



**ORDINARY MEETING OF THE COUNCIL**  
**GEWONE VERGADERING VAN DIE RAAD**  
**INTLANGANISO YESIQHELO YEBHUNGA**

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA : 24 FEBRUARY / FEBRUARIE /**  
**FEBHRUWARI 2021**  
**VENUE / PLEK / INDAWO : VIRTUAL**  
**TIME / TYD / IXESHA : 11:00**

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

19 February / Februarie / Febhruwari 2021

## **NOTICE TO ALL ALDERMEN & COUNCILLORS**

### **ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL**

**NOTICE IS HEREBY GIVEN** that, due to the Covid-19 Lockdown, an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held by means of a virtual platform on **WEDNESDAY, 24 FEBRUARY 2021 at 11:00**, of which the agenda will be available on the Overstrand Website ([www.overstrand.gov.za](http://www.overstrand.gov.za)).

*The attention of Councillors is directed to the Code of Conduct for Councillors and Municipal Officials, Schedules 1 & 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).*

**D O'NEILL**  
**MUNICIPAL MANAGER**

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## **KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE**

### **GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD**

**KENNIS GESKIED HIERMEE** dat, weens die Covid-19 grendeltydperk, 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word by wyse van 'n virtuele platform op **WOENSDAG, 24 FEBRUARIE 2021 om 11:00**, welke agenda op die Overstrand Webtuiste ([www.overstrand.gov.za](http://www.overstrand.gov.za)) beskikbaar sal wees.

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede en Munisipale Beamptes, Bylae 1 & 2 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000).*

**D O'NEILL**  
**MUNISIPALE BESTUURDER**

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## **ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA**

### **INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND**

**OKU KUKWAZISA** ukuba, ngenxa yokuvakwa okubangelwe yintsolongwana i-COVID-19, **INTLANGANISO YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iyakubanjwa ngeqonga elibonakalisayo ngo**LWESITHATHU, Umhla we 24 FEBHRUWARI 2021 ngeye-11:00**. I-ajenda iya kufumaneka yona kwiwebhusayithi ye-Overstrand ([www.overstrand.gov.za](http://www.overstrand.gov.za)).

*OoCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba namaGosa kamasipala, amaXwebhu 1 & 2 kaRhulumente wooMasipala: uMthetho weenKqubo zikaMasipala, 2000 (UMthetho 32 wowama-2000).*

**D O'NEILL**  
**UMPHATHI KAMASIPALA**

**AGENDA/...**

- 1. OPENING**
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
- 3. CONFIRMATION OF MINUTES**
  - 3.1 Minutes of an **Ordinary Meeting** of the **Council** held on **Wednesday, 25 November 2020** at 11:00
  - 3.2 Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 27 January 2021** at 11:00
- 4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR**

**5. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)**

**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 Council agenda** was done before the Mayoral Committee of 24 February 2021 had formally sat.

**5.1**

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

**(ITEM 2, PAGE 6 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the lists of potential beneficiaries from the housing demand database, Zwelihle **be noted**;
2. that the 10% of housing opportunities reserved for potential beneficiaries residing outside the catchment area of Zwelihle be allocated to potential beneficiaries on the housing demand database for Mount Pleasant;
3. subject to approval of recommendation number 2, that preference be given to excess number of 20 beneficiaries approved in 2016 for the Mount Pleasant housing development;
4. that the following procedure for potential beneficiaries to finalise subsidy applications, **be approved**:
  - (a) that potential beneficiaries be given 30 days written notice to complete their subsidy application documentation;
  - (b) that potential beneficiaries that do not respond to the first notice (30 days) be given a final written notice of 7 days; and

5. in the event of any applicants not responding within the mentioned period of 7 days, the available housing opportunities be given to identified additional beneficiaries (replacements).

**RESPONSIBLE OFFICIAL :**

**FW FRANS**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MARCH 2021**

**5.2****FERNKLOOF NATURE RESERVE PROTECTED AREA MANAGEMENT PLAN :  
2021-2025****(ITEM 2, PAGE 472 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the final draft of the Fernkloof Nature Reserve Protected Areas Management Plan for 2021-2025 **be approved** in principle; and
2. that the Management Plan be submitted to the MEC of the Western Cape Department of Environmental Affairs and Development Planning for approval.

**RESPONSIBLE OFFICIAL :****L DE VILLIERS****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2021**

**5.3****APPOINTMENT OF EXTERNAL MEMBER ON THE MUNICIPAL PLANNING TRIBUNAL****(ITEM 3, PAGE 672 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that a notice be published inviting external nominations to serve on the Municipal Planning Tribunal (MPT);
2. that external nominations member must comply with the following criteria:
  - (a) has at least 7 years' experience in either spatial planning, land use management, land development and law related.
  - (b) be a permanent resident in the Overstrand area (must reside here permanently).
  - (c) not be active in his profession within Overstrand area.
3. that the external MPT member be remunerated according prescribed in regulation (2)(e) – *“in the case of a person referred to in regulation 3(2)(b), is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on”*;
4. that the Municipal Manager and Authorised Official be appointed as members of the panel to evaluate the nominees received in 1. above and to submit a report to Council requesting the appointment of the external member of the Municipal Planning Tribunal; and
5. that the Authorised Official be mandated to effect the process for appointment of external member together with all necessary administration thereto.

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****10 MARCH 2021****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.4

**IN PRINCIPLE APPROVAL FOR THE EXCHANGE OF ERF 4013 BETTY'S BAY, SITUATED IN DISA CIRCLE, BETTY'S BAY (JC KANNEMEYER) FOR ERVEN 3661 AND 3662 BETTY'S BAY, SITUATED IN MYRICA ROAD, BETTY'S BAY (OVERSTRAND MUNICIPALITY)**

**(ITEM 4, PAGE 679 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of Erven 3661 and 3662, Betty's Bay (respectively 840m<sup>2</sup> and 1044m<sup>2</sup> in extent) situated in Myrica Road, Betty's Bay, to Mr James Charles Kannemeyer in exchange for Erf 4013, Betty's Bay, situated in Disa Circle, Betty's Bay (17772m<sup>2</sup> in extent) **be approved in principle**;
2. that the deviation from paragraphs 7 and 15.1 of the Administration of Immovable Property Policy, 2015 in order to alienate the municipal properties to Mr James Charles Kannemeyer without following a competitive process, be approved;
3. that it be noted that the requested deviation and direct alienation are only considered as the proposal is to exchange properties of similar value in order not to affect the cash flow of the Municipality in budgeting for the purchase price for Erf 4013, Betty's Bay, which amount is higher than the combined value for Erven 3661 and 3662, Betty's Bay;
4. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Municipality;
5. that Erven 3661 and 3662, Betty's Bay may only be used for Single Residential purposes as defined the relevant legislation, which condition must be registered against the title deed of the properties;
6. that all the costs pertaining to the transaction, i.e. transfer and related costs, etc. be paid by the Municipality;
7. that it be noted that the municipal properties herewith envisaged to be exchanged is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003);
8. that the comment and support for the exchange be obtained from National and Provincial Treasury; and



9. that an item serve before Council after public participation process and comments from National and Provincial Treasury has been obtained to request the final approval, if no objections, to the proposed exchange.

**RESPONSIBLE OFFICIAL:**

**R KUCHAR**

**TARGET DATE FOR IMPLEMENTATION:**

**10 MARCH 2021**

**TARGET DATE TO INFORM APPLICANT:**

**N/A**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

**5.5**

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JANUARY 2021**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 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 January 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 January 2021, **be noted**.

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**5.6****AMENDMENT TO THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) POLICY****(ITEM 6, PAGE 17 : MAYORAL COMMITTEE MEETING : 24 FEBRUARY 2021)****RECOMMENDATION TO THE COUNCIL:**

that the amendment be made to the current JAPAC Policy and **be adopted**.

**RESPONSIBLE OFFICIAL :****DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2021**

**6. CONSIDERATION OF REPORTS****6.1****APPOINTMENT OF A COUNCILLOR TO THE PROTECTION SERVICES AS WELL AS THE ECONOMIC DEVELOPMENT & TOURISM PORTFOLIO COMMITTEES****3/2/3/5****H van Tonder****Manager : Council Support Services****5 August 2019****(028) 313 8037****1. Executive Summary**

The purpose of the report is to grant Council an opportunity to appoint a councillor to the Protection Services Portfolio Committee as well as the Economic Development and Tourism Portfolio Committee.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Not applicable

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

- Section 79 and 80 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
- Section 160(8) of the Constitution of the Republic of South Africa, 1996 (Constitution)

**6. Background / Discussion**

Council resolved on 29 May 2019, *inter alia*, as follows:

**“RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

Portfolio Committee :  
Protection Services

Members :  
Cllr F Africa (Chairperson), Cllrs C Resandt, F Krige, C Tafu-Nwonkwo and V Macotha

Economic Development &  
Tourism

Cllr K Brice (Chairperson), Cllrs C  
Resandt, C May, S Kalolo and V  
Macotha"

Cllr M Mhana, the newly elected councillor in the vacancy in Ward 12 due to the resignation of Cllr V Macotha, needs to be appointed to the Portfolio Committee for Protection Services. The resignation of Cllr V Macotha also left a vacancy in the Portfolio Committee for Economic Development and Tourism.

#### **7. Financial Implications**

None

#### **8. Staff Implications**

None

#### **9. Comments from other Departments, Divisions and Administrations**

None

#### **10. Annexures**

None

#### **RECOMMENDATION TO THE COUNCIL:**

1. that Cllr M Mhana **be appointed** to the Portfolio Committee for Protection Services; and
2. that Cllr X Msweli **be appointed** to the Portfolio Committee for Economic Development & Tourism.

**RESPONSIBLE OFFICIAL:**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION:**

**24 FEBRUARY 2021**

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

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

At the time of the closing of the agenda, no notices of motions/questions were received.

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