

MINUTES OF THE ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON THURSDAY, 31 MAY 2022 AT 9H00

1. OPENING

The Speaker, Councillor C N-J Terblanche welcomed everyone present at 9h00 and requested a moment of silence out of respect for the different denominations and asked all to keep the Wittedrift Excelsior Rugby Club bus accident victims in their thoughts and prayers.

2. ATTENDANCE

As per attached attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

No leave of application was received.

4. DECLARATION OF INTERESTS

No declaration of interests was received.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Council Meeting dated 28 April 2022

That the minutes of the Ordinary Council meeting of 28 April 2022, be and are hereby **CONFIRMED AND SIGNED**.

Proposed: Councillor W J Nel
Seconded: Councillor M P Busakwe

5.2 Minutes of the Special Council Meeting dated 9 May 2022

That the minutes of the Special Council meeting of 9 May 2022, be and are hereby **CONFIRMED AND SIGNED**.

Proposed: Councillor W J Nel
Seconded: Councillor S E Gcabayi

CNS

6. STATEMENTS AND COMMUNICATIONS BY:**6.1 The Executive Mayor**

The Executive Mayor, Councillor D J Swart asked that everyone keep the Excelsior Rugby club players and their families in their thoughts and prayers and requested that all pray for the family who have lost their 2-year-old child, a player whose arm was amputated and others that were also seriously injured.

Census 2022: The Mayor informed all that 31 May 2022 is the last day for people to make sure that they get counted for census 2022 and asked all residents to use this opportunity to become part of the census count. He mentioned that the municipality has arranged for staff to be present at all community halls as from 10h00.

Covid-19: Councillor Swart urged all to continue to wear their masks in confined spaces.

Budget and IDP: The Executive Mayor reminded Councillors that the municipality must ensure that its Integrated Development Plan (IDP), Budget and budget related policies are aligned in accordance with Section 21 of the Municipal Finance Management Act (MFMA) and that it is credible and consistent. He notified all that communication was received from the MEC to inform the municipality to adjust its Urban Edge, within its Spatial Development Framework Plan. The mayor then announced that the municipality will not be able to approve its Budget and IDP on this day but will refer the items that is on the agenda to address the Urban Edge and indicated that the Items will re-tabled within 7 days of 31 May 2022.

6.2 The Speaker

The Speaker emphasized that all keep the bus accident victims and their families in their thoughts and prayers.

7. PRESENTATION

None

8. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

There was no Items for Information to be dealt with.

9. NOTING OF OUTSTANDING / PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS

1. That it be noted that resolutions that dates back to 2019 is still not finalised.
2. That officials ensure that they finalise their resolutions on the decision management system.

3. That it be **NOTED** that the Speaker will address outstanding resolutions with the Whip of Council.

FOR INFORMATION

10 CONSIDERATION OF REPORTS (OPEN)

Section 1: Office of the Municipal Manager

Resolution C/1/54/05/22

**REPORT FROM THE AUDIT AND PERFORMANCE AUDIT COMMITTEE
CHAIRPERSON FOR 2021/22 QUARTER 1 AND QUARTER 2**

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 9/1/7 **Delegation:** Council

Resolved

That Council takes cognizance of the report from the Chairperson of the Audit and Performance Audit Committee for 2021/22 Quarter 1 and Quarter 2.

Proposed: Councillor W J Nel
Seconded: Councillor T Mkhona

EXECUTION: Chief Audit Executive
Cc: Municipal Manager and Directors

Resolution C/1/55/05/22

ADOPTION OF 2022-2027 INTEGRATED DEVELOPMENT PLAN

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 2/8/5 **Delegation:** Council

The Speaker read into the record a correspondence received from the Chairperson, Mr. Clement J Titus, from the New Horizons Concerned Residents titled: "Mandate from Ward 4 to reject the 2002 / 2023 annual budget and IDP" dated 30 May 2022.

The Municipal Manager placed on record that he reserves the right to take action in respect of the accusations levelled against him in the correspondence.

CJS

Resolved

That the Item be REFERRED BACK.

Proposed: Councillor T Mhlana
Seconded: Councillor D J Swart

EXECUTION: Manager Integrated Development Planning
Cc: Senior Manager: Governance and Compliance

Resolution C/1/56/05/22

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE REPORT ON UNAUTHORISED EXPENDITURE FROM 2021 TO 2022 FINANCIAL YEAR

Comm: Municipal Public Accounts Committee
File Ref: 5/15/5/1

Ward: All Wards
Delegation: Council

Resolved.

That the Municipal Public Accounts Committee resolved to recommend to Council that:

- a. Council writes off the Expenditure outlined in Annexure A
- b. the expenditure contained in Annexure B be referred back for more explanation and or information.
- c. for Expenditure outlined in Annexure C, the Accounting Officer be permitted to implement Consequence Management to the officials implicated in the Report.

Proposed: Councillor M Nel
Seconded: Councillor N Mlayi

EXECUTION: Municipal Manager, MPAC Coordinator
Cc: Director Financial Services, Manager Office of the Speaker

Section 2: Financial Services

Resolution C/2/45/05/22

SECTION 71 REPORT FOR THE MONTH OF 30 APRIL 2022

Portfolio Committee: Finance & Corporate Services
File Ref: 9/1/3/4

Demarcation: All Wards
Delegation: Council

Resolved

1. That cognisance be taken of the Section 71 report for the month ending 30 April 2022.
2. That an overtime expenditure report, be submitted for the period July 2021 to date, detailing the exact departmental/ sectional cost centre expenditure linked to the customer care call log report to determine where the reported services defaults are occurring after hours.
3. That the report as mentioned in (2) above be submitted quarterly.
4. That a departmental breakdown report on current contracted services be submitted to the next portfolio committee meeting.
5. That it be noted that the figures relating to transfers and subsidies is incorrect and that an updated report with correct figures be submitted to the next meeting.
6. That the report on all municipal business property rental stock be submitted to the next portfolio committee meeting, and that it include detail of "lessees" that are using municipal properties (including hanger rental, employees leasing municipal houses) but where no lease agreements are in place.
7. That the legal department includes its input in respect of the way forward on matters where challenges are experienced, as mentioned in (6) above.
8. That a separate detailed report be submitted on the Beacon Island Flats rental stock.
9. That it be noted that the Manager Revenue Services will forward the information on the properties which were incorrectly billed and currently under investigation as reflected on page 23 under Water Services to the Portfolio Committee Members.

Proposed: Councillor A R Olivier

Seconded: Councillor W J Nel

EXECUTION: Manager Budget and Reporting, Senior Manager: HRM, Manager Facilities Management, Manager Legal, Manager Revenue Services,

Cc: Director Financial Services, Director Corporate Services

Resolution C/2/46/05/22

REVIEW OF BITOU SUPPLY CHAIN MANAGEMENT POLICIES

Portfolio Comm: Finance & Engineering

Demarcation: All Wards

File Ref: 8/1/5/5/2

Delegation: Council

Resolved

That the Item be WITHDRAWN.

Proposed: Councillor T Mhlana

Seconded: Councillor S E Gcabayi

EXECUTION: Manager: Supply Chain Management

Cc: Senior Manager: Supply Chain Management and Expenditure, Director Financial Services

Resolution C/2/47/05/22

For record: The item number was rectified in the meeting as reflected

EXTENSION OF SUPPLY CHAIN MANAGEMENT CONTRACT EXPIRYING 30 JUNE 2022 FOR A PERIOD AS FROM 01 JULY UNTIL 30 SEPTEMBER 2022

Portfolio Comm: Finance & Corporate Services

Demarcation: All Wards

File Ref: 8/1/5/5/2

Delegation: Council

Resolved

That Council note the contract amendments and/or expansion expiring 30 June 2022 as per Annexure A circulated with the agenda.

Proposed: Councillor N Ndayi

Seconded: Councillor W J Nel

EXECUTION: Acting Manager: Supply Chain Management

Cc: Director Financial Services

Resolution C/2/48/05/22

FINAL ANNUAL BUDGET: 2022/23 TO 2024/25 MEDIUM TERM REVENUE AND EXPENDITURE FORECAST (MTREF)

Portfolio Comm: Finance & Corporate Services
File Ref: 5/1/1/18

Demarcation: All wards
Delegation: Council

Resolved

That the Item be REFERRED BACK.

Proposed: Councillor D J Swart
Seconded: Councillor W J Nel

EXECUTION: Manager: Budget and Reporting
Cc: Municipal Manager, Director Financial Services

Resolution C/2/49/05/22

ADJUSTMENT BUDGET 2021/22

Portfolio Comm: Finance & Corporate Services
File Ref:

Wards: All Wards
Delegation: Council

Resolved

1. That Council approves the Adjustments Budget Narrative as per attached Annexure A.
2. That Council approves the B-Schedule, supporting tables, the correction of the mSCOA segments and the reallocation of savings that has been identified for Water and Sanitation, EPW for Grass cutting projects and identified as errors in the Annual Budget as per Annexure B.
3. That Council approves the Capital Budget to include the revised projects of MIG and Human Settlement grants as per Annexure C.
4. That Council approves additional funds newly gazetted amounting to R9million excluding Vat as per annexure D.
5. That Council approves the funding from Provincial Department of Human Settlement for decanting of Qolweni non-qualifiers as per Annexure E.

6. That Council approves the unauthorised expenditure as recommended by the MPAC as per annexure F.

Proposed: Councillor D J Swart
Seconded: Councillor W J Nel

EXECUTION: Manager: Budget and Reporting
Cc: Director Financial Services, Municipal Manager

Section 3: Directorate Corporate Services

Resolution C/3/36/05/22

MAIN COLLECTIVE AGREEMENT PROPOSED SALGA AMENDMENTS

Portfolio Comm: Finance & Corporate Services
File Ref: 12/2/1/3/1
Demarcation: All Wards
Delegation: Council

Resolved

1. That Council agree to give mandate to the SALGA Negotiating Team on the proposed amendments as reflected in the draft Main Collective Agreement document.
2. That regular feedback be given to municipalities on the continuing negotiations on the Main Collective Agreement until it is concluded.
3. That the relevant Portfolio Councillor be mandated to represent Council at the proposed meeting of 2 June 2022 and be accompanied with an official.

Proposed: Councillor A R Olivier
Seconded: Councillor W J Nel

EXECUTION: Senior Manager: HRM
Cc: Director Corporate Services

Section 4: Community Services

Resolution C/4/11/05/22

PROGRESS REPORT: CONSTRUCTION OF QOLWENI PHASE 3A 169 TOP STRUCTURES

Portfolio Comm: Engineering & Community Services
File Ref: 17/6/3/10

Demarcation: Ward 3
Delegation: Council

Resolved

1. That the Council take cognizance of the progress report on the construction of Qolweni Phase 3a 169 Top Structures
2. That Council approve the planned allocation strategy for the first 30 houses for purposes of opening up more space as follows;
 - (i) Qualifiers within Qolweni with large shacks – 15 Qualifiers
 - (ii) Qualifiers within Minaar Land TRAs that occupy TRAs – 5 Qualifiers
 - (iii) Qualifiers within Bossiesgrif with large shacks – 5 Qualifiers
 - (iv) Qualifiers within Pine Tree TRAs with large TRAs – 5 Qualifiers
3. That once the qualifiers in (2) have been reallocated, the temporary shacks be demolished, and that law enforcement monitor the sites to ensure that shacks are not being rebuilt.
4. That the Housing Allocation policy be reviewed and be submitted for Council approval in June 2022.
5. That a report on the housing allocation and the safeguarding of the data base be submitted the next meeting.
6. That a strategic session be conducted with Councillors regarding informal settlements as soon as possible.

Proposed: Councillor M P Busakwe
Seconded: Councillor N Ndayi

EXECUTION: Manager Integrated Human Settlement
Cc: Director Community Services

Section 5: Engineering Services

Resolution C/5/22/05/22

WATER SERVICES QUARTERLY REPORT – THIRD QUARTER - JANUARY 2022 TO MARCH 2022

Portfolio Comm: Engineering Services & Community Services **Demarcation:** All Wards
File Ref: 9/1/3/5/1 **Delegation:** Portfolio

Resolved

1. That cognisance be taken of the activities of the Water Services Section for the third quarter of 2021/2022.
2. That the outstanding performance of the officials be noted, and that the officials be commended for their commitment and outstanding achievements.

Proposed: Councillor D J Swart
Seconded: Councillor W J Nel

FOR INFORMATION: Manager Water Services Director Engineering Services

Resolution C/5/25/05/22

EXPANDED PUBLIC WORKS PROGRAMMES: PLANNED PROJECTS FOR 2022/23 FINANCIAL YEAR

Portfolio Comm: Community & Engineering Services **Demarcation:** All Wards
File Ref: 17/14/1/2 **Delegation:** Council

Resolved

That the Council approve the planned EPWP project list as per annexure A, circulated with the agenda for 2022/23 Financial Year.

Proposed: Councillor W J Nel
Seconded: Councillor M P Busakwe

EXECUTION: Project Manager: Project Management Unit
Cc: Manager: Budget and Reporting

CWS

Resolution C/5/26/05/22

REPORT ON THE SMALL-SCALE EMBEDDED GENERATION PROGRAM MANAGED BY THE ELECTRICAL AND MECHANICAL DEPARTMENT

Portfolio Comm: Engineering & Community Services
File Ref: 9/1/3/5/3

Demarcation: All Wards
Delegation: Council

Resolved

1. That the report on the status of the Small-Scale Embedded Generator (SSEG) program managed by the Electrical and Mechanical Department, be noted.
2. That Council communicate with the public during their public meetings as well as on its social media platforms of the need to register illegal installations to avoid disconnection of the electricity supply.

Proposed: Councillor T Mhlana
Seconded: Councillor M P Busakwe

EXECUTION: Senior Manager: Electrical and Mechanical Engineering Services
Cc: Director Engineering Services

Resolution C/5/27/05/22

CAPITAL PROJECTS IMPLEMENTATION PLAN (CPIP): PROGRESS REPORT FOR PERIOD ENDING MARCH 2022

Portfolio Comm: Engineering & Community Services
File Ref: 5/7/1/12

Demarcation: All Wards
Delegation: Council

Resolved

That Council takes cognizance of the Capital Project Implementation Plan (CPIP) for the period ending March 2022 and progress recorded therein.

Proposed: Councillor M P Busakwe
Seconded: Councillor N Ndayi

EXECUTION: Project Manager: Project Management Unit
Cc: Director Engineering Services

CS

Resolution C/5/28/05/22

PROGRESS ON THE SOLAR WATER HEATER PROJECT IMPLEMENTED BY THE DEPARTMENT OF MINERALS, RESOURCES AND ENERGY (DMRE)

Portfolio Comm: Engineering & Community Services
File Ref: 12/2/1/4/47

Demarcation: All Wards
Delegation: Council

Resolved

1. That this Item be REFERRED BACK to a Special Council Meeting.
2. That a comprehensive report be compiled to include the following detail that will assist Council to determine whether it will be able to render assistance to the affected beneficiaries;
 - a. Number of houses affected by leaked roofs and the magnitude of damage
 - b. Partial installed geysers and faulty installed geysers (where parts are required).

Proposed: Councillor A R Oliver
Seconded: Councillor W J Nel

EXECUTION: Senior Manager Electrical and Mechanical Engineering Services
Cc: Director Engineering Services

Section 6: Economic Development & Planning

Resolution C/6/25/05/22

ECONOMIC DEVELOPMENT AND TOURISM REPORT: 01 JANUARY 2022 – 31 MARCH 2022

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 9/1/3/6

Demarcation: All Wards
Delegation: Council

Resolved

1. That cognizance be taken of the content of the Economic Development and Tourism Report for the quarter ending 31 March 2022.
2. That it be noted that future reports reflect must municipal financial contributions towards events and that Plettenberg Bay Tourism report on their activities as contained in the existing Service Level Agreement.

3. ~~That the relevant Portfolio Committee address their reporting expectations with the Economic Development division to ensure that standardised reports are submitted henceforth.~~

Proposed: Councillor S A Mangxaba

Seconded: Councillor S E Geabayi

EXECUTION: Manager Local Economic Development

Cc: Director Economic Development and Planning

****For the record – The above Resolution C/6/25/05/22, was NOT APPROVED at the Ordinary Council meeting of 30 June 2022 and must be reviewed and submitted to the next meeting for approval.**

Resolution C/6/26/05/22

BUILDING CONTROL: MONTHLY REPORTS: JANUARY 2022 – MARCH 2022

Portfolio Comm: Strategic Services & Office of the Mayor Demarcation: All Wards

File Ref: 9/1/3/7

Delegation: Council

Resolved

1. That Council notes the monthly reports of the Building Control section for the period January 2022 – March 2022.
2. That the report includes the timeframe for approval of building plans from submission stage.
3. That a standard form be used for reporting timeline information.

Proposed: Councillor W J Neill

Seconded: Councillor A R Olivier

EXECUTION: Manager Building Control

Cc: Director Economic Development and Planning

Resolution C/6/27/05/22

ERF 13206, KWANOKUTHULA: PROPOSED LEASE FOR PARKING PURPOSES

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 18/13206/PB

Demarcation: Ward 6
Delegation: Council

Resolved

1. ~~That the Council notes the following:~~

- ~~(a) That an unsolicited bid has been received from the owner of Erf 13466 (Kwanokuthula) to lease the vacant Erf 13206 (Kwanokuthula) for parking purposes.~~
- ~~(b) That as the purpose of the proposed lease is to provide parking for a specific purpose it was not deemed necessary for a formal tender process to be conducted.~~

2. ~~That it be resolved for the purposes of Section 14 (1) and 14 (2) (a) of the MFMA, read with Section 5 (b) (i) of the Asset Transfer Regulations, that Erf 13206 (Kwanokuthula) is not required to provide a minimum level of basic municipal services.~~

3. ~~That it be resolved for the purposes of Section 7 (a) of the Asset Transfer Regulations that Erf 13206 (Kwanokuthula) will not be required by the Municipality during the lease period.~~

4. ~~That a public participation process be followed and after conclusion thereof referred to council for approval.~~

5. ~~That an item be submitted to explain the different processes that are being followed for the lease of municipal property.~~

Proposed: ~~Councillor S A Mngxaba~~

Seconded: ~~Councillor S E Gcabayi~~

EXECUTION: ~~Senior Manager: Land Use Planning~~

Ce: ~~Director Economic Development and Planning~~

****For the record – The above Resolution C/6/27/05/22, was NOT APPROVED at the Ordinary Council meeting of 30 June 2022 and must be reviewed and submitted to the next meeting for approval.**

WS

Resolution C/6/28/05/22

ERVEN 103 AND 104 WITTEDRIFT: PROPOSED DEVELOPMENT AND PURCHASE OF A PORTION OF ROTTERDAM STREET

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 18/103&104/WD

Demarcation: Ward 1
Delegation: Council

Resolved

1. That the Council notes the following:
 - (a) That an unsolicited bid has been received on behalf of the owners of Erven 103 and 104, Wittedrift to purchase the portion of Rotterdam Street situated between these two properties.
 - (b) That the purpose of the proposed purchase is to facilitate the development of a retirement village on the properties concerned.
 - (c) That the portion of land is 2 921 m² in extent and has been independently valued at R147 000 during May 2019.
 - (d) That the proposal was advertised to allow other interested parties an opportunity to show interest in the purchase of the relevant portion of Rotterdam Street, and that no such interest was shown.
 - (e) That the proposal was advertised to allow the general public an opportunity to comment on the principle of the proposed disposal of the relevant portion of Rotterdam Street, that one objection was received from Mr. RO Stephenson, and that the applicant has adequately responded to this objection.
2. That it be resolved for the purposes of Section 14 (1) and 14 (2) (a) of the MFMA, read with Section 5 (b) of the Asset Transfer Regulations, that the portion of Rotterdam Street situated between Erven 103 and 104, Wittedrift is not required to provide a minimum level of basic municipal services.
3. That it be resolved for the purposes of Section 7 (a) of the Asset Transfer Regulations that the portion of Rotterdam Street situated between Erven 103 and 104, Wittedrift will not in future be required by the Municipality.
4. That after due consideration of all the prescribed requirements in principle approval be granted in terms of Section 5 (b) (ii), read with Section 5 (6), of the Asset Transfer Regulations for the disposal of the portion of Rotterdam Street situated (2 921 m² in extent) between Erven 103 and 104, Wittedrift and the selling of this land to the owners/developers of Erven 103 and 104, Wittedrift, subject to the following conditions:
 - (a) That the prescribed road closure, rezoning and related town planning procedures be followed prior to the transfer of the land, and that should those applications not be approved the in-principle approval to dispose of the land will become null and void;

- (b) That the land be sold at market related value based on the average of the valuations of two independent valuers.
 - (c) That no alienation of the land occurs until such time that the landowner/developer has entered into a service level agreement with the Municipality in respect of the proposed development of a retirement village;
 - (d) That any municipal services that may be located or found on the portion of Rotterdam Street to be disposed of be relocated at the cost of the owner/developer to the satisfaction of the Municipality.
5. That authority be delegated to the Municipal Manager to, subject to the requirements of paragraph 4 above, enter into a sales agreement with the owner/developer of Eren 103 and 104, Wittedrift.

Proposed: Councillor W J Nel
Seconded: Councillor A R Olivier

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

APPROVED

CNS

Resolution C/6/29/05/22

BITOU MUNICIPAL PLANNING TRIBUNAL

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 1/2/1/1 & 15/1/P
Demarcation: All Wards
Delegation: Council

Resolved

1. That the Manager: IDP replaces the Director: Community Services as an internal member of the Bitou Planning Tribunal.
2. That the Knysna Municipality be requested to nominate a town planner in the service of that Municipality to serve as external member of the Bitou Planning Tribunal and that should that process not be completed by 31 August 2022 the vacancy be advertised for public nominations.
3. That a call for nominations for the new tribunal be requested at the end of August 2022.

Proposed: Councillor W J Nel
Seconded: Councillor A R Olivier

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

Resolution C/6/30/05/22

PROPOSED SHARKSAFE™ BARRIER AT CENTRAL BEACH

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 15/1/10
Demarcation: All Wards
Delegation: Council

Resolved

1. That Council provide principle support for the proposed research of Dr Sara Andreotti to be able to obtain a research permit from the Department of Forestry, Fisheries and the Environment.
2. That once a research permit has been obtained and the pre-feasibility process is concluded, the final proposal be submitted to Council for approval.
3. That an advertisement be placed in the local newspapers to inform the public regarding the proposed research as mentioned in 1. above.

Proposed: Councillor W J Nel
Seconded: Councillor A R Olivier

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

CWS

Resolution C/6/31/05/22

MUNICIPAL OFFICES: MELLVILLE CORNER OFFICES (LEASE AGREEMENT)

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 18/2950/PB

Demarcation: Ward 2
Delegation: Council

Resolved

1. That a report be submitted regarding all the options for the development of future municipal offices.
2. That it be agreed in principle that the current lease agreement to accommodate municipal offices in the Mellville Corner Centre should be extended until the expiry period of the lease agreement in respect of Erf 2950, Plettenberg Bay between the Municipality and the owners of the Mellville Corner Centre, and that the following additional areas be included in the new lease agreement:
 - (a) Harrison Grove
 - (b) Any additional and available space that could in the opinion of the Municipal Manager be used for office space to accommodate the immediate needs of the Municipality.
3. That authority be granted to the Municipal Manager to negotiate the extension of the lease agreement referred to in paragraph 2 above, provided that the final lease agreement be submitted to the Council for approval.
4. That an attempt be made to renegotiate the escalation costs to bring it in line with CPIX.

Proposed: Councillor M Nel
Seconded: Councillor A R Olivier

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

Resolution C/6/32/05/22

LAND AUDIT: MUNICIPAL AND STATE LAND

Portfolio Comm: Strategic Services & Office of the MM

File Ref: 7/2/5

Demarcation: All Wards

Delegation: Council

Resolved

That Council take note of the Draft Land Audits as mentioned below, circulated per annexures with the agenda:

- (a) Draft Land Audit (Municipal land) (June 2021)
- (b) Draft Land Audit (Provincial land) (September 2021)
- (c) Draft Land Audit for National land (September 2021)

Proposed: Councillor W J Nel

Seconded: Councillor S E Gcabayi

EXECUTION: Senior Manager: Land Use Planning

Cc: Director Economic Development and Planning

Resolution C/6/33/05/22

PROPOSED REDUCTION IN PUBLIC LAUNCH SITE LAUNCHING FEES AND REQUESTED SPECIAL ARRANGEMENTS FOR SMALL SCALE FISHERS

Portfolio Comm: Strategic Services & Office of the MM

File Ref: 15/1/10

Demarcation: Ward 2

Delegation: Council

Resolved

1. That, subject to paragraph 2 below, a small-scale traditional fisher, be exempted from paying the commercial operator tariff of R28 214.60 (including VAT).
2. That qualifying small-scale fishers be allowed to pay the annual tariff of recreational fishers of R2969.96 (including VAT).
3. That the request by Thulamanzi Fishing Services to operate outside the hours from sunrise to sunset, not be approved.

Proposed: Councillor W J Nel

Seconded: Councillor S E Gcabayi

EXECUTION: Senior Manager: Land Use Planning

Cc: Director Economic Development and Planning

Resolution C/6/34/05/22

ERF 5342, KWANOKUTHULA: PROPOSED LEASE TO ALLOW THE CONSTRUCTION OF TEMPORARY CLASSROOMS FOR MURRAY HIGH

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 18/5342/PB

Demarcation: Ward 6
Delegation: Council

Resolved

1. That the Council notes the following:
 - (a) That the Department of Education has requested the Municipality to make land available for the construction of temporary classrooms for Murray High School.
 - (b) That a portion of the vacant Erf 5342 (Kwanokuthula) has been identified as the most appropriate option to accommodate the temporary classrooms.
2. That it be resolved for the purposes of Section 14 (1) and 14 (2) (a) of the MFMA, read with Section 5 (b) (i) of the Asset Transfer Regulations, that the whole of Erf 5342 (Kwanokuthula) is not required to provide a minimum level of basic municipal services.
3. That it be resolved for the purposes of Section 7 (a) of the Asset Transfer Regulations that the whole of Erf 5342 (Kwanokuthula) will not be required by the Municipality during the lease period.
4. That after due consideration of all the prescribed requirements in principle approval be granted in terms of Section 5 (b) (ii), read with Section 5 (6), of the Asset Transfer Regulations for the lease of a portion of Erf 5342 (Kwanokuthula) to the Department of Education, subject to the following conditions:
 - (a) That it be recorded that the purpose of the lease is to allow the construction of temporary classrooms and related facilities for Murray High School, and that should such classrooms not be constructed within a period of 12 months this approval will lapse;
 - (b) That the lease period be for 9 years and 11 months;
 - (c) That the land be leased at a nominal rental to be determined by the Municipal Manager;
 - (d) That one (1) hectare of land be leased to the Department of Education;
 - (e) That a Service Level Agreement be entered into between the Department of Education and the Municipality prior to implementation of the project, and that this agreement addresses (but not be limited to) aspects such as the provision / protection of services, security, etc.

5. That authority be delegated to the Municipal Manager to, subject to the requirements of paragraph 4 above, enter into a lease agreement with the Department of Education in respect of the identified portion of Erf 5342 (Kwanokuthula).

Proposed: Councillor M P Busakwe
Seconded: Councillor N Ndayi

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

Resolution C/6/35/05/22

PROPOSED AMENDMENT TO COUNCIL RESOLUTION: TRANSFORMATION OF CERTAIN RURAL AREAS ACT, 1998, ACT 94 OF 1998: CONFIRMATION OF LAND TRANSFER BENEFICIARIES IN KRANSHOEK

Portfolio Comm: Strategic Services & Office of the MM Demarcation: Ward 7
Portfolio Comm: 17/6/3/3 & 17/6/4 Delegation: Council

Resolved

1. That paragraph 2 (b) of the Council resolution C/6/329/07/16 dated July 2016 be amended to read as follows:
Portion 6 of 432, (Title Deed 17361/257) excluding an extension of the existing cemetery specifically for use by the general public in terms of resolution C/6/115/09/12, with servitudes over existing roads and infrastructure.
2. That paragraph 3 (a) of the Council resolution C/6/329/07/16 dated July 2016 be amended to read as follows:
That Erf 565 be subdivided into portion A (to accommodate current municipal infrastructure) and portion B (to accommodate an existing road) and the remainder be transferred to the KCPA.
3. That paragraph 3 (b) of the Council resolution C/6/329/07/16 dated July 2016 be amended to read as follows:
That Erf 565 be transferred (with the inclusion of the dam) and municipal services (if any) be secured by way of servitudes in favour of the municipality and a servitude of access in favour of the public be provided.
4. That paragraph 4 of the Council resolution C/6/329/07/16 dated July 2016 be amended to read as follows:
That the Department of Rural Development and Land Reform be informed of resolution (1) and (2) and (3) above, clearly defining the existing demarcated areas.

Proposed: Councillor A R Olivier
Seconded: Councillor W J Nel

EXECUTION: Senior Manager: Land Use Planning
Cc: Director Economic Development and Planning

Resolution C/6/36/05/22

PROPOSED SPECIAL RATING AREA (SRA) BY-LAW FOR BITOU MUNICIPALITY

Portfolio Comm: Strategic Services & Office of the MM

Demarcation: All wards

File Ref: 15/1/10

Delegation: Council

Resolved

1. That Council take note of the draft Bitou Special Rating Areas By-Law for purposes of public participation.
2. That Council take note of the draft Bitou Special Rating Area Policy to assist in the administration of Special Rating Applications.
3. That the draft Bitou Special Rating Area Policy be advertised for public comments and workshopped with all councillors and be brought back for final approval in June 2022.

Proposed: Councillor A R Olivier

Seconded: Councillor W J Nel

EXECUTION: Senior Manager: Land Use Planning

Cc: Director Economic Development and Planning

11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None received

12. CONSIDERATION OF NOTICES OF MOTION

None received

13. CONSIDERATION OF NOTICES OF QUESTION

None received

14. CONSIDERATION OF MOTIONS OF EXIGENCY

None received

CAS

15. IN-COMMITTEE MATTERS

15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)

15.1.1 Minutes of the Ordinary Council In-Committee meeting dated 28 April 2022

In-Committee Minutes circulated separately as part of the In-Committee Addendum.

15.2 CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)

Items for consideration: Schedule of Items circulated separately as part of the In-Committee Addendum.

16. RECORDING OF COUNCILLORS PRESENT

The Speaker, Councillor C N-J Terblanche requested that Councillors verbally record their presence in the following order;

Councillor D J Swart, Councillor M P Basakwe, Councillor W J Nel, Councillor A R Olivier, Councillor N Ndayi, Councillor M A M Botha, Councillor N P Kolwapi, Councillor N T Seti, Councillor S A Mangxaba, Councillor S F Gcabayi, Councillor T Mhlana, Councillor C N-J Terblanche and Councillor J N Kanyo.

17. CLOSURE

The Council meeting where Open Items were discussed closed at 12h16.

CONFIRMED AND SIGNED

SIGNATURE:



The Speaker, Councillor C N-J Terblanche

DATE:

30 JUNE 2022



ATTENDANCE REGISTER

**ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD
IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET,
PLETTENBERG BAY ON TUESDAY, 31 MAY 2022 AT 9H00**

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M A M BOTHA	
COUNCILLOR M P BUSAKWE (Deputy Executive Mayor)	
COUNCILLOR S E GCABAYI	
COUNCILLOR J N KAMKAM	Virtual
COUNCILLOR N P KOLWAPI	
COUNCILLOR S A MANGXABA	
COUNCILLOR T MHLANA	
COUNCILLOR N NDAYI	
COUNCILLOR W J NEL	
COUNCILLOR A R OLIVIER	
COUNCILLOR N T SETI	
COUNCILLOR D J SWART (Executive Mayor)	
COUNCILLOR C N-J TERBLANCHE (Speaker)	



ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON TUESDAY, 31 MAY 2022 AT 9H00

OFFICIALS

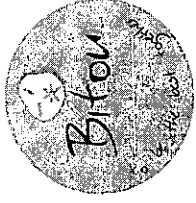
<u>DESIGNATION</u>	<u>NAME</u>	<u>SIGNATURE</u>
The Municipal Manager	Mr M Memani	
DIRECTORS		
Director: Financial Services	Mr N Dyushu	
Director: Corporate Services	Mrs M Mpahlwa	
Director: Economic Development and Planning	Mr. L Gericke	
Acting Director: Community Services	Mr. M J Fourie	
Acting Director: Engineering Services	Mr M Rhode	
MANAGERS		
Manager: Administration	Mrs. T Wildeman	
Acting Manager: Governance and Compliance	Mr A Croutz	VIRTUAL
Manager Legal Services	Mr L Loliwe	
Manager: Office of the Executive Mayor	Mr H Nieuwoudt	
Manager: Deputy Executive Mayor	Mr X Bangela	
Manager: Office of the Speaker	Mr R Plaatjies	
Chief Audit Executive	Ms H Bester	VIRTUAL
Chief Risk Officer	Mrs C V Staden	VIRTUAL
Manager: Communications	Mr A Namntu	
Principle Committee Officer	Ms J Jansen	
Senior Communications Officer	Mr R Kova	VIRTUAL

BITOU LOCAL MUNICIPALITY

**ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE
COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY
ON TUESDAY, 31 MAY 2022 AT 9H00**

[illegible]

CS



ATTENDANCE REGISTER

Interested members of the Public

Thank you for attending

Name	Contact number	Email address	Representing	Signature
Granville N.	063 8242440		NHCRF	
C. T. 7.7.23	0284781235		NHCRF	
Paul Lukas	0745337217		NHCRF	
Rodwene Andrews	0739870854			
T. M. 27.6.23	0712762303		Golweni	
M. Fournie	071 875 1958	mfourie@plet.gov.za	D. comm. S.	
R. Blaguer	076 242 5871	rplaatjes@plet.gov.za	Office / Speaker	

ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON TUESDAY, 31 MAY 2022 AT 9H00

CMS