MINUTES OF AN VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY , 26 JUNE 2025 AT 10:00 AM

PRESENT: Councillors	J Alexander	
	C August	
	Ald D Benson	
	H Bornman	(Executive Mayor)
	B Dhludhlu	
	R Foley	
	W Gertenbach	
	V Gunuza	
	F Heystek	
	B Human	
	T Jantjes	(Deputy Executive Mayor)
	L Maree	(Speaker)
	M Mbandana	
	E Mbuqu	
	H Murray	
	M Nicholls	
	N Ntengwane	
	N Ntshota	
	W Petersen	
	S Ruth	
	G Stuurman	
	M Valgee	
	W van der Linde	
	M van Niekerk	
	Ald B Williams	
	M Yali	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(CFO)
	N Machelesi	(Director: Community Services)
	C de Kock	(Director: Civil & Water Services)
	T Madatt	(Director: Electro-Mechanical Services)
	L Ramakuwela	(Director: Planning & Development)
	L Opperman	(Manager: Legal Services)
	L Wessels	(Legal Officer)
	E Goliath	(Manager: Public Participation)
	C Prinsloo	(Legal Officer: Office of the Speaker)
	D Klopper	(Office Administrator: Office of the Speaker)
	K Minnaar	(Manager: Special Programmes)
	A Koegelenberg	(Manager: PMS)
	M Basson	(Manager: Media & Communication)
	S Mlonyeni	(Communication Officer)
	Z Njikelana	(Media Liasion Officer)
	C Schoeman	(Office Administrator)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	M Julius	(Senior Admin Officer: Committees)

	M Mitchell	(Committee Clerk)
	S Ndyenge	(Intern: Committee Services)
	R Swart	(Committee Officer)
Stakeholders:	R Westman	(Representative: CoGTA)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on 26 June 2025 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Cllr Ntshota to open with a prayer.

The Speaker indicated that a notice had been received from the Municipal Manager's office confirming that Cllr Human was no longer in office. As a result, he was no longer a member of Council. The Speaker further stated that the seat would remain vacant until such time as the Independent Electoral Commission of South Africa and the Patriotic Alliance submitted a nomination to fill the vacancy.

The Municipal Manager informed the Speaker that he would need to excuse himself at 12:30 due to a personal matter, which had been communicated prior to the meeting.

With the Municipal Manager having to be excused, the Speaker requested that an Acting Municipal Manager be elected for the meeting.

Cllr Petersen nominated the Director: Planning & Development, Mr L Ramakuwela and was seconded by Cllr Mbandana.

Cllr Foley nominated the Deputy Municipal Manager, Mr D de Jager and was seconded by Cllr Ruth.

The Speaker called for a vote on the nomination of the Acting Municipal Manager.

In favour of Mr D de Jager: 18
In favour of Mr L Ramakuwela: 7

Mr de Jager was therefore elected as the Acting Municipal Manager.

3. **ABSENT WITH LEAVE**

Cllr K Ndzelani
Cllr L Nkilishane
Cllr P Oliphant
Cllr V Zana

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Mbandana expressed his belated condolences to the family of Mama Jantjes, a 101-year-old destitute applicant who passed away two weeks prior. He noted with concern that she had never received a house under the current administration, despite her status as a qualifying beneficiary. He emphasised the seriousness of destitute housing matters and the slow progress at Kouga, urging the Council to give the matter urgent attention.

He further expressed his appreciation to the people of Iran for what he described as their resilience in the face of external pressure and welcomed the news of a ceasefire. He acknowledged what he viewed as international support, including from China, and conveyed his gratitude to the Iranian community.

Cllr Petersen extended sincere condolences on the passing of Mrs Minnie Felix of Jeffreys Bay, Ward 2. He acknowledged her contributions as a member of the "Care for You", which provided warm meals at Pellsrus Clinic and later extended its support to the Humansdorp Hospital despite its limited budget. He also conveyed condolences to the Felix family, noting the hardships Mrs Felix faced following her son's dismissal from the law enforcement unit and subsequent incarceration. He expressed concern that these events may have contributed to her declining health.

In addition, Cllr Petersen expressed critical remarks regarding the Democratic Alliance (DA), following it's by election loss in Mossel Bay. He stated that this result reflects growing public dissatisfaction with the party's political stance and suggested it signals a shift that may continue in future elections.

Cllr Foley conveyed his condolences to the family of the late Stephen Bibb, a well-known surfer and artist from Jeffreys Bay. He noted that Mr Bibb had recently passed away, reportedly due to a heart attack, and expressed sympathy to his loved ones and the community he leaves behind.

Cllr Yali expressed condolences to the families of two ANC comrades who had recently passed away. He first acknowledged the passing of a comrade from Koukamma who had been elected in a by-election the previous year. He also extended sympathy to the family of Mr Felix.

Ald Benson extended birthday wishes and congratulations to all individuals who celebrated their birthdays during the month. He specifically mentioned Mr Madatt, whose birthday was on the 3rd of June, and Cllr van Niekerk, who celebrated on the 25th of June. He also conveyed warm wishes to those whose birthdays he may not have been aware of, expressing gratitude for another year of life and offering his best wishes for their well-being in the year ahead.

Cllr Dhludhlu expressed sadness and extended what he described as "condolence" regarding the actions of certain Councillors who, according to him, attempted to discredit the Kouga Speaker and the Executive Mayor. He noted that these individuals sought to involve media outlets including newspapers and eNCA in claims that Kouga had misreported or misrepresented languages. He stated that the attempt ultimately backfired, leading to what he considered an embarrassment for those making the allegations.

Cllr Heystek extended his congratulations to the DA on their victory in Ward 56 during the 2025 elections. He noted that the party continued to show growth and expressed optimism about its upward trajectory.

Cllr Stuurman stated that recent events had once again demonstrated the continued support of the public for the DA. He expressed confidence that the party would continue to receive voter support moving forward.

7. STATEMENTS OR COMMUNICATIONS BY THE SPEAKER

Honourable Mayor and Members of the Council, Officials, Online Guests, colleagues, and a special welcome to Mru. Randolph Westman from COGTA

Good morning,

We have now passed the mid-year mark, and our thoughts and prayers are with the flood victims in the Eastern Cape.

Following our last Council meeting, I convened a meeting with all the Chief Whips to discuss a way forward regarding the use of language in Council proceedings. For the past 25 years, English has been the primary language of communication in Council. However, I do share the sentiment expressed by the Chief Whips that certain ideas and sentiments are sometimes best conveyed in one's mother tongue. We reached a consensus that the Standing Rules and Orders should be revised to accommodate the use of other official languages.

I have instructed the administration to explore the feasibility of appointing a translator to support this inclusive approach.

In the interim, we have agreed that English will remain the language of use in Council meetings until the updated Standing Rules and Orders are formally adopted. It is important to note that our media policy already makes provision for communication in English, Afrikaans, and isiXhosa, ensuring broader accessibility and inclusivity in municipal communication.

Therefore, in accordance with Rule 10.1, I hereby declare that English will be used for the duration of this council meeting.

Thank you.

8. STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR

The Executive Mayor delivered a speech marking the significance of the Council meeting, noting that it coincided with the two-year anniversary of his and Councillor Peterson's swearing-in. He reflected on the commitments made at that time, which included four key priorities aimed at advancing the municipality of Kouga: road infrastructure, wastewater treatment works, electricity infrastructure, and customer care.

He expressed pride in the progress made and extended gratitude to the Municipal administration for driving these priorities. He affirmed that these areas remain central to the Municipality development agenda and reiterated the commitment to their continued improvement.

In addition, the Executive Mayor noted that the upgrading of informal settlements and matters of safety and security had also been identified as critical focus areas. He emphasised their importance from an economic development perspective, underscoring the need for an enabling environment to attract investment and promote job creation through local businesses.

He highlighted upcoming opportunities to stimulate local economic activity, including the Aloe Cup, the WSL surf events, and the winter festive season in Jeffreys Bay, St. Francis, and surrounding areas. He acknowledged the efforts of the administration in preparing the towns for the anticipated economic boost and mentioned the Municipality's goal to enhance tourism not only during peak seasons but also during the shoulder seasons.

9. DISCLOSURE OF INTEREST

None

10. STATUTORY MATTERS

11. MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION

11.1 MINUTES OF A MAYORAL COMMITTEE MEETING HELD ON 9 APRIL 2025

Resolved (31 March 2025)

1. That the minutes of the Mayoral Committee Meeting held on 9 April 2025 be noted.

12. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

12.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 MAY 2025

Cllr Yali referred to page 33, item MM3, and noted that his statement had been omitted. He recalled having proposed that future versions of the Mayoral Cup should include activities specifically tailored for elderly individuals from disadvantaged communities.

The Speaker acknowledged the Cllr Yali input and confirmed that Committee Services had indicated they would review the meeting recording and include the relevant submission in the minutes.

Resolved (26 June 2025)

1. That the minutes of an Ordinary Council meeting held on 29 May 2025 be approved as amended.

Proposed: Cllr M van Niekerk Seconded: Cllr W Gertenbach

13. **REPORTS OF COMMITTEES OF COUNCIL**

13.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

The Speaker stated that she would send a follow up email regarding the Sarah Baartman district report, as she had previously requested its return for further consideration.

Cllr Petersen raised concerns about the absence of reports from the Sarah Baartman District Municipality despite Kouga Municipality representatives attending its meetings. He pointed out that public funds are spent on travel allowances for these engagements, and without proper reporting, this could amount to fruitless and wasteful expenditure. He emphasised the need for accountability and suggested stronger oversight to ensure that representatives provide meaningful feedback on their contributions and representation.

Cllr Foley confirmed that prior to Cllr Petersen's term, the Council had resolved that Cllr Gunuza would convene all representatives to compile and submit a report. He noted that no such meetings have taken place, as Cllr Gunuza due to illness had not yet called the representatives together.

He further clarified that travel stipends for attending the Sarah Baartman District Council meetings were not provided.

Cllr Mbandana expressed concern about the ongoing lack of reports from the Sarah Baartman District Municipality since his arrival in 2021. He described this as a serious reflection of poor leadership across successive mayoral terms, speculating that the lack of alignment with the ANC-led district might be intentional.

He emphasised the importance of intergovernmental coordination, noting that relevant service delivery matters are not being reflected in Council agendas.

Cllr van der Linde confirmed that the Council has never received a report from the Sarah Baartman District Municipality, despite the issue being raised multiple times. He suggested appointing a new Councillor to take responsibility for reporting back, noting that past requests including to Cllr Foley had not resulted in action. He described the ongoing lack of information as unacceptable and concerning for the Municipality.

Cllr Yali emphasised that both the ANC and DA have designated representatives at the Sarah Baartman District Municipality, and it is their responsibility to compile and submit reports to Kouga Municipality. He pointed out that these representatives act on behalf of the broader Council and are guided by an existing resolution mandating report back. He cautioned against assigning blame broadly, stressing that accountability rests squarely with the appointed representatives who are obligated to report collectively, in line with the Council's directive.

Cllr Dhludhlu suggested that Kouga Municipality assign an administrative official to attend Sarah Baartman District Municipality meetings as an observer. The official would record meeting minutes relevant to Kouga and submit a report to the Speaker's office. He suggested that, if necessary, a sitting allowance be considered to support this participation, aiming to ensure reliable feedback and resolve ongoing accountability concerns.

Cllr Foley recalled that Council previously resolved for Cllr Gunuza to coordinate representatives and compile a report on the Sarah Baartman District Municipality but confirmed that this has never happened. He stated his willingness to assume responsibility for the reporting and noted he had submitted reports in the past, which were dismissed due to the existing resolution. As a way forward, he proposed revisiting and possibly amending the resolution to formally assign him the reporting role.

The Speaker informed Council that a report related to the Sarah Baartman District Municipality had been submitted to Council on 28 February 2024.

Cllr Ruth supported Cllr Yali and Cllr Foley, pointing out that the Council had already passed a resolution regarding the reporting process from the Sarah Baartman District Municipality and had discussed it further in a later meeting.

She suggested amending the resolution, as it had not been implemented effectively, and endorsed Cllr Foley proposal to submit a report after the next District meeting.
She also opposed the idea of sending an observer, citing the presence of Councillors who should already be reporting and expressing concern about unnecessary expenditure.

Cllr Petersen stressed that reporting is their obligation under an existing resolution and should not be debated repeatedly in Council. If they fail to deliver, he recommended that Council consider replacing them, emphasising that accountability lies fully with the appointed representatives.

13.2 **KOUGA AUDIT COMMITTEE**

None

13.3 **RULES & ETHICS COMMITTEE**

Cllr van der Linde asserted that the absence of a report was due to no new disciplinary inquiries. He attributed the lack of proceedings to effective conduct among Councillors and formally acknowledged and commended the collective discipline maintained throughout Council meetings.

Cllr Petersen questioned the absence of a report, stating that he had personally submitted a complaint and expected it to be reflected in council documentation.

Cllr Mbandana expressed dismay at the absence of a report from the Rules and Ethics Committee, referencing a serious matter involving a charge against Cllr Petersen. He recalled recusing himself from the meeting but expected follow up. He also raised urgent concerns about alleged harassment of women by male staff at Kouga Municipality and demanded clarity on disciplinary outcomes.

Criticising the lack of transparency and questioning the selective focus on Councillor misconduct, he called for equal ethical accountability for all individuals in the Municipality. Emphasising his stance against gender-based intimidation, he urged swift action and consequences.

The Speaker clarified that their office does not fall under the jurisdiction of the Rules and Ethics Committee, and therefore the matter being discussed is outside that committee's scope. To promote transparency and shared understanding, the Speaker indicated that Committee Services would be requested to circulate the official policy on the Rules and Ethics Committee, detailing the procedures for case handling and report generation.

13.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

25/06/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (26 June 2025)

1. That Council notes the minutes of the Municipal Public Accounts Committee and that the recommendations contained therein have been submitted to Council for resolution.

25/06/MPAC2 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) – ANNUAL WORK PLAN

Cllr Foley sought clarity on the work plan, specifically regarding the entry on page 62, referencing the I&E department attending a draft annual report meeting scheduled for 25 November. He requested that the reference to I&E be corrected to distinguish between the Civil and Water Services and Electro-Mechanical departments.

The Municipal Manager confirmed that the requested amendment to the work plan would be made, specifically to distinguish between the departments. He added that both departments could be accommodated on the same date, 25 November, as indicated in the plan.

Resolved (26 June 2025)

1. That the MPAC Annual Workplan be approved.

13.5 **MUNICIPAL BY - LAWS AND POLICIES**

25/06/PB1 DRAFT SOCIAL AND RENTAL HOUSING POLICY

Cllr Gertenbach highlighted a gap in the current policy regarding the social and health needs of elderly citizens. He cited long waiting lists in Jeffreysrus, non-functional clinics, the pending closure of the Humansdorp hospital, and a delayed hospital proposal in Jeffreys Bay. While acknowledging the Department of Health's jurisdiction, he urged that the Kouga Municipality should actively apply pressure on the Department of Health to address the outstanding concerns.

The Director: Planning and Development clarified that the provision of frail care facilities is primarily a town planning matter, particularly in the context of retirement villages. The Municipality does not intend to operate such facilities directly. Instead, developers often supported by entities like Social Housing Regulatory Authority (SHRA) are responsible for initiating and managing these projects, such as those under the Finance Linked Individual Subsidy Programme (FLISP).

Frail care services are not excluded from developments but are typically included through a consent use application as part of a broader retirement village plan. If a rental development includes a need for elderly accommodation, the inclusion of frail care facilities depends on the nature of the development and the necessary planning approvals.

Cllr Mbandana supported the inclusion of elderly care in the policy but emphasised the need to also address disability issues.

He warned against misleading claims from the private sector about the closure of Humansdorp Hospital, cautioning that these narratives could be used to push for unrelated private hospital developments in Jeffreys Bay. He acknowledged that the policy is still open for public input and stressed the Importance of aligning with national and provincial housing policies.

Cllr Petersen stressed that policies should be workshopped with Council before being opened for public participation, arguing this sequence allows for proper input and refinement. Drawing on his experience with the Department of Human Settlements, he opposed rental housing models that do not provide ownership or security of tenure, saying they undermine the goal of empowering communities.

He emphasised that housing policy must promote integration and transformation, especially for those displaced by apartheid and colonialism. He warned that overlooking this fails to address historical injustices and called for the policy to be revised to align with the Housing Code and uphold the right to secure tenure for marginalised communities.

The Speaker clarified that the policy in question has already undergone several stages of review, including a portfolio meeting, a workshop, a Policy, and Bylaw committee meeting, and is now being presented again at Council. To ensure transparency, the Speaker committed to request Committee Services to circulate the dates of all these meetings, noting that not all Councillors may have been present at each stage.

Resolved (26 June 2025)

1. That the Draft Social and Rental Housing Policy be approved by Council.

2. That the Draft Social and Rental Housing Policy be published on the Kouga Municipal Website.

25/06/PB2 **REVIEW OF THE POLICY AND PROCEDURES FOR THE DISPOSAL OF IMMOVABLE ASSETS**

Ald Williams proposed two additions to the policy:

Section 8.1C (Page 108) – Following the clause on delegation of authority for leases and use rights not exceeding three cumulative years, he recommended adding that the Municipal Manager must report all newly signed leases and use rights granted under Section 8.1 to Council on a quarterly basis.

Emergency Dispensations (Page 114) – Referring to the clause allowing the Municipal Manager to dispense with competitive processes in emergencies, he proposed adding that all such emergency dispensations must be reported to Council at its next meeting.

Cllr Mbandana expressed concern that the policy may contain racial and political bias, particularly in the handling of lease applications from marginalised communities. He cited ongoing efforts such as repeated applications at Patensie that have not been acknowledged or addressed in Council processes. He emphasised that when applicants are not aligned with the ruling party, their submissions often fail to appear on the agenda.

He called for formal policy amendments to ensure equity, transparency, and non-discrimination, urging that these recurring issues will be unchanged since 2022.

Cllr van der Linde seconded the recommendations proposed by Ald Williams.

Cllr Petersen expressed frustration that the current leasing policy fails to acknowledge the country's historical land injustices, particularly for emerging farmers and marginalized communities. He supported Cllr Mbandana earlier concerns, criticising what he sees as a lack of equity in how agricultural, industrial, and business leases are allocated.

He called for the Planning and Development section to present a comprehensive list of existing leases, especially agricultural land, to improve transparency and demonstrate how land is currently being distributed. He cited a long-standing lease in Hankey as a case in point for scrutiny.

At 11:15 Cllr Ruth called rule of order 36.2, In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such Councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.

At 11:17 Cllr Dhludhlu called rule of order 32.1, A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

Cllr Petersen reiterated that current Municipal policies fail to address transformation and equitable land access, particularly for emerging farmers and marginalised communities. He emphasised that lease allocations lack transparency and do not reflect the needs of those historically excluded.

He proposed that a comprehensive report on lease allocations be tabled before Council to expose current patterns and inform policy reform.
He called for a revision of existing policies, arguing they appear to serve narrow interests rather than promoting inclusive development.
He questioned the sudden push for land disposals, suggesting it may be politically motivated, and urged Council to refocus on policies that advance social justice and redress.

The Executive Mayor clarified that the land disposal policy is not new, but an existing framework that has evolved. He welcomed Councillor Petersen's concerns but stressed the need for specific proposals rather than general criticisms. He reminded Council that developing and refining policies is one of its core functions.

While acknowledging that the current policy may not yet be ideal, he highlighted recent steps forward such as requiring quarterly lease reporting as meaningful progress. He encouraged councillors to contribute constructively by proposing clear transformational measures they would like to see included.

The Director: Planning and Development clarified that the current policy is focused on procedural matters related to the lease and sale of Municipal properties and is not intended to benefit any specific group. He emphasised that, aside from residential properties, the Municipality has not been selling economic or agricultural land, and that such cases are historic in nature.

To address ongoing concerns, he announced that a comprehensive alienation strategy will soon be presented. This strategy aims to guide future decisions on the disposal of land particularly economic and agricultural properties and respond to the issues raised during the discussion.

Ald Williams addressed Cllr Petersen's request for transparency by noting that a comprehensive list of current leases is already included in the documentation specifically on page 890 of the agenda where all lease agreements are tabled for Council's reference.

Cllr Ruth sought clarity on the policy development process, outlining her understanding that workshops serve as the platform where all councillors and administration can provide input. These contributions are then incorporated into the draft policy, which proceeds to the committee stage. The committee is expected to ensure that all workshop inputs are reflected before the policy advances to Council for final consideration.

She emphasised that all political parties are represented at both the workshop and committee levels, and questioned the source of the pushback, given the inclusive nature of the process as she understands it.

The Speaker confirmed that Cllr Ruth's understanding of the policy flow process is correct beginning with workshops for Councillor and administrative input, followed by Committee review, and concluding with Council deliberation. To ensure clarity going forward, the Speaker committed to circulating the full process flow to all Councillors.

Resolved (26 June 2025)

1. That the Disposal and Lease of Council Owned Immovable Property be approved.

2. That the Disposal and Lease of Council Owned Immovable Property be published on the Kouga Municipal Website.

3. That the Policy and Procedures for the Disposal of Immovable Assets and the Leasing Policy for Municipal Owned Immovable Property as adopted by Council on 29 October 2020 per Resolution 20/10/PD8 be repealed.

4. That Council approve the insertion of a new clause, 8.1(c) Page 108, to read as follows: "The Municipal Manager must report all newly signed leases and use rights granted in terms of section 8.1 to Council on a quarterly basis."

5. That the addition of the following wording after "in an emergency" on page 114: "All dispensations granted as an emergency must be reported to Council at its next meeting" be approved.

Proposed: Ald B Williams Seconded: Cllr W van der Linde.

25/06/PB3 **AMENDMENT OF KOUGA MUNICIPALITY SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW, 2016**

Cllr Mbandana acknowledged that while many policies are up for adoption, they lack inclusive planning for all communities. He appreciated the Executive Mayor openness to amendments and emphasised that the policies are not final.

He criticised the Spatial Development Framework (SDF) for failing to reflect the needs of all towns in Kouga, particularly in identifying economic and industrial development zones. He argued that selective development undermines the Municipality role as a developmental institution.

Echoing Cllr Petersen, he committed to submitting clear, aligned proposals, and condemned spatial planning that continues to reflect apartheid-era inequalities, calling for a more equitable and integrated approach.

Cllr Petersen described the layout of the Kouga Municipal building, highlighting the location of the Council Chambers, political and administrative offices, and a board installed by the National Government post 1994. He referenced this board as a symbolic or functional element introduced to address post-apartheid governance reforms, though the specific content or purpose of the board was not fully detailed in his statement.

At 11:29 Cllr Foley raised point of order 32, A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

Cllr Petersen emphasised that the SDF should actively promote spatial justice by reversing the legacy of forced removals and reintegrating marginalised communities into urban centers. He referenced a post-1994 government board in the Kouga Municipal building as a symbol of this vision for integration.

He argued that the SDF discussion is the appropriate platform to address these issues and called for the inclusion of Khoisan communities in Municipal policy. Specifically, he urged recognition of their traditional leadership and cultural practices, noting that their exclusion perpetuates historical marginalisation. He advocated for policy amendments that support cultural redress, heritage preservation, and the rights of South Africa's First Peoples.

The Director: Planning & Development clarified that the current item under discussion is a by-law, not the SDF itself. The bylaw is intended to outline procedural mechanisms such as how to apply for rezoning, departures, or amendments to land use schemes and SDF rather than to designate specific land uses or users.

He emphasised that the by-law does not determine spatial proposals but rather sets out the application processes and public participation requirements. He acknowledged the comments made regarding spatial concerns but noted they are more relevant to the SDF or land use scheme, which will be addressed in a subsequent item.

He also confirmed that the by-law will be open for public participation for 60 days, during which workshops will be held, and encouraged all councillors to submit their inputs during this period.

The Executive Mayor affirmed that while he respects Cllr Petersen's differing view on the by-law, he stressed the need for clear and specific feedback to guide amendments. He emphasised that Council is a space for all political parties to contribute meaningfully, noting that past policy changes have been made based on such input.

He also raised a point of clarification regarding the section on conflict-of-interest page 186, particularly around the definition of "personal interest." As the appeals authority, he sought greater specificity on whether knowing someone personally constitutes a conflict, or if it refers strictly to professional relationships. He requested that Director Planning & development provide clarity on this provision.
The Director: Planning and Development confirmed that the key issue raised relates to the definition of "personal interest" in the context of conflict of interest. He explained that a personal interest arises when

an individual such as the Executive Mayor, who serves as the appeals authority or their relative stands to personally benefit from a land use application or proposal.

He noted that this interpretation may be further clarified in the by-law's definitions section and committed to verifying whether a more precise definition is already included in the document.

Cllr van der Linde enquired about the public availability of the by-law or policy document, specifically asking whether it would be published in libraries and other accessible locations to allow for public comment.

He proposed an additional recommendation (10.3) to be included in the Council's resolutions, stating that the policy must return to Council for formal adoption. He noted that this requirement was not currently reflected in the existing resolutions and should be added for clarity and accountability.

Cllr Petersen seconded Cllr van der Linde's proposal that the current policy be returned to Council for final adoption. He further recommended that this principle be extended to all municipal policies, ensuring that each one is formally brought back to Council for final approval before implementation.

The Director: Planning and Development confirmed that it is standard practice, as required by the Spatial Planning and Land Use Management Act (SPLUMA), for all documents that undergo public participation to be returned to Council for approval.

The Director: Planning and Development acknowledged the validity of Councillors' concerns and welcomed continued engagement during the public participation process. He encouraged Councillors to submit their inputs on the by-law, assuring them that all feedback would be considered and incorporated before the final draft is presented to Council for adoption.

He further emphasised the Municipality commitment to ensuring broad community access and involvement. To support this, the draft by-law will be made available at all Municipal offices and libraries, as well as published on the Municipal website.
In addition, the Municipality will conduct public workshops in identified areas, aligned with the Public Participation Policy, to facilitate more inclusive and informed input from residents.

Resolved: (26 June 2025)

1. That the Amendments of Kouga Municipality Spatial Planning & Land Use Management By-Law, 2016, be approved by Council.
2. That the amendments be advertised in line with the provisions of the Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013) and the Municipal Systems Act, 32 of 2000 for public comment and/or objections.

3. That this policy be returned to Council for adoption upon completion of public participation process.

Proposed: Cllr W van der Linde   Seconded: Cllr P Petersen

25/06/PB4 AMENDMENT OF THE MUNICIPAL INTEGRATED LAND USE SCHEME, 2021

Cllr Mbandana expressed appreciation for the constructive tone and substance of the debate on the item under discussion. He also welcomed the positive direction being taken by the Kouga community, noting that it aligns with his own values and aspirations for local development.

Resolved: (26 June 2025)

1. That the Amendments to the Municipal Integrated Land Use Scheme, 2021 be approved by Council.

2. That the approved amendments be published for public comments and/or objections as required in terms of the Spatial Planning & Land Use Management Act, Act 16 of 2013.

25/06/PB5 DRAFT BY-LAWS RELATING TO THE BUILDING AESTHETICS IN THE MUNICIPAL AREA

Cllr Heystek, referenced page 383, section 11 (Appeals), proposed the addition of a new Column I to the relevant table or framework. This column would reflect that the Mayoral Committee is permitted to attend all appeal meetings as observers, without participating directly in proceedings.

He clarified that if Mayoral Committee members have questions during these sessions, they should direct them to the Office of the Executive Mayor or the Municipal Manager.

He emphasised that this arrangement referred to as the above proposal would function as an oversight mechanism for the Mayoral Committee, enhancing transparency and accountability without interfering in the appeal process.

Ald Williams seconded Cllr Heystek's proposal.

Cllr Ruth voiced support for the item, noting the success of the current voluntary aesthetics committee, which convenes weekly and handles most plan submissions. She cautioned against introducing measures that could complicate or delay the committee's operations.
She emphasised the importance of enforcing compliance with aesthetic overlay zones where they are established, to preserve design standards without disrupting development timelines.

Cllr Petersen requested clarity on the scope and application of the Aesthetics By-law in Kouga. He questioned whether the by-law applies to all buildings, including those already covered by private design manuals e.g., Fountains Estate, Marina Martinique, St. Francis Links, or only to developments not governed by such frameworks.

He also asked about the submission and approval flow specifically whether homeowners' association approvals are automatically accepted or if they are independently reviewed by the Aesthetics Committee before forwarding to the Built Environment (building control) unit.

Additionally, he raised concerns about the composition of the Aesthetics Committee, highlighting the lack of demographic representation. He reiterated his interest in serving on the committee and called for it to reflect the diversity of Kouga population. He linked this to the broader need for transformation and inclusive input into developmental frameworks and built environment decisions.

The Director: Planning and Development clarified that the primary aim of the Aesthetics By-law is to empower Council to establish area specific design guidelines for different towns or neighbourhoods such as the CBD, Kabeljous, or Humansdorp Kruisfontein based on their unique character.

He explained that in estate developments, Homeowners' Associations (HOAs) typically operate under their own constitutions and design manuals, often appointing internal aesthetics committees to review plans before submission to the municipality.

In open areas like St. Francis, where Municipal aesthetics guidelines apply, the by-law allows for the formation of a voluntary Aesthetics Committee, which includes community members and a Municipal official usually the Building Control Officer. This committee reviews and endorses plans before they are submitted to Council for approval.

Cllr Petersen sought clarification whether HOAs and their design manuals are being considered in the current policy formulation, or whether they are excluded from Municipal oversight under the Aesthetics Bylaw.

He reiterated his concern about the transparency and composition of the existing Aesthetics Committee, asking for details on who serves on it, how it was established, and how others particularly from underrepresented communities can join. He emphasised the importance of the committee being inclusive and representative of Kouga's full demographic diversity.
The Director: Planning and Development clarified that in estate developments, the Municipality is involved in the initial approval of a HOA and its constitution, including design guidelines. However, once the estate is operational, the HOA functions independently, and the Municipality does not intervene in its internal processes.

Regarding the Aesthetics Committee, he confirmed that the current committee in St. Francis was established under previously approved guidelines. Once the new Aesthetics By-law is adopted, the committee's structure will be aligned with the updated framework, including a five-year term, volunteer nominations via the Municipal Manager's office, and Council endorsement. He offered to share the names of current committee members privately and affirmed that the committee is actively reviewing plans and performing well.

Resolved: (26 June 2025)

1. That amended Draft By-Laws Relating to the Building Aesthetics in the Municipal Area be approved by Council.

2. That the amended Draft Kouga By-Laws Relating to Building Aesthetics be published for public comment and/or objections as required by the Local Government: Municipal Systems Act, 32 of 2000, as amended.

3. That an additional Column I be included which indicates that the Mayoral Committee be allowed to attend all meetings as observers.

Proposed: Cllr F Heystek　　　　Seconded: Ald B Williams

14. **REPORT BACK: MUNIMEC**

None

15. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

25/06/MM3 COUNCIL RESOLUTIONS AS AT 29 MAY 2025

Cllr Dhludhlu thanked Council for appointing him as Chairperson of the Monitoring and Evaluation Committee (M&E). He reported that the committee met on 24 June 2025 to conduct a detailed, line by line review of item MM3, assessing completed actions, blockages, and solutions.

He confirmed that the committee is satisfied with the current recommendations and assured that ongoing follow up and reporting will be done to track progress, completion, and any outstanding matters at future M&E sittings.

Cllr Ruth proposed that the feedback provided by the administration during the Monitoring and Evaluation Committee meeting be integrated into the MM3 document, to make the explanations available to all Councillors.

Cllr van der Linde endorsed Cllr Dhludhlu position and supported Cllr Ruth assessment of the Monitoring and Evaluation Committee's comprehensive report. He advocated for this approach to be used consistently due to the clarity it provides.

He recommended the removal of item 19/07/MM4 relating to the golf course from the action sheet, citing that it has been rendered obsolete by new Council resolutions. He also raised concern about the ongoing lack of progress regarding item 25/03/FED1 Hankey Fresh Fruit Market, urging decisive action due to safety and reputational concerns. Lastly, he requested an update on recent developments concerning the Aston Bay Caravan Park item 21/09/PD10.

The Municipal Manager noted that the CFO is in the process of compiling a comprehensive report on the Hankey Fresh Produce Market. This report will include future alternative proposals for Council consideration and will be submitted in due course.

Regarding item 19/07/MM4, the Municipal Manager acknowledged that additional developments have occurred. The action sheet will be updated accordingly to reflect the status and to support the resolution of the outstanding Council decisions.

The Municipal Manager indicated that discussions are ongoing with the Department of Public Works regarding the Aston Bay Caravan Park. One of the proposals involves a potential land exchange related to a school site in the Boskloof area. Feedback has been received from the Provincial Department, but no significant new developments have been reported.

The Manager: Legal Services confirmed that there has been no further progress on the matter. The most recent meeting occurred via the office of the Director Planning and Development, during which the Department committed to holding regular follow up engagements. However, no subsequent meetings have taken place, and the Director Planning and Development is currently in contact with the Department to arrange the next session.

Cllr August raised a concern regarding the prolonged lack of action on the Hankey Fruit and Vegetable Market. She emphasised that repeated promises of a future have not materialised, while the physical condition of the building has deteriorated significantly. She noted ongoing vandalism by individuals misusing substances, stressing the urgency of implementing a solution.

The Speaker requested that the Municipal Manager prioritise the matter relating to the Hankey Fruit and Vegetable Market and ensure that the anticipated report from the CFO's office is returned to Council for consideration as a matter of urgency.

Cllr Petersen raised concern over an unresolved item listed under the Rules and Ethics Committee, which has remained marked as "ongoing" for over two years. Referring to feedback from the Office of the MEC, he stated that the investigation is delayed due to the Council not yet granting permission for it to proceed.

He stressed that the extended delay has caused reputational harm and expressed urgency for resolution. He urged the Speaker to expedite the matter and stated discomfort with their name being associated with a prolonged issue.

Resolved (26 June 2025)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

2. That the action sheet be tabled at Top Management for discussion and actioning.

25/06/MM2 **<u>2024/25: QUARTER 3: PERFORMANCE REPORT: PERIOD 1 JULY 2024 TO 31 MARCH 2025</u>**

Cllr Ntshota questioned the lack of transparency and visible progress in the upgrading of gravel roads within ANC represented communities. She requested a detailed specification of which roads are being upgraded, noting that communities like Lower Golf Course have not benefited despite repeated requests. She referenced independent intervention by a wind farm to assist with road repairs, which is currently delayed pending Municipal approval.

Cllr Ntshota argued that performance bonuses should not be awarded until equitable service delivery is evident.

The Executive Mayor expressed gratitude to the administration for finalising the new Service Delivery and Budget Implementation Plan (SDBIP), describing it as a marked improvement over previous version. He conveyed optimism for the upcoming financial year and highlighted the increased oversight and accountability the new system is expected to provide. Appreciation was extended to the Municipal Manager and the supporting team for their efforts.

Cllr Petersen criticised the distribution of Municipal resources, arguing that performance bonuses are unwarranted given disparities in service delivery.

He highlighted low achievement rates in capital budget and grant expenditures, particularly in disadvantaged areas, while noting higher investment and performance in affluent communities especially regarding road maintenance. Cllr Petersen questioned the equity of service provision across Kouga and expressed concern over operational targets being met in plants that do not serve poorer areas. He urged a reconsideration of performance-based compensation considering these imbalances.

Cllr Mbandana criticised the lack of adherence to community participation requirements in the Municipality performance practices. Citing consistently poor service delivery, particularly in historically disadvantaged communities, the Civil Directorate was singled out for failing to meet basic infrastructure needs such as water pressure and road maintenance. He stated an intention to escalate these concerns to the Director General of Local Government for further scrutiny.

At 12:04 Cllr Foley raised point of order 32.1, A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

The Municipal Manager explained that the low capital expenditure figure for the third quarter was due to external funding changes specifically, Informal Settlements Upgrading Programme Grant (ISUP) grants that were restructured for multiyear distribution and recent disaster funding received late in the quarter. These adjustments affected the ability to reflect expenditure within the reporting period due to required procurement timelines. It was noted that a detailed breakdown would be provided in upcoming financial reports and that conditional grants are expected to be fully spent by year end.

The Director: Civil and Water Services reported that R52,000 was allocated under the Municipal Infrastructure Grant (MIG) for the planning and design of gravel road upgrades, as noted on page 418.

The tender for phase two of the project has been advertised, and a contractor has been appointed to commence work from 1 July 2025. The full allocation is expected to be expended, reflecting 100% utilisation of the planning budget.

Resolved (26 June 2025)

1. That the 2024/2025 Quarter 3 Performance Report be considered.

2. That all areas of underperformance be discussed at Portfolio Committee level to determine and agree on corrective actions to be implemented and monitored to ensure targets are achieved by year end.

25/06/MM4 **<u>PERFORMANCE MANAGEMENT: APPOINTMENT OF A MUNICIPAL MODERATION COMMITTEE</u>**

Cllr Petersen acknowledged that staff regulations permit the creation of a moderation committee and proposed that Council consider broadening its remit. While grappling with language limitations, the Councillor clarified the intent to extend the committee's operational scope and expressed an effort to communicate effectively despite English not being his first language.

At 12:36 Cllr Dhludhlu raised Rule of Order 51.1, pertaining to the use of a foreign language.

The Speaker overruled Cllr Dhludhlu's objection.

Cllr Petersen made a remark directed at Cllr Dhludhlu, in which he referred to him as a taxi driver.

At 12:39 the Executive Mayor raised point of order 32.1, A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

Cllr Petersen proposed reviewing the composition of the moderation committee, questioning whether it should consist solely of the Municipal Manager, senior managers, and an external performance management specialist, or if Council members could be included to ensure oversight.

At 12:41 Cllr Gertenbach referred to Rule 36, 2, emphasising that in cases of persistent disregard for the directions of the Speaker or Chairperson, the Speaker or Chairperson is empowered to instruct the councillor in question to vacate the venue. He asserted that such action should be taken immediately.

The Deputy Municipal Manager emphasised that the Municipal Staff Regulations specifically apply to non-Section 56 and 57 employees, who report to the accounting officer and departmental heads not to politicians.

According to Section 59(7), the moderation committee must be established by the Municipal Council and include the Municipal Manager and senior administration only, excluding political office bearers. Any deviation from these regulations would constitute a direct breach of the prescribed governance framework.

Resolved (26 June 2025)

1. That in terms of the provisions of Regulation 39(6) of the Local Government Municipal Staff Regulations (R890 dated 21 September 2021), the Municipal Moderation Committee be established.

2. That in terms of the provisions of Regulation 39(7) Local Municipal Staff Regulations (R890 dated 21 September 2021), the Municipal Moderation Committee be constituted as follows:

   a) Municipal Manager as Chairperson.
   b) Members
   i) Deputy Municipal Manager
   ii) Director Civil and Water Services
   iii) Director Community Services
   iv) Director Electro-Mechanical Services
   v) Chief Financial Officer
   vi) Director Planning and Development
   vii) Manager Risk and Internal Audit
   viii) Manager Performance Management
   ix) Manager Human Resources

25/06/MM5 **ADDENDUMS TO 2024/25 PERFORMANCE PLANS OF SENIOR MANAGERS FOLLOWING AMENDMENTS TO THE 2024/25 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN**

Cllr Petersen raised concerns about the integrity of the current performance management system for senior Municipal staff. He argued that targets are often set deliberately low to secure performance bonuses, without genuine accountability. He proposed that Council members should participate in setting these targets to ensure transparency and fairness. Cllr Petersen questioned the disparity in bonus distribution, highlighting that senior managers receive incentives while their subordinates do not, despite contributing to the same outcomes.

The Executive Mayor clarified that the current item concerns a minor adjustment to already signed performance bonuses, aligned with recent changes to the SDBIPs due to funding allocations. New performance agreements for the upcoming financial year are already being signed, with SDBIPs and performance contracts in progress. He emphasised that Councillors have direct input into performance agreements through their involvement in the IDP and budget processes.

The Executive Mayor invited Cllr Petersen to provide specific proposals regarding performance management, noting that general criticisms lack actionable detail and encourage constructive engagement for future agreements.

The Speaker called for a vote as follows:

In favour : 16
Not in favour : 4
Abstain: 2

Resolved (26 June 2025)

1. That the addendums to the performance agreements of Senior Managers, following the amendments to the 2024/25 Service Delivery and Budget Implementation Plan as approved by Council on 31 March 2025 per Resolution 25/03/MM4, be noted.

25/06/MM6 EXTENSION OF TERM OF KOUGA AUDIT COMMITTEE MEMBER

Ald Williams recommended that Council adopt a prudent approach by testing the market. He proposed amending the recommendation to authorise the Municipal Manager to advertise the vacancy on the Audit Committee, ensure all relevant processes are followed, and return the item to Council for final consideration.

Cllr van der Linde supported the proposal.

Resolved (26 June 2025)

1. That Council grants authority to the Municipal Manager to advertise the vacancy on the Audit Committee, ensure that all relevant recruitment processes are duly followed, and that the outcome of the process be submitted to Council for final consideration and appointment.

Proposed: Ald B Williams Seconded: Cllr W van der Linde

16. **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

25/06/DMM10 DRAFT INSTITUTIONAL CALENDAR

The Speaker declared a comfort break from 13:09 to 13:20.

Resolved (26 June 2025)

1. That the Institutional Calendar for 1 July 2025 to 30 June 2026 be approved.

17. 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).

18. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

18.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

25/06/FED3 COUNCIL APPROVAL OF THE REVIEWED INTEGRATED ECONOMIC GROWTH STRATEGY

Ald Williams expressed support for the item, noting its progress and affirming that the administration was on the right track. He congratulated the administration on their efforts and confirmed his endorsement of the item.

Cllr Petersen voiced support for the proposed plan, emphasising his commitment to initiatives that improve the lives of poor communities. He highlighted the need for these efforts to prioritise, rather than merely include, historically disadvantaged groups. His primary concern was the plan emphasis on tourism, which he argued disproportionately benefits landowners and excludes the black majority due to limited access to land.

He urged that social and economic inequalities from the past be acknowledged in policymaking. Despite these concerns, he endorsed the plan and called for its thorough implementation to ensure equitable economic participation for all.

The Executive Mayor welcomed the policy, stating it supports economic growth in Kouga Municipality. He encouraged the development of a formal implementation policy particularly from the CFO's office that outlines how Council will actively support local businesses and ensure the strategy moves beyond paper into tangible results.

The CFO clarified that tourism is only one of six sectors targeted in Kouga economic strategy, countering claims that the strategy is tourism specific. He confirmed that the strategy includes a linked implementation plan, and that the approved budget accommodates short-term actions. Despite limited funding, the Municipality aims to meet year one targets through stakeholder engagement and partnerships. Additionally, five key policies are under review and, pending Council approval of the strategy, will be presented at the next policy workshop to support economic development in Kouga.

Cllr Petersen supported the Executive Mayor's call for concrete implementation of the strategy. He recommended that Council formally amend the item to include the development of a policy with a clear implementation plan.

Resolved (26 June 2025)

1. That the reviewed Kouga Integrated Economic Growth Strategy be approved by Council.

25/06/FED4 KLTO FUNDING 2024/2025 – KOUGA LOCAL TOURISM ORGANISATION

Resolved (26 June 2025)

1. That Council approves the funding of R 360,000-00 (Three Hundred and Sixty Thousand Rands only) all-inclusive for 2024/2025 FY only.

2. That Council authorizes the Accounting Officer to conclude a Funding Agreement / SLA with Kouga Local Tourism Organization in respect of funding stated in (1.) above.

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

25/06/PD4 APPLICATION FOR LEVEL 1 ACCREDITATION FOR IMPLEMENTATION OF HUMAN SETTLEMENTS PROGRAMMES

Cllr Petersen welcomed Kouga Municipality's proposed accreditation as a Level 1 Implementation Agent for human settlement programmes, acknowledging its origin from the Department of Human Settlements. He emphasised the importance of political maturity post-elections, urging Councillors to unite beyond party ideologies to improve the livelihoods of residents.

While supporting the initiative, he raised concerns about potential misuse of the programme for political campaigning, particularly by officials involved in its implementation. Cllr Petersen advocated for governance that prioritises collective benefits, especially for the poorest communities, and cautioned against turning service delivery tools into instruments of political lobbying.

The Deputy Executive Mayor confirmed that the matter had been discussed in the portfolio committee, where the Councillor concerns were addressed. He agreed that the issue should not be politicised and endorsed the item, noting that it had been approved by the committee based on the reasons outlined in the report.

Cllr Gertenbach expressed support for both the application for accreditation and the transfer of properties. He referenced documentation indicating that the Municipality previously held implementation status, which was later revoked due to mismanagement under the former ANC led administration.

Cllr Petersen spoke out of turn during the proceedings.

The Speaker noted that Cllr Petersen was speaking out of turn and clarified that he was not recognised to address the meeting at that time.

Cllr Ruth addressed the serious allegation raised regarding Municipal employees engaging in political activities at night within the housing sector.

It was noted that Cllr Petersen had interrupted Cllr Ruth while she was addressing Council.
The Speaker directed Cllr Petersen to allow Cllr Ruth to speak without interruption.

She stressed the importance of accountability in a public forum and urged Cllr Petersen to provide evidence to substantiate the claim, emphasising that such statements should be supported when made before Council.

At 13:41, Cllr Heystek raised a point of order against Cllr Petersen, citing repeated interruptions during the meeting. He referred to disciplinary procedures specifically Rule 56.2 stating that such conduct could warrant removal. He requested that the Speaker intervene and instruct Cllr Petersen to adhere to the rules of order.

The Deputy Municipal Manager emphasised that any allegations against Municipal staff must be submitted in writing to the Municipal Manager, as per the required legislative framework. Allegations made outside this formal process such as verbal claims or reports to other Councillors cannot be treated as valid.

Proper investigation and accountability can only occur if allegations follow the prescribed reporting procedures. If proven true, appropriate consequence management must be applied.

Resolved (26 June 2025)

1. That the report of the Human settlements Accreditation Business Plan be noted.

2. That Council supports the application for Level 1 Accreditation for implementation of Human Settlements programmes.

25/06/PD5 **<u>APPLICATION TO BE APPOINTED AS IMPLEMENTING AGENT: TRANSFER OF GOVERNMENT SUBSIDIZED HOUSES</u>**

Cllr Gertenbach was in support of the item.

Resolved (26 June 2025)

1. That the Council supports the application for the Municipality to be appointed as Implementing Agent to attend to the transfer of Government subsidised houses.

2. That an application to be appointed as Implementing Agent for the transfers of government subsidized housing, be submitted to the Eastern Cape Department of Human Settlement for consideration action.

25/06/PD6 **REQUEST FOR COUNCIL'S PERMISSION TO ACCEPT OFFER TO REGISTER A RIGHT OF WAY SERVITUDE OVER PORTION 249 OF THE FARM GOEDGELOOF NO. 745 (SEA VISTA) HUMANSDORP RD IN FAVOR OF THE MUNICIPALITY**

Resolved (26 June 2025)

1. That Council accepts a right of way servitude over Portion 249 of the Farm Goedgeloof No. 745 (Sea Vista) Humansdorp Rd in favour of Kouga Municipality.

2. That the Accounting Officer be authorized to complete the registration process of the intended servitude.

25/06/PD12 **REVIEW OF SPATIAL DEVELOPMENT FRAMEWORK 2020: PUBLIC PARTICIPATION ON DRAFT DOCUMENT**

Cllr Petersen emphasised the value of involving portfolio Councillors in discussions, pointing out that such collaboration leads to smoother council meetings. He highlighted how the current meeting progressed efficiently and without conflict, attributing it to inclusive engagement.

At 13:54, Cllr Ruth raised a point of order, stating that the remarks being made about council operations and meeting efficiency were irrelevant to the item under discussion the Spatial Development Framework (SDF).

At 13:55, Cllr Heystek raised a second point of order, noting that despite the Speaker's earlier instruction for Cllr Petersen to remain on topic, he continued to elaborate on unrelated matters involving Cllr Ruth. He requested that the Speaker enforce relevance and maintain procedural focus.

Cllr van der Linde supported the spatial development programme and shared that, following a helpful conversation with Director: Planning and Development, he now has a clearer understanding of the process. He expressed concern over the draft plan's approval wording, proposing that it explicitly return to Council for final approval after public comment. He also questioned the accessibility of the documents, asking whether copies would be made available at designated public points and on the Municipal website to ensure proper public participation.

The Director: Planning and Development outlined the public participation process for the by-laws, stating that workshops will be held to discuss all relevant documents. Hard copies will be made available at Municipal offices and libraries, with digital access via social media and the Municipal website.

The strategy includes a 60-day public comment period, with the possibility of an additional 30-day extension if amendments are made based on feedback. He emphasised the importance of extensive engagement and confirmed that the final version would return to Council for approval.

Resolved (26 June 2025)

1. That Council adopts the reviewed Draft Spatial Development Framework.

2. That the reviewed Draft Spatial Development Framework be published for public comment and/or objections.

25/06/PD13 **LAND AUDIT REPORT: MUNICIPAL-OWNED PROPERTIES: KOUGA LOCAL MUNICIPALITY**

Cllr Petersen expressed concern over the scope of the audit report, proposing that it be extended to cover all land in Kouga, not just Municipal owned land. He called for a verification process to confirm ownership and occupancy, particularly on vacant and agricultural properties.

Cllr Petersen highlighted a case of unregulated land use near Hankey, where land was farmed without formal lease agreements, suggesting that public land should generate revenue for the community. He emphasised the need for accountability and enforcement to prevent misuse of public assets.

At 14:04, Cllr Stuurman raised a point of order under Rule 32.1 Relevance, stating that Cllr Petersen was not adhering to the subject of his speech and was repeatedly mentioning individuals by name.

Cllr van der Linde raised questions about property issues on page 890 of the report. He queried why ERF 223 was granted a 15-year lease, despite legislation typically allowing only 9 years and 11 months. He also asked how many urban properties had been allocated to estate agents for marketing and sale, referencing previous Council approval.

Additionally, he sought clarity on urban numbers assigned to properties that do not appear on the zoning map, asking how such locations are identified and tracked.

The Director: Planning and Development clarified that the audit focused solely on Municipal owned properties, as per the original request, and that expanding it to include private properties would require a separate Council resolution. Regarding a specific farm mentioned, he advised that formal inquiries be submitted in writing through the appropriate channels.

On the 15-year lease, he explained that it reflects the status quo from a 2022 Council approved resolution, reportedly initiated by the province. Concerning the zoning map, he supported the request for clarity and proposed circulating maps to Councillors as a separate exercise.

He also noted that an alienation strategy, aligned with the Local Economic Development (LED) strategy, will soon be presented to Council, including detailed property locations for better transparency.

Resolved (26 June 2025)

1. That the content in the Land Audit Report be noted.

18.3 **REPORTS BY THE CHAIRPERSON: CIVIL & WATER SERVICES**

25/06/CWS15 REQUEST FOR COUNCIL APPROVAL OF THE 2025/2026 DRAFT WATER CONSERVATION AND WATER DEMAND MANAGEMENT (WCWDM) STRATEGY – 5-YEAR ACTION PLAN

Resolved (26 June 2025)

1. That Council approves the Water Conservation and Water Demand Management (WCWDM) Strategy – 5-year Action Plan for implementation.

18.4 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

25/06/EMS8 REQUEST FOR COUNCIL'S PERMISSION TO REZONE PORTION 4 OF FARM 346: HUMANSDORP RD (RHEEBOKSFONTEIN RENEWABLE) & REMAINDER OF ERF 499 HUMANSDORP TO PERMIT RENEWABLE ENERGY STRUCTURES, AGRICULTURE AND AUTHORITY USES

Cllr Petersen objected to the recommendation on the grounds that Subdivision of Agricultural Land Act 70 of 1970 prohibits subdivision of agricultural land. He cautioned that rezoning such land may open the door to fragmentation and alternative uses, which could undermine its agricultural purpose.

He questioned whether the rezoning is truly necessary to accommodate renewable energy infrastructure, noting that wind turbines already operate on farmland without rezoning. He requested that the objective behind the rezoning be clearly stated and placed on record.

The Director: Electro-Mechanical explained that the property in question is being developed as a renewable energy hub, intended to host various technologies. As part of the project conditions, the entire property must be rezoned before initiating public participation.

The Director: Planning and Development confirmed that rezoning is required under Municipal by-laws and the land use scheme to realize the proposed renewable energy development. The land will be designated as a special zone, which allows for both agricultural and renewable energy activities. Rezoning does not prohibit farming, and subdivision would require separate approval from the Department of Agriculture.

The Director: Planning and Development emphasised that this process aligns with legal standards and clarified that even wind turbine installations involved rezoning. Public comments and any required amendments would be incorporated before final approval.

Cllr Petersen withdrew his objection to the item.

Resolved (26 June 2025)

1. That the item be approved by Council.

2. That the Accounting Officer be authorized to implement the legislative process to apply for the rezoning of the applicable land parcel.

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

25/06/CSS10 INTEGRATED WASTE MANAGEMENT PLAN FOR SARAH BAARTMAN DISTRICT MUNICIPALITY AND KOUGA MUNICIPALITY

Cllr Petersen objected to the adoption of the item, citing the absence of any reference to the management of waste affecting the Seekoei River.

The Speaker called for a vote as follows:

In favour : 16
Not in favour : 5
Abstain: 0

Resolved (26 June 2025)

1. That the Kouga Municipality Integrated Waste Management Plan be adopted by Council.

2. That the Kouga Municipality Integrated Waste Management Plan be submitted for endorsement by the MEC.

25/06/EMS11 REPORT: APPROVAL OF ELECTRICITY TARIFFS FOR THE PERIOD 1 JULY 2025 TO 30 JUNE 2026

Cllr Petersen opposed the proposed electricity tariff increase, arguing that it would disproportionately affect the poorest communities, particularly those he represents. He acknowledged that the Municipality purchases electricity from national providers and resells it at a markup, but criticised the skewed budget allocation, which he claimed favors predominantly white areas.

He emphasised that inflation and tariff spikes burden low-income households more severely and suggested that the municipality could absorb some of the cost to ease the impact. On behalf of the ANC caucus, he firmly rejected the tariff increase, citing its social and economic consequences.

The Executive Mayor reminded the Council that the Municipality had initiated a petition opposing NERSA's electricity tariff increases, with strong support from Kouga residents. He emphasised that the Municipality is currently operating at a loss on electricity, not profiting from its resale. To address this, the Municipality is investing in local energy solutions, including land reservations in Humansdorp, ACCG technology, and battery storage. He stressed that Municipalities are autonomous and should not be compelled by NERSA to implement unaffordable tariff hikes.

He is currently reviewing legal action taken by other municipalities against NERSA and intends to present the option of joining the court case to Council. He also highlighted the added burden of extended peak hours by Eskom, which further strains residents financially.

The Director: Electro-Mechanical explained that the item was brought to Council following NERSA's approval, as it is the sole authority in South Africa responsible for electricity tariff regulation.

Acknowledging the high cost of electricity, he emphasised the Municipality's commitment to renewable energy projects aimed at reducing reliance on Eskom and lowering long term energy costs. He expressed optimism that, by implementing the Municipality's long-term energy strategy, future electricity costs could fall below current tariff levels, regardless of national directives.

The Speaker called for a vote as follows:

In favour : 16
Not in favour : 5
Abstain: 0

Resolved (26 June 2025)

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 'A'**, with effect from 1 July 2025.

19. **CLOSURE**

The meeting closed at 14:37

L MAREE
SPEAKER

17 September 2025
DATE