NDLAMBE MUNICIPALITY

AGENDA

SPECIAL OPEN NDLAMBE VIRTUAL COUNCL MEETING

DATE: MONDAY, 26 OCTOBER 2026

TIME: 14H00.

VENUE: MS TEAMS

AGENDA OF A SPECIAL OPEN NDLAMBE VIRTUAL COUNCIL MEETING WILL BE HELD ON, MONDAY, 26 OCTOBER 2026 AT 14H00 VIA MS TEAMS.

NOTICE is hereby given that a SPECIAL OPEN NDLAMBE VIRTUAL COUNCIL MEETING will be held on MONDAY, 26 OCTOBER 2026 AT 14H00 VIA MS TEAMS.

PORT ALFRED
26 October 2026

DIRECTOR: CORPORATE SERVICES
for: **MUNICIPAL MANAGER**

TO: Councillor: A Marasi (In the Chair)

Councillors: K Ncamiso (Mayor) A. Bukani, S. T Dyakala, N. E. Haynes, W. Johannes, P. Y Kani, S. Kolosa, P. Khungwayo, N. F. Memani, M. Mgweba, Z. W. Myali, S. Melani, A Nyumka, R Purdon, O Msesiwe, M. Sweli, S. Venene, E. H. K. Walker, S. Zweni.

Municipal Manager, Directors: Financial Management, Corporate Services, Infrastructural Development, Community / Protection Services.

Deputy Directors: Financial Management, Infrastructural Development (Port Alfred and Alexandria), Community and Protection Services, Manager: Local Economic Development, Manager: Human Resources, Manager: Town Planning, Manager: Housing, Manager: Integrated Development Plan, Manager: Internal Audit Unit, Manager: Administration, Communication Officer, SAMWU and IMATU.

SNCA001/10/2026
OPENING

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SNCA002/10/2026
APPLICATION FOR LEAVE OF ABSENCE
3/2/4

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SNCA003/10/2026
OFFICIAL ANNOUNCEMENTS BY THE SPEAKER
3/2/1

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AGENDA OF A SPECIAL OPEN NDLAMBE VIRTUAL COUNCIL MEETING WILL BE HELD ON, MONDAY, 26 OCTOBER 2026 AT 14H00 VIA MS TEAMS.

SNCA004/10/2026
COMMUNICATION BY THE MAYOR
3/2/1

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SNCA005/10/2026
DISCLOSURE OF INTEREST BY COUNCILLORS (SCHEDULE 1 OF MUNICIPAL SYSTEMS ACT)

Attached as **Annexure SC.01**

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SNCA006/10/2026
DISCLOSURE OF INTEREST AND BENEFITS BY MUNICIPAL STAFF MEMBERS (SCHEDULE 2 OF MUNICIPAL SYSTEMS ACT)

Attached as **Annexure SC.02**

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SNCA007/10/2026
REPORT DATED 26 OCTOBER 2026 FROM THE MUNICIPAL MANAGER TO COUNCIL: LAND INVASION AT THE THORNHILL 530 HOUSING PROJECT AND THE ACTION REQUIRED TO PROTECT THE PROJECT.

PURPOSE

The purpose of this report is to inform Council of the unlawful occupation (land invasion) of the Thornhill 530 housing project site, which started on 23 October 2026, and to request Council to decide on the action to be taken to stop the invasion, protect the project and deal with the people involved in a lawful and humane manner.

BACKGROUND

The Thornhill 530 project is an active housing project of 530 houses. The project is currently at services stage, which means that the contractor is installing or has installed the services (roads, water, sewer, stormwater and related infrastructure) that are needed before the top structures can be built.

On 23 October 2026 a group of people started to occupy the project site and to erect informal structures. The invasion was still continuing on 25 October 2026. The number of structures and households on the site is being counted and will be reported to Council as soon as the count is complete.

Thornhill is also the receiving area for the relocation of the New Rest, Potyopayi and Cricket Field informal settlements, as set out in the relocation plan submitted to the Department of Human Settlements. The invasion therefore threatens both the housing project and the relocation of communities that have been waiting for formal housing for many years.

DISCUSSION

Effect of the invasion on the project

If the invasion is not stopped quickly, the following is likely to happen:

- The contractor cannot work safely or continue with services, and the project will be delayed. Delays normally lead to standing time and extension of time claims.
- Services already installed may be damaged, blocked or illegally connected to.
- The occupied stands cannot be handed over to the verified beneficiaries, and the 530 approved beneficiaries are pushed back in the queue.
- Other communities will see that invasion works and will copy it.
- The funder may withhold or reduce funding if the project cannot proceed.

Legal position

Section 26(3) of the Constitution and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998 (the PIE Act) provide that no one may be evicted from their home or have their home demolished without a court order. Section 6 of the PIE Act allows a municipality to apply to court for the eviction of unlawful occupiers from land in its area, and section 5 allows an urgent application where there is a real risk of injury or damage to property.

The Supreme Court of Appeal has confirmed that counter-spoliation is lawful. This means that a landowner may immediately remove people who are busy taking its land, without a court order. The remedy must be used immediately, while the invasion is still in progress.

Once poles and sheeting are fixed to the land, even if the structure is incomplete, the courts regard the occupiers as being in possession and a court order is needed. Because the invasion at Thornhill started on 23 October 2026, counter-spoliation can at most be used on new, unoccupied structures that are still being erected, and only on the advice of Council's legal representatives. Occupied homes may not be demolished without a court order. There are a number of informal settlements already erected in Thornhill which will require court order.

Option 1: Urgent court application. Council approves an urgent application to the Eastern Cape High Court for an interim interdict and eviction order under the PIE Act against the occupiers (named and unknown persons), and an anti-land-invasion interdict to protect the rest of the project land. This is the lawful and safest option and is recommended.

Option 2: Counter-spoliation. Immediate removal of new unoccupied structures only, on legal advice. This is recommended as a limited measure for any structures that are still being erected, and to stop further structures going up while the court application is prepared.

RECOMMENDATIONS TO COUNCIL

1. THAT the contents of this report **BE NOTED.**
2. THAT Council **NOTE** that the invasion of the Thornhill 530 project site started on 23 October 2026, was still continuing on 25 October 2026, and that the project is at services stage.
3. THAT Council **RESOLVE** that the unlawful occupation of the Thornhill 530 project site will not be condoned and that the site must be protected for the approved beneficiaries.
4. THAT Council **AUTHORISE** the Municipal Manager to appoint legal representatives and urgently launch an application in the Eastern Cape High Court for an interim interdict and eviction order against the unlawful occupiers (named and unknown persons) in terms of the PIE Act, and for an anti-land-invasion interdict protecting the remaining land of the project.
5. THAT Council **AUTHORISE** the Municipal Manager, on the advice of the legal representatives, to remove new structures that are still being erected and are not occupied, and **NOTE** that no occupied home will be demolished without a court order.

6. THAT Municipal Manager **IMMEDIATELY** verify the occupiers against the housing demand database, the Housing Subsidy System and the beneficiary and relocation lists.
7. THAT the Municipal Manager **ARRANGE** security and monitoring of the site and request SAPS to assist, open criminal cases for any damage, intimidation or illegal sale of stands, and protect the contractor, equipment and services already installed.
8. THAT the Mayor, the Speaker, ward councillors **ENGAGE** the occupiers and community leaders to explain that the Thornhill sites are for verified beneficiaries, to seek voluntary removal.
9. THAT Council **AUTHORISE** the Municipal Manager to incur the urgent expenditure needed to implement these resolutions in terms of the Supply Chain Management Policy and the MFMA, and to report the actual costs to Council and include any shortfall in the next adjustment budget.
10. THAT Council **ESTABLISH** a Land Invasion Task Team of Housing, Legal, Community Safety, the ward councillors and SAPS, to develop an Anti-Land Invasion Plan and response protocol for all Ndlambe housing sites, including regular patrols, signage and early reporting.
11. THAT the Municipal Manager **REPORT** to Council within 14 days, and thereafter monthly, on the court process, the number of occupiers, the cost and the status of the project.

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SNCA008/10/2026
URGENT REPORTS BY THE MUNICIPAL MANAGER

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SNCA009/10/2026
CLOSURE

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OPEN NDLAMBE COUNCIL MEETING

HELD ON MONDAY, 26 OCTOBER 2026

DISCLOSURE OF INTEREST BY COUNCILLORS (SCHEDULE 1 OF MUNICIPAL SYSTEMS ACT)

ANNEXURE C.01

NDLAMBE MUNICIPALITY

DECLARATION OF INTEREST BY COUNCILLOR

In accordance with Councillor's Code of Conduct Section 5(1)a, A Councillor must disclose to the Municipal Council or to any Committee of which that Councillor is a Member, any direct or indirect personal or private business interest that the Councillor or any Spouse, Partner or Business Associate of that Councillor may have in any matter before the Council or the Committee.

I, Councillor ..... declare that I recuse myself during the discussion of the following items:

.....

.....

.....

And I will recuse myself on the abovementioned items.

Signed at: ..... on this ..... day of 2026

.....

Signature of Councillor

Witnesses:

1. ..... Signature: .....

2. ..... Signature: .....

OPEN NDLAMBE COUNCIL MEETING

HELD ON MONDAY, 26 OCTOBER 2026

DISCLOSURE OF INTEREST BY MUNICIPAL STAFF MEMBERS (SCHEDULE 2 OF MUNICIPAL SYSTEMS ACT)

ANNEXURE C.02

NDLAMBE MUNICIPALITY

DECLARATION OF INTEREST BY STAFF

In accordance with Code of Conduct for Municipal Members under Section 4 Personal Gain (1) a Staff Member of the Municipality may not:
b) take a decision on behalf of the Municipality concerning a matter in which that Staff Member's Spouse, Partner or Business Associate, has a direct or indirect personal or private business interest.

I, ... Identity Number .....

Staff Number ..... employed by Ndlambe Council as .....
Hereby declare that I have an interest on the following items:

.....

.....

.....
And I will recuse myself on the abovementioned items.

Signed at: ..... on this ..... day of 2026

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Signature of Staff

Witnesses:

1. ..... Signature: .....

2. ..... Signature: .....