



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 14:00 OP DINSDAG  
31 MAART 2015 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING ON TUESDAY, 31 MARCH 2015 AT 14:00  
IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

**RAADSLEDE**

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 (sluit om 14:09 by die vergadering aan)
Mnr D Burger	Raadslid
Mnr A Coetzee	Raadsheer
Mnr W October	Raadslid
Mnr J Nieuwoudt	Raadsheer

**AMPTENARE**

Mnr D O'Neill	Munisipale Bestuurder
Mnr S Ngwevu	Direkteur: Korporatiewe Dienste
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr P Everson	Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur
Mnr G M Moelich	Bestuurder: Admin Ondersteuning

1. **OPENING**

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

2. **AANSOEKE OM VERLOF TOT AFWESIGHEID**

Geen.

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

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

3.1.1 5 Februarie 2015

*(Bogenoemde Notule word ingebind in meegaande Notule dokument.)*

**BESLUIT 39/2015**

Die Notule word as korrek en volledig bekragtig.

3.2 **NOTULE VAN SPESIALE RAADSVERGADERING GEHOU OP:**

3.1.1 12 Februarie 2015

3.1.2 12 Maart 2015

*(Bogenoemde Notules word ingebind in meegaande Notule dokument.)*

**BESLUIT 40/2015**

Die Notules word as korrek en volledig bekragtig.

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 5 Februarie 2015

*(Bogenoemde Notule word ingebind in meegaande Notule dokument.)*

**BESLUIT 41/2015**

Die Raad neem kennis van bogenoemde UBK Notules.

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

5.1 **WYKSKOMITEE VERGADERINGS GEHOU OP:**

- WYK 1 : 27 Januarie 2015 en 24 Februarie 2015
- WYK 2 : 26 Januarie 2015 en 25 Februarie 2015
- WYK 3 : 27 Januarie 2015 en 23 Februarie 2015
- WYK 4 : 28 Januarie 2015 en 24 Februarie 2015
- WYK 5 : 21 Januarie 2015 en 25 Februarie 2015

*(Bogenoemde Notules word ingebind in meegaande Notule dokument.)*

**BESLUIT 42/2015**

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

5.2 **ICT KOMITEE VERGADERING GEHOU OP:**

16 Maart 2015

*(Bogenoemde Notule word ingebind in meegaande Notule dokument.)*

**BESLUIT 43/2015**

Die Raad neem kennis van bogenoemde ICT Komitee Notule.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

7.1 **BRIEWE VAN DANK** Skrywes aangeheg op bladsy 1 en 2.

7.2 **FUNKSIES VIR DIE MAAND** Geen.

7.3 **AANWYS VAN AFGEVAARDIGDES** Geen.

7.4 **ALGEMEEN**

Die Speaker lig die Raad in oor die siekte toestand van me Charlene Marthinus werksaam in die Masakhane afdeling.

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

Geen.

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

9.1 **Mnr van Zyl van die IT Afdeling: Municipal Corporate Governance of Information and Communication Technology Policy (aangeheg op bladsy 3 tot 15)**

Mnr van Zyl lig die Raad in oor die nuwe beleid ten opsigte van inligting en kommunikasie vereistes. Hy verwys na die intergriteit van data, prosesse wat reeds in plek gestel is, standaardisering van die IT Beleid, die verantwoordelikhede van die Raad, Munisipale Bestuurder en ICT Steering Committee. Hy wys die pad vorentoe aan deur die fases van implementering.

**BESLUIT 44/2015**

Dat die Raad kennis neem van bogenoemde aangeleentheid.

9.2 **Elim Tehuis: Uitreik Program**

Me Cunningham en Jo-Anne Swart spreek die Raad toe oor die uityrk program van die tehuis waar 'n maatskappij se daagse sorg sentrum in Bredasdorp gevestig sal word. Hierdie fasiliteit sal voorsiening maak vir 8 kinders by Liefdesnessie.

**BESLUIT 45/2015**

Dat 'n volledige verslag en versoek deur die Direkteur: Gemeenskapdienste aan die Raad voorgelê word.

10. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING****Bladsy: Agenda**

10.1	<b><u>MUNISIPALE BESTUURDER</u></b>	6
10.1.1	Restructuring Of Section 79 And 80 Committees	6 - 8
10.1.2	Strategiese Aksieplan 2014: Vordering Soos Op 31 Maart 2015	8 - 9
10.1.3	Strategiese- En Operasionele Risiko Aksieplan Vordering - Maart 2015	9
10.2	<b><u>GEMEENSKAPSDIENSTE</u></b>	10
10.2.1	Human Settlement Pipeline: Cape Agulhas Municipal Area	10 - 11
10.3	<b><u>KORPORATIEWE DIENSTE</u></b>	11
10.3.1	Verhuring van Raadseiendom aan amptenare	11 - 12
10.3.2	Terugvoer: AJV - "Kaapse Aftreefonds Vir Plaaslike Regering"	12 - 13
10.3.3	Vervreemding (koop): Erf 1893, Bredasdorp	13 - 16
10.3.4	Vervreemding (Huur/Koop): Erf 94, Napier	16 - 19
10.3.5	Verhuring: Munisipale grond vir gemeenskaps-ontwikkelingsaktiwiteit (me Rossouw)	19 - 21
10.3.6	Verhuring: Munisipale grond vir gemeenskaps-ontwikkelingsaktiwiteit (mnr Alexander)	21 - 24
10.3.7	Verhuring: Erwe 852, 857 en 854, Struisbaai Vir Gemeenskaps-ontwikkelingsaktiwiteit	24 - 27
10.3.8	Verhuring: Munisipale grond vir gemeenskaps-ontwikkelingsaktiwiteit	27 - 30
10.3.9	Vervreemding (koop): Ged erf 368, Arniston/Waenhuiskrans	30 - 32
10.3.10	Verhuring: Munisipale grond vir landbou doeleindes (Protem Kleinboere)	33 - 35
10.3.11	Aansoek: Tydelike Mobiele Huisvesting, Bredasdorp	35 - 39
10.3.12	Oorweging om Verordening rakende drank handelsure te wysig	39 - 43
10.3.13	Heroorweging: Vervreemding Erwe 5084, 5522 en 5544, Bredasdorp vir godsdienstige doeleindes	43 - 46
10.3.14	Beskikbaarheid van publieke ablusiegeriewe in Struisbaai	47 - 52
10.3.15	Red Tape Reduction Case Study (1)	52 - 55
10.3.16	Red Tape Reduction Case Study (2)	55 - 58
10.3.17	Addisionele institusionele erwe aan godsdienstige genootskappe	58 - 60
10.3.18	Aansoek: Munisipale grond vir gemeenskapsontwikkeling: Erf 1257, Struisbaai: Suidpunt Vis En Varsprodukte Co-Op, Struisbaai	60 - 62
10.3.19	Wysiging - Hersonering Goedkeuringsvoorwaardes: Erf 253, Struisbaai	62 - 66
10.3.20	Herroep Raadsbesluit: Verhuring ged meentgrond te Napier: Vierfontein Boerdery (Namens Napier Farming Enterprise)	66 - 68
10.3.21	Market Analysis: Retirement Village, Bredasdorp	68 - 71
10.3.22	Tussenberge Boerdery Gemeenskapsprojek: Aanplant Van Proteaceae	71 - 74
10.3.23	Nuwe Geïntegreerde Sonerinskema Kaarte	74 - 77
10.3.24	Vervreemding (Huur) Van Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337 En 1338, Napier Vir Landbou Doeleindes	77 - 80

	<u>Bladsy: Agenda</u>
10.3.25 Vervreemding gdeelte erf 214, Waenhuiskrans vir besigheidsdoeleindes	81 - 83
10.3.26 Vervreemding (Koop/Huur): Erf 5476, Bredasdorp	83 - 85
10.3.27 Vervreemding gedeelte erf 120, Waenhuiskrans / Arniston	85 - 88
10.3.28 Verhuring: Munisipale grond vir Gemeenskaps-ontwikkeling aktiwiteite	88 - 91
10.4 <b><u>FINANSIËLE DIENSTE</u></b>	<b>91</b>
10.4.1 Verslag - Voorsieningskanaalbestuur: Maande 31 Jan 2015 en 28 Feb 2015	91 - 92
10.4.2 Invordering van agterstallige skulde	92 - 94
10.4.3 Oudit Aksieplan 2013/14 (OPCAR): Maandelikse Voring - Jan tot Mrt 2015	94 - 95
10.4.4 Finansiële ondersteuning: De Hoop Barbarians Rugby Klub, Sea Hawks Rugby Klub, Bredasdorp Hoërskool en Mispah Skool	95
<b>11. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER</b>	<b>95</b>
11.1 Determination of upper limits of salaries, allowances and benefits of different members of municipal councils	95 - 97
11.2 Aansoek om finansiële ondersteuning: Bdorp Skeepswrak Museum	98
<b>12. ITEMS DEUR DIE UBK NA DIE RAAD VERWYS VIR OORWEGING</b>	
12.1 Rezoning: Erf 599, Waenhuiskrans	99 - 115
<b>13. OORWEGING VAN KENNISGEWING VAN MOSIES</b>	
Geen.	
<b>14. OORWEGING VAN KENNISGEWING VAN VRAE</b>	
Geen.	
<b>15. OORWEGING VAN DRINGENDE MOSIES</b>	
Geen.	
<b>16. VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBSLUIITE</b>	<b>116</b>
<b>17. IN-KOMITEE VERSLAE:</b> Die In-Komitee agenda word as 'n aparte dokument gemerk "In-Komitee" versprei.	
<b>18. SLUITING</b>	

## 10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

### 10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

#### 10.1.1 RESTRUCTURING OF SECTION 79 AND 80 COMMITTEES (MM)

##### PURPOSE OF REPORT

To table a status report on the committee systems adopted by council and the executive mayor and to make recommendations in order to regularise these committees in terms of the applicable legislation.

##### BACKGROUND

On 29 June 2011, Council approved the establishment of the following committees in terms of section 79 and 80 of the Local Government: Municipal Structures Act, 117 of 1998 (Structures Act):

1. Training and Development Committee
2. Local Labour Forum
3. Employment Equity Committee
4. Oversight Committee
5. Masakhane Working Group
6. Housing Committee
7. Communication Committee
8. Local Economic Development Committee
9. Public Works Committee
10. Community Services Committee, and
11. Finance Committee

The Oversight Committee was later restructured to allow for the statutory requirement for Council's to appoint a Municipal Public Accounts Committee (MPAC). The MPAC is by its establishment a Section 79 committee that council appoints and reports to the chairperson of Council who is the Speaker. It was established by council resolution on 28 September 2011 and restructured and effectively replaced the Oversight Committee, by council resolution on 26 February 2013.

##### INVESTIGATION

The effect of the above decisions by council was that effectively eleven committees were established. With council only having nine councillors and with a minimum of three councillors per committee it goes without saying that in effect it meant that any one councillor is represented on between four to six committees at any time. Council also did not resolve on which committees are section 79 and which are section 80 committees except for the MPAC. It is the view of the author that this myriad of committees are not necessary and does not add any value to the effective and efficient operation of council as a whole.

However, it seems that in practice the committees of Public Works, Community Services and Finance, are treated as section 80 committees that reports to the Executive Mayor. This practice however is also not in line with the legislation guiding the establishment of these committees. Section 80 of the Structures Act is clear that the Executive Mayor appoints the members and that the chairpersons must be members of the Executive Mayoral Committee (MayCo). In this case council appointed them, but also, there are only two members of the MayCo. In this case council appointed them, but also, there are only two members of the MayCo, who is the Deputy Mayor and Cllr Mokotwana. The Mayor is not a member as he is by means of his election as mayor the chairperson of the MayCo.

Currently the chairpersons of the abovementioned committees are the Deputy Mayor, The Mayor and the Speaker respectively and this arrangement of chairpersons is in fact irregular as it does not conform to the requirements of section 80. These committees are not committees of council and reports to the Mayor which in effect means that the Mayor is the oversight authority for them. Good governance practice can thus not be achieved as the Mayor in this case, reports to himself as chairperson of the Community Services Committee, and the Speaker, who is chairperson of council, reports to the Mayor as chairperson of the Finance Committee. The Speaker cannot be a member of MayCo and thus cannot, in terms of section 80(2) be a chairperson of said committees. The same section dictates that the number of committees is limited to the number of members so there can only be two committees established in terms of section 80 and the chairpersons can only be the Deputy Mayor and Cllr Mokotwana.

Further to this, the Mayor is responsible to provide general political guidance over the financial and fiscal affairs of the municipality, monitor and oversee the exercise of responsibilities assigned to the AO and CFO and ensure that reasonable steps are taken by the municipality to exercise its functions and powers within the approved budget and regularly report to council on the implementation of the budget and the financial state of affairs of the municipality (section 52 of the MFMA). Due to this legislative requirement it is a given that the Mayor, is politically responsible to council for the finances of the municipality, and thus the financial committee in effect should be the MayCo.

The current manner in which the MPAC is established is also problematic as it falls outside the guidelines that were issued by National Treasury and SALGA. The guidelines which were issued in terms of Section 129(4) of the MFMA and are thus deemed to be enforceable. As the overall function of the MPAC is to hold the executive (Speaker, Mayor and MayCo) to account and to ensure effective and efficient use of municipal resources, it goes without saying that the executive cannot be members of the MPAC. It is international good practice that those to be held accountable cannot exercise accountability over their own actions. Therefore the guidelines also dictate that the MPAC shall comprise of councillors, excluding any councillor who is serving as Executive Mayor, Deputy Executive Mayor, Speaker, Chief Whip, a member of the MayCo. Where the municipality has a sufficient number of councillors, councillors serving on the MPAC should preferably not serve on any other committees of council to minimise the possibility of conflict of interest.

In the case of CAM the chairperson is the Deputy Mayor and Cllr Mokotwana, who is a MayCo member is also a member of the MPAC, with Alderman A Coetzee, the other member. If one take the prescripts of the guidelines into account, it means that the MPAC in its current form is irregular.

**Section 79 of the Structures Act read as follow:**

***Establishment (1) A municipal council may-***

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;*
- (b) appoint the members of such a committee from among its members; and*
- (c) dissolve a committee at any time.*

***(2) The municipal council-***

- (a) must determine the functions of a committee;*
- (b) may delegate duties and powers to it in terms of section 32;*
- (c) must appoint the chairperson;*
- (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;*
- (e) may remove a member of a committee at any time; and*
- (f) may determine a committee's procedure.*

**Section 80 of the Structures Act read as follow:**

*Committees to assist executive committee or executive mayor -*

- (1) *If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.*
- (2) *Such committees may not in number exceed the number of members of the executive committee or mayoral committee.*
- (3) *The executive committee or executive mayor-*
  - (a) *appoints a chairperson for each committee from the executive committee or mayoral committee; (b) may delegate any powers and duties of the executive committee or executive mayor to the committee;*
  - (c) *is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and*
  - (d) *may vary or revoke any decision taken by a committee, subject to any vested rights.*
- (4) *Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.*

**MANAGEMENT RECOMMENDATION**

- (i) That the portfolio committees of MayCo, to be established in terms of section 80 of the Structures Act be the following:
  - Public Works Committee - Chairperson Alderman Dirk Jantjies
  - Corporate Services Committee - Cllr Raymond Mokotwana
- (ii) That the Executive Mayor must appoint the members and determine the functions of these two committees. The Finance Committee must be dissolved and the functions of the dissolved committee must be taken over by the full MayCo.
- (iii) That due to the small number of councillors and the practicality of ensuring effective and efficient operations council considers that the MPAC be the only section 79 committee of council. Council should however consider the re-establishment of the MPAC to ensure compliance with the regulations as Alderman Jantjies and Cllr Mokotwana cannot be members of MPAC.
- (iv) That council resolution 133/2011 be rescinded.

**BESLUIT 46/2015**

- (i) That the Management recommendation be accepted as a resolution of Council.
- (ii) Dat die Uitvoerende Burgemeester die volgende Raadslede op Artikel 80 komitees aanwys:
 

• Publieke Werke Komitee:	Raadslede Atyhosi en Burger
• Korporatiewe Dienste Komitee:	Raadslid Atyhosi en Raadsheer Nieuwoudt
- (iii) Dat MPAC die enigste Artikel 79 komitee sal wees, bestaande uit die volgende Raadslede: Raadsheer Coetzee (Voorsitter), Raadslid Atyhosi en Raadslid October.

**10.1.2 STRATEGIESE AKSIEPLAN 2014: VORDERING SOOS OP 31 MAART 2015 (MB)****DOEL VAN VERSLAG**

Om die vordering met die 2014 strategiese aksieplan soos op einde Maart 2015 aan die Raad voor te lê vir oorweging.



**AGTERGROND**

Die vordering met die aksieplan word op 'n maandelikse grondslag opgedateer en aan die Burgemeester voorgelê. Hierdie vorderingsverslag word ook aan die Raad voorgelê word vir oorweging en bespreking. Die aangehegte plan op bladsy 16 tot 18 dui die vordering gemaak tot en met die einde van Maart 2015.

**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIES**

Geen.

**BESTUURSAANBEVELING**

Dat die vorderingsverslag ten opsigte van die strategiese aksieplan vir 2014 soos op einde Maart 2015 deur die Raad oorweeg en aanvaar word.

**BESLUIT 47/2015**

Dat die vorderingsverslag ten opsigte van die strategiese aksieplan vir 2014 soos op einde Maart 2015 deur die Raad goedgekeur en aanvaar word.

**10.1.3 KAAP AGULHAS MUNISIPALITEIT STRATEGIESE- EN OPERASIONELE RISIKO AKSIEPLAN VORDERING - MAART 2015 (MB)****DOEL VAN VERSLAG**

Om die vordering met die strategiese- en operasionele risikoregister aksieplanne soos op einde Maart 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 19 tot 25 is die vordering soos op einde Maart 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 Maart 2015 oorweeg en aanvaar word.

**BESLUIT 48/2015**

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

## 10.2 GEMEENSKAPSDIENSTE / COMMUNITY SERVICES

### 10.2.1 HUMAN SETTLEMENT PIPELINE: CAPE AGULHAS MUNICIPAL AREA (DCS)

#### PURPOSE OF REPORT

For Council to give consideration for the approval of the Human Settlement Pipeline for 2015 - 2025.

#### BACKGROUND

The Western Cape Department of Human Settlements required municipalities to review and develop a second generation Human Settlement Pipeline which will extend the first generation pipeline to a **ten year** horizon.

A Professional Resource Team (PRT) was appointed by the Department of Human Settlement for the Overberg by WCDoHS to assist municipalities in drafting the comprehensive 10 year pipeline. The 10 year pipeline will then inform the Human Settlement Plan which is part of the IDP and will also assist in better planning for future housing projects.

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 Pipeline will also assist Council to be able to put together a multi-year planning for any housing projects in alignment with the current housing demand from its 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.*
- (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 2015 - 2025 Housing Pipeline.
- (ii) Housing Pipeline to form part of the Human Settlement Plan for future human settlement development planning for Cape Agulhas Municipality.

**RECOMMENDATION: COMMUNITY SERVICES COMMITTEE**

That Management's recommendation be accepted.

**RESOLUTION 49/2015**

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

**10.3 KORPORATIEWE DIENSTE / CORPORATE SERVICES****10.3.1 VERHURING VAN RAADSEIENDOM AAN AMPTENARE (SEKURITEITE - DKD)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die daarstelling van 'n beleid ten opsigte van Raadseiendom wat deur die Raad se amptenare gehuur word.

**AGTERGROND**

Die Raad besit verskeie Raadshuise/-wonings wat deur amptenare gehuur word. Sommige amptenare word aangeraai om in die huise te woon, aangesien dit baie naby aan hul werksplek is. Hierdie amptenare sluit hoofsaaklik in die huise wat naby aan die Raad se vakansieoorde staan, naamlik:

1. Erf 560, Hoofweg, Napier: Word bewoon deur mnr Apie Coetzee (hy het nog nie huur betaal nie, as gevolg van 'n ooreenkoms met die voormalige Napier Munisipaliteit).
2. Erf 1148, Suikerbossie Woonwapark, Bredasdorp: Word bewoon deur me Doreen Oncke.
3. Erf 80, Duikerstraat, Struisbaai: Word bewoon deur mnr Andre Strydom.
4. Erf 5002, Struisbaai-Noord Woonwapark: Word bewoon deur Pieter Thompson (opsigterswoning).
5. Erf 120, L'Agulhas Woonwapark: Word bewoon deur Sherwin Johannes (opsigterswoning).
6. Erf 601, Montgomerystraat, L'Agulhas (stoor): Word bewoon deur Eli Jefftha.
7. Huis in "Oukamp", Waenhuiskrans: Word bewoon deur Ivan Abrahams.

Daar was in die verlede 'n sekere persentasie van die amptenaar se salaris verhaal, wat dan gedien het as die maandelikse huur wat geld. Hierdie persentasie het gewissel tussen 6% - 8%.

Die MFMA aan die anderkant bepaal dat verhurings teen 'n markverwante koers moet geskied. Markverwante huur in veral die strandoorde is baie hoog en die amptenare kan dit nie altyd noodwendig bekostig nie. (So betaal me Doreen Oncke met ingang 1 Desember 2014 'n markverwante huur wat bykans 21% van haar maandelikse salaris is.)

**DIENSTEGELDE:** Die huurder is aanspreeklik vir alle dienstegelde. Die munisipale belasting sal deur die Raad betaal word.

**FINANSIËLE IMPLIKASIE**

Alle verhuringsgelde word inbetaal teen posnr 1/1053/9084, wat 'n verhoging aan inkomste beteken. Alle maandelikse huur sal deur die salariskantoor van die amptenare se salaris verhaal en oorbetal word.

**BESTUURSAANBEVELING**

- (i) Dat, sodra 'n Raadswoning beskikbaar word vir verhuring, aansoeke by die Munisipale Bestuurder ingedien word deur moontlike huurders, behalwe waar dit "opsigterswonings" is.
- (ii) Dat 'n markverwante huur deur Korporatiewe Dienste bepaal word.
- (iii) Dat bestaande kontrakte, behalwe waar die huidige huur reeds meer is, soos volg aangepas word om markverwante huur te betaal:

Vanaf	1 Julie 2015	80%	van markwaarde
	1 Julie 2016	90%	van markwaarde
	1 Julie 2017	100%	van markwaarde

- (iv) Dat hernude kontrakte met alle huurders deur die Direkteur: Korporatiewe Dienste gesluit word.
- (v) Dat, indien die Raad besluit om enige van die residensiële eiendomme te koop aan te bied, die huidige inwoners eerste die geleentheid gebied sal word om teen 'n markverwante prys die eiendom te bekom.
- (vi) Dat huurders self verantwoordelik sal wees vir alle munisipale dienste.
- (vii) Dat alle elektriesiteitsaansluitings in Raadswonings oorgeskakel word na "pre-paid".
- (viii) Dat die huidige huurders vooraf in kennis gestel sal word van die Raad se voorneme.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 50/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling [as besluit van die Raad](#) aanvaar word, met ingang van 1 Julie 2015.

**10.3.2 TERUGVOER: ALGEMENE JAARVERGADERING - "KAAPSE AFTREEFONDS VIR PLAASLIKE REGERING" (DKD)****DOEL VAN VERSLAG**

Om terugvoer aan die raad te gee oor die stand van sake soos uitgewys tydens die 18<sup>de</sup> Algemene Jaarvergadering van die "Cape Retirement Fund for Local Government".

**AGTERGROND**

Vir die Algemene Jaarvergadering van die fonds is mnre Ngwevu, Moelich en Henry Behr deur die lede aangewys om die vergadering op 13 Februarie 2015 in Bellville by te woon. Uit die vergadering is die volgende punte uitgewys:

- Die fonds se totale bates en reserwes op 30 Junie 2014 beloop R 17.2b.
- "The return on investment" was per portfolio; 24.55% (Growth Portfolio), 6.52 (Protection Portfolio) and 12.84% (Moderate Portfolio)
- The Pensioner Portfolio has earned returns of 12.37%
- Vir 18 jaar het die fonds 'n netto opbrengs van 15.06% per jaar gelewer (9.02% bo inflasie).
- Die fonds se lidmaatskap beloop 37 099 op 30 Junie 2014 (netto groei van 5%).
- Pensioenarislede neem af (866 - 2009, 840 - 2010, 784 - 2011, 780 - 2012, 742 - 2013, 725 - 2014).

- Die fonds was op 30 Junie 2014, 112.6% befonds.
- Fonds is ook oop vir raadslede na die Mei 2011 verkiesing. Raadslede se bedrae is 15%. (7.5% vanaf die werknemer, en 7.5% vanaf die werkgewer.)
- Daar is verskeie lede van ander fondse wat wil lid word van *Cape Retirement Fund* maar wetgewing verhoed hulle tans om te verander. Samesprekings met SALGA Bedingingsraad is steeds aan die gang.
- Die Fonds het weer 'n "Skoon Ouditverslag" vanaf die ouditeure "Erst & Young" ontvang.
- 5 nuwe trustees is verkies (2 Wes-Kaap, 2 Noord-Kaap, 1 Oos-Kaap).
- Volledige dokument is by die afgevaardigdes beskikbaar.

### **FINANSIËLE IMPLIKASIE**

Geen.

### **PERSONEEL IMPLIKASIE**

Geen.

### **BESTUURANBEVELING**

Dat die Raad kennis neem van die verslag en die stand van sake by die *Kaapse Aftreefonds vir Plaaslike Owerhede*.

### **BESLUIT 51/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

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

### **DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Andre Mouton van Amrichprop Real Estate Group (Pty) Ltd ten einde erf 1893, Bredasdorp te vervreem (koop) vir die vergroting van die Overberg Sentrum. Die liggingsplan is Bylaag A op bladsy 26.

### **ALGEMENE INLIGTING**

Bestaande sonering	:	Sakesone
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	8047m <sup>2</sup>
Voorgestelde grondbesluit	:	Sakesone
Munisipale Waardasie	:	R515 000,00

### **AGTERGROND**

Mnr Andre Mouton van Amrichprop Real Estate Group (Pty) Ltd se aansoek is aangeheg as Bylaag B op bladsy 27.

**Op 23 Februarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD 35/2015):**

- Die betrokke erf moet geadverteer word vir ontwikkelingsvoorstelle.*
- Waardasie moet aangevra word deur D Oncke by Kokkie Lloyd.*

**MARKWAARDASIE**

R800 000,00 (Sien Bylaag C op bladsy 29)

**DEPARTEMENTELE KOMMENTAAR**

Die volgende kommentare is ontvang:

**MUNISIPALE BESTUURDER SE KANTOOR**

You need to get a valuation of the land. This request will have to be treated as an unsolicited bid.

**DIREKTEUR: SIVIELE EN INGENIEURSDIENSTE**

Geen beswaar. Die ontwikkelaar sal verantwoordelik wees vir die opgradering van die infrastruktuur.

**Reiniging en Suiwering**

Vullisheffing soos in die begroting vervat sal van toepassing wees. Stoorplek van vullis moet maklik bereikbaar wees.

**Water en Riool**

'n 200mm Waterlyn loop oor die erf en sal herlê moet word, afhangend van die uitleg van die voorgestelde uitbreiding van die sentrum.

**Strate en Stormwater**

Dit is gesogte eiendom en sal deur 'n tenderproses verkoop/vervreem moet word sodat alle belangstellendes 'n kans gegun kan word.

**RAADSLEDE****Raadsheer Jantjies**

Rdh Jantjies se kommentaar is dat erf 1893 op openbare tender geplaas moet word.

**Speaker**

My kommentaar op erf 1893, Bredasdorp is gemik op die feit dat die Raad al vir jare beoog om 'n informele handelsarea vir die gemeenskap daar te stel. Iets wat ons orals in ander Munisipale gebiede sal vind. Ek het nie 'n probleem met die vervreemding van erf 1893 vir formele ontwikkeling nie, maar wil voorstel dat 'n gedeelte daarvan ontwikkel moet word vir dié doel. Dit kan óf deel vorm van die ontwikkelingsvereistes óf die Raad kan dit self laat ontwikkel uit die opbrengs van die vervreemding van erf 1893.

**Raadsheer J Nieuwoudt**

Ek het nie probleem met die aansoek nie, maar die normale proses moet gevolg word met vervreemding van eiendom.

**DIREKTEUR: KORPORATIEWE DIENSTE**

No objections as long as all town planning requirements will be met.

**DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Elek het nie 'n probleem. Kragvoorsiening kan dalk duur wees, maar geld kan enige iets regmaak. Hulle moet net meer detail gee van wat se aansluiting hulle verlang.

**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:

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li>2. <b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>4. <b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>1. <b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts:               <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li>3. <b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. <b>Regulation 5</b> (decision-making).</li> <li>5. <b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<b>Section 21A:</b> (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: <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>(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.</li> </ol>

**BESTUURSAANBEVLING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van Erf 1893, Bredasdorp per ontwikkelingsvoorstel, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir ontwikkelingsvoorstelle met 'n informele handelsarea wat moet deel vorm van die voorstelle.
4. 'n Terugvalklousule in die koopooreenkoms ingeskryf word.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling nie aanvaar word.
- (ii) Dat genoemde perseel (hele terrein) per geslote tender vervreem word.
- (iii) Dat verkoopsvoorwaardes moontlik die volgende insluit: (1) Dat die Raad nie teen die hoogste tenderaar hoef te verkoop nie; (2) Dat die Raad verdere verkoopsvoorwaardes moet vasstel.

**BESLUIT 52/2015**

- (i) Dat twee verdere markwaardes vir die genoemde eiendom ingewin word.
- (ii) Dat, na die uitvoering van besluit (i) hierbo, die verslag weer aan die Raad voorgelê word vir die bepaling van 'n reserwe prys.

10.3.4 **AANSOEK OM VERVREEMDING (HUUR/KOOP) VAN ERF 94, NAPIER (7/1/3/1 - BSSB)**  
**(COLLAB: 122824) (WYK 1)**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr McDonald en me Firoza Rahim om Erf 94, Napier te huur of te koop vir die aanhou van 'n perd (sien Bylaag A op bladsy 33).

**ALGEMENE INLIGTING**

Bestaande sonering	:	Enkel Woonsone
Bestaande grondgebruik	:	Vakant
Bestaande oppervlakte	:	2101m <sup>2</sup>
Voorgestelde gebruik	:	
Munisipale Waardasie	:	R550 000,00

**AGTERGROND**

Erf 94, Napier is aangrensend aan Mnr McDonald se eiendom en hy wil graag die eiendom koop.

**Op 23 Februarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD31/2015):**

1. Die LDC maak 'n aanbeveling dat die erf op tender verkoop word.
2. Item moet voorberei word vir die Raad.

**MARKWAARDASIE**

R650 000,00 (sien Bylaag B op bladsy 34)

**DEPARTEMENTELE KOMMENTAAR**

Die volgende kommentare is ontvang:



**MUNISIPALE BESTUURDER SE KANTOOR**

Not to be rented but sold.

**LED**

Noted.

**DIREKTEUR: SIVIELE EN INGENIEURSDIENSTE**

Die erwe is ideaal geleë vir kleinhoewe en maontlike inkomste vir die raad. Indien dit vervreem word moet dit aan ontwikkelaar wat dienste ook kan ontwikkel om sodoende kapitaal uitleg vir die raad te verminder.

**DIREKTEUR: FINANSIËLE DIENSTE**

Noted.

**ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Geen beswaar. Daar is geen voorsiening vir elek gemaak op enige van die persele nie hou dit ingedagte as ons dit wil verkoop.

**DIREKTEUR: GEMEENSKAPSDIENSTE****Beskermingsdienste**

Neem kennis van inligting.

**DIREKTEUR: KORPORATIEWE DIENSTE****Eiendomsadministrasie**

Neem kennis van die MB se versoek dat die erwe weer per veiling aangebied word.

**Boubeheer**

Neem kennis.

**Bestuurder: Stads- en Streeksbeplanning**

Vanuit 'n stadsbeplanningsoogpunt word dit nie ondersteun voordat die potensiaal van die grond ondersoek is nie.

**FINANSIËLE IMPLIKASIES**

Vervreemding van die woonperseel 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"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
MATR	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
SCM Regulations SCM Policy	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p><b>Section 21A:</b> (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> <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>

### **BESTUURSAANBEVELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewing van die minimum vlak van basiese dienste nodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van Erf 94, Napier per publieke tender vir die gebruik daarvan vir residensiële doeleindes, op voorwaarde dat:

- Alle wetlike vereistes vir vervreemding nagekom word.
- Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
- Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir publieke tender.
- 'n Terugvalklousule in die kooporeenkoms ingeskryf word.

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- Dat die Bestuursaanbeveling nie aanvaar word nie.
- Dat genoemde perseel per geslote tender vervreem word.
- Dat verkoopsvoorwaardes moontlik die volgende insluit: (1) Dat die Raad nie teen die hoogste tenderaar hoef te verkoop nie; (2) Dat die Raad verdere verkoopsvoorwaardes moet vasstel.

**BESLUIT 53/2015**

Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van Erf 94, Napier per publieke tender vir die gebruik daarvan vir residensiële doeleindes, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir publieke tender.
4. 'n Terugvalklousule in die koopvooreenoms ingeskryf word.
5. Dat verkoopsvoorwaardes moontlik die volgende insluit: (1) Dat die Raad nie teen die hoogste tenderaar hoef te verkoop nie; (2) Dat die Raad verdere verkoopsvoorwaardes kan vasstel.

10.3.5 **VERHURING VAN MUNISIPALE GROND VIR GEMEENSKAPS-ONTWIKKELINGS-AKTIWITEITE (GEMENGDE BOERDERY) (ME ROSSOUW) (7/R - BSSB) (WYK 4)**

**DOEL VAN VERSLAG**

Oorweging van die aansoek van me Rossouw vir die verhuring van Bredasdorp Meentgrond vir gemeenskaps-ontwikkelingsaktiwiteite (gemengde boerdery). Die liggingsplan is aangeheg as Bylaag A op bladsy 37

**AGTERGROND**

Mnr Rossouw se aansoek is aangeheg as Bylaag B op bladsy 38.

**Op 15 Januarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD 8/2015):**

- (i) *Dat die Bestuurder: Stads en Streeksbeplanning bevestig dat die area omtrent 1 hektaar groot is.*
- (ii) *Dat alle ekstra onkoste (onderverdeling, bedrading, dienste) vir die huurder se onkoste sal wees.*

**ALGEMENE INLIGTING**

Bestaande sonering	:	Onbepaald
Bestaande grondgebruik	:	Vakant
Bestaande oppervlakte	:	1 hektaar
Voorgestelde gebruik	:	Gemengde boerdery

**MARKWAARDASIE**

Die markwaardasie is R417/ha per jaar (sien Bylaag C op bladsy 39):

<b>R417p/ha</b>	<b>1 hektaar</b>
Markverwant - 50%	208.50
Markverwant - 20%	350.28
Markverwante huur	473.85
Markverwante huur	497.54
Markverwante huur	522.41

**FINANSIËLE IMPLIKASIES**

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

**WETLIKE IMPLIKASIES**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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> <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

**BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond aan mnr Rossouw ( $\pm 1$  Ha) vir 'n termyn van 5 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van landbou projekte op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R2 052,58. Die jaarlikse huurbedrag is vooruitbetaalbaar met 'n eskalاسie van 5% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 54/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

10.3.6 **VERHURING VAN MUNISIPALE GROND VIR GEMEENS-KAPSONTWIKKELINGS-AKTIWITEITE (TEER PROJEK) (MNR ALEXANDER) (7/R - BSSB) (WYK 1)**

**DOEL VAN VERSLAG**

Oorweging van die aansoek van mnr Alexander vir die verhuring van Napier Meentgrond vir gemeenskaps-ontwikkelingsaktiwiteite en kommersiële bedrywighede (teer projek). Die liggingsplan is aangeheg as Bylaag A op bladsy 40).

**AGTERGROND**

Mnr Alexander se aansoek is aangeheg as Bylaag B op bladsy 41.

**Op 5 Februarie 2015 het die Uitvoerende Burgemeesterskomitee die volgende besluit geneem (BK17/2015):**

*Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Napier meentgrond aan Mnr Alexander (±0,35ha) vir 'n termyn van 15 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van gemeenskaps-ontwikkelingsprojekte op voorwaarde dat:*

1. *Alle wetlike vereistes vir langtermyn verhuring nagekom word.*
2. *Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.*

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

**Op 15 Januarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD 7/2015):**

- (i) *Mnr M Moelich moet kyk of daar enigsins 'n Raadsbesluit was vir die verhuring van 'n gedeelte van die Napier Meentgrond aan mnr T Ambrose.*
- (ii) *Indien geen item gevind kan word nie moet Korporatiewe Dienste 'n item voorberei vir die Raadsvergadering.*

### **MARKWAARDASIE**

R500 per maand (Bylaag C op bladsy 42)

JAAR 1	R6 000,00
JAAR 2	R6 600,00
JAAR 3	R7 260,00
JAAR 4	R7 986,00
JAAR 5	R8 784,60
JAAR 6	R9 663,06
JAAR 7	R10 629,36
JAAR 8	R11 692,29
JAAR 9	R12 861,51
JAAR 10	R14 147,66
JAAR 11	R15 562,42
JAAR 12	R17 118,66
JAAR 13	R18 830,52
JAAR 14	R20 713,57
JAAR 15	R22 784,92
TOTAAL	R190 634,57

### **FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

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

**WETLIKE IMPLIKASIES**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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>
<b>Town Planning legislation</b>	Departure / rezoning application is required; and will be for the account of the applicant.

**BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Napier meentgrond aan Mnr Alexander ( $\pm 0,35$ ha) vir 'n termyn van 15 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van gemeenskaps-ontwikkelingsprojekte op voorwaarde dat:

- Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
- Alle afwykingsproesse sal vir die aansoeker se rekening wees.

4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R6 000,00 per jaar (Alexander) vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Napier gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

### **WYKSKOMITEE - WYK 1**

Die Komitee ondersteun die Bestuursaanbeveling.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

### **BESLUIT 55/2015**

- (i) Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die termyn slegs vir 3 jaar in stede van die voorgestelde 15 jaar sal wees, met die opsie van verlenging.

### 10.3.7 **VERHURING VAN ERWE 852, 857 EN 854, STRUISBAAI VIR GEMEENSKAPS-ONTWIKKELINGSAKTIWITEITE (MNR ROSSOUW) (7/R - BSSB) (WYK 5)**

#### **DOEL VAN VERSLAG**

Oorweging vir die verhuring van Erwe 852, 857 en 854, Struisbaai vir gemeenskaps-ontwikkelingsaktiwiteite en kommersiële bedrywighede (sien Bylaag A op bladsy 43).

#### **AGTERGROND**

Mnr Pierre Ettienne Rossouw het 'n aansoek ingedien vir 'n waterpark en konferensiesentrum op Erwe 852 en 857, Struisbaai (sien Bylaag B op bladsy 45).

Suidpunt Inwonersvereniging het 'n aansoek ingedien vir o.a. 'n putt-putt baan, trampolien en skaatsplankbaan op Erwe 852, 854 en 857, Struisbaai (sien Bylaag C op bladsy 46).

Intussen is daar 'n samewerkingsooreenkoms onderteken deur die twee partye (sien Bylaag D op bladsy 48) en het die Suidpunt Inwonersvereniging 'n voorlegging gedoen aan die Raad op 28 Oktober 2014.

**Op 9 Desember 2014 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK241/2014):**



Aangesien die eiendomme nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die verhuring van Erwe 852, 854 en 857 Struisbaai aan die Suidpunt Inwonersvereniging vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van waterpark, konferensiesentrum, 'n putt-putt baan, trampolien en skaatsplankbaan en die voorsiening van infrastruktuur vir gemeenskaps-ontwikkeling op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses in a na die Raad verwys word vir finale oorweging.
3. Alle stadsbeplanningsaansoek en omgewingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond vat en instandhouding van die toekomstige geboue en strukture aanvaar vir die volle termyn van die huurooreenkoms in ag geneem word met die bepaling van die huur en dat die huur bepaal word teen 'n markverwante huur per jaar vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die geboue en strukture onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eindom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projek op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Struisbaai gemeenskap: Die Hoof Uitvoerende Beampte Kaap Agulhas Toerisme, die Bestuurder: PEO, die Bestuurder: Publieke Dienste en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.
9. Die huurtermyn sal 9 jaar en 11 maande wees, met die opsie om te verleng.

### **ADVERTENSIE**

Op 23 Januarie 2015 is 'n advertensie in die plaaslike koerant geplaas ten einde die publiek in kennis te stel van die voorgestelde verhuring.

Intussen het die Suidpunt Inwonersvereniging aangedui dat hul nie Erf 854, Struisbaai wil gebruik nie, aangesien daar heelwat stormwater probleme is.

### **FINANSIËLE IMPLIKASIES**

Huurinkomste.

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

Die geskatte huurprys is bepaal op R3 000,00/maand/erf (sien Bylaag E op bladsy 49).

<b>Erwe 852 en 857</b>	<b>R3000 / maand / erf = R6000 vir twee erwe</b>
<b>JAAR 1</b>	72 000
<b>JAAR 2</b>	79 200
<b>JAAR 3</b>	87 120
<b>JAAR 4</b>	95 832
<b>JAAR 5</b>	105 415.2
<b>JAAR 6</b>	115 956.72

<b>Erwe 852 en 857</b>	<b>R3000 / maand / erf = R6000 vir twee erwe</b>
<b>JAAR 7</b>	127 552.39
<b>JAAR 8</b>	140 307.68
<b>JAAR 9</b>	154 338.49
<b>TOTAAL</b>	977 722.49

### WETLIKE IMPLIKASIES

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<p>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</p> <p>2. <b>Sect 14(2)(b)</b>: consider fair market value and economic and community value to be received in exchange for the asset.</p> <p>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).</p> <p>4. <b>Sect 33</b>: Contracts having long term financial implications.</p>
<b>MATR</b>	<p>1. <b>Definition of "high value asset"</b>: "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. <b>Definition of "realisable value"</b>: fair market value <u>less</u> estimated costs of completion.</p> <p>3. <b>Definition of "right to use, control or manage"</b>: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. <b>Regulation 5</b> (decision-making).</p> <p>5. <b>Regulation 6</b> (public participation)</p>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	<p><b>Section 21A:</b> (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>
<b>Town Planning legislation</b>	As long as the proposed site is not being built upon, no rezoning, subdivision and environmental impact assessment is required. Suggests that an Encroachment Agreement be signed.

**BESTUURSAANBEVELING**

Aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die verhuring van Erwe 852 en 857, Struisbaai aan die Suidpunt Inwonersvereniging vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van waterpark, konferensiesentrum, 'n putt-putt baan, trampolien en skaatsplankbaan en die voorsiening van infrastruktuur vir gemeenskaps-ontwikkeling op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses in a na die Raad verwys word vir finale oorweging.
3. Alle stadsbeplanningsaansoek en omgewingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond vat en instandhouding van die toekomstige geboue en strukture aanvaar vir die volle termyn van die huurooreenkoms in ag geneem word met die bepaling van die huur en dat die huur bepaal word teen 'n R3000 / maand / erf vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die geboue en strukture onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eindom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projek op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Struisbaai gemeenskap: Die Hoof Uitvoerende Beampte Kaap Agulhas Toerisme, die Bestuurder: PEO, die Bestuurder: Publieke Dienste en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.
9. Die huurtermyn sal 9 jaar en 11 maande wees, met die opsie om te verleng.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /  
RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die huurbedrag R1,00 per jaar sal beloop.

**BESLUIT 56/2015**

Dat die aangeleentheid terug verwys word na verdere ondersoek met spesifieke verwysing na die spesifieke erf waarin die aansoeker belangstel en die bevestiging dat die erf of 'n gedeelte daarvan nie alreeds verhuur word nie.

**10.3.8 VERHURING VAN MUNISIPALE GROND VIR GEMEENSKAPS-ONTWIKKELINGS-AKTIWITEITE (MNRE RHODE EN NORTON) (7/R - BSSB) (WYK 4)****DOEL VAN VERSLAG**

Oorweging van die aansoek van mnr Rhode (sekuriteit - honde opleiding) en mnr Norton (olyf- en groenteboerdery) vir die verhuring van Bredasdorp meentgrond vir gemeenskaps-ontwikkelingsaktiwiteite en kommersiële bedrywighede. Die liggingsplan is aangeheg as Bylaag A op bladsy 50.

**AGTERGROND**

Mnr Rhode se aansoek is aangeheg as Bylaag B op bladsy 51 en mnr Norton se aansoek is aangeheg as Bylaag C op bladsy 52.

**Die Uitvoerende Burgemeesterskomitee neem op 5 Februarie 2015 die volgende besluit (BK16/2015):**

*Dat die aangeleentheid terug verwys word vir verdere ondersoek waarna dit weer aan die Raad voorgelê sal word vir oorweging.*

**Op 15 Januarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD 2/2015):**

- (i) *Die Projekkoördineerder (Mnr J Engel) oorhandig die besigheidsplan van Mnr RR Rhode wat hy op 29 November 2015 ontvang het.*
- (ii) *Mnr J Engel moet na die GIS Operateur gaan vir kaarte wat aandui dat die 1 gedeelte in 2 verdeel is.*
- (iii) *Mnr J Engel moet met die 2 applikante vergader sodat hul dit op skrif kan stel dat hul bereid is om grond te deel.*
- (iv) *Bestuurder: Stads en Streeksbeplanning moet item na die Raad neem.*
- (v) *Na afhandeling van die Raadsbesluit moet die huur tarief vasgestel word.*

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

**MARKWAARDASIE**

R50 - R100 per maand (Rhode):

	<b>R50 per maand</b>	<b>R100 per maand</b>
JAAR 1	R600	R1200
JAAR 2	R660	R1320
JAAR 3	R726	R1452
JAAR 4	R798-60	R1597-20
JAAR 5	R799-70	R1756-92
JAAR 6	R879-67	R1932-61
JAAR 7	R967-65	R2125-87
JAAR 8	R1 064-41	R2338-45
JAAR 9	R1 170-85	R2572-29
JAAR 10	R1 287-93	R2829-51
JAAR 11	R1 416-72	R3112-46
JAAR 12	R1 158-39	R3423-70
JAAR 13	R1 274-22	R3766-07
JAAR 14	R1 401-64	R4142-67
JAAR 15	R1 541-80	R4556-93

R417 p/ha per maand (Norton):

<b>R417 /ha per jaar</b>	<b>2,04 hektaar</b>
JAAR 1 Markverwant - 80%	R170-13
JAAR 2 Markverwant - 60%	R357-28
JAAR 3 Marverwant - 40%	R535-92
JAAR 4 Markverwant - 20%	R714-57
JAAR 5 Markverwant	R750-29

R417 /ha per jaar	2,04 hektaar
JAAR 6	R787-80
JAAR 7	R827-19
JAAR 8	R868-54
JAAR 9	R911-96
JAAR 10	R957-55
JAAR 11	R1 005-42
JAAR 12	R1 055-69
JAAR 13	R1 108-47
JAAR14	R1 163-89
JAAR 15	R1 222-08
<b>TOTAAL</b>	<b>R12 448-78</b>

### FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

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

### WETLIKE IMPLIKASIES

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

Council policy	Alienation of land
<b>MFMA</b>	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<b>Section 21A:</b> (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: <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>
<b>Town Planning legislation</b>	Departure application is required; and will be for the account of the applicant.

**BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond aan mnr Rhode ( $\pm 3,02$ ha) en Mnr Norton ( $\pm 2,04$ ha) vir 'n termyn van 15 jaar elk met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van gemeenskapsontwikkelingsprojekte op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosesse sal vir beide die aansoekers se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R1 200 per jaar (Rhode) en R417/ha per jaar (Norton) vooruitbetaalbaar met 'n eskalاسie van 5% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Monitoringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling in beginsel aanvaar word.
- (ii) Dat 'n terrein inspeksie saam met die aansoekers gedoen word.
- (iii) Dat geen vee op die terrein aangehou mag word nie.

**BESLUIT 57/2015**

Dat die aangeleentheid terug verwys word vir verdere ondersoek.

10.3.9 **VERVREEMDING (KOOP) VAN GEDEELTES VAN ERF 368, ARNISTON/WAENHUISKRANS (7/R - BSSB) (COLLAB: 127788) (WYK 5)**

**DOEL VAN VERSLAG**

Oorweging van die aansoek van Mre Town and Country vir die vervreemding (koop) van gedeeltes van Erf 368, Waenhuiskrans aan mre John Marthinus en Haarburger Trust ten einde die gedeeltes te konsolideer met hul huidige eiendom. Die liggingsplan is aangeheg as Bylaag A op bladsy 59.

**ALGEMENE INLIGTING**

Bestaande sonering	:	Oopruimte
Bestaande grongebruik	:	Vakant
Bestaande oppervlakte	:	2 950 m <sup>2</sup>

Voorgestelde sonering	:	
Voorgestelde grondbesluit	:	
Voorgestelde oppervlakte	:	±163 m <sup>2</sup> en ±60 m <sup>2</sup>

### AGTERGROND

Mnre Town and Country se aansoek is aangeheg as Bylaag B op bladsy 60. Die omliggende eienaars se toestemming word aangeheg as Bylaag C op bladsy 65.

**Die Uitvoerende Burgemeesterskomitee neem die volgende besluit op 5 Februarie 2015 (BK23/2015):**

*Dat die verslag terugverwys word vir verdere ondersoek en weer aan die Raad voorgelê word vir oorweging.*

**Op 23 Februarie 2015 het die “Land Disposal Committee” die volgende besluit geneem (LD29/2015):**

- (i) *Dat waardasie verkry word deur Me D Oncke vir die verkoop van die erf.*
- (ii) *Bestuurder: Stads en Streekbeplanning meld dat dit 'n publieke oopruimte is wat eers gesluit moet word en dat die onderverdeling en hersonering met die sluiting vir die Raad om en by R120 000 gaan kos.*
- (iii) *Sou die Raad die impakstudie self doen moet die erf vir meer as R120 000 verkoop word.*
- (iv) *Die ander alternatief is dat die erf met 'n voorwaarde verkoop word dat die koper verantwoordelik is vir die hersonering, onderverdeling en impakstudie.*
- (v) *Dat die Raad die aansoek moet oorweeg.*

### MARKWAARDASIE

R70 000,00 vir ±223m<sup>2</sup> (Bylaag D op bladsy 66)

### FINANSIËLE IMPLIKASIES

Vervreemding van die oopruimte 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. Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

Council policy	Alienation of land
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li>2. <b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>4. <b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>1. <b>Definition of “high value asset”:</b> “fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of “realisable value”:</b> fair market value <u>less</u> estimated costs of completion.</li> <li>3. <b>Definition of “right to use, control or manage”:</b> when granting such rights do not amount to permanent transfer or disposal.</li> </ol>

	4. <b>Regulation 5</b> (decision-making). 5. <b>Regulation 6</b> (public participation)
<b>SCM Regulations</b> <b>SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<b>Section 21A:</b> (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

**KOMMENTAAR****DIREKTEUR: KORPORATIEWE DIENSTE****Bestuurder: Stads- en Streeksbeplanning**

Should the site be sold on tender, Council and / or the successful tenderer be responsible for the closure and rezoning of the site. And if necessary the Environmental study.

**BESTUURSAANBEVELING**

Dat aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van 'n gedeelte van Erf 368, Waenhuiskrans teen R70 000 ( $\pm 223\text{m}^2$ ) (proporsioneel verdeel tussen kopers) vir die gebruik daarvan vir residensiële doeleindes, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. 'n Terugvalklousule in die koopoooreenkoms ingeskryf word.
4. Alle stadsbeplannings- en omgewingsprosesse van die gedeelte van Erf 368, Waenhuiskrans voltooi word deur die aansoeker / koper.

*(Raadslid Marthinus nie teenwoordig tydens bespreking van die aangeleentheid nie.)*

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

*(Raadslid Marthinus nie teenwoordig tydens bespreking van die aangeleentheid nie.)*

**BESLUIT 58/2015**

Dat aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van 'n gedeelte van Erf 368, Waenhuiskrans teen R70 000 ( $\pm 223\text{m}^2$ ) (proporsioneel verdeel tussen kopers) vir die gebruik daarvan vir residensiële doeleindes, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.



10.3.10 **VERHURING VAN MUNISIPALE GROND VIR LANDBOU DOELEINDES: PROTEM KLEINBOERE (7/R - BSSB) (WYK 4)**

**DOEL VAN VERSLAG**

Oorweging van 'n aansoek van Protem Kleinboere vir die verhuring van Protem meentgrond vir weiding doeleindes vir kalwers, varke en skape. Die liggingsplan is aangeheg as Bylaag A op bladsy 69.

**AGTERGROND**

Protem Kleinboere se aansoek is aangeheg as Bylaag B op bladsy 70.

**Op 5 Februarie neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK19/2015):**

- (i) *Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling aanvaar word.*
- (ii) *Dat die huurgeld bepaal word volgens die Raad se goedgekeurde beleid.*
- (iii) *Dat alle wetlike prosesse deurloop word.*

**Op 23 Februarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD14/2015):**

*Die Bestuurder: Stads- en Streekbeplanning moet item na die Raad neem.*

**MARKWAARDASIE**

R417/ha per jaar

<b>R417 /ha per jaar</b>	<b>0.5877 hektaar</b>
JAAR 1 Markverwant -50%	122.53545
JAAR 2 Markverwant -20%	205.8596
JAAR 3	257.3244
JAAR 4	270.1907
JAAR 5	283.7002
<b>TOTAAL</b>	<b>R1139.61035</b>

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

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

**WETLIKE IMPLIKASIES**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li>2. <b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> </ol>

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

### **BESTUURSAANBEVELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Protém meentgrond aan Protém Kleinboere ( $\pm 0.58\text{Ha}$ ) vir 'n termyn van 5 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van landbou projekte op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R417/ha per jaar (Protém Kleinboere) vooruitbetaalbaar met 'n eskalاسie van 5% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarloosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Monitoringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Protém gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die grond gratis aan die Protem gemeenskap beskikbaar gestel word.
- (iii) Dat Protem Kleinboere 'n komitee aanstel vir aanspreeklikheid.
- (iv) Dat die terugvalklousule na die Raad in plek gestel word.

**BESLUIT 59/2015**

- (i) Dat die **Bestuursaanbeveling** as besluit van die Raad aanvaar word.
- (ii) Dat Protem Kleinboere 'n komitee aanstel vir aanspreeklikheid.

10.3.11 **AANSOEK OM TYDELIKE MOBIELE HUISVESTING BREDASDORP (LUGMAGBASIS OVERBERG) (7/R - BSSB) (COLLAB: 129389) (WYK 4)**

Om oorweging te skenk aan die vestiging van Lugmagbasis Overberg inwoners in tydelike mobiele huise tydens die herstel en onderhoudsprojek aan Lugmag huise.

**ALGEMENE INLIGTING**

**A. Erf 4142, BREDASDORP**

Bestaande sonering	:	Oopruimte
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	5 460m <sup>2</sup>
Voorgestelde sonering	:	
Voorgestelde grondbesluit	:	
Voorgestelde oppervlakte	:	5 460m <sup>2</sup>

**B. Erf 3379 en 2545, BREDASDORP**

Bestaande sonering	:	Oopruimte
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	979 m <sup>2</sup>
Voorgestelde sonering	:	
Voorgestelde grondbesluit	:	
Voorgestelde oppervlakte	:	2 098 m <sup>2</sup>

**C. Erf 1148, BREDASDORP (Suikerbossie)**

Bestaande sonering	:	Onbepaald
Bestaande grondbesluit	:	Kampeertreëin
Bestaande oppervlakte	:	1 246 ha
Voorgestelde sonering	:	
Voorgestelde grondbesluit	:	
Voorgestelde oppervlakte	:	1.67 ha

**D. Erf 1148, BREDASDORP (Ou Telkom Gronde)**

Bestaande sonering	:	Onbepaald
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	1 246ha
Voorgestelde sonering	:	
Voorgestelde grondbesluit	:	
Voorgestelde oppervlakte	:	2.39ha

**AGTERGROND**

Die Lugmag se skrywe is aangeheg as Bylaag A op bladsy 71. Die ligingsplanne is aangeheg as Bylaag B op bladsy 72.

**Op 15 Januarie 2015 het die "Land Disposal Committee" die volgende besluit geneem (LD20/2015):**

- (i) Die Komitee se aanbeveling is dat die mobiele huise opgerig word op die Ou Telkom Gronde.
- (ii) Mnr B Hayward moet item voorberei vir die Raadsvergadering.

**Die Uitvoerende Burgemeesterskomitee neem op 5 Februarie 2015 die volgende besluit (BK22/2015):**

*Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond (Telkom kamp) aan Overberg Lugmagbasis vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die plasing van containers (tydelike wooneenhede) op voorwaarde dat:*

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike prosedure na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosedure sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R72 000,00 per jaar (R6 000,00 per maand) vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: Publieke Werke en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbetering aan die eiendom aangebring tydens die verhuringstydperk nie.
9. Die ooreenkoms sal moontlik met die Departement Openbare Werke gesluit word in plaas van Overberg Lugmagbasis.

**Markwaardasie**

R6 000,00 per maand (sien Bylaag C op bladsy 73).

JAAR 1	R72 000,00
JAAR 2	R79 200,00
JAAR 3	R87 120,00
<b>TOTAAL</b>	<b>R238 320,00</b>

**DEPARTEMENTELE KOMMENTAAR****DIREKTEUR: SIVIELE INGENIEURSDIENSTE**

**Bestuurder: Water en Riool**

Weens die aanwesigheid van die dienste, beveel ek aan dat die oop area tussen Vogelsgesang- en Uitkykstraat gebruik word. Ek weet ongelukkig nie op watter erf in Viljoenstraat die Gereformeerde Kerk gebou sou word nie. As dit erf 2617 is, sal water- en riooldienste nie 'n probleem wees nie.

**ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Die inligting is te min om te kan antwoord. Sit asb n kaart by sodat ek kan kyk wat gedoen moet word.

**DIREKTEUR: KORPORATIEWE DIENSTE**

No objections as long as all town planning requirements have been met.

**DIREKTEUR: GEMEENSKAPSDIENSTE**

Support: Old Telkom Grounds (Above the Voortrekker camp).

**MUNISIPALE BESTUURDER**

Hierdie aansoek moet gunstig ondersteun word binne perke van bestaande beskikbare infrastruktuur, wenslikheid, impak op bure en natuurlik vir die kostes van die aansoeker.

**Raadslidondersteuning**

Deurgegee aan Raadsheer Nieuwoudt vir voorlegging aan die Wykskomitee vir kommentaar.

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

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

**WETLIKE IMPLIKASIES**

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie.

Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	1. <b>Sect 14(2)(a)</b> : asset not required for minimum level of basic services. 2. <b>Sect 14(2)(b)</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. <b>Sect 33</b> : Contracts having long term financial implications.
<b>MATR</b>	1. <b>Definition of "high value asset"</b> : "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality....

	<p>c) <i>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i></p> <p>2. <b>Definition of “realisable value”:</b> fair market value <u>less</u> estimated costs of completion.</p> <p>3. <b>Definition of “right to use, control or manage”:</b> when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. <b>Regulation 5</b> (decision-making).</p> <p>5. <b>Regulation 6</b> (public participation)</p>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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>
<b>Town Planning legislation</b>	All surrounding property owners be informed of the temporary use of the site.

### **BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond (Telkom kamp) aan Departement Openbare Werke (Overberg Lugmagbasis) vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die plasing van containers (tydelike wooneenhede), op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle afwykingsprosesse sal vir die aansoeker se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R72 000,00 per jaar (R6 000,00 per maand) vooruitbetaalbaar met 'n eskalاسie van 10% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarloosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: Publieke Werke en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbetering aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 60/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

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

**DOEL VAN VERSLAG**

Oorweging om verordening insake drank handelsure te wysig.

**AGTERGROND**

Kaap Agulhas Munisipaliteit het 'n konsep verordening insake drank handelsure vir publieke deelname ge-adverteer in die Suidernuus en Overberg Gazette op 6 Julie 2011. Die konsep verordening is ook op die owerheid se webtuiste geplaas en in al die munisipale biblioteke beskikbaar gestel.

Die uitnodiging om kommentaar te lewer op die konsep verordening is ook op die weeklikse radio program herhaal waar die inhoud van die voorgestelde verordening in detail bespreek is.

'n Uitnodiging om kommentaar te lewer op die voorgestelde konsep verordening is ook per elektroniese nuusbrieff aan die publiek gerig.

**Tydens die kommentaar periode is kommentaar verkry vanaf die volgende persone:**

- Glenn Wiseman: Thirsty's Struisbaai
- Gordon Hastie: Glenn Wiseman: Angelo's
- Wyk 4 wykskomitee
- Fraser Crighton: Sugar & Spice
- Fraser Crighton: Pelicans Harbour Café
- S de Villiers: Shanoekes Liquor Store
- R Lochner: The Michael Collins Irish Pub
- M L van Niekerk: Jaws Pub & Restaurant
- L Engel: Windmeul Restaurant & Bottelstoor
- J P Malan: Bistro on Main
- C J Grobler: Zuidste Kaap Restaurant
- Struisbaai Polisie
- P S Marais: Flames Grill & Pub
- M Cowper Lewis
- D Lakey

**Die kommentare was opsommendergewys as volg:**

- (i) Dat Suid-Afrika 'n uiteenlopende aantal gelowe het wat gelyk is voor die reg en Sondae moet dus nie as 'n dag gesien word waar handelsure ingekort word nie. Handelsure tot 02:00 in die oggend word voorgestel.
- (ii) Dat verbruik van die perseel af nie voorkeur bo "op perseel" moet geniet nie, maar gelyk gestel moet word.
- (iii) Die verordening oorreguleer die gelisensieërde verbruik en moet daar groter klem geplaas word op ongelisensieërde drankhandel.

- (iv) Die op perseel verbruik openingsure vanaf 11:00 benadeel die toerisme sektor, terwyl die “van perseel” gebruikers reeds vanaf 09:00 kan handel dryf.
- (v) Die sluitingstyd van 11:00 op Sondag vir “op perseel” gebruik ondermyn die bedryf. Daar word voorgestel dat die “op perseel” gebruik tot 02:00 die volgende oggend sal wees.
- (vi) Die bepaling rakende vulstasies bring bestaande lisensies in gedrang.
- (vii) Die omskrywing van die definisie van ‘n Hotel sluit Gastehuse wat Bed en Ontbyt voorsien in en is problematies ten opsigte van wetstoepassings met gepaardgaande styging in sosiale euwels soos misdaad, dronkenskap, gesinsgeweld, die misbruik van drank onder jeug, ensovoorts.
- (viii) Die op perseel handeldrywing van 24 uur vir ‘n hotel is problematies.
- (ix) ‘n Versoek dat kroegure verander word na weksdae 10:00 vm tot 02:00 vm, met Sondag en Christelike vakansie dae vanaf 10:00 vm tot 02:00 vm.
- (x) ‘n Versoek dat drank handelsure aangepas word vanaf 09h00 tot 20h00 om die werkende publiek te akkommodeer gedurende weksdae, maar dat gee drankwinkel op Sondag mag handel dryf nie.
- (xi) Dat die aanhef van die Verordening die verkeerde wetsartikel aanhaal, dat die woordomskrywing van amptenaar foutief is.
- (xii) Dat die woordomskrywing van Drankraad en “perseel” , “verkoop” “verkoopsure”, en “Wet” foutief is.
- (xiii) Dat die woordomskrywing van “geregistreerde perseel” foutief is.
- (xiv) Dat die woordomskrywing van “hotel” en “lisensiehouer” problematies is.
- (xv) Onvolledige woordomskrywing.
- (xvi) Foutiewe omskrywing van Doel van Verordening.
- (xvii) Skeiding van verordening onderafdelings.
- (xviii) Gebreke in tydsbepaling waarvolgens die wyksraadslid in kennis gestel moet word van aansoek.
- (xix) Foutiewe beskrywing in sub-artikel 4(2).
- (xx) Foutiewe omskrywing van artikel 4(4).
- (xxi) Dat die paragraaf rakende Middellike aanspreeklikheid geskrap word in die verordening.
- (xxii) Die skraping van die appél klousule in die verordening.
- (xxiii) Dat die paragraaf handelend met Strawwe geskrap word.
- (xxiv) Die verordening maak nie voorsiening vir oorgangsprosedures nie.
- (xxv) Algemene gebrekkige woordomskrywings, ook ten opsigte van Skedule 1 van die Verordening en die tipe lisensies wat geld.
- (xxvi) Foutiewe omskrywing van tydelike lisensie uitgereik in terme van Artikel 33(f).
- (xxvii) Dat geen drank handelsure verleng word of nuwe drank handelslisensies toegeken word nie.

**Op 6 Desember 2012 neem die Raad die volgende besluit (289/2012):**

- (a) Dat die aanhef van die Drank Handelsure verordeninge verander word om as volg te lees:

*Nademaal artikel 156(1) van die Grondwet voorsiening maak dat munisipaliteite uitvoerende gesag het met betrekking tot, en die reg het om die volgende regeringsfunksie te administreer: Beheer van onderneming wat drank aan die publiek verkoop;*

*Nademaal artikel 156(1) van die Grondwet munisipaliteite die bevoegdheid verleen om verordeninge te maak en administreer ten einde effektiewe administrasie uit te oefen rakende die aangeleenthede wat hul die reg het om te administreer;*

*Nademaal die Provinsiale Regering van die Wes-Kaap oor die wetgewende bevoegdheid beskik ten opsigte van drank lisensies;*



*En Nademaal die Wes Kaapse Drank Wet, 2007 erken dat 'n munisipaliteit drank handelsure mag bepaal deur middel van 'n verordening*

*WORD AS VOLG deur Kaap Agulhas Munisipaliteit gepromulgeer -*

- (b) Dat die woordomsrywings in hierdie verordening, tensy anders aangedui as volg sal wees:

**Wet** beteken die Wes Kaapse Drankwet, 2008 (Wet No 4 van 2008);

**“gelisensieërde perseel”** beteken die perseel waarop drank verkoop, verbruik of gestoor mag word in terme van 'n lisensie toegeken in terme van die Wet;

**“gelisensieërde besigheid”** beteken die besigheid wat bedryf mag word op die gelisensieërde perseel soos gemagtig deur die Drankraad;

**“Lisensiehouer”** beteken die persoon aan wie 'n drank lisensie uitgereik is in terme van die Wet;

**“Drank Owerheid”** beteken die Wes Kaapse Drank Owerheid ingestel in terme van artikel 2(1) van die Wet;

**“handelsdae”** beteken die dae waarop drank verkoop mag word tydens handelsure;

**“handelsure”** beteken die ure waaarop drank verkoop mag word op handelsdae.

- (c) Dat artikel 3 herskryf word om te lees:

“Hierdie verordening is van toepassing op gelisensieërde besighede wat drank verkoop vir verbruik -

- (a) Op die gelisensieërde perseel;
- (b) Van die gelisensieërde perseel; en
- (c) Op en van die gelisensieërde perseel.”
- (d) Dat paragrawe 4,5, 6, 7 en 8 in totaliteit geskrap word.
- (e) Dat paragraaf 4 omskryf word om te lees:

#### 4. **Handelsure**

##### ***Verbruik op die gelisensieërde perseel***

- (1) 'n Lisensiehouer van 'n perseel waarop drank verkoop mag word vir verbruik op 'n gelisensieërde perseel, mag op enige dag drank verkoop tussen 10:00 en 02:00 die volgende dag.

##### ***Verbruik van die gelisensieërde perseel***

- (2) 'n Lisensiehouer van 'n perseel waarop drank verkoop mag word vir gebruik van die gelisensieërde perseel mag op enige dag drank verkoop tussen 08:00 en 20:00.

##### ***Verbruik op en van die gelisensieërde perseel***

- (3) 'n Lisensiehouer van 'n perseel waarop drank verkoop mag word vir verbruik op en van die gelisensieërde perseel mag drank verkoop -
- (a) Vir verbruik op die gelisensieërde perseel op alle dae tussen 10:00 en 02:00 die daaropvolgende dag; en

(b) Vir verbruik van die gelisensieërde perseel op enige dag tussen 08:00 en 20:00.

(f) Dat 'n nuwe paragraaf 5 ingestel word om te lees:

5. **Afwyking van handelsure**

Die Raad mag, in belang van die gemeenskap en op versoek van 'n lisensiehouer van 'n perseel waarop drank verkoop mag word vir verbruik op die gelisensieërde perseel, goedkeuring verleen dat die lisensiehouer drank mag verkoop tussen die tye, anders as die omskryf in artikel 4, maar wat nie buite -

(a) 'n tyd vroeër as 09:00; en

(b) 'n tyd later as 02:00

sal wees nie.

(g) Dat paragraaf 6 omskryf word om te lees:

6. **Oortredings**

Onderworpe aan artikel 7, is 'n lisensiehouer wat drank verkoop, voorsien of die verbruik daarvan toelaat op 'n gelisensieërde perseel op 'n tyd wanneer die verkope van drank nie deur die lisensie toegelaat word nie, skuldig aan 'n misdryf.

(h) Dat paragraaf 7 ingestel en as volg omskryf word:

7. **Oorbruggingsvoorsiening**

Die handelsure van enige lisensie vir 'n perseel waarop drank verkoop mag word vir verbruik op of van die gelisensieërde perseel, wat voor die paal inwerkingtreding van hierdie verordening vasgestel is, sal van toepassing wees totdat die lisensie vervat soos omvat in artikel 62(2) van die Wet.

**HUIDIGE SITUASIE**

Na aanleiding van Wyk 2 se skrywe hieronder en die feit dat die Raad op 5 Februarie 2015 alreeds hierdie aangeleentheid bespreek het word aanbeveel dat die Verordeninge vir Drank Handelsure (aangeheg as Bylaag A op bladsy 74 tot 76) gewysig word.

**Wykskomitee- voorstelle (Wyk 2)**

Soos u van bewus is het daar die afgelope tyd verskeie voorvalle in ons gemeenskap gebeur, wat dui op morele verval. Ons wykskomitee het hieroor besin, en tot die gevolgtrekking gekom dat die meeste van hierdie voorvalle aangevuur word deur armoede, asook die misbruik van drank en dwelms. Aangesien ons as wykskomitee graag 'n bydrae wil maak ten opsigte van die bekamping hiervan wil maak, wil ons hiermee graag die volgende voorstelle indien om die situasie te probeer beredder :

- 1) Dat die ordinansie wat voorsiening maak vir die verkoop van drank op Sondag herroep moet word.
- 2) Ten einde ons woonbuurte meer veilig te maak, versoek ons dat bosse tot binne 'n 50 meter radius afgesaag word om sigbaarheid te verbeter. So 'n projek kan ook werkloosheid aan die hand werk.
- 3) Die wykskomitee sal ook met die nasionale Department van Maatskaplike Dienste skakel om hulle te versoek dat die uitbetaling van All Pay-toelaes slegs op weksdae moet geskied om die moontlikheid te bevorder dat die geld vir voedsel, die betaling van dienste rekeninge, ens. aangewend word, en nie vir ander middele wat die maatskaplike verval in ons gebied verder aanhelp nie.

**Die proses vir die wysiging is as volg:**

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

**BESTUURSAANBEVELING**

(i) Dat die Raad die handelsure as volg wysig:

- (4) 'n Lisensiehouer van 'n perseel waarop drank verkoop mag word vir verbruik op 'n gelisensieëerde perseel, mag op **weeke** **en Saterdag** verkoop tussen 10:00 en 02:00 die volgende dag.

(ii) Dat die volgende proses gevolg word om die Verordening van Drank Handelsure te wysig:

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

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

(i) Dat die vorige besluit 289/2012 geneem op 6 Desember 2012 herroep word.

(ii) Dat alle buite verkope se handelsure soos volg gewysig word: Maandae tot Saterdag: 08:00 tot 20:00.

(ii) Dat die volgende proses gevolg word om die Verordening van Drank Handelsure te wysig:

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

**BESLUIT 61/2015**

(i) Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

(ii) Dat geen buite drankverkope op Sondag mag geskied nie.

**10.3.13 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 77).

**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 opgedateerde lys van die Godsdienstige Genootskappe nadat daar ook op 26 Februarie 2015 'n gesprek was met KALF (Kaap Agulhas Leiersforum), die Burgemeester en die Munisipale Bestuurder (sien Bylaag B op bladsy 80 vir die presensie lys).

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

### UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT

**Die Uitvoerende Burgemeesterskomitee neem die volgende besluit op 9 Desember 2014 (BK242/2014 ) die volgende besluit:**

*Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen word vir die vervreemding van Erwe 5084, 5522 en 5544, Bredasdorp vir die bedrag van R6 000 elk aan (1) ST Johns Apostolic Faith Mission, (2) Full Gospel Church of God in Zion in S.A. en (3) Die Imanuel Pinkster Gemeente van S.A., op voorwaarde dat:*

1. *Alle wetlike vereistes vir vervreemding nagekom word.*
2. *Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.*
3. *Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die kopers nie voldoen aan die tydsraamwerke van die kerkbeleid nie.*

### KOMMENTAAR

Intussen is daar bevestig dat die Full Gospel Church of God in Zion in S.A. nie geregistreer is nie.

**MARKWAARDASIE**

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

**KERKBELEID**

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

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

- *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.*
- *Bewys van die Grondwet van akte van oprigting van die Kerk / Godsdienstige genootskap.*
- *Bewys van registrasie van Kerk / Godsdienstige genootskap by 'n erkende ekeunemiese liggaam.*
- *Genootskappe wat nie oor ekeunemiese registrasie beskik nie, sal nie kwalifiseer vir 'n erftoekenning nie.*

**Voorwaardes vir toekenning:**

- *Slegs een perseel per dorp word aan 'n spesifieke gemeente van 'n Kerk / Godsdienstige genootskap toegeken.*
- *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.*
- *'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.*
- *Oordrag van 'n perseel toegeken binne 12 maande van die kennisgewing van toekenning geskied, anders verval die aanbod.*
- *Dat kerkerwe binne drie (3) maande na toekenning / oordrag behoorlik omhein word.*
- *Dat daar binne vier en twintig (24) maande 'n struktuur opgerig moet wees, wat sitplek vir ten minste 50 gemeentelede kan bied."*

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

<b>Council policy</b>	<b>Alienation of land</b>
MFMA	<ol style="list-style-type: none"> <li>1. Sect 14(2)(a): asset not required for minimum level of basic services.</li> <li>2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>4. Sect 33: Contracts having long term financial implications.</li> </ol>

MATR	<ol style="list-style-type: none"> <li>1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. Definition of "realisable value": fair market value less estimated costs of completion.</li> <li>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. Regulation 5 (decision-making).</li> <li>5. Regulation 6 (public participation)</li> </ol>
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> <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>(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.</li> </ol>
Town Planning legislation	No application is required.

### **BESTUURSAANBEVELING**

Dat besluit BK242/2014 geneem op 9 Desember 2014 herroep word aangesien die lys van kerkgenootskappe nie volledig was nie.

*(Raadslid Mokotwana verlaat die Raadsaal tydens bespreking van die aangeleentheid.)*

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat genoemde persele per openbare tender vervreemd word.

*(Raadslid Mokotwana verlaat die Raadsaal tydens bespreking van die aangeleentheid.)*

### **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.

10.3.14 **BESKIKBAARHEID VAN PUBLIEKE ABLUSIEGERIEWE IN STRUISBAAI (7/R - BSSB) (WYK 5)**

**DOEL VAN VERSLAG**

Om kennis te neem van die status quo van ablusie geriewe in Struisbaai.

**AGTERGROND**

Die Munisipale Bestuurder het die volgende versoek:

*Stel asb 'n verslag saam rakende die beskikbaarheid van publieke ablusiegeriewe in die sakekern in Struisbaai. Ek sal graag wil weet of die winkels by OK die sentrum daaragter en by die vulstasie wel geriewe het vir die gebruik van die publiek, wat die omvang daarvan is en ook hoe toeganklik dit vir die publiek is. Word dit duidelik aangedui en kan 'n redelike persoon wat 'n behoefte het om so 'n gerief te gebruik dit maklik doen? Wat ek hiermee bedoel is alhoewel die besighede mag aandui dat hulle wel geriewe in die verband het, is dit maklik toeganklik en word dit gratis aangebied.*

*Dui sommer ook aan wat KAM se beleid is rakende die voorsiening van publieke geriewe deur privaat instansies wat dienste aan die publiek bied veral in die kleinhandel bedryf. Indien ons nie beleid in die verband het nie, hoor bietjie by jou omliggende kollegas en laat ons daarna kyk.*

*Dan was daar ook 'n ondersoek wat destyds geloods is vir die ontwikkeling van die klein besigheidsarea in L'Agulhas in die omgewing van die vier rigting stop by die kafee en die Friendly Grocer. Kry asb die inligting en laat ons dit weer bestudeer in die lig daarvan dat die lighuis area opgradeer gaan word.*

**ONDERSOEK DEUR STADSBEPLANNING**

Al die publieke toilette sit in die Struisbaai Mall self. Daar is geen bord op om te wys waar die toilet is nie - mens moet maar net raai dit sit in die donker gang. Daar is ook geen publieke geriewe by die OK sentrum nie. Die sentrum op Erf 514 het wel drie toilette (volgens die bouplanne), maar daar is ook geen aanduiding (dit word toe gehou) dat dit vir die publiek beskikbaar is nie.

Die enigste winkel wat wel oor n toilet beskik en bereid is dat die publiek dit gebruik is die drankwinkel by die OK sentrum. Ander plekke wat wel toilette het is die restaurante (The Michael Collins en Thirsty's).

Almal met wie die GIS Beampte gepraat het se eerste reaksie was of die munisipaliteit beplan om ablusie geriewe op te rig, want daar was n groot behoefde oor die feesseisoen?!

Die Raad het glad nie 'n beleid vir die voorsiening van publieke geriewe deur privaat besighede aan die kleinhandelsbedryf nie. Omliggende munisipaliteite (Knysna-, Overstrand-, Hessequa-, Drakenstein-, Theewaterskloof-, George- en Swellendam munisipaliteite is genader, maar selfs hulle het nie so 'n beleid nie.

**RUIMTELIKE ONTWIKKELINGSRAAMWERK: STRUISBAAI & L'AGULHAS - CENTRAL BUSINESS DISTRICTS**

Gedurende 2003 is bogenoemde studie gedoen deur Mnre TV3 Argitekte en Beplanners. Die volgende vraag is aan die besigheidseienaars in Struisbaai en L'Agulhas gevra: "What is the impact of informal trading, mostly during the seasonal times, on their business enterprises?":

*Informal trade*

*Approximately 58% of the respondents in Struisbaai and 67% in L'Agulhas indicated that informal trading provides additional economic opportunities for the provision of a larger range of products and services.*

*Both in Struisbaai (58% of the opinions) and L'Agulhas (44% of the opinions), respondents indicated that the presence of informal traders and their type of clients, impacts the formal business in the sense that the clients wanted to use the ablution facilities of formal business instead of public ablution facilities of facilities at residential properties.*

*67% of respondents in both towns agreed that the informal traders created unnecessary competition for the formal businesses.*

*Between 56% and 58% of the respondents in both towns indicated that informal traders contributed in increase to the parking. However with regards to the impact of informal trade on the traffic flow in both towns, only 44% of the respondents in L'Agulhas and 42% in Struisbaai indicated that the informal trade contributed to the increase in traffic flow.*

*The location of the informal trade seemed to be a problem in the past as 42% of the respondents in Struisbaai and 67% in L'Agulhas indicated that the informal trade is located too close to the CBD areas.*

*Consideration could be given to the formalising of the informal trading activities in terms of limiting trading to a specific defined area, in order to prevent informal trading being conducted at any location along Main Road.*

*Informal trading in December 2001 moved to the barn<sup>1</sup> at the Struisbaai Hotel and this solved the problem with parking and increased traffic flow. The barn can accommodate 25 stalls if each stall is 9 square metres and some of the stalls can also be placed around the barn. The Municipality has made the area around the tennis courts available for people to erect their stalls, but according to the residents of Struisbaai it is too far away from the CBD. Most of the people prefer the barn, for they do not have the trouble to move their items and stalls as it can be locked up inside the alarm secured building. The barn is also preferred for the opportunity to trade irrespectively of the weather. The windy conditions during the December holidays mostly caused an inconvenience for the informal traders. It is acknowledge that the location is not optimal as most of the holiday visitors regularly visit the shopping centre and supporting shops in the CBD of Struisbaai.*

**BUSINESS PATTERNS****PERMANENT RESIDENTS**

*The number of permanent residents and their disposable annual income, is an element sometimes employed when determining the business supply patterns in coastal holiday towns. It provides an indication of the size and location of future demand for business areas. Disposable income patterns are generally not used by the local authority for the planning of the business areas, but rather used by potential entrepreneurs investigating the viability to startup a particular business.*

*It is assumed that business in coastal towns, which are in close proximity to larger business centra, such as Bredasdorp, will supply only basic products and services. These include necessities, some emergency and most of the convenience products such as basic daily food and household items. Almost all other items, such as households appliances and the repairs thereof as well as luxury items (furniture and cars), are purchased in the larger town on regular visits forming part of weekly or monthly routine.*

---

<sup>1</sup> The barn does not exist anymore.



*Certain personal services (hairdressers, computer shops, kennels, crèches, lawyers etc.) only settle in coastal towns when the permanent residents represent a large enough group to sustain these services during off-peak holiday seasons. Coastal towns are often serviced with DIY (Do It Yourself) home renovation product providers. Many visitor-related business such as restaurants, curio shops and outdoor adventure operators, mainly rely on the peak holiday season which generates adequate income to sustain the off-peak period.*

*The above patterns are likely to remain, and it is expected that an increase will be visible in the number of professional services rendered from homes mostly for permanent residents, such as hairdressing, beauty salons, doctors, motor and electrical appliances repairs, garden and house maintenance services and internet-connected professional services such as brokerages. Service providers such as estate agents and law practices are likely to remain dependant on the demand thereof within the respective towns.*

### **NON-PERMANENT RESIDENTS**

*The additional expenditure patterns generated by visiting tourists to the area also need to be acknowledged. It is widely accepted that the existence and prosperity of business in coastal towns heavily rely on the summer school holiday season when there is an influx of holidaymakers. This season is also known for day visitors and week-end visitors. The importance of the impact of L'Agulhas National Park and the most southern tip of Africa, especially for the international visitor, should not be underestimating. Although it is accepted that these attractions complement a variety of other attractions around the towns, the specific character and functions of the individual towns are in themselves a major attraction. Thus, should all the attractions and local businesses be combined into a collective attraction, it will form a valuable asset of the inter-town dynamics. The character of the towns, mostly supported by the visual values of the natural and physical environment, should be viewed and regarded as an important mechanism enhancing the collective economic potential of the region.*

*Non-permanent holiday visitors either arrive with adequate convenience goods for their period of stay or purchase whatever they require from the town. Similar to permanent residents, household appliances, repairs and luxury goods are purchased at distant locations. This pattern is expected to remain.*

### **FUTURE BUSINESS IN L'AGULHAS**

#### **Condensed L'Agulhas CBD**

*Calculating the existence supply and demand of GLA in L'Agulhas was completed in a similar manner to Struisbaai. The 2001 supply of GLA totalled to 988m<sup>2</sup> with 788m<sup>2</sup> in the existing CBD, and 200m<sup>2</sup> in the secondary business.*

*The total future estimated demand for the CBD and the periphery amounts to 1896m<sup>2</sup> by the year 2011. The required provision in the CBD itself is calculated to be 1512m<sup>2</sup> by year 2011, of which 788m<sup>2</sup> already existed in 2001, thereof leaving an additional 724 m<sup>2</sup> to be provided until 2011.*

*The location of GLA in Struisbaai differs from the situation in L'Agulhas. In L'Agulhas approximately 80.% of the existing businesses are located in the primary business area (CBD), whilst in Struisbaai it was only 51% in 2001. This concentrated pattern is expected to continue in L'Agulhas and be reinforced due to the Main Road connecting the CBD of L'Agulhas with the National Park and the Light house. The L'Agulhas CBD will be confined and centralised and, except for the decentralised node to be developed at Zoetendalsrug, no other secondary nodes are likely to develop.*

### **OPTIONS FOR GLA IN L'AGULHAS CBD**

Future provision of GLA in L'Agulhas by 2011 will consist of the additional 184m<sup>2</sup> of GLA to be provided in the secondary business areas.

It should be noted that the estimates for the future GLA demand for L'Agulhas by the year 2011, did not include the Zoetendalsrug<sup>2</sup> development. It was assumed that the Zoetendalsrug business site will provide in the needs of the future residents of this 300 erven development of which 28 houses have been constructed. The Zoetendalsrug business site of 7743m<sup>2</sup> with its estimated 3097m<sup>2</sup> GLA will develop over the next 30 years. Within the planning period to 2011, it is estimated that at the most 400m<sup>2</sup> will be added to the GLA supply.

Each option of development consists of different zones which can be developed separately or in combination with each other. The demand for the CBD (724m<sup>2</sup> of GLA), can be achieved through partial development of Option 4. Ample land exists in L'Agulhas to accommodate future business development, even if the demand is much greater than what has been calculated. Development of erven in Options 4 and 5 are estimated to be the most appropriate and effective until 2011.<sup>3</sup>

It is also proposed that no rezonings (from residentially zoned properties to business zoned properties) be approved outside the delineated development option area and CBD. The latter could be considered once the development option and the CBD has been efficiently utilised for the recommended purpose.

### **FUTURE GLA IN SECONDARY BUSINESS AREAS**

In calculating the estimated future demand for GLA in the secondary business areas, the Zoetendalsrug business area is expected to be the only secondary business node required (note that the potential 3097m<sup>2</sup> to be developed in future was not included in the present calculations. Nor was estimated 400m<sup>2</sup> to be developed until the year 2011, included in the 184m<sup>2</sup> demand for year 2011).

The pattern of home business is expected to remain and intensify along the Main Road. This implies that the additional 184m<sup>2</sup> required until 2011, will easily be taken up by home business. Should the home business be developed at 40m<sup>2</sup> per unit, this will account for an additional 6 home businesses excluding any additional tourism related accommodation.

### **TOWARDS AN URBAN DESIGN PROPOSAL**

#### ***In full business development***

Buildings at the main intersection in L'Agulhas either coincide with the existing buildings or the possible size of future buildings to the extent of between 30% - 40% coverage of each cadastral erf. The applicable area makes use of existing and possible new buildings. The positioning of new buildings may also include extensions to existing houses on either side of Main Road. The figure illustrates the location of building frontages separated from the road with one row of landscaped on-site parking. Defining the Main Road is an important component in the creation of a unique CBD character. Lines of trees both sides of the Main Road between Crescent and Lighthouse streets, will significantly contribute towards this. Character forming elements such as streetscaping (i.e. street furniture) should be developed along the Main Road within the defined CBD area (Zone B)

#### ***Access and parking***

The urban design proposal mainly focusses on a single axial linkage between Crescent and Quarry Streets.

<sup>2</sup> Die besigheidsontwikkeling in Zoetendalsrug het nog glad nie afgeskop nie.

<sup>3</sup> Table attached as Annexure A.

*This is proposed in order to guide the future development of the CBD within the delineated area. Seasonal parking congestion would be alleviated by the provision of parking areas subject to a site development plan which indicates landscaping.*

*Intersections between Crescent-, school-, Lighthouse Streets and the Main Road should be developed into focal points. The surface material may be replaced with a brick-paving and appropriate vegetation on the traffic island at each intersection.*

*A detail road parking layout is to be completed by the Roads Engineer from Cape Agulhas Municipality and forwarded to the Provincial Roads Engineer) also highlights the provision parking in front of existing or proposed.*

*Problems regarding public parking occur mainly on a seasonal basis. Concerns have been voiced by the local community regarding the impact of the increased traffic flow as well as the parking demand for busses and vehicles, especially over the seasonal period. It is evident that the formalised public parking located on erf 116 does not alleviate the over congestion in seasonal times.*

**To address these concerns the following management guidelines are proposed:**

*Permanent closure of the sea side cul-de-sacs ('kopstrate': Lighthouse, Quarry-, School- and Crescent Streets, between Van Breda Street to the coastline) through a process managed by the Local Authority in association with the surrounding residents.*

*As a matter of urgency the same 'kopstrate' i.e. Lighthouse-, Quarry-, School- and Crescent Streets should be temporary closed during the high season while the legal process of permanent closure is being completed. Methods such as temporary chain barriers or bollards should be implemented only permitting entry to residents and guests. The CBD-SDF Committee highlighted the urgency for the policing of parking areas during high season periods. This implies that related costs should be incorporated into the annual IDP.*

*Permanent closure of the side streets (Crescent-, School-, Quarry-, Lighthouse Streets) from the Main Road seawards, for access by busses. The drop-off and go principle should be promoted along the Main Road, supported by the proposed bus parking areas. Investigations towards the development of public parking areas at for motor vehicles and for busses.*

*-Erf 668 (road side part of Stormsee erf) can accommodate at least 4 bus- and 40 vehicle parking. Temporary bays are proposed rather than permanent parking areas due to the seasonality of the demand for parking. Temporary bays have the advantage that no formalised infrastructure need to be developed, provided that the temporary parking bay layout is clearly and effectively demarcated.*

*-A co-operative arrangement should be established with the South African National Parks for provision of an additional 31 permanent parking bays on erf 281/17 (SANPARK's property). SANPARK (in association with the National Ports Authority) has subsequently indicated that this option would not be preferable.*

*-Should the above parking not be acceptable, an approximate 30 parking bays could be provided on erf 201 along Van Breda Street. This means that the caravan park would have to sacrifice 7m parallel to Van Breda Street. Alternatively the caravan park could be divided into quarters where one quarter be utilised for temporary parking during the high season, which would result in approximate 45 parking bays. According to the CBD-SDF Committee, the latter parking option was deemed to be the most feasible.*

*-Bus parking to be provided at the entrance of erf 281/17, also part of the agreement with SANPARK's. Drop-off and go principle also applies, thus ensuring that no busses are stationary along Main Road for a lengthy period of time.*

*Erf 43 (c/a of Quarry Road and Van Breda Street) is currently vacant and privately owned. Although on the market at a sizeable price, purchasing of the property by the Council for alleviating the need for public parking discussion with the property owner, regarding a possible land swap agreement.*

*The above closure arrangements and parking provisions should be communicated to the general public. Clear and explicit parking signs need to be erected. Safe pedestrian crossing on the Main Road should be facilitated and signposted.*

### **GEVOLGTREKKING**

Formele sakeontwikkeling het nie plaasgevind soos wat verwag is in bogenoemde SSK plan nie. Informele handel is nogsteeds seisoengebonde en word aanbeveel dat die formele markopsie met voldoende ablusiegeriewe ondersoek en begroot voor word.

### **BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem van die status quo.
- (ii) Dat die eienaars van die besigheidsgeboue in Struisbaai en L'Agulhas die publieke geriewe duidelik aantoon ingevolge die advertensie beleid.
- (iii) Dat Boubeheer ondersoek instel watter besighede nie voldoen aan die voorsiening van publieke geriewe soos per goedgekeurde bouplanne nie.

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat Gemeenskapsdienste dringend 'n agenda item aan die Raad voorlê om die betrokke aangeleentheid te finaliseer.
- (ii) Dat die Raad in die 2015/2016 begroting voorsiening maak vir die vervanging van ablusiegeriewe soos reeds besluit in 2013.

### **BESLUIT 63/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling [as besluit van die Raad](#) aanvaar word.

## **10.3.15 WESTERN CAPE MUNICIPAL RED TAPE REDUCTION CASE STUDY (1): CAPE AGULHAS MUNICIPALITY (7/R - MTRP) (ALL WARDS)**

### **PURPOSE OF REPORT**

Council take note of the case study compiled by Rae Wolpe of Messrs Impact Economix. The purpose of this case study is to share with other municipal stakeholders steps the Cape Agulhas Municipality is taking to effectively identify and manage illegal land-uses.

### **BACKGROUND**

Businesses require the appropriate zoning and approval from municipalities before they can operate from a particular building or site. In Cape Agulhas, a number of challenges have been experience in the tourism industry with respect to Bed and Breakfasts not always operating from premises which have the required zoning approval. This situation is creating a number of challenges and negative impacts on the competitiveness, growth and sustainability of the local tourism industry, including the following:

- Illegal and unregistered businesses create room for bad customer service in the accommodation industry for instance, some tourists have complained about poor accommodation services.

This can give the area a bad reputation and undermine the overall tourism industry when customers report or post negative experiences using social media etc.

- Illegal businesses do not have the same costs as legal businesses because they do not pay business rates and taxes. This is creating an uneven playing field for businesses which subsequently affects job creation in the area and can negatively impact on the sustainability of legally operating tourism businesses.
- Some illegal businesses are creating challenges for other related industries. For instance when an illegal business comes to the local radio station to advertise, the radio station is not sure whether it should allow the business to advertise or not
- Businesses operating illegally sometimes do not have guest insurance cover for guests, which creates problems for the health and safety of tourists.
- The Illegal businesses do not necessarily comply with parking regulations and this can create a public safety hazard.

The municipality has sent letters to illegal businesses regarding illegal land uses in an attempt to start addressing this issue. Fines for illegal land use are determined under the Western Cape Land-Use Planning Act of 1985. The municipality is currently working on recommendations to improve this act.

In terms of the Western Cape Land-use Planning Act (2014) (LUPA), municipalities will have more power (including establishing a Municipal Tribunal) to deal with the enforcement of town planning regulations including illegal land-use infringements once regulations have been approved.

### **PROBLEM STATEMENT**

There is a need for the CAM to have a system and set of processes in place which ensure that there is consistent and pro-active enforcement of illegal land-uses by the municipality. This means that the CAM should not only rely on members of the public to report illegal land-uses.

When people purchase properties in the area, estate agents do not always inform these buyers of the current zoning and/or zoning regulations as well as the zoning processes which need to be followed to amend a property's zoning. Buyers are sometimes unaware of the zoning issues involved. The rezoning process is also not clearly communicated by the CAM or easy to understand and this discourages compliance.

There is also no effective enforcement system against businesses operating without the required land use permissions. The courts of law do not necessarily take the illegal operation of business seriously, making it difficult for the municipality to take effective legal action against illegal businesses.

The illegal businesses know about this and they are not afraid to be taken to court for their illegal operations. For instance, illegal businesses are fined an averaged of R1 500, an amount which is very small and does not encourage an illegal business to register. Most businesses continue operating illegally even after they have been fined.

Weaknesses in the ability of the municipality to identify and businesses operating without either the required zoning or departures undermine existing businesses which do comply with these regulations and cause a range of potential side-effects which can undermine the tourism attractiveness of the area into the future. The quality of the CAM's Geographic Information System (GIS) and the maintaining the accuracy of the GIS information (including information on what businesses are operating on what erven) needs to be improved.

The CAM is losing out on potential revenue from illegal businesses (revenue can be about R4000/ business for land-use permission as well as higher municipal rates and other tariffs (e.g. electricity) which are payable by businesses). Illegal businesses are still paying household rates when they should be paying businesses rates.

In addition, some businesses that have applied for re-zoning complain that the process can take up to 10 months (instead of the 3 expected months). However, this lengthy time-frame is sometimes linked to the need to also apply for departures before the business is allowed to operate. Some businesses receive temporary departures but do not monitor the departure expiry date and do not receive a reminder from the CAM about the expiry date and, as a result, they end up operating illegally.

### **IMPROVEMENT AND INNOVATION**

The CAM is taking action to improve and maintain its GIS system and database of land-use / zoning information including a record of where businesses operate. Actions that CAM can take to improve the identification of businesses operating without the required zoning, as well as improve compliance with zoning regulations include the following:

- CAM Finances department to send an update form to all businesses to update land-use and other relevant contact and compliance information in order to improve business compliance with land-use and other relevant regulations. The municipality should create a comprehensive database of all businesses operating in the municipal areas and design a verification process to verify which businesses comply with zoning and zoning regulations.
- The local business chamber and Local Tourism Organisation will work with and assist the municipality by communicating this process and circulate the update form to all their members and encourage members to comply and submit the requested information.
- CAM can send information on how tourism businesses can apply for departures to the Local Tourism Organisation (LTO). The LTO can then inspect their premises. The Business chamber can also assist the municipality in distributing information on the procedure to apply for business departures, procedure to apply for business and health licenses and other approvals required, to LTO members and other tourism businesses.
- CAM can use the municipality's slot on the local community radio station and inform people in the area of the need to report unregistered businesses and what the processes are that need to be followed.
- The municipality should close businesses operating illegally by cooperating with the police who are responsible for the closure of illegal businesses.
- The municipality should consider a name and shame system using the municipal website or radio station to expose illegal businesses in the area. The MM should give permission to have a link on the website where business that are not registered are listed.
- Businesses should report non-compliant business on the Hello Peter website as well as to the municipality (for attention: Town Planning Manager). Individual complaints about illegal tourism businesses should also be sent via the LTO.
- Estate Agents should inform clients wishing to purchase properties about zoning process that need to be followed. For instance, the estate agent can provide a list of requirements that each new property owner should be aware of and/or follow. This should include the municipality's Integrated Zoning Scheme compliance brochure. This brochure already exists but the municipality needs to ensure that estate agents are aware of it and have copies of it to give to potential and actual property buyers.
- Estate agents should encourage potential and actual property buyers to approach the municipality to clarify zoning issues and processes. Potential buyers should be encouraged to fund the re-zoning process before the property transfer process is initiated.

The CAM website should also include clear and accessible information about municipal land-use/ town planning/ transport/ health and other district and provincial approvals and processes that need to be followed when starting different types of businesses. Much of this information is already available in a municipal brochure/ document. The relevant business application forms should also be made available on the Municipal website. The LTO can design, plan and implement an information/ marketing campaign on what approvals are needed for starting and operating a business and what the application procedures and processes are (and relevant contact information for different approvals required).

**POSITIVE RESULTS**

If there is consistent and effective enforcement of zoning regulations, a number of positive impacts on the CAM and municipality can be expected, including:

The quality of the tourism experience will be improved and the overall tourism reputation and sustainability and growth will improve. Registration also helps the accommodation businesses to be graded by the grading agency.

Tourists take the grading system seriously and a graded accommodation business will most likely get more clients. The tourism experience will more likely be a positive one where their expectations are met and positive tourist experiences will enhance the overall reputation and perception of the area as a tourism destination. This will assist with overall job creation.

Municipal revenue will grow and be enhanced through both land-use and departure application fees, as well as correct business rates and service charges being charged to businesses. This will raise additional revenue for service delivery and infrastructure which can enhance the overall community's development and quality of the business environment.

**CHALLENGES**

Draft national regulations (in terms of the Spatial Planning and Land Use Management Act (16/2013) are still in the process of finalisation and this process may go beyond the initially planned deadline of July 2015. This has implications for finalising Western Cape Regulations in terms of LUPA and this impacts on the role of municipality's in enforcing town planning regulations including zoning schemes (and levying of fines for example).

Within Cape Agulhas, close cooperation between the local business chamber, Local Tourism Office, local businesses, and local law enforcement is required to improve consistent enforcement of zoning regulations.

**MANAGEMENT RECOMMENDATION**

That Council take note of the study undertaken by Messrs Impact Economix.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 64/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

**10.3.16 WESTERN CAPE MUNICIPAL RED TAPE REDUCTION CASE STUDY (2): CAPE AGULHAS MUNICIPALITY (7/R - MTRP) (ALL WARDS)****PURPOSE OF REPORT**

Council take note of the case study compiled by Rae Wolpe of essrs Impact Economix. The purpose of this case study is to share with other municipal stakeholder's steps that the Cape Agulhas Municipality is taking to improve its systems and processes to effectively and efficiently respond to and resolve queries or complaints submitted by citizens and businesses to the municipality.

## **BACKGROUND**

Ensuring that citizens and businesses can communicate efficiently and effectively with a municipality is challenging for a number of reasons. These include the wide variety of functions performed and services offered by municipalities, the size of these organisations, the numerous communication channels available to the public and which need to be monitored (and which now increasingly include social media), and the need to ensure clear management and work flow processes and a monitoring and reporting system to track this communication from receipt all the way to resolution.

The CAM currently received about 300 complaints a month. These complaints are submitted and received through a variety of communication channels including the following: municipal telephonic reception, Facebook, Twitter, help sms system and a complaint email address (which is posted on its website: [complaints@capeagulhas.com](mailto:complaints@capeagulhas.com)). The municipal website also has a complaint form/ comment form. Each complaint submitted using this form will go directly to the IT unit which forwards the complaint to the relevant official who handles the issue. Receptionists in the Municipal departments are responsible for logging in client complaints on the Ignite system. The Ignite system currently makes provision for the following data fields: Name, address, phone number, person responsible for complaint, urgency of the matter, and status of the complaint resolution (in progress or resolved).

As part of the complaints monitoring process, the Municipal Manager sends a weekly complaints summary report to managers and every month a report on the relevant ward is sent to ward councilors indicating resolved and outstanding complaints.

However, the systems and processes require improvements as businesses complain that they are still unclear on how long it will take to resolve submitted issues and it can sometimes take up to a year before responses are received or issues are resolved.

## **PROBLEM STATEMENT**

Businesses have reports the following challenges with the current municipal complaints system and processes:

- There is no clear process of giving feedback to clients who submit complaints.
- When a complaint is received, there is no indicative time frame provided regarding how the estimated time-frame for resolving the issues.
- There do not appear to be consequences for when a department does not respond to a complaint in time. It is therefore not clear how performance in meeting standardised response times for queries or complaints is linked to the municipal performance management system.
- When businesses/ citizens phone the municipal reception, they frequently either do not obtain an answer or have to wait for an answer in excess of ten minutes because of the limited lines available.

### **Some of the causes underlying the above problems include the following:**

- The Municipality does not yet have a Service Charter (although it has begun work on the service charter) which specifies standardised response time for different categories of service delivery requests, applications, and communications.
- There is a lack of consequence management where official's performance in responding to and resolving complaints is not sufficiently evaluated by management as part of the performance management system and individual performance reviews.
- Municipal receptionists do not always know which specific issues should be referred to which departments and officials. The municipal telephone system is also outdated.
- Municipal officials are not all well trained in the use of the Ignite system to log and monitor queries and complaints.



## **IMPROVEMENT AND INNOVATION**

In order to address the challenges previously outlined, the Municipality is currently centralising Client Services and complaints into one corporate unit within the office of the Municipal Manager to help manage and track client complaints better (this involves restructuring of 5 departments). This will ensure that all complaints are entered properly into the Ignite system and that there can be more effective monitoring. Client services will then be responsible for ensuring that feedback is provided to the citizen or business submitting an issue regarding what actions has been taken to address the issues and an estimated time-frame by which the issues can be expected to be resolved by.

In addition, CAM is developing a Citizen Service Charter which will contain minimum service levels and response times for commonly used municipal services.

In addition, CAM has identified a range of additional improvement actions which include the following:

- Training to improving municipal staff awareness of what departments and officials are responsible for what services (especially receptionists who are often asked to refer people to the relevant official) so that complaints can be referred to the correct person who can address the problem
- Developing a 1-2 page municipal official directory page with user friendly descriptions of main services dealt with by different departments/ branches for use by receptionists and personal assistants.
- Training relevant officials in customer care and how to use the Ignite system to improve customer feedback.
- Use of the local media (as well as the bulk sms system if possible) and municipal functions to increase public awareness of the municipal complaints system and the importance of always obtaining a reference number once a complaint is submitted so that progress with the complaint can be monitored/ followed up easily.
- Including a complaints progress report in the managers Key Performance Indicator report which is sent to the Municipal Manager and is part of the six monthly Director evaluation process.
- Training of new customer service staff in the Ignite system.
- The IT unit to investigate phone call redirecting options and the cost implications so that officials who are out of office can be easily contacted.

## **POSITIVE RESULTS**

Improving the submission, management and monitoring of citizen and business queries and complaints will support more effective communication with the municipality. There will be improved communication and feedback to businesses/ citizens on progress with their complaint as well as an estimated time-frame to resolve the issues within five days. This will reduce the business' time involved in following up progress with submitted complaints so that businesses can focus on running their businesses.

Improved citizen/ business awareness of how long a complaint should take to be resolved should reduce the number of complaints/ follow ups submitted to the municipality and potentially the amount of staff time spent on responding to follow ups on complaints progress. Businesses will be able to plan more effectively, take appropriate actions, and manage their businesses

Finalising a Citizen Services Charter will make service levels and response times clear to both the public and municipal officials and allow for performance to be monitored and more effectively managed.

Improved resolution of business complaints should improve municipal-business relationships and enhance the potential for cooperation and joint initiatives/ partnerships between the municipality and businesses to enhance the local economy.

### **CHALLENGES**

The Ignite system will require modifications to support the improved submission, monitoring and reporting processes (as well as aligning this to the Citizen Service Charter minimum service standards when these are approved by Council).

Monitoring and reporting processes may need to be strengthened to ensure that the municipality's performance in responding to and resolving queries and complaints is effectively monitored and managed and link to the performance management system.

### **MANAGER'S RECOMMENDATION**

Council take note of the second case study undertaken by Messrs Impact Economix.

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

### **BESLUIT 65/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

## 10.3.17 **ADDISIONELE INSTITUSIONELE ERWE AAN GODSDIENSTIGE GENOOTSKAPPE (BSSB) (ALLE WYKE)**

### **DOEL VAN VERSLAG**

Dat die Raad kennis neem van die addisionele erwe geïdentifiseer vir godsdienstige doeleindes (sien liggingsplanne aangeheg op bladsy 81 tot 95).

### **AGTERGROND**

**Op 29 April 2003 neem die Raad die volgende besluit (140/2003):**

- (i) *Dat 'n aansoek om grond vir 'n kerkgebou vergesel moet wees van 'n volledige plan van die voorgenome gebou.*
- (ii) *Dat die koste van die geboue en grond deur die Bou-afdeling bereken word.*
- (iii) *Dat die betrokke kerkgenootskap bewyse van 'n erkende finansiële instelling verskaf dat minstens 50% van die kapitaal benodig vir die geboue en grond deur die aansoeker besit word.*
- (iv) *Dat die aansoek om grond daarna aan die Raad voorgelê word vir oorweging.*

**Op 3 Mei 2013 neem die Land Disposal Komitee die volgende besluit ten opsigte van die voorgestelde beleid (LD2/2013):**

- (i) *Bestuurder: Stads en Streeksbeplanning haal aan dat kommentaar ontvang is vanaf die publiek.*
- (ii) *Direkeur: Finansiële Dienste haal aan dat die voorwaardes soos uiteengesit aanvaarbaar is.*

**VOORGESTELDE KERKPERSELE**

**Op 12 November 2013 het die “Land Disposal Committee” as volg besluit:**

*BESLUIT: LD 11/2013*

- a. *Dat kommentare slegs vanaf een godsdienstige genootskap ontvang is aangaande die omheining periode.*
- b. *Dat die beleid aan die raad voorgelê word vir goedkeuring.*
- c. *Dat kennis geneem word van alle kerkpersele soos bespreek en dat die “Land Disposal Committee” dit aanbeveel:*
  - i. *GED. 1148, Bredasdorp (Geleë op die Hoek van Ou Meule en Fabrieksweg – 1225m<sup>2</sup>).*
  - ii. *GED. 1148, Bredasdorp (Geleë op die Hoek van Langstraat aangrensend erf 2382, Bredasdorp - 1227m<sup>2</sup>).*
  - iii. *Erf 1728, Bredasdorp (Geleë op die Hoek van Lang en Ou Meulestraat) .*
  - iv. *Erf 1747, Bredasdorp (Geleë te Golfstraat – 1113m<sup>2</sup>).*
  - v. *Erf 3629, Bredasdorp (Geleë te Langstraat – 1100m<sup>2</sup>).*
  - vi. *Erf 1597, Bredasdorp (Geleë te Parkstraat – 1597m<sup>2</sup>).*
  - vii. *Erf 4096, Bredasdorp (Geleë te Bastiaanstraat – 5091m<sup>2</sup>).*
  - viii. *Erf 4329, Bredasdorp (Geleë te Gonnabosstraat – 1225m<sup>2</sup>).*
  - ix. *Ged. 513, Napier (Geleë op die Hoek van Joseph en Fordstraat – 1305m<sup>2</sup>).*
  - x. *Ged. 513, Napier (Geleë Wesstraat langs erf 1730 Napier – 1689m<sup>2</sup>).*
  - xi. *Erf 818, Napier (Geleë Joseph en Smythestraat – 835m<sup>2</sup>).*
  - xii. *Erf 377, Waenhuiskrans*
  - xiii. *Erf 669, Waenhuiskrans*
  - xiv. *Gedeelte van Plaas 260, Bredasdorp LD (Waenhuiskrans)*

**RAADSBESLUIT**

**Op 27 Mei 2014 neem die Raad die volgende besluit (88/2014):**

- (i) *Dat die Raad die beleid goedkeur met die volgende wysigings:*
  1. *Die perseel toegeken, 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.*
  2. *Oordrag van ‘n perseel toegeken binne 12 maande van die kennisgewing van toekenning geskied, anders verval die aanbod.*
- (ii) *Dat die erwe vervreem word soos per die goedgekeurde beleid.*
- (iii) *Dat sekerheid verkry moet word oor die spesifieke erwe se sonerings en eienaarskap.*
- (iv) *Dat ‘n terugvallingsklousule in alle gevalle sal geld.*
- (v) *Dat die vervreemding van die erwe deur ‘n tenderproses moet geskied.*
- (iii) *Dat aanbeveling (ii) so spoedig moontlik uitgevoer en ‘n volledige verslag aan die Raad voorgelê word om die aangeleentheid te bespoedig.*

**KWALIFISEER**

Sewe denominasies kwalifiseer in Bredasdorp; 1 denominasies kwalifiseer in Arniston en een in Napier volgens die huidige lys.

**BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem van die erwe soos geïdentifiseer deur die Land Disposal Komitee.
- (ii) Dat die erwe ge-oormerk word vir Godsdienstige doeleindes.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat 'n terrein inspeksie op elke erf gedoen word.

**BESLUIT 66/2015**

Dat 'n terrein inspeksie op elke erf gedoen word, waarna 'n volledige verslag weer aan die Raad voorgelê word.

10.3.18 **AANSOEK OM MUNISIPALE GROND VIR GEMEENSKAPSONTWIKKELING: ERF 1257, STRUISBAAI: SUIDPUNT VIS EN VARSPRODUKTE CO-OP, STRUISBAAI (S1257 - BSSB) (WYK 5)**

**DOEL VAN VERSLAG**

Oorweging van mnr R Thompson (voorsitter van die Suidpunt Vis en Vars Produkte Co-op, Struisbaai) se versoek vir die verhuring van beskikbare meentgrond vir die vestiging van 'n gemeenskapsontwikkelingsprojek (mushrooms). Die liggingsplan is aangeheg as Bylaag A op bladsy 95.

**ALGEMENE INLIGTING**

Bestaande sonering	:	Onbepaald
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	25.7 ha
Voorgestelde sonering	:	
Voorgestelde grondgebruik	:	Gemeenskapsontwikkelingsprojek
Voorgestelde oppervlakte	:	4 ha

**KOMMENTAAR**

Mnr R Thompson se aansoek is aangeheg as Bylaag B op bladsy 96 tot 102. Aangeheg as Bylaag C op bladsy 103 is die ondersteuningsbrief van SAHRA.

**Die Land Disposal het die volgende besluit op 23 Februarie 2015 geneem (LD 37/2015):**

- (i) *Bestuurder: Stads- en Streekbeplanning maak 'n aanbeveling dat die projek by die voorgestelde industriële gebied geplaas word.*
- (ii) *Dat die Raad 'n besluit moet neem.*

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

**WETLIKE IMPLIKASIES**

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie.

Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

Council policy	Alienation of land
<b>MFMA</b>	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li><i>R50 million;</i></li> <li><i>One percent of the total value of the capital assets of the municipality....</i></li> <li><i>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i></li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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> <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

### **BESTUURSAANBEVELING**

- Dat die gedeelte ( $\pm 4$ Ha) soos versoek deur mnr Thompson nie gunstig oorweeg word nie, maar dat 'n gedeelte aangrensend aan die bestaande Industriële gebied (maksimum  $\pm 5000\text{m}^2$ ) in Struisbaai gebruik word vir die voorgestelde gemeenskaps-ontwikkelingsprojek.
- Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die verhuur van 'n gedeelte van Erf 1256, Struisbaai aan mnr Thomson vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van 'n gemeenskaps-ontwikkelingsprojek (groentemark) op voorwaarde dat:

- a. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- b. Die aansoek na affhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
- c. Alle stadsbeplanningsaansoeke en omgewingsprosesse sal vir die aansoeker se rekening wees (dus moet die grond deel vorm van die voorgestelde uitleg).
- d. Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond vat en instandhouding van die toekomstige geboue en strukture aanvaar vir die volle termyn van die huurooreenkoms in ag geneem word met die bepaling van die markverwante huur met 'n eskalاسie van 10% per jaar.
- e. Die geboue en strukture onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
- f. Alle strukturele werk en opgraderings wat aan die eindom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
- g. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projek op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Struisbaai gemeenskap: Die Hoof Uitvoerende Beampte Kaap Agulhas Toerisme, die Bestuurder: PEO, die Bestuurder: Publieke Dienste en die aansoeker.
- h. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.
- i. Die huurtermyn sal 9 jaar en 11 maande wees, met die opsie om te verleng.

**AANBEVELING: FINANSIële- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 67/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word, onderhewig aan die beskikbaarstelling van 'n volledige sakeplan asook 'n verslag vanaf die betrokke staatsdepartement wat die projek ondersteun.

**10.3.19 WYSIGING VAN HERSONERING GOEDKEURINGSVOORWAARDES: ERF 253, HOEK VAN HOOFWEG EN DUIKERSTRAAT, STRUISBAAI (S253 - BSSB) (WYK 5)**

**DOEL VAN VERSLAG**

Die oorweging van bogenoemde aansoek ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985). Die ligging van die eiendom word aangetoon op die plan aangeheg as Bylaag A op bladsy 104.

**ALGEMENE INLIGTING**

Bestaande Sonering	:	Sake
Bestaande Grondgebruik	:	Eiendomsagentskap
Voorgestelde Sonering	:	Sake
Oppervlakte van Erf	:	1034 m <sup>2</sup>

**DIE EIENDOM**

Die eiendom word ingevolge die Titelakte beskryf as “ERF 253 STRUISBAAI, geleë in die Kaap Agulhas en Afdeling Bredasdorp, Provinsie Wes-Kaap. GROOT Eenduisend en Vier en Tagtig Vierkante Meter...”

**AGTERGROND**

Die aansoek het die volgende behels:

Wysiging van goedkeuringsvoorwaardes en goedgekeurde terreinontwikkelingsplan in terme van Artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985.

*“On 29 August 2006 the Cape Agulhas Municipality approved an application for the rezoning of erf 253, Struisbaai, from Residential Zone I to Business Zone I. The application also removed certain restrictive title deed conditions that were registered within the title deed of the property.*

*Abovementioned approval was subject to an condition that limited the use of the business premeses for office use only. The owner of the property intends to extend the land use on the property, to include a boutique clothing shop. It is proposed to accommodate this shop by means of an extension to the existing building that is located on the property.*

*In order for the above to be achieved, it is necessary to amend the condition of approval that restricts the use of the property to office use.*

*The proposed extension where the shop will be located in will have an appoximate extent om 46m<sup>2</sup>. The gross lettable area (GLA) of all existing property is appoximately 170m<sup>2</sup>. The parking ratio prescribed by the Cape Agulhas Municipality Zoning Scheme Regulations is 4 parking bays per 100m<sup>2</sup> GLA. A total of 7 parking bays therefore have to be provided on the erf. The attached site development plan allows for the provision of 10 parking bays.”*

Die terreinplan word aangeheg as Bylaag B op bladsy 105.

**ADVERTERING**

Die aansoek is op 8 Desember 2014 in die Provinsiale Koerant en in die plaaslike koerante geadverteer. Skrywes is aan die omliggende eienaars, Suidpunt Belastingbetalersvereniging, Kaap Agulhas Munisipaliteit Sakekamer en die Distrikspadingsingieur gestuur.

**BESWAAR ONTVANG**

Die volgende beswaar is ontvang:

**H J en H Heyns: 12 Jan 2015**

*Hiermee stel ons die volgende voorwaardes wat betref bg. beplande afwykings:*

- (A) Die eienaar moet ‘n skriftelike voorneming lewer dat sy wel al tien (10) parkeerplekke soos beplan, gaan verskaf, aangesien daar geen parkering in Duikerstraat of die Hoofweg kan plaasvind sonder dat dit verkeersvloei sal belemmer nie.*
- (B) Die voorstel maak dit nie duidelik of daar enige boulyn oorskrydings gaan plaasvind nie, kan daar aangedui word of daar wel oorskrydings is asb.*

**Kommentaar op beswaar is soos volg:**

We hereby respond to the letter that was submitted regarding the abovementioned land use application by HJ & H Heyns.

- 1. The owner must confirm in writing that all ten (10) parking bays will be provided. No parking can be provided within Duiker Street or the main road as this will result in traffic congestion.**

The provision of parking bays, as indicated on the site development plan submitted with the land use application, will be made a condition of approval by the Cape Agulhas Municipality. In terms of aforementioned site development plan, all parking bays are provided on the erf itself and not within any adjoining roads.

- 2. The proposal does not indicate if any building line departures will result with the approval of the application. It must be indicated if there are any building line departures applicable.**

No building line departures have been applied for and therefore all structures will be located outside prescribed building lines.

We trust that you will find the above in order. Should you require any additional information within this regard, please do not hesitate to contact this office.

## KOMMENTAAR

### Munisipale Gesondheidsafdeling (ODM)

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

### Esteties- en Bewaringskomitee

Aansoek word ondersteun.

### Telkom

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.

### Padnetwerkbestuur

This branch offers no objection to the application to amend the rezoning approval conditions in terms of the Land Use Planning Ordinance, No 15 of 1985; subject to all the following conditions:

1. The access of Main Road 261 is to be closed and a non-mountable barrier erected to prevent illegal access from the Main Road;
2. Access is to be taken from Duiker Street only and;
3. 10 Parking bays are to be developed and marked on site.

### Departement Omgewingsake en Ontwikkelingsbeplanning

Application was submitted for amendment of conditions of approval and approved Site Development Plan in terms of Section 42 of the Land Use Planning Ordinance, 1985 (no. 15 of 1985) to extend the current building situated on the premises in order to accommodate a boutique clothing shop.

The property is zoned Business Zone I and there is no restriction in the title deed that would prohibit the use of the property for the proposed clothing shop.

The Cape Agulhas Spatial Development Framework earmarks the subject property as part of the central business area of Struisbaai.



The proposal will not change the existing land use rights of the property concerned as the zoning of the property will remain Business Zone I. The primary land use rights of the subject property allows for the utilisation of the property for shops along with the existing offices.

It is noticed that no negative impact on service infrastructure is anticipated by your various internal departments and parking bays in excess of what is required will be provide (7 parking bays are required but 10 bays will be provided).

This Sub-directorate has in principle, no objection to the proposal.

#### **Raadslid Burger**

Ons het die aansoek bestudeer en kon geen rede vind dat ons dit nie moet goedkeur nie - behalwe die druk wat konstante verdigting op dienste soos water- en krag lewering plaas. Die beslissing sal eerder by Bertus en Francois lê.

#### **BESTUURDER: INGENIEURSDIENSTE**

##### **Reiniging en Suiwering**

In orde.

##### **Strate en Stormwater**

Geen impak op paaie.

#### **BESTUURDER: ELEKTROMEGANIESE DIENSTE**

Enige koste vir die verandering of vergroting van die elek aansluiting sal vir die eienaar se rekening wees.

#### **BESTUURDER: GEMEENSKAPSDIENSTE**

##### **Beskermingsdienste**

Voorsien geen probleem nie.

#### **DIREKTEUR: KORPORATIEWE DIENSTE**

No objections as long as town planning requirements are met.

##### **Boubeheer**

Die aansoek word ondersteun. Daar moet net genoegsame parkering op perseel beskikbaar wees. Daar moet ook met verkeer uirgeklar word of die toegang tot die perseel korrek is en nie te na aan die huidige stopstraat in Hoofweg is nie. Dit kan moontlike verkeersvloei belemmer. Planne moet ingedien word voordat met enige bouwerk begin word.

##### **Senior Stadsbeplanner**

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 is die aansoek wenslik en kan dit gunstig oorweeg word.

#### **BESTUURSAANBEVELING**

- (i) Dat die Raad goedkeuring verleen ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), vir die volgende:

Wysiging van goedkeuringsvoorwaardes en goedgekeurde terreinontwikkelingsplan in terme van Artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985.

- (ii) Die Raad kennis neem van die kommentaar van die Distrikspadingenieur.  
 (iii) Dat die aansoeker op hul reg tot appèl na Provinsie gewys word ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (15 van 1985).  
 (iv) Dat die aansoeker / eienaar en beswaarmaker dienooreenkomstig ingelig word.

#### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

#### **BESLUIT 68/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

#### **10.3.20 HERROEP VAN RAADSBESLUIT: VERHURING VAN 'N GEDEELTE MEENTGROND TE NAPIER: VIERFONTEIN BOERDERY (NAMENS NAPIER FARMING ENTERPRISE) (7/1/3/1 - LED) (WYK1)**

##### **DOEL VAN VERSLAG**

Om oorweging te skenk aan die herroeping van Raadsbesluit 291/2012 geneem op 16 Desember 2012 wat gehandel het oor die aansoek van Vierfontein Boerdery namens Napier Farming Enterprise vir 'n gedeelte meentgrond wat huidiglik deur Agri Dwala gehuur word om 'n landbou bemagtigingsprojek daar te vestig.

##### **AGTERGROND**

In April 2010 het die eienaar van Vierfontein Boerdery, mnr Kevin Snyman 'n voorlegging aan die Plaaslike Ekonomiese Ontwikkelingskomitee van Kaap Agulhas Munisipaliteit gedoen ten opsigte van 'n bemagtigingsprojek wat hulle graag op 'n gedeelte meentgrond te Napier van stapel wil stuur.

Die Komitee het 'n versoek gerig dat hulle 'n volledige besigheidsplan indien in dié verband, en aan die Raad sal voorlê.

Die projek kom daarop neer dat Vierfontein Boerdery van hul huidige werknemers wil bemagtig in die vorm van 'n trust wat dan eienaarskap kan neem van hul eie ekonomiese landbou eenheid. 'n Nuwe maatskappy wat gestig sal word waarvan die Napier Werkertrust ook aandeelhouing sal hê, sal hoofsaaklik daarop konsentreer om hoë kwaliteit vye, granate en wyndruiwe vir die uitvoermark te verbou.

Agri Dwala (Edms) Bpk huur tans 'n gedeelte (ongeveer 770 hektaar) van die Napier meentgrond vir beesboerdery en graanproduksie. Die huurtermyn is pas verleng vanaf 1 Januarie 2010 tot en met 31 Desember 2015.

Ongeveer 26 hektaar van die meentgrond vorm deel van die grond wat deur Agri Dwala gehuur word, maar staan al geruime tyd onbenut aangesien dit nie gunstig is vir saai nie, maar sal wel aangewend kan word vir die verbouing van vrugte.

Agri Dwala bevestig met 'n skrywe, dat hulle graag die kamp sal afstaan aan die Napier Farming Enterprise. Die gedeelte grond ter sprake is 'n kamp van Agri Dwala wat langs die grond van Vierfontein Boerdery te Napier geleë is. Dit maak dit dus maklik vir Vierfontein Boerdery om die Napier Werkerstrust onder hul wakende oog te hou vir mentorskap asook die praktiese aanwending van implemente, tegniese advies, ens.

### **BEMAGTIGING**

'n Nuwe maatskappy genaamd "Napier Farming Enterprise" gaan gestig word om die ekonomiese landbou eenheid te bedryf. Die aandeelhouding in die nuwe maatskappy sal as volg saamgestel word:

Vierfontein Boerdery CC	:	20%	
Agri Dwala	:	20%	
Napier Werkerstrust	:	20%	
Swartbemagtiging groepe	:	40%	(Beskikbaar vir plaaslike swartbemagtigings aandeelhouers)

Behalwe die aandeelhouding word bereken dat 15 permanente sowel as 15 tydelike werksgeleenthede geskep gaan word.

### **KOMMENTAAR VAN BESTUURDER: LED**

Tydens die voorlegging van Vierfontein Boerdery kon mens reeds agter kom dat hulle ernstig is om opkomende boere te bemagtig en transformasie in die landboubedryf te versnel.

Die feit dat Agri Dwala ook aandeelhouding in die nuwe maatskappy, Napier Farming Enterprise gaan hê, verseker dat die opkomende boere mentors gaan hê wat al deur die meul van bemagtigingsboerdery gegaan het en die lesse wat hulle tot dusver geleer het, suksesvol kan toepas in hierdie nuwe projek.

Die stuk grond waarvoor aansoek gedoen word lê tans onbenut en met 'n finansiële investering van nagenoeg R6 miljoen, kan dit 'n wesenlike positiewe impak in die plaaslike ekonomie tot gevolg hê. Die vye, granate en wyndruiwe wat beoog om verbou te word is tans in groot aanvraag in die uitvoermark en indien die kwaliteit en prys reg is, kan dit 'n wenresep wees vir ekonomiese lewensvatbaarheid.

Werksgeleenthede veral in die Napier omgewing is skaars en 30 nuwe werksgeleenthede sal grootliks bydrae tot die sosio-ekonomiese profiel van die dorp.

Die projek is ook in lyn met die winsdeling oogmerke van die nasionale Minister van Landbou, Seevisserye en Bosbou deurdat mentors van landbou bemagtigingsprojekte ook deel in die winste om sodoende hul algehele toewyding tot die projek te verseker.

### **RAADSBESLUIT**

**Op 16 Desember 2012 neem die Raad die volgende besluit (291/2012):**

- (i) *Dat die Raad volstaan met die vorige besluit 153/2011 geneem op 31 Augustus 2011, met die weglating van (ix).*
- (ii) *Dat die beswaarmaker dienooreenkomstig in kennis gestel word.*
- (iii) *Dat in die ooreenkoms 'n opskortende voorwaarde gestel word met betrekking tot die nie-nakoming van die 40% swartbemagtigingsgroep, soos gemoniteer deur LED.*

### **STADSBEPLANNINGSKOMMENTAAR**

Na verskeie pogings kry die Stadsbeplanningsafdeling nie die registrasie nommer van Mnre Napier Farming Enterprise nie en word aanbeveel dat die grond weer deel vorm van Agri Dwala se huurkontrak.

### **BESTUURSAANBEVELING**

Dat die Raad besluit 291/2012 geneem op 16 Desember 2012 as volg herroep:

Die grond wat beskikbaar gestel is aan Napier Farming Enterprise weer deel vorm van Agri Dwala se huurkontrak.

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

### **BESLUIT 69/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

## 10.3.21 **MARKET ANALYSIS: RETIREMENT VILLAGE, BREDASDORP (MTRP) (ALL WARDS)**

### **PURPOSE OF REPORT**

Council take note of the market analysis compiled by Messrs Urban-Econ.

### **BACKGROUND**

Council sought guidance on the development potential of Erf 1148 in Bredasdorp. Therefore Messrs Urban- Econ was appointed to conduct a market feasibility study for the market demand to develop a retirement village within Bredasdorp. The research study is also needs to provide guidance on supporting activities that would be required for a retirement village (i.e. supporting facilities to make the retirement village feasible).

If the research indicates that the retirement village is not feasible other alternative development proposals toned to be investigated (i.e. general residential, retail, industrial and filling station).

### **The report aims to:**

1. To provide the current development context.
2. To investigate the market feasibility of a retirement village in Bredasdorp with supporting activities.
3. To determine the market capacity for alternative land uses for the site.
4. To provide recommendations to the CAM based on the findings of this report.

The outcome of the study is attached as Annexure A on page 106 to 132.

## **INTERVIEWS CONDUCTED**

**The following Interviews were conducted by Messrs Urban Econ:**

1. Johannes de Villiers – business chamber
2. Zoon Jacobs – Architect
3. Norwood Kotze: Director: Civil Engineering Services
4. Dr. Jan Malan – Retired businessman
5. Mr. Pieter Pratt – Retired farmer
6. Councilor Nieuwoudt – councilor for the areas in which site is located-
7. Breda van Niekerk – Developer Grace Haven Retirement Village
8. Will Kleinschmidt – Napier Retirement Village
9. Huis Klippedrift, Napier
10. Suideoord Old Age Home, Bredasdorp
11. Otto Du Plessis Hospital
12. Various Estate Agents in the area

## **CONCLUSION AND RECOMMENDATION**

**The following were conclusions from the study undertaken:**

The CAM is seeking guidance on the development potential of Erf 1148 in Bredasdorp. CAM therefore appointed Urban-Econ to conduct a market feasibility study for a retirement village within Bredasdorp. The research study is also required to provide guidance on supporting activities that would be required for a retirement village (i.e. supporting facilities to make the retirement village feasible).

From the site assessment conducted it is evident that the proposed development site is an ideal site to be developed. Due to the great visibility and exposure the site has it increased the attractiveness of the site for a number of land uses such as retail, retirement, residential, etc. However the following need to be considered:

- The site would need to be rezoned and a EIA would need to be conducted
- Although the site has access to municipal services, the developer would need to provide the capital to connect the proposed development site to the existing services.
- Current access to the site is a challenge and would decrease potential for land uses such as higher order retail and commercial uses.

The detailed market research was conducted for retirement units as well as relating medical facilities. Based on the research it is evident that there is a growing demand for retirement units (specifically looking at the middle to high income group). The current market gap is 137 units which declines to 81 units by 2019 (due to the increase in supply of an additional retirement village), however the market gap again grows to 114 units by 2024. This indicates that there is a strong market for retirement units in the area.

The research has however indicated that the current retirement villages are not achieving high sales rates. One of the main reasons for this is that the retirement villages are not providing for the preferences of the target market. The target market are looking for the following:

- Free standing homes (not apartments) with medium densities.
- Access to medical facilities such as frail care – it is important that these facilities be available to the residents when the move into the retirement village – even if it is just a small portion of the frail care units.
- The layout of the retirement village needs to be accommodating to the elderly (i.e. reduce the use of steps, provide resting places between facilities, etc.).
- The retirement village should also provide access to other social activities such as gym, hall, library, etc.

The research indicates that medical facilities are essential to the retirement market being developed. Therefore the research investigated the market gap for a private hospital. From interviews held it was also evident that the development of a private hospital would also unlock other economic markets).

The market gap for a private hospital is currently 40 beds, which grows to 44 beds by 2019 and 48 beds by 2024. In order to attract the retirement market to the Cape Agulhas Local Municipality (specifically Bredasdorp) it is important to consider the development of a private medical facility.

The private medical facility could be part of the retirement village or separate, however it would be important to also cater to all medical aid patients within the area in order to support the viability of the facility. Although the majority of the patients will be from the retirement market. An option to further investigate is such a facility as provided by the Groenkloof Retirement Village in Great Brak River, Mossel Bay.

Although the research indicated that the retirement village market is feasible, other complementary land uses were also investigated. The following table provide the recommendation in terms of the development proposal for the proposed development site.

#### **Critical success factors:**

- The above findings and recommendations are based on current market conditions and therefore the timing/phasing of the release of the various sites is crucial to the success of the developments. The current market conditions is ideal to finalise the planning for the various sites which would result in the development taking place within the next 3 to 5 years.
- Access to the site will have an impact on the potential of the site. /although there is market gap for the proposed land uses, it is essential that the proposed development site be provided with an additional access point in order to relieve congestion.
- The proposed development does not have service connections and the municipality would need to provide an attractive business model in order for developers to develop the land as well as providing the capital for the service connections.
- The development of a private medical facility is seen as essential to not only the retirement market but also broader economic development in the area.
- The design of the proposed development should fit into the overall design of the area, however still providing an iconic development proposal for the area as a whole
- The design of the proposed development should be flexible in terms of responding to any major changes in the market conditions
- Marketing strategies and initiatives need to be put in place in order to attract consumers to the development
- Provide sufficient signage to guide individuals to the proposed development

#### **Risk Factors:**

- The proposed development site still needs to be rezoned
- A full EIA process still needs to be conducted
- Approval for additional access point from the R316 needs to be obtained
- A developer needs to be secured that is willing to develop the sit in accordance to the proposed recommendations (the preferences of the target market)
- A developer needs to be secured that is willing to provide the capital for the service connections.
- The market assessment is done based on the current market characteristics, any changes to this could have an impact on the potential market gap as described.

#### **MANAGEMENT RECOMMENDATION**

That Council take note of the study undertaken by Messrs Urban Econ.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 70/2015**

- (i) Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat ontwikkelingsvoorstelle vir die gedeelte van erf 1148, Bredasdorp weer gevra word.

10.3.22 **TUSSENBERGE BOERDERY GEMEENSKAPSPROJEK: AANPLANT VAN PROTEACEAE (N513 - BSSB) (WYK 1)**

**DOEL VAN VERSLAG**

Oorweging van gemeenskaps- en werkskeppingsprojek waarvoor meentgronde benodig word vir die aanplant van proteaceae.

**AGTERGROND**

Die Protea Produsente van Suid-Afrika (PPSA) is deur 'n internasionale organisasie genader om ekonomiese- en gemeenskapsontwikkelingsprojekte te identifiseer vir befondsing.

Mnr Wilhelm Rabe van Tussenberge Boerdery, Napier sien hierdie as 'n geleentheid om binne die Kaap Agulhas regsgebied 'n formele fynbosprojek te vestig. Vir hierdie doel word 20ha grond (verkieslik naby Napier benodig, maar indien dit nie moontlik is nie, kan die grond ook verspreid oor die hele gebied in kleiner gedeeltes beskikbaar gestel word). Hierdie projek kan inskakel by die Tussenberge Boerdery verpakkings- en verkoelingsinfrastruktuur sowel as vervoer van produkte na verspreidingsdepots. Tussenberge Boerdery is 'n aandeelhouer in 'n logistieke uitvoermaatskappy in Holland wat Europese verkope en verspreiding hanteer. Inskakeling van die gemeenskapsprojek by Tussenberge Boerdery sal die gemeenskapsprojek 'n groot voorsprong gee omdat al bogemelde sowel as finansiële en administratiewe bestuur vanaf Tussenberge beskikbaar is.

Aangesien hierdie die aanplant en vestiging van proteaplante behels, is dit uit die aard van die saak 'n langtermyn projek en moet voorsiening gemaak word vir 'n langtermyn huurooreenkoms (nie minder as 10 jaar nie) met die opsie om te hernu.

Die projek sal baie arbeidsintensief wees en veral van vroue gebruik kan maak, omdat die werk daaraan verbonde nie harde fisiese arbeid behels nie. Verskeie voltydse personeel sal ook aangestel moet word. 'n Besigheids- en tegniese kundige sal tot die besigheid se beskikking gestel word.

**UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT**

Op 29 Oktober 2013 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK172/2013):

- (i) *Dat beginselgoedkeuring verleen word vir langtermyn verhuring van grond aan Tussenberge vir hierdie gemeenskapsvoordelige projek, verkieslik in die omgewing van Napier, wat baie werkseleenthede oor die langtermyn sal skep en ook permanente betrekkinge volhoubaar sal skep op voorwaarde dat:*
  - a. *Alle wetlik vereiste publieke deelname prosesse vir langtermyn verhuring, moontlike onderverdeling en hersonering van Raadsgrond teen realiseerbare markwaarde soos bepaal in die MATR, op koste van die aansoeker gevul word;*

- b. Die aansoek na afhandeling van prosesse in a na die Raad verwys word vir finale oorweging; en
- c. die grond onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek nie langer vir armoede verligting en die opbrengs nie vir opgradering van gemeenskapsgeriewe aangewend word nie.
- (ii) Dat 'n realiseerbare huur ingevolge MATR vir die grond, waarop proteacae aangeplant gaan word wat eers oor 'n aantal jare volle produksiekapasiteit sal bereik, deur 'n tegniese kundige bepaal word.
- (iii) Dat die aansoeker versoek word om geskikte grond te identifiseer waarna die verslag weer aan die Raad voorgelê sal word.

### **KOMMENTAAR**

#### **Bestuurder: Stads- en Streeksbeplanning**

Aangeheg as Bylaag A op bladsy 133 is die liggingsplan wat die grootte van die grond ook aandui.

### **WAARDASIE**

#### **Mnr Carstens se waardasie is as volg:**

Ek het wyd navraag gedoen oor 'n huurtarief vir gronde waarop aangeplante fynbos (blomme) verbou word. Daar bestaan egter tans nie sulke huurwaardes nie. Die beste opsie wat ek kan aanbeveel is dat die onbewerkte grond dieselfde aangeslaan word volgens die model soos omskryf in "Bestuursaanbeveling" nr 3. Maw. dat 'n markverwante huur van R417/ha gehef word vir 2016, met die aanpassings.

Ook dat die oppervlakte grond, van die stuk grond, wat onder die gewasse beplant word, aangeslaan word soos vir saai-gronde nl. R1 855/ha, met die aanpassings, of 10% van die bruto inkomste van die spesifieke aangeplante gewasse, welke die hoogste vir daardie jaar. Die uitdruklike onus berus by die huurder(s) van hierdie stuk grond om die inkomste (verkope) aan die einde van elke jaar van die termyn korrek aan KAM te verklaar.

<b>20 Ha</b>	<b>Onbewerkte grond (R417/ha) R</b>
JAAR 1 Markverwant - 70%	2 502,00
JAAR 2 Markverwant - 50%	4 378,50
JAAR 3 Markverwant - 30%	6 129,90
JAAR 4	8 340,00
JAAR 5	8 757,00
<b>TOTAAL</b>	<b>30 107,40</b>

### **FINANSIËLE IMPLIKASIES**

Huur inkomste vir die Raad.

### **WETLIKE IMPLIKASIES**

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie.

Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:



Council policy	Alienation of land
<b>MFMA</b>	<ol style="list-style-type: none"> <li>Sect 14(2)(a): asset not required for minimum level of basic services.</li> <li>Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>Sect 33: Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>Definition of "realisable value": fair market value less estimated costs of completion.</li> <li>Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</li> <li>Regulation 5 (decision-making).</li> <li>Regulation 6 (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	<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> <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

### **BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, goedkeuring verleen word vir die verhuring van die Napier meentgrond aan Tussenberge Boerdery ( $\pm 20$ Ha) vir 'n termyn van 5 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die aanplant van proteaceae, op voorwaarde dat:

- Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
- Alle afwykingsprosesse sal vir die aansoeker se rekening wees.
- Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R417/ha per jaar vooruitbetaalbaar met 'n eskalاسie van 5% per jaar.
- Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
- Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.

- g. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Napier gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
- h. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die termyn 9 jaar en 11 maande sal beloop.
- (iii) Dat die aansoeker 'n bemagtigingskomponent moet insluit.

**BESLUIT 71/2015**

- (i) Dat die aangeleentheid terug verwys word vir verdere ondersoek.
- (ii) Dat die aansoeker versoek word om spesifiek kommentaar te lewer rakende die wenslikheid van die aansoek eiendom vir die aanplanting van proteas.

10.3.23 **NUWE GEÏNTEGREERDE SONERINGSKEMA KAARTE (15/3/3/1 - GIS) (ALLE WYKE)**

**DOEL VAN VERSLAG**

Die oorweging van die nuwe geïntegreerde soneringskema kaart ingevolge Artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985.

**AGTERGROND**

Die Kaap Agulhas Munisipaliteit het 'n geïntegreerde soneringskema vir die munisipale area opgestel in terme van Artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 sowel as 'n soneringskaart. Die nuwe skema het alle soneringskemas wat voorheen in die munisipaliteit gebruik is vervang. Die nuwe skema maak voorsiening vir die fasilitering van grondgebruik ter ondersteuning van die Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk en spreek ook plaaslike en globale kwessies soos die bestuur van hulpbronne aan. Verder is daar ook 'n soneringskaart opgestel in terme van Artikel 14(4) van die Ordonnansie op Grondgebruikbeplanning, 1985 wat 'n sonering aan elke eiendom toeken op grond van die gebruik daarvan en beskikbare historiese inligting (sien Bylaag A op bladsy 134 tot 141).

**ADVERTENSIE**

Kaarte was beskikbaar gestel aan die publiek op 21 November 2014 en was verkrybaar op die Munisipale webblad, Facebook, Munisipale Kennisgewingborde en alle Biblioteke. Kennisgewings was geplaas in die Suidernuus, Provinsiale Gazette, op alle munisipale rekeninge (Desember 2014 en Januarie 2015); gepos na alle Wykskomitees asook verskeie departemente.

**Die sluitingsdatum vir kommentaar was 21 Januarie 2015.**

**KOMMENTAAR**

Die volgende kommentare is ontvang:

**Dr. D J Herbst**

*It has recently been brought to our attention that there is an intention by Cape Agulhas Municipality to reclassify the so-called "green areas" in Struisbaai. Herewith we wish to issue a formal objection to this intended reclassification based on the following reasons:*

1. *The Agulhus Plain (AP) is an entire region that has been identified as an area with high conservation significance. This region stretches from Struisbaai in the east through to Gansbaai in the west. Given the location of Struisbaai with particular reference to the Agulhus National Park it becomes pertinent to take into account the natural fauna and flora that may be compromised with this proposed ideology. Biotic characteristics of this region include phytoplankton (diatoms), algae, aquatic and semi aquatic flora but more importantly, the terrestrial flora or vegetation which is considered to be the most imperative component of the biota and its protection is vital for the conservation of fynbos in South Africa. Moreover, in addition to the flora that this region encompasses, these green areas are also the ideal habitat for various endangered species of reptile – this includes (but is not limited to) the red-bellied tortoise, the Rare Yellow-bellied house snake (*Lamprophis fuscus*) and the threatened Southern dwarf adder (*Bitis armata*) which is extinct from similar habitats further west in the Cape Floristic Region. Also, the avifauna is exceptionally diverse with more than 230 bird species recorded in the AP region. Furthermore, a total of 81 terrestrial mammals have been documented in the Cape Floral Kingdom and of these, it estimated that 65 of these are likely to be found in the AP, more specifically in the green regions of Struisbaai. For further reference please consult: [http://www.sanparks.org/docs/conservation/scientific/coastal/Agulhas/ANP\\_SOK\\_Mar2009.pdf](http://www.sanparks.org/docs/conservation/scientific/coastal/Agulhas/ANP_SOK_Mar2009.pdf).*
2. *There are currently a total of 603 vacant plots available for sale in Struisbaai – this was determined using Property24. Moreover, there are currently more than 900 properties available for purchase in this area. It cannot therefore be deemed necessary to disturb fundamental balances of ecosystems that maintain homeostatic environments for developmental purposes.*
3. *Struisbaai is an old fishing village which has long since housed a natural harbour. Although some development has taken place throughout the years, the town is still relatively untouched by the rigours of overdevelopment and over-commercialization. It is the space, peace and tranquillity away from the hustle and bustle of city life that draws tourists to Struisbaai for relaxation. The large expanse of fauna and flora between residential dwellings provides both privacy as well as beautiful scenery for residents.*
4. *The re-classification of the green areas poses numerous problems – with residential development comes the added necessity of infrastructure development which cumulatively destroys the longstanding image of Struisbaai as an uncommercial “hideaway” along 14km of perfect coastline. Struisbaai will lose its place in the folds of South Africa’s coastline.  
Herewith a sincere and heartfelt appeal that Struisbaai’s green areas remain untouched so as not only to preserve the fragile ecosystem of AP, but also the milieu that Struisbaai offers to both the tourist and local resident.*

### **Town & Country**

Bognoemde het betrekking. 'n Paar notas wat dalk net deur u kantoor geverifieer kan word.

### **Arniston/Waenuiskrans:**

Erf 35 Arniston, vorm deel van die kampeerterrin en is dan ook vir die doeleindes gesoneer.

### **Bredasdorp:**

- Slegs die gedeelte waarop die Lifestyle Centre is het sakeregte, die res is industrieel.
- Erwe 4718, 4719, 4721 en 4465 is industrieel.
- Erwe 1923 en 1924 word aangedui as onbepaald. Glo dit moet seker onderverdelingsbied wees.
- Erf 1289 moet Sake wees

**Napier:**

- Groot gedeeltes pad aangedui as Onbepaald.
- Ek dink ook hoewel daar van die paaie in Napier nie onderverdeel is nie, wys dit steeds as 'pad' op die diagramme. Moet die gedeeltes 'pad' nie dalk rofweg ingetrek en as sulks ingekleur word nie?

**Struisbaai:**

- Erf 959 is 'n gastehuis.
- Erf 1258 moet seker oopruimte wees.
- Die Struisbaai kleinhoewes bly nie aangespreek te wees nie.

**Suiderstrand:**

Erf 415 se hersonering en onderverdeling. Onderverdeling is opgemeet en wys op die LG planne.

**KOMMENTAAR****GIS Beampte****DIE VOLGENDE KOMMENTAAR WORD GELEWER OP BOGENOEMDE SKRYWES:****Dr. DJ Herbst**

Hoewel dr. Herbst 'n ernstige saak aanraak was daar op verskeie geleenthede probeer kontak maak om uit te vind na watter spesifieke eiendomme verwys word in sy kommentaar. Daar was ook gekyk na die konsepplan wat opgestel was deur MCA Plan in 2007, maar geen wysigings van eiendomme wat verander is vanaf oopruimte na owerheid sone kon geïdentifiseer word nie.

**Town & Country**

- Erf 35, Waenhuiskrans sal die sonering aangepas word vanaf onbepaald na Oordsone.
- Erf 1285, Bredasdorp (Lifestyle Centre) sal aangeteken word as gesplete sonering ten einde sake en nywerheid te akkommodeer.
- Erwe 4718, 4719, 4721 en 4465, Bredasdorp sal gewysig word vanaf sake na nywerheid sone.
- Erwe 1923 en 1924, Bredasdorp moet aangepas word vanaf onbepaald na onderverdelingsgebied.
- Erf 1289, Bredasdorp se sonering sal aangepas word sodra die aansoeker voldoen aan alle hersoneringsvoorwaardes.
- Die onbepaalde strate vorm deel van erf 513, Napier, en sal eers onderverdeel moet word voordat die dele as straat gesoneer kan word.
- Erf 959, Struisbaai is tans gesoneer enkel residensieël waaronder gaste-akkommodasie wel as 'n vergunningsgebruik erken word.
- Erf 1258 sal die sonering aangepas word na oopruimte toe.
- Erf 415, Suiderstrand sal die toepaslike sonerings soos goedgekeur toegeken word aan die die onderverdeling sodra die nuwe eiendomme op die dorpsuitleg aangeteken is.

**BESTUURSAANBEVELING**

(i) Dat die Raad die voorgestelde soneringskaarte gunstig oorweeg met die volgende aanpassings inaggeneem ingevolge Artikel 9(2) van die die Ordonnansie op Grondgebruikbeplanning, 1985:

- Erf 35, Waenhuiskrans
- Erf 4718, Bredasdorp
- Erf 4719, Bredasdorp

- Erf 4721, Bredasdorp
- Erf 4465, Bredasdorp
- Erf 1289, Bredasdorp

- (ii) Dat die Departement van Omgewingsake en Ontwikkelingsbeplanning in kennis gestel word van die Raad se besluit en dat die Departement die voorgestelde kaart goedkeur en in die Provinsiale Gazette adverteer.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 72/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

10.3.24 **VERVREEMDING (HUUR) VAN ERWE 1111, 1112, 1113, 1114, 1115, 1330, 1331,1332, 1333, 1334, 1335, 1336, 1337 EN 1338, NAPIER VIR LANDBOU DOELEINDES (N1111 - BSSB) (COLLAB: 122824) (WYK 1)**

**DOEL VAN VERSLAG**

Oorweging van 'n versoek van mnr McDonald en me Firoza Rahim om bogenoemde erwe te huur om as weiding aan te wend vir perde en beeste. Die liggingsplan is aangeheg as Bylaag A op bladsy 142.

**ALGEMENE INLIGTING**

Bestaande sonering : Kleinhoewe  
 Bestaande grondbesluit : Vakant  
 Bestaande oppervlakte : Sien Bylaag B op bladsy 142.  
 Voorgestelde sonering :  
 Voorgestelde grondbesluit : Perde en beeste weiding  
 Munisipale Waardasie:

Erf nr	Waardasie
1111	R900 000
1112	R800 000
1113	R800 000
1114	R800 000
1115	R800 000
1330	R850 000
1331	R900 000
1332	R800 000
1333	R800 000
1334	R850 000
1335	R900 000

**AGTERGROND**

Mnr McDonald en Me Firoza Rahim rig 'n skrywe aan Eiendomsadministrasie om die volgende erwe te huur om as weiding aan te wend vir perde en beeste: Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331,1332, 1333, 1334, 1335, 1336, 1337 en 1338 Napier. Die skrywe is aangeheg as Bylaag C op bladsy 143.

**Op 23 Februarie 2015 neem die Land Disposal die volgende besluit (LD 30/2015):**

- a. Die Land Disposal Komitee maak 'n aanbeveling dat die erwe op tender verkoop word.
- b. Dat die tenderaar verantwoordelik is vir die in sit van dienste.
- c. Me D Oncke moet waardasies kry vir die verkoop van erwe.

**MARKWAARDASIE**

<b>Erf nr</b>	<b>Ligging</b>	<b>Grondgrootte Ha</b>	<b>Sonering</b>	<b>Waardasie</b>
1111	Monsantoweg	1,8351	Kleinhoewe	R790 000,00
1112	Monsantoweg	1,6458	Kleinhoewe	R790 000,00
1113	Monsantoweg	1,6441	Kleinhoewe	R790 000,00
1114	Monsantoweg	1,6365	Kleinhoewe	R790 000,00
1115	Monsantoweg	1,6257	Kleinhoewe	R790 000,00
1330	Monsantoweg	1,7011	Kleinhoewe	R790 000,00
1331	Monsantoweg	1,8377	Kleinhoewe	R790 000,00
1332	Monsantoweg	1,6205	Kleinhoewe	R790 000,00
1333	Monsantoweg	1,6604	Kleinhoewe	R790 000,00
1334	Monsantoweg	1,7275	Kleinhoewe	R790 000,00
1335	Monsantoweg	1,8403	Kleinhoewe	R790 000,00
1336	Monsantoweg	2,3506	Kleinhoewe	R790 000,00
1337	Monsantoweg	2,1773	Kleinhoewe	R790 000,00
1338	Monsantoweg	1,4420	Kleinhoewe	R790 000,00

Die markwaardasie is aangeheg as Bylaag D op bladsy 144.

**DEPARTEMENTELE KOMMENTAAR****MUNISIPALE BESTUURDER KANTOOR****LED**

Noted.

**Munisipale Bestuurder**

Not to be rented but sold.

**ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Geen beswaar. Daar is geen voorsiening vir elek gemaak op enige van die persele nie hou dit ingedagte as ons dit wil verkoop.

**DIREKTEUR: KORPORATIEWE DIENSTE****Bestuurder: Stads- en Streeksbeplanning**

Vanuit 'n stadsbeplanningsoogpunt word die verhuring nie ondersteun voordat die potensiaal van die grond ondersoek is nie.

**Bestuurder: Administratiewe Ondersteuning**

Neem kennis van die MB se versoek dat die erwe weer per veiling aangebied word.

**Boubeheerbeampte**

Neem kennis.

**DIREKTEUR: SIVIELE EN INGENIEURSDIENSTE**

Die erwe is ideaal geleë vir kleinhoewe en moontlike inkomste vir die raad. Indien dit vervreem word moet dit aan ontwikkelaar wat dienste ook kan ontwikkel om sodoende kapitaal uitleg vir die raad te verminder.

**DIREKTEUR: GEMEENSKAPSDIENSTE****Verkeer**

Neem kennis van inligting.

**DIREKTEUR: FINANSIELE DIENSTE**

Noted.

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

**WETLIKE IMPLIKASIES**

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. Sect 14(2)(a): asset not required for minimum level of basic services.</li> <li>2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>4. Sect 33: Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>1. Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. Definition of "realisable value": fair market value less estimated costs of completion.</li> <li>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. Regulation 5 (decision-making).</li> <li>5. Regulation 6 (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	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: <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged</li> </ol>

	by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
<b>Town Planning legislation</b>	No application is required.

**BESTUURSAANBEVELING**

- (i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad goedkeuring verleen vir die vervreemding van Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331,1332, 1333, 1334, 1335, 1336, 1337 en 1338 Napier per publieke tender vir die gebruik daarvan vir kleinhoewe doeleindes, op voorwaarde dat:
- Alle wetlike vereistes vir vervreemding nagekom word.
  - Die verslag na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
  - Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir publieke tender.
  - 'n Terugvalklousule in die koopoooreenkomste ingeskryf word.
- (ii) Die tenderaars in kennis stel dat die installering van dienste vir hul rekening sal wees.
- (iii) Die aansoeker dienooreenkomstig ingelig word van die Raad se besluit.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad goedkeuring verleen vir die vervreemding van Erwe Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331,1332, 1333, 1334, 1335, 1336, 1337 en 1338 Napier per publieke tender vir die gebruik daarvan vir kleinhoewe doeleindes, op voorwaarde dat:
- Alle wetlike vereistes vir vervreemding nagekom word.
  - Die verslag na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
  - Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir publieke tender.
  - 'n Terugvalklousule in die koopoooreenkomste ingeskryf word.
  - Dat geen onderverdelings toegelaat sal word nie.
  - Dat ontwikkeling op persele binne 2 jaar moet geskied.
- (ii) Die tenderaars in kennis stel dat die installering van dienste vir hul rekening sal wees.
- (iii) Die aansoeker dienooreenkomstig ingelig word van die Raad se besluit.
- (iv) Dat, voordat die vervreemding plaasvind, die Direkteur: Tegniiese Dienste 'n volledige verslag met finansiële implikasies aan die Raad voorlê ten opsigte van die installering van munisipale dienste.

**BESLUIT 73/2015**

Dat, voordat die vervreemding plaasvind, die Direkteur: Tegniiese Dienste 'n volledige verslag met finansiële implikasies aan die Raad voorlê ten opsigte van die installering van munisipale dienste.



10.3.25 **VERHURING VAN GEDEELTE VAN ERF 214, WAENHUISKRANS VIR BESIGHEIDS-DOELEINDES (W214 - BSSB) (COLLAB: 131236) (WYK 5)**

**DOEL VAN VERSLAG**

Mnr Daniël Europa, Bestuurder van Southern Whales Akkommodasie doen aansoek om die kiosk reg langs die Southern Whales Akkommodasie te huur (sien liggingsplan aangeheg as Bylaag A op bladsy 147).

**ALGEMENE INLIGTING**

Bestaande sonering	:	Enkel residensieël
Bestaande grongebruik	:	Selfsorgeenheid, Stoorkamer
Bestaande oppervlakte	:	1509m <sup>2</sup>

**AGTERGROND**

Mnr Daniël Europa se skrywe is aangeheg as Bylaag B op bladsy 148.

**Die Land Disposal Komitee neem op 23 Februarie 2015 die volgende besluit (LD 34/2015):**

*Dat die Raad 'n besluit neem of 'n kiosk in Arniston toegelaat kan word.*

**DEPARTEMENTELE KOMMENTAAR**

**Munisipale Bestuurder**

None.

**DIREKTEUR: GEMEENSKAPSDIENSTE**

I'll express my comments at the LDC.

**DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Eskom verspreidingsgebied.

**DIREKTEUR: KORPORATIEWE DIENSTE**

None.

**Bestuurder: Administratiewe Dienste**

Sien geen probleem met die aansoek nie, solank dit wel deur die publieke deelname proses gaan, veral in Arniston.

**Boubeheerbeampte**

Aansoek word ondersteun. Aan alle Stadsbeplannings vereistes moet voldoen word.

**DIREKTEUR: SIVIELE EN INGENIEURSDIENSTE**

Geen beswaar teen aansoek; parkering aan Bredasdorp pad sal sorgvuldig uitsorteer moet word en met alle nodige toestemmings

**Bestuurder: Strate- en Stormwater**

Markverwante huur word aanbeveel, of dit moet geadverteer word vir almal om 'n gelyke kans te staan.

**Bestuurder: Water en Riool**

Geen beswaar.

**Reiniging en Suiwering**

Vullisheffing soos in die begroting vervat sal van toepassing wees.

**WYKSKOMITEE: WYK 5 (Raadslid D Burger)**

Die wykskomitee het geen beswaar teen die versoek nie.

**WARA**

I do not believe that enough research has been done to create a business on Erf 214. In essence the applicant requires business rights for a residential property. It is not clear whether a need has been shown for this and there appears to be no research substantiating the application. I believe that at this stage the application should be opposed until further research is done.

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

**WETLIKE IMPLIKASIES**

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	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.
<b>MATR</b>	1.Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <i>a)R50 million;</i> <i>b)One percent of the total value of the capital assets of the municipality....</i> <i>c)An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i> 2.Definition of "realisable value": fair market value less estimated costs of completion. 3.Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4.Regulation 5 (decision-making). 5.Regulation 6 (public participation)
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if

	the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
<b>Town Planning legislation</b>	No application is required.

**BESTUURSAANBELING**

Dat die versoek nie ondersteun word nie, aangesien die grond nie gesoneer is vir besigheids-doeleindes nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 74/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

**10.3.26 AANSOEK OM VERVREEMDING (KOOP/HUUR): ERF 5476, BREDASDORP (7/R - BSSB) (COLLAB: 122628)****DOEL VAN VERSLAG**

'n Aansoek is ontvang van mnr Francois Olivier vir die vervreemding (koop) van erf 5476, Bredasdorp vir die oprig van 'n woning. Die liggingsplan is aangeheg as Bylaag A op bladsy 149.

**ALGEMENE INLIGTING**

Bestaande sonering : Enkel Woonsone  
 Bestaande grongebruik : Vakant  
 Bestaande oppervlakte : 105m<sup>2</sup>  
 Munisipale Waardasie : Geen

**AGTERGROND**

Mnr F Olivier se versoek is aangeheg as Bylaag B op bladsy 150.

**Die volgende besluit is by die "Land Disposal Committee" geneem (LD 26/2015):**

- (i) Die LDC se aanbeveling is dat erf met ankers verkoop moet word.
- (ii) Me D Oncke moet waardasies vir die verkoop van erf kry.

**DEPARTEMENTE KOMMENTAAR****DIREKTEUR: KORPORATIEWE DIENSTE****Boubeheerbeampte**

Die perseel kan wel aangewend word, die huis moet net so geplaas word dat die paal en die anker drade nie die ingang na die garage beïnvloed nie. Indien moontlik die ander pale uit die erf te verskuif.

**ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE**

Die erf is nie eers geregistreer as erf nie.

Asla het nie op hom gebou nie, omdat ons nie die paal en ankers kan skuif nie.

As hulle die erf wil koop is met die ankers soos hulle nou daar is.

**MARKWAARDASIE**

R6 000,00 (Sien Bylaag C op bladsy 151).

**FINANSIËLE IMPLIKASIES**

Vervreemding van die erf 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. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie.

Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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> <ol style="list-style-type: none"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

**BESTUURSAANBEVELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad goedkeuring verleen vir die vervreemding van Erf 5476, Bredasdorp per publieke tender vir die gebruik daarvan vir woondoeleindes, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. Die Bestuurder: Eiendomsadministrasie die eiendom adverteer vir publieke tender.
4. 'n Terugvalklousule in die kooporeenkoms ingeskryf word.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die erf voetstoots aan die koper verkoop word.

**BESLUIT 75/2015**

Dat die aangeleentheid terug verwys word vir verdere ondersoek.

**10.3.27 VERHURING VAN GEDEELTE VAN ERF 120, WAENHUISKRANS / ARNISTON (7/R - BSSB) (WYK 5)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van die eienaar van Erf 589, Waenhuiskrans / Arniston ten einde 'n gedeelte van Erf 120, Waenhuiskrans te huur vir die gebruik van stoepe en parkering. (sien Bylaag A op bladsy 154).

**AGTERGROND**

Op 9 Desember 2014 het die Raad die volgende besluit (269/2014) geneem:

*"Dat die markwaarde van die gedeelte eers vasgestel word, alvorens die Raad 'n besluit neem."*

Die eienaar van Erf 589, Waenhuiskrans het op 23 September 2014 die volgende aansoek ingedien by die Raad:

*Good Morning Dean*

*After a meeting held with you on the 21<sup>st</sup> July 2014 and attended by Riaan Griesel, Derick Burger and myself, you recommended that we apply to council for the following:*

1. ....
2. *The possibility of purchasing the portion of Erf 120 in front of the Arniston Hotel, from the Municipality*

**Die "Land Disposal" Komitee het op 9 Oktober 2014 die volgende besluit (LD110/2014) geneem:**

1. *Dat die Direkteur: Gemeenskapsdienste bevestig dat die "Land Disposal Committee" nie gedelegeerde mag het nie.*
2. *Dat die Direkteur: Korporatiewe Dienste bevestig dat die "Land Disposal Committee" slegs aanbevlings aan die Raad maak insake die vervreemding van munisipale grond.*
3. *Dat die Bestuurder: Stads- en Streekbeplanning aanbeveel dat Erf 120, Waenhuiskrans vervreem word aan Mnr Haarburger.*
4. *Dat 'n aanbeveling aan die Raad gemaak word vir oorweging.*

Die huidige huurooreenkoms wat die Raad met die eienaar van Erf 589, Waenhuiskrans het is aangeheg as Bylaag B op bladsy 156 tot 158.

**Op 5 Februarie 2015 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK11/2015):**

1. *Dat die gedeelte van erf 120, Waenhuiskrans aanliggend aan erf 589 onderverdeel word sodat die hotel se bestaande stoepe deel word van erf 589.*
2. *Dat die Raad oorweging skenk aan die verlenging van die huurkontrak vir die oorskryding ten opsigte van stoepe opgerig op Raadsgrond.*
3. *Dat die Raad kennis neem van 'n skrywe wat reeds aan die huurder gestuur is insake die verstryking van die vorige ooreenkoms.*
4. *Dat die Raad oorweging kan skenk aan die verlenging van 'n huurkontrak vir die oorskryding ten opsigte van stoepe opgerig op Raadsgrond, nadat 'n versoek van die huurder in dié verband ontvang is.*

**Die "Land Disposal" Komitee neem op 23 Februarie 2015 die volgende besluit (LD 39/2015):**

1. *Die kontrak het alreeds Mei 2014 verval.*
2. *Dat die Direkteur: Korporatiewe Dienste die Munisipale Bestuurder gaan sien oor die huurkontrak.*

Die Direkteur Korporatiewe Dienste stuur die volgende elektroniese pos op 26 Februarie 2015 aan die Stadsbeplanningsafdeling:

*"I went to speak to MM about the request to extend their lease on Erf 120 and he told me to advertise and get a market value and take it from there."*

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

**MARKWAARDASIE**

R2 500,00 per maand (sien Bylaag C op bladsy 159).

<b>R2500 per maand</b>	<b>Eskaleer met 10% (R)</b>
JAAR 1	30 000,00
JAAR 2	33 000,00
JAAR 3	36 300,00
JAAR 4	39 930,00
JAAR 5	43 923,00
JAAR 6	48 315,30
JAAR 7	53 146,83
JAAR 8	58 461,51
JAAR 9	64 307,66
TOTAAL	407 384,31

**WETLIKE IMPLIKASIES**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	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.
<b>MATR</b>	1.Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <i>a)R50 million;</i> <i>b)One percent of the total value of the capital assets of the municipality....</i> <i>c)An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i> 2.Definition of "realisable value": fair market value less estimated costs of completion. 3.Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4.Regulation 5 (decision-making). 5.Regulation 6 (public participation)
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
<b>Town Planning legislation</b>	As long as the proposed site is not being built upon, no rezoning, subdivision and environmental impact assessment is required. The owner of Erf 589 Waenhuiskrans to complete the rezoning and closure processes of the two stoeps.

**BESTUURSAANBEVELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir lewering van minimum vlak van basiese dienste benodig word nie, die Raad goedkeuring verleen vir die verhuring van 'n Gedeelte van Erf 120, Waenhuiskrans aan die eienaar van Erf 589, Waenhuiskrans vir die gebruik daarvan vir twee stoepe (sitplek van die restaurant en eetkamer van die hotel), oopruimte en parkering, vir 'n bedrag van R2 500/maand met 'n eskalاسie van 10% per jaar op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding/verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. Geen strukturele werk en opgraderings mag op die eiendom gedoen word nie, en enige kleinwerke moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
4. Alle stadsbeplanningsproesse (hersonering en onderverdeling) van die twee stoepe voltooi word deur die stadsbeplanningsafdeling.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling nie aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word sodat die Munisipale Bestuurder eers 'n regsmenting kan inwin.

**BESLUIT 76/2015**

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die huurtermyn 9 jaar en 11 maande sal beloop teen 'n eskalasië van 10% per jaar.

10.3.28 **VERHURING VAN MUNISIPALE GROND VIR GEMEENSKAPS-ONTWIKKELING**  
**AKTIWITEITE (HOENDERBOERDERY) (7/R - BSSB) (WYK 4)**

**DOEL VAN VERSLAG**

Oorweging van die aansoek van mnr S Booyen en mnre Ukhanyo Chickens- Zanele Nyangwa (twee verskillende projekte) vir die verhuring van Bredasdorp meentgrond vir gemeenskaps-ontwikkelingsaktiwiteite en kommersiële bedrywighede (hoenderboerdery). Die liggingsplan vir die voorgestelde gedeeltes is aangeheg as Bylaag A op bladsy 160.

**AGTERGROND**

Mnr S Booyen en Mnre Ukhanyo Chickens- Zanele Nyangwa se aansoeke en besigheidsplanne is aangeheg as Bylaag B en C onderskeidelik op bladsy 161 en 162.

**Op 5 Februarie 2015 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK15/2015):**

*Dat die aangeleentheid terug verwys word vir verdere ondersoek waarna dit weer aan die Raad voorgelê sal word vir oorweging.*

**Op 23 Februarie 2015 neem die Land Disposal die volgende besluit (LD 28/2015):**

- (i) Die LDC beveel aan dat die aansoekers verantwoordelik moet wees vir die omgewingsimpakstudie wat hul om en by R80 000 gaan kos.
- (ii) Item word verwys na die Raad.
- (iii) Die aansoekers soek in beginsel goedkeuring ten einde vir finansiering te kan aansoek.

**KOMMENTAAR**

**ODM Gesondheid**

Die aansoekers sal 'n omgewingsimpakstudie moet laat doen. Die hokke en terrein sal aan die Omgewingsgesondheidsverordening, 2004 en julle plaaslike regulasies moet voldoen. Daar moet ook te alle tye aan die wet op veiligheid van vleis, saamgelees met die pluimvee regulasies, voldoen moet word (beheer slag en hantering van hoenderkarkasse). Bertus, julle moet ook kyk na gelyste aktiwiteite ingevolge die Waste Act (stoor en behandeling van dierlike afval). Daar is geen voorskrif nie, maar as die omgewingsimpakstudie voltooi is, sal daar seker iets uitkom want geraas, afval en reuke sal seker gedek word in die impakstudie.



**MARKWAARDASIE**

R417 /ha per jaar	3 hektaar
JAAR 1 Markverwant - 50%	R625,50
JAAR 2 Markverwant - 20%	R1050,84
JAAR 3	R1 379,23
JAAR 4	R1448,19
JAAR 5	R1 520,60
JAAR 6	R1 596,63
JAAR 7	R1 676,50
JAAR 8	R1 760,29
JAAR 9	R1 848,30
JAAR 10	R1 940,71
JAAR 11	R2 037,75
JAAR 12	R2 139,63
JAAR 13	R2 246,62
JAAR 14	R2 358,95
JAAR 15	R2 476,89
<b>TOTAAL</b>	<b>R26 106,63</b>

**FINANSIËLE IMPLIKASIES**

Huurinkomste vir die Raad.

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

**WETLIKE IMPLIKASIES**

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat tenders nie die gewenste uitwerking vir hierdie bepaalde projek het nie.

Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

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

<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (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>
<b>Town Planning legislation</b>	Rezoning and Environmental impact assessment is required; and will be for the account of the applicant.

### **BESTUURSAANBELING**

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, nie vir die lewering van die minimum vlak van basiese dienste nodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van die Bredasdorp meentgrond aan S Booyen ( $\pm 3$ ha) en Ukhanyo Chickens - Zanele Nyangwa ( $\pm 3$ ha) vir 'n termyn van 15 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, vir die bedryf van hoenderboerdery vir gemeenskaps-ontwikkeling op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die aansoek na afhandeling van die wetlike proses na die Raad verwys word vir finale oorweging.
3. Alle omgewingsprosesse en hersoneringsprosesse sal vir beide die aansoekers se rekening wees.
4. Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R625,50 per jaar (S Booyen) en R625,50 per jaar (Ukhanyo Chickens) vooruitbetaalbaar met 'n eskalاسie van 5% per jaar.
5. Die eiendom onmiddellik na die Raad terugval en die ooreenkoms gekanselleer word indien die projek in verwaarlosing verval of die voorgestelde geboue nie langer vir gemeenskapsdoeleindes soos gespesifiseer in die aansoek, aangewend word nie.
6. Alle strukturele werk en opgraderings wat aan die eiendom gedoen word, moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
7. 'n Moniteringskomitee bestaande uit die volgende rolspelers saamgestel word vir jaarlikse monitoring van die impak van hierdie projekte op ekonomiese groei in die algemeen en die verbetering van lewensomstandighede van die Bredasdorp gemeenskap: Die Bestuurder: Eiendomsadministrasie, die Bestuurder: PEO en die aansoeker.
8. Geen vergoeding aan die aansoeker betaalbaar sal wees vir enige verbeteringe aan die eiendom aangebring tydens die verhuringstydperk nie.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling in beginsel aanvaar word.
- (ii) Dat voorwaardes 1 en 2 sal geld.

**BESLUIT 77/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word, onderhewig aan die beskikbaarstelling van 'n volledige sakeplan asook 'n verslag vanaf die finansiële onderskrywers.

**10.4 FINANSIËLE DIENSTE / FINANCE SERVICES**

**10.4.1 MAANDVERSLAG: VOORSIENINGSKANAALBESTUUR VIR DIE MAANDE GEëINDIG 31 JANUARIE 2015 EN 28 FEBRUARIE 2015 (5/27 - DFD) (GEEN WYKE)**

**DOEL VAN VERSLAG**

Om kennis te gee van:

- 1. Toekennings gemaak aan verskaffers van dienste en goedere ingevolge die Voorsieningskanaalbestuur Regulasies en Beleid.
- 2. Tersaaklike verslae ingevolge die Voorsieningskanaalbestuur Regulasies en Beleid.

**AGTERGROND**

Die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003, Hoofstuk 11, die Munisipale Voorsieningskanaalbestuur Regulasies, soos afgekondig in die Staatskoerant op 30 Mei 2005 en die Raad se Voorsieningskanaalbestuur Bestuursbeleid soos aanvaar op 26 Junie 2014 bepaal dat verskeie verslae aan die Rekenpligtige beamppte en die Hoof Finansiële Beamppte voorgelê moet word. Ten einde 'n deursigtige beeld aan alle prosesse in die Voorsieningskanaalbestuursafdeling te skep, word 'n volledige verslag aan die Raad voorgelê.

**BESTUURSAANBEVELING**

Die ondergenoemde verslae soos aangeheg op bladsy 169 tot 236 word voorgelê vir kennisname:

- 1. Kleinkas Aankope (Regulasies 15(d)) : Kennisname
- 2. Finale toekennings gemaak bo R30 000 (Regulasies 5(4)) : Kennisname
- 3. Verslag: Nasionale Tesourie: Kontrakte bo R100 000 : Kennisname
- 4. Afwyking: Voorsieningskanaal Bestuursbeleid onder R30 000 (Regulasies 16(c). 17(c): Kennisname
- 5. Afwyking: Voorsieningskanaal Bestuursbeleid bo R30 000 (Regulasies 5(3), 5(4)(a) & (b)): Kennisname
- 6. Finale toekennings (alle toekennings) : Kennisname
- 7. Artikel 45 toekennings : Kennisname
- 8. Aantal registrasies van verskaffers op databasis : Kennisname

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /**  
**RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**BESLUIT 78/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

10.4.2 **INVORDERING VAN AGTERSTALLIGE SKULDE (DFD)**

**DOEL VAN VERSLAG**

Die doel van die verslag is om 'n meer koste effektiewe metode van skuldinvordering opsie aan die Raad voor te le gebaseer op die modelle van alternatiewe metode van skuldinvordering.

**AGTERGROND**

Weens die huidige ekonomiese klimaat word dit al duideliker dat meer en meer van die debiteure dit moeilik vind om hulle verpligting teenoor die Raad na te kom en wat dus tot gevolg het dat skulde eskaleer. Skulde wat nie deur die Raad gevorder kan word nie, word huidiglik aan die Raad se prokureur oorhandig ten einde die skulde namens die munisipaliteit te vorder.

Regskostes wat aangegaan word met oorhandiging behoort direk van die kliënt verhaal te word deur die prokureurs, maar vanweë die omvang daarvan word die kostes maandeliks aan die Raad oorgedra vir betaling en gevolglike debitering teen die kliënt se rekening wat meebring dat die kliënte wat nie kan betaal nie, se uitstaande skulde op 'n maand-tot-maand basis toeneem. Alhoewel die regskostes teen die kliënt se rekening gedebiteer word beteken dit 'n uitvloeï van kontant en gepaardgaande risiko wat na die Raad oorgeplaas word sonder enige teenprestatie van die prokureurs te einde te verseker dat die uitgestelde regskostes wel gevorder sal word.

Dit het 'n negatiewe invloed op die Raad se finansiële posisie deurdat die totale uitstaande debiteure jaarliks meer toeneem as koers ten opsigte van wanbetalers.

Die kostes wat oor die laaste 12 maande deur die prokureurs aangegaan is ten einde uitstaande skulde te vorder is soos volg:

<b>Totale bedrag gevorder / gehef</b>	<b>R 1 983 885,00</b>
<b><u>Min: Regskostes oorbetal aan Prokureurs</u></b>	<b><u>R 1 359 470,00</u></b>
<b>Netto bedrag ontvang op oorhandigde skuld</b>	<b><u>R 624 415,00</u> (31,47%)</b>

Die bogenoemde skuldinvorderings koers van 31,47% blyk beslis nie koste effektief wees wat beteken dat die Raad byna dubbeld moet betaal aan regskoste vir elke rand wat gevorder word en wat nie enige besigheid sin maak om daarmee te volhou. Volgens inligting vanaf die prokureur word alle prosesse tot die dagvaardigings proses nie deurgevoer vanweë die hoë kostes daaraan verbode en is hul effektiwiteit beperk wat andersins nog hoër regskoste tot gevolg sou hê.

Gebaseer op die boegenomde inligting is dit nodig om na die volgende drie mees algemene invorderings metodes te kyk wat vir die Raad moontlik meer waarde vir geld tot gevolg sal hê, naamlik:

1) **Oorhandiging aan Prokureurs:**

Die geraamde regskoste persentasie ter invordering van uitstaande skulde beloop ongeveer 68.5% gebaseer op vorige jare se inligting en huidige praktyke van toepassing vanweë die groot volume rekeninge wat maandeliks oorhandig word.

**Die regskoste komponent bestaan uit -**

- Rentes;
- Kommissies;
- Briewe deur Balju (ongeveer R40,00 vir die eerste brief en daarna eskaleer dit);
- Opspoorderskoste (ongeveer R70,00); en
- Finale dagvaardigings (ongeveer R450,00).

Die koste implikasie kan aansienlik verminder indien die prokureur vanaf die oorhandiging proses self die regskoste van die kliënt verhaal en nie oordra aan die Raad volgens huidige praktyke en koste implikasie vir prokureurs se rekening.

2) **Vestiging van 'n interne Skuldinvordering Afdeling:**

Indien die Raad sou oorweeg om 'n interne skuldinvordering eenheid te vestig sal 'n senior persoon met bewese regskennis en vaardighede aangestel moet word wat sal funksioneer op 'n redelike senior vlak met die moontlikheid van hulp om die prosesse volledig en korrek te hanteer teen 'n geraamde koste van plus/minus R735 800.

Ander indirekte kostes soos telefoon, skryfbehoeftes, professionele dienste soos met die aanstel van 'n Balju en Opsporingsagente vir die diening van briewe / dagvaardigings moet nog bykomend bereken word wat de geraamde koste min of meer op die dieselfde bedrag bring as die aanstel van prokureurs.

'n Meer doeltreffende eenheid en die sukses kan nie noodwendig gewaarborg word vanweë 'n gebrek aan netwerke wat tot die prokureurs se voordeel en beskiking mag wees.

3) **Invordering Agente:**

Daar is organisasies wat skuldinvordering op 'n kommissiebasis doen. Hulle ontvang dus slegs 'n persentasie van die werklike gelde gevorder en oorbetaal aan die munisipaliteit. Die voordeel is dat die risiko vir regskoste nie na die raad / kliënt se rekening oorgedra word nie aangesien die praktyk van geen invordering / geen betaling plaasvind. Tydens navraag in die verband is daar wel rade wat van die metode gebruik met 'n vasgestelde koers wat wissel van 18% en hoër op werklike gelde gevorder en oorbetaal aan die munisipaliteit met 'n vorderingskoers van 82%.

**Gebaseer op die bogenoemde senario wat gebruik is sou die regskoste / kommissie as volg reflekteer, naamlik:**

Gelde gevorder	R 1 983 885,00
<u>Min: 18% Komm.</u>	<u>R 357 099,00</u>

**Totaal Ontvang R 1 626 786,00**

Uit die begoemde senario blyk die invorderings metode die mees koste effektief te wees met geen verdere verskuilde koste / risikos vir die Raad.

Daar is tans munisipaliteite wat ooreenkomste het met diesulke diensverskaffers en sou die Raad die opsie oorweeg as 'n alternatief vir skuldinvordering kan dit binne 'n redelike kort tydperk geskied.

Dit is egter belangrik dat daar eers met voornemende diensverskaffers in gesprek getree sal word ten einde vas te stel wat hul sukses koers is met invordering asook hoe hulle te werk gaan in hul benadering tot skuldinvordering.

Verder sal die huidige prokureurs kennis gegee word van die Raad se voorneme van verandering en word voorgestel dat voortgegaan sal word met aktiewe betalings en dat die dormante rekeninge gesluit word vir terughandiging aan die Raad en/of deurgee aan die voornemende diensverskaffers om op te volg vir enige sukses.

Sou die metode effektief blyk te wees, word voorgestel dat die voornemende skuldinvorderaars aangestel word op 'n jaar basis met die opsie om verder te verleng na afloop van die jaar afhangende van hul effekiwiteit.

### **FINANSIËLE IMPLIKASIE**

Onbekend aangesien die kommissie wat betaal moet word gekoppel is aan die werklike kontant wat gevorder word. Voorsiening is gemaak vir 'n bedrag van R200 000 in die 2015/16 begroting vir diesulke uitgawe.

### **BESTUURSAANBEVELING**

Dat die Raad oorweging en goedkeuring verleen dat verdere ondersoek gedoen word na die alternatiewe invordering metode gebaseer op 'n kommissie basis en dat daar 'n aanbieding aan die Raad gedoen word waartydens meer besonderhede weergegee kan word.

### **AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

### **BESLUIT 79/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling [as besluit van die Raad](#) aanvaar word.

## **10.4.3 OUDIT AKSIEPLAN 2013/14 (OPCAR): MAANDELIKSE VORDERING JANUARIE TOT MAART 2015**

### **DOEL VAN VERSLAG**

Oorweging van die vordering met die goedgekeurde 2013/14 Oudit Bevindinge Aksieplan (OPCAR) vir die tydperk Januarie tot Maart 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 Prestasieoudit Komitee 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 237, is 'n aanduiding van die vordering wat met hierdie aksieplan gemaak is vir die tydperk Januarie tot Maart 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 vir die tydperk Januarie tot Maart 2015.

**BESLUIT 80/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.4.4 **AANSOEK OM FINANSIËLE ONDERSTEUNING: DE HOOP BARBARIANS RUGBY KLUB, SEA HAWKS RUGBY KLUB, BREDASDORP HOËRSKOOL EN MISPAH SKOOL**

**DOEL VAN VERSLAG**

Om aansoek vir finansiële ondersteuning ontvang vanaf De Hoop Barbarians Rugby Klub, Sea Hawks Rugby Klub, Bredasdorp Hoërskool Rugby en Mispah Skool, te oorweeg.

**AGTERGROND**

- (i) De Hoop Barbarians vra finansiële ondersteuning om rugby truië aan te koop. Die bedrag beloop R2 925,00.
- (ii) Sea Hawks Rugby klub vra finansiële ondersteuning om 'n 7's rugby toernooi aan te bied.
- (iii) Bredasdorp Hoërskool het 22, 0/14 seuns en 2 afrigters wat deelneem aan 'n rugby Vaardigheidskursus by die Rugby Performance Centre te Riebeeck-Wes. Die kostes beloop R750,00 per leerder. Hulle vra finansiële ondersteuning.
- (iv) Mispah Skool vir leerders met spesiale onderwys behoeftes vra finansiële ondersteuning ten bate van die koshuis asook die leerders. Die skool se leerders het baie goed presteer tydens die Boland Sport en Kultuur Unie vergadering.

**BESTUURSAANBEVELING**

Dat die Raad bogenoemde aansoeke om finansiële ondersteuning oorweeg vir goedkeuring.

**BESLUIT 81/2015**

Dat die aansoekers ingelig word dat die Raad reeds alle donasies vir die huidige finansiële jaar toegeken het en dat geen verdere fondse beskikbaar is om hulle te help nie.

11. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**

11.1 **DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

The Municipal Manager reports as follows:

"Government Notice No. 10 400 in Government Gazette No. 38 608, dated 25 March 2015 dealing with the remuneration of councillors of municipal councils was received on 26 March 2015. A copy of the Notice is attached as annexure. **(Bound separately)**

In terms of Section 4(a) of the notice Cape Agulhas Municipality is determined as a grade 2 municipality.

The total remuneration packages of the Executive Mayor, the Speaker, Deputy Mayor and the full-time members of the Executive Committee set out in Section 5 and Section 6, that is R672 763, R538 210 and R504 572 respectively.

The allowances of councillors appointed to governance structures of organized local are set out in Section 8. According to Section 8(a & b) these councillors are entitled to receive an allowance of not more than R908.00 per sitting of any governance structure of organized local provided that this allowance is limited to R980.00 per day regardless the number of meetings that are attended by such councilor. However organized local government is responsible for the payment of above mentioned allowance and the reimbursement of travel expenditure incurred by a councilor during performance of official functions.

The total remuneration package of part-time councillors are set out in Section 9 and Section 10, that is R201 829.

Councillors are allowed to structure their total remuneration package (see definition of "total remuneration package) to include a travelling allowance, a housing allowance, contribution to a pension fund and medical aid scheme as provided in the above mentioned Gazette.

Medical and pension benefits for councillors who wish to structure their total remuneration package to include such benefits are set out in Section 13. See definition of "total remuneration package". Therefore councillors are entitled to contributions by Council to the pension fund and medical aid, should they be members of such funds. (Such contributions form part of the Total Remuneration Package.) Refer to the definition of Total Remuneration Package.

Cellphone allowances for councillors are stipulated in Section 11. This benefit is given **in addition** to the total remuneration package. In terms of section Section 11(a) a full-time Executive Mayor is entitle to a fixed allowance of R3 845 per month whilst in terms of section Section 11(b) the Speaker, Deputy Mayor and other full-time / part-time councillors receive a fixed allowance limited to R1 739 per month.

Furthermore section 12 of the mentioned Gazette allows for a fixed allowance to councillors of not more than R300 per month for the use of mobile data cards **in addition** to the annual total remuneration structure.

**In summary, allowances payable are therefore as follows:**

	<b>Total Remuneration</b>	<b>Cellphone allowance</b>	<b>Mobile Data Card allowance</b>
<b>Exec. Mayor</b>	672 763	3 485 x 12	300 x 12
<b>Deputy Mayor and Speaker</b>	538 210	1 739 x 12	300 x 12
<b>Full-Time Executive Comm.</b>	504 572	1 739 x 12	300 x 12
<b>Other Part-Time Cllrs.</b>	201 829	1 739 x 12	300 x 12

**Certain key features of the notice compared to the previous financial year are the following:**



- An across the board increase in salaries, allowances and benefits of 6,0% per annum effected from the 1st July 2014;
- New sitting allowance payable in respect of councillors appointed to governance structures of organized local government subject to the payment from organized local government;
- Increase in cellphone allowances as reflected in section 10 of the government gazette;
- The fix allowance of not more than R 300 per month for the use of mobile data cards remains unchanged;
- In addition to the total remuneration package provided, a municipality must take out risk insurance cover to provide for the loss of or damage to a councillor's property or assets arising from any riot, civil unrest, strike or public disorder – Section 14 (It is the Councillor's responsibility to provide all the necessary details to the municipality and failure to do so will exclude the councillor from the special risk insurance cover); and
- A Council may extend tools of trade to a councillor in consultation with the member of the Executive Council (MEC) responsible for local government in the province concerned and based on accessibility, affordability, cost control and value of tools of trade - Section 15
- A municipality may also contribute towards the payment of cost towards capacity building initiatives directed at councillors and must be informed by capacity building needs of a municipality and / or affordability levels of the municipality – Section 16.

Provision has been made in the current budget for a six point seven nine percent (6,79%) increase for councillors which is more than the actual across the board percentile increase of 6,0% in salaries, allowances and benefits as approved by the responsible Minister.

Payment will only be made once the concurrence of the member of the Executive Council (MEC) responsible for local government has been obtained, as stipulated in the preamble of the Government Notice.

Councillors preferring to restructure their Total Remuneration Package to include travelling allowances of not more than 25%, a housing allowance and/or pension fund and/or medical aid contribution will have to indicate same in writing to the Municipal Manager before 31 March 2015 and by failure to do so the municipality will maintain the status quo.”

The Municipal Manager recommends as follows:

#### **RECOMMENDATIONS**

- (i) Council takes note of its classification as a grade 2 municipality.
- (ii) Council grants approval for the remuneration of its councillors in accordance with Regulation Gazette Notice No. 10 400 dated 25 March 2015 with retrospective effect from 1 July 2014.
- (iii) Council grants approval for the payment of a cellphone allowance of R3 485 per month to the Executive Mayor.
- (iv) Council grants approval for the payment of a cellphone allowance of R1 739 per month to all other councillors, excluding the Executive Mayor.
- (v) Council grants approval for the payment of a mobile data card fix allowance of R300 per month to full-time and part-time councillors. (If a councillor receives a municipal tablet the monthly benefit may not exceed the value of the allowance stipulated)
- (vi) Council obtains the concurrence of the MEC for Local Government in the Western Cape regarding recommendations 1 – 5 before implementation thereof as stipulated in the preamble of Regulation Gazette No. 10400 of 25 March 2015.

#### **RESOLUTION 82/2015**

That the recommendations be accepted as a resolution of Council.

11.2 **AANSOEK OM FINANSIËLE ONDERSTEUNING: BREDASDORP SKEEPSWRAKMUSEUM (5/18/1 - DFD)**

**DOEL VAN VERSLAG**

Oorweging van 'n aansoek om finansiële ondersteuning aan die Bredasdorp Skeepswrakmuseum (sien aangehegte skrywe).

**AGTERGROND**

Die Bredasdorp Skeepswrakmuseum is gemik op die beskerming en uitbou van die Kaap Agulhas kultuur-historiese erfenis. Hierdie Museum is grootliks afhanklik van skenkings van die publiek en nie-regeringsorganisasies, met 'n minimale subsidie van die staat.

Die Museum is nie instaat om hul programme en aktiwiteite te bedryf met die huidige fondse tot hul beskikking nie en het die owerheid genader om hul finansiële te ondersteun.

Die Bredasdorp Skeepswrakmuseum is 'n geregistreerde nie-winsgewende nie-regeringsorganisasie. Die Wet op Plaaslike Regering: Beheer oor Munisipale Finansies, 2003 (Wet No 56 van 2003) omskryf in artikel 67 die bepalinge rondom die oordrag van fondse aan instansies buite die regeringsfeer.

**Tydens die Raadsvergadering van 27 Mei 2014 was die volgende besluit geneem:**

**"BESTUURSAANBEVELING**

*Dat R47 500,00 oorgeplaas word vanaf Gelyke Toedeling (1/1011/2049) na die betrokke diensterekening van die Skeepswrakmuseum.*

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE**

*Dat die Bestuursaanbeveling aanvaar word.*

**BESLUIT 98/2014**

*Dat die aanbeveling van die Finansiële- en Korporatiewe Dienste Komitee aanvaar word."*

**FINANSIËLE IMPLIKASIE**

Ten einde 'n finansiële bydrae aan die museum te maak vir die tydperk 1 Januarie 2015 tot 31 Desember 2015.

**BESTUURSAANBEVELING**

- (i) Dat finansiële hulp uit die Gelyke Toedeling (armoedeverligting) (110112150) aan die Skeepswrak Museum gemaak word vir korting op die betrokke rekening.
- (ii) Dat daar jaarliks in die begroting voorsiening gemaak word vir korting op die Skeepswrak Museum se rekening.

**BESLUIT 83/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

**12. ITEMS DEUR DIE UBK NA DIE RAAD VERWYS VIR OORWEGING****12.1 APPLICATION FOR REZONING: ERF 599, DUNKIRK STREET, WAENHUISKRANS (W599 - TRP) (WARD 5)****PURPOSE OF REPORT**

The evaluation of the application under the provisions of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). The locality of the said property is shown on the map as Annexure A on page 109.

**GENERAL INFORMATION**

Current zoning	:	Single Residential and Street
Existing Use	:	Vacant- Half completed structure that consists of a basement area as well as a concrete slab
Size of the Property	:	2348m <sup>2</sup>

**BACKGROUND**

The application consists of the following:

Rezoning of Erf 599, Waenhuiskrans / Arniston in terms of Section 17 of the Land Use Planning Ordinance, 1985 from Single Residential / Street Zone to Business Zone.

The character of the area is predominantly single residential in nature. The subject property is located next to the R316, opposite the Arniston Resort. With the Arniston Hotel located approximately 100 meter to the north.

**ADVERTISING PERIOD FOR COMMENTS**

The application was advertised on 28 November 2014 in the Provincial Gazette as well as the local newspaper – closing date for comments was 19 January 2015. Registered mail was also sent to the surrounding property owners, The Waenhuiskrans/Arniston Ratepayers Association, Cape Agulhas Business Chamber, The Community Policing Forum of Waenhuiskrans, Department of Transport and Public Works and the Breede-Gouritz Catchment Management Agency. Furthermore, after numerous requests on behalf of the interested and affected parties, extension was given to submit comments/objections. Closing date for submissions was 31 January 2015.

**The objections from the following parties are attached as Annexure B on page 110 to 211:**

- I McIntosh
- AJ Marais
- A & M Rudolph
- M Murtz
- Daléne Dommissie Trust
- Ugo Riviera
- KC Morris
- Jacobs CJ Zoon & Sunell
- Dr WP & R Scott
- Athos
- K & A Laubscher
- JH Humman
- S & R Horwitz

- A de Kock and family
- C Snyman and family
- R Aggenbach and family
- RWT Lloyd
- R Loyd
- TJ Spammer
- P Moxley
- W Wentzel
- J Pentz
- MD Pitt
- M Van Heerden SC
- C Hofmeyer
- C Treagus
- P Horber
- JC Grobbelaar
- W & C Joubert
- C Shrosbree
- G Mayer
- E Saayman
- M Toens
- E Toens
- PG Siebrets
- K Van Heerden
- MS King
- A Rawbone-Viljoen
- T Le Roux
- J De Villiers
- K Higgins
- P Hofmeyer
- N Diemont
- T & J O'Rian
- C Jackson
- DE Morris
- L Radford
- C Versfeld
- A Pieterse
- S Barnes
- C Moolman
- J Goodey
- MA Black
- R Kirby
- A, E, C & W Butler
- BA Bird
- Steytler Family Trust
- TC Robertson
- P Gird
- E Hamman
- Mineral Resources
- Department of Environmental Affairs and Development Planning
- F & I Vevier
- J & M Kock
- A Marks
- EJ Marais

- M Houpt
- A Marais
- M Felix
- D Newman
- D & F Vivier
- Department of Transport and Public Works

**THE COMMENTS ON THE OBJECTIONS ARE AS FOLLOW:**

From the comments that were received it is evident that the development of the subject property is a very sensitive issue. It is clear that a very large portion of the residents of Arniston is not in favour of a large commercial development on the subject property. Some suggestions were made with regard to a smaller commercial type development, while others would like to see the erf restored to its original form. The public participation process has shown that there is a need for further engagement with the residents of Arniston with regard to the future development of the subject property. It will serve no purpose to endeavour to establish a development on the subject property that the residents will oppose by any means possible.

1. A building height of 16 meters is excessive and not in keeping with the character of the surrounding area. The building height should be limited to 2 storeys.

The comment is noted and agreed with. The building height allowed under the proposed zoning will not compliment the character of the settlement and therefore it is recommended that any future development on the subject property should be limited, with regard to height, to an appropriate scale. Any future building should therefore not dominate the built environment of Arniston and should be sensitive to the heritage of the settlement.

2. Before the acceptance of any tender, the proposed development plan of the preferred bidder must be circulated to WARA for comments and approval.

The comment has been noted and will be presented to Council for consideration.

3. The public participation process being held over the festive season is not regarded as adequate.

CAM sent out the application regarding the rezoning of Erf 599, Arniston during the festive season when most residents were on holiday. However, after various requests, a registered letter was sent out to interested and affected parties explicitly stipulating that time is granted until the end of January 2015, under instruction from the Municipal Manager. Thereby giving ample time to send in any written comments/objections.

4. The application does not include an engineering report detailing the services that CAM will be able to provide. The waste water treatment facility has been upgraded recently and therefore there is adequate capacity to accommodate any proposed development on the subject property. A groundwater desalination plant was developed and the applicable borehole was monitored over a period of 12 months. This particular water source has adequate capacity to supply development on the subject property and the capacity of the desalination plant will be doubled within the short term. Adequate water supply is therefore in place.
5. The application does not include a traffic impact assessment (TIA). The rezoning of the property will lead to a definite increase in traffic volumes.

The Department of Transport and Public Works (DoTPW) also did not support the rezoning application in the absence of abovementioned specialist study. This issue is therefore highlighted for further consideration.

6. The application does not contain an application for the establishment of a 0 meter building line.

The comment is correct. No departure applications were submitted as it is envisaged that any future development proposal should take place within the prescribed building lines of the proposed zoning.

7. The rezoning of the property will undermine the character of Arniston and consequently impact negatively on tourism and market values of residential properties.

It is not so much the proposed zoning of the subject property that can undermine the character of Arniston, but future land uses that can be practised on the property, should the application be approved and a future developer has "free reign" with regard to the development that is implemented on the erf. It is however not the intention of CAM to allow any future development on the subject property that will be to the detriment of the existing settlement. Future proposals for the development of the subject property will be subject to strict development conditions. These conditions will be determined in order to ensure that any proposed land use and associated infrastructure is sensitive to the existing town, will not dominate the built landscape and will contribute positively to the town itself.

8. The CAM indicated in an email dated 7 May 2013 that the structure on the property will be demolished and returned to its original form. How can a change in the aforementioned proposal be considered without consultation with residents? CAM must clarify why May 2013 proposal has been abandoned.

The legal department will respond to this point of objection.

9. If CAM intends to legalise the existing structure with a retrospective approval it will create a precedent that can be applied over the whole municipal area.

It is not the intention of the application to legalise the existing structure that is built on the subject property. The previous developer's building plans were incorrect in terms of the zoning scheme and deemed unlawful. Whatever the outcome is of this application, new building plans will have to be submitted for any future development according to the correct standards in terms of building regulations governing the process.

10. How will sewerage be dealt with? Given the fact that the site has 100% coverage, no space exists on the erf for the construction of a sewerage conservancy tank.

The comment is noted. It is proposed that a small pump station be built that will pump sewerage to the nearest sewerage gravity fed line. Aforementioned pump station will be small enough to be accommodated within a parking area.

11. Future land uses will need space for deliveries, vehicle washing, refuse storage, parking, etc. These activities will spill out to adjacent public land, causing congestion, frustration and loss of amenities.

The comment is noted. Any future land use activities will have to be limited to the subject property. All of the abovementioned uses will be restricted to the boundaries of the subject property and will not be allowed to take place on adjacent public land. Future development proposals will have to take this into account and plan accordingly.

12. The application does not state the intention of the development with regard to actual setbacks, floor factor, etc. Will the floor factor prescriptions be relaxed?

No departure applications have been submitted and therefore all future development proposals will have to comply with the prescribed land use restrictions. However, it is stressed again that the establishment of a development that makes use of the maximum potential as provided for by the proposed zoning will not be desirable with regard to the existing settlement.

A development that will respond positively to the existing settlement and will be limited in scale is deemed desirable. Strict development parameters to be prescribed within the proposed zoning to any future potential developer.

13. The development parameters associated with the proposed zoning is not in line with the character of Arniston. Should a building be developed in terms of these parameters, it will not blend in with the surrounding town and have a very negative visual impact.

The comment is noted and agreed with. Refer Response 12.

14. The approval of the application will set a precedent with regard to the approval of similar applications within the municipality.

The comment raised by the objector is not correct. Motivations with regard to land use planning applications cannot be based on existing precedents. Each application is evaluated in terms of merits, compliance with spatial planning initiatives, need and desirability, etc. The approval of the application by CAM will therefore not set a precedent that can be used as motivation in other land use applications.

15. The approval of the application will legalise what has previously been declared illegal by the High Court in terms of the existing structure.

The legal department will respond to this point of objection.

16. A development within the zoning parameters will obliterate the views of the ocean as one enters the village.

The comment is noted and agreed with. Refer Response 12.

17. The application provides no evidence of need and desirability and no evidence is provided with regard to sustainability of land uses through the year.

Census 2011 data indicates that the total permanent population of Arniston is 1 267 persons. Should the growth rate of 1.96%, as determined by Census 2011, be applied to the aforementioned population, the total number of permanent residents in 2015 could be close to 1 369 individuals. As stated in the original land use application, commercial activities within the settlement are extremely limited. Many residents have limited access to transport and with most commercial opportunities located in Bredasdorp, access to these opportunities is also limited. Residents therefore have to spend a considerable portion of their disposable income on traveling costs.

The development of appropriate commercial opportunities within the settlement will improve access for all residents to these opportunities. The CAM spatial development framework (SDF) states the following with regard to economic development within Arniston:

“Fourth; commercial development in the centre of the village. While there is always a need for small scale convenience services and, if done properly, these can both enhance the attractiveness of a settlement and provide long term sustainable livelihoods, care must be taken that they do not detract from the attractions that created the initial demand. Too many South African small towns have their ambience undermined by the insensitive design, appearance and functioning of convenience stores and filling stations”.

It is furthermore stated that the location of the proposed “business centre”, notwithstanding detailed architectural and urban design concerns, is well located to continue reinforcing the compact nature of the settlement.

18. No site development plan, environmental impact assessment or heritage impact assessment has been completed. It is therefore not possible to assess the application in a positive manner.

The comment is noted. A detailed site development plan will have to be submitted with any development proposal that adheres to all land use restrictions and development parameters beforehand by CAM. The possible need for a heritage impact assessment and environmental impact assessment has been highlighted.

19. The notice is misleading. The cover letter states that comment should be submitted within 30 days of registration and the notice said comments should be submitted on/before 19 January 2015.

The letter sent out stipulating 30 days is a standard letter which goes out with every application for public participation. Under the circumstances and the limited time frames, a letter was sent out to all surrounding neighbours and interested and affected parties giving extension to the end of January 2015. This was appropriate seeing the vast amounts of comments/objections that were submitted to us from the governmental departments and residents from the coastal town of Arniston/Waenhuiskrans”.

20. The notice was not received by all relevant interested and affected parties.

Refer Response 19. Interested and affected parties and surrounding neighbours were identified and notified of the application.

21. It would be more appropriate to develop the business premises at the entrance of the Selfbou residential neighbourhood. This alternative should be considered before the land use application is approved.

The comment is noted. This will be taken into consideration during the evaluation of the application. However, the SDF also indicates that the central location of the proposed “business precinct” is desirable from a settlement functionality point of view. Considering the land uses and settlement extent to the north of Arniston, very little land is available to accommodate a small commercial precinct. This will necessitate the expansion of the existing settlement footprint, whereas the current development proposal can be seen as infill development, and will not increase the footprint of Arniston.

22. The municipality must first deal with other issues such as the provision of housing and the development of services.

The provision of housing is not municipal function, but a provincial function. The municipality administers a budget that is provided by the provincial government. Council therefore does not have to provide funds with regard to the development of subsidised housing.

The facilitation of development on the subject property will therefore not detract from the development of subsidised housing in the area. With regard to the development of services for the settlement, please refer Response 4.

23. The spatial development framework (SDF) proposals cannot be adopted automatically as the site is very sensitive, as documented by 15 years of participation processes.

The above comment is noted. However, from the spatial proposals that have been proposed within the SDF, it is evident that the document and its authors have taken the abovementioned concern into account. The SDF will also not make any suggestions with regard to possible future development considerations that are not consistent with the goals and objectives of the overall document.



24. No attempt has been made to engage with residents regarding the most desirable manner in which to develop property.

The public participation process is a formal process during which residents can raise their concerns with regard to land use applications and development proposals. This document highlights the concerns of the residents to the decision makers as well as the proposals that have been made with regard to appropriate land use.

25. The application does not comply with the prescriptions of Section 36 of the Land Use Planning Ordinance.

As stated in the opening paragraphs of this response, it is evident that there are motivations for the proposed zoning as well as motivations against the proposed zoning. It is therefore recommended that Council endeavours to address these concerns raised by the residents of Arniston, to establish a development that will truly be beneficial to the settlement. It is maintained that by identifying strict development parameters and ensuring that they are implemented, an appropriate development can be established that will comply with the prescriptions of Section 36 of LUPO.

26. Arniston is characterised by the lack of commercial opportunities which contributes towards the fisherman's village character. The approval of this application will ruin this character.

The comment is noted. Please refer Response 17, with regard to SDF proposals for the settlement.

27. Small shops provide adequate opportunities to residents. Larger purchases are done in Bredasdorp.

28. Should the subject property not be occupied by commercial activities, it will stand vacant and become derelict, thus causing a negative impact on the town.

The comment is noted and the concern raised is applicable to all towns within the municipal area and not just Arniston. It is therefore maintained that it will be crucial to determine what level of development will be allowed on the subject property. It is recommended that as part of the procurement process for the future development of the subject property, only development proposals that will be sustainable should be considered. Proposals that base sustainability purely on seasonal tourism should not be considered.

29. The water source of the town does not have adequate capacity to provide for the proposed development.

Refer Response 4.

30. The property must be sold by means of a public auction and not by means of a tender process.

The comment is noted and will be considered. However, by making the property available for purchase through a tender process, Council will have more control over the type of development that can be implemented on the subject property. Should no appropriate development proposals be received, the municipality may decide not to accept any of the development proposals. This level of involvement and management will be very difficult if the property is sold by means of a public auction.

31. The opening of Dunkirk Street will lead to unwanted pedestrian thoroughfare that will have a negative impact on surrounding property owners.

The comment is noted and regarded as valid. Considering the location of the hotel, the harbour, etc, the natural flow of pedestrian traffic will be along Dunkirk Street. It is recommended that any future development proposals should include mitigating measures to limit abovementioned impact.

32. The development proposal is to accommodate the previous developer with regard to the implementation of the original development proposal.

The property is in ownership of the Cape Agulhas Municipality. The new Cape Agulhas Integrated Zoning Scheme does make provision for properties that are zoned for business purposes but the current state of Erf 599 Waenhuiskrans is not intended to accommodate anyone. The decision of the zoning process was made by council due to the viability status of the property.

33. In terms of the notice a liquor store and adult entertainment has been approved.

No land use approval has been issued for the subject property. In the land use application, lists of land uses that can be considered as consent uses are listed. These include a bottle store and pornographic entertainment business. However, the application submitted does not apply for any of these uses. They will therefore not be established with the approval of a rezoning application. Should any future owner for some reason want to establish any consent use land use on the subject property, a separate land use application will have to be submitted to Council for consideration.

34. It is a contradiction of law and ethically unsound for the municipality to award planning rights to itself.

Although it is a principle of natural justice that no-one should be a judge in his own case, there is however a few exceptions on the rule, caused by necessity. In terms of Section 156 of the Constitution, a municipality has executive authority in respect of and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution. Municipal planning is listed in Part B of Schedule 5. No mechanism however exists for a Municipality, not to consider a planning application due to the fact that the municipality is the owner of the subject property. With the right of appeal in terms of Section 44 of the Land Use Planning Ordinance, 15 of 1985 to the Premier of the Western Cape, being recently declared unconstitutional by the Constitutional Court, the only right of appeal available to an objector, is in terms of Section 62 of the Municipal Systems Act, 32 of 2000, which may be applicable in certain circumstances.

35. The conditions of the zoning scheme cannot be applied universally to the municipal area without taking into account the settlement itself.

The comment is noted and agreed with. Therefore it has repeatedly been stressed in this response that appropriate development parameters must be identified and applied by Council. This must be applied to any future development of the subject property.

36. The application document does not provide correct background information with regard to the history of the erf.

The purpose of the application document is not to provide detailed history with regard to previous processes that were initiated on the subject property. It only provided a broad background with regard to the aforementioned.

37. The proposed land use cannot be re-instated. It must be re-applied for.

The comment is noted. That is the reason why application is made in terms of Section 17 of LUPO for the rezoning of the subject property.

38. CAM is obliged to instigate a full, transparent site development plan (SDP) and get wide public approval to conditions for zoning. This must be prior to calling for tenders for the sale of the land.
39. A visual impact assessment (VIA) plays a major role in ensuring the highest quality of design and compatibility with urban, cultural and natural environments. The CAM has a legal duty to ensure a VIA process is carried out.

The comment is noted and the requirement has been highlighted.

40. Heritage Western Cape will be required to establish conditions of the SDP in terms of the protection of the cultural heritage of the settlement. This must be based on visual studies of any potential development so that restraints are established in this regard.

Refer Response 39.

41. A proper need and desirability study including, especially a focus on ideal location, is necessary to support consideration of business rights for retail business in Arniston.

Refer Response 39.

42. Should dwelling units be developed on the property, the existing bulk service infrastructure will not be able to support the development.

Refer Response 4.

43. The land use proposal does not adhere to the goals and objectives of the SDF and the fact that it has been identified for commercial use cannot be interpreted as being consistent with aforementioned goals.

Refer Response 23.

44. Land use parameters and restrictions must be determined and enforced with no leniency given.

The comment is noted and agreed with.

45. The land use parameters contained within the application are too vague. It needs to refer to the Municipality's "building regulations handbook".

The land use parameters that are contained within the application have been quoted directly from the Cape Agulhas Municipality Zoning Scheme.

46. Any proposed building should be evaluated by a suitably qualified aesthetics committee.

The comment is noted and agreed with.

47. No development setback line is determined for Arniston and therefore an EIA should be undertaken before any rezoning approval can be considered by the municipality.

The municipality is obliged to consider the environment in making planning decisions in terms of LUPO. The comment is noted and has been highlighted for further consideration. It should be noted that the latest proposed coastal setback lines are currently subject to a public participation process. It is therefore acknowledged that they have not yet been accepted and approved. However, from the attached plan it is evident that the subject property is behind the long term 1 in 100 year low risk setback line, the medium term 1 in 50 year medium risk setback line and the short term 1 in 20 year high risk setback line. The erf also falls outside of the identified urban high risk zone and urban low risk zone.

48. The building design that has been submitted for the proposed development on the rezoned land is contrary to the architectural style and harmony of the rest of Arniston.

No building design has been submitted with the land use application. The four storey three dimensional elevation plan that has been circulated between residents does not form part of any development proposal that is being considered by Council.

49. A water use license may be required if water is to be stored or treated or discharged.

The comment is noted. This is however highly unlikely as the engineering department has indicated that adequate capacity with regard to water sources and sewerage infrastructure is in place to accommodate any future development on the subject property.

50. The rezoning application is premature as CAM is involved in litigation with Verreweide and Mr Haarburger. The property also cannot be put out on tender until aforementioned process has been completed.

The legal department will respond to this point of objection.

51. What relevance do the photos of the site have with regard to the application? The municipality should in any case demolish the structure.

The photo's was included as part of the application to illustrate the current status of the subject property.

52. Alternative uses, such as residential use have not been considered for the subject property. The subject property is located in a residential area and the sale of residential erven can procure adequate income for the municipality.

The comment is noted and has been presented to CAM for consideration.

53. Why can't just a portion of the property be used for business purposes?

The comment is noted and regarded as valid. Considering the response that has been received during the public participation process it is evident that Council must ensure that an appropriate development, with an appropriate extent, should be established on the subject property (regardless of land use).

54. The proposed rezoning sought will probably have the result that the previous owners, which illegally build the building thereon, will purchase the property.

Refer Response 32.

55. The development proposal should first have been sought out before an application for rezoning be considered.

The comment is noted and the recommendation has been highlighted.

56. The approval of the application will benefit the CAM and not the residents of Arniston.

Refer Response 25.

57. Only once the existing building has been demolished can CAM consider the rezoning of the erf without being bias.

The legal department will respond to this point of objection.

58. The primary- and secondary land use rights are not defined within the land use application.

The comment is noted. However, all definitions are contained within the Cape Agulhas Municipality Zoning Scheme. It was not deemed necessary to reference the whole of the zoning scheme.

59. A number of consent uses are not compatible with surrounding land uses, such as warehouse, service trade, gambling machines, etc.

The comment is noted and agreed with. Refer Response 33.

60. A small arts and crafts centre should be considered.

The comment is noted and has been highlighted. In determining an appropriate land use for the subject property great care must be taken to ensure that land uses will be sustainable. Therefore a land use such as an arts and crafts centre that will rely entirely on seasonal tourism is not regarded as sustainable in the long term.

61. The development will decrease surrounding property values.

This comment is regarded as speculative. The opposite can also be argued, that an appropriate development within the proposed zoning parameters can increase surrounding property values. It is therefore the responsibility of all stakeholders to ensure that a development proposal is implemented that will result in the latter.

62. A small convenience store should be considered, such as the store operated by Bob Harman, instead of the development proposal.

The comment is noted. Refer Response 53.

63. Commercial activity on the property will create noise and impact on privacy of surrounding property owners.

Refer Response 53.

64. Arniston has significant heritage value and the proposed commercial development will degrade this significance.

The comment is noted and agreed with, to a certain extent. Ample examples exist where commercial developments have been designed in such a manner that they respond positively towards an existing settlement and the heritage of such a settlement.

It is therefore the responsibility of all stakeholders to ensure that any infrastructure that is established on the subject property, whether it is buildings, services, etc, should contribute towards the heritage of Arniston in a positive manner.

65. The report that was compiled in determining the future development of the property has not been taken into account. Aforementioned report concluded that the structure should be demolished and restored to its pre-development status.

The legal department will respond to this point of objection.

**COMMENTS****WESTERN CAPE GOVERNMENT: DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

- This Branch at this stage objects to the rezoning application in terms of the Land Use Planning Ordinance, No.15 of 1986.
- The branch has the following concerns:
  - a. The ramp involves a horizontal curve and vertical descent which will affect the capacity and safety of the proposed access;
  - b. The site is located at the entrance to Waenhuiskrans and any traffic congestion on the site could result in vehicles parking in the road reserve of TR29/2 and;
  - c. No Traffic Impact Statement has been submitted.

**WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

The matter for consideration is the rezoning of Erf 599, Waenhuiskrans from Single Residential to Business Zone in terms of the Cape Agulhas Municipality's Zoning Scheme. According to the documentation on this Department's file, the Council intends to put the property on tender in order to invite development proposals. In the public notice pertaining to the proposed rezoning, the Municipality indicated that the development proposals will have to be in line with the land use parameters and restrictions as per the Zoning Scheme Regulations.

Erf 599, Waenhuiskrans measuring 2348m<sup>2</sup> in extent, is located on the main entrance route to the town, namely the R316. It is surrounded by various land uses namely a large vacant erf to the west, the Municipal caravan park to the south, power sub-station to the east and residential uses to the north.

In terms of the Cape Agulhas Municipal Spatial Development Framework (SDF) the erf is already earmarked for commercial purposes. The development proposal is therefore in line with the forward planning documents for the area. This Sub-Directorate has no further town planning comment.

To establish if an Environmental Authorisation is required in terms of the regulations of the National Environmental Management Act, 1998 (Act 107 of 1998) please contact mr E van Boom of this Department at telephone number (021) 483-2877.

The above mentioned comment is based on the information attached to your letter. The Department reserves the right to amend its comment should any additional or new information be obtained.

**OVERBERG DISTRICT MUNICIPALITY: HEALTH SECTION**

The health department of the Overberg District Municipality has no objections against the application. Any requirements should be adhered to , when passed down.

**COMMUNITY POLICE FORUM**

We have no objection against the application.

**AESTHETIC COMMITTEE**

The application is supported.

**DIRECTORT: CIVIL ENGINEERING SERVICES**

In Order.

**STREETS AND STORMWATER**

No impact on streets. In order

**WATER AND SEWERAGE**

Water-and Sewerage services are existing on the property.

**SOLID WASTE AND PURIFICATION**

Waste removal charges will be applied where services will be applied.

**DEPUTY DIRECTOR: ELECTROMECHANICAL SERVICES**

No problems. Transformer has been upgraded to 500kVa.

**DIRECTOR: COMMUNITY SERVICES**

Supported as long as they comply with Town Planning Scheme Regulations.

**TRAFFIC**

No objection.

**DIRECTOR: CORPORATE SERVICES**

No objection. As long as town planning regulations are adhered to.

**BUILDING CONTROL**

The application is supported. They must adhere to all requirements of Town Planning and all other relevant legislation. Any building plans must be submitted and be to standard when erecting new structures.

**MANAGER: TOWN AND REGIONAL PLANNING**

Section 36(1) states that any application under Chapters II and III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of the land concerned (including the guideline proposals in a relevant structure plan, insofar it relates to desirability), or on the basis of its effect on existing rights (except any alleged right to protection against trade competition)."

Section 36(2) then goes further to determine that where an application is not refused in terms of 36(1), only the following aspects are seen as relevant particulars when assessing the application:

- (i) Safety and welfare of the community, preservation of the natural and developed environment, or the effect on existing rights (except protection against trade competition).
- (ii) From a town planning point of view, the department is in favour of the application, reasons being Economic and commercial opportunities are very limited in the area and a definite exists for the provision of such activities. However, if the proposed development is given approval with all the relevant departmental provisions taken into consideration, all future land uses must take place within the parameters and restrictions as determined by the zoning of the property in accordance with the Cape Agulhas Integrated Zoning Scheme. This will ensure that any future land uses will be done in a desirable manner for the subject property and immediate surrounding area.

- (iii) Considering the existing development, even located next to the harbour area as well as in front of the Arniston Hotel, that is utilised for functional public open spaces, the proposed application area of Erf 599 Arniston is uniquely placed to fulfill the need to provide commercial opportunities. Any other areas including those that were mentioned would not be deemed desirable to provide for a land use as proposed for Erf 599 Arniston.
- (iv) The subject property is located next to the Arniston Resort as well as next to the R316, which is the main movement corridor of the settlement. Accessibility is excellent in terms of the site and is ideally located, provided that all laws and regulations be adhered to regarding traffic, mobility and access to the site.
- (v) Basic services such as the water supply, sewerage systems and electrical supply to the site is existing and has been allocated to the site when the initial development proposal was submitted to Council. Impact of these services will be minimal.
- (vi) Because of the minimum opportunities in the area of Arniston relating to job opportunities, the approval of the development will help with the upliftment of the immediate community and will have a positive impact with regards to social implications.
- (vii) Arniston, like all other small historic towns with a character, will not be effected negatively by the development. Careful consideration has been taken to accommodate the proposed development, within the rules and regulations, regarding aesthetics as to not influence the surroundings in a manner which will be degrading.

#### **CONDITIONS FOR APPROVAL:**

##### **City Planning**

1. The property be revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Intergrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Business Zoned purposes.
4. The applicant / owner / developer note that the rezoning approval will lapse within two years of the date of this letter, if all the conditions are not met.

##### **Building Division**

5. Building plans of any alterations or any new buildings and structures be submitted to Council for consideration by the Aesthetic Committee and for consideration by the building committee before construction commences.
6. All advertising or tourism signs, to be according to the Council's specifications.
7. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
8. Fire Report to be submitted with the Fire Plan of the Facility.
9. a Site Development Plan with regard to the provision of adequate on-site parking, to be submitted to Council.

##### **General Services**

10. The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
11. The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
12. Any existing servitudes from the title deeds to be maintained.
13. Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
14. All service standards relating to the development must meet the "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".



### **Parking and Streets**

15. Parking must be at least 5.0 x 2.5 meters in size and clearly defined and demarcated to the satisfaction of the Council.
16. All relevant approvals should be obtained from Department:Transport and Public Works before commencement of any development on the site.

### **Stormwater and Water**

17. Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
18. Increasing of the water supply network to be for the applicant / owner / developer's account.

### **Cleansing and Purification**

19. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
20. The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Aesthetic Committee.

### **Other departments and institutions**

21. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
22. To comply with the conditions of the Breede Gouritz Catchment Management CMA, namely that:
  - a. *"All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
  - b. *No pollution of surface water or ground water resources may occur due to any activity on the property.*
  - c. *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.*
  - d. *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 into an authorized solid waste facility in terms of abovementioned legislation.*
  - e. *The minimizing of waste must be promoted and alternative methods for waste management must be investigated.*
  - f. *No permanent structures may be constructed within the 100-year flood line of any watercourse(seasonal or permanent river, stream, etc).*
  - g. *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).*
  - h. *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 office to give affect thereto upon approval of the application.*
  - i. *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 this Department.*

- j. *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 this Department and the Provincial Department of Health must be informed of the procedures to rectify the problem.*

**Disposal of sewage (Conservancy Tank)**

- k. *The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.*
- l. *When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank and the municipality.*
- m. *The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm of 75% full capacity for collection and disposal.*
- n. *The tank must be provided with a fresh air inlet and an intercepting grease trap.*
- o. *The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.*
- p. *No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.*
- q. *The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above project. Written confirmation must be obtained from the local municipality stating that it will provide the service of removal of the tank contents.*
- r. *The contents of the tank must be removed by a vacuum and conveyed to a local Waste Water Treatment Works that is capable of processing the volume and contents of the conservancy tank.*
- s. *The contingency plan must be drawn up to protect against overflow of the conservancy tank. A sump or lined pond can be designed below the conservancy tank to contain overflows.*
- t. *Ingress of storm water into the conservancy tank must be prevented.*
- u. *The conservancy tanks must be located out of the 1:100 year flood line of any water resources.*

**Post and Telecommunications**

23. *Compliance with the conditions for granting a Telkom 'wayleave'. Any electrical work at Telkom poles or overhead cables must meet the requirements of Section 88 of the Act, post offices, Act 44 of 1985 and meet the "Code of Practice for Overhead Lines in South Africa". The conditions for granting a Telkom "wayleave" to be met.*
24. *The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.*

**Nuisance**

25. *No noise may be permitted causing a nuisance to neighbours.*
26. *No activities resulting in a public nuisance may be exercised.*

**MANAGEMENT RECOMMENDATION**

- (i) That Council approves the following:

Rezoning of Erf 599, Waenhuiskrans / Arniston in terms of Section 16 of the Land Use Planning Ordinance, 1985 from Single Residential / Street Zone to Business Zone.

Above-mentioned approval is subject to the City Planning Conditions, as laid down in Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

- (ii) That the objectors be informed of Council's decision.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /  
RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

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

**UBK BESLUIT BK47/2015: 31 MAART 2015**

- (i) Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling ondersteun word.
- (ii) Dat die aangeleentheid na die Raad verwys word vir oorweging.

**BESLUIT 84/2015**

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling (soos ondersteun deur die UBK) as besluit van die Raad aanvaar word.

16. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
291/2012	Verhuring gedeelte meentgrond, Napier: Vierfontein Boerdery (7/1/3/1)	(i) Volstaan met besluit 153/2011 geneem op 31 Augustus 2011, met die weglating van (ix). (ii) Beswaarmaker dienoooreenkomstig in kennis stel. (iii) Dat 'n opskortende voorwaarde gestel word m.b.t. nie-nakoming van die 40% swartbemaatigingsgroep, soos gemoniteer deur LED.	<b><u>Die verhuringskontrak is tans besig om gefinaliseer te word.</u></b>  <b>Verslag dien by Maart vergadering.</b>	LED / MB
205/2014	Kantoorakkommodasie	(i) Raad die huur van die Nedbank gebou oorweeg. (ii) MB en DFD gemagtig word om verhuringsooreenkoms vir 'n tydperk van drie jaar te onderhandel, met die opsie om te verleng. (iii) In die aansuiweringsbegroting toegelaat word vir die kostes vir die huur. (iv) Dat erwe 581, 591 en 3652, Bidorp 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.	<b>Punte (i) tot (iii) is reeds afgehandel. 'n Verslag oor punte (iv) tot (vi) sal weer aan die Raad voorgelê word.</b>	MB
261/2014	Rekening: 4 <sup>de</sup> Aanvullende Waardasie vir 2012/2013 : De Kock Lloyd	Volledige verslag rondom die aangeleentheid aan die Raad voorgelê word vir oorweging.		DFD

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BEKRAGTIG op hierdie

dag van

2015

**BESLUIT 85/2015**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

\_\_\_\_\_  
SPEAKER

DATUM:

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