



KOUGA

local municipality

Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

SUPPLEMENTARY AGENDA

Date : 06 September 2021
Time : 11:00
Venue : Virtual Meeting

KOUGA MUNICIPALITY (EC108) <u>NOTICE CONVENING A MEETING</u>	UMASIPALA I-KOUGA (EC108) <u>ISAZISO NGENTLANGANISO</u>	MUNISIPALITEIT KOUGA (OK108) <u>KENNISGEWING VAN VERGADERING</u>
NOTICE IS HEREBY GIVEN in terms of the amended Directions on Municipal Operations and Governance, in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Special Council Meeting will be held on <u>DATE:</u> 06 September 2021 <u>TIME:</u> 11:00  p.p <u>H. BORNMAN</u> SPEAKER	OKU KUKWAZISA malunga neZikhokelo eziLungisiweyo ekuSebenzeni koMasipala kunye noLawulo ngokweMigagqo yeCandelo lama 27(2) loMthetho woLawulo lweNtlekele ka 2002, ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile <u>UMHLA:</u> 06 EyoMsintsi 2021 <u>IXESHA:</u> 11:00  p.p <u>H. BORNMAN</u> USOMLOMO	KENNIS GESKIED HIERMEE ingevolge die gewysigde Aanwysings Vir Munisipale Bedrywighede En Bestuur, Ingevolge Artikel 27 (2) van die Wet op Rampbestuur, 2002, dat 'n virtuele raadsvergadering gehou sal word op <u>DATUM:</u> 06 September 2021 <u>TYD:</u> 11:00  p.p <u>H. BORNMAN</u> SPEAKER

Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

SUPPLEMENTARY AGENDA

1. MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

2. **REPORTS BY THE EXECUTIVE MAYOR**

2.1 **REPORTS BY THE CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT AND TOURISM**

21/09/LED&T1 Amendment of Grant In Aid Policy - Grant In Aid Committee

Pages: 6 – 7

2.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

21/09/PD1 Application To Purchase Erf 2896 - Sea Vista – Industrial Area (Nexus Yachts)

Pages: 9 - 17

3. **CLOSURE**

Distribution list:

Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

MATTERS DEALT
WITH IN TERMS OF
DELEGATED
AUTHORITY BY THE
EXECUTIVE
MAYOR

REPORTS BY
THE
PORTFOLIO
CHAIRPERSON: LOCAL
ECONOMIC
DEVELOPMENT &
TOURISM

KOUGA MUNICIPALITY (EC108)

SPECIAL COUNCIL MEETING

LOCAL ECONOMIC DEVELOPMENT & TOURISM

DATE: 06 SEPTEMBER 2021

ITEM NO: 21/09/LED&T1

AMENDMENT OF GRANT IN AID POLICY - GRANT IN AID COMMITTEE

1. Purpose

The purpose of the item is to request the Council approval for amendment of section 3.2 of the Grant in Aid policy dealing with Grant in Aid Committee.

2. Introduction

The Council approved the Grant- In -Aid policy on 31 May 2017 to address the numerous request it receives from the various organisations in Kouga for funding on an annual basis. The Policy stipulated that the Grant in Aid Committee dealing with the applications be constituted as follows:

3.2 Application Process:

Applications are received and processed within the relevant Directorate. The applications are verified and all relevant information is considered. A list of potential successful applications is then sent to a Grant-in-aid Committee of Council for the screening and recommendation of applications. A report is then compiled by the relevant Director with the proposed allocations as a recommendation.

The Grant-in-aid Committee comprises of the:

- Portfolio Chairperson
- Director of Department
- Manager of Section within the Directorate
- Officer of Section

The applications have traversed and are relevant to number of Directorates within the Municipality and affecting more than one portfolio. It is in view of this that recommendation for amendment of the section dealing with establishment of the GIA committee.

3. Financial Implications

None

4. Recommended

- 4.1 That Council approves the amendment of section 3.2 of the Grant in Aid Policy to read as follows:

“3.2 Application Process

Applications are received and processed within the relevant Directorate. The applications are verified and all relevant information is considered. A list of potential successful applications is then sent to a Grant-in-aid Committee of Council for the screening and recommendation of applications. A report is then compiled by the relevant Director with the proposed allocations as a recommendation.

The Grant-in-aid Committee shall comprise of the:

- Chief Financial Officer (Chairperson)
- All Directors
- Relevant Manager of Section within the Directorate
- Manager Mayor's Office
- Manager: Legal Services"

Item drafted by Director: Planning, Development and Tourism



Endorsed by Municipal Manager:



Noted by the Portfolio Chairperson:



REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
PLANNING &
DEVELOPMENT

KOUGA MUNICIPALITY (EC 108)

SPECIAL COUNCIL MEETING

PLANNING AND DEVELOPMENT

DATE: 06 SEPTEMBER 2021

ITEM NO: 21/09/PD1

APPLICATION TO PURCHASE ERF 2896 - SEA VISTA – INDUSTRIAL AREA (NEXUS YACHTS)

1. Introduction

The purpose of this item is to inform Council of the intention of Nexus Yachts to purchase the subdivided portion Public Open Space erf 2896 in Sea Vista which is situated between 5th and 6th Avenue in the Industrial Area. The extent of the portion measures 2673m². (Annexure "A")

2. Background

An application was received from Nexus Yachts to purchase erf 2896 (POS) rebuild the existing factory which was destroyed in the fire on 9 July 2021. The company intends to expand the factory therefore the application to purchase the adjacent public open space for such purposes.

Motivation: Applicant

Nexus Yachts currently employs ±100 people from Jeffreys Bay, Humansdorp and Sea Vista and has a training program in place for employees for the upliftment of specific skills. In purchasing the said erf will increase floor area of the factory which will result in more employment and improved skills development of the local communities.

3. Section 14 Process

3.1 Comment: Town Planning Department

The Department does not encourage the sale of public open space. All public open spaces must be investigated before disposal.

The Applicant is required to obtain approval for closure of public open space, as well as rezoning to appropriate zoning. In the absence of a title deed, the land use application must include a conveyancer certificate in respect of restrictive conditions pertaining to proposed use. After approval of LUA, a site development must be submitted for approval.

Application of building plan submission after Town Planning and all other legislative requirements are met. Supported subject to all requirements.

3.2 Comment: Technical Services Department

The referred to area has a water problem – water flows over the POS and becomes waterlogged. Application is not supported

3.3 Comment: Assets Section

The process for out of hand sale vs open tender to be investigated. The application is supported subject to:-

- 1) Subdivision be done
- 2) Rezoning be done
- 3) A new market related valuation be done
- 4) Consolidation of the properties
- 5) Ensure that no municipal infrastructure (top or underground) is on the portion referred to.

3.4 Comment: Legal Services

In terms of the requirements as per the Policy and Procedures for the Disposal of Immovable Assets adopted by Council on 29 October 2020:

5.11 The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

(a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;

(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

(c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

3.5 Comment: Land & Properties Department

The Land & Properties Section is in support of the application with due consideration of comments received from the respective departments and subject to legislative requirements and processes followed.

Taking into consideration the provisions of the Policy and Procedures for the Disposal of Immovable Assets, an open tender would be required in this case as it cannot be stated that the said property will not be required for practical use by any other persons.

4. Financial implications

The leading department to obtain the market related valuation of the property contemplated herein.

5. Legal implications

5.3 The Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a municipal immovable property needed to provide the minimum level of basic services, save where the transfer is to another organ of state, as provided for in section 14(6) of the MFMA read with Regulation 24 in Chapter 3 of the MATR.

5.10 The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

(a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;

(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

(c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.

5.11 The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

(a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;

(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

(c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

6. Recommended

6.1 That Council grant in-principle approval for the disposal of erf 2896 (POS) - Sea Vista situated in the Industrial Area through an open tender process.

- 6.2 That Council grant authorization to the Accounting Officer to publish a public advertisement on the intention to dispose and alienate the immovable property herein for public participation.
- 6.4 That Council determine the market related valuation of the immovable property contemplated herein.
- 6.5 That the relevant department rezones and closes the public open space prior to disposal of erf 2896, Jefferys Bay through an open tender process.
- 6.6 That the newly created erf be transferred only once the formal closure, consolidation and rezoning has been concluded, and the conveyance cost be carried by the applicant.

Item prepared by : Acting Manager: Land & Properties

Item approved by: Director: Planning, Development & Tourism



Item Endorsed by: Municipal Manager



Item noted by the Portfolio Chairperson:





Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Leribe
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

APPLICATION FOR MUNICIPAL LAND

APPLICATION TO PURCHASE/LEASE/CONSENT USE OF VACANT KOUGA MUNICIPAL LAND – INDIVIDUALS/PRIVATE

NAME: JOHN BARRY HENRICK

ID NUMBER: 560821 5168 084

CONTACT DETAILS: 0832641933

ERF/PROPERTY APPLYING FOR:

AREA: ST FRANCIS INDUSTRIAL

ERF NUMBER: POS 2896

ADDRESS: BETWEEN 5th and 6th AVENUE, SEA VISTA INDUSTRIAL

PURPOSE OF APPLICATION:

TO PURCHASE THE SUBDIVIDED PORTION OF ERF 2896 POS ,
THE SIZE OF THIS PORTION IS 2673m²

MOTIVATION:

NEXUS YACHTS WHICH WAS DAMAGED IN A FIRE ON 9th JULY,
CURRENTLY EMPLOYS +100 PEOPLE FROM JBAY, HUMANSDORP
AND ST FRANCIS BAY AREA. WE HAVE A TRAINING PROGRAM IN
PLACE FOR SKILLS UPLIFTMENT . WITH THE PURCHASE OF THIS
LAND , WE CAN INCREASE THE FLOOR SIZE OF THE FACTORY WHICH
WILL RESULT IN MORE EMPLOYMENT AND IMPROVED SKILLS
OF OUR LOCAL COMMUNITIES

NAME: JB HENRICK

SIGNATURE:

DATE:

23/07/2021

Annexure "A"





Annexure "B"

Land Parcel

20 Aug 2021 13:55

Erf	2896 of Sea Vista	Zoning: Financials		PUBOS			
Address	Taragona Road	Zoning		LUPO (Section 8) Zoning Scheme - Transport 2			
SG Number	C03400140000289600000	Land Usage: Financials					
Municipality	Kouga	Ward: Financials					
Township/Holding: Title Deed	Sea Vista	Ward: Demarcation Board					
Suburb: Financials	St Francis Bay (70006)	Sources		Deeds Office, Surveyor General, Financials			
Centroid	34.1735506785S 24.823709430314125E	Effective					
Sectional Title	No						
Extent	3.0849Ha						
Extent (SG)							
Extent (Title Deed)	3.0849H						
Comments							
Comment		Type	User Name		Date Made		
Title Deed search from OVVID Resource Centre requested by regardt.			regardt (Regardt van Vuuren)		29 Oct 2015 11:48		
Title Deeds							
Owner	Title Deed	Share	Purchased	Registered	Price	New No	
Mun Kouga	T75593/2001	0.0000		26 Sep 2001	CRT		
Financial Accounts							
Account	Debtor	ID Number		Debtor Type	Owner Tenant		
007002896008	Kouga Municipality (St Francis			Departmental (DEPAR)	Owner (Kouga)		
Properties							
Unit	26 Digit Code	Owner(s)	Scheme		Scheme Number		
0	C0340014000028960000000000	Mun Kouga					
Current Municipal Information							
Valuation Date	Valuation Category	Valuation Category Tariff	Land Value	Improvements Value	Land Area	Improvements Area	
			1000	0	30849	0	
Valuations and Surveys							
Project	Category / Usage	H Area	P / C		Status		Current Value
2013 - 2018. DDP Valuation Roll as Printed	2h-05 (Municipal-Public Open Spaces (P.O.S.)) (Kouga)	Unknown			Valued		1,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		1,000.00
Consolidations and Subdivisions							
Date	Type	From			To		
26 Sep 2001	Subdivision	2896 of Sea Vista			2898 of Sea Vista		
1 Dec 2003	Subdivision	2896 of Sea Vista			2903 of Sea Vista		
23 Feb 2004	Subdivision	2896 of Sea Vista			2902 of Sea Vista		
3 Mar 2004	Subdivision	2896 of Sea Vista			2901 of Sea Vista		
26 Mar 2007	Subdivision	2896 of Sea Vista			2900 of Sea Vista		
26 Mar 2007	Subdivision	2896 of Sea Vista			2899 of Sea Vista		
12 Dec 2007	Subdivision	2896 of Sea Vista			2897 of Sea Vista		

Beacon Description

- A - 15 mm iron peg in rock.
 B - 23 mm iron peg.
 C - 15 mm iron peg.
 D,E,F - 12 mm iron peg.

6735/97

Approved

AB Rodenburg

Surveyor-General

29-10-97

APPROVED BY TOWNSHIP OF SECT. 25 ON CHD. 1/1/1998
REF: N17
DATE: 1997-09-26

