	028-313 8003	Telephone number	028 3138909
Cell number	076-811 0480	Cell number	
Fax number	028-313 8128	Fax number	0866489726
E-mail address	dnn@overstrand.gov.za	E-mail address	rpretorius@overstrand.gov.za
Chief Financial Officer		**Secretary/PA to the Chief Financial Officer**	
ID Number	6407060069081	ID Number	
Title	Mrs	Title	Mrs
Name	SANTIE REYNEKE-NAUDE	Name	DORETTA LAUARD
Telephone number	0283138040	Telephone number	028 313 8074
Cell number	082 881 4489	Cell number	
Fax number	0288138128	Fax number	028 313 8128
E-mail address	sbs@overstrand.gov.za	E-mail address	dlaubscher@overstrand.gov.za
Official responsible for submitting financial information		**Official responsible for submitting financial information**	
ID Number		ID Number	
Title	Mr	Title	Ms
Name	BERNARD KING	Name	VERONICA ALLEN
Telephone number	028 3138154	Telephone number	028 3138191
Cell number		Cell number	
Fax number	028 313 8128	Fax number	028 313 8128
E-mail address	bking@overstrand.gov.za	E-mail address	vallen@overstrand.gov.za
Official responsible for submitting financial information		**Official responsible for submitting financial information**	
ID Number		ID Number	
Title	Mrs	Title	Ms
Name	GEORGIA BUSCHMANN	Name	KELLY JEPTHA
Telephone number	028 3138113	Telephone number	028 3138138
Cell number		Cell number	
Fax number	028 313 8128	Fax number	028 313 8128
E-mail address	gbuschmann@overstrand.gov.za	E-mail address	kjeptha@overstrand.gov.za

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WC032 Overstrand - Table B1 Adjustments Budget Summary - 28/01/2022

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands	A	1 A1	2 B	3 C	4 D	5 E	6 F	7 G	8 H		
Financial Performance											
Property rates	262 551	259 241	–	–	–	–	–	–	259 241	275 226	288 402
Service charges	663 209	710 209	–	–	–	–	–	–	710 209	693 994	758 304
Investment revenue	31 400	26 400	–	–	–	–	–	–	26 400	32 975	34 615
Transfers recognised - operational	131 840	150 774	–	–	–	–	–	–	150 774	141 735	154 275
Other own revenue	188 185	153 768	–	–	–	–	–	–	153 768	175 545	177 986
Total Revenue (excluding capital transfers and contributions)	1 265 185	1 300 392	–	–	–	–	–	–	1 300 392	1 319 476	1 423 583
Employee costs	435 225	429 242	–	–	–	–	8 335	8 335	437 577	456 326	482 727
Remuneration of councillors	11 896	11 896	–	–	–	–	–	–	11 896	12 436	13 092
Depreciation & asset impairment	141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Finance charges	51 482	48 882	–	–	–	–	–	–	48 882	62 210	62 362
Materials and bulk purchases	317 828	350 763	–	–	–	–	–	–	350 763	384 328	358 391
Transfers and grants	11 610	8 680	–	–	–	–	–	–	8 680	11 610	11 610
Other expenditure	371 993	369 068	–	–	–	–	5 919	5 919	375 017	395 576	420 427
Total Expenditure	1 342 619	1 366 559	–	–	–	–	14 254	14 254	1 374 812	1 462 198	1 471 786
Surplus/(Deficit)	(56 826)	(50 166)	–	–	–	–	(14 254)	(14 254)	(74 420)	(82 723)	(48 203)
Transfers recognised - capital	30 619	37 228	–	–	–	–	–	–	37 228	28 470	31 628
Contributions recognised - capital & contributed assets	1 688	9 688	–	–	–	–	–	–	9 688	15 712	7 936
Surplus/(Deficit) after capital transfers & contributions	(54 518)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(8 639)
Share of surplus/ (deficit) of associate	–	–	–	–	–	–	–	–	–	–	–
Surplus/ (Deficit) for the year	(54 518)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(8 639)
Capital expenditure & funds sources											
Capital expenditure	303 738	280 086	–	–	–	–	–	–	280 086	204 917	145 378
Transfers recognised - capital	85 516	84 523	–	–	–	–	–	–	84 523	81 127	75 378
Public contributions & donations	–	–	–	–	–	–	–	–	–	–	–
Borrowing	92 948	75 228	–	–	–	–	–	–	75 228	87 260	50 000
Internally generated funds	124 274	120 335	–	–	–	–	–	–	120 335	56 230	20 000
Total sources of capital funds	303 739	280 086	–	–	–	–	–	–	280 086	204 917	145 378
Financial position											
Total current assets	614 227	578 147	–	–	–	–	–	–	578 147	(447 220)	(475 211)
Total non current assets	3 982 468	3 954 561	–	–	–	–	–	–	3 954 561	4 032 803	5 315 460
Total current liabilities	254 715	250 272	–	–	–	–	–	–	250 272	(935 771)	(956 067)
Total non current liabilities	687 245	687 386	–	–	–	–	–	–	687 386	659 200	693 790
Community wealth/Equity	3 654 735	3 595 050	–	–	–	–	–	–	3 595 050	3 616 989	3 616 989
Cash flows											
Net cash from (used) operating	(74 653)	174 695	–	–	–	–	–	–	174 695	119 793	148 362
Net cash from (used) investing	(304 307)	(285 056)	–	–	–	–	–	–	(285 056)	(209 597)	(150 956)
Net cash from (used) financing	6 626	6 757	–	–	–	–	–	–	6 757	–	–
Cash/cash equivalents at the year end	219 893	550 129	–	–	–	–	–	–	550 129	495 622	991 438
Cash backing/surplus reconciliation											
Cash and investments available	551 272	604 569	–	–	–	–	–	–	604 569	1 169 464	1 227 817
Application of cash and investments	3 680 684	3 714 684	–	–	–	–	–	–	3 714 684	3 996 075	4 042 222
Balance - surplus (shortfall)	(3 129 412)	(3 110 275)	–	–	–	–	–	–	(3 110 275)	(2 826 610)	(2 814 405)
Asset Management											
Asset register summary (WDV)	3 917 008	3 900 101	–	–	–	–	–	–	3 900 101	3 961 509	3 902 270
Depreciation & asset impairment	141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Renewal of Existing Assets	25 621	25 096	–	–	–	–	–	–	25 096	20 050	15 200
Repairs and Maintenance	210 905	221 278	–	–	–	–	–	–	221 278	223 055	235 335
Free services											
Cost of Free Basic Services provided	–	–	–	–	–	–	–	–	–	–	–
Revenue cost of free services provided	–	–	–	–	–	–	–	–	–	–	–
Households below minimum service level											
Water:	–	–	–	–	–	–	–	–	–	–	–
Sanitation/sewerage:	–	–	–	–	–	–	–	–	–	–	–
Energy:	–	–	–	–	–	–	–	–	–	–	–
Refuse:	–	–	–	–	–	–	–	–	–	–	–

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WC032 Overstrand - Table B2 Adjustments Budget Financial Performance (functional classification) - 26/01/2022

Standard Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands	1,4	Original Budget A	Prior Adjusted A1	Accum. Funds B	Multi-year capital C	Unfore. Unavoid. D	Nat. or Prov. Govt E	Other Adjusts. F	Total Adjusts. G	Adjusted Budget H	Adjusted Budget	Adjusted Budget
Revenue - Functional												
Governance and administration		338 490	358 179	–	–	–	–	–	–	358 179	351 116	361 816
Executive and council		17 621	39 281	–	–	–	–	–	–	39 281	18 077	13 470
Finance and administration		318 315	318 869	–	–	–	–	–	–	318 869	333 039	348 346
Internal audit		–	–	–	–	–	–	–	–	–	–	–
Community and public safety		148 848	144 111	–	–	–	–	–	–	144 111	155 347	157 184
Community and social services		8 185	8 217	–	–	–	–	–	–	8 217	8 613	9 215
Sport and recreation		10 282	13 549	–	–	–	–	–	–	13 549	8 651	9 083
Public safety		39 859	48 262	–	–	–	–	–	–	48 262	41 154	42 656
Housing		90 558	74 083	–	–	–	–	–	–	74 083	96 932	99 230
Health		–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		19 065	17 199	–	–	–	–	–	–	17 199	11 386	25 079
Planning and development		6 788	13 182	–	–	–	–	–	–	13 182	7 537	7 706
Road transport		245	3 982	–	–	–	–	–	–	3 982	3 816	17 245
Environmental protection		32	32	–	–	–	–	–	–	32	33	35
Trading services		782 445	827 832	–	–	–	–	–	–	827 832	845 809	918 787
Energy sources		436 935	472 813	–	–	–	–	–	–	472 813	471 967	535 700
Water management		150 382	149 655	–	–	–	–	–	–	149 655	163 859	161 113
Waste water management		114 395	109 827	–	–	–	–	–	–	109 827	114 085	119 865
Waste management		80 764	95 237	–	–	–	–	–	–	95 237	95 897	102 089
Other		–	–	–	–	–	–	–	–	–	–	–
Total Revenue - Functional	2	1 287 492	1 347 309	–	–	–	–	–	–	1 347 309	1 363 658	1 482 867
Expenditure - Functional												
Governance and administration		270 089	268 654	–	–	–	–	5 335	5 335	274 989	256 799	284 963
Executive and council		62 767	61 370	–	–	–	–	4 335	5 335	66 705	65 381	63 408
Finance and administration		203 733	202 317	–	–	–	–	–	–	202 317	211 664	221 611
Internal audit		5 589	2 968	–	–	–	–	–	–	2 968	3 744	3 953
Community and public safety		251 676	239 934	–	–	–	–	–	–	239 934	240 967	270 478
Community and social services		23 502	25 691	–	–	–	–	–	–	25 691	24 133	25 304
Sport and recreation		56 686	56 031	–	–	–	–	–	–	56 031	58 955	62 240
Public safety		119 176	115 830	–	–	–	–	–	–	115 830	119 409	125 416
Housing		52 410	42 383	–	–	–	–	–	–	42 383	58 409	55 911
Health		–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		178 486	178 453	–	–	–	–	–	–	178 453	182 774	169 618
Planning and development		51 179	50 433	–	–	–	–	–	–	50 433	52 283	54 204
Road transport		109 617	111 862	–	–	–	–	–	–	111 862	112 050	115 057
Environmental protection		16 289	16 158	–	–	–	–	–	–	16 158	18 441	19 459
Trading services		640 514	672 486	–	–	–	–	5 919	5 919	678 385	673 734	783 815
Energy sources		354 395	384 715	–	–	–	–	–	–	384 715	377 408	401 684
Water management		124 167	121 471	–	–	–	–	–	–	121 471	127 885	127 219
Waste water management		88 633	94 012	–	–	–	–	–	–	94 012	92 020	84 636
Waste management		73 358	72 288	–	–	–	–	5 919	5 919	78 187	76 441	80 366
Other		3 719	3 691	–	–	–	–	–	–	3 691	3 995	4 998
Total Expenditure - Functional	3	1 342 919	1 363 599	–	–	–	–	14 254	14 254	1 377 852	1 462 188	1 471 786
Surplus/ (Deficit) for the year		(55 518)	(16 291)	–	–	–	–	(14 254)	(14 254)	(30 545)	(98 530)	11 081

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WC032 Overstrand - Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) - 25/01/2022

Vote Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
[insert departmental structure etc]		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unforc. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Revenue by Vote	1											
Vote 1 - Council & Mayor's Office		17 732	38 689	–	–	–	–	–	–	38 689	17 986	18 377
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services		1 416	3 157	–	–	–	–	–	–	3 157	1 416	1 416
Vote 4 - Finance		306 162	306 604	–	–	–	–	–	–	306 604	323 863	339 126
Vote 5 - Infrastructure & Planning		539 510	556 863	–	–	–	–	–	–	556 863	561 120	644 396
Vote 6 - Protection Services		39 830	48 975	–	–	–	–	–	–	48 975	41 151	42 656
Vote 7 - Economic and Social Development & Tourism		4 663	7 930	–	–	–	–	–	–	7 930	2 168	2 324
Vote 8 - Community Services		375 179	385 270	–	–	–	–	–	–	385 270	395 964	419 662
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–
Total Revenue by Vote	2	1 287 492	1 347 388	–	–	–	–	–	–	1 347 388	1 363 668	1 468 947
Expenditure by Vote	1											
Vote 1 - Council & Mayor's Office		35 802	35 754	–	–	–	–	8 335	8 335	44 090	37 038	38 812
Vote 2 - Municipal Manager & Internal Audit		7 587	6 832	–	–	–	–	–	–	6 832	8 013	8 450
Vote 3 - Management Services		57 115	62 480	–	–	–	–	–	–	62 480	59 903	62 533
Vote 4 - Finance		91 935	82 193	–	–	–	–	–	–	82 193	86 780	100 249
Vote 5 - Infrastructure & Planning		551 359	571 809	–	–	–	–	5 918	5 918	577 727	590 425	631 325
Vote 6 - Protection Services		118 272	117 474	–	–	–	–	–	–	117 474	118 386	124 962
Vote 7 - Economic and Social Development & Tourism		18 085	18 369	–	–	–	–	–	–	18 369	18 726	20 154
Vote 8 - Community Services		460 876	465 647	–	–	–	–	–	–	465 647	478 928	495 959
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–
Total Expenditure by Vote	2	1 342 619	1 360 559	–	–	–	–	14 254	14 254	1 374 812	1 402 198	1 471 788
Surplus/ (Deficit) for the year	2	(54 128)	(13 171)	–	–	–	–	(14 254)	(14 254)	(27 424)	(38 531)	(2 840)

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WC032 Overstrand - Table B4 Adjustments Budget Financial Performance (revenue and expenditure) - 26/01/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands	1	Original Budget A	Prior Adjusted 3 A1	Accum. Funds 4 B	Multi-year capital 5 C	Unfore. Unavoid. 6 D	Nat. or Prov. Govt 7 E	Other Adjusts. 8 F	Total Adjusts. 9 G	Adjusted Budget 10 H	Adjusted Budget	Adjusted Budget
Revenue By Source												
Property rates	2	252 551	259 241	–	–	–	–	–	–	259 241	275 226	292 402
Service charges - electricity revenue	2	393 284	433 284	–	–	–	–	–	–	433 284	403 282	463 864
Service charges - water revenue	2	128 520	128 520	–	–	–	–	–	–	128 520	134 919	141 635
Service charges - sanitation revenue	2	78 913	78 913	–	–	–	–	–	–	78 913	82 858	87 000
Service charges - refuse revenue	2	69 482	69 482	–	–	–	–	–	–	69 482	72 955	76 602
Service charges - other		–	–	–	–	–	–	–	–	–	–	–
Rental of facilities and equipment		3 627	3 627	–	–	–	–	–	–	3 627	3 808	3 998
Interest earned - external investments		31 400	26 400	–	–	–	–	–	–	26 400	32 975	34 615
Interest earned - outstanding debtors		4 573	4 850	–	–	–	–	–	–	4 850	4 909	5 145
Dividends received		–	–	–	–	–	–	–	–	–	–	–
Fines, penalties and forfeits		29 564	29 564	–	–	–	–	–	–	29 564	31 039	32 587
Licences and permits		2 385	2 385	–	–	–	–	–	–	2 385	2 498	2 618
Agency services		5 438	5 438	–	–	–	–	–	–	5 438	5 184	5 442
Transfers and subsidies		151 640	150 774	–	–	–	–	–	–	150 774	141 725	154 225
Other revenue	2	113 968	96 604	–	–	–	–	–	–	96 604	121 115	121 204
Gains on disposal of PPE		7 000	10 500	–	–	–	–	–	–	10 500	7 000	7 000
Total Revenue (excluding capital transfers and contributions)		1 265 185	1 369 382	–	–	–	–	–	–	1 369 382	1 319 478	1 428 699
Expenditure By Type												
Employee related costs		435 325	429 242	–	–	–	–	8 335	8 335	437 577	456 328	482 727
Remuneration of councillors		11 896	11 896	–	–	–	–	–	–	11 896	12 436	13 002
Debt impairment		26 263	26 263	–	–	–	–	–	–	26 263	27 577	28 956
Depreciation & asset impairment		141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Finance charges		51 482	48 982	–	–	–	–	–	–	48 982	52 210	52 952
Bulk purchases		270 260	302 260	–	–	–	–	–	–	302 260	295 978	313 126
Other materials		47 867	48 523	–	–	–	–	–	–	48 523	43 347	45 295
Contracted services		222 414	229 192	–	–	–	–	–	–	229 192	235 539	247 162
Transfers and subsidies		11 610	5 690	–	–	–	–	–	–	5 690	11 610	11 610
Other expenditure		123 316	113 643	–	–	–	–	5 819	5 819	119 561	132 481	144 310
Loss on disposal of PPE		–	–	–	–	–	–	–	–	–	–	–
Total Expenditure		1 342 910	1 368 569	–	–	–	–	14 254	14 254	1 374 812	1 462 198	1 571 796
Surplus/(Deficit)		(56 325)	(36 186)	–	–	–	–	(14 254)	(14 254)	(74 439)	(62 723)	(43 097)
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		30 619	37 228	–	–	–	–	–	–	37 228	28 475	31 828
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educational Institutions)		1 958	9 658	–	–	–	–	–	–	9 658	15 712	7 635
Transfers and subsidies - capital (in-kind - all)		–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) before taxation		(54 918)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(6 939)
Taxation		–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) after taxation		(54 918)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(6 939)
Attributable to minorities		–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) attributable to municipality		(54 918)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(6 939)
Share of surplus/ (deficit) of associate		–	–	–	–	–	–	–	–	–	–	–
Surplus/ (Deficit) for the year		(54 918)	(13 251)	–	–	–	–	(14 254)	(14 254)	(27 504)	(38 541)	(6 939)

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WC032 Overstrand - Table B5 Adjustments Capital Expenditure Budget by vote and funding - 28/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2022/23	Budget Year +2 2023/24
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H		
Capital expenditure - Vote												
Multi-year expenditure to be adjusted	2											
Vote 1 - Council & Mayor's Office		–	–	–	–	–	–	–	–	–	–	–
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services		3 915	3 915	–	–	–	–	–	–	3 915	–	–
Vote 4 - Finance		80	57	–	–	–	–	–	–	57	20 000	20 000
Vote 5 - Infrastructure & Planning		82 870	80 703	–	–	–	–	–	–	80 703	104 430	65 658
Vote 6 - Protection Services		485	485	–	–	–	–	–	–	485	–	–
Vote 7 - Economic and Social Development & Tourism		45	195	–	–	–	–	–	–	195	–	–
Vote 8 - Community Services		760	760	–	–	–	–	–	–	760	–	–
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–
Capital multi-year expenditure sub-total	3	87 335	85 218	–	–	–	–	–	–	85 218	124 430	85 658
Single-year expenditure to be adjusted	2											
Vote 1 - Council & Mayor's Office		–	461	–	–	–	–	–	–	461	–	–
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services		–	–	–	–	–	–	–	–	–	–	–
Vote 4 - Finance		–	–	–	–	–	–	–	–	–	–	–
Vote 5 - Infrastructure & Planning		128 795	118 597	–	–	–	–	–	–	118 597	82 917	58 838
Vote 6 - Protection Services		13 566	12 233	–	–	–	–	–	–	12 533	1 352	–
Vote 7 - Economic and Social Development & Tourism		797	647	–	–	–	–	–	–	647	–	–
Vote 8 - Community Services		83 284	82 721	–	–	–	–	–	–	82 721	6 817	–
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–
Capital single-year expenditure sub-total		295 404	194 859	–	–	–	–	–	–	194 859	70 197	58 938
Total Capital Expenditure - Vote		383 738	280 086	–	–	–	–	–	–	280 086	204 617	145 378
Capital Expenditure - Functional												
Governance and administration		3 975	3 539	–	–	–	–	–	–	3 539	30 980	20 850
Executive and council		6	466	–	–	–	–	–	–	466	–	–
Finance and administration		3 970	3 879	–	–	–	–	–	–	3 873	30 642	20 808
Internal audit		–	–	–	–	–	–	–	–	–	–	–
Community and public safety		93 884	93 799	–	–	–	–	–	–	93 799	55 375	37 850
Community and social services		14 635	13 084	–	–	–	–	–	–	13 084	5 817	–
Sport and recreation		12 731	8 588	–	–	–	–	–	–	8 588	1 333	–
Public safety		14 191	13 168	–	–	–	–	–	–	13 168	1 352	–
Housing		48 144	42 940	–	–	–	–	–	–	42 940	46 667	37 850
Health		–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		33 539	33 423	–	–	–	–	–	–	33 423	10 380	17 000
Planning and development		10 594	10 372	–	–	–	–	–	–	10 372	6 822	–
Road transport		18 805	23 051	–	–	–	–	–	–	23 051	3 571	17 000
Environmental protection		–	–	–	–	–	–	–	–	–	–	–
Trading services		173 391	150 345	–	–	–	–	–	–	150 345	108 949	70 838
Energy sources		21 119	19 119	–	–	–	–		–	19 119	86 556	22 000
Water management		52 806	50 036	–	–	–	–		–	50 036	37 519	22 000
Waste water management		77 217	69 170	–	–	–	–		–	69 170	31 434	26 838
Waste management		22 439	22 824	–	–	–	–	–	–	22 024	1 200	–
Other		–	–	–	–	–	–	–	–	–	–	–
Total Capital Expenditure - Functional	3	383 738	280 086	–	–	–	–	–	–	280 086	204 617	145 378
Funded by:												
National Government		37 368	35 100	–	–	–	–	–	–	35 100	26 470	31 628
Provincial Government		3 840	3 127	–	–	–	–	–	–	3 127	–	–
District Municipality		–	–	–	–	–	–	–	–	–	–	–
Other transfers and grants		46 306	47 296	–	–	–	–	–	–	47 296	52 657	43 750
Transfers recognised - capital	4	86 918	84 523	–	–	–	–	–	–	84 523	81 127	75 378
Public contributions & donations		–	–	–	–	–	–	–	–	–	–	–
Borrowing		82 949	75 228	–	–	–	–	–	–	75 228	67 256	50 000
Internally generated funds		124 274	120 335	–	–	–	–	–	–	120 335	56 236	20 000
Total Capital Funding		303 736	280 086	–	–	–	–	–	–	280 086	204 617	145 378

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WC032 Overstrand - Table B6 Adjustments Budget Financial Position - 2021/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget A	Prior Adjusted 3 A1	Accum. Funds 4 B	Multi-year capital 5 C	Unfore. Unavoid. 6 D	Ref. or Prov. Govt 7 E	Other Adjusts. 8 F	Total Adjusts. 9 G	Adjusted Budget 10 H	Adjusted Budget	Adjusted Budget
ASSETS												
Current assets												
Cash		85 812	150 128	–	–	–	–		–	150 128	791 270	850 405
Call investment deposits	1	408 800	420 039	–	–	–	–	–	–	420 039	386 800	305 745
Consumer debtors	1	82 889	84 401	–	–	–	–	–	–	84 401	(1 737	(1 825 3
Other debtors		34 965	34 967	–	–	–	–	–	–	34 967	178 615	178 863
Current portion of long-term receivables		3	–	–	–	–	–	–	–	–	1	3
Inventory		9 640	9 640	–	–	–	–	–	–	9 640	13 286	14 065
Total current assets		844 227	679 147	–	–	–	–	–	–	679 147	(47 239	(678 21
Non current assets												
Long-term receivables		1	–	–	–	–	–	–	–	–	–	1
Investments		85 480	54 480	–	–	–	–	–	–	54 480	71 284	71 980
Investment property		121 848	121 848	–	–	–	–	–	–	121 848	118 848	118 848
Investment in Associate		–	–	–	–	–	–	–	–	–	–	–
Property, plant and equipment	1	3 799 408	3 842 574	–	–	–	–	–	–	3 842 574	3 767 536	7 280 089
Agricultural		–	–	–	–	–	–	–	–	–	–	–
Biological		–	–	–	–	–	–	–	–	–	–	–
Intangible		4 753	4 753	–	–	–	–	–	–	4 753	6 946	6 946
Other non-current assets		–	130 838	–	–	–	–	–	–	130 838	133 828	133 828
Total non current assets		3 892 489	3 954 661	–	–	–	–	–	–	3 954 661	4 832 803	8 319 490
TOTAL ASSETS		4 596 895	4 633 799	–	–	–	–	–	–	4 633 799	3 985 563	7 949 349
LIABILITIES												
Current liabilities												
Bank overdraft		–	–	–	–	–	–	–	–	–	–	–
Borrowing		62 751	53 958	–	–	–	–	–	–	53 958	42 868	53 125
Consumer deposits		62 974	62 974	–	–	–	–	–	–	62 974	71 453	71 978
Trade and other payables		104 604	88 958	–	–	–	–	–	–	88 958	(1 063	(1 116
Provisions		36 289	36 289	–	–	–	–	–	–	36 289	34 917	33 986
Total current liabilities		266 718	269 272	–	–	–	–	–	–	269 272	(59 775	(60 027
Non current liabilities												
Borrowing	1	430 269	430 401	–	–	–	–	–	–	430 401	464 664	468 568
Provisions	1	256 926	256 926	–	–	–	–	–	–	256 926	236 198	235 224
Total non current liabilities		687 195	687 326	–	–	–	–	–	–	687 326	695 862	703 792
TOTAL LIABILITIES		941 909	957 599	–	–	–	–	–	–	957 599	(59 775	(60 027
NET ASSETS	2	3 654 736	3 676 200	–	–	–	–	–	–	3 676 200	3 925 788	3 989 324
COMMUNITY WEALTH/EQUITY												
Accumulated Surplus/(Deficit)		3 651 390	3 672 705	–	–	–	–		–	3 672 705	3 904 618	3 964 618
Reserves		3 345	3 345	–	–	–	–	–	–	3 345	12 972	12 973
Minorities' Interests		–	–	–	–	–	–	–	–	–	–	–
TOTAL COMMUNITY WEALTH/EQUITY		3 654 736	3 676 050	–	–	–	–	–	–	3 676 050	3 918 590	3 977 590

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WC032 Overstrand - Table B7 Adjustments Budget Cash Flows - 26/01/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unforn. Grants	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		3	3	4	5	6	7	8	9	10		
		A	A1	B	C	D	E	F	G	H		
CASH FLOW FROM OPERATING ACTIVITIES												
Receipts												
Property rates		259 613	255 713	–	–	–	–	–	–	255 713	273 131	286 285
Service charges		695 534	702 439	–	–	–	–		–	702 439	888 710	702 812
Other revenue		131 331	123 425	–	–	–	–	–	–	123 425	153 282	148 067
Government - operating	1	131 640	150 774	–	–	–	–	–	–	150 774	141 735	154 275
Government - capital	1	30 619	37 228	–	–	–	–	–	–	37 228	28 479	31 628
Interest		36 073	31 050	–	–	–	–	–	–	31 050	37 881	39 780
Dividends		–	–	–	–	–	–	–	–	–	–	–
Payments												
Suppliers and employees		(1 309 181)	(1 065 822)	–	–	–	–		–	(1 065 822)	(1 139 577)	(1 216 304)
Finance charges		(10 361)	(51 482)	–	–	–	–	–	–	(51 482)	(52 210)	(52 352)
Transfers and Grants	1	–	(5 660)	–	–	–	–	–	–	(5 660)	(11 610)	(11 610)
NET CASH FROM/(USED) OPERATING ACTIVITIES		(14 832)	174 835	–	–	–	–	–	–	174 835	119 783	146 982
CASH FLOWS FROM INVESTING ACTIVITIES												
Receipts												
Proceeds on disposal of PPE		7 090	–	–	–	–	–	–	–	–	–	–
Decrease (increase) in non-current debtors		–	–	–	–	–	–	–	–	–	–	–
Decrease (increase) other non-current receivables		7	10	–	–	–	–	–	–	10	–	–
Decrease (increase) in non-current investments		(7 575)	(4 960)	–	–	–	–	–	–	(4 960)	(4 960)	(4 960)
Payments												
Capital assets		(303 739)	(280 088)	–	–	–	–	–	–	(280 088)	(204 817)	(145 379)
NET CASH FROM/(USED) INVESTING ACTIVITIES		(304 307)	(285 058)	–	–	–	–	–	–	(285 058)	(209 887)	(150 358)
CASH FLOWS FROM FINANCING ACTIVITIES												
Receipts												
Short term loans		–	–	–	–	–	–	–	–	–	–	–
Borrowing long term/refinancing		54 000	54 000	–	–	–	–	–	–	54 000	–	–
Increase (decrease) in consumer deposits		(1 000)	(1 000)	–	–	–	–	–	–	(1 000)	–	–
Payments												
Repayment of borrowing		(46 374)	(46 263)	–	–	–	–	–	–	(46 263)	–	–
NET CASH FROM/(USED) FINANCING ACTIVITIES		6 626	6 737	–	–	–	–	–	–	6 737	–	–
NET INCREASE/ (DECREASE) IN CASH HELD		(312 532)	(103 484)	–	–	–	–	–	–	(103 484)	(89 884)	(3 996)
Cash/cash equivalents at the year begin:	2	685 428	653 613	–	–	–	–	–	–	653 613	585 428	585 428
Cash/cash equivalents at the year end:	2	213 096	550 129	–	–	–	–	–	–	550 129	495 822	581 430

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WC032 Overstrand - Table B8 Cash backed reserves/accumulated surplus reconciliation - 26/01/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
Cash and investments available												
Cash/cash equivalents at the year end	1	213 093	550 129	–	–	–	–	–	–	550 129	495 622	551 430
Other current investments > 90 days		372 718	–	–	–	–	–	–	–	–	602 548	574 607
Non current assets - investments	1	65 460	54 460	–	–	–	–	–	–	54 460	71 264	71 680
Cash and investments available:		651 272	604 589	–	–	–	–	–	–	604 589	1 169 434	1 227 717
Application of cash and investments												
Unspent conditional transfers		–	–	–	–	–	–	–	–	–	54 732	49 964
Unspent borrowing		25 193	25 193	–	–	–	–	–	–	25 193	(2 249)	3 180
Statutory requirements		–	–	–	–	–	–	–	–	–	–	–
Other working capital requirements	2	(10 049)	(17 175)					–	–	(17 175)	296 341	341 602
Other provisions		4 109	4 109	–	–	–	–	–	–	4 109	4 315	4 530
Long term investments committed		–	–					–	–	–	–	–
Reserves to be backed by cash/investments		3 681 425	3 702 740					–	–	3 702 740	3 642 935	3 642 935
Total Application of cash and investments:		3 680 684	3 714 864	–	–	–	–	–	–	3 714 864	3 996 073	4 042 223
Surplus/(shortfall)		(3 129 412)	(3 110 275)	–	–	–	–	–	–	(3 110 275)	(2 826 639)	(2 814 506)

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WC032 Overstrand - Table B9 Asset Management - 28/01/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
			7	8	9	10	11	12	13	14		
R thousands		A	A1	B	C	D	E	F	G	H		
CAPITAL EXPENDITURE												
Total New Assets to be adjusted	1	215 433	200 722	–	–	–	–	–	–	200 722	154 574	99 850
Roads Infrastructure		19 735	22 851	–	–	–	–	–	–	22 851	3 671	17 009
Storm water Infrastructure		16 384	14 855	–	–	–	–	–	–	14 855	7 984	–
Electrical Infrastructure		12 768	10 768	–	–	–	–	–	–	10 768	37 500	15 000
Water Supply Infrastructure		29 647	27 647	–	–	–	–	–	–	27 647	7 732	6 000
Sanitation Infrastructure		20 576	18 536	–	–	–	–	–	–	18 536	6 259	4 000
Solid Waste Infrastructure		18 479	18 064	–	–	–	–	–	–	18 064	1 200	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Infrastructure		117 549	112 421	–	–	–	–	–	–	112 421	64 116	42 009
Community Facilities		12 743	9 787	–	–	–	–	–	–	9 787	12 992	–
Sport and Recreation Facilities		50	50	–	–	–	–	–	–	50	–	–
Community Assets		12 793	9 837	–	–	–	–	–	–	9 837	12 992	–
Heritage Assets		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Operational Buildings		4 525	4 961	–	–	–	–	–	–	4 961	500	–
Housing		46 144	42 940	–	–	–	–	–	–	42 940	46 867	37 850
Other Assets	6	52 670	47 901	–	–	–	–	–	–	47 901	47 467	37 850
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		–	–	–	–	–	–	–	–	–	–	–
Intangible Assets		–	–	–	–	–	–	–	–	–	–	–
Computer Equipment		7 896	6 907	–	–	–	–	–	–	6 907	–	–
Furniture and Office Equipment		1 825	1 054	–	–	–	–	–	–	1 054	–	–
Machinery and Equipment		760	650	–	–	–	–	–	–	650	–	–
Transport Assets		22 640	21 732	–	–	–	–	–	–	21 732	30 000	20 000
Libraries		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
Total Renewal of Existing Assets to be adjusted	2	25 821	25 096	–	–	–	–	–	–	25 096	20 050	16 200
Roads Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Storm water Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Electrical Infrastructure		1 000	1 000	–	–	–	–	–	–	1 000	1 000	–
Water Supply Infrastructure		20 680	20 035	–	–	–	–	–	–	20 035	18 400	15 500
Sanitation Infrastructure		4 061	4 061	–	–	–	–	–	–	4 061	650	700
Solid Waste Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Infrastructure		25 821	25 096	–	–	–	–	–	–	25 096	20 050	16 200
Community Facilities		–	–	–	–	–	–	–	–	–	–	–
Sport and Recreation Facilities		–	–	–	–	–	–	–	–	–	–	–
Community Assets		–	–	–	–	–	–	–	–	–	–	–
Heritage Assets		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Operational Buildings		–	–	–	–	–	–	–	–	–	–	–
Housing		–	–	–	–	–	–	–	–	–	–	–
Other Assets	6	–	–	–	–	–	–	–	–	–	–	–
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		–	–	–	–	–	–	–	–	–	–	–
Intangible Assets		–	–	–	–	–	–	–	–	–	–	–
Computer Equipment		–	–	–	–	–	–	–	–	–	–	–
Furniture and Office Equipment		–	–	–	–	–	–	–	–	–	–	–
Machinery and Equipment		–	–	–	–	–	–	–	–	–	–	–
Transport Assets		–	–	–	–	–	–	–	–	–	–	–
Libraries		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
Total Upgrading of Existing Assets to be adjusted	2a	62 664	54 259	–	–	–	–	–	–	54 259	29 992	29 328
Roads Infrastructure		200	200	–	–	–	–	–	–	200	–	–
Storm water Infrastructure		13 057	13 057	–	–	–	–	–	–	13 057	–	–
Electrical Infrastructure		7 350	7 350	–	–	–	–	–	–	7 350	–	7 000
Water Supply Infrastructure		2 990	2 454	–	–	–	–	–	–	2 454	11 394	500
Sanitation Infrastructure		23 139	18 961	–	–	–	–	–	–	18 961	16 670	21 828
Solid Waste Infrastructure		3 950	3 950	–	–	–	–	–	–	3 950	–	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Infrastructure		50 306	45 982	–	–	–	–	–	–	45 982	28 254	29 328
Community Facilities		976	806	–	–	–	–	–	–	806	–	–
Sport and Recreation Facilities		11 503	7 480	–	–	–	–	–	–	7 480	1 739	–
Community Assets		12 479	8 286	–	–	–	–	–	–	8 286	1 739	–
Heritage Assets		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Operational Buildings		–	–	–	–	–	–	–	–	–	–	–
Housing		–	–	–	–	–	–	–	–	–	–	–
Other Assets	6	–	–	–	–	–	–	–	–	–	–	–
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		–	–	–	–	–	–	–	–	–	–	–
Intangible Assets		–	–	–	–	–	–	–	–	–	–	–
Computer Equipment		–	–	–	–	–	–	–	–	–	–	–
Furniture and Office Equipment		–	–	–	–	–	–	–	–	–	–	–
Machinery and Equipment		–	–	–	–	–	–	–	–	–	–	–
Transport Assets		–	–	–	–	–	–	–	–	–	–	–
Libraries		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
Total Capital Expenditure to be adjusted	4											
Roads Infrastructure		19 965	23 051	–	–	–	–	–	–	23 051	3 571	17 000
Storm water Infrastructure		29 441	27 712	–	–	–	–	–	–	27 712	7 864	–
Electrical Infrastructure		21 119	19 119	–	–	–	–	–	–	19 119	38 500	22 000
Water Supply Infrastructure		52 595	50 036	–	–	–	–	–	–	50 036	37 516	22 000
Sanitation Infrastructure		47 775	41 458	–	–	–	–	–	–	41 458	23 779	25 528
Solid Waste Infrastructure		22 439	22 024	–	–	–	–	–	–	22 024	1 200	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Infrastructure		193 376	183 399	–	–	–	–	–	–	183 399	112 429	87 528
Community Facilities		13 719	10 593	–	–	–	–	–	–	10 593	12 892	–
Sport and Recreation Facilities		11 553	7 530	–	–	–	–	–	–	7 530	1 739	–
Community Assets		25 272	18 223	–	–	–	–	–	–	18 223	14 730	–
Heritage Assets		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Operational Buildings		4 825	4 981	–	–	–	–	–	–	4 981	800	–
Housing		48 144	42 940	–	–	–	–	–	–	42 940	46 657	37 850
Other Assets		52 970	47 921	–	–	–	–	–	–	47 921	47 457	37 850
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		–	–	–	–	–	–	–	–	–	–	–
Intangible Assets		–	–	–	–	–	–	–	–	–	–	–
Computer Equipment		7 896	6 907	–	–	–	–	–	–	6 907	–	–
Furniture and Office Equipment		1 025	1 084	–	–	–	–	–	–	1 084	–	–
Machinery and Equipment		765	869	–	–	–	–	–	–	869	–	–
Transport Assets		22 440	21 732	–	–	–	–	–	–	21 732	20 000	20 000
Libraries		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
TOTAL CAPITAL EXPENDITURE to be adjusted	4	309 736	280 086	–	–	–	–	–	–	280 086	204 617	148 378
ASSET REGISTER SUMMARY - PPE (WDV)	5											
Roads Infrastructure		1 021 273	1 023 864	–	–	–	–		–	1 023 864	1 004 630	1 048 630
Storm water Infrastructure		212 348	212 785	–	–	–	–		–	212 785	200 178	200 170
Electrical Infrastructure		483 136	483 136	–	–	–	–		–	483 135	506 101	506 101
Water Supply Infrastructure		495 704	483 067	–	–	–	–		–	483 067	494 530	480 115
Sanitation Infrastructure		371 396	372 536	–	–	–	–		–	372 536	362 486	367 706
Solid Waste Infrastructure		51 294	50 879	–	–	–	–		–	50 879	32 626	31 425
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Infrastructure		2 635 151	2 626 270	–	–	–	–	–	–	2 626 270	2 602 554	2 634 147
Community Assets		19 936	12 887	–	–	–	–		–	12 887	14 730	–
Heritage Assets		134 182	130 828	–	–	–	–		–	130 828	130 828	130 828
Investment properties		121 846	121 846	–	–	–	–		–	121 846	118 846	118 846
Other Assets		629 468	612 302	–	–	–	–		–	612 302	585 173	537 072
Biological or Cultivated Assets		–	–	–	–	–	–		–	–	–	–
Intangible Assets		5 476	5 476	–	–	–	–		–	5 476	6 048	6 048
Computer Equipment		5 496	5 107	–	–	–	–		–	5 107	–	–
Furniture and Office Equipment		(852)	(853)	–	–	–	–		–	(853)	7 897	7 897
Machinery and Equipment		1 394	1 494	–	–	–	–		–	1 494	1 297	1 297
Transport Assets		76 149	68 441	–	–	–	–		–	68 441	52 833	52 833
Libraries		315 204	315 204	–	–	–	–		–	315 204	315 204	315 204
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
TOTAL ASSET REGISTER SUMMARY - PPE (WDV)	5	3 917 809	3 900 191	–	–	–	–	–	–	3 900 191	3 881 809	3 902 274
EXPENDITURE OTHER ITEMS												
Depreciation & asset impairment		141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Repairs and Maintenance by asset class	3	210 805	221 278	–	–	–	–	–	–	221 278	223 965	235 395
Roads Infrastructure		67 575	69 625	–	–	–	–	–	–	69 625	71 378	75 248
Storm water Infrastructure		6 159	6 142	–	–	–	–	–	–	6 142	5 953	6 721
Electrical Infrastructure		31 243	31 695	–	–	–	–	–	–	31 695	32 852	34 749
Water Supply Infrastructure		19 719	20 721	–	–	–	–	–	–	20 721	20 801	21 956
Sanitation Infrastructure		13 282	13 563	–	–	–	–	–	–	13 563	13 978	14 535
Solid Waste Infrastructure		3 691	2 958	–	–	–	–	–	–	2 958	4 926	5 184
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		215	186	–	–	–	–	–	–	186	225	234
Information and Communication Infrastructure		42	42	–	–	–	–	–	–	42	44	46
Infrastructure		141 901	144 993	–	–	–	–	–	–	144 993	150 468	158 763
Community Facilities		37 242	40 899	–	–	–	–	–	–	40 899	39 286	41 691
Sport and Recreation Facilities		7 516	8 214	–	–	–	–	–	–	8 214	7 875	8 275
Community Assets		44 758	49 113	–	–	–	–	–	–	49 113	47 164	49 967
Heritage Assets		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Operational Buildings		3 373	2 939	–	–	–	–	–	–	2 939	3 510	3 652
Housing		37	237	–	–	–	–	–	–	237	38	41

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		7	8	9	10	11	12	13	14			
		A	A1	B	C	D	E	F	G	H		
Other Assets		3 410	3 176	–	–	–	–	–	–	3 176	3 848	3 688
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		5 825	5 825	–	–	–	–	–	–	5 825	6 235	6 580
Intangible Assets		5 825	5 825	–	–	–	–	–	–	5 825	6 235	6 580
Computer Equipment		2 186	2 446	–	–	–	–	–	–	2 446	2 301	2 415
Furniture and Office Equipment		2 811	1 940	–	–	–	–	–	–	1 940	2 662	2 814
Machinery and Equipment		–	–	–	–	–	–	–	–	–	–	–
Transport Assets		9 814	13 685	–	–	–	–	–	–	13 685	10 506	11 133
Libraries		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals	5	–	–	–	–	–	–	–	–	–	–	–
TOTAL EXPENDITURE OTHER ITEMS to be adjusted		352 782	363 155	–	–	–	–	–	–	363 155	342 799	368 612
Renewal and upgrading of Existing Assets as % of total capex		29.1%	28.9%							28.9%	24.6%	31.3%
Renewal and upgrading of Existing Assets as % of depreci		82.2%	86.9%							86.9%	85.8%	94.2%
R&M as a % of PPE		5.4%	5.7%							5.7%	6.8%	6.0%
Renewal and upgrading and R&M as a % of PPE		7.6%	7.7%							7.7%	8.9%	7.2%

B16 50

WC032 Overstrand - Table B16 Basic service delivery measurement - 26/01/2022

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	A1	B	C	D	E	F	G	H		
Household service targets	1											
Water:												
Piped water inside dwelling		31694							-	-	31814	32581
Piped water inside yard (but not in dwelling)									-	-		
Using public tap (at least min.service level)	2	4859							-	-	4560	5060
Other water supply (at least min.service level)									-	-		
Minimum Service Level and Above sub-total		36	-	-	-	-	-	-	-	-	37	38
Using public tap (< min.service level)	3								-	-		
Other water supply (< min.service level)	3,4								-	-		
No water supply									-	-		
Below Minimum Servic Level sub-total		-	-	-	-	-	-	-	-	-	-	-
Total number of households	5	36	-	-	-	-	-	-	-	-	37	38
Sanitation/sewerage:												
Flush toilet (connected to sewerage)		30519							-	-	31 435	32378
Flush toilet (with septic tank)									-	-		
Chemical toilet									-	-		
Pit toilet (ventilated)									-	-		
Other toilet provisions (> min.service level)									-	-		
Minimum Service Level and Above sub-total		30 519	-	-	-	-	-	-	-	-	31 435	32 378
Bucket toilet									-	-		
Other toilet provisions (< min.service level)									-	-		
No toilet provisions									-	-		
Below Minimum Servic Level sub-total		-	-	-	-	-	-	-	-	-	-	-
Total number of households	5	30 519	-	-	-	-	-	-	-	-	31 435	32 378
Energy:												
Electricity (at least min. service level)		8343							-	-	8599	4858
Electricity - prepaid (> min.service level)		21022							-	-	21 801	22520
Minimum Service Level and Above sub-total		29 365	-	-	-	-	-	-	-	-	26 800	27 435
Electricity (< min.service level)									-	-		
Electricity - prepaid (< min. service level)									-	-		
Other energy sources									-	-		
Below Minimum Servic Level sub-total		-	-	-	-	-	-	-	-	-	-	-
Total number of households	5	29 365	-	-	-	-	-	-	-	-	26 800	27 435
Refuse:												
Removed at least once a week (min.service)		34098							-	-	35121	36175
Minimum Service Level and Above sub-total		34 098	-	-	-	-	-	-	-	-	35 121	36 175
Removed less frequently than once a week									-	-		
Using communal refuse dump									-	-		
Using own refuse dump									-	-		
Other rubbish disposal									-	-		
No rubbish disposal									-	-		
Below Minimum Servic Level sub-total		-	-	-	-	-	-	-	-	-	-	-
Total number of households	5	34 098	-	-	-	-	-	-	-	-	35 121	36 175
Households receiving Free Basic Service	15											
Water (6 kilolitres per household per month)		7750							-	-	8050	8240
Sanitation (free minimum level service)		7750							-	-	8050	8240
Electricity/other energy (50kwh per household per month)		7750							-	-	8050	8240
Refuse (removed at least once a week)		7750							-	-	8050	8240
Cost of Free Basic Services provided (R'000)	16											
Water (6 kilolitres per household per month)		-	-	-	-	-	-	-	-	-	-	-
Sanitation (free sanitation service)		-	-	-	-	-	-	-	-	-	-	-
Electricity/other energy (50kwh per household per month)		-	-	-	-	-	-	-	-	-	-	-
Refuse (removed once a week)		-	-	-	-	-	-	-	-	-	-	-
Total cost of FBS provided (minimum social package)		-	-	-	-	-	-	-	-	-	-	-
Highest level of free service provided												
Property rates (R'000 value threshold)		220000							-	-	220000	220000
Water (kilolitres per household per month)		6							-	-	6	6
Sanitation (kilolitres per household per month)		4.2							-	-	4.2	4.2
Sanitation (Rand per household per month)		85							-	-	90	94
Electricity (kwh per household per month)		50							-	-	50	50
Refuse (average litres per week)		210							-	-	210	210
Revenue cost of free services provided (R'000)	17											
Property rates (tariff adjustment) (Impermissable values per section 17 of MPRA)		-	-	-	-	-	-	-	-	-	-	-
Property rates exemptions, reductions and rebates and impermissable values in excess of section 17 of MPRA)		-	-	-	-	-	-	-	-	-	-	-
Water (in excess of 6 kilolitres per indigent household per month)		-	-	-	-	-	-	-	-	-	-	-
Sanitation (in excess of free sanitation service to indigent households)		-	-	-	-	-	-	-	-	-	-	-
Electricity/other energy (in excess of 50 kwh per indigent household per month)		-	-	-	-	-	-	-	-	-	-	-
Refuse (in excess of one removal a week for indigent households)		-	-	-	-	-	-	-	-	-	-	-
Municipal Housing - rental rebates		-	-	-	-	-	-	-	-	-	-	-
Housing - top structure subsidies	6	-	-	-	-	-	-	-	-	-	-	-
Other		-	-	-	-	-	-	-	-	-	-	-
Total revenue cost of subsidised services provided		-	-	-	-	-	-	-	-	-	-	-

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WC032 Overstrand - Supporting Table SB1 Supporting detail to 'Budgeted Financial Performance' - 25/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2022/23	Budget Year +2 2023/24
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Revenue By Source:												
Property rates												
Total Property Rates		282 551	258 241	–	–	–	–	–	–	258 241	275 226	288 402
less Revenue Foregone (exemptions, reductions and rebates and impermissible values in excess of section 17 of MPRA)		–	–	–	–	–	–	–	–	–	–	–
Net Property Rates		282 551	258 241	–	–	–	–	–	–	258 241	275 226	288 402
Service charges - electricity revenue												
Total Service charges - electricity revenue		396 294	433 294	–	–	–	–		–	433 294	459 262	483 964
less Revenue Foregone (in excess of 50 kwh per indigent household per month)		–	–	–	–	–	–	–	–	–	–	–
less Cost of Free Basic Service (50 kwh per indigent household per month)		–	–	–	–	–	–	–	–	–	–	–
Net Service charges - electricity revenue		396 294	433 294	–	–	–	–	–	–	433 294	459 262	483 964
Service charges - water revenue												
Total Service charges - water revenue		128 520	128 520	–	–	–	–	–	–	128 520	134 919	141 636
less Revenue Foregone (in excess of 6 kilolitres per indigent household per month)		–	–	–	–	–	–	–	–	–	–	–
less Cost of Free Basic Services (6 kilolitres per indigent household per month)		–	–	–	–	–	–	–	–	–	–	–
Net Service charges - water revenue		128 520	128 520	–	–	–	–	–	–	128 520	134 919	141 636
Service charges - sanitation revenue												
Total Service charges - sanitation revenue		78 913	78 913	–	–	–	–	–	–	78 913	82 859	87 000
less Revenue Foregone (in excess of free sanitation service to indigent households)		–	–	–	–	–	–	–	–	–	–	–
less Cost of Free Basic Services (free sanitation service to indigent households)		–	–	–	–	–	–	–	–	–	–	–
Net Service charges - sanitation revenue		78 913	78 913	–	–	–	–	–	–	78 913	82 859	87 000
Service charges - refuse revenue												
Total refuse removal revenue		69 482	69 482	–	–	–	–	–	–	69 482	72 955	76 602
Total landfill revenue		–	–	–	–	–	–	–	–	–	–	–
less Revenue Foregone (in excess of one removal a week to indigent households)		–	–	–	–	–	–	–	–	–	–	–
less Cost of Free Basic Services (removed once a week to indigent households)		–	–	–	–	–	–	–	–	–	–	–
Net Service charges - refuse revenue		69 482	69 482	–	–	–	–	–	–	69 482	72 955	76 602
Other Revenue By Source:												
Fuel Levy		–	–	–	–	–	–	–	–	–	–	–
Other Revenue		–	–	–	–	–	–	–	–	–	–	–
Discontinued Operations		–	–	–	–	–	–	–	–	–	–	–
Rent on Land		4 191	4 191	–	–	–	–	–	–	4 191	4 297	4 421
Operational Revenue		7 357	7 357	–	–	–	–	–	–	7 357	7 565	7 823
Intercompany/Parent-subsidiary Transactions		–	–	–	–	–	–	–	–	–	–	–
Surcharges and Taxes		–	–	–	–	–	–	–	–	–	–	–
Sales of Goods and Rendering of Services		102 439	85 004	–	–	–	–	–	–	85 996	106 233	103 950
									–	–		
Total 'Other' Revenue	1	113 988	96 552	–	–	–	–	–	–	98 034	121 115	121 394
Employee related costs												
Employee related costs												
Basic Salaries and Wages		274 762	275 457	–	–	–	–		–	275 457	284 726	305 268
Pension and UIF Contributions		43 588	43 822	–	–	–	–		–	43 822	51 441	54 519
Medical Aid Contributions		16 241	14 007	–	–	–	–		–	14 007	16 426	16 987
Overtime		285	285	–	–	–	–		–	285	313	333
Performance Bonus		22 134	19 522	–	–	–	–		–	19 522	23 612	24 875
Motor Vehicle Allowance		8 032	8 258	–	–	–	–	–	–	8 258	8 167	8 215
Cellphone Allowance		2 565	2 643	–	–	–	–	–	–	2 643	2 686	2 688
Housing Allowances		2 870	2 994	–	–	–	–	–	–	2 994	3 048	3 235
Other benefits and allowances		52 809	47 122	–	–	–	–	–	–	47 122	44 947	47 659
Payments in lieu of leave		–	–	–	–	–	–	–	–	–	–	–
Long service awards		2 186	2 168	–	–	–	–	–	–	2 168	2 274	2 368
Post-retirement benefit obligations	4	12 869	12 869	–	–	–	–	8 335	8 335	21 204	13 513	14 184
sub-total		435 325	425 242	–	–	–	–	8 335	8 335	437 577	454 328	482 727
Less: Employee costs capitalised to PPE		–	–	–	–	–	–	–	–	–	–	–
Total Employee related costs	1	435 325	425 242	–	–	–	–	8 335	8 335	437 577	454 328	482 727
Contributions recognised - capital												
List contributions by contract		–	–	–	–	–	–	–	–	–	–	–
		–	–	–	–	–	–	–	–	–	–	–
		–	–	–	–	–	–	–	–	–	–	–
		–	–	–	–	–	–	–	–	–	–	–
		–	–	–	–	–	–	–	–	–	–	–
Total Contributions recognised - capital		–	–	–	–	–	–	–	–	–	–	–
Depreciation & asset impairment												
Depreciation of Property, Plant & Equipment		141 307	141 307	–	–	–	–	–	–	141 307	139 283	132 880
Lease amortisation		570	570	–	–	–	–	–	–	570	431	397
Capital asset impairment		–	–	–	–	–	–	–	–	–	–	–
Depreciation resulting from revaluation of PPE		–	–	–	–	–	–	–	–	–	–	–
Total Depreciation & asset impairment	1	141 877	141 877	–	–	–	–	–	–	141 877	139 714	133 277
Bulk purchases												
Electricity Bulk Purchases		279 260	302 260	–	–	–	–		–	302 260	280 978	313 126
Water Bulk Purchases		–	–	–	–	–	–	–	–	–	–	–
Total bulk purchases	1	279 260	302 260	–	–	–	–	–	–	302 260	280 978	313 126
Transfers and grants												

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Cash transfers and grants		11 810	8 880	–	–	–	–	–	–	8 880	11 810	11 810
Non-cash transfers and grants		–	–	–	–	–	–	–	–	–	–	–
Total transfers and grants		11 810	8 880	–	–	–	–	–	–	8 880	11 810	11 810
Contracted services												
Outsourced Services		82 807	82 559	–	–	–	–		–	82 559	89 259	104 131
Consultants and Professional Services		38 892	32 708	–	–	–	–		–	32 708	36 686	40 401
Contractors		82 815	103 916	–	–	–	–		–	103 916	97 836	102 629
sub-total	1	222 414	229 182	–	–	–	–	–	–	229 182	235 538	247 162
Allocations to organs of state:												
Electricity		–	–	–	–	–	–	–	–	–	–	–
Water		–	–	–	–	–	–	–	–	–	–	–
Sanitation		–	–	–	–	–	–	–	–	–	–	–
Other		–	–	–	–	–	–	–	–	–	–	–
Total contracted services 77		222 414	229 182	–	–	–	–	–	–	229 182	235 538	247 162
Other Expenditure By Type												
Collection costs		6 686	6 296	–	–	–	–	–	–	6 296	7 066	7 420
Contributions to 'other' provisions		4 109	4 189	–	–	–	–	5 919	5 919	10 026	4 316	4 533
Consultant fees		–	–	–	–	–	–	–	–	–	–	–
Audit fees		5 322	5 322	–	–	–	–	–	–	5 322	5 322	5 322
General expenses	3,5	–	–	–	–	–	–	–	–	–	–	–
Operating Leases		1 578	1 488	–	–	–	–	–	–	1 488	1 231	1 604
Operational Cost		105 680	96 457	–	–	–	–	–	–	96 457	114 167	125 353
Statutory Payments other than Income Taxes		–	–	–	–	–	–	–	–	–	–	–
Discontinued Operations		–	–	–	–	–	–	–	–	–	–	–
Gains and Losses : Discontinued Operations and Disposals of Non-current Assets		–	–	–	–	–	–	–	–	–	–	–
Gains and Losses : Fair Value Adjustment		–	–	–	–	–	–	–	–	–	–	–
Gains and Losses : Foreign Exchange		–	–	–	–	–	–	–	–	–	–	–
Gains and Losses : Inventory		–	–	–	–	–	–	–	–	–	–	–
Gains and Losses : Water Losses		–	–	–	–	–	–	–	–	–	–	–
Total Other Expenditure	1	123 315	113 643	–	–	–	–	5 919	5 919	119 563	132 661	144 218
Repairs and Maintenance by Expenditure Item	14											
Employee related costs		–	–	–	–	–	–	–	–	–	–	–
Other materials		–	–	–	–	–	–	–	–	–	–	–
Contracted Services		–	–	–	–	–	–	–	–	–	–	–
Other Expenditure		–	–	–	–	–	–	–	–	–	–	–
Total Repairs and Maintenance Expenditure	16	–	–	–	–	–	–	–	–	–	–	–

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WC032 Overstrand - Supporting Table SB2 Supporting detail to 'Financial Position Budget' - 26/01/2022

Description	Ref	Budget Year 2022/23									Budget Year +1 2023/24	Budget Year +2 2024/25
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		4 A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H		
ASSETS												
Call investment deposits												
Call deposits		400 000	400 000	–	–	–	–	–	–	400 000	396 900	396 745
Other current investments		–	–	–	–	–	–	–	–	–	–	–
Total Call investment deposits	1	400 000	400 000	–	–	–	–	–	–	400 000	396 900	396 745
Consumer debtors												
Consumer debtors		111 229	125 132	–	–	–	–	–	–	125 132	(1 711 448)	(1 799 022)
Less: provision for debt impairment		27 340	40 641	–	–	–	–	–	–	40 641	(26 399)	(26 352)
Total Consumer debtors	1	83 889	84 491	–	–	–	–	–	–	84 491	(1 737 847)	(1 825 374)
Debt impairment provision												
Balance at the beginning of the year		22 250	40 486	–	–	–	–	–	–	40 486	(22 390)	(22 390)
Contributions to the provision		5 969	896		–	–	–	–	–	896	(4 199)	(4 092)
Bad debts written off		(904)	(741)	–	–	–	–	–	–	(741)	–	–
Balance at end of year		27 340	40 641	–	–	–	–	–	–	40 641	(26 399)	(26 352)
Property, plant & equipment												
PPE at cost/valuation (excl. finance leases)		6 351 894	6 204 060	–	–	–	–	–	–	6 204 060	5 878 493	5 919 234
Leases recognised as PPE	2	–	–	–	–	–	–	–	–	–	–	–
Less: Accumulated depreciation		(2 561 406)	(2 561 486)	–	–	–	–	–	–	(2 561 486)	(2 170 805)	2 170 605
Total Property, plant & equipment	1	3 790 488	3 642 574	–	–	–	–	–	–	3 642 574	3 707 688	7 890 839
LIABILITIES												
Current liabilities - Borrowing												
Short term loans (other than bank overdraft)		–	–	–	–	–	–	–	–	–	–	–
Current portion of long-term liabilities		52 751	53 956	–	–	–	–	–	–	53 956	42 898	53 135
Total Current liabilities - Borrowing		52 751	53 956	–	–	–	–	–	–	53 956	42 898	53 135
Trade and other payables												
Trade Payables		104 604	98 955	–	–	–	–	–	–	98 955	(1 231 857)	(1 280 048)
Other creditors		–	–	–	–	–	–	–	–	–	–	–
Unspent conditional grants and receipts		–	–	–	–	–	–	–	–	–	54 732	49 864
VAT		–	–	–	–	–	–	–	–	–	93 216	93 216
Total Trade and other payables	1	104 604	98 955	–	–	–	–	–	–	98 955	(1 083 909)	(1 136 968)
Non current liabilities - Borrowing												
Borrowing	3	430 260	430 401	–	–	–	–	–	–	430 401	464 004	458 566
Finance leases (including PPP asset element)		–	–	–	–	–	–	–	–	–	–	–
Total Non current liabilities - Borrowing		430 260	430 401	–	–	–	–	–	–	430 401	464 004	458 566
Provisions - non current												
Retirement benefits		132 766	132 766	–	–	–	–	–	–	132 766	116 556	116 582
List other major items									–	–		
Refuse landfill site rehabilitation		106 868	106 868	–	–	–	–	–	–	106 868	104 767	104 740
Other		17 351	17 351	–	–	–	–	–	–	17 351	13 872	13 886
Total Provisions - non current		256 985	256 985	–	–	–	–	–	–	256 985	235 195	235 224
CHANGES IN NET ASSETS												
Accumulated surplus/(Deficit)												
Accumulated surplus/(Deficit) - opening balance		3 605 894	3 605 894					–	–	3 605 894	3 604 016	3 604 016
Appropriations to Reserves		(54 511)	(45 251)					(14 254)	(14 254)	(59 504)	–	–
Transfers from Reserves		(6)	(6)	–	–	–	–	–	–	(6)	–	(3)
Depreciation offsets		–	–	–	–	–	–	–	–	–	–	–
Other adjustments		100 620	132 068	–	–	–	–	14 254	14 254	146 322	–	–
Accumulated Surplus/(Deficit)	4	3 651 995	3 692 705	–	–	–	–	–	–	3 692 705	3 604 016	3 604 016
Reserves												
Housing Development Fund		3 345	3 345	–	–	–	–	–	–	3 345	3 355	3 355
Capital replacement		–	–	–	–	–	–	–	–	–	–	–
Self-insurance		–	–	–	–	–	–	–	–	–	9 618	9 618
Other reserves (list)		–	–	–	–	–	–	–	–	–	–	–
Compensation for Occupational Injuries and Diseases		–	–	–	–	–	–	–	–	–	–	–
Employee Benefit Reserve		–	–	–	–	–	–	–	–	–	–	–
Non-current Provisions Reserve		–	–	–	–	–	–	–	–	–	–	–
Valuation Reserve		–	–	–	–	–	–	–	–	–	–	–
Investment in associate account		–	–	–	–	–	–	–	–	–	–	–
Capitalisation Reserve		–	–	–	–	–	–	–	–	–	–	–
Revaluation		–	–	–	–	–	–	–	–	–	–	–
Total Reserves	2	3 345	3 345	–	–	–	–	–	–	3 345	12 973	12 973
TOTAL COMMUNITY WEALTH/EQUITY	2	3 654 735	3 696 050	–	–	–	–	–	–	3 696 050	3 616 989	3 616 989
Total capital expenditure includes expenditure on nationally significant priorities:												
Provision of basic services		–	–	–	–	–	–	–	–	–	–	–
2010 World Cup		–	–	–	–	–	–	–	–	–	–	–
		–	–	–	–	–	–	–	–	–	–	–

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WC032 Overstrand - Supporting Table SB3 Adjustments to the SDBIP - performance objectives - 20/01/2022

Description	Unit of measurement	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unavo. Council.	Nat., or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	A1	B	C	D	E	F	G	H		
Vote 1 - [name]												
[Executive and Council]												
[Vote 1 description]									0			
Submit quarterly progress reports on the revision of the top 10 risks as a corrective action to the Executive Management Team	Number of progress reports submitted	1	0						-	4	4	4
Percentage of a municipality's capital budget actually spent on capital projects identified for 2020/21 in terms of the municipality's IDP (Actual amount spent on projects as identified for the year in the IDP/Total amount budgeted on capital projects) x 100) (MFPMR Reg 10 a 2)	% of the capital budget spent	95%	0%							95%	95%	95%
Sign section 56 performance agreements with all directors by the end of July 2020	Number of agreements signed	6	0							6	6	6
Monitor the implementation of the action plan developed to address all the issues raised in the management letter of the Auditor General and submit quarterly progress reports to Executive Mayor	Number of progress reports monitored and submitted to Executive Mayor	1	0						-	4	4	4
Do annual formal performance appraisals of the section 56 appointees for the previous financial period April to June 2020 to be completed by Sept 2020 and the annual period October to December 2020 to be completed by February 2021.	Number of appraisals	0	0							12	12	12
Finalise annual report and submit to the Auditor-General by 31 October 2020 due to extension granted in terms of GG 43582.	Final Annual report submitted	1	0							1	1	1
Submit the final Annual report and oversight report to Council before 31 May 2021 due to extension granted in terms of GG 43582.	Final Annual report and oversight report submitted	1								1	1	1
Prepare the final IDP for submission to Council by the end of May 2021	Final IDP submitted	0								1	1	1
Submit the Final MTREF Budget by the end of May 2021	Final Budget submitted	0								1	1	1
[Management Services]									-	-	-	-
[Human Resource Services]												
[Vote 2 description]												
97% of the approved and funded organogram filled (Actual number of posts filled / total no. of funded posts budgeted) x100)	% filled	92.0%	0.0%						-	92%	92%	92%
The number of people from employment equity target groups employed in the three highest levels of management in compliance with a municipality's approved employment equity plan (MFPMR Reg 10 (d))	The number of people from EE target groups employed	70	0							70	70	70
The percentage of a municipality's budget (training budget) actually spent on implementing its workplace skills plan ((Actual expenditure divided by the budget allocated) (MFPMR Reg 10 (f))	% of the training budget spent on implementation of the WSP	100.0%	0.0%						-	100%	100%	100%
Review the Municipal Organisational Staff Structure by the end of June 2021	Structure reviewed	1	0							1	1	1
[Corporate Support Services]									-	-	-	-
Review the Section 14 Manual in terms of Promotion of Access to Information Act by the end of June 2021 to ensure compliant and up to date policies	Manual revised	1	0							1	1	1
[Finance]												
[Financial Services]												
[Vote 3 description]												
Financial viability measured in terms of the available cash to cover fixed operating expenditure ((Available cash+ investments)/ Monthly fixed operating expenditure) (MFPMR Reg 10 (g))	Ratio achieved	3	0						-	3	3	3
Financial viability measured in terms of the municipality's ability to meet its service debt obligations ((Total operating revenue-operating grants received)/debt service payments due within the year) (MFPMR Reg 10 (g))	Ratio achieved	15	0							15	15	15
Financial viability measured in terms of the outstanding service debtors (Total outstanding service debtors/ revenue received for services) (MFPMR Reg 10 (g))	% achieved	14.0%	0.0%						-	14%	14%	14%
Submit a reviewed long term financial plan to the CFO by the end of October 2020	Reviewed long term Financial plan submitted	1	0							1	1	1
Financial statements submitted to the Auditor General by 31 October 2020 due to extension granted in terms of GG 43582.	Financial statements submitted	1	0						-	1	1	1
Provision of free basic electricity, refuse removal, sanitation and water in terms of the equitable share requirements (MFPMR Reg 10 (b))	Number of indigent households	7750	0							7 750	7 750	7 750
Achieve a debt recovery rate of not less than 95% (Receipts billed for 12 months period x 100)	% Recovered	89%	0%							89%	89%	89%
[Community Services]												
[Library Services]												
[Vote 4 description]												
95% of the operational conditional grant (Libraries, CDW) spent (Actual expenditure divided by the total grant received)	% of total conditional operational grants spent (Libraries, CDW)	95.0%	0.0%						-	95%	95%	95%
m² of roads patched and resealed according to approved Pavement Management System within available budget	m² of roads patched and resealed	100 000	0							100 000	100 000	100 000
Limit unaccounted water to less than 25% ((Number of kilolitre water purified - Number of kilolitre water sold)/Number of kilolitre purified x 100)	% of water unaccounted for	19%	0%							19%	19%	19%
Ward committee meetings held to facilitate consistent and regular communication with residents	No of ward committee meetings per ward per annum (UOM revised in 2018/19 – Number of ward committees per annum)	75	0							75	75	75
Provision of water to informal households (excluding invested state owned land and private land) based on the standard of 1 water point to 25 households MFPMR Reg 10 (b))	The number of taps installed in relation to the number of informal households (excluding invested state owned land and private land)	300	0						-	300	300	300
Provision of cleaned piped water to all formal households within 200 m from households (MFPMR Reg 10 (a))	No of formal households that meet agreed service standards for piped water	29098	0							29 848	29 848	29 848
Provision of refuse removal, refuse dumps and solid waste disposal to all formal households at least once a week (A household is a residential unit being billed for the particular service rendered by way of the financial system (SAMRAS) (MFPMR Reg 10 (c))	Number of formal households for which refuse is removed at least once a week	34098	0						-	33 598	33 598	33 598

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Description	Unit of measurement	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	A1	B	C	D	E	F	G	H		
Provision of refuse removal, refuse dumps and solid waste disposal to all informal households at least once a week (MPPMR Reg 10 (d))	Number of weekly removal of refuse to informal households (once per week = 52 weeks per annum)	52	0							52	52	52
The provision of sanitation services to informal households residing in invaded state owned land and private land) based on the standard of 1 toilets to 5 households (MPPMR Reg 10 (a))	The number of toilets provided in relation to the number of informal households (excluding invaded state owned land land private land)	930	0							930	930	930
Provision of sanitation services to formal residential households (A households is a residential unit being billed for the particular service rendered by way of the financial system (SAMRAS) (MPPMR Reg 10 (a))	No of formal residential households which are billed for sewerage in accordance to the SAMRAS financial system	30520	0						–	30 520	30 520	30 520
Provision of water to informal households on invaded land with available funding ("Land invasion" refers to the illegal occupation of land, with the intention of establishing dwellings / a settlement upon it. An invasion may be by one individual or by hundreds of households).	The number of taps installed for informal households on invaded land with available funding	80	0							80	80	80
The provision of sanitation services to informal households on invaded land with available funding ("Land invasion" refers to the illegal occupation of land, with the intention of establishing dwellings / a settlement upon it. An invasion may be by one individual or by hundreds of households).	The number of toilets provided for informal households on invaded land with available funding	105	0						–	105	105	105
Water Management												
Quality of effluent comply 90% with license and/or general limit in terms of the Water Act (Act 24 of 1956)	% compliance	90.0%							–	90%	90%	90%
Quality of potable water comply 95% with SANS 241	% compliance with SANS 241	95.0%								95%	95%	95%
Reporting on implementation of the Water Service Development Plan annually by the end of October	Report submitted	1							–	1	1	1
Electricity												
Limit technical losses to 7.5% or less ((Number of Electricity Units Purchased -Number of Electricity Units Sold) / Number of Electricity Units Purchased and/or Generated) x 100)	% of electricity unaccounted for	7.5%							–	7.50%	7.50%	7.50%
Provision of Electricity: Number of metered electrical connections in formal areas (Eskom Areas excluded) (Definition refers to residential households (HH) and pensioners (PR) as per the Finance Department's HH/household)	Number of formal household that meet agreed service standards	21332								21 332	21 332	21 332
EIG												
100% of the Municipal Infrastructure Grant (MIG) spent by 30 June 2021 (Actual MIG expenditure/Allocation received)	% Expenditure of allocated funds	100.0%								100%	100%	100%
Protection Services												
Disaster Management												
Arrange public awareness sessions on Protection Services	Number of sessions held	100								100	100	100
Collect R18 500 000 Public Safety Income by 30 June 2021 (Actual income, excluding the bad impairment amount)	R-value of public safety collected income (excluding bad impairment amount)	18 500 000								18 500 000	18 500 000	18 500 000
Review Community Safety Plan in three year cycle by end of June 2021 in conjection with the Department of Community Safety	Plan reviewed	1								1	1	
Disaster and Fire Management												
Annually review and submit Disaster Management Plan to Council by the end of October 2020	Reviewed plan submitted	1								1	1	1
Local Economic Development, Social Development & Tourism												
Division LED												
Other LED												
Provide four progress reports on LED, Social Development and Tourism initiatives to Council by end June 2021 (Refers to the 4th quarter report of previous financial year and three progress reports for the 2020/21 financial year)	Number of progress reports on LED, Social Development & Tourism initiatives	4								4	4	4
Provide a schedule of funded events to the Executive Mayor for sign off by end of July 2020	Number of schedules submitted	1								1	1	1
Support 120 SMME's in terms of the SMME Development Programme by 30 June 2021	Number of SMME's supported	120								120	120	120
Support 50 Emerging Contractors in terms of the Emerging Contractor Development Programme by 30 June 2021	Number of emerging contractors supported	50								50	50	50
Report on projects/initiatives in collaboration with other stakeholders for local economic development, social development and tourism	Number of projects / initiatives collaborated on	12								12	12	12
The number of job opportunities created through the EPWP programme and as per set targets (grant agreement - FTE's, translate to 1918 work opportunities) (MPPMR Reg 10 (d))	Number of temporary jobs created	1918								1918	1918	1918
									–	–	–	–

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WC032 Overstrand - Supporting Table SB4 Adjustments to budgeted performance indicators and benchmarks - 2021/2022

Description of financial indicator	Basis of calculation	2017/18	2018/19	2019/20	Budget Year 2020/21			Budget Year +1 2021/22	Budget Year +2 2022/23
		Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Prior Adjusted	Adjusted Budget	Adjusted Budget	Adjusted Budget
Borrowing Management									
Credit Rating	Short-term/long-term rating								
Capital Charges to Operating Expenditure	Interest & Principal Paid /Operating Expenditure	7.8%	7.1%	7.0%	7.3%	7.0%	6.8%	3.7%	3.6%
Capital Charges to Own Revenue	Finance charges & Repayment of borrowing /Own Revenue	7.9%	7.6%	7.6%	0.0%	0.0%	0.0%	0.0%	0.0%
Borrowed funding of 'own' capital expenditure	Borrowing/Capital expenditure excl. transfers and grants	62.0%	65.8%	59.5%	62.8%	38.5%	37.8%	62.0%	34.4%
Safety of Capital									
Gearing	Long Term Borrowing/ Funds & Reserves	12540.1%	12959.0%	13536.3%	12862.8%	12867.0%	12867.0%	3576.6%	3534.7%
Liquidity									
Current Ratio	Current assets/current liabilities	262.2%	315.1%	331.1%	241.1%	271.4%	271.4%	47.8%	49.6%
Current Ratio adjusted for aged debtors	Current assets/current liabilities less debtors > 90 days/current liabilities	262.2%	315.1%	331.1%	241.1%	271.4%	0.0%	0.0%	0.0%
Liquidity Ratio	Monetary Assets/Current Liabilities				1.9	2.2	2.2	-1.2	-1.2
Revenue Management									
Annual Debtors Collection Rate (Payment Level %)	Last 12 Mths Receipts/ Last 12 Mths Billing	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Current Debtors Collection Rate (Cash receipts % of Ratepayer & Other revenue)		99.8%	99.3%	99.5%	98.8%	98.8%	98.8%	99.8%	99.8%
Outstanding Debtors to Revenue	Total Outstanding Debtors to Annual Revenue	10.8%	12.1%	8.5%	9.5%	9.2%	9.2%	-116.2%	-116.6%
Longstanding Debtors Recovered	Debtors > 12 Mths Recovered/Total Debtors > 12 Months Old	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Creditors Management									
Creditors System Efficiency	% of Creditors Paid Within Terms (within MFMA s 65(e))	99.5%	99.5%	99.0%	99.0%	99.0%	99.0%	99.0%	99.0%
Creditors to Cash and Investments		20.5%	18.3%	11.6%	48.1%	18.0%	18.0%	-216.7%	-192.1%
Other Indicators									
Electricity Distribution Losses (2)	Total Volume Losses (kW)	12 858 011	16 537 242	14 613 425	17 426 149	17 426 149	17 426 149	17 948 933	18 033 917
	Total Cost of Losses (Rand '000)	8 882	12 219	11 252	22 522	22 522	22 522	23 198	23 308
	% Volume (units purchased and generated less units sold)/units purchased and generated	5.12%	6.49%	5.64%	6.74%	6.74%	6.74%	6.91%	6.91%
Water Distribution Losses (2)	Total Volume Losses (kl)	1 111 851	1 709 [illegible]	1 158 448	1 517 [illegible]	1 517 [illegible]	1 517 [illegible]	1 563 [illegible]	1 609 926
	Total Cost of Losses (Rand '000)	2 132	2 309	1 969	2 249	2 249	2 249	2 316	2 388
	% Volume (units purchased and generated less units sold)/units purchased and generated	18.82%	24.25%	18.26%	20.69%	20.69%	20.69%	20.53%	20.37%
Employee costs	Employee costs/Total Revenue - capital revenue)	27.5%	32.0%	31.2%	34.7%	33.0%	33.6%	34.6%	33.9%
Remuneration	Total remuneration/(Total Revenue - capital revenue)	28.5%	33.0%	32.1%					
Repairs & Maintenance	R&M/(Total Revenue excluding capital revenue)	14.9%	18.7%	16.9%	16.8%	17.0%	17.0%	16.9%	16.5%
Finance charges & Depreciation	FC&D/(Total Revenue - capital revenue)	15.6%	15.2%	14.3%	15.4%	14.7%	14.7%	14.5%	13.0%
IDP regulation financial viability indicators									
i. Debt coverage	(Total Operating Revenue - Operating Grants)/Debt service payments due within financial year)	1209.7%	1452.1%	1292.5%	2151.5%	2201.9%	2201.9%	2249.7%	2424.6%
ii. O/S Service Debtors to Revenue	Total outstanding service debtors/annual revenue received for services	14.5%	15.6%	11.7%	6.7%	6.5%	6.5%	-131.7%	-128.2%
iii. Cost coverage	(Available cash + Investments)/monthly fixed operational expenditure	694.8%	578.2%	643.8%	0.0	0.0	0.0	0.0	0.0

WC032 Overstrand - Supporting Table SB5 Adjustments Budget - social, economic and demographic statistics and assumptions - 16/01/2022

Description of economic indicator	Ref.	Basis of calculation	2001 Census	2007 Survey	2011 Census	2017/18	2018/19	2019/20	Budget Year 2020/21	Budget Year 2020/21
						Outcome	Outcome	Outcome	Original Budget	Actual
Demographics										
Population			55 612	74 546	80 432	102	105	106	112	112
Females aged 5 - 14			2 779	3 657	5 226	7	7	7	7	7
Males aged 5 - 14			2 816	5 892	5 278	7	7	7	7	7
Females aged 15 - 34			5 561	11 587	13 139	17	17	18	18	18
Males aged 15 - 34			6 029	11 236	12 649	17	18	18	19	19
Unemployment			5	6	4	5	6	6	6	6
Household income (no. of households)	1, 12									
No income			2 226	770	4 586	5 801	5 763	5 839	6 148	6 148
R1 - R1 600			6 149	5 307	5 325	5 506	6 695	5 859	7 142	7 142
R1 601 - R3 200			3 742	3 177	4 878	5 558	6 131	6 309	6 541	6 541
R3 201 - R6 400			3 384	3 789	4 362	5 328	5 459	5 642	6 849	6 849
R6 401 - R12 800			2 305	2 750	3 690	4 678	4 814	4 964	5 135	5 135
R12 801 - R25 600			928	1 947	2 896	3 538	3 649	3 748	3 864	3 864
R25 601 - R51 200			227	1 068	1 458	1 779	1 839	1 863	1 953	1 953
R52 201 - R102 400			77	184	486	594	611	629	652	652
R102 401 - R204 800			44	178	109	133	137	141	146	146
R204 801 - R409 600					81	99	102	105	109	109
R409 601 - R819 200			-	-	-	-	-	-	-	-
> R819 200			-	-	-	-	-	-	-	-
Poverty profiles (no. of households)										
< R2 060 per household per month	13		-	-	-	12 397	12 397	12 868	13 254	13 254
	2		-	-	-	-	-	-	-	-
Household/demographics (000)										
Number of people in municipal area			55 612	74 546	80 432	102	105	106	112	112
Number of poor people in municipal area										
Number of households in municipal area			19 032	19 106	28 609	34	35	36	38	38
Number of poor households in municipal area			-	-	-	7	7	7	8	8
Definition of poor household (R per month)			-	-	-	6 401	6 781	7 121		-
Housing statistics	3									
Formal			-	-	-	30 640	31 102	31 712	33 615	33 615
Informal			-	-	-	5 052	3 820	5 704	4 050	4 050
Total number of households			-	-	-	35 692	34 782	37 416	38 665	38 665
Dwellings provided by municipality	4		-	-	-	341	171	124	254	254
Dwellings provided by provincials			-	-	-					-
Dwellings provided by private sector	5		-	-	-	555	429	193		-
Total new housing dwellings			-	-	-	896	600	317	254	254
Economic	6									
Inflation/inflation outlook (CPIX)						5.4%	4.7%	5.2%	4.5%	0.0%
Interest rate - borrowing						10.7%	10.5%	10.7%	10.7%	0.0%
Interest rate - investment						7.7%	7.6%	7.3%	7.1%	0.0%
Remuneration increases						7.4%	6.5%	6.3%	4.0%	0.0%
Consumption growth (electricity)						0.0%	1.0%	2.0%	3.0%	0.0%
Consumption growth (water)						2.2%	2.4%	3.0%	3.0%	0.0%
Collection rates	7									
Property tax/service charges						99.4%	96.2%	96.5%	98.0%	0.0%
Rental of facilities & equipment						99.7%	96.9%	96.1%	98.0%	0.0%
Interest - external investments						100.0%	100.0%	100.0%	100.0%	0.0%
Interest - debtors						99.7%	96.2%	96.5%	98.0%	0.0%
Revenue from agency services						100.0%	100.0%	100.0%	100.0%	0.0%

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WC032 Overstrand - Supporting Table SB8 Adjustments Budget - funding measurement - 26/01/2022

Description	Ref	MFMA section	2017/18	2018/19	2019/20	Medium Term Revenue and Expenditure Framework				
R thousands			Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Prior Adjusted	Adjusted Budget	Budget Year +1 2021/22	Budget Year +2 2022/23
Funding measures										
Cash/cash equivalents at the year end - R'000	1	18(1)b	474 967	533 186	663 813	213 093	550 129	550 129	495 622	581 430
Cash + investments at the yr end less applications - R'000	2	18(1)b	456 342	515 039	961 430	(3 129 412)	(3 110 275)	(3 110 275)	(2 825 810)	(2 814 405)
Cash year end/monthly employee/supplier payments	3	18(1)b	0	0	0	-	-	-	-	-
Surplus/(Deficit) excluding depreciation offsets: R'000	4	18(1)	144 131	105 555	142 187	(54 516)	(13 251)	(27 504)	(38 541)	(6 939)
Service charge rev % change - macro CPIX target exclusive	5	18(1)a,(2)	-0.010882668	3.4%	0.7%	0.0%	0.0%	0.0%	-6.0%	9.0%
Cash receipts % of Ratepayer & Other revenue	6	18(1)a,(2)	0.0%	0.0%	0.0%	96.4%	97.2%	97.2%	98.0%	97.3%
Debt impairment expense as a % of total billable revenue	7	18(1)a,(2)	2.2%	2.0%	98.6%	2.8%	2.7%	2.7%	2.8%	2.7%
Capital payments % of capital expenditure	8	18(1)c;19	100.0%	100.0%	2.5%	100.0%	100.0%	0.0%	0.0%	0.0%
Borrowing receipts % of capital expenditure (excl. transfers)	9	18(1)c	82.0%	66.8%	100.0%	42.6%	36.5%	37.8%	52.0%	34.4%
Grants % of Govt. legislated/gazetted allocations	10	18(1)a			57.7%	0.0%	100.0%	0.0%	0.0%	0.0%
Current consumer debtors % change - incr(decr)	11	18(1)a	7.5%	17.6%	8.7%	-18.1%	0.5%	0.5%	-1405.1%	5.5%
Long term receivables % change - incr(decr)	12	18(1)a	-24.5%	-56.8%	-100.0%	0.0%	-100.0%	-100.0%	0.0%	0.0%
R&M % of Property Plant & Equipment	13	20(1)(vi)	4.6%	6.1%	5.4%	5.4%	5.7%	5.7%	5.6%	6.0%
Asset renewal % of capital budget	14	20(1)(vi)	28.2%	0.0%	1.7%	8.4%	9.0%	9.0%	9.6%	11.1%

References

1. Positive cash balances indicative of minimum compliance - subject to 2

2. Deduct applications (defined) from cash balances

3. Indicative of sufficient liquidity to meet average monthly operating payments

4. Indicative of funded operational requirements

5. Indicative of adherence to macro-economic targets (prior to 2003/04 revenue not available for high capacity municipalities and later for other capacity classifications)

6. Realistic average cash collection forecasts as % of annual billed revenue

7. Realistic average increase in doubtful debt provision

8. Indicative of planned capital expenditure level & cash payment timing

9. Indicative of compliance with borrowing 'only' for the capital budget - should not exceed 100% unless refinancing

10. Substantiation of National/Province allocations included in budget

11. Indicative of realistic current arrear debtor collection targets (prior to 2003/04 revenue not available for high cap municipalities and later for other capacity classifications)

12. Indicative of realistic long term arrear debtor collection targets (prior to 2003/04 revenue not available for high cap municipalities and later for other capacity classifications)

13. Indicative of a credible allowance for repairs & maintenance of assets

14. Indicative of a credible allowance for asset renewal (requires analysis of asset renewal projects as % of total capital projects - detailed capital plan)

Macro CPIX target				5%	5%	5%	5%	5%
Total service charge revenue				925 760	969 450	969 450	969 220	1 058 706
Total service charge revenue - previous year						-	969 450	969 220
Provincial government gazetted allocations	-	-	-	11 204	14 529	14 529	10 712	10 886
National government DoRA allocations	-	-	-	151 255	173 472	173 472	159 483	178 017
Cash receipts from ratepayers				1 046 377	1 081 568	1 081 568	1 115 103	1 194 964
Ratepayer & Other revenue				1 084 946	1 112 718	1 112 718	1 137 765	1 227 592
Change in debtors							(1 678 784)	(86 227)

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WC032 Overstrand - Supporting Table SB7 Adjustments Budget - transfers and grant receipts - 26/01/2022

Description	Ref	Budget Year 2021/22							Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Price Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F		
RECEIPTS:	1, 2									
Operating Transfers and Grants										
National Government:		121 350	138 372	-	-	-	-	138 372	131 623	143 389
Operational Revenue:General Revenue:Equitable Share		117 318	134 322	-	-	-	-	134 322	129 473	141 839
Operational Revenue:General Revenue:Fuel Levy	3	-	-	-	-	-	-	-	-	-
2014 African Nations Championship Host City Operating Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Agriculture Research and Technology		-	-	-	-	-	-	-	-	-
Agriculture, Conservation and Environmental		-	-	-	-	-	-	-	-	-
Arts and Culture Sustainable Resource Management		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Department of Environmental Affairs		-	-	-	-	-	-	-	-	-
Department of Tourism		-	-	-	-	-	-	-	-	-
Department of Water Affairs and Sanitation Masibambane		-	-	-	-	-	-	-	-	-
Emergency Medical Service		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand-side [Schedule 5B]		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		2 500	2 500	-	-	-	-	2 500	-	-
HIV and Aids		-	-	-	-	-	-	-	-	-
Housing Accreditation		-	-	-	-	-	-	-	-	-
Housing Top structure		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Integrated City Development Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	-	-	-	-	1 550	1 550	1 550
Mitchell's Plain Urban Renewal		-	-	-	-	-	-	-	-	-
Municipal Demarcation and Transition Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Human Settlement Capacity Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant		-	-	-	-	-	-	-	-	-
Natural Resource Management Project		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant		-	-	-	-	-	-	-	-	-
Operation Clean Audit		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant		-	-	-	-	-	-	-	-	-
Public Service Improvement Facility		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring - Seed Funding		-	-	-	-	-	-	-	-	-
Revenue Enhancement Grant Debtors Book		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant		-	-	-	-	-	-	-	-	-
Sport and Recreation		-	-	-	-	-	-	-	-	-
Terrestrial Invasive Alien Plants		-	-	-	-	-	-	-	-	-
Water Services Operating Subsidy Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Health Hygiene in Informal Settlements		-	-	-	-	-	-	-	-	-
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Water Services Infrastructure Grant		-	-	-	-	-	-	-	-	-
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Smart Connect Grant		-	-	-	-	-	-	-	-	-
Urban Settlement Development Grant		-	-	-	-	-	-	-	-	-
WiFi Grant [Department of Telecommunications and Postal Services		-	-	-	-	-	-	-	-	-
Street Lighting		-	-	-	-	-	-	-	-	-
Traditional Leaders - Imbizos		-	-	-	-	-	-	-	-	-
Department of Water and Sanitation Smart Living Handbook		-	-	-	-	-	-	-	-	-
Integrated National Electrification Programme Grant		-	-	-	-	-	-	-	-	-
Municipal Restructuring Grant		-	-	-	-	-	-	-	-	-
Regional Bulk Infrastructure Grant		-	-	-	-	-	-	-	-	-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	-
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	-
Provincial Government:		10 472	12 402	-	-	-	-	12 402	10 712	10 886
Capacity Building		-	-	-	-	-	-	-	-	-
Capacity Building and Other		10 327	12 257	-	-	-	-	12 257	10 567	10 741
Disaster and Emergency Services		-	-	-	-	-	-	-	-	-
Health		-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-
Infrastructure		145	145	-	-	-	-	145	145	145
Libraries, Archives and Museums		-	-	-	-	-	-	-	-	-
Other		-	-	-	-	-	-	-	-	-
Public Transport		-	-	-	-	-	-	-	-	-
Road Infrastructure - Maintenance	4	-	-	-	-	-	-	-	-	-
Sports and Recreation		-	-	-	-	-	-	-	-	-
Waste Water Infrastructure - Maintenance		-	-	-	-	-	-	-	-	-
Water Supply Infrastructure - Maintenance	5	-	-	-	-	-	-	-	-	-
District Municipality:		-	-	-	-	-	-	-	-	-
All Grants										
Other grant providers:		-	-	-	-	-	-	-	-	-
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	-
Foreign Government and International Organisations		-	-	-	-	-	-	-	-	-
Households		-	-	-	-	-	-	-	-	-
Non-profit Institutions		-	-	-	-	-	-	-	-	-
Private Enterprises		-	-	-	-	-	-	-	-	-
Public Corporations		-	-	-	-	-	-	-	-	-
Higher Educational Institutions		-	-	-	-	-	-	-	-	-
Parent Municipality / Entity		-	-	-	-	-	-	-	-	-
Total Operating Transfers and Grants	6	131 822	150 774	-	-	-	-	150 774	142 335	154 275
Capital Transfers and Grants										

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Description	Ref	Budget Year 2020/21							Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F		
National Government:		29 667	35 160	–	–	–	–	35 160	28 470	31 629
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		6 000	6 000	–	–	–	–	6 000	5 000	7 000
Municipal Infrastructure Grant [Schedule 5B]		21 667	29 160	–	–	–	–	29 160	23 470	24 629
Municipal Water Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Neighbourhood Development Partnership Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Rural Household Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Rural Road Asset Management Systems Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Urban Settlement Development Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Municipal Human Settlement		–	–	–	–	–	–	–	–	–
Community Library		–	–	–	–	–	–	–	–	–
Integrated City Development Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Municipal Disaster Recovery Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Energy Efficiency and Demand Side Management Grant		–	–	–	–	–	–	–	–	–
Khayelitsha Urban Renewal		–	–	–	–	–	–	–	–	–
Local Government Financial Management Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Municipal Systems Improvement Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Network Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Network Operations Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Regional Bulk Infrastructure Grant (Schedule 5B)		–	–	–	–	–	–	–	–	–
Water Services Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
WiFi Connectivity		–	–	–	–	–	–	–	–	–
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		–	–	–	–	–	–	–	–	–
Aquaponic Project		–	–	–	–	–	–	–	–	–
Reeston Settlement		–	–	–	–	–	–	–	–	–
Infrastructure Skills Development Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Restructuring Seed Funding		–	–	–	–	–	–	–	–	–
Municipal Disaster Relief Grant		–	–	–	–	–	–	–	–	–
Municipal Emergency Housing Grant		–	–	–	–	–	–	–	–	–
Metro Informal Settlements Partnership Grant		–	–	–	–	–	–	–	–	–
Provincial Government:		732	2 127	–	–	–	–	2 127	–	–
Capacity Building		–	–	–	–	–	–	–	–	–
Capacity Building and Other		732	1 377	–	–	–	–	1 377	–	–
Disaster and Emergency Services		–	–	–	–	–	–	–	–	–
Health		–	–	–	–	–	–	–	–	–
Housing		–	–	–	–	–	–	–	–	–
Infrastructure		–	750	–	–	–	–	750	–	–
Libraries, Archives and Museums		–	–	–	–	–	–	–	–	–
Other		–	–	–	–	–	–	–	–	–
Public Transport		–	–	–	–	–	–	–	–	–
Road Infrastructure		–	–	–	–	–	–	–	–	–
Sports and Recreation		–	–	–	–	–	–	–	–	–
Waste Water Infrastructure		–	–	–	–	–	–	–	–	–
Water Supply Infrastructure		–	–	–	–	–	–	–	–	–
District Municipality:		–	–	–	–	–	–	–	–	–
All Grants		–	–	–	–	–	–	–	–	–
Other grant providers:		–	5 000	–	–	–	–	5 000	14 000	5 000
Departmental Agencies and Accounts		–	–	–	–	–	–	–	–	–
Foreign Government and International Organisations		–	–	–	–	–	–	–	–	–
Households		–	–	–	–	–	–	–	–	–
Non-Profit Institutions		–	–	–	–	–	–	–	–	–
Private Enterprises		–	–	–	–	–	–	–	–	–
Public Corporations		–	5 000	–	–	–	–	5 000	14 000	5 000
Higher Educational Institutions		–	–	–	–	–	–	–	–	–
Parent Municipality / Entity		–	–	–	–	–	–	–	–	–
Transfer from Operational Revenue		–	–	–	–	–	–	–	–	–
Total Capital Transfers and Grants	6	30 919	45 228	–	–	–	–	45 228	42 470	37 629
TOTAL RECEIPTS OF TRANSFERS & GRANTS		152 459	196 092	–	–	–	–	196 092	184 205	191 363

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WC032 Overstrand - Supporting Table SB8 Adjustments Budget - expenditure on transfers and grant programme - 28/01/2022

Description	Ref	Budget Year 2020/21							Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	2 A1	3 B	4 C	5 D	6 E	7 F		
EXPENDITURE ON TRANSFERS AND GRANT PROGRAM:	1									
Operating expenditure of Transfers and Grants										
National Government:		4 650	19 259	-	-	-	-	19 259	1 650	1 650
Operational Revenue:General Revenue:Equitable Share		-	15 209	-	-	-	-	15 209	-	-
Operational Revenue:General Revenue:Fuel Levy	3	-	-	-	-	-	-	-	-	-
2014 African Nations Championship Host City Operating Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Agriculture Research and Technology		-	-	-	-	-	-	-	-	-
Agriculture, Conservation and Environmental		-	-	-	-	-	-	-	-	-
Arts and Culture Sustainable Resource Management		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Department of Environmental Affairs		-	-	-	-	-	-	-	-	-
Department of Tourism		-	-	-	-	-	-	-	-	-
Department of Water Affairs and Sanitation Masibambane		-	-	-	-	-	-	-	-	-
Emergency Medical Service		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand-side [Schedule 5B]		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		2 500	2 500	-	-	-	-	2 500	-	-
HIV and Aids		-	-	-	-	-	-	-	-	-
Housing Accreditation		-	-	-	-	-	-	-	-	-
Housing Top structure		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Integrated City Development Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		1 650	1 650	-	-	-	-	1 650	1 650	1 650
Mitchell's Plain Urban Renewal		-	-	-	-	-	-	-	-	-
Municipal Demarcation and Transition Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Human Settlement Capacity Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant		-	-	-	-	-	-	-	-	-
Natural Resource Management Project		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant		-	-	-	-	-	-	-	-	-
Operation Clean Audit		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant		-	-	-	-	-	-	-	-	-
Public Service Improvement Facility		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring - Seed Funding		-	-	-	-	-	-	-	-	-
Revenue Enhancement Grant Debtors Book		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant		-	-	-	-	-	-	-	-	-
Sport and Recreation		-	-	-	-	-	-	-	-	-
Terrestrial Invasive Alien Plants		-	-	-	-	-	-	-	-	-
Water Services Operating Subsidy Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Health Hygiene in Informal Settlements		-	-	-	-	-	-	-	-	-
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Water Services Infrastructure Grant		-	-	-	-	-	-	-	-	-
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Smart Connect Grant		-	-	-	-	-	-	-	-	-
Urban Settlement Development Grant		-	-	-	-	-	-	-	-	-
WIFI Grant [Department of Telecommunications and Postal Services		-	-	-	-	-	-	-	-	-
Street Lighting		-	-	-	-	-	-	-	-	-
Traditional Leaders - Indaba		-	-	-	-	-	-	-	-	-
Department of Water and Sanitation Smart Living Handbook		-	-	-	-	-	-	-	-	-
Integrated National Electrification Programme Grant		-	-	-	-	-	-	-	-	-
Municipal Restructuring Grant		-	-	-	-	-	-	-	-	-
Regional Bulk Infrastructure Grant		-	-	-	-	-	-	-	-	-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	-
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	-
Provincial Government:		2 921	7 967	-	-	-	-	7 967	2 640	2 370
Capacity Building		-	-	-	-	-	-	-	-	-
Capacity Building and Other		2 676	6 922	-	-	-	-	6 922	2 496	2 225
Disaster and Emergency Services		-	-	-	-	-	-	-	-	-
Health		-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-
Infrastructure		145	145	-	-	-	-	145	145	145
Libraries, Archives and Museums		-	-	-	-	-	-	-	-	-
Other		-	-	-	-	-	-	-	-	-
Public Transport		-	-	-	-	-	-	-	-	-
Road Infrastructure - Maintenance	4	-	-	-	-	-	-	-	-	-
Sport and Recreation		-	-	-	-	-	-	-	-	-
Waste Water Infrastructure - Maintenance		-	-	-	-	-	-	-	-	-
Water Supply Infrastructure - Maintenance	5	-	-	-	-	-	-	-	-	-
District Municipality:		-	-	-	-	-	-	-	-	-
All Grants							-	-		
Other grant providers:		44 267	33 534	-	-	-	-	33 534	49 803	58 600
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	-
Foreign Government and International Organisations		-	-	-	-	-	-	-	-	-
Households		44 267	33 534	-	-	-	-	33 534	49 803	58 600
Non-profit Institutions		-	-	-	-	-	-	-	-	-
Private Enterprises		-	-	-	-	-	-	-	-	-
Public Corporations		-	-	-	-	-	-	-	-	-
Higher Educational Institutions		-	-	-	-	-	-	-	-	-
Parent Municipality/Entity		-	-	-	-	-	-	-	-	-
Total Operating Transfers and Grants	6	51 138	59 868	-	-	-	-	59 860	54 093	61 826
Capital Transfers and Grants										

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Description	Ref	Budget Year 2021/22							Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	2 A1	3 B	4 C	5 D	6 E	7 F		
National Government:		37 369	35 100	–	–	–	–	35 100	28 470	31 626
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		6 000	6 000	–	–	–	–	6 000	5 000	7 000
Municipal Infrastructure Grant [Schedule 5B]		29 369	29 100	–	–	–	–	29 100	23 470	24 626
Municipal Water Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Neighbourhood Development Partnership Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Rural Household Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Rural Road Asset Management Systems Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Urban Settlement Development Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Municipal Human Settlement		–	–	–	–	–	–	–	–	–
Community Library		–	–	–	–	–	–	–	–	–
Integrated City Development Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Municipal Disaster Recovery Grant [Schedule 4B]		–	–	–	–	–	–	–	–	–
Energy Efficiency and Demand Side Management Grant		–	–	–	–	–	–	–	–	–
Khayelitsha Urban Renewal		–	–	–	–	–	–	–	–	–
Local Government Financial Management Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Municipal Systems Improvement Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Network Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Public Transport Network Operations Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Regional Bulk Infrastructure Grant (Schedule 5B)		–	–	–	–	–	–	–	–	–
Water Services Infrastructure Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
WiFi Connectivity		–	–	–	–	–	–	–	–	–
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		–	–	–	–	–	–	–	–	–
Aquaponic Project		–	–	–	–	–	–	–	–	–
Reallion Settlement		–	–	–	–	–	–	–	–	–
Infrastructure Skills Development Grant [Schedule 5B]		–	–	–	–	–	–	–	–	–
Restructuring Seed Funding		–	–	–	–	–	–	–	–	–
Municipal Disaster Relief Grant		–	–	–	–	–	–	–	–	–
Municipal Emergency Housing Grant		–	–	–	–	–	–	–	–	–
Metro Informal Settlements Partnership Grant		–	–	–	–	–	–	–	–	–
Provincial Government:		1 482	2 127	–	–	–	–	2 127	–	–
Capacity Building		–	–	–	–	–	–	–	–	–
Capacity Building and Other		732	1 377	–	–	–	–	1 377	–	–
Disaster and Emergency Services		–	–	–	–	–	–	–	–	–
Health		–	–	–	–	–	–	–	–	–
Housing		–	–	–	–	–	–	–	–	–
Infrastructure		750	750	–	–	–	–	750	–	–
Libraries, Archives and Museums		–	–	–	–	–	–	–	–	–
Other		–	–	–	–	–	–	–	–	–
Public Transport		–	–	–	–	–	–	–	–	–
Road Infrastructure		–	–	–	–	–	–	–	–	–
Sports and Recreation		–	–	–	–	–	–	–	–	–
Waste Water Infrastructure		–	–	–	–	–	–	–	–	–
Water Supply Infrastructure		–	–	–	–	–	–	–	–	–
District Municipality:		–	–	–	–	–	–	–	–	–
All Grants		–	–	–	–	–	–	–	–	–
Other grant providers:		45 296	47 296	–	–	–	–	47 296	52 687	43 750
Departmental Agencies and Accounts		–	–	–	–	–	–	–	–	–
Foreign Government and International Organisations		–	–	–	–	–	–	–	–	–
Households		45 955	39 296	–	–	–	–	39 296	46 687	37 850
Non-Profit Institutions		–	–	–	–	–	–	–	–	–
Private Enterprises		–	–	–	–	–	–	–	–	–
Public Corporations		–	8 000	–	–	–	–	8 000	6 000	5 900
Higher Educational Institutions		–	–	–	–	–	–	–	–	–
Parent Municipality / Entity		–	–	–	–	–	–	–	–	–
Transfer from Operational Revenue							–	–		
Total Capital Transfers and Grants	6	84 897	84 523	–	–	–	–	84 523	81 157	75 376
TOTAL EXPENDITURE OF TRANSFERS & GRANTS		126 843	144 383	–	–	–	–	144 383	135 220	137 206

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WC032 Overstrand - Supporting Table SB9 Adjustments Budget - reconciliation of transfers, grant receipts, and unspent funds - 26/01/2022

Description	Ref	Budget Year 2020/21							Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	2 A1	3 B	4 C	5 D	6 E	7 F		
Operating transfers and grants:										
National Government:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		(121 368)	(138 372)	-	-	-	-	(138 372)	-	-
Conditions met - transferred to revenue		121 368	138 372	-	-	-	-	138 372	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Provincial Government:										
Balance unspent at beginning of the year		-	(2 031)	-	-	-	-	(2 031)	-	-
Current year receipts		(10 472)	(5 739)	-	-	-	-	(5 739)	-	-
Conditions met - transferred to revenue		10 472	7 770	-	-	-	-	7 770	(10 712)	(10 886)
Conditions still to be met - transferred to liabilities				-	-	-	-	-	(10 712)	(10 886)
District Municipality:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		-	-	-	-	-	-	-	-	-
Conditions met - transferred to revenue		-	-	-	-	-	-	-	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Other grant providers:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		-	-	-	-	-	-	-	-	-
Conditions met - transferred to revenue		-	-	-	-	-	-	-	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Total operating transfers and grants revenue		131 840	146 142	-	-	-	-	146 142	(10 712)	(10 886)
Total operating transfers and grants - CTBM	2	-	-	-	-	-	-	-	(10 712)	(10 886)
Capital transfers and grants:										
National Government:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		(29 687)	(27 618)	-	-	-	-	(27 618)	-	-
Conditions met - transferred to revenue		29 687	27 618	-	-	-	-	27 618	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Provincial Government:										
Balance unspent at beginning of the year		(9 681)	(9 678)	-	-	-	-	(9 678)	-	-
Current year receipts		(732)	(732)	-	-	-	-	(732)	-	-
Conditions met - transferred to revenue		10 323	9 810	-	-	-	-	9 810	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
District Municipality:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		-	-	-	-	-	-	-	-	-
Conditions met - transferred to revenue		-	-	-	-	-	-	-	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Other grant providers:										
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-	-
Current year receipts		(46 303)	(47 298)	-	-	-	-	(47 298)	-	-
Conditions met - transferred to revenue		46 303	47 298	-	-	-	-	47 298	-	-
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-	-
Total capital transfers and grants revenue		86 518	84 523	-	-	-	-	84 523	-	-
Total capital transfers and grants - CTBM		-	-	-	-	-	-	-	-	-
TOTAL TRANSFERS AND GRANTS REVENUE		218 358	230 665	-	-	-	-	230 665	(10 712)	(10 886)
TOTAL TRANSFERS AND GRANTS - CTBM		-	-	-	-	-	-	-	(10 712)	(10 886)

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WC032 Overstrand - Supporting Table SB19 Adjustments Budget - transfers and grants made by the municipality - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Cash transfers to other municipalities												
Operational	1	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Cash Transfers To Municipalities:		-	-	-	-	-	-	-	-	-	-	-
Cash transfers to Entities/Other External Mechanisms												
Operational	2	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Cash Transfers To Entities/Ems'		-	-	-	-	-	-	-	-	-	-	-
Cash transfers to other Organs of State												
Operational	3	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Cash Transfers To Other Organs Of State:		-	-	-	-	-	-	-	-	-	-	-
Cash transfers to other Organisations												
Operational	4	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Cash Transfers To Organisations		-	-	-	-	-	-	-	-	-	-	-
Cash transfers to Groups of Individuals												
Operational	4	11 810	8 680	-	-	-	-	-	-	8 680	11 810	11 810
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Cash Transfers To Groups Of Individuals:		11 810	8 680	-	-	-	-	-	-	8 680	11 810	11 810
TOTAL CASH TRANSFERS AND GRANTS	5	11 810	8 680	-	-	-	-	-	-	8 680	11 810	11 810
Non-cash transfers to other municipalities												
Operational	1	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Non-Cash Transfers To Municipalities:		-	-	-	-	-	-	-	-	-	-	-
Non-cash transfers to Entities/Other External Mechanisms												
Operational	2	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Non-Cash Transfers To Entities/Ems'		-	-	-	-	-	-	-	-	-	-	-
Non-cash transfers to other Organs of State												
Operational	3	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Non-Cash Transfers To Other Organs Of State:		-	-	-	-	-	-	-	-	-	-	-
Non-cash transfers to other Organisations												
Operational	4	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
TOTAL NON-CASH TRANSFERS TO OTHER ORGANISATIONS:		-	-	-	-	-	-	-	-	-	-	-
Non-cash transfers to Groups of Individuals												
Operational	4	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
Total Non-Cash Grants To Groups Of Individuals:		-	-	-	-	-	-	-	-	-	-	-
TOTAL NON-CASH TRANSFERS AND GRANTS	5	-	-	-	-	-	-	-	-	-	-	-
TOTAL TRANSFERS AND GRANTS		11 810	8 680	-	-	-	-	-	-	8 680	11 810	11 810

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WC032 Overstrand - Supporting Table SB11 Adjustments Budget - councillor and staff benefits - 26/01/2022

Summary of remuneration	Ref	Budget Year 2021/22									% change
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unforc. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	
R thousands		A	A1	B	C	D	E	F	G	H	
Councillors (Political Office Bearers plus Other)											
Basic Salaries and Wages		10 786	10 786	–		–		–	–	10 786	0,0%
Pension and UIF Contributions		–	–	–		–		–	–	–	0,0%
Medical Aid Contributions		–	–	–		–		–	–	–	0,0%
Motor Vehicle Allowance		–	–	–		–		–	–	–	0,0%
Cellphone Allowance		1 110	1 110	–		–		–	–	1 110	0,0%
Housing Allowances		–	–	–		–		–	–	–	0,0%
Other benefits and allowances		–	–	–		–		–	–	–	0,0%
Sub Total - Councillors		11 896	11 896	–		–		–	–	11 896	
% Increase			0,0%								0,0%
Senior Managers of the Municipality											
Basic Salaries and Wages		12 505	12 018	–		–			–	12 018	-3,9%
Pension and UIF Contributions		–	–	–		–		–	–	–	0,0%
Medical Aid Contributions		–	–	–		–		–	–	–	0,0%
Overtime		–	–	–		–		–	–	–	0,0%
Performance Bonus		260	260	–		–		–	–	260	0,0%
Motor Vehicle Allowance		–	–	–		–		–	–	–	0,0%
Cellphone Allowance		187	187	–		–		–	–	187	0,0%
Housing Allowances		–	–	–		–		–	–	–	0,0%
Other benefits and allowances		–	–	–		–		–	–	–	0,0%
Payments in lieu of leave		–	–	–		–		–	–	–	0,0%
Long service awards		–	–	–		–		–	–	–	0,0%
Post-retirement benefit obligations	5	–	–	–		–		–	–	–	0,0%
Sub Total - Senior Managers of Municipality		12 952	12 465	–		–		–	–	12 465	
% Increase			-3,8%								-3,8%
Other Municipal Staff											
Basic Salaries and Wages		259 836	260 747	–		–			–	260 747	0,3%
Pension and UIF Contributions		48 586	43 822	–		–			–	43 822	-9,8%
Medical Aid Contributions		15 241	14 097	–		–			–	14 097	-22,7%
Overtime		32 190	36 162	–		–			–	36 162	12,3%
Performance Bonus		482	482	–		–			–	482	0,0%
Motor Vehicle Allowance		8 052	8 256	–		–			–	8 256	2,5%
Cellphone Allowance		2 378	2 456	–		–			–	2 456	3,3%
Housing Allowances		2 870	2 994	–		–			–	2 994	4,3%
Other benefits and allowances		34 737	32 766	–		–			–	32 766	-5,7%
Payments in lieu of leave		–	–	–		–			–	–	0,0%
Long service awards		–	–	–		–		–	–	–	0,0%
Post-retirement benefit obligations	6	15 035	15 035	–		–		–	–	15 035	0,0%
Sub Total - Other Municipal Staff		422 979	418 777	–		–		–	–	418 777	
% increase			-1,0%								-1,0%
Total Parent Municipality		447 221	441 139	–		–		–	–	441 139	-1,4%
Board Members of Entities											
Basic Salaries and Wages		–	–	–		–		–	–	–	0,0%
Pension and UIF Contributions		–	–	–		–		–	–	–	0,0%
Medical Aid Contributions		–	–	–		–		–	–	–	0,0%
Overtime		–	–	–		–		–	–	–	0,0%
Performance Bonus		–	–	–		–		–	–	–	0,0%
Motor Vehicle Allowance		–	–	–		–		–	–	–	0,0%
Cellphone Allowance		–	–	–		–		–	–	–	0,0%
Housing Allowances		–	–	–		–		–	–	–	0,0%
Other benefits and allowances		–	–	–		–		–	–	–	0,0%
Board Fees		–	–	–		–		–	–	–	0,0%
Payments in lieu of leave		–	–	–		–		–	–	–	0,0%
Long service awards		–	–	–		–		–	–	–	0,0%
Post-retirement benefit obligations	5	–	–	–		–		–	–	–	0,0%
Sub Total - Board Members of Entities		–	–	–		–		–	–	–	
% increase			0,0%								0,0%
Senior Managers of Entities											
Basic Salaries and Wages		–	–	–		–		–	–	–	0,0%
Pension and UIF Contributions		–	–	–		–		–	–	–	0,0%
Medical Aid Contributions		–	–	–		–		–	–	–	0,0%
Overtime		–	–	–		–		–	–	–	0,0%
Performance Bonus		–	–	–		–		–	–	–	0,0%
Motor Vehicle Allowance		–	–	–		–		–	–	–	0,0%
Cellphone Allowance		–	–	–		–		–	–	–	0,0%
Housing Allowances		–	–	–		–		–	–	–	0,0%
Other benefits and allowances		–	–	–		–		–	–	–	0,0%
Payments in lieu of leave		–	–	–		–		–	–	–	0,0%
Long service awards		–	–	–		–		–	–	–	0,0%
Post-retirement benefit obligations	5	–	–	–		–		–	–	–	0,0%
Sub Total - Senior Managers of Entities		–	–	–		–		–	–	–	
% increase			0,0%								0,0%
Other Staff of Entities											
Basic Salaries and Wages		–	–	–		–		–	–	–	0,0%

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Summary of remuneration	Ref	Budget Year 2022/23									% change
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unforn. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	
R thousands		5 A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	H	
Pension and UIF Contributions		–	–	–		–		–	–	–	0,0%
Medical Aid Contributions		–	–	–		–		–	–	–	0,0%
Overtime		–	–	–		–		–	–	–	0,0%
Performance Bonus		–	–	–		–		–	–	–	0,0%
Motor Vehicle Allowance		–	–	–		–		–	–	–	0,0%
Cellphone Allowance		–	–	–		–		–	–	–	0,0%
Housing Allowances		–	–	–		–		–	–	–	0,0%
Other benefits and allowances		–	–	–		–		–	–	–	0,0%
Payments in lieu of leave		–	–	–		–		–	–	–	0,0%
Long service awards		–	–	–		–		–	–	–	0,0%
Post-retirement benefit obligations	5	–	–	–		–		–	–	–	0,0%
Sub Total - Other Staff of Entities		–	–	–		–		–	–	–	
% Increase			0,0%								0,0%
Total Municipal Entities		–	–	–		–		–	–	–	0,0%
TOTAL SALARY, ALLOWANCES & BENEFITS		447 221	441 139	–		–		–	–	441 139	
% Increase			-1,4%								-1,4%
TOTAL MANAGERS AND STAFF		435 935	429 242	–		–		–	–	429 242	-1,4%

WC032 Overstrand - Supporting Table SB12 Adjustments Budget - monthly revenue and expenditure (municipal vote) - 26/01/2022

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
R thousands		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Revenue by Vote																
Vote 1 - Council & Mayor's Office		7 736	20	10	10	15	6 357	3 224	3 224	3 224	3 224	3 224	9 419	36 689	17 966	13 377
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	6 550	–	–	–	–	–	(6 550)	–	–	–
Vote 3 - Management Services		28	37	43	34	34	758	258	258	273	258	258	921	3 157	1 416	1 416
Vote 4 - Finance		26 866	26 280	23 093	24 229	25 108	22 864	25 403	25 403	25 441	25 403	25 403	29 581	305 004	323 853	339 126
Vote 5 - Infrastructure & Planning		60 849	43 019	46 213	43 168	43 094	65 578	46 483	46 483	46 523	46 483	46 483	24 925	558 883	581 120	544 398
Vote 6 - Protection Services		2 869	3 029	3 148	3 172	3 148	6 170	3 724	3 724	4 645	3 724	3 724	7 258	49 375	41 151	42 658
Vote 7 - Economic and Social Development & Tourism		–	69	194	259	253	1 262	661	661	661	661	661	2 929	7 930	2 166	2 324
Vote 8 - Community Services		100 827	(23 317)	25 034	25 256	29 655	53 600	32 096	32 096	32 122	32 096	32 096	13 407	385 270	395 964	419 562
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Total Revenue by Vote		199 234	49 151	97 735	96 128	101 297	160 575	111 850	111 850	112 889	111 850	111 850	82 891	1 347 303	1 363 858	1 462 847
Expenditure by Vote																
Vote 1 - Council & Mayor's Office		1 297	3 168	2 281	2 329	6 329	2 247	2 810	2 810	2 810	2 810	2 810	12 376	44 090	37 036	38 612
Vote 2 - Municipal Manager & Internal Audit		8	902	471	474	636	492	529	532	928	531	529	1 200	6 832	6 013	6 450
Vote 3 - Management Services		1 009	6 007	4 180	3 867	6 112	3 762	5 108	5 104	5 107	5 103	5 111	11 991	62 480	59 903	62 533
Vote 4 - Finance		332	7 820	6 289	6 553	6 694	5 534	6 481	6 518	6 717	6 969	6 890	11 367	82 193	85 780	100 249
Vote 5 - Infrastructure & Planning		5 386	58 515	54 594	43 425	45 470	47 592	46 359	46 034	47 234	47 082	46 328	91 714	577 727	590 425	631 328
Vote 6 - Protection Services		2 483	12 034	9 048	8 223	10 993	9 046	9 551	9 581	9 600	9 560	9 683	18 603	117 474	119 386	124 302
Vote 7 - Economic and Social Development & Tourism		208	1 507	1 108	1 138	1 083	1 271	1 593	1 467	1 519	1 475	1 530	4 451	18 369	18 726	20 154
Vote 8 - Community Services		11 109	40 254	32 412	32 514	38 601	44 112	36 667	35 044	37 496	37 550	36 236	63 452	465 647	473 928	486 959
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Total Expenditure by Vote		21 829	128 206	112 392	98 542	117 898	113 958	109 302	107 110	111 012	110 980	109 199	235 377	1 374 812	1 402 196	1 471 786
Surplus/ (Deficit)		177 405	(79 055)	(14 658)	(2 414)	(16 601)	47 618	2 547	4 739	1 878	869	2 651	(152 777)	(27 509)	(38 341)	(8 939)

WC032 Overstrand - Supporting Table SB13 Adjustments Budget - monthly revenue and expenditure (functional classification) - 28/01/2022

Description - Standard classification	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Revenue - Functional																
Governance and administration		34 798	26 416	23 226	24 349	25 230	36 891	29 814	29 814	29 857	29 814	29 814	35 444	353 179	351 115	361 816
Executive and council		7 741	22	18	18	31	10 931	3 273	3 273	3 273	3 273	3 273	4 154	39 281	18 677	13 470
Finance and administration		27 057	26 394	23 211	24 332	25 199	27 960	26 541	26 541	26 583	26 541	26 541	32 291	318 889	333 039	348 346
Internal audit		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Community and public safety		9 469	16 179	13 828	9 821	14 196	23 252	11 701	11 701	12 823	11 701	11 701	4 928	144 111	158 347	157 194
Community and social services		706	698	678	649	1 204	3 642	584	584	686	584	584	(2 179)	8 217	8 613	9 215
Sport and recreation		569	2 023	1 154	625	3 336	2 253	1 129	1 129	1 129	1 129	1 129	(2 056)	13 549	8 651	9 083
Public safety		2 899	3 029	3 148	3 172	3 148	4 170	3 715	3 715	4 536	3 715	3 715	9 202	48 262	41 151	42 658
Housing		5 295	4 429	7 841	5 475	6 478	13 786	6 174	6 174	6 174	6 174	6 174	(22)	74 083	96 932	96 230
Health		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		669	782	686	827	839	2 679	1 357	1 357	1 397	1 357	1 357	3 789	17 196	11 396	25 679
Planning and development		669	595	783	787	833	2 668	1 085	1 085	1 125	1 085	1 085	1 284	13 182	7 537	7 796
Road transport		–	35	13	39	6	14	269	269	269	269	269	2 505	3 982	3 815	17 245
Environmental protection		–	32	–	–	–	–	3	3	3	3	3	(1)	32	33	35
Trading services		154 958	11 794	60 873	51 048	61 991	96 381	68 978	68 978	69 085	68 978	68 978	37 432	827 832	849 809	918 767
Energy sources		64 817	37 941	37 780	37 178	36 041	59 148	39 401	39 401	39 401	39 401	39 401	21 823	472 813	471 967	535 766
Water management		68 125	(39 180)	16 458	10 573	11 709	17 533	12 496	12 496	12 496	12 496	12 496	6 186	149 955	163 869	181 113
Waste water management		15 690	7 000	6 597	7 227	7 230	16 355	9 144	9 144	9 189	9 144	9 144	3 814	109 827	114 085	119 865
Waste management		16 656	6 036	6 059	6 063	6 006	12 227	7 936	7 936	7 936	7 936	7 936	3 609	95 237	95 887	102 089
Other		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Total Revenue - Functional		199 294	49 151	97 735	86 126	101 297	159 975	111 850	111 850	112 889	111 850	111 850	82 591	1 347 968	1 363 459	1 462 847
Expenditure - Functional																
Governance and administration		3 913	25 674	28 898	18 789	28 947	17 801	21 414	21 448	21 795	21 849	21 996	58 859	274 989	269 789	284 383
Executive and council		1 342	6 259	4 202	4 296	9 129	4 297	4 873	4 877	4 878	4 865	4 883	15 802	69 705	65 381	68 808
Finance and administration		2 564	18 992	16 469	14 276	19 501	13 248	15 302	16 329	16 588	16 749	16 874	34 430	202 317	211 654	221 611
Internal audit		7	422	226	217	318	256	239	240	239	240	239	326	2 968	3 744	3 963
Community and public safety		5 873	22 470	18 291	19 182	29 076	20 191	20 249	19 440	19 837	20 029	19 880	36 132	230 804	260 907	279 878
Community and social services		545	2 530	1 857	1 883	2 556	1 955	2 074	2 036	2 095	2 026	2 057	3 596	25 691	24 133	25 304
Sport and recreation		459	5 181	3 923	4 081	4 946	5 298	5 111	4 455	4 619	4 655	4 606	8 725	58 031	58 955	62 240
Public safety		2 641	12 235	9 000	8 095	18 085	8 137	9 530	9 453	9 450	9 377	9 514	18 434	115 838	119 409	125 416
Housing		2 057	2 543	3 501	4 139	2 511	4 791	3 534	3 496	3 485	3 463	3 503	5 377	42 383	58 409	66 911
Health		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		3 332	14 277	12 196	19 662	15 618	11 683	14 495	14 353	14 427	14 769	14 595	37 869	176 659	182 774	199 619
Planning and development		291	5 691	3 337	3 466	5 660	3 468	4 106	4 057	4 101	4 080	4 122	6 129	50 439	52 263	54 294
Road transport		3 071	7 524	6 895	6 484	7 936	6 786	9 034	9 970	9 243	9 358	9 188	27 280	111 862	112 050	115 957
Environmental protection		61	1 062	1 803	130	2 022	1 455	1 306	1 317	1 283	1 326	1 288	2 510	18 158	18 441	19 369
Trading services		9 611	65 316	65 968	59 513	52 978	63 188	52 882	51 933	54 773	54 193	52 668	110 354	578 385	572 734	709 613
Energy sources		2 469	41 568	39 727	28 061	26 479	30 867	30 862	30 624	31 805	31 680	30 947	57 556	384 715	377 408	401 594
Water management		2 558	5 253	7 589	9 053	9 475	14 710	9 027	8 618	9 786	9 661	9 160	23 165	124 471	127 865	127 219
Waste water management		2 734	8 521	7 639	7 784	7 869	11 171	5 897	6 686	7 223	6 892	6 876	13 951	94 612	92 029	94 636
Waste management		852	9 939	6 042	5 615	7 036	6 301	9 136	5 797	5 959	5 960	5 684	15 683	76 187	76 441	86 366
Other		9	470	196	366	197	229	249	249	249	249	249	432	3 891	3 995	4 098
Total Expenditure - Functional		21 628	128 296	125 552	96 542	127 693	113 896	109 392	107 193	111 012	110 990	109 199	235 277	1 374 812	1 462 198	1 471 786
Surplus/ (Deficit) 1.		177 663	(79 145)	(14 899)	(2 416)	(26 511)	47 819	2 547	4 739	1 878	860	2 651	(152 777)	(27 854)	(98 740)	(8 939)

Prepared by : SAMRAS

Date : 2022/01/20 11:12

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WC032 Overstrand - Supporting Table SB14 Adjustments Budget - monthly revenue and expenditure - 26/01/2022

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Revenue By Source																
Property rates		24 529	21 541	21 188	21 526	21 469	21 523	21 603	21 603	21 603	21 603	21 603	19 448	259 241	275 226	288 402
Service charges - electricity revenue		36 025	37 812	37 674	37 229	35 967	36 924	36 108	36 108	36 108	36 108	36 108	31 125	433 294	403 262	463 084
Service charges - water revenue		50 703	(40 927)	9 587	9 908	10 640	10 834	10 710	10 710	10 710	10 710	10 710	14 125	128 520	134 919	141 638
Service charges - sanitation revenue		6 482	6 549	6 555	6 937	7 036	7 331	6 576	6 576	6 576	6 576	6 576	5 093	76 913	82 858	87 000
Service charges - refuse		6 019	6 027	6 055	6 086	6 078	5 639	5 790	5 790	5 790	5 790	5 790	4 653	69 482	72 955	76 602
Service charges - other		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Rental of facilities and equipment		430	326	315	(55)	390	382	302	302	302	302	302	398	3 827	3 803	3 990
Interest earned - external investments		1 754	1 603	594	1 747	2 084	384	2 200	2 200	2 200	2 200	2 200	7 834	26 400	32 975	34 615
Interest earned - outstanding debtors		459	454	391	402	411	282	387	387	387	387	387	313	4 659	4 906	5 145
Dividends received		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Fines, penalties and forfeits		2 273	2 285	2 230	2 270	2 258	2 274	2 463	2 463	2 463	2 463	2 463	3 676	29 584	31 039	32 587
Licences and permits		133	158	201	221	189	151	198	198	198	198	198	311	2 385	2 498	2 618
Agency services		448	676	847	628	807	454	537	537	537	537	537	395	6 438	5 184	5 442
Transfers and subsidies		53 491	779	872	971	1 480	53 244	12 227	12 227	13 240	12 227	12 227	(22 210)	160 774	141 735	154 275
Other revenue		8 426	9 220	10 132	6 671	8 857	16 097	8 909	8 909	8 909	8 909	8 909	(5 333)	96 604	121 115	121 204
Gains on disposal of PPE		–	–	–	–	–	–	–	–	–	–	–	10 500	10 500	7 000	7 000
Total Revenue		189 173	45 783	98 442	94 504	97 515	155 590	108 011	108 011	109 025	108 011	108 011	78 316	1 306 392	1 319 478	1 423 553
Expenditure By Type																
Employee related costs		2 358	58 515	34 245	33 156	51 580	34 358	35 312	33 892	34 503	34 528	34 600	50 528	437 577	456 328	482 727
Remuneration of councillors		–	1 869	940	920	914	932	991	991	991	991	991	1 383	11 698	12 436	13 002
Debt impairment		2 189	2 189	2 189	2 189	2 189	2 189	2 189	2 189	2 189	2 189	2 189	2 189	26 283	27 577	28 955
Depreciation & asset impairment		11 823	11 823	11 823	11 824	11 809	11 823	11 823	11 823	11 823	11 823	11 823	11 838	141 877	139 714	133 277
Finance charges		38	506	857	1 956	804	16 357	806	–	3 056	2 971	947	20 658	48 882	52 210	52 352
Bulk purchases		3	35 083	34 661	21 670	22 133	20 793	25 188	25 188	25 188	25 188	25 188	41 975	302 260	290 978	313 126
Other materials		1 038	2 893	3 500	3 549	2 151	2 799	4 147	4 147	4 147	4 147	4 147	11 869	48 523	43 347	45 255
Contracted services		527	10 613	13 947	14 240	15 182	14 955	18 659	18 693	18 927	18 956	19 126	65 386	229 192	235 538	247 162
Grants and subsidies		–	–	–	1 660	1 107	–	723	723	723	723	723	2 297	8 680	11 610	11 610
Other expenditure		3 854	4 715	10 229	7 382	9 958	8 850	9 464	9 464	9 464	9 464	9 464	27 256	119 561	132 481	144 310
Loss on disposal of PPE		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Total Expenditure		21 829	128 206	112 392	98 542	117 809	113 956	109 302	107 110	111 012	110 986	109 199	235 377	1 374 812	1 402 198	1 471 786
Surplus/(Deficit)		177 344	(82 423)	(13 950)	(4 038)	(20 293)	42 535	(1 291)	901	(1 986)	(2 975)	(1 188)	(156 961)	(74 420)	(82 720)	(48 233)
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		–	3 033	1 194	1 584	3 584	4 914	3 040	3 040	3 040	3 040	3 040	7 719	37 228	28 470	31 628
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educational Institutions)		61	334	99	39	198	370	799	799	824	799	799	4 586	9 689	15 712	7 636
Transfers and subsidies - capital (in-kind - all)		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Surplus/(Deficit) after capital transfers & contributions		177 405	(79 053)	(14 656)	(2 414)	(16 511)	47 819	2 547	4 739	1 878	869	2 651	(152 777)	(27 504)	(38 541)	(8 969)

Prepared by : SAMRAS

Date : 2022/01/20 11:12

SOLVEM CONSULTING (PTY) LTD

B35/SB

WC032 Overstrand - Supporting Table SB15 Adjustments Budget - monthly cash flow - 26/01/2022

Monthly cash flows	Ref	Budget Year 2022/23												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2022/23	Budget Year +1 2023/24	Budget Year +2 2024/25
R thousands		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Cash Receipts By Source	1															
Property rates		26 366	29 856	29 941	21 277	21 228	21 277	21 338	21 338	21 338	21 338	21 338	18 060	255 713	273 131	288 265
Service charges - electricity revenue		35 771	36 663	37 236	36 797	36 656	36 501	31 796	31 796	31 796	31 796	31 796	50 634	428 140	466 182	489 833
Service charges - water revenue		66 275	(39 694)	9 478	9 705	10 517	10 803	10 578	10 578	10 578	10 578	10 578	13 843	127 915	133 892	140 599
Service charges - sanitation revenue		6 437	6 351	6 479	6 858	7 004	7 247	6 495	6 495	6 495	6 495	6 495	4 981	77 542	82 227	86 358
Service charges - refuse		5 977	6 845	5 985	5 889	6 007	5 574	5 719	5 719	5 719	5 719	5 719	4 569	68 533	72 389	76 034
Service charges - other		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Rental of facilities and equipment		307	318	311	(47)	288	288	298	298	298	298	298	378	3 577	3 774	3 961
Interest earned - external investments		1 754	1 003	594	1 747	2 064	384	2 200	2 200	2 200	2 200	2 200	7 834	26 400	32 875	34 615
Interest earned - outstanding debtors		459	454	391	402	411	282	387	387	387	387	387	313	4 650	4 998	5 145
Dividends received		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Fines, penalties and forfeits		160	161	116	156	144	139	350	350	350	350	350	1 582	4 197	4 403	4 619
Licences and permits		193	158	241	221	185	151	199	199	199	199	199	311	2 395	2 498	2 618
Agency services		446	578	547	628	607	484	537	537	537	537	537	385	6 438	6 184	6 442
Transfer receipts - operational		53 491	779	572	671	1 480	53 264	12 227	12 227	13 242	12 227	12 227	(22 210)	150 774	141 736	154 275
Other revenue		5 470	9 264	19 177	6 718	8 801	18 132	8 966	8 966	8 966	8 966	8 966	(5 167)	97 141	121 899	121 611
Cash Receipts by Source		199 157	42 767	95 425	91 489	94 469	152 675	101 093	101 093	102 108	101 093	101 093	76 511	1 253 704	1 279 867	1 361 364
Other Cash Flows by Source																
Transfers receipts - capital		–	3 033	1 194	1 594	3 584	4 914	3 840	3 840	3 840	3 840	3 840	7 719	37 228	28 470	31 825
Contributions & Contributed assets		61	334	89	39	196	370	799	799	424	799	799	4 695	9 606	15 712	7 636
Proceeds on disposal of PPE		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Short term loans		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Borrowing long term/refinancing		–	–	–	–	–	54 000	–	–	–	–	–	–	54 000	50 000	50 000
Increase (decrease) in consumer deposits		(83)	(83)	(83)	(83)	(83)	(83)	(83)	(83)	(83)	(83)	(83)	(83)	(1 000)	3 724	3 948
Decrease (increase) in non-current debtors		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Decrease (increase) other non-current receivables		1	1	1	1	1	1	1	1	1	1	1	1	10	–	–
Decrease (increase) in non-current investments		(415)	(415)	(415)	(415)	(415)	(415)	(415)	(415)	(415)	(415)	(415)	(415)	(4 980)	(5 000)	(5 000)
Total Cash Receipts by Source		195 721	45 636	96 222	92 625	97 755	211 362	104 434	104 434	103 474	104 434	104 434	88 098	1 348 658	1 371 934	1 450 586
Cash Payments by Type																
Employee related costs		1 268	57 442	33 173	32 085	58 508	33 268	35 503	35 503	35 523	35 503	35 503	35 659	426 372	442 816	468 539
Remuneration of councillors		–	1 869	949	928	914	932	991	991	991	991	991	1 363	11 896	12 436	13 002
Finance charges		66	506	957	1 350	804	16 397	4 290	4 290	4 290	4 290	4 290	2 566	44 862	52 219	52 362
Bulk purchases - Electricity		3	35 089	34 661	21 676	22 133	20 709	22 622	22 622	22 622	22 622	22 622	55 306	302 269	290 978	313 125
Bulk purchases - Water & Sewer													–	–		
Other materials		1 004	2 893	3 509	3 649	2 151	2 799	4 449	4 449	4 449	4 449	4 449	15 242	53 394	53 347	49 269
Contracted services		527	10 613	13 947	14 290	15 162	14 955	18 712	18 712	18 739	18 712	18 712	59 191	222 230	239 538	247 192
Transfers and grants - other municipalities													–	–		
Transfers and grants - other		–	–	–	1 690	1 107	–	723	723	723	723	723	2 297	8 686	11 610	11 619
Other expenditure		(19)	251	5 765	2 918	5 495	4 368	5 611	5 611	5 611	5 611	5 611	18 921	62 179	114 482	123 211
Cash Payments by Type		2 251	109 656	92 644	78 984	98 274	93 356	92 250	92 250	92 287	92 200	92 200	190 560	1 125 984	1 269 397	1 274 286
Other Cash Flows/Payments by Type																
Capital assets		2 168	12 295	19 119	13 275	17 132	28 759	8 575	15 168	20 068	14 306	10 975	128 316	290 056	204 617	145 378
Repayment of borrowing		1 778	1 289	1 173	8 124	953	8 691	1 862	–	2 997	8 562	1 012	10 331	46 283	53 956	48 956
Other Cash Flows/Payments		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Total Cash Payments by Type		5 218	122 253	104 136	100 383	116 378	130 843	103 687	107 367	114 932	115 068	104 188	327 009	1 462 324	1 481 969	1 468 620
NET INCREASE/(DECREASE) IN CASH HELD		190 503	(76 618)	(9 915)	(7 778)	(18 623)	80 519	738	(3 073)	(11 458)	(10 635)	247	(238 911)	(103 666)	(80 035)	966
Cash/cash equivalents at the month/year beginning:		653 513	843 316	766 721	756 806	749 031	730 408	810 954	811 752	808 679	798 421	788 783	789 040	653 513	550 129	470 093
Cash/cash equivalents at the month/year end:		843 316	766 721	756 806	749 031	730 408	810 954	811 752	808 679	798 421	788 783	789 040	550 129	550 128	470 093	471 059

WC032 Overstrand - Supporting Table SB16 Adjustments Budget - monthly capital expenditure (municipal vote) - 26/01/202

Description - Municipal Vote	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Multi-year expenditure appropriation	1															
Vote 1 - Council & Mayor's Office		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services		–	47	–	36	1 350	–	500	200	253	5	–	627	3 018	–	–
Vote 4 - Finance		–	–	5	9	1	–	–	–	–	–	–	42	57	30 000	20 000
Vote 5 - Infrastructure & Planning		–	6 630	5 278	2 718	6 480	13 827	2 321	1 571	6 117	2 471	2 721	32 958	80 703	104 430	65 550
Vote 6 - Protection Services		–	–	27	–	5	–	–	–	121	–	–	332	485	–	–
Vote 7 - Economic and Social Development & Tourism		–	–	–	–	–	20	–	–	–	–	–	175	195	–	–
Vote 8 - Community Services		–	–	–	–	25	(5)	–	300	60	400	–	(21)	760	–	–
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Capital Multi-year expenditure sub-total	7	–	6 677	5 309	2 763	6 861	13 842	2 821	2 071	5 552	2 876	2 721	33 724	85 219	134 430	85 550
Single-year expenditure appropriation																
Vote 1 - Council & Mayor's Office		–	–	–	–	–	–	–	–	–	–	–	481	481	–	–
Vote 2 - Municipal Manager & Internal Audit		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 3 - Management Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 4 - Finance		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 5 - Infrastructure & Planning		1 220	5 201	4 237	9 242	8 480	8 043	4 368	6 931	8 385	7 168	5 324	48 997	118 597	62 017	59 828
Vote 6 - Protection Services		5	–	–	–	419	1 460	318	458	1 488	758	436	7 196	12 538	1 352	–
Vote 7 - Economic and Social Development & Tourism		–	–	–	–	–	–	–	–	363	97	–	186	647	–	–
Vote 8 - Community Services		933	407	572	1 270	1 382	4 609	1 436	3 995	5 735	2 184	1 310	38 578	62 721	6 817	–
Vote 9 - Costing Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 10 - Main Ledger Services		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Capital single-year expenditure sub-total	3	2 159	5 608	4 809	10 512	10 280	14 013	6 119	11 382	15 961	10 204	7 070	95 821	194 859	70 187	59 828
Total Capital Expenditure	2	2 159	12 285	10 118	13 275	17 162	28 754	8 940	13 453	21 513	13 080	9 791	129 545	280 086	204 617	145 378

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WC032 Overstrand - Supporting Table SB17 Adjustments Budget - monthly capital expenditure (functional classification) - 26/01/2022

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
Capital Expenditure - Functional																
Governance and administration		149 442	(35 355)	28 284	30 268	20 632	71 157	(7 469)	(7 968)	(7 651)	(7 911)	(7 819)	(232 075)	3 536	30 000	20 000
Executive and council		(1 532)	9 751	7 886	2 396	8 104	(7 724)	1 600	1 604	1 605	1 602	1 516	(26 437)	486	–	–
Finance and administration		150 969	(45 511)	20 171	27 662	12 212	78 854	(9 239)	(9 812)	(9 498)	(9 798)	(9 667)	(193 073)	3 070	30 000	20 000
Internal audit		5	406	207	210	316	226	238	240	239	240	239	(2 566)	–	–	–
Community and public safety		(5 434)	13 114	8 566	9 764	8 884	3 169	9 259	9 969	12 954	11 628	9 491	(4 811)	82 789	55 375	37 850
Community and social services		(181)	1 783	1 903	952	1 203	(1 370)	1 390	2 252	2 871	3 122	1 554	3 504	18 084	5 617	–
Sport and recreation		(440)	3 007	1 863	1 633	1 034	619	4 062	3 746	3 830	4 036	3 937	(18 940)	8 568	1 739	–
Public safety		388	8 588	5 393	3 889	6 170	3 344	8 447	8 649	9 032	7 174	6 670	(49 586)	13 168	1 352	–
Housing		(5 211)	(264)	307	291	477	317	(2 640)	(2 678)	(2 679)	(2 711)	(2 670)	60 402	42 940	46 667	37 850
Health		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Economic and environmental services		2 368	13 061	8 781	8 111	11 976	8 574	13 963	18 599	23 084	19 185	14 811	(103 278)	33 423	10 393	17 000
Planning and development		(393)	5 075	2 611	2 382	4 389	552	3 835	7 524	8 244	4 001	3 849	(31 677)	10 372	6 822	–
Road transport		2 909	7 074	5 573	5 201	6 786	5 496	8 815	9 761	13 960	9 863	9 679	(61 665)	23 051	3 571	17 000
Environmental protection		50	931	577	528	820	526	1 303	1 314	1 280	1 322	1 283	(9 936)	–	–	–
Trading services		(148 574)	8 958	(45 370)	(45 232)	(41 897)	(85 927)	(726)	1 316	13 466	6 193	199	498 713	160 348	108 849	70 528
Energy sources		(52 544)	(31 913)	(33 421)	(32 678)	(30 574)	(45 857)	(5 857)	(5 635)	(4 695)	(5 089)	(4 512)	271 894	19 119	38 600	22 000
Water management		(65 712)	43 498	(6 894)	(7 096)	(7 609)	(14 080)	1 817	1 405	4 911	3 051	2 660	94 195	50 036	37 519	22 000
Waste water management		(13 511)	(1 591)	(2 205)	(2 290)	(2 011)	(11 898)	3 878	5 316	13 285	8 444	3 170	68 584	49 170	31 834	26 528
Waste management		(14 807)	(1 026)	(2 850)	(2 968)	(1 483)	(9 092)	(557)	232	(135)	(233)	(1 069)	55 841	22 024	1 200	–
Other		0	192	97	97	184	97	249	249	249	249	249	(1 892)	–	–	–
Total Capital Expenditure - Functional		–	(0)	319	8	(1)	8	15 333	22 187	41 188	25 282	16 931	158 849	286 086	204 617	145 378

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WC032 Overstrand - Supporting Table SB18c Adjustments Budget - capital expenditure on new assets by asset class - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Capital expenditure on new assets by Asset Class/Sub-class												
Infrastructure		117 849	112 421	–	–	–	–	–	–	112 421	84 118	42 006
Roads Infrastructure		19 795	22 851	–	–	–	–	–	–	22 851	3 571	17 009
Roads		19 795	22 851	–	–	–	–	–	–	22 851	3 571	17 009
Road Structures		–	–	–	–	–	–	–	–	–	–	–
Road Furniture		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Storm water Infrastructure		18 364	14 655	–	–	–	–	–	–	14 655	7 884	–
Drainage Collection		600	889	–	–	–	–		–	889	–	–
Storm water Conveyance		15 764	13 765	–	–	–	–		–	13 765	7 884	–
Attenuation		–	–	–	–	–	–		–	–	–	–
Electrical Infrastructure		12 768	10 768	–	–	–	–	–	–	10 768	37 500	15 000
Power Plants		–	–	–	–	–	–	–	–	–	–	–
HV Substations		–	–	–	–	–	–	–	–	–	–	–
HV Switching Station		–	–	–	–	–	–	–	–	–	–	–
HV Transmission Conductors		–	–	–	–	–	–	–	–	–	–	–
MV Substations		696	696	–	–	–	–	–	–	696	29 500	9 000
MV Switching Stations		–	–	–	–	–	–	–	–	–	–	–
MV Networks		12 072	10 072	–	–	–	–	–	–	10 072	7 000	7 000
LV Networks		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Water Supply Infrastructure		29 547	27 547	–	–	–	–	–	–	27 547	7 732	8 000
Dams and Weirs		–	–	–	–	–	–	–	–	–	–	–
Boreholes		10 000	8 000	–	–	–	–	–	–	8 000	2 000	–
Reservoirs		18 017	18 017	–	–	–	–	–	–	18 017	3 000	3 000
Pump Stations		–	–	–	–	–	–	–	–	–	2 732	3 000
Water Treatment Works		–	–	–	–	–	–	–	–	–	–	–
Bulk Mains		–	–	–	–	–	–	–	–	–	–	–
Distribution		1 530	1 530	–	–	–	–	–	–	1 530	–	–
Distribution Points		–	–	–	–	–	–	–	–	–	–	–
PRV Stations		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Sanitation Infrastructure		20 576	18 536	–	–	–	–	–	–	18 536	6 250	4 000
Pump Station		–	–	–	–	–	–	–	–	–	–	–
Reticulation		20 576	18 536	–	–	–	–	–	–	18 536	6 250	4 000
Waste Water Treatment Works		–	–	–	–	–	–	–	–	–	–	–
Outfall Sewers		–	–	–	–	–	–	–	–	–	–	–
Toilet Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Solid Waste Infrastructure		18 479	18 084	–	–	–	–	–	–	18 084	1 250	–
Landfill Site		–	–	–	–	–	–	–	–	–	–	–
Waste Transfer Stations		–	–	–	–	–	–	–	–	–	1 250	–
Waste Processing Facilities		17 964	18 084	–	–	–	–	–	–	18 084	–	–
Waste Drop-off Points		515	–	–	–	–	–	–	–	–	–	–
Waste Separation Facilities		–	–	–	–	–	–	–	–	–	–	–
Electricity Generation Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Rail Lines		–	–	–	–	–	–	–	–	–	–	–
Rail Structures		–	–	–	–	–	–	–	–	–	–	–
Rail Furniture		–	–	–	–	–	–	–	–	–	–	–
Drainage Collection		–	–	–	–	–	–	–	–	–	–	–
Storm water Conveyance		–	–	–	–	–	–	–	–	–	–	–
Attenuation		–	–	–	–	–	–	–	–	–	–	–
MV Substations		–	–	–	–	–	–	–	–	–	–	–
LV Networks		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Sand Pumps		–	–	–	–	–	–	–	–	–	–	–
Piers		–	–	–	–	–	–	–	–	–	–	–
Revetments		–	–	–	–	–	–	–	–	–	–	–
Promenades		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Data Centres		–	–	–	–	–	–	–	–	–	–	–
Core Layers		–	–	–	–	–	–	–	–	–	–	–
Distribution Layers		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Community Assets		12 793	9 837	–	–	–	–	–	–	9 837	13 982	–
Community Facilities		12 743	9 787	–	–	–	–	–	–	9 787	13 982	–
Halls		28	28	–	–	–	–	–	–	28	–	–
Centres		–	–	–	–	–	–	–	–	–	–	–
Crèches		475	–	–	–	–	–	–	–	–	476	–
Clinics/Care Centres		–	–	–	–	–	–	–	–	–	–	–
Fire/Ambulance Stations		–	–	–	–	–	–	–	–	–	–	–
Testing Stations		–	–	–	–	–	–	–	–	–	1 052	–
Museums		–	–	–	–	–	–	–	–	–	–	–
Galleries		–	–	–	–	–	–	–	–	–	–	–
Theatres		–	–	–	–	–	–	–	–	–	–	–
Libraries		772	772	–	–	–	–	–	–	772	4 374	–
Cemeteries/Crematoria		1 292	1 292	–	–	–	–	–	–	1 292	–	–
Police		–	–	–	–	–	–	–	–	–	–	–
Parks		302	152	–	–	–	–	–	–	152	–	–
Public Open Space		5 735	6 849	–	–	–	–	–	–	6 849	147	–
Nature Reserves		2 100	–	–	–	–	–	–	–	–	5 700	–
Public Ablution Facilities		1 383	140	–	–	–	–	–	–	140	1 244	–
Markets		–	–	–	–	–	–	–	–	–	–	–
Stalls		297	297	–	–	–	–	–	–	297	–	–
Abattoirs		–	–	–	–	–	–	–	–	–	–	–

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Mid-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		7	7	8	9	10	11	12	13	14		
		A	A1	B	C	D	E	F	G	H		
Airports		–	–	–	–	–	–	–	–	–	–	–
Taxi Ranks/Bus Terminals		360	360	–	–	–	–	–	–	360	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Sport and Recreation Facilities		50	50	–	–	–	–	–	–	50	–	–
Indoor Facilities		–	–	–	–	–	–	–	–	–	–	–
Outdoor Facilities		50	50	–	–	–	–	–	–	50	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Heritage assets		–	–	–	–	–	–	–	–	–	–	–
Monuments		–	–	–	–	–	–	–	–	–	–	–
Historic Buildings		–	–	–	–	–	–	–	–	–	–	–
Works of Art		–	–	–	–	–	–	–	–	–	–	–
Conservation Areas		–	–	–	–	–	–	–	–	–	–	–
Other Heritage		–	–	–	–	–	–	–	–	–	–	–
Investment properties		–	–	–	–	–	–	–	–	–	–	–
Revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Improved Property		–	–	–	–	–	–	–	–	–	–	–
Unimproved Property		–	–	–	–	–	–	–	–	–	–	–
Non-revenue Generating		–	–	–	–	–	–	–	–	–	–	–
Improved Property		–	–	–	–	–	–	–	–	–	–	–
Unimproved Property		–	–	–	–	–	–	–	–	–	–	–
Other assets		52 970	47 901	–	–	–	–	–	–	47 901	47 457	37 850
Operational Buildings		4 925	4 961	–	–	–	–	–	–	4 961	[illegible]	–
Municipal Offices		4 925	4 961	–	–	–	–	–	–	4 961	[illegible]	–
Pay/Enquiry Points		–	–	–	–	–	–	–	–	–	–	–
Building Plan Offices		–	–	–	–	–	–	–	–	–	–	–
Workshops		–	–	–	–	–	–	–	–	–	–	–
Yards		–	–	–	–	–	–	–	–	–	–	–
Stores		–	–	–	–	–	–	–	–	–	–	–
Laboratories		–	–	–	–	–	–	–	–	–	–	–
Training Centres		–	–	–	–	–	–	–	–	–	–	–
Manufacturing Plant		–	–	–	–	–	–	–	–	–	–	–
Depots		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Housing		48 044	42 940	–	–	–	–	–	–	42 940	46 857	37 850
Staff Housing		–	–	–	–	–	–	–	–	–	–	–
Social Housing		48 044	42 940	–	–	–	–	–	–	42 940	46 857	37 850
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Biological or Cultivated Assets		–	–	–	–	–	–	–	–	–	–	–
Intangible Assets		–	–	–	–	–	–	–	–	–	–	–
Servitudes		–	–	–	–	–	–	–	–	–	–	–
Licences and Rights		–	–	–	–	–	–	–	–	–	–	–
Water Rights		–	–	–	–	–	–	–	–	–	–	–
Effluent Licences		–	–	–	–	–	–	–	–	–	–	–
Solid Waste Licenses		–	–	–	–	–	–	–	–	–	–	–
Computer Software and Applications		–	–	–	–	–	–	–	–	–	–	–
Load Settlement Software Applications		–	–	–	–	–	–	–	–	–	–	–
Unspecified		–	–	–	–	–	–	–	–	–	–	–
Computer Equipment		7 896	8 907	–	–	–	–	–	–	8 907	–	–
Computer Equipment		7 896	8 907	–	–	–	–	–	–	8 907	–	–
Furniture and Office Equipment		1 025	1 064	–	–	–	–	–	–	1 064	–	–
Furniture and Office Equipment		1 025	1 064	–	–	–	–	–	–	1 064	–	–
Machinery and Equipment		760	860	–	–	–	–	–	–	860	–	–
Machinery and Equipment		760	860	–	–	–	–	–	–	860	–	–
Transport Assets		22 440	21 732	–	–	–	–	–	–	21 732	30 000	20 000
Transport Assets		22 440	21 732	–	–	–	–	–	–	21 732	30 000	20 000
Land		–	–	–	–	–	–	–	–	–	–	–
Land		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
Zoo's, Marine and Non-biological Animals		–	–	–	–	–	–	–	–	–	–	–
Total Capital Expenditure on new assets *to be adjusted*	1	215 433	208 722	–	–	–	–	–	–	208 722	184 974	96 850

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WC032 Overstrand - Supporting Table SB15b Adjustments Budget - capital expenditure on renewal of existing assets by asset class - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Capital expenditure on renewal of existing assets by Asset Class/Sub-class												
Infrastructure		25 621	25 086	-	-	-	-	-	-	25 086	20 080	16 300
Roads Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Roads		-	-	-	-	-	-	-	-	-	-	-
Road Structures		-	-	-	-	-	-	-	-	-	-	-
Road Furniture		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		1 900	1 900	-	-	-	-	-	-	1 900	1 900	-
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		-	-	-	-	-	-	-	-	-	-	-
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
MV Switching Stations		1 900	1 900	-	-	-	-	-	-	1 900	1 900	-
MV Networks		-	-	-	-	-	-	-	-	-	-	-
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Water Supply Infrastructure		20 880	20 036	-	-	-	-	-	-	20 036	15 480	15 500
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		-	-	-	-	-	-	-	-	-	-	-
Pump Stations		1 500	1 848	-	-	-	-	-	-	1 848	483	500
Water Treatment Works		-	-	-	-	-	-	-	-	-	-	-
Bulk Mains		-	-	-	-	-	-	-	-	-	-	-
Distribution		18 780	18 188	-	-	-	-	-	-	18 188	14 923	15 000
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sanitation Infrastructure		4 861	4 861	-	-	-	-	-	-	4 861	650	700
Pump Station		600	600	-	-	-	-	-	-	600	650	700
Reticulation		-	-	-	-	-	-	-	-	-	-	-
Waste Water Treatment Works		-	-	-	-	-	-	-	-	-	-	-
Outfall Sewers		3 461	3 461	-	-	-	-	-	-	3 461	-	-
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Landfill Sites		-	-	-	-	-	-	-	-	-	-	-
Waste Transfer Stations		-	-	-	-	-	-	-	-	-	-	-
Waste Processing Facilities		-	-	-	-	-	-	-	-	-	-	-
Waste Drop-off Points		-	-	-	-	-	-	-	-	-	-	-
Waste Separation Facilities		-	-	-	-	-	-	-	-	-	-	-
Electricity Generation Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Rail Lines		-	-	-	-	-	-	-	-	-	-	-
Rail Structures		-	-	-	-	-	-	-	-	-	-	-
Rail Furniture		-	-	-	-	-	-	-	-	-	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Sand Pumps		-	-	-	-	-	-	-	-	-	-	-
Piers		-	-	-	-	-	-	-	-	-	-	-
Revetments		-	-	-	-	-	-	-	-	-	-	-
Promenades		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Data Centres		-	-	-	-	-	-	-	-	-	-	-
Core Layers		-	-	-	-	-	-	-	-	-	-	-
Distribution Layers		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Community Assets		-	-	-	-	-	-	-	-	-	-	-
Community Facilities		-	-	-	-	-	-	-	-	-	-	-
Halls		-	-	-	-	-	-	-	-	-	-	-
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		-	-	-	-	-	-	-	-	-	-	-
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	-	-	-	-	-
Libraries		-	-	-	-	-	-	-	-	-	-	-
Cemeteries/Crematoria		-	-	-	-	-	-	-	-	-	-	-
Police		-	-	-	-	-	-	-	-	-	-	-
Parks		-	-	-	-	-	-	-	-	-	-	-
Public Open Space		-	-	-	-	-	-	-	-	-	-	-
Nature Reserves		-	-	-	-	-	-	-	-	-	-	-
Public Ablution Facilities		-	-	-	-	-	-	-	-	-	-	-
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		-	-	-	-	-	-	-	-	-	-	-
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Heritage assets		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
Investment properties		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Other assets		-	-	-	-	-	-	-	-	-	-	-
Operational Buildings		-	-	-	-	-	-	-	-	-	-	-
Municipal Offices		-	-	-	-	-	-	-	-	-	-	-
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-	-	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Intangible Assets		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	-
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	-
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditure on renewal of existing assets *to be adjusted*	1	25 621	25 696	-	-	-	-	-	-	25 696	20 050	11 200

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WC032 Overstrand - Supporting Table SB15c Adjustments Budget - expenditure on repairs and maintenance by asset class - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unavoid. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	A1	B	C	D	E	F	G	H		
Repairs and maintenance expenditure by Asset Class/Sub-class												
Infrastructure		141 901	144 983	-	-	-	-	-	-	144 983	150 488	156 783
Roads Infrastructure		67 319	69 825	-	-	-	-	-	-	69 825	71 378	75 348
Roads		65 897	65 984	-	-	-	-	-	-	65 984	67 447	71 218
Road Structures		1 741	3 741	-	-	-	-	-	-	3 741	3 832	4 032
Road Furniture		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		8 159	8 142	-	-	-	-	-	-	8 142	8 363	8 721
Drainage Collection		2 811	2 764	-	-	-	-		-	2 764	2 875	3 189
Storm water Conveyance		3 348	3 378	-	-	-	-		-	3 378	3 389	3 531
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		31 243	31 858	-	-	-	-	-	-	31 858	32 852	34 749
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		-	-	-	-	-	-	-	-	-	-	-
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		42	146	-	-	-	-	-	-	146	43	43
MV Substations		-	-	-	-	-	-	-	-	-	-	-
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		28 758	28 646	-	-	-	-		-	28 646	29 254	32 060
LV Networks		2 443	2 953	-	-	-	-	-	-	2 953	3 535	2 646
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Water Supply Infrastructure		19 710	20 721	-	-	-	-	-	-	20 721	20 801	21 956
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		-	-	-	-	-	-	-	-	-	-	-
Pump Stations		-	-	-	-	-	-	-	-	-	-	-
Water Treatment Works		-	-	-	-	-	-	-	-	-	-	-
Bulk Mains		-	-	-	-	-	-	-	-	-	-	-
Distribution		19 710	20 721	-	-	-	-		-	20 721	20 801	21 956
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sanitation Infrastructure		13 282	13 663	-	-	-	-	-	-	13 663	13 878	14 535
Pump Station		-	-	-	-	-	-	-	-	-	-	-
Reticulation		-	-	-	-	-	-	-	-	-	-	-
Waste Water Treatment Works		13 282	13 663	-	-	-	-		-	13 663	13 878	14 535
Outfall Sewers		-	-	-	-	-	-	-	-	-	-	-
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Infrastructure		3 631	2 858	-	-	-	-	-	-	2 858	4 828	5 184
Landfill Sites		82	82	-	-	-	-	-	-	82	85	88
Waste Transfer Stations		1 450	1 450	-	-	-	-	-	-	1 450	1 522	1 597
Waste Processing Facilities		833	373	-	-	-	-	-	-	373	1 729	1 845
Waste Drop-off Points		1 065	1 065	-	-	-	-	-	-	1 065	1 113	1 159
Waste Separation Facilities		201	8	-	-	-	-	-	-	8	456	475
Electricity Generation Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Rail Lines		-	-	-	-	-	-	-	-	-	-	-
Rail Structures		-	-	-	-	-	-	-	-	-	-	-
Rail Furniture		-	-	-	-	-	-	-	-	-	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		216	186	-	-	-	-	-	-	186	225	234
Sand Pumps		-	-	-	-	-	-	-	-	-	-	-
Piers		-	-	-	-	-	-	-	-	-	-	-
Revetments		-	-	-	-	-	-	-	-	-	-	-
Promenades		216	186	-	-	-	-	-	-	186	225	234
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		42	42	-	-	-	-	-	-	42	44	46
Data Centres		42	42	-	-	-	-	-	-	42	44	46
Core Layers		-	-	-	-	-	-	-	-	-	-	-
Distribution Layers		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Community Assets		44 769	46 113	-	-	-	-	-	-	46 113	47 164	48 867
Community Facilities		37 242	40 866	-	-	-	-	-	-	40 866	39 268	41 291
Halls		4 685	5 690	-	-	-	-		-	5 690	5 491	5 432
Centres		46	126	-	-	-	-		-	126	48	47
Crèches		-	-	-	-	-	-		-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-		-	-	-	-
Fire/Ambulance Stations		385	530	-	-	-	-		-	530	402	419
Testing Stations		124	85	-	-	-	-		-	85	129	135
Museums		-	-	-	-	-	-		-	-	-	-
Galleries		-	-	-	-	-	-		-	-	-	-
Theatres		-	-	-	-	-	-		-	-	-	-
Libraries		191	201	-	-	-	-		-	201	199	207
Cemeteries/Crematoria		1 947	865	-	-	-	-		-	865	1 077	1 134
Police		918	1 300	-	-	-	-		-	1 300	542	564
Parks		27 196	27 312	-	-	-	-		-	27 312	25 750	26 510
Public Open Space		2 947	4 866	-	-	-	-		-	4 866	2 777	2 922
Nature Reserves		-	-	-	-	-	-	-	-	-	-	-
Public Ablution Facilities		202	202	-	-	-	-	-	-	202	211	221
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-

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Description	Ref	Budget Year 2022/23									Budget Year +1 2023/24	Budget Year +2 2024/25
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		7 815	8 214	-	-	-	-	-	-	8 214	7 878	8 278
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		7 815	8 214	-	-	-	-		-	8 214	7 878	8 278
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Heritage assets		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
Investment properties		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Other assets		3 410	3 176	-	-	-	-	-	-	3 176	3 648	3 833
Operational Buildings		3 273	3 035	-	-	-	-	-	-	3 035	3 514	3 692
Municipal Offices		3 268	2 777	-	-	-	-	-	-	2 777	3 342	3 484
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		629	145	-	-	-	-	-	-	145	130	139
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		38	17	-	-	-	-		-	17	26	28
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		97	237	-	-	-	-	-	-	237	36	41
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		97	237	-	-	-	-	-	-	237	36	41
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Intangible Assets		5 825	5 825	-	-	-	-	-	-	5 825	6 235	6 580
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		5 825	5 825	-	-	-	-	-	-	5 825	6 235	6 580
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licences		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licences		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		5 825	5 825	-	-	-	-	-	-	5 825	6 235	6 580
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		2 186	2 449	-	-	-	-	-	-	2 449	2 351	2 479
Computer Equipment		2 186	2 449	-	-	-	-	-	-	2 449	2 351	2 479
Furniture and Office Equipment		2 811	1 840	-	-	-	-	-	-	1 840	2 652	2 914
Furniture and Office Equipment		2 811	1 840	-	-	-	-		-	1 840	2 652	2 914
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		9 914	13 685	-	-	-	-	-	-	13 685	10 508	11 133
Transport Assets		9 914	13 685	-	-	-	-	-	-	13 685	10 508	11 133
Land		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Total Repairs and Maintenance Expenditure to be adjusted	1	230 965	321 378	-	-	-	-	-	-	321 378	323 095	335 335

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WC032 Overstrand - Supporting Table SB19d Adjustments Budget - depreciation by asset class - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2022/23	Budget Year +2 2023/24
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Depreciation by Asset Classification												
Infrastructure		117 641	117 641	–	–	–	–	–	–	117 641	116 338	109 913
Roads Infrastructure		33 352	33 352	–	–	–	–	–	–	33 352	33 184	33 059
Roads		33 352	33 352	–	–	–	–	–	–	33 352	33 184	33 059
Road Structures		–	–	–	–	–	–	–	–	–	–	–
Road Furniture		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Storm water Infrastructure		6 999	6 999	–	–	–	–	–	–	6 999	6 997	6 994
Drainage Collection		6 999	6 999	–	–	–	–	–	–	6 999	6 997	6 994
Storm water Conveyance		–	–	–	–	–	–	–	–	–	–	–
Attenuation		–	–	–	–	–	–	–	–	–	–	–
Electrical Infrastructure		28 537	28 537	–	–	–	–	–	–	28 537	28 535	28 531
Power Plants		–	–	–	–	–	–	–	–	–	–	–
HV Substations		–	–	–	–	–	–	–	–	–	–	–
HV Switching Station		–	–	–	–	–	–	–	–	–	–	–
HV Transmission Conductors		–	–	–	–	–	–	–	–	–	–	–
MV Substations		–	–	–	–	–	–	–	–	–	–	–
MV Switching Stations		–	–	–	–	–	–	–	–	–	–	–
MV Networks		–	–	–	–	–	–	–	–	–	–	–
LV Networks		28 537	28 537	–	–	–	–	–	–	28 537	28 535	28 531
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Water Supply Infrastructure		28 591	28 591	–	–	–	–	–	–	28 591	27 621	21 980
Dams and Weirs		–	–	–	–	–	–	–	–	–	–	–
Boreholes		–	–	–	–	–	–	–	–	–	–	–
Reservoirs		–	–	–	–	–	–	–	–	–	–	–
Pump Stations		–	–	–	–	–	–	–	–	–	–	–
Water Treatment Works		–	–	–	–	–	–	–	–	–	–	–
Bulk Mains		–	–	–	–	–	–	–	–	–	–	–
Distribution		28 591	28 591	–	–	–	–	–	–	28 591	27 621	21 980
Distribution Points		–	–	–	–	–	–	–	–	–	–	–
PRV Stations		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Sanitation Infrastructure		19 694	19 694	–	–	–	–	–	–	19 694	19 325	18 883
Pump Station		–	–	–	–	–	–	–	–	–	–	–
Reticulation		–	–	–	–	–	–	–	–	–	–	–
Waste Water Treatment Works		19 694	19 694	–	–	–	–	–	–	19 694	19 325	18 883
Outfall Sewers		–	–	–	–	–	–	–	–	–	–	–
Toilet Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Solid Waste Infrastructure		2 589	2 589	–	–	–	–	–	–	2 589	2 396	2 293
Landfill Sites		2 589	2 589	–	–	–	–	–	–	2 589	2 396	2 293
Waste Transfer Stations		–	–	–	–	–	–	–	–	–	–	–
Waste Processing Facilities		–	–	–	–	–	–	–	–	–	–	–
Waste Drop-off Points		–	–	–	–	–	–	–	–	–	–	–
Waste Separation Facilities		–	–	–	–	–	–	–	–	–	–	–
Electricity Generation Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Rail Lines		–	–	–	–	–	–	–	–	–	–	–
Rail Structures		–	–	–	–	–	–	–	–	–	–	–
Rail Furniture		–	–	–	–	–	–	–	–	–	–	–
Drainage Collection		–	–	–	–	–	–	–	–	–	–	–
Storm water Conveyance		–	–	–	–	–	–	–	–	–	–	–
Attenuation		–	–	–	–	–	–	–	–	–	–	–
MV Substations		–	–	–	–	–	–	–	–	–	–	–
LV Networks		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Sand Pumps		–	–	–	–	–	–	–	–	–	–	–
Piers		–	–	–	–	–	–	–	–	–	–	–
Revetments		–	–	–	–	–	–	–	–	–	–	–
Promenades		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Data Centres		–	–	–	–	–	–	–	–	–	–	–
Core Layers		–	–	–	–	–	–	–	–	–	–	–
Distribution Layers		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Community Assets		15 899	15 899	–	–	–	–	–	–	15 899	15 899	15 048
Community Facilities		15 899	15 899	–	–	–	–	–	–	15 899	15 899	15 048
Halls		–	–	–	–	–	–	–	–	–	–	–
Centres		15 899	15 899	–	–	–	–	–	–	15 899	15 899	15 048
Crèches		–	–	–	–	–	–	–	–	–	–	–
Clinics/Care Centres		–	–	–	–	–	–	–	–	–	–	–
Fire/Ambulance Stations		–	–	–	–	–	–	–	–	–	–	–
Testing Stations		–	–	–	–	–	–	–	–	–	–	–
Museums		–	–	–	–	–	–	–	–	–	–	–
Galleries		–	–	–	–	–	–	–	–	–	–	–
Theatres		–	–	–	–	–	–	–	–	–	–	–
Libraries		–	–	–	–	–	–	–	–	–	–	–
Cemeteries/Crematoria		–	–	–	–	–	–	–	–	–	–	–
Police		–	–	–	–	–	–	–	–	–	–	–
Parks		–	–	–	–	–	–	–	–	–	–	–
Public Open Space		–	–	–	–	–	–	–	–	–	–	–
Nature Reserves		–	–	–	–	–	–	–	–	–	–	–
Public Ablution Facilities		–	–	–	–	–	–	–	–	–	–	–
Markets		–	–	–	–	–	–	–	–	–	–	–
Stalls		–	–	–	–	–	–	–	–	–	–	–
Abattoirs		–	–	–	–	–	–	–	–	–	–	–

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		-	-	-	-	-	-	-	-	-	-	-
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Heritage assets		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
Investment properties		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Other assets		-	-	-	-	-	-	-	-	-	-	-
Operational Buildings		-	-	-	-	-	-	-	-	-	-	-
Municipal Offices		-	-	-	-	-	-	-	-	-	-	-
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-	-	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Intangible Assets		570	570	-	-	-	-	-	-	570	431	297
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		570	570	-	-	-	-	-	-	570	431	297
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		570	570	-	-	-	-	-	-	570	431	297
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		1 771	1 771	-	-	-	-	-	-	1 771	1 600	1 370
Furniture and Office Equipment		1 771	1 771	-	-	-	-	-	-	1 771	1 600	1 370
Machinery and Equipment		863	863	-	-	-	-	-	-	863	576	457
Machinery and Equipment		863	863	-	-	-	-	-	-	863	576	457
Transport Assets		5 333	5 333	-	-	-	-	-	-	5 333	5 811	6 297
Transport Assets		5 333	5 333	-	-	-	-	-	-	5 333	5 811	6 297
Land		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Total Depreciation to be adjusted	1	141 877	141 877	-	-	-	-	-	-	141 877	139 714	133 277

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WC032 Overstrand - Adjustments Budget - capital expenditure on upgrading of existing assets by asset class - 26/01/2022

Description	Ref	Budget Year 2021/22									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
Capital expenditure on upgrading of existing assets by Asset Class/Sub-class												
Infrastructure		50 266	45 882	–	–	–	–	–	–	45 882	23 264	21 328
Roads Infrastructure		200	200	–	–	–	–	–	–	200	–	–
Roads		200	200	–	–	–	–	–	–	200	–	–
Road Structures		–	–	–	–	–	–	–	–	–	–	–
Road Furniture		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Storm water Infrastructure		13 057	13 057	–	–	–	–	–	–	13 057	–	–
Drainage Collection		–	–	–	–	–	–	–	–	–	–	–
Storm water Conveyance		13 057	13 057	–	–	–	–	–	–	13 057	–	–
Attenuation		–	–	–	–	–	–	–	–	–	–	–
Electrical Infrastructure		7 350	7 350	–	–	–	–	–	–	7 350	–	7 000
Power Plants		–	–	–	–	–	–	–	–	–	–	–
HV Substations		–	–	–	–	–	–	–	–	–	–	–
HV Switching Station		–	–	–	–	–	–	–	–	–	–	–
HV Transmission Conductors		–	–	–	–	–	–	–	–	–	–	–
MV Substations		–	–	–	–	–	–	–	–	–	–	–
MV Switching Stations		–	–	–	–	–	–	–	–	–	–	–
MV Networks		7 350	7 350	–	–	–	–	–	–	7 350	–	7 000
LV Networks		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Water Supply Infrastructure		2 500	2 454	–	–	–	–	–	–	2 454	11 364	500
Dams and Weirs		–	–	–	–	–	–	–	–	–	–	–
Boreholes		–	–	–	–	–	–	–	–	–	–	–
Reservoirs		–	–	–	–	–	–	–	–	–	–	–
Pump Stations		–	–	–	–	–	–	–	–	–	–	–
Water Treatment Works		–	–	–	–	–	–	–	–	–	–	–
Bulk Mains		–	–	–	–	–	–	–	–	–	–	–
Distribution		2 500	2 454	–	–	–	–	–	–	2 454	11 364	500
Distribution Points		–	–	–	–	–	–	–	–	–	–	–
PRV Stations		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Sanitation Infrastructure		23 159	18 861	–	–	–	–	–	–	18 861	10 870	21 828
Pump Station		6 620	6 861	–	–	–	–	–	–	6 861	6 000	6 000
Reticulation		9 218	10 420	–	–	–	–	–	–	10 420	393	6 828
Waste Water Treatment Works		5 450	1 490	–	–	–	–	–	–	1 490	4 450	9 000
Outfall Sewers		–	–	–	–	–	–	–	–	–	026	–
Toilet Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Solid Waste Infrastructure		3 650	3 650	–	–	–	–	–	–	3 650	–	–
Landfill Sites		2 500	2 500	–	–	–	–	–	–	2 500	–	–
Waste Transfer Stations		1 460	1 460	–	–	–	–	–	–	1 460	–	–
Waste Processing Facilities		–	–	–	–	–	–	–	–	–	–	–
Waste Drop-off Points		–	–	–	–	–	–	–	–	–	–	–
Waste Separation Facilities		–	–	–	–	–	–	–	–	–	–	–
Electricity Generation Facilities		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Rail Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Rail Lines		–	–	–	–	–	–	–	–	–	–	–
Rail Structures		–	–	–	–	–	–	–	–	–	–	–
Rail Furniture		–	–	–	–	–	–	–	–	–	–	–
Drainage Collection		–	–	–	–	–	–	–	–	–	–	–
Storm water Conveyance		–	–	–	–	–	–	–	–	–	–	–
Attenuation		–	–	–	–	–	–	–	–	–	–	–
MV Substations		–	–	–	–	–	–	–	–	–	–	–
LV Networks		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Coastal Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Sand Pumps		–	–	–	–	–	–	–	–	–	–	–
Piers		–	–	–	–	–	–	–	–	–	–	–
Revetments		–	–	–	–	–	–	–	–	–	–	–
Promenades		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Information and Communication Infrastructure		–	–	–	–	–	–	–	–	–	–	–
Data Centres		–	–	–	–	–	–	–	–	–	–	–
Core Layers		–	–	–	–	–	–	–	–	–	–	–
Distribution Layers		–	–	–	–	–	–	–	–	–	–	–
Capital Spares		–	–	–	–	–	–	–	–	–	–	–
Community Assets		12 679	8 388	–	–	–	–	–	–	8 388	1 739	–
Community Facilities		970	908	–	–	–	–	–	–	908	–	–
Halls		–	–	–	–	–	–	–	–	–	–	–
Centres		–	–	–	–	–	–	–	–	–	–	–
Crèches		–	–	–	–	–	–	–	–	–	–	–
Clinics/Care Centres		–	–	–	–	–	–	–	–	–	–	–
Fire/Ambulance Stations		–	–	–	–	–	–	–	–	–	–	–
Testing Stations		–	–	–	–	–	–	–	–	–	–	–
Museums		–	–	–	–	–	–	–	–	–	–	–
Galleries		–	–	–	–	–	–	–	–	–	–	–
Theatres		–	–	–	–	–	–	–	–	–	–	–
Libraries		–	–	–	–	–	–	–	–	–	–	–
Cemeteries/Crematoria		–	–	–	–	–	–	–	–	–	–	–
Police		–	–	–	–	–	–	–	–	–	–	–
Parks		340	340	–	–	–	–	–	–	340	–	–
Public Open Space		540	540	–	–	–	–	–	–	540	–	–
Nature Reserves		–	–	–	–	–	–	–	–	–	–	–
Public Ablution Facilities		70	–	–	–	–	–	–	–	–	–	–
Markets		–	–	–	–	–	–	–	–	–	–	–
Stalls		–	–	–	–	–	–	–	–	–	–	–
Abattoirs		–	–	–	–	–	–	–	–	–	–	–

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Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
R thousands		Original Budget A	Prior Adjusted 7 A1	Accum. Funds 8 B	Multi-year capital 9 C	Unfore. Unavoid. 10 D	Nat. or Prov. Govt 11 E	Other Adjusts. 12 F	Total Adjusts. 13 G	Adjusted Budget 14 H	Adjusted Budget	Adjusted Budget
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		28	28	-	-	-	-	-	-	28	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		11 603	7 480	-	-	-	-	-	-	7 480	1 733	-
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		11 603	7 480	-	-	-	-	-	-	7 480	1 733	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Heritage assets		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
Investment properties		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Other assets		-	-	-	-	-	-	-	-	-	-	-
Operational Buildings		-	-	-	-	-	-	-	-	-	-	-
Municipal Offices		-	-	-	-	-	-	-	-	-	-	-
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-	-	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Intangible Assets		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licenses and Rights		-	-	-	-	-	-	-	-	-	-	-
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	-
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditure on upgrading of existing assets *to be adjusted*	1	83 814	54 268	-	-	-	-	-	-	54 268	28 932	25 326

WC032 Overstrand - Supporting Table SB19 List of capital programmes and projects affected by Adjustments Budget - 2021/2022

Municipal Vote/Capital project Ref/Insert4	Program/Project description	Project number	IDP Goal Code 3	Individually Approved Yes/No 5	Asset Class 4	Asset Sub-Class 4	GPS co-ordinates 5	Medium Term Revenue and Expenditure Framework					
								Budget Year 2020/21		Budget Year +1 2021/22		Budget Year +2 2022/23	
								Original Budget	Adjusted Budget	Original Budget	Adjusted Budget	Original Budget	Adjusted Budget
Parent municipality: *List all capital programs/projects grouped by Municipal Vote*													
Entities: *List all capital programs/projects grouped by Municipal Entity* Entity Name *Project name*													

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QUALITY CERTIFICATE

I, DGI O'Neill, the Municipal Manager of Overstrand Municipality hereby certify that the **5th Adjustments Budget (Special Adjustments Budget)** for 2020/21 and supporting documentation have been prepared in accordance with the Municipal Finance Management Act and the regulations made under the Act, and that the adjustments budget and supporting documentation are consistent with the Integrated Development Plan of the municipality.

Print Name **DGI O'Neill**

Municipal manager of **Overstrand Municipality (WC032)**

Signature _____

Date 20 January 2022

Jacobs & Associates

KONSULTANTE / CONSULTANTS

14 Van Dyk Street, Gansbaai, 7220
P O Box 1534, Gansbaai, 7220
Fax: 086 768 7221
Cell: 060 3855 690
E-Mail: scottjacobs706@gmail.com

CIIR ANNELIE RABIE & others
OVERSTRAND MUNICIPALITY
HERMANUS

BY E-MAIL: annelierabie@overstrand.gov.za

U VERW:/YOUR REF: **Cllr A Rabie**
ONS VERW:/OUR REF: JSJ/mb
DATUM:/DATE: 25 January 2022

Dear Sirs

A PORTION OF REMAINDER ERF 210 GANSBAAI: SIZISA UKHANYO TRADING (PTY) LTD – COMPENSATION AGREEMENT

We have been instructed by our client, Messrs Sipho Sea Products (Pty) Ltd, to herewith address this letter to yourselves. Our comments have relevance to item 5 of the Agenda for the Mayoral Committee meeting due to take place tomorrow, the 26th instant, same referring to the caption hereof.

For purposes of backgound information, we attach hereto copy of our letter dated 18 August 2017 addressed to Overstrand Municipalty, same being our comments and/or objections on behalf of our client to the then application for the proposed amendment of the site development plan, as well as a copy of our client's letter dated 15 November 2019 addressed to Messrs Site Plan Consulting, same being our client's comments and/or objections to the then appointed consultants for executing the EIA for the extention of the existing mining right on a Portion of Erf 210 Gansbaai. From the attached as well as the contents of the said item 5 of the Agenda referred to above, we are compelled to herewith make yourselves aware of *inter alia* the following preliminary comments and/or objections:

1 The only purpose of the said item 5 of the Agenda is to obtain approval for the entering into a compensation agreement with the Applicant subject to certain conditions. However, the Minutes of the Ordinary Meeting dated 25 November 2021 states it was Resolved that the item be withdrawn and resubmitted by the relevant Portfolio. It is further common cause that the Mayor declared publicly that an investigaton should be initiated into the alleged unlawful mining activities on the property under discussion.

2 To our knowledge, this investigation has not yet been finalised and/or the findings thereof been made public for transparency and good corporate governance. More relevant, it is being questioned why the approval for the said compensation agreement is sought before the aforesaid investigation has not yet been finalised (refer to clause 4 below)?

3 Under the heading "Background" of the said Agenda, it is stated that a lease agreement is not the appropriate method to regulate the Applicant's use of the areas under discussion. For this reason the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as far back as 6 May 2015. However, as per clause 2.2 of our attached letter, during 2017 the Municipality then stated that the Municipality has entered into a lease agreement with the current Applicant (as the Municipality was the then Applicant) in respect of the existing area. These statements are in direct contrast with each other and only copies of the said documents could provide clarity in this regard.

4 As stated above, the Applicant has applied for the extention of an existing mining right. It therefor follows that if for eg the outcome of the aforesaid investigation determines the existing mining activities to be unlawful, it must be declared unlawful and in which event the "extention of the existing ming right" shall also be unlawful, thereby completely nullifying the purpose of deciding on the aforesaid item 5 of the Agenda, i.e. the entering of a further compensaton agreement with the said Applicant. For purposes of exercising the aforesaid investigation, we deem it necessary to highlight the following aspects as per the attached letters:

4.1 In the application for the proposed amendmend of the site development plan, reference is made by Overstrand Municipality to the fact that Sizisa Ukhanyo Trading 410 CC (trading as Gansbaai Sand en Klip) is operating the sand mine on the subject property in terms of a lease agreement with the Applicant, the Applicant being the Overstrand Municipality. This is in contradiction with the Municipality's current declaration that the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as far back as 6 May 2015, as per clause 3 above.

4.2 Disclosure of such lease agreement shall further enlighten the public in general (inclusive of client) as to the date since when such irregular mining practice was to the knowledge of the Lessor (Overstrand Municipality), as well as the economic benefits to the Applicant. Notwithstanding our request thereto since 2017, same has not been disclosed to us to date hereof.

4.3 No explanation has been provided as to why the Municipality has brought the said application for the proposed amendment of the site development plan, at their cost and expense and before commencement of the mining activities.

4.4 In the absence of any such disclosures, our client had to object to the locus standi of the applicant (i.e. Overstrand Municipality) by bringing such application – again, to date hereof we have received no clarification hereof.

4.5 As more fully referred to below, it is indeed common cause that the existing mining activities are indeed unlawful. Of greater concern is that the Municipality is aware of this since at least 6 May 2015, being the date they entered into the first compensation agreement with the applicant, according to the Municipality's statement. However, this is contradicted by the statement that a lease agreement was concluded with the applicant – the true position needs to be established on an urgent basis so as to comply with the required accountability thereof as per clause 5 of our attached letter dated 18 August 2017.

4.6 During the applicable processes for the "extention of the existing mining right", the advertisement only made provision for the extention of the existing mining right and not the existing mining permit – however, the contents of the relevant draft scoping report also referred to extention of the existing mining permit area and we submitted that the advertisement was flawed and is misleading in this regard.

4.6 Our client has fully addressed the misconception that "the most suitable source of material is through an extension of the existing excavation", as per clause 4 of their attached letter dated 15 November 2019.

4.7 The MPRD Act (Act 28 of 2002) is very clear in its directives to make provision for equitable access to and sustainable development of the nation's mineral resources as well as promoting of local development and social upliftment of communities affected by mining.

4.8 Our client therefor objected to the granting of the extention of the existing mining right and requested that the Regional Manager be directed in terms of section 10(2) of the MPRD Act to refer their objection to the Regional Mining Development and Environmental Committee to consider their objections and to advise the Minister thereon, whereafter we should be informed of such decision by the said Committee and/or Minister – to date we have received no feedback in this regard.

4.9 On a question with regard to the need and desirability of this project in terms of the location as to how the placement of the proposed development will optimise the use of existing resources and infrastructure, the said consultants emphatically stated that "This is an extention of existing operation, not a new site which would potentially result in doubling of impacts". Clearly this is not the true position.

5 With regard to the question of the applicable zoning and/or land use in relation to the Remainder of Erf 210 Gansbaai, Messrs WRAP Consulting stated the following in their comments dated July 2021, and we quote:

"7.3.1 The rationale for the proposed land use (mining) is that a sand mine is currently operated on the subject property. As previously mentioned Sizisa Ukhanyo Trading 410 CC has a mining right to mine sand on the Portion of the remainder of erf 210 Gansbaai;

7.3.2 .....

7.3.3 The subdivision of the remainder of erf 210 Gansbaai to isolate the mining area **is an attempt to rectify the current illegal land use on the property**(our emphasis).

7.3.4 The current zoning (Undetermined) does not allow for this type of land use to occur. **This rezoning and consent use application will allow the proposed land use to be legal and ensure Sizisa Ukhanyo Trading 410 CC are not operating the sand mine illegally** (our emphasis)."

It follows that from the above that at least the following are common cause and/or needs to be investigated:

5.1 That the Overstrand Municipality and its appointees are fully aware that the existing use of the land was at all relevant times illegal and unlawful;

5.2 That the attempted rezoning is to condone the illegal land use;

5.3 That the Overstrand Municipality and its appointees are fully aware of this illegal land use, condoned the said use for many years and indeed are assisting the land user in its illegal use thereof; and

5.4 Suddenly the land user is referred to as a Close Corporation and not a Company as in all the previous documentation – surely this can be clarified by the simple means of an investigation as previously declared and to be disclosed accordingly.

6 Of great concern is the reasoning behind the Municipality's willingness to accommodate a proposal for a further compensation agreement by the very same Applicant who has conducted unlawful mining activities on the said land for many many years to date hereof. From the above it is apparent that the existing mining activities on the said land was at all times illegal and unlawful, which nullifies any lawful "extention of the existing mining right". There is therefor no need to accommodate a request for a further compensation agreement with the same land user until such time as the investigation of the existing illegal use of the land has been finalised, reason being that at all relevant times it was emphatically stated that this is an "extention of the existing mining right" and "not a new site which would potentially result in doubling of impacts" (sic).

7 With regard to the proposed compensation agreement, it is statted that the Applicant declares on a monthly basis the volume of sand mined and the Municipality invoices them accordingly. They then proceed to provide details of the income generated from this agreement during the past 3 years. It is our respectful submission that certain definite checks and balances need to be added for any such suggestion to be effectively implemented. The Municipality cannot simply rely on the information provided by the Applicant under discussion and also declare the average price per cubic metre according to other providers.

8 The attached letters fully addressed the directives in terms of the MPRD Act (Act 28 of 2002) to the effect that it makes provision for equitable access to and sustainable development of the nation's mineral resources as well as promoting of local development and social upliftment of communities affected by mining. Our client proposes that the only viable and economical solution to give effect hereto is to implement the concept of putting the said land available by means of public tender – the proposed investigation could be included in the scope thereof.

9 Lastly, we suggest that copies of the Applicant's mining right/permit be obtained and disclosed for purposes of full disclosure as well as the aforesaid lease agreement and previously compensation agreement allegedly entered into.

Kindly acknowledge receipt, and we shall appreciate if you would be so kind as to distribute contents hereof to all parties you may deem relevant and/or interested and affected.

Yours sincerely

Jacobs & Associates
Per: J S Jacobs

CC: gcohen@overstrand.gov.za / grantcohen25@gmail.com
lntsabo@overstrand.gov.za / lntsabo@yahoo.com
egillion@overstrand.gov.za / elnoragillion@gmail.com
arniefak@gmail.com / fafrica@overstrand.gov.za
ronaldnutt@overstrand.gov.za
clerm@overstrand.gov.za

OVERSTRAND MUNISIPALITEIT
22 APR 2022
OVERSTRAND MUNICIPALITY

OVERSTRAND MUNISIPALITEIT
Vir Aandag: Mnr SW Van Der Merwe

Per epos: alida@overstrand.gov.za

TP-A Theart (S vd Merwe)

Datum: 22 April 2022

Kommentaar ten aansien van:

Munisipale Kennisgewing Nr 26/2022:
Erf 210, GANSBAAI: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN TOESTEMMING VIR MYNBOU TERREINONTWIKKELINGSPLAN: MNRE SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) NAMENS SIZIKA UKANYO TRADING 410 CC

1 Reg om op Meentgrond te myn:

Dit word uitdruklik in die onderhawige aansoek gestel dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 bedryf sedert **2005**. In hierdie verband, kortliks die volgende:

1.1 Klousule 2.6.2(vi) onder die opskrif "Mining Authorisation" maak die volgende stellings:

> "1/8/2010: Application lodged with DMR for a gravel mining permit (5-years) for 1.4600 ha ....."
>
> En
>
> "6/12/2011: Concurrent with the withdrawal of the conversion application, an application lodged with DMR for a Mining Right for sand mining measuring 7.3809 ha on Rem Erf 210 and ...."

Uit bostaande is dit derhalwe duidelik dat die applikant sedert 2005 tot en met 2010 / 2011 mynbedrywighede op meentgrond beoefen het sonder om eers aansoek te doen vir 'n mynreg/-permit – derhalwe te alle tye onwettig.

1.2 Die aansoek maak geen melding van die uitslag van die twee aansoeke in 1.1 hierbo nie. Volgens mededeling blyk dit dat DMR eers op **25 April 2012** 'n Volmag uitgereik het in terme waarvan die Streeksbestuurder, Wes-Kaap gemagtig word om 'n mynreg te onderteken ten gunste van Sizisa Ukhanyo Trading 410 BK (Reg Nr: 2005/035636/23) om sand te myn op **Gedeelte 15 van Erf 210** en Erf 335 vir 'n periode van 16 jaar. Dit is egter gemenesaak dat

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SCAN NO. 20
COLLABORATOR NO. 1676184

voormelde Gedeelte 15 van Erf 210 nerens reflekteer word nie en word die bestaan daarvan betwis. Dit is onbekend wat die uitslag was van die aansoek vir 'n permit om gruis te myn – beide hierdie aspekte moet egter opgeklaar word en word die Munisipaliteit hiermee versoek om afskrifte van al sodanige relevante dokumentasie te bekom en beskikbaar te stel vir verdere kommentaar deur lede van die algemene publiek.

2 **Aanhangsel M: Persverklaring deur Overstrand Munisipaliteit gedateer Februarie 2007**:

Die aanvanklike onwettige optrede deur die applikant soos na verwys in 1 hierbo, het nie die Munisipaliteit ontgaan nie en het die Munisipalteit in 2007 die gepaste stappe geneem om hierdie onwettige optrede te staak. Vir doeleindes hiervan word die volgende enkele stellings aangehaal:

2.1 "..... Munisipalieit Overstrand op **31 Januarie 2007** kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee **hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaai summier te staak**.

2.2 Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op **14 Februarie 2007** lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak:

2.2.1 Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. **Kennis is wel gegee dat ongemagtigde mynaktiwiteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai** (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie.

2.2.2 Dat die aansoek van Mnre **Sizisa Ukhanyo Trading (Pty) Ltd** (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende **2006** aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die **meentgronde** te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik **geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie**.

2.2.3 Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde **wat beskou word as 'n bate wat aan die gemeenskap behoort**.

2.2.4 Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie.

2.2.5 Dat die munisipaliteit daadwerklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreël, die nodige regte te bekom om die materiaal op 'n wettige wyse te otgin.

2.2.6 **Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.**

2.2.7 Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beïnvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproeiing van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus beïnvloed wat opsigself tot gevolg het dat daar opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied."

Met hierdie optrede van die Munisipaliteit word daar heelhartig saamgestem aangesien dit hul plig was in terme van al die relevante wetgewing. Klousule 2.2.6 hierbo gee inderdaad die korrekte posisie weer - . op daardie stadium sowel as huidiglik.

3 Posisie sedert 2007 tot hede:

Sedert die persverklaring hierbo na verwys, het die Munisipaliteit inderdaad versuim om in terme daarvan asook in belang van die publiek op te tree. In hierdie verband word kortliksop die volgende gewys:

3.1 2017 – Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai, Overstrand Municipal Area: Proposed Amendment of the Site Development Plan".

3.1.1 WRAP Consultancy het die aansoek namens die Munisipalteit behartig, dws op die koste van die Munisipaliteit en nie Sizisa Ukhanyo Trading 410 BK nie.

3.1.2 In die aansoek word uitdruklik gemeld dat Sizisa die sandmyn bedryf in terme van 'n Huurkontrak met die Munisipaliteit en nie 'n "Compensation Agreement" soos hierinlater na verwys nie. Die besonderhede van sodanige Huurkontrak is tot hede onbekend veral wat betref die ekonomiese voordele wat dit vir die Munisipaliteit en die publiek inhou, asook die aanwending daarvan.

3.1.3 Die Munisipaliteit doen op hul koste aansoek vir die wysiging van die "siteplan" – die rede is dat Sizisa Ukhanyo Trading 410 BK die toe bestaande "siteplan" se grense op Erf 335 oorskry het. Dus volg dit dat enige oorskryding daarvan nie 'n "wettige" gebruik van sodanige eiendom daarstel nie.

3.2 2021 – Munisipale Kennisgewing Nr 124/2021, Restant van Erf 210, Gansbaai, Aansoek om Onderverdeling, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete.

Ook in hierdie geval het Mnre WRAP Office Project hierdie Aansoek behartig namens die Overstrand Munisipaliteit, dws op die koste van die Munisipaliteit en tot nadeel van die algemene publiek aangesien dit Meentgrond is. Ter motivering van die aansoek word dan die volgende stellings gemaak:

3.2.1 "The rationale for the rezoning application is that the **current zoning (Undetermined) does not allow for the current mining operation to operate legally**" en

"**The proposed rezoning will rectify this**, allowing the mining operation to continue with all the rights in place" en

"The subdivision of the remainder of Erf 210 Gansbaai to isolate the mining area **is an attempt to rectify the current illegal land use on the property**" en

"This rezoning and consent use application **will allow the proposed land use and ensure Sizisa CC are not operating the sand mine illegally**".

Uit die voorafgaande is dit dus duidelik dat die Mun te alle tye bewus was van die onwettige mynaktiwiteite en tot datum hoegenaamd geen stappe gedoen het om sodanige onwettige aktiwiteite te staak of te laat staak nie.

3.3 "Compensation Agreement":

3.3.1 In die Agenda vir die Burgemeesterskomitee vergadering op 24 November 2021 word die volgende stelling gemaak:

*"....a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. Therefore, on **6 May 2015** the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use."*

3.3.2 Daar is reeds in klousule 1 hierbo daarna verwys dat dit uitdruklik in die onderhawige aansoek gestel wod dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 reeds sedert **2005** bedryf – dus volg dit dat die mynaktiwiteite bedryf word **sedert 2005 tot 2015 sonder om enige vergoeding aan die Mun te betaal**.

3.3.3 Dit is ook direk in stryd met die Munisipaliteit se stelling gedurende die 2017 Aansoek om die Siteplan te wysig dat daar 'n Huurkontrak met die applikant gesluit was ten opsigte van die Meentgrond.

3.3.4 Dit is verder ook direk in stryd met die persverklaring van die Munisipaliteit hierbo na verwys.

3.3.5 In die Agenda vir die spesiale Burgemeesterskomitee vergadering op 10 Januarie 2022 en wel op bl 149 daarvan word die beweerde inkomste ontvang vir die vorige 3 jaar, dws 2019, 2020 en 2021 verklaar. Soos hierbo na verwys, het die Munisipaliteit reeds op 6 Mei 2015 die eerste compensation agreement aangegaan - dit is in die publiek se belang om die hele hele somtotaal vir die hele tydperk te openbaar. Aangesien dit Meentgrond is, is die Munisipaliteit verplig om sodanige inkomste vir 'n spesifieke doel aan te wend en nie vir die Munisipaliteit se normale lopende uitgawes nie, welke geverifieer kan word met die Munisipaliteit se finansiële state vir die ooreenstemmende tydperk.

3.3.6 Dit is ook uiters kommerwekkend dat die Munisipaliteit tot hede hoegenaamd geen kontrole uitgeoefen het oor die hoeveelheid sand en gruis wat gemyn word nie – daar word bloot gesteun op die hoeveelhede soos deur die applikant voorsien.

3.4 Ondersoek:

Gedurende November 2021 het die Uitvoerende Burgemeester, Dr A Rabie, verklaar dat daar 'n formele ondersoek na die onwettige mynaktiwiteite gedoen moet word en soos bevestig in die pers. Tot datum is die vordering en/of uitslag daarvan nog nie bekend nie.

4 Slotsom:

4.1 Uit die voorafgaande is dit derhalwe duidelik dat sedert 2005 tot hede hierdie mynaktiwiteite **onwettig** was, en steeds is – selfs op Erf 335.

4.2 Die voorstel soos vervat in die destydse persverklaring, word hiermee ondersteun, nl dat die Munisipaliteit as grondeienaar van die Meentgrond die ontginningsregte bekom en 'n kontrakteur by wyse van openbare tender bekom. Sedert die persverklaring hierbo na verwys, was die Munisipaliteit oor hierdie hele tydperk in versuim om byv die nodige Compliance Order op die applikant te dien en/of sodanige stappe te neem as wat nodig is om die applikant te verplig om hul onwettige mynaktiwiteite te staak. Wat hier van belang is, is die sanksies soos vervat in arts 84(1) en (2) van die Ordonnansie en in terme waarvan 'n boete of gevangenisstraf van nie meer as 20 jaar nie ingestel kan word. Hierdie sanksies is van toepassing nie net alleen op die applikant nie, maar ook beide grondeienaars van Erf 335 en Erf 210.

4.3 Gevolglik word hiermee formeel beswaar aangeteken teen die onderhawige aansoek en terselfdertyd hiermee aangedring dat die Munisipaliteit die nodige stappe neem om toe te sien dat alle aansoeke, mynaktiwiteite, ens onmiddellik gestaak word tot tyd en wyl die ondersoek soos deur die Burgemeester in November 2021 aangekondig, afgehandel is.

Kommentaar ingedien deur:

Naam: Bern-Lee Charlé Europa
Adres: 65 Walter Sisulu Magakhane
Tel Nr: [illegible]
Epos: [illegible]
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: [signature]

Naam: James Frank Davids
Adres: Kameeldoring weg 9 Blompark
Tel Nr: [illegible]
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: [signature]

Naam: Sandra August
Adres: Roosstraat 31 Blompark
Tel Nr: [illegible]
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: S August

Naam: ENIZE EUROPA
Adres: Roosstraat 31 Blompark
Tel Nr: [illegible]
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: [signature]

Naam: Bernard Europa
Adres: Roosstraat 31 Blompark
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: [signature]

Kommentaar ingedien deur:

Naam: iD Smith

Adres: 46 Rellemoen Str

Tel Nr: _____

Epos: _____

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: _____

Naam: H J Acker.

Adres: 3 Gillies Str Franskraal

Tel Nr: _____

Epos: _____

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: _____

Naam: Jeanni Fooms

Adres: 42 Kerk str Gansbaai

Tel Nr: _____

Epos: _____

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: _____

Naam: Leonora Fouché

Adres: Kerk St 53 Gansbaai

Tel Nr: _____

Epos: _____

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: _____

Naam: O.C. Uys

Adres: MULLERSTRAAT 6, Gansbaai

Tel Nr: _____

Epos: _____

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: _____

Kommentaar ingedien deur:

Naam: Rita Viljoen
Adres: Muller Str 47 Gansbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: GARETH NEWTON
Adres: VAN DYK STREET, DALIAS FARM, GANSBAAI
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Ernst Knoll
Adres: Regopstr 45. Gansbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Ester Vermeulen
Adres: Groenewaldstr 18 Gansbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: M.D.P. Lucas
Adres: 3 VAN DYK STREET
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Kommentaar ingedien deur:

Naam: DANIE VAN ZYL
Adres: 35 STEENBOK STRAAT
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: MARIUS VAN ZYL.
Adres: 41 BUITEKANT STR
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: BRAAM LAUBSCH.
Adres: 2 NAUTICUS PEARLY BEACH.
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Mari-Lize Hanekom
Adres: 3 Protea Straat Baardskeerdersbos
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Ilresa Greyling
Adres: Buitekant St
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Kommentaar ingedien deur:

Naam: FREDERICK = DAVIDS

Adres: 1016 - Botter-Blom St. BLOMPARK

Tel Nr:

Epos:

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening:

Naam: LEOPOLDT - PIETERSEN

Adres: BOOSSTR 62

Tel Nr:

Epos:

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: L. PIETERSEN

Naam: Sydney Booysen

Adres: Boosstraat 43

Tel Nr:

Epos:

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: S. Booysen

Naam: JOHN HILL

Adres: DAILLASTR 43 BLOMPARK

Tel Nr:

Epos:

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening: JHill

Naam: Piet Lodewyk

Adres: Boomlaat 2 nr 2 Blompark

Tel Nr:

Epos:

Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek

Handtekening:

Kommentaar ingedien deur:

Naam: Tobias Johannes Nurtje
Adres: 21 Riet St
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: PHARAO
Adres: 3 THANDABANTU / MASAKHANE / GANSBAAI
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: FRANKEN
Adres: 39 PRIKSMAAT
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: J.A. VAN STADEN
Adres: 22 MORNINGSIDE FRANSKRAAL
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Ansie
Adres: 531 Uilenkraalsmond
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Kommentaar ingedien deur:

Naam: Ananja Lottering
Adres: 20 Walter Sisulu STR
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: A.B. Lottering

Naam: NANDIPHA DICANGA
Adres: No 22 Walter Sisulu Str.
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Siphokazi Nyamayithambi
Adres: 71 Walter Sisulu Str.
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: S.N

Naam: Malizo Nomzanga
Adres: 97 Highway Masakhane
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Linda Nomzanga
Adres: BM 89 masakhane. mwapeSTB
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Kommentaar ingedien deur:

Naam: Sivive MTHANGANA
Adres: 1BM 123 MANUEL STR
Tel Nr: -
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: S.M

Naam: Tania Lolwana
Adres: BM142 Manuel STR
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Rudolf VISSER
Adres: 135 MANUEL STREET
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening: R. VISSER

Naam: Thandiwhosi MKQOYI
Adres: High Mast 23
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Gamaliel Tau Josa
Adres: A126 Masakhane
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Kommentaar ingedien deur:

Naam: Koos Dippenaar.
Adres: Steenbras 11 Kleinbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Bibbie De Wet
Adres: Leeuwenstr 8, Kleinbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Suzanne Kamm
Adres: Bibboonweg 31 Kleinbaai
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Gerda Otto
Adres: Geemishuys straat 22.
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

Naam: Elizabeth de Villiers
Adres: Schneiderstr 124
Tel Nr:
Epos:
Belang in die Aansoek: Erf 210 is MEENTGROND, lid van die Algemene Publiek
Handtekening:

OVERSTRAND MUNISIPALITEIT
22 APR 2022
OVERSTRAND MUNICIPALITY

TP-A Theart (Sold Merkle)

Perlemoenstr 43
Kleinbaai
Gansbaai
7220
19 April 2022

Aandag: Area bestuurder
Hoof van Stadsbeplanning
Hoof van Administrasie Onrusrivier
Set Plan

Insake twee agtereenvolgende Aansoeke Erf 210 Gansbaai Meentgrond

1. **Munisipale Kennisgewing 124/2021**
2. **Munisipale Kennisgewing 28/2022**

As Vervoerkontrakteur Sakeman belastingbetaler en deel van die gemeenskap van Gansbaai vir die afgelope 40jaar lewer ek weereens my kommentaar belange en besware betrekking op beide aansoeke soos hierbo vermeld soos volg:

1. Kennisgewing 124/2021 is my volle belange en besware asook kommentaar aan die betrokke munisipale amptenare gestuur asook duidelik uiteengesit. Twee weke voor die verkiesing op 01 November 2021 was ek ook in 'n vergadering met die Burgermeester (toe) en die kwessie aangespreek dat die aansoek onwettig onwettig verklaar word end at daar nie mee voortgegaan kan word nie.

Vanaf 2007 sien koerantberig hierby aangeheg is ek besig met die Overstrand Munisipaliteit oor die voorsiening van sand en is in 'n spesifieke vergadering met die Area bestuurder asoók twee lede van Sizsa Ukhanyo 410 CC (Tans vanaf 2019) besluit dat dit in die beste belang van almal in die gemeenskap is om die grond op tender uit te sit wat die regte stap is en almal teenwoordig het ooreengestem.

Intussen het Mynaktiwiteite op Erf 335 voortgegaan om Grawel en sand te Myn met 'n permit op ,nektaar.
Kaarte aangeheg by kennisgewing verwys erf 335 en gedeelte van 210 duidelik reeds onwettig op die area gemyn word. Om te bepaal hoeveel sand oor jare onwettig daar uitgemyn is kan net met 'n grond oudit bepaal word.

Die oomblik wat daar 'n Media berig van twee bladsye in die Gansbaai Courant geplaas is het die nuutverkose Burgermeester vure begin doodslaan en aanbeveel dat daar 'n ondersoek ingestel sal word en alles gestaak word.

In 'n baie kort tyd is 'n aangepaste kaart (Hierby aangeheg) 'n afmeting van 'n ekstra 28hektaar aangrensend Strandfontyn 712 bygevoeg. Nog meer vrae het ontstaan toe die Kennisgewing 2 28/2022 vir Aansoek in die Gansberg Koerant versyn.

In hierdie Aansoek is my belange en besware duidelik nie in ag geneem nie en word net melding gemaak van Sipho Investments (Dallas Myn) waar Sizisa Ukhanyo 410CC onlangs self sand gelaai het toe daar nie op die Meent gelaai kon word nie.

Dit gaan my verstand te bowe dat mense hulself wil verryk in Meentgrond wat as bate van die gemeenskap beskou word (Sien Die Witskrif en grondbeleid)

Die Munisipaliteit as eienaar kan self Ontginningsregte bekom en daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging {Openbare Tender Proses) te plaas.

21 APR 2022

FILE NO. EL 210-GB
SCAN NO. GB 210
COLLABORATOR NO. 1676192

Maar met die bestudering van die Nuwe aansoek blyk dit dat Hoof van Stadsbeplanning wel insae het en bewus is van die hele proses.
Volgens 'n afskrif van 'n power of attorney vir Mynreg in my besit verwys na gedeelte 15 van Erf 335 en 210 met Registrasie nommer wat ek vreemd vind.

Aangehegte fotos by die aansoek wat geneem is in die Somer geneem en vind ek misleidend aangesien dit in die wintermaande 'n reuse verskil maak. Water dam op in groot damme wat 'n gevaar inhou en met die huidige klimaatsverandering kan vererger.
Bo-grond spoel weg wat gronderosie veroorsaak en die hele plantegroei vernietig.

Cape Nature se verslag kan hierby aansluit want gedeelte van die grond is vleiland (Wet Land) wat groot rede tot kommer ook vir Cape Nature is. (Verwys Cape Nature se verslag).

Ek weet nie hoe die Munisipaliteit hierdie proses kan ondersteun nie , die Burgermeester 'n ondersoek aangevra het op Kennisgewing 124/2021 wat deel is van Kennisgewing 28/2022 se aansoek nie.

Hoop daar sal ernstig aan die proses aandag gegee word wat ek nie kan sien voortgaan nie en my teenstand in hierdie verband ernstig opneem sal word nie net in my eie belang nie maar in die belang van ons hele gemeenskap in Gansbaai wat helfte indien nie meer werkloos is en sukkel om 'n bestaan te maak.

Met Dank

Die Uwe



Frans Hulme

OVERSTRAND MUNISIPALITEIT
RESTANT ERF 210, GANSBAAI, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK EN BEPALING VAN N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS OVERSTRAND MUNISIPALITEIT

Kennis word hiermee gee kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit *Wysigingsverordening* vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die volgende aansoeke van toepassing op bogenoemde erf, naamlik:

1. onderverdeling in terme van Artikel 16(2)(d) van die Verordening van die restant van Erf 210, Gansbaai in twee gedeeltes, naamlik: Gedeelte A (±7.3801ha) en Restant (±714.3413ha) Gansbaai;

2 hersonering in terme van Artikel 16(2)(a) van die Verordening van Gedeelte A vanaf Onbepaalde Sone (U) na Landbousone 1 (AGRI 1);

3. vergunningsgebruik in terme van Artikel 16(2)(o) van die Verordening van toepassing op gedeelte A vir mynbou; en

4 bepaling van n administratiewe boete in terme van Artikel 16(2)(p).

Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) moet bereik voor of op 8 Oktober 2021. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr SW van der Merwe by 028 313 8900.

Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr 124/2021

OVERSTRAND MUNICIPALITY
REMAINDER ERF 210, GANSBAAI, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to the above-mentioned erf, namely:

1. subdivision in terms of Section 16(2)(d) of the By-Law of the remainder of Erf 210, Gansbaai into two portions, namely: Portion A (±7.3801ha) and Remainder (±714.3413ha) Gansbaai;

2. rezoning in terms of Section 16(2)(a) of the By-Law of Portion A from Undetermined Zone (U) to Agricultural Zone 1 (AGRI 1);

3. consent use in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining; and

4. determination of an administrative penalty in terms of Section 16(2)(p).

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before 8 October 2021. Telephonic enquiries can be made to the Senior Town Planner, Mr SW van der Merwe at 0283138900.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 124/2021

UMASIPALA WASE-OVERSTRAND
INTSALELA ISIZA 210 EGANSBAAI ECALEDON: UMASIPALA WASE-OVERSTRAND :
ISICELO SOKWAHLULA, UKUCANDWA NGOKUTSHA, ISICELO SOKUSETYENZISWA KUNYE NOKUGQITYWA KWESOHLWAYO NGABASEMAGUNYENI: I-WRAP PROJECT OFFICE EGAMENI LIKA MASIPALA WASE-OVERSTRAND

Isaziso sikhutshwa ngokwemiqathango yeSolotya 47 kwaye 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esifunyanweyo esichaphazela ezi ziza zikhankanywe apha ngasentla, ezizezi:

1 ukwahlula isiza 210 eGansbaai ngokweCandelo lama 16(2)(d) lMthetho kaMasipala kwizahlulo ezimbini ezizezi; iNxalenye A (±7.3801ha) kwaye neNtsalela (±714,3413ha) eGansbaai;

2 ukucandwa ngokutsha ngokweSolotya 16(2)(a) loMthetho kaMasipala leNxalenye A sisuswa kuMda ongamiselwanga ukuba ube (U) ukuya Indawo yoLimo 1 (AGRI 1);

3. isicelo sokusetyenziswa ngokweSolotya 16(2)(o) lsebenza kwiSahlulo A sokombiwa kwemigodi; kwaye

4. ukugqitywa kwesohlwayo ngabasemagunyeni ngokweSolotya 16(2)(q) lalo Mthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: locwangciso lwedolophu, 16 Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansbaai, eMain Road, eGansbaai. Nawuphi na umbono kufuneka ubhalwe, ucaphule igama lakho, idilesi kunye neenkcukacha zonxibelelwano, umdla kwisicelo, kunye nesizathu sokuphawula. Ezezimvo kufuneka zifike kumasipala e (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla ka 8 uOctoba 2021. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi weDolophu, uMunu SW van der Merwe kule nombolo yomnxeba 028-313 8900

UMasipala angala ukuthatha izimvo ezifunyene emva komhla wokuvalwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.

UMlawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, HERMANUS, 7200

Isaziso sikaMasipala esinguNombolo. 124/2021

28/03/2022

OVERSTRAND

OVERSTRAND MUNICIPALITY

ERF 210, GANSBAAI: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND PERMISSION FOR MINING SITE DEVELOPMENT PLAN: MESSRS SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) ON BEHALF OF SIZIKA UKANYO TRADING 410 CC

Notice is hereby given in terms of Sections 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to the above-mentioned erf, namely:

1. subdivision in terms of Section 16(2)(d) of the By-Law of Erf 210, Gansbaai into 2 portions namely a Remainder and Portion A approximately 28,1193ha in extent;
2. rezoning in terms of Section 16(2)(a) of the By-Law of Portion A from Undetermined Zone and Rural Zone 1 to Agricultural Zone 1 (AGRI 1);
3. consent use (mining) in terms of Section 16(2)(o) of the By-Law, applicable to the subdivided portions;
4. departure in terms of Section 16(2)(b) of the By-Law, to encroach the building line from 30m to 9m to permit mining along the northern boundary of the mining right area;
5. permission in terms of Section 16(2)(g) for a post-mining site development plan.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **22 April 2022**. Telephonic enquiries can be made to the Senior Town Planner, Mr SW van der Merwe at 0283138900.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. 26/2022

MUNISIPALITEIT OVERSTRAND

ERF 210, GANSBAAI: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN TOESTEMMING VIR MYNBOU TERREINONTWIKKELINGSPLAN: MNRE SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) NAMENS SIZIKA UKANYO TRADING 410 CC

Kennis word hiermee gee kragtens Artikel 47 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die volgende aansoeke van toepassing op bogenoemde erf, naamlik:

1. onderverdeling ingevolge Artikel 16(2)(d) van die Verordening van Erf 210, Gansbaai in 2 gedeeltes naamlik 'n Restant en Gedeelte A ongeveer 28,1193ha groot;
2. hersonering ingevolge Artikel 16(2)(a) van die Verordening van Gedeelte A van Onbepaalde Sone en Landelike Sone 1 na Landbousone 1,
3. vergunningsgebruik (mynbou) in terme van Artikel 16(2)(o) van die Verordening van toepassing op die onderverdeelde gedeeltes;
4. afwyking ingevolge Artikel 16(2)(b) van die Verordening, om die boulyn vanaf 30m na 9m te verskap om mynbou langs die noordelike grens van die mynreggebied toe te laat;
5. toestemming ingevolge Artikel 16(2)(g) vir 'n "post" mynbou terreinontwikkelingsplan.

Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Petersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Petersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) moet bereik voor of op **22 April 2022**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028 313 8900.

Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr.26/2022

UMASIPALA WASE-OVERSTRAND

ISIZA 210, GANSBAAI: ISICELO SOLWAHLULA-HLULO, SOKUCAN NGOKUTSHA, SEMVUME YOSETYENZISO, SOPHAMBUKO KUNYE NE YESICWANGCISO SOPHUHLISO LWESIZA SOMGODI: MESSRS SETT PLANNING SERVICES CC n (TRADING AS SETPLAN) EGAMENI LESIZIK TRADING 410 CC

Isaziso sikhutshwa ngokwemiqathango yamaCandelo 48 oMthetho loMthetho olungiswayo woMasipala wase-Overstrand ongokoCwangciso lokuSetyenzis kaMasipala 2020 (uMthetho kaMasipala) sezi zicelo zilandelayo ezisebenz sikhazwe apha ngasentla, esisesi:

1. Ulwahlulo ngokwemigaqo yeCandelo le-16(2)(d) loMthetho keMasipala 210, eGansbaai sibe yizahlulo ezi-2 ezizezi. iNtsalela kunye neSahlu nama-28,1193ehektare;
2. ukuçandwa ngokutsha ngokwemiqathango yeCandelo 16(2)(a) loMthet kwesahlulo solwahlulo-hlulo esivela kuMmandla ongaMiselwanga kunye waseMaphandleni ube nguMmandla 1 weZolimo;
3. Isicelo sokusetyenziswa ngokwemiqathango 16(2)(o) yoMthetho esebenza kwisahlulo sokwahlulwa-hlulo:
4. ukuphambuka ngokwemiqathango yeCandelo 16(2)(b) loMtheth sokungenela kumda wesakhiwo ukususela kuma-30m ukuya kwisi-9m ukunika imvume yomgodi ngakumda ongasentla wommandla onelunge
5. imvume ngokwemiqathango yeCandelo 16(2)(g) kulungiselelw sophuhliso lwendawo lwasemva komgodi.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihl zomsebenzi, phakathi kweyure-08:00 ne-16:30 kwiSebe loCwangciso Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansba eGansbaai. Naziphi na izimvo kufuneka zibe zezibhaliweyo, ucbaze iga kunye neenkcukacha zonxibelelwano, umda kwisicelo, kunye nesizathu ekufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0 alida@overstrand.gov.za) ngomhla okanye phambi komhla 22 uApreli ngomnxeba ingathunyelwa kuMcwangcisi weDolophu oPhezulu: uMunu S kule nombolo yomnxeba 028-313 8900.

UMasipala angala ukuthatha izimvo ezifike emva komhla wokuvalwa. Nat ukufunda nokubhala angahambela kwiSebe loKuCwangciso lweDol likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.

UMlawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, HERM/

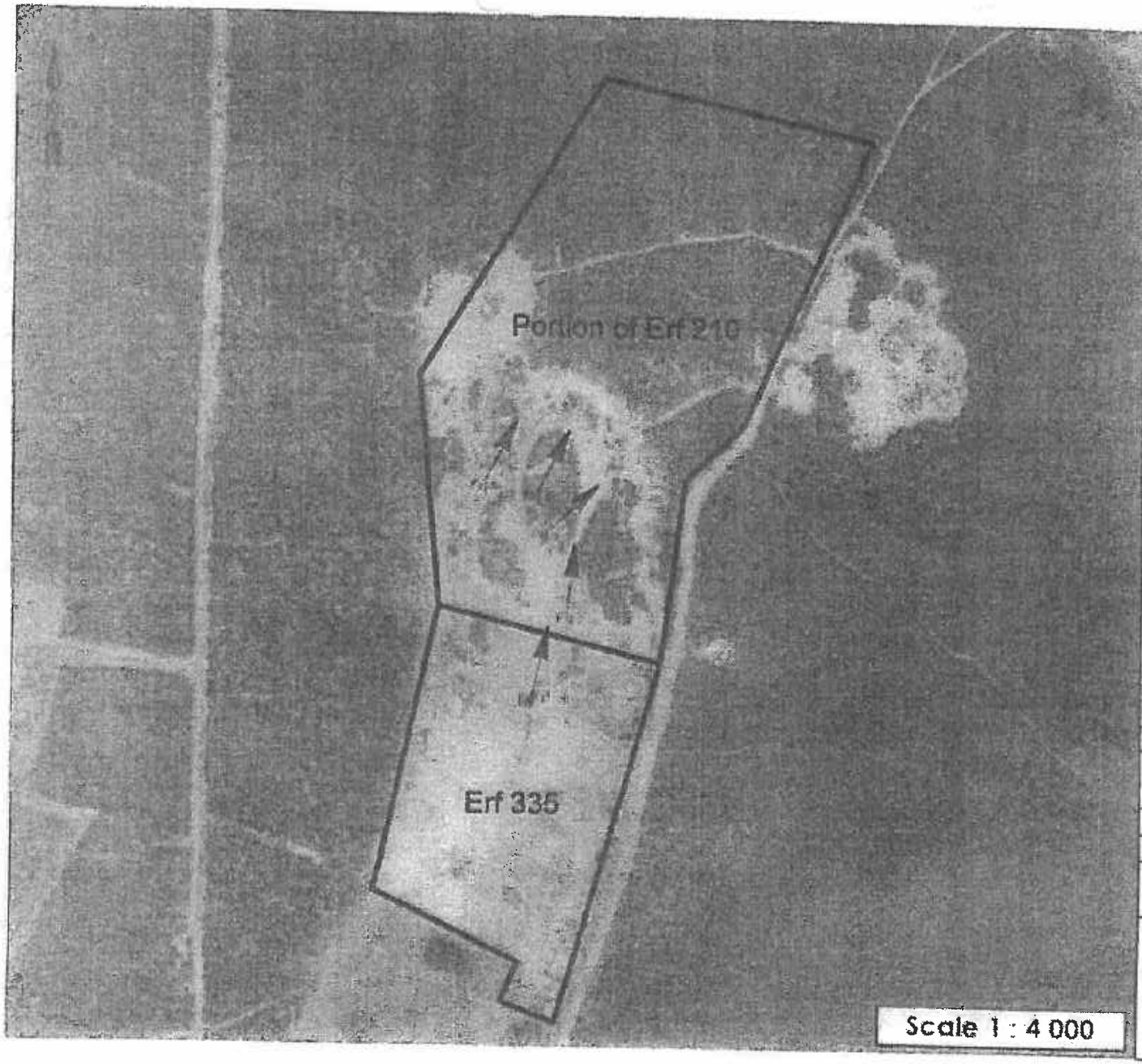


Figure Map of Erf 210 Gansbaai

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

WRAP Project Office

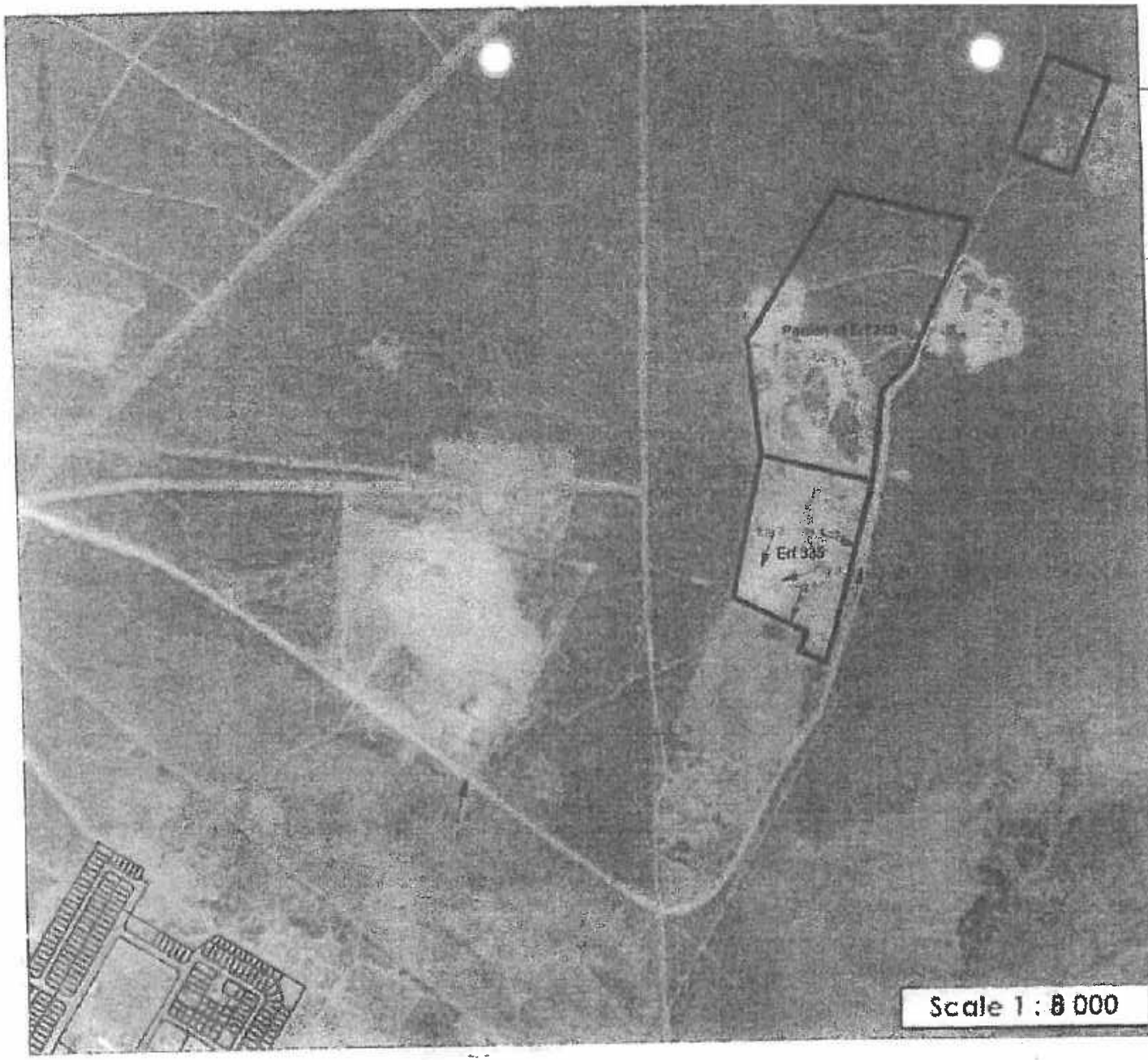


Figure Map of surrounding properties

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

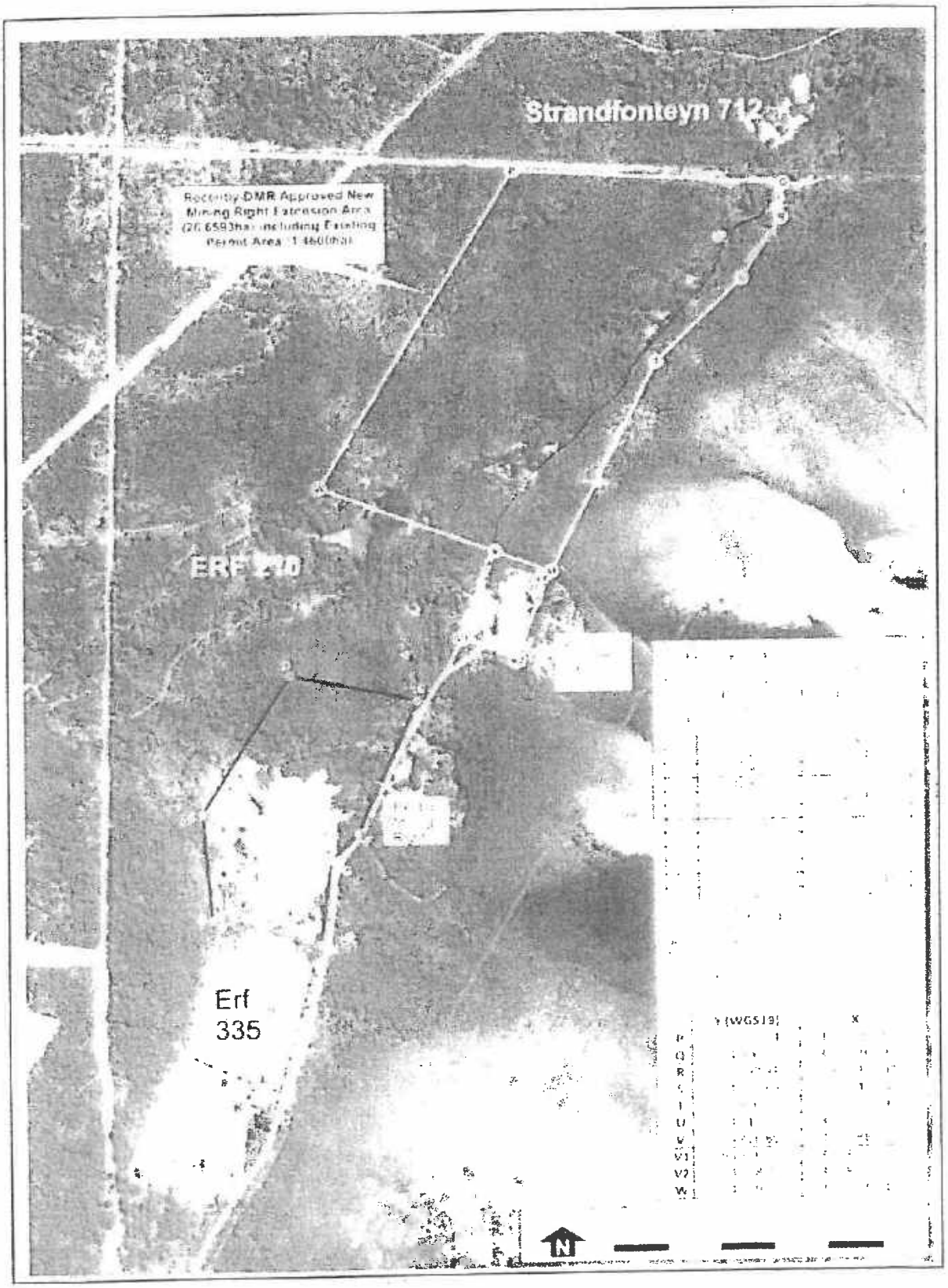
Email: admin@wrapgroup.co.za

Unit B, Standard House, Corner of Royal and Dixie Uys Street Hermanus, 7200

WRAP Project Office

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ANNEXURE A – LOCALITY MAP



Posbus 111
Gansbaai
7220

20 Septemer 2021

Aandag: Senior Stadsbeplanner - Mnr. SJ van der Merwe
(e) alida@overstrand.gov.za
Overstrand Munisipaliteit
Patersonstraat 16
Hermanus
7200

KOMMENTAAR: MUNISIPALE KENNISGEWING NR. 124/2021
VOORGENOME AANSOEK M.B.T. RESTANT VAN ERF 210, GANSBAAI DORPSGEBIED

BELANGEVERKLARING: CR HULME EN FJ HULME
CR HULME: EIENAAR VAN C HULME SANDMYN GELEË NABY UILENKRAALSMOND
FJ HULME: EIENAAR VAN FJ HULME VERVOER (VERVOER VAN BOUMATERIALE)

Dit is met groot ontsteltenis dat ons verneem van die Overstrand Munisipaliteit (hierna 'munisipaliteit') se voorgenome aansoek om onderverdeling, hersonering, vergunningsgebruik en bepaling van administratiewe boetes; m.b.t. die restant van Erf 210 in die Gansbaai dorpsgebied of 'Gansbaai Meent'; om die eenvoudige rede dat dit 'n jarelange hangende kwessie met verskeie onbeantwoorde vrae is.

Hierdie kwessie is van belang vir die hele gemeenskap, aangesien dit openbare eiendom is, en nie net vir die privaat ondernemer wat tans onwettig daar myn nie – soos beskryf deur die munisipaliteit in bogenoemde kennisgewing as motivering vir die aansoek.

Ons het die volgende algemene vrae m.b.t. tot die geskiedenis van hierdie kwessie:

1. Daar word in punt 7.4.2 van bogenoemde kennisgewing vermeld dat die munisipaliteit reeds vir die laaste 40 tot 50 jaar bewus is/was van die bedrywighede in die genoemde area: Watter stappe het die munisipaliteit in die genoemde tydperk geneem om te verseker dat 1) die area aangewend word tot voordeel van die hele gemeenskap? 2) geen onwettige aktiwiteite daar bedryf word nie? en 3) daar voldoen word aan alle nasionale, provinsiale en plaaslike wetgewing m.b.t. die aanwending van grond in openbare besit? Dit veral in die lig van die streng vereistes van die Departement van Minerale Hulpbronne m.b.t. mynbou aktiwiteite, maar ook munisipale regulasies m.b.t. oop en deursigtige tenders vir bedrywe op grond in openbare besit.

2. Ons is bewus van verskeie voorleggings, klagtes en besware deur wyle Gerda Wessels en die Gansbaai Belastingbetalers Vereniging m.b.t. die Gansbaai Meent en voortgesette mynbou aktiwiteite daar: Is hierdie skriftelike besware volledig aangespreek, afgehandel en in ag geneem voor die publikasie van kennisgewing 124/2021?

3. Bogenoemde kennisgewing verwys na 'voorgenome' administratiewe boetes, maar dit is voorheen voorgehou dat die privaat ondernemer reeds boetes betaal het, asook 'n onbekende bedrag per kubieke meter sand en/of ander materiale wat daar verwyder is/word. Sou dit nie in openbare belang wees om aan te dui watter bedrae reeds deur die privaat ondernemer betaal is? en of dit boetes insluit nie? asook watter redelike stappe die munisipaliteit geneem het om te verseker dat die korrekte kubieke meters aan hulle gerapporteer word?

Spesifieke vrae m.b.t. Munisipale Kennisgewing Nr. 124/2021:

1. Die munisipaliteit bring die voorgenome aansoek, maar wie is verantwoordelik vir die koste daarvan? Sou dit redelik wees om aan te neem dat dit die grondeienaar (munisipaliteit) sal wees?

2. Is dit in openbare belang om belastingbetalers fondse te gebruik om onwettige aktiwiteite van 'n privaat ondernemer te wettig? dit, terwyl aktiwiteite voortgaan?

3. Wat sou die redes vir die privaat ondernemer se oorskryding van Erf 335 na Erf 210 wees? en waarom is die munisipaliteit nie daarvan verwittig nie? Indien wel, waarom het die munisipaliteit nie onmiddelik stappe geneem om die oorskryding te stuit nie?

4. Sou dit nie redelik wees om te verwag dat onwettige bedrywighede onmiddelike gestaak word ten spyte van die administratiewe boetes wat nogsteeds betaalbaar is nie? Administratiewe boetes opsigself kan tog nie 'n onwettige bedryf wettig, of 'n presedent skep waar openbare grond eers beset (en verbruik) word, en daarna deur die munisipaliteit gewettig word ten behoewe van 'n oortreder nie?

5. Punt 7.1.1 verwys na die bevordering van ekonomiese ontwikkelling in area waar daar tans geen ander bedrywe is nie. Wie het dit bepaal in die afwesigheid van 'n openbare deelname proses? saamgelees met 'n onwettige oorskryding wat reeds aangegaan is ten behoewe van 'n onderneming in privaatbesit?

6. Punt 7.1.3 bevestig dat die grond in openbare besit sal bly, maar sou dit die geval wees het die munisipaliteit 'n plig om onwettige bedrywighede te stop totdat alle regsprosesse afgehandel is, insluitende 'n behoorlike ondersoek na skade aan die omgewing en beoordeling van praktyke wat reeds daar plaasgevind het, en of dit voldoen aan die voorskrifte vir wettige mynbou ondernemings.

7. Kan die munisipaliteit dit as 'n feit stel watter tipe toestemming Siziza Ukhanyo Trading 410 CC het? aangesien daar groot verskille tussen myn permitte, lisensies en regte is. Genoemde

maatskappy sou ook toestemming van die grondeienaar moes kry: Het die munisipaliteit dit verleen? was dit regmatig? en op watter terme is dit verleen? t.o.v. beide areas.

8. Punt 7.2.1 en 7.2.2 is nodig om wettige mynbou te laat plaasvind, maar is geen rede om huidige onwettige praktyke te kondoneer en te laat voortgaan nie. Die voldoening aan wetsvereistes is die privaatondernemer se plig, en nie die munisipaliteit sin nie. Die tydsduur van die mynbou aktiwiteite wat skynbaar ongestoord met minimum vereistes voortgaan behoort kommer te wek by die grondeienaar, en 'n deeglike ondersoek behoort te volg na die voorwaardes van mynbou in die area, toegestane tydsduur en volumes.

9. Punt 7.3.1 haal aan dat daar reeds mynbou in die area plaasvind, maar die feit dat iets reeds plaasvind of plaasgevind het, maak dit nie wettig of noodwendig kondoneerbaar nie.

10. Punt 7.4.1 verwys na die vasstelling van 'n administratiewe boete: Die bekendmaking van die boete sal in openbare belang wees om ook te toon dat daar gevolge is vir onwettige grondgebruik, ongeag die doelstelling. Sou die munisipaliteit die inligting weerhou kan dit die indruk skep dat daar nie gevolge vir onwettige grondgebruik is nie, en 'n presedent skep vir ander privaat ondernemers om dieselfde te doen.

11. Punt 7.4.2 verwys na 'n vergoedingooreenkoms tussen die munisipaliteit en Sizisa Ukhanyo Trading 410 CC. Vir hoeveel van die 40 tot 50 jaar is dit geldig? hoeveel is reeds betaal? en waarvoor is die fondse aangewend? Was daar ook 'n vergoedings ooreenkoms met vorige onwettige mynoperateurs? en is daar nog gelde wat aan die munisipaliteite verskuldig is? Watter stappe word geneem word om dit in te vorder?

12. Punt 10.1 verwys na werkskepping en die verskaffing van bousand aan die plaaslike omgewing. Daar is en was ander sandmyne in die omgewing wat nie die voordeel van 'n onbekende vergoedings ooreenkoms met die munisipaliteit het of gehad het nie, plus onwettige oorskrydings sonder gevolge nie. Inteendeel, die musipaliteit het duidelik 'n ander stel reëls vir ander wettige of voormalige wettige sand myne in die Gansbaai area, wat ook daarop kan/kon aanspraak maak dat hulle bousand verskaf en werk skep. Werkskepping is baie belangrik, maar dit kan nooit 'n verskoning wees vir wetteloosheid en ondeursigtige of onbevoegde adminstrasie van openbare eiendom nie.

U deeglike oorweging en spoedige kommentaar word by voorbaat waardeer.

CR & FJ Hulme

Lig gewerp op bousand-krisis in Gansbaai

Die voorsiening van bousand aan 'n opbloeiende boubedryf in Gansbaai, het krisis afmetings aangeneem nadat die Munisipaliteit Overstrand op 31 Januarie 2007 kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaai summier te staak. Verskeie wanopvattings en wanvoorstelle van die ware toedrag van sake het 'n onrustigheid in die gemeenskap veroorsaak en het selfs aanleiding gegee daartoe dat bousand van sover as Bourivier ingebring moes word. Dit het verder ook aanleiding gegee tot die aflegging van personeel wat nie meer ekonomies in diens gehou kon word nie.

Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat aangedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wykseverteenwoordiger, Rdl P Scholtz, het op 14 Februarie 2007 lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak:

- Die stelling/aanvyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. Kennis is wel gegee dat ongemagtigde mynaktiwiteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai (privaateiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie.
- Dat die aansoek van Mnre Sizisa Ukhanyo Trading (Pty) Ltd (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende 2006 aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie.
- Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde wat beskou word as 'n bate wat aan die gemeenskap behoort.
- Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie.
- Dat die munisipaliteit daadwerklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs al, 'n tussentydse maatreël, die nodige regte te bekom om die materiaal op 'n wettige wyse te ontgin.
- Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van wye mededinging (openbare tenderproses) te bekom betreffende die ontginning waar teer vergoeding toegelaat mag word.

Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beïnvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproeiing van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus beïnvloed wat opsigself tot gevolg het dat daar opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied.

Die teenwoordiges by die vergadering het waardering uitgespreek vir die geleentheid om eerstehands ingelig te word oor die stappe wat beoog word om 'n oplossing te kry vir hul probleme. Die munisipaliteit het ook ongekwalifiseerde steun gekry om dringend met die voorgestelde proses voort te gaan. Die onderneming is gegee dat alles moontlik gedoen sal word om so gou moontlik plaaslike bousand aan die konstruksiebedryf te voorsien en om die geaffekteerdes op hoogte te hou van vordering in die verband.

Theft of boat, trailer and engine

In Friday 9 February at about 22:00 a boat on its trailer was towed away from 4 Human Street, Onrus River by thieves. The next morning a member of the public discovered the boat and trailer pushed into bushes at the parking area on the Vermont-side of the caravan park.

The 40 horsepower Yamaha outboard-engine was stolen from the boat. Anyone with information about the thieves or the stolen engine can contact the Hermanus SAPS detective services at 028 313 7000 or the toll free number 10111.

VIBRACRETE MURE
Gansbaai Precast & Diesel Depot
'n Rekord van gehalte en uitmuntende diens sedert 1997.
Seeswael slot, Industriële gebied, Gansbaai
Johan Cronjé 028-384 0480 / 082 923 4204
• Stoorkamers & motorhuise. • Koste effektief. • Vinnig om op te rig. • Gratis kwotasie vir: Vibracrete Mure en plaveisteine. • Diesel & Vibracrete mure steeds goedkoopste aan publiek.

STUDIO JO-SIGNS
• Druk van Digitale Foto's
• Skryfbehoeftes
• Ink vir Rekenaardrukkers
• Drukkers, Muise & Keyboards
• Papier
• Digitale drukwerk
• Kameras & foto's
FUJIFILM
Hoofstraat 45, Gansbaai, 7220
Tel. 028 3840384 / Faks 028 3840465 / josigns@iafrica.co.za

OM TOEGANG TE VERKRY EN DIT TE GEBRUIK!

Huidige beleids- en wetlike bepalings bemagtig die Departement om fondse beskikbaar te stel aan munisipaliteite vir die aankoop en ontwikkeling van munisipale meentgrond. Die bepalings word vervat in:

a) die Witskrif op Grondbeleid (April 1997); en
b) Die Wet op die Voorsiening van Grond en Bystand, Wet 126 van 1993 (gewysig deur Wet 58 van 2008) – sien Hofie 3 vir besonderhede).

Saamgelees, maak die bepalings, asook die Departement se beleidsvoorskrifte voorsiening vir munisipaliteite om:

- Grond te bekom ten einde "nuwe" meentgrond te vestig of om "bestaande" meentgrond uit te brei;
- Die infrastruktuur op nuwe en bestaande meentgrond te vestig en te verbeter;
- 'n Plan voor te berei vir die implementering van 'n grondhervorming meentgrondprojek – insluitend hoe die grond ontwikkel en bestuur sal word; en
- 'n Omvattende grondoudit uit te voer van landbougrond in besit van munisipaliteite sodat hierdie grond op 'n gesonde wetlike en administratiewe grondslag geplaas word.



7 Sien die 1997 Witskrif te: Par: 3.16 (p 28) Die gebruik van munisipale meentgrond; par: 4.12 (p. 50). Plaaslike Regering Meentgrond: par: 4.24 (p. 73) Skenkings vir die verkryging van grond vir munisipale meentgrond en, par; 5.11 (p. 89) Publieke Grondbestuur: Plaaslike Owerheidgrond.

Hofie 3: Beleid en wetlike bepalings sodat die Departement skenkingsfondse aan munisipaliteite beskikbaar kan stel vir munisipale meentgrond:

a) Die Witskrif op Grondbeleid (April 1997) beskryf die rol wat munisipaliteite kan speel in grondhervorming, deur arm mense in staat te stel om "toegang te verkry tot weidingsgrond en klein bewerkbare/tuin areas om hulle inkomste aan te vul en hulle huishoudelike voedselsekerheid te verhoog."

In hierdie Witskrif is die nuwe demokratiese regering daartoe verbind om skenkings aan munisipaliteite te voorsien ten einde addisionele grond te bekom vir "nuwe" meentgrond en om infrastruktuur in "bestaande" en "nuwe" meentgrond te ontwikkel [7]. Die Witskrif meld ook dat die Departement dit kan oorweeg om munisipaliteite by te staan om langtermyn huurkontrakte te kanselleer om meentgrond vry te stel vir armes.

Intussen het die Departement ook formeel 'n meentgrondbeleid aanvaar wat geïmplementeer is. MIN MENSE WEET EGTER DAARVAN!

b) Die Wet op die Voorsiening van Grond en Bystand (Wet 126 van 1993) voorsien die wetlike grondslag vir munisipaliteite om te voldoen aan Artikel 25 van die Grondwet. Artikel 25 bepaal dat:

"Die staat moet redelike wetgewende en ander maatreëls tref om, binne sy beskikbare middele, toestande te skep wat burgers in staat stel om op 'n billike grondslag toegang tot grond te verkry."

Artikel 10 van Wet 126 van 1993, magtig die Minister van die Departement om fondse beskikbaar te stel aan munisipaliteite vir die verkryging, onderhoud, beplanning, ontwikkeling of verbetering (sowel as infrastruktuur) van grond in die besit van 'n munisipaliteit. Artikel 10 magtig ook fondse vir kapasiteitsbou, vaardigheids-ontwikkeling, opleiding en bemagtiging.

COMMENT FROM APPLICANT ON OBJECTIONS AND COMMENT FROM TOWN PLANNER

REMAINDER ERF 210 GANSBAAI: APPLICATION FOR SUBDIVISION, CONSENT USE, PERMANENT DEPARTURE AND POST MINING SITE DEVELOPMENT PLAN TO PERMIT EXTENSION OF SAND AND GRAVEL MINING, APPLICATION NO: 3348
APPLICANT RESPONSE TO OBJECTIONS AND COMMENTS RECEIVED IN RESPECT TO MUNICIPAL NOTICE NO 26/2022

ERF 210, GANSBAAI: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND PERMISSION FOR MINING SITE DEVELOPMENT PLAN: MESSRS SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) ON BEHALF OF SIZISA UKHANYO TRADING 410 (PTY) LTD

Objections received from:

- **Jacobs & Associates on behalf of Messrs Sipho Sea Products (Pty) Ltd letter dated 29 April 2022 (refer Attachment 1 and covering letter, copy of objection and Annexures A-G attached thereto)**
- **Petition from forty-five (45) members of the Public dated 22 April 2022 (refer Attachment 2)**
- **Frans Hulme letter dated 19 April 2022 (refer Attachment 3)**

Scope of Response

The Application at hand is to seek Land Use approval for a 0.81ha gravel mining extension area and a 26.6593ha sand mining extension area, both located on a portion of Rem Erf 210 Gansbaai, with such application also to include a Post-Mining Land Use Site Development Plan (SDP) commensurate with the existing protected areas and future post-mining commonage use. Accordingly, except for the 2021 Extension of Mining Right Approval (i.e. EA), previous mining rights and ownership of such rights, as well as land use authorisation or the lack thereof, have no relevance to this application, given such authorisation and the management thereof being the responsibility of the DMRE in terms of the MPRDA and the Overstrand Municipality in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020, the latter currently being addressed through the Amendment of the SDP: Portion of Rem Erf 210, Gansbaai application as per Municipal Notice No 124/2021, which includes an Administrative Penalty Application in terms of Section 90 and Section 16(2)(a) insofar the lack of land use authorisation.

Reference to changes in mining entity ownership, mining right ownership, as well as either mining application or approval dates, is merely to put forward a timeline of mining by the mine owners, such data not claiming to be accurate given that such falls beyond the scope brief of the Applicant's task.

Where Objections of the respective Objectors are copies or translations, or address the same topic of another Objection, Responses are tabled only once, being text referenced to the relevant Objection.

Objection/Comment	Applicant Response	Response from town planner
A: Jacobs and Associates **A1 Applicant:** **A1.1** It is not clear – and in fact not ascertainable from the documentation submitted – who exactly the Applicant (i.e. the alleged existing mining right and –permit holder) in this instance is. For example, reference is made to the description of the Applicant in *inter alia* the following instances: **A1.1.2** The advertisement of the said Municipal Notice No 26/2022 as advertised on 25 March 2022 - SIZI**KA** UKANYO TRADING **410 CC**. **A1.1.3** Cover page of application in terms of the Motivation Report 1647/R1 – Sizika Ukhanyo Trading 410 CC. **A1.1.4** Clause 1.2 of the Motivation Report – Sizi**ko** Ukanyo Trading **140** CC. **A1.1.5** Clause 1.3 of the Motivation Report – Sizi**ka** Ukhanyo Trading **140** CC. **A1.1.6** Clause 2.6.2 (v) of the Motivation Report – Sizi**ka** Ukhanyo Trading cc. **A1.1.7** Item 5 of the Agenda for the Mayoral Committee Meeting dated 24 November 2021 as well as Item 5 of the Minutes of the Ordinary Meeting of the Council dated 25 November 2021 – SIZISA UKHANYO TRADING 410 (PTY) LTD, and Sizi**sa** Ukhanyo Trading **(Proprietary) Limited**, and Sizi**ka** Ukhanyo Trading **410 (Proprietary Limited)**, and Sizi**sa** Ukhanyo **Trading (Proprietary Limited).** **A1.1.8** Annexure B: Power of Attorney: Overstrand Municipality dated 29 September 2021 and in terms whereof the costs of the applications and processes to be for the account of Sizisa Ukhanyo Trading 410 (Pty) Ltd. **A1.1.9** During 2017 the Overstrand Municipality as the Applicant, brought an application cited as "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai, Overstrand Municipal Area: Proposed Amendment of the Site Development Plan". In terms thereof reference was made that Sizi**sa** Ukhanyo Trading **410 CC (trading as Gansbaai Sand en Klip**) is operating the sand mine on the	**A1 Applicant:** **Insofar who the Applicant is, the following:** **A1.1** The Town and Spatial Planning Application form (2021-2022) of the Overstrand Municipality (refer Annexure D in Appendices and Annexure Report 1647/R2 Dated October 2021) – Section A: Applicant Details; includes Neville van der Westhuizen as the Applicant; – Section B: Owners Details: Registered owner includes Overstrand Municipality (Property Administration). – Section G: Declaration; Registered Owner: RIAAN MARINUS (Acting Manager – Property Administration. Consultant: Neville van der Westhuizen Accordingly, Neville van der Westhuizen of Settlement Planning Services CC (trading as Setplan), in this application is acting on behalf of the land owner, Overstrand Municipality and Sizisa Ukhanyo Trading 410 (Pty) Ltd, the Mining Right Holder. **A1.2** Motivation Report 1647/R1 October 2021 and Appendices and Annexures Report 1647/R2 (2021) Insofar the reference to the Applicant, the following: *(i)* Section 1.3 Application: "The land use authorisation application is lodged by Settlement Planning Services (Western Cape) trading as Setplan (Reg. No. CK2004/012906/23) on behalf of Dynavest Thirteen (Pty) Ltd (Reg. No 19990/692607), owner of Erf 335 Gansbaai, the mining company Sizisa Ukhanyo Trading 410 (Pty) Ltd, and Overstrand Municipality, owner of Rem Erf 210 Gansbaai. Refer to the Appendices and Annexures Report; Annexure A for a Company Resolution and Power of Attorney from Dynavest Thirteen (Pty) Ltd and Annexure B for a Power of Attorney from the Overstrand Municipality." (ii) Cover pages of the Motivation and Appendices and Reports state that the application is prepared for Sizisa Ukhanyo Trading 410 (Pty) Ltd(the Mining Right Holder) and Overstrand Municipality by Setplan.	**A1.1** The applicants' comment is noted and agreed with. Further, the objector did make enquiries at the planning department regarding the applicant. The response per email on 25 October 2022 stated as follows: *".... The details of the applicant, Setplan is correct as stipulated below. The municipality in accordance with Section 39(1)(c) of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 issued a power of attorney to the applicant being the owner of Erf 210, Gansbaai. Setplan was appointed by Sisiza Ukhanyo Trading 410 (Pty) Ltd (conversion during 2019 from CC to (Pty) Ltd. The municipal letter to acknowledge the objection incorrectly refers to the application being submitted on behalf of the municipality which is not correct."* **A1.2(i)** The applicant's comment is noted and agreed with. **A1.2(ii)** Motivation report incorrectly refers to – Sizika Ukhanyo Trading 410 CC which is an administrative error.

Objection/Comment	Applicant Response	Response from town planner
subject property in terms of a lease agreement with the applicant. **A1.1.10** During September 2019 Messrs Site Plan Consulting advertised the Draft Scoping Report for the extention of the existing mining right and in terms whereof the Applicant was sited as SIZISA UKHANYO TRADING **410 CC**. **A1.1.11** Clause 2.6.2 (v) of this application under the heading "Mining Co/CC" states that for the period 2016 – present: Transfer of mining authorisation to new owners, with continued trading of Sizika Ukhanyo Trading **410 cc**, and the **Director** being Stephen Du Mont. **A1.1.12** In an attempt to get clarification, a search was done at CIPC and in terms whereof the Enterprise Name is cited as **SIZISA UKHANYO TRADING 410 (PTY) LTD** with Registration No **2019 / 588041 / 07** – a copy of the Disclosure Certificate is attached hereto as Annexure "A". **A1.1.13** In clause 2.2.1 reference is made that "It is noted that Erf 335 is owned by Dynavest Thirteen Eiendoms Beperk and that Dynavest Thirteen (Pty) Ltd is an owned subsidiary of Sizi**ko** Ukhanyo Trading **140 CC**, the current mine owner and operator. (Refer Annexure J)". It is to be noted that Annexure J is only the Title deed of Erf 335, while it is unclear how it is possible that a Company could be an owned subsidiary of a Close Corporation? **A1.2** It naturally follows that the aforesaid contradictions and confusion needs to be fully addressed and clarified before any meaningfull comments can be made in this regard, for eg with regard to the locus standi of the applicant. It is apparent that this application is based on the applicant being a Close Corporation (however, with different spelling, numbering, etc), but then again the records of the Overstrand Municipality as well as Annexure B (Power of Attorney by Overstrand Municipality) reflects the applicant being a Company, not a Close Corporation. It is herewith proposed that a full disclosure is made with regard to the correct citations, registration number, members of CC, or directors and	**A1.3** Special Power of Attorney The following extract from the Special Power of Attorney issued by the Acting Manager: Property Administration, Overstrand Municipality as included in Annexure B of the Appendices and Annexures Report 1647/R2 October 2021, the following: *"... do hereby nominate, constitute and appoint Mr. Neville van der Westhuizen (ID: 5205315081083) of Settlement Planning Services (Western Cape) trading as Setplan (registration number CK2004/012906/23) as consultant of Sizisa Ukhanyo Trading 410 (Pty) Ltd, with power of substitution to be my lawful representative in my name, place and stead, as may be required to:* *(i) Subdivide a portion from Remainder Erf 210 Gansbaai (28.1193ha) as indicated on figure QRSTUV2V1VWP on the diagram attached as Annexure A to accommodate an extension of an existing sand and gravel mine on Remainder Erf 210 Gansbaai, also to include the following in respect of the subdivided portion:* *- Rezone from Undetermined to Agricultural Zone 1;* *- Consent Use to permit mining in Agricultural Zone 1;* *- Permanent Departure from the 30,0m building line;* *(ii) compile a SDP for the mining extension area on the subdivided portion; and* *(iii) make any other applications as may be required to achieve the aforementioned purposes, in respect of Remainder Erf 210, Gansbaai, Western Cape as indicated on figure QRSTUV2V1WP on the diagram attached as Annexure A of which the OVERSTRAND MUNICIPALITY is the registered owner.* *I confirm that the costs for the applications and processes set out above will be for Sizisa Ukhanyo Trading 410 (Pty) Ltd's account and not for the OVERSTRAND MUNICIPALITY."* Accordingly, such Special Power of Attorney: (i) Recognizes and appoints Neville van der Westhuizen of Setplan as to give effect to the application(s) as consultant of Sizisa Ukhanyo Trading 410 (Pty) Ltd. (ii) Setplan is acting on behalf of the Municipality (the land owner) and on behalf of Sizisa Ukhanyo Trading 410	**A1.3** Noted and agreed with.

Objection/Comment	Applicant Response	Response from town planner
shareholders of Company, whichever is applicable and substantiated by the necessary documentation in support thereof. It is further proposed that such proof/documentation be made available to the public with a further reasonable time for any further comments to be made thereto, by default whereof the objection is hereby recorded that the advertisement as well as the application is fatally flawed and willfully misleading, and that the said application must be formally withdrawn and resubmitted again. **A1.3** However, for purposes hereof further reference will simply be made as "the applicant".	(Pty) Ltd, Setplan's client (the mine operator and Holder of the Mining Right). (iii) Confirmation by Overstrand Municipality that the "*costs for the applications and processes set out above will be for Sizisa Ukhanyo Trading 410 (Pty) Ltd's account and not for the OVERSTRAND MUNICIPALITY.*" **A1.4 Spelling of Sizisa Ukhanyo and Trading 410 CC versus Trading (Pty) Ltd:** Spelling of Sizisa Ukhanyo Reference to "Sizisa Ukhanyo", albeit it being misspelled by Setplan, only occurs in the two application documents, namely the Motivation Report and the Appendices and Annexures Report, not widespread as put forward by the objector, such being the responsibility of others (minutes and agendas, press notices, etc.). While Setplan notes that the incorrect spelling was used several times in the Application Motivation Report, such represents and oversight and error and is apologized for, being corrected in all subsequent documentation and correspondence, including this response. Trading 410 CC versus Trading (Pty) Ltd: (i) Sizisa Ukhanyo Trading 410 CC Application to amend Close Corporation from 2005/035636/23 to Close Corporation Sizisa Ukhanyo Trading 410 with Enterprise Number 2005/035636/23 on 18/07/2005. As per Section 2.6.2 of the Motivation Report it is noted the following transfer of the "mining enterprise" and "mining authorisation" from Sizisa Ukhanyo Trading 410 CC (Managing Director: Dirk Jacobus Heyns) to Sizisa Ukhanyo Trading 410 CC (Director: Stephen du Mont) in 2016. (ii) The company, Sizisa Ukhanyo Trading 410 (Pty) Ltd (Reg No. 2019/588041/07) was incorporated on 19 November 2019 when converted from a Close Corporation, notably Sizisa Ukhanyo Trading 410. Directors in office for the year ending 28 February 2021 were SM du Mont, JGD Cloete and ER Burger.	**A1.4** Noted and agreed with.

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	It is noted that the preparation and/or submission or relevant applications, that being the Section 102 Application for an Extension of the Existing Mining Right to the DMRE and the current Land Use Authorisation for such extension of mining to the Overstrand Municipality, transcended the Close Corporation-Company incorporation period, noting that assessments and preparation undertaken for the mining application preceded such transition, with such application having been submitted to the DMRE on 30/10/2019 under the name of Sizisa Ukhanyo Trading 410 CC, and subsequent approval by DMRE on 23/02/2021 also being in the name of Sizisa Ukhanyo Trading 410 CC. While assessments conducted for the EIAr/EMPr of the mining application were incorporated in or informed the Land Use Application, were prepared pre- or during the Close Corporation-Company incorporation, Setplan erroneously submitted the Land Use Authorisation (6 October 2021) on behalf of Sizisa Ukhanyo Trading 410 CC instead of Sizisa Ukhanyo Trading 410 (Pty) Ltd, thereby also concurring with the Objector that Dynavest Thirteen Eiendoms Beperk (owner of Erf 335 Gansbaai) cannot be an owner subsidiary of a Close Corporation, however it is an owned subsidiary of Sizisa Ukhanyo Trading 410 (Pty) Ltd. **Concluding Responses** (i) Settlement Planning Services (trading as Setplan), as consultant to Sizisa Ukhanyo Trading 410 (Pty) Ltd, has made application on behalf of Sizisa Ukhanyo Trading 410 (Pty) Ltd (The Mining Right Holder) and Overstand Municipality (the land owner), with all costs associated with the application being to the cost of Sizisa Ukhanyo Trading 410 (Pty) Ltd. Notably, Sizisa Ukhanyo Trading 410 (Pty) Ltd, as Holder to the Mining Right is the Applicant. (ii) Setplan takes responsibility for spelling errors occurring within its Motivation Report, and Appendices and Annexures Report insofar the spelling of the business entity name Sizisa Ukhanyo, to be corrected	

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	in all future writings and correspondence, trusting that other parties will do similar in their correspondence and writings. However, it needs to be stated that such "errors" were never intended to be "wilfully misleading" and accordingly do not detract from the technical merits and integrity of the Motivation Report and the Application which it supports, that is not being "fatally flawed" and that the "application be formally withdrawn and resubmitted" as suggested by the Objector. (iii) Insofar the time-line alignment of the Application with the correct business entity at the time of submission, that being Sizisa Ukhanyo Trading 410 (Pty) Ltd instead of Sizisa Ukhanyo 410 CC, Setplan will forward an "Errata" to Overstrand Municipality, including a signed confirmation of registered company Sizisa Ukhanyo Trading 410 (Pty) Ltd by its Directors to Overstrand Municipality in support of all future correspondence, issuing of notices, minutes, etc.	
A2 Annexure M: Copy of Press Release dated February 2007: For purposes of full disclosure and easy reference in relation to the objections and comments made hereinafter, it is deemed of the utmost importance to herewith again reïterate *inter alia* the following statements made therein, and we quote: **A2.1** "..... Munisipalieit Overstrand op **31 Januarie 2007** kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee **hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaai summier te staak**. **A2.2** Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op	**A2 Annexure M: Copy of Press Release dated February 2007** The Objector states that the content of "Copy of Press Release dated February 2007" serves the "purposes of full disclosure and easy reference in relation to the objectives and comments" made in the objections and comments. In summary the Press Release extracts by the objector focus mainly on the fact that in 2007 the following issues were raised: (i) That unauthorised mining of building sand on the Gansbaai commonage be halted (A2.1) (ii) At times no valid mining rights existed for the mining of sand on the commonage (A2.2.2) (iii) The Gansbaai community and the Municipality oppose the "free" mining of sand on the commonage, an asset that belongs to the community (A2.2.3) (iv) That the Municipality pursue discussion with the DMRE inorder that they, even as an interim measure, obtain the necessary rights to mine sand on a legal basis (A2.2.5) (v) "***Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die***	**A2** The applicant's comment is noted and agreed with.

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14 Februarie 2007 lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak: **A2.2.1** Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. **Kennis is wel gegee dat ongemagtigde mynaktiwiteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai** (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie. **A2.2.2** Dat die aansoek van Mnre **Sizisa Ukhanyo Trading 410 (Pty) Ltd** (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende **2006** aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik **geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie**. **A2.2.3** Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde **wat beskou word as 'n bate wat aan die gemeenskap behoort**. **A2.2.4** Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie. **A2.2.5** Dat die munisipaliteit daadwerklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreël, die nodige regte te bekom om die materiaal op 'n wettige wyse te ontgin. **A2.2.6** **Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.** **A2.2.7** Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke	***dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word.***" (A2.2.6) Furthermore, the Objector concludes this reference to the Press Release as follows: *"Comment: As more fully referred to below, the views expressed in clause A2.2.6 above is wholeheartedly supported and should indeed be the legal status quo since 2007 (and before) to the present. "* The Applicant purposely includes the Copy of Press Release dated February 2007 as Annexure M in its Appendices and Annexures Report 1647/R2 dated October 2021 to demonstrate the following: (i) "While 1986 aerial photography reflects several sand/gravel mines on Rem Erf 210, many of these could have been unauthorised as per the 2007 press copy." (ii) The period 1985 – current has witnessed several changes in both Mineral Resource management and Land Use management, with both the DMRE and the Municipality fostering and developing resource and land use management policy to facilitate and ensure authorisation, as will be expanded on in subsequent response (e.g. zoning, commonage use, mining land use management, etc.) (iii) Past mining applications on Portions of Erf 210 have raised public and 'other sand supplier" concerns re access to the sand/gravel resources on Rem Erf 210 (commonage) and "unfair" mining sector practice, as reflected in the Press Release, with the Application Motivation Report 1647/R1 dated October 2021 noting the following principles underpinning existing and future mining, involving mining by individuals, companies, community groups or authorities (e.g. municipality): – **Access to minerals**; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "*natural person*" or	

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gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beïnvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van die dorp weens die besproeiing van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus beïnvloed wat opsigself tot gevolg het dat daar opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied." Comment: As more fully referred to below, the views expressed in clause A2.2.6 above is wholeheartedly supported and should indeed be the legal status quo since 2007 (and before) to the present.	"*legal persona*" has the right to make application to the DMR to mine these minerals, including the municipality, any community group, building supplier, etc. Subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, being awarded such Right – **Trading in minerals**: sand and gravel are traded on the "open-market" in South Africa. Accordingly any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act. – **Minerals are place-bound:** including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups.	
A3. Demand for Construction Sand and Gravel: (Clause 1.2 of the Motivation Report) It is stated that: "**Siziko Ukanyo Trading 140 CC** have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since **2005**, with the previous owner having licenced the mine in 2000, albeit **illegally**. Such continuous operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand, " and "Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites ….". It is indeed common cause that there is a great demand for construction sand and gravel in the Overstrand area, but the following comments thereto needs to to be taken into account: **A3.1** The description of the applicant.	**A3. Demand for Construction Sand and Gravel (Clause 1.2 of Motivation Report)** All references under points A3.2 – A3.6 of the Objection insofar unauthorised illegal and unlawful mining by the current owners Sizisa Ukhanyo Trading 410 (Pty) Ltd and its previous owners should be removed given the purposeful/erroneous editing of the Motivation Report text as quoted in the introduction paragraph to the Objection: Motivation Report Section 1.2 Demand for Construction Sand and Gravel: *"Sizisa Ukhanyo Trading 410 (Pty) Ltd have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai since 2005, with the previous owner having licenced the mine in 2000,* ***noting that aerial photography of the area indicates mines operative in 1986, albeit illegally.*** *Such continuous operation over 21 years and support of the Overstrand construction industry clearly demonstrates the demand for construction sand and gravel in the Overstrand"* The selective edit in the Objection clearly states that Sizisa Ukhanyo (Pty) Ltd have operated the sand and gravel mine	**A3.** The applicants' comment is noted and agreed with. Furthermore, the land use application relates to the mine right extension area granted in terms of the MPRDA for the proposed expansion of the approved mine in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020.

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A3.2 The fact that any mining operations on Remainder Erf 210 Gansbaai was at all times **unauthorised and illegal since at least 2005**. **A3.3** In terms of the press release referred to in clause A2.2.1 above, the Overstrand Municipality served a Compliance Notice on the applicant on 31 July 2007 and in terms whereof the applicant was ordered to immediately stop with its illegal mining activities on the Gansbaai Commonage (i.e. Remainder Erf 210, Gansbaai), the Municipality thereby being compliant to section 39 of the Land Use Planning Ordinance 15 of 1985. **A3.4** Whereas the existing mining activities are illegal and unlawfull, **any "extention" therof shall also be illegal and unlawfull** – the same applies to any monetary income generated through such unlawfull activities. **A3.5** If the Overstrand Municipalty considers allowing any mining activities on Erf 210 or the Remainder thereof apart from the existing unlawfull mining, it must act in accordance with their press release referred to in A2.2.6 above, i.e. by means of an **open public tender process**.	on Erf 335 and Portion Remainder Erf 210 Gansbaai since 2005, **albeit illegally**, which is erroneous, the extract from the Motivation Report states that *"the previous owner having licenced the mine in 2000, noting that aerial photographs of the area indicate mines operating in 1986, albeit illegally"* It is also noted that the Objector fails to note the Application's motivation for the mining extension location, including reasons for not selecting certain sites elsewhere and the mining merits of the selected site. In contrast the Objector provides the following selective quotation which could imply to the reader that the "illegal/unauthorised" status of the new site favoured its selection: *"Accordingly, the extension of the existing sand and gravel mine on portion of Rem Erf 210 has a competitive edge over any alternative existing and potential mine sites ...."*, such statement linked to the above mis-quote. Furthermore, insofar the reference to illegal, unauthorised and unlawful mining/mining activities, the Objector fails to qualify that the mining was infact legal/authorised/lawful under the MPRDA. Such statements should distinguish between mining and land use authorisation/approval, the former having been in place, with the land use authorisation now being put in place (refer Responses A2 and A3).	
A4. Crown Grant No. G160/1938 The Remainder of Erf 210 is subject to the following title deed restrictions, currently registered servitudes and/or restrictions in general: **A4.1** "*(a)(4): Die hierby toegekende grond of enige gedeelte daarvan, of enige aandeel daarin, mag nie te eniger tyd onderverdeel, verkoop, oorgemaak, geskenk, oorgedra of belemmer word, sonder dat die toestemming van die Minister van Lande eers daartoe verkry is nie*" "*(b): Dat geen premanente strukture op hierby toegekende grond apgerig mag word tensy die toestemming van die Minister van Lande eers daartoe verkry is nie*"	**A4. Crown Grant No. G160/1938** **Condition 4:** Restricted use of "toegekende grond" *Insofar Condition 4: Endorsement Page 21:* ***A4.1*** *Kragtens Artikel 1(2) Wet 43/1999* *"Kragtens die bogenoemde artikel is voorwaarde 4 op bl. 3 nou afgeskaf in gevolge Artikel 1(2) Wet 43/1999* *Aansoek weggelê as BC 11806 2000-03-06* *Akte kantoor Kaapstad"* **A4.2** Condition 3: Emergency Aircraft Landing Ground: Condition 3 on both pages 2 and 3 of "Kroongrondbrief No. 160/1938 is deleted with a black (pen) cross. However, no endorsement is found.	**A4** Applicants comment is noted and agreed with. **A4.1** Applicants comment is noted and agreed with **A4.2** Applicants comment is noted and agreed with

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A4.2 Condition 3: "*Die Goewerment behou die reg om te alle tye vry van betaling te gebruik, of om die gebruik aan ander toe te staan, van die grond gemerk c.d.e.f. en omskrywe as "Emergency Aircraft Landing Ground op die kaart (No 3890/1937). Geheg aan die voornoemde Sertifikaat van Gewysigde Titel by Vereninging No 13083 gedateer 15 Desember 1938 uitgereik ten gunste van die Goewerment van die Unie van Suid-Afrika, vir alle sodanige doeleindes as wat nodig blyk in verband met die oprigting en instandhouding van Landingsvelde vir lugvaartuie, tesame met die reg om die nodige beskuttings, vliegtuigloodse, afdakke, hutte en ander geboue te bou en instand te hou; om die nodige opruiming op die voornoemde landingsvelde aan te bring en instand te hou en om sodanige gedeeltes van die landingsvelde as wat nodig mag wees te omhein."* Comment: From the documentation submitted, it is not clear whether this condition 3 has been cancelled and if not, to confirm the exact location thereof. An attempt has been made to inspect the full application/proposal at the Gansbaai Library, but no such application/proposal was available at the Gansbaai Library for inspection. A clear and readable copy of such Title Deed is requested to be made available so as to inform the public whether this condition is still in force. It is also of importance to be able to identify the proposed location thereof in relation to the proposed mining activities.	(i) It is noted that the Emergency Aircraft Landing Ground is not indicated on the Deduction Plan No 3890/1937 (ii) It is noted that the southern extent/portion of the Emergency Landing Ground denoted as cdef on Diagram SG No. S2326 annexed to Certificate of Title on Consolidation No. 13083 dated 15th December 1938 traverses the property boundary of Rem Erf 210 and boundary of Farm Strandfontein 712, which is also the northern boundary of the proposed sand mining area. Insofar Condition 3: Endorsements comprise penned deletion crosses of both paragraphs on Page 2 and Page 3, without any written endorsement. Being included in the 1938 Crown Grant indicates that such Aircraft Landing Ground was most likely for military purposes pending the 2nd World War, given several defence installations (gun batteries and radio stations) being located on the Walker Bay – False Bay coastline, a similar airfield also located at Cape Agulhas at the time.	
A4.3 The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is fully supported and in particular with reference to the following: "The "Programme for Land and Agrarian Studies; PLAAS (Megan Anderson, Kobus Pienaar; 2003)" in its overview of Municipal Commonage highlights the following characteristics and requirements of municipal commonages, **several of which**	**A4.3** Support of the views expressed in the Application re the Gansbaai Commonage by the Objector. A traditional municipal commonage as opposed to a newly acquired commonage, together with the Application noting of the characteristics of Municipal Commonage expressed by *"Megan Anderson and Kobus Pienaar, 2003"* in the Applicant's opinion could be potentially misleading to the reader, as the noting of such characteristics by the Applicant served the following purpose in the absence of a Gansbaai Municipality: Commonage Plan:	**A4.3** Applicants comment is noted and agreed with

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are also reflected in the title deed and conditions of the "Gansbaai Commonage", and also being applicable to the proposed sand and gravel mining." and "The Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, "*the former referring to land set aside by the state at the establishment of the town, usually granted to the municipality by the state in the 1800's, in ownership and free of charge*", **reflecting the Gansbaai Commonage's origin.**" and " "*Traditional*" commonages "*being characterized by* ***stringent legislative and title conditions***", notably those in the Crown Grant No. G160 of 1938 governing the Gansbaai Commonage. **Anderson and Pienaar particularly noting that "*the land be for the use and benefit of the public and the municipality could not sell the land, commonages being "set aside" for public use*".**" and **"Leasing portion of "Traditional" Commonage** to a tenant "*will require* ***approval of the Premier as such lease would allow the tenant to use land at the exclusion of other members of the public, in other words, privatizing such portion and making it available for commercial purposes rather than commonage or public purposes***"," and "also noting "***that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality.***	(i) Providing a background to the "Gansbaai Commonage" and Erf 210. (ii) Demonstrating the land deductions (i.e. Commonage Deductions) from 1938 (commonage establishment) and 2020, such amounting to a total of 220.4986ha. (iii) Putting forward the characteristics and requirements of municipal commonage as put forward by "Megan Anderson and Kobus Pienaar" with the Applicant drawing informants therefrom for Gansbaai Commonage and the proposed sand and gravel mining. (iv) Putting forward the current performance of the "Gansbaai Commonage" as per the following extract from Section 2.3.3 of the Application Motivation Report: *"The* ***current performance of the "Gansbaai Commonage"*** *insofar the above mentioned characteristics raised by the Programme for Land and Agrarian Studies, as well as other commonage requirements, is summarized as follows:* *(i) A significant* ***deduction of the extent of the commonage*** *between 1938 and the current day, including transference of land portions to private owners for a multitude of uses, albeit such uses being in support of the local and regional economy.* *(ii) The "****commonage" not being reserved as "public place"*** *in the Municipal Land Use Scheme (2020) and having an "undetermined" zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937))* *(iii)* ***No tangible record of "public place" closure*** *when commonage land has been deducted, rezoned or subdivided.* *(iv) The lack of a* ***Municipal "Commonage Management Plan"*** *being in place, resulting in past commonage use practices in several instances negating the function and purpose of a "municipal commonage" "*	

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	Furthermore, Anderson and Pienaar note that "*in the past access to such land (i.e. commonage) was regulated either by way of* ***servitude*** *registered as a title deed condition against a residential site, or by way of a* ***municipal regulation***". The former "arrangement" is currently being employed in small-farmer establishment on commonages through a "**Notarial Deed of Perpetual Servitude**" for such farming being endorsed against the title deed to encumber the farming use.	Additionally, the Surveyor General's Office Western Cape correspondence of May 2021 included as Appendix 10 in the Application's Appendices and Annexures Report stated that the event of the proposed mining, "*a closure would be necessary if the land parcel is confirmed as public place*", such not being so in the case of the Gansbaai Commonage.	
A4.4	It is herewith submitted that the abovementioned principle that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality, **is also applicable to any income derived from the alleged existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made available to the public** – again, with the condition that the public must be allowed a further reasonable perod of time to comment thereto, once available.	**A4.4** The "Alleged existing compensation agreements" and the Objector's request that such be made available to the public together with reasonable time to comment thereon is not within the scope of the Application at hand. (refer Response A7)	**A4.4** The detail of the compensation agreement has no relevance to the merit of the land use application to be considered by the MPT.
A5	**<u>Zoning</u>**	**A5 <u>Zoning</u>**	
A5.1	The statements regarding the status of the zoning of the subject property/portion – inclusive of "undetermined Zone and Non-Conforming Use" – is herewith strongly objected to and rejected as such. In support thereof, a copy of letter dated 18 August 2017 is attached hereto and marked Annexure "B", which addresses these issues in clauses 3 and 4 thereof.	Insofar Objection A5.1 re the objection to and rejection of statements regarding the status of the zoning of the subject property/portion being inclusive of "Undetermined Zone and non-Conforming Use", the following: The Applicant takes cognisance of the opinion expressed in Annexure B of the Objection. However, the following is relevant to the application at hand: **A5.1** Undetermined Zone (i) The land portion of Rem Erf 210 to which this application applies is as depicted in Figure 2: "Subject Property/Portion" in Motivation Report 1647/R1 and in Annexure A – Diagrams: Figure 1 of Special Power of Attorney (Property Management: Overstrand Municipality) in the Appendices and Annexures Report 1647/R2, such depicting the recently approved new	**A5.1** The applicant's comment is noted and agreed with.

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	Mining Right Extension Area, including the existing Permit Area. (ii) The Re-zoning status of the Application portion is Undetermined Zone (U) as per Section 14.3 of Schedule 2 Overstrand Land use Scheme (2020), with such zoning confirmed through the Pre-Application Consultation Meeting held on 6 August 2020 and written notification from the Town and Spatial Planning Department: Overstrand Municipality (refer Appendix B in Appendices and Annexures Report 1647/R2). (iii) Undetermined Zone (U) includes the following conditions applicable to the application: - "*Primary uses are limited to only lawful uses existing at the operative date of this land use scheme*" (Section 14.3.1) - "*No rezoning of any property to this zone is permitted after the operative date of the land use scheme*" (Section 14.3.1) - "*No change of an existing use is permitted*" (Section 14.3.2) - "*If additional uses or development rights are required, a rezoning application to another, more appropriate zone must be processed.*" (Section 14.3.4) (iv) Permission for Mining: Section 5.1.1 of Schedule 2 Overstrand Land Use Scheme (2020) provides for mining as a consent use in Agricultural Zone 1 Accordingly, the Land Use Authorisation of mining on the "subject land/portion" as per A5.1 (i) above requires the following: – "Due to the nature of the rights that will be created and the term, the opinion is held that the relevant portion of Rem Erf 210 be subdivided and rezoned from the various zones to Agriculture Zone 1, with consent use for mining" (refer Town and Spatial Planning Department: Overstrand Municipality email dated 1 October 2020 in Appendix B in the Appendices and Annexures Report 1647/R2) Accordingly, this Application at hand comprising the subdivision of the subject land/portion of Rem Erf 210, the re rezoning of such sub-divided portion of Rem Erf	

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	210 from Undetermined Zone to Agricultural Zone 1: Agriculture (AGRI), and Consent Use to permit mining in Agricultural Zone 1 of the sub-divided portion of Rem Erf 210. Such application being confirmed by the Special Power of Attorney issued by Property Management: Overstrand Municipality and via written notice of Application acceptance by the Town and Spatial Planning Department: Overstrand Municipality. The above demonstrates that the status of the zoning or subdivision, rezoning and consent use of the "subject land/portion" are not inclusive of "Undetermined Zone" and "Non-Conforming Use" in any negative manner.	
A5.2 The applicant acknowledges the status of Erf 210 Gansbaai as being **"traditional municipal commonage"** as per the Title Deed (also see A4.3 above). The intended land use thereof must therefor be indeed common cause and directly opposed to the interpretation of any undetermined land use.	**A5.2** Insofar Objection A5.2 that the intended land use of the commonage be directly opposed to the interpretation of any undetermined land use, the following response: (i) As demonstrated and concluded in A5.1 above, the current Application does not interpret, foster or include any undetermined land use, the application concluding that *"the mining, rehabilitation and future use of the mining area can be a **catalyst for integrated and sustainable commonage management and development, underpinned by safeguarded and improved environmental services"*** (ii) Furthermore, it should be noted that the "Undetermined Zone (U) was introduced into the Overstrand Development Management Scheme on inclusion of the Gansbaai Municipality Zoning Scheme, such Zone to serve as a management mechanism for the existing lawful non-conforming uses within the Rem Erf 210 (Commonage), thereby enhancing and benefitting commonage land use. Such was common municipal practice post-2000, with the City of Cape Town's Development Management Scheme including a Limited Use Zone (LU) as a transitional mechanism to deal with land that was zoned "undetermined" in previous zoning schemes (i.e. prior to municipal amalgamation). Zone conditions included that only existing lawful uses may continue,	**A5.2** The applicant's comment is noted and agreed with.

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	but any development that required additional use rights will have to rezone from LU to another appropriate zoning.	
A5.3 It is to be noted that the applicant adds random and unqualified qualifications to the zoning of the "subject property / portion" so as to be compliant with the proposal that such uses are legal and therefor a permitted non-conforming use within the parameters of an Undetermined Zone. In fact, the true position is that – with reference to Erf 210 as well as Erf 335 - the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, and therefor unauthorised and unlawful since at least 2005**.	**A5.3** Insofar Objection A5.3 that the Applicant adds random and unqualified qualifications to the "subject property/portion" so as to be compliant the proposal that such uses are legal and therefore permitted non-conforming use within the parameters of an Undetermined Zone, and that the Applicant is not compliant, the following: (i) Non-conforming Use Integral to the Undetermined Zone is the following definition of "Non-Conforming Use" as per the Land Use Scheme (2020): Non-conforming Use means "*an existing land use that was being utilized **lawfully** in terms of a previous zoning scheme for a purpose that does not comply with an existing land use zone*", with the Application referring to existing sand and gravel mining on the commonage as being "legal" or permitted" non-conforming uses within the Undetermined Zone, such reference being to such uses having municipal approval, with any additional uses or development rights requiring rezoning to a more appropriate zone. Such is not applicable to the current Application, as outlined in A5.1(iv). (ii) Non-compliance While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per A5.1(iv) seeks to achieve land use authorised for the Extended Mining Right Area.	**A5.3** The current mining activity occur in accordance with a land use approval as elaborated upon in the planning background and evaluation. The current application relates to the proposed expansion of mining activity in accordance with the mine right extension area granted in accordance with the MPRDA.
A6 "Clause 2.6.2: - "Mining" Land Use Management": **A6.1** Significant reliance is placed on the Maccsand Constitutional Court Ruling of **12 April 2012**, with special reference to the time-lines before and after	**A6 Clause 2.6.2 – "Mining" Land Use Management** **A6.1** The reference to the Maccsand Constitutional Court Ruling of 2012 serves to demonstrate the land use authorisation requirement for mining activities since	**A6.1** Applicants comment is noted and agreed with. In addition, the application relates to the proposed expansion of the existing approved mine in

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such judgment. Without addressing each and every detail, suffice to say that such reliance is indeed misplaced and must also be rejected as such. The said ruling only confirmed the law as at that stage – it did not implement or constitute any new laws. For purposes hereof it is deemed appropriate to refer to only a few *dictum* as per the said judgment, and quote: "LUPO **obliges municipalities to enforce compliance** with its provisions (section 39(1)). More importantly it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme** (section 39(2))." and "Therefore in terms of LUPO, **mining may only be undertaken on land if the zoning scheme permits it** (or a departure is granted). If not, **rezoning of the land must be obtained <u>before</u> the commencement of mining operations**. The zoning that permits that land to be used for mining does not, however, license mining nor does it determine mining rights. **The role played by LUPO is limited to the control and regulation of the use of land**." and "It is true that mining is an exclusive competence of the national sphere of government. It is also true that the MPRDA is concerned with mining and that LUPO does not regulate mining nor does it purport to do so. LUPO governs the control and regulation of the use of all land in the Western Cape Province. This function constitutes municipal planning, a functional area which the Constitution allocates to the local sphere of government." and **"The fact that in this case mining cannot take place until the land in question is**	the promulgation of the Land Use Planning Ordinance (LUPO) in 1985 which introduced such requirement in the Western Cape Province, and such Maccsand ruling also giving impetus to the Municipal Land Use Planning By-Laws introduced in 2015 to replace LUPO, with the MPB-L further defining and entrenching mining as a land use requiring authorisation. Accordingly, the Applicant is fully in agreement with the Objector insofar; *"The fact that in this case mining cannot take place until the land in question is appropriately rezoned is therefore permissible in our constitutional order"* given that this Application on which the Objector is objecting is precisely for the "appropriate rezoning" of the "land in question". Insofar the Objection (A6.1) the following is noted: (i) In the Western Cape Province, the Land Use Planning Ordinance (LUPO, 1985) was replaced by the Land Use Planning Act (LUPA, 2014). However, despite the enactment of LUPA (2014), the legislation governing land use at Municipal level reverted under the national Spatial Land Use Management Act 16 (SPLUMA, 2013) in terms of the Local Government: Municipal Systems Act 32(2000) insofar the devolution of power to Municipalities. In terms of SPLUMA all Municipalities would adopt/formulate a Municipal Planning By-Law which would direct its land use considerations and approvals, its zoning scheme, etc. Such By-Laws came into effect at all Municipalities nation-wide on 1 July 2015, prior to this date all Municipal Land Use matters, (approvals, etc) were in terms of LUPO, specifically Section 8 of LUPO. After 1 July 2015, the By-Laws replaced LUPO, with LUPA having a more provincial scale focus, notably in terms of the "provincial competencies" as prescribed by the Constitution. Accordingly, LUPA also puts forward and requires the By-Laws, as well as requiring provincial "land development application"	accordance with the mine right expansion area. The applicants' objection / comments is thus not relevant to the application being considered.

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	appropriately rezoned is therefore permissible in our constitutional order." It therefor follows that **this judgment also confirmed the unlawfullness and illegal mining activities of the applicant since 2005, as well as the period since delivery of the judgment (2012) to present**. It is to be noted that in that instance it was indeed the City of Cape Town who was the Applicant to interdict Maccsand to carry on with their illegal mining activities – notwithstanding the press release dated February 2007 (Annexure M to the application) referred to above, the Overstrand Municipality is in default to act accordingly – since before the said judgment as well as after the said judgment, to this very day. In fact, as referred to above and below, the Municipality as owner of Erf 210 (Commonage) has initiated various applications in an attempt to legalise the illegal mining activities, **at the cost and expense of the Municipality,** i.e. the taxpayer and public in general.	approval for its "competencies", in terms of Section 53 of the Act. (ii) Accordingly, insofar this Application: – Application for subdivision, rezoning and consent use for mining is made in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020, noting the following: • This Application cost is for the account of Sizisa Ukhanyo Trading 410 (Pty) Ltd. • This Application is not directed at the legalizing existing mining activity on other portions of the commonage, such application being a separate application lodged by Messrs WRAP Project Office on behalf of the Overstrand Municipality under Municipal Notice 124/2021, such application including the determination of an Administrative Penalty in terms of Section 16(2)(q) of the Overstrand Municipality: Amendment By-Law on Land Use Planning (2020). – A Pre-Application Consultation was held with the Western Cape Province: Department of Environmental Affairs and Development Planning insofar a Land Development Application in terms of Section 53 of LUPA (2014), such consultation deeming such application not being required given the zoning of the subject land/portion of Erf 210 not being "Agricultural", a requirement in terms of the Act.	
A6.2	The applicant put forward a detailed timeline with reference to "**Mining Co/CC**" which includes *inter alia* the following: **1/9/2005**: Transfer of mining authorisation to Sizi**ka** Ukhanyo **Trading cc**. **2016 – present**: Transfer of mining authorisation to new owners, with continued	**A6.2 and A6.3 Mining Authorisation Timelines** The timelines for the application of mining permits/rights, the issuing of such mining permits/rights and the commencement/termination of mining per permit/right initially by Sizisa Ukhanyo Trading 410 CC and later by Sizisa Ukhanyo Trading 410 (Pty) Ltd are included in the application merely to note the duration of mining activity by the two owners of the mining enterprise. Such timelines do not purport to be an audit of such events, as such would	**A6.2 & 6.3** Applicants comment noted and agreed with. The municipality never lodged an application for mining on Erf 210, Gansbaai. The objector's statement in this regard is incorrect.

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trading Sizika Ukhanyo Trading **410** cc, and the **Director** being Stephen du Mont. And similarly with reference to "**Mining Authorisation**" which includes *inter alia* the following: **19/9/2000**: DMR issuing Mining Licence ML27/2000 for **5 years for Erf 335** (i.e. "old order" mining authorisation). **1/8/2010**: Application lodged with DMR for a **gravel mining permit** (5-years) for 1.4600 ha (i.e. the "existing permit area" on **Erf 210**). **6/12/2011**: Application lodged with DMR for a Mining Right for **sand mining** measuring 7.3809ha on **Rem Erf 210** and 4.2827ha on **Erf 335** – current mining authorisation. **2021**: Recent DMR approval for **extending the Mining Right for sand and gravel mining**. **A6.3** However, during **2017** the Overstrand Municipality – at its own cost and expense - lodged an application for the "Amendment of the Site development Plan On Erf 210" (Annexure M to this application), which application was withdrawn at a later stage. From the Annexures attached thereto, the following timeline appeared: With regard to the Mining Permit (**gravel and aggregate**): **30/5/2011**: A Mining Permit No 09/2011 was issued by the DMR to Sizisa Ukhanyo Trading **410 CC** to mine **gravel and aggregate** on Portion of Erf 210 Gansbaai – see attached Annexure C, page 4. **29/05/2013**: The Mining Permit No 09/2011 referred to above, **lapsed on 29**	serve no purpose for this Application, and not forming part of the application brief. Such audit, as required by the Objector, forms an integral part of the current "determination of Administrative Penalty" application (refer Municipal Notice 124/2021), currently being processed by Overstrand Municipality. Furthermore, any request for such mining related information should be directed to the DMRE Western Cape and the mine operator Sizisa Ukhanyo Trading 410 (Pty) Ltd.	The application with reference to Municipal Notice 124/2021 was approved by the MPT on ????? 2022

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		May 2013 and the applicant declared to be in the process of re-applying for a new mining permit over the same area, i.e. for **gravel and aggregate** - see attached Annexure C, page 4.		
	14/8/2014:	The applicant's re-application for a new mining permit was advertised in a local newspaper on 14 August 2014.		
	27/1/2016:	The DMR issued the **new Permit No 01/2016 to Sizisa Ukhanyo Trading CC to mine for gravel and aggregate on Portion erf 210 Gansbaai, valid for a period (not more than two years) which shall extend from the date of issuing to 26/01/2018 and may be renewed for three periods each which may not exceed one year** - see attached Annexure C, page 3.		
	With regard to the Mining Right (**sand**):			
	25/4/2012:	DMR issued a **Power of Attorney** to the regional Manager: Western Cape Region of the DMR to sign the mining right in favour of **Sizisa Ukhanyo Trading 410 CC (reg. No. 2005/035636/23)** to mine for **Sand (General) in respect of Portion 15 of Erf 210 and Erf 335** for a period of sixteen (16) years - see attached Annexure C, page 1.		
	21/08/2015:	The DMR amended the aforesaid Power of Attorney to read "**Portion of Erf 210** Gansbaai and erf 335" - see attached Annexure C, page 1.		
A6.4	Clearly there are huge discrepancies in the different timelines referred to in 6.2 and 6.3 above and in the absence of any further documentation to the			

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contrary and relying solely on the applicant's own version, the position is as follow: **A6.4.1** An application lodged with DMR for a **gravel mining permit** with regard to the 1.4600 ha on a Portion of **Erf 210** was lodged on 1 August 2010 and only approved on 30 May 2011, but lapsed on 29 May 2013. A new Permit for gravel and aggregate was issued only on 27 January 2016, but in the absence of any supporting documentation this new mining permit must also have lapsed due to the restrictions on the renewal period thereof – reason being that the permit was for a period up to 26 January 2018 and a further maximum renewal period of three years, thus at the most up to 26 January 2021. **A6.4.2** From the aforesaid it follows that – on the applicant's own version - the applicant conducted mining operations (gravel and aggregate) on a Portion of Erf 210 Gansbaai (traditonal commonage) for the period since 2005 to 29 May 2011 and again from 30 May 2013 to 26 January 2016 without having the required approval and/or Permit from DMR. Furthermore, in the absence of supporting documentation, the same applies to the period since 27 January 2018 to the present. It therefor follows that – considering the legalities applicable to the said Portion of Erf 210 Gansbaai in terms of the zoning thereof - such conduct was at all times illegal and unlawfull. **A6.4.3** With regard to the alleged **mining right**, the initial Power of Attorney dated 25 April 2012 referred to **Portion 15 of Erf 210** Gansbaai – it is indeed common cause that no such Portion 15 exists. The said Power of Attorney was amended on 21 August 2015 to read "**Portion of Erf 210** Gansbaai". Again, it follows that for the period since 2005 to 20 August 2015 there was no such legal authorisation from the DMR in existence and therefor illegal and unlawfull. Furthermore, this is simply a Power of Attorney, not the right itself granted by the Regional Manager for the Western Cape Region of the DMR.		

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A6.4.4 It is herewith proposed that Messrs Setplan be directed to disclose all relevant documentation with regard to all applications lodged to the DMR, motivations thereto, decisions by DMR, certified copies of all mining permits and/or mining rights issued accordingly (inclusive of any and all renewals thereof) as well as the mining rights issued by the Regional Manager for the Western Cape Region of the DMR in terms of the aforesaid Power of Attorneys and upon receipt whereof same be disclosed to the general public with a reasoble time to submit further comments thereto.		
A7 **Compensation Agreement:** **A7.1** A copy of item 5 of the Agenda for the Mayoral Committee dated 24 November 2021 is attached hereto as Annexure D – for purposes hereof, reference is made to the following few aspects, and quote: *"Sizi**ka** Ukhanyo Trading 410 (**Proprietary Limited**) (hereinafter called the "Applicant") has an existing right to mine sand on a portion of Remainder Erf 210 Gansbaai and on Erf 335 Gansbaai **(±1.5ha in extent)** as ….."* and *"….a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. **Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use.**"* and *"Whilst the agreement hereby proposed is not a lease agreement, servitude, encroachment agreement **but rather one to regulate the use on municipal property, the compensation payable shall still be market related.**"* and	**A7 Compensation Agreement** The issues requiring urgent clarification regarding the Compensation Agreement by the Objector should be raised with the relevant departments of the Overstrand Municipality, as the compensation agreement or any tenure agreement fall outside of the brief of Messrs Setplan, the compiler of this Application. The same applies to the proposed Mayoral investigation with regard to the illegal mining activities.	**A7** The applicants' comment is noted and agreed with as the comment / objection raised pertaining to compensation has no bearing on the merit / desirability of the land use application. The matter of compensation had been dealt with separately and was approved by council on ??????????????

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"The previous compensation agreement determined the amount payable to the Municipality by the Applicant was calculated with reference to the amount that it would cost the Overstrand Municipality to mine the materials itself. Thereafter and from this initial amount the price payable to the Municipality has increased annually in accordance with the Consumer Price Index. Currently the amount is R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined."		
A7.2 The above statements raise numerous issues that needs urgent clarification before further processing of the application under discussion can be attended to, for eg:		
A7.2.1 In this instance the applicant is referred to as a Company, not a Close Corporation.		
A7.2.2 The first compensation agreement was entered into as far back as 6 May 2015 in respect of the Existing Area – no mention is made of the period since 2005 to 6 May 2015 and the only reasonable inference therefor is that no such compensation agreement existed before 6 May 2015.		
A7.2.3 As the land use is with regard to Gansbaai Commonage (Erf 210), the Overstrand Municipality is obliged to disclose for what special purpose(s) the income derived from such agreement will be used for, i.e. other than the ordinary expenditure of the municipality. The approval of the further compensation agreement during January 2022 is therefor fatally flawed and void. A full disclosure is required with regard to all the income derived since 6 May 2015 and for what purpose(s) such income was used for.		
A7.2.4 A full written disclosure is also required to confirm the calculation of the initial market related price, who was the designated person(s) and inclusive of the allegation that R33.03 per cubic meter is still market related in 2022.		

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A7.2.5 However, the statement that the previous compensation agreement was entered into on 6 May 2015, is contradicted in toto by the statement of the municipality in their application during 2017 "for the amendment of the siteplan" (the said application being Annexure M to the current application). It needs to be pointed out that the initial part of the said application was not included in the said Annexure M as it only started from clause 4, page 4 – after a request lodged with the municipality, the full application was provided and hence the written notice by the municipality that the date for submitting comments/objections be extended until 29 April 2022. Clause 2 thereof states the following, and quote: **"2. BACKGROUND** **Erf 210 Gansbaai is owned by the Overstrand Municipality and is part of the commonage of Gansbaai. Sizisa Ukhanyo Trading 410 CC (trading as Gansbaai Sand en Klip) leases a portion of the commonage for purposes of a sand mine."** As per the attached Annexure B, a copy of the said **lease agreement** was requested, but never received to date hereof. It is however in direct contrast to the above statement regarding the previous compensation agreement. It is submitted that only a formal independent investigation will clarify these issues. **A7.3** The minutes of the Mayoral Committee Meeting dated 25 November 2021 reflects that it was resolved that the abovementioned Item 5 of the said Agenda be withdrawn and resubmitted by the relevant Portfolio. **A7.4** Simultaneously the Mayor, Dr A Rabie, declared that **an investigation** should be undertaken with regard to the illegal mining activities – this was confirmed in the local press as *inter alia* per pages 3, 4 and 5 of the attached Annexure E. To date hereof no further progress regarding the said investigation was made available. **A7.5** The Agenda to serve for the special Mayoral Committee Meeting on 10 January 2022 as well as		

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26 January 2022 disclosed the alleged income derived from the Gansbaai Commonage Sand Mine for the period 2019 – 2021 to be the total amount of R1,943,080.00 without disclosing the alleged income for the period 2015 – 2019, inclusive of what special purpose it was used for the whole period. Furthermore, objections were raised to the Mayor regarding the approval of the new compensation agreement by letter dated 25 January 2022 (see the attached Annexure G), but to no avail and the said compensation agreement was accordingly adopted. **A8 General:** **A8.1** Specialist Studies: The following is supported in full and with the condition that same must be adhered to **before** commencement of any mining activities: **"CapeNature: Conservation Intelligence** in their letter dated 19 June 2020 requested that "***a full Geohydrological Study be compiled to determine the groundwater model / functioning in the area***". " **A8.1.2** "In a letter dated 9 June 2020 (refer Appendix 5), the **Overstrand Municipality: Property Administration Section** in response to the draft EIA/ EMP put forward the following: "***2.5.1 The applicant must submit an updated wetland specialist study that shows water depth monitoring during summer as well as winter which study must be to the written satisfaction of the Senior Manager: Environmental Services.***" ". **A8.1.3** **"DEA&DP: Directorate Development Facilitation** letters dated 11 November 2019 and 20 April 2020 (Appendix 3) ***"It is therefore recommended that a stormwater management plan be compiled for the mining areas". "*** **A8.2** The applicant is simply making its own assumptions as to how to mitigate the aforesaid requirements – for eg it states that "the piezometers can however only be installed once Environmental and Land Use	**A8 General** **A8.1** Specialist Studies The Applicant's full support of the Objector insofar the required specialist studies put forward by CapeNature, Overstrand Municipality: Property Administration Section and DEADP: Directorate Development Facilitation, together with the condition that such should be adhered to before commencement of any mining activities is noted. **A8.2** Insofar the Specialist Studies, the following is relevant: (i) The Specialist Studies as required are referenced as conditions to the Application for Mining Right on a portion of Rem Erf 210 Gansbaai letter from Property Administration (Overstrand Municipality) dated 9 June 2020 (refer Appendix 5 in Appendices and Annexure Report R1647/R1) subsequent to assessment of the Mining Right Application's Draft Scoping Report and were attended to by the Mining consultants Site Plan Consulting CC responsible for such Mining Right Application, such Specialist Study reports being included in the EIAr/EMPr Report, leading to the Environmental Authorisation (EA) (ii) As per the Pre-Application Consultation Meeting for this Application on 6 August 2020 (refer Annexure C in Appendices and Annexure Report 1647/R1); "*Land use application to reference EMP specialist reports and include such in application as Annexures*" such inclusion, apart from informing the land use application, being to identify any mining related issues to be listed as conditions of approval to the	**A8.1 & 8.2** The integrated EA and Mine right approval was based on specialist studies that had been accepted following the scoping process. The approved mine right and mine permit is appended to the item and the applicant will be required to adhere to the approval conditions.

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Authorisations or compensation agreements have been obtained. **The result is that depending on timing of excavation development, there is a possibility that initial mining may not have full information available**. Bearing in mind however that mining progress is very slow and any initial exceedance of water table levels (unlikely) can be rectified through backfilling over that small area." The conditions clearly has to be met **before commencement** of any mining activities on the proposed extentention area, but again, the applicant is simply ignoring it as it has done since 2005 to present in relation to Erf 335 and Erf 210 Gansbaai..	land use application. Accordingly, such specialist studies will be scrutinized by the Senior Manager: Environmental Services, if not already having been done so subsequent to their submission as part of the EIAr/EMPr. *(iii)* The above-mentioned process negates the Objector's claim that "*the applicant is simply making its own assumptions as to how to mitigate the aforesaid requirements."* **A8.3** Soil and Geology As per the Applicant's Response A8.2(i), references to "detailed profiling" of the site and "Exploration results" vest with the Mining Consultants Site Plan Consulting CC, who have confirmed that such actions were soil profiling as opposed to prospecting, the use of the word "prospecting" by Setplan is erroneous.	**A8.3** The approved right extension area is appended to the application.
A8.3 Soil and Geology: In clauses 3.2.3 and 4.1.2 respectively, reference is made to *inter alia* the fact that "Prior to the 2010 application, detailed profiling of the soil was conducted by Site Plan Consulting using an excavator with a 5m reach.", as well as "Exploration results" with regard to the proposed extention area. In the absence of any supporting documentation, it is hereby requested that Messrs Setplan be directed **to make available certified copies of the relevant exploration- and/or prospecting permits issued by the DMR**, again with the condition that same be made available to the public with a further reasonable time period for any further comments thereto. **A9 CONCLUSION:** Following the above, it is herewith submitted that the said application is flawed and misleading in various	**A9 Conclusion** The Applicant's following comment on the following points raised by the Objector in submitting that the Application is flawed and misleading in various aspects and should accordingly be formally withdrawn: **A9.1** A very "logical" explanation for the apparent difficulty in comprehending who the Applicant is as put forward by the Applicant in Response A1, together with an apology for errors made and commitment to correct such in future correspondence, noting that such errors have also been made by other parties and that such errors do not detract from the technical merits and integrity of the Motivation Report and the Application it supports, that is not being "*fatally flawed*" and that "*the application be formally withdrawn*".	A9 Mining, in addition to a mine right or mine permit granted in terms of the MPRDA might also require approval in terms of Environmental Legislation and Municipal Land Use Planning. The latest NEMA amendments provides for an integrated approval in terms of the MPRDA that incorporates an Environmental Authorisation. The objector is however not clear in terms of the times stipulated between the various processes. What should be pointed out is that the scoping and public participation processes in terms of the MPRDA is a separate process. Municipal Land Use Planning with reference to the current application is processed in terms of the Overstrand Municipal Land Use Planning By-law read together with LUPA and SPLUMA.

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aspects and should accordingly be withdrawn/dismissed untill certain very important aspects have been addressed. The application is formally objected to and in support whereof *inter alia* the following is raised: **A9.1** It is impossible to identify the correct applicant – it is clear that the applicant is cited as a Close Corporation, but with so many various name citations that contradict each other. Furthermore, the Power of Attorney lodged by the Overstrand Municipality (Annexure B) as well as the latest approved Compensation Agreement were in favour of a Company, not a Close Corporation. A full disclosure should therefor be made with regard to *inter alia* the correct citations, registration number, members of CC, or directors and shareholders of Company, whichever is applicable and substantiated by the necessary documentation in support thereof, same to be representative from 2005 to the present. **A9.2** For purposes of land use, it is common cause that in terms of the said Title Deed, the said Erf 210 Gansbaai is **traditional commonage**. However, as stated in A4.2 above, it is not clear from the documentation submitted whether the said condition 3 in the Title Deed with regard to the Aircraft Landing Ground has been cancelled and if not, to confirm the exact location thereof. Full and readible particulars hereof is herewith requested to be made available so as to inform the public whether this condition is still in force. **A9.3** The views expressed in the application with regard to the Gansbaai Commonage being a "***traditional municipal commonage***", as opposed to a new "*newly acquired*" commonage, is being supported as per clause A4.3 above. It is therefor herewith submitted that the principle **that income derived from such lease must be used for the promotion of a special purpose and may not be used to subsidize the ordinary expenditure of the municipality, is also applicable to any income derived from the alleged**	**A9.2** In Response A2 the Applicant notes principles underpinning existing and future mining of the commonage which should be considered responding whether such mining by individuals, companies, community group or authorities (e.g. municipality), it not being the Applicant's call to recommend who should be apportioned such Mining Rights or Permits. **A9.3** The Applicant objects to the purposeful/erroneous editing by the Objector, which in the opinion of the Applicant could allude that all mining by Sizisa Ukhanyo Trading 410 (Pty) Ltd could have been illegal, the Objector not differentiating between mining, environmental and land use compliance, and possibly inferring that the current location of the mining is favoured over other sites due to its illegality. **A9.4** Written endorsement of removal of Condition 3:Emergency Aircraft Landing Ground restrictive Title Deed Condition currently sought by Applicant, given that only a penned crossed deletion of the condition paragraphs exists in Crown Grant No G160/1938. **A9.5** Municipal Role in Commonage Mining Operations and an Illegal Mining Investigation by an Independent Organisation As stated in Response A2, such considerations are beyond the scope of the Application at hand and vest with Overstrand Municipality, however Response A2 notes principles underpinning mining on the commonage and Response A5.3 (ii) refers to the current WRAP Project Office application to address the lack of land use	The objector did not put forward any substantiated case regarding flaws in the application and should therefore be dismissed. A9.1 Despite errors in the motivation the public notice and application form correctly identified the applicant. A9.2 The applicant obtained a mine right in terms of the MPRDA, that was subject to a public participation process and right of appeal or legal review, which was not taken up by the objector(s). The title deed condition pertaining to "emergency aircraft landing" has been cancelled. **A9.3** The point of objection relating to the commonage is noted. There is no legal prohibition upon the use of the land for mining purposes. The matter of compensation is not a relevant consideration in the determination of the planning application. ANDRE SAL NA AKTE MOET KYK EN KOMMENTAAR GEE **A9.4** Mining is not unauthorised until the present day. Refer to the 2022 land use approval. Furthermore, no mining occurs on Erf 335, Gansbaai. A9.5 The content of the press release is not a relevant consideration pertaining to the land use application under

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existing compensation agreement(s) – a full disclosure thereof is hereby requested and to be made available to the public – again, with the condition that the public must be allowed a further reasonable perod of time to comment thereto, once available.	authorisation and to penalise any offence thereto in terms of Section 90 of the MPB-L.	consideration. This point is further dealt with in the motivation report in detail.
A9.4 It is stated that the applicant have operated the sand and gravel mine on Erf 335 and portion of Remainder Erf 210 Gansbaai **since 2005**, with the previous owner having licenced the mine in 2000. However, since the applicant was **never compliant to any relevant zoning- and/or land use scheme / regulations / by-laws, etc since 2005 to this very present day, the said mining activities were therefor at all relevant times unauthorised and unlawful since at least 2005**.		
A9.5 Annexure M, press release:- This has been fully addressed in clause A2 above. During 2007 the Overstrand Municipality acted correctly by serving the applicant with a compliance notice in terms of the relevant By-Law and in terms whereof the unauthorised mine activities on commonage were immediately stopped. The following very important declaration was then made to the public: **"Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word."** It then begs the question as to what had happened since 2007 to the present day to give effect to this undertaking? What steps did the municipality take to further the public's interest in this regard? It is apparent that since at least the date of this declaration the mining activities were unauthorised and unlawfull – by not acting on its declaration, the municipality has willfully allowed the applicant to carry on with its illegal mining activities to the	**A9.6** Role of LUPO While the Applicant is in agreement with the Objector's statement that mining is subject to land use rezoning (or consent), this is precisely what the Application which is being objected to is set on achieving (refer Response A6.1). Furthermore, it noted, as in Response A6.1(i) that as from 1 July 2015 LUPO was replaced by the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, in terms of which the current Application for subdivision, rezoning and consent use is lodged. **A9.7** Offences and Penalties Section 85(1) and 85(2) Offences and Penalties as per the Overstrand Municipality: Amendment By-Law on Municipal Land use Planning, 2020 are not applicable to the current Application, given that such Application is for an extended mining area to be mined, thus the required land use authorisation (subdivision, zoning, consent use) before the commencement of any mining operations. **A9.8** Compensation	A9.6 The objectors comment is noted.

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exclusion of the general public. In fact – and in the absence of any disclosure to the contrary - it appears that the municipality assisted the applicant in its continued illegal mining activities by initiating and lodging the respective applications during 2017 and 2021 –at their cost and expense – in an attempt to legalise the illegal mining activities. It is submitted that the illegal mining activities existed since 2005 and due to the municipality's default to act in terms of the relevant By-Laws to stop such illegal acitvities, a full investigation by an **independent** organisation into these illegal mining activities is required so as to ascetain the true circumstances. **A9.6** The Maccsand judgment in 2012 is very clear on the fact that: **A9.6.1** LUPO **obliges municipalities to enforce compliance with its provisions** and more importantly, it **prohibits the use of land for purposes other than the one permitted in terms of the zoning scheme**, and **A9.6.2** In terms of LUPO, mining may only be undertaken on land if the zoning scheme permits it an if not, rezoning of the land must be obtained **before** the commencement of mining operations; and **A9.6.3** The role played by LUPO is limited to the control and regulation of the use of land. **A9.7** Notwithstanding the municipality's press release during 2007, it is to this very present day in default to act in accordance with LUPO to enforce compliance with its provisions, i.e. that the applicant should have obtained rezoning of Erf 210, any Portion thereof as well as Erf 335 **before the commencement of any mining opreations** by the applicant. It then follows that the sanctions referred to sections 84(1) and 84(2) are applicable. **A9.8** With reference to the alleged compensation agreement in force since 6 May 2015, the following: **A9.8.1** Full written disclosure is required, i.e. copy of the said agreement, inclusive of full details regarding	As per Response A7, any compensation and/or lease matters, including the issues requiring clarity by the Objector, fall outside the brief of Messrs Setplan, with such request by the Objector to be directed to the Overstrand Municipality. **A9.9** Rehabilitation of Erf 335 It is noted that this question from the Objector was not raised as an Objection. Clarity regarding the rehabilitation should be sought from the DMRE given the Mining and Environmental Authorisation vesting in the MPRDA, Erf 335 forming part of the 2011 Mining Right Application. Sizisa Ukhanyo Trading 410 (Pty) Ltd confirmed (2022) that the building rubble in question is brought to Erf 335 inorder to be crushed and mixed with the mine gravel also crushed on Erf 335, with the assurance that such building rubble is only stored on a temporary basis awaiting crushing.	A9.7 Current mining activity had been legalised in terms of the MPT decision dated ???? 2022 (**appended as per Annexure ?).** A9.8 The compensation agreement is not a relevant consideration pertaining to the desirability of the land use application. The objector could apply under access to information to obtain the necessary information from the relevant municipal department.

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the amount of cubic meters sold during this period, the amounts derived by the municipality during this period as well as for what special purpose such monies were used. **A9.8.2** It is stated that the Applicant declares on a monthly basis the volume of sand mined and the Municipality invoices them accordingly. It is submitted that certain definite checks and balances need to be added for any such suggestion to be effectively implemented. The municipality cannot simply rely on the information provided by the applicant under discussion and also declare the average price per cubic metre according to other providers. **A9.8.3** It needs to be considered that in the event that the mining activities were illegal for the period since 2005 to the present, the municipality was the beneficiary of the monies it derived from such illegal activities since 6 May 2016 to the present day. **A9.8.4** The statement that the applicant leases a portion of the commonage from the municipality as per clause A7 above should also be investigated so as to obtain confirmation as to whichever situation is applicable – certainly not both at the same time. **A9.9** With regard to rehabilitation of Erf 335:- It is submitted that the rehabilitation of this Erf 335 was never compliant to apllicable legislation and that also in this instance a full investigation should be initiated so as to ascertain the true factual position. Reason being that members of the general public have indicated that this site was indeed used as a dumping site for *inter alia* building rubble which naturally has a detrimental effect to the underground water. It is further submitted that the services of the department of Cape Nature be obtained to give effect hereto. The formal objection to the said application is herewith submitted. It is further submitted that the municipality immediately and urgently take all	**Concluding Remarks** by the Applicant re Objector's submission of the Formal Objection, include: While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	A9. The competent authority is the Department of Mineral Resources. **Concluding remarks by applicant:** The applicant's comment is noted and agreed with. Illegal mining has been dealt with in terms of the 2022 mining approval referred to above. The current application relates to the expansion of the proposed mine area on accordance with the approved mine right area. Due process was followed comprising service of registered noticed and advertisement in the local newspaper.

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necessary steps to ensure that all the illegal mining activities be stopped with immediate effect and also that the current and any and all pending applications be immediately stayed/withdrawn pending the outcome of the investigation announced by the Mayor during November 2021. And lastly, that the municipality be directed to immediately proceed with the required steps to give effect to its press release during 2007, i.e. that the municipality is to obtain the necessary mining rights on Erf 210 Gansbaai and thereafter to appoint a contractor by means of public tender.		

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B Petition dated 22 April 2022 from forty-five (45) Members of the General Public Kommentaar ten aansien van: Munisipale Kennisgewing Nr 26/2022: Erf 210, GANSBAAI: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN TOESTEMMING VIR MYNBOU TERREINONTWIKKELINGSPLAN: MNRE SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) NAMENS SIZIKA UKANYO TRADING 410 CC ***The Objectors (45), as members of the general public, have the following interest in the Application as per***		

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Municipal Notice 26/2022: "Erf 210 is "MEENTGROND", raising the following Objections/Comment:		
B1 Reg om op Meentgrond te myn: Dit word uitdruklik in die onderhawige aansoek gestel dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 bedryf sedert 2005. In hierdie verband, kortliks die volgende: **B1.1** Klousule 2.6.2(vi) onder die opskrif "Mining Authorisation" maak die volgende stellings: "1/8/2010: Application lodged with DMR for a gravel mining permit (5- years) for 1.4600 ha" En "6/12/2011: Concurrent with the withdrawal of the conversion application, an application lodged with DMR for a Mining Right for sand mining measuring 7.3809 ha on Rem Erf 210 and " Uit bostaande is dit derhalwe duidelik dat die applikant sedert 2005 tot en met 2010 / 2011 mynbedrywighede op meentgrond beoefen het sander om eers aansoek te doen vir 'n mynreg/-permit - derhalwe te alle tye onwettig. **B1.2** Die aansoek maak geen melding van die uitslag van die twee aansoeke in 1.1 hierbo nie. Volgens mededeling blyk dit dat DMR eers op 25 April 2012 'n Volmag uitgereik het in terme waarvan die Streeksbestuurder, Wes-Kaap gemagtig word om 'n mynreg te onderteken ten gunste van Sizisa Ukhanyo Trading 410 BK (Reg Nr: 2005/035636/23) om sand te myn op Gedeelte 15 van Erf 210 en Erf 335 vir 'n periode van 16 jaar. Dit is egter gemenesaak dat voormelde Gedeelte 15 van Erf 210 nerens reflekteer word nie en word die bestaan daarvan betwis. Dit is onbekend wat die uitslag was van die aansoek vir 'n permit om gruis te myn - beide hierdie aspekte moet egter opgeklaar word en word die Munisipaliteit hiermee versoek om afskrifte van al sodanige relevante dokumentasie te bekom en beskikbaar te stel vlr verdere kommentaar deur lede van die algemene publiek.	**B1 Right to Mine on the Commonage (incl. B1.1 and B1.2)** The timelines for the application of mining permits/rights, the issuing of such mining permits/rights and the commencement/termination of mining per permit/right, initially by Sizisa Ukhanyo Trading 410 CC and later by Sizisa Ukhanyo Trading 410 (Pty) Ltd, are included in the application merely to note the duration of mining activity by the two owners of the mining enterprise. Such timelines do not purport to be an audit of such events, as such would serve no purpose for this Application, and not forming part of the application brief. Such "audit", as required by the Objector, forms an integral part of the current "determination of Administrative Penalty" application (refer Municipal Notice 124/2021), currently being processed by Overstrand Municipality. Furthermore, any request for such mining related information should be directed to the DMRE: Western Cape and the mine operator Sizisa Ukhanyo Trading 410 (Pty) Ltd. **B2 Annexure : Copy of Press Release dated February 2007 (incl. B2.1, B2.2: B2.2.1-B2.2.6)**	B1. Mining occurs in accordance with an approval in terms of the Municipal Land Use Planning By-law that adequately dealt with amongst others the history of mining on Erf 210, Gansbaai. The current application relates to the proposed expansion of the approved mining area in terms of the Municipal Land Use Planning By-law. The applicant already obtained approval for a mine right expansion area in terms of the MPRDA. **B2** Refer to the comment under B1 above.

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B2 Aanhangsel M: Persverklarlng deur Overstrand Munispialiteit gedateer Februarie 2007: Die aanvanklike .onwettige optrede deur die applikant soos na verwys in 1 hierbo, het nie die Munisipaliteit ontgaan nie en het die Munisipalteit in 2007 die gepaste stappe geneem om hierdie onwettig.e optrede te staak. Vir doeleindes hiervan word die volgende enkele stallings aangehaal: **B2.1** "...Munisipalieit Overstrand op 31 Januarie 2007 kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaal summier te staak. **B2.2** Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op 14 Februarie 2007 lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak: **B2.2.1** Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. Kennis is wel gegee dat ongemagtigde mynaktiwlteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie. **B2.2.2** Dat die aansoek van Mnre Sizisa Ukhanyo Trading (Pty) Ltd (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende 2006 aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat daar gevolglik geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie. **B2.2.3** Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde wat beskou word as 1n bate wat aan die gemeenskap behoort.	The Objector introduces this Objection by stating that the illegal undertaking by the Applicant, as put forward in Objection B1 above, did not escape the notice of the Municipality, with the Municipality taking appropriate steps in 2007 to halt such illegal undertakings. Extracts from the 2007 press release are then provided to demonstrate such Municipal response in Sections B2.1, B2.2 and B2.2.1 – B2.2.6, concluding that the Objector fully agrees with the Municipal response given it being their responsibility in terms of the relevant legislation, noting that Section B2.2.6 of the Objection reflects the current position, at that time as well as the present. Given that this Objection and notably Section B2.2.6 thereof mirrors that of Objection A2, Response A2 is also referenced in response to this Objection.	

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B2.2.4 Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie. **B2.2.5** Dat die munisipaliteit daadwe.rklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreel, die nodige regte te bekom om die materiaal op 'n wettige wyse te otgin. **B2.2.6** Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word. **B2.2.7** Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beinvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van· die dorp weens die besproejjng van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus be"invloed wat opsigself tot gevolg het dat daar. opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied." Met hierdie optrede van die Munisipaliteit word daar heelhartig saamgestem aangesien dit hul plig was in terme van al die relevante wetgewing. Klousule B2.2.6 hierbo gee inderdaad die korrekte posisie weer - op da rdie stadium sowel as huidiglik. **B3 Posisie sedert 2007 tot hede:** Sedert die persverklaring hierbo na verwys, het die Munisipaliteit inderdaad versuim om in terme daarvan asook in belang van die publiek op te tree. In hierdie verband word kortliksop die volgende gewys:	**B2.2.7** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 Application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats, non-prerennial streams and two alluvial fans. (ii) Groundwater investigations were undertaken by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissable mining was determined, with the mine plan and post-mining SDP excluding any Surface Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m, and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial waste "management protocol", as well as through stormwater management, especially insofar standing water. **B3 Position since 2007 to Present** The Objector notes that since the 2007 press release, the Municipality has not reacted in terms thereof or in the interest of the public, as summarised in Sections B3.1, B3.2, B3.3 and B3.4. **B3.1 and B3.2 The Objector includes a summary/extract and comment on the following two applications by WRAP Consultancy/Office Project on behalf of Overstrand Municipality:** *(i) 2017 -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan"*	**B3 (B3.1 to B3.3)** The 2017 application had been withdrawn. Thus the applicants reference to a lease agreement is not correct. As stated under paragraph B1 above, mining occurs amongst others in accordance with a land use the approval. The history of mining activity and whether the land should be leased or put out on tender or not is not a valid consideration in the evaluation of the planning application.

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B3.1 2017 -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan".. **B3.1.1** WRAP Consultancy het die aansoek namens die Munisipalteit behartig, dws op die koste van die Munlsipaliteit en nie Sizisa Ukhanyo Trading 410 BK nle. **B3.1.2** In die aansoek word uitdruklik gemeld dat Sizisa die sandmyn bedryf in terme van 'n Huurkontrak met die Munisipaliteit en nie 'n "Compensation Agreement" soos· hierinlater na verwys nie. Die besonderhede van sodani9e Huurkontrak is tot hede onbekend veral wat betref die ekonomiese voordele wat dit vir die Munisipaliteit en die publiek inhou, asook die aanwending daarvan. **B3.1.3** Die Munisipaliteit doen op hul koste aansoek vir die wysiging van die "site plan" - die rede is dat Sizisa Ukhanyo Trading 410 BK die toe bestaande "siteplan" se grense op Erf 335 oorskry het. Dus volg dit dat enige oorskryding daarvan nie 'n "Wettige" gebruik van sodanige eiendom daarstel nie. **B3.2** 2021 - Munisipale Kennisqewing Nr 124/2021 Restant van Erf 210 , Gansbaai, Aansoek om Onderverdelinq, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete. Ook in hierdie geval het Mnre WRAP Office Project hierdie Aansoek behartig namens die Overstrand Munisipaliteit, dws op die koste van die Munisipaliteit en tot nadeel van die algemene publiek aangesien dit Meentgrond is. Ter motivering van die aansoek word dan die volgende stallings gemaak: **B3.2.1** The rationale for the rezoning application is that the current zoning (Undetermined) does not allow for the current mining operation to operate legally" en "The proposed rezoning will rectify this, allowing the mining operation to continue with all the rights in place" en "The subdivision of the remainder of Erf 210 Gansbaai to isolate the mining area is an attempt to rectify the current illegal land use on the property" en "This rezoning and consent use application will allow the proposed land use and ensure Sizisa CC are not operating the sand mine illegally". Uit die voorafgaande is dit dus duidelik dat die Mun te alle tye bewus was van die onwettige mynaktiwiteite en tot	*(ii) 2021 - Munisipale Kennisgewing Nr 124/2021 Restant van Erf 210 , Gansbaai, Aansoek om Onderverdeling, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete.* The Objector notes that the above applications confirm that the Municipality has at all times been aware of the illegal mining, but to date has taken no steps to stop such unlawful activities. The Respondent notes that the above 2017 application was withdrawn and that the above 2021 application is currently being processed by the Overstrand Municipality. Furthermore, the Respondent, as in Response A5.3 (ii), notes the following insofar the current 2021 application by WRAP Office Project: *"While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per Response A5.1(iv) seeks to achieve land use authorisation for the Extended Mining Right Area."* **B3.3 Compensation Agreement** As per Response A7, the issues concerning the Compensation Agreement by the Objector in Sections B3.3.1 – B3.3.6 should be raised with the relevant departments of the Overstrand Municipality, as the compensation agreement or any tenure agreement falls outside of the brief of Messrs Setplan, the compiler of this Application.	

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datum hoegenaamd geen stappe gedoen het om sodanige onwettige aktiwiteite te staak of te laat staak nie. **B3.3 "Compensation Agreement":** **B3.3.1** In die Agenda vir die Burgemeesterskomitee vergadering op 24 November 2021 word die volgende stalling gemaak: "...a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use." **B3.3.2** Daar is reeds in klousule B1 hierbo daarna verwys dat dit uitdruklik in die onderhawige aansoek gestel wod dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 reeds sedert 2005 bedryf - dus volg dit dat die mynaktiwiteite bedryf word sedert 2005 tot 2016 sander om enige vergoeding aan die Mun te betaal. **B3.3.3** Dit is ook direk in stryd met die Munisipaliteit se stalling gedurende die 2017 Aansoek om die Siteplan te wysig dat daar 'n Huurkontrak met die applikant gesluit was ten opsigte van die Meentgrond. **B3.3.4** Dit is verder ook direk in stryd met die persverklaring van die Munisipaliteit hierbo na verwys. **B3.3.5** In die Agenda vir die spesiale Burgemeesterskomitee vergadering op 10 Januarie 2022 en wel op bl 149 daarvan word die beweerde inkomste ontvang vir die vorige 3 jaar, dws 2019, 2020 en 2021 verklaar. Soos hierbo na verwys, het die Munisipaliteit reeds op 6 Mei 2015 die eerste compensation agreement aangegaan - dit is in die publiek se belang om die hele hale somtotaal vir die hele tydperk te openbaar. Aangesien dit Meentgrond is, is die Munisipaliteit verplig om sodanige inkomste vir 'n spesifieke doel aan te wend en nie vir die Munisipaliteit se normale lopende uitgawes nie, welke geverifieer kan word met die Munisipaliteit se finansiele state vir die ooreenstemmende tydperk. **B3.3.6** Dit is ook uiters kommerwekkend dat die Munisipaliteit tot hede hoegenaamd geen kontrole uitgeoefen het .oor die hoeveelheid sand en gruis wat	**B3.4 Mayoral Investigation** The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this Application. **B4 Conclusion** **B4.1 and B4.2** **Illegal Mining and Municipal Rectification of Contraventions:** While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per Response A5.1(iv) seeks to achieve land use authorisation for the Extended Mining Right Area.	**B3.4** The relevant investigation is not a relevant consideration in the evaluation of the planning application. **B4.1** Current mining activities occurs in accordance with a land use approval in terms of the planning by-law as well as a mine right and permit in terms of the MPRDA. Currently Erf 335 is not used for mining purposes but for office, ablution and logistical support functions. **B4.2** The municipality cannot put mining out on tender as the municipality does not mineral rights. The processed to be followed is a mine right / mine permit in terms of the MPRDA. A legal opinion had been obtained, hence the compensation agreement(s) approved by Council. **B4.4** The application is to be evaluated on merit.

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gemyn word nie - daar word bloat gesteun op die hoeveelhede soos deur die applikant voorsien. **B3.4 Ondersoek:** Gedurende November 2021 het die Uitvoerende Burgemeester, Dr A Rabie, verklaar dat daar 'n formele ondersoek na die onwettige mynaktiwiteite gedoen meet word en soos bevestig in die pers. Tot datum is die vordering en/of uitslag daarvan nog nie bekend nie. **B4 Slotsom:** **B4.1** Uit die voorafgaande is dit derhalwe duidelik dat sedert 2005 tot hede hierdie mynaktiwiteite onwettig was, en steeds is - selfs op Erf 335. **B4.2** Die voorstel soos vervat in die destydse persverklaring, word hiermee ondersteun, n·l dat die Munisipaliteit as grondeienaar van die Meentgrond die ontginningsregte bekom en 'n kontrakteur by wyse van openbare tender bekom. Sedert die persverklaring hierbo na verwys, was die Munisipaliteit oor hierdie hele tydperk in versuim om byv die nodige Compliance Order op die applikant te dien en/of sodanige stappe te neem as wat nodig is om die applikant te verplig om hul onwettige mynaktiwiteite te staak. Wat hier van belang is, is die sanksies soos vervat in arts 84(1) en (2) van die Ordonnansie en in terme waarvan 'n boete of gevangenisstraf van nie meer as 20 jaar nie ingestel kan word. Hierdie sanksies is van toepassing nie net alleen op die applikant nie, maar ook beide grondeienaars van Erf 335 en Erf 210. **B4.3** Gevolglik word hiermee formeel beswaar aangeteken teen die onderhawige aansoek en terselfdertyd hiermee aangedring dat die Munisipaliteit die nodige stappe neem om toe te sien dat aile aansoeke, mynaktiwiteite, ens onmiddellik gestaak word tot tyd en wyl die ondersoek soos deur die Burgemeester in November 2021 aangekondig, afgehandel is.	**B4.3** While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (iii) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (iv) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	

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Perlemoenstr 43 Kleinbaai Gansbaai 7220 19 April 2022 Aandag: Area bestuurder Hoof van Stadsbeplanning Hoof van Administrasie Onrusrivier Set Plan **C. Frans Hulme** **C1. Insake twee agtereenvolgende Aansoeke Erf 210 Gansbaai Meentgrond** 1. Munisipale Kennisgewing 124/2021 2. Munisipale Kennisgewing 28/2022 As Vervoerkontrakteur Sakeman belastingbetaler en deel van die gemeenskap van Gansbaai vir die afgelope 40jaar lewer ek weereens my kommentaar belange en besware betrekking op beide aansoeke soos hierbo vermeld soos volg: **C2.** Kennisgewing 124/2021 is my voile belange en besware asook kommentaar aan die betrokke munisipale amptenare gestuur asook duidelik uiteengesit. Twee weke voor die verkiesing op 01 November2021 was ek ook in 'n vergadering met die Burgermeester (toe) en die kwessie aangespreek dat die aansoek onwettig verklaar word en dat daar nie meer voortgegaan kan word nie. Vanaf 2007 sien koerantberig hierby aangeheg is ek besig met die Overstrand Munisipaliteit oor die voorsiening van sand en is in 'n spesifieke vergadering met die Area bestuurder asook twee lede van Sizisa Ukhanyo 410 CC (Tans vanaf 2019) besluit dat dit in die beste belang van almal in die gemeenskap is om die grond op tender uit te sit wat die regte stap is en almal teenwoordig het ooreengestem. Intussen het Mynaktiwiteite op Erf 335 voortgegaan om	**C1.** It is noted that the Objector addresses both Municipal Notice 124/2021 and Municipal Notice 26/2022. Given the comment/objection to Municipal Notice 124/2021 having been made in the Objector's letter dated 20 September 2021, this Response is restricted to the Objection to Municipal Notice 26/2022 as put forward in the Objector's letter of 19 April 2022. **C2.** Municipal Notice 124/2021 does not apply to the Application at hand. Also refer to Response C5. **C3.** The Objector notes that his interests and objections to Municipal Notice 124/2021 have clearly not been taken	

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gruis en sand te Myn met 'n permit op 1.5hektaar. Kaarte aangeheg by kennisgewing verwys erf 335 en gedeelte,van 210 duidelik reeds onwettig op die area gemyn word. Om te bepaal hoeveel sand oor jare onwettig daar uitgeruil is kan net met ·n grond oudit bepaal word. **C3.** Die oomblik wat daar 'n Media berig van twee bladsye in die Gansbaai Courant geplaas is het die nuutverkose Burgermeester vure begin doodslaan en aanbeveel dat daar 'n ondersoek ingestel sal word en alles gestaak word. In 'n baie kort tyd is 'n aangepaste kaart (Hierby aangeheg) 'n afmeting van 'n ekstra 28 hektaar aangrensend Strandfontyn 712 bygevoeg. Nog meer vrae het ontstaan toe die Kennisgewing 2 28/2022 vir Aansoek in die Gansberg Koerant verskyn. In hierdie Aansoek is my belange en besware duidelik nie in ag geneem nie en word net melding gemaak van Sipho Investments (Dallas Myn} waar Sizisa Ukhanyo 410CC onlangs self sand gelaai het toe daar nie op die Meent gelaai kon word nie . **C4.** Dit gaan my verstand te bowe dat mense hulself wil verryk in Meentgrond wat as bate van die gemeenskap beskou word (Sien Die Witskrif en grondbeleid}	into account in the compilation of this Application as advertised in Municipal Notice 26/2022, such raising more questions regarding mining on the commonage. **C4.** A traditional municipal commonage as opposed to a newly acquired commonage, together with the Application noting of the characteristics of Municipal Commonage expressed by *"Megan Anderson and Kobus Pienaar, 2003"* in the Applicant's opinion could be potentially misleading to the reader, as the noting of such characteristics by the Applicant served the following purpose in the absence of a Gansbaai Municipality: Commonage Plan: (v) Providing a background to the "Gansbaai Commonage" and Erf 210. (vi) Demonstrating the land deductions (i.e. Commonage Deductions) from 1938 (commonage establishment) and 2020, such amounting to a total of 220.4986ha. (vii) Putting forward the characteristics and requirements of municipal commonage as put forward by "Megan Anderson and Kobus Pienaar" with the Applicant drawing informants therefrom for Gansbaai Commonage and the proposed sand and gravel mining. (viii) Putting forward the current performance of the "Gansbaai Commonage" as per the following extract from Section 2.3.3 of the Application Motivation Report: *"The **current performance of the "Gansbaai Commonage"** insofar the above mentioned characteristics raised by the Programme for Land and Agrarian Studies, as well as other commonage requirements, is summarized as follows:* *(v) A significant **deduction of the extent of the commonage** between 1938 and the current day, including transference of land portions to private*	

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C5. Die Munisipaliteit as eienaar kan self Ontginningsregte bekom en daarna die dienste van 'n kontrakteur op 'n basis van vrye-mededinging {Openbare Tender Proses) te plaas. Maar met die bestudering van die Nuwe aansoek blyk dit dat Hoof van Stadsbeplanning wel insae het en bewus is van die hele proses. Volgens 'n afskrif van 'n power of attorney vir Mynreg in my besit verwys na gedeelte 15 van Erf 335 en 210 met Registrasie nommer wat ek vreemd vind.	*owners for a multitude of uses, albeit such uses being in support of the local and regional economy.* *(vi) The "**commonage" not being reserved as "public place"** in the Municipal Land Use Scheme (2020) and having an "undetermined" zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937))* *(vii) **No tangible record of "public place" closure** when commonage land has been deducted, rezoned or subdivided.* *(viii) The lack of a **Municipal "Commonage Management Plan"** being in place, resulting in past commonage use practices in several instances negating the function and purpose of a "municipal commonage" "* Additionally, the Surveyor General's Office Western Cape correspondence of May 2021 included as Appendix 10 in the Application's Appendices and Annexures Report stated that the event of the proposed mining, "*a closure would be necessary **if the land parcel is confirmed as public place**",* such not being so in the case of the Gansbaai Commonage. **C5.** Past mining applications on Portions of Erf 210 have raised public and 'other sand supplier" concerns re access to the sand/gravel resources on Rem Erf 210 (commonage) and "unfair" mining sector practice, as reflected in the Press Release, with the Application Motivation Report 1647/R1 dated October 2021 noting the following principles underpinning existing and future mining, involving mining by individuals, companies, community groups or authorities (e.g. municipality): – **Access to minerals**; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "*natural person*" or "*legal persona*" has the right to make application to the DMR to mine these minerals, including the municipality, any community group,	

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C6. Aangehegte fotos by die aansoek wat geneem is in die Somer geneem en vind ek misleidend aang sien dit in die wintermaande 'n reuse verskil maak. Water dam op in groot damme wat 'n gevaar inhou en met die huidige klimaatsverandering kan vererger. Bo-grond spoel weg wat gronderosie veroorsaak en die hele plantegroei vemietig. Cape Nature se verslag kan hierby aansluit want gedeelte van die grond is vleiland (Wet Land) wat groot rede tot kommer ook vir Cape Nature is. (Verwys Cape Nature se verslag). **C7.** Ek weet nie hoe die Munisipaliteit hierdie proses kan ondersteun nie, die Burgermeester 'n ondersoek aangevra het op Kennisgewing 124/2021 wat deel is van Kennisgewing 28/2022 se aansoek nie. **C8.** Hoop daar sal ernstig aan die proses aandag gegee word wat ek nie kan sien voortgaan nie en my teenstand in hierdie verband ernstig opneem sal word nie net in my eie belang nie maar in die belang van ons hele gemeenskap in Gansbaai wat helfte indien nie meer werkloos is en sukkel om 'n bestaan te maak.	building supplier, etc. Subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, being awarded such Right – **Trading in minerals**: sand and gravel are traded on the "open-market" in South Africa. Accordingly any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act. – **Minerals are place-bound:** including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups. **C6.** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 Application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats, non-prerennial streams and two alluvial fans. (ii) Groundwater investigations were undertaken by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissable mining was determined, with the mine plan and post-mining SDP excluding any Surface Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m, and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial	

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	waste "management protocol", as well as through stormwater management, especially insofar standing water. **C7.** The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this Application. **C8.** While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	

Neville van der Westhuizen
Setplan
7 June 2022
SACPLAN A/534/1987

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B Petition dated 22 April 2022 from forty-five (45) Members of the General Public Kommentaar ten aansien van: Munisipale Kennisgewing Nr 26/2022: Erf 210, GANSBAAI: AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN TOESTEMMING VIR MYNBOU TERREINONTWIKKELINGSPLAN: MNRE SETTLEMENT PLANNING SERVICES CC (TRADING AS SETPLAN) NAMENS SIZIKA UKANYO TRADING 410 CC ***The Objectors (45), as members of the general public have the following interest in the Application as per Municipal Notice 26/2022: "Erf 210 is "MEENTGROND", raising the following Objections/Comment:*** **B1 Reg om op Meentgrond te myn:** Dit word uitdruklik in die onderhawige aansoek gestel dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 bedryf sedert 2005. In hierdie verband, kortliks die volgende: **B1.1** Klousule 2.6.2(vi) onder die opskrif "Mining Authorisation" maak die volgende stellings: "1/8/2010: Application lodged with DMR for a gravel mining permit (5- years) for 1.4600 ha" En "6/12/2011: Concurrent with the withdrawal of the conversion application, an application lodged with DMR for a Mining Right for sand mining measuring 7.3809 ha on Rem Erf 210 and " Uit bostaande is dit derhalwe duidelik dat die applikant sedert 2005 tot en met 2010 / 2011 mynbedrywighede op meentgrond beoefen het sander om eers aansoek te doen vir 'n mynreg/-permit - derhalwe te alle tye onwettig. **B1.2** Die aansoek maak geen melding van die uitslag van die twee aansoeke in 1.1 hierbo nie. Volgens mededeling blyk dit dat DMR eers op 25 April 2012 'n Volmag uitgereik het in terme waarvan die Streeksbestuurder, Wes-Kaap gemagtig word om 'n mynreg te onderteken ten gunste van Sizisa Ukhanyo Trading 410 BK (Reg Nr: 2005/035636/23) om sand te myn op Gedeelte 15 van Erf 210 en Erf 335 vir 'n periode van 16 jaar. Dit is egter gemenesaak dat voormelde Gedeelte 15 van Erf 210 nerens reflekteer word nie en word die bestaan daarvan betwis. Dit is	**B1 Right to Mine on the Commonage** The timelines for the application of mining permits/rights, the issuing of such mining permits/rights and the commencement/termination of mining per permit/right, initially by Sizisa Ukhanyo Trading 410 CC and later by Sizisa Ukhanyo Trading 410 (Pty) Ltd, are included in the application merely to note the duration of mining activity by the two owners of the mining enterprise. Such timelines do not purport to be an audit of such events, as such would serve no purpose for this Application, and not forming part of the application brief. Such audit, as required by the Objector, forms an integral part of the current "determination of Administrative Penalty" application (refer Municipal Notice 124/2021), currently being processed by Overstrand Municipality. Furthermore, any request for such mining related information should be directed to the DMRE: Western Cape and the mine operator Sizisa Ukhanyo Trading 410 (Pty) Ltd.	**B1 Right to Mine on the Commonage** The applicant's comment is noted. In addition there is a long history of mining activity on Erf 210, Gansbaai dating back to before 2000. Up until the Mcsands judgement (2012) it was believed that a permit in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 (hereafter MPRDA) negates the need to obtain land use approval for mining. Mining therefore occurred for a number of years in terms of a permit only. Having had regard to the above, the MPT granted approval on 13 October 2022, thereby legalising mining activity on Erf 210 in terms of municipal land use, which approval aligns with the approved mine right and mine permit in terms of the MPRDA. More recently the applicant obtained approval for a mine right extension area. The current land use application is aligned with the mine right extension area.

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onbekend wat die uitslag was van die aansoek vir 'n permit om gruis te myn - beide hierdie aspekte moet egter opgeklaar word en word die Munisipaliteit hiermee versoek om afskrifte van al sodanige relevante dokumentasie te bekom en beskikbaar te stel vir verdere kommentaar deur lede van die algemene publiek. **B2 Aanhangsel M: Persverklaring deur Overstrand Munispialiteit gedateer Februarie 2007:** Die aanvanklike .onwettige optrede deur die applikant soos na verwys in 1 hierbo, het nie die Munisipaliteit ontgaan nie en het die Munisipalteit in 2007 die gepaste stappe geneem om hierdie onwettig.e optrede te staak. Vir doeleindes hiervan word die volgende enkele stallings aangehaal: **B2.1** "...Munisipalieit Overstrand op 31 Januarie 2007 kennisgewing op die plaaslike verskaffer, Mnr Heyns van Gansbaai Sand en Klip, beteken het en waarmee hy gelas is om ongemagtigde ontginning van bousand op die meentgronde van Gansbaal summier te staak. **B2.2** Die munisipaliteit het gevolglik besluit om daadwerklike oplossings te soek en het dit noodsaaklik geag om geaffekteerdes te betrek by 'n toeligtingsvergadering waar die aanloop tot die huidige situasie akkuraat oorgedra kon word. Die areabestuurder, Mnr Myburgh, vergesel van die verkose wyksverteenwoordiger, Rdl P Scholtz, het op 14 Februarie 2007 lig gewerp op die aangeleentheid en onder andere die volgende opmerkings gemaak: **B2.2.1** Die stelling/aantyging dat die munisipaliteit die sandmyn in Gansbaai gesluit het, is onwaar. Kennis is wel gegee dat ongemagtigde mynaktiwlteite op die meentgronde, summier gestaak word. Die kennisgewing raak nie die myn van bousand op erf 335, Gansbaai (privaat eiendom wat aan die Heyns-familie behoort en waar geldige ontginningsregte bestaan) nie. **B2.2.2** Dat die aansoek van Mnre Sizisa Ukhanyo Trading (Pty) Ltd (en waarvan die Heyns-familie die beherende aandeel het) wat gedurende 2006 aan die Departement van Mineraal- en Energiesake geloods is om mynregte op die meentgronde te bekom, volgens telefoniese mededeling, onsuksesvol was en dat	**B2 Annexure : Copy of Press Release dated February 2007** The Objector introduces this Objection by stating that the illegal undertaking by the Applicant, as put forward in Objection B1 above, did not escape the notice of the Municipality, with the Municipality taking appropriate steps in 2007 to halt such illegal undertakings. Extracts from the 2007 press release are then provided to demonstrate such Municipal response in Sections B2.1, B2.2 and B2.2.1 – 2.2.6, concluding that the Objector fully agrees with the Municipal response given it being their responsibility in terms of the relevant legislation, noting that Section B2.2.6 of the Objection reflects the current position, at that time as well as the present. Given that this Objection and notably Section B2.2.6 thereof mirrors that of Objection A2, Response A2 is also referenced in response to this Objection.	**B2 Annexure : Copy of Press Release dated February 2007** As stated above mining currently occurs in accordance with a subdivision, rezoning and consent use approval dated 24 October 2022, thereby legalising the municipal land use and aligned to an approved mine right and mine permit granted in terms of the MPRA. The latter which entailed a detailed scoping report and public participation process. The statement under B2.2.2 that there is not a valid mine permit is not correct. It is evident that the objector misunderstood the fact that the state is the custodian of mineral rights. The right to conduct mining is obtained via application in terms of the Mineral and Petroleum Resources Development Act which process was also available to the objectors at the time. The current application merely seeks to align the municipal land use (mining) with the approved mine right extension area in terms of the MPRDA. Thus the history pertaining to mining on Erf 210 has no relevance to the current application.

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daar gevolglik geen geldige mynregte vir die myn van sand op die meentgronde bestaan nie. **B2.2.3** Dat beide die gemeenskap van Gansbaai en die munisipale raad ten sterkste gekant is teen die gratis ontginning van bousand op die meentgronde wat beskou word as 1n bate wat aan die gemeenskap behoort. **B2.2.4** Dat die munisipaliteit dit nie in die beste belang van plaaslike inwoners en sakemanne beskou om noodsaaklike boumateriaal van verskaffers wat selfs buite die grense van die Overstrand gebied opereer, te verkry nie. **B2.2.5** Dat die munisipaliteit daadwe.rklike pogings aanwend om gesprek te voer met die Departement van Mineraal- en Energiesake om selfs as 'n tussentydse maatreel, die nodige regte te bekom om die materiaal op 'n wettige wyse te otgin. **B2.2.6** Dat die munisipaliteit beoog om as grondeienaar self ontginningsregte te bekom en om daarna die dienste van 'n kontrakteur op 'n basis van vrye mededinging (openbare tenderproses) te bekom betreffende die ontginning wat teen vergoeding toegelaat mag word. **B2.2.7** Dat die munisipaliteit se vorige standpunt oor die verbod op ontginning van sand in die betrokke gedeelte van die meentgronde gedurende die omgewingsimpakstudie-proses beinvloed is deurdat dit blyk dat die Departement van Waterwese, uit vrees dat die ondergrondse drinkwaterbronne van· die dorp weens die besproejjng van gesuiwerde rioolwater besoedel kan word, nie gretig is om besproeiing toe te laat nie. Die eerste keuse van die posisie van plasing van die beoogde toekomstige rioolwerke, is dus be"invloed wat opsigself tot gevolg het dat daar. opnuut oorweging geskenk kan word aan die mynaktiwiteite in die betrokke gebied." Met hierdie optrede van die Munisipaliteit word daar heelhartig saamgestem aangesien dit hul plig was in terme van al die relevante wetgewing. Klousule 2.2.6 hierbo gee inderdaad die korrekte posisie weer - op da rdie stadium sowel as huidiglik.	**B2.2.7** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 Application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats, non-prerennial streams and two alluvial fans. Similarly groundwater investigations undertaken by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissable mining was determined, with the mine plan and post-mining SDP excluding any Surface Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m, and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial waste "management protocol", as well as through stormwater management, especially insofar standing water.	**B2.2.7** The applicant's comment is noted and agreed with.

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B3 Posisie sedert 2007 tot hede: Sedert die persverklaring hierbo na verwys, het die Munisipaliteit inderdaad versuim om in terme daarvan asook in belang van die publiek op te tree. In hierdie verband word kortliksop die volgende gewys: **B3.1** 2017 -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan".. **B3.1.1** WRAP Consultancy het die aansoek namens die Munisipalteit behartig, dws op die koste van die Munlsipaliteit en nie Sizisa Ukhanyo Trading 410 BK nle. **B3.1.2** In die aansoek word uitdruklik gemeld dat Sizisa die sandmyn bedryf in terme van 'n Huurkontrak met die Munisipaliteit en nie 'n "Compensation Agreement" soos· hierinlater na verwys nie. Die besonderhede van sodani9e Huurkontrak is tot hede onbekend veral wat betref die ekonomiese voordele wat dit vir die Munisipaliteit en die publiek inhou, asook die aanwending daarvan. **B3.1.3** Die Munisipaliteit doen op hul koste aansoek vir die wysiging van die "site plan" - die rede is dat Sizisa Ukhanyo Trading 410 BK die toe bestaande "siteplan" se grense op Erf 335 oorskry het. Dus volg dit dat enige oorskryding daarvan nie 'n "Wettige" gebruik van sodanige eiendom daarstel nie. **B3.2** 2021 - Munisipale Kennisqewing Nr 124/2021 Restant van Erf 210 , Gansbaai, Aansoek om Onderverdelinq, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete. Ook in hierdie geval het Mnre WRAP Office Project hierdie Aansoek behartig namens die Overstrand Munisipaliteit, dws op die koste van die Munisipaliteit en tot nadeel van die algemene publiek aangesien dit Meentgrond is. Ter motivering van die aansoek word dan die volgende stallings gemaak: **B3.2.1** The rationale for the rezoning application is that the current zoning (Undetermined) does not allow for the current mining operation to operate legally" en "The proposed rezoning will rectify this, allowing the mining operation to continue with all the rights in place" en	**B3 Position since 2007 to Present** The Objector notes that since the 2007 press release, the Municipality has not reacted in terms thereof or in the interest of the public, as summarised in Sections B3.1, B3.2, B3.3 and B3.4. **B3.1 and B3.2 The Objector includes a summary/extract and comment on the following two applications by WRAP Consultancy/Office Project on behalf of Overstrand Municipality:** *(i) 2017 -Aansoek deur Munisipaliteit getiteld "Erf 210, R43 (sandmine and gravel and aggregate mine) Gansbaai. Overstrand Municipal Area: Proposed Amendment of the Site Development Plan"* *(ii) 2021 - Munisipale Kennisgewing Nr 124/2021 Restant van Erf 210 , Gansbaai, Aansoek om Onderverdeling, Hersonering, Vergunningsgebruik en bepaling van 'n Administratiewe boete.* The Objector notes that the above applications confirm that the Municipality has at all times been aware of the illegal mining, but to date has taken no steps to stop such unlawful activities. The Respondent notes that the above 2017 application was withdrawn and that the above 2021 application is currently being processed by the Overstrand Municipality. Furthermore, the Respondent, as in Response A5.3 (ii), notes the following insofar the current 2021 application by WRAP Office Project: *"While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per Response A5.1(iv) seeks to*	**B3 Position since 2007 to Present** **B3.1** The 2017 application was withdrawn. It was not a municipal application. Being the owner of Ef 210, Gansbaai a power of attorney was granted to WRAP to submit the application. Wrap however was not appointed by the municipality. **B3.2** The MPT granted approval on 13 October 2022, thereby legalising mining on Erf 210, having had regard to the relevant history of mining. The objectors did not appeal, nor was the decision taken on legal review.

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"The subdivision of the remainder of Erf 210 Gansbaai to isolate the mining area is an attempt to rectify the current illegal land use on the property" en "This rezoning and consent use application will allow the proposed land use and ensure Sizisa CC are not operating the sand mine illegally". Uit die voorafgaande is dit dus duidelik dat die Mun te alle tye bewus was van die onwettige mynaktiwiteite en tot datum hoegenaamd geen stappe gedoen het om sodanige onwettige aktiwiteite te staak of te laat staak nie.	*achieve land use authorisation for the Extended Mining Right Area."*	
B3.3 "Compensation Agreement": **B3.3.1** In die Agenda vir die Burgemeesterskomitee vergadering op 24 November 2021 word die volgende stalling gemaak: "...a lease agreement is not the appropriate method of regulate the Applicant's use of the areas appropriately it received a mining right for. Therefore, on 6 May 2015 the Municipality and the Applicant entered into a compensation agreement in respect of the Existing Area as the most appropriate agreement for such use." **B3.3.2** Daar is reeds in klousule 1 hierbo daarna verwys dat dit uitdruklik in die onderhawige aansoek gestel wod dat die applikant die myn van sand en gruis op Erf 335 en Restant 210 reeds sedert 2005 bedryf - dus volg dit dat die mynaktiwiteite bedryf word sedert 2005 tot 2016 sander om enige vergoeding aan die Mun te betaal. **B3.3.3** Dit is ook direk in stryd met die Munisipaliteit se stalling gedurende die 2017 Aansoek om die Siteplan te wysig dat daar 'n Huurkontrak met die applikant gesluit was ten opsigte van die Meentgrond. **B3.3.4** Dit is verder ook direk in stryd met die persverklaring van die Munisipaliteit hierbo na verwys. **B3.3.5** In die Agenda vir die spesiale Burgemeesterskomitee vergadering op 10 Januarie 2022 en wel op bl 149 daarvan word die beweerde inkomste ontvang vir die vorige 3 jaar, dws 2019, 2020 en 2021 verklaar. Soos hierbo na verwys, het die Munisipaliteit reeds op 6 Mei 2015 die eerste compensation agreement aangegaan - dit is in die publiek se belang om die hele hale somtotaal vir die hele tydperk te openbaar. Aangesien dit	**B3.3 Compensation Agreement** As per Response A7, the issues concerning the Compensation Agreement by the Objector in Sections B3.3.1 – B3.3.6 should be raised with the relevant departments of the Overstrand Municipality, as the compensation agreement or any tenure agreement falls outside of the brief of Messrs Setplan, the compiler of this Application.	**B3.3 Compensation Agreement** Following internal investigation resulting in an opinion by the municipalities legal counsel, it became clear that a compensation agreement was the only solution. Mining currently occurs in accordance with a compensation agreement. The matter of compensation is however a separate matter and does not have a bearing on the desirability of the land use application.

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Meentgrond is, is die Munisipaliteit verplig om sodanige inkomste vir 'n spesifieke doel aan te wend en nie vir die Munisipaliteit se normale lopende uitgawes nie, welke geverifieer kan word met die Munisipaliteit se finansiele state vir die ooreenstemmende tydperk. **B3.3.6** Dit is ook uiters kommerwekkend dat die Munisipaliteit tot hede hoegenaamd geen kontrole uitgeoefen het .oor die hoeveelheid sand en gruis wat gemyn word nie - daar word bloat gesteun op die hoeveelhede soos deur die applikant voorsien. **B3.4 Ondersoek:** Gedurende November 2021 het die Uitvoerende Burgemeester, Dr A Rabie, verklaar dat daar 'n formele ondersoek na die onwettige mynaktiwiteite gedoen meet word en soos bevestig in die pers. Tot datum is die vordering en/of uitslag daarvan nog nie bekend nie. **B4 Slotsom:** **B4.1** Uit die voorafgaande is dit derhalwe duidelik dat sedert 2005 tot hede hierdie mynaktiwiteite onwettig was, en steeds is - selfs op Erf 335. **B4.2** Die voorstel soos vervat in die destydse persverklaring, word hiermee ondersteun, n·l dat die Munisipaliteit as grondeienaar van die Meentgrond die ontginningsregte bekom en 'n kontrakteur by wyse van openbare tender bekom. Sedert die persverklaring hierbo na verwys, was die Munisipaliteit oor hierdie hele tydperk in versuim om byv die nodige Compliance Order op die applikant te dien en/of sodanige stappe te neem as wat nodig is om die applikant te verplig om hul onwettige mynaktiwiteite te staak. Wat hier van belang is, is die sanksies soos vervat in arts 84(1) en (2) van die Ordonnansie en in terme waarvan 'n boete of gevangenisstraf van nie meer as 20 jaar nie ingestel kan word. Hierdie sanksies is van toepassing nie net alleen op die applikant nie, maar ook beide grondeienaars van Erf 335 en Erf 210. **B4.3** Gevolglik word hiermee formeel beswaar aangeteken teen die onderhawige aansoek en terselfdertyd hiermee aangedring dat die Munisipaliteit die nodige stappe neem om toe te sien dat aile aansoeke, mynaktiwiteite, ens onmiddellik gestaak word tot	**B3.4 Mayoral Investigation** The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this Application. **B4 Conclusion** **B4.1 and B4.2** **Illegal Mining and Municipal Rectification of Contraventions:** While such non-compliance may have reference to previous and existing mining on Erf 335 and Rem Erf 210, it is not relevant to this Application as outlined in Response A5.1(iv). Such non-compliance is currently being addressed through a Section 90: Application for rectification of a contravention of the By-Law (i.e. administrative penalty) for the existing sand mine on portion of Rem Erf 210. The current Application as per Response A5.1(iv) seeks to achieve land use authorisation for the Extended Mining Right Area. **B4.3** While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020.	**B3.4 Mayoral Investigation** The MPT granted approval on 13 October 2022, thereby legalising mining on Erf 210, Gansbaai. The objectors were notified of the outcome and shown on their right of appeal. None of the objectors submitted an appeal.

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tyd en wyl die ondersoek soos deur die Burgemeester in November 2021 aangekondig, afgehandel is.	(ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	
Perlemoenstr 43 Kleinbaai Gansbaai 7220 19 April 2022 Aandag: Area bestuurder Hoof van Stadsbeplanning Hoof van Administrasie Onrusrivier Set Plan **C. Frans Hulme** **C1. Insake twee agtereenvolgende Aansoeke Erf 210 Gansbaai Meentgrond** 1. Munislpale Kennisgewing 124/2021 2. Munisipa1e Kennlsgewing 28/2022 As Vervoerkontrakteur Sakeman belastingbetaler en deel van die gemeenskap van Gansbaai vir die afgelope 40jaar lewer ek weereens my kommentaar belange en besware betrekking qp beide aansoeke soos hierbo verrneld soos volg:	**C1.** It is noted that the Objector addresses both Municipal Notice 124/2021 and Municipal Notice 26/2022. Given the comment/objection to Municipal Notice 124/2021 having been made in the Objector's letter dated 20 September 2021, this Response is restricted to the Objection to Municipal Notice 26/2022 as put forward in the Objector's letter of 19 April 2022.	**C1.** The application being considered relates to Municpal Notice 26/2022, which application is aligned to the approved mine right extension area. Municipal Notice 124/2021 is not relevant to the application.
C2. Kennisgewing 124/2021 is my voile belange en besware asook kommentaar aan die betrokke munisipale amptenare gestuur asook duidelik uiteengesit. Twee weke voor die verkiesing op 01 November2021 was ek ook in 'n vergadering met die Burgermeester {toe) en die kwessie aangespreek dat die aansoek onwettig onwettig verklaar word en dat daar nie mee	**C2.** Municipal Notice 124/2021 does not apply to the Application at hand. Also refer to Response C5.	**C2.** The applicant's comment is noted and agreed with. The application followed due process as legally prescribed. The objector did not appeal the outcome, nor was the decision taken on legal review.

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voortgegaan kan word nie. Vanaf 2007 sien koerantberig hierby aangeheg is ek besig met die Overstrand Munisipaliteit oor die voorsiening van sand en is in 'n spesifieke vergadering met die Area bestuurder asook twee lede van Sizisa Ukhanyo 410 CC {Tans vanaf2019) besluit dat dit in die beste belang van almal in die gemeenskap is om die grond op tender uit te sit wat die regte stap is en almal teenwoordig het ooreengestem. Intussen het Mynaktiwiteite op Erf 335 voortgegaan om gravel en sand te Myn met 'n permit op 1.5hektaar. Kaarte aangeheg by kennisgewing verwys erf 335 en gedeelte,van 210 duidelik reeds onwettig op die area gemyn word. Om te bepaal hoeveel sand oor jare onwettig daar uitgeruil is kan net met ·n grond oudit bepaal word. · **C3.** Die oomblik wat daar 'n Media berig van twee bladsye in die Gansbaai Courant geplaas is het die nuutverkose Burgermeester vure begin doodslaan en aanbeveel dat daar 'n ondersoek ingestel sal word en alles gestaak word. In 'n baie kort tyd is 'n aangepaste kaart (Hierby aangeheg) 'n afmeting van 'n ekstra 28 hektaar aangrensend Strandfontyn 712 bygevoeg. Nog meer vrae het ontstaan toe die Kennisgewing 2 28/2022 vir Aansoek in die Gansberg Koerant verskyn. In hierdie Aansoek is my belange en besware duidelik nie in ag geneem nie en word net melding gemaak van Sipho Investments (Dallas Myn} waar Sizisa Ukhanyo 410CC onlangs self sand gelaai het toe daar nie op die Meent gelaai kon word nie . **C4.** Dit gaan my verstand te bowe dat mense hulself wil verryk in Meentgrond wat as bate van die gemeenskap beskou word (Sien Die Witskrif en grondbeleid}	**C3.** The Objector notes that his interests and objections to Municipal Notice 124/2021 have clearly not been taken into account in the compilation of this Application as advertised in Municipal Notice 26/2022, such raising more questions regarding mining on the commonage. **C4.** A traditional municipal commonage as opposed to a newly acquired commonage, together with the Application noting of the characteristics of Municipal Commonage expressed by *"Megan Anderson and Kobus Pienaar, 2003"* in the Applicant's opinion could be potentially misleading to the reader, as the noting of such characteristics by the Applicant served the following purpose in the absence of a Gansbaai Municipality: Commonage Plan: (i) Providing a background to the "Gansbaai Commonage" and Erf 210. (ii) Demonstrating the land deductions (i.e. Commonage Deductions) from 1938 (commonage establishment) and 2020, such amounting to a total of 220.4986ha. (iii) Putting forward the characteristics and requirements of municipal commonage as put forward by "Megan Anderson and Kobus Pienaar" with the Applicant drawing informants therefrom for Gansbaai Commonage and the proposed sand and gravel mining. (iv) Putting forward the current performance of the "Gansbaai Commonage" as per the following extract from Section 2.3.3 of the Application Motivation Report:	**C3.** The applicant confuses the various applications and public participation processes followed in terms of the MPRDA and municipal By-law. The application advertised under Municipal Notice 124/2021 dealt with the unauthorised mining on Erf 210, Gansbaai and was approved by the MPT on 13 October 2022. This approval aligns with the approved mine right / mine permit. Following the aforesaid municipal notice public participation occurred in terms of the MRPDA relating to a mine right extension. Following approval of the mine right extension the application advertised under municipal notice 26/2022 had been submitted, which application deals with the municipal land use approval. **C4.** The mine permit in terms of the MRPDA was issued by the National Department of Minerals and Energy who is the custodian of mineral rights. Thus the applicant if not satisfied should have appealed the decision or taken it upon legal review. In the 2021 application the Surveyor General also confirmed that the remainder of Erf 210 Gansbaai is not shown as public place in their records. Therefore closure of a public place is not required.

Objection/Comment	Applicant Response	Town Planners Response
	*"The **current performance of the "Gansbaai Commonage"** insofar the above mentioned characteristics raised by the Programme for Land and Agrarian Studies, as well as other commonage requirements, is summarized as follows:* *(i) A significant **deduction of the extent of the commonage** between 1938 and the current day, including transference of land portions to private owners for a multitude of uses, albeit such uses being in support of the local and regional economy.* *(ii) The **"commonage" not being reserved as "public place"** in the Municipal Land Use Scheme (2020) and having an "undetermined" zoning, with current uses thereon (e.g. mining) having "non-conforming" use status. Furthermore, the "commonage" is generally referenced as Erf 210 Gansbaai, with previous map annotations reading "Gansbaai Commonage" being replaced with Erf 210 Gansbaai (e.g. SG Sheets, Deduction Plan (1937))* *(iii) **No tangible record of "public place" closure** when commonage land has been deducted, rezoned or subdivided.* *(iv) The lack of a **Municipal "Commonage Management Plan"** being in place, resulting in past commonage use practices in several instances negating the function and purpose of a "municipal commonage" "* Additionally, the Surveyor General's Office Western Cape correspondence of May 2021 included as Appendix 10 in the Application's Appendices and Annexures Report stated that the event of the proposed mining, *"a closure would be necessary **if the land parcel is confirmed as public place"***, such not being so in the case of the Gansbaai Commonage.	
C5. Die Munisipaliteit as eienaar kan self Ontginningsregte bekom en daarna die dienste van 'n kontrakteur op 'n basis van vrye·mededinging {Openbare Tender Proses) te plaas. Maar met die bestudering van die Nuwe aansoek blyk dit dat Hoof van Stadsbeplanning wel insae het en bewus is van die hele proses. Volgens 'n afskrif van 'n power of attorney vir Mynreg in my besit verwys na gedeelte 15 van Erf 335 en 210 met Registrasie nommer wat ek vreemd vind.	**C5.** Past mining applications on Portions of Erf 210 have raised public and 'other sand supplier" concerns re access to the sand/gravel resources on Rem Erf 210 (commonage) and "unfair" mining sector practice, as reflected in the Press Release, with the Application Motivation Report 1647/R1 dated October 2021 noting the following principles underpinning existing and future mining, involving mining by	**C5.** Mining is not a municipal competency in terms of Schedule 4B and 5B of the constitution. The process to be followed is to obtain a mine right / mine permit in terms of the MRPDA, which the applicant did. The municipality being the landowner had to provide a power of attorney to the applicant to

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Objection/Comment	Applicant Response	Town Planners Response
	individuals, companies, community groups or authorities (e.g. municipality): – **Access to minerals**; all minerals (including sand and gravel) are held under custodianship of the State, irrespective of land ownership. Any "*natural person*" or "*legal persona*" has the right to make application to the DMR to mine these minerals, including the municipality, any community group, building supplier, etc. Subsequent to having lodged an application to the DMR for a Mining Right informed by an EIA, Development Plan, Rehabilitation and Financial Guarantee, being awarded such Right – **Trading in minerals**: sand and gravel are traded on the "open-market" in South Africa. Accordingly any interference in the market supply or demand of such minerals, to conspire to work together, to gain unfair market advantage or disrupt its equilibrium will be regarded as collusion in terms of the Competitions Act. – **Minerals are place-bound:** including sand and gravel, requiring prospecting to demonstrate a proven mineable reserve of a sand or gravel, a fact often overlooked in "ownership claims" of mineral resources by individuals or groups.	submit a planning application in terms of the Overstrand Municipal Land Use Planning By-law and is not involved in mining activity itself. It had also been clarified by legal council that mining cannot be put out on tender, hence the compensation agreement approved by council.
C6. Aangehegte fotos by die aansoek wat geneem is in die Somer geneem en vind ek misleidend aang sien dit in die wintermaande 'n reuse verskil maak. Water dam op in groot damme wat 'n gevaar inhou en met die huidige klimaatsverandering kan vererger. Bo-grond spoel weg wat gronderosie veroorsaak en die hele plantegroei vemietig. Cape Nature se verslag kan hierby aansluit want gedeelte van die grond is vleiland (Wet Land) wat groot rede tot kommer ook vir Cape Nature is. (Verwys Cape Nature se verslag).	**C6.** Sections 3.2.7 and 3.2.8 of the Motivation Report 1647/R1 (2021) put forward the following insofar surface water and groundwater within the extended mining area: (i) Findings of the 2010 and 2019 Application processes insofar surface water features as conducted by Geotechnics Africa, 2010 and Sharples Environmental Services, 2019, included depression features, wetland habitats, non-prerennial streams and two alluvial fans. Similarly groundwater investigations by Geotechnics Africa (2010) and Site Plan Consulting (2017) to determine groundwater depth below excavation depth. Insofar the findings re both surface water and groundwater, the extent and depth of permissable mining was determined, with the mine plan and post-mining SDP excluding any Surface	C6. Applicants comment is noted and agreed with.
C7. Ek weet nie hoe die Munisipaliteit hierdie proses kan ondersteun nie, die Burgermeester 'n ondersoek aangevra het op Kennisgewing 124/2021 wat deel is van Kennisgewing 28/2022 se aansoek nie.		

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Objection/Comment	Applicant Response	Town Planners Response
C8. Hoop daar sal ernstig aan die proses aandag gegee word wat ek nie kan sien voortgaan nie en my teenstand in hierdie verband emstig opneem sal word nie net in my eie belang nie maar in die belang van ons hele gemeenskap in Gansbaai wat helfte indien nie meer werkloos is en sukkel om 'n bestaan te maak.	Water areas including freshwater habitats and alluvial fans, with 50m "no-go" mining buffers surrounding such areas. Groundwater being protected through a maximum mining depth of 2.7m, and including on-going in-field piezometer groundwater depth monitoring throughout the sand mining area. Groundwater pollution being addressed through a hydrocarbon management and domestic and industrial waste "management protocol", as well as through stormwater management, especially insofar standing water. **C7.** The issue regarding progress or outcome of the formal investigation as announced by the Executive Mayor in November 2021, should be directed to the Overstrand Municipality, not this Application. **C8.** While it is not the Applicant's prerogative to instruct the Overstrand Municipality to initiate "steps to ensure that all illegal mining activities be stopped and that the current and any and all pending applications be immediately withdrawn pending the outcome of the Mayoral investigation announced in 2021", and that the Municipality "obtain the necessary Mining Rights on Erf 210 and thereafter appoint a contractor by means of public tender", the Applicant requests the following: (i) That due process be followed insofar the two current applications lodged to address the lack of land use authorisation insofar the current mining area (i.e. Messrs WRAP Project Office; Municipal Notice 124/2021) and the extension Mining Area (i.e. Messrs Setplan; Municipal Notice 26/2022), both applications in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020. (ii) Both such applications, through their mining, rehabilitation and future post-mining land use of the mining area can be a **catalyst for "integrated" and "sustainable" commonage management and development, underpinned by safeguarded and improved environmental services."**	C7. Contrary to the objector's belief the applicant is in possession of the required land use approval as well as a mine right and permit. Furthermore, the application under consideration is aligned to a further mine right extension area being granted by the competent authority in terms of the MPRDA. It must also be pointed out that the Executive Mayor, being the Appeal Authority needs to remain impartial and cannot be involved in the planning application process. Objectors are afforded a right of appeal which has not been taken up, whilst the MPT (land use) and Council's decisions (compensation agreement) was not taken on legal review. **C8.** The objectors comment and the applicant's response is noted.

4.4
ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE (MINING) AND DETERMINATION OF AN ADMINISRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SIZISA UKHANYO TRADING 410 CC WITH POWER OF ATTORNEY BY OVERSTRAND MUNICIPALITY

210 GGB (3700/2021)
SW van der Merwe (028) 313 8900 Hermanus Administration
21 September 2022

EXECUTIVE SUMMARY

An application was received from Messrs WRAP Project Office (WRAP) applicable to Erf 210, Gansbaai on behalf of Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip with Power of Attorney from Overstrand Municipality for the following:

- subdivision in terms of Section 16(2)(d) of the By-Law of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximaltey 7.3801ha and Remainder approximatley 714.3413ha in extent;
- rezoning of the subdivided Portion A in terms of Section 16(2)(a) of the By-Law from Undetermined Zone (U) to Agricultural Zone 1 (AGRI 1);
- consent use in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining; and
- determination of an administrative penalty in terms of Section 16(2)(p) of the Bylaw.

RESOLVED:

1. that the application in terms of Section 16(2)(d) of the By-Law for subdivision of the Remainder of Erf 210, Gansbaai into two portions, namely: Portion A approximately 7.3801ha and Remainder approximately 714.3413ha, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(a) of the By-Law for rezoning of Portion A from Undetermined Zone to Agricultural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(o) of the By-Law for consent use (mining) applicable to Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;

5. that the recommendations in paragraphs 1. to 3. above be subject to the following conditions:

   (a) that mining on the subject property be subject to a valid Mining Right;

   (b) that the provisions of the Environmental Management Plan (EMP) at all times be complied with;

   (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

   (d) that mining be restricted to the area of 7.3801ha and to the coordinates as indicated on the Surveyor's Mining Plan dated February 2015 as submitted with the application;

   (e) that rehabilitation of the mining area be conducted in accordance wih the EMP to the satisfaction of the Overstrand Municpality;

   (f) that all the conditions in the Services Report and District Health be complied with;

   (g) that all the conditions imposed by Eskom, Open Serve, Department of Environmental Affairs and Development Planning, *Component: Environmental*, Breede-Gouritz Catchment Management Agency, CapeNature, Heritage Western Cape and Department of Agriculture, Land Reform and Rural Development be complied with;

   (h) that the registration of the subdivision be for the account of Sizisa Ukhanyo Trading 410 CC;

   (i) that this approval does not absolve the applicant from compliance with any other applicable legislation; and

   (j) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with; and

6. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR THE RESOLUTION FOR (1) TO (3):

- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.

- ❖ The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is supported by relevant government departments.
- ❖ The associated impacts of the proposed mining activity could sufficiently be mitigated in terms of the Environmental Management Plan, as incorporated in the approval conditions.

REASONS FOR THE RESOLUTION FOR (4):

- ❖ Mining has occurred on the commonage for the past 40 to 50 years with municipal knowledge.
- ❖ The land was not zoned in accordance with the utilisation thereon (mining) with the commencement of LUPO on 1 July 1986.
- ❖ The same applied with the coming into operation of the Gansbaai Zoning Scheme during 2003.
- ❖ Prior to the Maccsand judgement, the general perception was that the holder of a Mining Right was not required to obtain further approvals in terms of any other law (i.e. in terms of Planning or Environmental Legislation).
- ❖ With the drafting of the Integrated Zoning Scheme, promulgated in 2013, the implications of the Maccsand judgement were still unclear, with mining area with approved Mining Permits/Rights being treated as non-conforming uses.
- ❖ To control and limit the non-conforming use to the Mining Right Area, the land use of the mining area needs to be rectified.

RESPONSIBLE OFFICIAL : S VAN DER MERWE

The meeting adjourned at 15:55

ANNEXURE H

File reference:	REM 210 GGB 3848
Date:	25 March 2022
BM	

Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	SW van der Merwe (Senior Town Planner)

TO:

Area Manager	***Building Control Department***	***District Health***	***Electrical Department***	***Environmental Officer***
Fire Department	***Infrastructure and Planning***	***Local Heritage Committee***	***Operational Services***	***Property Administration***
Tourism	***Traffic Department***	***Ward Councillor***	***Waste Management***	

Applicant	**SETTLEMENT PLANNING SERCIVES CC (TRADING AS SETPLAN) ON BEHALF OF OVERSTRAND MINICIPALITY**
Property Details	**REMAINDER ERF 210, GANSBAAI, OVERSTRAND MUNICIPAL AREA**
Application Description	**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND PERMISSION FOR A POST-MINING SITE DEVELOPMENT PLAN**

ATTACHMENTS:

1. Notice 2. Locality Plan 3. Motivation 4. Site Development Plan	*Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.*

YOUR DEPARTMENT'S COMMENTS:

• Potable water onsite to comply with SANS 241; Regular sampling is advised. • Dust should be minimized as far as possible.
• Preventative measures should be in place to reduce any possible groundwater/water pollution during exbanding area and other activities

Signature: _____ Date: 4/5/2022 ~~2021~~

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing.** Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

COMMENTS REQUIRED BY: 29 APRIL 2022

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE & PERMISSION FOR A POST-MINING SITE DEVELOPMENT PLAN: REMAINDER ERF 210, GANSBAAI, OVERSTRAND MUNICIPAL AREA

Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	No services available
Roads and traffic	:	No services available

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;

2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (Water Affairs, Health, etc.) for the use of any water and the distraction thereof;

3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel 021 313 8972);

4. that all relevant sections and regulations of the National Water Act (1998) regarding water use must be adhered to. This includes the registration of all water uses as defined in Section 21 of the Water Act (1998);

5. that waste water disposal be done in a safe and healthy manner and that all legislation / regulations in this regard must be adhered to;

6. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

p.p. R Andrews — 10-05-2022

DENNIS HENDRIKS — **DATE**

SENIOR MANAGER: ENGINEERING SERVICES

TPA-EMS-220523-01

Town Planning Application on 23-05-2022

Generated on Uniti by Penelope Aplon on 30-05-2022

Basic Information

Captured	23-05-2022 15:19	**Call Time**	23-05-2022 15:19	**Captured By**	Penelope Aplon
Reference	TPA-EMS-220523-01			**Office**	EMS
District	Overberg			**Status**	Open
Municipality	Overstrand				

Description

Extension of existing sandmine

Geographical Information



(-34.5796; 19.3730)

Application Details

File Reference	REM 210 GGB 3848
Applicant	Sizika Ukhanyo Trading 410 CC
Property Details	Portion of Erf 210 Gansbaai

Application Comments

A major environmental concern for this proposed mining extension is the presence of wetlands adjacent to the proposed mining extension area.

Wetlands:

The application does not contain final correspondence from BGCMA regarding the requirements for a WULA. The Aquatic Habitat and Impact Assessment states the following: *"Risk matrix has been submitted to BGCMA for consideration"*

The applicant's attention is also drawn to section 3.20 of Environmental Authorization: *The holder of the EA must ensure that any water uses listed in terms of Section 21 of the National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).*

The applicant is requested to submit the final comment from BGCMA on this proposed extension.

Air quality:

The current location of the proposed extension is not adjoining any residential dwellings. However, the applicant will be requested to put mitigating measures in place should future complaints related to dust or noise be received, once the mine is operational.

Site demarcation (no-go areas):

As per the no-go map in the Aquatic habitat impact assessment, it is proposed that the no-go areas should clearly be demarcated on site with rocks/bollard/post and rail fencing.

Monitoring and Compliance:

The contact details of the appointed ECO for the site must be submitted the the Gansbaai Area Manager and Environmental Manager. Copies of the monthly audit reports must be submitted to the Gansbaai Area Manager and Environmental Manager.

Operation Responses

Subdivision

Rezoning

Departure

Consent-use

Cost Sheet

Cost Sheet Summary

Total	0.00

ANNEXURE K 1/4
trading as **Agri-Sea**

PLANNING AND MANAGEMENT CONSULTANTS

PO Box 28 STRAND 7140 Western Cape SOUTH AFRICA
Tel: 021-854 4260 || Fax 021-854 4321
neville@setplan.com

The Senior Town Planner
Town and Spatial Planning
Overstrand Municipality
16 Paterson Street
HERMANUS
7200

Our Ref: 1647
29 April 2025

Attention: Schalk van der Merwe **E-mail**: svdmerwe@overstrand.gov.za

ERRATA TO APPLICATION FOR EXTENSION OF SANDMINING ON PORTION OF REMAINING EXTENT OF ERF 210 GANSBAAI

In accordance with your e-mail letter dated 23 April 2025, attached please find an ERRATA to augment the current application as per Motivation Report 1647/R1, submitted to the Overstrand Municipality in October 2021.

The ERRATA has as its purpose the amendment of development footprint of the proposed sand mining area to accommodate an existing "title condition" (1938) re an "aircraft emergency landing ground" . Accordingly the ERRATA puts forward a reduced development footprint to accommodate the overlapping portion of the "landing ground".

A copy of the Conveyancer's Certificate will be forwarded under separate cover.

Please advise our office should any additional information be required.

Thanking you.
Yours faithfully
Neville van der Westhuizen

SACPLAN: A/534/1987

trading as **Agri-Sea**

PLANNING AND MANAGEMENT CONSULTANTS

PO Box 28 STRAND 7140 Western Cape SOUTH AFRICA
Tel: 021-854 4260 || Fax 021-854 4321
neville@setplan.com

ERRATA

SUBMISSION OF ERRATA IN TERMS OF THE OVERSTRAND MUNICIPALITY: AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020 INSOFAR AN EXISTING APPLICATION AS PER MOTIVATION REPORT 1647/R1, OCTOBER 2021 TO PERMIT THE EXTENSION OF SAND AND GRAVEL MINING ON PORTION OF THE REMAINING EXTENT OF ERF 210 GANSBAAI.

(i) SECTION 16 (2)(d): APPLICATION FOR SUB-DIVISION OF A PORTION OF REM ERF 210 GANSBAAI

(ii) SECTION 16 (2)(a): REZONING OF SUB-DIVIDED PORTION OF REM ERF 210 GANSBAAI FROM UNDETERMINED ZONE TO AGRICULTURAL ZONE 1: AGRICULTURE (AGRI)
SECTION 16 (2)(o): CONSENT USE TO PERMIT MINING IN AGRICULTURAL ZONE 1: AGRICULTURE (AGRI) OF THE SUB-DIVIDED AND REZONED PORTION OF REM ERF 210 GANSBAAI

(iii) SECTION 16 (2)(b): PERMANENT DEPARTURE TO REDUCE THE "COMMON BUILDING LINE" FROM 30.0M TO 9.0M TO PERMIT MINE EXCAVATION ALONG THE NORTHERN BOUNDARY OF THE MINING RIGHT AREA (REM ERF 210 – FARM STRANDFONTEIN 712 BOUNDARY)

(iv) SECTION 16(2)(g): A POST-MINING SITE DEVELOPMENT PLAN FOR THE SUB-DIVIDED AND REZONED PORTION OF REM ERF 210 GANSBAAI

As submitted to the Overstrand Municipality in Motivation Report 1647/R1 dated October 2021.

SETPLAN for
SIZISA UKHANYO TRADING 410 CC
29 April 2025

1. REASON FOR THE ERRATA

The abovementioned application, having its purpose the subdivision of a portion of Rem Erf 210 Gansbaai and its rezoning from Undetermined Zone to Agricultural Zone 1, together with a Consent Use to permit mining on such portion, with a Post-Mining Site Development Plan for the subdivided and required portion, was cadastrally informed by the Surveyor General (SG) Plans A1-5BCB and A1-5BDA insofar its perimeter cadastral reference, i.e. abutting properties to and within Rem Erf 210. Such perimeter boundaries also reflecting the municipal boundaries (e.g. Farm Strandfontein 712 and Farm Berg Vliet 705 Rem).

However, the scrutiny of historical records (i.e. Kroongrondbrief Nr. G160/1938 or Crown Grant No G160/1938) and research informing the compilation of a Conveyancers Certificate, highlighted a title deed condition re the reservation of an "Aircraft Emergency Landing Ground", however noting that the cadastral description was not labelled on Surveyor General Plans A1-5BCB and A1-5BDA, with such landing ground boundary demarcated by "cairns". Further research revealed that such Landing Ground was recorded in SG File No 2326 annexed to Certificate of Amended Title on Consolidation No. 13083 dated 15 December 1938. Such SG Diagram depicted the landing ground as cadastral points c, d, e, f (cairns), with co-ordinates, the latter however in terms of Beacon Agreement BA 077/1937, such not aligned with the current-day cadastral system. Furthermore, no extent (ha) of such landing ground was forthcoming.

The research concludes that, despite survey records cancelling the landing ground reservation demarcation points, the Kroongrondbrief (1938) must be acknowledged, with any removal of conditions requiring a "removal of restrictions application".

2. DEFINING THE "AIRCRAFT EMERGENCY LANDING GROUND"

Informed by the outer figure and the Landing Ground points, an existing ESKOM powerline which traverses a portion of the Landing Ground, and the northern boundary (Farm Strandfontein 712/2) and the eastern boundary (Farm Berg Vliet 705 Rem), together with the GIS plotted and coordinated proposed mining area, the eastern portion of the Landing Ground could be plotted. Refer attached Diagram 1 and Diagram 2 which depict the overlap of the Landing Ground insofar the "proposed land use" and the "proposed mining area" respectively. Such Landing Ground overlap/overlay being 7.3902ha in extent, the same extent for both use considerations (i.e. land use and mining area).

3. AMENDMENTS

So as not to delay the proposed mining operations, the mining company and applicant Sizisa Ukhanyo Trading 410 CC hereby submit this ERRATA to define the necessary amendments to exclude the proposed mining area from the "Aircraft Emergency Landing Ground".

In order to effect the ERRATA as put forward in Section 1, the following spatial amendment to the proposed Subdivision, Rezoning, Consent Use, Departure Post-Mining Site Development Plan, and Amended Sand Mining areas on the subdivided portion of Rem Erf 210 Gansbaai (refer Diagram 1 and Diagram 2).

(i) Subdivision: Refer Diagram 1; indicating the amended Subdivision Area P1 to Y measuring 20.7291ha in total
(ii) Rezoning: Diagram 1: depicting the amended rezoning area to Agricultural Zone 1, measuring 20.7291ha in total.

(iii) Consent Use Area: Diagram 1: depicting the reduced Consent Use area to permit mining in Agricultural Zone 1 (AGRI), such consent use area measuring 20.7291ha in total.
(iv) Permanent Departure Area: Diagram 1: depicting reduction of "common building line" extending between P1 and Q measuring 98.95 linear metres.
(v) A Future Land Use Area (SDP: Diagram 1: Future Land Use SDP area, measuring 20.7291ha in total.
(vi) Sand Mine Operation: Diagram 2: Depicting the reduced Amended Sand Mining area measuring 20.7291ha in total.

4. COMPLIANCE

Insofar the subdivision, rezoning, consent use, departure, SDP, and sand mining area, such amendments are in accordance with and comply with the requirements of the Overstrand Municipality Zoning Scheme By-Law, the reduction in extent not negating their land development management purpose/performance. Furthermore, as endorsed in the Conveyancer's Certificate, the proposed ERRATA complies with all the conditions of the Kroongrondbrief Nr. G160/1938.

5. RECOMMENDATION

As motivated in this ERRATA, the approval of the following amendments to permit the extension of existing sand mining on portion of the Remaining Extent of Erf 210 Gansbaai in terms of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020.

(i) Section 16 (2)(d): Sub-division of a 20.7291ha Portion of Rem Erf 210 Gansbaai as depicted in Diagram 1
(ii) Section 16 (2)(a): Rezoning of Sub-divided 20.7291ha portion of Rem Erf 210 Gansbaai from Undetermined Zone to Agricultural Zone 1: Agriculture (AGRI) as illustrated on Diagram 1.
(iii) Section 16 (2)(o): Consent Use to Permit Mining in Agricultural Zone 1: Agriculture (AGRI) of the Sub-divided and Rezoned 20.7291ha Portion of Rem Erf 210 Gansbaai as per Diagram 1
(iv) Section 16 (2)(b): Permanent Departure to Reduce the "Common Building Line" from 30.0m to 9.0m to Permit Mine Excavation along the Northern Boundary of the Mining Right Area (Rem Erf 210 – Farm Strandfontein 712 boundary) as depicted by line P1 and Q on Diagram 1, measuring 98.95 linear metres.
(v) Section 16(2)(g): A Post-Mining Site Development Plan for the Sub-divided and Rezoned 20.7291ha Portion of Rem Erf 210 Gansbaai, within the spatial extent of Diagram 1.

Diagram 1 depicts the revised spatial context of the above sub-division, rezoning, consent use, departure and the SDP as per Diagram 1: P, Q, R, S, T, U, V_2, V_1, V , W, X and Y, which also in Diagram 2 defines the extent of the 20.7291ha amended/reduced Sand Mining area (refer Diagram 2).

Furthermore, such approval to be applicable to the period of the "life-of-mine".

6. REQUEST

Accordingly, it is hereby requested that this ERRATA be submitted to augment the current application as per Motivation Report 1647/R1 submitted to the Overstrand Municipality in October 2021.

Neville van der Westhuizen
29 April 2025
SACPLAN: A/534/1987

Note: Conveyancer's Certificate forwarded under separate cover
Attachment: Diagram 1 and Diagram 2