



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 24 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2021

VENUE / PLEK / INDAWO : VIRTUAL

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF THE COUNCIL MEETING HELD BY MEANS OF A VIRTUAL PLATFORM ON 24 FEBRUARY 2021, AT 11:00

PRESENT: Councillors were present as per attached attendance register.

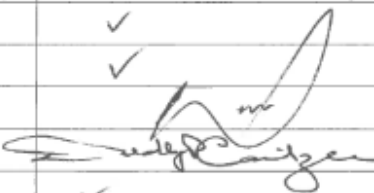
OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : Economic Development & Tourism
Mr S Müller, Director : Infrastructure & Planning
Mr C le Roux, Deputy Director : Finance
Mr D van der Heever, Chief Audit Executive
Ms B Plaatjies, Manager : Hermanus Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr R Kuchar, Senior Manager : Town & Spatial Planning
Mr X Kosi, Manager : LED
Ms H van Tonder, Manager : Council Support Services
Ms N Zweni, Manager : Communication
Mr R Fraser, Chief : Traffic/Licences
Ms D Laing, Relief Clerk : Grade 2
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
24 FEBRUARY 2021

| ALDERMAN/COUNCILLORS | SIGNATURE |
|----------------------|--|
| AFRICA, F | ✓ |
| BOTHA, D | ✓ |
| BRICE, KD | ✓ |
| COETSEE, A |  |
| COETZEE, DP | |
| COHEN, G | ✓ |
| DE CONING, CA | ✓ |
| GILLION, E | ✓ |
| KALOLO, SV | ✓ |
| KOMANI, AS | ✓ |
| KRIGE, F | ✓ |
| NQINATA, NNT | ✓ |
| MAY, C | ✓ |
| MHANA, M | ✓ |
| MOLEFE, B | ✓ |
| MORGAN, H | ✓ |
| MSWELI, X | ✓ |
| NTSABO, L | ✓ |
| NUTT, R | ✓ |
| ORBAN, J | ✓ |
| PUNGUPUNGU, V | ✓ |
| RESANDT, C | ✓ |
| SAPEPA, NM | ✓ |
| TAFU-NWONKWO, CC | ✓ |
| TEBELE, S | ✓ |

1. OPENING

Cllr R Nutt opened with prayer. The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 25 November 2020 at 11:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal Council held on **Wednesday, 25 November 2020 at 11:00, be confirmed.**

3.2 Minutes of a Special Meeting of the Council held on Wednesday, 27 January 2021 at 11:00**RESOLVED:**

that the Minutes of a **Special Meeting** of the Council held on **Wednesday, 27 January 2021 at 11:00, be confirmed.**

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

The Executive Mayor, Ald D Coetzee, congratulated the 2020 Overstrand matric learners on their achievements despite the difficult circumstances during the Covid-19 pandemic. He especially congratulated Danie Gouws from Hermanus High School with his mathematics results which placed him first in the country, as well as Jean Weight from Curro Hermanus who not only achieved 100% for mathematics but also had 8 A's. The Municipal Manager, Mr D O'Neill's daughter was also congratulated for passing matric as well as Director D Arrison's daughter who achieved 3 distinctions.

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)

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)

CLLR S TEBELE CALLED FOR A POINT OF ORDER IN TERMS OF RULE 22(1) OF THE STANDARD BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS WHILE CLLR M MHANA WAS HOLDING THE FLOOR. THE SPEAKER RULED THE MOTION TO BE GOOD.

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:35

THE MEETING RESUMED AT 11:45

CLLR S TEBELE, SECONDED BY ALD M SAPEPA, SUBMITTED A MOTION IN TERMS OF RULE 36 OF THE STANDARD BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS, THAT NO FURTHER DEBATE TAKE PLACE ON THIS MATTER.

WHEN PUT TO THE VOTE, NO PERSON WAS OPPOSED TO THE MOTION AND THE ORIGINAL RECOMMENDATION WAS CARRIED.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

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)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the direct alienation of Erven 3661 and 3662, Betty's Bay (respectively 840m² and 1044m² 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 (17772m² 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)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

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)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**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**

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.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

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)

None

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)

None

The meeting adjourned at 12:34

DATE

THE SPEAKER – A COETSEE