

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON  
WEDNESDAY, 29 JUNE 2022 AT 10:0**

**PRESENT: Councillors**

Ald B Williams	(Speaker)
Ald H Hendricks	(Executive Mayor)
H Bornman	(Deputy Executive Mayor)
Ald D Benson	
T Jantjes	
W Gertenbach	
L Maree	
S Ruth	
H Murray	
R Foley	
B Dhludhlu	
F Heystek	
C August	
M Biko	
M van Niekerk	
J Alexander	
M Dayimani	
P Oliphant	
M Yali	
V Gunuza	
K Ndzelani	
N Ntshota	
M Mbandana	
B Human	
N Ntengwane	
V Zana	
E Mbuqu	
L Nkilishane	
W van der Linde	
M Valgee	

**Officials &  
Municipal Manager**

C du Plessis	(Municipal Manager)
K Moodley	(Director: Corporate Services)
N Machelesi	(Director: Community Services)
R Lorgat	(CFO)
T Madatt	(Acting Director: I&E)
J Marais	(Manager: Town Planning)
M Penxa	(Manager: Housing)
L Opperman	(Manager: Legal Services)
F Jamal	(Manager: Risk & Internal Audit)
M Basson	(Senior Media Liaison Officer)
A Jonck	(Manager: Office of the Mayor)
K Cakata	(Chief Building Officer)
I Fakir	(Internal Audit)
Y Herbst	(Administration Officer)
P Setlai	(Committee Clerk)
N Zode	(Scribe)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting 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 Ordinary Council Meeting will be held.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone to the meeting and read the notice convening the meeting, he then requested Cllr Benson to open the meeting with prayer.

3. **ABSENT WITH LEAVE**

F Mabusela (Director: PDT)

4. **ABSENT WITHOUT LEAVE**

None

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Oliphant extended condolences on behalf of the ANC to the immediate families of the 21 children that died tragically at Enyobeni tavern in East London.

The Speaker thanked the Councillor for highlighting the tragedy and further extended condolences on behalf of Council.

6. **STATEMENTS OR COMMUNICATION BY THE SPEAKER**

The Speaker stated that Section 152 of our county's Constitution, which sets out the objectives of local government, states that we must encourage the involvement of communities and community organizations in the matters of local government.

Local municipalities are compelled by law to ensure that they provide mechanisms for citizens to participate in the affairs of local government. It is pleasing to note just how active this Council has been in promoting the involvement of local citizens in matters that directly affect their daily lives. Up until the end of May 2022, 45 ward committee meetings have been conducted as well as 18 public meetings.

This shows just how committed our Ward Councillors are in serving their communities and that the rigorous process we undertook in electing ward committees has ensured that the right people have been elected to these committees.

Action sheets are developed from minutes taken in ward committee meetings for the inputs of the relevant department/section for resolve & feedback within the stipulated timeframes.

This process is still a work in progress and my office will continue to engage with both the ward Councillors as well as the relevant departments to ensure that the action sheets are attended to and that the ward committees can provide feedback to their communities.

Honorable Mayor, as mentioned earlier, a municipality must establish appropriate mechanisms, processes, and procedures to enable the local community to participate effectively in the affairs of the municipality. The Office of the Speaker therefore convened a meeting on 18 February 2022 to ascertain the functionality of Kouga's MRM in preparation for the re-launch of the structure.

It was resolved that this will take place during the April 2022, thereafter it will form part the District MRM.

The MRM launch was communicated and convened on 13 April 2022. The public and all stakeholders were invited, however due to low turnout the launch was postponed to 18 June 2022.

He further stated that he is pleased to report back to Council that an MRM committee was elected on 18 June 2022 that is representative of all the towns of Kouga as well as being gender diverse with many different interest groups being elected onto the committee.

There is a moral crisis in South Africa that has also negatively impacted our Municipality. This can be seen in the use of drugs among our youth, the crime on our streets and the violence in our schools.

It is vitally important that we take a stand and reclaim our dignity and respect for fellow human beings that can make South Africa a nation that can inspire the world as we did in the days of the dawn of democracy in our land. My office will support the MRM in Kouga, and he urged all the ward structures to become involved and to become the difference in our society.

With the relaxation of Covid regulations, South Africans no longer have to wear masks and be limited in our gatherings. This means that we can revert to physical meetings of Council as well as Portfolios. I will be getting the thoughts of all Councillors in this regard as there are pros and cons to both physical meetings as well as virtual meetings.

Some of our new Councillors have never had the opportunity to meet their fellow Councillors and this has been one of the disadvantages of having virtual meetings. On the other hand, Councillors who have to travel vast distances from all over Kouga have been able to attend meetings virtually without having to leave their towns which has saved on time as well as travel costs which has been an advantage.

Some of our Councillors suffer from ill health and being able to attend meetings virtually without impacting on their conditions has been advantageous to them.

Therefore, I will send out a communication to all Councillors to ascertain your preferences regarding how Council should meet from next month. We can go back to physical meetings, continue with virtual meetings or perhaps have a combination of the two formats.

For instance, we may decide to have ordinary Council meetings physically and special council meetings virtually as an example. In any event, I have requested that the Administration prepare the Council Chamber to ensure we are ready for physical meetings should Council decide this is the best way forward.

Once again, I thank all Councillors for their co-operation and my office remains available to support each Councillor in their function of serving our community.

7. **STATEMENTS OR COMMUNICATION BY THE EXECUTIVE MAYOR**

None

8. **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

The Speaker proposed that minutes of the Sarah Baartman District Meetings should be added to the agenda.

9. **REPORT BACK: INTERGOVERNMENTAL RELATIONS FORUM (IGR)**

None

10. **REPORT BACK: MUNIMEC**

None

11. **DECLARATION OF INTEREST**

None

12. **STATUTORY MATTERS**

None

13. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR NOTING**

Minutes of the Mayoral Committee meeting held on 19 April 2022 be noted

14. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

14.1 **MINUTES OF ORDINARY COUNCIL MEETING HELD ON 31 MAY 2022**

**Resolved (29 June 2022)**

1. That the minutes of the Ordinary Council meeting held on 31 May 2022 be accepted.

Proposed: D Benson

Seconded: C August

14.2 **MINUTES OF ORDINARY COUNCIL MEETING HELD ON 10 JUNE 2022**

**Resolved (29 June 2022)**

1. That the minutes of the Special Council meeting held on 10 June 2022 be accepted.

Proposed: D Benson

Seconded: L Maree

15. **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).*

16. **REPORTS OF COMMITTEES OF COUNCIL**

16.1 **KOUGA AUDIT COMMITTEE**

**22/06/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE**

**Resolved (29 June 2022)**

1. That the minutes be noted.

16.2 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

**22/06/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

**Resolved (29 June 2022)**

1. That the minutes be noted.

17. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

**22/06/MM6 COUNCIL RESOLUTIONS AS AT 31 MAY 2022**

Cllr Foley commented on page 99 PDT16 which indicates that the grant in aid allocation policy will be workshopped, he requested that the policy be tabled at the next policy workshop.

Cllr Alexander indicated that he has requested on numerous occasions that the date of updated actions be indicated in the action sheets.

**Resolved (29 June 2022)**

1. That the updated Action Sheets reflecting resolutions of previous Council meetings and resolutions approved during the period of the Executive Mayor's Delegated Authority, be noted.
2. That it be noted that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings.
3. That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.

**22/06/MM7 AMENDMENTS TO THE 2022/23 BUDGET**

The Speaker indicated that the budget item needs to be approved by majority of Council and therefore requested Council to vote by show of hands.

***The matter was put to a vote by show of hands:***

In favour of the recommendations	-	18
Not in favour of the recommendations	-	7

***The matter was approved by the majority of Council.***

**Resolved (29 June 2022)**

1. That Council approves the additional grant funding received of R107 740.47 as revenue and that an expenditure line item for leak detection employee related costs be created for an amount of R107 740,47 in the 2022/23 budget.

**22/06/MM8 DRAFT POLICY ON WHISTLEBLOWING**

**Resolved (29 June 2022)**

1. That Council approve the Policy on Whistleblowing.
2. That the approved Policy be advertised on the Municipal Website.
3. That the Policy be communicated to all Employees by the Internal Audit Section.

**22/06/MM9 INCREASE OF KOUGA AUDIT COMMITTEE CHAIR AND MEMBERS FEES**

**Resolved (29 June 2022)**

1. That the Remuneration and Disbursements of the Kouga Audit Committee Chairperson and Members be in accordance with the rates approved by Council.

**22/06/MM10 REQUEST FOR NOTING OF THE STRATEGIC RISK REGISTER**

**Resolved (29 June 2022)**

1. That Council note the contents of the Strategic Risk Register

**22/06/MM11 APPROVAL OF TERMS OF REFERENCE FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

**Resolved (29 June 2022)**

1. That the Terms of Reference for the Municipal Public Accounts Committee be approved.

**18. REPORTS BY THE EXECUTIVE MAYOR**

**18.1 REPORTS BY THE CHAIRPERSON: FINANCE**

**22/06/F3 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

**Resolved (29 June 2022)**

1. That the Equitable Share write-offs for the period March 2022, amounting to R875,043.89, be approved.

**22/06/F12 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF MARCH 2022**

**Resolved (29 June 2022)**

1. That the report be approved by Council.

**22/06/F13 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF APRIL 2022**

Cllr Oliphant indicated that the caucus position of the ANC is that deviations are designated for matters of urgency and emergency and therefore should not be a norm. At times lack of planning is demonstrated through deviation.

The Speaker indicated that the issue of deviations was discussed at length at Portfolio level and it was agreed that deviations should not be a norm.

**Resolved (29 June 2022)**

1. That the report be approved by Council

**22/06/F14**     **SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 31 MARCH 2022**

**Resolved (29 June 2022)**

1. That the report be approved by Council.

**22/06/F24**     **ANNUALLY REVIEWED REVENUE POLICIES**

**Resolved (29 June 2022)**

1. That the Property Rates Policy 2022-2023 be approved by Council to be advertised for Public Participation.
2. That the Indigent Support Policy 2022-2023 be approved with the addition of the deleted paragraph on page 245.
3. That the Customer Care, Credit Control and Debt Collection Policy 2022-2023 be withdrawn, revised and tabled at the next Council meeting.
4. That the Reviewed Policy on Provision for Doubtful Debt and Write-off of Irrecoverable Debt 2022-2023 be tabled at the next Council meeting.

Proposed: W Gertenbach

Seconded: B Dhludhlu

**22/06/F25**     **ELECTRICITY TARIFF INCREASES: 2022/23 FINANCIAL YEAR**

Cllr Gertenbach introduced the item and indicated the increase of 7.4% and this will be addressed in the first adjustment budget.

***The matter was put to a vote by show of hands:***

In favour of the recommendations         -         27

Not in favour of the recommendations       -         0

***The matter was approved by the majority of Council***

**Resolved (29 June 2022)**

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in



conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the fees and charges in respect of electrical services, as reflected in **Annexure 'NERSA APPLICATION'**, with effect from 1 July 2022 subject to approval by NERSA.

2. That the I&E directorate embark on cost of supply study for electricity be done in the 2022/23 financial year

**22/06/F26**      **MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2021 TO MAY 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 MAY 2022 (2021/22 FINANCIAL YEAR)**

**Resolved (29 June 2022)**

1. That the Executive Mayor notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

**22/06/F27**      **COMMUNITY SERVICES DIRECTORATE: REVISION OF TARIFFS, FEES, AND CHARGES FOR THE 2022/23 FINANCIAL YEAR**

***The matter was put to a vote by show of hands:***

In favour of the recommendations                      -            18

Not in favour of the recommendations                      -            7

***The matter was approved by the majority of Council***

**Resolved (29 June 2022)**

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, adopts the proposed tariffs, fees and charges for the Community Services Directorate, reflected as reflected in **Annexure 'A'**, with effect from 1 July 2022.

**22/06/F28**      **TARIFFS, FEES, AND CHARGES FOR DEPARTMENT INFRASTRUCTURE AND ENGINEERING SERVICES FOR THE 2022/23 FINANCIAL YEAR**

***The matter was put to a vote by show of hands:***

In favour of the recommendations                      -            16

***The matter was approved by the majority of Council***

**Resolved (29 June 2022)**

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, adopts the proposed tariffs, fees and charges as reflected in **Annexure 'A'**, subject to a public participation process.

**18.2 REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES**

**22/06/CORP8 KOUGA MUNICIPALITY – CALENDAR OF MEETINGS: 1 JULY 2022 TO 30 JUNE 2023**

**Resolved (29 June 2022)**

1. That the Updated Calendar of Meetings for the period 01 July 2022 to 30 June 2023, be approved by Council.
2. That the IT Department ensure that the Institutional Calendar for all employees and Councillors are implemented electronically and live by 30 June 2022.

**22/06/CORP9 PROPOSED DRAFT STANDARD OPERATING PROCEDURE FOR AGENDA COMPILATION FOR COUNCIL AND COMMITTEE MEETINGS**

**Resolved (29 June 2022)**

1. That the proposed draft Standard Operating Procedure(SOP) for Agenda Compilation for Council and Committee Meetings be noted.
2. That the Municipal Manager approve the draft Standard Operating Procedure for Agenda Compilation for Council and Committee Meetings.
3. That upon approval by the Municipal Manager, the Manager Administration & Auxiliary Services communicate such SOP with all Directorates.
4. That a Standard Operating Procedure for the preparation and distribution of minutes, memo's and action sheets for Council and Committee Meetings be developed.

**22/06/CORP10 APPROVAL OF POLICY ON PREVENTION AND ELIMINATION OF HARASSMENT IN THE WORKPLACE**

**Resolved (29 June 2022)**

1. That Council approve the Policy on Prevention and Elimination of Harassment in the Workplace.

**18.3 REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

**22/06/I&E12 REGISTRATION OF NEW PROJECTS ON THE MUNICIPAL INFRASTRUCTURE GRANT (MIG)**

Cllr Bornman enquired whether this is part of the already allocated R30 million for gravel roads upgrade for a three year period or a new application? If it's a new application, what was the basis of the R30 million application as the Municipality has a backlog of more than R30 million on gravel roads upgrade.

Mr Madatt stated that this is a new application for new projects which is an addition to the current allocation. The basis of the application was historical grant allocations and estimation, however the amount can be adjusted.

Cllr Bornman indicated that he was unhappy and further indicated that the amount should be increased and the municipality will have to go back to the drawing board in terms of allocating the R30 million.

Mr Madatt indicated that Council has the prerogative to adjust the amount.

The Speaker enquired whether there is a business plan in place for additional roads which can justify the increase.

Mr Madatt indicated that at this stage there is no business plan for increased scope but there is still time to make adjustments before September 2022, However if the amount goes over R35 million it will have to be submitted to another platform which will take a long process.

The Speaker enquired a way forward for the item in terms of increasing the allocation.

Cllr Bornman proposed approving the item as is and further requested an item for the needs analysis on the upgrading of gravel roads in Kouga to serve in the I&E Portfolio Committee.

Cllr Zana agreed with Cllr Bornman in approving the item as is and avoid stalling the process, and to look into other funding platforms as indicated by the previous speaker. He further requested that the upgrading of roads should be done fairly for all disadvantaged communities.

Cllr Oliphant requested the Acting Director I&E to do a ward based audit of gravel roads to be upgraded to serve as a guide for implementation.

Cllr Yali proposed prioritising paving of gravel roads as it is cheaper in terms of maintenance than taring the roads.

The Speaker indicated that Councillors raised valid points which should be debated further at Portfolio Committees and further requested the Acting Director I&E to take note of the requests for a gravel roads item to serve at the Portfolio Committee.

**Resolved (29 June 2022)**

1. That the item be accepted and approved.

**22/06/I&E13 RE: REALLOCATION OF FUNDS WITHIN INFRASTRUCTURE AND ENGINEERING DIRECTORATES**

Cllr Zana urged that when funds are re-allocated to other projects for certain reasons, they be prioritised again when funds are available.

The Speaker agreed with Cllr Zana and requested the Municipal Manager to take note.

***The matter was put to a vote by show of hands:***

In favour of the recommendations - 16

Not in favour of the recommendations - 9

***The matter was approved by the majority of Council***

**Resolved (29 June 2022)**

1. That the accounting officer request the Executive Mayor to recommend to the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act 56 of 2003, approves the following proposed amendments to the 2021/2022 Operational Budget and Capital Budget:

<b>Project Name</b>	<b>2021/2022 Approved Budget (Excl. VAT)</b>	<b>2021/2022 Proposed Adjustments (Excl. VAT)</b>	<b>Increase</b>	<b>Decrease</b>
Repairs & Maintenance of Water: U-KEY:20170702072506	R 2,125,000.00	R925,000.00		R1,200,000.00

Repairs & Maintenance of Water: U-KEY:20170702072492	R 1,155,000.00	R776,327.00		R 378,673.00
New Bypass Sewer Rising main and Pump Station - KEY:20200711023341	R 992,000.00	R 714,880		R 277,120.00
Connect 3x boreholes Soetkloof Hankey: U-KEY:20220303054924	R 2,875,000.00	R 0		R 2,875,000.00
Machinery&Equipment:U-KEY:20200711023391	R180,000.00	R 12,791.50		R 167,208.50
Construct emergency overflow pond Koraal Sewer: 20220303054999	R100,000.00	R 0		R 100,000.00
Drought Volunteers : U-KEY: 20210710002002	R300,000.00	R 0		R 100,000.00
<b>New U-KEY: Reverse Osmosis Plant</b>			<b>R 5,198,000.00</b>	

#### **22/06/I&E14 RE: REALLOCATION OF FUNDS BETWEEN MIG PROJECTS**

The Speaker re-iterated the comment made by Cllr Zana in the previous item on funds being re-allocated back after projects have been finalised.

Mr Madatt indicated that Cllr Zana's comment was actually for this item and is noted, however the construction of sports facilities have not started yet and should the sports field facility project fall short of budget in the new financial year the Municipality will be in a position to re-allocate funds back to the sports field facility project.

#### **Resolved (29 June 2022)**

1. That an amount of R 317,234.40 (Incl. Vat) from Upgrading of Loerie Sport Facility project (Ukey: 20220303055097) be reallocated to the Upgrading of Gravel Roads in Kouga (Ukey: 20220303055077).

#### **18.4 REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT**

#### **22/06/PDT4 ADOPTION OF THE DRAFT HUMANSDORP CENTRAL BUSINESS DISTRICT (CBD) PRECINCT PLAN**

Cllr Zana enquired whether the population stats indicated in the document for Humansdorp is correct. He then indicated that he supports the document.

Cllr Bornman noted the comment and indicated that the figures will be verified before the document is publicised. He then indicated that the tender for Hankey and St Francis precinct plans has been awarded and the processes will commence soon.

**Resolved (29 June 2022)**

1. That Council approves and adopts the Humansdorp Central Business District Local Spatial Development Framework (precinct plan).
2. That the approved Humansdorp Central Business District Local Spatial Development Framework (precinct plan) be published on the Municipal Website, Kouga Express, as well as Provincial Gazette.
3. That a copy of the Humansdorp Central Business District Local Spatial Development Framework (precinct plan) be submitted to the Member of the Executive Council (MEC) in accordance with Section 8 of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016

**22/06/PDT5 REPORT ON THE PROGRESS AND STATUS OF THE SOCIAL HOUSING PARTNERSHIP FOR THE DEVELOPMENT OF A SOCIAL AND (FLISP) HOUSING PROJECT ON ERF 335, JEFFREYS BAY**

**Resolved ( 29 June 2022)**

1. That Council take note of the status report on the FLISP and Social Housing project as presented by Own Haven Housing Association.

**22/06/PDT7 RE: PLANNING AND IMPLEMENTATION OF KOGUA TOURISM INDABA**

**Resolved ( 29 June 2022)**

1. That Council endorses the planned 1<sup>st</sup> Kouga Tourism Indaba.
2. That Council approves R500 000.00 (Five Hundred Thousand rand) to appoint a service provider that will plan and facilitate the Kouga Tourism indaba launch in St Francis in 2022/23 FY and hosting the main Kouga tourism indaba 2023 exhibition planned for the 2023/2024 financial year.

**22/06/PDT12 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT NO. 16 OF 2013): APPOINTMENT OF MEMBERS OF THE APPEAL AUTHORITY (EXECUTIVE COMMITTEE) AND TECHNICAL ADVISERS FOR THE APPEAL AUTHORITY (EXCO)**

## Resolved (29 June 2022)

1. That Council **approves** the appointment of the Executive Mayor: Alderman Horatio Hendricks as the Kouga Municipality's SPLUMA Appeal Authority, to consider all appeals relating to land development in terms of Section 51(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
2. That Council **approves** the following members of the Mayoral Committee to serve as internal advisors to the SPLUMA Appeal Authority:
  - MMC: Planning, Dev & Tourism: Cllr. H Bornman
  - MMC: Infrastructure & Engineering: Cllr. L Maree
  - MMC: Community Services: Alderman D Benson
  - MMC: Corporate Services: Cllr. T Jantjies
  - MMC: Monitoring & Evaluation: Cllr. S Ruth
  - MMC: Finance: Cllr. W Gertenbach
3. That Council **approves**, in terms of Section 39(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), that the Municipal Manager facilitates a process for the appointment of external technical experts to serve on an advisory capacity to the Kouga Municipality Appeal Authority. The Technical experts must be one member in the following fields:
  - a) Town & Regional Planning
  - b) Legal Expert
4. That Council **approves** that the Appeal Authority and its Technical & internal advisors be published in the *Provincial Gazette* and *Local Newspaper* as required in terms of Section 27 (1) of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and the Kouga Municipality Spatial Planning and Land Use Management By-law, 2016 (as gazetted in Gazette No. 3613; Dated 4 March 2016).
5. That Council **approves** that should a need for further technical advice arise, which requires professional expertise outside the field of Law and Land Use Management the Appeal Authority through the Municipal Manager may appoint such professionals for advice as and when needed.
6. That Council **approves** that the remuneration of External

Technical Advisers rate shall be R2176-00 per member, per day (excluding travelling costs), in line with remuneration applicable to non-official members of commissions and committees as determined by the Minister of Finance, in terms of Treasury regulations 20.2.2.

**22/06/PDT14 REQUEST FOR COUNCIL'S FINAL APPROVAL: APPLICATION TO PURCHASE ERF 2896 - SEA VISTA – INDUSTRIAL AREA (NEXUS YACHTS)**

**Resolved (29 June 2022)**

1. That Council **grant final approval** for the disposal of a portion of erf 2896, Sea Vista to Nexus Yachts for a purchase price of **R2,400 000.00 (Two Million Four Hundred Thousand Rands Only)** ,as tendered in the auction.
2. That it be noted that the section 14 process was followed and that it was confirmed that the portion of erf 2896 Sea Vista will not be required for the future provision of minimum level of basic municipal services.
3. That the Council grant authorisation to the Accounting Officer to finalize the sale and transfer of the property contemplated herein.

**22/06/PDT15 CLOSEOUT REPORT ON THE ST FRANCIS AMANZI CHALLENGE: 18 – 20 MARCH**

**Resolved (29 June 2022)**

1. That the close-out report on the St Francis Amanzi Challenge 18 – 20 March 2022 be noted.

**22/06/PDT16 BENEFICIARY ALLOCATION PROCESS OF 668 HOUSES IN OCEANVIEW 1500 PROJECT**

Cllr Nkilishane complained about a lack of transparency and honesty from the housing department. He stated that according to his analysis the housing department did not implement the Council resolution taken on 29 April 2022. He further stated that he wanted to be part of the process but was not invited and he as an EFF representative felt sidelined from the processes.

Mr Penxa stated that he takes note of the comments made by Cllr Nkilishane and the item is serving for the second time in Council. The first time this item served at Council, there were issues that needed to be addressed and one of them was scheduling a meeting with all the beneficiaries and the two Councillors and members of the Project Steering Committee and everyone at the Oceanview stadium. The community attended and the allocation process was explained to everyone in attendance.



Cllr Oliphant raised a point of order and stated that an official uttering words of attack to a Councillor is not acceptable as Councillors have rights to raise their concerns in Council.

The Speaker noted Councillor Oliphant's point of order and further indicated that Mr Penxa is explaining what transpired in the allocation process in order to alleviate Cllr Nkilishane's concerns.

Mr Penxa continued explaining that the Councillors which were present and community present at the meeting including the beneficiaries had no issues with the allocation process which was explained to them. He then requested Cllr Nkilishane to follow due process if there is any corruption that has transpired on the allocation process (he then lost connection)

The Speaker then indicated that Mr Penxa's network is very bad. He then requested Cllr Nkilishane to put all his concerns in writing and submit them to his office and he will take it up with Cllr Bornman in terms of investigation.

Cllr Yali stated that the last Council resolution indicated that a meeting be held with the beneficiaries and other stake holders involved and that the meeting took place where all beneficiaries were addressed together with Councillors, the process was explained properly and the community was happy, the list is currently displayed in the ward Councillor's office. It is unfair to claim corruption elements in this process. He then stated that a whistle blowing policy was recently approved by Council where an individual can follow due processes as indicated in the policy. Councillors cannot interfere with the administration processes involved in the allocation of houses. The beneficiaries are happy.

Cllr Nkilishane stated that he was referring to a Council resolution of 29 April 2022 where it was resolved that a committee will be established to look into the allocation process. He further indicated that he did attend the meeting and his concern is with the names reflected on the beneficiary list.

The Speaker requested Cllr Nkilishane to put his concerns in writing and submit them to the Speakers office in order for Council processes to be followed accordingly.

Cllr Dhludhlu proposed that the item be approved as there is sufficient information to move with the item.

Cllr Yali seconded the proposal.

Cllr Bornman indicated that the way in which the beneficiaries were determined and their categories is stipulated in the item, the oldest person to benefit in the list is 42 years old excluding the disabled beneficiaries. He further indicated that Cllr Nkilishane came to see him

about specific concerns on the list which were investigated and it was discovered that the people qualified to be on the list. However the housing department needs a continuous follow up on the beneficiaries in order to ensure that they do not sell or rent out the houses.

**Resolved (29 June 2022)**

1. That Council approves of the revised Oceanview allocation list (668) as per annexure A.
2. That Council notes of the letter received from Regional Human Settlements office explaining the revised allocation process.
3. That Council notes changes effected by allocations committee in the beneficiary list due to untraceable and deceased beneficiaries.

Proposed: B Dhludhlu

Seconded: M Yali

**22/06/PDT17 REZONING OF A PORTION 1 OF THE FARM HUMANSDORP NO. 499, FROM "AGRICULTURAL ZONE 1" TO "SPECIAL ZONE" FOR THE PURPOSE OF A MIXED USE FOR INDUSTRIAL PURPOSES AND ANXULLARY USE (INTEGRATED INDUSTRIAL DEVELOPMENT ZONE)**

**Resolved (29 June 2022)**

1. That Council grants in-principle approval principle for the **rezoning** of a portion of Portion 1 of the Farm Humansdorp No.499, as described in the item.
2. That Council authorizes the Department Planning & Development to proceed with the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499 from "Agricultural Zone 1" to "Special Zone" to accommodate the intended uses for an "Integrated Industrial Development Zone" as previously described.
3. That Council authorizes the Municipal Manager to sign a "Power of Attorney" on behalf of Council and any other applicable documentation in support of the application.

**22/06/PDT18 DISPOSAL AND ALIENATION OF COUNCIL PROPERTIES LEASED TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS**

**Resolved (29 June 2022)**

1. That the Status Report: Land Audit on Creches operating from Council owned land be noted.

2. That Council **grant in-principle approval** for the alienation/transfer of property to the Registered Organizations (Social Care Organizations) currently operating on the property by way of a Deed of Donation with restrictive conditions in respect of the land usage for the sole purposes of social care uses.
3. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the properties listed below are not needed in future to provide the minimum level of basic municipal services.
4. That a fair market valuation of the immovable property as contemplated herein be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.
5. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate immovable property by way of Deed of Donation to Registered Social Organisations for public participation.

18.5 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

**22/06/CS11 TRANSFER OF FUNCTIONS FROM EASTERN CAPE: DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM (DEDEAT) TO KOUGA MUNICIPALITY IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 2008 – THE NATIONAL ESTUARINE MANAGEMENT PROTOCOL, JUNE 2021**

Ald Benson indicated that the item did not serve at Portfolio level and therefore is inviting Councillors to interact with the item.

**Resolved (29 June 2022)**

1. That Council, approve, in-principal the transfer and acceptance of the functions for the development of Estuary Management Plans for the estuaries situated within the Kouga Municipal area and in line with the National Estuarine Management Protocol.
2. That Council authorise the Accounting Officer to negotiate the terms and conditions of the intended agreement in transferring the functions for the development of the Estuary Management Plans for the estuaries situated within the Kouga Municipal Area.

**22/06/CS12 RESCISSION OF COUNCIL RESOLUTION 19/10/CS13- CUSTODIANSHIP: KRUISFONTEIN SPORTSFIELD**

Ald Benson indicated that a new custodianship item will be tabled at the next Portfolio Committee.

**Resolved (29 June 2022)**

1. That Council rescind the Council resolution as resolved under 19/10/CS13.

19. **CLOSURE**

The Speaker thanked all present for their valuable input and moved onto the confidential section of the agenda.

The meeting closed at 12:30



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**B WILLIAMS**  
**SPEAKER**

08 August 2022

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**DATE**

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