

# **MINUTES FOR** **COGNISANCE**

10.1 Minutes of an Ordinary Mayoral Committee meeting held on  
Wednesday, 18 September 2024.

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# **MAYORAL COMMITTEE MEETING MINUTES**



**MINUTES OF THE MAYORAL COMMITTEE MEETING  
HELD ON WEDNESDAY, 18 SEPTEMBER 2024 AT 09:00  
IN THE COUNCIL CHAMBERS, RHENIUS STREET,  
SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD  
PURPOSES AS IT WILL NOT BE CIRCULATED AGAIN.**

Yours sincerely.

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**H.F. DU RAND  
EXECUTIVE MAYOR**

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**3. APPLICATION FOR LEAVE OF ABSENCE**

None

**4. SPEECHES AND SUBMISSIONS**

None

**5. CONFIRMATION OF MINUTES**

**Proposer:** Councillor E.J. Lamprecht

**Seconded:** Councillor F. Kees

**RESOLVED:**

- 5.1** that the minutes of an ordinary meeting of the Mayoral Committee held on Monday, 19 August 2024 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.

**6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING**

**6.1 Matters arising from the minutes of the Mayoral Committee meeting held on Monday 19 August 2024:**

**Item A129: Monthly report of the Municipal Manager: July - August 2024:**

SALGA Membership Fees: p. 25:

In response to a question raised by the Executive Mayor about the status of the municipality's standing with SALGA, the Municipal Manager responded that she wrote to them requesting confirmation on Council's standing with them after it was previously agreed that concluding a debt repayment agreement would place the municipality in good standing again.

TRANSNET Railton Walkway, p.25:

In response to a question by the Executive Mayor, the Municipal Manager responded that the on-site meeting with TRANSNET and RSEP was scheduled for 11:00 that day.

TID Progress, p.26:

The Executive Mayor enquired about progress in this regard and the Director Financial Services responded that 1239 meters were converted successfully with a further 1000 anticipated in the next week. She added that it was projected that approximately 450 meters would have to be replaced and funds for the expenditure had to be found. She mentioned the possibility of an urgent special Mayco meeting regarding the matter but she would meet with Infrastructure Services first. The Executive Mayor requested to be kept in the loop.

Referring to the recent short circuit incident at one of the recently handed over 950 Housing Development Project houses, he requested the Director Community Services to investigate the cause of the incident and report back.

**Item A131: SASRIA Insurance Claim: Thusong Centre and Main Building, p.38:**

In response to a question by the Executive Mayor, the Director Financial Services confirmed that provision for the appointment of an architect/draft person for concept design and draft costing of the two buildings was made on the budget.

**7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR**

None

**8 DISCLOSURE OF INTERESTS BY COUNCILLORS**

None

**9 FINANCIAL REPORTING**

**9.1 Section 71 Report for August 2024.**

**RESOLVED**

9.1.1 that cognisance be taken of the Section 71 Report for August 2024.

**DISCUSSION**

*The Director Financial Services reported that the first two months of a new financial year was typically characterised by a slow start however she was able to report 42 % implementation on the 74 projects which was good progress.*

*She shared that the underbudgeted 2024/25 salary increment was a challenge with the additional 1.5% from March 2025 and the Finance Department would have to look for funds in this regard.*

*She added that exemption was an option but it could result in pressure on future tariffs as exemption basically implied postponing implementation.*

*The Municipal Manager shared that the administration has receive a MIG funds withholding letter and management was following it up. The Director Financial Services said that MIG has deviated from the cash flow projection submitted by the PMU Manager and they were following it up.*

*The Executive Mayor requested to be kept in the loop in this regard.*

**10 MATTERS FOR CONSIDERATION**

**10.1 Items submitted by officials of the Council**

### 10.1.1

Item number A141. 18.09.2024

## AMENDMENT: SWELLENDAM MUNICIPAL INTEGRATED TRANSPORT PLAN (ITP)

Report of the Director Community Services: K. Stuurman

**Department** Community Services

**Section** Traffic

**File number** 17/2/3/3

### PURPOSE OF THE REPORT

The purpose of this report is to submit options for formal Taxi Ranks in the Swellendam Municipal area.

### FACTS AND BACKGROUND

There are no formal Taxi ranks in Barrydale, Suurbraak, Buffeljagsrivier and Swellendam. There is only a bus pick-up and go point, situated behind Spar Supermarket, in Gelderblom Street, Swellendam.

### DISCUSSION

After various discussions with different departments and on-site inspections, the following areas were identified:

#### Barrydale

- Smitsville - Erf 1693 (*adjacent to the new container park*);
- Bain Street - opposite Pep Stores, two (2) parking spaces alongside the church wall and the magistrates court;
- c/o van Riebeeck and Laing Streets (*outside the Superette Store*) there is an existing bus-bay (*northern kerb*) and an extra parking bay will be painted as a taxi bay;
- van Riebeeck and Laing Streets - (*southern kerb, westerly direction towards Tradouw Pass*) one (1) bay as pick-up point for travelling outside Barrydale Area.

#### Suurbraak

- Taxi pick-up point at all bus-stops in Suurbraak area, including Post Office, Pluimpie (*Business Hub*);

#### Buffeljagsrivier

- Pick-up point – Olivedale, Du Toitsrus, Sovereign, Buffeljagsrivier Clinic, Buffeljagsrivier Library, BGS, Klipbult, BP Garage, Buffeljagsrivier Prison, Eensaamheid

#### Swellendam

##### Pick-up points

- Swellendam CBD – Sonstraaltjie grounds in Bontebok Street as a pick-up point;
- Njala Street, Railton – as a pick-up point for commuters and seasonal workers (Busses);
- c/o Voortrek and van Imhoff Streets – outside Pick 'n Pay (*northern kerb*) two (2) parking bays to load and off-load passengers;



- c/o Stasie and Voortrek street – two parking bays to load and off-load passengers;
- Bus pick-up and drop-off point behind Spar Supermarket in Gelderblom Street, Swellendam.

Taxi operators travelling from Barrydale, Suurbrak, Buffeljagsrivier and Swellendam will drop off all passengers at taxi ranks in Trichardt Street.

**Relevant documentation is attached on page 1 to 12 of the Annexures. The District Integrated Transport Plan 2020 – 2024 will be distributed as a separate addendum.**

**LEGAL IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Costs relating to painting of road markings and erecting of signage.

**PERSONNEL IMPLICATIONS**

None

**COMMUNICATIONS IMPLICATIONS**

According to the resolution.

**COMMENTS FROM DEPARTMENTS**

**Corporate Services (Town planning)**

Support the recommendation.

**Director: Community Services**

None

**Director: Financial Services**

None

**Director: Infrastructure Services**

None

**Municipal Manager**

Refer to the Integrated Plan Specification on the respective sites of the proposed taxi ranks and it should be published for public comments.

**This item served on the Community Services and Housing Portfolio Committee meeting held on Monday, 09 September 2024.**

**RECOMMENDED**

1. that Council approves in principle, the following taxi ranks in die Swellendam Municipal area:

Barrydale

- Smitsville - Erf 1693 (adjacent to the new container park);

- Bain street - opposite Pep Stores, two (2) parking spaces alongside the church wall and the magistrates court;
- c/o van Riebeeck and Laing Streets (*outside the Superette Store*) there is an existing Bus-bay (*northern kerb*) and an extra parking bay will be painted as a taxi bay;
- van Riebeeck and Laing Streets - (*southern kerb, westerly direction towards Tradouw Pass*) one (1) bay as pick-up point for travelling outside Barrydale Area.

#### Suurbraak

- Taxi pick-up point at all bus-stops in Suurbraak area, including Post office, Pluimpie (*Business Hub*);

#### Buffeljagrivier

- Pick-up point – Olivedale, Du Toitsrus, Sovereign, Buffeljagsrivier Clinic, Buffeljagsrivier Library, BGS, Klipbult, BP Garage, Buffeljagsrivier Prison, Eensaamheid

#### Swellendam

- Swellendam CBD – Sonstraaltjie grounds in Bontebok Street as a pick-up point;
  - Njala Street, Railton – as a pick-up point for commuters and seasonal workers (Busses)
  - c/o Voortrek and van Imhoff Streets – outside Pick 'n Pay (*northern kerb*) two (2) parking bays to load and off-load passengers;
  - c/o Stasie and Voortrek street – two parking bays to load and off load passengers;
  - Bus pick-up and drop-off point behind Spar Supermarket in Gelderblom Street, Swellendam.
2. that taxi operators travelling from Barrydale, Suurbraak, Buffeljagsrivier and Swellendam will drop off all passengers at taxi ranks in Trichardt Street.
  3. that the decision of Council be advertised for public comments;
  4. that the decision of Council be communicated with the Taxi Association for their comments;
  5. that a further report be tabled to Council for final approval after completion of the participation process.

### RECOMMENDED TO COUNCIL

Item A141/18/09/2024

1. that Council approves in principle, the following taxi ranks in die Swellendam Municipal area:

#### Barrydale

- Smitsville - Erf 1693 (*adjacent to the new container park*);
- Bain street - opposite Pep Stores, two (2) parking spaces alongside the church wall and the magistrates court;
- c/o van Riebeeck and Laing Streets (*outside the Superette Store*) there is an existing Bus-bay (*northern kerb*) and an extra parking bay will be painted as a taxi bay;

- van Riebeeck and Laing Streets - (*southern kerb, westerly direction towards Tradouw Pass*) one (1) bay as pick-up point for travelling outside Barrydale Area.

#### Suurbraak

- Taxi pick-up point at all bus-stops in Suurbraak area, including Post office, Pluimpie (*Business Hub*);

#### Buffeljagrivier

- Pick-up point – Olivedale, Du Toitsrus, Sovereign, Buffeljagsrivier Clinic, Buffeljagsrivier Library, BGS, Klipbult, BP Garage, Buffeljagsrivier Prison, Eensaamheid

#### Swellendam

- Swellendam CBD – Sonstraaltjie grounds in Bontebok Street as a pick-up point;
- Njala Street, Railton – as a pick-up point for commuters and seasonal workers (Busses)
- c/o Voortrek and van Imhoff Streets – outside Pick 'n Pay (*northern kerb*) two (2) parking bays to load and off-load passengers;
- c/o Stasie and Voortrek street – two parking bays to load and off load passengers;
- Bus pick-up and drop-off point behind Spar Supermarket in Gelderblom Street, Swellendam.

2. that taxi operators travelling from Barrydale, Suurbraak, Buffeljagsrivier and Swellendam will drop off all passengers at taxi ranks in Trichardt Street.
3. that the decision of Council be advertised for public comments;
4. that the decision of Council be communicated with the Taxi Association for their comments;
5. that a further report be tabled to Council for final approval after completion of the participation process.

## 10.1.2

Item number A142. 18.09.2024

### COMMUNITY SERVICES: HOUSING DEVELOPMENT: SWELLENDAM, RAILTON 950 UNITS: BENEFICIARY SELECTION: PHASE 3 OF THE PROJECT

Report of the Director Community Services: K. Stuurman

**Department** Community Services

**Section** Housing

**File number** 17/4/1/3/35/1

#### PURPOSE OF THE REPORT

To resubmit the report to Council regarding the Swellendam, Railton Housing Development, the available erven and the beneficiary selection for Phase 3 of the project.

#### FACTS AND BACKGROUND

The Swellendam Municipality identified a portion of Erf 1 Swellendam for human settlement development in response to the current housing backlog, to assist in alleviating the shortage of housing for the growing population. The development is a direct response to the existing housing need within the Swellendam Municipal area. This development will facilitate 950 additional residential opportunities within Railton, Swellendam. The prospective beneficiaries of the human settlement development are residents within the municipal area.

Asla Construction (Pty) Ltd. has been appointed as Implementing Agent for housing projects in terms of the Turnkey Contracting Strategy as set out in the National Housing Code. The design layout of the residential component was planned as a residential neighbourhood, comprising of the following land uses, namely: residential erven 950, education erven 1, business erven 5 and community/institution erven 2, utility erven 5 and public open spaces erven 4.

#### Residential and Non-Residential erven

The development will include 950 single residential erven. The housing typologies for the development will include free-standing single-storey houses, semi-detached single-storey row units and semi-detached duplex row units. The duplex units are situated along the main access routes, whereas the remainder of the site will be free-standing or semi-detached single-storey units.

The housing typologies for the development (15.82 ha) are as follows:

Residential Typologies	Total erven	Total Extent (m <sup>2</sup> )
Free- Standing Single Storey erven	88	± 150 m <sup>2</sup>
Semi- Detached Single Storey Row Houses (3 row)	234	± 109 m <sup>2</sup> - 83m <sup>2</sup>
Semi- Detached Duplex Houses	16	± 105 m <sup>2</sup>

Semi- Detached Duplex Row Houses (4 row)	612	± 96 m <sup>2</sup> - 54 m <sup>2</sup>
Education erven	1	2976m <sup>2</sup>
Business erven	5	885m <sup>2</sup> - 1019m <sup>2</sup>
Community/ Institution erven	2	600m <sup>2</sup> – 888m <sup>2</sup>
Utility erven	5	45m <sup>2</sup> – 90m <sup>2</sup>

The Municipal Planning Tribunal (MPT) approved the layout application on 18 October 2019 for the subdivision and consolidation of Erf1 in total 25,36ha.

During October 2020, the Municipality received correspondence from the Western Cape Department of Human Settlements stating that, in future, housing projects will only be supported by the National Department of Human Settlement if the layout is densified and contributes to medium to high-density development (Walk-ups) and promotes integrated development.

Subsequent to the above-mentioned approval and National Department of Human Settlement's new directives in human settlement projects, the Municipality undertook to revise the layout to increase the density. The increased densification is in line with the new directive of semi-detached and row housing typologies (single-storey and walk-ups) (Council approved the densification of the layout as per Item A125 dated 28 January 2021).

The density, however, was increased to a smaller development footprint of 15.82ha. The balance of the original site is to be developed later, as phases of serviced sites, with all relevant Environmental and Town Planning authorisations to be obtained prior to construction.

In terms of the Municipality's Housing Pipeline and the Provincial Department of Human Settlements' delivery plan, the project has been allocated for the 2021/2022 to 2025/2026 financial years. Planning funding was approved by the Department of Human Settlements. The installation of civil engineering services was completed in the 2022/2023 financial year. The application for funding for the construction of the Top Structures was approved, and construction commenced in the 2023/2024 financial year. The 234 Semi- Detached Single Storey Row Houses (3 rows) will be commenced with first, to accommodate the first phase of beneficiary approvals while the other typologies will be commenced thereafter (during the 2024/25 and 2025/26 financial years).

### **Swellendam Spatial Development Framework**

The Swellendam Spatial Development Framework (SDF) of 2020, approved in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) also earmarked the proposed development area as part of new housing development. The proposed development is, therefore, an appropriate fit within the future land use planning context and current land use context. The development is, therefore, deemed to be consistent with the Swellendam Spatial Development Framework (SDF).

### **NATIONAL HOUSING CODE, 2009: SUMMARY OF MAIN CRITERIA FOR ELIGIBILITY:**

The following main criteria need to be fulfilled in order for a person to be eligible to apply for a subsidy.

A person only qualifies for a housing subsidy if he or she is:

1. Citizenship: Lawful resident in South Africa
2. Competent to contract. At least 18 years of age and of sound mind
3. Has not yet benefited from a government housing subsidy scheme

4. Has not yet owned any fixed residential property.
5. Has not yet previously owned any fixed residential property
6. Married or cohabiting; or single with financial dependants.
7. Monthly household income: Gross monthly household income does not exceed R3 500,00
8. Persons classified as military veterans
9. Persons classified as aged
10. Persons classified as disabled

## **HOUSING SELECTION POLICY:**

The Housing Selection Policy of 2016 stipulates as follows:

### Registration date ordering

Registration date ordering is the process in respect of which all database entries considered are ordered from the earliest to the latest registration date.

Registered on the Database for at least 3 years prior to selection for ownership-based opportunity.

### Age – based prioritization in selection

Municipalities must ensure that the selection of beneficiaries occurs in a manner that focuses on the elderly and middle-aged individuals, or households headed by elderly or middle-aged persons, in registration date order. (Circular CIO of 2015)

### Selection is subject to meeting a 3-year minimum registration period

All households selected for ownership-based opportunities must have been registered on the Municipality's database for at least 3 years prior to selection, except in cases indicated in this Policy.

### Channel for queries about the preliminary selection

After the Municipality has undertaken pre-screening of the preliminary list and before the successful entries on the list are sent to the Department for approval, the Municipality must advertise the list for public viewing and comment. The details of the selected beneficiaries must also appear on the Provincial Department of Human Settlement's Housing Demand Database (of which Swellendam Municipality's waiting list is a sub-set).

The list must be available for public inspection for a minimum period of two weeks. The Municipality has three weeks to reply to queries from the public.

### New Directive to Top Structure Subsidies

This was included in the draft amended 2022 Housing Selection Policy that served on the Housing Portfolio Committee and the approved amended Housing Selection Policy 2023 is pending)

The Municipal Policy Template for Human Settlements Beneficiary Selection in Ownership – Based Subsidy Projects (Circular NO: C3 of 2023 dated 27 March 2023)

The National Department of Human Settlements (NDHS) Directive indicates that top structure projects are intended to benefit households from a limited set of priority groups and that the supply of top structure subsidies by Provinces and Municipalities should be scaled back. The priority groups referred to are using terminology defined by the Department in past circulars on beneficiary selection as follows:

- a)** Households headed by persons who are 60 years of age or older (see Circular C2 of 2021);
- b)** Households affected by permanent disability (see Circulars C2 of 2021); and
- c)** Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021).

Should the Municipality's housing demand database no longer contain households with at least one non-dependant adult being 60 years or older within the catchment areas prescribed for the project, the Municipality should select, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age) from the catchment areas prescribed for the project.

Council unanimously resolved per item A 179, dated 13 October 2022, the selection of beneficiaries for phase 1 as follows, namely

**UNANIMOUSLY RESOLVED**

Item A179/13/10/2022

1. that in phase 1 of the top structure construction, approximately 250 names of potential beneficiaries from the housing database, be provided to the Western Cape Department of Human Settlements for consideration, based on the following selection criteria:
  - 1.1 Households headed by persons who are 60 years of age or older (see Circular C2 of 2021)
  - 1.2 Households affected by permanent disability (see Circulars C2 of 2021).
  - 1.3 Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

Council unanimously resolved per item A 95, dated 29 June 2023, the selection of beneficiaries for phase 2 as follows, namely

**UNANIMOUSLY RESOLVED**

Item A95/29/06/2023

1. that phase 2 of the top structure construction selection should be, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age as follows: 59 until 55; 54 until 50; and 49 until 45; for the project based on the following selection criteria, namely:
  - 1.1 Citizenship: Lawful resident in South Africa
  - 1.2 Competent to contract. At least 18 years of age and of sound mind
  - 1.3 Not yet benefitted from a government housing subsidy scheme
  - 1.4 Not yet owned any fixed residential property.
  - 1.5 Not yet previously owned any fixed residential property
  - 1.6 Married or cohabiting; or single with financial dependents
  - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.8 Persons classified as military veterans
  - 1.9 Persons classified as aged
  - 1.10 Persons classified as disabled
- 2 that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, be provided.
- 3 that the applicant must be registered on the database for at least seven (7) years or longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45, prior to selection for ownership-based opportunity.

- 4 that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
- 5 that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so and that no affidavit from the police station stating proof of residence for the number of years will be regarded as adequate.
- 6 that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it was circulated to the Provincial Government and go out for public comment.

#### **LEGAL IMPLICATIONS**

The Constitution. Section 26  
Housing Act (No 107 of 1997)  
National Housing Code, 2009

#### **FINANCIAL IMPLICATIONS**

Funding: Department of Human Settlement Development Grant (HSDG)

#### **PERSONNEL IMPLICATIONS**

None

#### **COMMUNICATION IMPLICATIONS**

None

#### **COMMENTS FROM DEPARTMENTS**

##### **Director: Community Services**

None

##### **Director: Corporate Services**

None

##### **Director: Financial Services**

None

##### **Director: Infrastructure Services**

None

##### **Municipal Manager**

None



**This item served on the Community Services and Housing Portfolio Committee meeting held on Monday, 10 June 2024.**

**RECOMMENDED**

1. that phase 3 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from age as follows: 44 until 40; 39 until 35; and 34 until 30 for the project based on the following selection criteria, namely:
  - 1.1 Citizenship: Lawful resident in South Africa
  - 1.2 Competent to contract. At least 18 years of age and of sound mind
  - 1.3 Not yet benefitted from a government housing subsidy scheme
  - 1.4 Not yet owned any fixed residential property.
  - 1.5 Not yet previously owned any fixed residential property
  - 1.6 Married or cohabiting; or single with financial dependants
  - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.8 Persons classified as military veterans
  - 1.9 Persons classified as aged
  - 1.10 Persons classified as disabled
2. that proof of current address, and proof of having been a current resident in Swellendam municipal area, from the application date, for the last seven (7) years and longer for ages 44 to 40; nine (9) years or longer for ages 39 to 35 and eleven (11) years or longer for ages 34 to 30 years, be provided.
3. that the applicant must be registered on the database for at least seven (7) years or longer for ages 44 to 40; nine (9) years or longer for ages 39 to 35 and eleven (11) years or longer for ages 34 to 30, prior to selection for ownership-based opportunity.
4. that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
5. that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so.
6. that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it is circulated to the Provincial Government of approval.
7. that applicant residing in the catchment areas of Barrydale, Suurbraak and Buffeljagsrivier, and are willing to relocate themselves to Swellendam, should be selected in the project component and 10% of the opportunities will therefore be divided across the catchment areas, based on the following selection criteria:
  - 7.1 Households headed by persons who are 60 years of age or older (see Circular C2 of 2021)
  - 7.2 Households affected by permanent disability (see Circular C2 of 2021).
  - 7.3 Households headed by military veterans deemed by the Department of Military Veterans and the Department of Human Settlements to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

**This item served at the Special Council meeting held on Thursday, 27 June 2024.**

**UNANIMOUSLY RESOLVED**

**Item A88/27/06/2024**

1. that phase 3 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from age as follows: 59 until 55; 54 until 50; and 49 until 45 for the project based on the following selection criteria, namely:
  - 1.1 Citizenship: Lawful resident in South Africa
  - 1.2 Competent to contract. At least 18 years of age and of sound mind
  - 1.3 Not yet benefitted from a government housing subsidy scheme
  - 1.4 Not yet owned any fixed residential property.
  - 1.5 Not yet previously owned any fixed residential property
  - 1.6 Married or cohabiting; or single with financial dependants
  - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.8 Persons classified as military veterans
  - 1.9 Persons classified as aged
  - 1.10 Persons classified as disabled
2. that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, be provided.
3. that the applicant must be registered on the database for at least seven (7) years or longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45, prior to selection for ownership-based opportunity.
4. that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
5. that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so.
6. that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it is circulated to the Provincial Government of approval.
7. that applicants residing in the catchment areas of Barrydale, Suurbraak and Buffeljagsrivier, and are willing to relocate themselves to Swellendam, should be selected in the project component and 10% or 90 houses allocated to the catchment areas, equally divided to 30 houses per town, be divided across the catchment areas, based on the following selection criteria:
  - 7.1 Households headed by persons who are 60 years of age or older with three years on waiting list and three years proof of residence, first preference be given to farmworkers first, and the remainder of the allocation reverting back to Swellendam, Railton should there be not enough beneficiaries in this category. (see Circular C2 of 2021)
  - 7.2 Households affected by permanent disability (see Circular C2 of 2021).
  - 7.3 Households headed by military veterans deemed by the Department of Military Veterans and the Department of Human Settlements to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

Following the above-mentioned resolution the item was resubmitted by the Directorate Community Services on account thereof that Phase 3 of the housing project needs to reflect a different age group. The item served at the Mayoral Committee meeting held on 22 July 2024 with the following recommendation:

## RECOMMENDED

1. that phase 3 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from age as follows: 44 until 40; 39 until 35; and 34 until 30 for the project based on the following selection criteria, namely:
  - 1.1 Citizenship: Lawful resident in South Africa
  - 1.2 Competent to contract. At least 18 years of age and of sound mind
  - 1.3 Not yet benefitted from a government housing subsidy scheme
  - 1.4 Not yet owned any fixed residential property.
  - 1.5 Not yet previously owned any fixed residential property
  - 1.6 Married or cohabiting; or single with financial dependents
  - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.8 Persons classified as military veterans
  - 1.9 Persons classified as aged
  - 1.10 Persons classified as disabled
2. that proof of current address, and proof of having been a current resident in Swellendam municipal area, from the application date, for the last seven (7) years and longer for ages 44 to 40; nine (9) years or longer for ages 39 to 35 and eleven (11) years or longer for ages 34 to 30 years, be provided.
3. that the applicant must be registered on the database for at least seven (7) years or longer for ages 44 to 40; nine (9) years or longer for ages 39 to 35 and eleven (11) years or longer for ages 34 to 30, prior to selection for ownership-based opportunity.
4. that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
5. that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so.
6. that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it is circulated to the Provincial Government of approval.
7. that applicants residing in the catchment areas of Barrydale, Suurbraak and Buffeljagsrivier, and are willing to relocate themselves to Swellendam, should be selected in the project component and 10% or 90 houses allocated to the catchment areas, equally divided to 30 houses per town, be divided across the catchment areas, based on the following selection criteria:
  - 7.1 Households headed by persons who are 60 years of age or older with three years on waiting list and three years proof of residence, first preference be given to farmworkers, and the remainder of the allocation reverting back to Swellendam, Railton should there be not enough beneficiaries in this category. (see Circular C2 of 2021)
  - 7.2 Households affected by permanent disability (see Circular C2 of 2021).
  - 7.3 Households headed by military veterans deemed by the Department of Military Veterans and the Department of Human Settlements to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

The Mayoral Committee has subsequently resolved as follows:

that the item be **WITHDRAWN** for further discussion between the Mayoral Committee and Senior Management on the time frame of beneficiaries' residency for the age groups within phase 3 of the 950-housing project whereafter the item be tabled to the Portfolio, Mayco and Council meetings next ensuing.

Following the above-mentioned deliberations, the following recommendation is tabled for consideration:

**This item served on the Community Services and Housing Portfolio Committee meeting held on Monday, 09 September 2024.**

### RECOMMENDED TO MAYCO

1. that phase 3 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from age as follows: 59 until 55; 54 until 50; and 49 until 45, 44 until 40 for the project based on the following selection criteria, namely:
  - 1.1 Citizenship: Lawful resident in South Africa
  - 1.2 Competent to contract. At least 18 years of age and of sound mind
  - 1.3 Not yet benefitted from a government housing subsidy scheme
  - 1.4 Not yet owned any fixed residential property.
  - 1.5 Not yet previously owned any fixed residential property
  - 1.6 Married or cohabiting; or single with financial dependants
  - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.8 Persons classified as military veterans
  - 1.9 Persons classified as aged
  - 1.10 Persons classified as disabled
2. that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, and thirteen (13) years or longer for ages 44 to 40 be provided.
3. that the applicant must be registered on the database for at least seven (7) years or longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45, and thirteen (13) years or longer for ages 44 to 40 be provided prior to selection for ownership-based opportunity.
4. that after this round has been completed and housing opportunities are still available, selection of registration date and proof of residence in Swellendam changes as follows: from the application date, for the last five (5) years and longer for ages 59 to 55; seven (7) years or longer for ages 54 to 50 and nine (9) years or longer for ages 49 to 45 years, and eleven (11) years or longer for ages 44 to 40 be provided.
5. that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
6. that all applicants must provide consent to the municipality to verify all information required for the application and that they acknowledge that the municipality may use external bodies to do so.

7. that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it is circulated to the Provincial Government for approval.
8. that applicants residing in the catchment areas of Barrydale, Suurbraak and Buffeljagsrivier, and are willing to relocate themselves to Swellendam, should be selected in the project component and 10% or 90 houses allocated to the catchment areas, equally divided to 30 houses per town, be divided across the catchment areas, based on the following selection criteria:
  - 8.1 Households headed by persons who are 60 years of age or older with three years on the waiting list and three years proof of residence, first preference be given to farmworkers, and the remainder of the allocation reverting back to Swellendam, Railton should there be not enough beneficiaries in this category. (see Circular C2 of 2021).
  - 8.2 Households affected by permanent disability (see Circular C2 of 2021).
  - 8.3 Households headed by military veterans deemed by the Department of Military Veterans and the Department of Human Settlements to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021).

## **RECOMMENDED TO COUNCIL**

**Item A142/18/09/2024**

1. that phase 3 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from age as follows: 59 until 55; 54 until 50; and 49 until 45, 44 until 40 for the project based on the following selection criteria, namely:
  - 1.11 Citizenship: Lawful resident in South Africa
  - 1.12 Competent to contract. At least 18 years of age and of sound mind
  - 1.13 Not yet benefitted from a government housing subsidy scheme
  - 1.14 Not yet owned any fixed residential property.
  - 1.15 Not yet previously owned any fixed residential property
  - 1.16 Married or cohabiting; or single with financial dependants
  - 1.17 Monthly household income: Gross monthly household income does not exceed R3 500,00
  - 1.18 Persons classified as military veterans
  - 1.19 Persons classified as aged
  - 1.20 Persons classified as disabled
2. that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, and thirteen (13) years or longer for ages 44 to 40 be provided.
3. that the applicant must be registered on the database for at least seven (7) years or longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45, and thirteen (13) years or longer for ages 44 to 40 be provided prior to selection for ownership-based opportunity.
4. that after this round has been completed and housing opportunities are still available, selection of registration date and proof of residence in Swellendam changes as follows: from the application date, for the last five (5) years and longer for ages 59 to 55; seven (7) years or longer for ages 54 to 50 and nine (9) years or longer for ages 49 to 45 years, and eleven (11) years or longer for ages 44 to 40 be provided.

5. that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
6. that all applicants must provide consent to the municipality to verify all information required for the application and that they acknowledge that the municipality may use external bodies to do so.
7. that the list and all required supporting documentation must be made available to the Community Services and Housing Portfolio Committee for verification before it is circulated to the Provincial Government for approval.
8. that applicants residing in the catchment areas of Barrydale, Suurbraak and Buffeljagsrivier, and are willing to relocate themselves to Swellendam, should be selected in the project component and 10% or 90 houses allocated to the catchment areas, equally divided to 30 houses per town, be divided across the catchment areas, based on the following selection criteria:
  - 8.1 Households headed by persons who are 60 years of age or older with three years on the waiting list and three years proof of residence, first preference be given to farmworkers, and the remainder of the allocation reverting back to Swellendam, Railton should there be not enough beneficiaries in this category. (see Circular C2 of 2021).
  - 8.2 Households affected by permanent disability (see Circular C2 of 2021).
  - 8.3 Households headed by military veterans deemed by the Department of Military Veterans and the Department of Human Settlements to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021).

### 10.1.3

Item number A143. 18.09.2024

## **DRAFT SWELLENDAM COASTAL ACCESS LAND BY-LAW, 2023, IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO.24 OF 2008)**

Report by the Senior Manager Land Use Planning: R. Brunings

**Department** Infrastructure and Planning Services

**Section** Town Planning and Building Control

**File number** 17/20/R

### **PURPOSE OF REPORT**

To table the draft Swellendam Coastal Access Land By-law, 2024, provided for in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), for adoption and proclamation.

### **FACTS AND BACKGROUND**

On 5 May 2023 Council resolved as follows:

#### **UNANIMOUSLY RESOLVED**

**Item A54/08/05/2023**

1. That the content of this report be noted.
2. That the draft Swellendam By-law on Coastal Access Land be advertised for public comment, in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
3. That the draft Swellendam By-Law on Coastal Access Land and any public comment received in terms of (2) above, be submitted to Council for consideration in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

The draft By-law was duly advertised on 6 July 2023, with a closing date for comment of 11 August 2023. No comment or objections were received during the provided period.

Based on the above, a subsequent Item was tabled for Council for its meeting of 27 March 2024, where it resolved as follows:

#### **RESOLVED**

**Item A40/27/03/2024**

1. that the content of this report be noted.
2. that the draft Swellendam By-law on Coastal Access Land be advertised for public comment again in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) whereafter it be tabled for Council for Consideration.

The draft By-law was duly re-advertised on 12 July 2024, with a closing date for comment of 16 August 2024 – refer to **Page 13 of the Annexures**. One comment was received during the commenting period. The comment is included at **Page 14 to 15 of the Annexures**. The Administration's input thereon is included below and in the Annexures.

A copy of the draft Swellendam Coastal Access Land By-law, 2024, is included **at Page 16 to 38 of the Annexures**.

### **DISCUSSION**

As noted previously, the proclamation of the full suite of 5 draft model by-laws, will require of the Administration to take various administrative actions additional to the functions already being carried out in relation to the Breede River Estuary, including, inter alia:

- Establishment of a Coastal Access Committee
- Preparation of a Coastal Access Land Audit
- Delineation of Coastal Access Land
- Provision of facilities within the Coastal Access Land
- Generation of Rules for the use of Coastal Access Land
- Making available law enforcement officers to enforce the provisions of the by-laws
- Budgeting for all of the above

Given the above, it was resolved at the Council meeting of 5 May 2023 to proceed only with the By-Law on Coastal Access Land (the By-Law now being considered). It was agreed that the remaining 4 draft model by-laws, namely:

- the By-Law on the Designation of Coastal Access Land;
- the By-Law on the Amendment of Designation of Coastal Access Land;
- the By-Law on the Withdrawal of Designation of Coastal Access Land; and
- the By-Law of the Determination (or Adjustment) of Boundaries of Coastal Access Land

be dealt with at a future time, and specifically only once the Coastal Access Land Audit and the actual delineations of applicable Coastal Access Land has been completed.

With regards the public comment (1x) received: the comment relates more directly to various operational matters within the Breede River Estuary area, and which are already being attended to by the different institutions and agencies. It is considered that the comment has no tangible impact on the draft By-Law as circulated, and that the draft By-Law remain as is.

#### **LEGAL IMPLICATIONS**

Publication of the adopted By-Law in the Provincial Gazette.

#### **FINANCIAL IMPLICATIONS**

Publication of the adopted By-Law in the Provincial Gazette.

#### **PERSONNEL IMPLICATIONS**

None at this stage.

#### **COMMUNICATIONS IMPLICATIONS**

Publication of the adopted By-Law in the Provincial Gazette.

#### **COMMENTS FROM DEPARTMENTS**

##### **Director: Community Services**

None.

##### **Director: Financial Services**

None.

##### **Director: Infrastructure and Planning Services**



Supported.

**Municipal Manager**

None.

**This item served on the Infrastructure Services Portfolio committee meeting held on Wednesday, 11 September 2024.**

**RECOMMENDED**

1. that the content of the report on the draft Swellendam Coastal Access Land By-Law, 2023 be noted.
2. that the draft Swellendam By-law on Coastal Access Land be adopted in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
3. that the draft Swellendam By-Law on Coastal Access Land be published in the Provincial Gazette in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**RECOMMENDED TO COUNCIL**

**Item A143/18/09/2024**

1. that the content of the report on the draft Swellendam Coastal Access Land By-Law, 2023 be noted.
2. that the draft Swellendam By-law on Coastal Access Land be adopted in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
3. that the draft Swellendam By-Law on Coastal Access Land be published in the Provincial Gazette in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

## 10.1.4

Item number A144. 18.09.2024

### STREET NAMING: ALLOCATION OF NAMES FOR 2 PUBLIC STREETS - SWELLENDAM

Report by the Senior Manager Land Use Planning: R. Brunings

**Directorate:** Infrastructure and Planning Services  
**Division:** Town Planning and Building Control  
**File number:** 16/3/7

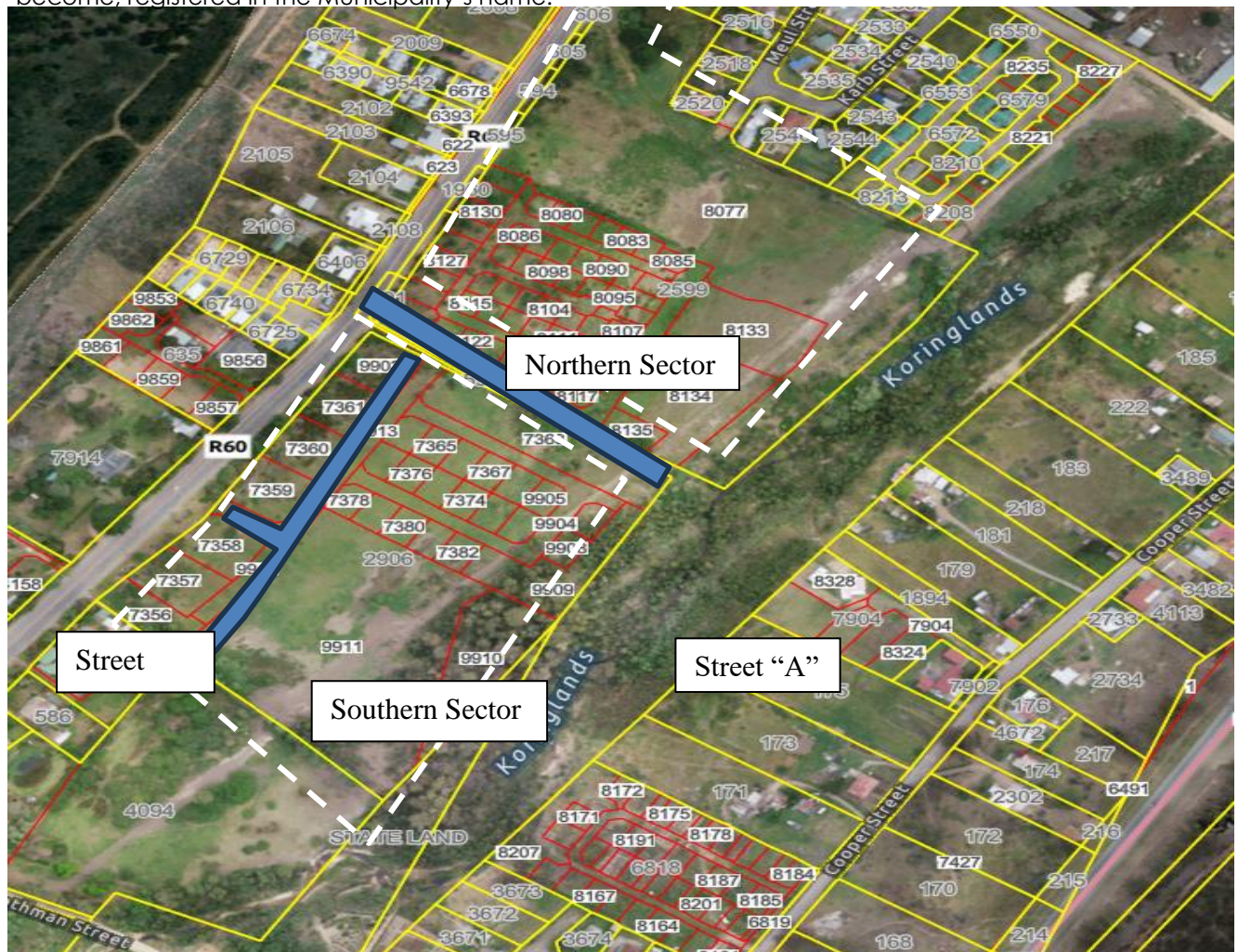
#### PURPOSE OF REPORT

To set out options for the naming of 2 new public streets - Swellendam.

#### FACTS AND BACKGROUND

Various development initiatives are currently underway on the land known colloquially as the "Sirkus Gronde". This vacant land, which lies between Voortrek St and the Koringlands River, and stretches from Meul St. in the north to Erf 4095 in the south comprises various cadastral entities. The northern sector of the land parcel is currently subject to a land availability agreement between Council and Raubex, whilst the southern sector is subject to a private residential development (Tondek) – see plan below.

In light of the above, 2 proposed public streets need to be allocated names. These streets will remain, or will become, registered in the Municipality's name.



## **DISCUSSION**

The following street name options have been proposed, in no particular order:

### Street "A"

- Riverine Way
- Riverway St
- Grootbos St

### Street "B"

- Oewerlust Laan
- Binnekant St
- Lemoenlust Laan
- Koorlust Laan

In terms of Council's System of Delegations, read together with the Policy on the Naming of Streets, Council is to take an in-principle decision based on the proposals put forward, which is then to be advertised. Council can delegate the Municipal Manager to finalise the process, if no objections are received to the in-principle decision taken.

## **LEGAL IMPLICATIONS**

The applicable road names will have to be forwarded to the Surveyor General's Office and the Registrar of Deeds, on registration of the cadastral entity.

## **FINANCIAL IMPLICATIONS**

Manufacture and erection of applicable street name sign boards.

## **PERSONNEL IMPLICATIONS**

None.

## **COMMUNICATIONS IMPLICATIONS**

Public advertisement.

## **COMMENTS FROM DEPARTMENTS**

### **Director: Community Services**

None.

### **Director: Financial Services**

None.

### **Director: Infrastructure Service**

None.

## Municipal Manager

The proposal to be advertised for public participation

**This item served on the Infrastructure Services Portfolio committee meeting held on Wednesday, 11 September 2024.**

### RECOMMENDED

1. that the content of the report on the allocation of names for two (2) public streets in Swellendam be noted.
2. that Council resolves in principle on the street names as follows:
  - 2.1. Street "A" = Grootbosstraat
  - 2.2. Street "B" = Oewerluststraat
3. that the in-principle decision be advertised for public comment.
4. that the Municipal Manager be delegated to conclude the process, if no objections to the in-principle decision are received and if objections are received, the matter be reverted to Council for consideration.

### RECOMMENDED TO COUNCIL

**Item A144/18/09/2024**

1. that the content of the report on the allocation of names for two (2) public streets in Swellendam be noted.
2. that Council resolves in principle on the street names as follows:
  - 2.1 Street "A" = Grootbosstraat
  - 2.2 Street "B" = Oewerluststraat
3. that the in-principle decision be advertised for public comment.
4. that the Municipal Manager be delegated to conclude the process, if no objections to the in-principle decision are received and if objections are received, the matter be reverted to Council for consideration.

### 10.1.5

Item number A145. 18.09.2024

## SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – AUGUST 2024

Report by the Director Financial Services: Ms. E Wassermann

<b>Department</b>	Financial Services
<b>Section</b>	Supply Chain Management
<b>File number</b>	9/2/1/5

### PURPOSE OF REPORT

The SCM monthly report is prepared to inform Council on key SCM monthly activities and adhere to the reporting requirements in terms of the Legislative Framework.

The Supply Chain Management Monthly Report for August 2024 **is attached on page 39 to 68 of the Annexures.**

### FACTS AND BACKGROUND

In terms of section 6 of the Supply Chain Management Regulations, Council has a responsibility to maintain oversight over the implementation of the Supply Chain Management Policy.

Section 36(2) of the Supply Chain Management Regulation requires that the accounting officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.

### DISCUSSION

The SCM monthly report for August 2024 is attached as Annexure A to enable the council to fulfil its oversight role. The report informs on the following matters:

- Procurement Statistics for the month
- Awards made above R 100 000 which was reported to National Treasury
- SCM deviations

There are no material problems with the implementation of SCM policy.

### LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulation, 2005
- Municipal Supply Chain Management Policy, 2024

### FINANCIAL IMPLICATIONS

None

### PERSONNEL IMPLICATIONS

None

**COMMUNICATION IMPLICATIONS**

None

**COMMENTS FROM DEPARTMENTS**

**Director: Corporate Services**

None

**Director: Community Services**

None

**Director: Financial Services**

None

**Director: Infrastructure Services**

None

**Municipal Manager**

None

***This item served on the Corporate- and Financial Services Portfolio Committee meeting held on Thursday, 12 September 2024.***

**RECOMMENDED**

1. that Council takes cognisance of the Supply Chain Management Report for August 2024 attached as Annexure.

**RECOMMENDED TO COUNCIL**

**Item A145/18/09/2024**

1. that Council takes cognisance of the Supply Chain Management Report for August 2024 attached as Annexure.

### 10.1.6

Item number A147. 18.09.2024

## REQUEST FOR APPROVAL TO WRITE OFF OUTSTANDING DEBT ERF 3333, SUURBRAAK: 2024

Report of the Director: Financial Services: Ms. E Wassermann.

<b>Department</b>	Financial Services
<b>Section</b>	Financial Services
<b>File number</b>	5/3/1/3

### PURPOSE OF REPORT

To obtain approval from the Council to write off the debt on property 3333, Suurbraak to the amount of R11 986.94.

### FACTS AND BACKGROUND

A letter was received from Mr Benn, to write off the arrear debt on property 3333, Suurbraak. The letter, attached **on page 69 of the Annexures**, states that Mr. Benn and his family have not lived on the property for more than 24 years. He is requesting Council to consider writing off the debt.

### DISCUSSION

The property is located on the Suurbraak Commonages land, but it is not registered in Mr. Benn's name. The house is situated on Jantjies Street, and the client paid a monthly rental of R150. The property's account was transferred from the former Suurbraak Municipality to the greater Swellendam Municipality when it was established, and there were no rates on the property.

The client closed the account in August 2018, and the rental payments were stopped in June 2022. Please find the picture of the property below:



The outstanding debt is from August 2013 until June 2022 plus interest which is levied on the arrear balance for services charges and VAT.

Considering the following, it is proposed that the outstanding debt be written off:

- The property is registered in Swellendam Municipality name;
- From the pictures it is clear that there were no people residing at the property for a while;
- The house on the property is depleted and are not registered in Mr Benn's name.
- The debt is historic.
- Mnr Benn currently resides on Erf 768, in Suurbraak since August 2000. His current account is up to date.

### **LEGAL IMPLICATIONS**

Municipal Finance Management Act  
 Municipal Systems Act  
 Bad Debt Write-off Policy, 2022  
 Customer Care Credit Control and Debt Collection Policy, 2022

### **FINANCIAL IMPLICATIONS**

The write-off of the outstanding debt to the amount of R11 986,94.

### **PERSONNEL IMPLICATIONS**

None

### **COMMUNICATION IMPLICATIONS**

None

### **COMMENTS FROM DEPARTMENTS**

#### **Director: Community Services**

None

#### **Director: Financial Services**

As per the report.

#### **Director: Infrastructure Services**

None

#### **Municipal Manager**

None

***This item served on the Corporate- and Financial Services Portfolio Committee meeting held on Thursday, 12 September 2024.***

### **RECOMMENDED:**

1. that approval be granted that the irrecoverable debt on Erf 3333, Suurbraak to the amount of R11 986.94 and subsequent interest levied, be written off.



1. that approval be granted that the irrecoverable debt on Erf 3333, Suurbraak to the amount of R11 986.94 and subsequent interest levied, be written off.

### 10.1.7

Item number A149.

18.09.2024

## MONTHLY REPORT OF MUNICIPAL MANAGER: JULY/AUGUST

The following report on activities for July and August 2024 is presented:

### **KABELJOU BANK, INFANTA**

An application on the applicability of the National Environmental Management Act, 1998 (Act 107 of 1998) and applicable regulations, 2014 for the proposed footpath at Kabeljoubank staircase in Infanta has been submitted to the Department of Environmental Affairs. The application confirmed that the existing Kabeljoubank staircase was damaged during previous extreme tidal activity and was declared unsafe and unrepairable due to the extent of the damages. In addition, redevelopment of the staircase will be too costly, especially given the probability of similar damage in future. It was therefore proposed to remove the remaining stairs, close-off the access point to the stairs that is situated on the main platform/viewing deck/landing, and constructing a footpath from the main landing, (in a u-shape) in a southern direction down the embankment and onto the beach. This will permit safe public access to the beach. An area of approximately 1.2m wide x 35m long (approximately 42m<sup>2</sup>) is to be cleared of indigenous vegetation to establish the footpath, and handrails will be installed in critical sections to ensure safety during use. The Department confirmed that the proposed footpath will not result in the movement 5m<sup>3</sup> or more of material within the highwater mark ("HWM") of the sea. The works will be undertaken by hand and no heavy machinery will be used.

The Department confirmed that the proposed development as described above will not trigger any listed activity(ies) as defined in terms of the NEMA EIA Regulations. Environmental Authorisation in terms of NEMA is therefore not required prior to constructing a footpath from the main landing of the Kabeljoubank staircase to the beach in Infanta. The Municipality can thus commence with the project.

### **EXITING 60 YEAR + PARTICIPANTS FROM CWP**

CWP Circular 06 of 2024 from DCoG dated 31 July 2024, regarding the intention to exit CWP participants that are 60 years of age and above who are receiving an old age grant from the South African Social Security Agency (SASSA) was issued. Consequently, DCoG has conducted a verification exercise with SASSA to confirm the CWP participants over 60 years of age receiving an old age grant.

The outcome led to a decision by DCoG to exit these participants to address the situation where they receive stipends from CWP as well as a grant from SASSA. The last working day for the affected participants who work on Mondays and Tuesdays was 12 August 2024. Those CWP participants' who work on Wednesdays and Thursdays last day was 15 August 2024 and affected supervisors last working day was 16 August 2024.

The final CWP stipends will be paid to the affected participants on 25 September 2024. DCoG requested the CWP Implementing Agents to assist with engaging the affected CWP participants and issue them with a formal letter that will be provided by DCoG notifying them of the Department's decision.

Should you have any enquiries, kindly liaise directly with the Director for CWP Implementation in the Western Cape at DCoG, Ms Maseleka Kgatla on cellphone number 082 901 4661 or email MaselekaK@cogta.gov.za .

It is important that Councillors note the above decision by COGTA, should the participants contact them.

**NOTICE OF DISPUTE AND AMICABLE SETTLEMENT IN TERMS OF CLAUSE 10.3.1 AND 10.4 OF THE GENERAL CONDITIONS OF CONTRACT: CONTRACT NUMBER SMT26/21/22: UPGRADING OF BARRYDALE BULK WATER SUPPLY INFRASTRUCTURE: PHASE 2\_PORTION 2**

We refer to the Amicable Settlement meeting held on 3 September 2024. This meeting related to the Contractor's Notice of Dispute and Amicable Settlement as submitted by Mr Hans Gildenhuis of Tiefenthaler Africa on behalf of SC Housing on 29 July 2024, in terms of Clauses 10.3 and 10.4 of the General Conditions of Contract 2015. The following is relevant: a. This meeting was held in attempt to reach an Amicable Settlement in terms of Clause 10.4 of the GCC 2015. Although a third party was not present to facilitate the meeting, the process was agreed by the Parties to the Contract. A settlement offer by the Municipality to waive the penalty amount of R345 000 and bring this matter to a close. A response to the settlement offer of the Employer is awaited.

**WSIG EXTENSION TO SUBMIT REVIEWED WSP**

Swellendam Municipality applied for WSIG funding, but do not comply with the legislative requirement of a reviewed Water Services Plan. The Municipal Manager engaged with the Department on 12 September 2024 and extension for the submission of a reviewed WSP was granted until 15 December 2024. The Municipality will do the review internally with the technical assistance of the Department.

**ACTING DIRECTOR: INFRASTRUCTURE SERVICES**

The shortlisting for the vacancy as Director: Infrastructure Services took place on 12 September and will be tabled to Council soonest. It will thus be necessary to extend Mr Delpont's contract with at least one to two months.

**SECTION 28 NEMA TRANSGRESSION**

On 6 September 2024 a section 28 NEMA transgression occurred when sewerage from the Soill pumpstation spilled into the feeder river of the Koringlands River that feeds into the Breede River. The incident was reported to the Department of Environmental Affairs, the community alongside the Breede River was informed about the spillage and the spillage was stopped. The river was severely contaminated. The Municipality is conducting an internal investigation with the assistance of an expert in sewerage management from Overstrand Municipality. It should be noted that on 10 September more spillage occurred, but has since been stopped. Once the investigation has been completed a full report will be tabled to Council.

**DCF MEETING**

A District Coordinating Forum Meeting was held on 6 September where the possibility to establish a shared service unit for the enforcement of coastal bylaws were discussed and will be investigated further. Additional meetings with government departments were requested to discuss land transfers as well as the establishment of a special early response riot unit.

## **GENDER MAINSTREAMING**

The Municipal Manager did a presentation to the SALGA Women's Commission at Arniston on 5 September. Swellendam was complimented by the participants for their forward-thinking on employee wellness. The Municipality is seen as a best practice in this respect.

A gender mainstreaming policy is currently being developed and it is requested that Council appoints a councillor to serve on a Gender Mainstreaming Committee.

## **DISCUSSION**

The Municipal Manager shared that a court order to provide emergency housing in respect of an ESTA eviction application in Barrydale has been received. She added that she has instructed the Council attorney to add both the National and Provincial Departments of Human Settlements as respondents in future and she intended to raise the matter at the Municipal Managers Forum scheduled for the next day as well. The Director Community Services requested that the Department of Agriculture and Rural Development be added as well.

## **RECOMMENDED TO COUNCIL**

**Item A147/18/09/2024**

1. that the monthly report of the Municipal Manager for July/August 2024, be noted;
2. that a Councillor be nominated to serve on the Gender Mainstreaming Committee.

## 10.1.8

Item number A150. 18.09.2024

### **UNFORESEEN AND UNAVOIDABLE EXPENDITURE: RUSSEL STREET**

Report of the Director Financial Services: Ms E. Wasserman

<b>Department</b>	Financial Services
<b>Section</b>	Expenditure
<b>File number</b>	16/1/1/R

#### **PURPOSE OF REPORT**

The purpose of the report is to consider unforeseen and unavoidable expenditure that were identified on the Russel Street project.

#### **FACTS AND BACKGROUND**

BVI Consulting Engineers has been appointed as the Engineer for the rebuilding of Russel Street. During the design phase, the condition of the existing road layer works was assessed and assumptions were made, based on the results of the assessments on which the design was based and the Bill of Quantities compiled.

During construction and after the excavation started to remove the old worn down road layer works, the town experienced multiple rainfall events in short succession.

It was later determined that the ground conditions were unsuitable to start the construction of the new layer works due to the high water content in the in-situ soil.

It was subsequently needed to excavate deeper into the in-situ soil to remove unsuitable material and replace it with a more stable material as well as to add sub-surface drainage to keep water out of the layer works.

These conditions were unforeseen underground conditions and could not be picked up during the normal investigation of the state of the underground material and ground formation. Due to the design phase falling outside of the wet winter months, it was not possible to do sampling and investigations at the same time that construction would likely happen.

The estimated cost of the variation order to cover the associated delays and additional work amounts to R693 131.00. It is suggested that an additional amount be committed to the project in order to complete the construction of the infrastructure.

#### **DISCUSSION**

The MFMA stipulates that the Council can amend the budget through an adjustment process which is submitted to Council by 28 February 2025.

The project has already commenced and there are no other projects on the capital budget that can be utilized through savings to fund the project. Due to the urgency of the project, it is proposed that additional funds of R695 000 be made available through section 29, of the MFMA to complete the project.

## **LEGAL IMPLICATIONS**

Under section 29 of the MFMA, the Mayor of a municipality may in an emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provisions were made in an approved budget

Any such expenditure:

- a) Must be in accordance with a framework that may be prescribed.
- b) May not exceed a prescribed percentage of the approved annual budget.
- c) Must be reported by the mayor to the municipal council at its next meeting.
- d) Must be appropriated in an adjustments budget.

If such Adjustments Budget is not passed within 60 days after the expenditure was incurred, the expenditure is unauthorised and section 32 applies.

The budget and reporting regulations further prescribe under section 71, that the expenditure may be considered if the delay pending approval of an adjustments budget in February 2025 may cause a disruption or suspension, or a serious threat of the continuation of basic municipal services.

The amount of the expenditure that a mayor of a municipality may authorise in terms of section 29 of the Act is limited to the greater of R5 million or 4% of the municipality's own revenue with an approved revenue budget greater than R250 million but not exceeding R500 million.

In the case of Swellendam Municipality the municipality's own revenue excluding grants is R364 million which gives an amount of R14,6 million which the Executive Mayor may authorise in terms of section 29 of the Act.

## **FINANCIAL IMPLICATIONS**

It is proposed that the 2024/2025 Capital Budget be amended to increase the project cost for Russel Street as follows:

Upgrade of Russel Street	-	R695 000
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## **PERSONNEL IMPLICATIONS**

None

## **COMMUNICATION IMPLICATIONS**

None

## **COMMENTS FROM DEPARTMENTS**

### **Director: Community Services**

None

### **Director: Financial Services**

None

**Director: Infrastructure Services**

The additional work is an absolute necessity, to ensure that the infrastructure installed has the required lifespan and that the structural integrity remains in place.

The installation of sub-soil will ensure that the risk of water ingress is limited and it will protect the road layers works in the future.

The contract of the Contractor will be amended, once the Council approves the item.

**Municipal Manager**

None

**RECOMMENDED**

1. that the Executive Mayor authorises the unforeseen and unavoidable expenditure to the amount of R695 000 for the Russel Street project in terms of Section 29 of the MFMA.
2. that an adjustments budget be passed within 60 days after the expenditure in 1 above was incurred.

**RECOMMENDED TO COUNCIL**

**Item A150/18/09/2024**

1. that the Executive Mayor authorises the unforeseen and unavoidable expenditure to the amount of R695 000 for the Russel Street project in terms of Section 29 of the MFMA.
2. that an adjustments budget be passed within 60 days after the expenditure in 1 above was incurred.

### 10.1.9

Item number A 151. 18.09.2024

## UPGRADING OF ROAD NETWORK SWELLENDAM INDUSTRIAL AREA

Report of the Director Financial Services: Ms. E. Wassermann

<b>Department</b>	Financial Services
<b>Section</b>	Finance
<b>File number</b>	16/3/5/1

### PURPOSE OF REPORT

The report aims to inform the Council of the interaction with the Department of Agricultural and Rural Development regarding possible funding to upgrade the existing road network in the Industrial Area.

### FACTS AND BACKGROUND

The municipality has engaged with the Department of Agricultural and Rural Development in 2022 for possible funds to upgrade roads in the Industrial Area. **Attached as Annexure A** is the business plan which was submitted.

### DISCUSSION

The department has reached out to the municipality to confirm if the municipality will be able to fund the indirect costs for the project. This confirmation is necessary for the department to begin planning the project.

The indirect costs are estimated to be around R3 million, while the direct costs of the project are approximately R26 million. The concept of indirect costs is similar to counter funding on the MIG projects.

The department has requested that a Council Resolution be obtained to proceed with the planning.

This decision should encompass the following points:

1. That the municipality will carry the indirect cost of the project should the department fund the direct cost.
2. That the Municipality take over the infrastructure on completion of the project and include it on the asset register of the Municipality.
3. That the Municipality budget for, and carry out the maintenance of the infrastructure after handover.

### LEGAL IMPLICATIONS

Local Government: Municipal Finance Management Act



## **FINANCIAL IMPLICATIONS**

The proposal is a win-win situation for the municipality in that we will have an upgraded Industrial area which can attract more business opportunities in future. This project will also contribute to local economic development.

Although the municipality's capital reserve is still under pressure, it is proposed that +-R3m be reserved for this project. The current balance in the CRR is +- R10,2 million depending on the actual implementation of the 2024/2025 Capital Budget.

## **PERSONNEL IMPLICATIONS**

None

## **COMMUNICATION IMPLICATIONS**

None

## **COMMENTS FROM DEPARTMENTS**

### **Director: Community Services**

None

### **Director: Financial Services**

As per the report

### **Director: Infrastructure Services**

The funding commitment required from the municipality is a small contribution compared to the value of the asset that the municipality will receive at the completion of the project. This project has the potential to upgrade the roads to a high service level and decrease the burden of the municipality in terms of maintenance responsibility.

The Infrastructure Services Department supports the proposal.

### **Municipal Manager**

As per the report.

## **DISCUSSION:**

The Executive Mayor requested that the Infrastructure Services Department provide him with the total amount spent on roads from 1 July 2021/22 until current.

## **RECOMMENDED TO COUNCIL**

**ITEM A151/18/09/2024**

1. that the report on the possible funding of the direct cost for the upgrading of the existing road network in the Industrial Area, Swellendam by the Department of Agricultural and Rural Development, be noted;

2. that Council approves that the municipality will carry the indirect cost of the project should the department fund the direct cost.
3. that Swellendam Municipality takes over the infrastructure on completion of the project and include it on the asset register of the Municipality.
4. that the Municipality budget for, and carry out the maintenance of the infrastructure after handover.
5. that once the project is finally approved the indirect cost be allocated in an adjustments budget.
6. that Council approves to reserve the amount of +-R3 million in the Capital Replacement Fund for this purpose.

**10.2 Consideration of matters which require non-disclosure**

None

**10.3 Consideration of urgent matters**

None

**11 MINUTES OF THE PORTFOLIO COMMITTEES**

**RESOLVED:**

that cognisance be taken of the following minutes:

- 11.1** Minutes of a Community Services and Housing Portfolio Committee meeting held on Wednesday, 07 August 2024.
- 11.2** Minutes of a Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 August 2024.
- 11.3** Minutes of an Infrastructure Services Portfolio Committee meeting held on Wednesday, 14 August 2024.

**12 GENERAL**

None

**13 CLOSURE**

The Executive Mayor thanked everybody for their time and commitment to attend the meeting.

The meeting was adjourned at 11:12.