



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

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

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 30 JUNE 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 A Coetzee	Raadsheer
Mnr W October	Raadslid
Mnr J Nieuwoudt	Raadsheer

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
Me T Stone	Bestuurder: Strategiese Dienste
Me U Hopley	Komiteedienste

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 D Burger	Raadslid
Mnr B Swart	Interne Ouditeur

3. **NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**

3.1 **NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

3.1.1 26 Mei 2015

(Bogenoemde Notule word ingebind in meegaande bylaagboek)

BESLUIT 139/2015

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 19 Mei 2015

(Bogenoemde Notule was reeds versprei met die UBK Agenda van 23 Junie 2015)

BESLUIT 140/2015

Die Raad neem kennis van bogenoemde UBK Notule.

5. **NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME**

5.1 **WYKSKOMITEE VERGADERINGS GEHOU OP:**

- WYK 1 : 21 Mei 2015
- WYK 2 : 25 Mei 2015
- WYK 3 : 21 Mei 2015
- WYK 4 : 18 Mei 2015
- WYK 5 : 13 Mei 2015

(Bogenoemde Notules word ingebind in meegaande bylaagboek)

BESLUIT 141/2015

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

7. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**7.1 BRIEWE VAN DANK**

Sien skrywes aangeheg op bladsy 1 en 2.

BESLUIT 142/2015

Die Raad neem kennis van bogenoemde skrywes ontvang.

7.2 FUNKSIES VIR DIE MAAND

Geen.

7.3 AANWYS VAN AFGEVAARDIGDES

Geen.

7.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

7.4.1 Die Speaker woon 'n Speakersforum vergadering by en een van die belangrikste punte was die belangrikheid van publieke deelname in terme van die begroting.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

8.1 MEC Plato besoek die Kaap Agulhas omgewing en programme is uitgerol vir die jeug.

8.2 Brief is ontvang van Provinsiale Tesourier vir die erkening en aanvaarding van KAM se begroting.

8.3 ACVV hou 'n bewusmakingsdag op 15 Junie 2015 om die bejaardes bewus te maak van hul regte.

8.4 Pet Expo word aangebied deur Agri Mega vanaf 01 Julie 2015 04 Julie 2015.

8.5 Speaker word geluk gewens met haar verkiesing as verteenwoordiger op die Provinsiale bestuur van die ANC.

9. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

Geen.

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Bladsy: Agenda

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Bladsy: 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 RAADSBESLUITTE**
Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 63**.
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 BACK TO BASICS SUPPORT PLAN: REPORT BY THE MANAGER STRATEGIC SERVICES

PURPOSE OF REPORT

To present the Back to Basics Support Plan to Council for approval.

BACKGROUND

On 18 September 2014 a Back to Basics Local Government Summit was held and all Mayors and Municipal Managers were invited. The Back to Basics Programme is the planned Programme of Action for Local Government for 2014-2019 and must be implemented as a Presidential priority.

Provincial governments are tasked with driving Back to Basics in the Province and in the Western Cape it was decided that Municipalities who were part of the Local Government Turn Around Strategy (LGTAS) would be prioritized in the Back to Basics Programme. CAM is part of this programme and a Back to Basics Support Plan was developed by the Province in collaboration with the Municipality. This plan defines projects and actions in relation to the following focus areas:

- Putting people first
- Basic services
- Good governance
- Capacity building
- Sound financial management

Correspondence has been received from the Western Cape Department of Local Government wherein they have submitted the final Back to Basics Support Plan and requested that it be submitted to the Municipal Council so that Councillors are aware of the support that will be provided by the various Departments. They also request the Council to pass a resolution approving the Back to Basics Support Plan and the implementation thereof.

The correspondence and Back to Basics Support Plan are attached as **Annexure A** on page 3.

MANAGEMENT RECOMMENDATION

That the Back to Basics Support Programme as submitted by the Western Cape Department of Local Government be approved and implemented.

RESOLUTION 143/2015

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

10.1.2 KAAP AGULHAS MUNISIPALITEIT STRATEGIESE- EN OPERASIONELE RISIKO REGISTER AKSIEPLAN VORDERING: JUNE 2015

DOEL VAN VERSLAG

Om die vordering met die Strategiese- en Operationele Risikoregister Aksieplanne soos op einde Junie 2015 aan die Raad voor te lê vir oorweging en bespreking.

AGTERGROND

Die vordering met die bogemelde aksieplanne word op 'n maandelikse grondslag gemoniteer vir vordering of identifisering van aangeleenthede wat die vordering belemmer.

Die verslag wat aangeheg word op bladsy 10 tot 17 is die vordering soos op einde Junie 2015 en word aan die Raad voorgelê vir oorweging en bespreking waar nodig geag.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Onbekend.

BESTUURSAANBEVELING

Dat die vordering met die Strategiese- en Operasionele Risiko Aksieplanne soos op einde Junie 2015 oorweeg en aanvaar word.

BESLUIT 144/2015

Dat die vordering met die strategiese- en operasionele risiko aksieplanne soos op einde Junie 2015 goedgekeur en aanvaar word.

10.2 TEGNIËSE DIENSTE / TECHNICAL SERVICES**10.2.1 VERVREEMDING VAN ERWE TE MONSANTOWEG, NAPIER: BESKIKBAARHEID VAN DIENSTE (BESLUIT NR 73/2015) (DTD) (WYK 1)****DOEL VAN VERSLAG**

Om die Raad in kennis te stel rakende die beskikbaarheid van dienste in die omgewing van leë erwe langs Monsantoeweg, Napier (sien bladsy 18 en 19).

AGTERGROND

Die volgende is die stand van dienste:

- a) Toegang na erwe – huidiglik is Monsantoeweg 'n gruisstraat en sal erwe hieruit toegang kry.
- b) Water – in Monsantoeweg bestaan daar reeds 'n 150mm diameter waterlyn en dit sal moontlik wees om aansluiting vir die erwe hiervandaan te kry. Voornemende kopers sal egter self die koste van die aansluiting moet dra soos in begroting aangekondig.
- c) Riool – daar bestaan geen rioolpypleiding in die onmiddellike omgewing nie en elke erf sal verantwoordelik wees vir 'n septiese tenk op die erf.
- d) Stormwater – die natuurlike helling van die erf is na die laerliggende rivier en stormwater sal deur gravitasie vloei na die rivier.
- e) Vullisverwydering – die diens van die erwe sal inskakel by die normale verwyderingskedisule van die Raad.
- f) Elektrisiteit – 'n 11 KV lyn plus 'n "transformer" sal vanaf Tradestraat aangelê moet word om die erwe te diens teen 'n koste van ± R1 miljoen.

FINANSIËLE IMPLIKASIES

Elektrisiteit teen R1.0 miljoen.

BESTUURSAANBEVELING

Dat die Raad kennis neem van die dienste beskikbaar en die implikasies ten opsigte van dienste wat bestaan ten einde die Raad in staat te stel om die erwe te vervreem.

AANBEVELING: PUBLIEKE WERKE KOMITEE / RECOMMENDATION: PUBLIC WORKS COMMITTEE

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

BESLUIT 145/2015

Dat die aanbeveling van die Publieke Werke Komitee as besluit van die Raad aanvaar word.

10.2.2 **HERINSTELLING VAN VOEDINGSKEMAS: BREDASDORP, WAENHUISKRANS, STRUISBAAI EN NAPIER (BMO)****DOEL VAN VERSLAG**

Dat die Raad goedkeuring oorweeg vir die herinstelling van voedingskemas in Bredasdorp, Waenhuiskrans, Struisbaai en Napier.

AGTERGROND

Die Voeding- en Ontwikkelingsentrums te Bredasdorp, Struisbaai, Napier en Waenhuiskrans is tans onaktief weens 'n gebrek aan befondsing vir vermelde projekte. Die organisasies, onder andere Bredasdorp Voeding en Ontwikkeling Sentrum, Kindersorg Napier, Die Waenhuiskrans Vissersunie en Struisbaai Meals on Wheels het aangedui dat hulle weer die voedingskema projekte vir 2015 sal bedryf.

Werkloosheid is steeds aan die orde van die dag en die impak van seisoenale werk en die onvolhoubare visbronne laat talle gesinne sonder 'n maaltyd. Die onvoldoende voedselbronne het 'n negatiewe impak op die sosiale vooruitgang van ons gemeenskappe.

Die implemente vir die hervestiging van die voedingskemas is alreeds beskikbaar en uitklaring moet egter verkry word rakende akkommodasie vir die projekte.

Sien onderstaande tabel vir koste per voedingskema:

BREDASDORP

ITEM	MAANDELIKS	3 MAANDE
Voedsel Produkte	R 7 916.00	R23 748.00
Vervoer	R 1 000.00	R 3 000.00
Elektrisiteit	R 650.00	R 1 950.00
Gas	R 1 100.00	R 3 300.00
Totaal	R10 666.00	R31 998.00

WAENHUISKRANS

ITEM	MAANDELIKS	3 MAANDE
Voedsel Produkte	R4 770.00	R14 310.00
Vervoer	R 800.00	R 2 400.00
Elektrisiteit	R 550.00	R 1 650.00
Gas	R 880.00	R 2 640.00
Totaal	R7 000.00	R21 000.00

STRUISBAAI

ITEM	MAANDELIKS	3 MAANDE
Voedsel Produkte	R4 770.00	R14 310.00
Vervoer	R 800.00	R 2 400.00
Elektrisiteit	R 550.00	R 1 650.00
Gas	R 880.00	R 2 640.00
Totaal	R7 000.00	R21 000.00

NAPIER

ITEM	MAANDELIKS	3 MAANDE
Voedsel Produkte	R4 770.00	R14 310.00
Vervoer	R 800.00	R 2 400.00
Elektrisiteit	R 550.00	R 1 650.00
Gas	R 880.00	R 2 640.00
Totaal	R7 000.00	R21 000.00

FINANSIËLE IMPLIKASIES

Die kostes vir die bedryf van vier voedingskemas beloop **R94 998.00** oor 'n tydperk van drie maande.

PERSONEEL IMPLIKASIE

Personeel sal slegs betrokke wees by die fasilitering en moniterings prosesse van die projek.

BESTUURSAANBEVELING

- (i) Dat die Raad oorweging verleen vir die goedkeuring van die herinstelling van voedingskema projekte.
- (ii) Dat die Raad toestemming verleen dat die Voedingskema projek by die Waenhuiskrans Gemeenskapsaal geakkommodeer kan word.
- (iii) Dat 'n nie-winsgewende organisasie die voedingskema projekte bedryf.
- (iv) Dat skriftelike ooreenkomste aangegaan word met die betrokke nie-winsgewende organisasies.
- (v) Dat aankope, die vervoer van produkte en gas self deur die betrokke organisasie gedoen word.
- (vi) Dat maandelikse verslae by die Menslike Ontwikkelingskantoor ingedien word soos aangedui in die ooreenkoms.
- (vii) Dat maandelikse verslag aan die Raad gedoen word aangaande die projekte.
- (viii) Dat die voedingskemas vrywilliglik bedryf word.
- (ix) Dat die Raad die volgende diensverskaffers aanwys: Bredasdorp Voeding en Ontwikkeling Sentrum, Kindersorg Napier, Die Waenhuiskrans Vissersunie en Struisbaai Meals on Wheels.

AANBEVELING: PUBLIEKE WERKE KOMITEE / RECOMMENDATION: PUBLIC WORKS COMMITTEE

- (i) Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*
- (ii) Dat die bedrag verhoog word na R150 000, gefinansier uit die Sosio-Ekonomiese Ontwikkelingsfonds.
- (iii) Dat Elim, Protem en Klipdale ook bygevoeg word by die voedingskema projekte.

BESLUIT 146/2015

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die bedrag verhoog word na R150 000 en dat die addisionele bedrag gefinansier word uit die Sosio-Ekonomiese Ontwikkelingsfonds.
- (iii) Dat Elim, Protem en Klipdale ook bygevoeg word by die voedingskema projekte
- (iv) Dat die addisionele bedrag van R55 000 soos volg tussen die dorpe verdeel word:

Elim	:	R21 000
Klipdale	:	R10 000
Protem	:	R10 000
Bredasdorp	:	R 7 000
Napier	:	R 3 000
Waenhuiskrans	:	R 2 000
Struisbaai	:	R 2 000

10.2.3 **AMENDMENT OF THE HUMAN SETTLEMENT PIPELINE: CAPE AGULHAS MUNICIPAL AREA**

PURPOSE OF REPORT

For Council to give consideration for the amendment of the approved Human Settlement Pipeline to include Elim for 2015 - 2025.

BACKGROUND

Council approved and adopted the Human Settlement pipeline for Cape Agulhas Municipality (Resolution 49/2015) but Elim was not included in the pipeline for future housing developments. The reason for the exclusion of this town is because it is a Missionary Station and the land is currently owned by the Moravian Church and therefore Council has no authority to develop and provide housing for residents in the area.

Council is now in negotiations to enter into a Land Reform agreement with the church for future housing developments in the area. The Western Cape Department of Human Settlements has been made aware of these developments and has thus requested that for planning purposes, Elim be included in the pipeline pending the Land Reform Agreements between Cape Agulhas Municipality and the Moravian Church.

The human settlement pipeline is very important for the drafting of the business plan by the Provincial Department of Human Settlements and also the gazetting of funding to be allocated to CAM through the Housing Grant Allocation programme.

The amendment of the Pipeline and the inclusion of Elim will assist Council to be able to put together a multi- year planning for any housing projects in alignment with the current housing demand from Elim residents on the housing database. This will also assist other departments like Engineering, Town Planning, Electricity and Finance to be able to plan for infrastructure and other services necessary before any housing development take place.

The purpose of the Review of the Human Settlement Pipeline within the HSP is:

- (i) To establish a **medium to long term strategy** for the development of sustainable human settlements in Elim.
- (ii) To **specify details of the package of programmes** the municipality will pursue over the **next 10 years** with regards to the medium term strategy.
- (iii) To **budget for these packages and align** the programmes with the Department of Human Settlement's **Housing Grant allocations**.

- (iv) To **Identify specific priority projects** derived from these programmes which **require more detailed planning**.
- (v) To **determine the need for the development of future social and economic amenities** in Integrated Human Settlement Planning.

The Provincial Department of Human Settlements requires that all housing projects that are planned by municipalities be included in the housing pipeline which has to be adopted by Council.

FINANCIAL IMPLICATION

None

MANAGEMENT RECOMMENDATION

- (i) That Council approves the amendment of the approved pipeline (Resolution 49/2015) for 2015 - 2025.
- (ii) Elim to be included as part of the Housing Pipeline and to form part of the Human Settlement Plan for future human settlement development planning for Cape Agulhas Municipality.

RESOLUTION 147/2015

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

10.3 **KORPORATIEWE DIENSTE / CORPORATE SERVICES**

10.3.1 **SERVER FAILURE (IT)**

PURPOSE OF REPORT

To inform Council of the procurement of a Server in terms of Article 29 of the MFMA.

BACKGROUND

In March 2013 two new servers were acquired through tender process SCM 16/2012/13 to host all physical servers, excluding the SAMRAS Classic server, of the Municipality due to the growing need in terms of Server utilization. At that stage we needed to acquire additional servers for the planned GIS system and Valuation system and had to make provision for probable other systems or expansion of systems in the future.

At that stage we had 9 servers of which 8 had to be upgraded within the next 12 months not including the planned additional system, soon to be acquired.

The decision were made to acquire 2 big servers to host these 8 servers in a virtual environment due to the manageability and financial viability there off.

In the year there after various other system requirements and request were received from Departments within the Municipality relating to ICT hardware and infrastructure and a rapid growth of ICT users also occurred. Currently the Municipality are hosting 15 virtual servers (VM's) and the users accessing these various systems has grown from 120 in March 2013 to 160 in April 2015.

Due to the aforementioned reasons the over utilization of the servers has led total failure of the one host and the almost 100% increase of server utilization and the growth of 26% of users accessing these systems, can be attributed to this failure.

Initial planning and forecasts, when taking the history relating to ICT in the Municipality into consideration, shown that an estimated growth of 25% in terms of Server utilization and a growth of 8% to 10% in terms of users.

With an expected growth in ICT users now estimated at 25% and server growth of 25% in the next 1 to 2 years, not including other hardware and infrastructure related expectations of the Municipality, we should try to invest in a solution not only for the current issue at hand but also for probable other expansions, such as Disaster Recovery capabilities, network utilization etc.

The growth in users and the new module acquired for both SAMRAS, relating to new SCOA legislation and modules for Collaborator pertaining the day to day workflows managed by this system were not available when planning for the current book year and when these issues arose in the year, provisions were made for the next book year. These provisions however has proven to be too far off and immediate attention were required.

In terms of this a report were taken to the ICT Steering Committee concerning this problem whereby a recommendation were made to request that the Municipal Manager and the Mayor approve the expenditure for procuring a new server in terms of Section 29 of the MFMA, which in turn were approved by both of them.

An order for the Server were granted to Introstat Pty Ltd after 3 quotes were received and the licensing for this server will be procured with DFA Solutions our current ICT Service provider that are managed by means of a Service Level Agreement.

FINANCIAL IMPLICATIONS

R181 437,63

LEGISLATIVE REQUIREMENTS

Municipal Finance Management Act 56 of 2003

MANAGEMENT RECOMMENDATION

To inform Council of the procurement in terms of Section 29 of the MFMA.

RESOLUTION 148/2015

That Council take note of the procurement in terms of Section 29 of the MFMA.

10.3.2 **VOORLEGGING VAN VEILIGHEIDS- EN GESONDHEIDSOUDITVERSLAG (BMH)**

DOEL VAN VERSLAG

Om die interne Veiligheids- en Gesondheidsouditverslag van Mei 2015, soos aangeheg op bladsy 20 aan die Raad voor te lê vir kennisname.

AGTERGROND

In April 2015 is 'n eksterne veiligheidsoudit deur Safe Net vir Kaap Agulhas Munisipaliteit gedoen. Die doel van die oudit was om die Raad leiding te gee ten opsigte van die veiligheid- en gesondheidsaspekte binne die werksplek.

Die ouditverslag se implementering word tans gemonitor deur die Veiligheidskomitee en die Direkteure moet by die Plaaslike Arbeidsforum vergaderings terugvoering gee oor die vordering van die oudit aspekte wat uitgewys was in die verslag.

In Mei 2015 is 'n interne veiligheidsoudit by die watersuiweringsaanleg op Bredasdorp gedoen om die risiko's wat miskien tydens die eksterne oudit misgekyk was, uit te wys.

RAADSBELEID

Beroepsgesondheid en Veiligheids Beleid.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Om sekere aspekte in die verslag te implimenteer sal koste aangegaan moet word. Die kostes impak is onbekend en sal die Direkteur: Tegniese Dienste in sy begroting voorsiening moet maak vir enige regstellings indien nodig.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die interne watersuiweringsaanleg veiligheidsoudit wat gedoen was.
- (ii) Dat die Direkteur: Tegniese Dienste verantwoordelikheid neem vir die implementering van die verslag in die betrokke afdeling.
- (iii) Dat die Veiligheidsouditverslag deur die Veiligheidskomitee gemonitor word en verslagdoening by Veiligheidskomitee vergaderings deur die departement Tegniese Dienste gedoen word.

BESLUIT 149 /2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die Veiligheidskomitee maandeliks verslag doen aan die Publieke Werke komitee vir verwysing na die Raad.

10.3.3 **VORDERINGSVERSLAG OOR RISIKO BEPALING / PROGRESS REPORT WITH REGARDS TO RISK ASSESSMENT (BMH)**

PURPOSE OF REPORT

Om die vordering van die risiko's wat in die Risikoverslag van April 2015 uitgewys is, aan te toon (sien verslag aangeheg op bladsy 21 tot 44). / *To show the progress made with regards to the Risk Assessment of April 2015 (see report attached on page 21 to 44).*

BACKGROUND

The Occupational Health and Safety Act, 1993 determines that the employer must, as far as is reasonable practicable, bring about or maintain a work environment that is safe and without risk to the health of his or her employees. This means that the employer must make the workplace free of anything that may cause injury, damage or diseases and where that is not possible, the employer must inform employees of the dangers and how they may be prevented.

In order for the municipality to comply with the act, a risk assessment was done in April 2015 by Safety Net. The Risk Assessment was workshop with the directors and the health and safety representatives. In terms of Council Resolution 126/2015, the directors must take full responsibility for the implementation of the Risk Assessment Report in their respective departments. It will be monitored at the LLF meetings and in the quarterly Safety Committee meetings and a progress report be submitted to Council on a monthly basis.

COMPLIANCE WITH STRATEGIC PRIORITIES

Creation and maintenance of a safe and healthy environment.

LEGAL REQUIREMENTS

Occupation Health and Safety Act, No 85 of 1993.

FINANCIAL IMPLICATION

Unknown.

STAFF IMPLICATION

None.

MANAGEMENT RECOMMENDATION

That Council take note of the progress made with regards to Risk Assessment of April 2015.

RESOLUTION 150 /2015

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

10.3.4 EPWP IMPLEMENTATION AND PERFORMANCE FOR 2014/2015 FINANCIAL YEAR (EPWP COORDINATOR)**PURPOSE OF REPORT**

To inform Council regarding the outcome of the EPWP performance and implementation for the 2014/2015 financial year.

BACKGROUND

The EPWP Grant assisted in improving the quality of life of indigent people within the Cape Agulhas Municipality (CAM) and increased social stability through providing employment to people for a certain period during the 2014/2015 financial year.

The Grant together with CAM's funds contributed towards reducing poverty in the CAM jurisdiction area. The Grant contributed towards increased levels of employment in an area where unemployment is the norm in certain areas of Cape Agulhas Municipality. The Grant gave unemployed people some work experience and some of them gained expertise by the in-house training they received.

Annexure A: EPWP Report (attached on page 45 to 57).

Annexure B: Letter from Department Transport and Public Works regarding EPWP performance (attached on page 58).

Annexure C: Funding Proposals Departments Environmental Affairs (Working For The Coast Project 2015/2016 financial year) (attached on page 61 to 66).

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council take note of the EPWP Report and the performance regarding EPWP.

RESOLUTION 151/2015

- (i) That the Management recommendation be accepted as a resolution of Council.
- (ii) That an implementation plan of the planned projects, including the training of the EPWP workers be submitted at the next Council meeting
- (iii) That the EPWP policy must be reviewed for approval by the council.
- (iv) That council considers the permanent establishment of a EPWP Coordinator post in the new microstructure.

10.3.5 **STELSLSWETAPPËL: ONDERVERDELING: ERF 3300, FRANCESSTRAAT, OCEAN VIEW HEIGHTS, STRUISBAAI (S3300 - SSB) (WYK 5)**

DOEL VAN VERSLAG

Die evaluering van bogenoemde aansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000). Die ligging van die betrokke eiendom word aangetoon op die plan aangeheg as Bylaag A op op bladsy 67.

ALGEMENE INLIGTING

Bestaande Sonering	:	Enkel Residensiële Sone
Bestaande Grondgebruik	:	Vakant
Oppervlakte van Erf	:	600m ²

DIE EIENDOM

Die eiendom word ingevolge die Titelakte beskryf as "ERF 3300 STRUISBAAI IN THE MUNICIPALITY OF CAPE AGULHAS ADMINISTRATIVE DISTRICT OF BREDASDORP PROVINCE OF THE WESTERN CAPE IN EXTENT 600 (SIX HUNDRED) Square metres"

AGTERGROND

Die aansoek het die volgende behels:

Onderverdeling van erf 3300, Struisbaai ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 in twee gedeeltes (Gedeelte A =±300m² en Restant =± 300m²).

Die bestaande gebruike rondom erf 3300, Struisbaai is in meerderheid van 'n residensiële aard.

ADVERTERING

Die aansoek is op **6 Maart 2015** in die Provinsiale Koerant en in die plaaslike koerante geadverteer - sluitingsdatum was 7 April 2015. Skrywes is op 6 Maart 2015 aan die omliggende eienaars en die Suidpunt Belastingbetalersvereniging, Kaap Agulhas Sakekamer en die Breede-Gouritz Opvangsgebied Bestuursagenstkap gestuur.

UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT

Op 28 April 2015 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK68/2015):

- (i) *Dat die Raad die volgende aansoek afkeur:*

Onderverdeling van Erf 3300, Struisbaai ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 in twee gedeeltes (Gedeelte A =±300m² en Restant =± 300m²).

Bogenoemde goedkeuring is onderhewig aan die voorwaardes (soos uiteengesit onder Senior Stadsbeplanner se kommentaar), neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

- (ii) *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).*

STELSELSWET APPÉL

Op 25 Mei 2015 ontvang die Raad die volgende Stelselwet appél:

- The total built form of the proposed semi-detached units, i.e. two single storeys, semi-detached dwelling units of 97m² each, totalling less than 200m², will be similar to that of a single residential dwelling unit and will be perceived as such from the surrounding area. Therefore, it will be in keeping with the surrounding residential area and not have an adverse effect on surrounding properties.
- Appropriate forms of densification should generally be encouraged throughout all urban areas. This proposal will result in the limited densification of a residential area, without adversely affecting the surrounding residential erven.
- Also attached is a plan that shows plots in Leervis street that is (2559 – 2573) ± 300 square meters.

The proposal adheres to sound town planning principles and is entirely in line with Municipal planning policies.

In addition to the above, the report presented to Council assessing the application, supported the positive consideration of the application due to the following:

- The application was supported by all the Municipal internal departments.
- The engineering departments, including Roads and Stormwater, Water and Sanitation, Civil Engineering and Traffic approved the proposal and made no indication that the proposed subdivision will put additional pressure on municipal services as was indicated in the Council decision. In fact, the senior town planner noted that municipal services to the property are already in place and that the proposal will result in the optimal use thereof.
- The Senior Town planner confirmed that the proposal is in line with densification policies and the optimal use of land within the urban edge.

From the above, it is quite clear that the decision taken by Executive Mayoral Committee is erroneous in that the reasons given to reject the application are contradictory to the facts presented in the report to Council. The proposal will not put additional pressure on municipal services and it will not have a negative impact on the environment. It is not clear what is meant with negative impact on the environment and a more detail comment is needed to respond to the decision that was made. Also indicate if anything was handed in as proof that the subdivision will have a negative impact on the environment.

We would hereby like to lodge, in terms of the Municipal Systems Act No 32 of 2000, an appeal against the Executive Mayoral Committee's decision not to approve the application for the subdivision of Erf 3300.

In motivating for the positive consideration of the application, the following points were raised in the original application documentation:

- Market research has shown that there is an urgent need for affordable, middle income housing in the Cape Agulhas municipal area, especially within the retirement market. The development proposal aims to address these needs, by providing single title residential units, on smaller, more manageable land portions to residents wanting to scale down.
- The proposal does not include an application for change in Zoning and can be accommodated within the existing Single Residential Zoning.
- The proposed development of each of the 2 new land portions will be entirely consistent with the provisions for Single Residential properties of the Cape Agulhas Integrated Zoning Scheme, as illustrated in the original application. No departures from the Scheme provisions are necessary.

To this end, we would like to request Council to reconsider their decision and approve the application for the Subdivision of Erf 3300 as proposed.

We would additionally like to request an opportunity to present our case to Council and to this effect would appreciate an interview with yourselves. Attached is all previous documentation for ease of reference.

We trust that you will find the above in order. Should you require any additional information or clarification, please do not hesitate to contact the undersigned.

BESTUURDER: STADS- EN STREEKSBEPLANNING SE KOMMENTAAR

Vanuit 'n stadsbeplanningsoogpunt word daar volstaan met die vorige stadsbeplannings-kommentaar, naamlik dat:

Ingevolge Artikel 36 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) mag aansoeke ingevolge die bepalinge van die Ordonnansie (byvoorbeeld aansoeke om hersonering en afwyking) slegs op die grondslag van gebrek aan wenslikheid van die beoogde aanwending van die betrokke grond, of op die grondslag van die uitwerking daarvan op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie), geweier word.

Indien 'n aansoek nie geweier word op grond van 'n gebrek aan wenslikheid nie, mag by die oorweging van tersaaklike besonderhede, slegs die veiligheid en welsyn van die lede van die betrokke gemeenskap, die bewaring van die betrokke natuurlike en ontwikkelde omgewing of die uitwerking van die aansoek op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie) in ag geneem word.

Vanuit 'n Stadsbeplanningsoogpunt word die aansoek as wenslik beskou weens die volgende redes:

- Die voorgestelde ontwikkeling is in lyn met die densifikasie strategie wat geformuleer op nasionale en provinsiale sowel as plaaslike wetgewing. Eerstens verseker dit die meer optimale benutting en installering van infrastruktuur en tweedens beskerm dit die natuurlike omgewing buite die randgebied, aangesien stedelike spreid bekamp word.

- Erf 3300, Struisbaai word in die Ruimtelike Ontwikkelingsraamwerk aangedui as 'n residensiële perseel. Verdigting, soos omskryf in die Provinsiale ruimtelike raamwerk, word as n doelwit gestel.
- Die erf bied 'n oplossing vir die hoë onderhoudskostes by groot enkel residensiële erwe. Kleiner erwe is makliker en goedkoper om te onderhou.
- Die dienste wat beskikbaar is vir die voorgestelde ontwikkeling is reeds bestaande, dus word die bestaande infrastruktuur optimal gebruik.
- Weens Struisbaai se toename in populariteit sal druk toeneem om buite die dorpsgrense te ontwikkel. Hoe meer optimale gebruik van die erf binne die grense van die dorp, sal veroorsaak dat meer ontwikkeling sal kan plaasvind en dat die druk om buite die stedelike grens te ontwikkel sal afneem weens densifikasie wat plaasvind.
- Die aansoek behels dat geen verandering in sonering sal plaasvind nie en dat die voorgestelde ontwikkeling kan geakkommodeer word binne die bestaande gebied wat oorweldigend residensiël van aard is.

BESTUURSAANBEVELING

- (i) Dat die Raad die appèlaansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) handhaaf en dus die volgende besluit neem:

Dat die Raad die volgende aansoek goedkeur:

Onderverdeling van Erf 3300, Struisbaai ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 in twee gedeeltes (Gedeelte A =±300m² en Restant =± 300m²).

Bogenoemde goedkeuring is onderhewig aan die voorwaardes (soos uiteengesit onder Senior Stadsbeplanner se kommentaar tydens die UBK vergadering v an 28 April 2015), neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

- (ii) Dat die aansoeker/eienaar dienooreenkomstig ingelig word.

BESLUIT 152/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.3.6 **VERVREEMDING (KOOP) VAN ERF 1893, BREDASDORP (7/1/3/1 - COLLAB: 131114) (BSSB) (WYK 4)**

DOEL VAN VERSLAG

Dat die Raad Besluit 101/2015 heroorweeg.

AGTERGROND

Tydens die Raadsvergadering van 28 April 2015 is oorweging geskenk aan die versoek van mnr Andre Mouton van Amrichprop Real Estate Group (Pty) Ltd ten einde erf 1893, Bredasdorp te koop.

Die volgende besluit was geneem:

BESTUURSAANBEVELING

- (i) *Dat erf 1893, Bredasdorp ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie benodig word vir die lewering van die minimum vlak van basiese dienste nie.*
- (ii) *Dat die Raad in-beginsel-goedkeuring verleen vir die vervreemding van erf 1893, Bredasdorp per publieke tender.*
- (iii) *Dat die Raad 'n reserwe prys vasstel.*
- (iv) *Dat alle wetlike vereistes vir vervreemding nagekom word.*
- (v) *Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.*

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

- (i) *Dat die Bestuursaanbeveling aanvaar word. / That Management's recommendation be accepted.*
- (ii) *Dat 'n reserwe prys van R4 500 000 van toepassing moet wees.*

BESLUIT 101/2015

- (i) *Dat erf 1893, Bredasdorp ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie benodig word vir die lewering van die minimum vlak van basiese dienste nie.*
- (ii) *Dat die Raad in-beginsel-goedkeuring verleen vir die vervreemding van erf 1893, Bredasdorp.*
- (iii) *Dat die Raad 'n reserwe prys van R4 500 000 vasstel.*
- (iv) *Dat die Raad ontwikkelingsvoorstelle op genoemde erf aanvra.*
- (v) *Dat die ontwikkelingsvoorstelle aan die Raad voorgelê word vir oorweging.*
- (vi) *Dat alle wetlike vereistes vir vervreemding nagekom word.*

Vorige ondervinding het getoon dat die mees geskikte metode van vervreemding in terme van tyd en besware wel dié van publieke veiling is. Die Raad word versoek om die aangeleentheid te heroorweeg aangesien die besluit soos dit tans daar uitsien moeilik implementeerbaar is. Spesifiek die besluit rakende ontwikkelingsvoorstelle. Die Raad kan eerder voorwaardes vir die ontwikkeling van die erf stel om seker te maak dat die voornemende kopers binne die ontwikkelingsraamwerk bly. Dit kan ook verder bekragtig word deur dié voorstelle/riglyne as voorwaardes van die koopkontrak te maak.

FINANSIËLE IMPLIKASIE

Vervreemding van die sake perseel sal vir die Raad 'n inkomste inbring.

WETLIKE IMPLIKASIES

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. 'n Tender of ontwikkelingsvoorstel sal die gewenste uitwerking vir hierdie bepaalde projek wees. 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"> 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”: “fair market value of the capital asset exceeds any of the following amounts:</p> <p>a) R50 million;</p> <p>b) One percent of the total value of the capital assets of the municipality....</p> <p>c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).</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>

BESTUURSAANBEVELING

- (i) Dat erf 1893, Bredasdorp ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie benodig word vir die lewering van die minimum vlak van basiese dienste nie.
- (ii) Dat die Raad in-beginsel-goedkeuring verleen vir die vervreemding van erf 1893, Bredasdorp, per publieke veiling.
- (iii) Dat die Raad 'n reserwe prys van R4 500 000 vasstel.
- (iv) Dat alle wetlike vereistes vir vervreemding nagekom word.

BESLUIT 153/2015

- (v) Dat erf 1893, Bredasdorp ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie benodig word vir die lewering van die minimum vlak van basiese dienste nie.
- (vi) Dat die Raad in-beginsel-goedkeuring verleen vir die vervreemding van erf 1893, Bredasdorp, per publieke veiling.
- (vii) Dat die Raad 'n reserwe prys van R4 500 000 (BTW uitgesluit) vasstel.
- (viii) Dat alle wetlike vereistes vir vervreemding nagekom word.

10.3.7 **PASSING OF PROPOSED BY-LAW ON MUNICIPAL LAND USE PLANNING (15/5/R - MTRP) (ALL WARDS)**

PURPOSE OF REPORT

The purpose of this report is obtain a Council resolution in respect of the passing of the proposed by-law on municipal land use planning in terms of Section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), hereafter referred to as “the MSA”. The proposed By-law was introduced by Councillor Mokotwana provided for in terms of Section 12(1) of the MSA.

At its meeting on 27 May 2014 Council resolved (89/2014) to publish the proposed by-law in the press in order to give the public an opportunity to make representations.

BACKGROUND

The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), hereafter referred to as "LUPO", as a 1985 piece of legislation, predates the current Constitution of the Republic of South Africa and was found to be unconstitutional in many respects.

The Constitution confers "municipal planning" firmly as a municipal competency whilst in LUPO many of these powers vest with the Provincial Minister responsible for land use planning.

As a result of the Constitutional provisions in terms of planning, the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), hereafter referred to as "SPLUMA", was introduced as a national framework act for land use planning. The Minister of Rural Development and Land Reform has on 23 March 2015 also published the Regulations in terms of SPLUMA.

Within the Western Cape Province, the Western Cape Government will soon be repealing LUPO and has in April 2014 approved of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), hereafter referred to as "LUPA".

EFFECT OF THE PLANNING LAW REFORM

Both SPLUMA and LUPA are "framework" legislation, meaning that it sets a framework and certain minimum standards in place which municipalities must comply with in terms of executing their own municipal land use planning functions. This means that municipalities must "give effect to" the provisions of SPLUMA and LUPA via their own legislative powers (i.e. a by-law).

In the past, there was no legislation on national level which made provision for the execution of municipal land use planning. This was done via old order legislation by means of provincial ordinances, such as LUPO.

LUPO did not recognise municipal land use planning as a municipal competency. Besides other matters, LUPO controlled many aspects of municipal land use planning such as:

- *The compilation and approval of town planning schemes and structure plans, which needed to be approved by the Minister;*
- *Approval of certain land use applications;*
- *The manner in which subdivision approvals are confirmed;*
- *Prescribing time frames and lapsing periods; and*
- *Consideration of appeals*

These matters are not regulated in detail by the SPLUMA or LUPA as these are regarded as municipal planning competencies.

In terms of Section 156(2) of the Constitution, municipalities have the right to make by-laws for the matters which they have the right to administer, in this case "municipal planning" as set out in Schedule 4 B of the Constitution, read together with section 11(3)(e) and (m) of the MSA. An effective means to regulate municipal planning would be to make, pass and implement municipal planning by-laws.

The effect of the two pieces of planning legislation is that Municipalities will now have full responsibility for land use planning within their areas of jurisdiction, which entails:

- *drafting of municipal spatial development frameworks;*
- *drafting of integrated municipal zoning schemes;*
- *receiving and considering all land use applications;*
- *decision-making on land use applications by authorised officials and the Municipal Planning Tribunals (MPT) to be established;*

- *appeals against decisions of the authorised official or the MPT to the Council's appeal authority;*
- *regulating time frames, notifications, confirmation of subdivision arrangements;*
- *lapsing of rights; and*
- *transgressions and enforcements.*

PROPOSED STANDARD DRAFT BY-LAW ON MUNICIPAL LAND USE PLANNING

Although the President has assented to SPLUMA, it is not implemented yet; however current indications are that it will be implemented on 1 July 2015. It is also envisaged that the Western Cape Government will soon thereafter implement LUPA as well. As the implementation of LUPA is dependent on municipalities passing municipal land use planning by-laws, it is possible that a staggered approach will be considered in terms of repealing LUPO and other old-order planning laws, and the resultant implementation of LUPA.

Since the Minister of Rural Development and Land Reform has now published the SPLUMA Regulations, there is no more uncertainty regarding its content. The Western Cape Government's Minister of Local Government, Environmental Affairs and Development Planning has, as a result, revised and finalised its proposed standard draft by-law for municipal land use planning.

The by-law before Council is based on the proposed standard draft by-law for municipal land use planning, as compiled and provided by the Western Cape Government. In revising and updating its proposed standard draft by-law for municipal land use planning, the Western Cape Government took heed of the following:

- *all comments and responses received by all municipalities in the Western Cape as a result of the individual public participation process and commenting period undertaken by municipalities;*
- *comments and inputs received from municipalities;*
- *the amended and revised content of the approved and published version of the SPLUMA regulations.*

The revised proposed municipal land use planning by-law in its current form (as provided by the Western Cape Government) is regarded as compliant with the Constitution, SPLUMA, LUPA, MSA and other legislation, based on the best available information and knowledge about municipal planning currently available. It should be accepted that this law reform process will in the transition period experience some 'growing pains', but this change is unavoidable and needs to be embraced and negotiated to ensure a smooth transition.

The revised proposed municipal land use planning by-law in the current form makes provision for the following matters:

- Chapter I, Interpretation and application
- Chapter II, Spatial Planning
- Chapter III, Development Management
- Chapter IV, Application Procedures
- Chapter V, Criteria For Decision Making
- Chapter VI, Extension Of The Validity Of Approvals
- Chapter VII, Municipal Planning Decision Making Structure
- Chapter VIII, Provision Of Engineering Services
- Chapter IX, Enforcement
- Chapter X, Miscellaneous

PROCESS FOLLOWED

As per Council resolution 89/2014 on 27 May 2014 it was resolved that the draft bylaw be advertised for public participation:

- (i) *That the contents of the report be noted.*
- (ii) *That in terms of section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a by-law on municipal land use planning be made.*
- (iii) *That in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed by-law on municipal land use planning be published for public representations.*
- (iv) *That the proposed by-law on municipal land use planning and any representations received, be submitted to Council for consideration after publication thereof.*

This was done on 30 May 2014 in the local newspapers. Despite the notification of the proposed by-law, no representations were received.

Section 12(3) of the MSA determines that a by-law may only be passed by a municipal council if all members of the council have been given reasonable notice and that the proposed bylaw has been published to allow for representations by the public. Council members have been given reasonable notice of the by-law and the public was also afforded the opportunity to make representations. Section 12 of the MSA has thus been complied with.

It is therefore recommended that the Council passes the bylaw, attached as Annexure A on page 72 to 113.

PUBLICATION OF THE BY-LAW AND TAKING EFFECT THEREOF

When a municipal council passes a bylaw, Section 13 of the MSA requires that -

- *it must be published promptly in the Provincial Gazette and when feasible also in the local newspaper or in any other way to the contents of the bylaw to the attention of the local community; and*
- *that it takes effect when published or on a future dates determined in or in terms of the by-law.*

The date of implementation of LUPA is not yet known since it will be dependent on the progress which municipalities in the Western Cape make with regard to passing their municipal land use planning bylaws.

Section 13(b) of the MSA provides *“that a by-law passed by a municipal council takes effect when published or on a future date determined in or in terms of the bylaws”*. To make provision for this, the final section in the bylaws provides that *“This By-law comes into operation on the date that the Land Use Planning Act comes into operation in the municipal area of the Municipality”*. In this way the by-law can be published and will take effect when the LUPA comes into operation.

It cannot take effect before LUPA is implemented in this municipality. In this way the Cape Agulhas Municipality will be ready for implementation of LUPA and the by-laws from this perspective.

FINANCIAL IMPLICATIONS

Advertising of the By-Law will be R35 000,00

ANNEXURES

- ANNEXURE A** : A copy of the proposed By-law on Municipal Land Use Planning (page 72 to 113)
- ANNEXURE B** : Extract from the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (page 114)

MANAGEMENT RECOMMENDATION

- (i) That in terms of section 156(2) of the Constitution read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the by-law on municipal land use planning, attached as Annexure A, be approved.
- (ii) That in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the by-law on municipal land use planning be published.

RECOMMENDATION: CORPORATE SERVICES COMMITTEE

That Management's recommendation be accepted.

BESLUIT 154/2015

That the recommendation of the Corporate Services Committee be accepted as resolution of Council.

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

PURPOSE OF REPORT

To obtain the necessary Council resolutions required in terms of the Spatial Planning and Land Use Management, Act 16 of 2013 (*hereafter referred to as SPLUMA*), which is anticipated to be implemented on 1 July 2015. A number of in-principle decisions are required from Council in order to put structures and processes in place prior to 1 July 2015.

Critical steps include the establishment of a Municipal Planning Tribunal (and the associated decisions related thereto), the approval of a Municipal Land Use Planning Bylaw and the establishment of an Appeal Authority. Critically, the National Department of Rural Development and Land Reform, together with the Western Cape Department of Environmental Affairs and Development Planning, have issued a manual entitled "Steps to Establish a Municipal Planning Tribunal" in EADP Circular 003/2015. *It is assumed that the relevant Municipal Officials and Municipal Councillors have engaged on these matters prior to the tabling of this report, and that the report merely seeks to formalise the discussions that have taken place previously.*

Therefore, the purpose of this Council Item is for Council to resolve on the following:

- a) To take note of the anticipated implementation date of SPLUMA on 1 July 2015;
- b) To take note of the contents of the SPLUMA Regulations published on 23 March 2015;
- c) To undertake and consider a municipal capacity assessment in order to determine the type of Municipal Planning Tribunal (*hereafter MPT*) that should be established. Such an assessment will consider the associated financial, administrative, professional and work load responsibilities that the municipality has to implement SPLUMA;
- d) Decide on the type and composition of the MPT, including the number of members that will sit on it - both internally and externally;

- e) To consider whether or not all land use and land development applications will be considered and determined by the MPT. If some applications are to be considered and determined by an authorised official(s) in the employ of the municipality, then a categorisation model needs to be considered.
- f) To develop and decide upon the categorisation model that the municipality will use.
- g) To appoint the authorised official(s) who will decide upon land use applications that are not to be determined by the MPT;
- h) To approve the terms and conditions of service for the members of the MPT;
- i) To approve the terms of office of the MPT;
- j) To approve of the nomination process that needs to be followed in establishing the MPT, including agreeing on who will sit on the evaluation panel, the draft advert calling for nominations and in terms of what criteria they will assess potential applicants, where relevant;

BACKGROUND

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) provides a framework for Spatial Planning and Land Use Management within the Republic of South Africa.

Its objective is to provide a uniform, effective and comprehensive planning system, ensure the system promotes social and economic inclusion, provides for development principles, norms and standards, provides for the sustainable and efficient use of land, provides for cooperative governance and effective inter-governmental relations (IGR) and redresses the imbalances of the past spatial planning practices to ultimately ensure equity and equality.

This report sets out the key steps for the establishment of Municipal Planning Tribunals (in terms of Section 35(3) of the Act and as detailed in Sections 3 to 13 of the SPLUMA regulations) and appeal authorities towards the anticipated implementation date of SPLUMA on 1 July 2015.

Regulations in terms of SPLUMA were published on 23 March 2015 (*the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015*) under Notice R239/2015 in Government Gazette 38594. Following this, the Western Cape Government is undertaking a process to update the Standard Draft Municipal Land Use Planning Bylaw, to bring these in line with the recently gazetted SPLUMA regulations, whereafter it will be handed over to Municipalities for consideration to adopt as their own during May 2015.

Cape Agulhas Municipality's Draft Municipal Land Use Planning By-Law was advertised on 30 May 2014. Once aligned with the SPLUMA Regulations, the bylaws will need to be approved by Council as a matter of urgency to enable the implementation of all the aspects of the planning law reform process underway.

On 5 February 2015 Council took the following decision (10/2015):

Council decided in principle that:

- (i) *A Single Municipal Tribunal be established for the Cape Agulhas Municipality.*
- (ii) *The number of municipal and non-municipal members (persons outside the municipality be a minimum of 2) be a minimum of 5 members.*
- (iii) *That the following internal Municipal members be nominated to serve on the Planning Tribunal:*
 - *Director: Technical Services*
 - *Director: Corporate Services*
 - *Director: Community Services*

- (iv) *That the Municipal Manager take the necessary steps to identify non-municipal members to serve on the Planning Tribunal with knowledge and experience of spatial planning, land use management, land development and the law related thereto. (SPLUMA Section 36).*
- (v) *The Executive Authority (Executive Mayco) take note of their role as the Appeal Authority.*
- (vi) *An Authorised Official be identified to approve land use applications in the event of applications being categorized. Alternatively all land use applications to go to the MPT.*
- (vii) *All delegations related to land use applications be reviewed.*
- (viii) *A Registered Planner be required to sign off all planning reports.*
- (ix) *The Municipal secretariat take note of the additional MPT meetings to be incorporated in the schedule of meetings of the year and the provision of secretariat services.*
- (x) *The Council take note of the anticipated implementation of SPLUMA on 1 July 2015.*
- (xi) *The possible amendments to the Draft SPLUMA regulations in the period January - June 2015 be noted.*

KEY ACTIONS REQUIRED BEFORE THE IMPLEMENTATION OF SPLUMA, LUPA AND THE MUNICIPAL LAND USE PLANNING BYLAWS

1. Establishment of a Municipal Planning Tribunal in terms of Section 35 of SPLUMA

A municipality must, in order to determine land use and development applications within its municipal area, establish a Municipal Planning Tribunal in terms of Section 35 of SPLUMA and sections 2 and 3 of the SPLUMA regulations. Based on initial internal discussions within the municipality, it has been decided to recommend that a SINGLE MPT will be pursued. *DONE – SEE DECISION 10/2015.*

2. Composition of Municipal Planning Tribunals (MPT's) in terms of Section 36 & 37 SPLUMA

- (i) A MPT must consist of a minimum of 5 members, of which a minimum of 3 must be internal municipal officials and a minimum of 2 must be external members (to be from another organ of state / provincial government / national government / another municipality / external consultant).
The Municipality must identify the 'internal' members from its own officials to serve as Municipal Tribunal Members, and either call for nominees to sit as external members of the MPT and/or invite officials from another organ of state to sit as the external members. The council must decide on its preference in terms of composition, bearing in mind the financial and human resource implications thereof. *DONE – SEE DECISION 10/2015.*
- (ii) The Municipality must invite nominations or applications through the press for persons who are not municipal officials and who **have knowledge and experience of spatial planning, land use management and land development or the law related thereto.** *NOT NEEDED*
- (iii) The Municipality must prepare and adopt terms and conditions of service of Municipal Planning Tribunals members in line with norms and standards published by the Minister. Schedule 1 of the SPLUMA Regulations serve as the minimum norms and standards for such terms and conditions. *NOT NEEDED.*
- (iv) It is recommended that the following internal officials service as MPT members: Director: Technical Services, Director: Corporate Services and Director: Community Services. *DONE – SEE DECISION 10/2015.*
- (v) It is recommended that the municipality approaches Swellendam Municipality to provide an external member to sit on the MPT: Willie Hattingh (Registered Town Planner).

- (vi) It is recommended that the municipality approaches Overberg District Municipality to provide an external member to sit on the MPT: Francois Kotze (Environmental Officer).
- (vii) It is recommended that the municipality approaches the following Provincial Departments to provide external members to sit on the MPT (if 3.2.5 and 3.2.6 are not available): Riette Fourie (Provincial Department of Environmental Affairs and Development Planning) and/or Tommy Bolton (NATIONAL DEPARTMENT OF RURAL DEVELOPMENT) and/or Mare-Liez Oosthuizen (Provincial Department of Environmental Affairs and Development Planning).
- (viii) It is recommended that the municipality does not call for nominees, through the press, for external MPT members.
- (ix) In order to consider the nominations and evaluation panel needs to be convened to make recommendations. The following municipal officials will form part of the evaluation panel that will evaluate all nominations for external members of the MPT: *NOT REQUIRED*.

3. Municipal Assessment as per Section 2 of the SPLUMA regulations

Prior to deciding on a specific type of MPT an assessment needs to be undertaken. The following sets out the Municipal Assessment, as required in Section 2 of the SPLUMA regulations. The purpose of this assessment is to determine whether the municipality should pursue the establishment of its own Municipal Planning Tribunal for its Municipal Area, a Joint Municipal Planning Tribunal with one or more municipalities or a District Municipal Planning Tribunal. *DONE – SEE DECISION 10/2015*.

3.1 Administrative and Professional capacity within the Municipality to implement SPLUMA

It is necessary that the Municipal Council designates:

- 3.1.1 a secretariat for the MPT in order to **keep record** of all its proceedings in terms of Section 40(5) of SPLUMA. Such a secretariat can consist of administrative capacity that already exists within the municipality. **The municipality does have such capacity.**
- 3.1.2 an official to undertake the **screening** of land use / development applications submitted to the Municipality in terms of the delegations / categorisation of land use / development applications. **The municipality does have such capacity.**
- 3.1.3 the available SACPLAN Registered Planners to undertake certain **report writing** for the MPT and the Authorised Official. These planners may also serve as technical advisors to the MPT, but since they are part of the evaluation process they should not be tribunal members with voting power. It should be noted, as per Section 66 of LUPA, a registered planner is only required for certain types of land use applications. **The municipality does have such capacity.**

3.2 Financial Capacity to implement SPLUMA

- 3.2.1 Based on the above-proposed composition of the MPT for the Municipality, the preliminary **operating cost** for the MPT is anticipated to be R1.3 mil.
- 3.2.2 Other financial implications, in addition to the establishment of the MPT, will include the need to review of the SDF in terms of the SPLUMA requirements, to prepare an Integrated Land Use Scheme and to adopt municipal land use planning by-laws. The municipality **may not** need to employ an additional SACPLAN registered Town and Regional Planning for the purposes of drafting planning reports, as well as to carry out land use inspections, compliances checks and enforcement of the planning system within the municipality. It should be noted that the need to update the SDF or develop an Integrated Zoning Scheme is not an immediate requirement, but rather something that must be attended to within the next 5 years.

- 3.2.3 Given the above, the municipal council agrees to designate a Law Enforcement Officer to act as an inspector for the purposes of **enforcing** the provisions of the land use scheme and undertake inspections, as required in Section 32 of SPLUMA.

3.3 Development pressures and average number of applications received

- 3.3.1 The municipality has been identified as having a **medium** growth potential, as per the Growth Potential of Towns Study.
- 3.3.2 Furthermore, the municipality receives, on average, 60 number of land use applications per annum, translating into a **medium** workload for the existing human resource capacity. It should be noted here that SPLUMA does not, besides Removal of Restrictions applications, result in more land use applications for the municipality. It is not, therefore, anticipated that there will be a significantly greater workload for the municipality – it should be noted that the same amount of applications will cross the officials desks, however the difference now is that all decisions will be in and decided solely by the municipal sphere and not some by the provincial government.
- 3.3.3 Based on the number of land use / development applications received by the Municipality and the proposed categorization of applications for consideration by the MPT and the Authorised Official, it is expected – tentatively – that the **frequency** of MPT meetings will be 4 per annum. This may have to be adjusted due to operational reasons and lessons learnt.

3.4 Categorisation of land use and land development applications and the Authorised Official

- 3.4.1 A municipality may authorise that certain types of land use and land development applications be considered and determined by an official in the employ of the municipality, through the categorisation of applications (see **Annexure A on page 115 to 123**).

There are an infinite number of ways to categorise applications, such as by type, whether there are objections or not etc. The proposed categorisation model, attached as Annexure A, is but one such proposal and in this regard the following needs to be noted:

- (a) Categorisation is not to be confused with “delegation” of functions. Those matters which are categorised to be considered and determined by an authorised official, but this is entirely for the specific municipality to decide on depending on capacity.
- (b) Categorisation of applications is a prerogative of the Council and once decided upon can always be amended with a Council decision if circumstances change or if it is found that amendments to the categorisation will result in improved service delivery – also note that change after the initial decision on categorisation may affect the MPT and its instructions and terms of reference as well – so any decision on amendment of previously approved categorisation will have to take the Tribunal into account as well.
- (c) The principles used in the categorisation model are:
 - All applications in line with approved policy and SDF may be approved by the authorised official, regardless of whether or not there are objections to the application.
 - All applications not in line with approved policy and SDF may be refused by the authorised official, regardless of whether or not there were objections to the application.

- All applications not in line with approved policy and SDF which are to be recommended for approval are to be determined by the MPT, regardless of whether or not there objections to the application.
- 3.4.2 The municipality, therefore, should categorises its land development applications, so that it is clear when an application is to be considered by the authorised official, and when an application is to be decided by the Municipal Planning Tribunal.
- 3.4.3 The municipality must designate an official(s) who will act as the Authorised Official to dispose of land use applications that are not determined by the Municipal Planning Tribunal. The proposed authorised official is the following: **Director of Corporate Services**.
- 3.4.4 The municipality must review existing delegations or formulate new delegations to authorise the designated official, the Municipal Planning Tribunal and the Appeals Tribunal to exercise the powers contemplated in the SPLUMA.

3.5 Determination of the appeal authority in terms of Section 51

Section 51 of SPLUMA states that the executive authority of the municipality is the appeal authority. In the context of the Western Cape, the Executive Mayor is the executive authority. It is therefore confirmed that the appeal authority will be the Executive Mayor of Cape Agulhas Municipality. Section 52(6) of SPLUMA makes provision for the executive authority to authorise an external body or institution to assume the obligations of the appeal authority.

COMMENTS RECEIVED FROM INTERNAL MUNICIPAL DEPARTMENTS

The item was circulated to the internal Municipal Departments and their comments are as follows below:

1. Comments of the Municipal Manager

Dit is 'n redelike lywige verslag en aangesien dit nuwe wetgewing is en die verantwoordelikhede van die munisipaliteit in terme van besluitneming en die gevolge daarvan redelik gaan beïnvloed, maar ook die feit dat provinsie wel die ODM geld gegee het vir die ondersoek na 'n beplannings "shared service" dink ek die verslag is bietjie voortydig.

Ek dink ons moet dit na die Mei vergadering neem, maar intussen moet ons tyd maak om as 'n bestuursplan en die Burgemeester deur te werk en ons eie te maak sodat almal verstaan wat hul rol hierin is.

2. Comments from the Chief Financial Officer

Is daar 'n tydskedule / implementering plan vir SPLUMA:

Kan die geraamde koste van R1,3 versprei word oor 'n tydperk van meer as een finansiële jaar, en is die ander aspekte soos bv. Die hersiening van SDF vervat in begroting.

Kan moontlik 'n uitsetting gee in terme van die implementering plan gerangskik volgens logiese prosesse, tydraamwerk en prioriteite geïdentifiseer soos per onderstaande voorbeeld:

Beskrywing van Aktiwiteit	Doelwit Datum	Begroting 2015/16	Begroting 2016/17	Begroting 2017/18
Totale Geraamde Koste:		R 0,000	R 0,000	R 0,000

Dan moet jy aandui welke daar voorsiening gemaak is in die begroting vir die onderskeie boekjare onder professionele en / of soos per uitgawe klasifikasie in lyn met jou implementering plan.

3. **Comments of the Director Corporate Services**

Neem kennis.

CONCLUSION

Based on the requirements set out in SPLUMA, the associated implications thereof and the findings of the Municipality's administrative, professional and financial capacity, Cape Agulhas Municipality is considered to have the ability to implement Chapter 6 of SPLUMA (Land Development Management).

MANAGEMENT RECOMMENDATION

It is recommended that:

1. Council takes note of the anticipated implementation date of SPLUMA, being 1 July 2015.
2. Council takes note of the contents of the SPLUMA Regulations published on 23 March 2015.
3. Council takes cognisance of the preparatory work that has to be undertaken between April 2015 and 1 July 2015.
4. Council takes note of the municipal capacity assessment that has been undertaken and approves of the establishment of a Single Municipal Planning Tribunal for its municipal area.
5. That the MPT shall comprise of 5 members of which 3 shall be internal officials and 2 shall be external members.
6. That the following Municipal officials be nominated to serve on the MPT: Director: Technical Services, Director: Corporate Services, Director: Community Services.
7. The minimum requirements for appointment of external members to the MPT shall be to have knowledge and experience in spatial planning, land use management or the law relating thereto (It is a SPLUMA regulations requirement that the municipality must identify any additional criteria for external members, an example which we have suggested in the proposed By-laws is that "The members of the Tribunal must be representative of a broad range of appropriate experience and expertise)
8. The terms and conditions of service for MPT members shall be determined by Schedule 1 of the SPLUMA regulations.
9. The term of office of all MPT members shall be 5 years.
10. No remuneration needed for external MPT members.
11. That an invitation be extended to other spheres of government, organs of state, enterprise and organisations to serve on the MPT as external members.
12. Council approves of the proposed Categorisation of Applications (see Annexure A).
13. The Municipal Manager be authorised to take the necessary steps to refine such categorising of land development applications, from time to time, for the approval by Council and to approve of the review the delegations of powers accordingly.
14. Council approves the principle of using an authorised official, to consider and determine certain land use applications, as per the Categorisation of Applications, attached as Annexure A.
15. The Authorised Official for the municipality will be: Director Corporate Services.
16. That the necessary steps be taken to align the Municipality's proposed draft by-laws with the content of the final SPLUMA Regulations.

17. In respect of the appeal authority in terms of Section 51(2) of SPLUMA, it is confirmed that the Executive Authority, is the Executive Mayor.
18. The official responsible for land use inspections for enforcement shall be a Law Enforcement Officer.
19. The official responsible for screening of land use/development applications shall be the Manager: Town and Regional Planning.
20. Cape Agulhas Municipal venue shall be made available for these MPT meetings at the Council Chambers at no cost to the MPT.
21. The Municipality will supply Secretariat services to the MPT.
22. The secretariat to assist with the administration of the tribunal and appeal consideration will be the Manager: Administration (Marius Moelich).
23. R200 000 be made available for the operational cost of the MPT for the 2015/16 financial year.
24. The MPT will be required to meet 4 times per year depending on the number of matters to consider.
25. The draft advert calling for nominations for external MPT members is not needed;
26. The evaluation panel must consider the potential external MPT members in terms of the following criteria and report back with recommendations to council, for its approval.
 - (i) **Criteria 1:** Candidate to have knowledge in spatial planning, land use management or the law relating thereto;
 - (ii) **Criteria 2:** Candidate to represent a broad range of appropriate experience and expertise;
 - (iii) **Criteria 3:** Candidate to have a high degree of competence, be experienced, and skilled in matters relating to spatial planning, land use management and the law relating thereto.
27. The Council approves the following officials to serve on the evaluation panel: Building Control Officer, Manager: Water and Sewer and Senior Town Planner.

RECOMMENDATION: CORPORATE SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION 155/2015

That the recommendation of the Corporate Services Committee be accepted as resolution of Council.

10.3.9 **COASTAL MANAGEMENT (SET-BACK) LINES FOR THE OVERBERG DISTRICT (7/R - MTRP) (WARD 5)**

PURPOSE OF REPORT

Council take note of the project report compiled by Royal HaskoningDHV. The purpose of this report is the refinement of the coastal management (set-back) lines for the Overberg District.

BACKGROUND

The Western Cape Government commenced in 2010 with an initiative to establish coastal management lines (then known as coastal set-back lines) along the Western Cape coastline, as required by the National Environmental Management: Integrated Coastal Management Act (Act 107 of 2008), as amended.

In 2010 a limited exploratory project at two sites in Langebaan and Milnerton defined a standardised approach to the determination of coastal risk and associated development of regulatory schemes.

This project approach was tested on a larger scale with a pilot project covering the Overberg District in 2011/2012. A final refined approach, informed by a parallel process run by the City of Cape Town Metropolitan Municipality and based on more detailed risk projections and a more pragmatic regulatory scheme, was rolled out in for the West Coast District in 2014.

Concluding the process started in 2011, the successful outcome of the West Coast project is now being applied in the Overberg. The current process refines the risk projections of 2011/2012 and creates the necessary spatial information for use in an overlay zoning based regulatory scheme.

For the purposes of the project, four distinct spatially defined features are derived:

- A **Coastal Risk Assessment** for 20, 50 and 100 year horizons
- A **development limit** or 'coastal management line'
- Risk-based '**Overlay Zones**' and accompanying **development parameters** to be used in **Town Planning Schemes**
- The demarcation of the **Coastal Protection Zone** to broadly identify the 'coastal area' for planning purposes.

Current (1:10 year), short term (1:20 year storm event and a 20cm prediction of sea level rise), medium term (1:50 year storm event and a 50cm prediction of sea level rise) and long term (1:100 year storm event, a 100cm prediction of sea level rise and any additional littoral active zones) risk projections were modelled using a high resolution LIDAR based topographical map, bathymetric information, information on offshore and inshore wave heights and aerial photography.

Future risks were considered in terms of:

- natural coastal regression or accretion
- littoral active zones (mobile sand)
- projected sea level rise
- storm-driven coastal inundation
- projections of storm-driven coastal erosion
- inundation levels in estuaries

The risk areas informed the demarcation of a coastal management (set-back) line and risk zones, as a way of highlighting natural coastal processes and risks, and accompanying draft management controls / development parameters. The coastal management (setback) line is informed by the risk projections, but is aligned seaward of existing developed areas or properties with executable rights, and landward of sensitive coastal features.

The risk zones, on the other hand, are aligned with the three risk projections in urban areas, the low risk projection for undeveloped areas, and the 5m above mean sea level contour around estuaries.

In some locations or contexts the standard demarcations were not practical, and required unique resolutions. Usually, this involves the demarcation of a coastal management line (set-back) around development footprints where such developments (or properties) are located within the identified risk zones with the intention of restricting the expansion of the development footprint further into the at-risk area.

The last component, the demarcation of a Coastal Protection Zone, refines the national default for demarcation of the zone. This is done by adding all coastal sensitivities identified during the course of the project to the '*100m from the high-water mark in urban areas and 1km from the high-water mark in rural areas*' default specified in the Integrated Coastal Management Act to demarcate a broad area adjacent to coastal public property that "*plays a significant role in a coastal ecosystem*" and within which activities and development should be managed, regulated or restricted in a way that differs from non-coastal areas.

CONCLUSION

Application and implementation of the coastal management (set-back) line, in conjunction with the risk-based overlay zones, is envisaged as part of an overall coastal management scheme that will satisfy the principles of the ICM Act.

In order for the proposed coastal management (set-back) line and risk-based overlay zones to function effectively as part of the overall integrated coastal management on the Overberg, an alignment of resources and intent needs to be achieved. Responsibility is shared between the Provincial and Local Authorities, with the municipality playing a pivotal role as the ultimate implementers and enforcers of the proposed spatial and developmental controls. However, as the authority ultimately responsible for the coordination of coastal management in the Western Cape, the WCG shares the responsibility albeit in the form of oversight and in a strategic coordination and advisory capacity.

All planning and decision-making related to coastal management (set-back) lines and risk zonations must ultimately recognise the need to limit and fairly allocate the liabilities related to development in the coastal zone. Municipalities are responsible for decisionmaking and they need to take into account the best information that is currently available.

However, risk is a shared responsibility and the private sector along with Municipality and other government departments need to ensure that information available translates into sustainable development. Consequently, in order to reduce conflicts over responsibilities and appropriation of blame, it is of utmost importance that the information and knowledge generated by this and similar studies be applied with the necessary level of consistency and alignment.

MANAGEMENT RECOMMENDATION

Council accepted the context of the report compiled by Royal Haskoning DHV.

RECOMMENDATION: CORPORATE SERVICES COMMITTEE

That Management's recommendation be accepted.

BESLUIT 156/2015

That the recommendation of the Corporate Services Committee be accepted as resolution of Council.

10.3.10 **HEROORWEGING: VERVREEMDING VAN ERWE 5084, 5522 EN 5544, BREDASDORP VIR GODSDIENSTIGE DOELEINDES (7/R - BSSB) (ALLE WYKE)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die aansoeke vir kerkpersele in Bredasdorp (sien liggingsplan aangeheg as Bylaag A op bladsy 124 tot 126).

AGTERGROND

Op 11 Julie 2014 is Godsdienstige Genootskappe genooi om hul gegewens en voorneme om grond te bekom in te handig om op die Munisipale databasis te registreer.

Die volgende tabel is 'n lys van sodanige Godsdienstige Genootskappe:

VERVREEMDING VAN PLEKKE VAN AANBIDDING									
	Naam van Kerk	Adres	Pastoor	Lidmate			Registrasie	Konstitusie	Kontakbesonderhede
				Lidmate	Jeug	Sondagskool			
1	Vind Jesus Pinkster Sending van S.A	Adamstraat 06 Napier 7270	Franklin Alexander	50				Ja	073 406 0128 082 423 3270 082 054 0360
2	ST Johns Apostolic Faith Mission	Oktoberstraat 29 Bredasdorp 7280	Rev & Jeff Mokotwana	82		16	Ja	Ja	
3	Beaulah Pinkster Kerk	Meyerstraat 50 Bredasdorp 7280	F Lewies	53			Ja	Ja	083 753 6042 083 669 3109
4	Efese Evangelie Sending Kerk	Fabrieksweg 63 Bredasdorp 7280	HJ Plaatjies	68			Ja	Ja	079 185 1670
5	Evangelie Sending van Christus in S.A	Baadjiestraat 29 Bredasdorp 7280	J Arendse	68			Ja	Ja	071 749 0355 073 801 8390
6	Verenigde Lofdal Gemeente in S.A	Bastiaanstraat 13 Bredasdorp 7280	F.P. October	66	31	38	Ja	Ja	082 697 9457 071 300 5179
7	Zion Gospel Church of Power	Simunye 20 Thambo Straat Bredasdorp 7280	M Dayi	21			Ja		
8	United Outreach Ministries	Posbus 704 Bredasdorp 7280	C.J Marthinus	51	15	11	Ja	Ja	0787861837
9	Die Imanuel Pinkster Gemeente van S.A	Meyerstraat 34 Bredasdorp 7280	F Adams	70			Ja	Ja	076 955 6551 083314 0418
10	Die Waenhuis Pinster Arniston	Posbus 708 Arniston 7280	S Leonard	89			Ja	Ja	072 607 3423 073 836 9144
11	Full Gospel Church of God in Zion in S.A	Bredasdorp 7280	S Ngcondo	56				Ja	083 590 5569 084 578 3540
12	Revival Pentecostal Ministries	Brandstraat 78 Bredasdorp 7280	M Jantjies	108				Ja	073 229 9316 028 424 1363
13	Die Kerk van Redding	Brandstraat 57 Bredasdorp 7280	E.T Bester	62			Ja		073 275 0685
14	Kerk van God vir Genade in S.A	Adamstraat 24 Napier 7270	H Louw	69			Ja	Ja	071 493 2871 078 116 0234
15	Shiloam Community Church	Waenhuiskrans 7280	E Murtz	49			In-proses	Ja	076 909 0071
16	Hepzibah Assembly Kerk	6 Smythe Straat Napier 7270	W Adams	34			Ja	Ja	

Op 26 Februarie 2015 was 'n vergadering gehou tussen KAM en KALF waartydens die KALF lede hul teleurstelling uitgespreek het, omdat hulle nie geken was in die proses van allokering van kerkpersele nie.

RAADSVERGADERING

Die volgende besluit word geneem op 31 Maart 2015 (**BESLUIT: 62/2015**):

- (i) Dat die kerkgenootskap wat gereageer het op die vorige aanbod van R6 000,00 wel die genoemde perseel mag koop.
- (ii) Dat die oorblywende twee erwe per geslote tender aan die ander ses voorkeur kerkgenootskappe beskikbaar gestel word.

MARKWAARDASIE

Erf 5084	Bergsig Bredasdorp	R6 000,00
Erf 5522	Zwelitsha Bredasdorp	R6 000,00
Erf 5544	Zwelitsha Bredasdorp	R6 000,00

Navrae was gedoen by die NRIC (National Register of Independent Churches) of die kerk wat gereageer het (Full Gospel Church of Zion in SA) wel geregistreer is. Die e-pos ontvang van NRIC:

- The name FULL GOSPEL CHURCH OF GOD IN ZION IN SA in not listed with the NRIC.
- The name FULL GOSPEL CHURCH OF GOD IN ZION was listed pre 1994 with the registration no P120/4/4307.
- The name FULL GOSPEL CHURCH OF GOD IN ZION was listed in the NRIC 27 June 2005 in NYANGA EAST under Archbishop G Temba Masiba.
- P120/4/4307 is a pre 1994 registration no and is no longer in use, reference to this number may be acquired from our Pretoria branch @ 0833332177, as they have access to the national archives where the info is kept

KERKBELEID

Die Kerkbeleid soos goedgekeur deur die Raad op 27 Mei 2014:

"Vereistes om te kwalifiseer vir toekenning van 'n perseel"

1. Bewys van lidmaatskap van minstens 50 plaaslike persone (woonagtig in die Munisipale gebied / of betrokke dorp) wat lid is van die betrokke Kerk / Gemeente / Godsdienstige genootskap.
2. Bewys van die Grondwet van akte van oprigting van die Kerk / Godsdienstige genootskap.
3. Bewys van registrasie van Kerk / Godsdienstige genootskap by 'n erkende ekeunemiese liggaam.
4. Genootskappe wat nie oor ekeunemiese registrasie beskik nie, sal nie kwalifiseer vir 'n erftoekenning nie.

Voorwaardes vir toekenning

1. Slegs een perseel per dorp word aan 'n spesifieke gemeente van 'n Kerk / Godsdienstige genootskap toegeken.
2. Die perseel toegeken na die verkrygingsbestuursproses, moet ontwikkel word vir die gebruik binne 36 maande na oordrag van 'n perseel in die naam van die Godsdienstige genootskap. 'n Bouplan vir die ontwikkeling van 'n perseel moet binne 12 maande na oordrag van die perseel, ingedien word by die Munisipaliteit vir goedkeuring. Konstruksie van 'n goedgekeurde struktuur moet in aanvang neem binne 24 maande na goedkeuring van 'n bouplan en voltooi wees vir gebruik binne die periode van 60 maande toegelaat en bereken vanaf datum van oordrag van die perseel. By enige versuim val die perseel terug na die Munisipaliteit vir hertoekenning.
3. 'n Perseel word slegs toegestaan vir die oprigting van 'n plek van aanbidding as primêre gebruik. Sêkondere gebruike vir nie-winsgewende gemeenskapsprojekte is vanaf die betrokke perseel toelaatbaar.
4. Oordrag van 'n perseel toegeken binne 12 maande van die kennisgewing van toekenning geskied, anders verval die aanbod.
5. Dat kerkerwe binne drie (3) maande na toekenning / oordrag behoorlik omhein word.
6. Dat daar binne vier en twintig (24) maande 'n struktuur opgerig moet wees, wat sitplek vir ten minste 50 gemeentedele kan bied."

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": "fair market value of the capital asset exceeds any of the following amounts:</p> <p>a) R50 million;</p> <p>b) One percent of the total value of the capital assets of the municipality....</p> <p>c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).</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.

BESTUURSAANBEVELING

Dat Raadsbesluit 62/2015 geneem op 31 Maart 2015 herroep word sodat die drie erwe per geslote tender aan die voorkeur kerkgenootskappe beskikbaar gestel word.

(Raadslid Mokotwana verlaat die raadsaal tydens bespreking van die aangeleentheid.)

BESLUIT 157/2015

- (i) Dat Raadsbesluit 62/2015 geneem op 31 Maart 2015 herroep word .
- (ii) Dat die drie erwe per beslote tender (met 'n reserwe prys van R6 000,00) aan die voorkeur kerkgenootskappe beskikbaar gestel word.

10.4 FINANSIËLE DIENSTE**10.4.1 REVIEWED AND AMENDED BUDGETED RELATED POLICIES****PURPOSE OF REPORT**

To obtain Council's approval in respect of the following reviewed and amended budget-related policies:

- Supply Chain Management Policy (attached on page 127 to 196)
- Petty Cash Policy (attached on page 197 to 201)
- Property Rates Policy (attached on page 202 to 212)

BACKGROUND

In terms of section 17(3)(e) of the MFMA any proposed amendments to budget-related policies of the municipality must accompanied the tabled budget when submitted to council for final approval each year. Due to outstanding amendments required in respect of the Supply Chain Management Policy relating to the proposed centralized Western Cape Supplier Database for implementation during August 2015 for the Overberg District Area, not all the policies earmarked for review could be submitted to council before the final approval of the 2015/16 financial year budget.

Due to ongoing changes in processes, procedures, risks and legislation that impacted on the existing policies as well as an assessment done with recommendation by Provincial Treasury in respect of the Property Rates policy, it is suggested to amend the attached listed policies with an effective date of 1st July 2015.

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

MANAGEMENT RECOMMENDATION

Council consider approval of the following amended budget-related policies with the effective date 1st July 2015.

- Supply Chain Management Policy
- Petty Cash Policy
- Property Rates Policy

RESOLUTION 158/2015

That Council approves the abovementioned amended budget-related policies with the effective date 1st July 2015.

10.4.2 OUDIT AKSIEPLAN 2013/14 (OPCAR): MAANDELIKSE VORDERING - JUNIE 2015

DOEL VAN VERSLAG

Oorweging van die vordering met die goedgekeurde 2013/14 Oudit Bevindinge Aksieplan (OPCAR) vir die tydperk Junie 2015.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit op die 2013/14 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieouditkomitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek.

Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê. Die verslag wat hierby aangeheg is op bladsy 213 tot 220, is 'n aanduiding van die vordering wat met hierdie aksieplan gemaak is soos op einde Junie 2015.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Oorweging, bespreking en aanvaarding van die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2013/14 finansiële jaar soos op einde Junie 2015.

BESLUIT 159/2015

Dat die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2013/14 finansiële jaar soos op einde Junie 2015, goedgekeur en aanvaar word.

11. ITEMS DEUR DIE UBK / UITVOERENDE BURGEMEESTER NA DIE RAAD VERWYS**11.1 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 evaluering van bogenoemde aansoek ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

Die aansoek behels die volgende:

1. Vergunning op erwe 136, 137, 138 en 513, Waenhuiskrans / Arniston ten einde gaste akkommodasie vanuit bestaande eenhede te bedryf.
2. Opheffing van beperkende titelvoorwaardes van toepassing op aansoek eiendomme om die eienaar in staat te stel om selfsorgeenhede op die eiendomme te bedryf.

Die ligging van die eiendomme word aangetoon op die plan aangeheg as Bylaag A op bladsy 221.

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 gastehuse 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.

BESWARE ONTVANG

Met advertering van die aansoek is besware ontvang van Andrew Louw, B A Bird, The Whaleview Trust and Alaistar Moodie Family Trust, Martin Aubin, Messrs J en P A du Preez en Mrs E van Staden, Rod Lloyd, WARA, M H van Heerden SC, Peter Hofmeyr and Susan Devine.

Die aansoeker se kommentaar op die besware is as volg:**1. Andrew Louw (Owner Erf 149)**

Objection	Our Comment
Objecting to the building of the 'maids quarters' on all the properties.	No additional buildings are proposed. Maids quarters were allowed as part of an outside building and these buildings were approved by Council as later extensions.
Not mentioning who the Arniston Seaside Cottages Edms Bpk is.	Every application is submitted with a power of attorney and a company resolution if applicable. With the company resolution, the members appoint one representative. We believe all the information required was provided in the document lodged with the municipality.
The deed restrictions should be left as is, since the removal will leave them open to 'selling ice-cream and other goods from the properties'.	The application that was lodged was not for any business rights. The removal of restrictions does not give the owners the right to do business from the property. To be able to operate the self-catering accommodation, DEA&DP requires a removal of the Title Deed Restrictions.
Mr Louw mentions that the value of his property will be reduced, due to the masses of vehicles parked all over the place. By adding another house on the property the parking will become unbearable.	No additional uses are proposed. The current application will therefore not impact on Mr Louw's property value.

2. B.A. Bird (Owner Erf 132)

Objection	Our Comment
Reference to an unsigned Removal of Restrictions Form and also the fact that the objections should be sent to different authorities is unclear and confusing.	The form was signed and we verified this by looking at the Municipal copy. Mrs Bird is referring to the Section B part of the application form that is signed by the Municipality at a later stage.
Referral to encroachments on building line restrictions on all boundaries, yet no details or motivation for their approval is given.	All the building plans for the current structures, except for minor internal changes, were approved by Council. No departures from any building lines are required. Due to the change of use of the outside buildings ('the maid's quarters') a relaxation from the condition in the title deed with regards to the side and rear building lines are required, to accommodate the use of the 'outside building' for human habitation.
No mention of a similar application, approved by the Municipality in 2001, but refused by the Provincial Government.	This is mentioned in the second paragraph of the application.
No mention of an E-mail address – the preferred means of Communication The application defines 'self-catering accommodation' without naming the source of the definition.	The Municipal notice mentions that the municipal offices can be contacted for additional information. We are sure that they would have provided her with an e-mail address. The report states that: <i>'The Cape Agulhas Integrated Zoning Scheme is applicable.'</i>
Comment on statement that a large number of houses rented out for self-catering accommodation and 'surrounding houses are generally of a modern nature'. The objector doesn't agree with these statements in that, according to him, only 8 of the 29 erven in the vicinity of the application erven are used for rentals and he also doesn't agree that the houses are 'generally of a modern nature'	We agree that 8 of the 29 erven in Harbour Road (of which one is vacant) are rented out for self-catering facilities. This is a fairly large number of houses. More houses are also rented out in Cliff and Pratt Street. By mentioning that the houses are of a modern nature, we wanted to clarify that it is not an architectural historical area. From our point of view, the houses are of a modern nature.
The application doesn't mention that Erven 136, 137 and 138 are three separate erven that operates as a single unit accommodating 12 separate residential units, with 42 beds and Erf 513 accommodates 3 residential units with 16 beds.	Erven 136, 137, 138 and 513 are four separate erven. In the report and site plan it is noted that 136 – 138 each consist of four units each and Erf 513 three units. All of the units on the separate erven are being rented out separately; we do not see how it operates as a single unit.
Object to the comment that the IZS allow for self-catering accommodation as a primary right on Single Residential properties. Comment that the application is an effort to legitimise self-catering accommodation on multi-residential properties – effectively a series of blocks of flats- which is certainly not what the Scheme envisages.	In the IZS it says under Section 96(2)' <i>The Municipality may allow the use of a dwelling house or dwelling unit for overnight accommodation for transient guests, provided that such use does not cause an undue disturbance to the neighbourhood. The continued use of the property for self-catering accommodation will be subject to the approval of the Municipality in the case of complaints being received by the Municipality about the manner in which these rights are exercised, and the Municipality may revoke such rights at its discretion, or alternatively, set conditions to control the use of the property for self-catering accommodation.'</i>
Object to comment in report that states that the consent use will not have a negative impact on the character of Arniston...' Comment that it already had a negative impact. Comment that the re-instatement of these properties to a state where they are compliant with the laws designed to protect the right of the public will have an all-round	If the properties were converted back to single family dwellings, there will be a loss of jobs, a loss of available holiday accommodation and also a loss of municipal revenue in the form of municipal rates and taxes. The refusal of this application will also imply that all the guest houses and self-catering facilities that did

positive impact.	not obtain the required Removal of Title Deed Restrictions and the required consent use approvals will have to be closed down. Arniston will therefore only be accessible to a small group of tourists that can be accommodated in the legal guest houses and hotel.
'On the abovementioned grounds alone, namely incorrect procedure, misleading and incorrect information, and disingenuous presentation, the application should be rejected out of hand and the applicant required to re-submit or abandon the application and re-instate the said properties and the manner of their use'	The application was acceptable to the Provincial office and the Municipality to be able to proceed with the public participation process. As far as we are aware, everything was done correctly.
Objects against the removal of the Title Deed restrictions, due to the surrounding single residential properties. According to the objector: 'these structure encroach on all relevant building lines – front, lateral and rear – resulting in buildings that are bulky and overbearing, obliterating sight-lines between the respective erven and domination the neighbourhood.	When the buildings were erected they complied with the Arniston Scheme Regulations. The application to relax the building line restrictions is to bring it in line with the Cape Agulhas Integrated Zoning Scheme. All the applicable building lines in terms of the municipal scheme regulations were adhered to. The only reason for having to request a building line relaxation from the title deed conditions is to be able to use the outside building for human habitation.
No practical necessity for such encroachment other than to increase the bulk of the buildings erected by the Applicant. Benefit only to the owner and no benefit to the community.	The building plans were approved and all building lines were respected.
The correct procedure was not followed. If followed, it would have been strongly opposed by the community and would have had no basis for success at that stage. No desirability for this application now to succeed.	The owners have been trying to obtain the necessary approvals for the last 18 years. The previous Zoning Scheme did not allow for an appropriate zoning, but the new IZS does allow for a consent use on a Single Residential Zone.
Building must be demolished, to the extent necessary and be constructed and occupied within legal constraints – as all other property owners have been obliged to do.	All building plans have been approved, except for minor internal changes that have been made. The houses can, as required by the IZS, easily be converted back to single residential dwellings.
Dangerous precedent should the Municipality allow this property-owner to build outside of existing regulations, after construction has been completed.	The owner did not build outside existing regulations. The division of the houses into self-catering units does however require a Removal of Title Deed Restrictions and a Consent Use Approval.
The additional occupants create additional demand for the town's limited resources; it creates traffic and parking congestion, and crowded living conditions within each of the erven.	The houses have been in use for over two decades. No additional pressure is placed on any municipal services.
Much less houses in vicinity rented out as holiday accommodation and are all single residential, meaning they have limited accommodation. It is stated that the holiday houses were designed to accommodate three times the standard number of occupants.	The number of bedrooms in the houses has not been altered. The houses therefore accommodate the same number of people. Some of the other self-catering facilities have also been divided into more than one unit and are operating without planning approval.
No merit in saying that it provides greater employment opportunities and better training to local residents than other Arniston homeowners do. Any other Arniston homeowner can do the same. Concern that the applicant appears to employ Immigrant citizens in preference to local residents, further weakening the argument.	The applicant provides staff training and adheres to international norms and standards. Most of the other owners of holiday houses do not reside in Arniston and therefore cannot observe what level of service is being provided to their guests.
Objector does not believe that it attracts tourist, since there is enough legally	Etnas Accommodation website offers over 59 properties for rental. One will note that on a large

constructed guesthouses. Doesn't believe that the Applicant offers some sort of special attraction to tourists.	number of these properties, there are exclusions as to what is provided for. Tourists regularly return to the applicant's cottages since it provides for a high level of service. The cottages have a three star SATOUR grading. We do not know how many of the other guest houses, B&B's and self-catering facilities, in Arniston, have a SATOUR grading.
Note from the objector: 'These application by the Applicant should not be viewed in isolation. The Applicant has a long history of constructing illegal structures in Arniston without first obtaining the necessary approvals and thereafter applying for special consent and waivers, on the basis that the illegal building already exists.'	Every application should be evaluated on its desirability.

3. The Whaleview Trust & Alastair Moodie Family Trust

Objection	Comment
The objectors were never consulted regarding the intention to operate the dwellings concerned as Self Catering accommodation.	The application process was started in 1997 and the Municipality approved a departure in 2001. It is very unlikely that any direct neighbours were not consulted. All affected neighbours were consulted during the previous process.
The dwellings were originally erected as single holiday home but clearly were designed with the ultimate intention of subdividing into multiple 'flat type' units.	This is the objectors view and is not substantiated by any facts.
Comment on other instances where Arniston Seaside Cottages erected buildings in contravention of the local building regulations.	Not applicable to this application.
Object against the proposed use of the properties due to the large number of cars attracted and the high level of noise when all these units are occupied.	The number of rooms has remained the same since it was originally erected. The potential noise generated therefore remains the same. The erven make provision for more parking than would normally be the case for single residential properties. There is however other self-catering facilities very close by and it would be difficult to establish whose cars are parked in the road. The applicant will urge tourists to make use of the onsite parking provided.
Concern that the three erven could be consolidated in future and holiday flats erected with even more units allowed.	The approval when issued will specify the number of units permissible on the properties.
The role played by Arniston Seaside Cottages and the contribution it makes to the local economy and promotion of the Tourism in the area is acknowledged. The objector would however not like to see this role being advanced as the reason for violation the regulations which should apply to everyone.	The application is to legitimise the current use on the property.
As a compromise, the objector would not have any objection to the dwellings on erven 136 – 138 being let as single self-catering units with the design being altered to prevent them being let as multiple tenant units.	The size of the houses remains the same. The properties accommodate the same number of people as when they were built in 1990. The impact remains the same.

4. Martine Aubin, Trustee of Pegnol Trustee (Owners of erven 139 and 140)

Objection	Our Comment
These properties are and have been running a commercial venture on land intended for domestic use.	The owners have been attempting to acquire the necessary approval for over two decades. The use as tourist accommodation is internationally acceptable. The use of the properties is for single residential purposes only.
The current buildings are not in keeping with town planning regulations. The owner(s) of these erven, knowingly and willfully ignored planning regulations at the time of construction.	All the buildings have been built according to approved building plans. The building plans for the internal doors that have been closed up will be obtained when the current application is approved.
There are too many dwellings per Erf which creates additional noise and parking problems to adjoining homeowners.	Even though there are four rentable units on erven 136-138 and three units on erf 513, the number of rooms per house remains the same. The number of people that could potentially occupy the houses is therefore the same as before. The noise generated by the same number of people should therefore be the same. Normally a residential house only needs to provide two parking spaces. In this case the site plan indicates one parking space per unit, but additional parking is available on every erf.

5. Messrs J & PA du Preez & Mrs E van Staden (Owners of Erf 133)

Objection	Our Comment
Approval would encourage anarchy and disregard for the rule of law.	The Provincial office has in previous cases indicated that an illegal use is not a reason to refuse an application. Applications should be measured in terms of desirability. In this case the applicant has been trying for many years to obtain the required approvals.
The unlawful activity has been going on for a long time and it is disingenuous for the applicant to present this fact as justification for the approval of its applications.	We only mentioned the fact that it has been in use for a long time, to illustrate that the impact of the use is known to the surrounding landowners and that the applicant has a long history of trying to obtain the necessary rights.
The applicant doesn't show remorse on its part for its unlawful conduct. The application mentions that the accommodation is offered in one dwelling and only used for residential purposes. Reference is made to unlawful alternations that were made to allow for the additional self-catering facilities.	The applicant has been trying to obtain the required approvals for many years.
The applicant tries to justify its application on the basis that there are other property owners in Arniston who similarly conduct rental businesses from their homes without proper approval. No factual information is presented in the application in support of the allegation. The fact that another party may also be acting unlawfully is no justification for condoning the applicant's own unlawful conduct.	The use of other properties as self-catering facilities in the vicinity of the applicable erven was mentioned to illustrate that the consent use applied for, does not deviate from existing surrounding uses. We did not provide factual information with regards to the whereabouts of other self-catering facilities in our application, since the purpose is not to victimise other facilities that are also making an important contribution to the tourist market. Doing a very simple search on the internet would prove to the objector that there are 9 other properties within approximately 120m radius from erven 136-138 that are renting their properties as self-catering facilities. Of these facilities, a number of them are also divided

	<p>into more than one unit.</p> <p>With such a large number of houses providing self-catering facilities, it should be an indication that there is a definite need for self-catering facilities. None of these self-catering facilities objected to the application.</p>
The scale of the rental enterprise conducted on the properties is unpredicted and out of keeping with the residential character of the areas where the properties are situated.	The number of rooms in the houses remains the same. The scale of the rental enterprise is therefore that of a single residential house.
It is not clear from the application how many units each property has currently been divided into.	We agree that maybe the text was not clear in stating that the 'buildings have been converted into four units each'. The site plan is however very clear in showing: Main Building (3 units); Outbuilding (1 unit) for each erf. The attached plan was attached to the application.
Object against the large number of people on the properties during busy holiday periods. Residents are left to deal with the traffic and noise from early in the morning until late at night.	<p>Large numbers of people visit their family holiday homes during the peak holiday periods and therefore there are large numbers of day visitors driving to the beach and the cave. With the houses being so close to the beach, it is unlikely that the visitors will drive from the subject properties to the beach, as most of them walk to the beach. We do not believe the traffic can be blamed on the subject erven.</p> <p>The Pagnol Trust properties are approximately 110m from the Municipal Camp Site. One would believe that noise generated from a camp site, though further away, should contribute more to noise pollution.</p>
The applicant does not address the consequences of the proposed consent use on parking, water demand, sewerage disposal and waste removal services and the like arising from the use of the properties to house multiple rental units. A recommendation is made that in the absence of this, the applications should not be approved.	<p>In the report under Section 7 it is noted: 'All services are currently available onsite and are according to the standards set by Council'.</p> <p>Since no additional services are required and everything is already in place, there is no reason to provide any additional information on the required services.</p>
<p>The applicant has presented no evidence in support of its application regarding the impact on traffic and parking at the properties concerned. The report states one parking per unit, but does not state clearly how many parking bays have been provided on neither site nor does it show where these bays are.</p> <p>It is noted that vehicles are parked haphazardly on-street at the premises, particularly during busy holiday periods.</p> <p>No indication from applicant that any control is exercised by the applicant in regard to parking at the properties.</p> <p>It would be irresponsible to approve the applications without having undertaken a proper traffic and parking survey during busy holiday periods.</p>	<p>It appears as if the site plan was maybe not circulated with the rest of the application, since the attached site plan marks out one parking bay per unit quite clearly.</p> <p>The houses in question make provision for at least 4 parking spaces, but more vehicles can be accommodated on every erf. According to the IZS parking needs to be provided at 1 parking bay per unit. The owner will however in future explain the importance to visitors of parking on the onsite parking provided. It is however difficult to enforce, since the road is public property and there are no lines indicating that the public and home-owners cannot park there.</p>
Water is a scarce resource. No evidence is presented in the application of the impact of the approval of the application on water demand.	No new uses are proposed and there will be no additional impact on the water supply. The Municipality has not indicated any problem with the continued use of the properties as it is currently the case.
Not clear if the grant of the consent use and removal of restrictive title deed conditions	Should there be any unapproved building work, the owner will have to submit building plans and get

would automatically have the effect of approving any unlawful building work undertaken on the property.	them approved.
The objectors are noting that they are members of WARA and wish to associate itself with the objections raised by WARA.	Noted.

6. WARA

Objections	Our Comment
The altered building and the use thereof were illegal 18 years ago and remain illegal under the new CAM Integrated Planning Scheme. The conditions for clause 19 Special Uses, do not apply	We believe the application can be dealt with as self-catering accommodating, under Single Residential.
Approval of any building retrospectively sets a very dangerous precedent.	Unapproved building work and use, is not seen as a reason to refuse any application. Applications need to be evaluated in terms of Desirability.
It is noted that the structure are not by definition 'Single Residential' dwelling and that the building are by definition Flats, that requires Rezoning as High Density Residential Zone.	After discussions with the Municipality, Single Residential was suggested as the most appropriate zoning. Since the houses in their current form could easily revert back to residential houses, High Density Residential Zoning isn't appropriate in these circumstances. Since the Zoning Scheme allows Council to impose more or less restrictive conditions than stipulated in the Regulations, it was decided that the application as it was submitted, was the most appropriate.
Reference made to the definition of 'Self Catering Accommodation'	That is correct.
<p>Each building is, by definition in the CAM Planning Scheme, a block of Flats, have 4 discrete dwellings, each with own front entrance and kitchen.</p> <p>2.2 Objects against statement that 'short-term tourist and guest accommodation are provided on the four properties and no business is conducted from the erven'</p> <p>The objector is commenting that 'The owner or Lesser, is a (pty) company, & does not live on the premises: the holiday letting is the business, and is conducted on the premises, or 'from the erven'</p> <p>The current use can not be allowed in terms of a Consent Use, ie a Primary Use right for a Single Residential Zone, It is a change of Use, to High Density Housing. The following extract from the CAM Planning Scheme, clause 78 refers:</p> <p>Guest accommodation 78. (1) Unless otherwise specified in the approval, an approval for a guest accommodation consent use is subject to the following conditions: (a) the dominant use of the property must remain as a dwelling for the living accommodation of a single family;</p>	<p>The units have small kitchenettes that aren't suitable for long term accommodation. The self-catering facilities are only used by tourists passing through for short periods of time. Taken from the Integrated Zoning Scheme Regulations: Single Residential Land Use within this Zone:</p> <p>96 (2) The Municipality may allow the use of a dwelling house or dwelling unit for overnight accommodation for transient guests, provided that such use does not cause an undue disturbance to the neighbourhood. The continued use of the property for self-catering accommodation will be subject to the approval of the Municipality in the case of complaints being received by the Municipality about the manner in which these rights are exercised, and the Municipality may revoke such rights at its discretion, or alternatively, set conditions to control the use of the property for self-catering accommodation.</p> <p>What should be noted, is that Clause 78 says that: 'unless otherwise specified in the approval.....' Council therefore has a right to impose more or less restrictive conditions. In Clause (43)</p> <p>Conditions of approval it states: 43. (1) The Municipality, in granting an approval under these Regulations, may impose conditions consistent with the requirements of the Ordinance that have the same force and effect as if they were part of these Regulations. (2) Conditions of approval imposed by the Municipality in terms of Sub-regulation (1) may include any reasonable conditions that give effect to the general purpose and objectives of the Zoning Scheme as set</p>

	<p>out in Regulation 6, and may include, but are not limited to, conditions that:</p> <p>(a) are not contained in these Regulations;</p> <p>(b) are either more or less restrictive than the standard provisions which apply to the zone concerned;</p>
<p>Comment is made that the scale of the building is far too large to be equated to the Kassiesbaai / Arniston character. Thatch & white wall buildings are a common aesthetic all over the country</p>	<p>In the report it says: 'Houses were designed with elements from the Kassiesbaai houses in mind, for example the gables, thatched roofs and also the finishing of the exterior walls – intending to keep to the character of Arniston'. Nowhere is the 'HISTORIC CHARACTER' mentioned. Referral is made to the character of Arniston. There would have been no purpose to keep to a historical character, when the surrounding houses are of a modern design.</p>
<p>(2.4) Objection to our comment: '...many surrounding houses are let to holidaymakers, some have made internal modification to create smaller units...'</p>	<p>This is correct. A large number of the surrounding houses are let to holidaymakers and some have made internal modifications to create smaller units – as per the advertisements placed by the letting agents for these homeowners.</p>
<p>(2.5) Objection to our comment: that self-catering is a 'primary Use Right'</p>	<p>The Integrated Zoning Scheme reads as follows:</p> <p><i>Single Residential Land Use within this Zone:</i></p>
	<p>96 (2) <i>The Municipality may allow the use of a dwelling house or dwelling unit for overnight accommodation for transient guests, provided that such use does not cause an undue disturbance to the neighbourhood. The continued use of the property for self-catering accommodation will be subject to the approval of the Municipality in the case of complaints being received by the Municipality about the manner in which these rights are exercised, and the Municipality may revoke such rights at its discretion, or alternatively, set conditions to control the use of the property for self-catering accommodation.</i></p> <p>As far as we know, no objections were received from any neighbours during the last 20 years.</p> <p>The regulations state (more or less) restrictive conditions can be imposed in an approval. The application was discussed with the planning department before it was submitted for consideration. It was decided that the proposed consent use, was the most appropriate zoning for the existing use.</p>
<p>(2.6) Referral is made to Erf 539. Comment that the use is technically a business activity</p>	<p>We believe the objector meant to refer to Erf 513 and not 539.</p> <p>We disagree with the comment, since Erf 513 would then be described as a 'business premises' and according to the Integrated Zoning Scheme Regulations, the definition of a 'Business Premises' is: "means a building or property from which business is conducted and includes a shop, office, financial institution and building for similar uses....."</p>
<p>(2.7) Removal of Title Deed Restrictions: Object to application contents stating that 'the self-catering accommodation that is offered is in fact located in one dwelling and only used for residential purposes' – The objector maintains that it is flats</p>	<p>From our point of view it is one dwelling divided into a number of self-catering units.</p>

<p>(2.8) Cape Agulhas SDF: The objector comments that 'In terms of Density, the Application refers to the previous 2009 Spatial Development Framework, that has been superseded.</p>	<p>Nowhere in the report do we make reference to density or refer to it in terms of the SDF. The report does however refer to the 2009 and also the 2012 SDF. The 2012 SDF was approved in 2014 by the Municipal Council in terms of the Systems Act. This SDF was however definitely not Gazetted as mentioned by WARA.</p>
	<p>Density is not of relevance in the case of self-catering accommodation for overnight accommodation of <i>bona fide</i> transient guests in terms of the 'density' as referred to in the SDF. The referral to the capacity for expansion of the town or for densification in terms of services are also irrelevant, since no additional services are required. The Municipality previously approved the current application in the form of a departure. Sufficient services are therefore available.</p>
<p>In the WARA objection comment is also made to our referral to the National Tourism Sector Strategy in terms of Density.</p>	<p>We are not referring to density with regards to the National Tourism Sector Strategy in this document.</p>
<p>Objecting against the comment that all services are existing. Comment is made that 'the increased from 4 to 15 dwelling already contributes a negatively o limited water and sewage services. This illustrates a typical consequence of uncontrolled development, without due consideration of impact on availability of services.</p>	<p>The properties have been rented out for over 24 years and therefore application is not made for any additional units. The impact on the services therefore remains the same.</p>
<p>WARA is of the opinion that the application should not have been brought to the Public for comment, because: by reason of its own Planning legislation & powers to implement them, the Council has the ability, (and duty) to regularise Planning contravention. It should not be left to WARA or any other party to 'adjudicate' on serious planning issues, especially where, inevitably, any precedent set is likely to be exploited.</p>	<p>WARA received the opportunity as part of a Public Participation Process to comment on the proposed Consent Use and Removal of Title Deed Restrictions.</p>
<p>Comment that the application is poorly argued and contains factual errors, spurious & misleading claims. 'It should not be for WARA or any other affected party to have to point out errors & anomalies'</p>	<p>We addressed the assumed factual errors, spurious and misleading claims when we commented on the objections. These claims are not inaccurate. We are however concerned about the factual errors made in the objector's comment, since some of them could be misleading.</p>

7. MH van Heerden SC

Objection	Comment
<p>'All the dwelling built on each of the erven owned by Applicant were built with the purpose of renting such dwelling out to make an income. The dwellings were never built for the purpose of being resided therein by the owners of the erven.</p>	<p>The intend of the owner when erecting the houses is pure speculation. The houses that were erected did however comply with the applicable building regulations and were erected according to the approved building plans.</p>
<p>Reference is made to different cases where buildings could net be rented out, or used for business purposes due to certain title deed conditions. According to Mr van Heerden the same is applicable on the application sites.</p>	<p>Even though we did not study the mentioned cases in detail and therefore the exact circumstances, we are specifically applying for a removal of title deed restrictions, as we are aware of the prevailing restrictive title deed conditions. Most of the Arniston residential erven and also Struisbaai, Agulhas, Suiderstrand and Franskraal have a large number of holiday-destination residential properties which have these conditions. The objector is of the opinion that no houses in Arniston, or even Struisbaai can be used for tourist accommodation, or even rented out at all due to these restrictive title deed conditions. The economic</p>

	<p>benefit derived from tourism for the Overberg district in which these towns are located, would therefore be lost and all the local, provincial and national forward planning documents and Spatial Development Frameworks encouraging tourism would be lost. The Removal of Title Deed Restrictions process enables owners to remove restrictions that are no longer applicable in our current environment and circumstances.</p>
<p>Comment is made that that multi-tourist/guest accommodation is a business and can never be construed as residential.</p>	<p>The objector is then not only objecting against the current application, but also commenting and objecting to the fact that most Integrated Zoning Schemes, approved by the Minister, cannot be implemented. As guest accommodation cannot be seen as reconcilable with residential uses as a consent use. The Minister approved the Integrated Zoning Schemes. The application for self-catering accommodation on single residential erven could easily revert back to a single dwelling if ever required.</p>
<p>Comment is made about the use of the properties and that it had a negative impact on the Pegnol Trust and also Mr van Heerden.</p> <p>It is mentioned that the noise impact is 'immense'.</p> <p>Comment is made on the parking spaces on the properties. According to the objector it is not sufficient and inhabitants park in the road and it is mentioned that vehicles are parked 'immediately in front of the Pegnol Family Trust's premises'.</p>	<p>It should be noted that Erf 139, registered in the name of the Pegnol Trust, is a vacant erf. The Pegnol Trust also submitted another letter of objection, represented by Martine Aubin.</p> <p>'Immense noise' can also be generated by a single household. It is however every citizens right to call the owner, or the police if a neighbour is causing a noise nuisance.</p> <p>There is sufficient parking on the erven as indicated on the site plan. Just like with any other residential property, it is possible that the inhabitants or visitors park in the street, instead of on the onsite parking spaces.</p> <p>The beach is at times overcrowded and we have also seen how day visitors park in Harbour Street and walk to the beach. It would be difficult to say that the people parking in the road are necessarily staying in Erven 136-138. Again it should also be mentioned that Erf 139 is vacant and the impact on the owners difficult to comprehend, since the vacant property is overgrown with invasive plants and alien bushes. Council should ensure that the erf is maintained according to municipal regulations.</p> <p>The applicant will urge tourists to park onsite and not in the street.</p>

8. Teddy Hofmeyr Family Trust (Erf 141)

Objection	Our Comment
<p>Existing buildings remain illegal as they were altered into their current form without plan approval. The houses have been built to accommodate numerous families per erf and four of the buildings are used purely as flats comprising 4 dwellings in each building, with separate entrances and kitchens. It doesn't comply with building restrictions.</p>	<p>The current application seeks to legitimise the internal changes.</p>
<p>The buildings are not used for residential purposes and the buildings are not single residential dwellings. The buildings are used as a commercial venture.</p>	<p>Tourists reside in the dwellings for short periods of time. The use remains the same in terms of Ordinance 15 of 1985, the Land Use Planning Ordinance.</p>

Parking and traffic in and out of the seaside cottages is a problem. Over Christmas and Easter it is excessive. The high volume vehicles over Christmas and Easter is a danger especially given the number of people (specifically children) and dogs walking to and from Roman beach.	Haarburger Road is busy over the Christmas and Easter periods due to it being the only access road to Roman Beach. Traffic from erven 136 – 138 cannot be held responsible for the impact on the already busy road.
Insufficient parking on the erf to accommodate the high vehicular traffic.	The applicant will urge visitors to make use of the onsite parking provided.
The area where the erven are situated is a residential area and not a commercial area.	The use is residential in nature and no business will be conducted from the erven.
The capacity of the municipal services to support the erven is already under pressure.	There is currently no strain on the municipal services by the existing use.
The seaside cottages must be brought in line with the laws relating to property and building in Waenhuiskrans / Arniston.	The houses comply with laws relating to residential properties in Arniston

9. Susan Devine (Erf 134)

Objection is made to any changes to the title deeds of Erven 136-138.

Objection	Comment
Harbour Street is a high traffic area and any encroachment closer to the road ie car parking etc will be disastrous	The notice prepared by the Department of Environmental Affairs and Development Planning stated that a relaxation of the street building line is required. This is however not required. There is no encroachment on the street building lines.
Too much people for the septic tank system results in a discharge of raw sewerage onto the municipal owned land behind the cottages. This is an ongoing situation despite the objections that have been lodged.	The allegation is preposterous and unfounded, and does not make common sense as this would destroy the tourist potential of the properties.
The proposed changes can only lead to further commercialization which will eventually destroy the attraction of Arniston. According to the objector 'Arniston can hardly cope with the recent increase in tourism...'	No changes are proposed. The application is required to legalise what has been in existence for over 20 years.

IN CONCLUSION

The application, as submitted, is not for any new uses or deviations from what has been in existence for over two decades. With the implementation of the Integrated Zoning Scheme in 2014, it did however become feasible to apply for and legitimise the existing tourist facilities. We believe that in terms of desirability, this application can be recommended and approved by Council.

KOMMENTAAR**TELKOM**

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions:

As per the drawing supplied, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

2. The Department is currently processing an application for the removal of restrictive Title Deed conditions, in terms of the Removal of Restrictions, 1967 (Act 84 of 1967) (RORA), in order to legalize the existing self-catering guest facilities on Erven 136, 137, 138 and 513, Arniston. As such, this component has no planning comment at this stage. The planning merits of the application will be dealt with in the RORA application process.

BREEDE-GOURITZ CATCHMENT MANAGEMENT AGENCY

The Breede-Gouritz Catchment Management CMA in principle, has no objection to the proposed consent use to the following conditions:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or ground water resources may occur due to any activity on the property.
- No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
- All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste must be

adhered to. Solid waste may only be disposed off onto an authorized solid waste facility in terms of abovementioned legislation.

- ❑ The minimizing of waste must be promoted and alternative methods for waste management must be investigated.
- ❑ No permanent structures maybe constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).
- ❑ No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
- ❑ It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds of Office to give affect thereto upon approval of the application.
- ❑ No activities may take place within a buffer area as determined by the freshwater ecologist upstream and downstream of a watercourse and/or any wetland system without formal authorization thereto obtained from BOCMA.

Water for domestic use.

- ❑ The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then the Breede Gouritz Catchment Management Agency and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Disposal of sewage

- ❑ The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).

OVERBERG DISTRIKSMUNISIPALITEIT

Gesondheid

Die munisipale gesondheidsafdeling van die Overberg Distriksmunisipaliteit het geen beswaar teen die goedkeuring van die aansoeke nie.

DIREKTEUR SIVIELE INGENIEURSDIENSTE

Geen invloed op dienste aangesien geboue reeds bestaan.

Die volgende kommentaar word gelewer:

Water en Riool

Geen beswaar / kommentaar.

Strate en Stormwater

Genoegsame parking moet op die persele beskikbaar wees.

BESTUURDER: STADS- EN STREEKSBEPLANNING

Tydens die Raadsvergadering gehou in Junie 2001 is die volgende besluit geneem:

Dat die aansoek om afwyking goedgekeur word en dat die Opheffing van Beperkende Voorwaardes verwys word na Provinsie, onderhewig aan die voorwaardes.

Op 3 Junie 2003 het die Minister van Omgewingsake en Ontwikkelingsbeplanning die volgende besluit geneem:

"The Minister has in terms of Section 4(2) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) as amended, refused the application for the amendment / removal of restrictive conditions to enable the owner to rent out the buildings on those erven for short term holiday accommodation."

Op 23 Junie 2003 stel die Departement van Omgewingsake en Ontwikkelingsbeplanning die eienaar in kennis dat die aansoek vir opheffing van beperkende voorwaardes geweier is weens verskeie redes.

9 Julie 2003 stel die Departement van Omgewingsake en Ontwikkelingsbeplanning die Raad in kennis dat dit die Raad se verantwoordelikheid is om die besluit van die Minister te implimenteer.

Op 29 Julie 2003 het die Raad in terme van Besluit BK64/2003 die volgende besluit geneem:

'Dat die Raad die eienaar van Erwe 136, 137, 138 en 513 Waenhuiskrans / Arniston, na aanleiding van die beslissing van PAWK, kennis gee om die geboue wat daarop opgerig is, in ooreenstemming te bring met die sonering van die erwe en as sodanig aan te wend.'

Op 27 Augustus 2003 word 'n skrywe aan Mnr Arniston Seaside Cottages (Pty) Ltd gerig waarin hul meegedeel word dat die beperkende voorwaardes met betrekking tot erwe 136, 137, 138 en 513 Waenhuiskrans / Arniston nie deur Provinsie verwyder is nie. Die eienaar is ook in kennis gestel om die grondgebruik reg te stel, soos per die goedgekeurde bouplanne teen 30 November 2003, waarna verdere wetlike stappe geneem sal word.

Op 13 September 2004 het Mnr J de Villiers namens Me Tasneem Essop, Wes Kaapse Minister van Omgewingsake en Ontwikkelingsbeplanning die Burgemeester in kennis gestel dat sy versoek die toepaslike aandag geniet en sodra uitsluitel verkry is, sal 'n verdere mededeling gemaak word.

Op 21 Desember 2005 neem die Waarnemende Munisipale Bestuurder die volgende besluit:

1. Dat die Raad nie goedkeuring verleen ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) vir die afwyking vir tydelike grondsgebruikverandering op Erwe 136, 137, 138 en 513 vir toeriste en gaste akkommodasie nie, weens die volgende rede:

Die opheffingsaansoek is nog nie gefinaliseer nie.

2. Dat die Raad die aansoek heroorweeg sodra daar 'n finale besluit geneem is oor die opheffing van beperkende voorwaardes.
3. Dat die aansoeker/eienaar en beswaarmakers op hul reg tot appél na die Premier van die Wes-Kaap Provinsie verwys word ingevolge Artikel 44 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

Op 27 Mei 2015 ontvang die Raad die opheffingsaansoek en die Vergunningsaansoek.

Artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) maak voorsiening dat die Premier beperkende titelvoorwaardes kan ophef of wysig indien hy/sy tevrede is dat dit wenslik is en:

- in belang van die ontwikkeling of woonbuurt is;
- in belang van die gebied is; en
- in belang van die publiek is.

Ingevolge Artikel 36 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) mag aansoeke ingevolge die bepalinge van die Ordonnansie (byvoorbeeld aansoeke om hersonering en afwyking) slegs op die grondslag van gebrek aan wenslikheid van die beoogde aanwending van die betrokke grond, of op die grondslag van die uitwerking daarvan op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie), geweier word.

Indien 'n aansoek nie geweier word op grond van 'n gebrek aan wenslikheid nie, mag by die oorweging van tersaaklike besonderhede, slegs die veiligheid en welsyn van die lede van die betrokke gemeenskap, die bewaring van die betrokke natuurlike en ontwikkelde omgewing of die uitwerking van die aansoek op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie) in ag geneem word.

Vanuit 'n stadsbeplanningsoogpunt word die Vergunning en Opheffing van beperkende titelvoorwaardes van toepassing op die aansoek eiendom as wenslik beskou, en word die aansoek aanbeveel, weens die volgende redes:

- Die voorgestelde aansoek sal geen invloed hê op belanghebbendes se bestaande regte nie. Aangesien daar geen aanbouings voorgestel word wat 'n impak of hoogte, het dit geen invloed op enige omliggende eienaar se uitsig of privaatheid nie.
- Die gaste akkommodasie is in lyn met huidige beplanningstendense. Addisionele wooneenhede word in 'n bestaande woonbuurt geskep, sonder om aanleiding te gee tot die versnippering van grond.
- Addisionele wooneenhede, veral by 'n stranddorp verseker egter 'n groter mate van toesig.
- Die Wes-Kaapse Ruimtelike Ontwikkelingsraamwerk is goedgekeur en beveel hoër woondigtheid in dorpe aan. Dit is 'n effektiewe manier om hoër digtheid te bewerkstellig. Hoër digtheid verseker die optimale benutting en installering van infrastruktuur en dit beskerm die natuurlike en landbou-omgewing buite die randgebied, aangesien stedelike spreid bekamp word.
- Sensitiewe areas buite die Stedelike Randgebied word beskerm, aangesien bestaande residensiële eiendom binne die dorpsgrense op 'n meer intensiewe wyse aangewend sal word.
- Die ligging van die eiendom is ideaal vir die bestaande grondgebruik.

VOORWAARDES VIR GOEDKEURING**Stadsbeplanning Afdeling**

- a) Die hoofgebruik van die Erf vir Residensiële doeleindes sal wees.
- b) Aan alle grondgebruikbeperkings in terme van die Kaap Agulhas Geïntegreerde Soneringskema voldoen word.
- c) Die aansoeker/eienaar/ontwikkelaar kennis neem dat die vergunningsgoedkeuring binne twee jaar van die datum van hierdie goedkeuring verval, indien daar nie aan al die voorwaardes voldoen word nie. Die eienaar is verantwoordelik om die sonering in stand te hou.

Boubeheer

- d) Bouplanne van alle bestaande strukture by die Raad ingedien word vir oorweging.
- e) Alle advertensie- of toerisme tekens sal volgens die Raad se spesifikasies wees
- f) Op-perseel advertensietekens of soortgelyke kennisgewing van enige aard sal slegs geskied in ooreenstemming met die Raad se beleid.
- g) 'n Terreinontwikkelingsplan met betrekking tot die voorsiening van voldoende op-perseel parkering, aan die Raad voorsien word.

Parkering en strate

- h) Slegs een enkel toegang vanaf die publieke straat is toelaatbaar. Alle wysigings en skade sal vir die ontwikkelaar se rekening wees.
- i) Toegang vanaf die publieke straat is betaalbaar deur die ontwikkelaar.
- j) Parkeerplekke moet minstens 5.0 x 2.5 meter groot wees en duidelik omlyn en afgebaken word tot die bevrediging van die Raad.
- k) Parkering moet voorsien word op terrein en duidelik op grond uitgemerk word.

Algemene Dienste

- l) Die aansoeker op eie koste verantwoordelik sal wees vir alle interne- en eksterne dienste wat uit hierdie aansoek mag voortspruit.
- m) Alle dienstestandaarde met betrekking tot die ontwikkeling moet voldoen word aan die "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".
- n) Alle dienste aan die Direkteur: Siviele Ingenieursdienste en Elektries- en Meganiiese Dienste se spesifikasies voldoen word.
- o) Alle dienste (water, riool, elektrisiteit, stormwater, telekommunikasie) moet ondergronds wees, tot die bevrediging van die Raad.
- p) Voldoen word aan die gesondheidsvereistes wat van tyd tot tyd deur die Raad neergelê mag word.
- q) Die eienaar verantwoordelik is vir die werklike kostes verbonde aan water- en rioolaansluitings, asook vullisverwydering.
- r) Enige skade wat veroorsaak word gedurende die aanbring van 'n elektriese aansluiting moet tot die Raad se tevredenheid herstel word.
- s) Die toepaslike infrastruktuurbydraes, wat jaarliks eskaleer, ooreenkomstig die tariefvasstelling aan die Raad betaalbaar is, waar van toepassing.

Elektries- en Meganiiese Dienste

- t) Alle kostes van enige veranderings sal vir die eienaar se rekening wees.

Stormwater en Water Afdeling

- u) Storting van afvalwater moet in die naaste stormwater sisteem gesit word en sal moet voldoen tot die bevrediging van die Direkteur: Siviele Ingenieurdienste.

Oorlas Aktiwiteite

- v) Geen aktiwiteit wat 'n openbare oorlas tot gevolg kan hê uitgeoefen mag word nie.
- w) Geen geraas plaas vind wat 'n steurnis vir omliggende grondeienaars mag wees nie.

Ander Departemente en Instellings

- x) Voldoen word aan die voorwaardes vir die toekenning van 'n Telkom "wayleave". Enige elektriese werk aan Telkom pale of oorhoofse kables moet aan die vereistes van Artikel 88 van die Wet op Poskantore, Wet 44 van 1985 voldoen en die "Code of Practice for Overhead Lines in South Africa", waar van toepassing.

- y) Die ontwikkelaar is aanspreeklik vir koste van die eksterne opgradering van die elektriese infrastruktuur om elektrisiteit aan die ontwikkeling te voorsien, indien nodig
- z) Voldoen word aan die gesondheidsvereistes wat van tyd tot tyd deur die Raad neergelê mag word.

BESTUURSAANBEVELING

- (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).

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

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

UBK BESLUIT BK111/2015: 23 JUNIE 2015

Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESLUIT 160/2015

Dat die Bestuursaanbeveling (uitgesluit (iv) hierbo) as besluit van die Raad aanvaar word.

12. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**

12.1 **SPECIAL ADJUSTMENTS BUDGET IN RESPECT OF THE 2014/15 FINANCIAL YEAR**

The Director: Finance reports as follows:

"In terms of section 28 of the MFMA and guidelines received from National Treasury the municipality is allowed to revise its approved annual budget through an adjustments budget based on the following criteria:

- Must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;

- May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
- May within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the mayor of the municipality; may authorize the utilization of projected savings in one vote towards spending under another vote;
- May authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
- May correct any errors in the annual budget; and
- May provide for any other expenditure within a prescribed framework.

However section 23(2) of the Municipal Budget & Reporting Regulations prescribe that only one adjustment budget be tabled in council during a financial year except when additional revenues become available from National / Provincial governments and / or unforeseeable and avoidable expenditure has been incurred.

Circular 68 provides clarity on the procedures to be followed when dealing with unauthorized, irregular or fruitless and wasteful expenditure as defined in section 1 of the MFMA. The circular further provides guideline information on what process to follow when council may authorize unauthorized expenditure in an adjustment budget. An adjustment budget can be addressed in the following three different adjustments budgets:

- **Adjustments budget for unforeseen and unavoidable expenditure:** It allows council to provide *ex post* authorization for unforeseen and unavoidable expenditure that was authorized by the Executive Mayor in terms of section 29 of the MFMA and which must be tabled in council at the “first available opportunity” or within 60 days after the expenditure was incurred.
- **Main adjustments budget:** In terms of regulation 23(6)(a) of the Municipal Budget and Reporting Regulations a council may authorize unauthorized expenditure in the adjustments budget occurred in the first half budget which may be tabled in council for approval at any time after the mid-year budget and performance assessment but not later than 28 February of the current year.
- **Special adjustments budget to authorize unauthorized expenditure:** In terms of regulation 23(6)(b) of the Municipal Budget and Reporting Regulations, council may authorize unauthorized expenditure in a special adjustments budget which only deals with unauthorized expenditure from the previous financial year such as:
 - Unauthorized expenditure that occurred in the first half of the previous financial year that was not included in the main adjustments budget;
 - Unauthorized expenditure that occurred in the second half of the previous financial year; and
 - Any unauthorized expenditure identified by the Auditor-General during the annual audit process.

In order to avoid any unauthorized expenditure as prescribed in terms of section 15 of the MFMA it is suggested that council considers the special adjustment budget based on allocations received from the provincial Department of Cooperative Governance, Human Settlements & Traditional Affairs for the redesign of organizational structure as well as other unforeseeable expenditure incurred and / or approved after finalization of the mid-year financial and performance assessment when the main adjustments budget was approved by council during February 2014. The second adjustment budget is attached as **Annexure** for council's consideration and approval.

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

RECOMMENDATION

- (i) Council considers the approval of the special adjustment budget as per recommended resolution tabled.
- (ii) Council resolves that the special adjustment budget of Cape Agulhas Municipality for the financial year 2014/2015, and indicative for the projected outer years 2015/2016 and 2016/2017 be approved as set out in the following schedules:
 - 1. Adjustment Budget Summary – Table B1;
 - 2. Budgeted Financial Performance (Revenue and Expenditure by standard Classification) –Table B2;
 - 3. Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - B – Table B2;
 - 4. Budgeted Financial Performance (revenue and expenditure by municipal vote) Table B3;
 - 5. Budgeted Financial Performance (revenue and expenditure by municipal vote) – B -Table B3;
 - 6. Budgeted Financial Performance (revenue and expenditure) – Table B4;
 - 7. Budgeted Capital Expenditure by vote and funding – Table B5;
 - 8. Budgeted Financial Position – Table B6;
 - 9. Budgeted Cash Flows Table B7;
 - 10. Cash backed reserves/accumulated surplus reconciliation – Table B8;
 - 11. Asset Management – Table B9; and
 - 12. Basic service delivery measurement table B10
- (iii) Council resolves that the other related SA supporting documentation to the approved budget be updated according to the adjustments made.
- (iv) Council resolves that a hard and electronic copy of the complete special adjustment budget be submitted to National- and Provincial Treasury respectively for information.
- (v) Council also approves the unforeseen capital expenditure for the purchase of the IT Server to the estimated amount of R182,000 for inclusion and updating of the special adjustments budget submitted

RESOLUTION 161/2015

That Management recommendation be accepted as a resolution of Council.

12.2 **CONSIDERATION AND APPROVAL OF THE CAPE AGULHAS MUNICIPALITY'S LONG TERM FINANCIAL PLAN**

PURPOSE OF REPORT

For council to consider the approval of the Long Term Financial Plan as prescribe in terms of section 26(h) of the Municipal Systems Act, 32 of 2000.

BACKGROUND

The purpose of the long term financial plan is to ensure that all long-term financial planning is based on a structured and consistent methodology thereby ensuring long-term financial affordability and sustainability.

Furthermore the long term financial plan is based on the following primarily principles:

- Future financial sustainability;
- Optimal collection of revenue, taking into consideration the socio economic environment;
- Optimal utilisation of grant funding;
- Continuous improvement and expansion in service delivery framework, and
- Prudent financial strategies with reference to future revenue, operational expenditure and demand for capital expenditure.

INCA Portfolio Managers was appointed to assist the municipality with the preparation of a long term financial plan and the outcome of this assignment is to make a contribution towards the 10 year long term financial plan of the Cape Agulhas Municipality. It is not "The Plan" but informs the plan the municipality has to prepare and adopt. This plan does not aim to present an accurate detail financial forecast of the future but should rather be seen as a "broad brush" picture of potential future scenarios. The long term financial plan is attached as Annexure for council's consideration

An independent Financial Assessment of the Cape Agulhas Municipality was prepared by INCA Portfolio Managers and updated with the latest financial information as at 30 June 2014 which amongst others includes a summary of the information on demography, economy and household infrastructure of the municipality.

The report also includes an updated conclusion which was done after the financial assessment and proposal that the municipality considers adopting specific recommendations made by Inca Portfolio Managers as a way forward.

It is therefore suggested that a strategy been developed based on the recommendations made by INCA Portfolio Managers for implementation by the responsible staff as part of their key performance measures and that the Municipal Manager oversees this cross cutting "Project".

LEGAL IMPLICATION

Non-compliance if not adhere to legislative prescripts as stipulated in the Municipal System Act, 32 Of 2000.

FINANCIAL IMPLICATION

Financial implication uncertain as it will be informed based on the proposed strategy to be developed.

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

RECOMMENDATION

- (i) Council considers adoption of the Long Term Financial Plan and Policies attached as an **Annexure** Cape Agulhas Municipality; and
- (ii) Subject to recommendation 1 Council resolves that a strategy been developed based on the recommendations made by INCA Portfolio Managers in the Long Term Financial Plan for final adoption and approval by Council.

RESOLUTION 162/2015

- (i) That Management recommendation be accepted as a resolution of Council.
- (ii) That a workshop be held during August 2015 in order to develop a strategy for approval by council.

12.3 SPECIAL POWER OF ATTORNEY: A V DAWSON & CO**PURPOSE OR REPORT**

To obtain Council approval to appoint A V Dawson & Co. as the attorney firm substituting Blignaut-Lolwane.

BACKGROUND

Council appointed the attorney firm Blignaut-Lolwane to represent council in the matter between Cape Agulhas Municipality and Verreweide Eiendomsontwikkeling Beperk.

Due to the untimely death of Ms Glynnis Blignaut-Lolwane who was the attorney in the above matter and the fact that the matter has not been finalised, council needs to appoint another attorney.

Mr Dawson of A V Dawson & Co. has assisted Ms Blignaut-Lolwane on the matter previously and thus has intimate knowledge thereof according to Mr Lolwane of Blignaut-Lolwane. As Heads of Argument were to be filed on 15 June 2015 already, preliminary permission was granted by both the Executive Mayor and the Speaker to appoint A V Dawson & Co. on 12 June 2015. However, as the current system of delegations of Council is currently silent on the issue, it is considered prudent that council ratifies the permission granted by means of a resolution.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the appointment of the attorney firm A V Dawson & Co. to represent council in the matter between Cape Agulhas Municipality and Verreweide Eiendomsontwikkeling Beperk (in liquidation) in order to complete the pending litigation matters.
- (ii) That the Municipal Manager be authorised to sign the special power of attorney required in this regard.
- (iii) That Council delegates the power to appoint legal representatives in litigation matters to the Executive Mayor in consultation with the Municipal Manager.

RESOLUTION 163/2015

That Management recommendation be accepted as a resolution of Council.

12.4 LIQUIDATION AND DISESTABLISHMENT OF THE SOUTHERNMOST DEVELOPMENT AGENCY (PTY) LTD**PURPOSE OF REPORT**

For council to consider the finalization in respect of the disestablishment and deregistration of the Southernmost Development Agency by approving any assets / liabilities still to be written – off in order to close down the financial records accordingly.

BACKGROUND

During May 2013 an item was submitted to council by the Board of Directors of the Southernmost Development Agency (Pty) Ltd to consider recommendations and discuss the future of the agency as an entity of the Cape Agulhas Municipality after the agency-related cost for the municipality became known.

The council at the meeting held on 28 May 2013 per council resolution 142/2013 resolved to liquidate and disestablish the Southernmost Development Agency (Pty) Ltd in accordance with section 109(c) of the Municipal Financial Management (MFMA) Act, Act 56 of 2003 and to dispose of the private company, subject to the MFMA and in terms of Section 86G of the Local Government: Municipal Systems Act, Act 32 of 2000.

All processes have been follow as per legislative required and assets been disposed / transferred to Kannaland Municipality with the exception of the following items for consideration and approval to be written-off as reflecting on the annual financial statements dated 30 June 2014:

- Shares Capital : R 100,00
- Contribution from Owners : R398 298,00
- Assets: (x2) Chairs : R 1 528,74

Attached as **Annexure "A"** a copy of an extract from the audited financial statements and information form the Mnager: Internal Audit relating to the dispose / transfer of assets.

LEGAL IMPLICATION

To finalise deregistration according to applicable legislation.

FINANCIAL IMPLICATION

Financial implication in respect of the amount total requested for consideration reflects at R399 926,74.

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

RECOMMENDATION

Council considers approval to write-off the following amounts in order to finalise the process of disestablishment and deregistration in respect of the Southernmost Development Agency (Pty) Ltd:

- Shares Capital : R 100,00
- Contribution from Owners : R398 298,00
- Assets: (x2) Chairs : R 1 528,74

RESOLUTION 164 /2015

That Management recommendation be accepted as a resolution of Council.

21.5 **NERSA SE GOEDKEURING VAN ELEKTIRISITEIT TARIEWE INSAKE DIE 2015/16 BEGROTING JAAR (DFD)**

Die doel van die verslag is om NERSA se goedkeurde tariewe vir die lewering van elektrisiteits dienste in die Kaap Agulhas Munisipale gebied, met betrekking tot die 2015/16 begroting jaar, te oorweeg vir goedkeuring in terme van Nasionale Tesourie se riglyne met omsendskrywe 74 & 75 asook ander toepaslike wetgewing in die verband.

Na aanleiding van die Raad se aansoek aan NERSA vir goedkeuring van jaarlikse tarief verhoging in elektrisiteit's tariewe vir die periode 1 Julie 2015 tot Junie 2016, is terugvoering eers op 26 Junie 2015 vanaf NERSA ontvang nadat die finale begroting en tariewe vir die 2015/16 begroting vir die Kaap Agulhas Munsipaliteit op 26 Mei 2015 deur die Raad goedgekeur is.

Derhalwe is dit noodsaaklik dat enige afwyking in terme van die reeds goedgekeurde elektrisiteit's tariewe deur die Raad aangepas en in lyn gebring moet word met die elektrisiteits tariewe soos vasgestel deur NERSA. 'n Afskrif van die raad se goedgekeurde tariewe vir elektrisiteit *versus* die van NERSA is aangeheg vir oorweging en wysiging.

Die beskikbaarheid heffing vir landbou doeleindes het buitensporig baie vermeerder vergeleke met die vorige finansiële jaar en is tans in gesprekvoering met NERSA ten einde die moontlike oorsig en fout reg te stel.

Die finansiële implikasie met betrekking tot die gewysigde tariewe sal 'n geraamde vermindering aan inkomste van R768,386.00 vir die raad teweegbring ten opsigte van die 2015/16 begroting jaar. Die tekort aan inkomste sal deeglik gemonitor moet word vir regstelling gedurende die aansuiwerings begroting in Desember 2015.

The Munisipale Bestuurder, in konsultasie met die Direkteur Finansies, beveel as volg aan:

BESTUURSAANBEVELING

- (i) Dat die Raad die goedgekeurde elektrisiteits tariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2015 tot Junie 2016;
- (ii) Dat die Raad die moontlike oorsig en fout met betrekking tot die beskikbaarheid heffing vir Landou doeleindes uitklaar met NERSA; en
- (iii) Dat die Raad verder goedkeuring verleen dat Bylaag "A" – Dienste Tariewe (2015/16), paragraaf 4.9 (Gelde vir die verskaffing van elektrisiteit) gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

BESLUIT 165/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

21.6 **REKENING: AANVULLENDE WAARDASIE VIR 2012/2013 - DE KOCK LLOYD EIENDOMSWAARDEERDERS (DFD)**

DOEL VAN VERSLAG

Om die lank uitstaande rekening ten opsigte van De Kock Lloyd Eiendoms waardeerders aan die Raad voor te lê vir oorweging en goedkeuring.

AGTERGROND

'n Item (261/2014) is gedurende Desember 2014 aan die Raad voorgelê waarin die die bogenoemde waarder versoek dat 'n uitstaande bedrag vir die lewering van die 4de Aanvullende Waardasie deur die Raad oorweeg moet word vir finalisering en betaling aangesien die aangeleentheid nie afgehandel word weens 'n despuut met die vorige Hoof Finansiële Beamppte (die skrywe is aangeheg as aanhangsel vir die Raad se kennisname).

Die Raad het versoek dat duidelikheid verkry moet word rondom die nie–implementering van die Aanvullende Waardasie alvorens 'n besluit geneem word. Volgens beskikbare inligting was die Aanvullende Waardasie Rol wel in terme van die kontraktuele verpligting gelewer en voorgelê vir implementering maar te laat vir implementering in die genoemde finansiële jaar.

Geen skriftelike bewyse is beskikbaar van wanneer die rol gelewer moes word en is die aanvullende waardasies eers bygewerk vir implementering as deel van die nuwe waardasie rol wat in werking getree het Julie 2013 en waarvoor steeds geen betaling gedoen was ten opsigte van die werk reeds gelewer.

Die aanvanklike bedrag vir die lewering van die werk is R436 295,10 maar is die waardeerder bereid soos aangedui om die bedrag te verlaag na R330 885,00 om die kostes te dek vir dienste reeds gelewer.

The Munisipale Bestuurder, in konsultasie met die Direkteur Finansies, beveel as volg aan:

BESTUURSAANBEVELING

Dat die Raad oorweging skenk om die uitstaande rekening ten bedrae van R330 885,00 van De Kock Lloyd Eiendomsvalueerders vir werk gelewer insake die 4de Aanvullende Waardasie Rol goed te keur.

BESLUIT 166/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

21.7 **SPENDING ON OVERTIME FOR THE 2014/2015 FINANCIAL YEAR (DFS)**

PURPOSE OF THE REPORT

To report to Council on the spending on overtime for the 2014/15 financial year as requested by the Executive Mayor.

BACKGROUND

The report came to being as a result of a concern from the Executive Mayor that there might be an over spending on overtime in the municipality. The matter was further discussed in the management meeting when the Municipal Manager instructed that a comprehensive report of all departments should be tabled as soon as possible in the Council meeting.

The information received from our Financial Services Department clearly reveals that both Finance and Corporate Services have either no budget or where there is a budget for overtime, the spending is within the budgeted amounts with no over spending. The evidence can be found on the accompanying documents.

The department of the municipality that spends regularly on overtime is the Technical Services. The following information is their clear justification on why they should spend more overtime hours:

Soos versoek word hiermee verslag gedoen rakende die spandering op oortyd in die water- en riooldepartement vir die boekjaar 2014/15.

Behalwe vir enkele gevalle waar kleppe gedurende die nag vervang is, word alle oortyd reaktief gedoen. Dit is dus feitlik onmoontlik om vooraf presies te bepaal wat die koste van oortyd vir 'n jaar sal wees.

Oortyd word spandeer aan die volgende:

- Riolverstoppings
- Waterpypbreke
- Herstel van lekkasies
- Suig van riooltenks
- Soms word stoele ens. aangery vir funksies
- Monitering van boorgate en reservoirvlakke
- Monitering van rioolsuiweringswerkes – Saterdag en Sondag
- Lewer van dienste tydens beurtkrag

Alle klagtes word wel op IGNITE ingevoer, maar kan die aantal gevalle wat na-ure hanteer word nie van IGNITE verkry word nie. Die maandelikse spandering aan oortyd kan gesien word op die aanhangsel.

Oortydvorms word deur die persoon wat die oortyd gewerk het, die superintendent sowel as die bestuurder onderteken voordat dit by die salariskantoor ingedien word. Van tyd tot tyd word oortyd nagegaan deur gebruik te mak van bv. die voertuigmoniteringstelsel en bv. die tye wanneer klagtes aangemeld is en wanneer dit uitgevoer is.

Die spandering van oortyd vir die boekjare 2013/14 en 2014/15 is as volg:

Jaar	Water	Riool
2013/14	R711 837,64	R561 654,15
2014/15	R744 492,07	R543 470,31 (11 maande)

Die huidige jaar se oortyd is meer en kan toegeskryf word aan die normale salarisverhogings. Oortyd word teen 'n verhoogde tarief bereken. Die spandering is egter in lyn met die 2013/14 boekjaar en is ek derhalwe van mening dat die oortyd vir 2014/15 bloot onderbegroot is.

In sekere gevalle bv. die suig van riooltenks na-ure, is die inkomste uit die diens wat gelewer is ook hoër en moet ook ge-analiseer word.

Noodsaaklike oortyd wat gewerk word:

Watersuiwering : Sondaie 1 skof
 Vakansiedae : 2 skofte
 Ander : Tydens verlof of siekverlof
 Skofte is normaalweg 8 ure

Reinigingsdienste:

Weens nuwe behuisingsprojekte en personeel op ligte diens word daar 'n te kort aan personeel ondervind. Die poste van die personeel opligte diens kan egter nie gevul word alvorens die poste nie vacant is nie. Onwettige storting het ook 'n groot las op die afdeling geplaas.

Weekliks gebeur dit dat personeel oortyd moet werk om dienslewering effektief uit te voer.

Die volgende geskeduleerde oortyd vind weekliks plaas:

Stringsterreine : 4 persone = 09h00 tot 17h00 (Saterdag en vakansie dae)
 Bredasdorp sakekern : 3 persone = Saterdag 08h00 tot 16h00
 Vakansie seisoen : 8 persone = Saterdag 08h00 tot 17h00
 Vakansiedae : 16 persone = 08h00 tot 13h00

Na ure opruim van oopruimtes:

Die funksie kan slegs na ure plaasvind omdat die afdeling afhanklik is van voertuie vanaf ander Afdelings. Dit vind plaas elke 2de week vanaf 17h00 tot 20h00, 3 dae per week.

FINANCIAL IMPLICATIONS

All overtime is mostly done reactively in our Technical Services department and the IT Division. It is factually impossible to determine in advance what the costs of overtime would be in a particular year.

MANAGEMENT RECOMMENDATION

- (i) That stricter controls and management of overtime be put in place.
- (ii) That approval to work overtime be granted before any actual work is undertaken.
- (iii) That alternative incentives to work overtime rather than payment be investigated in the immediate future.

RESOLUTION 167/2015

That 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, Bdorpe 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
261/2014	Rekening: 4 ^{de} Aanvullende Waardasie vir 2012/2013 : De Kock Lloyd	Volledige verslag rondom die aangeleentheid aan die Raad voorgelê word vir oorweging.	<i>Verslag gedien by raadsvergadering gehou op 30 Junie 2015. Saak is afgehandel</i>	DFD
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
63/2015	Beskikbaarheid van publieke ablusiegeriewe in Struisbaai (7/R)	(i) Gemeenskapsdienste dringend a item aan die Raad voorlê om aangeleentheid te finaliseer. (ii) Raad in 2015/2016 voorsiening maak vir vervanging van ablusiegeriewe soos reeds besluit in 2013.		BSSB
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.		BSSB
73/2015	Vervreemding: Erwe 111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337 en 1338, Napier	Voordat vervreemding plaasvind, die Direkteur: Tegnieiese Dienste 'n volledige verslag met finansiële implikasies aan die Raad voorlê t.o.v. installering van munisipale dienste.	<i>Water en elektrisiteit is beskikbaar vir aansluiting. Riooltenke sal opgerig moet word. Besluit 133/2015: "Dat 'n volledige verslag aangaande Raadsbesluit 73/2015 weer aan die Raad voorgelê word, met kosteberamings."</i>	BSSB
75/2015	Vervreemding: Erf 5476, Bredasdorp (mnr Olivier) (7/R)	Terug verwys word vir verdere ondersoek.	<i>Dat die kwessie oor die verskuiving van die ankerpaal verder ondersoek word.</i>	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.

BEKRAGTIG op hierdie dag van 2015

BESLUIT 168/2015

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

SPEAKER

DATUM:

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