



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 09:00 OP DINSDAG
28 JULIE 2015 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 28 JULY 2015 AT
09:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

Me E Marthinus	Speaker
Mnr R G Mitchell	Uitvoerende Burgemeester
Mnr D Jantjies	Uitvoerende Onder-Burgemeester
Mnr R Mokotwana	Lid van die Uitvoerende Burgemeesterskomitee
Me P Atyhosi	Raadslid
Mnr D Burger	Raadslid
Mnr W October	Raadslid

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr S Ngwevu	Direkteur: Korporatiewe Dienste
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr P Everson	Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur
Mnr G M Moelich	Bestuurder: Admin Ondersteuning
Me T Stone	Bestuurder: Strategiese Dienste

1. OPENING

Die Speaker heet die teenwoordiges welkom en Raadsheer Jantjies open die vergadering met gebed.

2. AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE

Mnr A Coetzee	Raadsheer
Mnr J Nieuwoudt	Raadsheer

3. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**3.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

3.1.1 30 Junie 2015

*(Bogenoemde Notule word ingebind in meegaande bylaagboek)***BESLUIT 171/2015**

Die Notule word as korrek en volledig bekragtig.

3.2 NOTULE VAN SPESIALE RAADSVERGADERING GEHOU OP:

Geen.

**4. NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR
BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE****4.1 NOTULES VAN UBK VERGADERINGS GEHOU OP:**

4.1.1 23 Junie 2015

*(Bogenoemde Notule was reeds versprei met die UBK Agenda van 23 Julie 2015)***BESLUIT 172/2015**

Die Raad neem kennis van bogenoemde UBK Notule.

5. NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME**5.1 WYKSKOMITEE VERGADERINGS GEHOU OP:**

- WYK 1 : 23 Junie 2015
- WYK 2 : 23 Junie 2015
- WYK 3 : 17 Junie 2015
- WYK 4 : 22 Junie 2015
- WYK 5 : Geen

*(Bogenoemde Notules word ingebind in meegaande bylaagboek)***BESLUIT 173/2015**

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

5.2 ICT KOMITEE VERGADERING GEHOU OP:

16 Julie 2015

*(Bogenoemde Notule word ingebind in meegaande bylaagboek)***BESLUIT 174/2015**

Die Raad neem kennis van bogenoemde ICT Komitee Notule.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

7. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**

7.1 **BRIEWE VAN DANK** Geen

7.2 **FUNKSIES VIR DIE MAAND**

- 'n Roudiens vir die twee afgestorwe amptenare sal plaasvind op Donderdag 30 Julie 2015.
- Die opening van Kassiesbaai se paaie vind plaas op 5 Augustus 2015.
- Die opening van die "Safehouse" vind plaas op 7 Augustus 2015.
- Op 8 Augustus 2015 sal 'n vrouedag aangebied word.

7.3 **AANWYS VAN AFGEVAARDIGDES** Geen.

7.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê** Geen.

7.5 **LIEF EN LEED**

- Amptenare en Raadslede wat gedurende Julie 2015 verjaar het word geluk gewens.
- Dis met leedwese dat die afsterwe van twee amptenare aan die Raad bekend gemaak word, naamlik Christiaan Arends en Henry Leonard.
- Raadslid October se skoonpa is oorlede.
- Raadsheer Coetzee het die Speaker in kennis gestel van sy bedanking met ingang van 1 September 2015.

8. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER**

Geen.

9. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE**

Mnr Bailey van District Sport Academy System spreek die Raad toe oor die daarstelling van 'n sport akademie in Bredasdorp. Hy verwys na die ses sport akademies wat reeds in die Wes-Kaap gevestig word. Na 'n volledige voorlegging word die volgende besluit geneem:

BESLUIT 175/2015

- (i) Dat die Raad die vestiging van 'n sport akademie in Bredasdorp, ondersteun.
- (ii) Dat 'n mandaat aan die Munisipale Bestuurder gegee word om 'n memorandum van verstandhouding met die betrokke departement te sluit.
- (iii) Dat geïdentifiseerde fasiliteite wel vir die doel beskikbaar gestel sal word (dit sluit in: 2 Kantore by die Glaskasteel).

10. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING** **Bladysy: Agenda**
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13. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER** Geen
14. **OORWEGING VAN KENNISGEWING VAN MOSIES** Geen
15. **OORWEGING VAN KENNISGEWING VAN VRAE** Geen
16. **OORWEGING VAN DRINGENDE MOSIES** Geen
17. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**
Lys van onafgehandelde Raadsbesluite verskyn op **bladysy 38**.
18. **IN-KOMITEE VERSLAE:** Die In-Komitee agenda word as 'n aparte dokument gemerk "In-Komitee" versprei.
19. **SLUITING**

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

10.1.1 FRAUD AND RISK MANAGEMENT COMMITTEE (FARMCO) CHARTER (12/2/3/4/18)

REPORT BY THE MANAGER STRATEGIC: SERVICES

PURPOSE OF REPORT

To inform the Council of the establishment of the Fraud and Risk Management Committee (FARMCO) and present the approved FARMCO Charter for Councils cognizance.

BACKGROUND

Section 62 (1) (a) of the Municipal Finance Management Act (MFMA) states, inter alia, that the Accounting Officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal controls. There are also a number of Treasury guidelines aimed at assisting public institutions to embed risk management into their organizational culture, and one of the recommended mechanisms is the establishment of a Fraud and Risk Management Committee (FARMCO).

The Municipality had a Risk Committee in place, and this Committee has been assigned broader terms of reference which include the prevention of fraud and corruption and renamed the FARMCO. The FARMCO is an administrative committee which is chaired by a member of the Audit and Performance Audit Committee and comprises the Directors, Strategic Manager (Local Risk Champion and Secretariat) and the Chief Risk Officer of the district's shared risk management services. Internal audit also attends the meetings on invitation.

The FARMCO reports to the Municipal Manager who reports to the Council through the Audit and Performance Audit Committee. A Charter which sets out the roles and responsibilities of the FARMCO was developed and approved by the Accounting Officer on 8 July 2015. In terms of Paragraph 9 of the said Charter:

"The Risk Management Committee Charter is approved by the Accounting Officer who shall submit the Charter to the Audit Committee and Council for cognizance"

The approved FARMCO Charter is attached as **Annexure A** on page 1 to 6.

MANAGEMENT RECOMMENDATION

- (i) That it be noted that the Risk Committee has been renamed the Fraud and Risk Management Committee (FARMCO).
- (ii) That cognizance be taken of the content of the Fraud and Risk Management Committee (FARMCO) Charter which was approved by the Municipal Manager.

RESOLUTION 176/2015

That the Management recommendation be accepted as a resolution of Council.

10.1.2 **2015/16 PERFORMANCE AGREEMENTS AND SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) (2/9/2 & 2/9/R)**

REPORT BY THE MANAGER: STRATEGIC SERVICES

PURPOSE OF REPORT

To submit the 2015/16 Performance Agreements of the Municipal Manager and Senior Managers and the approved SDBIP to the Council for cognizance as required by legislation.

LEGAL FRAMEWORK

The Municipal Finance management Act, Act 65 of 2003 (MFMA) defines the SDBIP as;

“a detailed plan approved by the mayor of a municipality in terms of section 53 (1) c) (ii) for implementing the municipality’s delivery of services and the execution of its annual budget and which must include (as part of the top-layer) the following:

- (a) *projections for each month of;*
 - (i) *revenue to be collected, by source; and*
 - (ii) *operational and capital expenditure, by vote;*
- (b) *service delivery targets and performance indicators for each quarter”.*

In terms of Section 69(3) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA), the accounting officer must no later than 14 days after the approval of the annual budget submit the SDBIP for the budget year as well as drafts of the annual performance agreements of the Municipal Manager as well as Senior Managers appointed in terms of Section 57 (1) (b) of the Municipal Systems Act, Act 32 of 2000 to the Mayor. Section 53(1) (c) (iii) requires that these annual performance agreements be linked to the performance targets of the SDBIP.

Section 53(1) (c) (ii) of the MFMA, requires the Mayor to approve the SDBIP within 28 days of the approval of the budget, and Section 53 (3) (a) requires that the approved SDBIP be made public within 14 days of approval.

Section 53 (3) (b) requires that the performance agreements of the Municipal Manager and Directors be made public within 14 days of the approval of the SDBIP and that copies of such performance agreements must be submitted to the MEC for Local Government in the province and the Council.

DISCUSSION

The 2015/16 Budget was approved on 26 May 2015. The SDBIP and draft Performance Agreements were submitted to the Mayor on 8 June 2015 and the SDBIP was approved by the Mayor on 23 June 2015. All Performance Agreements were also finalized on this date. The SDBIP and Performance Agreements were made public on 2 July 2015 and submitted to the MEC as required.

The documents are attached as follows:

Performance Agreement of the Municipal Manager	Annexure A - page 7 - 27
Performance Agreement of the Director Finance	Annexure B - page 28 - 50
Performance Agreement of the Director Corporate Services	Annexure C - page 51 - 71
Performance Agreement of the Director Community Services	Annexure D - page 72 - 91
Performance Agreement of the Director Technical Services	Annexure E - page 92 - 114
SDBIP	Annexure F - page 115 - 144

MANAGEMENT RECOMMENDATION

That Council take cognizance of the content of the following:

- (i) The Annual Performance Agreements of the Municipal Manager and Senior Managers.
- (ii) The 2015/16 Service delivery Budget Implementation Plan as approved by the Mayor on 23 June 2015.

RESOLUTION 177/2015

That the Management recommendation be accepted as a resolution of Council.

10.1.3 **TIME SCHEDULE OF KEY DEADLINES (PROCESS PLAN): 2016/17, 2017/18 AND 2018/19 BUDGET AND 2016/17 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW (15/8/R)**

REPORT BY THE MANAGER STRATEGIC SERVICES**PURPOSE OF REPORT**

To present a time schedule of key deadlines (Process Plan) for the 2016/17, 2017/18 and 2018/19 Budget and 2016/17 Integrated Development Plan (IDP) review for approval in terms of Sections 21(1) (b) and 53(1) (b) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).

LEGAL FRAMEWORK

Section 21 of the MFMA regulates the Budget preparation process:

“21. (1) The mayor of a municipality must:

- a) co-ordinate the processes for preparing the annual budget and for reviewing the municipality’s integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;*
- (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for:*
 - (i) the preparation, tabling and approval of the annual budget;*
 - (ii) the annual review of:*
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - (bb) the budget-related policies;*
 - (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)*

Section 53(1)(b) provides that - *“53. (1) The mayor of a municipality must:*

- (b) co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.*

Section 34 of the Local Government Municipal Systems Act requires the Municipal Council to annually review its IDP in accordance with an assessment of its performance and to the extent that changing circumstances require.

Section 28 of the Local Government Municipal Systems Act requires the Municipal Council to adopt a written process which sets out how the Municipality will review its IDP. The Municipality must inform the public of the particulars of the process it intends to follow.

DISCUSSION

This Time Schedule of Key Deadlines (Process Plan) is similar to the one followed for 2015/16. Emphasis will be placed on improving alignment between the IDP, Budget and performance targets (SDBIP) to achieve credible, realistic and integrated municipal planning.

The proposed Time Schedule of Key Deadlines (Process Plan) is attached on page 145 - 148.

MANAGEMENT RECOMMENDATION

- (i) That the time schedule of key deadlines (Process Plan) for the 2016/17, 2017/18 and 2018/19 Budget and 2016/17 Integrated Development Plan (IDP) review be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003). (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).
- (ii) That the time schedule of key deadlines (Process Plan) be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

RESOLUTION 178/2015

That the Management recommendation be accepted as a resolution of Council.

10.2 **PUBLIEKE DIENSTE / PUBLIC WORKS**

10.2.1 **ANNUAL REPORT OF THE CHAIRPERSON OF THE BOARD OF TRUSTEES OF SKEEPSWRAC MUSEUM, BREDASDORP 2014/2015 (3/4/R)**

PURPOSE OF REPORT

For Council to take note of the annual report of the Chairperson of the Board of Trustees of Skeepswrak Museum, Bredasdorp, as attached on page 149.

BACKGROUND

Council annually make allocation to the Skeepswrak Museum. Councillor Johan Nieuwoudt is Cape Agulhas Municipality representative to the Board of Trustees of the Skeepswrak Museum. The Board has published its annual reports for the financial year 2014/2015.

FINANCIAL IMPLICATION

None.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMMENDATION

That Council takes note of the annual report of the Skeepswrak Museum, Bredasdorp.

RESOLUTION 179/2015

That the Management recommendation be accepted as a resolution of Council.

10.2.2 INSTALLATION OF SOLAR WATER HEATERS: CAPE AGULHAS MUNICIPALITY

PURPOSE

This report seeks Council allocation and approval of operational cost herein referred to as attributable costs for the installing company, InnoVartis Technology Systems (ITS).

BACKGROUND

InnoVartis Technology Systems (ITS) is an industrial solutions provider of technologies and processes. ITS approached the Mayoral Committee with a presentation on the proposal to install solar water heaters for the entire Cape Agulhas Municipal area. Solar water heaters is an initiative of the National Department of Energy to roll out solar energy to households throughout the country. The solar water heaters are at no cost to the households.

DISCUSSION

ITS has approached the Mayoral Committee on 23 June 2015 with the presentation on proposed project on installing solar water heaters with the sole intent to obtain a letter of support from Council and eventually enter into an Memorandum of Understanding between the trio, that is, Cape Agulhas Municipality, Department of Energy and ITS.

ITS requested Council to make financial contribution towards the attributable cost, that is, travelling, accommodation, etc as this will entail traveling to the Department of Energy for the application to be approved. The initial attributable cost proposed by ITS was an estimate of R350 00,00.

At a follow-up meeting on 16 July 2015 between Management and ITS, they presented a revised figure of R195 000,00. The municipality has not made the budget provision for this cost. The costs will be subject to the risk of the project approved by the Department of Energy.

FINANCIAL IMPLICATION

Council is requested to make financial contribution of R195 000,00 towards attributable cost. However, there is no allocation for this proposed expenditure, in the current budget.

MANAGEMENT RECOMMENDATION

That Council considers the request from the service provider to contribute towards the attributable cost with an amount of R195 000,00 subject to the approval of the project application.

RESOLUTION 180/2015

- (i) That, as no provision was made in the 2015/16 budget for this expenditure, Council can't make a financial contribution towards the costs.
- (ii) That further investigation be done regardsing the specific products proposed and the projects completed by this company in the Eastern Cape.
- (iii) That, if the Department of Energy supports the project, the attributable costs be provided in the adjustment budget, should the services of the company be used.

10.3 KORPORATIEWE DIENSTE / CORPORATE SERVICES

10.3.1 APPLICATION TO GET FULL TIME STATUS OUTSIDE THE MAIN COLLECTIVE AGREEMENT (MHR)

PURPOSE OF REPORT

For Council to consider the request from SAMWU regarding the application to get full time status for Me Priscilla Plaatjies as a Shopsteward outside the Main Collective Agreement

BACKGROUND

On 2 June 2015 the Municipal Manager of Cape Agulhas Municipality, was approach by SAMWU Western Cape Provincial Office Bearers to release Priscilla Plaatjies, an employee at the Reception & Roadworthy, Protection Services at Community Services, as a full time shop steward, outside the scope of Section 2 of the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC).

This would have the effect that Cape Agulhas Municipality (CAM hereafter) alone bears the cost of salary of this full time shop steward whereas under normal circumstances, should she have been elected as a full time shop steward as per clause 2.5 in the Organizational Rights Agreement (ORA) in the Main Collective Agreement of the SALGBC, the cost of her salary would have been shared proportionally by the various municipalities in the Overberg District (Swellendam, ODM, Overstrand, TWK and Cape Agulhas.)

Priscilla Plaatjies, our employee and a shop steward, has been elected as a Provincial Office bearer in the Western Cape for SAMWU.

Her union then approach our municipality on the basis that the normal time off she is entitled to, is not enough to fulfill her duties as a provincial office bearer and **therefore wanted the Municipality to grant in its good will and as partner in local government full time status to Priscilla Plaatjies.**

Hence this item is submitted to council to make a final decision in this regard.

IMPORTANT FACTORS FOR CONSIDERATION

1. Priscilla is an employee who has been permanently appointed for less than three years. Extensive time and effort was put in to ensure that she blend in, understand her functions and has the abilities to do her job effectively. At her section she is responsible for the following: Receptionist and Road worthy Clerk.
2. The ORA in the Main Collective Agreement already makes the following provisions:

Under Clause 2.5.2.2

“where a workplace falls within the geographical boundary of a District council, the total membership of the trade union concerned will be accumulated and full- time shop stewards shall mutatis mutandis be allocated based on the total membership, provided that the membership of those workplaces that qualify for full- time shop stewards in terms of clause 2.5.2.1 above shall be excluded from the total;”

Under Cause 2.5.2.3

“should the total membership of the trade union concerned referred to in clause 2.5.2.1 above be less than 1000(one thousand) members, the relevant division of the Council may decide on other boundaries within areas of jurisdiction to determine the number of full- time shop stewards for that particular area.”

Under Clause 2.5.3.

"The total remuneration package of the full-time shop steward elected in terms of 2.5.2.2 and 2.5.2.3. shall be shared proportionally by those workplaces within the boundaries as determined in the relevant clause."

As stated earlier, should Ms Plaatjies have been elected as per the Organizational Rights Agreement, in terms of clause 2.5.5, which regulates the election of Full- Time Shop Stewards, clause 2.5.2.2 would have been relevant and all the municipalities mentioned above, in the Overberg District were supposed to contribute towards her current salary, as a Full-Time Shop Steward. Such contribution would have depended on how many members they have at their respective municipalities and their proportion of the salary be contributed accordingly, which means Cape Agulhas would not have to bear the cost of the Full- Time Shop Steward alone.

3. The current proposal of SAMWU would have the effect that the municipality will have to bear the full cost of employment of Ms Plaatjies and have to replace her with another worker who have to be remunerated at the same cost excluding benefits as a permanent worker for a period of three years which is the period of office for a Provincial Office Bearer and Full – Time Shop Steward. (2015 – 2017).
4. Furthermore the worker replacing her on a contractual basis need to be trained, which would require additional time.
5. Currently as a Provincial Office Bearer she is entitled to 21 days time – off per year, as per the following clauses:

Under Clause 2.6.1

"Office Bearers of the trade unions shall be entitled to additional time off during working hours on full pay to perform those functions referred to in Section 15 in the Act in addition to time off referred to in 2.4.8.1. and 2.4.8.2"

Under Clause 2.4.8.1

*"Shop Stewards shall be entitled to 15 (fifteen) days per Year with full pay during working hours for **trade union activities** and training."*

Under Clause 2.4.8.2

"Six (6) days of each shop steward's annual entitlement of time- off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty – one) days off per Year and that the total days in the pool are not exceeded."

By implication she would then be entitled to 21 days special leave within a period of one year, starting with the inception of her term of office as a provincial office bearer.

6. The union could furthermore also rely on a further recourse which would provide for additional time- off that can be applied for should the need arise from time to time in her duties as Provincial Office Bearer, as provided for in Clause 2.4.8.3 in the ORA:

Under Clause 2.4.8.3

*"Further **request for time off for shop stewards shall not be unreasonably refused.**"*

The Municipality would then also have the discretion as to decide on the importance of each request outside the existing 21 days per annum, that she is entitled to. However, experience have shown that this is very difficult to apply as requests for time-off in her case, up to now, has happened on a weekly basis and has resulted in her not being present at work most of the time since she has been elected.

7. A decision to grant the Full -Time status on the other hand may assist in maintaining good relations with the trade union. However IMATU may seek the same treatment which would encompass the same considerations mentioned above and the cost implication for council should also be considered before a final decision is made.

FINANCIAL IMPLICATIONS

- Total cost to CAM Ms Plaatjies - R215 230,00 per annum, including benefits
- Cost to CAM for replacement - R163 489,21 per annum
- Hidden cost - Office Accommodation & Furniture
- Telephone & Fax cost
- Cost of replacement worker per year

In light of the above it would be improper for the administration to advise Council to approve the request of SAMWU due to the cost implications and the fact that the request is made outside the prescripts of the Organisational Rights Agreement which could result in a negative audit opinion regarding compliance.

ADDITIONAL DOCUMENTATION

1. Copy of Organisational Rights in the Main Collective Agreement (attached on page 153 - 163)
2. Letter with request for meeting by SAMWU (attached on page 164)

MANAGEMENT RECOMMENDATION

That Council considers the request from SAMWU for full time shopsteward status of ms P Plaatjies.

RESOLUTION 181/2015

That Council not approve the request from SAMWU for full time shopsteward status of ms P Plaatjies.

10.3.2 **AMENDMENT OF CATEGORISATION: IMPLEMENTATION OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) 16 OF 2013 (7/R - MTRP) (ALL WARDS)**

PURPOSE OF REPORT

To amend the Categorisation of land use and land development applications.

BACKGROUND

On 30 June 2015 Council took inter alia the following decision (155/2015):

12. Council approves of the proposed Categorisation of Applications (see Annexure A on page 165 to 173).

In order to accommodate the relaxation of title deeds it is recommended to add the following:

- (f) **Relaxation**, departure, Amendment, suspension or removal of restrictive conditions in respect of a land unit.

MANAGEMENT RECOMMENDATION

It is recommended that Council amend decision 155/2015 of 30 June 2015 by adding the following:

Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) of the Spatial Planning and Land Use Management Act, 2013	Qualification of application	Council Decision	CATEGORY A	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) of the Spatial Planning and Land Use Management Act, 2013
(f) Relaxation, departure, Amendment, suspension or removal of restrictive conditions in respect of a land unit	Application in line with SDF & Policy			✓
	Application not in line with SDF & Policy, to be recommended to be refused			✓
	Application not in line with SDF & Policy, to be recommended to be approved		✓	

RESOLUTION 182/2015

That the Management recommendation be accepted as a resolution of Council.

10.3.3 **WYSIGING VAN STADSBEPLANNINGSFOOIE EN ADDISIONELE FOOIE (15/5/R - BSSB) (ALLE WYKE)**

DOEL VAN VERSLAG

Dat die Raad versoek word om die oorsig fout met die goedkeuring van 2015/16 boekjaar se Stadsbeplanningsfooie sal oorweeg vir regstelling.

AGTERGROND

Die volgende fooie vir Advertering en Onderverdeling was oorgesien:

	VOTE	OORSIG	REGSTELLING
Advertering	135452688000	R13 000	R2 100
Onderverdeling	135452691000	R1 030	R1 130
Soneringsertifikaat	135452700000	R0	R90

WETLIKE IMPLIKASIE

Geen.

FINANSIËLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

Dat die Raad goedkeuring verleen dat die fooie vir Advertering, Onderverdeling en Soneringsertifikate as volg reggestel word en effektief vanaf 1 Julie 2015:

	VOTE	BEDRAG
Advertering	135452688000	R2 100
Onderverdeling	135452691000	R1 130
Soneringsertifikaat	135452700000	R90

BESLUIT 183/2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die tariewe in skedule B van die begroting reggestel word.

10.3.4 **WYSIGING: OPHEFFING VAN BEPERKENDE VOORWAARDES EN VERGUNNING: ERWE 136, 137, 138 EN 513, WAENHUISKRANS / ARNISTON (W136, 137, 138 EN 513 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Die wysiging van Raadsbesluit 160/2015 geneem op 30 Junie 2015 ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

ALGEMENE INLIGTING

Bestaande Sonering : Enkelwoon sone
 Bestaande Grondgebruik : Enkel wooneenhede met buitegeboue wat gebruik word vir toeriste en gaste akkommodasie.
 Voorgestelde Grondgebruik : Gaste suites wat akkommodasie aan toeriste en besoekers voorsien.
 Oppervlakte van Erwe en Titelakte :

ERF	OPPERVLAKTE	TITELAKTE
136	694m ²	T46669/1990
137	694m ²	T46727/1990
138	694m ²	T46308/1990
513	714m ²	T46668/1990

AGTERGROND

Die aansoek behels die volgende:

Vergunning op Erwe 136, 137, 138 en 513, Arniston / Waenhuiskrans ten einde bestaande selfsorg gaste akkommodasie te formaliseer.

Opheffing van beperkende titelvoorwaardes van toepassing op erwe 136,137 en 138 (Harbourstraat) en 513 (Syndicatestraat), Arniston, om die eienaar in staat te stel om die bestaande gaste huise op die eiendomme te wettig. Die straat, sy en agter- boulynbeperkings sal oorskry word.

Die voorstelling behels die gebruik van die bestaande geboue vir kort termyn selfsorg toeriste akkommodasie. Erwe 136, 137 en 138 in Harbourstraat het elk 'n enkel wooneenheid met 'n buitegebou waarvan die wooneenheid bestaan uit vier gaste suites. Erf 513 het ook 'n enkel wooneenheid met buitegebou waarvan die wooneenheid bestaan uit drie gaste suites.

Die gaste suites voorsien akkommodasie vir toeriste en besoekers op 'n kort termyn basis. Erwe 136, 137 en 138 verkry toegang vanaf Harbourstraat, terwyl erf 513 toegang verkry via Sindikaatsraat en Juliunstraat.

ADVERTERING

Die aansoek is gedurende Maart 2015 in die plaaslike koerante geadverteer. Kommentaar op die aansoek is ook van omliggende grondeienaars versoek, waarna besware ontvang is.

RAADSBESLUIT: 30 JUNIE 2015

Op 30 Junie 2015 neem die Raad die volgende besluit (160/2015):

- (i) *Dat die Raad die volgende aansoek goedkeur, onderhewig aan die goedkeuring van die opheffing van beperkende voorwaardes:*

Vergunning op erwe 136, 137, 138 en 513, Arniston / Waenhuiskrans ten einde bestaande selfsorg gaste akkommodasie te formaliseer ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 ten einde gaste akkommodasie vanuit bestaande woonstel te bedryf.

- (ii) *Dat die Raad die volgende ondersteun:*

Opheffing van beperkende titelvoorwaardes van toepassing op erwe 136,137 en 138 (Harbourstraat) en 513 (Syndicatestraat), Arniston, om die eienaar in staat te stel om die bestaande gastehuse op die eiendomme te wettig. Die straat, sy en agterboulynbeperkings sal oorskry word.

- (iii) *Onderhewig aan die voorwaardes soos uiteengesit onder Bestuurder: Stads- en Streeksbeplanning se kommentaar.*

- (iv) *Dat die aansoeker/eienaar op sy reg tot appél na die Raad gewys word ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).*

VOORGESTELDE WYSIGING

Voorwaarde (i) van Raadsbesluit 160/2015 as volg gewysig word aangesien daar meer as een gaste eenheid is op elke erf:

Dat die Raad die volgende aansoek goedkeur, onderhewig aan die goedkeuring van die opheffing van beperkende voorwaardes:

Vergunning op erwe 136, 137, 138 en 513, Arniston / Waenhuiskrans ten einde bestaande selfsorg gaste akkommodasie te formaliseer ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 ten einde gaste akkommodasie vanuit bestaande **wooneenhede** te bedryf.

BESTUURSAANBEVELING

- (i) *Dat die Raad voorwaarde (i) van Raadsbesluit 160/2015 geneem op 30 Junie 2015 as volg wysig ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985:*

Dat die Raad die volgende aansoek goedkeur, onderhewig aan die goedkeuring van die opheffing van beperkende voorwaardes:

Vergunning op erwe 136, 137, 138 en 513, Arniston / Waenhuiskrans ten einde bestaande selfsorg gaste akkommodasie te formaliseer ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 ten einde gaste akkommodasie vanuit bestaande **wooneenhede** te bedryf.

- (ii) Dat die aansoeker dienooreenkomstig ingelig word.

BESLUIT 184/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.3.5 **OORWEGING OM VERORDENING RAKENDE DRANK HANDELSURE TE WYSIG (15/5/4 - BSSB)**

DOEL VAN VERSLAG

Oorweging om die Verordening insake Drank Handelsure te wysig.

AGTERGROND

Op 31 Maart 2015 neem die Raad die volgende besluit (61/2015):

- (i) *Dat die vorige besluit 289/2012 geneem op 6 Desember 2012 herroep word.*
 (ii) *Dat alle buite verkope se handelsure soos volg gewysig word: Maandae tot Saterdag: 08:00 tot 20:00.*
 (iii) *Dat die volgende proses gevolg word om die Verordening van Drank Handelsure te wysig:*

Adverteer vir 30 dae in die plaaslike-/staatskoerant en webwerf waarna dit weer aan die Raad voorgelê word vir oorweging.

- (iv) *Dat geen buite drankverkope op Sondag mag geskied nie."*

Kaap Agulhas Munisipaliteit het die voorgestelde wysiging ge-adverteer vir publieke deelname in die Suidernuus en Overberg Gazette.

Tydens die kommentaar periode is die volgende kommentaar verkry

1. **Simon Minnaar**

My family has owned 7 Syndicate Street since the early 1980's. The Liquor store in question is directly opposite our house. Due to the nature of the liquor store in question, I strongly oppose the proposed new trading hours. IF this particular liquor store was just that, a liquor store, then I'd have no problem with the changes. However, over the course of the last 30 years, this particular store is anything but a normal store. I can only describe the store as a makeshift pub/shebeen for local residents.

According to South African Law, the general ruling is that drinking in public is prohibited. This includes any public places such as roads, streets or thoroughfares, vacant land or urban areas. Taking this a step further, being drunk, violent or disorderly on any premises, whether public or licenced tavern, is generally a punishable offence.

From the moment this store opens until the minute it closes, there are a large number of patrons that drink alcohol in public and as the day goes on, get increasingly intoxicated. The more intoxicated they are, the noise level increases, as does the content of their discussions.

The language that is used isn't worth mentioning in this mail, but it's come to a point where I'm embarrassed to invite friends down and in particular female company. If children want to play in the garden, they are subjected to language that is not fit for anyone's ears, let alone an 8 year old.

If this particular store wants to be flexible on their rules and jeopardise their liquor license, then they should remove the store from a residential area. As I mention, there is no issue with an extension of the trading hours, but due to the nature of this store and the fact that patrons openly drink alcohol on the doorstep of this store, this means that they are facilitating illegal activity that is to the detriment of the surrounding residential properties. If the store stays open for longer hours, it means longer hours of illegal and revolting behaviour that ultimately tarnishes the place that we, and many others, love to call our home away from away.

With all of the above in mind, I strongly oppose the proposed change to the liquor trading by-law.

2. The Teddy Hofmeyr Family Trust

I received an email regarding the above.

While it does not concern me too much what the liquor hours are, I feel that, due to the high drug and alcohol abuse problems, it may not be a wise decision to have all liquor outlets open until 8pm Mondays to Saturdays.

Should a particular outlet feel it necessary to have extended trading hours they can apply to CAM with their motivation and the municipality can consider their merits.

3. Stephen Minnaar

My two sons, Michael Minnar and Reter Minnaar , have written objecting to the proposed extension of trading hours at liquor outlets . Their letters are the result of family discussions and my wife and I are in full agreement with the sentiments they have expressed .

4. Leslie Engel: Eienaar Windmeul Bottelstoor

"EK REAGEER NA GELANG VAN N ADVERTENSIE WAT U IN DIE SUIDERNUUS VAN 24 APRIL 2015 GEPLAAS HET.

EK WAS AANVANKLIK NIE TEN GUNSTE VAN DIE BESLUIT OM SONDAE HANDEL TE DRYWE NIE, MAAR HET TOE DIE GELEENDHEID AANGEGRYP TOE DIT HOMSELF VOORDOEN.

HIERDIE OEFENING HET ONS OE OOP GEMAAK, VIR HOE GROOT DIE SHEBEEN MARK WERLIK IS. DIE KLIENTE WAS BAIE INGENOME MET DIE DIENS WAT HULLE NOU ONTVANG HET, WANT HULLE HET NIE MEER DIE NA URE KOSTE WAT GEBRUIKLIK SAAM MET DIE SHEBEEN TRADE GAAN NIE.

MY VERSOEK OF VOORSTEL SOU WEES DAT U DIE HANDELSURE DEER DIE WEEK AANGEPAS WORD SE NA 9 OF 10 SOGGENS OM ONS 5 URE SE HANDEL OP N SONDAG TE VERSKAF. EK SAL TEVREDE WEES MET ENIGE TYD WAT U OP N SONDAG SO AANDUI.

DANKIE VIR DIE GELEENTHEID OM MY KOMMENTAAR TE LEWER.

EK VERTROU DAT U MY VERSOEK GOEDGUNSTIG SAL OORWEEG."

5. Lakey's Inn

1. Hiermee wens ek aansoek te doen om my besigheid op 'n Sondag ook te bestuur.
2. My redes is as volg:
 - 2.1 Ek het voorheen alreeds by die Weskaapse Drankraad aansoek gedoen om my besigheid te bedryf op 'n Sondag vanaf 12:00 tot 17:00. Die Drankraad het hierdie aansoek goedgekeur. Ongelukkig is die aansoek en die goedkeuring by die plaaslike polisie stasie op my leer, en die drankoffisier is eers die komende Vrydag op kantoor.
 - 2.2 Ek was destyds al persoon wie aansoek gedoen het vir ure op Sondag en het goedkeuring gekry.
3. Indien my aansoek goedgekeur word, sal ek bereid wees om my ure op 'n Sondag aan te pas vanaf 08:00 tot 17:00.
4. Ek hoop van harte dat my aansoek goedgegunstiglik oorweeg sal word.

6. Peter Minnaar

We have a family house in Arniston directly opposite the Arniston Hotel off-sales in Syndicate Street. For years now we have been subjected to unruly behaviour that goes completely unchecked and unpoliced. Occasionally the Bredardsdorp police take a drive past, but they don't actually do anything. The law is very clear about drinking in public and the related behaviour. Drinking starts at opening time and continues until closing time. The more alcohol that is consumed the worse the behaviour becomes. We are subjected to:

1. Urinating in public against our wall.
2. Littering by just throwing down the empty bottles where they have been sitting. Occasionally the bottles are thrown over our wall
3. Loitering by sitting on our steps, against our wall and our neighbour's opposite
4. Swearing and shouting
5. Fighting with each other – even a stabbing or two.
6. Loud music from cars while the driver has gone inside to purchase alcohol
7. Drunk and disorderly behaviour in general.

This off-sales has already started trading until 20:00 over the festive season – which obviously was against the law as you are only now looking to implement it. We are sick and tired of having to put up with this bottle store and the behaviour that it perpetuates. It is in the middle of a residential area and out of sight of the hotel and its guests – “out of sight, out of mind”.

It is with interest that I read last night that there is a move to increase the legal age of drinking to 21, but more importantly a move to reduce the trading hours of selling alcohol and the removal of liquor licences in residential areas within a two year period.

If bottle stores and their surroundings were properly policed then we would not have these problems of unruly behaviour. This behaviour goes unchecked because it is bringing in revenue for the bottle store so they are not going to discourage their patrons from hanging around. In fact the person running the bottle store often sits outside with the patrons - so they are well aware of the behaviour that goes on.

They themselves are not drinking on the job, but surely it must be part of their job to get the patrons to move on. Unfortunately it has gone on for so long now that it is now a way of life for the people. They have created the culture of a shebeen. They even get empty crates from the bottle store to sit on. I have complained regularly to the hotel and to the police only to have a temporary respite of an hour or two. I have been threatened by the drunken patrons outside the off-sales, including been told that I would have my throat cut. I have daughters who feel threatened every time they step out of the gate.

All bottle stores in residential areas should be strictly policed and most definitely have restricted trading hours. You cannot have the same laws applying to a bottle store in a shopping store like Checkers and Spar, where they employ security to move the loiterers on, as opposed to that of in a residential area where it goes unchecked.

We strongly object to the extension of trading hours until 20:00 for bottle stores in residential areas.

7. Mike Minnaar

As a resident, family member and part owner of No.7 Syndicate Street , Arniston , it is imperative that we express our concern and outright rejection to the proposed extended trading hours for the liquor store of Arniston Hotel. We have had to endure the horrific experience of witnessing and listening to the goings on at this bottle store since its inception . We have had our house for over 30 years.

It is unacceptable that we have to continually endure the speedy departures at high revs from vehicles leaving the store, loud music from motor vehicles parked outside the store, people malingering ,fighting, loitering , sitting around and talking and using foul language at the top of the voices, every day except Sundays.

It is an embarrassment to invite guests to our house , having extolled to them the beauty of Arniston only to witness the mayhem and atrocious happenings outside our front door. It is ironic that if you Google our residence, a picture is portrayed of these very patrons of the store , lounging on our stairs and against the wall of our property.

We understood that it was illegal to sit and drink outside a liquor store on the pavement .

Urinating and sleeping or leaning against our boundary wall directly opposite the entrance to the store, is but the norm for the patrons of this store.

This store was even open on Good Friday a few years ago.

My brother once asked the rowdy people to quieten down one day and was threatened with having his throat cut.

Our children grew up hearing this racket everyday and were scared to venture into the road on their own due to the drunken and disorderly behaviour of the majority of the patrons, particularly over the Festive season.

It is no secret that we along with many other residents wish that this store could be relocated to inside the premises of the hotel or to a non residential zone .

We have no problem with the hotel , their management, owners or residents, it is strictly the problems encountered with the bottle store, its location and its patrons and their behaviour. Therefore we **vehemently oppose** the extended trading hours, wish that the store could either be relocated, or have **fewer trading hours**.

8. D H Bestuursdienste

Sien Bylaag A aangeheg op bladsy 174 tot 180.

9. Gerhard Fourie: Eienaar Kleinbegin Drankwinkel

Graag wil ek u bedank vir die leiding wat die Raad geneem het om die Drank handelsure in te kort. Ek ondersteun u 100% in die Wysiging van Dranks Handelsure.

As die eienaar van Kleinbegin Drankwinkel moet ek weekliks op Sondag toekyk hoe die vergrype aan drank plaasvind. As jou drank verkope op 'n Sondag beter is as op 'n Vrydag, sal u met my saamstem, iets klink nie reg nie.

My redes vir inkort van Handelsure:

1. Ek kan geen tyd meer saam met my gesin spandeer nie. Ek begin reeds 07:00 in die oggend om 08:00 oop te maak en kom op die vroegste 20:30 in die aande by die huis sewe dae per week. Vanweë my ligging is ek verplig om oop te maak op Sondag omrede ek baie "Besigheid" sal verloor as ek nie oopmaak nie.
2. My bywoning van ere-dienste Sondag het gedaal tot nul, want ek moet aktief help in die Drankwinkel as gevolg van personeel inkortings op Sondag.
3. As gevolg van die hoë volume verkope op Sondag word noodsaaklike aankope selfs op Sondag gedoen.
4. Dat geen Drankwinkel ooit weer mag handeldrywe op Sondag nie. Dit is absoluut 'n onreg wat die Gemeenskap aangedoen word om te moet aanskou hoe dronk mense op 'n Sondag kan wees.

Voorts wil ek graag die volgende voorstelle indien:

1. Dat Handel op Kersfees en Goeie Vrydag ook gewysig word.
2. Dat aktiewe Polisering, in samewerking met die Munisipaliteit, sal plaasvind om die onwettige verkoop en laatnag aflewering van drank kan aanspreek.
Dit is by hierdie punt waar die grootste probleem is, daar word deurnag verkope gedoen by vele onwettige afset punte. By hierdie punte word die Gemeenskap toegelaat om skuld aan te gaan en dan betaal hul tot 3 keer die normale prys vir hul drank. Die arme persoon word so vasgedraai deur skuld dat hy geen geld vir homself oor het nie, sy keuse is dus net dit: "Betaal die shebien, dan kry ek weer skuld."

Die Drankwet stel dit duidelik geen drank mag op skuld verkoop word nie.

3. Weier die skuldenaar dus om te betaal kan die skuldeiser nie teen hom optree nie, want dit is onwettige skuld.
4. Ek stel dus ook voor dat hierdie punt duidelik met die publiek kommunikeer moet word.

Ek weet hierdie gaan 'n baie ongewilde besluit wees om deur te voer, maar terwille van die Gemeenskap beslis die REGTE besluit.

Ek hoop u ondersteun my in hierdie saak, want dit pla my geweldig dat hierdie vergrype toegelaat word op 'n Sondag. Die Munisipaliteit beskik oor die mag om hierdie vergrype te stop of toe te laat.

OPSOMMING VAN KOMMENTARE EN BESTUURDER: STADS- EN STREEKS-BEPLANNINGSKOMMENTAAR

BESWARE EN KOMMENTAAR	BESTUURDER STADS- EN STREEKBEPLANNINGSKOMMENTAAR
Simon Pienaar: Verlenging van ure onaanvaarbaar. Gebruik van drank buite die gebou.	<p>Huidiglik is die handelsure ingevolge die Drank Handelsure Verordeninge van 14 Desember 2012 as volg (sien Bylaag B op bladsy 181 tot 185):</p> <p><i>'n Lisensiehouer van 'n perseel waarop drank verkoop mag word vir gebruik op en van die gelisensieërde perseel mag drank verkoop -</i></p> <p><i>"Vir gebruik op die gelisensieërde perseel op alle dae tussen 10h00 en 02h00 die daaropvolgende dag; en</i></p> <p><i>Vir verbruik van die gelisensieërde perseel op enige dag tussen 8h00 en 20h00."</i></p>
Teddy Hofmeyr Family Trust: Nie al die drankwinkels moet oop wees to 8pm gedurende die week nie.	
Stephen Minnaar: Stem saam met Michael en Peter Minnaar se kommentaar.	
Leslie Engel: Shebeen mark gaan vergroot.	
Lakey's Inn: Wil graag op Sondag besigheid bedryf tussen 8h00 en 17h00.	
Peter Minnaar: Besighede moet ordentlik gepolisieër word. Beperkte handelsure moet ingestel word en maak beswaar teen handel tot 20h00.	
Mike Minnaar: Besigheid moet geskuif word uit die residensiële area.	
D H Bestuursdienste: Sondaghandel nie outomaties nie, maar besighede kan aansoek doen daarvoor.	
Gerhard Fourie: Ondersteun die Raad in wysiging van Handelsure.	

PROSES VIR WYSIGING

- Die voorgestelde wysiging in beginsel deur die Raad laat goedkeur - volle Raad nie 'n komitee nie.
- Orde Reëls vir jou betrokke raad oor die indiening van verordeninge moet gevolg word.
- Adverteer vir publieke kommentaar - 30 dae - weer voor die Raad gelê word vir oorweging en dan eers kan dit gepromulgeer word.

BESTUURSAANBEVELING

Dat die Raad nie die handelsure van buite verkope wysig nie, weens die volgende redes:

1. Onwettige handel kan vermeerder op Sondag, publieke vakansie dae en na-ure.
2. Gelisensieërde besighede kan meer kompetender handel dryf terwyl kleiner en/of onwettige besighede die publiek uitbuit.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

BESLUIT 185/2015

- (i) Dat die Raad kennis neem van die publieke kommentaar ontvang na plasing van die advertensie.
- (ii) Dat die Raad volstaan met die handelsure soos per besluit 61/2015.
- (iii) Dat 'n verdere ondersoek gedoen word om die beperking op Sondaghandel ook uit te brei na ander godsdienstige vakansiedae.
- (iv) Dat die nuwe handelsure in werking sal tree na die promulgasie van die ordonnansie.

10.3.6 **AANSOEK OM VERLENGING VAN HUUROORENKOMS: GEDEELTE ERF 1148, BREDASDORP - B SUMMERS**

DOEL VAN VERSLAG

Om oorweging te verleen vir die verlenging van mnr B Summers se huidige huuroorenkoms op 'n gedeelte van erf 1148, Bredasdorp waarop beperkte landbou aktiwiteite beoefen word (liggingsplan aangeheg op bladsy 186).

AGTERGROND

Kaap Agulhas Munisipaliteit sit met 'n stuk meentgrond, 'n gedeelte van erf 1148, Bredasdorp waarop mnr Summers vanaf 1 Februarie 2007 'n maandelikse huurbedrag betaal van R11,96. Mnr Summers het nie 'n kontrak nie en die Raad het ook nie 'n kontrak nie. Finansies het ook nie 'n kontrak nie en kan nie sê hoe dit gebeur het dat hulle hierdie maandelikse bedrag hef nie.

Dan aan die anderkant het ons mnr L Andrews wat aansoek gedoen het vir dieselfde grond en verwys hy telkemale na 'n skrywe ontvang deur die Raad op 6 November 2003. Volgens mnr Andrews het die Raad belowe dat die grond vervreem kan word aan onder dieselfde voorwaardes wat vir mnr Odendaal geld.

Gedurende 2014 het die "Land Disposal" Komitee die volgende besluite geneem:

BESLUIT: LD 10/2014

- (i) Dat die Direkteur: Gemeenskapsdienste voorstel dat daar 'n ondersoek op die geskiedenis van die bogenoemde aansoek ingestel word.
- (ii) Dat die Direkteur: Gemeenskapsdienste voorstel dat daar ondersoek ingestel word of die applikant dienste betaal op die bogenoemde grond (Diepkloof).
- (iii) Dat daar bewyse ingedien word vir die bevestiging of dienste betaal word.
- (iv) Dat die nodige bewyse insake die verhuring aangevra word aangaande die verhuring van die grond te Diepkloof.
- (v) Dat 'n verslag voorberei word vir voorlegging aan die Raad insake die huuroorenkoms en verhuring van die grond te Diepkloof.

Na gelang van die bewyse wat versoek is betaal Mnr B Summers dienste op die gedeelte soos versoek. Dienste dateer terug tot 29 Julie 1997 toe SAMRAS by die munisipaliteite inwerking gestel is.

BESLUIT: LD 30/2014

- (i) Dat die Direkteur: Gemeenskapdienste voorstel dat 'n volledige item aan die Raad voorgelê word vir oorweging.
- (ii) Dat 'n regstelling sal volg deur 'n Raadsbesluit.
- (iii) Dat die Raad 'n nuwe huuroorenkoms sal goedgekeur op vasgestelde terme en voorwaardes.

Na gelang die agenda bespreking wat op 11 Julie 2014 plaasgevind het is die volgende kommentaar deur die Finansiële en Administrasie Komitee geneem:

Volledige ondersoek moet deur die Plaaslike Ekonomiese Afdeling gedoen word en 'n verslag aan die raad voorlê vir verdere oorweging.

BESLUIT: LD 74/2014

Dat aangesien die verslag nog uitstaande is, die punt oorstaan.

BESLUIT: LD 92/2014

- (i) Dat die Bestuurder: Stads en Streeksbeplanning die geïdentifiseerde grond besoek het met Mnr L Andrews.
- (ii) Dat die grond geïdentifiseer deur Mnr L Andrews dieselfde grond is as die grond waarop Mnr B Summers aanspraak maak.
- (iii) Dat die Bestuurder: Stads en Streeksbeplanning Mnr B Summers per woning gaan besoek vir uitwys van grond waarop hy aanspraak maak.
- (iv) Dat die kontakbesonderhede verskaf deur Mnr B Summers nie bestaan nie.

BESLUIT: LD 114/2014

- (i) Dat die Direkteur: Gemeenskapdienste versoek dat 'n ondertekende huurooreenkoms deur Mnr B Summers en Kaap Agulhas Munisipaliteit ingedien word voor 'n aanbeveling aan die Raad gemaak word.
- (ii) Dat indien 'n huurooreenkoms in plek is dat dit gewysig word deur die Raad.
- (iii) Dat die mees onlangse bewys in terme van munisipale dienste ingedien word.
- (iv) Dat die Bestuurder: Stads en Streeksbeplanning aandui dat dit dieselfde perseel is wat Mnr Lesley Andrews op aanspraak maak.
- (v) Dat die Projekkoördineerder aandui dat die huurooreenkoms aangevra is by die Rekords Kantoor.
- (vi) Dat die Bestuurder: Stads en Streeksbeplanning aandui dat 'n aanbeveling aan die Raad gemaak word aangesien dit dieselfde perseel is.

Op 23 Maart 2015 skryf die Bestuurder: Stads- en Streeksbeplanning die volgende e-pos aan Koos Celliers:

Ek wil jou hulp vra asb, maar ek het beperkte inligting.

Ons sit met 'n stuk meentgrond wat Mnr Summers vanaf 1 Februarie 2007 'n maandelikse huurbedrag van R11.96 betaal. Hy het nie 'n kontrak nie; en die Raad het ook nie 'n kontrak nie. Finansies kan ook nie vir ons sê hoe dit gebeur het dat hierdie maandelikse bedrag gehef word nie.

Dan is daar 'n tweede persoon – Mnr Andrews wat aansoek gedoen het om dieselfde grond te koop. Mnr Andrews verwys telekemale na 'n skrywe gedateer 6 November 2003 wat hy van die Raad ontvang het waarin oa die volgende staan: “Ongeveer 4 hektaar is steeds beskikbaar en kan 'n gedeelte hiervan ook aan u vervreem word onder dieselfde voorwaardes wat vir Mnr Odendaal geld”. Volgens hom het die Raad dus belowe dat hy hierdie gedeelte kan koop.

Wat sou jy voorstel moet ons doen?

Die volgende e-pos is ontvang van Koos Celliers op antwoord van bogenoemde e-pos:

Bertus

Ek sou voorstel dat jy Mnr Summers die geleentheid gun om met 'n ooreenkoms na vore te kom en indien hy nie kan nie, om redes aan te voer oor hoekom julle nie die stilswyende ooreenkoms (julle het die huurgeld maandeliks ontvang sonder enige teestribbeling) ingevolge die gemene reg met 'n maand kennis moet opse nie.

Mnr Andrews kan hom nie beroep op 'n 'belofte' nie of 'n moontlike vervreemding wat nie met 'n skriftelike ooreenkoms opgevolg is nie. Daarbenewens het die MFMA in 2004 in werking getree en later ook die Asset Transfer Regulations wat dit in ieder geval onmoontlik maak om die eiendom aan hom te vevreem.

Die volgende skrywe is aan mnr Summers gestuur op 1 April 2015:

HERNUWING VAN GROND HUUROORENKOMS: GEDEELTE 1148 BREDASDORP

Bogenoemde het betrekking.

Hiermee word u versoek om die ooreenkoms wat u met die Raad het na vore te bring en indien u nie so 'n ooreenkoms het nie, redes aanvoer hoekom die stilswyende ooreenkoms ingevolge die gemene reg nie met 'n maand kennis opgesê kan word nie.

U kommentaar word binne 3 weke vanaf datum van registrasie van hierdie skrywe versoek.

Mnr Summers skryf op 20 April 2015 die volgende:

HERNUWING VAN GROND HUUROORENKOMS: GEDEELTE 1148 BREDASDORP

U skrywe, gedateer 01 April 2015 het betrekking.

Eerstens moet ek vir u inlig dat ek het geen afskrif van die huurooreenkoms wat ek met die Raad het nie. Soos ek verduidelik het in my aansoek gedateer, 21 September 2013 het ek reeds vanaf 1987 besigheid met die Raad waarvoor ek 'n jaarlikse huurbetaling doen en het tot ophede my verpligtinge nagekom met verwysing na my rekening staat nr: 200000014328.

Ek moet dit ook baie duidelik stel dat ek op geen manier stilswyend was of wou wees nie teenoor die verhuuring van die grond. In teendeel was ek onder die indruk dat daar wel 'n kontrak bestaan en die rede vir my rekening wat ek ontvang het en gereeld betaal het. My versoek vir 'n kontrak het betrekking tot die Departement van Landbou wat my kan ondersteun m.b.t. omheining en beheer van indringer plante.

As 'n opkomende boer is my versoek en behoefte steeds om voort te gaan op 'n wetlike basis met die Raad. Dit sluit in my huidige landbou aktiweteite en beplanning om dit uittebrei met die doel om dit volhoubaar te maak en sodoende werk teskep wat sal kan bydra tot die werkloosheid en plaaslike ekonomie van ons dorp.

Ek sal dit hoogs op prys stel indien die Raad dit ernstig kan oorweeg om nie my huidige aktiweteite en ooreenkoms (soos vasgestel in my huidige rekening staat nr: 200000014328) opskort nie, maar wel my versoek vir 'n 5 jaar of meer huurooreenkoms goedkeur met alle voorwaardus wat die Raad ook mag besluit oor.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : <i>fair market value of the capital asset exceeds any of the following amounts:</i> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value" : fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

Die "Land Disposal" Komitee het gedurende 2015 die volgende besluite geneem:

BESLUIT: LD 1/2015

- (i) Direkteur: Korporatiewe Dienste moet seker maak waarvoor mnr Summers betaal.
- (ii) Direkteur: Gemeenskapsdienste stel voor dat die item na die Raad verwys word aangesien daar geen huurkontrak gevind kan word nie.
- (iii) Bestuurder: Stads en Streeksbeplanning moet die item voorberei met die aanbeveling dat die kontrak vir 1 jaar en 11 maande geldig is.
- (iv) Dat daar gekyk word na grond in dieselfde area vir mnr Andrews.

BESLUIT: LD 67/2015

- (i) Dat die aansoek aanbeveel word.
- (ii) Dat die grond markverwant verhuur word.
- (iii) Dat die aansoek na die Raad verwys word vir oorweging.
- (iv) Dat mnr Andrews in kennis gestel word dat sy aansoek in terme van die nuwe wetgewing nie oorweeg kan word nie.

BESTUURSAANBEVELING

- (i) Dat die bestaande kontrak verleng word.
- (ii) Dat die bestaande huurvoorwaardes steeds sal geld.
- (iii) Dat 'n markverwante huur betaalbaar sal wees (waardasie aangeheg op bladsy 187).
- (iv) Dat die hernude kontrak deur Korporatiewe Dienste opgestel word.

BESLUIT 186/2015

- (i) Dat die bestaande termyn verleng word met 9 jaar en 11 maande (met ingang van 1 Augustus 2015).
- (ii) Dat die gewone huurvoorwaardes sal geld.
- (iii) Dat 'n markverwante huur van R300,00 per maand betaalbaar sal wees met 'n eskalاسie van 10% per jaar (waardasie aangeheg op bladsy 187).
- (iv) Dat die hernude kontrak deur Korporatiewe Dienste opgestel word.
- (v) Dat alle wetlike verpligtinge rakende die verhuring langer as 3 jaar nagekom word voor sluiting van die kontrak.

10.3.7 **VERHURING VAN MUNISIPALE GROND VIR GEMEENSKAPSONTWIKKELINGS-AKTIWITEITE (MNR RHODE) (7/R) (WYK 4)**

DOEL VAN VERSLAG

Oorweging van die aansoek van mnr Rhode vir die verhuring van Bredasdorp Meentgrond vir kommersiële bedrywighede (Sekuriteits- en Honde Opleidingsentrum). Die liggingsplan is aangeheg as Bylaag A op bladsy 188.

AGTERGROND

Mnr Rhode se aansoek ontvang op 18 Februarie 2014 vir die vestiging van 'n Sekuriteits en Honde Opleidingsentrum:

Insaake: Huur Van Erf 1148 +-2 hektaar(Tussen Diepkloof en Skietbaan.)

Graag wil ek aansoek doen vir die huur van erf 1148 (+-2 hektaar) vir die vestiging van 'n Sekuriteits en Honde Opleidingsentrum. Die voordele wat hier uit kan kan voortspruit is as volg:

- 1)Die projek sal werkskepping bevorder en sal 'n ekonomies inspuiting wees vir die Kaap Agulhas Streek.
- 2)Die betrokke eiendom van die raad sal instand gehou word.
- 3)Die behoefte aanspreek om opleiding te verskaf in Kaap Agulhas en in die Overberg streek.
- 4)Dit sal ook brand gevaar beperk ,want nodige munisipale maatreëls sal geïmplementeer word.
- 5) Dit sal definitief die waarde van die grond verhoog.
- 6)Omdat werkloosheid 'n toenemende probleem in ons streek is,glo ek dat dit terselfde tyd ook 'n impak sal maak deur geweld en diefstal te minimaliseer.Ons wil graag 'n versoek rig dat u die grond teen 'n minimale bedrag aan ons te verhuur. Ons aansoek om 'n korporasie te stig is tans in proses.

Ons hoop ons aansoek word goedgeunstiglik oorweeg en op positiewe terugvoering.

Die Uwe



R.R. Rhode

Mnr Rhode se sakeplan is aangeheg op bladsy 189 tot 193.

Die Bestuurder Stads- en Streeksbeplanning het 'n gesprek met die Hoof van die Brandweer gehad wat nogsteeds aktief die skietbaan gebruik. Volgens mnr Geldenhuys hou die skietbaan nie 'n gevaar in vir die voorgestelde aktiwiteite nie.

MARKWAARDASIE

R50 - R100 per maand (sien bladsy 194)

	R50 per maand	R100 per maand
JAAR 1	R600	R1200
JAAR 2	R660	R1320
JAAR 3	R726	R1452
JAAR 4	R798-60	R1597-20
JAAR 5	R799-70	R1756-92
JAAR 6	R879-67	R1932-61
JAAR 7	R967-65	R2125-87
JAAR 8	R1 064-41	R2338-45
JAAR 9	R1 170-85	R2572-29
TOTAAL	R7666-88	R16 259-34

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

Die projekte behoort 'n beduidende bydrae tot werkskepping, armoedeverligting en ekonomiese groei vir die Bredasdorp gebied sowel as vir die Kaap Agulhas regsgebied te lewer.

WETLIKE IMPLIKASIES

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie. Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> Sect 14(2)(a): asset not required for minimum level of basic services. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> R50 million; One percent of the total value of the capital assets of the municipality.... An amount determined by resolution of the council of the municipality which is less than (a) or (b). Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. Regulation 5 (decision-making). Regulation 6 (public participation)

SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	Departure application is required; and will be for the account of the applicant.

Die Raad neem die volgende besluit (**BESLUIT 57/2015**) op 31 Maart 2015.

Dat die aangeleentheid terug verwys word vir verdere ondersoek.

'n Op-terrein inspeksie was gehou op Vrydag, 24 April 2015 saam met Reinhardt Geldenhuys (voorsitter van die skietklub) waarna die volgende verslag ontvang is:



BREDASDORP SKIETKLUB BREDASDORP SHOOTING CLUB

Voorsitter/Chairman: R Geldenhuys (028) 425 2118 E Pos : rgeldenhuys@odm.org.za
 Tesourier/Treasurer: H Sleenkamp (028)4242345 E Pos: h.sleenkamp@odm.org.za
 Sekretaris/Secretary : W Strydom,
 Posbus 486 Bredasdorp 7280

BREDASDORP SHOOTING CLUB

The shooting club has 23 current members and is an inclusive club open to anyone wanting to join.

The range is registered with the *National Regulator for Compulsory Specifications* in order to comply with all safety requirements prescribed by legislation and the SANS code.

The club holds monthly shoots for its members and visitors and hosts two provincial shooting events per year.

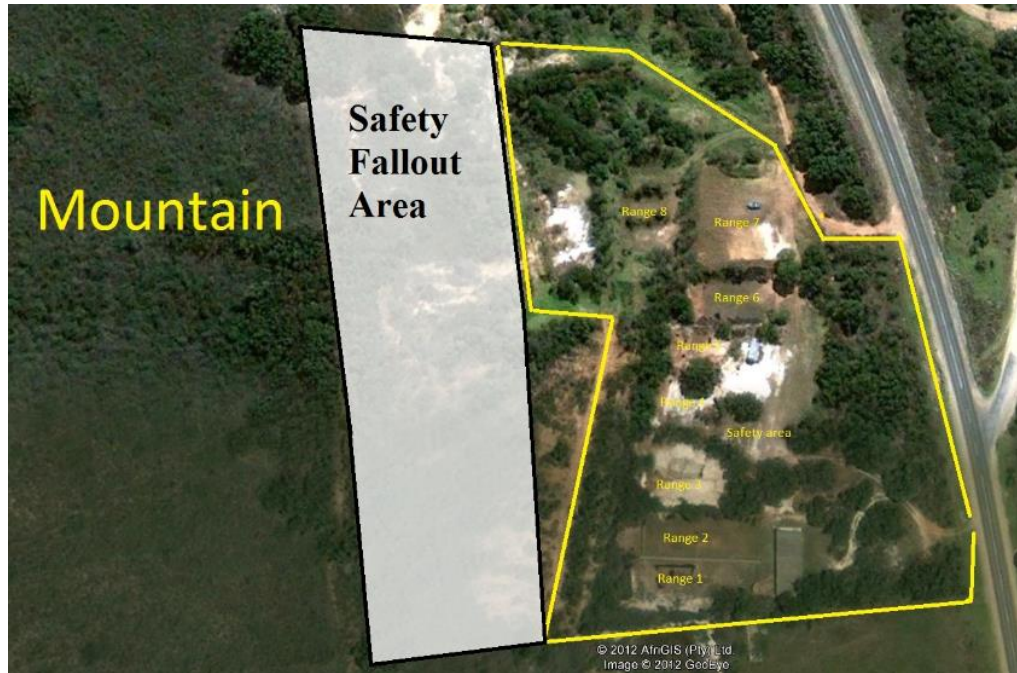
The club is affiliated with the Boland Shooting Association on a Provincial level, and the South African Practical Shooting Association on a National level.

Security companies and the police uses the range on a regular basis for ongoing training.

SAPS have their annual Provincial Shooting training camp on our range as this is an accredited range and they are only allowed to shoot on approved and safety accredited ranges. Officers from all over the province come to shoot on our range during September each year.

Air Force Base Overberg also has their annual shooting competitions/events on the range.

The areas of the ranges are clearly demarcated on the attached map and the area directly behind the range (West) is the safety fallout area.



Die “Land Disposal” Komitee het die volgende besluit geneem:

BESLUIT LD: 69/2015

Dat mnr Rhode se aansoek aanbeveel word.

BESTUURSAANBELING

Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond aan mnr Rhode (± 3 ha) vir 'n termyn van 9 jaar 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van gemeenskaps-ontwikkelingsprojekte op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R600,00 per jaar vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

BESLUIT 187/2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat 'n ondersoek geloods word na die huurooreenkoms met Bredasdorp Skietklub.

10.3.8 **VERVREEMDING (KOOP) VAN ERF 4058, BREDASDORP (WYK 3)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van die Thys-egpaar ten einde erf 4058, Bredasdorp aan te koop teen R10 000,00 (liggingsplan aangeheg op bladsy 195).

ALGEMENE INLIGTING

Eienaars : KAM
 Ligging : Lelieweg 25, Bredasdorp
 Sonering: : Enkel Residensieel
 Huidige grondgebruik : Vakant
 Erf grootte : 243m²

AGTERGROND

Die aansoek van mnr en mev Thys:

Mr + Mrs K. J. Thys. - 078 6327 548
 71R

Met hierdie geskrewe wil ek graag weer aan soek doen vir erf no 4058. Bredasdorp.

Wil ook onder die raad se aandag bring dat ons reeds aansoek gedoen het vir die erf in September 2014. Maar nog niks terug voering gekry nie. Ons sal dit baie waardeer as die raad ons spoedig se in-kennis kan stel rondom die erf, want tans is ons dakloos en die bedrag van die erf is R5 000 ons is bereid om R10 000 aan te bied vir dit.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.

MATR	<p>1. Definition of “high value asset”: <i>“fair market value of the capital asset exceeds any of the following amounts:</i></p> <p>a) <i>R50 million;</i></p> <p>b) <i>One percent of the total value of the capital assets of the municipality....</i></p> <p>c) <i>An amount determined by resolution of the council of the municipality which is less than (a) or (b).</i></p> <p>2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR**DIREKTEUR: KORPORATIEWE DIENSTE****Direkteur**

No objections.

Bestuurder: Administratiewe Ondersteuning

Aansoek, kan na afhandeling van alle regsprosesse, ondersteun word.

MUNISIPALE BESTUURDER

Report to council must include a recommendation in terms of Section 14 of MFMA and the up to date valuation of the erf.

DIREKTEUR: GEMEENSKAPSDIENSTE**Direkteur**

No objections.

DIREKTEUR: TEGNIESE DIENSTE**Bestuurder: Water en Riool**

Die erf kan aansluit by die water- en riolnetwerk.

Bestuurder: Reinigingsdienste

Verkoop transaksie het huidiglik geen invloed op Reinigingsdienste nie.

Bestuurder: Strate en Stormwater

Plaas op tender.

Die “Land Disposal” Komitee neem die volgende besluit:

BESLUIT: LD 73/2015

- (i) Dat die aansoek aanbeveel word na die Raad.
- (ii) Dat 'n markwaardasie verkry word (sien bladsy 196).
- (iii) Dat die erf op 'n publieke tender verkoop word.

BESTUURSAANBEVELING

Dat die erf op publieke tender verkoop word.

BESLUIT 188/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.4 FINANSIËLE DIENSTE**10.4.1 AANSOEK OM FINANSIËLE ONDERSTEUNING: BREYANI GOSPELFEES 2015 (5/18/1)****DOEL VAN VERSLAG**

Om die aansoek, soos aangeheg op bladsy 197 om finansiële ondersteuning vir die Breyani Gospel Fees 2015 te Bredasdorp, te oorweeg.

AGTERGROND

Die Breyani Gospel Komitee in samewerking met Radio Overberg beplan 'n gospel fees gedurende die 21^{ste} en 22^{ste} Augustus 2015 te Bredasdorp (Albert Myburgh skool). Die fokus vanjaar is gerig op die jeug regoor die Wes-Kaap om hulle betrokke te kry by geestelike en gemeenskaplike aktiwiteite.

Hulle vra om 'n bydrae van R25 000,00.

BESTUURS AANBEVELING

Dat die Raad bogenoemde finansiële ondersteuning oorweeg vir goedkeuring.

BESLUIT 189/2015

Dat die bedrag van R25 000,00 uit die Bemarkingsfonds beskikbaar gestel word vir die aanbieding van die Breyani Gospel Fees.

10.4.2 JAARLIKSE BATEOPNAME: 2014/2015 BOEKJAAR (DFD)**DOEL VAN VERSLAG**

Om oorweging te skenk vir die afskrywing van roerende bates wat nie opgespoor kon word tydens die jaarlikse bateopname nie, asook items wat nie meer voldoen aan die minimum vlak van dienslewering, insluitende items wat as duplikate op die bateregister verskyn.

AGTERGROND

Gedurende die boekjaar 2014/2015 was daar items gevind wat nie aan die minimum vlak van dienslewering vereistes voldoen nie en as uitgedien verklaar is asook items wat gedupliseer is op die register. Verskeie bate is ook nie tydens die bateopname gevind nie.

Aangeheg as bylae is die lys van roerende bates wat afgeskryf moet word:

Bylaag A : Uitgediende voorraad - boekjaar 2014/2015 (bladsy 199)
Bylaag B : Bates nie gevind tydens opname - boekjaar 2014/2015 (bladsy 201)

WETLIKE IMPLIKASIE

Ingevolge Wet 56 van 2003 (MFMA), Artikel 14

FINANSIËLE IMPLIKASIE

Aangehegte lys van items ter waarde van R25 059.59, wat 'n persentasie van 0.018% teenoor die totale bates is, kon nie gevind word nie.

BESTUURSANBEVELING

Dat alle roerende bates (soos op aangehegte lys) afgeskryf moet word.

BESLUIT 190/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

11. **ITEMS DEUR DIE UBK / UITVOERENDE BURGEMEESTER NA DIE RAAD VERWYS**

11.1 **HEROORWEGING VAN UBK BESLUIT BK42/2015: HERSONERING, ONDERVERDELING EN AFWYKING: ERF 3949, STRUISBAAI (S3949 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Die heroorweging van die Uitvoerende Burgemeesterskomitee besluit BK42/2015 geneem op 31 Maart 2015 ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

AGTERGROND

Op 28 Januarie 2014 het die Raad die volgende besluit geneem (BK15/2014):

- (i) Dat die Raad goedkeuring ingevolge Artikel 25(1), 17 en 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) verleen vir die volgende:
1. Hersonering van Erf 3949, Struisbaai van Onbepaalde Sone na Onderverdelingsgebied vir Residensiële Sone I, Oopruimte Sone I, Oopruimte Sone III, Institusionele Sone I en Vervoersone II doeleindes;
 2. Onderverdeling van Erf 3949, Struisbaai vir 67 Residensiële Sone I erwe, 1 Institusionele Sone I erf, 5 Oopruimte Sone I erwe, 1 Oopruimte Sone III erf en Vervoersone II (publieke pad);
 3. Afwyking op Erf 3949, Struisbaai vir die boulynverslappings en afwyking van die dekking.

Bogenoemde goedkeuring is onderhewig aan die volgende voorwaardes, neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985):

- a) Dat geen aktiwiteite wat 'n openbare oorlas tot gevolg kan hê mag uitgeoefen word nie.

- b) Dat bouplanne van alle strukture by die Raad ingedien word vir goedkeuring voordat konstruksie in aanvang neem nadat dienste voltooi en aanvaar is.
- c) Dat die nuutgeskepte erwe herwaardeer en dienooreenkomstig belas word.
- d) Dat die Raad voorsien word van die goedgekeurde Landmeter-Generaal diagramme en/of Algemene Planne.
- e) Dat gesondheidsvereistes aan voldoen word wat van tyd tot tyd deur die Raad neergelê mag word.
- f) Dat die aansoeker/ontwikkelaar verantwoordelik sal wees vir alle interne- en eksterne dienste wat uit hierdie aansoek mag voortspruit.
- g) Dat die aansoeker/ontwikkelaar kennis neem dat dat daar geen oordrag van enige erf binne hierdie ontwikkeling sal geskied voordat 'n dienste-ooreenkoms ten opsigte van die ontwikkeling in plek is nie.
- h) Dat enige bestaande serwitute wat uit die titelaktes mag voortspruit gehandhaaf word.
- i) Dat die dienste-ontwerp opgestel word en aan die Raad voorgelê word vir goedkeuring en dat die ontwerp volgens die riglyne van "Guidelines for the Provision of Engineering Services in Residential Townships" uitgegee deur die Departement van Openbare Werke en Grondsake, gedoen word.
- j) Dat geen konstruksie sal in aanvang neem voordat die planne deur die Raad goedgekeur is nie.
- k) Dat die Raad voldoende geskikte water beskikbaar stel om die ontwikkeling te bedien, welke water deur die Raad op sodanige punt of punte op die grens van die ontwikkeling gelewer sal word wat die geskikste vir die Raad is, vir aansluiting by die eksterne verspreidingsstelsel wat die dorp bedien.
- l) Dat die Raad na die proklamasie van die ontwikkeling op sy koste alle huishoudelike vullis, in ooreenstemming met sy verordeninge, te verwyder en sal eie reëlings met die eienaars of kopers van erwe in die ontwikkeling vir die verwydering van sodanige vullis tref.
- m) Dat geen oordrag van 'n erf aan individue sal toegelaat word nie, voordat alle dienste, uitgesonderd septiese tenks, tot bevrediging van die Raad geïnstalleer is nie.
- n) Dat alle stormwater aansluit by die bestaande stelsel en indien nie moet dit weggevoer word na die see.
- (ii) Dat die aansoeker/eienaar en beswaarmakers op hul reg tot appèl na die Raad gewys word, eerstens ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) – slegs die aansoeker en daarna ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (15 van 1985) – die aansoeker en beswaarmakers.

WYSIGING

Aangesien die behoefte groot is vir 'n kerkperseel in Struisbaai-Noord word aanbeveel dat Perseel 72 ge-oormerk word vir kerkdoeleindes.

BESTUURSAANBEVELING: 31 MAART 2015

Dat die Raad voorwaarde 1 en 2 van UBK Besluit BK15/2014 geneem op 28 Januarie 2014 as volg wysig ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985:

1. Hersonering van Erf 3949, Struisbaai van Onbepaalde Sone na Onderverdelingsgebied vir Residensiële Sone I, Oopruimte Sone I, Oopruimte Sone III, Institusionele Sone I en Vervoersone II doeleindes;
2. Onderverdeling van Erf 3949, Struisbaai vir 67 Residensiële Sone I erwe, **2 Institusionele Sone I erwe (kerkdoeleindes en kleuterskool)**, 4 Oopruimte Sone I erwe, 1 Oopruimte Sone III erf en Vervoersone II (publieke pad);
3. Afwyking op Erf 3949, Struisbaai vir die boulynverslappings en afwyking van die dekking.
4. Sluiting van die nuut geskepte Publieke Oopruimte.

AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE - 31 MAART 2015

Dat die Bestuursaanbeveling aanvaar word.

Op 31 Maart 2015 neem die UBK die volgende besluit (BK42/2015):

- (i) Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.
- (ii) Dat Institusionele Sone I se boulyne dieselfde sal wees as Residensiële Sone I weens die grootte van die bestaande erf.

Op 13 Julie 2015 neem die “Land Disposal” Komitee die volgende besluit:**BESLUIT: LD 91/2015**

Dat UBK besluit (BK42/2015) heroorweeg word aan die lig van die huidige beshuisingsontwikkeling en die feit dat daar geen publieke oopruimte is nie, sou die gemeenskap dit benodig vir openbare gebruik.

BESTUURSAANBEVELING

Dat UBK besluit (BK42/2015), geneem op 31 Maart 2015, heroorweeg word aan die lig van die huidige beshuisingsontwikkeling en die feit dat daar geen publieke oopruimte is nie, sou die gemeenskap dit benodig vir openbare gebruik.

UBK BESLUIT: 23 JULIE 2015

Dat die aangeleentheid na die Raad verwys word vir finale besluitneming.

BESLUIT 191/2015

Dat die Raad besluit BK42/2015, waarin erf 3949 ook vir kerkdoeleindes aangewend word, aanvaar.

12. ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**12.1 EPWP CONDITIONAL GRANT FUNDING FOR 2015/2016 FINANCIAL YEAR (EPWP COORDINATOR)****PURPOSE OF REPORT**

To revise and to align the Budget as the Conditional Grant has to be spent, according to approved and submitted EPWP Business Plan.

BACKGROUND

The EPWP Grant has to be spent according to the EPWP Business Plans submitted to the National Department of Public Works, by the time our Budget was approved by council, the EPWP Project Business plans was not yet submitted, this is a requirement that the EPWP Grant should be spent on projects submitted to the Department of Public Works.

Annexure : EPWP Conditional Grant Business Plan

FINANCIAL IMPLICATIONS

None.

RECOMMENDATION

That Council approves the realignment of the Budget to include the Conditional Grant Funded Projects.

RESOLUTION 192/2015

That the Management recommendation be accepted as a resolution of Council.

12.2 **QUARTERLY PERFORMANCE REPORT: 1 APRIL 2015 TO 30 JUNE 2015 (2/9/2)****REPORT BY THE MANAGER STRATEGIC SERVICES****PURPOSE OF REPORT**

The purpose of this report is to present the quarterly performance report of the Municipality for the fourth quarter of the financial year. (1 April 2015 to 30 June 2015).

LEGAL FRAMEWORK

This Performance Report is submitted in compliance with MFMA Circular 13 which requires the Municipality to report quarterly on its Service Delivery Budget Implementation Plan (SDBIP).

This report must be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003, which requires the Mayor to within 30 days of the end of each quarter; submit a report to Council on the implementation of the budget and the financial state of affairs of the Municipality.

DISCUSSION

The Performance Management System is an internet based system that uses the approved Service Delivery Budget Implementation Plan (SDBIP) as its basis. The SDBIP is a layered plan comprising a Top Layer SDBIP and Departmental SDBIPs. The SDBIP comprises quarterly high level non-financial service delivery targets as well as financial projections for revenue collection (cash flow) as well as operational and capital expenditure.

The performance report for the quarter 1 April 2015 to 30 June 2015 is attached as annexure.

MANAGEMENT RECOMMENDATION

- (i) That the quarterly performance report for the quarter (1 April 2015 to 30 June 2015) be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.
- (i) That it be noted that all figures contained in this report are provisional and may change pending the finalization of the Annual Financial Statements at the end of August 2015.

RESOLUTION 193/2015

That the Management recommendation be accepted as a resolution of Council.

12.3 **RAISING OF LONG TERM DEBT (DFS)****PURPOSE OF REPORT**

For Council to consider the raising of long term debt and what source of funding will be used to repay the loan.

BACKGROUND

In terms of section 46 of the MFMA a municipality may incur long-term debt only in accordance with and subject to any applicable provisions in the mentioned Act and only for the purpose of capital expenditure on property, plant or equipment to be used for the purpose of achieving the objects of local government stipulated in the Consitution.

Furthermore the municipality's long-term debt must be consist with its capital budget and may only spend money on a capital project if the sources of funding have been considered, are available and have not been committed for other purposes.

Therefore it is imperative before final approval of the long-term debt that Council first considers the amount of debt to be raised through borrowing or other means, purposes for which the borrowing (debt) is to be incurred, total estimated cost of borrowing over the repayment period, type of instrument and source of loan funds. Following the detail of the long-term debt to be considered by Council and the source of funding which will be used to repay the loan:

Purpose of Borrowing	Type of Instrument	Source of loan fund	Repayment period	Total amount	Comments
Upgrade of ablution facility - Old Nostra	External loan	Term loan	10 Years	R3 600 000	Total estimated borrowing cost over three years
Sewer Truck	External loan	Commercial Asset Finance	5 Years	R 800 000	Estimated once-off cost
"Rolbesem"	External loan	Commercial Asset Finance	5 Years	R 300 000	Estimated once-off cost
Pedestrian Roller (1 ton)	External loan	Commercial Asset Finance	5 Years	R 200 000	Estimated once-off cost
Light Delivery Vehicle	External loan	Commercial Asset Finance	5 Years	R 180 000	Estimated once-off cost
Jetcleaner	External loan	Commercial Asset Finance	5 Years	R250 000	Estimated once-off cost
Total Long-Term Application:				R5 330 000	

LEGAL IMPLICATION

Non-Compliance to prescribed legislation.

FINANCIAL IMPLICATION

The total estimated borrowing cost in respect of the 2015/16 budget year amounts to R2,930,00 whilst the total borrowing application inclusive of the two other years for the old Nostra project amounts to R5,330,00.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

MANAGEMENT RECOMMENDATION

- (i) Council considers adoption of the recommened long-term debt aligned with the approved 2015/16 budget and what source of funding will be used to repay the loan.
- (ii) Council approves the roll-out to obtain the long-term debt to the estimated amount of R5,330,000 for final consideration/approval as prescribed in terms of section 46 of the MFMA.

RESOLUTION 194/2015

That the Management recommendation be accepted as a resolution of Council.

17. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
205/2014	Kantoorakkommodasie	(iv) Dat erwe 581, 591 en 3652, Bdorp op 'n openbare veiling vervreem word met 'n insetwaarde gekoppel aan die markwaarde soos bepaal. (v) In gesprek getree word met 'n ontwikkelaar om die Raad te adviseer rakende die toekomstige moontlike gebruike van erwe 581, 591 en 3652. (vi) Moontlikheid om erwe 581, 591 en 3652, Bredasdorp op 'n openbare veiling te vervreem ondersoek word en verslag aan die Raad voorgelê word.	<i>Punte (i) tot (iii) is reeds afgehandel. 'n Verslag oor punte (iv) tot (vi) sal weer aan die Raad voorgelê word.</i>	MB
56/2015	Verhuring: Erwe 852,857 en 854, Sbaai (mnr Rossouw) (7/R)	Terug verwys word na verdere ondersoek met spesifieke verwysing na die spesifieke erf waarin aansoeker belangstel en bevestiging dat erf of 'n gedeelte daarvan nie alreeds verhuur word nie.		BSSB
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.		BSSB
105/2015	Vervreemding: Erf 5221, Bredasdorp (Waxa)	Terug verwys word vir moontlike ontwikkelingsvoorstelle.		BSSB

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 195/2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die volgende besluite geskrap word: 261/2014 en 75/2015.

Hierna gaan die Raad In Komitee om sake van vertroulike aard te bespreek.

BEKRAGTIG op hierdie _____ dag van _____ 2015

SPEAKER

DATUM: